

DBCA Ref: 2025-2879

Our Ref: PDDA-2025/2739

15 December 2025

Statutory Assessments
Rivers and Estuaries Branch
Department of Biodiversity Conservation and Attractions
17 Dick Perry Avenue
Kensington WA 6151

Dear Sir/ Madam,

PROPOSED RESTAURANT, BAR AND KIOSK AT MILLERS POOL, 5 MILL POINT ROAD, SOUTH PERTH

I refer to the Department of Biodiversity, Conservation and Attractions (DBCA) email dated 4 November 2025 providing referral of the above application in accordance with Part 5 of the *Swan and Canning Rivers Management Act 2006*.

The City has reviewed the proposed development and provides the following comments and recommendations based on the submitted plans and supporting documentation:

Built Form

The submitted plans note an “External Artwork Screen” on the southern elevation. This element is intended to conceal the services and utilities associated with the development; however, no elevations or detailed drawings of the screen have been provided. To ensure the screen will adequately conceal the equipment and be cohesive with the overall façade design, a condition of development approval is recommended requiring the submission and approval of details in relation to screening as part of the Building Permit.

Works External to the Lease Area

The plans provide for the service delivery areas, portions of landscaping, bicycle parking and a portion of the Yarning Circle/ hardstand area outside of the approved lease area.

If the application is approved, the City recommends conditions of development approval requiring the leaseholder or operator to maintain these areas. This may need to be secured through a separate legal agreement to ensure their ongoing maintenance, upkeep and insurance.

Alternatively, amended plans should be provided confining all proposed works to the existing lease area.

Specialist Reports

The City has identified inconsistencies with plans and information included in specialists reports and the development plans. The specialist reports should be updated so that all plans accurately reflect the submitted development plans, ensure consistency across the application, and confine all works to the intended lease area (unless conditioned otherwise as detailed above). These updates should be completed prior to determination of the application.

Traffic Impact Statement (TIS)

The TIS identifies two bays within the adjoining western public car park for the exclusive use of staff and service vehicles associated with the development. These bays are outside the proposed lease area and form part of a public car park intended for general public use. The City does not support exclusive use of these bays, which are required for public use at all times. The TIS should be updated to remove any reference to exclusive use of adjoining public parking bays.

The operating hours stated within the TIS are also inconsistent with the applicant's Operational Management Plan. The TIS lists operating hours of 5:30am to 12:00am, while the Operational Management Plan identifies the operating period as 6:00am to 12:00am. The TIS should be amended to align with the Operational Management Plan.

Additionally, the TIS does not address arrangements for the collection and management of waste generated by the development, including both solid waste and liquid waste. The TIS needs to be updated to outline the waste management strategy, the types of vehicles involved, collection points, expected collection times and any associated vehicle manoeuvring requirements.

The TIS identifies the use of a 6.3 metre delivery and service vehicle to be parked in the south-eastern bay of the adjoining public car park. A vehicle of this length would obstruct compliant vehicle manoeuvring from the adjacent north-eastern ACROD bays, temporarily rendering them inaccessible whenever servicing occurs. This is not supported as ACROD bays must remain unobstructed and available for use at all times. The service vehicle location should be reconsidered and relocated to a position that maintains continuous safe access to the ACROD bays and does not interfere with the functionality of the public car park, prior to determination of the application.

The submitted TIS does not include swept path analysis for the waste and service vehicles proposed to access the site. The City requires this analysis to ensure servicing can occur without compromising the operation, safety or accessibility of the public car park.

Waste Management Plan (WMP)

The submitted WMP proposes five solid-waste collections per week, comprising three general-waste collections and two recycling-waste collections. The City does not support this level of collection frequency, as it would create an excessive number of vehicle movements through the public car park and potential adverse amenity impacts on surrounding areas.

The WMP does not include swept path diagrams for the nominated waste collection vehicle. These are necessary to demonstrate that the development can be serviced safely and efficiently from the public car park east of the site, while preserving the car park's functionality during waste collection periods. The WMP states that the waste collection vehicle would reverse through the car park to access the development. The City does not support reversing movements of heavy vehicles in public parking areas due to safety impact, particularly relating to pedestrian activity and parked vehicles. Waste vehicles must be able to enter and exit the car park in a forward gear.

The WMP assigns a lower waste generation rate to the alfresco dining area than to the indoor restaurant area, despite both forming part of a single restaurant operation. No rationale is provided for applying different rates, and the City does not consider it appropriate to treat these areas differently for the purpose of waste generation calculations.

The WMP does not address waste generation and management for the proposed kiosk to the east of the development. No waste disposal solutions, waste storage arrangements, or public bin numbers and locations are identified to service kiosk patrons.

The current design of the bin store does not provide direct access to all bins, requiring bins to be removed or rearranged to reach those at the rear. This practice is not supported by the City as it indicates insufficient storage capacity and creates operational inefficiencies and safety risks.

The WMP does not identify a dedicated wash-down area for cleaning bins and waste receptacles. The City requires a bin wash-down facility connected to an appropriate sewer or liquid waste disposal system, separate from the stormwater network. This requirement is particularly important given the development's proximity to the Swan River and the need to prevent contaminated runoff.

The WMP also does not explain how liquid waste such as sewage, dishwater, and scunge from waste handling areas will be managed. No grease trap location or disposal pathway is identified.

The WMP does not specify collection times for waste; the Operational Management Plan indicates that waste collection will occur outside operating hours (6:00am–12:00am). The City does not support waste collection occurring outside these hours due to the associated adverse noise and amenity impacts.

The City considers the submitted WMP insufficient in demonstrating that waste can be managed and serviced in a way that mitigates impacts on the site and surrounding public areas. A revised WMP should be submitted prior to the determination of the application to address the following matters:

- A reduction to the proposed number of weekly waste and recycling collections, including details of how this will be achieved such as additional bins, compaction, or other measures;
- Swept path diagrams for the nominated waste collection vehicle demonstrating safe and efficient servicing from the public car park;
- Confirmation that waste collection vehicles can enter and exit the car park in a forward gear;
- Updated waste generation calculations applying consistent rates to the indoor restaurant and alfresco dining areas, or a clear, evidence-based justification for any proposed difference;
- Inclusion of the proposed kiosk within the Waste Management Plan, including waste generation rates, storage arrangements, public bin provision, and servicing strategies for both solid and liquid waste;
- Redesign or enlargement of the bin store to allow direct access to all bins without requiring other bins to be moved;
- Details of a dedicated bin wash-down area, including its location, size, and connection to an appropriate sewer or liquid waste disposal system, separate from stormwater;
- Information on liquid waste management, including sewage, dishwater, scunge, grease trap sizing and location, servicing arrangements, and measures to prevent discharge to the stormwater system or Swan River; and
- Inclusion of specified waste collection times that align with acceptable operational hours.

Acoustic Report

The City requires additional information within the Acoustic Report to enable the City to assess the potential noise impacts of the proposed development in accordance with the Environmental Protection (Noise) Regulations 1997.

Prior to determination of the application, the City recommends an updated Acoustic Report that addresses the following matters:

- Details of noise emissions from mechanical plant and equipment, including kitchen exhaust systems, refrigeration units, ventilation fans, and any other external plant typically associated with a restaurant or kiosk operation to demonstrate that plant can operate in compliance with assigned noise levels at nearby sensitive receptors; and
- Details of noise associated with waste collection or service-vehicle movements. The current application indicates that these activities may occur outside the proposed operating hours (before 6:00am and after 12:00am). This should include information related to waste trucks, reversing alarms, bin movements and delivery vehicles.

Sewer/Liquid Waste

The City notes that the proposed development proposes the use of an alternative wastewater system involving periodic pump-outs rather than connection to a reticulated sewerage system. The City's preference is that the proposed development is connected to a reticulated sewerage system.

Additional information with respect to the type of system proposed, its capacity, design specifications, treatment method, pump-out frequency, location of tanks, or associated environmental safeguards should be provided. It is noted that systems for the treatment of sewage must be approved for use by the Department of Health, and the applicant must demonstrate a compliant wastewater and liquid-waste disposal solution.

Construction Management Plan (CMP)

A condition of development approval is recommended which requires submission and approval of a CMP prior to the submission of a Building Permit to the City's satisfaction which addresses the following matters:

- a. public safety and amenity;
- b. site plan and security;
- c. contact details of essential site personnel, construction period and
- d. construction hours;
- e. community information, consultation and complaints management plan;
- f. noise, vibration, air and dust management;
- g. dilapidation reports for adjoining public infrastructure;
- h. traffic, access and parking management;
- i. construction waste management;
- j. earthworks, excavation, land retention/piling methods and associated matters;
- k. stormwater and sediment control; and
- l. adjoining vegetation and tree management and protection.

Recommendation:

The City considers that the development application may be supported subject to the submission of updated plans and additional information, and appropriate conditions being imposed that address the above matters.

The City also requests the opportunity to review and provide comment on any revised or updated specialist reports, development plans, or other application materials that may be submitted to the DBCA. This includes reviewing any proposed or amended conditions of development approval prior to determination of the application.

If you have any queries or wish to discuss this matter further, please do not hesitate to contact the City's Senior Urban Planner, Scott van Ierland on (08) 9474 0777.

Yours faithfully,

A handwritten signature in blue ink, appearing to read 'Donna Shaw', is positioned above the printed name.

Donna Shaw
Director Development and Community Services