

Planning Reform

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



1. Cutting Unnecessary Red Tape

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

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

Key Reforms

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

Small Project Exemptions

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

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

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

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Change of Use Exemptions

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

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

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