

Local Planning Policy 1.1: Minor Use and Development Exempt from Development Approval

ADOPTED DATE: 13 October 2009

AMENDED DATE: 28 Sept 2021 (DV21.90); 23 June 2020 (DV20.65); 27 Aug 2019 (DV19.116); 26 Mar 2019 (DV19.29); 20 Dec 2016 (DV16.207)

INTRODUCTION

The Town's Local Planning Scheme No. 1 (LPS1) requires the prior approval of the Council for all development except as detailed in the *Planning and Development (Local Planning Schemes) Regulations 2015* (Deemed Provisions).

This policy relates to development of a minor nature which is exempt from the requirement to obtain development approval and should be read in conjunction with Clause 61(1) of the Deemed Provisions and Schedule A - Supplemental Provisions of LPS1. Separate policies have been prepared for communications antennae, home occupations and advertising signs, which include information on when such development and uses are exempt from development approval.

Notwithstanding what is listed in the following Policy, development approval may still be required for use and/or works carried out on land that is designated in a Heritage List or Heritage Area, Special Control Area or a Bushfire Prone Area. In addition, an exempt development cannot contravene any conditions of a current development approval.

Where an applicant has any doubt as to whether a particular proposal meets the requirements for exemption, it is recommended the proposal be discussed with Council's Planning Services.

Other approvals

An exemption from the requirements to obtain development approval does not obviate the need to seek and obtain any other approval which may be required, under any other written law, and such development is also required to conform to any relevant provisions of the Local Planning Scheme. In most cases a building permit will be required before construction commences, even where a development is exempt from development approval.

AIMS

- To provide clarification and guidance concerning development of a minor nature, which does not require the development approval of the Council.
- To reduce the regulatory process while ensuring that required development outcomes are maintained.

DEFINITIONS

- **Boundary fence** means a fence, other than a dividing fence, that separates the lands of different owners where the fence is on a common boundary of adjoining lands or in a line other than a common boundary.
- **Dividing fence** has the meaning given to it in and for the purpose of the Dividing Fences Act 1961.

POLICY

The following uses and development are deemed to be of a minor nature and are therefore exempt from the requirement to obtain the Council's development approval under the Scheme:

1. Construction of minor structures covered in Local Planning Policy 3.12: Minor Structures behind the Street Setback Area provided the development complies with the Deemed Provisions and the deemed-to-comply requirements of the Residential Design Codes and any relevant planning policy.
2. Erection of a dividing fence or boundary fence where the overall height as measured from natural ground level, is equal to or less than:
 - (a) 1.8 metres if situated behind the primary street setback area;
 - (b) 1.8 metres if situated in the secondary street setback area in Wembley and West Leederville; and
 - (c) 1.8 metres for a maximum of 60% of any length of fence if situated in the secondary street setback in City Beach and Floreat.

Note:- Boundary fences along a secondary street or abutting a reserve are subject to compliance with all relevant provisions of Local Planning Policy 3.1: Streetscape.
3. Site works (the alteration of land levels, and/or the construction of retaining walls), provided the extent of fill does not exceed 0.5 metres, and the extent of cut within 3.0 metres of the street boundary does not exceed 0.5 metres.
4. The replacement of an existing, authorised retaining wall greater than 0.5 metres above natural ground level behind the street setback area, provided there is no change to the natural ground level on either side of the retaining wall or to the height of the retaining wall.
5. Temporary viewing platform for the purpose of demonstrating the prospective views of a development, that is:
 - (a) on-site for a maximum of 3 months in any 12 month period;
 - (b) within the maximum height of the proposed development;
 - (c) behind the primary street setback area; and
 - (d) set back a minimum distance of 7.5m from any property boundary.
6. Demolition, other than the demolition or removal of an object or place which is:
 - (a) located in a place that has been entered in the State Register of Heritage Places under the *Heritage Act 2018*;
 - (b) the subject of a protection order made Part 4 Division 1 of the *Heritage Act 2018*; or
 - (c) the subject of a declaration by the Council under clause 8 or clause 9 of the Deemed Provisions.
7. Family Day Care Centre (as defined by the Town Planning Scheme) conducted in a private dwelling where no more than four children are cared for in accordance with the Education and Care Services National Regulations 2012.

8. Activities of a temporary nature being one-off or occasional and which, in the opinion of the Council, are not likely to adversely affect the amenity of the locality or the normal operation of adjacent land uses. Examples of such activities include garage sales and markets (as defined by the Town Planning Scheme), fairs, fetes and charity sales.
9. The installation of low impact facilities as defined under part 3 of the Telecommunications (Low-impact Facilities) Determination 1997.
10. The use and development of land within the Local Road Scheme Reserve where the use and development is:
 - a. In association with an adjacent approved land use; and
 - b. Regulated by an applicable Town of Cambridge local law(s) and/or associated policy(s).