

City of Belmont



Unauthorised Development Application for Development Approval

Unauthorised Developments

Unauthorised development occurs when work starts or is completed without the required approval from the Local Government.

If this happens, the owner or applicant must take steps to rectify the situation. Failure to do so may result in significant penalties, including prosecution.

The Council may approve an existing development or land use if it complies with the Scheme. However, if it does not comply and is not rectified, the Council may refuse the application and take further action to ensure compliance.

Submitting an application does not guarantee approval. Each application is assessed on its merits, and any submissions received are taken into consideration.

If development approval is granted, it applies to planning matters only. Separate building approval may also be required. Failure to meet building requirements may result in the structure being removed and/or prosecution.

Assessment of Applications for Development Approval for Unauthorised Development

When assessing an application for development approval for an unauthorised development, the following criteria is required to be addressed:

- Compliance with the City's Local Planning Scheme No. 15, Local Planning Policies and any other relevant planning legislation.
- Does the use accord with the zoning of the property?
- Does the development have a detrimental visual impact upon a locality?
- Does the development have any adverse impact upon occupants of adjacent properties in the locality?

If development approval cannot be issued by the City then the unapproved works may have to be removed. The granting of development approval does not exempt the person who undertook the work from compliance penalties.

If the City has identified that development approval is required, but the person who undertook the development without approval (or current landowner) fails to lodge an application then serious fines and penalties may apply as the result of prosecution. If found guilty of an offence pursuant to the *Planning and Development Act 2005* the penalty is \$200,000 with an applicable daily penalty of \$25,000. For businesses the penalty is \$1,000,000 (5 x \$200,000) with an applicable daily penalty of \$125,000 (5 x \$25,000).

Applications for Development Approval for Unauthorised Developments

The following information needs to be submitted:

- **Application for Development Approval Form** completed and signed by **all landowners** (registered on the certificate of title) of the land; or is accompanied by a letter of authorisation signed by all landowners of the land.
- MRS Form 1 (only to be used in instances where development is proposed on or abutting land that is Reserved under the Metropolitan Region Scheme).
- Current copy of the **Certificate of Title** (no older than 6 months). *Note: This is required to confirm ownership details and to check for caveats and memorials that may affect the proposed development. Available for purchase from Landgate (www.landgate.wa.gov.au).*
- **Fee**– refer to Schedule of Planning Fees. Note: penalty fees apply for unauthorised development. The fees for unauthorised developments applications are higher than normal as there is an additional cost, by way of penalty, enforced for such application. This is a State Government requirement that the Council is obligated to enforce and will under no circumstance be waived.
- **Plans** – Please refer to development application checklist for information required on plans.

Lodgement of Applications for Development Approval for Unauthorised Developments

Please note fees must be paid in full upon lodgment with the City. Applications can be lodged using one of the following methods:

- **In Person**

City of Belmont Civic Centre
215 Wright Street
Cloverdale WA 6105

- **By Post**

City of Belmont
Locked Bag 379
Cloverdale WA 6985

- **Online**

Applications can be lodged online. Refer www.belmont.wa.gov.au