

## Deemed-to-Comply Check Requests (Statutory Planning)

Clause 61 of the *Planning and Development (Local Planning Schemes) Regulations 2015* (Regulations) lists work that does not require development approval.

Development approval is not required for works if:

- (a) the works are of a class specified in Column 1 of the table below; **and**
- (b) if conditions are set out in Column 2 of the Table opposite that item, and all of those conditions are satisfied in relation to the works.

	Column 1 Works	Column 2 Conditions
1	The demolition or removal of any of the following: (a) a single house; (b) an ancillary dwelling; (c) an outbuilding; (d) an external fixture; (e) a boundary wall or fence; (f) a patio; (g) a pergola; (h) a verandah; (i) a deck; (j) a garage; (k) a carport; (l) a swimming pool; (m) shade sails.	The works are not located in a heritage-protected place.
2	The demolition of a building that is not a single house, ancillary dwelling, multiple dwelling or grouped dwelling.	(a) The building does not share a common wall with another building.  (b) The works are not located in a heritage-protected place.
3	The demolition or removal of a cubbyhouse.	The works are not located in a heritage-protected place.
4	The demolition or removal of a flagpole.	The works are not located in a heritage-protected place of a kind referred to in clause 1A(1)(a) to (e).
5	Internal building work that does not materially affect the external appearance of the building.	Either — (a) neither the building nor any part of it is located in a heritage-protected place of

		<p>a kind referred to in clause 1A(1)(a) to (e); <b>or</b></p> <p>(b) the building, or a part of it, is located in a heritage-protected place of a kind referred to in clause 1A(1)(a), (c), (d) or (e), but the interior of the building is specified as not being of cultural heritage significance in the relevant register, order, agreement or list referred to in that clause.</p>
6	The erection of, or alterations or additions to, a single house on a lot.	<p>(a) The R-Codes apply to the works.</p> <p>(b) The works comply with the deemed-to-comply provisions of the R-Codes.</p> <p>(c) The works are not located in a heritage-protected place.</p>
7	<p>The erection or installation of, or alterations or additions to, any of the following on the same lot as a single house or a grouped dwelling:</p> <p>(a) an ancillary dwelling;</p> <p>(b) an outbuilding;</p> <p>(c) an external fixture;</p> <p>(d) a boundary wall or fence;</p> <p>(e) a patio;</p> <p>(f) a pergola;</p> <p>(g) a verandah;</p> <p>(h) a deck;</p> <p>(i) a garage;</p> <p>(j) a carport.</p>	<p>(a) The R-Codes apply to the works.</p> <p>(b) The works comply with the deemed-to-comply provisions of the R-Codes.</p> <p>(c) The works are not located in a heritage-protected place.</p>
8	<p>The installation of, or alterations or additions to, any of the following on the same lot as a single house or a grouped dwelling:</p> <p>(a) a swimming pool;</p> <p>(b) shade sails.</p>	The works are not located in a heritage-protected place.
9	The temporary erection or installation of an advertisement.	<p>(a) The advertisement is erected or installed in connection with an election, referendum or other poll conducted under the Commonwealth Electoral Act 1918 (Commonwealth), the Referendum (Machinery Provisions) Act 1984 (Commonwealth), the Electoral Act 1907, the Local Government Act 1995 or the Referendums Act 1983.</p> <p>(b) The primary purpose of the advertisement is for political communication in relation to the election, referendum or poll.</p>

		<p>(c) The advertisement is not erected or installed until the writ or writs have been issued or, for an election, referendum or poll under the Local Government Act 1995, until the 36th day before the day on which the election, referendum or poll is to be held.</p> <p>(d) The advertisement is removed no later than 48 hours after the election, referendum or poll is conducted.</p> <p>(e) The advertisement is not erected or installed within 1.5 m of any part of a crossover or street truncation.</p>
10	The erection or installation of a sign of a class specified in a local planning policy or local development plan that applies to the works as not requiring development approval.	<p>(a) The sign complies with any requirements specified in the local planning policy or local development plan in relation to the exemption from the requirement for development approval.</p> <p>(b) The sign is not erected or installed within 1.5 m of any part of a crossover or street truncation.</p> <p>(c) The works are not located in a heritage-protected place.</p>
11	Works to change an existing sign that has been erected or installed on land.	<p>(a) The erection or installation of the existing sign was the subject of development approval or was exempt from the requirement for development approval.</p> <p>(b) The changes do not alter the size or location of the existing sign or result in the sign containing any illumination, animation, movement or reflective, retro-reflective or fluorescent materials.</p> <p>(c) The sign is not used for advertising (other than the advertising of a business operated on the land).</p> <p>(d) The works are not located in a heritage-protected place.</p>
12	The installation of a water tank.	<p>(a) The water tank is not installed in the street setback area of a building.</p> <p>(b) The volume of the water tank is no more than 5 000 L.</p>

		<p>(c) The height of the water tank is no more than:</p> <p>(i) for a tank fixed to a building — the height of the eaves of the building; <b>or</b></p> <p>(ii) for a tank that is not fixed to a building and is more than 1 m from each boundary of the lot — 2.4 m; <b>or</b> (iii) for a tank that is not fixed to a building and is 1 m or less from a boundary of the lot — 1.8 m.</p> <p>(d) The works are not located in a heritage-protected place.</p>
13	The erection or installation of a cubbyhouse.	<p>(a) The cubbyhouse is not erected or installed in the street setback area of a building.</p> <p>(b) The floor of the cubbyhouse is no more than 1 m above the natural ground level.</p> <p>(c) The wall height of the cubbyhouse is no more than 2.4 m above the natural ground level.</p> <p>(d) The building height of the cubbyhouse is no more than 3 m above the natural ground level.</p> <p>(e) The area of the floor of the cubbyhouse is no more than 10 m<sup>2</sup>.</p> <p>(f) The cubbyhouse is not erected or installed within 1 m of more than 1 boundary of the lot.</p>
14	The erection or installation of a flagpole.	<p>(a) The height of the flagpole is no more than 6 m above the natural ground level.</p> <p>(b) The flagpole is no more than 200 mm in diameter.</p> <p>(c) The flagpole is not used for advertising.</p> <p>(d) There is no more than 1 flagpole on the lot.</p> <p>(e) The works are not located in a heritage-protected place.</p>

15	The installation of solar panels on the roof of a building.	(a) The solar panels are parallel to the angle of the roof.  (b) The works are not located in a heritage-protected place.
16	Maintenance and repair works.	Either —  (a) the works are not located in a heritage-protected place; <b>or</b>  (b) the maintenance and repair works are of a kind referred to in the Heritage Regulations 2019 regulation 41(1)(b) to (i).
17	Temporary works.	The works are in existence for less than 48 hours, or a longer period agreed by the local government, in any 12-month period.
18	Works that are urgently necessary for any of the following:  (a) public safety; (b) the safety or security of plant or equipment; (c) the maintenance of essential services; (d) the protection of the environment.	The works are not located in a heritage-protected place of a kind referred to in clause 1A(1)(a), (b) or (d).
19	Works that are wholly located on an area identified as a regional reserve under a region planning scheme.	
20	Works specified in a local planning policy or local development plan that applies to the works as works that do not require development approval (other than works referred to in item 10).	The works comply with any requirements specified in the local planning policy or local development plan in relation to the exemption from the requirement for development approval.
21	Works of a type identified elsewhere in this Scheme as works that do not require development approval.	The works comply with any requirements specified in this Scheme in relation to the exemption from the requirement for development approval.

### What is a Deemed-to-Comply Check?

Clause 61A of the Regulations allows proponents 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 sometimes referred to as a 'deemed-to-comply' check. The intent of this check is to provide applicants with confidence that their proposal can proceed straight to a building permit.

This is a voluntary process that only applies to single houses and extensions or renovations to existing single houses. It does not apply to the other types of exemptions that are listed in the table on the previous pages of this information sheet.

## Building Permit Applications

The processing of building permit applications does not involve the assessment of the proposed development from a town planning perspective, as such, there is the necessity to ensure that it complies with the applicable provisions of the Local Planning and Council policies, as well as the Town's local planning scheme prior to the building permit being determined.

It is therefore a requirement that as part of a building permit application written confirmation is provided by a qualified Town Planner, or other class of competent person (as determined by the WA Building Commission), that development approval is not necessary. **This can be provided by the Town via the Deemed-to-Comply Check process.**

Alternatively, if a development approval is required, a copy of the development approval issued for the proposal is to be provided with the building permit application.

### What information do I include in my Deemed-to-Comply Check request?

	<i>Please tick if provided</i>
A completed 'Application for Advice' form	
A copy of the property's current Certificate of Title	
The applicable fee of \$295	
Two sets of the following plans (where applicable) drawn to a scale of 1:100 or 1:200:	
A site plan which shows all existing and proposed development, driveway(s), crossover(s), natural and finish floor levels, proposed street and/or boundary setbacks, easements, dividing and street fencing, street name(s), the north point, and (if applicable) the location, top and bottom of wall heights of retaining walls.	
An internal floor plan showing the purpose and dimensions of each area.	
Elevations showing the external dimensions and appearance of any structure/building proposed, the natural and finish floor levels, and (if applicable) the location, top and bottom of wall heights of retaining walls.	

## How do I lodge a Deemed-to-Comply Check request?

### Email, Post or in person

The Deemed-to-Comply Check request and fee is submitted by the applicant to the Town:

- **Via** the applicable email address ([mail@cambridge.wa.gov.au](mailto:mail@cambridge.wa.gov.au)) which is to include the applicable credit card details for payment of the fee, or
- **Via** the post, which includes a cheque or the applicable credit card details for payment of the fee, being sent to Town of Cambridge, PO Box 15, FLOREAT WA 6014, or
- **In person.**

**Note:** As an alternative to providing credit card details in writing, the applicant can pay the required fee by telephoning the Town on 9347 6000.

### How and when will the Town provide its advice?

Advice of the outcome will be provided within **14 days** of the application being accepted and lodged.

The Town'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, an appointment will need to be made with the Town prior to collection.

**Note:** The applicable fee is required to be paid in full **prior** to being assessed by the Town.

Please ensure that all of the necessary information is provided otherwise the Town cannot guarantee that the advice will be provided within the applicable timeframe stated above.

### What 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 advice under clause 61A, **or**
- you may amend your plans to address the areas of non-compliance and apply for a building permit.

### Further Information

If you have any queries please do not hesitate to contact the Town's Statutory Planning Team.

In person: 1 Bold Park Drive, Floreat

Tel: 9347 6000

Email: [mail@cambridge.wa.gov.au](mailto:mail@cambridge.wa.gov.au)



# Application for Advice

## Development approval exemptions for Single Houses

Clause 61A  
Deemed-to-Comply

Version: 1.0 (January 2020)

### Owner details

Name:

ABN (if applicable):

Address:

Town / suburb:  Postcode:

Phone: Work  Home  Mobile

Email:

Contact person for correspondence:

Signature: \_\_\_\_\_ Date:

Signature: \_\_\_\_\_ Date:

The signature of the owner(s) is required on all applications. This application will not proceed without that signature. For the purposes of signing this application an owner includes the persons referred to in the *Planning and Development (Local Planning Schemes) Regulations 2015 Schedule 2 clause 62(2)*.

### Applicant details (if different from owner)

Name:

ABN (if applicable):

Address:

Town / suburb:  Postcode:

Phone: Work  Home  Mobile

Email:

Contact person for correspondence:

Signature: \_\_\_\_\_ Date:

### Property details

Lot No:  House/Street No:  Location No:

Diagram or Plan No:  Certificate of Title Vol. No:  Folio:

Title encumbrances (e.g. easements, restrictive covenants):

Street name:  Suburb:

Nearest street intersection:



## Proposed development

- Erection of a single house
- Alterations to a single house
- Additions to a single house

## Required Information and Documentation

- (a) a site plan or plans showing the following:
- Location of the site including street names, lot numbers, north point and site dimensions
  - Existing and proposed ground levels of the site
  - Location, height and type of all existing structures and environmental features
  - Structures and environmental features proposed to be removed
  - Existing and proposed means of pedestrian and vehicle access for the site
  - The location, number, dimensions and layout of all car parking spaces
  - The nature and extent of any open space and landscaping proposed for the site
- (b) Floor plans and elevations of any building proposed to be erected or altered, and any building that is intended to be retained.
- (c) For the erection of a single house on a lot greater than 1,100sqm, a Bushfire Attack Level (BAL) assessment confirming that the bush fire attack level of the development site is BAL-29 or below.

**\*ONLY REQUIRED IF THE DEVELOPMENT SITE IS WITHIN A DESIGNATED BUSHFIRE PRONE AREA**

*Note: The local government may determine that some of the above information and documentation is not required based on the nature of the works proposed.*

### OFFICE USE ONLY

Acceptance officer's initials:

Date received:

Local government reference No: