

5.6 OUTCOME OF ADVERTISING AND ADOPTION OF AMENDMENTS TO LOCAL PLANNING POLICY NO. 7.5.1 - MINOR NATURE DEVELOPMENT

- Attachments:**
1. **Local Planning Policy: Planning Exemptions**
 2. **Advertised Draft Local Planning Policy: Planning Exemptions**
 3. **Local Planning Policy: Planning Exemptions - Tracked Changes**

RECOMMENDATION:**That Council:**

1. **PROCEEDS** with the Amendment to Local Planning Policy No. 7.5.1 – Minor Nature Development, pursuant to Schedule 2, Part 2, Clause 5 of the *Planning and Development (Local Planning Schemes) Regulations*, as at Attachment 1; and
2. **PREPARES** and **PUBLISHES** the notice of revocation for Local Planning Policy No. 7.5.8 – Temporary Viewing Platforms, pursuant to Schedule 2, Part 2, Clause 6(b) of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

PURPOSE OF REPORT:

To consider the outcomes of community consultation on the Amendment to Local Planning Policy No. 7.5.1 – Minor Nature Development and to determine whether to proceed with the amended policy.

BACKGROUND:

[Local Planning Policy No. 7.5.1 – Minor Nature Development](#) (the Policy) was adopted by Council on 27 March 2001. Minor amendments were made on 22 November 2005 and 11 June 2013, a major review has not been undertaken since the Policy's adoption.

Council at its [23 August 2022 Meeting](#) considered a report on the review of the Policy and approved the amended Policy for the purpose of community consultation.

DETAILS:

The *Planning and Development Regulations (Local Planning Schemes) 2015* (the Regulations) identifies works and land uses which are exempt from requiring development (planning) approval across Western Australia. It also allows local governments to prepare local planning policies which specify additional works and land uses that are exempt from requiring planning approval.

Within the City's unique context it is appropriate to support improved approvals processes by providing additional planning exemptions for works and land uses that are unlikely to have a negative impact on the community and that are subject to appropriate conditions.

The proposed changes would result in a contemporary Policy that would deliver efficiencies and better support our community in undertaking small building projects, operate their businesses and hold regular community events.

The amended Policy has been prepared to address the following:

- To update its structure and function in line with current practice;
- To be consistent with the Regulations;
- To respond to risks and opportunities in the existing Policy;
- To include additional and revised exemptions in relation to creative land uses, regular community events, temporary works and land uses, and minor works (small projects) to residential and non-residential developments; and
- To include guidance on when temporary viewing platforms are appropriate and exempt from planning approval.

The inclusion of temporary viewing platforms within the Policy means [Local Planning Policy No. 7.5.8 – Temporary Viewing Platforms](#) would be revoked.

The final amended Policy is included as **Attachment 1**, now titled Local Planning Policy: Planning Exemptions.

CONSULTATION/ADVERTISING:

In accordance with the City's [Community and Stakeholder Engagement Policy](#), community consultation occurred for a period of 21 days from 25 November 2022 to 16 December 2022.

The methods of consultation were as follows:

- Notice published on the City's website;
- Notice posted to the City's social media;
- Notice published in the PerthNow Central newspaper on 24 November 2022;
- Notice displayed on the notice board at the City's Administration and Library and Local History Centre;
- Emails to each of the City's Town Teams; and
- Targeted consultation to a selection of key public spaces or venues across the City that host or have hosted regular or large events. The purpose was to seek feedback both from users of these spaces or venues and from nearby residents or businesses who may be impacted by events. The methods of this consultation included notification of the Policy review and specific mention of the amendments affecting events, and were as follows:
 - Letters mailed to all properties adjoining and adjacent to four key public events spaces in the City, being Hyde Park, Kyilla Park, Braithwaite Park and Birdwood Square; and
 - Signs on site at each of the parks listed above as well as at North Perth Town Hall.

At the conclusion of the consultation period, a total of seven submissions were received.

- Two submissions were in support, both with no comments provided;
- Three submissions were neither in support nor objection. Of these, one submission provided comments; and
- Two submissions in objection. Of these, one submission provided comments.

Administration contacted the person who made the submission in objection and provided comments. It was confirmed that their submission was not in relation to the Policy and was instead in relation to a development application the City was separately consulting on at the time.

Following the consultation period an additional late submission was received that was in objection and provided comments.

The comments provided in relation to the Policy are summarised as follows:

Submission neither in support or objection:

No objection to well managed events that are approved by Vincent, but raise concerns that noise levels are kept to a reasonable level and this is actively controlled by Vincent, as this can impact adjacent residents. Request that any changes to the local planning policy include some active method and monitoring of noise control.

Query how groups that set up their own informal events with amplified music in Hyde Park can be controlled. There are often informal groups creating excessive noise at times within the park, and there have been recent examples where noise generated by live music was easily heard by adjacent residents in their homes, and may not have been appreciated by other Park users.

Late submission in objection:

Parking considerations are something that very few events consider, meaning that people arrive at Hyde Park and ignore parking restrictions. This creates significant issues for residents and other casual and regular park users who respect parking restrictions.

There are already regular parties occurring for most of the day and into the evenings, and Rangers often don't actively enforce the parking restrictions in these periods. This does not help people who have no off-street parking, especially when a parking space within a reasonable distance of their home cannot be found. All events should have a parking plan and be encouraged to arrange parking elsewhere, to not disappoint both event attendees, residents and other users.

There also needs to be a policy with regard to what kind of events are suitable in a park that was designed to be a tranquil oasis for people, not a music venue.

The advertised draft amended Policy is included as **Attachment 2**.

The final amended Policy was not readvertised as the changes made were in response to the comments received or were providing clarification on policy operation, and did not result in any new exemptions being added that were not previously advertised.

LEGAL/POLICY:

Schedule 2, Clause 4 and 5 of the Regulations sets out the requirements to make and amend a local planning policy. Clause 6 sets out the requirements to revoke a local planning policy.

The City's Policy Development and Review Policy sets out the process for the development and review of the City's policy documents.

RISK MANAGEMENT IMPLICATIONS

Low: It is low risk for Council to adopt the amended Policy and revoke the Temporary Viewing Platforms Policy.

STRATEGIC IMPLICATIONS:

This is in keeping with the City's *Strategic Community Plan 2018-2028*:

Connected Community

An arts culture flourishes and is celebrated in the City of Vincent.

Thriving Places

We are recognised as a City that supports local and small business.

We encourage innovation in business, social enterprise and imaginative uses of space, both public and private.

Sensitive Design

Our built form is attractive and diverse, in line with our growing and changing community.

Our built form character and heritage is protected and enhanced.

Our planning framework supports quality design, sustainable urban built form and is responsive to our community and local context.

Innovative and Accountable

We are open and accountable to an engaged community.

SUSTAINABILITY IMPLICATIONS:

This does not contribute to any environmental sustainability outcomes. This action/activity is environmentally neutral.

PUBLIC HEALTH IMPLICATIONS:

This does not contribute to any public health outcomes in the *City's Public Health Plan 2020-2025*.

FINANCIAL/BUDGET IMPLICATIONS:

The amended Policy may result in a reduction in development application fees received by the City as some works and land uses would no longer need development approval under the amendments.

COMMENTS:

The final amended Policy has been updated in response to the comments received during community consultation and a further review of the Policy by Administration in relation to the exemption for regular events.

A tracked changes copy of the Policy between the advertised draft version and the final version is included as **Attachment 3**.

The updates are set out below.

Events Exemption

The exemption for events in the Policy has been updated in response to the comments received during community consultation, feedback provided from Elected Members following the consultation period and a review of other Local Government local planning policies in relation to exemptions and events.

The exemption in the advertised draft Policy is summarised as follows:

- On public land, the event is limited to occurring once per week, for a single period of 12 consecutive hours or less.
- On public or private land, the event is limited to occurring once per month, for a single period of 12 consecutive hours or less.
- The 12 consecutive hours does not include set-up and pack-down time.
- Written notification is to be provided to all adjoining residential properties prior to the event occurring.
- The event is not to be of a high scale, impact or intensity, as determined by the City.

The updated exemption in the final Policy is summarised as follows:

- On public land, the event is limited to occurring once per week, for a single period of six consecutive hours or less. This is only available for the purpose of community markets that are limited to no more 40 stallholders. This is a change from the advertised draft Policy.
- On public or private land, the event is limited to occurring once per month, for a single period of 12 consecutive hours or less. This is not a change from the advertised draft Policy.
- The consecutive hours includes set-up and pack-down time. This is a change from the advertised draft Policy.
- Written notification is to be provided to all adjoining residential properties prior to the event occurring. This is not a change from the advertised draft Policy.
- An Event Application is required to have been submitted to the City. This is a change from the advertised draft Policy.
- The event is limited to starting no earlier than 7:00am on Monday to Saturday or 9:00am on Sunday or public holidays, and finishing no later than 10:00pm. This is a change from the advertised draft Policy.

The reasons for the changes to the updated exemption are summarised as follows:

Weekly Events and Community Markets

The exemption for an event on public land occurring once per week has been revised to further limit the scope to community market events only.

This is to be consistent with common weekly events that already occur or have previously occurred in the City, and that are generally accepted by the community, such as the Kyilla Community Farmers Market (Kyilla Markets) and the Mount Hawthorn Hawkers Market (Mount Hawthorn Markets).

The exemption has also been revised to further restrict the scale of the weekly community market event. The number of consecutive hours it can occur for has been reduced to six hours, with this period to include set-up and pack-down time, and the maximum number of stallholders has been limited to 40.

These conditions are consistent with the terms imposed on the previous approvals that have been granted by the City to the Kyilla and Mount Hawthorn Markets. Under these previous approvals, the maximum number of stallholders are limited to 40 for Kyilla Markets and 25 for Mount Hawthorn Markets, and their hours of operation (inclusive of set-up and pack-down times) are limited to a period of six hours from 7:00am to 1:00pm for Kyilla Market and 4:00pm to 10:00pm for Mount Hawthorn Market.

These changes, along with the other conditions that would still apply including those set out below, would ensure that the exemption supports weekly community events such as morning farmers markets or evening hawkers markets, whilst ensuring that they would not adversely impact on the surrounding area.

Event Application Process

The requirement for an Event Application to be submitted to the City prior to an event occurring has been moved from the guidance column to be a condition of being exempt from planning approval.

Before an event could start occurring under this exemption, an Event Application would need to be submitted to the City. This would require the event organiser to go through the existing events process where details of the event would need to be submitted to the City for assessment.

As part of the existing Event Application assessment process, details are required to be submitted to the City including the following:

- Event dates, times, location, activities, estimated attendance and set-up/pack-down periods;
- Details on health requirements, including the sale of food or alcohol, noise creating devices and expected sound level emissions, and any temporary structures or seating that would be erected;
- Details on parks requirements, including any required groundworks, lighting, signage and vehicle access;
- Details on traffic operations, including whether there will be road or car park closures or temporary car parking provided;
- Details on waste management, including expected generation, collection and bin requirements; and
- Details on accessibility requirements, the notification of relevant Emergency Service providers and whether there will security or crowd control.

These details are then assessed by Administration and the relevant teams consider the proposed event against the relevant City policies, local laws and State legislation. Any necessary approvals are then issued under the relevant policies, local laws and legislation, and if Administration has queries or concerns then further information would be sought from the event organiser.

The previous condition in the advertised draft Policy of being exempt from planning approval where the regular event was not seen to be of a 'high scale, impact or intensity' has been removed. This condition was subjective, as the scale, impact and intensity of an event may vary depending on the location, size and type of the event venue, the event activities and the event management practices. This assessment would instead occur as part of the Event Application process.

For these reoccurring events, there would also be an opportunity for Administration to monitor the event and address any issues or complaints that may arise with the event organiser so that their operations and practices can be adjusted for future events.

Operating Hours and Noise

The exemption has been revised to further restrict when the event could occur, to ensure that it does not occur over multiple days or during sensitive hours where there may be associated noise impacts.

It has been clarified that set-up and pack-down times are to be included in the single period of consecutive hours that the event occurs for once per week or month. This is to ensure that set-up and pack-down does not occur on the day/s prior or following the event, limiting the scale of event the exemption could apply to.

Times that the event needs to occur within have also been added, being no earlier than 7:00am on Monday to Saturday or 9:00am on Sunday or public holidays, and no later than 10:00pm on any day. This is aligned with the *Environmental Protection (Noise) Regulations 1997* (the Noise Regulations) to restrict events from occurring during the most sensitive hours of the day in relation to noise.

An additional note has been included following Table 4 to advise that temporary land uses and works are still required to comply with the Noise Regulations outside of these hours, and that noise should be appropriately minimised so that they do not impact the amenity of the surrounding properties.

As part of the existing assessment process for Event Applications, the City's Health Services team considers information submitted by the event organiser against the Noise Regulations. A decision is made on a case-by-case basis on whether noise monitoring is conducted at the event as this generally only occurs for large scale events at HBF Park.

For informal or one-off events referenced in the community consultation submissions, such as private picnics or birthday parties, these are already exempt under Clause 67(2)(f) in Schedule 2 (Deemed Provisions) of the Regulations which states as follows:

Temporary use that is in existence for less than 48 hours, or a longer period agreed by the local government, in any 12-month period.

These events are smaller one-off private occasions and informal in nature, and would not require an Event Application. These events would be a matter for the City's Rangers team or the Western Australian Police Force to respond to if complaints did arise.

The exemption under this Policy is in relation to events occurring on a regular basis, either weekly for community markets on public land or monthly on public or private land. If complaints are received or issues occur, then there would be an opportunity to address this with the event organiser so that they can adjust their operations for future events. The City could also conduct noise monitoring to assess the event against the Noise Regulations and take action if there is non-compliance.

Minor Residential Works Exemption

The exemption for minor residential works under Table 2 of the Policy has been updated in response to the Medium Density Codes that have been publicly released by the State Government and which will come into effect on 1 September 2023.

The updates are to ensure that minor residential works will need to satisfy the relevant and equivalent deemed-to-comply standards under the Medium Density Codes, being Part C of the updated Residential Design Codes Volume 1 2023.

Relationship of Exemptions to Previous Development Approvals

An additional clause under the Policy Operation section of the Policy has been included to clarify that where works and land uses have received a previous development approval, that they still need to comply with this approval and any associated conditions.

This is consistent with the approach taken by the State Government under the Regulations, where a similar clause is included to clarify that the new or updated exemptions do not apply retrospectively and that previously approved works and land uses are still bound by the terms of their previous approvals.

LOCAL PLANNING POLICY: PLANNING EXEMPTIONS

Legislation / local law requirements	This Policy has been prepared under the provisions of Schedule 2, Part 2 and 3 of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> .
Relevant delegations	16.1.1 Determination of various applications for development approval under the City's Local Planning Scheme.
Related policies, procedures and supporting documentation	<ul style="list-style-type: none">• Local Planning Policy: Built Form• Local Planning Policy: Child Care and Family Day Care• Vibrant Public Spaces Policy

PRELIMINARY

INTRODUCTION

The *Planning and Development Regulations (Local Planning Schemes) 2015* (the Regulations) identifies works and land uses which are exempt from requiring development (planning) approval across Western Australia. The Regulations allow local governments to prepare local planning policies which specify additional works and land uses that are exempt from development approval.

The City of Vincent recognises the need to remove barriers for proposals that are unlikely to have a negative impact on the community, and that it is appropriate for additional works and land uses to be exempt in the City.

PURPOSE

The purpose of this Policy is to exempt additional works and land uses not already identified in the Regulations or other Local Planning Policies from requiring development approval in the City of Vincent.

OBJECTIVE

The objectives of this Policy are:

1. To streamline planning processes and remove barriers to enable development and to support new and existing businesses.
2. To facilitate thriving places and sensitive design which responds to the City of Vincent's unique character and identity.
3. To exempt works, land uses and minor amendments which meet specified conditions and are of a low scale and impact, are appropriately designed and located, would not adversely impact the amenity of the community and surrounding properties, and would not adversely impact the appearance of the streetscape and public realm.
4. To ensure that proponents of exempt works and land uses understand that other approvals may be required under other Legislation.

LOCAL PLANNING POLICY: PLANNING EXEMPTIONS

5. To provide a definition for a minor amendment under the Regulations and to provide guidance on what should be considered when deciding whether an amendment is minor.

SCOPE

The provisions of this Policy apply to all works and land uses within the City of Vincent that are listed below and meet the conditions specified.

This Policy refers to other policies where they include standards which the works or land uses must meet to be exempt from development approval, including the City's Local Planning Policies relating to Built Form and to Child Care and Family Day Care, and the City's Policy relating to Vibrant Public Spaces. Where other Local Planning Policies or the Regulations specify other instances where works and land uses are exempt from development approval, these instances apply in addition to those listed in this Policy.

POLICY PROVISIONS

DEFINITIONS

Where they are not defined below, words and terms referred to in this Policy are as defined in the City's Local Planning Scheme No. 2 (the Scheme), the *Planning and Development Act 2005*, the Regulations or the Residential Design Codes (the R-Codes).

Minor Amendment means an amendment to a condition of approval or an aspect of an approved development which does not result in a substantial change to the approved development and is inconsequential when considering the following:

- The overall size and scale of the approved development;
- The potential impact of the amendment on the amenity of the adjoining properties and streetscape;
- The potential for the amendment to result in new or additional off-site impacts on the surrounding area, including but not limited to, noise, traffic and parking impacts;
- The level of visibility of the amendment from the adjoining properties, streetscape and surrounding area;
- The impact of the amendment on the approved development outcome overall, the conditions of development approval and the individual departures to the planning framework standards that were approved; and
- The cumulative impact resulting from the nature and the total number of amendments which are being or have been made to the approved development.

Public Land means all City owned and managed land, Crown land or any other land which is owned and managed by a State Government body or another public authority.

Temporary Viewing Platform means a removable structure that has been erected for a limited period of time, only at an approved location, for the sole purpose of demonstrating the prospective views of a new residential, mixed use or commercial development.

LOCAL PLANNING POLICY: PLANNING EXEMPTIONS

EXEMPTIONS

1. Policy Operation for Exemptions

- a) The works and land uses that are exempt from development approval are separated into the following tables:
- Table 1 – Land Uses
 - Table 2 – Residential Works
 - Table 3 – Non-Residential and Other Works
 - Table 4 – Temporary Uses and Works

Please refer to the relevant table below for the works or land use type proposed.

- b) Each table is separated into the following columns:
- Column 1 – The type of works or land use which could be exempt.
 - Column 2 – The location where the works or land use must be located to be exempt.
 - Column 3 – Conditions that the works or land use must meet to be exempt.
 - Column 4 – Guidance for satisfying the condition, other relevant information or other approvals that may be required before the works or land use can commence.
- c) To be exempt from development approval, the works or land use must be of a type referred to in Column 1, must be in the location referred to in Column 2 and must meet all conditions listed in Column 3.

If a condition in Column 3 states that it needs to be determined by the City, confirmation is required to be received from the City that the proposed works or land use would satisfy this condition before they can commence. The interpretation of the exemptions from development approval listed is also subject to the guidance in Column 4 and the notes under each table.

- d) Although the works or land use may be exempt from development approval, other approvals may be required from the City before the works or land use can start.
- e) Where works and land uses don't meet the specifications below then a development application will be required to be submitted to the City for these proposals, unless they don't require development approval under other Local Planning Policies or the Regulations.
- f) For works and land uses on public land, and unless otherwise listed in this Policy, development approval is not required for these works and land uses where they have received and hold a valid approval or permit from the City under an applicable Local Law.
- g) Works and land uses that have previously received development approval are still bound by that development approval and the associated conditions of approval. An exemption under this Policy does not supersede a previous development approval or replace the need for previously approved works and land uses to comply with that approval.

LOCAL PLANNING POLICY: PLANNING EXEMPTIONS

2. Exemptions for Minor Amendments

Under Schedule 2 Clause 77(3) of the Regulations, the City is provided with discretion to waive the requirement for development approval for minor amendments to approved developments. In considering a proposal to amend an aspect or a condition of an approved development, the City will exercise its discretion in accordance with the definition of minor amendment outlined in this Policy.

LOCAL PLANNING POLICY: PLANNING EXEMPTIONS

Table 1 – Land Use Exemptions

	Land Use	Location	Conditions	Guidance
1	Art Gallery	Centre and Commercial zoned land.	<ol style="list-style-type: none"> The net lettable area of the premises is no more than 300m²; and The development: <ol style="list-style-type: none"> has no works component; or is not required to receive development approval for any works component. 	<ul style="list-style-type: none"> Refer to the definition of Net Lettable Area in the Scheme and Regulations. Refer to Table 3 below or the Regulations to confirm whether development approval is required for the works component. A <u>Building Permit</u> from the City's Building team may be required for any associated works (including internally). An <u>Occupancy Permit</u> will be required from the City's Building team to change the use or classification of the building. A <u>Food Business registration</u> will be required from the City's Health team if you plan to sell or supply food or drinks at the premises A liquor licence may be required from the Department of Liquor. They may require a <u>Section 39 certificate</u> and <u>Section 40 certificate</u> to be obtained from the City's Health and Planning teams. A <u>Public Building certificate</u> will be required if you plan to host gatherings, events or activations at the premises. If there is any 'assembly' of people at a particular time for a particular purpose at the premises, a <u>Public Building certificate</u> will be required from the City's Health Team. An <u>Outdoor Eating Area permit</u>, <u>Goods Display permit</u> and/or <u>Portable Signage permit</u> will be required to have an eating area or to display goods or signage in the verge or footpath. An <u>Event Application</u> will be required to be submitted to the City if the land use will be hosting any events or gatherings.
2	Exhibition Centre	Commercial zoned land.	<ol style="list-style-type: none"> The net lettable area of the premises is no more than 300m²; The development must be located within the area bounded by the Graham Farmer Freeway, Loftus Street and Newcastle Street in West Perth as per the map in Appendix 1; and The development: <ol style="list-style-type: none"> has no works component; or is not required to receive development approval for any works component. 	
3	Market	Commercial zoned land.	<ol style="list-style-type: none"> The net lettable area of the premises is no more than 300m²; The development must be located within the area bounded by the Graham Farmer Freeway, Loftus Street and Newcastle Street in West Perth as per the map in Appendix 1; and The development: <ol style="list-style-type: none"> has no works component; or is not required to receive development approval for any works component. 	
4	Reception Centre	Commercial zoned land.	<ol style="list-style-type: none"> The net lettable area of the premises is no more than 300m²; The development must be located within the area bounded by the Graham Farmer Freeway, Loftus Street and Newcastle Street in West Perth as per the map in Appendix 1; and The development: <ol style="list-style-type: none"> has no works component; or is not required to receive development approval for any works component. 	
5	Family Day Care Services	All zoned land under the Scheme.	<ol style="list-style-type: none"> The Family Day Care Services satisfies the general requirements and requirements specific to Family Day Care Services in the City's Local Planning Policy relating to Child Care and Family Day Care. The development: <ol style="list-style-type: none"> has no works component; or is not required to receive development approval for any works component. 	<ul style="list-style-type: none"> Refer to Table 3 below or the Regulations to confirm whether development approval is required for the works component. A <u>Building Permit</u> from the City's Building team may be required for any associated works (including internally). An <u>Occupancy Permit</u> will be required from the City's Building team to change the use or classification of the building. A <u>Food Business registration</u> may be required from the City's Health team.

Note 1: To be exempt from development approval, the land use must be of a type referred to in Column 1, must be in the location referred to in Column 2 and must meet all conditions listed in Column 3.

Note 2: Land uses are as per the definitions in the Scheme.

Note 3: The additional approvals which may be required before the land use can operate are underlined in the Guidance column. These are only the main approvals that may be required from the City and the State Government, and there may be other approvals required. These approvals are also subject to change.

Note 4: Land uses and any associated noise generating activities are required to comply with the *Environmental Protection (Noise) Regulations 1997*. Noise from these activities should be appropriately minimised to ensure that they do not impact of the amenity of surrounding properties.

Note 5: In accordance with Schedule 2 Clause 77E(1) of the Regulations, land uses listed above are not required to comply with the applicable minimum on-site parking requirement.

LOCAL PLANNING POLICY: PLANNING EXEMPTIONS

Table 2 – Residential Works Exemptions

	Works	Location	Conditions	Guidance
1	Pergolas	All zoned land under the Scheme.	<ol style="list-style-type: none"> The works are not located in a heritage-protected place; and The pergola or vergola are not located within the primary or secondary street setback of a building. 	<ul style="list-style-type: none"> A <u>Building Permit</u> from the City's Building team may be required for the works.
2	Minor Works	All zoned land under the Scheme.	<ol style="list-style-type: none"> The works are not located in a heritage-protected place; The works are associated with a single or grouped dwelling; The works are of the following types of structures or works (excluding those used for vehicle parking and shipping containers): <ol style="list-style-type: none"> Outbuilding; Patio, Alfresco or equivalent; Verandah, Porches or equivalent; and Alterations and Additions to extend or alter an existing dwelling's footprint; and The works: <ol style="list-style-type: none"> Are not located within the primary or secondary street setback of a building; Have an area of no more than 30 square metres; Have a total height of no more than 3.5 metres above natural ground level; Have a floor level no more than 0.5 metres above natural ground level; and Do not result in departures to the R-Codes Volume 1: <ol style="list-style-type: none"> Part B Outdoor Living Area, Open Space and Boundary Wall length deemed-to-comply standards; or Part C Private Open Space, Site Cover, Solar Access and Ventilation and Boundary Wall length deemed-to-comply standards. 	<ul style="list-style-type: none"> A <u>Building Permit</u> from the City's Building team may be required for the works. The R-Codes Volume 1 Part B applies to properties coded R25 and below, and Part C applies to those coded R30 and above.
3	Fences – Multiple Dwellings	All zoned land under the Scheme.	<ol style="list-style-type: none"> The works are not located in a heritage-protected place; The works are associated with multiple dwellings; and The street fences, walls and gates must fully satisfy the deemed-to-comply standards or acceptable outcomes of the R-Codes, the City's Local Planning Policy relating to Built Form and the City's Local Law relating to Fencing. 	<ul style="list-style-type: none"> A <u>Building Permit</u> from the City's Building team may be required for the works. Refer to the Regulations for the exemption for fences associated with single and grouped dwellings.
4	Site Works and Retaining Walls – Grouped and Multiple Dwellings	All zoned land under the Scheme.	<ol style="list-style-type: none"> The works are not located in a heritage-protected place; and The fill, excavation and retaining walls must not exceed 500 millimetres in height from natural ground level. 	<ul style="list-style-type: none"> A <u>Building Permit</u> from the City's Building team may be required for the works. Site works can include alterations to ground levels with structures such as decking, paving, ramps and similar structures which alter the apparent ground level without involving the fill or excavation of soil. Site works completed under this exemption does not change the natural ground level of the site, which is defined in the Regulations.

Note 1: To be exempt from development approval, the works must be of a type referred to in Column 1, must be in the location referred to in Column 2 and must meet all conditions listed in Column 3.

Note 2: A heritage-protected place is defined in Schedule 2 Clause 1A of the Regulations. This includes, but is not limited to, any place listed on the State Register of Heritage Places or any place listed on the City's Municipal Heritage Inventory either individually or as part of a heritage area.

Note 3: The additional approvals which may be required before the works can start are underlined in the Guidance column. These are only the main approvals that may be required from the City and the State Government, and there may be other approvals required. These approvals are also subject to change.

LOCAL PLANNING POLICY: PLANNING EXEMPTIONS

Table 3 – Non-Residential and Other Works Exemptions

	Works	Location	Conditions	Guidance
1	Fences	All zoned land under the Scheme.	<ol style="list-style-type: none"> The works are not located in a heritage-protected place; and The street fences, walls and gates must fully satisfy the acceptable outcomes of the City's Local Planning Policy relating to Built Form and the City's Local Law relating to Fencing. 	<ul style="list-style-type: none"> A Building Permit from the City's Building team may be required for the works.
2	Minor Works	All zoned land under the Scheme.	<ol style="list-style-type: none"> The works are not located in a heritage-protected place; and The works: <ol style="list-style-type: none"> Are not directly visible from a primary or secondary street; Have an area of no more than 30 square metres; Have a total height of no more than 3.5 metres above natural ground level; and Have a floor level no more than 0.5 metres above natural ground level. 	<ul style="list-style-type: none"> A Building Permit from the City's Building team may be required for the works.
3	Site Works and Retaining Walls	All zoned land under the Scheme.	<ol style="list-style-type: none"> The works are not located in a heritage-protected place; and The fill, excavation and retaining walls must not exceed 500 millimetres in height from natural ground level. 	<ul style="list-style-type: none"> A Building Permit from the City's Building team may be required for the works. Site works can include alterations to ground levels with structures such as decking, paving, ramps and similar structures which alter the apparent ground level without involving the fill or excavation of soil. Site works completed under this exemption does not change the natural ground level of the site, which is defined in the Regulations.
4	Roof Replacements	All zoned land under the Scheme.	<ol style="list-style-type: none"> The works are not located in a heritage-protected place; and The roof shall be a like-for-like replacement of the existing roof in terms of its area, height and roof pitch. 	<ul style="list-style-type: none"> A Building Permit from the City's Building team may be required for the works.
5	Shopfront or Building Façade Alterations	All zoned land under the Scheme.	<ol style="list-style-type: none"> The works are not located in a heritage-protected place; and The works: <ol style="list-style-type: none"> Do not alter any part of the alignment of the shopfront or building façade in relation to its proximity to the street boundary; Do not result in the removal of any features of traditional shopfront design, including recessed doorways, stall risers, seating ledges and sills; Maintain a shopfront or building façade which has an active and interactive relationship with the street; and Do not include the installation of roller doors, shutters or the equivalent. 	<ul style="list-style-type: none"> A Building Permit from the City's Building team may be required for the works. The shopfront or building façade alterations do not include signage. Refer to the City's Local Planning Policy relating to Signs and Advertising for exemptions for signage.
6	Signs and Advertising on Public Spaces	Public land.	<ol style="list-style-type: none"> The signs and advertising must relate to the following: <ol style="list-style-type: none"> the functions of government, a public authority or the Council of a local government, excluding those of a promotional nature constructed or exhibited by, or on behalf of, any such body; required for the management and control of traffic on any public road, car park, cycleway, railway or waterway where such advertisement has been constructed, exhibited by or at the direction of a government department, public authority or the Council of a local government; or required to be exhibited by or pursuant to any statute or regulation or the like made pursuant to powers contained within a statute provided that any such advertisement is constructed and/or exhibited strictly in accordance with the requirements specified therein. 	<ul style="list-style-type: none"> A Building Permit from the City's Building team may be required for the works.
7	Street Furniture	Public land.	<ol style="list-style-type: none"> The street furniture is subject to an approved and current Vibrant Public Space Agreement. 	<ul style="list-style-type: none"> Refer to the City's Vibrant Public Spaces Policy for guidance.

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8	Affixed Eating Area Furniture	Public land.	1. The affixed eating area furniture is subject to an approved and current Vibrant Public Space Agreement.	<ul style="list-style-type: none"> Refer to the City's Vibrant Public Spaces Policy for guidance.
9	Pop-Up Parklet or Pop-Up Eatlet	Public land.	1. The pop-up parklet or pop-up eatlet is subject to an approved and current Vibrant Public Space Agreement.	<ul style="list-style-type: none"> Refer to the City's Vibrant Public Spaces Policy for guidance. A <u>Building Permit</u> from the City's Building team may be required for the works.
10	Parklet or Eatlet	Public land.	1. The parklet or eatlet is subject to an approved and current Vibrant Public Space Agreement.	<ul style="list-style-type: none"> Refer to the City's Vibrant Public Spaces Policy for guidance. A <u>Building Permit</u> from the City's Building team may be required for the works.

Note 1: To be exempt from development approval, the works must be of a type referred to in Column 1, must be in the location referred to in Column 2 and must meet all conditions listed in Column 3.

Note 2: A heritage-protected place is defined in Schedule 2 Clause 1A of the Regulations. This includes, but is not limited to, any place listed on the State Register of Heritage Places or any place listed on the City's Municipal Heritage Inventory either individually or as part of a heritage area.

Note 3: The additional approvals which may be required before the works can start are underlined in the Guidance column. These are only the main approvals that may be required from the City and the State Government, and there may be other approvals required. These approvals are also subject to change.

Note 4: Non-residential works includes works associated with mixed use developments.

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Table 4 – Temporary Use and Works Exemptions

	Land Use and/or Works	Location	Conditions	Guidance
1	Temporary Uses and Events – Community Markets	Public land.	<ol style="list-style-type: none"> The temporary use or event is in existence for a single period of 6 consecutive hours or less over one day in any one week period; Written notification is provided to all adjoining residential properties a minimum of one week prior to first occurrence of the event or use; An Event Application has been submitted to the City; The temporary use or event shall commence no earlier than 7:00am on Monday to Saturday or 9:00am on Sunday and public holidays, and shall end no later than 10:00pm on any day; and The temporary use or event is limited to no more than 40 stallholders. 	<ul style="list-style-type: none"> Community markets includes farmers markets, hawkers markets, fairs, swap meets or other similar events predominantly involving the display and sale of goods from stalls by independent vendors, with the events open and accessible to the public at all times without charge. The consecutive hours includes time for the set-up and pack-down of equipment and structures associated with the temporary use or event. The written notification shall at minimum include the name of the event or use, the exact location, the activities involved, the start and finish time of the event or use, the dates that the event or use will occur on and the name and contact details of the event organiser and manager.
2	Temporary Uses and Events	Public land or all zoned land under the Scheme.	<ol style="list-style-type: none"> The temporary use or event is in existence for a single period of 12 consecutive hours or less over one day in any one month period; Written notification is provided to all adjoining residential properties a minimum of one week prior to first event occurring; An Event Application has been submitted to the City; and The temporary use or event shall commence no earlier than 7:00am on Monday to Saturday or 9:00am on Sunday and public holidays, and shall end no later than 10:00pm on any day. 	<ul style="list-style-type: none"> As part of an <u>Event Application</u>, the following details would need to be submitted to the City for assessment against the relevant City policies, local laws and State legislation: <ul style="list-style-type: none"> Dates, times, location, estimated attendances and set-up/pack down periods. A description of the event activities and operations. Details on the sale of food and alcohol, noise creating devices and sound level emissions, and any temporary structures or seating that would be required. Details on any required groundworks, lighting, signage and vehicle access. Traffic and parking details and management, including temporary arrangements and road or car park closures. Waste details and management, including generation, collection and bin requirements. Accessibility requirements and details. Notification of the relevant Emergency Services provides and security/crowd control details. <p>Further information may be required from the City as your application is assessed.</p> Temporary structures that are accessible by the public (for example, a marquee) will require a temporary <u>Occupancy Permit</u> from the City's Building team, and depending on their size a <u>Building Permit</u> may also be required. For signs associated with the temporary use or event, refer to the City's Local Planning Policy relating to Signs and Advertising for exemptions for signage. For a temporary use or event on public land, they are still bound and required to comply with any terms or conditions of any lease, licence, permit or other agreement with the City for the use of the land.
3	Temporary Construction Infrastructure and Activities	Public land or all zoned land under the Scheme.	<ol style="list-style-type: none"> The temporary construction infrastructure and activities may include offices, sheds, containers, site yards or any other development and: <ol style="list-style-type: none"> must be associated with and used by builders or contractors who are directly associated with approved construction works and must be located on the same site or on a nearby site to where these works are occurring, as determined by the City; must be removed from the site/s upon completion of the construction works; and must be associated and operate in accordance with a construction management plan which has been approved by the City. 	<ul style="list-style-type: none"> Refer to the City's Local Planning Policy relating to Construction Managements Plans. The construction management plan must be approved by the City prior to the temporary construction infrastructure being set up or used. The City will determine whether the site proposed to be used for temporary construction infrastructure and activities is nearby to the construction site. Generally a nearby site is one which is either directly adjoining or directly opposite (on the other side of a street or right-of-way) to the construction site. Other sites within close proximity of the construction site may be considered when there are no alternative directly adjoining or directly opposite sites available and where there would not be an adverse impact on the surrounding area. Temporary construction infrastructure and activities does not include sites primarily used for the purpose of dewatering activities or for the storage or accumulation of waste. A <u>Building Permit</u> from the City's Building team may be required for the works.

LOCAL PLANNING POLICY: PLANNING EXEMPTIONS

4	Temporary Viewing Platforms	Public land or all zoned land under the Scheme.	<ol style="list-style-type: none"> 1. The platform is associated with a development which has a valid development approval; 2. The platform is erected for a maximum period of three months from the date of issue of the building permit for the platform; 3. The platform is located away from adjoining residential properties and the viewing floor/s shall be screened appropriately to restrict views downwards and towards adjoining residential properties, as determined by the City; and 4. The maximum height of the platform is no higher than the maximum height of the approved development. 	<ul style="list-style-type: none"> • A <u>Building Permit</u> from the City's Building team will be required for the works. The platform will be required to comply with AS1657 – Fixed Platforms, Walkways, Stairways and Ladders (as amended). • The City will determine whether the temporary viewing platform has been appropriately located and screened. The platform should be located on the side of the development site furthest away from adjoining residential properties. Where there are adjoining residential properties on multiple sides of the site, the platform should be located centrally. The platform should be provided with screening devices around all sides of the viewing floor/s and stairs where facing adjoining residential properties. These devices should be a minimum of 75 per cent obscure and be of a sufficient height, setback and design to restrict views on a downward angle towards adjoining residential properties and should only permit views directly out or upwards from the viewing floor/s.
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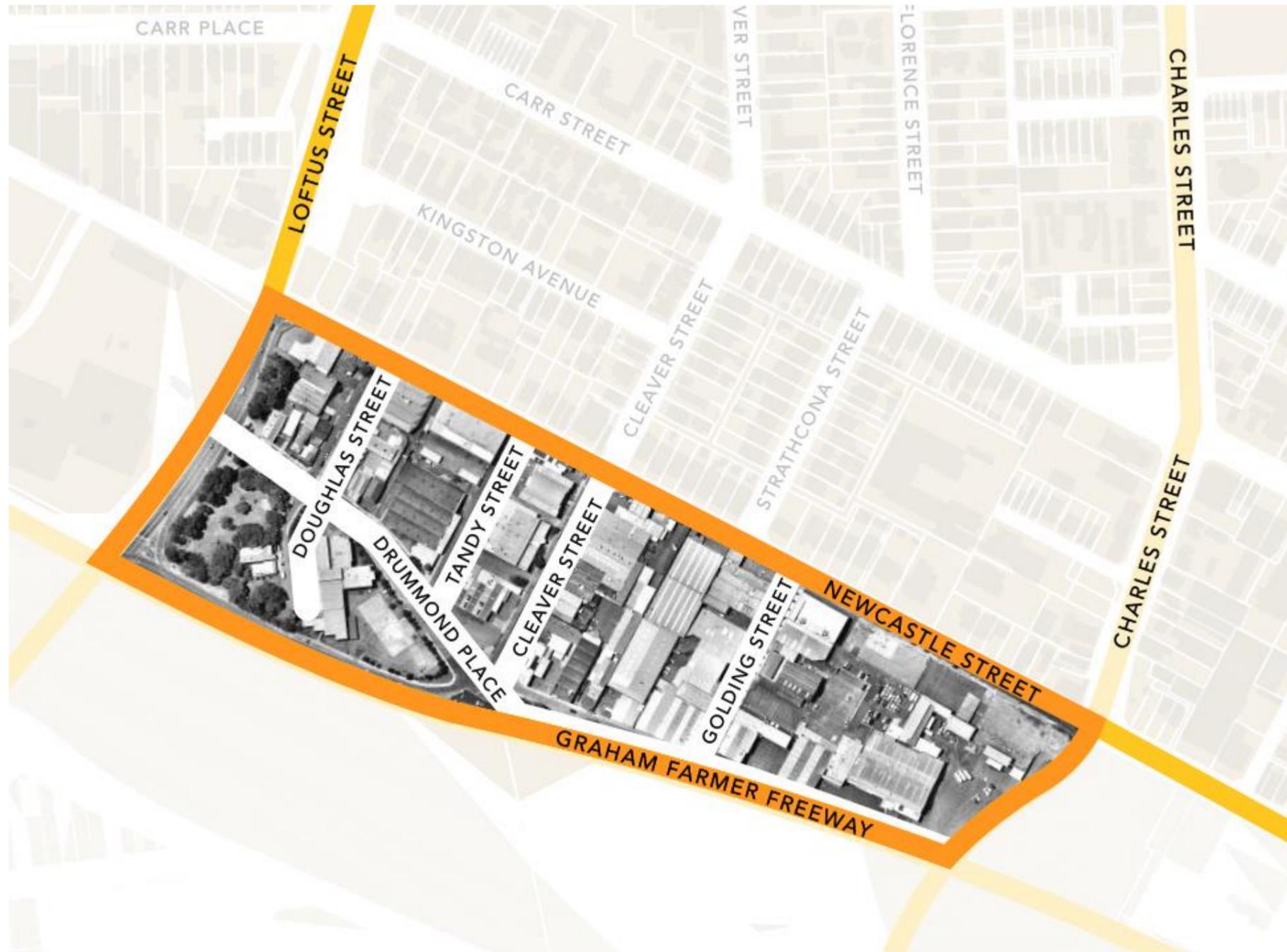
Note 1: To be exempt from development approval, the works or land use must be of a type referred to in Column 1, must be in the location referred to in Column 2 and must meet all conditions listed in Column 3.

Note 2: The additional approvals which may be required before the works can start are underlined in the Guidance column. These are only the main approvals that may be required from the City and the State Government, and there may be other approvals required. These approvals are also subject to change.

Note 3: Temporary land uses and/or works and any associated noise generating activities are required to comply with the *Environmental Protection (Noise) Regulations 1997*. Noise from these activities should be appropriately minimised to ensure that they do not impact of the amenity of surrounding properties.

LOCAL PLANNING POLICY: PLANNING EXEMPTIONS

Appendix 1 – Map of the area bounded by the Graham Farmer Freeway, Loftus Street and Newcastle Street in West Perth



OFFICE USE ONLY	
Responsible Officer	Manager Development and Design
Initial Council Adoption	27 March 2001
Previous Title	Local Planning Policy No. 7.5.1 – Minor Nature Development
Reviewed / Amended	22 November 2005, 11 June 2013, 25 July 2023
Next Review Date	2028

LOCAL PLANNING POLICY: PLANNING EXEMPTIONS

Legislation / local law requirements	This Policy has been prepared under the provisions of Schedule 2, Part 2 and 3 of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> .
Relevant delegations	16.1.1 Determination of various applications for development approval under the City's Local Planning Scheme.
Related policies, procedures and supporting documentation	<ul style="list-style-type: none">• Local Planning Policy: Built Form• Local Planning Policy: Child Care and Family Day Care• Vibrant Public Spaces Policy

PRELIMINARY

INTRODUCTION

The *Planning and Development Regulations (Local Planning Schemes) 2015* (the Regulations) identifies works and land uses which are exempt from requiring development (planning) approval across Western Australia. The Regulations allow local governments to prepare local planning policies which specify additional works and land uses that are exempt from development approval.

The City of Vincent recognises the need to remove barriers for proposals that are unlikely to have a negative impact on the community, and that it is appropriate for additional works and land uses to be exempt in the City.

PURPOSE

The purpose of this Policy is to exempt additional works and land uses not already identified in the Regulations or other Local Planning Policies from requiring development approval in the City of Vincent.

OBJECTIVE

The objectives of this Policy are:

1. To streamline planning processes and remove barriers to enable development and to support new and existing businesses.
2. To facilitate thriving places and sensitive design which responds to the City of Vincent's unique character and identity.
3. To exempt works, land uses and minor amendments which meet specified conditions and are of a low scale and impact, are appropriately designed and located, would not adversely impact the amenity of the community and surrounding properties, and would not adversely impact the appearance of the streetscape and public realm.
4. To ensure that proponents of exempt works and land uses understand that other approvals may be required under other Legislation.

LOCAL PLANNING POLICY: PLANNING EXEMPTIONS

5. To provide a definition for a minor amendment under the Regulations and to provide guidance on what should be considered when deciding whether an amendment is minor.

SCOPE

The provisions of this Policy apply to all works and land uses within the City of Vincent that are listed below and meet the conditions specified.

This Policy refers to other policies where they include standards which the works or land uses must meet to be exempt from development approval, including the City's Local Planning Policies relating to Built Form and to Child Care and Family Day Care, and the City's Policy relating to Vibrant Public Spaces. Where other Local Planning Policies or the Regulations specify other instances where works and land uses are exempt from development approval, these instances apply in addition to those listed in this Policy.

POLICY PROVISIONS

DEFINITIONS

Where they are not defined below, words and terms referred to in this Policy are as defined in the City's Local Planning Scheme No. 2 (the Scheme), the *Planning and Development Act 2005*, the Regulations or the Residential Design Codes (the R-Codes).

Minor Amendment means an amendment to a condition of approval or an aspect of an approved development which does not result in a substantial change to the approved development and is inconsequential when considering the following:

- The overall size and scale of the approved development;
- The potential impact of the amendment on the amenity of the adjoining properties and streetscape;
- The potential for the amendment to result in new or additional off-site impacts on the surrounding area, including but not limited to, noise, traffic and parking impacts;
- The level of visibility of the amendment from the adjoining properties, streetscape and surrounding area;
- The impact of the amendment on the approved development outcome overall, the conditions of development approval and the individual departures to the planning framework standards that were approved; and
- The cumulative impact resulting from the nature and the total number of amendments which are being or have been made to the approved development.

Public Land means all City owned and managed land, Crown land or any other land which is owned and managed by a State Government body or another public authority.

Temporary Viewing Platform means a removable structure that has been erected for a limited period of time, only at an approved location, for the sole purpose of demonstrating the prospective views of a new residential, mixed use or commercial development.

LOCAL PLANNING POLICY: PLANNING EXEMPTIONS

EXEMPTIONS

1. Policy Operation for Exemptions

- a) The works and land uses that are exempt from development approval are separated into the following tables:

- Table 1 – Land Uses
- Table 2 – Residential Works
- Table 3 – Non-Residential and Other Works
- Table 4 – Temporary Uses and Works

Please refer to the relevant table below for the works or land use type proposed.

- b) Each table is separated into the following columns:

- Column 1 – The type of works or land use which could be exempt.
- Column 2 – The location where the works or land use must be located to be exempt.
- Column 3 – Conditions that the works or land use must meet to be exempt.
- Column 4 – Guidance for satisfying the condition, other relevant information or other approvals that may be required before the works or land use can commence.

- c) To be exempt from development approval, the works or land use must be of a type referred to in Column 1, must be in the location referred to in Column 2 and must meet all conditions listed in Column 3.

If a condition in Column 3 states that it needs to be determined by the City, confirmation is required to be received from the City that the proposed works or land use would satisfy this condition before they can commence. The interpretation of the exemptions from development approval listed is also subject to the guidance in Column 4 and the notes under each table.

- d) Although the works or land use may be exempt from development approval, other approvals may be required from the City before the works or land use can start.
- e) Where works and land uses don't meet the specifications below then a development application will be required to be submitted to the City for these proposals, unless they don't require development approval under other Local Planning Policies or the Regulations.
- f) For works and land uses on public land, and unless otherwise listed in this Policy, development approval is not required for these works and land uses where they have received and hold a valid approval or permit from the City under an applicable Local Law.

2. Exemptions for Minor Amendments

Under Schedule 2 Clause 77(3) of the Regulations, the City is provided with discretion to waive the requirement for development approval for minor amendments to approved developments. In considering a proposal to amend an aspect or a condition of an approved development, the City will exercise its discretion in accordance with the definition of minor amendment outlined in this Policy.

LOCAL PLANNING POLICY: PLANNING EXEMPTIONS

Table 1 – Land Use Exemptions

	Land Use	Location	Conditions	Guidance
1	Art Gallery	Centre and Commercial zoned land.	<ol style="list-style-type: none"> The net lettable area of the premises is no more than 300m²; and The development: <ol style="list-style-type: none"> has no works component; or is not required to receive development approval for any works component. 	<ul style="list-style-type: none"> Refer to the definition of Net Lettable Area in the Scheme and Regulations. Refer to Table 3 below or the Regulations to confirm whether development approval is required for the works component. A <u>Building Permit</u> from the City's Building team may be required for any associated works (including internally). An <u>Occupancy Permit</u> will be required from the City's Building team to change the use or classification of the building. A <u>Food Business registration</u> will be required from the City's Health team if you plan to sell or supply food or drinks at the premises A liquor licence may be required from the Department of Liquor. They may require a <u>Section 39 certificate</u> and <u>Section 40 certificate</u> to be obtained from the City's Health and Planning teams. A <u>Public Building certificate</u> will be required if you plan to host gatherings, events or activations at the premises. If there is any 'assembly' of people at a particular time for a particular purpose at the premises, a <u>Public Building certificate</u> will be required from the City's Health Team. An <u>Outdoor Eating Area permit</u>, <u>Goods Display permit</u> and/or <u>Portable Signage permit</u> will be required to have an eating area or to display goods or signage in the verge or footpath. An <u>Event Application</u> will be required to be submitted to the City if the land use will be hosting any events or gatherings.
2	Exhibition Centre	Commercial zoned land.	<ol style="list-style-type: none"> The net lettable area of the premises is no more than 300m²; The development must be located within the area bounded by the Graham Farmer Freeway, Loftus Street and Newcastle Street in West Perth as per the map in Appendix 1; and The development: <ol style="list-style-type: none"> has no works component; or is not required to receive development approval for any works component. 	
3	Market	Commercial zoned land.	<ol style="list-style-type: none"> The net lettable area of the premises is no more than 300m²; The development must be located within the area bounded by the Graham Farmer Freeway, Loftus Street and Newcastle Street in West Perth as per the map in Appendix 1; and The development: <ol style="list-style-type: none"> has no works component; or is not required to receive development approval for any works component. 	
4	Reception Centre	Commercial zoned land.	<ol style="list-style-type: none"> The net lettable area of the premises is no more than 300m²; The development must be located within the area bounded by the Graham Farmer Freeway, Loftus Street and Newcastle Street in West Perth as per the map in Appendix 1; and The development: <ol style="list-style-type: none"> has no works component; or is not required to receive development approval for any works component. 	
5	Family Day Care Services	All zoned land under the Scheme.	<ol style="list-style-type: none"> The Family Day Care Services satisfies the general requirements and requirements specific to Family Day Care Services in the City's Local Planning Policy relating to Child Care and Family Day Care. The development: <ol style="list-style-type: none"> has no works component; or is not required to receive development approval for any works component. 	<ul style="list-style-type: none"> Refer to Table 3 below or the Regulations to confirm whether development approval is required for the works component. A <u>Building Permit</u> from the City's Building team may be required for any associated works (including internally). An <u>Occupancy Permit</u> will be required from the City's Building team to change the use or classification of the building. A <u>Food Business registration</u> may be required from the City's Health team.

Note 1: To be exempt from development approval, the land use must be of a type referred to in Column 1, must be in the location referred to in Column 2 and must meet all conditions listed in Column 3.

Note 2: Land uses are as per the definitions in the Scheme.

Note 3: The additional approvals which may be required before the land use can operate are underlined in the Guidance column. These are only the main approvals that may be required from the City and the State Government, and there may be other approvals required. These approvals are also subject to change.

Note 4: Land uses and any associated noise generating activities are required to comply with the *Environmental Protection (Noise) Regulations 1997*. Noise from these activities should be appropriately minimised to ensure that they do not impact of the amenity of surrounding properties.

Note 5: In accordance with Schedule 2 Clause 77E(1) of the Regulations, land uses listed above are not required to comply with the applicable minimum on-site parking requirement.

LOCAL PLANNING POLICY: PLANNING EXEMPTIONS

Table 2 – Residential Works Exemptions

	Works	Location	Conditions	Guidance
1	Pergolas	All zoned land under the Scheme.	<ol style="list-style-type: none"> The works are not located in a heritage-protected place; and The pergola or vergola are not located within the primary or secondary street setback of a building. 	<ul style="list-style-type: none"> A <u>Building Permit</u> from the City's Building team may be required for the works.
2	Minor Works	All zoned land under the Scheme.	<ol style="list-style-type: none"> The works are not located in a heritage-protected place; The works are associated with a single or grouped dwelling; The works are of the following types of structures or works (excluding those used for vehicle parking and shipping containers): <ol style="list-style-type: none"> Outbuilding; Patio, Alfresco or equivalent; Verandah, Porches or equivalent; and Alterations and Additions to extend or alter an existing dwelling's footprint; and The works: <ol style="list-style-type: none"> Are not located within the primary or secondary street setback of a building; Have an area of no more than 30 square metres; Have a total height of no more than 3.5 metres above natural ground level; Have a floor level no more than 0.5 metres above natural ground level; and Do not result in variations to the R-Codes Outdoor Living Area, Open Space and Boundary Wall length deemed-to-comply standards. 	<ul style="list-style-type: none"> A <u>Building Permit</u> from the City's Building team may be required for the works.
3	Fences – Multiple Dwellings	All zoned land under the Scheme.	<ol style="list-style-type: none"> The works are not located in a heritage-protected place; The works are associated with multiple dwellings; and The street fences, walls and gates must fully satisfy the deemed-to-comply standards or acceptable outcomes of the R-Codes, the City's Local Planning Policy relating to Built Form and the City's Local Law relating to Fencing. 	<ul style="list-style-type: none"> A <u>Building Permit</u> from the City's Building team may be required for the works. Refer to the Regulations for the exemption for fences associated with single and grouped dwellings.
4	Site Works and Retaining Walls – Grouped and Multiple Dwellings	All zoned land under the Scheme.	<ol style="list-style-type: none"> The works are not located in a heritage-protected place; and The fill, excavation and retaining walls must not exceed 500 millimetres in height from natural ground level. 	<ul style="list-style-type: none"> A <u>Building Permit</u> from the City's Building team may be required for the works. Site works can include alterations to ground levels with structures such as decking, paving, ramps and similar structures which alter the apparent ground level without involving the fill or excavation of soil. Site works completed under this exemption does not change the natural ground level of the site, which is defined in the Regulations.

Note 1: To be exempt from development approval, the works must be of a type referred to in Column 1, must be in the location referred to in Column 2 and must meet all conditions listed in Column 3.

Note 2: A heritage-protected place is defined in Schedule 2 Clause 1A of the Regulations. This includes, but is not limited to, any place listed on the State Register of Heritage Places or any place listed on the City's Municipal Heritage Inventory either individually or as part of a heritage area.

Note 3: The additional approvals which may be required before the works can start are underlined in the Guidance column. These are only the main approvals that may be required from the City and the State Government, and there may be other approvals required. These approvals are also subject to change.

LOCAL PLANNING POLICY: PLANNING EXEMPTIONS

Table 3 – Non-Residential and Other Works Exemptions

	Works	Location	Conditions	Guidance
1	Fences	All zoned land under the Scheme.	<ol style="list-style-type: none"> The works are not located in a heritage-protected place; and The street fences, walls and gates must fully satisfy the acceptable outcomes of the City's Local Planning Policy relating to Built Form and the City's Local Law relating to Fencing. 	<ul style="list-style-type: none"> A Building Permit from the City's Building team may be required for the works.
2	Minor Works	All zoned land under the Scheme.	<ol style="list-style-type: none"> The works are not located in a heritage-protected place; and The works: <ol style="list-style-type: none"> Are not directly visible from a primary or secondary street; Have an area of no more than 30 square metres; Have a total height of no more than 3.5 metres above natural ground level; and Have a floor level no more than 0.5 metres above natural ground level. 	<ul style="list-style-type: none"> A Building Permit from the City's Building team may be required for the works.
3	Site Works and Retaining Walls	All zoned land under the Scheme.	<ol style="list-style-type: none"> The works are not located in a heritage-protected place; and The fill, excavation and retaining walls must not exceed 500 millimetres in height from natural ground level. 	<ul style="list-style-type: none"> A Building Permit from the City's Building team may be required for the works. Site works can include alterations to ground levels with structures such as decking, paving, ramps and similar structures which alter the apparent ground level without involving the fill or excavation of soil. Site works completed under this exemption does not change the natural ground level of the site, which is defined in the Regulations.
4	Roof Replacements	All zoned land under the Scheme.	<ol style="list-style-type: none"> The works are not located in a heritage-protected place; and The roof shall be a like-for-like replacement of the existing roof in terms of its area, height and roof pitch. 	<ul style="list-style-type: none"> A Building Permit from the City's Building team may be required for the works.
5	Shopfront or Building Façade Alterations	All zoned land under the Scheme.	<ol style="list-style-type: none"> The works are not located in a heritage-protected place; and The works: <ol style="list-style-type: none"> Do not alter any part of the alignment of the shopfront or building façade in relation to its proximity to the street boundary; Do not result in the removal of any features of traditional shopfront design, including recessed doorways, stall risers, seating ledges and sills; Maintain a shopfront or building façade which has an active and interactive relationship with the street; and Do not include the installation of roller doors, shutters or the equivalent. 	<ul style="list-style-type: none"> A Building Permit from the City's Building team may be required for the works. The shopfront or building façade alterations do not include signage. Refer to the City's Local Planning Policy relating to Signs and Advertising for exemptions for signage.
6	Signs and Advertising on Public Spaces	Public land.	<ol style="list-style-type: none"> The signs and advertising must relate to the following: <ol style="list-style-type: none"> the functions of government, a public authority or the Council of a local government, excluding those of a promotional nature constructed or exhibited by, or on behalf of, any such body; required for the management and control of traffic on any public road, car park, cycleway, railway or waterway where such advertisement has been constructed, exhibited by or at the direction of a government department, public authority or the Council of a local government; or required to be exhibited by or pursuant to any statute or regulation or the like made pursuant to powers contained within a statute provided that any such advertisement is constructed and/or exhibited strictly in accordance with the requirements specified therein. 	<ul style="list-style-type: none"> A Building Permit from the City's Building team may be required for the works.
7	Street Furniture	Public land.	<ol style="list-style-type: none"> The street furniture is subject to an approved and current Vibrant Public Space Agreement. 	<ul style="list-style-type: none"> Refer to the City's Vibrant Public Spaces Policy for guidance.

LOCAL PLANNING POLICY: PLANNING EXEMPTIONS

8	Affixed Eating Area Furniture	Public land.	1. The affixed eating area furniture is subject to an approved and current Vibrant Public Space Agreement.	<ul style="list-style-type: none"> Refer to the City's Vibrant Public Spaces Policy for guidance.
9	Pop-Up Parklet or Pop-Up Eatlet	Public land.	1. The pop-up parklet or pop-up eatlet is subject to an approved and current Vibrant Public Space Agreement.	<ul style="list-style-type: none"> Refer to the City's Vibrant Public Spaces Policy for guidance. A <u>Building Permit</u> from the City's Building team may be required for the works.
10	Parklet or Eatlet	Public land.	1. The parklet or eatlet is subject to an approved and current Vibrant Public Space Agreement.	<ul style="list-style-type: none"> Refer to the City's Vibrant Public Spaces Policy for guidance. A <u>Building Permit</u> from the City's Building team may be required for the works.

Note 1: To be exempt from development approval, the works must be of a type referred to in Column 1, must be in the location referred to in Column 2 and must meet all conditions listed in Column 3.

Note 2: A heritage-protected place is defined in Schedule 2 Clause 1A of the Regulations. This includes, but is not limited to, any place listed on the State Register of Heritage Places or any place listed on the City's Municipal Heritage Inventory either individually or as part of a heritage area.

Note 3: The additional approvals which may be required before the works can start are underlined in the Guidance column. These are only the main approvals that may be required from the City and the State Government, and there may be other approvals required. These approvals are also subject to change.

Note 4: Non-residential works includes works associated with mixed use developments.

LOCAL PLANNING POLICY: PLANNING EXEMPTIONS

Table 4 – Temporary Use and Works Exemptions

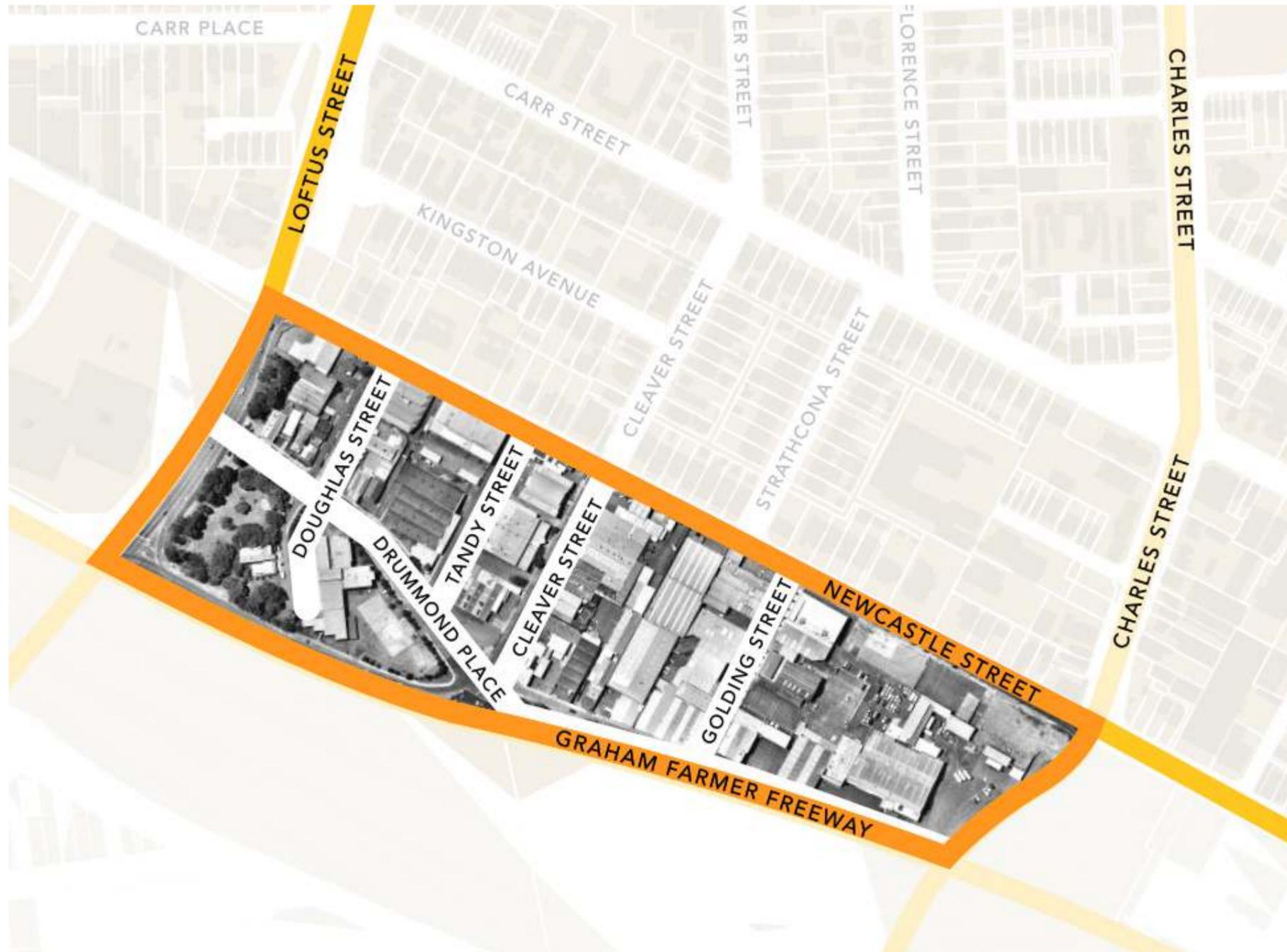
	Land Use and/or Works	Location	Conditions	Guidance
1	Temporary Uses and Events	Public land.	<ol style="list-style-type: none"> The temporary use or event is in existence for a single period of 12 consecutive hours or less in any one week period; Written notification is providing to all adjoining residential properties a minimum of one week prior to first occurrence of the event or use; and The temporary use or event is not of a high scale, impact or intensity, as determined by the City. 	<ul style="list-style-type: none"> The 12 consecutive hours does not include time for the set-up and pack-down of equipment and structures associated with the temporary use or event. An <u>Event Application</u> will be required to be submitted to the City prior to the temporary use or event occurring. The written notification shall at minimum include the name of the event or use, the exact location, the activities involved, the start and finish time of the event or use, the dates that the event or use will occur on and the name and contact details of the event organiser and manager. The City will determine whether the temporary use or event is not of a high scale, impact or intensity. It will consider the use or event's location, size, expected patron numbers, operating hours, the activities involved, the nature and scale of any required equipment and structures, and the potential to generate adverse off-site impacts such as noise, parking and traffic. Types of uses or events that may be exempt include markets, fairs, goods sales, art exhibitions and food and drink-related events. Temporary structures that are accessible by the public (for example, a marquee) will require a temporary <u>Occupancy Permit</u> from the City's Building team, and depending on their size a <u>Building Permit</u> may also be required.
		Public land or all zoned land under the Scheme.	<ol style="list-style-type: none"> The temporary use or event is in existence for a single period of 12 consecutive hours or less in any one month period; Written notification is providing to all adjoining residential properties a minimum of one week prior to first event occurring; and The temporary use or event is not of a high scale, impact or intensity, as determined by the City. 	
2	Temporary Construction Infrastructure and Activities	Public land or all zoned land under the Scheme.	<ol style="list-style-type: none"> The temporary construction infrastructure and activities may include offices, sheds, containers, site yards or any other development and: <ol style="list-style-type: none"> must be associated with and used by builders or contractors who are directly associated with approved construction works and must be located on the same site or on a nearby site to where these works are occurring, as determined by the City; must be removed from the site/s upon completion of the construction works; and must be associated and operate in accordance with a construction management plan which has been approved by the City. 	<ul style="list-style-type: none"> Refer to the City's Local Planning Policy relating to Construction Managements Plans. The construction management plan must be approved by the City prior to the temporary construction infrastructure being set up or used. The City will determine whether the site proposed to be used for temporary construction infrastructure and activities is nearby to the construction site. Generally a nearby site is one which is either directly adjoining or directly opposite (on the other side of a street or right-of-way) to the construction site. Other sites within close proximity of the construction site may be considered when there are no alternative directly adjoining or directly opposite sites available and where there would not be an adverse impact on the surrounding area. Temporary construction infrastructure and activities does not include sites primarily used for the purpose of dewatering activities or for the storage or accumulation of waste. A <u>Building Permit</u> from the City's Building team may be required for the works.
3	Temporary Viewing Platforms	Public land or all zoned land under the Scheme.	<ol style="list-style-type: none"> The platform is associated with a development which has a valid development approval; The platform is erected for a maximum period of three months from the date of issue of the building permit for the platform; The platform is located away from adjoining residential properties and the viewing floor/s shall be screened appropriately to restrict views downwards and towards adjoining residential properties, as determined by the City; and The maximum height of the platform is no higher than the maximum height of the approved development. 	<ul style="list-style-type: none"> A <u>Building Permit</u> from the City's Building team will be required for the works. The platform will be required to comply with AS1657 – Fixed Platforms, Walkways, Stairways and Ladders (as amended). The City will determine whether the temporary viewing platform has been appropriately located and screened. The platform should be located on the side of the development site furthest away from adjoining residential properties. Where there are adjoining residential properties on multiple sides of the site, the platform should be located centrally. The platform should be provided with screening devices around all sides of the viewing floor/s and stairs where facing adjoining residential properties. These devices should be a minimum of 75 per cent obscure and be of a sufficient height, setback and design to restrict views on a downward angle towards adjoining residential properties and should only permit views directly out or upwards from the viewing floor/s.

Note 1: To be exempt from development approval, the works or land use must be of a type referred to in Column 1, must be in the location referred to in Column 2 and must meet all conditions listed in Column 3.

Note 2: The additional approvals which may be required before the works can start are underlined in the Guidance column. These are only the main approvals that may be required from the City and the State Government, and there may be other approvals required. These approvals are also subject to change.

LOCAL PLANNING POLICY: PLANNING EXEMPTIONS

Appendix 1 – Map of the area bounded by the Graham Farmer Freeway, Loftus Street and Newcastle Street in West Perth



OFFICE USE ONLY	
Responsible Officer	Manager Development and Design
Initial Council Adoption	27 March 2001
Previous Title	Local Planning Policy No. 7.5.1 – Minor Nature Development
Reviewed / Amended	22 November 2005, 11 June 2013
Next Review Date	2027

LOCAL PLANNING POLICY: PLANNING EXEMPTIONS



Legislation / local law requirements	This Policy has been prepared under the provisions of Schedule 2, Part 2 and 3 of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> .
Relevant delegations	16.1.1 Determination of various applications for development approval under the City's Local Planning Scheme.
Related policies, procedures and supporting documentation	<ul style="list-style-type: none">• Local Planning Policy: Built Form• Local Planning Policy: Child Care and Family Day Care• Vibrant Public Spaces Policy

PRELIMINARY

INTRODUCTION

The *Planning and Development Regulations (Local Planning Schemes) 2015* (the Regulations) identifies works and land uses which are exempt from requiring development (planning) approval across Western Australia. The Regulations allow local governments to prepare local planning policies which specify additional works and land uses that are exempt from development approval.

The City of Vincent recognises the need to remove barriers for proposals that are unlikely to have a negative impact on the community, and that it is appropriate for additional works and land uses to be exempt in the City.

PURPOSE

The purpose of this Policy is to exempt additional works and land uses not already identified in the Regulations or other Local Planning Policies from requiring development approval in the City of Vincent.

OBJECTIVE

The objectives of this Policy are:

1. To streamline planning processes and remove barriers to enable development and to support new and existing businesses.
2. To facilitate thriving places and sensitive design which responds to the City of Vincent's unique character and identity.
3. To exempt works, land uses and minor amendments which meet specified conditions and are of a low scale and impact, are appropriately designed and located, would not adversely impact the amenity of the community and surrounding properties, and would not adversely impact the appearance of the streetscape and public realm.
4. To ensure that proponents of exempt works and land uses understand that other approvals may be required under other Legislation.

LOCAL PLANNING POLICY: PLANNING EXEMPTIONS



5. To provide a definition for a minor amendment under the Regulations and to provide guidance on what should be considered when deciding whether an amendment is minor.

SCOPE

The provisions of this Policy apply to all works and land uses within the City of Vincent that are listed below and meet the conditions specified.

This Policy refers to other policies where they include standards which the works or land uses must meet to be exempt from development approval, including the City's Local Planning Policies relating to Built Form and to Child Care and Family Day Care, and the City's Policy relating to Vibrant Public Spaces. Where other Local Planning Policies or the Regulations specify other instances where works and land uses are exempt from development approval, these instances apply in addition to those listed in this Policy.

POLICY PROVISIONS

DEFINITIONS

Where they are not defined below, words and terms referred to in this Policy are as defined in the City's Local Planning Scheme No. 2 (the Scheme), the *Planning and Development Act 2005*, the Regulations or the Residential Design Codes (the R-Codes).

Minor Amendment means an amendment to a condition of approval or an aspect of an approved development which does not result in a substantial change to the approved development and is inconsequential when considering the following:

- The overall size and scale of the approved development;
- The potential impact of the amendment on the amenity of the adjoining properties and streetscape;
- The potential for the amendment to result in new or additional off-site impacts on the surrounding area, including but not limited to, noise, traffic and parking impacts;
- The level of visibility of the amendment from the adjoining properties, streetscape and surrounding area;
- The impact of the amendment on the approved development outcome overall, the conditions of development approval and the individual departures to the planning framework standards that were approved; and
- The cumulative impact resulting from the nature and the total number of amendments which are being or have been made to the approved development.

Public Land means all City owned and managed land, Crown land or any other land which is owned and managed by a State Government body or another public authority.

Temporary Viewing Platform means a removable structure that has been erected for a limited period of time, only at an approved location, for the sole purpose of demonstrating the prospective views of a new residential, mixed use or commercial development.

LOCAL PLANNING POLICY: PLANNING EXEMPTIONS



EXEMPTIONS

1. Policy Operation for Exemptions

a) The works and land uses that are exempt from development approval are separated into the following tables:

- Table 1 – Land Uses
- Table 2 – Residential Works
- Table 3 – Non-Residential and Other Works
- Table 4 – Temporary Uses and Works

Please refer to the relevant table below for the works or land use type proposed.

b) Each table is separated into the following columns:

- Column 1 – The type of works or land use which could be exempt.
- Column 2 – The location where the works or land use must be located to be exempt.
- Column 3 – Conditions that the works or land use must meet to be exempt.
- Column 4 – Guidance for satisfying the condition, other relevant information or other approvals that may be required before the works or land use can commence.

c) To be exempt from development approval, the works or land use must be of a type referred to in Column 1, must be in the location referred to in Column 2 and must meet all conditions listed in Column 3.

If a condition in Column 3 states that it needs to be determined by the City, confirmation is required to be received from the City that the proposed works or land use would satisfy this condition before they can commence. The interpretation of the exemptions from development approval listed is also subject to the guidance in Column 4 and the notes under each table.

d) Although the works or land use may be exempt from development approval, other approvals may be required from the City before the works or land use can start.

e) Where works and land uses don't meet the specifications below then a development application will be required to be submitted to the City for these proposals, unless they don't require development approval under other Local Planning Policies or the Regulations.

f) For works and land uses on public land, and unless otherwise listed in this Policy, development approval is not required for these works and land uses where they have received and hold a valid approval or permit from the City under an applicable Local Law.

~~f)g)~~ Works and land uses that have previously received development approval are still bound by that development approval and the associated conditions of approval. An exemption under this Policy does not supersede a previous development approval or replace the need for previously approved works and land uses to comply with that approval.

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LOCAL PLANNING POLICY: PLANNING EXEMPTIONS



2. Exemptions for Minor Amendments

Under Schedule 2 Clause 77(3) of the Regulations, the City is provided with discretion to waive the requirement for development approval for minor amendments to approved developments. In considering a proposal to amend an aspect or a condition of an approved development, the City will exercise its discretion in accordance with the definition of minor amendment outlined in this Policy.

LOCAL PLANNING POLICY: PLANNING EXEMPTIONS

Table 1 – Land Use Exemptions

	Land Use	Location	Conditions	Guidance
1	Art Gallery	Centre and Commercial zoned land.	<ol style="list-style-type: none"> The net lettable area of the premises is no more than 300m²; and The development: <ol style="list-style-type: none"> has no works component; or is not required to receive development approval for any works component. 	<ul style="list-style-type: none"> Refer to the definition of Net Lettable Area in the Scheme and Regulations. Refer to Table 3 below or the Regulations to confirm whether development approval is required for the works component. A <u>Building Permit</u> from the City's Building team may be required for any associated works (including internally). An <u>Occupancy Permit</u> will be required from the City's Building team to change the use or classification of the building.
2	Exhibition Centre	Commercial zoned land.	<ol style="list-style-type: none"> The net lettable area of the premises is no more than 300m²; The development must be located within the area bounded by the Graham Farmer Freeway, Loftus Street and Newcastle Street in West Perth as per the map in Appendix 1; and The development: <ol style="list-style-type: none"> has no works component; or is not required to receive development approval for any works component. 	<ul style="list-style-type: none"> A <u>Food Business registration</u> will be required from the City's Health team if you plan to sell or supply food or drinks at the premises A liquor licence may be required from the Department of Liquor. They may require a <u>Section 39 certificate</u> and <u>Section 40 certificate</u> to be obtained from the City's Health and Planning teams. A <u>Public Building certificate</u> will be required if you plan to host gatherings, events or activations at the premises. If there is any 'assembly' of people at a particular time for a particular purpose at the premises, a <u>Public Building certificate</u> will be required from the City's Health Team. An <u>Outdoor Eating Area permit</u>, <u>Goods Display permit</u> and/or <u>Portable Signage permit</u> will be required to have an eating area or to display goods or signage in the verge or footpath. An <u>Event Application</u> will be required to be submitted to the City if the land use will be hosting any events or gatherings.
3	Market	Commercial zoned land.	<ol style="list-style-type: none"> The net lettable area of the premises is no more than 300m²; The development must be located within the area bounded by the Graham Farmer Freeway, Loftus Street and Newcastle Street in West Perth as per the map in Appendix 1; and The development: <ol style="list-style-type: none"> has no works component; or is not required to receive development approval for any works component. 	
4	Reception Centre	Commercial zoned land.	<ol style="list-style-type: none"> The net lettable area of the premises is no more than 300m²; The development must be located within the area bounded by the Graham Farmer Freeway, Loftus Street and Newcastle Street in West Perth as per the map in Appendix 1; and The development: <ol style="list-style-type: none"> has no works component; or is not required to receive development approval for any works component. 	
5	Family Day Care Services	All zoned land under the Scheme.	<ol style="list-style-type: none"> The Family Day Care Services satisfies the general requirements and requirements specific to Family Day Care Services in the City's Local Planning Policy relating to Child Care and Family Day Care. The development: <ol style="list-style-type: none"> has no works component; or is not required to receive development approval for any works component. 	<ul style="list-style-type: none"> Refer to Table 3 below or the Regulations to confirm whether development approval is required for the works component. A <u>Building Permit</u> from the City's Building team may be required for any associated works (including internally). An <u>Occupancy Permit</u> will be required from the City's Building team to change the use or classification of the building. A <u>Food Business registration</u> may be required from the City's Health team.

Note 1: To be exempt from development approval, the land use must be of a type referred to in Column 1, must be in the location referred to in Column 2 and must meet all conditions listed in Column 3.

Note 2: Land uses are as per the definitions in the Scheme.

Note 3: The additional approvals which may be required before the land use can operate are underlined in the Guidance column. These are only the main approvals that may be required from the City and the State Government, and there may be other approvals required. These approvals are also subject to change.

Note 4: Land uses and any associated noise generating activities are required to comply with the *Environmental Protection (Noise) Regulations 1997*. Noise from these activities should be appropriately minimised to ensure that they do not impact of the amenity of surrounding properties.

Note 5: In accordance with Schedule 2 Clause 77E(1) of the Regulations, land uses listed above are not required to comply with the applicable minimum on-site parking requirement.

LOCAL PLANNING POLICY: PLANNING EXEMPTIONS

Table 2 – Residential Works Exemptions

	Works	Location	Conditions	Guidance
1	Pergolas	All zoned land under the Scheme.	<ol style="list-style-type: none"> The works are not located in a heritage-protected place; and The pergola or vergola are not located within the primary or secondary street setback of a building. 	<ul style="list-style-type: none"> A <u>Building Permit</u> from the City's Building team may be required for the works.
2	Minor Works	All zoned land under the Scheme.	<ol style="list-style-type: none"> The works are not located in a heritage-protected place; The works are associated with a single or grouped dwelling; The works are of the following types of structures or works (excluding those used for vehicle parking and shipping containers): <ol style="list-style-type: none"> Outbuilding; Patio, Alfresco or equivalent; Verandah, Porches or equivalent; and Alterations and Additions to extend or alter an existing dwelling's footprint; and The works: <ol style="list-style-type: none"> Are not located within the primary or secondary street setback of a building; Have an area of no more than 30 square metres; Have a total height of no more than 3.5 metres above natural ground level; Have a floor level no more than 0.5 metres above natural ground level; and Do not result in <u>variations departures</u> to the R-Codes <u>Volume 1:</u> <ol style="list-style-type: none"> <u>Part B Outdoor Living Area, Open Space and Boundary Wall length deemed-to-comply standards;</u> <u>or</u> <u>Part C Private Open Space, Site Cover, Solar Access and Ventilation and Boundary Wall length deemed-to-comply standards.</u> 	<ul style="list-style-type: none"> A <u>Building Permit</u> from the City's Building team may be required for the works. <u>The R-Codes Volume 1 Part B applies to properties coded R25 and below, and Part C applies to those coded R30 and above.</u>
3	Fences – Multiple Dwellings	All zoned land under the Scheme.	<ol style="list-style-type: none"> The works are not located in a heritage-protected place; The works are associated with multiple dwellings; and The street fences, walls and gates must fully satisfy the deemed-to-comply standards or acceptable outcomes of the R-Codes, the City's Local Planning Policy relating to Built Form and the City's Local Law relating to Fencing. 	<ul style="list-style-type: none"> A <u>Building Permit</u> from the City's Building team may be required for the works. Refer to the Regulations for the exemption for fences associated with single and grouped dwellings.
4	Site Works and Retaining Walls – Grouped and Multiple Dwellings	All zoned land under the Scheme.	<ol style="list-style-type: none"> The works are not located in a heritage-protected place; and The fill, excavation and retaining walls must not exceed 500 millimetres in height from natural ground level. 	<ul style="list-style-type: none"> A <u>Building Permit</u> from the City's Building team may be required for the works. Site works can include alterations to ground levels with structures such as decking, paving, ramps and similar structures which alter the apparent ground level without involving the fill or excavation of soil. Site works completed under this exemption does not change the natural ground level of the site, which is defined in the Regulations.

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Note 1: To be exempt from development approval, the works must be of a type referred to in Column 1, must be in the location referred to in Column 2 and must meet all conditions listed in Column 3.

Note 2: A heritage-protected place is defined in Schedule 2 Clause 1A of the Regulations. This includes, but is not limited to, any place listed on the State Register of Heritage Places or any place listed on the City's Municipal Heritage Inventory either individually or as part of a heritage area.

Note 3: The additional approvals which may be required before the works can start are underlined in the Guidance column. These are only the main approvals that may be required from the City and the State Government, and there may be other approvals required. These approvals are also subject to change.

LOCAL PLANNING POLICY: PLANNING EXEMPTIONS

Table 3 – Non-Residential and Other Works Exemptions

	Works	Location	Conditions	Guidance
1	Fences	All zoned land under the Scheme.	<ol style="list-style-type: none"> The works are not located in a heritage-protected place; and The street fences, walls and gates must fully satisfy the acceptable outcomes of the City's Local Planning Policy relating to Built Form and the City's Local Law relating to Fencing. 	<ul style="list-style-type: none"> A Building Permit from the City's Building team may be required for the works.
2	Minor Works	All zoned land under the Scheme.	<ol style="list-style-type: none"> The works are not located in a heritage-protected place; and The works: <ol style="list-style-type: none"> Are not directly visible from a primary or secondary street; Have an area of no more than 30 square metres; Have a total height of no more than 3.5 metres above natural ground level; and Have a floor level no more than 0.5 metres above natural ground level. 	<ul style="list-style-type: none"> A Building Permit from the City's Building team may be required for the works.
3	Site Works and Retaining Walls	All zoned land under the Scheme.	<ol style="list-style-type: none"> The works are not located in a heritage-protected place; and The fill, excavation and retaining walls must not exceed 500 millimetres in height from natural ground level. 	<ul style="list-style-type: none"> A Building Permit from the City's Building team may be required for the works. Site works can include alterations to ground levels with structures such as decking, paving, ramps and similar structures which alter the apparent ground level without involving the fill or excavation of soil. Site works completed under this exemption does not change the natural ground level of the site, which is defined in the Regulations.
4	Roof Replacements	All zoned land under the Scheme.	<ol style="list-style-type: none"> The works are not located in a heritage-protected place; and The roof shall be a like-for-like replacement of the existing roof in terms of its area, height and roof pitch. 	<ul style="list-style-type: none"> A Building Permit from the City's Building team may be required for the works.
5	Shopfront or Building Façade Alterations	All zoned land under the Scheme.	<ol style="list-style-type: none"> The works are not located in a heritage-protected place; and The works: <ol style="list-style-type: none"> Do not alter any part of the alignment of the shopfront or building façade in relation to its proximity to the street boundary; Do not result in the removal of any features of traditional shopfront design, including recessed doorways, stall risers, seating ledges and sills; Maintain a shopfront or building façade which has an active and interactive relationship with the street; and Do not include the installation of roller doors, shutters or the equivalent. 	<ul style="list-style-type: none"> A Building Permit from the City's Building team may be required for the works. The shopfront or building façade alterations do not include signage. Refer to the City's Local Planning Policy relating to Signs and Advertising for exemptions for signage.
6	Signs and Advertising on Public Spaces	Public land.	<ol style="list-style-type: none"> The signs and advertising must relate to the following: <ol style="list-style-type: none"> the functions of government, a public authority or the Council of a local government, excluding those of a promotional nature constructed or exhibited by, or on behalf of, any such body; required for the management and control of traffic on any public road, car park, cycleway, railway or waterway where such advertisement has been constructed, exhibited by or at the direction of a government department, public authority or the Council of a local government; or required to be exhibited by or pursuant to any statute or regulation or the like made pursuant to powers contained within a statute provided that any such advertisement is constructed and/or exhibited strictly in accordance with the requirements specified therein. 	<ul style="list-style-type: none"> A Building Permit from the City's Building team may be required for the works.
7	Street Furniture	Public land.	<ol style="list-style-type: none"> The street furniture is subject to an approved and current Vibrant Public Space Agreement. 	<ul style="list-style-type: none"> Refer to the City's Vibrant Public Spaces Policy for guidance.

LOCAL PLANNING POLICY: PLANNING EXEMPTIONS

8	Affixed Eating Area Furniture	Public land.	1. The affixed eating area furniture is subject to an approved and current Vibrant Public Space Agreement.	<ul style="list-style-type: none"> Refer to the City's Vibrant Public Spaces Policy for guidance.
9	Pop-Up Parklet or Pop-Up Eatlet	Public land.	1. The pop-up parklet or pop-up eatlet is subject to an approved and current Vibrant Public Space Agreement.	<ul style="list-style-type: none"> Refer to the City's Vibrant Public Spaces Policy for guidance. A <u>Building Permit</u> from the City's Building team may be required for the works.
10	Parklet or Eatlet	Public land.	1. The parklet or eatlet is subject to an approved and current Vibrant Public Space Agreement.	<ul style="list-style-type: none"> Refer to the City's Vibrant Public Spaces Policy for guidance. A <u>Building Permit</u> from the City's Building team may be required for the works.

Note 1: To be exempt from development approval, the works must be of a type referred to in Column 1, must be in the location referred to in Column 2 and must meet all conditions listed in Column 3.

Note 2: A heritage-protected place is defined in Schedule 2 Clause 1A of the Regulations. This includes, but is not limited to, any place listed on the State Register of Heritage Places or any place listed on the City's Municipal Heritage Inventory either individually or as part of a heritage area.

Note 3: The additional approvals which may be required before the works can start are underlined in the Guidance column. These are only the main approvals that may be required from the City and the State Government, and there may be other approvals required. These approvals are also subject to change.

Note 4: Non-residential works includes works associated with mixed use developments.

LOCAL PLANNING POLICY: PLANNING EXEMPTIONS

Table 4 – Temporary Use and Works Exemptions

	Land Use and/or Works	Location	Conditions	Guidance
1	Temporary Uses and Events – <u>Community Markets</u>	Public land.	<ol style="list-style-type: none"> The temporary use or event is in existence for a single period of 426 consecutive hours or less <u>over one day</u> in any one week period; Written notification is provided ed to all adjoining residential properties a minimum of one week prior to first occurrence of the event or use; and The temporary use or event is not of a high scale, impact or intensity, as determined by the City. An Event Application has been submitted to the City; The temporary use or event shall commence no earlier than 7:00am on Monday to Saturday or 9:00am on Sunday and public holidays, and shall end no later than 10:00pm on any day; and The temporary use or event is limited to no more than 40 stallholders. 	<ul style="list-style-type: none"> <u>Community markets includes farmers markets, hawkers markets, fairs, swap meets or other similar events predominantly involving the display and sale of goods from stalls by independent vendors, with the events open and accessible to the public at all times without charge.</u> The 42 consecutive hours does not includes time for the set-up and pack-down of equipment and structures associated with the temporary use or event. <u>An Event Application will be required to be submitted to the City prior to the temporary use or event occurring.</u> The written notification shall at minimum include the name of the event or use, the exact location, the activities involved, the start and finish time of the event or use, the dates that the event or use will occur on and the name and contact details of the event organiser and manager. The City will determine whether the temporary use or event is not of a high scale, impact or intensity. It will consider the use or event's location, size, expected patron numbers, operating hours, the activities involved, the nature and scale of any required equipment and structures, and the potential to generate adverse off-site impacts such as noise, parking and traffic. Types of uses or events that may be exempt include markets, fairs, goods sales, art exhibitions and food and drink related events.
2	<u>Temporary Uses and Events</u>	Public land or all zoned land under the Scheme.	<ol style="list-style-type: none"> The temporary use or event is in existence for a single period of 12 consecutive hours or less <u>over one day</u> in any one month period; Written notification is provided ed to all adjoining residential properties a minimum of one week prior to first event occurring; and The temporary use or event is not of a high scale, impact or intensity, as determined by the City. An Event Application has been submitted to the City; and The temporary use or event shall commence no earlier than 7:00am on Monday to Saturday or 9:00am on Sunday and public holidays, and shall end no later than 10:00pm on any day. 	<ul style="list-style-type: none"> <u>As part of an Event Application, the following details would need to be submitted to the City for assessment against the relevant City policies, local laws and State legislation;</u> <ul style="list-style-type: none"> <u>Dates, times, location, estimated attendances and set-up/pack down periods.</u> <u>A description of the event activities and operations.</u> <u>Details on the sale of food and alcohol, noise creating devices and sound level emissions, and any temporary structures or seating that would be required.</u> <u>Details on any required groundworks, lighting, signage and vehicle access.</u> <u>Traffic and parking details and management, including temporary arrangements and road or car park closures.</u> <u>Waste details and management, including generation, collection and bin requirements.</u> <u>Accessibility requirements and details.</u> <u>Notification of the relevant Emergency Services provides and security/crowd control details.</u> <u>Further information may be required from the City as your application is assessed.</u> <u>Temporary structures that are accessible by the public (for example, a marquee) will require a temporary Occupancy Permit from the City's Building team, and depending on their size a Building Permit may also be required.</u> <u>For signs associated with the temporary use or event, refer to the City's Local Planning Policy relating to Signs and Advertising for exemptions for signage.</u> <u>For a temporary use or event on public land, they are still bound and required to comply with any terms or conditions of any lease, licence, permit or other agreement with the City for the use of the land.</u>

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LOCAL PLANNING POLICY: PLANNING EXEMPTIONS

23	Temporary Construction Infrastructure and Activities	Public land or all zoned land under the Scheme.	<ol style="list-style-type: none"> 1. The temporary construction infrastructure and activities may include offices, sheds, containers, site yards or any other development and: <ol style="list-style-type: none"> a. must be associated with and used by builders or contractors who are directly associated with approved construction works and must be located on the same site or on a nearby site to where these works are occurring, as determined by the City; b. must be removed from the site/s upon completion of the construction works; and c. must be associated and operate in accordance with a construction management plan which has been approved by the City. 	<ul style="list-style-type: none"> • Refer to the City's Local Planning Policy relating to Construction Managements Plans. • The construction management plan must be approved by the City prior to the temporary construction infrastructure being set up or used. • The City will determine whether the site proposed to be used for temporary construction infrastructure and activities is nearby to the construction site. Generally a nearby site is one which is either directly adjoining or directly opposite (on the other side of a street or right-of-way) to the construction site. Other sites within close proximity of the construction site may be considered when there are no alternative directly adjoining or directly opposite sites available and where there would not be an adverse impact on the surrounding area. • Temporary construction infrastructure and activities does not include sites primarily used for the purpose of dewatering activities or for the storage or accumulation of waste. • A <u>Building Permit</u> from the City's Building team may be required for the works.
34	Temporary Viewing Platforms	Public land or all zoned land under the Scheme.	<ol style="list-style-type: none"> 1. The platform is associated with a development which has a valid development approval; 2. The platform is erected for a maximum period of three months from the date of issue of the building permit for the platform; 3. The platform is located away from adjoining residential properties and the viewing floor/s shall be screened appropriately to restrict views downwards and towards adjoining residential properties, as determined by the City; and 4. The maximum height of the platform is no higher than the maximum height of the approved development. 	<ul style="list-style-type: none"> • A <u>Building Permit</u> from the City's Building team will be required for the works. The platform will be required to comply with AS1657 – Fixed Platforms, Walkways, Stairways and Ladders (as amended). • The City will determine whether the temporary viewing platform has been appropriately located and screened. The platform should be located on the side of the development site furthest away from adjoining residential properties. Where there are adjoining residential properties on multiple sides of the site, the platform should be located centrally. The platform should be provided with screening devices around all sides of the viewing floor/s and stairs where facing adjoining residential properties. These devices should be a minimum of 75 per cent obscure and be of a sufficient height, setback and design to restrict views on a downward angle towards adjoining residential properties and should only permit views directly out or upwards from the viewing floor/s.

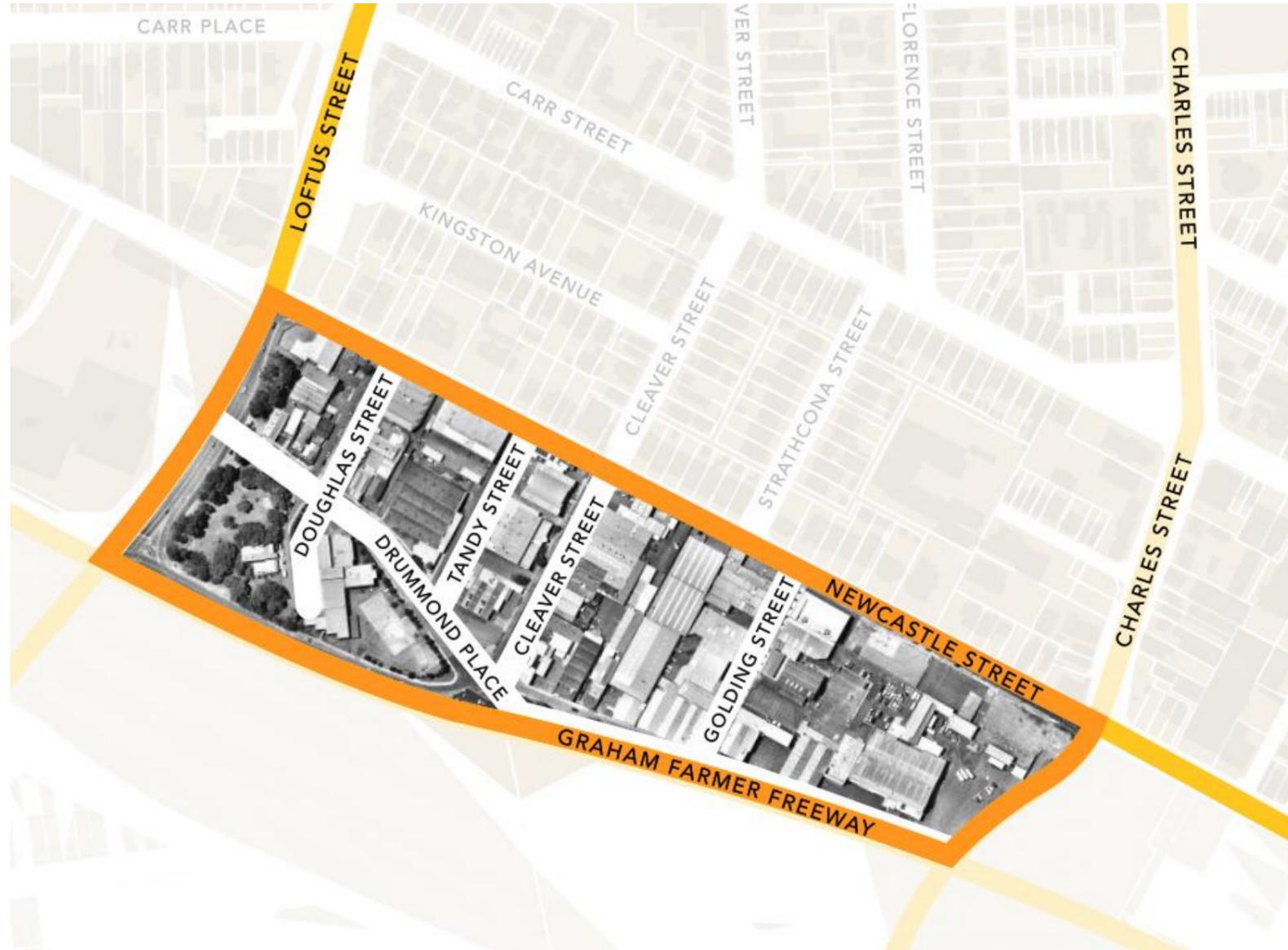
Note 1: To be exempt from development approval, the works or land use must be of a type referred to in Column 1, must be in the location referred to in Column 2 and must meet all conditions listed in Column 3.

Note 2: The additional approvals which may be required before the works can start are underlined in the Guidance column. These are only the main approvals that may be required from the City and the State Government, and there may be other approvals required. These approvals are also subject to change.

Note 3: Temporary land uses and/or works and any associated noise generating activities are required to comply with the *Environmental Protection (Noise) Regulations 1997*. Noise from these activities should be appropriately minimised to ensure that they do not impact of the amenity of surrounding properties.

LOCAL PLANNING POLICY: PLANNING EXEMPTIONS

Appendix 1 – Map of the area bounded by the Graham Farmer Freeway, Loftus Street and Newcastle Street in West Perth



OFFICE USE ONLY	
Responsible Officer	Manager Development and Design
Initial Council Adoption	27 March 2001
Previous Title	Local Planning Policy No. 7.5.1 – Minor Nature Development
Reviewed / Amended	22 November 2005, 11 June 2013, 25 July 2023
Next Review Date	2028