

A panoramic view of the Perth city skyline, featuring various skyscrapers and buildings, with a bridge visible in the foreground. The image is set against a blue sky and a body of water.

City of Perth
City Planning Scheme
No. 2

Part 2

Land Use

11 Precincts

- (1) The Scheme area is divided into the precincts set out in the precinct table at the end of this clause and the location and boundaries of the precincts are shown on the Scheme map.
- (2) The precincts denoted 'CC' in the precinct table comprise that part of the Scheme area referred to as the City Centre.
- (3) For each precinct, there is a precinct plan.

| PRECINCT TABLE | |
|-------------------------|----------------|
| P1 Northbridge (CC) | P9 Matilda Bay |
| P2 Cultural Centre (CC) | P10 West Perth |
| P3 Stirling (CC) | P11 Hamilton |
| P4 Victoria (CC) | P12 Langley |
| P5 Citiplace (CC) | P13 Adelaide |
| P6 St Georges (CC) | P14 Goderich |
| P7 Civic (CC) | P15 East Perth |
| P8 Foreshore (CC) | |

- NOTE:**
1. "City Centre", "precinct" and "precinct plan" are defined in Schedule 4.
 2. "City Centre" means the area described in Schedule 1.
 3. There is to be a planning policy for each precinct and each of those policies, like any other planning policy, are to be contained in the Policy Manual.
 4. "Scheme Area" is defined in clause 1 of the Deemed Provisions.

12 Reserves and Scheme Use Areas

- (1) Land within the Scheme area is classified as-
 - (a) a Region Planning Scheme reserve; or
 - (b) a Local Government Scheme reserve; or
 - (c) one of the following Scheme use areas -
 - (i) City Centre;
 - (ii) Residential area;
 - (iii) Residential/Commercial area;
 - (iv) Office/Residential area;
 - (v) Town Centre;
 - (vi) Commercial area.
 - (d) Normalised Redevelopment Area.
- (2) The classification of land within the Scheme area is shown on the precinct plan in which that land is located.

- NOTE:**
1. "Region Planning Scheme", "local government" and "reserve" are defined in clause 1 of the Deemed Provisions.
 2. Each reserve is shown on the Scheme map and the relevant precinct plan.

3. Each Scheme use area is described in Schedule 1.
4. Subject to Amendment No. 5 gazetted on 11 September 2007, No. 28 gazetted 17 March 2015 and No. 35 gazetted on 24 February 2017.

13 Region Planning Scheme Reserves

Land shown on the Scheme map as a Region Planning Scheme reserve -

- (a) is reserved under the Region Planning Scheme;
- (b) is shown on the Scheme map and the relevant precinct plan; and
- (c) is not reserved by this Scheme.

- NOTE:**
1. The provisions of the Metropolitan Region Scheme apply to all Region Planning Scheme reserves.
 2. Development (other than the erection of a boundary fence) on a Region Planning Scheme reserve requires approval from the Western Australian Planning Commission under Part II of the Metropolitan Region Scheme.
 3. Subject to Amendment No. 35 gazetted on 24 February 2017.

14 Use of a Local Government Scheme Reserve

A Local Government Scheme reserve may be used for -

- (a) any use which gives effect to the purpose for which the land is reserved under this Scheme; or
- (b) where the land is vested in or is under the care, control or management of a public authority, a Commonwealth agency or the local government, any use which gives effect to any purpose for which the land may lawfully be used.

- NOTE:**
1. “public authority” and “Commonwealth agency” are defined in Schedule 4.
 2. “local government” is defined in clause 1 of the Deemed Provisions.
 3. Development approval is granted by the local government under Part 9 of the Deemed Provisions.
 4. Subject to Amendment No. 35 gazetted on 24 February 2017.

15 Use Groups and Use Group Categories

(1) A use group is -

- (a) a described use; or
- (b) a group of described uses having generally similar functional characteristics, within the use group categories set out in Schedule 2.

(2) The use group categories are -

- | | |
|-----------------------------|-------------------------|
| (a) Business Services; | (g) Entertainment; |
| (b) Civic; | (h) Healthcare 1; |
| (c) Community and Cultural; | (i) Healthcare 2; |
| (d) Dining; | (j) Home Occupation; |
| (e) Education 1; | (k) Industry - Cottage; |
| (f) Education 2; | (l) Industry - Light; |

- (m) Industry - Service;
 - (n) Mixed Commercial;
 - (o) Office;
 - (p) Recreation and Leisure;
 - (q) Residential;
 - (r) Retail (Central);
 - (s) Retail (General);
 - (t) Retail (Local);
 - (u) Special Residential; and
 - (v) Storage.
- (3) Where a particular use is referred to in a use group, it is taken to be excluded from any other use group that might otherwise have been construed to include the use within its general terms.
- (4) Where a particular use -
- (a) is not referred to in any use group; and
 - (b) does not come within the general terms of any use group,
- it is taken to be an unlisted use.

16 Types of Uses

- (1) Uses are classified in this Scheme as -
- (a) preferred uses;
 - (b) contemplated uses;
 - (c) prohibited uses;
 - (d) additional uses;
 - (e) non-conforming uses; and
 - (f) unlisted uses.
- (2) The local government may grant development approval, in accordance with Part 9 of the Deemed Provisions, for any use except -
- (a) a prohibited use (unless the prohibited use is an additional use); and
 - (b) a change of use which is prohibited by clause 35.

- NOTE:**
1. *Development approval by the local government under Part 9 of the Deemed Provisions is required for most uses unless exempt by the Deemed Provisions.*
 2. *The local government's powers and responsibilities in respect of applications for development approval involving various categories of uses are dealt with in Part 4 as follows –*
 - a. *preferred uses – clause 32;*
 - b. *contemplated uses - clause 33;*
 - c. *unlisted uses - clause 34; and*
 - d. *non-complying applications - clause 36.*
 3. *Subject to Amendment No. 25 gazetted on 26 February 2013 and No. 35 gazetted on 24 February 2017.*

17 Use Group Tables

- (1) The use group tables set out the classification of uses within each precinct of the Scheme area by reference to -
 - (a) use group categories; and
 - (b) use symbols.
- (2) The use symbols have the following meanings -
 - ‘P’** means that a use within the relevant use group is a preferred use;
 - ‘C’** means that a use within the relevant use group is a contemplated use; and
 - ‘X’** means that a use within the relevant use group is a prohibited use.

NOTE: 1. The use group tables are set out in Schedule 3.
 2. The Scheme use areas are listed in clause 12 and described in Schedule 1.
 3. The precinct plans identify the Scheme use areas applicable to each precinct.

18 Changes of Use

- (1) Where it is proposed to use any premises for a different use other than a use which is development listed in clause 61 of the Deemed Provisions, development approval must be obtained before commencing the different use.
- (2) A change of use occurs -
 - (a) in the case of a local government reserve - whether or not the change of use is consistent with the purpose or one of the purposes for which the land -
 - (i) is reserved under this Scheme; or
 - (ii) may lawfully be used;
 - (b) in the case of land in a Scheme use area - whether or not the change of use is a use described in the Scheme use area table as ‘preferred or contemplated’; and
 - (c) where, in particular, premises are used as restricted premises without express approval of the local government under Part 9 of the Deemed Provisions.

NOTE: 1. Generally development approval is required for most changes of uses unless it is exempt development under clause 61 of the Deemed Provisions.
 2. The expression “restricted premises” is defined in Schedule 4.
 3. Subject to Amendment No. 35 gazetted on 24 February 2017.

19 Additional Uses

- (1) An additional use is a use which, in relation to a specific lot -
 - (a) is a prohibited use in the precinct in which that lot is located;
 - (b) is listed, with reference to that lot, in Schedule 5; and
 - (c) is taken, as the result of its listing in Schedule 5, to be a ‘contemplated’ use for that lot subject to the conditions, if any, set out in Schedule 5 in respect of that use.



- (2) The local government may -
 - (a) after receiving an application for development approval involving a prohibited use; or
 - (b) at any other time,initiate an amendment to Schedule 5 of this Scheme to add, amend or delete an additional use, the lot to which it applies or one or more conditions to which that use is subject.
- (3) The local government is not to initiate an amendment under sub-clause (2) unless it is satisfied that:
 - (a) a development involving the proposed additional use would be consistent with -
 - (i) the orderly and proper planning of the locality;
 - (ii) the conservation of the amenities of the locality;
 - (iii) the statement of intent set out in the relevant precinct plan; and
 - (iv) clause 67 of the Deemed Provisions; and
 - (b) the use of the specific lot for that purpose would not have any undue adverse effect on -
 - (i) the occupiers and users of the development;
 - (ii) the property in, or the inhabitants of, the locality; or
 - (iii) the likely future development of the locality.

NOTE: 1. The listing of any use, or the amendment or revocation of any use, in Schedule 5 is an amendment to this Scheme text to which clause 57(2) applies.
2. Subject to Amendment No. 29 gazetted on 17 March 2015 and No. 35 gazetted on 24 February 2017.

20 Non-Conforming Uses

- (1) Nothing in this Scheme is to prevent -
 - (a) the continued use of any land or building for a non-conforming use; or
 - (b) the carrying out of any development for which development approval was obtained before the gazettal date.
- (2) Where a non-conforming use exists, no further development of the relevant land or building is to be carried out without development approval.
- (3) The local government may terminate a non-conforming use by purchasing or compulsorily acquiring the relevant land in accordance with section 13 of the Act.
- (4) If, in respect of any land or building, a non conforming use: -
 - (a) ceases for at least 6 consecutive months; or
 - (b) is destroyed or damaged to the extent of at least 75% of its value,then it cannot be recommenced without development approval.

NOTE: 1. A “non-conforming use” and “gazettal date” are defined in Schedule 4.

2. *The reference to the “Act” is to the Planning and Development Act 2005, Part 11 of which enables a local government to purchase or, with the consent of the Governor, take compulsorily, subject to the Land Acquisition and Public Works Act 1902 any land within a town planning scheme.*
3. *Development approval is granted by the local government under Part 9 of the Deemed Provisions.*
4. *Subject to Amendment No. 35 gazetted on 24 February 2017.*

21 Register of Non-Conforming Uses

- (1) A person who wishes the local government to record a non-conforming use may submit to the local government in writing full details of the nature, location and extent of the non-conforming use.
- (2) Where the local government is satisfied that a non-conforming use exists, it is to record, in a register of non-conforming uses, details of each non-conforming use.
- (3) A copy of the register of non-conforming uses is to be -
 - (a) kept at the offices of the local government; and
 - (b) made available for public inspection during office hours.
- (4) An amendment to the register of non-conforming uses may be made by resolution of the local government.

- NOTE:**
1. *A non-conforming use may exist if it is not registered on the register of non-conforming uses.*
 2. *Subject to Amendment No. 35 gazetted on 24 February 2017.*