



CORPORATE POLICY STATEMENT NO. 44

PLANNING FOR JETTIES IN THE SWAN CANNING DEVELOPMENT CONTROL AREA

June 2016

1. OBJECTIVE

The objective of this policy is to ensure jetties in the Swan Canning Development Control Area (DCA) provide a public benefit by contributing to the long-term community use and enjoyment of the Swan Canning river system without unacceptably affecting its ecological health or amenity.

2. SCOPE

Jetties in the DCA require development or permit approval, a licence and likely a lease. This policy provides direction and guidance regarding how the Department of Parks and Wildlife (the department) assesses development and permit applications for jetty structures in accordance with the *Swan and Canning Rivers Management Act 2006* (SCRM Act) and the *Swan and Canning Rivers Management Regulations 2007* (SCRM Regulations). This policy also provides guidance when the department provides advice to the Department of Transport (DoT) on the transfer of jetty licences. Guidance on development control procedures and approval processes is beyond the scope of this policy and is provided on the department's website.

This policy applies to applications for jetties including wharves, piers, platforms, slipways, launching ramps, boat houses, and boatsheds over water. It provides guidance to applicants and other decision making authorities regarding the department's position regarding jetties 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 land within the DCA.

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

3. CONTEXT

The *Jetties Act 1926* defines a jetty as any structure connected to a body of waters that, wholly or in part, may be used for the purpose of launching or landing a vessel. Jetties may also have more general uses such as fishing, walking, sight-seeing and swimming.

Jetties have been part of the landscape of the Swan Canning river system since the time of early European settlement. They provide access to the waterway for the general public, individuals, clubs and associations and businesses operating commercial ventures on the river system.

As the population of Perth grows, the river system faces pressures from increased use and development, including requests for jetties. Applications for jetties are to demonstrate a public benefit by contributing to the long-term community use and enjoyment of the river system without unacceptably affecting its ecological health, or amenity. While the department recognises the importance of jetties in providing access to the river system, a proliferation of such structures, however, may detract from the amenity of the river system as a whole and have the potential to alienate public access. Appropriately designed and located public and commercial jetties form an integral part of the river system setting and are an important recreational and tourist resource.

For the purposes of this policy, there are three types of jetties:

(a) Commercial jetties

Commercial jetties are structures used for commercial and business activities, and include those at marinas and food and beverage facilities over water. Commercial jetties can provide boarding or disembarkation points for ferries and commercial cruises, and range in size and purpose from the larger jetties at Barrack Square, to smaller jetties and wharves in the upper reaches of the Swan and Canning rivers. It is not uncommon for a section(s) of a commercial jetty to be set aside for general public use, for example, public boat pens or tie off points and general access areas for recreation. Areas of commercial use, general public use and any restrictions should be identified in lease and licence documents.

(b) Private jetties

Private jetties are structures used for:

- domestic use by the applicant and family only; or
- recreational use by the applicant only.

Private jetties for domestic use were typically constructed by an individual and use is restricted to the applicant and their family. Private jetties for recreational use are typically developed by clubs and associations (yacht clubs or other aquatic club) for use by their members and are not for commercial use. Historically, private jetties have been built in, over or near water, for boarding or disembarking vessels.

(c) Public jetties

Public jetties are structures used by the general public for uses such as fishing, walking, sight-seeing, swimming and temporary short-term mooring of vessels (where authorised). Public jetties are constructed by public bodies (State and local government agencies). With the authorisation of the public body responsible for the jetty, commercial operators may be able to use public jetties for picking up and setting down passengers.

Floating boat lifts are devices that float on water and are used to berth a vessel out of the water when the vessel is not in use. The use of floating boat lifts can reduce the need to apply harmful anti-fouling coatings to boat hulls. However, their proliferation in unsuitable locations can detract from the visual amenity of the river system.

Proposals for new jetties, proposals to extend or make structural changes to jetties and proposals to attach floating boat lifts to a jetty are considered to be development and subject to approval.

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 2015* 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.

In performing its statutory planning functions under the SCRM Act, the department also assesses and provides advice and recommendations to the Western Australian Planning Commission (WAPC) and local governments on a range of land use, subdivision and development proposals adjoining and affecting the DCA. These proposals are subject to control under the Metropolitan Region Scheme (MRS) and are prepared in accordance with the *Planning and Development Act 2005*.

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.

A jetty licence from DoT is required under the *Jetties Act 1926* where the structure is a wharf, pier, grid, slip, landing place, stage, platform, or similar structure, whether fixed or floating, erected or placed, wholly or in part, in, on or over any waters and any ramp which is or may be used for the purpose of launching or landing a vessel. DoT will ensure that the location of the jetty does not interfere with navigation and that safety is addressed through jetty design, construction and maintenance. A jetty licence does not provide any tenure over the structure, riverbed or river system and does not grant exclusive use to the licensee. DoT will issue a jetty licence only after the relevant development or permit approval has been granted and the jetty licence must be consistent with the conditions of a development approval.

5. POLICY

There is a presumption against the relocation, extension or construction of new private (domestic use) jetties, and commercial jetties that would exclude public use.

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 applications for jetties to demonstrate that:
- the proposed jetty location abuts land that is owned or subject to a long-term lease by the applicant and the land has a waterside boundary. Where the land is leased, the landowner must provide consent to the application; or
 - the applicant has been granted written permission from a public authority that owns the land or has the land vested in it.
- 5.3 Generally require private (domestic use) and commercial jetties to be publicly accessible. Notwithstanding this, a River Reserve lease will be required for all approved private jetties and approved commercial jetties where exclusive use is proposed.
- 5.4 Where a residential lot adjoins waters in the DCA, in some cases support the formalisation of private access to the waterway where the access way is contained within the lot, not elevated above the natural or established ground level and has minimal impacts on riparian vegetation and visual amenity of the river system. This provision is for low-key access ways that require little or no ground disturbance.
- 5.5 Require applications for commercial jetties to demonstrate that general public access for recreational purposes to existing jetties is retained or provided. For new purpose-built commercial jetties/structures, a public benefit is provided by enabling general public access to a portion not used by the commercial operation.

Jetty design

- 5.6 Require applications for jetties to demonstrate they are minimising and managing effects on the ecological health of the Swan Canning river system, including flora, vegetation and fauna and their ecosystems. Applicants will likely be required to provide information or details regarding:
- water depth so that the jetty is not located in shallow waters or mud flats where dredging for construction and on-going maintenance would be required for vessel access;
 - protection of fauna during construction, for example through the use of vibration hammers and a soft start-up, instead of a drop hammer for pile installation, and the use of marine mammal observers where appropriate;
 - potential for erosion of the river banks; and
 - effects on the riparian or aquatic vegetation at the site.
- 5.7 Require applications for jetties to demonstrate they are providing a public benefit and contributing to the long-term community use and enjoyment of the river system. Applicants will likely be required to provide information or details regarding:
- the size, location and purpose of the structure, in the context of existing infrastructure, proposed public use and size of vessels intended to use the jetty;

- the proximity and availability of associated amenities such as car parking and toilets;
 - mooring of vessels so that vessels are only allowed to briefly tie-up to pick-up or set-down goods or passengers, unless the jetty is within a marina, yacht club or other aquatic club; and
 - possible conflicts of use with other established tourism and recreational facilities, public uses or river transport infrastructure. The application is not to cause unacceptable conflicts with other appropriate forms of use or unacceptable congestion.
- 5.8 Require applications for jetties to demonstrate that they are minimising and managing effects on the landscape character and amenity of the river system. Applicants will likely be required to provide information or details regarding:
- the selected construction materials and colour scheme;
 - lighting so that it is fit-for-purpose and will not interfere with vessel navigation, adversely affect the amenity of the area, or unacceptably alter the natural patterns of light and dark;
 - signage so that it is kept to a minimum and not visually obtrusive (signage on jetties should be designed to address use and safety issues only; advertising signage may be supported if it is associated with an approved use of the jetty);
 - the number of existing or approved jetties in the locality and other marine infrastructure such as vessel moorings so the cumulative effect of a new, relocated or extended jetty does not detract from the amenity of the local river system landscape, including views to and from the river; and
 - hours of operation.
- 5.9 Advise applications to address Aboriginal and/or European cultural heritage requirements in accordance with the *Aboriginal Heritage Act 1972* and the *Heritage of Western Australia Act 1990*.
- 5.10 Require applications to address specific design criteria or requirements or elements related to:
- DoT's jetty design and navigation standards, which are to be certified by a qualified and practising engineer, e.g. the head/end of any structure shall have at least 20 metres horizontal clearance from the navigation channel;
 - flood management considering the Department of Water's advice;
 - car parking as per the local planning scheme or the relevant Australian Standard and the department's requirements; and
 - universal access as per the relevant Australian Standard and the department's requirements.

Floating boat lifts

- 5.11 Not support the installation of floating boat lifts on swing moorings within the DCA due to their significant visual impact and the likelihood to cause conflicts with other appropriate forms of community use and unacceptable congestion.
- 5.12 Likely support the installation of floating boat lifts on jetties at marinas, yacht clubs and other aquatic clubs within existing River Reserve lease areas, where

the effects on the ecological health and amenity of the river system are demonstrated to be negligible.

Temporary jetty structures

5.13 In some cases support temporary public jetties or similar structures for spectator events held in the Riverpark.

Transfer of jetty licences

5.14 When providing advice to DoT on the transfer of existing jetty licences in the DCA:

- consider whether the structure is of sound construction and in good order consistent with the jetty licence requirements, including conditions of the licence approval;
- seek evidence of the tenure of the adjoining land in accordance with clause 5.2 of this policy; and
- where a jetty has become alienated from the associated privately owned lot because land adjacent to the river has been acquired by the State:
 - a) have a presumption against the renewal of a jetty licence for private (domestic) use; and
 - b) likely support the transfer of the licence to a public authority as a public jetty.

5.15 Where continued use of an alienated jetty is not considered appropriate, recommend that the jetty structure be removed and the site rehabilitated, usually at the expense of the jetty owner/licensee.

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 V 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, jetty, wharf, pier, platform, slipway, launching ramp, boat house, boatshed, commercial jetty, community jetty, private jetty, floating boat lift, jetty licence.

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