



*Swan and Canning Rivers Management Act 2006*

**PART 5**

**DETERMINATION OF DEVELOPMENT APPLICATION**

FILE NUMBER : 2017/0295  
APPLICANT : Zephyr Café and Kiosk  
APPLICANT'S ADDRESS : Mr Laurence Evan and Ms Amanda Foley  
9 Leslie Road  
NORTH FREMANTLE WA 6159  
LANDOWNER : Town of East Fremantle  
LAND DESCRIPTION : Lot 14611 on Plan 33521 (Reserve 45025), 61 Riverside  
Road, East Fremantle  
DEVELOPMENT : Upgrade of existing amenities and extension of covered  
outdoor seating  
VALID FORM 1 RECEIVED : 23 January 2017  
DETERMINATION : **APPROVAL WITH CONDITIONS**

The application to commence development in accordance with the information received on 23 January 2017, and the supplementary information received on 27 and 28 February 2017, 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 Parks and Wildlife 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 permit a stormwater management plan is to be submitted to, and approved by the Department of Parks and Wildlife (**Advice Note 2**).
4. Prior to the submission of an application for a building permit a landscaping plan shall be submitted to, and approved by the Department of Parks and Wildlife on advice from the Town of East Fremantle (**Advice Note 3**).
5. Prior to the submission of an application for a building permit, details of all construction materials, fittings and colours, including new paving shall be submitted to, and approved by the Department of Parks and Wildlife on advice from the Town of East Fremantle.
6. The approved plans under Conditions 3-5 are to be implemented.

**During works**

7. Prior to any landscaping materials including soil and sand being brought onto the site the applicant shall demonstrate that all fill products used are geotechnically suitable

and otherwise fit for their purpose and that they do not cause environmental harm, pollution, unreasonable emissions or unauthorised discharges contrary to the *Environmental Protection Act 1986* or other legislation (refer to *Material Guideline – clean fill, Department of Environment Regulation, 2014*).

8. No fill, building material, rubbish or any other deleterious matter shall be placed in the Swan Canning Development Control Area or allowed to enter the river as a result of the development.
9. Public access along the foreshore reserve must be maintained unless closure is necessary for safety purposes, and an alternative, clearly signed route which has been approved by the Department of Parks and Wildlife, provided.
10. The applicant shall ensure that no damage to the foreshore, riverbank, or waterway (including infrastructure and vegetation) occurs as a result of the works. Should any inadvertent damage occur, the applicant is required to notify the Department of Parks and Wildlife within 48 hours (**Advice Notes 4 & 5**).
11. All introduced fill or excavation of the existing ground level of the lot, either temporary or permanent, shall be adequately controlled to prevent damage to structures on adjoining lots or in the case of fill, not be allowed to encroach beyond the lot boundaries.

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

12. Upon completion of the works all waste materials and equipment shall be removed and site cleaned-up to the satisfaction of the Department of Parks and Wildlife.
13. The approved landscaping plan under Condition 4 shall be implemented within three (3) months of the completion of works.

#### **ADVICE TO APPLICANT**

1. Notification of commencement of work and plans can be emailed to [rivers.planning@dpaw.wa.gov.au](mailto:rivers.planning@dpaw.wa.gov.au).
2. In regards to Condition 3, the stormwater management system should be designed in a manner that will enhance the environmental quality of the river through the use of water sensitive urban design, and should consider techniques such as rainwater gardens.
3. In regards to Condition 4, all plant species are to be locally native and suited to the soil type of the area to sustain local biodiversity and due to their low fertiliser and water requirements.
4. The applicant is advised that it is an offence under the Swan and Canning Rivers Management Regulations 2007 to destroy, pull up, cut back or injure any tree, shrub, aquatic plant or other perennial plant that is in the Swan Canning Development Control Area, except with the approval of the Department of Parks and Wildlife, Rivers and Estuaries Division.
5. In regard to Condition 10, in case of damage, the Department of Parks and Wildlife can be contacted on 9219 9000 or if after hours, by contacting the Duty Officer on 0419 192 845.
6. The applicant is advised to contact the Department of Aboriginal Affairs to ensure that the proposed works do not breach any section of Part IV (Protection of Indigenous Sites) of the *Aboriginal Heritage Act 1972*.
7. The applicant is advised that this approval does not negate the need to obtain any approvals that may be required from other statutory authorities prior to the commencement of works.



8. The applicant is advised this approval does not include any additional signage. Additional signage on the site will require a permit application to be submitted to and approved by the Department of Parks and Wildlife and the Town of East Fremantle.
9. All bi-fold and entry doors when stacked or open are to be contained fully within the site boundary. No part of the canopy, doors or windows when opened are to protrude over or extend beyond the site boundaries.
10. The building is 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.
11. Rubbish bins are to be screened so as not to be visible from beyond the boundaries of the site.
12. The Town of East Fremantle advises that copies of the Food Business Certificate must be provided to the Town, and receipts available on request by the Towns Principal Environmental Health Officer.
13. Commercial coffee machine must be connected to the drainage system for overflow of water.
14. The Town of East Fremantle advises that the premises are to be provided with a wash hand basin in the vicinity of the coffee machine. The wash hand basin is to be provided with hands free taps delivering warm water through a common outlet. A paper towel dispenser is to be provided in conjunction with the wash hand basin.
15. 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 the Town of East Fremantle and if approved, the total cost is to be borne by the applicant.
16. The applicant is advised that the proposal has the potential to be affected by sea level rise. It is recommended applicants understand the implications of potential sea level rise on their site. The onus rests with the applicant to undertake a risk assessment and exercise their judgement in determining the level of risk they are prepared to accept. The Swan River Trust's *Climate Change Risk Assessment Project (2010)* models impact of potential sea levels rise in the Swan and Canning Rivers, and sets out a methodology to assess the vulnerability of foreshore areas. Additional information is available at <https://www.dpaw.wa.gov.au/management/swan-canning-riverpark/ecosystem-health-and-management/climate-change>.  
  
While mapping information is available from the Department of Parks and Wildlife, it is also recommended applicants undertake their own research and obtain appropriate independent professional advice relevant to the particular circumstances.
17. The Town of East Fremantle advises that this approval does not include acknowledgement or approval of any unauthorised development which may be on the site.
18. All noise levels produced by the construction of the development are to comply with the provisions of the Environmental Protection (Noise) Regulations 1997 (as amended).



Stephen Dawson MLC  
**MINISTER FOR ENVIRONMENT; DISABILITY SERVICES**

Date: 7/6/17

## DEPARTMENT OF PARKS AND WILDLIFE REPORT

PROPOSAL	:	Enclose existing alfresco areas and refurbish existing amenities
LOCATION	:	Lot 14611 on Plan 33521 (Reserve 45025), 61 Riverside Road, East Fremantle
APPLICANT	:	Bravura Design Pty Ltd
LANDOWNER	:	State of Western Australia (vested in Town of East Fremantle)
LOCAL GOVERNMENT	:	Town of East Fremantle
MRS CLASSIFICATION	:	Parks and Recreation
LG CLASSIFICATION	:	No zoning
DECISION TYPE	:	Part 5, Swan Canning Rivers Management Act 2006
ATTACHMENTS	:	1. Location plan 2. Site plan 3. Town of Fremantle's referral response 4. Plans
RECOMMENDATION	:	<b>APPROVAL WITH CONDITIONS</b>

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## REPORT

### 1.0 INTRODUCTION

- 1.1 The Department of Parks and Wildlife (Parks and Wildlife) has received an application from Bravura Designs Pty Ltd to extend the roof over the existing uncovered outdoor seating area and refurbish the existing toilet block for the Zephyr Café at Lot 14611 on Plan 33521 (Reserve 45025), 61 Riverside Road, East Fremantle (adjacent to John Tonkin Reserve) (**Attachments 1 and 2**). The subject land is reserved for Parks and Recreation (P&R) under the Metropolitan Region Scheme (MRS).
- 1.2 The proposed works include roof structures over the existing uncovered alfresco areas along the northern and western sides of the café, covered walkway and paving to the toilet block, installation of a shipping container for storage purposes along the eastern wall of the café (between the toilet block), the refurbishment of the toilet block, and an enclosed bin storage area on the southern side of the toilet block.
- 1.3 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 *Swan and Canning Rivers Management Act 2006* (SCRM Act).
- 1.4 The Director General of Parks and Wildlife has prepared this draft report in accordance with Section 75 of the SCRM Act.



## 2.0 CONSULTATIONS

### Town of East Fremantle

- 2.1 The proposal was presented to the Council at its meeting on 21 February 2017 where it resolved to advise Parks and Wildlife of its support of the application subject to conditions and advice.
- 2.2 The majority of these have been incorporated into the conditions and advice notes.
- 2.3 A copy of the Town's referral response is at **Attachment 3**.

### Swan River Trust

- 2.4 In accordance with section 75(3A) of the SCRM Act, the Swan River Trust (the Trust) considered the draft report at its meeting on 4 April 2017. The Trust resolved to support the report and recommendations.

## 3.0 PUBLIC COMMENT – 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 has been provided to the applicant and the local government. A copy was also published on the Parks and Wildlife website for a period of two (2) weeks between 12 April 2017 and 26 April 2017 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*
- ◆ Policy 42 – *Planning for land use, development and permitting affecting the Swan Canning Development Control Area*
- ◆ Policy 49 – *Planning for stormwater management affecting the Swan Canning Development Control Area*
- ◆ SRT/DE9 – *Commercial Development General*

## 5.0 ENVIRONMENTAL AND PLANNING CONSIDERATIONS

- ◆ Visual amenity
- ◆ Stormwater management

## 6.0 BACKGROUND

- 6.1 The application proposes to install new roofs over existing uncovered alfresco areas along the north and western sides of the café, and enclose these areas with large bi-fold doors and windows. This is to maximise the full use of the seating areas throughout winter and inclement weather. There is no change proposed to the seating capacity.
- 6.2 The proposal also includes refurbishing the toilet block to the rear of the café, installing a covered paved walkway from the café to the toilet block, installing a larger storage area along the rear external wall of the café, and installing a screened bin area adjacent to the toilet block on the southern side (Attachment 4).
- 6.3 The total cost of these works is expected to be \$285,000.

## 7.0 DISCUSSION

### Visual amenity

- 7.1 State Planning Policy 2.10 - *Swan-Canning River System* (SPP2.10) aims to “ensure that activities, land use and development maintain and enhance the health, amenity and landscape values of the river, including its recreational and scenic values”. Policy 42 – Planning for land use, development and permitting affecting the Swan Canning Development Control Area (Policy 42) supports SPP2.10 with its aims of maintaining and enhancing the rivers ecological health, community benefits and amenity. This proposal seeks to improve the functionality of the existing café so that members of the community and visitors to the area can comfortably enjoy the river and its environment all year round.
- 7.2 The proposal was referred to Riverpark which had no objection and considered it will enhance the amenity of the local area, and provide better facilities for the community to enjoy.
- 7.3 It is considered that the visual amenity of the public reserve will not be significantly altered by the proposed additions/alterations as they are relatively minor and will be constructed of materials to match the existing café.

### Stormwater management

- 7.4 Currently, stormwater is managed by running off the roofed areas onto the paved areas and either infiltrates through the pavers or flows to the adjacent grassed area. This was supported by engineering advice sought by the Swan River Trust (the Trust) for the original development application in 2003. The Trust was advised that traditional soakwell systems were impractical due to the shallow groundwater level, close proximity to the river and the sandy soils.
- 7.5 The proposed roofs tilt downwards to the existing roofs which will change the drainage regime. There have been no details submitted as to how the stormwater will be managed with this proposal.
- 7.6 A similar proposal for the café was approved in 2007. Discussions with the applicant at the time resulted in the submission of plans to manage the roof runoff, and included the installation of an “Atlantis Matrix” system under the paving. This system was able to be installed at a shallower depth than a soakwell and would extend along the length of the paving. The stormwater would be directed from box gutters in the roof to downpipes which would feed into the system and be infiltrated into the ground along its full length.
- 7.7 Although the Trust issued an approval for this application subject to conditions including the stormwater being managed in accordance with the plans submitted, it was never enacted.
- 7.8 It is considered appropriate to require the applicant to submit a stormwater management plan as a condition of approval.

### Conclusion

- 7.9 The proposed additions to the Zephyr Café and the refurbishment of the amenities block are considered minor and will not result in an increase to the seating numbers. The proposal will encourage the community and visitors to enjoy the foreshore all year round, and will not result in any adverse impacts to the DCA. It is recommended that the application be approved subject to conditions.

## 8.0 RECOMMENDATION – APPROVAL WITH CONDITIONS

That the Director General of the Department of Parks and Wildlife advises the Minister for Environment that the Bravura Design Pty Ltd proposal to enclose existing alfresco areas and refurbish existing amenities at Zephyr Café on Reserve 45025, Lot 14611 on Plan 33521, 61 Riverside Road, East Fremantle, as described in the application received on 23 January 2017, and additional information received on 27 and 28 February 2017, 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 Parks and Wildlife 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 permit a stormwater management plan is to be submitted to, and approved by the Department of Parks and Wildlife (**Advice Note 2**).
4. Prior to the submission of an application for a building permit a landscaping plan shall be submitted to, and approved by the Department of Parks and Wildlife on advice from the Town of East Fremantle (**Advice Note 3**).
5. Prior to the submission of an application for a building permit, details of all construction materials, fittings and colours, including new paving shall be submitted to, and approved by the Department of Parks and Wildlife on advice from the Town of East Fremantle.
6. The approved plans under Conditions 3-5 are to be implemented.

### During works

7. Prior to any landscaping materials including soil and sand being brought onto the site the applicant shall demonstrate that all fill products used are geotechnically suitable and otherwise fit for their purpose and that they do not cause environmental harm, pollution, unreasonable emissions or unauthorised discharges contrary to the *Environmental Protection Act 1986* or other legislation (refer to *Material Guideline – clean fill, Department of Environment Regulation, 2014*).
8. No fill, building material, rubbish or any other deleterious matter shall be placed in the Swan Canning Development Control Area or allowed to enter the river as a result of the development.
9. Public access along the foreshore reserve must be maintained unless closure is necessary for safety purposes, and an alternative, clearly signed route which has been approved by the Department of Parks and Wildlife, provided.
10. The applicant shall ensure that no damage to the foreshore, riverbank, or waterway (including infrastructure and vegetation) occurs as a result of the works. Should any inadvertent damage occur, the applicant is required to notify the Department of Parks and Wildlife within 48 hours (**Advice Notes 4 & 5**).
11. All introduced fill or excavation of the existing ground level of the lot, either temporary or permanent, shall be adequately controlled to prevent damage to structures on adjoining lots or in the case of fill, not be allowed to encroach beyond the lot boundaries.

### On completion of works

12. Upon completion of the works all waste materials and equipment shall be removed and site cleaned-up to the satisfaction of the Department of Parks and Wildlife.



13. The approved landscaping plan under Condition 4 shall be implemented within three (3) months of the completion of works.

#### ADVICE TO APPLICANT

1. Notification of commencement of work and plans can be emailed to [rivers.planning@dpaw.wa.gov.au](mailto:rivers.planning@dpaw.wa.gov.au).
2. In regards to Condition 3, the stormwater management system should be designed in a manner that will enhance the environmental quality of the river through the use of water sensitive urban design, and should consider techniques such as rainwater gardens.
3. In regards to Condition 4, all plant species are to be locally native and suited to the soil type of the area to sustain local biodiversity and due to their low fertiliser and water requirements.
4. The applicant is advised that it is an offence under the Swan and Canning Rivers Management Regulations 2007 to destroy, pull up, cut back or injure any tree, shrub, aquatic plant or other perennial plant that is in the Swan Canning Development Control Area, except with the approval of the Department of Parks and Wildlife, Rivers and Estuaries Division.
5. In regard to Condition 10, in case of damage, the Department of Parks and Wildlife can be contacted on 9219 9000 or if after hours, by contacting the Duty Officer on 0419 192 845.
6. The applicant is advised to contact the Department of Aboriginal Affairs to ensure that the proposed works do not breach any section of Part IV (Protection of Indigenous Sites) of the *Aboriginal Heritage Act 1972*.
7. The applicant is advised that this approval does not negate the need to obtain any approvals that may be required from other statutory authorities prior to the commencement of works.
8. The applicant is advised this approval does not include any additional signage. Additional signage on the site will require a permit application to be submitted to and approved by the Department of Parks and Wildlife and the Town of East Fremantle.
9. All bi-fold and entry doors when stacked or open are to be contained fully within the site boundary. No part of the canopy, doors or windows when opened are to protrude over or extend beyond the site boundaries.
10. The building is 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.
11. Rubbish bins are to be screened so as not to be visible from beyond the boundaries of the site.
12. The Town of East Fremantle advises that copies of the Food Business Certificate must be provided to the Town, and receipts available on request by the Towns Principal Environmental Health Officer.
13. Commercial coffee machine must be connected to the drainage system for overflow of water.
14. The Town of East Fremantle advises that the premises are to be provided with a wash hand basin in the vicinity of the coffee machine. The wash hand basin is to be provided with hands free taps delivering warm water through a common outlet. A paper towel dispenser is to be provided in conjunction with the wash hand basin.
15. 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 the Town of East Fremantle and if approved, the total cost is to be borne by the applicant.

16. The applicant is advised that the proposal has the potential to be affected by sea level rise. It is recommended applicants understand the implications of potential sea level rise on their site. The onus rests with the applicant to undertake a risk assessment and exercise their judgement in determining the level of risk they are prepared to accept. The Swan River Trust's *Climate Change Risk Assessment Project* (2010) models impact of potential sea levels rise in the Swan and Canning Rivers, and sets out a methodology to assess the vulnerability of foreshore areas. Additional information is available at <https://www.dpaw.wa.gov.au/management/swan-canning-riverpark/ecosystem-health-and-management/climate-change>.

While mapping information is available from the Department of Parks and Wildlife, it is also recommended applicants undertake their own research and obtain appropriate independent professional advice relevant to the particular circumstances.

17. The Town of East Fremantle advises that this approval does not include acknowledgement or approval of any unauthorised development which may be on the site.
18. All noise levels produced by the construction of the development are to comply with the provisions of the Environmental Protection (Noise) Regulations 1997 (as amended).

**FINAL REPORT ENDORSED**

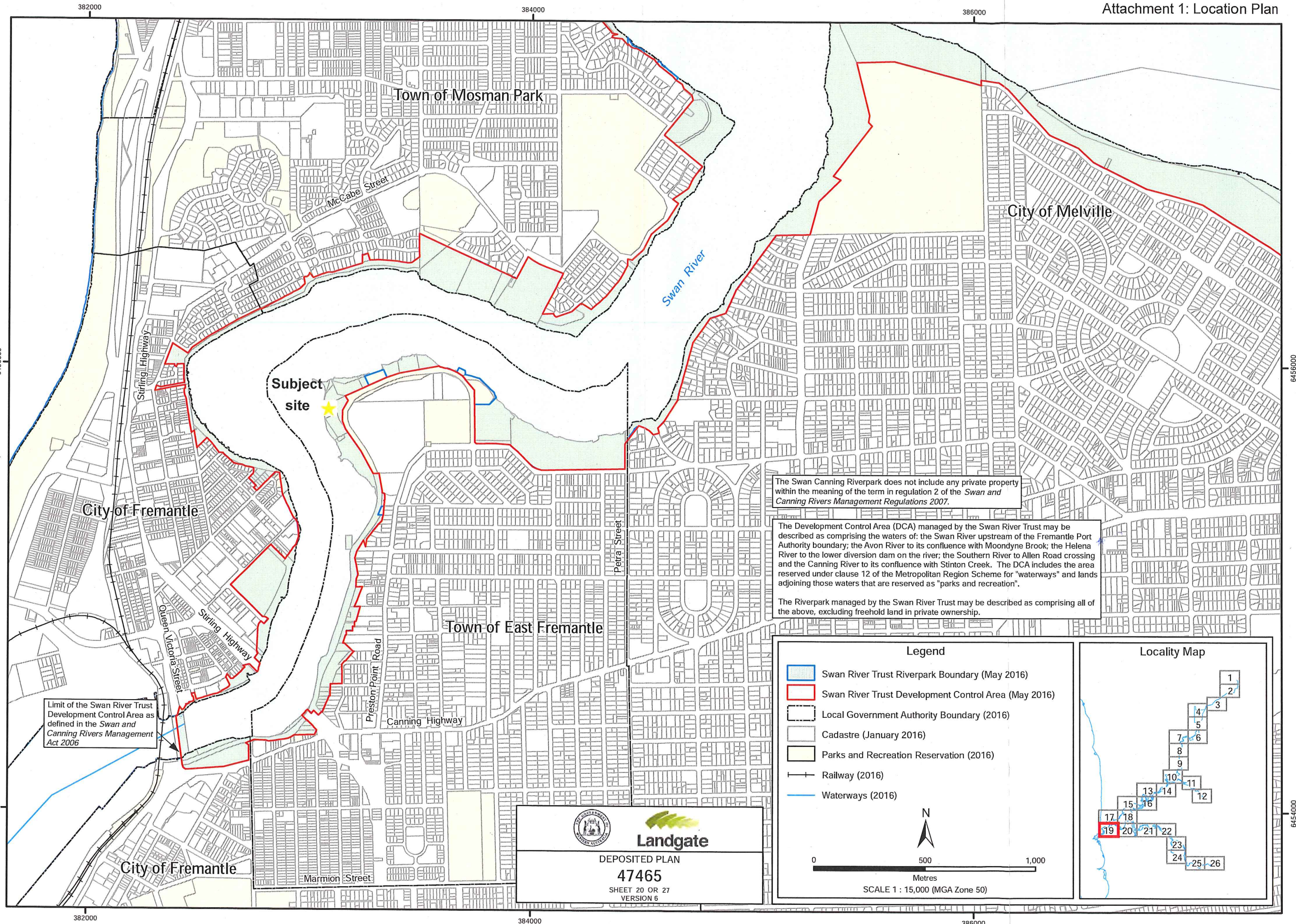
Signed: \_\_\_\_\_

Jim Sharp  
Director General

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

22.5.17





The Swan Canning Riverpark does not include any private property within the meaning of the term in regulation 2 of the *Swan and Canning Rivers Management Regulations 2007*.

The Development Control Area (DCA) managed by the Swan River Trust may be described as comprising the waters of: the Swan River upstream of the Fremantle Port Authority boundary; the Avon River to its confluence with Moondyne Brook; the Helena River to the lower diversion dam on the river; the Southern River to Allen Road crossing and the Canning River to its confluence with Stinton Creek. The DCA includes the area reserved under clause 12 of the Metropolitan Region Scheme for "waterways" and lands adjoining those waters that are reserved as "parks and recreation".

The Riverpark managed by the Swan River Trust may be described as comprising all of the above, excluding freehold land in private ownership.

Limit of the Swan River Trust Development Control Area as defined in the *Swan and Canning Rivers Management Act 2006*

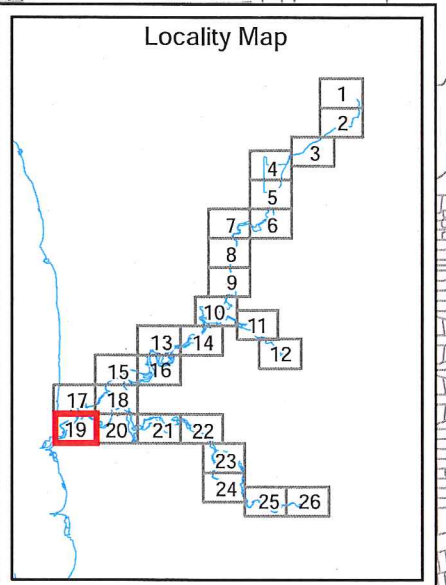
**Legend**


- Swan River Trust Riverpark Boundary (May 2016)
- Swan River Trust Development Control Area (May 2016)
- Local Government Authority Boundary (2016)
- Cadastre (January 2016)
- Parks and Recreation Reservation (2016)
- Railway (2016)
- Waterways (2016)

N

0      500      1,000  
Metres

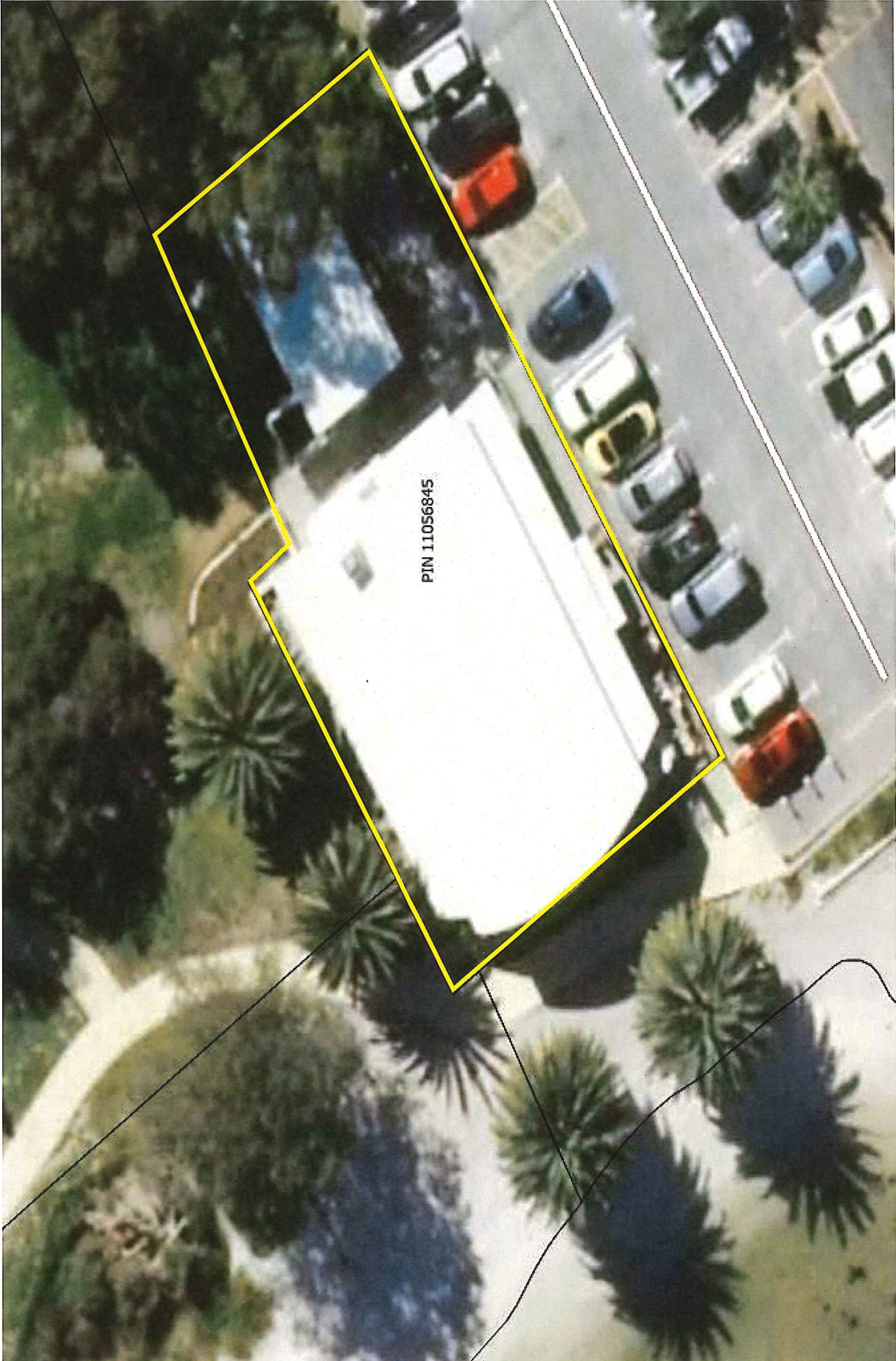
SCALE 1 : 15,000 (MGA Zone 50)



DEPOSITED PLAN  
**47465**  
SHEET 20 OR 27  
VERSION 6







YOUR REF: SRT17/0295  
OUR REF: Application No. P001/17  
FILE REF: R/RIV61  
ENQUIRIES: Georgina Cooper: 9339 9328

TOWN OF  
EAST FREMANTLE



27 February 2016

Statutory Planning  
Rivers And Estuaries Division  
Department Of Parks & Wildlife  
Locked Bag 104  
BENTLEY DC WA 6983

Dear Sir

**Reference 17/0295 – Part 5 Lot 14611 on 61 Riverside Road, East Fremantle – Upgrade Existing Amenities and Extension of Covered Outdoor Seating Area – Zephyr Café and Kiosk**

Council at its meeting on 21 February 2016 resolved to advise the Department of Parks and Wildlife that it supports the application by Zephyr Café and Kiosk in accordance with plans date stamp received on 19 December 2016, for proposed alterations and additions, located at Lot 14611 (Reserve 45025) Riverside Road, East Fremantle, subject to the following conditions:

*That Council recommend support for the proposed development approval application for alterations and additions to the exiting café building and toilets on land utilised by Zephyr Cafe located at No. 61 (Lot 14611 Reserve 45025 ) Riverside Road, East Fremantle, to the Department of Parks and Wildlife, in accordance with the plans date stamp received on 19 December 2016 subject to the following conditions:*

- 1. All bi-fold and entry doors when stacked or open to be contained fully within the site boundary. No part of the canopy, doors or windows when opened are to protrude over or extend beyond the site boundaries.*
- 2. Details of all construction materials, fittings and colours, including new paving to the cafe and toilets to the satisfaction of the local authority and the details to be submitted prior to the submission of a Building Permit application.*
- 3. Details of new landscaping works to be to the satisfaction of the local authority and the details prior to submission of a Building Permit application.*
- 4. The appropriate Department of Parks and Wildlife and Council approvals being sought in relation to any proposed signage on the site with respect to the coffee kiosk. This application does not permit any signage.*
- 5. The building 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. All rubbish to be located and/or screened so as not to be visible from beyond the boundaries of the rowing club site.*
- 7. Copies of the Food Business Certificate must be provided to Council, and receipts available on request by Council's Principal Environmental Health Officer.*
- 8. Commercial coffee machine must be connected to the drainage system for overflow of water.*

COMMUNICATIONS TO  
Chief Executive  
Officer  
PO Box 1097  
Fremantle WA 6959

OFFICE HOURS  
Monday - Friday  
8.30am - 5.00pm

TELEPHONE  
9339 9339  
FACSIMILE  
9339 3399

EMAIL  
admin@eastfremantle.  
wa.gov.au

COUNCIL OFFICE  
135 Canning  
Highway  
East Fremantle  
WA 6158

9. Premises are to be provided with a wash hand basin in the vicinity of the coffee machine. The wash hand basin is to be provided with hands free taps delivering warm water through a common outlet. A paper towel dispenser is to be provided in conjunction with the wash hand basin.
10. Stormwater drainage shall be contained on site, or connected to the local government stormwater drainage system, to the satisfaction of the Town of East Fremantle on advice from the Swan River Trust.
11. No fill, building material, rubbish or any other deleterious matter shall be placed in the Trust Development Control Area or allowed to enter the river as a result of the development.
12. The proposed works are not to be commenced until Council has received an application for a Building Permit and the Building Permit issued in compliance with the conditions of this planning approval unless otherwise amended by Council.
13. With regard to the plans submitted with respect to the Building Permit application, changes are not to be made in respect of the plans which have received planning approval, without those changes being specifically marked for Council's attention.
14. All stormwater is to be disposed of on site, an interceptor channel installed if required and a drainage plan be submitted to the satisfaction of the Chief Executive Officer in consultation with the Building Surveyor prior to the issue of a Building Permit.
15. All introduced filling of earth to the lot or excavated cutting into the existing ground level of the lot, either temporary or permanent, shall be adequately controlled to prevent damage to structures on adjoining lots or in the case of fill, not be allowed to encroach beyond the lot boundaries. This shall be in the form of structurally adequate retaining walls and/or sloping of fill at the natural angle of repose and/or another method as approved by the Town of East Fremantle.
16. 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.

Footnote:

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

- (a) the applicant is advised that the proposal has the potential to be affected by sea level rise. It is recommended applicants understand the implications of potential sea level rise on their site. The onus rests with the applicant to undertake a risk assessment and exercise their judgement in determining the level of risk they are prepared to accept. The Trust's Climate Change Risk Assessment Project (2010) models impact of potential sea levels rise in the Swan and Canning Rivers, and sets out a methodology to assess the vulnerability of foreshore areas. Additional information is available on the website [http://www.swanrivertrust.wa.gov.au/science/climate/content/climate\\_change\\_risk\\_assessments.aspx](http://www.swanrivertrust.wa.gov.au/science/climate/content/climate_change_risk_assessments.aspx). While mapping information is available from the Trust, it is also recommended applicants undertake their own research and obtain appropriate independent professional advice relevant to the particular circumstances.
- (b) this decision does not include acknowledgement or approval of any unauthorised development which may be on the site.
- (c) 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.



(d) all noise levels produced by the construction of the development are to comply with the provisions of the Environmental Protection (Noise) Regulations 1997 (as amended).

Under the Environmental Protection (Noise) Regulations 1997, the noise from an air-conditioner must meet assigned allowable noise levels at all times. The Environmental Protection Act 1986 sets penalties for non-compliance with the Regulations and the installer of a noisy air-conditioner can face penalties of up to \$5,000 under Section 80 of the Act. Refer to Department of Environmental Protection document—"An Installers Guide to Air Conditioner Noise".

Should you require further information or wish to discuss any issues relating to the proposal, please contact Andrew Malone, [amalone@eastfremantle.wa.gov.au](mailto:amalone@eastfremantle.wa.gov.au) , Senior Town Planner on 9339 9324.

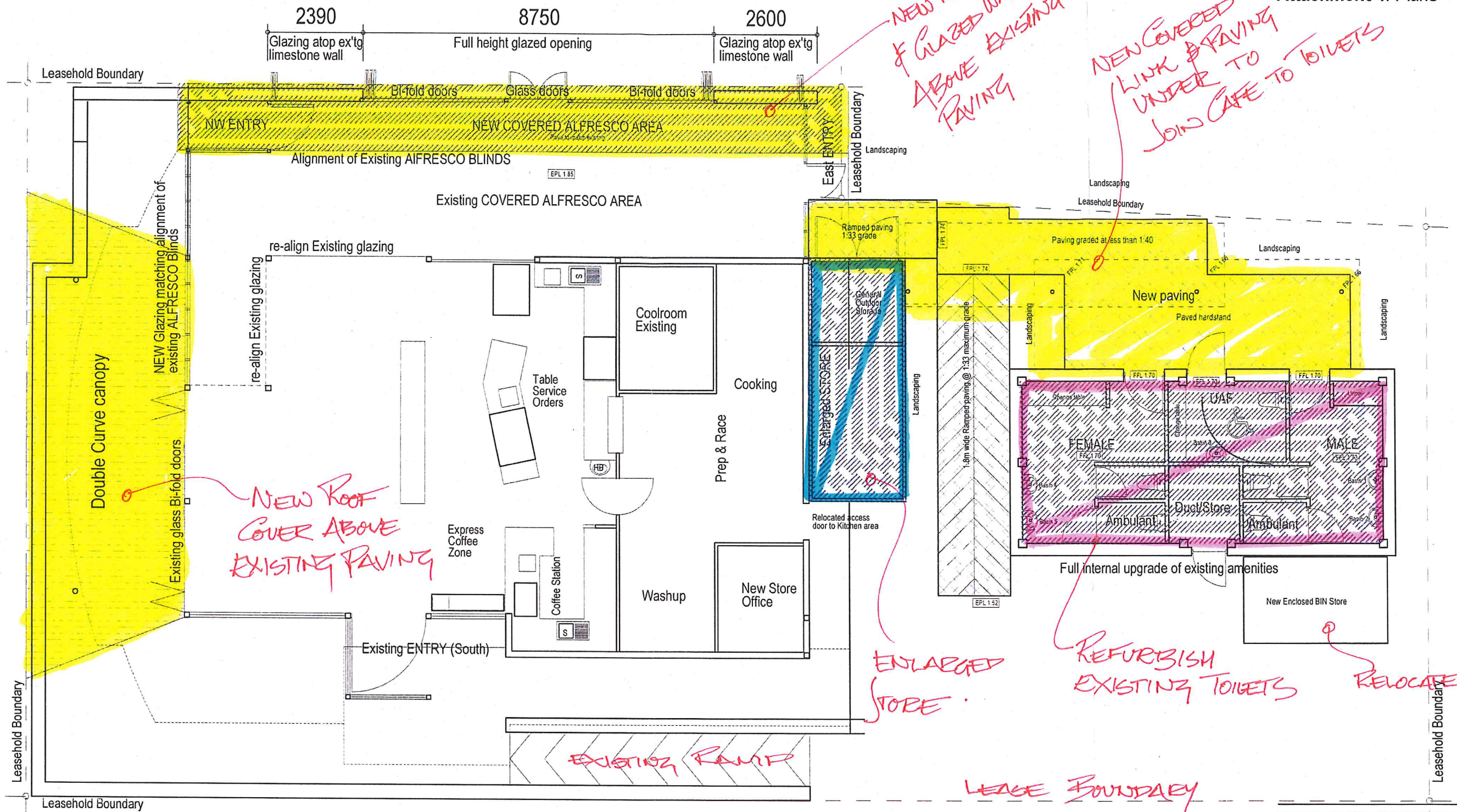
Yours sincerely



**ANDREW MALONE**  
Executive Manager of Regulatory Services

cc: Zephyr Café & Kiosk





*NEW ROOF & GLAZED WALLS ABOVE EXISTING PAVING*

*NEW COVERED LINK & PAVING UNDER TO JOIN CAFE TO TOILETS*

*NEW ROOF COVER ABOVE EXISTING PAVING*

*ENLARGED STORE*

*REFURBISH EXISTING TOILETS*

*RELOCATED*

*CARPARK*

*LEASE BOUNDARY*

# Floor Plan - UPGRADE

1:100 @ A3



REV	DATE	AMENDMENTS	INITIAL
X	11/13	XXX - Issue	BS
			BS

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East Fremantle WA 6156

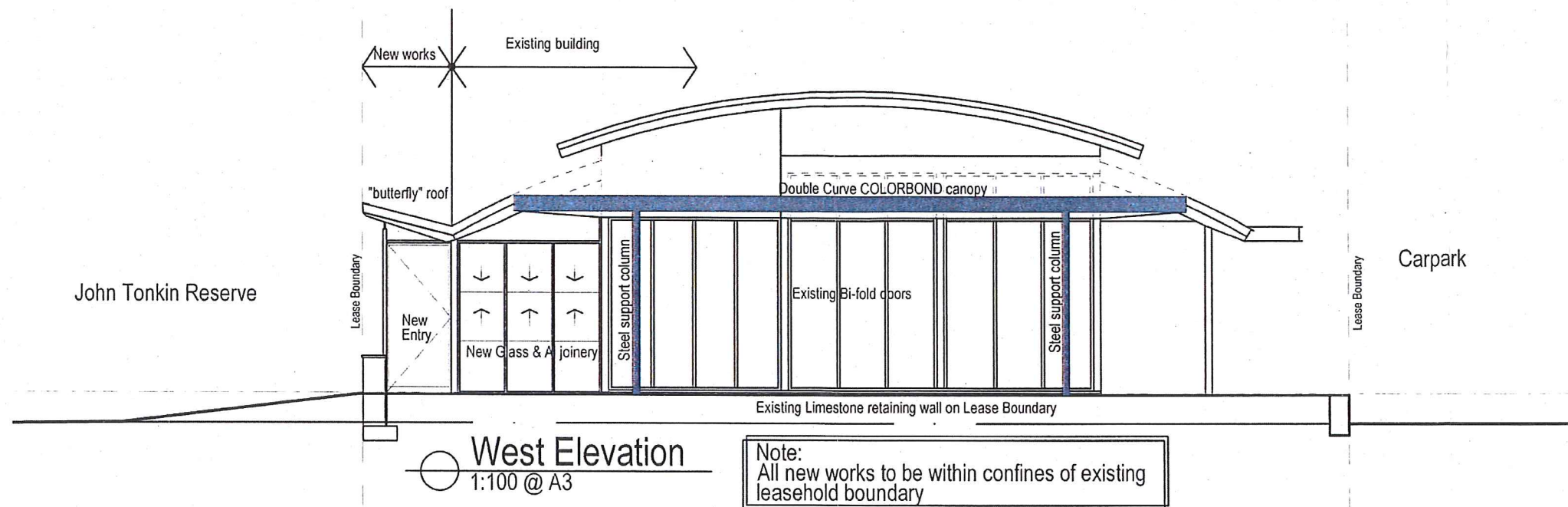
**bravura**  
design pty ltd

DRAWING  
**Floor Plan**  
JOB No. DRAWING No. ISSUE  
16-09 **A2.01** DA

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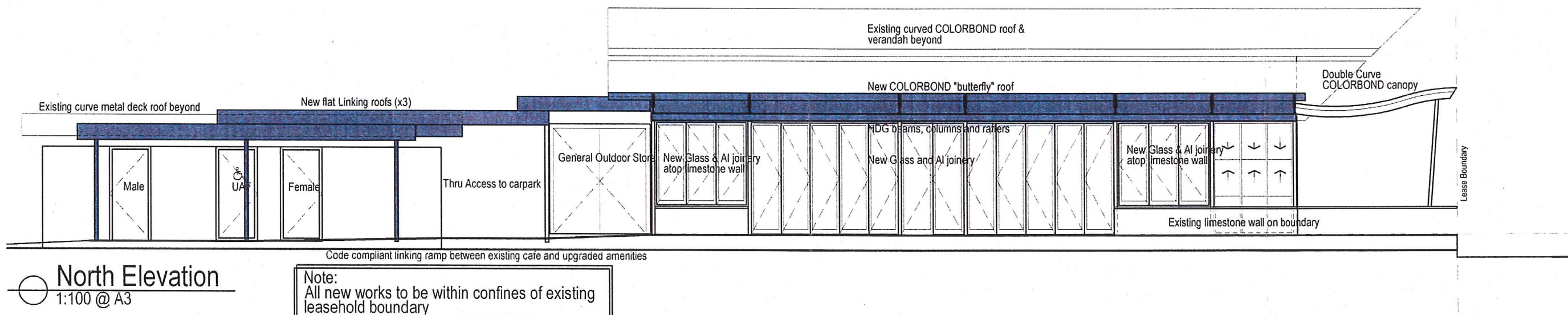
Dec 19, 2016 - 4:24pm





West Elevation  
1:100 @ A3

Note:  
All new works to be within confines of existing leasehold boundary



North Elevation  
1:100 @ A3

Note:  
All new works to be within confines of existing leasehold boundary

**NOTE:**  
 All New Work to be Finished  
 to match existing  
 ie: • COLORBOND ROOF - SURFMIST  
 • CLEAR GLASS in Al JOINERY  
 • PAINTED BRICK WALLS - BIN STORE  
 COLORBOND CLAD WALLS - STORE

REV	DATE	AMENDMENTS	INITIAL
X	23/11/12	Preliminary	BS

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**Elevations**

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