



PLANNING APPLICATIONS - COMMONLY ASKED QUESTIONS

1. HOW LONG WILL IT TO TAKE BEFORE MY APPLICATION IS PROCESSED

All applications are required to be lodged with the Shire and need to be assessed under the Shire's Local Planning Scheme ('the Scheme').

The Shire has 60 days to process an application. If an application has to be advertised for public comment, the Shire has 90 days to process the application (unless otherwise agreed to).

The Shire will process the application as quickly as possible, however delays may occur if your application is incomplete, or more information is needed to accurately assess your application.

2. WHO PROCESSES MY APPLICATION?

The application is first lodged with the Shire and then referred to the Shire's external Planning Consultant for assessment and advice.

3. DOES MY APPLICATION HAVE TO BE REFERRED TO A COUNCIL MEETING?

All planning applications are referred to a full Council meeting for determination. There are no Officers at the Shire who have delegated authority to approve or refuse planning applications.

Council meetings are held monthly and a list of meeting dates can be viewed on the Shire's website - www.sharkbay.wa.gov.au

If your application is advertised, then it may not be referred to the next available meeting as advertising is required for a minimum of 14 days.

4. WHERE CAN I GET PLANS OF MY BLOCK?

If there are existing buildings on your block, the Shire may have copies of plans for your property, house or building. You need to lodge a written request to the Shire requesting copies of any plans. If you are not the landowner, you must include approval from the landowner that gives the Shire the ability to copy and provide the plans to you. There are fees to search for plans and for copies of plans and/or permits.

The Shire cannot guarantee that any existing plans are adequate for the purpose of lodging a new planning application.

Alternatively, you will need to engage a professional draftsman and / or surveyor to compile a plan for your development.

If your property has different levels, or you propose cut/fill and retaining walls, we recommend that you engage a surveyor to ensure the base levels for the any plans are accurate.

5. WHAT IF I DO NOT HAVE LEVELS OF MY BLOCK?

You may need to engage a licensed surveyor to take accurate levels of your property before you engage a draftsman to design the development. If you provide inaccurate levels on plans then it may cause issues later when you want to build. The plans lodged for both a planning approval and a building permit must be accurate.

6. WHY DO I NEED TO SHOW LEVELS ON MY PLANS? WHY CAN'T SOMEONE FROM THE SHIRE JUST GO AND LOOK AT THE PROPERTY?

As the applicant or owner, you are responsible for ensuring that you provide accurate plans to the Shire showing the proposed development. This is a standard requirement for planning applications and a requirement of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

The Shire's external planning consultant and the Council make recommendations and decisions, respectively on the acceptability of the development, based on the plans submitted. If your plans are not accurate, then it may cause more serious issues when you proceed to build.

If your plans are incorrect and you cannot build in accordance with the planning approval, then you will likely need to lodge a new Planning Application. By providing accurate plans 'up front', you will save time during the planning process and for your separate building permit application.

7. WHY WOULD MY APPLICATION BE ADVERTISED FOR PUBLIC COMMENT?

The Shire has broad discretion to advertise any planning application. For residential development, applications are referred to neighbours where a variation to the Residential Design Codes is proposed. For other developments, applications may be advertised because the Shire wants to give neighbours the opportunity to comment, or it may be a requirement of the Shire's Scheme for the development to be advertised.

Sometimes applications are also referred to other key government agencies or stakeholders such as Main Roads WA, the Department of Biodiversity, Conservation and Attractions, the Department of Planning, Lands and Heritage, the Shark Bay World Heritage Advisory Committee etc.

If the application is advertised, the advertising period will be for a minimum of 14 days. In most instances, Planning Applications will not be referred to Council until after the advertising period has closed so that Council can have regard for any comments made during advertising.

8. WHAT IF I AM NOT HAPPY WITH THE COUNCIL DECISION, OR CONDITIONS PLACED ON MY PLANNING APPROVAL?

Once an application is determined by Council, an applicant has 28 days to lodge an 'Application for Review' to the State Administrative Tribunal (SAT). The Tribunal can review any decision made by a local authority, where it is a matter that the Council has discretion over.

9. HOW LONG DOES MY PLANNING APPROVAL LAST?

The development must be substantially commenced within two (2) years of the date of the planning approval, unless otherwise stated in the approval. If the development is not substantially commenced within 2 years, then the approval lapses.

10. CAN I BUILD ONCE I HAVE PLANNING APPROVAL?

A planning approval is not an approval to build or to proceed with on-site works. It is an approval for the development layout and proposed use of the land.

A separate building permit application must be lodged to the Shire and any construction must be in accordance with a current and valid building permit.

11. WHAT IF I DON'T COMPLY WITH MY PLANNING APPROVAL, OR CONDITIONS ON MY PLANNING APPROVAL?

If a development does not comply with a planning approval, the approved plans or any conditions of planning approval, then it would be in breach of the Shire of Shark Local Planning Scheme No 4. Any person who fails to comply with the Scheme may be found guilty of an offence.

Under the Planning and Development Act, fines can be issued for any proven breach or contravention of the Scheme with maximum penalties up to \$50,000.00 and a daily penalty of up to \$5000.00.

12. WHAT HAPPENS IF I CHANGE THE DESIGN OF MY DEVELOPMENT AFTER PLANNING APPROVAL IS ISSUED?

The Planning Approval is issued for the specific plans lodged as part of the application. Any development needs to be in accordance with the approved plans. If you propose to change the plans, you may be required to lodge a new planning application.

13. WHAT IS THE DIFFERENCE BETWEEN A PLANNING APPROVAL AND A BUILDING PERMIT?

A planning application is assessed by a Planning Officer and can deal with a range of issues such as erecting a new building or changing a land-use. Planning Approval can be issued for the use of land, and for the general layout of a building. Planning applications are assessed in accordance with the Shire's Local Planning Scheme, and for residential development, an assessment is also made under the Residential Planning Codes.

A building permit application is assessed by a Building Surveyor and assesses compliance with the Building Code of Australia (BCA). The building assessment is more technically involved in the actual structure of the building and making sure that the building structure complies with the BCA. The Building Surveyor will assess the technical information such as the structural details, footings etc.