POLICY NO:
Dev CP091 - LOCAL PLANNING POLICY – EXEMPTED DEVELOPMENT

GOVERNANCE INFORMATION			
Procedure Link:	NA	**Administrative Policy Link:**	NA

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	OMC	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	Dev CP091	OCM	28/10/26	Res:	242-26	**Synopsis:**	Major review of policy adopted by Council after the required advertising period

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:

a) Identify types of development proposals that are suitable for exemption from the need for development approval.
b) Streamline the planning approval process and to reduce red tape.
c) 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 (*LSP9 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

7.1 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.

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

1. The proposal complies with corresponding 'Zone' and 'Conditions/Criteria' columns; and
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: o 2.7m in length o Nominal bore of 40mm and outside diameter of 48mm o Spaced at 4m centres o Sunk 0.6m into the ground, encased in concrete having diameter of 150mm; and o 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 Residential, Rural Smallholdings, Tourism, Priority Agriculture and Rural zone	Where the fence meets any of the following criteria: • is located within a 14 metre visual truncation on a corner lot and is no higher than 1.5 metres; or • is located within a 3 metre visual truncation to a vehicular access way and is no higher than 1.5 metres; or • is no higher than 1.8 metres in all other cases; and • is constructed of post and wire or post and rail and

DEVELOPMENT	ZONES	CONDITION/CRITERIA
		• 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 $3m^2$
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 $2000m^2$. *This exemption does not consider Horse Stables and the keeping of Horses on the lot.*
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	Only one (1) commercial vehicle and one (1) associated trailer is parked per property where the development meets the following criteria: • The parking of the commercial vehicle/s is ancillary to the approved use; or • Where the subject lot has a total area of equal to or greater than $10,000m^2$ (1 hectares); The subject vehicle is rated a gross vehicle mass of less than or equal to 6.5 tonnes.

<table>
<tr><th>DEVELOPMENT</th><th>ZONES</th><th>CONDITION/CRITERIA</th></tr>
<tr><td>Water tank</td><td>All zones</td><td>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>≥4,000m^2</td><td>10m in diameter
212 000L tank</td></tr><tr><td><4,000m^2 but ≥2000m^2</td><td>3.88m in diameter
32 000L tank</td></tr><tr><td><2,000m^2</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 Agriculture and Rural Residential Zones where the water tanks are clustered with the farmhouse and other outbuildings, and no clearing of vegetation is required.</td></tr>
<tr><td>Satellite Dishes, microwave antennae and radio masts</td><td>All zones</td><td>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.</td></tr>
<tr><td>Site Works and Retaining walls</td><td>Rural Residential, Rural Smallholdings, Rural, Tourism and Priority Agriculture zone</td><td>Where retaining walls, fill or excavation is not more than 0.5m above or below the natural ground level and
• Is compliant with the relevant setbacks/building envelope and building exclusion area requirements for the applicable zone/designation.
• Is not located within a Flood Prone Area (SCA4) and Strategic Minerals and basic raw materials area (SCA5);
• Is not located Heritage-Protected Place.</td></tr>
</table>

DEVELOPMENT	ZONES	CONDITION/CRITERIA
Water Feature (including fish pond)	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. *This exemption does not consider Dams or large water bodies).*
	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; • Max Width/ length of the feature no more than 6m; • Does not exceed water depth of 300mm. *This exemption does not consider Dams or large water bodies).*
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 **Where development is located in the Ferguson Valley tourism area (SCA2), Development Approval is required.*
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: o To create or maintain a 20m wide Building Protection Zone / Asset Protection Zone from the external walls of a dwelling; and o 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 an arborist report submitted to the satisfaction of the Shire of Dardanup. *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).*
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

DEVELOPMENT	ZONES	CONDITION/CRITERIA
		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 Agriculture zone	Where the development meets all the following criteria: • Animal containment is setback 30m from dwelling(s) *This exemption does not consider Animal Establishment and or feedlots.*
	Rural Residential, 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). *This exemption does not consider Animal Establishment and or feedlots.*
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: o A maximum of **12 persons at any time;** o A minimum 4m2 per person in each bedroom containing beds; and o A minimum 2.5m2 per person in each bedroom containing bunks; and • the dwelling is **registered** under the *Short-Term Rental Accommodation Act 2024* 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: 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.
Carports and Patios	Residential zone	Where the development meets 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;

DEVELOPMENT	ZONES	CONDITION/CRITERIA
		• 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 (post nil setback); • The roof cover being setback a minimum of 500mm from all lot boundaries; • 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.
Outbuildings and Seacontainers	**SEE CP 111 – Outbuildings and Seacontainers for exemptions of these types of developments.**	