

Community Consultation

The application was advertised to 415 nearby landowners in accordance with clause 64(3) of the deemed provisions within the *Planning and Development (Local Planning Schemes) Regulations 2015*. A total of 4 submissions were received during the advertising period. See Consultation section of the report above.

Risk Management Implications

Should the applicant lodge a review of the decision with the State Administrative Tribunal, there may be costs involved in defending the decision, particularly if legal Counsel is engaged.

Attachment(s)

1. Plan
2. Site Plan
3. Floor Plan and Elevation Plans

Advice to Proponent(s)/Submissioners

The Proponent(s) and those who lodged a submission on the proposal have been advised that this matter is to be considered at the 14 September 2017 Council Meeting.

Implications of Section 3.18(3) Local Government Act, 1995

Nil.

AT THIS POINT IN TIME, 8.37PM CLR C TERBLANCHE LEFT THE MEETING.

15.2 **(MINUTE NO 6155) (OCM 14/09/2017) - PROPOSED STRUCTURE PLAN - COCKBURN CENTRAL EAST OWNER: MULTIPLE LAND OWNERS APPLICANT: CITY OF COCKBURN (110/155) (R PLEASANT) (ATTACH)**

RECOMMENDATION

That Council

- (1) adopts the schedule of submissions prepared in respect of the proposed structure plan;
- (2) pursuant to *Schedule 2, Part 4, clause 20 of the Deemed Provisions of the Planning and Development (Local Planning*



Schemes) Regulations 2015, recommend to the Western Australian Planning Commission that the proposed Structure Plan for Cockburn Central East (Structure plan) be approved subject to the following modifications:

1. Modify the Structure Plan Part 1 and 2 to:
 - a. Include the administrative amendments requested by the Department of Planning, Lands and Heritage within their correspondence dated 12.07.17.
 - b. Include within Section 6.8 the Water Corporations advice relating to future development requirements including infrastructure upgrade considerations.
 - c. Include within Section 6.8 the ATCO Gas advice relating to future development requirements and consultation.
 - d. Include within Section 4.2 the need for a wetland management plan to be undertaken as a condition of subdivision and/or development for Lot 800 and/or Lot 802.
 - e. Recognise within Part 2, Section 4.8 that if sensitive land uses are proposed in the Structure Plan area (noting these are non-preferred), an applicant must address the requirements of State Planning Policy 5.4 and include a new Section within 4.2 highlighting noise planning requirements at the subdivision and/or development stage.

2. Amend the Structure Plan map to:
 - a. Extend the Light and Service Zone over Lot 62 Verde Drive - setback 50m from Verde Drive, with the remaining frontage along Verde Drive remaining Mixed-Business.
 - b. Include a round-about at the Solomon Road and Verde Drive intersection.
 - c. Include arrows to depict left-in-left-out arrows at both the midpoint between Verde Drive/Armadale Road intersection and the existing Verde Drive roundabout; in addition to the entrance, mid-block along Armadale Road.

- (3) forward the final approved Local Water Management Strategy to the Western Australian Planning Commission with the Structure Plan document;

- (4) forward the schedule of submissions and write to Main Roads Western Australia supporting the consultation and engagement with landowners affected by the Armadale Road and North Lake Road Bridge Interchange project;



- (5) upon final endorsement of the Structure Plan, the City to review the North Lake Road Local Planning Policy 5.6 to respond to the modifications proposed for Verde Drive; and
- (6) upon final endorsement of the Structure Plan, the City to meet with landowners directly affected by the Verde Drive alignment to discuss agreements currently in place and road delivery options.

COUNCIL DECISION

MOVED C/r L Smith SECONDED Deputy Mayor C Reeve-Fowkes that the recommendation be adopted.

CARRIED 8/0

Background

At the 8 June 2017 Ordinary Council Meeting, Council supported the Cockburn Central East Structure Plan (Structure Plan) for the purpose of advertising. The Structure Plan was subsequently advertised for 28 days from 4 July to 28 July 2017.

It is recommended subject to the modifications listed above the proposed Structure Plan be adopted by Council and forward to the Western Australian Planning Commission for final endorsement.

Council also resolved at the 8 June Ordinary Council Meeting to request the Western Australian Planning Commission (WAPC) to extend Planning Control Area (PCA) 122 within the Metropolitan Region Scheme (MRS). The purpose of the PCA122 is to allow for the investigation, and to ensure land is protected, for the Armadale Road and North Lake Road Bridge Interchange Project.

The WAPC has advised that an amendment request to PCA122 will be presented to either the September or October 2017 State Planning Committee (SPC) meeting. Consistent with the City's request, the report seeks to extend the PCA area over all lots severed to the south of the realigned Armadale Road, including Knock Place for the purposes of reserving land for a consolidated PTA commuter car park. The extension also includes land subject to any other adjustments to account for the final alignment of the Armadale Road and North Lake



Road Bridge Interchange project, freeway widening requirements and drainage needs associated with the works along the freeway corridor.

The revised PCA122 area is likely to be in place prior to the finalisation of the Structure Plan and as a result the land use planning framework requirements will likely be in place by the end of the year to facilitate the Armadale Road and North Lake Bridge Interchange project.

Main Roads Western Australia (MRWA) have confirmed a timeframe for the commencement of the Armadale Road and North Lake Bridge Interchange project which includes the tender process commencing at the end of 2018 and construction commencing in 2019.

Submission

N/A

Report

The purpose of this report is for Council to consider submissions on the Structure Plan. The 8 June OCM report extensively discussed the proposal and the site and its context, therefore will not be discussed at length again, however in summary the key elements of the advertised Structure Plan (Structure Plan map at Attachment 1) include:

- An extension of the flexible Mixed-Business Zone over underutilised land west of Solomon Road - excluding residential development given the presence of industrial uses not compatible with sensitive land uses including residential development.
- A minimum lot size within the Mixed-Business Zone of 2,500sqm. This recognises larger lots provide a greater flexibility for the end user in terms of design, functionality and variety of uses. Furthermore lots within CCW, specifically designed for mixed-use high density residential development, are consistent with this range. Importantly this range is also suitable for lower scale commercial type uses within the short term.
- Promoting opportunities for the retention of the 7.5ha site under WAPC ownership to remain a single lot or a collection of super lots. Including the consideration of ground leases over the shorter term to activate the use of preserved lands including large format warehouses on super lots with 50 year leases, for example an Ikea.
- The newly formed precinct bound by the Armadale Road alignment, the Cockburn Train Station and Lot 500 Armadale Road provides the opportunity to consolidate the 5 PTA commuter



car parks including the opportunity to relocate the two PTA commuter car parks out of the Cockburn Town Centre. The relocation of commuter car parking out of the Town Centre will allow for high density residential development of the two lots currently leased to the PTA and under WAPC ownership. Furthermore this will secure the site as a single landholding until such time as the precinct is ready for redevelopment.

- As a result of development already delivered in the eastern portion of the Structure Plan area, land use changes for these lots are not proposed. Rather the Structure Plan seeks to propose zone changes to land located between Solomon Road and the Kwinana Freeway where land remains undeveloped and a response is required to address the local road layout, PTA car park requirements and land use planning direction for newly created lots. The exception is for lots located on Verde Drive, between Biscayne Way and Armadale Road where the Mixed-Business Zone boundary is amended to follow recent changes to lot boundaries.
- In terms of the road network, provision has been made to connect Verde Drive with the Armadale Road alignment. The Prinsep Road alignment has been modified slightly to connect with Verde Drive. All other more minor roads will require a response by individual landowners at the subdivision stage.

Community consultation

The Structure Plan was advertised for 28 days from 4 July to 28 July 2017. Letters were sent to all affected landowners, business owners and residents inviting comment on the Structure Plan.

A total of 32 submissions were received, of which included:

- 12 of support;
- 9 from government agencies and service providers generally providing advice for future development stages, and;
- 10 objections from land/business owners and residents.

All of the submissions are outlined and addressed in Attachment 2.

Consideration of key issues

The below details the City's response to the matters arising as part of the assessment of submissions received.

Impact of road alignment on landowners – seek adjustment of the Armadale Road alignment



Two submissions received from landowners whose land is severed by the proposed Armadale Road alignment seek a review to reduce the impact of the new alignment on their land. One submission suggesting the alignment can be shifted slightly to the south and for the roundabout at Armadale Road and Solomon Road to be replaced with traffic lights.

The associated route definition study, prepared by MRWA, has thoroughly considered all the design options before arriving at a preferred concept. This considers all the relevant design issues, and how the constructability and operability of the project can be optimised. There is no opportunity for further changes to the road design, given the extensive research and analysis which underpinned arriving at the route provided within the route definition study. A traffic light option was also not capable of being implemented, given the modelled traffic volumes and the need to achieve grade separation.

As per Council's consideration of the route definition study, it has been specifically recommended to MRWA about the need for early engagement with landowners and businesses as this project now moves to the detailed design and delivery phase.

Site access for businesses, residents in Atwell and ongoing signage needs for the Solomon Road Businesses

Several business and land owners understandably have concerns regarding site access to their properties and businesses both during the construction phase of the local road upgrades in addition to access once the Armadale Road and North Lake Road Bridge Interchange project is complete.

In response the City recognises the need for a traffic management plan to be prepared. This plan will identify access opportunities to minimise disruption for businesses during construction for both the local road network upgrades in addition to the Armadale Road and North Lake Road Bridge Interchange project. This will likely be undertaken by both MRWA and the City closer to the commencement of construction for road upgrades.

One submission, consistent with the Cockburn Central Activity Centre Strategy, highlighted the need for a signage strategy to be prepared for the Cockburn Central East precinct. In response the City agrees that directional signage should be provided to signal to passing trade the entrance locations for the businesses in the Cockburn Central East precinct. The City recognises the role MRWA can provide in integrating signage into their design with other directional sign needs and therefore alongside all relevant submission comments relating to transport and access needs will forward this request to MRWA. It is



however noted that this request was also passed on to MRWA when the submissions were finalised for the wider Cockburn Central Activity Centre Strategy in 2015. Once the MRWA signage provisions are understood the City will investigate further signage opportunities if so required.

Additionally, it is further noted that within the 8 June OCM report of which commented on MRWA route definition report a recommendation was made to MRWA to undertake an education program with local business owners regarding the new access arrangements including access and using the two new roundabouts.

One submission raised concerns for access into and out of the suburb of Atwell. In response the City highlights proposed access to the north of Atwell onto Armadale Road is provided for by two intersections; the Tapper Road intersection is planned to be a full turning round about and is expected to improve traffic flow. The second is the intersection of Freshwater Drive of which will significantly improve access for Atwell residents as a result of the Armadale Road and North Lake Bridge Interchange project – this project is expected to remove up to 70% of vehicles travelling between the current Armadale Road west of Solomon and into the activity centre. This, in addition to the introduction of a roundabout at Solomon and Armadale Road will provide considerable breaks in traffic and therefore improve access for Atwell residents.

One submission raised concerns regarding the public access easement proposed along Verde Drive, suggesting that lots fronting this road reserve may amalgamate into the future and as a result the access easement may not be the only solution for site access for a number of lots. Furthermore the submission questioned the need for the easement suggesting the downgrading of Verde Drive would no longer require the existing road reserve width and as a result the car parking could be accommodated within the road reserve.

In response the City notes the traffic impact assessment informing the Structure Plan supports the need for protecting Verde Drive with an adequate road reserve width in order to maintain flexibility as traffic volumes grow. While a dual carriageway will be unlikely, there are design options especially in order to prioritise through movements through the addition of central mediums, turning pockets and the like. There is no consideration to adjust the requirement for access easements on private allotments, as these will remain important to controlling access rather than a suggestion of repurposing parts of the road reservation for this.

The City as stated within the Structure Plan intends on embellishing this road with a considerable amount of landscaping including street



trees through the centre line of the road in order to create a separating edge between industrial uses and the mixed-business zone therefore the need for the 32m road reserve is further warranted.

It is recognised that landowners fronting Verde Drive may seek to work together and amalgamate lots to improve the lot layouts in this location and that as a result there may be alternative solutions to the intent of the easement in gross. In response the City recognises the WAPCs position on structure plans in that “due regard” is given to them. As a result “due regard” will be given to the intent of the easement in gross when and if a further solution is presented as a subsequent subdivision or development application stage. At such a time the City will work with landowners and address the necessary changes to the associated North Lake Road Local Planning Policy (noting also this policy requires updating post structure plan approval).

The City will consult with landowners when modifications are made to the North Lake Road Local Planning Policy following the structure plan adoption.

Expansion opportunities for an existing business - adjust alignment of Mixed-Business zone on the Structure Plan map

One submission relates to a request to extend the Light and Service Zone over Lot 62 Verde Drive - setback 50m from Verde Drive, with the remaining frontage along Verde Drive remaining Mixed-Business.

In response while the City recognises the majority of landowners within proximity to the train station support the Mixed-Business zone and the longer term objectives stated, it is also recognised that FFI Holdings seek to ensure the current tenant can expand their business in the near future on Lot 63. It is understood from a meeting held with FFI Holdings in May 2017, this submission, and plans sent through to further support this submission that FFI intend to subdivide Lots 62 and 63 to expand Lot 63 to the north. As a result FFI have requested the Light and Service Industry zone be expanded to include all of the newly proposed Lot 62, leaving a 50m setback from Verde Drive as a mixed-business zone for Lot 63. It is understood this is required as a result of the Transport Depot use and truck wash area approval over lot 62 being an ‘X’ use within the Mixed-business Zone and ‘P’ use within the Light and Service Industry zone.

The City supports this request as it is recognised that this will facilitate both the City’s strategic plans (by encouraging commercial type development along the Verde Drive frontage), and accommodate Viola wastes expansion – ensuring the company can continue to operate.



Increased traffic levels - Prinsep Road (North)

Two submissions from residents located along the northern alignment of Prinsep Road express concern regarding the impact of increased traffic levels and negative impacts on dwelling located along Prinsep Road.

In response the City highlights the Prinsep road alignment is identified within the existing Solomon Road Structure Plan and is further identified as being required within the Cockburn Central East Structure Plan Transport Impact Assessment (TIA). The TIA importantly recognises the necessity to upgrade Prinsep Road so as to reduce the concentration of traffic along Verde Drive and Solomon Road. Without an upgrade to Prinsep Road, daily vehicle trips along Verde Drive and Solomon Road will reach unacceptable levels.

Furthermore an agreement has been in place for Landcorp to construct the southern extension of Prinsep Road since 2004. The need to upgrade the road was a requirement of subdivision relating to the surrounding lots several years ago. The City has not yet requested the upgrade from Landcorp as a result of the Verde Drive alignment not yet being in place.

However the City does recognise the expected increased vehicle trips per day along Prinsep Road (North) and is aware of the noise complaints currently received from residents fronting Prinsep Road and in proximity to the Glenn Iris Golf course. Complaints relate to noise from trucks accessing the Solomon Road Industrial Area. In response the City recognises that while vehicle trips per day will increase, these numbers relate to an increase in cars associated with the PTA commuter car park. Nonetheless the Structure Plan recommends the Prinsep Road upgrade design phase should consider a range of options including the benefits associated with a road realignment, a slip lane and/or appropriate levels of landscaping to act as an edge to the residential area, for example.

The Colliers Market Feasibility Analysis Report and no provision for residential development within the Structure Plan area

The Colliers Market Feasibility Report supporting the Structure Plan identifies that given the current state of the property market in Perth and the excess of supply, particularly for residential, industrial and office, it is likely that there will be limited appetite for development within Cockburn Central East in the short term. Additionally, given the office market is likely to take 10 years for vacancy in the Perth CBD to normalise it is unlikely office developments will be attracted to Cockburn Central for some time.



One submission questioned the validity of the Colliers report and further suggested an alternate view that the market would attract opportunities for high density mixed-use development within Cockburn Central East in the short term. In response the City provides Colliers response to the validity of the report within Attachment 2 and highlights the wider issue currently preventing residential development within the Structure Plan area – that being that while State level strategic planning policy supports and promotes high density mixed-use developments within the walkable 400m-800m catchments of train stations, industrial type land uses currently operating within the Structure Plan area and along Cutler Road and are incompatible with residential uses. Industrial uses currently prevent residential development being located within the Structure Plan area.

It is considered a sub-optimal planning outcome to prioritise further residential or mixed use development opportunities within Cockburn Central East, when the key ingredient to further grow the activity centre remains one of ensuring adequate business and employment growth. On the west side of the freeway, there is in excess of 15 years plus of readily developable land to accommodate residential and mixed use development. This west side is characterised by high levels of residential amenity, greater degrees of accessibility and co-location with civic facilities. It is important therefore to emphasise the west side for this purpose, and protect the east side for its intended long term planning objective for business and employment growth generation to mature the activity centre.

Although, over the long term (20 plus year time horizon) the City has made provisions to facilitate and promote the transitioning of the precinct over time. This has been achieved through such elements as the designation of the Mixed-business zone, minimising the further fragmentation of land by prescribing minimum lot sizes. The PTA commuter car park will also ensure land in close proximity to the train station is retained so that it can transition over the long term to mixed-use high density residential development.

Regardless of whether different parties agree on what the market will or will not deliver in the short to medium term, the existing constraints, including the underlying Industrial zone in the Metropolitan Scheme currently prevent residential development. The Department of Planning have been very clear in their views/advice that – *“Any amendment to the Structure Plan that contemplates amending land use permissibility for residential uses is contingent upon the Metropolitan Region Scheme (MRS) first being amended to Urban (currently zoned Industrial except for Lot 500 Armadale Road and Knock Place). The MRS amendment will need to consider the form and function of the Cockburn Central Activity Centre at that point in time and address the provision of adequate employment land for the South West region and*



the locality, recognising the objectives of the strategic planning framework.”

Such a proposal would need to address the transitioning of industrial uses out of the centre and at this point in time the City does not support this approach, instead recognising the need to also accommodate existing businesses operating in the precinct, and to grow further business and employment opportunities.

Flora and fauna requirements

The Department of Biodiversity, Conservation and Attractions, consistent with the Flora and Fauna survey undertaken in September 2016 supporting the Structure Plan, highlights within their submission the need to conduct further targeted flora assessments in September 2017 for *Caladenia huegelii* and other threatened flora. While it is recognised that this survey could usually be undertaken at the subdivision stage and that the City is not a landowner and will not be the party to clear land, the City is undertaking the survey given the crucial time constraints relating to when the study needs to be conducted – in September. This will contribute to the MRWA timeline for the Armadale Road and North Lake Road Bridge Interchange project.

The Department of Biodiversity, Conservation and Attractions also promotes the preparation of a wetland management plan for Lot 802. In response the City supports the preparation of a wetland management plan as a condition of subdivision and/or development.

Land acquisition and assembly process post Structure Plan

Submissions received from landowners directly affected by the alignment of the Armadale Road and North Lake Road Bridge Interchange alignment make requests concerning land swap options, compensation and reimbursement of costs. In response the City notes the detail of the land acquisition and assembly process is a process that will be undertaken by the State Government. Landowners will have an opportunity to discuss options directly with the WAPC. Such discussions and options will be guided by the Land and Administration Act 1997.

With regard to Verde Drive and the deeds of agreements currently in place – the City acknowledges the current deeds of agreement that are in place between the City and landowners. The City will meet with landowners one-on-one to discuss these following the finalisation of the Structure Plan.



On the basis that issues raised in submissions of objection can be adequately overcome, it is recommended that Council adopt the Structure Plan and recommend it to the WAPC for approval.

Strategic Plan/Policy Implications

Moving Around

- Reduce traffic congestion, particularly around Cockburn Central and other activity centres
- Identify gaps and take action toward extending the coverage of the cycle way, footpath and trails network
- Improve connectivity of transport infrastructure
- Improve parking facilities, especially close to public transport links and the Cockburn town centre

Community, Lifestyle & Security

- Provide for community facilities and infrastructure in a planned and sustainable manner.
- Foster a greater sense of community identity by developing Cockburn Central as our regional centre whilst ensuring that there are sufficient local facilities across our community.

Budget/Financial Implications

Currently the City's Town Planning Scheme 3 (TPS3) requires landowners affected by the Other Regional Road reservation (Verde Drive) to cede the land free of cost, and contribute towards its construction. A key recommendation will be to undertake further discussions with affected landowners, given the need to deliver this road infrastructure with the MRWA major project.

Legal Implications

Clause 20 (1) of the deemed provisions requires the City to prepare a report on the proposed structure plan and provide it to the Commission no later than 60 days following the close of advertising.

Infrastructure delivery and upgrades required to meet the land use objectives of the Structure Plan area will be required to be undertaken by individual landowners at the time of subdivision or development, where such relates to local level infrastructure. Currently the Scheme also requires landowners affected by the Other Regional Road reservation to cede the land free of cost, and contribute towards its construction.



Community Consultation

The Structure Plan was advertised for 28 days from 4 July to 28 July 2017. Letters were sent to all affected landowners, business owners and residents inviting comment on the Structure Plan.

Risk Management Implications

If the proposed Structure Plan is not supported, there will be no planning framework in place over the subject land to guide the Armadale Road North Lake Bridge Interchange project. This will result in delays in the delivery of the vital piece of infrastructure.

Attachment(s)

1. Advertised Cockburn Central East Structure Plan map.
2. Schedule of submissions.

Advice to Proponent(s)/Submissioners

The Proponent(s) and those who lodged a submission on the proposal have been advised that this matter is to be considered at the 14 September 2017 Council Meeting.

Implications of Section 3.18(3) Local Government Act, 1995

Nil.

- 15.3 (MINUTE NO 6156) (OCM 14/09/2017) - PLANNING APPLICATION – CHANGE OF USE (SINGLE HOUSE TO MEDICAL CENTRE), CHANGE OF USE (CONSULTING ROOMS TO MEDICAL CENTRE) AND CAR PARK RECONFIGURATION – LOCATION: 196 & 198 (LOTS 152 & 153) LYON ROAD AUBIN GROVE – OWNER: PATRICK WEE, CATHERINE WEE & FORTUNE HOLDINGS PTY LTD – APPLICANT: PATRICK WEE (DA17/0445 & 052/002) (R TRINH) (ATTACH)**

RECOMMENDATION

That Council

- (1) grant planning approval for a change of use from Single House and Consulting Rooms to Medical Centre and Car Park Reconfiguration at No's.196 & 198 (Lots 152 & 153) Lyon Road Aubin Grove, in accordance with the attached plans and subject to the following conditions and advice notes.

