



Local Planning Policy 1.7

Development Exempt
from Approval Under
Local Planning Scheme
No. 4



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Citation

This is a Local Planning Policy prepared under Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015. This policy may be cited as Local Planning Policy 1.7 – Development Exempt from Approval Under Local Planning Scheme No. 4 (LPP 1.7).

Introduction

Clause 60 of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* ('Deemed Provisions') requires the prior approval of Council for all development subject to Local Planning Scheme No. 4 (LPS4), except as detailed in Clause 61. Clause 61 lists development which is exempt from approval under the planning scheme and includes the carrying out of works or land use specified in a local planning policy or local development plan.

Objectives

To specify development which does not require planning approval by the City under Local Planning Scheme No. 4 in addition to the exemptions listed under Clause 61 of the *Planning and Development (Local Planning Schemes) Regulations 2015* ('Deemed Provisions').

Application of this Policy

This policy applies to all development within the Scheme area set out in column 1 below. Development approval is not required for works if:

- a) the works are of a class specified in Column 1 of an item in the Table; and
- b) if conditions are set out in Column 2 of the Table opposite that item — all of those conditions are satisfied in relation to the works.

Notwithstanding the above:

- a) An exemption does not apply if it will result in tree-damaging activity to a regulated tree unless otherwise exempt as per Local Planning Policy 2.26: Tree Retention.
- b) Development approval may still be required for use and/or works carried out on land in certain circumstances, such as sites located within a Bushfire Prone Area or Special Control Area.

- c) An exempt development cannot contravene any valid conditions of an existing development approval.
- d) An exemption from the requirement to obtain development approval does not remove the need to seek and obtain any other approval which may be required under any other written law, such as the Building Act, Strata Titles Act, Heritage of Western Australia Act or Dividing Fences Act.

Policy statement

	Column 1 Works	Column 2 Conditions
1.	Works by any public authority acting pursuant to the provisions of any Act on, in, over or under a public street, or works for a utility service.	Nil
2.	Works urgently necessary for public safety, safety or security of plant or equipment, maintenance of essential services, or protection of the environment.	Nil
3.	Temporary works in existence for less than 14 days or such longer time as the City agrees.	The works are not signs/advertisements.
4.	The use of a single house, grouped dwelling or multiple dwelling as a short stay dwelling.	Where occupied by 6 or fewer persons.
5.	A change in the use of an existing building to any of the following uses: <ul style="list-style-type: none"> a) Shop; b) Office; c) Consulting rooms; d) Child care premises; e) Health studio; f) Medical centre; g) Restaurant; or h) Small bar. 	<ul style="list-style-type: none"> a) The existing building is in the City Centre zone. b) If the use is a Restaurant or Small bar, the property is not located on Market Street or High Street west of Walyalup Koort.

	Column 1 Works	Column 2 Conditions
6.	A change in the use of an existing building to any of the following uses: <ul style="list-style-type: none"> i. Shop; ii. Office; or iii. Consulting rooms. 	<ul style="list-style-type: none"> a) The existing building is in a Neighbourhood Centre zone. b) If the use is a shop, the net lettable area does not exceed 400m².
7.	A change of use of a building which currently has development approval for use as a Restaurant or Small Bar to use as a Restaurant or Small Bar.	<ul style="list-style-type: none"> a) The existing building is on land zoned Mixed Use or Neighbourhood Centre. b) The new use operates in accordance with any conditions of development approval relating to the hours of operation that apply to the currently approved Restaurant or Small Bar use on the subject site.
8.	Single storey (ground level) additions and all alterations to a Single House on a lot in a Heritage Area.	<ul style="list-style-type: none"> a) The works are located between a dwelling and the side or rear lot boundary of a development site (excluding secondary street setback areas). b) Side additions meet the criteria of 9.1(iii) - Side additions of Local Planning Policy 3.6: Heritage-protected Places Built Form and Land Use. c) Rear additions meet the criteria of 9.1(iv) rear additions of Local Planning Policy 3.6: Heritage-protected Places Built Form and Land Use*. d) All additions are compliant with the applicable deemed-to-comply provisions of the Residential Design Codes and any other relevant local planning policy. e) The place is not: <ul style="list-style-type: none"> i. entered in the State Register of Heritage Places; ii. the subject of a Heritage Order or Agreement; iii. included on the Heritage List; or iv. located within Special Control Area 5.7 (SCA 5.7).

	Column 1 Works	Column 2 Conditions
9.	Single storey (ground level) additions and all alterations to Grouped Dwellings.	<ul style="list-style-type: none"> a) The works are located between a dwelling and the side or rear lot boundary of a development site (excluding secondary street setback areas). b) Where in a Heritage Area: <ul style="list-style-type: none"> i. side additions meet the criteria of 9.1(iii) - Side additions of Local Planning Policy 3.6: Heritage-protected Places Built Form and Land Use; and ii. rear additions meet the criteria of 9.1(iv) Rear additions of Local Planning Policy 3.6: Heritage-protected Places Built Form and Land Use*. c) The works are compliant with the applicable deemed-to-comply provisions of the Residential Design Codes and relevant local planning policies. d) No boundary walls are proposed unless the boundary wall abuts an existing or simultaneously constructed boundary wall of the same or greater dimension e) The place is not: <ul style="list-style-type: none"> i. entered in the State Register of Heritage Places; ii. the subject of a Heritage Order or Agreement; iii. included on the Heritage List; or iv. located within Special Control Area 5.7 (SCA 5.7).
10.	The carrying out of any building or works to a building which affects only the interior of a building on the Heritage List.	<ul style="list-style-type: none"> a) The works are confined to: <ul style="list-style-type: none"> i. Existing kitchen, bathroom or laundry fit out with no structural alterations; ii. Replacement of light fitting(s); iii. Painting/wall papering/plastering of internal walls**; iv. Retiling; v. Construction of new internal non-masonry, non-load bearing walls; vi. New floor covering placed over but not replacing or damaging existing floor surface materials; or vii. Electrical and plumbing works. b) The place is not: <ul style="list-style-type: none"> i. Level 1B on the Local Heritage List; ii. entered in the State Register of Heritage Places; or iii. the subject of a Heritage Order or Agreement.

	Column 1 Works	Column 2 Conditions
11.	The carrying out of any building or works to a building which affects only the interior of a building in a Heritage Area.	The place is not: <ul style="list-style-type: none"> i. entered in the State Register of Heritage Places; ii. the subject of a Heritage Order or Agreement; or iii. included on the Heritage List unless exempt under No. 10 above.
12.	The modification of major and minor openings to an existing building.	<ul style="list-style-type: none"> a) The modifications meet the relevant deemed-to-comply provisions of the Residential Design Codes. b) If the building is in a Heritage Area, the openings do not impact the original building outline as defined in Local Planning Policy 3.6: Heritage-protected Places Built Form and Land Use. c) The place is not: <ul style="list-style-type: none"> i. entered in the State Register of Heritage Places; ii. the subject of a Heritage Order or Agreement; or iii. included on the Heritage List.
13.	Construction or placement of new outbuildings to a place listed as Level 3 on the City's Heritage List.	<ul style="list-style-type: none"> a) The outbuilding is located between a dwelling and a rear lot boundary of a development site (excluding secondary street setback areas). a) The outbuilding is compliant with the applicable deemed-to-comply provisions of the Residential Design Codes and any relevant local planning policy.
14.	Construction or placement of new outbuildings in Heritage Areas.	<ul style="list-style-type: none"> b) The outbuilding meets the relevant deemed-to-comply provisions of the Residential Design Codes. c) The place is not: <ul style="list-style-type: none"> i. entered in the State Register of Heritage Places; ii. the subject of a Heritage Order or Agreement; iii. included on the Heritage List unless exempt under No. 13 above; or iv. located within Special Control Area 5.7 (SCA 5.7).

	Column 1 Works	Column 2 Conditions
15.	Patios in Heritage Areas.	<ul style="list-style-type: none"> a) The works are located between a dwelling and the side or rear lot boundary of a development site (excluding secondary street setback areas). b) Side additions meet the criteria of 9.1(iii) - Side additions of Local Planning Policy 3.6: Heritage-protected Places Built Form and Land Use*; and c) Rear additions meet the criteria of 9.1(iv) Rear additions of Local Planning Policy 3.6: Heritage-protected Places Built Form and Land Use*. d) The works meet the relevant deemed-to-comply provisions of the Residential Design Codes. e) The place is not: <ul style="list-style-type: none"> i. entered in the State Register of Heritage Places; ii. the subject of a Heritage Order or Agreement; iii. included on the Heritage List; or iv. located within Special Control Area 5.7 (SCA 5.7).
16.	Shade structures in Heritage Areas.	<ul style="list-style-type: none"> a) The structure is located between a dwelling and the side or rear lot boundary of a development site (excluding secondary street setback areas). b) The structure is located more than 1 metre from any boundary. c) The structure is no greater than 3 metres in height and 25m² in area d) The place is not: <ul style="list-style-type: none"> i. entered in the State Register of Heritage Places; ii. the subject of a Heritage Order or Agreement; iii. included on the Heritage List; iv. located within Special Control Area 5.7 (SCA 5.7).
17.	Primary and secondary street fences not on or abutting a heritage-protected place.	<ul style="list-style-type: none"> a) The fence meets the specific criteria set out in Local Planning Policy 2.8: Fences. b) If the fence is subject to the Residential Design Codes, it meets the deemed-to-comply criteria for sightlines. c) If the fence is for a non-residential property, it meets the sightlines criteria of the relevant Australian Standards.

	Column 1 Works	Column 2 Conditions
18.	Fences on or abutting a property on the Heritage List.	<ul style="list-style-type: none"> a) The fence is not located within the primary or secondary street setback area. b) The maximum height is 1.2m where within 3m of the boundary of any local open space or regional reserve for parks and recreation, and a maximum height of 1.8m in all other cases. c) The fence is in line with or behind the main wall of the heritage building when viewed from both the primary and secondary streets. d) The fence is freestanding and not attached to any existing structure, existing building or heritage feature. e) If the fence is subject to the Residential Design Codes, it meets the deemed-to-comply criteria for sightlines. f) If the fence is not subject to the Residential Design Codes, it meets the sightlines criteria of the relevant Australian Standards. g) The place is not: <ul style="list-style-type: none"> i. entered in the State Register of Heritage Places; or ii. the subject of a Heritage Order or Agreement.
19.	Primary and secondary street fences in a Heritage Area.	<ul style="list-style-type: none"> a) The fence meets the relevant specific fencing criteria in Local Planning Policy 3.6: Heritage-Protected Places Built Form and Land Use. b) The place is not: <ul style="list-style-type: none"> i. entered in the State Register of Heritage Places; ii. the subject of a Heritage Order or Agreement; or iii. included on the Heritage List
20.	Screening material attached to an existing dividing fence.	<ul style="list-style-type: none"> a) The material projects no more than 500mm above the top of the fence at any point. b) The material is not situated within a primary or secondary street setback area.
21.	Private swimming pools and outdoor spas in Heritage Areas.	<ul style="list-style-type: none"> a) The works are situated between a dwelling and the rear lot boundary of a development site, and no greater than 1.8m in height. b) The place is not: <ul style="list-style-type: none"> i. entered in the State Register of Heritage Places; ii. the subject of a Heritage Order or Agreement; or iii. included on the Heritage List.

	Column 1 Works	Column 2 Conditions
22.	Filling or excavation of land with no more than 500mm change to the natural ground level.	a) The place is not: <ul style="list-style-type: none"> i. entered in the State Register of Heritage Places; or ii. the subject of a Heritage Order or Agreement. b) The works do not impact a regulated tree as defined in Local Planning Policy 2.26: Tree Retention.
23.	Construction of a retaining wall less than 500mm in height above natural ground level.	a) The place is not: <ul style="list-style-type: none"> i. entered in the State Register of Heritage Places; or ii. the subject of a Heritage Order or Agreement. b) The works do not impact a regulated tree as defined in Local Planning Policy 2.26: Tree Retention.
24.	Outdoor hard surfaces.	a) The finished level of the surface is no more than 500mm above natural ground level. b) The works meet the deemed-to-comply landscaping provisions of the R-Codes. c) If the outdoor hard surface is located within a heritage-protected place, the works are located between a dwelling and the side or rear lot boundary of a development site (excluding secondary street setback areas), d) The works do not impact a regulated tree as defined in Local Planning Policy 2.26: Tree Retention. e) The place is not: <ul style="list-style-type: none"> i. entered in the State Register of Heritage Places; or ii. the subject of a Heritage Order or Agreement.
25.	The painting or application of render on the external surface of any building or structure.	a) If the building is in a Heritage Area, the works are not to the original building exterior as defined in Local Planning Policy 3.6: Heritage-protected Places Built Form and Land Use. b) The place is not: <ul style="list-style-type: none"> i. entered in the State Register of Heritage Places; ii. the subject of a Heritage Order or Agreement; or iii. included on the Heritage List.

	Column 1 Works	Column 2 Conditions
26.	The maintenance and repair of any building or structure being lawfully used immediately prior to the Scheme having effect.	The place is not: <ul style="list-style-type: none"> i. entered in the State Register of Heritage Places; or ii. the subject of a Heritage Order or Agreement.
27.	Replacing or altering roofing materials on a building.	<ul style="list-style-type: none"> a) There is no change to the roof form or pitch. b) If the building is within a Heritage Area, the works are: <ul style="list-style-type: none"> i. not impacting the original building exterior as defined in Local Planning Policy 3.6: Heritage-protected Places Built Form and Land Use*; or ii. like-for-like replacement or match the original period and style of the building. c) The place is not: <ul style="list-style-type: none"> i. entered in the State Register of Heritage Places; ii. the subject of a Heritage Order or Agreement; or iii. included on the heritage list.
28.	Adding, altering or replacing external cladding materials on a building.	<ul style="list-style-type: none"> a) There is no change to the building form. b) If the building is within a Heritage Area, the works do not impact the original building exterior as defined in Local Planning Policy 3.6: Heritage-protected Places Built Form and Land Use. c) The place is not: <ul style="list-style-type: none"> i. entered in the State Register of Heritage Places; ii. the subject of a Heritage Order or Agreement; or iii. included on the heritage list.
29.	External fixtures installed on a building to which the R-Codes do not apply.	<ul style="list-style-type: none"> a) If the building is within a Heritage Area, the works do not impact the original building exterior as defined in Local Planning Policy 3.6: Heritage-protected Places Built Form and Land Use. b) The place is not: <ul style="list-style-type: none"> i. entered in the State Register of Heritage Places; ii. the subject of a Heritage Order or Agreement; or iii. included on the heritage list.

	Column 1 Works	Column 2 Conditions
30.	External fixtures (excluding air conditioners) on a place on the Heritage List.	<ul style="list-style-type: none"> a) The external fixtures: <ul style="list-style-type: none"> i. do not exceed 1.8m in height and are fixed to a wall of a building which faces the rear or a side boundary (excluding walls facing secondary streets); or ii. are fixed to a plane of the roof of a building which faces the rear or a side boundary (excluding roof planes facing secondary streets), or to a flat roof, and project no more than 1m above the part of the existing roof to which the fixture is attached and no greater than 2m wide, or projecting no more than 2m above the highest part of the existing roof at any point in the case of an aerial or antenna. b) If the fixture is a satellite antenna or dish, the maximum diameter is 1m. c) The place is not: <ul style="list-style-type: none"> i. entered in the State Register of Heritage Places; ii. the subject of a Heritage Order or Agreement.
31.	External fixtures (excluding air conditioners) in a Heritage Area.	<ul style="list-style-type: none"> a) The external fixtures: <ul style="list-style-type: none"> i. do not exceed 1.8m in height and are fixed to a wall of a building which faces the rear or a side boundary (excluding walls facing secondary streets); or ii. are fixed to a plane of the roof of a building which faces the rear or a side boundary (excluding roof planes facing secondary streets), or to a flat roof, and project no more than 1m above the part of the existing roof to which the fixture is attached, or projecting no more than 2m above the highest part of the existing roof at any point in the case of an aerial or antenna. b) If the fixture is a satellite antenna or dish, the maximum diameter is 1m. c) The place is not: <ul style="list-style-type: none"> i. entered in the State Register of Heritage Places; ii. the subject of a Heritage Order or Agreement; or iii. on the Heritage List.

	Column 1 Works	Column 2 Conditions
32.	Air conditioning units	<p>The unit:</p> <ul style="list-style-type: none"> i. does not exceed 1.8m in height and is fixed to a wall of a building which faces a side boundary (excluding walls facing secondary streets); ii. is fixed to a wall or roof plane of a building which faces the rear boundary at a height not exceeding the highest part of the existing roof at any point; or iii. if the building has a flat roof and is not on the Heritage List, in a position where the top of the air conditioning unit is not more than 1m above the highest part of the existing roof at any point.
33.	Water tanks on a place on the Heritage List or in a Heritage Area.	<p>The water tank:</p> <ul style="list-style-type: none"> i. is fixed to a wall of a building which faces the rear or a side boundary (excluding walls facing secondary streets) at a height not exceeding the eaves height; or ii. is free standing and located between a dwelling and the side or rear lot boundary of a development site (excluding secondary street setback areas), and no greater than 2.4m in height if more than 1m from any boundary, or 1.8m in height if less than 1m from any boundary.
34.	Minor structures	<ul style="list-style-type: none"> a) If within the primary street setback area, the structure is a maximum of 2m in height excluding clothes lines. b) If outside of the primary street setback area, the structure is a maximum of 3m in height. c) The place is not: <ul style="list-style-type: none"> i. entered in the State Register of Heritage Places; or ii. the subject of a Heritage Order or Agreement.
35.	Flag poles	<ul style="list-style-type: none"> a) Free standing and a maximum of 6m in height. b) Not used for advertising purposes. c) The place is not: <ul style="list-style-type: none"> i. entered in the State Register of Heritage Places; or ii. the subject of a Heritage Order or Agreement.

	Column 1 Works	Column 2 Conditions
36.	Removal of trees or vegetation areas.	a) Trees or vegetation are not: <ul style="list-style-type: none"> i. identified on the Register of Significant Trees or Vegetation Areas; or ii. required to be retained on a site through a condition of development approval. b) The works are exempt as set out in Local Planning Policy 2.26: Tree Retention.
37.	The demolition of a building on a lot to which the R-Codes do not apply.	The building is not: <ul style="list-style-type: none"> i. entered in the State Register of Heritage Places; ii. the subject of a Heritage Order or Agreement; iii. included on the Heritage List; or iv. included in a Heritage Area.
38.	Demolition of the following structures on a place in a Heritage Area: <ul style="list-style-type: none"> i. Outbuildings; ii. Minor structures; iii. Patios; iv. Shade Structures; v. Carports; vi. External Fixtures; vii. Air Conditioners; viii. Private swimming pools and outdoor spas; ix. Flag poles; and x. Water tanks. 	If the building is an outbuilding: <ul style="list-style-type: none"> i. it is not of masonry or limestone construction; and ii. has a floor area of less than 25m².
39.	Demolition of internal and boundary / dividing fences in Heritage Areas.	The place is not: <ul style="list-style-type: none"> i. entered in the State Register of Heritage Places; ii. the subject of a Heritage Order or Agreement; or iii. included on the Heritage List.

*Where a list of contributory properties for an area is provided in LPP 3.6.1: Heritage Area Listings, this clause does not apply to properties that are not listed as 'Contributory' in that area. If an area does not have a list of contributory properties in LPP 3.6.1, then this clause applies to all properties in that area.

**It is recommended to avoid introducing cement render/plaster and acrylic paints to walls that are not rendered, unpainted or have lime plaster and /or limewash or mineral paint as this can cause damp issues for the building.

Definitions

Heritage Area means an area designated as having cultural heritage significance within the Local Planning Scheme area under Schedule 2, clause 9 of the Planning and Development (Local Planning Schemes) Regulations 2015.

Heritage List means a list identifying places within the Local Planning Scheme area of cultural heritage significance, and worthy of built heritage conservation, under Schedule 2, clause 8 of the Planning and Development (Local Planning Schemes) Regulations 2015.

Heritage Act means refers to the Heritage of Western Australia Act 1990, as amended, or subsequent legislation which supersedes this Act.

State Heritage Register refers to the Register of Heritage Places prepared under the Heritage Act.

Heritage Order or Agreement refers to an Order made under Part 6 of the Heritage Act.

Heritage-protected place is as defined in the Planning and Development (Local Planning Schemes) Regulations 2015, which includes individually state and local listed properties, properties subject to a Heritage Order or Heritage Agreement, and all properties within a Heritage Area.

Responsibility and review information	
Responsible officer:	Manger Strategic Planning and City Design
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