



Swan and Canning Rivers Management Act 2006

PART 5

DETERMINATION OF DEVELOPMENT APPLICATION

FILE NUMBER : 2016/3139
APPLICANT : City of Nedlands
APPLICANT'S ADDRESS : Attn: Greg Trevaskis
Chief Executive Officer
City of Nedlands
PO Box 9
NEDLANDS WA 6909
LANDOWNER : State of Western Australia, Reserve 17391
LAND DESCRIPTION : Lot 254 (78) The Esplanade, Dalkeith
DEVELOPMENT : Construction of an All Abilities Play Space at Lot 254 (78)
The Esplanade (Beaton Park), Dalkeith
VALID FORM 1 RECEIVED : 4 August 2016
DETERMINATION : **APPROVAL WITH CONDITIONS**

The application for development of an All Abilities Play Space, as described in the information received on 4 August 2016, and the supplementary information received on 17 and 31 August, 15 and 19 September 2016, at Lot 254 (78) The Esplanade Dalkeith is APPROVED subject to the following Conditions:

1. Approval to implement this decision is valid for four (4) years from the date of the approval. Approval is granted based on staged works. If substantial on-site works for have not commenced within this period, a new approval will be required before commencing or completing the development.
2. Approval is subject to the proponent implementing the works in accordance with the application submitted on 4 August 2016, and additional information provided on 31 August 2016 and 15 September 2016.

Prior to the commencement of works

3. The applicant shall notify the Department of Parks and Wildlife in writing not less than seven (7) days prior to the commencement of works of each Stage (see **Advice Note 1**).
4. At least 30 days prior to the commencement of works for each Stage, final detailed plans of the works to be undertaken for the Stage shall be submitted for approval by the Department of Parks and Wildlife (see **Advice Notes 2 and 3**).
5. At least 30 days prior to the commencement of works for each Stage, a Construction Environmental Management Plan shall be submitted to, and approved by the Department of Parks and Wildlife for that Stage (see **Advice Notes 2 and 4**).

6. At least 30 days prior to the commencement of works, a report on the proposed structure(s) in the area 10 metres landward of the riverwall shall be submitted for approval by the Department of Parks and Wildlife (see **Advice Notes 2 and 5**).
7. Prior to the commencement of works for the installation of structure(s) in the area 10 metres landward of the riverwall addressed in Condition 6, and within one year of commencement of works for the play space, repairs to the adjacent section of riverwall must be completed, consistent with the recommendations within the *WESROC Foreshore Management Plan* (Damara, 2016).
8. Prior to the commencement of works, a schedule of colours, building materials and finishes for the entire development including the construction material and colours of pathways, and the final details of any signage or other visual means to identify pathway use (including colours and materials), shall be submitted to, and approved by the Department of Parks and Wildlife (see **Advice Note 2**).
9. Prior to commencement of Phase 1 works, the applicant must apply for a permit in accordance with the Swan and Canning Rivers Management Regulations 2007 for the upgrade of the car park and access to the play space and the upgrade of the existing sewerage infrastructure servicing the site, including the sewerage pumping station.

During works

10. All works shall be undertaken in accordance with the plans and schedules approved under **Conditions 4, 5, 6 and 8**.
11. All fill and landscaping materials shall be clean, uncontaminated, and dieback disease free in accordance with the definition of 'clean fill' outlined in the Department of Environment Regulation's *Landfill Waste Classification and Waste Definitions 1996 (As amended December 2009)*.
12. Works associated with the development must not prevent public access along the foreshore reserve unless closure is necessary for safety purposes, an alternative route provided, and has been approved by the Department of Parks and Wildlife.
13. The applicant shall take appropriate preventative measures during the works to ensure that no deleterious matter is allowed to enter the river.
14. 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 Parks and Wildlife within 48 hours.

On completion of works

15. 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 Parks and Wildlife.

ADVICE TO APPLICANT

1. Notification of commencement of work and plans can be emailed to rivers.planning@dpaw.wa.gov.au.
2. To allow sufficient time for the Department of Parks and Wildlife to consider and approve the plans required under **Conditions 4, 5 and 6**, they should be submitted to the Department of Parks and Wildlife no later than 30 days prior to the expected commencement date.
3. With regard to **Condition 4**, the applicant is advised that the selected colour scheme and finishes for the development should reflect the character and landscape setting

of the Swan River and surrounding foreshore. The vegetation species list is to be provided, including only species native to the Perth region, preferably from the Karrakatta vegetation complex.

4. The Construction Environmental Management Plan required under **Condition 5** shall describe how the proposed works will be managed to minimise environmental impacts and should address, but not be limited to:

- scope of works;
- site access;
- machinery, equipment and materials to be used;
- management of machinery or other equipment (e.g. refuelling, storage, maintenance);
- details of excavation and any stockpiling of fine materials, including depth, interaction with groundwater and dewatering requirements/management;
- means of protecting the waterway from inputs of deleterious matter;
- protection of foreshore and vegetation;
- sediment management during construction;
- erosion control and contingencies;
- public and vehicle access;
- waste management;
- schedule of works, hours of operation and responsibilities; and
- complaints and incidents.

Stockpiling of materials will need to be fully contained at all times. Emergency spill kits should be onsite at all times and refuelling of machinery should be undertaken outside the Swan Canning Development Control Area.

In the event of a sediment plume or hazardous spill in the river, this should be reported to the Department of Parks and Wildlife on 9219 9000 or a/h 0419 192 845.

5. The report required under **Condition 6** shall be prepared by a suitably qualified person and shall include:

- the final design specifications of the structure(s) including the water sculpture and pathway;
- the interaction of the structure(s) with flood waters (overtopping and inundation) including the management of surface drainage; and
- consideration of the stability and ongoing maintenance requirements of the riverwall at the location of the proposed structures; and

6. This approval applies to the removal of 13 trees as shown on the demolition plans provided as part of the application. The applicant is advised that it is an offence under the *Swan and Canning Rivers Management Regulations 2007* to destroy, pull up, cut back or injure any tree, shrub or perennial plant that is on land within the Swan Canning Development Control Area, except with the approval of the Department of Parks and Wildlife or unless otherwise exempt by the Regulations. Should any clearing be required a clearing permit application may also need to be lodged with the Department of Environment Regulation.

7. The applicant is advised that sediments must not be discharged into the DCA and/or the Swan River, in accordance with the *Environmental Protection (Unauthorised Discharge) Regulations 2004*. The Department Environment Regulation may be contacted on (08) 6467 5000 or <http://www.der.wa.gov.au/>.

8. The applicant is advised that the proposed works are located within a high to moderate acid sulphate soil (ASS) risk areas. 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 Environment Regulation website at www.der.wa.gov.au. If any ASS is exposed during the works, the Department Environment Regulation must be contacted on (08) 6467 5000.

9. The applicant is advised to contact the Department of Aboriginal Affairs to ensure that the proposed works do not breach any section of Part IV (Protection of Indigenous Sites) of the *Aboriginal Heritage Act 1972*.
10. The Department of Parks and Wildlife is supportive of the City commissioning a comprehensive Conservation Plan, to be prepared on Burra Charter Guidelines for the whole Dalkeith-Nedlands Foreshore with added emphasis on landscaping as well as development of the western end of the foreshore.
11. The Department of Parks and Wildlife recommends the City incorporates recommendations of the *Marli Riverpark: An Interpretation Plan for the Swan and Canning Riverpark* (Department of Parks and Wildlife, 2014), to articulate the cultural heritage significance of the Places within and surrounding the Dalkeith-Nedlands foreshore area, including Beaton Park.
12. Additional approvals will be required for the riverwall restoration works, upgrade of sewerage infrastructure, and upgrade of access and car parking facilities. Further advice on the appropriate approvals pathways can be obtained from Rivers and Estuaries Division, Statutory Assessments.

Albert Jacob MLA

MINISTER FOR ENVIRONMENT; HERITAGE

Date: 22/11/16



DEPARTMENT OF PARKS AND WILDLIFE REPORT

PROPOSAL	:	Construction of an All Abilities Play Space, Beaton Park, Dalkeith
LOCATION	:	Reserve 17391, Lot 254 (78) The Esplanade (Beaton Park, Birdwood Parade), Dalkeith
APPLICANT	:	City of Nedlands
LANDOWNER	:	State of Western Australia
LOCAL GOVERNMENT	:	City of Nedlands
MRS CLASSIFICATION	:	Parks and Recreation
DECISION TYPE	:	Part 5, <i>Swan and Canning Rivers Management Act 2006</i> – Ministerial Determination
ATTACHMENTS	:	<ol style="list-style-type: none">1. Location map2. Aerial photo of subject land3. Proposed materials, surface finishes and playground equipment4. Proposed staging and extent of works5. City of Nedlands Referral Response6. Department of Aboriginal Affairs Referral Response7. Department of Environment Regulation Referral Response
RECOMMENDATION	:	APPROVAL WITH CONDITIONS

REPORT

1.0 INTRODUCTION

- 1.1 The Department of Parks and Wildlife (Parks and Wildlife) has received an application from the City of Nedlands (the City) to construct an All Abilities Play Space (the play space) on Reserve 17391, Lot 254 (78) The Esplanade (Beaton Park, Birdwood Parade), Dalkeith (**Attachments 1 and 2**). The subject land is reserved for Parks and Recreation (P&R) under the Metropolitan Region Scheme (MRS).
- 1.2 The proposed works (the proposal) involves a combination of manufactured equipment, custom-made equipment, nature play, sensory play, interactive play, and social gathering points, as well as associated infrastructure and landscaping (**Attachment 3**). The proposal includes:
 - a) all-abilities play equipment;
 - b) community hub area;
 - c) BBQ and picnic area;

- d) community garden;
 - e) fountain and dog bowl;
 - f) fencing of the facility (to provide parents and guardians some peace of mind, assisting with supervision of children of differing abilities at play, supporting relaxation and respite, whilst not prohibiting movement and interaction with the river);
 - g) reticulated irrigation system;
 - h) landscaping with plant species native to the Swan River floodplain and surrounds;
 - i) shared use recreational path routed around the play facility; and
 - j) signage.
- 1.3 The existing toilet facilities connected to sewer are proposed to be retained.
- 1.4 The existing reticulated irrigation system will be decommissioned and replaced.
- 1.5 The City's objective for the proposal is to create a play space and community hub that allows people of all ages and abilities to participate in passive and active recreation, in an outstanding location and in an inclusive manner. The aspiration is to promote inclusion through providing a community facility more considerate of people of differing abilities. The design intent is to promote integrated activities for users with disabilities and more able bodied users.
- 1.6 The proposal is a collaborative venture with the City, Rotary (Nedlands, Subiaco, West Perth and Matilda Bay), Inclusion WA, Wood & Grieve Engineers and Australia's Bridge as project partners. Various entities, including Lotterywest, have committed funding toward the project.
- 1.7 Works are proposed to be undertaken in stages, with Phase 1, Stage 1 construction in the 2016/17 financial year; Phase 1, Stage 2 in the 2017/18 financial year; Phase 2, Stage 1 in the 2018/19 financial year; and concluding with Phase 2, Stage 2 in the 2019/20 financial year.
- 1.8 Phase 1 is proposed to include the construction/establishment of the water and sand play area, decks and slides, graduated balancing, ping pong ball toss, community garden, intergenerational equipment, double flying fox, climbing challenge, swings, graduated spinning, basket swing, entry space, and pathways (**Attachment 4**).
- 1.9 Phase 2 is proposed to include the construction/establishment of the family amenities, BBQ and picnic area, service entry gate and coffee cart, exercise equipment, wind and water sculptures and reading deck, and pathways (**Attachment 4**).
- 1.10 Proposals related to the proposed works, but not included in this application include:
- a) Nedlands riverwall restoration, including flood and foreshore protection (commencing in late 2016, and ongoing);
 - b) Sewerage infrastructure, including sewerage pumping station relocation (prior to commencement of this proposal);
 - c) Tawarri Reception Centre, with the lease for the existing centre and site coming to an end on 30 June 2018, the City has been liaising with the Department of Lands over proposals to excise the land on the site to create a new leasehold opportunity. The City intends to release an Expression of Interest in late 2016-early 2017 to help the City review available options and identify a suitable future

use for the site, one that complements the Swan River and surrounding features including the proposed play space.

- d) Upgrade of access and car parking facilities, taking into account the impacts of parking from the proposed play space, the adjoining Tawarri Reception Centre (in its current form and after its likely redevelopment) and Perth Flying Squadron Yacht Club. A staged upgrade of the adjoining car park is planned. Car park construction stages are planned to run concurrently with the play space construction stages (an application for a Permit under the Swan and Canning Rivers Management Regulations 2007 is expected to be submitted in October 2016).

1.11 The proposed development is to occur on a lot wholly within the Swan Canning Development Control Area (DCA) and therefore requires approval under Part 5 of the *Swan and Canning Rivers Management Act 2006* (SCRM Act).

1.12 The Director General of Parks and Wildlife has prepared this draft report in accordance with Section 75 of the SCRM Act.

2.0 CONSULTATION

City of Nedlands

- 2.1 The City has advised that Council has been involved with the proposal during its formative stages by way of resolving decisions. At the Council Meeting held on 23 June 2015, Council endorsed the Concept Plan for the proposal.
- 2.2 Commencing in 2012, the City and the consultant landscaper carried out a series of workshops, school visits and other consultation methods to seek community input. The objective was to have a play space designed with extensive input from the potential future users of the facility. The proposed play space has been advertised at various City managed events, including Summer Concerts, Splash-fest, 4Sure Youth Festival and Welcome to Country. Project updates are now being provided via social media, with articles also raising public awareness about the play space and the needs and desires of People with Disabilities.
- 2.3 The City has recommended approval of the development subject to the following conditions (related to the proposed works):
 - 2.2.1 the development shall at all times comply with the approved plans;
 - 2.2.2 the development approval only pertains to the all abilities park;
 - 2.2.3 all stormwater from the development, which includes permeable and non-permeable areas, shall be contained onsite; and
 - 2.2.4 the car parking bays and vehicle access ways are to be constructed and marked prior to the practical completion of the all abilities park.
- 2.4 A copy of the City's referral response is at **Attachment 5**.

Swan River Trust

- 2.5 In accordance with section 75(3A) of the SCRM Act 2006, the Trust considered the draft report at its meeting on 11 October 2016. The Trust resolved to recommend its approval of the report to the CEO of Department of Parks and Wildlife.

Department of Aboriginal Affairs

- 2.6 The Department of Aboriginal Affairs (DAA) provided advice in relation to the application on 30 September 2016. A copy of DAA's referral response is at **Attachment 6**.
- 2.7 DAA advised the Swan River is a registered Aboriginal Site (DAA 3536) however the proposed works do not appear to be within the boundary of the site.
- 2.8 The boundary for DAA 3635 was previously captured in such a way that it intersected Reserve 17391. The Reserve was the subject of an application made under section 18 of the *Aboriginal Heritage Act 1972* (AHA) to undertake works associated with the installation, maintenance, and use of the area relating to the Nedlands Foreshore Management and Enhancement Plan.
- 2.9 DAA advises the City should review the section 18 consent and determine if it is consistent with activities proposed at the site.

Department of Environment Regulation

- 2.10 The Department of Environment Regulation (DER) provided advice to the City in November 2015, in accordance with section 58(6)(b) of the *Contaminated Sites Act 2003*, on the suitability of the land for the proposed development. In response to the Parks and Wildlife request for comments and recommendations on the Part 5 application, DER referred to its previous advice. A copy of DER's referral response is at **Attachment 7**.
- 2.11 A series of contamination assessments between 2006 and 2007 at the Perth Flying Squadron Yacht Club found that river sediments in proximity to the yacht club slipway and vessel maintenance facilities were impacted by anti-fouling agents (including tributyltin).
- 2.12 In 2010, unleaded fuel was discovered to have been released from fuel infrastructure located within the central foreshore area of the yacht club. Remediation of the hydrocarbons in the soil was undertaken at the site, including excavation, stockpiling, off-site disposal and refilling of excavations with fresh soils. However, an area of approximately 200 square metres located near the yacht club refuelling infrastructure and adjacent to the river wall remains impacted by petroleum hydrocarbon contamination. As a result, Lot 254 Birdwood Parade, Dalkeith is classified as *contaminated – remediation required* and a memorial was placed on the Certificate of Title in 2012.
- 2.13 The petroleum hydrocarbon impacted area within the yacht club is located approximately 150 metres west and across hydraulic gradient from the proposed development. DER does not hold any information relating to the quality of soil and groundwater within Beaton Park and the contamination status of Beaton Park is unknown.
- 2.14 Acid Sulfate Soils (ASS) risk mapping shows that Beaton Park lies within areas identified as having a moderate to low risk of ASS occurring within 3 metres of the natural soil surface, but high to moderate risk of ASS beyond 3 metres below the soil surface.
- 2.15 DER assessed an Acid Sulfate Soils Self-Assessment Form submitted by the City in May 2016, and determined that the proposal does not include acid sulfate soils disturbance in excess of 100 cubic metres of soil or dewatering. In view of this, an acid sulfate soils investigation and management plan are not required at this stage.

- 2.16 DER notes that the proposal may involve clearing of native vegetation. The City should be advised that under the Environmental Protection Act 1986, it is an offence to clear native vegetation in Western Australia unless clearing is done in accordance with a clearing permit, or an exemption applies. The City is required to apply for a permit if an exemption does not apply.
- 2.17 Based on available information, the site appears suitable for ongoing public open space land use. Therefore, DER has no objection to the proposed development at Beaton Park within the western portion of the lot.
- 2.18 DER advises that in the event that site works identify any indication of contamination, this should be reported to DER and the site should be investigated in accordance with DERs contaminated sites guidelines as a matter of priority.

3.0 PUBLIC COMMENT – SUBMISSIONS ON DRAFT REPORT UNDER SECTION 75 OF THE SCRM ACT

- 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, the City and other referral agencies. A copy was also published on the Parks and Wildlife website for a period of 14 days between 19 October 2016 and 2 November 2016 with an invitation for public submissions.
- 3.2 At the close of the public comment period, no submissions had been received.

4.0 RELEVANT POLICIES AND PLANS

- ◆ State Planning Policy 2.6 – *State Coastal Planning Policy*
- ◆ 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*
- ◆ Corporate Policy Statement No. 45 - *Planning for Miscellaneous Structures and Facilities in the Swan Canning Development Control Area*
- ◆ Corporate Policy Statement No. 48 - *Planning for Development Setback Requirements Affecting the Swan Canning Development Control Area*
- ◆ Corporate Policy Statement No. 49 - *Planning for Stormwater Management Affecting the Swan Canning Development Control Area*

5.0 ENVIRONMENTAL AND PLANNING CONSIDERATIONS

- ◆ Ecological health
- ◆ Landscape protection
- ◆ Recreation opportunities and public access
- ◆ River foreshore protection
- ◆ Flood prone land
- ◆ Heritage
- ◆ Pathways for pedestrians and/or cyclists
- ◆ Visual amenity
- ◆ Stormwater management

- ◆ Water sensitive urban design
- ◆ Contaminated site
- ◆ Acid sulfate soils
- ◆ Use of fill

6.0 DISCUSSION

Ecological health

- 6.1 Corporate Policy Statement No. 42 - *Planning for Land Use, Development and Permitting Affecting the Swan Canning Development Control Area (Policy 42)* indicates that nutrient enriched water inputs from adjacent land uses are to be reduced.
- 6.2 The City has given consideration to the nutrient requirements for establishing landscaping within the proposal area. Plant selection and management principles have been based on the requirement for negligible nutrient support. Grassed areas are proposed to consist of Kikuyu grass which will only need nutrient support in high wear areas and which will be implemented, if required, in accordance with the FertiliseWise guidelines developed by South East Regional Centre of Urban Landcare WA (SERCUL).
- 6.3 Garden beds are proposed to consist of endemic and native species that will have a negligible requirement for nutrient support. A planting layout plan proposes the planting of 65 individual trees, consisting of 13 native species, and 250 individual shrubs, consisting of nine native species.
- 6.4 Policy 42 indicates natural vegetation should be promoted, maintained and restored, and existing native vegetation should be retained as a means of protecting linkages and natural vegetation corridors. Proposals should avoid the removal or fragmentation of native vegetation, where possible. Any vegetation removed within the DCA will likely be required to be replanted at a minimum ratio of 3 to 1 with appropriate local native species.
- 6.5 It is proposed that a total of 13 trees will be removed from the project area. Of this number, seven are not native to Western Australia. The removal of trees is considered to be rectified by the proposed planting of 65 trees within the project site as a part of the planting plan for the project. A variety of trees, shrubs, groundcover, grasses and sedges have been proposed for the project site. Riverbank understands that these species have most likely been selected for aesthetic value or suitability for playground areas.
- 6.6 The project area lies within the Karrakatta vegetation complex.
- 6.7 Of the 12 species of trees proposed to be planted at the site, 11 of these are native to WA. In addition, six of the species native to WA also occur on the Karrakatta vegetation complex. *Brachychiton rupestris* (Queensland bottle tree) is not native to WA. Riverbank recommends an alternative native species from the Karrakatta vegetation complex list to be used. *Corymbia ficifolia*, *Eucalyptus torquata* and *Eucalyptus Victrix* are WA natives, however, not native to the Perth region. Alternative species could include *Eucalyptus marginata*, *Eucalyptus decipiens* or *Eucalyptus rudis*.
- 6.8 Of the nine species of shrubs specified, four are found within the Karrakatta vegetation complex. The remaining five species are native to WA. Alternative native Grevillea, Hakea, Kunzea and Melaleuca varieties can be found on the Karrakatta vegetation list.

- 6.9 Within the low shrubs and groundcovers species list, only *Myoporum parvifolium* is not native to Western Australia. *Myoporum caprarioides* is native and could be an appropriate alternative. All of the remaining species are native to WA and three are found within the Karrakatta vegetation complex.
- 6.10 Of the grasses, rushes, sedges and climbing plants, *Lomandra longifolia* is a native of eastern Australia and alternative WA natives are recommended, such as *Lomandra hermaphrodita* or *Lomandra maritima*. All other species specified are native to WA and five are within the Karrakatta vegetation complex.
- 6.11 The City's application states that "garden beds will consist of endemic and native species that will have a negligible requirement for nutrient support." As mentioned above, to ensure that natives are utilised, *Brachychiton rupestris*, *Myoporum caprarioides* and *Lomandra longifolia* should not be included in the planting list.
- 6.12 The Western Suburbs Regional Organisation of Councils (WESROC) Foreshore Management Plan (FMP) (Damara, 2016) has assessed the section of riverwall adjacent to the proposed play space as being in poor condition, and signs of overtopping and erosion is present. A recent report by MP Rogers (*Riverwalls West of PFSYC Concept Design Report*, 2015) for the City has also assessed this section of walling and observed voids behind the wall and failed sections in need of immediate repair. The report by MP Rogers forms the basis for staged riverwall repairs, with the first section of repairs (further south) to begin in summer 2016-17. The report states that the condition of the current riverwall is "imminent failure" and it is beyond practical repair. It recommends that the section of riverwall adjacent to the play space should be the 3rd stage of riverwall repairs works with a replacement timescale of 6 months to 1 year. The City has advised that it will be commencing the first stage of repairs in the 2017 summer period, followed by the remaining section in order of urgency.
- 6.13 The proposed new path for the playground works is 3 metres further riverward of existing path. The location of the proposed path in close proximity to the river wall may hinder future works for the shoreline, for example, the installation of a new rock revetment (as recommended by WESROC). The FMP also states to avoid works, including infrastructure between the top of the present wall and 10 metres further landward that increases loading on the wall or focuses runoff, and that restricts the capacity for revetment maintenance to be undertaken. For this reason, it is recommended that repairs to this section of wall should be completed, and loading and runoff be addressed, prior to any infrastructure installation in the area 10 metres landward of the present wall.
- 6.14 The City proposes to construct an interactive water sculpture on the river wall, however no detail of the structure has been provided to Parks and Wildlife. Further clarification of these works will be required prior to commencement of Phase 2 works. It should be noted that the current condition of the wall is unlikely to support such a structure.
- 6.15 Policy 42 indicates that, where necessary, the preparation and implementation of a Construction Environmental Management Plan, as a condition of approval, may be required to manage environmental impacts associated with a land use or development. The City proposes to submit and implement an Environmental Management Plan to manage the construction works.

Landscape protection

- 6.16 Policy 42 indicates that proposals should enhance and protect the character and landscape setting of the Swan Canning river system. Typically, proposals should protect treelines and not dominate or overshadow public areas and views.

- 6.17 The proposed design gives consideration to protecting the overall site characteristics and setting ensuring that vistas over the river and areas for passive recreational activities are protected. Where practicable, materials and finishes have been chosen that will enhance the natural setting of the subject site.
- 6.18 It is recommended that a condition of approval be included to ensure the final details of colours, building materials and finishes for the development are submitted and approved by Parks and Wildlife prior to commencement of works.

Recreation opportunities and public access

- 6.19 Policy 42 indicates proposed development is to make provisions for public access and enjoyment of the Swan Canning river system including its foreshores in a manner that is consistent with the multiple use of the DCA and the preservation of the values of the land itself. The proposal should provide a range of tourism and recreation facilities in a local and regional context thereby providing visitors to the Swan Canning river system with a choice of recreation activities and experiences. Proposals should seek to ensure that the river foreshores are linked through the provision of walking and cycle trails which connect places of natural and cultural interest as well as commercial and community facilities.
- 6.20 Corporate Policy Statement No. 45 - *Planning for Miscellaneous Structures and Facilities in The Swan Canning Development Control Area (Policy 45)* and State Planning Policy 2.10 – *Swan-Canning River System (SPP2.10)* require the proposed development to provide a public benefit, with facilities that are safe, provide convenient access and are developed as part of a structured hierarchy of connected access ways.
- 6.21 The proposed design includes a shared use recreational path routed around the play facility, allowing cyclists and pedestrians to bypass along the foreshore. The design is expected to form part of the existing foreshore path network, linking the proposed site to the rest of the Nedlands-Dalkeith foreshore and beyond. This meets the Riverpark Trail Masterplan standards of a ‘Principal shared path’.
- 6.22 Policy 42 requires the development of tourism, recreation facilities and the provision of public access on foreshore land to be consistent with the relevant reserve’s assigned purpose. The proposed site is currently turfed public open space with mature trees and basic playground equipment such as sand pit and swings. The location and extent of the proposed development is sympathetic to user groups that frequent the Dalkeith-Nedlands foreshore for other recreational activities by making provision for unhindered through access adjacent to the facility and the river.
- 6.23 The document *City of Nedlands, Beaton Park Upgrade: Transport Impact Statement* (Opus, 2016) provides an overview of the transport aspects associated with the proposal. Its purpose is to identify and establish the transport impact of the development on the immediate surrounding area, specifically, the impact of increasing patronage to Beaton Park. The document does not discuss whether the current parking and access sufficiently meets the current demands of Beaton Park, or whether the current arrangements could accommodate the proposed development of the play space at Beaton Park. The document states:
- 5.15.1 The Esplanade is the only road that allows vehicular access to and from Beaton Park and is not a formally gazetted road. No exit from The Esplanade is possible at its southern end with the road effectively acting as a cul-de-sac;

- 5.15.2 The Esplanade is classed as a Local Access road with a 50km/h speed limit in the Main Roads WA Road Information Mapping System;
- 5.15.3 A triangular hard stand area (approximately 1,630sqm) exists at the southern end of The Esplanade between Beaton Park and the Tawarri Function Centre. It is estimated that this area can accommodate approximately 50 vehicles (based on an average car parking space including circulation and manoeuvring area of 32m² to 35 m²) including one signed accessible parking space;
- 5.15.4 The parking area is generally unmarked/with faded line markings denoting some parking spaces. In addition, parking along the unsealed verge on both sides of The Esplanade appears to be permitted in the vicinity of the park and yacht club with posts set out determining the extent to which vehicles can encroach on to the verges. It is calculated that these verge areas can accommodate approximately 40 vehicles on the southern side of the Esplanade adjacent to the Park and 70 vehicles on the northern side of the road (based on a standard car park width and the length of the parking area). A single accessible car parking space is also currently provided adjacent to the northern side of the Park perimeter. Space for a further 15 vehicles within the verge are also currently provided on the western side of the Park. Therefore, the total number of existing informal parking spaces in the area is estimated to be 175;
- 5.15.5 The No.23 bus service runs along Birdwood Parade — which runs parallel to The Esplanade with bus stops being provided in the vicinity of Beaton Park and footpaths provided between the two roads. The bus service runs between Elizabeth Quay and Claremont via Mounts Bay Road and Beatrice Road with services typically limited to peak commuter hours on weekdays;
- 5.15.6 A 2 metre wide footpath runs alongside the southern part of The Esplanade between Beaton Park and the Perth Flying Squadron Yacht Club, which then runs along the riverside to the north of the Yacht Club. The path alongside the river also continues to the south of Beaton Park. A 1.5 metre wide footpath connections also exist between The Esplanade and Birdwood Parade through the Birdwood Parade Reserve, albeit with relatively steep grades between the two roads;
- 5.15.7 Any forecast additional traffic generated by the proposed upgrade to Beaton Park will not have a significant impact on the safe and efficient movement of vehicles along The Esplanade and external road network;
- 5.15.8 The number of vehicles using The Esplanade to the south of Bessell Avenue may therefore be potentially minimised through the installation of a 'No Through Road' sign to advise approaching drivers;
- 5.15.9 The City is proposing to formalise car parking on the southern side of The Esplanade adjacent to Beaton Park (does not form part of this application);
- 5.15.10 Two accessible parking spaces adjacent to the northern side of Beaton Park as well as two new proposed spaces in the triangular parking area to the west of the Park will result in four spaces being provided. The 4 spaces meets good practice and amounts to over 2% of the total parking for the overall parking provision;

- 5.15.11 It is recommended that a hard stand connection is provided to ensure access to/from the path by all pedestrians, cyclists and the mobility impaired. It may also be appropriate to consider some wayfinding signage in the area to direct pedestrians and cyclists to the Park; and
 - 5.15.12 The proposed upgrade to Beaton Park and any additional associated generated traffic is not expected to have a significant impact on the safe and efficient movement of vehicles along The Esplanade and the external road network.
- 6.24 The City requires that the car parking and access is finalised prior to practical completion of the play space. It is recommended that a condition of approval be included to ensure the car parking and access upgrades are completed prior to the completion of the play space. Parks and Wildlife understands that a permit application to upgrade the car parking and access will be forthcoming in October-November 2016 which will propose works to be undertaken over a two year period commencing at the same time as the play space works.

River foreshore protection

- 6.25 Policy 42 states that the proponent is to prepare and implement a Foreshore Management Plan (FMP) where a foreshore reserve is created adjacent to a development or subdivision that is likely to result in significant pressure on that reserve. In accordance with the *Guidelines for Developing Foreshore Management Plans in the Swan Canning Riverpark*, the plan should describe the cultural and social values of the site, the existing environment and management issues, and the proposed management of potential impacts to ecological values, attributes and functions of the area and its surroundings.
- 6.26 The City has prepared the *Nedlands Foreshore Enhancement & Management Plan* (Volume 2, February 2010) to guide the future use and management of the Nedlands Foreshore. This plan discusses the progressive replacement of the riverwall adjacent to Beaton Park, in addition to the upgrade of the existing toilet and parking facilities.
- 6.27 WESROC prepared the *Foreshore Management Plan for the Swan River Estuary in the Western Suburbs of Perth* (Seashore Engineering, 2016) to assist local government protection and enhancement of riverbanks, to assist planning for foreshore structure maintenance, renewal and capital works over a range of time-scales, whilst attempting to reduce the reliance upon reactive management. The plan discusses the issues at the Beaton Park foreshore currently being managed by the City, and the proposed management strategies for the issues and constraints including integrity of walled sections, and erosion and bank stability.
- 6.28 The City has considered the environmental values and social benefits of the existing area and proposed play space, and as a result proposes to prepare an Environmental Management Plan for construction, which should include methodology for the protection and enhancement of the ecological values, attributes and functions of the area and its surroundings.
- 6.29 Parks and Wildlife does not consider that a Foreshore Management Plan is required for this development, as the pertinent issues and management solutions will be required to be addressed in a Construction Environmental Management Plan.
- 6.30 In order to ensure that all potential impacts are identified and managed appropriately, it is recommended that a Construction Environmental Management Plan be required as a condition of approval. The Construction Environmental

Management Plan shall be required to include details of sediment management, protection of water quality, management of machinery and equipment (including refuelling), public access and safety, demolition and construction methodology, waste management and spill response. The protection of the river environment can be further reinforced through conditions of approval.

Flood prone land

- 6.31 Corporate Policy Statement No. 48 - *Planning for Development Setback Requirements Affecting the Swan Canning Development Control Area* (Policy 48) requires any development that would likely be obstructive to major floods to be located outside of the floodway, as defined by the floodplain mapping available from the Department of Water (DoW). Policy 42 further supports that proposals should have due regard for the broader environmental and planning implications of development within the floodplain (made up of the floodway and flood fringe), which is an integral part of the Swan Canning river system.
- 6.32 Proposals should also consider *State Planning Policy 2.6 State Coastal Planning Policy*, which indicates that a vertical sea level rise of 0.9 metres over a 100-year planning timeframe to 2110 should be adopted when considering development elevation.
- 6.33 The proposed play equipment is not considered to pose as obstructions to major floods. The amenities building is proposed to be constructed outside of the 100 year ARI floodway and flood fringe line, at a level that would provide flood protection for the design life of the facility. The City consulted with DoW in regard to establishing existing floodplain extent and predicted floodplain extent in 50 years. Elements of the proposal have been considered in respect of flood risk and damage.
- 6.34 Seashore Engineering (2016) note that works to avoid include *infrastructure placed within 10 m (notional, varies) landward of the crest of existing structures that restricts the capacity for future structure maintenance to be undertaken or partial retreat of the structure crest.*
- 6.35 Parks and Wildlife, Riverbank Management, has raised concerns that the riverwall is unlikely to support the proposed water sculpture and footpath. It would be appropriate for the City to demonstrate the proposed pedestrian and cycle pathway and water sculpture at the riverwall have been designed to accommodate the potential river over-topping and inundation, and the specific ongoing maintenance requirements of the riverwall.
- 6.36 No detail of the water sculpture or pathway (the proposed structures) has been provided to Parks and Wildlife. Further clarification of these works will be required prior to commencement of Phase 2 works. It is recommended that conditions of approval be included to ensure a report on the proposed structures in the area 10 metres landward of the riverwall is submitted for approval by Parks and Wildlife, in addition to the requirement that repairs to the riverwall are undertaken within one year of commencement of works for the play space.

Heritage

- 6.37 Policy 42 encourages proponents to consult with local Aboriginal people as it recognises that the Swan and Canning rivers hold particular spiritual and mythological cultural significance for them. Proponents are to ensure they comply with the requirements of the AHA and the *Native Title Act 1993*.

- 6.38 The City intends to provide notification and details of the proposal to the South West Aboriginal Land and Sea Council for the information of the Whadjuk Working Party.
- 6.39 The Dalkeith-Nedlands Foreshore Area is listed within the City of Nedlands Municipal Inventory. The City commissioned a heritage study, and considered the issues raised during design development.
- 6.40 The study recommended that prior to any major developments being proposed for places or elements within the Dalkeith-Nedlands Foreshore Reserve, the City should commission a comprehensive Conservation Plan to be prepared on Burra Charter Guidelines for the whole Dalkeith-Nedlands Foreshore with added emphasis on landscaping as well as development of the western end of the foreshore.
- 6.41 The City has considered the recommendations of the study. Whilst the City regards a conservation plan as appropriate to the Dalkeith-Nedlands Foreshore as a whole, and would provide an important management document, the City considers it is of less importance to the reclaimed portion of foreshore on which Beaton Park is located.
- 6.42 Parks and Wildlife supports the preparation of a Conservation Plan for the Dalkeith-Nedlands Foreshore, including Beaton Park, in addition to an interpretation node and signage appropriate to the cultural significance of the local area.
- 6.43 The *marli riverpark* Interpretation Plan has identified this area as a potential interpretation node site, mainly as a reconciliation site (identified by the Noongar Advisory Panel). In the future, in conjunction with the City, there may be an opportunity to construct an interpretation node at this site that is incorporated into the facility.

Pathways for pedestrians and/or cyclists

- 6.44 Policy 45 provides guidance regarding appropriate miscellaneous structures and facilities in the DCA. Boardwalks and pathways for pedestrians and/or cyclists provide public access to the river system and can enrich visitor experiences.
- 6.45 A structured network of pathways currently provides pedestrian and cyclist access to most parts of the Nedlands-Dalkeith foreshore. This proposal includes the improvement of the existing pathways providing through-access to the foreshore, in addition to a new internal network of smaller paths within the play space.
- 6.46 The City proposes to demolish most of the existing concrete paths within Beaton Park, including the path running adjacent to the foreshore during Phases 1 and 2 of the development. These paths connect the south-western pathway from the direction of the Tawarri Reception Centre site to the north-eastern pathway, north of the Perth Flying Squadron Yacht Club, transecting Beaton Park through the centre, winding slightly throughout the parkland.
- 6.47 A small section of existing pathways will remain in-situ, which direct pedestrian traffic to existing park furniture, which will also be retained. The proposed development includes the construction of a new 3.0 metre wide dual use concrete path around the foreshore and yacht club perimeters of the park, connecting the existing south-western pathway to the existing north-eastern pathway. This new pathway would allow pedestrians to access the entire Beaton Park foreshore area, and the small beach in the south, and allow pedestrians to by-pass the proposed development.

- 6.48 New pathways are proposed to be constructed in Phases 1 and 2 which create an internal network of pedestrian access to the proposed play areas, accessible through various gates off the main 3.0 metre wide pathway.
- 6.49 In addition to the re-alignment of the existing pathway along the foreshore, the new pathway will link with a proposed interactive water sculpture and seating, which connects to the riverbank.
- 6.50 A condition of approval is required to ensure the development does not prevent public access along the foreshore reserve unless closure is necessary for safety purposes and has been approved by Parks and Wildlife.
- 6.51 Policy 45 indicates pathways and boardwalks designed solely for pedestrians may have a variety of surfaces depending on the local context. The proposal includes the construction of concrete paths, in addition to stone paving, rubber surfacing, stepping stones, and brick paving throughout the play area.
- 6.52 The proposed play space has been designed for all-abilities access, which is consistent with Policy 45 requirements of universal access.
- 6.53 Policy 45 indicates that appropriate signage or other visual means should be installed to identify pathway use (i.e. pedestrian, cycle or shared) as necessary, and the construction materials and colours of the pathways should be selected to complement the local character of the river system. It is recommended that a condition of approval be included to ensure the final details of the signage (including colours and materials) are submitted and approved by Parks and Wildlife prior to commencement of works.

Visual amenity

- 6.54 Policy 45 indicates that applicants must demonstrate proposed structures maintain or improve community use and enjoyment of the river system; the visual amenity and landscape character of the river; and views to and from the river.
- 6.55 The proposed development includes a shade sail, picnic tables, drinking fountains, BBQ and urban seats with backrests, which are considered to be consistent with the policy.
- 6.56 Various forms of fencing are proposed for the development. The City has indicated that the fencing perimeter of the facility is intended to provide parents and guardians some peace of mind, assisting with supervision of children of differing abilities at play. Perimeter fencing is proposed to include a 1500 mm high stone-faced walling with a 1200 mm pedestrian gate, comprising balusters with 75 mm gaps and a magna latch; 1200 mm high galvanised steel fencing and gates, comprising balusters with 89 mm gaps and magna latches; and maintenance fencing and gates comprising 1000 mm timber-framed aviary mesh panels and a 3600 mm wide gate with secure lock.
- 6.57 Landscaping designs have been provided as part of the application and considered by Parks and Wildlife. Landscaping includes the planting of vegetation, installation of garden beds and turfing of areas within and surrounding the play space.
- 6.58 The colours, building materials and finishes for the development should be of a low reflective standard, and harmonise with the river environment. It is recommended that a condition of approval be included to ensure the final details of colours, building materials and finishes for the development, including landscaping are submitted and approved by Parks and Wildlife prior to commencement of works.

Stormwater Management

- 6.59 The City has indicated that stormwater management after completion of the proposed development will not be required, as accumulation and dispersal of water arising from irrigation input and rainfall events on impermeable surfaces within the confines of the development will generally be dealt with through surface grading and direct infiltration through garden beds and grass surfaces, which constitute approximately 95% of the overall park surface area. The irrigation system have been designed to incorporate hydrozoning principles to maximise the efficiency of water budgeting through matching irrigation zones to plant water needs.
- 6.60 However, Corporate Policy Statement No. 49 - *Planning for Stormwater Management Affecting the Swan Canning Development Control Area* (Policy 49) states that proposals are to address construction management activities and reduce sand drift and erosion and control sediment, so that sediment is not mobilised to the river system. It is recommended that management of erosion and sediment are specified in a Construction Environmental Management Plan.
- 6.61 Policy 49 indicates that imperviousness of developments is to be minimised, in accordance with the *Draft Decision Process for Stormwater Management in WA* (Department of Water, 2009). To minimise effective imperviousness, pervious surfaces should be retained and installed wherever practical. Additionally, constructed impervious surfaces should be disconnected from receiving water bodies (preventing direct stormwater discharge via pipes and drains) and disconnected from other constructed impervious surfaces by using overland flow wherever practical.
- 6.62 The Decision Process states that overland flow paths slow runoff velocity, reduce runoff volume due to increased evaporation, and improve stormwater quality when the overland flow path is vegetated. By slowing runoff velocity and reducing runoff volume, people and property are more protected from minor and major rainfall event runoff.
- 6.63 The City proposes to install various pervious structures, including garden beds, sand and turf. Impervious structures proposed include concrete paths, brick paved community areas, and rubber-surfacing in play areas. A net increase in impervious surfaces is proposed. All proposed impervious surfaces are disconnected from the Swan River (the nearest receiving water body), with the exception of the interactive water sculpture area at the river wall. At this location, the proposed pathway (in approximately the same location as the existing pathway) will be installed to connect to the riverwall, and surfaced in concrete. Whilst a connection to the river would exist, runoff from the adjacent lengths of pathway would not be expected to flow to the river, instead flowing further to the north-east along the pathway to a natural depression currently operating as the parks overland flow. At this location, a vegetated buffer would exist to act as a secondary overland flow area.
- 6.64 Generally, the impervious areas flow via proposed new pathways to the existing natural depression acting as the overland flow path. The rubber-surfaced play areas containing the Giant Swing and the Swing Set in the northern part of the proposed park will direct runoff to garden beds and turfed areas.

Contaminated site

- 6.65 Policy 49 indicates proponents should demonstrate that development will not result in the mobilisation of contaminants or nutrients from the soil or groundwater

to the river system as a result of the chosen stormwater management practices. In terms of the proposed development, the existing contamination status of the site, and the use of groundwater for irrigation are to be considered.

- 6.66 The City has undertaken geotechnical investigation of the site, primarily related to the future construction of the proposed toilet block and carpark upgrade works. In addition to the advice provided by the DER, the geotechnical investigations identified a moderate to low potential for acid sulfate soil occurring at the subject site, generally at greater than 3 metres in depth. None of the proposed play space works are forecast to impact soils at depths close to 3 metres.
- 6.67 The City recorded the static level of the groundwater below the subject site over a period of 6 months to establish average levels and any potential impacts from the proposed development. Levels were recorded at intervals of 30 m from the river bank across the site and were benchmarked to the Australian Height Datum. All significant ground disturbing activities related to development of the facility, involving excavations to depths beyond 600 mm, are located in areas where the average water table sits at 1100 mm to 1150 mm below the natural surface of the ground.
- 6.68 The petroleum hydrocarbon impacted area within the yacht club is located approximately 150 metres west and across hydraulic gradient from the proposed development. Consultations with the Department of Water and DER, in addition to the City's annual bore and groundwater monitoring programme, has identified that the groundwater is fit for public open space irrigation purposes.
- 6.69 DER advises that in the event that site works identify any indication of contamination, this should be reported to DER and the site should be investigated in accordance with DERs contaminated sites guidelines as a matter of priority.
- 6.70 It should be noted the City has not provided information relating to the depth of excavations, possible interactions with groundwater, and dewatering requirements, and these issues are to be addressed in the Construction Environmental Management Plan as a condition of approval.

Acid sulfate soils

- 6.71 The Western Australian Planning Commission's *Acid Sulfate Soils Planning Guidelines* identify matters that need to be addressed at various stages of the planning process to ensure that the development of land containing acid sulfate soils is planned and managed to avoid potential adverse effects on the natural and built environment.
- 6.72 DER assessed an Acid Sulfate Soils Self-Assessment Form submitted by the City in May 2016, and determined that the proposal does not include acid sulfate soils disturbance in excess of 100 cubic metres of soils or dewatering. In view of this, an acid sulfate soils investigation and management plan are not required at this stage.

Use of Fill

- 6.73 Any fill and/or topsoil being brought onto a development site in, or immediately adjacent to, the DCA is to be certified clean by the City (as defined by the Department of Environment Regulation's *Landfill Waste Classification and Waste Definitions 1996/2009*), uncontaminated, and free from rubble, weeds and plant disease.

- 6.74 The proposed development includes the levelling of the site, filling hollows and levelling mounds. It is recommended that a condition of approval is included to require fill and landscaping materials complies with Policy 42.

7.0 CONCLUSION

- 7.1 The proposed play space and associated infrastructure and landscaping is designed to be in keeping with the local setting of the site as a recreational park. The proposal seeks to improve the amenity of Beaton Park through improved access, installation of equipment catering for all age groups, all abilities and various activity levels, and allowing for unhindered through-access adjacent to the facility and the Swan River.
- 7.2 It is anticipated that the play space will become an important regional facility and its development is consistent with future plans for the area. It is critical that the play space complement the proposed future development and land use of the local and regional areas, including both the Tawarri and Sunset Hospital sites.
- 7.3 The proposal is expected to provide improved social and environmental outcomes and therefore construction of the play space is supported.
- 7.4 Potential environmental impacts from the proposed works can be addressed through the preparation and implementation of Construction Environmental Management Plans required as a condition of approval.
- 7.5 For these reasons, the proposal can be recommended for approval, subject to appropriate conditions and advice.

8.0 RECOMMENDATION – APPROVAL WITH CONDITIONS

That the Director General of the Department of Parks and Wildlife advises the Minister for Environment that the City of Nedlands proposal to construct an All Abilities Play Space on Reserve 17391, Lot 254 (78) The Esplanade (Beaton Park, Birdwood Parade), Dalkeith received on 4 August 2016 be approved, subject to the following conditions:

1. Approval to implement this decision is valid for four (4) years from the date of the approval. Approval is granted based on staged works. If substantial on-site works for have not commenced within this period, a new approval will be required before commencing or completing the development.
2. Approval is subject to the proponent implementing the works in accordance with the application submitted on 4 August 2016, and additional information provided on 31 August 2016 and 15 September 2016.

Prior to the commencement of works

3. The applicant shall notify the Department of Parks and Wildlife in writing not less than seven (7) days prior to the commencement of works of each Stage (see **Advice Note 1**).
4. At least 30 days prior to the commencement of works for each Stage, final detailed plans of the works to be undertaken for the Stage shall be submitted for approval by the Department of Parks and Wildlife (see **Advice Notes 2 and 3**).
5. At least 30 days prior to the commencement of works for each Stage, a Construction Environmental Management Plan shall be submitted to, and approved by the Department of Parks and Wildlife for that Stage (see **Advice Notes 2 and 4**).

6. At least 30 days prior to the commencement of works, a report on the proposed structure(s) in the area 10 metres landward of the riverwall shall be submitted for approval by the Department of Parks and Wildlife (see **Advice Notes 2 and 5**).
7. Prior to the commencement of works for the installation of structure(s) in the area 10 metres landward of the riverwall addressed in Condition 6, and within one year of commencement of works for the play space, repairs to the adjacent section of riverwall must be completed, consistent with the recommendations within the *WESROC Foreshore Management Plan* (Damara, 2016).
8. Prior to the commencement of works, a schedule of colours, building materials and finishes for the entire development including the construction material and colours of pathways, and the final details of any signage of other visual means to identify pathway use (including colours and materials), shall be submitted to, and approved by the Department of Parks and Wildlife (see **Advice Note 2**).
9. Prior to commencement of Phase 1 works, the applicant must apply for a permit in accordance with the Swan and Canning Rivers Management Regulations 2007 for the upgrade of the car park and access to the play space and the upgrade of the existing sewerage infrastructure servicing the site, including the sewerage pumping station.

During works

10. All works shall be undertaken in accordance with the plans and schedules approved under **Conditions 4, 5, 6 and 8**.
11. All fill and landscaping materials shall be clean, uncontaminated, and dieback disease free in accordance with the definition of 'clean fill' outlined in the Department of Environment Regulation's *Landfill Waste Classification and Waste Definitions 1996 (As amended December 2009)*.
12. Works associated with the development must not prevent public access along the foreshore reserve unless closure is necessary for safety purposes, an alternative route provided, and has been approved by the Department of Parks and Wildlife.
13. The applicant shall take appropriate preventative measures during the works to ensure that no deleterious matter is allowed to enter the river.
14. 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 Parks and Wildlife within 48 hours.

On completion of works

15. 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 Parks and Wildlife.

ADVICE TO APPLICANT

1. Notification of commencement of work and plans can be emailed to rivers.planning@dpaw.wa.gov.au.
2. To allow sufficient time for the Department of Parks and Wildlife to consider and approve the plans required under **Conditions 4, 5 and 6**, they should be submitted to the Department of Parks and Wildlife no later than 30 days prior to the expected commencement date.


3. With regard to **Condition 4**, the applicant is advised that the selected colour scheme and finishes for the development should reflect the character and landscape setting of the Swan River and surrounding foreshore. The vegetation species list is to be provided, including only species native to the Perth region, preferably from the Karrakatta vegetation complex.
4. The Construction Environmental Management Plan required under **Condition 5** shall describe how the proposed works will be managed to minimise environmental impacts and should address, but not be limited to:
 - scope of works;
 - site access;
 - machinery, equipment and materials to be used;
 - management of machinery or other equipment (e.g. refuelling, storage, maintenance);
 - details of excavation and any stockpiling of fine materials, including depth, interaction with groundwater and dewatering requirements/management;
 - means of protecting the waterway from inputs of deleterious matter;
 - protection of foreshore and vegetation;
 - sediment management during construction;
 - erosion control and contingencies;
 - public and vehicle access;
 - waste management;
 - schedule of works, hours of operation and responsibilities; and
 - complaints and incidents.

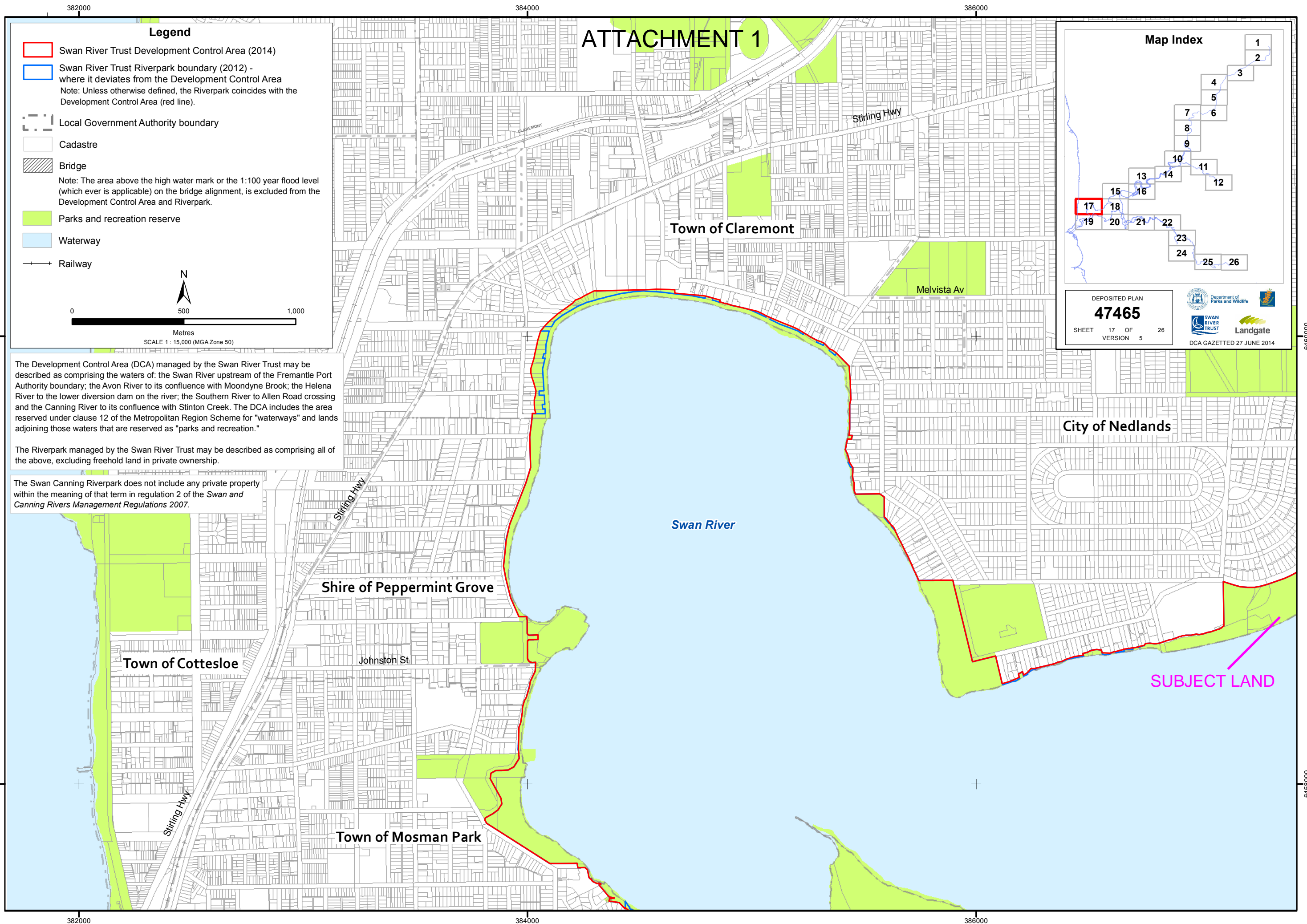
Stockpiling of materials will need to be fully contained at all times. Emergency spill kits should be onsite at all times and refuelling of machinery should be undertaken outside the Swan Canning Development Control Area.

In the event of a sediment plume or hazardous spill in the river, this should be reported to the Department of Parks and Wildlife on 9219 9000 or a/h 0419 192 845.

5. The report required under **Condition 6** shall be prepared by a suitably qualified person and shall include:
 - the final design specifications of the structure(s) including the water sculpture and pathway;
 - the interaction of the structure(s) with flood waters (overtopping and inundation) including the management of surface drainage; and
 - consideration of the stability and ongoing maintenance requirements of the riverwall at the location of the proposed structures; and
6. This approval applies to the removal of 13 trees as shown on the demolition plans provided as part of the application. The applicant is advised that it is an offence under the *Swan and Canning Rivers Management Regulations 2007* to destroy, pull up, cut back or injure any tree, shrub or perennial plant that is on land within the Swan Canning Development Control Area, except with the approval of the Department of Parks and Wildlife or unless otherwise exempt by the Regulations. Should any clearing be required a clearing permit application may also need to be lodged with the Department of Environment Regulation.
7. The applicant is advised that sediments must not be discharged into the DCA and/or the Swan River, in accordance with the *Environmental Protection (Unauthorised Discharge) Regulations 2004*. The Department Environment Regulation may be contacted on (08) 6467 5000 or <http://www.der.wa.gov.au/>.

8. The applicant is advised that the proposed works are located within a high to moderate acid sulphate soil (ASS) risk areas. 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 Environment Regulation website at www.der.wa.gov.au. If any ASS is exposed during the works, the Department Environment Regulation must be contacted on (08) 6467 5000.
9. The applicant is advised to contact the Department of Aboriginal Affairs to ensure that the proposed works do not breach any section of Part IV (Protection of Indigenous Sites) of the *Aboriginal Heritage Act 1972*.
10. The Department of Parks and Wildlife is supportive of the City commissioning a comprehensive Conservation Plan, to be prepared on Burra Charter Guidelines for the whole Dalkeith-Nedlands Foreshore with added emphasis on landscaping as well as development of the western end of the foreshore.
11. The Department of Parks and Wildlife recommends the City incorporates recommendations of the *Marli Riverpark: An Interpretation Plan for the Swan and Canning Riverpark* (Department of Parks and Wildlife, 2014), to articulate the cultural heritage significance of the Places within and surrounding the Dalkeith-Nedlands foreshore area, including Beaton Park.
12. Additional approvals will be required for the riverwall restoration works, upgrade of sewerage infrastructure, and upgrade of access and car parking facilities. Further advice on the appropriate approvals pathways can be obtained from Rivers and Estuaries Division, Statutory Assessments.

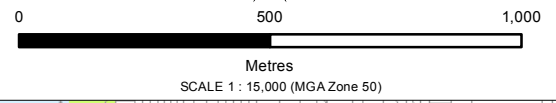
FINAL REPORT ENDORSED	
Signed: 	Date: <u>4.11.16</u>
Jim Sharp Director General	



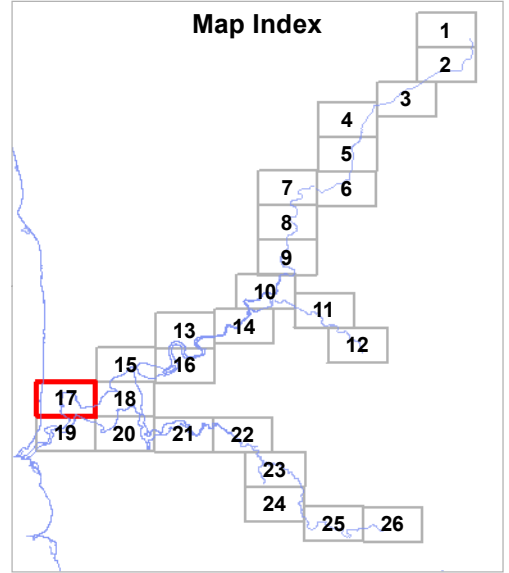
ATTACHMENT 1

Legend

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



Map Index



DEPOSITED PLAN
47465

SHEET 17 OF 26
VERSION 5

Department of Parks and Wildlife
SWAN RIVER TRUST
Landgate
DCA GAZETTED 27 JUNE 2014

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




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

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

ATTACHMENT 2



Legend

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

N

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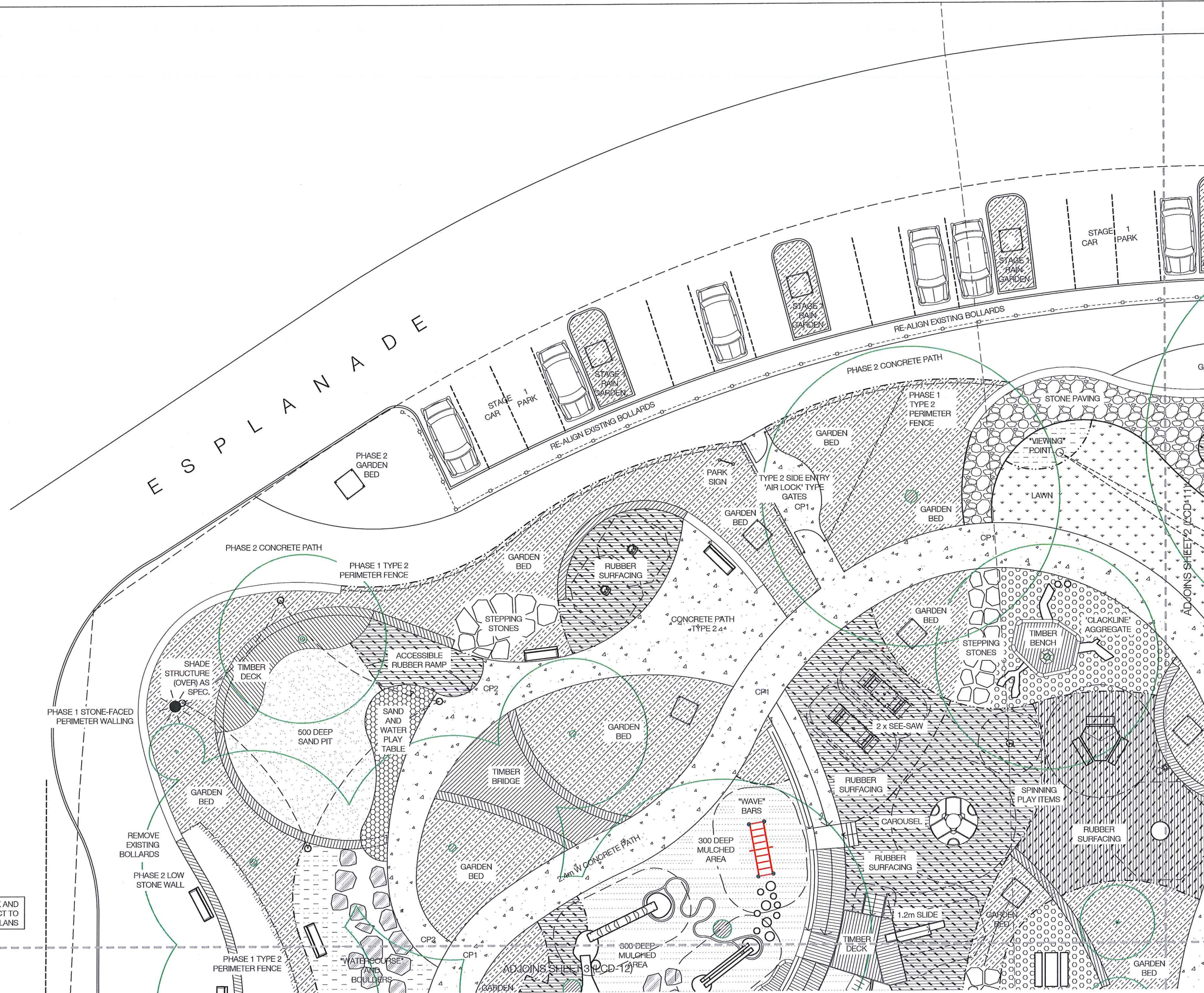
Geographic Projection
Datum: GDA94

Produced by CW,
Department of Parks and
Wildlife



Job Ref: 16-3139 All Abilities Play Space, Beaton Park, Daketh
Produced at 12:18 PM on August 25, 2016

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



Note : RE-DESIGN OF CAR PARK AND NEW BUS BAY SUBJECT TO SEPARATE ENGINEERING PLANS

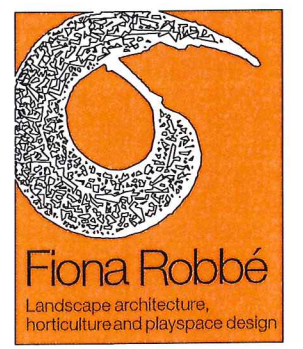
1 MATERIALS AND SURFACE FINISHES (1 of 6)
SCALE 1:100 @ A1 (1:200 @ A3)



- Notes
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Amendments	Date
A PRELIMINARY	05 2016
B FOR APPROVAL	05 2016

Beaton Park All-Abilities Playground Phase 1 Tender Documentation
 for : City of Nedlands PERTH W.A.



108 Arcadia Road, Arcadia NSW 2159
Phone: 02 9653 1045 Fax: 02 9653 1229

Client
City of Nedlands PERTH W.A.



Project
BEATON PARK ALL-ABILITIES PLAYGROUND
PHASE 1

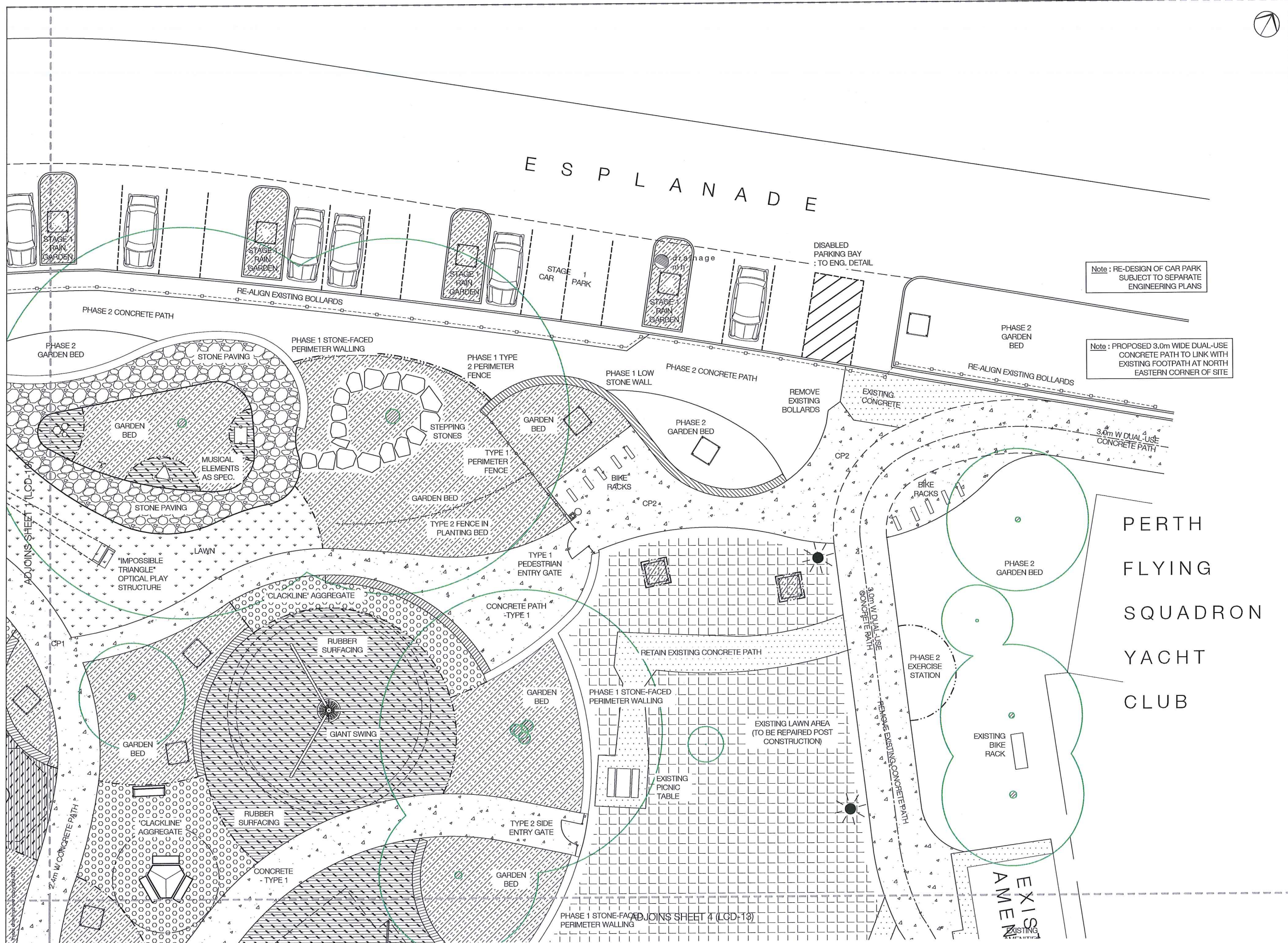
Title
MATERIALS, SURFACE FINISHES and PLAYGROUND EQUIPMENT
(1 of 6)
Scale: 1:100 at A1 (1:200 at A3)
Job number: 1204
Date: APRIL 2016
Drawing number: 11 of 42 LCD-10 B

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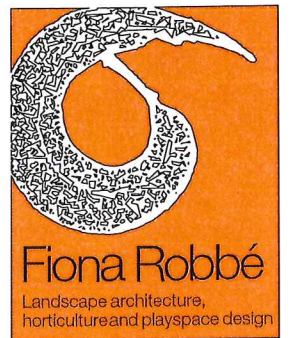
Amendments	Date
A PRELIMINARY	05 2016
B FOR APPROVAL	05 2016



Note: RE-DESIGN OF CAR PARK SUBJECT TO SEPARATE ENGINEERING PLANS

Note: PROPOSED 3.0m WIDE DUAL-USE CONCRETE PATH TO LINK WITH EXISTING FOOTPATH AT NORTH EASTERN CORNER OF SITE

Beaton Park All-Abilities Playground Phase 1 Tender Documentation
for: City of Nedlands PERTH W.A.



108 Arcadia Road, Arcadia NSW 2159
Phone: 02 9653 1045 Fax: 02 9653 1229

Client
City of Nedlands PERTH W.A.

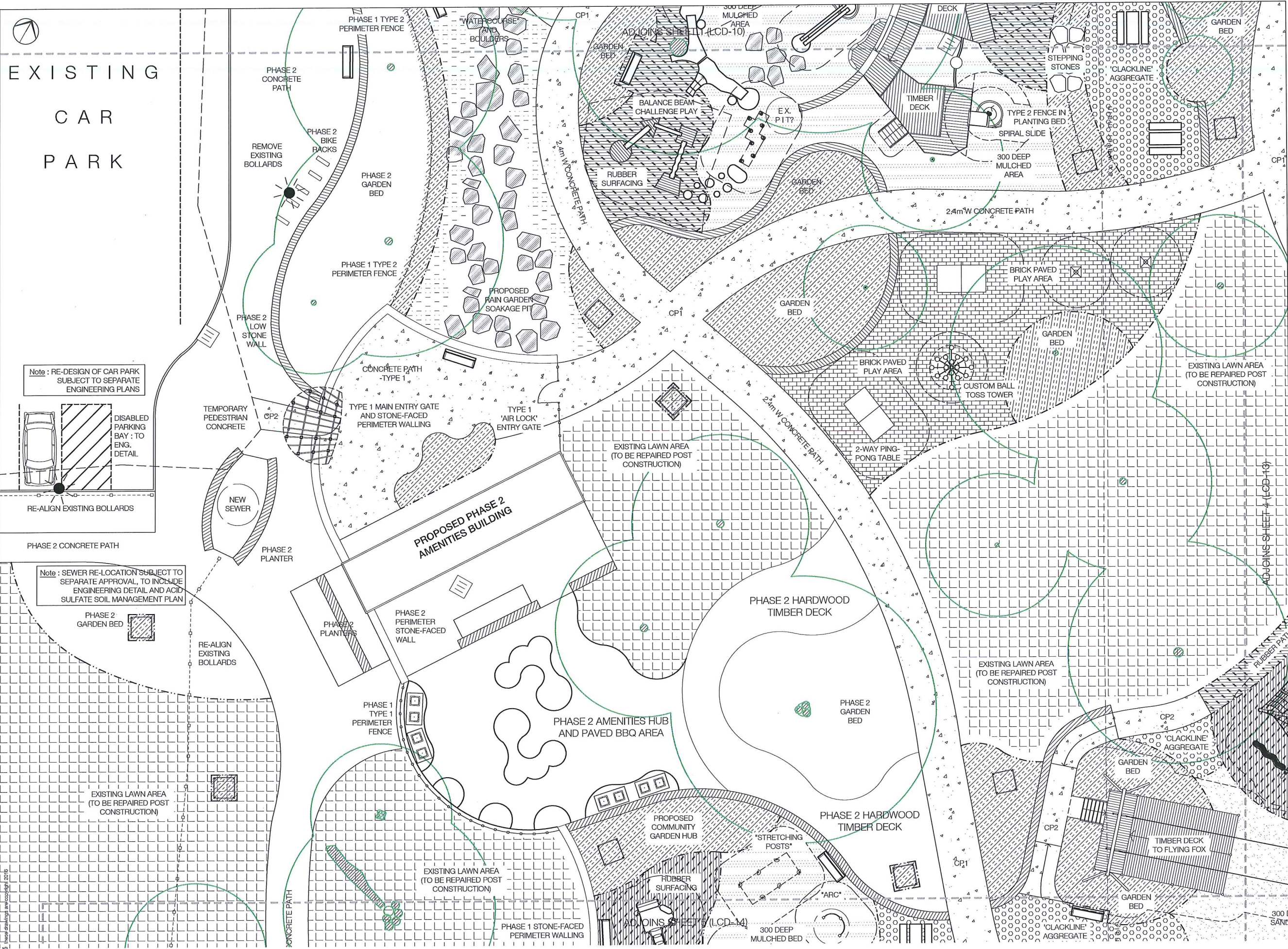
Project
BEATON PARK ALL-ABILITIES PLAYGROUND
PHASE 1

Title
MATERIALS, SURFACE FINISHES and PLAYGROUND EQUIPMENT
(2 of 6)

Scale: 1:100 at A1 (1:200 at A3)
Job number: 1204
Date: APRIL 2016
Drawing number: 12 of 42 LCD-11 B



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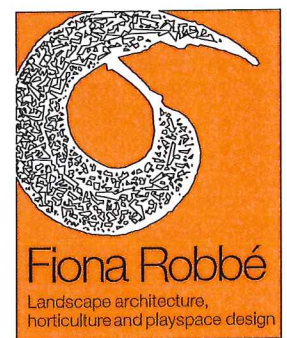
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Amendments

Amendments	Date
A PRELIMINARY	05/2016
B FOR APPROVAL	05/2016

**Beaton Park
All-Abilities Playground
Phase 1 Tender Documentation**
for : City of Nedlands PERTH W.A.



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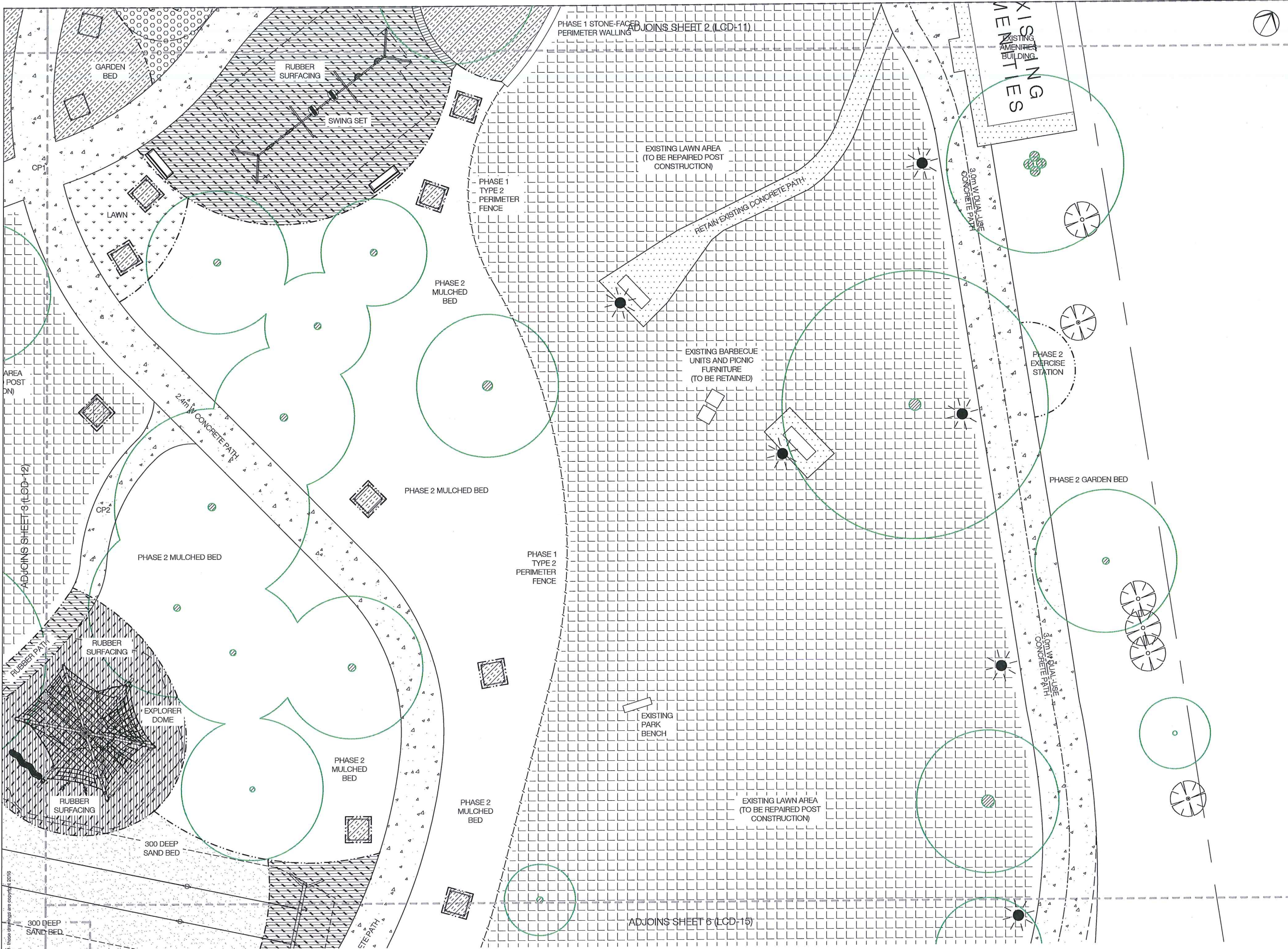


Project
BEATON PARK
ALL-ABILITIES PLAYGROUND
PHASE 1

Title
MATERIALS,
SURFACE FINISHES
and PLAYGROUND
EQUIPMENT
(3 of 6)

Scale: 1:100 at A1 (1:200 at A3)
Job number: 1204
Date: APRIL 2016
Drawing number: 13 of 42 LCD-12 B

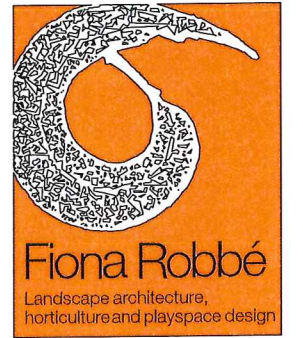
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Amendments	Date
A PRELIMINARY	05/2016
B FOR APPROVAL	05/2016

**Beaton Park
All-Abilities Playground
Phase 1 Tender Documentation**
for : City of Nedlands PERTH W.A.



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Client
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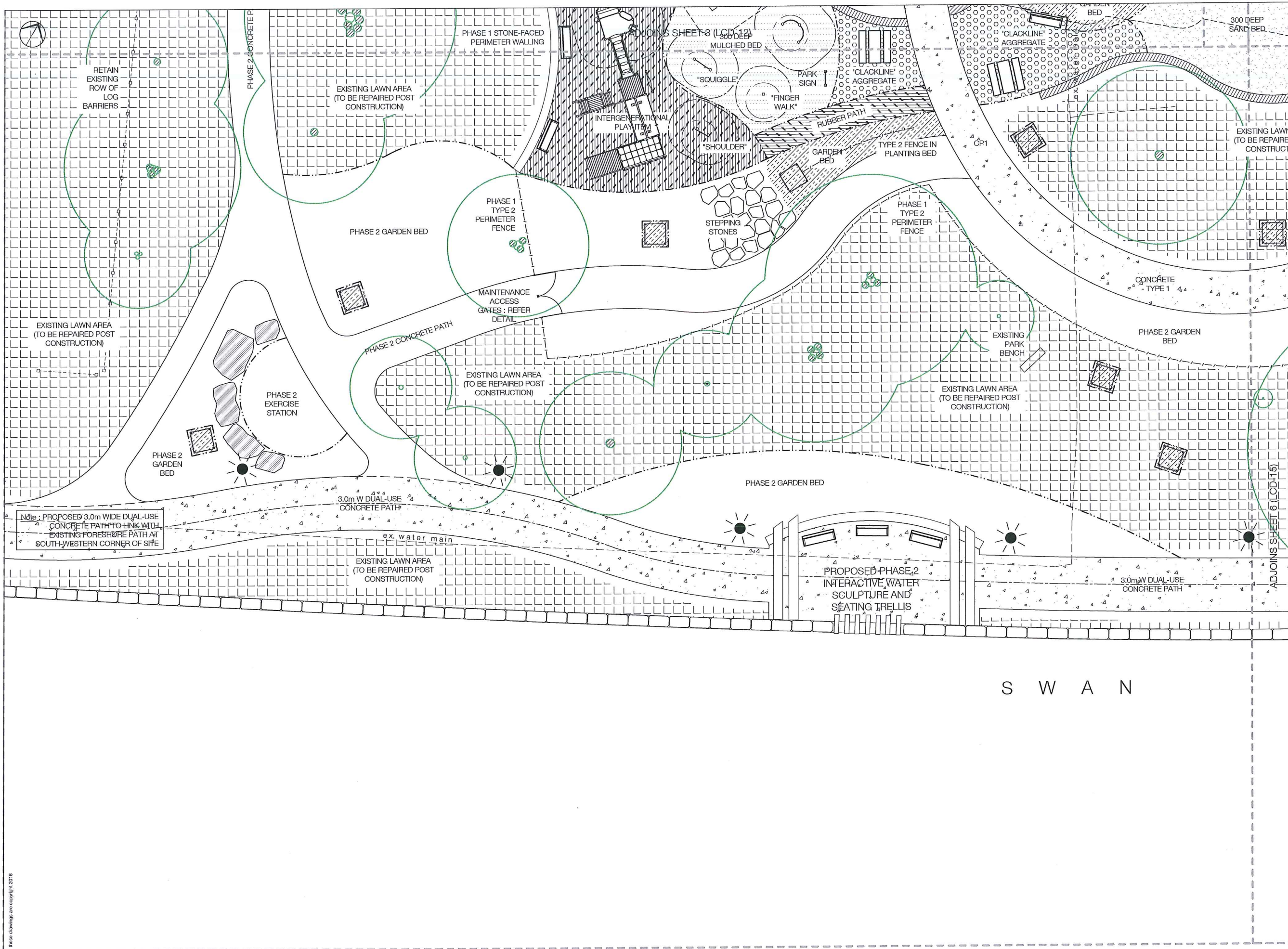
Project
BEATON PARK
ALL-ABILITIES PLAYGROUND
PHASE 1

Title
MATERIALS,
SURFACE FINISHES
and PLAYGROUND
EQUIPMENT
(4 of 6)

Scale: 1:100 at A1 (1:200 at A3)
Job number: 1204
Date: APRIL 2016
Drawing number: 14 of 42 LCD-13 B



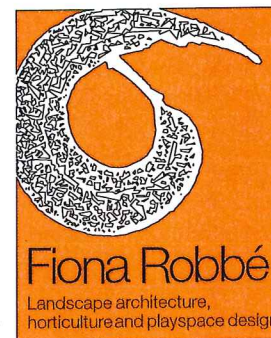
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B FOR APPROVAL	05 2016

Beaton Park
All-Abilities Playground
Phase 1 Tender Documentation
 for : City of Nedlands PERTH W.A.



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Client
 City of Nedlands PERTH W.A.

Project
 BEATON PARK
 ALL-ABILITIES PLAYGROUND
 PHASE 1

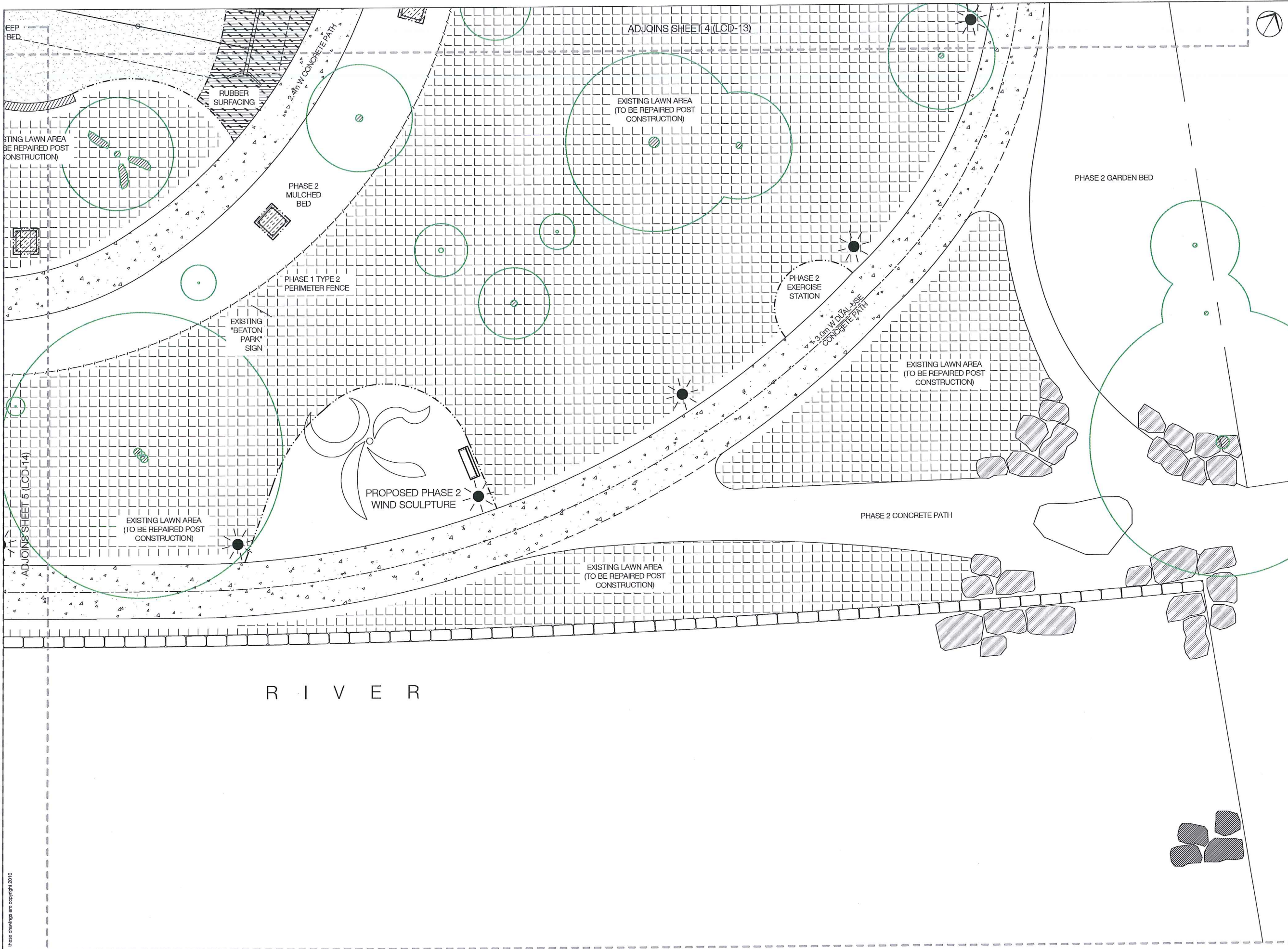
Title
 MATERIALS,
 SURFACE FINISHES
 AND PLAYGROUND
 EQUIPMENT
 (5 of 6)

Scale: 1:100 at A1 (1:200 at A3)
 Job number: 1204
 Date: APRIL 2016
 Drawing number: 15 of 42 LCD-14 B

S W A N



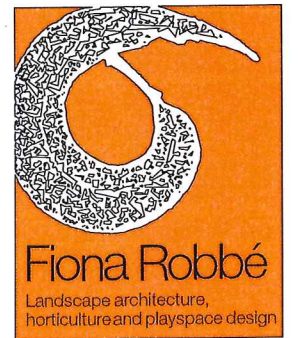
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**Beaton Park
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Phase 1 Tender Documentation**
for : City of Nedlands PERTH W.A.



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Client
City of Nedlands PERTH W.A.



Project
BEATON PARK
ALL-ABILITIES PLAYGROUND
PHASE 1


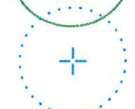
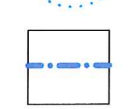
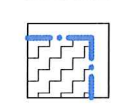
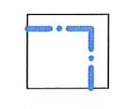
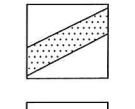
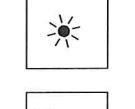
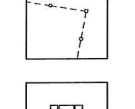
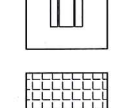

Title
MATERIALS,
SURFACE FINISHES
and PLAYGROUND
EQUIPMENT
(6 of 6)

Scale: 1:100 at A1 (1:200 at A3)
Job number: 1204
Date: APRIL 2016
Drawing number: 16 of 42 LCD-15 B

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SITE PLAN LEGEND SCALE 1:250

-  EXISTING TREE TO BE RETAINED (as shown on survey)
-  EXISTING TREE TO BE REMOVED
-  STAGING LINE
-  PHASE 1 LANDSCAPE WORKS
-  PROPOSED PHASE 2 WORKS
-  EXISTING CONCRETE PATHS TO BE RETAINED
-  EXISTING LIGHT POLES AND BOLLARD LIGHTS TO BE RETAINED and/or RE-LOCATED
-  EXISTING BOLLARDS AND LOG BARRIERS TO BE RETAINED and/or RE-LOCATED
-  EXISTING SITE FURNITURE TO BE RETAINED
-  EXISTING GRASSED AREA RETAINED and/or REPAIRED

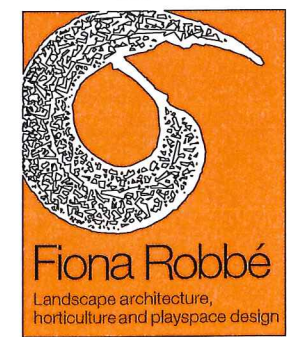


1 SITE PLAN / STAGING / EXTENT-of-WORKS
SCALE 1:250 @ A1 (1:500 @ A3)

- Notes
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Beaton Park All-Abilities Playground Phase 1 Tender Documentation
for : City of Nedlands PERTH W.A.



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Phone: 02 9653 1045 Fax: 02 9653 1229

Client
City of Nedlands PERTH W.A.



Project
BEATON PARK ALL-ABILITIES PLAYGROUND
PHASE 1

Title
SITE PLAN / STAGING / EXTENT-of-WORKS

Scale: 1:250 at A1 (1:500 at A3)	Rev
Job number: 1204	
Date: APRIL 2016	
Drawing number: 2 of 42	LCD-01 B





Enquiries Mr A Bratley on 9273 3500
Our Reference ES1/78

19 September 2016

Department of Parks and Wildlife
Rivers and Estuaries Division
Locked Bag 104
BENTLEY DELIVERY CENTRE WA 6983

Dear Sir / Madam,

Proposed All Abilities Park – Lot 254 (Reserve 17391) Birdwood Parade, Dalkeith

Further to the City's correspondence dated 2 August 2016 regarding the above development application, please find enclosed a site survey, a car park design plan and a Traffic Impact Assessment.

It is recommended that the development application be approved by the Department of Parks and Wildlife subject to the following conditions and advice:

- (1) The development shall at all times comply with the approved plans.
- (2) This development approval only pertains to the all abilities park and the associated car parking areas only.
- (3) All stormwater from the development, which includes permeable and non-permeable areas, shall be contained onsite.
- (4) The car parking bays and vehicle access ways being constructed and marked prior to the practicable completion of the all abilities park.

Advice Notes specific to this approval:

- (1) Stormwater to be contained on site by draining to soak-wells of adequate capacity to contain runoff from a 20 year recurrent storm event. All downpipes from guttering shall be connected so as to discharge into drains, which shall empty into a soak-well; and each soak-well shall be located at least 1.8m from any building, at least 1.8m from the boundary of the block. Soak-wells shall be a minimum capacity of 1.0m³ for every 80m² of calculated surface area of the development.
- (2) This decision constitutes planning approval only and is valid for a period of **two years** from the date of approval. If the subject development is not substantially commenced within the two year period, the approval shall lapse and be of no further effect.

Should you have any queries regarding the above, you can contact the City's Coordinator Statutory Planning Andrew Bratley at abratley@nedlands.wa.gov.au or on 9273 3500.

Yours faithfully



Kate Bainbridge
Senior Statutory Planning Officer

Enc. *Site Survey Plan*
Car Park Design Plan
Traffic Impact Assessment



Government of **Western Australia**
Department of **Aboriginal Affairs**

DEPARTMENT OF PARKS
& WILDLIFE

30 SEP 2016

Corporate Information Services

ENQUIRIES : Aidan Ash- Ph 6551 8040

OUR REF: 2016/0052-01

YOUR REF: 2016/3139

Mr Glen McLeod-Thorpe
A/Manager, Statutory Assessments
Department of Parks and Wildlife, Rivers and Estuaries Division
Email: rivers.planning@dpaw.wa.gov.au

Dear Mr McLeod-Thorpe

**RE: PART 5 - LOT 254 ON PLAN 37070 BIRDWOOD PARADE DALKEITH -
BEATON PARK RESERVE 17391 - INSTALLATION OF PLAYGROUND
EQUIPMENT**

Thank you for your letter dated 11 August 2016 regarding the proposal for the installation of playground equipment at Birdwood Parade, Dalkeith. The Department of Aboriginal Affairs (DAA) has reviewed the information sent with your correspondence and provides the following comments.

Based on the information in the application, it is understood the area for the proposed playground, landscaping and car park, is located between the Esplanade Road and the edge of the Swan River. The Swan River is a registered Aboriginal site (DAA 3536), however based on plans attached the proposed works do not appear to be within the boundary of the site. The boundary of DAA 3536 is able to be viewed on the DAA mapping system (Aboriginal Heritage Inquiry System – AHIS) available at <http://svr-gis4/AHIS2/>.


The boundary for DAA 3536 was previously captured in such a way that it intersected Crown Reserve 17391. The Reserve was the subject of an application made under section 18 of the *Aboriginal Heritage Act 1972* (AHA) for which consent was granted in 2011. The purpose as described in the section 18 application was to undertake works associated with the installation, maintenance and use of the area relating to the Nedlands Foreshore Management and Enhancement Plan. The City of Nedlands should review the issued section 18 consent and form its view whether the purpose of the current application is consistent with activities for which section 18 consent was granted.

The DAA is aware that the City of Nedlands is currently in discussions with South West Aboriginal Land and Sea Council (SWALSC) and the Whadjuk Working Group (WWG). It is considered that the outcome of these discussions and the involvement of Whadjuk people in the project will address Aboriginal heritage concerns.

Should any portion of the proposed works be located within the boundary of DAA 3536 or should the WWG raise any concerns it is recommended the City of Nedlands discuss the proposal with DAA to discuss obligations under the AHA.

Should you or the proponent have any queries regarding this matter please do not hesitate to contact, Mr Aidan Ash Senior Approvals and Advice Officer, DAA on (08) 6551 8040 or via email at Aidan.Ash@daa.wa.gov.au.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Tiffany Vale', written in a cursive style.

Tiffany Vale
REGISTRAR OF ABORIGINAL SITES

27 September 2016



Government of **Western Australia**
Department of **Environment Regulation**

Your ref: 2016/3139
Our ref: CEO2760/16
Enquiries: Adam Harbeck
Phone: 6467 5383
Email: advice.coordinator@der.wa.gov.au

Mr Jim Sharp
Director General
Department of Parks and Wildlife
Via email: rivers.planning@dpaw.wa.gov.au

Attention: Mr Glen McLeod-Thorpe

Dear Mr Sharp *Jim*

PART 5 – LOT 254 ON PLAN 37070 BIRDWOOD PARADE, DALKEITH – BEATON PARK RESERVE 17391- INSTALLATION OF PLAYGROUND EQUIPMENT

I refer to the correspondence dated 11 August 2016 from Mr Glen McLeod-Thorpe, Acting Manager Statutory Assessments, inviting comment from the Department of Environment Regulation (DER) on the above application.

On 16 November 2015, a delegate of the Chief Executive Officer provided advice to the City of Nedlands, in accordance with section 58(6)(b) of the *Contaminated Sites Act 2003*, on the suitability of the land for the proposed development of an 'All Abilities Play Space' at Beaton Park. A copy of that advice is at Attachment 8 to the City's letter dated 2 August 2016 to the Department of Parks and Wildlife.

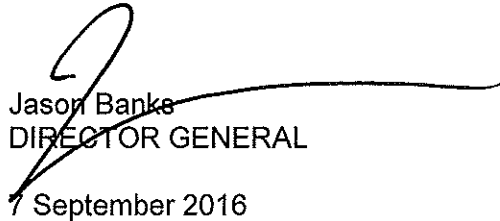
As set out in that advice, DER does not hold any information to suggest that Beaton Park has been affected by petroleum hydrocarbon contamination (resulting from a fuel spill) present at the Perth Flying Squadron Yacht Club (both the Perth Flying Squadron Yacht Club and Beaton Park are on Lot 254 on Deposited Plan 37070).

Acid sulfate soils risk mapping indicates that there is a moderate to low risk of acid sulfate soils occurrence within three metres of the natural soil surface at the site, but a high to moderate risk of acid sulfate soils occurrence deeper than three metres. As the proposal does not involve disturbance of more than 100 cubic metres of soil or dewatering, an acid sulfate soils investigation and management plan are not required (see DER's letter dated 11 May 2016 at Attachment 9 to the City's letter).

I note that the proposal may involve clearing of native vegetation. The proponent can be advised that under the *Environmental Protection Act 1986*, it is an offence to clear native vegetation in Western Australia unless the clearing is done in accordance with a clearing permit, or an exemption applies. Proponents who wish to clear are required to apply for a permit if an exemption does not apply. Guidelines and fact sheets are available at www.der.wa.gov.au/our-work/clearing-permits. Further information on the clearing permit process can be obtained by email at NVP@der.wa.gov.au or by telephone on 9333 7469.

Should your staff have any further queries, please contact DER's Acting Planning and Advice Coordinator, Mr Adam Harbeck, on 6467 5383.

Yours sincerely



Jason Banks
DIRECTOR GENERAL

7 September 2016