

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*.