

CITY OF SUBIACO

LOCAL PLANNING POLICY NO. 7.7

DEVELOPMENT APPROVAL EXEMPTIONS

ADOPTION DATE: 27 June 2017
REVIEW DATE: 23 February 2021 (renumbered)
AUTHORITY: *Planning and Development (Local Planning Schemes) Regulations 2015*
Town Planning Scheme No. 4 (TPS4)

STATUTORY BACKGROUND

Clause 61(i) of Schedule 2, Part 2, Division 2 'Deemed Provisions' of the *Planning and Development (Local Planning Schemes) Regulations 2015* (Regulations) allows the local government to nominate works that do not require development approval in a local planning policy.

This policy is made pursuant to Schedule 2, Part 2, Division 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* relating to local planning policies.

PURPOSE

This policy lists development that is exempt from the requirement for development approval. These exemptions are in addition to the development exempt from development approval under clause 61 of the Deemed Provisions.

This policy **does not** exempt any development on any land that is either:

- (a) Entered in the Register of Heritage Places under the *Heritage of Western Australia Act 1990*; or
- (b) The subject of an order under the *Heritage of Western Australia Act 1990* Part 6; or
- (c) The subject of a heritage agreement entered into under the *Heritage of Western Australia Act 1990* section 29.

DEFINITIONS

The following terms are used in this policy and are defined as such.

External fixtures: these are utilities, equipment, plant or other structures which are necessary for a dwelling to achieve efficient, comfortable and environmentally sustainable operating outcomes and may include: solar collectors (and supporting frames), clothes drying structures, air conditioning units, communications and power and water infrastructure, or other fixtures as necessary for the residential use of the buildings on site.

Fence: means a vertical structure which may be attached to a building

but is not necessary for the structural integrity of the building, for the purpose of forming a barrier or delineating an area of land and does not support any form of roof and does not include screening material or a retaining wall.

Heritage Area: An area designated as a heritage area under clause 9 of the 'Deemed Provisions'.

Heritage List: The heritage list established under clause 8 of the 'Deemed Provisions'.

Minor structures: means free standing structures not attached to a building including, without limiting the generality of the foregoing, letter boxes, clothes lines, seating, children's play equipment, basketball and netball hoops, barbeques and free standing satellite dishes.

Maintenance and repair means minor works that are undertaken to fix, or prevent, a building, structure or place from deteriorating 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 the 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

Outbuilding has the same meaning as given to it by the R-Codes and shall also include garden sheds, tree and cubby houses and domestic animal enclosures.

R-Codes: means the Residential Design Codes, State Planning Policy 3.1.

Retaining wall: means a wall erected for the purpose of supporting land at a higher level than the land immediately adjacent to it.

Screening material:

- (a) a visually permeable structure including lattice, trellis, or metal framing which may or may not be used to train vegetation;
- (b) an opaque and translucent material such as shade cloth, or clear or coloured plastic.

Shade structure: means unenclosed permeable roofed surfaces designed primarily for the purpose of providing shade associated with residential development including, without limiting the generality of the foregoing, gazebos, sails, umbrellas, vergolas and pergolas.

POLICY

The following table lists development that is exempt from the requirement for development approval. The table needs to be read in conjunction with clause 61 of the Deemed Provisions.

✓ indicates that the development is exempt from the requirement for development approval.

✗ indicates that development approval is required.

	Description of development exempt from the requirement for development approval	Applies to:		
		All land, excluding land within a Heritage Area or on the Heritage List	Land within a Heritage Area	Land on the Heritage List
1	Any development, excluding signs/advertisements, which is temporary and in existence for less than 14 days or such longer time as the Council agrees.	✓	✓	✓
2	Construction of a retaining wall less than 500 millimetres in height.	✓	✓	✓
3	Works urgently necessary for public safety, safety or security of plant or equipment, maintenance of essential services, or protection of the environment.	✓	✓	✓
4	<i>Minor structures</i> where: (i) Within the primary street setback area below 2m in height, excluding clothes lines; or (ii) Below 3m in other cases.	✓	✓	✓
5	Screening material where attached to an existing authorised fence and projecting no more than 500mm above the top of the fence at any point and is not situated within a primary or secondary street area.	✓	✓	✓

	Description of development exempt from the requirement for development approval	Applies to:		
		All land, excluding land within a Heritage Area or on the Heritage List	Land within a Heritage Area	Land on the Heritage List
6	Single storey (ground level) additions and all alterations to a Single House or Grouped Dwelling where the works are compliant with the applicable deemed to comply provisions of the R-Codes, including any provisions that are replaced by a local planning policy.		x	x
7	Single storey (ground level) additions and all alterations to a Single House or Grouped Dwelling where the works are: <ul style="list-style-type: none"> (i) Located within the rear setback area (excluding secondary street setback areas); or (ii) Located where not <i>visible from the street</i>; and (iii) Compliant with the applicable deemed to comply provisions of the R-Codes, including any provisions that are replaced by a local planning policy. 	✓	✓	x
8	Internal works that do not materially affect the external appearance of the building that is <i>visible from the street</i> .	✓	✓	x
9	The carrying out of the following works that affect only the interior of a building: <ul style="list-style-type: none"> (i) Kitchen, bathroom or laundry fit out with no structural alterations; or (ii) Painting / wall papering / plastering of internal walls; or (iii) Construction of new internal non-masonry, non-load bearing walls; or (iv) New floor covering placed over but not replacing existing floor surface materials; or (v) Electrical and plumbing works. 	✓	✓	✓

	Description of development exempt from the requirement for development approval	Applies to:		
		All land, excluding land within a Heritage Area or on the Heritage List	Land within a Heritage Area	Land on the Heritage List
10	The <i>maintenance and repair</i> of any building or structure.	✓	✓	✓
11	Changing any roof materials on parts of any building or structure where compliant with the provisions of an applicable local planning policy.	✓	x	x
12	Changing roofing materials on parts of any building or structure that is not <i>visible from the street</i> and compliant with the provisions of an applicable local planning policy.		✓	x
13	Replacing or altering external cladding materials on parts of any building or structure.	✓	x	x
14	Replacing or altering external cladding materials on parts of any building or structure that is not <i>visible from the street</i> .		✓	x
15	Modifying major or minor openings to all dwellings where the modification meets the deemed to comply provisions of the R-Codes.	✓	x	x
16	Modifying major or minor openings where: (i) The modification meets the deemed to comply provisions of the R-Codes; and (ii) The major or minor openings are not <i>visible from the street</i> .		✓	x
17	<i>External fixtures</i> where complaint with: (i) The provisions of an applicable local planning policy; or (ii) The deemed to comply provisions of the R-Codes where there is no applicable no local planning policy.	✓	✓	✓

	Description of development exempt from the requirement for development approval	Applies to:		
		All land, excluding land within a Heritage Area or on the Heritage List	Land within a Heritage Area	Land on the Heritage List
18	Water tanks where: (i) Installed in locations that are not intrusive in public views to the place; and (ii) Are no higher than the eaves height where fixed to the building; or (iii) Are no greater than 2.4m in height if more than 1m from any boundary; or (iv) Are no greater than 1.8m in height if less than 1m from any boundary.	✓	✓	✓
19	Outdoor hard surfaces where the finished level of the surface is not more than 500mm above natural ground level.	✓	x	x
20	Outdoor hard surfaces where: (i) The finished level of the surface is not more than 500mm above natural ground level; and (ii) Located within a side or rear setback area.		✓	✓
21	<i>Shade structures</i> where: (i) Located in a side or rear setback area; (ii) Are 0.5m or greater from any boundary; (iii) Are no greater than 3.0m in height.	✓	✓	✓
22	Front or secondary street fencing where compliant with: (i) The provisions of an applicable local planning policy; or (ii) The deemed to comply provisions of the R-Codes where there is no applicable no local planning policy.	✓	✓	✓

	Description of development exempt from the requirement for development approval	Applies to:		
		All land, excluding land within a Heritage Area or on the Heritage List	Land within a Heritage Area	Land on the Heritage List
23	Site works (filling or excavation) where compliant with: (i) The provisions of an applicable local planning policy; or (ii) The deemed to comply provisions of the R-Codes where there is no applicable local planning policy.	✓	✓	✓
24	Construction of an Outbuilding where compliant with the deemed to comply provisions of the R-Codes.	✓	✓	✓
25	Construction of a swimming pool or outdoor spa where: (i) Located within the rear setback area (excluding secondary street setback area); and (ii) Located 1 metre or more from any boundary; and (iii) No greater than 3 metres in height (including associated fencing) and 25 square metres in area.	✓	✓	✓
26	Demolition of the following structures: (i) Outbuildings not of masonry construction with a floor area of less than 25 square metres; (ii) Minor structures; (iii) Patios; (iv) Shade structures; (v) Carports; (vi) External fixtures; (vii) Private swimming pools and outdoor spas; (viii) Water tanks;	✓	✓	✓
27	Any minor works as determined by the City of Subiaco in writing.	As determined	As determined	As determined