

Swan and Canning Rivers Management Act 2006

PART 5

DETERMINATION OF DEVELOPMENT APPLICATION

FILE NUMBER : SRT6143
APPLICANT : City of South Perth
APPLICANT'S ADDRESS : Cnr Sandgate Street and South Terrace
SOUTH PERTH WA 6151
LANDOWNER : City of South Perth
LAND DESCRIPTION : Lot 301 on Plan 47451 and Lots 840 and 844 on Plan
243171 South Perth Esplanade, South Perth – Reserve
28779
DEVELOPMENT : Path replacement
VALID FORM 1 RECEIVED : 3 November 2014
DETERMINATION : **APPROVAL WITH CONDITIONS**

The application to commence development in accordance with plans received by the Trust on 3 November 2014, subject to the following conditions:

1. Approval to implement this decision is valid for two (2) years from the date of the approval. If the development has not been completed or substantially commenced within this period, a new approval will be required before commencing or completing the development.

Prior to commencement of works

2. The applicant shall notify the General Manager, Swan River Trust, in writing not less than fourteen (14) days prior to the commencement of works.
3. A Construction Environmental Management Plan shall be submitted to, and approved by the Swan River Trust, prior to the commencement of works (see Advice Note 1).
4. A Lighting Plan for the development is to be provided and submitted for the approval of the Swan River Trust, prior to the commencement of works (see Advice Note 2).

During construction

5. The approved Construction Environmental Management Plan shall be implemented.
6. The approved Lighting Plan shall be implemented.
7. Any damage or modification to the existing river wall adjacent to the development site shall be repaired or reinstated to the satisfaction of the Swan River Trust.
8. The proposed works shall not prevent public access along the foreshore reserve unless closure is necessary for safety purposes and has been approved by the Swan River Trust, and an alternate route has been provided.

9. No soil, building materials, rubbish or any other deleterious matter shall be placed on the Parks and Recreation Reserve or be allowed to enter the river as a result of the works.
10. The applicant shall ensure that no damage to the foreshore, riverbank, or waterway (including infrastructure and vegetation) occurs as a result of the works. Should any inadvertent damage occur, the applicant is required to notify the Swan River Trust within 48 hours (see Advice Note 3).
11. All incidents of pollution or spills within the Swan River Trust Development Control Area shall be reported immediately to the Swan River Trust (see Advice Note 3).
12. No refuelling shall take place within the Swan River Trust Development Control Area.

Upon completion of works

13. All waste materials (including excess soil, building materials, rubbish and any other deleterious matter) shall be removed from the site and the turf reinstated.

ADVICE TO APPLICANT

1. The Construction Environmental Management Plan required under Condition 3 shall address, but not be limited to:
 - a. on-site storage and bunding of materials, equipment, chemicals and fuel (including an aerial photograph with locations marked);
 - b. public access and safety;
 - c. site access;
 - d. excavation and any stockpiling of soil;
 - e. dust suppression;
 - f. waste management;
 - g. erosion;
 - h. protection of existing vegetation;
 - i. temporary structures;
 - j. machinery;
 - k. protection of the waterway from inputs of deleterious matter;
 - l. sediment and turbidity management in the river (see below);
 - m. inspection and reporting schedule on sedimentation and turbidity (see below);
 - n. hours of operation, timeframes and responsibility for tasks identified; and
 - o. complaints and incidents.

The plan should address the most appropriate means of sediment and turbidity management for the proposed works as determined by the applicant. This may include the use of a silt curtain. All reasonable efforts should be taken by the applicant to control plumes but where they occur, the applicant must stop work whilst the plume is addressed and should only recommence work once the integrity of the silt curtain (or equivalent) is restored. Ideally, where a plume occurs, this should be reported to the Swan River Trust within one (1) hour of occurrence and addressed immediately or as soon as reasonably possible during a high risk event (e.g. during storms or strong tides). The Swan River Trust can be contacted on 9278 0900 or a/h 0419 192 845.

2. In relation to Condition 4, lighting along the path and in the rest areas should be low level and designed to illuminate the walkway with minimal light spill on the water or upward to the sky to ensure no adverse ecological consequences.
3. In relation to Conditions 10 and 11, in case of pollution events the Swan River Trust can be contacted on 9278 0900 or a/h 0419 192 845.
4. 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*
5. The applicant is advised to consider materials that will ensure public safety and will not easily deteriorate on direct, long-term exposure to salt water (for the longevity of the structure);
6. The applicant is advised to consider the inclusion of shading elements for future stages.
7. The applicant is advised that the proposal has the potential to be affected by sea level rise. It is recommended 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 impact 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 applicants undertake their own research and obtain appropriate independent professional advice relevant to the particular circumstances.



HON. ALBERT P JACOB JP MLA
MINISTER FOR ENVIRONMENT; HERITAGE

Date: 23/1/15.