PLANNING REPORT

GAEBLER ROAD COMMERCIAL DEVELOPMENT

LOT 9501 CNR GAEBLER ROAD AND HAMMOND ROAD, HAMMOND PARK



PROJECT REF: 1164

DYNAMIC
PLANNING
AND DEVELOPMENTS

Prepared for
Broad Vision Projects

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PLANNING REPORT

Table of Contents

1.0 Introduction 5

2.0 Site Details 6

2.1 Legal Description 6

2.2 Locational and Land Use Context 6

2.2.1 Regional and Local Context 6

3.0 Project Background 11

3.1 Previous Local Structure Plan Application 11

3.2 Adjoining Approved LSP – Lot 9008 Frankland Avenue, Hammond Park 11

3.3 Development Application VS Local Structure Plan . 12

4.0 Planning Framework 13

4.1 Metropolitan Region Scheme (MRS) 13

4.2 City of Cockburn Town Planning Scheme No. 3 (TPS No. 3) 13

4.3 Planning and Development (Local Planning Schemes) Regulations 2015 13

4.4 State Planning and Development Control Policies .. 13

4.5 Local Planning Policies 14

5.0 Proposal Details 15

5.1 Development Details 15

6.0 Design Review Panel 21

7.0 Assessment 25

7.1 Land Use Permissibility 25

7.2 State Planning Policy 3.7 – Planning in Bushfire Prone Areas 29

7.3 State Planning Policy 4.2 – Activity Centres 29

7.4 Draft Development Control Policy 5.1 – Regional Roads (vehicular access) 30

7.5 Operational Policy 2.4 – Planning for School Sites 32

7.6 Separation Distances between Industrial and Sensitive Land Uses 33

7.7 Development Requirements 33

8.0 Other Considerations 45

8.1 Traffic 45

8.2 Drainage and Hydrology 45

8.3 Noise 46

8.4 Environmental 46

8.5 Infrastructure and Servicing 48

8.6 Waste Management 48

9.0 Conclusion 49

DYNAMIC PLANNING AND DEVELOPMENTS

Appendices 50

APPENDIX 1 - Certificate of Title 51

APPENDIX 2 - Development Plans 52

APPENDIX 3 - Traffic Impact Assessment 53

APPENDIX 4 – Wetland Buffer Assessment Report 54

APPENDIX 5 – Environmental Assessment Report 55

APPENDIX 6 – Banksia Woodland TEC and Black Cockatoo Habitat Assessment 56

APPENDIX 7 – Bushfire Management Plan 57

APPENDIX 8 – Acoustic Report 58

APPENDIX 9 – Retail Needs Assessment 59

APPENDIX 10 – Landscaping Plan 60

APPENDIX 11 – Engineering Services Report 61

APPENDIX 12 – Local Water Management Strategy 62

APPENDIX 13 – Sustainability Strategy 63

APPENDIX 14 – Waste Management Plan 64

APPENDIX 15 – Geotechnical Report 65

DYNAMIC PLANNING AND DEVELOPMENTS

1.0 Introduction

Dynamic Planning and Developments acts on behalf of Broad Vision Projects Pty Ltd, the registered proprietor of Lot 9501 Gaebler Road, Hammond Park (herein referred to as the 'subject site').

This planning report has been prepared in support of an Application for Planning Approval for a multi-tenanted commercial development at the subject site. The planning report contains the following pertinent details of the proposal deemed to be relevant as part of considering the merits of the application:

- Details of the proposal;
- Detailed assessment of the proposal against the relevant planning provisions applicable under the City of Cockburn Town Planning Scheme No. 3 (LPS No. 3) and any relevant Local Planning Policies;
- Assessment of the proposal in regard to relevant State Government and Agency policies and regulations; and
- Detailed justification of any variations sought.

It will be demonstrated in subsequent sections of this submission that the proposed development is entirely appropriate for support and approval by the City of Cockburn and Metro Outer Joint Development Assessment Panel (JDAP), respectively.

In addition to this planning report, the following documentation has been provided in order to assist the City of Cockburn in making a supportive recommendation (to the Metro Outer Joint Development Assessment Panel) on the proposed application:

- Certificate of Title pertaining to the site (**Appendix 1**);
- Relevant development plans (**Appendix 2**);
- Traffic Impact Assessment (**Appendix 3**);
- Wetland Buffer Assessment Report (**Appendix 4**);
- Environmental Assessment Report (**Appendix 5**)
- Banksia Woodland TEC and Black Cockatoo Habitat Assessment (**Appendix 6**)
- Bushfire Management Plan (**Appendix 7**);
- Acoustic Report (**Appendix 8**);
- Retail Needs Assessment (**Appendix 9**);
- Landscaping Plan (**Appendix 10**);
- Engineering Services Report (**Appendix 11**);
- Local Water Management Strategy (**Appendix 12**); and
- Sustainability Strategy (**Appendix 13**).
- Waste Management Plan (**Appendix 14**).
- Geotechnical Report (**Appendix 15**).

2.0 Site Details

2.1 Legal Description

The subject site is legally described as:

Lot	Plan	Volume	Folio	Street Address
9501	405176	2987	240	N/A

The area of the subject site is 38,193m². The development area encompasses a total area of 14,488m².

A copy of the Certificate of Title pertinent to the subject site is contained in **Appendix 1**.

2.2 Locational and Land Use Context

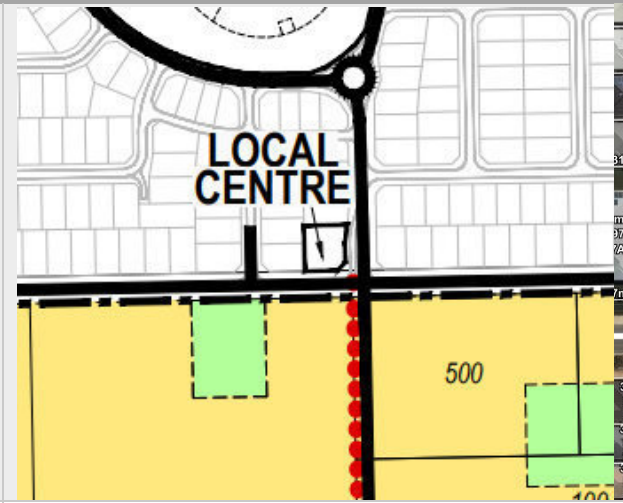
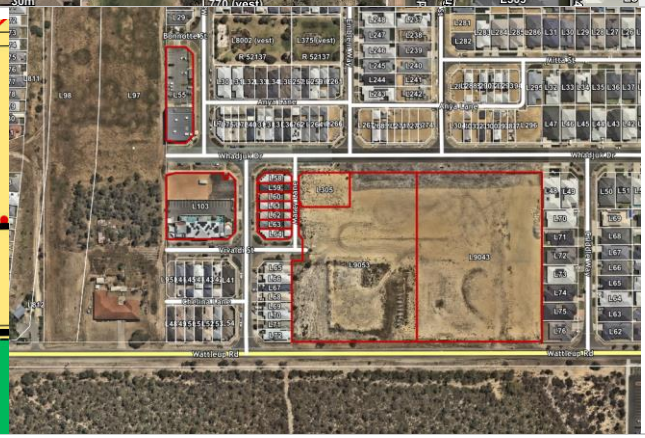
2.2.1 Regional and Local Context

The subject site is located within the City of Cockburn municipal area, approximately 27 kilometres south of the Perth Central Business District. The subject site is bounded by Gaebler Road and Hammond Road to the north and west with Hammond Park Primary School and Harry Waring Marsupial Reserve and Thompson Lake Reserve (800ha of protected wetland and bushland) being across the abovementioned roads. To the south and east of the site is existing and planned residential development. Hammond Road is reserved as an 'Other Regional Roads' under the Metropolitan Region Scheme (MRS) and is planned for significant upgrades. When completed Hammond Road will provide a critical north / south road connection through the broader area. Gaebler Road is a Local Distributor road that provides critical east / west connections within Hammond Park.

The subject site is also located within the Southern Suburbs District Structure Plan (SSDSP) area which details broad land use and development intent for the area. Of particular relevance is the location and nature of the existing commercial nodes that have been developed in accordance with the SSDSP. Table 1 below provides a summary of surrounding Local and Neighbourhood Centres and details the extent to which the planning intent has been realised. It is evident from this table that the designated Local Centres have failed to deliver meaningful commercial development with the intent of the SSDSP remaining unrealised. In this regard there is considerable demand for commercial / non-retail type uses within the SSDSP area.

With respect to the site itself, at present it remains vacant and undeveloped with a portion of the site to the east impacted by a conservation category wetland.

Figures 1 and 2 depicts the subject site in its regional and local context, respectively.

Planned Centre	SSDSP Extract / Aerial		Existing Development
Local Centre – Intersection of Botany Parade and Gaebler Road			Apartments – no commercial development.
Neighbourhood Centre – Intersection of Whadjuk Drive and Hammond Road			Mostly undeveloped with a childcare, medical centre and medium density town houses.

DYNAMIC PLANNING AND DEVELOPMENTS

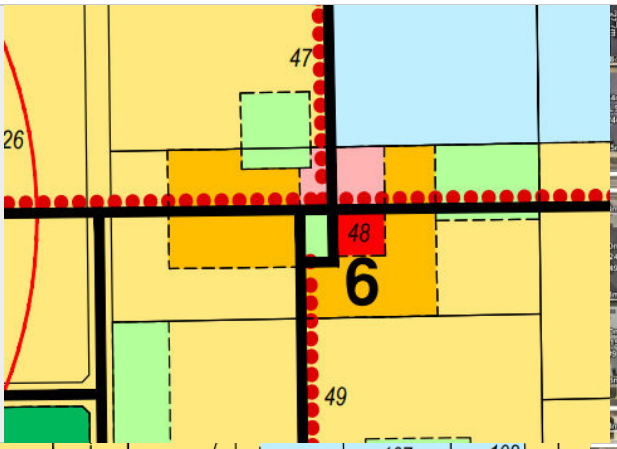
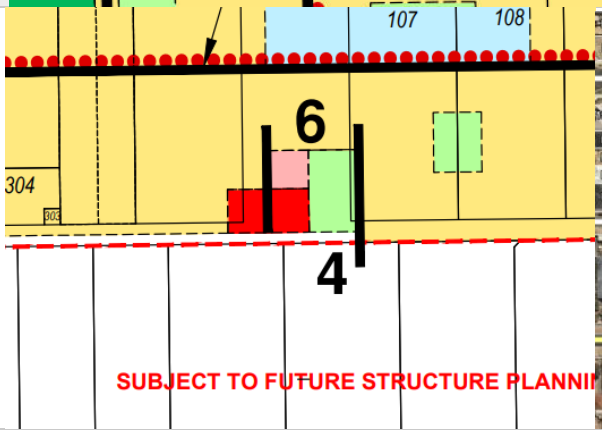
Local Centre – Intersection of Irvine Parade and Whadjuk Drive			Childcare and residential development.
Local Centre – North of Wattleup Road between Canary Drive and Norfolk Street			Remains undeveloped.

Table 1 – Neighbourhood and Local Centres within the SSDSP

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Figure 1 – Regional Context

DYNAMIC PLANNING AND DEVELOPMENTS



Figure 2 – Local Context

DYNAMIC PLANNING AND DEVELOPMENTS

3.0 Project Background

3.1 Previous Local Structure Plan Application

Prior to this development application it is noted that the subject site had previously been the subject of a Local Structure Plan (LSP) in 2017 which was seeking residential development at the subject site. This LSP was progressed to the point of the WAPC requesting modifications but no further work was undertaken by the applicant as it was evident that the constraints applicable at the time, primarily bushfire, were too considerable for a residential development to be viable at the subject site. This resulted from the implementation of State Planning Policy 3.7 – Planning in Bushfire Prone Areas which occurred during the assessment process of the proposed LSP.

Noting that the prior LSP remains undetermined, it's relevance (or lack thereof) to the development application process should be considered. In this regard we note:

- The applicant of the proposed LSP refused to undertake the modifications and the LSP cannot be approved.
- Despite potentially being a seriously entertained document, the LSP should have little relevance to the development application process due to:
    1. The length of time that has elapsed since the request for modifications were received.
    2. The LSP was not pursued by the landowner as the development outcome it proposed is not viable.

In light of the above, the prior LSP should not be considered as part of the assessment process for the proposed development application.

3.2 Adjoining Approved LSP – Lot 9008 Frankland Avenue, Hammond Park

The subject site adjoins Lot 9008 Frankland Avenue which remains undeveloped but has an approved Local Structure Plan (LSP) over the landholding. This LSP proposes residential development over Lot 9800 that integrates with the other adjoining residential development that has occurred in the area.

Lot 9800 has similar constraints to the subject site. Of particular relevance to the development application is the proposed 15m wetland buffer that has been approved which will ultimately be replicated as part of the proposed development. Despite having similar constraints to the subject site Lot 9008 is more suited to residential development given the larger developable area free of constraints (i.e. larger portions of land not impacted by the bushfire constraints associated with the wetland) and also the interface with existing residential development to the south which differs from the subject site and is illustrated in the below aerial.

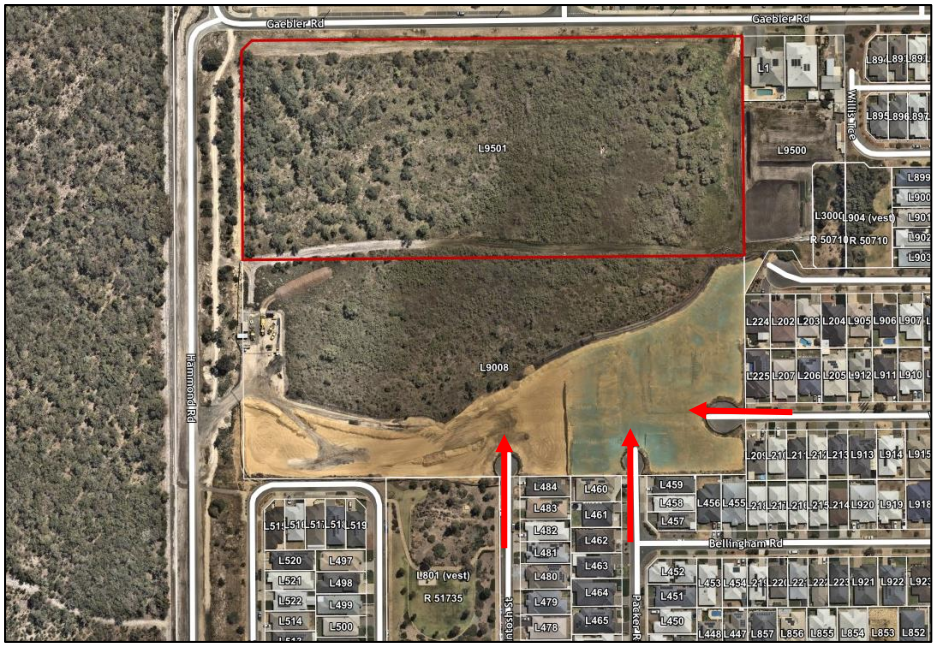


Figure 3 – Lot 9008 Residential Interface

With regard to the subject site's interface with the approved LSP over Lot 9008, it is commented that this is limited to an elevated / bunded drainage sump associated with an area of public open space. In this regard, no road connections or development interface results.

3.3 Development Application VS Local Structure Plan

It is acknowledged that traditionally where a property is subject to a 'Development' zoning or similar under the Local Planning Scheme, a Local Structure Plan (LSP) should be prepared to guide the consideration of land use, development and subdivision. However, the subject site has some unique circumstances that suggest preparing a LSP for the site should not be required. These include:

- The subject site does not and will not interface with any adjoining development. In this regard, management of these interfaces through a LSP is not necessary.
- The preparation of a LSP would simply propose the same land use mix and development consideration as what is being proposed through the development application. In this regard this detailed development application submission appropriately addresses the various site constraints and considers a specific development outcome that will be implemented, making a LSP superfluous.

Significant pre-lodgement discussion, including two DRP meetings, have also occurred prior to lodgement of the development application which suggests that the relevant considerations are able to be sufficiently addressed through a development application as opposed to requiring an LSP prior.

DYNAMIC PLANNING AND DEVELOPMENTS

4.0 Planning Framework

4.1 Metropolitan Region Scheme (MRS)

The subject site is zoned 'Urban' under the provisions of the Metropolitan Region Scheme (MRS) and abuts an 'Other Regional Roads' reservation associated with Hammond Road. It is commented that a Clause 42 Certificate has been obtained which confirms that no portion of the site is impacted by the reservation.

For reasons outlined further in this report, the proposed development is considered to be consistent with the 'Urban' MRS zoning applicable to the subject site.

4.2 City of Cockburn Town Planning Scheme No. 3 (TPS No. 3)

The subject site is zoned 'Development' under the provisions of LPS No. 3. The objectives of the 'Development' zone is outlined in Clause 3.2.1 (j) of LPS No. 3 and has been summarised below:

"To provide for future residential, industrial or commercial development to be guided by a comprehensive Structure Plan prepared under the Scheme."

It is acknowledged that no Local Structure Plan (LSP) has been prepared for the subject site, however, the rationale and justification as to why the proposed development application is appropriate in lieu of a LSP has been addressed Section 3.3 above. In the absence of an LSP, Clause 67 of the Deemed Provisions has been considered to assess the appropriateness of the proposed land uses and development outcome (in addition to any relevant State or Local Planning Policies).

4.3 Planning and Development (Local Planning Schemes) Regulations 2015

In the absence of an approved Local Structure Plan (LSP) or a relevant zoning under the City of Cockburn TPS No. 3, the Planning and Development (Local Planning Schemes) Regulations and particularly Schedule 2 and Clause 67 is of relevance to determine the appropriateness of the proposed land uses and development outcome at the subject site. These provisions have been considered in detail in Section 7 of this report.

4.4 State Planning and Development Control Policies

The proposed development requires consideration against a number of State Planning and Development Control Policies, these include:

- State Planning Policy 3.7 – Planning in Bushfire Prone Areas.
- State Planning Policy 4.2 – Activity Centres.
- State Planning Policy 7.0 – Design of the Built Environment.
- Development Control Policy 5.1 – Regional Roads (Vehicular Access).
- Operational Policy 2.4 – Planning for school sites

Consideration of how the proposed development meets the provisions of the abovementioned policies has been addressed in Section 7 of this report.

4.5 Local Planning Policies

The City of Cockburn have a number of Local Planning Policies that will be considered in detail as part of the development assessment process, these include:

- Local Planning Policy 3.4 – Service Stations and Motor Vehicle Wash Facilities.
- Local Planning Policy 3.7 – Signs and Advertising.
- Local Planning Policy 5.13 – Percent for Art.

Consideration of how the proposed development meets the provisions of the abovementioned policies has been addressed in Section 7 of this report.

5.0 Proposal Details

The proposed development is a multi-tenanted commercial development that includes six (6) separate development components. These components include:

- 'Service Station' – to accommodate a 7-Eleven service station in the corner of the site in close proximity to the Hammond Road and Gaebler Road intersection.
- 'Fast Food Outlet' – to accommodate a number of different drive through fast food outlet businesses, including McDonalds, KFC and Starbucks.
- 'Medical Centre' – to accommodate a future medical centre to service the surrounding local community.
- 'Motor Vehicle Wash' – to accommodate a drive through and self-serve car wash station.

The layout of the development components has been informed by the various site constraints that are applicable and is considered to be a functional layout that will operate effectively. It is also commented that following development approval, it is intended that the subject site will be subdivided into six (6) green title allotments aligning with the development components and as illustrated in Figure 9 below. It is noted that of the six (6) proposed lots, one (1) shall contain the wetland.

Necessary easements shall be provided to facilitate access throughout the commercial development from one lot to another. The final plan of subdivision and associated easements shall be refined at a future planning phase.

5.1 Development Details

Specific details pertaining to each of the respective development components has been provided below.

Lot 1 – 7-Eleven

- The proposed 'Service Station' will provide eight (8) refuelling bays together with a convenience store component with a total GFA of 192sqm.
- There will be an additional nine (9) designated car bays.
- A total soft landscaping area of 267sqm is being provided.
- Two (2) pylon signs are proposed, one addressing Gaebler Road and the other addresses Hammond Road. There is also a range of other signage provided on the building.
- Access is proposed from both Gaebler Road and Hammond Road. The fuel tanker will enter from Gaebler Road and exit via Hammond Road. Until Hammond Road is upgraded, the crossover to Hammond Road will operate as a full movement crossover. When upgraded, this will become a left-in, left-out crossover.
- The 7-Eleven will operate 24/7.



Figure 3 – 7-Eleven Perspective

Lot 2 – Starbucks

- The proposed 'Fast Food Outlet' will provide a two lane drive through facility and a proposed internal dining and work area with a total GFA of 245sqm. The predominant trade from the premises will be take away, despite a section of the floor plan allowing for dine in patrons.
- There will be a total of 15 designated car bays provided at the site with one of these a waiting bay and 10 drive through bays.
- There will be a total provision of 222sqm of soft landscaping.
- There is one (1) pylon sign proposed as well as a range of signage affixed to the tenancy.
- Access to the site will occur from one of the shared crossovers from Gaebler Road.
- Starbucks will operate in accordance with the below:
    - 7am to 7pm Monday to Friday;
    - 7am to 9pm on Saturday; and
    - 7am to 8pm on Sunday.



Figure 4 – Starbucks Perspective

Lot 3 – Medical Centre

- The proposed 'Medical Centre' will have a total GFA of 640sqm and will accommodate up to 10 practitioners.
- There will be a total provision of 45 car bays provided at the site.
- Total soft landscaping amounts to a provision of 477sqm which includes a pocket park and two other seated landscaped areas. These spaces are likely to be shared among the entire development.
- There will be a designated pylon sign along Gaebler Road with a range of designated business signage affixed to the building.
- Access to the site will occur from Gaebler Road.
- The 'Medical Centre' will operate in accordance with the below:
    - 7am to 7pm Monday to Thursday;
    - 7am to 5pm Friday;
    - 8.30am to 10pm Saturday; and
    - Closed Sunday.



Figure 5 – Medical Centre Perspective

DYNAMIC PLANNING AND DEVELOPMENTS

Lot 4 – McDonalds

- The proposed 'Fast Food Outlet' will provide a two lane drive through facility with a total GFA of 450sqm. The predominant trade from the tenancy will be takeaway despite a section of the floor plan allowing for dine in patrons.
- There will be a total designated parking provision of 25 bays with an additional 12 drive through bays.
- There will be a soft landscaping provision of 302sqm
- There is one (1) pylon sign proposed along Hammond Road with a range of additional signage affixed to the tenancy.
- It is expected that the majority of trade will occur from Gaebler Road, however the site will also have two (2) access points from Hammond Road and the ability for internal circulation to ensure efficient traffic flow.
- McDonalds will operate 24/7.



Figure 6 – McDonalds Perspective

Lot 5 – KFC & Car Wash

- The proposed 'Fast Food Outlet' will provide a two-lane drive through facility with a total GFA of 270sqm.
- The 'Motor Vehicle Wash' will include three (3) auto wash bays, a dog wash, two (2) vacuum bays and a 104sqm pump room.
- There will be a total designated parking provision of 25 bays with 10 drive through bays and 11 queuing bays and two (2) vacuum bays associated with the car wash.
- There will be a total of 867sqm of soft landscaping.
- There will be one (1) pylon sign on Hammond Road associated with the KFC as well as a range of business signage affixed to the respective tenancies.
- Access to the site will occur from Hammond Road.
- The Motor Vehicle Wash will operate 24/7 with KFC to operate in accordance with the below:
    - 10am to 10pm Monday to Sunday.



Figure 7 – KFC Perspective

DYNAMIC PLANNING AND DEVELOPMENTS

Lot 6 – Wetland

- The existing wetland on site and the associated wetland buffer are specifically excluded from the subject application.
- The interface of the proposed development with the wetland will consist of fencing in order to prevent patrons accessing and degrading the wetland area. This has been informed by the Wetland Buffer Assessment completed by PGV as it was determined that the wetland required protection from physical disturbances.

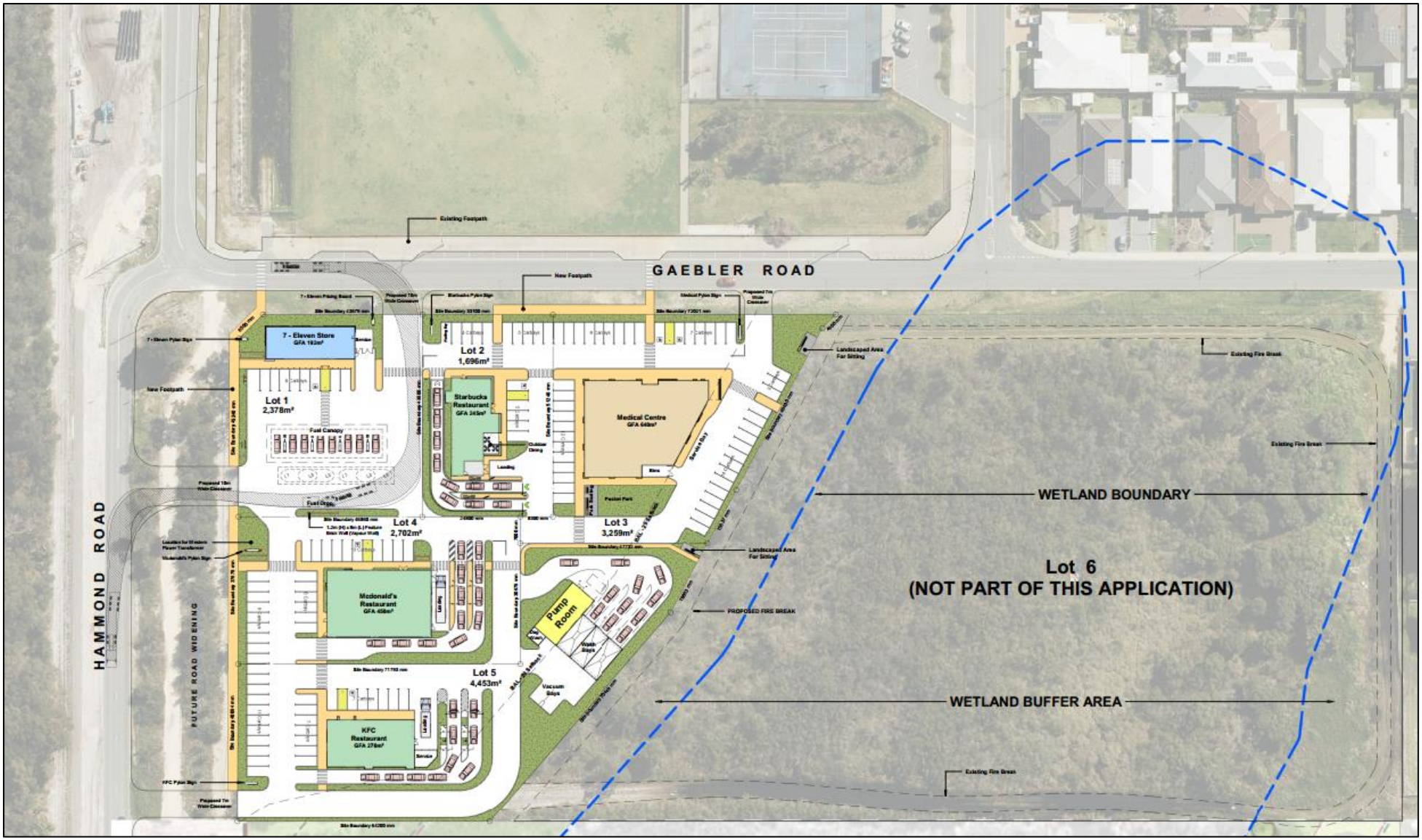


Figure 8 – Site Plan

DYNAMIC PLANNING AND DEVELOPMENTS

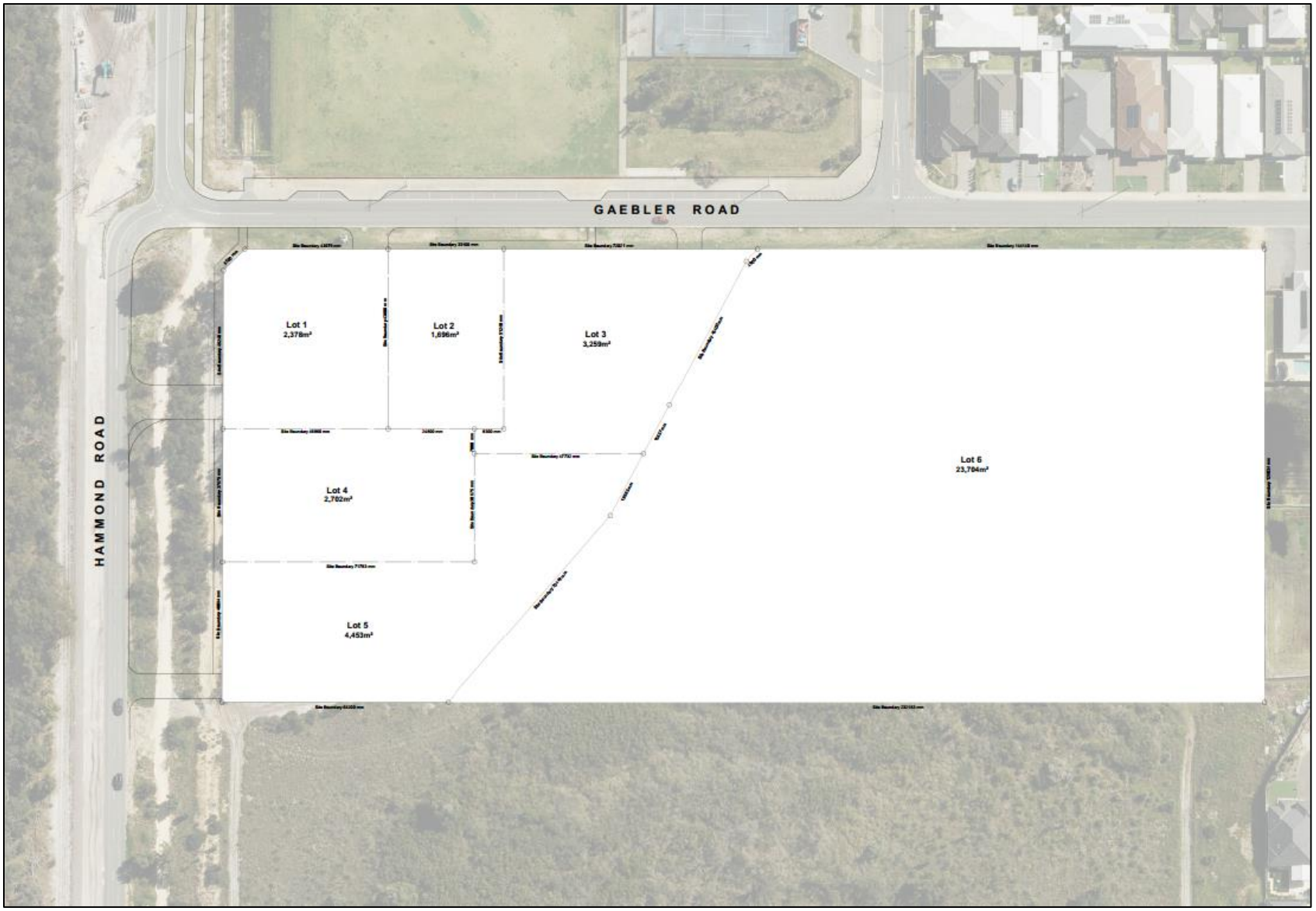


Figure 9 – Proposed Subdivision Boundary

DYNAMIC PLANNING AND DEVELOPMENTS

6.0 Design Review Panel

Prior to the lodgement of the development application, the proposed development was considered by the City of Cockburn Design Review Panel on two (2) separate occasions, firstly on the 23 August 2023 and then again on the 27 September 2023. At these meetings, the development's compliance with State Planning Policy 7.0 – Design of the Built Environment is considered. The below table summarises the relevant DRP commentary from the most recent meeting and the design response that has resulted. We stress that none of the design elements were not supported with additional information required to address the DRP comments.

DRP Comments			Design Response
Principle 1 – Context and Character			
Principle 1 **Context and character**		*Good design responds to and enhances the distinctive characteristics of a local area, contributing to a sense of place.*	• Landscaping is consistent, well-designed and expansive and contributes to sustainability through use of swales, waterwise plants and filtering plants. • The wetland is NOT particularly attractive. It is described in the Wetland Buffer Assessment as a "dampland" (no surface water year round) and is covered in dense scrub and low trees. • Detailed supporting reports that support the proposed development and the specific impact or lack thereof on the wetland have been provide as part of the proposed development. In this regard the nominated wetland buffer and landscaping outcome is entirely consistent with the approved structure plan over Lot 9008 Frankland Avenue to the south. • Pocket parks has been included in the updated site plan.
		a) Lack of structure plan makes it difficult to see the full picture of development in response to the wetland and subsequent setback impacts. b) Lacks local distinctiveness given generic nature of uses and suburban layout, landscape could play a role in addressing this issue. c) The site design does not appreciate the wetland that is located within site with the current building layout response. d) The wetland is a potential community asset that should be respected and addressed, rather than being edged by service areas and a car wash. There is potential for a quality wetland (dampland) to be enhanced over time through, for example, the development of a local 'friends' group. e) The introduction of pocket parks adjacent to the wetland and other areas, has the potential to extend the adjacent bushland/wetland landscape into the development.	
Recommendations		**1. Consider building on the opportunity of an authentic local identity as basis for landscape and layout that addresses the wetland and surrounding roads, with built form having an appropriate sense of frontage or outlook. The introduction of pocket parks is an appropriate opportunity to provide amenity and strengthen local identity.** **2. We acknowledge that this opportunity may involve a complex approval process but continue to encourage the proponent in exploring board walk and/or other site beautification opportunities long term.** **3. Site sections and a masterplan would assist in understanding the impact of retaining on the interface barrier to the wetland area from the development.**	
Principle 2 – Landscape Quality			
Principle 2 **Landscape quality**		*Good design recognises that together landscape and buildings operate as an integrated and sustainable system, within a broader ecological context.*	• Some larger trees are being provided to parking areas to soften areas of hardscape and provide larger shade areas. • Species selection has been guided by adjacent landscaping in public spaces.
		a) Encourage some larger trees in the car park, or other appropriate areas and more detail on specie selection to ensure the right balance of appropriate shade and local specie selection. b) The introduction of pockets parks is an opportunity to bring the adjacent landscape into the site and provides public spaces for use by staff and community, with bicycle parking and other park amenity.	

DYNAMIC PLANNING AND DEVELOPMENTS

	c) Review the opportunity to provide shade trees along footpaths and bed the site into the landscape context with appropriate tree selection. Landscaping along Hammond Road verge supported. d) The majority of visitors will arrive from Gaebler Road providing an opportunity to review the design of traffic circulation that may reduce hardscaped areas, giving opportunity for more landscape to the south east of the development.	
Recommendations	**1. Consider the functional role of trees, such as, size, planting to provide amenity, reduction of heat island impacts and improved relationship to the wetland and bushland and outline BAL restriction in the prevention of more trees.** **2. Consider the amenity for the pocket parks to be more useable, including shading and views.** **3. Consider a portion of the south east road linked to Hammond Road and the car wash to be reduced, removed or narrowed to provide further landscaping and less hardscape.**	

Principle 3 – Built Form and Scale

Principle 3 **Built form and scale**	*Good design ensures that the massing and height of development is appropriate to its setting and successfully negotiates between existing built form and the intended future character of the local area.*	• The façade of 7-Eleven, whilst limited in the sense of activation, is buffered to the street by generous landscaping which will improve the streetscape appeal of the development. This area will also be examined for a potential public art outcome. • Relocating parking behind the fast food stores facing Hammond Road has been considered, however such will place car parking areas at the rear, away from entrances. Furthermore, customers will then have to cross two lanes of drive through traffic to access entrances. • The medical centre roof form reflects the greater suburban roof forms (including the School). The suburb generally consists of pitched roofs with hips and gables.
	Petrol station located on a prominent corner and although suitable for commercial purposes, presents an inactive façade facing Gaebler Road. a) Petrol station located on a prominent corner and although suitable for commercial purposes, presents an inactive façade facing Gaebler Road. b) Medical Centre roof form is supported, although has a limited contribution in unified built form response for the development. c) Opportunity to move Fast Food buildings closer to Hammond Road with parking behind to address the street. Opportunity to move Fast Food buildings closer to Hammond Road with parking behind to address the street.	
Recommendations	**Consider alternative ways to improve and unify the built form approach within the limitation of each franchiser.**	

Principle 4 – Functionality and Build Quality

Principle 4 **Functionality and build quality**	*Good design meets the needs of users efficiently and effectively, balancing functional requirements to perform well and deliver optimum benefit over the full life-cycle.*	• The pedestrian network throughout the development is clear and legible both within the development and externally along the proposed public footpath. • Safe pedestrian crossings have been proposed to the existing footpath along Gaebler Road. • We are satisfied that the current proposal presents an acceptable level of continuity of materials and colours.
	a) Improved internal pedestrian footpaths within and around the site b) The north-south pedestrian link on west side of KFC and McDonald's is fragmented and does not encourage safe pedestrian movement but the footpath along Hammond Road helps mitigate this issue.	
Recommendations	**1. Extend footpath along Gaebler Road for the full length to provide a continuous path network around the development.** **2. Seek opportunities as design is further developed for continuity of materiality on all facades.**	

Principle 5 – Sustainability

Principle 5 **Sustainability**		*Good design optimises the sustainability of the built environment, delivering positive environmental, social and economic outcomes.*
		a) Encourage the development of a consolidated ESD narrative through obtaining the Sustainability initiatives from Franchisers in order to provide a more wholistic outcome. More detail could then be provided, for example, size of PV/ kilowatts.landscape, materials, energy, water, EV charging etc.
Recommendations		**Need to engage an ESD professional to collate Franchisers current position and then develop a wholistic and detailed ESD narrative for the development.**

- A Sustainability Strategy has been prepared for the development wholistically and proposes to include the following sustainability measures:
    1. Solar panels.
    2. Exceedance of minimum BCA standards.
    3. Aligning with Green Star Buildings benchmarks.
    4. Native and waterwise landscaping.
    5. WELS rates fittings.
    6. EV charging within the 7-Eleven.

Principle 6 – Amenity

Principle 6 **Amenity**		*Good design optimises internal and external amenity for occupants, visitors and neighbours, providing environments that are comfortable, productive and healthy.*
		a) The provision of pocket parks, if they are well designed and provided with the appropriate amenity each park will offer workers and locals comfortable public meeting places that contribute to community connection and identity.Transformer noted on Hammond Rd boundary - seek ways to integrate as it will be dominant once road widened.
Recommendations		**Develop the pocket parks amenity.**

- The updated landscaping concept has further developed the proposed pocket parks to ensure an appropriate level of amenity is provided to these spaces with paved areas and seating being added.

Principle 7 – Legibility

Principle 7 **Legibility**		*Good design results in buildings and places that are legible, with clear connections and easily identifiable elements to help people find their way around.*
		a) Uncertainty on the timing of the Hammond Road upgrade should be included in the site plan. b) Clarification of retaining wall impacts required. Opportunity to offer linkage and enhance legibility of wetland.
Recommendations		**1. Enhance legibility of wetland with pedestrian path within buffer zone supported, but the impact of the retaining wall needs more clarification.**

- Retaining walls have been determined as not being required.
- The wetland buffer landscaping outcome will be based on recommended environmental revegetation outcomes and also bushfire considerations which require input from various government authorities. In this regard, it is recommended that the landscaping of this area become a condition of planning approval.

Principle 8 – Safety

Principle 8 **Safety**		*Good design optimises safety and security, minimising the risk of personal harm and supporting safe behaviour and use.*
		Site line analysis for pedestrian movements would be helpful to identify any potential vehicle/servicing conflicts.
Recommendations		**Not enough information provided but acknowledge proponent has noted CPTED audited has been undertaken.**

- Sight line analysis has been completed in the submitted Transport Impact Assessment in Appendix 3.
- A CPTED review was undertaken with the current proposal having no identifiable safety issues.

Principle 9 – Community

Principle 9 **Community**	*Good design responds to local community needs as well as the wider social context, providing environments that support a diverse range of people and facilitate social interaction.*	• Design element is supported – nothing further required.
	a) The proposed development offers a mix of uses that would be appreciated by community. b) The provision of pocket parks is a potential community asset.	
Recommendations	**Refer to Context and Character Recommendations to consider additional community benefit.**	
Principle 10 – Aesthetics		
Principle 10 **Aesthetics**	*Good design is the product of a skilled, judicious design process that results in attractive and inviting buildings and places that engage the senses.*	• Signage is tenant specific but pylon posts have been updated to match in colour. • Bin store / loading zones have been effectively integrated into the design of the building and will be effectively screened through building materials. • The wetland buffer landscaping outcome, inclusive of the firebreak will be based on recommended environmental revegetation outcomes and also bushfire considerations which require input from various government authorities. In this regard, it is recommended that the landscaping of this area become a condition of planning approval. Further moving the fence into the buffer area will result in unnecessary disturbance of the buffer area.
	a) Signage is all different – as a minimum posts and base colours should be consistent. b) Bin zone visual impact and access conflict could be improved. c) Very little change to materials or colours of the building has occurred from DRP 1 but we acknowledge the introduction to use brick for seating amenity and landscaping to help unify and contribute to a 'sense of place' for the development. d) Consider the visual impact of the firebreak and the panel strongly support the location of the pedestrian path within this zone. e) Consider the location of the fence for the wetland area, and seek approval to minimise its visual impact by locating it a few metres within, instead of on the boundary.	
Recommendations	**1. Consider how the design can offer a more unified signage strategy for the development and enhance the visual amenity of the development.** **2. Extend the introduction of brick (the chosen unifying material) into more landscape elements, such as the retaining wall, parts of the path network etc.** **3. Although some buildings must respond to a standardised template from the operator, the Carwash and Medical Centre buildings could respond more to these fixed templates by picking up colour themes or material link.**	

7.0 Assessment

The statutory provisions applicable to the subject site require assessment of the proposal to be undertaken against the provisions of the following documents:

- City of Cockburn Town Planning Scheme No. 3 (TPS No. 3);
- Planning and Development (Local Planning Schemes) Regulations 2015 – Deemed Provisions.
- State Planning Policy 3.7 – Planning in Bushfire Prone Areas.
- State Planning Policy 4.2 – Activity Centres.
- Development Control Policy 5.1 – Regional Roads (Vehicular Access).
- Operational Policy 2.4 – Planning for school sites.
- Separation Distances between Industrial and Sensitive Land Uses.
- Local Planning Policy 3.4 – Service Stations and Motor Vehicle Wash Facilities.
- Local Planning Policy 3.7 – Signs and Advertising.

The below sections will address the relevant land use permissibility, planning considerations and development requirements outlined in the abovementioned statutory planning documents.

7.1 Land Use Permissibility

The proposed development includes four (4) separate land uses being 'Service Station', 'Fast Food Outlet', 'Motor Vehicle Wash' and 'Medical Centre'. The relevant land use definitions for these uses are included in LPS No. 3 and have been summarised below:

Service Station – means premises other than premises used for a transport depot, panel beating, spray painting, major repair or wrecking, that are used for - (a) the retail sale of petroleum products, motor vehicle accessories and goods of an incidental or convenience nature; or (b) the carrying out of greasing, tyre repairs and minor mechanical repairs to motor vehicles.

Fast Food Outlet – means premises used for the preparation, sale and serving of food to customers in a form ready to be eaten without further preparation, primarily off the premises but does not include a lunch bar.

Medical Centre – means premises, other than a hospital, used by one or more health consultant(s) for the investigation or treatment of human injuries or ailments and for general outpatient care (including preventative care, diagnosis, medical and surgical treatment, and counselling).

Motor Vehicle Wash - means premises where the primary use is the washing of motor vehicles.

In the absence of the 'Development' zoning prescribing land use permissibility and without a Local Structure Plan, the relevant consideration for the appropriateness of the proposed land uses is Clause 67(2) of the Deemed Provisions.

An assessment against these provisions has been included in the below table.

Clause	Response
a. the aims and provisions of this Scheme and any other local planning scheme operating within the Scheme area.	The proposed development is consistent with the aims of LPS3 as: • It has been / will be demonstrated that the development will be consistent with State and local government level standards to protect/enhance public amenity and convenience. • Despite not having a structure plan to guide development, the proposed remains consistent with orderly and property planning as the proposed uses and development are appropriate at the site considering the various constraints, local access to services and amenities and the lack of viability for residential development.
b. the requirements of orderly and proper planning including any proposed local planning scheme or amendment to this Scheme that has been advertised under the Planning and Development (Local Planning Schemes) Regulations 2015 or any other proposed planning instrument that the local government is seriously considering adopting or approving.	As alluded to above, the proposed development is consistent with orderly and proper planning as all State and local government level policies and provisions have been given due regard with the development having demonstrated an appropriate level of compatibility with these requirements.
c. any approved State planning policy.	The proposed development has demonstrated compliance with relevant State Planning Policies, as discussed in this report.
d. any environmental protection policy approved under the Environmental Protection Act 1986 section 31(d).	The proposed development has appropriately considered any environmental policy and requirements pertaining to the protection of the wetland with an assessment to demonstrate the appropriateness of the development and the nominated separation distance included as part of the development application.
e. any policy of the Commission.	The proposed development has demonstrated compliance with relevant WAPC policies, as discussed in this report
f. any policy of the State.	The proposed development has demonstrated compliance with relevant State policies, as discussed in this report
fa. any local planning strategy for this Scheme endorsed by the Commission.	The subject site is located in an area identified as requiring structure planning for future rationalisation under the draft Local Planning Strategy. As conveyed earlier in this submission, the need for a Local Structure Plan is superfluous with this development application being specifically tailored to a development outcome and including all necessary supporting reports that would be addressed through a structure plan.
g. any local planning policy for the Scheme area.	Any relevant local planning policy has been considered in 'Development Requirements' section of this report.

h any structure plan or local development plan that relates to the development.	There are no applicable Local Structure Plans or Development Plans applicable to the subject site.
i. any report of the review of the local planning scheme that has been published under the Planning and Development (Local Planning Schemes) Regulations 2015.	No report reviewing the local planning scheme has been published.
j. in the case of land reserved under this Scheme, the objectives for the reserve and the additional and permitted uses identified in this Scheme for the reserve.	The proposed development is not on reserved land under the MRS.
k. the built heritage conservation of any place that is of cultural significance.	The subject site is vacant and as such does not have built heritage or cultural value.
l. the effect of the proposal on the cultural heritage significance of the area in which the development is located.	The subject site is not within an area of cultural heritage significance.
m. the compatibility of the development with its setting, including — *i. the compatibility of the development with the desired future character of its setting; and*	The compatibility of the development with its setting has been considered in detail through the analysis completed by various supporting consultants as part of the development application process. This concluded that: • Residential development is largely unviable due to the various constraints i.e. bushfire impacting the subject site as well as the poor amenity associated with large amount of traffic proposed on Hammond and Gaebler Road. • The large amounts of traffic also suggest a greater suitability for commercial development, particularly as there has been an identified demand for these services in the area through the needs assessment and net benefit test that has been completed. With regard to the character of the area, this is largely established with the impact on or compatibility with adjoining development having been considered in detail as part of this submission. In summary there is sufficient separation from any residential development which mitigates perceived impacts that might result and the proposed development is broadly consistent with the Operational Policy 2.4 – Planning for School Sites with regard to its proximity to the Hammond Park Primary School (discussed in detail below).
ii. the relationship of the development to development on adjoining land or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development	
n. the amenity of the locality including the following —	The amenity impacts, or lack thereof, have been considered as part the technical analysis completed to support the development application, specifically, traffic, acoustic and

i. environmental impacts of the development; *ii. the character of the locality;* *iii. social impacts of the development*	environmental. It has been demonstrated that no undue amenity impacts will result from the proposal.
o. the likely effect of the development on the natural environment or water resources and any means that are proposed to protect or to mitigate impacts on the natural environment or the water resource	The proposed development has considered the potential impact on the natural environment, primarily the wetland with an appropriate buffer and buffer treatment being determined with this being consistent with the approach taken by other properties impacted by the same wetland.
p. whether adequate provision has been made for the landscaping of the land to which the application relates and whether any trees or other vegetation on the land should be preserved	The vegetation at the site beyond the wetland is appropriate for removal and any vegetation within the wetland area will be retained. Within the development site, the development includes landscaping provisions that exceed the requirements noted in the City's LPS3 and any relevant local planning policies.
q. the suitability of the land for the development taking into account the possible risk of flooding, tidal inundation, subsidence, landslip, bush fire, soil erosion, land degradation or any other risk	The suitability of the land for the proposed development has been considered in great detail through the various supporting reports prepared as part of the development application. These reports determined the site is suitable for the intended development outcome.
r. the suitability of the land for the development taking into account the possible risk to human health or safety	The proposed development and land on which it is situated poses no risk to human health or safety, as demonstrated in the various supporting reports.
s. the adequacy of — *i. the proposed means of access to and egress from the site; and* *ii. arrangements for the loading, unloading, manoeuvring and parking of vehicles*	The proposed access/egress to and from the site as well as loading and unloading has been considered as part of the Transport Impact Assessment and determined as being appropriate.
t. the amount of traffic likely to be generated by the development, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety	The extent of traffic likely to be generated as well as the capacity of the road network has been considered in the Transport Impact Assessment report with the network capable of accommodating the proposed traffic.
u. the availability and adequacy for the development of the following — *i. public transport services;* *ii. public utility services;* *iii. storage, management and collection of waste;* *iv. access for pedestrians and cyclists (including end of trip storage, toilet and shower facilities);*	The availability of services, access to public transport, appropriateness of waste management, pedestrian access and disability access has all been addressed and determined as appropriate as illustrated on the development plans or within the provided supporting reports.

v. access by older people and people with disability	
v. the potential loss of any community service or benefit resulting from the development other than potential loss that may result from economic competition between new and existing businesses	There will be no loss of community service or benefit resulting from the proposed development as it will add valued services to the local area at the detriment of none.
w. the history of the site where the development is to be located	The site is a greenfield site with no history.
x. the impact of the development on the community as a whole notwithstanding the impact of the development on particular individuals	Broadly, the development will have a positive impact on the community by increasing access to services and amenities whilst also generating local employment opportunities.
y. any submissions received on the application	Submissions will be considered as part of the application process.
za. the comments or submissions received from any authority consulted under clause 66	
zb. any other planning consideration the local government considers appropriate	Other planning considerations that might result from the assessment will be considered in detail.

Based on the assessment detailed in the above table and more broadly within this planning report, it is evident that the development and proposed land uses are appropriate for approval having regard to Clause 67(2) of the Deemed Provisions.

7.2 State Planning Policy 3.7 – Planning in Bushfire Prone Areas

The subject site is identified as being bushfire prone due to vegetation being retained within the nominated wetland area and also the Harry Waring Marsupial Reserve on the opposite side of Hammond Road. In this regard the provisions of State Planning Policy 3.7 – Planning in Bushfire Prone Areas (SPP3.7) is of relevance.

To address the considerations of SPP3.7, Bushfire Prone Planning were engaged to prepare a Bushfire Management Plan (BMP) and provide guidance on the siting of the proposed development and ensure the development complies with the relevant policy provisions. A copy of the relevant BMP has been included in Appendix 7 with the findings summarised below:

- The proposed development has cited all habitable structures in areas subject to a BAL-29 rating or lower. In this regard, it is commented that the proposed car wash is a non-habitable structure.
- The proposal complies with Elements 1-4 noted in version 1.4 of the Guidelines for Planning in Bushfire Prone Areas.
- There are limited ongoing management obligations and none that rest with any entity beyond the landowner/developer.

Ultimately the provided BMP illustrates compliance has been achieved with SPP3.7.

7.3 State Planning Policy 4.2 – Activity Centres

The proposed development contemplates commercial uses that have not previously been considered at the subject site by the

planning framework. In this regard, consideration of the proposed developments impact on existing planned commercial centres in close proximity to the subject site is warranted. This assessment is best considered in the context of State Planning Policy 4.2 – Activity Centres (SPP4.2).

To ensure that the development would not have a negative impact on existing centres and would result in a net benefit to the local community, Pracsys were engaged to prepare a Retail Needs Assessment and Net Benefit Test which is included in Appendix 9. Their critical findings included:

- A total of 10 current and future developments within five kilometres of the proposed development were included within the analysis to ensure a comprehensive assessment of the likely impacts. These centres are noted in Figure 4 below.

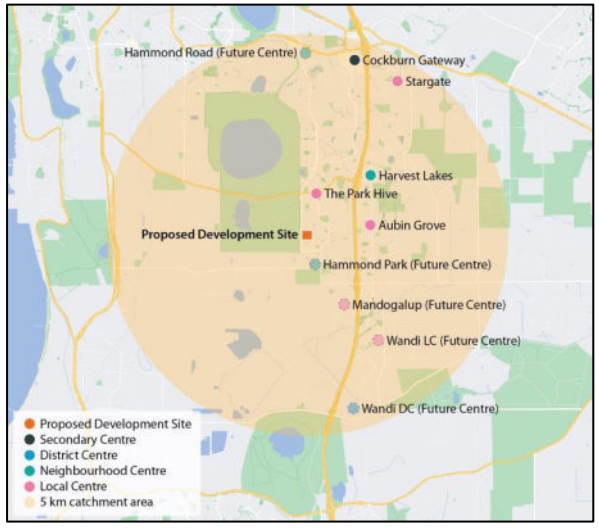


Figure 4 – Existing centres relative to proposed development

- It is estimated that around $102 million in annual turnover is being lost outside of the catchment area as the existing supply of commercial uses in the catchment area not being sufficient to meet the available demand. This indicates that there is need for additional commercial uses in the catchment.
- The extent of floor space proposed at the development is well above the viable floorspace productivity level.
- When considering the impact of the proposed development on all adjoining centres, the measured impact is less than 5% in all instances which is an insignificant impact in accordance with SPP4.2.
- The proposed development will deliver a net benefit to the local community as a result of providing employment, reducing travel time to services and amenity, encouraging healthy competition and supporting equitable access.

In light of the above, it is evident that, despite not being a planned centre, there is sufficient demand in the local area for the proposed offering and it will have no impact on other existing and/or planned centres in the area. Consequently, the proposal is consistent with SPP4.2.

7.4 Draft Development Control Policy 5.1 – Regional Roads (vehicular access)

Development Control Policy 5.1 (DCP5.1) is applicable where development abuts regional roads. As the proposed development abuts and proposes access from Hammond Road, an 'Other Regional Road', the provisions of DCP5.1 are applicable.

DCP5.1 prescribes a number of development requirements to be considered where access/egress is proposed to and from regional roads. These requirement's have been summarised, together with the proposed developments compliance below:

- *In considering applications for access on regional roads, the effects of the land development proposals on traffic flow and road safety will be the primary consideration. The more important the regional road in the road hierarchy, the greater the importance attached to these factors. In general, the WAPC will seek to minimise the creation of new driveways on regional roads and rationalise existing access arrangements.*

The proposed development is seeking to create two crossovers onto Hammond Road. These crossovers will initially be full movement crossovers whilst Hammond Road is a lower order road and not constructed to the full specifications. When upgraded, the crossovers will be left-in, left-out access points.

As the proposed development will generate a large number of additional traffic movements as well as including larger service vehicles (fuel tankers), the access points to Hammond Road rationalise access arrangements and make movement into and out of the subject site efficient. The primary service vehicle entry point will be from Gaebler Road with the southernmost entry from Hammond Road intended to be the secondary service vehicle access point.

- *Where regional roads are constructed or planned to freeway standards, no access to frontage development is permitted. On regional roads not constructed or planned to freeway standards, there is a general presumption on traffic and safety grounds against the creation of new driveways or increased use of existing accesses to these roads. Where alternative access is or could be made available from side or rear streets or from rights-of-way or laneways, no access shall be permitted to the regional road unless special circumstances apply*

Hammond Road is not proposed to be constructed to a freeway standard. Whilst alternative access via Gaebler Road is available to the site, we consider that the proposed access to and from Hammond Road will improve traffic flows on the road network and increase traffic safety.

- *An arrangement whereby adjoining owners enter into cross-easement agreements to provide reciprocal rights of access across adjacent lots may be required as a means of rationalising access to the regional roads.*

Not applicable in this instance as there is only one property included in the subject application.

- *The types of development that would be allowed access to a regional road include large traffic generators such as major shopping, recreation or community centres. These would justify either a neighbourhood connector or access road, leading from an intersection with the regional road to car parks servicing the centre.*

The proposed development is considered to be a significant trip generator with a total of 388 trips in the daily AM peak period and 638 trips in the daily PM peak period. This is considered to support the proposed access arrangement from Hammond Road.

- *In determining applications for development involving the formation, laying out or alteration of a means of access to regional roads, the following must be considered:*
    - *i. the effects of the development on traffic flow and safety, the character and function of the road, the volume and speed of traffic, the width of the carriageway and visibility; and*
    - *ii. the ultimate volume and type of traffic generated by the development.*

These factors have been considered in detail within the Traffic Impact Assessment prepared by Stantec which confirms access/egress and traffic flow through the site is suitable with the development able to integrate effectively with the surrounding road network.

- *Where access is permitted, conditions may be imposed prescribing the location and width of the intersection or driveway to ensure adequate visibility and to provide for the safe and convenient movement of vehicles both entering and leaving the traffic stream. In determining design requirements for junctions and driveways, the WAPC has regard to standards recommended by both the AUSTROADS and Main Roads Western Australia.*

We would accept conditions of approval that control the design of the proposed crossovers. It is commented that its design currently supports the movement of a fuel tanker and all occupier service vehicle configurations and has been reviewed by Stantec and considered appropriate.

In summary, the proposed development is considered to support access from Hammond Road in accordance with the provisions of DCP5.1

7.5 Operational Policy 2.4 – Planning for School Sites

Given the subject site's proximity to the Hammond Park Primary School, the interrelationship between the proposed development and the school warrant consideration. In this regard, Clause 3.6 of Operational Policy 2.4 – Planning for School Sites (OP2.4) considers the relationship between schools and nearby land uses and suggests that nearby land uses should be compatible with and enable surveillance of school sites. In this regard, the proposed development's proximity to the school is appropriate for the following reasons:

1. The proposed land uses will not impact upon the amenity or operation of the proposed school. Being a primary school, the students are unlikely to frequent the proposed development without a consenting adult and as such it will not be an attractor for local students. Further school buildings and primary access points are located to the north of the school which has considerable separation from our proposed development.
2. The proposed development will have differing peak periods of operation and as such there will no traffic congestion that results at school pick up or drop off time. Further, the primary access points for the school are from Eucalyptus Drive which has considerable separation from the development access points.

7.6 Separation Distances between Industrial and Sensitive Land Uses

EPA Guidance Note 3 provides a range of recommended separation distances between industrial developments and sensitive land uses such as residential development. Included in this guidance note is a recommended separation distance of 200m for service stations.

In applying the recommended separation distance to the proposed development, it is commented that the recommended 200m is not being achieved to the closest residential development, however, given recent technological advancements in the storage and sale of fuel as well as the demonstrated management of amenity impacts at the proposed development the proposed separation of approximately 170m is considered to be appropriate. This is further reinforced when considering:

- The proximity of other service stations within the metropolitan area are much closer than 170m and in some cases actually abut or are across the road from residential development. This has been permitted in recent years with the vapour recovery process and technology improving greatly to ensure no impact on adjoining sensitive land uses.
- The guidance note references vehicle cleaning/detailing and the retailing or spare parts. This isn't occurring at the proposed service station and as such the amenity impacts are likely to be less.
- The EPA Guidance Note 3 provides generic buffer distances and notes that where site specific studies are completed that demonstrates impacts can be appropriately managed, variation from the generic buffer distances can be approved. In this regard, 7-Eleven have various service stations in close proximity to residential development and have completed emissions studies on similar sites. These studies have concluded that with a two-phase vapour recovery system (which will be used at the subject site) the accepted exposure limits prescribed by the National Environment Protection (Air Toxics) Measure are able to be complied with.

Ultimately, the proposed location of the 'Service Station' is considered to achieve an appropriate separation to adjoining residential development.

7.7 Development Requirements

The relevant development requirements pertaining to the proposed development are outlined in:

- City of Cockburn Town Planning Scheme No. 3 (TPS No. 3);
- Local Planning Policy 3.4 – Service Stations and Motor Vehicle Wash Facilities.
- Local Planning Policy 3.7 – Signs and Advertising

An assessment of the proposed development's compliance with the abovementioned documents has been provided in the below tables.

City of Cockburn Local Planning Scheme No. 3

Table 1 below provides an assessment of the proposal against the relevant requirements outlined in TPS No. 3. Where there are variations to the applicable requirements, these have been noted in red.

City of Cockburn Town Planning Scheme No.3	Proposed Development	Compliance (Yes/No)
Commercial and Industrial Uses		
Building Setback • A building shall be setback from lot boundaries in accordance with the provisions of the Building Code of Australia. • A building shall be setback from boundaries or erected on boundaries so that the impact on the use and amenity of the adjoining buildings is minimised and the scale and bulk of the building is compatible with the streetscape.	• The proposed building setbacks to lot boundaries are compliant with the building code of Australia. • The buildings proposed are setback from all boundaries and do not adjoining other development and as such there is not scale or bulk impacts to adjoining properties. Presentation to the streetscape will be attractive with 7-Eleven framing the street corner.	Yes Yes
Landscaping • A minimum on-site provision of ten percent (10%) of the total area of the lot or of a defined portion of the lot, the subject of an Application for Planning Approval, shall be set aside, developed and maintained as a landscaped area. • Despite clause 4.9.2 a) the local government may reduce the minimum on-site provision to not less than five percent (5%) of the total area of the lot to be set aside, developed and maintained as a landscaped area where the owner agrees in writing either as part of the Application for Planning Approval or separately that all of the street verge abutting the lot shall be included in the landscape area in accordance with clause 4.9.2 c). • Where the street verge is included in the landscaped area it shall be developed and maintained by the owner as an integral part of the on-site provision referred to in clause 4.9.2 b)	• Not applicable – verge is being landscaped. • A total provision of 2,140sqm of soft landscaping is being provided on site which equates to 14.7% of the development site area. • The developer will maintain the verge landscaping and the proposed landscaping plan ensures this is consistent with the onsite landscaping. • All landscaping areas have a minimum width of 1.5m and 4sqm. • There is approximately 280m of street frontage which would require 28 shade trees. This can be conditioned as part of the planning approval. • Trees have been provided on site at a rate of 1 tree per 3 bays.	Yes Yes Yes Yes Yes Yes

City of Cockburn Town Planning Scheme No.3	Proposed Development	Compliance (Yes/No)
• The landscaped area provided on the lot shall have a minimum width of not less than 1.5 metres and distributed in areas of not less than 4.0 square metres. • There shall be not less than one (1) shade tree planted for every 10 linear metres of verge frontage or for every 50 square metres of the total landscaped area provided on the lot and within street verge, whichever results in the greater number of trees. • There shall be not less than one (1) shade tree planted in the car parking area for every (3) side-by-side car parking spaces provided on the lot. • The landscaping is to be confined to the area of the lot between the building or the use of the land and the boundaries of the lot adjoining the public road reserve, or other public reserve, unless the local government agrees otherwise in any special circumstance	• Landscaping has been provided between the buildings and the verge areas.	Yes
Amenity • Buildings shall be located on land abutting a residential zone so as to minimise overshadowing on, and to maximise privacy within adjoining, existing or future residences. • Buildings shall be designed so that they are complementary with their surroundings and adjoining development in terms of their external appearance, design, height, scale and bulk • Buildings shall be located on the lot and provide landscaped areas which enhance the streetscape and add to the attractiveness of the locality of which they form part • Advertising signs shall be – i. attached to the walls or facade of a building or structure so as not to protrude above the height of the wall to the building or the structure; City of Cockburn LPS 3 Page No. 41 ii. limited to a common pylon sign or hoarding for developments comprising more than two units, strata titled units or businesses up to a maximum of six (6) advertisements to each sign where units, strata	• Not applicable – doesn't adjoin residential development. • The proposed development has considerable separation from to adjoining development but it has been design to integrate and be compatible with adjoining development and the local area. • The proposed development includes landscaping of the verge area which will greatly improve the attractiveness of the area. • The proposed advertising signage is affixed to existing walls or the façade of the buildings. • The proposed development includes six (6) pylon signs. • All signs are erected on the property to which they relate. • All signage is professionally designed.	Yes Yes Yes Yes No Yes Yes Yes

City of Cockburn Town Planning Scheme No.3	Proposed Development	Compliance (Yes/No)
title units or businesses exceed 6 in number or the development comprises a service station as one component then a maximum of two pylon signs or hoardings are permitted for that site; iii. erected on the property to which they relate; iv. professionally designed and installed and not detract from the streetscape within which they are located • Each premises will clearly display their street number and where there is no street number allocated to the property, the lot number shall be displayed instead	• At present the subject site does not have a street number.	
Justification • The intent is for the proposed development to be followed by a green title subdivision to create five (5) separate commercial lots and one (1) lot to protect the wetland. In this regard, the subdivision will result in no more than 1 pylon sign per lot with the exception of 7-Eleven which will have one pylon sign per street frontage. • Due to the nature of the proposed development and the tenants occupying the site, there are specific pylon signage requirements that are specific to each operator which results in the need for multiple signs. • Each pylon sign has very limited building bulk with the exception of the 7-Eleven and Medical Signage. In this regard the impact to the streetscape is limited and won't result in a proliferation of signage. • The site has considerable separation from adjoining residential and as such the signage will not impact the amenity of adjoining sensitive land uses. • The site has a large street frontage and as such the additional pylon signage will not appear excessive on the streetscape. • The DRP expressed a level of support for the additional pylon signage if uniform post colours and materials were used which has been included in relevant development plans.		
Convenience and Functionality • Every development shall be designed to ensure that it is convenient and functional for those who will use the development particularly in respect to – i. the relationship of the development to the use and enjoyment of the adjoining lots; ii. the convenient location of public and employee facilities provided on the lot; iii. safety and amenity;	• The proposed development: i. Has separation from adjoining development and as such it will not impact the enjoyment of these properties. ii. Public and employee facilities are provided in nearly all uses on site and are easily accessed.	Yes Yes Yes

City of Cockburn Town Planning Scheme No.3	Proposed Development	Compliance (Yes/No)
iv. accessibility of driveways, footpaths, car parking bays, service bays and storage areas • A development which requires planning approval under the Scheme that complies with the development standards and requirements of the Scheme, but cannot demonstrate convenience and functionality will not be approved, unless the local government determines otherwise in any particular case.	iii. Is safe and functional whilst not resulting in undue amenity impacts on adjoining properties, as evidenced in the relevant supporting reports. iv. All access and parking on site is legible and sufficient to meet the demand of the propose development. • As noted above, the proposed development has demonstrated convenience and functionality.	Yes Yes
Vehicle Parking • A person shall not use land for a purpose specified in Table 3 and Table 4 unless car parking spaces, delivery bays and bicycle racks of the number specified in the Table are provided and maintained and are sealed, drained and marked to the local government's specifications.	<u>7 Eleven</u> • 2 bays per service bay plus 1 bay per 15sqm of floor area related to the convenience store plus 1 bay employee. • Total bays required – 31. <u>Starbucks</u> • 1 bay per 15sqm of floor area • Total bays required – 17. <u>Medical Centre</u> • 5 bays per practitioner • Total bays required – 50. <u>McDonalds</u> • 1 bay per 15sqm of floor area • Total bays required – 30. <u>KFC</u> • 1 bay per 15sqm of floor area • Total bays required – 18. <u>Car Wash</u> • 1 bay per wash bay • Total bays required – 3. **Total Bays Required: 149** **Total Bays Provided: 158** • Dedicated Bays – 118 bays	Yes

City of Cockburn Town Planning Scheme No.3	Proposed Development	Compliance (Yes/No)
	• Drive Through Queuing Bays – 32 bays • Refuelling Queuing Bays – 8	

Table 1 – TPS No. 3 Assessment

Local Planning Policy 3.4 – Service Stations and Motor Vehicle Wash Facilities

Table 2 below provides an assessment of the proposal against the relevant requirements outlined in Local Planning Policy – Service Stations and Motor Vehicle Wash Facilities. Where there are variations to the applicable requirements, these have been noted in red.

Local Planning Policy – Service Stations and Motor Vehicle Wash Facilities	Proposed Development	Compliance (Yes/No)
Design Guidelines • The design and siting of development should consider the siting, setback, design and scale of adjacent development to ensure it does not dominate or detract from the character of the streetscape. • Glazing should be designed to maximise passive surveillance opportunities of the street and/or public realm. • Blank walls fronting the street and/or the public realm should be minimised where possible, and where blank walls cannot be avoided, their design contribute to a safe and attractive street environment by: a. Minimising the length and height of blank walls, and b. Articulating blank walls through the creative application of complementary materials, avoiding large continuous masses of the same finish; and/or the provision of appropriately integrated structural features, lighting, street furniture, artworks, and/or landscaping • Opportunities for landscaping on site should be maximised, and should be designed to: a) soften the appearance of the development; b) enhance the streetscape, and c) improve the pedestrian environment. • Where opportunities for street trees adjacent to the site are restricted, street trees should be identified as an alternative within the landscaping strip on the site to ensure that the current and future streetscape and pedestrian environment (both current and future) are not negatively impacted by the development.	• The proposed development has considerable separation from adjoining development and as such no impact on this. Regarding the streetscape, the proposed development will be well landscaped and setback form the street and as such will improve the character of the streetscape. • Passive surveillance of the street is achieved from many of the high activity uses. Glazing assists with this. • No blank walls have been provided to the street. • The landscaping provision is far greater than what is required and includes the verge to enhance the streetscape. A compliant provision of trees are being provided to parking areas to provide sufficient shade and improve pedestrian amenity. • Street trees are able to be accommodated in the verge. • The car wash will be connected to the sewerage network. • The service station and car wash is not located in a water protection area.	Yes Yes Yes Yes Yes Yes Yes.

• Under the Government Sewerage Policy 2019, all motor vehicle wash facilities are expected to be connected to the reticulated sewerage network. • Service station and/or motor vehicle wash facilities proposals should consider the guidance provided within the Department of Water and Environmental Regulation's Water Quality Protection Note 49: Service Stations.		
Traffic Management • Service station and/or motor vehicle wash proposals are required to be accompanied with a Traffic Impact Assessment prepared by a suitably qualified traffic consultant, which addresses the following: a) Number, size, location and appropriateness of access and egress points; b) Queuing of traffic and the impact on the surrounding road network; c) Proximity to median breaks; d. Proximity to traffic lights and speed bumps; d) Provision of auxiliary lanes; e) Manoeuvrability within the site demonstrated through a swept path analysis; f) Impact on existing infrastructure within the road reserve; and g) Impact on future road widening or other improvements • Service station and/or motor vehicle wash proposals may be required to be accompanied by a parking management plan prepared by a suitably qualified consultant where car parking for the site and the surrounding area is considered to be problematic. • Any service station and/or motor vehicle wash proposal located adjacent (or likely to have an impact on a State Road, is to be referred to Main Roads WA for advice prior to determination.	• A TIA has been provided in Appendix 3. • Parking is not problematic in the area and the subject site has a compliant provision of parking. • The site does not abut a primary regional road and as such does not require referral to Main Roads.	Yes Yes Yes
Residential Amenity		

• Service station and/or motor vehicle wash proposals abutting residential development shall be designed to minimise impact on adjacent residents and shall address; noise, odour, light, traffic, visual amenity, safety and any other matter that may detract from the amenity of the residential area. • Service station and/or motor vehicle wash proposals may require the inclusion of an acoustic assessment or noise management plan prepared by a suitably qualified acoustic consultant, a light management plan prepared by a suitably qualified consultant and/or a site management plan addressing odour control. • The location of service station and/or motor vehicle wash proposals shall generally be guided by the prescribed buffer distances set out under the Environmental Protection Authority Separation Distances between Industrial and Sensitive Land Uses (GS 3). • Self-service motor vehicle wash developments should generally not be supported where proposed on land which abuts residentially zoned land. • Service station and/or motor vehicle wash proposals should be accompanied with an operational management plan (or similar) which details the following regarding the proposal: a) Hours of operations; b) Days of operation; c) Number of vehicles that can be accommodated on site at any one time; d) Number of staff members on site at any one time; and e) Any other information the city considers relevant to be detailed	• The site does not abut residential development • An acoustic assessment has been provided in Appendix 8. Light management and odour management can be conditions of approval, however given the separation we do not consider this to be necessary. • Environmental Protection Authority Separation Distances between Industrial and Sensitive Land Uses has been addressed in Section 7.6. • The site does not abut residential development. • An Operational Management Plan can be conditioned if required, however standard controls through conditions of approval are considered to be sufficient.	Yes Yes Yes Yes Yes

Table 2 – Local Planning Policy 3.4 Assessment

Local Planning Policy 3.7 – Signs and Advertising

Table 3 below provides an assessment of the proposal against the relevant requirements outlined in Local Planning Policy – Signs and Advertising. Where there are variations to the applicable requirements, these have been noted in red.

Local Planning Policy Signs and Advertising	Proposed Development	Compliance (Yes/No)
General Development Provisions a) Not pose a threat to public safety or health. b) Only relate to services and products on the subject site. c) Not consist of inappropriate or offensive language or material. d) Not protrude over Council property, including footpaths (unless allowed under a verandah or attached to a fascia) or neighbour's property. e) Be in accordance with the requirements of Australian Standard AS 4282 - 2019 "Control of the Obtrusive Effects of Outdoor Lighting"; f) Not comprise flashing, intermittent or running lights; g) Have any boxing or casing in which it is enclosed, constructed of incombustible material; h) Have its electrical installation constructed and maintained to the satisfaction of Western Power Corporation or the appropriate electricity supply authority and in accordance with the S.A.A. Code 3000-1991; i) Be maintained to operate as an illuminated sign where proposed as such.	• Signage does not pose a threat to public safety or health. • Signage only relates to products on offer at the site. • Signage does not protrude over Council property. • Signage will comply with relevant Australian Standards. • No flashing, intermittent or running lights are proposed. Static illumination only. • No incombustible material to be used. • All electric installation will comply with relevant Western Power Standards. • Illuminated signage will be maintained appropriately.	Yes
Pylon Sign		
Maximum size of 6m² per street frontage.	• The proposed pylon signage exceeds the allowed 6sqm per frontage.	No
Maximum height of 3m.	• The maximum pylon sign height is 10m	No
On any one lot, maximum of one sign per frontage, or one sign per 100 metres of frontage; whichever is the greater	• The site has a total frontage of 280sqm which would permit 2 pylon signs with 5 pylon signs proposed.	No
Setback a minimum distance of half its own overall height to the front property boundary	• The pylon signs are setback between 0m and 2.2m from the street frontage.	No

Local Planning Policy Signs and Advertising	Proposed Development	Compliance (Yes/No)
Setback 6m from any other sign erected on the same lot	• All pylon signs are setback greater than 6m from other pylon signs.	Yes
Justification • It is important to acknowledge that compliance with the abovementioned pylon sign provisions would exempt them from the need for planning approval, in this regard variations to this policy as part of large planning applications are common practice. • The total number and extent of pylon signage at the subject site does not result in the proliferation of signage as there is considerable separation between the signs and they are set across two different street frontages. • Three (3) of the five (5) pylon signs have very little signage bulk and relate to one tenant only. In this regard their impact on the streetscape is minimal. • Pylon signage typical performs an important function on more significant roads in that they alert drivers of the upcoming offering with sufficient time for drivers to make any necessary traffic movements safely. • The DRP expressed a level of support for the additional pylon signage if uniform post colours and materials were used which has been included in relevant development plans.		
Wall Sign		
Maximum size of 6m².	• The car wash has wall signage that exceeds 6sqm in area. • KFC has no wall signage exceeding 6sqm in area. • McDonalds has no wall signage exceeding 6sqm in area. • The medical centre has a number of wall signs exceeding 6sqm in area. • Starbucks has no wall signage exceeding 6sqm in area. • 7-Eleven has no wall signage exceeding 6sqm in area.	No Yes Yes No Yes Yes
Not exceeding 10% in area on any one wall.	• The proposed car wash has wall signage that exceeds 10% of the wall to which it is affixed. • All KFC wall signage is less than 10% of the wall to which it is affixed. • All McDonalds wall signage is less than 10% of the wall to which it is affixed.	No Yes Yes

Local Planning Policy Signs and Advertising	Proposed Development	Compliance (Yes/No)
	• The medical centre has one elevation where wall signage exceeds 10% of the wall to which it is affixed. • Starbucks has no wall signage that exceeds 10% of the wall to which it is affixed. • 7-Eleven has no wall signage that exceeds 10% of the wall to which it is affixed.	No Yes Yes
Justification • Whilst the proposed wall signage variations are acknowledged, it is commented that the variations are quite minor and in this regard all signage is appropriate in scale to the building to which it will be affixed. The proposed car wash has the most significant variations to the deemed to comply wall signage requirements and due to the location of this within the site itself, there will be no impact on the streetscape nor surrounding development. • The scale of the proposed development is commensurate with the number and size of the proposed wall signage and as such no proliferation of signage results despite the variations.		
Window Sign		
Maximum size of 6m²	• Only McDonalds has window signage and both signs are less than 6sqm in area.	Yes
Not exceeding more than 25% of the overall area of glazing of the individual façade	• The two McDonalds window signs occupy less than 25% of the glazed area to which they are affixed.	Yes
Lettering shall not exceed 1m in height.	• The proposed lettering in the two window signs are less than 1m high.	Yes

Table 3 – Local Planning Policy 3.7 Assessment

8.0 Other Considerations

8.1 Traffic

In accordance with the WAPC Transport Assessment Guidelines for Developments, a Traffic Impact Assessment (TIA) has been prepared by Stantec as the proposed development results in more than 100 vehicular trips in the peak hour. A copy of the TIA is included in Appendix 3 with a summary of the critical findings below:

- The proposed Hammond Road upgrade is expected to occur in 5 years. In this regard the proposed access points on Hammond Road will function as full movement until such time as the upgrade is completed which will convert these access points to left in left out only.
- The proposed access arrangements aim to provide individual access points for the various uses proposed on the site which will spread traffic evening across the various access points and reduces the risk of congestion.
- It was identified that Access C, as noted in the TIA, did not have sufficient sightlines looking toward Hammond Road due to the proximity to the bend. However, as vehicles will be making a turning movement here, speeds will be lower than the allowed 50km/h resulting in sufficient sightlines.
- The completed swept path analysis illustrates all required service vehicles are able to access the designated loading bays and enter and exit the site safely.
- The development results in a net trip generation of 410 vehicles in the AM peak and 658 vehicles in the PM peak.
- The completed SIDRA analysis determined that all intersections will function at appropriate levels post development.

8.2 Drainage and Hydrology

As no Local Structure Plan has been prepared as a pre-cursor to the proposed development application, Oversby Consulting were engaged to prepare a Local Water Management Strategy (LWMS) which is contained in Appendix 12. The LWMS specifies best practice water management to be implemented as part of the proposed development. Measures proposed as part of the development to ensure best practice water sensitive urban designs include:

- Landscaping is to be partially watered via direct stormwater runoff.
- Summer landscaping irrigation requirements will be provided from the Water Corporation Mains supply.
- 1EY stormwater treatment of carparks and roads is achieved through bioretention gardens with excess water infiltrated using below ground storage.
- Specialist stormwater systems will be used for the service station to treat hydrocarbons and the car wash to treat on site pollutants.
- Underground detention systems are to be installed to detail and infiltrate the entire 10% AEP storm event.
- The 1% AEP low flow pathway is through the development to the surrounding bushland, consistent with the current flow direction. Post development flow rates will be below pre-development flow rates.
- Bioretention gardens will be used to capture sediments, large debris and nutrients from all water runoff to reduce impacts on downstream wetland and estuarine systems.

- Water will be infiltrated on site at similar to pre-development rates to replenish groundwater, which feeds the downgradient wetland system.
- Subsoil may be installed to control groundwater rise, with discharge to the Gaebler Road drainage network. It is known that the City's drainage network system surrounding the subject site already accommodates this type of drainage infrastructure.
- Fill will be used on site to maintain 1.5m separation to groundwater.

8.3 Noise

Given the proximity of the proposed development to adjoining sensitive land uses, Herring Storer were engaged to examine noise egress from the development and whether or not this was going to be at acceptable levels in accordance with the *Environmental Protection (Noise) Regulations 1997*. A copy of their report is included in Appendix 8 with their findings summarised below:

- Compliance with the *Environmental Protection (Noise) Regulations 1997* is achieved if the below mentioned measures are met.
- An acoustic analysis of eventual mechanical plant should be completed as part of the detailed design phase of the project.
- Mechanical services are to be screened from existing and future residents.
- The air conditioning condensing units will be installed with night period quiet modes.
- The vacuum units associated with the car wash should be installed in acoustic hoods or other alternate noise limiting design features.
- The auto car wash should be installed with fast action doors.

8.4 Environmental

Wetland Buffer Assessment

The subject site is impacted by a Conservation Category Wetland and as a result PGV Environmental were engaged to prepare a Wetland Buffer Assessment to examine the impact of the development on the wetland and establish management measures that would ensure the protection of the wetland. A copy of their report in included in Appendix 4. Key findings are summarised below:

- The proposed development requires a 15m buffer to the wetland having regard to the physical and scientific attributes of the location, land and wetland. This is entirely consistent with the assessment and approval granted for Lot 9008 to the south.
- The wetland vegetation will not be directly impacted by the adjoining development with physical disturbance of people walking into the wetland from the commercial development being identified as the primary threat to the proposed wetland. This can and will be prevented through the construction of a fence between the commercial development and the 15m wide wetland buffer.
- The proposed commercial development will not result in the spreading of weeds into the wetland area due to the development being primarily hardstand with some maintained landscaped areas. Further, the increased surveillance and restriction to access will prevent dumping of garden waste within the wetland.

Environmental Assessment Report

In addition to the Wetland Buffer Assessment PGV Environmental also completed an Environmental Assessment Report to assess the suitability of the proposed development at the subject site. A copy of their report is included in Appendix 5 with the key findings summarised below:

- The Bassendean soils are not an impediment to development but will require management during the development phase due to the susceptibility to wind erosion.
- The identified Acid Sulphate Soils are likely associated with the wetland and as such will not be disturbed as part of the proposed development.
- No conservation significant flora species were recorded in five separate surveys of the site and as such clearing of vegetation will not be a constraint to development.
- Habitat for conservation significant fauna species will be retained in the wetland buffer including a 0.4ha area of high-quality foraging habitat for Black Cockatoos.
- Fauna within the area of native vegetation to be cleared can be managed through a Wildlife Management plan as a condition of development approval.
- There are no known cultural heritage values present at the site.

Banksia Woodland TEC and Black Cockatoo Habitat Assessment

As the subject site is impacted by Banksia Woodland Threatened Ecological Community (TEC) and foraging habitat for Black Cockatoos PGV also completed a Banksia Woodland TEC and Black Cockatoo Habitat Assessment which is contained in Appendix 6. Key findings have been noted below:

- Three of the five vegetation types on site contain Banksia trees with the condition being very good to excellent.
- The 1.67ha area of the Banksia woodland vegetation meets criteria for the Banksia Woodland TEC with 1.27ha of this area to be cleared to facilitate the proposed development.
- The extent of clearing will lead to a 'significant impact' on the TEC and as such will be subject to a referral under the Commonwealth EPBC Act.
- The site contains 1.67ha of foraging habitat for Carnaby's and Baudin's Black Cockatoos and 0.51ha of foraging habitat for Forest Red-tailed Black Cockatoos.
- The site is not a roosting or breeding site for Black Cockatoos.
- Development at the site would lead to the clearing of 1.27ha of foraging habitat and two mature Jarrah trees that are potential future breeding habitat.
- According to the EPBC Act Significant Impact Guidelines the extent of clearing would not lead to a significant impact under the Act. However, in accordance with the EPBC Act Referral Guidelines for Black Cockatoos it would require referral.

It is noted the abovementioned environmental matters are a process separate to the development application proposal and shall be the subject of a separate environmental regulatory process, if required. As such, the proposal before JDAP shall not be fettered by the abovementioned environmental regulatory process.

8.5 Infrastructure and Servicing

In the absence of a Local Structure Plan that examines the availability and capacity of services for the proposed development Peritas were engaged to prepare an Engineering Services Report which is contained in Appendix 11. Peritas concluded that:

- Access to the Water Corporation sewer network is available with gravity fed options available for 50% of the site. Further consultation with Water Corporation to confirm measures necessary to ensure the remaining 50% of the site can be connected to reticulated sewer will occur as part of the development application process.
- Access to the Water Corporation potable water network will be available for the proposed development. Based on the available infrastructure in the area, it is unlikely upgrades will be required to the existing network to service the proposed development.
- There is sufficient capacity available within the Western Power network to accommodate the proposed development.

8.6 Waste Management

In order to ensure the appropriate management of waste generated by the proposed development, Encycle were engaged to prepare a Waste Management Plan which is included in Appendix 14. Key waste management measures include:

- All development components will have individual designated bin stores.
- Required bins based on the City of Cockburn waste generation rates have been summarised below:
    - 7-Eleven – 4x1100L general waste bins and 2x1100L recycle waste bins.
    - Starbucks – 5x1100L general waste bins and 3x1100L recycle waste bins.
    - McDonalds – 6x1100L general waste bins and 4x1100L recycle waste bins.
    - KFC - 4x1100L general waste bins and 2x1100L recycle waste bins.
    - Medical Centre – 1x660L general waste bin, 1x660L recycle waste bin and 1x240 confidential documents bin.
    - Car Wash – 1x660L general waste bin and 1x660L recycle waste bin.
- Collection of the nominated bins will occur weekly on a designated collection day. Collection will be undertaken by a private waste contractor.

9.0 Conclusion

Based on the contents of this planning report, it is clear that the project proposal is appropriate for approval, despite the absence of a Local Structure Plan as it has been demonstrated that all site constraints can be appropriately addressed. Further, the development will deliver access to important services and amenities in the area that have been demonstrated to be lacking.

As considered in detail within the contents of the planning report, the proposal will deliver a functional built form outcome that is broadly compliant with the applicable development requirements relevant under the local planning framework. Further, the intended land uses has been demonstrated to have no negative impacts on adjoining properties whilst being appropriate for approval having regard to the Deemed Provisions.

With regard to the above, the proposed development is considered to warrant favourable consideration by the City of Cockburn and ultimate approval by the Metro Outer Joint Development Assessment Panel.