



*Swan and Canning Rivers Management Act 2006*

**PART 5**

**DETERMINATION OF DEVELOPMENT APPLICATION**

FILE NUMBER	:	2020/2367
APPLICANT	:	Canford Hospitality Consultants Pty Ltd, on behalf of Albarossa Pty Ltd
LANDOWNER	:	State of Western Australia and vested to the City of Fremantle
LAND DESCRIPTION	:	The Kiosk, Lot 1941 on Diagram 213981 (No. 123 Beach Street) Fremantle, Crown Reserve 4720
DEVELOPMENT	:	Change of use, additions and alterations to existing building
VALID FORM 1 RECEIVED	:	8 October 2020
DETERMINATION	:	<b>APPROVAL WITH CONDITIONS</b>

The application to commence development in accordance with the information received on 8 October 2020 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.

**Prior to the commencement of works**

2. The applicant shall notify the Department of Biodiversity, Conservation and Attractions in writing not less than seven (7) days prior to the commencement of works (**Advice Note 1**).
3. Prior to the submission of an application for a building licence, a Construction Environmental Management Plan shall be submitted to and approved by the Department of Biodiversity, Conservation and Attractions, on advice from the City of Fremantle (**Advice Note 10**).
4. Prior to the submission of an application for a building licence, a Stormwater Management Plan shall be submitted to and approved by the Department of Biodiversity, Conservation and Attractions, on advice from the City of Fremantle (**Advice Note 11**).
5. Prior to the submission of an application for a building licence, a Landscaping Plan shall be submitted to and approved by the Department of Biodiversity, Conservation and Attractions, on advice from the City of Fremantle (**Advice Note 12**).
6. Prior to the submission of an application for a building licence, the applicant shall demonstrate to the satisfaction of the Department of Biodiversity, Conservation and Attractions, on advice from the City of Fremantle, that the provision of bicycle racks and end of trip facilities will be incorporated into the development (**Advice Note 13**).

7. Prior to the submission of an application for a building licence, final design plans/drawings, including details of the external colours, finishes, materials, lighting and signage, for the development shall be submitted to and approved by the Department of Biodiversity, Conservation and Attractions on advice from the City of Fremantle.

#### **During works**

8. The approved Construction Environmental Management Plan shall be implemented.
9. The development shall be connected to the reticulated sewerage system.

#### **On completion of works**

10. Upon completion of the works, all waste materials, equipment and machinery shall be removed, and the site cleaned up to the satisfaction of the Department of Biodiversity, Conservation and Attractions, on advice from the City of Fremantle.
11. At least 30 days prior to the occupation of the premises, the applicant shall prepare a Waste Management Plan to the satisfaction of the Department of Biodiversity, Conservation and Attractions, on advice from the City of Fremantle (**Advice Note 14**).

#### **Ongoing**

12. The approved Stormwater Management Plan shall be implemented, and any associated infrastructure maintained, to the satisfaction of the Department of Biodiversity, Conservation and Attractions, on advice from the City of Fremantle.
13. The approved Landscaping Plan shall be implemented, and any landscaped areas maintained, to the satisfaction of the Department of Biodiversity, Conservation and Attractions, on advice from the City of Fremantle.
14. The approved Waste Management Plan shall be implemented, and any associated infrastructure maintained, to the satisfaction of the Department of Biodiversity, Conservation and Attractions, on advice from the City of Fremantle.
15. The applicant shall maintain the bicycle racks and end of trip facilities for the life of the development, to the satisfaction of the Department of Biodiversity, Conservation and Attractions, on advice from the City of Fremantle.

#### **ADVICE TO APPLICANT**

1. Notification of commencement of work and plans can be emailed to [rivers.planning@dbca.wa.gov.au](mailto:rivers.planning@dbca.wa.gov.au).
2. To allow sufficient time for the Department of Biodiversity, Conservation and Attractions and City of Fremantle to consider and approve the plans required under this approval, information should be submitted no later than 42 days prior to the submission of an application for a building licence.
3. 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.
4. The City of Fremantle advises that a building permit is required for the proposed building works. A certified BA1 application form must be submitted and a Certificate of Design



Compliance (issued by a registered building surveyor contractor in the private sector) must be submitted with the BA1.

5. The City of Fremantle advises that during the building permit application stage, the applicant is required to submit an *Application to construct, alter or extend a public building* to Environmental Health Services as a requirement of the Health (Public Buildings) Regulations 1992. For further information and a copy of the application form, contact Environmental Health Services on 9432 9856 or via [health@fremantle.wa.gov.au](mailto:health@fremantle.wa.gov.au).
6. The premises must comply with the *Food Act 2008*, regulations and the Food Safety Standards incorporating AS 4674-2004 *Design, construction and fit-out of food premises*. Detailed architectural plans and elevations must be submitted to Environmental Health Services for approval prior to construction. The food business is required to be registered under the *Food Act 2008*. For further information contact Environmental Health Services on 9432 9856 or via [health@fremantle.wa.gov.au](mailto:health@fremantle.wa.gov.au).
7. The premises must comply with the Environmental Protection (Noise) Regulations 1997.
8. The City of Fremantle advises that an obstruction permit may be required from the City for any obstruction of the Beach Street road reserve. An application for an obstruction permit can be found via [www.fremantle.wa.gov.au](http://www.fremantle.wa.gov.au).
9. The City of Fremantle advises that the design and materials of the development are to adhere to the requirements set out within City of Fremantle policy L.P.P2.3 - Fremantle Port Buffer Area Development Guidelines for properties contained within Area 2. Specifically, the development should provide the following:
  - a. Glazing to windows and other openings are to be laminated safety glass of a minimum thickness of 6mm or "double glazed" utilising laminated or toughened safety glass of a minimum thickness of 3mm;
  - b. Air conditioners shall provide internal centrally locked "shut down" points and associated procedures for emergency use; and
  - c. Roof insulation in accordance with the requirements of the Building Codes of Australia.
10. Regarding **Condition 3**, the Construction Environmental Management Plan shall describe how the works will be managed to minimise potential environmental impacts and shall address, unless otherwise agreed in writing:
  - a. any proposed use of the City of Fremantle's parking bays for construction related activities;
  - b. identification and protection of infrastructure and established vegetation (through the use of Tree Protection Zones), including trees within road reserves;
  - c. security fencing around the construction sites;
  - d. any use of gantries;
  - e. traffic, access and parking management for contractors and the public;
  - f. contact details of essential site personnel, construction period and operating hours;
  - g. protection of the river and stormwater system from inputs of debris, run-off, soil, fill, or other deleterious material;
  - h. sand drift and dust management;
  - i. waste management;
  - j. public access, safety and amenity;
  - k. noise management – noting that works are to be limited to between 7am and 7pm on any day which is not Sunday or a Public Holiday (the applicant is advised that any works proposed to be undertaken outside of these hours will require a noise

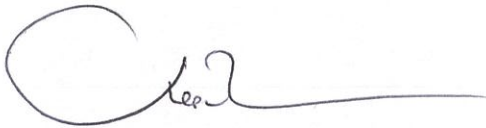
- management plan to be approved by the City prior to the commencement of works);
- l. dewatering management plan, if required – noting that the Department of Biodiversity, Conservation and Attractions has strict discharge criteria if any dewatering effluent is proposed to be discharged to the river or stormwater system (the applicant is advised to refer to the Department of Biodiversity, Conservation and Attractions Policy 50: *Planning for dewatering affecting the Swan and Canning Development Control Area* for these requirements);
  - m. a detailed site map showing the location of any:
    - i. signage, including the contact details of essential site personnel, or gantries;
    - ii. perimeter fencing and hoarding;
    - iii. the laydown area and vehicle entry/exit points;
    - iv. tree protection zones;
    - v. any areas of excavation and stockpiling of soil;
    - vi. any site offices or on-site storage and bunding of materials and equipment;
    - vii. traffic access and parking; and
    - viii. any proposed redirection of traffic or pedestrians;
  - n. and any other matters considered relevant to the proposal not identified above.
11. Regarding **Condition 4**, the Stormwater Management Plan shall describe how the stormwater system has been designed to prevent mobilisation of sediment, nutrients and contaminants from the site to the river. Stormwater should be managed in accordance with Department of Biodiversity, Conservation and Attractions Policy 49: *Planning for Stormwater Management Affecting the Swan Canning Development Control Area*, Department of Water and Environmental Regulation *Stormwater Management Manual for Western Australia* and *Decision Process for Stormwater Management in WA*, and water sensitive urban design principles. The plan shall include details and calculations outlining the building's stormwater disposal and shall address, unless otherwise agreed in writing, that:
- a. all stormwater is contained and disposed of on site; or
  - b. stormwater run-off from constructed impervious surfaces generated by small rainfall events (i.e. the first 15 mm of rainfall) has been retained and/or detained on site as much as practical (noting that untreated stormwater will not be permitted to enter the river).
12. Regarding **Condition 5**, the Landscaping Plan shall include, unless otherwise agreed in writing;
- a. plans showing the location, planting densities and species composition of plants proposed (noting that appropriate local native species should be planted), as well as existing vegetation to be retained;
  - b. reticulation details, indicating type and location of sprinkler, bubbler, drippers and if bore or scheme water will be utilised; and
  - c. details of treatment proposed for landscaped surfaces (e.g. mulch, lawn, etc.).
13. Regarding **Condition 6**, the applicant is advised that the provision of bicycle parking is to be in accordance with the City of Fremantle's Local Planning Scheme 4. This scheme requires that the following bicycle racks be included in the development:
- a. two Class 3 bicycle racks (low-security, rails or racks to which a bicycle frame and wheel can be locked); and
  - b. two Class 1 (high-security, fully enclosed individual bike lockers) or two Class 2 (medium-security, lockable compound fitted with class 3 facilities with communal access using duplicated keys) bicycle racks.



14. Regarding **Condition 11**, the applicant is advised that the Waste Management Plan shall provide details addressing, at a minimum:
- sustainability initiatives to reduce waste generation (e.g. no provision of single-use plastic);
  - estimated waste generation;
  - proposed storage of receptacles;
  - collection methodology for waste; and
  - any additional management requirements.

The Waste Management Plan should give consideration to the City of Fremantle's requirement to manage residential waste. As a result, the plan will need to align with the waste services available to residents. Additional information in relation to the City's waste management requirements can be found on its website: <https://www.fremantle.wa.gov.au/waste-and-recycling>.

15. Any removal of asbestos is to comply with the following:
- Under ten (10) square metres of bonded (non-friable) asbestos can be removed without a license and in accordance with the Health (Asbestos) Regulations 1992 and the Environmental Protection (Controlled Waste) Regulations 2001. Over 10 square metres must be removed by a licensed person or business for asbestos removal. All asbestos removal is to be carried out in accordance with the *Occupational Safety and Health Act 1984* and accompanying regulations and the requirements of the Code of Practice for the Safe Removal of Asbestos 2nd Edition [NOHSC: 2002 (2005)]; and
  - Note: Removal of any amount of friable asbestos must be done by a licensed person or business and an application submitted to WorkSafe, Department of Commerce. Refer to <http://www.docep.wa.gov.au> for further information.



Hon Stephen Dawson MLC  
**MINISTER FOR ENVIRONMENT**

Date: 21/1/21

**DEPARTMENT OF BIODIVERSITY, CONSERVATION AND ATTRACTIONS REPORT**

PROPOSAL : Change of use, additions and alterations to existing building  
LOCATION : The Kiosk, Lot 1941 on Diagram 213981 (No. 123 Beach Street)  
Fremantle, Crown Reserve 4720  
COST : \$300,000 - \$450,000  
APPLICANT : Canford Hospitality Consultants Pty Ltd, on behalf of Albarossa Pty  
Ltd  
LANDOWNER : State of Western Australia (vested in the City of Fremantle)  
LOCAL GOVERNMENT : City of Fremantle  
MRS CLASSIFICATION : Parks and Recreation  
LG CLASSIFICATION : No zoning  
DECISION TYPE : Part 5, *Swan and Canning Rivers Management Act 2006*,  
Ministerial Determination  
ATTACHMENTS : 1. Location map (1 page)  
2. City of Fremantle advice (3 pages)  
3. Proposed plans (12 pages)  
RECOMMENDATION : **APPROVAL WITH CONDITIONS**

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**REPORT**

**1.0 INTRODUCTION**

- 1.1 The Department of Biodiversity, Conservation and Attractions (DBCA) has received an application from Canford Hospitality Consultants Pty Ltd, on behalf of Albarossa Pty Ltd, for the change of use of the current venue (The Kiosk) from a restaurant to a tavern, as well as alterations including expansion of the floor space, upgrades to the bar, air conditioning, toilets, ceiling, signage, and lighting.
- 1.2 The applicant previously received approval for the proposal on 21 April 2018. A 12-month time extension was granted in accordance with section 84 of the *Swan and Canning Rivers Management Act 2006* (SCRM Act) and will expire on 21 April 2021. However, the applicant has advised it will be unable to substantially commence works before this date and has also proposed minor changes to previously approved plans (mainly, the internal floorplan). As a result, a new application has been submitted.
- 1.3 The Kiosk is located at Lot 1941 on Diagram 213981, 123 Beach Street, Fremantle, Crown Reserve 4720 (**Attachment 1**). The subject land is reserved for Parks and Recreation under the Metropolitan Region Scheme. The Kiosk building is owned by the City of Fremantle and leased to Albarossa Pty Ltd.

- 1.4 The proposed development is to occur on a lot wholly within the Swan Canning Development Control Area (DCA). As the proposal is of a value greater than \$50,000, it cannot be processed under the Swan and Canning Rivers Management Regulations 2007. The proposal therefore requires approval under Part 5 of the SCRM Act.
- 1.5 The Director General of DBCA has prepared this report in accordance with section 75 of the SCRM Act.

## 2.0 CONSULTATION

### City of Fremantle

- 2.1 The City of Fremantle (the City) undertook public consultation due to the proposed change of use prior to providing its advice to DBCA. Following the public consultation, the City advised that it supports the proposal subject to conditions and advice (**Attachment 2**). This advice has been incorporated into the conditions and advice notes of this report and recommendation.

## 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 the City of Fremantle. A copy was also published on the DBCA website for a period of two (2) weeks between 16 and 30 December 2020 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. 45 - *Planning for Miscellaneous Structures and Facilities in the Swan Canning Development Control Area (Policy 45)*
- ◆ Corporate Policy Statement No. 46 – *Planning for Commercial Operations in the Swan Canning Development Control Area (Policy 46)*
- ◆ Corporate Policy Statement No. 49 – *Planning for Stormwater Management Affecting the Swan Canning Development Control Area (Policy 49)*

## 5.0 BACKGROUND

- 5.1 The 21 April 2018 Development Approval included a 111m<sup>2</sup> extension of floor space, made up of an alfresco area, toilets and amenities, and extended bar, store, and office areas. The proposal also included the upgrade of the northern elevation (along Beach Street) to include a new façade using solid timber verticals (including new signage), and repainting. The extension will be at the rear of the building, with external colours and finishes to match the existing structure.
- 5.2 There are no changes to the previously approved works with the exception of the floorplan arrangement and the existing storeroom is now being kept (was previously to be demolished).

- 5.3 Plans for the proposal are provided in **Attachment 3**. The total cost of these works is expected to be between \$300,000 and \$450,000.

## 6.0 DISCUSSION

- 6.1 DBCA assessed the previous alteration works to The Kiosk building in terms of visual amenity, stormwater management, public access and safety, and vegetation protection. The assessment determined that the proposed alterations to the building were minor (small-scale additions and internal or aesthetic improvements), would have minimal adverse impact on the river or DCA, would soften and improve the look of the building, and should therefore be approved subject to conditions. The building is connected to the reticulated sewer system and so wastewater is appropriately managed.
- 6.2 As there are no changes to the previously approved works, with the exception of the floorplan arrangement and keeping the existing storeroom, no further assessment has been undertaken.
- 6.3 It was recommended under the previous approvals that construction works could be managed through the building permit conditions given that the building is located approximately 50m from the river (with a road between) and the majority of works will be situated at the rear of the building. However, the City has recommended additional conditions that were not applied to the previous approvals. To maintain consistency with recently approved developments in the area, the recommended conditions of this report and recommendation have been updated.
- 6.4 DBCA considers the currently proposed works to be of a similar low-impact, not against the public interest, compliant with State and DBCA policies and consistent with the objectives and principles of the SCRM Act.

## 7.0 SWAN RIVER TRUST

- 7.1 In accordance with section 75(3A) of SCRM Act, the Swan River Trust considered DBCA's draft report at its meeting of 8 December 2020 and resolved to advise the Director General of the DBCA that it recommends the application be approved subject to the conditions outlined in DBCA's draft report.

## 8.0 CONCLUSION

- 8.1 The proposed change of use, additions and alterations to the existing café building are considered to complement the character of the area, increase opportunity for the community and visitors to enjoy the foreshore, and will not result in any adverse impacts to the DCA. It is therefore recommended the application be approved subject to conditions.

## 7.0 RECOMMENDATION

That the Director General of DBCA advises the Minister for Environment that Canford Hospitality Consultants Pty Ltd (on behalf of Albarossa Pty Ltd) proposal for a change of use and additions and alterations to the current venue (The Kiosk) located at Lot 1941 on Diagram 213981 (No. 123) Beach Street, Fremantle, as described in the application received on 8 October 2020, be 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.



### **Prior to the commencement of works**

2. The applicant shall notify the Department of Biodiversity, Conservation and Attractions in writing not less than seven (7) days prior to the commencement of works (**Advice Note 1**).
3. Prior to the submission of an application for a building licence, a Construction Environmental Management Plan shall be submitted to and approved by the Department of Biodiversity, Conservation and Attractions, on advice from the City of Fremantle (**Advice Note 10**).
4. Prior to the submission of an application for a building licence, a Stormwater Management Plan shall be submitted to and approved by the Department of Biodiversity, Conservation and Attractions, on advice from the City of Fremantle (**Advice Note 11**).
5. Prior to the submission of an application for a building licence, a Landscaping Plan shall be submitted to and approved by the Department of Biodiversity, Conservation and Attractions, on advice from the City of Fremantle (**Advice Note 12**).
6. Prior to the submission of an application for a building licence, the applicant shall demonstrate to the satisfaction of the Department of Biodiversity, Conservation and Attractions, on advice from the City of Fremantle, that the provision of bicycle racks and end of trip facilities will be incorporated into the development (**Advice Note 13**).
7. Prior to the submission of an application for a building licence, final design plans/drawings, including details of the external colours, finishes, materials, lighting and signage, for the development shall be submitted to and approved by the Department of Biodiversity, Conservation and Attractions on advice from the City of Fremantle.

### **During works**

8. The approved Construction Environmental Management Plan shall be implemented.
9. The development shall be connected to the reticulated sewerage system.

### **On completion of works**

10. Upon completion of the works, all waste materials, equipment and machinery shall be removed, and the site cleaned up to the satisfaction of the Department of Biodiversity, Conservation and Attractions, on advice from the City of Fremantle.
11. At least 30 days prior to the occupation of the premises, the applicant shall prepare a Waste Management Plan to the satisfaction of the Department of Biodiversity, Conservation and Attractions, on advice from the City of Fremantle (**Advice Note 14**).

### **Ongoing**

12. The approved Stormwater Management Plan shall be implemented, and any associated infrastructure maintained, to the satisfaction of the Department of Biodiversity, Conservation and Attractions, on advice from the City of Fremantle.
13. The approved Landscaping Plan shall be implemented, and any landscaped areas maintained, to the satisfaction of the Department of Biodiversity, Conservation and Attractions, on advice from the City of Fremantle.
14. The approved Waste Management Plan shall be implemented, and any associated infrastructure maintained, to the satisfaction of the Department of Biodiversity, Conservation and Attractions, on advice from the City of Fremantle.

15. The applicant shall maintain the bicycle racks and end of trip facilities for the life of the development, to the satisfaction of the Department of Biodiversity, Conservation and Attractions, on advice from the City of Fremantle.

#### ADVICE TO APPLICANT

1. Notification of commencement of work and plans can be emailed to [rivers.planning@dbca.wa.gov.au](mailto:rivers.planning@dbca.wa.gov.au).
2. To allow sufficient time for the Department of Biodiversity, Conservation and Attractions and City of Fremantle to consider and approve the plans required under this approval, information should be submitted no later than 42 days prior to the submission of an application for a building licence.
3. 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.
4. The City of Fremantle advises that a building permit is required for the proposed building works. A certified BA1 application form must be submitted and a Certificate of Design Compliance (issued by a registered building surveyor contractor in the private sector) must be submitted with the BA1.
5. The City of Fremantle advises that during the building permit application stage, the applicant is required to submit an *Application to construct, alter or extend a public building* to Environmental Health Services as a requirement of the Health (Public Buildings) Regulations 1992. For further information and a copy of the application form, contact Environmental Health Services on 9432 9856 or via [health@fremantle.wa.gov.au](mailto:health@fremantle.wa.gov.au).
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  - h. sand drift and dust management;
  - i. waste management;
  - j. public access, safety and amenity;
  - k. noise management – noting that works are to be limited to between 7am and 7pm on any day which is not Sunday or a Public Holiday (the applicant is advised that any works proposed to be undertaken outside of these hours will require a noise management plan to be approved by the City prior to the commencement of works);
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  - m. a detailed site map showing the location of any:
    - i. signage, including the contact details of essential site personnel, or gantries;
    - ii. perimeter fencing and hoarding;
    - iii. the laydown area and vehicle entry/exit points;
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  - n. any other matters considered relevant to the proposal not identified above.
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- a. all stormwater is contained and disposed of on site; or
  - b. stormwater run-off from constructed impervious surfaces generated by small rainfall events (i.e. the first 15 mm of rainfall) has been retained and/or detained on site as



much as practical (noting that untreated stormwater will not be permitted to enter the river).

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  - b. reticulation details, indicating type and location of sprinkler, bubbler, drippers and if bore or scheme water will be utilised; and
  - c. details of treatment proposed for landscaped surfaces (e.g. mulch, lawn, etc.).
  
13. Regarding **Condition 6**, the applicant is advised that the provision of bicycle parking is to be in accordance with the City of Fremantle's Local Planning Scheme 4. This scheme requires that the following bicycle racks be included in the development:
  - a. two Class 3 bicycle racks (low-security, rails or racks to which a bicycle frame and wheel can be locked); and
  - b. two Class 1 (high-security, fully enclosed individual bike lockers) or two Class 2 (medium-security, lockable compound fitted with Class 3 facilities with communal access using duplicated keys) bicycle racks.
  
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  - a. sustainability initiatives to reduce waste generation (e.g. no provision of single-use plastic);
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  - c. proposed storage of receptacles;
  - d. collection methodology for waste; and
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The Waste Management Plan should give consideration to the City of Fremantle's requirement to manage residential waste. As a result, the plan will need to align with the waste services available to residents. Additional information in relation to the City's waste management requirements can be found on its website: <https://www.fremantle.wa.gov.au/waste-and-recycling>.
  
15. Any removal of asbestos is to comply with the following:
  - a. Under ten (10) square metres of bonded (non-friable) asbestos can be removed without a licence and in accordance with the Health (Asbestos) Regulations 1992 and the Environmental Protection (Controlled Waste) Regulations 2001. Over 10 square metres must be removed by a licensed person or business for asbestos removal. All asbestos removal is to be carried out in accordance with the *Occupational Safety and Health Act 1984* and accompanying regulations and the requirements of the Code of Practice for the Safe Removal of Asbestos 2nd Edition [NOHSC: 2002 (2005)]; and
  - b. Note: Removal of any amount of friable asbestos must be done by a licensed person or business and an application submitted to WorkSafe, Department of Commerce. Refer to <http://www.docep.wa.gov.au> for further information.

**REPORT ENDORSED**

Signed: \_\_\_\_\_

*Mark Webb*

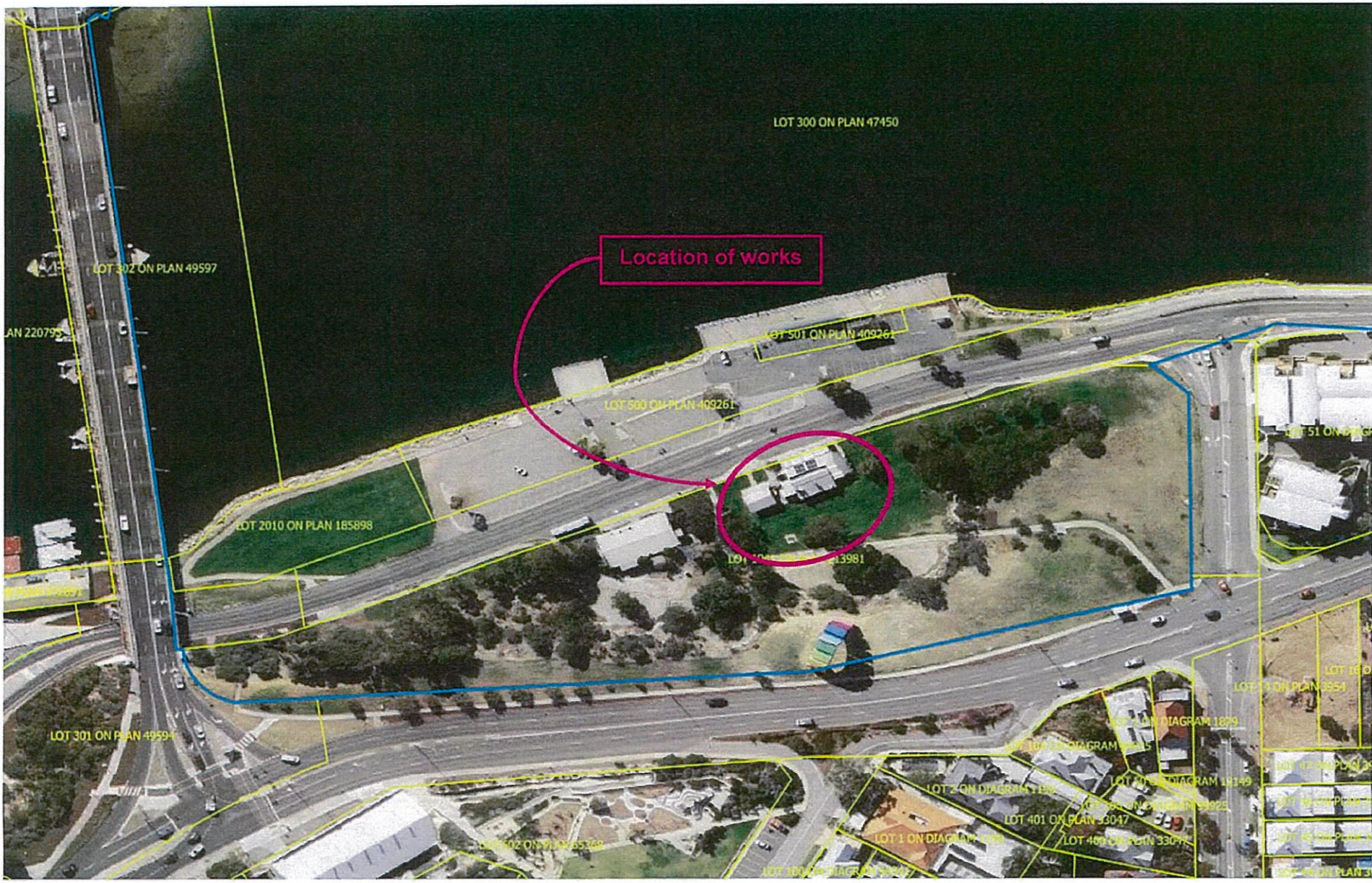
Date: \_\_\_\_\_

*18/1/2021*

Mark Webb  
Director General



ATTACHMENT 1 – LOCATION MAP





**Liz Harrison**

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**From:** Justin Lawrence <JUSTINL@fremantle.wa.gov.au>  
**Sent:** Friday, 20 November 2020 10:11 AM  
**To:** Liz Harrison; Rivers Planning  
**Subject:** RE - City Of Fremantle Referral - DA0426/20 - 123 Beach street, Fremantle

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

Hi Liz,

City recommendation and comment are as follows:

**REFER** to the Department of Parks and Wildlife with a recommendation for **APPROVAL** under the Metropolitan Region Scheme the proposed change of use from Restaurant to Tavern and additions and alterations to existing building at No.123 (Lot 1941) Beach Street, Fremantle, subject to the following conditions:

1. This approval relates only to the development as indicated on the approved plans dated 8 October 2020. It does not relate to any other development on this lot.
2. All storm water discharge shall be contained and disposed of on site or otherwise approved by the Chief Executive Officer, City of Fremantle.
3. Prior to lodging an application for a building permit, storm water disposal plans, details and calculations must be submitted for approval by the City of Fremantle and thereafter implemented, constructed and maintained to the satisfaction of the City of Fremantle.
4. Prior to the issue of a Building Permit for the development hereby approved, two (2) Class 1 or Class 2 and two Class 3 bicycle racks (As defined in LPS4) shall be provided, to the satisfaction of the City of Fremantle. Prior to occupation of the development the approved bicycle racks must be installed and thereafter be maintained for the life of the development, to the satisfaction of the City of Fremantle
5. Prior to the issue of a Building Permit for the development hereby approved, the design and materials of the development shall adhere to the requirements set out within City of Fremantle policy L.P.P2.3 - Fremantle Port Buffer Area Development Guidelines for properties contained within Area 2. Specifically, the development shall provide the following:
  - a) Glazing to windows and other openings shall be laminated safety glass of minimum thickness of 6mm or “double glazed” utilising laminated or toughened safety glass of a minimum thickness of 3mm.
  - b) Air conditioners shall provide internal centrally located ‘shut down’ points and associated procedures for emergency use.
  - c) Roof insulation in accordance with the requirements of the Building Codes of Australia.
6. Prior to issue of a building permit of the development hereby approved, the owner is to submit a waste management plan for approval by the City, detailing at a minimum the following:
  - Estimated waste generation
  - Proposed storage of receptacles
  - Collection methodology for waste
  - Additional management requirements to be implemented and maintained for the life of the development.

The waste management plan should give consideration to the fact the City is required to manage residential waste. As a result, the waste management plan will need to align



with the waste services available to residents. The Waste Management Plan must be implemented at all times to the satisfaction of the City of Fremantle.

7. Prior to the issue of a Building Permit a Construction Management Plan shall be submitted and approved, to the satisfaction of the City of Fremantle addressing, but not limited to, the following matters:
  - a) Use of City car parking bays for construction related activities;
  - b) Protection of infrastructure and street trees within the road reserve;
  - c) Security fencing around construction sites;
  - d) Gantries;
  - e) Access to site by construction vehicles;
  - f) Contact details;
  - g) Site offices;
  - h) Noise - Construction work and deliveries;
  - i) Sand drift and dust management;
  - j) Waste management;
  - k) Dewatering management plan;
  - l) Traffic management; and
  - m) Works affecting pedestrian areas.The approved Construction Management Plan shall be adhered to throughout the demolition of the existing building on site and construction of the new development.
8. Prior to the issue of a building permit, a detailed landscaping plan, including information relating to species selection, reticulation, details of existing vegetation to be retained, and treatment of landscaped surfaces (i.e. mulch, lawn, synthetic grass etc), shall be submitted to and approved by the City of Fremantle.
9. Prior to the occupation of the development, the approved landscaping shall be completed in accordance with the approved plans or any approved modifications thereto to the satisfaction of the City of Fremantle. All landscaped areas are to be maintained on an ongoing basis for the life of the development, to the satisfaction of the City of Fremantle.
10. Where any of the preceding conditions has a time limitation for compliance, if any condition is not met by the time requirement within that condition, then the obligation to comply with the requirements of any such condition (other than the time limitation for compliance specified in that condition), continues whilst the approved development continues.

Advice Note(s):

- i. A Building permit is required for the proposed Building Works. A certified BA1 application form must be submitted and a Certificate of Design Compliance (issued by a Registered Building Surveyor Contractor in the private sector) must be submitted with the BA1.
- ii. With regards to condition no.6, the applicant is advised that additional information in relation to the City's waste management requirements can be found here: <https://www.fremantle.wa.gov.au/residents/waste-and-recycling>
- iii. The applicant/owner is advised that the premises must comply with the Environmental Protection (Noise) Regulations 1997.
- iv. The owner is advised that an obstruction permit may be required from the City for any future obstruction of the Beach Street road reserve. An application for obstruction permit can be found via [www.fremantle.wa.gov.au](http://www.fremantle.wa.gov.au).
- v. Prior to commencement of development the existing tree within the road reserve, shown on the approved plans shall be protected through the implementation of a Tree



Protection Zone for protection during construction. Additional information with regard to the tree protection zone requirements can be found here:

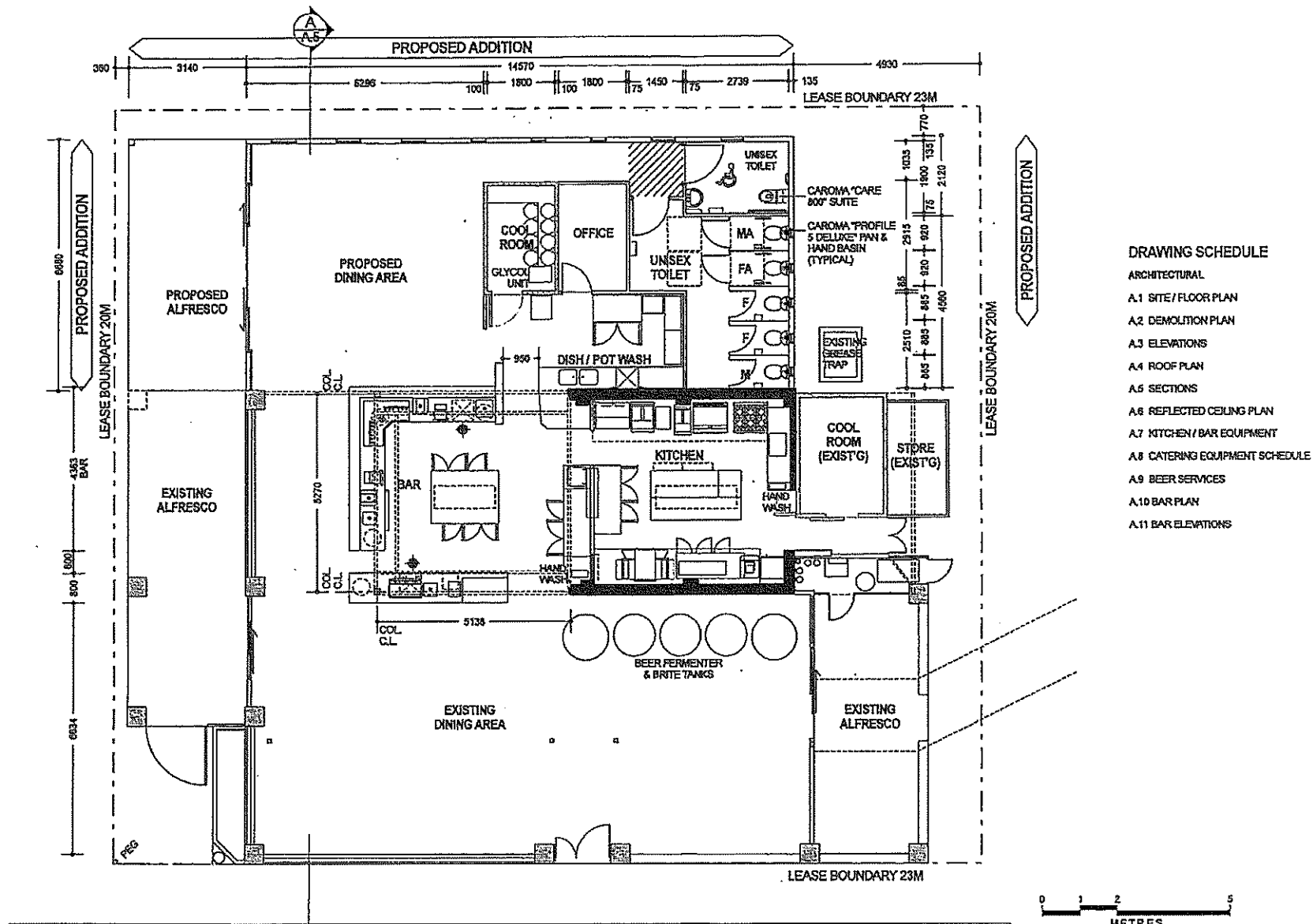
<https://www.fremantle.wa.gov.au/residents/trees-and-verges>.

- vi. The proponent must make application during the Building Permit application stage to Environmental Health Services via Form 1 - *Application to construct, alter or extend a public building* as a requirement of the Health (Public Buildings) Regulations 1992. For further information and a copy of the application form contact Environmental Health Services on 9432 9856 or via [health@fremantle.wa.gov.au](mailto:health@fremantle.wa.gov.au).
- vii. The premises must comply with the Food Act 2008, regulations and the Food Safety Standards incorporating AS 4674-2004 *Design, construction and fit-out of food premises*. Detailed architectural plans and elevations must be submitted to Environmental Health Services for approval prior to construction. The food business is required to be registered under the Food Act 2008. For further information contact Environmental Health Services on 9432 9856 or via [health@fremantle.wa.gov.au](mailto:health@fremantle.wa.gov.au).
- viii. Any removal of asbestos is to comply with the following –  
  
Under ten (10) square metres of bonded (non-friable) asbestos can be removed without a license and in accordance with the *Health (Asbestos) Regulations 1992* and the *Environmental Protection (Controlled Waste) Regulations 2001*. Over 10 square metres must be removed by a licensed person or business for asbestos removal. All asbestos removal is to be carried out in accordance with the *Occupational Safety and Health Act 1984* and accompanying regulations and the requirements of the *Code of Practice for the Safe Removal of Asbestos 2nd Edition [NOHSC: 2002 (2005)]*;  
  
Note: Removal of any amount of friable asbestos must be done by a licensed person or business and an application submitted to WorkSafe, Department of Commerce. <http://www.docep.wa.gov.au>
- ix. Work on construction sites shall be limited to between 7am and 7pm on any day which is not a Sunday or Public Holiday. If work is to be done outside these hours a noise management plan must be submitted and approved by the Chief Executive Officer, City of Fremantle prior to work commencing.

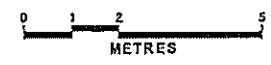
Regards

Justin Lawrence  
Coordinator Statutory Planning  
Development Approvals  
T 08 9432 9999  
E [justinl@fremantle.wa.gov.au](mailto:justinl@fremantle.wa.gov.au)  
70 Parry Street Fremantle 6160  
[www.fremantle.wa.gov.au](http://www.fremantle.wa.gov.au)





- DRAWING SCHEDULE**
- ARCHITECTURAL
  - A.1 SITE/FLOOR PLAN
  - A.2 DEMOLITION PLAN
  - A.3 ELEVATIONS
  - A.4 ROOF PLAN
  - A.5 SECTIONS
  - A.6 REFLECTED CEILING PLAN
  - A.7 KITCHEN / BAR EQUIPMENT
  - A.8 CATERING EQUIPMENT SCHEDULE
  - A.9 BEER SERVICES
  - A.10 BAR PLAN
  - A.11 BAR ELEVATIONS

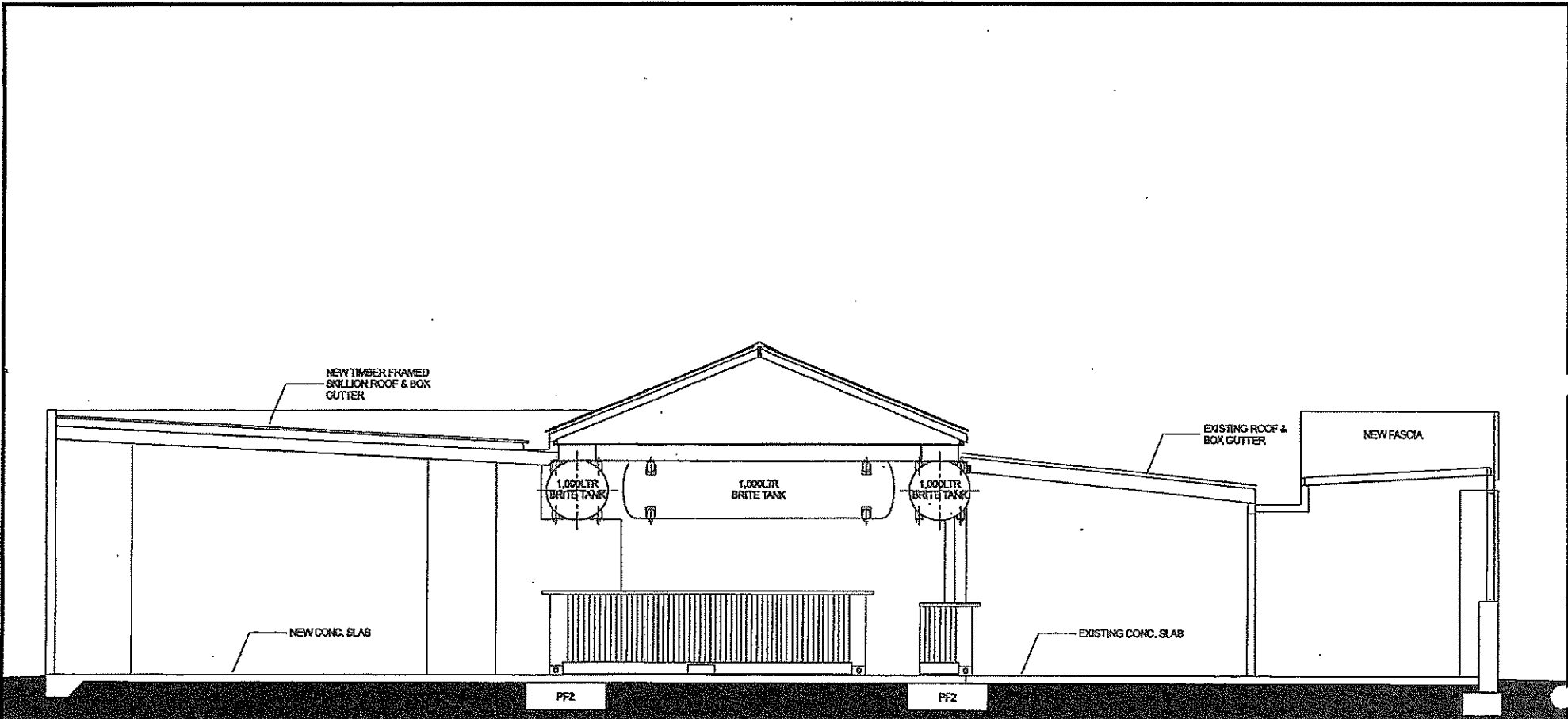


BEACH ST

REV.	13/05/20	ISSUED FOR CHECKING		
DATE		DESCRIPTION		
PROJECT	PROPOSED TAVERN AT 123 BEACH ST FREMANTLE		DATE 11 MAY 2020	 <b>Canford</b> Hospitality Consultants Pty Ltd
SCALE	1:100 @ A3		DRAWN DPD	
DRAWING	SITE / FLOOR PLAN		DATE 15/05/20	SER. NO. <b>A.1</b> 17/35 JOHNSON ST GUILDFORD WA 6055


ATTACHMENT 3 - PLANS



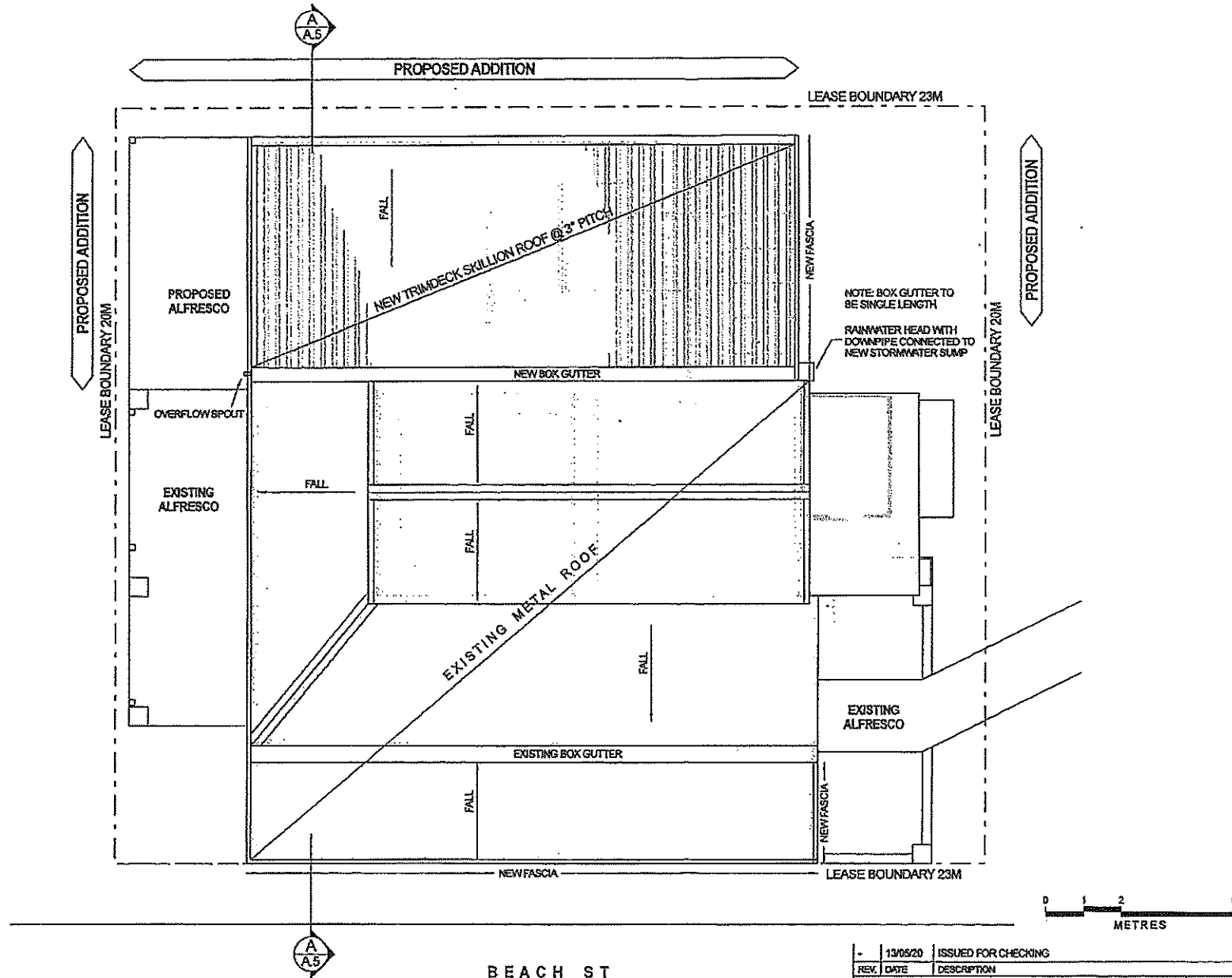



SECTION A-A



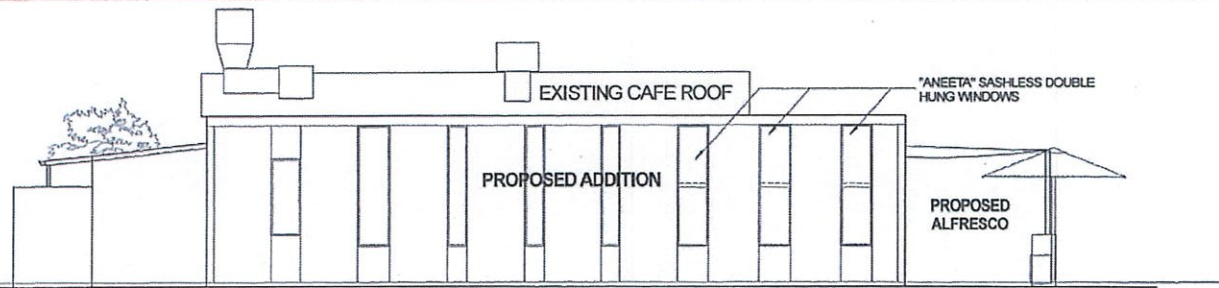
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DRAWN		SECTIONS	
DATE	7 FEB 2020	SCALE	1:50 @A3
SEAL	DPG	DATE	13/05/20
DRAW. NO.		A.5	
 Hospitality Consultants Pty Ltd 17/35 JOHNSON ST GURDFORD WA 6055			

ATTACHMENT 3 - PLANS

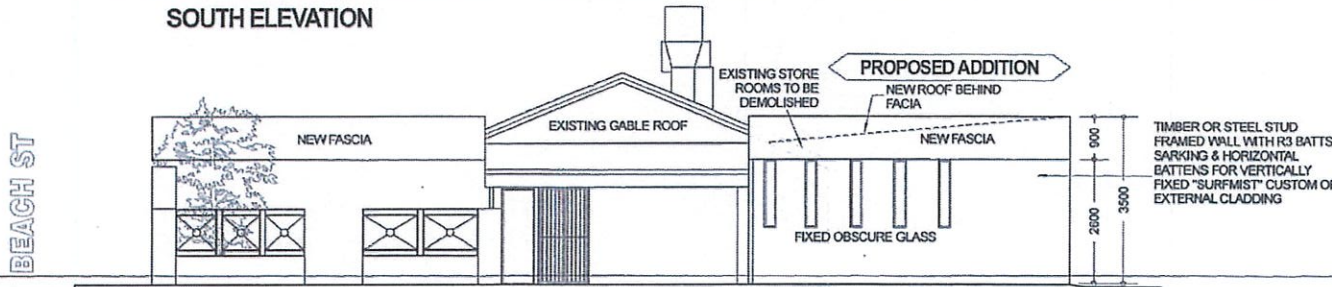


REV.	13/05/20	ISSUED FOR CHECKING	
DATE			
DESCRIPTION			
PROJECT	PROPOSED TAVERN AT 123 BEACH ST FREMANTLE		DATE 6 APR 2020 SCALE 1:100 @ A3
DRAWING	ROOF PLAN		DATE 17/03 DPC 17/03
			 <b>Canford</b> Hospitality Consultants Pty Ltd 17/03 JOHNSON ST GUILDFORD WA 6055

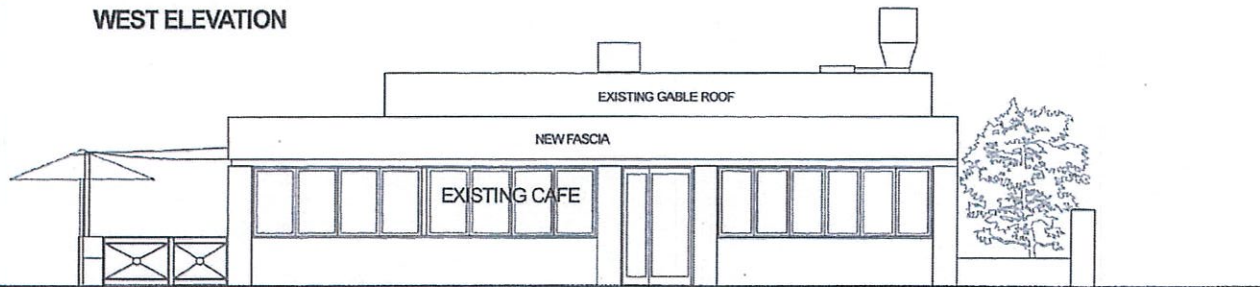
ATTACHMENT 3 - PLANS



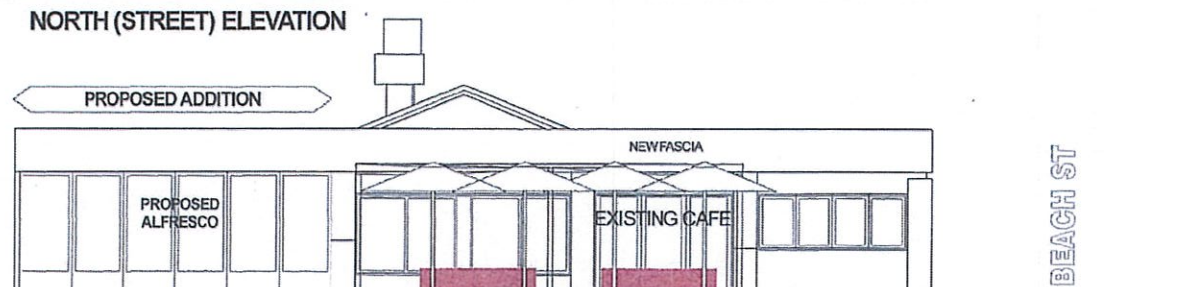
**SOUTH ELEVATION**



**WEST ELEVATION**




**NORTH (STREET) ELEVATION**



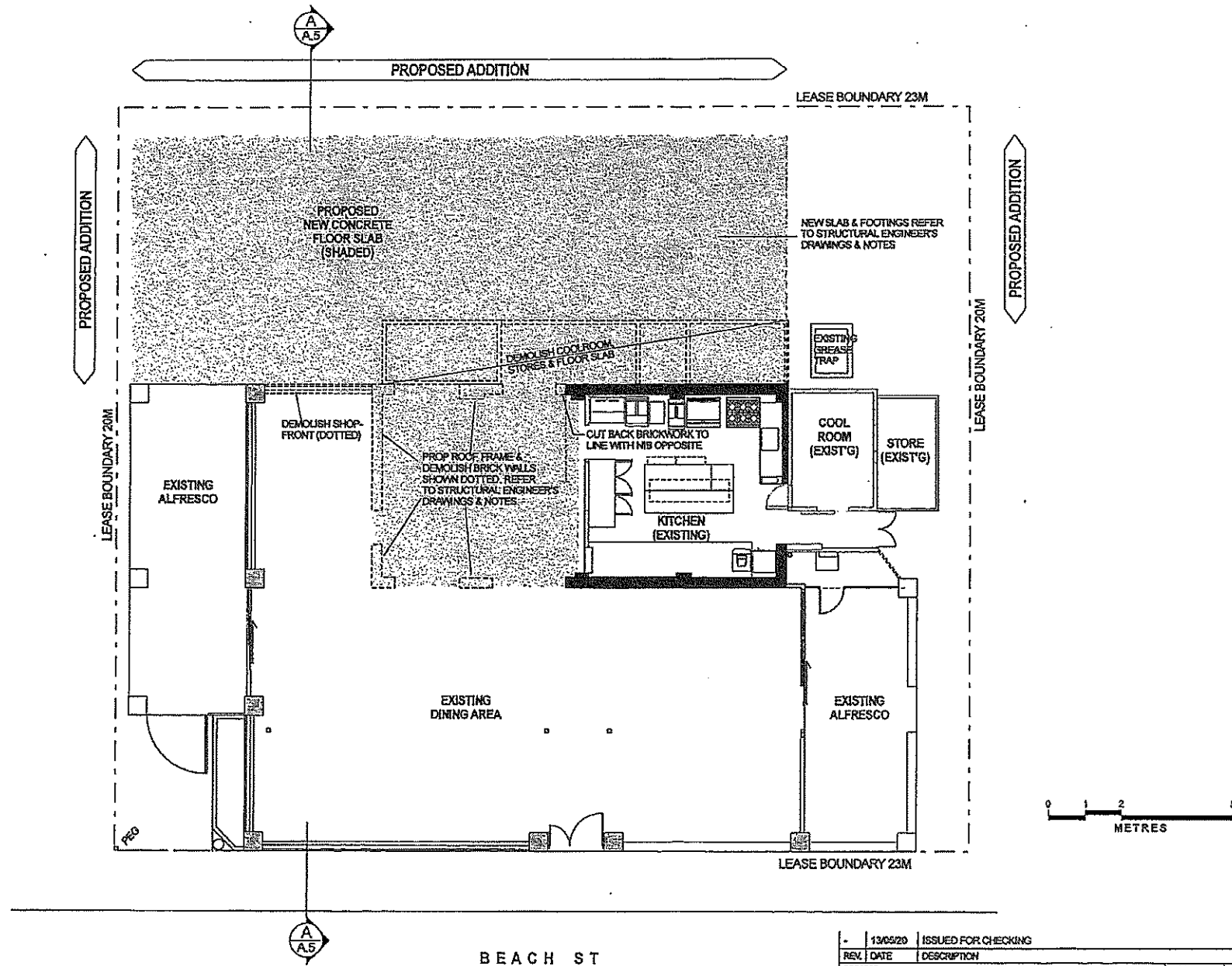
**EAST ELEVATION**




REV.	13/05/20	ISSUED FOR CHECKING	DATE	27 FEB 2020	 <b>Canford</b> Hospitality Consultants Pty Ltd
REV.	DATE	DESCRIPTION	SCALE	1:50 @ A3	
PROJECT			<b>PROPOSED TAVERN          AT 123 BEACH ST FREMANTLE</b>		DRAWN DPG ISSUE <b>A.3</b> 17/36 JOHNSON ST GUILDFORD WA 6055
DRAWING			<b>ELEVATIONS</b>		

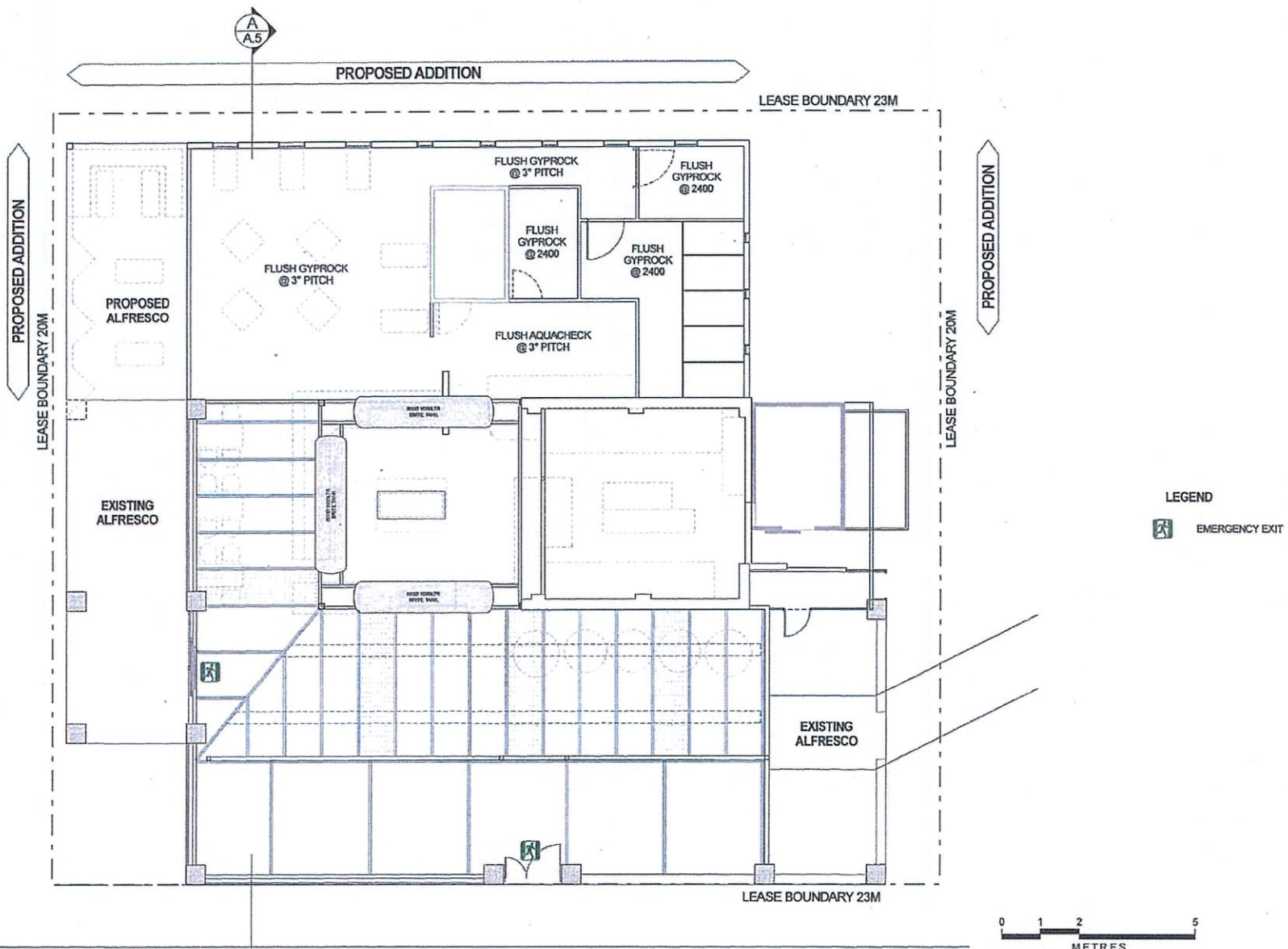
ATTACHMENT 3 - PLANS






REV.	DATE	DESCRIPTION	DATE	SCALE	 <b>Canford</b> Hospitality Consultants Pty Ltd
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PROJECT			PROPOSED TAVERN		
AT 123 BEACH ST FREMANTLE			DRAWN		
DRAWING			DPG	DATE	17/38 JOHNSON ST
DEMOLITION & NEW SLAB PLAN			DATE	A.2	GUILDFORD WA 6055


ATTACHMENT 3 - PLANS



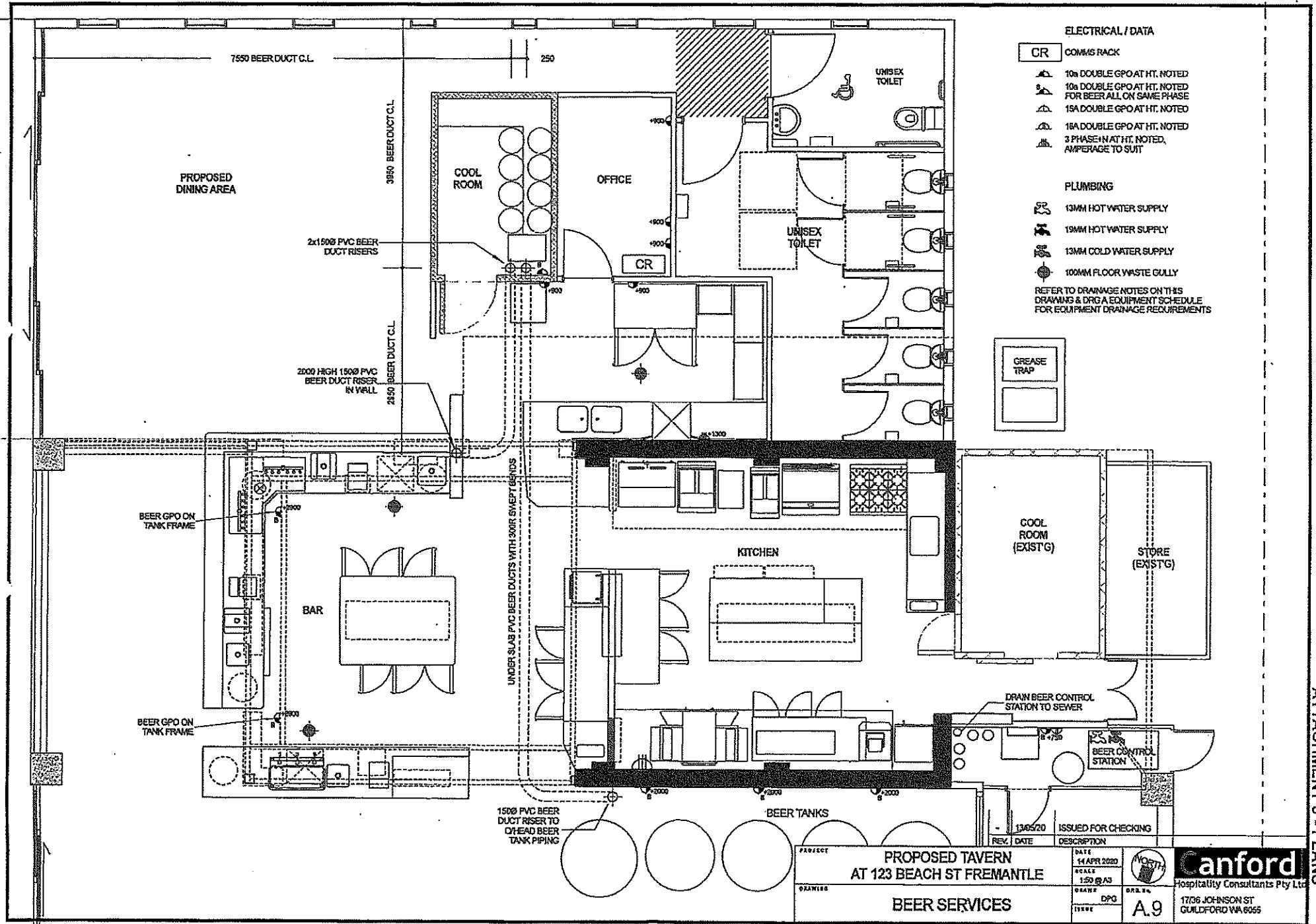
LEGEND  
 EMERGENCY EXIT



BEACH ST

REV.	13/05/20	ISSUED FOR CHECKING	DATE	8 APR 2020	 <b>Canford</b> Hospitality Consultants Pty Ltd
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PROJECT	PROPOSED TAVERN AT 123 BEACH ST FREMANTLE			DRAWN	DRG. NO. <b>A.6</b> 17/35 JOHNSON ST GUILDFORD WA 6055
DRAWING	REFLECTED CEILING PLAN			DPG	

ATTACHMENT 3 - PLANS



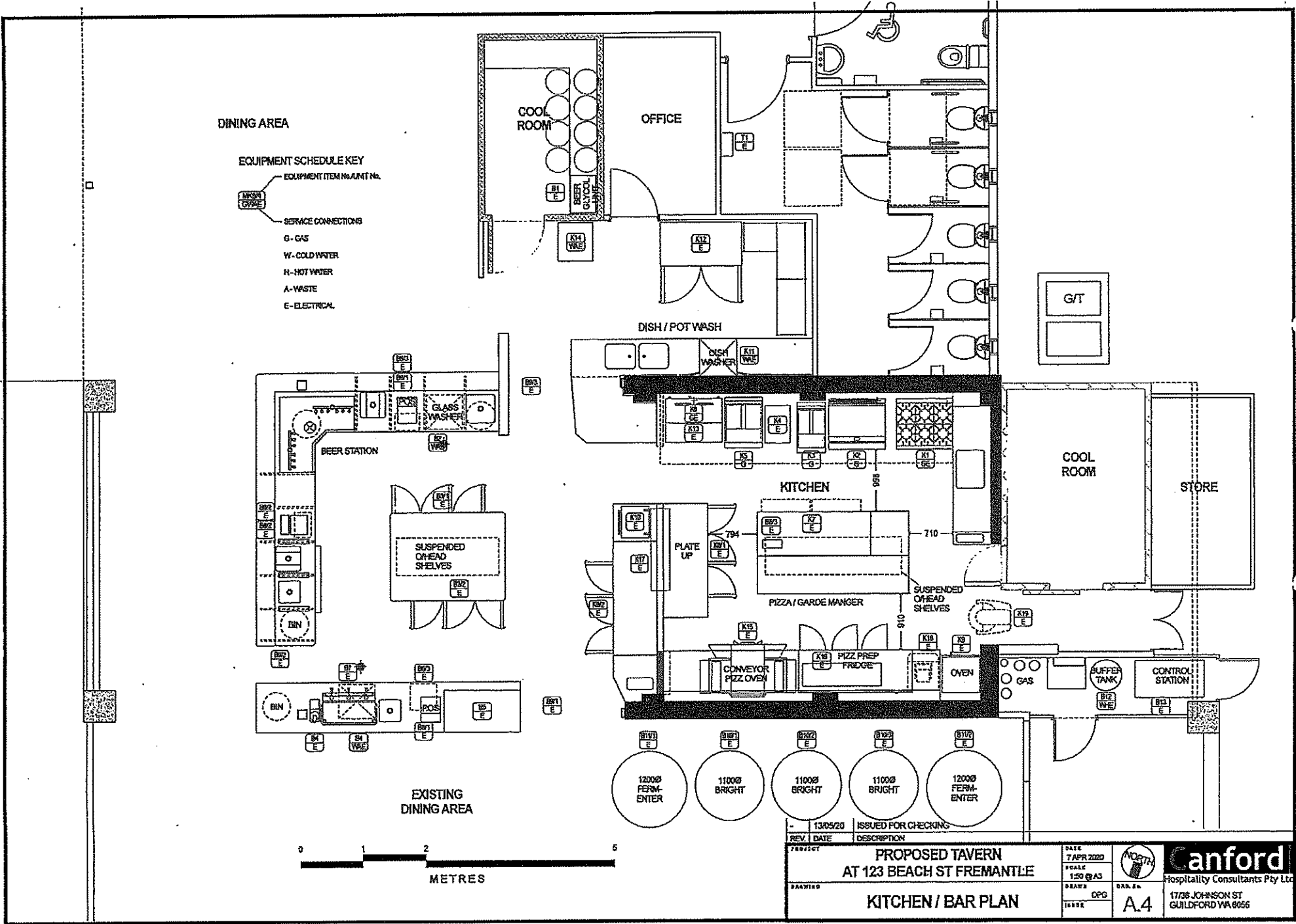
- ELECTRICAL / DATA**
- CR** COMMS RACK
- 10a DOUBLE GPO AT HT. NOTED FOR BEER ALL ON SAME PHASE
  - 10a DOUBLE GPO AT HT. NOTED FOR BEER ALL ON SAME PHASE
  - 18a DOUBLE GPO AT HT. NOTED
  - 18a DOUBLE GPO AT HT. NOTED
  - 3 PHASE N AT HT. NOTED, AMPEREAGE TO SUIT
- PLUMBING**
- 13MM HOT WATER SUPPLY
  - 19MM HOT WATER SUPPLY
  - 13MM COLD WATER SUPPLY
  - 100MM FLOOR WASTE GULLY
- REFER TO DRAINAGE NOTES ON THIS DRAWING & DRG A EQUIPMENT SCHEDULE FOR EQUIPMENT DRAINAGE REQUIREMENTS



REV	DATE	DESCRIPTION
1	13/05/20	ISSUED FOR CHECKING

<b>PROPOSED TAVERN AT 123 BEACH ST FREMANTLE</b>		DATE 14 APR 2020	
<b>BEER SERVICES</b>		SCALE 1:50 @ A3	
DRAWN BY DPG	CHECKED BY DPG	DRG. NO. A.9	Hospitality Consultants Pty Ltd 1706 JOHNSON ST GUILDFORD WA 6055

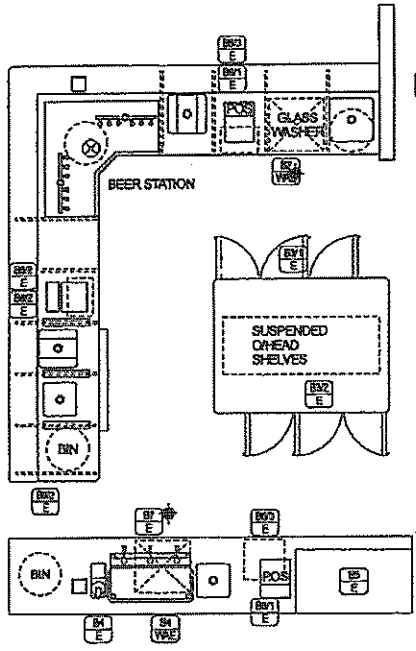
ATTACHMENT 3 - PLANS



DINING AREA

EQUIPMENT SCHEDULE KEY

- EQUIPMENT ITEM No./AMT No.
- SERVICE CONNECTIONS
- G- GAS
- W- COLD WATER
- H- HOT WATER
- A- WASTE
- E- ELECTRICAL



EXISTING DINING AREA

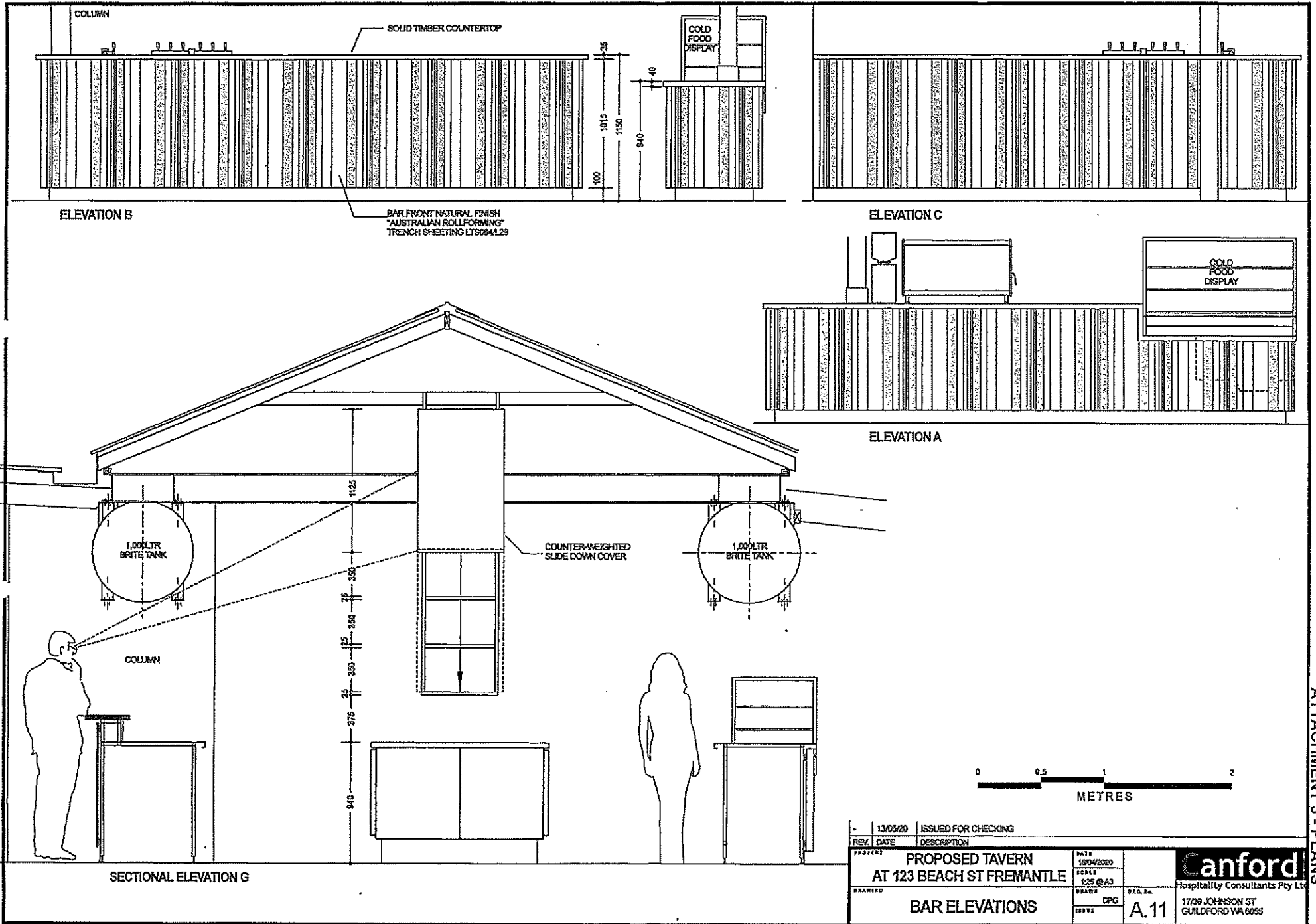


REV.	DATE	DESCRIPTION
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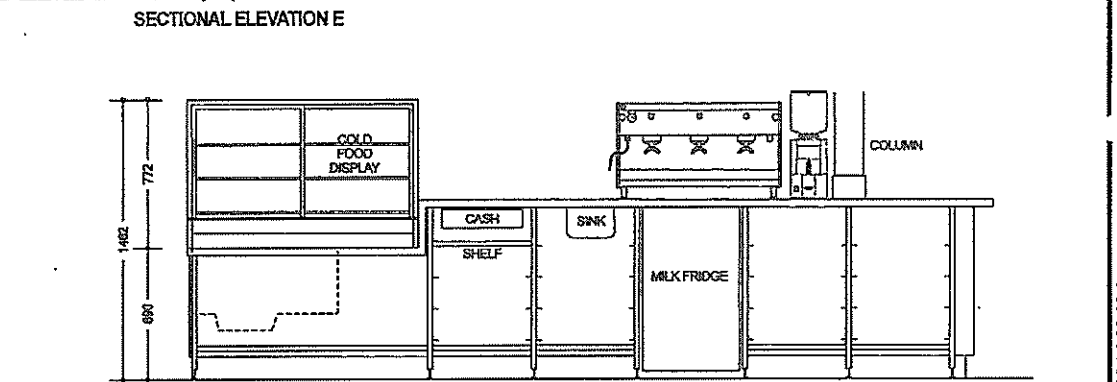
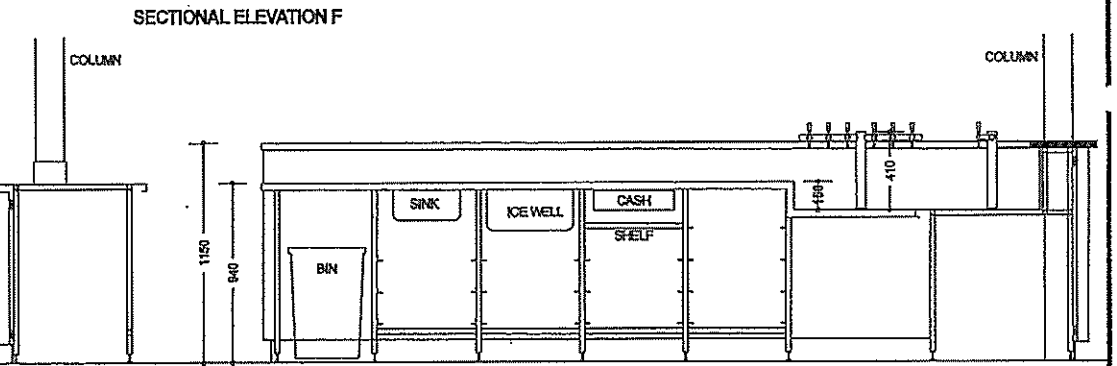
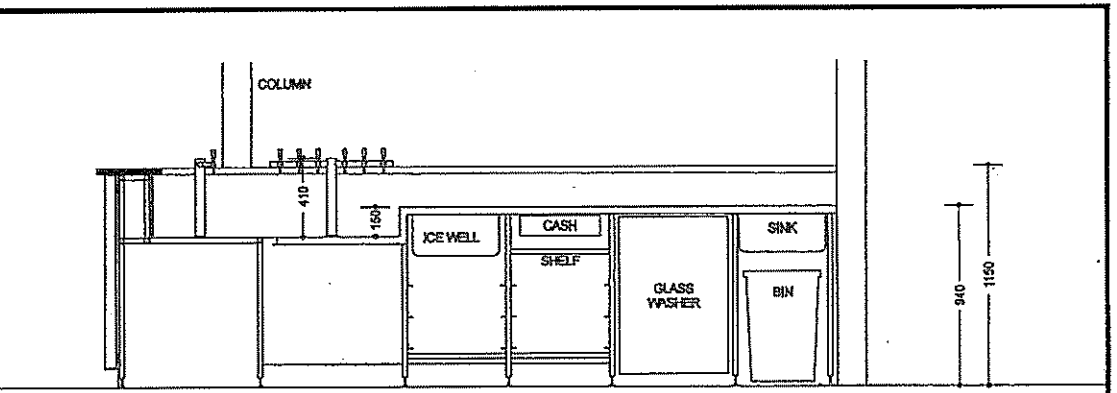
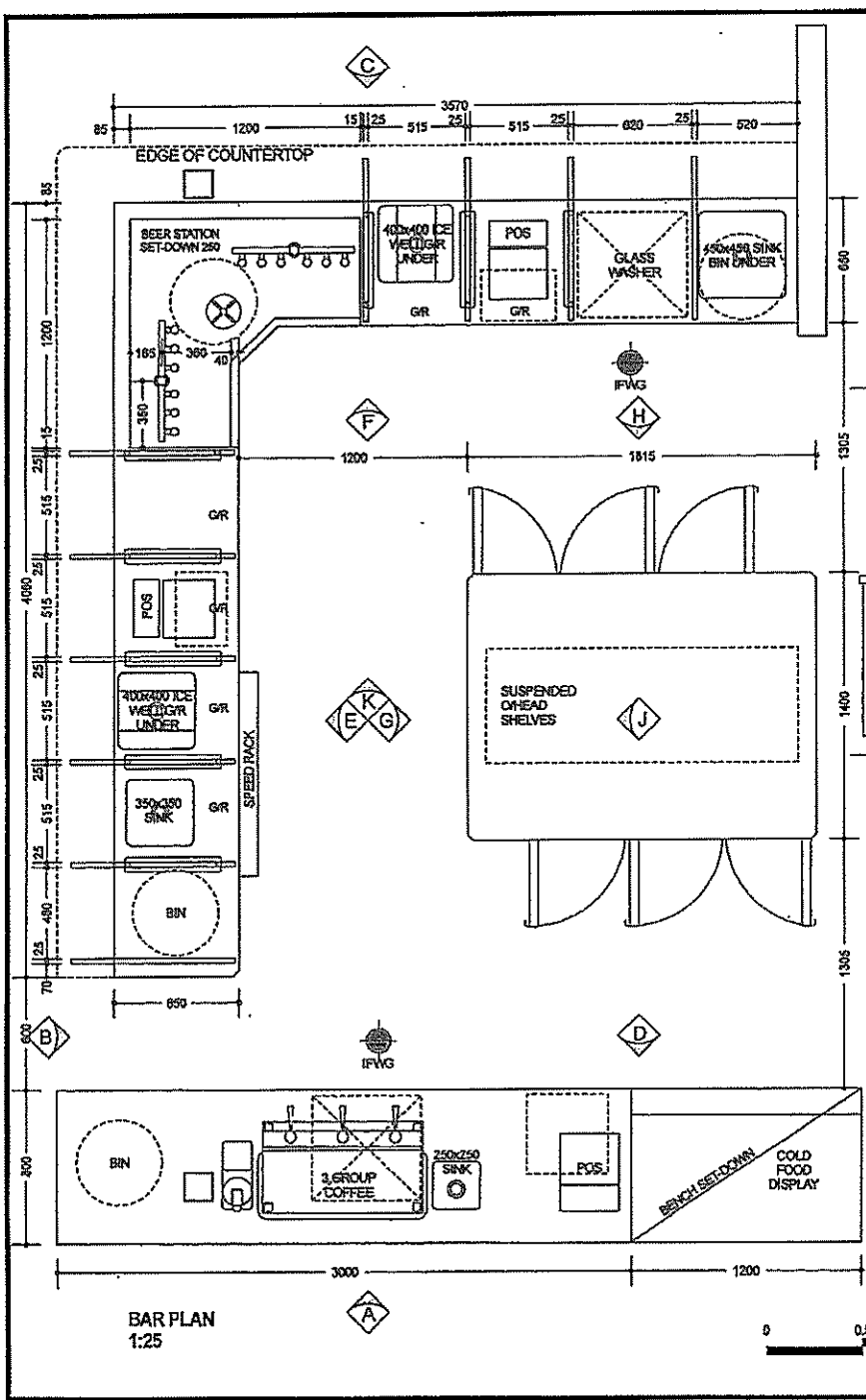
<b>PROJECT</b> PROPOSED TAVERN AT 123 BEACH ST FREMANTLE		DATE 7 APR 2020		 <b>Canford</b> Hospitality Consultants Pty Ltd
<b>DRAWING</b> KITCHEN / BAR PLAN		SCALE 1:20 @ A3		
			SHEET No. <b>A.4</b>	17/36 JOHNSON ST GUILDFORD WA 6055

ATTACHMENT 3 - PLANS



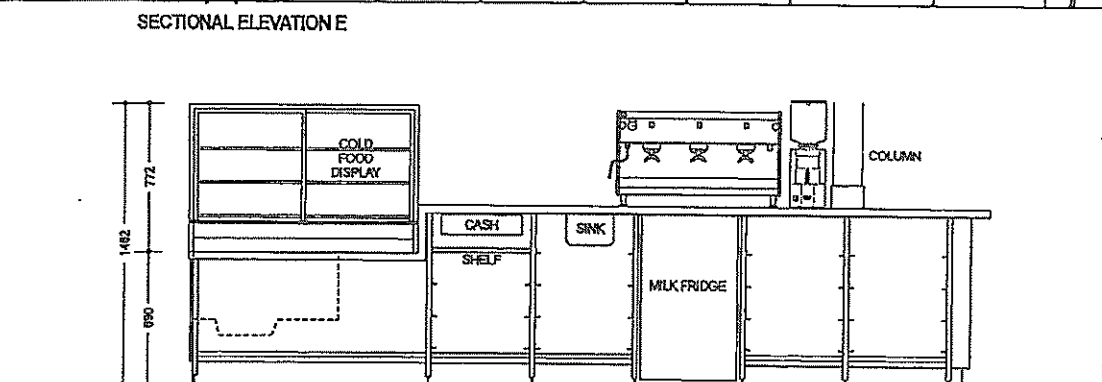
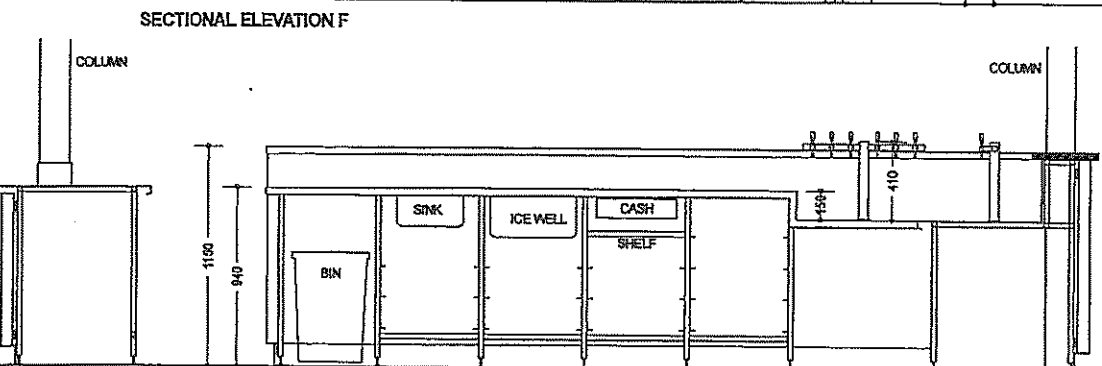
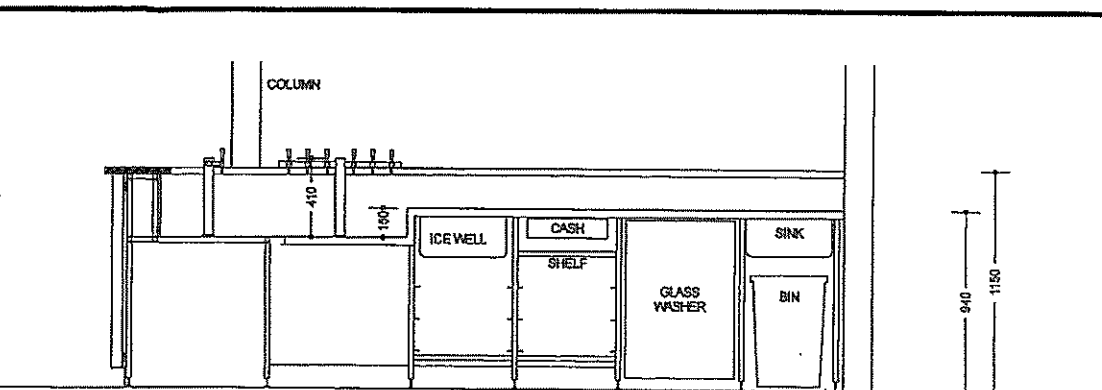
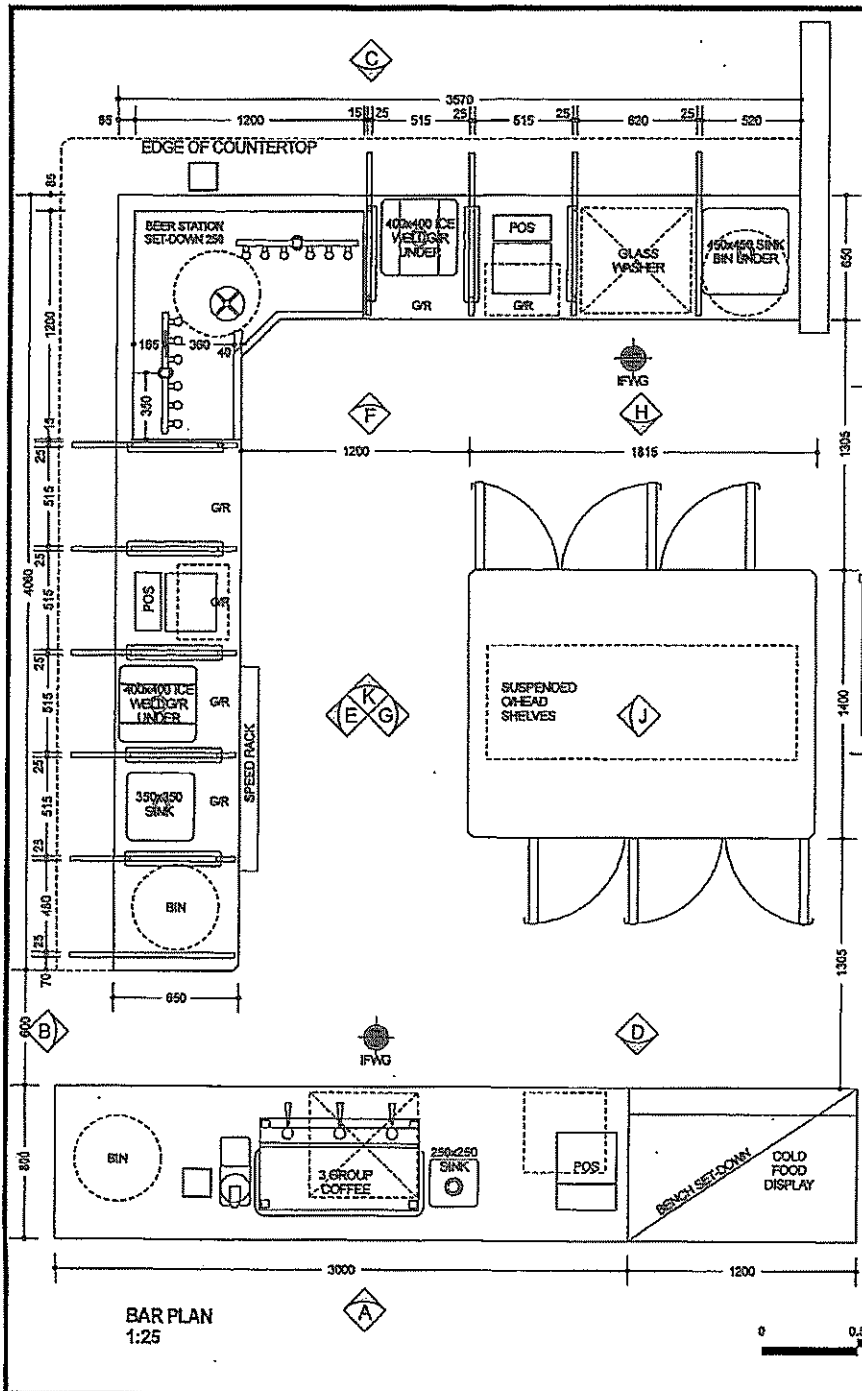


ATTACHMENT 3 - PLANS



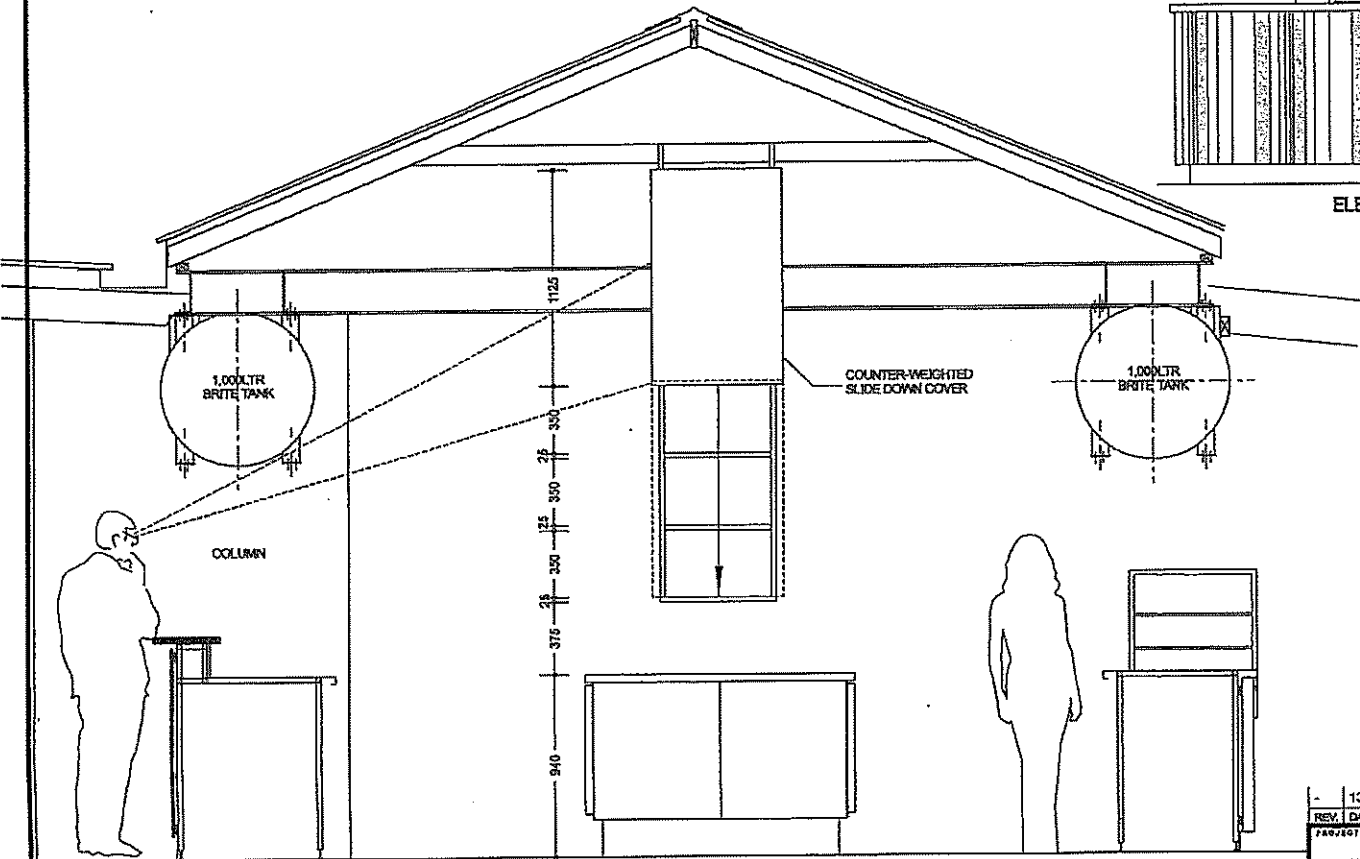
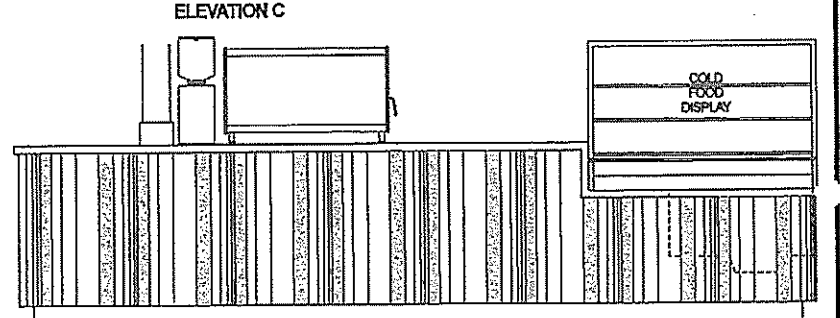
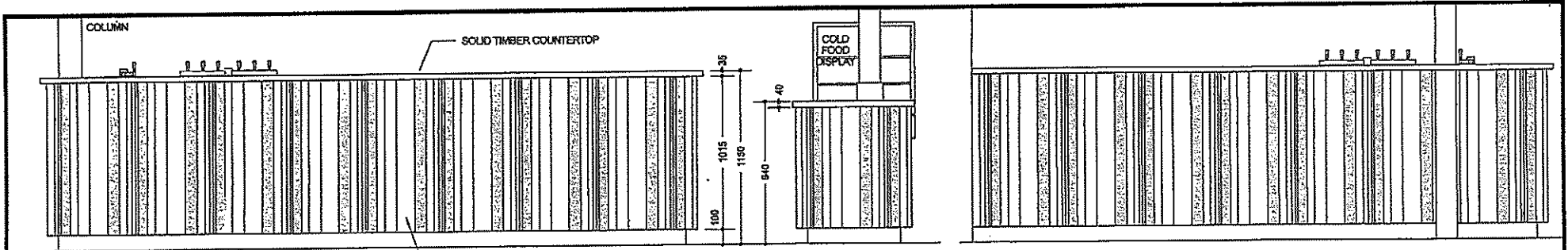
13/05/20 ISSUED FOR CHECKING		DATE 18/04/2020		<b>Canford</b> Hospitality Consultants Pty Ltd	
REV.	DATE	DESCRIPTION	SCALE 1:25 @ A3		
PROJECT PROPOSED TAVERN AT 123 BEACH ST FREMANTLE			DATE 12/5 @ A3	DRAWN DPG	
BAR DETAILS			DATE	CHKD A.10	17/38 JOHNSON ST GUILDFORD WA 6055

ATTACHMENT 3 - PLANS



13/05/20	ISSUED FOR CHECKING	DATE	16/04/2020	
REV. DATE	DESCRIPTION	SCALE	1:25 @ A3	
PROJECT		PROPOSED TAVERN AT 123 BEACH ST FREMANTLE		Canford Hospitality Consultants Pty Ltd 17/36 JOHNSON ST GUILDFORD WA 6055
DRAWING		BAR DETAILS		
		DRG. NO.	A.10	

ATTACHMENT 3 - PLANS



REV.	13/05/20	ISSUED FOR CHECKING	DATE	16/04/2020	
REV.		DESCRIPTION	SCALE	1:25 @ A3	
PROJECT	PROPOSED TAVERN AT 123 BEACH ST FREMANTLE		DRAWN	DPG	17/05 JOHNSON ST GUILDFORD WA 6055
DRAWN	BAR ELEVATIONS		DATE	15/05/20	
			SCALE	A.11	

ATTACHMENT 3 PLAN 15