



Deemed Provisions Clause 61A Advice on planning approval exemptions for Single Houses (Deemed-to-Comply check)

What is clause 61A and what does it do?

Certain types of development are exempt from requiring development approval under clause 61 of the Deemed Provisions. These exemptions include the construction of a new single house, or extensions and/or renovations to an existing single house that meet the 'Deemed-to-Comply' criteria of Volume 1 of the Residential Design Codes (R-Codes) or any local planning policy that amends or replaces these criteria. More information on the R-Codes can be found at www.dplh.wa.gov.au/rcodes.

Clause 61A allows people (i.e. applicants) who are intending to either build a new single house or extend and/or renovate an existing single house to seek advice from their local government as to whether development approval is required for what they are proposing. This is referred to as a 'Deemed-to-Comply' Check. The intent of this check is to provide applicants with confidence on whether their proposal can proceed straight to a Building Permit, or if a formal Development Application is required.

This process only applies to single houses and extensions or renovations to existing single house.

Applying for advice under clause 61A

Applications for advice under clause 61A within the City of Nedlands must be submitted to the Local Government using the *Deemed-to-Comply Check - Application Form and Checklist*. This can be lodged via email, post or in person.

The advice will state either:

- The proposal is exempt from development approval; or
- The proposal is not exempted from development approval. This will include the reasons as to why, by briefly outlining where and how the proposal does not meet the deemed-to-comply criteria of the R-Codes and any relevant local planning policy.

The City's response will be emailed or posted unless specifically requested to be collected by the applicant. If the applicant wishes to collect the correspondence in person, it will be left at the front counter for collection.

How much does it cost?

The associated 'Deemed-to-Comply Check' fee is required to be made at the time of making this application. The fee is currently \$73 for alterations/additions or \$295 for an assessment of a new single house (please refer to the City of Nedlands Fees Schedule).



Applications lodged via email (to council@nedlands.wa.gov.au) can be paid over the phone by credit card to the City's Cashier on 9273 3500.

How long does the Advice take?

The City will provide written advice within 14 business days from the date the application is formally accepted by the City, including payment and submission of the necessary information.

Please note whilst the City endeavours to provide formal written planning advice regarding the assessment outcomes of all 'Deemed-to-Comply' checks within 14 days, there may be delays in providing advice regarding the construction of large single houses, or other complex proposals.

What happens next?

If the advice states that your proposal is exempt, you may lodge an application for a building permit. If your proposal is not exempt, you have a number of options available to you:

- You may apply for development approval; or
- You may amend your plans to address the areas of non-compliance and submit another application for further advice under clause 61A

Can amended plans be submitted in one Deemed to Comply check?

Applicants are advised that the City will complete one (1) review of the submitted plans forming part of their 'Deemed-to-Comply' Check. The City will **not** complete assessments of multiple plans for a single 'Deemed-to-Comply' Check. This will require a new 'Deemed-to-Comply' Check application each time.

Prior to Lodging a Building Permit

The processing of building permit applications does not involve the assessment of the proposed development from a planning perspective, as such, there is the necessity to ensure that the development complies with the applicable provisions of the City's Local Planning Scheme No. 3, relevant Local Planning Policies and the Deemed-to-Comply provisions of the Residential Design Codes (Volume 1) prior to the building permit being determined.

The clause 61A Deemed-to-Comply check is mandatory for all Building Permit Applications for alterations and additions to existing single houses or new single houses, unless development approval has been granted. Please ensure you attach a copy of this advice or approval to your Building Permit Application.