

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 and Compliance Building Services

Objective

The objectives of this Policy are to:

- Provide a 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; and
- Provide an equitable and standardised manner in determining what constitutes an 'Acceptable Minor Variation' for Planning and Building Services within the Shire of Serpentine Jarrahdale (Shire).

Scope

The scope of this policy is to assist the Shire in exercising discretion in exempting minor modifications from the requirement to obtain development 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 development approval being granted, developers for larger proposals (often commercial in nature) submit plans which are conceptual in nature as part of an application for development approval.

Once development approval has been granted, detailed design is undertaken and, 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 development approval for minor modifications which are necessary to address site constraints and BCA requirements, 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 are 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) Any Increase to the height of building between 1% and 5%, subject to this increase not directly impacting adjoining neighbours. An increase in building height not exceeding 1% is acceptable.
- (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

2 Exclusions

2.1 Exclusion to Acceptable Minor Modifications

Development 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;
- (b) Where a minor modification triggers an assessment against the Design Principles of the Residential Design Codes;
- (c) Where a minor modification seeks to vary Local Planning Scheme No.3;
- (d) For development occurring within a Bushfire Prone Area, any modifications to the location of the development that would impact on the Asset Protection Zone or increase the Bushfire Attack Level
- (e) Where minor modification requires an acoustic requirement;
- (f) Where a single or multiple minor modification(s) are proposed that in the Shire's opinion materially changes the overall development;
- (g) Where it is considered that modifications will have an adverse impact on surrounding development.

- (h) Where modifications are proposed to address the BCA when in the Shire's opinion they are not required to address a Building Code of Australia requirement.

Definitions

Acceptable Minor Modification means 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

Related Documents

- Local Planning Policy 1.5 – Exempt Development

Legislation / Local Law Requirements

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

Amendment Record

Relevant Delegations		Refer to Register of Delegations and Sub-delegations (as amended)	
		Date	Resolution Number
Council Adoption		18/11/2019	OCM252/11/19
Version	Date	Resolution Number	Amendment Details
2	17 March 2025	OCM068/03/25	New template and minor amendments to update language and relevant legislation titles