

Policy			
Title:	Exemptions from Development Approval	Code:	LP.04
Purpose or Objective:	To specify the types of development within the local government that does not require a development approval under the Local Planning Scheme No. 42.		
Reference Documents:	<ul style="list-style-type: none"> • <i>Planning and Development Act 2005</i> • Planning and Development (Local Planning Schemes) Regulations 2015 		

Policy Statement
<p>This policy establishes the local government’s position in relation to development that is exempt from requiring development approval. These exemptions are in addition to exempt development types identified in Schedule 2 Deemed Provisions of the Planning and Development (Local Planning Schemes) Regulations 2015.</p> <p>Clause 61 of the Deemed Provisions identifies that development approval is not required for a range of matters, and allows local governments the ability to further exempt development types by specifying those development types within a local planning policy.</p>

1 Scope

This policy applies to all land within the local government. It should be noted that whilst the policy identifies certain development types that do not require development approval, a building permit may still need to be obtained from the local government.

2 Definitions

<i>cubby house</i>	means a play structure intended for the entertainment of children.
<i>flagpole</i>	means a pole on which a flag (such as the Australian flag) is displayed.
<i>temporary viewing platform</i>	means a removable structure that is to be erected for a limited time for the sole purpose of demonstrating the prospective views of a development.
<i>water tank</i>	means a tank for the capture and storage of water.

maintenance and repair

means works that are undertaken to fix or prevent a building, structure or place from deterioration or falling into a state of disrepair. The works are to be undertaken to the same details, materials and specifications of the building, structure or place prior to deterioration or disrepair occurring. These works include:

- Painting of existing painted surfaces
- Rendering of existing rendered surfaces
- Re-roofing with like for like materials and where there is no change to the roof form and pitch
- Replacement of cladding materials with like for like

minor works

means works that are of such a minor type and/or nature that in the opinion of the local government development approval is not required.

3 Exempt Development

- a) In addition to subclause 61(1) of the Deemed Provisions, development approval of the local government is not required for the following works:

Table 1: Exempt Development

Development Type		Conditions Applying to Exempted Development
(a)	Maintenance and Repair	<ul style="list-style-type: none"> i. The <i>maintenance and repair</i> of any building or structure as determined by the local government. ii. Works urgently necessary for public safety, safety or security of plant or equipment, maintenance of essential services, or protection of the environment as determined by the local government.
(b)	Cubby Houses	Where the structure: <ul style="list-style-type: none"> i. is not located within the primary street setback area; and ii. has a maximum height of 2.4m above natural ground level and a maximum area of 10m².
(c)	Demolition	Of any residential or non-residential building or structure except when the development site is subject to subclause 3 b).
(d)	Flagpole	Where the structure is: <ul style="list-style-type: none"> i. contained within the lot boundaries; ii. a maximum height of 6m above natural ground level and 200mm in diameter; and iii. where proposed on a residential property no more than 1 flagpole is to be erected.
(e)	Parking of a Commercial Vehicle	On a residential zoned property where the proposal is compliant with clause 4.15.3 of the Scheme.
(f)	Satellite Dishes, microwave antennae and radio masts	The installation of satellite dishes, microwave antennae and radio masts or other low impact facilities which satisfy the following requirements: <ul style="list-style-type: none"> i. there are no other existing satellite dishes, microwave antennae or radio masts on the subject lot; ii. in the case of satellite dishes in residential areas, the maximum diameter is less than 1m and is not located within any of the street setbacks; and in non-residential areas the maximum diameter is 2m;

Development Type		Conditions Applying to Exempted Development
		<ul style="list-style-type: none"> iii. in the case of microwave antennae, the maximum diameter is 1m or less, the antennae does not project higher than 3m above the ridge line of the building and is not utilised to transmit electromagnetic waves; iv. in the case of radio masts, the height does not exceed 8m, the radio mast is not less than 6m from any of the lot boundaries and the dimension of the antennae does not exceed 6m and is fully contained within the subject lot; and v. where the structure involves Amateur (Ham) Radio Equipment is less than 10m above natural ground level and is setback no less than 4m from any lot boundaries.
(g)	Shade Sails	Where the structure is located outside of the primary street setback area or meets the same primary street setback requirements as if it were a carport.
(h)	Signage	That satisfies the relevant deemed-to-comply requirements of the local government's policy on advertising signs.
(i)	Site Works and Retaining Walls	Where the extent of fill and/or height of the retaining wall(s) does not exceed 500mm above the natural ground level.
(j)	Solar Collectors	On non-residential developments where the structure is installed on the: <ul style="list-style-type: none"> i. roof or other parts of buildings; or ii. ground behind the front setback area in areas that are not otherwise approved for parking and associated access aisles or landscaping.
(k)	Temporary Offices and Sheds	<ul style="list-style-type: none"> i. offices and sheds (including sea containers) used by builders directly associated with the building works occurring on site for the duration of completing the works; and/or ii. offices (including sea containers) used by real estate agents directly associated to the sale of lots and/or dwellings on the development site for a period of 24 months.
(l)	Temporary Viewing Platforms	Where the structure: <ul style="list-style-type: none"> i. is no higher than 4.5m from natural ground level; ii. is to be onsite for less than 7 days; iii. is setback a minimum of 2.5m from any property boundary; and iv. complies with the privacy provisions of the R-Codes as if it is a major opening to a habitable room other than a bedroom.
(m)	Water Tanks	Where the tank(s): <ul style="list-style-type: none"> i. is/are not situated within primary street setback areas; and ii. do not exceed a maximum height of 3m above natural ground level.
(n)	Minor Works	Any minor works as determined by the local government in writing.

- b) Despite subclauses 3 a) above or 3 c) below, development approval will be required for certain works carried out where the development site is:
- i. Located in a place that is entered in the Register of Heritage Places under the *Heritage of Western Australia Act 1990*; or
 - ii. The subject of an order under the *Heritage of Western Australia Act 1990 Part 6*; or
 - iii. Included on a heritage list prepared in accordance with the Scheme; or

- iv. Located within an area designated under the Scheme as a heritage area; or
 - v. The subject of a heritage agreement entered into under the *Heritage of Western Australian Act 1990* section 29.
- c) Despite subclause 3 a) above, development approval may be required for certain works carried out where the development site is:
- i. Located in a special control area designated under the Scheme; or
 - ii. Designated by an order made under section 18(P) of the *Fire and Emergency Services Act 1998* as a bushfire prone area; or
 - iii. Located on land zoned under the Metropolitan Region Scheme (MRS) that abuts the Swan and Canning Development Control Area and the development works are subject to the requirement to obtain development approval under clause 24 of the MRS.

4 Exempt Amendments to Development Approval

In respect to subclause 77(3) of the Deemed Provisions, the local government may waive or vary a requirement to lodge an application for a minor amendment to a development approval which remains, in substance, the same type of works or use, and does not:

- a) Create a new or increase an existing variation to a deemed-to-comply development requirement; or
- b) Require consideration of any relevant planning and development matter where discretion is required; or
- c) Require the addition, deletion or modification of a condition of development approval.

Governance References

Statutory Compliance	<ul style="list-style-type: none"> • <i>Planning and Development Act 2005</i> • Planning and Development (Local Planning Schemes) Regulations 2015
Process Links	

Policy Administration

Program		Officer title	Date last approved
Canning Sustainable Development		Director Canning Sustainable Development	15 October 2019
Version	Decision Reference	Synopsis	Delegation No.
1	SD-014-19	Final adoption	