

5.2 NO. 3 (LOT: 0; D/P 10569) LAWLEY STREET, WEST PERTH - SOCCER NET ADDITION TO RECREATION FACILITY (DORRIEN GARDENS) (UNAUTHORISED EXISTING DEVELOPMENT)

Ward: South

Attachments:

1. Location and Consultation Plan
2. Development Plans
3. Determination Advice Notes

RECOMMENDATION:

That Council, in accordance with the provisions of the City of Vincent Local Planning Scheme No. 2 and the Metropolitan Region Scheme, **APPROVES** the application for a Soccer Net Addition to Recreation Facility (Dorrien Gardens) (Unauthorised Existing Development) at No. 3 (Lot: 0; D/P 10569) Lawley Street, West Perth, in accordance with the plans shown in Attachment 1, subject to the following conditions, with the associated determination advice notes in Attachment 3:

1. Development Plans

This approval is for a Soccer Net Addition to Recreational Facility (Dorrien Gardens) as shown on the approved plans dated 16 April 2024. No other development forms part of this approval.

EXECUTIVE SUMMARY:

The purpose of this report is to consider an application for development approval for a soccer net addition to the Dorrien Gardens Reserve located at No. 3 Lawley Street, West Perth (subject site). The soccer net is unauthorised existing development. A location plan of the subject site is included as **Attachment 1**.

The subject site, known as Dorrien Gardens, is owned and managed by the City of Vincent and has been leased to the Perth Soccer Club since 1987.

The proposal relates to a soccer net addition, located adjacent to the northern lot boundary of the subject site, abutting Lawley Street. The soccer net structure was installed between February and April of 2023.

The application has been assessed against Clause 67 – matters to be considered by local government under the *Planning and Development (Local Planning Schemes) Regulations 2015 Schedule 2*. Matters relevant to this application include objectives of the City's Local Planning Scheme, the compatibility of the proposal within the context of the locality and community submissions on the application.

The proposed development is supported because it does not impact amenity of the locality and would be consistent with the objectives of the public open space reserve in which it is located. This is because the structure comprises of two posts and a visually permeable and detachable net, which allows views through the structure that minimises visual impact to surrounding context.

The proposed development is acceptable as considered against the planning framework and is recommended for approval subject to conditions.

PROPOSAL:

The subject site is located at No. 3 Lawley Street, West Perth, as shown on the location plan included as **Attachment 1**.

The application seeks approval for a soccer net structure addition to the northern lot boundary adjacent to Lawley Street, located behind the soccer field goal. The location of the soccer net structure in relation to the broader site area is shown in **Attachment 1**.

The soccer net structure consists of two black metal posts, each measuring 10 metres in height and located 25 metres apart. A removable permeable net is affixed between the two posts.

The proposed development plans are included in **Attachment 2**.

The purpose of the soccer net structure is to contain soccer balls during gameplay, reducing the risk of soccer balls leaving the site and impacting pedestrians, vehicles, and adjacent dwellings on Lawley Street.

The works are unauthorised existing development as the structure was installed between February and April of 2023 with no valid development approval. The structure is not exempt under the *Planning and Development (Local Planning Schemes) Regulations 2015* or the City's [Local Planning Policy: Planning Exemptions](#). The constructed structure is shown in the below Figures.



Figure 1 – View of the Soccer Net Structure from Perth Soccer Club (Looking North).



Figure 2 – View of the Soccer Net Structure from Lawley Street (Looking South).

DELEGATION:

This application is being referred to Council for determination in accordance with the City's Register of Delegations, Authorisations and Appointments.

This is because the delegation does not extend for applications for development approvals that propose permanent structures on City owned or managed land, except where:

- a) The structure is an awning, or
- b) The structure is for a ground anchor; or
- c) The structure is for an encroachment which:
 - i) is an architectural feature and does not encroach by greater than 250 millimetres; or
 - ii) is a window or shutter that encroaches on a road or public space by no more than 50 millimetres when open and is at least 2.75 metres above the ground level.

The application seeks approval for a structure on City owned land which does not meet the above criteria of the City's Register of Delegations, Authorisations and Appointments.

BACKGROUND:

Landowner:	City of Vincent
Applicant:	Trio Homes
Client:	Perth Soccer Club
Date of Application:	16 April 2024
Zoning:	MRS: Urban LPS2: Reserve: Public Open Space - Restricted
Built Form Area:	Reserve
Existing Land Use:	Recreational Facility
Proposed Use Class:	Recreational Facility
Lot Area:	17,758m ²
Right of Way (ROW):	Yes
Heritage List:	No

The subject site is bound by Lawley Street to the North, commercial developments to the east, residential developments to the south and Victoria Street to the west. A location plan is included as **Attachment 1**.

The subject site is reserved as Public Open Space – Restricted under the City's Local Planning Scheme No. 2 (LPS2).

The surrounding properties to the north, west and south are zoned Residential (R80), adjoining properties to the east are zoned Commercial, and adjoining properties to the south-east are zoned Mixed Use (R160) under LPS2.

The structure is proposed within a 'reserve' area under the City's Policy No. 7.1.1 – Built Form (Built Form Policy). The Built Form Policy has no applicable provisions for reserves and the Residential Design Codes do not apply.

The subject site, known as Dorrien Gardens, is owned and managed by the City of Vincent and has been leased to the Perth Soccer Club since 1987.

DETAILS:**Summary Assessment**

In considering an application for development approval located on land reserved for Public Open Space, due regard must be given to the relevant matters as stipulated under [Clause 67 – Matters to be Considered by Local Government](#) of the Deemed Provisions. There are no State planning policies in operation which relate to the structure located in the reserve.

The table below summarises the planning assessment of the proposal against Clause 67(2) and the provisions of LPS2.

Clause 67 – Matters to be Considered	
Matter	Administration Comment
(a) The aims and provisions of this Scheme and any other local planning scheme operating within the Scheme area.	The application would be consistent with the aims of the Public Open Space Reserve as set out in LPS2. This is considered further in the Comments section below.
(b) The requirements of orderly and proper planning including any proposed local planning scheme or amendment to this Scheme that has been advertised under the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> or any other proposed planning instrument that the local government is seriously considering adopting or approving.	The suitability of the development has been assessed having regard to the relevant scheme requirements, the relevant planning framework, and the impact of the development on the area, consistent with the principles of orderly and proper planning. There are no draft planning instruments relevant to this application.
(g) Any local planning policy for the Scheme area.	There are no local planning policies relevant to this application.
(m) The compatibility of the development with its setting including – (i) The compatibility of the development with the desired future character of its setting. (ii) The relationship of the development on adjoining land or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development.	The design of the soccer net structure is compatible and consistent with the development standards expected for recreational sporting facilities. The soccer net structure does not have an adverse visual impact on the adjoining lots. This is because the structure comprises of a visually permeable net between two narrow posts, allowing views through the structure and minimising the visibility of the structure to surrounding properties and public spaces. The acceptability of the structure in relation to the surrounding context is discussed further in the Comments section below.
(n) The amenity of the locality including the following – (i) environmental impacts of the development; (ii) the character of the locality; (iii) social impacts of the development.	The proposal does not impact residential amenity for Lawley Street. This is because it is setback 32 metres from the nearest dwelling, is visually permeable in design, and is partially screened from view to Lawley Street by two mature street trees (shown in Figure 2 above). The structure also seeks to contain errant soccer balls and would protect the northern adjacent properties, resulting in improved amenity between the two land use types. The acceptability of the structure in relation to amenity impacts to surrounding developments is discussed further in the Comments section below.
(u) the availability and adequacy for the development of the following – (i) public transport services; (ii) public utility services; (iii) storage, management and collection of waste; (iv) access for pedestrians and cyclists (including end of trip storage, toilet and shower facilities); (v) access by older people and people with disability.	The soccer net structure would not impact public transport services, public utility services, waste serves or mobility for pedestrians or cyclists. This is because the soccer net is located at the edge of the soccer field and is not located near any pedestrian, car or cyclist facilities or public transport infrastructure.

Clause 67 – Matters to be Considered	
Matter	Administration Comment
(w) The history of a site where the development is to be located.	<p>The development would be consistent with the history of the site being used as a recreational facility for Perth Soccer Club.</p> <p>The net would prevent soccer balls leaving the site, reducing off-site impacts to surrounding residential properties, and supporting the ongoing use of the site as a soccer field.</p>
(y) Any submissions received on the application.	Two submissions were received during the consultation period, objecting to the proposal. A summary of the submissions with Administration's response is included in the Comments section of this report.

CONSULTATION/ADVERTISING:

Community consultation was undertaken in accordance with the [Planning and Development \(Local Planning Schemes\) Regulations 2015](#) and the City's [Community and Stakeholder Engagement Policy](#).

The City's Community and Stakeholder Engagement Policy sets out that if an application proposes development on City owned or managed land, then it is a 'complex' application.

The Community and Stakeholder Engagement Policy prescribes additional consultation requirements for complex applications which are a minimum advertising period of 28 days, a sign be erected on site and letters sent to a consultation radius of 200 metres.

The Community and Stakeholder Engagement Policy also permits the Administration to vary the consultation radius on a case-by-case basis where owners and/or occupiers of properties in the vicinity of the proposed development are likely or unlikely to be affected by the granting of development approval.

Commensurate with the scale of the proposal and potential impact on surrounding properties, Administration reduced the consultation period to 14 days and reduced to the consultation radius to adjoining and adjacent properties. The proposal was advertised for a period of 14 days, from 12 June 2024 to 26 June 2024. The method of consultation included a notice on the City' website and 37 letters being mailed to the owners of adjoining and adjacent properties, as shown in **Attachment 1**.

At the conclusion of consultation period the City received two submissions, both of which objected to the proposal. The comments received are summarised as follows:

- Noise emitted in relation to soccer games occurring at the subject site.
- The impact of the soccer net structure on views of significance.
- Concern relating to loss of property value of surrounding residential developments.

Administration's response to submissions received is addressed within the Comments section of this report.

Design Review Panel (DRP):

Referred to DRP: No

The proposal was not referred to the Design Review Panel. This is because the structure does not meet the requirements for referral established in the [DRP terms of reference](#). Due to the nature of the structure, being two posts with a removable net between, there is limited scope for design advice.

LEGAL/POLICY:

- *Planning and Development Act 2005*;
- *Planning and Development (Local Planning Schemes) Regulations 2015*;
- City of Vincent Local Planning Scheme No. 2; and
- Community and Stakeholder Engagement Policy.

Planning and Development Act 2005

In accordance with Schedule 2, Clause 76(2) of the *Planning and Development (Local Planning Schemes) Regulations 2015* and Part 14 of the *Planning and Development Act 2005*, the applicant would have the right to apply to the State Administrative Tribunal for a review of Council's determination.

City of Vincent Local Planning Scheme No. 2

In considering the acceptability of the development, Council is to have regard to the objectives of the relevant reserve.

The [objectives](#) of Public Open Space Reserves are as follows:

- *To set aside areas for public open space, particularly those established under the Planning and Development Act 2005 s. 152.*
- *To provide for a range of active and passive recreation uses such as recreation buildings and courts and associated car parking and drainage.*

RISK MANAGEMENT IMPLICATIONS:

There are minimal risks to Council and the City's business function when Council exercises its discretionary power to determine a planning application.

The structure would limit the number soccer balls leaving the site and reduce the risk of soccer balls causing damage to people and property within Lawley Street.

STRATEGIC IMPLICATIONS:

This is in keeping with the City's Strategic Community Plan 2022-2032:

Innovative and Accountable

Our decision-making process is consistent and transparent, and decisions are aligned to our strategic direction.

SUSTAINABILITY IMPLICATIONS:

The proposal is a minor addition to the infrastructure supporting the use of the reserve as a soccer field and does not generate ongoing energy or water consumption.

As a minor addition, the sustainability implications would be limited to the energy consumption and water use associated with the manufacture, transport and installation of the structure and would be minimal. This is because of the minor nature and scale of the works, which consists of two 10 metres high galvanised steel posts with a removable net in between.

PUBLIC HEALTH IMPLICATIONS:

This is in keeping with the following priority health outcomes of the City's *Public Health Plan 2020-2025*:

Increased physical activity

FINANCIAL/BUDGET IMPLICATIONS:

There are no finance or budget implications from this report.

COMMENTS:

The proposal would satisfy the [objectives](#) of Public Open Space Reserves under LPS2 and applicable provisions of [Clause 67 – Matters to be Considered by Local Government](#) of the Deemed Provisions for the following reasons:

- **Land Use:** The structure would be used in conjunction with existing recreational activities undertaken by the Perth Soccer Club. The structure would support Perth Soccer Club in providing for active and passive recreational uses at the reserve. The structure would not introduce a new land use or limit existing or future land uses at the subject site.
- **Increased Amenity:** The structure has been designed to prevent soccer balls from leaving the site and subsequent impacts to surrounding residential properties and public space. This provides additional protection and assists in reducing land-use conflicts between the subject Reserve and adjacent residential properties.
- **Built Form:** The structure is consistent with type and built form of developments associated with sports facilities located in public open space reserves. This is because the overall height and form of the structure is equivalent to or lesser than other infrastructure common to sporting grounds, such as flood lights, high level fencing, goal posts for AFL and Rugby, and the like. The structure comprises of a visually permeable net between two narrow posts, allowing views through the structure and minimising the visibility of the structure to surrounding properties and public spaces.
- **Streetscape & Surrounding Character:** The design of structure does not impact the Lawley Street streetscape or the character of the surrounding locality. This is because the two posts are slim in design, the height of the posts are consistent with that of nearby power and light poles, and the netting material is visually permeable, allowing views between the soccer field and the street. Mature trees located within the Lawley Street verge also provide visual screening between the street and the structure. The structure is setback a minimum of 32 metres from the nearest residential dwelling, providing sufficient separation to reduce visual impacts. The soccer net material is visually permeable, as shown in Figures 1 and 2 above, and does not restrict views of significance that may be achieved from surrounding properties. Overall, the proposal is compatible and complimentary to the surrounding context as the design results in a structure that is not visually dominant when viewed from Lawley Street or adjacent properties.
- **Community Consultation Comments:** The soccer net structure was installed at the subject site between February and April of 2023. During this time, the City has not received any complaints in relation to the structure. Following community consultation of this proposal, the City received two objections in relation to the structure when the development application was advertised. The objections received relate to noise generated from soccer games, the impact of the structure on views of the City and Kings Park, and subsequent impact on property values. In consideration of these comments, Administration notes that the use of the reserve for soccer games is as-existing and not the subject of this application, the impact to property values is not a relevant planning consideration, and the proposal would not impact views of significance given the netting is visually permeable in design.

**CITY OF VINCENT
LOCAL PLANNING SCHEME NO. 2
SCHEME MAP 1 - LEEDERVILLE**

LEGEND

METROPOLITAN REGION SCHEME RESERVES

Note: The Western Australian Planning Commission care of the Department of Planning should be consulted for full information on the actual land requirements for all Metropolitan Region Scheme Reserves.

- PARKS AND RECREATION**
- R Restricted Public Access
- PRIMARY REGIONAL ROADS RESERVATION**
- OTHER REGIONAL ROADS RESERVATION**
- RAILWAYS**
- PUBLIC PURPOSES**
Particular use denoted as follows:
- H Hospital
- HS High School
- TS Technical School
- CP Car Park
- U University
- CG Commonwealth Government
- SU Special Use
- WSD Water Authority of Western Australia
- P Prison

CITY OF VINCENT LOCAL SCHEME RESERVES

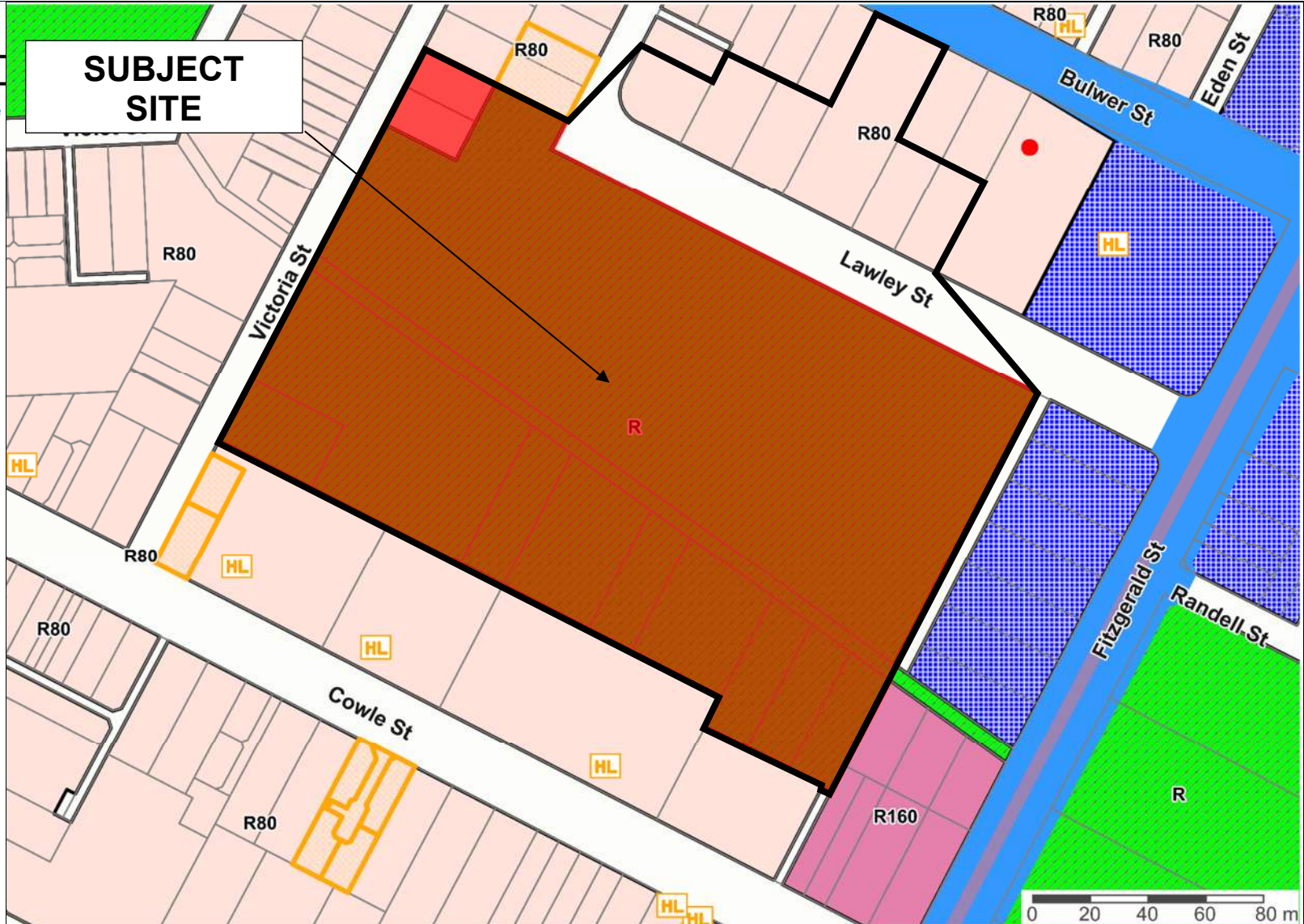
- PUBLIC OPEN SPACE**
- R Restricted
- PUBLIC PURPOSES**
Particular use denoted as follows:
- PS Primary School
- CP Car Park
- CU Civic Uses
- HS High School
- I Institute for the Deaf
- W Water Supply Sewerage and Drainage
- TS Technical School

CITY OF VINCENT SCHEME ZONES

- RESIDENTIAL**
- MIXED USE**
- COMMERCIAL**
- LOCAL CENTRE**
- DISTRICT CENTRE**
- REGIONAL CENTRE**
- SPECIAL USE**
Particular use denoted as follows:
- CP Car Park
- CU Community Use
- FC Function Centre
- HC Hall and Non Residential Club
- H Hotel
- FW Place of Worship
- S Service Station
- ADDITIONAL USE**

ADDITIONAL INFORMATION & RESIDENTIAL PLANNING CODES

- CODE AREA BOUNDARY**
- SCHEME AREA BOUNDARY**
- DENSITY CODE**



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Location Map
No. 3 Lawley Street, West Perth

Extent of Consultation





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No. 3 Lawley Street, West Perth





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No. 3 Lawley Street, West Perth





**LOCATION OF
POSTS**



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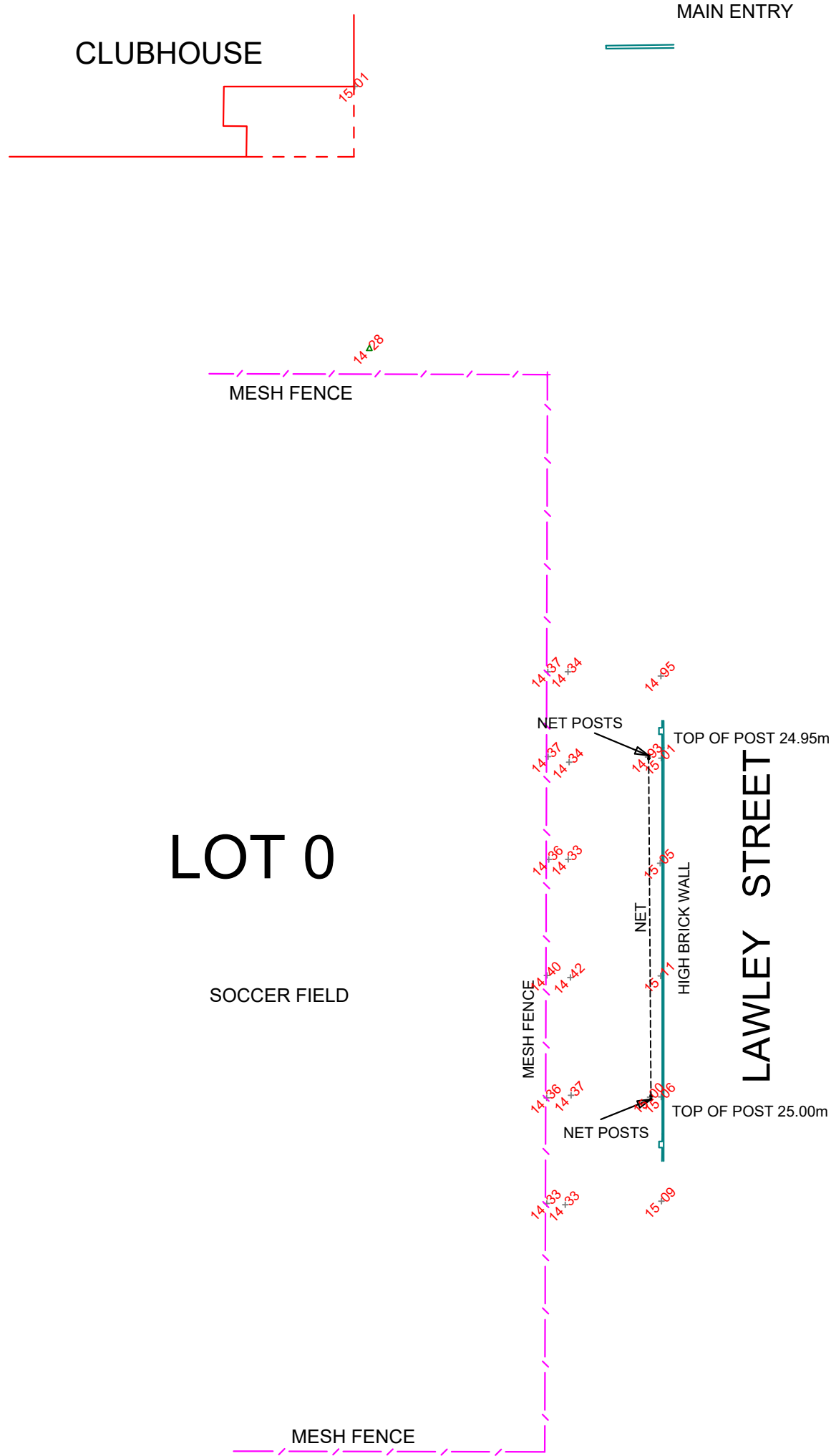
No. 3 Lawley Street, West Perth



NOTE: A BOUNDARY RESURVEY IS RECOMMENDED TO ACCURATELY LOCATES BUILDINGS AND FENCES

THIS SURVEY DOES NOT GUARANTEE THE LOCATION OF BOUNDARY PEGS OR FENCES IN RELATION TO THE BOUNDARIES. IT IS A SITE SURVEY ONLY AND IS NOT BE USED FOR ANY OTHER PURPOSE. FOR EASEMENTS, CHECK THE CERTIFICATE OF TITLE. TOTAL SURVEY SOLUTIONS PTY LTD ACCEPTS NO RESPONSIBILITY FOR ANY CHANGES TO THE PARCEL, OR PORTION THEREOF, SHOWN ON THIS SURVEY INCLUDING, BUT NOT LIMITED TO, ANY ADJOINING PROPERTY LEVELS OR FEATURES THAT MAY HAVE OCCURRED SINCE THE DATE OF THIS SURVEY. PLAN HAS IMPLIED COPYRIGHT.

CITY OF VINCENT
RECEIVED
16 Apr 2024



LEGEND

- ⊠ WATER METER
- TELSTRA
- HYDRANT
- ⊙ LIGHT POLE
- ⊙ POWER DOME
- POWER POLE
- ≡ GRATE
- ⊕ SIGN
- ⊗ STORMWATER
- ⊠ STOP VALVE



CONTOUR AND FEATURE SURVEY			
3 LAWLEY STREET WEST PERTH	CLIENT: PERTH SOCCER CLUB	SCALE: 1:400 @A3	TOTAL SURVEY SOLUTIONS PTY LTD 10 GARROW COURT KINGSLEY WA 6026 P 0411 588 277 E: leotss@tgp.com.au
LOT 0 DIAGRAM 10569 C/T 1630/294	LOCAL AUTHORITY: VINCENT	DATE: 8/4/24	

AUSNET

CITY OF VINCENT RECEIVED 16 Apr 2024

25000 mm

10000 mm

2500 mm

2600

1400 ϕ PF9

Footing size 2600 mm deep x 1400 mm round 25mpa concrete

c1 - 114.3 ϕ x 4.0 CHS

ALL HOT DIPPED GALVANISED.

100x6 mm WEB, FULLY WELDED.

IE Aust Gary Marocchi MIEAust CPEng Chartered Professional Engineer Membership No. 220978 The Institution of Engineers, Australia

G Marocchi
8/11/2013

120

2022-231

DRAWING

SCALE

Marocchi Engineering Group

158-160 Newcastle Street, Perth WA 6000

Ph: 9328 5700 Fax: 9328 5722

NTS

Determination Advice Notes:

1. This is a development approval issued under the City of Vincent Local Planning Scheme No. 2 and the Metropolitan Region Scheme only. It is not a building permit or an approval to commence or carry out development under any other law. It is the responsibility of the applicant/owner to obtain any other necessary approvals and to commence and carry out development in accordance with all other laws.
2. If an applicant or owner is aggrieved by this determination there is a right of review by the State Administrative Tribunal in accordance with the *Planning and Development Act 2005* Part 14. An application must be made within 28 days of the determination.
3. This approval is not an authority to ignore any constraint to development on the land, which may exist through statute, regulation, contract or on title, such as an easement or restrictive covenant. It is the responsibility of the applicant and not the City to investigate any such constraints before commencing development. This approval will not necessarily have regard to any such constraint to development, regardless of whether or not it has been drawn to the City's attention.
4. The applicant is responsible for ensuring that all lot boundaries as shown on the approved plans are correct.