

Swan and Canning Rivers Management Act 2006

PART 5

DETERMINATION OF DEVELOPMENT APPLICATION

FILE NUMBER

2019/2958

APPLICANT

East Fremantle Lawn Tennis Club Incorporated

APPLICANT'S ADDRESS

Attn: Janine Ahern

East Fremantle Tennis Club

Jerrat Drive

EAST FREMANTLE WA 6158

LANDOWNER

: Department of Planning, Lands and Heritage

LAND DESCRIPTION

Lot 15722 on Plan 40473 Jerrat Drive, East Fremantle

(Crown Reserve 7800)

DEVELOPMENT

Proposed renovations to the East Fremantle Lawn Tennis

Club Inc. clubhouse

VALID FORM 1 RECEIVED

9 September 2019

DETERMINATION

APPROVAL WITH CONDITIONS

The application to commence development in accordance with the application received on 9 September 2019 and additional information received on 10 September 2019 and 17 January 2020, is APPROVED subject to the following conditions:

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 (see **Advice Note 1**).
- 3. Prior to the commencement of works, a Construction Environmental Management Plan shall be submitted to and approved by the Department of Biodiversity, Conservation and Attractions on advice from the Town of East Fremantle (see **Advice Notes 2** and **6**).
- 4. Prior to the commencement of works, final design plans/drawings, including details of the external colours, finishes and materials for the refurbished clubhouse, shall be submitted to and approved by the Department of Biodiversity, Conservation and Attractions on advice from the Town of East Fremantle (see Advice Notes 3 and 6).
- 5. Prior to the commencement of works, a Stormwater Management Plan shall be submitted to and approved by the Department of Biodiversity, Conservation and Attractions (see **Advice Notes 4** and **6**).
- 6. Prior to the commencement of works, a Sewer Connection Plan shall be submitted to and approved by the Department of Biodiversity, Conservation and Attractions on advice from the Town of East Fremantle (see **Advice Notes 5** and **6**).

7. Within three (3) years of the date of commencement of works, unless otherwise agreed in writing by the Department of Biodiversity, Conservation and Attractions, the existing septic system (and all associated infrastructure) shall be decommissioned, and the development connected to reticulated sewer.

During works

- 8. All works shall be implemented in accordance with the plans approved under **Conditions** 3, 4, 5 and 6.
- 9. The applicant must ensure that the fill products used are geotechnically suitable and otherwise fit for their purpose and that they do not cause environmental harm, pollution, unreasonable emissions or unauthorised discharges.
- The applicant shall ensure that no damage to the foreshore reserve (including vegetation and infrastructure) occurs beyond the scope of the approved works. If any inadvertent damage occurs, the applicant is required to notify the Department of Biodiversity, Conservation and Attractions within 48 hours of the damage occurring and rectify the damage at its expense.

On completion of works

11. Upon completion of the works, all waste materials, equipment and machinery shall be removed, and the site cleaned up to the satisfaction of the Department of Biodiversity, Conservation and Attractions.

On-going

- 12. The existing septic system is to be regularly serviced until its decommissioning, to ensure that it is operating in accordance with the relevant public health regulations.
- 13. The clubhouse building shall be kept clean and free of graffiti and vandalism at all times and any such graffiti or vandalism be remedied within 24 hours to the satisfaction of the Department of Biodiversity, Conservation and Attractions on advice from the Town of East Fremantle.

ADVICE TO APPLICANT

- 1. Notification of commencement of works and submission of documents can be emailed to rivers.planning@dbca.wa.gov.au.
- 2. 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:
 - · scope of works, including demolition and construction methodology;
 - site access and management, including fencing requirements;
 - management of machinery and equipment, including a refuelling procedure and spill response;
 - on-site storage and bunding of materials (sediment control), equipment, chemicals and fuel;
 - protection of the river (and nearby stormwater drains) from inputs of debris, rubbish or other deleterious material:
 - protection of vegetation;
 - noise and vibration controls;
 - air and dust management;

- · traffic management, including parking arrangements for work contractors;
- · public access and safety;
- dewatering management (if required);
- · hours of operation and schedule of works; and
- · complaints and incidents.

A site map showing the laydown area, vehicle entry/exit points and pedestrian management (e.g. road closures, alternative routes and public safety signage) shall be included. Emergency spill kits shall be onsite at all times and refuelling of land-based vehicles or machinery is to be undertaken outside the Swan Canning Development Control Area. In the case of pollution events, the Department of Biodiversity, Conservation and Attractions shall be contacted immediately on 9278 0900 or after hours on 0419 192 845. Sand, soil, and any other finely grained material that is exposed or stockpiled on site shall be managed to prevent sediment mobilisation and discharge into the Swan River.

All trees (including the two large mature trees to the north of the proposed extended deck area) within the vicinity of the proposed works will need to be protected in accordance with Australian Standard AS 4970-2009: Protection of trees on development sites. Tree protection zones (TPZ) should be identified and fenced to restrict access and to avoid damage to the trees during works. Traffic management controls should be prepared by accredited personnel for various phases of the construction, including any proposed closures. Due to potential groundwater contamination at the site, the abstraction of groundwater for any purpose (e.g. dewatering) is not recommended. If dewatering is required, further advice from the Department of Water and Environmental Regulation, Contaminated Sites should be sought, and further analytical water quality testing may be required.

The Town of East Fremantle (the Town) has advised that all vegetation will need to be retained onsite. If any vegetation will need to be removed, an application will need to be submitted to the Town for its consideration.

- 3. The selection of colours, finishes and materials of the proposed refurbished clubhouse are to complement the character and landscape setting of the Swan River and be of a non-reflective standard.
- 4. Stormwater runoff generated by minor rainfall events (i.e. first 15mm) from the refurbished clubhouse must be retained or detained onsite, or if the local government consents, be connected to the local drainage network. Stormwater from the proposed development should be managed in accordance with the Department of Water's Stormwater Management Manual for Western Australia and water sensitive urban design principles.
- 5. The Sewer Connection Plan will need to contain details regarding the decommissioning of the septic system and installation of the sewer infrastructure and final designs/drawings of the sewer connection works, including the wastewater pump station. The Town of East Fremantle has advised that the East Fremantle Lawn Tennis Club will need to ensure that sufficient funds are available for sewer connection.
- 6. To allow sufficient time for the Department of Biodiversity, Conservation and Attractions and Town of East Fremantle to consider and approve the plans and details required under **Conditions 3** to **6**, the documents shall be submitted to the Department of Biodiversity, Conservation and Attractions at least 42 days before the expected works commencement date.

- 7. All parking bays within East Fremantle Lawn Tennis Club parking facility are to be available to all community and sport groups and patronage using the East Fremantle Lawn Tennis Club premises.
- 8. If any additional signage is required in the future, a separate approval for signage will be required from the Department of Biodiversity, Conservation and Attractions and Town of East Fremantle (the Town). All signage will need to comply with the Town's Signage Design Guidelines Local Planning Policy 3.1.2.
- 9. If development requires any street verge service or facilities (e.g. street trees, footpath, crossover, light pole, drainage point or similar) to be removed, modified or relocated then such works must be approved by the Town of East Fremantle and if approved, the total cost to be borne by the applicant. Council must act reasonably and not refuse any reasonable proposal for the removal, modification or relocation of such facilities or services (including, without limitation any works associated with the proposal) that are required by another statutory or public authority.
- 10. All noise levels produced by the construction of the development are to comply with the provisions of the Environmental Protection (Noise) Regulations 1997 (as amended).
 - Under the Environmental Protection (Noise) Regulations 1997, the noise from an air-conditioner must meet assigned allowable noise levels at all times. The *Environmental Protection Act 1986* sets penalties for non-compliance with the Regulations and the installer of noisy air-conditioner can face penalties of up to \$5000 under Section 80 of the Act. Refer to Department of Environmental Protection document 'An installers Guide to Air Conditioner Noise'.
- 11. The Town of East Fremantle advises that this decision does not include acknowledgement or approval of any unauthorised development that may be on the site.

Hon Stephen Dawson MLC
MINISTER FOR ENVIRONMENT

Date: 16/6/20

FILE No.

: 2019/2958

DEPARTMENT OF BIODIVERSITY, CONSERVATION AND ATTRACTIONS REPORT

PROPOSAL : Proposed renovations to the East Fremantle Lawn Tennis Club

Inc. clubhouse

COST : \$250,000

LOCATION : Lot 15722 on Plan 40473 Jerrat Drive, East Fremantle (Crown

Reserve 7800)

APPLICANT : Janine Ahern on behalf of East Fremantle Lawn Tennis Club

Incorporated

LANDOWNER : Department of Planning, Lands and Heritage

LOCAL GOVERNMENT: Town of East Fremantle

MRS CLASSIFICATION : Parks and Recreation reserve

DECISION TYPE : Part 5, Swan and Canning Rivers Management Act 2006 -

Ministerial Determination

ATTACHMENTS : 1. Location plan (2 pages)

2. External referral responses -

a. Town of East Fremantle (4 pages)

b. Department of Water and Environmental Regulation's

comments (2 pages)

3. Site plans showing proposed renovations (4 pages)

4. Site photos showing existing building (4 pages)

5. Sewer Connection Report (6 pages)

RECOMMENDATION : APPROVAL WITH CONDITIONS

REPORT

1.0 INTRODUCTION

- 1.1 The Department of Biodiversity, Conservation and Attractions (DBCA) has received an application from Janine Ahern on behalf of East Fremantle Tennis Club Incorporated (the Club) proposing to undertake renovations to its existing clubhouse building, within Lot 15722 on Plan 40473 Jerrat Drive, East Fremantle (Crown Reserve 7800) (see **Attachment 1**). The subject land is reserved under the Metropolitan Region Scheme for Parks and Recreation.
- 1.2 The proposed development is to occur on land completely within the Swan Canning Development Control Area (DCA) 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).

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1.3 The Director General of DBCA has prepared this report in accordance with section 76 of the SCRM Act.

2.0 CONSULTATION

Town of East Fremantle

- 2.1 The Town of East Fremantle (the Town) advised that it supports the proposal, and has provided the main recommendations below:
 - The existing septic system is to be serviced and certified by a qualified plumber to ensure that the system is operating in accordance with the relevant public health regulations.
 - A sewer connection plan will need to be prepared within three (3) years of the date of the approval. On-going discussions with the Town, DBCA and sewerage providers are required to develop this plan to the satisfaction of each party.
 - Parking bays within the site will need to be shared between all clubs and uses.
 - All vegetation is to be retained onsite. An application will need to be made to the Town for its consideration if any vegetation is proposed to be removed within the site.
 - No additional signage other than those indicated on the approved plans are permitted. Any future signage proposed at the site will require a separate approval from the Town. All signage will need to comply with the Town's Signage Design Guidelines Local Planning Policy 3.1.2.
 - The building is to be kept clean and free of graffiti and vandalism at all times, and in the event of graffiti or vandalism, is to be remedied within 24 hours to the satisfaction of the Town.
 - If requested by the Town within the first two years of installation, the roofing is to be treated to reduce reflectivity. All associated costs are to be borne by the Club
- 2.2 The Town's full comments are provided in Attachment 2a.

Department of Water and Environmental Regulation

- 2.3 The Department of Water and Environmental Regulation (DWER), Contaminated Sites has assessed the application with respect to contamination considerations.
- 2.4 The site is classified as 'possibly contaminated investigation required' under the Contaminated Sites Act 2003 and a memorial placed on the certificate of title. DWER advised that the classification reflects the historical land use activities and identified petroleum hydrocarbon and anti-fouling agent contamination associated within the East Fremantle Yacht Club area and surrounding foreshore area (including the Club premises) which forms the site.
- 2.5 DWER, Contaminated Sites has advised that the 'possibly contaminated' site has not been investigated and the quality of the soil and groundwater associated with the Club premises is not known.
- 2.6 DWER, Contaminated Sites advised that it does not hold any information to indicate that the Club premises is impacted by contaminants which would require assessment or management for the proposed works, and therefore conditions associated with contamination management will not be required.

2.7 DWER's full comments are provided in **Attachment 2b**.

3.0 PUBLIC SUBMISSIONS

- 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 referral agencies. A copy was also published on DBCA's website for a period of 25 days between 20 March 2020 and 14 April 2020.
- 3.2 One (1) submission was received from the Club advising that it has concerns with the timeframes for sewer connection. The Club initially requested to defer the requirement to connect to sewer for five years due to funding arrangements, however the Swan River Trust (the Trust) requested that the Club connect to sewer within three years from the date of approval (see Section 7.14-7.23 and Section 8 of the report below).
- 3.3 The Club has advised that since the application was considered by the Trust in February 2020, it has been required to close temporarily due to government regulations during the coronavirus pandemic. This has led to a significant decline in its revenue stream, which it anticipates continuing over the coming months. The Club received a \$200,000 grant from Sport Australia to implement the proposed clubhouse refurbishment works, however needs to raise the funds to connect the site to sewer, with assistance from the Town. It therefore requests that the proposal to defer sewer connection for five years be reconsidered.
- 3.4 To provide the Club some additional time and assurance to generate the funds for sewer connection, it is recommended the condition be modified to require that the Club connect to sewer within three years from the date of works commencing onsite. The Club discussed this scenario with its committee members and advised that it accepts this approach.

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. 49 Planning for Stormwater Management Affecting the Swan Canning Development Control Area (Policy 49)
- ♦ Corporate Policy Statement No. 51 Planning for Wastewater Management Affecting the Swan Canning Development Control Area (Policy 51)

5.0 ENVIRONMENTAL AND PLANNING CONSIDERATIONS

- Environmental Protection
- Visual Amenity
- Car Parking
- Stormwater Management
- Wastewater Management

Public Access, Safety and Amenity

6.0 BACKGROUND

- 6.1 The subject land is reserved under the *Land Administration Act 1997* for recreation, amenities and tennis club.
- 6.2 The reserve is vested with the Town, with a portion leased to the Club for its premises. The Club's current lease is valid until 30 June 2037. The Club premises has a number of hard and grass tennis courts, carparking area (39 bays), red ball tennis court area and a clubhouse. The clubhouse is also used by other community and sporting groups such as the Taoist Tai Chi group, Line Dancing group, yoga lessons and the Fremantle Table Tennis Club.
- 6.3 The Club is separated from the Swan River (and associated foreshore reserve) by Jerrat Drive, East Fremantle.
- 6.4 The Club has advised that its clubhouse is an ageing facility, and it has developed a stage approach to refurbish the building. Stage 1 of the redevelopment project involves works to enhance the Club's existing hall and associated amenities, which includes both internal and external works to the existing building.
- 6.5 The internal works include refurbishment of its toilet and hall kitchen facilities (no additional toilets or kitchen sinks are proposed) and internal re-lining of the hall ceiling. These works are outside the scope of the current development application as they are exempt from the definition of 'development' in accordance with Regulation 4(c) of the Swan and Canning Rivers Management Regulations 2007.
- 6.6 The proposed external works (the subject of this application) include the following (see **Attachment 3 and 4**):
 - installing a new entry canopy/roof and widening of entry steps;
 - extending the deck to the north, including roof extension, installation of glass balustrade, replacing the existing timber joinery with aluminium joinery and the addition of sliding or bi-fold doors to the deck area from the hall;
 - enclosing the existing concrete walkway on the western side of the building, including roof extension;
 - replacement of the shade cloth over the existing alfresco area with a metal roof;
 - extending the roof to the existing bin store area;
 - extending the carpark area by shifting the kerb 1-2m to the west (no increase in car parking bays is proposed);
 - · painting the existing brickwork of the building; and
 - installing signage on the western side of the building with the text reading 'East Fremantle Tennis Centre' and 'Fremantle Taoist Tai Chi Centre' and on the western side of the new entry canopy, with the text reading 'Fremantle Tennis Centre'.
- 6.7 It is understood that the Club has received a \$200,000 grant from Sport Australia to assist with implementing Stage 1 of the redevelopment project, and that the Town will also contribute funding to the project.
- 6.8 The proposed works are intended to significantly improve the amenity and usability of the hall facility for its members and non-members, and it is anticipated to generate additional revenue for the Club through increased hire of the hall facility.

6.9 The Club has further advised that its membership has been decreasing in recent years, and the overall redevelopment project is intended to modernise the clubhouse and associated tennis facilities (e.g. court areas), which will assist the Club to attract more members and diversify its revenue stream through the hire of its hall and other facilities when not in use by members.

7.0 DISCUSSION

Environmental Protection

- 7.1 Policy 42 aims to ensure that land use and development on and adjacent to the river system maintains and enhances the quality and amenity of the river environment. The proposed development should be carefully undertaken to prevent detrimental impacts to the foreshore area.
- 7.2 The Club has advised that it will retain the two mature trees (Eucalyptus spp.) adjacent to the new deck and will ensure that they will be protected during construction works.
- 7.3 To ensure that all potential environmental impacts are identified and managed, a Construction Environmental Management Plan (CEMP) should be required as a condition of approval and include details of vegetation protection, ground excavation/disturbance, management of machinery and equipment (including refuelling), public access and safety, traffic management, hours of operation, noise and vibration control, air and dust management, sediment control, demolition and construction methodology, storage of materials and equipment, spill response and waste management.

Visual Amenity

- 7.4 Policy 42 states that the design, materials and colour scheme of developments adjacent to the river and foreshores should complement and protect the character and landscape setting of the river.
- 7.5 The plans provided with the application indicate that roof extensions will be Colourbond roofing, the new deck and entry canopy will be supported by steel columns and the existing building (and the proposed enclosed portion of the walkway) is to be painted white (Attachment 3).
- 7.6 A condition of approval should require the provision of final design drawings, including external colours, materials and finishes for the proposed refurbishment works for the Clubhouse. It is recommended that colours, materials and finishes that complement the surrounding river environment and are of a non-reflective standard are used. The Town will also need to be consulted regarding the final design drawings to ensure that it is satisfied with the non-reflective standard of the proposed roof extensions.

Car Parking

- 7.7 The site currently has 39 public parking bays, which are shared between the Club and other sporting and community groups that also use the Club premises. The Town advised that no additional parking will be required as part of the proposed Stage 1 redevelopment project as the proposed works are not intended to increase the maximum occupancy capacity of the building. The Town advised that the Club has a total maximum occupancy of 300 persons (125 persons maximum for the clubroom and 175 persons for the hall).
- 7.8 The Town has advised that there is additional parking available to the west of the Club near East Fremantle Lacrosse Club and East Fremantle Cricket Club as well as parking along Petra Street. Although there is potential parking congestion during peak periods (i.e. weekend during sporting events), there are significant periods when the car parking area is empty, such as during weekdays and evenings.

Stormwater Management

- 7.9 Policy 49 generally requires stormwater runoff from constructed impervious services generated by minor rainfall events (i.e. first 15mm) to be managed on site, or if the local government consents, connected to the local drainage system.
- 7.10 The applicant has advised that the existing roof of the clubhouse is fitted with downpipes to convey stormwater into soak wells or to the car park. Additional soak wells will be installed, as required, for the new roof extensions.
- 7.11 The applicant has advised that a Humeceptor system was installed underneath the carpark, as part of its past project to refurbish five of the Club's hard tennis courts and convert one of the hard courts into a car park, which received a Part 5 Development Approval on 23 September 2010 (SRT439-04). Stormwater from the western hard courts, red ball court area and the carpark drains into the Humeceptor, which is designed to remove hydrocarbons and fine suspended sediment from stormwater runoff, prior to discharge in the local stormwater network at Jerrat Drive.
- 7.12 A Stormwater Management Plan should be required as a condition of approval.

Wastewater Management

- 7.13 Policy 51 indicates that the safe disposal of wastewater is necessary for the protection of public health and to minimise contributions of high nutrient loads in the Swan and Canning rivers. Where a reticulated sewerage scheme is provided, all development in the vicinity of the river system should be connected to the reticulated sewerage system.
- 7.14 The Club is currently serviced by a septic tank and leach drains, located north of the existing clubhouse. Septic systems are generally designed to treat faecal matter and pathogens, however the effluent that is discharged to the environment is usually still high in nutrients, which poses a risk to the Swan River.
- 7.15 Following the refurbishment works, it is anticipated that the use of the hall for functions and events will improve, with increased patronage at the site. In addition, Stage 1 of the redevelopment project includes the proposal to refurbish the existing

- toilet and hall kitchen facilities. It is therefore considered reasonable to request that the Club be connected to sewer.
- 7.16 The Club was advised to consider the proposal to connect the site to sewer within three years and to submit and provide details of cost estimates and timeframes for sewer connection.
- 7.17 The Club subsequently engaged a hydraulic consultant to investigate sewer connection options, and a sewer connection report (see **Attachment 5**) was prepared with the following findings:
 - The existing septic tank and leach drains appear to be in good working order, with no blockages or other issues being reported. Provided that on-going inspections and pumping out of the system is undertaken, the septic system is suitable for on-going use.
 - Sewer Connection Option 1 connect to Water Corporation's sewer main located in Angove Street, which will require a wastewater pump station and approximately 220m of riser main. Approximate cost (including decommissioning of existing septic system) to be \$107,000 + GST.
 - Sewer Connection Option 2 connect to Water Corporation's sewer main located in Preston Point Road, which will require a wastewater pump station and approximately 150m of riser main. However, this option may not be feasible depending on the invert of the existing sewer main and finished ground level at the proposed connection point. A feature survey will be required. Approximate cost to be \$110,000 + GST.
- 7.18 The Club has also made an application to the Town for funding to assist with the sewer upgrade works. The Town has advised that it will not be able to provide a commitment on funding (or whether it could contribute any funding) until after its financial budgeting process around June 2020.
- 7.19 The Club has also provided its cash balance forecast based on slow, medium and fast growth of the Club, indicating that it would not be financially feasible for the Club to undertake the sewer connection works within three years, as this will lead to the Club operating below the 'responsible cash balance limit'. However, the cash balance forecast indicates that it will be financially feasible for the Club to undertake the sewer connection works in five years.
- 7.20 The Club has requested a five-year deferment to connect to sewer. The sewer connection report indicates that the current septic tank on site appears to be the original system, however the leach drains appear to have been replaced in recent years. It is understood that the Club's hall and clubroom are approximately 56 years old.
- 7.21 Following consultation with the Swan River Trust, it has been determined that the proposed five-year deferment period cannot be supported (see **Section 8**). It is recommended that the Club connects to sewer within three years of approval.
- 7.22 A sewer connection plan will also be requested as a condition of approval to include details regarding the decommissioning of the septic system and installation of the sewer infrastructure and final designs/drawings of the sewer connection works, including the wastewater pump station.

Public Access, Safety and Amenity

- 7.23 SPP 2.10 states that public access to the river and foreshore should be maintained while protecting the river. It is important that development near the river does not impede or restrict public access.
- 7.24 Public access along the pedestrian pathway adjacent to the clubhouse during the construction works should be maintained wherever possible and prevented only for safety reasons. This can be addressed as part of the CEMP.

8.0 SWAN RIVER TRUST

- 8.1 In accordance with section 75(3A) of the SCRM Act, the Trust considered DBCA's draft report at its meeting on 11 February 2020, where the Trust resolved to support the application subject to conditions.
- 8.2 The Club's wastewater proposal was discussed, and it was determined that the Club's request to defer the requirement to connect to sewer for five years cannot be supported given the close proximity of the Club (approximately 55 metres) to the river and ongoing nutrient and pollutant risks from the septic system. This risk is likely to increase following refurbishment of the Club due to the anticipated increase in the use of the hall for functions and events (and therefore toilet facilities). In addition, from a compliance or enforcement perspective, it becomes more difficult to monitor this requirement if the deferment period is too long (e.g. five years).
- 8.3 Although it is acknowledged that the Club is a not-for-profit sporting club, the Trust was of the view that providing the Club three years to connect to sewer is a reasonable period of time to allow the Club to generate the additional funds for the sewer connection works.

9.0 CONCLUSION

- 9.1 The proposed redevelopment works are not considered to be excessive in scale or bulk and have been designed to be in keeping with the nature of the site and surrounding area. It is anticipated that the redevelopment works will improve the visual amenity of the Club's hall and associated facilities.
- 9.2 Potential environmental impacts from the works can be addressed through the preparation and approval of a CEMP, which should be required as a condition of approval.
- 9.3 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 the East Fremantle Lawn Tennis Club Incorporated proposal to refurbish its clubhouse with renovations to its existing clubhouse building, within Lot 15722 on Plan 40473 Jerrat Drive, East Fremantle (Crown Reserve 7800), as described in the application received on 9 September 2019 and additional information received on 10 September 2019 and 17 January 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 (see **Advice Note 1**).
- 3. Prior to the commencement of works, a Construction Environmental Management Plan shall be submitted to and approved by the Department of Biodiversity, Conservation and Attractions on advice from the Town of East Fremantle (see **Advice Notes 2** and **6**).
- 4. Prior to the commencement of works, final design plans/drawings, including details of the external colours, finishes and materials for the refurbished clubhouse, shall be submitted to and approved by the Department of Biodiversity, Conservation and Attractions on advice from the Town of East Fremantle (see **Advice Notes 3** and **6**).
- 5. Prior to the commencement of works, a Stormwater Management Plan shall be submitted to and approved by the Department of Biodiversity, Conservation and Attractions (see **Advice Notes 4** and **6**).
- 6. Prior to the commencement of works, a Sewer Connection Plan shall be submitted to and approved by the Department of Biodiversity, Conservation and Attractions on advice from the Town of East Fremantle (see **Advice Notes 5** and **6**).
- 7. Within three (3) years of the date of commencement of works, unless otherwise agreed in writing by the Department of Biodiversity, Conservation and Attractions, the existing septic system (and all associated infrastructure) shall be decommissioned, and the development connected to reticulated sewer.

During works

- 8. All works shall be implemented in accordance with the plans approved under Conditions 3, 4, 5 and 6.
- 9. The applicant must ensure that the fill products used are geotechnically suitable and otherwise fit for their purpose and that they do not cause environmental harm, pollution, unreasonable emissions or unauthorised discharges.
- 10. The applicant shall ensure that no damage to the foreshore reserve (including vegetation and infrastructure) occurs beyond the scope of the approved works. If any inadvertent damage occurs, the applicant is required to notify the Department of Biodiversity, Conservation and Attractions within 48 hours of the damage occurring and rectify the damage at its expense.

On completion of works

11. Upon completion of the works, all waste materials, equipment and machinery shall be removed, and the site cleaned up to the satisfaction of the Department of Biodiversity, Conservation and Attractions.

On-going

- 12. The existing septic system is to be regularly serviced until its decommissioning, to ensure that it is operating in accordance with the relevant public health regulations.
- 13. The clubhouse building shall be kept clean and free of graffiti and vandalism at all times and any such graffiti or vandalism be remedied within 24 hours to the satisfaction of the Department of Biodiversity, Conservation and Attractions on advice from the Town of East Fremantle.

ADVICE TO APPLICANT

- 1. Notification of commencement of works and submission of documents can be emailed to rivers.planning@dbca.wa.gov.au.
- 2. 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. on-site storage and bunding of materials (sediment control), equipment, chemicals and fuel:
 - e. protection of the river (and nearby stormwater drains) from inputs of debris, rubbish or other deleterious material;
 - f. protection of vegetation;
 - g. noise and vibration controls;
 - h. air and dust management;
 - i. traffic management, including parking arrangements for work contractors;
 - i. public access and safety;
 - k. dewatering management (if required);
 - I. hours of operation and schedule of works; and
 - m. complaints and incidents.

A site map showing the laydown area, vehicle entry/exit points and pedestrian management (e.g. road closures, alternative routes and public safety signage) shall be included. Emergency spill kits shall be onsite at all times and refuelling of land-based vehicles or machinery is to be undertaken outside the Swan Canning Development Control Area. In the case of pollution events, the Department of Biodiversity, Conservation and Attractions shall be contacted immediately on 9278 0900 or after hours on 0419 192 845. Sand, soil, and any other finely grained material that is exposed or stockpiled on site shall be managed to prevent sediment mobilisation and discharge into the Swan River.

All trees (including the two large mature trees to the north of the proposed extended deck area) within the vicinity of the proposed works will need to be protected in accordance with Australian Standard AS 4970-2009: Protection of trees on development sites. Tree protection zones (TPZ) should be identified and fenced to restrict access and to avoid damage to the trees during works. Traffic management controls should be prepared by accredited personnel for various phases of the construction, including any proposed closures. Due to potential groundwater contamination at the site, the abstraction of groundwater for any purpose (e.g. dewatering) is not recommended. If

dewatering is required, further advice from the Department of Water and Environmental Regulation, Contaminated Sites should be sought, and further analytical water quality testing may be required.

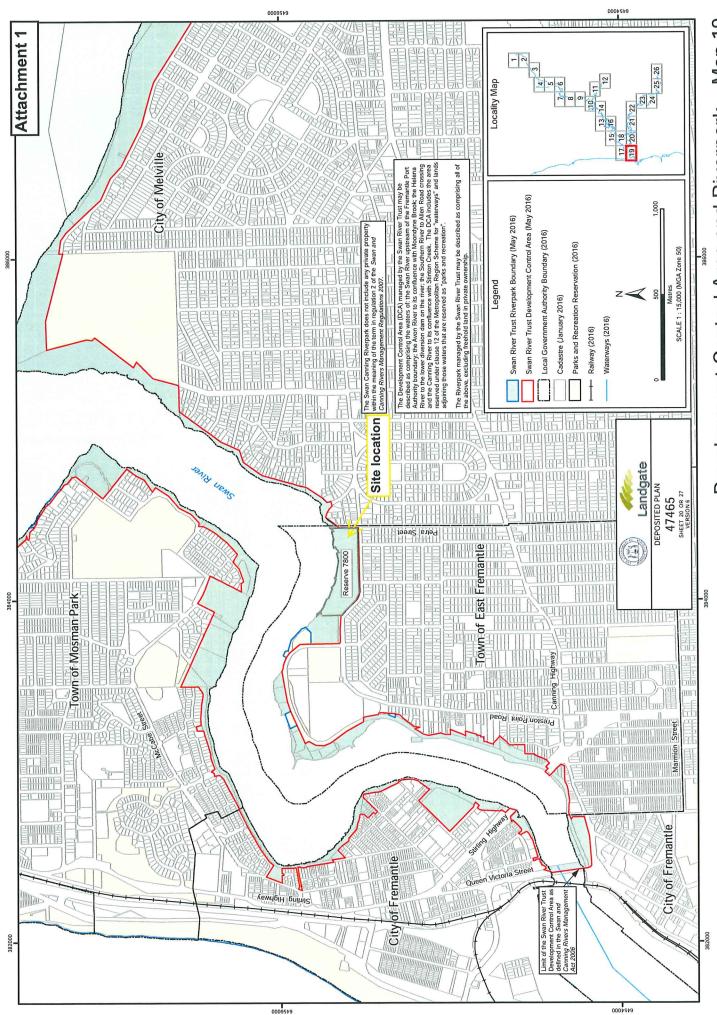
The Town of East Fremantle (the Town) has advised that all vegetation will need to be retained onsite. If any vegetation will need to be removed, an application will need to be submitted to the Town for its consideration.

- 3. The selection of colours, finishes and materials of the proposed refurbished clubhouse are to complement the character and landscape setting of the Swan River and be of a non-reflective standard.
- 4. Stormwater runoff generated by minor rainfall events (i.e. first 15mm) from the refurbished clubhouse must be retained or detained onsite, or if the local government consents, be connected to the local drainage network. Stormwater from the proposed development should be managed in accordance with the Department of Water's Stormwater Management Manual for Western Australia and water sensitive urban design principles.
- 5. The Sewer Connection Plan will need to contain details regarding the decommissioning of the septic system and installation of the sewer infrastructure and final designs/drawings of the sewer connection works, including the wastewater pump station. The Town of East Fremantle has advised that the East Fremantle Lawn Tennis Club will need to ensure that sufficient funds are available for sewer connection.
- 6. To allow sufficient time for the Department of Biodiversity, Conservation and Attractions and Town of East Fremantle to consider and approve the plans and details required under **Conditions 3** to **6**, the documents shall be submitted to the Department of Biodiversity, Conservation and Attractions at least 42 days before the expected works commencement date.
- 7. All parking bays within East Fremantle Lawn Tennis Club parking facility are to be available to all community and sport groups and patronage using the East Fremantle Lawn Tennis Club premises.
- 8. If any additional signage is required in the future, a separate approval for signage will be required from the Department of Biodiversity, Conservation and Attractions and Town of East Fremantle (the Town). All signage will need to comply with the Town's Signage Design Guidelines Local Planning Policy 3.1.2.
- 9. If development requires any street verge service or facilities (e.g. street trees, footpath, crossover, light pole, drainage point or similar) to be removed, modified or relocated then such works must be approved by the Town of East Fremantle and if approved, the total cost to be borne by the applicant. Council must act reasonably and not refuse any reasonable proposal for the removal, modification or relocation of such facilities or services (including, without limitation any works associated with the proposal) that are required by another statutory or public authority.
- 10. All noise levels produced by the construction of the development are to comply with the provisions of the Environmental Protection (Noise) Regulations 1997 (as amended).
 - Under the Environmental Protection (Noise) Regulations 1997, the noise from an airconditioner must meet assigned allowable noise levels at all times. The Environmental

Protection Act 1986 sets penalties for non-compliance with the Regulations and the installer of noisy air-conditioner can face penalties of up to \$5000 under Section 80 of the Act. Refer to Department of Environmental Protection document – 'An installers Guide to Air Conditioner Noise'.

11. The Town of East Fremantle advises that this decision does not include acknowledgement or approval of any unauthorised development that may be on the site.

FINAL REPORT ENDORSED								
Signed: Date: 12/6/20 Mark Webb Director General								



Development Control Area and Riverpark Map 19



Attachment 1

Legend

Swan River - Development Control Area(GBD)

1:1,000 (A3) 10 20 30

10

BICTON EAST FREMANTLE

Produced by DBCA, Department of Biodiversity, Conservation and Attractions

Job Ref: 1 Produced at 08:37 AM on January 23, 2020

115°46'33.6'E

Site location East Fremantle Lawn Tennis Club

115°46'30.0°E

YOUR REF: OUR REF: 2019/1869 R/RSB8

ENQUIRIES:

Planning 9339 9339

8 November 2019



Department of Biodiversity, Conservation and Attractions Parks and Wildlife Service Locked Bag 104 Bentley Delivery Centre Western Australia 6983

Dear Sir/madam.

Re: Proposed refurbishment - East Fremantle Lawn Tennis Club

Thank you for the opportunity to review the proposed refurbishment of the East Fremantle Lawn Tennis Club building. The Town of East Fremantle is supportive of the proposed works, however would like the following conditions imposed as part of the development approval.

- 1. The existing septic tank is to be serviced and certified by a qualified plumber to ensure the system is operating in accordance with the Public Health Regulations.
- 2. The applicant shall undertake discussions with the Town of East Fremantle, Department of Biodiversity Conservation and Attractions and sewerage providers and prepare plans to the satisfaction of each party for the connection of the club buildings within 3 years of the date of this approval.
- 3. Parking shall be shared between all the clubs and uses undertaken within the subject property.
- 4. All vegetation on site is to be retained. If vegetation is required to be removed then an application shall be made for the consideration of the Town of East Fremantle.
- Works are to be constructed in conformity with the drawings and written information in relation to use accompanying the application for planning approval other than where varied in compliance with the conditions of this planning approval or with Council's further approval.
- The building is to be kept clean and free of graffiti and vandalism at all times and any such graffiti or vandalism to be remedied within 24 hours to the satisfaction of the Chief Executive Officer.
- 7. No additional signage is approved other than that indicated on the approved plans date stamped 26 August 2019. A separate application for additional signage is required to be made to the Town for consideration by the Town's officers. All signage is to comply with the Town's Signage Design Guidelines Local Planning Policy 3.1.2.
- 8. With regard to plans submitted with respect to a building permit application, changes are not to be made in respect of the plans which have received planning approval, without those changes being specifically marked for Council's attention.
- 9. Where this development requires that any facility or service within a street verge (street trees, footpath, crossover, light pole, drainage point or similar) is to be removed, modified or relocated then such works must be approved by Council and if approved, the total cost to be borné by the applicant. Council must act reasonably and not refuse any reasonable proposal for the removal, modification or relocation of

- such facilities or services (including, without limitation any works associated with the proposal) which are required by another statutory or public authority.
- 10. If requested by Council within the first two years following installation, the roofing is to be treated to reduce reflectivity. The treatment is to be to the satisfaction of the Chief Executive Officer in consultation with relevant officers and all associated costs to be borne by the East Fremantle Lawn Tennis Club.
- 11. The approval is to remain valid for a period of 24 months from date of the approval.

Footnote:

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

- a) this decision does not include acknowledgement or approval of any unauthorised development which may be on the site.
- b) the application for a building licence is to conform with the DBCA approved plans unless otherwise approved by Council.
- all noise levels produced by the construction of the development are to comply with the provisions of the Environmental Protection (Noise) Regulations 1997 (as amended).
- d) under the Environmental Protection (Noise) Regulations 1997, the noise from an air-conditioner must meet assigned allowable noise levels at all times. The Environmental Protection Act 1986 sets penalties for non-compliance with the Regulations and the installer of a noisy air-conditioner can face penalties of up to \$5,000 under Section 80 of the Act. Refer to Department of Environmental Protection document—"An Installers Guide to Air-Conditioner Noise".
- e) that the East Fremantle Lawn Tennis Club ensures sufficient funds are available for future sewer connection.

If you have any queries or concerns regarding any of the comments above do not hesitate to contact the Town of East Fremantle on 9339 9339 or by email at admin@eastfremantle.wa.gov.au.

Yours sincerely

Andrew Malone for GARY TUFFIN

Chief Executive Officer

From:

James Bannerman

To:

Suzanna Chan

Subject:

RE: East Fremantle Lawn Tennis Club - Proposed Clubhouse Refurbishment - Carparking Query

Date:

Wednesday, 22 January 2020 9:09:12 AM

Attachments:

image001.png

[External Email] This email was sent from outside the department – be cautious, particularly with links and attachments.

Hi Suzanna,

The total maximum accommodation of the tennis club is 300 persons- tennis club rooms – 125 persons & main hall - 175 persons.

No additional parking was required as part of the additions and alterations. There is additional parking available at surrounding parking areas at the neighbouring cricket club, Tricolore sports field and along Petra Street.

The development is intended to attract new members and currently they are not at peak membership.

Regards,

James Bannerman

James Bannerman Planning Support Officer

P 08 9339 9339

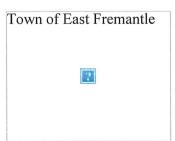
Town Hall, 135 Canning Highway, East Fremantle PO Box 1097 Fremantle 6959

www.eastfremantle.wa.gov.au

E jbannerman@eastfremantle.wa.gov.au

/townofeastfremantle

☐ Please consider the environment before printing this e-mail





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From: Suzanna Chan <suzanna.chan@dbca.wa.gov.au>

Sent: Tuesday, 21 January 2020 5:03 PM

To: James Bannerman < jbannerman@eastfremantle.wa.gov.au>

Subject: East Fremantle Lawn Tennis Club - Proposed Clubhouse Refurbishment - Carparking

Query

Hi,

Thanks for taking my call earlier this afternoon.

As discussed, I'm currently drafting up the recommendation report for the above-mentioned application to be presented to the next Swan River Trust board meeting.

I note in the Town's Council Report that additional parking bays aren't required for the site as there is no increase in building size and the occupancy requirement remains the same. However the plans submitted with the application proposes an extension (and enclosure) of the deck area – can the Town advise what the current maximum occupancy is for the building and that the additional deck area will not impact on the Town's parking requirements for the site.

I'm hoping to get my report finalised by COB tomorrow (22/01), apologies for the quick turn around but if you can provide a response to the above before then, that would be greatly appreciated.

Kind regards

Suzanna Chan | Environmental Officer

Rivers and Estuaries Branch
Department of Biodiversity, Conservation and Attractions
08 9278 0935 PLEASE NOTE VOICEMAIL IS NOT CURRENTLY AVAILABLE
17 Dick Perry Avenue, Kensington WA 6151
Postal: Locked Bag 104, Bentley Delivery Centre WA 6983
www.swanrivertrust.dpaw.wa.gov.au or www.dbca.wa.gov.au
CARING FOR THE SWAN CANNING RIVERPARK



Department of Biodiversity, Conservation and Attractions





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Attachment 2B

Your ref: 2019/2458

Our ref:

DMO397

63647188

Enquiries: Scott Jenkinson

Phone: Email:

scott.jenkinson@dwer.wa.gov.au

Suzanna Chan **Environmental Officer** Rivers and Estuary Branch Department of Biodiversity, Conservations and Attractions

By email rivers.planning@dbca.wa.gov.au

Dear Ms Chan

PART 5 - PROPOSED RENOVATIONS TO EAST FREMANTLE LAWN TENNIS CLUB - LOT 15722 JERRAT DRIVE, EAST FREMANTLE - EAST FREMANTLE LAWN TENNIS CLUB

The Department of Water and Environmental Regulation (DWER) has reviewed the information submitted in regard to the proposed development (Application Number 2019/2458) of the abovementioned lots.

As per the requirements under section 58(6)(b) of the Contaminated Sites Act 2003 (CS Act), advice is required in regard to the suitability of the land for the proposed development related to renovations at the East Fremantle Lawn Tennis Club and hall.

Under the CS Act, the then Department of Environment and Conservation (DEC) (predecessor agency to DWER) classified land at Lot 15722 on Deposited Plan, as shown on Certificate of Title LR3132/985, as possibly contaminated - investigation required on 18 September 2012 and a memorial (reference number M66012ML) was placed on the Certificate of Title.

The classification reflects the historical land use activities and identified petroleum hydrocarbon and anti-fouling agent contamination associated with the Yacht Club area of the site and the adjacent areas of the Swan River.

DWER records indicate the site as a whole (including the tennis club) has not been investigated and the quality soil and groundwater associated with the tennis club is not known.

DWER does not hold any information to indicate that the Tennis Club area is impacted by contaminants which would require assessment or management as part of the proposed renovation works. Therefore, DWER recommends that a contamination condition is not required.

If you have any further queries, please contact Senior Environmental Officer, Scott Jenkinson on 6364 7188.

Yours sincerely

andlee

Andrew Miller

SENIOR MANAGER
CONTAMINATED SITES
Delegated Officer under section 91
of the Contaminated Sites Act 2003

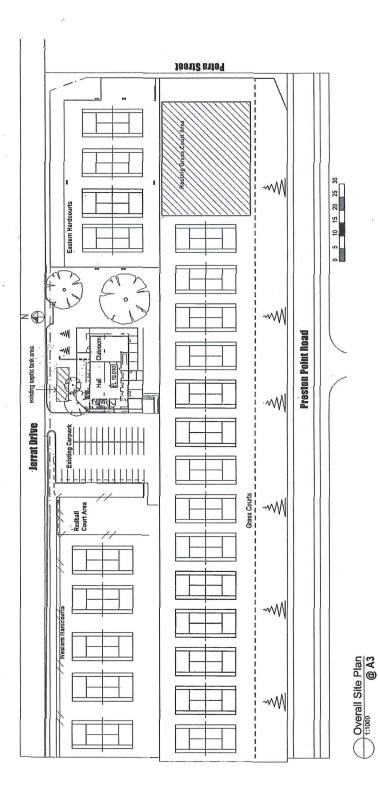
4 November 2019

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Development

21/08/2019

Approval



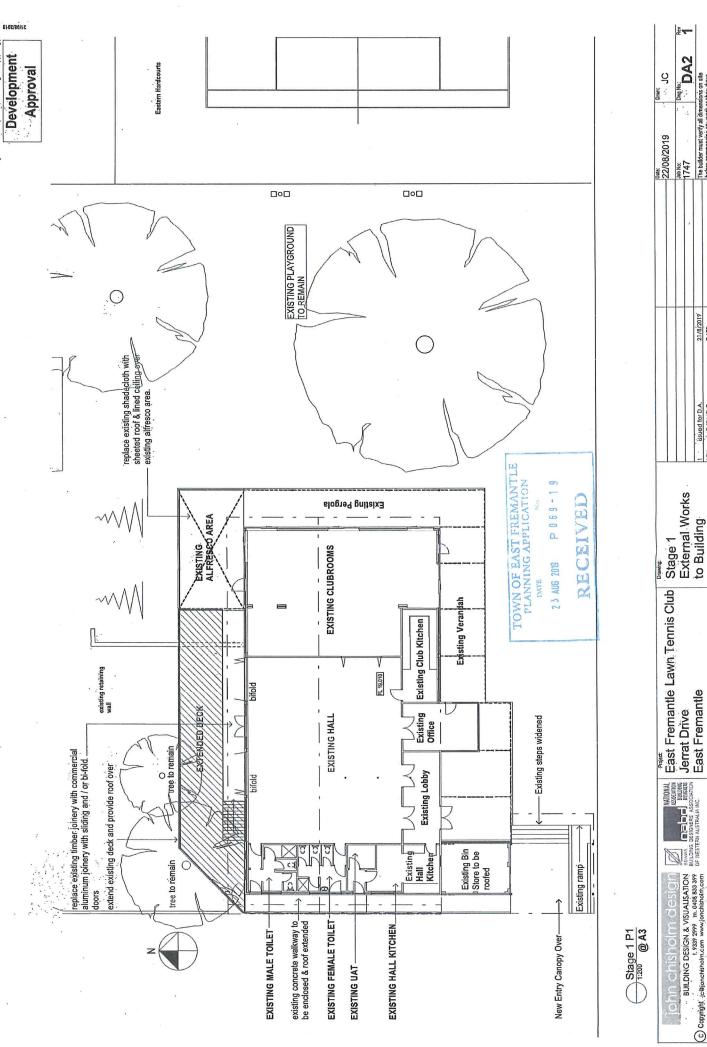
TOWN OF EAST FREMANTLE PLANNING APPLICATION

RECEIVED

East Fremantle Lawn Tennis Club Stage 1
Jerrat Drive East Fremantle Overall Site Plan

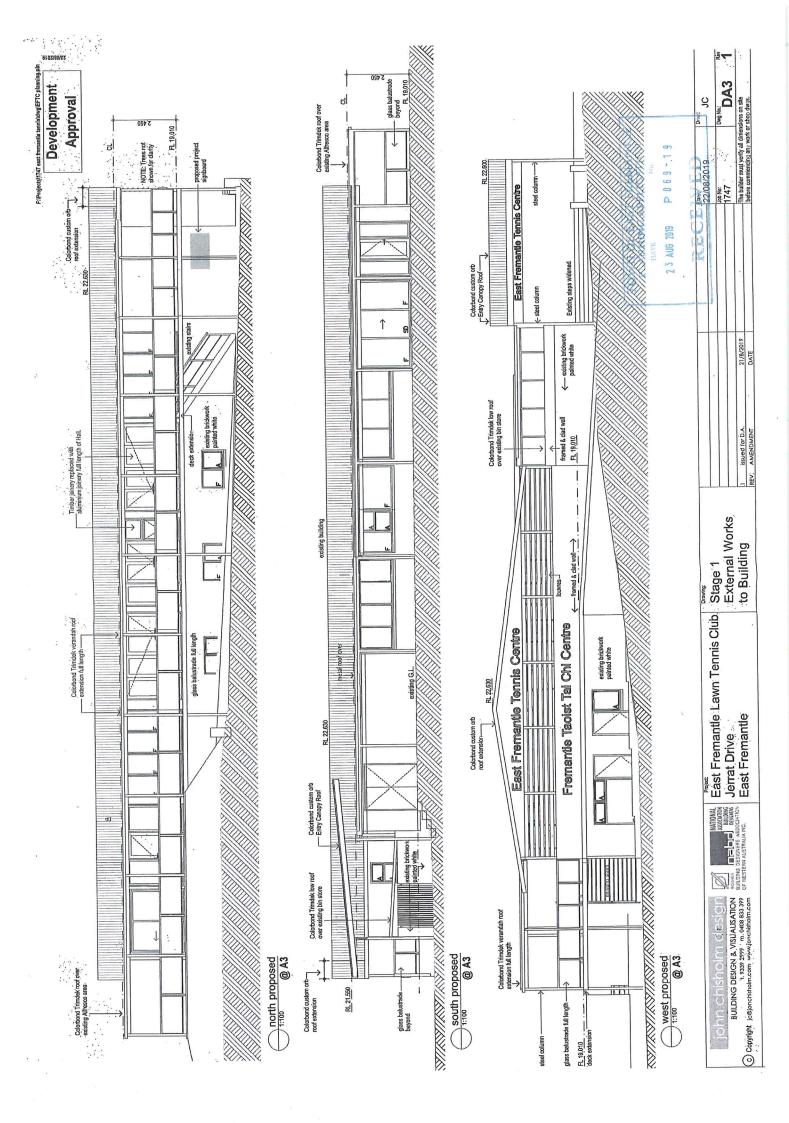
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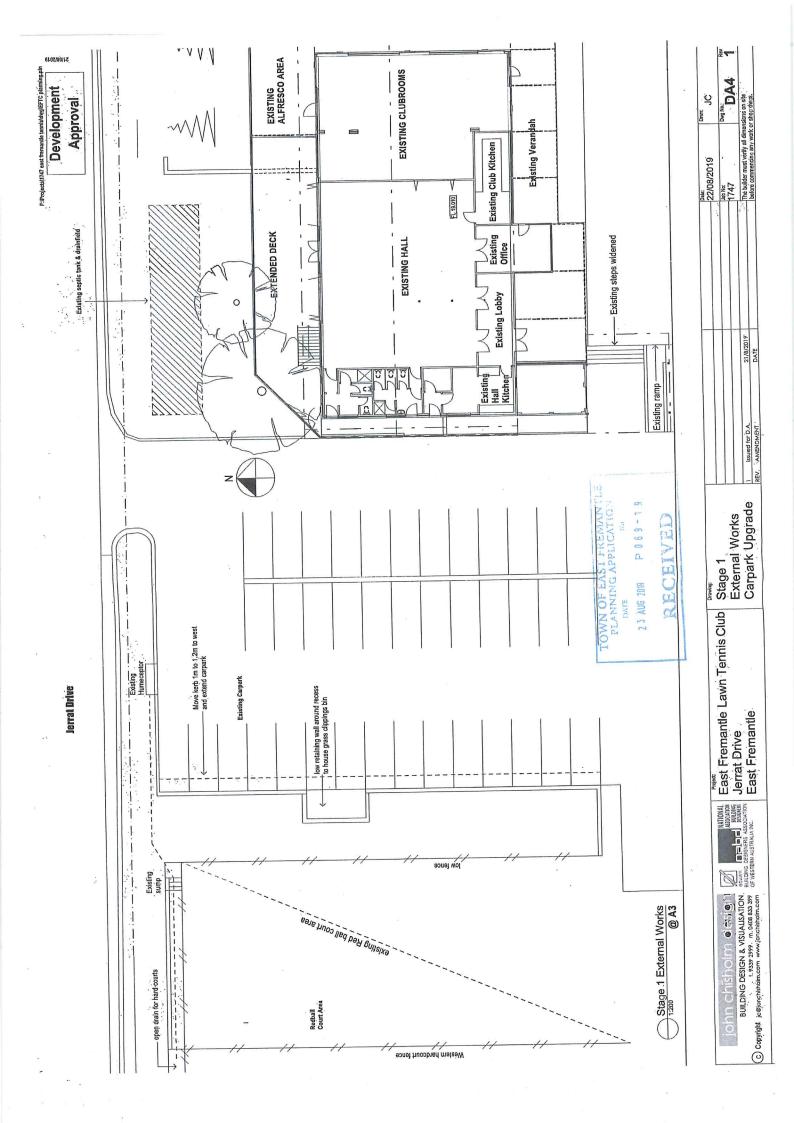
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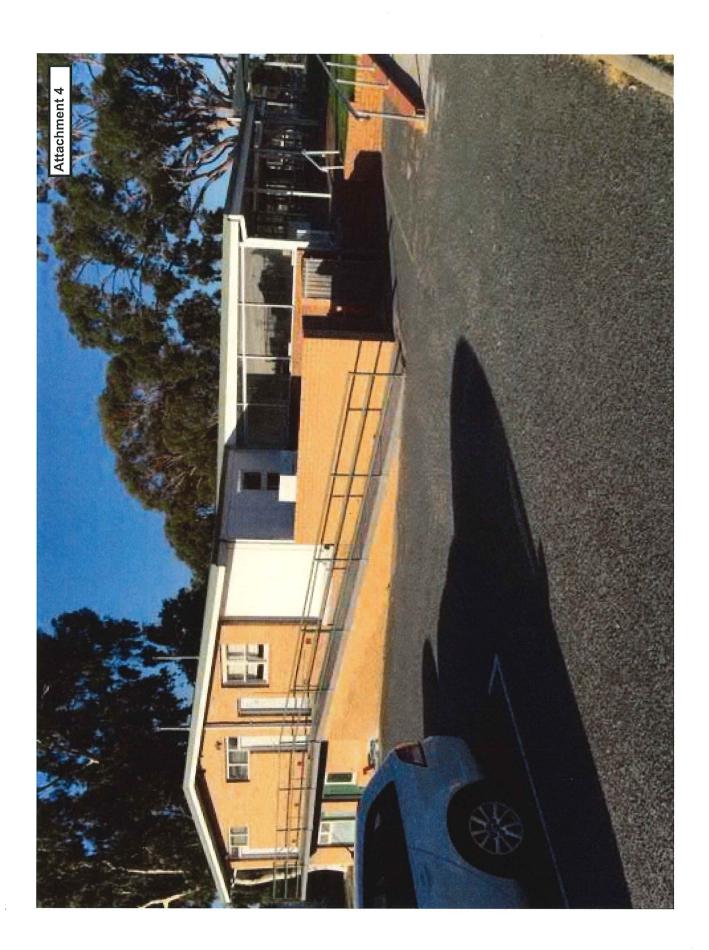


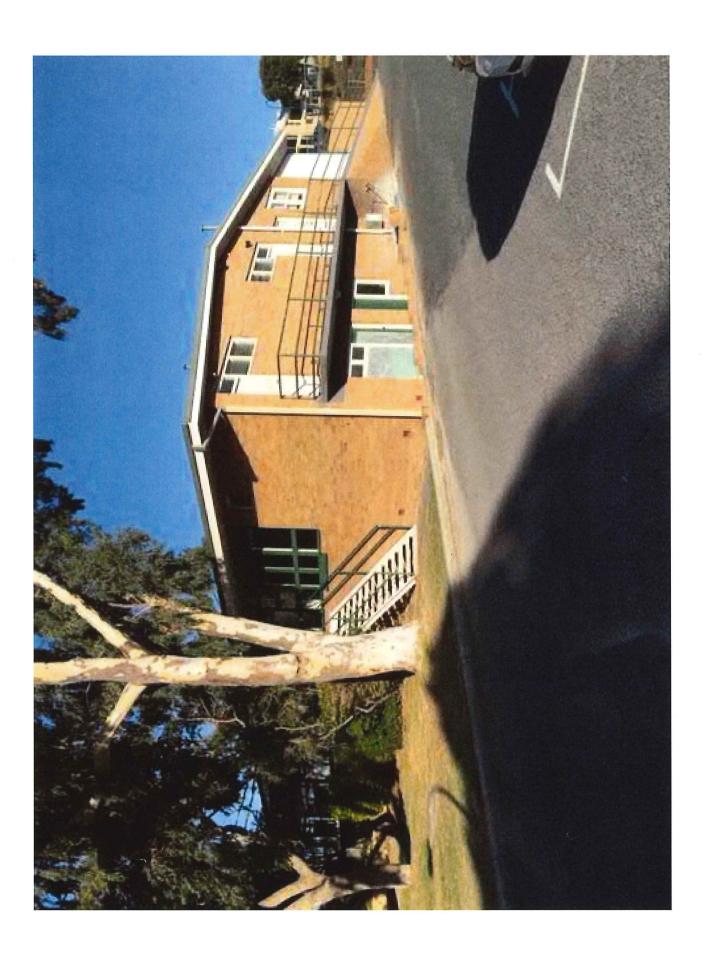
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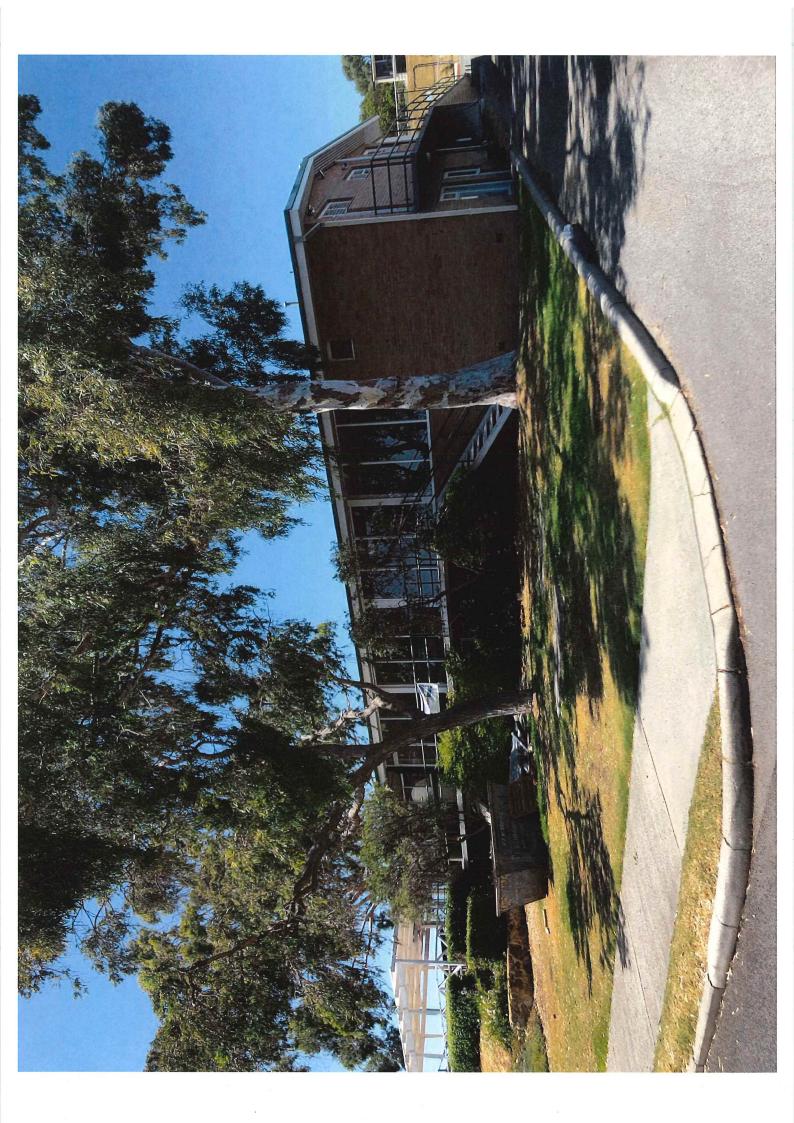
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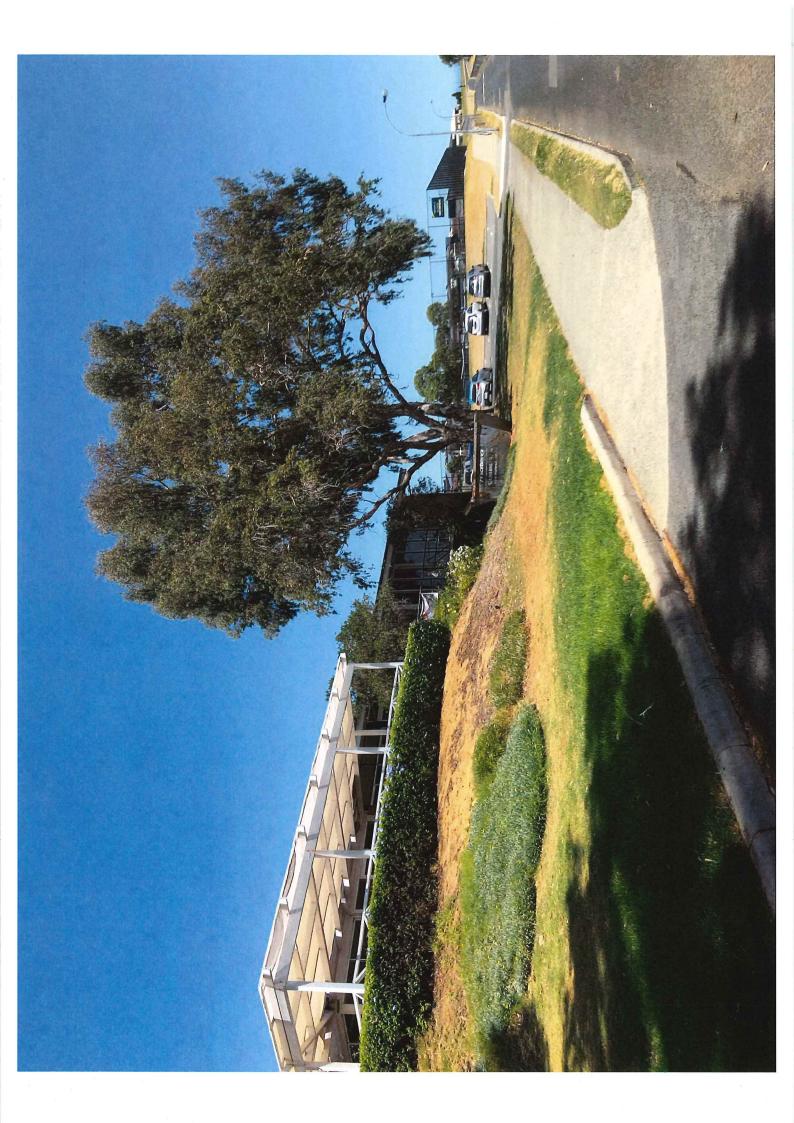












PROJECT:

East Fremantle Tennis Club

Jerrat Drive, East Fremantle

REPORT ON CONNECTION TO WATER CORPORATION SEWER MAINS

PREPARED BY:

IONIC DESIGN AUSTRALIA Suite 7, 1327 Hay St West Perth, WA 6005

Tel: 0439 697 946

Job/Ref: 19036

Date: 29th November 2019

Introduction

This report provides a review of the existing septic tanks and the proposed connect of the existing building to the Water Corporation sewer mains.

In providing this report we draw your attention to our disclaimer notice: -

The report does not include comments on any part or aspect over separate actions, or issues not known to us. The opinions expressed by Ionic Design Australia in this report are based on superficial observations. Ionic Design Australia are not aware of the client/contractor relationships, agreements or constraints at the time of previous design/documentation, construction or extensions.

Our comments on the services relate to our verbal brief for this report and are in no way intended to discredit the designers, installers, maintenance personnel or owners. Any action taken as a result of this report should be in full acknowledgement of such limitations.

Existing Septic Tanks

The existing septic tanks and leach drain system is located on the Northern side of the building and appear to be in good working order. Tennis club staff have indicated they are not aware of any issues with the system including blockages or the requirement to frequently have the system pumped out.

Although the septic tank system would appear to be the original system, staff have indicated the leach drains have been replace in recent years.

With regular inspections and pumping out of the septic tanks as required, there is no reason the system could not be utilized for many years to come.

Connection to Water Corporation Sewer Mains

Option 1

Connection to Water Corporation sewer main located in Angove St, refer to drawing H.02. This is the preferred option for the connection to the sewer main based on cost, ease of installation and existing Water Corporation infrastructure.

Budget Estimate
Sewer Pump Station \$30,000
Installation and associated works \$20,000
220m of 63mm rising main @ \$100/m \$22,000
Removal of existing septic tanks and leach drains \$15,000
Civil Works \$20,000
TOTAL \$107,000 + gst
Excludes Electrical services

Option 2

Connection to Water Corporation sewer main located in Preston Point Rd, refer to drawing H.03. This option may not be feasible due to the invert level of the existing sewer main and finished ground level at the proposed point of connection. Prior to proceeding, further investigation is required by way of a feature survey. The survey should locate the tennis club property boundary and confirm finished ground levels in relation the Water Corporation sewer main.

Budget Estimate
Sewer Pump Station \$30,000
Installation and associated works \$20,000
150m of 63mm rising main @ \$100/m \$15,000
Removal of existing septic tanks and leach drains \$15,000
Civil Works \$30,000
TOTAL \$110,000 + gst
Excludes Electrical services

Conclusion

After conducting several site inspections and considering the initial feedback from the Civil Engineers and the Water Corporation it appears option 1 is the preferred connection point. Ease of installation is the major determining factor in this recommendation.

