

Introduction

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 types of works and/or use identified in Schedule 2, Part 7, Clause 61, of the Planning and Development (Local Planning Schemes) Regulations 2015 (The Deemed Provisions) as being exempt from the need for development approval from the Local Government.

Clause 61 (1)Table(20.) and Clause 61 (2)(g) provides the ability for the Local Government to adopt a Local Planning Policy to specify any other works or uses that do not require development approval.

Purpose

The objectives of this Policy are to:

1. Provide certainty about what is minor development (works and uses) 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.

Application

This Policy applies to land reserved and zoned under the Shire of Capel Local Planning Scheme No.8 except in the following instances:

- a) Where the land is identified as a heritage-protected place;
- b) In a Bushfire Prone Area, where the provisions of Deemed Provisions clause 78D(3) would apply;
- c) A Greater Bunbury Region Scheme (GBRS) application is triggered by the GBRS or relevant GBRS policies.

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.

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

Policy Statement

Development approval is not required for any development listed in Table 1 below provided that:

- a) it complies with the listed reserves, zones and conditions contained in the corresponding 'Reserve / Zone' and 'Conditions' column; and

- b) the land use or development is not identified as an 'X' use (not permitted) in clause 17 Table 3 –Zoning Table of the Shire of Capel Local Planning Scheme No.8; and
- c) does not vary any standards or requirements prescribed in the Shire of Capel Local Planning Scheme No.8 or the Planning and Development (Local Planning Schemes) Regulations 2015.

Table 1 – Development for which development approval not required

Development	Reserve / Zone	Conditions
Arbor, archway or gateway - or similar type of decorative structure that defines a pedestrian entrance.	Residential; Mixed Use Residential; Urban Development ¹	<ul style="list-style-type: none"> • Maximum height 3 metres; and • Maximum width 2.5 metres.
Art features	Residential; Mixed Use Residential; Urban Development ¹	<ul style="list-style-type: none"> • Does not cause obstruction to clear vehicle sightlines.
Bed and Breakfast	Residential; Mixed Use Residential; Urban Development ¹ Rural Residential; Rural;	<ul style="list-style-type: none"> • Minimum lot size 900m² • Maximum of two bedrooms and two bathrooms may be used for the bed and breakfast • One onsite car parking space is required per guest bedroom in addition to two spaces for the residential use
Building envelope amendments	Residential; Mixed Use Residential; Urban Development ¹ Rural Residential;	<ul style="list-style-type: none"> • Does not require the clearing of any vegetation; • Does not constitute a change of more than 10% of the original building envelope area; • The sand pad or footings do not extend further than 2m outside of the original building envelope boundary; and • The sand pad or footings are graded to natural ground level for no greater than 2m outside of the original building envelope boundary.
Carports	Residential; Mixed Use Residential; Urban Development ¹	<ul style="list-style-type: none"> • A maximum wall height of 3.5m; • A maximum ridge height of 4.2m; • 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 boundaries; and • All stormwater including roof run off disposal is to be contained on site.

Clearing of vegetation	All Local Scheme Reserves; All Zones;	<ul style="list-style-type: none"> The clearing is consistent with exemptions and regulations for clearing native vegetation under Part V of the Environmental Protection Act 1986; and The maintenance of established domestic gardens.
Commercial vehicle parking on a residential property	Rural Residential; Rural; Priority Agriculture; District Centre; Commercial; Private Community Purposes.	<ul style="list-style-type: none"> The parking of the commercial vehicle/s is ancillary to an approved use; or Only one (1) commercial vehicle and one (1) associated trailer is parked per property; and Where the subject lot has a total area of equal to or greater than 10,000m² (1 hectares); and The subject vehicle is rated a gross vehicle mass of less than or equal to 6.5 tonnes.
	Mixed-use Residential	<ul style="list-style-type: none"> The parking of the commercial vehicle/s is ancillary to an approved use; or Only one (1) commercial vehicle and one (1) associated trailer is parked per property; and Where the subject lot has a total area of equal to or greater than 10,000m² (1 hectares); and The subject vehicle is rated a gross vehicle mass of less than or equal to 6.5 tonnes; and The vehicle is not parked in the front setback area or within a side boundary abutting residential zoned land.
Display Homes	Residential; Mixed Use Residential; Urban Development ¹	<ul style="list-style-type: none"> Where the residential property meets the deemed-to-comply requirements of the R-codes; and The use of the property for sales or display is for 3 years or less.
Feature walls	Residential; Mixed Use Residential; Urban Development ¹	<ul style="list-style-type: none"> Maximum 3m width at a max height of 2.1m from natural ground level; and Setback behind the primary street setback.
Fences	Residential; Mixed Use Residential; Urban Development ¹	<ul style="list-style-type: none"> Maximum 1.8m high from natural ground level for side and rear lot boundaries; Complies with the deemed provisions of the Residential Design Codes for the front setback.
	Rural Residential; Rural;	<ul style="list-style-type: none"> Post and rail or post and wire or timber posts with uncoated chain

	Priority Agriculture	<p>mesh (not including industrial style coated chain mesh with metal posts and top rail); and</p> <ul style="list-style-type: none"> • Maximum 1.8m high from natural ground level;
	General Industry; Light Industry;	<ul style="list-style-type: none"> • 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: <ul style="list-style-type: none"> • 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 3.15mm in diameter, double twisted.
	Commercial	<ul style="list-style-type: none"> • 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: <ul style="list-style-type: none"> • 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 3.15mm in diameter, double twisted. • Not being located forward of the front of the building façade.
Large Animal Shelters	Rural Residential; Rural;	<ul style="list-style-type: none"> • Do not require the clearing of any vegetation;

	Priority Agriculture	<ul style="list-style-type: none"> • No greater than 16m² in area per shelter; • One shelter per lot.
Non-habitable structures	Local Scheme reserves; Rural Residential; Rural; Priority Agriculture	<ul style="list-style-type: none"> • Incidental to the purpose and use of the reserve. • Do not require the clearing of any vegetation;
Outbuildings (domestic sheds)	Residential; Mixed Use Residential; Urban Development ¹	<ul style="list-style-type: none"> • 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”; • Complies with the deemed provisions of the R Codes • Located behind the street setback; • Are constructed of non-reflective materials.
	Rural Residential	<ul style="list-style-type: none"> • 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”; • Maximum floor area 200m² in aggregate; • Where the cladding material is non-reflective; • Has a maximum wall height of 5 metres; and • Is located within an approved building envelope.
	Rural, Priority Agriculture	<ul style="list-style-type: none"> • 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; • All Stormwater including roof run off disposal is to be contained on site. • 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”;

Outdoor cooking facilities (built-in BBQs pizza ovens, etc.)	Residential; Mixed Use Residential; Urban Development ¹ Rural Residential;	<ul style="list-style-type: none"> • Maximum height 2.4m from natural ground level including chimney or flue; and • Structures above 1.8m from natural ground level need to be setback as required by the R- Codes. • Compliant with the relevant setbacks/building envelope and building exclusion area requirements for the applicable zone/designation; • All Stormwater including roof run off disposal is to be contained on site.
Patios	Residential; Mixed Use Residential; Urban Development ¹	<ul style="list-style-type: none"> • A maximum wall height of 3.5m; • A maximum ridge height of 4.2m; • 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 boundaries; and • All stormwater including roof run off disposal is to be contained on site.
Retaining walls and site works	Residential; Mixed Use Residential; Urban Development ¹ Rural Residential	<ul style="list-style-type: none"> • 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?; • Is located on a boundary other than the primary street boundary; • Is not located within a Flood Prone Area.
Rural Pursuit / Hobby Farm	Rural Residential; Rural; Priority Agriculture	<ul style="list-style-type: none"> • 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") • Where stocking is excluded by appropriate fencing from native vegetated areas or natural water features such as water courses or wetlands.

		<ul style="list-style-type: none"> • Is not located within a Flood Prone Area.
Sea containers	Residential; Mixed Use Residential; Urban Development ¹ Rural Residential; Rural; Priority Agriculture	<ul style="list-style-type: none"> • Only used for the loading or unloading of goods and stored for only up to a maximum of 7 days in any 12 month period; • only in conjunction with building construction or subdivision works that is occurring or approved to occur on the subject or adjoining site, and only up to a maximum of 12 months; • Located behind the street setback;
Telecommunications infrastructure (satellite dishes, masts, antennae, etc.)	Residential; Mixed Use Residential; Urban Development ¹ Rural Residential; Rural; Priority Agriculture	<ul style="list-style-type: none"> • there are no other existing satellite dishes, microwave antennae or radio masts on the subject lot; • 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; • 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; • 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; • 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.
Trellis (or similar perforated material attached to common or dividing fence)	Residential; Mixed Use Residential; Urban Development ¹	<ul style="list-style-type: none"> • The combined height of the fence and trellis does not exceed 2.4m from natural ground level.
Water feature	Residential; Mixed Use Residential; Urban Development ¹	<ul style="list-style-type: none"> • 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.

Windmills and wind turbines (excluding frost fans)	Rural; Priority Agriculture	<ul style="list-style-type: none"> • 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.
Non-habitable buildings/structures	Special Control Areas All Reserves All Zones	<ul style="list-style-type: none"> • Except where specifically required under the Shire of Capel Local Planning Scheme No.8, approval is not required for the development of non- habitable buildings and/or structures within Special Control Areas in the Shire.

Notes:

¹ only where identified as Residential in a n approved Local Structure Plan;

² only where the R-Codes apply;

Procedure

Proponents are required to obtain a written statement from the Shire of Capel that the proposed development is exempt from the need for development approval, in accordance with the Shire of Capel Local Planning Scheme No.8 and/or the Planning and Development (Local Planning Schemes) Regulations 2015.

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