

Local Planning Policy No. 81

Minor Development

1.0 Policy Objectives

The objectives of this Policy are to:

- Provide certainty about what is minor development and to exempt such development from the need for development approval.
- To streamline the land use planning regulatory process and to reduce red tape.
- 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 (The Deemed Provisions) 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 and Local Planning Policy 80 are 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 **except the Rural Groundwater Protection Zone and within areas identified as 'Places of Natural Beauty' under Appendix 7 of the Scheme.**

4.0 Status

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

This Policy is a Local Planning Policy prepared, advertised and adopted pursuant to Part 2 Division 2 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

If a word or expression used in this Policy is listed in this clause, its meaning is as follows.

"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, **but is not required to be incidental to an existing dwelling.**

"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, llamas, alpacas and horses), and ancillary activities.~~

~~“Predominant Use” means the primary use of premises to which all other uses carried out on the premises are incidental.~~

~~“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.~~

~~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.~~

~~Where a zoning or a R-Code density is referred to includes where an approved structure plan identifies that land will have that zoning or density and variations to the R-Codes as provided for in Local Development Plans.~~

6.0 Policy Provisions

6.1 Prerequisites

- 6.1.1 Before carrying out any development listed in Table 1, if required under the Building Act and Regulations of Western Australia a Building Permit must be obtained and any other approvals that may be required under any other law.
- 6.1.2 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’**, unless:
- (i) there is a variation to any of the development standards or requirements prescribed in the Scheme or the *Planning and Development (Local Planning Schemes) Regulations 2015* (including Part 10A Bushfire risk management) or the deemed-to-comply requirements of the R-Codes,
 - (ii) the development is located in a place that is:
 - (a) entered in the Register of Heritage Places under the Heritage of Western Australia Act 1990; or
 - (b) the subject of an order under the Heritage of Western Australia Act 1990 Part 6; or
 - (c) included on a heritage list prepared in accordance with the Scheme; or
 - (d) within an area designated under the Scheme as a heritage area; or
 - (e) the subject of a heritage agreement entered into under the Heritage of Western Australia Act 1990 section 29; or
 - (iii) it requires the removal, destruction or damaging of any trees or naturally growing vegetation that are not exempt from requiring the Council's planning consent under Clause 7.12.4 of the Scheme. *Note: even if any impact to native vegetation is exempt from requiring the Council's planning consent it may still be subject to the requirements of the Environmental Protection Act 1986 and*

Environmental Protection (Clearing of Native Vegetation) Regulations 2004 which should be confirmed.

in which case development approval is required.

TABLE 1 - Development that is exempt from development approval

Development Type Description	Conditions that apply in addition to the prerequisites listed above
Extensive Agriculture — any buildings/structures/fences or land use associated with a pastoral activity.	<ul style="list-style-type: none"> • Located within either the 'Rural' or 'Farmlet' zone; • Lot size is greater than 20ha; • Complies with Scheme provisions for setbacks; • Complies with the outbuilding size permissibility's further detailed in this table; • 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); • Are designed and located to achieve any visual management objectives which apply to the area; • 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 • Stocking rates comply with the Department of Agriculture and Food's Stocking Rate Guidelines.
Arbor, archway or gateway - or similar type of decorative structure that defines a pedestrian entrance.	<ul style="list-style-type: none"> • Maximum height 3 metres; and • Maximum width 2.5 metres.
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"> • Applies to any building and structure within the Residential zone; • Is not greater than 9m in length; • Does not abut a neighbour's outdoor living space (alfresco); and • Does not obstruct privacy and overshadowing concerns on adjoining property/s as detailed in the R Codes. • No higher than 3.5m with an average of 3m or less.
Ancillary Dwellings	<ul style="list-style-type: none"> • The change of use of a building or part of a building or the construction of an Ancillary Dwelling where compliant with the R-codes and Local Planning Policy 39 Ancillary Dwellings.
Boundary Fences	<p>Residential Zone:</p> <ul style="list-style-type: none"> • Maximum 1.8m high from natural ground level for a lot boundary behind the building line; and • Max 1m high from natural ground level for a boundary forward of the building line. <p>'General Industry' 'Light Industry' & 'Commercial' zones:</p> <ul style="list-style-type: none"> • Constructed of 50mm steel mesh; • 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;

	<ul style="list-style-type: none"> • Supported by steel galvanised pipe posts: <ul style="list-style-type: none"> ○ 2.7m in length ○ Nominal bore of 40mm and outside diameter of 48mm ○ Spaced at 4m centres ○ Sunk 0.6m into the ground, encased in concrete having diameter of 150mm; and ○ Terminal posts are braced in line of the fence with diagonal pipe braces having nominal bore of 50mm and outside diameter of 60mm • Centre and bottom high tensile galvanised steel wire 3.15mm in diameter, double twisted. <p>Special Residential, Special Rural, Rural Living A, Rural Living B and Rural Residential zones:</p> <ul style="list-style-type: none"> • Post and rail or post and wire; • Maximum 1.2m high from natural ground level; and • Erected and maintained to securely confine all cattle or livestock within boundaries of property. <p>Farmlet, Agricultural Protection or Rural zones:</p> <ul style="list-style-type: none"> • Erected from suitable material to retain cattle: <ul style="list-style-type: none"> ○ Set not less than 450mm into the ground and not less than 1.2m out of the ground; and ○ Each fence post shall carry the equivalent of not less than five plain galvanised wires; • Erected and maintained so as to securely confine all cattle within boundaries of the property.
<p>Feature walls (Landscape Walls)</p>	<ul style="list-style-type: none"> • Maximum 3m width at a max height of 2.1m from natural ground level; and • Setback behind the primary street setback.
<p>Front fence</p>	<ul style="list-style-type: none"> • Located within the 'Residential Zone' under the Scheme or associated approved Structure Plan; • Is not greater than 1.2m in height, measured from the primary street side of the fence; • Piers are no greater than 1.8m in height; and • Contains visually permeable treatments by incorporating: <ul style="list-style-type: none"> Continuous vertical or horizontal gaps of 50mm or greater width occupying not less than one third of the total surface area; or • Continuous vertical or horizontal gaps less than 50mm in width, occupying at least one half of the total surface area in aggregate; or • A surface offering equal or lesser obstruction to view, as viewed directly from the street. • For Corner properties: <ul style="list-style-type: none"> • 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

	<p>points where a driveway meets a public street and where two streets intersect.</p>
<p>Garage sales, fairs, fetes, circus, charity goods sales and the like</p>	<ul style="list-style-type: none"> • Is a one off event within any 12 month period; and • Is between the hours of 7am and 7pm Mon – Sat or 9am – 5pm Sun.
<p>Garden Shed on lots with an R-code of R20 or greater</p>	<ul style="list-style-type: none"> • Maximum of 16m²; • One garden shed per lot; • Nil lot boundary setbacks are permitted; and • Wall height of 2.4m and roof ridge of 3m from natural ground level. <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>Stables (Horse Shelters)</p>	<ul style="list-style-type: none"> • Does not require the clearing of any trees or shrubs; • No greater than 16sqm in area; • Height is not greater from natural ground level than: <ul style="list-style-type: none"> ○ Front: 3m ○ Rear: 2.4m • Enclosed on not more than 3 sides; • Setback in accordance with the Scheme provisions specific to the applicable zone; and • One shelter per paddock. • Stables complying with these conditions are not considered in the floor area calculations for Outbuildings and Stables as Outbuildings. <p><i>Note: a building permit is not required for developments complying with these conditions.</i></p>

<p>Outbuildings (includes stables for lots greater than 4,000m²)</p>	<ul style="list-style-type: none"> Is incidental to a Use occurring on the land which has Council approval or does not require Council approval; Complies with the Scheme minimum setback / building envelope requirements for the applicable zone and built behind the building setback line; 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); Stables are to be compliant with the Shire's Health Local Laws; Stables shall be incidental and associated with an approval to keep horses on the property where approval is required; and Complies with following size requirements: <table border="1" data-bbox="683 712 1406 1429"> <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>≤ 500m²</td> <td>5m</td> <td>6m</td> </tr> <tr> <td>Rural (4ha – 40ha) and Farmlet</td> <td>≤ 300m²</td> <td>5m</td> <td>6m</td> </tr> <tr> <td>Rural Living B/Special Rural and Rural Groundwater Protection (2ha – 4ha)</td> <td>≤ 200m²</td> <td>4.5m</td> <td>5m</td> </tr> <tr> <td>Rural Living A (1ha – 2ha)</td> <td>≤ 150m²</td> <td>4.2m</td> <td>5m</td> </tr> <tr> <td>Rural Living A (4000m² – 1ha)</td> <td>≤ 120m²</td> <td>4.2m</td> <td>5m</td> </tr> <tr> <td>Special Use Zone – Conservation Living</td> <td>≤ 200m²</td> <td>4.2m</td> <td>5m</td> </tr> <tr> <td>Special Use Zone – Darling Views Estate</td> <td>≤ 150m²</td> <td>3.5m 4.2m</td> <td>5m</td> </tr> <tr> <td>Residential/Urban Development / Special Residential (≥ 1,000m²)</td> <td>≤ 100m²</td> <td>3.2</td> <td>4.5</td> </tr> <tr> <td>Residential (R10 – R80)</td> <td>≤ 60 m² or 10% of lot area, whichever is lesser</td> <td>2.4m</td> <td>4.2m</td> </tr> </tbody> </table> <p>These floor area calculations will not include the area of a Stable (horse shelters) complying with the conditions in the row above.</p> <p><i>Note: the floor areas identified in the table are on an accumulative scale.</i></p> <p><i>Note: Outbuildings setback less than 6 metres from a habitable building will be required to submit a Bushfire Attack Level Assessment at building permit stage, as per P2.3.4 of the Building Code of Australia. This aligns with the State Planning Framework for planning in bushfire prone areas, at the date of drafting.</i></p> 	Zone / Lot size	Floor Area (accumulative)	Wall Height	Roof Ridge	Rural (≥ 40ha)	≤ 500m ²	5m	6m	Rural (4ha – 40ha) and Farmlet	≤ 300m ²	5m	6m	Rural Living B/Special Rural and Rural Groundwater Protection (2ha – 4ha)	≤ 200m ²	4.5m	5m	Rural Living A (1ha – 2ha)	≤ 150m ²	4.2m	5m	Rural Living A (4000m² – 1ha)	≤ 120m²	4.2m	5m	Special Use Zone – Conservation Living	≤ 200m ²	4.2m	5m	Special Use Zone – Darling Views Estate	≤ 150m ²	3.5m 4.2m	5m	Residential/Urban Development / Special Residential (≥ 1,000m ²)	≤ 100m ²	3.2	4.5	Residential (R10 – R80)	≤ 60 m² or 10% of lot area, whichever is lesser	2.4m	4.2m
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<p>Outdoor Cooking facilities - Pizza Oven, BBQ</p>	<ul style="list-style-type: none"> Maximum height 1.8 metres from natural ground level excluding chimney or flue; and Structures above 1.8m from natural ground level need to be setback as required by the R- Codes. 																																								

<p>Patios (except on northern elevation)</p>	<p>Residential Zone:</p> <ul style="list-style-type: none"> • Setback at least 500mm from boundary fence; • 2/3 of outdoor area remains permanently uncovered: <ul style="list-style-type: none"> ○ R20-R25 = 20m² ○ R30-R35 = 16m²; ○ R40 = 13m²; and ○ R50-R80 = 10.6m² • All stormwater is retained onsite. <p>All other zones:</p> <ul style="list-style-type: none"> • If a building envelope is applicable, located within the building envelope; • Where no building envelope is applicable, setback in accordance minimum setback provisions as per the Scheme; • Positioned behind the building line; and • No higher than that of the attached approved dwelling on the property.
<p>Public Art</p>	<ul style="list-style-type: none"> • Is not offensive; and • Does not cause obstruction to clear vehicle sightlines.
<p>Rainwater Tank</p>	<ul style="list-style-type: none"> • Located behind the primary street setback area; • Maximum height 2.4 metres above natural ground level; • Rainwater tanks and associated structures need to be setback as required in terms of the R Codes or Scheme provisions specific to the lot; and • Permitted sizes by lot area: <p>≥4,000m² = 8.74m in diameter <4,000m² but ≥ 2,000m² = 3.88m in diameter <2,000m² = 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>
<p>Reserve Signage (Reserve refers to any local road and public open space reservation)</p>	<ul style="list-style-type: none"> • Where advertising for a single, one-off event, permitted within 3 weeks leading up to the event advertised; • The sign is removed within 3 days following the event date; • Is not located on a Main Road WA reserve without the consent of Main Roads; and • Complies with the 'Standards' contained within Local Planning Policy 05 – Advertising Signs.
<p>Retaining walls in the residential zone and where an approved Structure Plan identifies that the lot will be zoned Residential and that the R-Codes will apply</p>	<ul style="list-style-type: none"> • 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.
<p>Sand Pads (for footings or landscaping) outside building envelope</p>	<ul style="list-style-type: none"> • Located within Rural Living A, Rural Living B, Special Rural and Farmlot Zones; The sand pad doesn't extend further than 2m outside of the building envelope boundary; and

	<ul style="list-style-type: none"> The sand pad is graded towards natural ground level for no greater than 2m outside of the building envelope boundary.
Satellite Dishes, masts and antennas	<p>All Zones</p> <ul style="list-style-type: none"> Is not visible from the primary street; Maximum diameter of 1.8metres. Is not cited on a building or land included on the heritage list; and Maximum projection of 3 metres from the highest point of the building to which it is attached.
Sea Container	<ul style="list-style-type: none"> Where compliant with Local Planning Policy No. 20 development approval will not be required. <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 10m² 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"> Solar panels are positioned on the roof of an existing building; Maximum projection of 1.5 metres from the highest point of the building to which it is attached; and Incidental to an approved land use.
Sail and Shade Structures	<ul style="list-style-type: none"> Is associated with a residential development; Where no part of the fabric is closer than 750mm to any boundary, the posts can have a nil setback; and Setback behind the primary street setback area as per the Scheme.
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"> The activity does not involve alterations to the land or construction of permanent structure(s); Is only in existence for less than 48 hours, Does not require a greater period of 5 days setup and breakdown of event infrastructure. The cumulative total number of events at the property does not exceed more than 2 events in any 12 month period; and <p><i>Note: for events in existence greater than 48 hours, Approval from the Shire will 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"> The combined height of the fence and trellis does not exceed 2.4 metres from natural ground level; and Setback 6 metres from primary street boundary. <p>OR</p>

	<p>If located on a primary street dividing fence.</p> <ul style="list-style-type: none"> The combined height of the fence and trellis does not exceed 1.5 metres.
Water Feature	<ul style="list-style-type: none"> Maximum height of 2.4 metres above natural ground level if located behind the primary street setback; Maximum height of 1.2 metres above natural ground level if located within the primary street setback; and Permitted with a nil boundary setback.
Windmills	<ul style="list-style-type: none"> Only permitted in the 'Special Residential', 'Special Rural', 'Rural Living A', 'Rural Living B', 'Rural Residential', 'Farmlet', or 'Rural' zone. Complies with applicable setback provisions associated with the specified zone, as specified within the Scheme; and Does not involve the removal of vegetation not otherwise exempt under the Scheme.
Wind Turbines (to generate power) associated with a residential or agricultural use.	<ul style="list-style-type: none"> Maximum height to not exceed 7.5 metres from natural ground level; Noise emissions will comply with the requirements of the Environmental Protection Act 1986 and Environmental Protection (Noise) Regulations 1997; and Complies with applicable setback provisions associated with the specified zone, as specified within the Scheme or R-Codes. Does not involve the removal of vegetation not otherwise exempt under the Scheme.
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"> The repairs will replicate the external appearance of the structure in its original state; and No additions are applied or implemented to the structure as part of the works.

Policy Adoption and Amendment History:

Reviewed/Modified	Minutes Reference	Date	Meeting Type
Adopted	OCM124/09/17	26/09/17	Ordinary Council Meeting
Reviewed			