

CORPORATE POLICY STATEMENT NO. 44

PLANNING FOR JETTIES IN THE SWAN CANNING DEVELOPMENT CONTROL AREA

March 2023

1. OBJECTIVE

The objective of this policy is to ensure that jetties in the Swan Canning development control area (DCA) provide a public benefit by contributing to the long-term community use and enjoyment of the Swan Canning river system, without unacceptably affecting its ecological health or amenity.

2. SCOPE

Proposals in the DCA for new jetties, to extend or make alterations to jetties and to attach floating boat lifts to a jetty are considered to be development and therefore require development approval. In some circumstances, as outlined in the Swan and Canning Rivers Management Regulations 2007 (SCRM Regulations), certain works, acts and activities are excluded from the definition of development and instead require approval via a permit. Jetty repairs and maintenance works need a permit. Where exclusive use is proposed, a River reserve lease is also required.

This policy is applied by the Department of Biodiversity, Conservation and Attractions (the department) when assessing development and permit applications for jetty structures in accordance with the *Swan and Canning Rivers Management Act 2006* (SCRM Act) and the SCRM Regulations. It is also applied by the department and Swan River Trust when providing advice to other Government agencies, including the Department of Transport (DoT) on the transfer of jetty licences, and local governments on jetty proposals. This includes proposals in the DCA and those that may affect waters in the DCA. Proposals that may affect waters in the DCA include, but are not limited to, those that might mobilise sediment, nutrients and non-nutrient contaminants to the DCA, or that might alter the hydrology of the waterways and wetlands in the DCA.

This policy applies to applications for jetties, including wharves, piers, platforms, slipways, launching ramps, boat houses, and boatsheds over water. Applicants, decision-making authorities and other Government agencies and local governments should have due regard to this policy for jetty proposals in or affecting the DCA.

The DCA is defined in Schedule 3 of the SCRM Act ([maps available](#)). In this policy, the Swan Canning river system means the named waterways within the Swan Canning Catchment as defined in Schedule 1 of the SCRM Act, but excluding the Avon catchment area.

All guidance documents identified in this policy should be taken to refer to the most current published version.

3. CONTEXT

The *Jetties Act 1926* defines a jetty as any structure connected to a body of waters that, wholly or in part, may be used for the purpose of launching or landing a vessel. Jetties may also have more general uses such as fishing, walking, sight-seeing, and swimming.

Jetties have been part of the landscape of the Swan Canning river system since non-Aboriginal settlement. They provide access to the waterway for the general public, individuals, clubs and associations, and businesses operating commercial ventures.

As the population of Perth grows, the river system faces pressure from increased use and development, including requests for installation of jetties. Applications for approval for jetties must demonstrate that the jetty will provide a public benefit by contributing to the long-term community use and enjoyment of the river system without unacceptably affecting its ecological health or amenity. While the department recognises the importance of jetties in providing access to the waterway, a proliferation of such structures may detract from the amenity of the river system as a whole and could potentially alienate public access. Appropriately designed and located public and commercial jetties form an integral part of the waterway setting and are an important recreational and tourism resource.

For the purposes of this policy, there are three types of jetties:

(a) Commercial jetties

Commercial jetties are structures used for commercial and business activities and include those at marinas and over water food and beverage or short-stay accommodation facilities. Commercial jetties can provide boarding or disembarkation points for ferries and commercial operations. They may range in size and purpose from the larger jetties at Barrack Square, to smaller jetties and wharves in the upper reaches of the river. A section(s) of a commercial jetty is usually set aside for general public use. For example, public boat pens or tie off points may provide general access areas for recreation. Areas of commercial use, general public use and any restrictions should be identified in the application and in lease and jetty licence documents.

(b) Private jetties

Private jetties are structures used for:

- domestic use by the applicant and their family only; or
- recreational use by the applicant only.

Private jetties for domestic use have typically been constructed by an individual and their use is restricted to the applicant and their family. Private jetties for recreational use are typically developed by clubs and associations (yacht clubs or other aquatic clubs) for use by their members and not for commercial use.

(c) Public jetties

Public jetties are structures used by the general public for uses such as fishing, walking, sight-seeing, swimming, and temporary short-term berthing and mooring of vessels (where authorised). Public jetties are constructed by public bodies (State and local governments). With the authorisation of the public body responsible for the jetty, commercial operators may be able to use public jetties for picking up and setting down passengers.

This policy also applies to floating boat lifts:

(d) Floating boat lifts

Floating boat lifts are devices that float on water and are used to berth a vessel out of the water when the vessel is not in use. The use of floating boat lifts can reduce the need to apply harmful anti-fouling coatings to boat hulls. However, their proliferation in unsuitable locations can detract from the visual amenity of the waterway.

This policy is to be applied in conjunction with the department's [Swan Canning Planning and Development Policies, Plans and Procedure Manual](#) including, but not limited to [Corporate Policy Statement No 43: – Planning for marinas yacht club and aquatic clubs in the Swan Canning development control area](#) and [Corporate Policy Statement No. 46: Planning for commercial operations in the Swan Canning development control area](#).

For policy measures that apply to all Western Australian waterways and additional measures and guidelines that apply to the Swan Canning river system, refer to draft *State Planning Policy 2.9 – Planning for Water* and its associated guideline.

4. LEGISLATION

The State Government has recognised the importance of the Swan Canning river system by legislating specifically for its protection and management through the SCRM Act. The SCRM Act establishes the Swan Canning catchment area, DCA, Riverpark and River reserve, and creates a governance structure, and regulatory and approval process for decision-making relating to the river system.

The department, Swan River Trust, Western Australian Planning Commission (WAPC) and State and local governments are responsible for the effective planning and management of land use and development within, abutting and affecting the waters in the DCA.

Under section 70 of the SCRM Act, all development in the DCA is subject to approval and control. The term 'development' is defined in section 3 of the SCRM Act to mean:

- a) the erection, construction, demolition, alteration or carrying out of any building, excavation or other works, in, on, over or under land or waters; and
- b) a material change in the use of land or waters; and
- c) any other act or activity declared as development under the SCRM Regulations.

In undertaking its statutory roles, the department assesses and provides advice and recommendations to the Minister for Environment regarding development in the DCA under Part 5 of the SCRM Act. The Minister may approve such development under section 70, unless the development is in a class which the Chief Executive Officer (CEO) of the department is authorised to approve under section 85. The CEO is also responsible for approving under a permit other works, acts and activities declared not to constitute development or controlled for Riverpark and DCA protection by the SCRM Regulations.

In performing their statutory functions, the department and the Swan River Trust also provide advice and recommendations to other decision-making authorities, Government agencies and local governments on jetty proposals adjoining and affecting the DCA. These proposals are subject to control under clause 30A of the Metropolitan Region Scheme (MRS), *Planning and Development Act 2005* and other State legislation.

The CEO may grant a River reserve lease under section 29 of the SCRM Act. In accordance with section 29(4), leases must not be granted until the associated development has been approved and must be consistent with the conditions of that approval.

A jetty licence from DoT is required under the Jetties Act where the structure is a pier, wharf, quay, grid, slip, landing place, stage, platform, or similar structure, whether fixed or floating, erected or placed, wholly or in part, in, on or over any waters and any ramp that is or may be used for the purpose of launching or landing a vessel. DoT will ensure that the location of the jetty does not interfere with navigation and that safety is addressed through jetty design, construction, and maintenance. A jetty licence does not provide any tenure over the structure, riverbed or waterway and does not grant exclusive use to the licensee. DoT will issue a jetty licence only after the relevant development or permit approval has been granted and the jetty licence must be consistent with the conditions of the approval.

5. POLICY

The relocation, extension, or replacement of existing private (domestic use) jetties, construction of new private (domestic use) jetties, and commercial jetties that exclude public use, is not supported.

In undertaking its statutory roles and functions, the department and Swan River Trust will:

Planning and land tenure

- 5.1 Require applications to be consistent with a department endorsed locality or other strategic plan for the area. This includes providing opportunity for water transport and tourism and recreational activation (such as hire-and-drive facilities) at identified sites. Where there is no such plan, the application is to be supported by a context analysis that considers the broader foreshore and waterway uses and demonstrates that the jetty is necessary and appropriate. Generally, new jetties should be associated with established activity nodes. Rather than a proliferation of jetty structures, shared facilities should be considered. There is a general presumption against the removal and loss of existing public jetties that provide unique access to the river.
- 5.2 Require jetty applications to demonstrate that:
 - the proposed jetty location abuts land that is owned or subject to a long-term lease by the applicant and the land has a waterside boundary. Where the land is leased, the landowner must provide consent to the application; or
 - the applicant has been granted written permission from a public authority that owns the land or has the land vested in it.
- 5.3 Require jetty applications to demonstrate that the proposed jetty location within the waterway is contained within an existing long-term lease area or the applicant has landowner consent to lodge the application.
- 5.4 Require commercial and existing private (domestic use) jetties to usually be publicly accessible. A River reserve lease will be required for all jetties where exclusive use is proposed.

- 5.5 Support, in some cases, the formalisation of private access to the water where a residential lot adjoins waters in the DCA and where the access way is contained within the lot, not elevated above the natural or established ground level and has minimal impacts on riparian vegetation and visual amenity of the DCA. This provision is for low-key access ways that require little or no ground disturbance.
- 5.6 Require applications for commercial jetties to demonstrate that general public access for recreational purposes is provided. For new purpose-built commercial jetties/structures, public facilities are also to be delivered.

Jetty design

- 5.7 Require applications for jetties to demonstrate they are minimising and managing effects on, or where appropriate, enhancing the ecological health of the DCA, including flora, fauna and their associated habitats. Applicants will likely be required to provide information or details regarding:
- bathymetric information confirming that the jetty is not located in shallow waters or mud flats where dredging for construction or ongoing maintenance would be required for vessel access;
 - protection of habitat and any threatened species or communities;
 - potential for erosion of the riverbanks; and
 - effects on the riparian vegetation at the site.
- 5.8 Require applications for jetties to demonstrate they are providing a public benefit and contributing to the long-term community use and enjoyment of the DCA. Applicants will likely be required to provide information or details regarding:
- the size, location and purpose of the structure, in the context of established activity nodes, existing infrastructure, proposed uses, and the size of vessels intended to use the jetty;
 - the proximity and availability of associated amenities such as active transport infrastructure, car parking and toilets;
 - mooring of vessels so that vessels are only allowed to briefly tie-up to pick-up or set-down goods or passengers, unless the jetty is within a marina, yacht club or other aquatic club; and
 - possible conflicts of use with other established tourism and recreational facilities, public uses or water transport infrastructure. The application is not to cause unacceptable conflicts with other appropriate forms of use or unacceptable congestion.
- 5.9 Require applications for jetties to demonstrate that they are minimising and managing effects on the landscape character and amenity of the DCA. Applicants will likely be required to provide information or details regarding:
- the design so that it complements the waterway setting and the characteristics of the site, including addressing any visual impacts (such as from the anchoring system); jetty piles associated with floating systems are not to be significantly visible above mean sea level;
 - the selected construction materials and colour scheme, with external finishes to be high-quality and based on materials and hues naturally occurring in the area; tactile surfaces in particular are to be sympathetic to and have an aesthetic that suits the natural riverine environment;

- associated foreshore works, including riverbank stabilisation, are to be designed to protect and enhance the landscape character of the DCA;
- lighting so that it is fit-for-purpose and will not interfere with vessel navigation, adversely affect the amenity of the area, or unacceptably alter the natural patterns of light and dark;
- signage so that it is kept to a minimum and not visually obtrusive (signage on jetties should be designed to address use and safety issues only; advertising signage may be supported if it is associated with an approved use of the jetty);
- the number of existing or approved jetties in the locality and other marine infrastructure, such as vessel moorings so the cumulative effect of a new, relocated or extended jetty does not detract from the amenity of the local DCA landscape, including views to and from the waterway; and
- hours of operation.

5.10 Advise applicants to address Aboriginal and non-Aboriginal cultural heritage requirements in accordance with the *Aboriginal Cultural Heritage Act 2021* and *Heritage Act 2018*, respectively.

5.11 Require applications to address specific design criteria or requirements related to:

- DoT's jetty design and navigation standards, including *AS 3962-2020 Marina design* and *AS 4997-2005 Guidelines for the design of maritime structures*, with plans to be certified by an appropriately experienced Chartered Professional Engineer as recognised by Engineers Australia;
- flood management based on the Department of Water and Environmental Regulation's advice;
- car parking as per the local planning scheme or the relevant Australian Standard and the department's requirements; and
- universal access as per the relevant Australian Standard and the department's requirements.

Floating boat lifts

5.12 Support the installation of floating boat lifts on jetties at marinas, yacht clubs and other aquatic clubs within existing River reserve lease areas, where the effects on the ecological health and amenity of the DCA are demonstrated to be negligible.

5.13 Oppose the installation of floating boat lifts on swing moorings within the DCA due to their significant visual impact and the likelihood to cause conflicts with other appropriate forms of community use and unacceptable congestion.

Construction

5.14 Require applications for jetties to include a methodology and management plan that addresses how the construction work is to be undertaken to ensure best possible protection of the ecological health, community benefit, and amenity of the DCA. Applicants will likely be required to provide site specific details including:

- identification and protection of habitat and fauna, both in-water and on land; consideration of the use of a vibration piler for pile installation, instead of a drop hammer, with a soft start-up and use of a marine mammal observer; minimisation of potential habitat loss and mitigation of impacts on associated species for pile replacement works; and
- minimisation of sediment disturbance and mitigation of water quality impacts, including potential plume management, for example, using silt curtains.

Maintenance

5.15 Require jetties within the DCA to be appropriately maintained in good order, consistent with approved plans and jetty licence requirements. Applicants are to obtain a permit approval for repairs and maintenance, as defined in the SCRM Regulations, and are to ensure adequate measures are taken to prevent waterway contamination or other ecological impacts. In some instances, the department will require details on inspection and maintenance schedules upfront as part of the jetty application.

Temporary jetty structures

5.16 Support temporary public jetties or similar structures for spectator events held in the Riverpark, where appropriate.

Transfer of jetty licences

5.17 Provide advice to DoT on the transfer of existing jetty licences in the DCA that:

- considers whether the structure is of sound construction and in good order consistent with approved plans and jetty licence requirements, including conditions of the licence approval;
- seeks evidence of the tenure of the adjoining land in accordance with clause 5.2 of this policy; and
- where a jetty has become alienated from the associated privately owned lot because land adjacent to the waterway has been acquired by the State:
 - a) has a presumption against the renewal of a jetty licence for private (domestic) use;
 - b) supports the transfer of the licence to a public authority as a public jetty; and
 - c) recommends that the jetty structure be removed and the site rehabilitated, usually at the expense of the jetty owner/licensee, if transfer of the alienated jetty does not occur.

6. POLICY IMPLEMENTATION STRATEGIES

To implement this policy, the department will:

Swan River Trust

- 6.1 Consult with the Swan River Trust when assessing applications under Part 5 of the SCRM Act and preparing strategic documents and corporate policies and guidelines.
- 6.2 Implement delegated powers from the Swan River Trust under the MRS.

- 6.3 Keep the Swan River Trust informed of development, and permitted works, acts and activities approved within the DCA.

Planning authorities (WAPC, other State agencies, and local governments)

- 6.4 Consult regularly with relevant planning authorities when providing advice on planning applications and assessing development and other permitted works, acts and activities in and around the DCA.

Referral agencies

- 6.5 Ensure there is a clear understanding of the role of referral agencies, how their advice will be considered in assessing applications and 'clearing' conditions of approval.

Assessment of applications

- 6.6 Seek appropriate advice when assessing applications. Advice may be sought from planning authorities, referral agencies, contractors, consultants, or other stakeholders and from the department's specialist branches and regional locations. Where expertise is available from within the department, it will be utilised prior to seeking advice from external parties.
- 6.7 Ensure relevant staff, contractors and consultants have the necessary qualifications, skills and expertise when assessing planning and development applications.
- 6.8 Maintain records of discussions, advice and decisions when undertaking the department's and Swan River Trust's statutory roles in accordance with the *State Records Act 2000*.

7. CUSTODIAN

Executive Director, Conservation and Ecosystem Management.

8. PUBLICATION

This policy will be made available on the department's website and intranet.

9. KEY WORDS

Swan, Canning, river, development control area, jetty, wharf, pier, platform, slipway, launching ramp, boat house, boatshed, commercial jetty, public jetty, private jetty, floating boat lift, jetty licence.

10. REVIEW

Further reviews will be at the discretion of the Director General, with a review undertaken after five years from the date it is signed.

11. SWAN RIVER TRUST ENDORSEMENT

Endorsed by



Hamish R Beck
CHAIR

Date: 28 February 2023

12. APPROVAL

Approved by



Peter Dans
ACTING DIRECTOR GENERAL
ACTING CHIEF EXECUTIVE OFFICER

Date: 2 March 2023