



*Swan and Canning Rivers Management Act 2006*

**PART 5**

**DETERMINATION OF DEVELOPMENT APPLICATION**

FILE NUMBER : 2016/3929  
APPLICANT : Dome Coffees Australia Pty Ltd  
APPLICANT'S ADDRESS : Attn: Nicole Healy  
Project Manager  
Dome Coffees Australia Pty Ltd  
PO Box 899  
INGLEWOOD WA 6932  
LANDOWNER : City of Melville  
LAND DESCRIPTION : Lot 0 on Diagram 12675, No. 100 The Esplanade, Mount Pleasant – Deep Water Point Reserve  
DEVELOPMENT : Redevelopment of café and toilet block  
VALID FORM 1 RECEIVED : 18 October 2016  
DETERMINATION : **APPROVAL WITH CONDITIONS**

The application to commence development in accordance with the information received on 18 October 2016, and the supplementary information received on 27 October 2016 (existing site survey and additional information), 28 October 2016 (higher resolution concept plans with materials specifications) and 17 November 2016 (flood risk assessment report and revised concept plans), 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 Construction Environmental Management Plan shall be submitted for approval by the Department of Parks and Wildlife, on advice from the City of Melville (see **Advice Note 2**).
4. At least 30 days prior to the commencement of works, a Landscape Plan shall be submitted for approval by the Department of Parks and Wildlife, on advice from the City of Melville (see **Advice Note 3**).
5. At least 30 days prior to the commencement of works, a Lighting Plan for the development shall be submitted for approval by the Department of Parks and Wildlife (see **Advice Note 4**).
6. At least 30 days prior to the commencement of works, final design plans/drawings and plan(s) detailing the external colours, building materials and finishes for all proposed new

buildings and structures shall be submitted for approval by the Department of Parks and Wildlife, on advice from the City of Melville (see **Advice Notes 5**).

7. At least 30 days prior to the commencement of works, a Stormwater Management Plan is to be submitted for approval by the Department of Parks and Wildlife (see **Advice Note 6**).
8. Prior to the commencement of works, trees within the construction area are to be protected through the installation of Tree Protection Zones (TPZ), which are to remain in place until the completion of works, to the satisfaction of the Department of Parks and Wildlife, on advice from the City of Melville (see **Advice Note 7**).
9. Prior to the commencement of works, a Parking Plan shall be submitted to the satisfaction of the Department of Parks and Wildlife on advice from the City of Melville (see **Advice Note 8**).
10. Prior to the commencement of works, a scheme for the provision of Public Art shall be submitted to the satisfaction of the Department of Parks and Wildlife on advice from the City of Melville (see **Advice Note 9**).
11. Any roof mounted or freestanding plant or equipment is to be screened so as not to be visible to the satisfaction of the Department of Parks and Wildlife, on advice from the City of Melville.
12. Prior to any fill and/or top soil being brought onto the site, the applicant shall demonstrate that all material is certified clean, uncontaminated, and free from rubble, weeds and disease.

#### **During works**

13. Works shall be carried out in accordance with all approved plans and requirements (**Conditions 3 to 10**)
14. 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.
15. 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.
16. Any tree pruning or removal works shall be agreed in writing by the Department of Parks and Wildlife, and carried out by a suitable qualified and experienced professional.
17. The applicant is required to plant no less than three (3) replacement trees for any trees approved for removal.
18. 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.

#### **Upon completion of works**

19. 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.
20. Prior to occupation of the development, a Waste Management Plan shall be prepared to the satisfaction of the Department of Parks and Wildlife on advice from the City of Melville (see **Advice Note 10**).
21. Prior to occupation, the new cafe facility shall be connected to reticulated sewerage.

## 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 regard to **Condition 3**, the Construction Environmental Management Plan should describe how the proposed works will be managed to protect environmental assets and minimise environmental impacts, safety risks and nuisances during excavation and construction works, and should address, but not be limited to:
  - scope of works (demolition and construction methodology of the cafe facility, including repair and maintenance details for the existing pathways);
  - schedule of works;
  - site access;
  - machinery, equipment and materials to be used, and refuelling;
  - noise and vibration control;
  - on-site storage and bunding of materials, equipment, chemicals and fuel (including aerial photograph with locations marked). The City of Melville advises that no verge storage will be permitted;
  - waste management;
  - air and dust management;
  - protection of vegetation;
  - stormwater, groundwater and sediment control;
  - protection of the river from inputs of debris, litter, fill, rubbish or other deleterious material;
  - public access and safety;
  - site security;
  - hours of operation, timeframes and responsibility for tasks identified;
  - Traffic Management Plans prepared by accredited personnel for the various phases of the construction, including any proposed road closures;
  - parking arrangements for contractors and sub-contractors;
  - on-site delivery times and access arrangements;
  - complaints and incidents; and
  - any other matters likely to impact upon the surrounding properties or road reserve.

In accordance with *Australian Standard AS 4970-2009: Protection of trees* on development sites; appropriate tree protection measures should be taken to protect existing mature trees in close proximity to the proposed works. The tree protection zones (TPZ) should be identified and fenced to restrict access and to avoid damage to the trees during works.

Emergency spill kits should be onsite at all times and refuelling of machinery should be undertaken outside the Swan Canning Development Control Area. A site map showing the laydown area and vehicle entry/exit points should also be included. Sand, soil, and any other finely grained material that is exposed or stockpiled on site shall be managed to prevent sediment mobilisation and discharge into the Canning River. In case of pollution events the Department of Parks and Wildlife can be contacted on 9278 0900 or a/h 0419 192 845.

3. In regard to **Condition 4**, the Landscape Plan is to include:
  - a. all features in the public areas and proposed landscaping surrounding the new facility, such as the playground, bicycle parking provisions, car parking and retaining walls;

- b. details of the replacement trees;
- c. details of any retaining walls, which should not exceed an individual height of 1m to minimise the visual impact on the surrounding foreshore reserve. Should higher retaining walls be required, the walls will need to be terraced and vegetated with appropriate plants to visually soften the structure;
- d. the location, number and type of proposed trees and shrubs including size and planting density. Please note that 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;
- e. any infrastructure to be installed;
- f. any existing vegetation and/or landscaped areas to be retained/reinstated;
- g. any paths or other infrastructure required to connect to the existing site facilities/ infrastructure;
- h. a reticulation plan, indicating type and location of sprinkler, bubbler, drippers and whether bore or scheme water will be utilised; and
- i. intended maintenance regime and responsibly demarcation lines.

The approved Landscape Plan shall be fully implemented within three months of building construction completion and maintained thereafter to the satisfaction of the City of Melville. Any species which fail to establish within the first two planting seasons following implementation shall be replaced in accordance with the Department of Parks and Wildlife's and City of Melville's requirements.

- 4. In regard to **Condition 5**, lighting should be low level and designed to illuminate the cafe and pavilion with minimal light spill on the water or upward to the sky to ensure no adverse ecological consequences.
- 5. In regard to **Condition 6**, the applicant is advised that the selected building materials and colour scheme for the development should be of a low reflective standard, and reflect the character and landscape setting of the Canning River and surrounding foreshore.
- 6. In regard to **Condition 7**, the Stormwater Management Plan should be designed to minimise sediment transport and to prevent mobilisation of nutrients and contaminants (e.g. hydrocarbons) from the site to the river. Stormwater from the proposed development should be managed in accordance with the Department of Water's *Stormwater Management Manual for Western Australia* and water sensitive urban design principles.

Stormwater runoff generated by minor rainfall events (i.e. first 15mm) from the additional car parking bays must be retained or detained on site and will not be permitted to enter the river untreated.

Further information is available from:

Department of Water - The Water Sensitive Urban Design Brochure Series:

<http://www.water.wa.gov.au/urban-water/urban-development/urban-water-design#brochures>

Department of Water - *Stormwater Management Manual for Western Australia*:

<http://www.water.wa.gov.au/urban-water/urban-development/stormwater/stormwater-management-manual>

- 7. In regard to **Condition 8**, each Tree Protection Zone (TPZ) is to be installed as per Australian Standard AS4970-2009 and in accordance with the following criteria:
  - a. A free-standing mesh fence erected around each street tree with a minimum height of 1.8m and the meet the minimum radius measured from the outside of the trunk of each tree, indicated in the Australian standard.

- b. If an approved crossover, front fence, footpath, road or similar is located within the 2m radius, works shall be completed with the supervision of a suitably qualified arboriculturist present.
- c. Fixed signs are to be provided on all visible sides of the TPZ fencing clearly stating 'Tree Protection Zone – No Entry'.
- d. The following actions shall not be undertaken within any TPZ:
  - Storage of materials, equipment fuel, oil dumps or chemicals;
  - Servicing and refuelling of equipment and vehicles;
  - Attachment of any device to any tree (including signage, temporary service wires, nails, screws, winches or any other fixing device);
  - Open-cut trenching or excavation works (whether or not for laying of services);
  - Changes to the natural ground level of the verge;
  - Location of any temporary buildings including portable toilets; and
  - The unauthorised entry by any person, vehicle or machinery.
- e. No unauthorised pruning of the canopy or roots of any tree is permissible. Pruning may only be undertaken following a written submission and approval.

Once erected to the required standard, the TPZ shall be maintained in good condition to the satisfaction of the Department of Parks and Wildlife and the City of Melville and may only be removed upon occupation of the development.

8. In regard to **Condition 9**, the Parking Plan shall be prepared in liaison with the City of Melville and is to include, but not be limited to:
  - a. The location of a delivery/service bay servicing the café/restaurant;
  - b. The proposed nine parking bays currently depicted on the site plan being deleted; and
  - c. The approved Parking Plan shall be fully implemented prior to occupation and maintained thereafter to the satisfaction of the City of Melville.
9. In regard to **Condition 10**, the scheme for the provision of Public Art shall be prepared in liaison with the City of Melville, including the Public Art Panel. Once approved, the Public Art shall be provided in accordance with *Council Policy 085 - Provision of Art in Development Proposals* prior to the initial occupation of the development to the satisfaction of the City of Melville. The artwork shall thereafter be maintained for the life of the development to the satisfaction of the City of Melville.
10. In regard to **Condition 20**, the Waste Management Plan shall be prepared in accordance with Council Policy – Waste and Recyclables Collection for Multiple Dwellings, Mixed Use Developments and Non-Residential Developments prior to the initial occupation of the development to the satisfaction of the City of Melville. The development is to be constructed and operated in accordance with the Waste Management Plan to the satisfaction of the City of Melville.
11. 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*.
12. Any proposed modifications and constructions of new pathways will need to be consistent with the Riverpark Trail Master Plan.
13. 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.

14. The applicant is advised that the proposed works are located within a moderate to low acid sulphate soil (ASS) risk areas. 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 ASS is exposed during the works, the Contaminated Sites Branch of the Department of Environment Regulation should be contacted for further advice on 1300 762 982.



Albert Jacob MLA  
**MINISTER FOR ENVIRONMENT; HERITAGE**

Date: 27/1/2017