

Development that is exempt from Planning Approval

Under the provisions of the City's Local Planning Scheme No. 3 (the Scheme) certain types of development are exempt from obtaining development approval. Part 8 (Development of Land) of the Scheme fully outlines development requirements, as follows:

8.2 Permitted Development

Except as otherwise provided in the Scheme, for the purposes of this Scheme, the following development does not require the planning approval of the local government:

- a) *The carrying out of any building or work which affects only the interior of a building and which does not materially affect the external appearance of the building unless the building is:*
 - i. *Located in a place that has been entered into the Register of Heritage Places under the Heritage of Western Australia Act 1990;*
 - ii. *The subject of an Order under Part 6 of the Heritage of Western Australia Act 1990;*
 - iii. *Included on the Heritage List under clause 7.1 of this Scheme;*
- b) *The erection on a lot of a single house any including any extension, ancillary outbuildings, swimming pools, driveways and gates, except where:*
 - i. *The proposal requires the exercise of a discretion by the local government under the Scheme to vary the provisions of the Residential Design Codes;*
 - ii. *The development will be located in a heritage area designated under the Scheme; or*
 - iii. *The development is located in a Bushfire Prone Area with the exception of:*
 - *Renovation, alteration, extension, improvement or repair that is minor in nature and in the opinion of the local government does not significantly increase the bushfire risk;*
 - *Gates and driveways that are compliant with the Planning for Bush Fire Protection Guidelines;*
 - *Outbuildings further than 6m away from any development used for permanent or temporary habitation; and*
 - *Swimming Pools*

- c) *The demolition of any building or structure except where the building or structure is:*
- i. *Located in a place that has been entered into the Register of Places under the Heritage of Western Australia Act 1990;*
 - ii. *The subject of an order under part 6 of the Heritage of Western Australia Act 1990;*
 - iii. *Included on the Heritage list under clause 7.1 of the Scheme;*
 - iv. *. Located within a heritage area designated under the Scheme;*
- d) *A home office;*
- e) *Any works which are temporary and in existence for less than 48 hours or such longer time as the local government agrees; and*
- f) *Any of the exempted classes of advertisement listed in Schedule 5 except in respect of a place included in the Heritage List or in a heritage area.*

Please note that further information regarding this can also be found within Clause 61 of the Planning and Development (Local Planning Schemes) Regulations 2015.

The Requirement for Development Approval

Based on the above definitions, the following are examples of development that will not require a Development Application (Please note that a Building Permit may still be required):

- A Home Office;
- The internal fit-out of a shop, providing that there are no changes made to the external fixtures of the structure, nor an increase in the number of patrons attending the site;
- The changing of a 'P' (Permitted) use to another 'P' (Permitted) use as long as the development has no works component;
- Pergola structures that have a permeable uncovered roof;
- Shade sails of 10m² in area or less;
- Any development that is fully compliant with the provisions of State Planning Policy 3.1 – Residential Design Codes (and is not impacted by the requirements of Bushfire Prone Area Development);
- Solar Panels that are attached to built structures and not raised from them in any way;

Should you have any queries please contact the City's Asset Services on 9257 9999