

**DEPARTMENT OF BIODIVERSITY, CONSERVATION AND ATTRACTIONS REPORT**

PROPOSAL	Development of Swan Yacht Club including the demolition of the existing slipway; landscaping, revegetation and pathway location; creation of pop-up/informal event space; replacement of Jetty 5, with wave attenuation; relocation of the bosun's shed; installation of dry docks; and signage
LOCATION	Parks and Recreation Reserve - Lot 10105 on Plan 214976, Lot 7771 on Plan 169877, Lot 10106 on Plan 214976, Lot 10108 on Plan 214976 and Lot 8661 on Plan 212139 (Reserve 27376 and Reserve 27377) Riverside Road, East Fremantle and River Reserve - Lot 300 on Plan 474500
COST	\$4,000,000
APPLICANT	Swan Yacht Club
LANDOWNER	Town of East Fremantle and Swan River Trust
LOCAL GOVERNMENT	Town of East Fremantle
MRS CLASSIFICATION	Parks and Recreation; Waterways
DECISION TYPE	Part 5, <i>Swan and Canning Rivers Management Act 2006</i> , Ministerial Determination
ATTACHMENTS	1A Swan Yacht Club Master Plan drawings (3 pages) 1B Riverbed lease area and land lease area (2 pages) 1C Referral responses: - Town of East Fremantle (4 pages) - Department of Transport (4 pages) 1D Amended application (part one) 1E Amended application (part two)
RECOMMENDATION	<b>APPROVAL WITH CONDITIONS</b>

**1. INTRODUCTION**

- 1.1 The Department of Biodiversity, Conservation and Attractions (DBCA) has received an application from the Swan Yacht Club (the Club), for redevelopment of the Club's facilities at Riverside Road, East Fremantle and within the River reserve (refer **Figure 1**).
- 1.2 The proposal includes works within both the Parks and Recreation Reserve and the River reserve.
- 1.3 The river-based works are contained within Lot 300 on Plan 47500. This land is contained within the Waterways reservation under the Metropolitan Region Scheme and is vested with the Swan River Trust. The Club leases an approximate 3.4ha portion of the Riverbed (see **Figure 7** below, and **Attachment 1B**).
- 1.4 The land-based works are contained within Lot 10105 on Plan 214976; Lot 7771 on Plan 169877; Lot 10106 on Plan 214976; Lot 10108 on Plan 214976, and Lot 8661 on Plan 212139. These lots are under the care control and management of the Town of East Fremantle (the Town) and are approximately 1.13ha subject to a lease between the Club and the Town (see **Attachment 1B**).

1.5 The proposed development is to occur on land and waters entirely within the Swan Canning Development Control Area (DCA) and therefore requires an approval from the Minister for Environment in accordance with Part 5 of the *Swan and Canning Rivers Management Act 2006* (SCRM Act).



Figure 1: Application area for proposed development showing proposed increased River reserve lease area

1.6 The proposal includes:

- Replacement of the existing Jetty 5 with a new floating jetty with wave attenuation system;
- The removal and demolition of the existing slipway, vessel maintenance area;
- A landscaped green belt for public circulation and use along the western portion of the club;
- Extension of the liquor licence area to the west of the Club for use on a daily/as needed basis, including an informal pop-up function / event space area;
- Provision for installation of floating dry docks across all berths;
- Relocation of the bosun's shed;
- New entry signage for the Club; and
- Relocation of the water storage tanks.

1.7 The application as amended on 16 April 2024 by the applicant is provided in **Attachments 1D and 1E**.

1.8 Components of stage 1 not assessed as part of this application are the proposed boat maintenance facilities, boat ramp, and reverse forklift on the eastern portion of the land lease area. These proposals were initially included as part of stage 1 however, as agreed with the applicant, have been removed from the application due to uncertainty regarding the timing of the commencement of works. The applicant is aware that subsequent approvals under the SCRM Act or Swan and Canning Rivers Management Regulations 2007 will be required for these works.

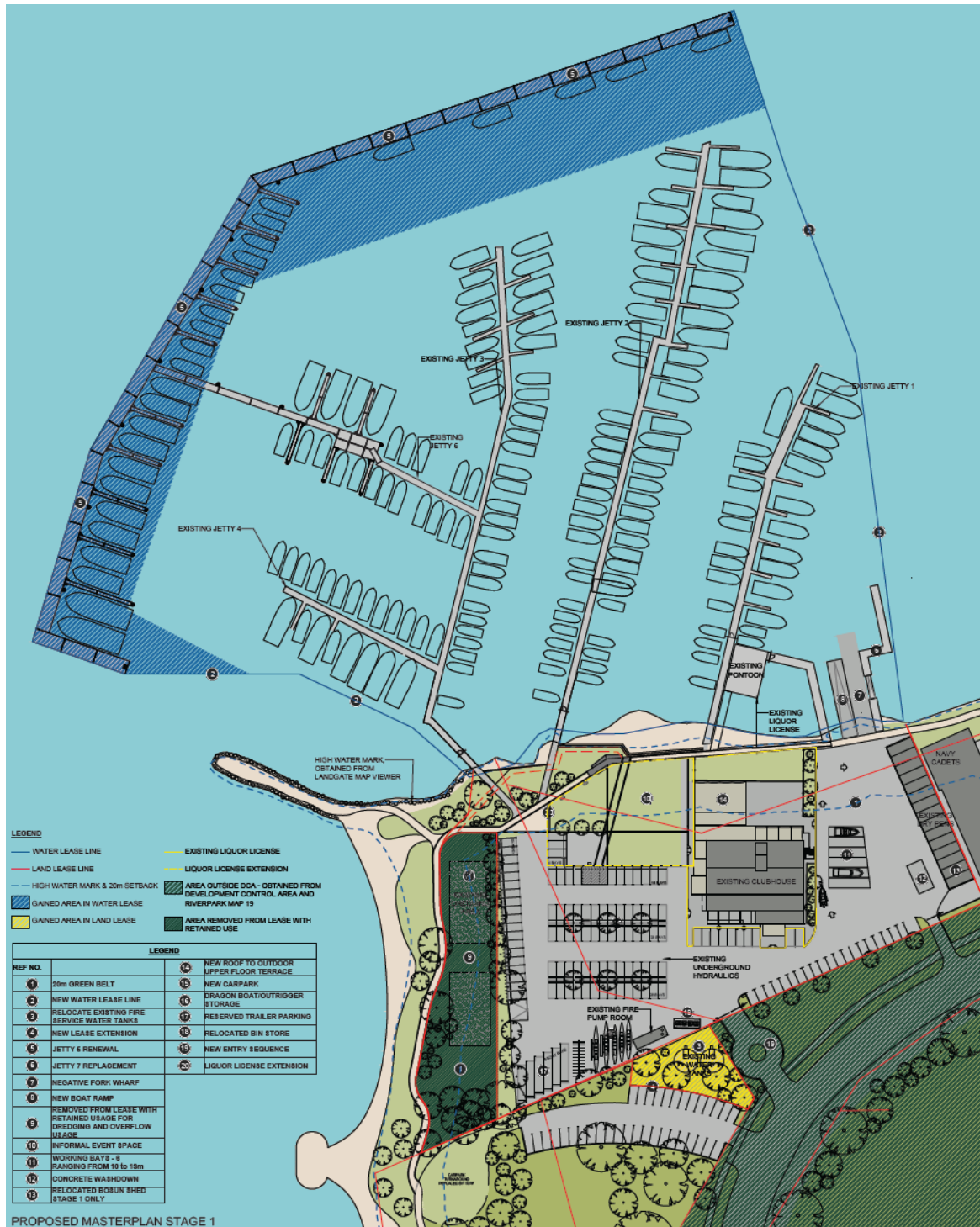


Figure 2: Stage 1 of Swan Yacht Club master plan

- 1.9 The proposed new Jetty 5 will extend beyond the current River reserve lease. As such, to facilitate the use of the new jetty the current lease will need to be varied to accommodate the jetty.
- 1.10 In order to support the proposal, including the proposed lease extension, the applicant provided a 20-year master plan. The plan was prepared in consultation with key stakeholders including DBCA and the Town and proposes a works program for both on-water and land-based areas (see **Attachment 1A** for the complete set of master plan drawings).
- 1.11 The proposed development is to occur on land and waters entirely within the Swan Canning DCA and therefore requires an approval from the Minister for Environment in accordance with Part 5 of the SCRM Act.
- 1.12 Under delegation from the Director General, DBCA has prepared this report in accordance with section 76 of the SCRM Act.

## **2. CONSULTATION**

- 2.1 In accordance with section 73 of the SCRM Act, the application was advertised on DBCA's website for 42 days commencing on 20 June 2023. No public submissions were received.

### **Town of East Fremantle**

- 2.2 The Town supports the master plan as a guiding document for proposed future works, and supports the stage 1 works subject to conditions and advice relating to the preparation of management plans and Construction Environmental Management Plans; management of potential contaminants; provision of infrastructure and services; public access and safety; waste disposal; hours of operation / construction; site cleanup and remediation.
- 2.3 In regard to the proposed changes to the land lease area, the Town does not expect to undertake management of any additional land in the short to medium term, and understands that the Club will continue to maintain land within its lease area for the duration of the existing lease. The removal of the grassed overflow parking area from any future lease will require discussions on implications for remediation, landscaping and ongoing maintenance.
- 2.4 The Town's initial and subsequent comments are provided in **Attachment 1C**.

### **Department of Transport**

- 2.5 The Department of Transport (DoT) has advised it has no objections subject to the inclusion of appropriate conditions and advice regarding safe navigation, temporary notice to mariners, and the required variation to the jetty and mooring licence.
- 2.6 A copy of all advice provided by DoT is at **Attachment 1C**.

## **3. PUBLIC CONSULTATION – SUBMISSIONS ON DRAFT REPORT**

- 3.1 In accordance with the requirements of Part 5 of the SCRM Act, a copy of the draft report and proposed recommendations was provided to the applicant and the relevant stakeholders being the Town and DoT. A copy was also published on the DBCA website between 7 – 24 June 2024, with an invitation for public submissions.

3.2 No submissions were received.

#### 4. RELEVANT POLICIES AND PLANS

- State Planning Policy 2.10 – Swan-Canning River System (SPP 2.10)
- Draft State Planning Policy 2.9 Planning for Water (SPP 2.9)
- Draft Corporate Policy Statement – Planning for localities along the Swan Canning Development Control Area March 2022
- Corporate Policy Statement No. 42 – Planning for Land Use, Development and Permitting Affecting the Swan Canning Development Control Area (Policy 42)
- Corporate Policy Statement No. 43 – Planning for Marinas, Yacht Clubs and Aquatic Clubs in the Swan Canning Development Control Area (Policy 43)
- Corporate Policy Statement No. 44 – Planning for Jetties in the Swan Canning Development Control Area (Policy 44)
- Corporate Policy Statement No. 45 – Planning for Miscellaneous Structures and Facilities in the Swan Canning Development Control Area (Policy 45)

#### 5. BACKGROUND

- 5.1 The existing berth infrastructure is subject to significant wave energy caused by strong winds and boat wake from passing vessels in the nearby navigational channel. Some berths in the outer Jetty 5 have become unusable and the Club is proposing to construct a new jetty and include wave attenuation.
- 5.2 The proposed replacement jetty extends beyond the existing riverbed lease and will therefore require a variation to the lease.
- 5.3 The proposed extension is being considered in the context of the overall development and improvement of the site, as presented in the master plan (see **Figure 2**).

##### Master plan

- 5.4 The master plan is a strategic document that presents the Club's vision for the site. The 20-year plan is intended to guide development of the site and aims to improve both the facilities at the club and the foreshore and amenity of the area.
- 5.5 The master plan includes a substantial works program over the next two decades, to be implemented in approximately three stages as shown in Table 1 below.
- 5.6 This Part 5 assessment includes many of the projects initially proposed by the applicant as part of stage 1. Following discussions with the applicant it was agreed that this assessment included only those components of stage 1 as listed in section 1.6 above.
- 5.7 Those components not included in this assessment will require subsequent approvals.

Table 1: Stages of the Master Plan

Stage 1	Stage 2	Stage 3
<ul style="list-style-type: none"> <li>• 20m green belt</li> <li>• New water lease line</li> <li>• Relocation of existing fire service water tanks</li> <li>• Jetty 7 replacement</li> <li>• New boat ramp</li> <li>• Removal of the western area from lease but retention for dredging and overflow usage</li> <li>• Boat working bays</li> <li>• Washdown area</li> <li>• Relocated bosun's shed</li> <li>• New roof to upper floor terrace</li> <li>• New car parking areas</li> <li>• Dragon boat and outrigger canoe storage area</li> <li>• Reserved trailer parking</li> <li>• Relocated bin store</li> <li>• New entry</li> <li>• Extension to liquor license area</li> </ul>	<ul style="list-style-type: none"> <li>• Dry stack boat storage</li> <li>• Working bays under dry stack boat storage</li> <li>• Relocated bosun shed</li> <li>• New pontoon entry</li> <li>• Removal of the western area from lease but retention for dredging and overflow usage</li> </ul>	<ul style="list-style-type: none"> <li>• 2 storey future development</li> <li>• Relocated bosun shed</li> <li>• Removal of the western area from lease but retention for dredging and overflow usage</li> </ul>

## Slipway

5.8 A key component of this application is the removal and demolition of the existing slipway and associated infrastructure, including rail tracks, winch and cable, boat cradles, fencing and sheds. **Figure 3** shows the slipway on the western side of the Club, adjacent to the carparking and lawn used for overflow parking.



Figure 3: Aerial image showing location of the slipway

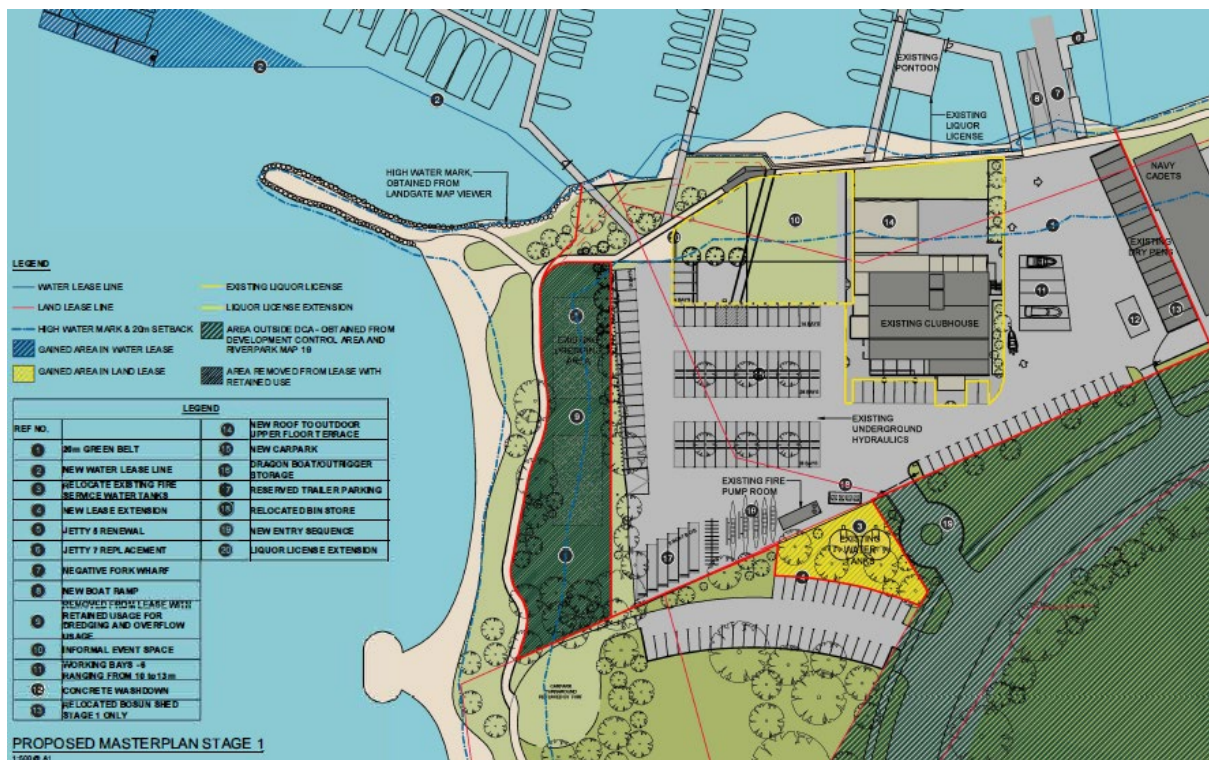


Figure 4: Extract from stage 1 of the Master Plan

- 5.9 Removal of the slipway area will provide an open grassed space which includes a 20m buffer for public access and movement along the foreshore (see **Figure 4**).
- 5.10 A landscape concept plan (see **Attachment 1D**) shows realigned pathways, turfed areas, and plantings of local native species. Additional detail and information will be required in regard the proposed landscaping design including upgrading the river wall following removal of the rail tracks and cable.
- 5.11 The Club is proposing the use of the turfed area as an extension to its licensed premises as well as a temporary pop-up event space (see **Figure 4**, ref no 10). This is discussed in further detail in sections 5.19 to 5.21.
- 5.12 The bosun's shed will be relocated to the eastern portion of the land lease area within the existing footprint of the storage sheds (see **Figure 4**, ref no 13).
- 5.13 With the removal of the slipway, the Club members will have limited access to boat maintenance facilities until such time as the new boat maintenance area and associated infrastructure is constructed. Alternative off-site arrangements for boat maintenance are being considered by the Club.
- 5.14 Not assessed as part of this application are the proposed boat maintenance facilities, boat ramp, and reverse forklift on the eastern portion of the land lease area, although they were initially proposed as part of stage 1. Due to uncertainty regarding the timing of the delivery of these components of works, it has been determined that subsequent applications under the SCRM Act or Swan and Canning Rivers Management Regulations 2007 will be required.
- 5.15 Overall, the removal of the slipway and associated infrastructure and replacement with an open green space is expected to have a transformative effect on the foreshore. It will deliver significant environmental and community benefits.

## **Replacement of Jetty 5 and wave attenuator**

- 5.16 The proposal includes replacement of the existing jetty with a new floating jetty with wave attenuation capabilities which will help minimise the effects of strong currents and wind waves on the vessels. The wave attenuation may also reduce sediment build-up within the marina. The build-up of sediment has had impacts upstream of the Club and has also necessitated dredging in the past to ensure continued safe navigation within the Club.
- 5.17 Policy 44 requires jetty 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. These standards require larger berths on new structures, which means that additional space is required to deliver the same number of berths at the Club. The marina currently holds 236 wet berths, and the construction of the larger jetty will not result in additional berths.
- 5.18 The proposal adequately demonstrates that there are no adverse impacts on navigation as a result of the construction of the proposed new jetty and expansion of lease area. This is further supported by DoT. It is also noted that the proposal will ensure vessel owners use the navigational channel when passing the Club, which is expected to be a safer option for all users.

## **Food and beverage service area including pop-up function/event space**

- 5.19 With removal of the slipway, it is proposed to extend the Club's licensed area to the turfed space adjacent to the club rooms (see **Figure 5**) for use as an extension to the licensed venue on a daily basis. The space will also be used as an informal/pop-up licensed function and event space. The Club proposed that the area also be utilised for day-to-day club operations and food and beverage service, weather permitting.
- 5.20 To enable the proposed use, the Club has submitted an application to the Department of Local Government, Sport and Cultural Industries for an extension of the liquor licence, the approval of which is on hold and pending the outcome of this application. It should be noted that the Club is not seeking an increase in the overall capacity of the venue (1000 persons) but has requested an increase only in the size of the licensed area.
- 5.21 The equipment to facilitate the serving of food and beverages will be mobile in nature. The equipment may include tables, chairs, umbrellas, tents and marquees, mobile bar, food vendor facilities, food service area, barbeque and rubbish bins. Some of the equipment, such as tables, chairs and umbrellas, will remain on the turfed area (generally assumed for the warmer months of October to April) and available for public use. The equipment will not however be placed or stored within the 20m setback area. It is proposed that this area will remain open and available for public circulation and use. Equipment for food and beverage service and for tables and seating will only be placed within the 20m setback area for the purposes of the pop-up events and functions.

## **Use of plastics in the Riverpark**

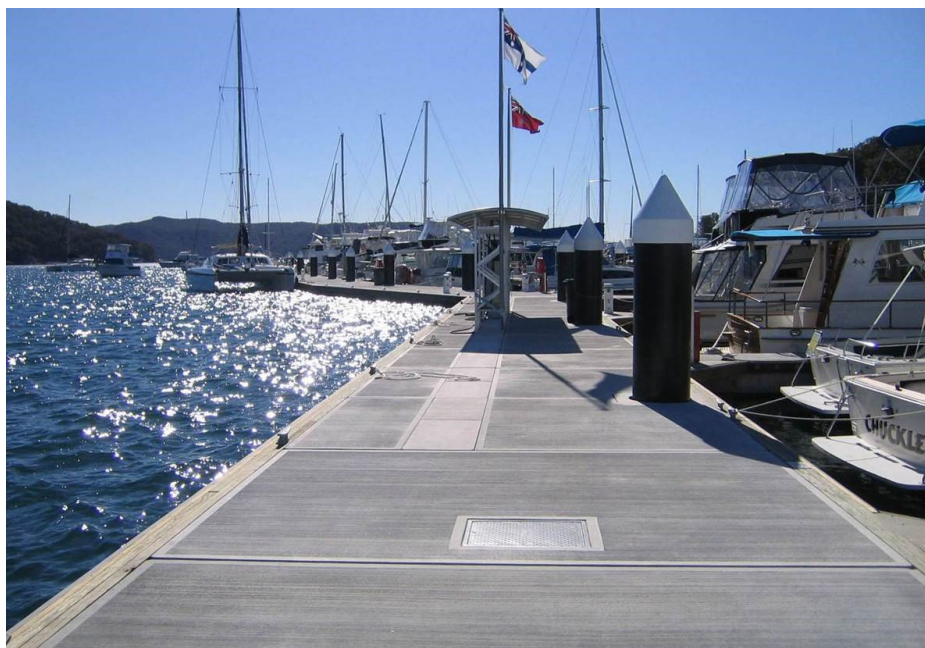
- 5.22 Policy 44 states that applications for jetties need to demonstrate they are minimising and managing adverse impacts on the ecological health of the Swan Canning River system.



- 5.23 The application proposes the use of a recycled plastic material for the decking of the jetty structure (see **Figure 6**) and in the dry dock systems as discussed in 5.27 – 5.29 below.
- 5.24 DBCA is considering the potential long-term and cumulative environmental impacts of using plastic materials on the ecological health of the Riverpark. All plastic products are known to break down over time and can release microplastic particles into the environment. DBCA's Rivers and Estuaries Science program is engaged in a scientific study to examine these potential impacts and the outcomes will inform a policy review for the use of plastic infrastructure within the Riverpark.
- 5.25 A condition requiring that any plastics material used will not contribute particles to the river environment within the expected lifespan of the structure has been included.
- 5.26 Further, the applicant will be required to monitor, maintain and remove the structures or materials prior to it becoming a source of microplastics. A condition of approval, including an annual maintenance and inspection plan, is included.



*Figure 5: Mock up of event space over former slipway*



*Figure 6: Similar structure and materials to proposed Jetty 5*

## Dry dock installation

- 5.27 This assessment includes the ongoing installation of dry dock / boat lifts across the Club (see **Attachment 1E**). These structures minimise the growth and marine buildup on vessel hulls thus reducing the frequency of high-pressure hull cleaning and subsequent applications of antifoul coating and similar.
- 5.28 Policy 44 indicates that DBCA may support floating boat lifts within the riverbed lease area of a yacht club as they do not further alienate any portion of the public waterway or obstruct public access. The policy considers that navigational safety and visual impacts will be minimal as the boat lifts will sit within private pens.
- 5.29 Conditions pertaining to the management, monitoring and maintenance of the structures are recommended, including the Club reporting annually on numbers of structures installed.

## Signage

- 5.30 Proposed new entry signage on the rendered brick wall fronting Riverside Road (see **Attachment 1E**) is minimal in nature and is not expected to impact on the landscape character and amenity of the foreshore.
- 5.31 It should be noted that the banner signage proposed within the road reserve is outside the Swan Canning DCA and is not considered a component of this application. The applicant should seek approval from the Town in regards the banners proposed to be installed within the verge adjacent to Riverside Road.

## 6. ENVIRONMENTAL AND PLANNING CONSIDERATIONS

- Environmental protection
- Jetty design
- River reserve lease extension
- Public access and community benefit
- Additional use – event space
- Car parking
- Heritage
- Acid sulfate soils

## 7. DISCUSSION

- 7.1 The re-development proposed as part of stage 1 is an intensification of, and extension to, an existing facility, part of which is within a River reserve lease area. The uses associated with recreational boating are considered consistent with the Waterways reservation under the Metropolitan Region Scheme.
- 7.2 The Club holds a current River reserve lease (30,804m<sup>2</sup>) that contains the existing jetties. The construction of the new Jetty 5 and wave attenuator will require an 8850m<sup>2</sup> (27 per cent increase) extension of the lease area and will require a variation to the lease (see **Figure 7**).
- 7.3 In recognition of the significance of the increase in the river-based activities, the Club is proposing to improve the social and environmental amenity of the foreshore area. The

Club proposes, in exchange for the increase of River reserve lease area, to increase the amount of useable green space within the foreshore.

- 7.4 The proposed removal of the existing slipway and associated infrastructure and conversion of the area into useable open space is a much-improved foreshore outcome. The creation of the new area of open space will strengthen links through to John Tonkin Park (see **Attachment 1E**) and will ultimately provide continuity of experience for users of the foreshore. Note that to fully realise the linkage, future additional works will need to be undertaken to provide for broader foreshore connectivity throughout the locality.
- 7.5 Additionally, at the conclusion of the current land lease, the Club has committed to relinquishing a portion of the land-lease area back to the Town for management and use consistent with the neighbouring John Tonkin Park. In the short to medium term however, while providing for unrestricted public access, the Club will continue to maintain the land area consistent with its existing land lease.
- 7.6 The proposal to establish a pop-up / informal space adjacent to the existing Club bar and restaurant will allow for a diverse range of club related activities in an outdoor setting. The area, which was previously allocated to slipway and maintenance activities, will be transformed into a space suitable for functions and events and for use by patrons, as well as provide a landscaped green belt for public circulation and use.
- 7.7 During functions and events temporary infrastructure, including mobile bars, food serving facilities, tables and chairs will be placed across the grassy area. However, at other times when functions and events are not occurring, the area within 20m of the River reserve (high water mark) will be required to be free from structures and kept clear, to allow for public access and movement across and along the foreshore.

### **Environmental protection**

- 7.8 Policy 42 aims to ensure that land use and development on and adjacent to the river maintains and enhances the quality and amenity of the river environment. The construction works have the potential to impact on the foreshore and waterway, including disturbance to the riverbed, water quality degradation, foreshore degradation, wildlife (noise) impacts and disruption to public access and safety.
- 7.9 To ensure that all potential environmental impacts are identified and managed appropriately, project-specific construction environmental management plans (CEMPs) are to be required as a condition of approval. The CEMPs should include details of demolition/construction methodology, machinery and equipment management (including refueling), site access and management, public access and safety, waste management and spill response, foreshore protection, measures for the protection of water quality and minimisation of potential noise and vibration impacts to fauna.
- 7.10 Existing vegetation should be retained and enhanced, and canopy coverage increased to reduce heat effects and to reduce soil erosion caused by storm events. The project will result in additional trees and understorey plantings on the foreshore, details of which will be required in the final landscaping plan. Trees required to be planted under a previous approval (Permit 2021/0128: Removal and replacement of six dead *Casuarina glauca* trees and one dead *Agonis flexuosa* tree) will also be included in the Plantings and Landscape Plan.
- 7.11 The creation of the 20m development setback and associated native vegetation plantings is expected to improve the ecological health, community benefits and amenity of the Swan Canning River System.

## Jetty design

- 7.12 Policy 44 recognises that appropriately designed and located commercial and community boating facilities, such as jetties and boat ramps, form an integral part of the river system setting and are an important recreational and tourist resource. Policy 44 also seeks to ensure that the location of boating infrastructure does not interfere with vessel navigation.
- 7.13 DoT's standard advice to address navigational safety will be contained within the approval. This includes the requirement to ensure all on-water operations and construction activities are conducted in accordance with relevant marine legislation and a Temporary Notice to Mariners (TNTM) is organised.
- 7.14 Policy 43 requires new jetties and similar structures at yacht clubs to be constructed to the relevant Australian Standards and standards set by DoT. DoT Maritime Planning advised that the proposed jetty structures will need to comply with AS3962-2001 *Guidelines for Design of Marinas* and be certified by a qualified and practicing marine engineer.
- 7.15 DoT has provided advice regarding wave attenuation, wave magnification and safe navigation for vessels, and will be further consulted following the submission of detailed design drawings as required through the recommended conditions of approval.

## River reserve lease extension

- 7.16 Policy 43 requires new development associated with yacht clubs, marinas and other aquatic-based clubs to be located within its existing River reserve lease area, with a presumption against developing outside an existing lease boundary. Lease extensions have the potential to preclude use and access of the River reserve by the wider community. Where significant development is proposed, the applicant will need to apply for a new lease or amend the existing lease.



Figure 7: Site showing proposed and existing River reserve lease

- 7.17 The Club proposes an 8850m<sup>2</sup> (27 per cent) expansion of the River reserve lease to create a total lease area of 39,354m<sup>2</sup>. The existing and proposed lease areas are shown in **Figure 7**. The increase in lease area is to accommodate the replacement jetty and wave attenuator, with additional space required to install berths to meet the required Australian Standards. Note that the total number of wet berths in the Club will be unchanged.
- 7.18 A variation to the existing River reserve lease will be required to accommodate the increased area dedicated to exclusive use by the Club.
- 7.19 The Club has committed to updating its Environmental Management System (EMS) and all associated documents given the proposed significant changes in the location and operation of facilities. The revised EMS will be prepared in accordance with the current DBCA guidelines, as recommended through a condition of approval.
- 7.20 To support the proposed riverbed lease expansion, the Club has committed to significant improvements to the foreshore including the removal of the slipway (as outlined in 5.8-5.15), creation of a 20m buffer along a considerable portion of the land lease area, realignment of pathways, foreshore landscaping works, and river wall improvement.
- 7.21 The proposed extension of the River reserve lease is considered to provide a community benefit by provision of an improved foreshore environment and setback of development from the river's edge which will allow for substantially improved circulation and movement of the public within this locality as well as improved access to public amenity and recreational opportunities.

#### **Public access and community benefit**

- 7.22 Draft SPP 2.9 states that proposals should:
- maintain and enhance public access to and along the rivers and its foreshores, including through the establishment of foreshore reserves
  - maintain and enhance the natural landscape character and sense of place of the river system
  - maintain and enhance views to or from the Swan Canning river system from public places
  - protect, maintain or increase vegetation coverage (preferably with endemic species)
  - maintain or establish ecological and public open space linkages to the Swan Canning river system for wildlife habitat and movement and natural water flows.
- 7.23 DBCA generally seeks to ensure that development within the foreshore is set back to provide public access to and around the river. In the case of ongoing management of yacht clubs and similar facilities DBCA aims to achieve a minimum setback of 20m. This setback allows for opportunities for public access along the foreshore, public use and enjoyment of the river, and for landscaping to enhance the amenity and ecological quality of the river system.
- 7.24 The draft Blackwall Reach *Jenalup* Locality Plan states that, for this area, clubs should incorporate an uninterrupted, safe public access corridor along the river's edge, including by sufficiently setting back structures. The improved connection between John Tonkin Park and the Club's western lease area is also supported by the plan, as is the need for improvement of foreshore vegetation and amenity of the area.

- 7.25 Removal of the slipway and replacement with an open grass and landscaped space will provide for valuable public access and movement area within 20m of the high water mark. The public benefit of access to the foreshore area should be maintained and exclusive use by the club within the 20m setback area should be minimised. As such, use of this setback area by the Club will be limited to functions and events. This activity will include placement of equipment for food, beverage and seating within the 20m buffer at these times.
- 7.26 Any future development (including that proposed during subsequent stages of the implementation of the master plan) will be required to be set back 20m from the river's edge. It is noted that the proposal does not set back car parking and maneuvering within the eastern portion of the site. This should be provided in future stages (for example stage 2 of the master plan) of the development of the site.
- 7.27 The Club's proposed works within the proposed 20m setback area combined with appropriate planting and maintenance will vastly improve the amenity of the area and strengthen the connection to John Tonkin Park. The relocation of the pathway away from the river's edge will create space for riparian vegetation restoration.
- 7.28 The Landscape Concept Plan proposes significant planting in the foreshore reserve and provides a species list, but additional detail is required regarding species types and densities, fencing, ongoing maintenance schedules and public safety measures. A final Landscaping Plan is recommended as a condition of approval.
- 7.29 Public access during the construction works should be maintained, unless closure (with an alternative route provided) is necessary for public safety purposes. This can be addressed as part of a CEMP.

### **Car parking**

- 7.30 Policy 43 requires applications for marinas, yacht clubs or other aquatic clubs to demonstrate that adequate parking is proposed, and that the provisions for parking are in accordance with the relevant local planning scheme and Australian Standards.
- 7.31 The Swan Yacht Club currently has 143 car parking bays and the works proposed will result in an additional 18 car bays being made available, largely through the removal of the slipway and reconfiguration of existing parking.
- 7.32 There is no additional floor area or berths proposed. As such, no additional parking is required under the Australian Standards AS3962-2001 Guidelines for Design of Marinas (AS3962-2001) or for consistency with the Town of East Fremantle Local Planning Scheme.

### **Heritage**

- 7.33 Policy 42 states that places of cultural and heritage significance, both Aboriginal and non-Aboriginal, and of natural heritage are to be conserved.
- 7.34 The proposed works are located within an area identified on the Register of Aboriginal Sites (ID 3536 Swan River). DBCA supports the recognition and protection of heritage areas, including the Swan Canning river system, which is of important spiritual and cultural significance to Whadjuk Noongar people. These values should be identified and protected prior to the commencement of works and will form part of the advice to the applicant.

- 7.35 No features within the proposal area are listed on the State Register of Heritage Places or the Town of East Fremantle Municipal Heritage Register.

### **Acid sulfate soils**

- 7.36 The proposed works are to be undertaken within a high to moderate (Swan River) and moderate to low (public foreshore reserve) acid sulfate soils (ASS) disturbance risk area within 3 metres of the natural surface. Ground excavation will be required during the slipway removal, although will likely be minor in nature.
- 7.37 The potential for disturbance of ASS during works and dewatering operations can be addressed through conditions of approval or advice notes and should be included in the overarching and project specific CEMP and work method statements, respectively.

## **8. SWAN RIVER TRUST**

- 8.1 In accordance with section 75(3A) of the SCRM Act, the Swan River Trust considered DBCA's draft report at its meeting of 23 April 2024 and resolved to advise the Director General of DBCA that it recommends the application be approved subject to the conditions outlined in DBCA's draft report.

## **9. CONCLUSION**

- 9.1 Policy 46 states that commercial facilities should be planned, designed, constructed and managed to enhance the community's use and enjoyment of the Swan Canning river system.
- 9.2 The proposed works are not considered excessive in scale or bulk. Although the Club intends to increase the development area, it is also seeking to improve the public amenity and access to the foreshore by removing a fenced hardstand maintenance area and slipway on the river's edge, and creating a 20m foreshore buffer including open turfed areas bordered by landscaping with native plantings and realigned pathways.
- 9.3 Overall, the works are expected to provide positive public amenity and environmental outcomes.
- 9.4 Potential environmental impacts from the works can be addressed through the preparation and approval of management plans and CEMPs, required as conditions of approval.
- 9.5 For these reasons, the proposal is recommended for approval, subject to conditions and advice.

## **10. RECOMMENDATION – APPROVAL WITH CONDITIONS**

That the Director General of DBCA advises the Minister for Environment that the proposed development at Swan Yacht Club (on Lot 10105 on Plan 214976, Lot 7771 on Plan 169877, Lot 10106 on Plan 214976, Lot 10108 on Plan 214976 and Lot 8661 on Plan 212139 - Reserve 27376 and Reserve 27377), Riverside Road, East Fremantle and the River Reserve (Lot 300 on Plan 474500) as described in the application received on 29 May 2023 and amended through additional plans and information submitted on 20 June 2023, 30 October 2023, 22 November 2023, 30 November 2023, 5 March 2024 and 16 April 2024, be approved, subject to the following:

## CONDITIONS

1. Approval to implement this decision is valid for two (2) years from the date of this approval. If on-site works have not substantially commenced within this period, a new approval will be required before commencing or completing the development.
2. The applicant shall notify the Department of Biodiversity, Conservation and Attractions and the Town of East Fremantle of the intended date to commence works for each project. This notification shall be provided in writing not less than seven (7) days prior to the commencement of works (**Advice Note 1**).
3. Approval is limited to those components of stage 1 of the master plan assessed as part of this approval, and as listed in (**Advice Note 3**).
4. Prior to the commencement of works for each project listed in **Advice Note 3**, the applicant shall submit the final design plans / drawings and technical specifications, to the satisfaction of the Department of Biodiversity, Conservation and Attractions (**Advice Note 4**).
5. All works are to be undertaken in accordance with a Construction Environmental Management Plan which is to be submitted to and approved by the Department of Biodiversity, Conservation and Attractions on advice from the Town of East Fremantle, prior to the commencement of works (**Advice Note 5**).
6. Prior to commencement of works, a Landscape Plan is to be submitted to and approved by the Department of Biodiversity, Conservation and Attractions on advice from the Town of East Fremantle (**Advice Note 6**).
7. Lighting is to be installed in accordance with a Lighting Plan which is to be submitted to and approved by the Department of Biodiversity, Conservation and Attractions on the advice of the Department of Transport prior to commencement of works (**Advice Notes 7 and 8**).
8. Prior to commencement of use of the event space an Operations Management Plan for its use shall be submitted to and approved by the Department of Biodiversity, Conservation and Attractions (**Advice Note 9**).
9. All plastic products are to be suitable for the site-specific environment and be UV treated to the requirements and specifications of the Department of Biodiversity, Conservation and Attractions (**Advice Note 10**).
10. Prior to the commencement of works, a Maintenance and Inspection Plan for any plastic products, including the dry docks, shall be submitted to, and approved by the Department of Biodiversity, Conservation and Attractions (**Advice Note 11**).
11. Annual notification of the numbers and locations of any modular floating dry docks, air docks, sea pens and other suitable dry dock or floating pen structures are to be submitted to the Department of Biodiversity, Conservation and Attractions (**Advice Notes 1 and 13**).
12. Prior to commencement of works a River reserve lease is required across all development within the River reserve (**Advice Note 13**).
13. Prior to commencement of use of Jetty 5, as-constructed drawings, for the jetty extension and upgrades showing the new infrastructure, and the location of the existing River



reserve lease area and the proposed extended area, shall be submitted to the satisfaction of the Department of Biodiversity, Conservation and Attractions.

14. Prior to commencement of use an Environmental Management System is to be submitted to and approved by the Department of Biodiversity, Conservation and Attractions (**Advice Note 15**).
15. Any fill and/or topsoil brought onto the site is to be certified clean, uncontaminated and free from rubble, weeds and disease, and suitable for the proposed works (**Advice Note 16**).
16. A Dilapidation Report specifying which infrastructure on adjoining sites may be adversely affected by the works, is to be prepared at the applicant's expense, to provide a record of the existing condition of the infrastructure (**Advice Note 19**).
17. The applicant shall ensure all contractors and personnel involved in the works, activities, operations and/or development approved by the Department of Biodiversity, Conservation and Attractions are familiar with the conditions and requirements of this approval at all times.
18. Upon completion of each project, all waste material, equipment and machinery shall be removed, and the site cleaned up to the satisfaction of the Department of Biodiversity, Conservation and Attractions.
19. The applicant is to ensure that adequate waste disposal facilities are available for its patrons, and that no rubbish, litter or any other deleterious matter enters the river.
20. The applicant shall ensure that no damage to the foreshore, riverbank, or waterway (including vegetation and infrastructure) occurs beyond the scope of the approved works. If any inadvertent damage occurs, the applicant is required to notify the Department of Biodiversity, Conservation and Attractions within 48 hours of the damage occurring and the area remediated at the applicant's expense (**Advice Note 20**).
21. All structures are to be kept clean and free of graffiti and vandalism, and any graffiti or vandalism is to be remedied within 24 hours to the satisfaction of the Department of Biodiversity, Conservation and Attractions on the advice of the Town of East Fremantle.

## ADVICE NOTES

1. Notifications and documents required as a condition of this approval can be emailed to [rivers.planning@dbca.wa.gov.au](mailto:rivers.planning@dbca.wa.gov.au) and [admin@eastfremantle.wa.gov.au](mailto:admin@eastfremantle.wa.gov.au)
2. To allow sufficient time for the Department of Biodiversity, Conservation and Attractions to consider and approve the plans required under this approval, the documents must be submitted to the Department of Biodiversity, Conservation and Attractions at least 42 days before the expected works commencement date.
3. Regarding **Condition 3**, the projects assessed and approved subject to conditions are:
  - Replacement of the existing Jetty 5 with a new floating jetty with wave attenuation system
  - The removal and demolition of the existing slipway, vessel maintenance area and bosun's shed
  - A landscaped green belt for public circulation and use along the western portion of the club

- An informal pop-up function / event space area
  - Provision for installation of floating dry docks across all berths
  - Relocation of the bosun's shed
  - New entry signage for the Club
  - Relocation of the water storage tanks.
4. Regarding **Condition 4**, the final design drawings for jetty structures must be certified by a qualified and practicing marine engineer to demonstrate that the structures comply with Australian Standard 3962-2001 *Guidelines for the Design of Marinas* and Australian Standard 4997-2005 *Guidelines for the design of maritime structures, AS 3962:2020 Marina Designs*.
  5. Regarding **Condition 5**, the Construction Environmental Management Plan (CEMP) should describe how the authorised works will be managed to minimise potential environmental impacts. Guidance for preparation of a CEMP is provided in [DBCA Guidance Note 6 – Construction Environmental Management Plans](#) (the PDF will download automatically) and <https://bit.ly/SCRMAPolicies>.
  6. Regarding **Condition 6**, the Landscape Plan should address the following:
    - a. establishment of the pedestrian circulation and movement area as a publicly accessible recreation and movement space
    - b. the location, planting densities and species composition proposed, noting that all plant species shall be locally native and suited to the soil type of the area to sustain local biodiversity and reduce fertiliser and water requirements
    - c. a schedule of works
    - d. weed control, including target species and any chemicals to be used and its management within a water sensitive environment
    - e. a reticulation plan, including type and location of sprinkler, bubbler, drippers and if bore or scheme water will be utilised
    - f. fencing requirements
    - g. ongoing monitoring and maintenance.
  7. Regarding **Condition 7**, light spill is to be minimised so that light spill to the river is no more than 0.01-0.03 lux (moonlight), where possible, to ensure no adverse ecological consequences. All lighting is to be consistent with the *National Light Pollution Guidelines for Wildlife* (Department of Climate Change, Energy, the Environment and Water, 2023). Lighting should be designed to address the following design principles:
    - a. Start with natural darkness and only add artificial light for specific and defined purposes.
    - b. Use adaptive controls (e.g. dimmers, timers, motion sensors).
    - c. Light only the intended object or area – keep lights close to the ground, directed and shielded.
    - d. Use non-reflective surfaces.
    - e. Use lights with reduced or filtered-out blue, violet and ultraviolet wavelengths.

8. Regarding **Condition 7**, sufficient light should be placed to ensure the jetty structure is visible without impacting navigation of vessels. This should include as a minimum lighting at each end and turning point of the structure.
9. The Operations Management Plan required under **Condition 8** shall describe how the activities will be managed to minimise impacts on the environment and the amenity of the Riverpark, and should address but not be limited to:
  - a. management of patrons including capacity control
  - b. hours of operation
  - c. minimisation of disturbance to the locality
  - d. maintenance of public access to and along the river
  - e. service of food and beverages
  - f. sustainability - use of materials on the foreshore, and including a commitment that no single use plastics will be used
  - g. management of waste including the monitoring and removal of any rubbish found in the river and on the nearby foreshore
  - h. details of equipment (including the barbeque) on pontoon and jetty including proposed usage and storage
  - i. any proposed additional lighting (noting that this approval does not include construction of permanent lighting structures)
  - j. details of signage / windbreak to be installed.
10. Regarding **Condition 9**, where use of plastic products is approved by the Department of Biodiversity, Conservation and Attractions, all plastic products (e.g. fibre-reinforced plastic) are to be designed so that they do not shed plastic into the surrounding environment and are to include:
  - a. a manufacturers' warranty of or exceeding 15 years
  - b. specification for use within marine environments
  - c. UV treatments, (either UV stable resins or if they are painted, a UV stable paint)
  - d. a copy of the certifications and or material specifications to ensure material longevity and reduce the risk of plastic deterioration over time - to be provided to the Department of Biodiversity, Conservation and Attractions.
11. Regarding **Condition 10**, the Maintenance and Inspection Plan shall:
  - a. commit to corrective action when the plastic product needs repair and replacement
  - b. provide a measure of the extent of deterioration of all materials (including the extent of loss of microplastics into the river)
  - c. commit to examination of any plastic product used for trafficable surfaces
  - d. be undertaken (at a minimum) annually.
12. Regarding **Condition 11**, if the plastic dry dock or floating pen structures require modification under any foreseeable or unexpected circumstances, all works are to occur as far from the river as practicable and all particulates are to be captured at the point of modification, preferably using tools with vacuum attachment, to ensure no deleterious material enters the waterway. All waste material is to be responsibly disposed of offsite.

13. Regarding **Condition 12**, an amendment of the River reserve lease (Variation of Riverbed Lease) is required to extend the lease boundary to accommodate the new Jetty 5, wave attenuator and berthing pens, as outlined in the Drawing BMT43049-001-01-01 Rev A (see Figure 8).
14. In relation to the construction of Jetty 5 and the wave attenuator:
  - The Department of Biodiversity, Conservation and Attractions recommends the applicant contacts the Department of Transport Navigational Safety Project Officer on 13 11 56 or by email at [navigational.safety@transport.wa.gov.au](mailto:navigational.safety@transport.wa.gov.au) to discuss the requirement for a Notice to Mariners in relation to the works.
  - Variation of the Jetty & Mooring Licence documentation (at the Lessee/Licensee's cost) will be required following Department of Biodiversity, Conservation and Attractions approval.
15. Regarding **Condition 14**, the Environmental Management System is to be updated in accordance with the current guidelines of the Department of Biodiversity, Conservation and Attractions and in accordance with current leasing practice is to be reviewed on an annual basis.
16. Regarding **Condition 15**, refer to the Department of Water and Environmental Regulation's fact sheet [Amendments to the Environmental Protection Regulations 1987 - clean fill and uncontaminated fill](#) for the requirements of clean fill.
17. The proposed works are located in an area mapped as having a high to moderate acid sulfate soil risk. The Acid Sulfate Soils Guideline Series for guidance on the identification, assessment and management of acid sulfate soils in Western Australia is available from the Department of Water and Environmental Regulation website at [www.dwer.wa.gov.au](http://www.dwer.wa.gov.au). If any acid sulfate soils are exposed during the works, the Contaminated Sites Branch of the Department of Water and Environmental Regulation shall be contacted for further advice on 1300 762 982.
18. The Swan Yacht Club site has been identified as a potentially contaminated site on the Town of East Fremantle's Contaminated Sites Register. Should contamination be confirmed at the property in the future, remediation will be required in accordance with the *Contaminated Sites Act 2003*.
19. Regarding **Condition 16**, two copies of the Dilapidation Report should be lodged with Town of East Fremantle and one copy should be given to the owner of any affected property.
20. Regarding **Condition 20**, in case of damage or pollution events, including sediment plumes, contact the Department of Biodiversity, Conservation and Attractions on 9278 0981 (Riverpark Duty Officer) or the Department of Transport on 9480 9924 (Marine Pollution Response).
21. The proposed works are situated within Aboriginal site ID 3536, being the Swan River. It is recommended that the applicant contact the Department of Planning, Lands and Heritage to seek advice relating to the authorised activity and the Aboriginal heritage values of the area, to ensure that the authorised works do not breach the *Aboriginal Heritage Act 1972*.
22. Car park stormwater management should follow best practice and be consistent with the factsheet [Water Sensitive Urban Design - Carpark developments / retrofits New Water Ways 2017](#). The design should demonstrate the treatment of stormwater run-off and

reduce the mobilisation of pollutants to receiving waterbodies (e.g. total suspended solids, hydrocarbons, heavy metals). It is recommended that a series of stormwater management systems be used, including but not limited to, tree pits, vegetated swales and pervious paving.

23. A demolition permit will be required to be submitted to the Town of East Fremantle prior to the demolition of any structures on-site and all asbestos is to be removed and disposed of in accordance with government regulations associated with the management asbestos.
24. No signage outside the Swan Canning Development Control Area is approved. A separate application for additional signage is required to be submitted for consideration by the Town of East Fremantle
25. The applicant is to receive written approval from utility providers for the relocation and reconnection of any utilities that may be required as part of the works including electricity, gas, water, sewerage, telephone, and internet, and submit these approvals to the Town of East Fremantle.
26. Western Australia'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, including but not limited to, 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](#)).



Figure 8: Drawing BMT43049-001-01-01 Rev A - showing proposed jetty 5 and proposed lease boundary