

What Requires Development Approval

Background

This information sheet outlines the types of Development Approvals administered by the City's Planning Staff in order to guide applicants to determine which approvals are required when undertaking development.

Planning Approval Exclusions

The City of Rockingham Town Planning Scheme No.2 specifies that most development on land zoned or reserved require Development Approval. Clause 6.1.2 of the Town Planning Scheme No.2 describes the types of development that does not require development approval. The follow is a summary of the types of development that **do not** require Development Approval:

Change of Use

A Change of use of any land only where:

- Where the use is permitted ('P') and the Development Approval for the existing development doesn't require tenant use approval prior to occupations. (eg. Shop Fitout commercial kitchen, noise from refrigeration) or
- All standards and requirements of the Scheme and the R-Codes are the same or less restrictive than those applicable to the existing uses.

Family Day Care Centre

Use of land for the purpose of a Family Day Care Centre, but only where the use is consistent with the meaning defined in the Child Care Services Act 2007 as follows:-

"family day care service" means a child care service provided at a place where:-

- (a) the person providing the service lives; and*
- (b) none of the children to whom the service provided live;"*

Demolition

Demolition of a building except where the building is:

- Included on the City's Heritage List;
- Located on land within a Heritage Area;
- Located in a place entered into the Register of Heritage Places under the *Heritage Act of Western Australia Act 1990*; or
- The subject of an Order under Part 6 of the *Heritage of Western Australia Act 1990* (eg. Conservation Order, Contravention Order or Restoration Order)

Exempted Classes of Advertisements

Exempted Classes of Advertisements listed in Schedule 6 of Town Planning Scheme No.2 do not require Development Approval.

Fences

Fences but only where:

- It does not exceed 1.2 metres in height above natural ground level if in the front street setback area;
- Is not located on land included in the City's Heritage List.

Filing of Land

The filling of land only on Residential zoned land where it complies with all acceptable development requirements of the R-Codes. Filling on Rural zoned land requires Development Approval.

Home Office

Home Office does not require Development Approval, however, a letter should be submitted to the City, to confirm this is acceptable.

Internal Work

The carrying out of any building or work which affects only the interior of a building and which does not materially affect the external appearance of the building **except** where the building is:

- Would not result in an increase in the gross floor area of the building or a change of use within a building;
- The building work associated with a change of use and that change of use required is referred to a Development Approval or otherwise required by the City of Rockingham Town Planning Scheme No.2;
- Is to be undertaken in relation to a building used for office, commercial, industrial or recreational purposes consistent with a Current Development Approval;
- Located in a place that has been entered in the Register of Heritage Places under the *Heritage of Western Australia 1990*; and
- The subject of an Order under Part 6 of the *Heritage of Western Australia 1990*.

Outbuilding and Swimming Pools

The erection of Outbuilding and installation of swimming pools do not require Development Approval where the:-

- Proposed use is designate "P" or "D" uses under the Scheme;
- The proposal complies with an approved Detailed Area Plan.

Note: All outbuildings within the Special Rural and Special Residential zones require a separate application for Development Approval.

Single House or Two Grouped Dwellings

The construction, alteration or extension of a single house or two grouped dwellings which:

- Comply with the Residential Design Codes (R-Codes);
- Comply with all applicable provisions of the Scheme;
- Is not located on land within a Heritage Protection Area;
- Is not included on the City's Heritage List;
- Is for a Lot which is greater than 350m²; and
- Complies with a Detailed Area Plan.

Note:

- 1) Any minor variations to the above Codes or DAP are dealt with by the City's Building Services and will not require a separate application for Development Approval.
- 2) All Single Houses within the Special Rural and Special Residential zones require a separate application for Development Approval.

Single Short Stay Accommodation

Single Short Stay Accommodation within the Development Area of the Port Kennedy Development Agreement Act do not require Development Approval.

Rezoning Applications (Scheme Amendments)

Rezoning is where an existing zoning of a property (i.e. residential) is changed to a new zoning (i.e. business). The zoning of land determines what uses and development may be allowed on that land. The permitted uses of each zone are outlined in the City of Rockingham Town Planning Scheme No.2.

Council does not normally support spot zoning for individual parcels of land because this may be considered to be adhoc or inconsistent with orderly and proper planning principles or inconsistent with Council Policy.

Signage

Signage Planning Approval is required for most signage types and are assessed against the City of Rockingham Town Planning Scheme No.2, Planning Policy – Advertising and Directional Signs and Council's Signs, Hoardings and Bill Posting Local Law.

Subdivision / Strata Applications

All subdivision of land (i.e. creation of new lots) in Western Australia is controlled by the Western Australian Planning Commission (WAPC), which sets minimum standard and requirements in various Policy documents (principally the 'Residential Design Codes' and 'Development Control Policy DC2.2 'Residential Subdivisions' and 'Subdivision of Rural Land DC3.4').

Subdivision applications are made direct to the WAPC, (except for 'Built Strata' applications for 5 or less dwellings), and are then referred by the WAPC to Council and other 'referral agencies' for comment.

Built Strata applications for 5 or less dwellings (where the dwellings are already constructed) are made direct to the City's Building Services – i.e. Form 7 under the *Strata Titles Act*.

Structure Plans

All land zoned 'Development' under the Town Planning Scheme is required to be supported by a Local Structure Plan. The purpose of the Structure Plan is to identify the pattern of development by depicting specific matter such as the location of all roads, residential densities, public reserves, commercial land and pedestrian/cycle networks.

Structure Plans are advertised for comment prior to adoption and require the approval of the Council and the Western Australian Planning Commission.

Further Assistance

The information contained herein is a guide only. It is recommended that the advice of Planning Staff is sought in conjunction with any enquiries concerning the use and development of land within the City.

Before undertaking any development including the occupancy of a vacant tenancy, please discuss your intentions with the City. If you need to make an application, the processing of your application will be dealt with more expediently if your application is complete.

Enquiries may be made to the City's Planning Staff on 9528 0333 or by appointment at the City's Offices between the hours of 8:30am and 4:30pm, Monday to Friday.

Further information may be available on the City's Website: www.rockingham.wa.gov.au; or the WAPC Website: www.wapc.wa.gov.au

Disclaimer

This publication is intended to provide general information only. Verification with the original Act, Regulations, Local Laws, Local Planning Scheme and other relevant legislation is recommended for a complete reference.