



Swan and Canning Rivers Management Act 2006

SECTION 84

DETERMINATION OF REQUEST FOR VARIATION

APPROVAL NUMBER	:	2016/4842
SECTION 84 FILE NUMBER	:	2017/6038
APPLICANT	:	Fremantle Rowing Club
APPLICANT'S ADDRESS	:	Fremantle Rowing Club – 75 Riverside Road, East Fremantle
LANDOWNER	:	Fremantle Rowing Club
LAND DESCRIPTION	:	Parks and Recreation
DEVELOPMENT	:	Alteration to existing building with addition of kiosk and paved pergola
DESCRIPTION OF CHANGES	:	Reduced pergola roof area, installation of one sliding door (rather than three), and removal of kiosk sill to accommodate display cabinet
SECTION 84 DETERMINATION	:	APPROVAL WITH CONDITIONS

DETERMINATION

In accordance with Section 84(1)(a) of the *Swan and Canning Rivers Management Act 2006*, I hereby:

1. Authorise the minor variations to Development Approval 2016/4842 to allow for the reduction of the pergola roof area, installation of one sliding door, and lowering of the kiosk sill to floor level.
2. Grant this Section 84 approval subject to compliance with all the following conditions and advice notes. All conditions and advice notes shall apply and remain in force for the duration of the approval period.

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. At least 30 days prior to the commencement of works, a Stormwater Management Plan shall be prepared to the satisfaction of the Department of Biodiversity, Conservation and Attractions on advice from the Town of East Fremantle.

4. At least 30 days prior to the commencement of works, all vegetation in and adjacent to the proposed works shall be identified and protected from harm, unless pruning or removal has been approved by the Department of Biodiversity, Conservation and Attractions in writing.
5. At least 30 days prior to the commencement of works, a Sewer Connection Strategy shall be prepared to the satisfaction of the Department of Biodiversity, Conservation and Attractions on advice from the Town of East Fremantle (see **Advice Note 2**).

During works

6. The approved Stormwater Management Plan shall be implemented.
7. 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 contrary to the *Environmental Protection Act 1986* or other legislation.
8. All introduced fill or excavation of 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.
9. Any area in which materials, including fill, fuel, cements or chemicals, are used or stored shall be suitably bunded (or similar) to prevent any sediment laden runoff or chemicals from entering the river (see **Advice Note 3**).
10. The proposed construction works shall not prevent public access along the foreshore unless closure is necessary for safety purposes and has been approved by the Department of Biodiversity, Conservation and Attractions, and an alternative route has been provided.
11. The applicant shall take appropriate preventative measures during the works to ensure that no top soil, runoff or any other deleterious matter is allowed to enter the river.
12. The applicant shall ensure that no damage to the foreshore, riverbank, or waterway (including infrastructure) occurs beyond the scope of the approved works. Should any inadvertent damage occur, the applicant is required to notify the Department of Biodiversity, Conservation and Attractions within 48 hours.

On completion of works

13. 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.
14. The approved Sewer Connection Strategy shall be implemented.
15. Upon completion of the works, a septic system site inspection is to be carried out by a licensed septic inspector and any maintenance recommendations of the inspector shall be implemented.

ADVICE TO APPLICANT

1. Notification of commencement of work and plans can be emailed to rivers.planning@dbca.wa.gov.au.
2. The Sewer Connection Strategy required under **Condition 5** shall describe the applicant's long-term strategy to transition from a septic system to the reticulated sewer system. The strategy should, as a minimum, include:
 - Statement declaring a commitment to connect to reticulated sewer;
 - Advice from the Town of East Fremantle regarding decommissioning septic tank, if necessary, and any further associated requirements;
 - Advice from the Water Corporation regarding necessary steps required for the transition;
 - Approximate cost of connection; and
 - A practical timeframe, based on financial capacity and advice provided by the Town of East Fremantle and the Water Corporation.
3. In regard to **Condition 9**, any refuelling of machinery and equipment shall be undertaken within a designated bunded area with an impermeable base and a spill kit should be available on site at all times.
4. This approval does not include any signage. A separate permit application and approval for signage will be required from the Department of Biodiversity, Conservation and Attractions in accordance with the Swan and Canning Rivers Management Regulations 2007.
5. The applicant is advised that the proposed works is located in a moderate to low Acid Sulphate Soils 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 Environment Regulation website at www.dwer.wa.gov.au. If any Acid Sulphate Soils are exposed during the works, the Department of Water and Environment Regulation should be contacted for further advice.
6. The applicant is advised that the proposal has the potential to be affected by sea level rise. It is recommended applicant understand the implications of potential sea level rise on the site. The onus rests with the applicant to undertake a risk assessment and exercise their judgment in determining the level of risk they are prepared to accept. The Swan River Trust's Climate Change Risk Assessment Project (2010) models impacts of potential sea level rise in the Swan and Canning rivers, and sets out a methodology to assess the vulnerability of foreshore areas. It is recommended that applicant undertakes their own research and obtain appropriate independent professional advice relevant to the particular circumstances.
7. 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).
8. The building is to be kept clean and free of graffiti and vandalism at all times and any such graffiti or vandalism is to be remedied within 24 hours to the satisfaction of the Town of East Fremantle.

9. The Town of East Fremantle advises that this decision does not include acknowledgement or approval of any unauthorised development which may be on the site. The application for a Building Permit is to conform to the approved plans unless otherwise approved by Council. 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.
- If development requires any street verge facilities (for example street trees, footpath, crossover, light pole, drainage point or similar) to be removed, modified or relocated then such works must be approved by the Town of East Fremantle 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.
10. The Town of East Fremantle has advised the following regarding the kiosk operation:
- Prior to the commencement of operations, the kiosk is to be inspected by the Council's Principal Environmental Health Officer;
 - Copies of the Food Business Certificate must be provided to Council, and receipts available on request by Council's Principal Environmental Health Officer;
 - Commercial coffee machine must be connected to the drainage system for overflow of water; and
 - Premises are to be provided with a wash hand basin in the vicinity of the coffee machine. the wash hand basin is to be provided with hands-free taps delivering warm water through a common outlet. A paper towel dispenser is to be provided in conjunction with the wash hand basin.



Hon Stephen Dawson MLC

MINISTER FOR ENVIRONMENT

Date: 6/3/18