



Kingborough

THE KINGBOROUGH INTERIM PLANNING SCHEME 2015

Fact Sheet No. 2

How do I know if I need to apply for a planning permit?

The Kingborough Interim Planning Scheme 2015 (the Scheme) identifies the types of use or development that require a planning permit prior to their commencement. The Scheme operates in conjunction with Planning Scheme Maps that allocate a specific zone to each and every property within the Municipality.

The types of use or development that are likely to require a planning application (but not limited to) are:

- ❖ Construction or additions/modifications of buildings
- ❖ Demolition
- ❖ Fences/walls
- ❖ Change of use of a building
- ❖ Signage
- ❖ Subdivision of land
- ❖ Clearance of land
- ❖ Excavation or fill works

In addition to a Planning Permit, the use or development may also require a Building Permit and/or a Special Plumbing Permit. Please contact Council's Customer Service Team on 62 11 8200 for further information.

The Scheme sets out whether use or development is –

- 'Exempt',
- 'No Permit Required',
- 'Permitted' or
- 'Discretionary'

within the Use Table of the relevant Zone or Specific Area Plan. Although the Use Table indicates the potential status of a proposal, the following provides further clarification of how this is determined (also see attached flowchart).

Status of use or development defined in the Use Table	Clarification
❖ Exempt	A permit is not required to carry out the use or development if it is exempt from requiring a permit under clause 5.0 or 6.0 of the Scheme.
❖ No Permit Required	No permit is required if - <ul style="list-style-type: none"> • the use is within a use class specified in the use table as being a use for which no permit is required; • the use or development does not rely on a performance criterion to comply with an applicable standard; • a Performance Criteria is not relied upon; • the use or development is not discretionary or prohibited under any other provision of the Scheme; and • a permit is not be required by a Code.
❖ Permitted	A permit is required to be granted if - <ul style="list-style-type: none"> • the use is within a use class specified in the use table as being a use which is permitted; • The use or development complies with each applicable standard and does not rely on a performance criterion to do so; and • The use or development is not discretionary or prohibited under any other provision of the Scheme.
❖ Discretionary	The Planning Authority has the discretion to approve or refuse a use or development if - <ul style="list-style-type: none"> • the use is within a use class specified in the use table as being a use which is discretionary; • The use or development complies with each applicable standard but relies upon a performance criterion to do so; or • it is discretionary under any other provision of the planning scheme, • And the use or development is not prohibited under any other provision of the Scheme.
❖ Prohibited	A use or development must not be granted a permit if - <ul style="list-style-type: none"> • the use is within a use class specified in the use table as being a use which is prohibited; • the use or development does not comply with an acceptable solution for an applicable standard and there is no corresponding performance criterion; or • it is prohibited under any other provision of the Scheme.

Application Requirements:

At minimum, an application must include:

- a) A completed application form detailing the location of the proposed use or development.
- b) A copy of the current certificate of title for the land for which the permit is sought (i.e. the subject property or proposed development site), including the Title/Folio Plan and Folio Text and any Schedule of Easements.
- c) A full description of the proposed use or development (including site plan, elevations and floor plan drawn to scale); and
- d) A description of the manner in which the proposed use or development will operate.

Clause 8.1.3 of the Scheme sets out additional information that may be required in order to assess an application. Council may make a request for such further or additional information where it is considered necessary to demonstrate compliance with any of the relevant standards and purpose statements in a zone, code or specific area plan.

How long does an application take to assess?

Under the *Land Use Planning and Approvals Act 1993*, Council has 28 days to assess a permitted application and 42 days to assess a discretionary application (see above for explanation of use status). Please note that the assessment period commences only once the application fees have been paid. Please also note that Council may request additional information regarding the application within 14 days of having received a valid permitted application and within 21 days for a discretionary application where there is insufficient information to demonstrate compliance with the relevant standards of the Scheme. If Council requests additional information, the assessment period does not run and does not recommence until the request is answered to Council's satisfaction. The assessment process may not necessarily take the length of the specified timeframe, according to current workloads and complexity.

How long does a permit stay valid?

A Planning Permit is valid for two years from the date of issue or, if the application for the permit was subject to an appeal, from the date when the appeal was resolved. Once the use or development for which the permit was issued has substantially commenced, the permit is valid for perpetuity.

The *Land Use Planning and Approvals Act 1993* allows for extensions to a permit where the use or development has not substantially commenced within two years since the date of issue or resolution of an appeal. An initial two year extension and a further two year extension may be granted by Council upon request if made within 6 months of the expiry date of the permit.

Further Enquiries:

This Fact Sheet summarises the application process and has been prepared to address general circumstances. Please contact Council's Customer Service Team on 62 11 8200 if you require any further assistance or clarification.

Flowchart of the steps to determine whether an application for a planning permit is required?

There are a number of steps to interpreting the Kingborough Interim Planning Scheme 2015 for the purpose of making an application for use or development. These steps are outlined in the attached Flowchart.

Establish the following:

- What is the Zone of the subject site?
- Does a Code Overlay (including heritage listing) apply to the site?
- Is the site located within a Specific Area?

(These requirements can be found by consulting the Planning Scheme Maps either with the assistance of Council's customer service staff, via Council's website or electronically via www.iplan.tas.gov.au).

Is the use/development Exempt?

Check clause 5 & 6 of the Scheme to establish if your proposal meets the exemptions listed in the Scheme.

YES

Planning permit not required
(May still require a building application to be lodged)

NO

Check Part C of the Scheme to see if relevant. *(If applicable, this may readily establish whether the application is Permitted or Discretionary and you can proceed to the Application Assessment Criteria below).*

Alternatively, check Table 8.2 to establish what Use Class the proposed use/development is categorised as.

Is the subject site located within a Specific Area shown on the Zone Maps?

YES

Go to Part F of the Scheme – Specific Area Plans - and locate the relevant Specific Area Plan.

- Check the Use Table to establish whether the proposed use/development is allowable and whether the proposal is deemed 'No permit required', 'Permitted' or 'Discretionary'.

(Please note: The Use Status of "No Permit Required" or "Permitted" may change where the proposal relies upon assessment against a performance criterion – including Code provisions. A use that requires a permit under a Code cannot be deemed as "No Permit Required")

NO

Check the Use Table within the relevant Zone chapter for your property to establish whether the proposed use/development is deemed 'No Permit Required', 'Permitted' or 'Discretionary'

(Please note: The Use Status of "No Permit Required" or "Permitted" may change where the proposal relies upon assessment against a performance criterion – including Code provisions. A use that requires a permit under a Code cannot be deemed as "No Permit Required")

Application assessment criteria

- If located within a Specific Area Plan, address the relevant standards in addition to the zone standards. (Please note: the use/development standards in this section override the standards in the relevant zone section – **where they conflict**).
- Go to the relevant Zone chapter in the Scheme for your property and address the relevant standards to your application.
- Check if any Codes deal with issues relevant to your application or property (including where overlays are present) and address the relevant standards for your application.
- Determine whether the Special Provision requirements of Part 9 of the Scheme are also applicable to your application.

(Where there is conflict between the provisions – the Specific Area Plan standards override the Code and Zone provisions and the Code provisions override the Zone provisions).