

Planning Information Sheet: Is Planning Approval Required

IS PLANNING APPROVAL REQUIRED FOR A CHANGE OF USE?

A change of use refers to any modification made to the approved land use for a particular site, or specific tenancy or unit. An example would be a change of use from a 'Shop' to a 'Restaurant'.

Under the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations), a development approval is required for a Change of Use unless;

- The use that is proposed is a 'P' (permitted) in the zone e.g. warehouse in an industrial zone; and
- The proposal will not generate the need for 'works' on the site.

Refer to Table 3 of Local Planning Scheme No. 42 to identify which uses are permitted within each zone.

Works are any building activity such as the creation of additional floor space, amendments to parking bays or changes to loading docks/vehicle entrance ways. Where a site does not require works, has compliant numbers of parking bays, and the proposal is for a permitted use within the zone; then development approval may not be required.

Clause 61(1)(b) of the Regulations identifies that the carrying out of internal building work which do not materially affect the external appearance of the building, unless the work is on a building identified as having an interior with cultural heritage significance, is exempt from requiring development approval.

IS PLANNING APPROVAL REQUIRED FOR A RESIDENTIAL DEVELOPMENT?

Single House

A single house is a dwelling which is located wholly on its own lot.

A planning approval for a single house is required if:

- A single house does not meet the deemed to comply provisions of the Residential Design Codes;
- Is located within a Special Control Area for Aircraft Noise (ANEF); or
- Is located within a Bushfire Prone Area.

Grouped Dwellings

A development that contains more than one dwelling i.e. a group of two or more dwellings, on the same lot is considered a grouped dwelling development. More than one dwelling on a survey strata development with common property is also considered to be a grouped dwelling. However this type of use excludes multiple dwellings (where one dwelling is located above another – commonly known as an apartment).

A planning approval is required in all circumstances where one or more grouped dwellings are proposed on a lot.

Multiple Dwellings

A development that contains dwellings in a group of more than one dwelling on a lot where any part of the plot ratio area of a dwelling is vertically above any part of the plot ratio area of any other but:

- Does not include a grouped dwelling; and
- Includes any dwellings above the ground floor in a mixed use development.

Multiple dwelling are where one dwelling is located above another and are commonly known as apartments.

A planning approval is required in all circumstances where multiple dwellings are proposed on a lot.

IS PLANNING APPROVAL REQUIRED FOR A MIXED USE DEVELOPMENT?

Any new development, or additions/alterations to an existing development that contains a range of land uses under the City's Local Planning Scheme No. 42. For example: development comprising restaurants on the ground floor, offices on the first floor and apartments above for the remainder of the floors.

A planning approval is required in all circumstances where a mixed use development is proposed.

IS PLANNING APPROVAL REQUIRED FOR A COMMERCIAL/INDUSTRIAL DEVELOPMENT?

Any new development, or additions/alterations to an existing development located on a lot that is zoned Industrial or Commercial under the City's Local Planning Scheme No. 42. For example: a warehouse, office or shop.

A planning approval is required in all circumstances where a development is proposed on Industrial or Commercial zoned land.

DEVELOPMENT THAT DOES NOT REQUIRE A PLANNING APPLICATION

Clause 61 of the Regulations outlines types of development that do not require lodgement of a planning application. Specifically:

- Internal building works which do not increase the floor area of a commercial premises and on a property that is not heritage listed;
- Compliant Single Houses;
- Compliant additions or extensions (patios, sheds, carports, garages) to Single Houses or Grouped Dwellings on a property that is not heritage listed;
- Undertaking of a use identified in the Scheme as a permitted use in the zone in which the development is located where no works are proposed;
- Demolition of a building on a property that is not heritage listed; and
- Home Office.

Clause 61 of the Regulations outlines other types of development that do not require lodgement of a planning application. Further detail regarding exemptions from requiring development approval please refer to the City's Local Planning Policy LP.04 – Exemptions from Development Approval.

Disclaimer

This information sheet is provided as generalised information. While we aim to keep the content of this document current and accurate, we accept no responsibility or warranties for actions based on the information provided. The City of Canning encourages you to seek professional advice before acting on any information contained in this document. Please contact the City of Canning if you wish to comment on the forms provided and information contained within. Any reported errors will be amended.

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