

Local Planning Policy - Development Approval Exemptions

1. CITATION

This is a Local Planning Policy prepared under Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* and Local Planning Scheme No. 4. This Policy may be cited as Local Planning Policy (LPP) Development Exemptions and Modifications.

2. INTRODUCTION

Clause 61 of Schedule 2, Part 7 of the *Planning and Development (Local Planning Schemes) Regulations 2015* specifies the types of works and land uses that do not require development approval from the local government.

Sub-clauses 61(1)(i) and 61(2)(g) provide authority for the local government to adopt a Local Planning Policy that identifies additional exemptions.

The purpose of this Policy is to outline further categories of development that are exempt from development approval, beyond those listed in Clause 61.

Specifically, this Policy:

- Supplements specific provisions of the Residential Design Codes (R-Codes);
- Exempts minor development works in residential and non-residential zones within the City of Stirling; and
- Identifies circumstances in which community markets are exempt from development approval.

3. OBJECTIVES

The objectives of this policy are:

- a) To streamline the planning process by exempting low-impact developments that demonstrate no adverse impact on adjoining properties and/or the streetscape.
- b) To enable greater flexibility in residential development where proposals demonstrably align with both the existing and likely future built form.
- c) To enhance urban design quality and residential living standards by implementing a planning framework that aligns with the general objectives of the R-Codes.

4. APPLICATION OF THIS POLICY

Where a proposal does not meet the specific provisions outlined in this policy, assessment will be undertaken against the broader objectives, apart from the R-Code Exemptions.

It does **not** exempt development from the requirement to obtain other relevant approvals or comply with applicable local laws, statutes, or policies—including, but not limited to, building and health permits.

Scope of Application

- 5(a)** Applies to residential development on land within the City of Stirling subject to the *Local Planning Scheme*, including augmentations to the R-Codes
- 5(b)** Applies to development on residential and non-residential zoned land within the City of Stirling under *Local Planning Scheme No. 4*.
- 5(c)** Applies to Market Stalls located on land zoned Private Community Purposes and Local Reserves including 'Local Roads' within the City of Stirling.

5. POLICY PROVISIONS

5(a) R-Code Exemptions

The R-Codes apply to all residential development throughout Western Australia and Clause 3.2 outlines instances where a local planning policy can modify the R-Codes either with or without WAPC approval.

The provisions listed in the table below replace the relevant deemed-to-comply requirements of the R-Codes Volume 1, except where modified or inconsistent with the local planning framework (i.e. Character Retention Guidelines).

Should the policy provision not be met the proposal shall be assessed against the relevant R-Code provision.

No.	Amend/Replace	R-Codes:	Policy:
1.	Part B Cl. 5.1.3 (C3.1) Lot Boundary Setbacks Is amended to allow for a 3m height in lieu of 2.7m.	ii. for carports, patios, verandas or equivalent structures, the lot boundary setbacks in Table B and Tables 2a and 2b may be reduced to nil to the posts where the structure*: <ul style="list-style-type: none"> • is not more than 10m in length and 2.7m height; • is located behind the primary street setback; and • has eaves, gutters and roofs set back at least 	ii. for carports, patios, verandas or equivalent structures, the lot boundary setbacks in Table B and Tables 2a and 2b may be reduced to nil to the posts where the structure*: <ul style="list-style-type: none"> • is not more than 10m in length and 3m height; • is located behind the primary street setback; and • has eaves, gutters and roofs set back at least

		450mm from the lot boundary. <i>Note: *There may also be building code requirements that apply.</i>	450mm from the lot boundary.
WAPC Approval Required: Y/N		Date Approved by WAPC (if applicable): N/A	
2.	Part B Cl. 5.2.5 (C5) - Sightlines Is amended to allow fencing within the sightline area where it has been demonstrated that pier dimensions and visibility do not obstruct sightlines in low-density areas.	No provision.	An added alternative option is included as shown below: iv. A fencing height up to 1.8m above natural ground level within 1.5m of where a driveway meets a street with: • no more than one support pier with a maximum horizontal dimension of 350mm; and • no more than two panels (inclusive of a sliding or swinging gate) with open style pickets that individually achieves a 1:10 spacing ratio (i.e. a 10mm picket with a 100mm space to the next picket).
WAPC Approval Required: Y/N		Date Approved by WAPC (if applicable): N/A	
3	Part B Cl. 5.4.3 - Outbuildings Is amended to allow for a 3m height in lieu of 2.4 for large and multiple outbuildings and 2.7m for small outbuildings.	A. Small outbuilding iv. does not exceed a wall height of 2.7m; B. Large and multiple outbuildings iii. does not exceed a wall height of 2.4m	A. Small outbuilding iv. does not exceed a wall height of 3m ; B. Large and multiple outbuildings iii. does not exceed a wall height of 3m ;
WAPC Approval Required: Y/N		Date Approved by WAPC (if applicable): N/A	

5(b) Exempt Development Works

The exemptions listed in the table below do not apply where:

- a referral to the Metropolitan Region Scheme under the Instrument of Delegation is required prior to determination; or
- the bushfire requirements of the *Planning and Development (Local Planning Schemes) Regulations 2015* are applicable;
- Where development is considered to have an adverse impact on the streetscape and/or adjoining properties.

The following development does not require approval:

Applies to:	Condition(s)
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<p>a) Alterations to non-residential buildings</p> <p>Except where the property is: affected by the <i>Heritage Act 2018</i>, is listed on the <i>City of Stirling Heritage List</i> and/or located within a Heritage Protection Area.</p>	<p>Alterations to the building facades (to the primary and secondary street) where:</p> <ol style="list-style-type: none"> the height of the building is not increased; and the alignment to a street is not altered by more than 300mm; and meets all requirements of the City's Local Planning Scheme and relevant local planning framework.
<p>b) Grouped Dwelling development that results in no more than two dwellings on a parent lot.</p>	<ol style="list-style-type: none"> That meets all requirements of the City's Local Planning Scheme and any relevant local planning framework, and The deemed-to-comply provisions of the R-Codes Volume 1.
<p>c) In addition to the exemptions provided under Clause 61(1)(b)(7) of Schedule 2, Part 7 of the Planning and Development (Local Planning Schemes) Regulations 2015, Grouped Dwelling additions are exempt from development approval where they meet the following criteria.</p> <p>Except where the property is: affected by the <i>Heritage Act 2018</i>, is listed on the <i>City of Stirling Heritage List</i> and/or located within a Heritage Protection Area.</p>	<ol style="list-style-type: none"> The development meets all requirements of the City's Local Planning Scheme and any relevant Local Planning Framework, and The deemed-to-comply provisions of the R-Codes Volume 1.
<p>d) Transportable Containers</p>	<p>Where present on the property for no more than 9 consecutive days in any 12-month period.</p>
<p>d) Viewing Platforms</p>	<p>When used to market homes in an approved development, to show potential views, and are:</p> <ol style="list-style-type: none"> limited to one per <u>development</u> site; and on-site for a maximum of 3 months within a 12-month period; and within the maximum building height of the approved <u>development</u>; and located behind all street setback areas; and setback a minimum of 7.5m from any lot boundary.
<p>e) Incidental Structures</p> <p><i>Except where; at a place listed on the Heritage List or where located within the Heritage Special Control Area and is in the front setback area; attached to the front facing portion of a building including the roof.</i></p>	<p>Such as but not limited to:</p> <ul style="list-style-type: none"> Satellite dish; Air Conditioner; Solar Panel; Shade structure or sail; Screening; Clothes line Swimming Pools - below ground for private use only.

5(c) Markets

Development Approval Exemption – Private Community Purposes Zone

Markets are exempt from requiring Development Approval within the *Private Community Purposes* zone under the City's Local Planning Scheme provided all the following conditions are met:

- No new buildings are constructed. Markets may operate from existing buildings, temporary structures, vehicles, trailers, or similar setups.
- The Market operates no more than one day per week.
- The Market includes no more than 30 stalls.
- The market is not open to the public:
 - Between 7:00pm and 7:00am, Monday to Saturday
 - Between 7:00pm and 9:00am on Sundays
 - On Christmas Day, Good Friday, or Easter Sunday
- Vendor arrival is not permitted before 6:00am.
- The Market and associated parking must be located at least 150 metres from any lot zoned for 'Residential' use.
- Market operations must not conflict with parking requirements for the site's primary use.
- A minimum of two car parking bays per stall must be provided.

Markets on Public Land

Markets proposed on Local Reserves are also exempt from Development Approval under the Scheme. These proposals will be assessed through the City's Event Application process.

6. DEFINITIONS

Unless otherwise provided for in this Policy, definitions have the same meaning as the Residential Design Codes (R-Codes), the City's Local Planning Scheme and the *Planning and Development (Local Planning Schemes) Regulations 2015*. The following additional definitions apply to this policy.

Market	<p>Means premises used for the display and sale of goods from stalls by independent vendors;</p> <p><i>Note: For the purpose of this definition, a stall includes any structure whether fixed or moveable, temporary or permanent, vehicles, trailers and the like. The sale of goods includes the sale of food or drinks from a stall.</i></p>
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Transportable Containers	Means a moveable container, sea container, shipping container or the like, that is being used to transport goods to and/or from the property.
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7. OTHER RELEVANT DOCUMENTS

- Local Planning Scheme No.4 Scheme Text
- State Planning Policy 7.3 Residential Design Codes
- Planning and Development (Local Planning Schemes) Regulations 2015
- The City's Event Application Guidelines and Requirements

OFFICE USE ONLY:

Policy Type: Local Planning Policy
Policy Owner: City Future

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