



POLICY			
<b>TITLE:</b>	<b>EXEMPTIONS FROM DEVELOPMENT APPROVAL</b>	<b>CODE:</b>	<b>LP.04</b>
<b>PURPOSE or OBJECTIVE:</b>	To specify the types of development within the City that does not require a Development Approval under the City of Canning Town Planning Scheme No. 40.		
<b>REFERENCE DOCUMENTS:</b>	<i>Planning and Development Act 2005</i> <i>Planning and Development Regulations (Local Planning Schemes) Regulations 2015</i>		

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

### 1. Scope

This Policy applies to all land within the City of Canning. It should be noted that whilst the Policy identifies certain development types that do not require planning approval, a building permit may still need to be obtained from the City.

### 2. Definitions

- Development* As defined within the *Planning and Development Act 2005*.
- Temporary Viewing Platform* 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.
- Cubby House* a play structure intended for the entertainment of children.

### 3. Exempt Development

The following development is exempt from requiring a Development Approval under the City’s Town Planning Scheme No. 40:

- (1) Development that is specified as being exempted development within the Regulation 61 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, and
- (2) In addition to the development types specified in Clause 3(1) of this Policy, the following are exempt from the requirement to obtain development approval:

<b>Development Type</b>	<b>Conditions Applying to Exempted Development</b>
<i>Cubby Houses</i>	Where the structure: (a) Does not have a floor level elevated more than 1m above natural ground level; and (b) Is not located within the primary street setback area.
<i>Earthworks</i>	Where the extent of fill does not exceed 500mm above the natural ground level.
<i>Flag Poles</i>	Where the structure is: (a) Contained within the lot boundaries; (b) A maximum height of 6m above natural ground level and 200mm in diameter; and (c) Proposed on a residential property and no more than one flag pole is to be erected.
<i>Parking of a Commercial Vehicle</i>	Where the proposal is compliant with Clause 5.4.5 of Town Planning Scheme No. 40.
<i>TV Antennae, Radio Masts, Satellite Dishes, Amateur (Ham) Radio Equipment</i>	Where the structure involves TV Antennae, Radio Masts and Satellite Dishes and is compliant with Schedule A (Supplemental Provisions to the Deemed Provisions) of Town Planning Scheme No. 40.  Where the structure involves Amateur (Ham) Radio Equipment is less than 10m above natural ground level and is setback more than 4m from any lot boundaries.
<i>Shade Sails</i>	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.
<i>Signage</i>	<u>Prior to adoption of new Signage Local Planning Policy:</u> Where the sign: (a) is proposed outside of the City Centre Zone; (b) is located along land having frontage to Albany Highway if: (i) signage does not result in there being more than one (1) free standing sign on any lot, or more than one (1) free standing sign for every forty (40) metres of Highway frontage on any lot; or (ii) the total area of signage does not exceed one (1) square metre for every linear metre of Highway frontage." (c) does not propose non-site specific advertising. <u>Once a new Signage Local Planning Policy is adopted:</u> Where signage is in accordance with the requirements of that Policy.
<i>Temporary Viewing Platforms</i>	Where the structure: (a) Is no higher than 4.5m from natural ground level; (b) Is to be onsite for less than 7 days; (c) Is setback a minimum of 2.5m from any property boundary; and (d) Complies with the privacy provisions of the R-Codes as if it is a major opening to a habitable room other than a bedroom.
<i>Water Tanks</i>	Where the tank, or tanks: (a) Is/are not situated within primary street setback areas; and (b) Do not exceed a maximum height of 3m above natural ground level.

## GOVERNANCE REFERENCES

<b>Statutory Compliance</b>	Planning and Development Regulations (Local Planning Schemes) Regulations 2015 Planning and Development Act 2005
<b>Process Links</b>	Nil

## POLICY ADMINISTRATION

<b>Directorate</b>	<b>Officer Title</b>	<b>Authority to Approve</b>	
Planning and Regulation	Director Planning and Regulation	Council	
<b>Version</b>	<b>Decision Reference</b>	<b>Synopsis</b>	<b>Delegation No.</b>
1	OCM 15/3/2016 (PR-011-16)	New policy adopted	N/A