

APPENDIX A – PROPOSED CHANGES TO LAND USES

Land Use	Current	Proposed change and justification
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 it could easily be integrated into the definition of 'recreation-private'.
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.	Modify land use Following a review of State Planning Policy 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 Rather than expanding the list of specific animals in the definition, it is considered more pragmatic to provide greater flexibility to accommodate a broader range of relevant animals by modifying the definition to remove reference to specific animals (for example pigs, rabbits etc) and replace with more broader reference to animals/livestock.
Aerodrome	No current definition in Regulations.	Add land use There have been a number of schemes pre and post Regulations that include a land use term of either aerodrome, airfield or aviation uses. It is proposed that the use aerodrome be introduced to include those areas of land or water certified under the Civil Aviation Act for use as an aerodrome.
Aircraft landing area	No current definition in Regulations.	Add land use There have been a number of schemes pre and post Regulations that include a land use term of either aerodrome, airfield or aviation uses. It is 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.

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Brewery	Means premises the subject of a producer's licence authorising the production of beer, cider or spirits granted under the Liquor Control Act 1988.	<p>Replace land use</p> <p>The current definition of brewery includes other forms of liquor production including distillery and cidery. It is suggested that the land use term brewery and associated definition be replaced with 'liquor production facility'.</p> <p>The definition of 'liquor production facility' aligns with the Liquor Control Act and provides scope to include the full variety of alcohol production facilities (for example winery, brewery, cidery, distillery etc).</p>
Liquor store – large, liquor store – small, small bar, tavern, hotel, motel, nightclub, restaurant/café and proposed 'alcohol production facility'	Various.	<p>Modify land uses</p> <p>To improve clarity regarding the nature of each use in a planning context and remove potential for confusion regarding approval of the land use being dependent on a liquor license being granted and vice versa, it is proposed to:</p> <p>delete references to the type of liquor licence</p> <p>replace references to a licence being granted with capable of being granted a licence</p>
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, 	<p>Modify land uses</p> <p>The review of SPP4.2 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>It is suggested 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

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	<p>furnishings, fabrics, manchester and homewares;</p> <p>(vii) household appliances, electrical, goods and home entertainment goods;</p> <p>(viii) party supplies;</p> <p>(ix) office equipment and supplies;</p> <p>(x) babies' and children's goods, including play equipment and accessories;</p> <p>(xi) sporting, cycling, leisure, fitness goods and accessories;</p> <p>(xii) swimming pools.</p> <p>or</p> <p>(b) used to sell goods and accessories by retail if -</p> <p>(i) a large area is required for the handling, display or storage of the goods; or</p> <p>(ii) vehicular access is required to the premises for the purpose of collection of purchased goods.</p>	<ul style="list-style-type: none"> - Remove reference to the specific types of goods and accessories specified in the current definition
Caravan park	Means premises that are a caravan park as defined in the Caravan Parks and Camping Grounds Act 1995 section 5(1).	<p>Modify land uses</p> <p>9 schemes post Regulations and 21 schemes pre Regulations include camping ground as a land use term and definition.</p> <p>Schemes that include camping ground as a land use term refer to the Caravan Parks and Camping Grounds Act 1995 for a definition.</p> <p>The provision of 'caravan park/camping ground' as a combined land use term and definition in the model provisions, without reference to</p>

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		the Caravan Parks and Camping Grounds Act provides greater clarity to the use.
Community purpose	Means premises designed or adapted primarily for the provision of educational, social or recreational facilities or services by organisations involved in activities for community benefit.	<p>Modify land use</p> <p>It is proposed that the community purpose definition be revised to exclude uses associated with alcohol or other drug rehabilitation services. It is recognised that such land uses could be dealt with as a use not listed.</p>
Family day care	Means premises where a family day care service as defined in the Education and Care Services National Law (Western Australia) is provided.	<p>Replace land use</p> <p>As both ‘home business’ and family day care’ are a business operated from a dwelling, there is an opportunity to combine these uses. It is suggested that the ‘family day care’ use is deleted and integrated into the ‘home business’ use.</p>
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.	<p>Replace land use</p> <p>Replace land use with ‘food outlet’.</p> <p>It is 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.</p>
Food outlet with drive-through facility	No current definition in the Regulations.	<p>Add land use</p> <p>Currently the Regulations do not distinguish between those food outlets that have a drive through facility and those that do not. 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 and those that do not, it is suggested that a new land use ‘food outlet with drive-through facility’ be introduced.</p>

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<p>Freeway service centre and roadhouse</p>	<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>Modify land use</p> <p>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.</p>
<p>Home business, home occupation, home office, home store</p>	<p>Various.</p>	<p>Replace land use</p> <p>There are currently four land uses related to the operation of a commercial business from a residential home.</p> <p>There are subtle differences in the definition of each land use, which are essentially development requirements rather than a definition. For example number of people employed, area occupied etc.</p> <p>To allow for the rationalisation of these uses and deal with subtle differences through development exemptions, development requirements or local planning policies rather than separate land uses.</p>

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Independent living complex	No current definition.	<p>Add land use</p> <p>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.</p> <p>It is suggested that the land use 'independent living complex' and associated definition from the Planning Position Statement - Residential accommodation for ageing persons, be included in the Regulations.</p>
Industry – primary production	<p>Means premises used —</p> <p>(a) to carry out a primary production business as that term is defined in the Income Tax Assessment Act 1997 (Commonwealth) section 995-1;</p> <p>or</p> <p>(b) for a workshop servicing plant or equipment used in primary production businesses.</p>	<p>Replace land use</p> <p>Continuous review of the Regulations have identified that stakeholders are more comfortable with the term 'industry – rural', than 'industry – primary production'.</p> <p>It is suggested that the land use term 'industry – primary production' be replaced with 'industry – rural'.</p> <p>It is also suggested that the definition be modified to remove reference to the Income Tax Assessment Act 1997.</p>
Market	Means premises used for the display and sale of goods from stalls by independent vendors.	<p>Modify land use</p> <p>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.</p> <p>It is suggested that the definition be modified to make reference to 'temporary' stalls.</p>
Motor vehicle repair and motor vehicle wash	<p>Means premises used for or in connection with -</p> <p>(a) electrical and mechanical repairs, or overhauls, to vehicles other than panel beating, spray painting or</p>	<p>Replace land use</p> <p>These uses are likely to result in similar considerations with respect to noise and traffic, and have similar use permissibility in a number of Schemes.</p>

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	<p>chassis reshaping of vehicles; or (b) repairs to tyres other than recapping or retreading of tyres.</p> <p>Means premises primarily used to wash motor vehicles.</p>	<p>It is suggested that Motor Vehicle Repair and Motor Vehicle Wash be combined as one use called vehicle repair / wash</p> <p>It is suggested that the definition for vehicle repair / wash address the following:</p> <p>Includes electrical, mechanical or tyre repairs or washing of vehicles</p> <p>Excludes panel beating, spray painting or chassis reshaping of vehicles or recapping or re-treading of tyres.</p>
Park home park	Means premises used as a park home park as defined in the Caravan Parks and Camping Grounds Regulations 1997 Schedule 8.	<p>Modify land use</p> <p>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.</p>
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.	<p>Modify land use</p> <p>As it is suggested that the land use term 'amusement parlour' and associated definition be deleted, it is also suggested to modify the definition of 'recreation – private' to include reference to 'amusement'.</p>
Renewable energy facility	Not currently defined in the Regulations.	<p>Add land use</p> <p>The Minister has approved the inclusion of the term 'renewable energy facility' in 21 schemes post Regulations.</p> <p>The Position Statement – Renewable energy facilities (March 2020) proposed a definition for a 'renewable energy facility'. It is suggested that the definition for renewable energy facility be consistent with the definition from the position statement.</p>
Repurposed dwelling and second-hand dwelling	Not currently defined in the Regulations.	<p>Add land use</p> <p>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.</p> <p>To allow local governments to control the location of repurposed dwellings and second-hand dwellings, the inclusion of repurposed</p>

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		<p>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.</p> <p>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. Those stakeholders suggested that that the appearance, condition and built form of a dwelling where necessary could be dealt with through scheme provisions or a local planning policy.</p> <p>Further feedback is sought as to whether repurposed dwelling and second-hand dwelling should be included as separate land uses in the Regulations.</p>
Residential care facility	Not currently defined in the Regulations.	<p>Add land use</p> <p>There have 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 2021) 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>It is suggested that the proposed land use remove reference to 'aged' and instead be referred to as 'residential care facility'</p>
Rural home business	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	<p>Modify land use</p> <p>There are a number of schemes post and pre Regulations that have included a diversity of land uses (e.g. wayside stall, produce stall) that</p>

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	<p>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>(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>	<p>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 it is 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.</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>Modify land use</p> <p>the definition of service station should be refined to be less prescriptive to allow for the various types of fuel (currently limited to petroleum products) and the charging of vehicles.</p>

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	(b) the carrying out of greasing, tyre repairs and minor mechanical repairs to motor vehicles.	
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>Modify land use</p> <p>Currently the Regulations includes 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 1500m2 NLA - shop – large – greater than 1500m2 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 those centres intended to have the largest population catchments.</p> <p>To support implementation of SPP4.2 and encourage appropriate sized shops in activity centres, it is suggested that the current ‘shop’ land use be separated into two uses ‘shop – small’ (a net lettable area of less than 1,500m2) and ‘shop – large’ (a net lettable area of more than 1,500m2).</p> <p>It suggested that the definitions for shop – small and shop – large exclude other shops and liquor stores.</p>
Tourist accommodation related land uses	Various definitions.	<p>Modify land use</p> <p>The draft position statement: planning for tourism (December 2021) proposes a number of new and modified land uses related to tourist accommodation. Overall, it is proposed that land use definitions which refer to ‘short-stay’ be amended to refer to the updated terminology used in other jurisdictions, being ‘short-term rental accommodation’.</p>

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		<p>Holiday Accommodation, Hotel, Motel, Serviced Apartment and Tourist Development are all uses that offer short stay accommodation, along with varying forms of amenities. The likely impacts of these uses are similar. There is potential to possibly combine these uses. The draft position statement proposes a number of new and modified land uses related to tourist accommodation.</p> <p>For instance, it is noted that ‘holiday unit’ and ‘holiday apartment’ are potentially overlapping definitions and may be either a grouped or multiple dwelling. It is suggested that the well known ‘holiday house’ definition as applying to a single house, be retained. The impacts of a holiday house on amenity may not be as considerable compared with a grouped or multiple dwelling, due to factors such as the proximity of neighbours, parking and common facilities.</p> <p>It is intended to delete the land use term ‘bed and breakfast’ from the model provisions. With the advent of online platforms listing short-term rental accommodation, ‘bed and breakfast’ as a distinct land use is an out of date concept.</p> <p>Tourist development and serviced apartment are similar definitions, and it is likely that both are not required. Further, the definition for serviced apartment could be refined if retained to exclude references to a reception.</p> <p>It is proposed that the term short-term rental accommodation has been amended to include reference to accommodation provided on a commercial basis.</p> <p>There are two forms of low impact short-term rental accommodation in which it is proposed that they be exempt from the need to obtain development approval. These are as follows:</p> <ul style="list-style-type: none"> - Hosted accommodation: refers to a dwelling or ancillary dwelling, or portion thereof, used for the purpose of short-term rental accommodation, with a permanent resident who is present overnight for the duration of the stay either in the dwelling or ancillary dwelling.

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		<ul style="list-style-type: none"> - Unhosted accommodation: refers to a single house, grouped or multiple dwelling where it is let for no more than 60 days per calendar year. The intent is that unhosted accommodation over the 60 days per year would trigger a change of use, which may require the host to obtain development approval, depending on the requirements of the local government.
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.	<p>Modify land use</p> <p>Update the land use to be consistent with the Veterinary Practice Act 2021.</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>Modify land use</p> <p>The review of SPP4.2 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. It is suggested that the definition be modified to provide more clarity around the term “wholesale”, whereby the goods sold are to be on sold by a retailer.</p>
Winery	Means premises used for the production of viticultural produce and associated sale of the produce.	<p>Replace land use</p> <p>It is suggested 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).</p>
Wind farm	Means premises used to generate electricity by wind force and any associated turbine, building or other structure but does not include anemometers or turbines used primarily to supply electricity for a domestic property or for private rural use.	<p>Replace land use</p> <p>Consistent with the Position Statement – Renewable energy facilities (March 2020) it is suggested that the wind farm land use be replaced as it will be incorporated in the proposed new land use renewable energy facility.</p>

