

Additional Development Exemptions

Policy Type: Local Planning Policy Policy Owner: Director urban Planning	Policy No. LPP 1.17 Last Review Date: 20 July 2021 <u>XX XX 20XX</u>
---	--

Policy Objectives

The objective of this policy is:

- ~~To augment the deemed to comply standards of the R-Codes for outbuildings and Patios in;~~
- To list additional development exemptions in accordance with Cl. 61 (1) 20 of the *Planning and Development (Local Planning Schemes) Regulations 2015 (The Regulations)*.
- ~~To provide exempt demolition from the need for development approval.~~

Policy Scope

This policy applies to ~~outbuildings, patios, temporary development, dividing fences~~ and demolition. Where a proposal satisfies the criteria outlined in this policy, development approval is not required. Development which otherwise satisfies the exemption criteria of Clause 61 of Schedule 2 of The Regulations is likewise exempt from requiring development approvals.

Definitions / Abbreviations Used In Policy

Residential Design Codes (R-Codes)
Planning and Development (Local Planning Schemes) Regulations 2015 (the Regulations)

Policy Statement

Clause 61 of Schedule 2 of the Regulations, details the types of works and land uses which are exempt from development approval. In accordance with section 20 of the table a local government can specify works which are exempt from planning approval in a local planning policy in addition to the exemptions listed in the Regulations. In relation to residential development, planning approval is not required if the relevant deemed-to-comply provisions of the R-Codes are met unless the site is affected by heritage considerations. Table 1 of this policy lists additional exemption criteria where, if satisfied, development approval is not required.

Table 1 - Additional development exemptions

Category of work	Criteria
Shade Structures (Patios, Shade Sails and Pergolas) <u>Patios</u>	<p>Patios</p> <p>Patios which do not meet the deemed-to-comply lot boundary setback criteria of tables 1, 2a and 2b which are:</p> <ul style="list-style-type: none"> • <u>A maximum wall height of 3.0m above natural ground level;</u> • <u>Set back from the street to comply with Local Planning Policy LPP 3.1 Residential Development;</u> • <u>Open on two or more sides;</u> • <u>Open sided where they are located adjacent to a common boundary;</u> • <u>Not to cover more than two-thirds of the primary outdoor living area; and</u>

	<p>Patios, including roofs, gutters and eaves, may be located less than 1 metre from the boundary subject to the total length being compliant with the boundary wall provisions of LPP 3.1 Residential Development. In accordance with the R-Codes, patio posts less than 450mm in dimension are not considered to be a boundary wall.</p>
Demolition	<p>Demolition of any building including single house, grouped dwellings, multiple dwellings and non-residential buildings, where the structure(s) is/are not:</p> <p>(i) located in a place that is entered in the Register of Heritage Places under the Heritage of Western Australia Act 1990; or</p> <p>(ii) the subject of an order under the Heritage of Western Australia Act 1990 Part 6; or</p> <p>(iii) included on a heritage list prepared in accordance with this Scheme; or</p> <p>(iv) located within an area designated under this Scheme as a heritage area; or</p> <p>(v) the subject of a heritage agreement entered into under the Heritage of Western Australia Act 1990 section 29.</p>
Dividing fences	<p>Dividing fences behind the street setback line to a maximum height of 2.3m measured from the approved natural ground level on the higher property.</p> <p><i>Note: the above criteria does not exempt the need for approval and consultation with the adjoining landowner under other acts such as the Dividing Fences Act 1961.</i></p>
Non residential development	<p>The following works to non-residential properties are exempt from requiring development approval:</p> <ul style="list-style-type: none"> • Replacing or altering roofing materials on a building where there is no change to the roof form and pitch. • The painting or application of render on the external surface of any building or structure. • Adding, altering or replacing external cladding materials on a building where there is no change to the building form including the covering of existing windows. <p>Except where the place is -</p> <p>i) Entered in the State Register of Heritage Places'</p> <p>ii) The subject of a Heritage Order; or</p>

	<u>iii) Included in the Heritage list.</u>
<u>External fixtures</u>	<u>External fixtures which are not located on the front elevation of a building.</u> - <u>Standard antennas and satellite dishes installed on the roof or other parts of the building which are not located on the front elevation of a building.</u> - <u>Standard letterboxes comply with the deemed-to-comply requirements of the R-Codes and Council policy.</u>

References that may be applicable to this Policy

Legislative Requirements:

Planning and Development Act 2005
Planning and Development (Local Planning Schemes) Regulations 2015

Procedure, Process Maps, Work Instructions:

Planning Application Directorate Procedure

Other Plans, Frameworks, Documents Applicable to Policy:

Local Planning Scheme No.6
State Planning Policy 3.1 -Residential Design Codes
LPP 3.1 Residential Development
DA – 020: Planning and Related Matters

Delegated Authority No: