



# Form 1 – Application for Approval of Development

Swan and Canning Rivers Management Act 2006 – Part 5 – section 72(1)

## 1. Applicant details

The applicant is the person with whom the department, on behalf of the Chief Executive Officer, will correspond, unless an authorised agent has been appointed to act on behalf of the applicant, in which case correspondence will be sent direct to the agent.

Name	Graeme Ross Millar		
Position (if applicable)	Proprietor		
Organisation (if applicable)	Millar Holdings PTY LTD		
Contact person	Graham Millar		
Postal address	Coode Street Jetty, 1 Coode Street		
Town/Suburb	South Perth	State	WA
		Postcode	6151
Telephone	Work 9474 1314	Mobile	0408 947 413
Email			

I give authority for an agent (as identified at item No. 3) to act on my behalf during the assessment of the application  YES  NO

If 'YES', please provide Agent's details at item No. 3

Applicant signature		Date	18/9/24
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## 2. Landowner details

All owner(s) of the land must sign this application. Where land is owned by the Crown or has a management order granted to a local government or other agency, this application must be signed by the relevant landowner or management body as required under section 72(5)(a) of the Act. If there are more than two landowners, please provide the additional information and signature(s) on a separate page.

### Details of first landowner

Name	Mike Bradford		
Position (if applicable)	CEO		
Organisation (if applicable)	City of South Perth		
Contact person	Mike Bradford		
Postal address	Cnr Sandgate St and South Terrace		
Town/Suburb	South Perth	State	WA
		Postcode	6101

I consent to this application being made.

First landowner signature		Date	30/10/24
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### Details of second landowner (if applicable)

Name			
Position (if applicable)			
Organisation (if applicable)			
Contact person			
Postal address			
Town/Suburb		State	
		Postcode	

I consent to this application being made.

Second landowner signature		Date	
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3. Authorised agent details (if applicable)

The applicant must sign the form and tick the authorisation under item No. 1 to provide authority for an appointed authorised agent to act on their behalf.

Details of authorised agent

Name	Ian Birch		
Position (if applicable)	Proprietor		
Company/agency (if applicable)	Ian Birch Town Planner		
ACN/ABN (if applicable)	14108632087		
Postal address	29 Lansdowne Street		
Town/Suburb	Jolimont	State	WA Postcode 6014
Telephone	Work 0431 815 250	Mobile	
Email	ianbirch29@gmail.com		
Authorised Agent signature		Date	18/9/24

4. Location of proposed development

Certificate of title information	Volume LR3176	Folio 493
	Diagram/plan/deposit plan no. 424400	
Lot No.(s)	1204	
Location		
Reserve No.(s) (if applicable)		
Street No.(s) and name	1 Coode Street	
Town/Suburb	South Perth	
Nearest road intersection	Coode Street/Mill Point Road	

5. Details of proposed development

Please provide a written description of the proposed development (refer to the Development Application Guidelines for further details on what information to include in this section).

Estimated cost of development \$ 350,000

Current use of land Please describe how the land is currently used. Part of broader foreshore reserve POS.

Proposed development Please provide a summary of the proposed use and development. Additional detail should be provided as an attachment to this application form. Open structure, 230sqm in area, to accommodate an alfresco dining extension to the existing Boatshed Restaurant.

# Ian Birch MPIA Town Planner

18 September 2024

To: The City of South Perth

## **Alfresco addition to The Boatshed Restaurant**

As authorised agent, I am submitting this application on behalf of Mr Graeme Millar, owner and operator of the Boatshed Restaurant.

In accordance with Part 5 of the Swan and Canning Rivers Management Act 2006, the attached Form 1 Application for Approval of Development to construct an alfresco dining area alongside the existing Boatshed Restaurant at 1 Coode Street South Perth is submitted for assessment.

The development of the alfresco area is required under the terms (Part 5) of a new sublease agreed earlier this year between the Mr Millar and the City of South Perth.

The application comprises:

- Form 1 Application for Approval of Development (we have it on advice that state and local government land owner consent will be completed and signed on receipt of this application)
- Written authority to act as authorised agent
- Copy of the sublease agreement
- Planning Report and associated material supporting the application
- Previous approvals, reports and plans -
  - A-01 Site Plans
  - A-02 Part Waste Floor Plan
  - A-03 Site Plan-Lease Area
  - A-04 Elevation
  - A06 Perspective View
  - A08 Birds Eye View
  - A09 View from Northeast

This is a fresh application for the previously approved development of the alfresco extension which expired on the 30th of January 2024. The applicant seeks a new approval for the same development.

Yours sincerely

**Ian Birch**

Mb: 0431 815 250

Email: birch1951@optusnet.com.au

# The Boatshed Restaurant

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RESTAURANT & CAFE

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September 4<sup>th</sup>, 2024

**RE: Written authority to act as authorized agent**

To whom it may concern,

Form 1 – Application for Approval of Development Extension to Boatshed Restaurant/Café to accommodate Alfresco Dining

South Perth Foreshore: 1 Coode Street, South Perth

I, Graeme Millar, lessee/owner of the Boatshed Restaurant/Café, hereby authorise Ian Birch, Town Planner to Act as my agent for the abovementioned development application.

Yours sincerely,

Graeme Millar

**Proprietor**

accounts@boatshedrestaurant.com

04/09/2024

T: 9474 1314

E: [bookings@boatshedrestaurant.com](mailto:bookings@boatshedrestaurant.com)

Coode Street Jetty

South Perth WA 6151

[www.boatshedrestaurant.com](http://www.boatshedrestaurant.com)

*Swan and Canning Rivers Management Act 2006*

**SECTION 84**

**DETERMINATION OF REQUEST FOR VARIATION TO DEVELOPMENT APPROVAL**

APPROVAL NUMBER	:	2019/1459
SECTION 84 FILE NUMBER	:	2022/2146
APPLICANT	:	Millar Holdings Pty Ltd trading as Boatshed Restaurant
LANDOWNER	:	Department of Planning, Lands and Heritage with vesting to the City of South Perth
LAND DESCRIPTION	:	South Perth Foreshore - Lot 1203 on Plan 28824 and Lot 11835 on Plan 240379 (Reserve 34565), Coode Street South Perth
DEVELOPMENT	:	Extension of Boatshed Restaurant Café to accommodate alfresco dining
DESCRIPTION OF CHANGES	:	12-month extension of current development approval to 30 January 2024
SECTION 84 DETERMINATION	:	<b>APPROVAL WITH NO CHANGE TO CONDITIONS</b>

**DETERMINATION**

In accordance with Section 84(1)(a) of the *Swan and Canning Rivers Management Act 2006*, I hereby:

1. Authorise the requested extension of time to 30 January 2024.

**ADVICE TO APPLICANT**

1. This Section 84 approval is granted subject to all conditions and advice notes applicable to development approval 2019/1459.



Hon Reece Whitby MLA  
**MINISTER FOR ENVIRONMENT**

Date: 19/12/2022



*Swan and Canning Rivers Management Act 2006*

**PART 5**

**DETERMINATION OF DEVELOPMENT APPLICATION**

FILE NUMBER	:	2019/1459
APPLICANT	:	Millar Holdings Pty Ltd trading as Boatshed Restaurant
LANDOWNER	:	Department of Planning, Lands and Heritage and vested to the City of South Perth
LAND DESCRIPTION	:	South Perth Foreshore – Lot 1203 on Plan 28824 and Lot 11835 on Plan 240379 (Reserve 34565), Coode Street, South Perth
DEVELOPMENT	:	Extension of Boatshed Restaurant Café to accommodate alfresco dining
VALID FORM 1 RECEIVED	:	22 May 2019
DETERMINATION	:	<b>APPROVAL WITH CONDITIONS</b>

The application to commence development in accordance with the amended plans received on 12 November 2020 is APPROVED subject to the following conditions:

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

**Prior to the commencement of works**

2. The applicant shall notify the Department of Biodiversity, Conservation and Attractions in writing not less than seven (7) days prior to the commencement of works (**Advice Note 1**).
3. Prior to the submission of an application for a building licence, a Construction Environmental Management Plan shall be submitted to and approved by the Department of Biodiversity, Conservation and Attractions, on advice from the City of South Perth (**Advice Note 6**).
4. Prior to the submission of an application for a building licence, a Stormwater Management Plan shall be submitted to and approved by the Department of Biodiversity, Conservation and Attractions, on advice from the City of South Perth (**Advice Note 7**).
5. Prior to the submission of an application for a building licence, a Landscaping Plan shall be submitted to and approved by the Department of Biodiversity, Conservation and Attractions, on advice from the City of South Perth (**Advice Note 8**).
6. Prior to the submission of an application for a building licence, the applicant shall pay a sum as detailed on the tax invoice issued by the City of South Perth for the cost of removing and replacing existing trees in conflict with the proposed development.

7. Prior to the submission of an application for a building licence, the applicant shall enter into a bond agreement with the City of South Perth for any trees remaining onsite that are not identified under **Condition 6** of this approval.
8. Prior to the submission of an application for a building licence, final design plans/drawings, including details of the external colours, finishes, materials, lighting and signage, for the development shall be submitted to and approved by the Department of Biodiversity, Conservation and Attractions, on advice from the City of South Perth (**Advice Note 9**).

### **During works**

9. The Construction Environmental Management Plan approved under **Condition 3** of this approval shall be implemented.
10. The applicant shall pay a bond as agreed with the City of South Perth in the event that any tree that has not been identified under **Condition 6** of this approval is injured or requires removal as a result of the works.
11. The existing gazebo at conflict with the development shall be relocated at the applicant's expense to the satisfaction of the Department of Biodiversity, Conservation and Attractions, on advice from the City of South Perth.
12. Any path lights required to be removed or relocated during the construction works shall be at the applicant's expense.

### **On completion of works**

13. Within 24 hours of completion of the works, all waste materials, equipment and machinery shall be removed, and the site cleaned up, including turf reinstatement, to the satisfaction of the Department of Biodiversity, Conservation and Attractions, on advice from the City of South Perth.
14. In the event that any existing toilets are required to be upgraded and/or additional toilets are required to be constructed in accordance with the Building Code of Australia, these facilities shall be connected to the reticulated sewerage system.

### **Ongoing**

15. The approved Stormwater Management Plan shall be implemented, and any associated infrastructure maintained, to the satisfaction of the Department of Biodiversity, Conservation and Attractions, on advice from the City of South Perth.
16. The approved Landscaping Plan shall be implemented, and any landscaped areas maintained, to the satisfaction of the Department of Biodiversity, Conservation and Attractions, on advice from the City of South Perth.

### **ADVICE TO APPLICANT**

1. Notification of the commencement of works and any plans required to be submitted as a condition of this approval can be emailed to [rivers.planning@dbca.wa.gov.au](mailto:rivers.planning@dbca.wa.gov.au).
2. To allow sufficient time for the Department of Biodiversity, Conservation and Attractions and City of South Perth to consider and approve the plans required under this approval,

information should be submitted no later than 42 days prior to the expected commencement date.

3. The City of South Perth advises in-principle support for the proposed lease area changes. However, consideration of the current leasing arrangement with the City, with respect to the request to acquire additional land, will need to be considered separately, as the proposed extension straddles a common boundary.
4. The City of South Perth advises the applicant that additional fees and bonds, such as those posed under **Condition 7** of this approval, are required to protect the City from any costs that may be incurred if the reinstatement of the park is not to the City's standard or further damage to the park's vegetation or infrastructure is caused by the applicant's construction works.
5. The City of South Perth advises that, as the alfresco area is to be exclusively used by the Boatshed Restaurant Café, the applicant must provide a sufficient number of toilets for their patrons in accordance with the Building Code of Australia. The existing public facilities cannot be included in these calculations. In the event that more toilets or upgrades are required, please ensure updated plans are provided to the Department of Biodiversity, Conservation and Attractions in accordance with **Condition 8** of this approval and that it is demonstrated that these facilities will be connected to the reticulated sewer system in accordance with **Condition 14**.
6. The Construction Environmental Management Plan required under **Condition 3** shall describe how the proposed works will be managed to minimise potential environmental impacts and shall address, but not be limited to:
  - a. scope of works, including demolition and construction methodology;
  - b. site access and management, including fencing requirements;
  - c. management of machinery and equipment, including a refuelling procedure and spill response;
  - d. the location of any temporary structures;
  - e. on-site storage and bunding of materials (sediment control), equipment, chemicals and fuel;
  - f. protection of the river (and nearby stormwater drains) from inputs of debris, rubbish or other deleterious material;
  - g. waste and material disposal;
  - h. protection of vegetation;
  - i. noise and vibration controls;
  - j. air and dust management;
  - k. traffic management, including parking arrangements for work contractors;
  - l. site security;
  - m. public access and safety;
  - n. dewatering management (if required);
  - o. hours of operation and schedule of works;
  - p. complaints and incidents;
  - q. a detailed site map showing the location of any:
    - i. signage, including the contact details of essential site personnel;
    - ii. perimeter fencing and hoarding;
    - iii. the laydown area and vehicle entry/exit points;
    - iv. protected vegetation;
    - v. any areas of excavation and stockpiling of soil;
    - vi. on-site storage and bunding of materials and equipment;
    - vii. traffic access and parking; and
    - viii. any proposed redirection of pedestrian, or vessel, traffic.



- r. in the case of a sediment plume or hazardous pollution events, the Department of Biodiversity, Conservation and Attractions can be contacted on 9278 0981 (Riverpark Duty Officer) or 9480 9924 (Marine Pollution Response); and
  - s. any other matters considered relevant to the proposal not identified above.
7. Regarding **Condition 4**, the Stormwater Management Plan shall describe how the stormwater system has been designed to prevent mobilisation of sediment, nutrients and contaminants from the site to the river. Stormwater should be managed in accordance with the Department of Biodiversity, Conservation and Attractions' Policy 49: *Planning for Stormwater Management Affecting the Swan Canning Development Control Area*, the Department of Water and Environmental Regulation's *Stormwater Management Manual for Western Australia* and *Decision Process for Stormwater Management in WA*, and water sensitive urban design principles. The plan shall address, unless otherwise agreed in writing, that:
- a. stormwater run-off from constructed impervious surfaces generated by small rainfall events (i.e. the first 15 mm of rainfall) has been retained and/or detained at-source as much as practical (noting that untreated stormwater will not be permitted to enter the river).
8. Regarding **Condition 5**, the Landscaping Plan shall include, unless otherwise agreed in writing;
- a. details of the planting densities and species composition of plants proposed (noting that appropriate local native species are to be planted), as well as offset planting around the development for trees removed as a result of the works and existing vegetation to be retained;
  - b. reticulation details, indicating type and location of sprinkler, bubbler, drippers and if bore or scheme water will be utilised (noting that irrigation around the existing building is to be amended at the applicant's expense); and
  - c. details of treatment proposed for landscaped surfaces (e.g. mulch, lawn, etc.).
9. Regarding **Condition 8**, the applicant is advised that
- a. the design of the alfresco extension is required to match with the existing materials and colours and finishes of the Boatshed Restaurant;
  - b. the concrete path that wraps around the alfresco extension needs to be extended in front of the new glass wall located outside of the existing lease area;
  - c. solar passive design principles are to be accommodated into the development, with solar passive structures included in the design of the alfresco extension; and
  - d. additional bicycle racks may be required to accommodate the increase in patrons.



Hon Stephen Dawson MLC  
**MINISTER FOR ENVIRONMENT**

Date: 30/1/21

**DEPARTMENT OF BIODIVERSITY, CONSERVATION AND ATTRACTIONS REPORT**

PROPOSAL	: Extension of Boatshed Restaurant Café to accommodate alfresco dining
LOCATION	: South Perth Foreshore – Lot 1203 on Plan 28824 and Lot 11835 on Plan 240379 (Reserve 34565), Coode Street, South Perth
COST	: Approximately \$300,000
APPLICANT	: Millar Holdings Pty Ltd trading as Boatshed Restaurant
LANDOWNER	: Department of Planning, Lands and Heritage and vested to the City of South Perth
LOCAL GOVERNMENT	: City of South Perth
MRS CLASSIFICATION	: Parks and Recreation
DECISION TYPE	: Part 5, <i>Swan and Canning Rivers Management Act 2006</i> , Ministerial Determination
ATTACHMENTS	: 1. Location map (1 pages) 2. City of South Perth advice (3 pages) 3. Boatshed extension plans (7 pages)
RECOMMENDATION	: <b>APPROVAL WITH CONDITIONS</b>

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**REPORT**

**1.0 INTRODUCTION**

- 1.1 The Department of Biodiversity, Conservation and Attractions (DBCA) has received an application from Millar Holdings Pty Ltd (the applicant) proposing to construct an alfresco area addition to the existing Boatshed Restaurant Café at the South Perth Foreshore - Lot 1203 on Plan 28824 and Lot 11835 on Plan 240379 (Reserve 34565), Coode Street, South Perth (**Attachment 1**). The subject land is reserved for Parks and Recreation under the Metropolitan Region Scheme.
- 1.2 The proposed development is to occur on land entirely within the Swan Canning Development Control Area and outside of the applicant's existing lease area and therefore requires an approval from the Minister for Environment in accordance with Part 5 of the *Swan and Canning Rivers Management Act 2006* (SCRM Act).
- 1.3 The Director General of DBCA has prepared this report in accordance with section 76 of the SCRM Act.

## 2.0 CONSULTATION

### City of South Perth

- 2.1 The City of South Perth (the City) advised that it assessed the proposal against its Town Planning Scheme No. 6 and supports approval of the application, subject to conditions and advice (**Attachment 2**).
- 2.2 It should be noted that, although stated in the City's advice letter, it has since been confirmed by the Water Corporation that the Boatshed Restaurant is connected to the reticulated sewer system.

## 3.0 PUBLIC CONSULTATION – SUBMISSIONS ON DRAFT REPORT

- 3.1 In accordance with the requirements of Part 5 of the SCRM Act, a copy of the draft report and proposed recommendation was provided to the applicant and the relevant stakeholders being the City of South Perth. A copy was also published on the DBCA website for a period of two (2) weeks between 16 and 30 December 2020 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)
- ◆ Corporate Policy Statement No. 42 – *Planning for Land Use, Development and Permitting Affecting the Swan Canning Development Control Area* (Policy 42)
- ◆ Corporate Policy Statement No. 45 – *Planning for Miscellaneous Structures and Facilities in the Swan Canning Development Control Area* (Policy 45)
- ◆ Corporate Policy Statement No. 46 – *Planning for Commercial Operations in the Swan Canning Development Control Area*
- ◆ Corporate Policy Statement No. 49 – *Planning for Stormwater Management Affecting the Swan Canning Development Control Area* (Policy 49)
- ◆ Corporate Policy Statement No. 49 – *Planning for Wastewater Management Affecting the Swan Canning Development Control Area* (Policy 51)

## 5.0 ENVIRONMENTAL AND PLANNING CONSIDERATIONS

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

## 6.0 BACKGROUND

- 6.1 Since the Boatshed Restaurant was constructed in 1995, it has been granted a Part 5 development approval for the enclosure of existing outdoor dining space in 2010 and a permit approval was provided to the City of South Perth (the City), on behalf of the applicant, for alterations to the public toilets in 2012. There have been no previous applications to extend the restaurant.

- 6.2 This application is for the construction of an additional 229.60m<sup>2</sup> of alfresco area, to be located on the western side of the Boatshed Restaurant building (with a 310.56m<sup>2</sup> lease area boundary addition) for the café portion of the restaurant. This extension will be setback from the footpath and will be complementary to the design of the existing building. The enclosed play space currently located in the north-western corner of the restaurant footprint will be incorporated into the new alfresco area, and this corner of the lease area (67.65m<sup>2</sup>) will return to the public foreshore reserve. The development will result in a 242.91m<sup>2</sup> increase to the lease area, bringing the total lease area to 1,177.57m<sup>2</sup> (see Attachment 3).
- 6.3 The proposed development is expected to cost approximately \$300,000 and will result in the relocation of an existing public gazebo and the removal of one tree.

## 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 No in-water works will be required for the development. However, due to the proximity to the river and considering that the building is located within the public foreshore reserve, it is necessary to ensure that the works are managed appropriately. It is recommended that a Construction Environmental Management Plan (CEMP) is prepared to the satisfaction of DBCA, on advice from the City.
- 7.3 Policy 51 states that reticulated sewerage is the most reliable, efficient and environmentally acceptable method of managing wastewater. The Boatshed Restaurant contains both internal toilets for patron use, and external toilets for the public and there is no intention to modify this as part of the proposed works. As the building is connected to the reticulated sewer system, wastewater is already appropriately managed. However, as the alfresco area is to be exclusively used by the Boatshed Restaurant Café, the City has advised that the applicant must provide a sufficient number of toilets for its patrons in accordance with the Building Code of Australia. The existing public facilities cannot be included in these calculations. If it is found that any additional toilets or upgrades are required, then these are to be connected to the reticulated sewer system.

### Amenity

- 7.4 The applicant has made several changes to the proposed alfresco addition to address the interface of the development with the foreshore, public sightlines, and overall amenity. The alfresco area has been setback from the Swan River and beach area to maintain public access and minimise the impact of the built form on the amenity of the foreshore. The alfresco area aligns with the existing outdoor dining area and has been designed to be an open sided space, with glass balustrades and an open pitched roof to be visually permeable and preserve sightlines where possible.
- 7.5 The works will result in the loss of one tree (a 10-year-old *Corymbia calophylla*, which replaced a *Eucalyptus leucoxylon* that fell over during a storm in 2010) and the removal of a public gazebo. In order to compensate for the tree, the City has

recommended that the developer pay a sum of the cost of removing and replacing the tree and recommends that a bond be placed on all other trees in the area that should be protected during the works. The gazebo is to be relocated within the reserve at the applicant's cost.

- 7.6 The alfresco area is proposed as an extension of the existing Boatshed Café service area. This portion of the restaurant is less formal and provides a walk-in service to the public. The café is open seven days per week from 8am-3pm (4pm on weekends) and it is not proposed that the operating times will change as a result of the development.
- 7.7 Although the works will result in an overall reduction of public space, it is anticipated that the addition of the well-designed alfresco area will provide a community benefit by facilitating opportunities for the public to interact with and enjoy the river environment. The applicant has also agreed to relinquish a portion of its existing lease area to provide more open space in front of the café and the design of the addition is of high quality and care has been taken to reduce the visual impact for users of the foreshore reserve.

### **Stormwater management**

- 7.8 Policy 49 states that stormwater run-off from constructed impervious surfaces generated by 1 year, 1 hour average recurrence interval (ARI) events should be retained and/or detained at the run-off source as much as practical.
- 7.9 It is unknown what stormwater management systems are in place for the existing building. As new impervious surfaces will be constructed, it is recommended that the applicant submit a stormwater management plan or statement that demonstrates that stormwater run-off from impervious surfaces generated by small rainfall events (i.e. the first 15mm of rainfall) is being retained and/or detained at-source.

### **Waste management**

- 7.10 The additional waste generated from the café extension will be dealt with in accordance with the applicant's current waste management agreement with the City.

### **Public access and safety**

- 7.11 There are two large car parks located to the east and west of the building, as well as parking along Coode Street and Douglas Avenue. The area is also popular for cyclists and pedestrians who can access the foreshore and café by the footpath and principal shared path.
- 7.12 Despite the large car parking areas available, it is acknowledged that the South Perth foreshore is popular, and spaces can be limited. However, the amount of parking bays is considered sufficient for the area, particularly given its accessibility to pedestrians, and expansion to the current parking space could have a detrimental impact on the use of the reserve and so additional parking is not recommended by DBCA or the City.
- 7.13 Although public access to the footpath in front of the Boatshed Restaurant may be impacted by the construction of the alfresco area (which should be addressed in the

CEMP), the extension will be located away from the footpath and will not result in any long-term access issues.

## 8.0 SWAN RIVER TRUST

- 8.1 In accordance with section 75(3A) of SCRM Act, the Swan River Trust considered DBCA's draft report at its meeting of 8 December 2020 and resolved to advise the Director General of the DBCA that it recommends the application be approved subject to the conditions outlined in DBCA's draft report.

## 9.0 CONCLUSION

- 9.1 The proposed alfresco area will result in the overall reduction of public space by 242.91m<sup>2</sup>. However, it is considered that the addition of the well-designed alfresco area will provide a community benefit by facilitating opportunities for the public to interact with and enjoy the river environment.
- 9.2 The design is of high quality and care has been taken to reduce the visual impact for users of the reserve, including returning a portion of the existing lease area to the public foreshore to provide more open space in front of the café.
- 9.3 Potential environmental impacts from the works are expected to be minimal and can be addressed through the preparation and approval of a CEMP.
- 9.4 For these reasons, the proposal is recommended for approval, subject to conditions and advice.

## 10.0 RECOMMENDATION – APPROVAL WITH CONDITIONS

That the Director General of DBCA advises the Minister for Environment that Millar Holdings Pty Ltd's proposal to extend the Boatshed Restaurant Café to accommodate alfresco dining at South Perth Foreshore – Lot 1203 on Plan 28824 and Lot 11835 on Plan 240379 (Reserve 34565), Coode Street, South Perth, as described in the amended application received on 12 November 2020, be approved subject to the following conditions:

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

### Prior to the commencement of works

2. The applicant shall notify the Department of Biodiversity, Conservation and Attractions in writing not less than seven (7) days prior to the commencement of works (**Advice Note 1**).
3. Prior to the submission of an application for a building licence, a Construction Environmental Management Plan shall be submitted to and approved by the Department of Biodiversity, Conservation and Attractions, on advice from the City of South Perth (**Advice Note 6**).
4. Prior to the submission of an application for a building licence, a Stormwater Management Plan shall be submitted to and approved by the Department of Biodiversity, Conservation and Attractions, on advice from the City of South Perth (**Advice Note 7**).

5. Prior to the submission of an application for a building licence, a Landscaping Plan shall be submitted to and approved by the Department of Biodiversity, Conservation and Attractions, on advice from the City of South Perth (**Advice Note 8**).
6. Prior to the submission of an application for a building licence, the applicant shall pay a sum as detailed on the tax invoice issued by the City of South Perth for the cost of removing and replacing existing trees in conflict with the proposed development.
7. Prior to the submission of an application for a building licence, the applicant shall enter into a bond agreement with the City of South Perth for any trees remaining onsite that are not identified under **Condition 6** of this approval.
8. Prior to the submission of an application for a building licence, final design plans/drawings, including details of the external colours, finishes, materials, lighting and signage, for the development shall be submitted to and approved by the Department of Biodiversity, Conservation and Attractions, on advice from the City of South Perth (**Advice Note 9**).

#### **During works**

9. The Construction Environmental Management Plan approved under **Condition 3** of this approval shall be implemented.
10. The applicant shall pay a bond as agreed with the City of South Perth in the event that any tree that has not been identified under **Condition 6** of this approval is injured or requires removal as a result of the works.
11. The existing gazebo at conflict with the development shall be relocated at the applicant's expense to the satisfaction of the Department of Biodiversity, Conservation and Attractions, on advice from the City of South Perth.
12. Any path lights required to be removed or relocated during the construction works shall be at the applicant's expense.

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

13. Within 24 hours of completion of the works, all waste materials, equipment and machinery shall be removed, and the site cleaned up, including turf reinstatement, to the satisfaction of the Department of Biodiversity, Conservation and Attractions, on advice from the City of South Perth.
14. In the event that any existing toilets are required to be upgraded and/or additional toilets are required to be constructed in accordance with the Building Code of Australia, these facilities shall be connected to the reticulated sewerage system.

#### **Ongoing**

15. The approved Stormwater Management Plan shall be implemented, and any associated infrastructure maintained, to the satisfaction of the Department of Biodiversity, Conservation and Attractions, on advice from the City of South Perth.
16. The approved Landscaping Plan shall be implemented, and any landscaped areas maintained, to the satisfaction of the Department of Biodiversity, Conservation and Attractions, on advice from the City of South Perth.

#### **ADVICE TO APPLICANT**

1. Notification of the commencement of works and any plans required to be submitted as a condition of this approval can be emailed to [rivers.planning@dbca.wa.gov.au](mailto:rivers.planning@dbca.wa.gov.au).
2. To allow sufficient time for the Department of Biodiversity, Conservation and Attractions and City of South Perth to consider and approve the plans required under this approval, information should be submitted no later than 42 days prior to the expected commencement date.
3. The City of South Perth advises of its in-principle support for the proposed lease area changes. However, consideration of the current leasing arrangement with the City of South Perth, with respect to the request to acquire additional land, will need to be considered separately, as the proposed extension straddles a common boundary.
4. The City of South Perth advises the applicant that additional fees and bonds, such as those cited under **Condition 7** of this approval, are required to protect the City of South Perth from any costs that may be incurred if the reinstatement of the park is not to the City of South Perth's standard or further damage to the park's vegetation or infrastructure is caused by the applicant's construction works.
5. The City of South Perth advises that, as the alfresco area is to be exclusively used by the Boatshed Restaurant Café, the applicant must provide a sufficient number of toilets for their patrons in accordance with the Building Code of Australia. The existing public facilities cannot be included in these calculations. In the event that more toilets or upgrades are required, please ensure updated plans are provided to the Department of Biodiversity, Conservation and Attractions in accordance with **Condition 8** of this approval and that it is demonstrated that these facilities will be connected to the reticulated sewer system in accordance with **Condition 14**.
6. The Construction Environmental Management Plan required under **Condition 3** shall describe how the proposed works will be managed to minimise potential environmental impacts and shall address, but not be limited to:
  - a. scope of works, including demolition and construction methodology;
  - b. site access and management, including fencing requirements;
  - c. management of machinery and equipment, including a refuelling procedure and spill response;
  - d. the location of any temporary structures;
  - e. on-site storage and bunding of materials (sediment control), equipment, chemicals and fuel;
  - f. protection of the river (and nearby stormwater drains) from inputs of debris, rubbish or other deleterious material;
  - g. waste and material disposal;
  - h. protection of vegetation;
  - i. noise and vibration controls;
  - j. air and dust management;
  - k. traffic management, including parking arrangements for work contractors;
  - l. site security;
  - m. public access and safety;
  - n. dewatering management (if required);
  - o. hours of operation and schedule of works;
  - p. complaints and incidents;
  - q. a detailed site map showing the location of any:
    - i. signage, including the contact details of essential site personnel;
    - ii. perimeter fencing and hoarding;
    - iii. the laydown area and vehicle entry/exit points;



- iv. protected vegetation;
  - v. any areas of excavation and stockpiling of soil;
  - vi. on-site storage and bunding of materials and equipment;
  - vii. traffic access and parking; and
  - viii. any proposed redirection of pedestrian, or vessel, traffic.
- r. in the case of a sediment plume or hazardous pollution events, the Department of Biodiversity, Conservation and Attractions can be contacted on 9278 0981 (Riverpark Duty Officer) or 9480 9924 (Marine Pollution Response); and
- s. any other matters considered relevant to the proposal not identified above.
7. Regarding **Condition 4**, the Stormwater Management Plan shall describe how the stormwater system has been designed to prevent mobilisation of sediment, nutrients and contaminants from the site to the river. Stormwater should be managed in accordance with the Department of Biodiversity, Conservation and Attractions' Policy 49: *Planning for Stormwater Management Affecting the Swan Canning Development Control Area*, the Department of Water and Environmental Regulation's *Stormwater Management Manual for Western Australia* and *Decision Process for Stormwater Management in WA*, and water sensitive urban design principles. The plan shall address, unless otherwise agreed in writing, that:
- a. stormwater run-off from constructed impervious surfaces generated by small rainfall events (i.e. the first 15 mm of rainfall) has been retained and/or detained at-source as much as practical (noting that untreated stormwater will not be permitted to enter the river).
8. Regarding **Condition 5**, the Landscaping Plan shall include, unless otherwise agreed in writing:
- a. details of the planting densities and species composition of plants proposed (noting that appropriate local native species are to be planted), as well as offset planting around the development for trees removed as a result of the works and existing vegetation to be retained;
  - b. reticulation details, indicating type and location of sprinkler, bubbler, drippers and if bore or scheme water will be utilised (noting that irrigation around the existing building is to be amended at the applicant's expense); and
  - c. details of treatment proposed for landscaped surfaces (e.g. mulch, lawn, etc.).
9. Regarding **Condition 8**, the applicant is advised that:
- a. the design of the alfresco extension is required to match with the existing materials and colours and finishes of the Boatshed Restaurant;
  - b. the concrete path that wraps around the alfresco extension needs to be extended in front of the new glass wall located outside of the existing lease area;
  - c. solar passive design principles are to be accommodated into the development, with solar passive structures included in the design of the alfresco extension; and
  - d. additional bicycle racks may be required to accommodate the increase in patrons.

<b>FINAL REPORT ENDORSED</b>	
Signed: _____	Date: _____
Mark Webb Director General	

ATTACHMENT 1 – LOCATION MAP



Enquiries: Ms Victoria Madigan on 9474 0777  
or email: [enquiries@southperth.wa.gov.au](mailto:enquiries@southperth.wa.gov.au)  
Our Ref. CO6/L780V4  
11.2019.190.1

23 November 2020

Department of Biodiversity, Conservation and Attractions  
Ms Liz Harrison  
Locked Bag 104, Bentley Delivery Centre  
Bentley WA 6983 Dear Sir / Madam'

Dear Liz,

PROPOSED ADDITIONS & ALTERATIONS TO ACCOMMODATE ALFRESCO DINING AT THE BOAT SHED:  
Lot R780, BOATSHED/ COODE STREET SOUTH PERTH – APPLICATION NO. 11.2019.190.1

The City of South Perth has received an amended plan for the proposed extension to accommodate Alfresco Dining at the Boatshed Restaurant located within Sir James Mitchell Park reserve. The amended plans have been referred to the City to provide a recommendation. As the proposed development relates to land reserved under the MRS, Development approval of the local government is not required as per clause 61 Part 7 Schedule 2 of the Planning and Development (Local Planning Scheme) Regulations 2015. The City supports the approval of the application and the following conditions and advice notes are recommended: Based upon an assessment of the proposed development in accordance with City's Town Planning Scheme No. 6, the City supports the proposal subject to the following condition and advice notes:

#### ADVICE TO DETERMINING BODY

- (1) The determining body be made aware of the South Perth Foreshore Strategy and Management Plan being the guiding strategic document for the area.
- (2) The determining body have due consideration to the contents of this document to the extent that they apply to the proposed development.
- (3) The Boat Shed Restaurant is not currently connected to an existing sewer. However, the restaurant has a separate sewer sump that only services the Boat Shed and is emptied when required. The City advises if a sewer connection is required, that this should be at the cost of the developer.

#### CONDITIONS

- (1) The external materials and colour finish of the proposed additions will be required to match the existing building, to the satisfaction of the City of South Perth.
- (2) Irrigation around the existing building is to be amended at the cost of the developer, to the satisfaction of the City of South Perth.

**Civic Centre** cnr Sandgate St & South Tce, South Perth WA 6151  
**Phone** 9474 0777 **Email** [enquiries@southperth.wa.gov.au](mailto:enquiries@southperth.wa.gov.au)  
**[www.southperth.wa.gov.au](http://www.southperth.wa.gov.au)**



- (3) The gazebo is to be relocated within the park at the expense of the applicant, to the satisfaction of the City.
- (4) Prior to the submission of a building permit application, a Construction Management Plan must be submitted to, and approved in writing by, the City of South Perth. The approved Plan shall be implemented and adhered to at all times during the construction stage, to the satisfaction of the City.  
Review of this Construction Management Plan will determine all other fees and bonds for site access and laydown areas.
- (5) Prior to the submission of a building permit application, the applicant is required to pay a sum as detailed on the tax invoice that will be issued by the City of South Perth for the cost of removing and replacing existing trees in conflict with the proposed development.
- (6) Prior to submission of a building permit application, any trees remaining onsite are required to have a bond placed on them as calculated by the City of South Perth.
- (7) The concrete path that wraps around the new structure, needs to be extended in front of the new glass wall located outside the existing lease area.
- (8) Existing path lights are to be removed or relocated for this construction, at the expense of the applicant.
- (9) The existing turf is to be reinstated once the construction is completed, to the satisfaction of the City.

#### ADVICE NOTES

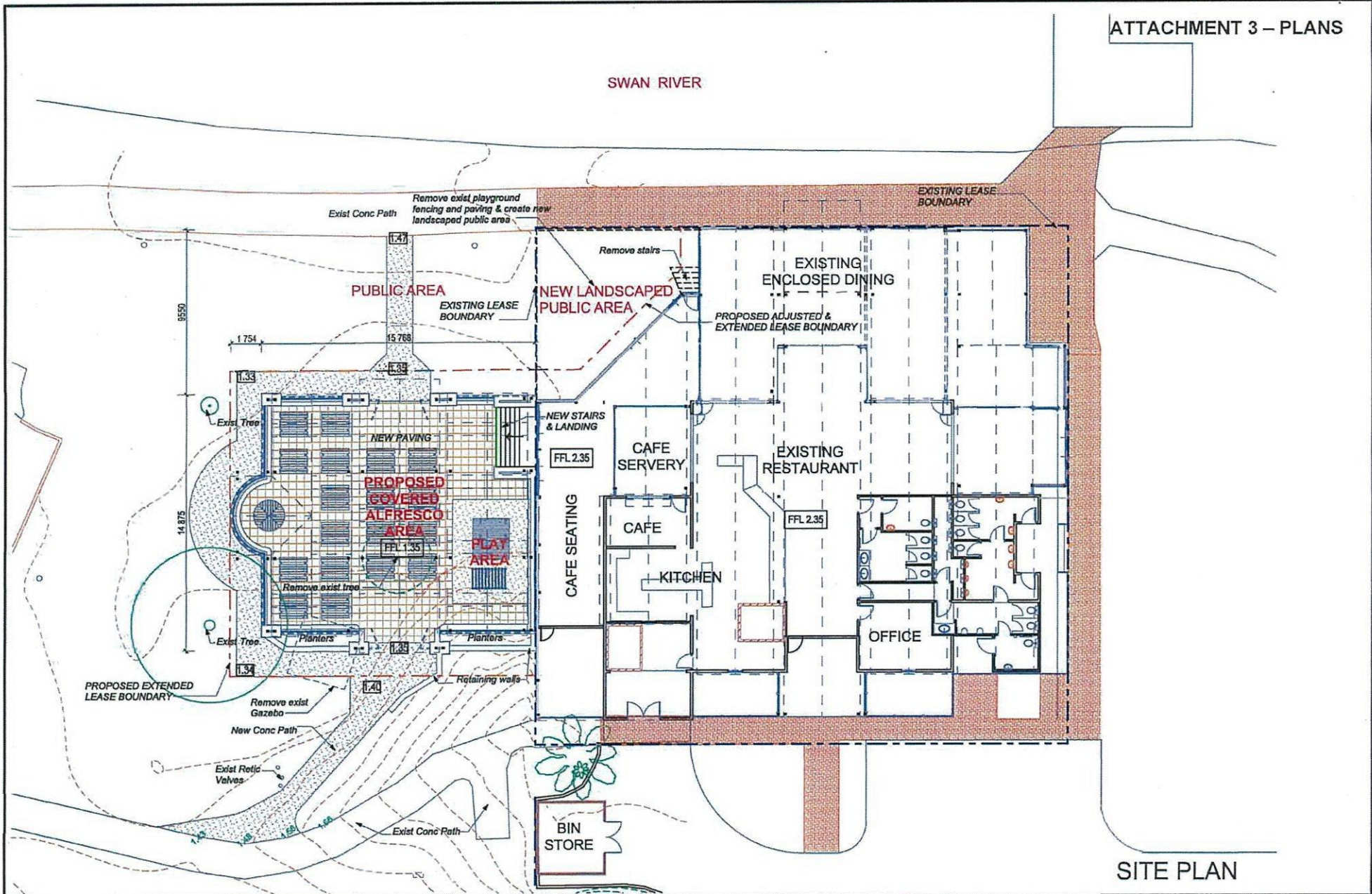
- (1) Consideration of the current leasing arrangements with the City with respect to the request to acquire additional land will need to be considered separately, as the proposed extension straddles a common boundary.
- (2) Additional fees and bonds are required to protect the City from any costs that may be incurred if the reinstatement of the park is not to the City's standard or further damage to park infrastructure is caused by the developer's project.
- (3) The developer to accommodate solar passive design principals and introduce solar passive structures in the design of the proposed additions.
- (4) All trees to be removed are to be offset by planting other trees in a suitable place within the development area, with prior approval of location and species to the satisfaction of the City.
- (5) As the proposed area is to be exclusively used by the Boatshed Restaurant, the developer must provide a sufficient number of toilets for their patrons in accordance with the Building Code of Australia. The existing public facilities cannot be included in these calculations.

If you have any queries or wish to discuss this matter further, please do not hesitate to contact me on 9474 0777 or by email at [enquiries@southperth.wa.gov.au](mailto:enquiries@southperth.wa.gov.au).


Yours faithfully

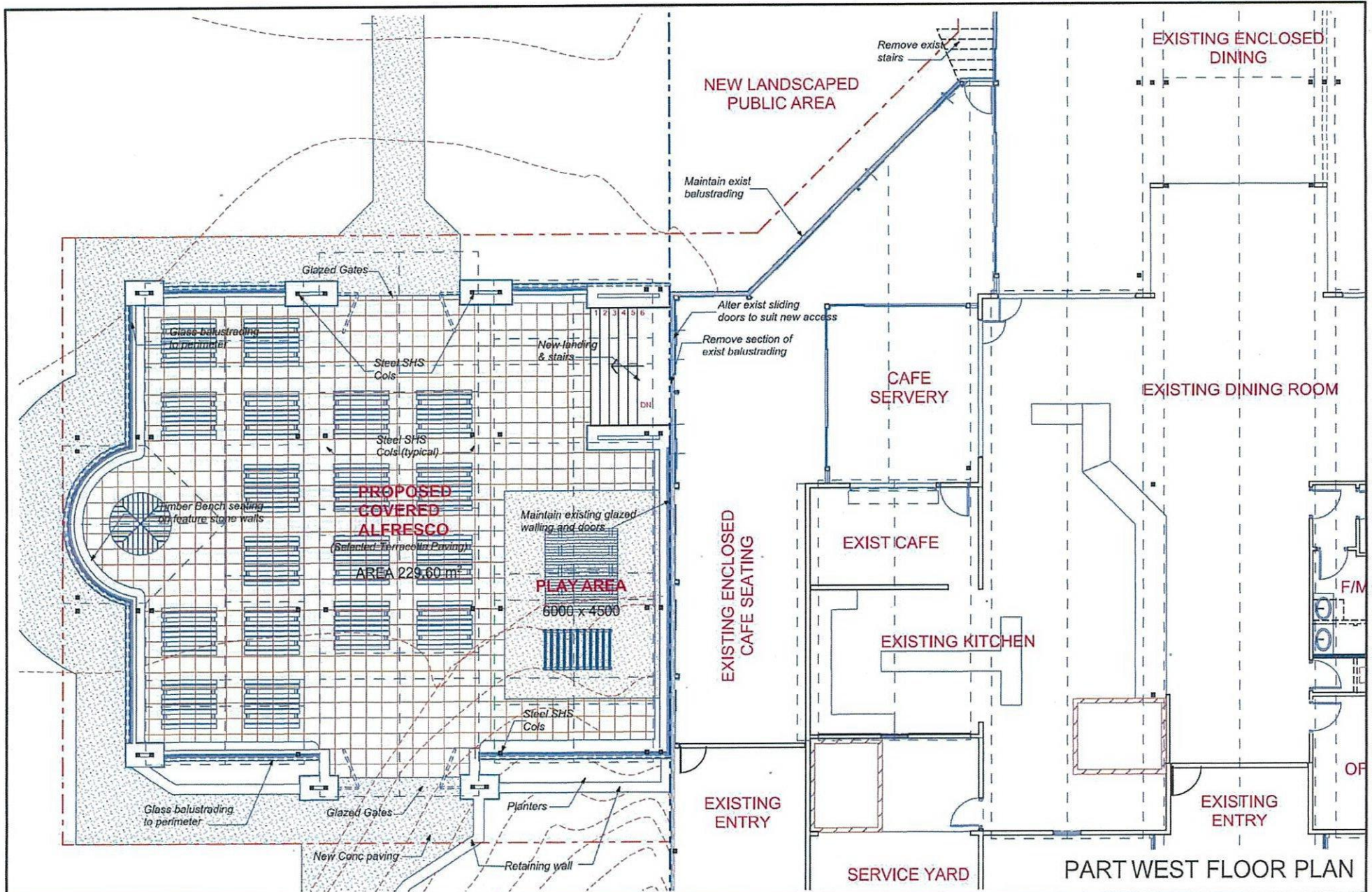


VICTORIA MADIGAN  
URBAN PLANNER, DEVELOPMENT SERVICES



SITE PLAN

 <b>Broadhurst &amp; Bott Architects</b> ACN 009 273 812 Unit 8/355 Stirling Highway, CLAREMONT WA 6010 Telephone (08) 9384 1133 Fax (08) 9383 4993 Kenneth Broadhurst Architects Pty Ltd trading as Broadhurst & Bott Architects	PROJECT <b>PROPOSED ALFRESCO AREA ADDITION                  BOATSHED CAFE: VERSION 7                  SIR JAMES MITCHELL PARK: SOUTH PERTH</b>	DATE JULY 2016 SCALE 1:200 DRAWN MB	DRAWING No. <b>A-01</b>
	CHECKED LOCAL GOVT. COUNCIL CITY OF SOUTH PERTH	APPROVED PLOTTING DETAILS	JOB No. 16/105 TIME: 16:29



PART WEST FLOOR PLAN



**Broadhurst & Bott Architects**

Unit 8/355 Stirling Highway, CLAREMONT WA 6010 Telephone (08) 9384 1133 Fax (08) 9383 4993  
 Kenneth Broadhurst Architects Pty Ltd trading as Broadhurst & Bott Architects

ACN 009 273 812

PROJECT PROPOSED ALFRESCO AREA ADDITION  
 BOATSHED CAFE: VERSION 7  
 SIR JAMES MITCHELL PARK: SOUTH PERTH

DATE JULY 2016  
 SCALE 1:100  
 DRAWN MB

DRAWING No. **A-02**

CHECKED APPROVED

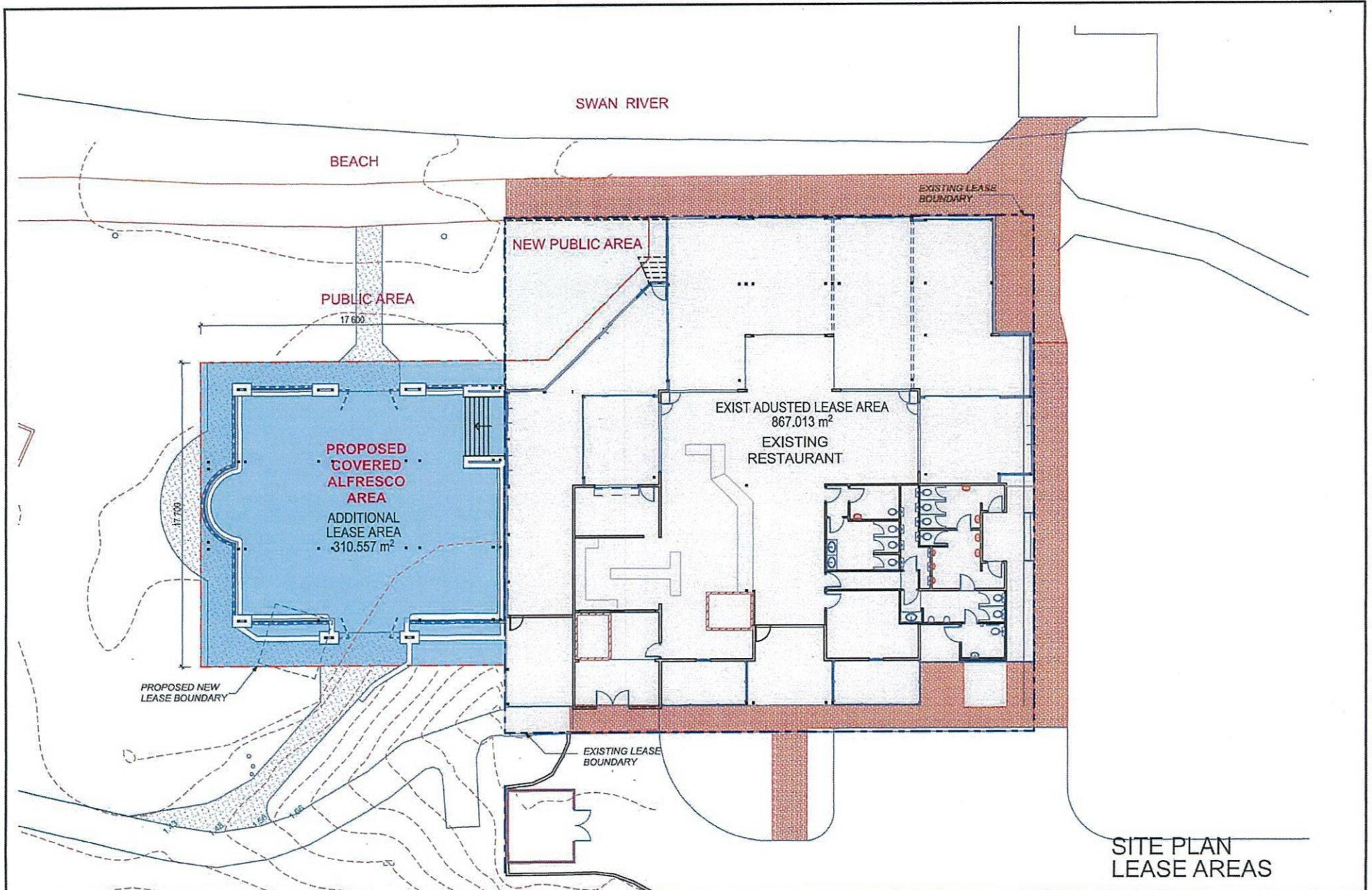
JOB No. 16/105

REVISION No.


LOCAL GOVT. COUNCIL CITY OF SOUTH PERTH

PLOTTING DETAILS

TIME: 16:29 DATE: 05/10/2020

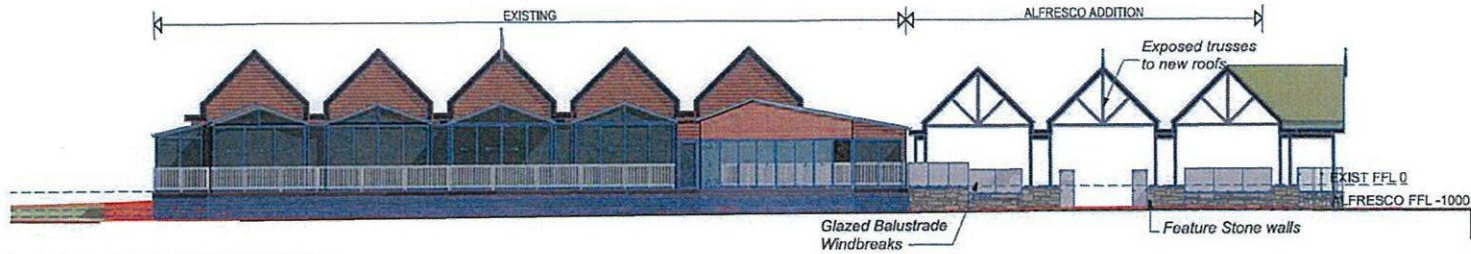


SITE PLAN  
LEASE AREAS

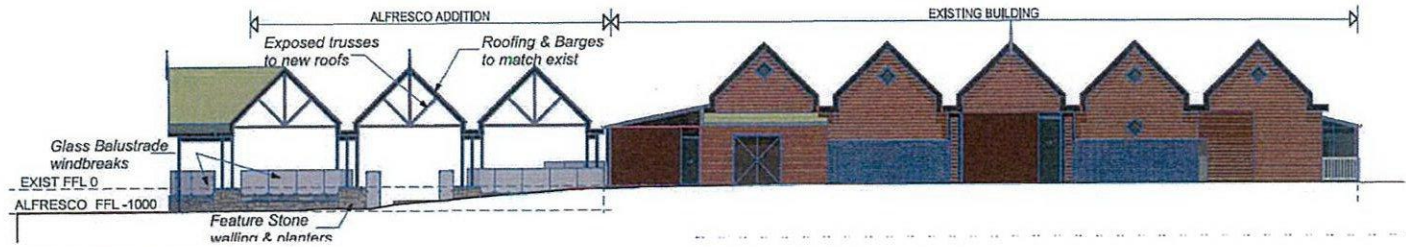
 <b>Broadhurst &amp; Bott Architects</b> Unit 8/355 Stirling Highway, CLAREMONT WA 6010 Telephone (08) 9384 1133 Fax (08) 9383 4993 Kenneth Broadhurst Architects Pty Ltd trading as Broadhurst & Bott Architects	ACN 009 273 812	<b>PROJECT</b> PROPOSED ALFRESCO AREA ADDITION BOATSHED CAFE: VERSION 7 SIR JAMES MITCHELL PARK: SOUTH PERTH	DATE JULY 2016 SCALE 1:200 DRAWN MB	DRAWING No. <b>A-03</b>
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LOCAL GOVT. COUNCIL CITY OF SOUTH PERTH

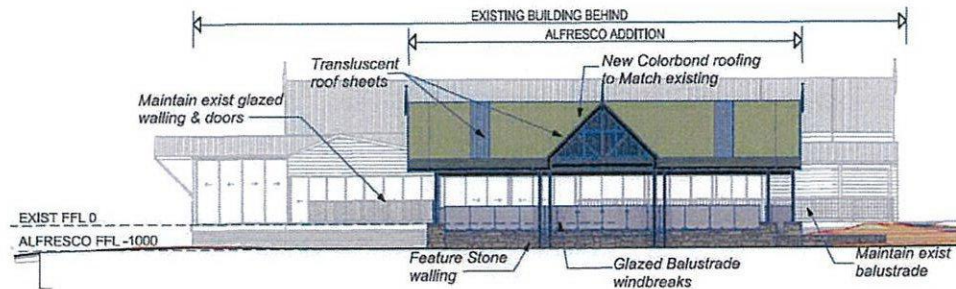




NORTH ELEVATION



SOUTH ELEVATION



WEST ELEVATION

ELEVATIONS



**Broadhurst & Bott Architects**

Unit 8/355 Stirling Highway, CLAREMONT WA 6010

Telephone (08) 9384 1133 Fax (08) 9383 4993

Kenneth Broadhurst Architects Pty Ltd trading as Broadhurst & Bott Architects

ACN 009 273 812

PROJECT

PROPOSED ALFRESCO AREA ADDITION  
BOATSHED CAFE: VERSION 7  
SIR JAMES MITCHELL PARK: SOUTH PERTH

CHECKED

APPROVED

LOCAL GOVT. COUNCIL CITY OF SOUTH PERTH

DATE JULY 2016

SCALE 1:200

DRAWN MB

JOB No. 16/105

PLOTTING DETAILS

DRAWING No.

**A-04**

REVISION No.

TIME: 16:29 DATE: 05/10/2020



**Broadhurst & Bott Architects**

ACN 009 273 812

Unit: 8/355 Stirling Highway, CLAREMONT WA 6010

Telephone (08) 9384 1133 Fax (08) 9383 4993

Kenneth Broadhurst Architects Pty Ltd trading as Broadhurst & Bott Architects

PROJECT

PROPOSED ALFRESCO AREA ADDITION  
BOATSHED CAFE: VERSION 7  
SIR JAMES MITCHELL PARK: SOUTH PERTH

CHECKED

APPROVED

DATE JULY 2016

SCALE

DRAWN MB

JOB No. 16/105

DRAWING No.

**A-06**

REVISION No.

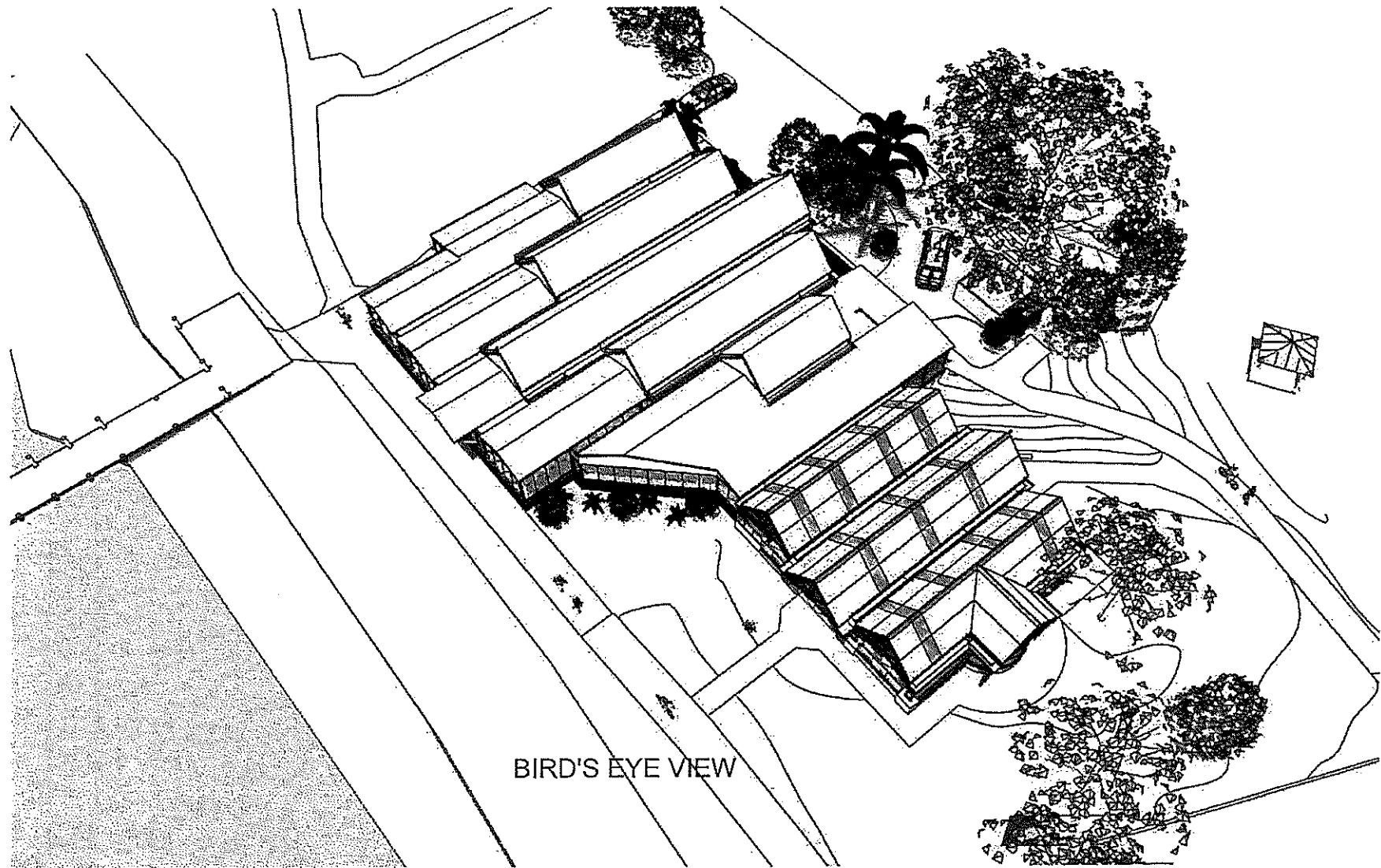
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LOCAL GOVT. COUNCIL CITY OF SOUTH PERTH


PLOTTING DETAILS

TIME: 16:29

DATE: 05/10/2020




BIRD'S EYE VIEW

 <b>Broadhurst &amp; Bott Architects</b> Unit 8/355 Stirling Highway, CLAREMONT WA 6010 Telephone (08) 9384 1133 Fax (08) 9383 4993 Kenneth Broadhurst Architects Pty Ltd trading as Broadhurst & Bott Architects	ACN 009 273 812	PROJECT	PROPOSED ALFRESCO AREA ADDITION BOATSHED CAFE: VERSION 7 SIR JAMES MITCHELL PARK: SOUTH PERTH	DATE	JULY 2016	DRAWING No.	A-08
		CHECKED	APPROVED	SCALE		REVISION No.	
				DRAWN	MS		
				JOB No.	16/105		
				LOCAL GOVT. COUNCIL	CITY OF SOUTH PERTH	PLOTTING DETAILS	TIME: 16:29 DATE: 05/10/2020



VIEW FROM NORTH EAST

 <b>Broadhurst &amp; Bott Architects</b> Unit 8/355 Stirling Highway, CLAREMONT WA 6010 Telephone (08) 9384 1133 Fax (08) 9383 4993 Kenneth Broadhurst Architects Pty Ltd trading as Broadhurst & Bott Architects	PROJECT <b>PROPOSED ALFRESCO AREA ADDITION          BOATSHED CAFE: VERSION 7          SIR JAMES MITCHELL PARK: SOUTH PERTH</b>	DATE JULY 2016 SCALE DRAWN MB	DRAWING No. <b>A-09</b>
	CHECKED APPROVED LOCAL GOVT. COUNCIL CITY OF SOUTH PERTH	JOB No. 16/105 PLOTTING DETAILS	REVISION No. - TIME: 10:46 DATE: 10/10/2020



Meeting No 11/2020

Tuesday 08 December 2020

## EXTRACT

ITEM 6.2

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**6.2 Extension of Boatshed Restaurant Café to accommodate alfresco dining – Millar Holdings Pty Ltd – South Perth Foreshore, Lot 1203 on Plan 28824 and Lot 11835 on Plan 240379 (Reserve 34565), Coode Street, South Perth**

Ms Liz Harrison, Environmental Officer, Statutory Assessments Unit, provided the Trust with an overview of the proposal to construct an alfresco area addition to the existing Boatshed Restaurant Café at the South Perth Foreshore - Lot 1203 on Plan 28824 and Lot 11835 on Plan 240379 (Reserve 34565), Coode Street, South Perth.

The Trust considered the draft report and recommendation, that had been prepared on behalf of the Director General of DBCA in accordance with section 75 of the SCRM Act.

The Trust noted that a café is an appropriate use within the Parks and Recreation reserve and the applicant has ceded a portion of its existing lease area to provide more open space in front of the café. The design is of high quality and care has been taken to reduce the visual impact to users of the reserve.

### RESOLUTION 57/2020

The Trust **RESOLVED** to advise the Director General of DBCA that it recommends the application be approved subject to the conditions outlined in DBCA's draft report.