

Council

PROPOSED FINAL ADOPTION OF REVISED LOCAL PLANNING POLICY NO. 5 – EXEMPTIONS FROM DEVELOPMENT (PLANNING) APPROVAL

A – Development (Planning) Approval Exemptions
Guideline

B – Existing Local Planning Policy No. 5 – Single
House Exemptions in Non-Residential Zones

C – Proposed Local Planning Policy No. 5 –
Exemptions from Development (Planning) Approval

Meeting Date: 26 August 2025

Number of Pages: 19

Development (Planning) Approval Exemptions Guideline

Development Works Exemptions

Type of development...	Zoning of the land is...	Exemptions are outlined in...	Acceptable development standards are in...
Single House	Residential Mixed Use	Planning & Development Regulations	Residential Design Codes
	Urban Development Rural Residential Rural Smallholdings Rural Village Rural	Local Planning Policy No. 5	Local Planning Policy No. 5 Local Planning Scheme
Grouped Dwelling – alteration, extension or addition (not initial development)	Residential Mixed Use Special Use	Local Planning Policy No. 5	Local Planning Policy No. 5 Local Planning Scheme (Special Use) Residential Design Codes (Residential)
Ancillary Dwelling	Residential	Planning & Development Regulations	Residential Design Codes
	Other zones	Nil – requires planning approval	Local Planning Policy No. 1
Outbuildings (sheds)	Residential R2 – R25	Planning & Development Regulations	Residential Design Codes Local Planning Policy No. 3
	Residential R30 and above	Planning & Development Regulations	Residential Design Codes
	Rural Residential Rural Smallholdings Rural Village Rural Special Use Tourism	Local Planning Policy No. 3	Local Planning Policy No. 3 Local Planning Scheme

Water tanks <5kL	All zones	Planning & Development Regulations	Planning & Development Regulations
Water tanks >5kL	Residential Rural Residential Rural Smallholding Rural Village Rural *and residential development in other zones	Town Planning Policy No. 21	Town Planning Policy No. 21
Incidental development to an existing Single House or Grouped Dwelling: <ul style="list-style-type: none"> external fixture to a house boundary wall or fence patio or pergola verandah deck garage carport 	Residential	Planning & Development Regulations	Residential Design Codes
Incidental development to an existing Single House or Grouped Dwelling: <ul style="list-style-type: none"> external fixture to a house roofed or unroofed decking carport gazebo, pergola or patio green house or shade house animal shelter, pen or aviary clothesline letterbox children's play or sporting equipment freestanding aerials, antennae and satellite dishes property entry statement 	Urban Development Rural Residential Rural Smallholdings Rural Village Rural Special Use	Local Planning Policy No. 5	Local Planning Policy No. 5 Local Planning Scheme

Swimming pools	All zones	Planning & Development Regulations	Nil
Shade sails			
Cubbyhouse	All zones	Planning & Development Regulations	Planning & Development Regulations
Flagpole			
Solar panels			
Landscaping, tree planting, retaining walls and site works	Urban Development Rural Residential Rural Smallholdings Rural Village Rural Special Use	Local Planning Policy No. 5	Local Planning Policy No. 5 Local Planning Scheme
Rural produce stalls			
Advertising signage		Planning & Development Regulations Local Planning Scheme	Planning & Development Regulations Schedule 1 in Local Planning Scheme No. 5 Town Planning Policy No. 22
Demolition	All zones	Planning & Development Regulations	Planning & Development Regulations
Internal works (only)			
Maintenance and repairs			
Temporary works (up to 48 hours)			
Emergency works (for public safety)			

Land Use Exemptions

Type of land use is...	Zoning of the land is...	Conditions
Permitted 'P' use in Table 3 – Zoning Table in Local Planning Scheme No. 5	All zones	No works component, or works are exempt
Home Office	All zones	Meets the definition in the Regulations: home office means a dwelling used by an occupier of the dwelling to carry out a home occupation if the carrying out of the occupation — (a) is solely within the dwelling; and (b) does not entail clients or customers travelling to and from the dwelling; and (c) does not involve the display of a sign on the premises; and (d) does not require any change to the external appearance of the dwelling
Shop	Commercial, centre or mixed use zone	Planning & Development Regulations
Restaurant/Café		
Convenience Store		
Consulting Rooms		
Recreation - Private	Commercial, centre or mixed use zone Light Industry zone	Planning & Development Regulations
Hosted Short-Term Rental Accommodation	All zones (within an existing approved dwelling)	Planning & Development Regulations
Temporary land use (up to 48 hours)	All zones	Planning & Development Regulations

When Exemptions Do Not Apply

Development is not exempt from planning approval under the Regulations if:

- Works are proposed in a heritage protected place (ie. Shire's Heritage List or Heritage Council's State Heritage Register)
- A habitable building is being constructed in a location that has been assessed as BAL-40 or BAL-FZ (before fuel reduction)
- The works do not meet all of the conditions in Column 2 of the exemptions table at Cl. 61

Development is not exempt from planning approval under Local Planning Policy No. 5 if any of the following applies, as determined by the Shire:

- The development location is included on the Shire's adopted Municipal Heritage Inventory, Heritage List and/or on the Heritage Council's State Heritage Register.
- Where located within a Bushfire Prone Area, any habitable development has a Bushfire Attack Level (BAL) rating of BAL-40 or BAL-FZ unless the works are exempt from compliance with *State Planning Policy 3.7 – Bushfire* (including the *Planning for Bushfire Guidelines*).
- The development includes clearing of remnant vegetation or is located within 30 metres of a natural waterway or wetland.
- The development does not meet any one of the acceptable development standards for that development or land use as outlined in this policy.
- The development does not meet a development standard established in the Scheme or another applicable local planning policy.

If works involve the clearing of vegetation, this clearing must be authorised by:

- Planning approval, where the clearing is directly related (ie. house site, asset protection zone, driveway only), OR
- A clearing permit from DWER, OR
- The clearing is exempt from the need for a DWER clearing permit

LOCAL PLANNING POLICY No. 5 – Single House Exemptions in Non-Residential Zones

1. CITATION

This Local Planning Policy prepared under Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

This Policy may be cited as LPP No. 5- Single House Exemptions in Non-Residential Zones.

2. CRITERIA

- a) To protect the amenity of the locality in which the Single House is proposed.
- b) To set standards in respect to Single Houses in non-residential zones.
- c) To create consistent and uniform guidelines for the development of Single Houses in non-residential zones across the Shire.

3. INTRODUCTION

A consistent set of guidelines for the development of Single Houses in non-residential zones in the Shire is required, which is consistent with Local Planning Scheme No.5 (LPS5) and considers local needs, and to provide consistent development of Single Houses in non-residential zones across the Shire.

4. DEFINITIONS

Words and expression used in this policy have the same meaning as they have in the Local Planning Scheme and other relevant legislation.

- **BAL-** means Bushfire Attack Level as determined in accordance with Australian Standard AS3959: Construction of buildings in bushfire-prone areas (as amended).
- **BAL assessment/report-** An assessment/report prepared in a manner and form set out in AS 3959 to determine a BAL. It is strongly recommended that BAL assessments are prepared by accredited Level 1 BAL Assessors.
- **Donga/Transportable dwelling-** a temporary building, normally built of lightweight materials and easily able to be moved from site to site.
- **Minor/Incidental development-** means any non-habitable structure associated with a Single House, not considered to be an Outbuilding, that is not located under the main roof of the Single House and/or is not attached to the Single House.
- **Tiny Home on Wheels-** is a small residential unit built on a wheeled trailer base, designed to look and function similarly to a home, but transportable when required.

5. DEVELOPMENT REQUIREMENTS

The erection or extension of a Single House in the Rural, Rural Residential, Rural Smallholdings, Rural Village, Special Use Zones will be exempt from requiring Development (Planning) Approval if compliance with the following is achieved (this does not negate the requirement for a Building Permit):

Setbacks

Where no approved Building Envelope exists on the lot, compliance with setbacks is to be as per the relevant section of the Shire's Local Planning Scheme for each zone.

Where an approved Building Envelope is on the lot, all development is to occur within the approved Building Envelope area.

Notwithstanding the minimum setbacks applicable in the zone or Building Envelopes, new Single Houses and their associated structures, should generally be setback a minimum of 20 metres from any lot boundary to accommodate a suitable Asset Protection Zone within the subject land for bushfire safety purposes, as per the Shire's Bushfire Mitigation Notice. Except where a BAL report is provided as evidence that a reduced Asset Protection Zone can be accommodated for.

Building Height

Single Houses are not to exceed 8m in height from Natural Ground Level.

Bushfire

Where the development is located within a designated Bushfire Prone Area:

- the development has a BAL of BAL-29 or lower or;
- the works are exempt from compliance with State Planning Policy 3.7 – Planning in Bushfire Prone areas including the Guidelines for Planning in Bushfire Prone Areas

A BAL report, from an accredited Bushfire Consultant or where applicable a BAL Basic (Self-Assessment), is to be provided with the Building Permit application to provide evidence of a BAL of BAL-29 or lower being achieved.

Water Supply

No Single House shall be approved or occupied unless it is connected to and has an adequate supply of potable water as follows:

- a) Water Corporation of Western Australia mains connection; or
- b) A 92,000L minimum capacity water tanks(s) connected to sufficient roof catchments, or

- c) Some other form of approved water supply with adequate guaranteed quality and quantity, or
- d) An approved combination of items a), b) and/or c).

Further water supply requirements for Bushfire Prone lots:

- a) 10,000L is to be retained for Emergency Services (this can be in the form of a separate water tank or as part of a minimum 92,000L water tank).
- b) All water tanks to be fitted with 65mm (2.5") female camlock outlets for Emergency Services.
- c) Signage outlining "Fire Water Tank Outlet".

Effluent Disposal

At the lodgement of Building Permit stage, an 'Application to Construct or Install an Apparatus for the Treatment of Sewage' is to be submitted and approved. Applications are to be accompanied by a satisfactory 'Site and Soil Evaluation for Onsite Wastewater Management Report'.

Conventional effluent disposal area must be setback 100 metres of any creek, river, dam or spring, however, this setback to be reduced to 50 metres for approved Secondary Treatment Units.

Vehicular Access

Vehicular Access within private lot boundaries is to be as follows:

- The access track is to be 6m wide, with 4m of this being a trafficable surface, and having 4m of headroom clearance for emergency service vehicle clearance.
- Where a lot is deemed 'Bushfire Prone' and the accessway to the dwelling is 50m or greater in length, an emergency services turning area is required to be provided and noted on the Site Plan. The Turning Areas are to be in line with the specifications under the Department of Planning, Lands and Heritage's *Guidelines for Planning in Bushfire Prone Areas*.

Site Works

Where earthworks and/or retaining is proposed in conjunction with the proposal of a new Single House:

- Earthworks (cut/fill) are not to exceed 1000mm above or below Natural Ground Level.
- Retaining walls are not to exceed 1000mm above or below Natural Ground Level.

A balance of cut and fill, sympathetic to the natural contours of the site is expected as a minimum when conducting earthworks.

Vegetation Clearing

The following vegetation clearing is exempt from requiring Development (Planning) Approval:

- In a Rural Zone no more than 10% of a lot shall be cleared without Shire approval where it is associated with an exempted/approved single house proposal. (where exempt from requiring Department of Water & Environmental Regulation (DWER) clearing permits).
- In the Rural Residential, Rural Smallholdings, Rural Village and Special Use zones, remnant vegetation shall not be removed, or modified in any way, except with the approval of the Shire and where, in its opinion, the removal is necessary in the following circumstances:
 - For the purpose of an approved building envelope and access ways;
 - To maintain an Asset Protection Zone as determined by an Approved BAL Report
 - Trees/vegetation are considered to be a hazard;
 - For firefighting purposes or construction of strategic fire breaks; and
 - Control of weed infestation.
- All existing vegetation within 30 metres of a stream, creek, watercourse, flood plain, or permanent or seasonal areas of inundation, or on land which has slopes in excess of 20% shall not be modified except with the approval of the Shire.

Schedules of Local Planning Scheme

The provisions and requirements set out in Schedules 2 (Rural Residential Zone), 3 (Rural Smallholdings Zone), 5 (Rural Village Zone) and Table 5 (Special Use) of the Shire's Local Planning Scheme are to be satisfied to achieve compliance with this Policy.

Minor/Incidental Additions

Minor or Incidental Additions such as the following, are exempt from requiring Development (Planning) Approval subject to the relevant setbacks for the zone:

- patio;
- verandah;
- pergola;
- shade sail;
- decking not more than 500mm above natural ground level;
- swimming pool where no part of the swimming pool structure is more than 500mm above natural ground level other than an associated safety barriers in accordance with AS1926.1 & AS1926.2 (as amended) provided the safety barriers comply with the definition of 'visually permeable' (as defined by State Planning Policy 7.3: Residential Design Codes Volume 1 (as amended)).

Proposals Not Exempt By This Policy

- More than one Single House on a single lot;
- Development in a place that has been entered in the Register of Places under the *Heritage of Western Australia Act 1990*;
- Ancillary Dwellings (refer Local Planning Policy No.1- Ancillary Dwellings);
- Dongas/transportable dwellings, tiny homes on wheels and structures of a similar nature.

6. PERMISSIBILITY

Where a Single House proposal is deemed to satisfy the requirements of this Policy and relevant provisions of *Local Planning Scheme No.5*, Development Approval will not be required, unless stated otherwise.

Proposals that do not satisfy the criteria will be assessed on their merits and determined by the Shire through an application for Development Approval.

Compliance with this policy does not negate the requirement for a Building Permit.

Adopted on 28 November 2023 in accordance with part 2 clauses 3 and 4, and Part 12 clause 87 of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

EXEMPTIONS FROM DEVELOPMENT (PLANNING) APPROVAL

1. CITATION

This Local Planning Policy prepared under Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations).

This Policy may be cited as LPP No. 5 – Exemptions from Development (Planning) Approval.

2. INTRODUCTION

The purpose of this policy is to specify development works that are considered minor, incidental and/or meet accepted community standards and are therefore not required to seek development (planning) approval from the Shire.

Part 7 of the Regulations establishes the requirement for development approval:

“A person must not commence or carry out any works on, or use, land in the Scheme area unless —

- (a) the person has obtained the development approval of the local government under Part 8; or*
- (b) the development is of a type referred to in clause 61.”*

Clause 61 specifies types of development and land use for which approval is not required. Clause 61(1) also allows for local governments to identify, in addition to the exemptions that are specified in the Regulations, other types of development and land use that will be exempt from the need for approval. This policy details exemptions specified by the Shire under this clause.

This policy should be read in conjunction with the exemptions specified at Clause 61 of the Regulations as well as other local planning policies that specify exemptions by development type (eg. water tanks, outbuildings).

Note: This policy identifies exemptions from development (planning) approval only. Other approvals or licences may be required under separate legislation, such as the registration of accommodation and food premises before starting a business and/or the issue of a building permit before commencing works. Proceeding without the approvals necessary may result in compliance action being taken by the Shire in accordance with the relevant legislation. If you are unsure of the approvals that you need, please enquire at the Shire for assistance.

3. DEFINITIONS

Terms used in this Policy are consistent with Local Planning Scheme No. 5 (the Scheme), the Residential Design Codes (R-Codes) and the Regulations where relevant.

4. OBJECTIVES

The objectives of this policy are to:

- Exempt various incidental, minor and/or essential development from the requirements of development approval.
- Exempt specified residential development which complies with all relevant planning provisions.
- Streamline the development approval process and reduce red tape.
- Minimise adverse amenity impacts to neighbouring properties and the streetscape.

5. DEVELOPMENT APPROVAL REQUIREMENTS

Approval is required for all development or land uses except as specified at Clause 61 of the Regulations, within the Scheme, as identified in this Policy, or as identified in the following other local planning policies of the Shire of Plantagenet.

5.1 Development Not Exempt

Development is not exempt from planning approval under Part 5.2 of this policy if any of the following applies, as determined by the Shire:

- (a) The development location is included on the Shire's adopted Municipal Heritage Inventory, Heritage List and/or on the Heritage Council's State Heritage Register.
- (b) Where located within a Bushfire Prone Area, any habitable development has a Bushfire Attack Level (BAL) rating of BAL-40 or BAL-FZ unless the works are exempt from compliance with *State Planning Policy 3.7 – Bushfire* (including the *Planning for Bushfire Guidelines*).
- (c) The development includes clearing of remnant vegetation or is located within 30 metres of a natural waterway or wetland.
- (d) The development does not meet any one of the acceptable development standards for that development or land use as outlined in this policy.
- (e) The development does not meet a development standard established in the Scheme or another applicable local planning policy.

5.2 Exemptions from Development (Planning) Approval

Except as otherwise provided in the Scheme, the development specified in **Table 1** does not require development (planning) approval.

Note: Nothing in this policy affects whether development requires a building permit under the *Building Act 2011*. Works exempt from planning approval may still require a building permit.

This Local Planning Policy No. 5 supersedes *Local Planning Policy No. 5 – Single House Exemptions in Non-Residential Zones*.

Adopted on2025 in accordance with part 2 clauses 3 and 4, and Part 12 clause 87 of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

EXEMPTIONS FROM DEVELOPMENT (PLANNING) APPROVAL

Table 1

Development	Applicable Zones	Acceptable Development Standards
The erection, alteration, extension or addition to a Single House (including an associated Ancillary Dwelling) on a green title or survey strata lot.	Urban Development, Rural Residential, Rural Smallholdings, Rural Village, Rural	<ul style="list-style-type: none"> • The development complies with the minimum street and lot boundary setbacks specified within the Scheme or is located within an approved building envelope (where applicable). • The development complies with all Special Provisions of the Scheme relevant to the zone (where applicable). • The development complies with all provisions of any Special Control Area of the Scheme (where applicable). • The development complies with the development standards of any other applicable local planning policy. • The development is a maximum 6.0 metres in height above natural ground level or is less than the maximum building height where specified in applicable Special Provisions of the Scheme. • The development meets the visual privacy setback requirements of the Residential Design Codes. • The development is serviced by a sufficient potable water supply (either connection to a reticulated water service or provided with a minimum 92,000 litres on-site potable water supply). • The development is connected to a reticulated sewerage service or provided with an approved on-site wastewater treatment system. • The development complies with the relevant requirements of the <i>Planning for Bushfire Guidelines</i>. • The property is serviced by a crossover developed in accordance with an approval granted by the Shire.

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EXEMPTIONS FROM DEVELOPMENT (PLANNING) APPROVAL

Development	Applicable Zones	Acceptable Development Standards
The alteration, extension or addition to a Grouped Dwelling (including an associated Ancillary Dwelling) on a strata lot.	Residential, Mixed Use, Special Use	<ul style="list-style-type: none"> The development complies with the relevant deemed-to-comply standards of the Residential Design Codes (Residential & Mixed Use zones). The development complies with the Special Provisions of the Scheme relevant to the zone (Special Use). The development does not affect common property. The development complies with all provisions of any Special Control Area of the Scheme (where applicable). The development complies with the development standards of any other applicable local planning policy. The development is a maximum 6.0 metres in height above natural ground level or is less than the maximum building height where specified in applicable Special Provisions of the Scheme. The development complies with the relevant requirements of the <i>Planning for Bushfire Guidelines</i>. The property is compliant with the conditions of approval for the initial development of that Grouped Dwelling.
Roofed or unroofed decking associated with an existing residential dwelling. <i>Note: May be attached to or detached from a residential dwelling.</i>	Urban Development, Rural Residential, Rural Smallholdings, Rural Village, Rural Special Use	<ul style="list-style-type: none"> The development complies with the minimum street and lot boundary setbacks specified within the Scheme or is located within an approved building envelope (where applicable). Finished floor level of no more than 0.5m above natural ground level; or a finished floor level of no more than 1.5m above natural ground level where the setback is greater than 10m.

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EXEMPTIONS FROM DEVELOPMENT (PLANNING) APPROVAL

Development	Applicable Zones	Acceptable Development Standards
<p>The erection, alteration, extension or addition to a freestanding domestic non-habitable structure that does not meet the definition of an outbuilding. This may include structures such as:</p> <ul style="list-style-type: none"> • Carports • Gazebos, pergolas and patios • Green and shade houses • Animal shelters, aviaries and pens <p><i>Note: A structure/ building is classified as an outbuilding when it is enclosed in a non-permeable material on 3 or more sides. This exemption relates to structures/ buildings used for domestic purposes only. Structures/ buildings used for any commercial purpose require approval.</i></p>	<p>Urban Development, Rural Residential, Rural Smallholdings, Rural Village, Rural Special Use</p>	<ul style="list-style-type: none"> • Existing approved residential dwelling on the site (excluding the Rural Zone). • The development complies with the minimum street and lot boundary setbacks specified within the Scheme or is located within an approved building envelope (where applicable). • The development complies with all Special Provisions of the Scheme relevant to the zone (where applicable). • The development complies with all provisions of any Special Control Area of the Scheme (where applicable). • The development complies with the development standards of any other applicable local planning policy. • Maximum height above natural ground level (including site works) of 4.5 metres. • Maximum cumulative area of 150m² of freestanding domestic non-habitable structures on the site.

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EXEMPTIONS FROM DEVELOPMENT (PLANNING) APPROVAL

Development	Applicable Zones	Acceptable Development Standards
<p>Incidental development associated with an existing residential dwelling, such as:</p> <ul style="list-style-type: none"> External fixtures to a dwelling, including air conditioners, patio blinds, retractable awnings, aerials, antennae and satellite dishes. Freestanding structures, including clotheslines, letterboxes, children's play equipment, sporting equipment, aerials, antennae and satellite dishes. 	<p>Urban Development, Rural Residential, Rural Smallholdings, Rural Village, Rural Special Use</p>	<ul style="list-style-type: none"> Located within the property boundary. If fixed to a building, no higher than 2.0m above or outwards from the point of attachment on the building. If not fixed to a building, no higher than 4.0m above natural ground level. Located so that it is obscured from view from any public street (except letterboxes).
<p>The erection, alteration, extension or addition to a property entry statement.</p>	<p>Urban Development, Rural Residential, Rural Smallholdings, Rural Village, Rural Special Use</p>	<ul style="list-style-type: none"> Located within the property boundaries. No greater than 2.5m in height above natural ground level at any point. Cumulative area of façade no greater than 15m². Located adjacent to a crossover approved by the Shire. No commercial or advertising signage. <p><i>Note: The erection of fencing is addressed in the Shire's Local Laws. The construction of a brick, stone or concrete fence greater than 0.75m in height requires a building permit prior to construction.</i></p>

LOCAL PLANNING POLICY NO. 5

EXEMPTIONS FROM DEVELOPMENT (PLANNING) APPROVAL

Development	Applicable Zones	Acceptable Development Standards
Landscaping, tree planting, retaining walls and site works associated with an existing residential dwelling.	Urban Development, Rural Residential, Rural Smallholdings, Rural Village, Rural Special Use	<ul style="list-style-type: none"> Retaining walls are no greater than 1.5m above or below natural ground level at any point and comply with the minimum setback requirements of the zone (or building envelope requirement, where applicable). Fill and/or excavation is: <ul style="list-style-type: none"> No more than 1.5m above or below natural ground level at any point. No closer than 2.0m to any lot boundary (or within an approved building envelope, where applicable). Slope of earthworks no greater than 1:3. Stormwater associated with any impervious areas is retained on site. Works will not affect the integrity of any structure on the subject site or an adjoining property. <p><i>Note: Setbacks apply from the closest point of works – ie. top of cut or toe of batter.</i></p>
Rural produce stalls.	Urban Development, Rural Residential, Rural Smallholdings, Rural Village, Rural Special Use	<ul style="list-style-type: none"> Located within the property boundaries. Selling products produced on the property only. Access and parking is via a crossover approved by the Shire and vehicles are able to return to the public road in a forward gear. Contained within a structure no greater than 10m² in area and 2.4m in height overall. A maximum of one sign no greater than 0.5m² in size and related to the produce stall only is permitted to be attached to the structure. <p><i>Note: Structures and/or signs that do not meet any of these standards will require planning approval (and may also require a building permit).</i></p>

EXEMPTIONS FROM DEVELOPMENT (PLANNING) APPROVAL

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