Policy

Local Planning Policy 1.13 Exempted Development

Document Approval

Document Development Officer:	Document Owner:
Senior Planning Officer	Executive Director Infrastructure, Development and Environment

Document Control

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1.0	Position Title	User version numbering 1.0 when adopted or approved. Example descriptions: *Adopted by Council on 26/11/2014 Report Item ED005.* *Approved by Executive on 11/11/2014.*	dd/mm/20yy
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Objectives

1. To identify forms of development that can be made exempt from the requirement to obtain development approval where appropriate.

2. To provide clear and consistent criteria for determining whether development qualifies for an exemption from development approval.

3. To streamline the planning approval process by reducing regulatory requirements for development that is unlikely to have a significant impact on the amenity, character or orderly planning of an area.

4. To ensure exempt development is undertaken in a manner that maintains appropriate planning, environmental, heritage and amenity outcomes.

Scope

5. This policy applies to the works and development types identified below. The policy is to be read in conjunction with the exemptions from the requirement to obtain development approval set out under clause 61 of the *Planning and Development (Local Planning Schemes) Regulations 2015,* the Residential Design Codes and Schedule A, Table 6 of the *City of Albany Local Planning Scheme No. 2.*

Policy Statement

General Provisions

1. The following table sets out exemptions from the requirements to obtain development approval and should be read in conjunction with the exemptions set out under the *Planning and Development (Local Planning Schemes) Regulations 2015, the Residential Design Codes* and the *City of Albany Local Planning Scheme No. 2.*

2. The exemptions outlined in this policy apply only to the requirement for development approval. Other approvals, permits or requirements may still apply, including those relating to building, engineering, environmental health or other regulatory matters.

3. Proponents are encouraged to obtain written confirmation from the City of Albany that the proposed development satisfies the applicable exemption criteria prior to commencing the works or seeking other approval.

Exempted Development Table				
	Works/development	Applicable Zone	Conditions	Guidance Notes
1.	Single House and Single House - Additions and/or Alterations.	Rural Rural Residential Rural Smallholdings Priority Agriculture Rural Townsite Note: Residential zones have a separate exemption	(1) The R-Codes do not apply. (2) The works comply with the provisions of Local Planning Scheme No.2 and any associated Local Planning Policy. (3) The works are not located in a heritage-protected place. (4) The works are not within a Special Control Area that specifically requires a development application be submitted; or (5) No clearing of existing vegetation required.	Any development that requires a works program to reduce the BAL rating to BAL-29 or lower is not exempt from the requirement for development approval. Where a property is not connected to a reticulated sewerage system, any exempt development must comply with the applicable environmental health legislation or local government requirements relating to the treatment and disposal of wastewater.

			(6) If a building envelope is designated, development is located within the designated building envelope. (7) The single house or additions and/or alterations are not located within an area that has a pre-development Bushfire Attack Level rating of BAL-40 or above.	
2.	Additions and/or Alterations to an existing approved Single House.	Urban Development	(1) The works are not located in a heritage-protected place. (2) The works are not within a Special Control Area that specifically requires a development application be submitted. (3) If the works are located on a lot subject to an endorsed structure plan or adopted local development plan that specifies an R-Code density for the lot: (a) the works comply with the deemed-to-comply provisions of the R-Codes: or (4) If an endorsed structure plan and/or adopted local development plan specifying an R-Code density for the lot does not apply: (a) the works comply with the provisions of Local Planning Scheme No.2 and any associated Local Planning Policy. (5) The additions and/or alterations are not located within an area that has a pre-development Bushfire Attack Level rating of BAL-40 or above.	Any development that requires a works program to reduce the BAL rating to BAL-29 or lower is not exempt from the requirement for development approval.
3.	Ancillary dwelling	Rural Rural Residential Rural Smallholdings	(1) The R-Codes do not apply to the lot. (2) The works comply with the provisions of Local Planning Scheme No.2 and any associated Local Planning Policy. (3) The works are not located within a	Any development that requires a works program to reduce the BAL rating to BAL-29 or lower is not exempt from the requirement for development approval.

		Priority Agriculture Rural Townsite Note: Residential zones have a separate exemption	heritage-protected place. (4) The works are not within a Special Control Area that specifically requires a development application be submitted; or (5) Ancillary dwelling is not located within an area that has a pre-development Bushfire Attack Level rating of BAL-40 or above. (6) The ancillary dwelling is connected to a reticulated sewerage system, or the same septic system as the existing single house. (7) Where not connected to mains water, each dwelling is to have a minimum of 55,000L capacity sustainable potable water supply.	
4.	Outbuilding	Rural Priority Agriculture Rural Residential Rural Smallholdings Rural Townsite Note: Residential zones have a separate exemption	(1) *The works comply with the provisions of Local Planning Scheme No.2 and any associated Local Planning Policy. (2) The works are not located in a heritage-protected place. (3) The works are not located within a Special Control Area that specifically requires a development application be submitted.	*Outbuilding proposals seeking to apply performance criteria under Local Planning Scheme No.2 are not exempt under this policy.
5.	Water tank	Rural Priority Agriculture Rural Residential Rural Smallholdings Rural Townsite Urban Development	(1) The works comply with the provisions of Local Planning Scheme No.2 and any associated Local Planning Policy. (2) The works are not located in a heritage-protected place. (3) If located in the Urban Development Zone and an endorsed structure plan or adopted local development plan specifies an R-Code density for the lot: (a) the works comply with the deemed-	Building Permit may be required.

		Note: Residential zones have a separate exemption	to-comply provisions of the R-Codes: or (4) If located in the Urban development Zone and an endorsed structure plan and/or adopted local development plan specifying an R-Code density for the lot does not apply: (a) the works comply with the provisions of Local Planning Scheme No.2 as they relate to the development and the zone.	
6.	Grouped Dwelling	Residential	(1) The R-Codes apply to the lot. (2) The site has a density coding of R25 or below. (3) The works comply with the deemed to comply requirements of R-Codes as they relate to grouped dwelling development. (4) The works are not located in a heritage-protected place. (5) The works are not within a Special Control Area that specifically requires a development application be submitted. (6) The grouped dwelling is proposed on a lot created by a survey-strata subdivision approved by the Western Australian Planning Commission. (7) The survey-strata subdivision does not create more than 3 lots and has been endorsed and the lots have been created.	The exemption is intended to allow R-Code-compliant grouped dwellings to qualify for an exemption where they would otherwise be exempt as a single dwelling, if not for the creation of common property through a survey-strata subdivision.

Legislative and Strategic Context

10. This policy operates within the following framework of legislation.
    - *Planning and Development Act 2005*
    - *Planning and Development (Local Planning Schemes) Regulations 2015*
    - *City of Albany Local Planning Scheme No.2.*

Review Position and Date

11. This policy should be reviewed every four years, or earlier if required.

Associated Documents

12. Related strategies, procedures, references, guidelines or other documents that have a bearing on this policy and that may be useful reference material for users of this policy, follow:
    - *Residential Design Codes Volume 1 & 2*
    - *City of Albany Local Planning Scheme No.2.*
    - *Planning and Development (Local Planning Schemes) Regulations 2015*

Definitions

Site works means works that affect the ground level, whether by excavation or filling.

Retaining wall means a structure designed and constructed to support any material, usually soil, where the natural ground level has been altered by cutting (lowering) or filling (raising).

Single house has the same meaning given to the term in the Residential Design Codes.

Ancillary dwelling has the same meaning given to the term in the Residential Design Codes.

Outbuilding has the same meaning given to the term in the Residential Design Codes.

Water tank means an enclosed structure designed and engineered to retain water.

Grouped dwelling has the same meaning given to the term in the Residential Design Codes.

Document Approval

Document Owner	Executive Director Infrastructure, Development and Environment
Responsible Officer	Manager Development Services
Date Approved	DD/MM/YYYY
Amended/Revised	

Document Revision History

Version	Description	Date
0.1	**Document Development Officer:** Senior Strategic Planning Officer	#####
0.2	Endorsed by Council for advertising (refer Item DIS###) **File Reference:** CM.STD.7 – Policy Register **Document Reference:** ######	####
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