

# Policy

## Commercial Development



### Policy Number

LPP 3.11

### Policy Type

Local Planning Policy

### Policy Purpose

The City of Cockburn features a range of different commercial zones, ranging from small local centres to significant regional activity centres. The City's Town Planning Scheme allows for a range of commercial land uses within these commercial areas as well as within residential zones.

The purpose of this policy is to provide a comprehensive framework for the planning and development of various commercial land uses within the City of Cockburn. This policy aims to:

1. **Facilitate Growth and Convenience:** Support the development of diverse commercial uses including childcare premises, health studios, service stations, licensed premises, and educational establishments, ensuring they contribute positively to the convenience and economic vibrancy of the City.
2. **Protect Amenity and Safety:** Ensure that all commercial developments are designed and located to minimize adverse impacts on the amenity of surrounding areas. This includes addressing issues related to noise, light, odour, traffic flows, and pedestrian and cyclist safety.
3. **Promote Integration and Compatibility:** Ensure that new developments are compatible with the surrounding land uses and activity centres, and do not undermine the ability of these centres to support a mix of land uses and community functions as outlined in the City's strategic plans.
4. **Support High-Quality Development:** Provide clear guidelines on the siting, design, and operation of commercial premises, including specific requirements for parking, building retrofitting, and public impact considerations, to achieve coordinated and high-quality development outcomes.

By addressing these objectives, the policy seeks to balance growth with community wellbeing, ensure effective land use planning, and enhance the overall functionality and character of the City.

## Policy Statement

### (1) Definitions

Active Floor Space Area (AFSA) means, in relation to Health Studios, the area of all floors/levels within the internal finished surfaces of permanent walls of a building, used for physical exercise, recreation and sporting activities, but excludes all areas designated for machines such as pin-loaded equipment and cardio machines, as well as car parking areas, stairs, toilets, cleaners cupboards, lift shafts, motor rooms, escalators, tea rooms, plant rooms, lobbies between lifts facing other lifts serving the same floor, and areas set aside as public space or thoroughfares and not for the exclusive use of occupiers of the floor or building.

Child Care Premise means a place where a child care service as defined in the *Child Care Services Act 2007* section 4 is provided.

Child Care Service means –

- (a) any education and care service as defined in the *Education and Care Services National Law (Western Australia)* section 5(1); or
- (b) any child care service as defined in the *Child Care Services Act 2007* section 4;

Exercise Machines: Pin Loaded equipment and cardio machines, but does not include equipment such as free weights and stretch areas which are considered active floor space area.

Family Day Care Service – means a type of child care service prescribed as a family day care service for the purposes of the *Child Care Services Act 2007*

## (2) Childcare Premises

### 1. Exemptions

A Family Day Care Service for seven children or less does not require planning approval from the City.

### 2. Criteria

Child care premises are strongly encouraged to locate adjacent to schools, public open space, or other community or recreational uses including non-residential land uses such as appropriate commercial uses.

Within Residential zones, a child care premises is an “A” use which is **not** permitted unless discretion is exercised and after giving special notice in accordance with the requirements under Town Planning Scheme 3 (TPS 3).

Where applications for child care premises are received, the following criteria should be taken into account:-

1. Location and Residential Amenity
  - (a) Sites in close proximity to busy intersections or Primary Regional Roads and Other Regional Roads are not preferred due to issues of traffic conflict, noise and possible health implications associated with vehicle emissions.
  - (b) Child care premises should be located adjacent or within close proximity to public transport routes.
  - (c) The built form of the development should be consistent with the scale and character of the locality and should lend itself to domestic (residential) architecture if located in a residential setting.
  - (d) The proposed materials, colours and finishes should be sympathetic to surrounding development.
  - (e) The layout and design of child care premises shall include noise attenuation measures to ameliorate the impact of the use on adjoining and surrounding properties (if applicable). Noise-generating activities such as play areas, vehicle access ways, car parking areas and any plant and equipment are to be located away from noise-sensitive land uses, such as residences.
  - (f) In order to maintain the visual amenity of the locality, landscape screening to car parking areas from the street and adjoining premises is required. Existing and proposed major plantings must be detailed

on site plans, with proposed landscaping incorporating dense shrubs and trees. Wherever possible, retention of existing mature vegetation will be encouraged by the City (providing on-site safety is not compromised).

- (g) Child care premises will not be supported within cul-de-sacs or on lots with a battle-axe access leg.

## 2. Site Design

- (a) The site is to have a regular shape, with a minimum lot area of 1,000m<sup>2</sup> and an effective frontage of 20m to provide the opportunity for design aimed at minimising the impact on surrounding residential properties.
- (b) Site coverage is required to be a maximum of fifty per cent (50%) to allow for adequate open space, residential character and car parking areas.
- (c) The first 2.m from the front boundary of the lot shall be landscaped as a minimum. Secondary street frontages shall have a minimum 1m landscaping strip.

## 3. Landscaping

- (a) The first 2m from the front boundary of the lot shall be landscaped as a minimum.
- (b) Secondary street frontages shall have a minimum 1m landscaping strip.

## 4. Outdoor Play Areas

- (a) Outdoor play areas should be located so as to minimise their impact on the amenity of the adjoining properties whilst taking advantage of solar orientation where possible. Outdoor play areas should be screened from sources of pollution, such as car parking areas and roads, by appropriate fencing and/or dense vegetation.
- (b) A portion of the outdoor play area is required to be covered with a shade structure for sun protection. The colours and materials of this shade structure should be sympathetic to surrounding development.
- (c) Where the play area is located in the front setback area, fencing of this area shall be predominantly open. Fencing should not appear solid, adversely affecting in particular residential Streetscape or cast shadows over the play area. These same requirements also generally apply to secondary street frontages (recognising some sections of screen fencing will be necessary).

## 5. Parking and Traffic

- (a) Car parking areas should be purposely located on-site so as to be visible from the street to encourage patrons to park on-site instead of on road verges. Car parking bays that are the least visible or accessible should be allocated for staff use.
- (b) Car parking areas are required to be landscaped with the objective of providing shade and softening the impact of car parking and the development on the streetscape.
- (c) On-site parking provision is to be in accordance with the requirements of TPS 3:
  - 1 bay: 1 employee, PLUS
  - 1 bay: 10 children
- (d) Parking for larger vehicles (buses and service vehicles) should be considered in the design and layout of parking areas.
- (e) Traffic associated with a child care premises is not to unreasonably reduce the function and safety of the local road network. Vehicle access to and from the site must be available in forward gear, achieved through adequate on-site manoeuvring.
- (f) Pedestrian movement across and/or through parking provided for a child care premises is to take place on dedicated pedestrian paths (for parent/child safety).

## 6. Hours of Operation

Days and times of operation shall generally be restricted from Monday to Friday, from 6.00am to 7.00pm and Saturday, from 8.00am to 4.00pm, unless otherwise approved by the City.

## 7. Signage

All signage associated with the child care premises shall be consistent with the City's Signage Policy, in addition to addressing the following:-

- (a) be compatible and sympathetic to adjoining development to ensure the amenity of the surrounding area is maintained;
- (b) not be placed in a location that detrimentally interferes with the visibility of traffic and pedestrians entering and leaving the lot, adjacent property or roadway;
- (c) not display signs exceeding 1m<sup>2</sup> in aggregate;
- (d) not include Pylon signs.

## 8. Bin Storage Areas

Applications for planning approval must include details of cleaning areas, bin storage and rubbish removal. The following are standard requirements for bin storage areas:-

- (a) A floor area not less than 3m x 3.5m excluding the area of any access way;
- (b) Walls constructed of smooth, impervious, solid material at a height of not less than 1.8m;
- (c) A floor of not less than 76mm thickness, constructed of impervious concrete graded to a 100mm industrial floor waste connected to sewer and charged with a hose cock.
- (d) Details of rubbish management are also to be provided. This includes rubbish removal days and pick-up times. The day and time of rubbish removal should have regard for the nature of the location, particularly for the purpose of protecting residential amenity.

#### 9. Bushfire Management Plan

- (a) A Bushfire Management Plan is required to accompany a planning application for lots located within a Bushfire Prone Area in accordance with State Planning Policy 3.7 – Planning in Bushfire Prone Areas and the associated Guidelines for Planning in Bushfire Prone Areas.

### 3. Information required on applications

The City requires applications for child care premises to be submitted with adequate information to enable a detailed assessment of the development to be conducted, including (but not limited to):

- a description of the proposed activity
- numbers of adult and non-adult staff to be employed
- days and hours of operation
- number and age of children proposed to attend the centre
- One set of scaled, site, floor and elevation plans of the development illustrating
  - the entire site and structures thereon, including shade structures
  - the internal layout of the buildings
  - access points, driveways and individual car parking areas
- a schedule of materials, colours and finishes
- existing and/or proposed landscaping including major plant species
- intended front and side fencing
- number, location and size of any proposed signs

The City may require noise and traffic impact assessments to be submitted prior to determination of the application, whilst details of waste management (rubbish disposal times) and regular delivery times to a site are also to be provided.

Applicants are advised that if existing buildings are being converted into a Child Care Premises, compliance with the Building Codes of Australia (Fire Regulations) is required.

## 4. Advertising

Pursuant to TPS 3 - all proposals for child care premises shall be advertised for a period not less than 14 days.

## 5. Other Approvals

In addition to gaining Planning Approval from the City to develop a child care premises applicants are encouraged to discuss their proposal with the relevant government licensing and regulatory agencies. The outcomes of these discussions should be presented to the City as part of any application in order to facilitate the assessment process.

### (3) Health Studios

#### 1. Land Use

Under TPS 3 'Health Studio' means land and buildings designed and equipped for physical exercise, recreation and sporting activities including outdoor recreation.

Different types of health studios that fall into this definition include (but are not limited to):

- Gymsnasiums for the purpose of individual and group based fitness and training;
- Boxing and martial arts classes;
- Dance classes;
- Yoga/Pilates/Spin classes;
- Gymnastics; and
- A combination of the above.

## 2. Location

- a) Health studios are encouraged where there is sufficient vehicle parking, such as in commercial and industrial areas with a readily available supply of parking spaces or a capacity to create additional parking spaces. Where possible, health studios shall be purpose built as opposed to retrofitting other uses such as warehouses.
- b) All activities associated with an approved health studio shall be conducted within the approved building and not extend to the parking areas and/or Council property.

## 3. Parking

- a) Car parking bays shall be located within the lot boundaries of the subject site unless utilising joint use of car parking facilities as outlined under the requirements of TPS 3;
- b) Applications for a change of use to health studios that result in a parking shortfall on site may be considered at the discretion of the City. Discretion may be exercised with regard to parking shortfalls for a unit in a tenancy with shared parking arrangements where classes are proposed to operate outside standard business hours;

## 4. Gymnasium Health Studios

- 1. Car parking for 'gymnasiums' shall be provided at the rate of 1 per 3 machines plus 1 per 20m<sup>2</sup> of active floor space and 1 car parking bay per staff member;
- 2. With every planning application submitted for a 'gymnasium', a detailed floor plan showing number of machines and active floor space in square metres proposed is to be provided in order to calculate the number of car parking bays required;

## 5. Other Health Studios

- a). Car parking for health studios shall be provided at the rate of 1 car parking bay for every two persons accommodated.



## 6. Bicycle Parking

- a) Bicycle parking for all health studios is to be at the rate of 1 per 100m<sup>2</sup> of active floor space.

## 7. End of Trip Facilities

- a) The provision of End of Trip Facilities must be provided on site and shall be in accordance with LPP 3.9.

## 8. Other

- a). When making application for a change of use to a health studio, proposals that are located in strata titled properties containing a car parking area in common property, require approval from the body corporate/strata manager where the change of use results in a parking shortfall. A letter with a strata body common seal clearly indicating non-objection to the proposed health studio is required with regard to this.
- b) Applications for Health Studios shall include a completed 'Health Studio Supplementary Information Form'. (See attached). Applications for a change of use to health studio will not be considered unless the checklist is completed.
- c). Classes on City reserves and public spaces such as beaches, football ovals etc. are exempt from the need to obtain Planning Approval. However, prospective applicant wishing to use City reserves and public spaces shall liaise with the City's Recreation Services.

## **(4) Service Stations and Motor Vehicle Wash Facilities**

### 1. Design Guidelines

- a. 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.
- b. Glazing should be designed to maximise passive surveillance opportunities of the street and/or public realm.

- c. 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:
  - i. Minimising the length and height of blank walls, and
  - ii. 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.
- d. Opportunities for landscaping on site should be maximised, and should be designed to:
  - i. soften the appearance of the development;
  - ii. enhance the streetscape, and
  - iii. improve the pedestrian environment.
- e. 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.
- f. Under the *Government Sewerage Policy 2019*, all motor vehicle wash facilities are expected to be connected to the reticulated sewerage network.
- g. 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*.

## 2. Traffic Management

- a. 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:
  - i. Number, size, location and appropriateness of access and egress points;
  - ii. Queuing of traffic and the impact on the surrounding road network;
  - iii. Proximity to median breaks;
  - iv. Proximity to traffic lights and speed bumps;
  - v. Provision of auxiliary lanes;
  - vi. Manoeuvrability within the site demonstrated through a swept path analysis;
  - vii. Impact on existing infrastructure within the road reserve; and

- viii. Impact on future road widening or other improvements.
- b. 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.
- c. 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.

### 3. Residential Amenity

- a. 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.
- b. 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.
- c. 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)*.
- d. Self-service motor vehicle wash developments should generally not be supported where proposed on land which abuts residentially zoned land.
- e. 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:
  - i. Days of operation; ii. Hours of operations;
  - iii. Number of vehicles that can be accommodated on site at any one time;
  - iv. Number of staff members on site at any one time; and
  - v. Any other information the city considers relevant to be detailed.

## 4. Service Station and/or Motor Vehicle Wash proposals in Activity Centres

- a. Service station and/or motor vehicle wash proposals in activity centres will be deemed to be 'significant development applications' in accordance with the City's Local Commercial and Activity Centre Strategy due to their potential to have a significant impact on an activity centre's overall performance.
- b. Service station and/or motor vehicle wash proposals in activity centres should demonstrate that the development does not reduce the performance of the activity centre through detrimental impacts on any of the assessment areas (as relevant for the level in the activity centre hierarchy) in accordance with the City's Local Commercial and Activity Centre Strategy.
- c. Service station and/or motor vehicle wash developments proposed to operate 24 hours per day, 7 days per week in the Local Centre Zone will generally not be supported.

## (5) Licensed Premises (Liquor)

### 1. Application

This section applies to all land uses that may require a Liquor Licence, which can include the following:

- a. Hotel
- b. Liquor Store (Large)
- c. Liquor Store (Small)
- d. Motel
- e. Brewery
- f. Night Club
- g. Restaurant
- h. Small Bar
- i. Tavern
- j. Recreation (Private)
- k. Bed and Breakfast
- l. Reception Centre
- m. Amusement Parlour
- n. Winery

The Local Government, Sport and Cultural Industries (which is responsible racing, gaming and liquor) have expressed the view that the impact of some licensed premises, that serve to increase the availability of liquor in a high risk manner, can contribute to alcohol related harm in the community. Research suggests that alcohol availability has the potential to contribute to harm in the community. The issue of whether there is a public impact should be taken into consideration when determining planning applications for liquor licensed premises.

## 2. Related Documents

The policy is to be read in conjunction with the following documents:

- a. City's Town Planning Scheme No 3, in particular the objectives of the zone in which the Liquor License is proposed; and
- b. Operational Policy 2.4 – Planning for School Sites:
  - i. As school sites (public and private) are 'sensitive uses', the location of licenses premises within *proximity* to school sites is undesirable due to actual and perceived impacts upon health, amenity and safety.

## 3. Management Plans

The City may require an Operational Management Plan to be submitted with a planning application or conditioned on an approval for high profile Liquor Licence uses such as Tavern, Small Bar, Night Club, Liquor Store, Hotel, Brewery and Winery. Specifically, the information required includes:

- a. Operational details of the licensed premises;
- b. Hours of operation;
- c. Proximity to sensitive land uses (eg. Schools, youth centres, health care facilities etc);
- d. Maximum capacity;
- e. Staffing details;
- f. Parking and traffic management;
- g. Complaints procedure;
- h. Control of Noise.

The Operational Management Plan does not replace the need for a Public Interest Assessment Report where it may be required by the Department of Local Government, Sport and Cultural Industries.

## (6) Educational Establishment

### 1. Scope and Land Use

This section applies to the development of educational establishments (workplace training facilities and non-school based education/tuition programs) within all TPS 3 zones. Workplaces Training Facilities and non-school based education/tuition programs shall be treated as 'Educational Establishments' in accordance with the requirements of TPS 3.

### 2. Vehicle Access and Parking

- a. Due to a greater number of people that utilise cars as part of these facilities compared to other educational establishments and given that the minimum requirements of TPS 3 provide for schools; the car parking provision shall be in accordance the requirements of this policy:

	Car Parking	
	<i>Location A</i>	<i>Location B</i>
Staff	1 bay per 2 staff members	1 bay per staff member
Students	1 bay per 3 students	1 bay per 2 students

- b. Location A = 800m from a train station measured in a straight line from the pedestrian entry of the train station to any part of the lot or 250m from a high frequency bus route, measured in a straight line from any part of the route to any part of the lot.
- c. Location B = not within the distances outlined in A above.
- d. All parking calculations shall be rounded up to the nearest number on a per unit/tenancy basis.
- e. Minimum of 4 bays per unit/tenancy.
- f. Applications for a change of use to a workplace training facility or educational establishments including non-school based education/tuition programs that result in a parking shortfall on site may be considered at the discretion of the City. Discretion may be exercised with regard to parking shortfalls for a unit in a tenancy with shared parking arrangements where classes are proposed to operate outside standard business hours.

### 3. Bicycle Parking

In addition to the requirements of TPS 3 (1 per 4 students), bicycle parking facilities shall provide weather protection via an awning or similar and shall consist of rails, stands, locker or any other type of equipment designed for this purpose in accordance with Australian Standard AS2890.3.

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