



CONSISTENT LOCAL PLANNING SCHEMES REPORT

May 2024

Acknowledgement of Country

The Department of Planning, Lands and Heritage acknowledges the Aboriginal people as the traditional custodians of Western Australia. We pay our respects to the Ancestors and Elders, both past and present, and the ongoing connection between people, land, waters and community. We acknowledge those who continue to share knowledge, their traditions and culture to support our journey for reconciliation. In particular, we recognise land and cultural heritage as places that hold great significance for Aboriginal people.

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Terms

| | |
|--------------------|--|
| Action Plan | Action Plan for Planning Reform |
| Department | Department of Planning, Lands and Heritage |
| LPS | Local Planning Scheme |
| Regulations | Planning and Development (Local Planning Schemes) Regulations 2015 |
| SPP | State Planning Policy |

Executive Summary

Current planning reforms in Western Australia commenced in 2018 with the *Modernising WA's Planning System: Green Paper*. The Green Paper resulted in an *Action Plan for Planning Reform* (Action Plan).

More consistent local planning schemes were identified as initiative (C1) within the Action Plan. Initiative C1 seeks to achieve *a standardised approach to zones, land use, permissibility and development control to increase consistency, while retaining the ability for local governments and their communities to respond to local circumstances, such as heritage and character*.

To assist delivery of initiative C1, the Department of Planning, Lands and Heritage (the Department) undertook the Consistent local planning schemes project.

The consistent local planning schemes project utilised:

- outcomes from an audit of local planning schemes (schemes)
- a review of policy changes since the Regulations became operational and
- preliminary (August-September 2022) and formal consultation (April-May 2023) with key stakeholders, to inform a recommended approach to improving the consistency of local planning schemes.

This report is the culmination of the consistent local planning scheme project and provides an overview, context and justification for proposed changes to the Regulations and a recommended approach aimed at improving the consistency of local planning schemes.

The report:

- provides relevant background to the project;
- explains the process undertaken to deliver the project and prepare the report;
- summarises feedback from preliminary and formal consultation with key stakeholders;

- outlines principles and the rationale for draft proposals to amend the Regulations; and
- outlines a recommended approach to improving the consistency of local planning schemes.

The recommended approach for improving the consistency of local planning schemes across the State includes a number of short term (1-3 years) and longer term (3 years+) actions to support proposed changes and implementation through model and deemed provisions.

In the short term it is proposed to:

- amend the model provisions of the Regulations to refine land uses, zones and reserves (statewide);
- amend the deemed provisions of the Regulations to include provisions relating to non-conforming uses and restrictive covenants (from model provisions);
- prepare local planning scheme guidance to assist the preparation and amendment of local planning schemes and improve transparency of approved variations to the model provisions. Among, other things, the guidance will include introduction of a standardised zoning table for land use permissibility and primary development controls for commercial and industrial type zones (Metropolitan and Peel Region Scheme areas); and
- prepare and consult with key stakeholders on a discussion paper to identify the need and process for the preparation of a design code for industrial zones and, potentially, the service commercial zone.

In the longer term it is proposed to:

- undertake a 10 year review of the model and deemed provisions and the local planning scheme guidance.
- continue to provide more standardised content in local planning schemes through a staged approach to implementation, involving inclusion and testing first through local planning scheme guidance and, where relevant, integration into model and deemed provisions; and
- depending on outcomes from the discussion paper on a design code for industrial zones, prepare and implement design code.

1. The need for consistency in local planning schemes

1.1 Background

The Planning and Development (Local Planning Schemes) Regulations (the Regulations) 2015 became operational on 19 October 2015, replacing the Town Planning Regulations 1967 and associated Model Scheme Text. Among other things, the Regulations provide for the preparation, adoption and amendment of local planning schemes and the establishment of model and deemed provisions.

Local planning schemes prepared in accordance with the Regulations will generally include the following documents:

- Scheme map
- Local planning scheme text (model provisions as provided in Schedule 1 of the Regulations)
- Deemed provisions (as provided in Schedule 2 of the Regulations), which do not need to be reproduced in individual schemes as they apply automatically
- Supplemental provisions to the deemed provisions
- Any supporting material required by the Western Australian Planning Commission (WAPC).

In regard to the local planning scheme text, there continues to be variance in the zones, land uses and land use permissibility included in local planning schemes across Western Australia. Variability in the content and format of local planning schemes is largely a consequence of the currency of local planning schemes, with only 44 of 139 local governments (as of 2022) having a new local planning scheme approved since the Regulations became operational in October 2015. Additionally, there have been several variations to the model provisions approved to address circumstances not adequately covered by the zones, reserves and land uses contained in the model provisions.

The lack of consistency within local planning schemes increases the complexity of the planning system and hinders the preparation, interpretation, assessment and implementation of local planning schemes by local and State Government and the wider planning and development industry. Consistency is required to make the Western Australian planning system more efficient and easier to understand and implement by a broad range of stakeholders.

The current planning reforms began in Western Australia in 2018 with the *Modernising WA's Planning System: Green Paper*. The Green Paper resulted in an *Action Plan for Planning Reform* (Action Plan).

The Action Plan identified three key themes for the modernisation of planning in Western Australia:

- Planning Creates Great Places for People
- Planning is Easier to Understand and Navigate
- Planning Systems are Consistent and Efficient.

More consistent local planning schemes were identified as initiative (C1) within the Action Plan. Initiative C1 seeks to achieve *a standardised approach to zones, land use, permissibility and development control to increase consistency, while retaining the ability for local governments and their communities to respond to local circumstances, such as heritage and character.*

- To achieve the consistency required by initiative C1, a number of sub projects were established to review and rationalise local planning frameworks, including:
 - Consistent local planning schemes
 - Consistent approach to the use and application of discretion
 - Consistent approach to development standards for non-residential uses
 - Review of the use of local planning policies and associated guidance
 - Review of the use of local development plans and associated guidance.

The consistent local planning schemes project has utilised:

- outcomes from an audit of local planning schemes
- a review of policy changes since the Regulations became operational; and
- preliminary and formal consultation with key stakeholders, to inform a recommended approach for improving the consistency of local planning schemes.

1.2 Purpose

The purpose of the report is to provide an overview, context and justification for proposed changes to the Regulations and a recommended approach aimed at improving the consistency of local planning schemes. Key stakeholders targeted for consultation on this draft report include local government, State Government agencies and industry representative groups.

The report:

- provides the relevant background to the project;
- explains the process undertaken to deliver the project and prepare the report;
- summarises feedback from preliminary and formal consultation with key stakeholders;
- outlines principles and rationale for draft proposals to amend the Regulations; and
- outlines a recommended approach for improving the consistency of local planning schemes.

2. Project process

Delivery of the project has been undertaken consistent with the process outlined in Figure 1 and in more detail below.

Figure 1 - Project process



2.1 Local planning schemes audit

To assist the identification of potential changes to reserves listed under clause 14(3), zones listed under clause 16(2), and land use terms defined under clause 38 of the model provisions, an audit of local planning schemes was undertaken by the Department.

Any reserve, zone or land use listed in a local planning scheme that did not use wording identical to a reserve, zone or land use term listed in the model provisions, was recorded as a non-model reserve, zone or land use. For example, the model provisions include the land use term 'rural pursuit/hobby farm', so where a land use in a zoning table was 'rural pursuit' it was recorded as a non-model land use.

The audit of local planning schemes identified the following key findings:

- Approximately 800 different land use terms are used in Western Australian local planning schemes
- Many land use terms constitute variations of similar land uses, for example *child care*, *child care centre*, *child care premises*, *child care service*, *child day care centre*, *child family care centre*, *child family day care*, *child minding centre*, *childcare centre*
- 269 differing zones are used in Western Australian local planning schemes
- Many zones constitute variations of similar zones and have some alignment with those within the model provisions
- Since the introduction of the model provisions in 2015, the following have been inserted into new schemes:
 - 11 new or modified reserves;
 - 24 new or modified zones; and
 - 90 new or modified land uses.

To narrow the scope of work, non-model land use terms (about 90) that have been included in local planning schemes gazetted since 2015 were investigated further for compatibility with land use terms in the model provisions, with the outcomes contributing to potential changes to land uses further considered by key stakeholders during preliminary consultation.

2.1.1 Consideration of policy changes

Since the Regulations became operational in October 2015, several State planning policies and position statements, which have either been prepared or reviewed, have implications for model zones and land uses and the associated objectives and definitions. The following State planning policies and position statements proposed new or modified land uses and zones. Consideration was given to them in identifying potential changes to land uses and zones in the model provisions:

- State Planning Policy 2.5 Rural planning
- State Planning Policy 4.2 Activity centres
- Planning Position Statement: Special residential zone
- Planning Position Statement: Residential accommodation for ageing persons
- Planning Position Statement: Renewable energy facilities
- Position Statement: Planning for tourism

2.2 Land use permissibility and development requirements for commercial and industrial type zones in the Metropolitan Region and Peel Region Scheme areas

Land use permissibility and development requirements form a substantial part of local planning schemes. Currently, the model provisions provide only limited direction on the standardisation of the content of land use permissibility and development requirements. Given the vastness and diversity of issues across Western Australia,

a staged approach to achieving more consistent land use permissibility and development requirements in local planning schemes is considered appropriate.

Commercial and industrial type zones in the Metropolitan Region and Peel Region Scheme areas were identified as a priority for improving the consistency of land use permissibility and development requirements in the relevant local planning schemes.

A recommended approach, supporting information and guidance to improve consistency of land use permissibility and development requirements for commercial and industrial type zones in the Metropolitan and Peel Region Scheme areas has been developed.

To inform this, a review of local planning schemes in the Metropolitan Region and Peel Region Scheme areas was undertaken. Key findings of the review included:

- 183 different zones across 33 local authorities in the Metropolitan and Peel Region Scheme areas, including:
 - 31 centre zones
 - 17 industrial zones
 - 15 commercial zones.
- It is noted there is increased consistency in zoning within local planning schemes which have recently been reviewed or had a new Scheme prepared.
- The need to rationalise the zones, inclusive of consistent naming conventions, is evident from the review.

A wide range of land use permissibilities for commercial and industrial type zones was identified, along with significant variation in the development requirements for these types of zones.

Without a consistent approach to zoning conventions, the introduction of standardised permissibilities and development requirements for these zones would be difficult to achieve.

2.3 Preliminary consultation

The Department undertook a series of workshops with key stakeholder reference groups during September and October 2022 to:

- confirm the benefits of improved consistency of local planning schemes
- understand why there is variability in local planning schemes and how consistency of local planning schemes could be improved;
- review potential changes to zones, reserves and land uses and associated objectives and definitions;
- review a recommended zoning table for commercial and industrial type zones in the Metropolitan Region and Peel Region Scheme areas;
- review and discuss principles for guiding more consistent development requirements for commercial and industrial type zones in the Metropolitan and Peel Region Scheme areas;
- identify and discuss potential changes to the Regulations; and
- identify and discuss aspects of the preparation and implementation of local planning schemes that require guidance.





Two stakeholder reference groups (local government and industry) were established by the Department based on nominations from local governments and industry.

A summary of the workshop content and key outcomes are set out on page 9.

2.3.1 Workshop content

Four workshop sessions with each of the stakeholder reference groups were facilitated by Shape Urban (a total of 8 sessions) to cover the following aspects of the project:

Figure 2 – Key Stakeholder Reference Group Workshops

| | | |
|------------|--|---|
| Workshop 1 |  | Introduction and potential changes to land use terms and definitions |
| Workshop 2 | Potential changes to zones and proposed local planning scheme guidelines |  |
| Workshop 3 |  | Land use permissibility in industrial and commercial type zones (Metropolitan and Peel Region Scheme areas) |
| Workshop 4 | Development requirements in industrial and commercial type zones (Metropolitan and Peel Region Scheme areas) |  |

The outcomes of the workshops informed the refinement of potential changes to the Regulations and the proposed implementation approach that was consulted on through the stakeholder consultation report.

2.3.2 Key workshop outcomes

A summary of the key outcomes of the workshops are set out below:

Table 1 - Key workshop outcomes

| Areas of general agreement | Areas of varying views |
|---|---|
| <ul style="list-style-type: none"> • Benefits of improving consistency within local planning schemes • Land uses, zones and associated definitions and objectives need to be less prescriptive and more general • Support for the proposed: <ul style="list-style-type: none"> – deletion of commercial and special residential zones – new and modified zones (local centre, neighbourhood centre, centre, mixed use, rural enterprise, priority agriculture and cultural and natural resource use zones) • That zones and objectives need to be more contemporary and provide additional clarity • Review the impact of proposed changes creating non-conforming use rights • A need for local planning scheme guidance on the manner and form provisions, transitioning between the current and new system, land use interpretations and discretionary provision test examples • Consideration of car parking implications from the proposed changes • Review and reconsider bulky goods, showroom, supermarket, office and shop definitions and permissibility • Review the definition, size, scale and functionality of alcohol based uses • The limitations of applicability outside Perth and Peel need to be considered • Standardisation should be balanced with local context | <ul style="list-style-type: none"> • The industry stakeholder reference group had a clear preference for a standardised zoning table to be included in the deemed provisions along with land use definitions • Opinion on the implementation of a standardised zoning table was more varied amongst local government stakeholders, however there was general agreement that local context needed to be accounted for in implementation of any standardised zoning table • The local government stakeholder reference group expressed hesitancy about the implementation of development requirements through either model or deemed provisions, instead preferring that improved consistency in development requirements be facilitated through guidelines • Conversely the industry stakeholder reference group indicated a preference for development requirements be addressed through a mix of deemed and model provisions • The role of local planning policies was viewed differently by the local government and industry stakeholders reference groups <p>Other matters raised include:</p> <p>Increased transparency in decisionmaking conditions to ensure previous approvals could be recognised as they were originally intended when contemplated in a future time frame (even if land use descriptions and definitions change over time).</p> <p>The need for guidance to be provided to assist local government to transition from current use of local planning schemes to the recommended approach for more consistent local planning schemes.</p> |

2.4 Formal consultation

The Consistent Local Planning Schemes Stakeholder Consultation Report (stakeholder consultation report) underwent a six-week public consultation process commencing in April 2023. During the consultation period, 111 submissions were received from different stakeholder types, reflecting the insights and concerns from various perspectives regarding the proposed changes to improve the consistency of the local planning schemes.

Overall, stakeholders preferred, where appropriate, simpler land use terms, zones and reserves and associated definitions and objectives. The stakeholder consultation report proposed several changes to land uses, zones and reserves of the model provisions. There were more than 400 individual comments were provided by stakeholders on proposed changes to land uses and more than 200 comments were provided on proposed changes to zones and reserves. Based on the comments received it is recommended that 21 of the proposed changes to land uses and 11 of the proposed changes to zones and reserves be further refined. Following consultation, 24 proposed changes to land uses and 17 to zones and reserves are intended to proceed as proposed in the stakeholder consultation report. As a result of feedback received while eight proposed changes to land uses will be withdrawn and not proceed.

A standardised zoning table for commercial and industrial type zones in the Metropolitan Region and Peel Region Scheme areas was recommended in the stakeholder consultation report. 348 individual comments were provided by submitters on the proposed zoning table, with a large majority suggesting modifications to permissibility recommended in the zoning table. As a result of feedback received modifications to the recommended zoning table have been proposed.

In support of the recommended zoning table and in recognition of the importance of the zone objectives in determining the permissibility of land uses, modifications to the use class definitions were consulted on. There was general support for removing the incidental use class,

however some concerns were raised about proposed changes to the P, D and A use class definitions. As a result, only minor modifications are proposed to be made to the current use class definitions in the Regulations and the linking of use class definitions to consistency with zone objectives is best achieved during the formulation of the zoning table.

A proposal to establish an industrial design code to address development requirements for industrial-type zones received limited support, with stakeholders highlighting concerns about why it is needed, potential complexity of such a code and the need to retain flexibility to respond to local context. It is therefore recommended that a discussion paper be developed in consultation with key stakeholders to evaluate its necessity and implementation.

While there was general support for the proposed implementation approach, some refinements are required to address comments and concerns raised on proposed actions relating to a standardised zoning table, industrial design code and deemed local planning scheme. Concerns related mainly to ensuring that local planning schemes are flexible and able to respond to local circumstances and local government and the Department have the capacity to implement the recommended approach. In response to concerns, it is recommended to undertake a staged approach to implementation of more consistent and standardised content in local planning schemes.

In conclusion, the feedback received during consultation has been instrumental in refining the proposals presented in the stakeholder consultation report, which will subsequently be presented to the WAPC for further action, ensuring a more coherent and efficient planning framework in Western Australia.

3. Proposed changes to local planning scheme Regulations

The audit of local planning schemes, review of land use permissibility and development requirements for commercial and industrial type zones in the Metropolitan and Peel Region Scheme areas and preliminary consultation with key stakeholders has resulted in a consolidation of draft proposals aimed at improving the consistency of local planning schemes.

This section provides a summary of proposals and the principles, including justification for the proposals. More specific detail on the draft proposals is provided in **Appendices A, B and C**.

3.1 Land use terms and definitions – summary of draft proposals

The review process identified that the more specific or prescriptive land uses and associated definitions become, the more likely it is that more land uses and definitions will need to be added to the Regulations, creating additional levels of complexity. The primary principle forming the basis of proposed changes to land use terms and definitions, is the preference to have land uses and associated definitions to be less prescriptive. Feedback on this primary principle was specifically requested in the consultation feedback form, with about 60 per cent of relevant submissions (increasing to approximately 80 per cent when those submissions primarily focused on proposed changes to either the community purpose or bulky goods showroom land uses, were removed) either supporting or conditionally supporting the principle to have land uses and associated definitions being less prescriptive.

Following consultation, it is clear that while it is desirable for new or modified land uses to be less prescriptive, in some circumstances they may need to be prescriptive. It is also acknowledged that further guidance needs to be provided on the interpretation of land uses, particularly when a use that may have been individually defined in past local planning schemes is now covered by a broader land use (for example, wind farm is now proposed to be covered by renewable energy facility).

The proposed changes to land use definitions can be separated into four key categories:

- Modifications to land use terms and/or definitions
- Deletion of land use terms and definitions
- Replacement of land use terms and/or definitions
- Addition of land use terms and definitions.

The proposed changes to land uses are set out in Table 2 (page 13) including a summary of the draft proposals and discussion on the principles for change. A detailed rationale for each proposed change to land use term/definition is provided in **Appendix A**.

Table 2 - Land use definitions – summary of proposals

| Proposed change | Land uses | Principles behind the draft proposals |
|-----------------|--|--|
| Modify | animal husbandry – intensive bulky goods showroom exhibition centre freeway service centre park home park recreation - private roadhouse rural home business service station veterinary centre warehouse/storage | It is proposed the definitions associated with these land use terms be modified. The audit of land use terms and definitions identified that these terms and/or definitions could be better defined to become less prescriptive/more flexible and to reflect similar definitions in state planning policies, position statements and other relevant legislation where applicable. Aspects that have been taken into account in reviewing the definitions/ suggested modification include: <ul style="list-style-type: none"> • Achieving consistency across schemes (review of varying definitions to achieve optimal definition) • Achieving consistency with State planning policies • Achieving consistency with relevant legislation • Providing greater flexibility and improved implementation of terms and definitions • Recognising changes in the way land uses operate • Providing for ongoing technological and business improvements • Addressing bugbears seen in land use definitions by local government and industry. |
| Delete | bed and breakfast | It is proposed these land uses are deleted. |

| Proposed change | Land uses | Principles behind the draft proposals |
|-----------------|--|--|
| Replace | art gallery (exhibition centre) amusement parlour (recreation private) brewery (beverage production facility) fast food outlet/lunch bar (food outlet) industry – primary production (industry rural) shop (shop – small, shop – large) winery (beverage production facility) wind farm (renewable energy facility) | <p>It is proposed these land uses and their definitions are replaced with alternative terms.</p> <p>The audit of land use terms and definitions identified that these terms and/or definitions contained similarities with other terms or definitions within State policy.</p> <p>The proposed replacement land use term is included in brackets.</p> |
| Add | aerodrome aircraft landing area camping ground food outlet food outlet with drive-through facility independent living complex industry rural beverage production facility nature-based park renewable energy facility repurposed dwelling residential care facility second-hand dwelling shop – small shop – large | <p>It is proposed these land uses be added to the list of land use terms.</p> <p>The audit of land use terms and definitions identified that these terms and/or definitions (or variations of) were included in a number of local planning schemes prepared since 2015 or have a basis established through recent policy reviews.</p> <p>The addition of these terms and associated definitions will provide greater consistency across schemes.</p> |

Generally, land uses that appear in a zoning table are predominantly defined under clause 38 of the model provisions, however some land uses that have been included in the zoning tables of some local planning schemes (for example ancillary dwelling, container deposit recycling centre, grouped dwelling, multiple dwelling, and single house) are defined under clause 1 of the deemed provisions (terms used).

To enable better differentiation between land uses included in a zoning table and their definitions and other terms as defined in the Regulations, it is suggested that land use terms that are included in the deemed provisions be separated from other terms defined in the deemed provisions.

3.2 Zones and reserves – summary of draft proposals

The primary principle behind the changes to zones and reserves is that zone names and associated objectives be less prescriptive and more general. The more specific or prescriptive these zones and associated objectives become, the more likely it is that more zones and objectives will need to be added to the Regulations. Feedback on this primary principle was specifically requested in the consultation feedback form, with about 65 per cent of relevant submissions (increasing to around 80 per cent when those submissions primarily focused on proposed changes to community purpose or bulky goods showroom land uses were removed) either supporting or conditionally supporting the principle for zone and reserve names, and associated objectives, to be less prescriptive.

Consultation confirmed that the principle of less prescriptive zones and reserves is generally supported, however there were some concerns relating to a lack of certainty for some stakeholders. A number of submitters felt that as they were unable to consider the specific changes proposed to the objectives of the zones and reserves, the resultant objectives may be too ambiguous, potentially creating challenges in approvals or compliance.

The objectives of some zones refer to specific State planning policies. It is suggested that any reference to State planning policy should refer to 'applicable State planning policy' rather than the specific number or name of the State planning policy.

The proposed changes to zones and reserves can be separated into four key categories:

- Modifications to zones and reserves
- Deletion of zones and reserves
- Addition of zones and reserves
- Rationalisation of zones and reserves.

The zones and reserves identified for change are set out in Table 3 and Table 4. A summary of the draft proposals and discussion on the principles for change are provided. A detailed rationale for each proposed change to zones and reserves is provided in **Appendix B**.

Table 3 – Zones – summary of proposals

| Proposed change | Zone | Principles behind the draft proposals |
|-----------------|--|---|
| Modify | Centre Mixed Use Urban Development Residential Rural Rural Residential Rural Small Holdings Service Commercial Strategic Industry Rural Townsite Special Use | <p>It is proposed the objectives associated with these zones be modified.</p> <p>The audit of zones and their objectives identified there was a need to provide a greater ability for zones to guide the appropriateness of the land use and development within the respective zone.</p> <p>Modifying the zone objectives will allow for improved application of zones and in turn provide consistency in application across local planning schemes.</p> <p>Aspects that have been taken into account in making the suggested modifications include:</p> <ul style="list-style-type: none"> • Achieving consistency across schemes • Achieving consistency with State planning policies • Achieving consistency with relevant legislation • Providing greater flexibility and improved implementation of zones and their objectives • Addressing concerns raised • Implementing best practice across all zones • Recognising changes in the way land uses operate and how zones need to guide these • Administrative edits (such as removing “zone” after Rural Townsite and Special Use) |
| Delete | Commercial Special Residential | <p>It is proposed these land uses are deleted.</p> <p>The audit of zones and objectives identified that these uses have been made redundant by either the proposed addition of new zones (i.e. Commercial to be replaced by widened Centre zones) or through State directives (i.e. Special Residential zone).</p> |

| Proposed change | Zone | Principles behind the draft proposals |
|-----------------|---|--|
| Add | Local Centre Neighbourhood Centre Priority Agriculture Rural Enterprise Cultural and Natural Resource Use Regional Town/City | <p>The audit of local planning schemes identified a number of these zones included in local planning schemes following the Regulations became operational in October 2015. It is proposed these zones and associated objectives be added to the list of zones in the model provisions.</p> <p>Consistency with State planning policies, such as SPP 2.5 Rural Planning and SPP 4.2 Activity Centres, has further guided the recommendation to add these zones and associated objectives. For example, it is proposed to include new zones for Local centre and Neighbourhood centre and expand objectives for the Centre zone to implement the activity centre hierarchy established in SPP 4.2.</p> |

Table 4 – Reserves – summary of proposals

| Proposed change | Reserves | Principles behind the draft proposals |
|-----------------|---|--|
| Rationalisation | Social Care Facilities (Civic and Community) Cultural Facilities (Civic and Community) Medical Services (Public Purposes) Education (Public Purposes) Emergency Services (Public Purposes) Heritage (Public Purposes) Government Services (Public Purposes) Recreational (Public Purposes) | <p>It is proposed these reserves be rationalised to provide for improved application for public purposes. The reserve that is proposed to cover the rationalised reserve is included in brackets.</p> <p>The audit of reserves identified that a number of reserves were highly prescriptive and restricted the ability for these to be readily used.</p> <p>The rationalisation/grouping of various reserves will allow for greater flexibility and application in the reserve purpose.</p> |
| Add | Foreshore | <p>It is proposed this reserve be added to the list of reserves.</p> <p>The need for a specific foreshore reserve has been identified to assist with the implementation of SPP 2.6 Coastal Planning.</p> |
| Modify | Infrastructure Services | <p>It is proposed this reserve be modified as a result of feedback from stakeholder reference groups to provide a more overarching objective to ensure consistency.</p> |

3.3 Land use permissibility and development requirements for commercial and industrial type zones in the Metropolitan Region and Peel Region Scheme areas – summary of draft proposals

The review undertaken on commercial and industrial type zones in the Metropolitan Region and Peel Region Scheme areas resulted in:

- A proposed zoning table (**Appendix C**)
- Guidance on addressing development requirements
- A number of supporting actions.

3.3.1 Land use permissibility

The permissibility of land uses in each zone is generally set out in the form of a zoning table, which lists land uses against zones and assigns a permissibility to each land use within a zone. Based on work undertaken a standardised zoning table for commercial and industrial type zones in the Metropolitan Region and Peel Region Scheme areas is recommended in **Appendix C**.

In preparing the recommended zoning table, the following assumptions were used:

- Given the importance of the objectives of each zone, it is desirable that each land use be first considered against the objectives of the zone
- Potential changes to land uses and zones proposed in appendices A and B were considered in assigning permissibility to land uses in the zoning table
- An incidental use is not a separate and distinct use in its own right, but rather is a related component of the predominant use, and therefore the designation of incidental uses is not incorporated in the recommended zoning table. Given that ancillary accommodation is a land use that in all circumstances is incidental to the predominant use, it is appropriate that it be excluded from the zoning table.

In support of the recommended zoning table and recognising the importance of zone objectives in determining the permissibility of land uses, modifications to the permissibility definitions contained in the model provisions (clause 18(2)) were proposed in the stakeholder consultation report. Proposed modifications to the permissibility definitions primarily focused on linking each use class definition to consistency with zone objectives. About 70 per cent of submitters either supported or conditionally supported the proposed changes. A number of comments and concerns were raised about the proposed changes including:

- Inclusion of reference to clause 61(2) of the deemed provisions in the modified P use definition was considered to be confusing.
- P use should still comply with all relevant development standards and requirements of the scheme
- it should not be implied through the use class definition that D and A uses are consistent with zone objectives, rather they may be consistent with zone objectives once the local government has exercised its discretion.
- The inclusion of the words 'regardless of the symbol used' for all the use class definitions was considered confusing.

To address concerns raised by stakeholders' further consideration was given to the need to modify the use class definitions. Consequently, it is now preferred that only minor modifications are made to the current use class definitions in the Regulations and the linking of use class definitions to consistency with zone objectives is best achieved during formulation of zoning tables and through minor changes to the D and A use class definitions.

The stakeholder consultation report suggested that an incidental use is not a separate and distinct use in its own right, but rather a related component of the predominant use. and therefore, the definition of the I use class and its designation in a zoning table are not required. However, it was raised by some stakeholders that the I use permissibility is still needed where local government needs to express when a use is allowed to be incidental. For example, a caretaker's dwelling may be an I use in the Light Industry zone,

meaning it can't occur unless a predominant Light Industrial use is operating, but it may be an X use in the General Industry zone as a reasonable standard of amenity for human habitation can't be provided.

The following is therefore recommended in regards to use class definitions:

- Retain the current use class definitions in clause 1 of the deemed provisions.
- Modify the use class definitions in clause 18(2) of the model provisions to:
 - Replace the word 'any' with 'all' for the P and I use class definitions
 - Retain the I use class
 - Change the D use class definition to: means a use that may be consistent with the zone objectives but is not permitted in the zone unless the local government has exercised its discretion by granting development approval.
 - Change the A use class definition to: means a use that may be consistent with the zone objectives, but is not permitted in the zone unless the local government has exercised its discretion by granting development approval after advertising the application in accordance with clause 64 of the deemed provisions.
- Local planning scheme guidance acknowledge the importance of considering zone objectives when assigning use classes to land uses in the zoning table.

It is recommended that the recommended zoning table provided in **Appendix C** be formalised through inclusion in the local planning scheme guidance.

3.3.2 Development requirements

The audit of development requirements for commercial and industrial type zones in the Metropolitan Region and Peel Region Scheme areas found significant variation for each local authority. It is highlighted that the location of the development requirements can

vary between local governments, with some being located within the scheme and others being outlined in local planning policies, local development plans and/or guidelines.

The idea that development requirements for industrial type zones and potentially the service commercial zone will be addressed through an industrial design code was consulted on. The development of an industrial design code similar to the R-Codes, could enable provisions and/or acceptable outcomes to be developed consistent with development requirement principles specified in a design code. This would ensure an overall consistency whilst also accommodating those localities or developments that might need a different approach.

Comments received during the consultation period did not demonstrate support for the preparation of a design code for industrial type zones or the service commercial zones. Based on the feedback received, it is recommended that the Department prepare a background paper for further consultation, which includes discussion on:

- the concerns and suggestions raised by stakeholders during this consultation period
- the opportunities and constraints of a design codes
- the methodology and expected timeframes for drafting a design code
- a staged approach to the implementation of a design code

In the interim, it is recommended that a combination of provisions in the local planning scheme and local planning policy be used. It is suggested that the following primary controls be introduced to local planning schemes under part 4 – general development requirements of the model provisions:

- lot sizes;
- setbacks; and
- building height (if applicable)

It is also suggested that a local planning policy be used to address discretion in relation to the above primary controls and other elements of design not included in the local planning scheme consistent with the following:

- General Matters
 - Precinct structure plan references
 - Other Guidance Document references (For example - EPA separation guidelines)
 - Design intent
- Site Layout and Building
 - Building orientation
 - Materials
 - Setbacks (guidance on the application of discretion)
 - Transition to other zones
- Community Spaces, Landscaping and Verges
 - Community spaces
 - Landscaping
 - Verge appearance and infrastructure
- Parking and Access
 - Parking provision (refer to relevant provision(s)), location and materials
 - Crossovers
 - Bicycle parking
 - End of trip facilities
- Loading and waste
 - Refuse and storage areas
 - Waste
 - Stormwater
 - Waste disposal

- Other matters
 - Lighting
 - Fencing
 - ESD
 - Acoustic considerations

It is recommended that the above guidance be formalised through inclusion in the proposed local planning scheme guidance.

3.3.3 Other matters

During discussion regarding land use permissibility it was suggested that the definition of the approved land use(s) be included with the development approval to avoid any dispute or need for another approval should the land use definition change in the future.

It is recommended that clause 68 of the deemed provisions be amended to include a sub-clause as outlined below to require the decision maker to include the definition of the approved land use as an advice note to the approval/decision letter:

- (a) If development approval is granted under clause 68, the local government is to include a list of the approved land use(s) together with the applicable land use definition(s) as approved.

3.4 Supplemental Provisions – Summary of Draft Proposals

In addition to the model and deemed provisions, section 73(2A) of the *Planning and Development Act 2005* allows for a scheme to include supplemental provisions, provided those supplemental provisions are consistent with or not already covered by the Regulations.

There are some supplemental provisions commonly included in local planning schemes that may warrant broader application and standardisation in local planning schemes. One example identified in the stakeholder consultation report was the establishment of

a significant tree register. Feedback on the need to standardise provisions and processes relating to the establishment and maintenance of significant tree registers was mixed. It was acknowledged through comments that significant tree registers on their own are not the sole solution to controlling tree removal and canopy loss and standardisation through deemed provisions may create an expectation that local governments must establish a significant tree register. Further it was noted through feedback that there are currently a number of scheme amendment proposals being progressed to address tree retention. It is therefore suggested that any further consideration to the standardisation of provisions and processes relating to the establishment and maintenance of significant tree registers be deferred until the current scheme amendment proposals have been determined and other work relating more broadly to tree preservation has been progressed.

4. Recommended implementation approach

The stakeholder consultation report recommended an implementation approach for improving the consistency of local planning schemes that included a number of short term (1-3 years) and longer term (3 years +) actions consisting of changes to model and deemed provisions and development of supporting policy and guidance.

Feedback received on the stakeholder consultation report, particularly from local government stakeholders indicated general support for the proposed implementation approach, however some refinements are required to address comments and concerns raised about proposed actions relating to a standardised zoning table, industrial design code and deemed local planning scheme. Concerns related mainly to ensuring that local planning schemes are flexible and able to respond to local circumstances, and local government and DPLH having capacity to implement the recommended approach.

In response to concerns raised it is proposed to undertake a staged approach to implementation of more consistent and standardised content into local planning schemes. A staged approach will involve inclusion and testing of more standardised content first through local planning scheme guidance and where relevant later integration into model and deemed provisions through a 10 year review of the model and deemed provisions, consistent with the new provisions in Part 9 of the *Planning and Development Amendment Act, 2023*.

Proposed short to mid term and long term actions are outlined on page 22.

4.1 Short to mid-term actions (1-3 years)

Model provisions

1. Update the model provisions to include:
 - (a) proposed changes identified in Appendices A and B for land uses, zones, reserves and associated definitions and objectives
 - (b) modified use class definitions for P, D, A and I as identified in section 3.3.1.
2. Local governments located in the Metropolitan Region and Peel Region Scheme areas to commence amending their schemes to be consistent with updated model provisions and local planning scheme guidance.

Deemed provisions

3. Update the deemed provisions to include
 - (a) model provisions relating to non-conforming uses and restrictive covenants
 - (b) separation of land use terms in the deemed provisions from other terms defined in the deemed provisions
 - (c) a requirement for the decision maker of an Application for Development Approval to include the land use definition(s) of all approved land use(s) as an advice note on a decision

Supporting implementation actions

4. Prepare local planning scheme guidance to provide:
 - (a) guidance on the process of preparing and amending a local planning scheme;
 - (b) greater transparency on the process for varying model provisions and for sharing information on approved variations to the model provisions, including a published list

of approved variations to the model provisions, along with justification for their approval and applicability to other local governments;

- (c) translation and alignment of non-model land uses, zones and reserves with those contained in the model provisions;
 - (d) standardised zoning table and primary development controls for commercial and industrial type zones as per Appendix C (later expanding to include all model zones);
 - (e) improved guidance on the inclusion in schemes of additional uses, restricted uses, special use zones, non-conforming uses and special control areas;
 - (f) improved guidance and updated manner and form for undertaking reports of review and amendments to local planning schemes; and
 - (g) guidance on how local government can package up the local planning scheme text and the deemed provisions to assist readability and ease of use.
5. Consider preparing, for consultation with key stakeholders, a discussion paper to identify the need and process for the preparation of a design code for industrial zones and potentially the service commercial zone.

4.2 Long term actions (3 years+)

Model and deemed provisions

6. 10 year review of the model and deemed provisions

Supporting implementation actions

7. Ongoing review and update of local planning scheme guidance.
8. Depending on outcomes from the discussion paper on a design code for industrial zones, prepare and implement design code.

5. Path forward

Following consideration by the WAPC, it is anticipated that approved implementation actions and proposals for change, where relevant, will be progressed through amendments to the Regulations and the development of local planning schemes guidance and other supporting documentation.

5.1 Transitional Arrangements

The proposed changes contemplated in this report are not expected to be integrated into the preparation of new local planning schemes or the amendment of existing local planning schemes until the proposed changes have been incorporated into drafting instructions for changes to the Regulations and/or guidance for the preparation or amendment of local planning schemes.

At this stage those new local planning schemes or amendments to existing schemes that have been given consent to advertise prior to proposed changes to the Regulations being incorporated into drafting instructions and or finalisation of guidance for the preparation or amendment of local planning schemes, will not be required to be consistent with those proposed changes.

Appendix A – Proposed changes to land uses

| Land use | Current | Proposed change and justification | Recommendation |
|-----------------------|---------------------------------------|---|---|
| aerodrome | No current definition in Regulations. | <p>There have been a number of schemes pre and post Regulations that include a land use term of either aerodrome, airfield or aviation uses. The stakeholder consultation report proposed that the use aerodrome be introduced to include those areas of land or water certified under the <i>Civil Aviation Act</i> for use as an aerodrome. Based on comments received it is proposed to further refine the land use to provide greater clarity on the difference between the aerodrome and aircraft landing area land uses. A key distinction between the uses is aerodrome is certified under the relevant regulatory framework, generally also includes associated buildings and installations, and accommodates larger and more frequent aircraft (for example regular public transport services, general aviation etc).</p> <p>Comments received also asked for clarity as to whether the proposed aerodrome and aircraft landing area land uses would include drone use. Reference to drone use within the land use definitions for aerodromes and aircraft landing areas is not supported as the Australian Government’s Infrastructure Planning Guidelines for Drone Delivery Services does not recommend that planning authorities develop or require specific land-use categories or planning controls for small sized drone delivery infrastructure. In regard to larger drones (more than 25 kilograms) the Australian Government is currently developing guidelines that will inform whether planning control or specific land uses are required for large drones.</p> | <p>Add land use</p> <p>Add land use and associated definition that:</p> <ul style="list-style-type: none"> includes those areas of land or water certified under the <i>Civil Aviation Act</i> for use as an aerodrome; provides clarity on the difference between the aerodrome and aircraft landing area land uses as per the draft Position Statement – Mining Aerodromes near Regional Airports; and makes clear that drone use is not included in the definition. |
| aircraft landing area | No current definition in Regulations. | <p>There have been a number of schemes pre and post Regulations that include a land use term of either aerodrome, airfield or aviation uses. The stakeholder consultation report proposed that the use aircraft landing area be introduced to include those areas of land suitable for the conduct of take-off and landing and associated aircraft operations for private, aerial work or charter activities. Based on comments received it is proposed to further refine the proposed land use to provide greater clarity on the difference between the aerodrome and aircraft landing area land uses as per the draft Position Statement – Mining Aerodromes near Regional Airports, which include definitions for aerodrome and aircraft landing area, and to make clear that drone use will not be included in these definitions, for the reasons detailed above.</p> | <p>Add land use</p> <p>Add land use and associated definition that:</p> <ul style="list-style-type: none"> include those areas of land suitable for the conduct of take-off and landing and associated aircraft operations for private, aerial work or charter activities; provides clarity on the difference between the aerodrome and aircraft landing area land uses as per the draft Position Statement – Mining Aerodromes near Regional Airports; and makes clear that drone use is not included in the definition. |

| Land use | Current | Proposed change and justification | Recommendation |
|------------------------------|--|--|---|
| amusement parlour | 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. | Delete land use. The definition of amusement parlour is considered very narrow in scope and could easily be integrated into the definition of 'recreation-private'. | Delete land use |
| animal husbandry - intensive | Means premises used for keeping, 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. | Following a review of SPP 2.5 - Rural planning, it was suggested that the definition of 'animal husbandry' be expanded to include specific reference to additional animals such as alpacas, beef and dairy cattle, goats and sheep. The stakeholder consultation report proposed to provide greater flexibility to accommodate a broader range of relevant animals by modifying the definition to remove reference to specific animals. Based on comments provided by DPIRD it is proposed that the definition retain specific reference to pigs, poultry and rabbits, but is modified to replace 'livestock' with 'animals' to provide the flexibility to accommodate additional animals such as alpacas, beef and dairy cattle, goats and sheep. | Modify land use Modify land use definition by replacing 'livestock' with 'animals'. |
| art gallery | means premises – (a) that are open to the public; and (b) where artworks are displayed for viewing or sale | Delete 'art gallery' land use and associated definition. It was suggested by comments provided by local government that the 'art gallery' land use could be deleted and incorporated into 'exhibition centre' land use. | Delete land use |
| brewery | 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> . | Replace 'brewery' land use with 'beverage production facility'. The current definition of brewery includes other forms of liquor production including distillery and cidery. The stakeholder consultation report suggested the land use term brewery and associated definition be replaced with 'liquor production facility' to encompass the full variety of alcohol production facilities (for example, winery, brewery, cidery, distillery etc). Based on comment received, it is proposed to change the terminology from 'liquor' to 'beverage' production facility, to further broaden the land use to also encompass the production of non-alcoholic beverages. This change is considered appropriate as the issues associated with manufacture of liquor and non-alcoholic drinks are the same, principally being the disposal of trade waste and visitor management. | Replace land use Replace 'brewery' land use with 'beverage production facility'. |

| Land use | Current | Proposed change and justification | Recommendation |
|----------------------|--|--|---|
| bulky goods showroom | <p>Means premises –</p> <p>(a) used to sell by retail any of the goods and accessories of the following types that are principally used for domestic purposes –</p> <ul style="list-style-type: none"> (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 children's goods, including play equipment and accessories; (xi) sporting, cycling, leisure, fitness goods and accessories; (xii) swimming pools. <p>or</p> | <p>The review of SPP 4.2 noted concerns from stakeholders that shops, such as supermarkets and pharmacies,) are starting to locate in bulky goods and large format retail precincts (e.g. service commercial zone), which undermines the role and function of activity centres.</p> <p>In resolving to endorse the final release of SPP 4.2 (March 2022), the WAPC amongst other things resolved to review the 'shop' and 'bulky goods showroom' land use terms and zones related to activity centres in the Planning and Development (Local Planning Schemes) Regulations 2015.</p> <p>The stakeholder consultation report proposed that the definition of 'bulky goods showroom' be refined to:</p> <ul style="list-style-type: none"> • Specify that goods and services are of a bulky nature • Excludes the sale of foodstuffs, alcohol, medicines, footwear or clothing unless their sale is ancillary to the sale of bulky goods • Remove reference to the specific types of goods and accessories specified in the current definition <p>Comments received did not support this proposed change. The current definition will be retained with modifications to exclude food stuff, footwear and clothing unless they are ancillary to the sale of goods and services specified in the current definition, The introduction of a potential restriction on floor space allocated for the display or sale of ancillary items will also be considered.</p> | <p>Modify land use</p> <p>Retain the current definition with modifications to exclude food stuff, footwear and clothing unless they are ancillary to the sale of goods and services specified in the current definition, The definition should also include a restriction on the size of floor space used for the sale and display of ancillary items.</p> |

| Land use | Current | Proposed change and justification | Recommendation |
|----------------------------|--|--|--|
| bulky goods showroom | (b) used to sell 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. | | |
| camping ground | No current definition in the Regulations. | 9 schemes post Regulations and 21 schemes pre Regulations include camping ground as a land use term and definition. Schemes that include camping ground as a land use term refer to the <i>Caravan Parks and Camping Grounds Act 1995</i> for a definition. The stakeholder consultation report proposed modifying the 'caravan park' land use to 'caravan park/camping ground'. Comments received indicate that the provision of 'caravan park/camping ground' as a combined land use term and definition in the model provisions is not appropriate as both uses have different planning considerations. It was therefore suggested that the current 'caravan park' land use be retained and a new land use be included for 'camping ground'. | Add land use Add land use 'camping ground' and use definition from the <i>Caravan Parks and Camping Grounds Act 1995</i> . |
| exhibition centre | Means premises used for the display, or display and sale, of materials of an artistic, cultural or historical nature, including a museum. | Comments received suggested the definition be modified to include reference to art gallery. | Modify land use Modify definition to include reference to art gallery. |
| 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. | The stakeholder consultation report proposed that the land use be replaced with 'food outlet'. Further it was suggested that the definition of food outlet allow for the preparation, sale and serving of food, in a form ready to be consumed without further preparation on and/or off the premises' and explicitly exclude drive-through facility. | Replace land use Replace land use with 'food outlet'. The definition should allow for the preparation, sale and serving of food, in a form ready to be consumed without further preparation on and/or off the premises' and explicitly exclude drive-through facility. |

| Land use | Current | Proposed change and justification | Recommendation |
|---|---|---|---|
| food outlet with drive-through facility | No current definition in the Regulations. | <p>Currently the Regulations do not distinguish between those food outlets that have a drive through facility and those that do not.</p> <p>It considered that the nature of land use and potential impact of a food outlet will be different depending on whether the food outlet has a drive through facility.</p> <p>To allow distinction between a food outlet that has drive through facility (e.g. fast food franchise) and those that do not (e.g. corner lunch bar), it is suggested that a new land use 'food outlet with drive-through facility' to enable a variation of permissibility's of each within zones be introduced.</p> | <p>Add land use</p> <p>Add land use 'Food outlet with drive-through facility'.</p> |
| freeway service centre and roadhouse | <p>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) —</p> <ul style="list-style-type: none"> (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. | <p>The stakeholder consultation report proposed that the definition should be refined to be less prescriptive, as the current definition lists a number of specific uses or activities that can be undertaken. It was not proposed that the two land uses be combined, however the way in which the information was presented in the stakeholder consultation report, it may have appeared that way.</p> <p>Comment received suggested ... 'provides all the following services'...' be modified to "... 'provides all or some' ..." as it may be reasonable to carry out only a portion of the items in the list, particularly for road house.</p> | <p>Modify land use</p> <p>Retain separate land uses for freeway service centre and roadhouse, modify land use definition of freeway service centre to be consistent with DC Policy 1.10 – Freeway service centres and roadhouses, including signage, however further refine this to change 'provides all' to 'provides all or some' of the listed services and facilities.</p> <p>The defined land use term in the Position Statement will also need to be updated to reflect this change.</p> |

| Land use | Current | Proposed change and justification | Recommendation |
|-------------------------------|--|---|--|
| independent living complex | No current definition. | Independent living complex is a term that was introduced in the Position Statement - Residential accommodation for ageing persons (December 2021) and has been approved as a variation to the model provisions through its inclusion in local planning schemes recently approved by the Minister. Consultation confirmed support for the land use 'independent living complex' and associated definition from the Planning Position Statement - Residential accommodation for ageing persons, be included in the Regulations. | Add land use Add land use 'independent living complex' consistent with Position Statement - Residential accommodation for ageing persons (December 2021). |
| industry – primary production | 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. | Continuous review of the Regulations has identified that stakeholders are more comfortable with the term 'industry – rural', than 'industry – primary production'. Consultation confirmed support for the land use term 'industry – primary production' to be replaced with 'industry – rural'. It is also suggested that the definition be modified to remove reference to the <i>Income Tax Assessment Act 1997</i> . | Replace land use Replace land use 'industry – primary production' with 'industry – rural' and avoid reference to the <i>Income Tax Assessment Act 1997</i> in the definition of the use. |
| market | Means premises used for the display and sale of goods from stalls by independent vendors. | The review of SPP4.2 acknowledged that the market land use definition may also require review as it may provide an opportunity for large shops to locate out of centre zones. The stakeholder consultation report proposed that the definition be modified to make reference to 'temporary' stalls. Based on comments received, reference to temporary stalls will not be included in the definition, as stalls can be either permanent or temporary. It is now proposed the definition be modified to 'premises divided into small individual tenancies and used for the display and sale of goods from stalls by independent vendors'. | Modify land use Modify land use definition to 'premises divided into small individual tenancies and used for the display and sale of goods from stalls by independent vendors. |
| nature based park | Not currently defined in the Regulations. | Comments received requested a definition be provided for nature based park', as approximately 16 local planning schemes have, or are proposing, a definition for this use. | Add land use Add new land use 'nature based park' and associated definition contained within the Caravan and Camping Grounds Regulations 1997. |
| park home park | Means premises used as a park home park as defined in the Caravan Parks and Camping Grounds Regulations 1997 Schedule 8. | The stakeholder consultation report proposed that reference to schedule 8 of Caravan Parks and Camping Grounds Regulations 1997 should be deleted as that schedule is no longer included in those Regulations. This proposed change is supported. | Modify land use Modify land use definition to remove reference to schedule 8 of Caravan Parks and Camping Grounds Regulations 1997. |

| Land use | Current | Proposed change and justification | Recommendation |
|--|---|---|---|
| recreation - private | Means premises that are – (a) used for indoor or outdoor leisure, recreation or sport; and (b) not usually open to the public without charge. | Consultation confirmed support for the land use term 'amusement parlour' and associated definition to be deleted, and for modification of the definition of 'recreation – private' to include reference to 'amusement'. | Modify land use Modify land use definition to include reference to amusement. |
| renewable energy facility | Not currently defined in the Regulations. | The Minister has approved the inclusion of the term 'renewable energy facility' in 21 schemes post Regulations. The Position Statement – Renewable energy facilities (March 2020) proposed a definition for a 'renewable energy facility'. The stakeholder consultation report proposed that the definition for renewable energy facility be consistent with the definition from the position statement. This proposed change is supported, and based on comments received it is proposed to further refine the definition to include reference to premises used to store energy, and to allow consideration of facilities that generate power that will not be supplying renewable energy back to the grid. | Add land use Add as new land use, with modification to the definition proposed in the Position Statement – Renewable energy facilities (March 2020), to also include reference to premises used to store energy, and to allow consideration of facilities that generate power that will not be supplying renewable energy back to the grid. |
| repurposed dwelling and second-hand dwelling | Not currently defined in the Regulations. | Amenity concerns have been raised by various stakeholders with respect to repurposed dwellings and second-hand dwellings being exempt from requiring development approval under the Regulations as they currently fall within the definition of a 'single house' which are normally listed as a 'P' use in schemes. To allow local governments to control the location of repurposed dwellings and second-hand dwellings, the inclusion of repurposed dwelling and second-hand dwelling as land uses has been approved as a variation to the model provisions in around 20 local planning schemes post Regulations. Preliminary consultation with some local governments and industry stakeholders has suggested that repurposed dwelling and second-hand dwelling are a single house and do not warrant inclusion as individual land uses within the Regulations. These stakeholders suggested that appearance, condition and built form of a dwelling where necessary could be dealt with through scheme provisions or a local planning policy. The stakeholder consultation report sought further feedback on whether repurposed dwelling and second-hand dwelling should be included as separate land uses in the Regulations. | Add land uses Include new land uses for repurposed dwelling and second-hand dwelling. |

| Land use | Current | Proposed change and justification | Recommendation |
|--|--|---|---|
| repurposed dwelling and second-hand dwelling (continued) | | A majority of comments received did not support the proposed change, however it is recognised that issues about the location and amenity impacts of repurposed and second-hand dwellings are more prevalent in regional local governments, from which only a few submissions were received. Further, given that around 20 local planning schemes have sought variations to the model provisions to include these land uses, it is recommended that they be included as land uses in the model provisions. | |
| residential care facility | Not currently defined in the Regulations. | <p>There has been many different land uses and definitions across schemes both pre and post Regulations that have been used to classify or define a facility providing personal and/or nursing care primarily to people who are frail and aged or dependent persons.</p> <p>Position Statement - Residential accommodation for ageing persons (December 2020) proposed the use of the land use term 'residential aged care facility' and associated definition.</p> <p>Preliminary consultation with some local governments and industry stakeholders has suggested as people of all ages can require high levels of care, broader reference to residential care is preferred over specific reference to 'aged care'.</p> <p>The stakeholder consultation report proposed that the land use remove reference to 'aged' and instead be referred to as 'residential care facility'.</p> | <p>Add land use</p> <p>Add new land use 'residential care facility' and use the definition from Position Statement - Residential accommodation for ageing persons (December 2021)</p> <p>The defined land use term in the Position Statement is for 'residential aged care facility', which will also need to be updated to reflect this change.</p> |
| rural home business | <p>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 –</p> <p>(a) does not involve employing more than 2 people who are not members of the occupier's household; and</p> <p>(b) will not cause injury to or adversely affect the amenity of the neighbourhood; and</p> <p>(c) does not occupy an area greater than 200 m²; and</p> | <p>There are a number of schemes post and pre-Regulations that have included a diversity of land uses (for example, wayside stall, produce stall) that generally relate to the sale of produce or commodity grown on the land on which it is sold.</p> <p>To avoid the introduction of a new land use in the model provisions, the stakeholder consultation report recommended that the definition of rural home business is modified to delete subclause (d) from the existing definition, so as to allow for the sale of goods. Based on comments received, this proposed change is supported, and it is proposed to amend the reference to 'land around a dwelling' to 'land', to better accommodate land uses such as wayside stalls, and to refine the definition to limit goods to be sold to those produced on the property or within the locality.</p> | <p>Modify land use</p> <p>Modify land use definition to simplify 'land around dwelling' to 'land', and to limit goods to be sold to those produced on the property or within the locality.</p> |

| Land use | Current | Proposed change and justification | Recommendation |
|---------------------------------|---|---|--|
| rural home business (continued) | <p>(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</p> <p>(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</p> <p>(f) does not involve the presence, use or calling of more than 3 vehicles at any one time or of a vehicle of more than 30 tonnes gross weight.</p> | | |
| service station | <p>Means premises other than premises used for a transport depot, panel beating, spray painting, major repairs or wrecking, that are used for –</p> <p>(a) the retail sale of petroleum products, motor vehicle accessories and goods of an incidental or convenience nature; or</p> <p>(b) the carrying out of greasing, tyre repairs and minor mechanical repairs to motor vehicles.</p> | <p>The stakeholder consultation report proposed refinement of the service station definition to be less prescriptive to allow for the various types of fuel (currently limited to petroleum products) and the charging of vehicles.</p> | <p>Modify land use</p> <p>Modify the definition of service station to be less prescriptive to allow for the various types of fuel (currently limited to petroleum products) and the charging of vehicles.</p> |

| Land use | Current | Proposed change and justification | Recommendation |
|-----------------------|---|---|---|
| shop | 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; | <p>Currently, the Regulations include the land use term ‘shop’. Shop 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. The recent review and update of SPP 4.2 provides for two different shop sizes:</p> <ul style="list-style-type: none"> • shop – small – no greater than 1500 m² net lettable area (NLA) • shop – large – greater than 1500 m² NLA <p>The intent of specifying shop – small and shop – large is to encourage larger shops (full-line supermarkets) to locate in higher level activity centres (neighbourhood and above). Locating full-line or large supermarkets in higher order centres encourages diversity of land use and housing density around these centres intended to have the larger population catchments.</p> <p>To support implementation of SPP 4.2 and encourage appropriately sized shops in activity centres, the stakeholder consultation report proposes the current ‘shop’ land use be separated into two uses ‘shop – small’ (a net lettable area of less than 1,500 m²) and ‘shop – large’ (a net lettable area of more than 1,500 m²).</p> <p>It is also proposed that the definitions for shop – small and shop – large exclude other shops and liquor stores.</p> <p>Some comments received expressed concern that a 1,500 m² threshold for shop – small, is too large. The 1500m² threshold was chosen for shop – small for the following reasons:</p> <ul style="list-style-type: none"> • Full line supermarkets are well above 1500m², with most generally being 2500m² or larger. • Smaller supermarkets vary in size but were generally less than 1500m². | <p>Modify land use</p> <p>Modify land use to split shop into two land uses: ‘shop – small’ and ‘shop – large’.</p> |
| veterinary centre | Means premises used to diagnose animal diseases or disorders, to surgically or medically treat animals, or for the prevention of animal diseases or disorders. | Consultation confirmed support to update the land use to be consistent with the <i>Veterinary Practice Act 2021</i> . | <p>Modify land use</p> <p>Modify land use to be consistent with the <i>Veterinary Practice Act 2021</i>.</p> |
| warehouse/ storage | 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. | <p>The review of SPP 4.2 acknowledged that the warehouse/storage land use definition may also require review as the current definition may assist warehouse style supermarkets to locate out of centre.</p> <p>Consultation confirmed support for the definition to be modified to provide more clarity around the term ‘wholesale’, whereby the goods sold are to be on sold by a retailer.</p> | <p>Modify land use</p> <p>Modify land use to provide more clarity around the term ‘wholesale’, whereby the goods sold are to be on sold by a retailer.</p> |

| Land use | Current | Proposed change and justification | Recommendation |
|-----------|---|---|---|
| winery | Means premises used for the production of viticultural produce and associated sale of the produce. | The stakeholder consultation report proposed that the 'winery' land use be deleted from the Regulations, as it would fall under the broader proposed land use of 'liquor production facility' (see proposed new land use above). Comments received indicated some concern over grouping winery with other liquor related uses, as winery is a more unique development outcome that provides character, amenity and tourism value to an area. However, it is considered that there are other mechanisms within the local planning scheme that can promote and protect viticulture. It is suggested to proceed with change to replace 'winery' with 'beverage production facility'. | Replace land use Replace 'winery' land use with the proposed 'beverage production facility' land use. |
| wind farm | Means premises used to generate electricity by wind force and any associated turbines, buildings or other structures but does not include anemometers or turbines used primarily to supply electricity to a domestic property or for private rural use. | Consistent with the Position Statement – Renewable energy facilities (March 2020) the stakeholder consultation report proposed that the 'wind farm' land use be replaced as it will be incorporated in the proposed new land use 'renewable energy facility'. Consultation confirmed support for the proposed change. | Replace land use Replace land use with 'renewable energy facility'. |

Appendix B – Proposed changes to zones and reserves

| Zone | Current | Proposed change and justification | Recommended change |
|-------------|--|--|--|
| Residential | <ul style="list-style-type: none"> To provide for a range of housing and a choice of residential densities to meet the needs of the community. To facilitate and encourage high quality design, built form and streetscapes throughout residential areas. To provide for a range of non-residential uses, which are compatible with and complementary to residential development. | <p>Review of the objectives is required to assist improved alignment of the zone objectives with the R-Codes. The stakeholder consultation report proposed that this may include clearer reference to the residential density code and objectives of the medium density policy component of the R-Codes. Based on the comments received, it is proposed to include reference to character, heritage and amenity, make general reference to residential density codes in objective 2, and modify objective 1 to provide for a range of residential densities and a choice of housing to meet the needs of the community.</p> | <p>Modify zone objectives</p> <p>Modify objectives to:</p> <ul style="list-style-type: none"> include reference to character, heritage and amenity; make general reference to residential density codes in objective 2; and modify objective 1 to provide for a range of residential densities and a choice of housing to meet the needs of the community. |
| Rural | <ul style="list-style-type: none"> To provide for the maintenance or enhancement of specific local rural character. To protect broad acre agricultural activities such as cropping and grazing and intensive uses such as horticulture as primary uses, with other rural pursuits and rural industries as secondary uses in circumstances where they demonstrate compatibility with the primary use. To maintain and enhance the environmental qualities of the landscape, vegetation, soils and water bodies, to protect sensitive areas especially the natural valley and watercourse systems from damage. To provide for the operation and development of existing, future and potential rural land uses by limiting the introduction of sensitive land uses in the Rural zone. To provide for a range of non-rural land uses where they have demonstrated benefit and are compatible with surrounding rural uses. | <p>The stakeholder consultation report proposed that the objectives be modified to:</p> <ul style="list-style-type: none"> Refer to 'amenity' rather than 'character' to ensure consistency with the use of amenity in the objectives of other zones and in the deemed provisions. Ensure the objectives as currently worded do not imply that rural industry can only occur if it is incidental or ancillary to agricultural activities (such as cropping and grazing). Broaden the scope of the third objective by removing reference to sensitive areas and natural valleys. <p>During stakeholder consultation, some concerns over replacing 'character' with 'amenity' were raised. It was suggested to modify the reference to 'landscape character', as per SPP 6.1 and the Visual Management Manual, which aims to protect landscape character in rural zones. Based on this, it is proposed to proceed with modifying the reference to 'character' to 'landscape character', and include reference to 'amenity' as objectives for other zones refer to 'amenity'. Amenity is a defined term in the deemed provisions, where 'amenity' means all those factors which combine to form the character of an area and include the present and likely future amenity'.</p> | <p>Modify zone objectives</p> <p>Modify objectives to:</p> <ul style="list-style-type: none"> Refer to 'amenity' and 'landscape character' to ensure consistency with the use of amenity in the objectives of other zones and in the deemed provisions, and with SPP 6.1 and Visual Management Manual Ensure the objectives as currently worded do not imply that rural industry can only occur if it is incidental or ancillary to agricultural activities (such as cropping and grazing). <p>Broaden the scope of the third objective by removing reference to sensitive areas and natural valleys.</p> |

| Zone | Current | Proposed change and justification | Recommended change |
|---------------------|---|--|---|
| Rural Residential | <ul style="list-style-type: none"> To provide for lot sizes in the range of 1 ha to 4 ha. To provide opportunities for a range of limited rural and related ancillary pursuits on rural-residential lots where those activities will be consistent with the amenity of the locality and the conservation and landscape attributes of the land. To set aside areas for the retention of vegetation and landform or other features which distinguish the land. | <p>The stakeholder consultation report proposed that objective 1 be modified to make reference to applicable State Planning Policy as SPP 2.5 - Rural planning, provides criteria and controls around subdivision of rural residential lots. The objectives should also recognise that the zone provides for low density residential uses.</p> <p>Comments received requested the retention of reference to lot sizes, reference to landscape character, and expressed concern over reference to low density residential.</p> | <p>Modify zone objectives</p> <p>Modify objectives to include references to applicable State planning policy, and landscape character.</p> |
| Rural Smallholdings | <ul style="list-style-type: none"> To provide for lot sizes in the range of 4 ha to 40 ha. To provide for a limited range of rural land uses where those activities will be consistent with the amenity of the locality and the conservation and landscape attributes of the land. To set aside areas for the retention of vegetation and landform or other features which distinguish the land. | <p>The stakeholder consultation report proposed that objective 1 be modified to make reference to applicable State Planning Policy as SPP 2.5 - Rural planning, provides criteria and controls around subdivision of rural smallholding lots. It was also proposed that the objectives should recognise that the zone provides for low density residential uses. Comments received requested reference to landscape character, the retention of lot sizes and a clearer distinction between Rural Residential and Rural Smallholdings by deleting the word 'limited' in objective 2.</p> | <p>Modify zone objectives</p> <p>Modify objectives to include references to applicable State planning policy, landscape character, and make clear the distinction between Rural Residential and Rural Smallholdings.</p> |
| Strategic Industry | <p>To designate industrial sites of State or regional significance.</p> | <p>The current objective is not that useful in assisting the assignment of permissibility of land uses to the zone. The stakeholder consultation report proposed additional objectives consistent with SPP 4.1 be included to address principles related to:</p> <ul style="list-style-type: none"> Accommodating high intensity industries of State significance; Accommodating supporting infrastructure; Co-location of compatible and complimentary land uses; and Incorporate impact areas within the zone that require suitable and appropriate integration with surrounding compatible zones, reserves and land uses. <p>Comments received queried the need to remove reference to regional significance and suggested 'high intensity industrial' be defined, and suggested modifying the first and forth dot points to better align with SPP 4.1.</p> | <p>Modify zone objectives</p> <p>Modify objectives to address the following principles:</p> <ul style="list-style-type: none"> Accommodating high intensity industries (such as but not limited to mineral processing, advanced manufacturing, power generation or waste processing) of regional and State significance; Accommodating supporting infrastructure; Co-location of compatible and complementary land uses; and Incorporate impact areas within the zone that require suitable and appropriate integration with surrounding compatible zones, |

| Zone | Current | Proposed change and justification | Recommended change |
|--------------------------------|-----------------------------|--|---|
| Strategic Industry (continued) | | | <p>reserves and land uses to ensure the site can:</p> <ul style="list-style-type: none"> a) expand and grow over time; b) prevent and minimise the encroachment of incompatible land uses; and c) ensure off-site impacts and/or safety risks are managed within a defined area. |
| Local Centre | No current zone/objectives. | <p>Based on the review of SPP 4.2 Activity centres, the WAPC has formed a position that a 'local centre' warrants an individual zone. It is intended that a local centre provide for the incidental and convenience needs of the local community (within a walkable catchment) primarily through land uses such as convenience store, shop – small, liquor store – small, fast food outlet/lunch bar, restaurant/ café, and small bar. The stakeholder consultation report proposed that objectives for the local centre zone address principles related to:</p> <ul style="list-style-type: none"> • Providing for the local community's incidental and convenience needs of goods and services, consistent with this level of the activity centre hierarchy as outlined in the applicable State Planning Policy. • Ensuring that development is of a scale compatible with surrounding development and does not adversely impact on adjoining residential areas. • Providing for a pedestrian-dominant streetscape where the primary focus of activity is on the street, the public realm and public open spaces. • Prioritising walking, cycling and public transport access to and within the centre. • Ensuring the design and landscaping of development provides a high standard of safety, convenience and amenity and contributes to a sense of place and community. <p>Comments received suggested numerous further refinements to zone objectives to:</p> <ul style="list-style-type: none"> • Clarify scale • Make reference to residential development | <p>Add zone</p> <p>Add Local centre zone' which includes objectives to address principles related to:</p> <ul style="list-style-type: none"> • Providing clarity of appropriate scale • Providing for the local community's incidental and convenience needs of goods and services, consistent with this level of the activity centre hierarchy outlined in the applicable State Planning Policy. • Ensuring that development is of a scale compatible with surrounding development and does not adversely impact on adjoining residential areas. • Providing for a pedestrian-dominant streetscape where the primary focus of activity is on the street, the public realm and public open spaces. • Prioritising walking, cycling and public transport access to and within the centre. • Ensuring the design and landscaping of development provides a high standard of safety, convenience and amenity and contributes towards a sense of place and community. • Providing a mix of residential uses in combination with other uses. |

| Zone | Current | Proposed change and justification | Recommended change |
|----------------------|----------------------------|--|--|
| Neighbourhood Centre | No current zone/objectives | <ul style="list-style-type: none"> Based on the review of SPP 4.2 Activity centres, the WAPC has formed a position a neighbourhood centre warrants an individual zone. It is intended that a neighbourhood centre provide a local focal point for daily to weekly household shopping needs, community facilities and a small range of other convenience services. A neighbourhood centre may provide for land uses allowed in a local centre, plus the additional land uses of Shop – large, liquor store – large, market, restricted premises, amusement parlour, educational establishment, recreation – private, small bar, tavern, office – small, medical centre, art gallery. The stakeholder consultation report proposed that the objectives for the neighbourhood centre zone address the following principles: Providing a focal point for accommodating the local community's daily to weekly household shopping needs, community facilities, small range of convenience services, and local employment consistent with this level of the activity centre hierarchy outlined in the applicable State planning policy. Ensuring that development is of a scale compatible with surrounding development and does not adversely impact on adjoining residential areas. Providing for a pedestrian-dominant streetscape where the primary focus of activity is on the street, the public realm and public open spaces. Providing a focus for integrated and well-designed medium density housing and mixed used development. Prioritising walking, cycling and public transport access to and within the centre. Ensuring the design and landscaping of development provides a high standard of safety, convenience and amenity and contributes towards a sense of place and community. <p>Based on the comments received, the proposed change is supported, with further refinement of zone objectives to clarify appropriate scale.</p> | <p>Add zone</p> <p>Add Neighbourhood centre zone which includes objectives to address principles related to:</p> <ul style="list-style-type: none"> Providing clarity of appropriate scale Providing a focal point for accommodating the local community's daily to weekly household shopping needs, community facilities, small range of convenience services and local employment consistent with this level of the activity centre hierarchy as outlined in the applicable State planning policy. Ensuring that development is of a scale compatible with surrounding development and does not adversely impact on adjoining residential areas. Providing for a pedestrian-dominant streetscape where the primary focus of activity is on the street, the public realm and public open spaces. Providing a focus for integrated and well-designed medium density housing and mixed used development. Prioritising walking, cycling and public transport access to and within the centre. Ensuring the design and landscaping of development provides a high standard of safety, convenience and amenity and contributes towards a sense of place and community. |

| Zone | Current | Proposed change and justification | Recommended change |
|--------|---|--|---|
| Centre | <ul style="list-style-type: none"> To designate land for future development as a town centre or activity centre. To provide a basis for future detailed planning in accordance with the structure planning provisions of this Scheme or the Activity Centres State Planning Policy. | <p>Based on the review of SPP 4.2 Activity centres, it is generally agreed that the differences between district, secondary and strategic centres identified in SPP 4.2, is a matter relating to the area of land zoned rather than land use permissibility and so a separate zone is not necessarily required for each of the three centres of district, secondary and strategic. It is therefore suggested that any district, secondary or strategic centres be zoned 'Centre'.</p> <p>The stakeholder consultation report proposed that the current objectives of the 'Centre' zone under clause 16 of the Model Provisions be modified to address the following principles:</p> <ul style="list-style-type: none"> Providing a focal point for accommodating a broad range of land uses to meet the community's district and/or sub-regional needs for goods and services, community facilities, entertainment and leisure, education, health and tourism, consistent with the centre's level of the activity centre hierarchy as outlined in the applicable State planning policy. Facilitating a broad range of employment to contribute towards the sub-region's employment self-sufficiency, consistent with the centre's level of the activity centre hierarchy. Providing a basis for detailed planning in accordance with any relevant State planning policy. Ensuring that development at the edges of the centre is of a scale which facilitates transition with adjoining residential areas. Providing for a pedestrian-dominant streetscapes where the primary focus of activity is on the street, the public realm and public open spaces. Providing a focus for integrated and well-designed high density housing and mixed used development. Providing for a diverse range of housing options to meet the needs of the community. Providing public open space and other infrastructure needed to serve residents, workers and visitors. Ensuring walking, cycling and public transport access to and within the centre is prioritised whilst ensuring safe and efficient access for service vehicles. | <p>Modify zone objectives</p> <p>Modify objectives to address the following principles:</p> <ul style="list-style-type: none"> Providing a focal point for accommodating a broad range of land uses to meet the community's district and/or sub-regional needs for goods and services, community facilities, entertainment and leisure, education, health and tourism, consistent with the centre's level of the activity centre hierarchy as outlined in the applicable State planning policy. Facilitating a broad range of employment to contribute towards the sub-region's employment self-sufficiency, consistent with the centre's level of the activity centre hierarchy. Providing a basis for detailed planning in accordance with any relevant State planning policy. Ensuring that development at the edges of the centre is of a scale which facilitates transition with adjoining residential areas. Providing for a pedestrian-dominant streetscapes where the primary focus of activity is on the street, the public realm and public open spaces. Providing a focus for integrated and well-designed high density housing and mixed used development. Providing for a diverse range of housing options to meet the needs of the community. |

| Zone | Current | Proposed change and justification | Recommended change |
|-----------------------|---|---|---|
| Centre (continued) | | <ul style="list-style-type: none"> Ensuring the design and landscaping of development provides a high standard of safety, convenience and amenity and contributes towards a sense of place and community <p>Comments received indicated general support for the modifications to the current objectives, however concern was raised over grouping several centre zones together; how centres in regional/rural areas will be defined and zoned, and the lack of reference to precinct plans.</p> <p>Despite some concerns, a separate zone is not necessarily required for each of the three centres of district, secondary and strategic. Inclusion of reference to Precinct Plans is supported as they are required for District centres and above.</p> | <ul style="list-style-type: none"> Providing public open space and other infrastructure needed to serve residents, workers and visitors. Ensuring walking, cycling and public transport access to and within the centre is prioritised whilst ensuring safe and efficient access for service vehicles. Ensuring the design and landscaping of development provides a high standard of safety, convenience and amenity and contributes towards a sense of place and community. Inclusion of reference to Precinct Plans as they are required for District Centres and above. |
| Mixed Use | <ul style="list-style-type: none"> To provide for a wide variety of active uses on street level which are compatible with residential and other non-active uses on upper levels. To allow for the development of a mix of varied but compatible land uses such as housing, offices, showrooms, amusement centres, eating establishments and appropriate industrial activities which do not generate nuisances detrimental to the amenity of the district or to the health, welfare and safety of its residents. | <p>SPP 4.2 encourages the use of a 'mixed use' zone for the frame of strategic, secondary and district centres. The frame is the area of land used to transition from the core of the activity centre to surrounding residential areas.</p> <p>Modification to the objectives of the mixed use zone is required to recognise the role of the mixed use zone in providing for the frame of activity centres. The stakeholder consultation report proposed that an objective be included for the mixed use zone that provides for a transition in the scale of development from a centre zone to surrounding areas.</p> <p>As mixed use zones are also used in local governments that do not fall in the Metropolitan, Peel or Bunbury Region Scheme areas and/or do not include a centre zone, it was also proposed that a note be included in brackets to acknowledge that the objective only applies where a centre zone exists.</p> <p>Comments received identified concerns related to a perception that the proposed modification to objectives of the mixed use zone would result in the zone only being used to transition from a centre zone to surrounding areas. Comment was also received outlining concerns to referencing to 'upper levels' in the first point, as this may</p> | <p>Modify zone objectives</p> <p>Modify zone objectives to address the following principles:</p> <p>Include an objective that provides for a transition in the scale of development from a centre zone to surrounding areas. The objective should include a note that it only applies to those areas that have centre zones and does not limit the function of the zone to just being a transition area.</p> <p>Modify the first point by adding 'where applicable', after 'upper levels'.</p> |

| Zone | Current | Proposed change and justification | Recommended change |
|--------------------------|--|--|---|
| Mixed Use (continued) | | not apply to many regional local governments. Given this, the proposed change is supported, with further refinement of objectives so they do not constrain application of the zone to just being a transition between centre zones and surrounding areas, and addition of 'where applicable' in reference to 'upper levels' in the first point. | |
| Service Commercial | <ul style="list-style-type: none"> To accommodate commercial activities which, because of the nature of the business, require good vehicular access and/or large sites. To provide for a range of wholesale sales, showrooms, trade and services which, by reason of their scale, character, operational or land requirements, are not generally appropriate in, or cannot conveniently or economically be accommodated in, the central area, shops and offices or industrial zones. | To support implementation of SPP 4.2, the stakeholder consultation report proposed that the objectives of the service commercial zone be modified to make appropriate reference to proposed centre zone(s) and reinforce the importance of the service commercial zone not impacting on the role and function of centre zone(s). | <p>Modify zone objectives</p> <p>Modify zone objectives to address the following principle:</p> <ul style="list-style-type: none"> Make reference to proposed centre zone(s) and reinforce the importance of the service commercial zone not impacting on the role and function of centre zone(s) |
| Commercial | <ul style="list-style-type: none"> To provide for a range of shops, offices, restaurants and other commercial outlets in defined townsites or activity centres. To maintain the compatibility with the general streetscape, for all new buildings in terms of scale, height, style, materials, street alignment and design of facades. To ensure that development is not detrimental to the amenity of adjoining owners or residential properties in the locality. | <p>With the addition of the local and neighbourhood centre zones and modification to objectives of the centre zone, it is unlikely that a commercial zone is required. Out-of-centre developments shouldn't really be happening and if they are, an additional use or special use zone is the most appropriate way to do it so that it can be conditioned.</p> <p>The stakeholder consultation report proposed that the commercial zone and associated objectives be deleted from the Regulations.</p> <p>Comments raised related to transitional arrangements for removing the zone, and the need for guidance on that.</p> | <p>Delete zone</p> <p>Provide guidance on the transitional arrangements for removing the zone.</p> |

| Zone | Current | Proposed change and justification | Recommended change |
|----------------------|-----------------------------|--|---|
| Rural Enterprise | No current zone/objectives. | <p>SPP 2.5 (approved December 2016) recognised the need to support economic opportunities in small rural communities by providing for rural enterprise zones which combine light industry and housing, provided they are carefully planned; in general proximity to urban areas; serviced; and have design features that address buffers and amenity.</p> <p>The stakeholder consultation report proposed that objectives for the rural enterprise zone address the following principles:</p> <ul style="list-style-type: none"> • Providing for light industrial and ancillary residential development on one lot. • Providing for lot sizes in the range of 1 ha to 4 ha. • Carefully design rural enterprise estates to provide a reasonable standard of amenity without limiting light industrial land uses. <p>It is noted that this zone will only be suitable for some places, and guidance on appropriate use of the zone will be required.</p> | <p>Add zone</p> <p>Add rural enterprise zone, which includes objectives to address principles related to:</p> <ul style="list-style-type: none"> • Providing for light industrial and ancillary residential development on one lot. • Providing for lot sizes in the range of 1 ha to 4 ha. • Carefully design rural enterprise estates to provide a reasonable standard of amenity without limiting light industrial land uses |
| Priority Agriculture | No current zone/objectives. | <p>As a result of the review of SPP 2.5 Rural Planning, it has been suggested that a 'priority agriculture' zone be included in the Regulations for land of State, regional or local significance for food production.</p> <p>The stakeholder consultation report proposed that the objectives for a 'priority agriculture' zone address the following principles:</p> <ul style="list-style-type: none"> • Identify land of State, regional or local significance for food production purposes. • Retain priority agricultural land for agricultural purposes. • Limit the introduction of land uses which may compromise existing, future and potential agricultural production. <p>Comments from some local governments questioned the need for the zone and suggested that the intent of the zone could be achieved through the rural zone. It is proposed to proceed with the new zone as the inclusion of the zone will be dependent on whether it is relevant to the local government and that it can be mapped and distinguished from other rural zoned land.</p> | <p>Add zone</p> <p>Add 'priority agriculture' zone, which includes objectives to address principles related to:</p> <ul style="list-style-type: none"> • identify land of State, regional or local significance for food production purposes; • retain priority agricultural land for agricultural purposes; • avoid the introduction of land uses which may compromise existing and future agricultural use. |

| Zone | Current | Proposed change and justification | Recommended change |
|-----------------------------------|---|---|--|
| Cultural and Natural Resource Use | No current zone/objectives. | <p>The stakeholder consultation report proposed a new 'cultural and natural resource use' zone. It is expected that the zone would typically cover Aboriginal Land Trust land where a variety of land use rights and interests apply over the land as part of indigenous land use agreements under the <i>Native Title Act 1993</i>, such as traditional hunting and camping, management of land and economic ventures.</p> <p>It is suggested that the objectives for a 'cultural and natural resource use' zone address the following principles:</p> <ul style="list-style-type: none"> • Ensure the preservation of Aboriginal heritage and culturally significant areas. • Provide for the conservation of significant landscape and environmental areas and values. • Allow for low impact tourism and economic development opportunities. • Allow land uses associated with Aboriginal heritage, traditional law and culture. <p>Comment received has recommended further stakeholder consultation to refine the objectives.</p> | <p>Add zone</p> <p>Add 'cultural and natural resource use' zone, subject to further discussions with stakeholders to refine the zone objectives.</p> |
| Urban Development | <ul style="list-style-type: none"> • To provide an intention of future land use and a basis for more detailed structure planning in accordance with the provisions of this Scheme. • To provide for a range of residential densities to encourage a variety of residential accommodation. • To provide for the progressive and planned development of future urban areas for residential purposes and for commercial and other uses normally associated with residential development. • To provide an intermediate transitional zone following the lifting of an urban deferred zoning within the Metropolitan Region Scheme. | <p>The fourth objective is specific to the Metropolitan region scheme. The stakeholder consultation report proposed that the objectives for the zone be modified to replace the reference to the Metropolitan Region Scheme with 'a region planning scheme' so that the objective can be applied to those schemes that fall within a region scheme area. Some comments acknowledged that the fourth objective does not apply and is not relevant to local governments that aren't subject to a region scheme. The proposed local planning scheme guidance will address the process and criteria for varying the model provisions which includes exclusion of objectives not relevant to certain local governments.</p> | <p>Modify zone objectives</p> <p>Modify zone objectives to address the following principle:</p> <ul style="list-style-type: none"> • Modify fourth objective to replace the reference to the Metropolitan Region Scheme with 'a region planning scheme' so that the objective can be applied to those schemes that fall within a region scheme area. |

| Zone | Current | Proposed change and justification | Recommended change |
|---------------------|--|--|--|
| Special Residential | <ul style="list-style-type: none"> To provide for lot sizes in the range of 2000 m² and 1 ha. To ensure development is sited and designed to achieve an integrated and harmonious character. To set aside areas where the retention of vegetation and landform or other features, which distinguish the land, warrant a larger residential lot size than that expected in a standard residential zone. | In 2021 the WAPC released a position statement Planning Position Statement – Special residential zone (www.wa.gov.au), outlining the WAPC's intent to discontinue the special residential zone in local planning schemes. Consistent with the intent of the WAPC's position statement the stakeholder consultation report proposed that the special residential zone is removed from the Regulations. | <p>Delete zone</p> <p>Delete special residential zone.</p> |
| Rural Townsite zone | To provide for a range of land uses that would typically be found in a small country town. | For consistency with other zone names listed, the stakeholder consultation report proposed to remove the word 'zone' from the zone name in cl.2 of Schedule 3 and from the zone name listed in cl.16 of the model provisions. | <p>Modify zone name</p> <p>Modify zone name to remove reference to the word zone</p> |
| Special Use zone | <ul style="list-style-type: none"> To facilitate special categories of land uses which do not sit comfortably within any other zone. To enable the Council to impose specific conditions associated with the special use. | For consistency with other zone names listed, the stakeholder consultation report proposed to remove the word 'zone' from the zone name in cl.2 of Schedule 3 and from the zone name listed in cl 16 of the model provisions. To ensure consistency throughout the Regulations, in the second objective change 'Council' to 'local government'. | <p>Modify zone name and objectives</p> <p>Modify zone name to remove reference to the word 'zone'.</p> <p>In the second objective change 'Council' to 'local government'</p> |
| Regional Town/ City | No current zone/objectives | <p>Comment received has requested a commercial-type zone that can be applied to regional towns and cities and is not linked to SPP 4.2. The zone name proposed is 'regional town/city' (delete as required). Suggested objectives for this zone are to:</p> <ul style="list-style-type: none"> provide for a range of commercial, civic, recreation and cultural uses in and around a main street as would be typical of a town/city centre (delete as required). support a range of accommodation options complimentary to the town/city centre (delete as required) achieve development outcomes that are compatible with the general streetscape in terms of scale, height, materials and design of facades. encourage land uses and development which activates the main street. | <p>Add zone</p> <p>Add new zone 'Regional Town/City' with the following objectives:</p> <ul style="list-style-type: none"> To provide for a range of commercial, civic, recreation and cultural uses in and around a main street as would be typical of a town/city centre (delete as required) To support a range of accommodation options complimentary to the town-/city centre (delete as required) To achieve development outcomes that are compatible with the general streetscape in terms of scale, height, materials and design of facades To encourage land uses and development which activates the main street. |

| Zone | Current | Proposed change and justification | Recommended change |
|---|-------------------------------|---|---|
| Foreshore Reserve | No current reserve/objectives | <p>The need for a new reserve called 'Foreshore' has previously been identified to assist with the implementation of SPP 2.6 Coastal planning.</p> <p>The stakeholder consultation report proposed that the objectives for a 'foreshore' reserve address the following principles:</p> <ul style="list-style-type: none"> • Set aside areas for foreshore reserves abutting a body of water or water course. • Provide for the protection of natural values and processes, including a coastal retreat. • Accommodate a range of active and passive recreational uses that would be capable of relocation or rehabilitation. <p>Comments received have requested that the reserve objectives allow for some low impact commercial activity to occur. Further refinement of the zone objectives to allow for this is suggested.</p> | <p>Add reserve</p> <p>Add reserve 'Foreshore', which includes objectives to address principles related to:</p> <ul style="list-style-type: none"> • Set aside areas for foreshore reserves abutting a body of water or water course. • Provide for the protection of natural values and processes, including a planned or managed coastal retreat. • Accommodate a range of active and passive recreational uses and low impact commercial activity that would be capable of relocation or rehabilitation. |
| Civic and Community, Social Care Facilities, and Cultural Facilities Reserves | No current reserve/objectives | <p>Remove 'social care facilities' and 'cultural facilities' reserves and retain the 'civic and community' reserve' and refine reserve objectives to clearly distinguish it from the 'public purpose' reserve.</p> <p>The stakeholder consultation report proposed that the objectives for the 'civic and community' reserve address the following principles:</p> <ul style="list-style-type: none"> • Provide for a range of community facilities and services which are compatible with surrounding land use and development. • Provide for public facilities and other services by organisations involved in activities for community benefit. <p>Comments received raised concerns that rationalising reserves may be potentially too broad in some cases, and it was also suggested that the objectives of the proposed reserve clearly distinguish it from the 'public purpose' reserve. Further refinement of the reserve objectives to clearly distinguish between the 'civic and community' and 'public purpose' reserves is suggested.</p> | <p>Rationalise reserves</p> <p>Remove 'social care facilities' and 'cultural facilities' reserves and retain the 'civic and community' reserve' and refine reserve objectives to clearly distinguish it from the public purpose reserve. The objectives for the reserve should address:</p> <ul style="list-style-type: none"> • Provide for a range of community facilities and services which are compatible with surrounding land use and development. • Provide for public facilities and other services by organisations involved in activities for community benefit. • Clearly distinguish between the 'civic and community' and 'public purpose' reserve. |

| Zone | Current | Proposed change and justification | Recommended change |
|---|-------------------------------|--|---|
| Public Purposes, Medical Purposes, Education, Emergency Services, Heritage, Government Services and Recreational Reserves | No current reserve/objectives | <p>Rationalise the number of public purpose reserves by grouping them together under the reserve 'public purposes'.</p> <p>The stakeholder consultation report proposed that the objectives for the 'public purposes' reserve address the following principle:</p> <ul style="list-style-type: none"> • Provide for a range of essential public services and facilities. <p>Prior to proceeding with the suggested changes above, further consideration will be given to the implications for exemptions for public works if the list of public works reserves were to be rationalised.</p> <p>Comments received raised some concern that rationalising reserves may be potentially too broad in some circumstances. The use of local government reserves is primarily governed by management orders created under the <i>Land Administration Act 1997</i>, and therefore it is not expected that any conflicts will arise from the rationalisation of public purpose reserves.</p> | <p>Rationalise reserves</p> <p>Rationalise the number of public purpose reserves by grouping them together under the reserve 'public purposes'. The objectives for the reserve should address:</p> <ul style="list-style-type: none"> • Provide for a range of essential public services and facilities. <p>Prior to proceeding with the suggested changes above, further consideration will be given to the implications for exemptions for public works if the list of public works reserves were to be rationalised.</p> |
| Infrastructure Services reserve | No current reserve/objectives | <p>Preliminary consultation with local government and industry stakeholders indicated a preference for retaining 'infrastructure services' as a specific reserve.</p> <p>The stakeholder consultation report proposed that the objectives for 'infrastructure services' reserve address the following principle:</p> <ul style="list-style-type: none"> • Provide for a range of essential public infrastructure services. | <p>Modify reserve objectives</p> <p>Modify objectives to address the following principle:</p> <p>Provide for a range of essential public infrastructure services.</p> |

Appendix C – Recommended zoning table for commercial and industrial type zones in the Metropolitan Region and Peel Region Scheme areas

Legend:

Proposed changes to land uses identified in **Appendix A** are acknowledged in the below table as follows:

Land uses coloured **green** are proposed new land uses.

Land uses coloured **blue** are those where the definition is proposed to be modified.

Land uses coloured **red** are proposed to be deleted and/or replaced by another land use.

Proposed changes to zones identified in **Appendix B** are acknowledged in the below table as follows:

Zones coloured **green** are proposed new zones.

Zones coloured **blue** are those where the objectives of the zone are proposed to be modified.

| USE | Local Centre | Neighbourhood Centre | Centre | Mixed Use | Service Commercial | Light Industry | General Industry | Rural Enterprise |
|------------------------------|--------------|----------------------|--------|-----------|--------------------|----------------|------------------|------------------|
| abattoir | X | X | X | X | X | X | A | X |
| aerodrome | X | X | X | X | X | X | X | X |
| agriculture – extensive | X | X | X | X | X | X | X | X |
| agriculture – intensive | X | X | X | X | X | D | D | A |
| aircraft landing area | X | X | X | X | X | X | X | X |
| amusement parlour | A | D | D | A | P | X | X | X |
| animal establishment | A | A | A | X | A | X | X | A |
| animal husbandry – intensive | X | X | X | X | X | X | X | X |
| art gallery | X | P | P | P | D | X | X | X |

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|---|--------------|----------------------|--------|-----------|--------------------|----------------|------------------|------------------|
| bed and breakfast | P | P | P | P | X | X | X | X |
| betting agency | A | A | D | A | D | X | X | X |
| brewery | X | X | D | X | D | D | P | D |
| bulky goods showroom | X | D | D | D | P | X | X | X |
| car park | D | D | D | D | P | P | D | X |
| camping ground | X | X | X | X | X | X | X | X |
| caravan park | X | X | X | X | X | X | X | X |
| child care premises | D | P | P | D | D | X | X | X |
| cinema/theatre | X | P | P | X | X | X | X | X |
| civic use | D | P | P | D | D | A | A | X |
| club premises | X | A | A | A | A | X | X | X |
| commercial vehicle parking | X | X | X | X | D | P | P | D |
| community purpose | D | P | P | D | D | A | X | X |
| consulting room | D | P | P | P | D | X | X | X |
| container deposit recycling centre | X | X | X | X | D | D | P | A |
| convenience store | P | P | P | D | D | D | X | X |
| corrective institution | X | X | X | X | X | X | X | X |
| educational establishment | A | D | D | D | A | A | A | X |
| exhibition centre | X | P | P | D | D | X | X | X |
| family day care | D | P | P | D | X | X | X | X |
| fast food outlet/lunch bar | P | P | P | D | D | D | X | X |
| food outlet | P | P | P | D | D | D | A | X |
| food outlet with drive-through facility | A | P | P | X | D | X | X | X |
| freeway service centre | X | X | X | X | X | X | X | X |
| fuel depot | X | X | X | X | X | A | P | X |
| funeral parlour | X | D | P | D | D | D | X | X |
| garden centre | D | D | D | D | P | D | X | X |
| grouped dwelling | D | D | D | D | X | X | X | X |

CONSISTENT LOCAL
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REPORT

| USE | Local Centre | Neighbourhood Centre | Centre | Mixed Use | Service Commercial | Light Industry | General Industry | Rural Enterprise |
|--------------------------------------|--------------|----------------------|--------|-----------|--------------------|----------------|------------------|------------------|
| holiday accommodation | D | D | D | D | X | X | X | X |
| holiday house | D | D | D | D | X | X | X | X |
| home business | D | D | D | D | X | X | X | D |
| home occupation | P | P | P | P | X | X | X | P |
| home office | P | P | P | P | X | X | X | P |
| home store | D | D | D | D | X | X | X | D |
| hospital | X | A | D | A | A | X | X | X |
| hotel | X | D | D | A | X | X | X | X |
| independent living complex | D | D | D | D | X | X | X | X |
| industry | X | X | X | X | X | X | P | X |
| industry - extractive | X | X | X | X | X | X | A | X |
| industry - light | X | X | X | X | D | P | D | P |
| industry – primary production | X | X | X | X | X | D | P | D |
| industry - rural | X | X | X | X | X | D | P | D |
| beverage production facility | X | X | D | X | D | D | P | D |
| liquor store - large | D | P | P | A | X | X | X | X |
| liquor store - small | P | P | P | A | X | X | X | X |
| marina | X | X | X | X | X | X | X | X |
| marine filling station | X | X | X | X | D | A | D | X |
| market | D | P | P | A | D | X | X | X |
| medical centre | D | P | P | D | D | X | X | X |
| mining operations | X | X | X | X | X | X | A | X |
| motel | X | D | D | A | X | X | X | X |
| motor vehicle, boat or caravan sales | X | X | D | A | P | X | X | X |
| motor vehicle repair | X | A | A | X | A | D | P | D |
| motor vehicle wash | X | D | P | X | P | P | P | D |
| multiple dwelling | P | P | P | P | X | X | X | X |

CONSISTENT LOCAL
PLANNING SCHEMES
REPORT

| USE | Local Centre | Neighbourhood Centre | Centre | Mixed Use | Service Commercial | Light Industry | General Industry | Rural Enterprise |
|-----------------------------------|--------------|----------------------|--------|-----------|--------------------|----------------|------------------|------------------|
| nature-based park | X | X | A | X | X | X | X | X |
| nightclub | X | X | A | X | X | X | X | X |
| office | D | D | P | P | D | X | X | X |
| park home park | X | X | X | X | X | X | X | X |
| place of worship | A | D | P | A | D | X | X | X |
| reception centre | X | D | P | A | D | X | X | X |
| recreation – private | A | D | D | A | P | X | X | X |
| renewable energy facility | X | A | A | A | D | D | P | A |
| repurposed dwelling | D | D | D | D | X | X | X | D |
| residential care facility | D | D | D | D | X | X | X | X |
| residential building | D | D | D | D | X | X | X | X |
| resource recovery centre | X | X | X | X | X | A | A | X |
| restaurant/café | P | P | P | D | X | X | X | X |
| restricted premises | A | A | D | A | D | X | X | X |
| roadhouse | X | X | X | X | X | X | X | X |
| rural home business | X | X | X | X | X | X | X | P |
| rural pursuit/hobby farm | X | X | X | X | X | X | X | P |
| second-hand dwelling | D | D | D | D | X | X | X | D |
| service station | A | D | D | X | D | D | D | X |
| serviced apartment | A | A | D | D | X | X | X | X |
| shop | D | P | P | D | X | X | X | X |
| shop – large | D | D | P | A | X | X | X | X |
| shop – small | P | P | P | A | X | X | X | X |
| single house | D | D | D | D | X | X | X | P |
| small bar | D | P | P | D | X | X | X | X |
| tavern | A | D | D | A | X | X | X | X |
| telecommunications infrastructure | D | P | P | A | P | P | P | A |

| USE | Local Centre | Neighbourhood Centre | Centre | Mixed Use | Service Commercial | Light Industry | General Industry | Rural Enterprise |
|-------------------------|--------------|----------------------|--------|-----------|--------------------|----------------|------------------|------------------|
| tourist development | A | A | D | D | X | X | X | X |
| trade display | X | X | X | X | D | P | X | X |
| trade supplies | X | X | A | X | A | A | A | A |
| transport depot | X | X | X | X | X | A | D | A |
| tree farm | X | X | X | X | X | X | X | A |
| veterinary premises | D | D | D | D | P | X | X | X |
| warehouse/storage | X | X | D | X | P | P | P | D |
| waste disposal facility | X | X | X | X | X | X | A | X |
| waste storage facility | X | X | X | X | X | A | D | X |
| wind farm | A | A | A | A | D | D | P | A |
| winery | X | X | D | X | D | D | P | D |
| workforce accommodation | A | D | D | D | X | X | X | X |