



Swan and Canning Rivers Management Act 2006

PART 5

DETERMINATION OF DEVELOPMENT APPLICATION

FILE NUMBER	:	2020/0939
APPLICANT	:	Ascot Kayak Club
LANDOWNER	:	Swan River Trust
LAND DESCRIPTION	:	Swan River, Lot 302 (Reserve 48325) – adjacent to Garvey Park, Lot 501 (Reserve 36441) Fauntleroy Avenue, Ascot
DEVELOPMENT	:	Remove existing slalom course and replace with extended course
VALID FORM 1 RECEIVED	:	21 May 2020
DETERMINATION	:	APPROVAL WITH CONDITIONS

The application to commence development in accordance with the information received on 17 December 2019 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. At least 30 days prior to the commencement of works, the applicant shall submit engineer-certified final design plans/drawings, including details of the external colours, finishes, materials, lighting and signage, for the development to the satisfaction of the Department of Biodiversity, Conservation and Attractions on advice from the Department of Transport and the City of Belmont (**Advice Note 2**).
4. At least 30 days prior to the commencement of works, the applicant shall provide an engineer-certified Maintenance/Management Plan for the slalom course to the satisfaction of the Department of Biodiversity, Conservation and Attractions, on advice from the City of Belmont (**Advice Note 3**).
5. At least 30 days prior to the commencement of works, the applicant shall prepare a Construction and Environmental Management Plan to the satisfaction of the Department of Biodiversity, Conservation and Attractions, on advice from the City of Belmont (**Advice Note 4**).

During works

6. The approved Construction and Environmental Management Plan shall be implemented.
7. Public access along the Garvey Park foreshore shall be maintained, or an alternative route provided with appropriate signage, for the entirety of the works.
8. The applicant shall take appropriate measures to ensure no permanent damage to the foreshore, riverbank or waterway (including vegetation and infrastructure) occurs beyond the scope of the approved Construction and Environmental Management Plan. Should any inadvertent damage occur, the applicant shall remediate the area at its expense to the satisfaction of the Department of Biodiversity, Conservation and Attractions, on advice from the City of Belmont.

On completion of works

9. Within three (3) days of the completion of the works, the applicant shall notify the Department of Biodiversity, Conservation and Attractions in writing that works have ceased.
10. Within 30 days of the completion of works, the applicant shall submit engineer-certified as-constructed drawings/plans with GPS coordinates for each pole installed.

Ongoing

11. The applicant shall be solely responsible for the management and maintenance of all slalom course infrastructure.
12. The applicant shall remove the gates and/or any structures associated with other canoe/kayak activities from the slalom course when it is not in use.
13. The applicant shall be responsible for removing any entangled fishing equipment from the slalom course infrastructure and disposing of it appropriately (**Advice Note 5**).

ADVICE TO APPLICANT

1. Notification of the commencement of work and any plans or documents required in accordance with conditions of this approval can be emailed directly to rivers.planning@dbca.wa.gov.au.
2. Regarding **Condition 3**, the applicant is required to provide the Department of Biodiversity, Conservation and Attractions the following details –


with regard to navigational safety (noting that safety measures should be applied in a way that reduces the visual impact while maintaining public safety):
 - a. the poles should have reflective tape (or similar) for safe navigation at night; and
 - b. the eastern-most pole should include lighting with a yellow special marker in accordance with the International Association of Marine Aids to Navigation and Lighthouse Authorities.
with regard to visual amenity:
 - c. materials, colours and finishes of the poles and wires; and

- d. details regarding how the structures associated with the slalom course will incorporate design features to acknowledge the history and heritage of the place (the applicant is advised that this is a requirement of the City of Belmont based on feedback during public consultation regarding the Garvey Park Masterplan – it is recommended that the City's Planning Services Manager is contacted for further details prior to the submission of any documents).
3. Regarding **Condition 4**, the Maintenance/Management Plan shall describe how the structures associated with the slalom course will be maintained and managed to ensure public safety and ecological amenity. The plan should address, at a minimum, the following details:
 - a. general maintenance requirements to ensure the longevity of the infrastructure and safety of river users (including regular inspections, repair/replacement strategies should the infrastructure be damaged, etc.);
 - b. ongoing pruning of nearby trees and other vegetation (noting that any pruning should be undertaken by a qualified arborist to ensure the health of the trees, and a permit from the Department of Biodiversity, Conservation and Attractions may be required in accordance with the Swan and Canning Rivers Management Regulations 2007);
 - c. management of the infrastructure during flood events; and
 - d. contingency plans should the applicant be unable to maintain the slalom course, or in the event of the Club's dissolution or relocation.
4. Regarding **Condition 5**, the Construction and Environmental Management Plan shall describe how the works will be managed to minimise potential environmental impacts and shall include, unless otherwise agreed in writing:
 - a. a detailed work method statement that describes how the contractor proposes to undertake the works;
 - b. details of the piling method (noting that a vibration pile driver with a soft start-up is preferred over a drop hammer, to minimise underwater noise impacts on aquatic fauna);
 - c. marine mammal observation during piling (noting that no pile driving shall start if dolphins are within 200 metres of the site and piling activity shall cease if a dolphin comes within 50 metres of the site and shall not recommence until the dolphin has moved more than 200 metres away or has not been observed for 20 minutes);
 - d. timeframes and responsibilities for tasks identified;
 - e. contact details of essential site personnel, construction period and operating hours;
 - f. ongoing management of controls used to reduce turbidity risk and prevent sediment plumes (e.g. silt curtain installation, monitoring and removal);
 - g. management of any potential acid sulphate soils (PASS) that may be exposed during the works;
 - h. proposed contingency actions should environmental controls be inadequate;
 - i. identification of any tree/vegetation pruning required to facilitate the works;
 - j. identification and protection of infrastructure and established vegetation;
 - k. detail of machinery and associated refuelling;
 - l. waste management;
 - m. protection of the river from inputs of debris, run-off, soil, or other deleterious material;

- n. public access, safety and amenity;
 - o. traffic, access and parking management for contractors and the public;
 - p. complaints and environmental incident management plan;
 - q. containment of stockpiles of materials;
 - r. location of emergency spill kits that are to be onsite at all times;
 - s. a detailed site map showing the location of any:
 - i. signage, including the contact details of essential site personnel;
 - ii. any temporary fencing;
 - iii. the laydown area and vehicle entry/exit points;
 - iv. protected vegetation;
 - v. on-site storage and bunding of materials and equipment;
 - vi. traffic access and parking; and
 - vii. any proposed redirection of pedestrian, or vessel, traffic.
 - t. in the case of a sediment plume or hazardous pollution events, the Department of Biodiversity, Conservation and Attractions can be contacted on 9278 0981 (Duty Officer, Riverpark) or, for pollution events, 9480 9924 (Marine Pollution Response); and
 - u. any other matters considered relevant to the proposal not identified above.
5. If the removal of fishing equipment is found to be an ongoing issue, it is recommended that the applicant contact the Department of Biodiversity, Conservation and Attractions (DBCA) to request that a 'Reel it In' bin be located at Garvey Park. DBCA would encourage the Club to volunteer to 'Adopt a Bin' to ensure it is always cleared of fishing debris.
6. Should access or use of Garvey Park be required to undertake the removal and installation works, the City of Belmont advises the following will be required:
- a. The applicant is to submit a Request for Access over Reserves form to the City of Belmont for consideration and, if approved, access will be managed as per the Application Process.
 - b. Prior to commencement of works, a Construction and Environmental Management Plan shall be submitted to and approved by the Department of Biodiversity, Conservation and Attractions on advice from the City of Belmont.
 - c. Prior to commencement of works, a Pedestrian and Cyclist Redirection and Traffic Management Plan shall be submitted to and approved by the Department of Biodiversity, Conservation and Attractions on advice from the City of Belmont.
 - d. Prior to commencement of works, the applicant is to undertake a pre-commencement dilapidation survey to the satisfaction of the City of Belmont.
 - e. Public access along the Garvey Park foreshore shall be maintained, or an alternative route provided with appropriate signage, for the entirety of the works.
 - f. Upon completion of works the applicant is to reinstate any damage or disturbed areas to original condition or better.
7. The applicant is advised that any works proposed to be undertaken outside of the hours of 7:00am to 7:00pm Monday to Saturday or on a public holiday will require an approval under the Environmental Protection (Noise) Regulations 1997 to be issued by the City of

Belmont's Health services (the application form is available on the City's website). It should be noted that approvals are not automatically granted and there must be legitimate rationale.

8. The applicant is advised that the City of Belmont is planning complementary works on the shoreline adjacent to the proposed slalom course (as per the Garvey Park Foreshore Section 2 Concept Design) and will commence detailed design development in 2020/21.
9. The applicant is advised that the Water Corporation is responsible for two stormwater outlets located within 50 metres of the development footprint. If information on the capacity of the outlets is required, the Water Corporation can be contacted directly on 13 13 85.
10. The Department of Biodiversity, Conservation and Attractions recommends the applicant contacts the Department of Transport Navigational Safety Project Officer on 13 11 56 or by email at navigational.safety@transport.wa.gov.au to discuss the requirement for a Notice to Mariners in relation to the removal and installation works.



Hon Stephen Dawson MLC
MINISTER FOR ENVIRONMENT

Date: 3/9/20

DEPARTMENT OF BIODIVERSITY, CONSERVATION AND ATTRACTIONS REPORT

PROPOSAL	: Remove existing slalom course and replace with extended course
LOCATION	: Swan River, Lot 302 (Reserve 48325) – adjacent to Garvey Park, Lot 501 (Reserve 36441) Fauntleroy Avenue, Ascot
COST	: \$280,000
APPLICANT	: Ascot Kayak Club
LANDOWNER	: Swan River Trust
LOCAL GOVERNMENT	: City of Belmont
MRS CLASSIFICATION	: Waterways
LG CLASSIFICATION	: No zoning
DECISION TYPE	: Part 5, <i>Swan and Canning Rivers Management Act 2006</i>
ATTACHMENTS	: 1. Location map 2. City of Belmont advice 3. Department of Transport advice 4. Department of Water and Environmental Regulation advice 5. Department of Planning, Lands and Heritage advice 6. Current design and site conditions 7. 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 Ascot Kayak Club (the applicant) to remove an existing slalom course and replace it with an extended upgraded course.
- 1.2 The slalom course will be located within the Swan River, Lot 302 (Reserve 48325), adjacent to Garvey Park, Lot 501 (Reserve 36441) Fauntleroy Avenue, Ascot (**Attachment 1**). The Swan River is zoned as a waterway under the Metropolitan Region Scheme, which allows for development and use of this nature.
- 1.3 The proposed development is to occur within a lot that is wholly within the Swan Canning Development Control Area (DCA). As the applicant is not the leaseholder or manager of the reserve, the proposal cannot be processed under the Swan and Canning Rivers Management Regulations 2007. It therefore requires approval under 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 75 of the SCRM Act.

2.0 CONSULTATION

City of Belmont

- 2.1 The City of Belmont (the City) provided its advice to DBCA, supporting the proposal subject to conditions (**Attachment 2**). This advice has been incorporated into the conditions and advice notes of this approval.

Department of Transport

- 2.2 The Department of Transport (DoT) advised that it has no objection to the proposal, provided that the infrastructure does not protrude further north into the navigation channel and that all on-water activities are conducted in accordance with the relevant marine legislative provisions (**Attachment 3**). DoT has also provided the applicant advice in the past, recommending that the poles be wrapped in reflective tape for safe navigation at night, as well as lighting the eastern-most pole with a yellow special marker in accordance with the International Association of Marine Aids to Navigation and Lighthouse Authorities. This advice has been incorporated into the conditions and advice notes of this approval.

Department of Water and Environmental Regulation

- 2.3 The Department of Water and Environmental Regulation (DWER) advised that the obstruction caused by the proposed development is not considered to significantly impact the flooding regime of the area and would provide significant regional benefit to the community (**Attachment 4**). DWER also advised that the Water Corporation is responsible for two stormwater outlets that are located upstream and downstream of the proposed development. However, as the upstream outlet is located over 50 metres from the first eastern pole, it is unlikely that it will affect the development. The downstream outlet is approximately 65 metres, and around a bend from the slalom course. The applicant will be advised of the location of these outlets and to seek advice from the Water Corporation if required.

Department of Planning, Lands and Heritage

- 2.4 The Department of Planning, Lands and Heritage (DPLH) confirmed that the proposed development is located within Aboriginal site ID 3536 (Swan River) and a section 18 application under the *Aboriginal Heritage Act 1972* may be required (recommending prior consultation with the South West Aboriginal Land and Sea Council) (**Attachment 5**). The proponent has since received a section 18 approval.

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, DoT, DWER, and DPLH. A copy was also published on the DBCA website for a period of two (2) weeks between 21 July 2020 and 4 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. 45 – *Planning for Miscellaneous Structures and Facilities in the Swan Canning Development Control Area (Policy 45)*

5.0 ENVIRONMENTAL AND PLANNING CONSIDERATIONS

- ◆ Environmental protection
- ◆ Amenity
- ◆ Public access and safety

6.0 BACKGROUND

- 6.1 The applicant is a local club devoted to recreational and competitive paddling. One of its sports is canoe slalom, which is a course where paddlers navigate a canoe or kayak through a series of gates made up of two poles hanging from wires across a watercourse.
- 6.2 The site currently contains several steel poles spread across approximately 70 metres. These poles are reaching the end of their service life and require replacement. The current design does not include steel wires to hold the gates but rather large steel frames from which poles can be attached. The foreshore also features a series of large trees and dense vegetation but is heavily eroded in places (see **Attachment 6** for current design and site conditions).
- 6.3 The development will consist of the installation of 22 steel piles spaced apart 20 metres adjacent to the riverbank and extending approximately 10-20 metres towards the navigational channel, with stainless steel wires running between the poles to create a 200-metre long slalom course (refer to plans at **Attachment 7**). The applicant has also advised that sufficient space has been allowed between the western-most poles for a canoe polo field (generally a 35-metre by 23-metre field), with ten metres minimum width for the slalom course.
- 6.4 The development proposal is linked to Section 2 of the City's Garvey Park Masterplan (noting that the City is still in the design phase for this section) and was designed by coastal engineers MP Rogers and Associates Pty Ltd. A geotechnical investigation has been undertaken at the site of the proposed course.

7.0 DISCUSSION

Environmental protection

- 7.1 The original concept design for the course included many of the poles entrenched into the riverbank with the wires threaded through some trees. However, as the site contains large trees and vegetation that are currently under threat from erosion along the foreshore, DBCA requested that these plans be amended to have the poles repositioned away from the riverbank.
- 7.2 As a result, the design for the development proposal has the poles situated away from the riverbank (without moving further north of the current footprint and interfering with the navigation channel), which will ensure the protection of tree roots (and branches) and provide enough room to address ongoing erosion issues during the implementation of Section 2 of the Garvey Park Masterplan.

- 7.3 Considering the location of the course, ongoing maintenance pruning of the nearby overhanging branches may be required to protect the infrastructure and reduce the risk to users of the course. By locating the poles and wires as far as possible from the riverbank, ongoing pruning requirements should be reduced. However, it is recommended that any maintenance pruning should be carried out by an experienced arborist and not adversely affect the trees.
- 7.4 The area is also popular for fishers and there is a risk of fishing line entanglements increasing due to the extension of the course and inclusion of wires. It is recommended that the applicant remove any fishing line entangled on the poles or wires whenever setting up the course for use. If fishing line entanglement is found to be an ongoing issue, DBCA can be contacted to have a 'Reel it In' bin placed in the area for the disposal of fishing line. The applicant will be encouraged to volunteer to empty and audit the bin.
- 7.5 Any environmental impacts that may occur as a result of the installation of the slalom course (such as the disturbance of sediments during the embedding of the poles) can be addressed through a Construction and Environmental Management Plan (CEMP). The applicant has confirmed that no excavation will be required to accommodate the works.
- 7.6 The water depths within the proposed course are between 1 and 3 metres. No maintenance dredging is anticipated.
- 7.7 Environmental impacts that may result from the installation of the course have been mitigated by situating the poles away from the riverbank and environmental protection can be managed with appropriate ongoing maintenance.

Amenity

- 7.8 The poles on site require replacement. They are reaching the end of their service life and detract from the amenity of the river at Garvey Park in their current state (refer to images at **Attachment 6**).
- 7.9 The new steel piles are larger, higher and greater in number than the existing slalom course. However, the course has been designed consistent with competition regulations and the size of the piles reduced as much as possible based on the geotechnical conditions. It is also considered that use of the course will add interest and provide entertainment for the public. It is intended to hold competitions and events at the site, including canoe polo.
- 7.10 The steel piles will be sleeved with a black HDPE and have white caps. As requested by DoT, reflective tape will be added for safe navigation at night as well as lighting the eastern-most pole with a yellow special marker. The reflective tape may detract from the visual amenity of the area during the day and should therefore be applied in a way that reduces the visual impact, while maintaining public safety. It is recommended that the final colours and finishes are provided to DBCA for approval (with comments and recommendations from DoT).
- 7.11 Overall, based on the current infrastructure in place, the new slalom course will improve the amenity of the area and enhance the use and enjoyment of the area, particularly when coupled with the eventual implementation of the Garvey Park Masterplan.

Public access and safety

- 7.12 Garvey Park is a popular public attraction and has undergone many recent projects to improve the area in accordance with the Garvey Park Masterplan. This development proposal is linked to that Masterplan.
- 7.13 The area of the slalom course will not be accessible to the public during activities and events but will be open to the public at all other times. It is understood that the gates and any structures associated with canoe polo or other activities are only installed when in use by the club. This should be reiterated to reduce any risk to public safety or access.
- 7.14 The course is located outside of the navigational channel and so should not pose a risk to boat users. Although members of the public may wish to enter the area for fishing purposes, boat access this close to the foreshore should be discouraged as it may exacerbate foreshore erosion. However, small crafts, such as dinghies, may be able to safely move around the course when not in use (noting that fluctuating water levels may result in less than 2 metres between the river surface and wires). It should also be noted that a jetty is proposed to be installed at the western-most end of the course as part of the Garvey Park Masterplan, which will provide additional protection to users of both the course and the navigational channel.
- 7.15 The development will be mostly submerged during 10-year ARI flood events, and completely submerged during more intense events. DWER advised that the proposal is not likely to impact the flooding regime of the area. The design submitted assumes that the wires will be removed prior to a flood event, however, the wires are designed to break away from the poles to limit the loading during flood events if not removed. It is recommended that the applicant is aware of the forecast, particularly during the rainy season, to ensure that wires are removed prior to flood events.
- 7.16 The applicant is also required to include safety measures as required by DoT (see Section 2.2, above), which will be incorporated into the conditions and advice notes of this approval.

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 Policy 45 states that miscellaneous structures and facilities in the DCA should protect the ecological health, maintain and enhance long-term community use and enjoyment, and preserve the amenity of the Swan Canning river system.
- 9.2 Overall, based on the current infrastructure in place, the new slalom course will improve the amenity and enhance the use and enjoyment of the area, particularly when coupled with the eventual implementation of the Garvey Park Masterplan.
- 9.3 Any environmental impacts that may occur as a result of the removal and installation of the course can be managed through an approved CEMP, with appropriate ongoing maintenance to ensure lasting environmental protection.

- 9.4 For these reasons, the proposal is recommended for approval, subject to conditions and advice.

10.0 RECOMMENDATION

That the Director General of DBCA advises the Minister for Environment that the Ascot Kayak Club's proposal to remove the existing slalom course and replace it with an upgraded 200-metre course on the Swan River adjacent to Garvey Park, as described in the application received on 17 December 2019 (validated 21 May 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. At least 30 days prior to the commencement of works, the applicant shall submit engineer-certified final design plans/drawings, including details of the external colours, finishes, materials, lighting and signage, for the development to the satisfaction of the Department of Biodiversity, Conservation and Attractions on advice from the Department of Transport and the City of Belmont (**Advice Note 2**).
4. At least 30 days prior to the commencement of works, the applicant shall provide an engineer-certified Maintenance/Management Plan for the slalom course to the satisfaction of the Department of Biodiversity, Conservation and Attractions, on advice from the City of Belmont (**Advice Note 3**).
5. At least 30 days prior to the commencement of works, the applicant shall prepare a Construction and Environmental Management Plan to the satisfaction of the Department of Biodiversity, Conservation and Attractions, on advice from the City of Belmont (**Advice Note 4**).

During works

6. The approved Construction and Environmental Management Plan shall be implemented.
7. Public access along the Garvey Park foreshore shall be maintained, or an alternative route provided with appropriate signage, for the entirety of the works.
8. The applicant shall take appropriate measures to ensure no permanent damage to the foreshore, riverbank or waterway (including vegetation and infrastructure) occurs beyond the scope of the approved Construction and Environmental Management Plan. Should any inadvertent damage occur, the applicant shall remediate the area at its expense to the satisfaction of the Department of Biodiversity, Conservation and Attractions, on advice from the City of Belmont.

On completion of works

9. Within three (3) days of the completion of the works, the applicant shall notify the Department of Biodiversity, Conservation and Attractions in writing that works have ceased.
10. Within 30 days of the completion of works, the applicant shall submit engineer-certified as-constructed drawings/plans with GPS coordinates for each pole installed.

Ongoing

11. The applicant shall be solely responsible for the management and maintenance of all slalom course infrastructure.
12. The applicant shall remove the gates and/or any structures associated with other canoe/kayak activities from the slalom course when it is not in use.
13. The applicant shall be responsible for removing any entangled fishing equipment from the slalom course infrastructure and disposing of it appropriately (**Advice Note 5**).

ADVICE TO APPLICANT


1. Notification of the commencement of work and any plans or documents required in accordance with conditions of this approval can be emailed directly to rivers.planning@dbca.wa.gov.au.
2. Regarding **Condition 3**, the applicant is required to provide the Department of Biodiversity, Conservation and Attractions the following details –

with regard to navigational safety (noting that safety measures should be applied in a way that reduces the visual impact while maintaining public safety):
 - a. the poles should have reflective tape (or similar) for safe navigation at night; and
 - b. the eastern-most pole should include lighting with a yellow special marker in accordance with the International Association of Marine Aids to Navigation and Lighthouse Authorities.
with regard to visual amenity:
 - c. materials, colours and finishes of the poles and wires; and
 - d. details regarding how the structures associated with the slalom course will incorporate design features to acknowledge the history and heritage of the place (the applicant is advised that this is a requirement of the City of Belmont based on feedback during public consultation regarding the Garvey Park Masterplan – it is recommended that the City's Planning Services Manager is contacted for further details prior to the submission of any documents).
3. Regarding **Condition 4**, the Maintenance/Management Plan shall describe how the structures associated with the slalom course will be maintained and managed to ensure public safety and ecological amenity. The plan should address, at a minimum, the following details:
 - a. general maintenance requirements to ensure the longevity of the infrastructure and safety of river users (including regular inspections, repair/replacement strategies should the infrastructure be damaged, etc.);
 - b. ongoing pruning of nearby trees and other vegetation (noting that any pruning should be undertaken by a qualified arborist to ensure the health of the trees, and a permit from the Department of Biodiversity, Conservation and Attractions may be required in accordance with the Swan and Canning Rivers Management Regulations 2007);
 - c. management of the infrastructure during flood events; and

- d. contingency plans should the applicant be unable to maintain the slalom course, or in the event of the Club's dissolution or relocation.
4. Regarding **Condition 5**, the Construction and Environmental Management Plan shall describe how the works will be managed to minimise potential environmental impacts and shall include, unless otherwise agreed in writing:
- a. a detailed work method statement that describes how the contractor proposes to undertake the works;
 - b. details of the piling method (noting that a vibration pile driver with a soft start-up is preferred over a drop hammer, to minimise underwater noise impacts on aquatic fauna);
 - c. marine mammal observation during piling (noting that no pile driving shall start if dolphins are within 200 metres of the site and piling activity shall cease if a dolphin comes within 50 metres of the site and shall not recommence until the dolphin has moved more than 200 metres away or has not been observed for 20 minutes);
 - d. timeframes and responsibilities for tasks identified;
 - e. contact details of essential site personnel, construction period and operating hours;
 - f. ongoing management of controls used to reduce turbidity risk and prevent sediment plumes (e.g. silt curtain installation, monitoring and removal);
 - g. management of any potential acid sulphate soils (PASS) that may be exposed during the works;
 - h. proposed contingency actions should environmental controls be inadequate;
 - i. identification of any tree/vegetation pruning required to facilitate the works;
 - j. identification and protection of infrastructure and established vegetation;
 - k. detail of machinery and associated refuelling;
 - l. waste management;
 - m. protection of the river from inputs of debris, run-off, soil, or other deleterious material;
 - n. public access, safety and amenity;
 - o. traffic, access and parking management for contractors and the public;
 - p. complaints and environmental incident management plan;
 - q. containment of stockpiles of materials;
 - r. location of emergency spill kits that are to be onsite at all times;
 - s. a detailed site map showing the location of any:
 - i. signage, including the contact details of essential site personnel;
 - ii. any temporary fencing;
 - iii. the laydown area and vehicle entry/exit points;
 - iv. protected vegetation;
 - v. on-site storage and bunding of materials and equipment;
 - vi. traffic access and parking; and
 - vii. any proposed redirection of pedestrian, or vessel, traffic.
 - t. in the case of a sediment plume or hazardous pollution events, the Department of Biodiversity, Conservation and Attractions can be contacted on 9278 0981 (Duty Officer, Riverpark) or, for pollution events, 9480 9924 (Marine Pollution Response); and
 - u. any other matters considered relevant to the proposal not identified above.
5. If the removal of fishing equipment is found to be an ongoing issue, it is recommended that the applicant contact the Department of Biodiversity, Conservation and Attractions (DBCA) to request that a 'Reel it In' bin be located at Garvey Park. DBCA would

- encourage the Club to volunteer to 'Adopt a Bin' to ensure it is always cleared of fishing debris.
6. Should access or use of Garvey Park be required to undertake the removal and installation works, the City of Belmont advises the following will be required:
 - a. The applicant is to submit a Request for Access over Reserves form to the City of Belmont for consideration and, if approved, access will be managed as per the Application Process.
 - b. Prior to commencement of works, a Construction and Environmental Management Plan shall be submitted to and approved by the Department of Biodiversity, Conservation and Attractions on advice from the City of Belmont.
 - c. Prior to commencement of works, a Pedestrian and Cyclist Redirection and Traffic Management Plan shall be submitted to and approved by the Department of Biodiversity, Conservation and Attractions on advice from the City of Belmont.
 - d. Prior to commencement of works, the applicant is to undertake a pre-commencement dilapidation survey to the satisfaction of the City of Belmont.
 - e. Public access along the Garvey Park foreshore shall be maintained, or an alternative route provided with appropriate signage, for the entirety of the works.
 - f. Upon completion of works the applicant is to reinstate any damage or disturbed areas to original condition or better.
 7. The applicant is advised that any works proposed to be undertaken outside of the hours of 7:00am to 7:00pm Monday to Saturday or on a public holiday will require an approval under the Environmental Protection (Noise) Regulations 1997 to be issued by the City of Belmont's Health services (the application form is available on the City's website). It should be noted that approvals are not automatically granted and there must be legitimate rationale.
 8. The applicant is advised that the City of Belmont is planning complementary works on the shoreline adjacent to the proposed slalom course (as per the Garvey Park Foreshore Section 2 Concept Design) and will commence detailed design development in 2020/21.
 9. The applicant is advised that the Water Corporation is responsible for two stormwater outlets located within 50 metres of the development footprint. If information on the capacity of the outlets is required, the Water Corporation can be contacted directly on 13 13 85.
 10. The Department of Biodiversity, Conservation and Attractions recommends the applicant contacts the Department of Transport Navigational Safety Project Officer on 13 11 56 or by email at navigational.safety@transport.wa.gov.au to discuss the requirement for a Notice to Mariners in relation to the removal and installation works.

FINAL REPORT ENDORSED



Signed: _____ Date: 24.8.20

Mark Webb *Petar Dancs*
Director General

Liz Harrison

From: Nicole Davey <Nicole.Davey@belmont.wa.gov.au>
Sent: Tuesday, 19 May 2020 3:59 PM
To: Rivers Planning
Cc: Liz Harrison
Subject: City of Belmont comments- Part 5 – Lot 302 Reserve 48325 Fautleroy Avenue Belmont – Remove Existing Canoe Slalom Course and Replace and Extend to 200 Linear Meters – Ascot Kayak Club
Attachments: PartZ5Z-ZAscotZKayak.pdf

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

Hi

Thank you for the opportunity to provide input, overall the City is supportive of the application and comments are as follows:

Recommended conditions

1. All slalom course infrastructure shall be located within the river reserve unless otherwise approved by the DCBA and City of Belmont, and the Applicant shall be solely responsible for its management and maintenance.
2. The structures associated with the slalom course shall incorporate design features to acknowledge the history and heritage of the place to the satisfaction of the City of Belmont pursuant to advice from the City's Design Review Panel.
3. Prior to commencement of works, a final engineer certified design and maintenance/management plan for the slalom course shall be submitted to and approved by DBCA, on advice from City of Belmont.
4. Prior to commencement of works, proposed methodology for removal of existing poles and construction of the new course shall be submitted to and approved by DBCA, on advice from City of Belmont.

During works

5. Any works proposed to be undertaken outside of the hours of 7:00am to 7:00pm Monday to Saturday or on a public holiday would require an approval under the *Environmental Protection (Noise) Regulations 1997* to be issued by the City's Health services (Application form is available on the City's website). Approvals are not automatically granted and there must be legitimate rationale.

Should access or use of Garvey Park for works be proposed:

6. The Applicant is to submit a *Request for Access over Reserves form* to the City of Belmont for consideration and if approved, access will be managed as per the [Application Process](#).
7. Prior to commencement of works, a Construction and Environmental Management Plan shall be submitted to, and approved by DBCA on advice from City of Belmont
8. Prior to commencement of works, a Pedestrian and Cyclist Redirection and Traffic Management Plan shall be submitted to DBCA for approval, on advice from City of Belmont
9. Prior to commencement of works, the Applicant is to undertake a pre-commencement dilapidation survey to the satisfaction of the City of Belmont
10. Public access along the Garvey Park foreshore shall be maintained, or an alternative route provided with appropriate signage, for the entirety of the works
11. Upon completion of works the Applicant is to reinstate any damage or disturbed areas to original condition or better

Advice Notes

1. It is recommended that the Applicant develops contingency plans should they be unable to maintain the slalom course, or in the event of the Club's dissolution or relocation.
2. Please note that the City of Belmont is planning complementary works on the shoreline adjacent to the proposed slalom course (as per the Garvey Park Foreshore Section 2 Concept Design), and will commence detailed design development in 2020/21.
3. With regards to recommended Condition 2, feedback was received from the City of Belmont's Design Review Panel on the slalom course at their meeting on the 16 April 2020. For further information and advice please contact Wilmot Loh, Manager Planning Services.

Regards

**NICOLE DAVEY
COORDINATOR- ENVIRONMENT**



City of Belmont, 215 Wright Street, Cloverdale, WA 6105

Postal address: Locked Bag 379, Cloverdale WA 6985

Phone – (08) 9477 7295 **Fax** – (08) 9478 1473 **Mobile** – 0408 945 202

Email – nicole.davey@belmont.wa.gov.au

Web – www.belmont.wa.gov.au

 *Think before you print*

DISCLAIMER:

This e-mail is private and confidential. If you are not the intended recipient, please advise us by return e-mail immediately, and delete the e-mail and any attachments without using or disclosing the contents in any way. You should scan this e-mail and any attachments for viruses. This organisation accepts no liability for any direct or indirect damage or loss resulting from the use of any attachments to this e-mail.

ATTACHMENT 3 - DEPARTMENT OF TRANSPORT ADVICE

From: [Navigational Safety](#)
To: [Rivers Planning](#)
Cc: [Navigational Safety](#)
Subject: FW: Referral for Comment - Part 5 - 2020/000939 – LOT 302 RESERVE 48325 FAUNTLEROY AVENUE BELMONT – REMOVE EXISTING CANOE SLALOM COURSE AND REPLACE AND EXTEND TO 200 LINEAR METERS – ASCOT KAYAK CLUB
Date: Wednesday, 25 March 2020 10:11:47 AM
Attachments: [image001.png](#)
[Part25Z-AscotZKayak \(1\).pdf](#)

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

Attention: Administration Officer, Statutory Assessments

FW: Referral for Comment - Part 5 - 2020/000939 – LOT 302 RESERVE 48325 FAUNTLEROY AVENUE BELMONT – REMOVE EXISTING CANOE SLALOM COURSE AND REPLACE AND EXTEND TO 200 LINEAR METERS – ASCOT KAYAK CLUB

Thank you for your email below dated 24 March 2020 requesting comment from the Department of Transport (DoT) in relation to the above mentioned proposal. DoT Navigational Safety has considered this proposal as outlined in the attached permit application from a navigational perspective and has no objection provided that:

- All on water operations and activities must be conducted in accordance with the relevant marine legislative provisions
- Any new infrastructure must not extend northward into the river past the existing slalom footprint

Please don't hesitate to contact me on the number below if you have any questions

Kind Regards

Sam Carrello
A/ Team Leader Navigational Safety | Maritime | Department of Transport
1 Essex Street, Fremantle WA 6160
Tel: (08) 94357908 | Fax: 92168908
Email: Sam.Carrello@transport.wa.gov.au | Web: www.transport.wa.gov.au

Rivers Planning

From: Flood <flood@dwer.wa.gov.au>
Sent: Thursday, 26 March 2020 3:17 PM
To: Rivers Planning
Cc: Simon Rodgers
Subject: Floodplain Management Advice - Lot 302 Fauntleroy Ave, Ascot Kayak Club, BELMONT
Attachments: FPM Lot 302 Fauntleroy Ave BELMONT enq.jpg
Follow Up Flag: Follow up
Flag Status: Flagged
Categories: Follow Up

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

Good afternoon,

I refer to your enquiry regarding development at the Ascot Kayak Club Lot 302 Fauntleroy Ave in Belmont.

The Department of Water and Environmental Regulation, in carrying out its role in floodplain management, provides advice and recommends guidelines for development on floodplains with the object of minimising flood risk and damage.

The Swan River Flood Study shows that the general area is affected by major flooding with the 1 in 100 (1%) AEP flood levels expected to be:

- 1 in 10 (10%) AEP flood level – 2.0 m AHD
- 1 in 20 (5%) AEP flood level – 2.4 m AHD
- 1 in 50 (2%) AEP flood level – 3.0 m AHD
- 1 in 100 (1%) AEP flood level – 3.6 m AHD (refer to attached plan)
- 1 in 500 (0.2%) AEP flood level – 5.0 m AHD.

(note AEP = Annual Exceedance Probability)

More importantly, the site of the proposed development is located within the floodway (refer to attached plan). When development is proposed within the floodway our department assesses each proposal based on its merits and the factors examined include depth of flooding, velocity of flow, its obstructive effects on flow, possible structural and potential flood damage, difficulty in evacuation during major floods and its regional benefit. For this particular proposal, the following comments are provided:

- the obstruction caused by the proposed development is not considered to significantly impact the general flooding regime of the area;
- the proposal has significant regional benefit to the community;
- the Water Corporation is responsible for the stormwater drain that flows into the Swan River and they should be contacted directly for information on its expected capacity.

Consequently, the proposal is acceptable with regard to major flooding.

Please note that a failure to adhere to these recommendations will result in a greater exposure to risks of flood damage. It should be noted that this advice is related to major flooding only and other planning issues, such as environmental and ecological considerations, may also need to be addressed.

Regards,
Lidia

ATTACHMENT 4 - DEPARTMENT OF WATER AND ENVIRONMENTAL REGULATION ADVICE

Lidia Boniecka

Engineer

Surface Water Hydrology

Department of Water and Environmental Regulation

Prime House, 8 Davidson Terrace, JOONDALUP WA 6027

Locked Bag 10, Joondalup DC, WA 6919

T: (08) 6364 6650

E: lidia.boniecka@water.wa.gov.au | www.dwer.wa.gov.au

Twitter: [@DWER WA](https://twitter.com/DWER_WA)

Want to know more about flood risk in WA?

Visit <http://www.water.wa.gov.au/maps-and-data/maps/flood-maps>

From: Rivers Planning [mailto:rivers.planning@dbca.wa.gov.au]

Sent: Tuesday, 24 March 2020 1:45 PM

To: Flood <flood@dwer.wa.gov.au>

Subject: Referral for Comment - Part 5 - 2020/000939 – LOT 302 RESERVE 48325 FAUNTLEROY AVENUE BELMONT – REMOVE EXISTING CANOE SLALOM COURSE AND REPLACE AND EXTEND TO 200 LINEAR METERS – ASCOT KAYAK CLUB - LB

Good afternoon,

PART 5 – LOT 302 RESERVE 48325 FAUNTLEROY AVENUE BELMONT – REMOVE EXISTING CANOE SLALOM COURSE AND REPLACE AND EXTEND TO 200 LINEAR METERS – ASCOT KAYAK CLUB

The Department of Biodiversity, Conservation and Attractions (DBCA) has received an application for the above mentioned development. The application can also be downloaded from our website here

<https://www.dpaw.wa.gov.au/management/swan-canning-riverpark/planning-development-and-permits/applications/item/3717-part-5-lot-302-fauntleroy-avenue-belmont>. Your department is invited to provide comments and recommendations considered relevant to this proposal.

Prior to the report being prepared, the application has been referred to relevant agencies for comments and advice. Accordingly, please provide a response to this office within **42 days** of receipt of this email. Should you not be able to respond within this time, please notify the department as soon as possible, outlining the reasons for the delay and a date when a response may be available.

In preparing your response, please be aware that it may be made available for viewing by the public, unless otherwise requested.

Please forward your response via email to rivers.planning@dbca.wa.gov.au. Should there be any queries regarding this matter, please contact Liz Harrison on 9278 0920. In all correspondence please quote the reference number 2020/000939.

Yours sincerely

Statutory Assessments

Rivers and Estuaries Branch

Department of Biodiversity, Conservation and Attractions

17 Dick Perry Avenue, Technology Park, Western Precinct, Kensington 6151

Locked Bag 104, Bentley Delivery Centre WA 6983



ATTACHMENT 5 - DEPARTMENT OF PLANNING, LANDS AND HERITAGE ADVICE
Department of **Planning,**
Lands and Heritage

Your ref: 2020/000939
Our ref: PLH00011-2020
Enquiries: Bojana de Garis Ph (08) 6551 7921

Ms Liz Harrison
Department of Biodiversity, Conservation and Attractions

Via email: rivers.planning@dbca.wa.gov.au

Dear Ms Harrison

**PART 5 – LOT 302 RESERVE 48325 FOUNTLEROY AVENUE BELMONT –
REMOVE EXISTING CANOE SALOM COURSE AND REPLACE AND EXTEND
TO 200 LINEAR METERS – ASCOT KAYAK CLUB**

Thank you for your email dated 24 March 2020 seeking comment from the Department of Planning, Lands and Heritage (DPLH) regarding proposed removal of existing canoe salmon course and replacement and extension to 200 linear metres at Ascot Kayak Club.

A review of the Register of Places and Objects, DPLH Aboriginal Heritage Database and plans provided by yourself, confirms that the proposed works are situated within Aboriginal site ID 3536 (Swan River). As the proposed works are within an Aboriginal site, the proponent may need to submit a Section 18 application under the *Aboriginal Heritage Act 1972* (AHA) if any disturbance is planned to the bed and banks of the river. DPLH recommends that before a Section 18 application is submitted that they consult with the South West Aboriginal Land and Sea Council in regards to potential impacts.

DPLH recommends that proponents refer to the State's Aboriginal Heritage Due Diligence Guidelines (Guidelines). The Guidelines can be found on the DPLH website at the following link:

<http://www.dplh.wa.gov.au/heritage/land-use/>

The Guidelines allow proponents to undertake their own risk assessment regarding any proposal's potential impact on Aboriginal heritage.

ATTACHMENT 5 - DEPARTMENT OF PLANNING, LANDS AND HERITAGE ADVICE

Should you have any queries in relation to the above, please contact me, on (08) 6551 7921, or email bojana.degaris@dplh.wa.gov.au.

Yours sincerely

A handwritten signature in blue ink, appearing to be 'Bojana De Garis', written over a faint horizontal line.

Bojana De Garis
TEAM LEADER

8 April 2020

ATTACHMENT 6 - EXISTING SITE CONDITIONS

Extract from MP Rogers & Associates Pty Ltd Slalom Course Concept Design
(August 2016) showing site conditions as of 19 May 2016.



Figure 2.1 Existing Slalom Course Infrastructure



Figure 2.2 Typical Riverbank Condition

ATTACHMENT 7 - PLANS



PROJECT		CANOE SLALOM COURSE	
TITLE		LAYOUT PLAN	
SCALE	AT A3	DRAWING NUMBER	REV
1:1,000		D1728-01-01	A
<p>Copyright The concepts and information contained in this document are the Copyright of m p rogers & associates. No use or copying of this document is permitted without the written permission of m p rogers & associates. Any use or copying of this document without the written permission of m p rogers & associates constitutes an infringement of copyright.</p>			
CLIENT		ASCOT KAYAK CLUB	
DESIGNED	P DOUST	CHECKED	C DOAK
DRAWN	R BORJA	CHECKED	P DOUST
APPROVED			
DATE	10.12.19	PHD	PRELIMINARY DESIGN FOR APPROVALS
REV			DESCRIPTION

m p rogers & associates pl
coastal and port engineers
Site 1, 128 Main Street
Osborne Park 6017
Western Australia
t: +61 8 92546600
f: +61 8 92546699
admin@coastalports.com.au

AT CORRECT SCALE THIS IS 100 mm

AT CORRECT SCALE THIS IS 100 mm

