

SHIRE OF WEST ARTHUR
LOCAL PLANNING POLICY NO 1
PERMITTED DEVELOPMENT

Policy Area

This Policy applies to the whole Shire.

Objective

To clarify what development requires Council Planning Approval.

Background

Clause 60 of Schedule 2 Planning and Development (Local Planning Schemes) Regulations 2015 sets out the requirement for development approval. It states that a person must not commence or carry out any works on, or use, land in the Scheme area unless:

- the person has obtained the development approval from Council; or
- the development is of a type referred to in Clause 61.

Clause 61 in summary includes:

- (a) Works in a regional reserve under a region planning scheme (not applicable to West Arthur);
- (b) The carrying out of internal building work which does not materially affect the external appearance of the building unless the work is on a building identified as having an interior with cultural heritage significance:
 - (i) in the Register of Heritage Places under the Heritage of Western Australia Act 1990; or
 - (ii) on a heritage list prepared in accordance with this Scheme;
- (c) The erection or extension of a single house on a lot if the R-Codes apply to the development and the development satisfies the deemed-to-comply requirements of the R-Codes.
- (d) The erection or extension of an ancillary dwelling, outbuilding, external fixture, boundary wall or fence, patio, pergola, veranda, garage, carport or swimming pool on the same lot as a single house or a grouped dwelling if the R-Codes apply to the development and the development satisfies the deemed-to-comply requirements of the R-Codes.
- (e) The demolition of a single house, ancillary dwelling, outbuilding, external fixture, boundary wall or fence, patio, pergola, veranda, garage, carport or swimming pool.

Paragraphs (c), (d) and (e) do not apply where the single house or other structure is

- (i) entered in the Register of Heritage Places under the Heritage of Western Australia Act 1990; or
- (ii) the subject of an order under the Heritage of Western Australia Act 1990 Part 6; or
- (iii) included on a heritage list prepared in accordance with this Scheme; or
- (iv) within an area designated under the Scheme as a heritage area; or
- (v) the subject of a heritage agreement entered into under the Heritage of Western Australia Act 1990 section 29.

Clause 61 also provides that Council can specify other development or works which does not require a planning approval in accordance with a Local Planning Policy.

Policy Statement

- 1) The development on a lot of a single house, including any extension, ancillary outbuildings and swimming pools does not require a planning approval provided that:
 - It is a (P) use in the relevant zone;
 - The minimum boundary setbacks stipulated in the Scheme are complied with;
 - The development complies with the deemed-to-comply requirements of the R-Codes where applicable in that zone.

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- 2) Provision (1) does not apply to the development of:
 - A lot abutting an unconstructed road or a lot which does not have frontage to a constructed road (see Clause 5.7 of the Scheme);
 - A relocated building in a gazetted townsite (see Clause 5.10 of the Scheme);
 - A heritage place or building; or
 - Where otherwise stipulated by the Scheme.
- 3) A Building Licence is still required for a single house and structures in accordance with the Building Act. Compliance with the setback requirements and any other applicable development standards will be assessed as part of this application.
- 4) Council's planning approval is still required for more than one single dwelling in the Rural Zone.

Adoption

Adopted by Council at its meeting of the _____ 2015