***What is development approval?***

**FAQ – About Development Approvals**

Development approval (also known as Planning Approval) is a legal document issued by the City that gives permission for the use or development (like building a new house or making modifications to an existing building).

Development approvals ensure that all development within the City meets the criteria within the Local Planning Scheme No.3, Residential Design Codes (R-Codes) and other relevant legislation and policies. Development approval is applied by the City of Nedlands Planning Department.

***Do I always need development approval?***

Development approval is required for most building works and/or when changing the use of a site. For more information on the types of development that may, or may not, require approval please see below:

***What is the difference between planning and building approval?***

Planning relates to the use and development of land for a specific proposal. It broadly assesses the use and design of the development (such as its height, setbacks, and scale), if its use is able to be approved and any technical plans. Building relates to detailed construction and engineering 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)* and, as a result, are very different 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.

***When is development approval not required?***

Development approval from the City of Nedlands is not required for the following works, unless the development is in on place that is listed on the State Heritage List, City of Nedlands Heritage list, land on or abutting the Development Control Boundary (Swan River) or is on Reserved Land.

* The carrying out of internal building works not visible externally;
* Demolition of a single house, ancillary dwelling, outbuilding, external fixture, boundary wall or fence, patio, verandah, garage, carport or swimming pool;
* A new single house which satisfies the deemed-to-comply provisions of the Residential Design Codes (R-Codes), the [Local Planning Policy – Residential Development](https://nedlands.wa.gov.au/development/planning/policies-framework.aspx) and the provisions of the [Local Planning Scheme No. 3](https://www.wa.gov.au/government/document-collections/city-of-nedlands-planning-information);
* Alterations or additions to an existing single house or dwelling which satisfy the deemed-to-comply provisions of the R-Codes, the [Local Planning Policy – Residential Development](https://nedlands.wa.gov.au/development/planning/policies-framework.aspx) and the provisions of the [Local Planning Scheme No. 3](https://www.wa.gov.au/government/document-collections/city-of-nedlands-planning-information);
* Decking or retaining walls below 500mm associated with a single house or grouped dwelling lot;
* Swimming pool, pergolas, shade sails and solar panels;
* Maintenance and repair works (as defined in the *Planning and Development (Local Planning Schemes) Regulations 2015*); and
* Signage where stated in the [Local Planning Policy – Signs](https://nedlands.wa.gov.au/development/planning/policies-framework.aspx) or the *Planning and Development (Local Planning Schemes) Regulations 2015*).

***How do I know if my development meets the deemed-to-comply provisions and City Policies?***

The new clause 61A process allows owners to seek advice from their local government as to whether or not the proposal is exempt from development approval, referred to as a “Deemed-to-Comply” check.

Following lodgement and assessment of a Deemed-to-Comply Check, applicants are provided with written confirmation as to whether their development proposal satisfies the exemption criteria or not. If it does, you are able to progress straight to a Building Permit. If not, you will be provided reasons and notification that a development approval is required, before a Building Permit can be issued.

For further information on Deemed-to-Comply checks, please refer to the Deemed-to-Comply FAQ on the Development Applications Essentials page of the City’s website.

***What uses do not require development approval?***

Development approval from the City of Nedlands is not required for a use identified within the City’s Local Planning Scheme No. 3 as ‘P’ use.

***How do I apply for development approval?***

Planning applications can be lodged via the following methods:

* Online lodgement via the enquiry portal on the City’s website
* In person at the City of Nedlands Administration Building – 71 Stirling Highway, Nedlands (Smyth Road entry)
* By post to City of Nedlands Administration Building, 71 Stirling Highway, Nedlands WA 6009.

***What is the process?***

After an application is successfully lodged, including payment of fees, it will be assigned to a Planning Officer. The Officer will assess the proposal and contact you if further information is required or significant issues are discovered. Otherwise, the Officer will begin consultation with adjoining property owners as necessary, consistent with the [Local Planning Policy – Consultation of Planning Proposals](https://nedlands.wa.gov.au/development/planning/policies-framework.aspx).

After close of the consultation period (if necessary), which is generally two weeks except during the periods around Christmas, the Officer will provide you with a summary of comments received and an assessment of the application. The Officer will provide you options on how to proceed and inform you as to whether the proposal can be decided under delegated authority or whether a referral to Council is required.

Once a development approval has been issued, you may submit an application for a Building Permit, if necessary.

***How much does it cost?***

Please see the [Schedule of Fees](https://nedlands.wa.gov.au/council/rates-fees-and-charges/citys-fees-and-charges.aspx)*.*

***How are development applications assessed?***

The City assesses the proposed development and/or land use application against the criteria of the relevant legislation, which may include the R-Codes, City of Nedlands Local Planning Scheme No. 3, Local Planning Policies, State Planning Policies, the *Planning and Development (Local Planning Schemes) Regulations 2015*, and any other relevant statutory requirements. Generally, applications are either determined by delegated authority or by Council.

Where a development has the potential to affect surrounding properties, the City will undergo a consultation process. Comments received through that process are considered when making a decision on the development. At the end of the process the City will either approve (with or without conditions) or refuse an application.

***How long does the process take?***

The exact time taken to determine applications will depend on the type of application, whether it requires advertising, and what level of delegation is required to determine it. Some general timeframes are provided below

* 60 days – Applications which do not require advertising, referral to government agencies or decision by Council.
* 90 days – Applications which require advertising, referral to government agencies or decision by Council.

More complex applications may take longer. This will depend on any changes to plans, securing a Council meeting date or addressing government agency comments.

***Which applications go to Council for a decision?***

* 5 or more grouped or multiple dwellings;
* Where objections have been received on relevant planning grounds and cannot be addressed by conditions of approval;
* Recommendation of refusal by government agencies or the City’s Administration;
* Conditions from government agencies that are not agreed to by the applicant; or
* Other applications as determined by the CEO, Director or Manager.

***What other agencies or organisations require approval?***

Development applications may also require approval from other government agencies, such as but not limited to:

* Western Australian Planning Commission
* Department of Planning, Lands and Heritage
* Department of Biodiversity, Conservation & Attractions (Swan River Trust)
* Main Roads Western Australia
* Heritage Council of Western Australia

Where possible, the City will help applicants identify any relevant agencies. However, it is the responsibility of the applicant to ascertain which approvals are required before lodging an application.

***Can I apply for a Building Permit and Development Application at the same time?***

The City recommends that the Building Permit is submitted following the issue of a Development Approval or successful Deemed-to-Comply check, because a Building Permit must be consistent with the Planning Approval for it to be issued.

***Need further assistance?***

Feel free to contact the City’s Urban Planning team:

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| Envelope with solid fill | Lodge an enquiry through the online portal on the City’s website  |
| Receiver with solid fill | (08) 9273 3500 |
| Man with solid fill | 71 Stirling Highway, Nedlands (corner of Smyth Road) 8:30am – 5pm |

*Disclaimer: This information sheet is provided as generalised information. While 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.*