

# Local Planning Policy No. 81

## Minor Development

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### 1.0 Policy Objectives

The objectives of this Policy are to:

- Provide certainty about what is minor development and exempt from the need for development approval.
- Streamline the land use planning regulatory process.
- Ensure acceptable development outcomes are maintained.

### 2.0 Background

Schedule 2, Part 7, Clause 61, of the Planning and Development (Local Planning Schemes) Regulations 2015 Deemed provisions for local planning schemes Development for which development approval not required - sets out which type of works or use where development approval is not required by 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 works or use 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 is exempt from the need to obtain development approval.

### 3.0 Application

This policy applies to all zoned land applicable under the Shire of Serpentine Jarrahdale Town Planning Scheme No.2.

### 4.0 Status

#### (a) Relationship to Town Planning Scheme No.2 (TPS2)

This Policy is a planning Policy prepared, advertised and adopted pursuant to Clause 3 of Deemed Provisions of the Planning and Development (Local Planning Schemes) Regulations 2015.

#### (b) Relationship to other documents

This policy has due regard to, and should be read in conjunction with State Planning Policies (SPPs), the Shire's Local Planning Policies (LPPs) and other legislative documents.

### 5.0 Interpretations

The following are definitions that relate directly to the application of this Policy:

- "Arbor" means a feature that defines the pedestrian entry, walkway or passageway consisting of vertical posts or pillars that may also support a roof.
- "Agriculture Extensive" means premises used for the raising of stock or crops, including Pastoral Activity, Cropping, Fodder and Pasture Production, but does not include agriculture – intensive and animal husbandry – intensive.
- "Garden Shed" means an outbuilding (shed) used for storage of landscaping equipment associated with the up keep of a property.
- "Incidental Use" means a use of premises which is consequent on, or naturally attaching, appertaining or relating to, the predominant use.
- "Pastoral Activity" means a use for the limited purpose of grazing of stock (includes but not limited to cattle, sheep, goats, lamas, alpacas and horses), and ancillary activities.

- “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.

## 6.0 Policy Provisions

### 6.1 Prerequisites

6.1.1 Before carrying out any development listed in Table 1, the following matters must be satisfied.

- No variation to any of the development standards prescribed in the TPS2 or the Deemed to Comply Development standards within the Residential Design Codes (R Codes) can be undertaken without the issuing of development approval.
- If required under the Building Act and Regulations of Western Australia a Building Permit must be obtained.

6.1.2 Any works or uses listed in Table 1 is exempt from the need to obtain development approval providing it complies with the conditions contained in the corresponding column to the items specified under ‘Development Types’.

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

<b>Development Type Description</b>	<b>Conditions that apply in addition to the prerequisites listed above</b>
Extensive Agriculture - any buildings/structures/fences or land use associated with a pastoral activity.	<ul style="list-style-type: none"> <li>• Located within either the ‘Rural’ or ‘Farmlet’ zone;</li> <li>• Lot size is greater than 20ha;</li> <li>• Complies with Scheme Provisions for setbacks;</li> <li>• Complies with the outbuilding size permissibility’s further detailed in this table;</li> <li>• Does not involve the clearing of vegetation unless exempt as per the provisions contained within the Scheme (confirmation should be made with the Shire’s Environmental Services);</li> <li>• Building/s are designed and located to achieve any visual management objectives which apply to the area;</li> <li>• Does not have an adverse impact on or detract from the amenity of neighbouring properties and are of a scale consistent with the size of the lot on which it is proposed; and</li> <li>• Stocking rates comply with the Department of Agriculture and Food’s Stocking Rate Guidelines.</li> </ul>
Arbor, archway or gateway - or similar type of decorative structure that defines the pedestrian.	<ul style="list-style-type: none"> <li>• Maximum height 3 metres; and</li> <li>• Maximum width 2.5 metres.</li> </ul>
Boundary wall (a wall, on or less than 1m from any lot boundary, other than a street boundary)	<ul style="list-style-type: none"> <li>• Applies to any building and structure within the Residential zone;</li> <li>• Is not greater than 9m in length;</li> <li>• Does not abut a neighbour’s outdoor living space (alfresco); and</li> </ul>

	<ul style="list-style-type: none"> <li>Does not obstruct privacy and overshadowing concerns on adjoining property/s as detailed in the Residential Design Codes.</li> </ul>
Boundary Fences	<ul style="list-style-type: none"> <li>Residential Zone: <ul style="list-style-type: none"> <li>Max 1.8m for a boundary behind the building line; and</li> <li>Max 1m for a boundary forward of the building line.</li> </ul> </li> <li>'General Industry' 'Light Industry' &amp; 'Commercial' zones: <ul style="list-style-type: none"> <li>Constructed of 50mm steel mesh;</li> <li>Height of 1.8m on top of which are to be three strands of barbed wire (overall height of 2.1m);</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 48mm</li> </ul> </li> <li>Spaced at 4m centres</li> <li>Sunk 0.6m into the ground, encased in concrete having diameter of 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 60mm</li> <li>Centre and bottom high tensile galvanised steel wire 3.15mm in diameter, double twisted.</li> </ul> </li> <li>Special Residential, Special Rural, Rural Living A, Rural Living B and Rural Residential zones: <ul style="list-style-type: none"> <li>Post and rail or post and wire; and</li> <li>Erected and maintained to securely confine all cattle or livestock within boundaries of property.</li> </ul> </li> <li>Farmlet, Agricultural Protection or Rural zones: <ul style="list-style-type: none"> <li>Erected from suitable material to retain cattle:</li> <li>Set not less than 450mm into the ground and not less than 1.2m out of the ground; and</li> <li>Each fence post shall carry the equivalent of not less than five plain galvanised wires;</li> <li>Erected and maintained so as to securely confine all cattle within boundaries of the property.</li> </ul> </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>
Front fence	<ul style="list-style-type: none"> <li>Located within the 'Residential Zone' under the Scheme or associated approved Structure Plan;</li> <li>Is not greater than 1.2m in height, measured from the primary street side of the fence;</li> <li>Piers are no greater than 1.8m in height; and</li> <li>Contains visually permeable treatments by incorporating:</li> </ul>

	<ul style="list-style-type: none"> <li>• Continuous vertical or horizontal gaps of 50mm or greater width occupying not less than one third of the total surface area; or</li> <li>• Continuous vertical or horizontal gaps less than 50mm in width, occupying at least one half of the total surface area in aggregate; or</li> <li>• A surface offering equal or lesser obstruction to view, as viewed directly from the street.</li> <li>• For Corner properties:</li> <li>• Walls, fences and other structures truncated or reduced to no higher than 0.75m within 1.5m of where walls, fences, other structure adjoin vehicle access points where a driveway meets a public street and where two streets intersect.</li> </ul>																
<p>Garage sales, fairs, fetes, circus, charity goods sales and the like</p>	<ul style="list-style-type: none"> <li>• Is a one off event within any 12 month period; and</li> <li>• Is between the hours of 7am and 7pm Mon – Sat or 9am – 5pm Sun</li> </ul>																
<p>Garden Shed</p>	<ul style="list-style-type: none"> <li>• Maximum of 16m<sup>2</sup>;</li> <li>• One garden shed per lot; and</li> <li>• Wall height of 2.4m and roof ridge of 3m</li> </ul> <p><i>Note: a building permit is not required if it is less than 10sqm and no more than 2.4m in ridge height.</i></p>																
<p>Horse Shelter</p>	<ul style="list-style-type: none"> <li>• Does not require the clearing of any trees or shrubs;</li> <li>• No greater than 16sqm in area;</li> <li>• Height is not greater than:</li> <li>• Front: 3m</li> <li>• Rear: 2.4m</li> <li>• Enclosed on not more than 3 sides;</li> <li>• Setback in accordance with the Scheme provisions specific to the applicable zone; and</li> <li>• One shelter per paddock.</li> </ul> <p><i>Note: a building permit is not required</i></p>																
<p>Outbuildings (includes stables for lots greater than 4,000m<sup>2</sup>)</p>	<ul style="list-style-type: none"> <li>• Is incidental to the approved primary use of the land;</li> <li>• Complies with the minimum setback / building envelope requirements for the applicable zone and built behind the building setback line;</li> <li>• Does not involve the clearing of vegetation unless exempt as per the provisions contained within the Scheme (confirmation should be made with the Shire’s Environmental Services);</li> <li>• Stables are to be compliant with the Shire’s Health Local Laws;</li> <li>• Stables shall be incidental and associated with an approval to keep horses on the property; and</li> <li>• Complies with following size requirements:</li> </ul> <table border="1" data-bbox="699 1823 1428 2065"> <thead> <tr> <th>Zone / Lot size</th> <th>Floor Area (accumulative)</th> <th>Wall Height</th> <th>Roof Ridge</th> </tr> </thead> <tbody> <tr> <td>Rural (≥ 40ha)</td> <td>≤ 500m<sup>2</sup></td> <td>5m</td> <td>6m</td> </tr> <tr> <td>Rural (4ha – 40ha) and Farmlet</td> <td>≤ 300m<sup>2</sup></td> <td>5m</td> <td>6m</td> </tr> <tr> <td>Rural Living B/Special Rural and Rural Groundwater Protection (2ha – 4ha)</td> <td>≤ 200m<sup>2</sup></td> <td>4.5m</td> <td>5m</td> </tr> </tbody> </table>	Zone / Lot size	Floor Area (accumulative)	Wall Height	Roof Ridge	Rural (≥ 40ha)	≤ 500m <sup>2</sup>	5m	6m	Rural (4ha – 40ha) and Farmlet	≤ 300m <sup>2</sup>	5m	6m	Rural Living B/Special Rural and Rural Groundwater Protection (2ha – 4ha)	≤ 200m <sup>2</sup>	4.5m	5m
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	Rural Living A (1ha – 2ha)	≤ 150m <sup>2</sup>	4.2m	5m
	Rural Living A (4000m <sup>2</sup> – 1ha)	≤ 120m <sup>2</sup>	4.2m	5m
	Special Use Zone – Conservation Living	≤ 200m <sup>2</sup>	4.2m	5m
	Special Use Zone – Darling Views Estate	≤ 150m <sup>2</sup>	3.5m	5m
	Residential/Urban Development / Special Residential (≥ 1000m <sup>2</sup> )	≤ 100m <sup>2</sup>	3.2	4.5
	Residential (R10 – R80)	≤ 60 m <sup>2</sup> or 10% of lot area, whichever is lesser	2.4m	4.2m
	<p><i>Note: the floor areas identified in the table are on an accumulative scale.</i></p> <ul style="list-style-type: none"> <li>• Outbuildings setback 6 meters or greater from a habitable building will not be required to submit a Bushfire Attack Level Assessment at building permit stage, as per P2.3.4 of the Building Code of Australia.</li> </ul> <p><i>Note: this aligns with the State Planning Framework for planning in bushfire prone areas, at the date of drafting.</i></p>			
Outdoor Cooking facilities - Pizza Oven, BBQ	<ul style="list-style-type: none"> <li>• Maximum height 1.8 metres excluding chimney or flue; and</li> <li>• Structures above 1.8m need to be setback as required by the R- Codes.</li> </ul>			
Patios (except on northern elevation)	<p>Residential Zone:</p> <ul style="list-style-type: none"> <li>• Setback 500mm from boundary fence;</li> <li>• 2/3 of outdoor area remains permanently uncovered: <ul style="list-style-type: none"> <li>○ R20-R25 = 20m<sup>2</sup></li> <li>○ R30-R35 = 16m<sup>2</sup></li> <li>○ R40 = 13m<sup>2</sup></li> <li>○ R50-R80 = 10.6m<sup>2</sup>; and</li> </ul> </li> <li>• All stormwater is retained onsite.</li> </ul> <p>Note: posts are permitted with a nil setback.</p> <p>All other zones:</p> <ul style="list-style-type: none"> <li>• If a building envelope is applicable, located within the building envelope;</li> <li>• Where no building envelope is applicable, setback in accordance minimum setback provisions as per the Scheme;</li> <li>• Positioned behind the building line; and</li> <li>• No higher than that 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> </ul>			

Rainwater Tank	<ul style="list-style-type: none"> <li>• Located behind the primary street setback area;</li> <li>• Maximum height 2.4 metres above ground level;</li> <li>• Rainwater tanks and associated structures need to be setback as required in terms of the R Codes or Development Controls specific to the zone; and</li> <li>• Tanks must be incidental to the residential use.</li> </ul> <p>Permitted sizes by lot area:</p> <p>≥4,000m<sup>2</sup> = 8.74m in diameter          &lt;4,000m<sup>2</sup> but ≥ 2,000m<sup>2</sup> = 3.88m          &lt;2,000m<sup>2</sup> = 6,000 litre tank</p> <p><i>Note: an 8.74m diameter x 2.2m high (200mm sand pad / footing) holds 131,941L; an 3.88m diameter x 2.2m high holds 26,062L</i></p>
Reserve Signage	<ul style="list-style-type: none"> <li>• Where advertising for a single, one-off event;</li> <li>• Permitted within 3 weeks leading up to the event advertised;</li> <li>• The sign is removed within 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 05 – Advertising Signs.</li> </ul>
Retaining walls in the residential zone	<ul style="list-style-type: none"> <li>• Retaining walls are permitted to a maximum height of 650mm above the natural ground level and located up to the boundary of the subject lot.</li> </ul>
Sand Pads outside building envelope	<ul style="list-style-type: none"> <li>• Located within Rural Living A, Rural Living B, Special Rural and Farmlet Zones;</li> <li>• The sand pad doesn't exceed greater than 2m from the building envelope boundary; and</li> <li>• The sand pad is graded towards natural ground level for no greater than 2m outside of the building envelope boundary.</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>• Is not sited on a building or land included in the Heritage List; and</li> <li>• Maximum projection of 3m from the highest point of the building to which it is attached.</li> </ul>
Sea Container	<ul style="list-style-type: none"> <li>• Where compliant with Local Planning Policy No. 20, planning approval will not be required;</li> </ul> <p><i>Note 1: a building permit <u>is required</u> for a sea container of any size that are to be situated on site for periods longer than 1 month.</i></p> <p><i>Note 2: a building permit <u>is required</u> for the placement of a sea container that is larger than 10m<sup>2</sup> and greater than 2.4m in height and is free standing.</i></p>

	<p><i>Note 3: a building permit is <u>not required</u> if the sea container is associated with building works.</i></p>
Solar Panels.	<ul style="list-style-type: none"> <li>• Solar panels are positioned on the roof of an existing building;</li> <li>• Is not sited on a building or land included in the Shires Municipal Heritage Inventory; and</li> <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>• No part of the fabric is closer than 750mm to any boundary; and</li> <li>• Setback behind the primary street setback area.</li> </ul>
Trading or Events - The use of any land which is approved through a license or permit issued under a local law	<ul style="list-style-type: none"> <li>• The activity does not involve alterations to the land or construction of permanent structure(s); and</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.</li> </ul> <p><i>Note: for events in existence greater than 48 hours, Approval from the Shire may be required.</i></p>
Trellis - Lattice 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 2.4 metres; and</li> <li>• Setback 6 metres from primary street boundary.</li> </ul> <p>OR</p> <p>If located on a primary street dividing fence.</p> <ul style="list-style-type: none"> <li>• The combined height of the fence and trellis does not exceed 1.5 metres.</li> </ul>
Water Feature	<ul style="list-style-type: none"> <li>• Maximum height of 2.4 metres above natural ground level if located behind the primary street setback;</li> <li>• Maximum height of 1.2 metres above natural ground level if located within the primary street setback; and</li> <li>• Permitted with a nil boundary setback.</li> </ul>
Windmills	<ul style="list-style-type: none"> <li>• If proposed to be constructed in the 'Special Residential', 'Special Rural', 'Rural Living A', 'Rural Living B', 'Farmlet', 'Agricultural Protection', 'Rural' or 'Rural Residential' zone.</li> </ul>
Wind Turbines (to generate power) associated with a residential or agricultural use.	<ul style="list-style-type: none"> <li>• Maximum height to not exceed 7.5 metres;</li> <li>• There are no noise emissions that would impact on the amenity of adjoining properties;</li> <li>• Complies with applicable setback provisions associated with the specified zone, as specified within the Scheme; and</li> <li>• Does not involve the removal of vegetation not otherwise exempt under the Scheme.</li> </ul>
Works to a building in a dangerous state or state of an emergency.	<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>

**Policy Adoption and Amendment History:**

<b>Reviewed/Modified</b>	<b>Minutes Reference</b>	<b>Date</b>	<b>Meeting Type</b>
Adopted	OCMxxx/xx/xx	xx/xx/16	Ordinary Council Meeting
Reviewed			