

Swan and Canning Rivers Management Act 2006

PART 5

DETERMINATION OF DEVELOPMENT APPLICATION

FILE NUMBER : SRT6106
APPLICANT : Swan Yacht Club
APPLICANT'S ADDRESS : Attn: Damien Gasper, Managing Secretary
PO Box 20
PALMYRA WA 6957
LANDOWNER : Town of East Fremantle
LAND DESCRIPTION : Parks & Recreation reserve – Lot 10105 on Plan 214976,
Lot 7771 on Plan 169877, Lot 10106 on Plan 214976 and
Lot 8661 on Plan 212139 (Reserve 27376 and 27377)
Riverside Road, East Fremantle
DEVELOPMENT : Refurbishment and Extension to Club House at the Swan
Yacht Club
VALID FORM 1 RECEIVED : 14 October 2014
DETERMINATION : **APPROVAL WITH CONDITIONS**

The application to commence development in accordance with the information received on 14 October 2014 is APPROVED subject to the following conditions:

Prior to the commencement of works

1. Approval to implement this decision is valid for two (2) years from the date of the approval. If the development has not been substantially commenced within this period, a new approval will be required before commencing or completing the development.
2. The applicant shall notify the Swan River Trust in writing not less than 30 days prior to the commencement of works.
3. Prior to commencement of works, a Construction Management Plan shall be submitted to, and approved by the Swan River Trust (see **Advice Note 3**).
4. Prior to commencement of works, a Stormwater Management Plan shall be prepared and approved by the Swan River Trust on advice from the Town of East Fremantle (see **Advice Note 4**).
5. Prior to commencement of works, a final Landscaping Management Plan shall be prepared and approved by the Swan River Trust on advice from the Town of East Fremantle (see **Advice Note 5**).
6. Prior to commencement of works, the applicant shall provide a plan detailing the external colours, building materials and finishes for all proposed new buildings and renovations, including the design concept of the pre-cast concrete panels to

the satisfaction of the Swan River Trust on advice from the Town of East Fremantle (see **Advice Note 6**).

7. Prior to the commencement of works, a Lighting Plan shall be submitted to the Swan River Trust for approval (see **Advice Note 7**).
8. Prior to any fill and/or top soil being brought onto the site, the applicant shall demonstrate that all material is certified clean, uncontaminated and free from rubble, weeds and disease.

During works

9. Works shall be carried out in accordance with all approved plans (**Conditions 3 to 7**).
10. Works associated with the development must not prevent public access along the pathway and foreshore reserve unless closure is necessary for safety purposes and has been approved by the Swan River Trust.
11. The applicant shall take appropriate preventative measures during the works to ensure that no top soil, runoff or any other deleterious matter is allowed to enter the river.
12. The applicant shall ensure that no damage to the foreshore, riverbank, or waterway (including infrastructure) occurs beyond the scope of the approved works. Should any inadvertent damage occur, the applicant is required to notify the Swan River Trust within 48 hours.

On completion of works

13. Upon completion of the works, all waste materials, equipment and machinery shall be removed and the site cleaned up to the satisfaction of the Swan River Trust.

On-going monitoring

14. All dinghies are to be removed from the foreshore and stored in the dinghy storage area within 12 months from the issue of this approval.
15. The clubhouse building shall be kept clean and free of graffiti and vandalism at all times and any such graffiti or vandalism be remedied within 24 hours to the satisfaction of the Swan River Trust on advice from the Town of East Fremantle.
16. All car parking, trailer and boat storage are to be contained within the defined hardstand area of the car park.

ADVICE TO APPLICANT

1. Notification of commencement of work and report submissions can be emailed to planning@swanrivertrust.wa.gov.au.
2. To allow sufficient time for the Swan River Trust to consider and approve the plans required under Condition 3 to 7, they should be submitted to the Trust no later than 30 days prior to the expected commencement date.

3. The Construction Management Plan required under **Condition 3** shall address as a minimum:
- a. scope of works;
 - b. site access;
 - c. machinery, equipment and materials to be used;
 - d. on-site storage and bunding of materials, equipment, chemicals and fuel;
 - e. details of excavation and any stockpiling of soil and fill materials;
 - f. acid sulphate soil management;
 - g. means of protecting the waterway from inputs of deleterious matter;
 - h. sediment management;
 - i. protection of foreshore and vegetation;
 - j. public access and safety;
 - k. waste management; and,
 - l. schedule of works.

Where relevant the plan should also include timeframes and responsibility for tasks identified. The Swan River Trust should be notified immediately on 9278 0981 in the event of any pollution or spills.

4. The applicant is advised that the Stormwater Management Plan required under **Condition 4** should illustrate how gross pollutants and hydrocarbons will be prevented from entering the waterway. Water Sensitive Urban Design principles should be incorporated to manage the increase in runoff and the existing flow/drainage regimes on the site. Stormwater management systems should be designed in a manner that will enhance the quality of water leaving the site through the use of Water Sensitive Urban Design techniques. Further information is available from the Department of Water's *Water Sensitive Urban Design Brochure Series* at: <http://www.water.wa.gov.au/Managing+water/Urban+water/Water+Sensitive+Urban+Design+brochures>.

The Town of East Fremantle advises that all stormwater is to be disposed of on-site, and an interceptor channel installed if required.

5. The final Landscaping Management Plan required under **Condition 5** should reflect the Stormwater Management Plan in regards to features of water sensitive urban design. The Town of East Fremantle advises that provisions for bicycles should also be included in the plan. Should the Swan Yacht Club proceed with the plans to install a children's playground, this will also need to be incorporated in the Landscaping Management Plan.
6. With regard to **Condition 6**, the applicant is advised that the selected building materials and colour scheme for the development should be of a low reflective standard, and reflect the character and landscape setting of the Swan River and surrounding foreshore.
7. In relation to **Condition 7**, lighting should be low level and designed to illuminate the club house with minimal light spill on the water or upward to the sky to ensure no adverse ecological consequences.
8. The applicant is advised that the Swan Yacht Club's Environmental Management System should be updated on completion of these works to reflect the changes and new stormwater treatment systems installed.

9. 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, aquatic plant or other perennial plant that is in the Riverpark or the Swan River Trust Development Control Area without prior approval from the Trust.
10. The applicant is advised that the proposed works are located within a moderate to low 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 Contaminated Sites Branch of the Department of Environment Regulation should be contacted for further advice on 1300 762 982.
11. The Department of Environment Regulation (DER), Contaminated Sites Branch, advises that the Swan Yacht Club land area is classified under the *Contaminated Sites Act 2003* as 'possibly contaminated – investigation required'. If groundwater is being, or is proposed to be abstracted (e.g. for dust suppression), DER recommends that analytical testing should be carried out to determine whether the groundwater is suitable for its intended use.
12. The applicant is advised that the proposal has the potential to be affected by sea level rise. It is recommended that applicants understand the implications of potential sea level rise on the site. The onus rests with the applicant to undertake a risk assessment and exercise their judgment in determining the level of risk they are prepared to accept.

The Trust's Climate Change Risk Assessment Project (2010) models impacts of potential sea level rise in the Swan and Canning Rivers, and sets out a methodology to assess the vulnerability of foreshore areas. While mapping information is available from the Trust, it is also recommended that applicants undertake their own research and obtain appropriate independent professional advice relevant to the particular circumstances.

13. This approval is issued on the proviso that the Swan Yacht Club acknowledge that the development and site may in the future be subject to the environmental consequences of sea level rise and contaminants associated with past activities and agrees to indemnify the Town of East Fremantle from any liability arising from these consequences now and in the future to the satisfaction of the Town of East Fremantle.
14. The Town of East Fremantle advises that this decision does not include acknowledgement or approval of any unauthorised development that may be on the site.
15. The proposed development is to be only operated in whole and in part by the Swan Yacht Club to the satisfaction of the Town of East Fremantle.
16. The Town of East Fremantle advises that the application for a Building Permit is to conform to the approved plans unless otherwise approved by Council. The proposed works are not to be commenced until Council has received an application for a Building Permit and the Building Permit issued in compliance

with the conditions of this planning approval unless otherwise amended by Council.

17. With regards to the plans submitted with respect to the Building Permit application, changes are not to be made in respect of the plans which have received planning approval, without those changes being specifically marked for Council's attention.
18. If development requires any street verge facilities (e.g. street trees, footpath, crossover, light pole, drainage point or similar) to be removed, modified or relocated then such works must be approved by the Town of East Fremantle and if approved, the total cost to be borne by the applicant. Council must act reasonably and not refuse any reasonable proposal for the removal, modification or relocation of such facilities or services (including, without limitation any works associated with the proposal) that are required by another statutory or public authority.
17. No signage (with the exception of the Swan Yacht Club logo) is approved under this application. A separate planning application is required for any proposed signage. All signage to comply with the Town of East Fremantle's Local Planning Policy Design Guidelines – Signage.
18. Matters relating to dividing fences are subject to the *Dividing Fence Act 1961*.
19. All noise levels produced by the construction of the development are to comply with the provisions of the *Environmental Protection (Noise) Regulations 1997* (as amended).
20. Under the *Environmental Protection (Noise) Regulations 1997*, the noise from an air-conditioner must meet assigned allowable noise levels at all times. The *Environmental Protection Act 1986* sets penalties for non-compliance with the Regulations and the installer of noisy air-conditioner can face penalties of up to \$5000 under Section 80 of the Act. Refer to Department of Environmental Protection document – 'An installers Guide to Air Conditioner Noise'.
21. If requested by the Town of East Fremantle within the first two years following installation, the roofing is to be treated to reduce reflectivity, to the satisfaction of the Town of East Fremantle and all associated costs to be borne by the owner.



Albert Jacob MLA
MINISTER FOR ENVIRONMENT; HERITAGE

Date: 22/4/15

FILE No. : SRT6106

TRUST MEETING : 10 March 2015

SWAN RIVER TRUST REPORT

PROPOSAL : Refurbishment and Extension to Club House at the Swan Yacht Club

COST : \$3,500,000 - \$4,000,000

LOCATION : Lot 10105 on Plan 214976, Lot 7771 on Plan 169877, Lot 10106 on Plan 214976 and Lot 8661 on Plan 212139 (Reserve 27376 and 27377) Riverside Road, East Fremantle

APPLICANT : Swan Yacht Club (Damien Gaspar, Managing Secretary)

OWNER : Swan Yacht Club

LOCAL GOVERNMENT : Town of East Fremantle

MRS CLASS'N : Parks and Recreation

LA CLASS'N : Parks and Recreation

DECISION TYPE : Part 5, *Swan and Canning Rivers Management Act 2006* – Ministerial Determination

RECEIVED : 14 October 2014

ATTACHMENTS

- 1: Location Map
- 2: Aerial Image
- 3: Land Lease Area
- 4: Town of East Fremantle Referral Response
- 5: Advice from Department of Environment Regulation, Contaminated Sites Branch
- 6: Existing Plans and Elevation
- 7: Proposed Plans and Elevation
- 8: Landscaping Management Plan
- 9: Model View Plans of Proposed Building
- 10: Photographs of Existing Dinghies on the Foreshore

RECOMMENDATION : **APPROVAL WITH CONDITIONS**

REPORT

1.0 INTRODUCTION

- 1.1 The Swan River Trust (the Trust) has received an application from the Swan Yacht Club (the Yacht Club) for the refurbishment and extension of its existing

club house and modification to the car park and landscaping areas at Reserve 27376 and Reserve 27377 Riverside Road, East Fremantle (**Attachments 1 and 2**). Reserve 27376 and Reserve 27377 are vested for the purpose of 'Yacht Club and Club Premises' and 'Yacht Club and Free Public Pedestrian' respectively, under the Town Planning Scheme No. 3.

- 1.2 The Yacht Club has two leases, one waterbed lease and one land lease (see **Attachment 3**). Both are entirely within the Trust's Development Control Area and within land reserved for Parks and Recreation under the Metropolitan Region Scheme. Therefore the application is being considered under Part 5 of the *Swan and Canning Rivers Management Act 2006*.

2.0 CONSULTATIONS

Town of East Fremantle

- 2.1 The Town of East Fremantle (the Town) considered the application at a Council meeting on 9 December 2014 where it resolved to recommend approval of the proposed development subject to conditions. The Town's full comments are at **Attachment 4**.

Department of Environment Regulation – Contaminated Sites

- 2.2 The Department of Environment Regulation, Contaminated Sites branch (CSB), notes that the Swan Yacht Club land area is classified under the *Contaminated Sites Act 2003* as 'possibly contaminated – investigation required'. This classification was based on the findings of a 2007 and 2010 assessment, which found that the river sediments were impacted by antifouling agents such as tributyltin (TBT). The highest impacts were detected in sediments directly adjacent to the slipway area, with concentrations generally reducing with radial distance from this point.
- 2.3 CSB notes that the club house and car park are located further south of the impacted river sediments and furthermore, extensive earthworks are not required. As such, CSB has no objection to this project provided that the method of proposed works minimises the disturbance of sediments.
- 2.4 CSB advises that if groundwater is being, or is proposed to be abstracted (e.g. for dust suppression), analytical testing should be carried out to determine whether groundwater is suitable for its intended use. This will be included as an advice note on the approval.
- 2.5 CSB's full comments are at **Attachment 5**.

Trust – Riverpark Management

- 2.6 Riverpark Management is supportive of the proposal and states that the refurbishment of the clubroom and facilities has the potential to improve public amenity.
- 2.7 The Yacht Club has been informed that any changes to the use of the premise will need to be incorporated in the annual review of its Environment Management System.

3.0 PUBLIC COMMENT – SUBMISSIONS ON DRAFT REPORT

- 3.1 In accordance with the requirements of Part 5 of the Swan and Canning Rivers Management Act 2006 a copy of the draft report and proposed recommendation has been provided to the applicant, the local government and other consultant agencies. A copy was also published on the Trust website for a period of three (3) weeks between 23 March 2015 and 15 April 2015 with an invitation for public submissions.
- 3.2 One (1) submission was received from the Town of East Fremantle advising no further comments on the proposal or the draft report.

4.0 RELEVANT POLICIES AND PLANS

- ◆ State Planning Policy 2.10: *Swan-Canning River System (SPP 2.10)*
- ◆ State Planning Policy 2.6: *State Coastal Planning (SPP 2.6)*
- ◆ SRT/EA1 – *Conservation, Land Use and Landscape Preservation*
- ◆ SRT/D10 – *Restaurants, Cafes, Kiosks and Tearooms*
- ◆ SRTDE4 – *Stormwater Management*
- ◆ SRT/DE5 – *On-Site Wastewater Management Systems and Industrial Wastewater*

4.0 ENVIRONMENTAL AND PLANNING CONSIDERATIONS

- ◆ Unauthorised Works
- ◆ Environmental Protection
- ◆ Vegetation Protection
- ◆ Stormwater Management
- ◆ Wastewater Management
- ◆ Visual Amenity
- ◆ Public Access and Safety
- ◆ Car Parking
- ◆ Lighting
- ◆ Acid Sulphate Soils
- ◆ Sea Level Rise
- ◆ Contaminated Site

5.0 BACKGROUND

- 5.1 The Yacht Club site covers approximately 1.35ha of land and approximately 3.5ha over water.
- 5.2 The current development application is for works predominately on land, with major refurbishment proposed to the existing club house. The major changes are as follows (see **Attachments 6 and 7**):
- Use of two car parking bays for bin and dinghy storage on the south-west corner of the car park (145 parking bays remaining). Bins currently stored at the front of the club house will be relocated and screened from view. The proposal also seeks to remove all dinghies currently located on the foreshore and relocate them to a storage rack within the car park.

- Car parking bays on the southern boundary will be resurfaced with bitumen.
 - Landscaping works including tree planting and turf extension.
 - Potential installation of a children's playground on the turf area.
 - Extension of the upper deck (with shade sails) by 167m² and ground floor external function area by 189m².
 - External façade upgrades including the installation of printed precast concrete panels on the southern elevation, watch tower recladding (opal carbonate), removal and replacement of asbestos roof with Colorbond steel roof sheeting, upgrades to emergency fire stairs and installation of new printed Yacht Club logo.
 - Internal building area will increase by approximately 297m² (upper and ground floor will increase by 108m² and 189m² respectively).
 - Internal facility renovations and reconfiguration of offices, change rooms and toilet facilities, function rooms, plant room and kitchen.
 - Installation of a lift to improve access to both floors.
 - No modification of building height, business operating hours or seating capacity.
- 5.3 The refurbishment works are to upgrade the old building, which in the current condition is fairly worn and dilapidated, and resolve previous unauthorised land based additions that had reduced the aesthetics and safety integrity of the club house.
- 5.4 The Yacht Club is a community based club with affiliations to many local community groups that use its facilities. As of February 2015, the Yacht Club consists of 2376 members, 1853 of which are social members.
- 5.5 The renovations seek to enhance the amenity of the site through:
- Improved services and facilities for members, visitors and other local clubs that utilise the club house;
 - Increased aesthetic and environmental value of the Yacht Club through landscaping work and connection of the building to deep sewer (currently serviced by septic tanks and leach drains); and
 - Improved public access to the foreshore through better management of dinghy storage.
- 5.6 The applicant previously submitted a Part 5 development application on 29 February 2012 for the demolition of the existing club house and construction of a new club house (with 35 additional parking bays). However, due to a number of internal factors at the Yacht Club, the proposal was not progressed. The previous proposal included a landscape management plan (see **Attachment 8**) that contained substantial tree planting and the creation of a bio-retention swale to collect and filter car park runoff.

6.0 DISCUSSION

Unauthorised Works

- 6.1 The Trust was notified by a legal representative of the Yacht Club of various unauthorised in-water and land based development works which had been undertaken around the Yacht Club. In 2013 an investigation was carried out and a total of 276 individual items, including finger jetties, piles, decking, signage, marine and clubhouse structures were found to not have received the required planning approvals. It was made clear to the Yacht Club that the Trust was unable to issue retrospective planning approval for the works under the *Swan and Canning Rivers Management Act 2006*, which in turn could impact on the validity of the Yacht Club's Jetty Licence and insurances.
- 6.2 As the Yacht Club has been advised, the Trust's main concerns with the unauthorised in-water works are their construction, the uncertainty about their structural integrity and the risks this poses, including to public safety. In October 2013, the Club advised that the piling history, construction methods and design drawings for the unauthorised in-water structures were no longer accessible.
- 6.3 Of the 250 individual in-water unauthorised works, the majority of the items are now considered to be adequately addressed. This includes items on the portion of Jetty 2 that were dealt with through the Part 5 approval granted for the replacement and realignment of the end of Jetty 2 and its associated finger jetties and boat pens. The remaining item is the ply wood decking on Jetty 7. In regard to the ply wood, the Yacht Club has agreed it is inconsistent with the other decking material within the marina. The Yacht club is aware that failure to satisfactorily address these outstanding items would also be a breach of its Riverbed Lease agreement.
- 6.4 In regard to the 26 individual unauthorised land based works, the Yacht Club received a Certificate of Building Approval for the necessary structures from the Town of East Fremantle in January 2014 on the understanding that the remedial works identified by their engineer had been completed and structural integrity and safety were therefore ensured. The Yacht Club also recently completed painting works to address the visual impact of the unauthorised structures and as part of this application, submitted a site-wide landscape management plan on which long-term work and maintenance at the site can be based. Provided that this plan is submitted (and approved), the Trust has advised the Yacht Club that it does not intend to take any further action or consider prosecution over its unauthorised land based works.
- 6.5 The Yacht Club has also advised that the current development concept plan for the entire club premises holistically considers the future needs and requirements of the land and marina based functions of the Yacht Club.

Environmental Protection

- 6.6 Trust Policy *Conservation, Land Use and Landscape Preservation* (SRT/EA1) states that development on and adjacent to, the river should maintain and enhance the quality of the river environment. The proposed development should be carefully carried out to prevent detrimental impacts to the river or the foreshore area.

- 6.7 The proposed works consist of the removal of bitumen (south and west of the building to allow for the building extension and north-east to expand the grassed area), building construction and concrete pouring. Accordingly, there are a number of potential impacts to the foreshore and waterway that need to be managed appropriately. The applicant has stated that since the proposal is for the refurbishment of an existing building, the amount of demolition and construction works will be on a smaller scale as compared to works associated with the demolition and construction of a new club house.
- 6.8 In order to ensure that all potential impacts are identified and managed appropriately, a Construction Management Plan can be required as a condition of approval. The Construction Management Plan shall be required to include details of sediment management, protection of vegetation, management of machinery and equipment (including refuelling), public access and safety, demolition and construction methodology, waste management and spill response. The protection of the foreshore and river can be further reinforced through conditions of approval.

Vegetation Protection

- 6.9 Trust Policy SRT/EA1 promotes the conservation of native vegetation for the protection and enhancement of the river environment.
- 6.10 The applicant has stated that a temporary storage and laydown area will need to be set up during the construction phase at an appropriate location onsite. Care will need to be undertaken to ensure no damage is done to the vegetation as a result of the construction works and the setup of the laydown area, this will need to be addressed in the construction management plan required as a condition of approval.
- 6.11 The applicant has submitted a Landscaping Management Plan and associated documentation as part of its application (see **Attachment 8**). Landscaping works will consist of the following:
- Additional planting of Tuart trees will be interspersed between existing trees within the grassed area west of the car park.
 - Expanding the turf area and planting of smaller native species such as *Xanthorrhoea* (Grass trees) in beds beside low limestone block walls on the northern boundary (facing the river).
 - Replanting existing garden beds with native species such as *Xanthorrhoea* on the south east boundary.
 - Planting of three new palm trees at the front of the clubhouse to match the existing historic palm trees located at the southern boundary. These new trees will be hidden from view from the river.
- 6.12 The western boundary of the site extends to the John Tonkin Park reserve and the planting of trees is encouraged to increase the screening of the Yacht Club from the foreshore reserve. The expansion of the turf and planting of grass trees on the northern boundary is also supported as this will soften the building. The Landscaping Management Plan has been assessed as part of the application and it appears that efforts have been made to improve the visual amenity of the area through soft landscaping techniques.

- 6.13 It is recommended however that the applicant submits a final Landscaping Management Plan to the Trust to ensure that elements of water sensitive urban design associated with the management of stormwater from the site is reflected in the landscaping management plan and appropriate native plant species are selected. The Town has also requested that a detailed landscaping plan incorporating bicycle parking provisions be included.
- 6.14 The foreshore reserve to the west of the car park has been used by affiliated clubs for uncontrolled car parking and storage of boats and trailers. This has subjected the land to degradation and places restrictions on public access and enjoyment of the reserve. The Town has requested a condition be included on the approval to restrict car parking, trailer and boat storage to hardstand area within the car park only.

Stormwater Management

- 6.15 SPP 2.10 and Trust Policy *Stormwater Management* (SRT/D4) both state that stormwater management systems should be designed in a manner that will enhance the environmental quality of the river and tributaries through the use of water sensitive urban design. In addition, natural flow regimes are to be generally preferred over artificial systems.
- 6.16 The applicant has advised that the detail for the stormwater management plan is in the process of being finalised. It is recommended that a condition be included to require the Stormwater Management Plan be submitted for approval to the Trust prior to the commencement of works. This will allow for the assessment of the treatment units proposed to ensure they are appropriate for dealing with the type of pollutants commonly found in yacht clubs and are adequate to manage increased run-off from the expanded car park. The applicant has been previously advised by a Trust officer that the stormwater management system for the site (club house and car park) should incorporate water sensitive design (e.g. suitable plant species to be used as bio filters and/or construction of a vegetated swale). Reference materials for water sensitive urban design will be included as an advice note.
- 6.17 The Town has requested that all stormwater be contained onsite and a drainage plan be submitted and approved prior to the issuing of a Building Permit.

Wastewater Management

- 6.18 Trust Policy *On-Site Wastewater Management Systems and Industrial Wastewater* (SRT/DE5) states that the safe disposal of wastewater is necessary for the protection of public health and to minimise contributions of high nutrient loads in the Swan and Canning Rivers. Where possible, all development in the vicinity of the river system should be connected to the reticulated sewerage system.
- 6.19 The current building houses two toilet blocks, kitchen and bar on the ground floor and upper floor. Wastewater from these facilities is currently managed through use of a septic tank and leach drain system.
- 6.20 The applicant has proposed to reconfigure these facilities; however no additional facilities are proposed. The proposal will also include the connection of the club house to reticulated sewage. This is supported by the Trust as it will significantly reduce inputs of nutrients from the site into the Swan River.

Visual Amenity

- 6.21 Trust Policy SRT/EA1 indicates that development should seek to enhance and protect the character and landscape setting of the river through the protection of tree lines and avoidance of stark and discordant colours, forms and bulk.
- 6.22 SPP2.10 further indicates that development should maintain and enhance the quality and setting of the river, with the selection and use of external finishes and materials generally based on materials and hues naturally occurring or predominantly used in the local area.
- 6.23 Printed precast concrete panels are proposed to be installed on the southern façade of the club house. Historic black and white photos, such as images of the original club house are proposed to be included on the panels. The photo design of the panels will reflect an important part of the Yacht Club's history and its association with the Swan River. The architect has stated that printed images on concrete panels is a relatively innovative design in Perth and the Yacht Club will be working closely with the precast manufactures to ensure the panels are developed successfully. The proposed upgrade to the external façade is intended to improve the visual appearance of the building.
- 6.24 The renovation works will involve the tidying up of kitchen exhausts, pizza oven and bins and previous piecemeal (unauthorised) additions on the southern elevation, replacement of timber decking with concrete on the northern elevation and replacement of the asbestos roof with Colourbond ultra steel roof sheeting. This is expected to improve the visual aesthetic of the club house.
- 6.25 The proposed two-storey refurbished club house will have an increase in upper and ground floor area of approximately 464m² (excluding new external ground floor area), however the overall height of the clubhouse will remain the same (maximum height 6.4m). The applicant has submitted a 3-D model view to provide an indication of scale and bulk of the new club house (see **Attachment 9**).
- 6.26 The building is considered to be in keeping with the riverine environment and is not excessive in scale or bulk given the setting and surrounding land uses. It is expected that the structures will be compatible with the boating character of the facility. The inclusion of planted areas adjacent to the new buildings will also help to improve the impact of the structures on their surroundings.
- 6.27 The materials palette of the club house will consist of light greyish white (precast concrete panels), white (painted brickwork), dark metallic silver (aluminium frame cladding and steelwork) and shale grey (Colourbond roofing). The final colours and materials for the building have not yet been submitted to the Trust; however a condition of approval can be included to ensure that the finishes are approved prior to commencement of works. The Town has also requested that the concept design of the printed precast concrete panel be submitted and approved prior to a Building Permit being issued.
- 6.28 Proposed works to the car parking area such as landscaping, relocation of the bins from the front of the club house to the south-west corner of the car park (with screening) and dinghy storage will also contribute to improving the overall appearance of the site.

- 6.29 The Yacht Club has indicated that it would like to install a children's playground on the turf area located on the northern boundary, however this will be dependent on the availability of funds. Should the Yacht Club proceed with the playground installation, it will need to be included in the Landscaping Management Plan required as a condition of approval.

Car parking

- 6.30 There are currently 147 parking bays onsite for use by club members and visitors of the Yacht Club. The proposed site plans indicate a reduction of two bays (145 parking bays) due to bin storage and dinghy storage at the south-west corner of the car park.
- 6.31 The bin storage area will be screened using a rendered wall and will have a concrete slab with drainage and wash down facilities connected to the reticulated sewerage system. One car parking bay will be converted into a universal access bay.
- 6.32 The south-east corner of the car park (adjacent to the boat shed) will be allocated as an overflow car parking area for special events instead of the grassed area currently used on the western boundary.
- 6.33 The majority of the car park is hardstand with bitumen, however the parking bays on the southern boundary are currently sand. This area is designated for trailer and dinghy storage and is proposed to be resurfaced with bitumen.
- 6.34 The applicant has stated that the operational capacity of the clubhouse will not increase as a result of the refurbishment and thus no additional car parking bays are required. The increased external function area and upper deck area will not increase the seating capacity of the club house.

Lighting

- 6.35 Excessive lighting of facilities can detract from the amenity of an area at night and disturb wildlife. Intense illumination or inappropriate coloured lighting schemes have the potential to detrimentally impact upon the riverine environment and associated views. It is recommended that exterior lighting should be limited to low wattage site specific lighting.
- 6.36 No details have been submitted on the proposed lighting scheme for the new clubhouse; however the applicant has stated that it's in the process of developing a lighting scheme with electrical engineering consultants. It is appropriate that further details of lighting for the new clubhouse be submitted and approved by the Trust prior to installation. An advice note will be included recommending low level lighting with minimal light spill into the river.

Public Access and Safety

- 6.37 SPP2.10 states that public access to the river and its foreshores should be maintained and enhanced while protecting the river. It is important that development near the river does not impede or restrict public access.
- 6.38 The existing building is setback approximately 22 metres from the edge of the Swan River. A brick paved and grass alfresco dining area and foreshore pathway (1.5m width) are located in between the club house and Swan River. Dinghy storage racks are also located on the foreshore reserve.

- 6.39 The building setback will be reduced by 10 metres due to the extension of the upper deck area and external function area. The loss of space associated with the extension of the upper deck area and undercover external function area (ground floor) are not considered to be a concern as the area is already used for seating during business operating hours throughout the year.
- 6.40 As part of the Yacht Club's land lease agreement with the Town, the Yacht Club is required to provide and maintain a public access path along the foreshore within the land lease area. The existing 1.5m public access way will not be altered as part of the proposed refurbishment works. The Town has requested that a condition be included to ensure that the public access way is kept free from obstructions.
- 6.41 Minor alterations are proposed for the slip area. This includes upgrades to the slip rail, reduction to the size of the maintenance bay in the north-west corner of the slip track and removal of one boat cradle in the eastern slip area to improve public access to the pathway and foreshore and access around the site. The applicant has stated that currently, no major slipway upgrades are scheduled; however the Yacht Club will be undertaking ongoing works to ensure that the slipway is adequately maintained.
- 6.42 As part of the proposal, all dinghies that are currently located on the foreshore will be relocated to a dinghy storage rack on the south-west corner of the car park. This will improve the amenity of the foreshore and make it more accessible to the public (see **Attachment 10**).
- 6.43 Public access through the site during the proposed works should be maintained wherever possible and prevented only for safety reasons. The applicant can be advised to outline proposed public access closures within the Construction Management Plan.

Acid Sulphate Soils

- 6.44 SPP 2.10 identifies the risk of acid sulphate soils (ASS) and that measures should be taken to minimise the risk associated with such soils.
- 6.45 The proposed works are to be undertaken within a moderate to low ASS disturbance risk area, however only minor excavations are anticipated.
- 6.46 The potential for disturbance of acid sulphate soils during works is considered minimal and can be addressed as part of the Construction Management Plan, required as a condition of approval.

Sea Level Rise

- 6.47 The proposed development has the potential to be affected by sea level rise. State Planning Policy 2.6 provides guidance for development setbacks to reduce risks associated with the effects of coastal processes (e.g. storm surge, tidal movement and sea level change). In addition, the Trust's Climate Change Risk Assessment Project (2010) also provides guidance on foreshore vulnerability and this will be included as advice to the applicant.
- 6.48 The Town has requested a condition be included for the applicant to indemnify the Town from liability arising from environmental consequences such as sea level rise and contaminants associated with past activities.

Contamination

- 6.49 CSB notes that the Yacht Club land area is classified under the *Contaminated Sites Act 2003* as 'possibly contaminated – investigation required' based on findings from sediment quality investigations which detected elevated concentrations of tributyltin (TBT). The highest concentrations were detected adjacent to the slipway, with the investigations indicating that the concentrations of TBT generally reduced with distance from this area. The club house and car park, where works are proposed, are located further south of the impacted river sediments and it is understood that the proposed works do not require extensive earthworks.
- 6.50 Based on the above, CSB has no objection to this project provided that the works methodology minimises the disturbance of sediments. CSB recommends that analytical testing be carried out if groundwater is being, or is proposed to be abstracted to determine whether it is suitable for intended use. This can be addressed through an advice note on the approval.

Conclusion

- 4.1 The proposed refurbishment and extension works to the club house and surrounding areas are not considered to be excessive in scale or bulk and have been designed to be in keeping with the nature of the site as a yacht club. The proposal seeks to improve the amenity of the site through building and landscaping works.
- 4.2 Potential environmental impacts from the refurbishment works can be addressed through the preparation and approval of a Construction Management Plan required as a condition of approval. Other potential environmental impacts from stormwater, waste water and lighting can also be managed appropriately.
- 4.3 The development will not result in any loss of public access along the foreshore pathway and the removal of the dinghies from the foreshore will further enhance public access.
- 4.4 For these reasons, the proposal can be recommended for approval subject to appropriate conditions and advice.

6.0 RECOMMENDATION – APPROVAL WITH CONDITIONS

That the Trust advises the Minister for Environment that it recommends approval of the Swan Yacht Club's proposal to refurbish and extend its existing club house, as described in the application received by the Trust on 14 October 2014, and supplementary information received on 16 February 2015 and 17 February 2015, subject to the following conditions:

Prior to the commencement of works

1. Approval to implement this decision is valid for two (2) years from the date of the approval. If the development has not been substantially commenced within this period, a new approval will be required before commencing or completing the development.
2. The applicant shall notify the Swan River Trust in writing not less than 30 days prior to the commencement of works.
3. Prior to commencement of works, a Construction Management Plan shall be submitted to, and approved by the Swan River Trust (see **Advice Note 3**).

4. Prior to commencement of works, a Stormwater Management Plan shall be prepared and approved by the Swan River Trust on advice from the Town of East Fremantle (see **Advice Note 4**).
5. Prior to commence of works, a final Landscaping Management Plan shall be prepared and approved by the Swan River Trust on advice from the Town of East Fremantle (see **Advice Note 5**).
6. Prior to commencement of works, the applicant shall provide a plan detailing the external colours, building materials and finishes for all proposed new buildings and renovations, including the design concept of the pre-cast concrete panels to the satisfaction of the Swan River Trust on advice from the Town of East Fremantle (see **Advice Note 6**).
7. Prior to the commencement of works, a Lighting Plan shall be submitted to the Swan River Trust for approval (see **Advice Note 7**).
8. Prior to any fill and/or top soil being brought onto the site, the applicant shall demonstrate that all material is certified clean, uncontaminated and free from rubble, weeds and disease.

During works

9. Works shall be carried out in accordance with all approved plans (**Conditions 3 to 7**).
10. Works associated with the development must not prevent public access along the pathway and foreshore reserve unless closure is necessary for safety purposes and has been approved by the Swan River Trust.
11. The applicant shall take appropriate preventative measures during the works to ensure that no top soil, runoff or any other deleterious matter is allowed to enter the river.
12. The applicant shall ensure that no damage to the foreshore, riverbank, or waterway (including infrastructure) occurs beyond the scope of the approved works. Should any inadvertent damage occur, the applicant is required to notify the Swan River Trust within 48 hours.

On completion of works

13. Upon completion of the works, all waste materials, equipment and machinery shall be removed and the site cleaned up to the satisfaction of the Swan River Trust.

On-going monitoring

14. All dinghies are to be removed from the foreshore and stored in the dinghy storage area within 12 months from the issue of this approval.
15. The clubhouse building shall be kept clean and free of graffiti and vandalism at all times and any such graffiti or vandalism be remedied within 24 hours to the satisfaction of the Swan River Trust on advice from the Town of East Fremantle.
16. All car parking, trailer and boat storage are to be contained within the defined hardstand area of the car park.

ADVICE TO APPLICANT

1. Notification of commencement of work and report submissions can be emailed to planning@swanrivertrust.wa.gov.au.
2. To allow sufficient time for the Swan River Trust to consider and approve the plans required under Condition 3 to 7, they should be submitted to the Trust no later than 30 days prior to the expected commencement date.
3. The Construction Management Plan required under **Condition 3** shall address as a minimum:
 - a. scope of works;
 - b. site access;
 - c. machinery, equipment and materials to be used;
 - d. on-site storage and bunding of materials, equipment, chemicals and fuel;
 - e. details of excavation and any stockpiling of soil and fill materials;
 - f. acid sulphate soil management;
 - g. means of protecting the waterway from inputs of deleterious matter;
 - h. sediment management;
 - i. protection of foreshore and vegetation;
 - j. public access and safety;
 - k. waste management; and,
 - l. schedule of works.

Where relevant the plan should also include timeframes and responsibility for tasks identified. The Swan River Trust should be notified immediately on 9278 0981 in the event of any pollution or spills.

4. The applicant is advised that the Stormwater Management Plan required under **Condition 4** should illustrate how gross pollutants and hydrocarbons will be prevented from entering the waterway.
Water Sensitive Urban Design principles should be incorporated to manage the increase in runoff and the existing flow/drainage regimes on the site. Stormwater management systems should be designed in a manner that will enhance the quality of water leaving the site through the use of Water Sensitive Urban Design techniques. Further information is available from the Department of Water's *Water Sensitive Urban Design Brochure Series* at:
<http://www.water.wa.gov.au/Managing+water/Urban+water/Water+Sensitive+Urban+Design+brochures>.


The Town of East Fremantle advises that all stormwater is to be disposed of on-site, and an interceptor channel installed if required.

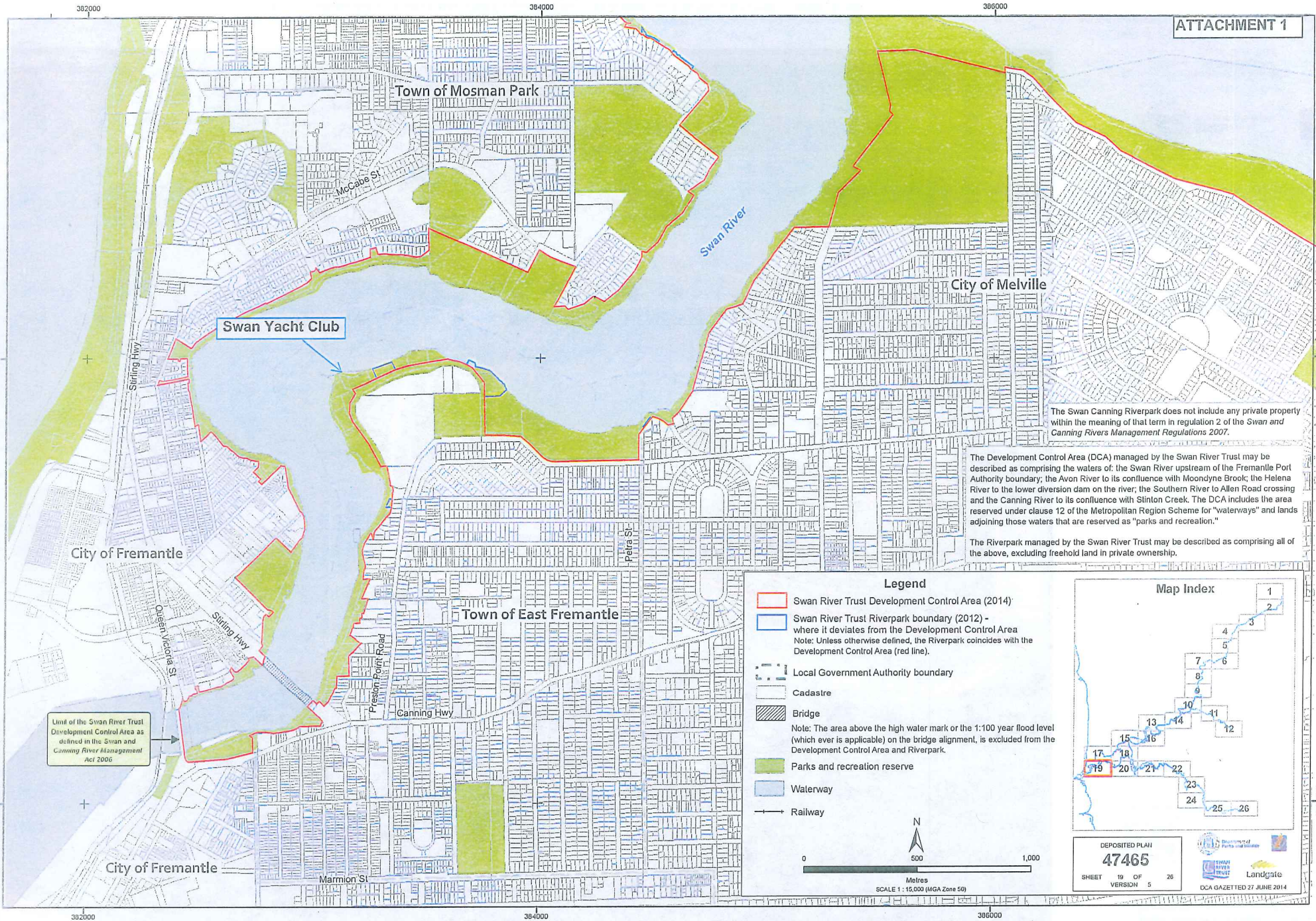
5. The final Landscaping Management Plan required under **Condition 5** should reflect the Stormwater Management Plan in regards to features of water sensitive urban design. The Town of East Fremantle advises that provisions for bicycles should also be included in the plan. Should the Swan Yacht Club proceed with the plans to install a children's playground, this will also need to be incorporated in the Landscaping Management Plan.
6. With regard to **Condition 6**, the applicant is advised that the selected building materials and colour scheme for the development should be of a low reflective standard, and reflect the character and landscape setting of the Swan River and surrounding foreshore.

7. In relation to **Condition 7**, lighting should be low level and designed to illuminate the club house with minimal light spill on the water or upward to the sky to ensure no adverse ecological consequences.
8. The applicant is advised that the Swan Yacht Club's Environmental Management System should be updated on completion of these works to reflect the changes and new stormwater treatment systems installed.
9. 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, aquatic plant or other perennial plant that is in the Riverpark or the Swan River Trust Development Control Area without prior approval from the Trust.
10. The applicant is advised that the proposed works are located within a moderate to low 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 Contaminated Sites Branch of the Department of Environment Regulation should be contacted for further advice on 1300 762 982.
11. The Department of Environment Regulation (DER), Contaminated Sites Branch, advises that the Swan Yacht Club land area is classified under the *Contaminated Sites Act 2003* as 'possibly contaminated – investigation required'. If groundwater is being, or is proposed to be abstracted (e.g. for dust suppression), DER recommends that analytical testing should be carried out to determine whether the groundwater is suitable for its intended use.
12. The applicant is advised that the proposal has the potential to be affected by sea level rise. It is recommended that applicants understand the implications of potential sea level rise on the site. The onus rests with the applicant to undertake a risk assessment and exercise their judgment in determining the level of risk they are prepared to accept.

The Trust's Climate Change Risk Assessment Project (2010) models impacts of potential sea level rise in the Swan and Canning Rivers, and sets out a methodology to assess the vulnerability of foreshore areas. While mapping information is available from the Trust, it is also recommended that applicants undertake their own research and obtain appropriate independent professional advice relevant to the particular circumstances.
13. This approval is issued on the proviso that the Swan Yacht Club acknowledge that the development and site may in the future be subject to the environmental consequences of sea level rise and contaminants associated with past activities and agrees to indemnify the Town of East Fremantle from any liability arising from these consequences now and in the future to the satisfaction of the Town of East Fremantle.
14. The Town of East Fremantle advises that this decision does not include acknowledgement or approval of any unauthorised development that may be on the site.
15. The proposed development is to be only operated in whole and in part by the Swan Yacht Club to the satisfaction of the Town of East Fremantle.

16. The Town of East Fremantle advises that the application for a Building Permit is to conform to the approved plans unless otherwise approved by Council. The proposed works are not to be commenced until Council has received an application for a Building Permit and the Building Permit issued in compliance with the conditions of this planning approval unless otherwise amended by Council.
17. With regards to the plans submitted with respect to the Building Permit application, changes are not to be made in respect of the plans which have received planning approval, without those changes being specifically marked for Council's attention.
18. If development requires any street verge facilities (e.g. street trees, footpath, crossover, light pole, drainage point or similar) to be removed, modified or relocated then such works must be approved by the Town of East Fremantle and if approved, the total cost to be borne by the applicant. Council must act reasonably and not refuse any reasonable proposal for the removal, modification or relocation of such facilities or services (including, without limitation any works associated with the proposal) that are required by another statutory or public authority.
17. No signage (with the exception of the Swan Yacht Club logo) is approved under this application. A separate planning application is required for any proposed signage. All signage to comply with the Town of East Fremantle's Local Planning Policy Design Guidelines – Signage.
18. Matters relating to dividing fences are subject to the *Dividing Fence Act 1961*.
19. All noise levels produced by the construction of the development are to comply with the provisions of the *Environmental Protection (Noise) Regulations 1997* (as amended).
20. Under the *Environmental Protection (Noise) Regulations 1997*, the noise from an air-conditioner must meet assigned allowable noise levels at all times. The *Environmental Protection Act 1986* sets penalties for non-compliance with the Regulations and the installer of noisy air-conditioner can face penalties of up to \$5000 under Section 80 of the Act. Refer to Department of Environmental Protection document – 'An installers Guide to Air Conditioner Noise'.
21. If requested by the Town of East Fremantle within the first two years following installation, the roofing is to be treated to reduce reflectivity, to the satisfaction of the Town of East Fremantle and all associated costs to be borne by the owner.

FINAL REPORT ENDORSED	
Signed: 	Date: <u>17/4/15</u>
Rod Hughes General Manager	



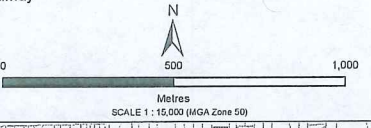
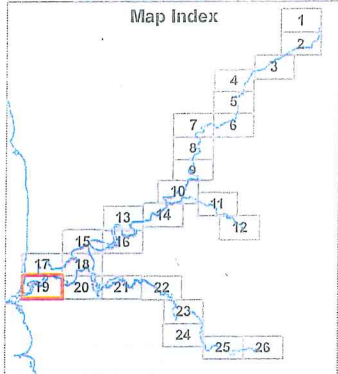
The Swan Canning Riverpark does not include any private property within the meaning of that term in regulation 2 of the Swan and Canning Rivers Management Regulations 2007.

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 Slinton 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.

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



DEPOSITED PLAN
47465

SHEET 19 OF 26
VERSION 5

DCA GAZETTED 27 JUNE 2014

ATTACHMENT 2



- Legend**
- Virtual Mosaic (LGATE-V001)
 - Perth Central Cadastre (Land Parcels)
 - Swan River Trust - DCA



1:3000
Projection: MGA Zone 50
Datum: GDA94

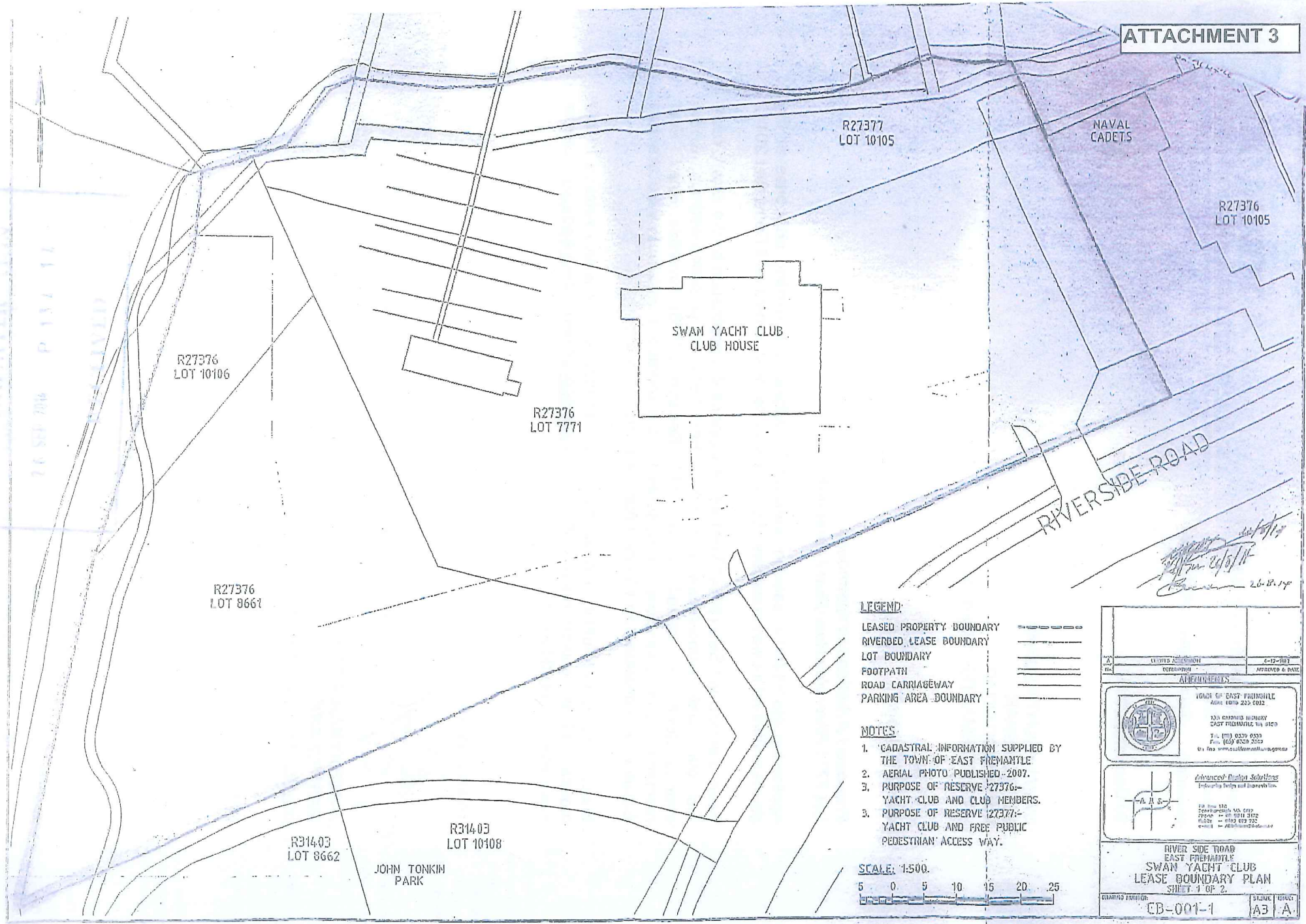


Produced by Statutory Planning,
Swan River Trust

The Swan River Trust 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 SRT may contain unmarked hazards and their surface condition is variable. Exercise caution and drive to conditions on all roads.

Job Ref: Permit/Part 5. Produced at 9:53 AM on March 11, 2014

ATTACHMENT 3



LEGEND

- LEASED PROPERTY BOUNDARY
- RIVERBED LEASE BOUNDARY
- LOT BOUNDARY
- FOOTPATH
- ROAD CARRIAGEWAY
- PARKING AREA BOUNDARY

NOTES

1. CADASTRAL INFORMATION SUPPLIED BY THE TOWN OF EAST FREMANTLE
2. AERIAL PHOTO PUBLISHED - 2007.
3. PURPOSE OF RESERVE 27376 - YACHT CLUB AND CLUB MEMBERS.
3. PURPOSE OF RESERVE 27377 - YACHT CLUB AND FREE PUBLIC PEDESTRIAN ACCESS WAY.

SCALE: 1:500.



Handwritten notes and signatures:
 26.11.14
 26/11/14

DATE OF PREPARATION	4-12-2017
DATE OF APPROVAL	APPROVED & DATE
APPROVED	
TOWN OF EAST FREMANTLE 100 BROADWAY EAST FREMANTLE WA 6155 Tel: (08) 9379 6333 Fax: (08) 9329 2552 Or via www.eastfremantle.wa.gov.au	
Advanced Digital Solutions Engineering Surveys and Earthworks Inc.	
RIVER SIDE TRAIL EAST FREMANTLE SWAN YACHT CLUB LEASE BOUNDARY PLAN SHEET 1 OF 2	
DRAWING NUMBER	CB-001-1
SCALE	A3
STATUS	A

OUR REF: Application No. P134/14
 FILE REF: R/RSB8
 ENQUIRIES: Tania Mlynarz : 9339 9329

TOWN OF EAST FREMANTLE



10 December 2014

SWAN YACHT CLUB INC.
 MR D GASPAR
 RIVERSIDE ROAD
 EAST FREMANTLE WA 6158

Dear Mr Gaspar

***Proposed Additions to Clubhouse
 Lot 7771 Riverside Road, East Fremantle***

Application No.P134/14, seeking approval for additions to existing clubhouse at the abovementioned lot was considered by Council at its meeting held on 9 December 2014.

Council advise the Swan River Trust that it supports the application by the Swan Yacht Club plans date stamp received on 3 November 2014, for proposed additions to the existing clubhouse, located at Lot 7771 (Reserve 27376) Riverside Road, East Fremantle, to the Swan River Trust, subject to the conditions contained in the attached 'Decision on Application for Planning Approval' form.

Should you require further information or wish to discuss any issues relating to the proposal, please contact Andrew Malone, amalone@eastfremantle.wa.gov.au , Senior Town Planner on 9339 9324.

Yours sincerely

**JAMIE DOUGLAS for
 GARY CLARK
 Acting Chief Executive Officer**

Cc Swan River Trust

COMMUNICATIONS TO
 Chief Executive
 Officer
 PO Box 1097
 Fremantle WA 6959

OFFICE HOURS
 Monday - Friday
 8.30am - 5.00pm

TELEPHONE
 9339 9339
 FACSIMILE
 9339 3399

EMAIL
info@eastfremantle.wa.gov.au

COUNCIL OFFICE
 135 Canning
 Highway
 East Fremantle
 WA 6158

SCHEDULE 9

TOWN OF
EAST FREMANTLE



TOWN PLANNING SCHEME NO 3
PLANNING AND DEVELOPMENT ACT 2005

**DECISION ON APPLICATION FOR PLANNING
APPROVAL**

Name and Address of Owners: *Swan Yacht Club*
PO Box 20
PALMYRA WA 6157

Planning approval to carry out development in accordance with the endorsed plans and the following conditions is hereby Granted in respect of Application No. P134/14 made on the 26 September 2014 by the Applicant in respect of land situated at and described as Lot 7771 Riverside Road, East Fremantle.

Council advise the Swan River Trust that it supports the application by the Swan Yacht Club plans date stamp received on 3 November 2014, for proposed additions to the existing clubhouse, located at Lot 7771 (Reserve 27376) Riverside Road, East Fremantle, to the Swan River Trust subject to the following conditions:

- 1. All dinghies to be removed from the foreshore and stored in the dinghy storage area indicated on drawing A.01 date stamped received 3 November 2014.*
- 2. The public access leg (1.5 metres in width) is to be kept free from obstructions.*
- 3. 145 car parking spaces to be provided on-site.*
- 4. Pre-cast concrete panels screen print to front (south) elevation design concepts to be approved by Council prior to a Building Permit being submitted to Council to the satisfaction of the Chief Executive Officer in consultation with relevant staff.*
- 5. The clubhouse building kept clean and free of graffiti and vandalism at all times and any such graffiti or vandalism to be remedied within 24 hours to the satisfaction of the Chief Executive Officer.*

6. *Activities associated with the Swan Yacht Club such as car parking, trailer and boat storage etc. are to be contained within the defined hardstand area of the car park.*
7. *The proposed development is to be only operated in whole and in part by the Swan Yacht Club to the satisfaction of the Town of East Fremantle.*
8. *The applicants acknowledge the development and its site may in the future be subject to the environmental consequences of sea level rise and contaminates associated with past activities and agree to indemnify the Town of East Fremantle and the Swan River Trust from any liability arising from these consequences now and in the future to the satisfaction of these Authorities.*
9. *A detailed Landscape Plan incorporating bicycle parking provisions shall be submitted and approved by the Chief Executive Officer of the Town of East Fremantle prior to a Building Permit being submitted to be the Town.*
10. *No signage is approved under this change of use application. A separate planning application is required for any proposed signage. All signage to comply with the Town's Local Planning Policy Design Guidelines - Signage*
11. *The works are to be constructed in conformity with the drawings and written information accompanying the application for planning approval other than where varied in compliance with the conditions of this planning approval or with Council's further approval.*
12. *The proposed works are not to be commenced until Council has received an application for a Building Permit and the Building Permit issued in compliance with the conditions of this planning approval unless otherwise amended by Council.*
13. *With regard to the plans submitted with respect to the Building Permit application, changes are not to be made in respect of the plans which have received planning approval, without those changes being specifically marked for Council's attention.*
14. *All stormwater is to be disposed of on site, an interceptor channel installed if required and a drainage plan be submitted to the satisfaction of the Chief Executive Officer in consultation with the Building Surveyor prior to the issue of a Building Permit.*

15. *All introduced filling of earth to the lot or excavated cutting into the existing ground level of the lot, either temporary or permanent, shall be adequately controlled to prevent damage to structures on adjoining lots or in the case of fill, not be allowed to encroach beyond the lot boundaries. This shall be in the form of structurally adequate retaining walls and/or sloping of fill at the natural angle of repose and/or another method as approved by the Town of East Fremantle.*
16. *Where this development requires that any facility or service within a street verge (street trees, footpath, crossover, light pole, drainage point or similar) is to be removed, modified or relocated then such works must be approved by Council and if approved, the total cost to be borne by the applicant. Council must act reasonably and not refuse any reasonable proposal for the removal, modification or relocation of such facilities or services (including, without limitation any works associated with the proposal) which are required by another statutory or public authority.*
17. *If requested by Council within the first two years following installation, the roofing to be treated to reduce reflectivity. The treatment to be to the satisfaction of the Chief Executive Officer in consultation with relevant officers and all associated costs to be borne by the owner.*
18. *This planning approval to remain valid for a period of 24 months from date of this approval.*

Footnote:


The following are not conditions but notes of advice to the applicant/owner:

- (a) this decision does not include acknowledgement or approval of any unauthorised development which may be on the site.
- (b) a copy of the approved plans as stamped by Council are attached and the application for a Building Permit is to conform with the approved plans unless otherwise approved by Council.
- (c) all noise levels produced by the construction of the development are to comply with the provisions of the Environmental Protection (Noise) Regulations 1997 (as amended).
- (d) matters relating to dividing fences are subject to the Dividing Fences Act 1961.
- (e) Under the Environmental Protection (Noise) Regulations 1997, the noise from an air-conditioner must meet assigned allowable noise levels at all times. The Environmental Protection Act 1986 sets penalties for non-compliance with the Regulations and the installer of a noisy air-conditioner can face penalties of up to

\$5,000 under Section 80 of the Act. Refer to Department of Environmental Protection document—"An Installers Guide to Air Conditioner Noise".

Note 1: If the development the subject of this approval is not substantially commenced within a period of two years, or such other period as specified in the approval after the date of the decision, the approval shall lapse and be of no further effect.

Note 2: Where an approval has so lapsed, no development shall be carried out without the further approval of the local government having first been sought and obtained.



.....
Acting Chief Executive Officer
for and on behalf of the Town of East Fremantle

9 December 2014



Government of Western Australia
Department of Environment Regulation

Your ref SRT6106
Our ref DMO2768
Enquiries Chek Cher
Phone (08) 9333 7598
Fax (08) 9333 7575
Email chek.cher@der.wa.gov.au

Suzanna Chan
Environmental Officer
Swan River Trust
Locked Bag 104
Bentley Delivery Centre WA 6983

Dear Ms Chan,

**DEVELOPMENT APPLICATION SRT6106 – LOTS 7771 AND 10105 RIVERSIDE ROAD,
EAST FREMANTLE (SWAN YACHT CLUB)**

The Department of Environment Regulation (DER) has reviewed the information submitted in regard to the proposed development (Application Number SRT6106) of the above-mentioned lots.

As per the requirements under section 58(6) (a) and (b) of the *Contaminated Sites Act 2003* (CS Act), advice is required in regard to the suitability of the land for the proposed renovation and extension of an existing club house at Lots 10105 and 7771 Riverside Road, East Fremantle, known as the Swan Yacht Club (the site). DER understands the development application will include extension and refurbishments to the existing two-storey club house and minor alterations to the car park.

Under the CS Act, the Department of Environment and Conservation (DEC) (predecessor agency of DER) classified land at Lot 10105 on Plan 214976 and Lot 7771 on Plan 169877, as shown on certificates on title LR3004/863 and LR3004/855 respectively, as *possibly contaminated – investigation required* on 3 March 2011 and a memorial (reference number L583933ML) was placed on the certificates of title. The reasons for classification were based on the findings of a 2007 and 2010 contamination assessment, which found that the river sediments beneath the site were impacted by antifouling agents such as tributyltin (TBT). The highest impacts were detected in sediments directly adjacent to the slipway area, with concentrations generally reducing with radial distance from this point.

DER understands that the club house and car park, where works are proposed, are located further south of where impacted river sediments were found. Furthermore, it is understood the proposed works do not require extensive earthworks. Based on this, DER has no objection to the proposed works to renovate and extend the club house and alterations to the car park provided the works will not result in any disturbance of river sediments at the site and the surrounding river environment.

If groundwater is being, or is proposed to be abstracted (e.g. for dust suppression), DER recommends that analytical testing should be carried out to determine whether the groundwater is suitable for its intended use.

If you have any further queries, please contact Contaminated Sites Officer, Chek Cher, on 9333 7598.

Yours sincerely



Andrew Miller
ACTING SENIOR MANAGER
CONTAMINATED SITES
Delegated Officer under section 91
of the *Contaminated Sites Act 2003*

20 February 2015

Attachment 1: Swan Yacht Club Masterplan & Refurbishment

ATTACHMENT 6

7774
A 28189

7773
A 28189

7777
A 27377

10105
Yacht Club & Free Public Pd Access

7771
A 27376

Yacht Club & Club Premises

ADDRESS SITE 1,400 STERLING HWY
RIVERIDGE MD 21081
PHONE 410 231 3333
WWW.MELTOWNARCHITECTS.COM
CONTACT@MELTOWNARCHITECTS.COM

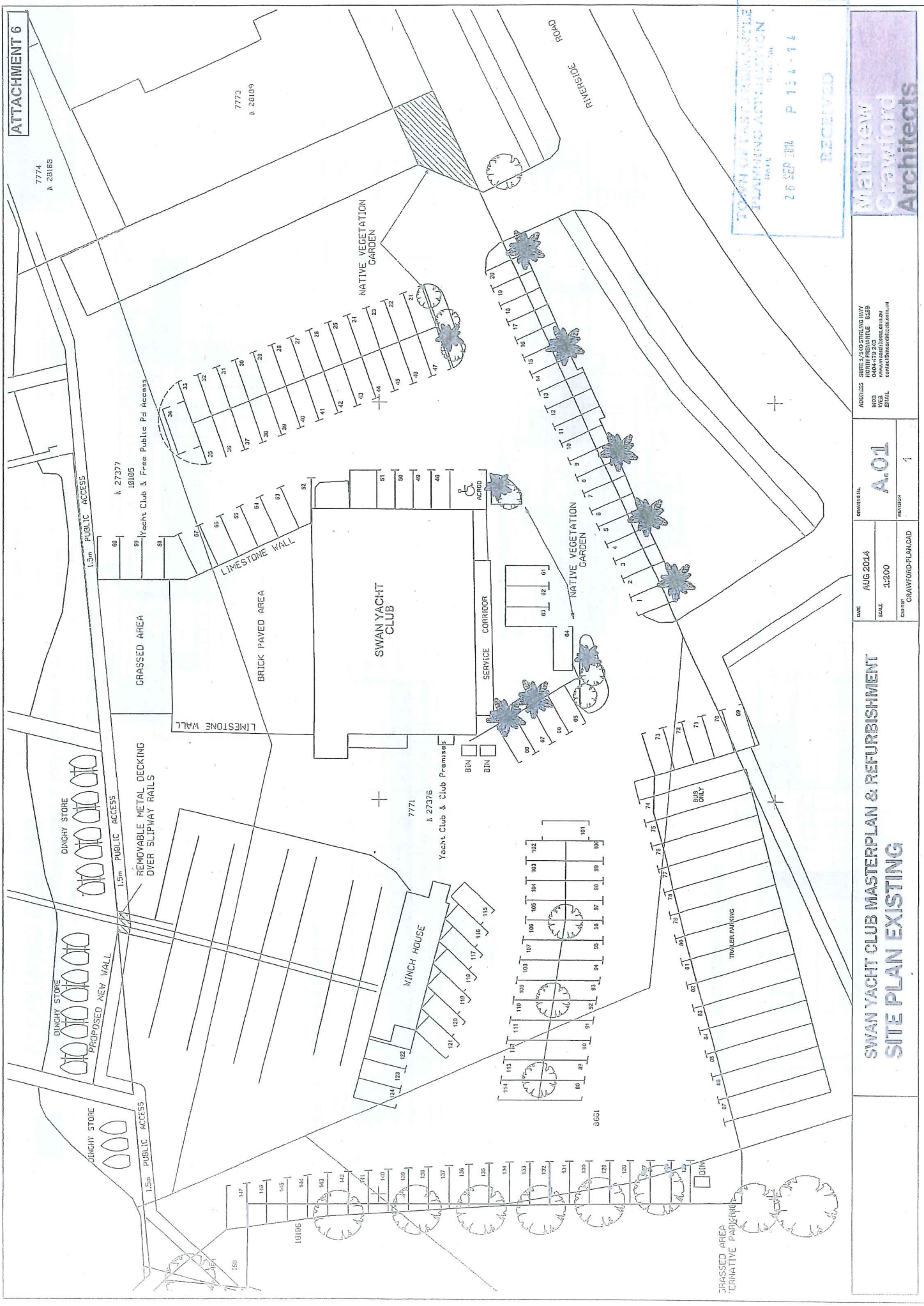
TOWN OF EAST MOUNTAINVILLE
PLANNING APPLICATION
BOOK # 10-2019-01
26 SEP 2014 P 134-14
RECEIVED

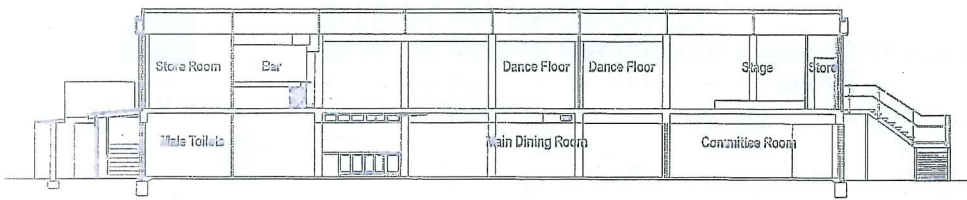
DATE AUG 2014
SCALE 1:200
CONTR. CRAWFORD-PLUMCAD

SHEET NO. A-01
REVISION 1

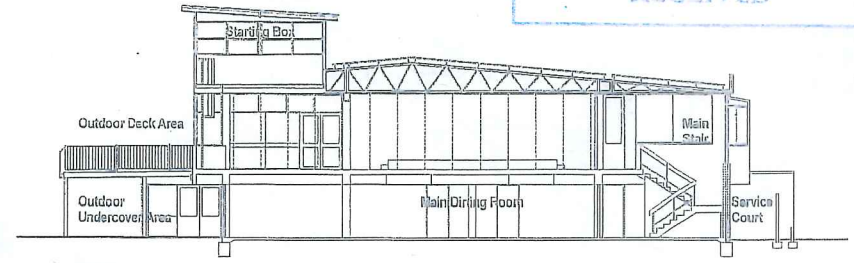
SWAN YACHT CLUB MASTERPLAN & REFURBISHMENT
SITE PLAN EXISTING

MELTOWN
ARCHITECTS

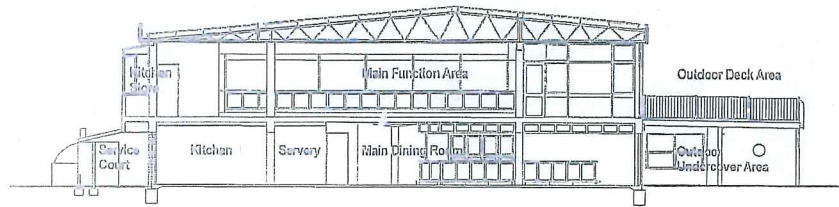




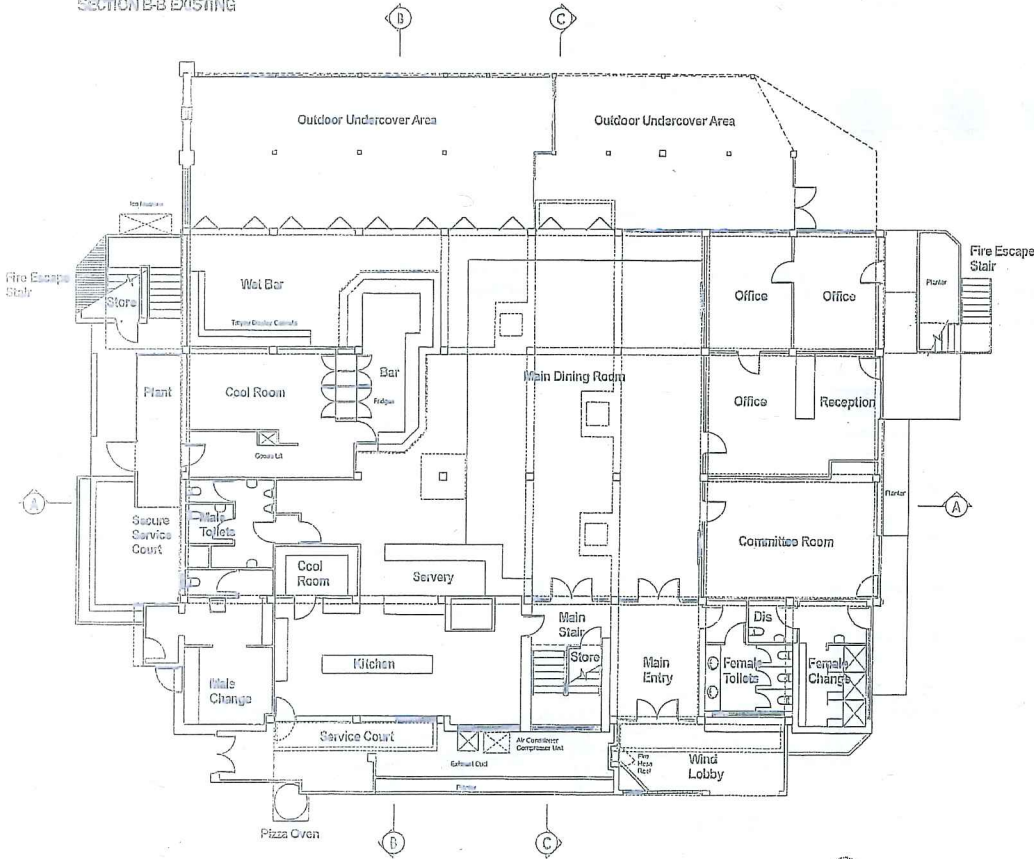
SWAN YACHT CLUB MASTERPLAN & REFURBISHMENT
SECTION A-A EXISTING



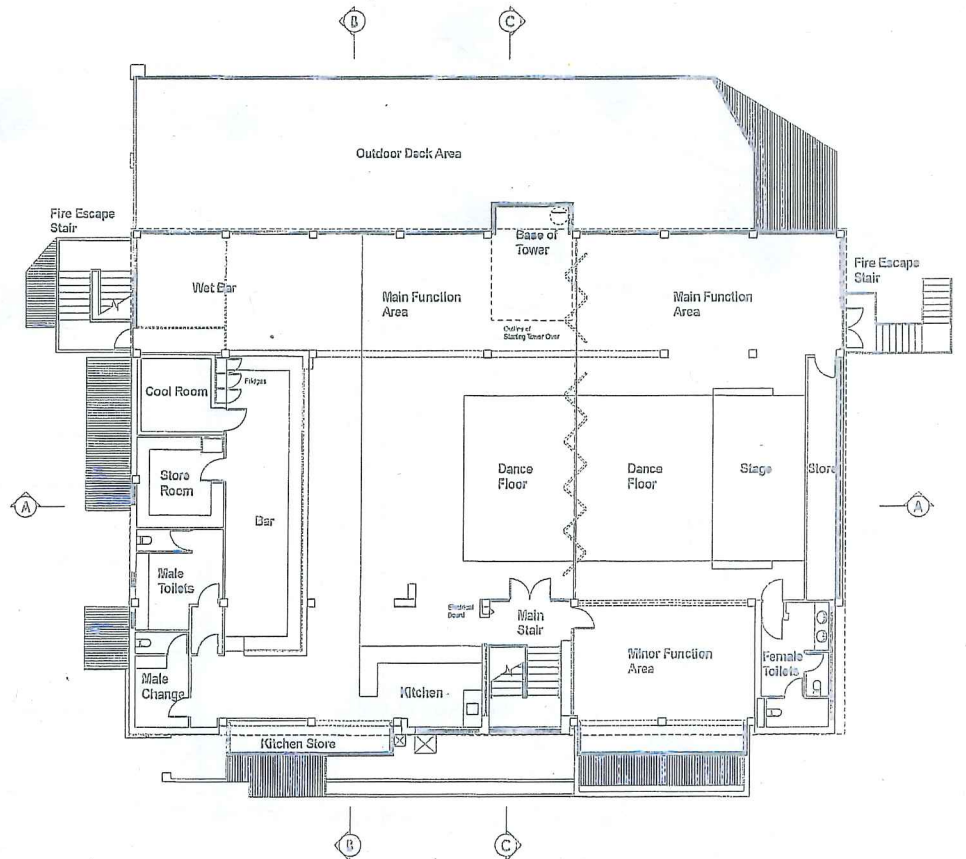
SWAN YACHT CLUB MASTERPLAN & REFURBISHMENT
SECTION C-C EXISTING



SWAN YACHT CLUB MASTERPLAN & REFURBISHMENT
SECTION B-B EXISTING



SWAN YACHT CLUB MASTERPLAN & REFURBISHMENT
GROUND FLOOR EXISTING



SWAN YACHT CLUB MASTERPLAN & REFURBISHMENT
UPPER FLOOR EXISTING



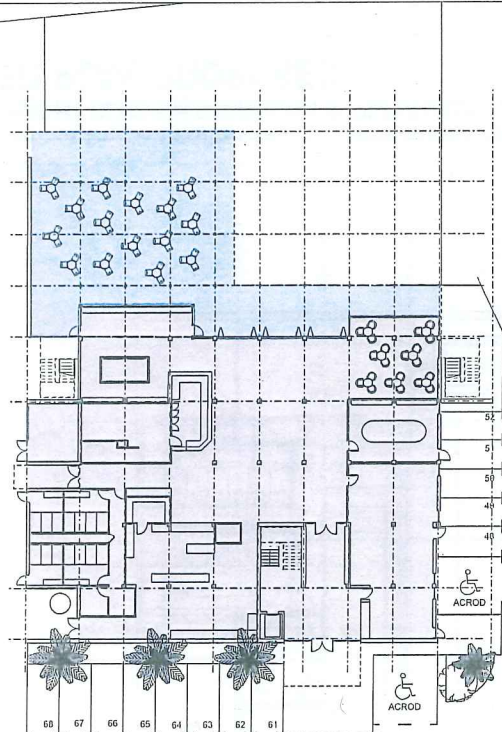
**SWAN YACHT CLUB MASTERPLAN & REFURBISHMENT
SITE PLAN PROPOSED**

DATE	FEB 2015	DRAWING No.	A.01
SCALE	1:200 @ A1	REVISION	
CAD REF	MCA DES DEV		

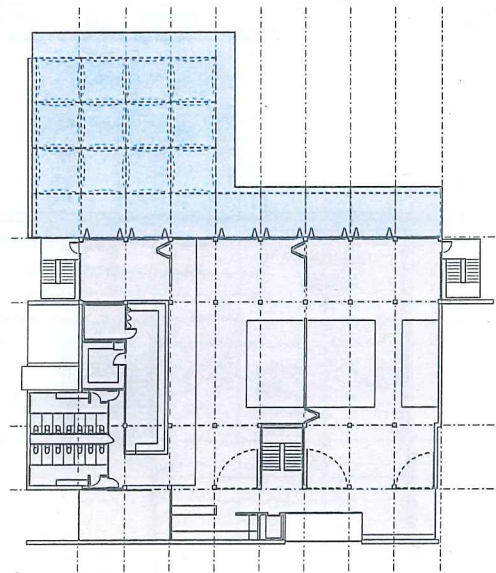
ADDRESS SUITE 1/140 STIRLING HWY
NORTH FREMANTLE 6155
0404 479 243
www.nrcarchitects.com.au
contact@mccarchitects.com.au



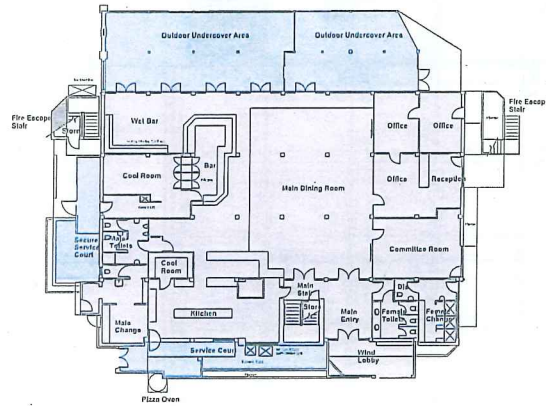
Acadmic use only



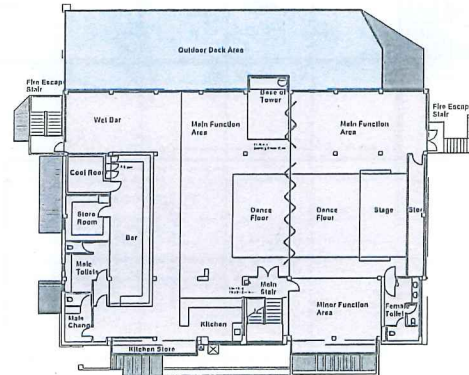
SWAN YACHT CLUB MASTERPLAN & REFURBISHMENT
GROUND PLAN EXISTING
GIA INTERNAL 753m²
GIA EXTERNAL (UNDER DECK) 283m²



SWAN YACHT CLUB MASTERPLAN & REFURBISHMENT
UPPER PLAN EXISTING
GIA INTERNAL 673m²
GIA EXTERNAL (UNDER DECK) 314.2m²



SWAN YACHT CLUB MASTERPLAN & REFURBISHMENT
GROUND PLAN EXISTING
GIA INTERNAL 564m²
GIA EXTERNAL (INC. UNDER DECK) 210m²



SWAN YACHT CLUB MASTERPLAN & REFURBISHMENT
UPPER PLAN EXISTING
GIA INTERNAL 566m²
GIA EXTERNAL (UNDER DECK) 147m²

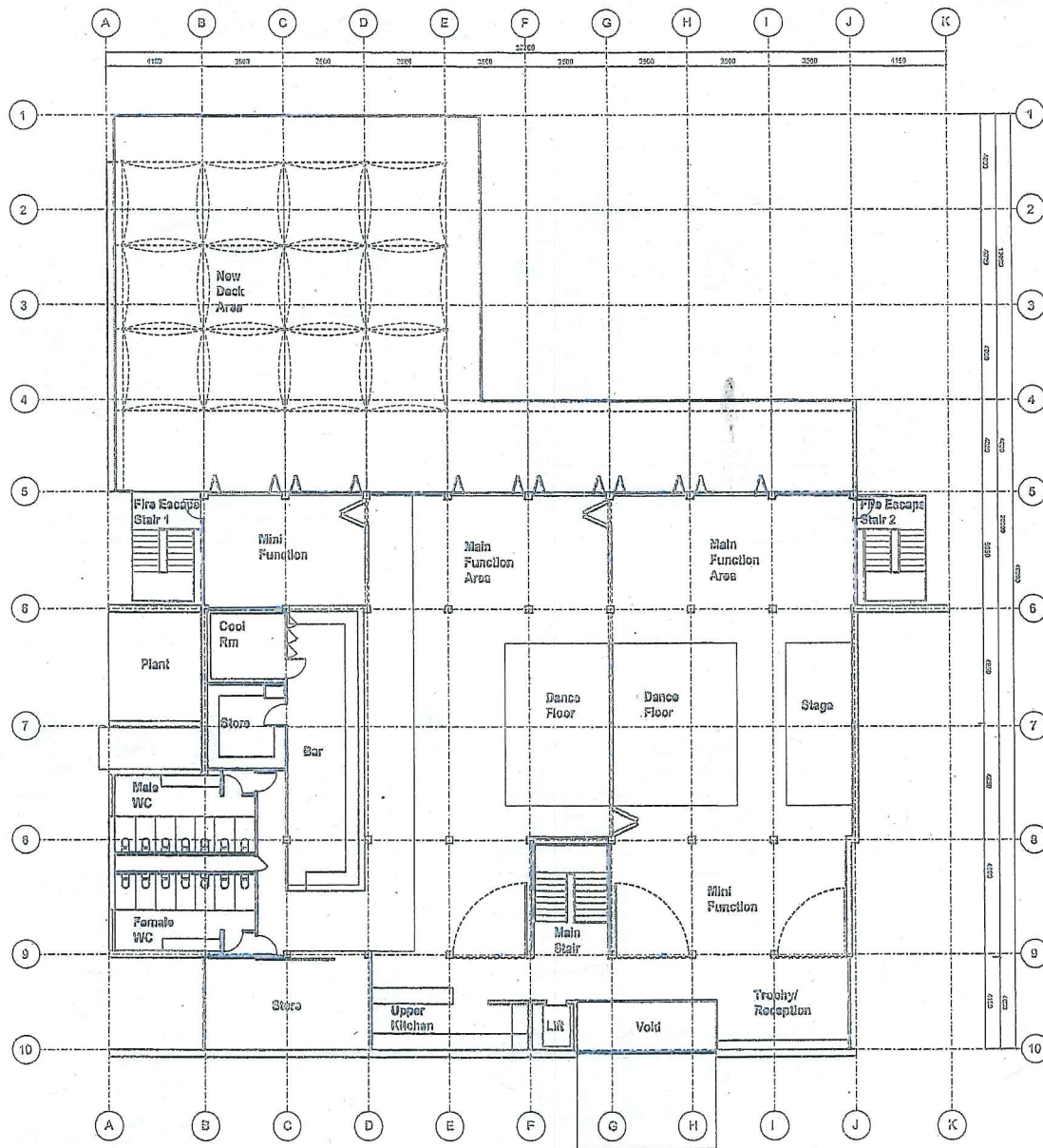
SWAN YACHT CLUB MASTERPLAN & REFURBISHMENT
EXISTING & PROPOSED AREAS

DATE
FEB 2015
SCALE
1:200
CAD REF
CRAWFORD-PLAN.CAD

DRAWING No.
A.50
REVISION
1

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Crawford
Architects**



Town of East Fremantle
 09 OCT 2014
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LEGEND
 □ NEW BUILDING EXTENT

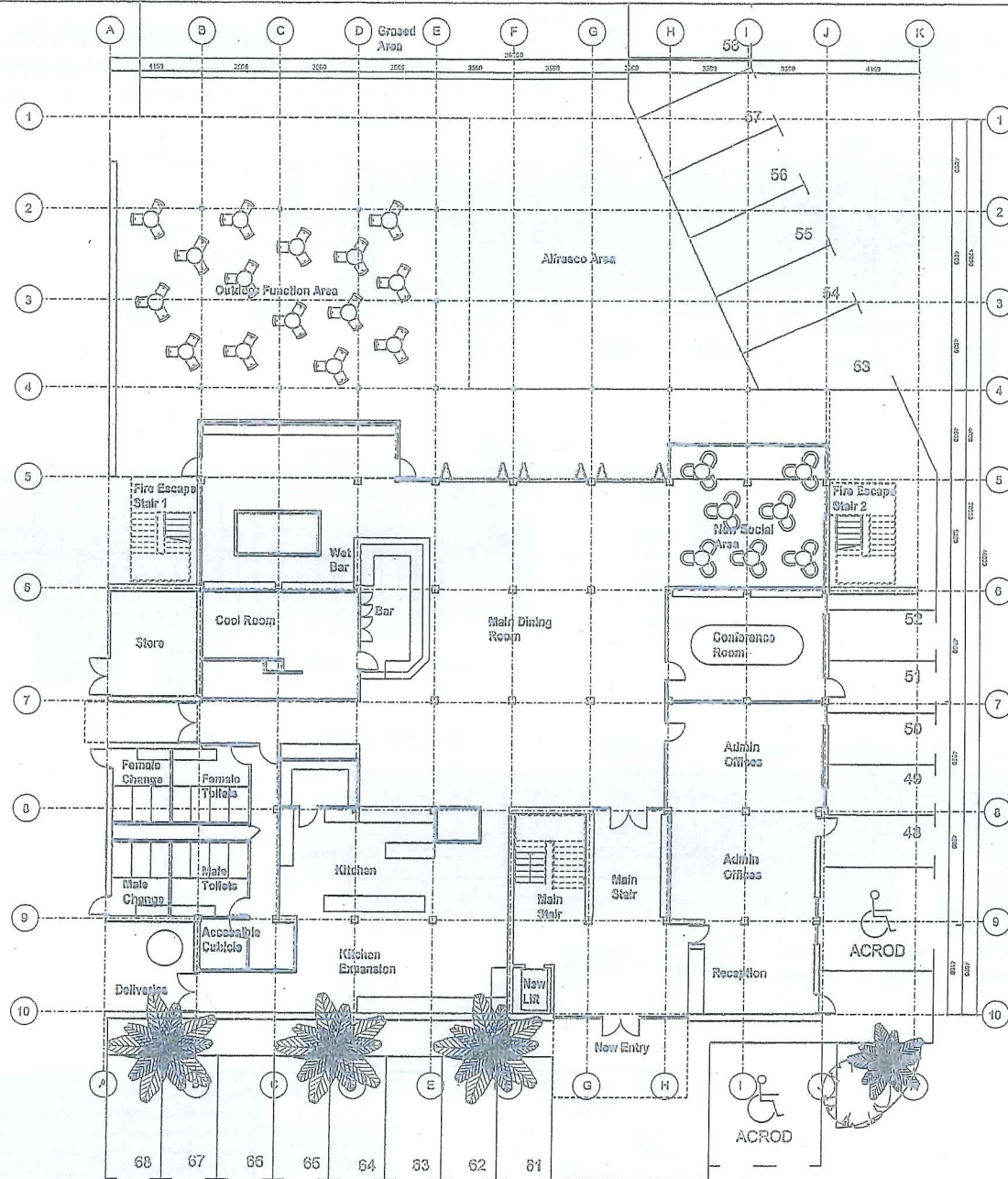


SWAN YACHT CLUB MASTERPLAN & REFURBISHMENT
 UPPER PLAN PROPOSED

DATE	OCT 2014	CHANGES No.	A.06
SCALE	1:100 @ A1.	REVISION	1
DESIGNED BY	MCA DES DEV		

ADDRESS: SUITE 02/100 BRINDLEY WAY
 200/100 FREMANTLE QLD
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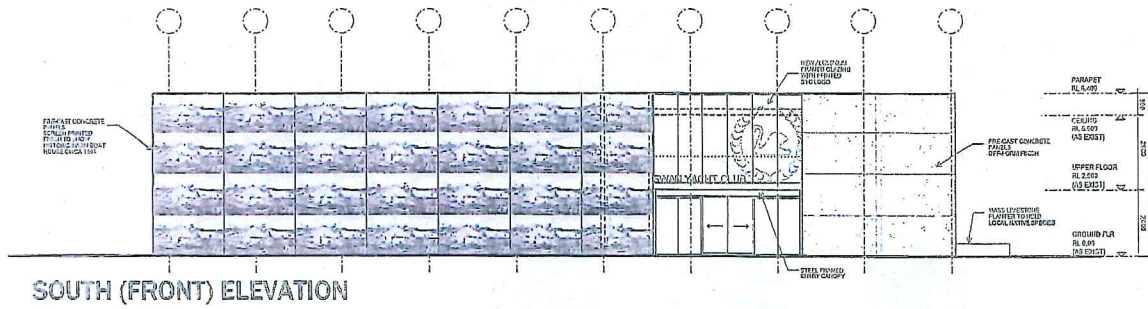
Architects



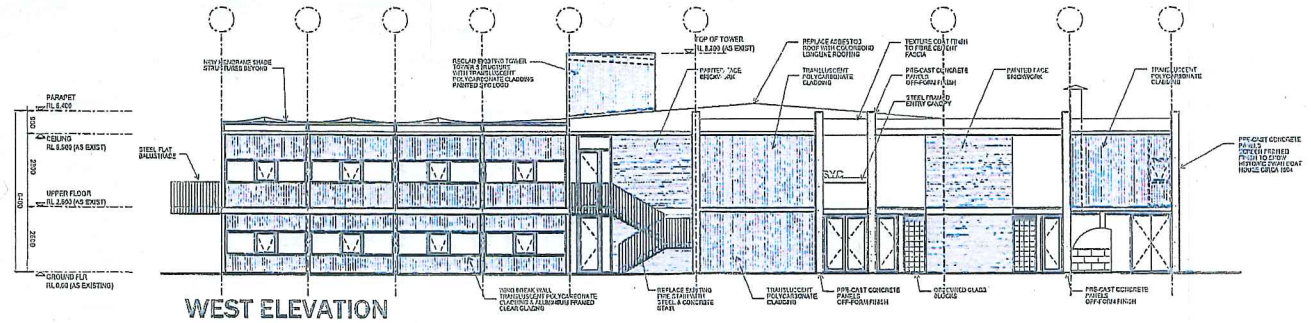
Town of East Fremantle
 09 OCT 2014
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LEGEND
 [Light Blue Box] NEW BUILDING EXTENT

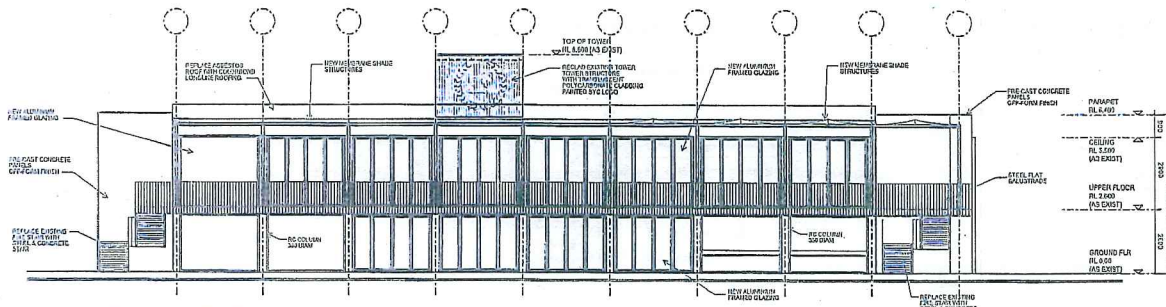




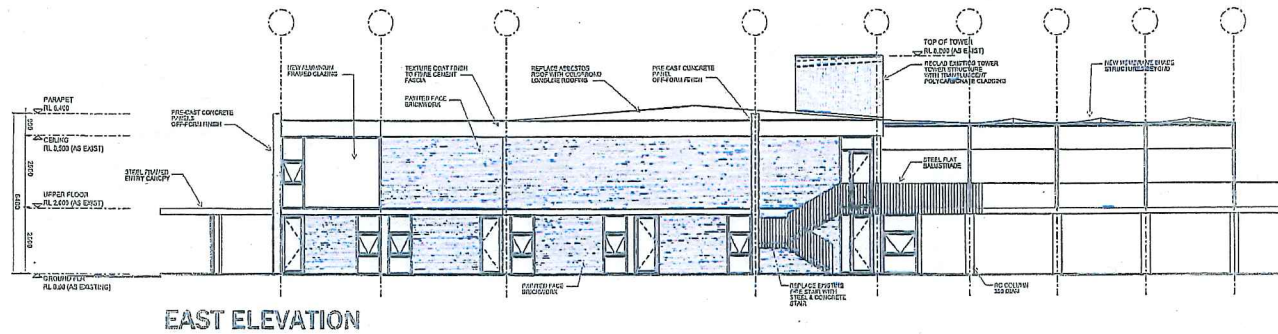
SOUTH (FRONT) ELEVATION



WEST ELEVATION



NORTH (RIVER) ELEVATION



EAST ELEVATION

TOWN OF MELBURN PLANNING APPLICATION
 DATE: 26 SEP 2014 P 134-14
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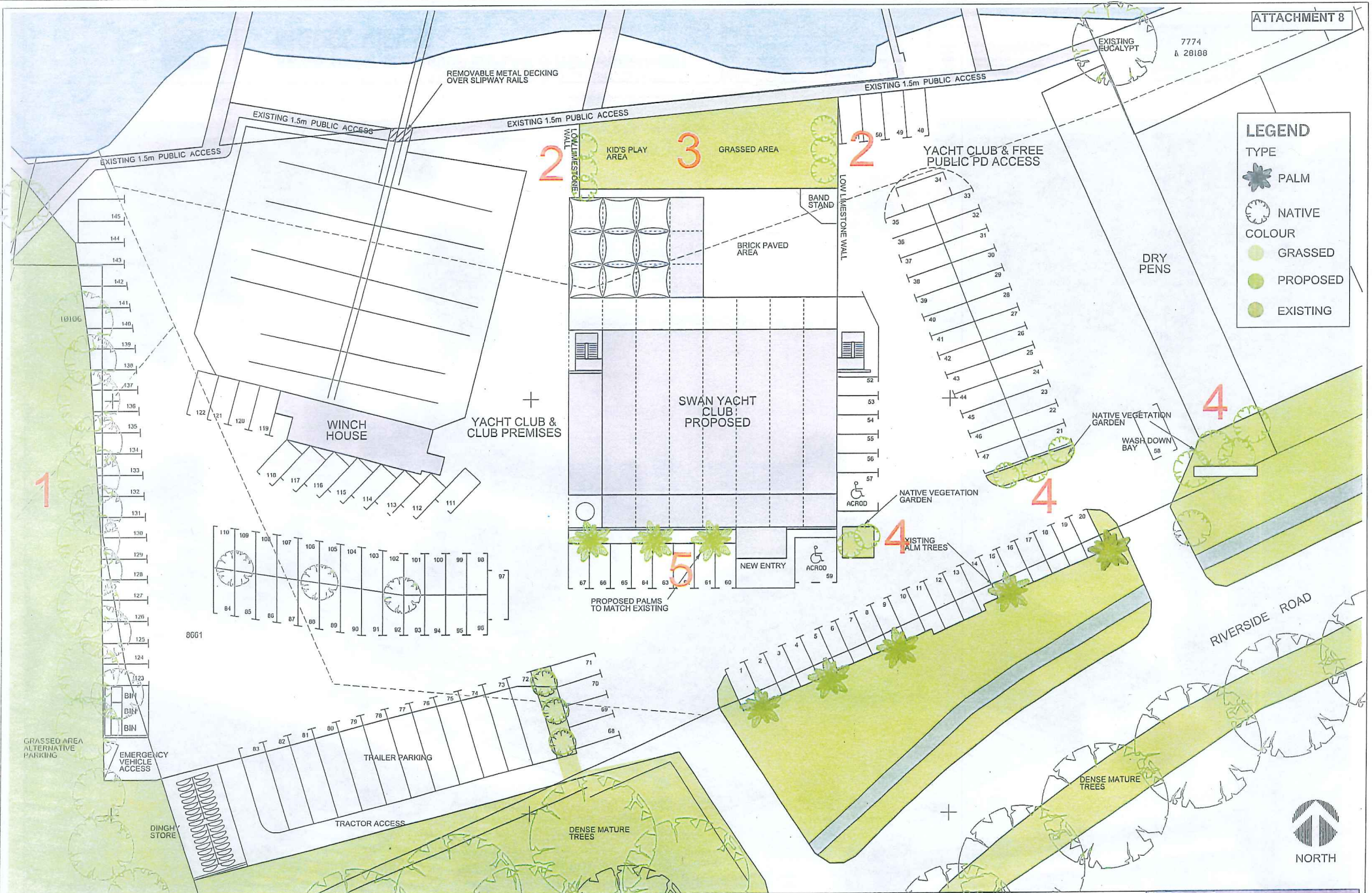
SWAN YACHT CLUB MASTERPLAN & REFURBISHMENT
 ELEVATIONS PROPOSED

DATE: SEPT 2014
 SCALE: 1:50 @ A1
 CRAWFORD-PLAN.CAD

DRAWING No. **A.20**
 REVISION: 1

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Matthew Crawford Architects



LEGEND

TYPE

- PALM
- NATIVE

COLOUR

- GRASSED
- PROPOSED
- EXISTING

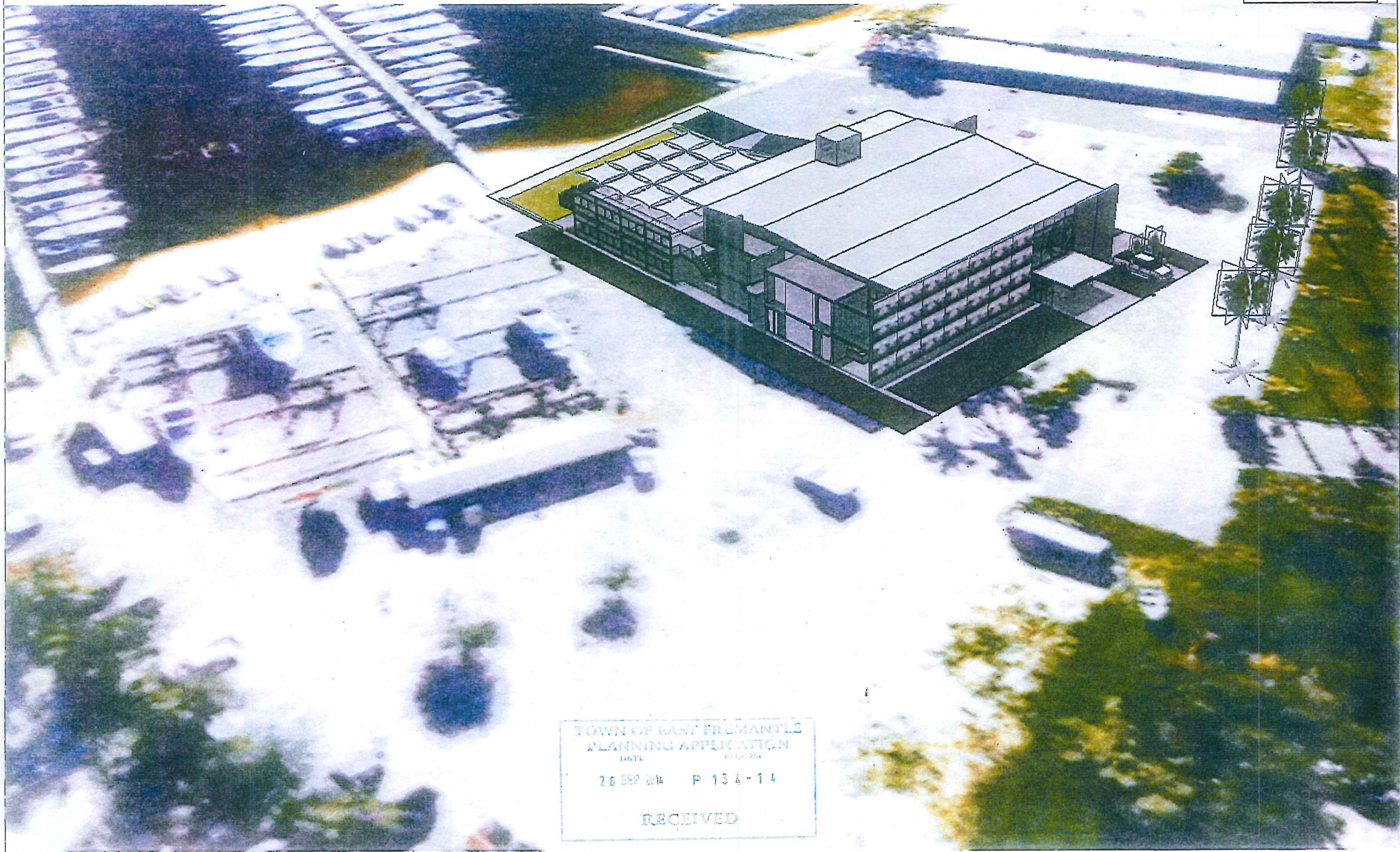


**SWAN YACHT CLUB MASTERPLAN & REFURBISHMENT
SITE LANDSCAPE PLAN PROPOSED**

DATE	OCT 2014	DRAWING No.	A.01
SCALE	1:200 @ A1	REVISION	1
CAD REF	MCA DES DEV		

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 PLANNING APPLICATION
 DATE: 26 SEP 2014 P 134-14
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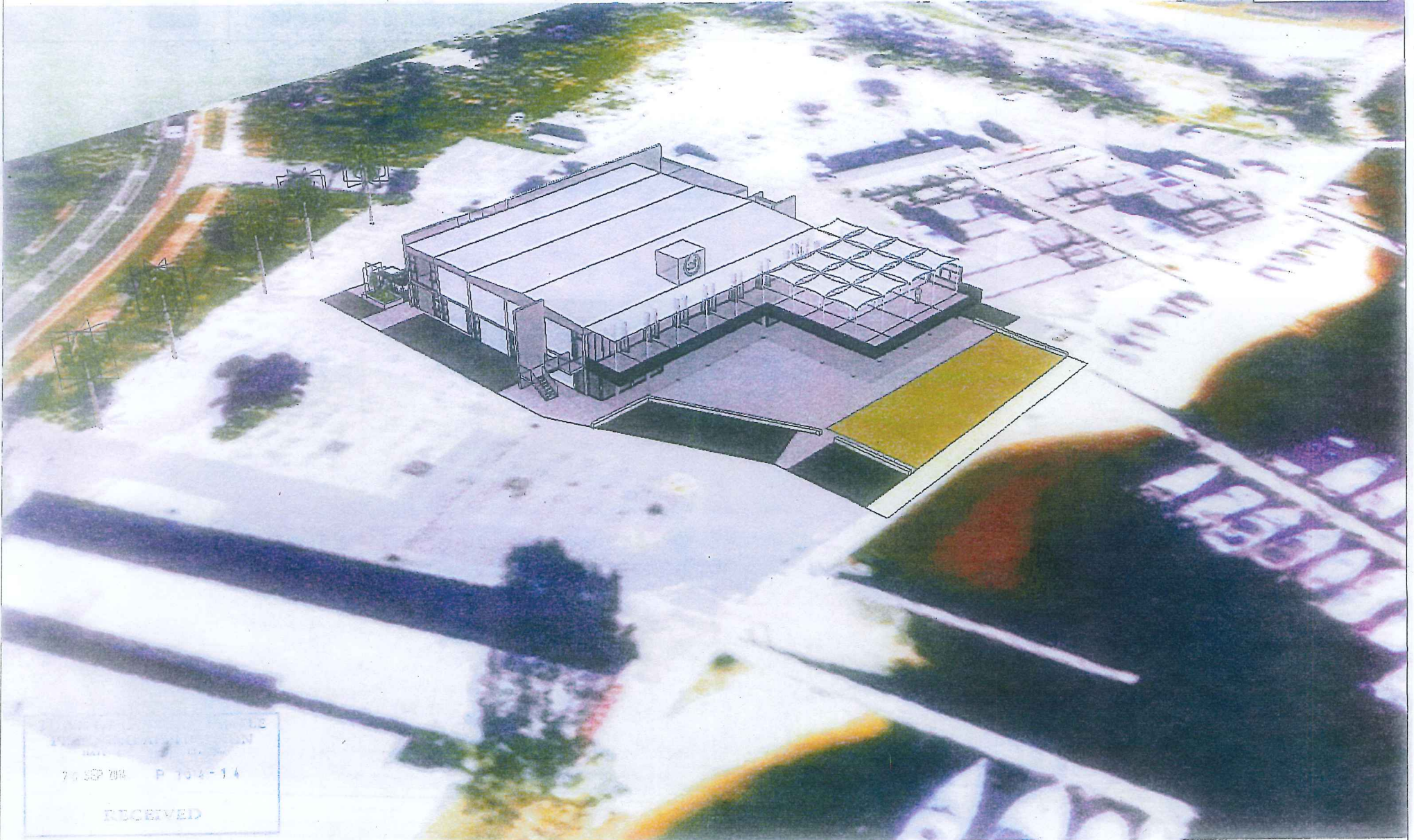
**SWAN YACHT CLUB MASTERPLAN & REFURBISHMENT
 MODEL VIEWS**

DATE: SEPT 2014
 SCALE: IMAGES
 CNO REF: CRAWFORD-PLAN.CAD

DRAWING NO.: **A.30**
 REVISION: 1

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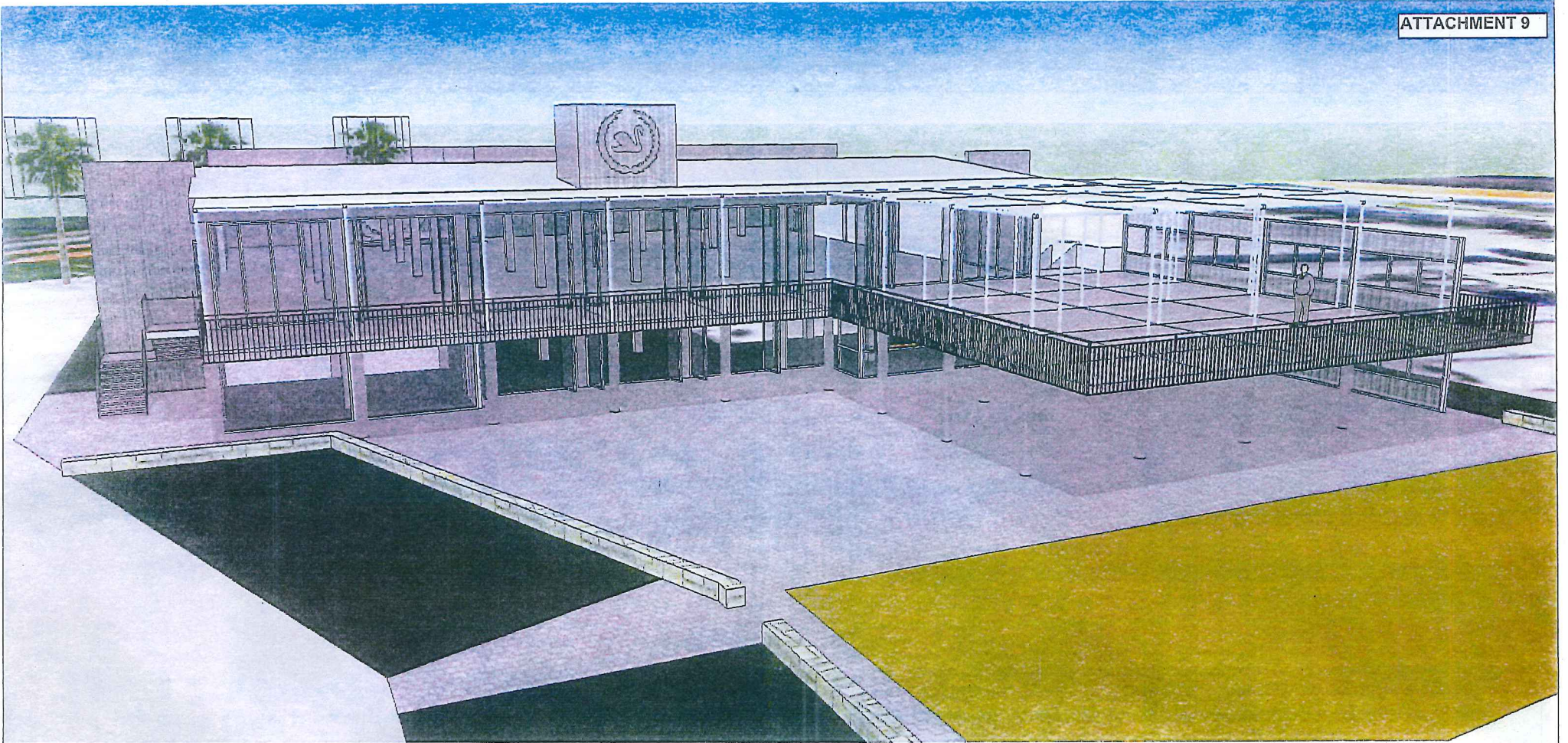


**SWAN YACHT CLUB MASTERPLAN & REFURBISHMENT
MODEL VIEWS**

DATE	SEPT 2014	DRAWING No.	A.31
SCALE	IMAGES	REVISION	1
CAD REF	CRAWFORD-PLAN.CAD		

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 EMAIL cent@mtcarchitects.com.au





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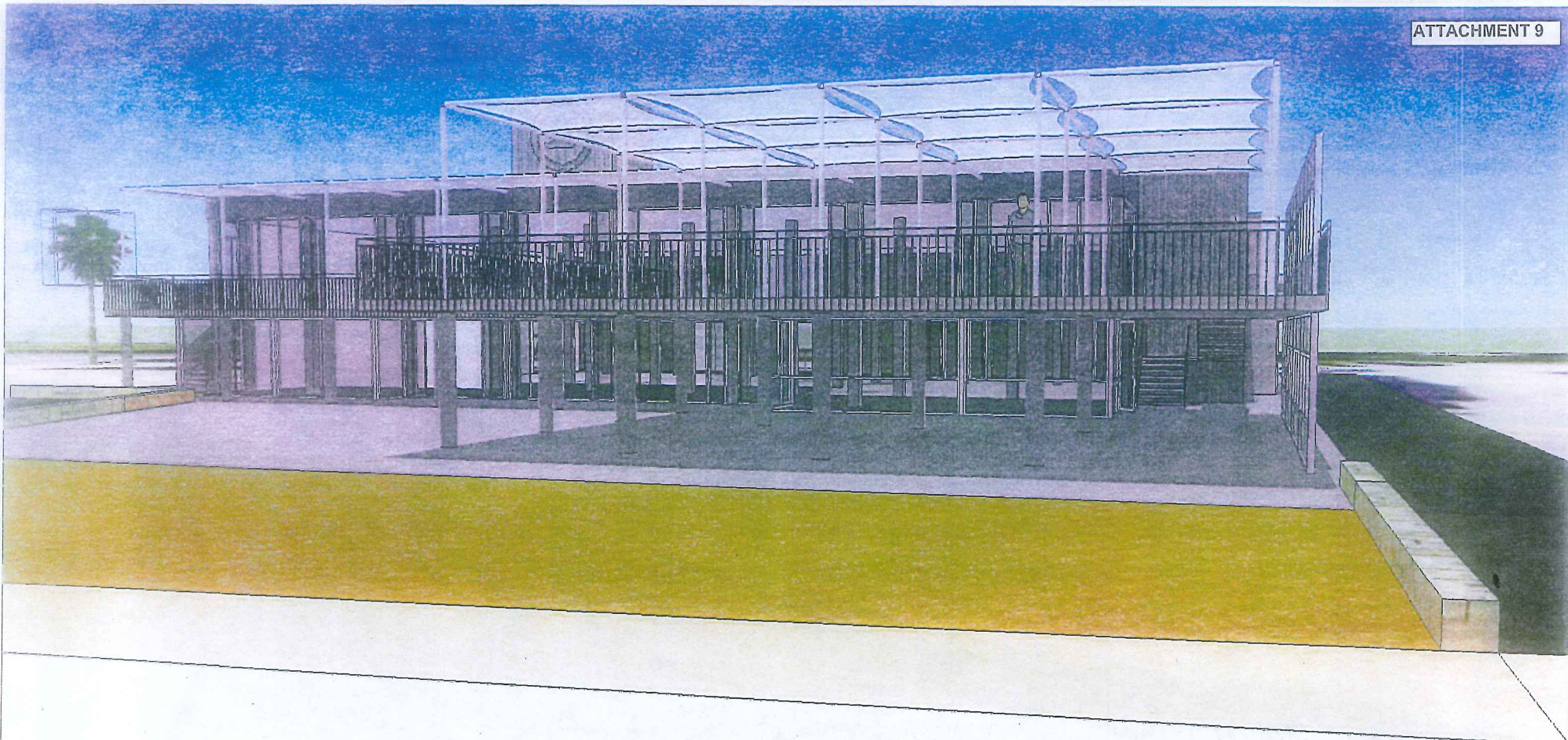


SWAN YACHT CLUB MASTERPLAN & REFURBISHMENT
 MODEL VIEWS

DATE	SEPT 2014	DRAWING NO.	A.32
SCALE	IMAGES	REVISION	1
CAD REF	CRAWFORD-PLAN.CAD		

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 0800 479 215
 WWW.MCRAWFORDARCHITECTS.COM.AU
 CONTACT@MCRAWFORDARCHITECTS.COM.AU

Matthew
 Crawford
 Architects



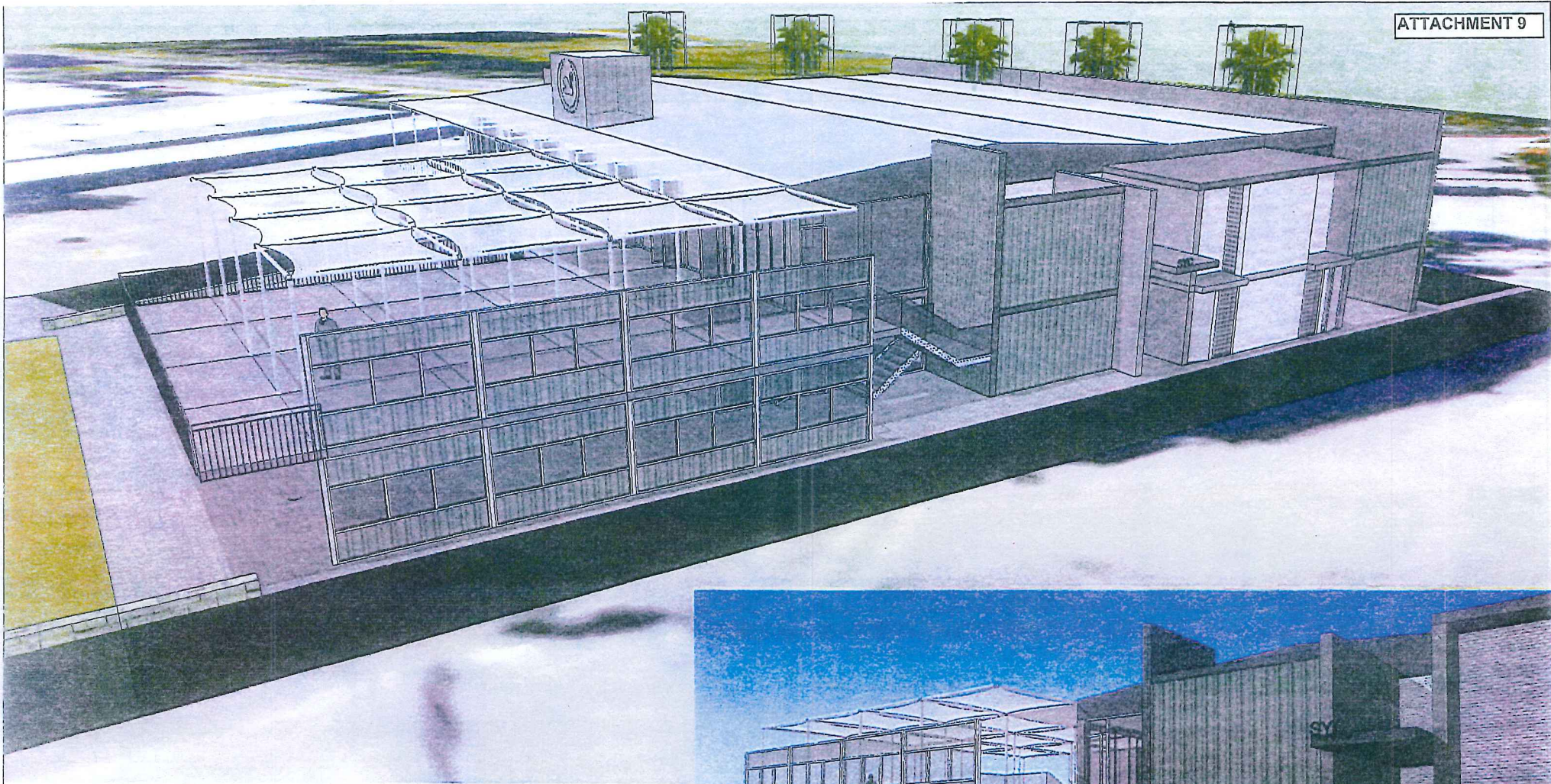
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 MODEL VIEWS

DATE	SEPT 2014	DRAWING No.	A.33	ADDRESS	SURE 1/140 GIRLING HWY NORTH FREMANTLE 6150
SCALE	IMAGES	REVISION	1	NOB	0104 079 243
CAD REF	CRAWFORD-PLAN/CAD			WEB	www.mcarchitects.com.au
				EMAIL	contact@mcarchitects.com.au

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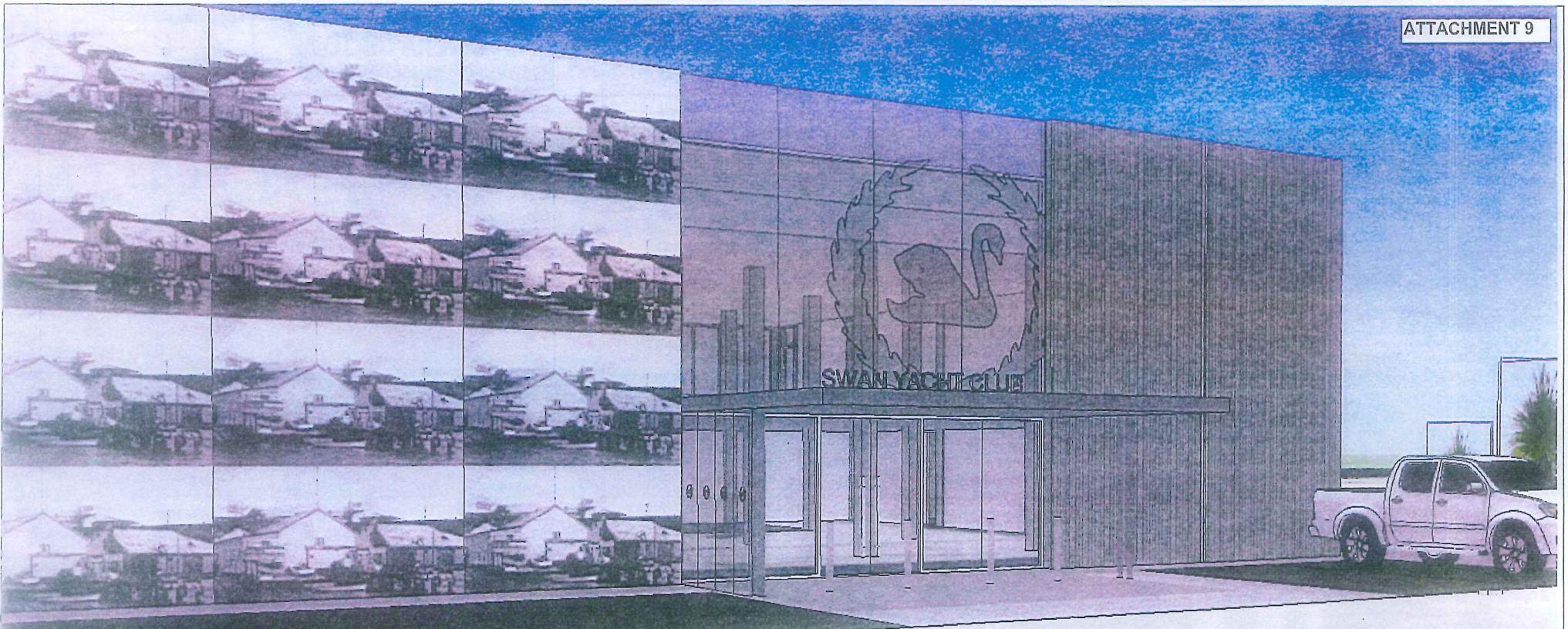


SWAN YACHT CLUB MASTERPLAN & REFURBISHMENT
 MODEL VIEWS

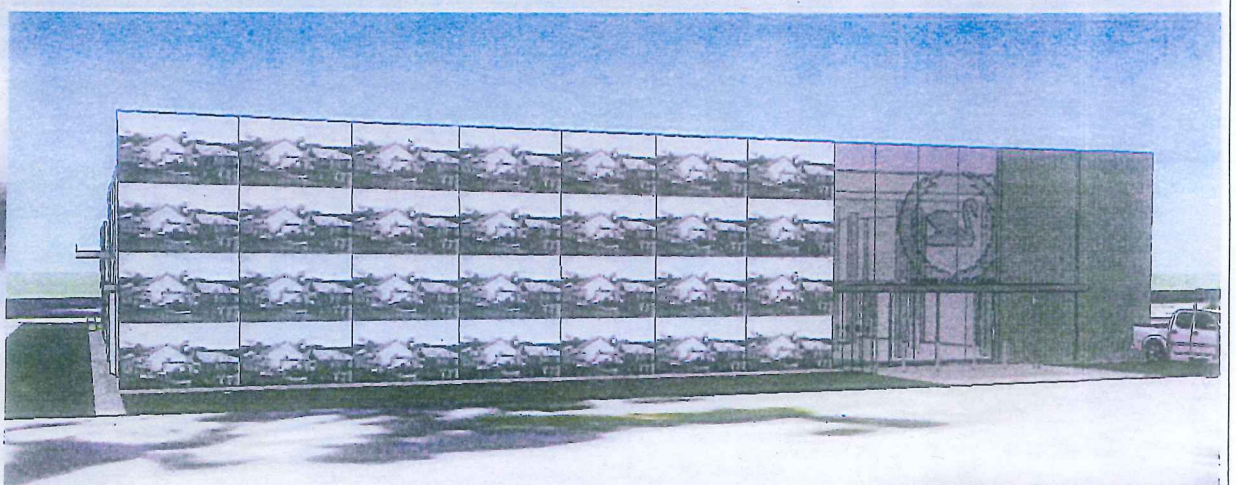
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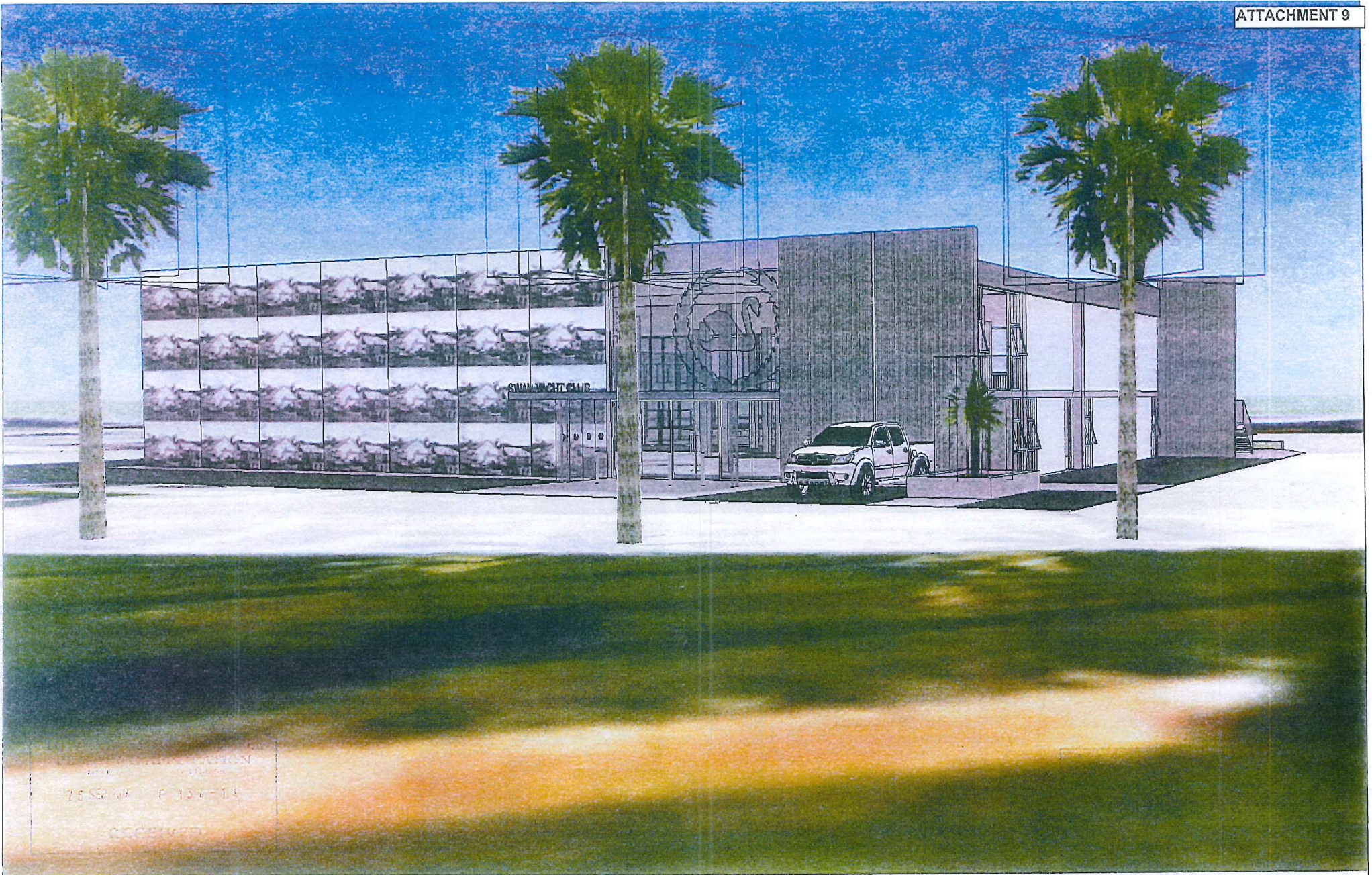
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 Crawford
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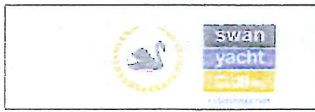


2014 APPLICATION
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78 SQ M F 10/1/14
 78 SQ M F 10/1/14
 78 SQ M F 10/1/14



**SWAN YACHT CLUB MASTERPLAN & REFURBISHMENT
 MODEL VIEWS**

DATE	SEPT 2014	DRAWING No.	A.36
SCALE	BRIAGES	REVISION	
CAD REF	CRAWFORD-PLAN.CAD		

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