

Council Policy - Acceptable Building / Planning Minor Modifications

Responsible Directorate	Development Services
Responsible Business Unit/s	Statutory Planning and Compliance, Building Services
Responsible Officer	Manager Statutory Planning and Compliance
Affected Business Units	Statutory Planning Compliance Building Services

Objective

The objective of this Policy is to provide for a:

1. Clear description of when an amended application for planning approval will and will not be required depending on the scale of modification proposed in the building permit application;
2. Provide an equitable and standardised manner in determining what constitutes an 'Acceptable Minor Variation' for Planning and Building Services within the Shire.

Scope

The scope of this policy is to assist the Shire in exercising discretion in exempting minor modifications from the requirement of planning approval to expedite the development process.

1 Policy

1.1 Introduction

It is acknowledged that due to costs associated with preparing detailed design drawings and the uncertainty of planning approval being granted, developers for larger proposals (often commercial in nature) submit plans which are conceptual in nature as part of an application for planning approval.

Once planning approval has been granted, detailed design is undertaken where in some instances minor modifications are required to be undertaken to a design to address site constraints and Building Code of Australia (BCA) requirements.

This policy seeks to provide the mechanism to bypass the requirement of obtaining planning approval for minor modifications which are necessary to address site constraints and BCA requirement to fast track the development process where possible.

This Policy importantly is an instrument to assist officers in exercising discretion in the decision making process and should not be read as an automatic exemption.

1.2 Acceptable Minor Modifications

An application under clause 77 of the *Planning and Development (Local Planning Schemes) Regulations 2015* may not be required where a minor or multiple minor modifications to an approved development has been sought which propose the following 'Acceptable Minor Modifications' and read in conjunction with Clause 2.1 of this policy:-

- (a) Reduction in scale of development that is considered to have a lesser impact than what is approved;
- (b) Increased boundary setbacks, such that the development would remain predominantly within the footprint of what has been approved and only where required as a result of detailed design;



- (c) Increase to the height of building not exceeding 1%;
- (d) Relocation of windows and doors within an elevation, and material changes which do not significantly alter the appearance of the building or impact adjoining properties;
- (e) Change in floor level in order to comply with drainage or any other requirement
- (f) Minor adjustment to the position of a flagpole;
- (g) Minor external fixtures, fittings, located within the lot boundaries and must not encroach or adversely affect neighbouring property;
- (h) Modification required to address a Building Code of Australia requirement.
- (i) Increase to the height of building between 1% and 5%, subject to this increase not directly impacting adjoining neighbours;

2 Exclusions

2.1 Exclusion to Acceptable Minor Modifications

Planning approval for minor modifications will be required where, despite a proposal which may meet the 'Acceptable Minor Modifications' list of Clause 1.2, triggers the following:

- (a) Where minor modifications have been proposed that would trigger the requirement of public consultation for the proposal, a development application will be required;
- (b) Where a minor modification trigger an assessment against the provisions of the Residential Design Codes;
- (c) Where a minor modification seeks to vary a Shire of Serpentine Jarrahdale Town Planning Scheme No.02;
- (d) For development occurring within the Bushfire Prone Area, any modifications to the location of the development that would impact on the Asset Protection Zone will require a development application;
- (e) Where minor modification requires an acoustic requirement;
- (f) Where multiple minor modifications have been proposed that in the Shire's opinion materially changes the overall development;
- (g) Where minor modifications are proposed to an approved development resolved by either Council or the Joint Development Assessment Panel, where in the Shire's opinion significantly modifies the approved development;
- (h) Where it is considered that modifications will have an adverse impact on surrounding development.
- (i) In the Shire's opinion modifications are not required to address a Building Code of Australia requirement.

Definitions

Acceptable Minor Modification An amendment or modification that in the opinion of officers, would not have a measurable impact on an abutting property or views from a street or right-of-way.

Legislation/Local Law Requirements

- *Local Government Act 1995;*
- *Planning and Development (Local Planning Schemes) Regulations 2015;*
- *Building Code of Australia.*



Continued

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Office Use Only				
Relevant Delegations	Refer to Register of Delegations and Sub-delegations (as amended)			
Council Adoption	Date	18/11/2019	Resolution #	OCM252/11/19
Reviewed/Modified	Date		Resolution #	
Reviewed/Modified	Date		Resolution #	