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| <b>Objectives:</b> | Place  |
| <b>Outcome:</b>    | 2.1 - A diverse, well planned built environment.   |
| <b>Strategy:</b>   | 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

**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.

**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 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.



## Local Planning Policy: 1.5 Exempted Development Policy

### 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>  |
| Ancillary Dwellings  | <ul style="list-style-type: none"> <li>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 4.1 Ancillary Dwellings;</li> </ul>   |
| Boundary Fences  | <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' &amp; '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 48mm</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> </ul> </li> <li>Centre and bottom high tensile galvanised steel wire 3.15mm in diameter, double twisted.</li> </ul> |



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|  | <p>Special Residential, Special Rural, Rural Living A, Rural Living B and Rural Residential zones:</p> <ul style="list-style-type: none"> <li>• Post and rail or post and wire (including chain mesh);</li> <li>• Maximum 1.8m high from natural ground level; and</li> </ul> <p>Farmlet, Agricultural Protection or Rural zones:</p> <ul style="list-style-type: none"> <li>• Post and rail or post and wire (including chain mesh);</li> <li>• Maximum 1.8m high from natural ground level;</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>  |                           |             |            |
| Garden Sheds on lots with an R-Code of R20 or greater                      | <ul style="list-style-type: none"> <li>• Maximum floor area of 16m<sup>2</sup>;</li> <li>• One garden shed per lot;</li> <li>• Nil lot boundary setbacks are permitted; and</li> <li>• Wall height of 2.4m and roof ridge of 3m from natural ground level.</li> </ul> <p><i>Note: Garden sheds complying with these conditions are not included in the floor area calculations for Outbuildings and Stables.</i></p>   |                           |             |            |
| 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> <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 3 sides;</li> <li>• Setback in accordance with the relevant provisions specific to the applicable zone/designation; and</li> </ul> <p><i>Note: Horse Shelters complying with these conditions are not included in the floor area calculations for Outbuildings and Stables.</i></p> |                           |             |            |
| Outbuildings (includes stables for lots greater than 4,000m <sup>2</sup> ) | <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>• Compliant with the relevant setbacks/building envelope requirements for the applicable zone/designation.</li> <li>• Compliant with following size requirements:</li> </ul>   |                           |             |            |
|  | 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, 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   | $\leq 150\text{m}^2$ | 4.2m | 5m  |
|  | Special Use Zone – Conservation Living   | $\leq 200\text{m}^2$ | 4.2m | 5m  |
|  | Special Use Zone – Darling Views Estate  | $\leq 150\text{m}^2$ | 4.2m | 5m  |
|  | Residential/Urban Development (where designated as Residential under a Structure Plan) / Special Residential ( $\geq 1,000\text{m}^2$ )  | $\leq 100\text{m}^2$ | 3.2  | 4.5 |
| <p><i>Note: the floor areas are calculated based on the floor area of all outbuildings and stables on the site.</i></p> <p><i>Note: Outbuildings setback less than 6m 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.</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 Code; and</li> <li>The proposed development complies with the R Codes, as amended by this policy.</li> </ul>   |                      |      |     |
| Patios   | <p><u>Residential Zone</u> (Including where designated Residential under a Structure Plan):</p> <ul style="list-style-type: none"> <li>Setback at least 500mm from boundary fence;</li> <li>Where the wall length does not exceed 9m;</li> <li>2/3 of outdoor area remains permanently uncovered: <ul style="list-style-type: none"> <li>R20-R25 = <math>20\text{m}^2</math></li> <li>R30-R35 = <math>16\text{m}^2</math>;</li> <li>R40 = <math>13\text{m}^2</math>; and</li> <li>R50-R80 = <math>10.6\text{m}^2</math></li> </ul> </li> </ul> <p><u>All other zones:</u></p> <ul style="list-style-type: none"> <li>Compliant with the relevant setbacks/building envelope requirements for the applicable zone/designation.</li> </ul> <p><u>All Zones:</u></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> </ul>   |                      |      |     |



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|   | <ul style="list-style-type: none"> <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>  |
| Rainwater Tank  | <ul style="list-style-type: none"> <li>Maximum height 2.4m above natural ground level;</li> <li>Compliant with the relevant setbacks/building envelope requirements for the applicable zone/designation.</li> <li>Permitted sizes by lot area:<br/> <math>\geq 4,000\text{m}^2 = 8.74\text{m}</math> in diameter<br/> <math>&lt; 4,000\text{m}^2</math> but <math>\geq 2,000\text{m}^2 = 3.88\text{m}</math> in diameter<br/> <math>&lt; 2,000\text{m}^2 = 6,000\text{L}</math> tank </li> <li>An 8.74m diameter x 2.2m high (200mm sand pad / footing) holds 131,941L;</li> <li>A 3.88m diameter x 2.2m high holds 26,062L.</li> </ul>  |
| Reserve Signage<br>(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 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 4.11 – Advertising.</li> </ul>  |
| Sand Pads (for footings or landscaping) 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 extend further than 2m outside of 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>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 the policy provisions of the specific zone/size lot and Local Planning Policy 4.2 development approval will not be required.</li> </ul> <p><i>Note 1: a building permit is <u>not required</u> if the sea container is associated with building works.</i></p> <p><i>Note 2: 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 3: a building permit <u>is required</u> for the placement of a sea container that is larger than <math>10\text{m}^2</math> and greater than 2.4m in height and is free standing.</i></p> |



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| 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> <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>   |
| 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);</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 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</li> </ul> <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 1.5m; 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>   |
| 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 'Special Residential', 'Special Rural', 'Rural Living A', 'Rural Living B', 'Rural Residential', 'Farmlet', or 'Rural' zone/designation.</li> <li>Compliant with the relevant setbacks/building envelope 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> |



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| Works to a building in a dangerous state or state of an emergency.<br><br>(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>  |



# Local Planning Policy: 1.5 Exempted Development Policy

## References

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| <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><br/> <i>Local Government Act 1995</i><br/> <i>Planning and Development Act 2005</i><br/> <i>Planning and Development (Local Planning Schemes) Regulations 2015</i></p> <p><b>Plans/Strategies</b><br/>           Strategic Community Plan 2017 - 2027</p> <p><b>Policies</b></p> <p><b>References</b></p> <p><b>Delegations</b><br/>           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.