



*Swan and Canning Rivers Management Act 2006*

**PART 5**

**DETERMINATION OF DEVELOPMENT APPLICATION**

FILE NUMBER : 2016/4842  
APPLICANT : Fremantle Rowing Club  
APPLICANT'S ADDRESS : Fremantle Rowing Club – 75 Riverside Road, East Fremantle  
LANDOWNER : Fremantle Rowing Club  
LAND DESCRIPTION : Parks and Recreation  
DEVELOPMENT : Alteration to existing building with addition of kiosk and paved pergola  
VALID FORM 1 RECEIVED : 29 December 2016  
DETERMINATION : **APPROVAL WITH CONDITIONS**

The application to commence development in accordance with the information received on 29 December 2016 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 (see **Advice Note 1**).
3. At least 30 days prior to the commencement of works, a Stormwater Management Plan shall be prepared to the satisfaction of the Department of Parks and Wildlife on advice from the Town of East Fremantle.
4. At least 30 days prior to the commencement of works, all vegetation in and adjacent to the proposed works shall be identified and protected from harm, unless pruning or removal has been approved by the Department of Parks and Wildlife in writing.
5. At least 30 days prior to the commencement of works, a Sewer Connection Strategy shall be prepared to the satisfaction of the Department of Parks and Wildlife on advice from the Town of East Fremantle (see **Advice Note 2**).

**During works**

6. The approved Stormwater Management Plan shall be implemented.
7. The applicant must ensure that the 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. 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.
9. Any area in which materials, including fill, fuel, cements or chemicals, are used or stored shall be suitably bunded (or similar) to prevent any sediment laden runoff or chemicals from entering the river (see **Advice Note 3**).
10. The proposed construction works shall not prevent public access along the foreshore unless closure is necessary for safety purposes and has been approved by the Department of Parks and Wildlife, and an alternative route has been provided.
11. The applicant shall take appropriate preventative measures during the works to ensure that no top soil, runoff or any other deleterious matter is allowed to enter the river.
12. The applicant shall ensure that no damage to the foreshore, riverbank, or waterway (including infrastructure) occurs beyond the scope of the approved works. Should any inadvertent damage occur, the applicant is required to notify the Department of Parks and Wildlife within 48 hours.

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

13. 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 Parks and Wildlife.
14. The approved Sewer Connection Strategy shall be implemented.
15. Upon completion of the works, a septic system site inspection is to be carried out by a licensed septic inspector and any maintenance recommendations of the inspector shall be implemented.

#### **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. The Sewer Connection Strategy required under **Condition 5** shall describe the applicant's long-term strategy to transition from a septic system to the reticulated sewer system. The strategy should, as a minimum, include:
  - a) Statement declaring a commitment to connect to reticulated sewer;
  - b) Advice from the Town of East Fremantle regarding decommissioning septic tank, if necessary, and any further associated requirements;
  - c) Advice from the Water Corporation regarding necessary steps required for the transition;
  - d) Approximate cost of connection; and

- e) A practical timeframe, based on financial capacity and advice provided by the Town of East Fremantle and the Water Corporation.
3. In regard to **Condition 9**, any refuelling of machinery and equipment shall be undertaken within a designated bunded area with an impermeable base and a spill kit should be available on site at all times.
  4. This approval does not include any signage. A separate permit application and approval for signage will be required from the Department of Parks and Wildlife in accordance with the Swan and Canning Rivers Management Regulations 2007.
  5. The applicant is advised that the proposed works is located in a moderate to low Acid Sulphate Soils risk area. The Acid Sulphate Soils Guideline Series for guidance on the identification, assessment and management of acid sulphate soils in Western Australia is available from the Department of Environment Regulation website at [www.der.wa.gov.au](http://www.der.wa.gov.au). If any Acid Sulphate Soils are exposed during the works the Department of Environment Regulation should be contacted for further advice.
  6. The applicant is advised that the proposal has the potential to be affected by sea level rise. It is recommended applicant understand the implications of potential sea level rise on the site. The onus rests with the applicant to undertake a risk assessment and exercise their judgment in determining the level of risk they are prepared to accept. The Swan River Trust's Climate Change Risk Assessment Project (2010) models impacts of potential sea level rise in the Swan and Canning rivers, and sets out a methodology to assess the vulnerability of foreshore areas. It is recommended that applicant undertakes their own research and obtain appropriate independent professional advice relevant to the particular circumstances.
  7. 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).
  8. 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.
  9. The Town of East Fremantle advises that this decision does not include acknowledgement or approval of any unauthorised development which may be on the site. The application for a Building Permit is to conform to the approved plans unless otherwise approved by Council. 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.
    - a) If development requires any street verge facilities (for example street trees, footpath, crossover, light pole, drainage point or similar) to be removed, modified or relocated then such works must be approved by the Town of East Fremantle 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.
  10. The Town of East Fremantle has advised the following regarding the kiosk operation:
    - a) Foods offered for sale must be manufactured at an approved food premises and must be pre-packaged with the approved labelling;

- b) Copies of the Food Business Certificate must be provided to Council, and receipts available on request by Council's Principal Environmental Health Officer;
- c) Commercial coffee machine must be connected to the drainage system for overflow of water; and
- d) 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.



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

Date: 11/6/17

## DEPARTMENT OF PARKS AND WILDLIFE REPORT

PROPOSAL	: Alteration to existing building with addition of kiosk and paved pergola
LOCATION	: Fremantle Rowing Club – 75 Riverside Road, East Fremantle
COST	: \$30,000
APPLICANT	: Fremantle Rowing Club
LANDOWNER	: Fremantle Rowing Club
LOCAL GOVERNMENT	: Town of East Fremantle
MRS CLASSIFICATION	: Parks and Recreation
LG CLASSIFICATION	: Parks and Recreation
DECISION TYPE	: Part 5 – <i>Swan and Canning Rivers Management Act 2006</i> – Ministerial Determination
ATTACHMENTS	: 1. Location Plan 2. Site Plan 3. Architectural Schematic Drawings 4. Town of East Fremantle Correspondence
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 the Fremantle Rowing Club (the Club). The Club is proposing alterations to its existing building.
- 1.2 The Club owns Lot 7522, No. 75 Riverside Road, East Fremantle, which is wholly within the Swan Canning Development Control Area (DCA) and therefore the proposed development requires an approval under Part 5 of the *Swan and Canning Rivers Management Act 2006* (SCRM Act). The subject land is reserved for Parks and Recreation under the *Metropolitan Region Scheme*.
- 1.3 The Director General of the Department has prepared this draft report in accordance with Section 75 of the SCRM Act.

### 2.0 CONSULTATION

#### Town of East Fremantle

- 2.1 The Town of East Fremantle (the Town) considered the Club's proposal at its Council meeting on 21 February 2017. The Town is supportive of the proposal,

subject to conditions which have been consolidated into the recommendation (see Town of East Fremantle Correspondence at **Attachment 4** for full response).

### **Swan River Trust**

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

## **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* (SPP 2.10)
- ◆ State Planning Policy 2.6 – *State Coastal Planning* (SPP 2.6)
- ◆ Corporate Policy No. 42 – *Planning for Land Use, Development and Permitting Affecting the Swan Canning Development Control Area* (Policy 42)
- ◆ Corporate Policy No. 43 – *Planning for Marinas, Yacht Clubs and Aquatic Clubs in the Swan Canning Development Control Area* (Policy 43)
- ◆ Corporate Policy No. 46 – *Planning for Commercial Operations in the Swan Canning Development Control Area* (Policy 46)
- ◆ Corporate Policy No. 49 – *Planning for Stormwater Management Affecting the Swan Canning Development Control Area* (Policy 49)
- ◆ Corporate Policy No. 51 – *Planning for wastewater management affecting the Swan Canning Development Control Area* (Policy 51)

## **5.0 ENVIRONMENTAL AND PLANNING CONSIDERATIONS**

- ◆ Environmental Protection
- ◆ Visual Amenity
- ◆ Signage
- ◆ Wastewater Management
- ◆ Stormwater Management
- ◆ Public Access
- ◆ Flood Risk and Sea Level Rise
- ◆ Acid Sulphate Soils

## **6.0 BACKGROUND**

6.1 The Club proposes to perform the following building alterations (see Architectural Schematic Drawings at **Attachment 3**):

- removal of existing windows and bullnose awnings;
- installation of glass sliding doors;

- installation of brick paving with pergola (approximately 55m<sup>2</sup>);
  - installation of a dividing wall and roller-shutter server openings in the current storeroom to make up the kiosk space (approximately 10.50m<sup>2</sup>).
- 6.2 The purpose of the kiosk is to allow the Club to generate revenue to put towards future club activities.

## **7.0 DISCUSSION**

### **Environmental Protection**

- 7.1 Policy 42 aims to ensure that land use and development on and adjacent to the river system maintains and enhances the quality and amenity of the river environment. The proposed development should be carefully undertaken to prevent detrimental impacts to the foreshore area.
- 7.2 The development area is separated from Norm McKenzie Reserve, a small, open, park with playground and many mature native trees, by a car park. The proposal indicates that the development area will only affect the existing building up to the kerb of the carpark. The applicant has confirmed that the large tree located on the eastern verge will not be disturbed during development as it provides significant shade to the area. The garden on the southern side of the building is expected to be disturbed during development.
- 7.3 Although the kiosk's opening hours have not yet been established, the applicant has advised that they expect to operate various hours between 6:30am to 7:00pm. It is anticipated that the impact of noise and lighting will be minimal.

### **Visual Amenity**

- 7.4 Policy 42 and SPP 2.10 indicate that development should seek to maintain, enhance and protect the character and landscape setting of the river through the avoidance of stark and discordant colours, forms and bulk. External finishes and materials should generally be based on materials and hues naturally occurring or predominantly used in the local area. The applicant has advised that all alterations will match the current face brickwork.
- 7.5 The addition of the kiosk, paved pergola area with seating, and large glass sliding doors is expected to make the Club more visually appealing and open to the public. The kiosk will complement and enhance the amenities available at the adjacent park, and will make the surrounding environment more inviting to the community and visitors.

### **Signage**

- 7.6 The Department supports the use of signage within the DCA, provided it is consistent with Policy 45. This approval does not include details of signage, which, if proposed, will require future permit approval in accordance with the *Swan and Canning Rivers Management Regulations 2007*.

### **Wastewater Management**

- 7.7 Policy 51 states that all development should be connected to reticulated sewer as soon as it becomes available. The Club building is currently connected to a septic system, which processes waste from the existing kitchen sink and male/female bathrooms. The Club has no record of the type of system being used, however it has had no known issues to date. The Club has stated that the septic is situated between the building and Riverside Road, however the exact location is unknown.

- 7.8 It is not anticipated that the addition of a hand basin and washing sink will cause undue stress to the existing septic system. The Club has advised that it does not currently have the financial capacity to connect to the reticulated sewer system. Although the Club is unable to connect immediately, it is recommended that a long-term Sewer Connection Strategy, informed by advice from the Town and Water Corporation, is developed to demonstrate the Club's commitment to connect to reticulated sewer once available.

### **Stormwater Management**

- 7.9 Policy 49 generally requires stormwater runoff from constructed impervious services generated by minor rainfall events (i.e. first 15mm) to be managed on site or, if the local government consents, connected to the local drainage system. The proposed development will increase the impervious area of the site. Plans submitted with the application do not show how stormwater will be detained onsite and thus will be addressed through a condition on the approval.

### **Public Access**

- 7.10 SPP 2.10 states that public access to the river and foreshore should be maintained while protecting the river. It is important that development near the river does not impede or restrict public access.
- 7.11 Public access along the foreshore pathway during the construction works should be maintained wherever possible and prevented only for safety reasons.
- 7.12 The plans submitted with the application show that no existing paths will be affected by the development. The Club currently has lines painted at the end of the carpark outlining a safe walking passage for pedestrians. There are also signs on the corner of the building and at the back of the building stating that pedestrians are welcomed to walk through the shared access area.

### **Flood Risk and Sea Level Rise**

- 7.13 The proposed development has the potential to be affected by sea level rise. SPP 2.6 provides guidance for development setbacks to reduce risks associated with the effects of coastal processes (e.g. storm surge, tidal movement and sea level change). In addition, the Swan River Trust's Climate Change Risk Assessment Project (2010) also provides guidance on foreshore vulnerability and this will be included as advice to the applicant.

### **Acid Sulphate Soils**

- 7.14 The proposed works are to be undertaken within a moderate to low acid sulphate soils (ASS) disturbance risk area (<3m from the surface). The applicant has not provided any detail on the volumes of soil required to be disturbed during the paving works. However, it is expected to be less than the 100m<sup>3</sup>, which usually triggers an ASS investigation. An advice note can recommend that the applicant and/or contractors become familiar with the identification of ASS, and if any are exposed during the works to contact the Department of Environment Regulation for further advice on ASS management.

### **Conclusion**

- 7.15 The proposed building alterations to the Club are minor in scale and unlikely to negatively impact the surrounding environment. The addition of the kiosk will enhance the quality and amenity for the long-term benefit of the community and visitors to the area.
- 7.16 For the reasons stated above, the proposal can be recommended for approval subject to appropriate conditions and advice.



## 8.0 RECOMMENDATION – APPROVAL WITH CONDITIONS

That the Director General of the Department of Parks and Wildlife advises the Minister for Environment that the Fremantle Rowing Club's proposal to develop a kiosk and paved pergola area on Lot 7522, 75 Riverside Road, East Fremantle, as described in the application received on 29 December 2016, 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 (see **Advice Note 1**).
3. At least 30 days prior to the commencement of works, a Stormwater Management Plan shall be prepared to the satisfaction of the Department of Parks and Wildlife on advice from the Town of East Fremantle.
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5. At least 30 days prior to the commencement of works, a Sewer Connection Strategy shall be prepared to the satisfaction of the Department of Parks and Wildlife on advice from the Town of East Fremantle (see **Advice Note 2**).

### During works

6. The approved Stormwater Management Plan shall be implemented.
7. The applicant must ensure that the 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. 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.
9. Any area in which materials, including fill, fuel, cements or chemicals, are used or stored shall be suitably bunded (or similar) to prevent any sediment laden runoff or chemicals from entering the river (see **Advice Note 3**).
10. The proposed construction works shall not prevent public access along the foreshore unless closure is necessary for safety purposes and has been approved by the Department of Parks and Wildlife, and an alternative route has been provided.
11. The applicant shall take appropriate preventative measures during the works to ensure that no top soil, runoff or any other deleterious matter is allowed to enter the river.
12. The applicant shall ensure that no damage to the foreshore, riverbank, or waterway (including infrastructure) occurs beyond the scope of the approved works. Should any inadvertent damage occur, the applicant is required to notify the Department of Parks and Wildlife within 48 hours.

### On completion of works

13. 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 Parks and Wildlife.

14. The approved Sewer Connection Strategy shall be implemented.
15. Upon completion of the works, a septic system site inspection is to be carried out by a licensed septic inspector and any maintenance recommendations of the inspector shall be implemented.

#### 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. The Sewer Connection Strategy required under **Condition 5** shall describe the applicant's long-term strategy to transition from a septic system to the reticulated sewer system. The strategy should, as a minimum, include:
  - a. Statement declaring a commitment to connect to reticulated sewer;
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  - c. Advice from the Water Corporation regarding necessary steps required for the transition;
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8. 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.
9. The Town of East Fremantle advises that this decision does not include acknowledgement or approval of any unauthorised development which may be on the site. The application for a Building Permit is to conform to the approved plans unless

otherwise approved by Council. 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.

- a. If development requires any street verge facilities (for example street trees, footpath, crossover, light pole, drainage point or similar) to be removed, modified or relocated then such works must be approved by the Town of East Fremantle 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.
10. The Town of East Fremantle has advised the following regarding the kiosk operation:
- a. Foods offered for sale must be manufactured at an approved food premises and must be pre-packaged with the approved labelling;
  - b. Copies of the Food Business Certificate must be provided to Council, and receipts available on request by Council's Principal Environmental Health Officer;
  - c. Commercial coffee machine must be connected to the drainage system for overflow of water; and
  - d. 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.

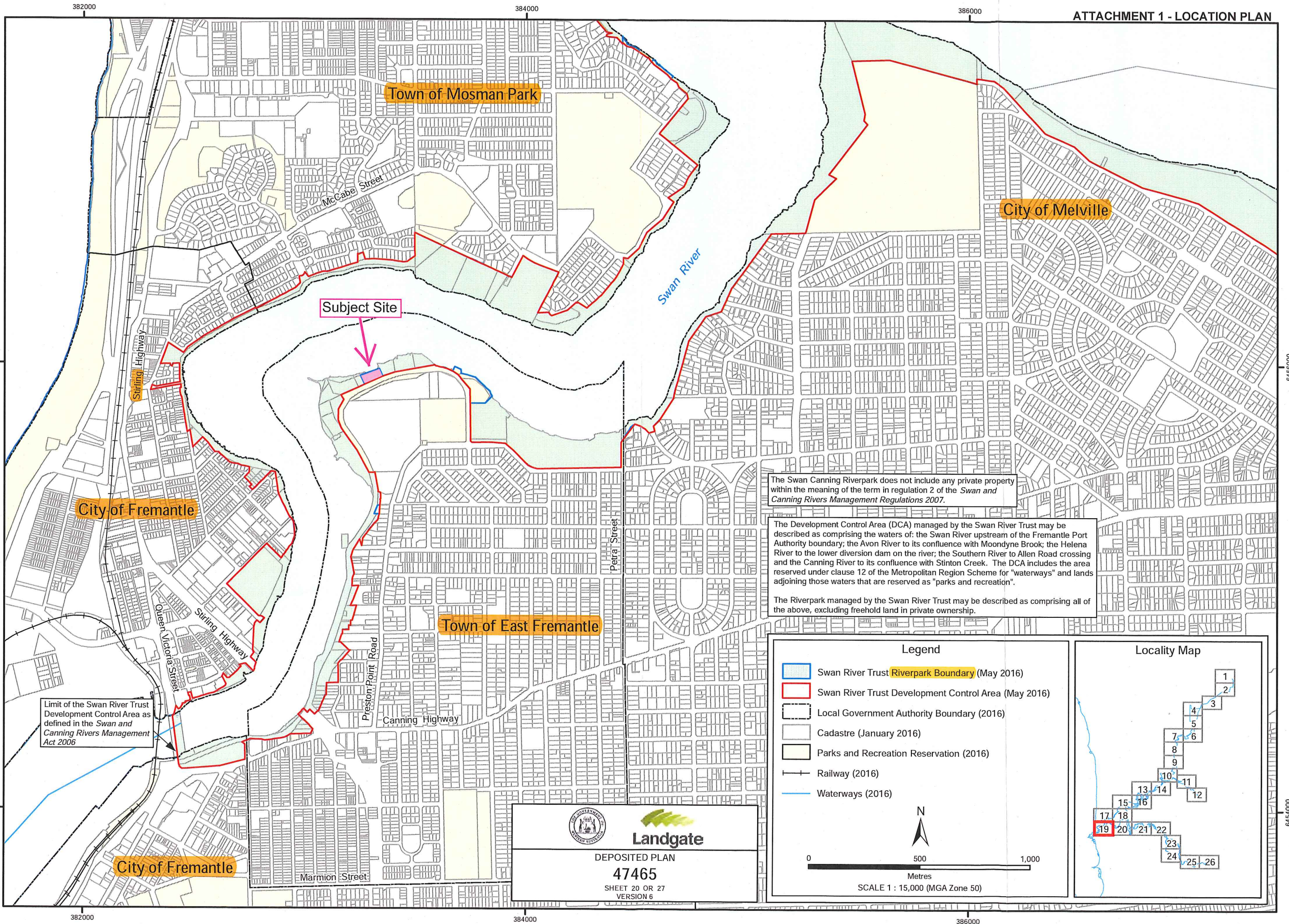
**FINAL REPORT ENDORSED**

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".

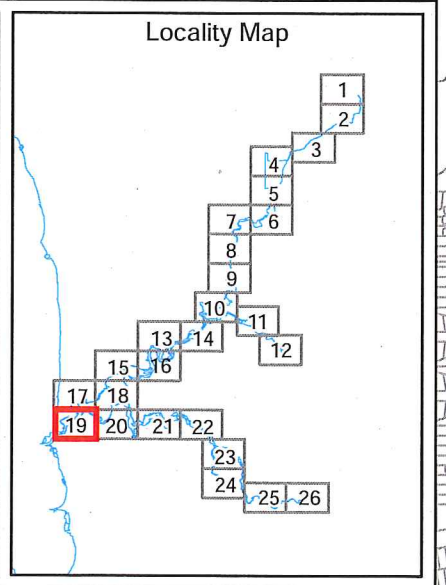
The Riverpark managed by the Swan River Trust may be described as comprising all of the above, excluding freehold land in private ownership.

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)

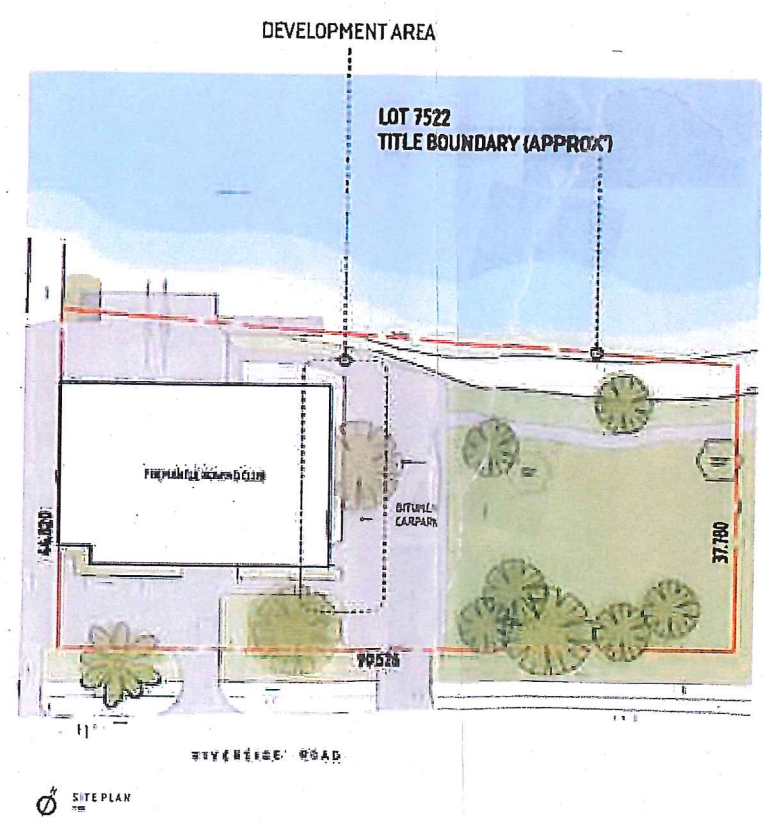
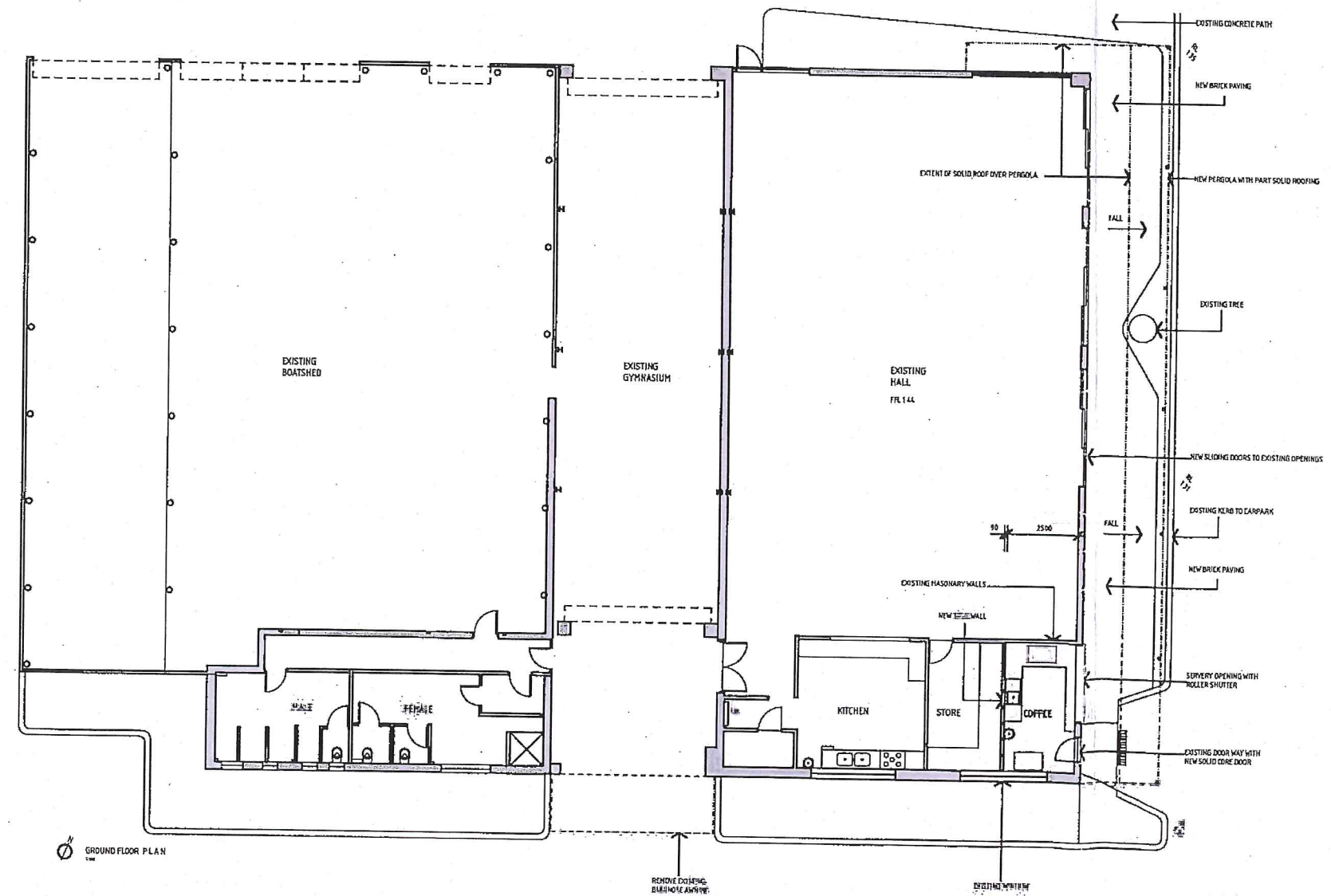
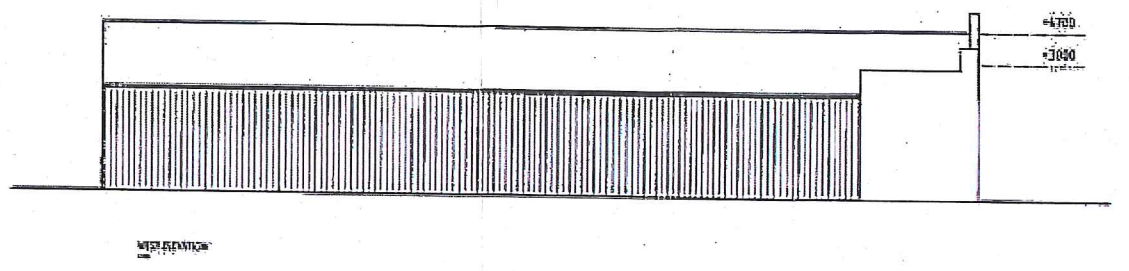
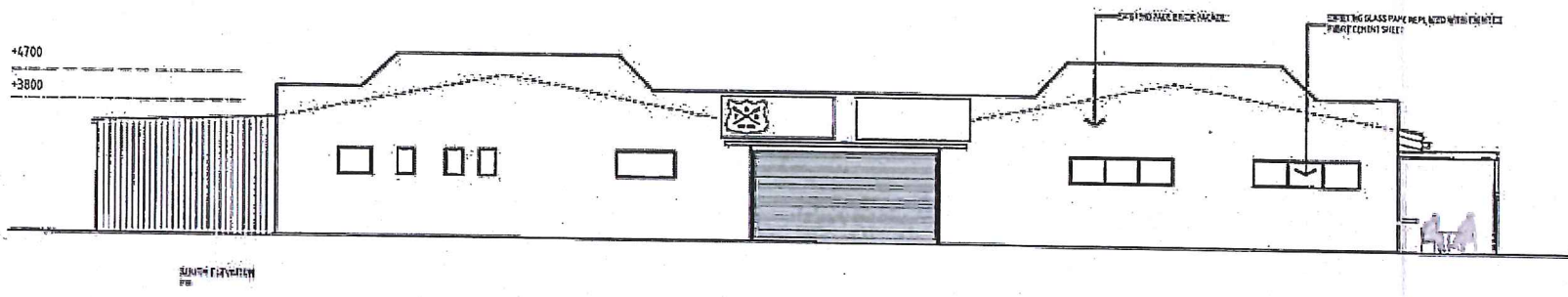
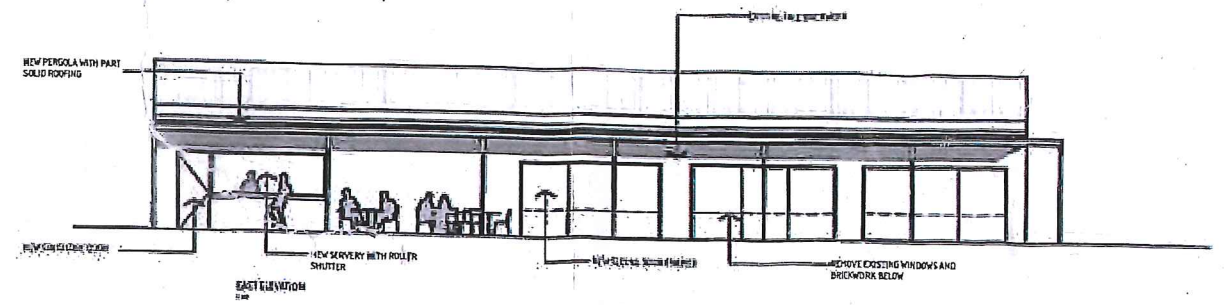
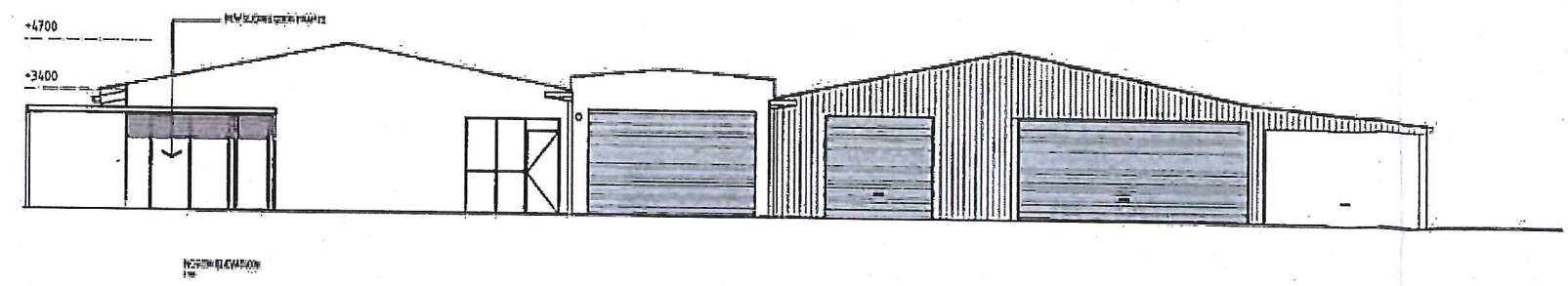
0 500 1,000 Metres  
SCALE 1 : 15,000 (MGA Zone 50)



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



ATTACHMENT 3 - ARCHITECTURAL SCHEMATIC DRAWINGS



**NOT FOR CONSTRUCTION**

REV	DATE

**FREMANTLE ROWING CLUB**  
PROPOSED ALTERATIONS + ADDITIONS

ADDRESS: LOT 7522 (75) RIVERSIDE ROAD  
EAST FREMANTLE

**SITE, FLOOR PLAN, ELEVATIONS**

DATE	SCALE	PROJECT
JUNE 2016	SCALE	CA
		CA

**ARMSTRONG PARKIN ARCHITECTS**

PROJECT NAME	PROJECT NUMBER
FRC_11	SD01_0
SCALE	
1:200 @ A3	
1:100 @ A1	

20 Henry Street Fremantle  
WESTERN AUSTRALIA  
T 8429 1389 F 8429 1381  
www.armstrongparkin.com.au

This drawing is copyright and shall remain the property of ARMSTRONG PARKIN ARCHITECTS and shall not be used in any manner without the prior written approval of that company. Verify all dimensions on site and report all discrepancies to the Architect. Avoid Archimedes' instruction prior to the commencement of Construction or Installation.

ADM 52 258 292 823

YOUR REF: SRT6/4842  
 OUR REF: Application No. P126/16  
 FILE REF: R/RSA1  
 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 16/4842 – Part 5 Lot 7522 on Plan 168775 75 Riverside Road, East Fremantle – Alteration to Existing Building, Addition of Kiosk and Paved Pergola – Fremantle Rowing Club**

Council at its meeting on 21 February 2016 resolved to advise the Department of Parks and Wildlife that it supports the application by the Fremantle Rowing Club plans date stamp received on 1 December 2016, for proposed alterations and additions, including a coffee kiosk on land utilised by the existing club, located at Lot 75322 and 7523 (Reserve 26589) Riverside Road, East Fremantle, subject to the following conditions:

*"That Council recommend support for the proposed development approval application for alterations and additions, including a coffee kiosk on land utilised by the Fremantle Rowing Club located at No. 75 (Lot 75322 and 7523) Riverside Road, East Fremantle, to the Department of Parks and Wildlife, in accordance with the plans date stamp received on 1 December 2016 subject to the following conditions:*

1. *The existing tree indicated on the plans adjacent to the eastern elevation to be retained and protected during the construction phase.*
2. *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. No signage is to be erected with this application.*
3. *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.*
4. *All rubbish to be located and/or screened so as not to be visible from beyond the boundaries of the rowing club site.*
5. *No potentially hazardous foods are to be sold. Foods offered for sale must be manufactured at an approved food premises and must be pre-packaged with the appropriate labelling.*
6. *Copies of the Food Business Certificate must be provided to Council, and receipts available on request by Council's Principal Environmental Health Officer.*
7. *Commercial coffee machine must be connected to the drainage system for overflow of water.*
8. *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.*

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. 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.
10. 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.
11. 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.
12. 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.
13. 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.
14. 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 at:  
[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).



ATTACHMENT 4 - TOWN OF EAST FREMANTLE CORRESPONDENCE

*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

A handwritten signature in black ink, appearing to read 'A. Malone', followed by a long horizontal line extending to the right.

**ANDREW MALONE**  
Executive Manager of Regulatory Services

*cc Fremantle Rowing Club*