



<b>CITY OF COCKBURN</b>
DOC No
04 MAY 2023
SUBJECT 109/153
RETENTION 124-2-3AS
PROPERTY 5115260
APP
ACTION GARY WILKINSON FYI DAVID REYNOLDS

Your ref: 109/153  
Our ref: TPS/2845  
Enquiries: Schemes Team

Chief Executive Officer  
City of Cockburn  
PO Box 1215  
BIBRA LAKE WA 6965

Transmission via electronic mail to: [customer@cockburn.wa.gov.au](mailto:customer@cockburn.wa.gov.au)

Dear Sir/Madam

### TOWN PLANNING SCHEME NO. 3 - AMENDMENT NO. 153

The Western Australian Planning Commission (Commission) has considered the amendment and submitted its recommendation to the Minister in accordance with section 87(1) of the *Planning and Development Act 2005* (the Act).

The Minister has approved the amendment in accordance with section 87(2)(a) of the Act. In accordance with section 87(3) of the Act, the Commission will cause the approved amendment to be published in the Government Gazette.

The Commission has forwarded notice to the Department of Premier and Cabinet (attached) and it is the local governments' responsibility to make arrangements for the payment of any publication costs. The local government is required under section 87(4B) of the Act, and regulation 64 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, to publish the approved amendment, ensure that it is available to the public, and notify each person who made a submission.

For all payment and purchase order queries, please contact the Department of Premier and Cabinet on (08) 6552 6012. One signed set of the amending documents is returned for your records.

Please direct any queries about this matter to [localplanningschemes@dph.wa.gov.au](mailto:localplanningschemes@dph.wa.gov.au).

Yours sincerely

Ms Sam Fagan  
Secretary  
Western Australian Planning Commission

27/04/2023

## PLANNING AND DEVELOPMENT ACT 2005

### APPROVED TOWN PLANNING SCHEME AMENDMENT City of Cockburn

#### TOWN PLANNING SCHEME No. 3 - AMENDMENT No. 153

Ref: TPS/2845

It is hereby notified for public information, in accordance with section 87 of the *Planning and Development Act 2005* that the Minister for Planning approved the City of Cockburn Town Planning Scheme amendment on 26 April 2023 for the purpose of:

1. Amending 'Table 6 – Table of Additional Uses' to include Additional Use 20 (AU 20) as follows:

No.	Description of Land	Additional Use	Conditions
AU 20	Lot 760 (no. 49) Berrigan Drive. South Lake	Showroom (A) Motor Vehicle Wash (D)	1. Development Approval 2. A 'Showroom' Land use shall be contained only within the existing shopping centre development and shall not exceed a gross lettable area of 1,850m <sup>2</sup> in aggregate.

2. Amend the Scheme map to designate 'AU 20' over Lot 760 (No. 49) Berrigan Drive, South Lake.

L HOWLETT, JP  
MAYOR

D ARNDT  
A/CHIEF EXECUTIVE OFFICER



## **TOWN PLANNING SCHEME NO. 3**

### **AMENDMENT NO. 153**

**10 February 2022**

**PLANNING AND DEVELOPMENT ACT 2005  
RESOLUTION TO AMEND A TOWN PLANNING SCHEME**

**CITY OF COCKBURN  
TOWN PLANNING SCHEME NO 3  
AMENDMENT NO. 153**

RESOLVED that the Council, in pursuance of Section 75 of the Planning and Development Act 2005, amend the City of Cockburn Town Planning Scheme No. 3 for the following purposes:

1. Amend 'Table 6 – Table of Additional Uses' to include Additional Use 20 (AU 20) as follows:

No.	Description of Land	Additional Use	Conditions
AU 20	Lot 760 (No.49) Berrigan Drive, South Lake	Showroom (D)  Funeral Parlour (D)  Motor Vehicle Wash (D)	1. Development Approval.  2. A 'Showroom' land use shall be contained only within the existing shopping centre development and shall not exceed a gross lettable area of 1,850m <sup>2</sup> in aggregate. In the event that the shopping centre is to be demolished, the 'Showroom' use will cease to apply.

2. Amend the Scheme map to designate 'AU 20' over Lot 760 (No.49) Berrigan Drive, South Lake.
3. Amend the definition given to 'Funeral Parlour' in '2. Land Use Definition' in 'Part 6 – Terms Referred to in Scheme' to accord with the Schedule 1, Part 6, Clause 38 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, as follows:

*Means premises used –*

- a) *to prepare and store bodies for burial or cremation;*
- b) *to conduct funeral services.*



4. Amend 'Table 3 – Commercial Use Classes – Vehicle Parking' to include vehicle parking provisions for the 'Funeral Parlour' land use as follows:

Use Class		Vehicle Parking Provisions		
		Car Parking Bays	Delivery Bays	Bicycle Racks
Commercial	Funeral Parlour	1:4 seats; and 1:1 staff	Not applicable	1:30 seats; or 1:100 people accommodated

The Amendment is standard under the provisions of the Planning and Development (Local Planning Schemes) Regulations 2015 for the following reason(s):

- (a) *an amendment that would have minimal impact on land in the scheme area that is not the subject of the amendment; and*
- (b) *an amendment that does not result in any significant environmental, social, economic or governance impacts on land in the scheme area.*

Dated this 10th day of February 2022



CHIEF EXECUTIVE OFFICER

**REPORT**

1. LOCAL AUTHORITY City of Cockburn
2. DESCRIPTION OF TOWN PLANNING SCHEME: Town Planning Scheme No. 3
3. SERIAL NO. OF AMENDMENT: Amendment No. 153
4. PROPOSAL: Additional Uses – 'Showroom', 'Funeral Parlour' and 'Motor Vehicle Wash' – Lot 760 (No.49) Berrigan Drive, South Lake  
  
Updating of the definition of 'Funeral Parlour' to align with the Model Provisions and insert vehicle parking provisions.

# AMENDMENT REPORT

## 1.0 Introduction

Lot 760 (No. 49) Berrigan Drive, South Lake (the subject site) is situated within an area of established surrounding residential developments whereby the subject site serves as a Local Commercial Centre for the surrounding catchment area, as designated per the City's *Local Commercial and Activity Centres Strategy*. The site is located adjacent to the City managed Broadwater Park.

Scheme Amendment No. 153 seeks approval for three (3) additional land uses at the subject site, including 'Showroom', 'Motor Vehicle Wash', and 'Funeral Parlour'. The intent behind the additional land uses at the subject site is for the current landowner to secure a lease for a new tenant at the anchor tenancy, with the intention being to attract a Showroom land use which offers daily or weekly offerings. The additional land uses will aim to revitalise the subject site, which is currently underutilised due to difficulties finding a suitable tenant for the former IGA supermarket.

The current of the 'Funeral Parlour' land use under Town Planning Scheme No.3 (TPS 3) does not support the use being available for funeral services, as per the model definition in the *Planning and Development (Local Planning Schemes) Regulations 2015*. The updating of this definition will support funeral services being conducted on the site, should this land use be approved.

## 2.0 Background:

The primary driver for this scheme amendment is the closure of the IGA supermarket on the subject site and the difficulties faced by the landowner in securing a suitable replacement tenant. The removal of the IGA as the anchor development has resulted in a large area of the existing shopping centre remaining vacant and may be contributing to the decline of the centre overall.

The intention is for the proposed additional land uses to activate the site, by through the provision of a potential alfresco and dining area on the northern boundary which fronts Broadwater Park, and a standalone car wash external to the shopping centre.

## 3.0 Amendment Type

As per Part 5 of the Regulations, there several amendment types: basic, standard and complex. These are defined in Part 5, Division 1, Regulation 34.

Regulation 35(2) requires the local government to specify in their resolutions to prepare or adopt an amendment what type of amendment it is, as well as the explanation for forming that opinion.



This proposed amendment is considered to be a standard amendment, which Regulation 34 describes as:

*standard amendment means any of the following amendments to a local planning scheme —*

- a) *an amendment relating to a zone or reserve that is consistent with the objectives identified in the scheme for that zone or reserve;*
- b) *an amendment that is consistent with a local planning strategy for the scheme that has been endorsed by the Commission;*
- c) *an amendment to the scheme so that it is consistent with a region planning scheme that applies to the scheme area, other than an amendment that is a basic amendment;*
- d) *an amendment to the scheme map that is consistent with a structure plan, activity centre plan or local development plan that has been approved under the scheme for the land to which the amendment relates if the scheme does not currently include zones of all the types that are outlined in the plan;*
- e) *an amendment that would have minimal impact on land in the scheme area that is not the subject of the amendment;*
- f) *an amendment that does not result in any significant environmental, social, economic or governance impacts on land in the scheme area;*
- g) *any other amendment that is not a complex or basic amendment.*

This proposed amendment is considered to satisfy the above criteria as:

- it is deemed to be consistent with the intent of the City's *Local Commercial and Activity Centres Strategy* and draft *Local Planning Strategy* as it will facilitate the continued use of a neighbourhood centre, which provides an important linkage to the surrounding residential area;
- it is consistent with the objectives of the 'Urban' zone under the Metropolitan Region Scheme;
- it is not expected to have a significantly adverse impact upon the land in the scheme area that is not the subject of the amendment; and
- the proposal is not expected to result in significant environmental, social, economic, or governance impacts on land in the scheme area.

## **4.0 Proposal**

The proposed scheme amendment seeks an Additional Use approval for the subject site. As the subject site's 'Local Centre' zoning shall remain unaltered, the proposed amendment is for the addition of 'Funeral Parlour', 'Showroom' and 'Motor Vehicle Wash' land uses to be permitted as an Additional Use under Table 6 of TPS 3.



#### **4.1 'Motor Vehicle Wash' Land Use**

The 'Motor Vehicle Wash' land use is sought for approval within an Additional Use Scheme Amendment as it would allow for development complementary to the existing service station on site.

#### **4.2 'Showroom' Land Use**

The 'Showroom' land use is proposed to complement the existing uses on site and to facilitate additional variety of offerings at the centre. It is recognised that an additional 'Showroom' land use will allow for offerings not available at the nearby Lakes Shopping Centre or smaller centres in the immediate area.

It is acknowledged that TPS 3 generally restricts the 'Showroom' land use are generally to the 'Mixed Business' zone. To ensure the convenience retailing function of the existing centre is not undermined, a maximum floor area restricting for this use is proposed, being a gross lettable area of 1,850m<sup>2</sup> in aggregate. The maximum floor area is based on the area of the former IGA tenancy, and is intended to ensure that the centre is still capable of support land uses that are more typical of a 'Local Centre' zoning. In the event that the existing built form is demolished, the land use will cease to apply.

While discussed in further detail under part 5.2 of this report, the objective of the 'Local Centre' zoning is noted below as follows:

*To provide for convenience retailing, local offices, health, welfare and community facilities which serve the local community, consistent with the local - serving role of the centre.*

Acknowledging that a 'Showroom' land use does not strictly align with the notion of 'convenience retailing', it is maintained that due to the restriction in floor area that the use would not result in the undermining of other convenience retail offerings at the centre, nor is it expected to undermine 'Showroom' land uses within nearby 'Mixed Business' zones, which are generally dedicated for accommodating the 'Showroom' use. The proposed land use is considered a use which serves the local community and is consistent with the serving role of the centre in accordance with the City's *Local Commercial and Activity Centres Strategy* and Western Australian Planning Commission's *State Planning Policy 4.2 – Activity Centres for Perth and Peel* (SPP 4.2).

#### **4.3 'Funeral Parlour' Land Use**

The activities undertaken via a 'Funeral Parlour' land use from an operational perspective is not all too dissimilar from the existing land uses at the subject site. The hours of operation are consistent with shop, restaurant or other commercial land uses; expected visitors are not to significantly exceed that which could be expected to result from a shop, café or restaurant; and there are no significant adverse effects on the immediate surrounds by way of environmental, social or economic impacts.

Subject to the partial redevelopment of the site, there is an opportunity for a future 'Funeral Parlour' land use to utilise this the adjacent public open space (Broadwater



Park) for ceremonies. The use of Broadwater Park for ceremonies, or for other uses used in connection with the shopping centre development, will need to be subject to further agreement between the City and the landowner, prior to a development application being submitted.

#### **4.4 'Funeral Parlour' Land Use**

The current definition for 'Funeral Parlour' under TPS 3 does not provide the ability for this use to be used for funeral services, with the use being limited to the storage and preparation of bodies for burial or cremation.

To align the land use with the model definition for 'Funeral Parlour' under Schedule 1, Part 6, Clause 38 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, which supports such a use conducting funeral services, amendment of the definition is considered necessary.

#### **4.5 'Funeral Parlour' Vehicle Parking**

TPS 3 does not prescribe specific vehicle parking requirements for the 'Funeral Parlour' land use, but rather, allows the City to determine a requirement based on an 'equivalent' use.

To ensure the parking requirements reflect the operation of the land use funeral services, the proposed car park requirement is based on bay per four seats (consistent with a 'Place of Worship' land use) and one bay per staff member. The requirement for delivery bays and bicycle racks is proposed at the same rate the 'Place of Worship' land use.

### **5.0 Town Planning Context:**

#### **5.1 Metropolitan Region Scheme**

The Metropolitan Region Scheme (MRS) is the overarching statutory planning mechanism which divides land in the region into zones and reservations, ultimately guiding land use and development.

Pursuant to the provisions of the MRS, the subject site is zoned 'Urban'. The proposed scheme amendment and consequent land uses proposed are in accordance with the objectives of this zone.

#### **5.2 City of Cockburn Town Planning Scheme No. 3**

Planning and development within the City of Cockburn is guided by Town Planning Scheme No. 3 (TPS 3). The subject site is zoned 'Local Centre' under TPS 3. The 'Local Centre' zoning allows for a mixture of residential and commercial uses.

The objective of the 'Local Centre' zone is:

*To provide for convenience retailing, local offices, health, welfare and community facilities which serve the local community, consistent with the local - serving role of the centre.*

The proposed 'Showroom', 'Funeral Parlour' and 'Motor Vehicle Wash' uses are 'X' uses under the 'Local Centre' zone in TPS 3, which means the City does not currently have discretion to approve such uses on the subject site.

### **5.3 Local Strategic Planning Framework**

#### **5.3.1 Local Commercial and Activity Centres Strategy**

The City of Cockburn's *Local Commercial and Activity Centres Strategy* (the Strategy) is an important planning document for implementing the new direction for the planning of activity centres in Perth and Peel, informed by *Directions 2031* and *State Planning Policy No. 4.2 – Activity Centres for Perth and Peel*.

The Strategy provides for the designation of the subject site as a 'Local Centre'. The strategy designates the site as a centre which should aim to provide day-to-day services and amenities for the locality and offer small-scale employment opportunities. In addition, the typical intensity characteristics expected of a Local Centre as per the Strategy are to align with moderate levels of local retail and household services which can provide for an employment node with similar levels of convenience and retail employment. A review of the residential density in contrast with the ratio of floor space to total land area of the Berrigan Quarter Commercial Centre identified an 'intensity score' which was below the average score for a Local Centre, indicating the need for increased activation of the centre.

The proposal remains consistent with the intended outcomes of the Local Centre designation and provide for both the revitalisation of local services and amenities and also for the contribution towards increased employment opportunities for the sub-region.

#### **5.3.2 Draft City of Cockburn Local Planning Strategy**

The City's draft Local Planning Strategy (the draft Strategy) was endorsed by Council on 8 October 2020, for the purpose of submitting a request to the WAPC to seek approval to commence public and stakeholder advertisement.

The WAPC is yet to endorse the draft Strategy for the purpose of advertising, however, it acknowledges that some smaller neighbourhood centres are being impacted by changing shopping patterns and the closure of anchor supermarkets, which impact the convenience retailing function. The intention of the proposed amendment is to provide additional commercial options, which is consistent with the draft Strategy.

### **5.4 State Planning Policies**

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

Under clause 5.6 of SPP 4.2, a 'Showroom (referred to as a 'Bulky Goods Showroom') is considered unsuited within walkable catchment centres, with such a land use to located within a 'Mixed Business' or equivalent zone.



A specific condition is proposed, capping the 'Showroom' land use to a maximum gross lettable area of 1,850m<sup>2</sup> in aggregate, consistent with the area of the approximate area of the tenancy vacated by the IGA supermarket. Limiting the use and floor area cap to the existing development on site will ensure that there is no possibility of a full redevelopment of the site facilitating bulky goods retail, which would undermine such uses in the 'Mixed Business' zone, and enable the centre to be partially retained for convenience retailing.

## **5.5 State Planning Strategies**

### **5.5.1 Perth and Peel @ 3.5 Million**

The *Perth and Peel @ 3.5 million* document provides strategic guidance to government agencies and local government on land use, land supply, land development, environmental protection, and infrastructure investment and the delivery of physical and community/social infrastructure for the Perth and Peel regions. It makes the case for a change from a business-as-usual perspective to a more considered, connected, consolidated urban form.

The *Perth and Peel @ 3.5 Million* framework includes four separate planning and infrastructure frameworks for the Central, North-West, North-East and South Metropolitan Peel sub-regions, of which the latter is the applicable framework pertinent to the subject site. The sub-regional framework documents guide development to deliver a more compact, connected and efficient city and the development of activity centres, corridors, and station precincts to drive employment opportunities outside the Perth CBD.

### **5.5.2 South Metropolitan Peel Sub-Regional Framework**

The *South Metropolitan Peel Sub-regional Planning Framework* (the framework) is one of three frameworks prepared for the outer sub-regions of Perth and Peel.

The focus of the South Metropolitan Peel Sub-regional Planning Framework in broad terms relates to ensuring the sub-region is planned in an orderly and proper manner so as to ensure appropriate provision of jobs and housing as the population continues to rise.

Part 3.3 of the framework details the provisions pertinent to the Economy and Employment within the sub-region. The objective relates to the promotion of employment opportunities and increase the number of people who live and work within the sub-region, with a focus on attracting strategic economic and employment land uses within the identified activity centres.

One of the key ways to undertake this is to provide for urban consolidation principles, contained per Table 5 of the framework. Principle 3 refers to Activity Centres of which the subject site accommodates for a 'Local Centre'. While the sub-regional framework does not identify the subject site as a local activity centre, it is considered that the characteristics inherently render the existing centre to be consistent with the definition.

The objective of the Activity Centres principle is as follows, and is consistent with an outcome which would result from approved of this scheme amendment:



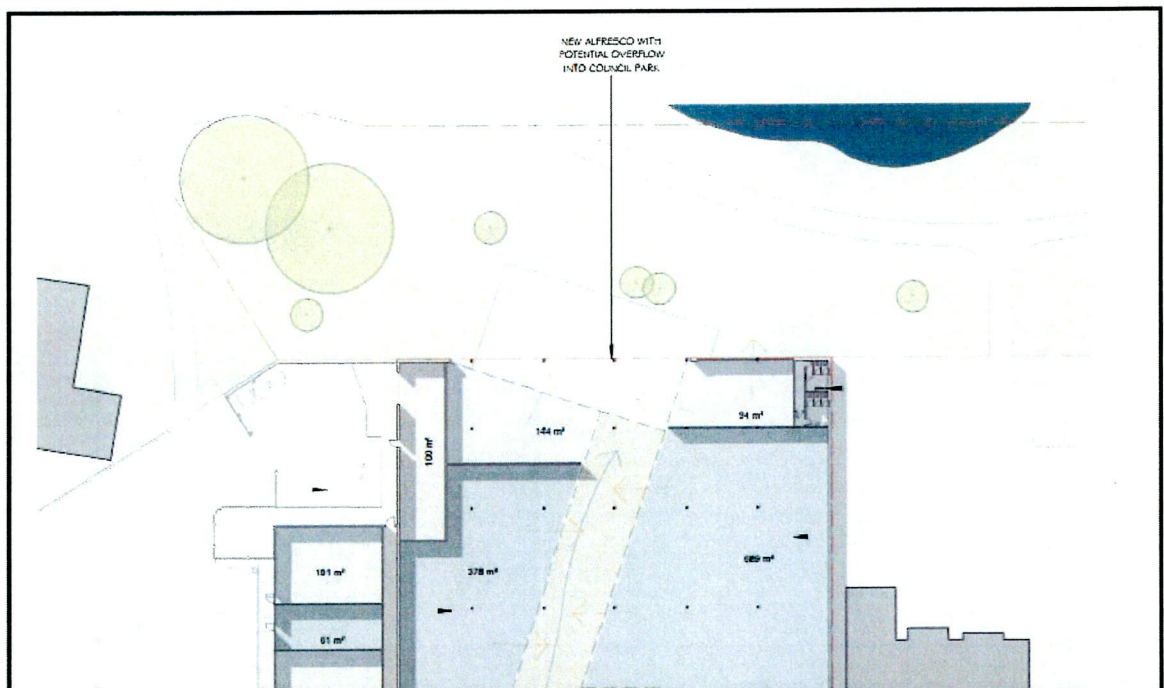
*'Support urban and economic development of the activity centres network as places that attract people to live and work by optimising land use and transport linkages between centres; protecting identified employment land from residential encroachment, where appropriate, and avoiding contiguous linear or ribbon development of commercial activities beyond activity centres.'*

The proposal addresses the above adequately as the proposal is anticipated to result in consolidation of similar land uses and will provide for an increased variety of land uses capable of approval for future tenants upon completion of the separately proposed redevelopment of the subject site.

## **6.0 REDEVELOPMENT OF EXISTING COMMERCIAL CENTRE**

It is anticipated that a development application would follow approval of the proposed amendment, seeking approval for a partial redevelopment of the existing Local Centre at the site.

A development application would seek to capitalise on the opportunity to expand the footprint of the building to the north upon Broadwater Park and may seek approval via an agreement with the City of Cockburn. Facilitating the creation of an active entrance point which fronts Broadwater Park will also allow for pedestrians walking throughout the reserve to access the site, where currently access is primarily facilitated via an entry point fronting Berrigan Drive. A concept plan detailing an indicative design is detailed in Figure 1 below.

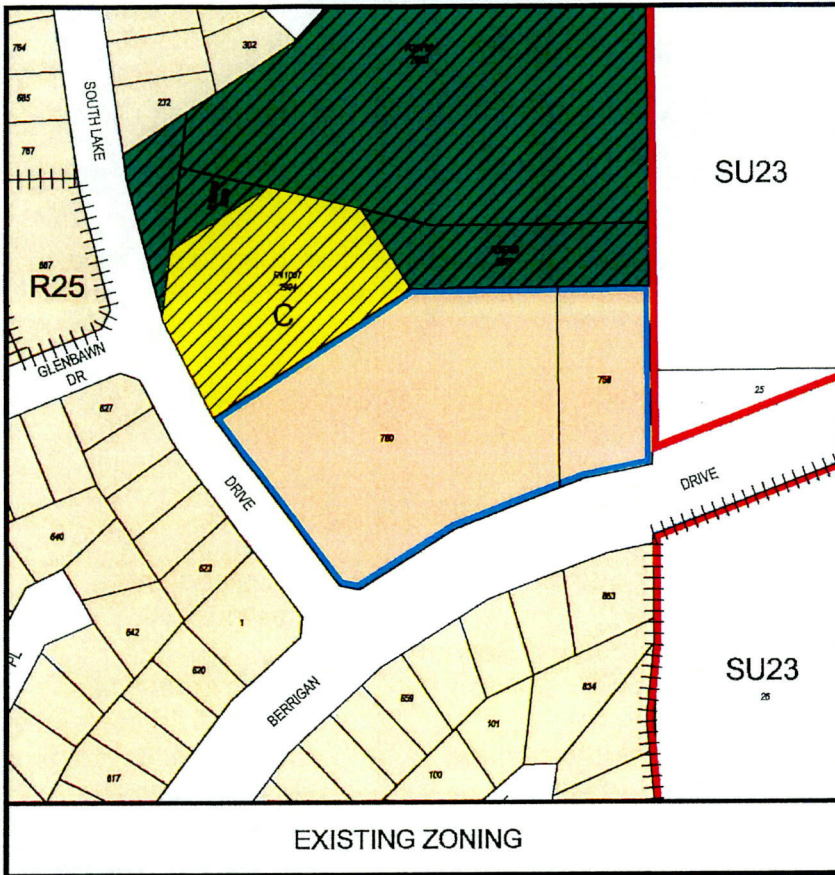


**Figure 1 – Conceptual Development Plan Depicting Proposed redevelopment of subject site**

## **7.0 Conclusion**

**The proposed Additional Uses are considered appropriate to ensure the long-term viability of the existing centre on Lot 760 (No.49) Berrigan Drive, South Lake, including the potential for an improved interface to public open space.**








LOCAL SCHEME RESERVES

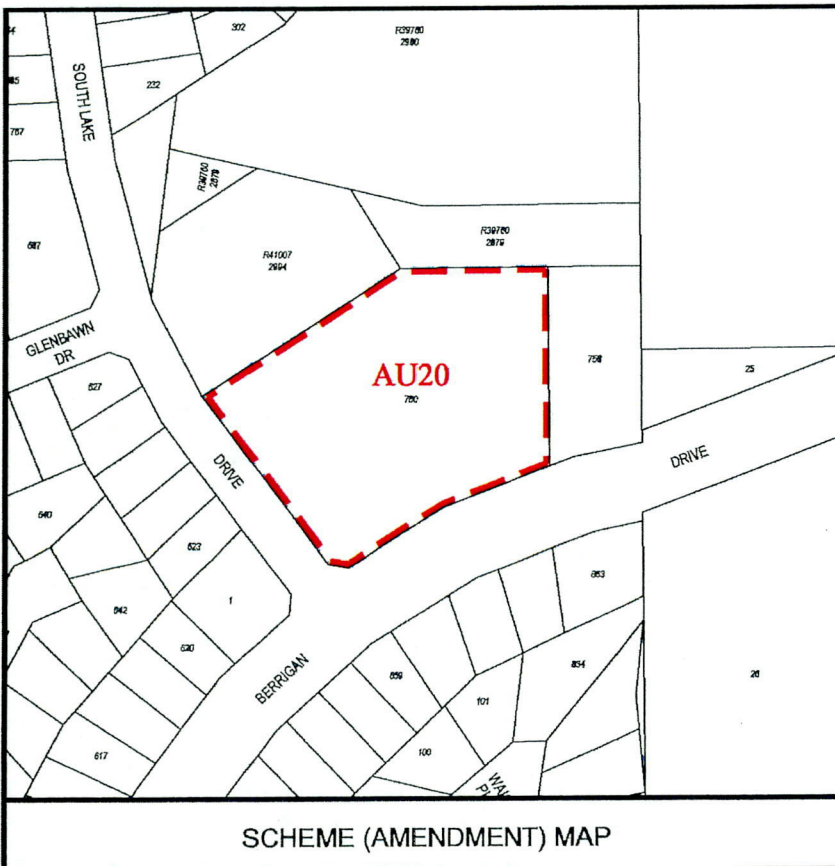
-  LOCAL ROADS
-  PARKS AND RECREATION
-  PUBLIC PURPOSES DENOTED AS FOLLOWS:  
C CIVIC

LOCAL SCHEME ZONES

-  RESIDENTIAL
-  LOCAL CENTRE
-  SU23 SPECIAL USE

OTHER CATEGORIES  
(see scheme text for additional information)

-  R20 R CODES
-  AU20 ADDITIONAL USES



N  
SCALE: 1:3000  
DATE: 10.01.2022

Amendment No. 153

## POSTSCRIPT: Inclusion of Minister's modifications

Modifications required by the Minister for Planning were outlined in correspondence dated 2 February 2023 sent to the City of Cockburn and are set out further below.

In carrying out these modifications, the Council resolution dates are not modified, although in this case there are changes to the proposed scheme text from what was set out originally in those Council decisions.

In the interests of posterity and to provide some clarity to persons who may compare the original recommendation and/or Council minutes to these documents and/or the amended version of Town Planning Scheme No. 3, below are the Minister modifications:

1. In Point 1 of the amendment: delete "D" and replace with "A" for the Showroom additional use in Table 6; and
2. In Point 1 of the amendment: delete the sentence "in the event that the shopping centre is to be demolished, the 'Showroom' use will cease to apply." from Condition 2; and
3. Delete Point 3 of the amendment; and
4. Delete Point 4 of the amendment.

The Minister's modification results in the text for Amendment No.153 being amended to:

1. Amending 'Table 6 – Table of Additional Uses' to include Additional Use 20 (AU 20) as follows:

No.	Description of Land	Additional Use	Conditions
AU 20	Lot 760 (No.49) Berrigan Drive, South Lake	Showroom (A)  Motor Vehicle Wash (D)	1. Development Approval.  2. A 'Showroom' land use shall be contained only within the existing shopping centre development and shall not exceed a gross lettable area of 1,850m <sup>2</sup> in aggregate.

2. Amend the Scheme map to designate 'AU 20' over Lot 760 (No.49) Berrigan Drive, South Lake.

The modified Amendment Resolution Text is on the following page.



**PLANNING AND DEVELOPMENT ACT 2005**

**CITY OF COCKBURN**

**TOWN PLANNING SCHEME NO 3**

**AMENDMENT NO. 153**

The City of Cockburn under and by virtue of the powers conferred upon it by the Planning and Development Act 2005, hereby amend the above Town Planning Scheme for the following purposes:

1. Amending 'Table 6 – Table of Additional Uses' to include Additional Use 20 (AU 20) as follows:

<b>No.</b>	<b>Description of Land</b>	<b>Additional Use</b>	<b>Conditions</b>
AU 20	Lot 760 (No.49) Berrigan Drive, South Lake	Showroom (A)  Motor Vehicle Wash (D)	3. Development Approval.  4. A 'Showroom' land use shall be contained only within the existing shopping centre development and shall not exceed a gross lettable area of 1,850m <sup>2</sup> in aggregate.

2. Amend the Scheme map to designate 'AU 20' over Lot 760 (No.49) Berrigan Drive, South Lake.

**ADOPTION**

Adopted by resolution of the Council of the City of Cockburn at the ordinary meeting of the Council held on 10th day of February 2022.

*Logan Spence*  
MAYOR

*[Signature]*  
CHIEF EXECUTIVE OFFICER

**FINAL APPROVAL**

Adopted for final approval by resolution of the City of Cockburn at the Meeting of the Council held on the 14<sup>th</sup> day of July 2022, and the Common Seal of the City of Cockburn was hereunto affixed by the authority of a resolution of the Council in the presence of:



*Logan Spence*  
MAYOR

*[Signature]*  
CHIEF EXECUTIVE OFFICER

Recommended/Submitted for Final Approval

*@huell*

DELEGATED UNDER S.16 PLANNING AND DEVELOPMENT ACT 2005

DATE 9/2/2023

Final Approval Granted  
It is hereby certified that this is a true copy of the ~~Scheme~~/Amendment, final approval to which was endorsed by the Minister for Planning on 26/4/2023

Certified by *[Signature]*

Officer of the Commission Duty authorised pursuant to Section 24 of the Planning and Development Act 2005 and Regulation 32(3) Scheme and Regulation 63(3) (Amendment) of the Planning and Development (Local Planning Scheme) Regulations 2015.

MINISTER FOR PLANNING  
DATE.....