



*Swan and Canning Rivers Management Act 2006*

**SECTION 84**

**DETERMINATION OF REQUEST FOR VARIATION**

APPROVAL NUMBER : SRT6106  
SECTION 84 FILE NUMBER : 20146/3057  
APPLICANT : Swan Yacht Club  
APPLICANT'S ADDRESS : Attn: Damien Gasper, Managing Secretary  
PO Box 20  
PALMYRA WA 6957  
LANDOWNER : Town of East Fremantle  
LAND DESCRIPTION : Parks & Recreation reserve – Lot 10105 on Plan 214976,  
Lot 7771 on Plan 169877, Lot 10106 on Plan 214976 and  
Lot 8661 on Plan 212139 (Reserve 27376 and 27377)  
Riverside Road, East Fremantle  
DEVELOPMENT : Refurbishment and Extension to Club House at the Swan  
Yacht Club  
DESCRIPTION OF CHANGES : Minor variations to development approval involving the  
installation of two above ground water tanks, fire pump  
room, fire hydrants and booster.  
PLANS : SYC-A.01 REV 5 (SITE PLAN PROPOSED)  
SECTION 84 : **APPROVAL WITH CONDITIONS**  
DETERMINATION

**DETERMINATION**

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

1. Authorise the minor variations to Development Approval SRT6106 to allow for the extension and refurbishment, and associated landscaping works to the Club House, in accordance with the Section 84 application submitted by the Swan Yacht Club.
2. Grant this Section 84 approval subject to compliance with all the following conditions and advice notes. All conditions and advice notes shall apply and remain in force for the duration of the approval period.

**Prior to the commencement of works**

3. Approval to implement this decision is valid for two (2) years from the date of the approval. If the development has not been substantially commenced within this period, a new approval will be required before commencing or completing the development.
4. The applicant shall notify the Department of Parks and Wildlife in writing not less than 30 days prior to the commencement of works.

5. Prior to the commencement of works, a Revised Construction Management Plan shall be submitted to, and approved by the Department of Parks and Wildlife (see **Advice Note 3**).
6. Prior to the commencement of works, a Revised Stormwater Management Plan shall be prepared and approved by the Department of Parks and Wildlife on advice from the Town of East Fremantle (see **Advice Note 4**).
7. Prior to the commencement of works, a Revised Landscaping Management Plan shall be prepared and approved by the Department of Parks and Wildlife on advice from the Town of East Fremantle (see **Advice Note 5**).
8. Prior to the commencement of works, the applicant shall provide a revised plan detailing the external colours, building materials and finishes for all proposed new buildings and renovations, including the design concept of the pre-cast concrete panels, to the satisfaction of the Department of Parks and Wildlife on advice from the Town of East Fremantle (see **Advice Note 6**).
9. Prior to the commencement of works, a Lighting Plan shall be submitted to the Department of Parks and Wildlife for approval (see **Advice Note 7**).
10. Prior to any fill and/or top soil being brought onto the site, the applicant shall demonstrate that all material is certified clean, uncontaminated and free from rubble, weeds and disease.

#### **During works**

11. Works shall be carried out in accordance with all approved plans (**Conditions 5 to 9**).
12. Works associated with the development must not prevent public access along the pathway and foreshore reserve unless closure is necessary for safety purposes and has been approved by the Department of Parks and Wildlife.
13. The applicant shall take appropriate preventative measures during the works to ensure that no top soil, runoff or any other deleterious matter is allowed to enter the river.
14. The applicant shall ensure that no damage to the foreshore, riverbank, or waterway (including infrastructure) occurs beyond the scope of the approved works. Should any inadvertent damage occur, the applicant is required to notify the Department of Parks and Wildlife within 48 hours.

#### **On completion of works**

15. Upon completion of the works, all waste materials, equipment and machinery shall be removed and the site cleaned up to the satisfaction of the Department of Parks and Wildlife.

#### **On-going monitoring**

16. All dinghies are to be removed from the foreshore and stored in the dinghy storage area within 12 months from the issue of this approval.
17. The clubhouse building shall be kept clean and free of graffiti and vandalism at all times and any such graffiti or vandalism be remedied within 24 hours to the satisfaction of the Department of Parks and Wildlife on advice from the Town of East Fremantle.
18. All car parking, trailer and boat storage are to be contained within the defined hardstand area of the car park.

## ADVICE TO APPLICANT

1. Notification of commencement of work and report submissions can be emailed to [rivers.planning@dpaw.wa.gov.au](mailto:rivers.planning@dpaw.wa.gov.au).
2. To allow sufficient time for the Department of Parks and Wildlife to consider and approve the plans required under Conditions 5 to 9, they should be submitted to the Department of Parks and Wildlife no later than 30 days prior to the expected commencement date.
3. The Revised Construction Management Plan required under **Condition 5** shall address as a minimum:
  - a. scope of works;
  - b. site access;
  - c. machinery, equipment and materials to be used;
  - d. on-site storage and bunding of materials, equipment, chemicals and fuel;
  - e. details of excavation and any stockpiling of soil and fill materials;
  - f. acid sulphate soil management;
  - g. means of protecting the waterway from inputs of deleterious matter;
  - h. sediment management;
  - i. protection of foreshore and vegetation;
  - j. public access and safety;
  - k. waste management; and
  - l. schedule of works.

The plan should address the potential environmental impacts associated with the additional works for the installation of the fire services equipment. Where relevant the plan should also include timeframes and responsibility for tasks identified. The Department of Parks and Wildlife should be notified immediately on 9219 9000 in the event of any pollution or spills.

4. The applicant is advised that the Revised Stormwater Management Plan required under **Condition 6** should illustrate how gross pollutants and hydrocarbons will be prevented from entering the waterway. The revised plan should also address the additional stormwater runoff generated from the fire services infrastructure (i.e. water tanks and fire pump room).

Water Sensitive Urban Design principles should be incorporated to manage the increase in runoff and the existing flow/drainage regimes on the site. Stormwater management systems should be designed in a manner that will enhance the quality of water leaving the site through the use of Water Sensitive Urban Design techniques. Further information is available from the Department of Water's *Water Sensitive Urban Design Brochure Series*.

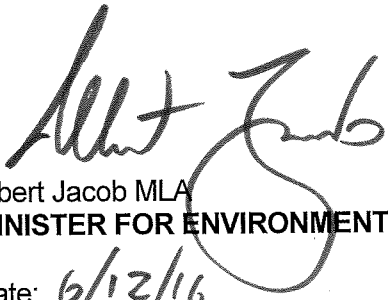
The Town of East Fremantle advises that all stormwater is to be disposed of on-site, and an interceptor channel installed if required.

5. The Revised Landscaping Management Plan required under **Condition 7** should reflect the Revised Stormwater Management Plan in regards to features of water sensitive urban design. The Town of East Fremantle advises that provisions for bicycles should also be included in the plan. Should the Swan Yacht Club proceed with the plans to install a children's playground, this will also need to be incorporated in the Landscaping Management Plan. The plan should also demonstrate that the proposed fire services infrastructures (i.e. water tanks and fire pump room) are adequately screened from view on the Riverside Road streetscape.
6. With regard to **Condition 8**, the applicant is advised that the selected building materials and colour scheme for the development should be of a low reflective standard, and reflect the character and landscape setting of the Swan River and surrounding foreshore. The

detailed drawings for the fire services infrastructures (i.e. water tanks and fire pump rooms) should also be included.

7. In relation to **Condition 9**, lighting should be low level and designed to illuminate the club house with minimal light spill on the water or upward to the sky to ensure no adverse ecological consequences.
8. The applicant is advised that the Swan Yacht Club's Environmental Management System should be updated on completion of these works to reflect the changes and new stormwater treatment systems installed.
9. The applicant is advised that it is an offence under the *Swan and Canning Rivers Management Regulations 2007* to destroy, pull up, cut back or injure any tree, shrub, aquatic plant or other perennial plant that is in the Riverpark or the Swan Canning Development Control Area without prior approval from the Department of Parks and Wildlife.
10. The applicant is advised that the proposed works are located within a moderate to low acid sulphate soil (ASS) risk areas. The Acid Sulphate Soils Guideline Series for guidance on the identification, assessment and management of acid sulphate soils in Western Australia is available from the Department of Environment Regulation website at [www.der.wa.gov.au](http://www.der.wa.gov.au). If any ASS is exposed during the works, the Contaminated Sites Branch of the Department of Environment Regulation should be contacted for further advice on 1300 762 982.
11. The Department of Environment Regulation, Contaminated Sites Branch, advises that the Swan Yacht Club land area is classified under the *Contaminated Sites Act 2003* as 'possibly contaminated – investigation required'. If groundwater is being, or is proposed to be abstracted (e.g. for dust suppression), the Department of Environment Regulation recommends that analytical testing should be carried out to determine whether the groundwater is suitable for its intended use.
12. The applicant is advised that the proposal has the potential to be affected by sea level rise. It is recommended that applicants understand the implications of potential sea level rise on the site. The onus rests with the applicant to undertake a risk assessment and exercise their judgment in determining the level of risk they are prepared to accept.  
  
The Department of Parks and Wildlife's Climate Change Risk Assessment Project (2010) models impacts of potential sea level rise in the Swan and Canning Rivers, and sets out a methodology to assess the vulnerability of foreshore areas. While mapping information is available from the Department of Parks and Wildlife, it is also recommended that applicants undertake their own research and obtain appropriate independent professional advice relevant to the particular circumstances.
13. The Town of East Fremantle advises that this approval is issued on the proviso that the Swan Yacht Club acknowledge that the development and site may in the future be subject to the environmental consequences of sea level rise and contaminants associated with past activities and agrees to indemnify the Town of East Fremantle from any liability arising from these consequences now and in the future to the satisfaction of the Town of East Fremantle.
14. The Town of East Fremantle advises that this decision does not include acknowledgement or approval of any unauthorised development that may be on the site.
15. The proposed development is to be only operated in whole and in part by the Swan Yacht Club to the satisfaction of the Town of East Fremantle.

16. The Town of East Fremantle advises that the application for a Building Permit is to conform to the approved plans unless otherwise approved by Council. The proposed works are not to be commenced until Council has received an application for a Building Permit and the Building Permit issued in compliance with the conditions of this planning approval unless otherwise amended by Council.
17. With regards to the plans submitted with respect to the Building Permit application, changes are not to be made in respect of the plans which have received planning approval, without those changes being specifically marked for Council's attention.
18. If development requires any street verge facilities (e.g. street trees, footpath, crossover, light pole, drainage point or similar) to be removed, modified or relocated then such works must be approved by the Town of East Fremantle and if approved, the total cost to be borne by the applicant. Council must act reasonably and not refuse any reasonable proposal for the removal, modification or relocation of such facilities or services (including, without limitation any works associated with the proposal) that are required by another statutory or public authority.
19. No signage (with the exception of the Swan Yacht Club logo) is approved under this application. A separate application is required for any proposed signage. All signage to comply with the Town of East Fremantle's Local Planning Policy Design Guidelines – Signage and the Department of Parks and Wildlife's Corporate Policy Statement 45 – *Planning for Miscellaneous Structures and Facilities in the Swan Canning Development Control Area*.
20. Matters relating to dividing fences are subject to the *Dividing Fence Act 1961*.
21. All noise levels produced by the construction of the development are to comply with the provisions of the *Environmental Protection (Noise) Regulations 1997* (as amended).
22. Under the *Environmental Protection (Noise) Regulations 1997*, the noise from an air-conditioner must meet assigned allowable noise levels at all times. The *Environmental Protection Act 1986* sets penalties for non-compliance with the Regulations and the installer of noisy air-conditioner can face penalties of up to \$5000 under Section 80 of the Act. Refer to Department of Environmental Protection document – 'An installers Guide to Air Conditioner Noise'.
23. If requested by the Town of East Fremantle within the first two years following installation, the roofing is to be treated to reduce reflectivity, to the satisfaction of the Town of East Fremantle and all associated costs to be borne by the owner.

  
Albert Jacob MLA  
**MINISTER FOR ENVIRONMENT; HERITAGE**  
Date: 6/12/16