



Swan and Canning Rivers Management Act 2006

SECTION 84

DETERMINATION OF REQUEST FOR VARIATION

APPROVAL NUMBER : SRT2767
SECTION 84 FILE NUMBER : 2018/4866
APPLICANT : Peter Malcolm – on behalf of the Nedlands Rugby Union
Football Club
APPLICANT'S ADDRESS : PO Box 3113, Broadway, Nedlands WA 6009
LANDOWNER : City of Nedlands
LAND DESCRIPTION : Lot 5168 (Charles Court Reserve 22527) Esplanade,
Nedlands
DEVELOPMENT : Extensions, renovations and modifications to clubrooms
DESCRIPTION OF CHANGES : Amendment to Condition 9 – number of people permitted
in the liquor licence area
SECTION 84 DETERMINATION : **APPROVAL WITH CONDITIONS**

In accordance with section 84(1)(a) of the *Swan and Canning Rivers Management Act 2006*, I hereby:

1. Authorise the minor variation to Development Approval SRT2767 to allow for an amendment to Condition 9.
2. Grant this section 84 approval with the understanding that the development was completed in 2012 and all conditions and advice notes of Development Approval SRT2767 shall remain unchanged and enforced where applicable; with the exception of Condition 9, which shall be amended as follows.

AMENDED CONDITIONS

9. The number of people permitted in the liquor licensed area at any time shall be compliant with the Certificate of Approval issued by the City of Nedlands in accordance with section 178(1) of the *Health Act 1911*.

Hon Stephen Dawson MLC
MINISTER FOR ENVIRONMENT

Date: 1/4/19



Your Ref
Our Ref SRT2767
Enquiries

Swan and Canning Rivers Management Act 2006

PART 5

DETERMINATION OF DEVELOPMENT APPLICATION

APPLICANT : Garry Ash – Chairperson, Building Committee
Nedlands Rugby Union Football Club

APPLICANT'S ADDRESS : PO Box 438, Hillarys WA 6923

LAND OWNER : City of Nedlands

LAND DESCRIPTION : Lot 5168 (Charles Court Reserve 22527)
Esplanade, Nedlands

DEVELOPMENT : Extensions, renovations and modifications to
clubrooms

FORM 1 DATE : 16 June 2009

FORM 1 RECEIVED : 19 June 2009

PLANS RECEIVED : 19 June 2009, 31 July 2009

LOCAL GOVERNMENT : City of Nedlands

DETERMINATION : **APPROVAL WITH CONDITIONS**

The application to commence development in accordance with plans received 19 June 2009 and 31 July 2009 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 the development has not been completed or substantially commenced within this period, a new approval will be required before commencing or completing the development.
2. The applicant shall notify the Swan River Trust General Manager in writing not less than fourteen days (14) prior to the commencement of works.
3. No fill, building materials, rubbish or any other deleterious matter shall be allowed to enter the river as a result of the development.
4. Upon completion of the development, all waste materials shall be removed and the site cleaned-up to the satisfaction of the General Manager, Swan River Trust.
5. Works associated with the development must not prevent public access along the foreshore reserve unless closure is necessary for safety purposes and has been approved by the General Manager, Swan River Trust.

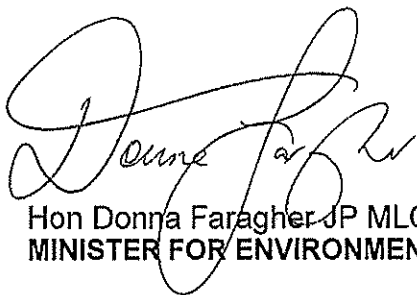
6. Prior to the commencement of development, a construction management plan shall be prepared to the satisfaction of the General Manager, Swan River Trust on advice from the City of Perth (see **Advice Note 6**).
7. The approved construction management plan required under **Condition 6** shall be implemented.
8. The maximum number of Nedlands Rugby Club members shall not exceed 470 persons, comprising of a maximum of not more than 280 playing senior members.
9. The number of people permitted in the liquor licensed area at any time shall be limited to 200.
10. A maximum of 6 private functions per year shall be held at the premises. See **Advice Note 2**.
11. The use of the club premises by its members or any other person or group shall be limited to the hours between 7am and 10pm daily, except for up to six (6) private functions per year for which an Extended Trading Licence Permit is granted, on which occasions the facility can be used between 10pm and 12am provided all activity is contained within the building.
12. No Council infrastructure shall be interfered with including the relocation of existing light poles, except for one (1) training light pole required to be removed and reinstated to accommodate the new footprint of the facility.
13. Two additional car parking bays are to be provided in accordance with D81.09 – Parking Concept Plan 1.
14. The twelve (12) existing car parking bays at the northern end of the existing car parking area shall be redesigned and modified to ensure that all of the 12 bays can be adequately accessed, to the satisfaction of the General Manager, Swan River Trust on advice from the City of Nedlands.
15. If the proposal results in the skip bin currently on-site being made inaccessible, the applicant shall provide a suitable alternative location for the bin storage.
16. Adequate measures to protect existing trees during construction shall be taken and notated on the building licence application, and in the construction management plan required under **Condition 6**.
17. No trees are to be removed or interfered with without approval of the General Manager, Swan River Trust and the City of Nedlands (see **Advice Note 5**).
18. The sea container shall be removed from the site prior to use of the extended portion of the building.
19. Any fill used in the development shall be clean fill, graded and stabilised to the satisfaction of the General Manager, Swan River Trust.

20. No materials or equipment shall be stored outside the buildings upon completion of works.

ADVICE TO APPLICANT

1. Any additional development which is not in accordance with the original application or conditions of approval, as outlined above will require further approvals.
2. In relation to **Condition 10**, a 'private function' is defined as a social function arranged by a person or group of persons in their private capacity to entertain friends and family.
3. The Rugby Club is permitted to make additional parking available for a maximum of 70 bays during the eight (8) home fixtures per season (April to September) by roping off a grassed area in the vicinity of the maintenance gate opposite the intersection with Bessell Avenue, in consultation with the City of Nedlands.
4. The additional parking referred to in **Advice Note 3** shall be available for a temporary time period only until 30 June 2010, with the option to extend this time with the approval of the City of Nedlands.
5. If the removal of any trees is approved as per **Condition 17**, the applicant will be required to replant a minimum number of suitable locally native replacement trees in the vicinity, to the satisfaction of the Swan River Trust and the City of Nedlands.
6. The construction management plan required under **Condition 6** should address the following issues:
 - refuelling of machinery (location, methods, use of bunding and spill response kits);
 - the delivery of materials and equipment to the site;
 - the storage of materials and equipment on the site;
 - the parking arrangements for the contractors and subcontractors;
 - prevention of rubbish, litter or building materials entering the river;
 - the protection of public infrastructure in the reserve adjacent to the site;
 - public safety around the site during construction works;
 - methods for protection existing vegetation;
 - details and management of any excavation works required;
 - identification and management of any acid sulphate soil risks;
 - management of complaints and incidents;
 - any other matters likely to impact on the foreshore, verges, footpaths and road reserves.
7. The applicant is advised that works should comply with the *Environmental Protection (Noise) Regulations 1997* and that the movements of construction vehicles should be managed to minimise disruption to the surrounding residents at all times.

8. **Condition 14** will lapse if the City's proposal to extend the existing car parking area to develop 22 additional car parking bays can be realised.
9. The applicant is advised to contact the Department of Indigenous Affairs to ensure that the proposed works do not breach any section of Part IV (Protection of Indigenous Sites) of the *Aboriginal Heritage Act 1972*.
10. The applicant is advised that DIA have recommend the proponent conduct a thorough consultation with all relevant Aboriginal parties to identify the location of all recorded and unrecorded heritage sites in the area (including land in the vicinity of the project but outside the proposal footprint), and assess the risks of potential impacts on heritage values in this area. Should the applicant wish to continue with the proposal without further investigation of heritage values in the area, on the basis that it is unlikely that there are any unrecorded sites located in the area, they may do so however they run the risk of a potential breach of section 17 of the *Aboriginal Heritage Act 1972*.



Hon Donna Faragher JP MLC
MINISTER FOR ENVIRONMENT; YOUTH

Date: 8/1/2010