

Part 9 — Applications for Planning Approval

9.1. Form of application

9.1.1. An application for approval for one or more of the following -

- (a) a use or commencement or carrying out of development on a Local Reserve under clause 3.4;
- (b) commencement or carrying out of a “P” use which does not comply with all relevant development standards and requirements of the Scheme as referred to in clause 4.3.2;
- (c) commencement or carrying out of a “D” use or an “A” use as referred to in clause 4.3.2;
- (d) commencement of a use not listed in the Zoning Table under clause 4.4.2(b);
- (e) alteration or extension of a non-conforming use under clause 4.9;
- (f) a change of a non-conforming use under clause 4.9;
- (g) continuation of a non-conforming use under clause 4.12;
- (h) variation of a site or development requirement under clause 5.5;
- (i) commencement or carrying out of development under clause 8.1;
- (j) continuation of development already commenced or carried out under clause 8.4;
- (k) a subsequent planning approval pursuant to an approval under clause 10.8.1; and
- (l) the erection, placement or display of an advertisement,

is, subject to clause 9.1.2, to be made in the form prescribed in Schedule 6 and is to be signed by the owner, and accompanied by such plans and other information as is required under the Scheme.

9.1.2. An application for the erection, placement or display of an advertisement is to be accompanied by the additional information set out in the form prescribed in Schedule 7.

- Note:*
- 1. *Under the provisions of the Metropolitan Region Scheme, an application for planning approval in respect of land, which is wholly within a regional reserve, is to be referred by the local government to the Commission for determination. No separate determination is made by the local government.*
 - 2. *An application for planning approval in respect of land which is wholly within the management area of the Swan River Trust is to be referred by the local government to the Swan River Trust for determination by the Minister responsible for the Swan and Canning Rivers Management Act 2006.*
 - 3. *An application for planning approval in respect of land which is zoned under the Metropolitan Region Scheme and is —*
 - (a) *affected by a gazetted notice of resolution made by the Commission under clause 32 of the Metropolitan Region Scheme;*
 - (b) *within or partly within a Planning Control Area declared by the Commission under part 7 of the Planning and Development Act 2005;*
 - (c) *partly within the management area of the Swan River Trust or which abuts waters that are in that area; or*
 - (d) *affected by a notice of delegation published in the Gazette by the Commission under section 16 of the Planning and Development Act 2005 and is not of a type which may be determined by the local government under that notice,*

9.2 Accompanying Material

Unless the local government waives any particular requirement every application for planning approval is to be accompanied by –

- (a) a plan or plans to a scale of not less than 1:500 showing the –
 - (i) location of the site including street names, lot numbers, north point and the dimensions of the site;
 - (ii) existing and proposed ground levels over the whole of the land the subject of the application and the location, height and type of all existing structures, and structures and vegetation proposed to be removed;
 - (iii) existing and proposed use of the site, including proposed hours of operation, and buildings and structures to be erected on the site;
 - (iv) existing and proposed means of access for pedestrians and vehicles to and from the site;
 - (v) location, number, dimensions and layout of all car parking spaces intended to be provided;
 - (vi) 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;
 - (vii) location, dimensions and design of any open storage or trade display area and particulars of the manner in which it is proposed to develop the same; and
 - (viii) nature and extent of any open space and landscaping proposed for the site;
- (b) plans, elevations and sections of any building proposed to be erected or altered and of any building it is intended to retain;
- (c) any specialist studies that local government may require the applicant to undertake in support of the application such as traffic, heritage, environmental, engineering or urban design studies; and
- (d) any other plan or information that the local government may require to enable the application to be determined.

9.3 Additional Material for Heritage Matters

Where an application relates to a place entered on the Heritage List or within a heritage area, the local government may require an applicant to provide one or more of the following to assist the local government in its determination of the application –

- (a) street elevations drawn to a scale not smaller than 1:100 showing the proposed development and the whole of the existing development on each lot immediately adjoining the land the subject of the application, and drawn as one continuous elevation;
- (b) a detailed schedule of all finishes, including materials and colours of the proposed development and, unless the local government exempts the applicant from the requirement or any part of it, the finishes of the existing developments on the subject lot and on each lot immediately adjoining the subject lot.

9.4 Advertising of Applications

- 9.4.1 Where an application is made for planning approval to commence a use or commence or carry out development which involves a use which is –
- (a) an ‘A’ use as referred to in clause 4.3.2; or
 - (b) a use not listed in the Zoning Table,
- the local government is not to grant approval to that application unless notice is given in accordance with clause 9.4.3.
- 9.4.2 Despite clause 9.4.1, where application is made for a purpose other than a purpose referred to in that clause, the local government may require notice to be given in accordance with clause 9.4.3.
- 9.4.3 The local government may give notice or require the applicant to give notice of an application for planning approval in one or more of the following ways –
- (a) notice of the proposed use or development served on nearby owners and occupiers who, in the opinion of the local government, are likely to be affected by the granting of planning approval, stating that submissions may be made to the local government by a specified date being not less than 14 days from the day the notice is served;
 - (b) notice of the proposed use or development published in a newspaper circulating in the Scheme area stating that submissions may be made to the local government by a specified day being not less than 14 days from the day the notice is published;
 - (c) a sign or signs displaying notice of the proposed use or development to be erected in a conspicuous position on the land for a period of not less than 14 days from the day the notice is erected.
- 9.4.4 The notice referred to in clause 9.4.3(a) and (b) is to be in the form prescribed in Schedule 8 with such modifications as are considered appropriate by the local government.
- 9.4.5 Any person may inspect the application for planning approval referred to in the notice and the material accompanying that application at the offices of the local government.
- 9.4.6 After the expiration of the specified period from the serving of notice of the application for planning approval, the publication of the notice or the erection of a sign or signs, whichever is the later, the local government is to consider and determine the application.