10.1.11 D&A 71 Proposed Amendment No. 96 to Local Planning Scheme No. 3 – Use Class Permissibility in the District Centre and Commercial Zones – Public Advertising

EN BLOC RESOLUTION OCM 161/2017

That Council:

1. Pursuant to Section 75 of the *Planning and Development Act 2005* adopts for the purpose of public advertising Amendment 96 to Local Planning Scheme No. 3 in accordance with Attachment 1.

2. Considers Amendment 96 to Local Planning Scheme No. 3 as a standard amendment under Regulation 35 (2) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, for the following reasons:

   a) The amendment is consistent with the objectives identified in the Scheme for the District Centre and Commercial zone;
   b) The amendment is consistent with the City's Local Planning Strategy;
   c) The amendment is consistent with the Metropolitan Region Scheme;
   d) The amendment would have minimal impact on land in the scheme area that is not the subject of the amendment;
   e) The amendment does not result in any significant environmental, social, economic or governance impacts on land in the scheme area; and
   f) The amendment is not considered a complex or basic amendment.

3. Pursuant to Section 81 of the Planning and Development Act 2005, refers the proposed Amendment 96 to Local Planning Scheme No. 3 to the Environmental Protection Authority.

4. Subject to Sections 81 and 82 of the *Planning and Development Act 2005* advertises Amendment 96 to Local Planning Scheme No. 3 in accordance with Regulation 47 of the *Planning and Development (Local Planning Schemes) Regulations 2015* and P-DEV 45 – Public Notification of Planning Proposals.

Declaration of financial / conflict of interests to be recorded prior to dealing with each item.

71. Proposed Amendment No. 96 to Local Planning Scheme No. 3 – Use Class Permissibility in the District Centre and Commercial Zones – Public Advertising

Previous Items	Nil.
Responsible Officer	Director Development Services
Service Area	Approval Services
File Reference	PG-LPS-003/096
Applicant	N/A
Owner	N/A
Attachment 1	Proposed Amendment Document
Attachment 2	Proposed Changes to Table 1 of the Scheme
Attachment 3	Commercial zoned land located within the City of Kalamunda

EXECUTIVE SUMMARY

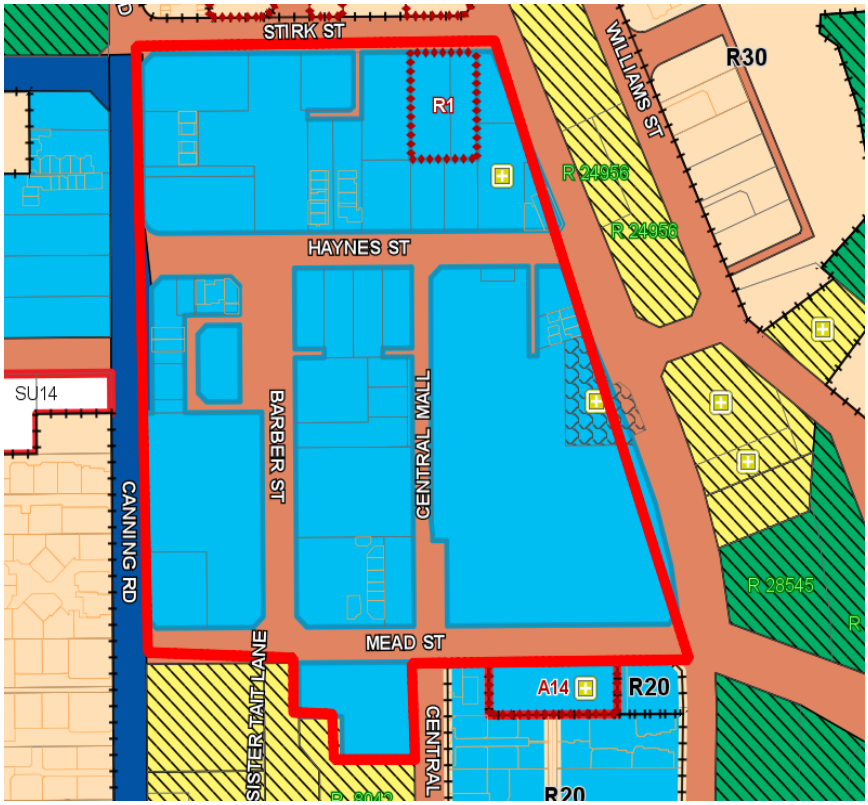
1. The purpose of this report is to consider the adoption for public advertising Amendment No. 96 to Local Planning Scheme No. 3 (Scheme) to modify use permissibility in Table 1 (Zoning Table) of the Scheme in relation to the District Centre and Commercial zones.

2. The City commenced an investigation into the use permissibility in the District Centre and Commercial zones following recommendations coming out of the 2017 Strategic Service Delivery Review. During this investigation it was considered that there is merit in modifying some use class permissibility to bring the City's Scheme in line with contemporary planning objectives and community expectations, and to assist where appropriate in expediting the planning process.

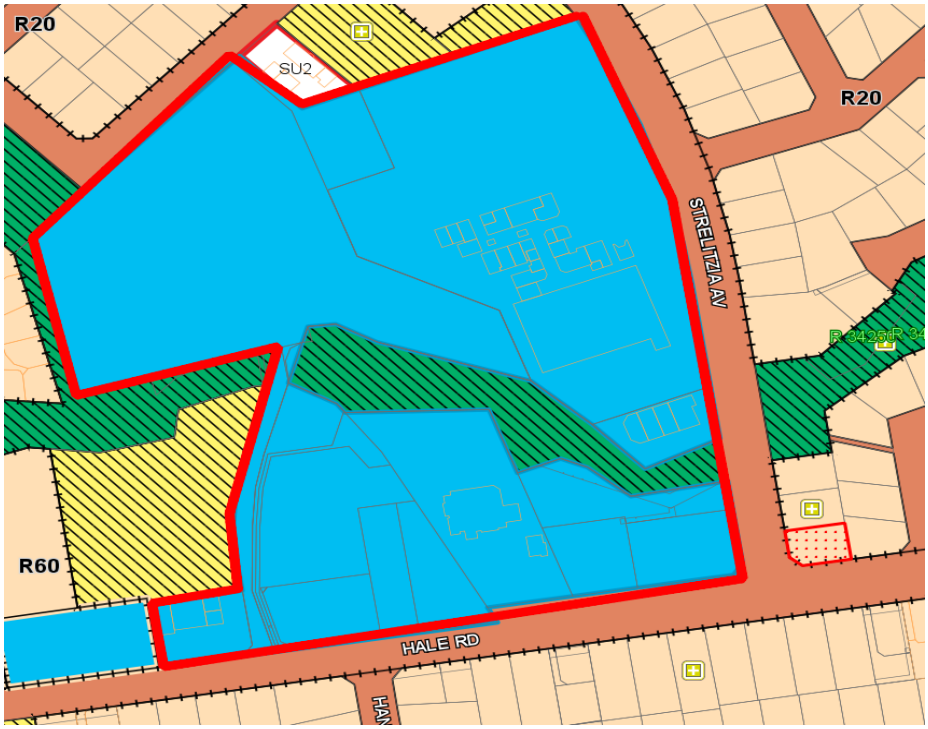
3. The intent behind a majority of changes is to restrict undesirable land uses from operating within the District Centre and Commercial zones. However, it is proposed that a new 'Small Bar' use class be introduced and be classified as 'P' (Permitted) within the District Centre and Commercial zones. On this basis it is recommended that Amendment 96 be adopted for the purpose of public advertising.

BACKGROUND

4. Kalamunda District Centre



5. Forrestfield District Centre



6. As indicated above, the City has two (2) District Centres (Forrestfield and Kalamunda) zoned for that purpose. In addition the City has a number of smaller areas of commercial zoned land scattered within each of the localities in the Scheme area, refer (Attachment 3). All of these retail centres are important activity nodes for the community, providing for a range of shopping, business, professional, civic and cultural, and entertainment based services.

7. One of the recommendations of Council's Strategic Service Delivery Review in 2017 was to investigate exemptions in Kalamunda and Forrestfield District Centres with a view of facilitating desirable land uses. This was intended to apply to the Shop, Office, Small Bar, Restaurant and Consulting Room land uses. During this investigation, it was noted that all of these uses are already 'P' (Permitted) land uses, however it was considered that there is merit in reviewing the remainder of uses in these zones to ensure that the City's Scheme is in line with contemporary planning objectives and community expectations and to assist where appropriate in expediting the planning process.

8. In August 2015, the *Planning and Development (Local Planning Schemes) Regulations 2015* introduced deemed provisions that exempted development from requiring planning approval that is classified as 'P' (permitted) and:

   i) the development has no works component; or
   ii) development approval is not required for the works component of the development.

   This means that where a site changes use, and the new use is classified as 'P' (Permitted), and no works are proposed, it will not require planning approval unless there are external modifications to the building. In a District Centre and Commercial zoned environment, it is important to facilitate the types of uses that are desirable, however this should be balanced with an appropriate level of development control.

9. This amendment proposes to reclassify the permissibility of some uses to ensure that a development application is required prior to the commencement of the use, and that appropriate development standards and processes are applied through the development application process.

10. At the August 2017 Ordinary Council Meeting, Council resolved to adjourn debate on the amendment to the next Development and Asset Services Committee Meeting.

DETAILS

11. Attachment 2 contains a full table that outlines the nature of proposed changes to Table 1 (Zoning Table) of the Scheme including rationale behind each of the proposed changes. In summary however, the following table highlights the changes to use permissibility proposed:

	District Centre		**Commercial**		**Residential**	
	Existing	**Proposed**	**Existing**	**Proposed**	**Existing**	**Proposed**
Aged Residential Care	D	**A**	D	**A**		
Amusement Parlour	P	**D**	P	**D**		
Ancillary Dwelling	D	**X**	D	**X**		
Art Gallery	P	**D**	P	**D**		
Betting Agency	P	**D**	P	**D**		
Bulky Goods Showroom	P	**D**	P	**D**		
Caretakers Dwelling	P	**D**	P	**D**		
Car Park	P	**D**	P	**D**		
Child Care Premises	P	**D**	P	**D**		
Cinema/Theatre	P	**D**	P	**D**		
Civic Use	D	**P**	D	**P**		
Club Premises	P	**D**	P	**D**		
Community Purpose	P	**D**	P	**D**		
Family Day Care	P	**D**	P	**D**		
Fast Food Outlet	P	**D**	P	**D**		
Garden Centre	P	**D**	P	**D**		
Health/Fitness Centre	P	**D**	P	**D**		
Home Business	P	**D**	P	**D**		
Home Occupation	P	**D**	P	**D**	P	**D**
Home Office	Nil.	**P**	Nil.	**P**		
Home Store	P	**D**	P	**D**		
Hospital	D	**A**	D	**A**		
Hotel	D	**A**	D	**A**		
Industry – Service	D	**X**	D	**X**		
Motor Vehicle, Boat or Caravan Sales	P	**X**	P	**D**		
Motor Vehicle Repairs	P	**X**	P	**X**		
Place of Worship	D	**A**	D	**A**		
Reception Centre	P	**A**	P	**A**		

Service Station	P	**A**	P	**A**		
Single Bedroom Dwelling	D	**X**	D	**X**		
Single House	D	**X**	D	**X**		
Small Bar	Nil.	**P**	Nil.	**P**		
Tavern	D	**A**	D	**A**		
Trade Display	D	**X**	D	**X**		
Veterinary Centre	P	**D**	P	**D**		
Warehouse/Storage	D	**X**	D	**X**		

12. Table 1 has been rearranged to reflect the proposed modifications to the Scheme text consistent with the table proposed through Amendment 83 (initiated by Council on 24 April 2017) to the Scheme, which will bring the Scheme into alignment with the model and deemed provisions under the *Planning and Development (Local Planning Schemes) Regulations 2015*. Differences between the current Scheme Table 1 as shown in the table in Point 8 of the report above and the proposed table include:

- Addition of the following use classes:
  - Bulky Goods Showroom
  - Home Office
- Replace 'Restaurant' with 'Restaurant/Café';
- Replace 'Rural Pursuit' with 'Rural Pursuit/Hobby Farm';
- Reordering of some of the uses into alphabetical order;
- Delete the Showroom use class;
- Delete the Stable use class; and
- Combine the Warehouse and Storage use classes – 'Warehouse/Storage'.

13. In addition to the above, this amendment also seeks to

1. Correct an error in Table 1 relating to the Home Occupation use in a Residential Zone, by changing it from a 'P' (permitted) use to a 'D' (Discretionary) use. This is consistent with the approach taken by other local governments and will ensure that an appropriate level of development control is applied to home occupation proposals. The City will also investigate the preparation of a local planning policy for home occupations to provide a transparent and consistent decision making framework for these types of proposals.

2. Introduce the 'Small Bar' use class into Table 1 and the definition of a Small Bar into the Land Use Definitions Schedule of the Scheme, as follows:

   "Means premises the subject of a small bar licence granted under the Liquor Control Act 1988".

STATUTORY AND LEGAL CONSIDERATIONS

Planning and Development (Local Planning Schemes) Regulations 2015

14. In relation to the processing of Scheme amendments, the Regulations distinguish 'complex', 'standard' and 'basic' types of amendments with procedural requirements for each to streamline and simplify the amendment process, particularly in relation to advertising and processing timeframes.

15. Under the Regulations, the proposed Scheme Amendment is considered a 'standard amendment', for the following reasons:

- The amendment is consistent with the objectives identified in the Scheme for the District Centre zone;
- The amendment is consistent with the City's Local Planning Strategy;
- The amendment is consistent with the Metropolitan Region Scheme;
- The amendment would have minimal impact on land in the scheme area that is not the subject of the amendment;
- The amendment does not result in any significant environmental, social, economic or governance impacts on land in the scheme area; and
- The amendment is not considered a complex or basic amendment.

16. Should Council resolve to adopt the amendment, it will be determined in accordance with the *Planning and Development Act 2005*. The proposal will ultimately be determined by the Minister for Planning.

City of Kalamunda Local Planning Scheme No. 3

17. The role of Part 4.3 (Zoning Table) of the Scheme is to outline the permissibility of uses in a particular zone and should closely align with the overall objectives of each zone. This is achieved by designating each listed use class in one of the following categories:

- P (Permitted) – Means that the use is permitted by the Scheme.
- D (Discretionary) – Means that the use is not permitted unless the Council has granted planning approval.
- A (Advertise) – Means that the use is not permitted unless the Council has granted planning approval after giving notice in accordance with Clause 9.4 (Advertise) (now Clause 64, Part 8, Schedule 2 of the Regulations).

18. The key objective of this amendment is to review and where appropriate change use permissibility within the District Centre and Commercial zones, which would require modifications to the Zoning Table under the Scheme.

19. The District Centre zone includes the following objectives under Part 4.2.3 (Commercial Zones) of the Scheme:

- To promote, facilitate and strengthen the District Centres as the major foci of activity, particularly for shopping, business, professional, civic, cultural, entertainment facilities and related employment opportunities.
- Provide for medical and other health related services.
- Allow for the establishment of uses which would co-exist with the District Centre's activities whilst recognising a limited level of residential activities in the District Centre.
- Achieve safety and efficiency in traffic and pedestrian circulation.
- Ensure that the scale, size, design and location of buildings are compatible with the existing development in the District Centre.

20. The Commercial zone includes the following objectives under Part 4.2.3 (Commercial Zones) of the Scheme:

- To service the needs of a localised area in providing for local shopping facilities, business, professional, civic, cultural, medical and other health relates services.
- To ensure that development is designed to be compatible with nearby uses and zones particularly residential zones.

POLICY CONSIDERATIONS

Kalamunda Town Centre Planning and Urban Design Guidelines

21. The Kalamunda Town Centre Planning and Urban Design Guidelines provide guidance on the design of new buildings and spaces within the Kalamunda town centre, to achieve an enhanced urban environment, improve the experience for pedestrians and to reinforce and build upon Kalamunda's established character.

22. Importantly, the purpose and intent of the proposed amendment is to designate appropriate land use for the District Centre and Commercial zones, and does not modify the design and development criteria prescribed in the Kalamunda Town Centre Design Guidelines.

COMMUNITY ENGAGEMENT REQUIREMENTS

Internal Referrals

23. Preliminary advice has been sought from Strategic Planning in respect to the proposed amendment given the implications for the future proposed Activity Centre Plans. They raised no objections to the proposed amendment. As part of the advertising process, the proposed amendment will be circulated to all internal departments.

External Referrals

24. Should Council decide to endorse the proposed amendment for advertising, the amendment will be referred to the Environmental Protection Authority for environmental review. Following this environmental review, the application will be advertised for 42 days under the Regulations and the City's P-DEV 45 – Public Notification of Planning Proposals, as follows:

- Notice in the local newspaper circulating the Scheme area;
- Display a copy of the amendment at the City's Administration Offices;
- Give notice to public authorities; and
- Notice on the City's website and Facebook page.

FINANCIAL CONSIDERATIONS

25. Costs associated with the progressing this amendment will be met by the Approval Services Budget.

STRATEGIC COMMUNITY PLAN

Strategic Planning Alignment

26. *Kalamunda Advancing: Strategic Community Plan to 2027*

OBJECTIVE – 3.1 To plan for sustainable population growth.

Strategy 3.1.1: Plan for diverse and sustainable housing, community facilities and industrial development to meet changing social and economic needs.

OBJECTIVE – 3.3 To develop and enhance the City's economy.

Strategy 3.3.1: Facilitate and support the success and growth of industry and businesses.

Strategy 3.3.2 Attract new investment opportunities and businesses with a focus on innovation.

OBJECTIVE – 3.4 To be recognised as a preferred tourism destination.

Strategy 3.4.1 Facilitate, support and promote, activities and places to visit.

Strategy3.4.2 Advocate and facilitate diversification options for the rural properties to flourish.

SUSTAINABILITY

Social Implications

27. The City's urban centre and commercial areas are considered to be central to perceived community character and identification, as well as functioning as important gathering places for social, community and cultural purposes. It is therefore important to coordinate appropriate land uses and development standards in a way that is consistent with community expectations and strategic planning priorities.

Economic Implications

28. The City's urban centre and commercial areas provide for a range of shopping, business, professional and entertainment based services. It is essential that an appropriate balance is reached between facilitating economic and business conditions, land use coordination and controlling development standards under the Scheme.

Environmental Implications

29. Nil.

RISK MANAGEMENT CONSIDERATIONS

30.

Risk: Not undertaking this amendment could result in undesirable land uses in the District Centre and Commercial zones.		
Likelihood:	**Consequence**	**Rating**
Possible	Moderate	Medium
Action/ Strategy		
Ensure that it is understood that the proposed amendment brings Table 1 of the Scheme into alignment with contemporary planning approaches and is considered to strike an appropriate balance between facilitating development/appropriate uses and controlling development in the District Centre and Commercial zones.		
Risk: Community dissatisfaction with the proposed Scheme amendment provisions.		
Likelihood:	**Consequence**	**Rating**
Possible	Moderate	Medium
Action/ Strategy		

The proposed Scheme amendment will be subject to extensive community advertising. Any community concerns will be fully considered and reported on when the amendment is brought back to Council for adoption.

OFFICER COMMENT

31. A review of the Zoning table against the objectives of the District Centre and Commercial zones under the Scheme has resulted in several recommended changes to Table 1 (Attachment 2). An investigation was undertaken of Local Planning Schemes of other Local Governments to determine the consistency of the use permissibility in town centre and district centre zones.

32. The intent behind a majority of changes is to restrict undesirable land uses from operating within the District Centre and Commercial zones. However, it is proposed that a new 'Small Bar' use class be introduced and be classified as 'P' (Permitted) within the District Centre and Commercial zones.

33. The abovementioned introduction of deemed provisions through the Regulations did raise an issue in respect to the provision of parking. A change of use from one permitted use to another (e.g. Office to Restaurant) without any external works would potentially result in greater parking demand, however not require a development application. The effect of this amendment would be Council accepting existing and future parking shortfalls for those activities classified as permitted uses under the District Centre zone. That said, the Parking Study undertaken for the City in 2011, showed that the Kalamunda Town centre is well serviced by parking, with supply outstripping demand on most occasions. Moreover, Council has previously supported parking shortfalls in the Kalamunda for developments on 21 Haynes Street (Restaurant) and 12 Mead Street (Health and Fitness Centre).

34. As an example, the following table highlights the differing car parking standards for common permitted uses found in the District Centre Zone:

Use	**Car Parking Standards**
Consulting Rooms	4 bays per practitioner and 1 bay per employee
Fast Food Outlet	10 bays per 100m² of net lettable area. Minimum of 6 bays (excluding drive through)
Medical Centre	6 bays per practitioner and 1 per staff
Office	4 bays per 100m² of net lettable area
Restaurant	1 bay for every 4 persons to be accommodated
Shop	5 bays per 100m² of net lettable area

While this amendment does not incorporate any changes to the parking requirements under the Scheme, it is considered that a review of the parking standards should be undertaken as part of a future Activity Centre Plan and Scheme review to determine appropriate levels of parking and allocation of funds received through cash in lieu of parking.

35. Mention has already been made in Point 8 of the report regarding the deemed provisions of the Regulations exempting permitted uses from requiring planning approval where the development has no works component, or development approval is not required for the works component of the development. The definition of "works" under the Regulations can be open interpretation as to

what works are exempt, for example, replacing existing doors and windows. For the purpose of clarity therefore the City will prepare a local planning policy that will provide the necessary guidance around the nature of works to be excluded.

36. In summary, the proposed amendment will modify Table 1 to bring it into line with contemporary planning objectives and community expectations. It is recommended that Council resolve to advertise this amendment.

37. If Council would like more time to consider the proposed Scheme amendment, the item could be deferred to a later Development and Asset Services Committee meeting to allow for a briefing with Council on the amendment.

The Presiding Member advised the meeting this item was adjourned from the Development & Asset Services Committee in August 2017. As there was no mover received the item will now be considered.

Cr Destree sought clarification on Attachment 1. The Director Development Services provided clarification.

Cr Destree sought clarification on delegations. The Director Development Services provided clarification.

Cr Waddell sought clarification on the use class definition of 'Shop'. The Director Development Services provided clarification.

Voting Requirements: Simple Majority

COMMITTEE RECOMMENDATION TO COUNCIL (D&A 71/2017)

That Council:

1. Pursuant to Section 75 of the *Planning and Development Act 2005* adopts for the purpose of public advertising Amendment 96 to Local Planning Scheme No. 3 in accordance with Attachment 1.

2. Considers Amendment 96 to Local Planning Scheme No. 3 as a standard amendment under Regulation 35 (2) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, for the following reasons:
   a) The amendment is consistent with the objectives identified in the Scheme for the District Centre and Commercial zone;
   b) The amendment is consistent with the City's Local Planning Strategy;
   c) The amendment is consistent with the Metropolitan Region Scheme;
   d) The amendment would have minimal impact on land in the scheme area that is not the subject of the amendment;
   e) The amendment does not result in any significant environmental, social, economic or governance impacts on land in the scheme area; and
   f) The amendment is not considered a complex or basic amendment.

3. Pursuant to Section 81 of the Planning and Development Act 2005, refers the proposed Amendment 96 to Local Planning Scheme No. 3 to the Environmental Protection Authority.

4. Subject to Sections 81 and 82 of the *Planning and Development Act 2005* advertises Amendment 96 to Local Planning Scheme No. 3 in accordance with Regulation 47 of the *Planning and Development (Local Planning Schemes) Regulations 2015* and P-DEV 45 – Public Notification of Planning Proposals.

Moved: **Cr Geoff Stallard**

Seconded: **Cr Noreen Townsend**

Vote:	For	Against
	Cr Michael Fernie	**Cr Tracy Destree**
	Cr John Giardina	
	Cr Geoff Stallard	
	Cr Allan Morton	
	Cr Brooke O'Donnell	
	Cr Noreen Townsend	
	Cr Andrew Waddell	
	Cr Sara Lohmeyer	
	Cr Dylan O'Connor	
	Cr Sue Bilich	

CARRIED (10/1)

Attachment 1
Proposed Amendment to Local Planning Scheme No. 3 – Use Class Permissibility in the District Centre and Commercial Zones
Proposed Amendment Document

FORM 2A

Planning and Development Act 2005
RESOLUTION TO PREPARE AMENDMENT
TO LOCAL PLANNING SCHEME

Local Planning Scheme No. 3
Amendment No. 96

Resolved that the Local Government pursuant to section 75 of the *Planning and Development Act 2005*, amend the above Local Planning Scheme by:

1) Amending Table 1 – Zoning Table, by deleting the existing use permissibility classifications and substituting it with the following in the District Centre, Commercial and Residential Zones:

Use Classes	**District Centre**	**Commercial**	**Mixed Use**	**Residential**	**Residential Bushland**	**Light Industry**	**General Industry**	**Service Station**	**Private Clubs & Inst.**	**Special Rural**	**Rural Composite**	**Rural Agriculture**	**Rural Landscape Interest**	**Rural Conservation**	**Industrial Development**
Aged/Dependant Dwellings	D	D													
Aged Residential Care	**A**	**A**													
Agriculture – extensive	X	X													
Agriculture – intensive	X	X													
Amusement Parlour	**D**	**D**													
Ancillary Dwelling	**X**	**X**													
Animal Establishment	X	X													
Animal Husbandry – intensive	X	X													
Art Gallery	**D**	**D**													
Bed and Breakfast	D	D													
Betting Agency	**D**	**D**													
Bulky Goods Showroom	**D**	**D**													
Caravan Park	X	X													
Caretakers Dwelling	**D**	**D**													
Car Park	**D**	**D**													

Chalet – Short Term Accommodation	X	X													
Child Care Premises	**D**	**D**													
Cinema/Theatre	**D**	**D**													
Civic Use	**P**	**P**													
Club Premises	**D**	**D**													
Commercial Vehicle Parking	X	X													
Community Purpose	**D**	**D**													
Consulting Rooms	P	P													
Convenience Store	D	D													
Corrective Institution	X	X													
Educational Establishment	D	D													
Family Day Care	**D**	**D**													
Fast Food Outlet	**D**	**D**													
Fuel Depot	X	X													
Funeral Parlour	D	D													
Garden Centre	**D**	**D**													
Grouped Dwelling	D	D													
Health/Fitness Centre	**D**	**D**													
Home Business	**D**	**D**													
Home Occupation	**D**	**D**		**D**											
Home Office	**P**	**P**													
Home Store	**D**	**D**													
Hospital	**A**	**A**													
Hotel	**A**	**A**													
Industry	X	X													
Industry – Cottage	D	D													
Industry – Extractive	X	X													
Industry - General	X	X													
Industry - Light	X	X													
Industry – Mining	X	X													
Industry – Rural	X	X													
Industry – Service	**X**	**X**													
Lodging House	A	A													
Logistics Centre	X	X													
Lunch Bar	P	P													
Market	A	A													
Medical Centre	P	P													
Motel	A	A													
Motor Vehicle, Boat or Caravan Sales	**X**	**D**													
Motor Vehicle Repairs	**X**	**X**													
Motor Vehicle Wash	D	D													
Motor Vehicle Wrecking	X	X													
Museum	A	A													

Multiple Dwelling	D	D													
Night Club	A	A													
Office	P	P													
Park Home Park	X	X													
Place of Worship	**A**	**A**													
Public Utility	P	P													
Reception Centre	**A**	**A**													
Recreation – Private	D	D													
Research and Technology Premises	X	X													
Resource Recovery Centre	X	X													
Restaurant/Café	P	P													
Restricted Premises	X	X													
Rural Pursuit/Hobby Farm	X	X													
Salvage Yard	X	X													
Service Station	**A**	**A**													
Shop	P	P													
Single Bedroom Dwelling	**X**	**X**													
Single House	**X**	**X**													
Small Bar	**P**	**P**	**A**	**X**	**X**	**X**	**X**	**X**	**X**	**X**	**X**	**X**	**X**	**X**	**X**
Tavern	A	A													
Telecommunications Infrastructure	D	D													
Trade Display	**X**	**X**													
Transport Depot	X	X													
Veterinary Centre	**D**	**D**													
Warehouse/Storage	**X**	**X**													
Winery	X	X													

2) Inserting a new definition for Small Bar under the 'Land use terms used in the Scheme', in accordance with the Model Provision definition under the *Planning and Development (Local Planning Schemes) Regulations 2015*, as follows

"Small bar means premises the subject of a small bar licence granted under the Liquor Control Act 1988".

The amendment is standard under the provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* for the following reason(s):

g) The amendment is consistent with the objectives identified in the Scheme for the District Centre zone;
h) The amendment is consistent with the City's Local Planning Strategy;
i) The amendment is consistent with the Metropolitan Region Scheme;
j) The amendment would have minimal impact on land in the scheme area that is not the subject of the amendment;
k) The amendment does not result in any significant environmental, social, economic or governance impacts on land in the scheme area; and
l) The amendment is not considered a complex or basic amendment.

Dated this _____ day of _____ 20___

_____
(Chief Executive Officer)

Attachment 2
Proposed Amendment to Local Planning Scheme No. 3 – Use Class Permissibility in the District Centre and Commercial Zones
Proposed Changes to Table 1 of the Scheme

	District Centre		Commercial		Residential		Justification
	Existing	Proposed	Existing	Proposed	Existing	Proposed	
Aged/Dependant Dwellings	D		D				
Aged Residential Care	D	**A**	D	**A**			It is considered that an aged residential care development should be subject to public advertising prior to a determination being made.
Agriculture – extensive	X		X				
Agriculture – intensive	X		X				
Amusement Parlour	P	**D**	P	**D**			Entertainment based uses could potential result in undue impacts on the amenity of residential occupants within and adjacent to District Centre and Commercial zoned land.
Ancillary Dwelling	D	**X**	D	**X**			Ancillary dwellings are associated with single house development, which typically and suitably occurs in a residential environment rather than a commercial centre. Accordingly, it is not complementary with the objectives of the District Centre zone.
Animal Establishment	X		X				
Animal Husbandry – intensive	X		X				
Art Gallery	P	**D**	P	**D**			Entertainment based uses could potential result in undue impacts on the amenity of residential occupants within and adjacent to District Centre and Commercial zoned land.

Bed and Breakfast	D		D				
Betting Agency	P	**D**	P	**D**			Entertainment based uses could potential result in undue impacts on the amenity of residential occupants within and adjacent to District Centre and Commercial zoned land.
Bulky Goods Showroom	P	**D**	P	**D**			Bulky Goods Showroom land uses are generally suited to car based commercial and light industrial areas. Each application should be assessed on a case-by-case basis.
Caravan Park	X		X				
Caretakers Dwelling	P	**D**	P	**D**			A caretakers dwelling should be subject to planning approval and assessment in a district centre context to determine the appropriateness of the use having regard to the nature of the commercial operation occurring on the site.
Car Park	P	**D**	P	**D**			A car park land use that is not incidental of a predominant commercial use should be subject to planning control, so that the design and location of the use is full considered.
Chalets – short term accommodation	X		X				
Child Care Premises	P	**D**	P	**D**			While Child Care Premises are encouraged in a District Centre environment, applications should be required to determine the appropriateness of the location.
Cinema/Theatre	P	**D**	P	**D**			Entertainment based uses could potential result in undue impacts on the amenity of residential occupants within and adjacent to District Centre and Commercial zoned land.
Civic Use	D	**P**	D	**P**			This use class would be deemed 'public works' in a majority of cases and exempt from the requirement from obtaining planning approval on zoned land.
Club Premises	P	**D**	P	**D**			Private club based uses could potential result in undue impacts on the amenity of residential occupants within and adjacent to District Centre and Commercial zoned land.

Commercial Vehicle Parking	X		X				
Community Purpose	P	**D**	P	**D**			Community based uses could potential result in undue impacts on the amenity of residential occupants within and adjacent to District Centre and Commercial zoned land.
Consulting Rooms	P		P				
Convenience Store	D		D				
Corrective Institution	X		X				
Educational Establishment	D		D				
Family Day Care	P	**D**	P	**D**			Family Day Care uses are generally associated with an occupant of a dwelling caring for a maximum of seven (7) children. Given that this use would likely be associated with grouped or multiple dwellings, which are generally in more confined living environments, it is considered that discretion should be applied when determining the appropriateness of the use.
Fast Food Outlet	P	**D**	P	**D**			Fast Food Outlets should be subject to development approval, particularly where drive through services are proposed. Given the broad nature of this use class, the dynamics of a fast food outlet can vary significantly from use to use.
Fuel Depot	X		X				
Funeral Parlour	D		D				
Garden Centre	P	**D**	P	**D**			Given the broad nature of a Garden Centre use class, uses can vary significantly and should be subject to a discretionary decision.
Grouped Dwelling	D	D	D	D			This should be kept as a discretionary use, however consideration should be given to allowing grouped dwellings to occur only in a mixed use context.

Health/Fitness Centre	P	**D**	P	**D**			Given the broad nature of a Health/Fitness Centre use class, uses can vary significantly and in the interest of protecting amenity for residential occupants within and adjacent to District Centre and Commercial zoned land, it should be subject to a discretionary decision.
Home Business	P	**D**	P	**D**			Home Business uses are operated by an occupant of a dwelling. Given that this use would likely be associated with grouped or multiple dwellings, which are generally in more confined living environments, it is considered that discretion should be applied when determining the appropriateness of the use.
Home Occupation	P	**D**	P	**D**	P	**D**	Home Occupation uses are operated by an occupant of a dwelling. Given that this use would likely be associated with grouped or multiple dwellings, which are generally in more confined living environments, it is considered that discretion should be applied when determining the appropriateness of the use. This amendment also seeks to correct an error in Table 1 relating to the Home Occupation use in a Residential Zone, by changing it from a 'P' (permitted) use to a 'D' (Discretionary) use. This is consistent with the approach taken by other local governments and will ensure that an appropriate level of development control is applied to home occupation proposals. The City will also investigate the preparation of a local planning policy for home occupations to provide a transparent and consistent decision making framework for these types of proposals.
Home Office	Nil.	**P**	Nil.	**P**			By definition, a Home Office does not entail any externalities, and should not be subject to the requirement to obtain development approval.
Home Store	P	**D**	P	**D**			Future occupants of grouped/multiple dwellings may wish to incorporate a home store, this should be assessed on case by case basis.

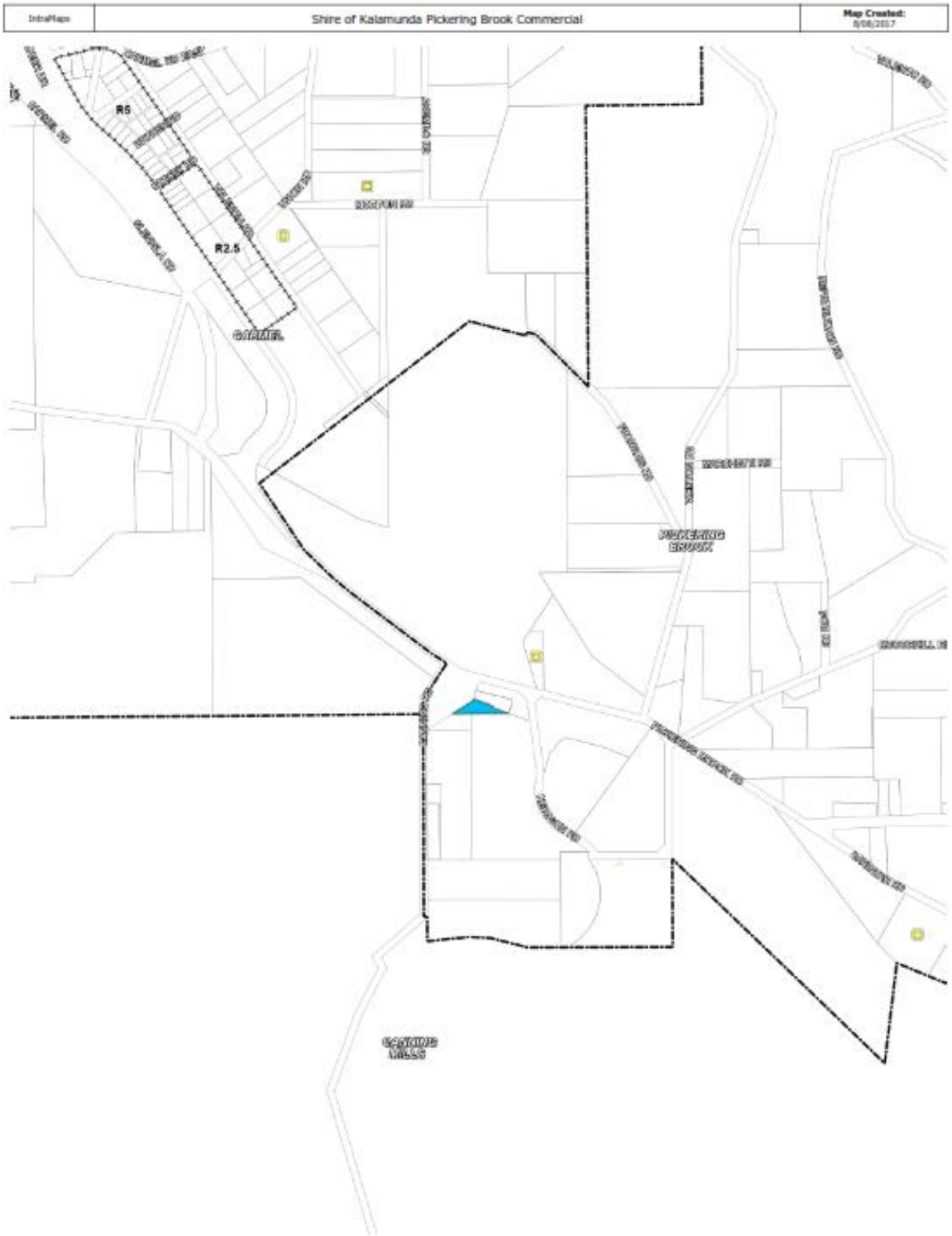
Hospital	D	**A**	D	**A**			Given the significance of a Hospital use/development, it should be subject to public advertising prior to a determination being made.
Hotel	D	**A**	D	**A**			It is considered that a hotel development should be subject to public advertising prior to a determination being made.
Industry	X		X				
Industry – Cottage	D		D				
Industry – Extractive	X		X				
Industry – General	X		X				
Industry - Light	X		X				
Industry – Mining	X		X				
Industry – Rural	X		X				
Industry – Service	D	**X**	D	**X**			Service Industry is a use that is appropriately located in an industrial area.
Lodging House	A		A				
Logistics Centre	X		X				
Lunch Bar	P		P				
Market	A		A				
Medical Centre	P		P				
Motel	A		A				
Motor Vehicle, Boat or Caravan Sales	P	**X**	P	**D**			Motor Vehicle, Boat or Caravan Sales is a use that may be appropriate in a Commercial zone, however not within the District Centre environment. These uses are more appropriately located in an industrial area.
Motor Vehicle Repairs	P	**X**	P	**X**			Motor Vehicle Repairs is a use that is appropriately located in an industrial area.

Motor Vehicle Wash	D		D				
Motor Vehicle Wrecking	X		X				
Multiple Dwelling	D		D				
Museum	A		A				
Night Club	A		A				
Office	P		P				
Park Home Park	X		X				
Place of Worship	D	**A**	D	**A**			Places of Worship could potential result in undue impacts on the amenity of residential occupants within and adjacent to District Centre and Commercial zoned land. Given the level of public interest involved in the consideration of Place of Worship uses, it is considered that advertising should be undertaken prior to determination.
Public Utility	P		P				
Reception Centre	P	**A**	P	**A**			Reception Centre uses can involve large numbers of occupants for short periods and can potentially result in undue impacts on the amenity of residential occupants within and adjacent to District Centre and Commercial zoned land. Given the level of public interest involved in the consideration of Reception Centre uses, it is considered that advertising should be undertaken prior to determination.
Recreation – Private	D		D				
Research and Technology Premises	X		X				
Resource Recovery Centre	X		X				
Restaurant/Café	P		P				
Restricted Premises	X		X				

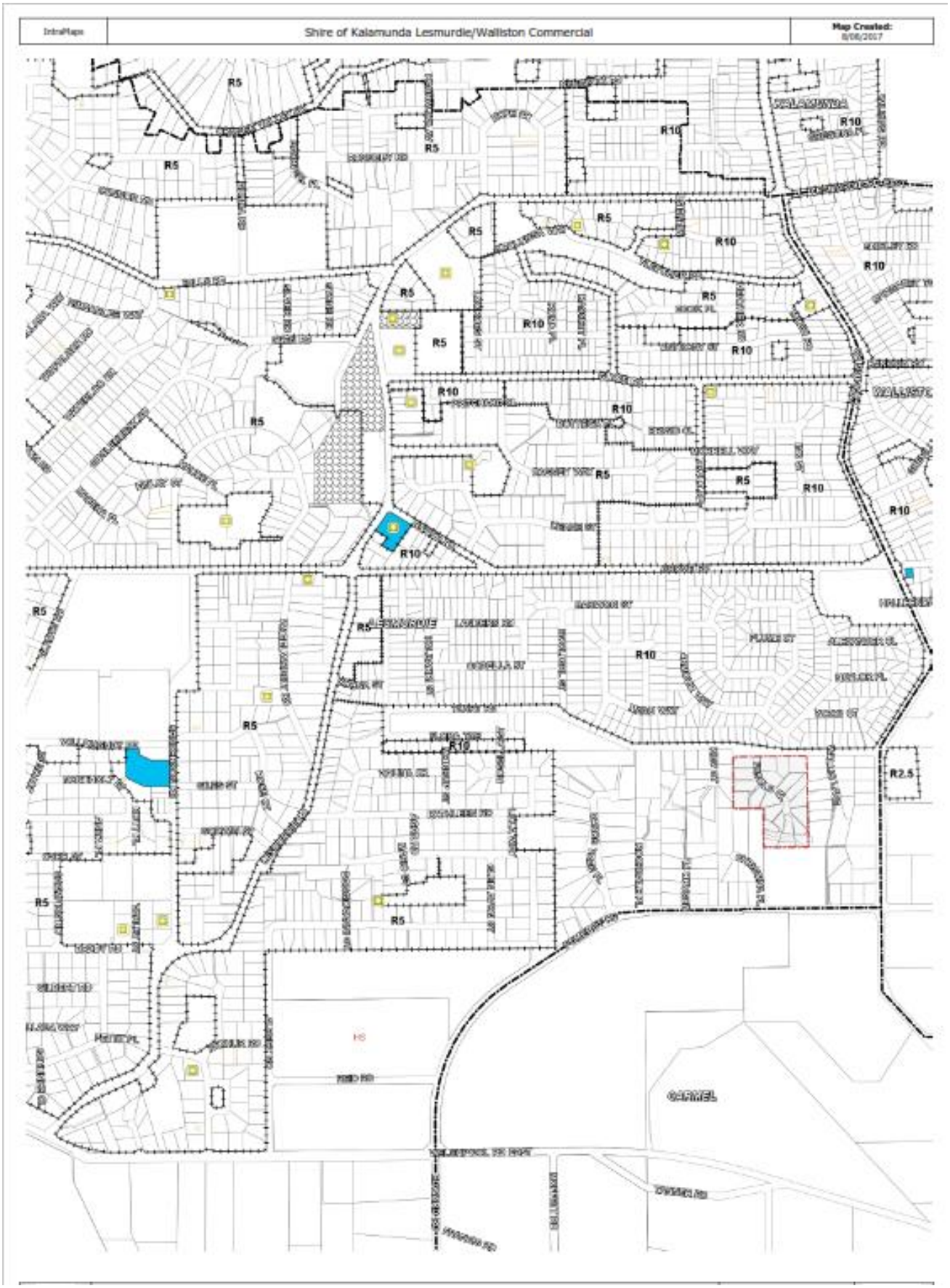
Rural Pursuit/Hobby Farm	X		X				
Salvage Yard	X		X				
Service Station	P	**A**	P	**A**			The design and operation of a Service Station is not usually conducive in a District Centre and is more suited to a ribbon patterned commercial area (along busy roads), however depending on the location and design of the proposal, there should be the potential to consider an application within these zones. It is considered appropriate to advertise a proposal prior to a determination being made.
Shop	P		P				
Single Bedroom Dwelling	D	**X**	D	**X**			A single bedroom dwelling is not appropriate as it would not result in the highest and best use of land in a District Centre and Commercial environment.
Single House	D	**X**	D	**X**			A single house is not appropriate as it would not result in the highest and best use of land in a District Centre and Commercial environment.
Small Bar	Nil.	**P**	Nil.	**P**			It is considered that Small Bar should be introduced as a land use in the Scheme and encouraged within the District Centre and Commercial zones.
Tavern	D	**A**	D	**A**			Given the nature of a Tavern land use can include amenity impacts and is usually a use that attracts significant public interest, it should be subject to public advertising.
Telecommunications Infrastructure	D		D				
Trade Display	D	**X**	D	**X**			Trade Display is a use that is appropriately located in an industrial area.
Transport Depot	X		X				
Veterinary Centre	P	**D**	P	**D**			A Veterinary Centre should be a discretionary use in a District Centre and Commercial zone given the likely amenity

							impacts resulting from animals under care which stay overnight.
Warehouse/Storage	D	**X**	D	**X**			Warehouse is a use that is appropriately located in an industrial area.
Winery	X		X				

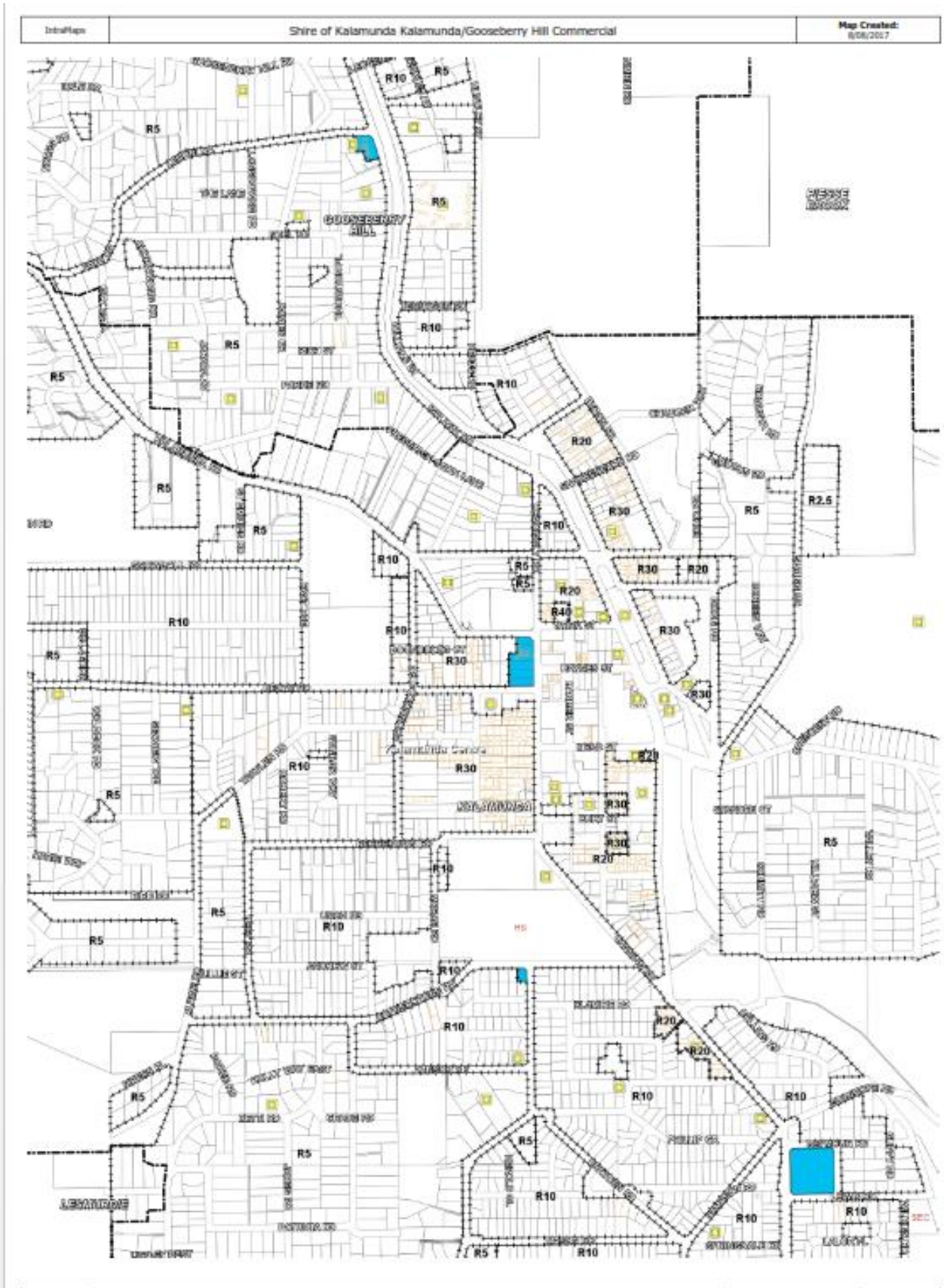
Attachment 3
Proposed Amendment to Local Planning Scheme No.3 – Use Class Permissibility in the District Centre and Commercial Zones.
Commercial Zoned land within the City of Kalamunda




IntraMaps
Shire of Kalamunda High Wycombe Commercial
Map Created:
R20
R30
R25
R40
R17.5
R12.5
20 ANEF


IntraMaps
Shire of Kalamunda Lesmurdie/Walliston Commercial
Map Created:
8/08/2017
R5
R10
R2.5
CARMEL


IntraMaps
Shire of Kalamunda Forrestfield Commercial
Map Created:
R20
R60
R30
R25
R15
FORRESTFIELD


IntraMaps
Shire of Kalamunda Kalamunda/Gooseberry Hill Commercial
Map Created:
8/08/2017
GOOSEBERRY HILL
R5
R10
R20
R30
R40
R2.5
LESMURDIE