

Swan and Canning Rivers Management Act 2006

PART 5

DETERMINATION OF DEVELOPMENT APPLICATION

FILE NUMBER	:	SRT5982
APPLICANT	:	Matilda Bay Tea Rooms Redbridge Pty Ltd as Trustee for Kiosk Unit Trust
APPLICANT'S ADDRESS	:	3 Hackett Drive CRAWLEY WA 6009
LANDOWNER	:	City of Subiaco
LAND DESCRIPTION	:	Lot 8168 and 8169 on Plan 171833 (Crown Reserve 17375) 5 Hackett Drive, Crawley
DEVELOPMENT	:	Refurbishment of Matilda Bay Tea Rooms
VALID FORM 1 RECEIVED	:	13 August 2014 Supplementary Information: 15 October 2014
PLANS	:	DA-00 to DA-08 Revision A Plans dated 13 October 2014
DETERMINATION	:	APPROVAL

The application to commence development in accordance with the plans DA-00 to DA-08, Revision A dated 13 October 2014 is APPROVED subject to the following conditions:

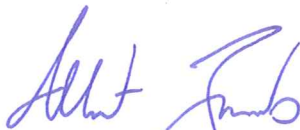
1. Approval to implement this decision is valid for two (2) years from the date of the approval. If the development has not been completed or substantially commenced within this period, a new approval will be required before commencing or completing the development.
2. The applicant shall notify the Swan River Trust in writing not less than fourteen days (14) prior to the commencement of works.
3. No development shall commence until all plans requiring approval have been submitted and approved by the Swan River Trust on advice from the Department of Parks and Wildlife.
4. At least 30 days prior to the commencement of works, a construction management plan shall be submitted to the Swan River Trust for approval (see **Advice Note 1**).
5. The approved construction management plan required under **Condition 4** shall be implemented.
6. At least 30 days prior to the commencement of works, a lighting plan shall be submitted to the Swan River Trust for approval (see **Advice Note 4**).

7. The approved lighting plan required under **Condition 6** shall be implemented.
8. No fill, building materials, rubbish or any other deleterious matter shall be allowed to enter the river as a result of the development.
9. Works associated with the development must not prevent public access along the foreshore pathway unless closure is necessary for safety purposes and has been approved by the Swan River Trust.
10. No public infrastructure including park benches, paved areas or retaining walls outside the current lease area shall be interfered with without the prior approval of the Swan River Trust, on advice from the Department of Parks and Wildlife.
11. Adequate measures to protect existing trees during construction shall be taken and notated in the construction management plan required under **Condition 4**.
12. Any fill used in the development shall be certified clean fill and free from rubble.
13. Upon completion of the development, all waste materials shall be removed and the site cleaned-up to the satisfaction of the Swan River Trust.
14. The plants within the new planter box shall be the responsibility of the applicant and shall be maintained in good condition at all times.
15. The maximum seating capacity of the premises within the leased area shall be limited to 134 persons at any one time.
16. The lighting design plan required under **Condition 5** shall be implemented.
17. The paved route along the northern edge of the new pavilion shall be a minimum 3 metre width to allow for adequate public access around the facility. The paved route around the west and southern sides of the building shall be a minimum 2 metre width.
18. The opening of the café shall be limited to the hours between 7am and 10pm daily.
19. All stormwater shall be contained on site.

ADVICE TO APPLICANT

1. The construction management plan required under **Condition 4** should address the following issues:
 - the delivery of materials and equipment to the site;
 - the storage of materials and equipment on the site;
 - refuelling of machinery (not to be undertaken on site);
 - the parking arrangements for contractors and subcontractors;
 - method of prevention of rubbish, litter or building materials entering the river;
 - public access and safety around the site during construction works;
 - methods for protection of existing vegetation;

- details and management of any excavation works required;
 - identification and management of any acid sulphate soil risks;
 - management of complaints and incidents; and
 - management of any other matters likely to impact on the foreshore, verges, footpaths and reserves.
2. The lighting plan required under **Condition 6** is to demonstrate that lighting has been designed to minimise light spill, protect the amenity of the river reserve and adjoining public reserves, provide a blending of the structures with the surrounding landscape, consider security of staff and patrons and ensure that there are no adverse impacts on any owner or occupier of nearby properties or marine navigation.
3. The applicant is advised that the City of Subiaco, Building and Health Services require the submission of a food business registration/nomination, along with detailed plans and specifications of the alterations to the kitchen and associated facilities (including the cool room and freezer, dry storage areas, bar areas and staff change rooms). The plans should be drawn to a scale of 1:50 and include details of:
- the finishes of floors, walls and ceilings; and
 - the position, type and construction of all fixtures, fittings and equipment (including cross sectional drawings of benches, shelving, cupboards, stoves, tables, cabinets, counters, display refrigeration, freezers and cool rooms, kitchen exhaust hoods, mechanical ventilation systems, mechanical services and grease traps).
4. The applicant is advised that works should comply with the *Environmental Protection (Noise) Regulations 1997* and that movements of construction vehicles should be managed to minimise disruption to the surrounding residents at all times.
5. The applicant is advised to contact the Department of Indigenous 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*.



HON. ALBERT P JACOB JP MLA
MINISTER FOR ENVIRONMENT; HERITAGE

Date: 23/1/2015

FILE No. : SRT5982

TRUST MEETING : 18 November 2014

SWAN RIVER TRUST REPORT

PROPOSAL : Refurbishment of Matilda Bay Tea Rooms
COST : \$500,000
LOCATION : Lot 8168 and 8169 on Plan 171833 (Crown Reserve
17375)
5 Hackett Drive, Crawley
APPLICANT : Matilda Bay Tea Rooms
Redbridge Pty Ltd as Trustee for Kiosk Unit Trust
LANDOWNER : Department of Parks and Wildlife
LOCAL GOVERNMENT : City of Subiaco
MRS CLASS'N : Parks and Recreation
LA CLASS'N : Parks and Recreation
DECISION TYPE : Part 5, *Swan and Canning Rivers Management Act*
2006 – Ministerial Determination
RECEIVED : Application form: 13 August 2014
Original plans: 13 August 2014
Amended plans: 15 October 2014
ATTACHMENTS
1: Location map
2: Aerial photo
3a-d: Photos of existing tea rooms
4a-d: Original plans
5a-g: Amended plans and elevations
6: Advice from Department of Parks and Wildlife
7: Advice from City of Subiaco
8: Submission from Department of Parks and Wildlife
9: Submission from City of Subiaco
RECOMMENDATION : **APPROVAL WITH CONDITIONS**

REPORT

1.0 INTRODUCTION

1.1 The Swan River Trust (the Trust) has received an application from the owner of the Matilda Bay Tea Rooms for the refurbishment of the existing facility at Matilda Bay

Reserve - Lot 8169 on Plan 171833 (Crown Reserve 17375) 5 Hackett Drive, Crawley (**Attachment 1**).

- 1.2 Matilda Bay Tea Rooms is located in Matilda Bay Reserve between Mounts Bay Road and The Avenue (**Attachment 2**). The tea rooms currently occupy a total area of 542m², of which the building itself takes up 180m² and the remaining area is paved 'al fresco' with a mixture of both fixed and movable furniture. A number of large green shade cloths provide some limited protection from the sun (**Attachment 3**).
- 1.3 The applicant has advised that the current building is in poor physical condition and is in need of refurbishment. Furthermore the majority of the existing seating area is exposed to the elements and offers no protection from prevailing easterlies, winter rain, or hot summer sun (**Attachment 3**). Business is therefore highly weather dependent and somewhat seasonal. The applicant has sought to address these issues through the addition of a timber pavilion over the al fresco areas, and clear operable café blinds to the northern pavilion for wind and rain protection.
- 1.4 The proposed works involve the refurbishment of the interior of the existing building, construction of a timber and powder coated steel pavilion to provide shade and weather protection for the al fresco areas, two (2) minor extensions for additional kitchen space and additional storage, and a planter box to add landscaping. The application is also requesting an extension of opening hours until 10pm.
- 1.5 The application was submitted with the plans shown in **Attachment 4**, showing a green pavilion structure to match the existing fascia of the building, and with three (3) weatherboard storage huts beneath the new pitched roof structure. The applicant advised that alternative plans had been prepared should the storage huts not be supported. Trust officers viewed the alternative plans (**Attachment 5**) and considered that although the differences were minor, the alternative plans presented a better outcome for the location in regard to visual amenity. This is because the storage huts shown in the original plans somewhat restrict the views through the reserve to the river and appear cluttered beneath another roof structure. Furthermore, the planter box shown in the alternative plans allows for additional landscaping around the facility.
- 1.6 Trust officers discussed the differences with the applicant, who made a decision to submit the alternative plans as amended plans to be formally considered as part of the Part 5 process instead of the original plans. The amended plans were re-referred to the Department of Parks and Wildlife (Parks and Wildlife) and the City of Subiaco for comments and recommendations. The responses from both are supportive of the amended plans and are discussed further in section 2.0 below.
- 1.7 The reserve and the tea rooms fall within the Development Control Area (DCA) of the Swan River Trust, and the development application is therefore being processed by the Trust pursuant to Part 5 of the *Swan and Canning Rivers Management Act 2006* (the Act). The Trust will provide a recommendation on the proposal to the Minister for Environment.

2.0 CONSULTATIONS

Department of Parks and Wildlife

- 2.1 The Department of Parks and Wildlife (Parks and Wildlife), Parks and Visitor Services Branch is responsible for the management of Matilda Bay Reserve and leases for facilities within Parks and Wildlife managed reserves.
- 2.2 A letter from Parks and Visitors Services was submitted to the Trust as part of the application, which provides 'in principle' support for the refurbishment and indicates

that a new lease for a further term of 10 years will in due course be offered to the owner, plus an option to renew for a further 10 years.

- 2.3 In addition, the original plans for refurbishment were referred to Parks and Wildlife for advice as part of the Trust's assessment process. Parks and Wildlife advised that the building form is consistent with the *Architectural Guidelines for Development in Matilda Bay Reserve, Crawley Western Australia* (DEC, 2006) (the Guidelines) for the following reasons:
- The roof pitch of the gabled extension is consistent with the existing structure.
 - Regular geometry matches the existing structure.
 - Scale is single storey and does not dominate the tree line.
 - The ceiling heights and massing is consistent with the Guidelines.
 - View corridors from Hackett Drive would be partially obstructed looking south east, however the view is already broken by shade sails, furniture and vegetation.
 - Building composition is consistent with the Guidelines.
- 2.4 Parks and Wildlife also reviewed the amended plans and advised that the amended plans provide an improved style to the original plans. Parks and Wildlife support the amended plans and provided advice which has been incorporated into conditions and advice, and can be viewed in **Attachment 6**.

City of Subiaco

- 2.5 The City of Subiaco (the City) provided its formal advice based on the amended plans. The City advises that it supports approval of the proposal subject to standard conditions requiring the retention of stormwater on-site and ensuring the external finishes are consistent with the existing development. Further advice is contained in the advice letter at **Attachment 7**, and can be included as advice to the applicant.

3.0 PUBLIC COMMENT – SUBMISSIONS ON DRAFT REPORT

- 3.1 In accordance with the requirements of Part 5 of the *Swan and Canning Rivers Management Act 2006* a copy of the draft report and proposed recommendation has been provided to the applicant, the local government and other consultant agencies. A copy was also published on the Trust website for a period of 3 weeks between 25 November and 16 December 2014 calling for public submissions.
- 3.2 Submissions were received from the Department of Parks and Wildlife and the City of Subiaco.
- 3.3 The submission from Parks and Wildlife advises that the draft report is consistent with advice previously provided to the Trust regarding the application. Parks and Wildlife requested that Condition 3 be reworded to require the approval of the Trust *on advice from Parks and Wildlife*. Condition 3 requires that no works commence on-site until all plans required as conditions (construction management plan and lighting plan) have been approved. The Trust can forward these plans to Parks and Wildlife once received to obtain endorsement prior to clearing the condition.
- 3.4 This change is considered appropriate given the role of Parks and Wildlife as land manager and lessor for the Matilda Bay Reserve. Condition 3 has been reworded accordingly. A copy of the submission can be found at **Attachments 8**.

3.5 The submission from the City advises that the application and draft report were considered at a City council meeting on 16 December 2014. Council resolved to recommend approval of the proposal subject to the conditions and advice previously provided (**Attachment 7**). The advice has been incorporated into the conditions and advice.

4.0 RELEVANT POLICIES AND PLANS

- ◆ *State Planning Policy 2.10 – Swan-Canning River System (SPP 2.10)*
- ◆ *SRT/EA1 – Conservation, Land Use and Landscape Preservation*
- ◆ *SRT/D10 – Restaurants, Cafés, Kiosks and Tearooms*
- ◆ *SRT/DE9 – Commercial Development – General*
- ◆ *Matilda Bay Reserve Management Plan 1992-2002 (CALM, 1992)*
- ◆ *Architectural Design Guidelines for developments at Matilda Bay Reserve, Crawley Western Australia (DEC, 2006)*

5.0 ENVIRONMENTAL AND PLANNING CONSIDERATIONS

Environmental considerations

- Stormwater management
- Wastewater management
- Vegetation protection
- Acid sulfate soils

Planning considerations

- Public access and open space
- Visual amenity
- Car parking
- Lighting
- Heritage
- Extension of opening hours
- Other amenity issues

6.0 BACKGROUND

Matilda Bay Reserve

- 6.1 Matilda Bay Reserve is an area of approximately 20 hectares of foreshore land between Hackett Drive and the Swan River. The reserve is a Class 'A' reserve created under the *Land Administration Act 1997* and gazetted for the specific purpose of recreation. The reserve is vested with the Conservation Commission of Western Australia and managed by Parks and Wildlife. The area is reserved for Parks and Recreation under the Metropolitan Region Scheme.
- 6.2 Matilda Bay Reserve is an important community asset. The area is well known for its natural setting, river views and landscape values. The area also serves as a significant recreation area utilised extensively for walking, cycling, jogging, dog-walking, family picnics, barbeques, and water-based activities such as canoeing, kayaking and swimming.
- 6.3 In 1992 the then Department of Conservation and Land Management (now the Department of Parks and Wildlife) through consultation developed the *Matilda Bay Reserve Management Plan 1992-2002* (the Management Plan) to help protect the values and purpose of the reserve through the identification of management goals

and objectives. The Management Plan includes objectives and actions to guide the management of the reserve.

- 6.4 The existing facility was identified in the Management Plan as having a negative impact on the visual amenity of the reserve. The Management Plan stated that, subject to the future availability of funds, the redevelopment of the tea rooms 'would be desirable'.

Existing Matilda Bay Tea Rooms

- 6.5 'Hills Tea Rooms' was the first facility established at the site in the 1920s. In the 1960s the building was replaced with the existing structure, which was extensively renovated in the late 1980s. The existing facility has been operated by the applicant (Redbridge Pty Ltd) since 1984.
- 6.6 The owner of the tea rooms currently holds a commercial lease of a total area of 542m² which is made up of the footprint of the existing building (180m²), the paved area around the building and the adjacent al fresco area (362m²) (**Attachment 2**). The rent received from leases on the reserve is used by Parks and Wildlife to fund the management of the reserve for the benefit of the public.
- 6.7 Section 100 of the *Conservation and Land Management Act 1984* (CALM Act) enables Parks and Wildlife to grant leases for terms not exceeding twenty one (21) years which may include an option or options to renew that lease for a further term not exceeding twenty one (21) years. The current commercial lease between Parks and Wildlife and Redbridge Pty Ltd was signed in 1998 for a term of fifteen (15) years and therefore expired at the end of 2012.
- 6.8 The existing building is a yellow rendered brick building with a steep-pitched A-frame terracotta roof (**Attachment 3**). The building houses a takeaway/order counter and internal seating for around 10-20 people. A large paved area adjacent is partly covered with shade sails. Seating is a mixture of fixed wooden tables, aluminium moveable tables, and plastic chairs (**Attachment 3**). The outdoor area provides seating for an additional 110 patrons.
- 6.9 The current menu consists of ice-creams, coffee, cakes, light meals, salads, rolls, sandwiches, fish and chips. Items range in price from \$4 for coffee to \$24 for market fish. Trading hours are 8am to 6pm in summer and to 4pm in winter, all year except Christmas Day.
- 6.10 The style of the tea rooms is informal. Patrons are a diverse mix of students and lecturers, cyclists, walkers, swimmers, families, swimmers and kayakers. The existing tea rooms provide an important service to users of Matilda Bay consistent with the purpose of the reserve for 'recreation'.

Previous application for redevelopment - 2010

- 6.11 In October 2010, an application was submitted to the Trust for a complete redevelopment of the facility. The application was considered to be a matter of significant public interest based on the degree of change proposed, and was therefore advertised for public comment by the Trust and also by the City of Subiaco. A significant number of submissions were received objecting to the redevelopment.
- 6.12 The most common reasons for objecting to the proposed redevelopment were the large increase in scale of the proposed new building and the subsequent impact on visual amenity, the loss of al fresco seating area (the new café sought to internalise the majority of seating, the perceived upmarket nature of the proposed new café, and associated concerns of increased pricing. Perhaps the most common concern raised was the perceived change in nature of the facility from a casual and

affordable 'kiosk' style to a more formal and exclusive 'café' with internal seating and limited 'al fresco' areas.

- 6.13 The Trust recommended refusal of the redevelopment proposal based on the reasons outlined above. The applicant subsequently withdrew the application and a final determination by the Minister was never made.
- 6.14 Although the current proposal is being assessed independently on its own merits, it is noted that the applicant has taken into account the concerns and comments raised by the community as part of the assessment of the previous proposal. The current proposal seeks to retain the informal nature of the facility with no increase in prices or change in menu, other than the addition of a few items for sale into the early evening. The large al fresco area has been maintained, albeit with a pavilion cover and operable clear blinds for use as required to protect patrons from inclement weather.

Current proposal for refurbishment

6.15 The proposed refurbishment works involve the following:

- The refurbishment of the interior of the existing building in a similar layout and style to the existing, including a new (non-slip) polished concrete floor.
- Replacement of the existing shade sails with a timber and powder coated steel pavilion (176m²) with tensile fabric over on the northern side of the building to provide sun protection for the al fresco seating area.
- Clear plastic roll-down blinds around all sides of the pavilion to provide wind and rain protection through winter and bad weather.
- A gabled roof extension with weatherboard to match over the western side of the pavilion to reflect the design of the original building.
- New (non-slip) polished concrete flooring beneath the pavilion area.
- A semi-enclosed canopy area of timber battens along the eastern side of the building to provide partial sun protection for the bench seating area (65m²).
- A small extension (19m²) of the building to the west and north with matching roof and weatherboard to allow for additional kitchen and storage areas.
- A planter box running along the western side of the new pavilion to provide additional landscaping and improve amenity of the facility.

6.16 The applicant has advised that the style and informal nature of the tea rooms will remain. Group bookings may be accepted but no functions will be held at the facility.

6.17 The extended building areas will be constructed of brick and rendered to match the existing building, with matching terracotta tiles and weatherboard.

7.0 DISCUSSION

Stormwater management

7.1 Trust policy *Stormwater Disposal* (SRT/D4) states that proposed land use changes should be managed to minimise sediment transport and to prevent mobilisation of nutrients or contaminants from the site to the river.

- 7.2 The applicant has advised that stormwater will be retained on-site through the use of soakwells. This method of stormwater management is considered acceptable and can be ensured through a condition of approval.

Wastewater management

- 7.3 Trust policy *On-site Wastewater Management Systems and Industrial Wastewater (SRT/DE5)* indicates that the disposal of wastewater should protect public health and minimise nutrient loads to the Swan and Canning rivers, which lead to algal blooms.
- 7.4 The current building houses two toilets, one male and one female, which are accessible to the public as a condition of the lease. Wastewater from these toilets is managed through the use of a Septic Tank Effluent Pump (STEP) system as is the case with other toilet facilities in Matilda Bay Reserve. STEP systems are community systems where each facility has an encased tank with a small pump. The pump moves the liquid portion of wastewater through pipes to the nearby sewerage system. The solid portion is retained in the tank and pumped out a number of times a year through the use of licensed pump-out trucks.
- 7.5 No changes are proposed to the toilets or pump system. The toilets will remain accessible to the public.

Vegetation protection

- 7.6 Trust policy *Conservation, Land Use and Landscape Preservation (SRT/EA1)* promotes the conservation of native vegetation for the protection and enhancement of the river environment.
- 7.7 One shrub in a plant bed on the north side of the building is proposed to be removed to make way for the small kitchen extension. A long (12m) planter box will be constructed along the western side of the new pavilion area. The applicant will be responsible for maintaining the planter box vegetation in good condition.
- 7.8 The applicant has advised that all trees, including the large Cape Lilac tree to the east of the building, will be retained and protected during works.

Acid sulphate soils

- 7.9 The potential for disturbance of acid sulphate soils during works is considered minimal and can be addressed as part of a construction management plan, required as a condition of approval.

Public access and open space

- 7.10 *State Planning Policy 2.10: Swan-Canning River System (SPP2.10)* states that public access to the river and its foreshores should be maintained and enhanced while protecting the river. It is important that development near the river does not impede or restrict public access.
- 7.11 The existing building is setback approximately twelve (12) metres from the edge of the Swan River. Between the building and the river is a series of four (4) small limestone retaining walls, constructed to protect the foreshore area from erosion. A busy shared foreshore pathway runs between the second and third retaining walls.
- 7.12 The building setback will remain as is, however the proposed new pavilion area (176m²) will formalise the existing al fresco space and will be closed outside of operating hours, resulting in a small loss of publicly available land in the reserve. The smaller al fresco area along the western side of the building (approximately

65m²) will be partially covered but not enclosed with café blinds, and will therefore remain accessible at all times.

- 7.13 The loss of space associated with the pavilion structure is not considered to be a concern as the area is already used for seating during daylight hours throughout the year, and is proposed to open until 10pm. Furthermore, the pavilion area will provide comfortable seating for customers more of the time because of the weather protection provided. The facility provides an important service to the Matilda Bay Reserve, and the loss of available space outside of hours is considered justified in this case.
- 7.14 Public access around the building and pavilion will be maintained at all times along the existing paved pathways along both sides that join up with the stairs down to the public access pathway and the river's edge beyond. The paved pathway that will remain once the pavilion is constructed appears to be a width of approximately 2 metres. The Department of Parks and Wildlife recommend this section of pathway be increased to a width of 3 metres, which would allow for better public access around the facility. This is considered a reasonable request and can be made a condition of approval.
- 7.15 The pathway around the south and west of the building may be encroached upon by the new building extension. This paved access should also retain a minimum width. In these areas 2 metres is considered sufficient and can be made a condition of approval.
- 7.16 During the refurbishment works, some temporary restriction to public access may be necessary in the immediate vicinity, however access along the main public pathway that runs between the river and the tea rooms should remain unimpeded at all times. This can be ensured through a condition of approval.

Visual amenity

- 7.17 Trust Policy *Conservation, Land Use and Landscape Preservation* (SRT/E1) indicates that development should seek to enhance and protect the character and landscape setting of the river through the protection of tree lines and avoidance of stark and discordant colours, forms and bulk.
- 7.18 State Planning Policy SPP 2.10: *Swan-Canning River System* (SPP2.10) indicates that development should maintain and enhance the quality and setting of the river, with the selection and use of external finishes and materials generally based on materials and hues naturally occurring or predominantly used in the local area.
- 7.19 The proposed refurbishment will have some minor impact on the visual amenity of the location, mainly as a result of the pavilion construction and building extension.
- 7.20 The pavilion has been designed to be as 'light' as possible. The inclusion of the gabled roof above will add some interest to the otherwise flat roof area, and will tie the structure in with the existing building using matching tiling, weatherboard and colours. The colours chosen match the existing building, and the timber of the pavilion is compatible with the surrounding landscape.
- 7.21 The building extension to the north and east is considered minor (total area of approximately 18 m²) and unobtrusive as it effectively fills in an unused corner area. The refurbishment will result in the building being given a much needed face-lift in terms of new paint.
- 7.22 Further, the landscaping included in the planter box will soften the impact of the building and improve the visual appearance of the facility without impacting too much on views through from Hackett Drive to the river.

7.23 In 2006, the then Department of Environment and Conservation (now the Department of Parks and Wildlife) developed architectural design guidelines for developments at Matilda Bay Reserve to provide a framework for achieving quality design and aesthetic continuity throughout the reserve. The guidelines are a supplement to the Management Plan and identify the following criteria for the relevant area of the reserve:

- Regular geometry – simple forms
- Low scale, not to dominate the natural tree line
- Not large bulk
- Preferred height to width ratio of mass units - 2:1
- Vistas and view corridors to be maintained from public domain and university grounds
- Small massing achieved by design elements
- Limestone feature brick detailing
- Windows installed to maximise outlook to the panoramic view
- Colours to blend with and complement the natural environs

7.24 Parks and Wildlife consider the style of the refurbished tea rooms to be mostly consistent with the criteria outlined in the architectural guidelines.

7.25 The proposed refurbishment does not involve any decrease in setback area, and overall the design is considered to have minimal impact on the visual amenity of the reserve.

Car parking

7.26 There are approximately 700 parking bays in and around the Matilda Bay area for use by students of the adjacent University of Western Australia and visitors to the reserve. Parking along Hackett Drive is managed by the City of Subiaco, the car park to the north is managed by the City of Perth, and parking in the vicinity of Australia II Drive is managed by Parks and Wildlife. The area is known for parking shortages during university hours.

7.27 No additional car parking bays are included as part of the proposal because neither the capacity nor the overall area of the facility is proposed to increase as a result of the redevelopment. Therefore the proposal is not expected to exacerbate the parking situation in the area.

7.28 Parks and Wildlife is working towards resolving parking issues at Australia II Drive as a separate issue.

Lighting

7.29 Trust policy *Restaurants, Cafes, Kiosks and Tearooms* (SRT/D10) states that exterior lighting should be limited to low-watt site-specific lighting. Excessive lighting of facilities can detract from the amenity of an area at night and disrupt the patterns of wildlife in the area. Excessive illumination or inappropriate coloured lighting schemes have the potential to detrimentally impact upon the riverine environment and associated viewscales.

7.30 No details have been submitted on the proposed lighting scheme for the new building. It is appropriate that further details of lighting for the new building be approved by the Trust in consultation with Parks and Wildlife prior to installation. This will ensure that proposed lighting is consistent with the objectives of SRT/D10.

Heritage

- 7.31 Trust policy *Heritage* (SRT/EA5) seeks to ensure that developments adjacent to the river are in harmony with cultural heritage values, both Aboriginal and European.
- 7.32 The Trust recognises that the proposed works are in an area that is within the Permanent Register of Aboriginal Sites of Significance (DIA site 3536 - Swan River). The Swan Canning river system holds important spiritual significance to local Indigenous people. It is appropriate that the applicant be reminded of their obligations to ensure that any necessary approvals have been obtained to avoid a breach under Part IV (Protection of Aboriginal Sites) of the *Aboriginal Heritage Act 1972*. An advice note to the applicant can be included to this effect.

Minor extension of opening hours

- 7.33 The applicant has advised that the new facility is proposed to open from 8am to 10pm year round. Currently the tea rooms close at 5pm in summer and 4pm in winter.
- 7.34 The applicant has advised that the new facility may in the future seek a licence for the sale of alcohol. Applications for new liquor licences are considered by the Department of Racing and Gaming. It is assumed that issues relating to the approval of a licence for the café would be considered during the liquor licence assessment process.
- 7.35 If such a licence is approved, there would not be any expected adverse impacts on the reserve, assuming that the facility is managed in accordance with conditions of the liquor licence. The nearby Matilda Bay Restaurant operates in the evening without liquor related issues and it is expected that the new café will be managed in a similar fashion to avoid noise or other issues at night. Furthermore, the tea rooms are located some distance from the nearest residence, so complaints would be less of an issue than if it were located elsewhere.
- 7.36 Further, the objectives of *Designing Out Crime Planning Guidelines* (WAPC, 2006) refer to the promotion of legitimate activity by users of public spaces after dark, and to providing a mix of uses with selective night time uses in safe and accessible locations. The proposal to extend the opening hours can be considered consistent with such objectives.

Other amenity issues

- 7.37 Trust policy SRT/D10 indicates that proposed restaurants, cafes, kiosks or tearooms should be designed to include utilities such as bin storage, delivery service areas and ablution facilities so they are adequately screened from the public domain including the river.
- 7.38 Rubbish disposal is currently carried out by private contractors seven (7) days per week in the early hours of the morning. This service will continue for the new facility and will not disrupt users of the park.
- 7.39 The applicant has advised that the current loading bay adjacent to Hackett Drive is sufficient for servicing the proposed refurbished building. Stock is removed from delivery vehicles parked in the loading bay by hand causing no inconvenience to park users.
- 7.40 Bins are currently stored in the space along the western side of the building which is adequately screened from view.

Conclusion

- 7.41 The proposed plans for the refurbishment have been assessed in detail. Overall, potential environmental impacts from stormwater and wastewater can be managed appropriately. Other potential environmental impacts would be temporary and are limited to construction periods. These can be dealt with through the preparation and approval of a construction management plan required as a condition of approval.
- 7.42 The development will not result in any loss of public access along the foreshore pathway, or around the facility to the adjoining pathways. The loss of publicly accessible space as a result of the pavilion is considered justifiable to provide sheltered seating area for patrons in all weather and seasons, constituting a more viable business and providing a service to customers in all weather.
- 7.43 Planning considerations relating to amenity, such as bin storage have been considered and overall the proposal is acceptable in this regard. Any proposed lighting can be managed and minimised through conditions.
- 7.44 Concerns about parking are unfounded given that the overall lease area and seating capacity is being maintained.
- 7.45 The building materials and colours of the new roof areas match the existing building, and the natural materials of the timber pavilion will complement the riverine environment. Views through the facility to the river will only be partially obstructed. The inclusion of a planter box will allow additional landscaping to soften the visual impact of the pavilion.

8.0 RECOMMENDATION – APPROVAL WITH CONDITIONS

That the Trust advise the Minister for Environment that it recommends approval of the refurbishment of the Matilda Bay Tea Rooms at Matilda Bay Reserve – Lot 8168 and 8169 on Plan 171833 (Crown Reserve 17375), 5 Hackett Drive Crawley as described in plans received by the Trust dated 15 October 2014, subject to the following conditions:

1. Approval to implement this decision is valid for two (2) years from the date of the approval. If the development has not been completed or substantially commenced within this period, a new approval will be required before commencing or completing the development.
2. The applicant shall notify the Swan River Trust in writing not less than fourteen days (14) prior to the commencement of works.
3. No development shall commence until all plans requiring approval have been submitted and approved by the Swan River Trust on advice from the Department of Parks and Wildlife.
4. At least 30 days prior to the commencement of works, a construction management plan shall be submitted to the Swan River Trust for approval (see **Advice Note 1**).
5. The approved construction management plan required under **Condition 4** shall be implemented.
6. At least 30 days prior to the commencement of works, a lighting plan shall be submitted to the Swan River Trust for approval (see **Advice Note 4**).
7. The approved lighting plan required under **Condition 6** shall be implemented.

8. No fill, building materials, rubbish or any other deleterious matter shall be allowed to enter the river as a result of the development.
9. Works associated with the development must not prevent public access along the foreshore pathway unless closure is necessary for safety purposes and has been approved by the Swan River Trust.
10. No public infrastructure including park benches, paved areas or retaining walls outside the current lease area shall be interfered with without the prior approval of the Swan River Trust, on advice from the Department of Parks and Wildlife.
11. Adequate measures to protect existing trees during construction shall be taken and notated in the construction management plan required under **Condition 4**.
12. Any fill used in the development shall be certified clean fill and free from rubble.
13. Upon completion of the development, all waste materials shall be removed and the site cleaned-up to the satisfaction of the Swan River Trust.
14. The plants within the new planter box shall be the responsibility of the applicant and shall be maintained in good condition at all times.
15. The maximum seating capacity of the premises within the leased area shall be limited to 134 persons at any one time.
16. The lighting design plan required under **Condition 5** shall be implemented.
17. The paved route along the northern edge of the new pavilion shall be a minimum 3 metre width to allow for adequate public access around the facility. The paved route around the west and southern sides of the building shall be a minimum 2 metre width.
18. The opening of the café shall be limited to the hours between 7am and 10pm daily.
19. All stormwater shall be contained on site.

ADVICE TO APPLICANT

1. The construction management plan required under **Condition 4** should address the following issues:
 - the delivery of materials and equipment to the site;
 - the storage of materials and equipment on the site;
 - refuelling of machinery (not to be undertaken on site);
 - the parking arrangements for contractors and subcontractors;
 - method of prevention of rubbish, litter or building materials entering the river;
 - public access and safety around the site during construction works;
 - methods for protection of existing vegetation;
 - details and management of any excavation works required;
 - identification and management of any acid sulphate soil risks;
 - management of complaints and incidents; and
 - management of any other matters likely to impact on the foreshore, verges, footpaths and reserves.

2. The lighting plan required under **Condition 6** is to demonstrate that lighting has been designed to minimise light spill, protect the amenity of the river reserve and adjoining public reserves, provide a blending of the structures with the surrounding landscape, consider security of staff and patrons and ensure that there are no adverse impacts on any owner or occupier of nearby properties or marine navigation.
3. The applicant is advised that the City of Subiaco, Building and Health Services require the submission of a food business registration/nomination, along with detailed plans and specifications of the alterations to the kitchen and associated facilities (including the cool room and freezer, dry storage areas, bar areas and staff change rooms). The plans should be drawn to a scale of 1:50 and include details of:
 - the finishes of floors, walls and ceilings; and
 - the position, type and construction of all fixtures, fittings and equipment (including cross sectional drawings of benches, shelving, cupboards, stoves, tables, cabinets, counters, display refrigeration, freezers and cool rooms, kitchen exhaust hoods, mechanical ventilation systems, mechanical services and grease traps).
4. The applicant is advised that works should comply with the *Environmental Protection (Noise) Regulations 1997* and that movements of construction vehicles should be managed to minimise disruption to the surrounding residents at all times.
5. The applicant is advised to contact the Department of Indigenous 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*.

FINAL REPORT ENDORSED

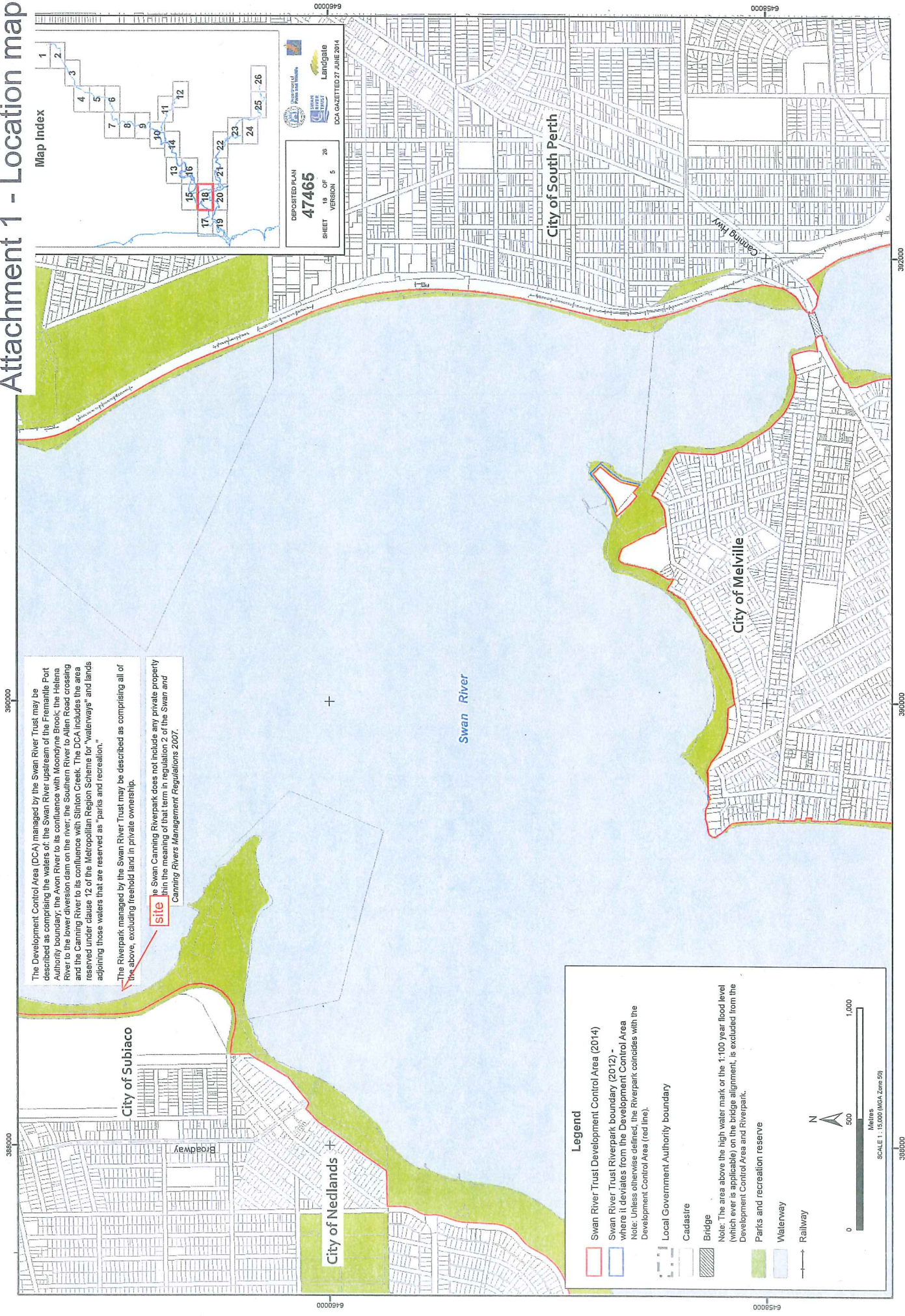
Signed: _____

Rod Hughes
General Manager

Date: _____

16/1/2015

Attachment 1 - Location map



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 Moorbyne 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.

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

Legend

- Swan River Trust Development Control Area (2014)
- Swan River Trust Riverpark boundary (2012) - where it deviates from the Development Control Area
- Note: Unless otherwise defined, the Riverpark coincides with the Development Control Area (red line).
- Local Government Authority boundary
- Cadastre
- Bridge
- Note: The area above the high water mark or the 1:100 year flood level (which ever is applicable) on the bridge alignment, is excluded from the Development Control Area and Riverpark.
- Parks and recreation reserve
- Waterway
- Railway

0 500 1,000
Metres
SCALE 1 : 15,000 (MGA Zone 59)

Map Index

DEPOSITED PLAN
47465
SHEET 18 OF 26
VERSION 5

Swan River Trust
Landgate
DCR GRANTED 27 JUNE 2014

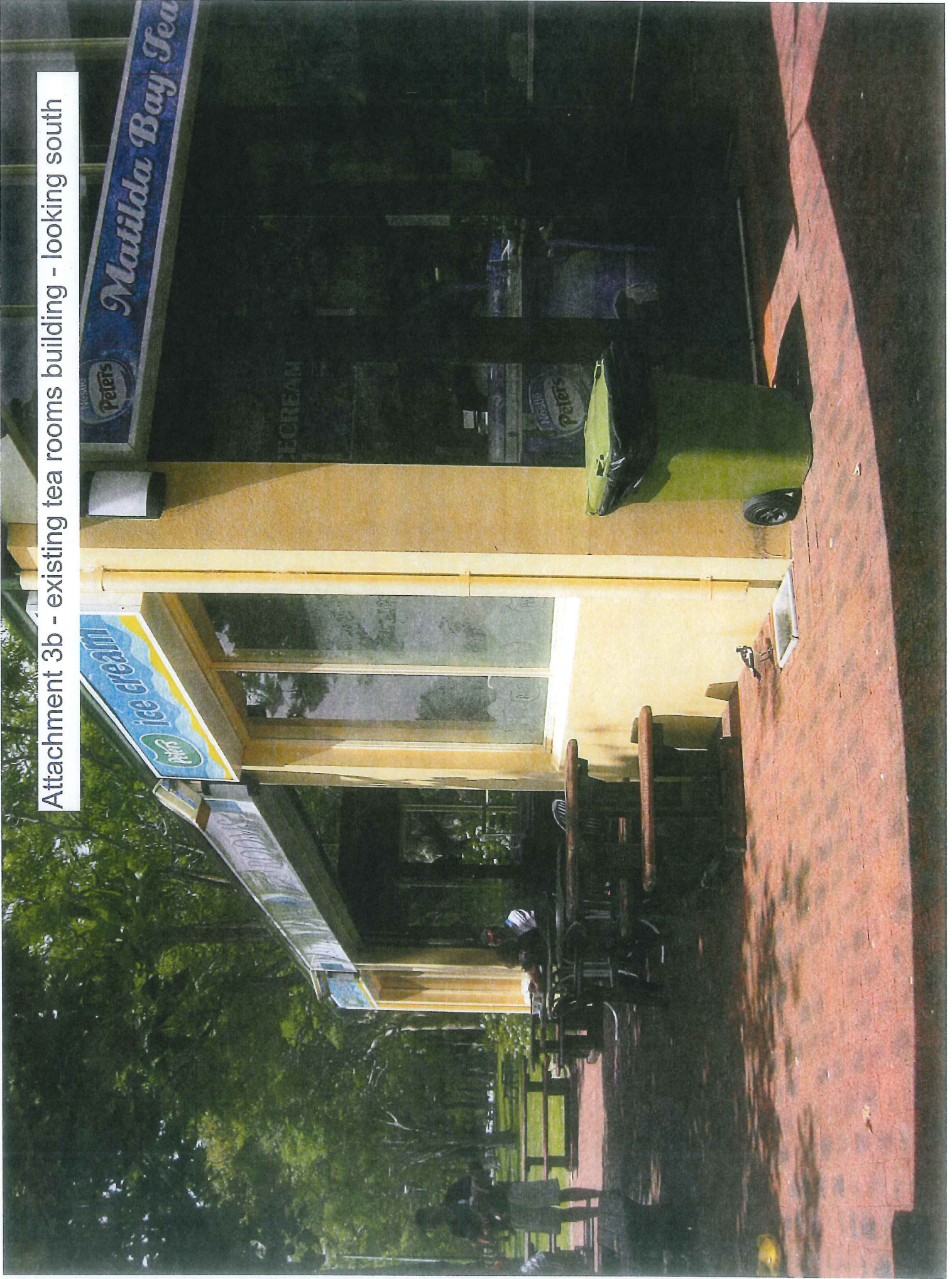
Attachment 2 - aerial photo



Attachment 3a - existing tea rooms building looking north



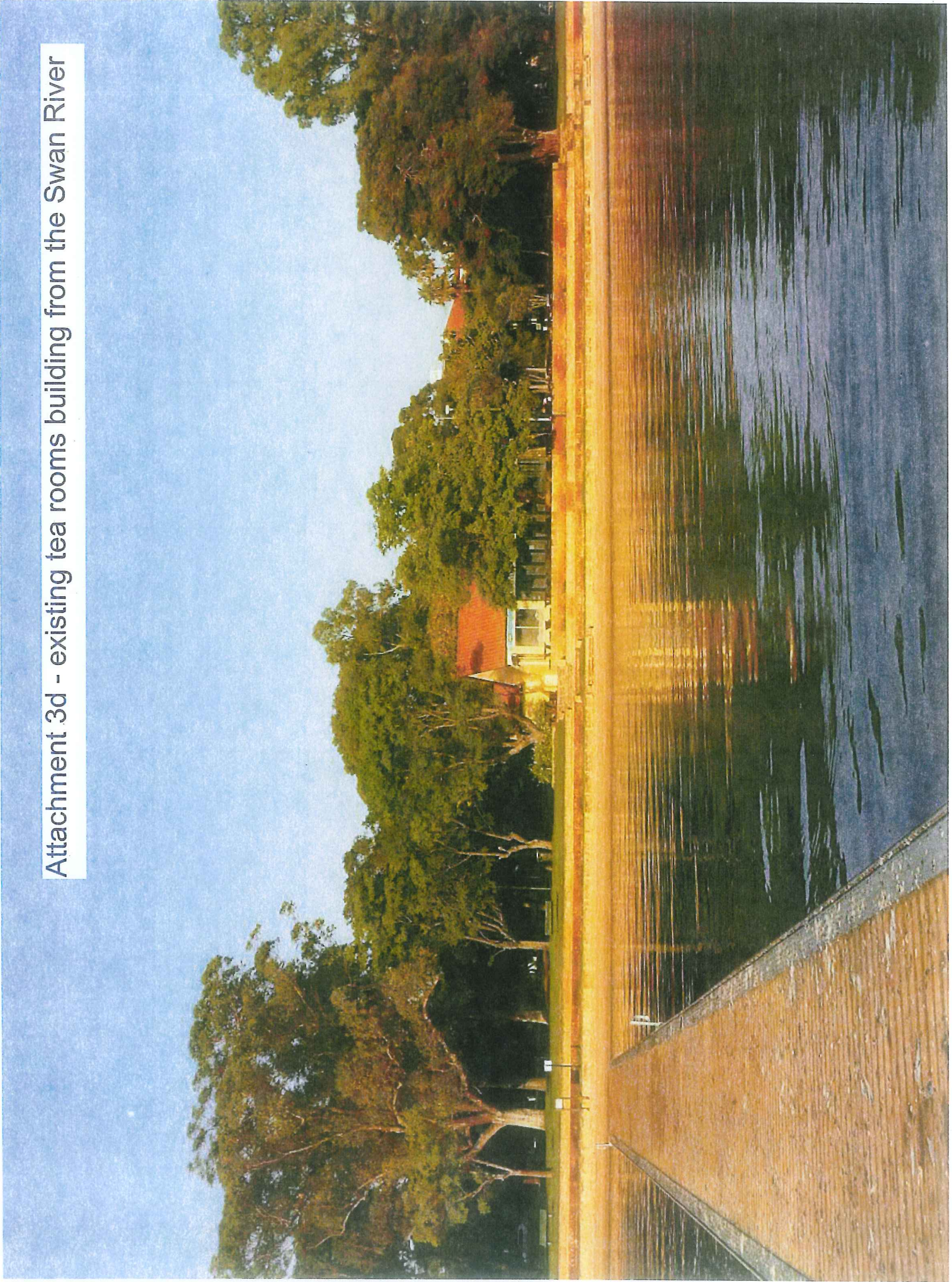
Attachment 3b - existing tea rooms building - looking south



Attachment 3c - existing tea rooms building looking south along adjacent public access pathway



Attachment 3d - existing tea rooms building from the Swan River



Attachment 4a - original plans showing 'storage huts'



PROPOSED VIEW FROM NORTH EAST



EXISTING CONDITION

Attachment 4b - original plans



PROPOSED VIEW FROM NORTH WEST



EXISTING CONDITION

VIEW FROM NORTH WEST
MATILDA BAY TEA ROOMS

Status : For DA Submission
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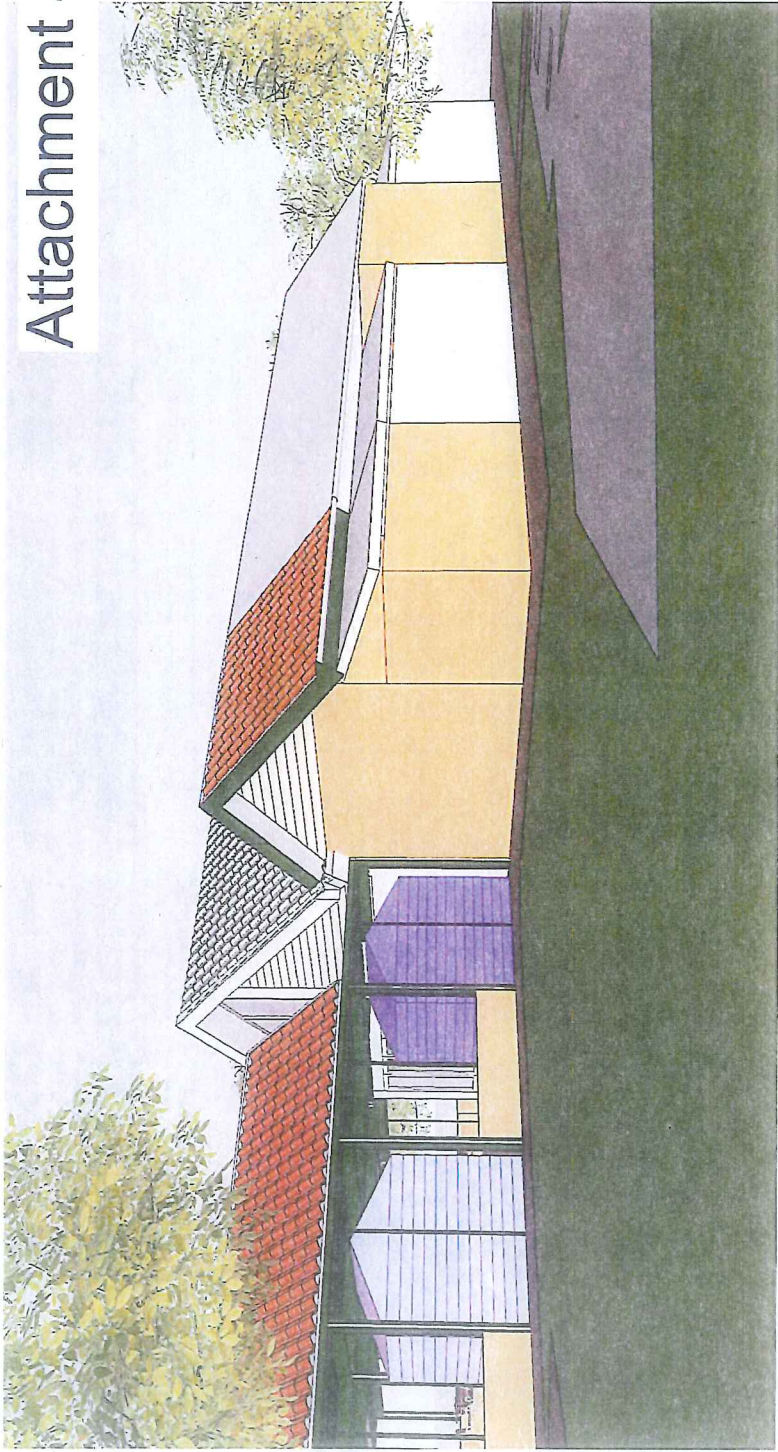
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Project Number: 43512
Drawing Number: DA-06
Revision:
Date: 30/07/14

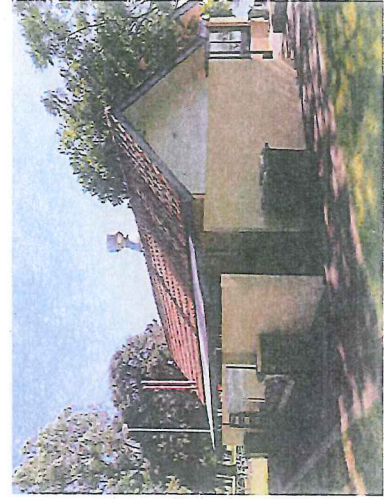
© Hames Sharley

**Hames
Sharley**

Attachment 4d - original plans



PROPOSED VIEW FROM NORTH EAST



EXISTING CONDITION



Attachment 5a - Amended plans showing timber and steel pavilion



PROPOSED VIEW FROM NORTH EAST

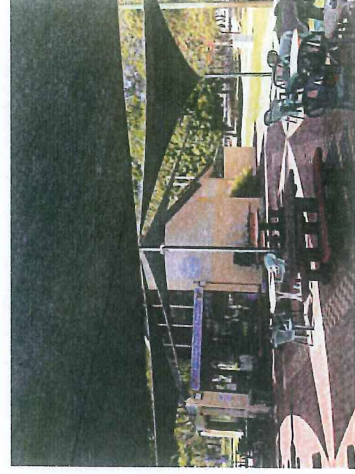


EXISTING CONDITION

Attachment 5b - amended plans showing planter box



PROPOSED VIEW FROM NORTH WEST

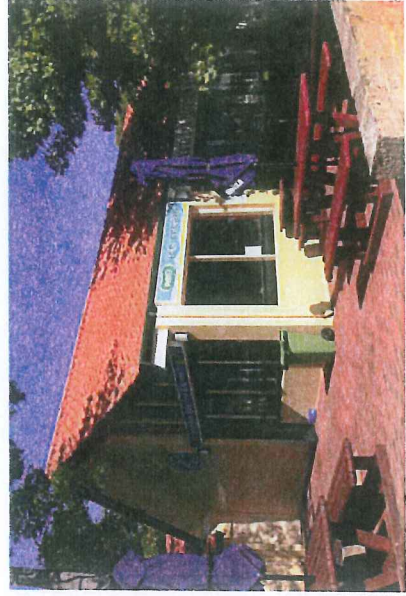


EXISTING CONDITION

Attachment 5c - amended plans showing timber battens



PROPOSED VIEW FROM SOUTH EAST



EXISTING CONDITION

VIEW FROM NORTH EAST
MATILDA BAY TEA ROOMS

Status : For DA Submission
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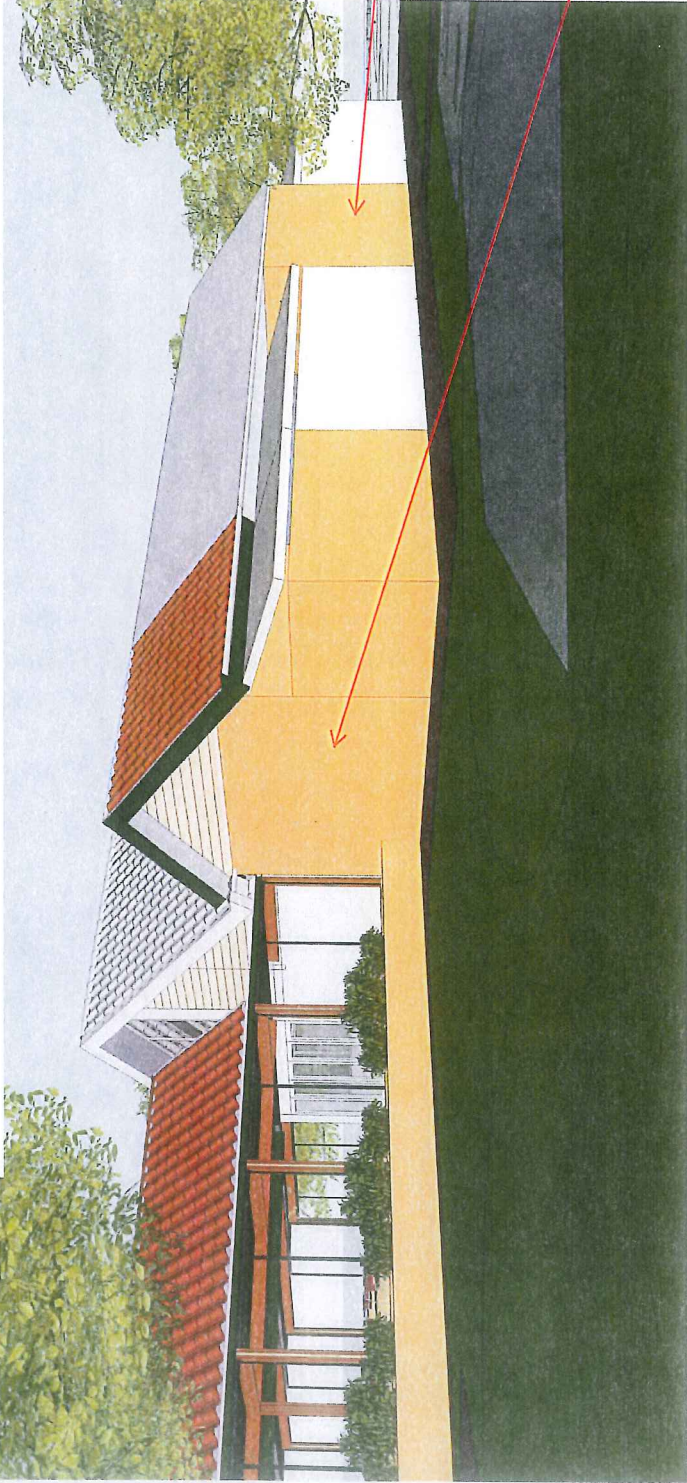
Scale: N.T.S.

Project Number: 43512
Drawing Number: Dk-07
Revision: A
Date: 13/10/14

HAMES
SHARLEY

© Hames Sharley

Attachment 5d - amended plans showing kitchen extensions



kitchen extension 2

kitchen extension 1

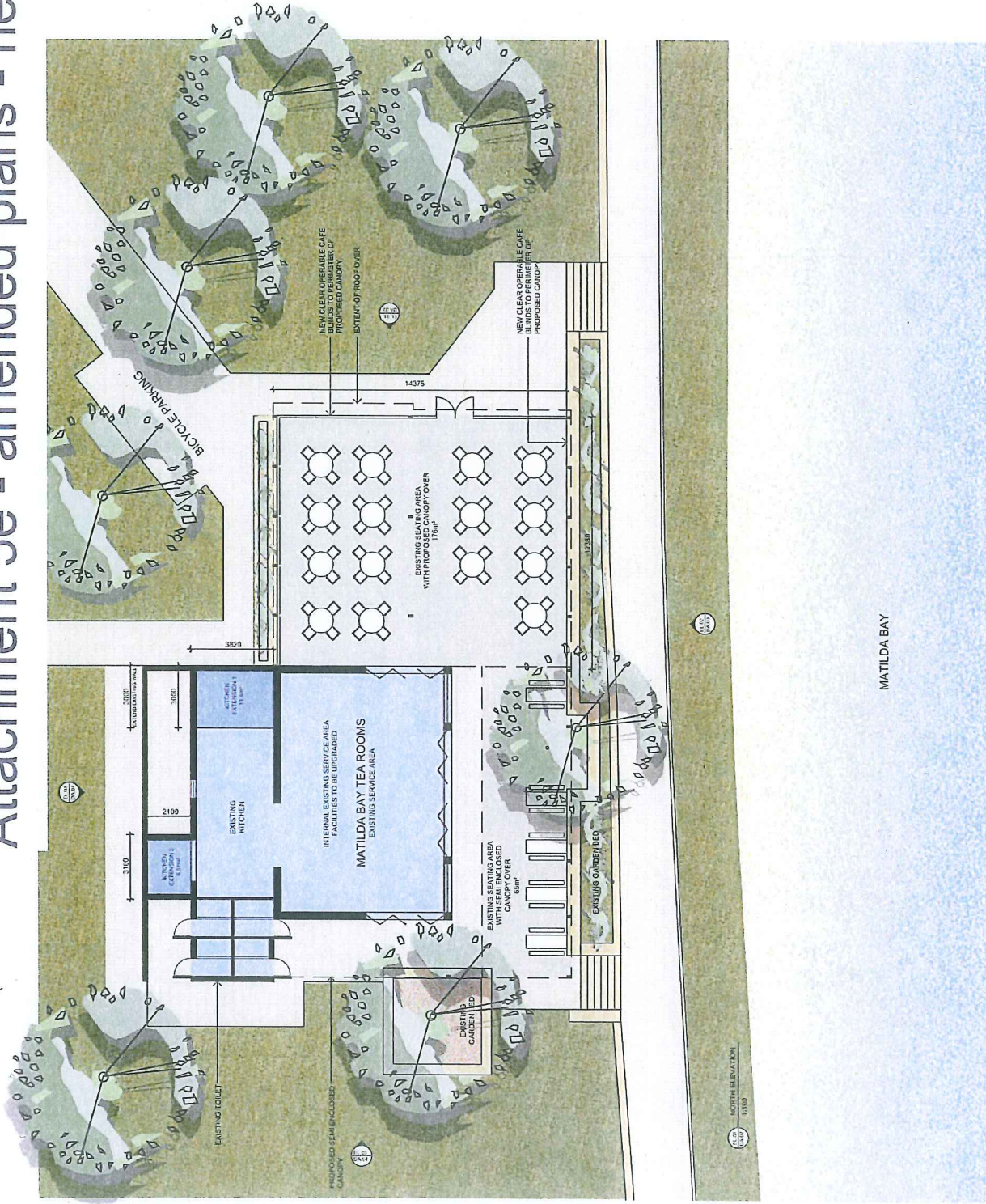
PROPOSED VIEW FROM NORTH EAST



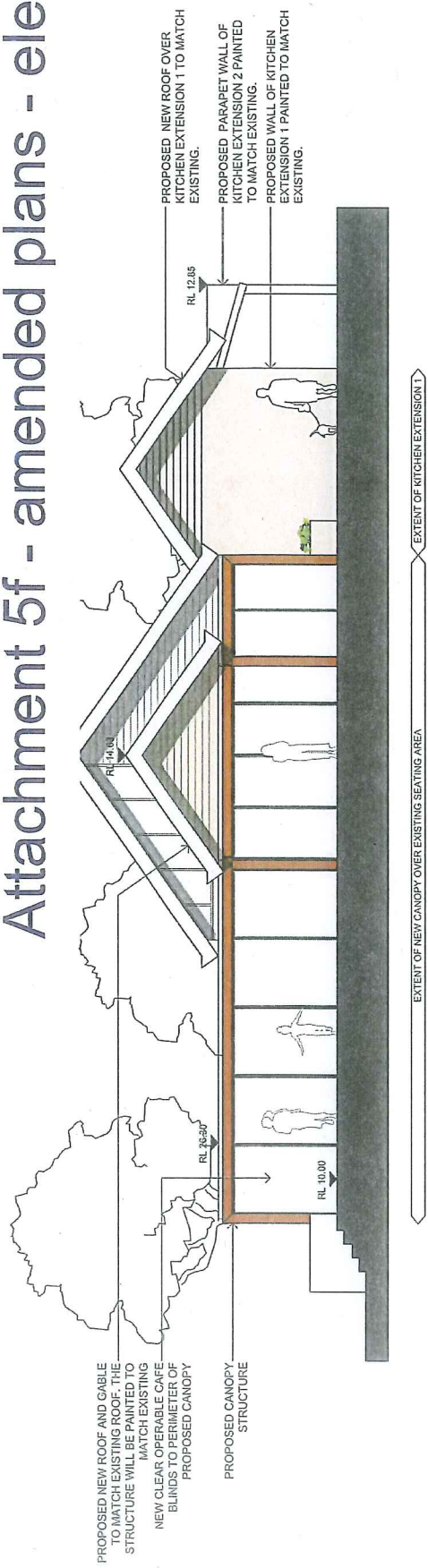
EXISTING CONDITION



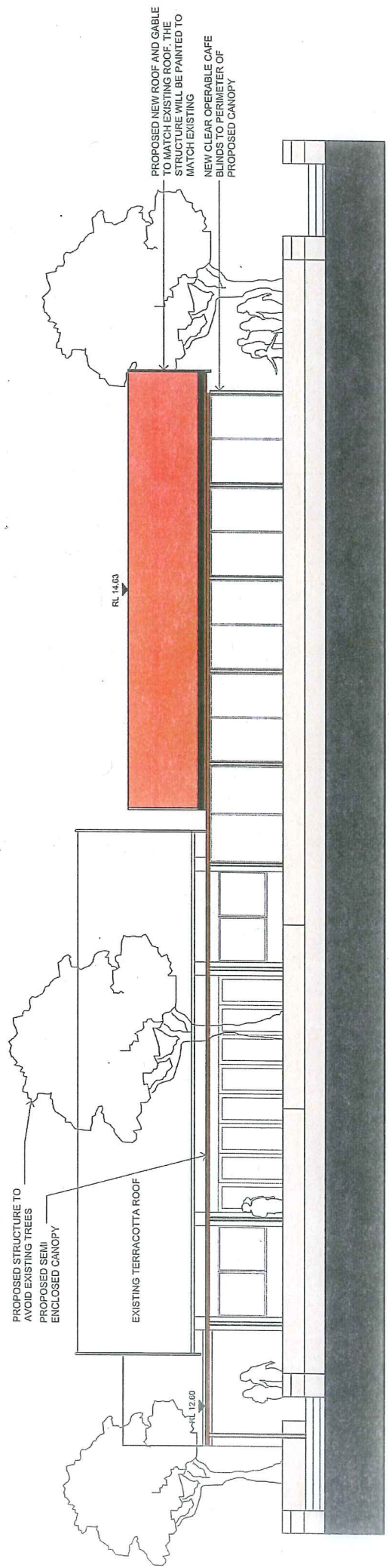
Attachment 5e - amended plans - new layout



Attachment 5f - amended plans - elevations



EL.04
DA.02
NORTH ELEVATION
1:100



EL.04
DA.02
EAST ELEVATION
1:100

Attachment 6 - advice from Department of Parks and Wildlife

From: [Hamilton, Denise](#)
To: [Black, Josie](#)
Subject: FW: Matilda Bay Kiosk Refurbishment
Date: Friday, 19 September 2014 3:06:47 PM
Attachments: [Unknown\[4\]\[3\].png](#)
Importance: High

Hi Josie

Our Recreation and Landscape staff have assessed those plans provided by SRT and the following comments are provided.

There would appear to be no reason not to approve these drawings as they stand. The design is consistent with all criteria of the Matilda Bay Architectural Guidelines.

Additional comments and recommendations have been made for consideration, but these would not impact the approval.

It is a significant reduction in scope from previous proposals (complete redevelopment) and is more consistent with the existing built form. The following assessment and recommendations should be offered to the proponent:

Matilda Bay Architectural Guidelines (the Guidelines) - assessment

- 4.2.4 Design Criteria
 - Roof pitch for main gabled extension and Kitchen extension consistent with the Guidelines. Flat rooves over enclosed seating areas are not consistent with the Guidelines however do not present an issue
 - Regular geometry matching existing structure is consistent with the Guidelines
 - Scale is single storey and does not dominate the natural tree line. Consistent with the Guidelines
 - Ceiling heights are consistent with the Guidelines
 - Massing is consistent with the Guidelines with multiple small design units
 - View corridors from Hackett Drive are partially obstructed looking south east towards Royal Perth Yacht Club, however this is already a broken view with some vegetation, existing shade sails and furniture
 - Building composition consistent with the Guidelines
- 4.3 Building Materials
 - All materials noted are acceptable, suit existing structure
- 4.4 Colours
 - Colours for main structure are acceptable. See suggestion below regarding 'Brighton Beach shelters' storage areas
- 4.6 Storage, Rubbish and Utility Areas
 - Existing storage, rubbish and utility area is discrete. Proposal indicates partial or complete enclosure of this. Proponent to ensure that discretion is maintained with these functions

Recommendations

- Ensure lease boundary and proposed or refurbished spaces are clearly indicated on plans for all future drawings
- Create minimum 3m wide path against north elevation to provide sufficient entrance to tea rooms and access to river terrace
- Proponent to ensure quality materials (painted timber or similar robust cladding) used for storage areas under main roof. Colours may be more vivid for these elements than indicated in the Guidelines
- Consider new tea rooms signage be designed specifically for parapet wall module for kitchen extension 2 facing Hackett Drive
- Remove low height walls between storage areas
- Consider neat interface between café blinds and storage areas. Likely to trap debris, leaf litter, rubbish etc.

Suggest supporting this development application and request a copy and opportunity to review drawings prior construction.

Denise Hamilton
Senior Leasing Officer
Property Unit
Visitor Services

Dept. of Parks and Wildlife

Locked Bag 104

Bentley Delivery Centre WA 6983

Tel: (08) 9423-2565

Fax: (08) 9423-2253

Email: denise.hamilton@dpaw.wa.gov.au



Attachment 7 - advice from City of Subiaco



241 Rokeby Road SUBIACO WA 6008
PO Box 270 SUBIACO WA 6904
Telephone: 08 9237 9222 Facsimile: 08 9237 9200
Email: city@subiaco.wa.gov.au Website: www.subiaco.wa.gov.au

Enquiries: Simon Shub
File: P/1577-02

17/10/2014

Swan River Trust
PO Box 6829
EAST PERTH WA 6892

Dear Sir/Madam

5 HACKETT DRIVE, CRAWLEY CONSTRUCTION OF EXTERNAL CANOPY, EXTENSION TO EXISTING BUILDING AND INTERNAL MODIFICATIONS

I refer to your correspondence received on 25 August 2014 relating to the application detailed above.

The City advises:

That the application be REFERRED to the Swan River Trust with a recommendation for APPROVAL under the Metropolitan Region Scheme for the construction of external canopy, extension to existing building and internal alterations at No. 5 (Lot. 8169 on PLN: 171833, Reserve: 17375) Hackett Drive, Crawley (Matilda Bay Tea Rooms), subject to the following conditions:

- 1. This approval only relates to the development as indicated on the approved plans dated 15 October 2014. It does not relate to any other development on this lot.**
- 2. All stormwater generated on site is to be retained on site. No stormwater shall be permitted to enter the city's stormwater drainage system unless otherwise approved.**
- 3. Prior to occupation, brickwork and finishes on or adjacent to boundaries, including exposed parapet walls, shall be finished externally to the same standard as the rest of the development.**

Advice notes:

- a) Tables that presently exist on land that is not part of the applicants' lease should not be removed. Where possible this outside seating that is east and north of the facility should be expanded and enhanced.*
- b) A food Business Registration/Notification needs to be completed and submitted to the city's Building and Health Services.*

- c) Detailed plans and specifications of the alteration to the kitchen and associated facilities, (including the cool room and freezer, dry storage areas, bar areas, staff change rooms, public toilets and bin enclosures) are required to be submitted to the city's Building and Health Services for approval. The plans are required to be drawn to a scale of 1:50 and should include details of:
1. the finishes of the floors, walls and ceilings;
 2. the position, type and construction of all fixtures, fittings and equipment (including cross sectional drawings of benches, shelving, cupboards, stoves, tables, cabinets, counters, display refrigeration, freezers and cool rooms, kitchen exhaust hoods, mechanical ventilation systems, mechanical services and grease traps); and
 3. Construction, position and size of any bin enclosures.
- d) The application is to ensure noise emissions from the site comply with the Environmental Protection (Noise) Regulations 1997 (as amended).
- e) The handling and removal of any asbestos material must be carried out in accordance with the Health (Asbestos) Regulations 1992. Safe work procedures are required to be adhered to and all material must be disposed of at an approved landfill facility; and
- f) The applicant is to provide a suitable bin enclosure in accordance with the City of Subiaco Health Local Laws 1999. This enclosure shall:
- a) be serviced with an approved liquid refuse disposal system and a tap connected to an adequate supply of water;
 - b) have walls at least 1.8m in height;
 - c) an access way of not less than 1.0m in width;
 - d) be provided with a self-closing gate.

If you have any further queries please contact Simon Shub of the City's Planning Services on 9237 9269.

Yours faithfully,



ELYSE MAKETIC
ACTING MANAGER PLANNING SERVICES

Attachment 8 - Submission from Department of Parks and Wildlife

Black, Josie

From: Swan River Trust Planning
Sent: Wednesday, 17 December 2014 4:03 PM
To: Black, Josie
Subject: FW: PUBLIC NOTICE OF DRAFT REPORT - MATILDA BAY TEAROOMS

From: Hamilton, Denise
Sent: Monday, 15 December 2014 1:03 PM
To: Swan River Trust Planning
Cc: Quartermain, Rod; Briggs, Malcolm
Subject: PUBLIC NOTICE OF DRAFT REPORT - MATILDA BAY TEAROOMS

The Department of Parks and Wildlife thanks you for the opportunity to comment on the above mentioned Report.

The Report has been considered and the Department offers the following comments:

Over the last two months, Swan River Trust (SRT) has liaised with the Department's Property Unit on the proposal and the report is consistent with our advice to SRT .

The Department has had extensive consultation with the Lessees of the Matilda Bay Kiosk in regard to their proposed new development and have given in-principle support for this as is seen in the Report's Attachment 6.

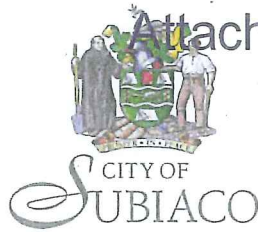
The Department advises that the Draft Report is acceptable and SRT note most points in Section 7 of the Report are addressed in the new lease document.

Further, point 3 is a requirement of this Department as land manager and Lessor. It would be preferable that the Department advises SRT on this particular point, rather than the Lessee receiving approval twice.

Thank you

Denise Hamilton
Senior Leasing Officer
Property Unit
Visitor Services
Dept. of Parks and Wildlife
Locked Bag 104
Bentley Delivery Centre WA 6983
Tel: (08) 9423-2565
Fax: (08) 9423-2253
Email: denise.hamilton@dpaw.wa.gov.au

ARE YOU
BUSHFIRE
READY?
PLAY YOUR PART



Attachment 9 - Submission from City of Subiaco

All communications should be directed to the
Chief Executive Officer

241 Rokeby Road SUBIACO WA 6008

PO Box 270 SUBIACO WA 6904

Telephone: 08 9237 9222 Facsimile: 08 9237 9200

Email: city@subiaco.wa.gov.au Website: www.subiaco.wa.gov.au

Enquiries: Simon Shub
File: P/1577-02

15 January 2015

Swan River Trust
Locked Bag 104
BENTLEY DELIVERY CENTRE
WESTERN AUSTRALIA 6983

Dear Sir/Madam

5 HACKETT DRIVE, CRAWLEY CONSTRUCTION OF EXTERNAL CANOPY, EXTENSION TO EXISTING BUILDING AND INTERNAL ALTERATIONS

The abovementioned development application was considered by Council at its Ordinary Meeting where Council resolved as follows;

That Council advise the Swan River Trust that, it recommends the development application submitted by Matilda Bay Tearooms/Kiosk for the construction of an external canopy, extension to existing building and internal alterations at No. 5 (Lot. 8169 on PLN: 171833, Reserve: 17375) Hackett Drive, Crawley (Matilda Bay Tea Rooms) as shown on plans date stamped 1 December 2014, be APPROVED under the Metropolitan Region Scheme subject to the following conditions:

- 1. This approval only relates to the development as indicated on the approved plans dated 1 December 2014. It does not relate to any other development on this lot.**
- 2. All stormwater generated on site is to be retained on site. No stormwater shall be permitted to enter the city's stormwater drainage system unless otherwise approved.**
- 3. Prior to occupation, brickwork and finishes on or adjacent to boundaries, including exposed parapet walls, shall be finished externally to the same standard as the rest of the development.**

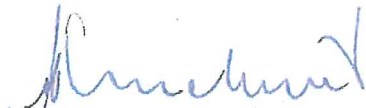
The applicant be advised:

- a) Tables that presently exist on land that is not part of the applicants' lease should not be removed. Where possible this outside seating that is east and north of the facility should be expanded and enhanced.**
- b) A food Business Registration/Notification needs to be completed and submitted to the city's Building and Health Services.**
- c) Detailed plans and specifications of the alteration to the kitchen and associated facilities, (including the cool room and freezer, dry storage areas, bar areas, staff change rooms, public toilets and bin enclosures) are required to be submitted to the city's Building and Health Services for approval. The plans are required to be drawn to a scale of 1:50 and should include details of:
 - 1. the finishes of the floors, walls and ceilings;****

2. the position, type and construction of all fixtures, fittings and equipment (including cross sectional drawings of benches, shelving, cupboards, stoves, tables, cabinets, counters, display refrigeration, freezers and cool rooms, kitchen exhaust hoods, mechanical ventilation systems, mechanical services and grease traps); and
 3. Construction, position and size of any bin enclosures.
- d) The application is to ensure noise emissions from the site comply with the *Environmental Protection (Noise) Regulations 1997* (as amended).
 - e) The handling and removal of any asbestos material must be carried out in accordance with the Health (Asbestos) Regulations 1992. Safe work procedures are required to be adhered to and all material must be disposed of at an approved landfill facility; and
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 - a) be serviced with an approved liquid refuse disposal system and a tap connected to an adequate supply of water;
 - b) have walls at least 1.8m in height;
 - c) an access way of not less than 1.0m in width;
 - d) be provided with a self-closing gate.

Should you have any queries please contact Simon Shub on 9237 9269.

Yours sincerely



MICHAEL DUCKETT

ACTING DIRECTOR DEVELOPMENT SERVICES