



*Swan and Canning Rivers Management Act 2006*

**PART 5**

**DETERMINATION OF DEVELOPMENT APPLICATION**

FILE NUMBER	:	2023-0293
APPLICANT	:	Swan Yacht Club
LANDOWNER	:	Town of East Fremantle and Swan River Trust (River reserve)
LAND DESCRIPTION	:	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
DEVELOPMENT	:	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
VALID FORM 1 RECEIVED	:	29 May 2023
DETERMINATION	:	<b>APPROVAL WITH CONDITIONS</b>

The application to commence development in accordance with the information received on 29 May 2023 and as subsequently amended 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 is APPROVED subject to the following conditions:

**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 (attached).
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 DBCA 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](#)).



Hon Reece Whitby MLA  
**MINISTER FOR ENVIRONMENT**

Date: 26/8/24





**LEGEND**

- OLD LEASE BOUNDARY
- NEW LEASE BOUNDARY
- JETTY AND MOORING LICENCE BOUNDARY
- PROPOSED NEW JETTY

**OLD RIVERBED LEASE BOUNDARY POINTS**

POINT	EASTING	NORTHING
A	383088.26	6455028.45
B	383089.20	6455028.11
C	383287.27	6455019.81
D	383225.76	6455017.05
E	383175.26	6455123.39
F	383234.26	6455036.24
G	383276.20	6455042.13

**NEW RIVERBED LEASE BOUNDARY POINTS**

POINT	EASTING	NORTHING
A	383088.26	6455028.45
B	382987.22	6455056.89
C	382624.71	6455064.38
D	383274.20	6455029.81
E	383024.11	6455105.32
F	383188.23	6455152.12
G	383175.26	6455123.39
H	383234.26	6455036.24
I	383276.20	6455042.13

**JETTY AND MOORING AREA POINTS**

POINT	EASTING	NORTHING
J	383088.26	6455028.37
K	383084.70	6455023.94
L	383075.18	6455044.43
M	383097.20	6455047.69

NO.	DATE	DESCRIPTION	BY	APP.
A	20/10/23	INITIAL ISSUE	SM	
B				
C				
D				
E				

NOTES

SCALE 1:500

DATUM VERTICAL

HORIZONTAL MAP GRID OF AUSTRALIA BASED ON GDA94

ENGINEER		CLIENT	SWAN YACHT CLUB
DESIGNED	S.MOUCHEMBORE	PROJECT	FUTURE PLANNING
DRAWN	S.CARVER	TITLE	PROPOSED JETTY EXTENSION 2023 RIVERBED LEASE & JETTY AND MOORING AREA LICENCE
APPROVED PROJECT MGR		DRAWING NUMBER	BMT 3049.001 - 01 - 01 REV A

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