



*Swan and Canning Rivers Management Act 2006*

**PART 5**

**DETERMINATION OF DEVELOPMENT APPLICATION**

|                       |   |  |
|-----------------------|---|--|
| FILE NUMBER           | : | 2020/0714  |
| APPLICANT             | : | Rowing Western Australia   |
| LANDOWNER             | : | Department of Planning, Lands and Heritage   |
| LAND DESCRIPTION      | : | Lot 1855 on Plan 208889 (4) The Esplanade, Mount Pleasant, (Crown Reserve 26758)   |
| DEVELOPMENT           | : | Removal of the eastern staircase and installation of a new staircase, removal of the noncompliant balustrade and installation of a new balustrade, and the removal and replacement of ground and first floor windows to Rowing Western Australia's clubhouse |
| VALID FORM 1 RECEIVED | : | 20 February 2020   |
| DETERMINATION         | : | <b>APPROVAL WITH CONDITIONS</b>  |

The application to commence development in accordance with the information received on 20 February 2020 is APPROVED subject to the following conditions:

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

**Prior to the commencement of works**

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

**During works**

4. The approved Construction Environmental Management Plan shall be implemented.
5. The applicant must ensure that the fill products used are geotechnically suitable and otherwise fit for their purpose and that they do not cause environmental harm, pollution, unreasonable emissions or unauthorised discharges.

6. All street trees adjacent to the proposed works shall be protected through the installation of Tree Protection Zones to the satisfaction of the Department of Biodiversity, Conservation and Attractions and the specifications of the City of Melville (**Advice Note 4**).
7. The applicant shall ensure that the Site Management Plan for the area (AECOM, 8 November 2016) is available for reference, and that all the contractors and personnel involved in the development are familiar with the management provisions (**Advice Note 7**).
8. 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 (**Advice Note 8**).

### On completion of works

9. 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.

### ADVICE TO APPLICANT

1. Notification of commencement of work and plans can be emailed to [rivers.planning@dbca.wa.gov.au](mailto:rivers.planning@dbca.wa.gov.au).
2. The Construction Environmental Management Plan required under **Condition 3** shall describe how the proposed works will be managed to minimise potential environmental impacts and shall address, but not be limited to:
  - scope of works, including demolition and construction methodology;
  - site access and management, including fencing requirements;
  - management of machinery and equipment, including a refuelling procedure and spill response;
  - on-site storage and bunding of materials (sediment control), equipment, chemicals and fuel (no storage of material on the verge will be permitted);
  - protection of the river (and nearby stormwater drains) from inputs of debris, rubbish or other deleterious material;
  - waste and material disposal;
  - protection of vegetation;
  - noise and vibration controls;
  - air and dust management;
  - traffic management, including parking arrangements for work contractors;
  - site security;
  - public access and safety;
  - dewatering management (if required);
  - hours of operation and schedule of works; and
  - complaints and incidents.

A site map showing the laydown area, vehicle entry/exit points and pedestrian management (e.g. road closures, alternative routes and public safety signage) shall be included. Emergency spill kits shall be onsite at all times and refuelling of land-based vehicles or machinery is to be undertaken outside the Swan Canning Development Control Area. In the case of pollution events, the Department of Biodiversity, Conservation and Attractions shall be contacted immediately on 9278 0981 (Riverpark Duty Officer) or 9480 9924 (Marine Pollution Response). Sand, soil, and any other finely grained material that is exposed or

stockpiled on site shall be managed to prevent sediment mobilisation and discharge into the Canning River.

All trees within the vicinity of the proposed works will need to be protected in accordance with *Australian Standard AS 4970-2009: Protection of trees on development sites*. Tree protection zones should be identified and fenced to restrict access and to avoid damage to the trees during works. Traffic management controls should be prepared by accredited personnel for various phases of the construction, including any proposed closures. Due to the nature and extent of the current groundwater contamination (**Advice Note 7**), the abstraction of groundwater for any purpose (e.g. dewatering) is not recommended. If dewatering is required, further advice from the Department of Water and Environmental Regulation, Contaminated Sites should be sought, and further analytical water quality testing may be required.

3. To allow sufficient time for the Department of Biodiversity, Conservation and Attractions and the City of Melville to consider and approve the plans and details required under **Condition 3**, the documents shall be submitted to the Department of Biodiversity, Conservation and Attractions at least 42 days before the expected works commencement date.
4. In regard to **Condition 6**, the City of Melville has advised that tree protection zones (TPZ) in accordance with the following criteria will need to be implemented:
  - a. A free-standing mesh fence will need to be erected around each street tree with a minimum height of 1.8m and a 2m minimum radius measured from the outside of the trunk of each tree;
  - b. If a front fence, footpath, road or similar is located within the 2m radius, the TPZ will need to be amended to the minimum distance necessary to allow the works to be completed;
  - c. Fixed signs are to be provided on all sides of the TPZ fencing stating 'Tree Protection Zone – No Entry';
  - d. The following actions cannot be undertaken with the TPZs:
    - i. Storage of materials, equipment fuel, oil dumps or chemicals;
    - ii. Servicing and refuelling of equipment and vehicles;
    - iii. Attachment of any device (e.g. signage, temporary service wires, nails, screws, winches or any other fixing device) to any tree;
    - iv. Open trenches or excavation (including installation of utility services);
    - v. Changes to the natural ground level of the verge;
    - vi. Location of any temporary buildings, including ablution facility; and
    - vii. Vehicle or machinery access.
  - e. The applicant will need to obtain written permission from the City of Melville in the event that pruning of street tree canopy or roots are required. Tree pruning is to be undertaken by the City of Melville's approved contractor.
5. A separate application for Development Approval may be required for any future signage having regard to the City of Melville Local Planning Policy 2.2 Outdoor Advertising and Signage and the provisions of the Canning Bridge Activity Centre Plan.
6. The applicant is advised that the proposal has the potential to be affected by the 1 per cent annual exceedance probability flood level and potential sea level rise. The onus is on the applicant to undertake a risk assessment and exercise their judgment in determining the level of risk they are prepared to accept. It is recommended that applicants undertake their own research and obtain appropriate independent professional advice relevant to the particular circumstances.

7. The Department of Water and Environmental Regulation, Contaminated Sites advises that the site is classified under the *Contaminated Sites Act 2003* as 'remediated for restricted use' due to the presence of hydrocarbons detected in the groundwater beneath the site. In the event that any unexpected contaminated material be intercepted, management provisions set out in the Site Management Plan (SMP) for the area (AECOM, 8 November 2016) should be applied. Copies of the SMP are available from the landowner (Department of Planning, Lands and Heritage) and the City of Melville. Alternatively, a copy can be requested from the Department of Water and Environmental Regulation via a detailed summary of records request for a fee.
8. In regard to **Condition 8**, in case of damage or pollution events, the Department of Biodiversity, Conservation and Attractions can be contacted on 9278 0981 (Riverpark Duty Officer) or 9480 9924 (Marine Pollution Response).
9. The applicant is advised that the proposed works are located within a moderate to low acid sulphate soil risk area. 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](http://www.dwer.wa.gov.au). If any acid sulphate soils are 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.



Hon Stephen Dawson MLC  
**MINISTER FOR ENVIRONMENT**

Date: 31/8/20



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

- PROPOSAL : Removal of the eastern staircase and installation of a new staircase, removal of the noncompliant balustrade and installation of a new balustrade, and the removal and replacement of ground and first floor windows.
- LOCATION : Rowing Western Australia, Lot 1855 on Plan 208889 (4) The Esplanade, Mount Pleasant, (Crown Reserve 26758)
- COST : \$150,000
- APPLICANT : Daniel Tackenberg, Chief Executive Officer, Rowing Western Australia
- LANDOWNER : Department of Planning, Lands and Heritage
- LOCAL GOVERNMENT : City of Melville
- MRS CLASSIFICATION : Parks and Recreation
- DECISION TYPE : Part 5, *Swan and Canning Rivers Management Act 2006*, Ministerial Determination
- ATTACHMENTS : 1. Location maps (2 pages)  
2. External referral responses –  
a. City of Melville comments (3 pages)  
b. Department of Water and Environmental Regulation comments (2 pages)  
c. Department of Planning, Lands and Heritage comments (2 pages)  
3. Existing site plans (7 pages)  
4. Site photos showing existing building (3 pages)  
5. Proposed site plans (5 pages)  
6. Foreshore stabilisation and enhancement works landscape plan (1 page)
- RECOMMENDATION : **APPROVAL WITH CONDITIONS**

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**REPORT**

**1.0 INTRODUCTION**

- 1.1 The Department of Biodiversity, Conservation and Attractions (DBCA) has received an application from Mr Daniel Tackenberg, Chief Executive Officer, Rowing Western

Australia (Rowing WA) proposing the removal and replacement of the ground floor eastern stairs, first floor balustrade, and ground and first floor windows at the Rowing WA clubhouse at Lot 1855 on Plan 208889 (4) The Esplanade, Mount Pleasant (Crown Reserve 26758) (**Attachment 1**). The subject land is reserved for Parks and Recreation under the Metropolitan Region Scheme.

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

## 2.0 CONSULTATION

### City of Melville

- 2.1 The City of Melville (the City) advises that it supports the proposal, and has provided the following recommendations:
  - All stormwater run-off generated from impervious surfaces shall be retained onsite;
  - A Construction Management Plan is to be prepared by the applicant and submitted to the City for approval at least 30 days prior to the commencement of works;
  - All street trees shall be protected through the implementation of Tree Protection Zones, unless otherwise approved in writing by the City;
  - Prior to the initial occupation of the development, a Waste Management Plan shall be prepared in accordance with the City's Local Planning Policy LPP1.3 Waste and Recyclables Collection for Multiple Dwellings, Mixed Use Developments and Non-Residential Developments and submitted in writing for the approval of the City. Once approved, the development is to be constructed and operated in accordance with the Waste Management Plan, to the satisfaction of the City; and
  - A separate application for Development Approval may be required for any future signage having regard to the City's Local Planning Policy 2.2 Outdoor Advertising and Signage and the provisions of the Canning Bridge Activity Centre Plan.
- 2.2 The City's full comments are provided in **Attachment 2a**.
- 2.3 The City's LPP1.3 requires all planning applications for non-residential developments to be accompanied by a Waste Management Plan. This proposal will not alter the use of or increase the waste generated at the Rowing WA clubhouse. Therefore, this condition is considered more appropriate for a separate Part 5 application Rowing WA currently has on hold that includes an expansion and change of use of the clubhouse (see point 5.5 below). The City's remaining advice has been incorporated into the recommended conditions and advice notes of this report.

### Department of Water and Environmental Regulation

- 2.4 The Department of Water and Environmental Regulation (DWER) has assessed the application with respect to contamination considerations.

- 2.5 The site is classified as 'remediated for restricted use' under the *Contaminated Sites Act 2003* and a memorial has been placed on the certificate of title.
- 2.6 DWER, Contaminated Sites has assessed the proposal and advises that it has no objections to the proposed development. It notes that only minor alteration (e.g. earthworks) to the east side of the existing building footprint may be required.
- 2.7 DWER, Contaminated Sites recommends that the existing Site Management Plan (AECOM, 8 November 2016) should be applied for any ground disturbing works that may be required.
- 2.8 DWER's full comments are provided in **Attachment 2b**. This advice has been incorporated into the conditions and advice notes of this approval.

#### **Department of Planning, Lands and Heritage**

- 2.9 The Department of Planning, Lands and Heritage (DPLH) has reviewed the application and advises that it has no objections to the proposed alterations of the clubhouse.
- 2.10 DPLH's full comments are provided in **Attachment 2c**.

#### **3.0 PUBLIC CONSULTATION – SUBMISSIONS ON DRAFT REPORT**

- 3.1 In accordance with the requirements of Part 5 of the SCRM Act, a copy of the draft report and proposed recommendation was provided to the applicant and relevant stakeholders being the City, DWER, and DPLH. A copy was also published on the DBCA website for a period of two (2) weeks between 27 July 2020 and 10 August 2020 with an invitation for public submissions.
- 3.2 No submissions were received.

#### **4.0 RELEVANT POLICIES AND PLANS**

- ◆ State Planning Policy 2.10 – *Swan-Canning River System*
- ◆ Corporate Policy Statement No. 42 – *Planning for Land Use, Development and Permitting Affecting the Swan Canning Development Control Area (Policy 42)*
- ◆ Corporate Policy Statement No. 49 – *Planning for Stormwater Management Affecting the Swan Canning Development Control Area (Policy 49)*

#### **5.0 ENVIRONMENTAL AND PLANNING CONSIDERATIONS**

- ◆ Environmental Protection
- ◆ Visual Amenity
- ◆ Acid Sulphate Soils
- ◆ Contamination
- ◆ Stormwater Management
- ◆ Public Access, Safety and Amenity

## 6.0 BACKGROUND

- 6.1 Rowing WA is located within the Canning River foreshore at Apex Park, Mount Pleasant. A car parking facility and the Swan River Rowing Club are also located within Apex Park, to the north of Rowing WA (**Attachment 1**). A narrow area of unallocated Crown land is located to the east of the Rowing WA clubhouse, directly abutting the Canning River.
- 6.2 Rowing WA was granted a management order in 1963 by the Minister for Lands to use Crown Reserve 26758 for the purpose of recreation (i.e. rowing and rowing-based activities).
- 6.3 The existing Rowing WA clubhouse consists of boat storage bays and toilet facilities on the ground floor, function room with kitchen and bar facilities, storerooms, toilet facilities and outdoor terrace on the first floor and offices/meeting rooms on the second floor (**Attachment 3 and Attachment 4**).
- 6.4 The current application proposes the following (**Attachment 5**):
- Removal of the southern existing staircase on the eastern side of the building;
  - Installation of a northern staircase on the eastern side of the building;
  - Replacement of existing steel framed windows on the ground and first floor of the western and northern side of the building with new powder-coated aluminium windows; and
  - Replacement of existing handrail and balustrade on the first floor concrete terrace.
- 6.5 Rowing WA currently has another Part 5 application (2019/2278) proposing an additional land use (third-party operated restaurant/bar) and to undertake refurbishment to its clubhouse, including the addition of a new main entry area, lift and stairs. The application is on hold pending discussions about the proposed additional use (i.e. restaurant/bar) of the reserve.
- 6.6 Foreshore stabilisation and enhancement works have recently been completed at Apex Park within the unallocated Crown land and River reserve, with the works undertaken by DBCA and DPLH. The foreshore works were developed in consultation with Rowing WA, and included the construction of a river retaining wall, which is intended to protect Rowing WA's building from erosion.

## 7.0 DISCUSSION

### Environmental Protection

- 7.1 Policy 42 aims to ensure that land use and development on and adjacent to the river system maintains and enhances the quality and amenity of the river environment. The proposed development should be carefully undertaken to prevent detrimental impacts to the foreshore area.
- 7.2 The foreshore area surrounding Rowing WA is open parkland with a number of trees and large shrubs. No vegetation will be removed as part of these works as the shrubs that were within the footprint of the northern staircase on the eastern side of the building were recently removed during the foreshore stabilisation and enhancement works being overseen by DBCA. The foreshore works include new screening vegetation adjacent to the clubhouse where the eastern staircase is currently located (once the stairs have been removed) (**Attachment 6**).



- 7.3 The City has requested that tree protection zones are implemented during the works to protect the adjacent street trees.
- 7.4 To ensure that all potential environmental impacts are identified and managed appropriately, a Construction Environmental Management Plan (CEMP) should be required as a condition of approval and include details of vegetation protection, ground excavation/disturbance, management of machinery and equipment (including refuelling), public access and safety, traffic management, hours of operation, noise and vibration control, air and dust management, sediment control, demolition and construction methodology, storage of materials and equipment, spill response and waste management.

### **Visual Amenity**

- 7.5 Policy 42 states that the design, materials and colour scheme of developments adjacent to the river and foreshores should complement and protect the character and landscape setting of the river.
- 7.6 The design drawings provided with the application indicate the proposed new balustrades will be made up of glass panels with a supporting handrail and posts. The existing steel framed windows will be replaced with powder coated aluminium windows. The proposed new concrete stairs have a smaller footprint and will be further setback from the river in comparison to the existing eastern concrete staircase. These modifications are expected to improve the visual amenity of the clubhouse.

### **Acid Sulphate Soils**

- 7.7 The proposed works are to be undertaken within a moderate to low acid sulphate soils (ASS) disturbance risk area within 3m of the natural surface. The proposed works will require minor ground excavation during alterations to the eastern portion of the building for the new staircase.
- 7.8 The potential for disturbance of ASS during the construction works is considered to be minor and can be addressed through conditions and advice notes of the approval.

### **Contamination**

- 7.9 The site has been classified as 'remediated for restricted use' under the *Contaminated Sites Act 2003* due to the presence of hydrocarbons (such as diesel and petrol) detected in groundwater beneath the site. The site has been affected by hydrocarbon impacted groundwater that has migrated from a service station located at 1 The Esplanade, which has operated since 1952.
- 7.10 Groundwater and soil investigations prepared on behalf of the service station site found that hydrocarbons were present in groundwater beneath the carpark location to the north of Rowing WA's building. An auditor that was appointed to review the site investigations and risk assessment concluded that there is not unacceptable risk to human health and the environment under the current land use (road reserve and recreation).
- 7.11 As recommended by DWER Contaminated Sites, the existing Site Management Plan for the area (AECOM, 8 November 2016) should be referred to for any ground disturbing works.

## **Stormwater Management**

- 7.12 Policy 49 generally requires stormwater runoff from constructed impervious services generated by minor rainfall events (i.e. first 15mm) to be managed on site, or if the local government consents, connected to the local drainage system.
- 7.13 No details regarding stormwater management for the proposed building alterations have been provided, however this is not expected to be an issue. Runoff from the existing eastern staircase did not appear to be a contributing factor to failure of the riverwall adjacent to the clubhouse. Additionally, the foreshore stabilisation and enhancement works include installation of turf and native vegetation between the proposed concrete stairs and the new river wall (**Attachment 6**). Stormwater runoff from the stairs is expected to flow overland to the landscaped area and infiltrate without causing erosion issues.

## **Public Access, Safety and Amenity**

- 7.14 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.
- 7.15 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 CEMP.

## **8.0 SWAN RIVER TRUST**

- 8.1 In accordance with section 75(3A) of the SCRM Act, the Swan River Trust considered DBCA's draft report at its meeting of 16 June 2020 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.

## **9.0 CONCLUSION**

- 9.1 The proposed alterations to the Rowing WA clubhouse are minor and are expected to improve the visual amenity of and public access around the clubhouse.
- 9.2 The southern staircase on the eastern side of the building is large in scale and currently impedes public access along the foreshore. The proposed new staircase is of a smaller footprint and has been relocated to a slightly wider section of foreshore where it will be further setback from the river. The removal and replacement of the staircase will result in an improved outcome for the site.
- 9.3 For these reasons, the proposal is recommended for approval, subject to conditions and advice.

## **10.0 RECOMMENDATION – APPROVAL WITH CONDITIONS**

That the Acting Director General of DBCA advises the Minister for Environment that Rowing WA's proposal to remove and replace the clubhouse ground floor eastern stairs, first floor balustrade, and ground and first floor windows at Apex Park, within Lot 1855 on Plan 208889 (4) The Esplanade, Mount Pleasant (Crown Reserve 26758), as described in the application received 20 February 2020, be approved, subject to the following conditions:

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

#### **Prior to the commencement of works**

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

#### **During works**

4. The approved Construction Environmental Management Plan shall be implemented.
5. The applicant must ensure that the fill products used are geotechnically suitable and otherwise fit for their purpose and that they do not cause environmental harm, pollution, unreasonable emissions or unauthorised discharges.
6. All street trees adjacent to the proposed works shall be protected through the installation of Tree Protection Zones to the satisfaction of the Department of Biodiversity, Conservation and Attractions and the specifications of the City of Melville (**Advice Note 4**).
7. The applicant shall ensure that the Site Management Plan for the area (AECOM, 8 November 2016) is available for reference, and that all the contractors and personnel involved in the development are familiar with the management provisions (**Advice Note 7**).
8. 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 (**Advice Note 8**).

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

9. 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.

#### **ADVICE TO APPLICANT**

1. Notification of commencement of work and plans can be emailed to [rivers.planning@dbca.wa.gov.au](mailto:rivers.planning@dbca.wa.gov.au).
2. The Construction Environmental Management Plan required under **Condition 3** shall describe how the proposed works will be managed to minimise potential environmental impacts and shall address, but not be limited to:
  - a. scope of works, including demolition and construction methodology;
  - b. site access and management, including fencing requirements;

- c. management of machinery and equipment, including a refuelling procedure and spill response;
- d. on-site storage and bunding of materials (sediment control), equipment, chemicals and fuel (no storage of material on the verge will be permitted);
- e. protection of the river (and nearby stormwater drains) from inputs of debris, rubbish or other deleterious material;
- f. waste and material disposal;
- g. protection of vegetation;
- h. noise and vibration controls;
- i. air and dust management;
- j. traffic management, including parking arrangements for work contractors;
- k. site security;
- l. public access and safety;
- m. dewatering management (if required);
- n. hours of operation and schedule of works; and
- o. complaints and incidents.


A site map showing the laydown area, vehicle entry/exit points and pedestrian management (e.g. road closures, alternative routes and public safety signage) shall be included. Emergency spill kits shall be onsite at all times and refuelling of land-based vehicles or machinery is to be undertaken outside the Swan Canning Development Control Area. In the case of pollution events, the Department of Biodiversity, Conservation and Attractions shall be contacted immediately on 9278 0981 (Riverpark Duty Officer) or 9480 9924 (Marine Pollution Response). Sand, soil, and any other finely grained material that is exposed or stockpiled on site shall be managed to prevent sediment mobilisation and discharge into the Canning River.

All trees within the vicinity of the proposed works will need to be protected in accordance with *Australian Standard AS 4970-2009: Protection of trees on development sites*. Tree protection zones should be identified and fenced to restrict access and to avoid damage to the trees during works. Traffic management controls should be prepared by accredited personnel for various phases of the construction, including any proposed closures. Due to the nature and extent of the current groundwater contamination (**Advice Note 7**), the abstraction of groundwater for any purpose (e.g. dewatering) is not recommended. If dewatering is required, further advice from the Department of Water and Environmental Regulation, Contaminated Sites should be sought, and further analytical water quality testing may be required.

- 3. To allow sufficient time for the Department of Biodiversity, Conservation and Attractions and the City of Melville to consider and approve the plans and details required under **Condition 3**, the documents shall be submitted to the Department of Biodiversity, Conservation and Attractions at least 42 days before the expected works commencement date.
- 4. In regard to **Condition 6**, the City of Melville has advised that tree protection zones (TPZ) in accordance with the following criteria will need to be implemented:
  - a. A free-standing mesh fence will need to be erected around each street tree with a minimum height of 1.8m and a 2m minimum radius measured from the outside of the trunk of each tree;
  - b. If a front fence, footpath, road or similar is located within the 2m radius, the TPZ will need to be amended to the minimum distance necessary to allow the works to be completed;
  - c. Fixed signs are to be provided on all sides of the TPZ fencing stating 'Tree Protection Zone – No Entry';
  - d. The following actions cannot be undertaken with the TPZs:

- i. Storage of materials, equipment fuel, oil dumps or chemicals;
    - ii. Servicing and refuelling of equipment and vehicles;
    - iii. Attachment of any device (e.g. signage, temporary service wires, nails, screws, winches or any other fixing device) to any tree;
    - iv. Open trenches or excavation (including installation of utility services);
    - v. Changes to the natural ground level of the verge;
    - vi. Location of any temporary buildings, including ablution facility; and
    - vii. Vehicle or machinery access.
  - e. The applicant will need to obtain written permission from the City of Melville in the event that pruning of street tree canopy or roots are required. Tree pruning is to be undertaken by the City of Melville's approved contractor.
5. A separate application for Development Approval may be required for any future signage having regard to the City of Melville Local Planning Policy 2.2 Outdoor Advertising and Signage and the provisions of the Canning Bridge Activity Centre Plan.
  6. The applicant is advised that the proposal has the potential to be affected by the 1 per cent annual exceedance probability flood level and potential sea level rise. The onus is on the applicant to undertake a risk assessment and exercise their judgment in determining the level of risk they are prepared to accept. It is recommended that applicants undertake their own research and obtain appropriate independent professional advice relevant to the particular circumstances.
  7. The Department of Water and Environmental Regulation (DWER), Contaminated Sites advises that the site is classified under the *Contaminated Sites Act 2003* as 'remediated for restricted use' due to the presence of hydrocarbons detected in the groundwater beneath the site. In the event that any unexpected contaminated material be intercepted, management provisions set out in the Site Management Plan (SMP) for the area (AECOM, 8 November 2016) should be applied. Copies of the SMP are available from the landowner (Department of Planning, Lands and Heritage) and the City of Melville. Alternatively, a copy can be requested from DWER via a detailed summary of records request for a fee.
  8. In regard to **Condition 8**, in case of damage or pollution events, the Department of Biodiversity, Conservation and Attractions can be contacted on 9278 0981 (Riverpark Duty Officer) or 9480 9924 (Marine Pollution Response).
  9. The applicant is advised that the proposed works are located within a moderate to low acid sulphate soil risk area. 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](http://www.dwer.wa.gov.au). If any acid sulphate soils are 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.

**FINAL REPORT ENDORSED**



Signed: \_\_\_\_\_ Date: 26.8.20

Peter Dans  
Acting Director General