

# Peel Region Scheme

## Boating Facilities Policy

February 2014



## Disclaimer

This document has been published by the Western Australian Planning Commission. Any representation, statement, opinion or advice expressed or implied in this publication is made in good faith and on the basis that the government, its employees and agents are not liable for any damage or loss whatsoever which may occur as a result of action taken or not taken, as the case may be, in respect of any representation, statement, opinion or advice referred to herein. Professional advice should be obtained before applying the information contained in this document to particular circumstances.

© State of Western Australia

Published by the  
Western Australian Planning Commission  
140 William Street  
Perth WA 6000

Locked Bag 2506  
Perth WA 6001

Published February 2014

internet: [www.planning.wa.gov.au](http://www.planning.wa.gov.au)  
email: [corporate@planning.wa.gov.au](mailto:corporate@planning.wa.gov.au)

tel: 08 655 19000  
fax: 08 655 19001  
National Relay Service: 13 36 77  
info: 1800 626 477

The Department of Planning owns all photography in this document unless otherwise stated.

This document is available in alternative formats on application to Communication Services.

## Contents

1.0	Introduction	I
2.0	Background	I
3.0	Policy Application	I
4.0	Aim and Objectives	I
5.0	Policy Statement	2
6.0	Area Specific Provisions	3
7.0	Jetty Design	6
8.0	Application Process	7
9.0	Implementation	8
	Appendix 1 - Definitions	9
	Appendix 2 - Areas specified by this policy	10



## 1.0 Introduction

Jetties and related structures have been part of the Peel region's waterways since the time of early European settlement. It is also known that structures such as fish traps and walkways were used by local Aboriginal people in the waterways of the Peel region around the time of early European settlement.

In recent years, the population of the Peel region has grown significantly and it is expected to continue growing in the future. As the Peel region grows, its waterways and their foreshores will become increasingly valuable public resources. Accordingly, there is a need to ensure the natural values and public use of these waterways and their foreshores are not compromised by private jetties and related development.

## 2.0 Background

In 1977, the Peel Inlet and Harvey Estuary Management Area was declared under the *Waterways Conservation Act 1976*. The control and management of this area was placed with the (then) Peel Inlet Management Authority (PIMA). In 1979, PIMA adopted a policy titled *Boating Facilities, Jetties and Structures WS 3.4*.

In 2002, the PIMA was disbanded and environmental management of the Peel Inlet and Harvey Estuary Management Area became the responsibility of the (then) Waterways Commission. The Waterways Commission established a non-statutory community based group called the Peel Inlet Management Council, which provided advice about management of the waterways.

In 2003, the Peel Region Scheme came into effect and it became necessary for development within the Waterways reservation to be approved by the Western Australian Planning Commission (WAPC). Since 2003, the WAPC has consistently applied the principles described in *Boating Facilities, Jetties and Structures WS 3.4*, when considering applications to construct jetties and related development.

In 2008, the Peel Inlet Management Council became the Peel Inlet Advisory Council, which adopted *Boating Facilities, Jetties and Structures WS 3.4* as its position statement.

This policy is intended to be the primary tool guiding the determination of applications to construct jetties within the Peel region's waterways.

## 3.0 Policy Application

This policy applies to jetties and related development (see Appendix 1 for definitions of the terms 'jetty' and 'related development') within the waterways of the Peel region.

It is intended to complement other relevant policies and regulations (such as the Peel Region Scheme) and should be read in conjunction with these.

## 4.0 Aim and Objectives

This policy aims to minimise the impact of the location and construction of jetties on the waterways of the Peel region, by controlling the location and construction of jetties to:

- (i) prevent the alienation of waterways and foreshores from public use and enjoyment;
- (ii) provide for the safe and effective use of waterways for recreation and navigation;
- (iii) ensure jetties compliment the visual amenity of the waterways and their foreshores;
- (iv) minimise adverse effects on the environmental values of the Peel region's waterways; and
- (v) prevent unacceptable effects on the hydrological processes and shorelines of the waterways.

## 5.0 Policy Statement

### 5.1 General position

- (a) Decision making authorities will have due regard for the provisions of this policy when considering an application to construct a jetty or jetties. In doing so, each application must be considered on its merits, having regard to this policy.
- (b) The Peel region's waterways and their foreshores are important to the community. To ensure that these waterways and foreshores are available for public access and use, state and local governments have, over many years, reserved and acquired foreshore land.

To ensure that the Peel region's waterways and their public foreshores remain available for public access and use by future generations, activities and development which benefit public access and use should be given preference over the private use of public land and waterways.

### 5.2 Jetty licensing

Jetties should be licensed to a property located abutting or immediately adjacent to the river. Where the property is adjacent to the river, rather than abutting the river, it should be separated from the river by no more than a road and/or foreshore reserve.

### 5.3 New structures

- (a) The construction of a new private jetty will only be considered where the proposed jetty would not:
  - (i) have an adverse impact on wildlife and/or birdlife habitat;
  - (ii) require the significant clearing of any foreshore and/or riparian vegetation;
  - (iii) have an unacceptable effect on the hydrological processes and shorelines of the Peel region's waterways;

- (iv) obstruct flood-flows;
  - (v) require dredging and/or on-going maintenance dredging to allow access by vessels;
  - (vi) detract from the visual amenity of the waterway and its foreshore;
  - (vii) adversely affect navigation and safety or pose a navigation hazard;
  - (viii) adversely affect any existing or proposed public infrastructure;
  - (ix) compromise the use of any existing jetty or jetties;
  - (x) compromise the safety of other users of the river and/or foreshore areas;
  - (xi) alienate the river and/or foreshore area;
  - (xii) interfere with public access and use of the river and/or foreshore area;
  - (xiii) be located within an area where boating is prohibited;
  - (xiv) be inconsistent with any foreshore management plan or structure plan endorsed by the WAPC;
  - (xv) be contrary to part 6 (Area Specific Provisions) of this policy;
  - (xvi) be contrary to part 7 (Jetty Design) of this policy.
- (b) It is the applicant's responsibility to provide the decision making authority with sufficient information to properly assess the application and determine whether the application meets the criteria listed above.
  - (c) Clause 5.3(a) is not an exhaustive list of all matters which may be considered. Decision making authorities also need to take into consideration any other matter(s) which are relevant to the application.
  - (d) Applications to construct new boat sheds, boat lifts, drive on docking systems or wet boat pens may not be supported, due to the greater visual impact of such structures and their potential impacts on abutting lots and structures.

## 5.4 Existing structures

- (a) Decision making authorities should consider approving applications to rebuild or reconfigure existing licensed jetties, however; any reconfiguration of an existing jetty should be consistent with part 7 of this policy.
- (c) Where a jetty has been constructed without planning approval, the jetty constitutes unauthorised development undertaken in contravention of the regional and/or local planning scheme. This is an offence under the *Planning and Development Act 2005*.

An offence of this nature can only be rectified by obtaining retrospective planning approval or by removing the jetty.

## 5.5 Public structures

The provision of public boating facilities should be considered where strategic planning identifies a need and the proponent has sufficiently addressed all planning, navigation, landscape, amenity and environmental matters relevant to the proposal.

## 6.0 Area Specific Provisions

This part of the policy describes specific sections of the Peel region's waterways and contains provisions specific to each described area.

The areas referred to as the Mandurah Estuary, Serpentine River zone A, Serpentine River zone B, Murray River delta, Murray River zone A, Murray River zone B and the Dawesville Channel are depicted in Appendix 2 of this policy.

## 6.1 The Peel Inlet and Harvey Estuary

- (a) The Peel Inlet and Harvey Estuary are environmentally sensitive wetlands of international significance.  
  
These wetlands have a shallow bathymetry, which makes the use of boats difficult in many places.
- (b) Due to the environmentally sensitive nature of these wetlands and their shallow bathymetry, the construction of new private jetties around the shoreline of/within the inlet or the estuary should not be supported.

## 6.2 Mandurah Estuary

- (a) The Mandurah Estuary is one of the busiest waterways within the Peel region, being one of two connections between the Indian Ocean and the Peel Inlet/Harvey Estuary. Parts of the estuary are quite shallow and are not suitable for boats.

Parts of the estuary foreshore are environmentally sensitive, while other parts contain large open public spaces. The large public areas which characterise the foreshore area north of Mandurah Bridge are used to hold large public events each year and are used to provide water based recreational activities.

There are public boating facilities located close to the estuary at the Mandurah Ocean Marina, Mary Street Lagoon, Stingray Point and in the Waterside Canals.

- (b) In order to protect the estuary's function as a significant thoroughfare, the amenity of the foreshore area, maintain public access to the waterway and protect environmentally sensitive foreshore areas, the use of existing public facilities should be encouraged where possible, instead of the construction of new private jetties.

## 6.3 Serpentine River zone A

- (a) The Serpentine River zone A extends from the Peel Inlet to Bedingfeld / Hougham Roads.
- (b) This section of the Serpentine River does contain some historical jetties, but most of the foreshore is well vegetated and retains a more natural appearance.

There are recreational canoe trails which follow the Serpentine River and its lakes into the Peel Inlet. These trails take advantage of the river's more natural character.

Access to public boat ramps is available at Nairn Road, Riverside Drive, Birchley Road and Redcliffe Road. Additional launching facilities for small watercraft (such as canoes and kayaks) are available at Riverside Drive and Redcliffe Road.

- (c) To protect the natural appearance of the river and its foreshore and minimise the potential for conflict between boats and smaller craft, the use of existing public facilities should be encouraged where possible, instead of the approval of new private jetties.

## 6.4 Serpentine River zone B

- (a) The Serpentine River zone B extends upstream of a line between Bedingfeld Road (in Greenfields) and Hougham Road (in Barragup) and includes the Black Lake lake system.
- (b) This section of the Serpentine River and its foreshore is environmentally sensitive, and the bathymetry of the waterway is shallow to very shallow.

Although the use of larger boats in this part of the Serpentine River is impractical, canoe trails follow the Serpentine River and its lakes into the Peel Inlet.

- (c) To protect the environment of the waterway and its foreshore, minimise the potential for conflict between larger boats and smaller craft (such as canoes and kayaks) and in

recognition of the river's shallow bathymetry, the construction of new private jetties should not be supported.

## 6.5 Murray River delta

### (a) Overview

This area extends from the Peel Inlet to:

- (i) the western end of Culeenup Road (on the northern bank of the Murray River); and
- (ii) Pelican Road (on the southern bank of the Murray River).

It includes all branches of the Murray River.

### (b) Delta island foreshores

It may be necessary to construct jetties on or abutting Cooleenup Island, Yunderup Island or Ballee Island, in the Murray River delta, to access lots on the islands. In these circumstances the construction of new private jetties will be considered only where such proposals are consistent with the provisions of part 7 of this policy.

In some circumstances it may be impractical for jetties on the delta islands (used to access lots on the islands) to be located immediately adjacent to the lot they are associated with, due to the narrow and/or shallow nature of some branches of the Murray River. In these circumstances it may be considered appropriate for a jetty to be constructed in an alternative location.

### (c) Mainland foreshores

Adjacent to the Minjoogup branch of the Murray River, the foreshore retains a well vegetated, more natural appearance.

Adjacent to the Wargoorlup branch of the Murray River, the foreshore also retains a well vegetated, more natural appearance. In addition, parts of this branch of the delta are too narrow and/or shallow to navigate in a boat.

To protect the existing vegetation, the more natural appearance and the amenity of the foreshore area, the construction of new private jetties on the mainland foreshore should not be supported.

It is appreciated that accessing lots within the Murray River delta can be problematic, due to severance from the mainland and the peculiarities of access associated with tidal movements. However, these are readily-observable drawbacks intrinsic to island lots.

The above notwithstanding, options for providing an appropriate level of access to lots within the Murray River delta are being investigated. Until those investigations are complete, the construction of dedicated mainland jetties for island lots should not be supported, as this may prejudice options for providing an appropriate level of access to lots within the Murray River delta.

## 6.6 Murray River zone A

- (a) The Murray River zone A extends:
  - (i) on the northern bank of the Murray River, from the western end of Culeenup Road to the eastern end of Culeenup Road; and
  - (ii) on the southern bank of the Murray River, from Pelican Road to the eastern end of Banksia Terrace.
- (b) This section of the Murray River is characterised by numerous private jetties and established foreshore vegetation, which are both prominent elements of the riverine landscape.
- (c) Where a property is separated from the river by a road and/or foreshore reserve, a decision making authority may consider approving new private jetties which are consistent with the intent of parts 5 and 7 of this policy.
- (d) Where a property has a high water mark title, the construction of a new private jetty which is consistent with part 7 (Jetty Design) of this policy may be approved.

In these circumstances, the foreshore area is privately owned, contains no environmental features which require protection and public access to the foreshore area is not available and would not be compromised.

## 6.7 Murray River zone B

- (a) The Murray River zone B extends:
  - (i) on the northern bank of the Murray River, from the eastern end of Culeenup Road to Pinjarra Weir; and
  - (ii) on the southern bank of the Murray River, from the eastern end of Banksia Terrace to Pinjarra Weir.
- (b) There are some areas where jetties have been constructed, however, most of this section of the Murray River retains a rural or semi-rural character.
- (c) In order to protect the character, amenity, landscape and environmental values of this part of the river, the construction of new private jetties in this section of the Murray River may not be supported.

## 6.8 Murray River zone C

- (a) The Murray River zone C extends upstream from Pinjarra Weir, which is located adjacent to South Western Highway.
- (b) This part of the Murray River is narrow and the bathymetry is quite shallow, which makes it impractical to use larger boats likely to require jetties.

This notwithstanding, the narrow and shallow nature of the river would not prevent the use of smaller craft, such as canoes or kayaks.
- (c) As the use of larger boats on this part of the Murray River is impractical and to avoid creating conflict with smaller watercraft, the construction of new private jetties should not be supported.

## 6.9 Other waterways of the Peel region

The Peel region contains numerous small waterways not specifically mentioned within this policy. Each application to construct a new private jetty on those waterways should be considered on its merits.

In doing so, the principles and practices outlined in this policy should be applied to any such application.

## 6.10 Regionally significant artificial waterways

### (a) *The Dawesville Channel*

The Peel Region Scheme text recognises the Dawesville Channel as a regionally significant artificial waterway.

The channel was constructed for the purpose of allowing seawater from the Indian Ocean to flush in and out of the Peel Inlet/Harvey Estuary, removing excess nutrients and preventing algal blooms from occurring.

The channel also provides a thoroughfare for boats travelling between the Peel Inlet/Harvey Estuary and the Indian Ocean.

There are public boating facilities in the vicinity of the Dawesville Channel, located at Yeedong Road, Crocos Place and Rees Place.

To avoid compromising the flow of water and boats through the channel, the use of existing facilities should be encouraged and the construction of new private jetties within the channel should not be supported.

### (b) *Other regionally significant artificial waterways*

The Peel Region Scheme text allows for the possibility that the WAPC may resolve that other artificial waterways within the Peel region are regionally significant.

If the WAPC resolves that another artificial waterway is regionally significant, the provisions of this policy relating to that waterway should be reviewed. While that review is being carried out, the construction of new private jetties within the affected waterway should not be supported, to avoid prejudicing the outcome of that review.

## 6.11 Minor artificial waterways

- (a) Normally the WAPC does not consider the construction of jetties in canal estates and marinas. In this respect:
  - (i) a jetty in the Urban zone in the Peel Region Scheme does not require WAPC approval; and
  - (ii) a jetty located in an artificial waterway (that is not regionally significant) which complies with local government policy does not require WAPC approval<sup>1</sup>.
- (b) Within the Peel region's canal estates and marinas, the relevant local government policy shall continue to apply.

## 7.0 Jetty Design

### 7.1 Location

Where an application does not propose the construction of a shared jetty, the jetty should be located as close as possible to the lot with which it is associated, without affecting the abutting properties, structures and/or navigation channel.

---

<sup>1</sup> Local governments may, under delegated authority, approve jetties in artificial waterways which do not comply with the relevant local government policy.

## 7.2 Design

- (a) Jetties should be constructed to the following dimension requirements:
  - (i) each jetty should be contained within a 6 metre by 6 metre building envelope measured from the shoreline to the outside edge of the jetty;
  - (ii) the inside (landward) edge of the jetty head should be at least 1.5 metres from the bank;
  - (iii) jetty access legs and jetty heads should be no wider than 1.5 metres; and
  - (iv) the dimensions should include any lower decking.
- (b) The installation of mooring piles to compensate for the limit of a jetty width at the head may be considered and approved. No more than two mooring piles should be permitted in association with any one jetty.
- (c) Decision making authorities should not approve the construction of jetties exceeding the maximum dimensions recommended by this policy, for the purpose of berthing a vessel exceeding the berthing capacity of a jetty constructed to the maximum dimensions recommended by this policy.
- (d) The design of a jetty should have regard for the extent of any intrusion into navigable waters, environmental and aesthetic considerations, potential impacts on the navigation channel and neighbouring properties and structures.

When considering the potential impact of a jetty on neighbouring structures, particular consideration should be given to the alignment of each jetty's berthing face.

## 7.3 Construction

- (a) Jetties should be constructed in accordance with a planning approval and a jetty license and to the Department of Transport's *Specifications for Construction Materials*.
- (b) Where any damage to the foreshore, river bank and/or any riparian vegetation occurs as a result of works undertaken for jetties the affected location(s) and/or feature(s) should be rehabilitated or replaced.
- (c) Any residual construction materials and other deleterious matter within the curtilage of a jetty should be removed from the river bed, bank and foreshore, and these locations rehabilitated and left clean.
- (d) An applicant may be required to construct a retaining wall and/or undertake rehabilitation work adjacent to a proposed jetty to protect the riverbank(s).

## 8.0 Application Process

- (a) Each application for planning approval requires the landowner's signature. An application which has not been signed by the landowner is incomplete and cannot be considered.

Most of the Peel region's natural waterways are Crown land and, therefore, applications need to be authorised on behalf of the State of Western Australia. This authorisation may (in most instances) be obtained from an appropriate officer of the Department of Planning's Peel region office.

Where a waterway is controlled or managed by a particular state government agency, that agency will need to authorise the application on behalf of the State of Western Australia.

Some of the Peel region's waterways (for example, parts of the Serpentine River) are owned in freehold. Where the waterway is owned in freehold, the application will need to be signed by the landowner.

In each instance, applications are signed only as acknowledgement of, and to facilitate processing of the application and no other endorsement, undertaking or assessment is made or intended. The signing of an application form by a landowner or a management authority does not represent approval of the application.

- (b) Applications for approval under the Peel Region Scheme are to be lodged with the relevant local government, which is required to forward the application to the WAPC within seven calendar days.
- (c) When assessing an application, a decision making authority may consult with and take into consideration the advice and/or the recommendations of the relevant local government, state government agencies and any other agencies it considers appropriate.
- (d) Jetties may also require:
  - (i) planning approval under the local planning scheme, administered by the relevant local government;
  - (ii) a building licence granted by the relevant local government; and/or
  - (iii) a jetty licence under the *Jetties Act 1926*, administered by the Department of Transport.

## 9.0 Implementation

This policy will be implemented by the WAPC and the relevant local governments through the development control process set out in the Peel Region Scheme.

## Appendix I

### Definitions

#### Artificial Waterway

means an artificial channel, lake, harbour or embayment, for navigational, ornamental and recreational purposes, or for any of those purposes, and includes any addition to, or alteration of, an artificial waterway as so defined.

#### Bathymetry

means the depth of a body of water.

#### High Water Mark

means the level reached by the river at the maximum recorded value or highest point of evidence (for example, 1.9 metres recorded at Barrack Street in 1945).

#### Jetty

means a jetty (whether 'T', 'L', finger jetty or any other configuration), a quay, quayside, wharf, pier, landing place, landing stage or similar facility used for the berthing or mooring of watercraft of any kind and/or in association with swimming activities and/or other leisure pastimes.

Where this policy makes reference to a jetty, the term 'jetty' may also be taken to refer to related development, as defined in this policy.

#### Mooring Piles

means piles, whether wooden or steel, used to secure a vessel by attaching the vessel to the piles.

#### Natural Waterway

means any inland or coastal land below the high water mark other than an artificial waterway.

#### New Private Jetty

refers to any additional private jetty. It does not include the reconstruction of an existing approved and licensed jetty.

#### Public Jetty

means a jetty owned by a public authority for use by the public for recreational water based pursuits including fishing, swimming and temporary short-term mooring of vessels. With approval, may also be used by commercial operators as a picking up and setting down point for embarking and disembarking passengers.

#### Related Development

means:

- (a) any other structure or works, besides those identified in the above definition for 'jetty', that may be established to achieve a purpose similar to, or ancillary to the purpose of a jetty;
- (b) any incidental structure or works that may assist in the function of a jetty (e.g. a jetty crossover, a gangway, steps, a ladder, railing, lighting, seating affixed to a jetty, davits, a mooring pile, a mooring, a berth, a dock, a pen or any combination of such facilities);
- (c) a launching ramp or other means by which water craft may be launched into and/or retrieved from a waterway;
- (d) a revetment wall or other retaining wall erected on the immediate bank of a waterway.

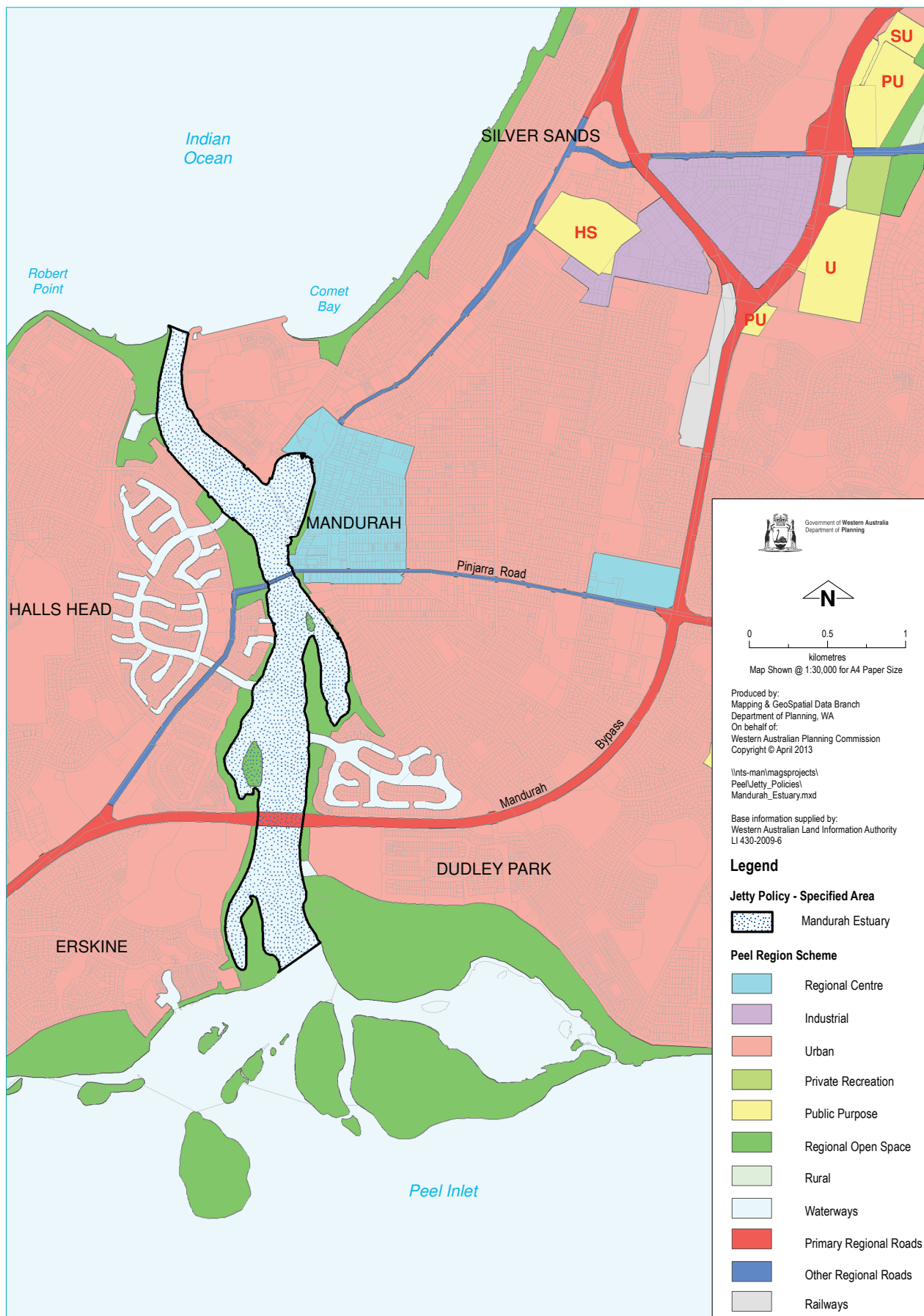
Examples of related development include boat ramps, boat sheds, land backed berths and slipping facilities.

## Appendix 2

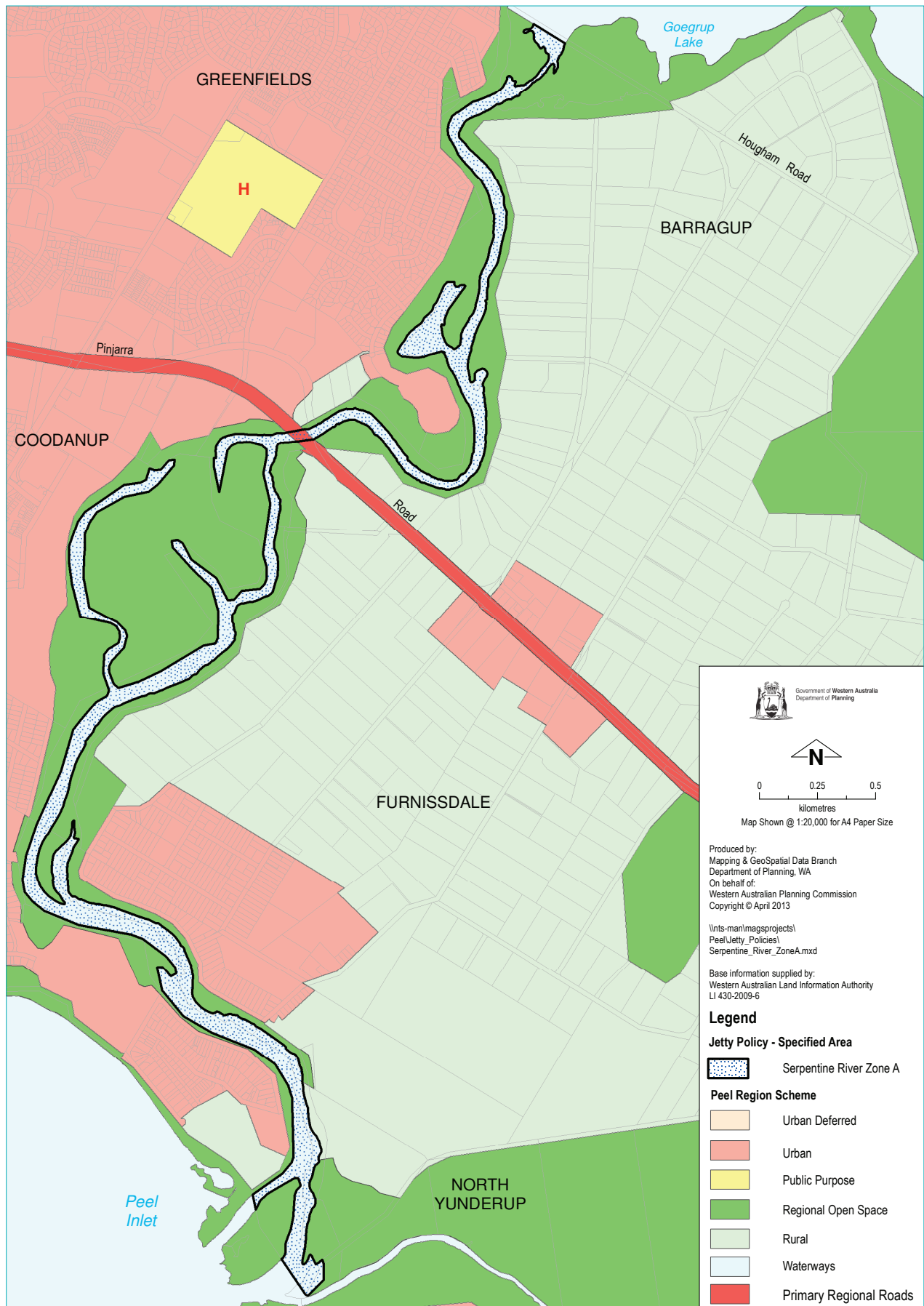
Areas specified by this policy



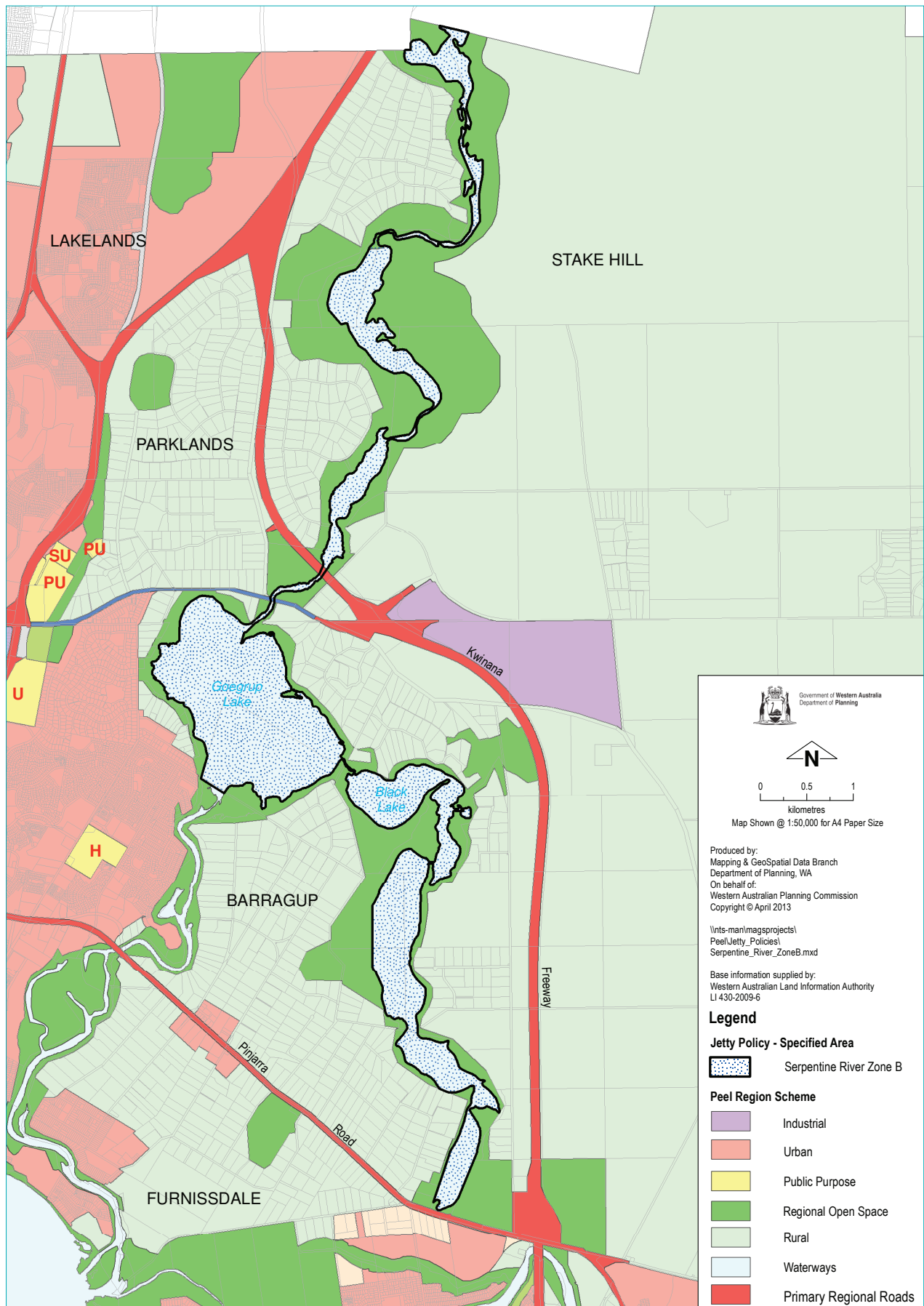
# Peel Region Scheme Boating Facilities Policy



Mandurah Estuary



Serpentine River Zone A



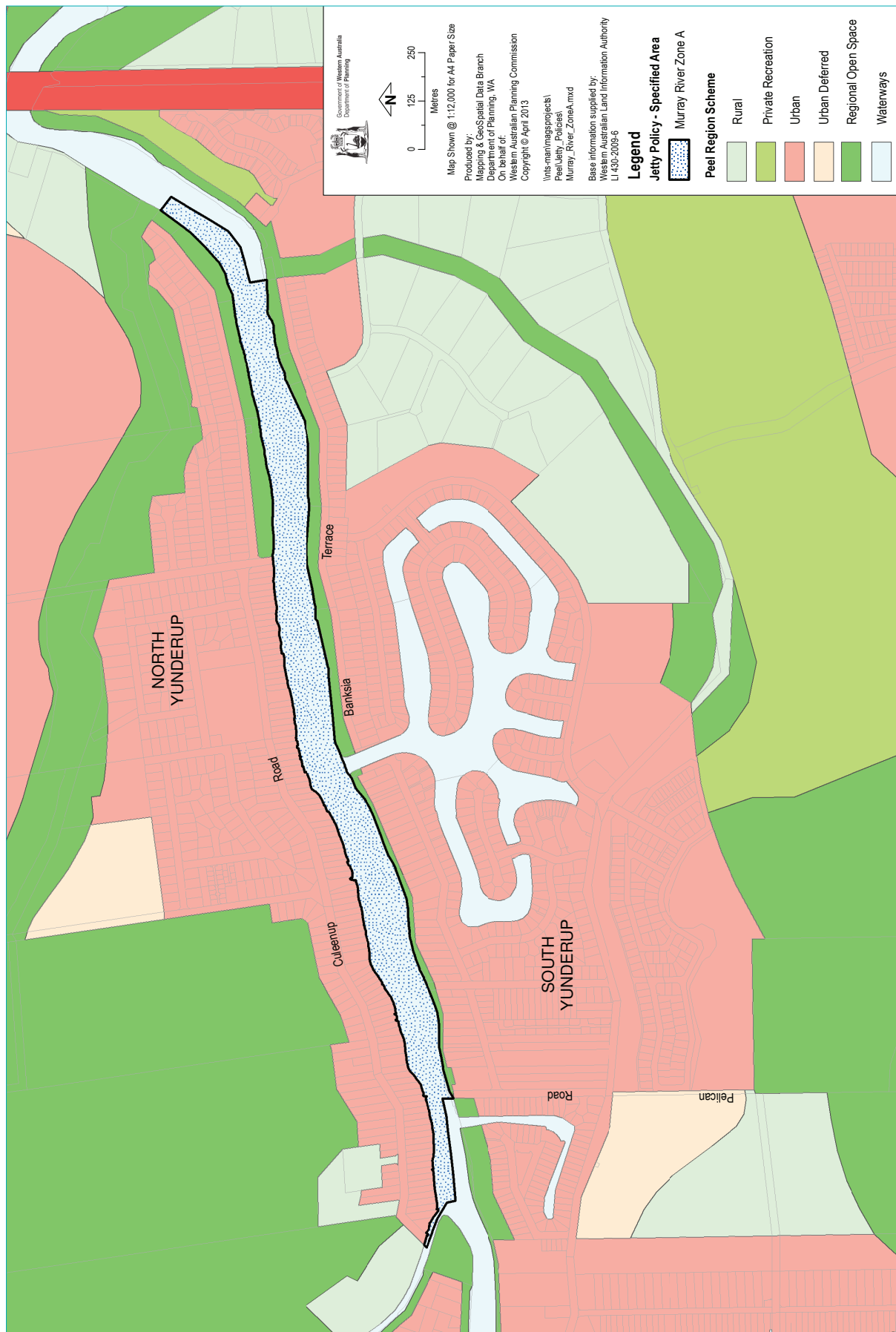
Serpentine River Zone B

# Peel Region Scheme Boating Facilities Policy



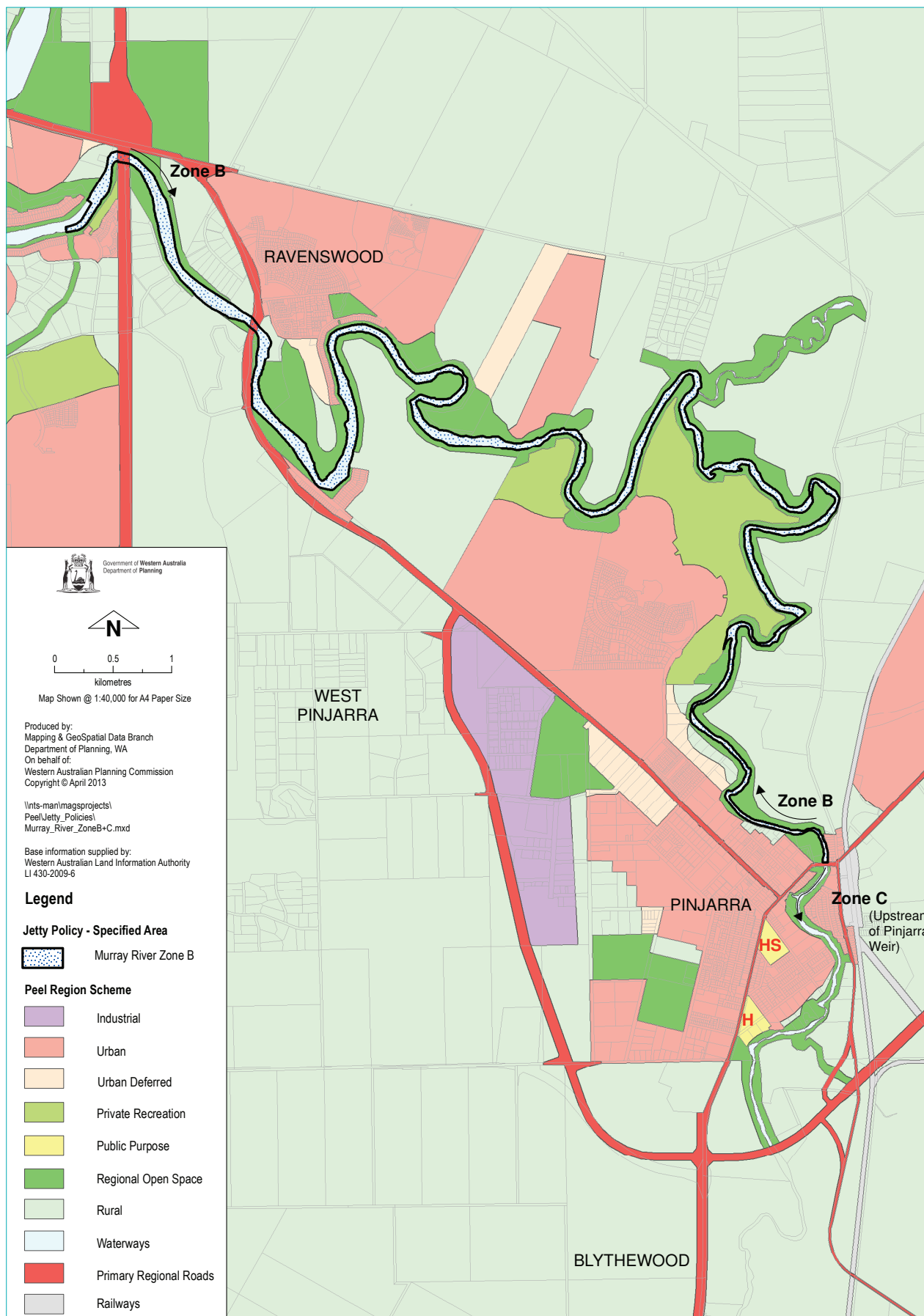
Murray River Delta

# Peel Region Scheme Boating Facilities Policy



Murray River Zone A





Murray River Zones B+C

# Peel Region Scheme Boating Facilities Policy



## Dawesville Channel

