



Swan and Canning Rivers Management Act 2006

PART 5

DETERMINATION OF DEVELOPMENT APPLICATION

FILE NUMBER : 2018/1972
APPLICANT : Swan Yacht Club
APPLICANT'S ADDRESS : Attn: Damien Gasper
General Manger
Swan Yacht Club
P.O. Box 20
PALMYRA WA 6957
LANDOWNER : Swan River Trust (River Reserve 48325)
LAND DESCRIPTION : Swan River (Reserve 48325) within the Swan Yacht Club's
River reserve lease area adjacent to Lot 10105 on Plan
214976, Lot 7771 on Plan 169877, Lot 10106 on Plan 214976
and Lot 8661 on Plan 212139 (Reserve 27376 and 27377)
Riverside Road, East Fremantle
DEVELOPMENT : Removal of an existing finger jetty and the installation of a
floating pontoon and fixed deck
VALID FORM 1 RECEIVED : 16 March 2018
DETERMINATION : **APPROVAL WITH CONDITIONS**

The application to commence development in accordance with the information received on 16 March 2018, is APPROVED subject to the following conditions:

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

Prior to the commencement of works

2. The applicant shall notify the Department of Biodiversity, Conservation and Attractions in writing not less than seven (7) days prior to the commencement of works (see **Advice Note 1**).
3. Prior to the commencement of works, a Construction Environmental Management Plan shall be submitted to, and approved by the Department of Biodiversity, Conservation and Attractions (see **Advice Note 2 and 4**).
4. Prior to the commencement of works, final design plans/drawings for the new jetty and fixed deck (including design drawings of the new security fence and bar table and details of the external colours, finishes and materials), shall be submitted to, and approved by the Department of Biodiversity, Conservation and Attractions on advice from the Department of Transport and the Town of East Fremantle (see **Advice Note 3 and 4**).

During works

5. All works shall be implemented in accordance with the management plans and final design drawings/plans approved under **Conditions 3 and 4**.

On completion of works

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

On-going monitoring

7. The jetty and fixed deck, and its associated structures shall be kept clean and free of graffiti and vandalism at all times and any such graffiti or vandalism be remedied within 24 hours to the satisfaction of the Department of Biodiversity, Conservation and Attractions on advice from the Town of East Fremantle.
8. The applicant is to ensure that adequate waste disposal facilities are available for its patrons, and that no rubbish, litter or any other deleterious matter enters the river.

ADVICE TO APPLICANT

1. Notification of commencement of work and submission of documents can be emailed to rivers.planning@dbca.wa.gov.au.
2. The Construction Environmental Management Plan required under **Condition 3** shall describe how the proposed works will be managed to minimise potential environmental impacts and should address, but not be limited to;
 - scope of works, including demolition and construction methodology;
 - site access and management, including fencing requirements;
 - management of machinery and equipment, including refuelling procedure and spill response;
 - on-site storage and bunding of materials, equipment, chemicals and fuel;
 - protection of the river from inputs of debris, litter, rubbish or other deleterious material;
 - foreshore/beach protection;
 - sediment and turbidity management;
 - wildlife management, including minimising noise and vibration impacts;
 - acid sulphate soils management;
 - public access and safety;
 - hours of operation and schedule of works; and
 - complaints and incidents.

A site map showing the laydown area and vehicle entry/exit points should be included. Emergency spill kits should be onsite at all times and refuelling of machinery should be undertaken outside the Swan Canning Development Control Area or at a licensed refuelling facility. In the case of pollution events, the Department of Biodiversity, Conservation and Attractions should be contacted immediately on 9278 9000 or a/h 0419 192 845. The plan should address the most appropriate means of sediment and turbidity management for the proposed works. This may include the use of a silt curtain. All reasonable efforts should be taken to control plumes but where they occur, work must stop whilst the plume is addressed, and work should only recommence once the integrity of the turbidity management device is restored. In the event that plumes or adverse turbidity occur beyond the area of work, the applicant shall contact the Department of Biodiversity, Conservation and Attractions within 2 hours on 9278 0900 or a/h 0419 192 845.

Piling operations shall include a soft start up procedure at the commencement of each piling sequence. The contractor shall keep a constant watch for dolphins during piling operations. No pile driving shall start if dolphins are within 200m of the site and piling activity shall cease if a dolphin comes within 50m of the site and shall not recommence until any dolphin has moved away more than 200m or has not been observed for 20 minutes.

The *Acid Sulphate Soils Guideline Series for guidance on the identification, assessment and management of acid sulphate soils in Western Australia* is available from the Department of Water and Environmental Regulation website at www.dwer.wa.gov.au. If any ASS is exposed during the works, the Contaminated Sites Branch of the Department of Water and Environmental Regulation should be contacted for further advice on 1300 762 982.

The Town of East Fremantle advises that the public access way along the foreshore should be kept free from obstructions during construction works. If there are any closures, an alternative route must be provided.

3. In relation to **Condition 4**, the Department of Transport advises that all detailed drawings/plans for the new jetty and fixed deck are to be signed and certified by an experienced maritime engineer to confirm that they have been designed in accordance with AS3962-2001 Guidelines for Design of Marinas and AS4997-2005 Guidelines for the Design of Maritime Structures, and suitable for its intended use. Please specify the maximum berthing vessel length for the floating pontoon and the maximum number of people/weight that can be supported on the fixed deck. In addition, the final design plans/drawings will need to consider any potential impacts on beach sediment transport patterns. Please note that no signage, lighting or food and beverage amenities associated with the proposed jetty structures will be permitted.
4. To allow sufficient time for the Department of Biodiversity, Conservation and Attractions to consider and approve the plans and details required under **Condition 3 and 4**, the documents should be submitted to the Department of Biodiversity, Conservation and Attractions no later than 30 days prior to the expected commencement date for the works.
5. The applicant will need to apply for, and obtain a jetty modification licence from the Department of Transport Coastal Facilities Management prior to the commencement of works.
6. In regard to marine safety, the applicant is advised to ensure that:
 - a. all in-water operations and activities must be conducted in accordance with Western Australian Marine Safety Legislation; and
 - b. all contractor vessels must display signs and shapes in accordance with the requirements of the Prevention of Collision at Sea Regulations 1983.
7. It is recommended that the applicant, or any third party contractor it engages to carry out the works, notify Department of Transport Navigational Safety by email to navigational.safety@transport.wa.gov.au at least 21 days prior to the commencement of works to enable a Notice to Mariners outlining the scope of the works to be issued, funded by the applicants or its contractor.
8. The applicant is advised that the proposal has the potential to be affected by the 1% Annual Exceedance Probability Flood Level and potential sea level rise. The onus rests with the applicant to undertake a risk assessment and exercise their judgement in determining the level of risk they are prepared to accept.

The Swan River Trust's Climate Change Risk Assessment Project (2010) sets out a methodology to assess the vulnerability of foreshore areas, which is available on request from the Department of Biodiversity, Conservation and Attractions. It is also recommended that applicants undertake their own research and obtain appropriate independent professional advice relevant to the particular circumstances.

9. This approval is issued on the proviso that the Swan Yacht Club acknowledges that the development and site may in the future be subject to the environmental consequences of

sea level rise and contaminates associated with past activities and agrees to indemnify the Town of East Fremantle from any liability arising from these consequences now and in the future to the satisfaction of the Town of East Fremantle.

10. The Town of East Fremantle advises that the application for a Building Permit is to conform to the plans approved under **Condition 4**. The proposed works are not to be commenced until Council has received an application for a Building Permit and the Building Permit has been issued.
11. All noise levels produced by the construction of the development are to comply with the provisions of the Environmental Protection (Noise) Regulations 1997 (as amended).
12. The Department of Water and Environmental Regulation Contaminated Sites advises that the site is classified under the *Contaminated Sites Act 2003* as 'possibly contaminated – investigation required'. It is recommended that adequate health and safety measures are implemented to minimise the risk of disturbing the suspected contaminated sediments.
13. The applicant is advised to contact the Department of Planning, Lands and Heritage to ensure that the proposed works do not breach any section of Part IV (Protection of Aboriginal Sites) of the *Aboriginal Heritage Act 1972* (the AHA). Approval under section 18 of the AHA may be required. It is recommended that the applicant consult the recognised knowledge holders for Aboriginal Site 3596 on whether the works will impact the Swan River. Please refer to the Aboriginal Heritage Due Diligence Guidelines when planning specific development within a Heritage area.



Hon Stephen Dawson MLC
MINISTER FOR ENVIRONMENT; DISABILITY SERVICES

Date: 10/10/18

DEPARTMENT OF BIODIVERSITY, CONSERVATION AND ATTRACTIONS REPORT

- PROPOSAL : Removal of an existing finger jetty and the installation of a floating pontoon and fixed deck
- COST : \$100 000
- LOCATION : Swan River (Reserve 48325) within the Swan Yacht Club's River reserve lease area adjacent to Lot 10105 on Plan 214976, Lot 7771 on Plan 169877, Lot 10106 on Plan 214976 and Lot 8661 on Plan 212139 (Reserve 27376 and 27377) Riverside Road, East Fremantle
- APPLICANT : Swan Yacht Club
- LANDOWNER : Swan River Trust (River reserve 48325)
- LOCAL GOVERNMENT : Town of East Fremantle
- MRS CLASSIFICATION : Waterways
- DECISION TYPE : Part 5, *Swan and Canning Rivers Management Act 2006* – Ministerial Determination
- ATTACHMENTS : 1. Town of East Fremantle comments
2. Location map
3. Aerial photo of subject land
4. River reserve lease area
5. Existing plans
6. Proposed plans
- RECOMMENDATION : **APPROVAL WITH CONDITIONS**

REPORT

1.0 INTRODUCTION

- 1.1 The Department of Biodiversity, Conservation and Attractions (DBCA) has received an application from the Swan Yacht Club (the Club) proposing to remove an existing finger jetty and install a floating pontoon jetty and fixed deck within its River reserve lease area in the Swan River adjacent to Lot 10105 on Plan 214976, Lot 7771 on Plan 169877, Lot 10106 on Plan 214976 and Lot 8661 on Plan 212139 (Reserve 27376 and 27377) Riverside Road, East Fremantle. The Swan River is reserved as 'Waterways' under the *Metropolitan Region Scheme*.
- 1.2 The Swan River (Reserve 48325) is vested with the Swan River Trust.

- 1.3 The proposed development is to occur on a lot located completely within the Swan Canning Development Control Area (DCA) and therefore requires an approval from the Minister for Environment in accordance with Part 5 of the *Swan and Canning Rivers Management Act 2006* (SCRM Act).
- 1.4 The Director General of DBCA has prepared this report in accordance with section 76 of the SCRM Act.

2.0 CONSULTATION

Town of East Fremantle

- 2.1 The Town of East Fremantle (the Town) considered the application at a Council meeting on 1 May 2018 where it resolved to recommend approval of the proposed development subject to conditions. The Town's full comments are at Attachment 1.

Department of Water and Environmental Regulation, Floodplain Management

- 2.2 The Department of Water and Environmental Regulation (DWER) Floodplain Management advises that the proposed area is affected during major storm events, with the 1 in 100 annual exceedance probability (AEP) flood level being 1.33m AHD (approx.), increasing to 2.2 m AHD (approx.) should sea levels rise by 0.9m in 2110.
- 2.3 DWER Floodplain Management has assessed the proposal and advises that the proposed development is unlikely to cause a significant impact to the existing flood regime. The proposed jetty pontoon and fixed deck may be subject to potential flooding and flood damage in major flood events. It is recommended that the jetty design takes this into account to minimise the potential contribution of hazardous debris during flood events.

Department of Water and Environmental Regulation, Contaminated Sites

- 2.4 DWER Contaminated Sites advises that the site is classified under the *Contaminated Sites Act 2003* as 'possibly contaminated – investigation required'. This classification was based on previous site investigations, which reported that the river sediments were impacted by antifouling agents such as tributyltin (TBT).
- 2.5 DWER, Contaminated Sites has assessed the proposal and advises that it has no objections to the provided development on the basis that adequate health and safety measures are implemented to minimise the risk of disturbing the suspected contaminated sediments.

Department of Transport, Maritime Planning

- 2.6 The Department of Transport (DoT) Maritime Planning has reviewed the proposal and advises that it has no in-principle objection to the proposed development subject to the following recommendations being addressed prior to works commencing:
 - The Club will need to apply for, and obtain a jetty modification licence from DoT, Coastal Facilities Management; and
 - All drawings/plans for the jetty structures will need to be signed and certified by an experienced maritime engineer to confirm that they have been designed in accordance with AS3962-2001 Guidelines for Design of Marinas and AS4997-2005 Guidelines for the Design of Maritime Structures, and suitable for its intended use (e.g. fixed deck for patrons to use during social events and the floating pontoon jetty to accommodate temporary berthing of small vessels).

3.0 PUBLIC SUBMISSIONS

3.1 In accordance with the requirements of Part 5 of the SCRM Act, a copy of the draft report and proposed recommendations was provided to the applicant and the relevant agencies. A copy was also published on DBCA's website for a period of two weeks between 3 September 2018 and 19 September 2018.

3.2 No public submissions were received during this period.

4.0 RELEVANT POLICIES AND PLANS

- ◆ State Planning Policy 2.10 – *Swan-Canning River System* (SPP 2.10)
- ◆ Corporate Policy Statement No. 42 – *Planning for Land Use, Development and Permitting Affecting the Swan Canning Development Control Area* (Policy 42)
- ◆ Corporate Policy Statement No. 43 – *Planning for Marinas, Yacht Clubs and Aquatic Clubs in the Swan Canning Development Control Area* (Policy 43)
- ◆ Corporate Policy Statement No. 44 – *Planning for Jetties in the Swan Canning Development Control Area* (Policy 44)

5.0 ENVIRONMENTAL AND PLANNING CONSIDERATIONS

- ◆ Environmental Protection
- ◆ Acid Sulphate Soils
- ◆ Jetty Design
- ◆ Visual Amenity
- ◆ Heritage
- ◆ Public Access and Safety
- ◆ Flood Prone Land

6.0 BACKGROUND

6.1 The Club site covers approximately 1.35ha of land and approximately 3.5ha over water (Attachment 2 and 3). It has a land lease from the Town of East Fremantle for its land-based facilities (e.g. clubroom, car park and maintenance/workshop areas) and a River reserve lease from the Swan River Trust for its river-based facilities (e.g. jetties and mooring pens) (Attachment 4).

6.2 In recent years, one of the major developments undertaken at the Club consisted of the refurbishment and extension of its clubroom, including modifications to the car park and landscape areas, and the installation of fire services infrastructure (e.g. water storage tanks, pump room and fire hydrants). As part of this project, the Club also connected the building to sewer (previously serviced by a septic system) and relocated dinghies previously stored on the beach to a storage rack in one of its car bays to improve foreshore access. A Part 5 Development Approval (SRT6106) was granted by the Minister for Environment on 14 October 2014 for the clubroom refurbishment project, with a Section 84 minor variation to the development approval granted on 6 December 2016.

6.3 The current application proposes the following works:

- Demolition and removal of the existing timber finger jetty (Attachment 5) to the left of the boat ramp;
- Installation of a L-shaped (12.2m long gangway and 22.4m long pontoon) floating pontoon system with three jetty piles and a concrete abutment in the approximate location of the timber jetty to be removed (Attachment 6);
- Removal of two boat pens at Jetty 1 to facilitate the installation of a fixed deck (9m wide and 13.5m long) with eight mooring piles and four fender piles (Attachment 5 and 6);
- Installation of a security fence along the north and west side of the proposed fixed deck, and a bar table on the east side of the proposed deck; and
- Repositioning of the security gate at Jetty 1.

6.4 The Club advised that the floating pontoon is intended to improve access for members and guests embarking/disembarking from their small crafts to the Club. The purpose of the fixed deck is to provide the Club and its affiliated groups an area over the water to hold its activities and social events (e.g. angling section weigh-ins and presentations, power section activities and workshops, navy cadet presentations etc.). The preliminary drawings/plans indicate that no lighting or mini bar/kitchen facility is proposed on the fixed deck. The proposed jetty structures are intended to improve the amenity and use of the area for its Club members and patrons and will complement the recently refurbished clubhouse.

7.0 DISCUSSION

Environmental Protection

- 7.1 Policy 42 aims to ensure that land use and development on and adjacent to the river system maintains and enhances the quality and amenity of the river environment.
- 7.2 The construction works have the potential to impact on the foreshore and waterway, including disturbance to the riverbed, water quality reduction, foreshore/beach degradation, wildlife (noise) impacts and disruption to public access and safety.
- 7.3 To ensure that all potential environmental impacts are identified and managed appropriately, it is recommended that a Construction Environmental Management Plan (CEMP) be included as a condition of approval. The CEMP will be required to include details of demolition and construction methodology, protection of water quality, machinery and equipment management (including refuelling), site access and management, public access and safety, waste management and spill response, foreshore/beach protection and minimisation of potential noise and vibration impacts to fauna.
- 7.4 It is noted that the proposed fixed deck will be used as a platform for Club activities and social events. The Club will need to ensure that adequate waste disposal facilities are in place to minimise the risk of rubbish and litter being disposed of into the river. A condition will be included to address this matter.

Acid Sulphate Soils

- 7.5 The proposed works are to be undertaken within a high to moderate acid sulphate soils (ASS) disturbance risk area within 3m of the natural surface. The proposed works will require minor ground excavation during the removal of the existing timber piles and the installation of the new piles for the jetty pontoon and fixed deck.

- 7.6 The potential for disturbance of acid sulphate soils during works is considered minimal and can be addressed as part of the CEMP, required as a condition of approval.

Jetty Design

- 7.7 Policy 44 recognises that appropriately designed and located commercial and community boating facilities such as jetties and boat ramps, form an integral part of the river system setting and are an important recreational and tourist resource. Policy 44 also seeks to ensure that the location of boating infrastructure does not interfere with vessel navigation.
- 7.8 The proposed development is located within the Club's existing River reserve lease area and is consistent with the specified purpose of the lease, which is for the operation of a yacht club including the provision of jetty facilities, service facilities and the mooring of private vessels. The proposed works are also located over 200m from the vessel navigation channel.
- 7.9 DoT standard advice to address navigational safety, such as the requirement to ensure all on-water operations and activities are conducted in accordance with relevant marine legislation, and a Temporary Notice to Mariners is organised, will be included on the approval.
- 7.10 Policy 43 requires new jetties and similar structures at yacht clubs to be constructed to the standards set by DoT and relevant Australian Standards to ensure that they are safe and fit-for purpose. The applicant has only provided preliminary drawings for the new jetty and deck, and it is noted that the plans do not specify the maximum vessel berthing length for the new jetty or the maximum weight (and number of people) that could be supported on the fixed deck.
- 7.11 DoT Maritime Planning advised that the proposed jetty structures will need to comply with AS3962-2001 Guidelines for Design of Marinas and AS4997-2005 Guidelines for the Design of Maritime Structures and be certified by a qualified and practising marine engineer. These requirements can be included as a condition of approval through the submission of final design plans/drawings.
- 7.12 In addition, the final design plans/drawings will need to consider any potential impacts on beach sediment transport patterns.

Visual Amenity

- 7.13 SPP 2.10 states that proposals for development should be considered in the context of the river setting and the characteristics of the development site, particularly in regard to the building height, bulk, scale, form, orientation and location. Policy 42 states that the design, materials and colour scheme of development adjacent to the river and foreshores should complement and protect the character and landscape setting of the river.
- 7.14 The preliminary design drawings provided with the application contain limited information regarding the construction materials proposed for the new fixed deck and floating pontoon. The new fixed deck will either consist of a timber deck or a fibre reinforced plastic grating deck. The floating pontoon system will consist of fibre reinforced plastic decking and steel framework. No details have been provided for the security fencing proposed along the north (adjacent to Pen 105) and west (facing

Jetty 1) of the fixed deck, and limited details have been provided for the 'bar table' proposed along the eastern section of the fixed deck (Attachment 6).

- 7.15 The final design drawings for the new jetty and fixed deck (including the proposed fence and bar table), detailing the colours, materials and external finishes will be included as a condition of approval.

Heritage

- 7.16 Policy 42 states that places of cultural and heritage significance, both Aboriginal and European, and of natural heritage are to be conserved.
- 7.17 The proposal is within the boundaries of an Aboriginal site DAA 3536 (Swan River). However, it is noted that the proposed works are located within the Club's existing River reserve lease area, which has previously been disturbed for the development of the Club's river-based facilities.
- 7.18 An advice note will be included to advise the Club to contact the Department of Planning, Lands and Heritage to determine whether the proposed works may have an impact on DAA 3536 and whether an approval under section 18 of the *Aboriginal Heritage Act 1972* may be required.

Public Access and Safety

- 7.19 SPP 2.10 states that public access to the river and foreshore should be maintained while protecting the river. It is important that development near the river does not impede or restrict public access.
- 7.20 As part of the Club's land lease agreement with the Town, the Club is required to provide and maintain a public access path along the foreshore within the land lease area. The existing 1.5m public access way will not be altered as part of the proposed works. The Town has requested that the public access way be kept free from obstructions.
- 7.21 Public access along the foreshore pathway during the construction works should be maintained wherever possible and prevented only for safety reasons. This can be addressed as part of the conditioned CEMP.
- 7.22 Once completed, the proposed jetty structures are intended to improve the amenity of the Club, with the proposed deck to provide space for the Club to hold its presentation and social activities and the pontoon system will provide easier access for members and guests to embark/disembark from their small crafts. In addition, the jetty structures will also improve public safety by providing a barrier to separate recreational users on the beach and vessel traffic.

Flood Prone Land

- 7.23 Policy 42 states that development within the floodway that will significantly affect the normal flow of the Swan and Canning rivers during floods and/or will lead to the degradation of the natural features of the river system should not be supported.
- 7.24 DWER Floodplain Management advised that the site will be affected by flooding, with the 1% AEP flood level estimated to be 1.3m AHD increasing to 2.2m AHD should sea levels rise by 0.9m by 2110. However, DWER notes that the new jetty structures are unlikely to impede the flow of the Swan River during major flood

event. An advice note will be included to advise the applicant that the jetty designs should account for potential flood risks and sea level rise.

- 7.25 The Town has requested a condition be included for the Club to indemnify the Town from liability arising from environmental consequences such as sea level rise and contaminant associated with past activities.

8.0 SWAN RIVER TRUST ADVICE

- 8.1 In accordance with section 75(3A) of the SCRM Act, the Trust considered DBCA's draft report at its meeting on 14 August 2018, where the Trust resolved to support the report and recommendation.

9.0 CONCLUSION

- 9.1 The proposed jetty works are not considered excessive in scale or bulk and will be confined within the Club's existing River reserve lease area. In addition, the new jetty structures are intended to improve the Club's use of the river for aquatic based activities and social events.
- 9.2 Potential environmental impacts from the works can be addressed through the preparation and approval of a CEMP required as a condition of approval.
- 9.3 For these reasons, the proposal is recommended for approval subject to conditions and advice.

10.0 RECOMMENDATION – APPROVAL WITH CONDITIONS

That the Director General of the Department of Biodiversity, Conservation and Attractions advises the Minister for Environment that the Swan Yacht Club's proposal to remove an existing finger jetty and install a floating pontoon jetty and fixed deck within its existing River reserve lease area in the Swan River adjacent to Riverside Road, East Fremantle, as described in the application received on 16 March 2018 be approved subject to the following conditions:

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

Prior to the commencement of works

2. The applicant shall notify the Department of Biodiversity, Conservation and Attractions in writing not less than seven (7) days prior to the commencement of works (Advice Note 1).
3. Prior to the commencement of works, a Construction Environmental Management Plan shall be submitted to, and approved by the Department of Biodiversity, Conservation and Attractions (Advice Note 2 and 4).
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During works

5. All works shall be implemented in accordance with the management plans and final design drawings/plans approved under **Conditions 3 and 4**.

On completion of works

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

On-going monitoring

7. The jetty and fixed deck, and its associated structures shall be kept clean and free of graffiti and vandalism at all times and any such graffiti or vandalism shall be remedied within 24 hours to the satisfaction of the Department of Biodiversity, Conservation and Attractions on advice from the Town of East Fremantle.
8. The applicant is to ensure that adequate waste disposal facilities are available for its patrons, and that no rubbish, litter or any other deleterious matter enters the river.

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 - e. protection of the river from inputs of debris, litter, rubbish or other deleterious material;
 - f. foreshore/beach protection;
 - g. sediment and turbidity management;
 - h. wildlife management, including minimising noise and vibration impacts;
 - i. acid sulphate soils management;
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A site map showing the laydown area and vehicle entry/exit points should be included. Emergency spill kits should be onsite at all times and refuelling of machinery should be undertaken outside the Swan Canning Development Control Area or at a licensed refuelling facility. In the case of pollution events, the Department of Biodiversity, Conservation and Attractions should be contacted immediately on 9278 9000 or a/h 0419 192 845. The plan should address the most appropriate means of sediment and turbidity management for the proposed works. This may include the use of a silt curtain. All reasonable efforts should be taken to control plumes but where they occur, work must stop whilst the plume is addressed, and work should only recommence once the integrity of the turbidity management device is restored. In the event that plumes or adverse turbidity occur beyond the area of work, the applicant shall contact the Department of

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Piling operations shall include a soft start up procedure at the commencement of each piling sequence. The contractor shall keep a constant watch for dolphins during piling operations. No pile driving shall start if dolphins are within 200m of the site and piling activity shall cease if a dolphin comes within 50m of the site and shall not recommence until any dolphin has moved away more than 200m or has not been observed for 20 minutes.

The *Acid Sulphate Soils Guideline Series for guidance on the identification, assessment and management of acid sulphate soils in Western Australia* is available from the Department of Water and Environmental Regulation website at www.dwer.wa.gov.au. If any ASS is exposed during the works, the Contaminated Sites Branch of the Department of Water and Environmental Regulation should be contacted for further advice on 1300 762 982.

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with the applicant to undertake a risk assessment and exercise their judgement in determining the level of risk they are prepared to accept.

The Swan River Trust's Climate Change Risk Assessment Project (2010) sets out a methodology to assess the vulnerability of foreshore areas, which is available on request from the Department of Biodiversity, Conservation and Attractions. It is also recommended that applicants undertake their own research and obtain appropriate independent professional advice relevant to the particular circumstances.

9. This approval is issued on the proviso that the Swan Yacht Club acknowledges that the development and site may in the future be subject to the environmental consequences of sea level rise and contaminates associated with past activities and agrees to indemnify the Town of East Fremantle from any liability arising from these consequences now and in the future to the satisfaction of the Town of East Fremantle.
10. The Town of East Fremantle advises that the application for a Building Permit is to conform to the plans approved under **Condition 4**. The proposed works are not to be commenced until Council has received an application for a Building Permit and the Building Permit has been issued.
11. All noise levels produced by the construction of the development are to comply with the provisions of the Environmental Protection (Noise) Regulations 1997 (as amended).
12. The Department of Water and Environmental Regulation Contaminated Sites advises that the site is classified under the *Contaminated Sites Act 2003* as 'possibly contaminated – investigation required'. It is recommended that adequate health and safety measures are implemented to minimise the risk of disturbing the suspected contaminated sediments.
13. The applicant is advised to contact the Department of Planning, Lands and Heritage to ensure that the proposed works do not breach any section of Part IV (Protection of Aboriginal Sites) of the *Aboriginal Heritage Act 1972* (the AHA). Approval under section 18 of the AHA may be required. It is recommended that the applicant consult the recognised knowledge holders for Aboriginal Site 3596 on whether the works will impact the Swan River. Please refer to the Aboriginal Heritage Due Diligence Guidelines when planning specific development within a Heritage area.

FINAL REPORT ENDORSED

Signed: _____

Date: _____

2/10/18

Mark Webb
Director General



TOWN of
EAST FREMANTLE

OUR REF: Application No. 010715
FILE REF: P/RSB8
ENQUIRIES: Georgina Cooper : 9339 9328

14 May 2018

Rivers & Estuaries Division
Department of Parks and Wildlife
17 Dick Perry Avenue
Technology Park, Western Precinct
KENSINGTON WA 6151

Dear Sir / Madam

***Request for Deck and Floating Jetty
Swan Yacht Club, Lot 7771 (Reserve 27376) Riverside Road East Fremantle***

Your application seeking approval for a deck and floating jetty at the abovementioned location was considered by Council at its meeting held on 1 May 2018.

Council resolved to advise the Department of Biodiversity, Conservation and Attractions – Parks and Wildlife Service that it supports the application by the Swan Yacht Club received on 27 March 2018, for proposed removal of existing finger jetty and introduction of floating pontoon system (in place of the finger jetty) and fixed deck to be located to the eastern side of jetty 1 located at Lot 7771 (Reserve 27376) Riverside Road, East Fremantle, subject to the following conditions:

- (1) No dinghys storage is permitted on the foreshore.
- (2) The public access leg (1.5 metres in width) traversing through the lot along the river is to be kept free from obstructions.
- (3) 144 car parking spaces to be provided on-site.
- (4) The jetties and deck to be kept clean and free of graffiti and vandalism at all times and any such graffiti or vandalism to be remedied within 24 hours to the satisfaction of the Chief Executive Officer.
- (5) Activities associated with the Swan Yacht Club such as car parking, trailer and boat storage etc. are to be contained within the defined hardstand area of the car park.
- (6) The applicants acknowledge the development and its site may in the future be subject to the environmental consequences of sea level rise and contaminants associated with past activities and agree to indemnify the Town of East Fremantle and the Department of Parks and Wildlife from any liability arising from these consequences now and in the future to the satisfaction of these Authorities.
- (7) No advertising signage is approved under this application. A separate planning application is required for any proposed advertising signage. All signage to comply with the Town's Local Planning Policy Design Guidelines – Signage.
- (8) The works are to be constructed in conformity with the drawings and written information accompanying the application for planning approval other than where varied in compliance with the conditions of this planning approval or with Council's further approval.



- (9) The proposed works are not to be commenced until Council has received an application for a Building Permit and the Building Permit issued in compliance with the conditions of this planning approval unless otherwise amended by Council.
- (10) With regard to the plans submitted with respect to the Building Permit application, changes are not to be made in respect of the plans which have received planning approval, without those changes being specifically marked for Council's attention.
- (11) All introduced filling of earth to the lot or excavated cutting into the existing ground level of the lot, either temporary or permanent, shall be adequately controlled to prevent damage to structures on adjoining lots or in the case of fill, not be allowed to encroach beyond the lot boundaries. This shall be in the form of structurally adequate retaining walls and/or sloping of fill at the natural angle of repose and/or another method as approved by the Town of East Fremantle.
- (12) Where this development requires that any facility or service within a street verge (street trees, footpath, crossover, light pole, drainage point or similar) is to be removed, modified or relocated then such works must be approved by Council and if approved, the total cost to be borne by the applicant. Council must act reasonably and not refuse any reasonable proposal for the removal, modification or relocation of such facilities or services (including, without limitation any works associated with the proposal) which are required by another statutory or public authority.
- (13) This planning approval to remain valid for a period of 24 months from date of this approval.

Footnote:

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

- (i) *This decision does not include acknowledgement or approval of any unauthorised development which may be on the site.*
- (ii) *A copy of the approved plans as stamped by Council are attached and the application for a Building Permit is to conform with the approved plans unless otherwise approved by Council.*
- (iii) *All noise levels produced by the construction of the development are to comply with the provisions of the Environmental Protection (Noise) Regulations 1997 (as amended).*
- (iv) *Under the Environmental Protection (Noise) Regulations 1997, the noise from an air-conditioner must meet assigned allowable noise levels at all times. The Environmental Protection Act 1986 sets penalties for non-compliance with the Regulations and the installer of a noisy air-conditioner can face penalties of up to \$5,000 under Section 80 of the Act. Refer to Department of Environmental Protection document—"An Installers Guide to Air Conditioner Noise".*

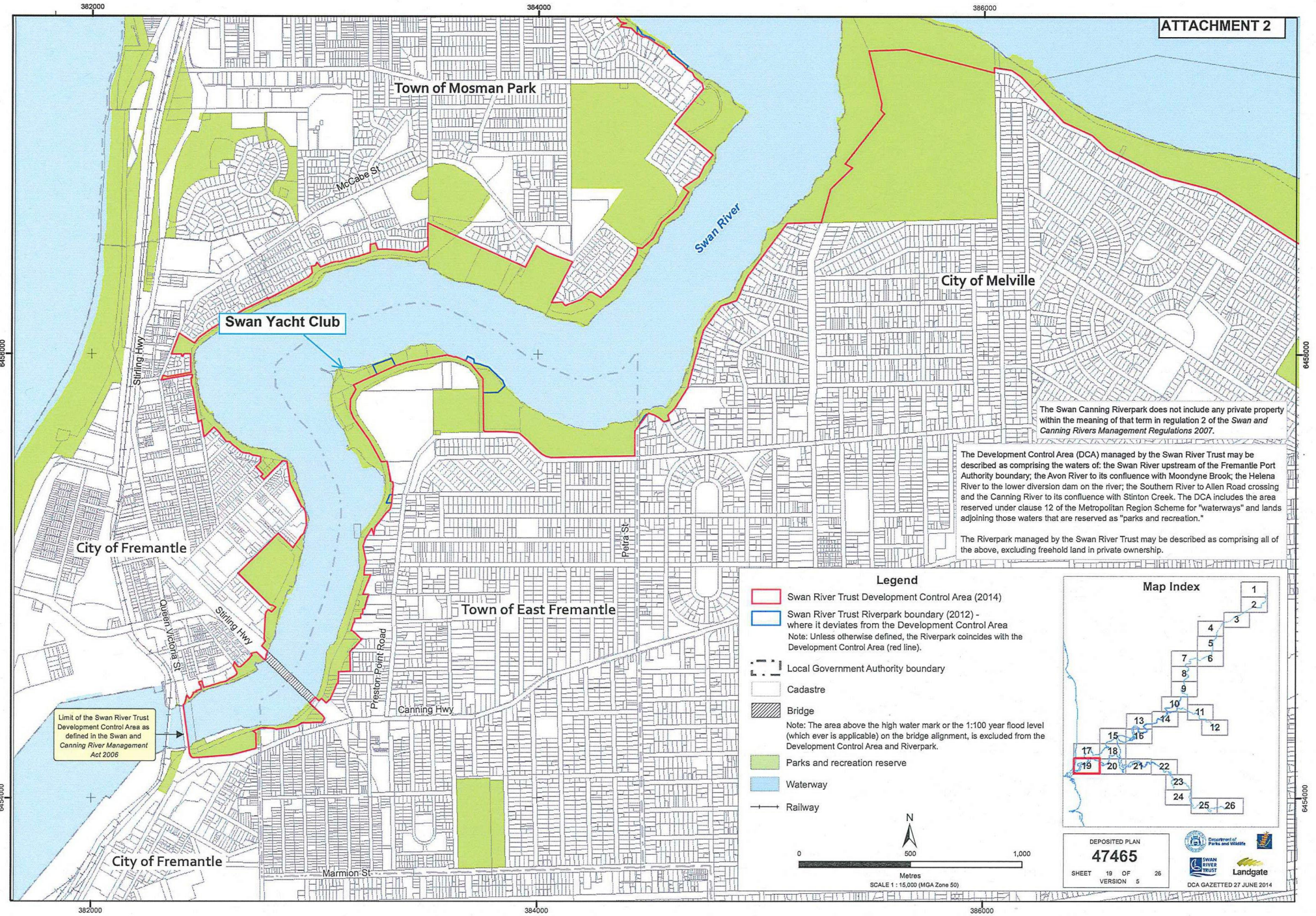
Should you have any further queries relating to these conditions please contact the Planning Department on 9339 9328.

Yours sincerely



**Andrew Malone for
GARY TUFFIN
Chief Executive Officer**

cc: Swan Yacht Club
Mr D Gaspar
PO Box 20
Palmyra WA 6957



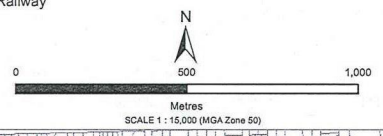
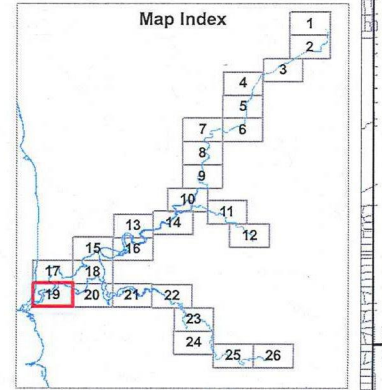
The Swan Canning Riverpark does not include any private property within the meaning of that term in regulation 2 of the *Swan and Canning Rivers Management Regulations 2007*.

The Development Control Area (DCA) managed by the Swan River Trust may be described as comprising the waters of the Swan River upstream of the Fremantle Port Authority boundary; the Avon River to its confluence with Moodyne Brook; the Helena River to the lower diversion dam on the river; the Southern River to Allen Road crossing and the Canning River to its confluence with Stinton Creek. The DCA includes the area reserved under clause 12 of the Metropolitan Region Scheme for "waterways" and lands adjoining those waters that are reserved as "parks and recreation."

The Riverpark managed by the Swan River Trust may be described as comprising all of the above, excluding freehold land in private ownership.

Legend

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



DEPOSITED PLAN
47465




SHEET 19 OF 26
VERSION 5

DCA GAZETTED 27 JUNE 2014

Development Control Area and Riverpark Map 19

Attachment 3

Legend

-  Swan River Leases
-  Swan River Trust - DCA
-  Perth Central Cadastre (Land Parcels)

Swan Yacht Club
River reserve lease area

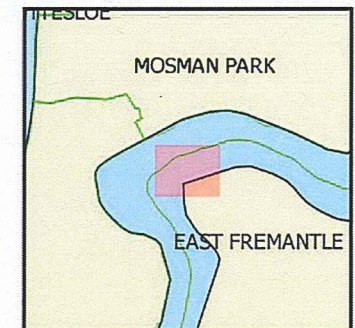


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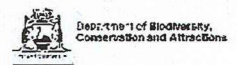
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Projection: MGA Zone 50
Datum: GDA94



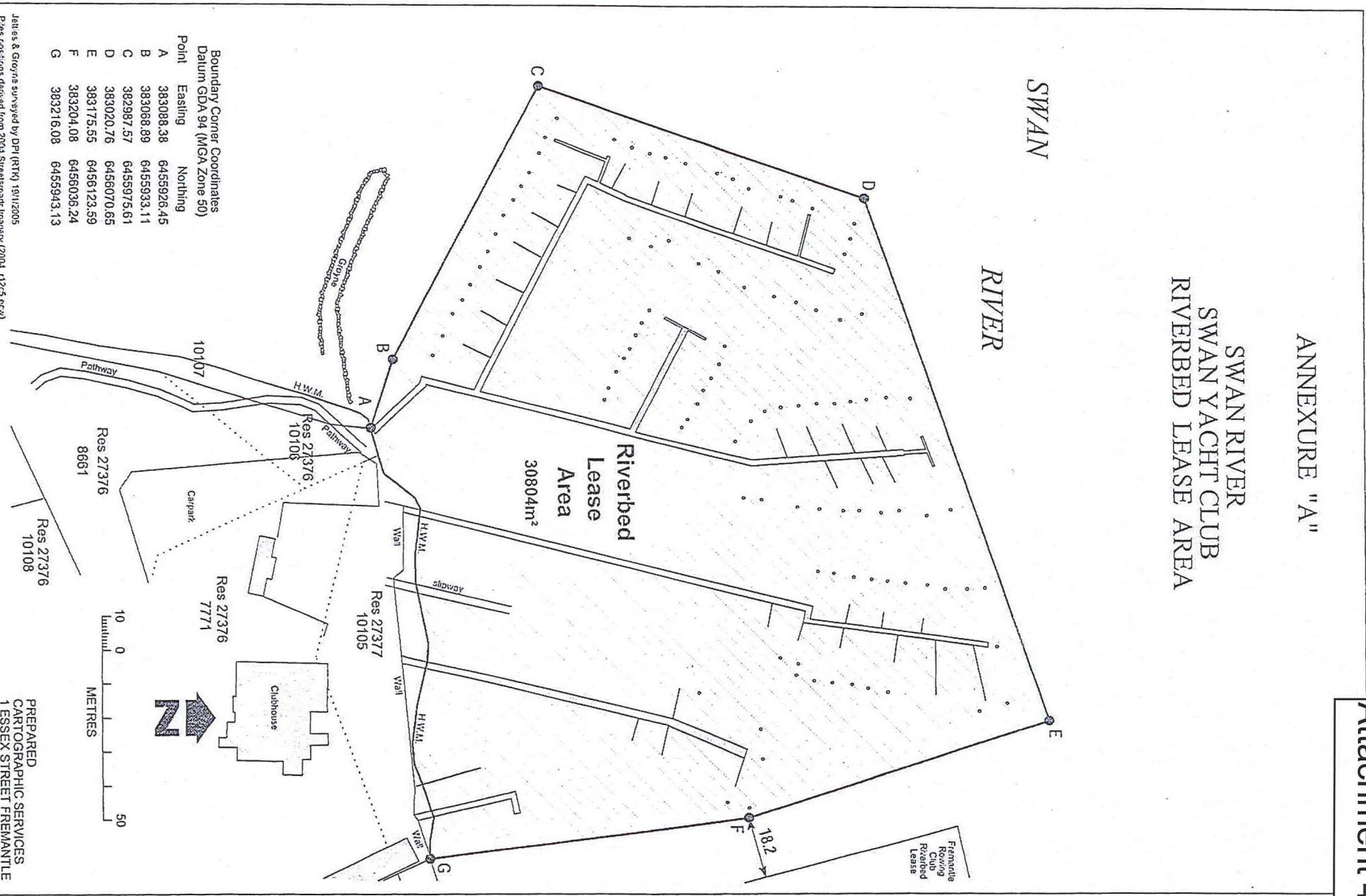
Produced by Statutory
Planning,
Department of Biodiversity,
Conservation and Attractions



Job Ref: 2018/1972
Produced at 12:11 PM on July 25, 2018

The Department of Biodiversity, Conservation and Attractions does not guarantee that this map is without flaw of any kind and disclaims all liability for any errors, loss or other consequence which may arise from relying on any information depicted. Roads and tracks on land managed by DBCA may contain unmarked hazards and their surface condition is variable. Exercise caution and drive to conditions on all roads.

ANNEXURE "A"
 SWAN RIVER
 SWAN YACHT CLUB
 RIVERBED LEASE AREA



Boundary Corner Coordinates
 Datum GDA 94 (MGA Zone 50)

Point	Easting	Northing
A	383088.38	6455926.45
B	383088.89	6455933.11
C	382987.57	6455975.61
D	383020.76	6456070.65
E	383775.55	6456123.59
F	383204.08	6456036.24
G	383216.08	6455943.13

Jeties & Groynes surveyed by DPI (RTIR) 19/11/2005
 Plus positions derived from 2004 Streetsmart Imagery (2004_125.ecs)



Department for Planning and Infrastructure
 Government of Western Australia

GDA

PLAN

287 - 1 - 1A

Date: 3 March 2005

PREPARED
 CARTOGRAPHIC SERVICES
 1 ESSEX STREET FREMANTLE

EXISTING FINGER JETTY TO BE REMOVED



JETTY 1

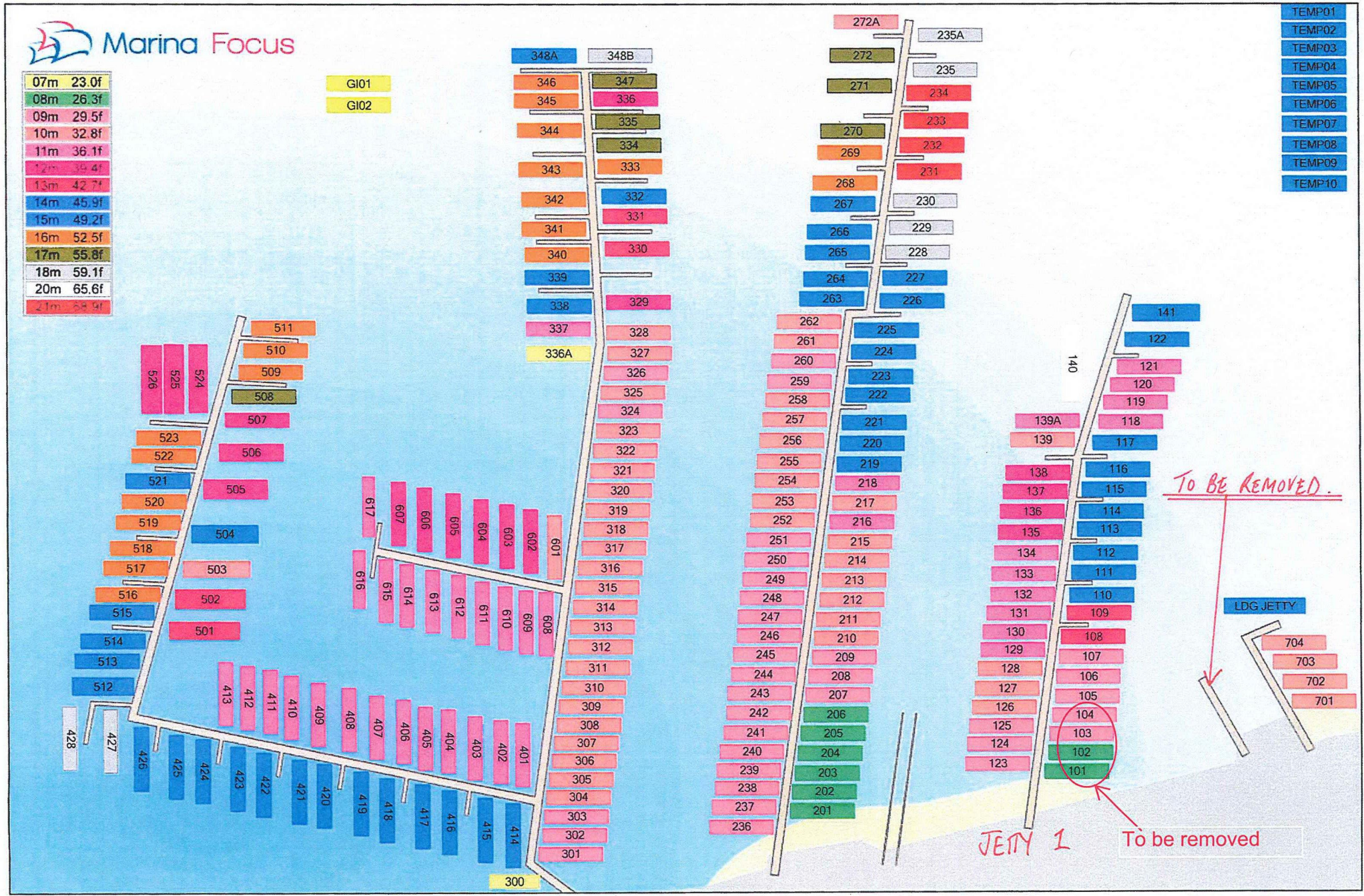
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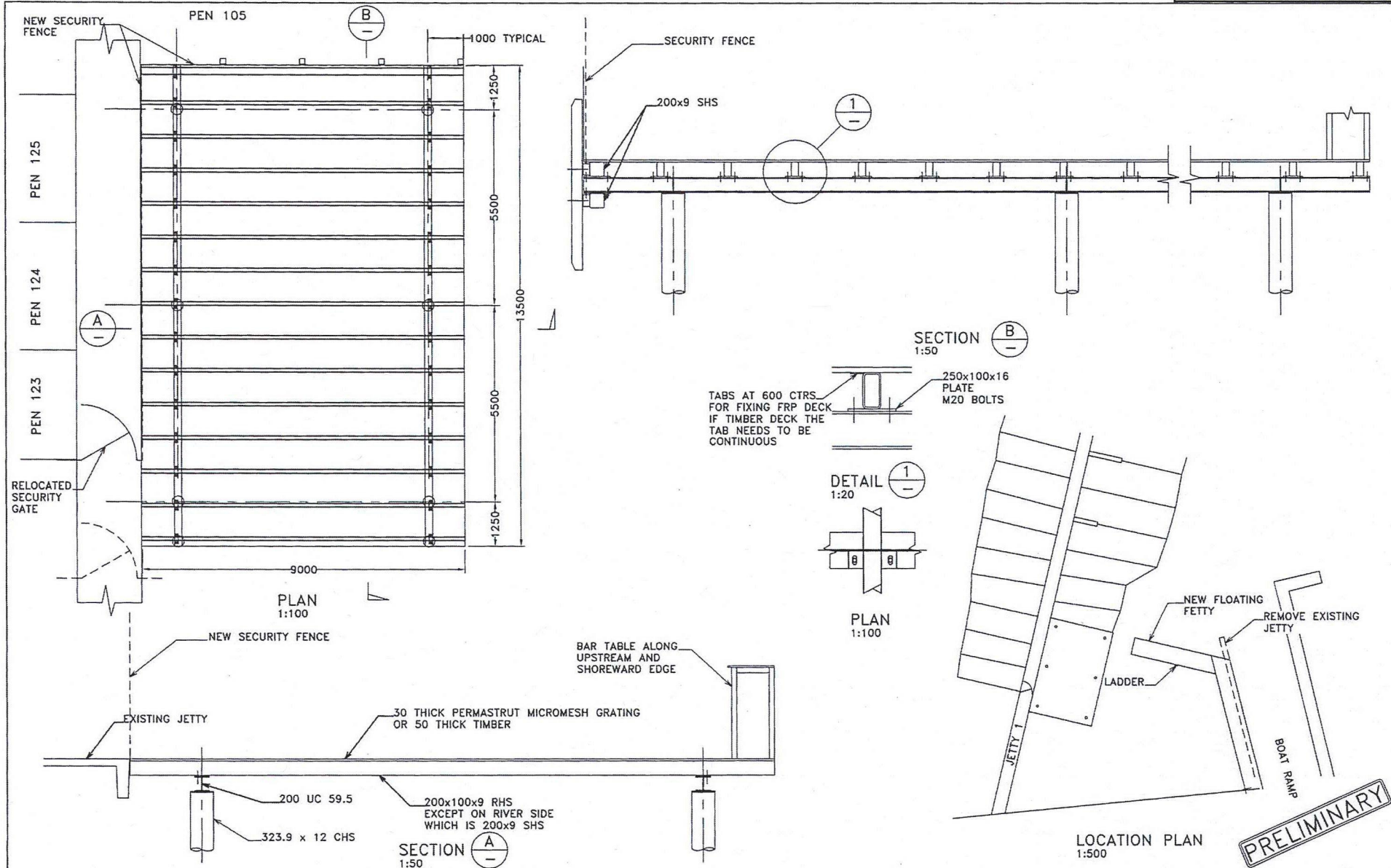
FLOATING PONTOON SYSTEM

07m	23.0f
08m	26.3f
09m	29.5f
10m	32.8f
11m	36.1f
12m	39.4f
13m	42.7f
14m	45.9f
15m	49.2f
16m	52.5f
17m	55.8f
18m	59.1f
20m	65.6f
21m	68.9f

- GI01
- GI02

- TEMP01
- TEMP02
- TEMP03
- TEMP04
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- TEMP06
- TEMP07
- TEMP08
- TEMP09
- TEMP10

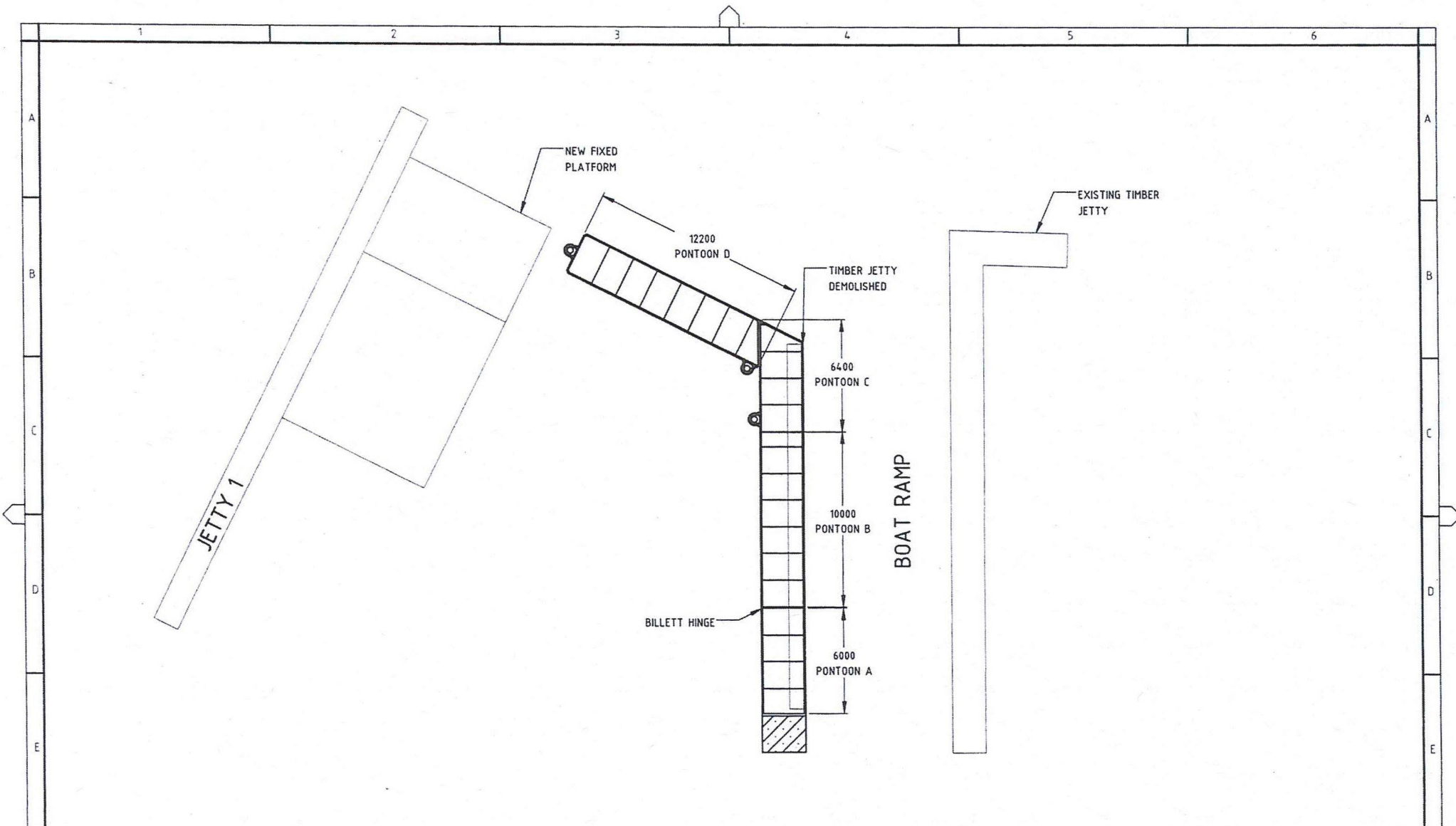




REV	DATE	BY	DETAILS
C	09 MAR 18	MJS	PLATFORM SIZE INCREASED
B	21 JUN 17	MJS	SECURITY FENCE AND GATE ADDED FLOATING JETTY EXTENDED
A	20 JUN 17	MJS	ISSUED FOR COMMENT

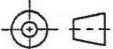
SEARLE CONSULTING PTY LTD
 9 ARUNDEL STREET
 FREMANTLE
 WA 6160
 TEL (08) 9336 2404
 FAX (08) 9336 3904

SWAN YACHT CLUB
 PROPOSED DECK AND FLOATING
 LOADING JETTY
 LOCATION, PLAN AND SECTIONS
 SCALE AS NOTED (A3)
 SC112-08-01 c



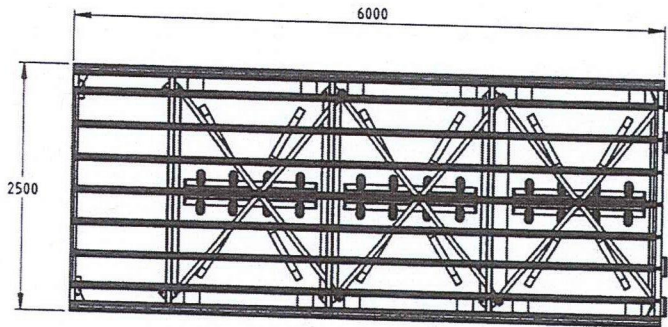
For any queries please see H Beevor DO NOT MANUFACTURE

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AUTHOR	HB	10/05/2017	AUTHOR	HB	10/04/2017	SHEET: 1 of 3	
APPROVER	PS	10/05/2017	APPROVER	PS	10/04/2017		
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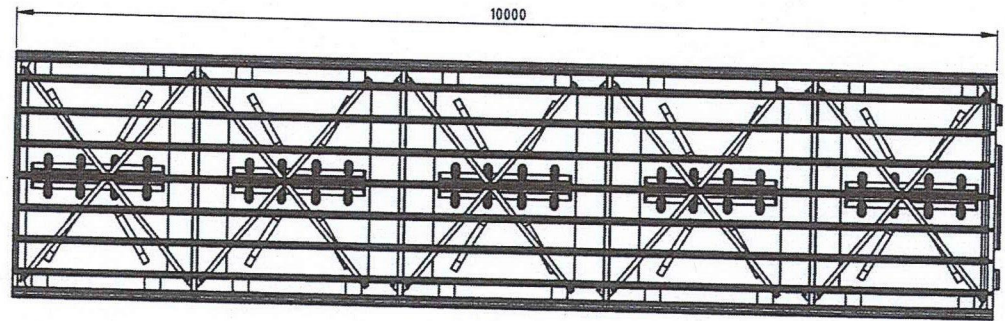

 THIRD ANGLE PROJECTION
DO NOT SCALE
 SCALE: 1:200 SIZE: A3


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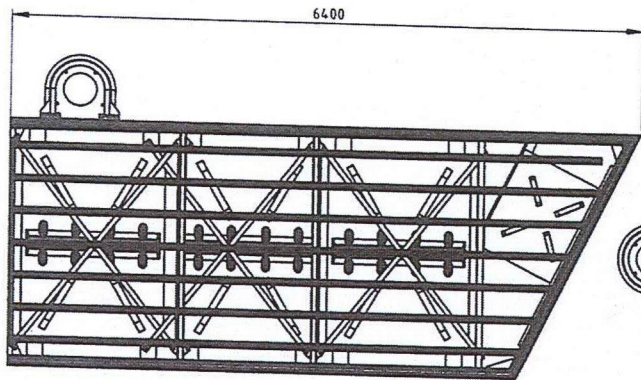
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FINISH			
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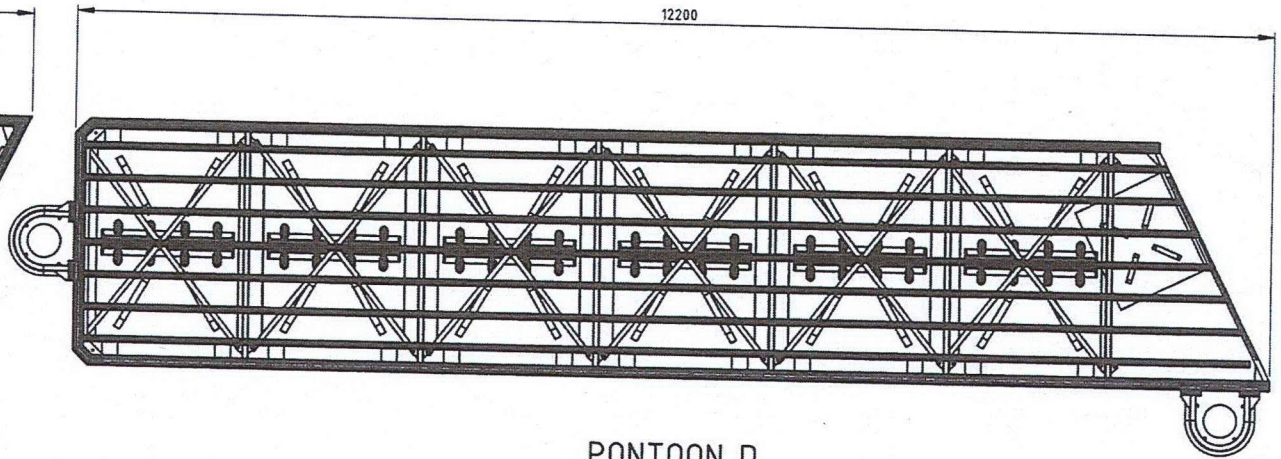
PONTOON A



PONTOON B

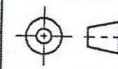


PONTOON C



PONTOON D

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DESCRIPTION			
FLOATING PONTOON 11760 x 2500			
DWG	10342-GA-3		
MATERIAL			
FINISH			
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CONCRETE ABUTMENT

GANGWAY PONTOON

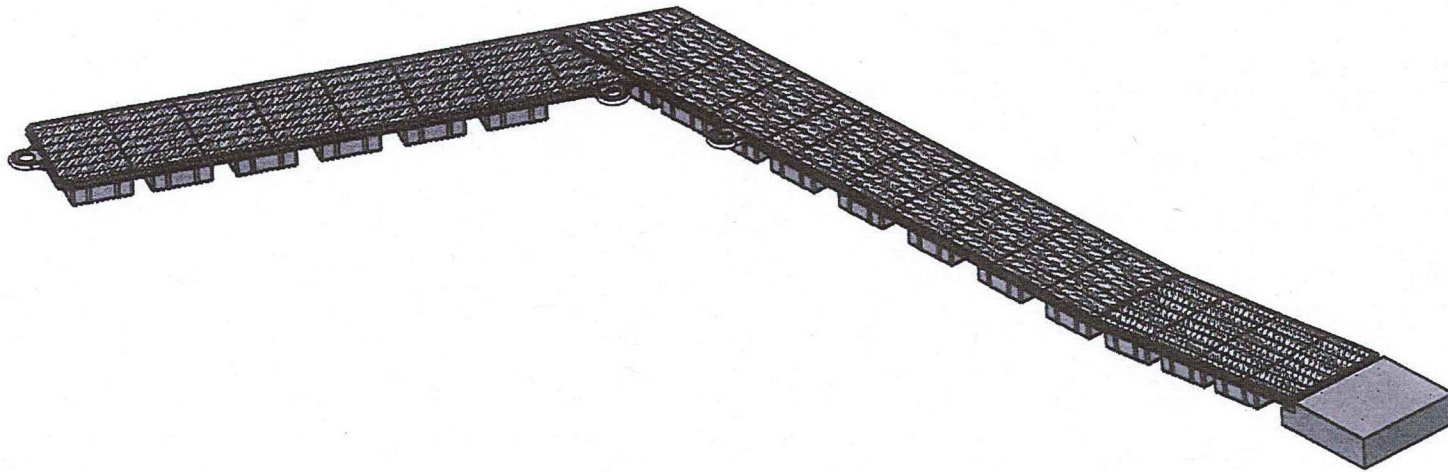
BILLETT HINGE CONNECTION

FLOATING PONTOON

HDPE ROLLERS

SIDE ELEVATION

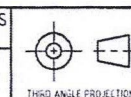
(PONTOON C & D NOT SHOWN FOR CLARITY)



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FINISH			
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