



LOCAL PLANNING POLICY – EXEMPT DEVELOPMENT

1.0 PURPOSE

- 1.1 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.

2.0 APPLICATION OF POLICY

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

3.0 OBJECTIVES

- 3.1 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.
- 3.2 To ensure development is compatible in its setting and consistent with prevailing forms of authorised development.

4.0 POLICY MEASURES

- 4.1 The following provides for development which does not require development approval as per clause 61(1), Item 20 of Schedule 2 – Deemed provision for local planning schemes of the Planning and Development (Local Planning Schemes) Regulations 2015.

Animal enclosures

- 4.1.1 Animal Enclosures where located on a residential zoned property are exempt from the requirement to obtain planning approval provided the Animal Enclosure:
- (a) is setback 2m from lot boundaries;
 - (b) satisfies part 5.4.3 Outbuildings C3 i - vii of the deemed-to-comply requirements of the R-Codes; and
 - (c) is used for domestic (non-commercial) purposes.

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

Garden ornaments

- 4.1.2 Garden Ornaments where located on residential zoned property are exempt from the requirement to obtain planning approval provided the Garden Ornament:
- (a) is a maximum of 4m² in area;
 - (b) is a maximum of 2.4m in height above natural ground level;



- (c) is located outside of the 1.5m visual truncation area, where a vehicle access point meets a public street;
- (d) provides for at least one major opening, from a habitable room of the dwelling, facing the primary street, remaining unobstructed.

Fixed outdoor cooking facility

4.1.3 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:

- (a) is located behind the street setback area; and
 - (i) is a maximum 1.8m in height (excluding a chimney or flue) above natural ground level;
- or
- (ii) setback in accordance with Table 2a of the R-Codes.

Pool pump sheds

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

- (a) Is compliant with the provisions part 5.4.3 Outbuildings of the Residential Design Codes.

Sea containers

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

- (a) is wholly located within the property boundaries of the lot;
- (b) does not exceed 6m in length;
- (c) is utilised for storage only; and
- (d) is removed within 14 days of being placed on the lot.

External fixtures – satellite dish

4.1.6 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:

- (a) is located behind the street setback area;
- (b) is a maximum of 1.8m in diameter;
- (c) is not visible from the street;
- (d) 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
- (e) there is no more than one (1).



- 4.1.7 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:
- (a) is located behind the street setback area
 - (b) is integrated with the building;
 - (c) is a maximum of 1.8m in diameter;
 - (d) is not visible from the street; and
 - (e) there is no more than one (1) per property.

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

Other Exemptions

1. Painting and Maintenance;
2. Change of site levels of less than half a metre; and
3. Boundary fencing in accordance with relevant legislation.

5.0 DEVELOPMENT APPLICATION REQUIREMENTS

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

6.0 RELATED LEGISLATION

- 6.1 This policy has been prepared in accordance with Schedule 2 Part 2 Clause 4 of the Planning and Development (Local Planning Schemes) Regulations 2015.
- 6.2 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:
- Planning and Development (Local Planning Schemes) Regulations 2015
 - City of Nedlands Local Planning Scheme No. 3
 - State Planning Policy 7.3 – Residential Design Codes
 - Any other relevant State or Local Planning Policies
- 6.3 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.



7.0 DEFINITIONS

7.1 For this Policy the following definitions apply:

Definition	Meaning
Animal Enclosure	An enclosed structure for keeping small animals, and includes aviaries but, excludes stables.
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.
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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