

DBCA Ref: 2023-5095

Our Ref: PDDA-2023/1303

03 July 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 19 June 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 provides the following comments and recommendation based on the amended plans and supporting documents published on the DBCA's website during the 19 June 2024 to 4 July 2024 consultation period:

Amendments to the Previous Proposal (February Submission):

- **Increased Setback:** The building has been relocated to provide a greater setback to the river, now providing a setback of 31.0 meters compared to the original proposal of 9.3 metres. This increased setback enhances the visual amenity of the river by reducing the structure's prominence in the landscape. The increased setback enhances public accessibility to the foreshore and will facilitate remedial and upgrade works to the river wall and future softening of the river's interface with the reserve.
- **Building Height and Form:** The roof height and roof form have been revised to reduce the building bulk. The new design includes a flat roof over the gym and toilet facilities, which steps down from the higher roof over the boat storage areas. This change helps to mitigate the visual impact of the building and assists in preserves public views of the river.
- **Removal of Verandah:** The originally proposed verandah has been removed from the plans. This reduction in the building footprint minimises encroachment on the foreshore and adjoining public open space.
- **Landscaping and Vegetation:** The proposal now includes landscaping proposal consisting of a 3:1 tree replacement ratio where tree removal is proposed. 24 locally native trees will be planted to replace the removal of eight mature trees on site. This change assists in compensating for the loss of vegetation and provides opportunity for habitat creation and increase to the ecological value and visual amenity of the area. The additional tree planting also assists in screening the development, further softening its interface with the adjoining public open space.

These changes assist in addressing the primary concerns regarding environmental impact, visual amenity, and public accessibility, resulting in a more balanced and community-oriented design.

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Clarification

The City seeks clarification on the following points:

- Whether or not the river wall adjacent the development site will be altered at the expense of the applicant, and whether the works to the river wall form part of this development proposal. The City considers that any works required to the wall in this location should be borne by the applicant on the basis it is directly related to access to the river for the development.
- Whether the applicant will be responsible for remediation works to the existing location of the boat shed (including the concrete pad, path infrastructure etc.) once demolished. The City recommends a condition in this respect.
- Whether the applicant will be responsible for installing a continuous shared use path between the proposed development and the river, connecting to the existing path network. The plans provided in support of the application are inconsistent in this respect. The City recommends this be conditioned.
- Further to the above, whether the balance of the shared use path network in proximity to the development will be appropriately removed and reinstated where applicable at the expense of the applicant. The City recommends this be conditioned.
- Whether any other public infrastructure requires relocating (e.g. reticulation) and if so, this shall be at the applicant's expense.
- The DBCA Report refers to car parking infrastructure for direct use of the facility, however, no details or plans are provided in this respect. Whilst a matter for consideration of a future lease, the City considers the use of the public parking area rather than an exclusive use area is appropriate. This will be required to be addressed given parking currently occurs adjacent to the public boat ramp, which is not part of the existing lease area.
- The City notes inconsistencies throughout the report as to whether the existing boat ramp facilities will be removed or retained. Clarification is required in this respect, as the City is of the understanding that it is to be maintained and publicly accessible, including during demolition and construction works.

Public Access and Community Benefit:

Policy 42, 43 and State Planning Policy 2.1 require development on the reserve to preserve or enhance the public's access and enjoyment of the river and associated public open space. The planning framework also requires that a community benefit is provided which is commensurate with the extent and scope proposed by development. The City maintains that public and community benefit should be tangible and commensurate to the development.

The development has addressed the public benefit criteria through:

- **Enhanced Public Access:** The development results in an increase of the building setback to the foreshore comparatively to the current building. The increased setback from the river allows for the creation of new pedestrian pathways along the foreshore, improving public access to the river.
- **Landscaping Improvements:** The commitment to plant 24 locally native trees as part of the development will enhance the ecological value and visual amenity of the reserve. The new trees will provide shade, habitat for local wildlife, and improve the overall environmental value of the area.
- **Community Benefit Fund:** A contribution of \$300,000 directly to the City of South Perth is proposed. The financial contribution is proposed to be conditioned as part of the determination. The City recognises that the applicant is not otherwise providing any

physical works on the site that would satisfactorily be considered a public and community benefit. As such, a financial contribution may be appropriate in this instance, however, it must be commensurate to the works and used for the benefit of users of the reserve. The City would therefore support use of funds for improvements to the Node 2 precinct of the City of South Perth Foreshore Strategy and Management Plan (SPFSMP), such as (but not limited to) additional landscaping, river wall, recreational facilities and ecological enhancements.

These enhancements increase the public benefit and enjoyment of the reserve and river, addressing previous concerns about the lack of public benefits in the original proposal.

DBCA Recommended Conditions of Determination:

The City has reviewed the draft conditions recommended by the DBCA and provides the following recommendations/comments:

1. The City has no comment.
2. The City has no comment.
3. The City recommends the condition be redrafted as follows:

Prior to or in conjunction with the submission of a building permit application, or demolition permit application, whichever is earlier, a Demolition/Construction Management Plan must be submitted to, and approved in writing by, the Department of Biodiversity, Conservation and Attractions on the advice of the City of South Perth. The Construction Management Plan must address the following:

- i. a detailed work method statement that describes how the contractor proposes to undertake the works;*
- ii. management of any potential acid sulfate soils (PASS) that may be exposed during the works;*
- iii. proposed contingency actions should environmental controls be inadequate;*
- iv. detail of machinery and associated refuelling (noting that refuelling should take place outside of the Swan Canning Development Control Area if possible, or within an appropriate impervious bund);*
- v. protection of the river from inputs of debris, run-off, soil, fill, or other deleterious material;*
- vi. traffic, access and parking management for contractors and the public;*
- vii. public safety and amenity;*
- viii. site plan and security;*
- ix. contact details of essential site personnel, construction period and operating hours;*
- x. community information, consultation and complaints management plan;*
- xi. noise, vibration, air and dust management;*
- xii. dilapidation reports of surrounding City of South Perth assets within 50m of the development site;*
- xiii. traffic, access and parking management;*
- xiv. waste management and materials re-use;*
- xv. earthworks, excavation, land retention/piling methods and associated matters;*
- xvi. stormwater and sediment control;*
- xvii. tree management and protection;*

- xviii. *removal of onsite effluent disposal system and stormwater management system; and*
- xix. *asbestos removal (if applicable)*
- xx. *a detailed site map showing the location of any:*
 - a. *signage, including the contact details of essential site personnel*
 - b. *perimeter fencing and hoarding*
 - c. *the laydown area and vehicle entry/exit points*
 - d. *protected vegetation*
 - e. *areas of excavation and stockpiling of soil*
 - f. *on-site storage and bunding of materials and equipment*
 - g. *traffic access and parking*
 - h. *proposed redirection of pedestrian traffic*
 - i. *the authorised works shall not prevent public access along the foreshore*
 - j. *reserve unless temporary closure is necessary for safety purposes. In the*
 - k. *event the path is closed, a clearly signed, safe alternative route shall be*
 - l. *provided.*
 - m. *x. all signage shall be consistent with the City of South Perth local laws and*
 - n. *Local Planning Scheme. Signage should be in place for the duration of the*
 - o. *works, in a location easily visible to oncoming pedestrians and cyclists.*
- xxi. *any other matters considered relevant to the proposal not identified above.*

The Construction Management Plan must be implemented and adhered to all times, to the satisfaction of the Department of Biodiversity, Conservation and Attractions on the advice of the City of South Perth.

4. The City recommends the condition be redrafted as follows:

Prior to or in conjunction with the submission of a building permit application, the applicant is to submit final architectural drawings which address:

- i. *Siting of the proposed development in proximity to vegetation and existing infrastructure*
- ii. *Floor plans*
- iii. *Elevation plans*
- iv. *Visual render of the proposed building within the existing/proposed landscape setting, illustrating the retention of trees and the screening they provide*
- v. *Details of any proposed modification to the car parking area resulting from the proposed provision of vehicle access to boatshed*
- vi. *Detailed engineering drawing showing the full extent of all foreshore works, for example regraded river edge treatment.*

The amended plans are to be submitted to, and approved in writing by, the Department of Biodiversity and Conservation and Attractions on the advice of the City of South Perth.

5. The City recommends the condition be redrafted as follows:

Prior to or in conjunction with the submission of a building permit application, the applicant is to submit to a final schedule of colours, materials and finishes to the Department of Biodiversity Conservation and Attractions. This schedule is to be approved in writing to the satisfaction of the Department of Biodiversity and Conservation and Attractions on the advice of the City of South Perth. Prior to occupation or use of the development, the endorsed material and finishes schedule shall be implemented and thereafter maintained to the satisfaction of the Department of Biodiversity, Conservation and Attractions on the advice of the City of South Perth.

6. The City recommends the condition be redrafted as follows:

Prior to or in conjunction with the submission of a building permit application, a detailed landscape plan demonstrating long-term viability of planting is to be submitted and approved in writing by the Department of Biodiversity, Conservation and Attractions on the advice of the City of South Perth to address the following:

- (i) Hard and soft landscaping areas;*
- (ii) The location, species and details of all trees and plants to be retained and removed;*
- (iii) The size (both height and pot size) and number of new trees and plants to be planted;*
- (iv) The location of any lawn areas to be established;*
- (v) Reticulation details; and*
- (vi) Details of any proposed vertical landscaping.*

Prior to occupation or use of the development, landscaping is to be installed and maintained in accordance with that plan, or any modifications approved thereto, for the lifetime of the development thereafter, to the satisfaction of the Department of Biodiversity, Conservation and Attractions on the advice of the City of South Perth.

7. The City has no comment.

8. The City recommends the condition be redrafted as follows:

Prior to or in conjunction with the submission of a building permit application, an external lighting plan demonstrating compliance with Australian Standard 4282 – Control of Obtrusive Effects of Outdoor Lighting must be submitted and approved in writing by the Department of Biodiversity, Conservation and Attractions on the advice of the City of South Perth. The lighting is to be designed and located to prevent any increase in light spill onto the adjoining properties. Prior to occupation and use of the development, the lighting shall be installed in accordance with the approved plan and maintained thereafter to the satisfaction of the Department of Biodiversity, Conservation and Attractions on the advice of the City of South Perth.

9. The City recommends the condition be redrafted as follows:

The development shall be connected to the reticulated sewerage system at the full cost of the applicant to the requirements and specifications of the Department of Biodiversity, Conservation and Attractions on the advice of the City of South Perth and the Water Corporation.

10. The City has no comment.

11. The City recommends the condition be redrafted as follows:

Prior to or in conjunction with the submission of a building permit application, the applicant shall provide a community benefit contribution of \$300,000 to be paid to the City of South

Perth. This contribution is to be held by the City of South Perth and utilised for the upgrading of Coode Street Node 2 Area in accordance with the South Perth Foreshore Strategy and Management Plan.

The City recommends the following additional conditions and associated advice notes are included on the Department's determination:

12. A tree protection zone (TPZ) in accordance with Australian Standard AS4970-2009 shall be implemented during demolition and construction for the trees retained within 50m of the development site and all trees proposed to be retained within the development site to the satisfaction of the Department of Biodiversity Conservation and Attractions on the advice of the City of South Perth. (refer Advice Note 'a')
13. Prior to or in conjunction with the submission of a building permit application, the applicant is to submit plans demonstrating that external fixtures, such as air-conditioning infrastructure, shall be integrated into the design of the building so as to not be visually obtrusive when viewed from the reserve and adjoining public open space and to protect the visual amenity of residents in neighbouring properties, to the satisfaction of the Department of Biodiversity, Conservation and Attractions on the advice of the City of South Perth.

Advice Notes:

- a) The Australian Standards specify the following measures are required to protect trees:
 - (i) A minimum 2.0m radius tree protection zone (TPZ) shall be provided through 1.8m high fencing around the verge trees (chain mesh panels or other suitable material) during construction of the subject development.
 - (ii) The above fencing is not to be moved or removed at any period during construction, and this zone is not to be entered for any reason; signage notifying people of the TPZ, and the associated requirements is to be placed on each side of the fencing.
 - (iii) All activities and works related to construction of the subject development, including parking of vehicles, storage of materials, and washing of concreting tools and equipment is prohibited within the designated TPZ unless prior approval is sought from the City of South Perth.
 - (iv) Any roots identified to be pruned shall be pruned with a final cut to undamaged wood outside of the TPZ. Pruning cuts shall be made with sharp tools such as secateurs, pruners, handsaws or chainsaws. Pruning wounds shall not be treated with dressings or paints. It is not acceptable for roots to be 'pruned' with machinery such as backhoes or excavators.

General Comments:

The revised proposal aligns with several key planning strategies and principles, providing a balanced approach to development that considers both the needs of the college and the broader community:

- **South Perth Foreshore Strategy and Management Plan (SPFSMP):** The updated design aligns with the objectives and strategies outlined in the SPFSMP, which aims to enhance water-based activities and public amenities along the foreshore. The increased setback and public access improvements support the plan's vision of a connected, accessible, and ecologically healthy foreshore.
- **Environmental Considerations:** The commitment to a 3:1 tree replacement ratio and the inclusion of locally native species is supported and will enhance the ecological value, habitat and overall environmental health of the area. The revised design reduces the footprint on the foreshore, preserves more open space, and minimises the impact on existing vegetation.

- **Balanced Development:** The revised proposal balances the need for modern educational facilities with the preservation of public open space. The design changes address previous concerns regarding building bulk, visual impact, and public access.

Recommendation:

Based on the changes to the original design, the conditional public benefits, and the alignment with relevant planning strategies, it is recommended that the application for the redevelopment of the Boat Shed be approved subject to the conditions identified above.

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