



Swan and Canning Rivers Management Act 2006

SECTION 84

DETERMINATION OF REQUEST FOR VARIATION

APPROVAL NUMBER : 499-02
SECTION 84 FILE NUMBER : 2016/3973
APPLICANT : Jetty Northbank Pty Ltd
APPLICANT'S ADDRESS : Attn: Greg Dale, Managing Director
32/2 Doepel Street
NORTH FREMANTLE WA 6159
LANDOWNER : Swan River Trust
LAND DESCRIPTION : Swan River adjacent to Lot 29 Doepel Street, North
Fremantle
DEVELOPMENT : Private Jetty
DESCRIPTION OF CHANGES : Variation to Condition 13
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 variation to Condition 13 Development Approval SRT6499-02 to allow for the installation of a locked gate on the jetty structure.
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. The lease of Pens is limited to current and future owners of residences of the Northbank area, as defined by Queen Victoria Street, Tydeman Road, Stirling Highway and the Swan River. Pens may not be subleased or licensed to any person other than a natural person who is/are an owner of a residence in the Northbank area. To be eligible for a lease on a pen all applicants must demonstrate that they will have corresponding access to private parking facilities. Pens are limited to private recreational purposes only.
2. The approval of the jetty includes the construction of the seawall inclusive of foreshore upgrades and limestone steps adjacent to the jetty landing to the satisfaction of the City of Fremantle which must be completed prior to occupancy and use. The jetty shall be connected and constructed to the foreshore in a manner in which a possible future boardwalk could be adequately accommodated. The seawall shall be constructed to the satisfaction of the Department of Parks and Wildlife on advice from the City of Fremantle.
3. Prior to dredging, the applicant shall extract and analyse sediment sample to determine whether there is contamination, provide the results to the Department of Parks and

Wildlife, and then determine a suitable method of disposal to the satisfaction of the Department of Parks and Wildlife, on advice from the Department Environmental Regulation.

4. Prior to the commencement of works, a Dredging Management Plan shall be submitted and approved by the Department of Parks and Wildlife and the Department of Transport.
5. All dredging to be confined to the area identified on the submitted plan.
6. The area of temporary spoil storage shall be agreed to and approved by the Department of Parks and Wildlife on advice from the City of Fremantle prior to the commencement of works. The agreed spoil storage area shall be cordoned off to the public for the duration of the works to the satisfaction of the City of Fremantle.
7. Runoff from the spoil storage dewatering area shall not enter the river and shall meet the guidelines for returning water to the satisfaction of the Department of Parks and Wildlife.
8. Dredging operation shall cease or the contractor continue to work only on an outgoing tide in the event that an excessive plume of sediment develops.
9. Adequate measures shall be taken to minimise turbidity in the river during excavation works (see Advice Note 3)
10. No materials, equipment and associated items shall be stored, placed or kept on any part of the foreshore reserve if associated with boat pens and their owners/visitors. No boat maintenance, mechanical repairs, refuelling and/or painting shall be carried out on the jetty/pens. Furthermore, no matters, which are detrimental to the amenity of adjacent landowners, shall be carried out other than the usual and standard operational requirements of marine vessels. The applicants shall be responsible for rectifying any pollution resulting in the operation of the jetty and associated marine vessels, to the satisfaction of the Department of Parks and Wildlife on advice from the City of Fremantle.
11. A construction management plan shall be submitted and approved by the Department of Parks and Wildlife on advice from the City of Fremantle, prior to the issue of a building licence addressing the following:
 - a) staging and delivery of materials
 - b) dust mitigation
 - c) construction/development times
 - d) complaint resolution
 - e) product storage and transportation of dredge materials and their deposit
 - f) site rehabilitation during construction phase of the development
 - g) parking for workers/tradespeople
 - h) protection/retention of foreshore vegetation
 - i) remediation of site/location used for storage of dredging materials
12. Prior to completion of the lease proposed the applicant shall re-apply for an extension to the lease to the relevant authorities, or otherwise be responsible for the total removal and making good of the foreshore and river affected to the satisfaction of the Department of Parks and Wildlife on advice from the City of Fremantle.
13. A lock gate is permitted on the jetty. The locked gate should be to the appropriate Australian Standard and should not prevent public access to the two public pens.
14. The jetty should be set out by a Licensed Surveyor to ensure it is contained within the leased area as agreed with the SRT. Once constructed, the jetty shall be surveyed by a Licensed Surveyor, to ensure the entire jetty is wholly contained to within the lease area.

15. Details of any dredging required for the additional boat pens at the shoreward end of the jetty and/or for the construction of the seawall are to be provided to the Department of Transport prior to any works commencing.
16. Jetty construction drawings certified by a practicing consulting maritime engineer must be provided for approval of the Department of Parks and Wildlife and the Department of Transport, prior to commencement of construction.
17. Prior to commencement of construction of the jetty and subject to the Department of Parks and Wildlife approval, the applicant shall complete the execution of the variation and assignment of lease/licence documentation. A4 drawings (4 copies) of the jetty site and riverbed lease area, including dimensions, shall be included in variation/assignment of lease/licence documentation.
18. Public access (without restriction) must be provided at all times to the proposed public platform and small craft pens at the shoreward end of the jetty.
19. All waste materials from the development to be completely removed from the site upon completion of the development. Final clean-up shall be to the satisfaction of the Department of Parks and Wildlife on advice from the City of Fremantle.
20. Works associated with the construction of the development shall not prevent public access along the adjacent foreshore reserve. Public access shall be maintained along the foreshore reserve at all times.
21. The design of the development shall accommodate disabled access.
22. Prior to commencement of works, plans certified by a qualified and practicing structural engineer, shall be submitted and approved by the Department of Transport and the Department of Parks and Wildlife, showing the design, structural and construction details of the jetty. The applicant shall provide further certification that the construction works have been completed in accordance with specifications after the work has ceased.
23. The applicant shall obtain suitable public liability insurance for the jetty and shall indemnify the Department of Parks and Wildlife, City of Fremantle & Department of Transport against any possible claims arising from any activity associated with the jetty.
24. The structure shall be clearly marked as being for navigational purposes in accordance with the requirements of the Department of Transport.
25. The proponent shall notify the Department of Parks and Wildlife in writing fourteen days (14) prior to the commencement of works.

ADVICE TO APPLICANT

1. The applicant is advised to contact the Aboriginal Affairs Department to ensure that the proposed works do not breach any section of Part IV (Protection of Aboriginal Sites) of the *Aboriginal Heritage Act 1972*.
2. The applicant is advised that approval to this development does not negate the need to obtain a building licence from the local government and jetty licence from the Department of Transport for the development, prior to the commencement of works.
3. The applicant is advised that use of a silt curtain within the locality may not be feasible and one option is to excavate during an outgoing tide to minimise sediment transport upstream.

4. The applicant is advised that consent for dredging is subject to compliance with the commitments made with regard to management of the dredging and spoil disposal operations identified in the Dredging Management Plan.

Approval to implement this decision is to be valid for two years from the date of the approval. If development has not been completed or substantially commenced within this period, a new approval will be required before commencing or completing the development.



Hon Stephen Dawson MLC
MINISTER FOR ENVIRONMENT; DISABILITY SERVICES

Date: 17/6/17