



TOWN OF
VICTORIA PARK

TOWN OF VICTORIA PARK
TOWN PLANNING SCHEME NO. 1
AMENDMENT NO. 84

PLANNING AND DEVELOPMENT ACT 2005

RESOLUTION DECIDING TO AMEND A TOWN PLANNING SCHEME.

TOWN OF VICTORIA PARK TOWN PLANNING SCHEME NO. 1

AMENDMENT NO. 84

RESOLVED that the Council, in pursuance of Section 75 of the Planning and Development Act 2005 amend the Town of Victoria Park Town Planning Scheme No. 1 Scheme Text to:

1. Insert the following general and land use terms and definitions into Schedule B 'Definitions' of the Scheme Text as follows :

“home business” means a dwelling or land around a dwelling used by an occupier of the dwelling to carry out a business, service or profession if the carrying out of the business, service or profession —

- (a) does not involve employing more than 2 people who are not members of the occupier’s household; and*
- (b) will not cause injury to or adversely affect the amenity of the neighbourhood; and*
- (c) does not occupy an area greater than 50 m²; and*
- (d) does not involve the retail sale, display or hire of any goods unless the sale, display or hire is done only by means of the Internet; and*
- (e) does not result in traffic difficulties as a result of the inadequacy of parking or an increase in traffic volumes in the neighbourhood; and*
- (f) does not involve the presence, use or calling of a vehicle of more than 4.5 tonnes tare weight; and*
- (g) does not involve the use of an essential service that is greater than the use normally required in the zone in which the dwelling is located”;*

2. Modify the Zoning Table in the Scheme Text by adding the use class 'Home Business' in the left hand column under the heading 'Use Class' and inserting the permissibility of this use in each zone as follows:

Use Class	Zone								
	1. Residential	2. Residential/Commercial	3. Office/Residential	4. Local Centre	5. District Centre	6. Commercial	7. Industrial (1)	8. Industrial (2)	9. Special Use
Home Business	AA	AA	P	AA	AA	AA	X	X	AA/X ⁷

P-Permitted Use
Prohibited Use

AA-Discretionary Use

X-

3. Modify the Footnotes located beneath the Zoning Table in the Scheme Text by inserting the following clarification for the meaning of AA/X⁷:

“7. The “Prohibited Use” Notation applies to the ‘Technology Park’ area within Precinct 13 – Curtin Precinct”

4. Update the extract of the Zoning Table that appears in all Precinct Plans for all zones to reflect the modifications to the Zoning Table in the Scheme Text referred to in item 2 and 3 above.

5. Amend Clause 31 in the Scheme Text as follows:

- 5.1 Insert *“and Home Businesses”* to the end of the clause header after *“for Home Occupations”*
- 5.2 Insert *“or Home Business”* within the text of the clause after *“a Home Occupation”*
- 5.3 Replace, within the text of the clause, *“clause 52(1)”* with *“clause 35(1)”*

Dated this Nineteenth day of November 2019

CHIEF EXECUTIVE OFFICER

PLANNING AND DEVELOPMENT ACT 2005

TOWN OF VICTORIA PARK

TOWN PLANNING SCHEME NO. 1 – AMENDMENT NO 84

SCHEME REPORT

Local Authority:	Town of Victoria Park
Town Planning Scheme:	Town Planning Scheme No. 1
Type of Scheme	Town Planning Scheme
Amendment Number	Amendment No. 84
Proposal	Amendment to Town Planning Scheme No. 1 Scheme Text to Insert Home Business Land Use into TPS 1.

BACKGROUND:

The Town of Victoria Park (ToVP) previously identified that there was a deficiency in the extent/range of Land Uses specified in the Town of Victoria Park Town Planning Scheme No.1. Proposals for Land Uses at that time could not reasonably be determined as falling within the interpretation of one of the listed uses under the Scheme's zoning table (such as a gymnasium) would be considered as an 'Unlisted Use'. Applications for Unlisted Use require determination by Council which, when compared with determinations by Town Officers under delegated authority, is a longer process with a higher degree of administrative burden.

At the Ordinary Council Meeting of 13 February 2018, Council initiated Scheme Amendment 80. This amendment sought to create additional use classes and modify others, with the aim being a more comprehensive set of Land Uses and definitions table that would allow the Town to process Development Applications for change of use in a more streamlined manner. The amendment report prepared by Town Officers and considered by Council at this meeting did not envision or seek changes to the 'Home Occupation' land use definition.

As part of efforts to promote consistency between Local Government areas in terms of land-use definitions, feedback from the Department of Planning Lands and Heritage (DPLH) in relation to the proposed scheme amendment outlined that they required that Home Occupation land use change such that it is consistent with the model scheme text definitions.

Scheme Amendment 80, incorporating the amendment to the Home Occupation Land Use definition, was gazetted on 18 April 2019.

The effect of this definition change is that many proposals that would previously have been considered to be a 'Home Occupation' now could not

reasonably be determined as falling within the interpretation of one of the listed uses and must therefore be considered an 'Unlisted Use'.

DETAILS:

Scheme Amendment No 84 proposes to insert the land use definition of 'Home Business', modify the zoning table (with associated footnote to discuss the Technology Park area of Precinct 13) update precinct plans to reflect these changes and amend Clause 31 '*Revocation of Development Approval for Home Occupations*' to apply to the newly created Home Business land use (in addition to applying to Home Occupations).

At the Ordinary Council Meeting on 19 November 2019 Council resolved (in part) the following:

That Council:

1. *Resolves pursuant to Section 75 of the Planning and Development Act 2005 to initiate an Amendment (Amendment No. 84) to the Town of Victoria Park Town Planning Scheme No. 1 Scheme Text as follows:*
 - 1.1. *Insert the following general and land use term and definition into Schedule B 'Definitions' of the Scheme Text as follows:*

***"home business** means a dwelling or land around a dwelling used by an occupier of the dwelling to carry out a business, service or profession if the carrying out of the business, service or profession —*

 - (a) does not involve employing more than 2 people who are not members of the occupier's household; and*
 - (b) will not cause injury to or adversely affect the amenity of the neighbourhood; and*
 - (c) does not occupy an area greater than 50 m²; and*
 - (d) does not involve the retail sale, display or hire of any goods unless the sale, display or hire is done only by means of the Internet; and*
 - (e) does not result in traffic difficulties as a result of the inadequacy of parking or an increase in traffic volumes in the neighbourhood; and*
 - (f) does not involve the presence, use or calling of a vehicle of more than 4.5 tonnes tare weight; and*
 - (g) does not involve the use of an essential service that is greater than the use normally required in the zone in which the dwelling is located";*
 - 1.2. *Modify the Zoning Table in the Scheme Text by adding the use class 'Home Business' in the left hand column under the heading 'Use Class' and inserting the permissibility of this use in each zone as follows :*

Use Class	Zone								
	1. Residential	2. Residential/Commercial	3. Office/Residential	4. Local Centre	5. District Centre	6. Commercial	7. Industrial (1)	8. Industrial (2)	9. Special Use
Home Business	AA	AA	P	AA	AA	AA	X	X	AA/X ⁷

*P-Permitted Use
Prohibited Use*

AA-Discretionary Use

X-

1.3. Modify the Footnotes located beneath the Zoning Table in the Scheme Text by inserting the following clarification for the meaning of AA/X⁷:

“7. The “Prohibited Use” Notation applies to the “Technology Park” area within Precinct 13 – Curtin Precinct”

1.4. Update the extract of the Zoning Table that appears in all Precinct Plans for all zones to reflect the modifications to the Zoning Table in the Scheme Text referred to in item 1.2 and item 1.3 above.

1.5. Amending Clause 31 in the Scheme Text as follows:

1.5.1. Insert “and Home Businesses” to the end of the clause header after “for Home Occupations”.

1.5.2. Insert “or Home Business” within the text of the clause after “a Home Occupation”

1.5.3. Replace, within the text of the clause, “clause 52(1)” with “clause 35(1)”

PLANNING AND DEVELOPMENT ACT 2005

TOWN OF VICTORIA PARK

TOWN PLANNING SCHEME NO. 1 – AMENDMENT NO. 84

The Council of the Town of Victoria Park under and by virtue of the powers conferred upon it by the Planning and Development Act 2005, hereby amends the Town of Victoria Park Town Planning Scheme No. 1 Scheme Text to:

1. Insert the following general and land use terms and definitions into Schedule B ‘Definitions’ of the Scheme Text as follows :

“home business” means a dwelling or land around a dwelling used by an occupier of the dwelling to carry out a business, service or profession if the carrying out of the business, service or profession —

- (a) does not involve employing more than 2 people who are not members of the occupier’s household; and*
- (b) will not cause injury to or adversely affect the amenity of the neighbourhood; and*
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- (f) does not involve the presence, use or calling of a vehicle of more than 4.5 tonnes tare weight; and*
- (g) does not involve the use of an essential service that is greater than the use normally required in the zone in which the dwelling is located”;*

1. Modify the Zoning Table in the Scheme Text by adding the use class ‘Home Business’ in the left hand column under the heading ‘Use Class’ and inserting the permissibility of this use in each zone as follows:

Use Class	Zone								
	1. Residential	2. Residential/Commercial	3. Office/Residential	4. Local Centre	5. District Centre	6. Commercial	7. Industrial (1)	8. Industrial (2)	9. Special Use
Home Business	AA	AA	P	AA	AA	AA	X	X	AA/X ⁷

P-Permitted Use
Prohibited Use

AA-Discretionary Use

X-

3. Modify the Footnotes located beneath the Zoning Table in the Scheme Text by inserting the following clarification for the meaning of AA/X⁷:

“7. The “Prohibited Use” Notation applies to the “Technology Park” area within Precinct 13 – Curtin Precinct”

4. Update the extract of the Zoning Table that appears in all Precinct Plans for all zones to reflect the modifications to the Zoning Table in the Scheme Text referred to in item 2 and 3 above.
5. Amend Clause 31 in the Scheme Text as follows:
 - 5.4 Insert *“and Home Businesses”* to the end of the clause header after *“for Home Occupations”*
 - 5.5 Insert *“or Home Business”* within the text of the clause after *“a Home Occupation”*
 - 5.6 Replace, within the text of the clause, *“clause 52(1)”* with *“clause 35(1)”*

Adopted by resolution of the Council of the Town of Victoria Park at the Ordinary Meeting of the Council held on the Nineteenth day of November 2019.

MAYOR

CHIEF EXECUTIVE OFFICER

Adopted for final approval by resolution of the Town of Victoria Park at the Ordinary Meeting of Council held on the Nineteenth day of November 2019 and the Seal of the Municipality was pursuant to that resolution hereunto affixed in the presence of:

MAYOR

CHIEF EXECUTIVE OFFICER

Recommended/Submitted

DELEGATED UNDER S.16 OF PD
ACT 2005

Date: _____

Final Approval Granted

MINISTER FOR PLANNING

Date: _____

