



Additional information

Strategic Planning and Transport Committee

Wednesday, 16 September 2020, 6.00pm

Table of Contents

Contents	Page
SPT2009-1 LOCAL HERITAGE SURVEY AND HERITAGE LIST - ANNUAL UPDATE 2020 – OUTCOMES OF CONSULTATION	1
SPT2009-2 SCHEME REVIEW: REVIEW OF LAND USE DEFINITIONS: PROPOSED SCHEME AMENDMENT	6
SPT2009-3 PLANNING RECOVERY INITIATIVES – ADDITIONAL DEVELOPMENT APPROVAL EXEMPTIONS, AND STATE PLANNING REFORMS	36
SPT2009-4 CENTRAL AREA TRANSIT (CAT) REVIEW – APPROACH & OBJECTIVES	49

**SPT2009-1 LOCAL HERITAGE SURVEY and Heritage List - Annual Update 2020
– Outcomes of consultation**

ADDITIONAL INFORMATION 1- Submission– 96 Marine Terrace, Fremantle

24th August 2020

Chief Executive Officer
City of Fremantle
70 Parry Street
Fremantle WA 6160

**2020 ANNUAL UPDATE OF THE LOCAL HERITAGE SURVEY AND HERITAGE LIST
NOMINATION TO RETAIN ON HERITAGE LIST AND LOCAL HERITAGE SURVEY**

RE: LOT 123 (#96) MARINE TERRACE, FREMANTLE WA 6160

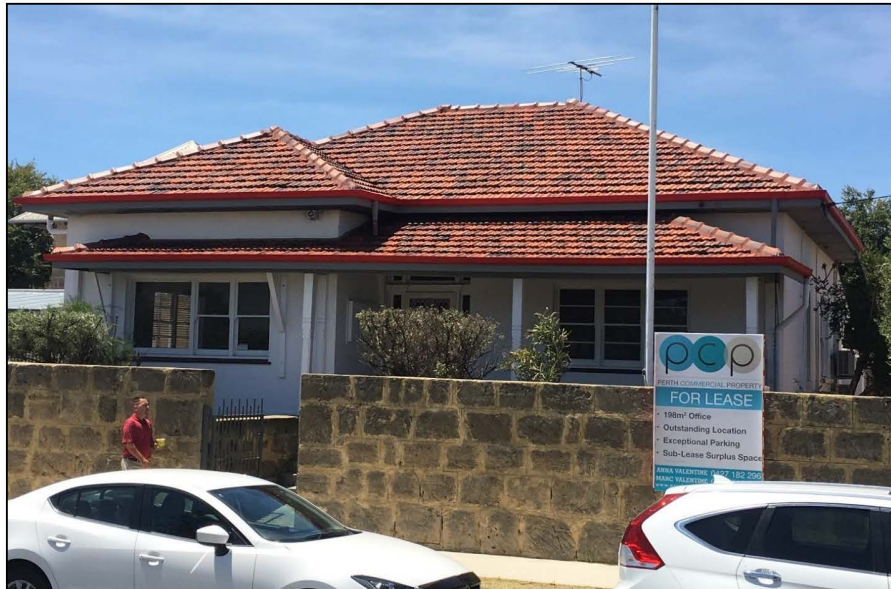
To whom it may concern,

As the current landowner of Lot 123 (#96) Marine Terrace, Fremantle, we would like to take the opportunity to respond to the City's letter dated 10th August 2020.

The City has assessed the place and found that it still has some significance for its contribution to the heritage of Fremantle by its individual and collective aesthetic, historic and social values. We disagree with the assessment and object to the recommendation for the House and Limestone Features to remain on the Heritage List and Local Heritage Survey.

Current Conditions - House

The original building has been altered to a point where limited original heritage value remains. Due to alterations made by the previous owners, the building no longer retains its 'Federation Bungalow Style' appearance which is evident in the photo below.



The following modifications have been identified which has resulted in the loss of the heritage significance of the building:

- The original galvanised iron roof was replaced with tiles;
- The bullnose verandah was replaced and the turned verandah posts have been removed;
- All the buildings windows have been replaced with sash windows;
- The rear verandah has been enclosed and a carport installed;
- Internal stud partition walls have been installed which has changed the functionality and layout of the premises;
- Three of the five fireplaces have been removed and the chimneys sealed off; and
- The main kitchen is no longer in use as it is not required for the current use of the building.

It is also worth noting that the current use of the building is no longer consistent with the original use being a residential dwelling. The building has been used as an office for approximately 30 years which has further reduced the heritage value of the building.

The appearance and current use of the existing building does not present as a building that would be of notable heritage value. This is largely due to the alterations that have been undertaken by the previous land owner, resulting in significant loss of the elements defined in the Statement of Significance.

Current Conditions - Limestone Features

The existing limestone features on site can be summarised as follows:

- Rear limestone boundary wall which appears to have some historic significance. This wall is in poor condition which is evident through the repair works; and
- Front limestone boundary wall which was constructed at a much later date to the original dwelling.

There does not appear to be any limestone features on or within the existing building. We do not have any issues with the limestone features to remain on the Heritage List and Local Heritage Survey.

Future Adaptation

The heritage listing of the existing building is burdening the subject site that could otherwise be redeveloped. The subject site has been identified as a location for potential infill development given the mixed use (R35) zoning and proximity to the City Centre and Fishing Boat Harbour.

The owner has attempted to design a redevelopment of the site with the retention of the existing building however it is proving extremely difficult due to the site constraints directly associated with the existing building. The site constraints and cost of retaining the building as part of a redevelopment scheme would not be feasible for the current or any future land owner.

If the dwelling is to remain on the heritage list, the building will continue to be used as an office which provides limited contribution to the heritage of Fremantle. In light of the above, we respectfully request the City of Fremantle reconsider our request to remove the dwelling from the Heritage List and Local Heritage Survey.

Yours sincerely,



KENT STEWART
Landowner

ADDITIONAL INFORMATION 2 - Submission 193 South Terrace, South Fremantle

Hello Gena

Monday, 7 September 2020

Thank you for giving me some feedback last week

I would like to object to the proposed heritage change to 193 South Terrace from level 3 to Level 2 for the following reasons;

1. The first reason for this objection is that the Fremantle councils planning procedures have not been followed, referring to your email last week "Your property at 193 South Terrace was included in this review because of a verbal recommendation by a neighbour."

When referring to the LOCAL PLANNING POLICY 2.6 PROCEDURE FOR AMENDING THE MUNICIPAL HERITAGE INVENTORY (MHI) AND HERITAGE LIST in section 2. Process for inclusion, removal or amendment of a place on the Municipal Heritage Inventory and Heritage List. It states the following;

*Any person or organisation may nominate a place to be added, removed or amended on the MHI, at any time. **This shall be in the form of a written request to the Chief Executive Officer (CEO).** The basis for inclusion/removal/amendments of places on the MHI shall be cultural heritage significance.*

The neighbour making this recommendation did not make a written request to the CEO as required and the heritage department acted on this recommendation in noncompliance to this procedure, therefore this heritage level upgrade which came from neighbour as a verbal recommendation is not in compliance so I object to the heritage category change from level 3 for this reason.

Additionally, I request that the council consider that I suspect the neighbour may have used the council heritage system in a biased manner as the neighbour possibly may have objected to my development application, which has recently been granted development approval. And therefore could have been biasedly targeting with this heritage upgrade from them. I request to check if this same neighbour had previously made an objection to my development application. I also request if this neighbour had contacted the heritage department with respect to other nearby properties for inclusion in a heritage upgrade. If not, I would be very suspicious of the true heritage concerns from this neighbour.

2. Second reason for the objection, you state in your email that "Your property at 193 South Terrace was **included in this review because of a verbal recommendation** by a neighbour." Therefore, the council's heritage assessment did not plan to include my property in this annual heritage review and also my property has not been included in any annual heritage reviews for a category level change in all the years that I have owned this property (since 2005)
3. Third reason for this objection, is that after reading the heritage assessments and comparing the level 3 and level 2 columns of this report, it is quite evident that there are no significant differences and no new evidence to justify a change from the original level 3 assessment. Furthermore, I would suggest that the overall authenticity of the building is less than stated on the assessment as a result of the changes over time, as described below;
 - a. The report in the section **Statement of Significance** descriptions are quite similar, there is more detail in level 2 description but there is no significant difference when

considering if new evidence has been added to the overall content. There are no specific new findings or evidence presented that demonstrate an increase in the cultural heritage significance in comparison to the original assessment. Examples described below;

- i. The original Level 3 heritage assessment pays attention to unique aspects of the building such a *"large brick house on the corner of south Terrace and Louisa Street", "The house is elevated from street", "The facade has a projecting room with gable above featuring timber elements", "The place has aesthetic value for its contribution to the streetscape and the surrounding area."* And describes the house as Federation Bungalow style of architecture." The new level 2 heritage assessment pretty much does the same and only really adds some more detail to the description. No new or significant evidence in reference to the heritage significance.
 - ii. There is a reference to a worker's cottage which most likely is not correct however when looking at the history section of this original level 3 assessment the significance is verified as it states that the house was built for Captain Laurie and therefore is it quite self-explanatory that this house was not a typical worker's cottage. This is obviously a minor reporting description error. This error alone would not justify a heritage category level change as all the other aspects of the original assessment have no significant differences. The assessment simply does not provide new cultural heritage evidence to support the proposed higher heritage level category.
- b. The **History** section of this heritage assessment has no new evidence was provided.
- c. The **Integrity / Authenticity** section of this heritage assessment has no new evidence was provided.
- d. The **Condition** section of this heritage assessment has no new evidence was provided.
- e. The **Physical description** section of the heritage assessment, does provide a more descriptive detail of the building in the new level 2 section including the modified non-original details. However there really has not provided new physical evidence as justification for cultural heritage significance in comparison to the original heritage assessment.

The Authenticity of this building is poorly described in this heritage assessment as the building has been significantly altered from its original form. As I have personal carried out major renovations to this building, below is a list of some of the major items that are not original to this house.

- i. Roof was originally corrugated iron and not tile, during renovation we found heavy old tin roofing under the floor of this house, private heritage consultants have also confirmed this.
- ii. The large front rendered walls are not original and where most likely a tuck-pointed brick face.

- iii. Double hung sash windows were installed in 2005 and are not original and interesting during renovation we uncovered a large arch approximately 3-meter-wide above these windows which would indicate that the original windows most likely had a large oval glass section over the top of triple pane windows, quite common to this era.
- iv. Chimney is rendered it would originally be brick faced.
- v. Veranda posts are new as they are clean cut with not original.
- vi. Veranda Balustrading is not original and was installed in 2005
- vii. Front corner veranda is concrete and not original, it would originally have been timber.
- viii. Front door is not original as it is made up of pine frames and the clear glass panels are also not original.
- ix. Veranda roof timbers are not original and the all the veranda tile roof sections are not original to the building as the wall timbers are original all have been replaced most likely in the 50's and 60's.
- x. Rendered bricks on all veranda areas are not original.
- xi. Almost all of the rear of the building including the enclosed veranda's has been heavily modified in the late 1950 and 1960's.
- xii. The rear of this house has approval for development allowing demolition of the rear section of the house due to its poor heritage status.

The new heritage assessment describes the Verandas as probably being enclosed "Post-War era" this cannot be correct as the Louisa st front veranda and the southern large veranda have installed aluminium framed windows. The cement sheet weatherboard veranda adjacent to the South Terrace car park was built in 2005. Also if you inspect all the verandas, the main timber wall plate have original old paint all other timbers are clean cut not painted jarrah. This is a clear indication the all the veranda timbers have all been replaced and are not original. Therefore, this new heritage assessment is quite inaccurately suggesting the verandas enclosures as Post War era, Therefore I would suggest that the authenticity of the verandas is less than stated on this assessment due to the changes over time.

The clearly building has been heavily modified from its original form and when considering this new heritage assessment, the report really overstates the true authenticity of the building. Therefore, when considering physical originality of the building there is inadequate supportive evidence to justify a change from the current level 3 category.

4. Fourth reason for objection, is in the **physical description** of the new assessment includes the rear elements of the house, however this section of the house has been granted approval for redeveloped and demolition. Heritage assessments during the development application from both the Fremantle council and private heritage consultants deemed this rear section of the house to have little heritage significance as demolition is allowed. Therefore, it appears quite strange to me that the new Level 2 heritage assessment would now include this rear section of the house. This new heritage assessment is not consistent with the current approval and heritage assessments completed within this approval and therefore I also object to a category change from the level 3 status due to the inconsistencies of heritage assessments.

SPT2009-2 SCHEME REVIEW: REVIEW OF LAND USE DEFINITIONS: PROPOSED SCHEME AMENDMENT

ADDITIONAL INFORMATION 1 - Land Use Definitions Comparison

Additional Information 1: Land use definitions comparison

*Note – The below list includes all the Model Scheme Text definitions. Items marked in **red** are changes or inclusions to the City's scheme, those to be deleted/not included crossed out.

LAND USE	Current LPS4 definition	Proposed definition from model scheme
Abattoir	N/A	means premises used commercially for the slaughtering of animals for the purposes of consumption as food products;
Aged or dependent persons dwelling	has the same meaning as in the Residential Design Codes.	N/A
Agriculture – extensive	N/A	means premises used for the raising of stock or crops including outbuildings and earthworks, but does not include agriculture — intensive or animal husbandry — intensive;
Agriculture – intensive	N/A	means premises used for commercial production purposes, including outbuildings and earthworks, associated with any of the following — — (a) the production of grapes, vegetables, flowers, exotic or native plants, or fruit or nuts; — (b) the establishment and operation of plant or fruit nurseries; — (c) the development of land for irrigated fodder production or irrigated pasture (including turf farms); — (d) aquaculture;
Amusement parlour	means premises open to the public, where the predominant use is for amusement by means of amusement machines and where there are more than 2 amusement machines operating within the premises.	means premises — (a) that are open to the public; and (b) that are used predominantly for amusement by means of amusement machines including computers; and (c) where there are 2 or more amusement machines;
Animal establishment	Nil	means premises used for the breeding, boarding, training or caring of animals for commercial purposes but does not include animal husbandry — intensive or veterinary centre
Animal	N/A	means premises used for keeping;

LAND USE	Current LPS4 definition	Proposed definition from model scheme
husbandry-intensive		rearing or fattening of pigs, poultry (for either egg or meat production), rabbits (for either meat or fur production) or other livestock in feedlots, sheds or rotational pens;
Art gallery	N/A	means premises — (a) that are open to the public; and (b) where artworks are displayed for viewing or sale;
Bank	means a commercial establishment where money is exchanged and business is transacted.	N/A
Bed and breakfast	means a dwelling, used by a resident of the dwelling, to provide accommodation for persons away from their normal place of residence on a short-term commercial basis and includes the provision of breakfast.	means a dwelling — (a) used by a resident of the dwelling to provide short-term accommodation, including breakfast, on a commercial basis for not more than 4 adult persons or one family; and (b) containing not more than 2 guest bedrooms;
Betting agency	means an office or totalisator agency established under the Totalisator Agency Board Betting Act 1960	means an office or totalisator agency established under the <i>Racing and Wagering Western Australia Act 2003</i> ;
Brewery	Nil	means premises the subject of a producer's licence authorising the production of beer, cider or spirits granted under the <i>Liquor Control Act 1988</i> ;
Car park	<u>Public car park</u> means any land or space in a building used for accommodating parked vehicles on payment of a fee, but does not include— (a) a metered space; or (b) tenant car parking.	means premises used primarily for parking vehicles whether open to the public or not but does not include — (a) any part of a public road used for parking or for a taxi rank; or (b) any premises in which cars are displayed for sale;
Caravan park	has the same meaning as in Caravan Parks and Camping Grounds Act 1995.	means premises that are a caravan park as defined in the <i>Caravan Parks and Camping Grounds Act 1995</i> section 5(1);
Caretaker's dwelling	Nil	means a dwelling on the same site as a building, operation or plant used for industry, and occupied by a supervisor of that building, operation or plant;

LAND USE	Current LPS4 definition	Proposed definition from model scheme
Child care premises	means premises used to provide a child care service. The expression "child care service" has the same meaning as in the Children and Community Services Act 2004.	means premises where — (a)an education and care service as defined in the <i>Education and Care Services National Law (Western Australia)</i> section 5(1), other than a family day care service as defined in that section, is provided; or (b)a child care service as defined in the <i>Child Care Services Act 2007</i> section 4 is provided;
Cinema/ theatre	means premises where the public may view a motion picture or theatrical production	means premises where the public may view a motion picture or theatrical production;
Civic use	means premises used by a government department, an instrumentality of the Crown, or the Council, for administrative, recreational or other purposes	means premises used by a government department, an instrumentality of the State or the local government for administrative, recreational or other purposes;
Club premises	means premises used by a legally constituted club or association or other body of persons united by a common interest.	means premises used by a legally constituted club or association or other body of persons united by a common interest;
Commercial vehicle parking	Nil	means premises used for parking of one or 2 commercial vehicles but does not include — (a)any part of a public road used for parking or for a taxi rank; or (b)parking of commercial vehicles incidental to the predominant use of the land;
Community purpose	means the use of premises designed or adapted primarily for the provision of educational, social or recreational facilities or services by organisations involved in activities for community benefit	means premises designed or adapted primarily for the provision of educational, social or recreational facilities or services by organisations involved in activities for community benefit;
Consulting rooms	means premises used by no more than 2 health consultants for the investigation or treatment of human injuries or ailments and for general outpatient care.	means premises used by no more than 2 health practitioners at the same time for the investigation or treatment of human injuries or ailments and for general outpatient care;
Container deposit recycling	Nil	Means premises used to return, consolidate, temporarily store and sort material associated with a container deposit scheme established under Part 5A of the Waste Avoidance and Resource Recovery Act 2007 before transfer to a waste storage facility or

LAND USE	Current LPS4 definition	Proposed definition from model scheme
		resource recovery centre, and may also include the return of small consumer goods or products as an incidental use. (* recommended by DPLH guidance note for Container Deposit Scheme, not yet included in model provisions)
Convenience store	means premises - (a) used for the retail sale of convenience goods commonly sold in supermarkets, delicatessens or newsagents, or the retail sale of petrol and those convenience goods, (b) operated during hours which include, but may extend beyond, normal trading hours, (c) which provide associated parking, and (d) the nett lettable area of which does not exceed 300 square metres.	means premises — (a)used for the retail sale of convenience goods commonly sold in supermarkets, delicatessens or newsagents; and (b)operated during hours which include, but may extend beyond, normal trading hours; and (c)the floor area of which does not exceed 300 m ² net lettable area;
Convention centre	means land and buildings used and designed for the conduct of conferences, seminars and other similar uses for the dissemination of information and educational purposes.	Nil
Corrective institution	N/A	means premises used to hold and reform persons committed to it by a court, such as a prison or other type of detention facility;
Drive-through food outlet	Nil	means a fast food outlet/lunch bar which includes the sale and serving of food direct to persons driving or seated in motor vehicles. [NB: definition not within model provisions]
Educational establishment	means premises used for the purposes of education and includes a school, tertiary institution, business college, academy or other educational centre.	means premises used for the purposes of providing education including premises used for a school, higher education institution, business college, academy or other educational institution;
Exhibition centre	means premises used for the display, or display and sale, of materials of an artistic, cultural or historic nature, and includes a museum or art gallery	means premises used for the display, or display and sale, of materials of an artistic, cultural or historical nature including a museum;
Family day care	means premises used to provide a	means premises where a family day

LAND USE	Current LPS4 definition	Proposed definition from model scheme
	family day care service. The expression "family day care service" has the same meaning as in the Children and Community Services Act 2004.	<i>care service as defined in the Education and Care Services National Law (Western Australia) is provided;</i>
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 or restaurant.	Fast food outlet/ lunch bar means premises, including premises with a facility for drive-through service, used for the preparation, sale and serving of food to customers in a form ready to be eaten — (a) without further preparation; and (b) primarily off the premises; But does not include a facility involving sale or serving of food direct to persons driving or seated in motor vehicles. <i>[NB: modified from model provisions to delete drive through component]</i>
Freeway service centre	N/A	means premises that has direct access to a freeway and which provides all the following services or facilities and may provide other associated facilities or services but does not provide bulk fuel services — —— (a) service station facilities; —— (b) emergency breakdown repair for vehicles; —— (c) charging points for electric vehicles; —— (d) facilities for cyclists; —— (e) restaurant, cafe or fast food services; —— (f) take-away food retailing; —— (g) public ablution facilities, including provision for disabled access and infant changing rooms; —— (h) parking for passenger and freight vehicles; —— (i) outdoor rest stop facilities such as picnic tables and shade areas;

LAND USE	Current LPS4 definition	Proposed definition from model scheme
Fuel depot	means premises used for the storage and sale in bulk of solid or liquid or gaseous fuel, but does not include a petrol filling station or service station and specifically excludes the sale by retail into a vehicle for final use of such fuel from the premises	means premises used for the storage and sale in bulk of solid or liquid or gaseous fuel but does not include premises used — (a) as a service station; or (b) for the sale of fuel by retail into a vehicle for use by the vehicle;
Funeral parlour	means premises used to prepare, store and view bodies for burial or cremation.	means premises used — (a) to prepare and store bodies for burial or cremation; (b) to conduct funeral services;
Garden centre	means land and buildings used for the sale and display of garden products, including garden ornaments, plants, seeds, domestic garden implements and motorised implements and the display but not manufacture of pre-fabricated garden buildings but in any land use area other than an industrial land use area does not include the sale or display in bulk of sand, gravel, rocks, blue metal, cement, firewood, sleepers or other items for use in a house or garden.	means premises used for the propagation, rearing and sale of plants, and the storage and sale of products associated with horticulture and gardens;
Grouped dwelling	has the same meaning as in the Residential Design Codes but excludes a small secondary dwelling.	has the same meaning as in the Residential Design Codes [NB: not in model scheme text]
Hardware store	means land and buildings used for the storage, display and sale of building products, construction equipment and other similar items used primarily for domestic purposes.	Nil
Health studio	means land and buildings designed and equipped for physical exercise, recreation and sporting activities including outdoor recreation.	Nil
Holiday accommodation	See <i>Short Stay Dwelling</i>	means 2 or more dwellings on one lot used to provide short term accommodation for persons other than the owner of the lot;
Holiday house	See <i>Short Stay Dwelling</i>	means a single dwelling on one lot used to provide short term accommodation but does not include a bed and breakfast;
Home business	means a business, service, or profession carried out in a dwelling or	means a dwelling or land around a dwelling used by an occupier of the

LAND USE	Current LPS4 definition	Proposed definition from model scheme
	on land around a dwelling by an occupier of the dwelling which— (a) does not employ more than 2 people not members of the occupier's household, (b) will not cause injury to or adversely affect the amenity of the neighbourhood, (c) does not occupy an area greater than 50 square metres, (d) does not involve the retail sale, display or hire of goods of any nature, (e) in relation to vehicles and parking, does not result in traffic difficulties as a result of the inadequacy of parking or an increase in traffic volumes in the neighbourhood, and does not involve the presence, use or calling of a vehicle more than 3.5 tonnes tare weight, and (f) does not involve the use of an essential service of greater capacity than normally required in the zone.	dwelling to carry out a business, service or profession if the carrying out of the business, service or profession — (a) does not involve employing more than 2 people who are not members of the occupier's household; and (b) will not cause injury to or adversely affect the amenity of the neighbourhood; and (c) does not occupy an area greater than 50 m²; and (d) does not involve the retail sale, display or hire of any goods unless the sale, display or hire is done only by means of the Internet; and (e) does not result in traffic difficulties as a result of the inadequacy of parking or an increase in traffic volumes in the neighbourhood; and (f) does not involve the presence, use or calling of a vehicle of more than 4.5 tonnes tare weight; and (g) does not involve the use of an essential service that is greater than the use normally required in the zone in which the dwelling is located;
Home occupation	means an occupation carried out in a dwelling or on land around a dwelling by an occupier of the dwelling which— (a) does not employ any person not a member of the occupier's household, (b) will not cause injury to or adversely affect the amenity of the neighbourhood, (c) does not occupy an area greater than 20 square metres, (d) does not display a sign exceeding 0.2 square metres, (e) does not involve the retail sale,	means a dwelling or land around a dwelling used by an occupier of the dwelling to carry out an occupation if the carrying out of the occupation that — (a) does not involve employing a person who is not a member of the occupier's household; and (b) will not cause injury to or adversely affect the amenity of the neighbourhood; and (c) does not occupy an area greater than 20 m²; and (d) does not involve the display on the premises of a sign

LAND USE	Current LPS4 definition	Proposed definition from model scheme
	display or hire of goods of any nature, (f) in relation to vehicles and parking, does not result in the requirement for a greater number of parking facilities than normally required for a single dwelling or an increase in traffic volume in the neighbourhood does not involve the presence, use or calling of a vehicle more than 2 tonnes tare weight, and does not include provision for the fuelling, repair, or maintenance of motor vehicles, and (g) does not involve the use of an essential service of greater capacity than normally required in the zone.	with an area exceeding 0.2 m²; and (e) does not involve the retail sale, display or hire of any goods unless the sale, display or hire is done only by means of the Internet; and (f) does not — (i) require a greater number of parking spaces than normally required for a single dwelling; or (ii) result in an increase in traffic volume in the neighbourhood; and (g) does not involve the presence, use or calling of a vehicle of more than 4.5 tonnes tare weight; and (h) does not include provision for the fuelling, repair or maintenance of motor vehicles; and (i) does not involve the use of an essential service that is greater than the use normally required in the zone in which the dwelling is located;
Home office	means a home occupation limited to a business carried out solely within a dwelling by a resident of the dwelling but which does not— (a) entail clients or customers travelling to and from the dwelling, (b) involve any advertising signs on the premises, or (c) require any external change to the appearance of the dwelling.	means a dwelling used by an occupier of the dwelling to carry out a home occupation if the carrying out of the occupation — (a) is solely within the dwelling; and (b) does not entail clients or customers travelling to and from the dwelling; and (c) does not involve the display of a sign on the premises; and (d) does not require any change to the external appearance of the dwelling;

LAND USE	Current LPS4 definition	Proposed definition from model scheme
Home store	means any shop with a net lettable area not exceeding 100 square metres attached to a dwelling and which is operated by a person resident in the dwelling	means a shop attached to a dwelling that — (a) has a net lettable area not exceeding 100 m ² ; and (b) is operated by a person residing in the dwelling;
Hospital	means premises in which persons are admitted and lodged for medical treatment or care and includes a maternity hospital.	means premises that are a hospital within the meaning given in the <i>Health Services Act 2016</i> section 8(4)
Hotel	means premises providing accommodation the subject of a hotel licence under the Liquor Control Act 1988, and may include a betting agency on those premises, but does not include a Tavern, Small Bar or Motel.	means premises the subject of a hotel licence other than a small bar or tavern licence granted under the <i>Liquor Control Act 1988</i> including any betting agency on the premises
Industry	means— (a) premises used for the manufacture, dismantling, processing, assembly, testing, servicing, maintenance or repairing of goods or products, and (b) if on the same land as, and incidental to, any of the those industrial operations— (i) the storage of goods, (ii) the work of administration or accounting, (iii) the selling of goods, (iv) the provision of amenities of employees.	means premises used for the manufacture, dismantling, processing, assembly, treating, testing, servicing, maintenance or repairing of goods, products, articles, materials or substances and includes facilities on the premises for any of the following purposes — a) the storage of goods; b) the work of administration or accounting; c) the selling of goods by wholesale or retail; d) the provision of amenities for employees; e) incidental purposes;
Industry-cottage	means a trade or light industry producing arts and crafts goods which does not fall within the definition of a home occupation and which— (a) does not cause injury to or adversely affect the amenity of the neighbourhood, (b) where operated in a residential zone, does not employ any person other than a member of the occupier's household,	Nil (Review as part of Industrial areas review)

LAND USE	Current LPS4 definition	Proposed definition from model scheme
	(c) is conducted in an out-building which is compatible with the principal uses to which land in the zone in which it is located may be put, (d) does not occupy an area in excess of 50 square metres, and (e) does not display a sign exceeding 0.2 square metres in area.	
Industry-extractive	means an industry which involves the extraction, quarrying or removal of sand, gravel, clay, hard rock, stone or similar material from the land and includes the treatment and storage of these materials, or the manufacture of products from these materials shall be restricted to those extracted from the land to which the approval relates or land adjacent thereto, and provided that the manufacture of products carried out under this use class definition shall exclude a concrete batching plant or a cement products manufacturing plant, but does not include industry mining.	means premises, other than premises used for mining operations, that are used for the extraction of basic raw materials including by means of ripping, blasting or dredging and may include facilities for any of the following purposes— —(a) the processing of raw materials including crushing, screening, washing, blending or grading; —(b) activities associated with the extraction of basic raw materials including wastewater treatment, storage, rehabilitation, loading, transportation, maintenance and administration;
Industry-general	means an industry other than a cottage, extractive, light, mining, noxious, industry general (licensed) rural or service industry.	Nil
Industry-general (licensed)	means the following industries— (i) cleaning establishments, (ii) laundries, (iii) metal finishing, (iv) boat building and maintenance, (v) liquid waste treatment and processing, (vi) waste storage, processing or treatment, (vii) waste depot, (viii) screening of materials extracted from the ground, (ix) concrete batching or cement products manufacturing, (x) plaster manufacturing, (xi) fibreglass reinforced plastic manufacturing, and (xii) abrasive blasting operations.	Nil <i>(Review as part of Industrial areas review)</i>

LAND USE	Current LPS4 definition	Proposed definition from model scheme
Industry-light	means an industry— (a) in which the processes carried on, the machinery used, and the goods and commodities carried to and from the premises do not cause any injury to or adversely affect the amenity of the locality, and (b) the establishment or conduct of which does not, or will not, impose an undue load on any existing or proposed service for the supply or provision of essential services.	means premises used for an industry where impacts on the amenity of the area in which the premises is located can be mitigated, avoided or managed <i>[NB: This definition is not proposed to be adopted]</i>
Industry-noxious	means an industry which is an offensive trade within the meaning of Schedule 2 of the Health Act 1911 but where an offensive trade is also included as a category of prescribed premises set out in Schedule 1 of the Environmental Protection Regulations 1987, Schedule 2 of the Health Act 1911 prevails and includes a landfill site, but does not include a fish shop, dry cleaning premise, Laundromat, piggery, poultry farm or rabbit farm.	Nil (Review as part of Industrial areas review)
Industry-primary production	N/A	means premises used— —— (a) to carry out a primary production business as that term is defined in the <i>Income Tax Assessment Act 1997</i> (Commonwealth) section 995-1; or —— (b) for a workshop servicing plant or equipment used in primary production businesses;
Industry-service	means— (a) an industry—light carried out from premises which may have a retail shop front and from which goods manufactured on the premises may be sold, or (b) premises having a retail shop front and used as a depot for receiving goods to be serviced.	Nil (Review as part of Industrial areas review)
Large digital signage	Nil	means an electronic sign whether freestanding or attached to another structure, and with a display area of

LAND USE	Current LPS4 definition	Proposed definition from model scheme
		greater than 1.5 m ² <i>[NB: Not included in Model Scheme Text]</i>
Licensed premises – other	means premises licensed under the Liquor Control Act 1988 but not including a Hotel, Nightclub, Liquor Store, Restaurant, Small Bar or Tavern.	means premises licensed under the Liquor Control Act 1988 but not including a Hotel, Nightclub, Liquor Store, Restaurant, Small Bar, Brewery , or Tavern.
Liquor store	means premises licensed as a Liquor Store under the Liquor Control Act 1988, providing for the sale of packaged liquor for consumption for the premises.	Nil
Liquor store-large	Nil	means premises the subject of a liquor store licence granted under the <i>Liquor Control Act 1988</i> with a net lettable area of more than 300 m ² ;
Liquor store-small	Nil	means premises the subject of a liquor store licence granted under the <i>Liquor Control Act 1988</i> with a net lettable area of not more than 300 m ² ;
Lunch bar	means premises or part of premises used for the sale of takeaway food (in a form ready to be consumed without further preparation) within industrial or commercial areas.	<u>Fast food/lunch bar</u> means premises, including premises with a facility for drive-through service, used for the preparation, sale and serving of food to customers in a form ready to be eaten — (a) without further preparation; and (b) primarily off the premises; But does not include a facility involving sale or serving of food direct to persons driving or seated in motor vehicles.
Marina	N/A	means — (a) premises used for providing mooring, fuelling, servicing, repairing, storage and other facilities for boats, including the associated sale of any boating gear or equipment; and (b) all jetties, piers, embankments, quays, moorings, offices and storerooms used in connection with the provision of these services;
Marine filling station	N/A	means premises used for the storage and supply of liquid fuels and lubricants for marine craft;

LAND USE	Current LPS4 definition	Proposed definition from model scheme
Marine technology	means land and buildings used for the purpose of the research and development, technological development, training and education of persons involved in ship design, building, repair and engineering.	Nil
Market	premises used for the display and sale of goods from stalls by independent vendors.	means premises used for the display and sale of goods from stalls by independent vendors;
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).	means premises other than a hospital used by 3 or more health practitioners at the same time for the investigation or treatment of human injuries or ailments and for general outpatient care;
Mining operations	Nil	means premises where mining operations, as that term is defined in the Mining Act 1978 section 8(1) is carried out;
Motel	means premises used to accommodate patrons in a manner similar to a hotel but in which specific provision is made for the accommodation of patrons with motor vehicles and may comprise premises licensed under the Liquor Control Act 1988.	means premises, which may be licensed under the <i>Liquor Control Act 1988</i> — (a) used to accommodate guests in a manner similar to a hotel; and (b) with specific provision for the accommodation of guests with motor vehicles;
Motor vehicle, boat or caravan sales	means premises used to sell or hire motor vehicles, boats or caravans.	means premises used to sell or hire motor vehicles, boats or caravans;
Motor vehicle repair	means premises used for or in connection with— (a) electrical and mechanical repairs, or overhauls, to vehicles, or (b) repairs to tyres, but does not include premises used for recapping or re-treading of tyres, panel beating, spray painting or chassis reshaping.	means premises used for or in connection with — (a) electrical and mechanical repairs, or overhauls, to vehicles other than panel beating, spray painting or chassis reshaping of vehicles; or (b) repairs to tyres other than recapping or re-treading of tyres;
Motor vehicle wash	means premises where the primary use is the washing of motor vehicles.	means premises primarily used to wash motor vehicles;
Motor vehicle wrecking	means the use of any land or building for dismantling of motor vehicles and includes the sale of spare parts derived	Nil (Review as part of Industrial areas review)

LAND USE	Current LPS4 definition	Proposed definition from model scheme
	from such dismantling.	
Multiple dwelling	has the same meaning as in the Residential Design Codes.	Nil
Night club	means premises— (a) used for entertainment with or without eating facilities, and (b) licensed under the Liquor Control Act 1988.	means premises the subject of a nightclub licence granted under the <i>Liquor Control Act 1988</i> ;
Nuclear activity	means— (a) the handling, production, processing, treatment, use mining, transportation, transfer, storage, or disposal of a radioactive material or a radioactive mineral, irrespective of whether the activity constitutes— 1. the entire use or development of land; 2. a predominant or significant aspect of some other use or development of land; or 3. an incidental or minor aspect of some other use or development of land; (b) nuclear power generation; but does include— (c) the use of a radioactive material for a recognised and accepted procedure undertaken within a consulting room group, hospital special purpose or medical centre; or (d) the use of radioactive mineral or a radioactive material where the Council is satisfied that it is to be used for a recognised and accepted industrial, commercial, domestic or other application.	Nil
Nursery	means land and buildings used for the propagation, rearing and sale of plants,	N/A

LAND USE	Current LPS4 definition	Proposed definition from model scheme
	and the storage and sale of products associated with horticultural and garden décor.	
Office	means premises used for administration, clerical, technical, professional or other like business activities.	means premises used for administration, clerical, technical, professional or similar business activities
Park home park	has the same meaning as in the Caravan Parks and Camping Grounds Regulations 1997.	means premises used as a park home park as defined in the <i>Caravan Parks and Camping Grounds Regulations 1997 Schedule 8</i>
Petrol filling station	means land and buildings used for the retailing of fuel and petroleum products and may include a convenience store with a floor area not exceeding 300 square metres, but does not include a workshop for mechanical repairs or the servicing of vehicles or machinery.	Nil [See Service Station]
Place of worship	means premises used for religious activities such as a church, chapel, mosque, synagogue, or temple.	means premises used for religious activities such as a chapel, church, mosque, synagogue or temple;
Private recreation	means land used for parks, gardens, playgrounds, sports arenas or other grounds for recreation, and premises used for indoor or outdoor leisure, recreation or sport which are not usually open to the public without charge.	<u>Recreation –private</u> means premises that are — (a)used for indoor or outdoor leisure, recreation or sport; and (b)not usually open to the public without charge;
Public amusement	means land and buildings used for the amusement or entertainment of the public, with or without charge.	Nil
Public utility	means any work or undertaking constructed or maintained by a Public Authority or the Council as may be required to provide roads, sewerage, electricity, gas, drainage, communications or other similar services.	Nil
Reception centre	means premises used for functions on formal or ceremonial occasions but not for un-hosted use for general entertainment purposes.	means premises used for hosted functions on formal or ceremonial occasions
Residential aged care facility	Nil	a residential facility providing personal and/or nursing care primarily to aged or dependent persons which, as well as accommodation, includes appropriate staffing to meet the nursing and personal care needs of residents; meals and cleaning services; furnishings, furniture and equipment. This may consist of

LAND USE	Current LPS4 definition	Proposed definition from model scheme
		multiple components that include residential respite (short-term) care, aged or dependent persons' dwellings and a retirement village, but does not include a hospital, rehabilitation or psychiatric facility <i>[NB: from WACP draft position statement]</i>
Residential building	has the same meaning as in the Residential Design Codes.	Nil
Resource recovery centre	Nil	means premises other than a waste disposal facility used for the recovery of resources from waste
Restaurant	means premises where the predominant use is the sale and consumption of food and drinks on the premises and where seating is provided for patrons, and includes a restaurant licensed under the Liquor Control Act 1988 but does not include Hotel, Tavern, Small Bar, Licensed Premises-Other or Night Club.	Restaurant/cafe means premises primarily used for the preparation, sale and serving of food and drinks for consumption on the premises by customers for whom seating is provided, including premises that are licenced under the <i>Liquor Control Act 1988</i>
Restricted premises	means premises used for the sale by retail or wholesale, or the offer for hire, loan or exchange, or the exhibition, display or delivery of— (a) publications that are classified as restricted under the Censorship Act 1996, (b) materials, compounds, preparations or articles which are used or intended to be used primarily in or in conjunction with any form of sexual behaviour or activity	means premises used for the sale by retail or wholesale, or the offer for hire, loan or exchange, or the exhibition, display or delivery of — (a) publications that are classified as restricted under the <i>Classification (Publications, Films and Computer Games) Act 1995</i> (Commonwealth); or (b) materials, compounds, preparations or articles which are used or intended to be used primarily in or in connection with any form of sexual behaviour or activity; or (c) smoking-related implements;
Retirement village	Nil	a development with self-contained, independent dwellings for aged or dependent persons together with communal amenities and land uses incidental and ancillary to the provision of such accommodation, but does not include a development which includes these features as a component of a residential aged care

LAND USE	Current LPS4 definition	Proposed definition from model scheme
		facility <i>[NB: from WACP draft position statement]</i>
Road house	N/A	means premises that has direct access to a State road other than a freeway and which provides the services or facilities provided by a freeway service centre and may provide any of the following facilities or services — (a) a full range of automotive repair services; (b) wrecking, panel beating and spray painting services; (c) transport depot facilities; (d) short-term accommodation for guests; (e) facilities for being a muster point in response to accidents, natural disasters and other emergencies;
Rural home business	N/A	means a dwelling or land around a dwelling used by an occupier of the dwelling to carry out a business, service or occupation if the carrying out of the business, service or occupation — (a) does not involve employing more than 2 people who are not members of the occupier's household; and (b) will not cause injury to or adversely affect the amenity of the neighbourhood; and (c) does not occupy an area greater than 200 m²; and (d) does not involve the retail sale, display or hire of any goods unless the sale, display or hire is done only by means of the Internet; and (e) does not result in traffic difficulties as a result of the inadequacy of parking or an increase in traffic volumes in the neighbourhood; and (f) does not involve the presence, use or calling of more than

LAND USE	Current LPS4 definition	Proposed definition from model scheme
		3 vehicles at any one time or of a vehicle of more than 30 tonnes gross weight;
Rural pursuit/hobby farm	N/A	means any premises, other than premises used for agriculture — extensive or agriculture — intensive, that are used by an occupier of the premises to carry out any of the following activities if carrying out of the activity does not involve permanently employing a person who is not a member of the occupier's household — (a) the rearing, agistment, stabling or training of animals; (b) the keeping of bees; (c) the sale of produce grown solely on the premises;
Serviced apartment	Nil	means a group of units or apartments providing — (a) self-contained short stay accommodation for guests; and (b) any associated reception or recreational facilities;
Service station	means premises used for- (a) the retail sale of petroleum products, motor vehicle accessories and goods of an incidental convenience retail nature; and (b) the carrying out of greasing, tyre repairs and minor mechanical repairs to motor vehicles, but does not include premises used for transport depot, panel beating, spray painting, major repairs or wrecking.	means premises other than premises used for a transport depot, panel beating, spray painting, major repairs 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;
Single house	has the same meaning as in the Residential Design Codes but also includes a dwelling which, together with a small secondary dwelling, occupies a lot.	has the same meaning as in the Residential Design Codes <i>[NB: Definition not within model scheme text]</i>
Shipbuilding	means land and buildings used for constructing or repairing of ships and marine engineering.	Nil

LAND USE	Current LPS4 definition	Proposed definition from model scheme
Shop	A premise used to sell goods by retail, hire goods, or provide services of a personal nature (including a hairdresser or beauty therapist) but does not include a showroom or fast food outlet	means premises other than a bulky goods showroom, a Liquor Store — Large or a Liquor Store — Small used to sell goods by retail, to hire goods, or to provide services of a personal nature, including hairdressing or beauty therapy services and can include a container deposit scheme return point;
Short Stay Dwelling	means an existing single house, grouped dwelling or multiple dwelling that is predominantly used for the purpose of providing short term accommodation for tourists.	<u>means an existing single house, ancillary dwelling, grouped dwelling or multiple dwelling that is predominantly used for the purpose of providing short term accommodation for tourists but does not include a Bed and Breakfast.</u> <i>[NB: Not within Model Scheme Text. Modification of existing definition.]</i>
Showroom	means premises used to display, sell by wholesale or retail, or hire, automotive parts and accessories, camping equipment, electrical light fittings, equestrian supplies, floor coverings, furnishings, furniture, household appliances, party supplies, swimming pools or goods of a bulky nature.	<u>Bulky goods showroom</u> means premises — (a) used to sell by retail any of the goods and accessories of the following types that are principally used for domestic purposes — (i) automotive parts and accessories; (ii) camping, outdoor and recreation goods; (iii) electric light fittings; (iv) animal supplies including equestrian and pet goods; (v) floor and window coverings; (vi) furniture, bedding, furnishings, fabrics, manchester and homewares; (vii) household appliances, electrical goods and home entertainment goods; (viii) party supplies; (ix) office equipment and supplies; (x) babies' and childrens' goods, including play equipment and accessories; (xi) sporting, cycling, leisure, fitness goods and accessories; (xii) swimming pools;

LAND USE	Current LPS4 definition	Proposed definition from model scheme
		or (b) used to sell by retail goods and accessories by retail if — (i) a large area is required for the handling, display or storage of the goods; or (ii) vehicular access is required to the premises for the purpose of collection of purchased goods;
Small bar	means premises licensed as a small bar under the Liquor Control Act 1988 and used to sell liquor for consumption on the premises, but not including the sale of packaged liquor and with the number of persons who may be on the licensed premises limited to a maximum of 120.	means premises the subject of a small bar licence granted under the <i>Liquor Control Act 1988</i> ;
Small secondary dwelling	means a dwelling on the same lot as an existing single house where (a) the total floor area of the dwelling including any areas above the ground floor level, such as a loft or mezzanine level, does not exceed 55 square metres on a lot with an area of 600 square metres or less; (b) the area of the ground floor level of the dwelling does not exceed 65 square metres and the total of all floor areas does not exceed 70 square metres on a lot with an area greater than 600 square metres; (c) the height of any external wall of the dwelling, except an external gable end wall, does not exceed 3.0 metres; (d) the height of any external gable end wall of the dwelling does not exceed 5.5 metres to the apex of the roof; and the building height of the dwelling does not exceed 5.5 metres	Nil
Storage yard	means premises used for the storage of goods, equipment, plant, or materials.	Nil
Tavern	means premises licensed as a tavern under the Liquor Control Act 1988 and used to sell liquor for consumption	means premises the subject of a tavern licence granted under the <i>Liquor Control Act 1988</i> ;

LAND USE	Current LPS4 definition	Proposed definition from model scheme
	<i>on the premises.</i>	
Telecommunications infrastructure (non low-impact)	means any part of the infrastructure of a telecommunications network and includes any line, equipment, apparatus, tower, antenna, tunnel, duct, hole, pit or other structure used, or for use in or in connection with, a telecommunications network	<u>Telecommunications infrastructure</u> means premises used to; accommodate the infrastructure used by or in connection with a telecommunications network including any line, equipment, apparatus, tower, antenna, tunnel, duct, hole, pit or other structure related to the network
Tourist accommodation	means land and buildings used for the purpose of short term accommodation primarily for tourists visiting the district and includes, backpackers, cabins, chalets, short stay self-contained accommodation and similar forms of tourist accommodation, together with uses ancillary to the primary use, but does not include a short stay dwelling.	N/A
Tourist development	Nil	means a building, or a group of buildings forming a complex, other than a bed and breakfast, a caravan park or holiday accommodation short stay dwelling, used to provide — (a) short-term accommodation for guests; and (b) onsite facilities for the use of guests; and (c) facilities for the management of the development; [NB: Modified to be consistent with retention of Short Stay Dwelling]
Trade display	means premises used for the display of trade goods and equipment for the purpose of advertisement.	means premises used for the display of trade goods and equipment for the purpose of advertisement;
Trade supplies	Nil	means premises used to sell by wholesale or retail, or to hire, assemble or manufacture any materials, tools, equipment, machinery or other goods used for the following purposes including goods which may be assembled or manufactured off the premises — (a) automotive repairs and servicing; (b) building including repair and maintenance; (c) industry; (d) landscape gardening;

LAND USE	Current LPS4 definition	Proposed definition from model scheme
		(e)provision of medical services; (f)primary production; (g)use by government departments or agencies, including local government;
Transport depot	means land or buildings used or intended to be used for the transfer of goods or persons from one motor vehicle to another motor vehicle for hire or reward, including management, maintenance and repair of the vehicles used and includes the garaging or parking of such vehicles associated with this use, but does not include the parking of a commercial vehicle in the residential and rural land use areas.	means premises used primarily for the parking or garaging of 3 or more commercial vehicles including — (a) any ancillary maintenance or refuelling of those vehicles; and (b) any ancillary storage of goods brought to the premises by those vehicles; and (c) the transfer of goods or persons from one vehicle to another;
Tree farm	Nil	means land used commercially for tree production where trees are planted in blocks of more than one hectare, including land in respect of which a carbon right is registered under the <i>Carbon Rights Act 2003</i> section 5;
Veterinary centre	Nil	means premises used to diagnose animal diseases or disorders, to surgically or medically treat animals, or for the prevention of animal diseases or disorders;
Veterinary consulting rooms	means a building used in connection with the treatment of sick animals, but does not include the accommodation of such animals	Nil
Veterinary hospital	means a building used in connection with the treatment of sick animals and includes the accommodation of sick animals.	Nil
Warehouse	means premises used to store or display goods and may include sale by wholesale.	<u>Warehouse / storage</u> means premises including indoor or outdoor facilities used for — (a) the storage of goods, equipment, plant or materials; or (b) the display or sale by wholesale of goods;
Waste disposal facility	Nil	means premises used — —— (a) for the disposal of

LAND USE	Current LPS4 definition	Proposed definition from model scheme
		waste by landfill; or ———— (b) the incineration of hazardous, clinical or biomedical waste;
Waste storage facility	Nil	means premises used to collect, consolidate, temporarily store or sort waste before transfer to a waste disposal facility or a resource recovery facility on a commercial scale;
Wind farm	Nil	means premises used to generate electricity by wind force and any associated turbine, building or other structure but does not include anemometers or turbines used primarily to supply electricity for a domestic property or for private rural use;
Winery	Nil	means premises used for the production of viticultural produce and associated sale of the produce;
Workforce accommodation	Nil	means premises, which may include modular or relocatable buildings, used — ———— (a) primarily for the accommodation of workers engaged in construction, resource, agricultural or other industries on a temporary basis; and ———— (b) for any associated catering, sporting and recreation facilities for the occupants and authorised visitors.

ADDITIONAL INFORMATION 2 –Local Planning Scheme 4 Definitions proposed for Retention

- **Convention Centre:** There is no comparable definition within the model scheme provisions. Within the City they've usually been incorporated as part of Hotel development. The current use table confines them to the City Centre ('X' use in all other zones) and in order to retain the inner city as an area of strategic importance, it is recommended this is continued rather than be a land use that can be considered in other zones.
- **Industry – general (licensed):** This use is linked to the O'Connor local planning policy in regards to the buffer zone. It also includes land uses the City is not incorporating into the scheme (boat building, waste treatment, etc.). It will keep the scheme simpler to maintain this existing definition rather than add several additional definitions for land uses that the City is unlikely to ever receive.
- **Industry – Light:** The definition within the scheme excludes industries that have an undue impact on amenity, whereas the model provisions include those uses where the amenity can be mitigated or managed. It seems to provide a wider range of discretion which could potentially be problematic when located near residential areas. The model definition appears to allow for a more intrusive land use than would otherwise be permitted in some zones. The City has previously used this definition for: Catering and equipment hire, timber drying, furniture making, upholsterers, and small scale food storage/processing.
- **Industry – Noxious:** The model provisions appear to separate out the uses encompassed by this single definition into multiple uses the City is unlikely to ever receive (eg: abattoir, animal husbandry, etc.). It remains simpler to retain this single definition than introduce new definitions for land uses that are unlikely to be proposed.
- **Industry – Service:** Used for bakeries and coffee roasters and to diversify land uses in Mixed use areas. Such uses are considered to be some combination of light industry and shop, and are more acceptable in close proximity to residential areas. The definition also includes reference to Industry – Light.
- **Industry – Cottage:** Used occasionally for art studios, as there is no other definition that adequately encompasses them.
- **Licensed premises – Other:** Most other liquor licenses are covered by previously mentioned definitions, but there are still a number that are not covered by land uses (i.e. casino, club/club restricted, special facility, and wholesaler). The definition is to be modified slightly to exclude the definition of "Brewery", in line with the other exclusions (Hotel, Small Bar, etc.) within the definition.
- **Marine technology –** Whilst this definition is largely covered by the Office and Educational Establishment definitions, its specialist nature and significance in the Fremantle economy warrant specific provision.
- **Motor vehicle wrecking:** This use is one that is specifically mentioned in the special control area (O'Connor buffer) as an X use, and separates it from other industrial uses which are permissible in that area. The intent of the area is to provide a buffer between the industrial area and adjoining residential zone by reducing the intensity of the industrial uses. Deleting this land use would require a more in-depth policy review to be carried out simultaneously.

- Nuclear activity: No similar use in the model provisions. Inclusion of this definition reflects Council's stance on nuclear activity (refer 'Nuclear Free Fremantle' policy SG20)
- Public amusement: There is no similar use in the model provisions that would cover uses the City has previously approved under this definition such as theatres, escape rooms, video arcades, etc. Such uses contribute to the City, and particularly the City Centre, being an attractor for entertainment and dining.
- Short Stay Dwelling – The model definitions separate out a Holiday House and Holiday Accommodation as being one house and multiple houses, respectively. It is simpler to retain the existing definition, and it also fits in with the City's Short Stay Accommodation Local Law. It is proposed to amend the current definition to bring it more in keeping with the definition within the model scheme text as follows:
 - *means an existing single house, **ancillary accommodation**, grouped dwelling or multiple dwelling that is predominantly used for the purpose of providing short term accommodation ~~for tourists~~ but does not include a **Bed and Breakfast**.*

ADDITIONAL INFORMATION 3 – Proposes New Zoning Table (consolidated)

Additional Information 3 - Consolidated Zoning Table

ZONES

Symbol Index									
P	means that the use is permitted by the Scheme providing the use complies with the relevant development standards and requirements of the Scheme.								
D	means that the use is not permitted unless the Council has exercised its discretion by granting planning approval.								
A	means that the use is not permitted unless the Council has exercised its discretion and has granted planning approval after giving special notice (advertising) in accordance with clause 64 of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> , Schedule 2.								
X	Not Permitted								
		RESIDENTIAL	CITY CENTRE	LOCAL CENTRE	NEIGH/HOOD CENTRE	MIXED USE	COMMERCIAL	INDUSTRIAL	SPECIAL USE
									DEVELOPMENT ZONE
Residential Use Classes									
Single House	P	D	A	A	A	A	X		
Grouped Dwelling	P	D	A	A	A	A	X		
Multiple Dwelling	D	D	A	A	A	A	X		
Aged or dependent persons dwelling	A	D	A	A	A	A	X		
Small secondary dwelling*	P	X	X	X	X	X	X		
Home Business	A	P	A	A	A	A	X		
Home Occupation	D	P	A	A	A	A	X		
Home Office	P	P	P	P	P	A	X		
Bed and Breakfast	A	D	D	D	A	A	X		
Residential Building	A	D	A	A	A	A	X		
Retirement Village	P	D	A	A	D	X	X		
Commercial Use Classes									
Animal Establishment	X	X	X	X	X	A	D	NOTE 1	NOTE 2

	RESIDENTIAL	CITY CENTRE	LOCAL CENTRE	NEIGH/HOOD CENTRE	MIXED USE	COMMERCIAL	INDUSTRIAL	SPECIAL USE	DEVELOPMENT ZONE
Bank	X	P	P	P	P	P	X		
Art Gallery	X	P	D	D	D	D	D		
Convention Centre	X	D	X	X	X	X	X		
Convenience Store	X	P	P	P	A	A	P		
Drive-through Food Outlet	X	X	X	X	X	A	X		
Exhibition Centre	X	P	D	D	D	D	D		
Garden Centre	X	D	D	D	P	D	P		
Health studio	X	D	D	A	D	D	D		
Hardware Store	X	P	A	A	A	D	D		
Home Store	D	D	D	P	A	A	X		
Liquor Store	A	A	A	A	A	A	A		
Liquor Store – Large	X	A	A	X	X	A	X		
Liquor Store – Small	A	A	A	A	A	X	X		
Fast Food Outlet/Lunch Bar	X	D	D	D	P	P	D		
Lunch Bar	X	P	P	P	A	D	D		
Market	X	P	P	A	A	D	X		
Nursery	X	D	D	A	A	D	P		
Office	X	P	P	D	P	P	P		
Residential Aged Care Facility	P	D	A	A	D	X	X		
Restricted Premises	X	A	X	X	A	A	A		
Shop	X	P	D	D	A	X	X		
Bulky Goods Showroom	X	P	D	X	A	D	P		
Trade Display	X	A	A	A	A	D	P	NOTE 1	NOTE 2
Trade Supplies	X	X	X	X	X	A	P		

Veterinary consulting rooms	X	P	D	A	P	D	P		
Veterinary hospital	X	A	A	A	A	A	D		
Commercial Use Classes (Transport)									
Commercial Vehicle Parking	X	A	D	D	A	P	P		
Motor Vehicle, Boat or Caravan Sales	X	D	A	X	A	P	P		
Motor Vehicle Wash	X	D	A	X	A	P	P		
Petrol Filling Station	X	D	A	A	A	D	P		
Service Station	X	A	D	A	A	D	P		
Commercial Use Classes (Health)									
Consulting Rooms	X	P	P	D	P	P	P		
Medical Centre	X	P	P	A	P	P	D		
Veterinary Centre	X	A	A	A	A	A	P		
Entertainment Use Classes									
Amusement Parlour	X	A	D	A	A	D	D		
Betting Agency	X	P	P	D	D	D	D		
Brewery	X	A	X	X	A	A	D		
Cinema theatre	X	P	A	A	A	A	X		
Club Premises	X	P	P	D	P	D	P		
Fast Food Outlet	X	P	A	A	X	A	X		
Hotel	X	A	A	X	A	X	A		
Licensed Premises—Other	A	A	A	X	A	X	A		
Motel	X	P	D	X	A	X	D		
Night Club	X	A	X	X	X	X	X		
Public Amusement	X	D	D	X	A	A	P		
Reception Centre	X	P	D	A	P	A	D		
Private Recreation - Private	X	P	D	A	P	D	P		
Restaurant	A	A	A	A	A	D	A		
Serviced Apartment	A	D	A	A	A	X	X		
Short Stay Dwelling	A	A	A	A	A	A	X		
Small Bar	X	A	A	X	A	X	A		
								NOTE 1	NOTE 2

ZONES

	RESIDENTIAL	CITY CENTRE	LOCAL CENTRE	NEIGH/HOOD CENTRE	MIXED USE	COMMERCIAL	INDUSTRIAL	SPECIAL USE	DEVELOPMENT ZONE	
Entertainment Use Classes—continued									NOTE 1	NOTE 2
Tavern	X	A	A	X	A	X	A			
Tourist Accommodation	X	D	A	A	A	X	X			
Tourist development	X	D	A	A	A	X	X			
Industrial Use Classes										
Industry	X	A	X	X	X	D	D			
Caretaker's Dwelling										
Container Deposit Recycling	X	D	A	A	D	D	P			
General Industry	X	X	X	X	X	X	P			
Industry - Cottage	A	D	A	D	D	X	P			
Industry - General (licensed)	X	X	X	X	X	X	D			
Industry - Light	X	X	X	X	A	X	P			
Industry - Noxious	X	X	X	X	X	X	A			
Industry - Service	X	A	A	X	D	A	P			
Large Digital Signage	X	X	X	X	X	X	X			
Marine Technology	X	A	X	X	A	X	A			
Nuclear Activity	X	X	X	X	X	X	X			
Resource Recovery Centre	X	X	X	X	X	X	D			
Service	X	A	A	X	D	A	P			
Shipbuilding	X	X	X	X	X	X	A			
Industrial Use Classes (Storage)										
Fuel Depot	X	X	X	X	X	X	P			
Storage Yard	X	A	X	X	A	X	P			

Warehouse	X	D	D	X	P D	A	P
Waste Storage Facility	X	X	X	X	X	X	D
Industrial Use Classes (Transport)							
Commercial Vehicle Parking	X	A	D	D	A	D	P
Motor Vehicle Repair	X	A	X	X	A	A	P
Motor Vehicle Wrecking	X	X	X	X	X	X	D
Transport Depot	X	X	X	X	X	X	P
Service and Public Use Classes							
Child Care Premises	A	A	A	A	A	A	X
Civic Use	A	P	P	P	P	D	P
Community purpose	A	P	P	P	P	D	P
Educational Establishment	A	D	D	D	P	A	D
Family Day Care	A	A	A	A	A	A	X
Funeral Parlour	A	A	X	X	X	D	D
Hospital	X	D	D	X	D	D	A
Place of Worship	A	P	D	D	P	D	D
Public Car Park	X	A	A	A	A	A	A
Public Utility	A	A	A	A	A	A	A
Telecommunications Infrastructure facility (non-low impact)	X	A	X	X	A	A	A

SPT2009-3 PLANNING RECOVERY INITIATIVES – ADDITIONAL DEVELOPMENT APPROVAL EXEMPTIONS, AND STATE PLANNING REFORMS

ADDITIONAL INFORMATION 1 - Extract – draft Planning and Development (Local Planning Scheme) Regulations 2015 Amendments - Proposed Change of Use Exemptions

Planning Regulations Amendment Regulations 2020
Schedule 2 Deemed provisions for local planning schemes

cl. 61

- (b) development that is ~~a class P use in relation to a use identified in this Scheme as a use that is permitted in~~ the zone in which the development is located, ~~if and~~ —
- (i) the development has no works component; or
 - (ii) development approval is not required for the works component of the development;
- ~~(ba) development that is an exempt class D use under subclause (2A) in relation to the zone in which the development is located, if —~~
- ~~(i) the development has no works component; or~~
 - ~~(ii) development approval is not required for the works component of the development;~~
- (c) the use of premises as a home office;
 - (d) temporary use which is in existence for less than 48 hours, or a longer period agreed by the local government, in any 12 month period;
 - (e) any other use specified in a local planning policy or local development plan that applies to the development as a use that does not require development approval;
 - (f) use of a type identified elsewhere in this Scheme as use that does not require development approval.
- ~~(2A) For the purposes of subclause (2)(ba), a use of land is an exempt class D use in relation to the zone in which the land is located if —~~
- ~~(a) the use is a class D use in relation to the zone; and~~
 - ~~(b) the use is of a class set out in Column 1 of an item of the Table; and~~
 - ~~(c) the zone is of a class set out in Column 2 of the Table opposite that item; and~~
 - ~~(d) if conditions are set out in Column 3 of the Table opposite that item — all of those conditions are satisfied in relation to the use.~~

Planning Regulations Amendment Regulations 2020
Deemed provisions for local planning schemes **Schedule 2**

cl. 61

Table

	<u>Column 1 Use</u>	<u>Column 2 Zones</u>	<u>Column 3 Conditions</u>
1.	<u>Shop</u>	<u>Commercial, centre or mixed use zone</u>	<u>Net lettable area is no more than 400 m².</u>
2.	<u>Restaurant/café</u>	<u>Commercial, centre or mixed use zone</u>	
3.	<u>Convenience store</u>	<u>Commercial, centre or mixed use zone</u>	<u>Store not used for the sale of petroleum products.</u>
4.	<u>Consulting rooms</u>	<u>Commercial, centre or mixed use zone</u>	<u>Consulting rooms have open frontage.</u>
5.	<u>Office</u>	<u>Commercial, centre or mixed use zone</u>	<u>Office is not located on the ground floor of a building.</u>
6.	<u>Liquor store — small</u>	<u>Commercial, centre or mixed use zone</u>	<u>Store is in the metropolitan region or Peel region.</u>
7.	<u>Small bar</u>	<u>Commercial, centre or mixed use zone</u>	(a) <u>Small bar is in the metropolitan region or Peel region.</u> (b) <u>The lot on which the small bar is located does not directly adjoin a residential zone.</u>

Planning Regulations Amendment Regulations 2020

Schedule 2 Deemed provisions for local planning schemes

cl. 61

	<u>Column 1 Use</u>	<u>Column 2 Zones</u>	<u>Column 3 Conditions</u>
8.	<u>Hotel</u>	<u>Commercial, centre or mixed use zone</u>	(a) <u>Hotel is in the metropolitan region or Peel region.</u> (b) <u>The lot on which the hotel is located does not directly adjoin a residential zone.</u> (c) <u>Net lettable area is not more than 400 m².</u>
9.	<u>Tavern</u>	<u>Commercial, centre or mixed use zone</u>	(a) <u>Tavern is in the metropolitan region or Peel region.</u> (b) <u>The lot on which the tavern is located does not directly adjoin a residential zone.</u> (c) <u>Net lettable area is not more than 400 m².</u>
10.	<u>Recreation — private</u>	<u>Commercial, centre or mixed use zone</u>	(a) <u>Premises are in the metropolitan region.</u> (b) <u>Net lettable area of any indoor area of the premises is not more than 400 m².</u> (c) <u>Premises are not located on the ground floor of a building.</u>

Planning Regulations Amendment Regulations 2020
Deemed provisions for local planning schemes **Schedule 2**

cl. 61

	<u>Column 1 Use</u>	<u>Column 2 Zones</u>	<u>Column 3 Conditions</u>
11.	<u>Recreation — private</u>	<u>Light industry zone</u>	(a) <u>Premises are in the metropolitan region.</u> (b) <u>Net lettable area of any indoor area on the premises is not more than 400 m².</u>
12.	<u>Bulky goods showroom</u>	<u>Light industry zone</u>	
13.	<u>Home occupation</u>	<u>All zones</u>	

(2B) A reference in column 1 of the table to subclause (2A) to a class of land use is a reference to that use as defined in the *Planning and Development (Local Planning Schemes) Regulations 2015* Schedule 1 clause 38, whether or not —

- (a) the relevant definition is included in this Scheme; or
- (b) this Scheme includes a different definition for that use; or
- (c) this Scheme refers to that class of land use by a different name.

(2C) Subclause (2)(ba) has effect despite the zoning table for this Scheme.

- (3) Despite subclause (1) development approval may be required for certain works carried out —
 - (a) in a special control area; or
 - (b) on land designated by an order made under the *Fire and Emergency Services Act 1998* section 18P as a bush fire prone area.

~~— (4) For the purposes of subclause (1)(c) or (d), development is to be taken to satisfy a deemed to comply requirement of the R-Codes if it complies with —~~

ADDITIONAL INFORMATION 2 -Fact Sheet – Planning Reform (LPS Regulations Cutting Red Tape)



Planning Reform

Proposed Changes to Planning and Development (Local Planning Scheme) Regulations 2015

1. Cutting Unnecessary Red Tape

The State Government is continuing to implement legislative, regulation and policy reforms that will support delivery of Western Australia's COVID-19 Recovery Plan and create a more flexible, responsive and contemporary planning system for the State.

By providing more exemptions for planning approvals and change of use applications, and greater consistency across local planning schemes in how car parking provisions apply to development applications, the State Government is cutting unnecessary red tape from the planning system to help facilitate delivery of small projects and support small businesses.

Key Reforms

Changes to the *Planning and Development (Local Planning Scheme) Regulations 2015* propose to include a broader range of exemptions for small projects and exempt more change of use applications in retail, commercial and industrial area. These exemptions will make it easier for people to undertake small improvements to their homes or businesses, getting more people back to work and boosting our local economy.

Small Project Exemptions

The *Planning and Development (Local Planning Scheme) Regulations 2015* currently provides exemptions from planning approval for small residential and non-residential projects. This list will be expanded to include:

- Site works for non-residential development, where the excavation or fill is 0.5m or less.
- Demolition of non-residential buildings that are not attached to another building.
- Installation of water tanks that are less than a certain height (2.4m or 1.8m depending on where the tank is located, and not in front of a building).
- Changes to the wording of previously approved signage.
- Cubby houses with a wall height of less than 2.4 metres and overall height of 3.0 metres, provided that the:
 - floor level is no more than one metre above ground
 - cubby house abuts no more than one boundary and is no less than one metre from other boundaries.
- Installation of solar panels on non-residential buildings (must be installed flush with the roof).
- Installation of a flagpole (one per property, and no more than six metres in height).
- Maintenance and repair works.
- Works that are urgently necessary for public safety, the safety or security of plant or equipment, the maintenance of essential services or the protection of the environment.

These exemptions generally do not apply where works are proposed on a heritage protected place. They are also in addition to those proposed by the review of the R Codes (Volume 1) which include a broader range of small residential projects such as fences, retaining walls, patios, carports, outbuildings and minor house extensions.

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Planning Reform

Proposed Changes to Planning and Development (Local Planning Scheme) Regulations 2015

Change of Use Exemptions

In Western Australia, retail, commercial and industrial development is primarily located in areas broadly referred to as activity or district centres, commercial, mixed use or light industrial zones.

In these challenging times for many small and medium businesses, the State Government is removing unnecessary red tape by dropping the need for planning approval to diversify a business or change the nominated use of a property. This will provide greater flexibility for businesses to adapt, protecting and creating jobs and helping to rejuvenate our activity and town centres.

- A new clause will be introduced into the deemed provisions of the *Planning and Development (Local Planning Scheme) Regulations 2015* to exempt certain uses from development approval in commercial, centre and mixed-use zones, and light industrial zones. Exempt uses include:
 - Shops of less than 400sqm.
 - Restaurant/café, convenience stores and consulting rooms.
 - Offices not located on the ground floor.
 - Small liquor store, small bar, hotel and tavern (only in the Perth metropolitan and Peel regions). Small bars, hotels and taverns must not be located next to a residential zone. Hotels and taverns must also be no more than 400sqm.
 - Gyms and private recreation facilities (only in the Perth metropolitan and Peel regions, not located on the ground floor and less than 400sqm).
 - Gyms and private recreation facilities (less than 400sqm) in light industrial zones.
 - Bulky goods showrooms in light industrial zones.
- Each of the conditions for the different exempt uses are set to minimise any adverse amenity impacts.
- These exemptions apply where the use is discretionary and where there are no changes to the building such as an increase in size or noticeable changes to the front of the building, or where such changes are exempt from approval.
- Permitted uses are already exempt.
- Where a use is either permitted or covered by the new exemption, there will be no parking requirements.
- New definitions for zones and uses are also included so new exemptions can apply broadly in all applicable areas.

ADDITIONAL INFORMATION 3 - Fact Sheet – Planning Reform (LPS Regulations _ Improved Consultation Practices)



Planning Reform

Proposed Changes to Planning and Development (Local Planning Scheme) Regulations 2015



3. Improved Consultation Practices

The State Government recognises the need for greater consistency in community consultation on local development matters and has introduced a framework for a consistent approach on complex development proposals. New local planning regulations are one of three key pillars of planning reform to support Western Australia's economic recovery. These regulatory changes will remove unnecessary red tape for small business, make planning easier to navigate and support communities to have their say regarding future development in the local area.

Key Reforms

Amendments to the *Planning and Development (Local Planning Scheme) Regulations 2015* will improve community engagement and consultation processes, making our planning system easier to navigate and establishing clear and transparent consultation practices. The proposed regulatory reforms will support new planning laws recently passed by Parliament and complement changes to State planning policies, including the revised residential design codes policy.

Public Consultation

Proposed changes to the local planning regulations will improve community consultation in planning and development matters and ensure that information about development proposals is presented in a clear, contemporary and consistent manner. These changes include:

- Introduce new consultation requirements for complex development applications, including those applications that are to be determined by a Development Assessment Panel.
 - Applications will be advertised for public comment for 28 days. Any longer period must be agreed by the applicant and the local government.
 - Advertising must include:
 - signage in a manner and form approved by the WAPC; and
 - written notification to owners and occupiers within a minimum 200m radius of the site.
- Replace all requirements for presentation of hard copies of applications and associated planning documents in a physical location with a requirement for online publication. Community members will be able to access documents and plans from the comfort of their home, in their own time.
- Advertising requirements prescribed in the *Planning and Development (Local Planning Scheme) Regulations 2015* will acknowledge the preference for online and digital engagement, with more traditional methods to be used at the discretion of the local government.
- Increase community consultation for all structure plans to 42 days, with the option for further time increases at the discretion of the Western Australian Planning Commission.
- Set limits for additional information requests for development applications that do not require public consultation or referral to ensure that extensive time delays are not added to the assessment process, and providing greater certainty for both the community and the applicant, removing unnecessary angst, avoiding escalating costs and supporting for small businesses.
- Introduce more detail and clarity around consultation requirements into the deemed provisions of local planning regulations, which will reduce the administrative burden of continual policy reviews for local governments, saving time and money and providing for a greater focus on strategic planning.

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ADDITIONAL INFORMATION 4 - Fact Sheet – Planning Reform (LPS Regulations _ Improved Consultation Practices)

Planning Reform

Proposed Changes to Planning and Development (Local Planning Scheme) Regulations 2015



2. Streamlined Planning Process

A streamlined and coordinated approval process is one of the State Government's key reform measures to create a more flexible, responsive and contemporary planning system for Western Australia and support delivery of our economic recovery from COVID-19. The planning reform program will reduce unnecessary delays, remove unnecessary red tape and provide greater consistency across all levels of our planning system to support small business and property owners, and generate essential economic activity.

Key Reforms

New provisions will be introduced in the *Planning and Development (Local Planning Scheme) Regulations 2015* to streamline approvals for single residential dwellings, improve the assessment and referral process for development applications, provide more consistent and contemporary community consultation requirements and set consistent guidelines for local planning strategies.

Deemed to Comply Checks

Development approval is not required for a new single house, or extensions and other minor works to a single house, where it meets the deemed-to-comply requirements of the R-Codes.

A new clause will be introduced to the *Planning and Development (Local Planning Scheme) Regulations 2015* to provide a deemed to comply check for single residential dwellings

- Homeowners can contact their local government to confirm whether their plans for a new house, extension or other minor works would be "deemed to comply" with the R-Codes [residential design codes], and therefore are exempt from requiring planning approval and can instead proceed straight to a building permit.
- The deemed to comply check will be available only for single dwellings and development proposals relating to single dwellings, such as patios and minor extensions, in the Perth and Peel regions. Other local governments may also opt to provide this service which will have an associated fee of \$290.
- The local government will be required to provide advice as to whether or not a planning approval is required within 14 days.
- If the proposal is not exempt, an applicant can choose to submit an application for development approval or amend the proposal to meet the deemed to comply requirements. If the applicant chooses to amend plans, another deemed to comply check may be submitted to ensure compliance. Alternatively, if the applicant is certain the amended plans meet the deemed to comply requirements, it can be lodged directly for a building permit.

The new Deemed to Comply Checks will provide certainty for applicants to know whether or not a planning approval is required and address any issues of non-compliance with the R-Codes prior to the building permit process, enabling a more streamlined and efficient building permit process. It will also ensure that the same level of certainty can be consistently available from local governments in the most populous areas of the State.



Planning Reform

Proposed Changes to Planning and Development (Local Planning Scheme) Regulations 2015

Additional Information Requests

In assessing development applications, the assessor may request more information from the applicant. Depending on the nature of information required, these requests can add considerable time to the assessment process and provide uncertainty for the applicant and the local community.

- A new clause in the *Planning and Development (Local Planning Scheme) Regulations 2015* will require the local government to advise an applicant whether all of the required and necessary information has been submitted within seven (7) days of receiving an application.
- If no advice is provided within seven (7) days, the application is taken to be accepted for assessment.
- A new pathway will also be established for local governments to request additional information after the application has been lodged.
- New clauses will prescribe specific limitations for more simple proposals for such information requests to enable the assessment and determination of the application to progress as efficiently as possible. Specifically, this includes:
 - The local government will specify in the request a time period for the additional information to be submitted.
 - The applicant can choose to agree or not agree with the request.
 - If the applicant agrees, the time period for submitting the information will commence. This time period will not be counted as part of the statutory timeframe for determining the application (ie. the “clock will be stopped” on the determination of the application during this time).
 - If the applicant does not agree within 14 days after the request is made, the applicant will be considered to have refused the request and the local government must continue to determine the application as submitted.
 - Only one such request can be made by the local government for applications that do not require advertising under the scheme or a referral to another authority.

Streamlined Referral Process

Complex development applications are referred to other Government agencies and regulatory authorities to provide feedback and advice on the detailed elements of the proposed. For example, this can include referral to the Water Corporation to review the proposed scheme water and sewerage plans for the development, or it could include referral to transport agencies for consideration of traffic impacts.

The *Planning and Development (Local Planning Scheme) Regulations 2015* currently provide 42 days for the referral agencies to respond, and this time period can be extended adding further delays to the determination of the proposal. Changes will be made to state that:

- the 42-day referral request time can only be extended once by the local government, and for a maximum of 14 days; and
- where a referral authority does not respond within the specified time period (42 or 56 days), the local government is to determine that the authority has no objection or recommendations.



Planning Reform

Proposed Changes to Planning and Development (Local Planning Scheme) Regulations 2015

Car Parking Provisions

A more flexible and consistent approach to the provision of car parking for non-residential development is proposed as part of the State's regulatory reforms.

Exemptions and Variations

The requirements to provide car parking will be exempt in certain circumstances and a consistent requirement will be introduced for any variations.

- For non-residential development, a new clause will exempt car parking requirements for all uses that are exempt from planning approval.
- In all other cases, the *Planning and Development (Local Planning Scheme) Regulations 2015* will include a standard and consistent clause which allows variations to minimum car parking standards where:
 - Reasonable efforts have been made to provide required parking on site.
 - The car parking to be provided will meet the demands of the development having regard to the likely use of parking, the availability of off-site parking, and the likely use of alternative means of transport.

Cash in Lieu Provisions

A new clause will introduce consistent cash in lieu provisions that will allow the local government to accept a cash payment in lieu of providing car parking bays as part of the development. Any payments must be paid into a separate reserve account and must be spent within 10 years on public parking or other transport related infrastructure within the locality of the development.

- In such circumstances, the cash in lieu payment will be included as a condition of development approval.
- A consistent formula for calculating payments will be introduced and is to be based on:

$$\text{shortfall of car bays in the proposed development} \times \left[\begin{array}{l} (27\text{sqm} \times \text{value of} \\ \text{land/sqm in the area}) \end{array} + \begin{array}{l} \text{construction cost of} \\ \text{a car bay} \end{array} \right]$$

- These provisions can only apply where the local government has prepared a payment in lieu of parking plan (Parking Plan) in accordance with a new clause. The Parking Plan must be in a manner and form approved by the Western Australian Planning Commission and must set out the following matters:
 - What the funds can be used for, which is limited to the maintenance of public parking and other transport infrastructure in the specified locality of the development.
 - For the purposes of the cash in lieu formula, the value of land in the area/s that are subject to the Parking Plan and the construction cost of a car bay. This will allow the cash in lieu formula to be responsive to and reflective of the actual type of car parking the payment is intended to contribute towards (such as at grade level or multi-deck).



Planning Reform

Proposed Changes to Planning and Development (Local Planning Scheme) Regulations 2015

Shared Parking Arrangements

A new clause will introduce consistent shared parking provisions. Such arrangements allow a parking shortfall to be accommodated on another site where there is agreement between the two landowners.

- In such circumstances, the requirement for a shared parking arrangement will be included as a condition of development approval.
- If a shared parking arrangement is required by a condition, the details of the arrangement must be approved by the local government. A new clause will outline what such applications need to address and what the local government will consider when making its determination.
- Any shared arrangement must cover the parking shortfall required by the proposed development and also ensure adequate parking is maintained for the others.

Structure Plans and Precinct Structure Plans

The revised Regulations are also proposed to include one consolidated section regarding structure plans. To support the implementation of *State Planning Policy 7.2: Precinct Design*, two types of structure plans will be specified in the Regulations:

- Precinct Structure Plans – a plan that applies in a wide range of circumstances and considers subdivision, zoning and development, including built form.
- Standard Structure Plans – a traditional structure plan for subdivision and zoning.

Community consultation for all structure plans will be increased to 42 days, with the option for further increases at the discretion of the Western Australian Planning Commission.

There are no proposed changes to regulatory provisions for the preparation and amendment of structure plans, however the new *Planning and Development (Local Planning Scheme) Regulations 2015* will specify clear requirements for the revocation of structure plans where:

- a new structure plan has been prepared and approved
- a structure plan has been fully implemented or is otherwise no longer required
- a structure plan cannot be effectively implemented because of legislative or State Planning Policy change
- the applicant and relevant local government authority agree to revocation
- the structure plan has been 'normalised' through a scheme amendment.



Planning Reform

Proposed Changes to Planning and Development (Local Planning Scheme) Regulations 2015

3 Public Consultation

Proposed changes to the *Planning and Development (Local Planning Scheme) Regulations 2015* will improve community consultation in local planning and development matters and ensure that information about development proposals is presented in a clear, contemporary and consistent manner. These changes include:

- Introducing new consultation requirements for complex development applications, including those applications that are to be determined by a Development Assessment Panel.
 - Applications will be advertised for public comment for 28 days. Any longer period must be agreed by the applicant and the local government.
 - Advertising must include:
 - signage in a manner and form approved by the WAPC; and
 - written notification to owners and occupiers within a minimum 200m radius of the site.
- All requirements for presentation of hard copies of applications and associated planning documents in a physical location have been replaced with a requirement for online publication.
- In recognition of consumer behaviours, advertising requirements prescribed in the *Planning and Development (Local Planning Scheme) Regulations 2015* also acknowledge the preference for online and digital engagement, with an option to utilise other more traditional methods at the discretion of the local government.

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- the structure plan has been 'normalised' through a scheme amendment.

SPT2009-4 CENTRAL AREA TRANSIT (CAT) REVIEW – APPROACH & OBJECTIVES

ADDITIONAL INFORMATION – CAT ROUTES

