

Swan Canning Commercial Activities Handbook 2024



Ngala kaaditj Whadjuk moort keyen kaadak nidja Boodja.

We acknowledge the Whadjuk people as the original owners of this land.



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Kayakers at sunset. Photo – Veronica McPhail

1. The handbook and your permit

The Swan Canning Commercial Activities Handbook (the handbook) has been developed as a reference and guide for commercial operators who have received a Commercial Activities Permit. It can also be used as a guide for prospective operators to gain an understanding of what to expect if they are considering starting a business and applying for a permit in future.

The handbook contains:

- guidance on how to read and understand your permit
- background information and a map to help you navigate the Swan Canning Riverpark
- safety information for commercial operators in the Swan Canning Riverpark
- a list of all general conditions used on Commercial Activities Permits, and
- additional information and reference material that supports the general conditions of a permit.

For information on how to apply for or renew a permit, or other frequently asked questions, please refer to DBCA's website:

<https://www.dbca.wa.gov.au/licences-and-permits/riverpark-development-and-planning/commercial-activities-permits-swan-canning-riverpark>

Definitions and abbreviations

The following definitions and abbreviations are used throughout the handbook and are consistent with the conditions listed in [Section 5](#). You will also find these definitions and abbreviations listed on your permit, where relevant:

Act means the *Swan and Canning Rivers Management Act 2006*.

Regulations means the Swan and Canning Rivers Management Regulations 2007.

DBCA means the Department of Biodiversity, Conservation and Attractions.

Permit means a Commercial Activities Permit granted pursuant to regulation 29 of the Regulations.

Permitted commercial activities means the locations, activities, and vessels specified in the 'PERMITTED COMMERCIAL ACTIVITIES' table on the Permit.

River reserve means the waterways of the Swan and Canning rivers (defined in section 11(2) and described in Schedule 4 of the Act). It is delineated on the *Swan Canning Riverpark Map* in [Section 3](#) of this handbook.

Riverpark means the waterways of the Swan and Canning rivers and the public land adjacent to the waterways (defined in section 9 and described in Schedule 2 of the Act). It is delineated on the *Swan Canning Riverpark Map* in [Section 3](#) of this handbook.

DCA means development control area, which is the waterways of the Swan and Canning rivers and the public and some private land adjacent to the waterways (defined in section 10 and described in Schedule 3 of the Act). It is delineated on the *Swan Canning Riverpark Map* in [Section 3](#) of this handbook.

Vessel means any thing used or capable of being used to transport people or things by water (as defined in regulation 2 of the Regulations).



Rowers and birds in Perth waters. Photo – Sue Harper

Understanding your permit

Your permit includes your contact and business details as the operator of the business as well as the following details regarding your permitted commercial activities:

PERMITTED COMMERCIAL ACTIVITIES		
Location(s):	Activities:	Vessel(s):
<i>Location 1</i> <i>Location 2</i> <i>Locations where the adjacent activities are permitted to take place</i>	<i>Activities that are permitted to take place at locations 1 and 2</i>	<i>Identification details of the vessels approved to undertake the activities permitted at locations 1 and 2 or the number of vessels permitted for the activities listed at locations 1 or 2</i>
<i>Location 3</i>	<i>Activities that are only permitted at location 3</i>	<i>Identification details of the vessels approved to undertake the activities permitted at location 3 or the number of vessels approved for the activities listed at location 3</i>

Date valid from: *Date activities can start*
Date of expiry: *Date activities must cease*

The above permitted commercial activities are subject to the following conditions:

CONDITIONS SPECIFIC TO THIS PERMIT

- A condition that applies to your permit only. You will not find this condition listed in the general conditions of this handbook.*

GENERAL CONDITIONS

- Descriptive heading for condition(s)***
 - Conditions listed in this handbook that apply to the permitted commercial activities outlined in the Permitted Commercial Activities table (above).*

Your permit may not contain specific conditions and may only include the general conditions listed in this handbook. An example approval has been included in [Appendix 1](#) of this handbook for reference.

Operational period (duration of permit)

When you submitted your application, you may have nominated a period of either two, three, four or five years for which you would like your permit to be in effect. Your approved operational period was then determined based on the following criteria:

Applicant experience and record	Recommended duration of permit
Applicant has had a permit for a commercial activity in the Swan Canning development control area (DCA) in the past AND Applicant has had <u>no</u> compliance issues	Period nominated by the applicant on the application form
Applicant has had a permit for a commercial activity in the DCA in the past AND Applicant has had compliance issues	No more than 2 years depending on the severity / significance of the compliance breach
Applicant has not had a permit for a commercial activity in the DCA in the past	2 or 3 years

You can contact DBCA if you have further questions about how the period of your permit was determined.

Using the handbook with your permit

For those who have received a permit, it is recommended that you use the handbook with your permit as follows:

- Read the specific and general conditions included on your permit.
 - These conditions may direct you to reference material included in this handbook.
- Refer to [Section 3](#) of this handbook for the Swan Canning Riverpark map to use as a guide when navigating the Riverpark.
 - You can also refer to the [Department of Transport's Swan Canning Riverpark Marine Safety Boating Guide](#).
- Refer to [Section 4](#) of the handbook for safety guidance in the Riverpark.
- Refer to [Section 6](#) of the handbook for additional information to support your permit including:
 - the limitations of your permit;
 - advice relating to conditions on your permit;
 - requirements for single-use plastics; and
 - information around penalties or the suspension or revocation of a permit.

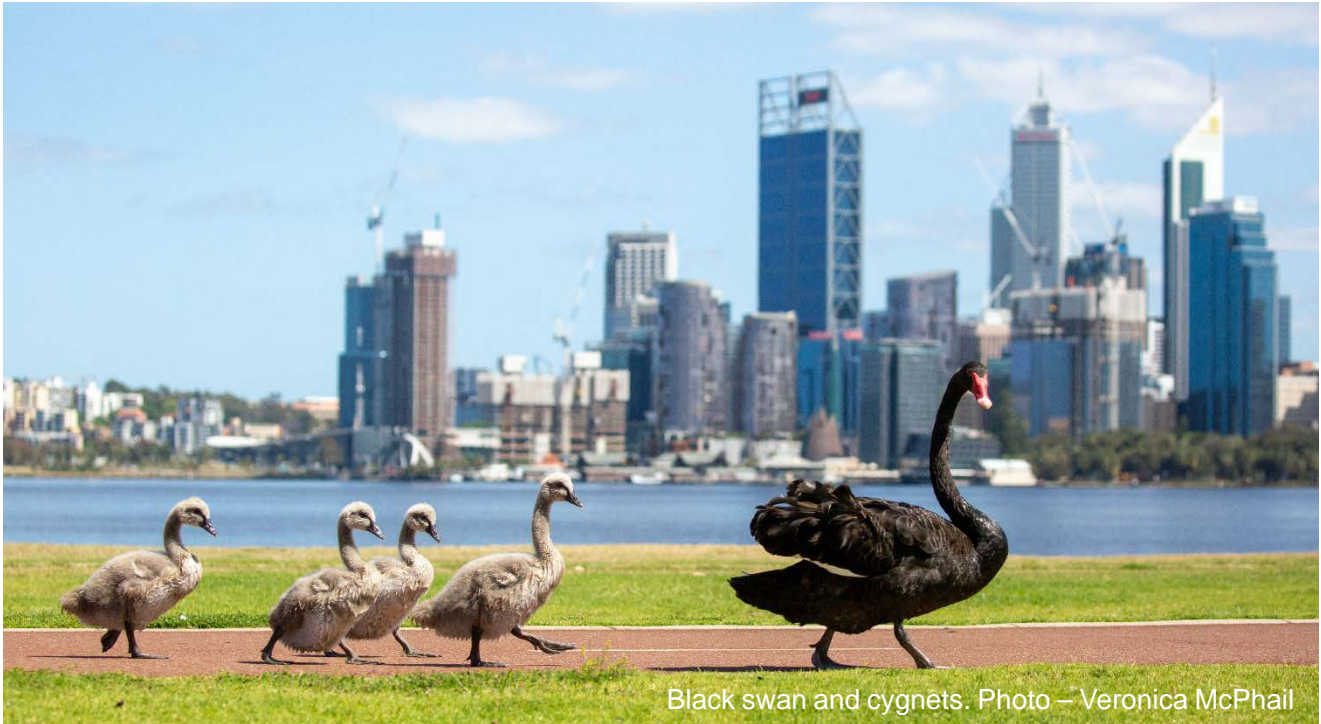
[Section 5](#) of the handbook outlines all of the general conditions applied to Commercial Activities Permits. Prospective operators should review this section to determine what conditions would apply to their proposed commercial activity should they wish to apply.

Useful contacts for the Swan Canning Riverpark

It is recommended that you and/or your staff have the following contacts on hand when operating in the Swan Canning Riverpark.

Contact	Number	When to call
Rivers and Estuaries Branch (DBCA)	9278 0900	If none of the below are appropriate, or for general questions about the Swan Canning Riverpark
Riverpark Duty Officer (DBCA)	9278 0981	To report any environmental harm or damage to the riverbed, riverbank or foreshore
Wildcare helpline (DBCA)	9474 9055	To report sick, injured or orphaned native wildlife
Marine pollution response (Department of Transport)	9480 9924	To report oil spills or other marine pollution incidents
Pollution watch hotline (Department of Water and Environmental Regulation)	1300 784 782	To report oil spills, dead fish and algal blooms
Marine Safety (Department of Transport)	13 11 56	For any maritime enquiries or to report accidents, speeding vessels and complaints
Water Police	9442 8600	To report any water-related incidents
Australian Maritime Safety Authority	1800 627 484	For information on domestic commercial vessels certificates of survey or certificates of operation

2. Introduction to the Swan Canning Riverpark



Background

The Swan Canning Riverpark (the Riverpark) is an iconic part of Perth's environmental, economic, cultural and social landscape. It spans 7210 hectares and is made up of the Derbal Yerrigan (Swan River) and Djarlgarra/Dyarlgarro (Canning River), their waterways, and the public foreshore reserves surrounding them. The Riverpark is defined in section 9 and described in Schedule 2 of the *Swan and Canning Rivers Management Act 2006* (the Act).

The Riverpark is widely used by the community for a variety of tourism and recreational pursuits including boating, fishing, walking, picnicking, fishing, canoeing, water-skiing and cycling. It hosts large community events, the Avon Descent and an increasing variety of festivals, concerts and major sporting events.

In managing the Riverpark, the Department of Biodiversity, Conservation and Attractions (DBCA) and the Swan River Trust work with local governments, State Government agencies, and a wide range of community groups. DBCA also works directly with commercial operators who facilitate various activities within the Riverpark, ranging from canoe hire services to charter boats and floating restaurants. It is only through collaboration and strategic planning that effective and efficient management of the Riverpark can be achieved.

Policies and legislation

The Act provides the framework for managing the Riverpark to protect its ecological and community benefit and amenity. It is supported by the Swan and Canning Rivers Management Regulations 2007 (the Regulations) and the [Swan Canning River Protection Strategy](#).

A Commercial Activities Permit may be issued in accordance with the Regulations to allow commercial activities in the Riverpark, which would otherwise be prohibited.

The Act and Regulations can be downloaded from the WA Legislation website here:

Act: https://www.legislation.wa.gov.au/legislation/statutes.nsf/main_mrtitle_947_homepage.html

Regulations: https://www.legislation.wa.gov.au/legislation/statutes.nsf/law_s39211.html

DBCA's *Policy 46 – Planning for Commercial Operations in the Swan Canning Development Control Area* applies to applications for commercial facilities or to carry out commercial activities in the Swan Canning development control area (DCA), which includes the Riverpark. It provides guidance to applicants and other decision-making authorities about DBCA's position on appropriate commercial facilities and activities or use in the DCA.

A copy of this policy, and other DBCA policies, can be downloaded from DBCA's website here:

<https://www.dbca.wa.gov.au/licences-and-permits/riverpark-development-and-planning/policies-plans-and-guidelines-manual>

When do you need a Commercial Activities Permit?

A Commercial Activities Permit is required for any act or activity that is carried out in the Swan Canning DCA for a commercial purpose, as specified in the Regulations.

You do not need a permit for commercial acts or activities:

- associated with a spectator event on land that has been authorised by the local government; or
- that involve the erection, construction, demolition, or alteration of any building e.g. building a café, which is for a commercial purpose but is authorised under a development approval.

Refer to the [Frequently Asked Questions](#) on DBCA's website for more information around when a permit is required.

Why DBCA requires a Commercial Activities Permit

A Commercial Activities Permit issued by DBCA allows individuals and companies to legally carry out commercial activities in the Riverpark. They act as a mechanism for DBCA to enter into a formal relationship with private operators to deliver nature-based tourism and recreation opportunities. Permits allow commercial activities to be assessed, authorised, managed and monitored to ensure the protection and long-term community enjoyment of the Riverpark.

In addition, permits allow DBCA to manage and monitor uses of the Riverpark so that they are ecologically sustainable and equitable.

Permit holders are required to abide by terms and conditions applied by the Commercial Activities Permit and should refer to this handbook for additional safety and supporting information.



Wakeboarding. Photo – Luke Baker

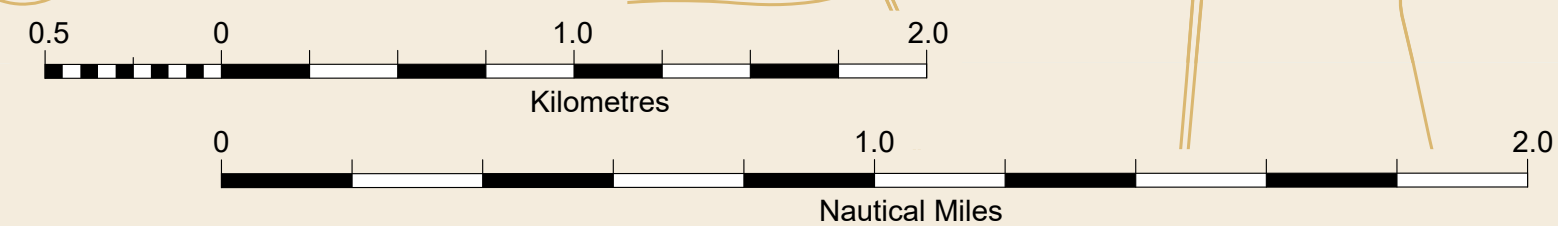
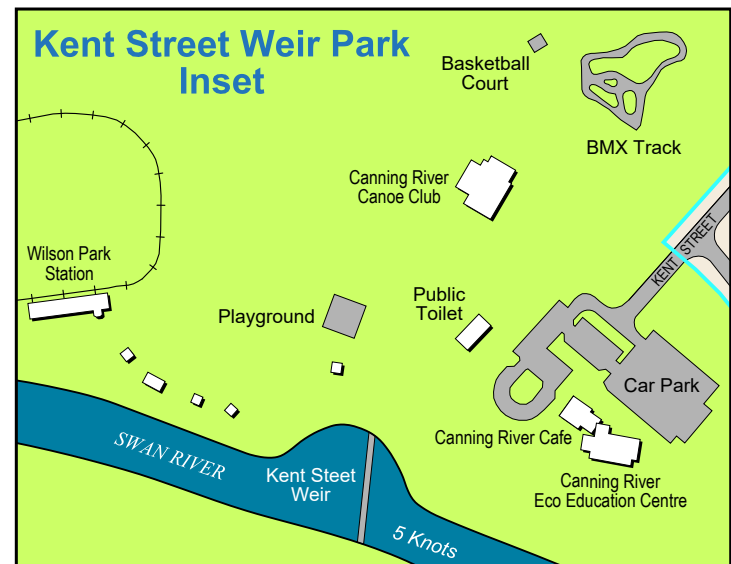
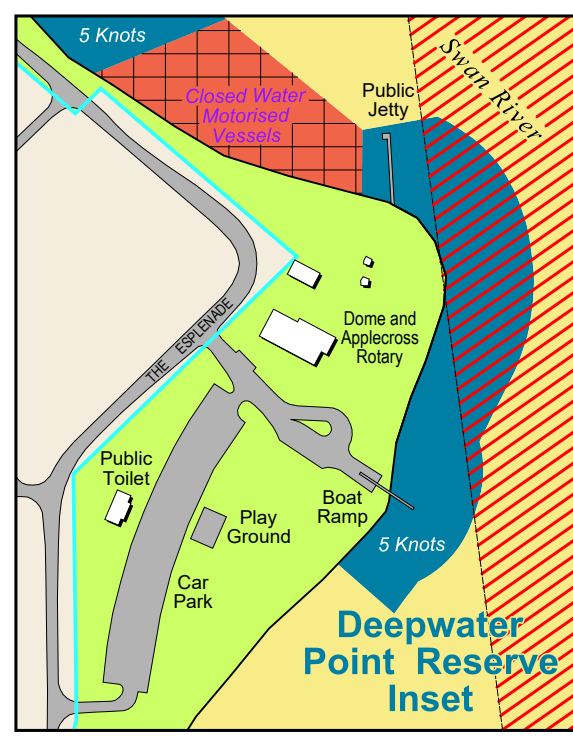
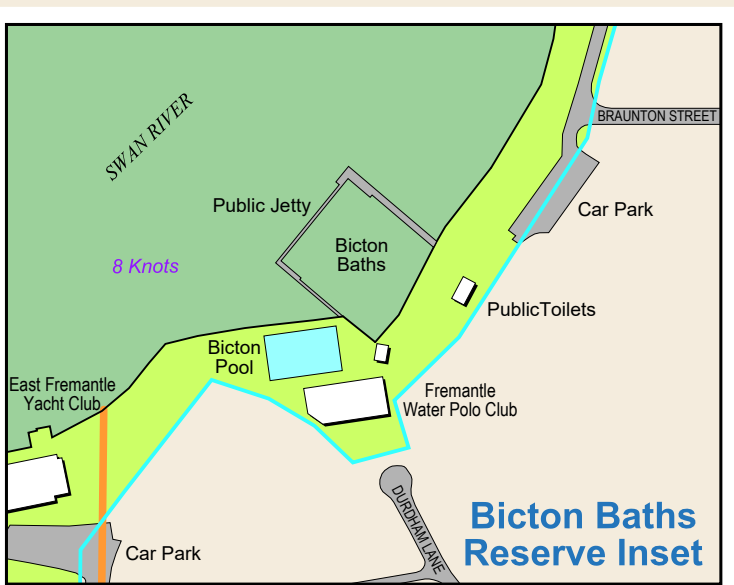
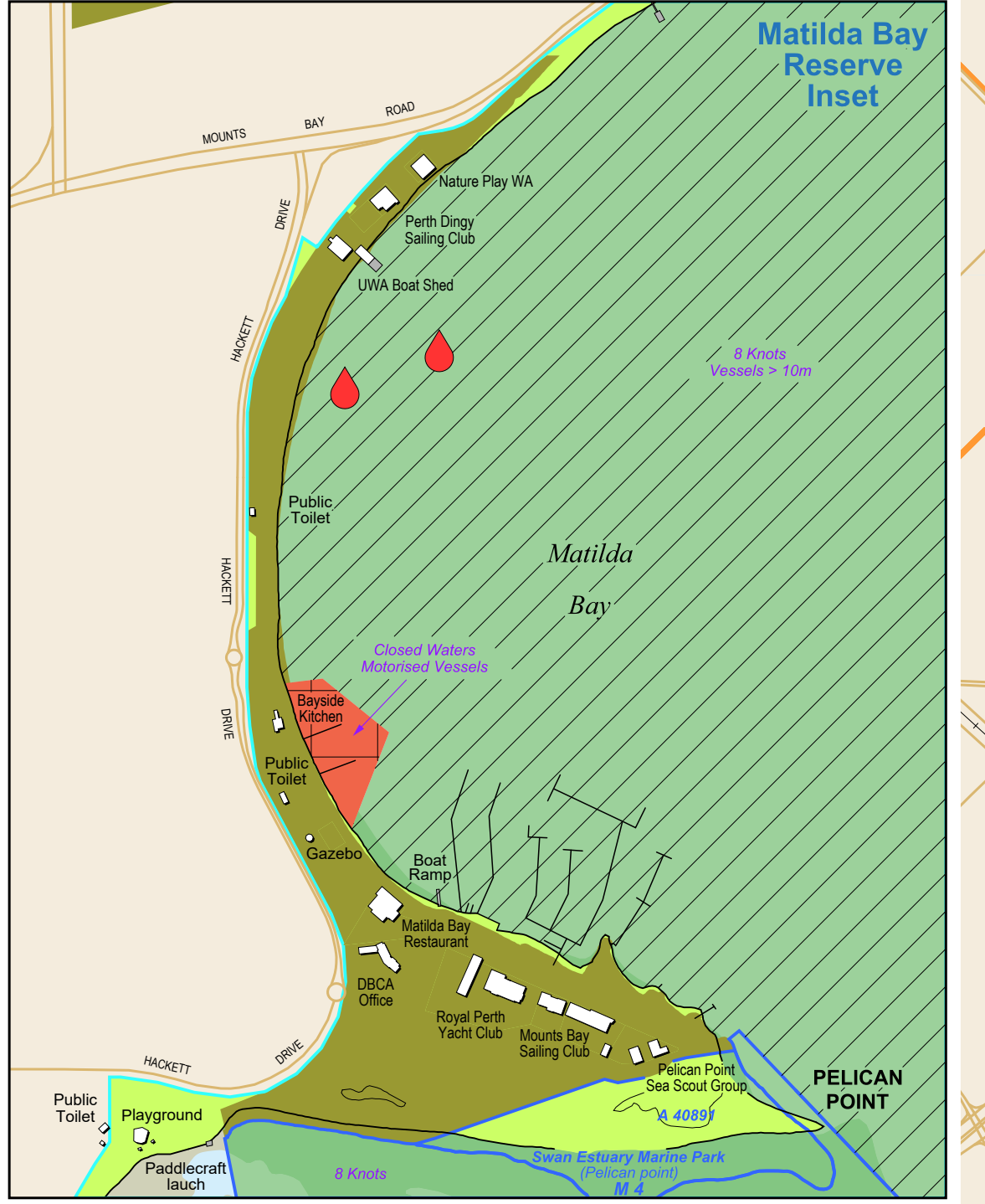
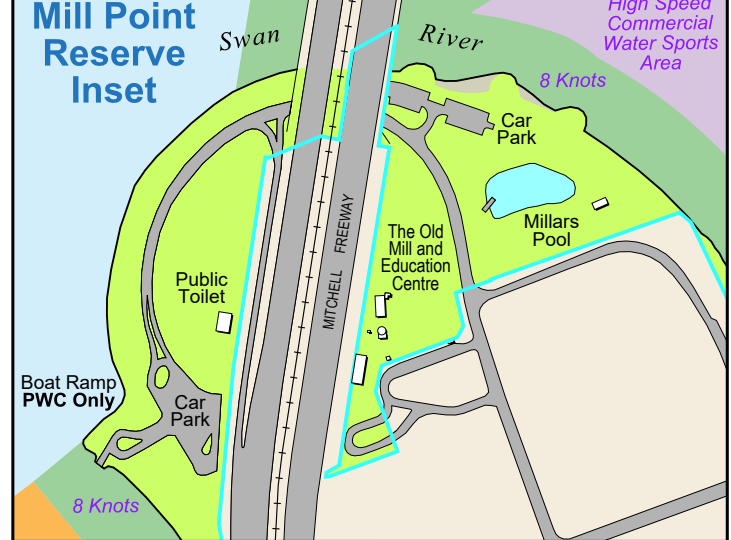
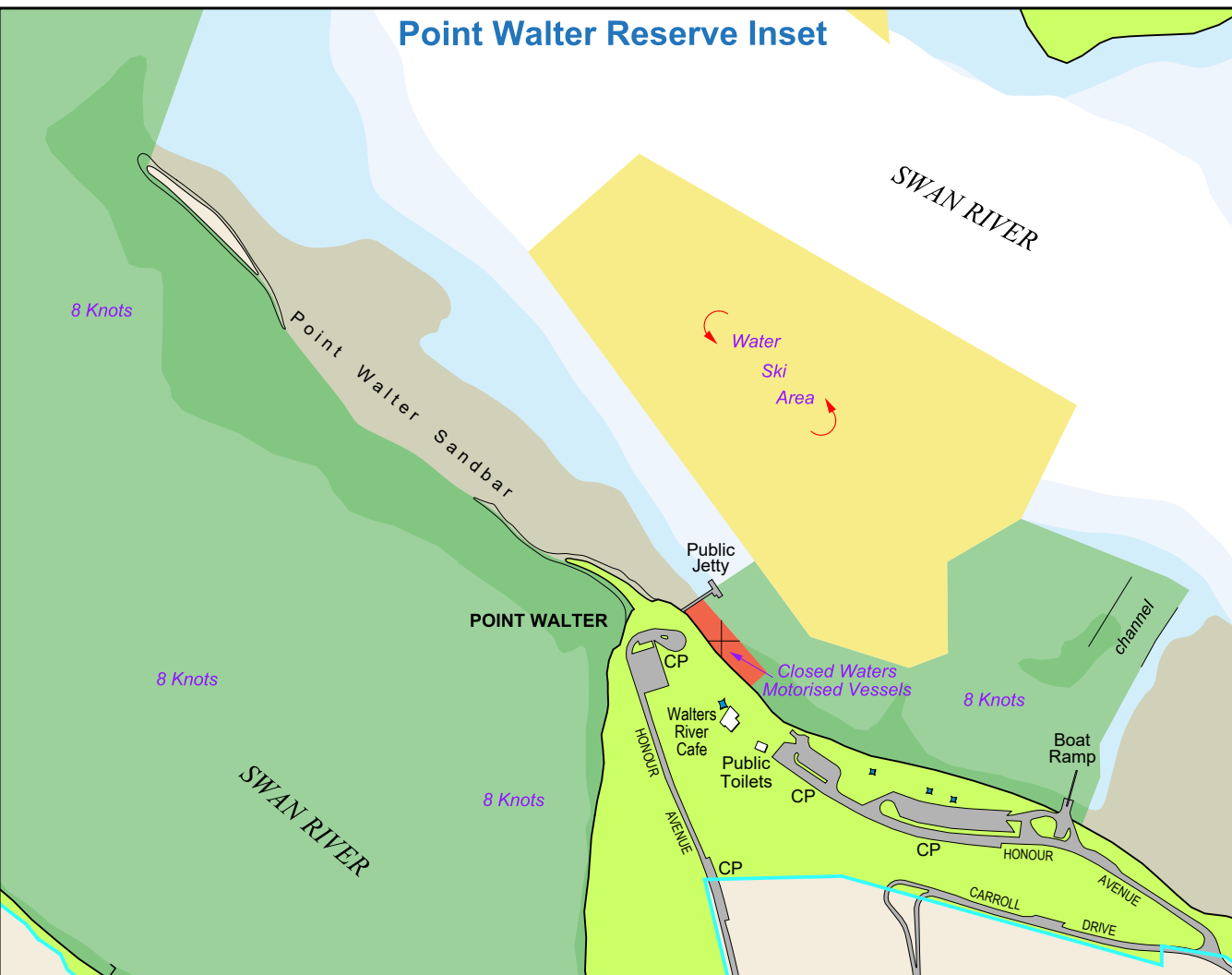
SWAN CANNING RIVERPARK

- LEGEND
- Swan Canning development control area
 - Local Government boundary
 - Marine Park boundary
 - DBCA managed lands
 - Swan Canning Riverpark
 - 5 knot speed area
 - 6 knot speed area
 - 8 knot speed area
 - 8 knots for vessels over 10m only
 - Water ski area
 - Non public water ski area
 - Personal watercraft freestyle area
 - Swimming prohibited area
 - Closed waters motorised vessels
 - Courtesy mooring
 - Barbeque area
 - Fuel
 - GPS validation marker
 - Hospital
 - Parking
 - Public toilets
 - Yacht club
 - Jetty
 - Boat ramp
 - Wreck

Department of Biodiversity, Conservation and Attractions

Not to be used for navigation. For more detailed marine information refer to the Department of Transport Nautical Chart Swan and Canning Rivers WA 858

Produced by Cartographic Services Unit Office of Information Management December 2003 Supplemental data supplied by Department of Transport 2021



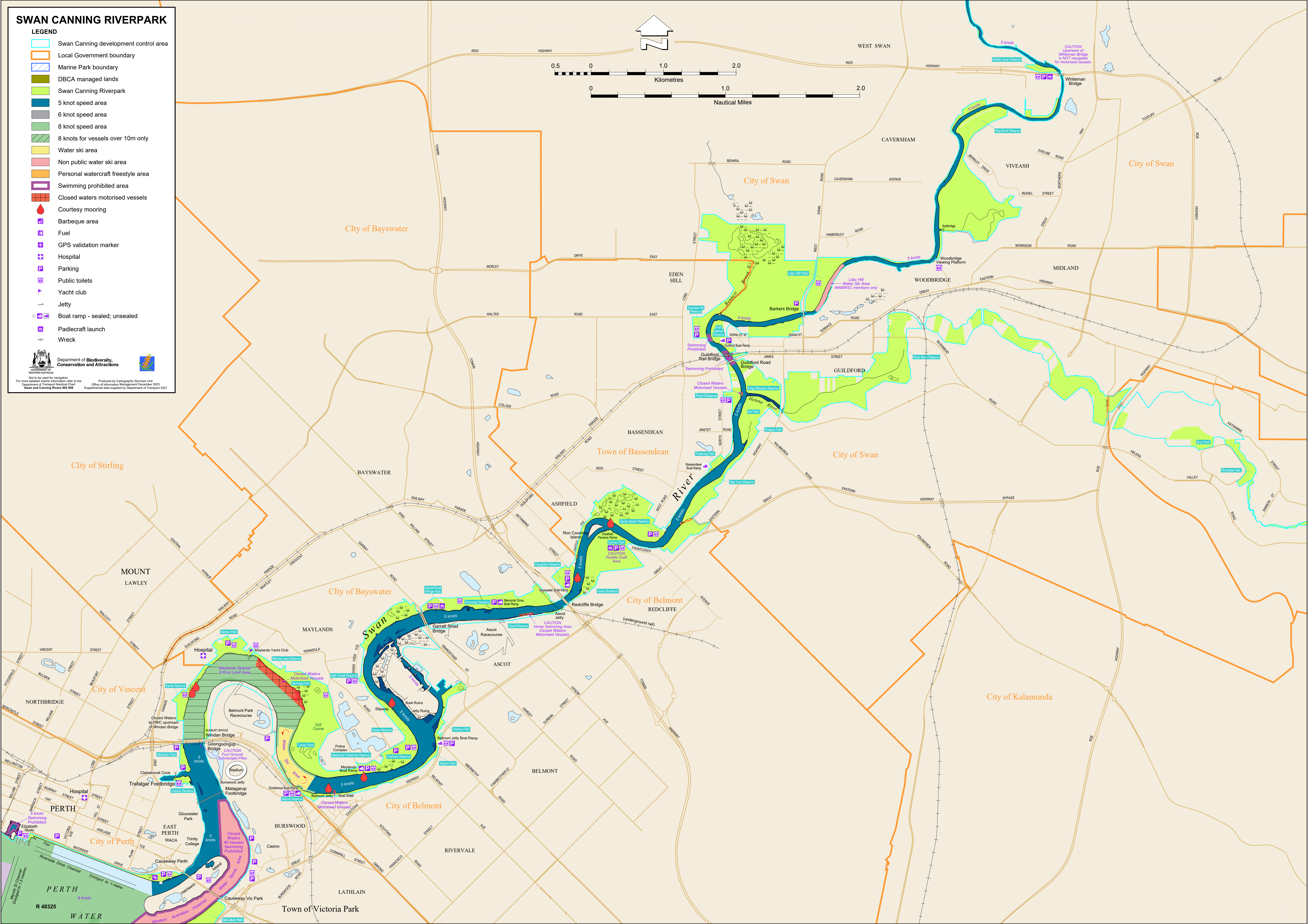
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- Fuel
- GPS validation marker
- Hospital
- Parking
- Public toilets
- Yacht club
- Jetty
- Boat ramp - sealed; unsealed
- Padlecraft launch
- Wreck



Not to be used for navigation.
For more detailed marine information refer to the Department of Transport Nautical Chart Swan and Canning Rivers WA 898
Produced by Cartographic Services Unit
Office of Information Management December 2023
Supplemental data supplied by Department of Transport 2021



4. Department of Transport Marine Safety Guidance

The following is a short summary of the legislative requirements for water activities that must be adhered to when operating in the Swan Canning Riverpark. These matters are managed and monitored by the Department of Transport (DoT).

The Swan Canning Riverpark Marine Safety Boating Guide can be found here:

<https://www.transport.wa.gov.au/imagine/boating-guides.asp>

The rules, safety advice and guides for boating and water activities in Western Australia can be found here:

<https://www.transport.wa.gov.au/imagine/rules-safety-and-guides.asp>

Further information on the services provided by the Marine section of DoT can be found here:

<https://www.transport.wa.gov.au/imagine/marine-information.asp>

Reporting an incident

Conditions 7(e) and 7(f) of the general conditions in [Section 5](#) below require that any incident involving a commercial vessel must be reported to DBCA.

It is also a requirement to report incidents involving recreational or commercial vessels to the Australia Maritime Safety Authority (AMSA). Marine incidents can be reported to AMSA here: <https://www.amsa.gov.au/marine-incident-reporting-0>

Marine incidents, both commercial and recreational, must also be reported to DoT using its Marine Incident Report, which can be accessed here: <https://www.transport.wa.gov.au/imagine/report-a-boating-or-marine-incident.asp>

Penalties apply if DoT is not notified of an incident that occurs in the River reserve.

Recreational Skippers Tickets

Anyone operating a vessel with a motor greater than 6hp (4.5 kilowatts) must carry a Recreational Skippers Ticket (RST).

Age restrictions

A person under the age of ten years may not drive a motorised vessel. RST holders between 14-16 years of age are restricted to operating motorised vessels:

- during daylight hours only; and
- at a speed of less than 8 knots.

Speed limits

At all times vessels must adhere to the gazetted speed limits in the Swan Canning Riverpark (unless otherwise exempt by the Department of Transport and in the Permit). This includes slowing a vessel to 8 knots or less when:

- in or travelling through a mooring area;
- within 15m of a moving vessel;
- within 50m of a moored vessel, person in the water, or jetty or wharf; and
- travelling through an arch of a bridge.

Personal water craft (jet skis)

All operators of a personal water craft (PWC) must:

- hold an RST;
- be at least 14 years of age; and
- wear a lifejacket at all times.

Where a PWC operator is aged between 14-16 years, they must not exceed a speed of 8 knots.

Freestyling, wake and wave jumping is prohibited in the Swan Canning Riverpark, unless within the gazetted PWC Freestyling area.

Water skiing and similar tow activities

At least three people are required for water skiing or similar tow activities:

1. A driver of at least 17 years of age that holds an RST;
2. An observer of at least 14 years of age; and
3. The person being towed by the vessel.

Vessels taking off with skiers must always give way to vessels landing a skier. Beach take offs and landings are only permitted in the designated take-off and landing areas.

The rules that apply to power boats also apply to boats towing skiers, as well as the following:

- water-skiing is only permitted in the gazetted water-ski areas of the Riverpark
- towing is limited to daylight hours:
 - between 9am – sundown in the Canning River
 - between 8am – sundown in the Swan River
- deep water take-offs only, except in ski take-off areas
- collision rules apply in ski areas (ski boats do not have priority over a boat passing through the area)

Kiteboarding and windsurfing

All windsurfers and kite boarders have a duty of care to ensure their activities are conducted with regard to the prevailing conditions and circumstances and to avoid collisions.

Visit DoT's website for more information on the required rules:

<https://www.transport.wa.gov.au/imate/kite-and-windsurfing.asp>

The WA Kiteboarding Association also has a pamphlet for "C.L.E.A.R" safety practises when Kiteboarding, which is available at [Appendix 3](#).

Kayaks, canoes, waterbikes and similar paddle crafts

Vessels that are propelled by a person using a paddle must comply with the WA marine laws. Visit DoT's website for more information:

<https://www.transport.wa.gov.au/imate/paddle-craft.asp>

Electric hydrofoils

Electric hydrofoils are considered vessels and must be registered and comply with the speed limits and collision rules. An RST is required to operate an electric hydrofoil if the output is greater than 6hp (4.5kW). More information can be found on DoT's website:

<https://www.transport.wa.gov.au/imate/electric-hydrofoil.asp>



Docked charter vessel at Mends Street Jetty. Photo – Christine Chester

5. Conditions that apply to a Commercial Activities Permit

Definitions and abbreviations are detailed in [Section 1](#) of the handbook.

General conditions

The following conditions apply to **all** Permits unless otherwise stated in the condition headings below.

1. Approval to operate

- (a) A full copy of the Permit must be readily available at all times while conducting the permitted commercial activities and be produced immediately when requested by any designated inspector duly authorised under the Act.

2. Public amenity

- (a) The permitted commercial activities shall be conducted in a way that does not unreasonably interfere with the health, welfare, convenience, comfort or amenity of any person (including by means of noise; lights; smell; air pollution; invasions of privacy; use of insulting, offensive or threatening language; or insulting, offensive or threatening behaviour).

3. Fuel

- (a) Refuelling shall only be undertaken at an authorised refuelling facility.

4. Rubbish management

- (a) Rubbish generated from the permitted commercial activities shall not enter the River reserve.

5. Insurance

- (a) The Permit holder shall at all times during the period of the Permit have in place Permit holder controlled public liability insurance in the amount of \$20,000,000 covering the Permit holder, its employees, contractors, sub-contractors and agents.

6. No assignment or transfer

- (a) The Permit holder shall not:
 - (i) sell, transfer, assign, mortgage, charge or otherwise dispose of or deal with any of its rights or obligations under the Permit; or
 - (ii) subcontract the permitted commercial activities.

7. Risk and safety (these conditions do not apply to activities that occur on land only)

- (a) All employees, agents and contractors shall be briefed in plain language, in writing or verbally, about the risks and dangers arising from the permitted commercial activities that are likely to be encountered in the Riverpark.
- (b) Appropriate safety and first aid equipment shall be available at all times during the permitted commercial activities.
- (c) Appropriate risk management systems and procedures shall be in place to minimise foreseeable risks to the environment and amenity of the Riverpark, or any person, that may be affected by the permitted commercial activities.
- (d) Evidence of appropriate risk management systems and procedures shall be produced immediately when requested by DBCA or any designated inspector duly authorised under the Act.
- (e) If the safety of any person was at risk while conducting the permitted commercial activities, then the Commercial Operator Incident Report Form, Swan Canning Riverpark, shall be completed and submitted to DBCA within forty-eight (48) hours of the near-miss incident occurring.
- (f) If a fatality occurs or an injury to any person that requires medical attention from a doctor, medical facility or hospital occurs during the permitted commercial activities, then the Commercial Operator Incident Report form, Swan Canning Riverpark, shall be completed and submitted to DBCA within forty-eight (48) hours of the incident occurring.

The Commercial Operator Incident Report Form, Swan Canning Riverpark, can be downloaded from DBCA's website: <https://www.dbca.wa.gov.au/licences-and-permits/riverpark-development-and-planning/commercial-activities-permits-swane-canning-riverpark>.

8. Record of activities (these conditions do not apply to activities that occur on land only)

- (a)** A full record of the permitted commercial activities shall be prepared and preserved for at least five years from the date of the recorded permitted commercial activities and, if requested in writing by DBCA, provided to DBCA in a format determined by DBCA.
- (b)** A full record of the permitted commercial activities shall contain, at a minimum:
 - (i)** the date and time that any permitted commercial activities took place.
 - (ii)** the location(s) of any permitted commercial activities conducted on that date.
 - (iii)** the total number of passengers and/or participants for that date.

Specific conditions of permits for commercial charter vessels and ferry services

The following conditions apply to a Permit authorising the operation of commercial charter vessels or ferry services.

9. Anchoring, mooring and/or securing of vessels

- (a)** The vessel shall only tie up or secure to a courtesy mooring or mooring it is authorised to access and use.
- (b)** The vessel shall not anchor in areas with seagrass.
- (c)** The vessel shall not anchor in areas that may restrict navigating traffic.
- (d)** The vessel shall not tie up or secure to shoreline trees or other vegetation.

10. Sewage, greywater and other chemicals

- (a)** If the vessel contains toilets or sinks, then sullage tanks must be installed in the vessel to collect wastewater and be maintained in a fully operational condition.
- (b)** No wastewater shall be released from the vessel into the River reserve.
- (c)** If the vessel contains automatic bilge pumps, then oil separation/absorption pillows must be installed in the bilges.

11. Public amenity

- (a)** No music shall be emitted by any vessel:
 - (i)** within 100 metres of any berth; and
 - (ii)** when passengers are embarking or disembarking the vessel.

12. Risk and safety

- (a)** Passengers shall only embark and disembark at jetties or berths with the permission of the owner of the jetty or berth (if required).

Specific conditions of permits for other commercial aquatic activities

Depending on the commercial activity proposed, the following conditions may apply to a Permit authorising the commercial use of motorised or non-motorised vessels and equipment (excluding charter vessels or ferry services, which are addressed above). Refer to the condition headings to determine whether any of the below would be relevant to your proposal.

Examples of motorised vessels/activities:

- Personal watercraft (jet skis)
- Jet boating
- Recreational skippers ticket training
- Parasailing
- Waterskiing / wakeboarding / skurfing
- Hire-and-drive vessels
- Motorised surf board and foiling craft

Examples of non-motorised vessels/activities:

- Stand up paddle boards
- Kayaks / canoes
- Waterbikes
- Peddle boats
- Kiteboarding / wingfoiling boards

13. Anchoring, mooring and/or securing of vessels

- (a) The vessel shall only tie up or secure to a courtesy mooring or mooring it is authorised to access and use.
- (b) The vessel shall not anchor in areas with seagrass.
- (c) The vessel shall not anchor in areas that may restrict navigating traffic.
- (d) The vessel shall not tie up or secure to shoreline trees or other vegetation.

14. Storage and placement of vessels, equipment, and/or structures on land

- (a) Vessels, equipment and/or structures associated with the permitted commercial activities must be placed in a manner that does not disturb vegetation or obstruct public access.
- (b) Unless the Permit states otherwise, vessels and/or equipment associated with the permitted commercial activities shall not remain in the River reserve or on the foreshore between activity sessions. At the end of each activity session, all vessels and/or equipment associated with the permitted commercial activities must be stored in a vehicle, trailer or storage unit within a designated parking bay until required for the next session.
- (c) Unless the Permit states otherwise, vessels, equipment and/or structures associated with the permitted commercial activities must be removed from the Riverpark at the end of each day or stored or berthed at a facility approved for that purpose.

15. Hiring of any equipment or vessels

- (a) Unless the Permit states otherwise, the hire of vessels and equipment must only be conducted during daylight hours.
- (b) All customers must be briefed on the boundary of the hire area specified on the Permit prior to launching.

16. Kiteboarding, wingfoiling and windsurfing activities

- (a) Kiteboarding WA's *Melville Beach Local Kiteboarding Guidelines* must be adhered to when undertaking kiteboarding, wingfoiling and windsurfing activities on the Swan River from Melville Beach Road Foreshore, Melville.
- (b) Kiteboarding, wingfoiling and windsurfing activities shall not occur within 250 metres of the Alfred Cove Swan Estuary Marine Park.

[Appendix 3](#) of the handbook contains: a copy of Kiteboarding WA's (previously known as the WA Kitesurfing Association) *Melville Beach Local Kiteboarding Guidelines*; the "C.L.E.A.R" Kiteboarding safety responsibilities information sheet; a map depicting the 250 metres buffer zone around the Alfred Cove Swan Estuary Marine Park; and a map depicting the permitted Kiteboarding area at Point Walter, which is not gazetted, for reference.

17. Personal water craft (jet skis) activities

- (a) Personal water craft (jet skis) shall not be hired to any person under 14 years of age.
- (b) Personal water craft (jet skis) must be fitted with a speed governor to limit the maximum engine speed to eight (8) knots if hired by a person 14-16 years of age.

18. On-water vending

- (a) On-water vending vessels shall not operate within 100 metres of an established food and beverage outlet (e.g. kiosks and restaurants), unless:
 - (i) prior consent from the food and beverage outlet has been given; or
 - (ii) it is outside the trading hours of the food and beverage outlet.
- (b) On-water vending vessels shall not enter a riverbed lease area (e.g. yacht clubs and marinas) without prior consent from the leaseholder.
- (c) On-water vending vessels shall not approach other vessels or users of jetties and foreshore areas unbidden.

19. Waterski and other tow activities

Waterski and other tow activities are only permitted in the gazetted area specified in the location stated on the Permit.

- (a) Waterski and other tow activities must maintain a distance of 50 metres from other vessels.

20. Jetboating manoeuvres

Jetboating manoeuvres are only permitted in the location stated on the Permit.

- (a) The vessel shall maintain a distance of 50 metres from any jetty, wharf or riverbank as well as any other vessel, personal watercraft or person in the water when performing jetboat thrill rides including 'bucket stops', 180° manoeuvres or unpredictable turns.

21. Parasailing activities

- (a) A minimum distance of 100 metres must be maintained at all times between parasailing activities and other users of the River reserve.

Location-specific conditions for other aquatic activities

22. Location: Point Walter, Bicton

- (a) Access, by foot or vessel, to the land on the vegetated end of the Point Walter sand spit is not permitted when fencing and signage are erected or during the Australian Fairy Tern nesting season (October to February, inclusive, each year).
- (b) Non-motorised vessels shall not enter the water ski area at Point Walter, Bicton.

23. Location: High-speed commercial water-sports area, South Perth

- (a) Vessels must keep clear of seaplanes as they taxi through the high-speed commercial water-sports area, South Perth.
- (b) Business logos must be visible on all vessels operating in the high-speed commercial water-sports area. South Perth.

Specific conditions for commercial activities on land only

The following conditions generally apply to a Permit for commercial activities that are on land only i.e. activities where no customers or equipment enter the waters of the River reserve. Refer to the condition headings to determine whether any of the below would be relevant to your proposal.

24. Storage and placement of vehicles, equipment and/or structures on land

- (a) Vehicles, equipment and/or structures associated with the permitted commercial activities must be parked or placed in a manner that does not disturb vegetation, erode the riverbank or obstruct public access.
- (b) Unless the Permit states otherwise, equipment and structures associated with the permitted commercial activities shall not remain on the foreshore between activity sessions. At the end of each activity session, all equipment and structures associated with the permitted commercial activities must be stored in a vehicle, trailer or storage unit within a designated parking bay until required for the next session.
- (c) Unless the Permit states otherwise, all vehicles, equipment and/or structures associated with the permitted commercial activities must be removed from the Riverpark at the end of each day or stored at a facility approved for that purpose.

25. Mobile food and beverage vans

- (a) Adequate waste disposal facilities must be made available for customers.
- (b) Any wastewater generated by the permitted commercial activities must be removed from the Riverpark at the end of each trading day.

6. Additional information for Permit holders

Permit limitations

Other approvals

It is the responsibility of the Permit holder to obtain all other necessary authorisations or approvals required to conduct the permitted commercial activities. DBCA may request a copy of these to ensure the Permit holder is operating lawfully. Other authorisations or approvals may include a trading permit from the local government, a berthing permit from the Department of Transport or certificate of survey from Australian Maritime Safety Authority.

No priority access or exclusive rights

A Permit does not give the Permit holder priority or exclusive rights to access the Riverpark, or exclusive rights to conduct the permitted commercial activities. Anyone undertaking the permitted commercial activities should:

- be considerate of other users of public jetties, foreshore areas and waterways, particularly during peak periods, to reduce potential congestion and safety issues.
- give priority to recreational users of public jetty, foreshore areas and waterways.
- keep up-to-date on events scheduled in the Department of Transport's Aquatic Events Calendar (<https://www.transport.wa.gov.au/imate/aquatic-events.asp>), which may result in some areas of the river being temporarily closed (such as the high speed commercial water sports area, South Perth).

A Permit granted in the past does not guarantee that the Permit holder will be permitted to carry out those permitted commercial activities in the future. A competitive process may be carried out for the granting of Permits where there are locations or permitted commercial activities subject to capacity limits.

Swan Estuary Marine Park

There are three marked reserves within the Swan River that make up the Swan Estuary Marine Park:

- Alfred Cove (200 hectares adjacent to the suburbs of Attadale and Applecross);
- Pelican Point (a 45-hectare area in Crawley); and
- Milyu (95 hectares adjacent to the Como foreshore and Kwinana Freeway).

Access to the marked Wildlife Protection Zones of the Swan Estuary Marine Park, including landing on the beach inside of these zones, will require an approval from DBCA under the *Conservation and Land Management Act 1984*.

Signage or structures associated with the Activity

Authorisation from DBCA is required to exhibit a sign or erect certain structures within the Riverpark. Applications for a Permit should include details of any signs, equipment or structures associated with the Activity (for example, details of any tables, chairs, shade, inflatable equipment/water-based structures). If this information is missing from your Permit, please contact DBCA so it can be amended.

Additional information for general conditions

Rubbish management

Commercial bins at East Street Jetty and Barrack Street Jetty are only to be used by those with a valid Department of Transport Berthing Permit when conducting back-to-back charters if they are unable to return to their home berth between charters.

Rubbish generated aboard charter vessels must not be disposed of in public bins installed at foreshore reserves.

Additional information for charter vessels and ferry services

Commercial charter vessel code of conduct

The commercial charter vessel code of conduct (the Code) was developed by the Department of Transport (DoT) in partnership with Marine Tourism WA and DBCA. It covers the Swan Canning Riverpark and the metropolitan coastline from Port Kennedy to Two Rocks.

The Code clearly outlines roles and responsibilities of various agencies involved in the regulation of commercial charter industry vessels including DoT; DBCA, the Australian Maritime Safety Authority (AMSA); Department of Local Government, Sport and Cultural Industries; and the WA Water Police.

All commercial charter vessel permitted commercial activities approved under a Permit should be conducted in accordance with the Code. Passengers should be advised that the Code is available for them to download.

A copy of the Code has been included at [Appendix 2](#). A copy can also be downloaded from DoT's website:

<https://www.transport.wa.gov.au/imate/commercial-vessel-operations.asp>

Anchoring, mooring and/or securing of vessels

Commercial and recreational users of the River reserve should make use of the red courtesy moorings rather than anchoring on the riverbed.

The DoT can be contacted (13 11 56) for information regarding:

- Courtesy mooring locations;
- Permitted time limits for use;
- Maximum length of vessels for the mooring; and
- Annual fees apply for short-term use of DoT managed service jetties and wharves (berthing permit).

There is a restriction of 15 minutes for vessels staying alongside any DoT service wharf or jetty in the Riverpark. All commercial vessels using DoT facilities require a berthing permit.

Sewage and greywater

Discharge of waste (including sewage) into the River reserve is an offence under Part V of the *Environmental Protection Act 1986*.

Plastic-free Riverpark

The WA Government's [Plan for Plastics](#) has introduced regulations to ban selected single-use plastic items. Businesses can no longer sell or supply a range of items, such as single-use plastic cups, cutlery, plates, bowls, and expanded polystyrene takeaway food containers (a full list of the [Stage 1](#) and [Stage 2](#) bans is available online).

Businesses operating in and around the Swan Canning Riverpark are eligible for small grants and free specialist advice to support them to transition away from single-use plastic packaging as part of the [Plastic Free Riverpark program](#). Contact plasticfreeriverpark@dbca.wa.gov.au for further information.

Penalties, suspensions and revocations

Under section 107 of the Act, an inspector (generally, a Riverpark Officer) has the powers to obtain the personal details of any person who has committed, is committing, or is about to commit an offence against a provision of the Act or regulations, or to at any time stop, detain, board or enter a vehicle or vessel for investigative purposes.

A person who undertakes a commercial act or activity within the DCA without lawful authority (a Permit) is committing an offence which may result in a \$5,000 fine (regulation 17).

A breach of a condition of a Permit (which includes conditions in this handbook which apply to the Permit) may result in a \$5,000 fine and/or revocation, suspension or amendment of your Permit (regulations 31, 32, and 33) or DBCA may refuse to grant another permit for the same activity in future.

In the event that your Permit is proposed to be suspended or revoked, you will either:

- Receive a Notice of Proposed Revocation/Suspension; or

- Receive a Notice of Interim Suspension along with a Notice of Proposed Revocation/Suspension. This notice will suspend your Permit immediately and all permitted commercial activities must cease.

You will be given time to provide a response to the notice before any action is taken by DBCA.

DBCA will consider your response before deciding on the outcome of the suspension or revocation notice. The possible outcomes of a notice issued are:

- DBCA may lift the Interim Suspension and take no further action.
- The suspension or revocation of your Permit will not be actioned.
- Your existing Permit may be revoked, and a replacement Permit issued.
- Your Permit may be suspended for a set period and the Activity must cease until that time expires or you are advised by DBCA.
- Your Permit may be revoked, and no replacement issued. If this occurs, you may apply for another Permit, but the Activity will need to be modified.

Other works, acts or activities that are prohibited in the DCA without authorisation include:

- Exhibition of a sign.
- Erecting temporary structures.
- Destroying, pulling up, cutting back or injuring vegetation.

The following is generally prohibited in the DCA and may result in a \$5,000 fine:

- Leaving vessels unattended outside of a mooring or storage facility for more than 8 hours.
- Launching vessels directly from trailers.
- Littering.

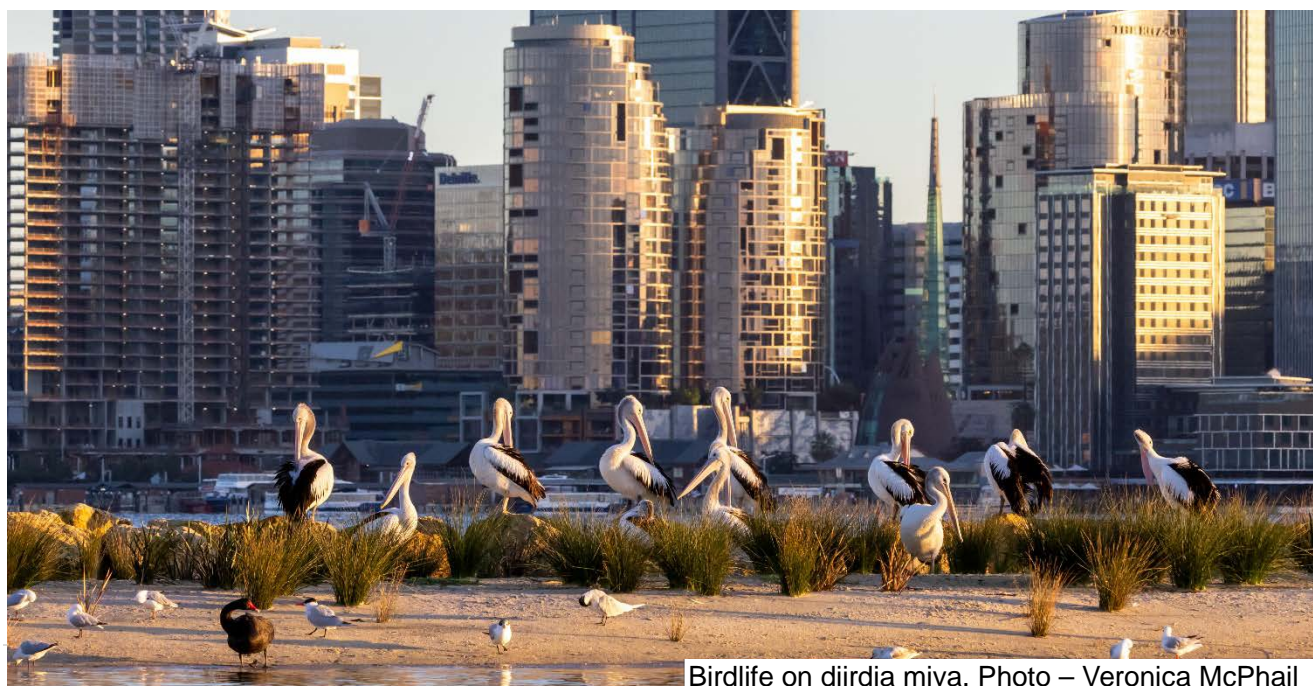
This summary of the Regulations is intended as a broad guide only and does not cover all of the regulations or amendments. It is recommended that you familiarise yourself with the Regulations before undertaking your permitted commercial activities.

The Act and Regulations can be downloaded from the State Law Publishers website: www.slp.wa.gov.au.

7. Your feedback is encouraged!

We welcome any feedback you may have on this handbook. Please let us know if the information has been useful or any changes you'd like to see in future iterations.

You can email any feedback to rivers.planning@dbca.wa.gov.au with the subject: Feedback: Swan Canning Commercial Activities Handbook.



Birdlife on djirdja miya. Photo – Veronica McPhail



APPENDIX 1

EXAMPLE APPROVAL

COMMERCIAL ACTIVITIES PERMIT

REGULATION 29, SWAN AND CANNING RIVERS MANAGEMENT REGULATIONS 2007

Permit number:	2023/1234
Permit holder:	The Trustee for Smith Investments Trust t/a Black Swan Charters
Trading name:	Black Swan Charters
Contact number:	Joe and Joanna Smith 0412 345 678
Address:	1 Two Street, Fremantle, WA 6160
Email:	blackswancharters@blackswancharters.com

PERMITTED COMMERCIAL ACTIVITIES		
Location(s):	Activities:	Vessel(s):
East Street Jetty, Fremantle to Barrack Street Jetty, Perth, Swan River	Commercial charter vessel	<i>Black Swan</i> (UVI 1234), 23m length, 120 passengers

Date valid from:	1 January 2024	Date of expiry:	1 January 2028
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The above permitted commercial activities are subject to the following conditions:

CONDITIONS

1. Anchoring, mooring and/or securing of vessels

- The vessel shall only tie up or secure to a courtesy mooring or mooring it is authorised to access and use.
- The vessel shall not anchor in areas with seagrass.
- The vessel shall not anchor in areas that may restrict navigating traffic.
- The vessel shall not tie up or secure to shoreline trees or other vegetation.

2. Approval to operate

- A full copy of this permit must be readily available at all times while conducting the permitted commercial activities and be produced immediately when requested by any designated inspector duly authorised under the Act.

3. Fuel

- Refuelling shall only be undertaken at an authorised refuelling facility.

4. Insurance

- The Permit holder shall at all times during the period of this permit have in place Permit holder controlled public liability insurance in the amount of \$20,000,000 covering the Permit holder, its employees, contractors, sub-contractors and agents.

5. No assignment or transfer

- The Permit holder shall not:
 - sell, transfer, assign, mortgage, charge or otherwise dispose of or deal with any of its rights or obligations under the Permit; or

- (ii) subcontract the permitted commercial activities.

6. Public amenity

- (a) The permitted commercial activities shall be conducted in a way that does not unreasonably interfere with the health, welfare, convenience, comfort or amenity of any person (including by means of noise; lights; smell; air pollution; invasions of privacy; use of insulting, offensive or threatening language; or insulting, offensive or threatening behaviour).
- (b) No music shall be emitted by any vessel:
 - (i) within 100 metres of any berth; and
 - (ii) when passengers are embarking or disembarking the vessel.

7. Record of activities

- (a) A full record of the permitted commercial activities shall be prepared and preserved for at least five years from the date of the recorded permitted commercial activities and, if requested in writing by DBCA, provided to DBCA in a format determined by DBCA.
- (b) A full record of the permitted commercial activities shall contain, at a minimum:
 - (i) the date and time that any permitted commercial activities took place.
 - (ii) the location(s) of any permitted commercial activities conducted on that date.
 - (iii) the total number of passengers and/or participants for that date.

8. Risk and safety

- (a) Passengers shall only embark and disembark at jetties or berths with the permission of the owner of the jetty or berth (if required).
- (b) All employees, agents and contractors shall be briefed in plain language, in writing or verbally, about the risks and dangers arising from the permitted commercial activities that are likely to be encountered in the Riverpark.
- (c) Appropriate safety and first aid equipment shall be available at all times during the permitted commercial activities.
- (d) Appropriate risk management systems and procedures shall be in place to minimise foreseeable risks to the environment and amenity of the Riverpark, or any person, that may be affected by the permitted commercial activities.
- (e) Evidence of appropriate risk management systems and procedures shall be produced immediately when requested by DBCA or any designated inspector duly authorised under the Act.
- (f) If the safety of any person was at risk while conducting the permitted commercial activities, then the Commercial Operator Incident Report form, Swan Canning Riverpark, shall be completed and submitted to DBCA within forty-eight (48) hours of the near-miss incident occurring.
- (g) If a fatality occurs or an injury to any person that requires medical attention from a doctor, medical facility or hospital occurs during the permitted commercial activities, then the Commercial Operator Incident Report form, Swan Canning Riverpark, shall be completed and submitted to DBCA within forty-eight (48) hours of the incident occurring.

The Commercial Operator Incident Report form, Swan Canning Riverpark, can be downloaded from DBCA's website: <https://www.dbca.wa.gov.au/licences-and-permits/riverpark-development-and-planning/commercial-activities-permits-swan-canning-riverpark>.

9. Rubbish management

- (a) Rubbish generated from the permitted commercial activities shall not enter the River reserve.

10. Sewage, greywater and other chemicals

- (a) If the vessel contains toilets or sinks, then sullage tanks must be installed in the vessel to collect wastewater and be maintained in a fully operational condition.
- (b) No wastewater shall be released from the vessel into the River reserve.
- (c) If the vessel contains automatic bilge pumps, then oil separation/absorption pillows must be installed in the bilges.

DEFINITIONS AND ABBREVIATIONS

Act means the *Swan and Canning Rivers Management Act 2006*.

DBCA means the Department of Biodiversity, Conservation and Attractions.

Permitted commercial activities means the locations, activities, and vessels specified in the 'PERMITTED COMMERCIAL ACTIVITIES' table on this permit.

Regulations means the *Swan and Canning Rivers Management Regulations 2007*.

River reserve means the waterways of the Swan and Canning rivers (defined in section 11(2) and described in Schedule 4 of the Act). It is delineated on the *Swan Canning Riverpark Map* which can be found in the *Swan Canning Commercial Activities Handbook*.

Riverpark means the waterways of the Swan and Canning rivers and the public land adjacent to the waterways (defined in section 9 and described in Schedule 2 of the Act). It is delineated on the *Swan Canning Riverpark Map* which can be found in the *Swan Canning Commercial Activities Handbook*.

Vessel means any thing used or capable of being used to transport people or things by water (as defined in regulation 2 of the Regulations).

Please ensure that you and your staff are aware of, understand and abide by all conditions on your permit. You can contact the Statutory Assessments Unit of DBCA on 9278 0900 or at rivers.planning@dbca.wa.gov.au if you have any questions.

PERMIT ISSUED

Signed: _____ Date: 1 January 2024

Polly Pocket
Manager, Statutory Assessments
As Delegate of CEO
Under section 38 of the *Swan and Canning Rivers Management Act 2006*



APPENDIX 2

CHARTER VESSEL CODE OF CONDUCT

COMMERCIAL CHARTER VESSEL CODE OF CONDUCT

Swan Canning Riverpark and the Perth Metropolitan Coast

November 2019





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“The Code of Conduct has been created to provide guidance on several aspects of ‘safe on water’ conduct, to ensure safe operations on our waters, that maintain our high social and environmental values.”





Introduction

The waterways within and surrounding Perth provide significant environmental and social value to our State. Our coast and rivers are major drawcards for tourists from all over the world, and as charter vessel operators, we provide direct access to explore and showcase this great feature of Western Australia.

The *Commercial Charter Vessel Code of Conduct Swan Canning Riverpark and the Perth Metropolitan Coast* has been created to provide guidance on several aspects of 'safe on water' conduct, from general guidelines, to interacting between charter vessels and other waterway users, adapting to environmental factors, passenger safety and incident reporting.

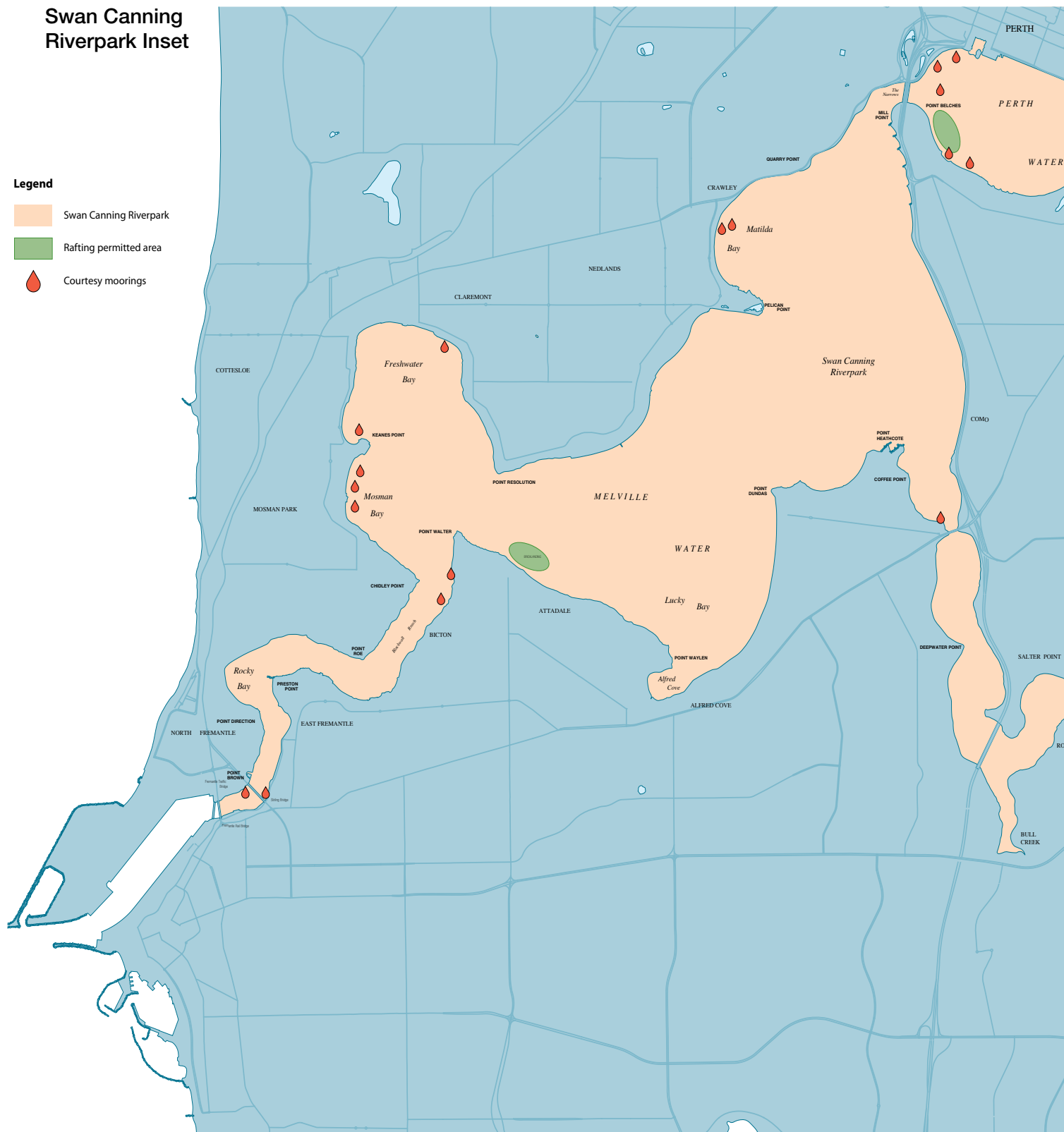
This document contains a list of guidelines and voluntary practices that complement Government regulations. A comprehensive list of applicable legislation is provided in annexure 1.

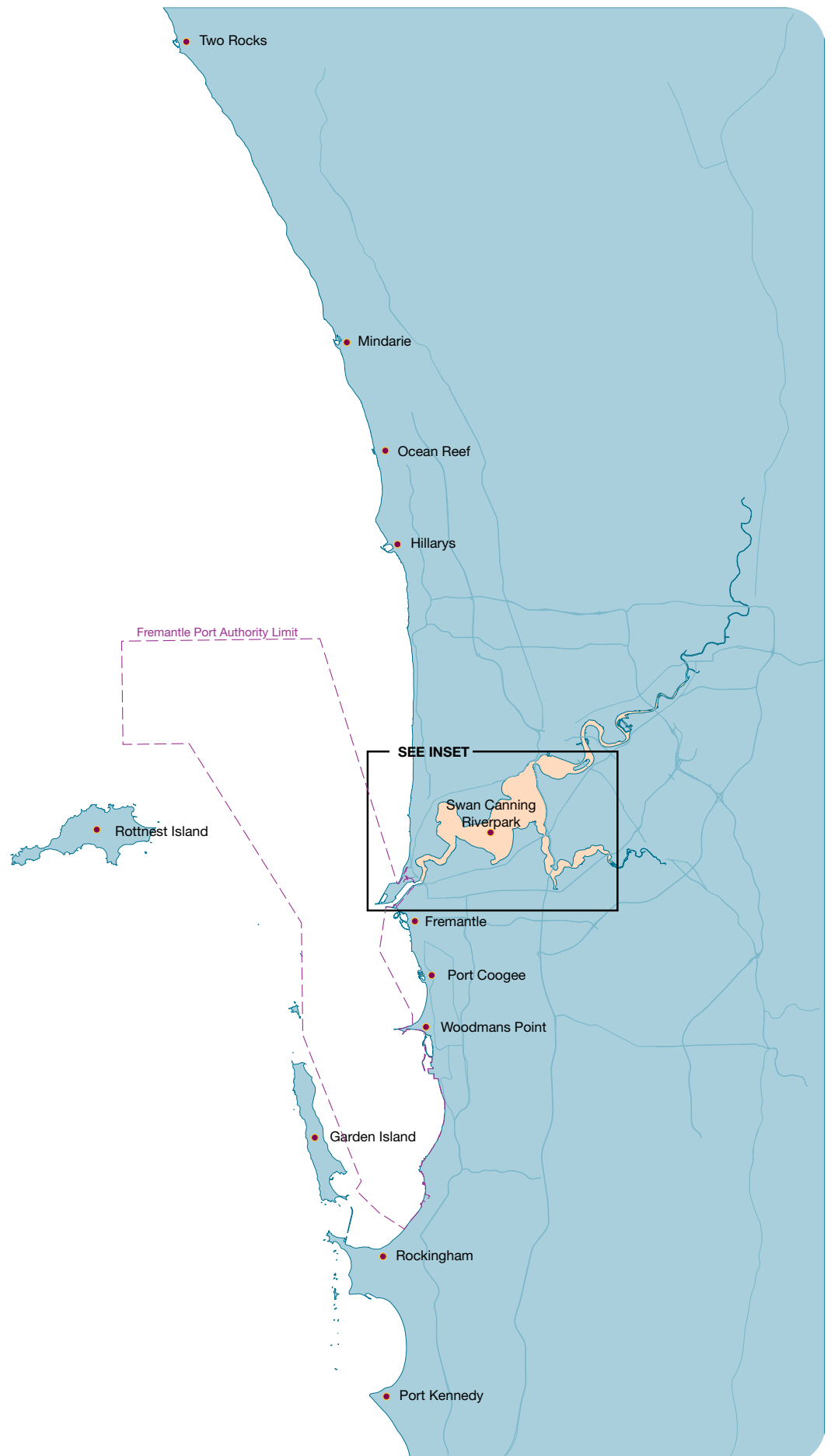
The Code was developed by the Department of Transport (DoT) in partnership with Marine Tourism Western Australia (MTWA), Department of Biodiversity, Conservation and Attractions (DBCA) and the Australian Maritime Safety Authority (AMSA).

Application

The Code covers charter vessels operating in the Swan Canning Riverpark and off the Perth metropolitan coast from Port Kennedy to Two Rocks.

Swan Canning Riverpark Inset





Roles and responsibilities under the Code

Owners and operators

Charter vessel owners and operators are responsible for ensuring their vessel masters and staff are aware of the Code, and that all staff read and understand the Code as part of their job induction. Owners, operators and booking agents are to advise customers of the existence of the Code at the time of booking and provide a copy on their websites.

Vessel masters

Vessel masters are responsible for the safety and behaviour of everyone on board their vessel and adherence to legislation and the Code.

The vessel master is to provide an overview of the relevant sections of the Code to passengers during their briefing at the commencement of each charter.

Passengers

Passengers have a responsibility to abide by relevant sections of the Code as provided by the owners or operators at the time of booking, and as outlined by the vessel master in their briefing.



Industry Code of Conduct

Setting expectations

Customer service

Owners and operators of charter vessels, including booking agents, will provide the following as a minimum to their customers:

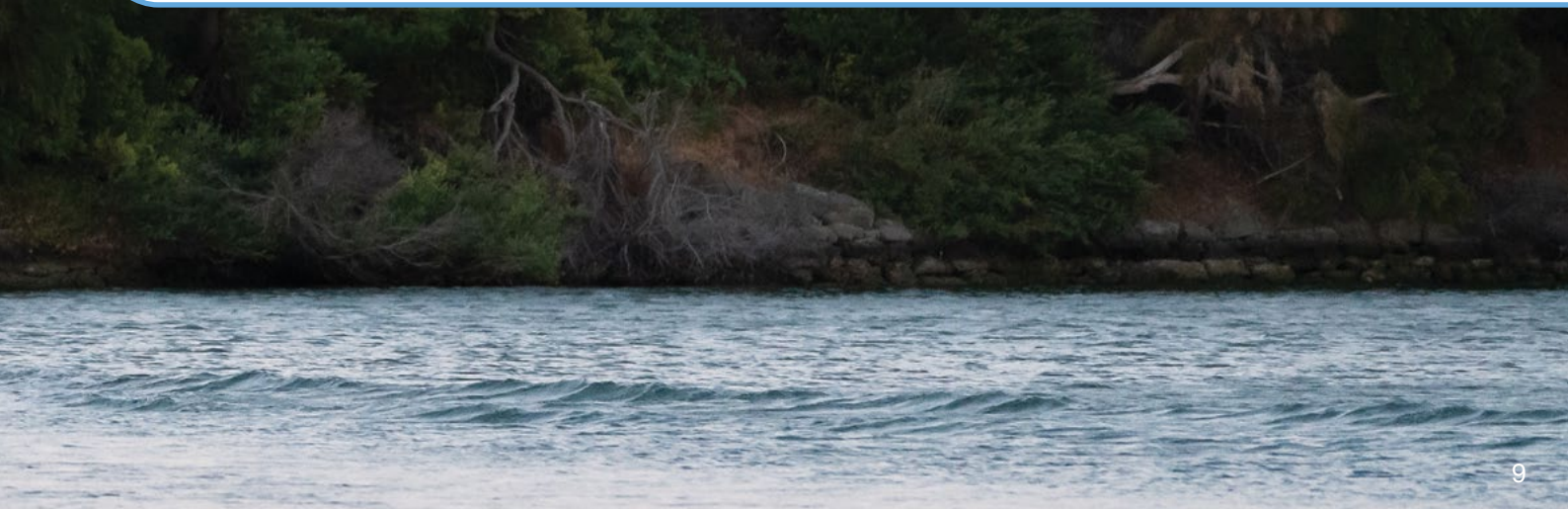
- Access to the Code on their website or to clients at the time of booking.
- A clear cancellation policy, either on their website or in writing to the customer at the time of booking.
- Clear information detailing what is and is not included in the price at the time of booking, and a clear indication of any possible price variations or additions that may be incurred.
- Clarity that the vessel master is responsible for behaviour of all those on board and any breaches of the Code by passengers may result in the cessation of the charter, with passengers being returned to shore.
- Reference to the Department of Local Government, Sport and Cultural Industries Charter Boats Policy in relation to management of alcohol, and how it will be applied to their charter.

Customer briefings

At the commencement of any charter, the vessel master is to provide an appropriate briefing to ensure passengers are aware of emergency procedures, behaviour standards and the environmental and social values of the area. This briefing does not have to be completed while at the berth but should be delivered as soon as possible.

This briefing is to include the following advice to passengers:

- The vessel master has overall control and responsibility during the entire voyage, including:
 - passenger safety and providing instruction during an emergency;
 - the volume of noise coming from the vessel; and
 - the behaviour of passengers on the vessel.
- Expected behaviour of passengers, including what is not acceptable, such as nudity and the use of offensive language in close proximity to other waterway users.
- Management of alcohol while on board, including requirements to abide by the Department of Local Government, Sport and Cultural Industries Charter Boats Policy.
- Environmental and social values of the areas they are operating in and the impact of littering, noise and excessive wake.



Managing your impact

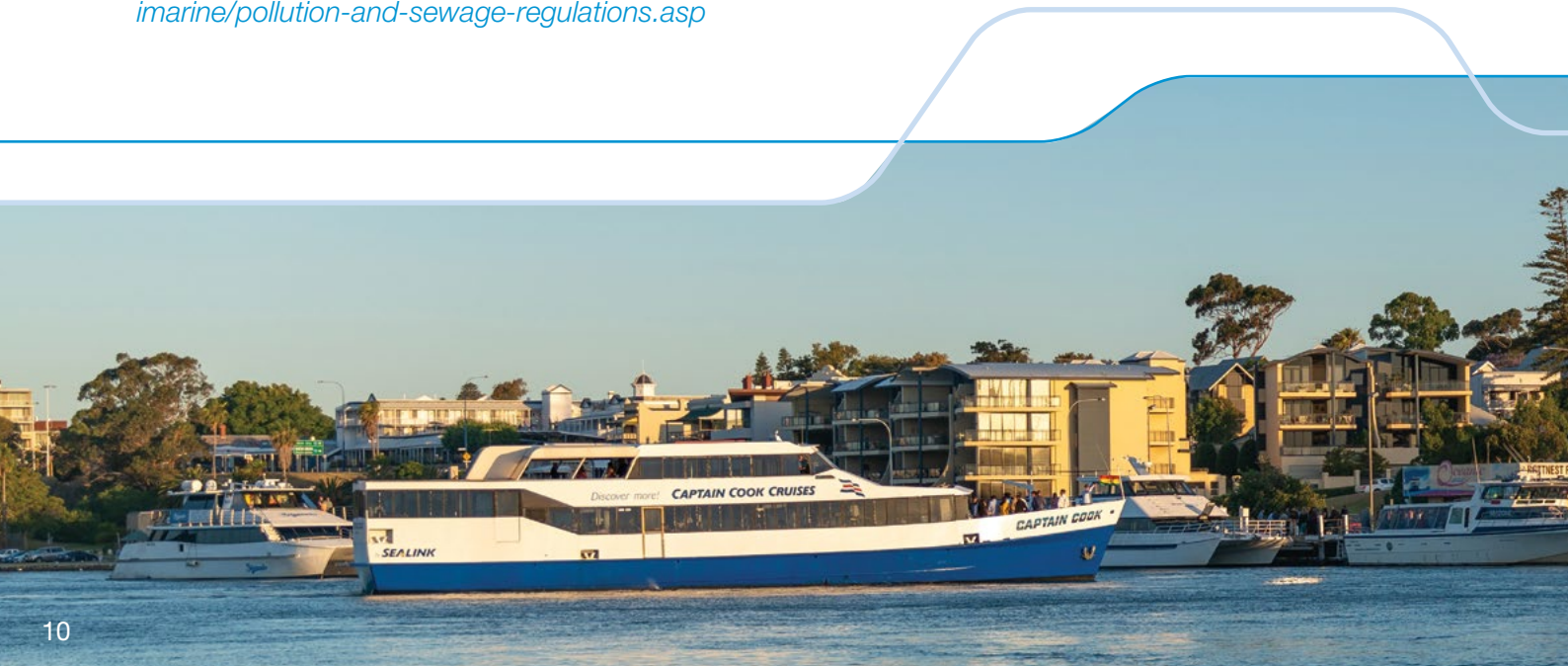
Environmental awareness

- Minimise waste through bulk purchasing where possible, recycling of glass and aluminium, and sorting of waste.
- Ensure all waste is removed from the vessel and disposed of at the vessel's home berth. This includes those vessels stored on moorings.
- Ensure passengers and crew are reminded of the requirement to use onboard bins only for all waste/rubbish including cigarette butts. All occurrences of overboard littering should be dealt with and offenders appropriately challenged and warned about this behaviour.
- Use the bins provided at passenger pick up points at DoT facilities only for conducting back to back charters, where it is not practical to return to your home berth between charters.
- Install oil separation/absorption pillows in bilges of vessels with automatic bilge pumps. Provide training for vessel master and crew on impact, use and options for bilge pillows.
- Ensure bilge water contaminated with substances such as detergents and degreasers is removed and disposed of appropriately.
- Check the vessel master and crew are trained in refuelling procedures and the use of spill kits.
- Only discharge sullage as per the DoT Sewerage Strategy. <https://www.transport.wa.gov.au/marine/pollution-and-sewage-regulations.asp>

- Be aware of A-Class Nature and Marine Reserves at Alfred Cove, Pelican Point and Milyu and the environmental significance of these areas.
- Avoid travelling close to any birds while moving at speed or scaring birds to flight.

Social values

- Ensure the vessel does not create a wash that could cause a marine incident.
- Communicate with other commercial vessels and river users in a courteous and professional manner.
- Ensure you are aware of the rules and restrictions regarding shipping vessels to prevent interaction issues and incidents occurring.
- Clearly state your intentions to ships or other traffic that may be operating in Fremantle Port waters when they are transiting in close proximity.
- When operating in Fremantle Port waters, Vessel masters must monitor marine VHF Channel 12 and obey directions from Fremantle Port, ship pilots or other port vessels.



Specific issue guidelines

Alcohol

Owners/operators and vessel masters are required to follow the Department of Local Government Sport and Cultural Industries Charter Boats Policy in relation to the supply and service of alcohol. <https://www.rgl.wa.gov.au/docs/default-source/rgl/charter-boats.doc?sfvrsn=4>

No alcohol is to be consumed on any public jetty. Passengers should be advised of this at the time of booking to ensure they are not consuming alcohol while waiting for their vessel to be loaded. Vessel masters must ensure no open alcohol containers are taken from the vessel when passengers disembark and should call last drinks 15 minutes prior to dropping off passengers.

Rafting

Rafting of commercial vessels is permitted, however this can carry higher safety risks. Each vessel involved in a raft up must consider the risks associated in their Safety Management Systems (SMS), including the identification and management of risks that maybe specific to their vessel and any others involved in rafting. The SMS documentation needs to be carried on board the vessel and understood by the vessel master and crew. Regular discussions and training/drills associated with the SMS should be conducted by all crew to ensure it remains understood, current and relevant. It is recommended SMS training or drills are noted in the vessel's log including the names of all participants.

It is a requirement under the *Marine Safety (Domestic Commercial Vessel) National Law Act 2012* that the SMS is provided to Marine Safety Inspectors upon request. It is the responsibility of the vessel masters to ensure passenger numbers are not exceeded on any vessel at any time during an event.

Rafting of commercial vessels is limited to Brick Landing in Melville Waters and to the south east of the Narrows in Perth Waters due to the noise and other social impacts associated with raft ups. Vessel masters are to make allowances for prevailing wind and for the impacts of noise travel. Refer to Map One for locations.

Noise

The Swan Canning Riverpark is mostly surrounded by residential areas, and vessel masters must be considerate of all residents, as everyone has a right to peaceful enjoyment of their residence.

Noise on windless evenings can travel more than five kilometres and impact a large number of people. Volume should be controlled by the vessel master (not the client) and be maintained at a level that does not negatively impact surrounding residences and other waterway users.

If complaints are received by WA Police Force, the vessel master/operator listed on DoT's database will be contacted to reduce volume. Failure to abide may result in police attendance and a breach of the *Environmental Protection (Noise) Regulations 1997*.





Public facility guidelines

Department of Transport Facilities

DoT manages a number of facilities in the metropolitan area. The drop off and pick up at all locations is based on a self-managed system and relies on all commercial operators and public sharing these facilities in an equitable manner.

Note that all commercial vessels using DoT facilities require a berthing permit. Commercial vessels with paid annual vessel accommodation in a DoT managed maritime facility are entitled to free use of a service wharf or jetty for up to one (1) hour in a 24-hour period at any DoT facility in the State.

All vessels are required to apply for and display a berthing permit sticker. To apply for a permit or to discuss applicable fees and charges please contact DoT harbour management. To view DoT fees and charges visit <https://www.transport.wa.gov.au/marine/marine-fees-and-payments.asp>

It is not practical or economically viable to develop and run facilities that allow for unlimited pick up and drop off during peak periods. In the Swan Canning Riverpark a vessel must not stay alongside any service wharf or jetty for more than 15 minutes at a time. DoT will enforce time limits to ensure all operators can safely pick up and drop off passengers.

To assist, vessel masters should clearly communicate their intentions to other vessels in the area, with operators staggering pick up and drop off times when bookings are made.

Passengers should be advised to arrive at the jetty 15 minutes prior to the planned departure. For large

scale raft ups, operators should consider providing a partial safety briefing to passengers prior to boarding by shore-based crew on the jetty. Once the vessel is securely alongside the jetty, food, drink and passengers are to be loaded as quickly and safely as possible and the vessel is to depart the berth immediately to allow other vessels to unload and load.

The 15-minute limit applies even when conducting back to back charters. If the vessel needs to be cleaned, operators must untie and clean away from the berth between charters.

Operators should also note CCTV is in operation at a majority of DoT facilities and any vessel found disposing of waste other than when conducting a back to back charter will be invoiced according to the estimated cost of disposing of the waste at commercial rates.

Barrack St Jetty

Barrack St Jetty is one of the busiest jetties in the metropolitan area, with four berths available on the finger jetties on Jetty 1. The finger jetties operate on a 'first come, first served' basis. During peak times it can be congested – security officers will be present to monitor use and ensure equitable access to the facility.

All operators are to communicate on marine VHF channel 9. Vessels waiting to access berths should stand off well to the east of the jetties. Vessel masters are to make their intentions clear via radio and communicate to establish the order of berthing.

East St Jetty

East St Jetty can accommodate up to three commercial vessels. Dependent on tides vessel masters are requested to berth at one end of the jetty if no vessels are in berth, and immediately behind if another vessel is on the berth. This ensures the maximum use of the jetty, particularly during peak times.

Vessel masters need to be aware of the tidal movements in this area to avoid collision with transiting vessels, and should remain well outside the channel when waiting for access to a berth.

There is one bin located on East St Jetty for back to back charters only, and any vessel found dumping rubbish outside of bins or at conclusion of their last charter will be invoiced for disposal costs at commercial rates. Additional bins are put in place during peak times.

Sardine Jetty

The Sardine Jetty at Fremantle Fishing Boat Harbour (FFBH) can accommodate up to two vessels. Due to restricted fairways and the proximity of other private facilities at this location, it is preferable for vessels to berth on the northern most section of the wharf, closest to the boat lifters, if no other vessels are in berth. This allows another incoming vessel to berth to the south.

Bins are located at the wharf for all operators finishing charters at FFBH. Any vessel found dumping rubbish outside of bins will be invoiced for disposal costs at commercial rates.

Woodman Point

Woodman Point is a recreational boating facility built for recreational vessel launching. Commercial vessels are permitted to pick up and drop off passengers, however the 15-minute limit applies. There are no rubbish facilities for commercial vessels.

Hillarys Loading Wharf

The Hillarys Service Wharf adjacent to the DoT harbour management building can accommodate a number of vessels for pick up and drop off. Vessel masters are requested to berth on the eastern most section of the wharf if no other vessels are in berth and immediately behind if another vessel is on the berth.

Should the wharf be required for use outside the above scope, please contact the Harbour Management Office on (08) 9216 8530.

Two Rocks Marina

Although Two Rocks is not ideal for charter vessels, the landing jetty located on the southern side of the marina can be used. Vessel masters are requested to berth on the western most section of the landing jetty if no other vessels are in berth.

Rubbish facilities are not available and charter operators are requested to dispose of rubbish at their home berth.

Should the landing jetty be used outside the above scope, please contact the Harbour Management Office on (08) 9561 1100 or Hillarys Boat Harbour on (08) 9216 8530.

Burswood Jetty

Burswood Jetty is a DoT managed public jetty with three berths.

Berth 1 is an exclusive use berth with a licence issued to Captain Cook Cruises, applicable during scheduled stadium events only.

Berth 2 is for other commercial vessels on a 'first come, first served' basis.

Berth 3 is for use by recreational vessels, and can only be used by commercial vessels when Berth 2 is occupied. It can only be used for picking up and dropping off passengers, with a 15-minute time limit applicable to all vessels.

Vessel masters are to follow any directions from authorised DoT contracted security when on site. There are no refuse facilities on the jetty and all rubbish is to remain on the vessel for disposal at the vessel's home berth.

Development WA

Elizabeth Quay

Elizabeth Quay is currently managed by Development WA with the intent to transfer to City of Perth. It has limited commercial berthing on the western side of the inlet, and operators require a licence from MRA or the City of Perth to berth there.

Due to the limited size, operators accessing Elizabeth Quay are requested to radio Public Transport Authority (PTA) ferries on marine VHF channel 9 and make their intentions clear prior to entering the quay.

Incident reporting

Under the *Navigable Water Regulations 1957* an incident report must be submitted to DoT if the vessel is lost or sustains damage rendering it unseaworthy or incapable of being safely navigated; or there is loss of life or serious injury. The vessel master is required to report this to the DoT on the Incident report form within seven days.

The incident report form can be found on the DoT Website at https://www.transport.wa.gov.au/mediaFiles/marine/MAC_F_MarineIncidentReport.pdf

The vessel master of a charter vessel being a Domestic Commercial Vessel (DCV) must also submit a marine incident report (Form 19) to the National Regulator AMSA as soon as reasonably practicable. A DCV owner or master must also submit a written report on the approved form within 72 hours of the vessel owner or master becoming aware of an incident.

Incident report forms are available on the AMSA website at <https://www.amsa.gov.au/forms/incident-report>

The reporting of incidents and noncompliance is critical to ensure the safety of all waterways users. Information from incident reports provides regulators valuable insight and intelligence on trends or patterns of behaviour that helps AMSA and DoT target their education and compliance activities.

Contacts

ORGANISATION	PHONE NUMBER	VHF RADIO
Water Police	(08) 9442 8600	(Ch 16)
Department of Transport Harbour Management Office Hillarys - Barrack Square Fremantle - East St Jetty and Fishing Boat Harbour Marine Safety Report an oil spill in the water	(08) 9435 7500 (08) 9216 8530 (08) 9431 1023 13 11 56 (08) 9480 9924	
AMSA	1800 627 484	
Department of Biodiversity, Conservation and Attractions <i>(Reporting of incidents)</i>	(08) 9278 0981 <i>(after hours)</i> 0419 192 845	
Wildcare (Wildlife in distress)	(08) 9474 9055	
Fremantle Sea Rescue	(08) 9336 3443	(Ch 73)
Whitfords Sea Rescue	(08) 9401 3757	(Ch 73)
Cockburn Sea Rescue	(08) 9410 1544	(Ch 73)
Fishwatch Hotline	1800 815 507	
Fremantle Port Security	(08) 9335 1300	
Pollution Response of Department of Water and Environmental Regulation (DWER)	1300 784 782	

Annexure 1 Legislation

Legislation

As outlined in the introduction, the Code does not replace the requirement for owners, operators or vessel masters to abide by all applicable legislation.

Legislation provides the standards and minimum requirements for a business to operate. Legislation focuses primarily on safety and addresses associated risks with the operation, and covers issues such as the standard of the vessel construction, the qualifications and experience of the skipper, minimum safety equipment to be carried and the approvals required to operate.

The list provided below is not exhaustive but outlines the main legislation and associated regulations applicable to all commercial vessels operating in WA, along with an outline of responsibilities of the marine tourism owners, operators and vessel masters.

Marine Safety (Domestic Commercial Vessel) National Law Act 2012 and associated requirements:

- Vessel Certificate of Survey including manning and berthing.
- Vessel Certificate of Operation.
- Certificates of Competency for vessel master and crew.
- Marine Orders 504 – Operations.

Western Australian Marine Act 1982 and associated regulations:

- International Regulations for Preventing Collisions at Sea (COLREGS).
- Navigable Waters Regulations including speed limits and safe navigation.

Jetties Act 1926 and Jetties Regulations 1940:

- Berthing permits, associated fees, time limits and rubbish.

Swan and Canning Rivers Management Act 2006 and associated regulations:

- Permits and licensing of operations within the Swan Canning Riverpark.
- Access and use of courtesy moorings.

Conservation and Land Management Act 1984 and associated regulations:

- Permits to operate within Marine Parks.

Biodiversity Conservation Act 2016 and associated regulations:

- Management of nature based tourism.
- Wildlife interaction licensing.

Fish Resources Management Act 1994:

- Fishing licensing.

Environmental Protection Act 1986 and associated regulations:

- Litter.
- Unauthorised discharge.

FEEDBACK

Feedback on the Code of Conduct can be provided to:
Marine Tourism Western Australia - marinetourismwa@gmail.com, or
Department of Transport Marine Safety - MarineSafetyEngagement@transport.wa.gov.au

The information contained in this publication is provided in good faith and believed to be accurate at time of publication.
The State shall in no way be liable for any loss sustained or incurred by anyone relying on the information.
Published: November 2019



APPENDIX 3

KITEBOARDING REFERENCE MATERIALS

Melville Beach

Local Kitesurfing Guidelines

- ▶ No kiting inside the three yellow buoys, only launch and land inside this area.
- ▶ No flying kites over the grass or road, especially when walking back up wind.
- ▶ All learners and lessons to locate down wind of the large white gum tree.
- ▶ Keep all gear off the cycle path.
- ▶ Only park in designated areas i.e. not on the grass verge. If the main road is full, park up a side street.
- ▶ No kiting in onshore (westerly) winds.
- ▶ **ACCOMMODATE AND RESPECT OTHER BEACH USERS, MELVILLE IS A SHARED PUBLIC RESOURCE. OUR CONTINUED ACCESS IS A NEGOTIATED PRIVILEGE, NOT A RIGHT.**



For more information
please contact
waksa@waksa.org.au



CLEAR

Kite Surfing Safety

Kite Surfing is easy to practice safely with a little forethought and common sense. Ultimately we are responsible for minimising the risk to ourselves, and others, which will help protect the future of this great sport, be very **CLEAR** about your responsibilities.

► **Conditions**

- Wind strength
- Wind direction
- Always keep downwind area well clear
- Waves, tides & currents
- Consider possible changes

► **Look**

- Before you launch, land, jump, jibe, etc

► **Equipment**

- Always pre-flight check
- Use a kite leash
- Use a quick release on anything you hook into
- Practise using your safety systems regularly so that it becomes instinctive
- Never exceed manufacturers specifications

► **Attitude**

- Always seek and listen to local advice
- Don't exceed your limitations
- Use judgement to prevent situations, not rely on skill to try and get out of it

► **Respect**

























- Others - be considerate and courteous to all other water and beach users
- The law
- Fellow kites - follow right of way rules
- The environment

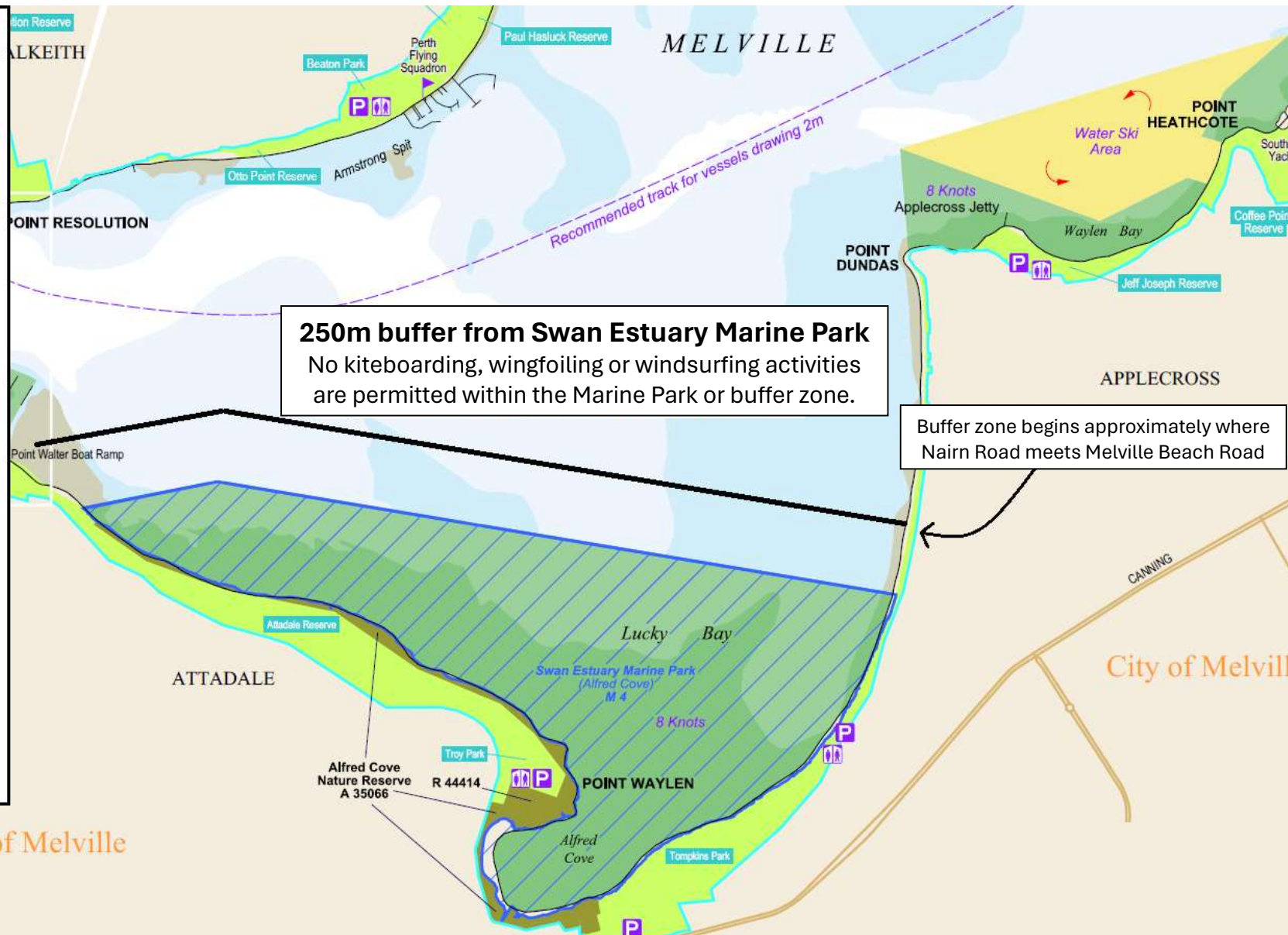
For more information
please contact
waksa@waksa.org.au



250m buffer from Alfred Cove Swan Estuary Marine Park

LEGEND

-  Swan Canning development control area
-  Local Government boundary
-  Marine Park boundary
-  DBCA managed lands
-  Swan Canning Riverpark
-  5 knot speed area
-  6 knot speed area
-  8 knot speed area
-  8 knots for vessels over 10m only
-  Water ski area
-  Non public water ski area
-  Personal watercraft freestyle area
-  Swimming prohibited area
-  Closed waters motorised vessels
-  Courtesy mooring
-  Barbeque area
-  Fuel
-  GPS validation marker
-  Hospital
-  Parking
-  Public toilets
-  Yacht club
-  Jetty
-  Boat ramp



Permitted location for kiteboarding, wingfoiling and kitesurfing lessons at Point Walter





APPENDIX 4

SIMPLE ANTI-COLLISION RULES

Collision rules

Western Australia follows internationally established rules of the road for boating.

The golden rules for boating include:

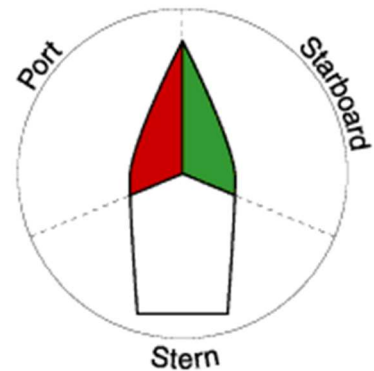
- Look to the right, give way to the right, turn to the right and stay to the right.
- Always keep right in channels.
- Power boats should keep away from sail boats and any vessel involved in activities that may affect their manoeuvrability, such as fishing, dredging, and cable laying.
- Always keep a lookout for other vessels and be ready to give way.
- Everyone has a responsibility to avoid a collision. Even if the rules require another vessel to keep out of your way, you must be ready to take action yourself to avoid a collision.

Rules for approaching vessels

If a vessel approaches:

- To port (left of the boat), maintain your course and speed with caution.
- To starboard (right of the boat), keep out of its way. (This may not apply if one or both vessels are sailboats).
- The stern (rear of the boat), maintain your course and speed with caution.

When giving way, do so early and make your intentions obvious to other vessels.



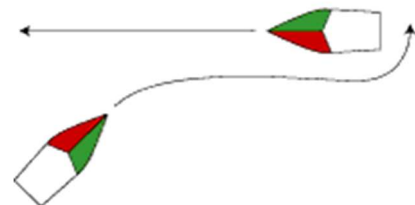
Rules for power boats

Head on situation

When 2 powerboats are meeting head on, each vessel must give way to starboard (right) and pass well clear of each other.

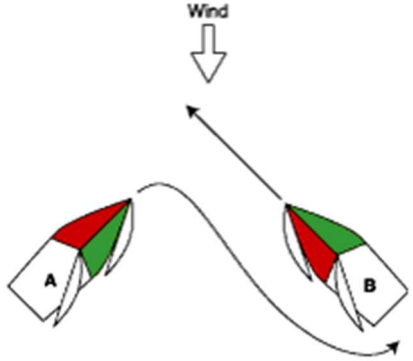
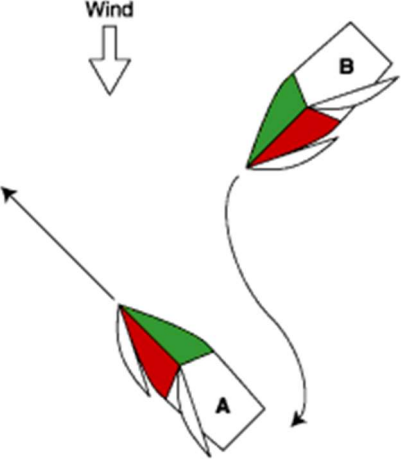
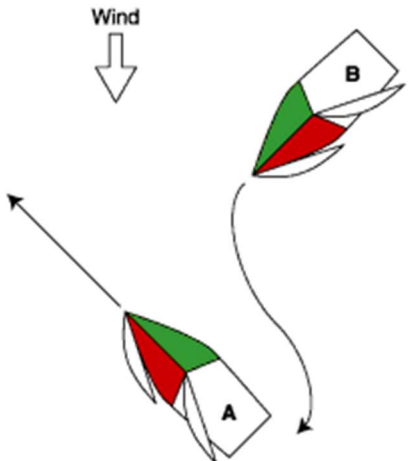


When crossing the path of another powerboat, give way to the vessel on the starboard (right) side.



Boats can overtake each other on either side as long as it is safe to do so. However, the overtaking vessel (including sailboats), must keep well clear of the other vessel.



Rules for sailboats	
<p>Wind on different sides</p> <p>When 2 sailing vessels meet, but have the wind on a different side, the vessel with the wind on the port side gives way.</p> <p>A keeps clear of B</p> <p>If a sailing vessel with the wind on port side cannot determine whether another sailing vessel has the wind on the port or starboard side, it should keep out of the way.</p>	
<p>Wind on the same sides</p> <p>When 2 sailing vessels meet and both have the wind on the same side, the vessel which is in the flow of the wind (windward or up wind) should keep out of the way of the vessel which is against the wind (leeward or down wind).</p> <p>B keeps clear of A</p> <p>The windward side is defined as:</p> <ul style="list-style-type: none"> • Fore-and-aft rigged vessel; the side opposite to that on which the mainsail is set. • Square-rigged vessel; the side opposite to that on which the largest fore-and-aft sail is set. 	
When power meets sail	
<p>In general, powered vessels give way to sail.</p> <p>However, everyone has a responsibility to avoid collisions. Even if the rules require another vessel to keep out of your way, you must be ready to take action yourself to avoid a collision.</p>	

These collision rules are taken from the Department of Transport's website:
<https://www.transport.wa.gov.au/imate/collision-rules.asp>