

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.

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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	- 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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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	- 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	- 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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Development	Applicable Zones	Acceptable Development Standards
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: • Carports • Gazebos, pergolas and patios • Green and shade houses • Animal shelters, aviaries and pens <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>	Urban Development, Rural Residential, Rural Smallholdings, Rural Village, Rural Special Use	• 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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Incidental development associated with an existing residential dwelling, such as: • 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.	Urban Development, Rural Residential, Rural Smallholdings, Rural Village, Rural Special Use	• 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).
The erection, alteration, extension or addition to a property entry statement.	Urban Development, Rural Residential, Rural Smallholdings, Rural Village, Rural Special Use	• 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. <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>

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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	- 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: - 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. <i>Note: Setbacks apply from the closest point of works – ie. top of cut or toe of batter.</i>
Rural produce stalls.	Urban Development, Rural Residential, Rural Smallholdings, Rural Village, Rural Special Use	- 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. <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>

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