

PLANNING APPLICATIONS WITHIN THE TOWN OF KWINANA

This fact sheet provides summary information regarding planning applications and approvals within the Town of Kwinana. It is not a definitive document, but provides a general overview to assist the public in understanding the requirements and processes behind planning applications and approvals.

WHAT IS A PLANNING APPLICATION?

An application for planning approval is required for most development within the Town of Kwinana. 'Development' in this context means:

"The development or use of any land, including:

- (a) Any demolition, erection, construction, alteration of or addition to any building or structure on the land;*
- (b) The carrying out on the land of any excavation or other works;*
- (c) In the case of a place to which a Conservation Order made under section 59 of the Heritage of Western Australia Act 1990 applies, any act or thing that:
 - (i) Is likely to change the character of that place or the external appearance of any building; or*
 - (ii) Would constitute an irreversible alteration of the fabric of any building."**

This includes a material change in the use of development of any land, and includes the erection, construction, alteration or carrying out as the case may be, of any building, excavation, filling or other works on any land.

The Town Planning Scheme is a legal document which zones land and controls land use and development within existing developed areas, and guides land use and development in new development areas. It also assists the Town of Kwinana in making day to day decisions about planning applications.

WHY IS A PLANNING APPLICATION REQUIRED?

Planning applications are required so that the Town of Kwinana may assess your plans and information, inspect your land and determine whether your proposal is consistent with the zoning for the area and complies with the Town Planning Scheme and related Policy requirements. The Town of Kwinana seeks to ensure that a proposal:

- i. Complies with the relevant development standards of the Town Planning Scheme;
- ii. Is an appropriate use for the land according to its zoning;
- iii. Has no detrimental impact on the locality;
- iv. Has no detrimental impact on occupants of adjacent land in the locality.

ARE THERE DIFFERENT TYPES OF PLANNING APPLICATIONS?

Generally, development which requires a planning application can be placed into one of the following categories:

- i. Development which is permitted within specific zones (designated as a 'P' use);
- ii. Development which may be approved at the discretion of Council without the requirement for public input (designated as an 'AA' use);
- iii. Development which may be approved at the discretion of Council following advertising and consideration of public input (designated as an 'SA' use).

When a planning application is received, planning staff will assess the information and decide whether public advertising is required. The majority of planning applications do not require public advertising and can be dealt with by planning staff.

These planning applications are usually determined within a period of 15 working days. Depending on the complexity and nature of a planning application, the matter may need to be referred to a full meeting of Council for determination, in which case the determination period may be longer. Additional fees may also apply if a planning application is required to be advertised for public comment.

WHEN IS AN APPLICATION NOT REQUIRED?

A planning application is generally not required for:

- i. A 'Single House' and associated ancillary development where all setbacks, car parking and other design requirements comply with the Residential Design Codes of Western Australia and Town Planning Scheme;
- ii. A side boundary fence (unless otherwise required by the Town Planning Scheme);
- iii. The maintenance, improvement, or other alteration of any building which affects only the interior of the building, and which do not:
 - Materially affect the external appearance of the building;
 - Change the use of the building or portion of the building;
 - Generate additional offsite impacts ,of risk, hazards, noise vibration odours or light spill.

You should contact a planning staff member at the Town of Kwinana to clarify whether or not planning approval is required in any case.

CHANGE OF USE

Changes of use relates to any change made to an existing use of land and usually refers to business activities of a retail, commercial or industrial nature. You may be affected if you are setting up a new business in the Town of Kwinana, or moving from old premises within the area.

WHY IS A PLANNING APPLICATION REQUIRED FOR A CHANGE OF USE?

It is important to check with the Town of Kwinana beforehand to ensure that your proposed business is suited to a property. If a property has previously been used for a different use, it may be necessary for you to lodge a planning application for a change of use.

WHEN IS AN APPLICATION FOR CHANGE OF USE REQUIRED?

An planning application for a change of use is usually required if:

- i. The premises you want to establish within have been previously approved for a business which is different to your proposed business (eg. an office to be used as a shop; a warehouse to be used for manufacturing);
- ii. You have different staff and/or car parking needs.

HOME OCCUPATIONS

Town planning requirements in most areas separate businesses from residential areas to prevent problems associated with noise, smell, traffic and the like. There is, however, a growing trend for people to work from home. Therefore Kwinana's Town Planning Scheme allows for small business operations to be run from a residential home. A 'Home Occupation' approval allows for a person to conduct a specified occupation from home. An planning application for such must be submitted in writing along with the appropriate fee. Details on the regulations regarding 'Home Occupations' are attached to this handout.

WHAT INFORMATION IS REQUIRED WITH A PLANNING APPLICATION?

A completed planning application form (signed by the land owner) must be submitted together with the following information:

- i. Appropriate application fee;
- ii. Details of the use proposed for the land or buildings;
- iii. Submission of three sets of plans consisting of:
 - site plan;
 - elevations and sections of any building proposed to be erected or altered and of any building intended to be retained;
 - floor plan;
 - landscape plan;
 - drainage plan.

Plans should be to a scale of not less than 1:200 and show:

- i. Street names, lot number(s), north point and the dimensions/contours of the site;
- ii. The location and proposed use of any existing buildings to be retained and the location and use of buildings proposed to be erected on the site;
- iii. The existing and proposed means of access for pedestrians and vehicles to and from the site;
- iv. The location, number, dimensions and layout of all car parking spaces intended to be provided;
- v. The location and dimensions of any area proposed to be provided for the loading and unloading of vehicles carrying goods or commodities to and from the site and the means of access to and from those areas;
- vi. The location, dimensions and design of any landscaped, open storage or trade display area and particulars of the manner in which it is proposed to develop same;
- vii. Building materials, including specification of roof colours;
- viii. The location of on site remnant vegetation, in particular mature trees; finished floor levels and natural ground levels;
- ix. Boundary fencing treatments;
- x. Comments from adjoining land owner should a parapet wall be proposed; and the location of any underground services lines.

CUSTOMER ASSISTANCE / ENQUIRIES

Further information relating to planning applications and approvals can be obtained from:

Town of Kwinana
Planning Services
Phone: (08) 9439 0200
Fax: (08) 9439 0222
Website: www.kwinana.wa.gov.au

NOTE: This pamphlet contains limited information intended as a guide only. The Town of Kwinana disclaims any liability for any damages sustained by any person acting on the basis of this information.

Home Occupation: means an occupation or profession carried on in a dwelling house by a person resident therein that:

- (a) does not cause injury to or prejudicially affect the amenity of the neighbourhood including (but without limiting the generality of the foregoing) injury or prejudicial affection due to the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, grit, oil, waste water, or waste products;
- (b) does not entail the employment of any person not a member of the occupier's family except in the case of a professional person;
- (c) does not occupy an area greater than 20 square metres;
- (d) does not require the provision of any essential service main of greater capacity than normally required in the Zone in which it is located;
- (e) is not advertised by a sign exceeding 0.2 square metres in area;
- (f) does not give rise to any pedestrian or vehicular traffic substantially beyond that which is normal to the neighbourhood in which the business is located;
- (g) is so conducted that, with the exception of a sign complying with paragraph (e) hereof, no indication is given that the house is used for other than residential purposes;
- (h) does not involve the use of commercial vehicles exceeding 1 tonne in weight for the delivery and collection of materials to or from the premises, and
- (i) does not require the outdoor storage of materials or supplies;
- (j) has been granted planning approval of Council for a specified period.