



A GUIDE TO DEVELOPMENT / PLANNING & BUILDING PERMIT APPROVALS IN THE SHIRE OF KULIN

Applying for development / planning approval and a building permit in the Shire of Kulin are two (2) separate processes, both controlled under different legislation. In most cases, both development and building approval will be required, however there are instances when only one (1) is required. This means you may need to apply for development / planning approval, or a building permit, or both depending on your proposed development and/or land use.

DEVELOPMENT / PLANNING APPROVAL

If your development does require development approval, you must seek and obtain development approval from Council before lodging a building permit application with the Shire.

A development approval grants permission for the development and/or use of land. It ensures that the development complies with the Shire's Local Planning Scheme No.2, the Residential Design Codes (R-Codes) and other relevant legislation and policies.

A development approval is a legal document which certifies that land or a building can be developed for a specific purpose. It also details any conditions under which the land or building may generally be used.

A development application is a formal request for permission to carry out proposed development, which also includes changing the use of a premises from one activity to another. It includes erecting new buildings, adding to or altering existing buildings, demolishing a building or portions of a building, erecting signs or any structures, and changing the use of any part of a building or land.

Schedule 2, Part 7, clause 61 of the *Planning and Development (Local Planning Schemes) Regulations 2015* includes a list of developments that do not require development / planning approval, including:

- Internal building works which do not increase the floor area of a commercial premises and on a property that is not heritage listed;
- Compliant Single Houses;
- Compliant additions or extensions (patios, sheds, carports) to Single Houses or Grouped Dwellings on a property that is not heritage listed;
- Residential development that complies with the provisions of the R-Codes;
- Demolition of a building on a property that is not heritage listed;
- Home Office;
- Advertising signage that complies with the Shire's Local Planning Scheme No.2.



To find out if development approval is required for your proposal, please send an email including details of the proposed development to admin@kulin.wa.gov.au or phone (08) 9880 1204.

To obtain development approval you must lodge an application for development approval with the Shire. For most kinds of development applications a reputable architect, draftsman or town planner should be engaged to prepare and assist with submission.

The development application needs to include:

- A completed and signed Application for Development Approval Form (i.e. a Form 1);
- A copy of the land's Certificate of Title;
- Suitably scaled plans including a site development plan, floor plan/s and building elevation drawings;
- A Bushfire Attack Level (BAL) assessment or Bushfire Management Plan if the land has been designated by the Fire and Emergency Services Commissioner as being bushfire prone (<https://www.dfes.wa.gov.au/regulationandcompliance/bushfireproneareas/Pages/default.aspx>) and the relevant regulations and guidelines require a BAL assessment or Bushfire Management Plan to be prepared;
- A cover letter explaining the proposal including clear justification for any proposed variations to the relevant planning requirements and standards; and
- The prescribed application fee.

The Shire has prepared a checklist with details of all information required in support of development applications, a copy of which is available on request.

Applicants will receive a letter acknowledging receipt of the application shortly after submission including details of the application fee payable. This letter is sent after a preliminary check of the application is completed, and as such, may include a request for additional information. Further information may also be requested by the Shire during the assessment process.

Council is responsible for making most of the decisions in respect of development within the Shire. The Western Australian Planning Commission and the Mid-West / Wheatbelt Joint Development Assessment Panel (JDAP), where permitted or required by legislation, also make planning decisions within the Shire.

Development applications requiring community or government agency consultation should generally be determined by Council within ninety (90) days from the date of lodgement. If consultation is not required, applications should in most cases be determined within sixty (60) days depending upon receipt of all relevant information from the applicant.



BUILDING PERMIT APPROVAL

Building permits are controlled by the Building Act 2011 and the Building Regulations 2012. Unless there is an express exemption to the need for approval for any proposed building works under Part 5 of the Building Act 2011, a building permit is required for any works of a structural nature to ensure they are structurally safe and comply with the relevant legislation.

A building permit is required prior to commencing construction of most structures. No additions, alterations or new building work is permitted to commence until a building permit has been issued by the Shire.

Works typically requiring a building permit approval include (but are not limited to):

- Commercial buildings including fit outs and refurbishments;
- Residential dwellings including additions and alterations;
- Carports, sheds, garages and workshops;
- Decking, patios, verandahs, gazebos and pergolas;
- Swimming pools and spas;
- Rainwater tanks;
- Front fences and retaining walls.

If you are unsure whether a building permit is required, please send an email including details of the proposed development to admin@kulin.wa.gov.au or phone (08) 9880 1204.

There are two types of building permit applications, certified and uncertified. Applicants must decide whether to lodge a certified or an uncertified building permit application:

- **Certified applications** are submitted when the applicant has already engaged a private building surveyor to check the plans and specifications of the proposed building for compliance with all regulatory requirements. The building surveyor will complete a certificate of design compliance, confirming that the proposal complies with the applicable building standards. This takes place before the application for a building permit is submitted to the Shire to assess. The Shire then has ten (10) business days to determine a certified application.
- **Uncertified applications** are submitted directly to the Shire without a certificate of design compliance. An independent building surveyor is appointed by the Shire to check the proposal and provide a certificate of design compliance. The Shire has twenty five (25) business days to determine an uncertified application.



A building permit application must be accompanied by:

- A completed and signed Application for Building Permit Form either certified or uncertified (i.e. a BA1 or BA2 form);
- Two (2) sets of drawings on paper not less than A4 size with architectural and structural drawings, site plan and details (scale of 1:100 for architectural and structural; 1:200 for site plan; and 1:50 or 1:10 for details);
- The architectural drawings must include a site and floor plan of every storey, with all elevations and a section that provide all dimensions, levels, height of each storey and the construction details of walls and roof. Structural details must be signed off by a certified practicing structural engineer;
- The site plan must include all setbacks from boundaries, contour levels, floor levels, lot number, house number, street name, north point, existing and proposed buildings, sewer and stormwater lines and easements, position of street trees, light poles, crossovers and street drainage;
- Building specifications and other information such as termite treatment and an energy efficiency compliance checklist;
- A Bushfire Attack Level (BAL) assessment if the land has been designated by the Fire and Emergency Services Commissioner as being bushfire prone (<https://www.dfes.wa.gov.au/regulationandcompliance/bushfireproneareas/Pages/default.aspx>) including details of all additional bushfire protection construction measures recommended by the BAL assessment;
- A copy of the following approval/s if required:
 - If the proposed building work cannot be connected to reticulated sewerage disposal infrastructure and involves the construction or installation of an on-site effluent disposal system, a copy of an approval issued by the Shire or Department of Health WA to an 'Application to Construct or Install an Apparatus for the Treatment of Sewage' prepared pursuant to the *Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974*; and
 - If the proposed building work is 'development' as defined in the *Planning and Development Act 2005*, a copy of the development / planning approval issued by the Shire or its reference number;
- Appropriate consent forms or court order where work encroaches onto or adversely affects other land;
- Evidence that the required insurance provisions under the *Home Building Contracts Act 1991* have been met (where applicable);
- Payment of the prescribed fee and levy; and
- Evidence of owner-builder approval from the Building Services Board (if applicable).

In circumstances where retrospective approval is required for any existing unauthorised building works, application can be made for a building approval certificate. A building approval certificate confirms that the building has been assessed by a registered building surveyor for compliance and that a certificate of building compliance has been issued. If you are unsure if you require a retrospective building



approval please call or email the Shire on (08) 9880 1204 or admin@kulin.wa.gov.au.

Building permit and building approval certificate application forms as well as further information and general guidance is available on the Building Commission website (<https://www.commerce.wa.gov.au/building-commission>). Please take the time to check your application is complete. An incomplete application may be returned and any fees paid forfeited.

It is important to again note that development approval is sometimes required before a building permit can be issued. Development approval should be obtained before lodging a building permit or building approval certificate application with the Shire.