

# Development Application Condition Clearance Process

Where a development application approval has been issued by the City's Planning Services, it is most often done conditionally. That means the development has been approved subject to a number of conditions requiring additional items or issues to be addressed. Typically, conditions may be utilised to address things like submission of colour and material schedules, landscaping plans, stormwater plans, and construction of common property / driveways.

Planning Services have recently begun forwarding a copy of the development approval to the landowners specified on the application form, in addition to the applicant (the person or company you elect to represent you for the duration of the application) to increase awareness of the content of development approvals. If you did not receive the approval directly, as long as you are the property owner you can obtain a copy from the applicant or the City.

## Development Application Condition Clearance Process

The below points have been outlined to assist the applicant and/or landowner in their development application condition clearance process:

- Submissions of plans and details requiring clearance should occur prior to submitting a Building Permit as Planning & Building legislation are separate. Email is the best method to submit plans and given approvals are valid for two years, it is recommended that you email [info@armadale.wa.gov.au](mailto:info@armadale.wa.gov.au) to cover occasions where the individual officer may not be available, to avoid duplicate records. A reference number will be generated for you to track your request in the future.

Approval of a Building Permit under the Building Act does not mean condition clearance has been granted under the *Planning and Development Act 2005*.

- The City would appreciate it if clearance details are submitted together where possible as it consolidates the process to one assessment, inspection (if necessary), and clearance letter. Multiple submissions are possible, but decrease our efficiency via process duplication.

- In response to the details submitted, Planning will assist and coordinate with other internal departments (for example Parks in respect of Landscape Plans) to grant approval to those details and issue a partial condition clearance letter. This will outline the condition numbers, what has been approved and is awaiting implementation and what (if anything) is still outstanding, drawing attention to items that need to be addressed as a priority.
- This partial clearance letter can then be submitted as part of the certified Building Permit to demonstrate compliance with your development approval.
- Once a Permit is granted and your development is constructed as approved, you must contact Planning Services to advise that the development is complete. Ideally this should occur when applying for a Certificate of Occupancy from Building Services as each conditional approval contains a requirement to comply with all conditions prior to occupancy. Photos can help streamline the process, and/or an inspection may be necessary to determine the development meets the approved plans.
- The City will work with you to identify any items that need further attention, and once resolved or if there are none, Planning Services would issue a full condition clearance letter confirming your obligations in terms of your conditions have successfully been met.
- Please note that even when fully approved, some conditions require ongoing maintenance to remain clear.

## Development Application Condition Clearance (continued)

### What can happen if I don't comply with Development Approval Conditions?

A development approval is a legally binding document. That is, they are issued under the *Planning and Development Act 2005* and the relevant local planning scheme and are enforceable by the City under the legislation. This means that if an approval is acted on, complying with conditions is a statutory obligation and non-compliance is an offence.

While the City would always hope the following could be avoided by working together as outlined, non-compliance with a condition(s) is an offence and can have financial and legal consequences, which in the interest of full disclosure is outlined below:

- The City has the ability to issue a Planning Infringement Notice (PIN) with an initial penalty of \$500.00.
- Should the offence continue, regardless of whether a PIN has been issued or not for that particular offence, the City may issue another PIN and/or commence a prosecution without further notice. Prosecution penalties are substantially higher, with a maximum penalty of \$200,000 being applicable and a daily penalty of \$25,000 also being applicable for the continuation of that offence.
- Please refer to the PIN information sheet for additional information.

### Further information

For further information, refer to the Planning section of the City's website where the following information is available:

- Town Planning Scheme No. 4
- Local Planning Policies
- Information Sheets
- Schedule of Fees and Charges
- Application for Development Approval
- Development Application Checklist
- Planning Infringement Notice Information Sheet
- Planning and Development (Local Planning Schemes) Regulations 2015

Contact the City's Planning Services for further information.

*Please note the information contained within this brochure is intended as a guide only. It is recommended that advice and assistance from the City's Planning Services staff be sought prior to lodging a development application. The City of Armadale disclaims any liability for any damages sustained by a person acting on the basis of this information.*