

# LUP 19 – Exemptions From Development Approval Requirements

---

## 1 Objectives

- 1.1 To provide for regulatory efficiencies by reducing the need to obtain development approval for development that is of a minor nature and complies with all relevant planning legislation and policies.
- 1.2 To specify the development for which a development approval is not required and the requirements to be satisfied.
- 1.3 to ensure appropriate development outcomes, in particular to maintain standards of amenity, landscape, environment and rural values.

## 2 Definitions

### 2.1 Outbuilding

An enclosed non-habitable that is detached from any dwelling.

### 2.2 Single House

A dwelling standing wholly on its own green title or survey strata lot together with any easement over adjoining land for support of a wall or for access or services and excludes dwellings on titles with areas held in common property.

Note: the definitions are derived from the R-Codes

## 3 Application of this Policy

The specific policy requirements below apply to specified land as per this Policy within the Shire of Bridgetown-Greenbushes two (2) operative Town Planning Schemes being:

- 1. Town Planning Scheme No.3; and
- 2. Town Planning Scheme No. 4.

This Policy does not exempt development from obtaining any other approvals and compliance with relevant local laws, statutes and policies including building and health approvals.

## 4 Limitations and Exclusions

This Local Planning Policy does not deal with exemptions for:

1. Development as provided under clause 61 of the Deemed Provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015*:
2. Signs that are administered under separate provisions of the respective town planning schemes:
3. Fences that are administered under separate legislation outside the local planning framework.

## 5 Policy

### 5.1 Exemptions – Town Planning Scheme No 3

The following development does not require the development approval of the local government:

- a) the erection, extension, addition or alteration to a single house, outbuilding, carport, incidental structure (and the like) or the siting of a rainwater tank of 5000 litre capacity or less on a lot in the Rural, Special Rural, Residential Development and Special Residential zone where:
  - i. In the Rural Zone the development is:
    - Compliant with the setback requirement set out in Section 4.5.1 of the TPS 3
    - In the case of an outbuilding is of a size that is equal or less than:
      - 120m<sup>2</sup> in floor area;
      - Wall height of 3.0m; and
      - Apex height of 4.0m
  - ii. In the Special Rural zone, the development is:
    - In the case of a single house, is not constructed of materials that are wholly or predominantly:
      - Second hand or damaged materials;
      - Corrugated iron;
      - Re-usedAs these building elements are deemed to have a negative visual appearance potentially affecting the amenity of the locality as set out in Section 4.6.10;
    - Contained within an approved building envelope or where there is no approved envelope the setback requirements set out in Section 4.6.11;
    - Compliant with Section 4.6.12 relating to the provision of a potable water supply;
    - Compliant with Section 4.6.13 relating to siting of effluent disposal systems;
    - Compliant with any specific requirements set out in Schedule 1 of the TPS 3;
    - In the case of an outbuilding is of a size that is equal or less than:
      - 120m<sup>2</sup> in floor area;
      - Wall height of 3.0m; and
      - Apex height of 4.0m

- iii. In the Residential Development zone, the development is
  - Compliant with the setback requirements set out in Section 4.7.4 of the TPS 3;
  - In the case of an outbuilding is of a size that is equal or less than:
    - 120m<sup>2</sup> in floor area;
    - Wall height of 3.0m; and
    - Apex height of 4.0m
- iv. In the Special Residential zone, the development is:
  - 120m<sup>2</sup> in floor area;
  - Wall height of 3.0m; and
  - Apex height of 4.0m

*(Note: this Local Planning Policy negates the requirements to comply with Section 4.10.6 of the TPS No 3)*

- b) In the case of a single house, where the development is not located in a Bushfire Prone Area as defined by DFES Map of Bushfire Prone Area

## 5.2 Exemptions – Town Planning Scheme No 4

The following development does not require the development approval of the local government:

- a) The erection, extension, addition or alteration to a single house, outbuilding, carport, incidental structure (and the like) or the siting of a rainwater tank of 5000 litre capacity or less on a lot in the Rural 1,2,3 and 4, Special Rural, Special Residential and Special Use zones where:
  - i. In the Rural 1,2,3, and 4 zones the development is:
    - Compliant with the setback requirements set out in Section 4.6 of the TPS 4;
    - Is not contained within a Tree Preservation Area set out in Section 4.5.7 of TPS 4.
  - ii. In the Special Rural zone, the development is:
    - Contained within an approved building envelope or where there is no approved envelope the setback requirements set out in Section 4.5.6 of the TPS 4;
    - Compliant with any specific requirements set out in Schedule 3 of the TPS No4.
    - In the case of an outbuilding is of a size that is equal or less than:
      - 120m<sup>2</sup> in floor area;
      - Wall height of 3.0m; and
      - Apex height of 4.0m
  - iii. In the Special Residential zone, the development is:
    - Contained within an approved building envelope or where there is no approved envelope the setback requirements set out in Section 4.11.3 of the TPS 4;
    - Compliant with Section 4.11.7 relating to use of second hand materials;
    - Compliant with Section 4.11.13 relating to siting of effluent disposal systems;
    - Compliant with any specific requirements set out in Schedule 7 of the TPS No 4.

- In the case of an outbuilding is of a size that is equal or less than:
  - 120m<sup>2</sup> in floor area;
  - Wall height of 3.0m; and
  - Apex height of 4.0m
- iv. In the Special Use zones (SU1 and SU3), the development is:
  - Compliant with any specific requirements set out in Schedule 6 of the TPS No 4.
  - In the case of an outbuilding is of a size that is equal or less than:
    - 120m<sup>2</sup> in floor area;
    - Wall height of 3.0m; and
    - Apex height of 4.0m
- (b) In the case of a single house, where the development is not located in a Bushfire Prone Area as defined by DFES Map of Bushfire Prone Area.

## 6 Applicable Legislation and Documents.

<b>Statutory Power</b> <i>(Acts, Regulations, Local Laws, TPS)</i>	Part 5 <i>Planning and Development Act 2005</i> – Local planning schemes s.6.7.1 Shire of Bridgetown-Greenbushes Town Planning Scheme 3 and s 7.6.1 Shire of Bridgetown-Greenbushes Town Planning Scheme 4 – In order to assist in the implementation of the Scheme, the Council may make Town Planning Scheme Policies relating to one or more of the aspects of the control of development and land use.
<b>Shire Policies</b>	N/A
<b>Related Documents</b>	Shire of Bridgetown-Greenbushes Town Planning Scheme No.3 Shire of Bridgetown-Greenbushes Town Planning Scheme No.4 <i>Planning and Development (Local Planning Schemes) Regulations 2015</i>
<b>Related Procedure</b>	N/A

## 7 Administration

<b>Original Adoption Date</b>	24 November 2022 (C.07/1122c)
<b>Last Variation Date</b>	
<b>Last Reviewed</b>	
<b>Scheduled Reviewed Date</b>	30 November 2023