



Swan and Canning Rivers Management Act 2006

PART 5

DETERMINATION OF DEVELOPMENT APPLICATION

FILE NUMBER	:	2020/1759
APPLICANT	:	Robert Strahan
LANDOWNER	:	City of Bayswater
LAND DESCRIPTION	:	ANA Rowing Club – AP Hinds Reserve, Lot 61 on Plan 6354, Bayswater
DEVELOPMENT	:	Change of use to include 'café' and associated alterations and additions
VALID FORM 1 RECEIVED	:	20 July 2020
DETERMINATION	:	APPROVAL WITH CONDITIONS

The application to commence development in accordance with the information received on 20 July 2020 is APPROVED subject to the following conditions:

1. Approval to implement this decision is valid for two (2) years from the date of the approval. If substantial on-site works have not commenced within this period, a new approval will be required before commencing or completing the development.

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. At least 30 days prior to the submission of an application for a building licence, the applicant shall prepare a Construction and Environmental Management Plan to the satisfaction of the Department of Biodiversity, Conservation and Attractions, on advice from the City of Bayswater (**Advice Note 9**).
4. At least 30 days prior to the submission of an application for a building licence, the applicant shall prepare a Stormwater Management Plan to the satisfaction of the Department of Biodiversity, Conservation and Attractions, on advice from the City of Bayswater (**Advice Note 10**).
5. At least 30 days prior to the submission of an application for a building licence, the applicant shall prepare a Refuse and Recycling Management Plan to the satisfaction of the Department of Biodiversity, Conservation and Attractions, on advice from the City of Bayswater (**Advice Note 11**).

6. At least 30 days prior to the submission of an application for a building licence, the applicant shall submit final design plans/drawings and details of any signage on the building proposed for the development to the satisfaction of the Department of Biodiversity, Conservation and Attractions on advice from the City of Bayswater.
7. At least 30 days prior to the submission of an application for a building licence, the applicant shall provide written confirmation to the Department of Biodiversity, Conservation and Attractions that flood risk has been considered and that all hazardous material will be stored above the 1 in 20 (5 per cent) Annual Exceedance Probability flood level (**Advice Note 12**).
8. The applicant shall provide additional bicycle parking rails for the general public with details of the bicycle parking submitted to and approved by the Department of Biodiversity, Conservation and Attractions (**Advice Note 13**).

During works

9. The approved Construction and Environmental Management Plan shall be implemented.

On completion of works

10. Within three (3) days of the completion of construction, all excess articles, equipment, rubbish and materials being removed from the site and the site left in an orderly and tidy condition, to the satisfaction of the Department of Biodiversity, Conservation and Attractions, on advice from the City of Bayswater.
11. At least 30 days prior to the occupation of the premises, the applicant shall provide operational procedures for the development to the satisfaction of the Department of Biodiversity, Conservation and Attractions, on advice from the City of Bayswater (**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 Bayswater.
13. The approved Refuse and Recycling 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 Bayswater.


ADVICE TO APPLICANT

1. Notification of the commencement of works and submission of documents required as a condition of this approval can be emailed to rivers.planning@dbca.wa.gov.au.
2. This approval is not a building permit or an approval under any other law than the *Planning and Development Act 2005*. It is the responsibility of the applicant/owner to obtain any other necessary approvals, consents and/or licenses required under any other law, and to commence and carry out development in accordance with all relevant laws.
3. This approval is not an authority to ignore any constraint to development on the land, which may exist through contract or on title, such as but not limited to an easement or restrictive covenant. It is the responsibility of the applicant/owner to investigate any such constraints before commencing development.

4. The development/use hereby permitted shall comply with the *Environmental Protection Act 1986*, the *Health Act 1911* and any other relevant environmental protection or health requirements, including the *Food Act 2008*, the Australian Food Standard Code, the Health (Air Handling and Water Systems) Regulations 1994, the City of Bayswater Eating House Local Laws and the Building Code of Australia.
5. The food business may not operate in the event of flooding of the premises.
6. To reduce the amount of waste generated and associated environmental impact, it is recommended that the applicant explore options for encouraging customers to provide and use their own reusable coffee cups rather than disposable take away cups.
7. The applicant is advised that external freestanding signage is not included in this approval and will require a separate permit application under Regulation 9 (Signs, restrictions on exhibiting) of the Swan and Canning Rivers Management Regulations 2007.
8. The applicant is advised that any future works associated with the development may require approval from the Department of Biodiversity, Conservation and Attractions including in accordance with section 14A (works by a leaseholder) of the Swan and Canning Rivers Management Regulations 2007.
9. Regarding **Condition 3**, the Construction and Environmental Management Plan shall describe how the works will be managed to minimise potential environmental impacts and shall include, unless otherwise agreed in writing:
 - a detailed work method statement that describes how the contractor proposes to undertake the works;
 - written permission from the City of Bayswater for use of the car park (if required);
 - timeframes and responsibilities for tasks identified;
 - contact details of essential site personnel, construction period and operating hours;
 - management of any potential acid sulfate soils (PASS) that may be exposed during the works;
 - proposed contingency actions should environmental controls be inadequate;
 - identification and protection of infrastructure and established vegetation;
 - detail of machinery and any associated refuelling;
 - waste management;
 - protection of the river and stormwater system from inputs of debris, run-off, soil, fill, or other deleterious material;
 - public access, safety and amenity;
 - traffic, access and parking management for contractors and the public;
 - complaints and environmental incident management plan;
 - containment of stockpiles of materials;
 - location of emergency spill kits that are to be onsite at all times;
 - i. a detailed site map showing the location of any;
 - ii. signage, including the contact details of essential site personnel;
 - iii. perimeter fencing and hoarding;
 - iv. the laydown area and vehicle entry/exit points;

- v. protected vegetation;
 - vi. areas of excavation and stockpiling of soil;
 - vii. on-site storage and bunding of materials and equipment;
 - viii. traffic access and parking; and
 - ix. any proposed redirection of pedestrian, or vessel, traffic.
- in the case of a sediment plume or hazardous pollution events, the Department of Biodiversity, Conservation and Attractions can be contacted on 9278 0981 (Riverpark Duty Officer) or 9480 9924 (Marine Pollution Response); and
 - any other matters considered relevant to the proposal not identified above
10. 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 the Department of Biodiversity, Conservation and Attractions' Policy 49: *Planning for Stormwater Management Affecting the Swan Canning Development Control Area*, the Department of Water and Environmental Regulation's *Stormwater Management Manual for Western Australia* and *Decision Process for Stormwater Management in WA*, and water sensitive urban design principles. The plan shall address, unless otherwise agreed in writing, that:
- 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 at-source as much as practical (noting that untreated stormwater will not be permitted to enter the river).
11. Regarding **Condition 5**, the Refuse and Recycling Management Plan shall include details of refuse bin location, number of rubbish and recycling receptacles, vehicle access and manoeuvring.
12. Regarding **Condition 7**, the applicant is advised that the ANA Rowing Club building is located within the floodway and may be affected by flooding and potential flood damage in events of 1 in 20 (5 per cent) Annual Exceedance Probability. The Department of Water and Environmental Regulation provided some examples of alternative means of managing this flood risk for consideration:
- Flood protection to prevent water from entering the building (i.e. sandbagging, flood barriers, etc.).
 - Flood resistant design (i.e. choice of building materials, location of electrical installations as high as practicable, raising stock on shelves, etc.).
 - Flood insurance.
 - Other options that may minimise the impact and/or damages of major flood events.
13. Regarding **Condition 8**, bicycle parking spaces are to be provided as per *AS2890.3:2015 Bicycle Parking Facilities Requirements*. The siting of the bicycle parking spaces is to be agreed with the City of Bayswater.
14. Regarding **Condition 11**, the operational procedures should reflect the application details, noting that:
- a maximum of 70 patrons are permitted at the café at any one time;
 - the hours of operation of the café are limited to 6:00am to 5:00pm daily (which can be extended to 7:00pm on public holidays and during special events at the reserve); and

- seating for patrons may be provided only within the clubhouse, on the adjoining verandah and on the existing paved area in front of the clubhouse, and outside furniture is to be removed at the end of each trading day.



Hon Stephen Dawson MLC
MINISTER FOR ENVIRONMENT

Date: 20/2/20

DEPARTMENT OF BIODIVERSITY, CONSERVATION AND ATTRACTIONS REPORT

PROPOSAL	: Change of use to include 'café' and associated alterations and additions
LOCATION	: ANA Rowing Club – AP Hinds Reserve, Lot 61 on Plan 6354, Bayswater
APPLICANT	: Robert Strahan
LANDOWNER	: City of Bayswater
LOCAL GOVERNMENT	: City of Bayswater
MRS CLASSIFICATION	: Parks and Recreation
LG CLASSIFICATION	: No zoning
DECISION TYPE	: Part 5, <i>Swan and Canning Rivers Management Act 2006</i>
ATTACHMENTS	: 1. Location map 2. City of Bayswater advice 3. Department of Water and Environmental Regulation advice 4. Proposed plans and fit-out
RECOMMENDATION	: APPROVAL WITH CONDITIONS

REPORT

1.0 INTRODUCTION

- 1.1 The Department of Biodiversity, Conservation and Attractions (DBCA) has received an application from Robert Strahan (the applicant) to construct a café within the existing ANA Rowing Club building. The café is intended to operate alongside the ANA Rowing Club (the Club), not replace it.
- 1.2 The café will be within the existing ANA Rowing Club building, which is located at AP Hinds Reserve, Lot 61 on Plan 6354, Bayswater (**Attachment 1**). The subject land is reserved for parks and recreation under the Metropolitan Region Scheme. Lot 61 is owned freehold by the City of Bayswater and the ANA Rowing Club building (excluding the paved area) and shed has been leased to the Club. A variation to the lease has been implemented to allow for the purpose of 'café' to be included as an approved use of the site and to allow for sub-letting. The lease is due to expire in 2034.
- 1.3 The proposed development is to occur on a lot wholly within the Swan Canning Development Control Area (DCA). As the proposal requires a change of use and is not being carried out by the leaseholder or a Schedule 5 Authority, it cannot be processed under the Swan and Canning Rivers Management Regulations 2007. The proposal therefore requires approval under Part 5 of the *Swan and Canning Rivers Management Act 2006* (SCRM Act).
- 1.4 The Director General of DBCA has prepared this report in accordance with section 75 of the SCRM Act.

2.0 CONSULTATION

City of Bayswater

- 2.1 The City of Bayswater (the City) provided its advice to DBCA, supporting the proposal subject to conditions and advice (**Attachment 2**). This advice has been incorporated into the conditions and advice notes of the approval.

Department of Water and Environmental Regulation

- 2.2 The Department of Water and Environmental Regulation (DWER) advised that, based on the available contour information, the elevation of Lot 61 is approximately 2.0m AHD and is within the floodway. As it appears that the building has been built to the natural ground level, it is likely that the café may be affected by flooding and potential flood damage in events of 5 per cent Annual Exceedance Probability (AEP). DWER recommended that alternative means of managing flood risk are explored (**Attachment 3**). It also provided some options which can be passed on to the applicant through an advice note of the approval.

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 relevant stakeholders being the City and DWER. A copy was also published on the DBCA website for a period of two (2) weeks between 4 November 2020 and 19 November 2020 with an invitation for public submissions.
- 3.2 Eleven submissions were received, and all were in support of the proposal. Many submissions received were from users of the Club facilities who believed that the café would improve the amenity of the area and their use of the facility, as well as encourage new club memberships. There were also submissions from nearby residents and other visitors to the reserve that suggested the café would improve the security of the area, reduce anti-social behaviour, and overall activate the space, which is suggested as being under-utilised.
- 3.3 The applicant also made a submission requesting changes to the hours proposed and the number of staff outlined in recommended Advice Note 14 (operational procedures relating to Condition 11), namely, to open earlier (from 6:00am, rather than 6:30am as was previously stated), and to have no limit on the number of staff. DBCA and the City determined that the requests were reasonable and the advice note has been amended as a result.

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)*
- ◆ Corporate Policy Statement No. 49 – *Planning for Stormwater Management Affecting the Swan Canning Development Control Area (Policy 49)*
- ◆ Corporate Policy Statement No. 51 – *Planning for Wastewater Management Affecting the Swan Canning Development Control Area (Policy 51)*

5.0 ENVIRONMENTAL AND PLANNING CONSIDERATIONS

- ◆ Environmental protection
- ◆ Amenity
- ◆ Stormwater management
- ◆ Waste management
- ◆ Public access and safety

6.0 BACKGROUND

- 6.1 The ANA Rowing Club building is currently used exclusively for members of the Club. The applicant has come to an in-principle agreement with the Club to operate the café from the ANA Rowing Club building alongside rowing club activities. As a result, the City has made alterations to the lease to allow a sub-let arrangement in view of this proposal.
- 6.2 The applicant advised that the intent of the café is to aid in activating the foreshore in this area. In addition to the change of use, the development will consist mostly of internal works within the existing ANA Rowing Club building (see plans at **Attachment 4**). Internal works will include:
- Internal plumbing and kitchen requirements (hot water system, relocation of sink, new sink etc.).
 - Installation of bulkhead kitchen, commercial range hood and general non-fixed café equipment.
 - Upgrade of concrete flooring to non-pervious flooring.
 - Removal of internal doors leading to changerooms and gymnasium.
- External works will include:
- Installation of a grease arrestor at the north-east corner of the building adjacent to the public toilets.
 - Installation of fencing to the north-east corner for the storage of bins and containment of grease arrestor and hot water tap.
- 6.3 The applicant included the installation of 'moveable signage' outside of the building in the plans, but the City requested that this be submitted as a separate application. The installation of external freestanding signage will require a permit under Regulation 9 (Signs, restrictions on exhibiting) of the Swan and Canning Rivers Management Regulations 2007.
- 6.4 The Club does not utilise the building outside of peak periods, but has high use of the gymnasium and changerooms, which will remain unchanged.
- 6.5 Plans for the proposal are provided in **Attachment 4**. The proposal will not change the existing building footprint, beyond the area fencing the bins and grease arrestor. The total cost of the works and fit-out is expected to be approximately \$100,000.

7.0 DISCUSSION

Environmental Protection

- 7.1 No in-water works will be required. However, due to the proximity to the river and considering that the building is located within the foreshore, it is necessary to ensure that the works are managed appropriately. It is recommended that a Construction and Environmental Management Plan (CEMP) is prepared to the satisfaction of DBCA, on advice from the City.

- 7.2 Policy 51 states that reticulated sewerage is the most reliable, efficient and environmentally acceptable method of managing wastewater. The new café kitchen will be connected to reticulated sewer. The ANA Rowing Club building already contains ablution facilities, which are connected to the reticulated sewer system. No works are proposed to the ablution facilities.

Amenity

- 7.3 The café is proposed to accommodate up to 70 patrons, with 24 internal seats, 30 seats on the existing paved area in front of the building and 16 seats on the existing verandah area, noting that the external seating areas are outside of the lease area.
- 7.4 The applicant intends to open the café six to seven days a week, operating between 6:00am to 5:00pm. The cafe is expected to staff one to four employees, however this may increase depending on demand and seasonal variation. It is also proposed that the café would be able to open until 7:00pm on public holidays and during special events.
- 7.5 The closest residence is approximately 100 metres from the proposed café, with a wide section of bushland in-between (approximately 50 metres wide) that will provide an additional noise buffer. It is not expected that the café will result in undue noise and nuisance to the nearby residents. The Club currently operates around scheduled activities, events, and regular training times that generally occur between the hours of 5am to 8pm, depending on conditions.
- 7.6 With regard to visual amenity, as stated above, the majority of works are internal and will not change the look of the building beyond fencing in the north-east corner (which faces the car park).

Stormwater management

- 7.7 Policy 49 states that stormwater run-off from constructed impervious surfaces generated by 1 year, 1 hour average recurrence interval (ARI) events should be retained and/or detained at the run-off source as much as practical.
- 7.8 It is unknown what stormwater management systems are in place for the existing building. Although no additional impervious surfaces will be constructed, it is recommended that the applicant submit a stormwater management plan or statement that demonstrates that stormwater run-off from existing impervious surfaces generated by small rainfall events (i.e. the first 15mm of rainfall) is being retained and/or detained at-source.

Waste management

- 7.9 The City has requested that a refuse and recycling management plan be submitted prior to the submission of a building permit application to address details of waste management.
- 7.10 It is also recommended that an advice note is included in the approval requesting that the applicant explore options for encouraging customers to provide and use their own reusable coffee cups rather than disposable take away cups in order to reduce the amount of waste generated and the associated environmental impact.

Public access and safety

- 7.11 The City's Town Planning Scheme No. 24 (the Scheme) states that car parking for a 'restaurant' (there are no separate provisions for a 'café') requires 10 bays per 100m² of gross leasable area. The area of the café, including the outdoor paved section, is approximately 100m². The Scheme also states that when a development on any land is enlarged, additional parking spaces to meet the requirements shall be provided in respect of the enlarged portion only. The total area of the Club is not changing.

- 7.12 There is sufficient parking already available to service the proposed café as well as maintain access to the Club, public users of the foreshore, and the Ellis House Art Centre. There are currently 84 parking bays (including three ACROD bays) directly behind the proposed café, as well as an extended bus bay near the Club's shed, and an additional 35 parking bays (including two ACROD bays) along Milne Street leading up to the Ellis House Art Centre.
- 7.13 The building contains public toilets that will not be impacted by the installation of the café and will be available for use by the café patrons.
- 7.14 Although there is an existing bicycle rack (for five bicycles) outside the ANA Rowing Club building, it is considered appropriate to request additional bicycle parking space be provided for the use of the general public to increase accessibility to the area. It is recommended that this be included as a condition of the approval.
- 7.15 Public safety during the construction works should be addressed in the CEMP. Although public access to some parking bays and the area around the ANA Rowing Club building may be temporarily hindered during the construction works, the proposal will have no ongoing impact to public access. Overall, it is anticipated that the addition of a café in the area will encourage the public to visit the reserve.

8.0 SWAN RIVER TRUST

- 8.1 In accordance with section 75(3A) of SCRM Act, the Swan River Trust considered DBCA's draft report at its meeting of 13 October 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.

9.0 CONCLUSION

- 9.1 Any potential environmental impacts from the works associated with the change of use are expected to be minimal and can be managed through conditions.
- 9.2 The addition of the café will not interfere with ANA Rowing Club activities and will permit the existing building to serve the public as well as existing club members.
- 9.3 Overall, the proposal to construct a café within the existing ANA Rowing Club building is likely to aid in the activation of the river and foreshore in this area.
- 9.4 For these reasons, the proposal is recommended for approval, subject to conditions and advice.

10.0 RECOMMENDATION – APPROVAL WITH CONDITIONS

That the Director General of DBCA advises the Minister for Environment that Robert Strahan's proposal for a change of use to include 'café' and associated alterations and additions to the existing ANA Rowing Club building located at AP Hinds Reserve, Lot 61 on Plan 6354, Bayswater, as described in the application received on 20 July 2020, be approved subject to the following conditions:

1. Approval to implement this decision is valid for two (2) years from the date of the approval. If substantial on-site works have not commenced within this period, a new approval will be required before commencing or completing the development.

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. At least 30 days prior to the submission of an application for a building licence, the applicant shall prepare a Construction and Environmental Management Plan to the

satisfaction of the Department of Biodiversity, Conservation and Attractions, on advice from the City of Bayswater (**Advice Note 9**).

4. At least 30 days prior to the submission of an application for a building licence, the applicant shall prepare a Stormwater Management Plan to the satisfaction of the Department of Biodiversity, Conservation and Attractions, on advice from the City of Bayswater (**Advice Note 10**).
5. At least 30 days prior to the submission of an application for a building licence, the applicant shall prepare a Refuse and Recycling Management Plan to the satisfaction of the Department of Biodiversity, Conservation and Attractions, on advice from the City of Bayswater (**Advice Note 11**).
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8. The applicant shall provide additional bicycle parking rails for the general public with details of the bicycle parking submitted to and approved by the Department of Biodiversity, Conservation and Attractions (**Advice Note 13**).

During works

9. The approved Construction and Environmental Management Plan shall be implemented.

On completion of works

10. Within three (3) days of the completion of construction, all excess articles, equipment, rubbish and materials being removed from the site and the site left in an orderly and tidy condition, to the satisfaction of the Department of Biodiversity, Conservation and Attractions, on advice from the City of Bayswater.
11. At least 30 days prior to the occupation of the premises, the applicant shall provide operational procedures for the development to the satisfaction of the Department of Biodiversity, Conservation and Attractions, on advice from the City of Bayswater (**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 Bayswater.
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2. This approval is not a building permit or an approval under any other law than the *Planning and Development Act 2005*. It is the responsibility of the applicant/owner to obtain any other necessary approvals, consents and/or licenses required under any other law, and to commence and carry out development in accordance with all relevant laws.

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5. The food business may not operate in the event of flooding of the premises.
6. To reduce the amount of waste generated and associated environmental impact, it is recommended that the applicant explore options for encouraging customers to provide and use their own reusable coffee cups rather than disposable take away cups.
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 - h. detail of machinery and any associated refuelling;
 - i. waste management;
 - j. protection of the river and stormwater system from inputs of debris, run-off, soil, fill, or other deleterious material;
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 - o. location of emergency spill kits that are to be onsite at all times;
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 - ii. signage, including the contact details of essential site personnel;
 - iii. perimeter fencing and hoarding;

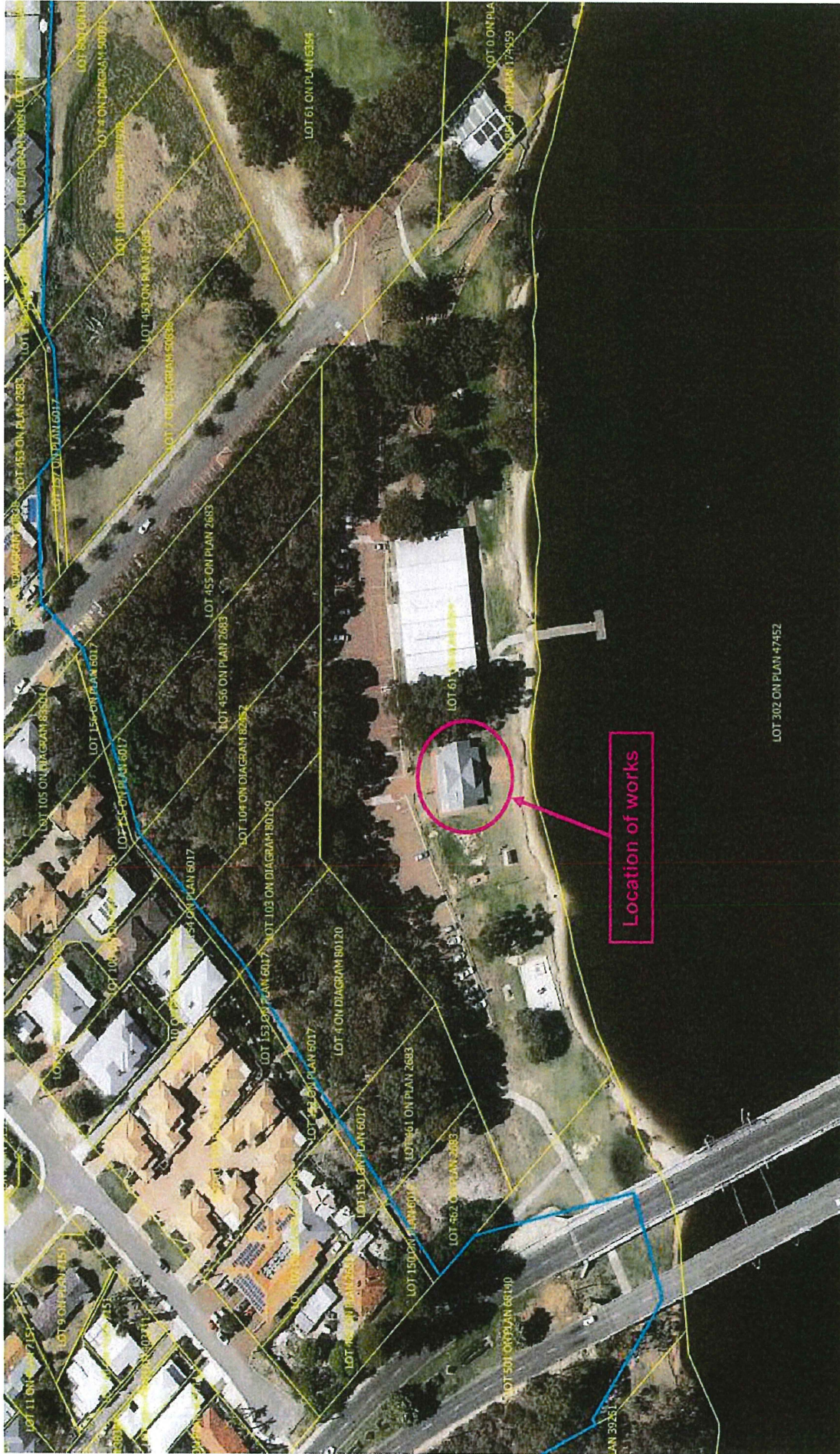
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- p. in the case of a sediment plume or hazardous pollution events, the Department of Biodiversity, Conservation and Attractions can be contacted on 9278 0981 (Riverpark Duty Officer) or 9480 9924 (Marine Pollution Response); and
- q. any other matters considered relevant to the proposal not identified above.
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- a. 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 at-source as much as practical (noting that untreated stormwater will not be permitted to enter the river).
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 - d. Other options that may minimise the impact and/or damages of major flood events.
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14. Regarding **Condition 11**, the operational procedures should reflect the application details, noting that:
- a. a maximum of 70 patrons are permitted at the café at any one time;
 - b. the hours of operation of the café are limited to 6:00am to 5:00pm daily (which can be extended to 7:00pm on public holidays and during special events at the reserve); and

- c. seating for patrons may be provided only within the clubhouse, on the adjoining verandah and on the existing paved area in front of the clubhouse, and outside furniture is to be removed at the end of each trading day.

FINAL REPORT ENDORSED

Signed: Mark Webb Date: 10/12/2020
Mark Webb
Director General

ATTACHMENT 1 - LOCATION MAP



CITY OF BAYSWATER RECOMMENDATION

The City has reviewed the development application (ref: DA20-0050) and raises no objection subject to inclusion of the following condition(s) and advice on approval:

CONDITION(S):

- 1 The development shall be carried out only in accordance with the terms of the application as approved herein, and any approved plan.
- 2 A separate application including plans or description of all signs for the proposed development (including signs painted on a building) shall be submitted to, and to the satisfaction of the City of Bayswater, prior to the erection of any signage.
- 3 A refuse and recycling management plan shall be submitted to, and to the satisfaction of the City of Bayswater, prior to submission of a building permit application. The plan shall include details of refuse bin location, number of rubbish and recycling receptacles, vehicle access and manoeuvring.
- 4 On completion of construction, all excess articles, equipment, rubbish and materials being removed from the site and the site left in an orderly and tidy condition, to the satisfaction of the City of Bayswater.
- 5 The hours of operation of the restaurant are limited to 6:30am to 5:00pm daily. The hours may be extended to 7:00pm on public holidays and during special events at the reserve.
- 6 A maximum of four employees are permitted at the restaurant at any one time.
- 7 Seating for patrons may be provided within the clubhouse, on the adjoining verandah and on the existing paved area in front of the clubhouse, to the satisfaction of the City of Bayswater.
- 8 The venue may continue to be used for clubhouse purposes in addition to the restaurant use.
- 9 A separate application including plans or description of all signs for the proposed development (including signs painted on a building) shall be submitted to and approved by the City of Bayswater, prior to the erection of any signage.
- 10 Compliance with any required Bushfire Attack Level assessment recommendations and requirements.


ADVICE:

- 1 This approval is not a building permit or an approval under any other law than the Planning and Development Act 2005. It is the responsibility of the applicant/owner to obtain any other necessary approvals, consents and/or licenses required under any other law, and to commence and carry out development in accordance with all relevant laws.
- 2 This approval is not an authority to ignore any constraint to development on the land, which may exist through contract or on title, such as but not limited to an easement or restrictive covenant. It is the responsibility of the applicant/owner to investigate any such constraints before commencing development.
- 3 The development/use hereby permitted shall comply with the *Environmental Protection Act 1986*, the *Health Act 1911* and any relevant environmental protection or health regulations including the *Food Act 2008*, the *Australian Food Standard Code*, the *Health (Air Handling and Water Systems) Regulations 1994*, the City of Bayswater *Eating House Local Laws* and the *Building Code of Australia*.
- 4 The food business may not operate in the event of flooding of the premises.
- 5 The applicant is to make arrangements to the satisfaction of the Water Corporation for the provision of reticulated sewerage to all lots/units within the subdivision/development. Where the Water Corporation reticulated sewer is not available the premises are to be connected to an approved wastewater treatment system which complies with the requirements of the

ATTACHMENT 2 - CITY OF BAYSWATER ADVICE

Treatment of Sewage and Disposal of Effluent and Liquid Waste Regulations and the Government Sewerage Policy Perth Metropolitan Region.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Helen Smith', written over a faint rectangular stamp or box.

HELEN SMITH
MANAGER DEVELOPMENT APPROVALS

ATTACHMENT 3 - DEPARTMENT OF WATER AND ENVIRONMENTAL REGULATION ADVICE



Government of **Western Australia**
Department of **Water and Environmental Regulation**

Your ref: 2020/001759
Our ref: RF2719-02, PA 036126
Enquiries: Diana Nussey
Ph: 6250 8014

Liz Harrison
Rivers and Estuaries Branch
Department of Biodiversity, Conservation and Attractions
Locked Bag 104
Bentley Delivery Centre WA 6983

Via email – rivers.planning@dbca.wa.gov.au

Dear Liz,

PART 5 – PROPOSED CHANGE OF USE TO RESTAURANT AND ASSOCIATED ALTERATIONS – ANA ROWING CLUB – LOT 61 (130) MILNE STREET BAYSWATER

Thank you for providing the above referral for the Department of Water and Environmental Regulation (Department) to consider. The Department has identified that the proposed development has the potential to impact on water values and management. Key issues and recommendations that should be addressed are provided below:

The Department provides advice and recommends guidelines for development on floodplains with the object of minimising flood risk and damage.

The Swan and Helena River Flood Study (2018) shows that the portions of the Lot are affected by major flooding with the 1 in 100 (1%) AEP flood level estimated to be around 3.0 m AHD (refer to attached plan). The 1 in 10 (10%) AEP flood level is currently estimated at around 1.6 m AHD and is expected to be 1.9 m AHD should sea level rise as expected by the year 2110 (i.e. 0.9 m mean sea level rise).

The Department's floodplain development strategy for the area states:

- Proposed development (i.e. filling, building, etc) that is located outside of the floodway is considered acceptable with respect to major flooding. However, a minimum habitable floor level of 3.5 m AHD is recommended to ensure adequate flood protection.
- Proposed development (i.e. filling, building, etc) that is located within the floodway (yellow shaded area on the plan) and is considered obstructive to major flows is not acceptable as it would increase flood levels upstream. No new buildings are acceptable in the floodway.

Swan Avon Region
7 Ellam Street Victoria Park WA 6100
Telephone: 08 6250 8000 Facsimile: 08 6250 8050
www.dwer.wa.gov.au

ATTACHMENT 3 - DEPARTMENT OF WATER AND ENVIRONMENTAL REGULATION ADVICE

The Department does not have information of the floor levels of the existing building. The available contour information shows the elevation of the Lot of 2.0 m AHD. If built at natural surface level (i.e. 2.0 m AHD), the proposed cafe would be affected by flooding and potential flood damage in events of 1 in 20 (5%) AEP.

Should the proposal be approved, the Department recommends consideration of alternative means of managing the resultant flood risk be explored. Options may include:

- Flood protection to prevent water entering the buildings (i.e. sandbagging, flood barriers, etc).
- Flood resilient building design (i.e. choice of building materials, location of electrical installations as high as practicable, raising stock on shelves, etc).
- Flood insurance.
- Other options that minimise the impact and/or damages of major flood events.

Please note this advice is related to major flooding only and other planning issues (i.e. environmental, stormwater, etc.) may also need to be addressed.

If you would like more information regarding this matter, please contact Diana Nussey on 6250 8014 or diana.nussey@dwer.wa.gov.au.

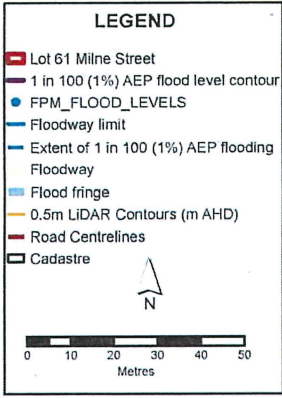
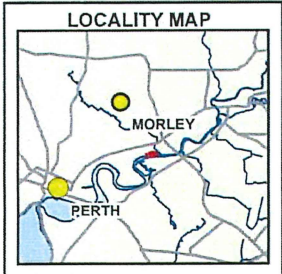
Yours sincerely,



Bree Lyons
A/Senior Natural Resource Management Officer
Planning Advice
Swan Avon Region

8 September 2020

Lot 61 Milne Street
BAYSWATER



Datum and Projection Information
 Vertical Datum: AHD71
 Horizontal Datum: GDA94
 Projection: MGAz50
 Spheroid: GRS80

Project Information
 Client: Swan Avon Landuse
 Map Author: Lidia Boniecka
 Task ID: B1305
 Compilation date: 20/08/2020
 Edition: Version 1

SOURCES

The Department of Water and Environmental Regulation acknowledges the following datasets and their custodians in the production of this map:

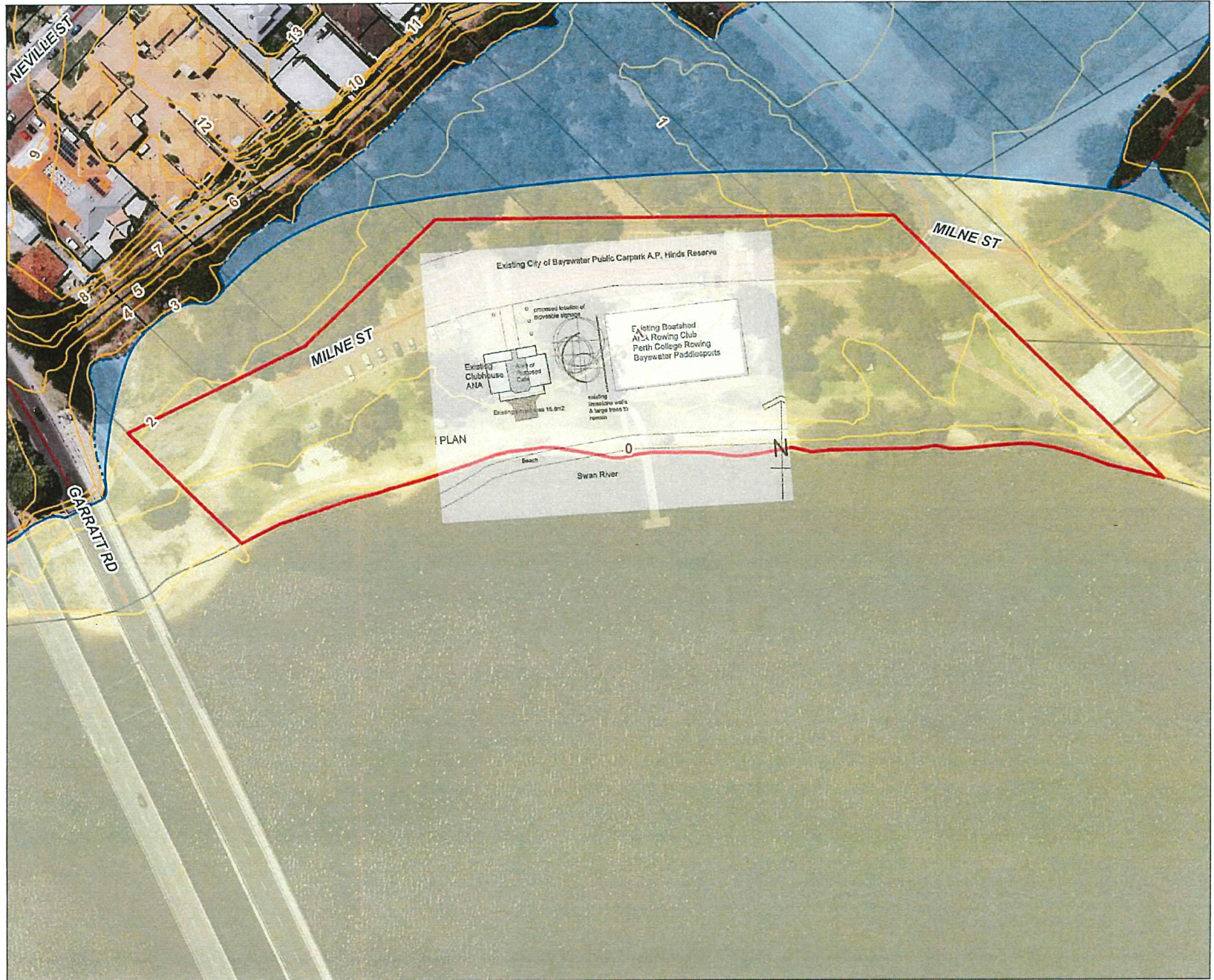
Railway - Landgate - 01/02/2019
 Road Centreline - LIA - Landgate - 01/02/2016
 Spatial Cadastre Database - Landgate - 30/05/2016
 Swan Coast Plan: Coastal 150m Differential - Landgate 15

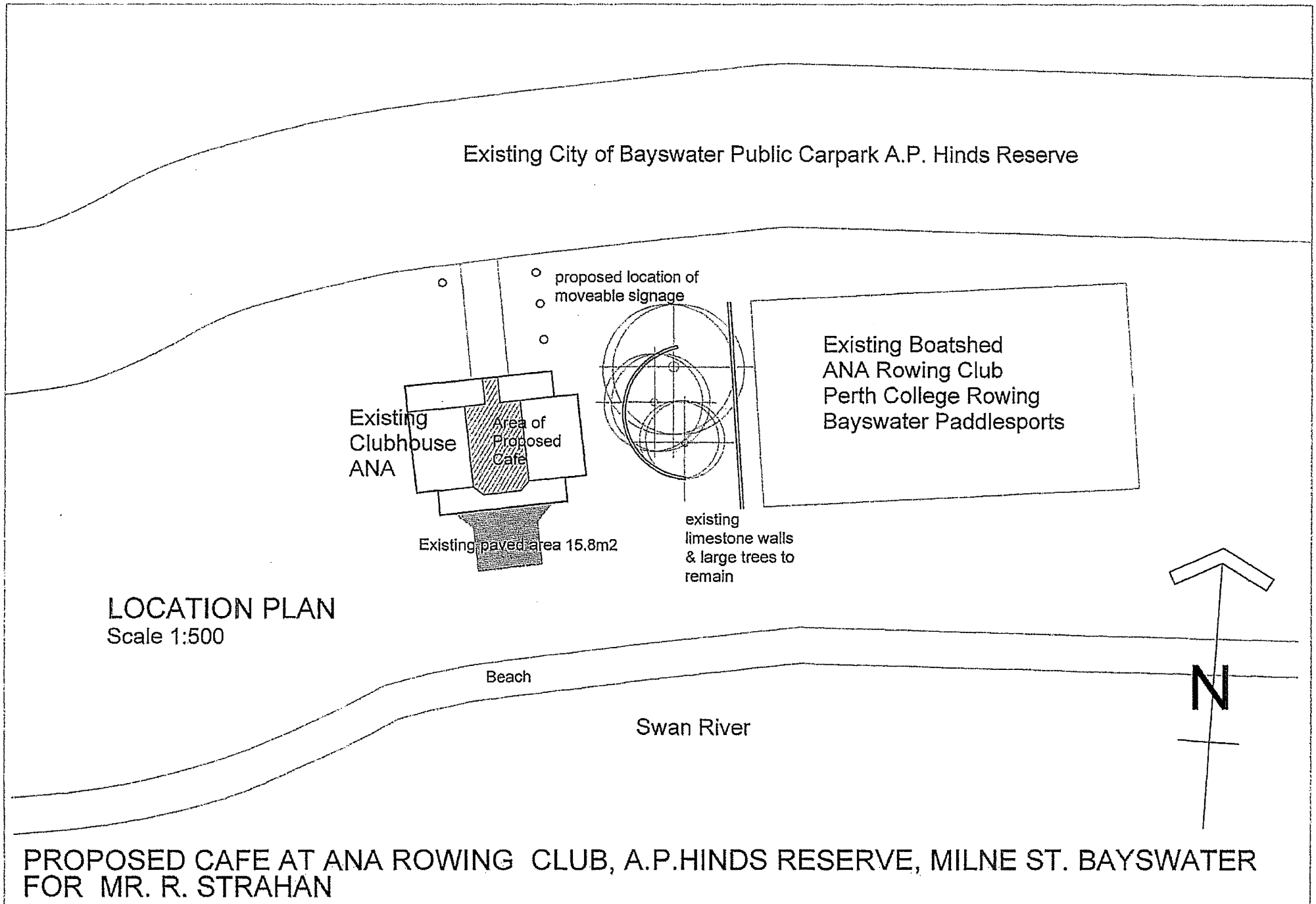
Government of Western Australia
 Department of Water and Environmental Regulation

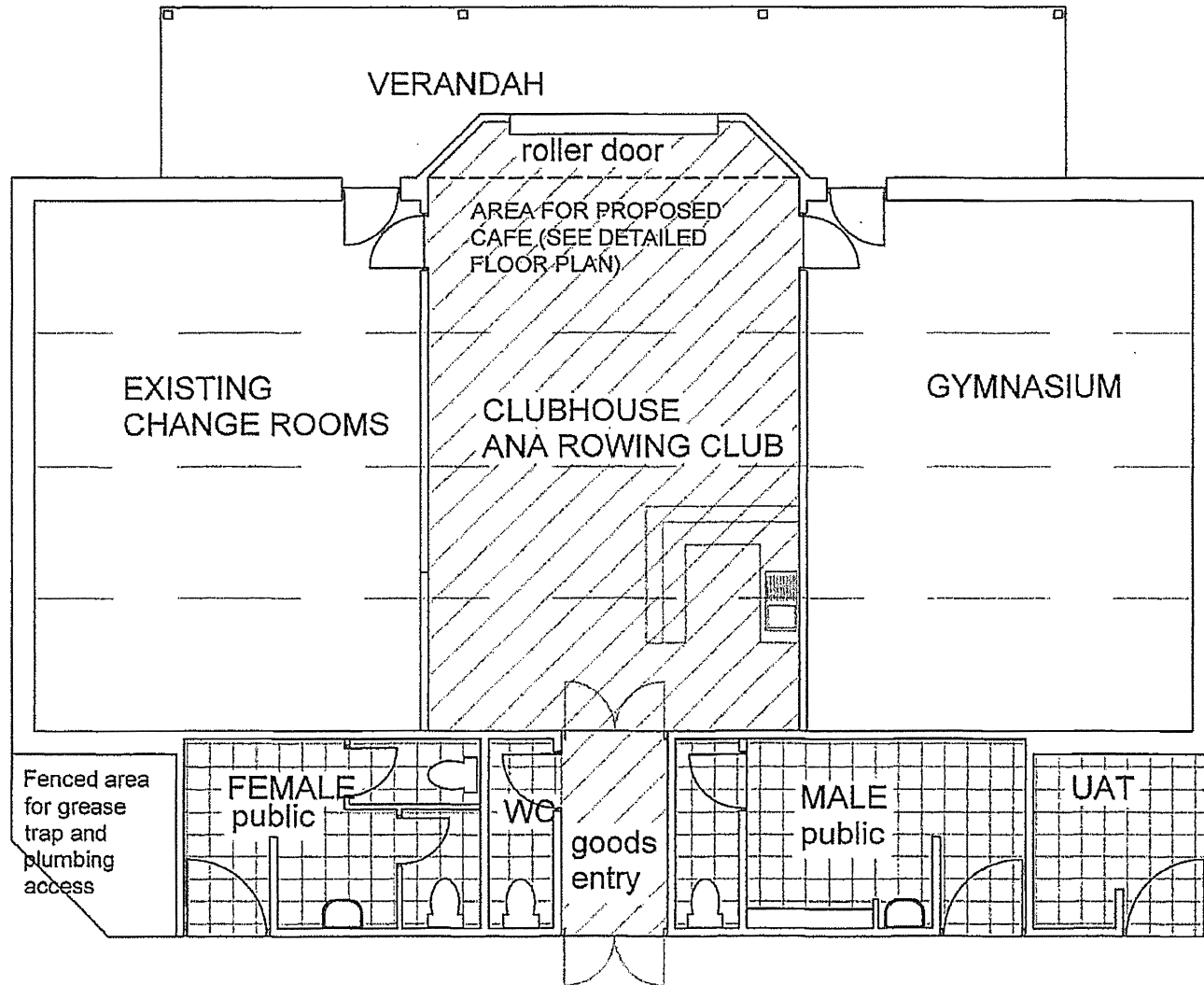
and Environmental Regulation
 Assessment & Allocation and was printed on 20/08/2020.

This map was produced with the intent that it be used for display purposes at the scale of 1:3,000 when printed at A4.

While the Department of Water and Environmental Regulation has made all reasonable efforts to ensure the accuracy of this data, the department accepts no responsibility for any inaccuracies and persons relying on this data do so at their own risk.

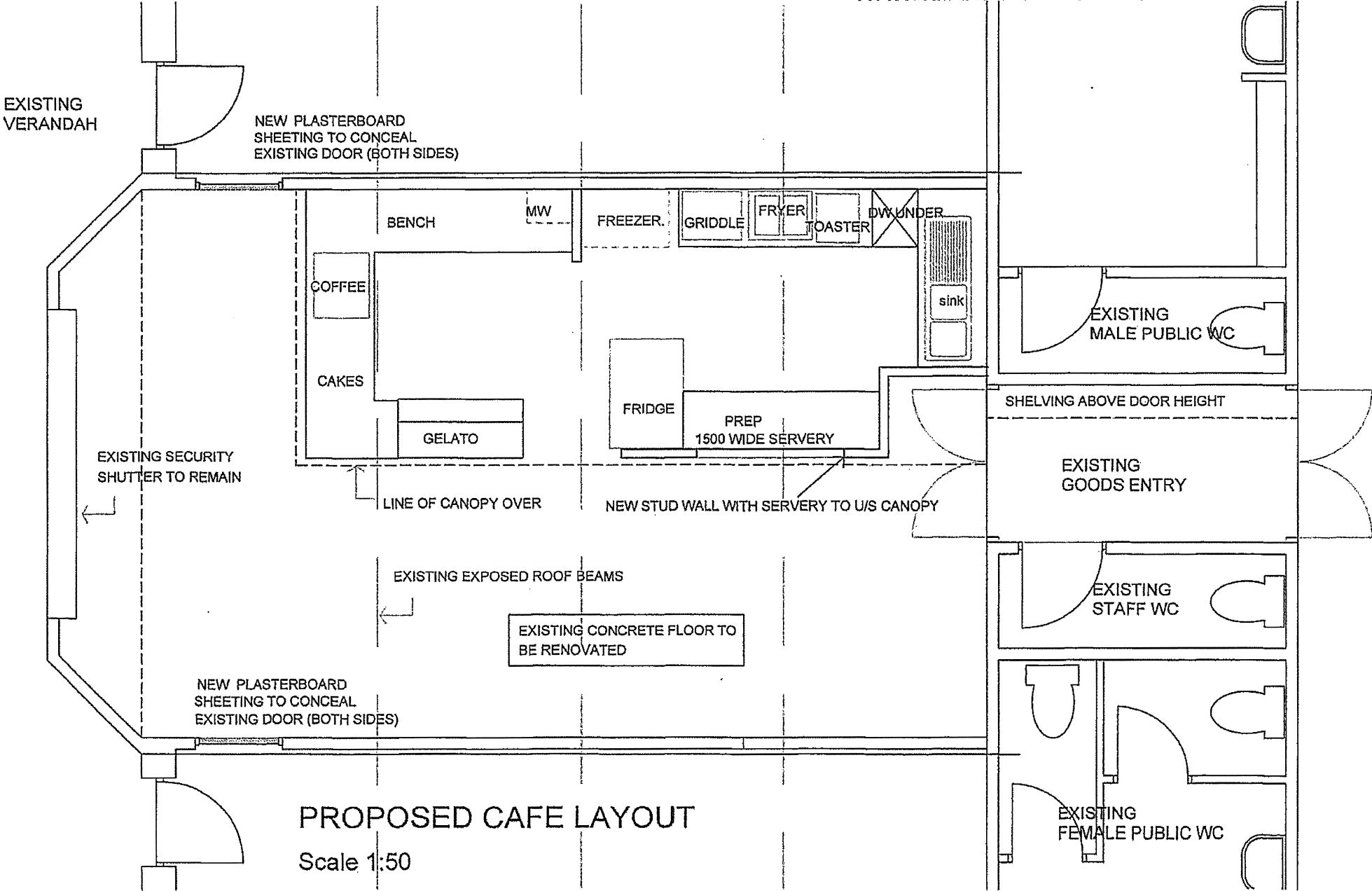




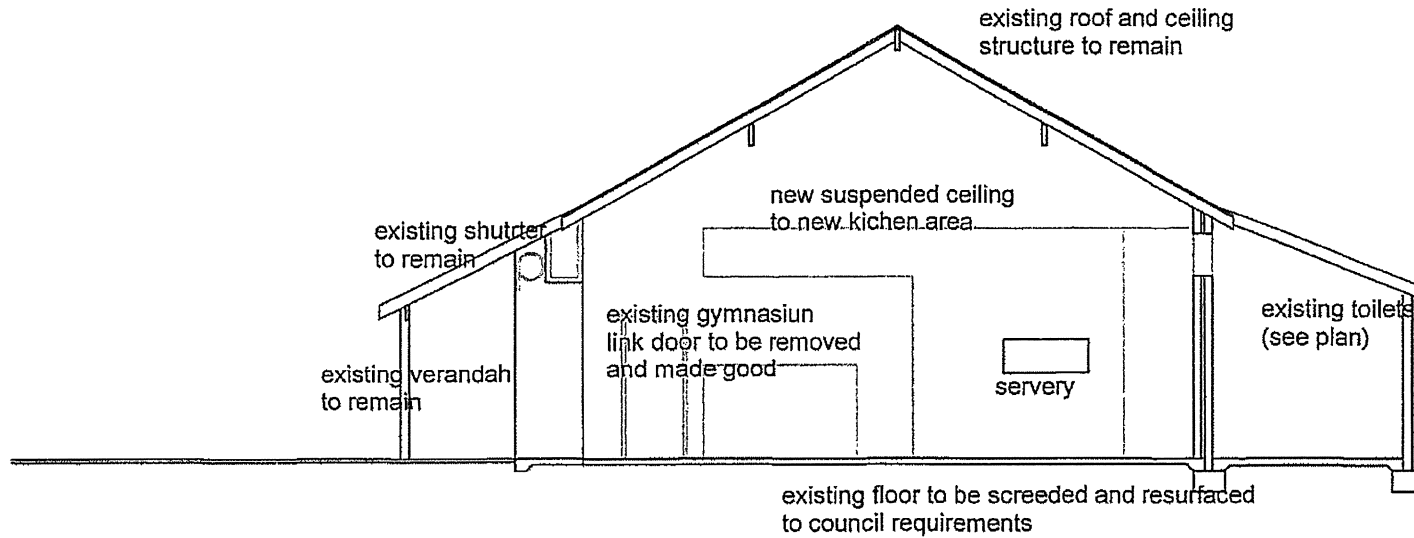


EXISTING PLAN
Scale 1:100

PROPOSED CAFE AT ANA ROWING CLUB, A.P.HINDS RESERVE, MILNE ST. BAYSWATER
FOR MR. R. STRAHAN

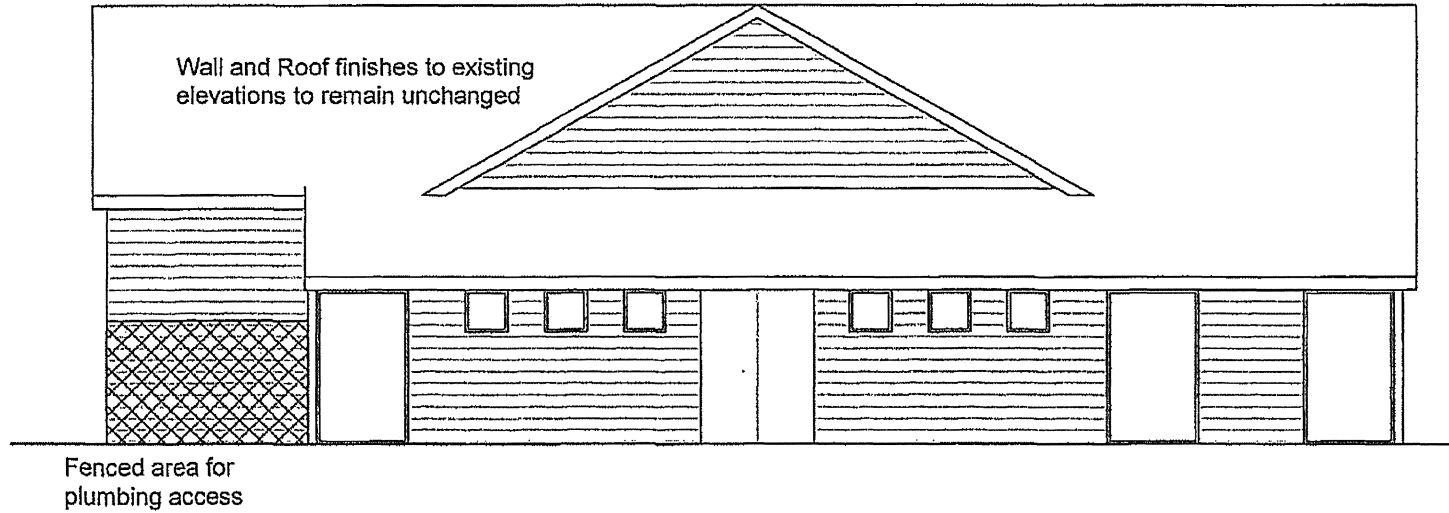


PROPOSED CAFE AT ANA ROWING CLUB, A.P.HINDS RESERVE, MILNE ST. BAYSWATER FOR MR. R. STRAHAN

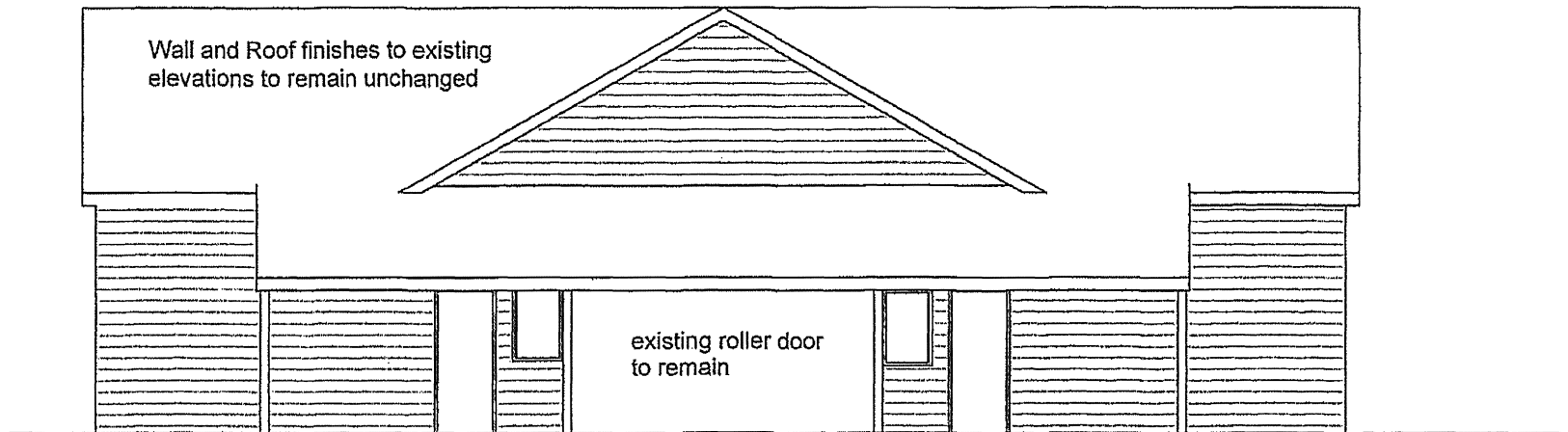


SECTION
Scale 1:100

PROPOSED CAFE AT ANA ROWING CLUB, A.P.HINDS RESERVE, MILNE ST. BAYSWATER
FOR MR. R. STRAHAN



NORTH ELEVATION (RIVER) Scale 1:100

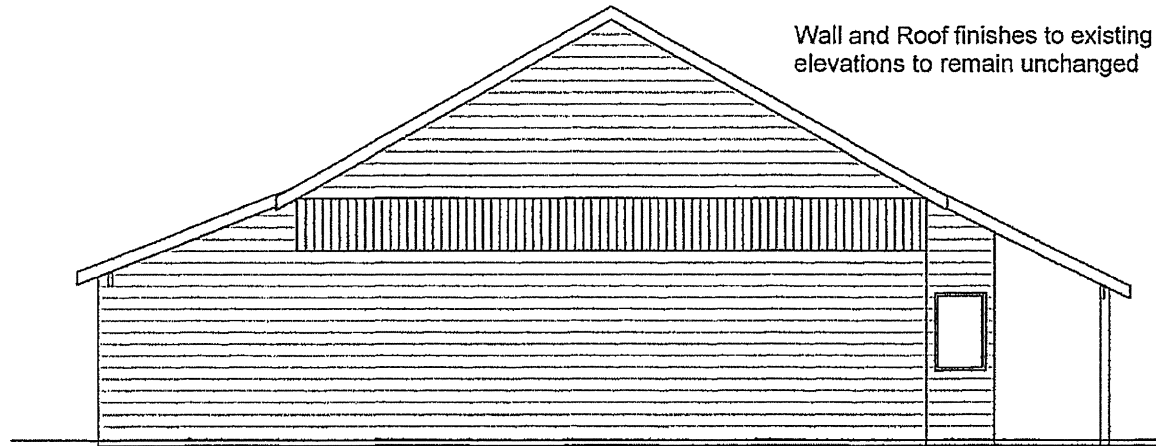


SOUTH ELEVATION (RIVER) Scale 1:100

PROPOSED CAFE AT ANA ROWING CLUB, A.P.HINDS RESERVE, MILNE ST. BAYSWATER FOR MR. R. STRAHAN

ATTACHMENT 4 - PLANS AND INTERNAL FITOUT

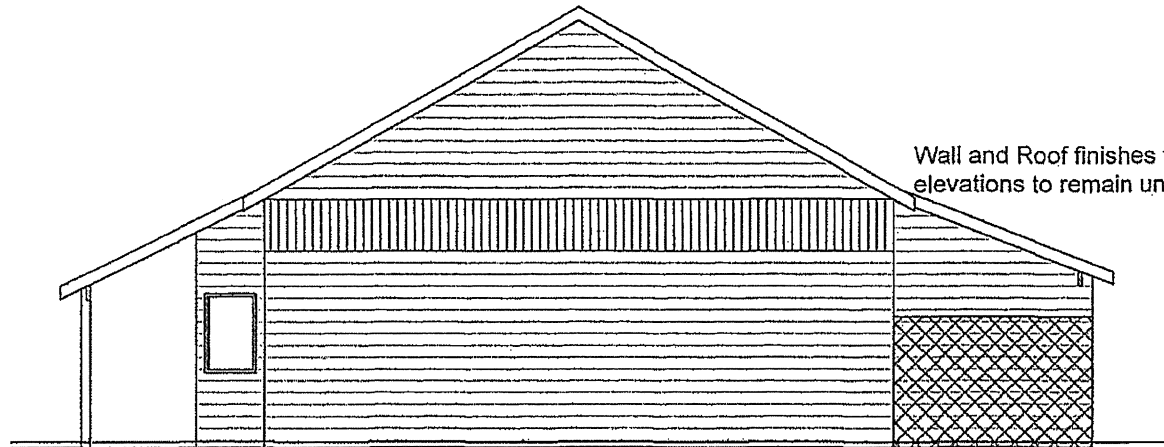
Wall and Roof finishes to existing elevations to remain unchanged



WEST

Scale 1:100

Wall and Roof finishes to existing elevations to remain unchanged



Fenced area for plumbing access

EAST

Scale 1:100

PROPOSED CAFE AT ANA ROWING CLUB, A.P.HINDS RESERVE, MILNE ST. BAYSWATER
FOR MR. R. STRAHAN

ATTACHMENT 4 - PLANS AND INTERNAL FITOUT





ATTACHMENT 4 PLANS AND INTERNAL FITOUT





ATTACHMENT 4 - PLANS AND INTERNAL PHOTO