

## Attachment 1C – Submission - City of South Perth

- 20 February 2024
- 1 December 2023
- 17 November 2023

DBCA Ref: 2023-5095

Our Ref: PDDA-2023/1303

20 February 2024

Statutory Assessments  
Rivers and Estuaries Branch  
Department of Biodiversity Conservation and Attractions  
17 Dick Perry Avenue  
Kensington WA 6151

Dear Sir/ Madam,

**PROPOSED BOAT SHED - LOTS 778 AND 780 AND A PORTION OF LOT 11835 (RESERVE 34565)  
COODE STREET, SOUTH PERTH – (DBCA NO. 2023-5095) APPLICATION NO. PDDA-2023/1505**

I refer to the Department's email dated 13 February 2024 providing referral of amended plans and supporting documentation for the above application in accordance with Part 5 of the *Swan and Canning Rivers Management Act 2006*.

The City has reviewed the proposed development and maintains its original recommendation dated 17 November 2023 that the application be refused. The City provides the following comments based on the amended plans and supporting documents received by the City 13 February 2024:

**Applicant Report:**

1. Public Art

The report submitted refers to possible future public art being provided to the east and west elevations of the proposed building, however, does not make a commitment to providing public art or show the proposed locations of the art on the submitted plans.

The City advises that whilst it has no objection to the inclusion of public art as a component of the development, it does not consider the inclusion of public art as an appropriate public benefit for the scale of the expansion of the existing building envelope and use of the reserve.

2. Landscaping

The proposed replacement tree planting ratio of 3:1 is noted; however the City notes no mention of the financial contribution required to cover the amenity value for the removal of the existing vegetation on site (approximately one million dollars) as detailed in the City's referral response from Infrastructure Services dated 1 December 2023.

The City does not support the notion that the inclusion of landscaping which replaces existing and established vegetation on site is a public benefit. This is a minimum requirement under the planning framework and standard expected practice.

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Cnr Sandgate St & South Tce, South Perth WA 6151

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The City does not agree with the assessment of the on-site vegetation as having 'low retention value'. The protection and management of fringing vegetation is consistent with the guiding principles of State Planning Policy 2.10 – Swan - Canning River System (SPP 2.10). All measures, including a redesign of the proposal should be explored prior to the consideration of the removal of fringing vegetation.

The City does not support the removal of vegetation as proposed.

3. Removal of the Verandah

The City is supportive of the reduction of the footprint of the building envelope, however removal of the verandah would remove this item as the applicant's 'public benefit'.

The City did not support the inclusion of a verandah as a public benefit as originally proposed in any instance and has no objection to the verandah being removed.

4. Increase of Setback to the River

The City notes the increase to the setback to the river, however advises that the proposed setback of 12.7m insufficient and is not supported by the City. A minimum 15.0m offset from the existing river wall is required to accommodate the replacement river edge treatments proposed under the *Perth Water Locality Plan* (August 2021). Consideration of the river edge treatment and required upgrades is critical in the assessment of the proposed boat shed location. The development would prejudice river edge upgrades required to accommodate sea level rise and proposed remedial foreshore edge treatments.

The proposed setback to the river edge does not allow for adequate space to accommodate pedestrian access to the river or a continuous pedestrian path abutting the river edge consistent with the remainder of the foreshore.

The applicant's statement that a new footpath located between the boatshed and the river edge cannot be accepted by the College's is not relevant to the assessment of this proposal. The development is located on public land reserved for public purposes, not private property for the exclusive benefit of the College's and it is therefore appropriate that a public footpath be provided.

5. South Perth Foreshore Strategy and Management Plan

The City maintains its position that the proposed location of the boat shed is inconsistent with the South Perth Foreshore Strategy and Management Plan. The preferred location of the structure and land use is the N10 node.

**Amended Plans:**

1. Building Height

The City considers that the proposed building height and selected roof form is excessive for the boat storage requirements and proposed land use. The proposed roof form extends 3.7m at the ridge above the maximum proposed racking heights, presenting unnecessary building bulk and obscuring public views of the river. It is also noted that the proposed roof form could step down over the gym and toilet facilities and is not required to be as high as the boat storage areas.

The City notes that a proposed flat roof form may be more appropriate for the site's context rather than the pitched roof form proposed.

The development does not include any public benefit component, results in the removal of fringing vegetation within the foreshore reserve and is of a scale and land use which is incompatible with the proposed location. The City recommends the application is refused.

If you have any queries or wish to discuss this matter further, please do not hesitate to contact the assessing officer, Scott van Ierland on (08) 9474 0777.

Yours faithfully,



Fiona Mullen  
**Manager Development Services**

DBCA Ref: 2023-5095  
Our Ref:

1 December 2023

Statutory Assessments  
Rivers and Estuaries Branch  
Department of Biodiversity Conservation and Attractions  
17 Dick Perry Avenue  
Kensington WA 6151

**By e-mail to [rivers.planning@dbca.wa.gov.au](mailto:rivers.planning@dbca.wa.gov.au)**

Dear Sir/ Madam,

PROPOSED BOAT SHED - LOTS 778 AND 780 AND A PORTION OF LOT 11835 (RESERVE 34565)  
COODE STREET, SOUTH PERTH- (DBCA NO. 2023-5095) APPLICATION NO. PDDA-2023/1505

I refer to the Department's email dated 23 October 2023 providing referral of the above application in accordance with Part 5 of the *Swan and Canning Rivers Management Act 2006*.

Thank you for providing the above referral to the City of South Perth, Infrastructure Services to consider. The City's Infrastructure Services has reviewed the proposed development and objects to the scale and location of the development for the following reasons:

1. The proposed development is inconsistent with the South Perth Foreshore Strategy and Management Plan (SPFSMP). The development is located within the Foreshore Node N2: Coode Street (Node N2) of the SPFSMP area, which is designated as having a family focus, with the ability to host large scale public events. The Node N2 strategies identify a need for upgrades and additions to existing public facilities, such as public toilets, playground facilities, transport connections and provision for food and beverage outlets. The development does not align with the Node N2 strategy or provide upgrades or additions to public facilities.
  - i. The proposed development is more than twice the footprint of the existing building. In early pre-lodgment discussions between the City and the applicant, the proposed development was more modest in size. The proposal increased significantly in scale and the City provided comment that the scale was not consistent with the SPFSMP and that Node N10 (Ellam Street) would be a more suitable location for the proposed development. The City is still of this view noting the SPFSMP Node N10 strategy states:

“N10.3 Improve exercise, sport and recreation facilities

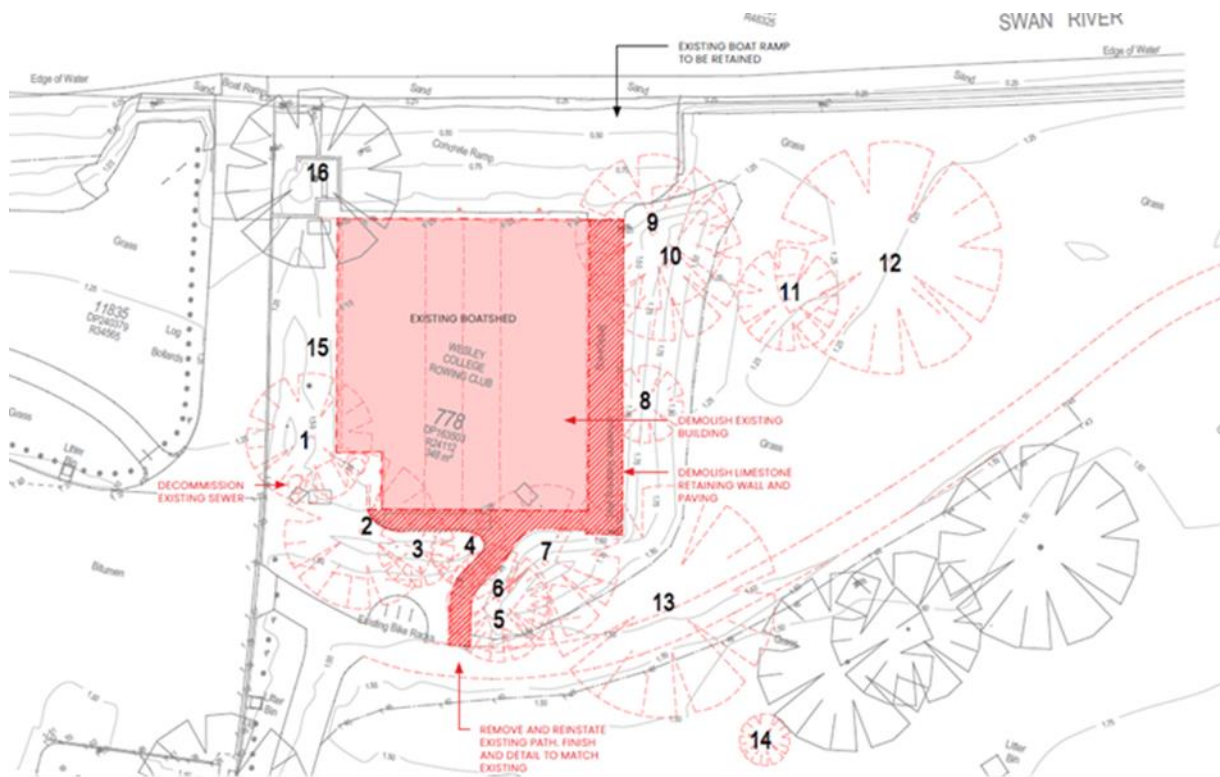
    - Fitness facilities
    - Outdoor sporting infrastructure
    - Water based activities such as rowing”.

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- ii. One of the key findings of the *Perth Water Locality Plan* (August 2021) is that “Softer foreshore treatments – plantings, beaches etc. should be used instead of river walls and revetments where possible.” The existing river wall in the vicinity of the proposed Wesley / Penrhos boat shed is approaching end of life and consistent with the *Perth Water Locality Plan* the existing wall is unlikely to be replaced like for like. A design consistent with more recent treatments along the riverbank such as beaches with intermittent groynes is preferred. A minimum 15 metre offset from the existing river wall would be required to accommodate the replacement treatment. The proposed development would encroach on this offset.
  - iii. The applicant was advised of the City’s development of public toilets in Node N2 and asked to consider how this might fit with their proposed development. The application provides no comment with respect to this. It is noted that the City’s 2023-2024 adopted Annual Budget contains funds to progress the public toilet development in Node N2.
  - iv. The applicant makes reference to contributing to a future improved playground facility however the City is unaware of any details of this proposal and is therefore unable to comment on any potential community benefit or the merits or costs to the community.
2. The proposed development identifies the removal of existing trees. The application states these trees are not endemic however an assessment by staff from the City’s Parks and Environment Services confirmed that ten of these trees are endemic as shown in the table below. The City has also undertaken an assessment of the amenity value of the trees proposed to be removed using industry standard methodology.
- Any removal of trees would require replacement at a ratio of seven new native trees for each tree removed as per the Department Biodiversity Conservation and Attractions (DBCA) statutory planning requirements. This would result in the need for the planting of 91 new mature trees, which is not proposed as part of the development. Planting details would need to be agreed with the City to satisfy this requirement including maintenance and protection to achieve establishment of the trees.



Tree ID	Species	Removal	Height	Endemic	Condition	Amenity Value	Comments
1	Erythrina	Yes	12m	No	Good	\$10,798.00	
2	Casuarina	Yes	12.5m	Yes	Excellent	\$47,773.00	
3	Melaleuca	Yes	6m	Yes	Poor	\$0.00	
4	Melaleuca	Yes	6m	Yes	Poor	\$0.00	
5	Melaleuca	Yes	6m	Yes	Good	\$66,484.00	
6	Casuarina	Yes	13m	Yes	Excellent	\$209,018.00	
7	Casuarina	Yes	14m	Yes	Good	\$209,018.00	
8	Erythrina	Yes	4m	No	Good	\$10,798.00	
9	Corymbia	Yes	15m	No	Good	\$15,117.00	
10	Casuarina	Yes	9m	Yes	Good	\$59,980.00	
11	Erythrina	Yes	5m	No	Good	\$13,496.00	
12	Eucalyptus	Yes	14m	Yes	Excellent	\$109,734.00	
13	Unknown	Yes	NA	NA	NA	\$0.00	Tree doesn't exist onsite yet has been marked on the map.
14	Eucalyptus	Yes	3m	Yes	Excellent	\$2,000.00	Unclear why this tree needs to be removed.
15	Melaleuca	No	2m	Yes	Poor	\$0.00	Tree exists onsite but isnt marked on the demolition Plan
					<b>Subtotal</b>	<b>\$754,216.00</b>	
16	Casuarina	No	13m	Yes	Excellent	\$313,528.00	Marked to be retained - unclear how the tree will be protected during construction works.
						<b>\$1,067,744.00</b>	

3. The development of an exclusive use facility of significantly greater scale than the existing facility, increases the restriction of public access to the river. Locating the public footpath to the river side of the development have not been considered in the proposed development and would result in a more desirable outcome. Details of the proposed changes to the public infrastructure are limited and have not been provided to or agreed with the City.
4. The proposed development would require a new lease to be granted to the applicant which would more than double the area of Public Reserve set aside for private use. This lease would need to be agreed with the City and the Department of Planning, Lands and Heritage.

The City of South Perth Infrastructure Services also endorses the submission from the City's Development Services.

If you have any queries or wish to discuss this matter further, please do not hesitate to contact the undersigned on (08) 9474 0777.

Yours faithfully,

*A Amprimo*

Anita Amprimo  
Director Infrastructure Services



DBCA Ref: 2023-5095

Our Ref: PDDA-2023/1303

17 November 2023

The Secretary  
Department of Biodiversity Conservation and Attractions  
17 Dick Perry Avenue  
Technology Park, Western Precinct  
Kensington WA 6151

Dear Sir/ Madam,

**PROPOSED BOAT SHED - LOTS 778 AND 780 AND A PORTION OF LOT 11835 (RESERVE 34565)  
COODE STREET, SOUTH PERTH- (DBCA NO. 2023-5095) APPLICATION NO. PDDA-2023/1505**

I refer to the Department's email dated 23 October 2023 providing referral of the above application in accordance with Part 5 of the *Swan and Canning Rivers Management Act 2006*.

Thank you for providing the above referral to the City of South Perth to consider. The City has reviewed the proposed development and recommends the application be **REFUSED** for the following reasons:

1. The proposed development is inconsistent with the South Perth Foreshore Strategy and Management Plan (SPFSMP). The development is located within the Foreshore Node N2: Coode Street (Node N2) of the SPFSMP area, which is designated as having a family focus, with the ability to host large scale public events. The Node N2 strategies identify a need for upgrades and additions to existing public facilities, such as public toilets, playground facilities, transport connections and provision for food and beverage outlets. The development does not align with the Node N2 strategy or provide upgrades or additions to public facilities.
2. The development is considered inconsistent with the guiding principles of State Planning Policy 2.10 – Swan - Canning River System (SPP 2.10) as:
  - i. The development does not satisfy the provisions of Social Benefits 7.1.1, as the development would restrict public access to portions of the river system and does not demonstrate a benefit to the community.
  - ii. The development does not satisfy the provisions of Securing Public Access to the River 7.1.3 as the development does not maintain and enhance public access to the river.
  - iii. The development is inconsistent with Securing Public Access to the River 7.1.4 as the proposal has the potential to restrict or negatively impact on public views to or from the river.

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- iv. The development does not satisfy the provisions of Securing Public Access to the River 7.1.8 as the proposal relates to private club facilities which have not demonstrated a public benefit and are not open to the public for membership.
  - v. The development does not satisfy the provisions of Protecting Fringing Vegetation 7.2.4 and 7.2.5, as the development proposes the removal of established trees and vegetation to facilitate the proposed works. The development proposes the removal of 13 existing trees. Any removal of trees will require replacement at a ratio of seven new native trees for each tree removed as per DBCA statutory planning requirements. This would result in the requirement of 91 mature trees to be planted. This has not been proposed as part of the application.
  - vi. The development does not satisfy the provisions of Encouraging Appropriate Development 7.4.5, as the location of the proposed facilities is inconsistent with the SPFSMP. The development is proposed to be located within Node N2 of the SPFSMP which is envisioned to provide family orientated public facilities and recreation. The proposed development does not align with the strategic intent of Foreshore Node N2.
  - vii. The development does not satisfy the provisions of Creating and Maintaining Foreshore Reserves 7.4.8, as the development would restrict public access to the river and opportunities for public recreation.
3. The development does not align with the SPP 2.10 policy statement for the Perth Water Section (para 8.3) as the development:
- i. Would restrict public views of the river, including the northern Perth foreshore;
  - ii. Would restrict public access to the river; and
  - iii. Does not enhance the appearance or function of public recreation and would privatise public space.
4. The development does not satisfy the Background Requirements of Development Control Policy 5.3 – Use of Land Reserved for Parks and Recreation (DCP 5.3) as the development:
- i. Is incompatible with the established South Perth foreshore in terms of size and scale. In particular, the bulk and scale of the proposed building, which has an overall length of 45.5m, height of 8.6m and façade to be clad in blackened hardwood will result in significant adverse visual impact on the open aspect of the foreshore, resulting in the loss of the open visual aspect at this point and introducing additional built form into the area which was neither planned nor anticipated as part of the SPFSMP. In addition, the proposal will result in the loss of several mature trees and the relocation of the existing footpath.
  - ii. Is incompatible with the intended purpose of the reserve as a public recreational space for informal recreation and unrestricted enjoyment of the Swan River.
  - iii. Is not supported by the City of South Perth as the local authority.
  - iv. Is not capable of being integrated with other potential planned facilities based on the private purpose of the building.
  - v. Is inconsistent with the strategic direction and intended use of the reserve as outlined within the SPFSMP.

5. The development does not satisfy the Implementation Procedures of DCP 5.3 as:
  - i. The proposal is inconsistent with the planning framework.
  - ii. The proposal provides facilities to a private institution/s which restricts membership and does not provide public access.
  - iii. The development is not proposed to be open to the public when not in use by the school and does not provide public services or public benefit.
6. The development is inconsistent with Policy Outcome 7.7 of draft State Planning Policy 2.9 – Planning for Water as:
  - i. Community benefit has not been demonstrated;
  - ii. Public access to the river and its foreshore has not been maintained or enhanced;
  - iii. Maintenance and enhancement of views to or from the Swan river system from public places has not been achieved;
  - iv. The proposal does not protect vegetation coverage; and
  - v. Maintenance of public open space linkages to the Swan river system has not been achieved.

**Advice:**

The City provides the following advice with respect to the application:

- Foreshore Node N10 of the SPFSMP (Ellam Street) has been identified as an area for sports and recreation. Consideration should be given to relocating the boatshed to this location.
- The City notes that the proposal seeks to remove 13 established trees on the foreshore. Whilst these trees are not endemic, they contribute significantly to the amenity of the reserve, providing opportunities for shade and actively provide screening for the existing boat shed. The proposed remedial landscaping and maturity of trees proposed to be reinstated are of a significantly lower scale and would take many years to provide an equal amenity value to the existing trees on site. It is also noted that the reserve is sparsely populated with remedial vegetation, as a result, the removal of any established vegetation would have a tangible and noticeable impact on the amenity of the reserve. Any removal of trees would require replacement at a ratio of seven new native trees for each tree removed as per the Department Biodiversity Conservation and Attractions (DBCA) statutory planning requirements. This would result in the need for the planting of 91 new mature trees, which is not proposed as part of the development.
- The City does not consider the proposed contributions to the public realm (public art, upgraded lighting, CCTV and verandah) are proportionate in offsetting the scale of the development proposed and the privatisation of the current public space.
- The report references a financial contribution made by Wesley College towards a future ‘Super Playground’ within the reserve. The City advises that it is not aware of any agreement for the construction or financial contribution towards a future playground, nor does it support a financial contribution towards public infrastructure in lieu of providing public services/facilities on site as part of the development proposal. Any future playground is not a relevant consideration in the assessment of this proposal and not considered as part of this application. Should

the Department support the application subject to a condition requiring the provision or financial contribution for this purpose, the City would require provision to be to its satisfaction (including having regard to appropriate ongoing asset management considerations).

- The report references the removal of the western boat ramp which is currently a public facility. The City does not support the removal of the boat ramp, nor has it been provided with detailed details or specifications as to the environmental impact on the Swan river in this respect.
- The report states rainwater harvesting is proposed. No rainwater collection devices are depicted on the submitted plans. The use of rainwater harvesting and diversion through the garden beds is a more desirable outcome as it moderates the high intensity of flow from impermeable surfaces, such as the roof. In the event the application is approved, a condition requiring the screening of rainwater collection tanks/devices is requested.
- DBCA Policy 42 seeks to ensure that provisions are made for public access and enjoyment of the Swan Canning river system including its foreshores in a manner that is consistent with the multiple use of the DCA and the preservation of the values of the land itself. Tourism and recreation facilities should provide visitors to the Swan Canning river system with a choice of recreation activities and experiences.

Furthermore, proposals should seek to ensure that the river foreshores are linked through the provision of walking and cycle trails that connect places of natural and cultural interest, as well as commercial and community facilities.

The development proposes to remove and modify the existing pedestrian/bike path to accommodate the new building. The development has not demonstrated a new layout or location for the pedestrian/bike path.

#### Previous Public Consultation on the SPFSMP (2022)

Public engagement in relation to the future upgrade of the Coode Street foreshore occurred early in 2022 as part of formulation of the SPFSMP. This consultation indicated a deep-rooted affection for this area, with one of the five key priorities identified being the retention of the natural habitat, open parkland, and views of the river. Respondents also valued the scattered mature trees, limited built structures and uninterrupted view corridors, with concern expressed that the foreshore may be overdeveloped with new buildings. It was noted during the public engagement that the only new building planned in the node was a new accessible toilet, to be located in the existing trees thereby limiting its visual impact.

The current proposal involves the demolition of the existing boatshed and its replacement with footprint approximately three times larger than the existing building, which is inconsistent with the SPFSMP.

#### Riverbank Protection

The City and the Swan River Trust jointly contribute to the rehabilitation of riverbank protection devices and methods along the South Perth Foreshore; however, the City is responsible for asset management (both from a maintenance and financial perspective).

The future intent for the riverbank protection is construction at a height of 1.35 AHD, to address issues related to sea level rise. The current height of the existing river wall abutting the proposed development site is approximately 1.12 AHD. The design of any replacement riverbank protection is likely to be consistent with protection treatments used elsewhere along the South Perth foreshore,

that increase public and wildlife access to the river and accommodate a degree of flexibility in the riverbank alignment over time.”

Should the application be approved, the City requests a condition requiring a financial contribution from the applicant toward the cost of upgrades to riverbank protection in this location.

#### Sewer Connection

The State Government Sewerage Policy, relevant State Planning Policies and DBCA Policies provide requirements for connection to reticulated sewerage for developments on reserved land.

The application proposes the existing private sewer pump station (owned and maintained by the City) be decommissioned and replaced with a new pump station connected into the City’s exiting private sewer. This would require the applicant to amend the lease agreement with the City to modify the sewerage system and its use. There has been no discussion between the City and the applicant with this respect. Where a sewer is proposed to be decommissioned, connected or extended, the Water Corporation requires a consulting engineer to design and make arrangements for this. In the event the application is approved, a condition of development approval requiring the design and upgrade of this infrastructure at the applicant’s expense. The City advises that it will not contribute financially towards the design, investigations or any required replacement or upgrades.

The City would not support on-site wastewater disposal given the potential impacts on the Swan River, as well as insufficient information being provided with regards to soil conditions for on-site disposal and impacts on the surrounding area.

If you have any queries or wish to discuss this matter further, please do not hesitate to contact the assessing officer, Scott van Ierland on (08) 9474 0777.

Yours faithfully,



Fiona Mullen  
**Manager Development Services**