

Additional Development Exemptions

Policy Type: Local Planning Policy
Policy Owner: Director Urban Planning

Policy No. LPP 1.17
Last Review Date: 16 March 2024

Comment [MS1]: To be updated following Council meeting

Policy Objectives

The objective of this policy is:

- To augment the deemed to comply standards of the R-Codes for outbuildings and Patios;
- To provide exempt demolition from the need for development approval.

Policy Scope

This policy applies to outbuildings, patios and demolition. Where a proposal satisfies the criteria outlined in this policy, development approval is not required.

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 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 – Additional Development Exemptions

Category of work	Criteria
Outbuilding	<p>As per the R-Codes deemed to comply criteria with the exception of the following:</p> <ul style="list-style-type: none"> • Walls may be built up to the boundary subject to compliance with the boundary wall length meeting the provisions of LPP3.1 Residential Development.

Shade Structures (Patios, shade sails and pergolas)	<p>Patios</p> <ol style="list-style-type: none"> 1. Maximum wall height of 3.0m above natural ground level. 2. Maximum ridge height 3.5 metres above natural ground level. 3. Street setbacks to comply with Local Planning Policy <i>LPP3.1 Residential Development</i>. 4. Open on two or more sides. 5. Open sided where they are located adjacent to a common boundary. 6. Not to cover more than two-thirds of the primary outdoor living area. 7. Supporting posts, eaves, gutters, roofs may be located less than 1 metre from the boundary subject to the total length being compliant with the boundary wall provisions of <i>LPP3.1 Residential Development</i>. 8. Patios setback 1 metre or more from the boundary are exempt from development approval subject to meeting points 1-6.
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> <ol style="list-style-type: none"> (i) located in a place that is entered in the Register of Heritage Places under the Heritage of Western Australia Act 1990; or (ii) the subject of an order under the Heritage of Western Australia Act 1990 Part 6; or (iii) included on a heritage list prepared in accordance with this Scheme; or (iv) located within an area designated under this Scheme as a heritage area; or (v) the subject of a heritage agreement entered into under the Heritage of Western Australia Act 1990 section 29.

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 LPP 1.7 Telecommunications Facilities and Equipment
Delegated Authority No:	DA – 020: Planning and Related Matters

ORIGIN/AUTHORITY

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