

SHIRE OF CUNDERDIN LOCAL PLANNING SCHEME NO.4



SCHEDULE OF EXEMPTIONS FROM THE REQUIREMENT FOR DEVELOPMENT APPROVAL

Please note the various exemptions itemised below **do not apply** to development if:

- a) it is proposed to be undertaken in a **Special Control Area** and the special provisions that apply to that area require development approval; or
- b) it is proposed to be undertaken on land designated by an order made under section 18P of the *Fire and Emergency Services Act 1998* as a **bush fire prone area**, and development approval is required pursuant to clause 78D(3) in Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

	Proposed Works / Use	Terms / Conditions	Legislation Providing Exemption
1.	The demolition of any building or structure.	The works are not located in a heritage-protected place.	<i>Schedule A - Shire of Cunderdin Local Planning Scheme No.4.</i>
2.	Internal building work that does not materially affect the external appearance of the building.	Either: (a) neither the building nor any part of it is located in a heritage-protected place of a kind referred to in clause 1A(1)(a) to (e) of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> ; or (b) the building, or a part of it, is located in a heritage-protected place of a kind referred to in clause 1A(1)(a), (c), (d) or (e) of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> , but the interior of the building is specified as not being of cultural heritage significance in the relevant register, order, agreement or list referred to in that clause.	<i>Clause 61(1) - Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015.</i>
3.	The erection of, or alterations or additions to, a single house on a lot.	(a) The R-Codes apply to the works.	<i>Clause 61(1) - Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015.</i>

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		<ul style="list-style-type: none"> (b) The works comply with the deemed-to-comply provisions of the R-Codes. (c) The works are not located in a heritage-protected place. 	
4.	<p>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 —</p> <ul style="list-style-type: none"> (a) an ancillary dwelling; (b) an outbuilding; (c) an external fixture; (d) a boundary wall or fence; (e) a patio; (f) a pergola; (g) a verandah; (h) a deck; (i) a garage; (j) a carport. 	<ul style="list-style-type: none"> (a) The R-Codes apply to the works. (b) The works comply with the deemed-to-comply provisions of the R-Codes. (c) The works are not located in a heritage-protected place. 	<i>Clause 61(1) - Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015.</i>
5.	<p>The installation of, or alterations or additions to, any of the following on the same lot as a single house or a grouped dwelling:</p> <ul style="list-style-type: none"> (a) a swimming pool; (b) shade sails. 	The works are not located in a heritage-protected place.	<i>Clause 61(1) - Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015.</i>
6.	The erection or extension of a single house on a lot if a single house is a permitted (“P”) use in the zone where the R-Codes do not apply and where the development standards set out in Local Planning Scheme No.4 for that particular zone (including boundary setbacks) are satisfied.	<p>The works are not located:</p> <ul style="list-style-type: none"> (a) on a lot which does not have access to a dedicated and/or constructed road; or (b) upon land affected by a known buffer as indicated on the Local Planning Strategy; or (c) in a heritage-protected place. 	<i>Shire of Cunderdin Local Planning Scheme No.4.</i>

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7.	The erection or extension of an outbuilding, external fixture, boundary wall or fence, patio, pergola, veranda, garage, carport or swimming pool on the same lot as a single house if a single house is a permitted ("P") in the zone where the R-Codes do not apply and where the development standards set out in Local Planning Scheme No.4 for that particular zone (including boundary setbacks) are satisfied.	The works are not located: (a) on a lot which does not have access to a dedicated and/or constructed road; or (b) upon land affected by a known buffer as indicated on the Local Planning Strategy; or (c) in a heritage-protected place.	<i>Shire of Cunderdin Local Planning Scheme No.4.</i>
8.	The erection or installation of a sign or advertisement of a class specified in Schedule 1 of the Shire of Cunderdin Local Planning Scheme No.4 that applies in respect of the sign.	The works are not located in a heritage-protected place.	<i>Shire of Cunderdin Local Planning Scheme No.4.</i>
9.	The temporary erection or installation of an advertisement.	(a) The advertisement is erected or installed in connection with an election, referendum or other poll conducted under the <i>Commonwealth Electoral Act 1918</i> (Commonwealth), the <i>Referendum (Machinery Provisions) Act 1984</i> (Commonwealth), the <i>Electoral Act 1907</i> , the <i>Local Government Act 1995</i> or the <i>Referendums Act 1983</i> ; (b) The primary purpose of the advertisement is for political communication in relation to the election, referendum or poll; (c) The advertisement is not erected or installed until the writ or writs have been issued or, for an election, referendum or poll under the <i>Local Government Act 1995</i> , until the 36th day before the day on which the election, referendum or poll is to be held; (d) The advertisement is removed no later than 48 hours after the election, referendum or poll is conducted; and	<i>Clause 61(1) - Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015.</i>

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		(e) The advertisement is not erected or installed within 1.5 metres of any part of a crossover or street truncation.	
10.	The erection or installation of a sign of a class specified in a local planning policy or local development plan that applies to the works as not requiring development approval.	<p>(a) The sign complies with any requirements specified in the local planning policy or local development plan in relation to the exemption from the requirement for development approval;</p> <p>(b) The sign is not erected or installed within 1.5 metres of any part of a crossover or street truncation; and</p> <p>(c) The works are not located in a heritage-protected place.</p>	<i>Clause 61(1) - Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015.</i>
11.	Works to change an existing sign that has been erected or installed on land.	<p>(a) The erection or installation of the existing sign was the subject of development approval or was exempt from the requirement for development approval;</p> <p>(b) The changes do not alter the size or location of the existing sign or result in the sign containing any illumination, animation, movement or reflective, retro-reflective or fluorescent materials;</p> <p>(c) The sign is not used for advertising (other than the advertising of a business operated on the land); and</p> <p>(d) The works are not located in a heritage-protected place.</p>	<i>Clause 61(1) - Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015.</i>
12.	The installation of a water tank.	<p>(a) The water tank is not installed in the street setback area of a building;</p> <p>(b) The volume of the water tank is no more than 5,000 litres;</p>	<i>Clause 61(1) - Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015.</i>

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		(c) The height of the water tank is no more than: <ul style="list-style-type: none"> (i) for a tank fixed to a building — the height of the eaves of the building; or (ii) for a tank that is not fixed to a building and is more than 1 metre from each boundary of the lot — 2.4 metres; or (iii) for a tank that is not fixed to a building and is 1 metre or less from a boundary of the lot — 1.8 metres; and (d) The works are not located in a heritage protected place.	
13.	The erection or installation of a cubbyhouse.	(a) The cubbyhouse is not erected or installed in the street setback area of a building; (b) The floor of the cubbyhouse is no more than 1 metre above the natural ground level; (c) The wall height of the cubbyhouse is no more than 2.4 metres above the natural ground level; (d) The building height of the cubbyhouse is no more than 3 metres above the natural ground level; (e) The area of the floor of the cubbyhouse is no more than 10 m ² ; and (f) The cubbyhouse is not erected or installed within 1 metre of more than 1 boundary of the lot.	<i>Clause 61(1) - Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015.</i>
14.	The erection or installation of a flagpole.	(a) The height of the flagpole is no more than 6 metres above the natural ground level; (b) The flagpole is no more than 200 mm in diameter; (c) The flagpole is not used for advertising; (d) There is no more than 1 flagpole on the lot; and	<i>Clause 61(1) - Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015.</i>

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		(e) The works are not located in a heritage-protected place.	
15.	The installation of solar panels on the roof of a building.	(a) The solar panels are parallel to the angle of the roof; and (b) The works are not located in a heritage-protected place.	<i>Clause 61(1) - Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015.</i>
16.	Maintenance and repair works.	Either: (a) the works are not located in a heritage protected place; or (b) the maintenance and repair works are of a kind referred to in the <i>Heritage Regulations 2019</i> regulation 41(1)(b) to (i).	<i>Clause 61(1) - Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015.</i>
17.	Temporary works and/or use.	The works and/or use are in existence for less than 48 hours, or a longer period agreed by the local government, in any 12-month period.	<i>Clause 61(1) & (2) - Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015.</i>
18.	Works that are urgently necessary for any of the following: (a) public safety; (b) the safety or security of plant or equipment; (c) the maintenance of essential services; and/or (d) the protection of the environment.	The works are not located in a heritage-protected place of a kind referred to in clause 1A(1)(a), (b) or (d) of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> .	<i>Clause 61(1) - Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015.</i>
19.	Works and/or use specified in a local planning policy or local development plan that applies to the works and/or use as works and/or use that do not require development approval (other than the works referred to in item 10 of this schedule.	The works and/or use comply with any requirements specified in the local planning policy or local development plan in relation to the exemption from the requirement for development approval.	<i>Clause 61(1) & (2) - Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015.</i>
20.	The erection of any farm sheds or outbuildings on any lot in the Rural zone where the development standards set out in Local Planning Scheme No.4 for that particular zone are satisfied.	The works are not located in a heritage-protected place.	<i>Shire of Cunderdin Local Planning Scheme No.4.</i>

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21.	The erection of a boundary fence in a zone where the R-Codes do not apply and the development standards set out in the Scheme for that particular zone are satisfied.		<i>Shire of Cunderdin Local Planning Scheme No.4.</i>
22.	The construction of a dam in the Rural zone.	<ul style="list-style-type: none"> (a) It has been approved or does not require approval from any State Government agency or authority; and (b) It does not alter or affect existing waterways or the water table or involve removal of remnant vegetation; and (c) Runoff from the dam can be contained on site or directed to a watercourse and does not impact adjoining properties; and (d) Its wall(s) or structure is not more than 3 metres in height; and (e) The lower edge of the dam wall, and any other part of the dam including the stored water is further than 20 metres from boundaries of the subject lot; and (f) It is not located in a heritage-protected place. 	<i>Shire of Cunderdin Local Planning Scheme No.4.</i>
23.	Development that is a class P use in relation to the zone in which the development is located.	<ul style="list-style-type: none"> (a) The development has no works component; or (b) Development approval is not required for the works component of the development. 	<i>Clause 61(2) - Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015</i>
24.	Development that is an exempt class D use in relation to the zone in which the development is located.	<ul style="list-style-type: none"> (a) The development has no works component; or (b) Development approval is not required for the works component of the development; or (c) The class D use is of the following type in the following zones as described in the Local Planning Scheme No.4 and all conditions outlined below are satisfied in relation to that use: 	<i>Clause 61(2) - Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015</i>

	Proposed Works / Use	Terms / Conditions	Legislation Providing Exemption
		<ul style="list-style-type: none"> i) Shop in a Commercial zone, Centre zone or Mixed Use zone with a net lettable area no more than 300m²; ii) Restaurant/Café in a Commercial zone, Centre zone or Mixed Use zone with a net lettable area no more than 300m²; iii) Convenience Store in a Commercial zone, Centre zone or Mixed Use zone and the Store is not used for the sale of petroleum products; iv) Consulting Rooms in a Commercial zone, Centre zone or Mixed Use zone and no more than 60% of the glass surface of any window on the ground floor of the Consulting Rooms is obscured glass; v) Office in a Commercial zone, Centre zone or Mixed Use zone and the office is not located on the ground floor of a building; and vi) Home Occupation in all zones. 	
25.	The use of premises as a home office.		<i>Clause 61(2) - Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015</i>
26.	The use of premises as a drop-off refund point.	<ul style="list-style-type: none"> (a) The premises are otherwise used as a shop (as defined in the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> Schedule 1 clause 38); or (b) The premises are not in a Residential zone and the use of the premises as a drop-off refund point is an incidental use of the premises. 	<i>Clause 61(2) - Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015</i>