

CITY OF SUBIACO
LOCAL PLANNING POLICY 2.28
LAND USE IN THE TOWN CENTRE ZONE AND THE TOWN CENTRE
DEVELOPMENT ZONE

ADOPTION DATE: (20 September 2016)

AUTHORITY:

TOWN PLANNING SCHEME NO. 4

**PLANNING AND DEVELOPMENT (LOCAL PLANNING SCHEMES)
REGULATIONS 2015**

STATUTORY BACKGROUND

This policy is made:

- (a) pursuant to Schedule 2, Part 2, Division 2 of the Planning and Development (Local Planning Schemes) Regulations 2015 relating to local planning policies, and,
- (b) Schedule 2 of the Regulations contains the deemed provisions for local planning schemes (**Deemed Provisions**).

PURPOSE

This policy aims to make establishing new businesses easier within existing buildings where these new businesses simply constitute a change in land use under the Scheme.

This policy applies to all land within the Town Centre and Town Centre Development Zones.

The purpose of this policy is to exempt certain changes of land use within existing buildings located in the Town Centre zone or Town Centre Development zone from the requirement for development approval under the Scheme. The overall intent is to facilitate economic growth and activity in the Town Centre through promoting appropriate uses in appropriate locations.

POLICY

1.0 Objectives

- (a) encourage economic activity within these zones acknowledging the role that these areas perform as an important retail and entertainment centre, and,
- (b) reduce the regulatory burden of the City's town planning framework on the change of land use within existing buildings in these zones.
- (c) To provide greater opportunities for active ground floors land uses to buildings fronting Rokeby Road, Hay Street, Roberts Road and around Subiaco Square.

2. 0 Definitions

- (a) The following terms are defined for the purpose of this policy:

Deemed Provisions means the provisions contained in Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

Existing building means a fully completed building or structure, including any areas appurtenant to the building or structure such as alfresco areas, balconies, outdoor spaces or the like but does not include existing authorised vehicle parking bays.

Scheme means City of Subiaco Town Planning Scheme No. 4.

- (b) All other terms, words and expression used in this policy have the same meaning as they have in the Scheme.

3.0 Changes in land use which do not require development approval

- (a) Subject to the conditions in clauses 4(a), (b), (c) and (d) being satisfied, the following land uses do not require development approval under the Scheme –
- (i) Shop;
 - (ii) Local Shop;
 - (iii) Office;
 - (iv) Consulting Rooms;
 - (v) Exhibition Centre;
 - (vi) Showroom;
 - (vii) Restaurant;
 - (viii) Fast Food Outlet;
 - (ix) Convenience Store;
 - (x) Small Bar; and,
 - (xi) Health Studio;
- (b) The land use must be a new land use which replaces, in whole or in part, an existing land use in an existing building; and,
- (c) The total net lettable area for which the particular land use applies shall not exceed 400m² in order to apply this policy (if tenancies are combining or an expansion is taking place, the limit applies to the total NLA once the expansion would be complete); and,
- (d) The existing building must be located within the Town Centre zone or the Town Centre Development zone.

4.0 Administration and Due Process

Before first commencing the particular use, the applicant must achieve confirmation, in writing, from the City that the exemption available under this policy applies to the subject site and the proposed use. Details relating to scale and the nature of the use may be requested by the City. The City may refuse to provide this written confirmation, in which a development application may then be required, in the following circumstances:

- (a) The development proposed is of a significant scale;
- (b) The development proposed will be detrimental to objectives of this policy or the Scheme;
- (c) Conditions are required to be placed on an approval;

- (d) the land use may/will lead to a loss of activation or passive surveillance at street level; or
- (e) for any other applicable reason where the City considers that applying this policy is inappropriate.

5.0 Internal works associated with a change in land use

This policy is only concerned with changes in land use in certain circumstances and not with any internal works associated with these changes in land use. Whether or not development approval is required for internal works is a matter for separate consideration under the Scheme and the Deemed Provisions. In many instances internal alterations/works do not require the planning approval of the City. Places on the City's Heritage List or in the Register of Heritage Places under the *Heritage of Western Australia Act 1990* may be subject to a requirement for approval of internal works. In each case, it remains a matter for separate determination