



Planning & Development Services

City of Albany Policy

Development Approval Exemption

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TABLE OF CONTENTS

1.	Policy Statement.....	4
2.	Objectives.....	4
3.	Scope	4
4.	Legislative and Strategic Context.....	5
5.	Review Position and Date.....	6
6.	Associated documents.....	6
7.	Definitions.....	7
8.	Policy Provision	7

1. POLICY STATEMENT

In accordance with the City of Albany *Local Planning Scheme 1*, clause 5.5.3.2, any development (apart from home office) in the 'Future Urban' zone requires the planning approval of the Local Government.

The *Planning and Development Regulations 2015* states at clause 61(1)(i):

61. Development for which development approval not required

- (1) *Development approval of the local government is not required for the following works —*
 - (i) *the carrying out of any other works specified in a local planning policy or local development plan that applies to the development as works that do not require development approval.*

2. OBJECTIVES

The purpose of this policy is to exempt specified development from requiring a development approval where:

- a. Development will be on a lot that is zoned 'Future Urban';
- b. An R-Code density has been defined as a component of an endorsed structure plan; and
- c. The works satisfy the deemed-to-comply requirements of the R-Codes.

3. SCOPE

This policy applies to the following specified works:

- single house;
- ancillary dwelling;
- outbuilding;
- external fixture;
- patio;
- pergola;
- veranda;
- garage;
- carport; or
- swimming pool.

4. LEGISLATIVE AND STRATEGIC CONTEXT

City of Albany Legislation/Strategy/Policy	State Legislation
<p>Community Strategic Plan, Albany 2023</p> <p>Section 3 of the <i>Community Strategic Plan, Albany 2023</i> recommends the following deliverables:</p> <ul style="list-style-type: none"> • A connected Built Environment; and • Connected and interesting precincts. 	<p>Planning and Development Regulations 2015</p> <p>Schedule 2, cl.61(1)(i)</p> <p>61 Development for which development approval not required</p> <p>(1) Development approval of the local government is not required for the following works —</p> <p>(i) the carrying out of any other works specified in a local planning policy or local development plan that applies to the development as works that do not require development approval;</p>
<p>Local Planning Scheme No. 1</p> <p>5.5.3 Future Urban Zone</p> <p>5.5.3.1 Notwithstanding any other requirement of the Scheme, for any lot within the Future Urban zone, the Local Government may only permit the following land uses:</p> <ul style="list-style-type: none"> • Single House/Relocated Dwelling; • Ancillary Accommodation; • Bed & Breakfast/Farmstay; • Home Business; • Home Occupation; • Home Office; • Industry – Cottage; • Rural Pursuit; • Telecommunications Infrastructure; and • Public Utility <p>unless a Structure Plan has been prepared and adopted under clause 5.9 of the Scheme.</p> <p>5.5.3.2 Apart from Home Office, all land uses mentioned in clause 5.5.3.1 and any development requires the planning approval of the Local Government and no land use or development shall be permitted if, in the</p>	<p>Planning and Development Regulations 2015</p> <p>Schedule 2, cl.61(1)(c)</p> <p>61 Development for which development approval not required</p> <p>(1) Development approval of the local government is not required for the following works —</p> <p>(c) the erection or extension of a single house on a lot if the R-Codes apply to the development and the development satisfies the deemed-to-comply requirements of the R-Codes unless the development is located in a place that is —</p> <p>(i) entered in the Register of Heritage Places under the <i>Heritage of Western Australia Act 1990</i>; or</p> <p>(ii) the subject of an order under the <i>Heritage of Western Australia Act 1990</i> Part 6; or</p> <p>(iii) included on a heritage list prepared in accordance with this Scheme; or</p> <p>(iv) within an area designated under the Scheme as a heritage area; or</p> <p>(v) the subject of a heritage agreement entered into under the</p>

<p>opinion of the Local Government, such use or development would adversely impact on the potential of the land for future urban purposes.</p> <p>8.2 Permitted Development</p> <p>Except as otherwise provided in the Scheme, for the purposes of the Scheme the following development does not require the planning approval of Local Government:</p> <p>(c) The erection on a lot of a Single House including any ancillary outbuildings and swimming pools, except where:</p> <p>(ii) The proposal requires the exercise of discretion by the Local Government under the Scheme to vary the provisions of the <i>Residential Design Codes</i> or Scheme;</p>	<p><i>Heritage of Western Australia Act 1990 section 29;</i></p>
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5. REVIEW POSITION AND DATE

This policy was adopted on 28 June 2016.

This policy may be suitable for review every five years.

6. ASSOCIATED DOCUMENTS

1. *Planning and Development (Local Planning Schemes) Regulations 2015*
2. *Local Planning Scheme No. 1*
3. *Local Planning Policy Manual*
 - *South Lockyer Structure Plan*
 - *Little Grove Structure Plan*
 - *Structure Plan – McKail – Boundary, Le Grande and Flemington*
 - *Outline Development Plan – Big Grove*
 - *Outline Development Plan – Catalina*
 - *Bayonet Head Interim Outline Development Plan*
 - *Brooks Garden Outline Development Plan*
 - *Lots 1, 2 & 3 South Coast Highway, Mckail Structure Plan*
 - *Outline Development Plan – Morgan Place*

7. DEFINITIONS

R-Codes means the *Residential Design Codes* prepared by the Western Australian Planning Commission under section 26 of the *Planning and Development Act 2005*, as amended from time to time.

8. POLICY PROVISION

Development approval of the local government is not required for the erection or extension of a single house, ancillary dwelling, outbuilding, external fixture, external fixture, boundary wall or fence, patio, pergola, veranda, garage, carport or swimming pool, in the 'Future Urban' zone, where an R-Code has been specified by an endorsed structure plan and the development satisfies the deemed-to-comply requirements of the R-Codes.