

## Condition Clearance Process Development Applications (DA)

### Introduction

Development approvals are usually subject to conditions. Conditions are requirements associated with an approval. Some conditions need to be cleared by the City before the development can be acted upon and for the approval to remain valid. All conditions must be adhered to for the life of the development.

Conditions intend to achieve a planning purpose, and often require additional information and/or amendments to the plans after an approval is issued. This information sheet will outline how to obtain condition clearance from the City of Subiaco.

### Types of conditions

There are different types of conditions which identify the trigger point when it must be satisfied, as follows (note this list is not exhaustive):

- Prior to the issue of a demolition permit...
- Prior to commencement of physical works...
- Prior to commencement of the use...
- Prior to the issue of a building permit...
- Prior to practical completion...
- Prior to occupation...

There are also conditions which do not identify a time-based trigger. These conditions are ongoing and must always be adhered to for the life of the development.

### When is condition clearance required?

Any DA determined by a Development Assessment Panel (DAP) will include multiple conditions requiring formal clearance. Some DAs determined under delegated authority, or by Council, may also require formal clearance. Where formal condition clearance is required, an advice note may be included on your determination certificate.

You may wish to contact the City's Planning Services on 9237 9222 or [planning@subiaco.wa.gov.au](mailto:planning@subiaco.wa.gov.au) to clarify whether formal condition clearance is required.

### How do I obtain condition clearance?

A written request via email can be made to the City via [planning@subiaco.wa.gov.au](mailto:planning@subiaco.wa.gov.au). The request must include the following:

- Clearly state which condition(s) you are requesting clearance.
- Written justification addressing each element of the condition and how it has been satisfied.
- Submission of supporting documentation (where required).

The City will assess the submitted documentation. The assessment may include referring the documentation to relevant internal departments, or the City's Design Review Panel (DRP) for comment and/or endorsement.

Once reviewed, the City will issue a formal letter by email to outline whether the condition has or has not been formally cleared. Where a condition has not been cleared, the letter will outline the reasons it has not been satisfied, and the information required to obtain clearance. Further information may be submitted to the City for reconsideration. Each letter will include a table with all conditions and their status.

## Examples of common conditions requiring formal clearance

This section outlines some examples of conditions which typically require formal clearance, and the information required to be submitted (please note this list is not exhaustive and the time-based trigger may vary).

### 1. Construction Management Plan (CMP)

The submission of a CMP may be required prior to the issue of a demolition and/or building permit. The condition will list all matters to be addressed within the CMP. The request for clearance should outline how each matter is addressed. A copy of the CMP must be submitted.

### 2. Dilapidation Reports

Where significant excavation works are approved and/or a proposal adjoins a heritage-protected place, a condition may be imposed requiring dilapidation reports to be conducted prior to commencement of physical works. The condition will identify which adjoining and/or surrounding properties require dilapidation reports. A suitably qualified professional must prepare the reports. Where a landowner denies access to undertake the report, sufficient evidence must be provided to the City to demonstrate all reasonable steps have been undertaken to obtain access. If this condition is imposed on your development approval, you are strongly encouraged to speak to the City prior to engaging a professional to conduct the reports.

### 3. Waste Management Plan (WMP)

The submission of a WMP may be required prior to occupation. The condition will list all matters to be addressed within the WMP. The request for clearance should outline how each matter is addressed. A copy of the WMP must be submitted.

### 4. Noise Management Plan (NMP)

Where a change of use is approved, a NMP may be required to be submitted prior to the issue of a building permit (or other relevant trigger). A suitably qualified professional must prepare the NMP. The request for clearance should outline how each matter is addressed. A copy of the NMP must be submitted.

### 5. Schedule of Materials

Where a large-scale development is approved, or for alterations to a heritage-protected place, a condition may be imposed requiring the submission of a detailed schedule of materials prior to the issue of a building permit.

The schedule should include a list of the materials, colours, finishes and textures. Colour images should be outlined in the schedule and/or annotations included on the elevation drawings. In some cases, the schedule of materials may require review from the City's DRP. If this is the case, you are strongly encouraged to contact the City to determine the date of the next available meeting. In some cases, the schedule can be reviewed by the DRP Chair over email.

### 6. Detailed Landscaping Plan

Where a large-scale development is approved, a condition may be imposed requiring the submission of a detailed landscaping plan prior to the issue of a building permit (or similar trigger). Preferably, a suitably qualified professional shall prepare the plan. In some cases, the landscaping plan may require review from the City's DRP. If this is the case, you are strongly encouraged to contact the City to determine the date of the next available meeting. In some cases, the schedule can be reviewed by the DRP Chair over email. The request for clearance should outline how each element has been addressed. A copy of the plan must be submitted.

Should you have any queries regarding your conditions of approval, please do not hesitate to contact the City's Planning Services on 9237 9222 or [planning@subiaco.wa.gov.au](mailto:planning@subiaco.wa.gov.au)