



# Local Planning Policy: 1.5 Exempt Development Policy

**Objectives:** Place

**Outcome:** 2.1 - A diverse, well planned built environment.

**Strategy:** 2.1.1 - Actively engage in the development and promotion of an effective planning framework.

## Purpose

The objectives of this Policy are to:

1. Provide certainty about what is minor development and to exempt such development from the need for development approval.
2. To streamline the land use planning regulatory process and to reduce red tape.
3. Ensure acceptable development outcomes are maintained.

## Definitions

**Trellis** means an architectural structure, usually made from an open framework or lattice of interwoven or intersecting pieces of wood, bamboo or metal that is normally made to support and display climbing plants, especially shrubs.

**Horse Shelter** means a small building unenclosed on at least one side for the purpose of providing a place for horses to be protected.

Words or expressions defined in the *Planning and Development Act 2005*, any regulations made under that Act, in the Scheme or the Residential Design Codes (R-Codes) have the same meaning in this Policy.

Where any legislation or document is referred to in this Policy, it includes any amendment, update, substitution or replacement.

## Background

Schedule 2, Part 7, Clause 61, of the Planning and Development (Local Planning Schemes) Regulations 2015 (The Deemed Provisions) sets out the type of works or uses that do not require development approval from the Local Government. Sub-clause 61 (1)(i) and 61 (2)(e) provides the ability for the Local Government to adopt a Local Planning Policy to specify any other works or uses that do not require development approval.

The purpose of this Local Planning Policy is to define what forms of development in addition to the types listed in Clause 61 are exempt from the need to obtain development approval.

This Policy applies to all zoned land applicable under the Shire of Serpentine Jarrahdale unless development approval is required in accordance with Local Planning Scheme No.3. Local Planning Scheme No.3 except

## Policy

### Prerequisites

Before carrying out any development listed in Table 1, any other licences, permits or approvals required must be obtained in accordance with any other law.

Development approval is not required for any development listed in Table 1 'Development' providing it complies with the conditions contained in the corresponding column 'Conditions' and does not vary any standards or requirements prescribed in the Scheme or the *Planning and Development (Local Planning Schemes) Regulations 2015*, or any other requirements of the R-Codes.

**TABLE 1 - Development that is exempt from development approval**

Development	Conditions
Arbor, archway or gateway - or similar type of decorative structure that defines a pedestrian entrance.	<ul style="list-style-type: none"> <li>• Maximum height 3 metres; and</li> <li>• Maximum width 2.5 metres.</li> </ul>
A boundary wall or any wall that would be setback between 0.6m and 1m from the boundary on lots with an applicable R-Code of R20 or greater.	<ul style="list-style-type: none"> <li>• Is not greater than 9m in length;</li> <li>• No higher than 3.5m with an average of 3m or less.</li> </ul>
Fences	<p><u>Lot Boundary Fences</u> (shared common boundaries not fronting a street)</p> <p>Residential Zone or Urban Development Zone where designated as Residential under a Structure Plan:</p> <ul style="list-style-type: none"> <li>• Maximum 1.8m high from natural ground level for a lot boundary.</li> </ul> <p>'General Industry' 'Light Industry', Industrial Development and Service Commercial Zones:</p> <ul style="list-style-type: none"> <li>• Constructed of 50mm steel mesh;</li> <li>• Maximum height of 1.8m from natural ground level with a maximum overall height of 2.1m where barbed wire is placed on top of the fence;</li> <li>• Supported by steel galvanised pipe posts: <ul style="list-style-type: none"> <li>➤ 2.7m in length;</li> <li>➤ Nominal bore of 40mm and outside diameter of Ø 48mm;</li> </ul> </li> </ul>

Development	Conditions
	<ul style="list-style-type: none"> <li>➤ Spaced at 4m centres;</li> <li>➤ Sunk 0.6m into the ground, encased in concrete having diameter of Ø 150mm; and</li> <li>➤ Terminal posts are braced in line of the fence with diagonal pipe braces having nominal bore of 50mm and outside diameter of Ø 60mm.</li> </ul> <ul style="list-style-type: none"> <li>• Centre and bottom high tensile galvanised steel wire 3.15mm in diameter, double twisted.</li> </ul> <p>Rural Residential Zones - Front Fences and Lot Boundary Fences:</p> <ul style="list-style-type: none"> <li>• Post and rail or post and wire or timber posts with uncoated chain mesh (this exemption does not include industrial style coated chain mesh with metal posts and top rail; and</li> <li>• Maximum 1.2m to a street boundary or 1.8m high from natural ground level to a lot boundary with no street.</li> </ul> <p>Rural Smallholding, Rural, Environmental Conservation Zones:</p> <ul style="list-style-type: none"> <li>• Post and rail or post and wire or timber posts with uncoated chain mesh (this exemption does not include industrial style coated chain mesh with metal posts and top rail; and</li> <li>• Maximum 1.8m high from natural ground level to a lot boundary and 1.2m to a street boundary.</li> </ul> <p>Front Fences</p> <ul style="list-style-type: none"> <li>• Where compliant with the deemed-to-comply requirements of the R-Codes and/or designated as 'Residential' under a Structure Plan.</li> </ul>
Feature walls (Landscape Walls)	<ul style="list-style-type: none"> <li>• Maximum 3m width at a max height of 2.1m from natural ground level; and</li> <li>• Setback behind the primary street setback.</li> </ul>
Horse Shelter(s)	<ul style="list-style-type: none"> <li>• Do not require the clearing of any vegetation;</li> <li>• No greater than 16m<sup>2</sup> in area per shelter;</li> <li>• One shelter per paddock.</li> </ul>

Development	Conditions
	<ul style="list-style-type: none"> <li>• Height is not greater from natural ground level than: <ul style="list-style-type: none"> <li>➤ Front: 3m</li> <li>➤ Rear: 2.4m</li> </ul> </li> <li>• Enclosed on not more than three sides;</li> <li>• Setback in accordance with the relevant provisions specific to the applicable zone/designation.</li> </ul> <p><i>Note: Horse Shelters complying with these Conditions are not included in the floor area calculations for Outbuildings, Sheds and Stables.</i></p>
Outdoor Cooking facilities - Pizza Oven, BBQ	<ul style="list-style-type: none"> <li>• Maximum height 1.8m from natural ground level excluding chimney or flue; and</li> <li>• Structures above 1.8m from natural ground level need to be setback as required by the R- Codes.</li> </ul>
The erection or extension of a single house, external fixture, boundary wall or fence, pergola, veranda, garage, carport or swimming pools and spas on the same lot as a single house or grouped dwelling within the Urban Development Zone	<ul style="list-style-type: none"> <li>• Where a Structure Plan is in place and designates an R Codes and the proposed development complies with the R-Codes as amended by this policy; OR</li> <li>• Where a District Structure Plan is in place and designates the land as Urban/Residential and the development satisfies the deemed-to-comply requirements of the R-Codes based on the equivalent minimum site area compared to the lot size.</li> </ul>
Patios – (these provisions are in addition to the requirements in relation to buildings built up to lot boundaries under the R-Codes)	<p><u>Residential Zone</u> (Including where designated Residential under a Structure Plan) with a density code of R20 or greater:</p> <ul style="list-style-type: none"> <li>• Roofline Set back at least 500mm from up to two lot boundaries (Posts may be built up to boundaries);</li> <li>• Where the length of any patio wall/s, built up to a lot boundary, does not exceed 10m;</li> <li>• Open Space and Outdoor Living compliant with the deemed-to-comply requirements of the R-Codes.</li> </ul>

Development	Conditions
	<p>All other Zones:</p> <ul style="list-style-type: none"> <li>Compliant with the relevant development standards for the applicable zone/designation.</li> </ul> <p>All Zones:</p> <ul style="list-style-type: none"> <li>Positioned behind the building line; and</li> <li>No higher than the roof of the attached approved dwelling on the property.</li> </ul>
Public Art	<ul style="list-style-type: none"> <li>Is not offensive; and</li> <li>Does not cause obstruction to clear vehicle sightlines.</li> <li>Where it is proposed on public land and has obtained approval from relevant management Authority or;</li> <li>When in accordance with LPP 1.6 or Public Art Master Plan</li> </ul>
Reserve Signage (Reserve refers to any local road and public open space reservation)	<ul style="list-style-type: none"> <li>Where advertising for a single, one-off event, permitted within three (3) weeks leading up to the event advertised;</li> <li>The sign is removed within three (3) days following the event date;</li> <li>Is not located on a Main Road WA reserve without the consent of Main Roads; and</li> <li>Complies with the 'Standards' contained within Local Planning Policy 4.11 – Advertising.</li> </ul>
Satellite Dishes, masts and antennas	<p>All Zones:</p> <ul style="list-style-type: none"> <li>Is not visible from the primary street;</li> <li>Maximum diameter of 1.8m.</li> <li>Maximum projection of 3m from the highest point of the building to which it is attached.</li> </ul>
Solar Panels	<ul style="list-style-type: none"> <li>Solar panels are positioned on the roof of an existing building;</li> <li>Maximum projection of 1.5m from the highest point of the building to which it is attached; and</li> </ul>

Development	Conditions
	<ul style="list-style-type: none"> <li>• Incidental to an approved land use.</li> </ul>
Sail and Shade Structures	<ul style="list-style-type: none"> <li>• Is associated with a residential development;</li> <li>• Where no part of the fabric is closer than 500mm to any boundary,</li> <li>• The posts can have a nil setback; and</li> <li>• Setback behind the primary street setback area.</li> </ul>
Swimming Pools and Barriers	<ul style="list-style-type: none"> <li>• Below ground on lots zoned 'Residential' or designated 'Residential' under a Structure Plan</li> </ul>
<p>Trading or Events –</p> <p>The use of any land which is approved through a license or permit issued under a local law</p>	<ul style="list-style-type: none"> <li>• The activity does not involve alterations to the land or construction of permanent structure(s);</li> <li>• Is only in existence for less than 48 hours;</li> <li>• Does not require a greater period of 5 days setup and breakdown of event infrastructure; and</li> <li>• The cumulative total number of events at the property does not exceed more than two (2) events in any 12 month period.</li> </ul> <p><i>Note: for events in existence greater than 48 hours, Approval from the Shire will be required.</i></p>
Trellis – or similar perforated material attached to Common or Dividing Fence	<p>If located adjacent to a side or rear (not secondary street) dividing fence:</p> <ul style="list-style-type: none"> <li>• The combined height of the fence and trellis does not exceed 2.4m from natural ground level; and</li> <li>• Setback 6m from primary street boundary OR if located on a primary street dividing fence.</li> <li>• The combined height of the fence and trellis does not exceed 1.5m; and</li> <li>• The trellis does not cover more that 25% of the frontage.</li> </ul>
Water Feature	<ul style="list-style-type: none"> <li>• Maximum height of 2.4m above natural ground level if located behind the primary street setback;</li> <li>• Maximum height of 1.2m above natural ground level if located within the primary street setback; and</li> <li>• Permitted with a nil boundary setback.</li> </ul>

Development	Conditions
Windmills and Wind Turbines	<ul style="list-style-type: none"> <li>• Incidental to a use occurring on the land which has Council approval, or does not require Council approval.</li> <li>• Only permitted in the Rural Residential, Rural Smallholding, or 'Rural' Zone/designation.</li> <li>• Compliant with the relevant setbacks/requirements for the applicable Zone/designation.</li> <li>• A maximum height of 12m.</li> <li>• One Windmill or Wind Turbine is permitted per lot.</li> </ul> <p><i>Note: Noise must be compliant with the Environmental (Noise) Regulations 1997.</i></p>
Works to a building in a dangerous state or state of an emergency. (i.e. a building that presents a hazard to members of the public)	<ul style="list-style-type: none"> <li>• The repairs will replicate the external appearance of the structure in its original state; and</li> <li>• No additions are applied or implemented to the structure as part of the works.</li> </ul>
Bed and Breakfast	<ul style="list-style-type: none"> <li>• Minimum lot size 900m<sup>2</sup></li> <li>• Maximum of two bedrooms and two bathroom may be used for the bed and breakfast.</li> <li>• One onsite car parking space is required per guest bedroom in addition to two spaces for the residential use.</li> </ul>
Painting/Maintenance of a Building	<ul style="list-style-type: none"> <li>• The repairs will replicate the external appearance of the structure in its original state; and</li> <li>• No additions are applied or implemented to the structure as part of the works</li> </ul>
Container Deposit Scheme Infrastructure	All container deposit scheme infrastructure consistent with the exemptions listed in Appendix 1 – Model Local Planning Policy of Position Statement: Container Deposit Scheme Infrastructure (September 2020) as amended.

**References:**

<b>Name of Policy</b>	Local Planning Policy: 1.5 Exempted Development Policy
<b>Previous Policy</b>	Local Planning Policy 81 – Minor Development
<b>Date of Adoption and Resolution Number</b>	23 July 2018 - OCM063/07/18
<b>Review dates and Resolution Numbers</b>	
<b>Next review date</b>	
<b>Related documents</b>	<p><b>Acts/Regulations</b></p> <ul style="list-style-type: none"> <li>• <i>Local Government Act 1995</i></li> <li>• <i>Planning and Development Act 2005</i></li> <li>• <i>Planning and Development (Local Planning Schemes) Regulations 2015</i></li> </ul> <p><b>Plans/Strategies</b></p> <ul style="list-style-type: none"> <li>• Strategic Community Plan 2017 - 2027</li> </ul> <p><b>Policies</b></p> <p><b>References</b></p> <p><b>Delegations</b></p> <p>11.1.1</p> <p><b>Work Procedures</b></p>

*Note: changes to references may be made without the need to take the Policy to Council for review.*