Planning and Sustainability
Local Planning Policy 4.26 – Exemption from Development (Planning) Approval

1.0 CITATION

This is a Local Planning Policy prepared under Schedule 2, Part 2 of the Deemed Provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015.* This policy may be cited as Local Planning Policy (LPP) 4.26 – Exemption from Development (Planning) Approval.

2.0 INTRODUCTION

This Local Planning Policy establishes a clear and consistent framework for identifying development that is exempt from the requirement to obtain Development Approval under the City of Wanneroo District Planning Scheme No. 2 (DPS 2).

The Policy is intended to:

- Streamline statutory planning processes for minor and low-impact development by exempting such development from the need to receive development approval.
- Provide certainty to landowners, applicants, and decision-makers; and
- Ensure that exempt development does not undermine the objectives, standards, or orderly and proper planning intent of DPS 2.

The Policy is intended to operate in conjunction with the Deemed Provisions and Local Planning Scheme.

3.0 OBJECTIVES

1. Identify development that does not require Development Approval, thereby improving certainty for landowners, applicants, and decision-makers.
2. Streamline the planning system by removing the requirement for formal approval for minor, or low-impact development subject to appropriate conditions.
3. Ensure exempt development is of a scale, form, and nature that preserves residential amenity, streetscape quality, and the character of established and emerging areas; and
4. Ensure exempt development does not compromise public safety, environmental assets, heritage places, or hazard management outcomes, including bushfire risk.

4.0 APPLICATION OF THIS POLICY

This policy should be read in conjunction with Schedule 2, Clause 61 of the *Planning and Development (Local Planning Schemes) Regulations* 2015, Schedule A – Supplemental Provisions to the Deemed Provisions and Schedule 16 – Exempted Advertisements of District Planning Scheme No. 2 (DPS 2). In addition, the City has several Local Planning Policies which provide further exemptions for specific development types that should be referred to individually and in addition to this policy.

This Policy applies to all development on land within the City of Wanneroo where the City's DPS 2 applies.

Nothing in this Policy removes the local government's discretion to require Development Approval where it is considered that a proposal may result in unacceptable impacts or where required under the Local Planning Scheme and in consideration of Clause 67 of the Deemed Provisions.

Exempt development under this Policy does **not** remove the requirement to obtain any other approvals, permits, or licences required such as building and health permits.

5.0 POLICY PROVISIONS

Approval is required for all development or land uses except as specified within Clause 61 of the Regulations, within the DPS 2, as identified within this Policy or as identified in any other relevant Local Planning Policy adopted by the City.

5.1 DEVELOPMENT NOT EXEMPT FROM APPROVAL

5.1.1 Development is **not exempt** under Part 5.2 of this policy where the following applies:

a) The site is included in the City's Municipal Heritage List and/or on the Heritage Council's State Heritage Register unless otherwise exempt.
b) Where located in a Bushfire Prone Area, any habitable development has a Bushfire Attack Level (BAL) rating of BAL-40 or BAL-FZ, or where the development is for a 'vulnerable land use', unless the works are otherwise exempt in accordance with State Planning Policy 3.7: Bushfire.
c) The development involves the clearing of any significant vegetation on site, unless otherwise approved through a subdivision or other approval pathway.
d) The development does not meet any of the acceptable conditions outlined under Clause 5.2 of this Policy.
e) The development does not meet any of the applicable development requirements as set out in the Scheme or any other applicable local planning policy, unless otherwise expressly stated within this policy.
f) The development is undertaken in a special control area and the special provisions that apply to that area under the Scheme require development approval for the development.

5.2 EXEMPTIONS FROM DEVELOPMENT APPROVAL

Except as otherwise provided in the Scheme, works and/or uses specified in Tables 1 and 2 below do not require development approval.

The provisions set out within Table 3 outlines modifications to the Residential Design Codes (R-Codes) and replaces the 'deemed-to-comply' requirements where relevant.

Table 1: Development Works Exemptions			
Description		**Applicable Zones**	**Conditions**
1	The erection or installation of, or alterations or additions to, any of the following on the same lot as a single house or a grouped dwelling – (k) Site Works.	Residential Mixed Use Rural Rural Residential Landscape Enhancement Rural Resource	a) The R-Codes apply to the works. b) The works comply with the deemed-to-comply provisions of the R-Codes.
2	The erection or installation of, or alterations or additions to, any of the following on the same lot as an **Independent Living Complex, Residential Aged Care Facility,** or a **Park Home Park** — (a) An outbuilding. (b) An external fixture. (c) A patio. (d) A pergola. (e) A verandah. (f) Shade sails. (g) A deck. (h) A garage; or (i) A carport.	Residential Mixed Use Commercial Private Community Purpose	a) Where any structure is proposed adjoining any side/rear boundary of the overall lot, the structure is to comply with the requirements of the R-Codes Part B, Table 2a as though they applied to the site. b) In addition to the above conditions **Outbuildings** are to meet the following criteria: i. Not exceed a wall height of 3m. ii. Not exceed a ridge height of 4.2m.
3	The erection or installation of, or alterations or additions to, any of the following on the same lot as any non-rural and non-residential development – a) A deck. b) Retaining walls. c) Shade sails. d) A patio.	Residential* Mixed Use Commercial Service Commercial Private Community Purposes General Industry Light Industry	a) The works comply with the requirements of DPS 2 (as amended). b) The works do not result in the modification or impact to vehicle access or parking at the site. c) The works associated with a deck or retaining walls are up to or below 1 metre above the natural ground level. d) *Where a Shade Sail is associated with a Child Care Centre, located within a Residential Zone.
4	Any external alterations to an existing non-rural and non-residential building façade.	Mixed Use Commercial Service Commercial Private Community Purposes General Industry Light Industry	a) The works comply with the requirements of DPS 2 (as amended). b) The works do not result in the modification of or impact to vehicle access or parking at the site. c) The works do not result in the height of the building being increased.
5	The installation of a water tank.	All Zones	a) In addition to the requirements set out under Clause 61(1), Item 12 of the Deemed Provisions, the volume of the water tank is no more than 10,000L where required for firefighting purposes in accordance with State Planning Policy 3.7: Bushfire. b) Where located in the Rural, Rural Resource or Rural Residential zone, a water tank is permitted up to a maximum capacity of no more than 200,000L where it meets the requirements of DPS 2 (as amended).
6	Temporary builders' office, construction fencing and associated amenities.	All Zones	a) Be associated with approved building work for the subject site. b) Wholly contained within the lot to which the work is occurring. c) Be on site for a period no greater than 24 months. d) Be removed within 14 days following the completion of the associated building works.
7	Display Home Centre	Urban Development Residential Mixed Use Commercial	a) The works comply with the requirements of DPS 2 (as amended) and the R-Codes (as applicable). b) The works are associated with a Display Home Centre exempt under Table 2 of this Policy. c) The use of the Display Home Centre is time limited and expires 6 years from the date of the first building permit being issued or within 30 days of the last lot being sold, whichever comes first.

			d) Parking is to be provided on site in accordance with the requirements of DPS 2 (as amended) and is to be drained, sealed and marked in accordance with the relevant Australian Standards. e) Works associated with the Display Home Centre, including sales offices and associated parking areas are to be removed upon cessation of the use, with the land restored to a standard suitable for future residential development.
8	Any other works as determined by the City in writing on a case-by-case basis.	All Zones	a) Confirmation is to be received through a Request for Written Planning Advice and be provided by an officer of at least a Coordinator level or higher.

Table 2: Land Use Exemptions

Description		Applicable Zones	Conditions
1	Brewery	Commercial (Centre) Service Commercial Light Industry	a) The lot on which the Brewery is located does not directly adjoin a Residential property. b) The lot is not within 200m for an existing or proposed Educational Establishment, Child Care Centre, or Place of Worship where the following circumstances exist: i. The frontage and/or primary access point of the proposed premises forms the predominant view from the existing or proposed Educational Establishment, Child Care Centre, or Place of Worship; and ii. Signage and advertising materials for the proposed licenced premises forms the predominant view from the existing or proposed Educational Establishment, Child Care Centre, or Place of Worship. c) Car parking requirements are provided in accordance with DPS 2 (as amended).
2	Tavern	Commercial (Centre) Service Commercial	a) The lot on which the Tavern is located does not directly adjoin a Residential property. b) The lot is not within 200m for an existing or proposed Educational Establishment, Child Care Centre, or Place of Worship where the following circumstances exist: i. The frontage and/or primary access point of the proposed premises forms the predominant view from the existing or proposed Educational Establishment, Child Care Centre, or Place of Worship; and ii. Signage and advertising materials for the proposed licenced premises forms the predominant view from the existing or proposed Educational Establishment, Child Care Centre, or Place of Worship. c) Car parking requirements are provided in accordance with DPS 2 (as amended).
3	Display Home Centre	Urban Development Residential Mixed Use Commercial	a) The works component as outlined in Table 1, Item 7 are complied with. b) The use of the Display Home Centre is time limited and expires 6 years from the date of the first building permit being issued or within 30 days of the last lot being sold, whichever comes first. c) Parking is to be provided on site in accordance with the requirements of DPS 2 (as amended) and is to be drained, sealed and marked in accordance with the relevant Australian Standards.
4	Any other use as determined by the City in writing on a case-by-case basis.	Urban Development Industrial Development	a) Confirmation is to be received through a Request for Written Planning Advice and be provided by an officer of at least a Coordinator level or higher.

<table>
<tr><th colspan="2">Table 3: Modification of R-Codes</th><th></th></tr>
<tr><th colspan="2">Description</th><th>Conditions</th></tr>
<tr><td>1</td><td>Part B – Clause 5.1.3 – Lot Boundary Setbacks
C3.1(ii)</td><td>To be replaced with:

For carports, patios, verandahs or equivalent structures, the lot boundary setbacks in Table B and Tables 2a and 2b may be reduced to nil to the posts where the structure*:

• Is no more than 10m in length.
• Structures do not exceed an equivalent wall height of 3m.
• Structures do not exceed a ridge height of 4.2m.
• Is located behind the primary street setback; and
• Has eaves, gutters, and roofs setback at least 450mm from the lot boundary.

Note: *There are separate building code requirements which may also apply.</td></tr>
<tr><td>2</td><td>Part B – Clause 5.3.5 – Vehicular Access
C5.1</td><td>To be replaced with:

Vehicle access to on-site car parking spaces to be provided via the lowest available street in the hierarchy, as follows:
• Where available, from a right-of-way or communal street available for lawful use to access the relevant site and which is trafficable and drained from the property boundary to a constructed street; or
• From the secondary street or primary street where no right-of-way or communal street exists.</td></tr>
<tr><td>3</td><td>Part B – Clause 5.3.7 – Site Works
C7.2 – Table 4</td><td>To be replaced with:

<table><tr><th>Height of site works and/or retaining walls</th><th>Required minimum setback</th></tr><tr><td>1m or less</td><td>0m</td></tr><tr><td>1.5m</td><td>1.5m</td></tr><tr><td>2m</td><td>2m</td></tr><tr><td>2.5m</td><td>2.5m</td></tr><tr><td>3m+</td><td>3m</td></tr></table></td></tr>
<tr><td>4</td><td>Part B – Clause 5.4.3 – Outbuildings
C3 (ii)</td><td>To be replaced with:

Large and multiple outbuildings:
i. Individually or collectively does not exceed 60m^2 in area or 10% in aggregate of the site area, whichever is the lesser.
ii. Is set back in accordance with Table 2a.
iii. Does not exceed a wall height of 3m.
iv. Does not exceed a ridge height of 4.2m.
v. Is not located within the primary or secondary street setback area.
vi. Does not reduce the open space and outdoor living area requirements in Table B.</td></tr>
</table>

DEFINITIONS

Shade sail: a piece of flexible cloth or canvas like material (which is water permeable) supported between a building or posts to provide shade to an outdoor area.

Water tank: A fixed or permanent structure designed and installed to store a dedicated supply of water.

Owner	Planning and Sustainability	**Document Reference**	26/20895
Implementation	23 June 2026	**Next Review**	23 June 2030
VERSION	**DECISION TO ADOPT/AMEND**		
1 – 26/20895	Council Resolution to Adopt on 23 June 2026 (PS02-06/26)		
2			
3			