



*Swan and Canning Rivers Management Act 2006*

**PART 5**

**DETERMINATION OF DEVELOPMENT APPLICATION**

FILE NUMBER	:	2021/2130
APPLICANT	:	City Foreshore Investments Pty Ltd
LANDOWNER	:	Swan River Trust
LAND DESCRIPTION	:	Swan River (Crown Reserve 48325), adjacent Lots 305, 306 and 307 Riverside Drive, East Perth, Point Fraser
DEVELOPMENT	:	Change of jetty use – from 100 per cent public use to 50 per cent public use and 50 per cent commercial use
VALID FORM 1 RECEIVED	:	20 August 2021
DETERMINATION	:	<b>APPROVAL WITH CONDITIONS</b>

The application to commence development in accordance with the information received on 20 August 2021 is APPROVED subject to the following conditions:

1. Approval to implement this decision is valid for two (2) years from the date of the approval. If substantial on-site works have not commenced within this period, a new approval will be required before commencing or completing the development.
2. At least five berths are to remain available for use by the public at all times, unless otherwise agreed with the Department of Biodiversity, Conservation and Attractions.
3. The applicant shall ensure that all commercial operators engaged under this approval have the appropriate approvals to operate within the Swan Canning Riverpark.

**Prior to commencement of commercial operations**

4. Prior to commencement of commercial operations, prepare and implement a Public Movement Plan as approved by the Department of Biodiversity, Conservation and Attractions. (refer to **Advice Notes 2 and 3**)
5. Prior to commencement of commercial operations, City Foreshore Investments Pty Limited's River reserve lease is to be amended to facilitate the implementation of this approval which allows for the commercial use of five berths on the northern side, and public use of five berths on the southern side of the complex. (refer to **Advice Notes 4 and 5**)

**On-going**

6. The applicant is advised that prior to commencement of commercial activities, commercial operators are to obtain approval to operate within the Swan Canning

Riverpark in accordance with the requirements of the *Swan and Canning Rivers Management Act 2006*.

7. The applicant shall undertake on-going monitoring and maintenance of the berthing facilities in accordance with the Monitoring and Maintenance Plan approved by the Department of Biodiversity, Conservation and Attractions on 29 March 2021.

#### ADVICE NOTES

1. With Regard to **Condition 1**, the approval will be considered to have been substantially commenced in the event that **Conditions 4** and **5** have been fully implemented.
2. Notifications and plans can be emailed to [rivers.planning@dbca.wa.gov.au](mailto:rivers.planning@dbca.wa.gov.au).
3. In regard to **Condition 4**, the Public Movement Plan is to demonstrate:
  - a) what measures will be put in place around the berthing facilities to maintain safe passage of pedestrians and passengers during embarking and dis-embarking activities; and
  - b) identify locations where river vessel patrons are able to safely congregate without impeding public movement.
4. In regard to **Condition 5**, an amendment of the River reserve lease is required to:
  - a) review lease fees based on the operation of the commercial berthing pens;
  - b) address the leaseholder's responsibility for providing ongoing management of the berthing facility and short-term berthing pens;
  - c) ensure public berthing pens are only used for short-term berthing of private vessels and that no overnight berthing of private vessels is allowed;
  - d) ensure that at least five berth pens are maintained as a public use at all times;
  - e) clarify that it is the lessee's responsibility to ensure that commercial operators operating from the commercial berthing pens have obtained approval from the Department of Biodiversity, Conservation and Attractions to operate within the Swan Canning development control area;
  - f) clarify that a Department of Biodiversity, Conservation and Attractions sub-lease and Department of Transport jetty sub-licence may be required for each commercial operator operating from the commercial berthing pens; and
  - g) obtain approval for any signage/advertising signage requires Department of Biodiversity, Conservation and Attractions approval, including for ticket sales.
5. In regard to **Condition 5**, the leaseholder shall be responsible for all legal costs associated with the amendment of the lease and shall also be required to prepare and implement an amended Environmental Management System to the satisfaction of the Department of Biodiversity, Conservation and Attractions. This approval does not authorise the applicant to carry out any other works/activity besides the scope of these approved works.

6. It is acknowledged that as a result of this Determination, that condition 13 of Ministerial Determination 2020/0425 dated 19 August 2020 is superseded (viz: *The berthing facility and associated pens shall remain available for use and access by the broader public. No fees are permitted to be charged for the berthing of vessels. The jetty is for short-term berthing only and not to be used as a home berth*). This Determination there-by allows for 50 per cent of the existing berths to be set aside for the exclusive use of river based commercial operators and that the applicant may impose a berthing fee upon such commercial operators.



Hon Reece Whitby MLA  
**MINISTER FOR ENVIRONMENT**

Date: 14/6/2022

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

PROPOSAL	: Change of jetty use – from 100 per cent public use to 50 per cent public use and 50 per cent commercial use
LOCATION	: Swan River adjacent Lots 305, 306 and 307 Riverside Drive, East Perth, Point Fraser
COST	: N/A
APPLICANT	: City Foreshore Investments Pty Ltd
LANDOWNER	: Swan River Trust (Crown Reserve 48325)
LOCAL GOVERNMENT	: City of Perth
MRS CLASSIFICATION	: Waterways
DECISION TYPE	: Part 5, <i>Swan and Canning Rivers Management Act 2006</i> , Ministerial Determination
ATTACHMENTS	: 1. Location map and proposed jetty layout (2 pages) 2. City of Perth comments (2 pages) 3. Department of Transport comments (1 page)
RECOMMENDATION	: <b>APPROVAL WITH CONDITIONS</b>

---

**REPORT**

**1.0 INTRODUCTION**

- 1.1 The Department of Biodiversity, Conservation and Attractions (DBCA) has received an application from the operator of The Point complex, City Foreshore Investments Pty Ltd, proposing a change of use of the complex's public jetty berthing facilities to allow 50 per cent of the facilities to be used by commercial operators. The complex, consisting of a restaurant and entertainment precinct, and jetty berthing facilities, is located at Point Fraser, Riverside Drive, East Perth, in the City of Perth (**Attachment 1**). The berthing facilities are subject to a River reserve lease with DBCA, which recognises the area as being reserved for Waterways under the Metropolitan Region Scheme.
- 1.2 The proposed change of use is to occur on a Lot 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).
- 1.3 The Director General of DBCA has prepared this report in accordance with section 76 of the SCRM Act.

## **2.0 CONSULTATION**

### **City of Perth**

2.1 The City of Perth advises that it supports this proposal.

2.2 The City of Perth's comments are provided in **Attachment 2**.

### **Department of Transport (Maritime)**

2.3 The Department of Transport (DoT) advises that it has no objections to the proposal.

2.4 DoT's comments are provided in **Attachment 3**.

## **3.0 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 recommendation was provided to the applicant and the relevant stakeholder being the City of Perth. A copy was also published on the DBCA website for a period of two (2) weeks between 20 April and 5 May 2022 with an invitation for public submissions.

3.2 No submissions were received.

## **4.0 RELEVANT POLICIES AND PLANS**

- State Planning Policy 2.10 – *Swan-Canning River System* (SPP 2.10)
- 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. 45 – *Planning for Miscellaneous Structures and Facilities in the Swan Canning Development Control Area* (Policy 45)

## **5.0 ENVIRONMENTAL AND PLANNING CONSIDERATIONS**

- Recreation opportunities and public access
- Hire and drive boat operations and emissions
- Overnight berthing of commercial vessels

## **6.0 BACKGROUND**

6.1 The proposed change of use will be applied to existing jetties in the lease area of the complex which is currently managed by the applicant. Point Fraser is situated opposite Heirisson Island at the corner of Riverside Drive and the Causeway in East Perth. The complex consists of a main building on the foreshore with an extension onto the Swan River, containing several restaurants and a craft brewery.

6.2 In 2017, the applicant was granted approval (under Part 4 of the Swan and Canning Rivers Management Regulations 2007) to construct one floating pontoon with a gangway and pile fender system (to protect the main jetty from unintentional mooring collisions) on the east side of the complex's existing main jetty. This installation (noted as Stage 1 works) provides short-term berthing for small vessels and for use as a passenger drop-off and pick-up point to the complex.

- 6.3 In 2020, the applicant was granted approval (under Part 5 of the SCRM Act) to expand these facilities (noted as Stage 2 works) taking the total berths at the complex to 10. That approval allowed for an additional pontoon (approximately 24m x 2.5m) and four finger jetties (approximately 10m x 1m). These new facilities provided short-term berthing areas for non-powered boats, small pleasure crafts, and up to 8-metre-long vessels. They also provided drop-off and pickup points for up to 15-metre-long vessels, to be used by recreational and commercial vessels and to be accessible to the public.
- 6.4 Condition 13 of the 2020 approval required the pontoons only be available for public use: *The berthing facility and associated pens shall remain available for use and access by the broader public. No fees are permitted to be charged for the berthing of vessels. The jetty is for short-term berthing only and not to be used as a home berth.*
- 6.5 The applicant is now proposing that of the 10 berths, one berth be available for use by a water taxi (or similar) vessel; four berths be available for hire and drive vessels (barbeque boats and similar, where some will be secured in place between two finger jetties when not in use for overnight berthing), and five berths be available for public use as pick-up/drop-off points and remain as short-term berthing platforms only.
- 6.6 It is also the intention of the applicant to impose a fee upon the operators of the five commercial berths to assist in meeting the operational and maintenance costs of the jetties.
- 6.7 This proposal, if approved, will be inconsistent with condition 13 of the 2020 approval regarding the 100 per cent sole use of the berthing jetties for the public, not charging berthing fees and not allowing for overnight berthing (for hire and drive vessels). If approved, this will need to be acknowledged, and condition 13 of the 2020 approval will need to be rescinded.
- 6.8 In addition, on-going conditions from the 2020 approval, relating to monitoring and maintenance requirements, will need to be carried forward.
- 6.9 In the context of the COVID-19 pandemic, it is acknowledged that the proposed change of use may assist to increase patronage to the complex and increase recreational visitation and use of the waterway and associated foreshore area.
- 6.10 The proposal is consistent with the Perth Water *Buneenboro* Action Plan (2021). The Action Plan seeks to investigate options for future hire facilities at key activity nodes and discusses opportunities to increase ferry and water taxi services at Point Fraser.

## 7.0 DISCUSSION

### Recreation opportunities and public access

- 7.1 Policy 42 seeks to ensure that provisions are made for public access and enjoyment of the Swan Canning River system, including its foreshores, in a manner that is consistent with the multiple use of the DCA and the preservation of the values of the land itself. Tourism and recreation facilities should provide visitors to the Swan Canning River system with a choice of recreational activities and experiences. Furthermore, proposals should seek to ensure that the river

foreshores are linked through the provision of walking and cycle trails that connect places of natural and cultural interest, as well as commercial and community facilities. This application is consistent with Policy 42.

- 7.2 SPP 2.10 and Policy 45 require proposed changes of use to enhance the public's access to and enjoyment of the river. In changing the function of the jetty to allow for commercial operations, public access to Point Fraser is likely to improve, with non-boat owners able to arrive by water taxi. Hire and drive vessels (e.g. barbeque boats) are designed to increase the diversity of activities available to the public at Point Fraser and will support the already established bike and kayak hire facility.
- 7.3 It is not anticipated that significant additional parking demand will be generated by the proposed change of use.
- 7.4 SPP 2.10 states that public access to the river and foreshore should be maintained while protecting the river; however, there is a risk that commercial operations could impede public access to and from the jetty if the activities are not regulated. Approval of this application will require a renegotiation of the lease agreement with DBCA, where the applicant will need to, for example, demonstrate that public access is not impeded.
- 7.5 While it is anticipated that the proposal will not prevent safe and convenient movement of pedestrians around the locality, further detail is warranted that demonstrates how public thoroughfares are able to be maintained while identifying locations where paying customers are able to safely congregate. A Public Movement Plan will address this issue and is recommended as a condition of the approval.

#### **Environmental protection**

- 7.6 The use of hire and drive vessels, such as barbeque boats, must be undertaken in a safe and environmentally sensitive manner. The operation of these types of vessels are regulated to ensure that no emissions, effluent or rubbish from these vessels end up in the Riverpark.
- 7.7 Overnight berthing of commercial vessels can result in an increased potential for vandalism which can contribute to potential pollution of the waterway and perceptions of reduced safety within the area. The operator will be responsible for security on the site. Further, maintenance responsibilities to ensure the removal of rubbish at regular intervals will be addressed through obligations in leasing agreements and commercial operator approvals.

#### **Management of commercial activities**

- 7.8 Given that the proposed commercial berths will be used by commercial operators, it is important to advise that approval is required from DBCA to operate within the Riverpark.
- 7.9 Barbeque boats, which are small vessels available for public hire that do not require a recreational skipper's licence, have been identified as a possible business operation from the commercial component of the berth. The operation of individual businesses will be managed through leasing agreements and commercial operator approvals.

- 7.10 Public access for pedestrians and cyclists around the lease area must be maintained, and congestion from commercial operations should not hinder pedestrian or cyclist movement.
- 7.11 Pursuant to the requirements of the SCRM Act, all commercial operators engaged under this approval will be required to operate in accordance with applicable approvals. This will ensure that all operators comply with safe and responsible activities.

#### **Amendment of existing lease**

- 7.12 The proposed change of use will require an amendment of DBCA's River reserve lease to accommodate 50 per cent of the berthing facility being used exclusively for commercial purposes.

### **8.0 SWAN RIVER TRUST**

- 8.1 In accordance with section 75(3A) of the SCRM Act, the Trust considered DBCA's draft report at its meeting on 26 October 2021 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. As part of its considerations, the Trust also requested that DBCA further consider the current public use of the public berths prior to advertising the draft report.
- 8.2 In response to the Trust's request, DBCA further discussed the proposal with the applicant and DoT and undertook informal observation of usage of the current facility. It is important to note that the facility has only been operational since May 2021. As such, there is limited data or observations relating to usage of the berthing facility. However, based on the information available, current usage of the facility is predicted to be between 25 and 33 per cent capacity (10 berths). Accordingly, it appears that converting half of the facility (i.e. five berths) to commercial use will not impact public use.

### **9.0 CONCLUSION**

- 9.1 Ministerial Determination 2020/0425 dated 19 August 2020 provided for approval for this berth as a public facility (i.e. not for the berthing of commercial businesses). In particular, Condition 13 stated the following:

*The berthing facility and associated pens shall remain available for use and access by the broader public. No fees are permitted to be charged for the berthing of vessels. The jetty is for short-term berthing only and not to be used as a home berth.*

- 9.2 It is proposed that 50 per cent of the existing berths now be designated for the exclusive use of river based commercial operators where the applicant may impose a berthing fee upon such commercial operators. It is expected that overnight berthing of, for example, hire and drive commercial vessels may occur and will be subject to approvals with appropriate conditions. All commercial operations will be subject to separate commercial approval requirements as per the provisions of the SCRM Act and Swan and Canning Rivers Management Regulations 2007.
- 9.3 To the extent that this approval is inconsistent with Ministerial Determination 2020/0425 dated 19 August 2020, this approval will prevail.



- 9.4 Subject to compliance with appropriate conditions, the proposal will maintain safe and convenient public access and is in keeping with the local setting of the site as a restaurant and entertainment precinct within the foreshore and River reserve.
- 9.5 It is anticipated that the proposed change in use will increase opportunities for a wider range of recreational activities to be made available to the public. The Point complex should continue to grow as a key activity node and become an important facility that offers patrons experiences along this section of the Swan River, providing improved social and environmental outcomes.
- 9.6 Potential environmental impacts from the hire and drive vessels can be addressed through the preparation and approval of vessel maintenance plans, hire and drive instructions and sub-lease agreements, which are able to be provided in subsequent amendments to the lease agreement and approvals for commercial operations.
- 9.7 For these reasons, the proposal is recommended for approval, subject to conditions and advice.

#### **10.0 RECOMMENDATION – APPROVAL WITH CONDITIONS**

That the Director General of DBCA recommends to the Minister for Environment that City Foreshore Investments Pty Ltd's application to change the use of the berthing facility, located on the Swan River (Reserve 48325) and adjacent to Lots 305, 306 and 307 Riverside Drive, East Perth, Point Fraser, as described in the application received on 2 September 2021 or otherwise amended through conditions, be approved, subject to the following conditions:

#### **CONDITIONS**

1. Approval to implement this decision is valid for two (2) years from the date of the approval. If the approval has not substantially commenced within this period, a new approval will be required (refer to **Advice Note 1**).
2. At least five berths are to remain available for use by the public at all times, unless otherwise agreed with the Department of Biodiversity, Conservation and Attractions.
3. The applicant shall ensure that all commercial operators engaged under this approval have the appropriate approvals to operate within the Swan Canning Riverpark.

#### **Prior to commencement of commercial operations**

4. Prior to commencement of commercial operations, prepare and implement a Public Movement Plan as approved by the Department of Biodiversity, Conservation and Attractions (refer to **Advice Notes 2 and 3**).
5. Prior to commencement of commercial operations, City Foreshore Investments Pty Limited's River reserve lease is to be amended to facilitate the implementation of this approval which allows for the commercial use of five berths on the northern side, and public use of five berths on the southern side of the complex (refer to **Advice Notes 4 and 5**).

### On-going

6. The applicant is advised that prior to commencement of commercial activities, commercial operators are to obtain approval to operate within the Swan Canning Riverpark in accordance with the requirements of the *Swan and Canning Rivers Management Act 2006*.
7. The applicant shall undertake on-going monitoring and maintenance of the berthing facilities in accordance with the Monitoring and Maintenance Plan approved by the Department of Biodiversity, Conservation and Attractions on 29 March 2021.

### ADVICE NOTES

1. With Regard to **Condition 1**, the approval will be considered to have been substantially commenced in the event that **Conditions 4 and 5** have been fully implemented.
2. Notifications and plans can be emailed to [rivers.planning@dbca.wa.gov.au](mailto:rivers.planning@dbca.wa.gov.au).
3. In regard to **Condition 4**, the Public Movement Plan is to demonstrate:
  - a) what measures will be put in place around the berthing facilities to maintain safe passage of pedestrians and passengers during embarking and dis-embarking activities; and
  - b) identify locations where river vessel patrons are able to safely congregate without impeding public movement.
4. In regard to **Condition 5**, an amendment of the River reserve lease is required to:
  - a) review lease fees based on the operation of the commercial berthing pens;
  - b) address the leaseholder's responsibility for providing ongoing management of the berthing facility and short-term berthing pens;
  - c) ensure public berthing pens are only used for short-term berthing of private vessels and that no overnight berthing of private vessels is allowed;
  - d) ensure that at least five berth pens are maintained as a public use at all times;
  - e) clarify that it is the lessee's responsibility to ensure that commercial operators operating from the commercial berthing pens have obtained approval from the Department of Biodiversity, Conservation and Attractions to operate within the Swan Canning development control area;
  - f) clarify that a Department of Biodiversity, Conservation and Attractions sub-lease and Department of Transport jetty sub-licence may be required for each commercial operator operating from the commercial berthing pens; and
  - g) obtain approval for any signage/advertising signage requires Department of Biodiversity, Conservation and Attractions approval, including for ticket sales.
5. In regard to **Condition 5**, the leaseholder shall be responsible for all legal costs associated with the amendment of the lease and shall also be required to prepare and implement an amended Environmental Management System to the satisfaction of the Department of Biodiversity, Conservation and Attractions. This approval does not authorise the applicant to carry out any other works/activity besides the scope of these approved works.

6. It is acknowledged that as a result of this Determination, that condition 13 of Ministerial Determination 2020/0425 dated 19 August 2020 is superseded (*viz: The berthing facility and associated pens shall remain available for use and access by the broader public. No fees are permitted to be charged for the berthing of vessels. The jetty is for short-term berthing only and not to be used as a home berth*). This Determination thereby allows for 50 per cent of the existing berths to be set aside for the exclusive use of river based commercial operators and that the applicant may impose a berthing fee upon such commercial operators.

FINAL REPORT ENDORSED

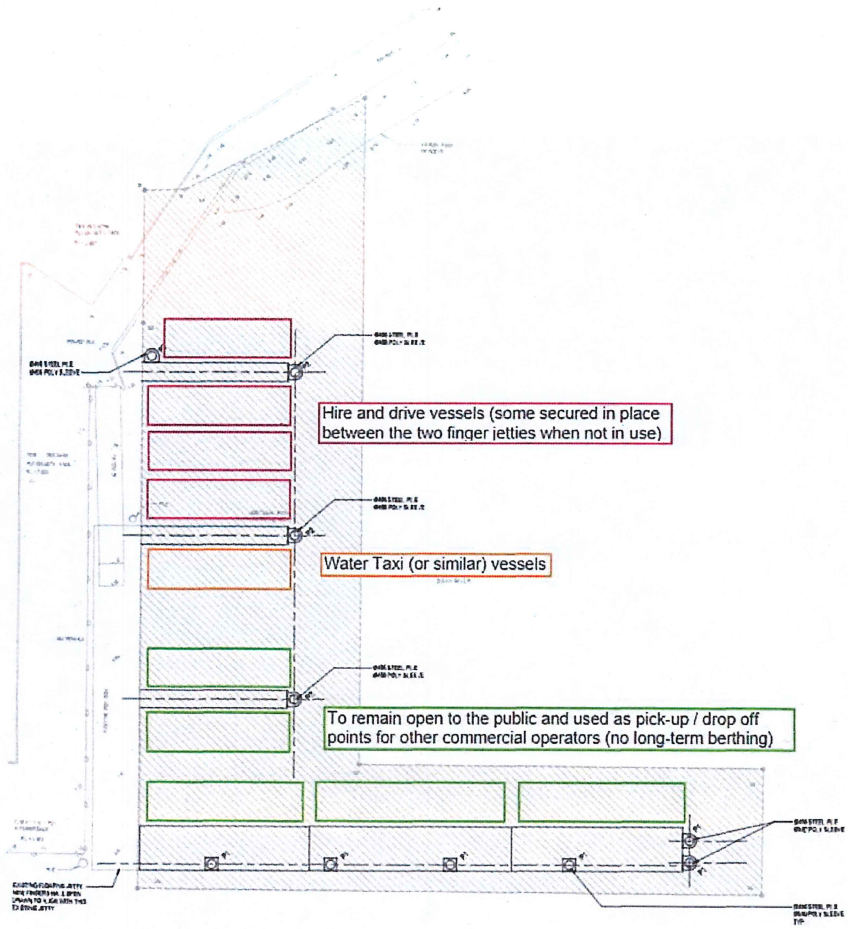
Signed:  Date: 3/6/22

Mark Webb  
Director General

2021 – Part 5 – On the Point Riverside Drive Point Fraser – Change of use to allow 50 per cent berthing facility to be used for commercial berthing – City Foreshore Investments Ltd



Figure 1: Point Fraser Location



JETTY LAYOUT  
1:50

A notice is hereby given that the proposed construction of the On the Point, Swan River Extension Stage 2, Jetty and Marine facilities is subject to the approval of the Department of Planning, Lands and Heritage. The Department will consider any objections to the proposed construction of the facilities and will advise the applicant of its decision.



LOCATION MAP  
1:50

PILE SCHEDULE		
NO.	TYPE	EST. QUANTITY
1	SHS 1000 PILE	10
2	SHS 700 x 60 PILE	10

NO.	DESCRIPTION	EST. QUANTITY	UNIT
1	CONCRETE	100	CUM
2	STEEL	50	TONNES



8 SOUTH | 6 SA BAY | 11 WEST | 14 PORT PHOENIX

ON THE POINT  
ON THE POINT, SWAN RIVER EXTENSION STAGE 2

JETTY LAYOUT AND SECTION

PC20119 | ST-01.01 | B



City of Perth

Mr Glen McLeod-Thorpe  
Manager Statutory Assessments  
Department of Biodiversity, Conservation and Attractions  
Locked Bag 104  
Bentley Delivery Centre WA 6983

Dear Mr McLeod-Thorpe

**25 (LOT 301) RIVERSIDE DRIVE, EAST PERTH - CHANGE OF USE OF 50 PER CENT OF THE BERTHING FACILITY AT POINT FRASER FOR COMMERCIAL BERTHING**

Thank you for your email dated 27 August 2021 referring an application for the change of use of 50 per cent of the berthing facility at Point Fraser for commercial berthing to the City for comment.

It is advised that the City supports this proposal as shown on the plans and documentation received on 27 August 2021. The applicant should be advised that the City's advice does not relate to the grant awarded by the City for the development of the berthing facilities and compliance with any conditions associated with this grant is the subject of a separate process with the City.

Jasmine Hancock of the City's Development Approvals Unit is available on (08) 9461 3106 to assist you with any further queries you may have relating to this matter.

Yours sincerely

**JULIA KINGSBURY**  
**ALLIANCE MANAGER DEVELOPMENT APPROVALS**

6 October 2021

**Enquiries to:**

Jasmine Hancock  
Development Approvals Unit  
Our Ref: DA-20215237  
DBC Ref: 2021/2130

27 St Georges Terrace, Perth WA 6000  
T (08) 9461 3333 E [info.city@cityofperth.wa.gov.au](mailto:info.city@cityofperth.wa.gov.au)  
ABN 83 780 118 628

## PRELIMINARY ADVICE

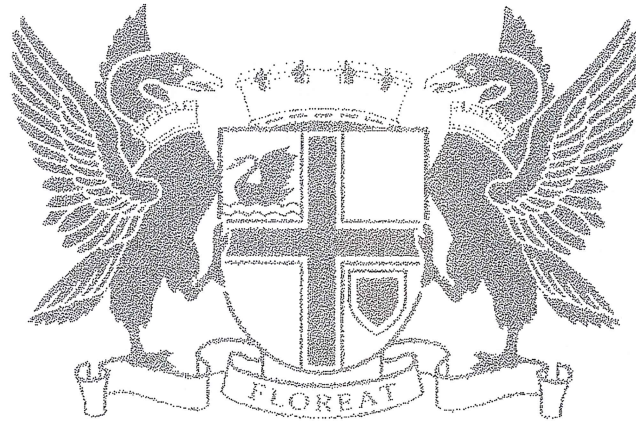
DA-2021/5237

25 Riverside Drive, EAST PERTH

### BUILDING ADVICE

#### BUILDING PERMIT NOT REQUIRED

A building permit is not required to be submitted to the City.



City of Perth

**Paul Tholen**

---

**From:** Navigational Safety <Navigational.Safety@transport.wa.gov.au>  
**Sent:** Monday, 20 September 2021 3:34 PM  
**To:** Rivers Planning  
**Cc:** Paul Tholen; Navigational Safety; Maritime Planning; Davies, Kathryn  
**Subject:** RE: EXTERNAL REFERRAL - 2021/002130 - PART 5 - ON THE POINT RIVERSIDE DRIVE POINT FRASER - CHANGE OF USE TO ALLOW 50 PERCENT OF BERTHING FACILITY TO BE USED FOR COMMERCIAL BERTHING - CITY FORESHORE INVESTMENTS PTY LTD

**Attachments:** Signed application with marked plan.pdf

[External Email] This email was sent from outside the department – be cautious, particularly with links and attachments.  
Hi

**Re: 2021/002130 - Part 5 - On The Point Riverside Drive Point Fraser - change of use to allow 50 percent of berthing facility to be used for commercial berthing - City Foreshore Investments Pty Ltd**

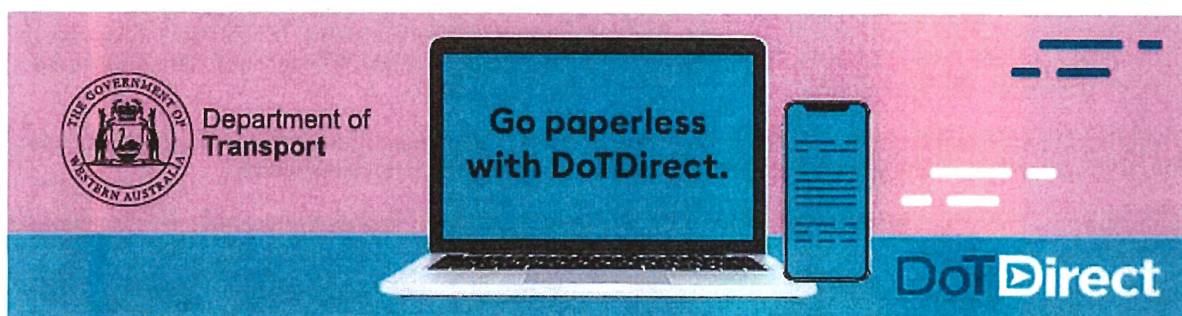
Thank you for the email below

The Department of Transport Maritime has reviewed this proposal and has no objection

Feel free to contact me on the number below if you have any questions

Kind Regards

**Sam Carrello**  
**Project Officer | Maritime | Department of Transport**  
Level 4, 5 Newman Court, Fremantle WA 6160  
Tel: (08) 0448353339 | Mob: 0448353339  
Email: [Sam.Carrello@transport.wa.gov.au](mailto:Sam.Carrello@transport.wa.gov.au) | Web: [www.transport.wa.gov.au](http://www.transport.wa.gov.au)



**From:** Rivers Planning <rivers.planning@dbca.wa.gov.au>  
**Sent:** Thursday, 26 August 2021 2:08 PM  
**To:** Navigational Safety <Navigational.Safety@transport.wa.gov.au>; Maritime Planning <maritimeplanning@transport.wa.gov.au>  
**Cc:** Paul Tholen <paul.tholen@dbca.wa.gov.au>; Rivers Planning <rivers.planning@dbca.wa.gov.au>  
**Subject:** RE: EXTERNAL REFERRAL - 2021/002130 - PART 5 - ON THE POINT RIVERSIDE DRIVE POINT FRASER - CHANGE OF USE TO ALLOW 50 PERCENT OF BERTHING FACILITY TO BE USED FOR COMMERCIAL BERTHING - CITY FORESHORE INVESTMENTS PTY LTD



**CAUTION:** This email originated from outside of DOT. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Apologies, I neglected to clarify that the public bays include short-term berthing as well, not just pick-up and drop-off. Please see highlighted additional text below.

**From:** Rivers Planning

**Sent:** Wednesday, 25 August 2021 4:37 PM

**To:** Navigational Safety <[Navigational.Safety@transport.wa.gov.au](mailto:Navigational.Safety@transport.wa.gov.au)>; [maritimeplanning@transport.wa.gov.au](mailto:maritimeplanning@transport.wa.gov.au)

**Cc:** Paul Tholen <[paul.tholen@dbca.wa.gov.au](mailto:paul.tholen@dbca.wa.gov.au)>

**Subject:** EXTERNAL REFERRAL - 2021/002130 - PART 5 - ON THE POINT RIVERSIDE DRIVE POINT FRASER - CHANGE OF USE TO ALLOW 50 PERCENT OF BERTHING FACILITY TO BE USED FOR COMMERCIAL BERTHING - CITY FORESHORE INVESTMENTS PTY LTD

Good afternoon,

**PART 5 - ON THE POINT RIVERSIDE DRIVE POINT FRASER - CHANGE OF USE TO ALLOW 50 PERCENT OF BERTHING FACILITY TO BE USED FOR COMMERCIAL BERTHING - CITY FORESHORE INVESTMENTS PTY LTD**

The Department of Biodiversity, Conservation and Attractions (DBCA) has received an application for the above-mentioned development. The application can be downloaded from our website here: <https://www.dbca.wa.gov.au/node/436>.

The proposal is for change of use to allow 50% of the lease area (the red and orange bays in the plans attached) of the berthing facility to be sub-leased by the lessee for commercial operators as below:

- The red bays will be for hire-and-drive type vessels (e.g. BBQ boats), which can safely (and tidily) be tied/secured together.
- The orange bays will be for small-scale ferry type transport vessels, which will be limited to how many can be secured appropriately to the finger jetty.

These red and orange bays will be for commercial berthing as above, and there is no limit to how long the vessels can remain in place (overnight berthing). The green bays will remain for public use and will be limited to pick-up and drop-off and short-term berthing (i.e. 3-4 hours maximum).

This proposal is for a change of use only; no building works, additional structures, or modifications to the jetty are proposed.

Your department is invited to provide comments and recommendations considered relevant to this proposal. Prior to the report being prepared, the application has been referred to relevant agencies for comments and advice. Accordingly, please provide a response to this office within 42 days of receipt of this email. Should you not be able to respond within this time, please notify the department as soon as possible, outlining the reasons for the delay and a date when a response may be available.

**Although 42 days are stated under the Swan and Canning Rivers Management Act 2006, an earlier response would be appreciated, considering that no development is proposed as part of the works.**

In preparing your response, please be aware that it may be made available for viewing by the public, unless otherwise requested.

Please forward your response via email to [rivers.planning@dbca.wa.gov.au](mailto:rivers.planning@dbca.wa.gov.au). Should there be any queries regarding this matter, please contact Paul Tholen, Environmental Officer, on 9278 0900. In all correspondence, please quote the reference number 2021/2130.

Regards,

**Carolyn Pearce**  
Administration Officer  
Rivers and Estuaries Branch  
Department of Biodiversity, Conservation and Attractions  
Phone: 08 9278 0921  
17 Dick Perry Avenue, Kensington WA 6151