


Swan and Canning Rivers Management Act 2006
PART 5
DETERMINATION OF DEVELOPMENT APPLICATION

FILE NUMBER	:	2024/0927
APPLICANT	:	George Hajjgabriel, Rowe Group on behalf of the landowner 26 Jutland Parade, Dalkeith
LANDOWNER	:	Crown land under management of City of Nedlands
LAND DESCRIPTION	:	Lot 8378 Diagram 35070 (Crown reserve 24959) Jutland Parade, Dalkeith
DEVELOPMENT	:	Stairway and revegetation in public foreshore land
VALID FORM 1 RECEIVED	:	19 March 2024
DETERMINATION	:	APPROVAL WITH CONDITIONS

The application to commence development in accordance with the information received on 3 March 2025, and amended plans and information received on 11 March 2025 and 19 March 2025 is APPROVED subject to the following conditions:

1. Approval to implement this decision is valid for three (3) 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 in writing not less than seven (7) days prior to the commencement of works (**Advice Note 1**).
3. The final design plans/drawings and technical specifications, including details of the external colours, finishes and materials shall be submitted to and approved by the Department of Biodiversity, Conservation and Attractions on advice of the City of Nedlands prior to the commencement of works (**Advice Note 1**).
4. 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 of the City of Nedlands prior to commencement of works (**Advice Notes 2 and 3**).
5. All works are to be undertaken in accordance with a Foreshore Management Plan which is to be submitted to and approved by the Department of Biodiversity, Conservation and Attractions on advice of the City of Nedlands prior to the commencement of construction (**Advice Note 4**).
6. Prior to the commencement of works, all significant vegetation to be retained in and adjacent to the authorised work site shall be identified and protected by installation of Tree Protection Zones in accordance with Australian Standard AS 4970-2009 - Protection of trees on development sites.
7. Prior to the commencement of works, the applicant shall enter into an Asset Management Agreement, or similar Deed of Agreement, with the City of Nedlands to the satisfaction of the Department of Biodiversity, Conservation and Attractions indemnifying the City from any damage or injury arising from the approved infrastructure constructed in the public place during the period where any works are being carried out (either in the construction

phase or at the time when maintenance works are being undertaken). The deed should also detail the applicant's obligations for the construction management and maintenance for the approved works. The agreement shall be prepared by the City's solicitors to the satisfaction of the City, and at the cost of the applicant (**Advice Note 5**).

8. The cost of all works within the foreshore associated with the development, including the removal and disposal of existing infrastructure, are to be borne by the applicant.
9. The authorised works shall not prevent public access along the foreshore reserve unless temporary closure is necessary for safety purposes. In the event public access is limited by the works, a clearly signed, safe alternative route shall be provided.
10. Prior to commencement of works, a Signage and Access Plan shall be submitted to and approved by the Department of Biodiversity, Conservation and Attractions on the advice of the City of Nedlands (**Advice Note 6**).
11. All stormwater discharge from the development shall be contained and disposed of on-site unless otherwise approved by the Department of Biodiversity, Conservation and Attractions on the advice of the City of Nedlands.
12. Prior to issue of a Building Permit, an external lighting plan shall be submitted to and approved by the City of Nedlands. External lighting shall comply with the requirements of Australian Standard 4282 – Control of Obtrusive Effects of Outdoor Lighting to the satisfaction of the City of Nedlands.
13. The development is to comply with Australian Standard AS2156.2 Walking Tracks – Infrastructure Design and Australian Standard AS1428 Design for Access and Mobility.

ADVICE NOTES

1. Notifications can be emailed to rivers.planning@dbca.wa.gov.au.
2. Regarding **Condition 4**, 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 – Construction Environmental Management Plans](#) (the PDF will download automatically) and [Policies, plans and guidelines | Department of Biodiversity, Conservation and Attractions](#).
3. Regarding **Condition 4**, the CEMP should also include details regarding but not limited to:
 - Staged demolition and construction methodology
 - Staging of weed removal
 - Machinery and equipment management (including refuelling protocols)
 - Access to the site, including by machinery along the foreshore / public reserve
 - Public access, fencing, signage and safety
 - Installation of wayfinding signage
 - Minimisation of noise and vibration impacts on nearby residents and the general public
 - Maintenance, monitoring and reporting
4. Regarding **Condition 5**, the Foreshore Management Plan should include details regarding but not limited to:
 - The location and details of the planting densities and species composition proposed (noting that appropriate local native species should be planted in riparian zones at a ratio of 500:50:5 herbs/sedges:shrubs:trees for each 100m²)
 - A schedule of works
 - Weed control, including target species and any chemicals to be used, and its management within a water sensitive environment
 - Stabilisation measures (eg matting type and extent of bioengineering solutions)

- A reticulation plan, indicating type and location of sprinklers, bubblers, drippers and if bore or scheme water will be used
 - Completion criteria and in-fill planting
 - Ongoing monitoring and maintenance requirements, including timeframes
5. Regarding **Condition 7**, the City would expect the applicant to satisfy this obligation by ensuring their builders have appropriate construction and public liability insurance (which would be expected of any reputable builder); and to highlight that LGIS have indicated that they would expect the City to be named as a beneficiary of that policy with the insurance company in relation to those works. It is acknowledged that the City will be responsible for maintaining suitable public liability insurance outside the periods referenced in the above-mentioned condition. It is also acknowledged that public access to the staircase will be prevented during the construction period and at the times when maintenance works are being undertaken.
6. Regarding **Condition 10**, the Signage and Access Plan should include details regarding but not be limited to:
- Identification of an appropriate name for the infrastructure, which is to be arrived at by engagement with the Aboriginal community
 - Proposed wayfinding signage
 - Incorporation of cultural heritage into signage including dual naming where appropriate, and following consultation with the Aboriginal community
 - Consistency with the City of Nedlands policy for Community Signage
 - Identification of points of access to the foreshore and estimation of the extent and cost of works required to provide for improved access
7. Note 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 or perennial plant that is on land within the Swan Canning Development Control Area, except with the prior approval of the Department of Biodiversity, Conservation and Attractions.
8. In the case of damage or pollution events, 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).
9. This is approval only and does not remove the responsibility of the applicant/owner to comply with all relevant statutory requirements of other relevant legislation (for example building, health and engineering requirements of the City). In that regard it is noted that a Demolition Permit and a certified Building Permit will be required for the development, prior to any approved works occurring.



Hon. Matthew Swinbourn BA LLB MLC
MINISTER FOR THE ENVIRONMENT

Date: 18/2/2026