LOCAL PLANNING POLICY – EXEMPT DEVELOPMENT

# PURPOSE

### This policy outlines types of development exempt from requiring development approval in addition to those specified by Schedule 2 – Deemed provision for local planning schemes of the Planning and Development (Local Planning Schemes) Regulations 2015.

# APPLICATION OF POLICY

### This policy applies to all development on land that is zoned within the Scheme area of the City of Nedlands.

# OBJECTIVES

### To allow minor development to proceed without requiring development approval where it will not have a detrimental impact on the amenity of adjoining and nearby properties, the streetscape or the neighbourhood.

### To ensure development is compatible in its setting and consistent with prevailing forms of authorised development.

# POLICY MEASURES

### The following provides for development which does not require development approval as per clause 61(1)(i) and 61(2)(e) of Schedule 2 – Deemed provision for local planning schemes of the Planning and Development (Local Planning Schemes) Regulations 2015.

## Animal enclosures

#### Animal Enclosures where located on a residential zoned property are exempt from the requirement to obtain planning approval provided the Animal Enclosure:

##### is setback 2m from lot boundaries;

##### satisfies part 5.4.3 Outbuildings C3 i - vii of the deemed-to-comply requirements of the R-Codes; and

##### is used for domestic (non-commercial) purposes.

Note: Animal enclosures must also comply with relevant environmental health requirements and local laws.

## Garden ornaments

#### Garden Ornaments where located on residential zoned property are exempt from the requirement to obtain planning approval provided the Garden Ornament:

##### is a maximum of 4m2 in area;

##### is a maximum of 2.4m in height above natural ground level;

##### is located outside of the 1.5m visual truncation area, where a vehicle access point meets a public street;

##### provides for at least one major opening, from a habitable room of the dwelling, facing the primary street, remaining unobstructed.

## Flagpoles

#### Flagpoles where located on a residential zoned property are exempt from the requirement to obtain planning approval provided the Flagpole:

##### is a maximum 6m in height above natural ground level;

##### is setback a minimum 1.5m from any lot boundary;

##### does not include or display commercial advertising material; and

##### there is no more than one (1) per property.

## Fixed outdoor cooking facility

#### A Fixed Outdoor Cooking Facility where located on a residential zoned property is exempt from the requirement to obtain planning approval provided the Fixed Outdoor Cooking Facility:

##### is located behind the street setback area; and

###### is a maximum 1.8m in height (excluding a chimney or flue) above natural ground level;

or

###### setback in accordance with Table 2a of the R-Codes.

#### **Pool pump sheds**

#### Pool pump sheds where located on a residential zoned property are exempt from the requirement to obtain planning approval provided the pool pump shed:

##### Is compliant with the provisions part 5.4.3 Outbuildings of the Residential Design Codes.

## Cubby houses

#### Cubby Houses where located on a residential zoned property are exempt from the requirement to obtain planning approval provided the Cubby House:

##### is a maximum 6m2 in area;

##### is located behind the street setback area;

##### is setback from lot boundaries in accordance with Table 2a of the R-Codes;

##### has a finished floor level no more than 0.5m above natural ground level or any deemed-to-comply or approved fill and/or retaining; and

##### is a maximum 2.4m in height above natural ground level or any deemed-to-comply or approved fill and/or retaining; and

##### there are no more than one (1) per property.

## Sea containers

#### Sea Containers are exempt from the requirement to obtain planning approval provided the Sea Container:

##### is wholly located within the property boundaries of the lot;

##### does not exceed 6m in length;

##### is utilised for storage only; and

##### is removed within 14 days of being placed on the lot.

## External fixtures – solar collector

#### A Solar Collector/s, where it is located on a non-residential zoned property, are exempt from the requirement to obtain planning approval provided the Solar Collector/s:

##### is located behind the street setback area;

##### is not visible from the street;

##### is integrated with the building; and

##### complies with building height requirements.

Note: Where located on Residential zoned land the R-codes apply.

## External fixtures – satellite dish

#### A Satellite Dish, where it is located on a non-residential zoned property and is ground mounted, is exempt from the requirement to obtain planning approval provided Satellite Dish:

##### is located behind the street setback area;

##### is a maximum of 1.8m in diameter;

##### is not visible from the street;

##### is setback from lot boundaries the same distance as the external fixture’s height above natural ground level (i.e. 2m in height = 2m lot boundary setback); and

##### there is no more than one (1).

#### A Satellite Dish, where it is located on a non-residential zoned property and is not ground mounted, is exempt from the requirement to obtain planning approval provided the Satellite Dish:

##### is located behind the street setback area

##### is integrated with the building;

##### is a maximum of 1.8m in diameter;

##### is not visible from the street; and

##### there is no more than one (1) per property.

Note: Where located on Residential zoned land the R-codes apply.

**Demolition of a non-residential building**

#### The demolition of a non-residential building is exempt from the requirement to obtain planning approval unless it is:

##### located in a place that is entered in the Register of Heritage Places under the Heritage of Western Australia Act 1990; or

##### the subject of an order under the Heritage of Western Australia Act 1990 Part 6; or

##### included on a heritage list prepared in accordance with this Scheme; or

##### located within an area designated under this Scheme as a heritage area; or

##### the subject of a heritage agreement entered into under the Heritage of Western Australia Act 1990 section 29.

## Other Exemptions

#### Painting and Maintenance;

#### Change of site levels of less than half a metre; and

#### Boundary fencing in accordance with relevant legislation.

# DEVELOPMENT APPLICATION REQUIREMENTS

### Where a proposed development does not meet the Policy Measures, an application for Development Approval is required.

# RELATED LEGISLATION

### This policy has been prepared in accordance with Schedule 2 Part 2 Clause 4 of the Planning and Development (Local Planning Schemes) Regulations 2015.

### This policy should be read in conjunction with the following additional planning instruments and its requirements apply unless specifically stipulated elsewhere in any of the below:

* City of Nedlands Local Planning Scheme No. 3
* State Planning Policy 7.3 – Residential Design Codes
* Any other relevant State or Local Planning Policies

### Where this Policy is inconsistent with the provisions of a specific Policy, Design Guideline or Local Development Plan that applies to a site or area, the provisions of that specific Policy, Design Guideline or Local Development Plan shall prevail.

# DEFINITIONS

### For this Policy the following definitions apply:

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| Definition | Meaning |
| Animal Enclosure | An enclosed structure for keeping small animals, and includes aviaries but, excludes stables. |
| Cubby House | An enclosed structure, such as a small-scale replica of a dwelling, used primarily by children for the purposes of play, but excludes unenclosed platforms. |
| External Fixture | Utilities, equipment, plant or other structures  which are necessary for a dwelling to achieve  efficient, comfortable and environmentally sustainable  operating outcomes and includes; solar collectors,  rainwater storage tanks, clothes drying structures,  communications and power and water infrastructure,  letterboxes, satellite dishes or other fixtures as necessary for the residential use of the buildings on-site. |
| Flagpole | A structure design to support a flag and containing nothing other than a flag. |
| Garden Ornament | An item used for garden or landscape enhancement and decoration and includes water fountains, bird baths and feeders, sundials and outdoor sculptures. |
| Fixed Outdoor Cooking Facility | A permanent cooking apparatus and includes barbeques (BBQ), pizza ovens, outdoor ovens and stoves. |
| Sea Container | A metal transportable structure designed for the storage and transport of goods from one location to another by road or sea. |
| Small Animal | As per City of Nedlands Health Local Law. |

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