



Swan and Canning Rivers Management Act 2006

PART 5

DETERMINATION OF DEVELOPMENT APPLICATION

FILE NUMBER	:	2025-1853
APPLICANT	:	JACKI HARRY ON BEHALF OF LO QUAY RIVER CAFE
LANDOWNER	:	DEPARTMENT OF PLANNING, LANDS AND HERITAGE
LAND DESCRIPTION	:	223 FERN ROAD, WILSON (LOT 300 ON PLAN 66581)
DEVELOPMENT	:	EXTENSION TO LO QUAY RIVER CAFE
VALID FORM 1 RECEIVED	:	19 JUNE 2025
DETERMINATION	:	APPROVAL WITH CONDITIONS

The application to commence development in accordance with the information received on 19 June 2025, with additional information submitted on 22 July 2025 and 2 October 2025 is APPROVED subject to the following conditions:

CONDITIONS

1. Approval to implement this decision is valid for two (2) years from the date of this approval. If on-site works have not substantially commenced within this period a new approval will be required before commencing or completing the development.
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. All works are to be undertaken in accordance with a Construction Environmental Management Plan which is to be submitted to and approved by the Department of Biodiversity, Conservation and Attractions on advice of the City of Canning, prior to commencement of works. (**Advice Note 2**)
4. Any fill and/or topsoil brought onto the site, is to be certified clean, uncontaminated and free from rubble, weeds and disease, and suitable for the proposed works. (**Advice Note 3**).
5. No extracted water from dewatering is to enter the River, either directly or indirectly (via the stormwater system), unless approved by the Department of Biodiversity, Conservation and Attractions. (**Advice Note 4**)
6. All lighting and signage is to be installed in accordance with a Lighting and Signage Plan, which is to be submitted to and approved by the Department of Biodiversity, Conservation and Attractions on advice of the City of Canning, prior to commencement of works. (**Advice Note 5 and 6**)
7. All works are to be undertaken in accordance with a Landscaping Plan which is to be submitted to and approved by the Department of Biodiversity, Conservation and Attractions on advice of the City of Canning, prior to commencement of works (**Advice Note 7**).
8. Prior to the commencement of works, all significant vegetation in and adjacent to the authorised work site shall be identified and protected by installation of Tree Protection



Zones in accordance with *Australian Standard AS 4970-2009 - Protection of trees on development site* (see **Advice Note 8**).

9. All tree pruning shall be carried out in accordance with *Australian Standard 4373-2007 – Pruning of Amenity Trees* to protect tree health.
10. All efforts must be made to avoid waste and to adopt reusable alternatives, including reusable serve-ware. (**Advice Note 10**).
11. The maximum seating capacity of the café shall be limited to 100 persons at any one time.
12. Seating for patrons may be provided only within the café lease area.
13. The applicant shall ensure that no damage to the foreshore, riverbank, or waterway (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.
14. All stormwater run-off shall be discharged to the local government stormwater drainage system to the satisfaction of the City of Canning on the advice of the Department of Biodiversity, Conservation and Attractions. (**Advice Note 12**)

ADVICE NOTES

1. Notifications can be emailed to rivers.planning@dbca.wa.gov.au.
2. Regarding **Condition 3**, the Construction Environmental Management Plan (CEMP) should describe how the authorised works will be managed to minimise potential environmental impacts. Guidance for preparation of a CEMP is provided in [DBCA Guidance Note – Construction Environmental Management Plans](#) (the PDF will download automatically) and [Policies, plans and guidelines | Department of Biodiversity, Conservation and Attractions](#).
3. Regarding **Condition 4**, refer to the Department of Water and Environmental Regulation's fact sheet Amendments to the Environmental Protection Regulations 1987 - clean fill and uncontaminated fill for the requirements of clean fill.
4. Regarding **Condition 5**, in the event the site requires dewatering during construction, a Dewatering Management Plan should be submitted to and approved by the Department of Biodiversity, Conservation and Attractions prior to commencement of works demonstrating that the proposal satisfies the objectives and policy requirements of the Department of Biodiversity, Conservation and Attractions' *Policy 50: Planning for dewatering affecting the Swan Canning Development Control Area*.
5. Regarding **Condition 6**, lighting should be designed to minimise light spill so that fauna, community enjoyment and visual amenity are not unacceptably affected. All lighting is to be consistent with the National Light Pollution Guidelines for Wildlife (Department of Climate Change, Energy, the Environment and Water, 2023) and AS4282 Control of the Obtrusive Effects of Outdoor Lighting.
Further, light spill to the river and within habitat areas should be no more than 0.01-0.03 lux (moonlight), where possible, to ensure no adverse ecological consequences.
6. Regarding **Condition 6**, the final design for signage shall include the exact design, location and specification of any new proposed signs.



7. The Landscaping Plan required under **Condition 7** should include suitable locally native species to soften and screen the proposed new building.
8. Regarding **Condition 8**, works should be undertaken in accordance with Australian Standard AS 4970-2009 - *Protection of trees on development site* and the Tree Protection Report, dated 8 September 2025, completed for Lo Quay River Café by West Works Consultancy.
9. Note that it is an offence under the Swan and Canning Rivers Management Regulations 2007 to destroy, pull up, cut back or injure any tree, shrub or perennial plant that is on land within the Swan Canning Development Control Area, except with the prior approval of the Department of Biodiversity, Conservation and Attractions.
10. Regarding **Condition 10**, Western Australia's [Plan for Plastics](#) introduced regulations to ban selected single-use plastic items. Businesses can no longer supply a range of items, including but not limited to, single-use plastic cups, cutlery, plates, bowls, and expanded polystyrene takeaway food containers (a full list of the [Stage 1](#) and [Stage 2](#) bans is available online).
11. Prior to commencing any works, it is recommended that the applicant engages with the City, in its capacity as land manager and lessor, to ensure all necessary approvals, permits, and clearances (as required) are obtained under the applicable legislation and leasing arrangements.
12. Regarding **Condition 14**, Stormwater from all roofed and paved areas must be collected and discharged via the existing approved drainage system. Stormwater must not affect or be allowed to flow onto or into any other property. Drainage systems must be in accordance with the Building Code of Australia.
13. All landscaping areas shown for retention, inclusive of existing trees, plants and grassed areas are to be maintained for the duration of the development and to the satisfaction of the City.

Hon Matthew Swinbourn BA LLB MLC
MINISTER FOR THE ENVIRONMENT

Date: 5 January 2026

DEPARTMENT OF BIODIVERSITY, CONSERVATION AND ATTRACTIONS REPORT

PROPOSAL	Alterations and Additions – Lo Quay River Cafe
LOCATION	223 Fern Road, Wilson (Lot 300 on Plan 66581)
COST	\$500,000
APPLICANT	Lo Quay River Cafe
LANDOWNER	Department of Planning, Lands and Heritage
LOCAL GOVERNMENT	City of Canning
MRS CLASSIFICATION	Regional Open Space
DECISION TYPE	Part 5, <i>Swan and Canning Rivers Management Act 2006</i> , Ministerial Determination
ATTACHMENTS	<ol style="list-style-type: none"> 1. Development Proposal (seventeen pages) 2. Referral Response – City of Canning (five pages) 3. Submission – City of Canning (eight pages) 4. Site Photos (three pages)
RECOMMENDATION	APPROVAL WITH CONDITIONS

1. INTRODUCTION

1.1 The Department of Biodiversity, Conservation and Attractions (DBCA) has received an application from Jacki Harry, Director of Lo Quay River Café to undertake a building extension and internal refit to the Lo Quay River Café located at 223 Fern Road, Wilson (Lot 300 on Diagram 66581) (**Figure 1 and 2**) (**Attachment 1**).



Figure 1: Lo Quay River Café (outlined in red) - Swan Canning development control area (outlined in blue)

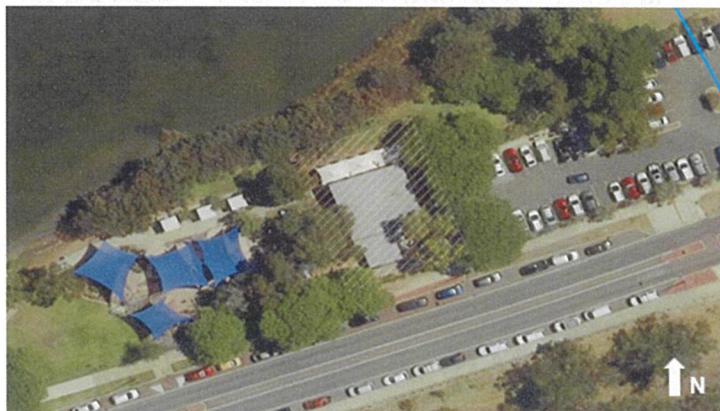


Figure 2: 223 (Lot 300) Fern Road, Wilson (highlighted in yellow hatching)

- 1.2 The proposed development is on land reserved for Regional Open Space (ROS) under the Metropolitan Region Scheme and is within the Swan Canning Riverpark. The land is under the care, control and management of the City of Canning (the City).
- 1.3 The proposed development is entirely within the Swan Canning development control area (DCA) and therefore requires approval from the Minister for the Environment in accordance with Part 5 of the *Swan and Canning Rivers Management Act 2006* (SCRM Act).
- 1.4 The proposed works include the following:
 - Extension of existing building along the western side to allow for:
 - Re-establishment of kiosk window.
 - Reconfiguration and improvement of the kitchen and server areas.
 - Installation of roof structure over the northern (river facing) existing alfresco area.
 - Extension of existing northern alfresco area towards the west to line up with the building extension.
 - Seasonal enclosure of alfresco dining area with non-permanent roll-down café blinds.
 - Signage and lighting.
 - Installation of new path along western side of the café.
- 1.5 The applicant has advised that the proposal does not involve any change to operating hours, nor does it involve any request for additional seating capacity.
- 1.6 The proposal does not extend outside of the lease boundary or involve any changes to parking arrangements.
- 1.7 This report has been prepared in accordance with section 75(2) of the SCRM Act.

2. CONSULTATION

- 2.1 In accordance with section 73 of the SCRM Act, the application was initially advertised on the DBCA website for 42 days commencing on 13 August 2025.
- 2.2 No submissions were received.
- 2.3 The application was referred to the City for comment.

Submissions on Draft Report

- 2.4 In accordance with the requirements of Section 75 of the SCRM Act, a copy of the draft report and proposed recommendation was provided to the applicant and the relevant stakeholder, being the City. A copy was also published on the DBCA website between 30 October 2025 and 13 November 2025 with an invitation for public submissions.
- 2.5 No public submissions were received. A further submission was received from the City. The submissions is discussed below.

City of Canning

- 2.6 The City advises that it supports the proposal, and provides the following recommendations and advice:
 - The development is to comply in all respects with the attached stamped approved plans.
 - Stormwater from all roofed and paved areas must be collected and discharged via the existing approved drainage system. Stormwater must not affect or be allowed

to flow onto or into any other property. Drainage systems must be in accordance with the Building Code of Australia.

- All trees located in verge areas adjoining the subject lot and near the development are to be retained and protected. Prior to the commencement of any site work, fencing is to be installed to protect impacted trees throughout the construction phase of the development and removed once works are completed, to the satisfaction of the City.
- All landscaping areas shown for retention, inclusive of existing trees, plants and grassed areas are to be maintained for the duration of the development and to the satisfaction of the City.
- The development must be connected to the Water Corporation's Reticulated Sewerage System before the commencement of any use.
- The installation of outdoor lighting shall be in accordance with the requirements of Australian Standard AS 4282 Control of the Obtrusive Effects of Outdoor Lighting.

2.7 The City's comments are provided in **Attachment 2** and are incorporated into the recommended conditions and advice.

2.8 A subsequent submission was received from the City in response to the draft report (refer **Attachment 3**). The submission supports the proposed development subject to some points of clarification with wording of conditions and the inclusion of an additional advice note relating to the need to consult with the City regarding relevant statutory approvals (refer to advice note 11). The comments provided by the City have been incorporated as appropriate.

3. RELEVANT POLICIES AND PLANS

- State Planning Policy 2.10 – Swan-Canning River System (SPP 2.10)
- (Draft) State planning Policy 2.9 – Planning for Water (SPP 2.9)
- 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. 46 – Planning for Commercial Operations in the Swan Canning Development Control Area (Policy 46)
- Corporate Policy Statement No. 48 – Planning for Development Setback Requirements
- Liveable Neighbourhoods – A Western Australian Government Sustainable Cities Initiative (Update 02, January 2009)
- Australian Standard - 4282 – Control of the Obtrusive Effects of Outdoor Lighting

4. ENVIRONMENTAL AND PLANNING CONSIDERATIONS

- Vegetation protection
- Setbacks and visual amenity
- Public access
- Stormwater management
- Construction management

5. BACKGROUND

5.1 The Lo Quay River Café is a popular food and beverage facility located on the foreshore of the Canning River. The proposal involves an extension of the building along its western edge, 3.6m wide. The extension provides for the construction of a larger kitchen area, re-instatement of a kiosk window for the sale of takeaway food and beverages, and reconfiguration of the internal layout of the building.

5.2 The proposal also involves the provision of roof structure for the existing alfresco area, and a small extension of the alfresco area to line up with the new extension. The roof

structure will replace the existing umbrellas and be around the same height. The proposal also involves a small extension of the existing alfresco area and limestone retaining wall to align with the extended building.

- 5.3 The applicant has requested approval to install roll-down café blinds to allow for seating in inclement weather.
- 5.4 The proposal is within public land located at Lot 300 (223) Fern Road, Wilson on the foreshore of the Canning River. The land is vested with the Department of Planning, Lands and Heritage, leased to the City of Canning and sub-leased to the current tenant (Nedgo Pty/Ltd trading as Lo Quay River Café) until August 2026 (**Figure 3**).

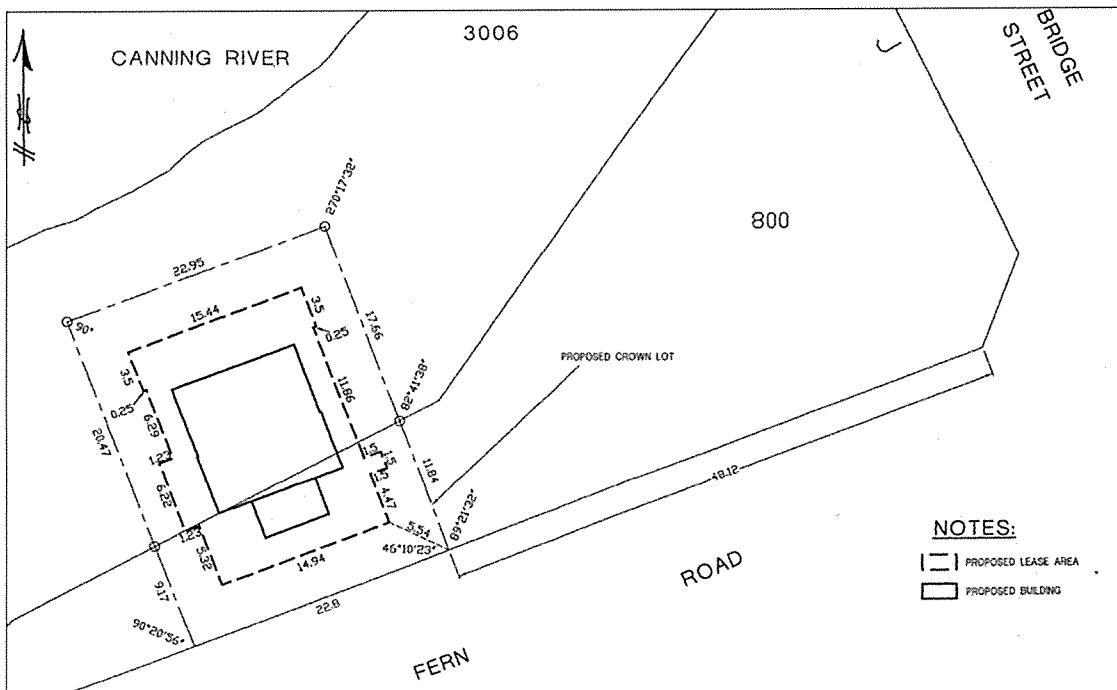


Figure 3: Lease boundaries

- 5.5 The Lo Quay River Café was constructed in accordance with approval from the Minister for Environment in August 2007 (SRT2414). Condition 9 of the original approval requires the maximum seating capacity of the café to be limited to 100 persons at any one time. This was to ensure that the facility did not have an adverse impact on the amenity of the foreshore reserve.
- 5.6 In November 2010 and early 2015, the City extended the existing adjacent car park to address concerns by residents about the lack of parking at the café and the safety along Fern Road adjacent to the development.

6. DISCUSSION

Vegetation protection

- 6.1 Policy 42 states that native vegetation should be retained and restored to protect linkages and natural vegetation corridors. Proposals should avoid the removal or fragmentation of native vegetation, where possible.
- 6.2 No clearing of vegetation (other than turf) is proposed as part of the development application.
- 6.3 Two River Red Gum trees (*Eucalyptus camaldulensis*) are located in proximity to the café building. The applicant engaged a qualified arborist to prepare a Tree Protection

Report confirming that the extension works can be undertaken without causing any damage to the trees. The report recommended the following provisions:

- Tree protection zones (TPZs) and fencing in line with AS 4970-2009 *Protection of trees on development sites* should be installed prior to works commencing.
- All excavation and trenching remains outside of the respective structural root zone (SRZ) for each tree.
- There shall be no use of strip style excavation within the SRZ of any tree.
- All footpaths and alfresco areas should only be covered with pavers (preferably permeable paving).
- Any earthworks (even minor) must be supervised by an arborist.
- Minor pruning of one of the trees will be required to provide clearance to the current and future roof of the café.

6.4 With regard to vegetation protection, it is expected that the impact on adjacent trees can be managed through a condition requiring a Construction Environmental Management Plan which is expected to include diagrams showing TPZs and SRZs.

Setbacks and visual amenity

6.5 Policy 48 seeks to protect and enhance the community's use and enjoyment of the river system, particularly its foreshores, through the implementation of setbacks.

6.6 DBCA generally seeks to apply a minimum setback of 20m in foreshore areas from buildings within leased areas of foreshore reserves. This allows for opportunities for public access along the foreshore, public use and enjoyment of the river, and for landscaping to enhance the ecological quality of the river system. In addition, consistent setbacks help prevent impacts to the visual amenity of the river that can overshadow or overlook public spaces.

6.7 The current alfresco area faces the river (along the northern side of the building) and is setback approximately 14m from the high water mark of the Canning River. The proposal involves construction of a new roof structure above the existing alfresco dining area replacing existing umbrellas. The roof structure is approximately the same height as the existing umbrellas and extends 0.5m past the existing limestone retaining wall towards the river. The small roof extension is not expected to result in any negative impact to visual amenity.

6.8 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. The existing building is partly a rendered brick building with a zincalume corrugated custom orb raked roof structure. Refer to **Attachment 4** for photos of the café, including current materials and colour scheme.

6.9 The proposed extension will be of materials that match the existing building and roof and other than the increased size, will not alter the appearance of the building. The building will retain a similar profile and built form. The style generally complements the riverine environment.

6.10 The foreshore area between the café and the river is predominantly turf, with some sedges present along the riverbank (refer Figure 4). To enhance the visual amenity of the café and its proposed extension, it is recommended that a landscape plan be required as a condition of approval. The plan should include the planting of locally native vegetation to soften the appearance of the building in the foreshore. These expectations can be addressed through advice to the applicant.



Figure 4: View along river frontage

- 6.11 Prior to commencement of works it is recommended that a Lighting and Signage Plan be prepared to the satisfaction of DBCA, with advice from the City.
- 6.12 With regard to setbacks and visual amenity, the proposal is considered compatible with the surrounding foreshore environment.

Public access

- 6.13 Policy 42 and SPP2.10 require proposed development to enhance public access to and enjoyment of the river.
- 6.14 The café is setback from the Canning River 14m with open turf and a thin strip of riparian vegetation. Public access between the river and the café is freely available although there is no formal pathway. The proposal will not alter existing public access along the foreshore. A condition of approval can ensure that public access will not be restricted during the works unless necessary for safety purposes.
- 6.15 The proposed extension of the building to the west will encroach into public open space to the west of the site by 3.6m. The proposal includes a new 2.1m wide pathway to run alongside the extension.
- 6.16 The path is wider than the 1.2m guideline for pedestrian-only pathways (Western Australian Liveable Neighbourhoods), which will allow for more comfortable passage of individuals, including those using mobility aids like wheelchairs and accommodate additional foot traffic for the new kiosk window.
- 6.17 Some minor obstructions during construction might be required, but these can be managed through standard conditions and advice to ensure some access remains and construction areas are appropriately fenced off for public safety.

Stormwater management

- 6.18 Policy 49 generally requires stormwater runoff from constructed impervious surfaces 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.
- 6.19 However, it is noted that the existing café is connected to the local government stormwater drainage system. No change to the connection is proposed and any additional stormwater generated from the café extension will continue to be discharged into the existing stormwater drainage and subsequently into the river.

Construction management

- 6.20 The site is approximately 14m from the water of the Canning River, with grassed open space between. Potential environmental impacts to the river and foreshore area from demolition and construction are considered to be manageable due to the setback from the river.
- 6.21 No in-water works are part of the proposal, but the proximity of the proposed works to the river and public foreshore reserve necessitate measures to minimise the risk of mobilisation of materials into the waterway.
- 6.22 A Construction Environmental Management Plan is required to demonstrate appropriate management and mitigation of potential impacts to the foreshore or the river during construction. It is recommended that the plan is prepared to the satisfaction of DBCA, in accordance with advice from the City.

7. SWAN RIVER TRUST

- 7.1 In accordance with section 75(3A) of the SCRM Act, the Swan River Trust considered DBCA's draft report at its meeting on 21 October 2025 and 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.

8. CONCLUSION

- 8.1 The proposed alterations and additions to the Lo Quay River Café have been assessed against relevant planning and environmental policies applicable to the Swan Canning DCA. The development is considered to be appropriate to its setting and involves minimal impact on vegetation, public access and visual amenity.
- 8.2 The proposal supports the ongoing use and enjoyment of the river system by the community. Subject to the recommended conditions and advice, the proposal is considered acceptable and is recommended for approval.

9. RECOMMENDATION – APPROVAL WITH CONDITIONS

That the Director General of DBCA advises the Minister for the Environment that the proposal at Lo Quay River Café (**Attachment 1**), as described in the application received on 19 June 2025, with additional information provided on 22 July 2025 and 2 October 2025, be approved, subject to the following:

CONDITIONS

1. Approval to implement this decision is valid for two (2) years from the date of this approval. If on-site works have not substantially commenced within this period, a new approval will be required before commencing or completing the development.
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. All works are to be undertaken in accordance with a Construction Environmental Management Plan which is to be submitted to and approved by the Department of Biodiversity, Conservation and Attractions on advice of the City of Canning, prior to commencement of works. (**Advice Note 2**)
4. Any fill and/or topsoil brought onto the site, is to be certified clean, uncontaminated and free from rubble, weeds and disease, and suitable for the proposed works. (**Advice Note 3**).

5. No extracted water from dewatering is to enter the River, either directly or indirectly (via the stormwater system), unless approved by the Department of Biodiversity, Conservation and Attractions. (**Advice Note 4**)
6. All lighting and signage is to be installed in accordance with a Lighting and Signage Plan, which is to be submitted to and approved by the Department of Biodiversity, Conservation and Attractions on advice of the City of Canning, prior to commencement of works. (**Advice Note 5 and 6**)
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8. Prior to the commencement of works, all significant vegetation in and adjacent to the authorised work site shall be identified and protected by installation of Tree Protection Zones in accordance with *Australian Standard AS 4970-2009 - Protection of trees on development site* (see **Advice Note 8**).
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10. All efforts must be made to avoid waste and to adopt reusable alternatives, including reusable serve-ware. (**Advice Note 10**).
11. The maximum seating capacity of the café shall be limited to 100 persons at any one time.
12. Seating for patrons may be provided only within the café lease area.
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ADVICE NOTES

1. Notifications can be emailed to rivers.planning@dbca.wa.gov.au.
2. Regarding **Condition 3**, the Construction Environmental Management Plan (CEMP) should describe how the authorised works will be managed to minimise potential environmental impacts. Guidance for preparation of a CEMP is provided in [DBCA Guidance Note – Construction Environmental Management Plans](#) (the PDF will download automatically) and [Policies, plans and guidelines | Department of Biodiversity, Conservation and Attractions](#).
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5. Regarding **Condition 6**, lighting should be designed to minimise light spill so that fauna, community enjoyment and visual amenity are not unacceptably affected. All lighting is to be consistent with the National Light Pollution Guidelines for Wildlife (Department of

Climate Change, Energy, the Environment and Water, 2023) and AS4282 Control of the Obtrusive Effects of Outdoor Lighting.

Further, light spill to the river and within habitat areas should be no more than 0.01-0.03 lux (moonlight), where possible, to ensure no adverse ecological consequences.

6. Regarding **Condition 6**, the final design for signage shall include the exact design, location and specification of any new proposed signs.
7. The Landscaping Plan required under **Condition 7** should include suitable locally native species to soften and screen the proposed new building.
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13. All landscaping areas shown for retention, inclusive of existing trees, plants and grassed areas are to be maintained for the duration of the development and to the satisfaction of the City.

Report Status

Signed: 

Stuart Smith

Director General, Chief Executive Officer

Date:

04/12/25

Attachment 1



Department of Biodiversity, Conservation and Attractions



SWAN CANNING
RIVER PARK

Development Application Guidelines for Form 1

Under the Swan and Canning Rivers Management Act 2006 - Part 5- section 72(1)

Important information for applicants

1. The Department of Biodiversity, Conservation and Attractions (the department) is responsible for assessment of development applications in the Swan Canning Development Control Area under section 72(1) of the Swan and Canning Rivers Management Act 2006 (SCRM Act).
2. The original application Form 1 must be accompanied by sufficient information detailing the proposed works and a full set of scaled plans and specifications for the proposed development. Under section 72(7) of the SCRM Act, the department may also request further information relating to the development before considering the application to be valid and to enable proper consideration of the application.
3. The landowner(s) must consent to the application being made and must sign the application. The applicant is responsible for obtaining landowner(s) consent, except where the landowner is the department.
4. Where the applicant appoints an authorised agent to act on their behalf, the authorised agent must attach a copy of the written authority to the application.
5. The application is to be lodged with the local government or redevelopment authority in whose jurisdiction the proposed development is situated. If the proposed development is not within a local government or redevelopment authority area, the application is to be made direct to the department's Swan Canning Waterways Branch.
6. There are penalties for providing false information in the application, which may include a fine of up to \$10 000, under section 88 of the SCRM Act.
7. Please read the information below carefully when preparing your application. The application will not be considered valid and will be returned to the applicant if the application has not been signed by the owner(s) of the land, or is not accompanied by adequate detail, plans and specifications of the proposed development.

Planning Policies for development affecting the Swan Canning Development Control Area

Development proposals must be consistent with the purpose and objectives of the SCRM Act, which provides for the protection and enhancement of the ecological health, community benefit, amenity and heritage value of the Swan Canning river system. A range of planning policies have been created to guide land use and development and provide for consistent and integrated planning and decision making in relation to the Swan Canning Development Control Area.

The policies provide guidance regarding the issues that are considered when assessing an application. Where possible please address any relevant issues identified in the policies and include this supplementary information with the application.

Corporate Planning Policies for development affecting the Swan Canning Development Control Area

The department has a range of policies, guidelines and plans relevant to development affecting the Swan Canning Development Control Area which are available on the department's website.

These documents provide direction and guidance regarding how the department assesses development applications in accordance with the SCRM Act and Swan and Canning Rivers Management Regulations 2007.

State Planning Policy 2.1 O - Swan Canning River System (SPP 2.1 O)

State planning policies (SPPs) provide the highest level of planning policy control and guidance in Western Australia. SPPs are prepared under Part 3 of the *Planning and Development Act 2005*.

SPP 2.10 identifies the key issues for planning and decision making for the Swan Canning river system and is available on the Department of Planning, Lands and Heritage website: <https://www.dplh.wa.gov.au/spp2-10>

Other relevant planning policies, guidelines and Australian Standards that address issues such as (but not limited to): design, lighting, wetlands, bushfire planning, visual impacts, stormwater, contaminated sites, acid sulphate soils, bushland conservation and water quality may also be considered during the assessment.

Application submission

Via email at: Rivers.planning@dbca.wa.gov.au

In post to:

Statutory Assessments - Swan Canning Waterways Branch

Department of Biodiversity, Conservation and Attractions

In person to:

Department of Biodiversity, Conservation and Attractions

Locked Bag 104

17 Dick Perry Avenue

BENTLEY DC WA 6983

Technology Park, Western Precinct

Telephone enquiries: 9219 9000

KENSINGTON WA 6151

**Checklist of information to include with a Form 1 application**

To assist the efficient assessment of applications please include the detail requested below and any other additional information relevant to the proposal.

Item	<input checked="" type="checkbox"/> N/A
Completed application form, including written consent of the landowner(s).	<input checked="" type="checkbox"/>
Additional information including details of the proposed development (including the existing and proposed use of the site and proposed hours of operation) and addressing any relevant issues identified in the policies.	<input checked="" type="checkbox"/>
Plans and specifications of the proposed development showing: <ul style="list-style-type: none">• current and proposed levels (contours at no greater than 1 metre intervals), including retaining structures and fill requirements• the location, metric dimensions, materials, finishes and type of all existing and proposed structures, including services• sections through the site• the nature and extent of any open space and landscaping proposed• proposed external lighting and signage• any watercourse(s) flowing through the site• position of any large trees or on-site vegetation clearly marking vegetation to be retained and removed• the existing and proposed means of access and movement for pedestrians and vehicles	<input checked="" type="checkbox"/>
Plans, elevations and sections of any building or structure proposed to be erected or altered and/or any building or structure to be retained.	<input checked="" type="checkbox"/>
Site plan of the lot showing the development location in relation to: <ul style="list-style-type: none">• adjacent roads• rivers, creeks, springs and wetlands• nearby conservation areas and/or Bush Forever sites• floodway and floodplain boundaries• land reserved for Parks and Recreation under the Metropolitan Region Scheme	<input checked="" type="checkbox"/>
Information on the availability of drainage and sewer.	<input checked="" type="checkbox"/>
Information on any impacts to heritage sites and subsequent approvals (if required).	<input type="checkbox"/> <input checked="" type="checkbox"/>
Information regarding potential acid sulphate soils and/or contamination.	<input type="checkbox"/> <input checked="" type="checkbox"/>
If the proposed development is likely to disturb potential and/or actual acid sulfate soils or a contaminated site, a preliminary investigation is required, and the results included with this application.	<input type="checkbox"/> <input checked="" type="checkbox"/>
Detail of proposed construction methodologies.	<input type="checkbox"/>
Geotechnical information	<input type="checkbox"/>
Operational details (where relevant) e.g. for a proposed cafe	<input checked="" type="checkbox"/>
Larger developments should also include:	
Photo montages showing the development in relation to the river and foreshore landscape.	<input type="checkbox"/> <input checked="" type="checkbox"/>
Information on the impacts of parking, noise and traffic generated by the proposal.	<input type="checkbox"/> <input checked="" type="checkbox"/>
Details of stormwater management incorporating water sensitive urban design principles.	<input type="checkbox"/> <input checked="" type="checkbox"/>
Details of any dewatering proposed during construction including the expected volumes, water quality, method of disposal and sampling regimes in accordance with DBCA's Policy 50 – Planning for dewatering affecting the Swan and Canning Development Control Area.	<input type="checkbox"/> <input checked="" type="checkbox"/>
Any specialist studies and/or management plans required to support the application such as traffic, heritage, environmental, engineering, landscaping or urban design studies.	<input type="checkbox"/> <input checked="" type="checkbox"/>



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

Position (if applicable)

Organisation (if applicable)

Contact person

Postal address

Town/Suburb State Postcode

Telephone Work Mobile

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

19.06.2025

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

Position (if applicable)

Organisation (if applicable)

Contact person

Postal address

Town/Suburb State Postcode

I consent to this application being made.

First landowner signature

Date

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

23.06.2025



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			
Position (if applicable)			
Company/agency (if applicable)			
ACN/ABN (if applicable)			
Postal address			
Town/Suburb	State	Postcode	
Telephone	Work	Mobile	
Email			
Authorised Agent signature			Date

4. Location of proposed development

Certificate of title information	Volume LR3161	Folio 88
	Diagram/plan/deposit plan no. 66581	
Lot No.(s)	Lot 300	
Location	Fern Rd	
Reserve No.(s) (if applicable)		
Street No.(s) and name	223 Fern Rd	
Town/Suburb	Wilson	
Nearest road intersection	Riverton Dve East	

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	\$500,000.00
Current use of land	The land is currently used as a cafe, and has been since 2011
Proposed development	Improvement to the kitchen area of the cafe, establishment of a kiosk for take away options and a more weather-proof patio roof and improved storage



Our ref: Case 2501858
Enquiries: Vida Horobin

[REDACTED]@[REDACTED]

Jacki Harry
Lo Quay River Café
223 Fern Road
Wilson, WA 6107

Dear Jacki,

REQUEST FOR LANDOWNER CONSENT TO LODGE APPLICATION FOR APPROVAL OF DEVELOPMENT OVER PORTION OF LOT 300 ON DEPOSITED PLAN 66581 – WILSON, CITY OF CANNING

The Department of Planning, Lands and Heritage (Department) has received your Application for Approval of Development, seeking landowner consent for works associated with the renovation of Lo Quay River Café, which is located on a portion of Lot 300 on Deposited Plan 66581 in the City of Canning.

It is noted that Lot 300 on DP 66581 is leased by the City of Canning for the purpose of “Café and Kiosk”, and that the City of Canning has entered into a sublease with NEDGO Pty Ltd.

Please accept this letter as confirmation of landowner consent to lodge the relevant your Application for Approval of Development form. Note that the Department will not be responsible for any fees or costs associated with preparation and lodgement of plans and/or any eventual development.

This letter does not represent approval or consent for planning purposes under the relevant local government and/or region scheme. Further, in the event that approval is granted for the proposal, this letter is not to be taken as acknowledgement of (or consent for) the commencement or carrying out of the proposed development or to any modification of the tenure or reservation classification of the Crown land component.

The proponent must comply with the requirements of all other relevant legislation, including but not limited to the *Swan and Canning Rivers Management Act 2006*, in anticipation of the proposed works.

Should you have any further queries regarding this matter, please do not hesitate to contact
Vida Horobin on (08) 6551 8018 or vida.horobin@dplh.wa.gov.au

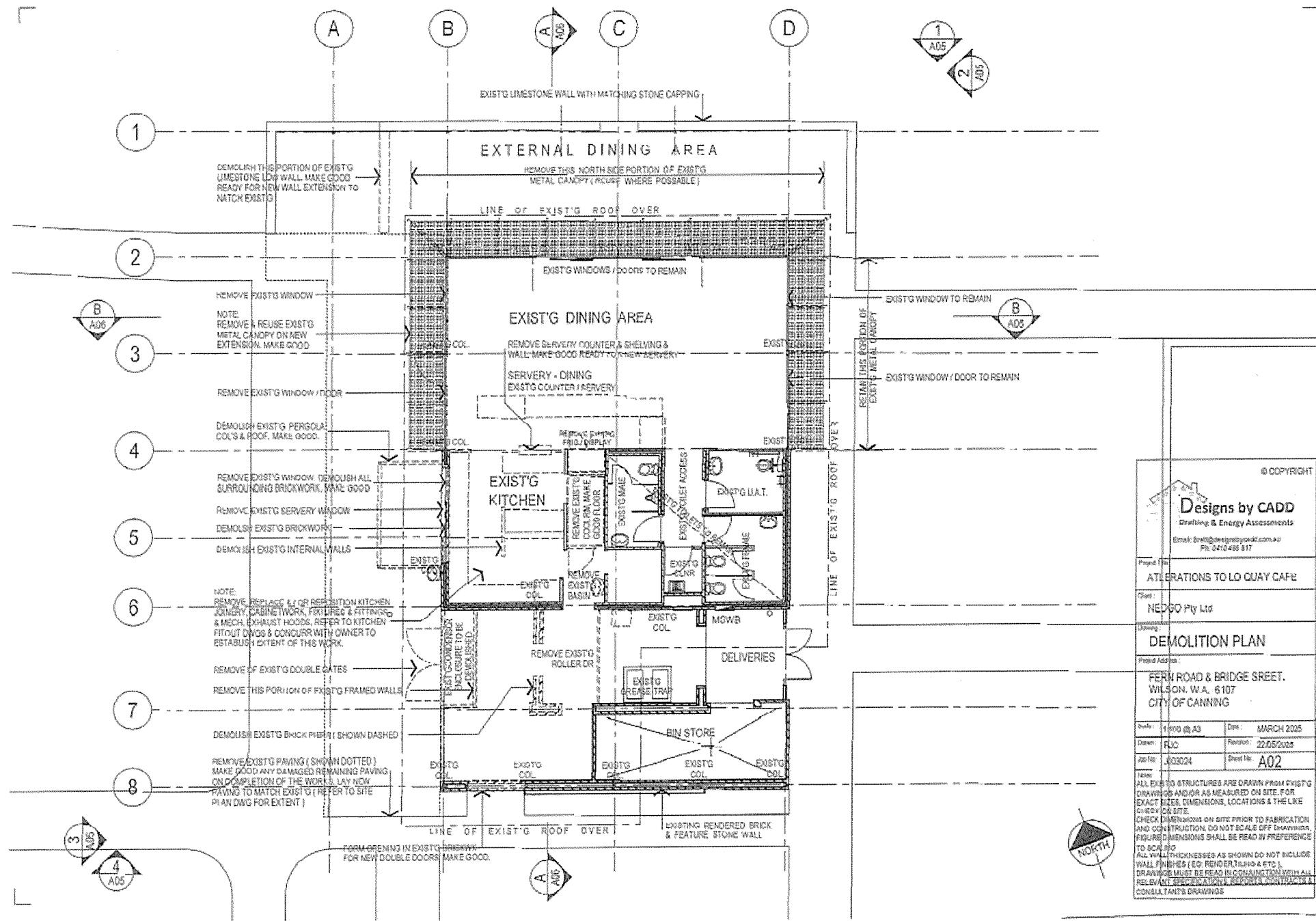
Yours sincerely

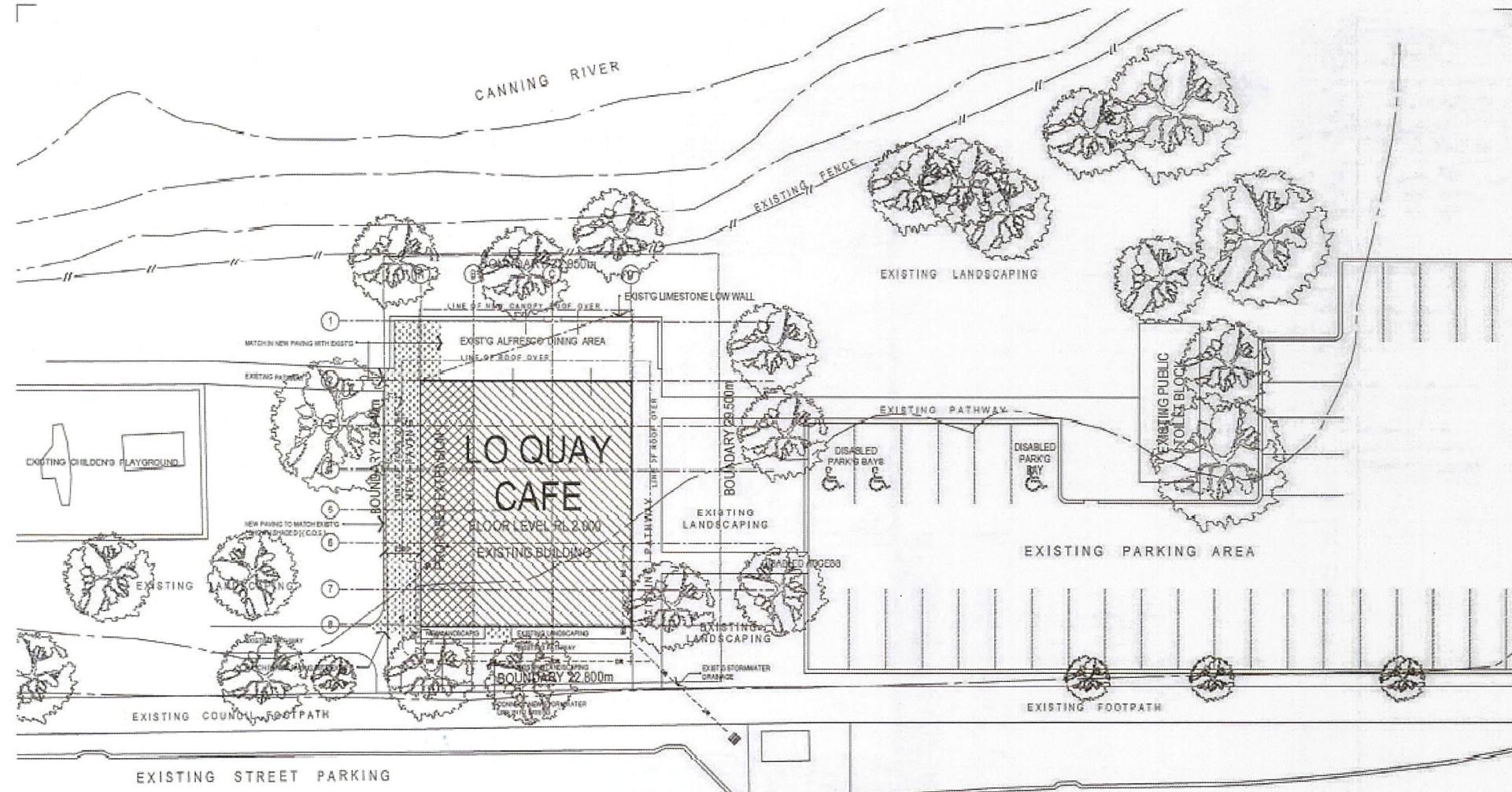


Vida Horobin
Assistant Manager
Land Use Management

20th June 2025





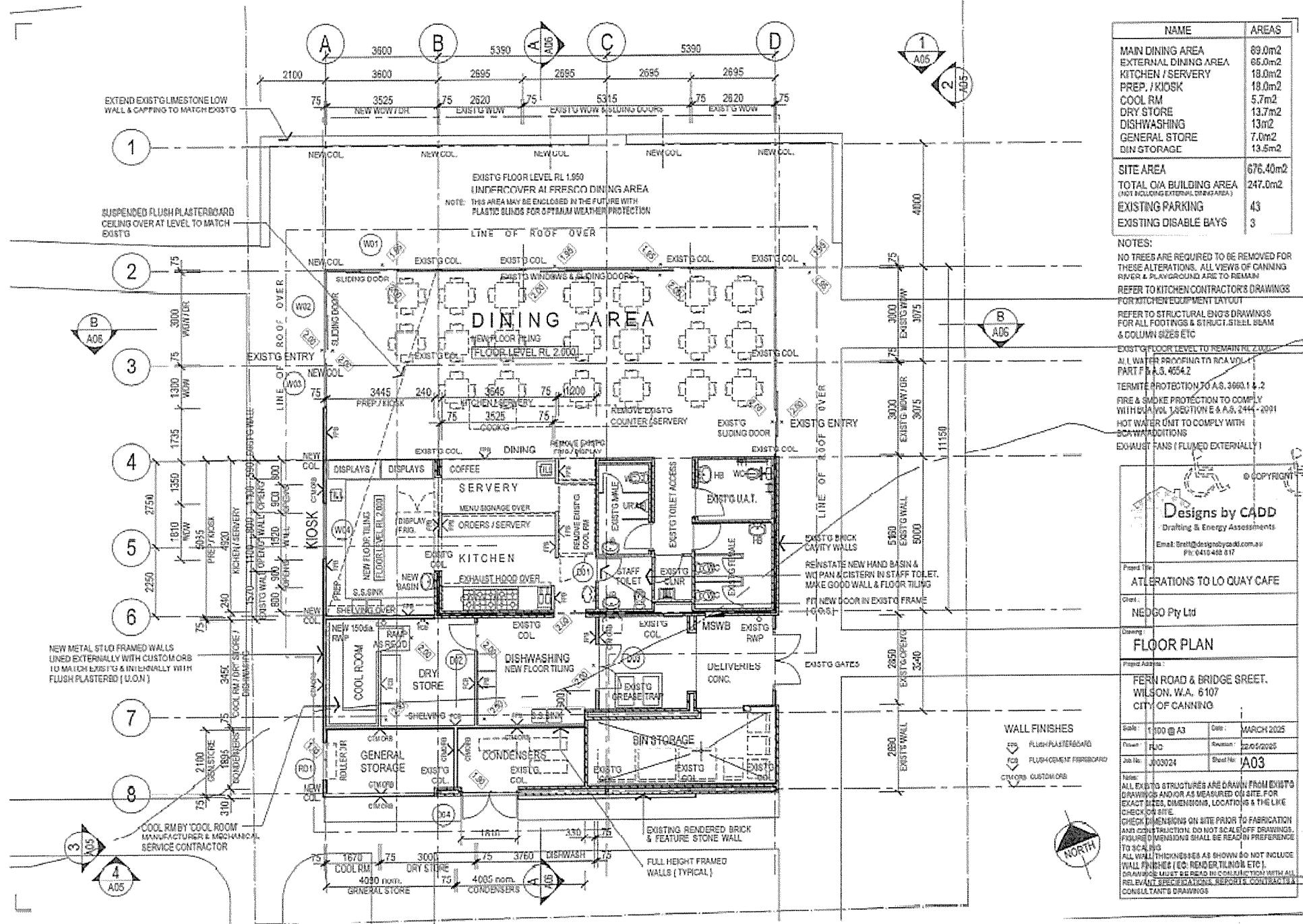


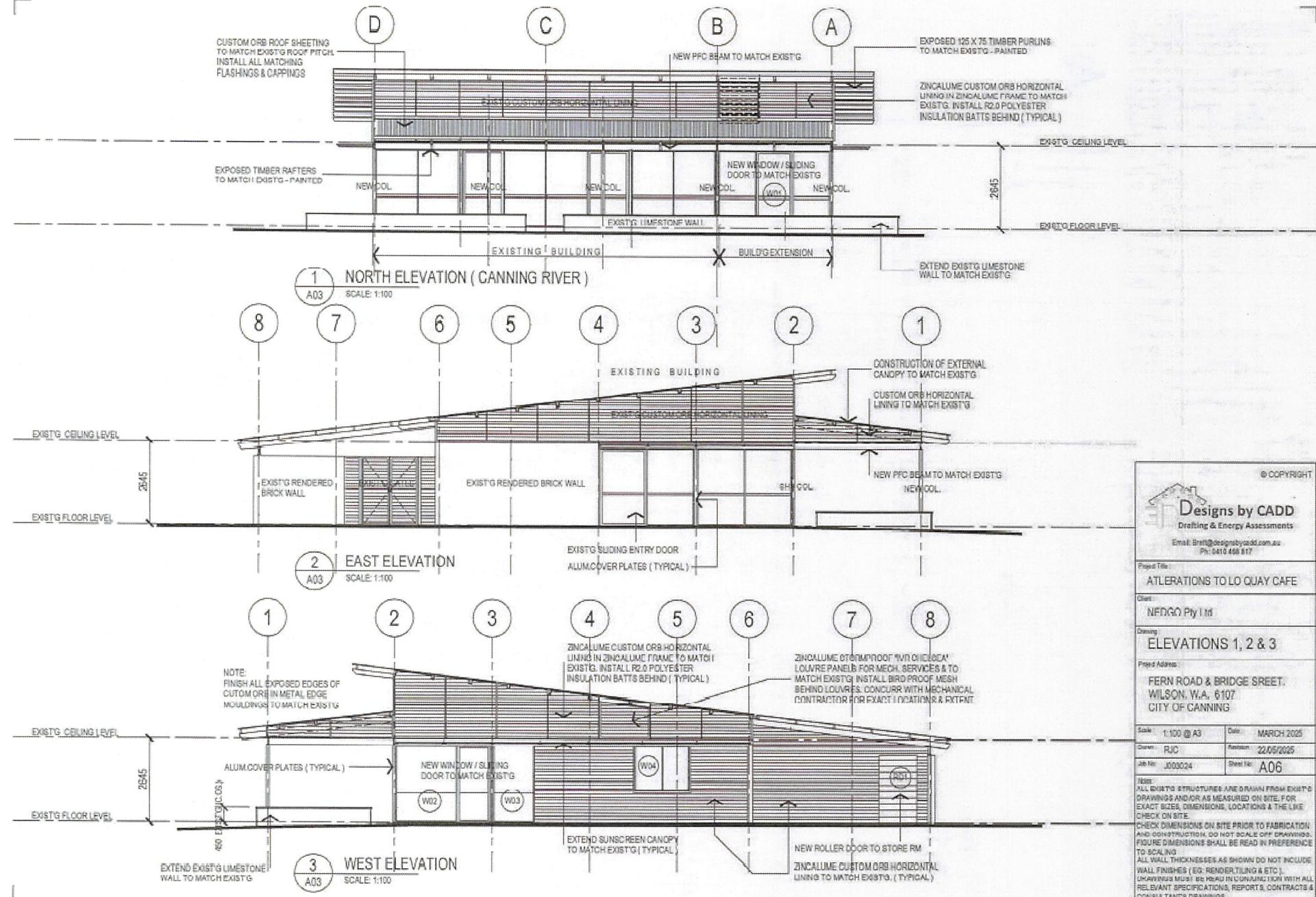
FERN ROAD

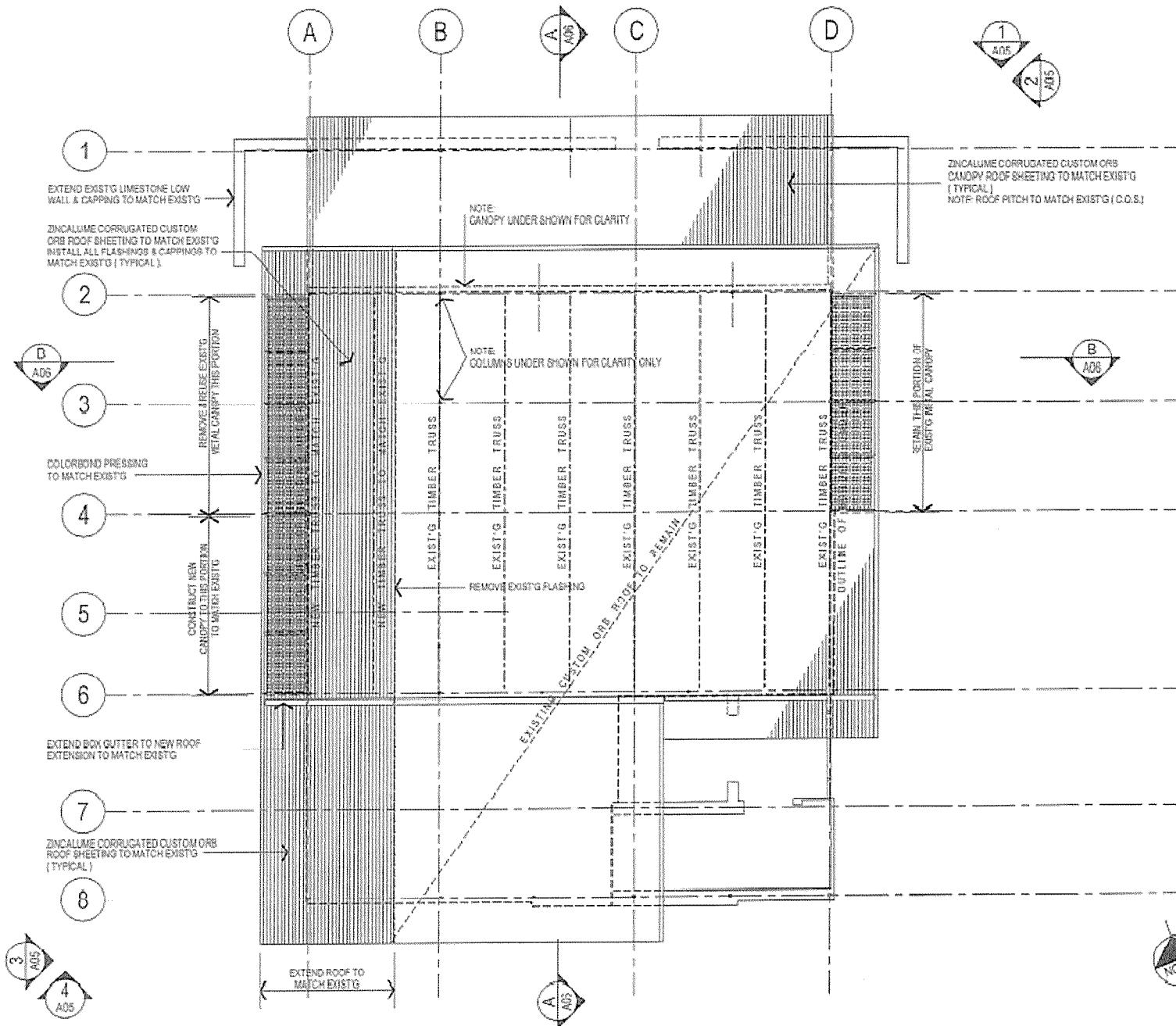


108

NOTES:	Scale: 1:250 @ A3	Project Title: ALTERATIONS TO LO QUAY CAFE	© COPYRIGHT
	Drawn: PJC		
Job No: 0003024	Project Address: FERN ROAD & BRIDGE STREET, WILSON, W.A. 6107	Drawing: SITE PLAN	
Date: MARCH 2005	Division: CITY OF CANNING	Client: NEDGO Pty Ltd	
Division: 22/03/2005			
Sheet No: A01			



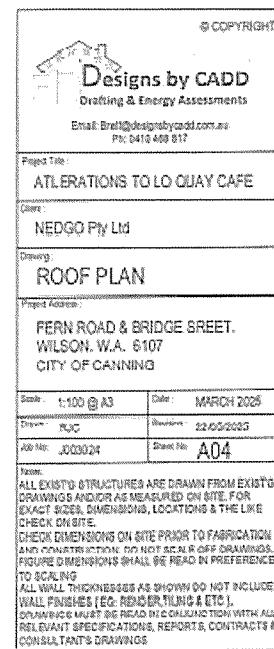


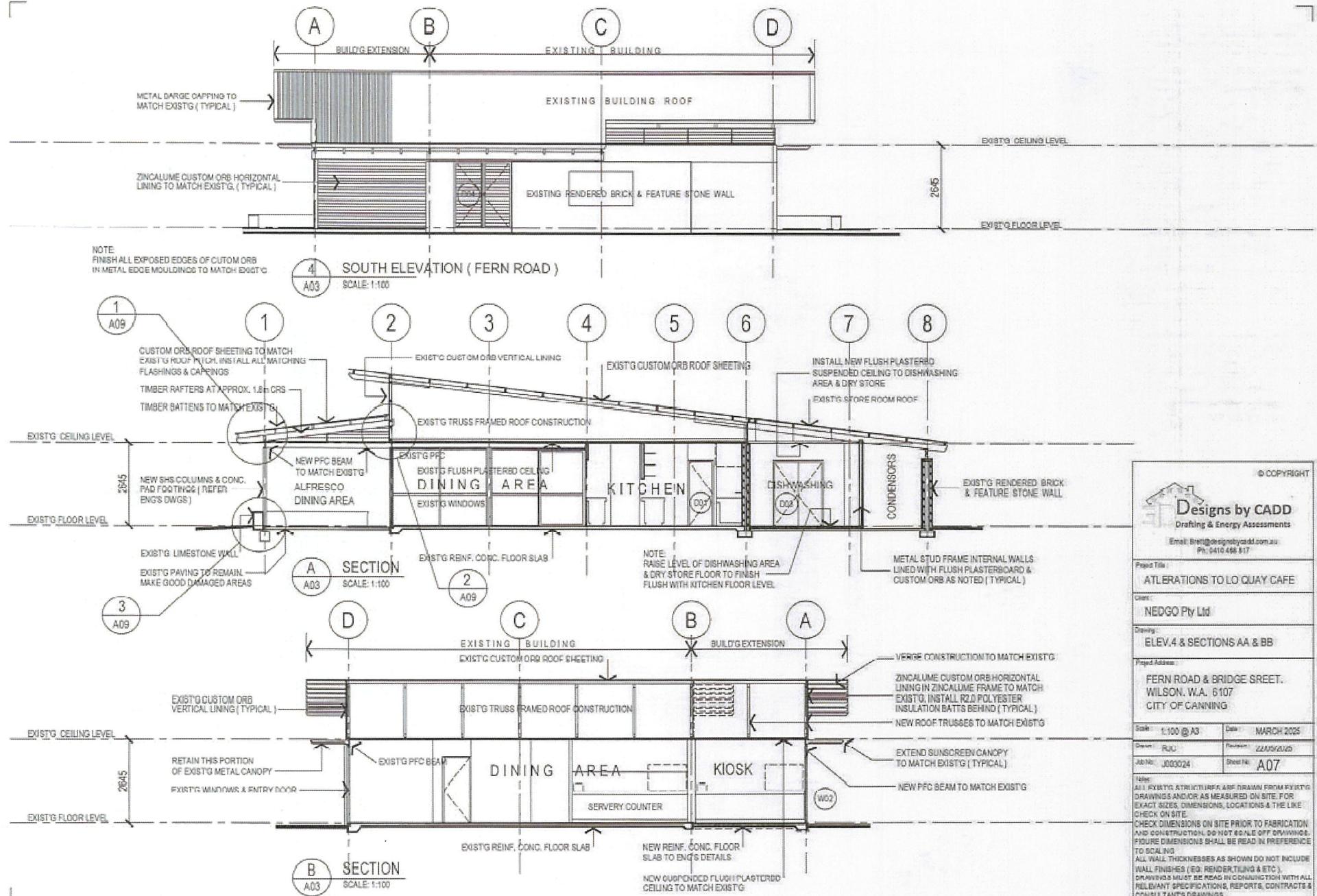


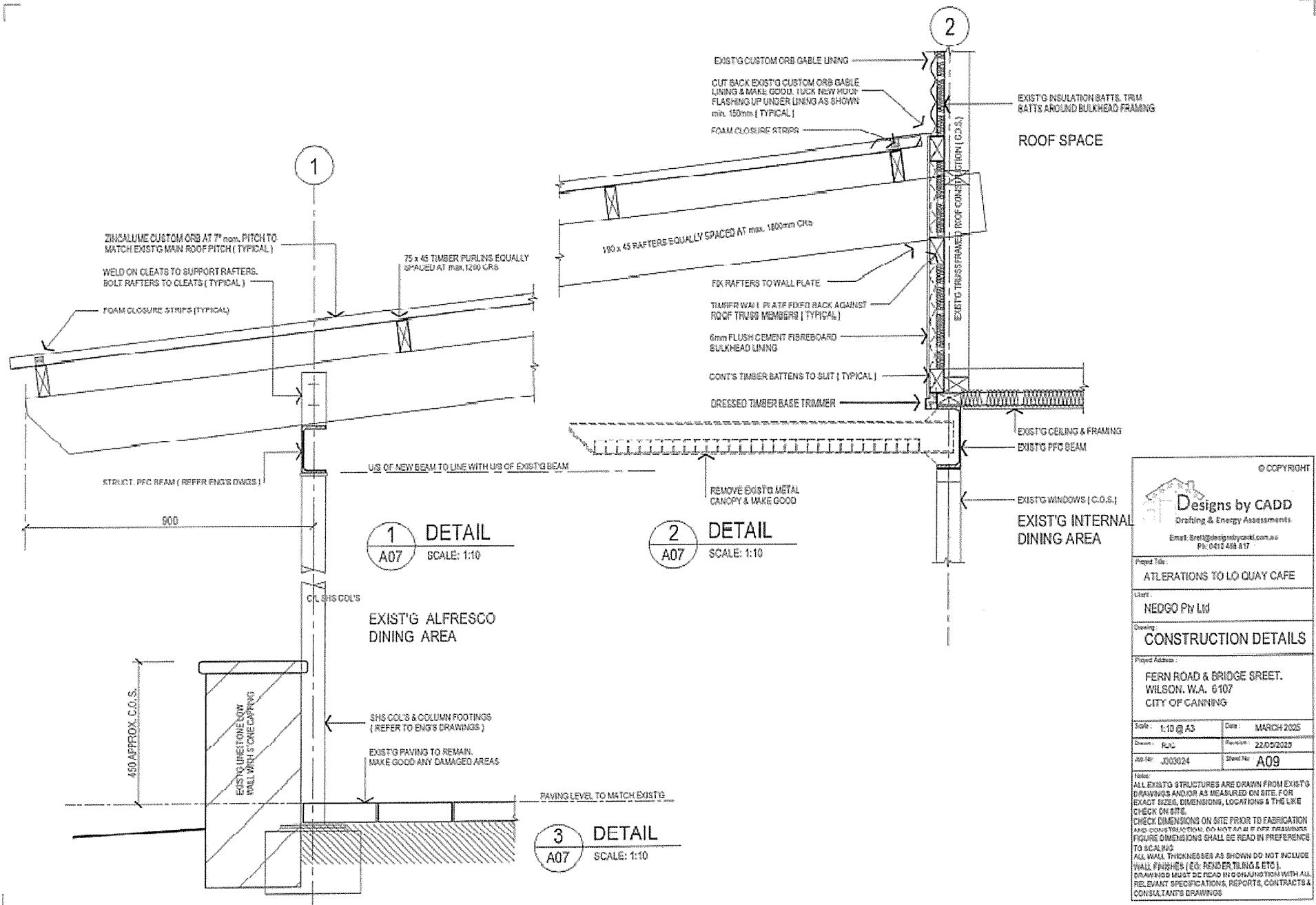
NOTES:

ROOFING CONTRACTOR TO PROVIDE
ALL FLASHINGS TO MECHANICAL,
ELECTRICAL & PLUMBING ROOF
PENETRATIONS AS REQ'D.

ALL EXTERNAL RWP'S SHALL BE
0.8mm ZINCALUME





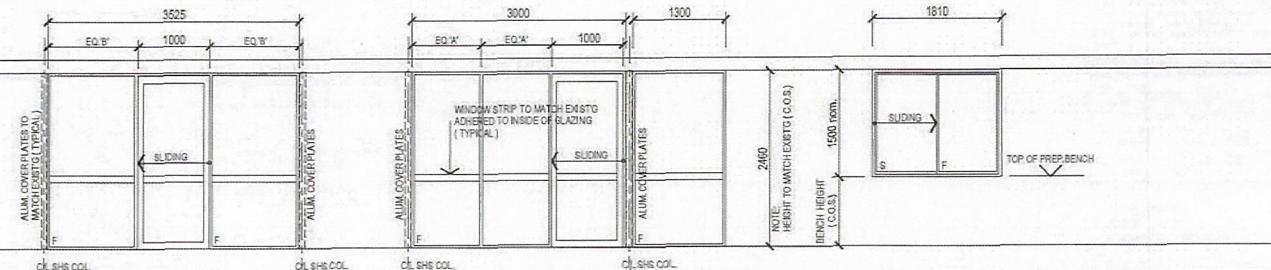


LEGEND:
CHECK ON SITE ALL OPENING DIMENSIONS PRIOR TO FABRICATION

UNLESS OTHERWISE NOTED
WINDOWS FRAMES SHALL BE
100mm X 40mm nom. ALUM. BOX
SECTIONS. ALL FRAMES TO
HAVE SUB-FRAMES. (U.O.N.)
ALL GLAZING SHALL BE AS
SPECIFIED & CONFORM TO
AUSTRALIAN STANDARDS:
A.S. 2208 - SAFETY GLAZING
A.S. 1710 - LOADING CODE
GLAZING SHALL BE VISION
COMFORT PLUS:
U' VALUE 0.72; SHGC 0.70

ELEVATION:
SCALE 1:50

DR / WDW NO.



NO. OFF

FRAME TYPE:

DOOR TYPE:

GLAZING:

REMARKS:

EXISTING CEILING LEVEL
NEW CEILING LEVEL

ELEVATION:
SCALE 1:50

FLOOR LEVEL

DR / WDW NO.

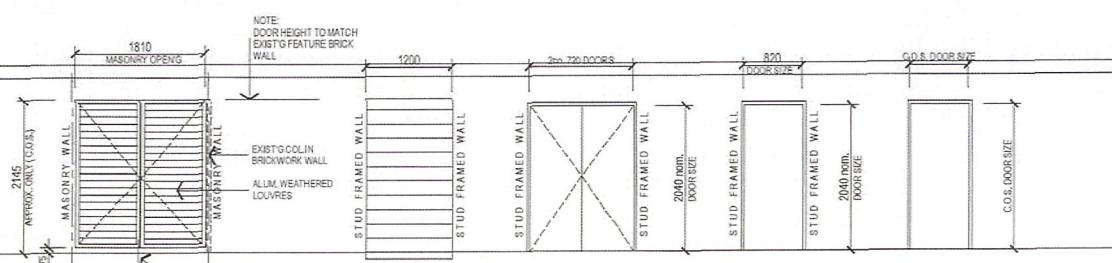
NO. OFF

FRAME TYPE:

DOOR TYPE:

GLAZING:

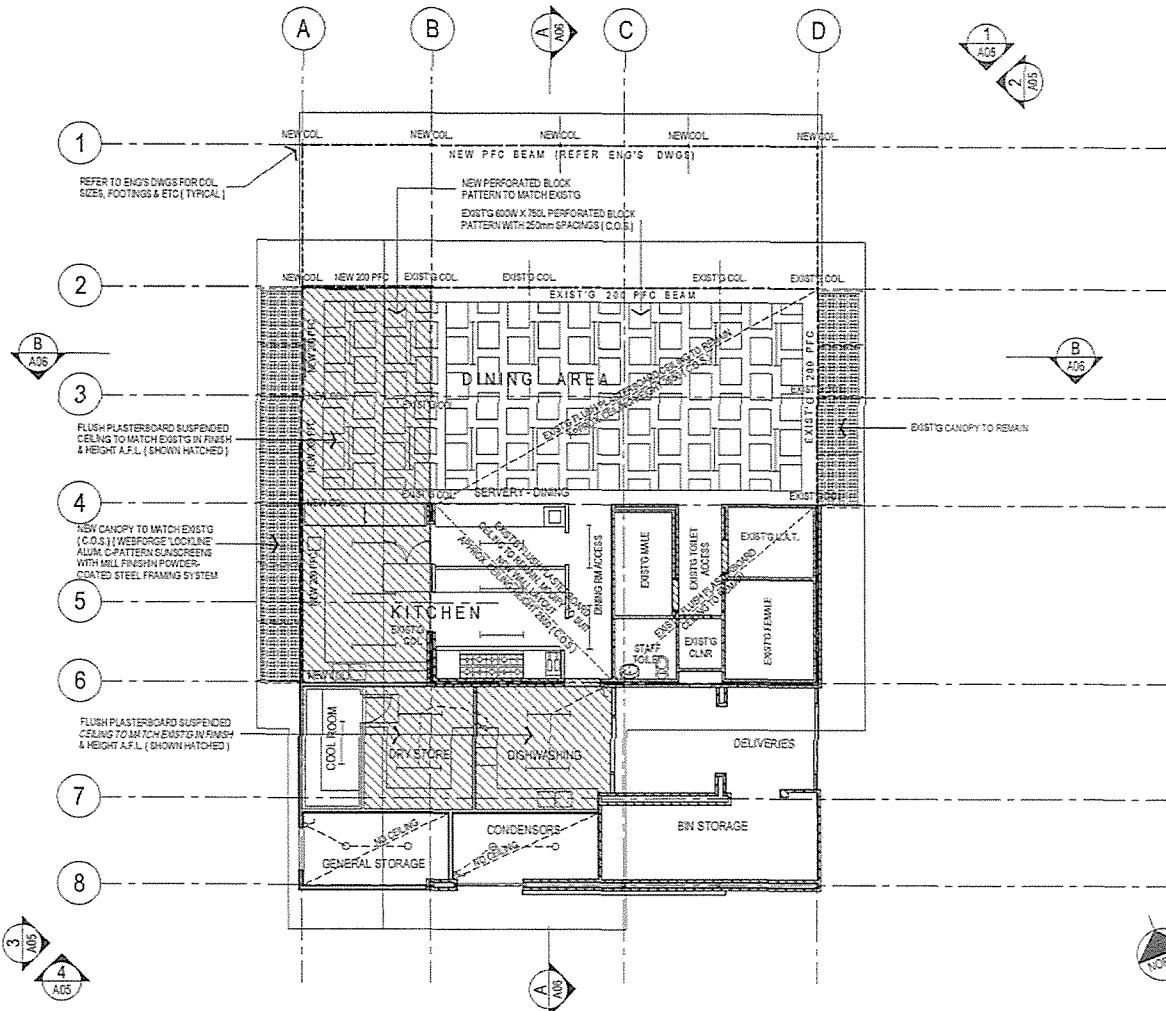
REMARKS:



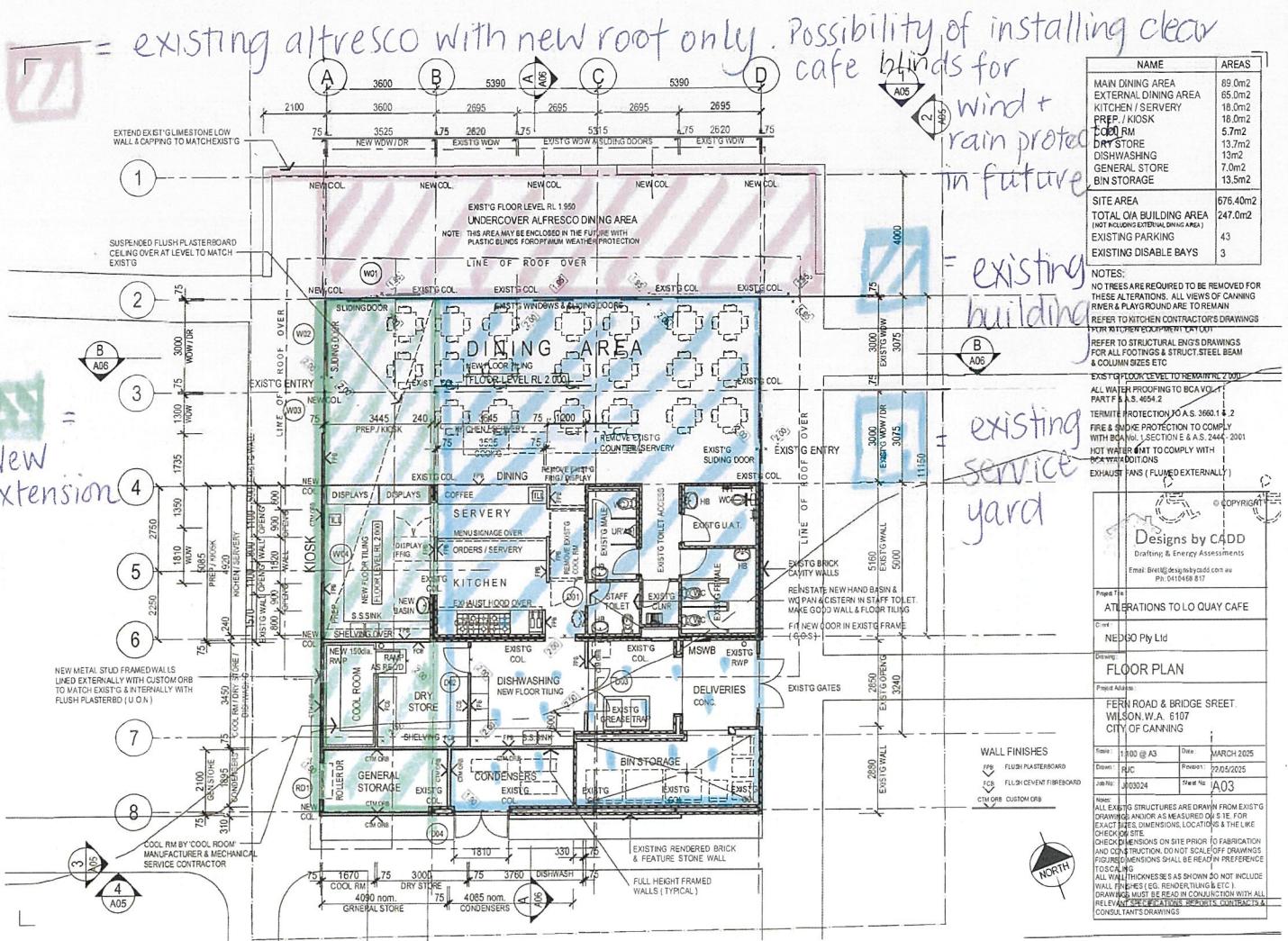
© COPYRIGHT
Designs by CADD
Drafting & Energy Assessments
Email: Brett@designsbycadd.com.au
Ph: 0415 459 917

Project Title:	ALTERATIONS TO LO QUAY CAFE
Client:	NEDGO Pty Ltd
Drawing:	WINDOW / DOOR SCHEDULE
Project Address:	FERN ROAD & BRIDGE STREET, WILSON, W.A. 6107 CITY OF CANNING
Date:	1:50 @ A3
Drawn:	MARCH 2025
Revised:	22/05/2025
Job No:	J003024
Sheet No:	A08

Notes:
ALL EXISTING STRUCTURES ARE DRAWN FROM EXISTING DRAWINGS, PLANS OR AS MEASURED ON SITE FOR EXACT SIZES, DIMENSIONS, LOCATIONS & THE LIKE.
CHECK ON SITE.
CHECK DIMENSIONS ON SITE PRIOR TO FABRICATION AND FABRICATION DRAWINGS. FABRICATION DRAWINGS ARE FOR INFORMATION ONLY AND ARE NOT DRAWINGS. FIGURES DIMENSIONS SHALL BE READ IN PREFERENCE TO SIZING.
ALL VIEWS, THICKNESSES AS SHOWN DO NOT INCLUDE WALL FINISHES (EG: RENDER, TILING & ETC.).
DRAWINGS MUST BE READ IN CONJUNCTION WITH ALL RELEVANT SPECIFICATIONS, REPORTS, CONTRACTS & CONSULTANT'S DRAWINGS



© COPYRIGHT																										
 Designs by CADD Drafting & Energy Assessments Email: Brigstow@cyllene.com.au Ph: 0412 455 117																										
Project File: ALTERATIONS TO LO QUAY CAFE Client: NEDGO Pty Ltd Drawing: CEILING PLAN Project Address: FERN ROAD & BRIDGE STREET, WILSON, WA, 61107 CITY OF CANNING																										
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 30%;">Title:</td> <td style="width: 40%;">1/100 A3</td> <td style="width: 30%;">Date:</td> <td style="width: 30%;">MARCH 2005</td> </tr> <tr> <td>Detail:</td> <td>R/C</td> <td>Revision:</td> <td>22/05/2005</td> </tr> <tr> <td>Job No.:</td> <td>JD00024</td> <td>Sheet No.:</td> <td>A05</td> </tr> <tr> <td colspan="4"> All existing structures are drawn from existing drawings and/or as measured on site. For exact sizes, dimensions, locations & the like, check dimensions on site prior to fabrication and construction. Do not scale off drawings. Figures & dimensions shall be read in preference to any verbal instructions. </td> </tr> <tr> <td colspan="4"> All wall thicknesses as shown do not include wall finishes (e.g. rendering etc). </td> </tr> <tr> <td colspan="4"> All dimensions are in millimetres. All drawings are to be read in conjunction with all relevant specifications, reports, contracts & consultant's drawings. </td> </tr> </table>			Title:	1/100 A3	Date:	MARCH 2005	Detail:	R/C	Revision:	22/05/2005	Job No.:	JD00024	Sheet No.:	A05	All existing structures are drawn from existing drawings and/or as measured on site. For exact sizes, dimensions, locations & the like, check dimensions on site prior to fabrication and construction. Do not scale off drawings. Figures & dimensions shall be read in preference to any verbal instructions.				All wall thicknesses as shown do not include wall finishes (e.g. rendering etc).				All dimensions are in millimetres. All drawings are to be read in conjunction with all relevant specifications, reports, contracts & consultant's drawings.			
Title:	1/100 A3	Date:	MARCH 2005																							
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Job No.:	JD00024	Sheet No.:	A05																							
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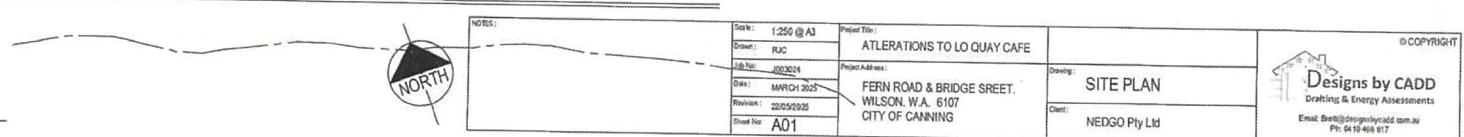
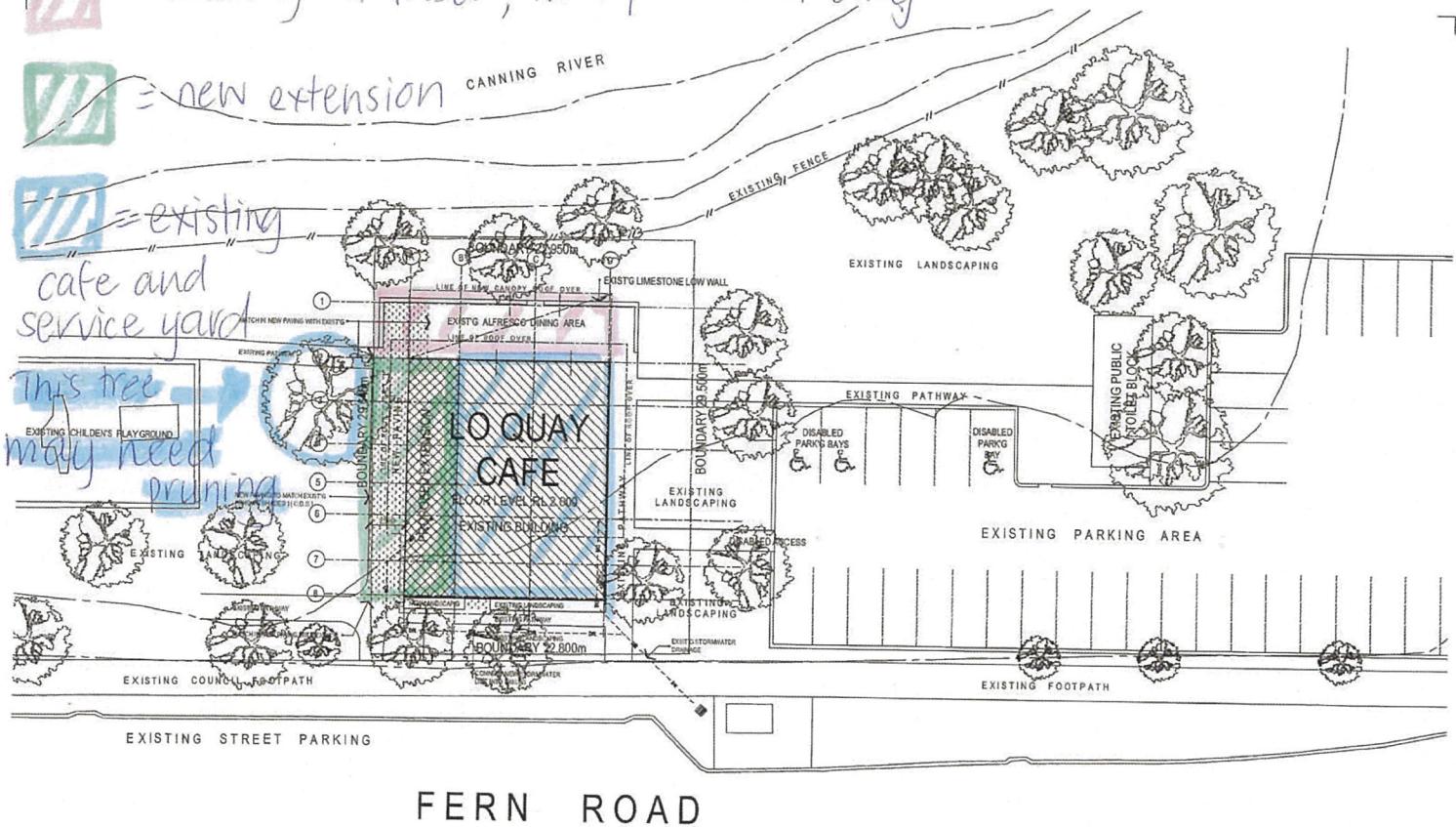


 = existing al fresco, new patio roof only

new extension

Existing
cafe and
service yard

This tree
EXISTING CHILDREN'S PLAYGROUND
may need pruning



24 September 2025

Department of Biodiversity, Conservation and Attractions
Locked Bag 104
Bentley Delivery Centre WA 6983

Sent via email: rivers.planning@dbca.wa.gov.au

Dear Sir/Madam,

**Recommendation on Planning Proposal – Additions/Alterations to Lo Quay Café – DBCA Ref: 2025-1853
(City Ref: XFR25/0004) – Lot 300 (223) Fern Road, Wilson WA 6107**

Reference is made to the Application Referral received on the 13th of August 2025, inviting the City of Canning to provide comments and recommendations considered relevant to this proposal.

The City has undertaken an assessment of the proposal against the City's Local Planning Framework and wishes to provide the following advice to the Department for its consideration.

Background

Part 5, Section 68 of the *Swan and Canning Rivers Management Act 2006*, identifies that land and waters in the Swan Canning Development Control Area which is owned by or vested by a public authority may be used but not developed, without approval under Section 70 of the Act. The subject site is owned by the State of Western Australia and is reserved under the Metropolitan Region Scheme for the purposes of 'Regional Open Space'.

The subject site holds an existing leased area with the City of Canning for the purposes of a 'Café and Kiosk' and has operated with relevant sub-leases to café operators for more than a decade.

As this application applies to 'development' as identified in the *Swan and Canning Rivers Management Act 2006* and the *Planning and Development Act 2005*, the Department of Biodiversity, Conservation and Attractions (DBCA) is required to give due regard to several matters before providing recommendations to the Chief Executive Officer of the Department, and/or to the Minister and the Swan River Trust.

For the purposes of the City's recommendations to the Department, the City will rely on the relevant matters of the Metropolitan Region Scheme as outlined in Part 10, Section 43 of the Metropolitan Region Scheme Text.

Metropolitan Region Scheme and Local Planning Scheme

The Metropolitan Region Scheme prepared under the *Planning and Development Act 2005* has been endorsed and prepared for several purposes as identified in Part 1, Clause 5 of the Metropolitan Region Scheme Text; inclusive of the intent to “*reserve and protect land for regional transport, infrastructure, conservation, recreation, cultural and public purposes*”.

In this regard, the subject site is reserved for the public purpose of ‘Regional Open Space’ which intends to “*to protect the natural environment, provide recreational and cultural opportunities, safeguard important landscapes and sites of cultural or historical significance and provide for public access*”.

As of the 26 May 2020, the City’s gazetted Local Planning Scheme (LPS42) has set the key development controls applicable to regulate development in the City of Canning. As the land is reserved for the purposes of the Metropolitan Region Scheme, the City’s Local Planning Scheme does not apply to the subject site and the development is considered exempted from the requirement of development approval under Schedule 2, Part 7, Clause 61 (1) and (2) of the *Planning and Development (Local Planning Schemes) Regulations 2015* (to be read as part of the Scheme).

Notwithstanding the above, when considering an application for development approval under the Metropolitan Region Scheme, several matters are to be taken into regard, to the extent they are of State or Regional importance, inclusive of the purposes and aims of any applicable local planning scheme in operation, and, the local government’s local planning strategy in respect of a local planning scheme.

To assist in the Department’s assessment of the application, the City is providing comments and recommendations applicable to that of the City’s local planning framework and particularly, the City’s local planning scheme.

Site Considerations

Zoning	<i>Metropolitan Region Scheme</i> <i>Local Planning Scheme No. 42</i>	Regional Open Space N/A – Reserved under MRS
Lot Area		676m ²
Existing Land Use(s)		Restaurant/Café
Applicable State Planning Policies (SPP)		<ul style="list-style-type: none">• (Draft) SPP 2.9 – Planning for Water• SPP 2.10 – Swan Canning River System• SPP3.7 – Bushfire
Applicable Local Planning Policies (LP)		<ul style="list-style-type: none">• LP.02 – Tree Retention, Planting and Development
Applicable Provisions of the City’s Local Planning Scheme		<ul style="list-style-type: none">• Part 1.8 and 1.9 – Purposes and Aims of the Scheme• Part 2.1 – Regional Reserves• Part 4 – General Development Requirements

1. Relevant Local Planning Scheme, Guide/Resumptive Town Planning (TP) Scheme (Name and Number), Structure Plan, Activity Centre Plan or Outline Development Plan (where appropriate).

Part 4.10, 4.11 and 4.12 of the City's *Local Planning Scheme No. 42* identifies that car parking, end of trip facilities and suitable arrangements for service vehicles shall be provided to all developments subject to the Scheme.

The proposal shows an expansion of roughly 4m by 17m of the café with minor internal alterations, including an expansion to an existing dining and kitchen area, and storage areas. For the purposes of the City's Scheme, the requirements for bicycle parking are derived from the 'net lettable area' (NLA) of the development.

NLA is defined in Schedule 2, Part 1 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, to mean "*the area of all floors within the internal finished surfaces of permanent walls but does not include the following:*

- (a) *stairs, toilets, cleaner's cupboards, lift shafts and motor rooms, escalators, tea rooms and plant rooms, and other service areas;*
- (b) *lobbies between lifts facing other lifts serving the same floor;*
- (c) *areas set aside as public space or thoroughfares and not for the exclusive use of occupiers of the floor or building;*
- (d) *areas set aside for the provision of facilities or services to the floor or building where those facilities are not for the exclusive use of occupiers of the floor or building".*

As the works do not detail any areas excluded by the above, the added 68m² would wholly attribute to NLA for the purposes of the Scheme. As the land use pertains to a 'Restaurant/Café' for the purposes of the Scheme, bicycle parking would be provided to a ratio of 0.5 space per 100m² of NLA (0.4 spaces for visitors + 0.1 spaces for employees). As the added area is less than 100m², only one (1) additional bicycle parking bay would be warranted by this proposal.

The ratio to provide for car parking for a 'Restaurant/Café' land use is found under Table 4 – Land Use, which identifies the minimum number of car parking bays are to be provided to a rate of 1 space per 5 seats, or, 1 space per 5m² of seating area (whichever is greater). Without knowing the full extent of alfresco seating available as part of this application, the City has derived the minimum parking requirements based on the proposed dining area shown.

The area identified on the plans for the dining area is 86.28m² (14.38m x 6m), which would in turn warrant car parking under the Scheme to a minimum of 18 (17.2) bays. As identified on the plans, 43 car parking bays are available at the site.

Holistically, the works would not generate further activities or parking activities to that existing and appear to be primarily to simplify and improve the layout of the premises. It is not anticipated that traffic reports or further studies are required as part of this application to consider the potential impacts to parking availability in the locality and to the immediate road network.

2. Relevant planning studies and Council Bylaws/adopted policies affecting the proposed development:

LP.02 – Tree Retention, Planting and Development

The City's Local Planning Policy LP.02 - Tree Retention, Planting and Development (LP.02) sets out the requirements pertaining to tree retention and planting on development sites.

Upon inspection of the plans, the extensions proposed do not interfere or conflict with the existing trees and canopies near the development. To ensure the works do not jeopardize the protection of nearby trees that are deemed worthy of retention, the City recommends that suitable conditions are considered by the Department to require tree protection zones during the construction phase of the development, in accordance with Australian Standards AS 4373-2007 *Pruning of Amenity Trees* and AS 4970-2009 *Protection of Trees on Development Sites*.

3. Associated TP Scheme Amendments, development applications or other proposals which may affect the proposed development:

Not applicable.

Recommendation

It is considered that the proposal satisfies the City's *Local Planning Scheme No. 42 (LPS42)* objectives and key development provisions and is considered acceptable with the local planning framework, subject to suitable conditions and associated advice notes.

The City recommends the following conditions are imposed to a future decision under the Metropolitan Region Scheme, to ensure the development remains consistent with the purpose and intent of the City's Local Planning Scheme, the requirements of orderly and proper planning, and for the preservation of amenity in the locality.

Conditions

- (1) The development is to comply in all respects with the attached stamped approved plans.
- (2) Storm water from all roofed and paved areas must be collected and discharged via the existing approved drainage system. Storm water must not affect or be allowed to flow onto or into any other property. Drainage systems must be in accordance with the Building Code of Australia.
- (3) All trees located in verge areas adjoining the subject lot and near the development are to be retained and protected. Prior to the commencement of any site work, fencing is to be installed to protect impacted trees throughout the construction phase of the development and removed once works are completed, to the satisfaction of the City.
- (4) All landscaping areas shown for retention, inclusive of existing trees, plants and grassed areas are to be maintained for the duration of the development and to the satisfaction of the City.

- (5) The development must be connected to the Water Corporation's Reticulated Sewerage System before the commencement of any use.
- (6) The installation of outdoor lighting shall be in accordance with the requirements of *Australian Standard AS 4282 Control of the Obtrusive Effects of Outdoor Lighting*.

Advice Notes

- (a) This approval does not authorise the commencement of any building works. The applicant is advised that a building permit must be obtained prior to the commencement of any works. To obtain a building permit it will be necessary to submit documentation in compliance with the Building Regulations, including plans incorporating all conditions of this approval, specifications, and structural drawings.
- (b) Please be advised that it is an offence under Part 4 of the City's *Local Government Property and Public Places Local Law 2021* to damage, prune or remove a street tree without first obtaining a written permit. Any works or activities in the verge area during the construction phase of a development must not contravene the protection of a street tree.
- (c) With respect to Condition (2), please be advised that the existing stormwater drainage system should be checked to ensure that adequate capacity is provided for any proposed works. In the event that the existing drainage system is insufficient to cater for the development, additional drainage capacity is to be provided where applicable. Existing and proposed drainage details are to be submitted as part of the required Building Permit Application.
- (d) All hydrocarbons, oils, paints and chemical liquids which are stored onsite shall be stored in such a way as to prevent accidental spillage entering the environment and onsite stormwater drainage networks.
- (e) Please be advised that premises must always operate in compliance with the *Environmental Protection Act 1986, Environmental Protection (Unauthorised Discharges) Regulations 2004, and the Environmental Protection (Noise) Regulations 1997*.

For further enquiries regarding this recommendation, please contact the City's Senior Planning Officer, Callum Wilson on (08) 9231 0606 or via email at: callum.wilson@canning.wa.gov.au.

Yours faithfully,



Callum Wilson
Senior Planning Officer

Rivers Planning

From: Trish Dames
Sent: Wednesday, 12 November 2025 12:40 PM
To: Callum Wilson
Cc: Rivers Planning
Subject: RE: City of Canning Response on Draft Report - Part 5 - 2025-1853 - 223 Fern Rd, Wilson - Building extension and internal refit - Lo Quay River Cafe

Follow Up Flag: Follow up
Flag Status: Completed

OFFICIAL

Thanks Callum,
I am happy to make that final adjustment.
Kind regards,

Trish Dames

Environmental Officer (Mon-Thurs)
Statutory Assessments Unit | Swan Canning Waterways Branch
Department of Biodiversity, Conservation and Attractions
17 Dick Perry Avenue, Kensington WA 6151
Locked Bag 104, Bentley Delivery Centre WA 6983

Phone: 08 9278 0901



Department of **Biodiversity, Conservation and Attractions**



From: Callum Wilson <Callum.Wilson@canning.wa.gov.au>
Sent: Wednesday, 12 November 2025 11:51 AM
To: Trish Dames <trish.dames@dbca.wa.gov.au>
Subject: RE: City of Canning Response on Draft Report - Part 5 - 2025-1853 - 223 Fern Rd, Wilson - Building extension and internal refit - Lo Quay River Cafe

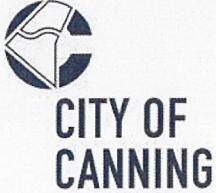
[External Email] This email was sent from outside the department – be cautious, particularly with links and attachments.
Hi Trish,

Thank you for that. I believe the advice note is on the right track but I wanted to suggest the following revision:

Prior to commencing any works, the proponent is advised to engage with the City, in its capacity as land manager and lessor, to ensure all necessary approvals, permits, and clearances (as required) are obtained under the applicable legislation and leasing arrangements.

Otherwise, the City agrees with the change to the conditions to “the advice of” the City and the potential advice note. We are otherwise comfortable with the recommendations made by the DBCA.

Kind regards,



Callum Wilson
Senior Planning Officer

1317 Albany Highway, Cannington | Locked Bag 80, Welshpool WA 6986
P 1300 422 664 | E callum.wilson@canning.wa.gov.au

canning.wa.gov.au



Please consider the environment before printing this email.

I acknowledge that I work on the grounds of the Whadjuk Noongar people, the traditional owners of this land and pay my respects to them.

From: Trish Dames <trish.dames@dbca.wa.gov.au>
Sent: Wednesday, 12 November 2025 11:29 AM
To: Callum Wilson <Callum.Wilson@canning.wa.gov.au>
Subject: [EXTERNAL] RE: City of Canning Response on Draft Report - Part 5 - 2025-1853 - 223 Fern Rd, Wilson - Building extension and internal refit - Lo Quay River Cafe

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Hi Callum,

Thank you for your quick response. If we include the following advice note, along with the change to wording of Conditions 3, 5 and 6 as previously noted, does this satisfy the City's concerns?

Prior to commencing any works, the proponent must engage with the City, in its capacity as land manager and lessor, and obtain all necessary approvals, permits, and clearances as required under applicable legislation, lease conditions, and City policies.

Kind regards,

Trish Dames

Environmental Officer (Mon-Thurs)
Statutory Assessments Unit | Swan Canning Waterways Branch
Department of Biodiversity, Conservation and Attractions
17 Dick Perry Avenue, Kensington WA 6151
Locked Bag 104, Bentley Delivery Centre WA 6983
Phone: 08 9278 0901



From: Callum Wilson <Callum.Wilson@canning.wa.gov.au>

Sent: Wednesday, 12 November 2025 10:58 AM

To: Trish Dames <trish.dames@dbca.wa.gov.au>

Subject: RE: City of Canning Response on Draft Report - Part 5 - 2025-1853 - 223 Fern Rd, Wilson - Building extension and internal refit - Lo Quay River Cafe

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Hi Trish,

Thank you for the updated conditions. I believe the wording is more appropriate than “to the specifications of” but it does not appear to resolve the City’s concerns.

Given the City holds the existing leasing arrangement, the City expects that the proponent engages the City to obtain the correct approvals for the intended works prior to consulting the DBCA. This is to ensure the works are consistent with the leasing arrangements and to ensure the works will not impact the building/land that will be managed by us in perpetuity.

Would it potentially be possible for an advice note to be added to clarify the proponent is required to engage with and obtain approval(s) (where necessary) with the City prior to undertaking works?

Kind regards,



Callum Wilson
Senior Planning Officer

1317 Albany Highway, Cannington | Locked Bag 80, Welshpool WA 6986
P 1300 422 664 | E callum.wilson@canning.wa.gov.au

canning.wa.gov.au 



Please consider the environment before printing this email.

I acknowledge that I work on the grounds of the Whadjuk Noongar people, the traditional owners of this land and pay my respects to them.

From: Trish Dames <trish.dames@dbca.wa.gov.au>

Sent: Tuesday, 11 November 2025 2:47 PM

To: Callum Wilson <Callum.Wilson@canning.wa.gov.au>

Cc: Rivers Planning <rivers.planning@dbca.wa.gov.au>

Subject: [EXTERNAL] RE: City of Canning Response on Draft Report - Part 5 - 2025-1853 - 223 Fern Rd, Wilson - Building extension and internal refit - Lo Quay River Cafe

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Hi Callum,

Thanks for providing the City's response to the above report for the Lo Quay River Café refit and extension.

I note your comments on Conditions 3, 5 and 6 and propose the following changes to wording:

Condition 3. All works are to be undertaken in accordance with a Demolition Construction Management Plan which is to be submitted to and approved by the Department of Biodiversity, Conservation and Attractions ~~on advice of to the specification~~ of the City of Canning, prior to commencement of works. (Advice Note 2)

Condition 5. All lighting and signage is to be installed in accordance with a Lighting and Signage Plan, which is to be submitted to and approved by the Department of Biodiversity, Conservation and Attractions ~~on advice of to the specification~~ of the City of Canning, prior to commencement of works. (Advice Note 5 and 6)

Condition 6. All works are to be undertaken in accordance with a Landscaping Plan which is to be submitted to and approved by the Department of Biodiversity, Conservation and Attractions ~~on advice of to the specification~~ of the City of Canning, prior to commencement of works. (Advice Note 7 and 8)

Please let me know if this is suitable.

Kind regards,

Trish Dames

Environmental Officer (Mon-Thurs)
Statutory Assessments Unit | Swan Canning Waterways Branch
Department of Biodiversity, Conservation and Attractions
17 Dick Perry Avenue, Kensington WA 6151
Locked Bag 104, Bentley Delivery Centre WA 6983
Phone: 08 9278 0901



Department of Biodiversity,
Conservation and Attractions



From: Rivers Planning <rivers.planning@dbca.wa.gov.au>
Sent: Monday, 10 November 2025 11:33 AM
To: Trish Dames <trish.dames@dbca.wa.gov.au>

Subject: FW: City of Canning Response on Draft Report - Part 5 - 2025-1853 - 223 Fern Rd, Wilson - Building extension and internal refit - Lo Quay River Cafe

OFFICIAL

Hi Trish,

Please see below referral response, all saved in SAMS and KM

Thanks
Caz

Statutory Assessments

Swan Canning Waterways Branch
Department of Biodiversity, Conservation and Attractions
17 Dick Perry Avenue, Kensington WA 6151
Locked Bag 104, Bentley Delivery Centre WA 6983
Email: rivers.planning@dbca.wa.gov.au Web: www.dbca.wa.gov.au

The department acknowledges the Whadjuk people as the Traditional Owners of this land and their continuing connection to land, sea and community. We pay our respects to them, their cultures and to their Elders past and present.

From: Callum Wilson <Callum.Wilson@canning.wa.gov.au>

Sent: Monday, 10 November 2025 11:17 AM

To: Rivers Planning <rivers.planning@dbca.wa.gov.au>

Subject: City of Canning Response on Draft Report - Part 5 - 2025-1853 - 223 Fern Rd, Wilson - Building extension and internal refit - Lo Quay River Cafe

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

The City of Canning thanks the DBCA for the opportunity to review the draft report for this proposal for the Lo Quay River Café.

While the City has no concerns with the recommendation and the conditions proposed, it is recognised that Conditions 3, 5 and 6 requires the submission of plans concerning the construction/demolition management plan, landscaping, and signage/lighting. It is understood that these conditions were recommended by the DBCA as part of the draft report to address policy concerns.

As all of these elements have an impact on the building and the surrounding reserve, both of which are under the City's management, the City would appreciate that the conditions be reworded such that they are not to our specification but rather are subject to the approval of both DBCA and the City. This is considered important as the management of the reserve will occur in perpetuity and beyond this application; in which some of the decisions on matters such as the location of lighting, signage and additional landscaping should be made with the leasing arrangement in mind.

I trust this clarifies the City's position on the draft report and we welcome feedback on this recommended change prior to the report being finalised.

Kind regards,



Callum Wilson
Senior Planning Officer

1317 Albany Highway, Cannington | Locked Bag 80, Welshpool WA 6986
P 1300 422 664 | [E callum.wilson@canning.wa.gov.au](mailto:callum.wilson@canning.wa.gov.au)

canning.wa.gov.au



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I acknowledge that I work on the grounds of the Whadjuk Noongar people, the traditional owners of this land and pay my respects to them.

From: Rivers Planning <rivers.planning@dbca.wa.gov.au>

Sent: Wednesday, 29 October 2025 2:07 PM

To: Planning Communications <PlanningComms@canning.wa.gov.au>

Subject: [EXTERNAL] Draft Report - Part 5 - 2025-1853 - 223 Fern Rd, Wilson - Building extension and internal refit - Lo Quay River Café

You don't often get email from rivers.planning@dbca.wa.gov.au. [Learn why this is important](#)

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OFFICIAL

Good afternoon,

PART 5 - DRAFT REPORT – 223 FERN ROAD, WILSON (LOT 300 ON PLAN 6681) – PROPOSAL BY THE LO QUAY RIVER CAFÉ TO UNDERTAKE A BUILDING EXTENSION AND INTERNAL REFIT

The draft report on the above mentioned proposal has been prepared and released for public comment in accordance with Section 75(4) of the *Swan and Canning Rivers Management Act 2006*.

The report is available here: [Extension to Lo Quay River Café at 223 Fern Rd, Wilson | Department of Biodiversity, Conservation and Attractions](#)

Should you wish to comment on the draft report, please forward your submission to the Department of Biodiversity, Conservation and Attractions prior to **13 November 2025** at rivers.planning@dbca.wa.gov.au. Submissions received outside this time may not be accepted.

Submissions made will be considered by the Director General of the department before the report is finalised and a recommendation made to the Minister for Environment.

If you have any queries regarding this matter, please contact DBCA's Swan Canning Waterways Branch on 9219 9000 or rivers.planning@dbca.wa.gov.au and quote reference number **2025-1853**.

Yours sincerely

Statutory Assessments
Swan and Canning Waterways Branch
Department of Biodiversity, Conservation and Attractions
17 Dick Perry Avenue, Kensington WA 6151
Locked Bag 104, Bentley Delivery Centre WA 6983
Email: rivers.planning@dbca.wa.gov.au Web: www.dbca.wa.gov.au

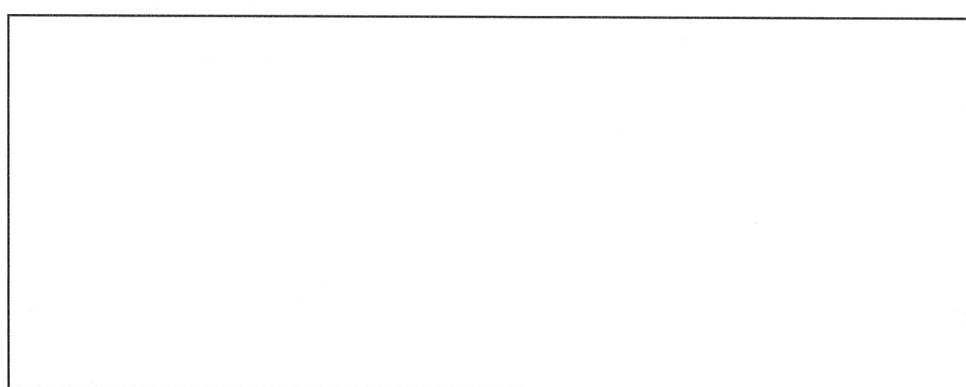
We acknowledge the Whadjuk people as the Traditional Owners of this land



Department of Biodiversity,
Conservation and Attractions

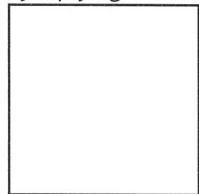


We're working for
Western Australia.

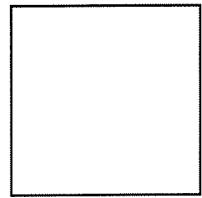


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Lo Quay River Café

Photos taken 24 September 2025

Western side of café



Western side of building – Facing towards public open space



North side of Café - overlooking the river



Eastern side of café – existing building





Swan and Canning Rivers Management Act 2006

PART 5

DETERMINATION OF DEVELOPMENT APPLICATION

FILE NUMBER	:	2025-1853
APPLICANT	:	JACKI HARRY ON BEHALF OF LO QUAY RIVER CAFE
LANDOWNER	:	DEPARTMENT OF PLANNING, LANDS AND HERITAGE
LAND DESCRIPTION	:	223 FERN ROAD, WILSON (LOT 300 ON PLAN 66581)
DEVELOPMENT	:	EXTENSION TO LO QUAY RIVER CAFE
VALID FORM 1 RECEIVED	:	19 JUNE 2025
DETERMINATION	:	APPROVAL WITH CONDITIONS

The application to commence development in accordance with the information received on 19 June 2025, with additional information submitted on 22 July 2025 and 2 October 2025 is APPROVED subject to the following conditions:

CONDITIONS

1. Approval to implement this decision is valid for two (2) years from the date of this approval. If on-site works have not substantially commenced within this period a new approval will be required before commencing or completing the development.
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. All works are to be undertaken in accordance with a Construction Environmental Management Plan which is to be submitted to and approved by the Department of Biodiversity, Conservation and Attractions on advice of the City of Canning, prior to commencement of works. (**Advice Note 2**)
4. Any fill and/or topsoil brought onto the site, is to be certified clean, uncontaminated and free from rubble, weeds and disease, and suitable for the proposed works. (**Advice Note 3**).
5. No extracted water from dewatering is to enter the River, either directly or indirectly (via the stormwater system), unless approved by the Department of Biodiversity, Conservation and Attractions. (**Advice Note 4**)
6. All lighting and signage is to be installed in accordance with a Lighting and Signage Plan, which is to be submitted to and approved by the Department of Biodiversity, Conservation and Attractions on advice of the City of Canning, prior to commencement of works. (**Advice Note 5 and 6**)
7. All works are to be undertaken in accordance with a Landscaping Plan which is to be submitted to and approved by the Department of Biodiversity, Conservation and Attractions on advice of the City of Canning, prior to commencement of works (**Advice Note 7**).
8. Prior to the commencement of works, all significant vegetation in and adjacent to the authorised work site shall be identified and protected by installation of Tree Protection



Zones in accordance with *Australian Standard AS 4970-2009 - Protection of trees on development site* (see **Advice Note 8**).

9. All tree pruning shall be carried out in accordance with *Australian Standard 4373-2007 – Pruning of Amenity Trees* to protect tree health.
10. All efforts must be made to avoid waste and to adopt reusable alternatives, including reusable serve-ware. (**Advice Note 10**).
11. The maximum seating capacity of the café shall be limited to 100 persons at any one time.
12. Seating for patrons may be provided only within the café lease area.
13. The applicant shall ensure that no damage to the foreshore, riverbank, or waterway (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.
14. All stormwater run-off shall be discharged to the local government stormwater drainage system to the satisfaction of the City of Canning on the advice of the Department of Biodiversity, Conservation and Attractions. (**Advice Note 12**)

ADVICE NOTES

1. Notifications can be emailed to rivers.planning@dbca.wa.gov.au.
2. Regarding **Condition 3**, the Construction Environmental Management Plan (CEMP) should describe how the authorised works will be managed to minimise potential environmental impacts. Guidance for preparation of a CEMP is provided in [DBCA Guidance Note – Construction Environmental Management Plans](#) (the PDF will download automatically) and [Policies, plans and guidelines | Department of Biodiversity, Conservation and Attractions](#).
3. Regarding **Condition 4**, refer to the Department of Water and Environmental Regulation's fact sheet Amendments to the Environmental Protection Regulations 1987 - clean fill and uncontaminated fill for the requirements of clean fill.
4. Regarding **Condition 5**, in the event the site requires dewatering during construction, a Dewatering Management Plan should be submitted to and approved by the Department of Biodiversity, Conservation and Attractions prior to commencement of works demonstrating that the proposal satisfies the objectives and policy requirements of the Department of Biodiversity, Conservation and Attractions' *Policy 50: Planning for dewatering affecting the Swan Canning Development Control Area*.
5. Regarding **Condition 6**, lighting should be designed to minimise light spill so that fauna, community enjoyment and visual amenity are not unacceptably affected. All lighting is to be consistent with the National Light Pollution Guidelines for Wildlife (Department of Climate Change, Energy, the Environment and Water, 2023) and AS4282 Control of the Obtrusive Effects of Outdoor Lighting.
Further, light spill to the river and within habitat areas should be no more than 0.01-0.03 lux (moonlight), where possible, to ensure no adverse ecological consequences.
6. Regarding **Condition 6**, the final design for signage shall include the exact design, location and specification of any new proposed signs.



7. The Landscaping Plan required under **Condition 7** should include suitable locally native species to soften and screen the proposed new building.
8. Regarding **Condition 8**, works should be undertaken in accordance with Australian Standard AS 4970-2009 - *Protection of trees on development site* and the Tree Protection Report, dated 8 September 2025, completed for Lo Quay River Café by West Works Consultancy.
9. Note that it is an offence under the Swan and Canning Rivers Management Regulations 2007 to destroy, pull up, cut back or injure any tree, shrub or perennial plant that is on land within the Swan Canning Development Control Area, except with the prior approval of the Department of Biodiversity, Conservation and Attractions.
10. Regarding **Condition 10**, Western Australia's [Plan for Plastics](#) introduced regulations to ban selected single-use plastic items. Businesses can no longer supply a range of items, including but not limited to, single-use plastic cups, cutlery, plates, bowls, and expanded polystyrene takeaway food containers (a full list of the [Stage 1](#) and [Stage 2](#) bans is available online).
11. Prior to commencing any works, it is recommended that the applicant engages with the City, in its capacity as land manager and lessor, to ensure all necessary approvals, permits, and clearances (as required) are obtained under the applicable legislation and leasing arrangements.
12. Regarding **Condition 14**, Stormwater from all roofed and paved areas must be collected and discharged via the existing approved drainage system. Stormwater must not affect or be allowed to flow onto or into any other property. Drainage systems must be in accordance with the Building Code of Australia.
13. All landscaping areas shown for retention, inclusive of existing trees, plants and grassed areas are to be maintained for the duration of the development and to the satisfaction of the City.

Hon Matthew Swinbourn BA LLB MLC
MINISTER FOR THE ENVIRONMENT

Date: _____