

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

### 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](http://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 South Perth must be submitted to the Local Government using the Deemed-to-Comply Check - Application Form and Checklist on the City's Website. This can be lodged via the City's online enquiry portal, 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 in-person by the applicant.

### How much does it cost?

Please refer to the City of South Perth Fees Schedule. Payment can be made online if lodged via the City's online portal or to the City's Cashier if lodged in person.

### How long does the Advice take?

The City endeavours to provide formal written planning advice regarding the assessment outcomes of all 'Deemed-to-Comply' checks within 14 days from the date the application is formally accepted by the City, including payment and submission of the necessary information. 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 advice under clause 61A.

### **Can amended plans 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, 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 the advice or approval to your Building Permit Application.

### **Need further assistance?**

Feel free to contact the City's Planning team via the Requests portal on the City's website or on 9474 0777.

*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.*