

Information sheet

Development Applications (DAs)

What is Development Approval?

You may need permission from the City of Subiaco (City) to:

- construct a new house or commercial building;
- change the use of land; or
- undertake building work to your property.

This permission is known as a development approval (or planning approval). It is a legal document issued by the Local Government. A development approval authorises works or a new use of land.

You can apply for, or ask about, development approval by contacting the City's Planning staff on 9237 9222 or city@subiaco.wa.gov.au.

How Do I Find Out My Zoning and the Requirements for My Development?

A 'zone' is a type of planning control. Zones regulate how a property can be used or developed. In the City there are four (4) zones:

- Centre
- Local Centre
- Mixed Use
- Residential

These zones have different objectives and requirements for development. Most properties in the City are located in the Residential zone. You can use the City's [Online Mapping](#) tool to locate the zoning of your property. The Online Mapping tool will also show if your property is a 'heritage protected place'. This includes properties located on or within:

- Local Heritage List; and/or
- State Heritage Register; and/or
- A Heritage Area

To find the requirements for your development, it is recommended that you speak to the City's Planning Services department on 9237 9222 or via email at city@subiaco.wa.gov.au. More information can be found on the City's website under 'Plan and Build > How to Apply'.

Do I Need Development Approval?

Development approval is required for most building works and in some cases when changing the use of a property. For more information on the type of development that may require approval, please refer to the two local planning policies below:

- **Building Works** – refer [Local Planning Policy 7.7: Development Approval Exemptions](#) (LPP 7.7);
- **Land Use** – refer:
 - All uses – clause 17 (zoning table) within the City's [Local Planning Scheme No. 5](#)
 - Commercial uses – [Local Planning Policy 8.1: Exemption from the Need to Obtain Development Approval for Land Use in the Centre, Local Centre and Mixed Use Zones](#) (LPP 8.1).

How Do I Find Out If My Proposal Does Not Require Development Approval?

For single houses and additions to existing houses, you can make an application to the City to ask if development approval is required. This is known as an application for a 'Deemed-to-Comply Check'. An [Application for Advice](#) can be submitted to the City, along with a set of development plans.

The fee is \$295 to lodge the application with the City. You will receive confirmation within 14 calendar days if your proposal is deemed-to-comply or requires development approval. Alternatively, you can send an email to the City's Planning Services to seek general advice on a proposal.

When is Development Approval Not Required?

Table 1 below outlines when development approval may, or may not, be required*

Table 1: Is Development Approval Required?	
Approval Generally Required	Approval Generally Not Required
<ul style="list-style-type: none">Any works on a property which is identified on the State Heritage Register, Local Heritage List, and/or within a Heritage Area.Additions and alterations to single houses, particularly new two storey dwellings or additions.Lapsed development approvals.Changing the land use of a building/premises where it is not permitted.Works relating to non-residential buildings.Signage	<ul style="list-style-type: none">Maintenance and repair worksDividing fences (civil matter)Internal alterationsSwimming pools (not within a front yard)Pergolas and shade structuresHome OccupationsRetaining walls, excavation or fill less than 500mmMinor structures (e.g. pizza ovens, fire pits, letter boxes, basketball hoops etc)External fixtures (e.g. air conditioning units)

**Please note that the guidance provided in Table 1 is general advice only on the types of proposals where development approval may or may not be required. It is recommended that you seek confirmation in writing from the City in relation to whether your specific proposal requires development approval from the City.*

What is the Difference Between Development and Building Approval?

Development considers the use and development of land for a specific site. An assessment would broadly consider the design of the development, its relationship to surrounding properties, and if the land use is appropriate within its setting.

Building relates to detailed construction and engineering design of buildings to ensure their structural safety.

The Development Application and Building Permit processes are mandated and assessed under different legislation (being the *Planning and Development Act 2005* and the *Building Act 2011* respectively) and, as a result are separate processes.

In most cases, Development Approval is required **before** a Building Permit can be issued. The Building Permit must also be consistent with the Development Approval (where necessary).

How Do I Apply for Development Approval and What is the Process?

Development applications can be lodged with the City using the following methods:

- Online through the [City's e-portal](#)
- Email to city@subiaco.wa.gov.au; or
- Drop a hard copy (maximum A3 size) at Level 2, 388 Hay Street, Subiaco

The City's [Planning Application Checklist](#) outlines all the information which is required to be submitted at lodgement. If you would like further information, the step-by-step application process is outlined on the

[City's website](#). Alternatively, you are welcome to contact the City's Planning staff on 9237 9222 or city@subiaco.wa.gov.au who will assist you and answer your questions.

What Are the Residential Design Codes (R-Codes)?

The Residential Design Codes (R-Codes) are a State Planning Code which provides the overarching controls for residential development and subdivision. There are two volumes of the R-Codes:

- [Volume 1](#) – Low and Medium Density; and
- [Volume 2](#) – Apartments

Volume 1 includes two pathways to determine development applications – being a design principle assessment and deemed-to-comply criteria.

Volume 2 includes a performance-based assessment using objectives and acceptable outcomes. More information is provided on the Department of Planning, Lands and Heritage [website](#).

Does my Development Application Need to be Advertised?

In most cases, planning proposals are required to be publicly advertised. The City's [Local Planning Policy 7.3 Public Consultation of Planning Proposals](#) (LPP 7.3) outlines who will be notified and how long the advertising period will be. Generally, standard applications are advertised for a period of 14 days and directly adjoining or adjacent property landowners/occupiers will be notified by mail.

The City may consider waiving the need to advertise your proposal if you obtain a signed non-objection from your neighbours. To confirm which neighbours you need to pre-consult with, please contact the City's Planning Services. Each landowner/occupier will need to fill out [Form 1 \(the Non-Objection Form\)](#).

Please note, the pre-consultation process associated with [Local Planning Policy 7.2 Refunding, Reducing and Waiving Planning Fees](#) (LPP 7.2) **does not** automatically mean public advertising is waived. This is a separate process, however both processes may be undertaken at the same time, prior to lodgement.

Does My Development Application Have to Be Deemed-to-Comply?

If particular design elements meet the deemed-to-comply criteria, then it is considered to automatically meet the relevant design principle, and the City cannot refuse an application in these instances.

If an application is not deemed-to-comply with all design elements, a merit-based assessment will be undertaken. Design principles enable an alternate pathway for innovative development proposals to be considered, often to respond to their site context. Every site is unique and achieving the deemed-to-comply may not always be possible or desirable.

Will My Development Application Be Approved?

The City is unable to guarantee if a development will be supported prior to lodgement. Planning staff can only provide preliminary advice before a formal application is lodged. However, in the absence of a full assessment, it is difficult to provide certainty.

A Duty Planner is available to discuss your proposal at the City's Administration Office Monday to Friday, 10am to 3pm in person, or over the phone between 9am and 4:30pm. Contact details are as follows:

- Phone: 9237 9222
- Email: city@subiaco.wa.gov.au (attention: Planning)
- Address: Level 2, 388 Hay Street, Subiaco

Disclaimer: *This information sheet is provided as generalised information. We aim to keep the content of this document current and accurate but accept no responsibility or warranties for actions based on the information provided. The City encourages you to seek professional advice before acting on any information contained in this document. Please contact the City if you wish to comment on the forms provided and information contained within.*