



Swan and Canning Rivers Management Act 2006

PART 5

DETERMINATION OF DEVELOPMENT APPLICATION

FILE NUMBER	:	2023/3404
APPLICANT	:	Nedlands Yacht Club
LANDOWNER	:	City of Nedlands
LAND DESCRIPTION	:	78 The Esplanade, Dalkeith
DEVELOPMENT	:	Rebuild of Sail Training Centre
VALID FORM 1 RECEIVED	:	Original plans: 12 July 2023 Amended plans: 24 July 2023
DETERMINATION	:	APPROVAL WITH CONDITIONS

The application to commence development in accordance with the information received on 12 July 2023 and 24 July 2023 is APPROVED subject to the following conditions:

CONDITIONS

1. Approval to implement this decision is valid for three (3) years from the date of this approval. If substantial on-site works have not commenced within this period, a new approval will be required before commencing or completing the development.
2. The applicant shall notify the Department of Biodiversity, Conservation and Attractions in writing not less than seven (7) days prior to the commencement of works (**Advice Note 1**).
3. All works are to be carried out in accordance with a Demolition and Construction Management Plan as approved, prior to commencement of works, by the Department of Biodiversity, Conservation and Attractions on the advice of the City of Nedlands (see **Advice Note 2**).
4. Prior to commencement of works, the applicant shall prepare a Stormwater Management Plan to the satisfaction of the Department of Biodiversity, Conservation and Attractions on the advice of the City of Nedlands (see **Advice Note 3**).
5. Prior to commencement of works, the applicant shall prepare a Landscape Plan to the satisfaction of the Department of Biodiversity, Conservation and Attractions (see **Advice Note 4**).
6. Prior to the commencement of works, the applicant shall submit the final design and drawings including a schedule of finishes and colours to the satisfaction of the Department of Biodiversity, Conservation and Attractions (see **Advice Note 5**).
7. At all times maintain unrestricted public access for pedestrians along the foreshore.
8. The applicant must ensure that fill products used are clean as defined by the Department of Water and Environmental Regulation and geotechnically suitable and otherwise fit for purpose, unless agreed in writing by the Department of Biodiversity, Conservation and Attractions.

9. The applicant shall ensure that no damage to the foreshore, riverbank, or waterway (including vegetation and infrastructure) occurs beyond the scope of the approved works. If any inadvertent damage occurs, the applicant is required to notify the Department of Biodiversity, Conservation and Attractions within 48 hours of the damage occurring and rectify the damage at its expense.
10. Upon completion of the works, all waste materials, equipment and machinery shall be removed, and the site cleaned up to the satisfaction of the Department of Biodiversity, Conservation and Attractions.

ADVICE NOTES

1. Notifications can be emailed to rivers.planning@dbca.wa.gov.au.
2. The Demolition and Construction Management Plan (DCMP) required under **Condition 3** shall describe how the proposed works will be managed to minimise potential environmental impacts and shall address, but not be limited to:
 - a. scope of works, including demolition and construction methodology;
 - b. site access and management, including any temporary fencing requirements;
 - c. management of machinery and equipment, including a refuelling procedure and spill response;
 - d. waste management including removal and disposal of asbestos;
 - e. protection of the river from inputs of debris, rubbish or other deleterious material. Specifically, the DCMP is to address preventative control mechanisms to ensure any dust/shavings/off-cuts etc are captured and responsibly disposed of off-site;
 - f. access and safety;
 - g. hours of operation and schedule of works;
 - h. management of any potential acid sulphate soils (PASS) that may be exposed during the works;
 - i. management of dewatering if required;
 - j. containment of stockpiles of materials;
 - k. mechanism for complaints and incidents;
 - l. a detailed site map showing the location of:
 - i. perimeter fencing
 - ii. laydown areas and vehicle entry/exit points
 - iii. protected vegetation
 - iv. on-site storage and bunding of materials and equipment
 - v. any proposed redirection of pedestrian traffic; and
 - m. in case of damage or pollution events, the Department of Biodiversity, Conservation and Attractions can be contacted on 9278 0981 (Riverpark Duty Officer) or 9480 9924 (Marine Pollution Response).
3. The Stormwater Management Plan required under **Condition 4** is to demonstrate that stormwater is able to be appropriately managed on site and should demonstrate that the proposed bioretention area is capable of capturing and infiltrating the first 15mm of rainfall. Details should be provided on proposed vegetation within the bioretention area.
4. The Landscape Plan required under **Condition 5** should include suitable locally native species to soften and screen the proposed new building and riparian landscaping at identified appropriate locations along the riverbank.
5. Regarding Condition 6, the selected colour scheme and finishes for the development should reflect the character and landscape setting naturally occurring in the locality of the Swan River and surrounding foreshore.

6. Please note that the proposed works are located in a high to moderate/moderate to low risk acid sulphate soils risk area and that the Acid Sulphate Soils Guideline Series for guidance on the identification, assessment and management of acid sulphate soils in Western Australia is available from the Department of Water and Environmental Regulation at: www.dwer.wa.gov.au. If acid sulphate soils are exposed during the works, the Department of Water and Environmental Regulation should be contacted for further advice.
7. A building permit is required to be obtained from the City of Nedlands for the works.
8. The reserve land is encumbered by a Memorial under the *Contaminated Sites Act 2003* and has been classified as 'remediated for restricted use'. Further consultation with the Department of Water and Environmental Regulation is required.
9. The City of Nedlands advises that the development site is constrained by Management Order conditions, subject to a Lease, encumbered by a Memorial and part of the Land Asset Optimisation Strategy, the works are caught by Clause 12 (Alterations) of the lease. This clause requires (at a minimum) the Lessee to:
 - a. obtain prior written consent from the Lessor and any other person whose consent is required under the lease or at law;
 - b. comply with any/all conditions should the consent be subject to conditions;
 - c. carry out work in accordance with plans and specifications approved by the Lessor or any other person giving consent;
 - d. carry out work to the satisfaction of the Lessor under the supervision of an Engineer or other consultant;
 - e. apply for and obtain all such consent approvals, authorities, permits or policies as are required at law before undertaking any works; and
 - f. undertake all works at the Lessee's expense.
10. The Department of Planning, Lands and Heritage (Aboriginal Engagement and Heritage Unit) advises that the proponent has obligations under the *Aboriginal Heritage Act 1972* to ensure due diligence to mitigate risk and manage potential impacts to Aboriginal cultural heritage.

Although the subject area does not intersect any recorded Aboriginal cultural heritage, it is possible that unreported Aboriginal cultural heritage may be present within the area.

If the ground disturbance proposed is within a previously disturbed area and will not result in disturbance that is greater in height, depth or surface area to that which has already been disturbed, then this can be considered as an exempt activity within the proponent's due diligence assessment.

It is recommended that the proponent contact the Department of Planning Lands and Heritage's Aboriginal heritage team directly to discuss Aboriginal heritage.



Hon Reece Whitby MLA
MINISTER FOR ENVIRONMENT

Date: 16/1/24