



12.2 Development Services Directorate

APPENDICES ORDINARY COUNCIL MEETING

TO BE HELD

26th August 2026
Commencing at 5:00pm

AT

ADMINISTRATION CENTRE EATON
1 Council Drive - EATON

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POLICY NO:

SDev CP111 – LOCAL PLANNING POLICY – OUTBUILDINGS AND SEA CONTAINERS**GOVERNANCE INFORMATION**

Procedure Link:	NA	Administrative Policy Link:	NA
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ADMINISTRATION INFORMATION

History	New	OCM:	Res:	Synopsis:	Policy created. 14/08/2026
1		OCM:	Res:	Synopsis:	

1. RESPONSIBLE DIRECTORATE

Development Services

2. PURPOSE

The purposes of the policy are to:

- Provide guidance and set minimum standards with regard to proposals for outbuildings.
- Provide guidance and set guidance on acceptable criteria where outbuilding prior to dwelling can be considered.
- Provide guidance on the siting and development of shipping containers to ensure they do not detract from the amenity of the local area in which they are situated or affect the existing operation of the site.

This Local Planning Policy has been adopted by the Shire of Dardanup pursuant to the provisions of Schedule 2, Part 2, Div. 2 of the *Planning and Development (Local Planning Scheme) Regulations 2015*.

3. OBJECTIVE

The objective of the policy is for Council to:

1. Establish a clear position for the construction of outbuildings on lots within the Residential, Rural Residential, Rural Smallholding, Tourism, Rural and Priority Agriculture zone prior to the construction of an approved dwelling on the same lot;
2. Regulate the use of sea containers for storage within the Shire of Dardanup to ensure that they:
 - (a) are located, screened and/or colour treated to appear visually integrated with the surrounding area; and
 - (b) do not result in an adverse impact on amenity or streetscape.
3. Provide certainty about what is considered minor development and to exempt such development from the need for development approval; and
4. Ensure acceptable development outcomes are maintained.

4. REFERENCE DOCUMENTS

Planning and Development Act 2005
 Planning and Development (Local Planning Schemes) Regulations 2015
 Shire of Dardanup Local Planning Scheme No. 9 (LPS9)
 State Planning Policy 7.3 Residential Design Codes (R-Codes)
 State Planning Policy 2.5 Rural Planning (SPP2.5)
 State Planning Policy 3.7 Bushfire (SPP3.7)
 SDev CP104 Local Planning Policy Caravans as Temporary Accommodation

5. APPLICATION

This Policy applies to all zoned land applicable under the Shire of Dardanup Local Planning Scheme No.9.

It should be noted that whilst the Policy identifies certain development types that do not require development approval, a building permit or other approval may still need to be obtained from the Shire. Before carrying out any development listed in Table 1, any other licences, permits or approvals required must be obtained in accordance with any other law.

This policy does not apply to sea containers which have been previously approved by Council.

6. DEFINITIONS

Outbuilding means an enclosed non-habitable structure that is detached from any dwelling and may include a detached garage.

Substantially commenced means it is deemed to have occurred where there has been physical 'on site' development that comprises at least the preparation of the site including the placing of footings and slab. Where in a condition of approval there is a requirement to undertake further studies and investigations for submission and approval of the Shire prior to development commencing, such 'work' is not deemed to be substantial commencement.

Agriculture—Intensive means premises used for commercial production purposes, including outbuildings and earthworks, associated with any of the following—

- (a) the production of grapes, vegetables, flowers, exotic or native plants, or fruit or nuts;
- (b) the establishment and operation of plant or fruit nurseries;
- (c) the development of land for irrigated fodder production or irrigated pasture (including turf farms);
- (d) aquaculture.

Sea Container means a re-sealable metal transportable structure designed for the storage, unitized freight handling and/or transport of goods from one location to another by road and sea.

7. POLICY

The policy provision area set out in the following tables:

Table 1: Development Standards for Exempted Outbuilding

Table 2: Construction Of Outbuilding Prior To Completion of a Dwelling

Table 3: Sea Containers: Development Approval Is Required for the Permanent Placement of a Sea Container

Table 4: Sea Container: Development Approval Is Not Required for the Placement of a Sea Container

TABLE 1: DEVELOPMENT STANDARDS FOR EXEMPTED OUTBUILDING	
Zone	Conditions
Residential zone	Where the following Conditions are applied: 1) Maximum floor area – 80m² in aggregate or 10% in aggregate of the lot site area (whichever is the lesser). 2) Maximum wall height (including site works and slab/pad height) of 3m. 3) Maximum ridge height (including site works and slab/pad height) of 4.2m. 4) Located behind the street setback. 5) Nil setback to the side and / or the rear boundary setback and 1m setback to a secondary street boundary is permitted for a maximum wall length of 9m. 6) All stormwater including roof run off disposal is to be contained within site. 7) No required clearing of vegetation. This exemption does not apply to land within the SCA1 and SCA4 – as outlined in LPS9.
Rural Residential, Rural Smallholdings and Tourism zone	Where the following Conditions are applied: 1) For lot area less than 3 ha - Maximum floor area – 300m² in aggregate or 10% in aggregate of the lot site area (whichever is the lesser). 2) For lot area larger than 3 ha - Maximum floor area – 400m² aggregate or 10% in aggregate of the lot site area (whichever is the lesser). 3) Compliant with the relevant standards of the LPS9, located within an approved building envelope or outside building exclusion area. 4) All stormwater including roof run off disposal is to be contained within site 5) No required clearing of vegetation. This exemption does not apply to land within the SCA1 and SCA4 - as outlined in LPS9.
Rural and Priority Agriculture zone	Where the following Conditions are applied: 1) Buildings to be clustered with the dwelling and other outbuildings, if there are existing building on that lot. 2) Compliant with the relevant standards for the zone in the LPS9. 3) No required clearing of vegetation.

	This exemption does not apply to land within the SCA1, SCA2, SCA4, SCA5 and SCA6 – as outlined in LPS9.
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TABLE 2: CONSTRUCTION OF OUTBUILDING PRIOR TO COMPLETION OF A DWELLING

Zone	Conditions
Residential zone	Where the following Conditions are applied: 1) Dwelling has <i>Substantially Commenced</i> .
Rural Residential zone	Where the following Conditions are applied: 1) Building permit for a dwelling on the lot has been issued. 2) Only one (1) outbuilding prior to the completion of a dwelling may be supported. 3) The proposed outbuilding shall not be used for human habitation purposes. Temporary occupation within a caravan will be considered under <i>SDev CP104 Local Planning Policy Caravans as Temporary Accommodation</i> . 4) The proposed outbuilding shall not be used for any commercial or industrial use.
Rural Smallholding, Tourism Rural and Priority Agriculture zone	No conditions.

TABLE 3: SEA CONTAINER - DEVELOPMENT APPROVAL IS NOT REQUIRED FOR THE PLACEMENT OF A SEA CONTAINER

Zone	Conditions
All Zones	Temporary uses: A sea container for temporary use does not require Development Approval in any zone where the following conditions are met or applied: 1) One sea container only is placed on the lot for up to a maximum of 7 days in any 12-month period and is used solely for the loading/unloading of goods. The sea container must be located wholly within the lot boundaries and must not interfere with vehicle sightlines; or 2) One sea container only is placed on a lot for up to a maximum 12 months and is used only in conjunction with building construction or subdivision works occurring, or approved to occur, on the same lot or adjoining lot. The sea container must be located wholly within the lot boundaries and must not interfere with vehicle sightlines.
Light Industry and General Industry zone	Development Approval is exempted where all of the following conditions are met: 1) Sea containers must be located wholly within lot boundaries, and must be setback 10m from both front and rear boundaries, and 5m from all other boundaries; 2) Sea containers are stacked no more than two sea containers high; 3) Sea containers are not located over drainage areas, septic tanks, or vehicle access ways; 4) No other structures are proposed to be attached to or cover the sea containers; 5) Is/are ancillary to an approved or permitted use; 6) No required clearing of vegetation; 7) Will not be used for human habitation; 8) Only be used for the purpose of storage, unless otherwise approved by Council; 9) Sea containers being completely screened from view from nearby roads, other public places, and adjoining properties, and 10) Sea containers must not be stacked no more than two on top of another.

TABLE 4: SEA CONTAINERS: DEVELOPMENT APPROVAL IS REQUIRED FOR THE PERMANENT PLACEMENT OF A SEA CONTAINER	
Zone	Development Standards
Residential zone	Not Permitted.
Within the townsite boundary (including Reserves) excluding Residential zone	Council Discretion.
Rural Residential and Rural Smallholding zone	Where the following standards/criteria are applied: 1) There must be an existing habitable dwelling on the lot and only one sea container will be supported; 2) Compliant with the relevant standards for the zone in the LPS9; 3) No required clearing of vegetation; 4) Will not be used for human habitation; 5) Only be used for the purpose of storage, unless otherwise approved by Council; 6) Sea containers being completely screened from view from nearby roads, other public places, and adjoining properties; 7) Screening planting of native vegetation that comprises a range of sizes (including undergrowth and canopy vegetation), provides an effective visual screen and is a minimum 2m deep, being planted within 3 months of Development Approval, and maintained thereafter; 8) Sea containers must not be stacked on top of one another; and 9) The exterior of the sea container shall be painted in a colour scheme that is consistent with the majority of the surrounding development on the lot, or that is consistent with the surrounding landscape.
Rural and Priority Agriculture and Tourism zone	Where the following standards/ criteria are applied: 1) Compliant with the relevant standard for the zone in the LPS9; 2) No required clearing of vegetation; 3) Will not be used for human habitation; 4) Only be used for the purpose of storage, unless otherwise approved by Council; 5) Sea containers being completely screened from view from nearby roads, other public places, and adjoining properties; 6) Screening planting of native vegetation that comprises a range of sizes (including undergrowth and canopy vegetation), provides an effective visual screen and is a minimum 2m deep, being planted within 3 months of Development Approval, and maintained thereafter; 7) Sea containers must not be stacked on top of one another; and 8) The exterior of the sea container shall be painted in a colour scheme that is consistent with the majority of the surrounding development on the lot, or that is consistent with the surrounding landscape.
<i>Note: All Zones</i>	<i>Notwithstanding above, if the Shire considers that a sea container is likely to have a detrimental effect on the local amenity or has the potential to visually impair or detract from the exterior design or appearance of other buildings or sightlines in the vicinity, the application will be refused.</i>



POLICY NO:

SDev CP030 – LOCAL PLANNING POLICY - CONSTRUCTION OF OUTBUILDINGS IN THE 'RURAL RESIDENTIAL' ZONE PRIOR TO COMPLETION OF A DWELLING

GOVERNANCE INFORMATION

Procedure Link:		Administrative Policy Link:	
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ADMINISTRATION INFORMATION

History	1	NEW	OCM	18/05/16	Res: 112/16	Synopsis	Policy created.
Version	2		SCM	26/07/18	Res: 251-18	Synopsis	Reviewed and Adopted by Council
Version	3	SDev CP030	OCM	30/09/20	Res: 269-20	Synopsis	Reviewed and Adopted by Council
Version	4	SDev CP030	OCM	28/09/22	Res: 243-22	Synopsis	Reviewed and adopted by Council.
Version	5	SDev CP030	OCM	23/10/24	Res: 275-24	Synopsis	Reviewed and Adopted by Council
Version	6	SDev CP030	OCM	27/08/25	Res: 232-25	Synopsis	Reviewed following gazettal of LPS9 and Adopted by Council

1. RESPONSIBLE DIRECTORATE

Sustainable Development

2. PURPOSE OR OBJECTIVE

The objective of the policy is for Council to establish a clear position for the construction of outbuildings on lots zoned 'Rural Residential', prior to the construction of an approved dwelling on the same lot.

This Local Planning Policy has been adopted by the Shire of Dardanup pursuant to the provisions of Schedule 2, Part 2, Div. 2 of the Planning and Development (Local Planning Scheme) Regulations 2015.

3. DEFINITIONS

All other words and expressions in this policy have their normal and common meaning, and as defined in Part 6, Clauses 37-38 of the Shire of Dardanup Local Planning Scheme No.9, the *Planning and Development Act 2005*, the *Planning and Development (Local Planning Schemes) Regulations 2015* or State Planning Policy 7.3 - Residential Design Codes of WA.

4. POLICY

- 4.1 Unless otherwise exempt in LPS9, the Regulations, or 'SDev CP091 – LPP - Exempted Development and Land Use Policy', all outbuildings within the Rural Residential zone require Development Approval prior to their construction.
- 4.2 All Development Approval applications under the scope of this policy will be assessed having regard to this policy, and may only be supported where the following conditions are met:
 - a) Building permit for a dwelling on the lot has been issued.
 - b) Only one (1) outbuilding prior to the completion of a dwelling may be supported.
 - c) The proposed outbuilding shall not be used for human habitation purposes. Temporary occupation within a caravan will be considered under *SDev CP104 Local Planning Policy Caravans as Temporary Accommodation*.
 - d) The proposed outbuilding shall not be used for any commercial or industrial use.
- 4.3 Notwithstanding Part 4.2 above, if the Shire considers that the outbuilding proposed on the vacant lot has the potential to visually impact upon the amenity of the locality, the application will be refused.

Application

This policy applies to the development of all outbuildings in the 'Rural Residential' zone under LPS9, where a proposed outbuilding will be constructed prior to completion of a dwelling on same lot.

This policy does not apply if there is an existing dwelling on the same lot.

5. REFERENCE DOCUMENTS

Planning and Development Act 2005

Planning and Development (Local Planning Schemes) Regulations 2015 (the Regulations)
Shire of Dardanup Local Planning Scheme No. 9 (LSP9).
SDev CP104 Local Planning Policy Caravans as Temporary Accommodation



POLICY NO:

SDev CP091 - LOCAL PLANNING POLICY – EXEMPTED DEVELOPMENT AND LAND USE

GOVERNANCE INFORMATION

Procedure Link:	NA	Administrative Policy Link:	NA
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ADMINISTRATION INFORMATION

History:						Synopsis:	
Version	1	New	OCM	26/02/2020	Res: 25-20	Synopsis:	Draft Policy created
Version	2	Adopted	OCM	29/04/2020	Res: 82-20	Synopsis:	Adopted by Council
Version	3	SDev CP091	OCM	30/09/2020	Res: 269-20	Synopsis:	Reviewed and Adopted by Council
Version	4	SDev CP091	OCM	31/03/2021	Res: 61-21	Synopsis:	Amended and Adopted by Council
Version	5	SDev CP091	OCM	28/09/2022	Res: 243-22	Synopsis:	Reviewed and adopted by Council.
Version	6	SDev CP091	OCM	25/09/2024	Res: 275-24	Synopsis:	Reviewed and Adopted by Council
Version	7	SDev CP091	OCM	27/08/25	Res: 232-25	Synopsis:	Reviewed following gazettal of LPS9 and Adopted by Council

1. RESPONSIBLE DIRECTORATE

Sustainable Development

2. PURPOSE OR OBJECTIVE

This Policy establishes the Shire's position in relation to development that is exempt from requiring development approval. These exemptions are in addition to the use and development types identified as being exempt in Schedule 2 ('Deemed Provisions') of the Planning and Development (Local Planning Schemes) Regulations 2015.

The objectives of this Policy are to:

1. Provide certainty about what is considered minor development and to exempt such development from the need for development approval;
2. To streamline the land use planning regulatory process and to reduce red tape;
3. Ensure acceptable development outcomes are maintained;

This Local Planning Policy has been adopted by the Shire of Dardanup pursuant to the provisions of Schedule 2, Part 2, Div. 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

3. REFERENCE DOCUMENTS

- Planning and Development Act 2005
- Planning and Development (Local Planning Schemes) Regulations 2015
- Shire of Dardanup Local Planning Scheme No. 9 (LPS9)

4. DEFINITIONS

In this policy, **substantially commenced** means that the footings of an approved dwelling have been completed.

short-term rental accommodation —

- (a) means a **dwelling** provided, on a commercial basis, for occupation under a **short-term rental arrangement**; but
- (b) does not include a dwelling that is, or is part of, any of the following —
- (i) an aged care facility as defined in the Land Tax Assessment Act 2002 section 38A(1);
 - (ii) a caravan park;
 - (iii) a lodging-house as defined in the Health (Miscellaneous Provisions) Act 1911 section 3(1);
 - (iv) a park home park;
 - (v) a retirement village as defined in the Retirement Villages Act 1992 section 3(1);
 - (vi) workforce accommodation;

short-term rental arrangement means an arrangement under which —

- (a) a **dwelling**, or part of a dwelling, is provided for occupation by a person; and

(b) the person occupies the dwelling, or part of the dwelling, for a period or periods not exceeding a total of 3 months in any 12-month period;

hosted short-term rental accommodation means any of the following —

- (a) short-term rental accommodation where the owner or occupier, or an agent of the owner or occupier who ordinarily resides at the dwelling, resides at the same dwelling during the **short-term rental arrangement**;
- (b) short-term rental accommodation that is an ancillary dwelling where the owner or occupier, or an agent of the owner or occupier who ordinarily resides at the other dwelling on the same lot, resides at that other dwelling during the short-term rental arrangement;
- (c) short-term rental accommodation that is a dwelling on the same lot as an ancillary dwelling where the owner or occupier, or an agent of the owner or occupier who ordinarily resides at the dwelling, resides at the ancillary dwelling during the short-term rental arrangement.

unhosted short-term rental accommodation means short-term rental accommodation that—

- (a) is not hosted short-term rental accommodation; and
- (b) accommodates a maximum of 12 people per night.

All other words and expressions in this policy have their normal and common meaning, and as defined in Part 6, Clauses 37-38 of the Shire of Dardanup Local Planning Scheme No. 9 Clause, the *Planning and Development Act 2005*, the *Planning and Development (Local Planning Schemes) Regulations 2015* or State Planning Policy 7.3 - Residential Design Codes of WA.

5. POLICY

Prior to the commencement of development works, land owners and applicants are encouraged to discuss all development proposals with Shire Planning Staff to determine whether the terms and requirements of this policy apply.

Exemptions in Schedule 2 ('Deemed Provisions') of the Planning and Development (Local Planning Schemes) Regulations 2015 apply to land even though it may be located in the Ferguson Valley tourism area (SCA2) under LPS9. Exemptions in Schedule 2 ('Deemed Provisions') do not apply to land that is designated as Bushfire Prone Area under the Fire and Emergency Services Act 1998 and development approval is required under Clause 78D(3) for the development.

Before carrying out any development listed in Table 1, any other licences, permits or approvals required must be obtained in accordance with any other law.

In addition to the exemptions in Schedule 2, Development approval is not required for any development listed in Table 1 'Exempted Development' providing:

- 5.1 The proposal complies with the listed zones and criteria contained in the corresponding 'Applicable Zone' and 'Conditions' columns;
- 5.2 The land use or development does not represent an 'X' (Prohibited Use) in Clause 17 Table 3 – Zoning Table of the Shire of Dardanup Local Planning Scheme No.9;
- 5.3 The proposal does not vary any standards or requirements prescribed in the Scheme or the Planning and Development (Local Planning Schemes) Regulations 2015, or any other requirements of the R-Codes (if applicable).

Table 1 – Development Exempt from Development Approval

EXEMPTED DEVELOPMENT	APPLICABLE ZONE (UNLESS 'X' IN LAND USE TABLE)	EXEMPTION CRITERIA
Arbor, archway or gateway - or similar type of decorative structure that defines a pedestrian entrance.	All zones	- Maximum height 3 metres; and - Maximum width 2.5 metres
Ancillary Dwelling	All zones	one ancillary dwelling on the same lot as a Single House or Grouped Dwelling;

EXEMPTED DEVELOPMENT	APPLICABLE ZONE (UNLESS 'X' IN LAND USE TABLE)	EXEMPTION CRITERIA
		- clustered with the main dwelling with provision of access and services to be shared with the main dwelling; - the works comply with the deemed-to-comply provisions of the R-Codes and/or the general development requirements specified in this Scheme, except that the internal floor area may be up to a maximum of 100m² (i.e. excluding carport/garage, verands, patios, pergolas, etc.); and - the works are not located in a heritage-protected place.
Family Day Care	All zones	Where development complies with the Scheme definition of a 'Family Day Care'
Fences	Residential	Where the fence is not located within a Heritage Area or on a lot that contains a place on the Heritage List and meets any of the following criteria: - is a front fence and meets the acceptable development provisions of the Residential Design Codes, including; - front fences within the primary street setback area being visually permeable 1.2 metres above natural ground level; and - fences being truncated or reduced to no higher than 0.75 metres within 1.5 metres of where the fence adjoins a vehicle access point, where the driveway meets a public street and where 2 streets intersect; - is located on a common boundary, is located greater than 4.5 metres from a primary street boundary and is no greater than 2 metres in height; - is located on a secondary street boundary and is not greater than 1.8 metres in height.
	General / Light Industry, Service commercial	- Constructed of 50mm steel mesh; - Maximum height of 1.8m from natural ground level with a

EXEMPTED DEVELOPMENT	APPLICABLE ZONE (UNLESS 'X' IN LAND USE TABLE)	EXEMPTION CRITERIA
		maximum overall height of 2.1m where barbed wire is placed on top of the fence; - Supported by steel galvanised pipe posts: 2.7m in length - Nominal bore of 40mm and outside diameter of 48mm - Spaced at 4m centres or Sunk 0.6m into the ground, encased in concrete having diameter of 150mm; and - Terminal posts are braced in line of the fence with diagonal pipe braces having nominal bore of 50mm and outside diameter of 60mm - Centre and bottom high tensile galvanised steel wire.
	Rural, Rural Residential, Tourism	Where the fence meets all of the following criteria: - is located within a 14 metre visual truncation on a corner lot and is no higher than 1.5 metres; - is located within a 3 metre visual truncation to a vehicular access way and is no higher than 1.5 metres; - is no higher than 1.8 metres in all other cases; - is constructed of post and wire or post and rail; - is not located within a heritage area and is not on a lot that contains a place on the Heritage List
Feature walls (Landscape Walls)	All zones	- Maximum 3m width at a max height of 2.1m from natural ground level; and - Setback behind the primary and/or secondary street setback.
Outdoor Cooking facilities - Pizza Oven, BBQ	All zones	Maximum height 1.8m from natural ground level excluding chimney or flue; and

EXEMPTED DEVELOPMENT	APPLICABLE ZONE (UNLESS 'X' IN LAND USE TABLE)	EXEMPTION CRITERIA
		- Structures above 1.8m from natural ground level need to be setback as required by the R-Codes (if applicable) or Scheme Setbacks. - The size of the structure shall not be larger than 3m²
Home Business	All Zones	Where development complies with the Scheme definition of a 'Home Business'
Horse Shelters	Rural Rural Residential	Where the development meets all of the following criteria: - External surfaces are clad with non-reflective materials. - No clearing of vegetation is required. - Compliant with the relevant setbacks/building envelope and building exclusion area requirements for the applicable zone/designation. - A Greater Bunbury Region Scheme application is not triggered due to the land being affected by the Floodplain Management Policy 2017 and/or the Strategic Minerals and Basic Raw Materials Resource Policy and/or the land abuts a Region Scheme Reservation under the GBRS. In the Rural Residential zone where the number of livestock kept on the lot is equal to or less than the base (dry) stocking rate that applies to the land (as defined in the Agriculture Western Australia document titled "Stocking Rate Guidelines for Rural Small Holdings, Swan Coastal Plain and Darling Scarp").
Industry – Cottage	Rural Rural Residential	Where development complies with the Scheme definition of a 'Industry – Cottage' and the following criteria is met: - The cottage industry is attached or detached from the dwelling located on the property; - The use is to remain ancillary to the main dwelling or the

EXEMPTED DEVELOPMENT	APPLICABLE ZONE (UNLESS 'X' IN LAND USE TABLE)	EXEMPTION CRITERIA
		principal land use of the property; c) Retail of goods produced on-site is only permitted through the establishment of a small gallery located within the scheme floor area restrictions; d) Art and craft classes or demonstrations may be conducted at a rate of no more than 2 classes or demonstrations per week; e) The development does not involve the construction of any permanent works, structures or buildings unless otherwise approved by the Shire of Dardanup; f) Does not unduly impact on vehicular or pedestrian accessibility; g) May include temporary works small in scale which includes, but is not limited to, the following: • Marquees; • Stall setups; • Tables; or • Umbrellas h) Operates within the hours of 7.00am and 10.00pm i) Noise must be compliant with the Environmental (Noise) Regulations 1997
Keeping of Livestock	Rural	No Conditions.
	Rural Residential Tourism	Where the number of livestock kept on the lot is equal to or less than the base (dry) stocking rate that applies to the land (as defined in the Agriculture Western Australia document titled "Stocking Rate Guidelines for Rural Small Holdings, Swan Coastal Plain and Darling Scarp").
Outbuildings, Patios, detached garage, carports and lean-to structures attached to an outbuilding	Residential	Outbuildings and detached Garages where the development meets all of the following criteria: • Where the outbuilding is to be constructed on a lot where a building permit for a dwelling has already been issued and the dwelling has been "substantially

EXEMPTED DEVELOPMENT	APPLICABLE ZONE (UNLESS 'X' IN LAND USE TABLE)	EXEMPTION CRITERIA
		commenced" according to the definition in this policy; • Maximum outbuilding floor area - 80m² in aggregate or 10% in aggregate of the site area (whichever is the lessor); • A maximum wall height of 3m; • A maximum ridge height of 4.2m as per the Residential Design Codes; • Located behind the street setback; • A nil setback to the side and/or the rear boundary setback and 1m setback to a secondary street boundary is permitted for a maximum wall length of 9m. Carports and Patios where the development meets all of the following criteria: • A maximum wall height of 3.5m; • A maximum ridge height of 4.2m as per the Residential Design Codes; • Located behind the street setback; • A nil side and/or rear boundary setback, and 1m setback to a secondary street boundary is permitted, for a maximum length of 12m along any boundary; • The roof cover being setback a minimum of 500mm from all lot boundary; • All other 'deemed to comply' requirements of the R-Codes being met; and • All stormwater including roof run off disposal is to be contained on site.
	Residential zoned lots in the Bushland Development Area	Where the development meets all of the following criteria: • Where the outbuilding is to be constructed on a lot where a building permit for a dwelling has already been issued and the dwelling has been "substantially commenced" according to the definition in this policy; • Maximum outbuilding floor area - 80m² in aggregate or 10% in aggregate of the site area (whichever is the lessor); • A maximum wall height of 3.5m; • A maximum ridge height of 4.4m; • A minimum setback of 2m to the side and the rear for Burekup;

EXEMPTED DEVELOPMENT	APPLICABLE ZONE (UNLESS 'X' IN LAND USE TABLE)	EXEMPTION CRITERIA
		• A minimum setback of 2m to the side and 10m to the rear in Eaton; • Patios must be constructed in accordance with the above listed criteria however are not subject to a maximum aggregate floor area. • All other 'deemed to comply' requirements of the R-Codes being met. • All Stormwater including roof run off disposal is to be contained on site.
	Rural Residential	Where the development meets all of the following criteria: • Where the outbuilding is to be constructed on a lot where a building permit for a dwelling has already been issued and the dwelling has been "substantially commenced" according to the definition in this policy. • Maximum floor area – 300m² in aggregate where the lot size is less than 3ha. • Maximum floor area – 400m² in aggregate where the lot size is larger than 3ha. • A maximum wall height of 5m. • Compliant with the relevant setbacks/building envelope and building exclusion area requirements for the applicable zone/designation. • A Greater Bunbury Region Scheme application is not triggered due to the land being affected by the Floodplain Management Policy 2017 and/or the Strategic Minerals and Basic Raw Materials Resource Policy and/or the land abuts a Region Scheme Reservation under the GBRS. • All Stormwater including roof run off disposal is to be contained on site.
Rural shed or farm outbuilding	Rural	Where the development meets all of the following criteria: • Buildings to be clustered with the farmhouse and other outbuildings, if there are existing buildings on the lot. • Compliant with the relevant setbacks for the zone. Notwithstanding these exemptions, approval under the Greater Bunbury

EXEMPTED DEVELOPMENT	APPLICABLE ZONE (UNLESS 'X' IN LAND USE TABLE)	EXEMPTION CRITERIA
		Region Scheme (GBRS) application may be required due to the land being affected by the Floodplain Management Policy 2017 and/or the Strategic Minerals and Basic Raw Materials Resource Policy and/or the land abuts a Region Scheme Reservation under the GBRS.
Parking of one (1) Commercial Vehicle	Residential	Where the parking of the vehicle complies with ClauseSchedule 7 Part (9)(a) – (e) of the Scheme.
	All other zones	Where: a) The parking of the commercial vehicle/s is ancillary to the approved use; or b) Only one (1) commercial vehicle and one (1) associated trailer is parked per property; and c) Where the subject lot has a total area of equal to or greater than 10,000m ² (1 hectares); and d) The subject vehicle is rated a gross vehicle mass of less than or equal to 6.5 tonnes.
Pool Pump Shed	All zones	Subject to compliance with the provisions part 5.4.3 Outbuildings of the Residential Design Codes.

EXEMPTED DEVELOPMENT	APPLICABLE ZONE (UNLESS 'X' IN LAND USE TABLE)	EXEMPTION CRITERIA								
Water tank	All zones	- Maximum height 2.7m above natural ground level; - Compliant with the relevant setbacks/building envelope and building exclusion area requirements for the applicable zone/designation. <table border="1"><tr><td colspan="2">Permitted sizes by lot area:</td></tr><tr><td>≥4,000m²</td><td>10m in diameter <u>212 000L tank</u></td></tr><tr><td><4,000m² but ≥2000m²</td><td>3.88m in diameter <u>32 000L tank</u></td></tr><tr><td><2,000m²</td><td>6000L tank no greater than 2.4m in height</td></tr></table> - More than one water tank is permitted in the Rural and Rural Residential Zones where the water tanks are clustered with the farmhouse and other outbuildings, and no clearing of vegetation is required.	Permitted sizes by lot area:		≥4,000m ²	10m in diameter <u>212 000L tank</u>	<4,000m ² but ≥2000m ²	3.88m in diameter <u>32 000L tank</u>	<2,000m ²	6000L tank no greater than 2.4m in height
Permitted sizes by lot area:										
≥4,000m ²	10m in diameter <u>212 000L tank</u>									
<4,000m ² but ≥2000m ²	3.88m in diameter <u>32 000L tank</u>									
<2,000m ²	6000L tank no greater than 2.4m in height									
Satellite Dishes, microwave antennae and radio masts	All zones	The installation of satellite dishes, microwave antennae and radio masts or other low impact facilities which satisfy the following requirements: (i) there are no other existing satellite dishes, microwave antennae or radio masts on the subject lot; (ii) in the case of satellite dishes in residential areas, the maximum diameter is 1.0 metres or less and is not located within any of the street setbacks; and in non-residential areas the maximum diameter is 3 metres; (iii) in the case of microwave antennae, the maximum diameter is 1.0 metre or less, the antennae does not project higher than 3 metres above the ridge line of the building and is not utilised to transmit electromagnetic waves; (iv) in the case of radio masts, the height does not exceed 8								

EXEMPTED DEVELOPMENT	APPLICABLE ZONE (UNLESS 'X' IN LAND USE TABLE)	EXEMPTION CRITERIA
		metres, the radio mast is setback in accordance with the Scheme from any of the lot boundaries (or 6 metres whichever is greater) and the dimension of the antennae does not exceed 6 metres and is fully contained within the subject lot; (v) where the structure involves Amateur (Ham) Radio equipment shall be less than 10m above natural ground level and is setback no less than 4m from any lot boundaries; (vi) Is not visible from the primary street; (vii) and shall be clustered or located with existing development on site.
Site Works and Retaining walls	All zones	- Where the extent of fill and/or height of the retaining wall(s) does not exceed 500mm above the natural ground level; or - Where extent of fill and/or height of the retaining wall(s) exceeds 500mm above the natural ground level, retaining walls shall be located on the boundary and fencing located atop to prevent overlooking (where the R-Codes apply); - Is located on a boundary other than the primary street boundary; - Is not located within a Flood Prone Area; - Is not located within a heritage Area and is not on a lot that contains a place on the Heritage List.
Trading or Events - The use of any land which is approved through a license or permit issued under a local law	All zones	- The activity does not involve alterations to the land or construction of permanent structure(s); - Each event is in existence for less than 48 hours; - Does not require a greater period than 5 days setup and breakdown of event infrastructure, or such

EXEMPTED DEVELOPMENT	APPLICABLE ZONE (UNLESS 'X' IN LAND USE TABLE)	EXEMPTION CRITERIA
		other period as is specified in the approval by the Shire; and The cumulative total number of events at the property does not exceed more than 5 events in any 12 month period.
Trellis – or similar perforated material attached to Common or Dividing Fence	Residential	If located adjacent to a side or rear (not secondary street) dividing fence, - The combined height of the fence and trellis does not exceed 2.4m from natural ground level; and - Setback 6m from primary street boundary. OR If located on a primary street dividing fence. - The combined height of the fence and trellis does not exceed 1.5m; and - The trellis does not cover more than 25% of the frontage.
Temporary Offices and sheds	All zones	(i) offices and sheds (including sea containers) used by builders directly associated with the building works occurring on site for the duration of completing the works; and/or (ii) offices (including sea containers) used by real estate agents directly associated to the sale of lots and/or dwellings on the development site for a period of 24 months.
Vegetation Removal	All zones	For removal, destruction or lopping of any vegetation that is not identified as being significant vegetation or identified as such on a Structure Plan or a Local Development Plan, and meets any of the following: (i) to create or maintain a 20m wide Asset Protection Zone from the external walls of the primary dwelling on the property, for bushfire management; (ii) To create or maintain a 20m wide Asset Protection Zone from the external walls of any building that is 10m or less from the primary dwelling on a property; (iii) all vegetation other than trees within 80m of the Asset Protection Zone (i) above, for bushfire hazard reduction. (iv) any harmful weed species identified on an approved list of

EXEMPTED DEVELOPMENT	APPLICABLE ZONE (UNLESS 'X' IN LAND USE TABLE)	EXEMPTION CRITERIA
		any Federal or Western Australian Government Agency, including those listed by Department of Primary Industries and Regional Development (DPIRD) as Declared Plant, prescribed as a pest plant under the <i>Biosecurity and Agriculture Management Act 2007</i> (BAMA), or any other weed species as advised by DPIRD or (v) Where the vegetation removal does not require a 'Clearing Permit' under the (WA) <i>Environmental Protection Act 1986</i>. * Note: Despite any exemption in this section, approval may still be required under the (Cwlth) <i>Environmental Protection and Biodiversity Conservation Act 1999</i>, or a Clearing Permit may be required under the (WA) <i>Environmental Protection Act 1986</i>, in some instances. The applicant should check with DWER.
Water Feature	All zones	Where the structure constructed on a residential lot and associated with a dwelling – • Maximum height of 2.4m above natural ground level if located behind the primary street setback; • Maximum height of 1.2m above natural ground level if located within the primary street setback; and • Permitted with a nil boundary setback. All other zones shall be located in accordance with the Scheme setbacks
Windmills and Wind Turbines	Rural Rural Residential Tourism *Where development is located in the Ferguson Valley tourism area (SCA2), Development Approval is required	• Incidental to a use occurring on the land which has Council approval, or does not require Council approval; • Compliant with the relevant setbacks/building envelope requirements for the applicable zone/designation. • A maximum height of 12m. • One Windmill or Wind Turbine is permitted per lot.

EXEMPTED DEVELOPMENT	APPLICABLE ZONE (UNLESS 'X' IN LAND USE TABLE)	EXEMPTION CRITERIA
		Noise must be compliant with the Environmental (Noise) Regulations 1997
Works to a building in a dangerous state or state of emergency (i.e. a building that presents a public hazard) Or Painting / Maintenance of a Building	All zones	- The repairs will replicate the external appearance of the structure in its original state; and - No additions are applied or implemented to the structure as part of the works.
Unhosted Short-Term Rental Accommodation (Unhosted STRA) of: - Single houses; - Grouped Dwellings; - Multiple Dwellings; - Holiday House.	All zones	- The Policy excludes the following: - Workforce accommodation; - Park home parks and lifestyle villages. - the period of accommodation shall not exceed 90 days in a relevant 12-month period*; and - the number of guests accommodated within an Unhosted STRA at any time, where such comprises a Single House, Grouped or Multiple Dwelling, complies with all of the following standards: - A maximum of 12 persons at any time; - A minimum 4m² per person in each bedroom containing beds; and - A minimum 2.5m² per person in each bedroom containing bunks; and - the dwelling is registered under the <i>Short-Term Rental Accommodation Act 2024</i> Part 3. - Car parking is provided at the rate required by the Local Planning Scheme for the relevant land use and is accommodated wholly within the lot boundary. - For a Single House, Grouped or Multiple Dwelling on a lot over 1,000m², and for any other land use listed under this exemption on any sized lot, a Bushfire Attack Level assessment by a registered Level 1 bushfire practitioner being submitted that demonstrates the Bushfire Attack Level does not exceed BAL-29. - Despite an exemption for Short Term Rental Accommodation of the predominant use, Development Approval may be

EXEMPTED DEVELOPMENT	APPLICABLE ZONE (UNLESS 'X' IN LAND USE TABLE)	EXEMPTION CRITERIA
		required for the predominant use in accordance with the Local Planning Scheme. * A relevant 12-month period is: (a) the period of 12 months commencing on the day on which the owner or occupier registered the dwelling under the Short-Term Rental Accommodation Act 2024 Part 3; or (b) any subsequent 12-month period commencing on the anniversary of that day.

6. APPLICATION

This Policy applies to all zoned land applicable under the Shire of Dardanup Local Planning Scheme No.9 inclusive of the land contained within the Ferguson Valley tourism area (SCA2) shown on the Scheme Map according to the legend thereon, unless specified in the Table above.

It should be noted that whilst the Policy identifies certain development types that do not require development approval, a building permit or other approval may still need to be obtained from the Shire.



POLICY NO:

SDev CP096 – LOCAL PLANNING POLICY - SEA CONTAINERS

GOVERNANCE INFORMATION

Procedure Link:	NA	Administrative Policy Link:	NA
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ADMINISTRATION INFORMATION

History	1	DEV21	OCM	08/03/12	Res: 57/12	Synopsis:	Policy created. 08/03/2012
			OCM:	10/05/12	Res:	Synopsis:	Reviewed Policy Adopted
Version	2	CP096	SCM	26/07/18	Res: 251-18	Synopsis:	Reviewed and Adopted by Council
Version	3	SDev CP096	OCM:	30/09/20	Res: 269-20	Synopsis:	Reviewed and Adopted by Council
Version	4	SDev CP096	OCM:	28/09/22	Res: 243-22	Synopsis:	Reviewed and adopted by Council.
Version	5	SDev CP028	OCM	23/10/24	Res: 275-24	Synopsis:	Reviewed and Adopted by Council
Version	6	SDev CP028	OCM	27/08/25	Res: 232-25	Synopsis:	Reviewed following gazettal of LPS9 and Adopted by Council

1. RESPONSIBLE DIRECTORATE

Sustainable Development

2. PURPOSE OR OBJECTIVE

The objective of this policy is to regulate the use of sea containers for storage within the Shire of Dardanup to ensure that they:

- (a) are located, screened and/or colour treated to appear visually integrated with the surrounding area; and
- (b) do not result in an adverse impact on amenity or streetscape.

This Local Planning Policy has been adopted by the Shire of Dardanup pursuant to the provisions of Schedule 2, Part 2, Div. 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

3. REFERENCE DOCUMENTS

Planning and Development Act 2005

Planning and Development (Local Planning Schemes) Regulations 2015 (Regulations)

Shire of Dardanup Local Planning Scheme No. 9 (LPS9)

4. DEFINITIONS

‘Sea Container’ - A re-sealable metal transportable structure designed for the storage, unitized freight handling and/or transport of goods from one location to another by road and sea.

All other words and expressions in this policy have their normal and common meaning, and as defined in Part 6, Clauses 37-38 of the Shire of Dardanup Local Planning Scheme No. 9, the *Planning and Development Act 2005*, the *Planning and Development (Local Planning Schemes) Regulations 2015* or State Planning Policy 7.3 - Residential Design Codes of WA.

5. POLICY

- 5.1 The Shire will not permit sea container(s) on land zoned ‘Residential’ or within any designated townsite boundary as defined under LPS9, other than in accordance with part 5.2 below.
- 5.2 Temporary uses: A sea container for temporary use does not require Development Approval in any zone where the following conditions are met:
 - (a) one sea container only is placed on the lot for up to a maximum of 7 days in any 12 month period, and is used solely for the loading/unloading of goods. The sea container must be located wholly within the lot boundaries and must not interfere with vehicle sightlines; or
 - (b) one sea container only is placed on a lot for up to a maximum 12 months, and is used only in conjunction with building construction or subdivision works occurring, or approved to occur, on the same lot or adjoining lot. The sea container must be located wholly within the lot boundaries and must not interfere with vehicle sightlines.
- 5.3 Industrial Lots: On lots zoned General Industry or Light Industry, sea containers do not require Development Approval where all of the following conditions are met:

- (a) sea containers must be located wholly within lot boundaries, and must be setback 10m from both front and rear boundaries, and 5m from all other boundaries;
 - (b) sea containers are stacked no more than two sea containers high;
 - (c) sea containers are not located over drainage areas, septic tanks, or vehicle access ways; and
 - (d) no other structures are proposed to be attached to or cover the sea containers.
- 5.4 Other than in accordance with parts 5.1 - 5.3 above, an application for Development Approval will be required in all other circumstances. All applications will be assessed having regard to this policy, and may only be supported where all of the following conditions are met:
- (a) The land is not zoned 'Residential' or located within any designated townsite boundary as defined under LPS9.
 - (b) The proposed sea container(s)
 - i) is/are ancillary to an approved or permitted use;
 - ii) will not be located within the front setback area of any lot;
 - iii) will not be located in areas designated for car parking, landscaping, effluent control or storm-water control;
 - iv) will not be used for human habitation;
 - v) will only be used for the purpose of storage, unless otherwise approved by Council;
 - vi) Other than on lots zoned General Industry or Light Industry, sea containers being completely screened from view from nearby roads, other public places, and adjoining properties, or:
 - the exterior of the sea container(s) being painted to blend in with the surrounding development, or with the surrounding landscape if the lot is not developed, within 3 months of Development Approval, and maintained thereafter; and/or
 - screening planting of native vegetation that comprises a range of sizes (including undergrowth and canopy vegetation), provides an effective visual screen and is a minimum 2m deep, being planted within 3 months of Development Approval, and maintained thereafter;
 - vii) Other than on lots zoned General Industry or Light Industry, sea containers must not be stacked on top of one another; and
 - (c) On a lot zoned 'Rural Residential', there must be an existing habitable dwelling on the lot and only one sea container will be supported.
- 5.5 Notwithstanding Part 5.4 above, if the Shire considers that a sea container is likely to have a detrimental effect on the local amenity, or has the potential to visually impair or detract from the exterior design or appearance of other buildings or sightlines in the vicinity, the application will be refused.

6. APPLICATION

- a) This policy applies to all land zoned under LPS9.
- b) This policy does not apply to sea containers which have been previously approved by Council.
- c) The storage of all sea containers in all areas will require development approval from the Shire of Dardanup, prior to placement.

7 APPLICATION FOR DEVELOPMENT APPROVAL REQUIREMENTS

- a) An application for development approval shall be made on an Application for Development Approval Form 110 together with the following information:
 - i) A site plan showing the proposed location of the sea container(s) on the property distance of each sea container to all lot boundaries and the location of any existing buildings/structures, and the location of existing or proposed vegetation screens;
 - ii) Plans, dimensions and details of the sea container(s) which also includes the existing and proposed exterior colours;
 - iii) Photographs of the proposed sea container(s);

- iv) Written details of proposed modifications and other works to be carried out to improve appearance and address amenity concerns (eg. painting, screen planting etc.).
- b) Notwithstanding that development approval may be granted by Council, a building permit may also be required to ensure compliance with all relevant requirements under the Building Code of Australia and relevant Australian Standards, if modifications are to be made to the sea container.

8 STANDARD CONDITIONS OF DEVELOPMENT APPROVAL

If granted, the Shire's Development Approval may include the following conditions, as a minimum:

- a) All development being generally in accordance with the approved development plans which form part of this Development Approval.
- b) The exterior of the sea container s) shall be painted in a colour scheme that is consistent with the majority of the surrounding development on the lot, or that is consistent with the surrounding landscape if the lot is not developed, within 30 days of the date of Development Approval and maintained thereafter; and/or
- c) Screen planting of native vegetation that comprises a range of storeys, provides an effective visual screen and is a minimum of 2m deep, must be planted within 3 months of the date of Development Approval, and maintained thereafter; and
- b) The approved sea container(s) shall not be used for human habitation purposes.

RISK ASSESSMENT TOOL**OVERALL RISK EVENT:** CP111 – Local Planning Policy - Outbuilding and Sea Container – Initiation of Advertising**RISK THEME PROFILE:**

8 - Errors, Omissions and Delays

Choose an item.

3 - Failure to Fulfil Compliance Requirements (Statutory, Regulatory)

Choose an item.

RISK ASSESSMENT CONTEXT: Operational

CONSEQUENCE CATEGORY	RISK EVENT	PRIOR TO TREATMENT OR CONTROL			RISK ACTION PLAN (Treatment or controls proposed)	AFTER TREATMENT OR CONTROL		
		CONSEQUENCE	LIKELIHOOD	INHERENT RISK RATING		CONSEQUENCE	LIKELIHOOD	RESIDUAL RISK RATING
HEALTH	No risk event identified for this category.	Not Required - No Risk Identified	N/A	N/A	Not required	Not required.	Not required.	Not required.
FINANCIAL IMPACT	No risk event identified for this category.	Not Required - No Risk Identified	N/A	N/A	Not required.	Not required.	Not required.	Not required.
SERVICE INTERRUPTION	No risk event identified for this category.	Not Required - No Risk Identified	N/A	N/A	Not required.	Not required.	Not required.	Not required.
LEGAL AND COMPLIANCE	No risk event identified for this category.	Insignificant (1)	Rare (1)	Low (1 - 4)	Failure to resolve to prepare and advertise the draft policy may result in continued reliance on fragmented policy guidance, increasing the risk of inconsistent decision-making, reduced applicant clarity and reputational impacts for Development Services.	Insignificant (1)	Rare (1)	Low (1 - 4)
REPUTATIONAL	No risk event identified for this category.	Insignificant (1)	Rare (1)	Low (1 - 4)	Failure to resolve to prepare and advertise the draft policy may result in continued reliance on fragmented policy guidance, increasing the risk of inconsistent decision-making and a public perception that planning processes are overly complex.	Insignificant (1)	Rare (1)	Low (1 - 4)
ENVIRONMENT	No risk event identified for this category.	Not Required - No Risk Identified	N/A	N/A	Not required.	Not required.	Not required.	Not required.
PROPERTY	No risk event identified for this category.	Not Required - No Risk Identified	N/A	N/A	Not required.	Not required.	Not required.	Not required.



POLICY NO:

SDev CP091 - LOCAL PLANNING POLICY – EXEMPTED DEVELOPMENT**GOVERNANCE INFORMATION**

Procedure Link:	NA	Administrative Policy Link:	NA
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ADMINISTRATION INFORMATION

History:						Synopsis:	
Version	1	New	OCM	26/02/2020	Res: 25-20	Synopsis:	Draft Policy created
Version	2	Adopted	OCM	29/04/2020	Res: 82-20	Synopsis:	Adopted by Council
Version	3	SDev CP091	OCM	30/09/2020	Res: 269-20	Synopsis:	Reviewed and Adopted by Council
Version	4	SDev CP091	OCM	31/03/2021	Res: 61-21	Synopsis:	Amended and Adopted by Council
Version	5	SDev CP091	OCM	28/09/2022	Res: 243-22	Synopsis:	Reviewed and adopted by Council.
Version	6	SDev CP091	OCM	25/09/2024	Res: 275-24	Synopsis:	Reviewed and Adopted by Council
Version	7	SDev CP091	OCM	27/08/25	Res: 232-25	Synopsis:	Reviewed following gazettal of LPS9 and Adopted by Council
Version	8	SDev CP091					

1. RESPONSIBLE DIRECTORATE

Development Services

2. PURPOSE

To exempt certain development proposals from the requirement to obtain Development Approval under *the Shire of Dardanup Local Planning Scheme No.9* (LPS9). In addition to the use and development types identified as being exempt in:

- Schedule 2 ('Deemed Provisions') Clause 61 of the *Planning and Development (Local Planning Schemes) Regulations* 2015 and
- Schedule A – Supplemental Provisions of the Deemed Provisions of the LPS9

3. OBJECTIVES

This Policy establishes the Shire's position in relation to development that is exempt from requiring development approval.

The objectives of this Policy are to:

- Identify types of development proposals that are suitable for exemption from the need for development approval.
- Streamline the planning approval process and to reduce red tape.
- Ensure acceptable development outcomes are maintained.

4. REFERENCE DOCUMENTS

- Planning and Development Act 2005 (the Act)
- Planning and Development (Local Planning Schemes) Regulations 2015 (the Regulations)
- Shire of Dardanup Local Planning Scheme No. 9 (LPS9)

5. APPLICATION

This Policy applies to all zoned land applicable under the Shire of Dardanup Local Planning Scheme No.9 inclusive of the land contained within the Ferguson Valley tourism area (SCA2) shown on the Scheme Map according to the legend thereon unless specified in the Table below.

It should be noted that whilst the Policy identifies certain development types that do not require development approval, a building permit or other approval may still need to be obtained from the Shire. Before carrying out any development listed in Table 1, any other licences, permits or approvals required must be obtained in accordance with any other law.

This policy does not allow for X uses to be permitted (*LPS9 clause 18 (2) -X means that the use is not permitted by this Scheme*)

6. DEFINITIONS

Substantially commenced means it is deemed to have occurred where there has been physical 'on site' development that comprises at least the preparation of the site including the placing of footings and slab. Where in a condition of approval there is a requirement to undertake further studies and investigations for submission and approval of the Shire prior to development commencing, such 'work' is not deemed to be substantial commencement.

All other words and expressions in this policy have their normal and common meaning, and as defined in Part 6, Clauses 37-38 of the Shire of Dardanup Local Planning Scheme No. 9 Clause, the *Planning and Development Act 2005*, the *Planning and Development (Local Planning Schemes) Regulations 2015* or State Planning Policy 7.3 - Residential Design Codes of WA.

7. POLICY

Exemptions in Schedule 2 ('Deemed Provisions') of the Planning and Development (Local Planning Schemes) Regulations 2015 apply to land even though it may be located in the Ferguson Valley tourism area (SCA2) under LPS9.

Development approval is not required for any development listed in Table 1 'Exempted Development' providing:

7.1 The proposal complies with corresponding 'Zone' and 'Conditions/Criteria' columns;

7.2 The proposal does not vary any standards or requirements of the LPS9.

Development designated as Bushfire Prone Area under the Fire and Emergency Services Act 1998 and development approval is required under Clause 78D(3) for the development are not exempt under this policy.

Table 1 – Development Exempt from Development Approval

DEVELOPMENT	ZONES	CONDITION/CRITERIA
Arbor, archway or gateway - or similar type of decorative structure that defines a pedestrian entrance.	All zones	Where the developments meets the following criteria: - Maximum height 3 metres; and - Maximum width 2.5 metres
Fences	General Industry, Light Industry and Service commercial zone	Where the fence meets the following criteria: - Constructed of 50mm steel mesh; - Maximum height of 1.8m from natural ground level with a maximum overall height of 2.1m where barbed wire is placed on top of the fence; - Supported by steel galvanised pipe posts: 2.7m in length - Nominal bore of 40mm and outside diameter of 48mm - Spaced at 4m centres - Sunk 0.6m into the ground, encased in concrete having diameter of 150mm; and - Terminal posts are braced in line of the fence with diagonal pipe braces having nominal bore of 50mm and outside diameter of 60mm - Centre and bottom high tensile galvanised steel wire.

DEVELOPMENT	ZONES	CONDITION/CRITERIA
	Rural Residential, Rural Smallholdings, Tourism, Priority Agriculture and Rural zone	Where the fence meets all of the following criteria: • is located within a 14 metre visual truncation on a corner lot and is no higher than 1.5 metres; • is located within a 3 metre visual truncation to a vehicular access way and is no higher than 1.5 metres; • is no higher than 1.8 metres in all other cases; • is constructed of post and wire or post and rail; • is not located within a Heritage- Protected Place
Feature walls (Landscape Walls)	All zones	Where the developments meets the following criteria: • Maximum 3m width at a max height of 2.1m from natural ground level; and • Setback behind the primary and/or secondary street setback. • Limited to one
Outdoor Cooking facilities - Pizza Oven, BBQ	All zones	Where the developments meets the following criteria: • Maximum height 1.8m from natural ground level excluding chimney or flue; and • Structures above 1.8m from natural ground level need to be setback as required by the R- Codes (if applicable) or Scheme Setbacks. • The size of the structure shall not be larger than 3m²
Animal / Horse Shelters	Rural Residential, Rural Smallholdings, Rural and Priority Agriculture zone	Where the development meets all of the following criteria: • External surfaces are clad with non-reflective materials. • No clearing of vegetation is required. • Compliant with the relevant setbacks/building envelope and building exclusion area requirements for the applicable zone/designation. • Not within Special Control Areas (SCA) of the LPS9 • Setback 30m from dwelling(s) • Lot larger than 2000m <i>This exemption does not consider Horse Stables and the keeping of Horses on the lot.</i>
Commercial Vehicle Parking	Residential zone	Where the parking of the vehicle complies with Schedule 7 Clause (9)(a) – (e) of the Scheme. Limit of one (1) vehicle.
	All other zones	Where the development meets all the following criteria: a) The parking of the commercial vehicle/s is ancillary to the approved use; or b) Only one (1) commercial vehicle and one (1) associated trailer is parked per property; and c) Where the subject lot has a total area of equal to or greater than 10,000m² (1 hectares); and d) The subject vehicle is rated a gross vehicle mass of less than or equal to 6.5 tonnes.

DEVELOPMENT	ZONES	CONDITION/CRITERIA								
Water tank	All zones	Where the development meets the following criteria: - Maximum height 2.7m above natural ground level; - Compliant with the relevant setbacks/building envelope and building exclusion area requirements for the applicable zone/designation. <table><tr><td colspan="2">Permitted sizes by lot area:</td></tr><tr><td>≥4,000m²</td><td>10m in diameter <u>212 000L tank</u></td></tr><tr><td><4,000m² but ≥2000m²</td><td>3.88m in diameter <u>32 000L tank</u></td></tr><tr><td><2,000m²</td><td>6000L tank no greater than 2.4m in height</td></tr></table> - More than one water tank is exempted in the Rural, Rural Smallholding, Priority Argiculture and Rural Residential Zones where the water tanks are clustered with the farmhouse and other outbuildings, and no clearing of vegetation is required.	Permitted sizes by lot area:		≥4,000m ²	10m in diameter <u>212 000L tank</u>	<4,000m ² but ≥2000m ²	3.88m in diameter <u>32 000L tank</u>	<2,000m ²	6000L tank no greater than 2.4m in height
Permitted sizes by lot area:										
≥4,000m ²	10m in diameter <u>212 000L tank</u>									
<4,000m ² but ≥2000m ²	3.88m in diameter <u>32 000L tank</u>									
<2,000m ²	6000L tank no greater than 2.4m in height									
Satellite Dishes, microwave antennae and radio masts	All zones	The installation of satellite dishes, microwave antennae and radio masts or other low impact facilities which satisfy the following requirements: (i) there are no other existing satellite dishes, microwave antennae or radio masts on the subject lot; (ii) in the case of satellite dishes in residential areas, the maximum diameter is 1.0 metres or less and is not located within any of the street setbacks; and in non-residential areas the maximum diameter is 3 metres; (iii) in the case of microwave antennae, the maximum diameter is 1.0 metre or less, the antennae does not project higher than 3 metres above the ridge line of the building and is not utilised to transmit electromagnetic waves; (iv) in the case of radio masts, the height does not exceed 8 metres, the radio mast is setback in accordance with the Scheme from any of the lot boundaries (or 6 metres whichever is greater) and the dimension of the antennae does not exceed 6 metres and is fully contained within the subject lot; (v) where the structure involves Amateur (Ham) Radio equipment shall be less than 10m above natural ground level and is setback no less than 4m from any lot boundaries; (vi) Is not visible from the primary street; (vii) and shall be clustered or located with existing development on site.								
Site Works and Retaining walls	Rural Residential, Rural Smallholdings, Rural, Tourism and Priority Agrcuilture zone	Where the extent of fill and/or height of the retaining wall(s) does not exceed 500mm above the natural ground level; or - Is located on a boundary other than the primary street boundary; - Is not located within a Flood Prone Area (SCA4); - Is not located Heritage-Protected Place								

DEVELOPMENT	ZONES	CONDITION/CRITERIA
Water Feature	Residential Zone	Where the structure constructed associated with a dwelling – - Maximum height of 2.4m above natural ground level if located behind the primary street setback; - Maximum height of 1.2m above natural ground level if located within the primary street setback; and - Permitted with a nil boundary setback. <i>This exemption does not consider Dams.</i>
	All other zones	Where the structure meets the following criteria: - Maximum height of 2.4m above natural ground level if located behind the primary street setback; - located in accordance with the Scheme setbacks <i>This exemption does not consider Dams.</i>
Windmills	Rural Residential, Rural Smallholding, Rural, Priority Agriculture, and Tourism zone	Where the development meets the following criteria: - Incidental to a use occurring on the land which has Council approval, or does not require Council approval; - Compliant with the relevant setbacks/building envelope requirements for the applicable zone/designation. - A maximum height of 12m. - One Windmill is permitted per lot. - Noise must be compliant with the Environmental (Noise) Regulations 1997 <i>*Where development is located in the Ferguson Valley tourism area (SCA2), Development Approval is required.</i>
Vegetation Removal	All zones	Where the vegetation modification meets the following criteria: - Exotic and introduced (includes non local native (not endemic) vegetation species - Noxious, declared and pest plants and weeds - Works require to adhere to the Shire of Dardanup Annual Fire Prevention Order: - To create or maintain a 20m wide Building Protection Zone / Asset Protection Zone from the external walls of a dwelling; and - To create or maintain a 20m wide Building Protection Zone / Asset Protection Zones to a building that is less than 10m from the dwelling. - Dangerous vegetation with a arborist report submitted to the satisfaction of the Shire of Dardanup. <i>This exemption does not consider Tree Farming harvesting. The above does not remove the requirement for a Clearing Permit required by the Department of Water and Environmental Regulations (DWER) and</i>

DEVELOPMENT	ZONES	CONDITION/CRITERIA
Temporary Offices and sheds	All zones	Where the development meets the following criteria: i) offices and sheds (including sea containers) used by builders directly associated with the building works occurring on site for the duration of completing the works; and/or ii) offices (including sea containers) used by real estate agents directly associated to the sale of lots and/or dwellings on the development site for a period of 24 months.
Keeping of live stock	Rural and Priority Argiculture zone	Where the development meets all the following criteria: Animal containment is setback 30m from dwelling(s) <i>This exemption does not consider Animal Establishment and or feedlots.</i>
	Rural Residenital, Rural Smallholding and Tourism zone	Where the development meets all the following criteria: - Complies with Schedule 7 Clause 19 Stocking rates of the LPS9. - Animal containment is setback 30m from dwelling(s). <i>This exemption does not consider Animal Establishment and or feedlots.</i>
Unhosted Short-Term Rental Accommodation (Unhosted STRA) of: - Single houses; - Grouped Dwellings; - Multiple Dwellings; - Holiday House.	All zones	Where the development meets the following criteria: - The period of accommodation shall not exceed 90 days in a relevant 12-month period*; and - the number of guests accommodated within an Un-hosted STRA at any time, where such comprises a Single House, Grouped or Multiple Dwelling, complies with all of the following standards: - A maximum of 12 persons at any time; - A minimum 4m² per person in each bedroom containing beds; and - A minimum 2.5m² per person in each bedroom containing bunks; and - the dwelling is registered under the <i>Short-Term Rental Accommodation Act 2024</i> Part 3. - Car parking is provided at the rate required by the Local Planning Scheme for the relevant land use and is accommodated wholly within the lot boundary. - For a Single House, Grouped or Multiple Dwelling on a lot over 1,000m², and for any other land use listed under this exemption on any sized lot, a Bushfire Attack Level assessment by a registered Level 1 bushfire practitioner being submitted that demonstrates the Bushfire Attack Level does not exceed BAL-29. - Despite an exemption for Short Term Rental Accommodation of the predominant use, Development Approval may be required for the predominant use in accordance with the Local Planning Scheme. * A relevant 12-month period is: - the period of 12 months commencing on the day on which the owner or occupier registered the dwelling under the Short-Term Rental Accommodation Act 2024 Part 3; or - any subsequent 12-month period commencing on the anniversary of that day.



POLICY NO:

SDev CP091 - LOCAL PLANNING POLICY – EXEMPTED DEVELOPMENT AND LAND USE

GOVERNANCE INFORMATION

Procedure Link:	NA	Administrative Policy Link:	NA
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ADMINISTRATION INFORMATION

History:						Synopsis:	
Version	1	New	OCM	26/02/2020	Res: 25-20	Synopsis:	Draft Policy created
Version	2	Adopted	OCM	29/04/2020	Res: 82-20	Synopsis:	Adopted by Council
Version	3	SDev CP091	OCM	30/09/2020	Res: 269-20	Synopsis:	Reviewed and Adopted by Council
Version	4	SDev CP091	OCM	31/03/2021	Res: 61-21	Synopsis:	Amended and Adopted by Council
Version	5	SDev CP091	OCM	28/09/2022	Res: 243-22	Synopsis:	Reviewed and adopted by Council.
Version	6	SDev CP091	OCM	25/09/2024	Res: 275-24	Synopsis:	Reviewed and Adopted by Council
Version	7	SDev CP091	OCM	27/08/25	Res: 232-25	Synopsis:	Reviewed following gazettal of LPS9 and Adopted by Council

1. RESPONSIBLE DIRECTORATE

Sustainable Development

2. PURPOSE OR OBJECTIVE

This Policy establishes the Shire's position in relation to development that is exempt from requiring development approval. These exemptions are in addition to the use and development types identified as being exempt in Schedule 2 ('Deemed Provisions') of the Planning and Development (Local Planning Schemes) Regulations 2015.

The objectives of this Policy are to:

1. Provide certainty about what is considered minor development and to exempt such development from the need for development approval;
2. To streamline the land use planning regulatory process and to reduce red tape;
3. Ensure acceptable development outcomes are maintained;

This Local Planning Policy has been adopted by the Shire of Dardanup pursuant to the provisions of Schedule 2, Part 2, Div. 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

3. REFERENCE DOCUMENTS

- Planning and Development Act 2005
- Planning and Development (Local Planning Schemes) Regulations 2015
- Shire of Dardanup Local Planning Scheme No. 9 (LPS9)

4. DEFINITIONS

In this policy, **substantially commenced** means that the footings of an approved dwelling have been completed.

short-term rental accommodation —

- (a) means a **dwelling** provided, on a commercial basis, for occupation under a **short-term rental arrangement**; but
- (b) does not include a dwelling that is, or is part of, any of the following —
- (i) an aged care facility as defined in the Land Tax Assessment Act 2002 section 38A(1);
 - (ii) a caravan park;
 - (iii) a lodging-house as defined in the Health (Miscellaneous Provisions) Act 1911 section 3(1);
 - (iv) a park home park;
 - (v) a retirement village as defined in the Retirement Villages Act 1992 section 3(1);
 - (vi) workforce accommodation;

short-term rental arrangement means an arrangement under which —

- (a) a **dwelling**, or part of a dwelling, is provided for occupation by a person; and

(b) the person occupies the dwelling, or part of the dwelling, for a period or periods not exceeding a total of 3 months in any 12-month period;

hosted short-term rental accommodation means any of the following —

- (a) short-term rental accommodation where the owner or occupier, or an agent of the owner or occupier who ordinarily resides at the dwelling, resides at the same dwelling during the **short-term rental arrangement**;
- (b) short-term rental accommodation that is an ancillary dwelling where the owner or occupier, or an agent of the owner or occupier who ordinarily resides at the other dwelling on the same lot, resides at that other dwelling during the short-term rental arrangement;
- (c) short-term rental accommodation that is a dwelling on the same lot as an ancillary dwelling where the owner or occupier, or an agent of the owner or occupier who ordinarily resides at the dwelling, resides at the ancillary dwelling during the short-term rental arrangement.

unhosted short-term rental accommodation means short-term rental accommodation that—

- (a) is not hosted short-term rental accommodation; and
- (b) accommodates a maximum of 12 people per night.

All other words and expressions in this policy have their normal and common meaning, and as defined in Part 6, Clauses 37-38 of the Shire of Dardanup Local Planning Scheme No. 9 Clause, the *Planning and Development Act 2005*, the *Planning and Development (Local Planning Schemes) Regulations 2015* or State Planning Policy 7.3 - Residential Design Codes of WA.

5. POLICY

Prior to the commencement of development works, land owners and applicants are encouraged to discuss all development proposals with Shire Planning Staff to determine whether the terms and requirements of this policy apply.

Exemptions in Schedule 2 ('Deemed Provisions') of the Planning and Development (Local Planning Schemes) Regulations 2015 apply to land even though it may be located in the Ferguson Valley tourism area (SCA2) under LPS9. Exemptions in Schedule 2 ('Deemed Provisions') do not apply to land that is designated as Bushfire Prone Area under the Fire and Emergency Services Act 1998 and development approval is required under Clause 78D(3) for the development.

Before carrying out any development listed in Table 1, any other licences, permits or approvals required must be obtained in accordance with any other law.

In addition to the exemptions in Schedule 2, Development approval is not required for any development listed in Table 1 'Exempted Development' providing:

- 5.1 The proposal complies with the listed zones and criteria contained in the corresponding 'Applicable Zone' and 'Conditions' columns;
- 5.2 The land use or development does not represent an 'X' (Prohibited Use) in Clause 17 Table 3 – Zoning Table of the Shire of Dardanup Local Planning Scheme No.9;
- 5.3 The proposal does not vary any standards or requirements prescribed in the Scheme or the Planning and Development (Local Planning Schemes) Regulations 2015, or any other requirements of the R-Codes (if applicable).

Table 1 – Development Exempt from Development Approval

EXEMPTED DEVELOPMENT	APPLICABLE ZONE (UNLESS 'X' IN LAND USE TABLE)	EXEMPTION CRITERIA
Arbor, archway or gateway - or similar type of decorative structure that defines a pedestrian entrance.	All zones	- Maximum height 3 metres; and - Maximum width 2.5 metres
Ancillary Dwelling	All zones	one ancillary dwelling on the same lot as a Single House or Grouped Dwelling;

EXEMPTED DEVELOPMENT	APPLICABLE ZONE (UNLESS 'X' IN LAND USE TABLE)	EXEMPTION CRITERIA
		- clustered with the main dwelling with provision of access and services to be shared with the main dwelling; - the works comply with the deemed-to-comply provisions of the R-Codes and/or the general development requirements specified in this Scheme, except that the internal floor area may be up to a maximum of 100m² (i.e. excluding carport/garage, verands, patios, pergolas, etc.); and - the works are not located in a heritage-protected place.
Family Day Care	All zones	Where development complies with the Scheme definition of a 'Family Day Care'
Fences	Residential	Where the fence is not located within a Heritage Area or on a lot that contains a place on the Heritage List and meets any of the following criteria: - is a front fence and meets the acceptable development provisions of the Residential Design Codes, including; - front fences within the primary street setback area being visually permeable 1.2 metres above natural ground level; and - fences being truncated or reduced to no higher than 0.75 metres within 1.5 metres of where the fence adjoins a vehicle access point, where the driveway meets a public street and where 2 streets intersect; - is located on a common boundary, is located greater than 4.5 metres from a primary street boundary and is no greater than 2 metres in height; - is located on a secondary street boundary and is not greater than 1.8 metres in height.
	General / Light Industry, Service commercial	- Constructed of 50mm steel mesh; - Maximum height of 1.8m from natural ground level with a

EXEMPTED DEVELOPMENT	APPLICABLE ZONE (UNLESS 'X' IN LAND USE TABLE)	EXEMPTION CRITERIA
		maximum overall height of 2.1m where barbed wire is placed on top of the fence; - Supported by steel galvanised pipe posts: 2.7m in length - Nominal bore of 40mm and outside diameter of 48mm - Spaced at 4m centres or Sunk 0.6m into the ground, encased in concrete having diameter of 150mm; and - Terminal posts are braced in line of the fence with diagonal pipe braces having nominal bore of 50mm and outside diameter of 60mm - Centre and bottom high tensile galvanised steel wire.
	Rural, Rural Residential, Tourism	Where the fence meets all of the following criteria: - is located within a 14 metre visual truncation on a corner lot and is no higher than 1.5 metres; - is located within a 3 metre visual truncation to a vehicular access way and is no higher than 1.5 metres; - is no higher than 1.8 metres in all other cases; - is constructed of post and wire or post and rail; - is not located within a heritage area and is not on a lot that contains a place on the Heritage List
Feature walls (Landscape Walls)	All zones	- Maximum 3m width at a max height of 2.1m from natural ground level; and - Setback behind the primary and/or secondary street setback.
Outdoor Cooking facilities - Pizza Oven, BBQ	All zones	Maximum height 1.8m from natural ground level excluding chimney or flue; and

EXEMPTED DEVELOPMENT	APPLICABLE ZONE (UNLESS 'X' IN LAND USE TABLE)	EXEMPTION CRITERIA
		- Structures above 1.8m from natural ground level need to be setback as required by the R-Codes (if applicable) or Scheme Setbacks. - The size of the structure shall not be larger than 3m²
Home Business	All Zones	Where development complies with the Scheme definition of a 'Home Business'
Horse Shelters	Rural Rural Residential	Where the development meets all of the following criteria: - External surfaces are clad with non-reflective materials. - No clearing of vegetation is required. - Compliant with the relevant setbacks/building envelope and building exclusion area requirements for the applicable zone/designation. - A Greater Bunbury Region Scheme application is not triggered due to the land being affected by the Floodplain Management Policy 2017 and/or the Strategic Minerals and Basic Raw Materials Resource Policy and/or the land abuts a Region Scheme Reservation under the GBRS. In the Rural Residential zone where the number of livestock kept on the lot is equal to or less than the base (dry) stocking rate that applies to the land (as defined in the Agriculture Western Australia document titled "Stocking Rate Guidelines for Rural Small Holdings, Swan Coastal Plain and Darling Scarp").
Industry – Cottage	Rural Rural Residential	Where development complies with the Scheme definition of a 'Industry – Cottage' and the following criteria is met: - The cottage industry is attached or detached from the dwelling located on the property; - The use is to remain ancillary to the main dwelling or the

EXEMPTED DEVELOPMENT	APPLICABLE ZONE (UNLESS 'X' IN LAND USE TABLE)	EXEMPTION CRITERIA
		principal land use of the property; c) Retail of goods produced on-site is only permitted through the establishment of a small gallery located within the scheme floor area restrictions; d) Art and craft classes or demonstrations may be conducted at a rate of no more than 2 classes or demonstrations per week; e) The development does not involve the construction of any permanent works, structures or buildings unless otherwise approved by the Shire of Dardanup; f) Does not unduly impact on vehicular or pedestrian accessibility; g) May include temporary works small in scale which includes, but is not limited to, the following: • Marquees; • Stall setups; • Tables; or • Umbrellas h) Operates within the hours of 7.00am and 10.00pm i) Noise must be compliant with the Environmental (Noise) Regulations 1997
Keeping of Livestock	Rural	No Conditions.
	Rural Residential Tourism	Where the number of livestock kept on the lot is equal to or less than the base (dry) stocking rate that applies to the land (as defined in the Agriculture Western Australia document titled "Stocking Rate Guidelines for Rural Small Holdings, Swan Coastal Plain and Darling Scarp").
Outbuildings, Patios, detached garage, carports and lean-to structures attached to an outbuilding	Residential	Outbuildings and detached Garages where the development meets all of the following criteria: • Where the outbuilding is to be constructed on a lot where a building permit for a dwelling has already been issued and the dwelling has been "substantially

EXEMPTED DEVELOPMENT	APPLICABLE ZONE (UNLESS 'X' IN LAND USE TABLE)	EXEMPTION CRITERIA
		commenced" according to the definition in this policy; • Maximum outbuilding floor area - 80m² in aggregate or 10% in aggregate of the site area (whichever is the lessor); • A maximum wall height of 3m; • A maximum ridge height of 4.2m as per the Residential Design Codes; • Located behind the street setback; • A nil setback to the side and/or the rear boundary setback and 1m setback to a secondary street boundary is permitted for a maximum wall length of 9m. Carports and Patios where the development meets all of the following criteria: • A maximum wall height of 3.5m; • A maximum ridge height of 4.2m as per the Residential Design Codes; • Located behind the street setback; • A nil side and/or rear boundary setback, and 1m setback to a secondary street boundary is permitted, for a maximum length of 12m along any boundary; • The roof cover being setback a minimum of 500mm from all lot boundary; • All other 'deemed to comply' requirements of the R-Codes being met; and • All stormwater including roof run off disposal is to be contained on site.
	Residential zoned lots in the Bushland Development Area	Where the development meets all of the following criteria: • Where the outbuilding is to be constructed on a lot where a building permit for a dwelling has already been issued and the dwelling has been "substantially commenced" according to the definition in this policy; • Maximum outbuilding floor area - 80m² in aggregate or 10% in aggregate of the site area (whichever is the lessor); • A maximum wall height of 3.5m; • A maximum ridge height of 4.4m; • A minimum setback of 2m to the side and the rear for Burekup;

EXEMPTED DEVELOPMENT	APPLICABLE ZONE (UNLESS 'X' IN LAND USE TABLE)	EXEMPTION CRITERIA
		• A minimum setback of 2m to the side and 10m to the rear in Eaton; • Patios must be constructed in accordance with the above listed criteria however are not subject to a maximum aggregate floor area. • All other 'deemed to comply' requirements of the R-Codes being met. • All Stormwater including roof run off disposal is to be contained on site.
	Rural Residential	Where the development meets all of the following criteria: • Where the outbuilding is to be constructed on a lot where a building permit for a dwelling has already been issued and the dwelling has been "substantially commenced" according to the definition in this policy. • Maximum floor area – 300m² in aggregate where the lot size is less than 3ha. • Maximum floor area – 400m² in aggregate where the lot size is larger than 3ha. • A maximum wall height of 5m. • Compliant with the relevant setbacks/building envelope and building exclusion area requirements for the applicable zone/designation. • A Greater Bunbury Region Scheme application is not triggered due to the land being affected by the Floodplain Management Policy 2017 and/or the Strategic Minerals and Basic Raw Materials Resource Policy and/or the land abuts a Region Scheme Reservation under the GBRS. • All Stormwater including roof run off disposal is to be contained on site.
Rural shed or farm outbuilding	Rural	Where the development meets all of the following criteria: • Buildings to be clustered with the farmhouse and other outbuildings, if there are existing buildings on the lot. • Compliant with the relevant setbacks for the zone. Notwithstanding these exemptions, approval under the Greater Bunbury

EXEMPTED DEVELOPMENT	APPLICABLE ZONE (UNLESS 'X' IN LAND USE TABLE)	EXEMPTION CRITERIA
		Region Scheme (GBRS) application may be required due to the land being affected by the Floodplain Management Policy 2017 and/or the Strategic Minerals and Basic Raw Materials Resource Policy and/or the land abuts a Region Scheme Reservation under the GBRS.
Parking of one (1) Commercial Vehicle	Residential	Where the parking of the vehicle complies with ClauseSchedule 7 Part (9)(a) – (e) of the Scheme.
	All other zones	Where: a) The parking of the commercial vehicle/s is ancillary to the approved use; or b) Only one (1) commercial vehicle and one (1) associated trailer is parked per property; and c) Where the subject lot has a total area of equal to or greater than 10,000m ² (1 hectares); and d) The subject vehicle is rated a gross vehicle mass of less than or equal to 6.5 tonnes.
Pool Pump Shed	All zones	Subject to compliance with the provisions part 5.4.3 Outbuildings of the Residential Design Codes.

EXEMPTED DEVELOPMENT	APPLICABLE ZONE (UNLESS 'X' IN LAND USE TABLE)	EXEMPTION CRITERIA								
Water tank	All zones	- Maximum height 2.7m above natural ground level; - Compliant with the relevant setbacks/building envelope and building exclusion area requirements for the applicable zone/designation. <table border="1"><tr><td colspan="2">Permitted sizes by lot area:</td></tr><tr><td>≥4,000m²</td><td>10m in diameter <u>212 000L tank</u></td></tr><tr><td><4,000m² but ≥2000m²</td><td>3.88m in diameter <u>32 000L tank</u></td></tr><tr><td><2,000m²</td><td>6000L tank no greater than 2.4m in height</td></tr></table> - More than one water tank is permitted in the Rural and Rural Residential Zones where the water tanks are clustered with the farmhouse and other outbuildings, and no clearing of vegetation is required.	Permitted sizes by lot area:		≥4,000m ²	10m in diameter <u>212 000L tank</u>	<4,000m ² but ≥2000m ²	3.88m in diameter <u>32 000L tank</u>	<2,000m ²	6000L tank no greater than 2.4m in height
Permitted sizes by lot area:										
≥4,000m ²	10m in diameter <u>212 000L tank</u>									
<4,000m ² but ≥2000m ²	3.88m in diameter <u>32 000L tank</u>									
<2,000m ²	6000L tank no greater than 2.4m in height									
Satellite Dishes, microwave antennae and radio masts	All zones	The installation of satellite dishes, microwave antennae and radio masts or other low impact facilities which satisfy the following requirements: (i) there are no other existing satellite dishes, microwave antennae or radio masts on the subject lot; (ii) in the case of satellite dishes in residential areas, the maximum diameter is 1.0 metres or less and is not located within any of the street setbacks; and in non-residential areas the maximum diameter is 3 metres; (iii) in the case of microwave antennae, the maximum diameter is 1.0 metre or less, the antennae does not project higher than 3 metres above the ridge line of the building and is not utilised to transmit electromagnetic waves; (iv) in the case of radio masts, the height does not exceed 8								

EXEMPTED DEVELOPMENT	APPLICABLE ZONE (UNLESS 'X' IN LAND USE TABLE)	EXEMPTION CRITERIA
		metres, the radio mast is setback in accordance with the Scheme from any of the lot boundaries (or 6 metres whichever is greater) and the dimension of the antennae does not exceed 6 metres and is fully contained within the subject lot; (v) where the structure involves Amateur (Ham) Radio equipment shall be less than 10m above natural ground level and is setback no less than 4m from any lot boundaries; (vi) Is not visible from the primary street; (vii) and shall be clustered or located with existing development on site.
Site Works and Retaining walls	All zones	- Where the extent of fill and/or height of the retaining wall(s) does not exceed 500mm above the natural ground level; or - Where extent of fill and/or height of the retaining wall(s) exceeds 500mm above the natural ground level, retaining walls shall be located on the boundary and fencing located atop to prevent overlooking (where the R-Codes apply); - Is located on a boundary other than the primary street boundary; - Is not located within a Flood Prone Area; - Is not located within a heritage Area and is not on a lot that contains a place on the Heritage List.
Trading or Events - The use of any land which is approved through a license or permit issued under a local law	All zones	- The activity does not involve alterations to the land or construction of permanent structure(s); - Each event is in existence for less than 48 hours; - Does not require a greater period than 5 days setup and breakdown of event infrastructure, or such

EXEMPTED DEVELOPMENT	APPLICABLE ZONE (UNLESS 'X' IN LAND USE TABLE)	EXEMPTION CRITERIA
		other period as is specified in the approval by the Shire; and The cumulative total number of events at the property does not exceed more than 5 events in any 12 month period.
Trellis – or similar perforated material attached to Common or Dividing Fence	Residential	If located adjacent to a side or rear (not secondary street) dividing fence, - The combined height of the fence and trellis does not exceed 2.4m from natural ground level; and - Setback 6m from primary street boundary. OR If located on a primary street dividing fence. - The combined height of the fence and trellis does not exceed 1.5m; and - The trellis does not cover more than 25% of the frontage.
Temporary Offices and sheds	All zones	(i) offices and sheds (including sea containers) used by builders directly associated with the building works occurring on site for the duration of completing the works; and/or (ii) offices (including sea containers) used by real estate agents directly associated to the sale of lots and/or dwellings on the development site for a period of 24 months.
Vegetation Removal	All zones	For removal, destruction or lopping of any vegetation that is not identified as being significant vegetation or identified as such on a Structure Plan or a Local Development Plan, and meets any of the following: (i) to create or maintain a 20m wide Asset Protection Zone from the external walls of the primary dwelling on the property, for bushfire management; (ii) To create or maintain a 20m wide Asset Protection Zone from the external walls of any building that is 10m or less from the primary dwelling on a property; (iii) all vegetation other than trees within 80m of the Asset Protection Zone (i) above, for bushfire hazard reduction. (iv) any harmful weed species identified on an approved list of

EXEMPTED DEVELOPMENT	APPLICABLE ZONE (UNLESS 'X' IN LAND USE TABLE)	EXEMPTION CRITERIA
		any Federal or Western Australian Government Agency, including those listed by Department of Primary Industries and Regional Development (DPIRD) as Declared Plant, prescribed as a pest plant under the <i>Biosecurity and Agriculture Management Act 2007</i> (BAMA), or any other weed species as advised by DPIRD or (v) Where the vegetation removal does not require a 'Clearing Permit' under the (WA) <i>Environmental Protection Act 1986</i>. * Note: Despite any exemption in this section, approval may still be required under the (Cwlth) <i>Environmental Protection and Biodiversity Conservation Act 1999</i>, or a Clearing Permit may be required under the (WA) <i>Environmental Protection Act 1986</i>, in some instances. The applicant should check with DWER.
Water Feature	All zones	Where the structure constructed on a residential lot and associated with a dwelling – • Maximum height of 2.4m above natural ground level if located behind the primary street setback; • Maximum height of 1.2m above natural ground level if located within the primary street setback; and • Permitted with a nil boundary setback. All other zones shall be located in accordance with the Scheme setbacks
Windmills and Wind Turbines	Rural Rural Residential Tourism *Where development is located in the Ferguson Valley tourism area (SCA2), Development Approval is required	• Incidental to a use occurring on the land which has Council approval, or does not require Council approval; • Compliant with the relevant setbacks/building envelope requirements for the applicable zone/designation. • A maximum height of 12m. • One Windmill or Wind Turbine is permitted per lot.

EXEMPTED DEVELOPMENT	APPLICABLE ZONE (UNLESS 'X' IN LAND USE TABLE)	EXEMPTION CRITERIA
		Noise must be compliant with the Environmental (Noise) Regulations 1997
Works to a building in a dangerous state or state of emergency (i.e. a building that presents a public hazard) Or Painting / Maintenance of a Building	All zones	- The repairs will replicate the external appearance of the structure in its original state; and - No additions are applied or implemented to the structure as part of the works.
Unhosted Short-Term Rental Accommodation (Unhosted STRA) of: - Single houses; - Grouped Dwellings; - Multiple Dwellings; - Holiday House.	All zones	- The Policy excludes the following: - Workforce accommodation; - Park home parks and lifestyle villages. - the period of accommodation shall not exceed 90 days in a relevant 12-month period*; and - the number of guests accommodated within an Unhosted STRA at any time, where such comprises a Single House, Grouped or Multiple Dwelling, complies with all of the following standards: - A maximum of 12 persons at any time; - A minimum 4m² per person in each bedroom containing beds; and - A minimum 2.5m² per person in each bedroom containing bunks; and - the dwelling is registered under the <i>Short-Term Rental Accommodation Act 2024</i> Part 3. - Car parking is provided at the rate required by the Local Planning Scheme for the relevant land use and is accommodated wholly within the lot boundary. - For a Single House, Grouped or Multiple Dwelling on a lot over 1,000m², and for any other land use listed under this exemption on any sized lot, a Bushfire Attack Level assessment by a registered Level 1 bushfire practitioner being submitted that demonstrates the Bushfire Attack Level does not exceed BAL-29. - Despite an exemption for Short Term Rental Accommodation of the predominant use, Development Approval may be

EXEMPTED DEVELOPMENT	APPLICABLE ZONE (UNLESS 'X' IN LAND USE TABLE)	EXEMPTION CRITERIA
		required for the predominant use in accordance with the Local Planning Scheme. * A relevant 12-month period is: (a) the period of 12 months commencing on the day on which the owner or occupier registered the dwelling under the Short-Term Rental Accommodation Act 2024 Part 3; or (b) any subsequent 12-month period commencing on the anniversary of that day.

6. APPLICATION

This Policy applies to all zoned land applicable under the Shire of Dardanup Local Planning Scheme No.9 inclusive of the land contained within the Ferguson Valley tourism area (SCA2) shown on the Scheme Map according to the legend thereon, unless specified in the Table above.

It should be noted that whilst the Policy identifies certain development types that do not require development approval, a building permit or other approval may still need to be obtained from the Shire.



POLICY NO:

SDev CP111 – LOCAL PLANNING POLICY – OUTBUILDINGS AND SEA CONTAINERS**GOVERNANCE INFORMATION**

Procedure Link:	NA	Administrative Policy Link:	NA
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ADMINISTRATION INFORMATION

History	New	OCM:	Res:	Synopsis:	Policy created. 14/08/2026
1		OCM:	Res:	Synopsis:	

1. RESPONSIBLE DIRECTORATE

Development Services

2. PURPOSE

The purposes of the policy are to:

- Provide guidance and set minimum standards with regard to proposals for outbuildings.
- Provide guidance and set guidance on acceptable criteria where outbuilding prior to dwelling can be considered.
- Provide guidance on the siting and development of shipping containers to ensure they do not detract from the amenity of the local area in which they are situated or affect the existing operation of the site.

This Local Planning Policy has been adopted by the Shire of Dardanup pursuant to the provisions of Schedule 2, Part 2, Div. 2 of the *Planning and Development (Local Planning Scheme) Regulations 2015*.

3. OBJECTIVE

The objective of the policy is for Council to:

1. Establish a clear position for the construction of outbuildings on lots within the Residential, Rural Residential, Rural Smallholding, Tourism, Rural and Priority Agriculture zone prior to the construction of an approved dwelling on the same lot;
2. Regulate the use of sea containers for storage within the Shire of Dardanup to ensure that they:
 - (a) are located, screened and/or colour treated to appear visually integrated with the surrounding area; and
 - (b) do not result in an adverse impact on amenity or streetscape.
3. Provide certainty about what is considered minor development and to exempt such development from the need for development approval; and
4. Ensure acceptable development outcomes are maintained.

4. REFERENCE DOCUMENTS

Planning and Development Act 2005
 Planning and Development (Local Planning Schemes) Regulations 2015
 Shire of Dardanup Local Planning Scheme No. 9 (LPS9)
 State Planning Policy 7.3 Residential Design Codes (R-Codes)
 State Planning Policy 2.5 Rural Planning (SPP2.5)
 State Planning Policy 3.7 Bushfire (SPP3.7)
 SDev CP104 Local Planning Policy Caravans as Temporary Accommodation

5. APPLICATION

This Policy applies to all zoned land applicable under the Shire of Dardanup Local Planning Scheme No.9.

It should be noted that whilst the Policy identifies certain development types that do not require development approval, a building permit or other approval may still need to be obtained from the Shire. Before carrying out any development listed in Table 1, any other licences, permits or approvals required must be obtained in accordance with any other law.

This policy does not apply to sea containers which have been previously approved by Council.

6. DEFINITIONS

Outbuilding means an enclosed non-habitable structure that is detached from any dwelling and may include a detached garage.

Substantially commenced means it is deemed to have occurred where there has been physical 'on site' development that comprises at least the preparation of the site including the placing of footings and slab. Where in a condition of approval there is a requirement to undertake further studies and investigations for submission and approval of the Shire prior to development commencing, such 'work' is not deemed to be substantial commencement.

Agriculture—Intensive means premises used for commercial production purposes, including outbuildings and earthworks, associated with any of the following—

- (a) the production of grapes, vegetables, flowers, exotic or native plants, or fruit or nuts;
- (b) the establishment and operation of plant or fruit nurseries;
- (c) the development of land for irrigated fodder production or irrigated pasture (including turf farms);
- (d) aquaculture.

Sea Container means a re-sealable metal transportable structure designed for the storage, unitized freight handling and/or transport of goods from one location to another by road and sea.

7. POLICY

The policy provision area set out in the following tables:

Table 1: Development Standards for Exempted Outbuilding

Table 2: Construction Of Outbuilding Prior To Completion of a Dwelling

Table 3: Sea Containers: Development Approval Is Required for the Permanent Placement of a Sea Container

Table 4: Sea Container: Development Approval Is Not Required for the Placement of a Sea Container

TABLE 1: DEVELOPMENT STANDARDS FOR EXEMPTED OUTBUILDING	
Zone	Conditions
Residential zone	Where the following Conditions are applied: 1) Maximum floor area – 80m² in aggregate or 10% in aggregate of the lot site area (whichever is the lesser). 2) Maximum wall height (including site works and slab/pad height) of 3m. 3) Maximum ridge height (including site works and slab/pad height) of 4.2m. 4) Located behind the street setback. 5) Nil setback to the side and / or the rear boundary setback and 1m setback to a secondary street boundary is permitted for a maximum wall length of 9m. 6) All stormwater including roof run off disposal is to be contained within site. 7) No required clearing of vegetation. This exemption does not apply to land within the SCA1 and SCA4 – as outlined in LPS9.
Rural Residential, Rural Smallholdings and Tourism zone	Where the following Conditions are applied: 1) For lot area less than 3 ha - Maximum floor area – 300m² in aggregate or 10% in aggregate of the lot site area (whichever is the lesser). 2) For lot area larger than 3 ha - Maximum floor area – 400m² aggregate or 10% in aggregate of the lot site area (whichever is the lesser). 3) Compliant with the relevant standards of the LPS9, located within an approved building envelope or outside building exclusion area. 4) All stormwater including roof run off disposal is to be contained within site 5) No required clearing of vegetation. This exemption does not apply to land within the SCA1 and SCA4 - as outlined in LPS9.
Rural and Priority Agriculture zone	Where the following Conditions are applied: 1) Buildings to be clustered with the dwelling and other outbuildings, if there are existing building on that lot. 2) Compliant with the relevant standards for the zone in the LPS9. 3) No required clearing of vegetation.

	This exemption does not apply to land within the SCA1, SCA2, SCA4, SCA5 and SCA6 – as outlined in LPS9.
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TABLE 2: CONSTRUCTION OF OUTBUILDING PRIOR TO COMPLETION OF A DWELLING

Zone	Conditions
Residential zone	Where the following Conditions are applied: 1) Dwelling has <i>Substantially Commenced</i> .
Rural Residential zone	Where the following Conditions are applied: 1) Building permit for a dwelling on the lot has been issued. 2) Only one (1) outbuilding prior to the completion of a dwelling may be supported. 3) The proposed outbuilding shall not be used for human habitation purposes. Temporary occupation within a caravan will be considered under <i>SDev CP104 Local Planning Policy Caravans as Temporary Accommodation</i> . 4) The proposed outbuilding shall not be used for any commercial or industrial use.
Rural Smallholding, Tourism Rural and Priority Agriculture zone	No conditions.

TABLE 3: SEA CONTAINER - DEVELOPMENT APPROVAL IS NOT REQUIRED FOR THE PLACEMENT OF A SEA CONTAINER

Zone	Conditions
All Zones	Temporary uses: A sea container for temporary use does not require Development Approval in any zone where the following conditions are met or applied: 1) One sea container only is placed on the lot for up to a maximum of 7 days in any 12-month period and is used solely for the loading/unloading of goods. The sea container must be located wholly within the lot boundaries and must not interfere with vehicle sightlines; or 2) One sea container only is placed on a lot for up to a maximum 12 months and is used only in conjunction with building construction or subdivision works occurring, or approved to occur, on the same lot or adjoining lot. The sea container must be located wholly within the lot boundaries and must not interfere with vehicle sightlines.
Light Industry and General Industry zone	Development Approval is exempted where all of the following conditions are met: 1) Sea containers must be located wholly within lot boundaries, and must be setback 10m from both front and rear boundaries, and 5m from all other boundaries; 2) Sea containers are stacked no more than two sea containers high; 3) Sea containers are not located over drainage areas, septic tanks, or vehicle access ways; 4) No other structures are proposed to be attached to or cover the sea containers; 5) Is/are ancillary to an approved or permitted use; 6) No required clearing of vegetation; 7) Will not be used for human habitation; 8) Only be used for the purpose of storage, unless otherwise approved by Council; 9) Sea containers being completely screened from view from nearby roads, other public places, and adjoining properties, and 10) Sea containers must not be stacked no more than two on top of another.

TABLE 4: SEA CONTAINERS: DEVELOPMENT APPROVAL IS REQUIRED FOR THE PERMANENT PLACEMENT OF A SEA CONTAINER	
Zone	Development Standards
Residential zone	Not Permitted.
Within the townsite boundary (including Reserves) excluding Residential zone	Council Discretion.
Rural Residential and Rural Smallholding zone	Where the following standards/criteria are applied: 1) There must be an existing habitable dwelling on the lot and only one sea container will be supported; 2) Compliant with the relevant standards for the zone in the LPS9; 3) No required clearing of vegetation; 4) Will not be used for human habitation; 5) Only be used for the purpose of storage, unless otherwise approved by Council; 6) Sea containers being completely screened from view from nearby roads, other public places, and adjoining properties; 7) Screening planting of native vegetation that comprises a range of sizes (including undergrowth and canopy vegetation), provides an effective visual screen and is a minimum 2m deep, being planted within 3 months of Development Approval, and maintained thereafter; 8) Sea containers must not be stacked on top of one another; and 9) The exterior of the sea container shall be painted in a colour scheme that is consistent with the majority of the surrounding development on the lot, or that is consistent with the surrounding landscape.
Rural and Priority Agriculture and Tourism zone	Where the following standards/ criteria are applied: 1) Compliant with the relevant standard for the zone in the LPS9; 2) No required clearing of vegetation; 3) Will not be used for human habitation; 4) Only be used for the purpose of storage, unless otherwise approved by Council; 5) Sea containers being completely screened from view from nearby roads, other public places, and adjoining properties; 6) Screening planting of native vegetation that comprises a range of sizes (including undergrowth and canopy vegetation), provides an effective visual screen and is a minimum 2m deep, being planted within 3 months of Development Approval, and maintained thereafter; 7) Sea containers must not be stacked on top of one another; and 8) The exterior of the sea container shall be painted in a colour scheme that is consistent with the majority of the surrounding development on the lot, or that is consistent with the surrounding landscape.
<i>Note: All Zones</i>	<i>Notwithstanding above, if the Shire considers that a sea container is likely to have a detrimental effect on the local amenity or has the potential to visually impair or detract from the exterior design or appearance of other buildings or sightlines in the vicinity, the application will be refused.</i>

RISK ASSESSMENT TOOL**OVERALL RISK EVENT:** CP091 – Local Planning Policy – Exempted Development – Initiation of Amendment Advertising**RISK THEME PROFILE:**

8 - Errors, Omissions and Delays

Choose an item.

3 - Failure to Fulfil Compliance Requirements (Statutory, Regulatory)

Choose an item.

RISK ASSESSMENT CONTEXT: Operational

CONSEQUENCE CATEGORY	RISK EVENT	PRIOR TO TREATMENT OR CONTROL			RISK ACTION PLAN (Treatment or controls proposed)	AFTER TREATMENT OR CONTROL		
		CONSEQUENCE	LIKELIHOOD	INHERENT RISK RATING		CONSEQUENCE	LIKELIHOOD	RESIDUAL RISK RATING
HEALTH	No risk event identified for this category.	Not Required - No Risk Identified	N/A	N/A	Not required	Not required.	Not required.	Not required.
FINANCIAL IMPACT	No risk event identified for this category.	Not Required - No Risk Identified	N/A	N/A	Not required.	Not required.	Not required.	Not required.
SERVICE INTERRUPTION	No risk event identified for this category.	Not Required - No Risk Identified	N/A	N/A	Not required.	Not required.	Not required.	Not required.
LEGAL AND COMPLIANCE	No risk event identified for this category.	Insignificant (1)	Rare (1)	Low (1 - 4)	Failure to resolve to prepare and advertise the draft review policy may result in continued reliance on fragmented policy guidance, increasing the risk of inconsistent decision-making, reduced applicant clarity and reputational impacts for Development Services.	Insignificant (1)	Rare (1)	Low (1 - 4)
REPUTATIONAL	No risk event identified for this category.	Insignificant (1)	Rare (1)	Low (1 - 4)	Failure to resolve to prepare and advertise the draft review policy may result in continued reliance on fragmented policy guidance, increasing the risk of inconsistent decision-making and a public perception that planning processes are overly complex.	Insignificant (1)	Rare (1)	Low (1 - 4)
ENVIRONMENT	No risk event identified for this category.	Not Required - No Risk Identified	N/A	N/A	Not required.	Not required.	Not required.	Not required.
PROPERTY	No risk event identified for this category.	Not Required - No Risk Identified	N/A	N/A	Not required.	Not required.	Not required.	Not required.