



CORPORATE POLICY STATEMENT NO. 43

PLANNING FOR MARINAS, YACHT CLUBS AND AQUATIC CLUBS IN THE SWAN CANNING DEVELOPMENT CONTROL AREA

June 2016

1. OBJECTIVE

The objective of this policy is to ensure marinas, yacht clubs and other aquatic clubs in the Swan Canning Development Control Area (DCA):

- provide a public benefit and contribute to the long-term community use and enjoyment of the Swan Canning river system without unacceptably limiting public access or adversely affecting its ecological health and amenity;
- provide for a diversity of recreational uses, including low-cost and low-impact aquatic activities; and
- apply best management practice through Environmental Management Systems (EMSs) and continuous improvement.

2. SCOPE

Marinas, yacht clubs and other aquatic clubs operating in the DCA require development and permit approval and a River reserve lease. This policy provides direction and guidance regarding how the Department of Parks and Wildlife (the department) assesses development and permit applications for marinas, yacht clubs and other aquatic clubs, including facilities or operations in accordance with the *Swan and Canning Rivers Management Act 2006* (SCRM Act) and the *Swan and Canning Rivers Management Regulations 2007* (SCRM Regulations). Guidance on development control procedures and approval processes is beyond the scope of this policy and is provided on the department's website.

Marinas, yacht clubs and other aquatic clubs situated on terrestrial Crown reserves require a land lease from the Department of Lands or the respective vested authority. Where marina, yacht club and other aquatic club facilities extend into the Swan Canning River Reserve, a jetty licence is required from the Department of Transport and a River Reserve lease from the department.

This policy applies to applications for marinas, yacht clubs and other aquatic clubs, including rowing clubs, sea scouts, canoe or kayak clubs, school clubs, power boat clubs and dinghy sailing clubs. It also addresses facilities associated with marinas, yacht clubs and other aquatic clubs, including boat pens, moorings, launching ramps, slipways, maintenance areas, sullage disposal, fuel pumps, club and commercial chandlers and workshops, dinghy or boat storage areas, clubhouses, and members' food and beverage facilities.

This policy provides guidance to applicants and other decision making authorities in relation to the department's position regarding appropriate marinas, yacht clubs and other aquatic clubs, including facilities and their operations in the DCA.

In this policy, the Swan Canning river system means the Swan, Canning, Helena Southern and Avon (to Moondyne Brook) rivers and includes the adjacent and nearby land areas within the DCA.

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

3. CONTEXT

Marinas, yacht clubs and other aquatic clubs have been established on the Swan Canning river system for many years and provide the convenience of safe (on-water) pen moorings for vessels and opportunities for recreational boating and water sports activities. The department considers development that is typically associated with marinas, yacht clubs or other aquatic clubs to be consistent with the assigned purpose of the River reserve.

Aquatic clubs such as rowing clubs, sea scouts, canoe or kayak clubs, school clubs, power boat clubs and dinghy sailing clubs use foreshore areas along the Swan Canning rivers as a base for their aquatic pursuits and provide an opportunity for people to be involved in low-cost recreational activities along the river system. Aquatic clubs that do not base activities on the use of motorised vessels generally place less demand on the river system in terms of the space required. There is also less risk of fuel spillage, noise and wash associated with motorised vessels.

The immediate proximity of marinas, yacht clubs and other aquatic clubs to the waterway means that diligence is required to ensure that their facilities or uses do not adversely affect the river system or unnecessarily exclude or restrict other acceptable public uses. Significant work has been undertaken with marinas and yacht clubs to compile a generic Environmental Management System (EMS) for their operations. The EMS, which covers the environmental management of operational issues affecting the ecological health of the river system, is typically associated with a River reserve lease, but can be applied as a condition of development. It is also expected that marinas and yacht clubs will have operational guidelines for customers, penholders and members and other on-site facilities such as slipways, workshops and chandleries.

This policy supports the implementation of *State Planning Policy 2.10: Swan Canning River System* (WAPC, 2006) and the associated policy statements for parts of the river. The department will have regard for the *Swan Canning River Protection Strategy* and its subsidiary documents, such as the *Land and Waterway Use Plan* (in preparation) and *Swan River System Landscape Description* (SRT, 1997) when assessing applications made under the SCRM Act. This policy is to be read and applied together with *Corporate Policy Statement No. 42: Planning for Land Use, Development and Permitting Affecting the Swan Canning Development Control Area*.

4. LEGISLATION

Under section 70 of the SCRM Act all development in the DCA is subject to approval and control. The term 'development' includes: physical development; any material change of use of land or waters; and any act or activities defined as development under the SCRM Regulations.

In undertaking its statutory planning role, the department typically assesses and provides advice and recommendations to the Minister for Environment regarding development in the DCA. The CEO of the department is authorised to approve certain

classes of development in the DCA under section 85. The CEO is also responsible for approving other works, acts and activities declared not to constitute development or controlled for Riverpark and DCA protection by the SCRM Regulations, under a permit.

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

5. POLICY

There is a presumption against new marinas and yacht clubs being developed on the river system.

In undertaking its statutory planning roles and functions under the SCRM Act, the department will:

Planning and land tenure

- 5.1 Require applications to be consistent with an endorsed precinct or foreshore management plan for the area. Where there is no such plan, the application is to be consistent with the policy statements for parts of the river set out in SPP2.10 and the *Land and Waterway Use Plan*.
- 5.2 Require proof of tenure over the land and water subject to the application. For leased land or waters, applications should include the duration of the lease period.
- 5.3 Have a presumption against development outside an existing lease boundary. Where significant development is proposed at marinas, yacht clubs or other aquatic clubs over the River reserve, the department will likely require the applicant to enter into a new lease or amend the existing lease.
- 5.4 Require applications to demonstrate that:
 - the application provides a public benefit;
 - public access to foreshore areas is not restricted;
 - effects on the ecological health of the Swan Canning river system, including its flora, vegetation and fauna and their ecosystems, are minimised and managed;
 - landscape character and amenity values are protected and managed;
 - possible conflicts of use with other established tourism and recreation facilities or river transport infrastructure will be minimised and managed so the application does not conflict with other appropriate forms of use or cause unacceptable congestion;
 - any Aboriginal and/or European cultural heritage values are conserved and managed;
 - any dredging complies with the department's policy on dredging in the DCA; and
 - flooding and water movement issues have been appropriately addressed.

- 5.5 Where appropriate, require applicants to prepare and implement a Construction Environmental Management Plan.

Marinas and yacht clubs

Environmental Management Systems

- 5.6 Likely require the preparation or update and implementation of an EMS that addresses environmental issues associated with maintenance, facility use, pollution prevention and control, and foreshore management.
- 5.7 Require marinas and yacht clubs to operate in accordance with best management practices for pollution prevention and control to address oil/fuel spills, sewage spills and pollution of stormwater. Accumulated residue from anti-fouling and other potential pollutants from maintenance works is not allowed to enter the river system. In addressing pollution prevention and control the department may require:
- improvements to waste disposal methods on slipways and hard-stand/maintenance areas;
 - runoff from areas where potentially polluting activities are undertaken (e.g. maintenance, works, wash-down, hull-cleaning, refuelling, sullage disposal) to be contained and connected to reticulated sewer after passing through appropriate treatment devices, wherever possible and on advice from the Water Corporation;
 - the effectiveness of systems/devices proposed to capture and treat potentially polluted runoff to be demonstrated to ensure that the resulting water quality is suitable for discharge to the river system, where reticulated sewer is not available;
 - sullage pump-out facilities to be installed, connected to sewer and made available to penholders and the public in accessible locations; and
 - fuel tanks to meet the requirements of *Corporate Policy Statement No. 45: Planning for Miscellaneous Structures and Facilities in the Swan Canning Development Control Area* and relevant Australian Standards.

Mooring pens and jetties

- 5.8 Require mooring pens and jetties to be constructed to the standards set by the Department of Transport and relevant Australian Standards for marinas. Mooring pens are structures adjoining jetties typically developed at marinas and yacht clubs and usually consist of pylons with ropes attached to moor/secure vessels. Reference should be made to *Corporate Policy Statement No. 44: Planning for Jetties in the Swan Canning Development Control Area* for further information and requirements related to jetties at marinas and yacht clubs.
- 5.9 Advise applicants to obtain appropriate licences from the Department of Transport for all in or over-water structures.

Open storage of vessels on land

- 5.10 Only support open storage of vessels in designated areas approved for the storage of trailered craft or in an approved dinghy storage system. No other craft should be allowed in these designated areas.

- 5.11 Require vessel maintenance areas to be designated, with appropriate pollution control devices in place. Maintenance, including painting, of open-stored vessels is to only take place in approved designated areas.
- 5.12 Require dinghies to be secured in a manner that that does not unacceptably affect the amenity and environmental values of the area. The department will likely support the use of storage racks in marinas and yacht clubs where they are located away from the waterway and screened to minimise visual impacts.

Aquatic club buildings and facilities

- 5.13 Require applications for aquatic club buildings and facilities to:
- be set back from the waterway and designed to enhance the landscape character of the river system. Construction materials and colour schemes should be of a low reflective nature and harmonise with the river system;
 - demonstrate that a suitable launching site is available and that river bank erosion and disturbance of foreshore vegetation will be minimised and managed; and
 - demonstrate that vessels will only be launched from an approved site without impinging on public use or enjoyment of the foreshore.
- 5.14 Require jetties, boat ramps and similar structures at aquatic clubs to be constructed to the standards set by the Department of Transport and relevant Australian Standards. Reference should be made to *Corporate Policy Statement No. 44: Planning for Jetties in the Swan Canning Development Control Area*. The department is unlikely to support wet pen vessel storage, open storage of boats on foreshores and river mooring of vessels as part of a development or permit application associated with an aquatic club.
- 5.15 Give consideration to potential effects of the development on the neighbouring community. Applications for aquatic club buildings and facilities may need to address noise, parking, traffic, external lighting, utilities, community response and the general effects of the proposed development on the immediate neighbourhood.
- 5.16 In the absence of an existing foreshore management plan, require the applicant to demonstrate how the club buildings and associated facilities will be integrated with surrounding foreshore areas.
- 5.17 In some cases recommend a temporary approval to allow a club to operate on a trial basis. The approval may have time constraints and be subject to a review of the overall impact the club's facilities and activities have on the river system and the immediate community. Developments of this nature will require further approval when the temporary approval has lapsed.

Public access

- 5.18 Require applications to demonstrate that adequate provisions have been made for public access to foreshore areas. New fencing proposals precluding public access to or along the foreshore will not likely be supported. Where existing access is restricted, the department may require the applicant to provide public access to and along the foreshore for pedestrians and where appropriate,

cyclists. The department is unlikely to support development applications that extend to the high water mark and restrict public access.

Car parking

- 5.19 Require applications for marinas, yacht clubs or other aquatic clubs to demonstrate that adequate car parking is proposed or currently exists. If other car parks, transport options such as walking, cycling or public transport alter the applicant's parking requirements then such information should be provided. Car parking on public land, where the applicant has no tenure will not be approved for the exclusive use of the applicant, as public car parks in the DCA are provided for the common use of the broader community.
- 5.20 Require the provision of parking in accordance with the parking requirements of the local planning scheme and/or relevant Australian Standards. In circumstances where alternative transportation is available or verge and other parking is available, the department will consider a reduced car parking provision. Consideration is to be given to the provision of bicycle parking.
- 5.21 Require any car parking to be set back from the waterway, and that landscaping will be used to integrate the car park into the local landscape. Car parking is to be provided without unacceptably impacting the foreshore area. For more detail on car parking refer to *Corporate Policy Statement No. 45: Planning for Miscellaneous Structures and Facilities in the Swan Canning Development Control Area*.

Signage

- 5.22 Advise applicants that signage not included in a development or permit application is to be subject to a separate application under the SCRM Regulations.

Lighting

- 5.23 Where necessary, require applicants to demonstrate they are minimising light spill to areas within and immediate adjoining the DCA so that fauna, community enjoyment and amenity are not affected. In this respect, the department will encourage applications to implement the *Guide on the Limitation of Effects of Obtrusive Light from Outdoor Lighting Installations* (CIE, 2003).

Clubs and associations

- 5.24 Require the applicant to demonstrate that they are an incorporated body and the club has a publicly transparent membership process open to the community.

Maintenance of facilities

- 5.25 Require marinas, yacht clubs and aquatic clubs undertaking maintenance activities such as paint scraping, spraying, washing or timber treatment on the exterior of a facility, to obtain a permit approval and ensure adequate measures are taken to prevent river contamination or other offsite impacts.

6. POLICY IMPLEMENTATION STRATEGIES

To implement this policy the department will:

Swan River Trust

- 6.1 Consult with the Swan River Trust when assessing applications under Part 5 of the SCRM Act and preparing strategic documents and corporate policies and guidelines.
- 6.2 Keep the Swan River Trust informed of development, including permitted works, acts and activities approved within the DCA.

Planning authorities (Department of Planning, local governments and redevelopment authorities)

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

Referral agencies

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

Assessment of applications

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

7. CUSTODIAN

Director Rivers and Estuaries.

8. PUBLICATION

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

9. KEY WORDS

Swan, Canning, river, Development Control Area, marina, yacht club, aquatic club, rowing club, sea scouts, canoe club, kayak club, school club, power boat club, dinghy sailing club, slipway, sullage, pen, jetty, vessel, dinghy, boat ramp, association.

10. REVIEW

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

11. SWAN RIVER TRUST ENDORSEMENT

Endorsed by



Hamish Beck
CHAIRMAN

Date: 27 June 2016

12. DIRECTOR GENERAL APPROVAL

Approved by



Jim Sharp
DIRECTOR GENERAL

Effective date: 27 June 2016