

## 12.6 Proposed Changes to Local Planning Framework - Initiation of Scheme Amendment 90 relating to Zoning Table changes and draft revised Local Planning Policy 32 - Exemptions from Development Approval

<b>Location</b>	Town-wide
<b>Reporting officer</b>	Planning Officer
<b>Responsible officer</b>	Manager Development Services
<b>Voting requirement</b>	Simple Majority
<b>Attachments</b>	<ol style="list-style-type: none"> <li>Proposed Zoning Table Draft [<b>12.6.1</b> - 3 pages]</li> <li>Existing LP P 32 [<b>12.6.2</b> - 22 pages]</li> <li>Proposed amended LPP32 with marked up amendments [<b>12.6.3</b> - 25 pages]</li> <li>Proposed amended LPP32 incorporating amendments [<b>12.6.4</b> - 25 pages]</li> </ol>

### Recommendation

That Council:

- Resolves pursuant to Section 75 of the *Planning and Development Act 2005* to initiate an Amendment (Amendment No. 90) to the Town of Victoria Park Town Planning Scheme No. 1 Scheme Text to amend the Zoning Table in the Scheme Text by modifying the permissibility of the below listed use classes to that shown in the table extract below:

Zone	Residential	Residential/Commercial	Office/Residential	Local Centre	District Centre	Commercial	Industrial (1)	Industrial (2)	Special Use
Use Class	1.	2.	3.	4.	5.	6.	7.	8.	9.
Bulky Goods Showroom	X	AA	X <sup>2</sup> /AA	X	AA	AA	P	P	Refer to provisions in Precinct Plan.
Child Care Premises	AA	AA	AA/X <sup>2</sup>	AA	AA	AA	AA	AA	
Educational Establishment	AA	AA	AA/X <sup>2</sup>	AA	AA	AA	AA	AA	
Fast Food Outlet	X	AA	X <sup>2</sup> /AA	AA	AA	AA	AA	AA	
Lunch Bar	X	AA	X <sup>2</sup> /AA	AA	AA	AA	AA	AA	
Office	X	P	P	P	P	P	AA	AA	
Place of Worship	AA	AA	AA/X <sup>2</sup>	AA	AA	AA	AA	AA	

- Determines that, pursuant to Regulation 35(2) of the Planning and Development (Local Planning Schemes) Regulations 2015, Amendment No. 90 is a 'standard amendment' for the following reasons:

2.1 Is an amendment relating to a zone or reserve that is consistent with the objectives identified in the scheme for that zone or reserve;

2.2 It is considered that the amendment would have minimal impact on the land in the scheme area that is not the subject of the amendment; and

2.3 It is considered that the amendment does not result in any significant environmental, social, economic or governance impact on the land in the scheme area

3. Authorises the Chief Executive Officer and Mayor to execute the Town Planning Scheme No. 1 Amendment No. 90 documents.
4. Forwards Amendment No. 90 to the Environmental Protection Authority for assessment in accordance with Section 81 of the Planning and Development Act 2005, and the Western Australian Planning Commission for information.
5. Advertises Amendment No. 90 and draft revised Local Planning Policy No. 32 - 'Exemptions from Development Approval' (as contained at Attachment 4) for public comment, for a period of 42 days in accordance with the Planning and Development (Local Planning Schemes) Regulations 2015, with the following advice being included in all advertising notices and consultation letters circulated:

*These proposed changes to the planning framework are available for inspection and public comment, and it should not be construed that final approval will be granted. Your written comments are welcome and will be considered by Council prior to a recommendation being made to Western Australian Planning Commission to either proceed, modify or abandon the proposal.*

## **Purpose**

The purpose of this report is for Council to consider whether to:

- amend Town Planning Scheme No. 1 (TPS1) by modifying the permissibility of some land uses within the Zoning Table, and
- make associated amendments to Local Planning Policy No. 32 - 'Exemptions from Development Approval'.

These proposed changes are in response to unintended outcomes following the introduction of amendments to the *Planning and Development (Local Planning Scheme) Regulations 2015*, relating to change of land use proposals and the assessment of car parking.

Council is required to assess the merits of amending the planning framework as outlined in this report, and if supported, formally resolve to initiate and undertake community consultation on Scheme Amendment No. 90 and draft revised Local Planning Policy No. 32 - 'Exemptions from Development Approval'.

## **In brief**

- Amendments to the *Planning and Development (Local Planning Scheme) Regulations 2015* in February 2021 and July 2021 now allow land to be used for 'P' (permitted) purposes without requiring development approval, and without the need to consider the car parking provision for the use. This

has resulted in no planning control over some non-residential land uses, including some which could have a significant amenity impact.

- This report provides justification and a recommendation to modify the TPS1 Zoning Table to limit the risk of the current situation where some intensive land uses categorised as a 'P' (permitted) use in the Zoning Table are exempt from requiring development approval and any level of planning assessment.
- In conjunction with this Scheme Amendment, a concurrent revision to 'Council's Local Planning Policy No. 32 Exemptions from Development Approval' is proposed to balance streamlining approval process and reducing 'red tape' by continuing to allow exemptions to remain in place for some lower intensity land uses.
- It is recommended that Council resolves to initiate Scheme Amendment 90 and seeks community consultation on the proposed changes to the planning framework.

## Background

1. Town Planning Scheme No. 1 (TPS 1) was gazetted on 30 September 1998. The TPS 1 Scheme Text defines various land uses and outlines their permissibility within the different zones in the Town.
2. Between 1998 and 2015, an Application for Development Approval was required to be submitted and considered by the Town, for all proposed changes of land use, inclusive of permitted "P" uses.
3. In October 2015, the *Planning & Development (Local Planning Scheme) Regulations 2015* (the Regulations) commenced operation. Schedule 2 of the Regulations included 'deemed provisions' which were automatically incorporated into every Local Planning Scheme in Western Australia.
4. The deemed provisions of the Regulations at clause 61 set out the types of development for which development approval is not required (or planning exemptions). Specifically, clause 61(2)(b) of the Regulations outlines that development approval is not required to use land for a 'P' (permitted) purpose within that zone, provided that the development has no works component, or that the works component does not require approval. This has enabled land or buildings to be used without needing development approval where the use is a permitted "P" land use under TPS1, irrespective of the scale of the proposal and potential amenity impacts. This is applicable where a property proposes to change the land use or seeks to modify previously imposed planning conditions to manage that land use.
5. In 2015, following the introduction of 'P' (permitted) land uses being exempt from development approval, the Town sought clarification from the Department of Planning, Lands and Heritage as to whether a 'P' (permitted) use is required to satisfy Council's parking requirements. Advice provided to the Town confirmed that the Town would be able to request an Application for Development Approval in the event a parking shortfall was proposed for a change of land use.
6. In July 2021, amendments to the Regulations were introduced to provide a consistent approach to the provision of car parking for non-residential development across the Perth Metropolitan and Peel Region Scheme areas. In particular, clause 77E provided clarification regarding the assessment of car parking for permitted "P" land uses, as follows:

*"Development is not required to comply with an applicable minimum on-site parking requirement if —*

*a. development approval is not required for the development under clause 61..."*

7. This means that for land uses identified in the TPS 1 Zoning Table as a 'P' (permitted) use, there is no requirement for development approval, and no need to assess the amenity impacts of the proposed use

or the car parking implications to the extent that in the case of car parking, the use of land for a 'P' (permitted) purpose may occur with either no or a reduced on-site car parking provision. Previously, the assessment of compliance with the minimum car parking requirements was a mechanism to require high intensity (or large scale) land uses to apply for development approval for the Town's determination, and enabled the Town to assess the parking impact of the proposed change of use.

8. Examples of high intensity land uses within the Town of Victoria Park which are a 'P' (permitted) use and which have been exempt from requiring development approval following the changes to the Regulations include:
- a "Place of Worship" land use with the venue accommodating up to 570 patrons; and
  - an adult tuition "Educational Establishment" land use of 50 students.

## Relevant planning framework

<b>Legislation</b>	<ul style="list-style-type: none"> <li>• <i>Planning and Development Act 2005</i></li> <li>• <i>Planning and Development (Local Planning Schemes) Regulations 2015</i></li> <li>• Town Planning Scheme No.1 (TPS1)</li> </ul>
<b>State Government policies, bulletins or guidelines</b>	<ul style="list-style-type: none"> <li>• <a href="#">State Government's Action Plan for Planning Reform</a></li> </ul>
<b>Local planning policies</b>	<ul style="list-style-type: none"> <li>• <a href="#">Local Planning Policy No. 3 Non-Residential Uses In or Adjacent to Residential Areas</a></li> <li>• <a href="#">Local Planning Policy No. 6 Family Day Care and Child Care Premises</a></li> <li>• <a href="#">Local Planning Policy No. 23 Parking Policy</a></li> <li>• <a href="#">Local Planning Policy No. 30 Car parking standards for developments along Albany Highway</a></li> <li>• <a href="#">Local Planning Policy No. 32 Exemptions from Development Approval</a></li> <li>• <a href="#">Local Planning Policy No. 37 Community Consultation on Planning Proposals</a></li> </ul>

### Legal Compliance:

9. The relevant general provisions of the *Planning and Development Act 2005* are as follows:
- a. Part 5 'Local Planning Schemes';
  - b. Division 3 'Relevant considerations in preparation or amendment of Local Planning Scheme'; and
  - c. Division 4 'Advertisement and approval'.
10. The relevant general provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* are as follows:
- a. Part 5 — Amending local planning scheme
  - b. Division 1, Regulation 35 'Resolution to prepare or adopt amendment to local planning scheme';
  - c. Division 3, 'Process for standard amendments to local planning scheme'; and
  - d. Division 5, 'Giving effect to decision on amendment to local planning scheme'; and

11. Regulation 35(2) contained within Part 5 - Division 1 of the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations) requires a resolution of a local government to prepare or adopt an amendment to a local planning scheme to do the following:

*"(2) A resolution must – specify whether, in the opinion of the local government, the amendment is a complex amendment, a standard amendment or a basic amendment; and include an explanation of the reason for the local government forming that opinion."*

12. Pursuant to Regulation 35(2) of the Regulations, this amendment is considered by Town officers to be a standard amendment for the following reasons:

- a. The amendment relates to a zone or reserve that is consistent with the objectives identified in the scheme for that zone or reserve;
- b. The amendment would have minimal impact on land in the scheme area that is not the subject of the amendment;
- c. The amendment does not result in any significant environmental, social, economic or governance impacts on land in the scheme area;

13. Should Council resolve to initiate a 'standard' amendment to the Scheme, advertising must be undertaken in accordance with the provisions set out in Part 5, Division 3, Regulation 47 "Advertisement of standard amendment" of the *Planning and Development (Local Planning Schemes) Regulations 2015*. The amendment process includes a public consultation period of 42 days with advertisement online and in a newspaper circulating within the district. The Council would then consider any submissions received and determine whether to adopt the proposed amendment or recommend to the WAPC that the proposed amendment be modified or abandoned.

14. The Minister for Planning, Lands and Heritage is ultimately responsible for approving Scheme Amendments. The Minister may decide to refuse or modify the Amendment, notwithstanding Council's resolution.

### **Policy Implications:**

15. Local Planning Policy No. 32 - Exemptions from Development Approval

Should the proposed Scheme Amendment be approved, a concurrent revision to Council's Local Planning Policy No. 32 'Exemptions from Development Approval' is proposed to balance streamlining approval process and reducing 'red tape' by continuing to allow exemptions to remain in place for some lower intensity 'AA' (discretionary) land uses which meet the criteria outlined in LPP32. Please refer to Attachments 3 to 4.

16. Local Planning Policy No. 23 – Parking Policy and Local Planning Policy No. 30 - Car parking standards for developments along Albany Highway

No changes are proposed to the Council's Local Planning Policies relating to car parking (LPP23 & 30). Should the Scheme Amendment be approved this will allow the minimum on-site parking requirements outlined in the policy to be applied where an application for development approval is required. Notwithstanding this, the Council's Local Planning Policies relating to car parking have been identified for review, with funds requested for this project in the 2022/23 annual budget.

17. Local Planning Policy No. 6 - Family Day Care and Child Care Premises

Should the proposed Scheme Amendment be approved, Council can continue to apply LPP No. 6 for

relevant changes of land use, and consider how new or expanded child care services within the Town meet the following matters: site characteristics, environmental suitability, design, traffic, access, noise, and health and safety issues.

**18. Local Planning Policy No. 3 Non-Residential Uses In or Adjacent to Residential Areas**

Should the proposed Scheme Amendment be approved, Council can continue to apply LPP No.3 to relevant changes of land use. This will ensure Council retains the ability to assess the integration of non-residential uses into residential areas without adversely affecting residential amenity.

**19. Local Planning Policy No. 37 Community Consultation on Planning Proposals**

Should the proposed Scheme Amendment be approved, where development approval is required for an 'AA' (discretionary) use, surrounding owners and occupiers will be given an opportunity to comment on the proposal, and allow for their comments to be considered as part of the decision-making process.

**Strategic alignment**

<b>Civic Leadership</b>	
Strategic outcome	Intended public value outcome or impact
CL09 - Appropriate devolution of decision-making and service provision to an empowered community.	<p>The amendment seeks to strike a balance of requiring development approval for more high intense land uses, whilst reducing 'red tape' by continuing to allow exemptions to remain in place for some lower intensity land uses.</p> <p>Where development approval is required, community consultation would occur in line with LPP37, with any submissions received considered as part of the determination of the application.</p>
CL10 - Legislative responsibilities are resourced and managed appropriately, diligently and equitably.	The amendment responds to unintended outcomes and seek to limit reputational risk to the Town by rectifying the current situation where high intensity uses could be exempt from requiring development approval and an assessment of amenity and other planning matters.

<b>Economic</b>	
Strategic outcome	Intended public value outcome or impact
EC01 - A desirable place for commerce and tourism that supports equity, diverse local employment and entrepreneurship.	The amendment seeks to strike a balance of requiring development approval for more high intense land uses, whilst reducing 'red tape' by continuing to allow exemptions to remain in place for some lower intensity land uses.

<b>Environment</b>	
Strategic outcome	Intended public value outcome or impact

EN01 - Land use planning that puts people first in urban design, allows for different housing options for people with different housing need and enhances the Town's character.	The amendments will result in development approval being required for more high intense land uses (which was the existing situation prior to the introduction of recent amendment to the Regulations). Where development approval is required, the Town can consider, and where appropriate impose conditions, to manage impacts to surrounding residential development.
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## Engagement

### Internal engagement

Stakeholder	Comments
Place Planning	<p>Amendment 90 and the draft revisions to LPP32 were formally referred to the Town's Place Planning service area. In response comments were received relating to the proposed changes to the TPS1 Zoning Table and their relationship to future draft Local Planning Scheme No. 2.</p> <p>Place Planning were generally supportive of the proposed draft changes with the exception of the following:</p> <ul style="list-style-type: none"> <li>• Not supportive of Consulting Rooms being changed from a "P" Permitted use in District Centre to an "AA" Discretionary land use.</li> <li>• Neither support nor object to Betting Agency being changed from a "P" Permitted use in Office/Residential to an "AA" Discretionary land use.</li> <li>• Mixed support/comments for Fast Food Outlet/Lunch Bar being changed from a "P" Permitted use in Local Centre, District Centre, Commercial, Industrial (1), Industrial (2) to an "AA" Discretionary land use. Place Planning requested that the land uses of Fast Food Outlet/Lunch Bar be separated and Lunch Bar to remain a "P" Permitted use.</li> <li>• Not supportive of Office being changed from a "P" Permitted use in Residential/Commercial, Office Residential, Local Centre, District Centre, Commercial, Industrial (1), Industrial (2) to an "AA" Discretionary land use.</li> </ul> <p>Following review of Place Planning's comments, the following modifications to the documents were made:</p> <ul style="list-style-type: none"> <li>• Consulting rooms land use removed as a recommended change within the District Centre Zone.</li> <li>• Betting Agency land use removed as a recommended change within the District Centre Zone.</li> <li>• No changes made. Fast Food Outlet/Lunch Bar are analogous to each other as they are addressed by a single land use definition in TPS1.</li> <li>• Office land use removed as a recommended change in all zones with the exception of Industrial 1 and 2.</li> </ul>

	Further engagement with Place Planning resulted in support of Place of Worship changing to an AA use within the District Centre Zone.
Parking and Rangers	Raised concern regarding the current parking shortfalls achievable under the TPS1 zoning table following the introduction of recent amendments to the Regulations. Parking and Rangers support measures able to be put into place to mitigate this.

External engagement	
Community consultation	<p>Should Council initiate Amendment 90 and draft revised Local Planning Policy No. 32 - 'Exemptions from Development Approval' for public comment, community consultation will proceed in accordance with Council's Local Planning Policy No. 37 - Community Consultation on Planning Proposals.</p> <p>Consultation will occur for a minimum duration of 42 days in the form of online advertising, public inspection (Admin/Library) and by public notices.</p> <p>The public advertising and consultation process will assist in enabling any potentially affected landowners to be identified and for Council to consider whether the proposed designation of permissibility for each use within each zone, as proposed by Scheme Amendment 90, is appropriate.</p>
Department of Planning, Lands & Heritage	The Town sought feedback from the Department of Planning, Lands & Heritage in December 2021 in respect to this Scheme Amendment. The Department's officers confirmed that they are generally supportive of the proposal and its intent.

## Risk management considerations

Risk impact category	Risk event description	Consequence rating	Likelihood rating	Overall risk level score	Council's risk appetite	Risk treatment option and rationale for actions
Financial	Not applicable.	N/A	N/A	N/A	N/A	
Environmental	No environmental risk proposed.	N/A	N/A	N/A	N/A	

Health and safety	The Town not being able to assess potential amenity impacts, including noise and traffic, to surrounding properties if high intensity land uses remain exempt from requiring development approval.	Low	Low	Low	Medium	Amend Town Planning Scheme No.1 to change a number of "P" Permitted uses to "AA" Discretionary to enable the Town to require an Application for Development Approval to be submitted and considered for high intensity land uses.
Infrastructure/ ICT systems/ utilities	Not applicable.	N/A	N/A	N/A	N/A	
Legislative compliance	The Minister for Planning, Lands and Heritage is ultimately responsible for approving Scheme Amendments. The Minister may decide to refuse or modify the Amendment notwithstanding Council's resolution.	Low	Low	Low	Medium	Adhere to processing the Scheme Amendment in accordance with the <i>Planning and Development Act 2005</i> and <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> .
Reputation	High reputational risk to the Town as a result of higher intensity 'P' (permitted) uses potentially being exempted from requiring Development Approval which may not be in line with community's expectations.  Moderate risk exists in	High	High	High	Low	Amend Town Planning Scheme No.1 to change a number of "P" Permitted uses to "AA" Discretionary.  Public advertising and consultation process will

	that currently permitted land uses reinstating the requirement for development approval to proceed.					assist Council to consider whether the proposed designation of permissibility for each use within each zone is appropriate.
Service delivery	May result in additional workload, with applications currently exempt from approval now requiring approval	Low	Low	Low	Medium	Accept on the basis that those applications now requiring approval will be those that may have some amenity impacts that need assessment.

## Financial implications

<b>Current budget impact</b>	Nil
<b>Future budget impact</b>	It is anticipated that the proposed modifications to the planning framework will result in a modest increase in Applications for Development Approval submitted to the Town. This in turn will likely result in a slight increase of revenue from application fees.

## Analysis

20. Unintended outcomes have resulted from the introduction of amendments to the *Planning and Development (Local Planning Scheme) Regulations 2015*, relating to change of land use proposals and the assessment of car parking.
21. As a result of these changes, where development involves a change of land use to a "P" (permitted) use and has no works component, the use is exempt from requiring development approval. This is irrespective of impacts imposed by parking shortfalls or other amenity concerns. These proposed changes to the planning framework, by way of Scheme Amendment 90 and revisions to Local Planning Policy 32, seek to reinstate the previous requirement for development approval for high intensity (or large scale) land uses so that a planning assessment can be undertaken to determine the appropriateness of the use.
22. The purpose of Scheme Amendment 90 is to modify the TPS1 Zoning Table to amend the land use permissibility of the following uses within certain zones:

- Bulky Goods Showroom,
- Child Care Premises,
- Educational Establishment,
- Fast Food Outlet,
- Lunch Bar,
- Office and
- Place of Worship

23. In a number of instances, it is proposed to change the permissibility of these uses in certain zones from being a 'P' (permitted) use to an 'AA' (discretionary) use. Under TPS 1, where a use is an 'AA' (discretionary) use, it would require an application for development approval to be submitted and approved.
24. Depending on the proposed operation and scale of these land uses, and the context of the surrounding area, consideration of the amenity impacts should be taken into account and a decision made on its suitability, by the development approval process.
25. It is therefore proposed to modify the Zoning Table contained in the Scheme Text to assign the following new land use permissibilities identified in blue font, with the existing permissibility in either red (where proposed to be amended) or black where unchanged:

Zone	Residential	Residential/Commercial	Office/Residential	Local Centre	District Centre	Commercial	Industrial (1)	
	1.	2.	3.	4.	5.	6.	7.	
Bulky Goods Showroom	X	P/AA	P/X <sup>2</sup> /AA <sup>3</sup>	X	P/AA	P/AA	P	
Child Care Premises	AA	P/AA	P/AA/X <sup>2</sup>	P/AA	P/AA	P/AA	AA	
Educational Establishment	AA	AA	AA/X <sup>2</sup>	P/AA	P/AA	P/AA	AA	
Fast Food Outlet	X	AA	P/X <sup>2</sup> /AA <sup>3</sup>	P/AA	P/AA	P/AA	P/AA	
Lunch Bar	X	AA	P/X <sup>2</sup> /AA <sup>3</sup>	P/AA	P/AA	P/AA	P/AA	
Office	X	P	P	P	P	P	P/AA	
Place of Worship	AA	AA	AA/X <sup>2</sup>	P/AA	P/AA	P/AA	AA	

P - Permitted Use

AA - Discretionary Use

X

26. However it is acknowledged that there may be instances where a use that would now become an 'AA' (discretionary) use, may be low scale and have a limited impact, and therefore not warrant an application for development approval. As outlined in deemed clause 61(2)(g) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, a Local Planning Policy may detail uses that are exempt from development approval. It is therefore proposed that for some of those uses which are proposed to change from a 'P' (permitted) use to an 'AA' (discretionary) use through the Scheme Amendment, that LPP32 outline criteria as to when that use can be exempted from development approval. This approach is proposed to balance streamlining approval process and reducing 'red tape'

by continuing to allow exemptions to remain in place for some lower intensity land uses. From an administrative perspective, the proposed revisions to LPP 32 seek to prevent unnecessary development applications from being submitted to the Town subject to the proposal satisfying certain conditions, such as limits on floor space, student numbers and presence of drive through facilities being met. Refer to Attachments 3 and 4.

27. The following table provides a summary of the situations where the land use permissibility of the listed land uses is proposed to change from a 'P' (permitted) use to an 'AA' (discretionary use), and the situations and applicable criteria where an exemption from development approval may still be possible under LPP32.

Land Use	Recommended to change from a 'P' use to an "AA" use within the following Zones.	Proposed Criteria under LPP32 for the use to be exempt from development approval	Rationale
<b>Bulky Goods Showroom</b>	<ul style="list-style-type: none"> <li>○ Residential/Commercial</li> <li>○ Office/Residential</li> <li>○ District Centre</li> <li>○ Commercial</li> </ul>	Net lettable area does not exceed 300m <sup>2</sup> in the aforementioned Zones.	To permit Bulky Goods Showrooms that are more analogous to "Shop" to open without requiring Planning Approval. The 300m <sup>2</sup> net lettable area limit aligns with that required by a permitted "Shop" land use.
<b>Childcare Premises</b>	<ul style="list-style-type: none"> <li>○ Residential/Commercial</li> <li>○ Office/Residential</li> <li>○ Local Centre</li> <li>○ District Centre</li> <li>○ Commercial</li> </ul>	None.	To address any amenity concerns (including traffic, parking and noise) at a development approval stage, and to align with Local Planning Policy No. 6 that requires Development Approval, <i>"to be obtained from the Council to establish a child care premises in all instances."</i>
<b>Educational Establishment</b>	<ul style="list-style-type: none"> <li>○ Local Centre</li> <li>○ District Centre</li> <li>○ Commercial</li> </ul>	No more than a maximum of 10 students is proposed at any one time in the aforementioned Zones.	To ensure low volume and scale educational establishments are able to commence operation without requiring Development Approval.
<b>Fast Food Outlet/Lunch</b>	<ul style="list-style-type: none"> <li>○ Local Centre</li> <li>○ District Centre</li> </ul>	Net lettable area does not exceed 300m <sup>2</sup> and	To allow Fast Food/ Lunch Bar outlets that are more

<b>Bar</b>	<ul style="list-style-type: none"> <li>○ Commercial</li> <li>○ Industrial (1)</li> <li>○ Industrial (2)</li> </ul>	does not propose a drive-through service in the aforementioned Zones.	analogous with Restaurant/Café use to commence operation without requiring Planning Approval
<b>Office</b>	<ul style="list-style-type: none"> <li>○ Industrial (1)</li> <li>○ Industrial (2)</li> </ul>	Office use is incidental to a primary industrial use and the net lettable area does not exceed 100m <sup>2</sup> in the aforementioned Zones.	To permit low scale administration, clerical and professional businesses to operate in an incidental capacity without requiring Planning Approval. Although somewhat analogous to a “shop” land use, the reduced floor area accounts for potentially higher staffing requirements for an “Office use.
<b>Place of Worship</b>	<ul style="list-style-type: none"> <li>○ Local Centre</li> <li>○ District Centre</li> <li>○ Commercial</li> </ul>	None.	To address any amenity concerns at a development application stage. The scale of a Place of Worship land use has changed from its classical usage. Modern places of worship can often share similarities with a theatre or stadium, and attendance can be large in scale.

28. A review of other local government areas has identified that the Town has a greater amount of “P” (permitted uses) in its Scheme Zoning Table for land uses when compared to other inner city local governments.

29. The Town of Victoria Park when compared to the five other Local Government areas reviewed has 69% of the land uses identified as permitted within 42 applicable zones. In comparison when averaged the 5 other local government areas have 13.8% of the equivalent land uses identified as permitted.

30. Following review of other inner city local government Zoning Tables and assessing possible impacts of some land uses in different zonings in the Town, it is recommended that in the zonings where the land uses of Bulky Good Showroom, Child Care Premises, Educational Establishment, Fast Food Outlet, Lunchbar, Office and Place of Worship are currently permitted ‘P’ uses, are modified to be listed as discretionary ‘AA’ uses which require an application for development approval.

31. Depending on the proposed operation and scale of these land uses, and the context of the surrounding area, consideration of the amenity impacts should be taken into account and a decision made on its suitability, by the development approval process.

Conclusion:

32. These proposed recommended amendments are in response to unintended outcomes following the introduction of amendments to the *Planning and Development (Local Planning Scheme) Regulations 2015*, relating to change of land use proposals and the assessment of car parking.

33. In conjunction with this Scheme Amendment, a concurrent revision to Council's Local Planning Policy No. 32 'Exemptions from Development Approval' is proposed to balance streamlining approval process and reducing 'red tape' by continuing to allow exemptions to remain in place for some lower intensity 'AA' (discretionary) land uses which meet certain criteria.

34. It is recommended that Council supports the initiation of Amendment 90 to TPS 1 and modifications to LPP No. 32 and supports the changes being advertised for public comments.

## **Relevant documents**

[Planning and Development \(Local Planning Schemes\) Regulations 2015](#)

[Town of Victoria Park - Town Planning Scheme No.1 Scheme Text](#)

[Local Planning Policy No. 32 Exemptions from Development Approval](#)

[Local Planning Policy No. 23 Parking Policy](#)

[Local Planning Policy No. 30 Car parking standards for developments along Albany Highway](#)

[Local Planning Policy No. 6 Family Day Care and Child Care Premises](#)

[Local Planning Policy No. 3 Non-Residential Uses In or Adjacent to Residential Areas](#)

[Local Planning Policy No. 37 Community Consultation on Planning Proposals](#)