



## Western Australian Planning Commission

Notice is hereby given the next meeting of the Western Australian Planning Commission (Part 17 Significant Development) will be:

**Meeting No. 14**

**Thursday, 28 October, 2021, 2:00 pm**

**Zoom link: <https://zoom.us/j/99146597294>**

<b>1. Declaration of opening</b>	
<b>2. Apologies</b>	
Ralph Addis - Director General, Department of Primary Industries and Regional Development	
Michelle Andrews - Director General, Department of Water and Environmental Regulation	
Jane Bennett - Professions Representative	
Rebecca Brown - Director General, Department of Jobs, Tourism, Science and Innovation	
Mike Rowe - Director General, Department of Communities	
<b>3. Disclosure of interests</b>	
Jane Bennett - Pecuniary Interest	
Fred Chaney - Impartiality Interest	
Justin McKirdy - Impartiality Interest	
<b>4. Declaration of due consideration</b>	
<b>4.1. Alternate Motion</b>	8 - 13
<b>5. Deputations and presentations</b>	
<b>5.1. No. 816 (Lots 202, 203, 800 and 806) Beeliar Drive, Success - Proposed Retail, Commercial and Residential Development</b>	14 - 50
<b>Presenters: Andrew Byars - Perron Group, Andre Jones - Buchan, Murray Casselton - element and Darren Staunton - Insight Project Services.</b>	
<b>Available to answer questions: Darren Levey - Uloth and Associates, Jon Everett - PlanE, Tim Reynolds - Herring Storer, Alessandro Paladin - Buchan, James Lewisson - element and Graham Agar - Full Circle Design).</b>	
<b>6. Presentation of key issues by the Department of Planning, Lands and Heritage</b>	
<b>7. Item/s for decision</b>	
<b>7.1. No. 816 (Lots 202, 203, 800 and 806) Beeliar Drive, Success - Proposed Retail, Commercial and Residential Development</b>	51 - 102

8. **State Administrative Tribunal applications**
9. **General business**
10. **Meeting closure**

## Information for WAPC members (Part 17 Significant Development) *Quorum: 7 of 14 members*

*Representation in accordance with the Planning and Development Act 2005*

	<p><b>Mr David CADDY</b> WAPC Chairman <i>Section 10(1)(a)</i></p>		<p><b>Ms Jodi CANT</b> Director General, Department of Planning, Lands and Heritage <i>Section 10(1)(c)(i)</i></p>
	<p><b>Mayor Emma COLE</b> Metropolitan Local Government Representative (nominated by WALGA) <i>Section 10(1)(b)(i)</i></p>		<p><b>Ms Michelle ANDREWS</b> Director General, Department of Water and Environmental Regulation <i>Section 10(1)(c)(ii) and 10(1)(c)(iv)</i></p>
	<p><b>Cr Veronica FLEAY</b> Non-Metropolitan Local Government Representative (nominated by WALGA) <i>Section 10(1)(b)(ii)</i></p>		<p><b>Mr Peter WORONZOW</b> Director General, Department of Transport <i>Section 10(1)(c)(iii)</i></p>
	<p><b>Ms Helen BROOKES</b> Coastal Planning and Management Representative <i>Section 10(1)(b)(iii)</i></p>		<p><b>Ms Rebecca BROWN</b> Director General, Department of Jobs, Tourism, Science and Innovation <i>Section 10(1)(c)(v)</i></p>
	<p><b>Ms Jane BENNETT</b> Professions Representative <i>Section 10(1)(b)(iv)</i></p>		<p><b>Mr Mike ROWE</b> Director General, Department of Communities <i>Section 10(1)(c)(vi)</i></p>
	<p><b>Mr Fred CHANEY</b> Professions Representative <i>Section 10(1)(b)(v)</i></p>		<p><b>Mr Justin McKIRDY</b> 'Planner' from portfolio agencies <i>Section 10(1)(c)(vii)</i></p>
	<p><b>Mr Barry McGUIRE</b> Professions Representative <i>Section 10(1)(b)(vi)</i></p>		<p><b>Ms Lynne CRAIGIE</b> Nominee of the Minister for Regional Development <i>Section 10(1)(c)(viii)</i></p>
	<p><b>Mr Ralph ADDIS</b> Director General, Department of Primary Industries and Regional Development <i>Associate Member, Section 11</i></p>		

	<p><b>Mayor Penny TAYLOR</b> Metropolitan Local Government Representative (Deputy) (nominated by WALGA) <i>Schedule 1 clause 7(1)</i></p>		<p><b>Cr Caroline KNIGHT</b> Non-Metropolitan Local Government Representative (Deputy) (nominated by WALGA) <i>Schedule 1 clause 7(1)</i></p>

Current Vacancies:

- Deputy Chairperson, *Schedule 1, Clause 6(3)*

## Role of the Western Australian Planning Commission (WAPC) (Part 17 Significant Development)

In accordance with Part 17 of the *Planning and Development Act 2005* (as amended by the *Planning and Development Amendment Act 2020*), the Western Australian Planning Commission is granted temporary decision-making powers to determine development applications over \$20 million in metropolitan Perth, and over \$5 million in regional areas.

### Membership (extract from PD Act)

The composition of the Board is in accordance with Section 10(1) of the *Planning and Development Act 2005*:

#### 10. Membership of board

- (1) The board is to consist of the following members —
  - (a) a chairperson appointed by the Governor on the nomination of the Minister; and
  - (b) 6 members appointed by the Governor, of whom —
    - (i) one is to be a person nominated by the Minister from a list of the names of 4 persons representing the interests of local governments within the metropolitan region submitted to the Minister by WALGA; and
    - (ii) one is to be a person nominated by the Minister from a list of the names of 4 persons representing the interests of the local governments outside the metropolitan region submitted to the Minister by WALGA; and
    - (iii) one is to be a person nominated by the Minister as having experience of the field of coastal planning and management; and
    - (iv) one is to be a person nominated by the Minister as having practical knowledge of and experience in one or more of the fields of urban and regional planning, property development, commerce and industry, business management, financial management, engineering, surveying, valuation, transport or urban design; and
    - (v) one is to be a person nominated by the Minister as having practical knowledge of and experience in one or more of the fields of environmental conservation, natural resource management or heritage interests; and
    - (vi) one is to be a person nominated by the Minister as having practical knowledge of and experience in one or more of the fields of planning and provision of community services, community affairs or indigenous interests;

and

- (c) the least number of other members who include —
  - (i) the chief executive officer of the department principally assisting in the administration of this Act; and
  - (ii) the chief executive officer of the Water and Rivers Commission established by the Water and Rivers Commission Act 1995 3; and
  - (iii) the chief executive officer of the department principally assisting in the administration of the Transport Co-ordination Act 1966; and
  - (iv) the chief executive officer of the department principally assisting in the administration of the Environmental Protection Act 1986; and

- (v) the chief executive officer of the department principally assisting in the administration of the Government Agreements Act 1979; and
- (vi) the chief executive officer of the department principally assisting in the administration of the Housing Act 1980; and
- (vii) a person, whether a member under another subparagraph or another person nominated by the Minister, who has experience in the field of urban and regional planning and is employed in an agency, as defined in the Public Sector Management Act 1994, for which the Minister is responsible; and
- (viii) a person nominated by the Regional Minister”.

In accordance with Section 11(2) of the *Planning and Development Act 2005*, “The Governor may, on the nomination of the Minister, appoint an associate member for a region referred to in Schedule 4”.

On 13 December 2011, the Governor appointed an Associate Member for a region referred to in Schedule 4.

### Quorum for meetings

In accordance with Clause 8(5) of Schedule 1 of the *Planning and Development Act 2005*, the quorum for board meetings is as follows: *At any meeting of the board a number of members equal to at least one half of the number of members provided for by Section 10 constitute a quorum.*

### Disclosure of interests

In accordance with the *Planning and Development Act 2005* and Section 4 of the Western Australian Planning Commission (WAPC), Governance Guide – Standing Orders, members of Committees (and certain employees) are required to disclose the following types of interests that they have or persons closely associated to them, have:

- direct and indirect pecuniary interests (financial);
- proximity interests (location); and
- impartiality interests (relationship).

A “**direct pecuniary interest**” is one where a member has an interest in a matter where it is reasonable to expect that the matter if dealt with by the Board or a Committee, or an employee in a particular way, will result in a financial gain, loss, benefit or detriment for the member.

An “**indirect pecuniary interest**” refers to an interest in a matter where a financial relationship exists between a member and another person who requires a WAPC decision in relation to the matter.

A “**proximity interest**” refers to an interest of a member, or close associate of the member, in a matter if the matter concerns –

- (a) a proposed change to a planning scheme affecting land that adjoins the person’s land;
- (b) a proposed change to the zoning or use of land that adjoins the person’s land; or
- (c) a proposed development, maintenance or management of the land or of services or facilities on the land that adjoins the person’s land.

An “**Impartiality interest**” means an interest that could, or could reasonably be perceived to, adversely affect the impartiality of the member having the interest and includes an interest arising from kinship, friendship, partnership or membership of an organisation or an association with any decision-making process relating to a matter for discussion before the Board or a Committee.

Members disclosing any pecuniary or proximity interests for an item cannot participate in discussion or the decision making procedure relating to the item and must leave the meeting room during the discussion of the item. Members disclosing an impartiality interest in an item must also leave the room during the discussion or the decision making procedure relating to the item unless the Committee, by formal resolution, allows the member to remain. The reason to allow a member to remain must be stated in the formal resolution and will be minuted.

## **Disclosure of representations**

Where a member has had verbal communication with or on behalf of a person with an interest in a matter which is before a meeting, the member is to disclose the interest.

Where a member is in receipt of relevant written material (including email) from or on behalf of a person with an interest in a matter which is before a meeting, the member is to table the material at the meeting for the information of members.

## ITEM NO: 7.1

### **No. 816 (LOTS 202, 203, 800 AND 806) BEELIAR DRIVE, SUCCESS - PROPOSED RETAIL, COMMERCIAL AND RESIDENTIAL DEVELOPMENT**

#### **Alternate motion at the request of the Western Australian Planning Commission:**

That the Western Australian Planning Commission resolves, in accordance with s.274(4)(iii) of the *Planning and Development Act 2005*, to approve a part of development application reference SDAU-020-11 and accompanying plans and documents (date stamped 23 December 2020 and 10 March, 18 March, 8 April, 29 June, 2 August and 7 September 2021) for demolition of retail and commercial buildings and development of retail, commercial, residential and mixed use buildings, car parking and public realm works at No. 816 (Lots 202, 203, 800 and 806) Beeliar Drive, Success.

The approval being for Stage1A of the development, which includes a 21,578m<sup>2</sup> shopping centre expansion, a public piazza and surrounding retail and commercial tenancies, a cinema, a childcare centre, extension of the internal main street and creation of a transport hub, and 1,045 additional car parking bays, subject to the following conditions:

#### Approval Timeframe

1. This decision constitutes planning approval only and is valid for a period of 24 months from the date of approval. If the development is not substantially commenced within the specified period, the approval shall lapse and be of no further effect.

#### Conformity with Plans

2. The development is to be undertaken in accordance with the approved plans and documents for Stage 1A of the development (date stamped 23 December 2020 and 10 March, 18 March, 8 April, 2 August and 7 September 2021) attached to this approval, subject to modifications required by any condition of this approval, final details of which are to be submitted at working drawings stage/s (condition clearance stages), to the satisfaction of the Western Australian Planning Commission.

#### Clearance of Conditions of Approval

3. A copy of the final working drawings (prepared for submission of a building permit application) and all associated plans, reports and information that address the conditions of approval are to be submitted to and approved by the Western Australian Planning Commission.

## Construction

4. Prior to commencement of any site works, a Construction Management Plan is to be submitted to and approved by the Western Australian Planning Commission, on advice from the City of Cockburn and Main Roads WA, addressing but not limited to:
  - a) management of construction traffic, including potential impacts on the local and regional road network
  - b) site access / egress, internal movement and holding of heavy vehicles and contractor parking
  - c) waste management and mitigation
  - d) deliveries and storage of construction materials and machinery
  - e) management of construction vibration, dust and erosion
  - f) management of construction noise and other site generated noise
  - g) investigation and management of acid sulphates soils
  - h) management of any site dewatering or stormwater discharge
  - i) temporary fencing, hoardings, gantries and signage
  - j) protection of retained trees within and adjacent to the site
  - k) protection of public realm infrastructure adjacent to the site
  - l) public communication and complaint handling procedures

with the Plan thereafter implemented.

## Design and Materials

5. The design of the transport hub and adjacent buildings is to be revised to provide increased ground floor physical and/or visual permeability along the southern side of the enclosed area, with final details submitted to and approved by the Western Australian Planning Commission prior to submission of the relevant building permit application.
6. The development is to be constructed with high quality and durable external materials and finishes, consistent with the approved Development Plans for Stage 1A of the development, with final details submitted to and approved by the Western Australian Planning Commission prior to submission of the relevant building permit application.
7. All external facing service infrastructure, service area doors, electrical transformers, air-conditioning condensers and building plant are to be integrated into the design of the development or screened to minimise any visual impacts on the public realm, with final details submitted to and approved by the Western Australian Planning Commission prior to submission of the relevant building permit application.

## Landscape and Public Realm

8. A Whadjuk Heritage Interpretation Plan, produced through engagement with local Whadjuk representatives, is to be submitted to and approved by the Western Australian Planning Commission, on advice from the City of Cockburn, prior occupation of the development, and thereafter implemented.

9. Public art to a minimum value of \$250,000 is to be provided, with final plans and details to be submitted to and approved by the Western Australian Planning Commission, on advice from the City of Cockburn, prior to occupation of the development, and thereafter implemented and maintained by the owners of the development.
10. Final Landscape Plans, including hard and soft landscape specifications and reticulation details in accordance with the approved Landscape Strategy and Development Plans for Stage 1A of the development, are to be submitted to and approved by the Western Australian Planning Commission, on advice from the City of Cockburn prior to submission of the relevant building permit application, and thereafter implemented and maintained by the owners and operators of the development.
11. Final Lighting Plans, detailing external illumination of the development to enhance amenity and safety, are to be submitted to and approved by the Western Australian Planning Commission, on advice from the City of Cockburn, prior to submission of the relevant building permit application and thereafter implemented.
12. A final Universal Access Report, detailing access within the public realm and for all building entries, is to be submitted to and approved by the Western Australian Planning Commission, on advice from the City of Cockburn, prior to submission of the relevant building permit application and thereafter implemented.
13. All external signage is to be in accordance with the approved Signage Strategy (Buchan, August 2021) for Stage 1A of the development, to the satisfaction of the Western Australian Planning Commission, on advice from the City of Cockburn.
14. The development is to be managed in accordance with the approved Place Activation and Management Strategy (Element, April 2021) for Stage 1A of the development, with final details to be submitted to and approved by the Western Australian Planning Commission, on advice from the City of Cockburn, prior to occupation of the development.

#### Sustainability and Water

15. Suitable arrangements are to be made for adequate water and wastewater servicing for the development, with plans and details provided to the satisfaction of the Western Australian Planning Commission, on advice from the Water Corporation and the City of Cockburn, prior to submission of the relevant building permit application.
16. A final Stormwater Management Plan, detailing the management of stormwater in accordance with the approved Stormwater Management Strategy (WGA, December 2020) for Stage 1A of the development, is to be submitted to and approved by the Western Australian Planning Commission, on advice from the City of Cockburn, prior to submission of the relevant building permit application.

17. A final Sustainability Report, detailing the initiatives included in the final plans in accordance with the approved Sustainability Strategy for Stage 1A of the development, is to be submitted to and approved by the Western Australian Planning Commission, on advice from the City of Cockburn, prior to submission of the relevant building permit application.
18. Prior to occupation of the development, documentation from a suitably qualified professional is to be provided certifying that the sustainability initiatives identified in the final Sustainability Report have been implemented, to the satisfaction of the Western Australian Planning Commission.

#### Transport, Access and Parking

19. Suitable arrangements are to be made for the completion of a pedestrian and cyclist bridge over Beeliar Drive, as indicated in the approved development plans and the submitted Transport Impact Assessment (Uloth, August 2021), to the satisfaction of the Western Australian Planning Commission, on advice from the City of Cockburn, prior to occupation of the development.
20. Suitable arrangements are to be made for the completion of a signalised intersection entry from Wentworth Parade, as proposed in the submitted Transport Impact Assessment (Uloth, August 2021), to the satisfaction of the Western Australian Planning Commission, on advice from the City of Cockburn and Main Roads WA, prior to occupation of the development.
21. A Travel Management Plan, detailing promotion and management of walking, cycling and public transport access and facilities for visitors/customers and staff, is to be submitted to and approved by the Western Australian Planning Commission, on advice from the City of Cockburn and the Department of Transport, prior to submission of the relevant building permit application and thereafter implemented by the operators of the development.
22. A Car Parking Management Plan, detailing allocation and management of visitor/customer, staff, tenant, and special use car parking facilities, in accordance with the minimum and maximum parking provisions in the submitted Transport Impact Assessment (Uloth, August 2021) for Stage 1A of the development is to be submitted to and approved by the Western Australian Planning Commission, on advice from the City of Cockburn and the Department of Transport, prior to submission of the relevant building permit application and thereafter implemented by the operators of the development.
23. All car parking spaces, access aisles and bicycle parking spaces shall be constructed in accordance with Australian Standards AS2890.1 and AS2890.3 and thereafter maintained by the operators of the development, to the satisfaction of the Western Australian Planning Commission, on advice from the City of Cockburn.
24. All shared paths within the development site shall be provided with suitable signage and/or pavement marking to indicate pedestrian and cyclist use, including the existing and proposed paths into the basement, to the satisfaction of the Western Australian Planning Commission on advice from the City of

Cockburn and the Department of Transport, prior to occupation of the development.

### Other

25. A final Waste Management Plan is to be submitted to and approved by the Western Australian Planning Commission, on advice from the City of Cockburn, prior to submission of the relevant building permit application and thereafter implemented by the operators of the development.

26. The size of any new Liquor Store within the development is limited to a maximum of 400m<sup>2</sup> NLA.

### **Advice Notes**

- a) With regard to condition 1, and in accordance with s.279(4) of the *Planning and Development Act 2005*, the Western Australian Planning Commission cannot do anything that would have the effect of extending the period within which the development must be substantially commenced.
- b) This is a development approval only. The applicant/owner is advised that it is their responsibility to ensure that the proposed development complies with all other applicable legislation, local laws and licence or permit requirements that may relate to the development. Please contact the City of Cockburn for further advice on building, health, engineering and road reserve requirements.
- c) With regard to condition 3, the final working drawings are to comply with all of the relevant conditions of development approval, as confirmed by the Western Australian Planning Commission, and any variations from the approved plans are required to be clearly identified. Once the Commission is satisfied that the working drawings and information are consistent with the approved development plans and conditions of approval, the Commission will provide a clearance letter and copies of the working drawings to the City of Cockburn to assist with the issuing of a building permit.

Where works and/or building permits are proposed to be staged, the Commission may agree to a staged clearance of working drawings and associated conditions of approval. In such cases a Conditions Staging Matrix will need to be completed and submitted for the Commission's approval.

Interim documentation may be acceptable for the clearance of some conditions for the initial stages of the development, in accordance with an approved Conditions Staging Matrix. In the instance where interim documents or plans are accepted by the Commission, the documentation is required to identify the time or stage for the delivery of the final documents and/or plans.

- d) The approved land uses for the development are: Amusement Parlour, Bank, Betting Agency, Consulting Rooms, Civic Uses, Fast Food Outlet, Garden Centre, Hardware Store, Health Studio, Liquor Store, Market, Medical Centre, Reception Centre, Recreation Private, Restaurant, Shop, Small Bar, Tavern and Veterinary Centre.

- e) With regard to conditions 10, should minor modifications to the approved final Landscape Plans be proposed prior to occupation of each stage of development, revised plans should be submitted for endorsement by the Western Australian Planning Commission.

The applicant is further advised that any proposed landscape works outside the development lot boundaries will require consent from the City of Cockburn as the road reserve owner / manager, prior to implementation.

- f) With regard to condition 15, any upgrades to the water reticulation network and the downstream receiving sewers that are required to support the development will need to be funded and undertaken by the developer. The developer will also be required to fund new works and provide protection of all existing Water Corporation assets. A contribution to the Water Corporation for water, sewerage and drainage headworks may also be required.
- g) With regard to condition 16, Main Roads WA advises that no stormwater from the development site is to be discharged onto the Kwinana Freeway road reserve.
- h) With regard to condition 26, in accordance with section 36B of the *Liquor Control Act 1988*, a large packaged liquor outlet of over 400m<sup>2</sup> cannot be considered at the development site. Packaged liquor outlets under 400m<sup>2</sup> could be considered but would have to satisfy the director of liquor licensing that the current consumer requirement for packaged liquor in the locality cannot be met by existing venues.
- i) Main Roads WA advises that:
- No development is permitted within the Kwinana Freeway road reserve.
  - No site access is permitted from the Kwinana Freeway road reserve.
  - Approval of signals or intersection modifications do not form part of this application. The installation of traffic signals will require further approval from Main Roads, in accordance with the Road Traffic Code 2000 (WA).
  - Approval from Main Roads WA is required to conduct road works that require traffic management on a state road or traffic management on a local government road which will affect the operation of traffic signals or is within 30m of traffic signals. Refer to the 'Traffic Management for Roadworks & Events' section on Main Roads WA website. Given the scale of development it likely such approval will be required.
- j) ATCO Gas Australia advises that it has gas mains within the immediate vicinity of the development site and also has existing service lines and registered meter sets within the proposed development area. Anyone proposing to carry out construction or excavation works must contact 'Dial Before You Dig' (phone 1100) to determine the location of buried gas infrastructure.
- k) If an applicant or owner is aggrieved by this determination, there is a right of review by the State Administrative Tribunal in accordance with Part 17 of the *Planning and Development Act 2005*.

# Request for Deputation / Presentation

## Western Australian Planning Commission

### Part 17 Significant Development Meeting

**Meeting Date:** Thursday, 28 October 2021

#### Presentation Request Guidelines

Persons interested in presenting at a WAPC Part 17 Significant Development Meeting must first consider whether their concern has been adequately addressed in the report recommendation or other submissions. Your request will be determined by the WAPC Chairman based on individual merit and likely contribution to assist the Commission's consideration and determination of the application.

Presentations are not to exceed **3 minutes**. It is important to note that the presentation content will be **published on the WAPC website** as part of the meeting agenda. **Your PowerPoint must be submitted with this request.**

**Requests close at 2pm, three (3) working days, prior to the meeting date.** Please complete and submit this form, your PowerPoint and any additional written documents to [committees@dplh.wa.gov.au](mailto:committees@dplh.wa.gov.au) no later than this time. **Late requests will not be accepted.**

Handouts or PowerPoints will not be accepted on the day of the meeting.

<b>Name of Presenter:</b>	Andrew Byars (Perron Group), Andre Jones (Buchan), Murray Casselton (element), Darren Staunton (Insight Project Services)
<b>Organisation:</b>	See above.
<b>Additional Attendees:</b>	(You may have up to 3 attendees, including the Presenter)
	<b>In person available for questions:</b> Darren Levey (Uloth and Associates), Jon Everett (PlanE), Tim Reynolds (Herring Storer), Alessandro Paladin (Buchan), James Lewisson (element)
	<b>Zoom available for questions:</b> Graham Agar (Full Circle Design)
<b>PowerPoint:</b>	Yes
	Your PowerPoint presentation <u>must</u> be accompanied with a written document detailing the content of your presentation for the purpose of the agenda.
<b>Special Requirements:</b>	In the interest of accessibility and inclusion for people with disabilities, please identify if you have any special requirements: No  <i>If yes, please detail below:</i>
<i>In submitting this request, you acknowledge that your request form and presentation content will be published to the WAPC website as part of the agenda.</i>	Yes
<b>Is the presentation in support or against the <u>report recommendation</u>? (contained within the agenda)</b>	Support
<b>Is the presentation in support or against the <u>proposed development</u>?</b>	Support

### **Brief Outline of Presentation:**

Deputations for four (4) members of the project team are sought in this deputation request. It is requested that a collective 30 minutes be provided to the applicant team for deputations based on the size and complexity of this application. An additional six (6) members of the project team are available to answer questions from the WAPC. These ten (10) attendees could individually seek a 3-minute presentation time however a group presentation focussed on key issues with the ability to then respond to questions is considered to be likely to be more efficient and effective.

At the request of the SDAU a written submission has been attached to this deputation request outlining six (6) modifications to the recommended conditions sought by the applicant and associated justification.

The presentation talking points for each presenter are outlined below.

#### **Andrew Byars (Perron)**

- Support the SDAU recommendation for conditional approval.
- An overview of Perron Group and the vision for the future of the Cockburn Gateway site.
- Perron ability to deliver the shovel ready Stage 1a.
- Importance of an approval for the full, comprehensive development application.

#### **Andre Jones (Buchan)**

- Architectural response to the Perron brief, community and stakeholder input and the vision.
- Request removal of recommended condition 5a with associated justification as outlined in the attached written submission.
- Request removal of recommended condition 5c with associated justification as outlined in the attached written submission.

#### **Murray Casselton (element)**

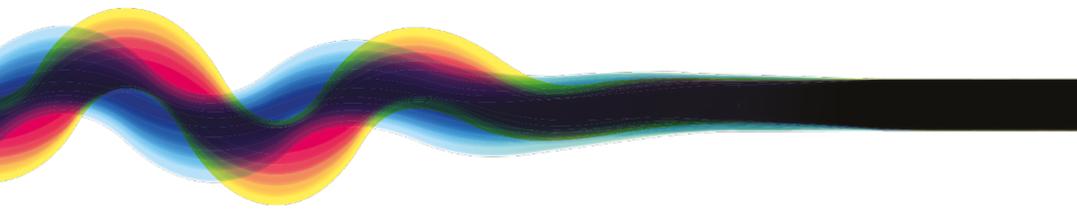
- Planning and project background.
- Request amendment of recommended condition 1 to provide for substantial commencement within 36 months with associated justification as outlined in the attached written submission.
- Request amendment of recommended condition 30 to provide detailed noise management plans on a tenancy specific basis as opposed to a unnecessary blanket operational hours restriction with associated justification as outlined in the attached written submission.
- Request removal of recommended condition 5d with associated justification as outlined in the attached written submission.
- Request amendment of recommended condition 12 with associated justification as outlined in the attached written submission.

#### **Darren Staunton (Insight Project Services)**

- Provide additional information on the timeframe required to achieve substantial commencement for this project and the associated design and construction activities including:
  - Difficulty to expedite timeframe further in the current market.
  - Complexity in the delivery of the project.

- Required sequencing of works.
- Documentation and activities required for clearance of development approval conditions.

Information provided in support of the amendment of recommended condition 1 to provide for a 36 month approval period.



Our Ref: 20-145

25 October 2021

Western Australian Planning Commission  
Gordon Stephenson House  
140 William Street  
Perth 6000

Attention: David Caddy – Chairman, Western Australian Planning Commission

Dear David,

**COCKBURN QUARTER DEVELOPMENT APPLICATION – WRITTEN SUBMISSION TO THE WESTERN AUSTRALIAN PLANNING COMMISSION**

On behalf of the Perron Group (Perron) and in conjunction with a range of supporting technical consultants including project architects the Buchan Group (Buchan), **element** prepared and lodged the development application for the Cockburn Quarter (CQ) proposal, set to be considered by the Western Australian Planning Commission (WAPC) on 28 October 2021.

**element** supports the State Development Assessment Unit (SDAU) recommendation for approval of the proposed development subject to conditions, but requests that the WAPC consider the removal and/or amendment of certain conditions in order to facilitate the appropriate and timely delivery of the project.

**Background**

The SDAU has done a commendable job in preparing a concise and digestible report for the WAPC to consider on the large and complex CQ development application. To support the SDAU assessment and associated reporting the project team provided an extraordinary amount of information and detail with the development application package lodged with the SDAU in December 2020. Since the point of lodgement additional technical reports have been prepared and more detailed information has been lodged for consideration on multiple occasions addressing key matters raised by the SDAU and other stakeholders arising out of the assessment process. In this regard, it is acknowledged that the WAPC is not provided with the opportunity to review and interpret the full scope and content of the additional information and the detailed justification that has been provided for specific aspects of this proposal.

Should the WAPC require additional detail to address any specific matters, it is requested that we are notified prior to the determination meeting on Thursday, 28 October 2021. In our view any requested additional information is likely to be able to be readily extracted from the exhaustive responsive material that has been provided to the SDAU and provided to the WAPC to assist the determination process.

**Complex Condition Amendments**

As per the above, we support the SDAU recommendation for conditional approval of the proposed development. Notwithstanding, three (3) conditions modifications / deletions are requested as set out below.

**Recommended Condition 1 – Substantial Commencement**

SDAU recommended condition:

*This decision constitutes planning approval only and is valid for a period of 24 months from the date of approval. If the development is not substantially commenced within the specified period, the approval shall lapse and be of no further effect.*

Applicant Requested Modification: Condition be amended to provide for a 36 month approval period.

Extensive information has been provided to the SDAU on the requirement for a single development application for the CQ development. This also included detailed explanations of the early enabling works that need to be undertaken in the initial stages of the project that provide the platform for subsequent development above or adjacent to that initially constructed portion of development.

Justification for 36 month approval validity period:

- The size and complexity of the proposed development means it will take longer to work through the various project commissioning processes in the lead up to construction.
- The period of construction required to actually achieve substantial commencement is by practical necessity longer for a development proposal of this size and complexity. Stage 1a represents a value of over \$200 million and is a significant development in of itself.
- A builder will be appointed within 22 months and site mobilisation will begin 25 months following approval. This is the time period which will have the greatest benefit for the COVID-19 pandemic recovery, as significant job creation will commence from this point (two years following approval). This timeframe also does not include any contingency for potential issues associated with the construction labour and materials shortages that are already being experienced by the WA economy.
- The detailed design of the proposed development will take an extended period of time. To date, the level of information provided for Stage 1A has far exceeded what would be typically provided at the development application stage of the development process. This additional work has been undertaken as this aspect of the development is shovel ready. Notwithstanding, to commence the full detailed design process prior to planning approval being granted is not possible or feasible.
- By way of comparison, the WAPC has approved Part 17 development applications with a construction value of \$40 million for a period of 24 months and a value of \$19.425 million, \$21.3 million and \$22 million all for periods of 18 months. Stage 1a represents a value of over \$200 million and the full development application has a value of \$1.08 billion. It is reasonable that a development of this magnitude and complexity takes a longer period to substantially commence. Stage 1a represents \$160 million and 400% more than a much less complex development granted a 24 month approval.
- The proposed development is also being undertaken on a site which is an operational shopping centre and will continue to operate through the demolition and construction of the proposed development. The construction of Stage 1a involves the demolition of parts of existing developments, realignment of services, construction integration with an existing development and traffic and pedestrian management, all whilst maintain the operation of one of Western Australia's busiest shopping centres.
- The progression of Stage 1a of the proposed development in the lead up to construction also represents an investment of approximately \$6.7 million from the applicant. This investment will also have the desired positive impact on the COVID-19 pandemic response, supporting a significant number of jobs prior to construction even commencing.

Based on the above, the proposed development will practically take 36 months to substantially commence and this is not something that can simply be expedited by applying more capital or resources to the project.

In regard to the recommendation for a 24 month approval period, the SDAU report states:

*This will respond to the intent of Part 17 to bring forward development proposals and facilitate commencement of construction more quickly than would have been previously planned by a proponent (ie bringing forward the 36 months planned substantial commencement to 24 months). This would provide investment and jobs within a timeframe that is considered to best assist in aiding the State's ongoing economic recovery from the effects of the COVID-19 pandemic.*

The assertion that conditioning a shorter approval period will simply bring forward the date at which construction commences and substantial commencement is achieved is not accurate or valid. On a project of this scale and complexity, construction cannot simply begin early or one year of construction be condensed into a period of months.

### **Recommended Condition 5a: Transport Interchange Treatments**

#### SDAU recommended condition:

*The development plans are to be revised to incorporate the following design improvements:*

- a. *the design of the transport hub and adjacent buildings is to be revised to provide increased ground floor physical and/or visual permeability along the southern side of the enclosed area;*

*with the revised plans being submitted to and approved by the Western Australian Planning Commission, prior to submission of the relevant building permit application/s.*

Applicant Request: Recommended condition removal.

#### Justification:

- The tenancies that would be impacted by this condition are proposed to accommodate food and beverage businesses. It is not viable to have food and beverage tenancies with glazing / active frontages on all sides as they require back of house and kitchen areas which are not compatible with glazed frontages.
- The piazza on the other (southern) side of the transport interchange is proposed to be a highly curated environment, intended to be active and pedestrian oriented with shared alfresco areas. On this basis, back of house areas are not appropriately accommodated in this environment.
- The vision for the piazza area is that the whole will be greater than the sum of the parts and that this area will serve as a landmark attractor that catalyses the viability of the rest of the development. To compromise the carefully considered design of key northern tenancies would undermine the vision for this area.
- The transport interchange has been designed as a functional, pedestrian friendly environment which provides convenience for all customers and transport users. The safety of the transport interchange has been reviewed and confirmed by CPTED experts.
- The facades related to this matter have been designed to accommodate further detailed design treatments that provide visual interest and activation such as public art that will ensure that this area is of a high standard and quality.

### **Recommended Condition 30: Acoustic Assessment of Alfresco Areas**

#### SDAU recommended condition:

*Any outdoor dining/drinking/entertainment areas adjacent to or opposite a residential building is to operate only between the hours of 7am to 11pm, with any music to be low level background music only, to the satisfaction of the Western Australian Planning Commission, on advice from the City of Cockburn.*

Applicant Requested Modification: Proposed condition wording:

*Each outdoor dining or entertainment tenancy is required to provide a noise management plan to demonstrate compliance with the Environmental Protection (Noise) Regulations 1997 to the*

*satisfaction of the Western Australian Planning Commission, on advice from the City of Cockburn.*

**Justification:**

- The SDAU recommended condition is unnecessarily conservative, risk averse and restrictive. It is also acknowledged that the requested modified condition would represent a more onerous requirement for the applicant.
- The acoustic report lodged with the development application does not require food and beverage tenancies to only operate between 7am and 11pm, or for all music to be low level background only. The acoustic report was prepared based on the development application level of detail and more accurate assessments are expected to be undertaken during detailed design.
- If it can be demonstrated in the detailed design of the tenancies, as expected, that longer outdoor operating hours and differing music volumes can be accommodated then this should be permitted to add vitality and interest to the curated outdoor space.
- A key supporting aspect of the residential offer in this location is the amenity offered by the proximal entertainment and dining amenities. Limiting the function of these tenancies conflicts with the urban and vibrant living vision for the precinct.
- It is also likely that the food and beverage tenancies in the piazza will commence operation prior to the completion of any residential dwellings on the subject site. On this basis their operation should not be limited during that time period.
- Closing the outdoor areas to venues at 11pm when it is not required by applicable noise regulations or when no residential dwellings have been constructed is not acceptable to the applicant.

**Simple Condition Amendments**

It is respectfully requested that the WAPC consider the three (3) conditions modifications / deletions identified in Table 1 below.

*Table 1 – Simple Condition Amendments*

#	Recommended Condition	Applicant Request	Justification
5c	<p><i>The development plans are to be revised to incorporate the following design improvements:</i></p> <p><i>c. residential buildings A1 and D3 are to incorporate design modifications to increase the number of apartments receiving cross-ventilation and at least two hours winter solar access to living areas; and</i></p> <p><i>with the revised plans being submitted to and approved by the Western Australian Planning Commission, prior to submission of the relevant</i></p>	<p>Recommended condition removal.</p>	<ul style="list-style-type: none"> <li>• The proposed residential buildings were significantly redesigned following development application lodgement at the request of the SDAU to improve solar access.</li> <li>• ‘Compliance’ with the acceptable outcomes of State Planning Policy 7.3 Residential Design Codes Volume 2 – Apartments (SPP7.3) is not required but is nonetheless achieved by this holistic proposal. At any point in the staged construction process, compliance with the 70% solar access guidance of SPP7.3 is achieved and associated element objectives are met for apartments across the project.</li> <li>• SPP7.3 is a State-wide document. This residential precinct has been designed and modelled at an</li> </ul>

	<i>building permit application/s.</i>		<p>extremely detailed scale with the objective of creating comfortable public and private spaces.</p> <ul style="list-style-type: none"> <li>The design modifications suggested by the SDAU such as relocating lift cores to the external facades of landmark corner buildings would be a poor outcome and undermine the carefully considered built form, public and private realm response.</li> </ul>
5d	<p><i>The development plans are to be revised to incorporate the following design improvements:</i></p> <p><i>d. townhouses B14, B15, B16, C1, C2 and C3 are to be provided with individual rooftop solar photovoltaic systems</i></p> <p><i>with the revised plans being submitted to and approved by the Western Australian Planning Commission, prior to submission of the relevant building permit application/s.</i></p>	Recommended condition removal.	<p>This approach represents an inefficient use and arrangement of solar panels. A large solar facility is proposed on the roof of the shopping centre which will be a far more efficient use of space and a more effective and efficient power generating option than the small roof spaces of the individual dwellings identified in this condition.</p>
12	<p><i>Final Lighting Plans, detailing external illumination of the development to enhance amenity and safety, are to be submitted to and approved by the Western Australian Planning Commission, on advice from the City of Cockburn, prior to submission of the relevant building permit application/s for each stage of the development and thereafter implemented.</i></p>	<p>Recommended condition amendment to:</p> <p><i>Final Lighting Strategies (based on the draft submitted), detailing external illumination of the development to enhance amenity and safety in accordance with the relevant Australian Standards (AS1158 and AS4282), are to be submitted to and approved by the Western Australian Planning Commission, on advice from the City of Cockburn, prior to submission of the relevant building permit application/s for each stage of the development and thereafter implemented.</i></p>	<p>A draft lighting strategy was lodged at the request of the SDAU with the development application. This draft will be updated to a final document and reviewed by the WAPC / SDAU. The reasons for this approach are as follows:</p> <ul style="list-style-type: none"> <li>Not all lighting features that would be detailed in a lighting plan require a building permit.</li> <li>It is considered appropriate and sufficient for future lighting to be consistent with the strategy, which demonstrates enhanced amenity and safety, and consistency with applicable prescriptive Australian Standards.</li> <li>Detailed lighting of spaces will require ongoing tenant input after the building permit has been lodged and construction has commenced. As indicated above many lighting details will not be determined prior to a building permit.</li> </ul>

## Summary

The proposed development has been prepared in close consultation with the local Cockburn community and associated stakeholders over an extended period. The SDAU recommendation is supported by Perron and the project team with the exception of the matters raised above in respect to the approval timeframe, transport interchange treatments, limitations on the operation of alfresco areas, residential building design, photovoltaic system positioning and lighting strategy implementation.

It is respectfully requested that the WAPC consider the above requests on their merits in the determination of this development application having regard to the extensive amount of work the design team has put into this proposal.

As indicated above, we would be happy to provide additional information to the WAPC ahead of the meeting on the 28 October 2021.

Should you have any queries, please do not hesitate to contact the undersigned on 9289 8300 or 0404 074 631.

Yours sincerely

**element**

A handwritten signature in blue ink, reading "Murray Casselton". The signature is fluid and cursive, with a long horizontal stroke at the end.

Murray Casselton  
Director

# Cockburn Gateway

COCKBURN GATEWAY

THE COFFEE CLUB

Dining Precinct

SAN CHURRO

arilla

GRIZMAN Y DOMET



## COCKBURN / Applicant Deputation QUARTER



PERRON GROUP

**BUCHAN element.**  
the art and science of place



Architecture  
Masterplan

Perron Group  
Cockburn Quarter, Western Australia

Rev C  
18001 / 25 Oct 21

# Contents

- 01 Design
- 02 Planning and Project Background

# Design/

Design/

**Vision/**



## Creating a heart for Cockburn

Cockburn is ready for a new type of precinct, one that brings the whole community together to live, work and play in a connected, positive and community-led heartland.

A modern and engaging precinct for Cockburn, we will deliver day to night urban vibrancy and activated spaces within a safe, welcoming and easily accessible environment that enhances the wellness and lifestyle of all Cockburnians.

At the centre of what we hope to deliver for Cockburn Quarter, is connection – both physical

and social – and easy access to transport, housing, retail, entertainment, jobs, dining, rest, health, play etc.. means easy access to neighbours, families, friends and community. A place that supports & sustains the local economy and its people.

Anchored by Cockburn Gateway, this is the heart and hub of the community, buzzing with life and pride.

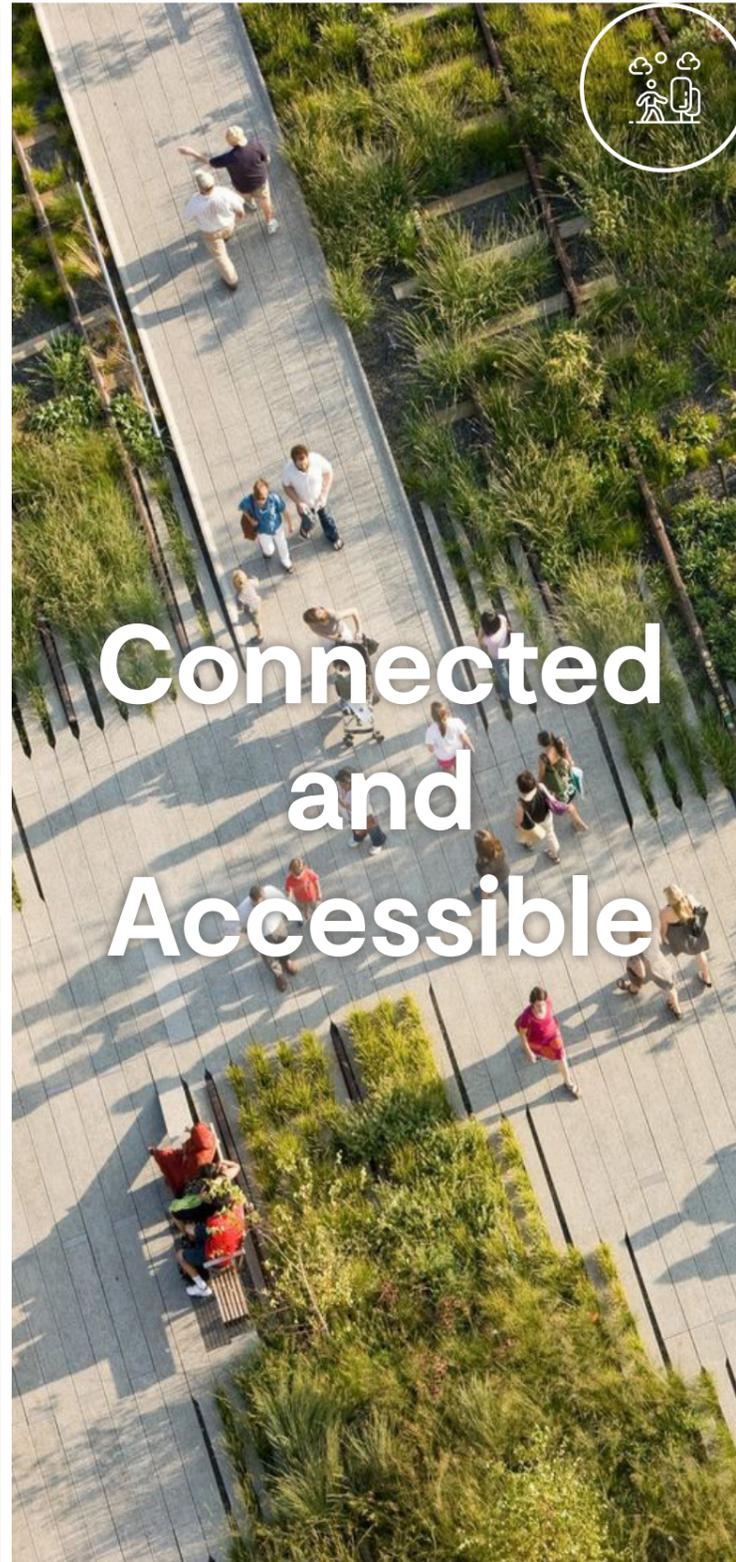
Consultation and Design Pillars/Outcomes/



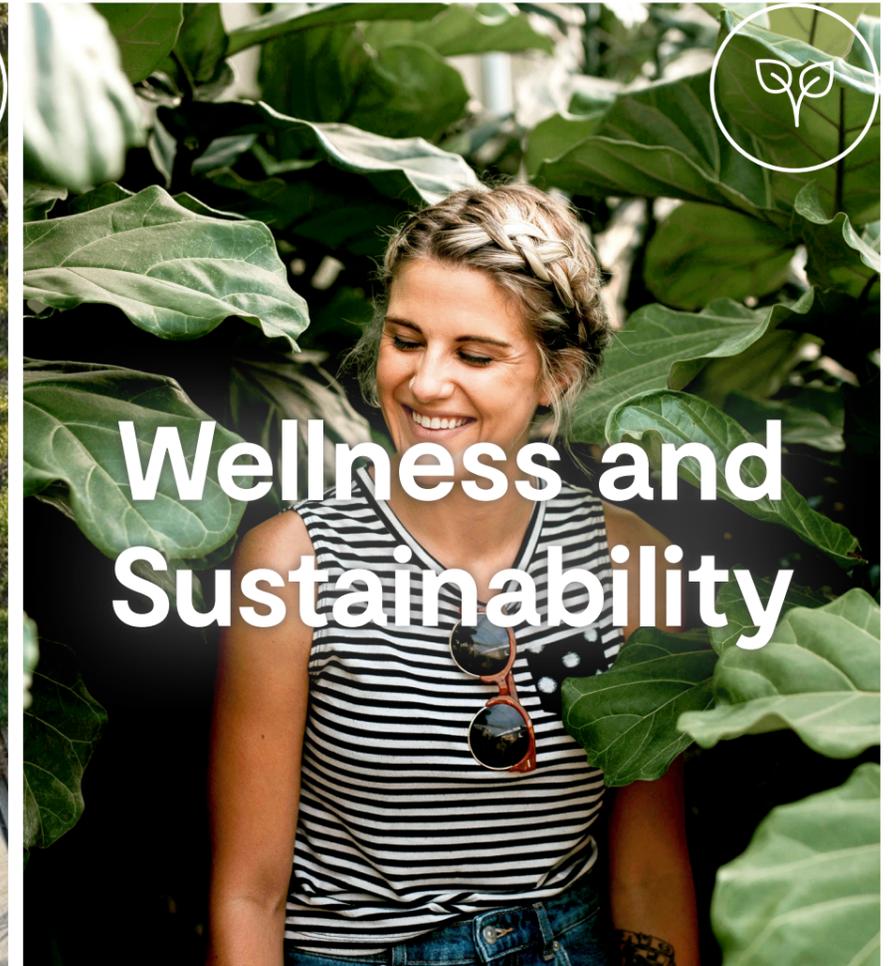
**Welcoming and Diverse**



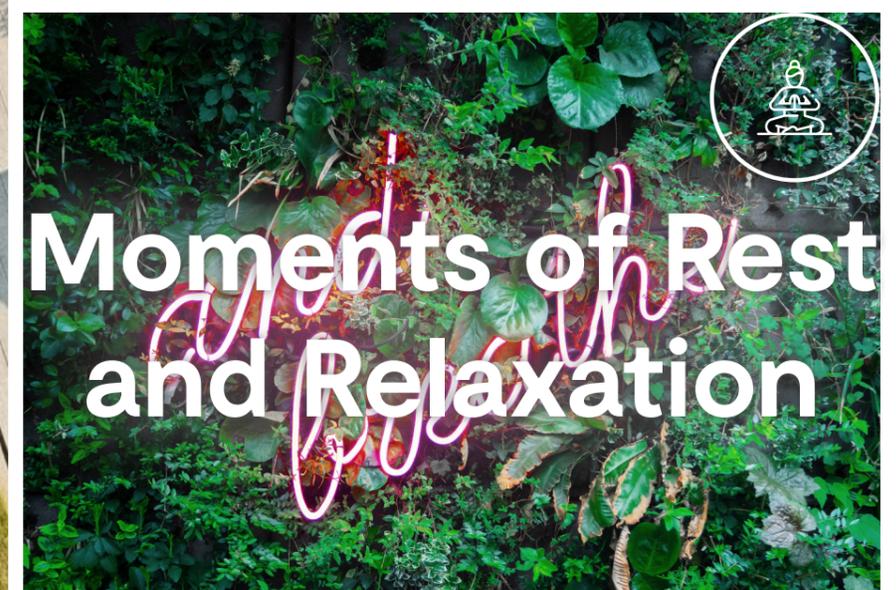
**Vibrant and Activated**



**Connected and Accessible**



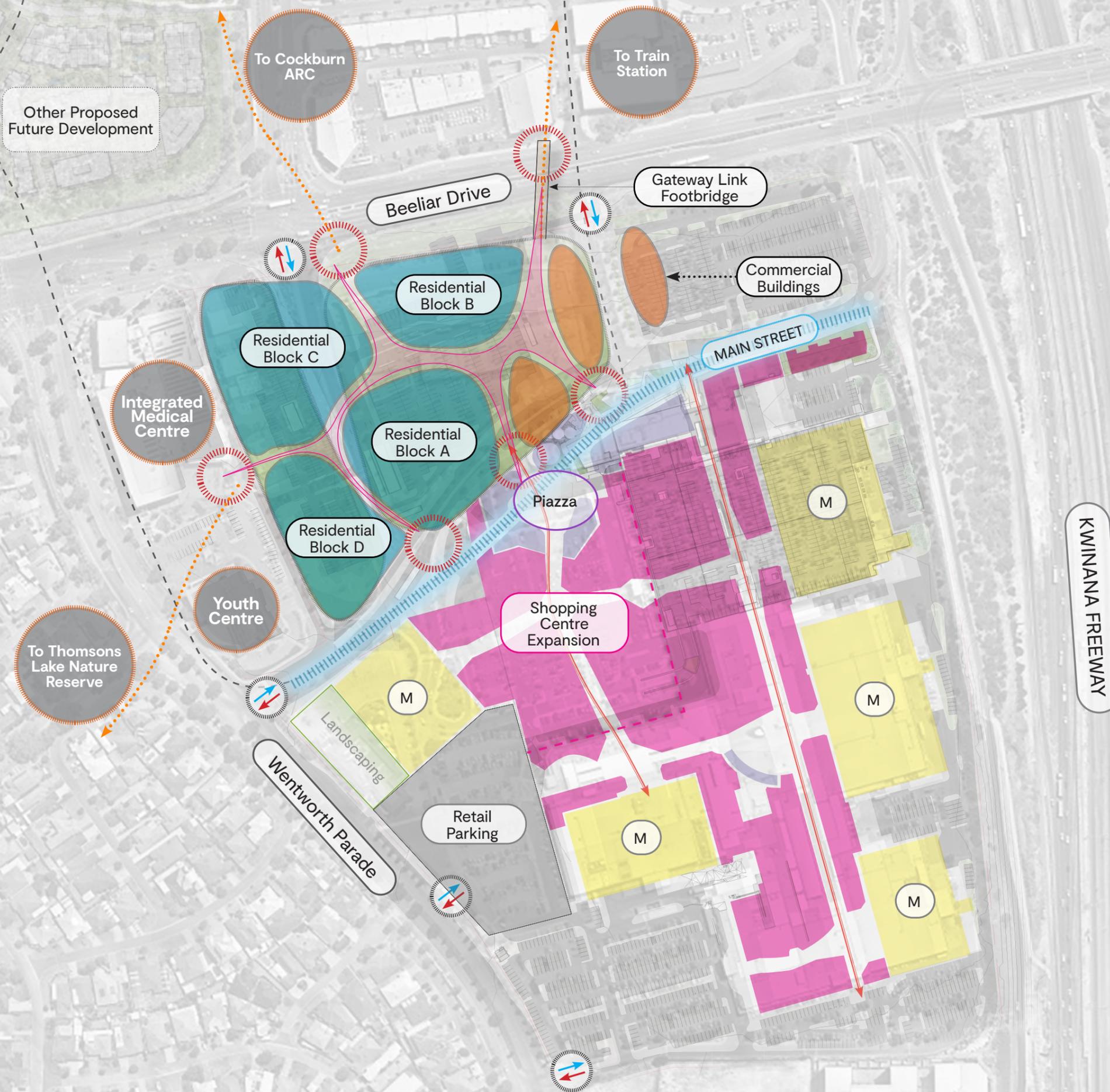
**Wellness and Sustainability**



**Moments of Rest and Relaxation**

Design/  
**Overall/**

Other Proposed  
Future Development



- Future Pedestrian Cockburn ARC Link
- The Walk Public Realm
- The Gardens Private Realm
- ⬆️⬆️ Vehicular Access
- Pedestrian Connection



"the design of the transport hub and adjacent buildings is to be revised to provide increased ground floor physical and/or visual permeability along the southern side of the enclosed area"



BBQ

WINE & BBQ

Day Care | Day Care | Day Care

THE MARKET TAVERN  
1852

THE MARKET TAVERN

HOTEL SOPHIE

COFFEE HIT

UTOPIA

TRATORIA

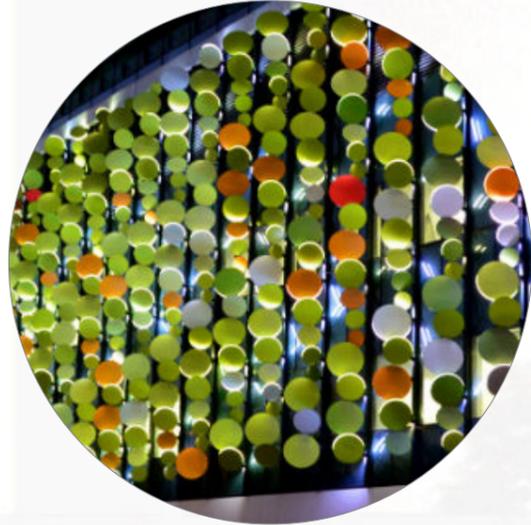
PIZZA

BANGI MARKET

TRATORIA

COFFEE

### Sectional Perspective/Opportunity for Engaging Public Art/



Car Park



Retail



Dynamic Patterns to Car Park Facade



High Quality Floor Finishes with Opportunity for Public Art



Architectural Lining to Structural Columns



Colour Changing Uplights

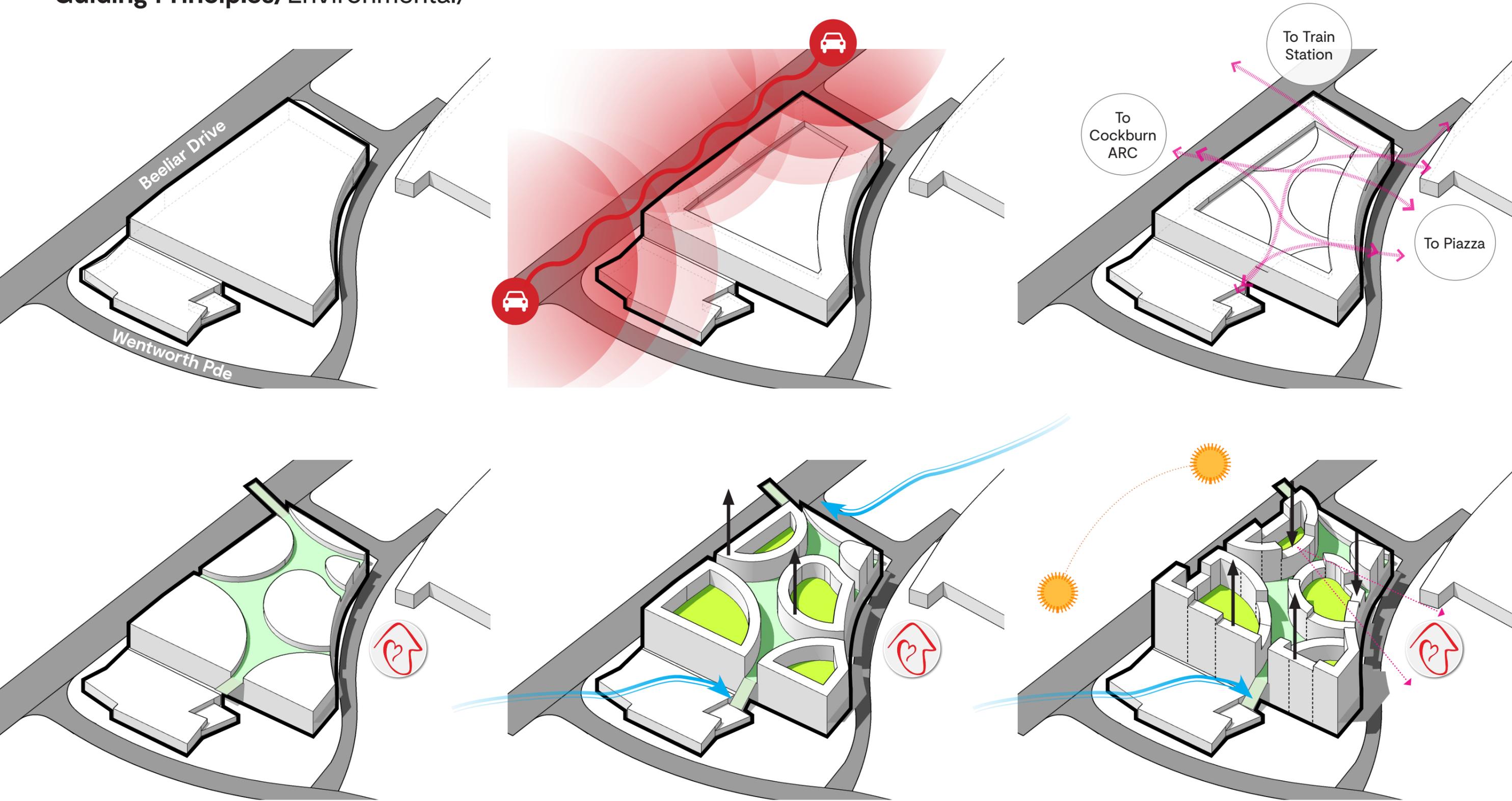


Seating Area

**Sectional Perspective/Risk: Unappealing Shopfronts/**



# Guiding Principles/Environmental/





"residential buildings A1 and D3 are to incorporate design modifications to increase the number of apartments receiving cross-ventilation and at least two hours winter solar access to living areas"

Design/

## Activation & Wind Mitigation/





Cafe

## Natural Light Improvements/Comparison/

### SUMMARY

#### SOLAR & DAYLIGHT ACCESS

TOWER	9am-3pm SOLAR ACCESS % (2 hours+)	8am-4pm SOLAR ACCESS % (2 hours+)	9am-3pm NO DIRECT SUNLIGHT % (Total Dwellings)
A1	39%	45%	49%
A2	75%	79%	12%
A3	68%	68%	10%
B1	53%	58%	20%
B2	81%	81%	3%
B3	77%	83%	11%
C1	44%	59%	30%
C2	70%	70%	21%
C3	67%	82%	0%
C4	60%	72%	2%
C5	61%	76%	14%
D1	72%	72%	16%
D2	47%	78%	14%
D3	34%	47%	53%
THA	69%	69%	0%
THB	75%	75%	25%
THC	25%	25%	75%
THD	100%	100%	0%
<b>Comply %</b>	<b>59%</b>	<b>68%</b>	<b>20%</b>

Before/

## ACCEPTABLE OUTCOMES

Acceptable Outcomes are likely to assist in satisfying the objectives but to achieve the Element Objectives, proposals may require additional and streetscape and design approach.

### A 4.1.1 In climate zones 4, 5 and 6 only:

(a) Dwellings with a northern aspect are maximised, with a minimum of 70 per cent of dwellings having living rooms and private open space that obtain at least 2 hours direct sunlight between 9am and 3pm on 21 June AND

(b) A maximum of 15 per cent of dwellings in a building receiving no direct sunlight between 9am and 3pm on 21 June.

### SUMMARY

#### SOLAR & DAYLIGHT ACCESS

TOWER	9am-3pm SOLAR ACCESS % (2 hours+)	8am-4pm SOLAR ACCESS % (2 hours+)	9am-3pm NO DIRECT SUNLIGHT % (Total Dwellings)
A1	65%	65%	35%
A2	75%	79%	12%
A3	90%	90%	5%
B1	63%	69%	15%
B2	81%	81%	3%
B3	77%	83%	11%
C1	60%	74%	19%
C2	79%	79%	21%
C3	82%	96%	0%
C4	85%	89%	2%
C5	76%	79%	14%
D1	77%	77%	2%
D2	77%	84%	5%
D3	39%	51%	49%
THA	69%	69%	0%
THB	75%	75%	25%
THC	25%	25%	75%
THD	100%	100%	0%
<b>Comply %</b>	<b>72.4%</b>	<b>77%</b>	<b>15%</b>

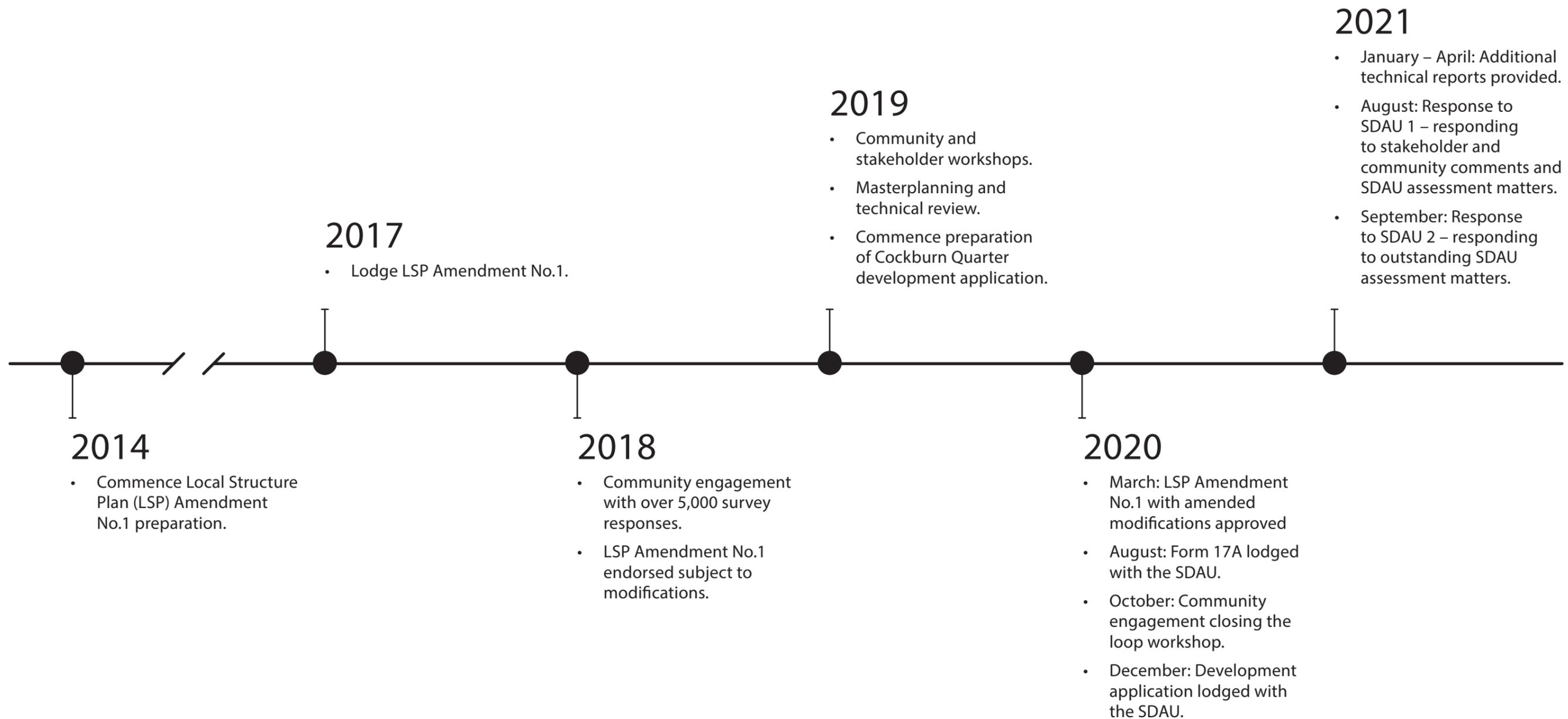
After/

## Planning and Project Background/

## **Introduction/**

- Support the SDAU recommendation
- Extensive planning and engagement over 8+ years to get to this point
- Single development application and holistic approval is important
- Extensive information provided to the SDAU to date
- All matters raised have been provided with detailed responses.
- Development is consistent with applicable planning framework

## Introduction/



## Condition 1/Approval Timeframe

Applicant Request:

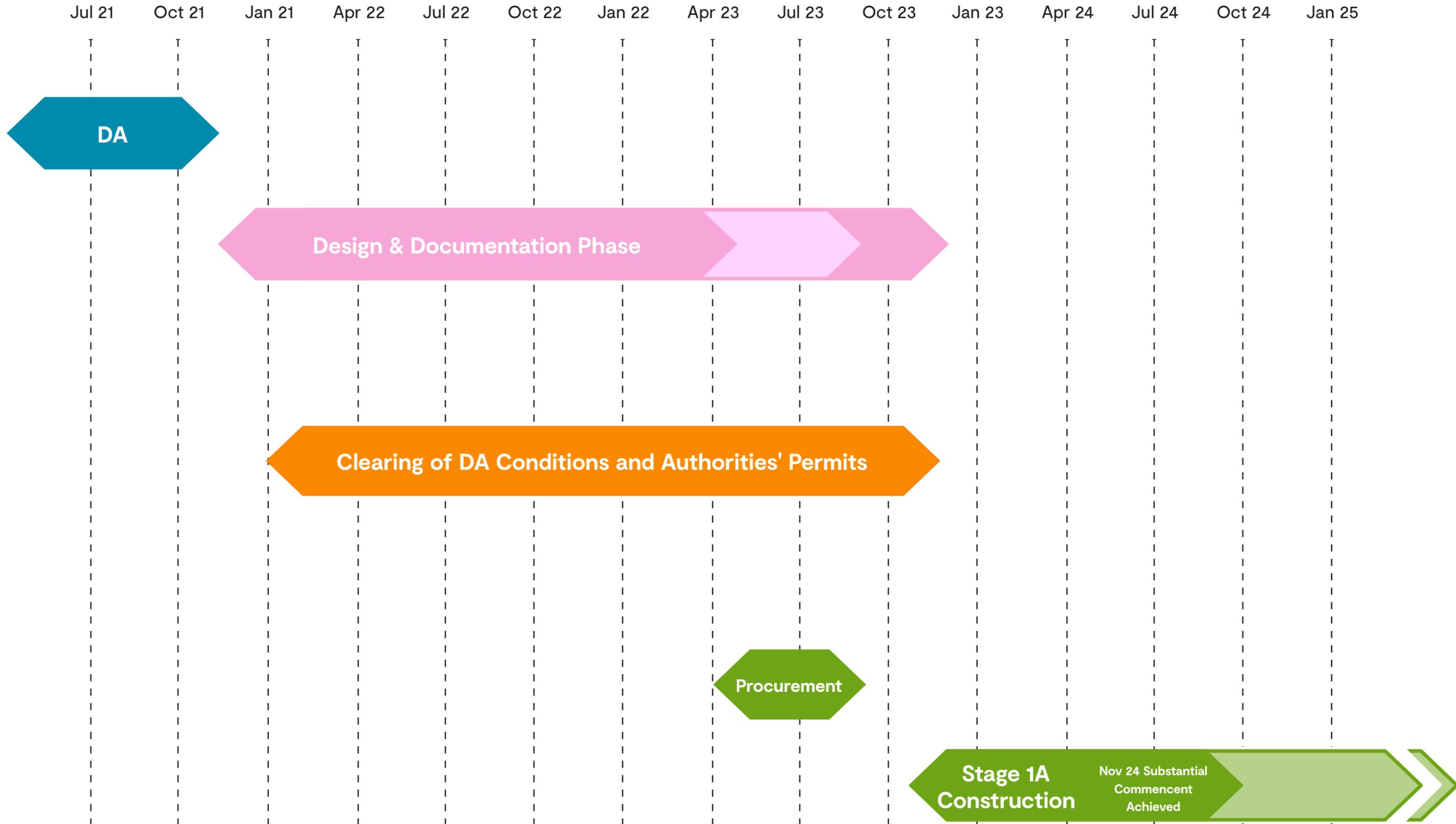
Condition be amended to provide for a **36 months** approval period.



### **Condition 1/Approval Timeframe**

- This time period is based on a detailed design and construction program without any contingency for construction labour and materials shortages.
- The size and complexity of the development (\$1.08 billion total and \$200 million for the first stage) relative to other Part 17 approvals.
- The greater site complexity and build process to accommodate the needs of a large operational shopping centre.
- One year of construction and extensive works required to reach substantial commencement.
- The immediate and ongoing economic contribution of the project to the WA economy including in the lead up to construction.
- Extensive condition clearance processes experienced with other Part 17 applications.

### Condition 1/Approval Timeframe



**Condition 1/Approval Timeframe/ Implementation Considerations**

- Length of design, procurement and construction period.
- Difficulty to further expedite delivery timeframe.
  - Supply chain issues, specialist labour availability, etc.
- Complexity in the delivery of the project.
  - Live Environment.
- Sequencing of works.
- Infrastructure upgrades.
- Extensive design works.
- Contractor procurement.
- Preparation of extensive documentation to clear Development Approval conditions.

## Condition 30/Acoustic Assessment of Alfresco Areas

### Recommended Condition 30:

*Any outdoor dining/drinking/entertainment areas adjacent to or opposite a residential building is to operate only between the hours of 7am to 11pm, with any music to be low level background music only, to the satisfaction of the Western Australian Planning Commission, on advice from the City of Cockburn.*

### Applicant Request: Modified condition:

Each outdoor dining or entertainment tenancy is required to provide a noise management plan to demonstrate compliance with the Environmental Protection (Noise) Regulations 1997 to the satisfaction of the Western Australian Planning Commission, on advice from the City of Cockburn.



**Condition 30/Acoustic Assessment of Alfresco Areas**

- SDAU condition unnecessarily restrictive. Understood that the condition requested by the applicant is more onerous.
- Recommended condition not a requirement of the acoustic assessment prepared for the development.
- Recommended condition not necessarily required by applicable noise regulations.
- Detailed solutions may allow for longer alfresco hours which will add to the vitality and interest of the outdoor spaces.
- Piazza is an urban environment which offers amenity and vibrancy and is expected to drive the market for residential development.
- Construction sequence – food and beverage prior to residential.

## Condition 12/Lighting Strategy

### Recommended Condition 1:

*Final Lighting Plans, detailing external illumination of the development to enhance amenity and safety, are to be submitted to and approved by the Western Australian Planning Commission, on advice from the City of Cockburn, prior to submission of the relevant building permit application/s for each stage of the development and thereafter implemented.*

### Applicant Request: Modified condition:

Final Lighting Strategies (based on the draft submitted), detailing external illumination of the development to enhance amenity and safety in accordance with the relevant Australian Standards (AS1158 and AS4282) , are to be submitted to and approved by the Western Australian Planning Commission, on advice from the City of Cockburn, prior to submission of the relevant building permit application/s for each stage of the development and thereafter implemented.



**Condition 12/Lighting Strategy**

- A lighting strategy has been provided.
- Not all lighting requires a building permit.
- Consistency with strategy will ensure high levels of amenity and safety.
- Strategy also demonstrates consistency with applicable Australian Standards.
- Detailed lighting of spaces will require ongoing tenant input.
- Requirement to meet applicable Australian Standards will be ongoing.

## Condition 5d/Photovoltaic Panels on Townhouses

### Recommended Condition 5d:

*The development plans are to be revised to incorporate the following design improvements: townhouses B14, B15, B16, C1, C2 and C3 are to be provided with individual rooftop solar photovoltaic systems with the revised plans being submitted to and approved by the Western Australian Planning Commission, prior to submission of the relevant building permit application/s.*

Applicant Request: Condition be removed.

- Condition would result in an inefficient use and arrangement of solar panels.
- Large solar array proposed on the shopping centre is a much more efficient sustainability solution.
- These small roof spaces have not been reviewed for their suitability for solar.





Cockburn Gateway

Cockburn Gateway

Perth Studio

Thank You

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Perth@buchangroup.com.au

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Perth, WA 6000 Australia

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buchangroup.com.au

**ITEM NO: 7.1**

**No. 816 (LOTS 202, 203, 800 AND 806) BEELIAR DRIVE, SUCCESS - PROPOSED RETAIL, COMMERCIAL AND RESIDENTIAL DEVELOPMENT**

<b>Applicant:</b>	Element
<b>Owner:</b>	Perron Investments Pty Ltd
<b>Value of Development:</b>	\$1.08 billion
<b>Local Government Area:</b>	City of Cockburn
<b>Referral Pathway:</b>	Applicant opt-in
<b>Authorising Officer:</b>	Margaret Smith, Director State Development Assessment Unit
<b>WAPC File No:</b>	SDAU-011-20
<b>Application Received:</b>	23 December 2020
<b>Attachment(s):</b>	<ol style="list-style-type: none"> <li>1. Development Plans</li> <li>2. Landscape Plans</li> <li>3. Site Context Plan</li> <li>4. Local Government Recommended Conditions</li> <li>5. Applicant Response to Public Submissions</li> <li>6. State Design Review Panel Minutes</li> <li>7. Development Strategies - Place Management, Crime Prevention, Universal Access, Lighting, Signage, Acoustics, Sustainability</li> <li>8. Transport Impact Assessment - Summary</li> </ol>

**Officer Recommendation:**

That the Western Australian Planning Commission resolves to **APPROVE** development application reference SDAU-011-20 and accompanying plans and documents (date stamped 23 December 2020 and 10 March, 18 March, 8 April, 29 June, 2 August and 7 September 2021) for demolition of retail and commercial buildings and development of retail, commercial, residential and mixed use buildings, car parking and public realm works at No. 816 (Lots 202, 203, 800 and 806) Beeliar Drive, Success in accordance with s.274 of the *Planning and Development Act 2005*, subject to the following conditions:

Approval Timeframe

1. This decision constitutes planning approval only and is valid for a period of 24 months from the date of approval. If the development is not substantially commenced within the specified period, the approval shall lapse and be of no further effect.

Conformity with Plans

2. The development is to be undertaken in accordance with the approved plans and documents (date stamped 23 December 2020 and 10 March, 18 March, 8 April, 29 June, 2 August and 7 September 2021) attached to this approval, subject to modifications required by any condition of this approval, final details of which are to be submitted at working drawings stage/s (condition clearance stages), to the satisfaction of the Western Australian Planning Commission.

### Clearance of Conditions of Approval

3. A copy of the final working drawings (prepared for submission of a building permit application) and all associated plans, reports and information that address the conditions of approval are to be submitted to and approved by the Western Australian Planning Commission.

### Construction

4. Prior to commencement of any site works, a Demolition and Construction Management Plan is to be submitted to and approved by the Western Australian Planning Commission, on advice from the City of Cockburn and Main Roads WA, addressing but not limited to:
  - a) recycling and waste mitigation of demolition and construction materials
  - b) management of construction traffic, including potential impacts on the local and regional road network
  - c) site access / egress, internal movement and holding of heavy vehicles and contractor parking
  - d) deliveries and storage of construction materials and machinery
  - e) management of construction vibration, dust and erosion
  - f) management of construction noise and other site generated noise
  - g) investigation and management of acid sulphates soils
  - h) management of any site dewatering or stormwater discharge
  - i) temporary fencing, hoardings, gantries and signage
  - j) protection of retained trees within and adjacent to the site
  - k) protection of public realm infrastructure adjacent to the site
  - l) public communication and complaint handling procedures

with the Plan thereafter implemented, and updated where necessary prior to submission of the subsequent building permit application/s.

### Design and Materials

5. The development plans are to be revised to incorporate the following design improvements:
  - a) the design of the transport hub and adjacent buildings is to be revised to provide increased ground floor physical and/or visual permeability along the southern side of the enclosed area;
  - b) soft landscape elements are to be integrated into the multi-deck car park screen facade facing Wentworth Parade;
  - c) residential buildings A1 and D3 are to incorporate design modifications to increase the number of apartments receiving cross-ventilation and at least two hours winter solar access to living areas; and
  - d) townhouses B14, B15, B16, C1, C2 and C3 are to be provided with individual rooftop solar photovoltaic systems

with the revised plans being submitted to and approved by the Western Australian Planning Commission, prior to submission of the relevant building permit application/s.

6. The development is to be constructed with high quality and durable external materials and finishes, consistent with the approved Development Plans, with final details submitted to and approved by the Western Australian Planning Commission prior to submission of the relevant building permit application/s.
7. All external facing service infrastructure, service area doors, electrical transformers, air-conditioning condensers and building plant are to be integrated into the design of the development or screened to minimise any visual or noise impacts on residential properties and the public realm, with final details submitted to and approved by the Western Australian Planning Commission prior to submission of the relevant building permit application/s.

#### Landscape and Public Realm

8. A Whadjuk Heritage Interpretation Plan, produced through engagement with local Whadjuk representatives, is to be submitted to and approved by the Western Australian Planning Commission, on advice from the City of Cockburn, prior to commencement of works for Stage 1A of the development and thereafter implemented.
9. Public art to a minimum value of \$250,000 is to be provided in each of the proposed four stages of the development, to a minimum total value of \$1 million, with plans and details to be submitted to and approved by the Western Australian Planning Commission, on advice from the City of Cockburn, prior to commencement of works for each relevant stage of the development, and thereafter implemented and maintained by the owners of the development.
10. Final Landscape Plans, including hard and soft landscape specifications and reticulation details for public spaces, walkways, residential communal spaces and building exteriors in accordance with the approved Landscape Strategy and Development Plans, are to be submitted to and approved by the Western Australian Planning Commission, on advice from the City of Cockburn, prior to commencement of works for each relevant stage of the development.
11. Landscape areas for each stage of the development are to be completed in accordance with the final approved Landscape Plans prior to occupation of each stage of the development and thereafter maintained by the owners or operators of the development, to the satisfaction of the Western Australian Planning Commission.
12. Final Lighting Plans, detailing external illumination of the development to enhance amenity and safety, are to be submitted to and approved by the Western Australian Planning Commission, on advice from the City of Cockburn, prior to submission of the relevant building permit application/s for each stage of the development and thereafter implemented.
13. A final Universal Access Report/s, detailing access and wayfinding within the public realm of the development site and for building entries, is to be submitted to and approved by the Western Australian Planning Commission, on advice from the City of Cockburn, prior to submission of the relevant building permit application/s for each stage of the development.

14. All external entry, tenancy and wayfinding signage is to be in accordance with the approved Signage Strategy (Buchan, August 2021), with final details of all site entry or major tenant signage facing Beeliar Drive or Wentworth Parade to be submitted to and approved by the Western Australian Planning Commission, on advice from the City of Cockburn, prior to installation.
15. The development is to be managed in accordance with the approved Place Activation and Management Strategy (Element, April 2021), with final details to be submitted to and approved by the Western Australian Planning Commission, on advice from the City of Cockburn, prior to commencement of works for each relevant stage of the development.

#### Sustainability and Water

16. Suitable arrangements are to be made for adequate water and wastewater servicing for the development, with plans and details provided to the satisfaction of the Western Australian Planning Commission, on advice from the Water Corporation and the City of Cockburn, prior to submission of the relevant building permit application for Stage 1A of the development.
17. A final Stormwater Management Plan/s, detailing the management of stormwater in accordance with the approved Stormwater Management Strategy, is to be submitted to and approved by the Western Australian Planning Commission, on advice from the City of Cockburn, prior to submission of the relevant building permit application/s for each stage of the development.
18. A final Sustainability Report/s, detailing the initiatives included in the final plans in accordance with the approved Sustainability Strategy, is to be submitted to and approved by the Western Australian Planning Commission, on advice from the City of Cockburn, prior to submission of the relevant building permit application/s for each stage of the development.
19. Prior to occupation of each stage of the development, documentation from a suitably qualified professional is to be provided certifying that the sustainability initiatives identified in the final Sustainability Report/s have been implemented in the construction of that stage, to the satisfaction of the Western Australian Planning Commission.

#### Transport, Access and Parking

20. Suitable arrangements are to be made for the completion of a pedestrian and cyclist bridge over Beeliar Drive, as indicated in the approved development plans and the submitted Transport Impact Assessment (Uloth, August 2021), to the satisfaction of the Western Australian Planning Commission, on advice from the City of Cockburn, prior to occupation of Stage 1A of the development.
21. Suitable arrangements are to be made for the completion of the site access and road improvements as proposed in the submitted Transport Impact Assessment (Uloth, August 2021), which include:
  - a) a new signalised intersection entry from Wentworth Parade at Stage 1A;

- b) widening Beeliar Drive from Poletti Road to Wentworth Parade at Stage 1B;
- c) a new site access from Wentworth Parade at Stage 2; and
- d) Modification of Beeliar Drive-Midgegooroo Avenue intersection at Stage 3 of the development;

to the satisfaction of the Western Australian Planning Commission, on advice from the City of Cockburn and Main Roads WA.

22. A Travel Management Plan/s, detailing promotion and management of walking, cycling and public transport access and facilities for visitors/customers, staff and residents, is to be submitted to and approved by the Western Australian Planning Commission, on advice from the City of Cockburn and the Department of Transport, prior to submission of the relevant building permit application/s for each stage of the development, and thereafter implemented by the operators of the development.
23. A Car Parking Management Plan/s, detailing allocation and management of visitor/customer, staff, tenant, resident and special use car parking facilities, in accordance with the minimum and maximum parking provisions in the submitted Transport Impact Assessment (Uloth, August 2021), is to be submitted to and approved by the Western Australian Planning Commission, on advice from the City of Cockburn and the Department of Transport, prior to submission of the relevant building permit application/s for each stage of the development, and thereafter implemented by the operators of the development.
24. All car parking spaces, access aisles and bicycle parking spaces shall be constructed in accordance with Australian Standards AS2890.1 and AS2890.3 and thereafter maintained by the operators of the development, to the satisfaction of the Western Australian Planning Commission, on advice from the City of Cockburn.
25. All shared paths within the development site shall be provided with suitable signage and/or pavement marking to indicate pedestrian and cyclist use, including the existing and proposed paths into the basement, to the satisfaction of the Western Australian Planning Commission on advice from the City of Cockburn and the Department of Transport, prior to occupation of each relevant stage of the development.
26. Prior to occupation of Stage 1B of the development, an easement in accordance with Sections 195 and 196 of the *Land Administration Act 1997* is to be placed on the relevant Certificate/s of Title specifying public access rights across 'The Walk' pedestrian path. The easement is to state as follows: "Public Access Easement - pedestrian access route."

### Noise Management

27. A final Acoustic Report/s and plans endorsed by a qualified acoustic consultant, detailing effective management of noise ingress and egress for all land uses, traffic noise, service vehicles, entertainment activities and mechanical equipment, is to be submitted to and approved by the Western Australian Planning Commission, on advice from the City of Cockburn and Main Roads

WA, prior to submission of the relevant building permit application for each stage of the development.

28. Prior to occupation of each residential stage of the development, documentation from a qualified acoustic consultant is to be provided certifying that the acoustic treatments recommended in the final Acoustic Report/s have been implemented in construction of that stage, to the satisfaction of the Western Australian Planning Commission, on advice from the City of Cockburn and Main Roads WA.
29. Prior to occupation of Stage 1B of the development, a notification pursuant to Section 70A of the *Transfer of Land Act 1893* is to be placed on the relevant Certificate/s of Title. The notification is to state: 'This lot is in the vicinity of a transport corridor and is currently affected, or may be affected in the future, by transport noise'.
30. Any outdoor dining/drinking/entertainment areas adjacent to or opposite a residential building is to operate only between the hours of 7am to 11pm, with any music to be low level background music only, to the satisfaction of the Western Australian Planning Commission, on advice from the City of Cockburn.

#### Other

31. A final Waste Management Plan/s, including waste sorting, ventilation, cleaning and maintenance details for any proposed residential waste chutes, is to be submitted to and approved by the Western Australian Planning Commission, on advice from the City of Cockburn, prior to submission of the relevant building permit application/s for each stage of the development, and thereafter implemented by the operators of the development.
32. The development is to be constructed and managed in accordance with the approved Bushfire Management Plan (Strategen, December 2020), to the satisfaction of the Western Australian Planning Commission, on advice from the Department of Fire and Emergency Services and the City of Cockburn.
33. Prior to occupation of Stage 1A of the development, a notification pursuant to Section 70A of the *Transfer of Land Act 1893* is to be placed on the relevant Certificate/s of Title. The notification is to state: 'This lot is located within a bushfire prone area and is subject to a bushfire management plan'.
34. The size of any new Liquor Store within the development is limited to a maximum of 400m<sup>2</sup> NLA.

#### **Advice Notes**

- a) With regard to condition 1, and in accordance with s.279(4) of the *Planning and Development Act 2005*, the Western Australian Planning Commission cannot do anything that would have the effect of extending the period within which the development must be substantially commenced.

- b) This is a development approval only. The applicant/owner is advised that it is their responsibility to ensure that the proposed development complies with all other applicable legislation, local laws and licence or permit requirements that may relate to the development. Please contact the City of Cockburn for further advice on building, health, engineering and road reserve requirements.
- c) With regard to condition 3, the final working drawings are to comply with all of the relevant conditions of development approval, as confirmed by the Western Australian Planning Commission, and any variations from the approved plans are required to be clearly identified. Once the Commission is satisfied that the working drawings and information are consistent with the approved development plans and conditions of approval, the Commission will provide a clearance letter and copies of the working drawings to the City of Cockburn to assist with the issuing of a building permit.

Where works and/or building permits are proposed to be staged, the Commission may agree to a staged clearance of working drawings and associated conditions of approval. In such cases a Conditions Staging Matrix will need to be completed and submitted for the Commission's approval.

Interim documentation may be acceptable for the clearance of some conditions for the initial stages of the development, in accordance with an approved Conditions Staging Matrix. In the instance where interim documents or plans are accepted by the Commission, the documentation is required to identify the time or stage for the delivery of the final documents and/or plans.

- d) The approved land uses for the shopping centre expansion and all new buildings and tenancies to the south side of the internal main street are: Amusement Parlour, Bank, Betting Agency, Consulting Rooms, Civic Uses, Fast Food Outlet, Garden Centre, Hardware Store, Health Studio, Liquor Store, Market, Medical Centre, Reception Centre, Recreation Private, Restaurant, Shop, Small Bar, Tavern and Veterinary Centre.
- e) With regard to conditions 10 and 11, should minor modifications to the approved final Landscape Plans be proposed prior to occupation of each stage of development, revised plans should be submitted for endorsement by the Western Australian Planning Commission.

The applicant is further advised that any proposed landscape works outside the development lot boundaries will require consent from the City of Cockburn as the road reserve owner / manager, prior to implementation.

- f) With regard to condition 16, any upgrades to the water reticulation network and the downstream receiving sewers that are required to support the development will need to be funded and undertaken by the developer. The developer will also be required to fund new works and provide protection of all existing Water Corporation assets. A contribution to the Water Corporation for water, sewerage and drainage headworks may also be required.
- g) With regard to condition 17, Main Roads WA advises that no stormwater from the development site is to be discharged onto the Kwinana Freeway road reserve.

- h) With regard to condition 32, residential buildings in the Bushfire Prone Areas BAL-12.5 will need to include adequate protection measures in the building permit plans. Refer to Australian Standard 3959 – Construction of Buildings in Bushfire Prone Areas for further details of appropriate construction measures.

The Department of Fire and Emergency Services advises it will be able to provide advice on compliance with its Site Planning and Fire Appliance Specifications Guidelines and fire hydrant coverage when plans for a building permit are prepared.

- i) With regard to condition 34, in accordance with section 36B of the *Liquor Control Act 1988*, a large packaged liquor outlet of over 400m<sup>2</sup> cannot be considered at the development site. Packaged liquor outlets under 400m<sup>2</sup> could be considered but would have to satisfy the director of liquor licensing that the current consumer requirement for packaged liquor in the locality cannot be met by existing venues.
- j) Main Roads WA advises that:
- No development is permitted within the Kwinana Freeway road reserve.
  - No site access is permitted from the Kwinana Freeway road reserve.
  - Approval of signals or intersection modifications do not form part of this application. The installation of traffic signals will require further approval from Main Roads, in accordance with the Road Traffic Code 2000 (WA).
  - Approval from Main Roads WA is required to conduct road works that require traffic management on a state road or traffic management on a local government road which will affect the operation of traffic signals or is within 30m of traffic signals. Refer to the 'Traffic Management for Roadworks & Events' section on Main Roads WA website. Given the scale of development it likely such approval will be required.
- k) The applicant is advised that any future application for subdivision, including an application for strata titles or community titles, will be assessed against relevant policies of the Western Australian Planning Commission, and may result in a requirement for the provision of public open space, in accordance with Development Control Policy 2.3 and Operational Policy 1.11.
- l) The applicant is advised that all construction within the protected airspace of Jandakot Airport must be undertaken in accordance with any approval and conditions issued by the Department of Infrastructure, Transport, Regional Development and Communications, in accordance with the *Airports (Protection of Airspace) Regulations 1996*.
- m) ATCO Gas Australia advises that it has gas mains within the immediate vicinity of the development site and also has existing service lines and registered meter sets within the proposed development area. Anyone proposing to carry out construction or excavation works must contact 'Dial Before You Dig' (phone 1100) to determine the location of buried gas infrastructure.
- n) If an applicant or owner is aggrieved by this determination, there is a right of review by the State Administrative Tribunal in accordance with Part 17 of the *Planning and Development Act 2005*.

## Details: Outline of Development Application

Local Planning Scheme	City of Cockburn Town Planning Scheme No.3
Local Planning Scheme - Zone	Regional Centre
Use Class and Permissibility:	Discretionary: Multiple Dwellings Use Not Listed: Liquor Store Permitted: Shop, Hotel, Office, Showroom, Childcare Premises, Cinema/Theatre, Restaurant, Fast Food Outlet, Small Bar, Tavern, Amusement Parlour, Bank, Betting Agency, Consulting Rooms, Civic Uses, Garden Centre, Hardware Store, Health Studio, Market, Medical Centre, Reception Centre, Recreation Private, Veterinary Centre.
Total Area of Development Site	21.4 hectares
Existing Land Use:	Shop and other Commercial uses (Cockburn Gateway Shopping Centre)
State Heritage Register	No
Local Heritage	No
Design Review	State Design Review Panel
Bushfire Prone Area	Yes
Contaminated Site	Acid sulphate soils

### Proposal:

Approval is sought for a proposed retail, commercial and residential development comprising:

- Demolition:
  - Minor demolition works within the existing shopping centre and car park to accommodate expansion of the shopping centre.
  - Staged demolition of bulky goods showrooms, fast food outlets, a tavern and a service station, to enable staged redevelopment of the site area surrounding the shopping centre.
- Shopping Centre Expansion:
  - a 45,425m<sup>2</sup> NLA expansion, to a total of 87,641m<sup>2</sup> NLA, which includes:
    - additional shop and commercial tenancies within an expanded shopping centre, which ranges from one to three storeys in height.
    - open air main street and piazza framed by two to three storey buildings with dining and entertainment venues, a cinema complex, a childcare centre and other shop and commercial tenancies.
- New Commercial Buildings:
  - 2 storey, 3,120m<sup>2</sup> NLA showroom.
  - 8 storey, 12,357m<sup>2</sup> NLA office with basement parking.
  - 8 storey, 6,560m<sup>2</sup> NLA office with basement parking.
  - 8 storey, 66 room hotel.
  - An additional 1,194m<sup>2</sup> NLA commercial floorspace within ground floor and podium levels of various buildings.

- Residential Precinct:  
A residential precinct located on top of a three storey shared podium car park, with apartment and townhouse buildings located around podium rooftop communal open space, including:
  - 14 apartment buildings, ranging from 9 to 16 storeys, providing a total of 832 apartments.
  - 36 two-storey townhouses.
  - A range of dwelling sizes, including 7% studio dwellings, 20% one bedroom, 51% two bedroom and 22% three bedroom dwellings.
  
- Transport and Parking:
  - 2,753 additional car parking bays, increasing the existing 3,056 bays to 5,809 total bays, which includes:
    - 1,250 new bays (4,306 total bays) for shopping centre customers and staff in basement, ground level, rooftop and multi-deck parking areas.
    - 876 bays for the 868 residential dwellings, located within a three-storey shared podium.
    - 500 bays for the two office buildings, including 276 bays in basements below the office buildings and 224 bays within the shared podium.
    - 28 hotel bays, 70 showroom bays and 29 other commercial bays within the shared podium.
    - Special use bays (ACROD, electric vehicle charging, etc) within the total 5,809 bays to be identified through Parking Management Plans for each stage of the development.
  - 879 additional bicycle parking spaces, increasing the existing 93 spaces to a total of 972 spaces, including 434 resident, 274 visitor and 264 staff spaces, as well as 42 showers and 322 lockers for staff.
  - A transport hub - a central hub within the site for bus, taxi and ride-share access, located in an enclosed portion of the internal 'main street'.
  
- Landscape and Public Realm:
  - 'Main Street' – a traffic-calmed internal street, incorporating a transport hub for buses, taxi and ride-share, with ground level pedestrian walkways and landscaping.
  - 'Piazza' – a central landscaped public space located at ground level between the main street and shopping centre, with alfresco dining, event spaces and recreation areas, framed by two and three storey buildings with dining, entertainment and commercial uses.
  - 'The Walk' – an upper level landscaped walkway providing pedestrian access from a proposed pedestrian bridge over Beeliar Drive, through the office and residential precincts within the site, and connecting to the upper level of the shopping centre.
  - 'The Gardens' – communal open space with gardens and amenities for residents, situated on the rooftop of the shared podium car park.
  
- Roadworks (including outside of the development site boundaries):
  - A new signalised intersection site entry from Wentworth Parade.
  - Widening a portion of Beeliar Drive close to the development site (Poletti Road to Wentworth Parade) to add a third eastbound traffic lane.
  - Modification to the adjacent Beeliar Drive - Midgegooroo Avenue intersection to provide two right turn lanes.

- Internal road works to reconfigure internal traffic flow and parking within the development site.
- A proposed pedestrian and cyclist bridge over Beeliar Drive is subject to a separate development application to the City of Cockburn.

(Refer to **Attachment 1 – Development Plans** and **Attachment 2 – Landscape Plans**)

### **Summary:**

The key points relating to this report are as follows:

- The proposal includes a range of land uses and an intensity of development that are suited to the development site's location within a highly accessible Secondary Activity Centre. The development would facilitate substantial infill development, with new housing and workplaces within walking distance of an expanded shopping centre and entertainment precinct, as well as within close proximity to high frequency public transport and the Kwinana Freeway.
- The proposal includes substantial new public realm areas within the development site, that is expected to be regularly used by the thousands of people shopping, recreating, working and living in the area, including a major public piazza, multi-level public walkways, and residential communal open space for approximately 2,000 residents.
- The proposal includes a transport hub for buses, taxi, ride-share and drop-off, centrally located within the development site for ease of access; as well as cyclist facilities and universal pedestrian access throughout the development.
- The proposal incorporates sustainability initiatives, including a combination of proposed Green Star, Fitwel and NABERS ratings for the different land uses.
- The proposal presents an alternative approach to urban design which is significantly different to the current design, layout and built form of the surrounding context. This includes development of 14 residential towers and 36 townhouses on top of a shared three storey podium car park, with residential communal open space on the podium rooftop, as well as creation of upper level pedestrian networks that are separated from the street level vehicle network.
- The proposal is considered to be generally consistent with the City of Cockburn Town Planning Scheme No.3, the Gateways Precinct Local Structure Plan, and relevant State Planning Policies.
- The State Design Review Panel has reviewed and provided advice on the proposed first stage, 'shovel ready' portion of the development.
- The City of Cockburn Council did not provide comment on the application, with delegated advice provided by the City's officers.
- Several State Government agencies were consulted on the proposal with no objections raised. Importantly, the substantial increase in traffic and parking and the new internal and external roadworks were accepted by Main Roads WA and the City of Cockburn officers.
- 65 submissions were received during public consultation on the application, with 35 in support, 20 supportive subject to some changes, and 10 did not support the application.

- The supportive public submissions considered that the proposed development would be positive for the local area, and the retail, dining and entertainment uses were particularly supported.
- The key concerns raised in public submissions were expected increased traffic on local and regional roads, as well as traffic congestion within the site and potential car parking shortages due to the shopping centre expansion and new development.
- The proponent has advised that the project represents approximately \$1.08 billion of economic investment and will create approximately 1,400 direct and 3,880 indirect jobs during construction, with approximately 2,220 ongoing jobs after all stages are complete.
- The proposed development is intended to be delivered in four stages over approximately 10 to 15 years. The first stage, valued at \$203 million, is committed to and funded, with construction proposed to commence within two years of development approval.
- A commitment to the delivery of the other three stages is demonstrated through the nature of the integrated design and through the multi-stage enabling works that would be delivered in the first development stage. However, the exact timeframe for delivery of these stages is dependent on market demand, investment attraction and proponent funding.
- Given the substantial size of the development and the complexities of delivering a multi-level development around an operating shopping centre, the proponent has requested three years to substantially commence the entire development.

## **Background:**

### Site Context

The 21.4 hectare development site is located between the Kwinana Freeway, Beeliar Drive and Wentworth Parade in Success. It is comprised of four lots, being Lot 202 (13,621m<sup>2</sup>), Lot 203 (190,170m<sup>2</sup>), Lot 800 (5,194m<sup>2</sup>), and Lot 806 (5,084m<sup>2</sup>). The Cockburn Gateway Shopping Centre is located on the south-east portion of the site, surrounded by at-grade car parking, with bulky goods showrooms, fast food outlets, a service station and a tavern along the Beeliar Drive and Wentworth Parade street frontages of the site.

The Cockburn Gateway Shopping Centre was constructed in the 1990s and has been expanded a number of times. The last development application for expansion was approved in 2012 and completed in 2015.

The development site is affected by a number of planning constraints, including:

- Road and rail noise from Beeliar Drive, the Kwinana Freeway and the Perth to Mandurah rail line.
- Bushfire prone areas to the north and east of the site.
- The Jandakot Airport protected airspace (however, the site does not fall within the identified airport noise exposure area).
- The Jandakot groundwater protection area.

To the immediate west of the development site (before Wentworth Parade) is a small medical and community use precinct and on the western side of Wentworth Parade is low density residential development (R20 to R30). To the south of the development site are six to eight storey apartments buildings (R160).

The Cockburn Central Train Station is approximately 350m from the north-east corner of the development site (north of Beeliar Drive). The train line provides connections to suburbs from Mandurah to Perth city centre and will also connect to eastern suburbs via the new METRONET Thornlie-Cockburn Link when completed.

Pedestrian and cyclist access between the train station and the development site is currently provided via a Principal Shared Path that runs alongside the Freeway, then under Beeliar Drive via an underpass, and into the north-east corner of the shopping centre car park. A bus accessway also runs through this underpass, with bus routes running from the train station, through the underpass, and then across the east-west 'main street' within the development site.

To the west of the train station is the established Cockburn Central Town Centre mixed-use precinct and the Cockburn Central West development area, as well as the Cockburn ARC sports, aquatic and recreation centre.

(Refer to **Attachment 3 – Site Context Plan**).

### Planning Context

The development site along with Cockburn Central Town Centre and Cockburn Central West make up the Cockburn Activity Centre. This activity centre is a Secondary Centre under State Planning Policy 4.2 Activity Centres (SPP 4.2) and is zoned Regional Centre under the City of Cockburn Town Planning Scheme No.3 (TPS3).

The key strategic planning document for the activity centre is the Cockburn Central Activity Centre Strategy, adopted by the City of Cockburn in 2016. Key aims of the Strategy that are relevant to the consideration of this development application include:

- *Work with Cockburn Gateway Shopping Centre to investigate suitable parking strategies into the future.*
- *Upgrade and revitalise Beeliar Drive.*
- *Investigate options to attract strategic employment to the activity centre.*
- *Implement a Greening Concept Plan across the activity centre.*
- *Progress the delivery of the Armadale Road and North Lake Road Bridge Interchange project, addressing significant congestion issues both at a regional and local accessibility scale.*

The City of Cockburn is also progressing a draft new Local Planning Strategy, prior to preparation of a new Local Planning Scheme. The initial draft of the Local Planning Strategy was endorsed by Council in October 2020 and is now under consideration by the Department of Planning, Lands and Heritage, prior to certification of the draft for public consultation by the Statutory Planning Committee (SPC) of the Western Australian Planning Commission (WAPC). The initial draft

of the Strategy expresses the City's desire to elevate the Cockburn Activity Centre from a Secondary Centre to a Strategic Metropolitan Centre (suggesting it is equivalent to Fremantle and Rockingham). However, this is yet to be considered by the SPC.

With regard to statutory planning documents guiding the activity centre, there is no overarching statutory activity centre plan. However, in accordance with the requirements of TPS3, there are four structure plans for different development areas within the activity centre.

The Gateways Precinct Local Structure Plan (Gateways LSP) applies specifically to the development site. An amendment to the Gateways LSP was given final approval by the SPC in March 2020, following consultation with the City of Cockburn. This amendment was prepared by the applicant to facilitate the subject development application. The key aspects of the approved Gateways LSP amendment included:

- An increase in retail floorspace from approximately 50,000m<sup>2</sup> NLA to a total maximum of 90,000m<sup>2</sup> NLA.
- An increase in non-retail commercial floorspace from approximately 10,000m<sup>2</sup> NLA to a maximum of 20,000m<sup>2</sup> NLA.
- Maximum total car parking for retail and commercial uses of 4,450 bays.
- Extension of the 'main street' outdoor dining precinct and addition of a town square / public piazza.
- A new residential precinct in the north-west of the site for approximately 1,000 residential dwellings, coded R-ACO and with a maximum building height of 27 storeys.
- Removed the requirement for a Local Development Plan to be prepared for the site prior to a Development Application, with State Planning Policy 7.3 (R-Codes Volume 2) to be applied to the assessment of the residential precinct.
- Extension of the third traffic lane along Beeliar Drive, signalisation of one vehicle entry to the site on Wentworth Parade and creation of an additional vehicle entry point on Wentworth Parade.
- A pedestrian bridge to be provided from the site over Beeliar Drive, to improve connection from the development site to the town centre and train station.
- Extend the period of approval of the structure plan for a further 10 years.

### **Legislation:**

The introduction of Part 17 into the *Planning and Development Act 2005* (PD Act) has temporarily established the WAPC as the decision-making authority for applications for significant development to support the State's economic recovery from the COVID-19 pandemic. Part 17 provides the WAPC with enhanced approval powers that will enable more strategic assessment of significant developments that deliver broad economic, social and environmental benefits for the State.

Other than the *Environmental Protection Act 1986*, the WAPC is not bound by any planning or non-planning law, rule or other requirement when determining this application. However, in making its decision, the WAPC must have due regard to the purpose and intent of any applicable planning scheme, orderly and proper planning, the preservation of amenity, the need to facilitate development in

response to the economic effects of the COVID-19 pandemic, and any relevant State planning policies or other policies of the WAPC.

### **Consultation:**

#### Minister for Planning

In accordance with s.276(2) of the PD Act, the Minister for Planning was consulted on the development application. The Minister noted the application but did not make a submission.

#### State Government agencies

In accordance with s.276(6) of the PD Act, the following State Government stakeholders were consulted on the development application:

##### *Main Roads WA (MRWA)*

MRWA advised that it had no objection to the development application, subject to the following conditions being imposed:

- *Prior to the issue of the building permit the acoustic report is required to be amended as follows:*
  - *Confirmation of the glazing / façade requirements, a full analysis and assessment, as required under State Planning Policy 5.4 will be undertaken during the design to ensure compliance. This will need to be submitted to Main Roads for review and approval.*
  - *Modelling must consider the current and future road surfaces and be clearly detailed in the report.*

*This report shall be to the Western Australian Planning Commission's satisfaction on advice from Main Roads. This report shall be implemented at all times for the duration of this approval.*
- *Prior to the occupation of the building, certification from a qualified acoustic consultant is to be submitted confirming Condition 1 has been achieved. This certification must be provided to the Western Australian Planning Commission.*
- *A notification, pursuant to Section 70A of the Transfer of Land Act 1893, is to be placed on the Certificate of Title of the proposed development. The notification is to state: "The lot is situated in the vicinity of a transport corridor and is currently affected, or may in the future be affected, by transport noise."*
- *Stormwater shall not be discharged onto the Kwinana Freeway Road Reserve.*
- *No development is permitted within the Primary Regional Road Reserve.*
- *No new vehicular access is permitted to the Primary Regional Road Reserve.*
- *Prior to the submission of the relevant demolition permit or building permit, a Traffic Management Plan demonstrating how construction traffic will be managed must be submitted to Main Roads. The Traffic Management Plan must be to Main Roads requirements.*

The recommendations in regard to transport noise mitigation and notifications on title are considered appropriate and relevant conditions of approval have been included in the Officer's Recommendation, should the WAPC determine to approve

the development application. Refer to Assessment – State Planning Policies for further consideration of traffic noise and acoustic attenuation.

With regard to development, access and stormwater within the freeway road reserve (which is outside of the development application boundary), as the development application does not propose any of these items conditions of approval are not considered necessary. Relevant advice notes have therefore been provided. Consideration of construction traffic management has been included in a recommended condition requiring a Demolition and Construction Management Plan.

#### *Department of Transport (DoT)*

DoT recommended the following items be addressed by the applicant to ensure balanced and sustainable transport outcomes:

- *The submitted Transport Impact Assessment (TIA) indicates that a Travel Demand Management Plan will be prepared at building permit application stage and revised at each development stage. It is recommended that a Travel Plan addressing DoT's Travel Plan Guidelines for Large Shopping Centres is either submitted by the applicant as part of the proposal or suitably conditioned as part of any development approval.*
- *The Parking Management Plan does not establish adequate parking management strategies such as parking controls, wayfinding and allocation of parking bays for different purposes. It is recommended that a revised Parking Management Plan addressing DoT's Parking Guidelines for Large Shopping Centres is either submitted by the applicant as part of the proposal or suitably conditioned as part of any development approval.*
- *Considering the site's location within the Long Term Cycle Network, the proposed land uses and the end-of-trip (EoT) facilities on site, DoT envisages that the precinct will have a high level of bicycle traffic. A segregated bicycle lane is to be provided on the internal road network and the vehicle ramps to ensure safe access to the end-of-trip facilities, to the satisfaction of the Western Australian Planning commission, on advice from the City of Cockburn in consultation with the Department of Transport.*
- *A dedicated crossing for pedestrian and bike riders is to be provided on Driveway 1 - Beeliar Drive access and Driveway 4 - Wentworth Parade access, to the satisfaction of the Western Australian Planning Commission, on advice from the City of Cockburn in consultation with the Department of Transport.*

Further consultation was subsequently held with the proponent team and DoT to consider the above comments. Both parties agreed that it would be appropriate for the Travel Demand Management Plan and Parking Management Plan to be prepared prior to construction of the first stage of development and then subsequently updated at each development stage.

With regard to the internal cyclist routes, the proponent team has advised that, as per the TIA, shared pedestrian and cyclist paths will be provided within the site, which would be expected to be used by leisure cyclists and children, with commuter cyclists also having the option to use the internal road network. DoT however considers that segregated cyclist lanes should be provided on the internal roads

that have been identified as the expected commuter routes through the site and also along basement ramps and through to the basement end-of-trip (EoT) facilities. The applicant considers this unnecessary as lift access is provided down to the eastern basement EoT facilities and at full build-out a direct path would be provided from Wentworth Parade to the western basement EoT facilities. It is also noted there is an existing footpath along the eastern basement entry ramp which could potentially be used for bicycle access.

With regard to pedestrian crossings, the proponent team has advised that a median crossing point would be provided on Driveway 1 and Driveway 4 and this is considered safer than zebra crossings, given the driveway locations and road speeds. Following further consultation with DoT and MRWA it was noted that MRWA would be required to approve any pedestrian crossing outside the site boundary. MRWA also noted potential safety concerns and indicated preference for median crossing points rather than zebra crossings.

Should the WAPC determine to approve the development application, conditions of approval have been recommended requiring a Travel Demand Management Plan, a Parking Management Plan, and signage identifying internal paths as shared use paths.

#### *Public Transport Authority (PTA)*

PTA advised that it supports the development application and provided the following comments:

- *PTA supports intense development close to its railway stations. The challenge will be managing the additional vehicle movements that will come with the development.*
- *It is important in future that sufficient road space is allocated for public transport to ensure it can operate efficiently and remain attractive to the community and allow it to be competitive with the private car.*

The proponent team has consulted directly with the PTA in preparing the development application with both parties agreeing to the location and design of the transport hub. This provides convenient public transport access for shoppers, workers and residents, centrally located within the development site. The future pedestrian bridge will also improve residents' access to the train station.

#### *Department of Fire and Emergency Services (DFES)*

DFES advised that:

- *The proponent has adequately identified issues arising from the bushfire risk assessment and considered how compliance with the bushfire protection criteria can be achieved within the proponent's submitted Bushfire Management Plan (BMP).*
- *DFES will be able to provide further comments on compliance with its Site Planning and Fire Appliance Specifications Guidelines and fire hydrant coverage when detailed designs are provided at the Building Permit stage.*

As DFES has supported the proponent's BMP, it is recommended that any development approval includes a condition requiring the ongoing implementation

of the BMP. Refer to Assessment – State Planning Policies for further details regarding bushfire management.

#### *Jandakot Airport*

Jandakot Airport advised that it has no objections to the development and provided the following comments:

- *Buildings (including lift overruns and all roof installations) must not exceed a maximum height of 95.5m AHD.*
- *Residential Tower C5 must be lit by medium intensity obstacle lighting in accordance with the Manual of Standards – Aerodromes.*
- *Approval must be sought for any equipment (i.e. cranes) required to construct the buildings as they will operate significantly higher than the buildings.*

The proponent team has consulted directly with Jandakot Airport in the preparation of the development application. This has resulted in no portion of building in the development being above the 95.5m AHD limit.

The proponent team has provided a copy of its approval from the Australian Government Department of Infrastructure, Transport, Regional Development and Communications to construct the development within the protected airspace for Jandakot Airport. This approval, issued under the *Airports (Protection of Airspace) Regulations 1996*, provides detailed conditions in accordance with the above requirements. Therefore, additional conditions on any development approval are not considered necessary. An advice note is however recommended, to refer to the requirements under the Airports Regulations.

#### *Department of Water & Environment Regulations (DWER)*

DWER advised that it does not object to the proposed development and provided the following comments:

- *Residential, offices, shops, restaurants, hotels and commercial vehicle parking are all acceptable land uses in Priority 3 water source protection areas.*
- *Acid sulphate soils (ASS) risk mapping indicates that the site is located within an area of low to moderate risk of ASS occurring within 3 metres of the natural soil surface and moderate at depths beyond 3 metres.*

Refer to Assessment – State Planning Policies for further details on development within water source protection areas.

With regard to ASS risks, DWER has not requested a specific condition for an ASS management plan, as these are usually only required in higher risk ASS areas. Therefore, it is recommended that any development approval requires details of ASS investigation and management to be provided within the construction management plan for the development.

#### *Tourism WA*

Tourism WA advised that it *'is supportive of the inclusion of the hotel within the development and noted the opportunities this development will provide to the tourism and hospitality industry'*.

#### *DevelopmentWA*

DevelopmentWA advised that:

- *DevelopmentWA is supportive of suitable redevelopment that will enhance the vibrancy and performance of existing activity centres.*
- *The proposed development at Cockburn Quarter should complement the development potential of the wider Cockburn Central Activity Centre and Cockburn Central West.*
- *There should be a coordinated approach to precinct development informed by demand assessment to encourage timely delivery of viable development within the entire Cockburn Secondary Centre and not cause unintended impacts on the adjoining sub-precincts.*

The proponent team has advised that DevelopmentWA was consulted directly during preparation of the development application and that the planned built form and land uses of Cockburn Central West were considered in preparation of the development application. The applicant considers the most appropriate way to coordinate the precincts is for all development to be consistent with the strategic and statutory planning documents adopted for the activity centre. In this regard, the development application is consistent with the Cockburn Central Activity Centre Strategy and the Gateways LSP.

*Department of Local Government, Sport and Cultural Industries (DLGSCI)*

The liquor licensing division of DLGSCI advised that it did not object to the development and provided the following comments:

- *In accordance with s.36B of the Liquor Control Act 1988, which seeks to prevent the proliferation of packaged liquor outlets in a locality, a large packaged liquor outlet of over 400m<sup>2</sup> cannot be considered at the development site.*
- *Packaged liquor outlets under 400m<sup>2</sup> could be considered but would have to satisfy the Director that the current consumer requirement for packaged liquor in the locality cannot be met by existing venues. Given there are a number of packaged liquor outlets in this locality and within the shopping centre already, it may be a difficult task for a new applicant to satisfy.*
- *A hotel restricted licence or tavern restricted licence cannot sell packaged liquor to the public, are therefore not subject to s.36B, and may be more appropriate in this location.*

The proponent team has acknowledged the above position of DLGSCI. The development application seeks approval for a Liquor Store to be included in the range of approved land uses, with the exact location/s and size/s to be determined through the retail leasing process. However, to ensure that any development approval is not in conflict with liquor licensing legislation and policies, it is recommended that a condition be applied limiting the size of any Liquor Store to a maximum of 400m<sup>2</sup> NLA. An advice note would also be applied advising that any future liquor licence application for a liquor store under 400m<sup>2</sup> NLA would have to demonstrate that consumer requirements could not be met by existing premises.

*Water Corporation*

The Water Corporation advised that:

- *The development will place additional, unplanned demands on the local water network and may impact the capacity of the downstream sewer on Wentworth*

*Parade that collects wastewater from the precinct, which will require upgrades to the existing schemes.*

- *Detailed information from the proponent's consulting engineers regarding water demands and projected wastewater flows, will allow the Water Corporation to review its infrastructure planning in a timely manner.*
- *Any upgrades to the water reticulation network and the downstream receiving sewers that are required to support the proposal will need to be funded and undertaken by the proponent.*
- *A contribution for Water, Sewerage and Drainage headworks may also be required. In addition, the developer will be required to fund new works and protection of all existing Water Corporation assets.*

The proponent team has subsequently directly consulted the Water Corporation regarding water and sewer infrastructure capacity and is currently working through options to facilitate the implementation of the proposed development. The proponent has acknowledged that they would be required to fund any necessary infrastructure upgrades.

Given the detailed engineering design work required for each stage of the development and further Water Corporation consultation required to resolve the above matters, it is recommended that any approval be conditioned to require suitable arrangement being made for adequate water and wastewater servicing, to the satisfaction of the WAPC in consultation with the Water Corporation. An advice note would also be applied advising that the arrangement may require service upgrades, new works or headworks contributions to be funded by the developer.

#### *ATCO Gas*

ATCO advised it had no objection to the application, subject to standard advice notes being included in any approval regarding 'Dial Before You Dig' to determine the location of buried gas infrastructure in the locality.

#### *Department of Biodiversity, Conservation and Attractions (DBCA)*

DBCA advised it had no comment on the application.

#### *Department of Communities (DoC)*

DoC did not provide any comments on the application.

The comments received from State Government stakeholders have not raised any objections to the proposed development or raised any significant issues that may warrant refusal or substantial amendment of the development application. The key recommendations raised above can be appropriately addressed through conditions of approval and advice notes, should the WAPC determine to approve the application.

#### Local Government

In accordance with s.276(4) of the PD Act, the application was referred to the City of Cockburn for comment. The Council of the City of Cockburn did not consider the development application. However, the City's officers have provided technical advice and recommended conditions of approval (refer to **Attachment 4 – Local Government Recommended Conditions**). The matters raised are generally

standard development condition matters (such as noise, waste, parking, stormwater and construction management) and have been incorporated into the recommended conditions and advice notes of approval, as considered appropriate.

### Public Consultation

In accordance with s.276(6) of the PD Act, the application was advertised for public comment for a period of 28 days from 18 February to 18 March 2021. A total of 1,853 letters were sent to residents and property owners within approximately 200m of the edges of the development site, signs containing images of the proposal were erected on the perimeter of the site and at the entries into the shopping centre, and notices were placed in the Cockburn Gazette newspaper and on the Department's website and social media inviting public submissions.

A total of 65 public submissions were received, 35 supported the application, 20 supported it subject to some changes, and 10 did not support the application. The key themes and issues identified from the submissions are summarised as follows:

#### *Support for the development*

The most common theme identified from the public submissions was of support for the development proposal. More than half of the submissions stated that the proposal was either a great idea, would be great for the local area, or generally looked great. Other supportive submissions stated support for specific aspects of the proposal, particularly increased shopping, dining and/or entertainment options.

#### *Traffic and parking*

Traffic and parking concerns were the most significant negative themes identified from public submissions. Over a third of all submissions raised concerns with current traffic and parking issues within the shopping centre site and/or the surrounding road network. The submitters considered that the substantial development proposal would significantly exacerbate traffic, congestion, road safety and parking issues within and surrounding the site.

#### *Land use*

Support for the proposed commercial land uses was a strong theme in the public submissions, including support for the retail, dining and/or entertainment land uses. Comments included support for the diversity of land uses, or support for specific land uses such as the proposed cinema, restaurants or bars. Some submitters also made comments that the proposed hotel was a good idea, whereas other submitters questioned whether it was appropriate / viable in the locality.

#### *Economic impact*

Several submissions provided support for the proposal as it was considered by the submitters to present a positive economic impact and provided local jobs.

#### *Apartment supply*

Some submissions raised concerns with the large number of proposed apartments, stating that there is already an oversupply of apartments in the area. Submitters raised concerns with the impact on existing apartment values or the increase in vacancy rates, and others stated that more apartments were not needed / wanted in the area.

### *Pedestrian movement*

Some submissions raised concerns with pedestrian access and safety, noting that it was difficult to access the site currently and that there were existing pedestrian safety issues within the shopping centre car park and the surrounding road network that would be exacerbated by increased traffic from the development.

### *Design*

Some submissions stated that the overall design and perspective images looked good. However, other submitters stated that they did not like the design or perspective images.

### *Building height and density*

A small number of submissions stated that the proposed building heights or residential density were not appropriate for the locality and therefore they did not support the development application.

### *Development contributions*

A small number of submissions stated that the development should not proceed until works were undertaken to improve the local road network and traffic flow. Some submitters considered that development contributions should be provided as part of the development application, given the substantial size of the development and its impact on local roads, infrastructure and amenities.

### *Landscape amenity*

Some submissions raised concerns with the amenity for future residents and visitors, and suggested that more parks, open space and trees were needed in the development to support the large number of proposed future residents.

### *Public safety*

Some submissions raised concerns with existing and future public safety within the development site and the potential for increased crime in the locality.

The proponent was provided with a summary of the issues raised during public consultation and their response to these matters is included in **Attachment 5 – Applicant Response to Public Submissions**.

The matters raised in the public submissions must be given due consideration by the WAPC in determining the development application. The key planning matters raised are discussed further under the Assessment section of this report.

### **Assessment:**

The proposal has been assessed against the key considerations for the determination of the application under the PD Act Part 17, as follows:

#### The Purpose and Intent of the Local Planning Scheme

##### *Scheme Aims*

Clause 1.6.1 of TPS3 provides the following two aims of the Scheme (there are no other scheme objectives or statements of intent):

- a) *ensure that development and the use of land within the district complies with accepted standards and practices for public amenity and convenience;*
- b) *ensure that the future development and use of land within the district occurs in an orderly and proper way so that the quality of life enjoyed by its inhabitants is not jeopardised by poor planning, unacceptable development and the incompatible use of land.*

The proposed development can be considered consistent with the Scheme Aims, as the use and development of the site is consistent with the intent for a Regional Centre (refer to Land Use below for further details). The development application also includes supporting reports that detail appropriate consideration of resident amenity and the compatible mix of land uses within the development site. This includes consideration of solar access, overshadowing, acoustic attenuation, traffic management and place management across the development site.

### *Land Use*

Clause 3.2.1(b) of TPS3 states that the objective of the Regional Centre Zone is:

*To provide for a full range of shopping, office, administrative, social, recreation, entertainment and community services, consistent with the region-serving role of the centre and including residential uses.*

The development application proposes a range of shopping, office, entertainment and residential uses and can be considered entirely consistent with the objective of the Regional Centre zone.

New proposed commercial buildings include a Hotel, two Office buildings, a Showroom, a Cinema and a Childcare Premises. These are all permitted uses in the Regional Centre Zone and can be considered appropriate to add to the diversity of local services, facilities and employment.

The proposal also includes 868 Multiple Dwellings, which is a discretionary land use in the Regional Centre zone. However, this can be considered appropriate in this location, as it would provide residents with walkable access to a shopping centre, dining and entertainment options, the ARC recreation facilities, Cockburn Central Train Station and local employment opportunities. Location of residential development within mixed land use areas does however require effective management of potential land use conflicts, such as noise impacts. This has been addressed through submission of an acoustic report with the development application (refer to State Planning Policies for further information).

The proposed expansion of the shopping centre and the associated main street and piazza would include Shops, Restaurants and Taverns, which are all permitted uses in the Regional Centre Zone, as well as Fast Food Outlets and Small Bars, which are permitted uses in accordance with the Gateways LSP.

Approval of Liquor Store land use is also sought. Technically this is a Use Not Listed under TPS3, as whilst the use is defined in the Scheme, it has been omitted from the Land Use Zoning Table. However, it can be considered an appropriate land use that is commonly included in shopping centres. It is noted that there are already three liquor stores in the shopping centre and that as noted under

Consultation, DLSCGI advised it may be difficult to demonstrate demand for additional liquor stores. It is considered that the appropriate number of liquor stores on site is best determined through the liquor licence application process, following any development approval.

The application also seeks approval for all other land uses that are permitted within the Commercial category in the Regional Centre zone of TPS3, to allow for flexibility in leasing of individual tenancies, as well as to provide for change of tenants over time. The other permitted commercial uses in the Regional Centre zone include Amusement Parlour, Bank, Betting Agency, Consulting Rooms, Civic Uses, Garden Centre, Hardware Store, Health Studio, Market, Medical Centre, Reception Centre, Recreation Private and Veterinary Centre.

This 'blanket approval' approach is considered appropriate for a large, multi-tenancy shopping centre and is consistent with planning reform principles which seek to exempt individual development applications for permitted uses with low amenity impacts located in the appropriate context. This range of potential future land uses will also provide increased local services and employment opportunities. Additional car parking assessment / requirements would not need to be applied when approved tenancies change from one approved land use to another, as the proposed car parking for the site has been assessed through the Transport Impact Assessment (TIA) based on the total shopping centre floorspace and road network capacity, rather than car bays per individual land uses within the shopping centre.

Public submissions received were generally very positive about the proposed land use mix. Several submissions commented generally on the proposal being positive for the location or being needed by local residents and other submissions specifically stated support for restaurants, bars and the cinema. Some submissions did however question whether there was market demand for more residential apartments in the locality. It is noted the proponent intends to stage delivery of the apartment buildings over 10 to 15 years in response to future market demand.

*Development Standards*

Clause 4.9 of TPS3 includes general development standards for setbacks, landscape and amenity for commercial developments, which the application is consistent with. More specific development standards and car parking requirements for the site are provided within the local structure plan.

*Local Structure Plan (Gateway LSP)*

The table below considers the development application against the primary controls and key development standards included in the Gateways LSP. The development application can be considered to be generally consistent with the standards and intent of the LSP.

<b>Primary Control</b>	<b>Structure Plan</b>	<b>DA Proposal</b>
Retail floorspace	Max. 90,000m <sup>2</sup> NLA	87,641m <sup>2</sup> NLA
Commercial floorspace	Max. 20,000m <sup>2</sup> NLA	23,231m <sup>2</sup> NLA
Car parking	Max. 4,450 retail and commercial bays, plus	4,933 retail and commercial bays

	additional residential bays	876 residential bays
Residential dwellings	Approx. 1,000 dwellings	868 dwellings
Building height	Max. 27 storeys	Max. 16 storeys
Vehicle access	External road works to improve access	External road works to improve access
Pedestrian access	Pedestrian bridge over Beeliar Drive	Separate development application to local government

The increase in retail floorspace from the current 45,425m<sup>2</sup> to a total 87,641m<sup>2</sup> will result in an approximate doubling in size of the Gateways Shopping Centre. However, the total size would be comparable to the size of other shopping centres within Secondary Activity Centres.

Whilst the commercial floor space limit will be exceeded by 3,231m<sup>2</sup>, the LSP does provide for the retail and commercial floorspace to be combined to a maximum of 110,000m<sup>2</sup> NLA. The proposed development will exceed this combined maximum floor area by only 872m<sup>2</sup>, which is not considered significant in the context of the scale of the overall development.

There is also a proposed 10% increase to the retail and commercial car parking limit (483 bays). This has been considered through updated transport modelling and the detailed TIA provided with the development application. The TIA also includes assessment of the residential traffic and car parking, which was not considered in detail at the time the Gateways LSP was amended. Traffic, access and parking is considered further under Orderly and Proper Planning.

#### State Planning Policies and Policies of the WAPC

##### *State Planning Policy 4.2 – Activity Centres for Perth & Peel (SPP 4.2)*

SPP 4.2 deals with the hierarchy, distribution, function, land use and access of identified activity centres across the Perth and Peel regions. The development site is located within the Cockburn Secondary Activity Centre. Secondary centres are intended to provide a range of shopping, employment, business and community services to a surrounding catchment of up to 150,000 people and should be co-located with passenger rail or high frequency bus services.

As required by SPP 4.2 (and noted above), the Gateways LSP was amended prior to lodgement of the development application to establish increased floorspace and car parking provisions for the development site. As the development application is generally consistent with the approved LSP, it can be considered consistent with the SPP 4.2 requirements for development applications that propose shopping centre expansions.

The development application is also strongly aligned with the SPP 4.2 intent to provide a mix of retail, offices and other employment and services, as well as the intent to provide medium to higher density residential development within highly accessible secondary centres.

A revised SPP 4.2 was released for public comment in October 2020. A key change proposed in this revised policy is that development of an activity centre should be guided by a Precinct Structure Plan, prepared in accordance with the new State Planning Policy 7.2 Precinct Design (SPP 7.2).

Whilst the amendment of the Gateways LSP pre-dates the gazettal of SPP 7.2 and release of the revised SPP 4.2, the development application can be considered consistent with the following key policy provisions of the draft SPP 4.2:

- *Encourage the development of multi-functional activity centres that can cater for a wide range of office, commercial, retail, food and hospitality, entertainment, education, leisure, cultural/tourist, residential and mixed-use land uses.*
- *Higher-density housing should be incorporated within and around activity centres to support the non-residential functions of the activity centre, establish a sense of community and increase activity outside normal business hours.*
- *The physical organisation of activity centres needs to support, and be supported by, a balanced access and movement network that makes it convenient and practical for residents, employees and visitors to maximise travel by walking, cycling and public transport.*

The development application departs from the following requirement of the draft SPP 4.2:

- *Activity centres shall incorporate a network of streets and public spaces in a compact urban form defined by a pedestrian-dominant streetscape where the primary focus of activity is on key public streets.*

The form and layout of the development proposal does provide a compact and walkable urban form. However, the design approach has been to separate pedestrians from vehicles and to separate pedestrians and land use activity from vehicle dominated streets and car parks. The proponent team considers that separation of pedestrians from cars is a vital urban design approach and marketing strategy in order to make the piazza, the walk pedestrian route and the residential precinct more attractive and enjoyable for customers and residents. This approach acknowledges that the shopping centre will continue to attract high volumes of vehicle traffic, which can significantly detract from pedestrian amenity, safety and pedestrian-focused streetscapes.

#### *State Planning Policy 7.0 - Design of the Built Environment (SPP 7.0)*

SPP 7.0 includes design quality, built form, landscape, sustainability and amenity outcomes, seeking to deliver the broad economic, environmental, social and cultural benefits that derive from good design. SPP 7.0 sets out the objectives, measures, principles and processes which apply to the design and assessment of built environment proposals through the planning system.

SPP 7.0 has been used principally to guide assessment of the proposed public realm and non-residential development, with residential development also assessed under SPP 7.3 Residential Design Codes Volume 2. The key design

aspects of the non-residential components of the proposed development are summarised below:

#### Public Realm -

- The Walk - is intended to provide an upper level walkway to/from the proposed pedestrian bridge and to separate pedestrians from the car dominated street level to make it a more attractive and free flowing walking environment. The 3m wide pathways are an appropriate width and are lined by soft landscaping, seating and lighting, providing public amenity. A Crime Prevention Through Environmental Design (CPTED) report and a Universal Access report prepared by experienced consultants have been provided in support of the application and it is evident the consultant advice has informed the design.
- The Piazza - is intended as the 'civic heart' of the development, being the main public space for shopping centre customers, workers and hotel guests, as well as a dining and entertainment hub for residents. It includes event spaces, public seating, children's play spaces, water features and soft landscaping. The space has been designed to be framed by alfresco dining, the cinema building and two large feature staircases, adding visual interest and activation of the space. Built form has been positioned to protect the piazza from wind. Public art, lighting and signage are also proposed to enhance / animate the space. A place activation and management strategy has been developed by an experienced consultant to guide events, activation and security of the space.
- Main Street - has two separate sections with different design functions: firstly, establishing the transport hub and secondly, connecting the existing main street dining precinct to the new piazza through the provision of additional alfresco dining, children's play spaces, seating, lighting and soft landscaping.
- Transport Hub - is an enclosed portion of the internal main street that provides a central location for bus access (including bus routes connecting to the train station), ride-share and general drop-off bays. It is located to provide convenient access to the hotel, piazza, cinema and shopping centre entry. The enclosure of the hub is created by construction of the upper level Walk, podium parking and the hotel spanning over the main street. The enclosed hub is approximately 100m long, 20m wide and 6m high. The ground floor has predominantly inactive frontages (car parking and the rear of tenancies).

#### Shopping Centre Expansion -

- At ground level, the shopping centre is expanded to provide a small fresh food extension to the south, extend the internal mall to the west with additional tenancies, and extend it north to create a connection to the external piazza. A second level is also added to the western internal mall, with a cinema above, and a three storey department store is added at the end of the western mall.
- Tenancies around the piazza have predominantly glazed facades and alfresco areas, to activate the public realm. The upper levels have a variety of external materials, textures and landscape planters that add character and interest to the public realm.
- The department store has an enclosed façade with bronze metal cladding and landscape feature elements. It does not have windows or entries that provide connection with the public realm as it is not directly connected with street level. The western façade is set back from Wentworth Parade and somewhat

screened from view by a proposed deep soil planting area. The northern façade (at the end of the main street) sits above an undercroft car parking area.

- A standalone two storey retail / commercial building is proposed at the eastern end of the main street. This building extends the function and built form of the main street and features a profiled concrete facade with cascading plantings and sections of clear glazing to the ground floor.

#### Offices -

- Two eight storey office buildings are proposed on the north-east of the site. The two buildings front Beelias Drive and also Driveway 1 - a main access road to the development site. The Office 01 building also immediately abuts the proposed upper level landing of the pedestrian bridge. The offices are therefore key features in the public presentation and arrival experience of the whole development site.
- Each building has a unique, irregular built form, with floor plate sizes and shapes varying across different levels. Exterior material is a glazed curtain wall with bronze and gold coloured anodised metal facade panels. The bold exteriors are softened with landscape planters.
- Each building has a double volume glazed lobby with pedestrian access and a vehicle port cochere at ground level adjacent to Driveway 1.
- Staff amenities include end of trip facilities and roof terraces, as well as access to the nearby Walk open space and shopping and dining facilities.
- Car parking for the offices is provided in basements below each building, with service access provided at the rear of each building at ground level.

#### Hotel -

- A proposed eight storey, 66 bed hotel is centrally located within the development, sitting between the southern end of the shared podium and across the transport hub. A glazed ground floor lobby fronts the transport hub, providing direct access for hotel guests to taxi, ride-share and bus services.
- Pedestrian access is also provided from The Walk. The hotel's café is also located at this upper level, providing activation of The Walk, as well as a north facing alfresco area for hotel guest amenity. Hotel guests also have easy access to the public piazza and outdoor dining precinct.
- The exterior material of the hotel is predominantly a glazed facade screened with white louvres, and large timber-clad, structural poles are a design feature facing public realm levels.
- The hotel provides a range of room sizes and facilities that include a restaurant, café and function rooms.
- The proponent advises that the hotel has not been designed for a specific market or operator and that an amendment to any development approval may be sought should additional facilities (such as a gym or business centre) or different room configurations be required.
- Car parking and service access for the hotel is provided via the ground level of the podium car park, which is directly connected to the rear, ground level of the hotel.

#### Showroom -

- A proposed two-storey showroom is located on the north of the development site and connected to the shared podium. The ground floor exterior material is

predominantly clear glazing, with the upper level and roof including a brick brise-soleil framing feature.

- The showroom assists in screening the podium car park and adding a degree of ground level activation and visual interest to the Beeliar Drive frontage of the podium car park.
- The glazed frontage also wraps around the corner of the building to engage the western elevation with a landscaped pedestrian walkway that provides access from Beeliar Drive at street level to the upper 'Walk' level of the development site.
- Car parking and service access for the showroom is provided via the ground level of the podium car park, which is directly connected to the rear of the showroom.

The proposal can be considered generally consistent with the 10 design principles of SPP 7.0, as it includes design aspects such as:

- Engagement of experienced architects and landscape architects, as well as a range of expert consultants in areas such as traffic management, place management, sustainability, crime prevention, wind modelling and noise management.
- A comprehensive, integrated and detailed design for the very large development site, that seeks to deliver a new long term vision for the Cockburn Activity Centre for a more urbanised centre with increased activity, density and diversity, set in a high quality landscape setting.
- A range of land uses and public spaces that seek to transform the traditional 'big box' suburban shopping centre into a mixed use urban precinct, with more external activity, more people and longer hours of use.
- Built form, density, architectural style and material palettes that respond to the project vision of a contemporary, urban and active precinct, with unique character.
- Landscape design that seeks to soften the built form and add to public realm and occupant amenity, with deep soil zones, planting on structure, façade planters, and detailed consideration of landscape in public spaces, walkways and the perimeter of the site.
- Consideration for pedestrian, cyclist and public transport connectivity across, and external to, the development site.
- Pursuing an enhanced pedestrian and resident experience through separation from the substantial vehicle activity inherent to a large shopping centre.
- Public spaces and resident communal spaces designed to provide social interaction, community events, physical activity and/or respite from the urban environment.
- Targets developed for sustainable design and operation of the development.
- Universally accessible design within public spaces and adaptable residential dwellings.
- Diversity of dwelling options, with careful consideration of internal and external amenity and lifestyle.

Prior to commencement of the Part 17 development assessment pathway, an earlier draft of the development proposal was referred by the City of Cockburn to the State Design Review Panel (SDRP) for advice regarding consistency with the design principles of SPP 7.0. The proponent team considered that the SDRP

advice provided at this point was inconsistent with the project vision and the recently approved Gateways LSP amendment. Therefore, any substantial design revisions to respond to this initial SDRP advice did not occur.

Following lodgement of the significant development application under the Part 17 pathway, it was considered beneficial to receive further design review and advice from the SDRP on the first stage of the proposed development (refer to Orderly and Proper Planning for details of stages), as this is the stage that is ready to implement and as it includes key public realm elements of the development. Spaces such as the piazza and the main street would be expected to have thousands of weekly users and therefore should be treated as very important public places, requiring a high quality design outcome.

The SDRP supported the intent of the first stage of development, to enhance the shopping centre experience and activation through the addition of outdoor dining, entertainment and public spaces. The SDRP provided advice to the proponent team that should be considered in the detailed design phases to enhance the project integration with the surrounds and provide a legible and safe development. (Refer to **Attachment 6 - State Design Review Panel Minutes** for further detail)

The following points are noted in response to the key recommendations of the SDRP:

- The proponent team has acknowledged that engagement with the Aboriginal community did not occur during preparation of the development application. However, the proponent has subsequently appointed an Aboriginal consultancy to engage with local Whadjuk elders and to then prepare a Cultural Context Place Narrative. This would then be used by the proponent team to prepare an Interpretation Strategy, which would inform the detailed design of aspects such as landscape, wayfinding and public art, as well as used by the shopping centre management for place naming or other operational activities.

It is noted that the use of the Interpretation Strategy in the detailed landscape design may assist with further developing local landscape character and integrating wetland concepts or interpreting local wetlands history, as recommended by the SDRP.

- Further detail was provided of the design, materials, activation and safety of the transport hub (refer to Attachment 1 - Plans A4005 and A4006). It is proposed that the hotel façade will have a clear glazed lobby facing into the north-east corner of the hub. However, the other buildings would not have active frontages to the hub, with a screened car park along the northern side and back of house / screened tenancies on the southern side. Activation and surveillance are proposed to be created through the movement of vehicles and pedestrians in the space and supplemented by animated screens, public art, lighting and formal security measures. Light and amenity is enhanced via two open skylights. There is a mid-point horizontal break approximately 50m along the southern side of the enclosure, which is approximately 5m in width and includes a pedestrian path through to the piazza.

The proponent team does not support opening up the hub by removing sections of the buildings over the top of the hub or by modifying the tenancies and car parks along the sides of the hub. The proponent considers that the hub is a high quality design for a transport interchange, providing shade, shelter and security and has consulted the PTA on the design; and further considers that removal or modifications of buildings over or around the hub would compromise the design intent of an integrated, connected precinct, with direct pedestrian access from the pedestrian bridge through to the piazza and shopping centre.

Further to the above, the proponent does not consider it possible to provide transparent glazing or public entries to the tenancies along the south side of the hub, as these would be back of house areas and the active frontages of these tenancies are designed to face onto the piazza.

- The western side of the shopping centre has a proposed five level car park fronting a portion of Wentworth Parade, which is approximately 16m high and 125m long. Further detail was provided of the material treatment to the car park (refer to Attachment 1 - Plan A5002). It is proposed to be screened with white metal mesh and bronze metal perforated screens and articulated with bronze metal framing elements. However, unlike other building facades throughout the development, there is no softening of the strong metallic facade with landscape planters. The proponent does however, propose to landscape the road reserve in front of the car park (subject to local government landowner consent).
- With regard to other SDRP advice related to the functional and operational aspects of the development, the proponent has prepared a Place Activation and Management Strategy, a CPTED Report, a Universal Access Report and other supporting strategies to guide the preparation of the development application, as well as the detailed design and operation of the development, to enhance amenity, activation and safety (refer to **Attachment 7 – Development Strategies** for further details). These have been assessed as providing an appropriate level of detail and guidance to address the queries raised by the SDRP. These strategies would form part of any development approval.

It is considered that a number of matters raised above warrant further resolution or design development in order to provide a high-quality design outcome for this proposed significant development, in accordance with SPP 7.0. Should the WAPC determine to approve the development application, conditions of approval have been recommended to require a Whadjuk Heritage Interpretation Plan, increased physical and/or visual permeability from the transport hub through the southern tenancies and/or to the piazza, and soft landscape elements to the car park screen facing Wentworth Parade.

#### *State Planning Policy 7.2 – Precinct Design (SPP 7.2)*

SPP 7.2 and the associated Precinct Design Guidelines guide the preparation and assessment of precinct structure plans and local development plans for precincts, such as activity centres. In addition to the requirement for precinct structure plans,

SPP 7.2 also provides guidance for proposed subdivision and development applications within precincts.

SPP 7.2 notes that a precinct structure plan would usually not be prepared over an area where there is already an endorsed local structure plan. Hence, a precinct structure plan was not required for the development site. It is also noted that in the approved amendment to the Gateways LSP that the SPC resolved that a local development plan was not required, indicating that no further precinct level planning was required prior to a development application.

Notwithstanding that a precinct structure plan was not required, the development application can be considered generally consistent with most of the objectives of the Precinct Design Guidelines that should be applied to development applications within activity centre precincts, including:

- *To promote an urban structure that supports accessibility and connectivity within and outside the precinct.*
- *To ensure public realm design is integrated with the built form, movement network and landscape of the precinct.*
- *To ensure the public realm is designed to be inclusive, safe and accessible for different users and people of all ages and abilities.*
- *To ensure the public realm is designed to promote community health and wellbeing.*
- *To ensure a resilient movement network that prioritises affordable, efficient, sustainable and healthy modes of transport.*
- *To enable a range of transport choices that meet the needs of residents, workers and visitors.*
- *To achieve a mix of land uses and activity that supports the precinct vision.*
- *To ensure that built form design reduces energy demand across the precinct by facilitating climate-responsive design.*

However, there are some objectives of the Design Guidelines that have not been demonstrated in the development application, which are:

- *To enhance sense of place by recognising and responding to Aboriginal, cultural and built heritage.*

As noted above, the proponent team has acknowledged Aboriginal engagement did not occur during preparation of the development application, however has now commenced an engagement and interpretation process to integrate local Whadjuk cultural heritage into the detailed design.

- *To ensure the pattern of blocks, streets, buildings and open space responds and contributes to a distinct, legible precinct character.*

It is noted that the urban structure of the development, particularly the residential precinct raised above street level, does not present a traditional pattern of street blocks, buildings and spaces that promote ease of legibility, nor is it consistent with the character of the surrounding area.

- *To ensure an adaptable urban structure that can respond to and facilitate change within a precinct.*

It is noted that the detailed, large scale development with integrated structural works and specifically designed buildings and public spaces does not provide for much flexibility and adaptability over time. The proponent team has advised

that amendment/s to any development approval would be sought in the future if/when required to meet future needs.

Whilst the above departures from some of the objectives are noted, there is no requirement for a development application to fully comply with each objective of the Design Guidelines. Further to this, the intent for Whadjuk engagement is particularly noted as beneficial to enhancing a sense of place and cultural heritage within the development, in accordance with SPP 7.2.

### *State Planning Policy 7.3 – Residential Design Codes Vol.2 (SPP 7.3)*

SPP 7.3 provides detailed design provisions for apartments proposed in higher density areas and in activity centres. The policy has been applied to assessment of all proposed residential apartments and townhouses in the development (the two-storey 'townhouses' meet the definition of apartments as they are connected to the shared podium car park).

The development application can be considered generally consistent with the objectives and acceptable outcomes of SPP 7.3, as the buildings and individual apartment designs include:

- Detailed consideration of site context, building placement and orientation in order to optimise amenity, including maximising winter sun and minimising wind to The Gardens, and seeking to maximise natural light, ventilation and outlook / views for dwellings.
- Public realm engagement through building entries and upper level windows oriented towards the street and to the communal open space.
- A distinctive external materials palette for each building, with a range of treatments and finishes that provide texture, character and visual interest.
- A balanced range of dwelling sizes (7% studio, 20% one bedroom, 51% two bedroom, 22% three bedroom) and provided with appropriately sized balconies or outdoor living spaces.
- Universal access provided to each residential building and adaptable internal design, with approximately 45% of dwellings designed to meet Silver Level Liveable Housing Design (capable of future adaption).
- Detailed consideration of natural light and ventilation for each apartment, including:
  - 72% of all dwellings provided with at least two hours of winter sun to living areas (between 9am to 3pm on 21 June);
  - A maximum of 15% of all dwellings (131 out of 868 dwellings) receiving no direct winter sun (between 9am to 3pm on 21 June); and
  - 88% of all dwellings provided with cross ventilation, or effective natural ventilation for single aspect dwellings.
- A variety of social and recreation spaces provided for residents in The Gardens, as well as close proximity to public social spaces at the piazza and the main street.
- Soft landscaping provided through planting on-structure in The Gardens for approximately 20% (7,000m<sup>2</sup>) of the residential precinct, including ornamental trees, fruit trees, lawn, shrubs, ground covers and vegetable / herb gardens.

- Sustainability considered through access to natural light and ventilation, landscaped communal areas, and construction to be equivalent to a Four Star Green Star standard.
- Adequate privacy separations between buildings, with minimal need to apply screening to windows or balconies.
- Adequate car parking, bicycle parking and storerooms for each building.

Notwithstanding the above outcomes, there are some aspects of the residential development that are considered to not meet some of the objectives and acceptable outcomes of SPP 7.3, this includes:

- The layout of the residential precinct locates eight of the buildings in connected 'pairs' (A1&A2, B1&B2, C4&C5, D2&D3) with each pair joined above the shared podium by one parapet wall for the full length of each tower. This creates buildings that do not have separations between towers, resulting in increased building bulk across the residential precinct and reduced opportunities for light and air access into these buildings. The applicant has advised that the buildings have been deliberately paired in order to frame the public realm and to reduce wind impacts to the communal open space.
- Building A1 is a 12 storey building containing 62 apartments; 22 (35%) of these dwellings are south facing and do not receive direct winter sun access. In addition to this, 31 (50%) of the dwellings in this building do not have cross ventilation or effective natural ventilation. Whilst the orientation of Building A1 limits opportunities to improve outcomes for south facing dwellings, it is noted that improvements could be achieved through potentially relocating the north facing lift and service core to the south side of the building to increase north facing dwellings. Alternatively, separation of Building A1 from Building A2 (rather than joined by a parapet wall) would provide opportunities for east facing and dual aspect apartments.
- Building D3 is a 13 storey building with 76 apartments; only 30 (39%) dwellings receive at least 2 hours and 37 (49%) receive no mid-winter sun to living spaces between 9am to 3pm. Similar to Building A1, Building D3 has a north facing lift and service area and also a parapet wall to an adjoining building (D2), which has reduced opportunities for north facing and dual aspect apartments, which could improve solar access.
- Townhouse C1, C2 and C3 are located on the south side of a residential tower and receive no winter sun to the dwellings or outdoor private spaces. A revision to the design of these dwellings (other than deletion from the development) would not improve solar access. However, it is noted that the private open space of each dwelling connects directly to The Gardens – which has access to winter sun.
- Whilst all dwellings fronting Beeliar Drive would be exposed to traffic noise, which would need to be addressed at detailed design stage, the applicant's acoustic assessment identifies that Townhouses B14, B15 and B16 would be exposed to high levels of traffic noise and will require specialist acoustic design advice at the detailed design stage and treatments such as acoustic glazing. It would therefore be expected that natural ventilation of these townhouses (i.e. open windows) would be unlikely to be used regularly by the occupants.

It is noted that Buildings A1 and D3 are proposed for construction in later stages of the development. Therefore, it is considered that there is sufficient time prior to

building permit plans being prepared for the proponent team to investigate design modifications to improve solar access and ventilation. A condition of development approval has therefore been recommended in this regard.

Further to this, as some townhouses would be largely reliant on mechanical ventilation due to road noise impacts (Townhouses B14 to B16) and lack of solar access (Townhouses C1 to C3), a condition of development approval has been recommended requiring each of these dwellings to be provided with solar photovoltaic panels to offset heating / cooling costs and environmental impacts.

#### *State Planning Policy 2.3 - Jandakot Groundwater Protection (SPP 2.3)*

SPP 2.3 provides planning and development guidance to protect ground water and drinking water quality within the Jandakot Ground Water Protection Area. A south-east portion of the development site falls within the Protection Area. A draft new State Planning Policy 2.9 Planning for Water has also been publicly advertised and is proposed to replace SPP 2.3, with more holistic water source protection policy objectives across Western Australia.

The application can be considered to be consistent with the development proposal provisions of SPP 2.3 and draft SPP 2.9 as:

- The development site is within a Priority 3 protection area, which allows for urban development. The portion of the site within the protection area has already been developed for shopping centre and car parking and the new development application does not substantially alter this section of the site.
- The land uses within the development application are in accordance with the zonings under the region and local planning schemes and are therefore considered compatible land uses under the SPPs. DWER also confirmed that the proposed land uses are acceptable land uses under its water quality protection guidelines (as noted in Consultation).
- There is no existing native vegetation on the development site which would be required to be retained.
- The development will be connected to reticulated sewerage.

#### *State Planning Policy 3.7 - Planning in Bushfire Prone Areas (SPP 3.7)*

SPP 3.7 seeks to reduce the risk of bushfire to people, property and infrastructure within identified bushfire prone areas. The eastern side of the development site, which is adjacent to vegetation within the Kwinana Freeway reserve, has been identified within the DFES Bushfire Prone Areas map. So too has the north-west corner of the development site, as there is retained native vegetation on the opposite side of Beeliar Drive.

In accordance with SPP 3.7 and the associated guidelines, the development application included a Bushfire Attack Level (BAL) Assessment, a Bushfire Management Plan and a Bushfire Emergency Evacuation Plan. DFES was consulted on these documents and has considered them to be acceptable (as noted in Consultation).

In the north-west corner of the site there are proposed residential buildings (apartment buildings C2 and C5, townhouse C4) which have been identified as

having a BAL-12.5. This is a low risk rating but still at risk of ember attack in a bushfire and therefore requiring protection measures to be included in construction. This would be achieved through the building permit process, as the Building Code of Australia includes bushfire construction requirements for residential development in bushfire prone areas. An advice note has been included in the Officer Recommendation referring to the need to address this at building permit stage and referring to Australian Standard 3959 – Construction of Buildings in Bushfire Prone Areas for further details of appropriate construction measures.

The development application plans had previously included a proposed standalone childcare building on the eastern side of the site, which is a vulnerable land use and which also had a high risk BAL-29 rating. This resulted in a Bushfire Emergency Evacuation Plan being submitted with the application. Whilst the evacuation plan did appropriately respond to SPP 3.7 and the guidelines, the childcare building was subsequently changed by the applicant to a commercial/office building. Under the Building Code of Australia, bushfire construction standards do not apply to commercial/office buildings.

The proposed childcare centre is now integrated into the shopping centre / main street expansion in the centre of the development site, which has a BAL-LOW very low risk rating. An evacuation plan and specific construction standards are not required for BAL-LOW developments.

The proponent's Bushfire Management Plan (BMP) also includes ongoing bushfire impact mitigation actions, such as maintenance of landscaping, firebreaks and fire hydrants. Conditions of development approval are recommended requiring ongoing implementation of the BMP, as well as a notification on title advising the site is within a bushfire prone area.

#### *State Planning Policy 5.4 – Road and Rail Noise (SPP 5.4)*

SPP 5.4 sets out building design and attenuation standards to mitigate noise impacts from nearby rail lines and major roads to residential development and other noise sensitive land uses. The eastern side of the development site is adjacent to the Kwinana Freeway and the Perth to Mandurah rail line, however there are no residential or other sensitive uses proposed on this side of the site. The proposed residential development will be located to the north and west of the site, adjacent to Beeliar Drive, which is a Significant Traffic Route under SPP 5.4.

The application included an Acoustic Report, from an experienced consultant, which provided a preliminary assessment of the development application, noting that a full assessment can only be completed when detailed plans and specifications are produced for a building permit. The Acoustic Report assessed the proposed land uses and activities against the requirements of SPP 5.4 as well as the *Environmental Protection (Noise) Regulations 1997*, the National Construction Code and the City of Cockburn's Local Planning Policy 1.2 Noise Attenuation.

The Acoustic Report provided the following conclusions:

- Residential apartments - apartment and townhouses on the north of the site (apartment buildings B1, B2, B3, C1, C2, C4, C5, townhouses B4 to B16, C4)

would be affected by traffic noise from Beeliar Drive and will need to be constructed in accordance with the Quiet House Design Standards (such as acoustic rating glazing) in accordance with the Guidelines that accompany SPP 5.4. Notifications should also be placed on the titles of these dwellings.

- Dining and entertainment activities - tenancies adjacent to residential apartments (specifically tenancies to the north of the piazza, close to apartment building A2) would need to limit any music in alfresco areas to low level background music.
- Mechanical equipment - car park exhaust fans will need to be carefully selected and may need noise isolation treatments. Residential air-conditioning condensers may need some noise isolation treatments such as lined plant rooms. Food and beverage tenancies adjacent to residential apartments would need to screen / buffer kitchen exhaust fans.
- Loading docks - noise emissions would be at compliant levels at all residential apartments.

The Acoustic Report was considered by Main Roads WA and the City's officers, with relevant recommended conditions of approval requiring detailed plans and acoustic reports to be provided prior to construction of each building.

In accordance with the findings of the proponent's Acoustic Report and the recommendations of Main Roads and the City's officers, it is recommended that any development approval is subject to conditions requiring final acoustic reports and certified plans for each residential building and all mechanical equipment; low level music in alfresco areas close to apartments; and notifications advising of potential noise nuisance to be applied the certificates of title.

*Development Control Policy 1.6 Planning to support transit use and development (DC 1.6)*

DC 1.6 seeks to facilitate alternative, more sustainable transport to personal car use and to promote public transport, walking and cycling through development of well designed transit oriented precincts and the inclusion of higher density residential development.

The development site is ideally located to maximise alternative transport use and increased residential density, being within walking distance of bus and train services. As discussed elsewhere in this report, the proposed development seeks to promote alternative transport through an integrated pedestrian network, cyclist facilities and a central transport hub for bus access. In addition, the number of residential car parking bays is significantly lower than the maximums under SPP 7.3 and the retail car parking is at the lower end of the SPP 4.2 target for parking bays to GLA ratio.

However, DC 1.6 requires developments fronting principal pedestrian routes that lead to transit facilities to have visually interesting building frontages, passive surveillance opportunities and active ground floor land uses. As noted under SPP 7.0, the transport hub is considered to lack sufficient ground floor activation / active land uses and a condition of approval has been recommended to improve the pedestrian experience in this location.

*Development Control Policy 2.3 Public open space in residential areas (DC 2.3) and Operational Policy 1.11 Community scheme (OP 1.11)*

DC 2.3 establishes the WAPC's position on the provision of public open space for active and passive recreation for future residents and workers within an area of proposed subdivision. The standard requirement is 10 percent of the gross subdivisible area to be given up free of cost by the subdivider and vested in the Crown as a public open space reserve. Guidance for when cash-in-lieu of provision of open space would be accepted is also included in DC 2.3.

OP 1.11 provides the principles and procedures for assessing applications for subdivision via community schemes and the associated community development statements. It states that public open space is to be provided in a community scheme subdivision in accordance with the requirements of DC 2.3. This would mean that the 10% provision of public open space would apply. However, OP 1.11 notes that land that is to be retained within a development (i.e. not ceded to the Crown) may be considered as the public open space contribution where it is designed and functions as public open space and a public access easement is put in place. OP 1.11 also allows for consideration in mixed use developments of what land uses and what portion of the site the 10% calculation should apply to.

It is noted that DC 2.3 and OP 1.11 apply at the time of subdivision and do not directly apply to the assessment and determination of development applications. However, in accordance with orderly and proper planning, the determination of this development application should not compromise the ability to apply the key requirements of these policies at future subdivision.

The development application, as currently designed, does not include areas that would be suitable for subdividing and ceding as public open space. However, it is considered that the piazza area is designed as an area of privately owned public open space, to which an easement could be applied during the subdivision process. The Gardens is also an area of privately owned open space, however this is considered to be communal residential open space and would not be open to the public. The appropriate proportion of public open space, in relation to the area of the site that is for residential development, would be determined at the time of subdivision assessment. This may result in any shortfall in privately owned public open space below 10% of the area being supplemented by a payment of cash-in-lieu.

Should the WAPC determine to approve the application, it is recommended that an advice note is included to advise the land owner of the application of the public open space requirements of DC 2.3 and OP 1.11 at the time of subdivision.

Orderly and Proper Planning and Preservation of Amenity

Part 17 of the PD Act requires consideration of orderly and proper planning and preservation of amenity. These principles have been considered throughout the assessment and reporting of the application. Key aspects of the application not considered elsewhere in this report and that require further consideration are discussed below.

### *Transport, Parking and Access*

The proposed development, both in total scale (18 new buildings) and nature of land use (large suburban shopping centre and entertainment precinct), presents significant transport, parking and access implications, which require careful planning, design and assessment.

During consultation on the development application many of the public submissions raised concerns with current traffic congestion around and within the site. Public concerns were also raised with the traffic and parking implications for the site and surrounding area from the substantial amount of proposed development.

The development application proposes the following car parking and bicycle facilities to be constructed over the proposed four development stages:

- 2,753 additional car bays; increasing the 3,056 existing bays to 5,809 total bays;
  - this includes 4,306 shopping centre bays, 627 commercial bays and 876 residential bays.
- 879 additional bicycle parking spaces; increasing the 93 existing spaces to 972 total spaces;
  - this includes 434 resident, 274 visitor and 264 staff bicycle spaces; and
- 42 showers and 322 lockers for retail and commercial staff.

The development application included a comprehensive Transport Impact Assessment (TIA) from an experienced consultant, along with transport modelling for each development stage and the total proposed development. The TIA and modelling were reviewed and accepted by MRWA and the City of Cockburn technical staff. (Refer to **Attachment 8 – Transport Impact Assessment Summary**)

The TIA was informed by, and expanded upon, the transport assessment prepared to support the Gateways LSP amendment. However, the TIA for the development application was able to include more accurate data, with exact details of the proposed residential and commercial development available, therefore updated micro-simulation traffic modelling was produced. The modelling also included up to date traffic data and planned road network upgrades, provided by MRWA, as well as the site access upgrades proposed with the development application.

In addition, the TIA and modelling noted the traffic benefits of the demolition of the existing service station, fast food and bulky goods showrooms on the development site, which are generally replaced by residential development - which has a less significant traffic impact. The TIA and modelling also considered the proposed traffic impact benefits of the alternative transport choices that will be available for residents, workers and customers, which would be enhanced through the proposed pedestrian bridge over Beeliar Drive and by the planned internal pedestrian network and cyclist facilities. It is also noted that the mix of retail, entertainment, office and residential uses within the development would reduce the need for residents and workers to drive or leave the site for daily and weekly needs.

With an existing total of approximately 60,000m<sup>2</sup> GLA retail floorspace and 3,056 parking bays within the development site, the current parking ratio is approximately 5.1 car bays per 100m<sup>2</sup> GLA. In completion of the shopping centre expansion (including tenancies along the main street and piazza), whilst the number of retail car bays is increased to 4,306 bays, the ratio of bays is decreased to approximately 4.1 car bays per 100m<sup>2</sup> GLA of retail floorspace. This is consistent with SPP 4.2 Activity Centres, which recommends a ratio of between 4 to 5 spaces per 100m<sup>2</sup> GLA of retail floorspace.

At present, there are an estimated 3,830 vehicle trips to or from the site per hour at peak time (Thursday evenings). At full build-out, the existing and proposed retail, commercial and residential development would generate an estimated 5,140 vehicle trips per hour at peak time. These trips would be spread over the five vehicle entry points, from the two different roads, around the development site. The proposed external roadworks included within the Gateways LSP and the TIA for the development application are focused on improving access and traffic movement at these entry points, including one new site access point, new signals, modified signals, and additional lanes.

The proposed total retail and commercial bays is a 10% (483 bays) increase to the maximum provided under the Gateways LSP. This can be considered acceptable due to the updated traffic impact modelling provided with the development application and given the decrease in the retail car parking ratio in accordance with SPP 4.2. Further to this, the residential car parking and associated traffic can be considered less than what was provided for in the LSP, potentially offsetting the increase in retail and commercial traffic. The LSP did not provide specific residential car parking provisions, other than stating that approximately 1,000 dwellings would be delivered and assessed in accordance with SPP 7.3. This would allow for a minimum of 808 car bays and a maximum 1,616 bays for the 868 dwellings; whereas 876 residential bays are proposed (a reduction of 740 bays).

With regard to bicycle parking and end-of-trip facilities, the proposed residential facilities are consistent with the standards within SPP 7.3. However, there are no applicable non-residential standards in the local or State statutory planning framework. The proposed facilities were however reviewed by DoT. The total number of staff bicycle bays is approximately 10% of the total number of projected full time equivalent jobs and can therefore be considered appropriate. Visitor bicycle bays have been shown on the development plans distributed throughout the development. Staff facilities are provided in the shopping centre basement and within the two office buildings. No facilities are provided within the showroom or hotel, with staff to be provided access to the shopping centre or office facilities. The proponent team notes that very limited use is made of the current shopping centre staff facilities and that a proposed travel management plan will seek to raise awareness and use.

The TIA proposes the following site access and transport network improvements, as required by the Gateways LSP:

- A new signalised intersection entry from Wentworth Parade (Stage 1A).
- Pedestrian Bridge over Beeliar Drive (Stage 1A – separate application).

- Widening Beelias Drive from Poletti Road to Wentworth Parade to add a third eastbound lane (Stage 1B).
- A new site access from Wentworth Parade (Stage 2).
- Modification of the Beelias Drive–Midgegooroo Avenue intersection to add an additional right turn lane (Stage 3).

However, as the external roads works and pedestrian bridge are outside of the boundaries of the lots that constitute the development application and not on land owned by the proponent, it is recommended that any development approval is conditioned to require suitable arrangements being made for delivery of the road works, intersection upgrades and pedestrian bridge as proposed by the TIA and in accordance with the staged delivery proposed in the TIA. It is noted that the road reserves are managed by the City of Cockburn, which is in support of the road works and the requirement for a pedestrian bridge. Implementation is therefore achievable, subject to the detailed design being supported by the City as the land manager.

It is also noted that the TIA proposes preparation of a Parking Management Plan for each stage of the development and a Travel Demand Management Plan to promote public transport, cycling and walking. These plans were also recommended by DoT as conditions of any development approval and have been included within the recommended conditions and advice notes, should the WAPC determine to approve the application.

### *Sustainability*

The DesignWA suite of State Planning Policies includes a number of objectives in regard to integrating sustainable design into development proposals. This includes promotion of passive solar building design and water-sensitive urban design, as well as initiatives to reduce energy consumption, greenhouse gas emissions, water consumption and waste production.

The City of Cockburn does not have specific sustainable design or rating requirements within its local planning scheme or local planning policies. However, the State Planning Policies can be considered to provide sufficient guidance.

The development application included a high level Sustainability Strategy, prepared by an experienced consultant, which detailed the following sustainability targets and initiatives to be achieved for the development:

- Fitwel Communities certification for the whole development.
- 4 Star Green Star certification from the Green Building Council of Australia for the two office buildings and the hotel building.
- 4 Star Green Star equivalent (not certified) for each residential building.
- 4.5 Star Nabers energy and water certification for the shopping centre.
- Extensive soft landscaping, including deep soil and on-structure tree planting, planters on building facades, native and water-wise plant selection, and resident vegetable gardens.
- Promotion of alternative transport options, including bicycle parking, end of trip facilities, an integrated pedestrian network, and a central transport hub for access to public transport.

- A solar photovoltaic array on the shopping centre roof.
- Re-use and recycling of demolished building fabric during the construction phases and waste recycling collection provided in the new buildings.

It is noted that the solar photovoltaic array is provided only on the shopping centre roof and not on the individual office or residential buildings (in order to assist with the Green Star targets for these buildings). The proponent team considers the central location to be most efficient, with distribution or offsets for other buildings possible through the community title system. It is also noted that the sustainability strategy does not include any specific initiatives for stormwater or greywater capture and re-use on site. The proponent team does not consider such systems to be viable or necessary to achieve a sustainable outcome for the development.

The Sustainability Strategy can be considered to provide an appropriate framework and benchmarks for achieving an adequate level of sustainable design, construction and operation of the development and is generally consistent with the intent of the relevant State Planning Policies.

Should the WAPC determine to approve the development application, conditions of approval have been recommended requiring waste mitigation to be addressed in the Demolition and Construction Management Plan/s, and documentation demonstrating implementation of the Sustainability Strategy prior to construction of each stage of the development. Requiring implementation details at each stage of the development will also ensure the sustainability initiatives are up to date with current practice at the time of implementation. For example, the requirements to achieve a Four Star Green rating are regularly updated by the Green Building Council of Australia to keep up to date with industry best practice and should therefore be measured at the time of detailed design for building permit of each stage / building, not against present day standards.

### *Place Management*

Given the large scale of the development, the multi-stage delivery, and the significant public realm aspects of the proposal, a Place Activation and Management Strategy was requested to be provided in support of the development application. A strategy was subsequently prepared, by an experienced consultant, and provides direction on the management and activation of the public realm, including through local community engagement, public events, performances, children's activities, fitness classes, public art, security and facility management.

The Strategy also briefly describes the approach to management of the broader site during the staged delivery of the development. This includes undertaking demolition in stages only when that portion of the site is ready for redevelopment; or where there are vacant portions of the site that these would be landscaped or used for temporary parking. Areas under construction would be screened with decorative hoarding. The proponent notes it will be a priority to maintain the site as a functional, safe and attractive shopping, dining and entertainment precinct. Therefore, it is their intention to maintain the site to a high standard throughout the staged redevelopment.

Should the WAPC determine to approve the development application, a condition of approval has been recommended requiring further details of implementation of the Place Activation and Management Strategy at each stage of the development.

### *Public Art*

City of Cockburn Local Planning Policy 5.13 Percent for Public Art (LPP 5.13) seeks to improve the attractiveness and functionality of the City's built environment; develop and promote community identity; improve street and building legibility; and produce landmarks that act as focal points and icons for the City. LPP 5.13 requires commercial developments over \$1 million and multiple dwelling developments over \$2 million to provide 1% of the total development cost, up to a maximum of \$250,000, for public art.

In addition, the DesignWA suite of State Planning Policies (SPP 7.0, 7.2 & 7.3) seek to deliver high quality public realm design, with a sense of place, cultural experience, unique character, and quality aesthetics. Integration of public art is noted in these SPPs as a key contributor to achieving these outcomes.

The development application has included some indicative locations for public art, within the piazza, main street and transport hub, but has not included proposed plans. The proponent team notes the \$250,000 cap under LPP 5.13 and proposes a condition of development approval for \$125,000 worth of public art to be delivered in Stage 1A and a further \$125,000 worth in Stage 1B. This would equate to approximately 0.02% of the \$1.08 billion development value.

Whilst the WAPC must have due regard for the objectives and requirements of LPP 5.13; under the Part 17 provisions it also must consider State Planning Policies and orderly and proper planning. It is questionable whether it would be appropriate to require the same value of public art on a \$1.08b, multi-stage development with 18 new buildings and extensive public realm, as would apply to a \$25 million single building development application. Given the development size and substantial public spaces which would be visited by thousands of customers, residents, and workers on a weekly basis, a public art budget commensurate with the scale of development and the expected public exposure of a site is considered appropriate.

In this regard, between 0.5% to 1% of the total development application value may ordinarily be considered applicable for similar major redevelopment or public infrastructure projects. However, the proponent team considers such a contribution to be contrary to the intent of LPP 5.13 and to be a substantial development contribution that should have been addressed in amendment of the Gateways LSP.

Given the above, it is considered appropriate that, should the WAPC determine to approve the development application, it is subject to a condition requiring public art to a minimum value of \$250,000 to be provided in each of the four stages of the development. This would result in a total of \$1 million worth of public art, equivalent to approximately 0.1% of the total development value, but delivered in stages to assist with cost impacts / viability.

### *Signage*

City of Cockburn Local Planning Policy 3.7 Signs and Advertising (LPP 3.7) seeks to encourage the incorporation of advertising signs into the design consideration of buildings; ensure that signage and advertising does not detract from the streetscape or amenity of an area; and to avoid the proliferation of signage in commercial areas.

A Signage Strategy was requested to be provided at development application stage, to detail integration of signage into the development design. A detailed strategy was subsequently provided by the project architects, providing guiding principles, locations and examples of signage for entry signs, major buildings, individual tenancies, window decals, residential buildings and wayfinding throughout the public realm.

The Signage Strategy provides a well considered and comprehensive guide for the installation of signage across the development and is considered consistent with the objectives of LPP 3.7. Should the WAPC determine to approve the development application, it is recommended that the Signage Strategy be approved with the application and that individual development approval therefore not be required for signs that are consistent with the Strategy.

#### *Waste Management*

City of Cockburn Local Planning Policy LPP 1.14 Waste Management in Multiple Unit Developments (LPP 1.14) provides detailed requirements of the standards and information required in Waste Management Plans for apartment developments.

The development application included a high level Waste Management Plan, prepared by an experienced consultant, providing an overview of waste and recycling management, collection and vehicle servicing of all proposed buildings in the development.

Technical advice was received from the City in regard to the proposed Plan. The City's officers advised that the waste chutes proposed within each residential building are not supported, as waste chutes do not encourage 'at source' waste separation, are usually not properly used by residents, and will not enable the City to meet the State Waste Strategy targets in regard to diverting waste from landfill. The City's officers also noted that waste chutes can take up substantial space in developments, can cause noise and odour disturbance, and can be costly to maintain for building owners (including future residents). The City's officers did not raise any concerns with the waste management and waste vehicle access for the retail and commercial development.

The proponent team considers that the proposed waste chutes are consistent with apartment design and waste management in several other local governments within metropolitan Perth. The proponent team considered the waste chutes to be consistent with LPP 1.14, which only requires that waste chutes to be provided with mechanical ventilation and an ongoing cleaning and maintenance program. This has been noted in the Waste Management Plan.

Should the WAPC determine to approve the development application, a condition of approval has been recommended requiring a detailed Waste Management Plan, including waste chute cleaning and maintenance details, to be provided at each stage of the development. Updating the waste management strategy at each stage will allow for review of the effectiveness (such as the waste chutes) of each previous stage to occur and the strategy to be revised, in consultation with the City of Cockburn officers, where appropriate.

### *Development Size & Timeframe*

The development is proposed to be delivered in four stages, referred to as Stage 1A, 1B, 2 and 3, as detailed below. Construction of Stage 1A is currently proposed to commence within two years of obtaining development approval, then a further two years for completion, with the new retail, dining and entertainment tenancies planned to open for business at the end of 2025. Delivery of the other three stages is subject to market demand, investment decisions by the proponent, and potential funding partners for the hotel, office and residential development. The proponent anticipates that all stages would be delivered within approximately 10 to 15 years.

#### Stage 1A -

- 21,578m<sup>2</sup> shopping centre expansion
- extension of main street
- transport hub
- public piazza and surrounding tenancies
- cinema
- childcare centre
- 1,045 additional car bays
- new signalised intersection at Wentworth Parade
- pedestrian bridge over Beeliar Drive (subject to separate application)

#### Stage 1B -

- 1,056m<sup>2</sup> shopping centre expansion
- first office building
- showroom
- The Walk upper level pedestrian network
- commence construction of The Gardens residential open space
- Apartment Buildings B1, B2, B3
- Townhouses Block B
- 155 new dwellings
- 110 additional car bays
- widening Beeliar Drive (Poletti Road to Wentworth Parade).

#### Stage 2 -

- 12,999m<sup>2</sup> shopping centre expansion and department store
- expansion of The Gardens residential open space
- second office building
- hotel
- apartment buildings A1, A2, A3
- townhouses Block A
- 173 additional dwellings
- 461 additional car bays
- New vehicle access from Wentworth Parade

### Stage 3 -

- 9,792m<sup>2</sup> second storey shopping centre expansion
- completion of The Gardens residential open space
- apartment buildings C1, C2, C3, C4, C5, D1, D2, D3
- townhouses Block C and Block D
- 540 additional dwellings
- 1,137 additional car bays
- modification to Beeliar Drive - Midgegooroo Avenue intersection

The proponent team has provided a detailed explanation of why one comprehensive development application has been pursued, rather than submitting separate applications for each stage when the market is ready. The explanation is summarised below:

- The Gateways LSP amendment in 2020 concluded that a Local Development Plan (LDP) was not required for the site. The SPC in making this decision was advised that a comprehensive development application was being prepared for the whole development and this would provide more detail than an LDP.
- The detailed, comprehensive development application provides clarity for the community and other stakeholders of what is planned for the whole site. In particular, prospective residents can see the full vision of the project - with all buildings, public spaces and attractions having detailed plans.
- A comprehensive development approval assists in investor attraction for the new buildings and also assists with retail leasing, as prospective tenants can see the full extent of the planned retail expansion and other land uses. However, amendment/s of the development approval could be sought in future if some changes to individual buildings are required to respond to market needs.
- The comprehensive application allows for the carefully planned and integrated design of the pedestrian network, public spaces, building placement and built form, while maximising solar access, wind protection, views, public realm engagement and internal and external connectivity.
- Previous proposed and constructed smaller retail expansions have not delivered optimum results for the long term development of the site. This more piecemeal approach to development results in demolition or abortive works and constraints to future development.
- In order to achieve the optimum access, parking and internal road configurations, the full development needed to be planned in detail. Infrastructure and servicing of the site is also better planned through preparing detailed plans of the whole development. This will include larger scale and more expensive internal road and infrastructure works undertaken in the first stage of development than would be undertaken for a standalone development application for one stage; but ultimately results in more efficient access, servicing and infrastructure for the entire development.
- A significant amount of structural works, internal road works, basement works, and a large electrical substation are undertaken in the first stage of development but provide for future development stages also.
- The development has been designed to be titled via a community title scheme. Development approval for the entire development enables greater commitment and certainty in preparing the required Community Development

Statement and in detailing aspects such as the residential amenities that will be provided at full build-out.

- The proponent (being the shopping centre owner) will appropriately manage the staged delivery of the development to ensure that the shopping centre and car parking remain fully functional and that the site is presented and maintained to attract customers, new residents and investors.

It is noted that the Part 17 legislation requires the WAPC to have due regard for a proposed development's impact on economic recovery from the Covid-19 pandemic. In order to demonstrate this, proposals should be 'shovel ready' developments, to ensure the development investment and job creation has a near-term economic impact. However, Part 17 does not require any approved development to be fully completed within a set timeframe and staging of development delivery is also not precluded, provided substantial commencement is achieved within the timeframe determined by the WAPC. It would be appropriate however, in accordance with orderly and proper planning, to consider whether delays in commencement, staging, or completion of a proposed development would have an adverse impact on the identified economic recovery benefits of a proposal.

The proposed longer time frames for initial construction commencement and for substantial commencement, the staging of development, and full completion within approximately 10 to 15 years, could all be considered reasonable given the substantial size and complexity of the proposed development. As detailed under Economic Benefits (refer below), the development would have significant economic and job creation benefits throughout the staged construction, as well as ongoing jobs after completion of each stage. However, if a development is of the extent and complexity that requires staging over a 10 to 15 year timeframe, it is open to question whether it delivers the immediate economic uplift contemplated by Part 17 - which is intended to provide immediate activity rather than enabling a "bank" of approvals to be pursued at a later date.

The proponent team also notes that the development application is not seeking any substantial variations to the local or state statutory planning framework and is not using Part 17 to 'lock in' a long term, otherwise non-compliant approval that may be unlikely to be approved by a Development Assessment Panel. The application is generally consistent with the statutory planning framework, which is generally an up-to-date framework. Therefore, approval of a development planned to be delivered over 10 to 15 years would not be inconsistent with the long term planning and intent for the site. The proponent team also notes that it is not uncommon in Western Australian planning and development to stage implementation of large development approvals, at the developer's discretion.

It is also necessary to consider whether the proposed staging of the development and the delivery over a 10-15 year timeframe would present significant adverse impacts on the amenity of the locality. As previously noted, various strategies will be utilised to ensure the site remains operational and well-presented, including staging of demolition, hoardings around construction sites, temporary activation of spaces, and on-site management and security.

Based on the above justification and considerations, the preparation by the proponent team of the one large development application, to be delivered in multiple stages, and its determination under Part 17, can reasonably be considered to be consistent with orderly and proper planning.

### Response to the Economic Effects of the COVID-19 Pandemic

The proponent has provided an Economic Impact Report for the development application, prepared by an experienced consultant, which detailed the following estimated economic benefits of the proposed development:

- The total value of the development application is estimated at \$1.088 billion.
- During the construction phases of the development 1,402 fulltime equivalent (FTE) direct jobs and 3,880 indirect FTE jobs would be created.
- The development is estimated to generate 2,228 FTE ongoing jobs after construction, due predominantly to the new retail, dining, entertainment and other commercial development.
- The first stage of development (Stage 1A), which would commence construction in late 2023, is valued at \$203 million and would generate 221 FTE direct jobs during construction and 492 direct FTE ongoing jobs post-construction.
- The development is estimated to accommodate approximately 2,000 people in the 868 proposed new dwellings. These residents are expected to generate \$32.9m additional annual retail expenditure in the locality.
- The development would also add wider economic benefits of diversifying the function and attraction of the activity centre, by diversify employment in office, childcare and other commercial activities and expanding the night-time economy through a cinema and additional food and beverage premises.

The proponent advises that Stage 1A, valued at \$203 million, is market ready, funded and planned for immediate implementation if granted development approval. However, the proponent has advised that implementation requires a considerable amount of work prior to being able to commence construction on site. This work includes detailed design, engineering documentation, other statutory approvals, contractor procurement and site mobilisation. Therefore, works are planned to commence on site within 25 months of development approval.

Further to the 25 months for commencement of Stage 1A, the proponent team advises that some significant on-site works would need to be undertaken in order to effect 'substantial commencement' of the entire \$1.08 billion development. These works are related to the integrated nature of the development across the four stages, rather than quantifying a volume of works or a dollar value as constituting substantial commencement. Notwithstanding that whether or not a project is considered to be "substantially commenced" is not determined by the applicant, the proponent team has identified that the following works to be undertaken in Stage 1A, and that also facilitate stages 1B, 2 and 3, are considered by that team as capable of establishing the "substantial commencement" of the entire development:

- Design and location of the basement car park, internal road works and vehicle movement network to support internal road connections and car parking expansions in future stages.
- Structural works in the basement and shared podium to support multi-storey construction in future stages.
- Design and construction of the ground floor shopping centre expansion to support additional storeys of the shopping centre in future stages.
- Construction of the transport hub, which will be used by the residents, hotel guests and workers of the future stages.
- One large electrical substation that would service all stages.

In order to commence construction of stage 1A within 25 months and to achieve substantial commencement of both Stage 1A and the entire proposed development, the proponent requests 36 months for substantial commencement as a condition of any development approval. The proponent team puts the following points in support of the request for 36 months for substantial commencement:

- The development is a large scale, complex project which takes much longer in detailed design and construction to reach the point of substantial commencement than an average development.
- Demolition and construction must occur around an operating shopping centre and car park and is therefore complicated to deliver. It takes longer to prepare and implement site works than for a standard vacant development site.
- Site mobilisation would commence within 25 months of approval and a significant number of construction jobs would be created at this point, achieving the job creation intent of Part 17.
- Several smaller developments (valued at less than \$50 million) approved by the WAPC under Part 17 were granted 18 months to substantially commence. It is therefore reasonable that a much larger development (valued at over \$1 billion) is provided 36 months to substantially commence.
- The proponent has obtained legal advice regarding what works could be expected to constitute substantial commencement of the full development application and the construction program identifies that it will take 35 months from development approval to implement and complete these works.

Noting that the Part 17 development assessment pathway seeks proposals that are expected to commence as soon as possible, if the WAPC determines to approve the application, a condition requiring substantial commencement of the entire development application within 24 months is recommended. This will respond to the intent of Part 17 to bring forward development proposals and facilitate commencement of construction more quickly than would have been previously planned by a proponent (ie bringing forward the 36 months planned substantial commencement to 24 months). This would provide investment and jobs within a timeframe that is considered to best assist in aiding the State's ongoing economic recovery from the effects of the COVID-19 pandemic.

### **Conclusion:**

The development application represents approximately \$1.08 billion investment in the Cockburn Activity Centre, with new retail, commercial and residential development. The proposed development seeks to provide a substantial, staged,

redevelopment of a somewhat under-utilised 21.4 hectare site, transforming a generally single storey shopping centre with at-grade parking into a major urban hub. This will optimise the development site's designation within a Secondary Activity Centre, increase infill development in proximity to Cockburn Train Station, and increase local jobs and amenities.

The first stage of development is ready to implement and would result in approximately \$203 million in investment and an estimated 221 FTE construction jobs. The staged delivery of the whole development would create ongoing construction jobs for a decade or more; and the staged delivery of the retail and commercial expansion will provide permanent on-site jobs over this timeframe, resulting in an estimated 2,200 new FTE jobs by completion of the full development.

The proposed development is generally consistent with the key standards and requirements of the State and local government statutory planning frameworks, including the Gateways Precinct Local Structure Plan and relevant State Planning Policies. Some departures from individual design objectives of State Planning Policies have been noted. However, most of these can be accepted through a performance based assessment and be considered an appropriate exercise of discretion proportionate to the total proposed development. Aspects that have not been assessed as meeting this threshold have been recommended to be improved at detailed design, by way of recommended conditions of approval.

No objections to the development application or substantial unresolved issues were raised by the wide range of State and local government stakeholders that were consulted on the development application. Matters raised by stakeholders that required further resolution during detailed design stage, construction or operation of the development have been addressed through recommended conditions of approval.

Public consultation on the development application resulted in predominantly positive feedback, with only 15% (10 of 65) of submissions objecting to the application. Public submissions were particularly supportive of the retail, dining and entertainment proposals. The key concerns raised in submissions related to current observed traffic congestion within and surrounding the development site and how the substantial new development would affect local traffic, congestion and parking supply within the shopping centre.

The proponent team has addressed transport and parking through a comprehensive transport impact assessment, detailing internal and external road works, increased parking, and facilitation of alternative transport options. The redevelopment of the site has been designed to improve internal traffic movement, but also to facilitate an integrated pedestrian and cyclist network, and creation of a central transport hub for bus and ride-share access. The provision of a pedestrian bridge over Beeliar Drive, required by the Gateways Local Structure Plan, will be an important part of the movement network and is recommended as a condition of development approval. A condition is also recommended to ensure the transport hub achieves the intention of a well-connected alternative transport network, that is safe, inviting and clearly connected to the surrounding land uses.

The development application includes a substantial proportion of privately owned public realm, including the creation of new public places and resident communal spaces, each of which would be used by the thousands of people expected to live, work, shop and recreate within the site. Additional plans and documentation have been provided in support of the design of these spaces, including landscaping, lighting, universal access, crime prevention and place management considerations. These documents would form part of the development approval, to ensure effective implementation. A significant provision of public art in these major community spaces should also be delivered.

The application includes a sustainability strategy that sets acceptable targets, from a range of contemporary sustainable assessment tools, for each building and the development as a whole. However, more detailed planning and design is required after development approval to achieve these targets. This is appropriately achieved through conditions of development approval.

In accordance with the above summary of the development assessment and reporting of key planning matters, the development application is considered to have appropriately responded to the key considerations of Part 17 of the PD Act. Therefore, the application is recommended for conditional approval.

**No. 816 (Lots 202, 203, 800 and 806) Beeliar Road, Success - Proposed Retail, Commercial and Residential Development**

**Meeting No. 14**

Please click through the links below to access the attachments referenced to in the Department of Planning, Lands and Heritage Report.

Please note: A1 Development Plans may take a moment to load due to its large size.

[A1 Development Plans.pdf](#)

[A2 Landscape Plans.pdf](#)

[A3 Site Context Plan.pdf](#)

[A4 City of Cockburn Recommended Conditions.pdf](#)

[A5 Applicant Response to Public Submissions.pdf](#)

[A6 SDRP Minutes.pdf](#)

[A7 Development Strategies.pdf](#)

[A8 TIA Executive Summary.pdf](#)