

DO I NEED DEVELOPMENT (PLANNING) APPROVAL?

What is development approval?

Development approval, or also known as a planning approval, is a legal document that gives permission for development to occur on a particular piece of land.

Development approval can be required for building works or when changing the use of a site.

To obtain development approval, an application must be made to the City of Vincent. Development approvals ensure that development within the City complies with the *Planning and Development (Local Planning Scheme) Regulations 2015*, Local Planning Scheme No 2 (LPS2), Residential Design Codes (R-Codes), Policy No. 7.1.1 Built Form (Built Form Policy) and other relevant legislation and policies.

It is recommended that these documents and appendices below are all reviewed in conjunction.

When considering if an application is exempt, there are two components that the City would consider:

- Works: Any demolition, erection, construction, alteration or addition to a building or structure
- Land Use: How a building is being used. [Land use definitions](#) are set out in pages 29 – 36 of LPS2. If you cannot find a land use definition which best fits your land use, this will be considered an 'unlisted use'

Development approval is required for development located on properties subject to heritage protection under the State Heritage Register or the City's Municipal Heritage Inventory.

How do I find out my zoning and the requirements for my development?

The requirements for each type of development vary depending on the zoning of your property and the Built Form area your site is located in. To identify your zoning and Built Form area:

- Go to the City of Vincent [Online Mapping](#)
- Click on the 'IntraMaps' icon which will open the City's online mapping software
- Click on the 'Address Search' tab in the bottom left of the page and type in your address
- Click on the 'Local Planning Scheme No. 2' tab in the top left
- Look to the list on the right of the page for the headings saying 'Built Form Area' and 'LPS2 zone'. This will tell you whether your site is zoned and applicable built form area assist you in your investigations

When is development approval not required?

City of Vincent Local Planning Scheme No.2 (LPS2) and Minor Nature Development Policy

The permissibility land uses in various zones of the City are classified into four types of permissibility under the City's Zoning Table (refer Appendix 1). The symbols used in the zoning table have the following meanings –

- P: the use is permitted if it complies with any relevant development standards and requirements of this Scheme;
- D: the use is not permitted unless the local government has exercised its discretion by granting development approval;
- A: the use is not permitted unless the local government has exercised its discretion by granting development approval after advertising;
- X: the use is not permitted by this Scheme

Once you have established the zoning of the property and proposed land use, use Appendix 1 to cross reference what symbol your proposed land use would be.



If your land use is a 'P' you do not require planning approval, in line with the *Planning and Development (Local Planning Scheme) Regulations 2015*. If your land use is a 'D' or 'A' use, then you may be required to lodge a change of use application with the City's Planning team. Unlisted land uses will always require approval, with proposals considered on a case-by-case basis.

The City of Vincent's [Policy 7.5.2 - Minor Nature Development](#) sets out development which does not require planning approval. The Policy sets out any conditions or requirements which must be met for your works to be exempt and not require planning approval.

Planning and Development (Local Planning Schemes) Regulations 2015

The Regulations outline further land use exemptions which may apply to your site within the City of Vincent. The below tables are to be read in conjunction with the 'City of Vincent Local Planning Scheme No.2 (LPS2) and Minor Nature Development Policy' section of this information sheet.

Development approval is not required for the following:

<u>Exemption</u>	<u>Applicable Conditions</u>
development that is a P use in the zone the development is located, if:	(i) the development has no works component; or (ii) development approval is not required for the works component of the development;
development that is an exempt class D use (refer to the table below) if:	i) the development has no works component; or ii) development approval is not required for the works component of the development;
the use of premises as a drop-off refund point if:	i) the premises are otherwise used as a shop; or ii) the premises are not in a residential zone and the use as a drop-off refund point is an incidental use of the premises;
the use of premises as a home office;	No conditions applicable.
use is wholly located on an area identified as a regional reserve	No conditions applicable.
temporary use that is in existence for less than 48 hours or a longer period agreed by the local government, in any 12-month period	No conditions applicable.
any other use specified in a local planning policy or local development plan that applies to the development as a use that does not require development approval	No conditions applicable.
use of a type identified elsewhere in this Scheme as use that does not require development approval	No conditions applicable.

Discretionary (D) Land Use Exemptions

Use of land is an exempt D use if —

- (a) the use is a D use in the applicable zone;
- (b) the use is set out in the table below;
- (c) the zone is set out in the table below; and
- (d) the conditions are set out in the Table below are satisfied.

<u>Use</u>	<u>Zoning</u>	<u>Conditions</u>
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Shop	Commercial, Mixed Use	Net lettable area is no more than 300m ²
Restaurant/Café	Commercial, Mixed Use	Net lettable area is no more than 300m ²
Convenience Store	Commercial, Mixed Use	Store is not used for the sale of petroleum products
Consulting Rooms	Commercial, Mixed Use	No more than 60% of the glass surface of any window on the ground floor of the consulting rooms is obscured glass.
Office	Commercial, Mixed Use	Office is not located on the ground floor of a building.
Liquor Store – Small	Commercial, Mixed Use	Not applicable
Small Bar	Commercial, Mixed Use	The lot on which the small bar is located does not directly adjoin a residential zone
Recreation – Private	Commercial, Mixed Use	Net lettable area is no more than 300m ² No more than 60% of the glass surface of any window on the ground floor of the building on the premises is obscured glass.
Home Occupation	All zones	Not applicable

Note: The above table notes only information from a Planning perspective and does not cover any other requirements you may also need, such as building and health.

Works exemptions which may apply to your site, subject to conditions, are set out in the table of Appendix 2.

If your land use and/or works meets these conditions, there are no further planning approvals required. Otherwise, you will be required to lodge a planning application with the City where a planning officer will review your proposal and make a decision on the application.

The City is able to do a [‘deemed to comply’ check](#) for the election of, or alterations or additions to a single house, which will confirm if development approval is required to a proposed development.

Do I need building or health approval?

Applying for development approval and a building permit and / or health approval are separate processes, controlled under different legislation. A building permit ensures that the building is structurally safe and complies with the relevant building legislation. A Health approval may be required for matters such as food and liquor premises, beauty therapy as well as noise generating premises such as gyms.

If you are unsure if your proposal requires further approvals or would like further information on the Building Permit process or Health requirements for new uses or works, please contact the City’s Building Services and Health Services teams on [9273 6000](tel:92736000).

What information is required for a development application?

Please refer to the Development Application [Checklists and Application Forms](#) available on the City’s website.

Will my application be advertised to my neighbours?

The City’s Community and Stakeholder Engagement Policy requires community consultation for most types of development applications, particularly when there may be an impact on the amenity of the adjoining properties or the community.

Methods of consultation include letters being mailed to affected owners and occupiers and the proposal being advertised on the City’s website. A notification in the local newspaper and a sign on site, at the cost of the owner/applicant may also be required.



How long does the development approval process take?

The City has 60 days in which to determine the application or 90 days if the application requires community consultation. Applications may take longer than 90 days where it is agreed to in writing between the local government and the applicant.

Useful Documents

- City of Vincent Minor Nature Development Policy 7.5.1: <https://www.vincent.wa.gov.au/documents/748/751-minor-nature-development-policy>
Planning and Development (Local Planning Scheme) Regulations: [https://www.dplh.wa.gov.au/getmedia/b1e08294-8bf9-47be-a1b1-3f09711254ac/Planning-and-Development-\(Local-Planning-Schemes\)-Regulations-2015-00-i0-01](https://www.dplh.wa.gov.au/getmedia/b1e08294-8bf9-47be-a1b1-3f09711254ac/Planning-and-Development-(Local-Planning-Schemes)-Regulations-2015-00-i0-01) (refer Clause 61, page 147 – 158).
- Planning exemptions for small business: <https://www.vincent.wa.gov.au/develop-build/planning/planning-exemptions>
- City of Vincent Information sheets and Local Planning Policies: <https://www.vincent.wa.gov.au/develop-build/planning/legislation-checklists-information-sheets.aspx>

The City is unable to confirm if a proposal will be supported in the absence of a formal development applications. However, the City's Urban Planners can provide general advice to applicants on a proposed development or land use and the information required to lodge a complete application.

A Duty Planner is available to talk to at the City's Administration Office Monday to Friday, 8.30am to 5.00pm, in person or over the phone for any questions you may have.

Phone: 9273 6000

Email: mail@vincent.wa.gov.au

Address: Main Administration Building, 244 Vincent Street, Leederville 6007, WA

Disclaimer: This information is produced by the City of Vincent in good faith and the City accepts no responsibility for any ramifications or repercussions for providing this information. Verification with the original planning schemes, relevant development approvals and other relevant documents is recommended for detailed references.

Appendix 1

Local Planning Scheme No 2 (LPS2) Zoning Table

USE CLASS	ZONES				
	Residential	Mixed Use	Local Centre	District Centre / Regional Centre	Commercial
Aged or dependent persons dwellings *	P	P	P	D	D
Amusement parlour	X	A	D	D	D
Bed and Breakfast <i>AMD 6 20/8/2021</i>	A	A	D	D	D
Betting agency	A	A	A	A	D
Bulky goods showroom	X	A	A	A	P
Caravan park	X	A	A	A	A
Caretakers' dwelling	P	P	P	P	P
Car Park <i>AMD 1 GG 3/08/2018</i>	X	A	D	D	D
Child care premises	A	D	D	D	D
Cinema / theatre	A	A	A	P	P
Civic use	D	D	D	P	P
Club premises	A	A	A	A	A
Consulting rooms *	A	A	P	D	P
Convenience store	A	D	P	P	P
Corrective institution	A	A	A	D	D
Dwelling (grouped) *	P	P	D	D	D
Dwelling (multiple) *	P	P	D	D	D
Dwelling (single house) *	P	P	D	D	D
Educational establishment	D	D	D	D	D
Exhibition centre	A	D	P	P	D
Family day care	D	D	D	D	D
Fast food outlet	X	A	D	D	D
Fuel depot	X	A	D	D	D
Funeral parlour	X	A	A	A	D
Holiday Accommodation <i>AMD 6 GG 20/8/2021</i>	A	A	D	D	D
Holiday House <i>AMD 6 GG 20/8/2021</i>	A	A	D	D	D
Home business	A	D	D	D	D
Home occupation	P	P	P	P	P
Home office	P	P	P	P	P
Home store	A	A	A	A	A
Hotel	A	A	A	A	A
Industry – cottage	A	A	A	A	P
Industry – light	X	X	X	A	A
Industry	X	X	X	A	A
Lunch bar	X	D	P	P	P
Liquor store – large	X	A	X	D	D
Liquor store – small	D	D	D	P	P
Market	A	A	A	A	A

USE CLASS	ZONES				
	Residential	Mixed Use	Local Centre	District Centre / Regional Centre	Commercial
Medical centre *	A	A	D	D	D
Motel	A	A	A	A	A
Motor vehicle, boat or caravan sales	X	A	A	A	D
Motor vehicle repair	X	A	A	A	D
Motor vehicle wash	X	A	A	A	D
Nightclub	X	A	A	A	A
Office *	A	D	D	D	P
Park home park	A	A	A	A	A
Place of worship	D	D	D	D	D
Reception centre	X	A	A	D	D
Recreation – private	A	D	D	D	D
Residential building	P	P	D	D	D
Restaurant / cafe	A	A	D	P	P
Restricted premises	A	A	A	A	A
Serviced apartment	A	D	P	P	P
Service station	X	A	D	D	D
Shop	A	D	P	P	P
Small bar	A	A	A	D	A
Tavern	A	A	A	A	A
Trade display	X	D	D	D	P
Trade supplies	X	D	D	D	D
Transport depot	X	A	D	D	D
Veterinary centre	X	A	D	D	D
Warehouse / storage	X	A	A	D	D

* Refer to clause 32.

[Clause 32](#)

No.	Description of land	Requirement
1	Land zoned District Centre and Regional Centre	The following uses are not permitted on the ground floor or at grade level with the street: consulting rooms dwellings (multiple) medical centre office
2	Land zoned Local Centre.	The following use is not permitted on the ground floor or at grade level with the street: dwelling (multiple)
3	Land zoned Commercial bounded by Mitchell Freeway, Loftus Street and Newcastle Street in West Perth.	Dwelling (multiple) is not permitted unless the local government has exercised its discretion by granting development approval.
4	Area coded R50 bounded by Vincent, Beaufort, Lincoln and William Street in Mount Lawley and Highgate	Notwithstanding any other provisions in this scheme, multiple dwellings are not permitted.
5	Area coded R50 and R25 between Cleaver and Beaufort Street in Perth	Notwithstanding any other provisions in this scheme, multiple dwellings are not permitted.

[Appendix 2](#)

Works Exemptions

Works which does not require development approval under the (*Local Planning Scheme*) Regulations 2015, and Policy 7.5.1 - *Minor Nature Development*.

<u>Works</u>	<u>Conditions</u>
The demolition or removal of — (a) a single house; (h) verandah; (b) an ancillary dwelling; (i) deck; (c) an outbuilding; (j) garage; (d) an external fixture; (k) carport; (e) boundary wall/fence; (l) swimming pool; (f) patio; (m) shade sails. (g) pergola;	<ul style="list-style-type: none"> The works are not located in a heritage-protected place. <p><i>Note: A demolition permit may be required for demolition works.</i></p>
The demolition of a building that is not a single house, ancillary dwelling, multiple dwelling or grouped dwelling.	<ul style="list-style-type: none"> The building does not share a common wall with another building. The works are not located in a heritage-protected place. <p><i>Note: A demolition permit may be required for demolition works.</i></p>
The erection or installation of, alterations or additions to a single house or a grouped dwelling — (a) an ancillary dwelling; (f) pergola; (b) an outbuilding; (g) verandah; (c) an external fixture; (h) deck; (d) boundary wall/fence (i) garage; (e) patio; (j) carport	<ul style="list-style-type: none"> The R-Codes apply to the works. The works comply with the deemed-to-comply provisions of the R-Codes and City's Built Form Policy The works are not located in a heritage-protected place.
The erection of, or alterations or additions to, a single house on a lot.	<ul style="list-style-type: none"> The R-Codes apply to the works The works comply with the deemed-to-comply provisions of the R-Codes The works are not located in a heritage-protected place.
The installation of, or alterations or additions to, any of the following on the same lot as a single house or a grouped dwelling- (a) a swimming pool; (b) shade sails.	<ul style="list-style-type: none"> The works are not located in a heritage-protected place.
The demolition or removal of a cubby house or flagpole.	The works are not located in a heritage-protected place
The erection or installation of a cubbyhouse.	<ul style="list-style-type: none"> The cubbyhouse is not erected or installed in the street setback area. Floor of the cubbyhouse is no more than 1m above the natural ground level. The wall height of the cubbyhouse is no more than 2.4m above the natural ground level. The building height of the cubbyhouse is no more than 3m above the natural ground level. The area of the floor of the cubbyhouse is no more than 10 m² The cubbyhouse is not erected or installed within 1m of more than 1 boundary of the lot.
The erection or installation of a flagpole.	<ul style="list-style-type: none"> The height of the flagpole is no more than 6m above the natural ground level. The flagpole is no more than 200mm in diameter. The flagpole is not used for advertising. There is no more than 1 flagpole on the lot.
Internal building work that does not materially affect the external appearance of the building.	<ul style="list-style-type: none"> neither the building nor any part of it is located in a heritage-protected place ; or the building, or a part of it, is located in a heritage-protected place but the interior of the building is specified as not being of



	<p>cultural heritage significance in the relevant register, order, agreement or list</p>
<p>The temporary erection or installation of an advertisement.</p>	<ul style="list-style-type: none"> • The advertisement is erected or installed in connection with an election, referendum or other poll • The primary purpose of the advertisement is for political communication in relation to the election, referendum or poll. • The advertisement is not erected or installed until the writ or writs have been issued or, for an election, referendum or poll under the Local Government Act 1995, until the 36th day before the day on which the election, referendum or poll is to be held. • The advertisement is removed no later than 48 hours after the election, referendum or poll is conducted. • The advertisement is not erected or installed within 1.5 m of any part of a crossover or street truncation.
<p>Works to change an existing sign that has been erected or installed on land.</p>	<ul style="list-style-type: none"> • The erection or installation of the existing sign was the subject of development approval or was exempt from the requirement for development approval. • The changes do not alter the size or location of the existing sign or result in the sign containing any illumination, animation, movement or reflective, retro-reflective or fluorescent materials. • The sign is not used for advertising (other than the advertising of a business operated on the land). • The works are not located in a heritage-protected place.
<p>The installation of a water tank.</p>	<ul style="list-style-type: none"> • The water tank is not installed in the street setback area • The volume of the water tank is no more than 5 000 L. • The height of the water tank is no more than — <ul style="list-style-type: none"> (i) for a tank fixed to a building — the height of the eaves of the building; or (ii) for a tank that is not fixed to a building and is more than 1m from each boundary of the lot — 2.4m; or (iii) for a tank that is not fixed to a building and is 1 m or less from a boundary of the lot — 1.8m • The works are not located in a heritage-protected place.
<p>The installation of solar panels on the roof of a building.</p>	<ul style="list-style-type: none"> • The solar panels are parallel to the angle of the roof • The works are not located in a heritage-protected place.
<p>Maintenance and repair works.</p>	<ul style="list-style-type: none"> • the works are not located in a heritage-protected place; or • the maintenance and repair works are of a kind referred to in the Heritage Regulations 2019 regulations
<p>Temporary works.</p>	<ul style="list-style-type: none"> • The works are in existence for less than 48 hours, or a longer period agreed by the local government, in any 12-month period.
<p>Works that are urgently necessary for any of the following — (a) public safety; (b) safety or security of plant or equipment; (c) maintenance of essential services; (d) the protection of the environment.</p>	<ul style="list-style-type: none"> • The works are not located in a heritage-protected place