

DBCA Ref: 2023-5095

Our Ref: PDDA-2023/1303

17 November 2023

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 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.

**Civic Centre**

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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**