



Additional Development Exemptions

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| Policy Type: Local Planning Policy Policy Owner: Director Planning | Policy No. LPP 1.17 Last Review Date: 21 February 2023 |
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Policy Objectives

The objective of this policy is:

- To list additional development exemptions in accordance with Cl. 61 (1) 20 of the *Planning and Development (Local Planning Schemes) Regulations 2015* (The Regulations).

Policy Scope

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



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| | <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> <ul 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. |
| 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>For this exemption to apply, confirmation of neighbour consultation with, and agreement from, the adjoining landowner is to be provided to the City prior to the commencement of development.</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 |



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| | <p>the building form including the covering of existing windows.</p> <p>Except where the place is -</p> <ul style="list-style-type: none"> i) Entered in the State Register of Heritage Places' ii) The subject of a Heritage Order; or iii) Included in the Heritage list. |
| External fixtures | <p>External fixtures which are not located on the front elevation of a building.</p> <p>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.</p> <p>Standard letterboxes comply with the deemed-to-comply requirements of the R-Codes and Council policy.</p> |

References that may be applicable to this Policy

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| Legislative Requirements: | Planning and Development Act 2005 Planning and Development (Local Planning Schemes) Regulations 2015 |
| Procedures, 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 |
| Delegated Authority No: | DA – 020: Planning and Related Matters |

ORIGIN/AUTHORITY

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| Ordinary Council Meeting | 21 February 2023 | UP23/4016 |
| Ordinary Council Meeting | 20 July 2021 | P21/3934 |
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Reviews

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