



LOCAL PLANNING POLICY 7.1: EXEMPT DEVELOPMENT

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1 PURPOSE

- 1.1 To list development that is exempt from requiring development approval in addition to those specified by the *Planning and Development (Local Planning Schemes) Regulations 2015* Schedule 2 Part 7 Clause 61.

2 APPLICATION OF POLICY

- 2.1 This policy applies to all land that is zoned by the *City of Nedlands Local Planning Scheme No 3* (LPS3).

3 RELATIONSHIP TO OTHER POLICIES AND LEGISLATION

- 3.1 This policy has been prepared in accordance with Clause 4 of the Deemed Provisions for local planning schemes.

- 3.2 This Policy should be read in conjunction with the following planning instruments and its requirements apply unless specifically stipulated elsewhere in any of the below:

- *Planning and Development Act 2005*
- *Planning and Development (Local Planning Schemes) Regulations 2015*
- *City of Nedlands Local Planning Scheme No. 3*
- *State Planning Policy 7.3 – Residential Design Codes (R-Codes)*

Note: This policy refers to provisions within Part B and Part C of the R-Codes. The reader will need to check the density code of the subject property to ensure they are reading the correct Part of the R-Codes alongside this policy.

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

4 POLICY OBJECTIVES

- 4.1 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 locality.

- 4.2 To reduce red-tape and wait times for landowners and developers by exempting a number of low impact works from the need for approval.

5 DEVELOPMENT FOR WHICH DEVELOPMENT APPROVAL NOT REQUIRED

- 5.1 Development is not required for works if –

- a) the works are of a class specified in Column 1 of an item in the table;
- b) if conditions are set out in Column 2 of the Table opposite that item – all of those conditions are satisfied in relation to the works; and
- c) The works are consistent with all relevant State Planning Policies, the Local Planning Scheme, Local Planning Policies, Local Development Plans, Structure Plans, heritage protection criteria, or any planning conditions imposed on a development.



Table		
	Column 1 Works	Column 2 Conditions
1)	Animal Enclosure	(a) Located on a residential zoned property; (b) Set back a minimum of 2m from lot boundaries; (c) Satisfies the Deemed-to-Comply Outbuildings provisions of the R-Codes; (d) Are for the keeping of small animals or a dog only; and (e) Are not used for commercial purposes. <i>Note: Animal enclosures must also comply with relevant environmental health requirements and local laws.</i>
2)	Fixed Outdoor Cooking Facility	(a) Are located on a residential zoned property; (b) Are located behind the primary street setback; and (c) Are a maximum height of 1.8m (excluding any chimney or flue) above natural ground level or set back in accordance with the Deemed-to-comply setback provisions of the R-Codes.
3)	Garden Ornament / Sculpture	(a) Has a maximum site area of 4m ² ; (b) Has a maximum height of 2.4m above natural ground level; (c) Does not obstruct vehicle sight lines; and (d) Street surveillance to the primary street is unobstructed.
4)	Minor Development	Exemption provided in writing from the Local Government.
5)	Mural	(a) The works are not located on a heritage-protected place; (b) The mural does not feature any profanities, offensive words or images or depictions of illegal material or acts; and (c) The mural does not contain any advertising material.
6)	Outdoor Hard Surface	(a) Are located behind the primary street setback area, between a building and the side or rear boundary of a lot; (b) The finished level of the surface is no more than 0.5m above natural ground level; and (c) The outdoor hard surface does not impact the minimum soft landscaping and deep soil area required by the R-Codes. <i>Note: Decking must also comply with the relevant setbacks of the National Construction Code.</i>
7)	Painting	(a) The works are not located on a heritage-protected place; and (b) Colours are as specified in any relevant Local Planning Policy.
8)	Pool Pump Shed	(a) Are located on a residential zoned property; (b) The exemption only applies to one pool pump shed per lot; (c) Satisfies the Deemed-to-Comply Outbuildings provisions of the R-Codes; (d) Have a maximum height of 1.8m; and (e) Have a maximum site area of 10m ² . <i>Note: An exempt pool pump shed compliant with the above conditions does not contribute towards outbuilding site coverage.</i>
9)	Roof Replacement	(a) The works are not located on a heritage-protected place; (b) No change to roof height and pitch; and (c) Materials and colours as specified by any relevant Local Planning Policy.



10)	Sea Container	<ul style="list-style-type: none"> (a) The exemption only applies to one sea container per lot; (b) Are wholly located within the property boundaries of the lot; (c) Does not exceed 6m in length; (d) Are utilised for storage only; and (e) Are removed within 14 days of being placed on the lot.
11)	Temporary Works	The works are in existence for no more than 14 days in any 12-month period.
12)	Wall Cladding Replacement	<ul style="list-style-type: none"> a) The works are not located on a heritage-protected place; b) The works do not involve structural changes or significant changes to elevations; and c) Materials and colours are as specified in any relevant Local Planning Policy.
13)	Works to Heritage-Protected Places	<ul style="list-style-type: none"> (a) The works affect only the interior of the building and are confined to the following: <ul style="list-style-type: none"> i. Kitchen, bathroom or laundry fit out with no structural alterations; ii. Replacement of light fitting(s); iii. Painting /wall papering/plastering of internal walls; iv. Retiling; v. Construction of new internal non-masonry; non-load bearing walls; vi. New floor covering placed over but not replacing existing floor surface materials; or vii. Electrical and plumbing works. (b) The works are not located on a place that is: <ul style="list-style-type: none"> i. Entered on the State Register of Heritage Places; or ii. The subject of a Heritage Order, Caveat, or Agreement.

6 DEFINITIONS

6.1 For this policy, the following definitions apply:

Definition	Meaning
Animal Enclosure	Means an enclosed structure for keeping small animals or a dog only such as aviaries, hutches or small kennels and the like but does not include kennels larger than that required to house a single dog.
Deemed Provisions	Means Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015.
Fixed Outdoor Cooking Facility	Means a permanent cooking apparatus such as barbeques (BBQ), pizza ovens, outdoor ovens, and stoves.
Garden Ornament	Means an item used for garden or landscape enhancement and decoration and includes water fountains, bird baths and feeders, sundials, and outdoor sculptures.
Heritage-Protected Place	Has meaning given in the Planning and Development (Local Planning Schemes) Regulations 2015.
Like-for-like	Replacement of building elements with identical elements that are of the same shape, size, colour, patterns and material, usually used to repair or replace damaged/worn surfaces of buildings.
Minor Development	Any other development that, in the opinion of the Local Government, will not have any material effect on the operation of a land use or on the appearance of the land or buildings on which it is installed or constructed, and where any approval would be of a minor, pro forma matter.
Outdoor Hard Surface	Includes hardscape, paving, decking or similar.



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	Has meaning given in the City of Nedlands Health Local Law 2017.

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