12.1/CF2 LPS4 LOCAL PLANNING POLICY - DEVELOPMENT APPROVAL EXEMPTIONS

Business Unit:	City Future	Service: Schemes, Policies & Heritage
Ward:	City Wide	Location: Not Applicable
Applicant:	Not Applicable	

Role

Legislative - *Making local laws, policies and planning instruments.*

Moved Councillor Giudici, seconded Councillor Paparde

THE COMMITTEE RECOMMENDS TO COUNCIL

That Council ADOPTS 'Local Planning Policy – Development Approval Exemptions' for the purpose of public advertising as shown in Attachment 1.

The motion was put and declared CARRIED (8/0).

For: Councillors Giudici, Ion, Migdale, Olow, Paparde, Perkov, Proud and Mayor Irwin.
Against: Nil.

Recommendation

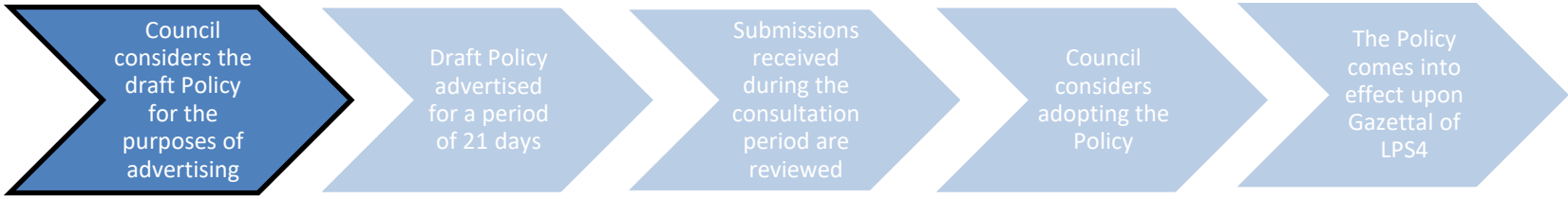
That Council ADOPTS 'Local Planning Policy – Development Approval Exemptions' for the purpose of public advertising as shown in Attachment 1.

Purpose

The City is currently progressing Local Planning Scheme No.4 (LPS4) and the City has been incrementally reviewing existing local planning policies to ensure they are fit for purpose and ready for adoption when LPS4 is gazetted.

In preparation of the adoption of LPS4, a suite of local planning policies will be presented to Council within the next eight months for consideration. Some policies may involve administrative changes only, meaning that advertising will not be required in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015 (Regulations)*. Other policies may incorporate additional modifications such as alignment with the State Planning framework, LPS4 and/or to amalgamate some policies. These types of local planning policy changes will be presented to Council to seek consent to advertise to enable submissions by the community prior to adoption.

As part of this review, draft Local Planning Policy – Development Approval Exemptions (Attachment 1) has been prepared and is now presented to Council for consideration for the purpose of public advertising. Should Council resolve to adopt the LPP for the purpose of advertising, the diagram below provides an outline of the process and an indication of the decision timeline.



Once the Policy has been finally approved by Council, it will only come into effect when LPS4 is gazetted.

Details

The proposed draft Local Planning Policy – Development Approval Exemptions is a new local planning policy following the review and amalgamation of LPP 6.13 (Markets - Exemption from Development Approval) and LPP 6.15 (Exemption from Requiring Development Approval).

A summary of the proposed changes to LPP 6.13 and LPP 6.15 into the amalgamated new Policy as outlined below is provided in Attachment 2.

Existing Planning Framework

All development requires approval unless expressly exempted by a planning instrument. Development exemptions within the City are currently governed by the following provisions:

- Planning and Development (Local Planning Schemes) Regulations 2015
- Local Planning Scheme No.3 (LPS3) (to be replaced by LPS4)
- Local Planning Policy 6.13 – Markets Exemption from Development Approval
- Local Planning Policy 6.15 – Exemption from Requiring Development Approval

Since the adoption of LPP 6.13 (i.e. November 2019) and LPP 6.15 (i.e. May 2020), there have been multiple changes to the State Planning Framework relevant to these policies. These changes, along with the upcoming transition from Local Planning Policy No.3 (LPS3) to LPS4, have prompted a review of how the City exempts development from requiring development approval.

Local Planning Scheme No.3

Clause 8.2 of LPS3 currently exempts certain types of development from requiring Development Approval. These exemptions are not carried forward into LPS4, as many exemptions are now addressed under the Regulations. For exemptions that will not be covered by either LPS4 or the Regulations, there is a need to address through policy provisions.

The draft policy will form part of the suite of local planning policies prepared for implementation upon the gazettal of LPS4 and will incorporate exemptions not covered by the Scheme or the Regulations.

LPP 6.13 Markets - Exemption from Development Approval (LPP 6.13)

LPP 6.13 was adopted by Council in 2019 (came into effect October 2020) to provide exemptions for Markets operating on non-residential zoned land, where no new buildings are constructed, and specific operational criteria are met. The purpose of this was to make it easier for community organisations to operate Markets. A copy of this policy is provided in Attachment 3.

Under LPS4, Markets are now a permitted ('P') use in all Commercial zones except for the 'Private Community Purposes' zone where it is a 'D' ('Discretionary) use. As such, the policy has been reviewed and is amended to include criteria allowing Markets to be exempt from requiring Development Approval in the 'Private Community Purposes' zone, provided they meet specified conditions.

This is in line with the objectives of the Private Community Purposes zone under LPS4, which are:

Private Community Purposes	• To provide sites for privately owned and operated education, recreation, institutions and places of worship. • To integrate private recreation areas with public recreation areas wherever possible. • To provide for a range of privately owned community facilities and uses that are incidental and ancillary to the provision of those facilities, which are compatible with surrounding development. • To ensure that the standard of development is in keeping with surrounding development and protects the amenity of the area.

LPP 6.15 - Exemption from Requiring Development (LPP 6.15)

LPP 6.15 was adopted by Council in 2020 to clarify which types of development are exempt under the Regulations, and to expand the range of exempt development. This includes exemptions for residential dwellings (where permitted under the State Planning Policy 7.3 – Residential Design Codes Volumes 1 and 2 (R-codes) and certain non-residential development. A copy of LPP 6.15 is provided in Attachment 4.

Residential development is governed by the applicable zone and density coding under the Local Planning Scheme. The overarching statutory framework is provided by the R-codes. Since the adoption of LPP 6.15, the R-Codes have undergone multiple amendments and are expected to be further updated in the near future. As a result, some existing exemptions within LPP 6.15 now conflict with the current R-Code provisions, while others have become outdated.

Although the policy was initially introduced to streamline development exemptions, the changes to the Regulations and R-Codes have now made parts of the Policy outdated which is adding complexity rather than simplifying the planning process. This prompted a review of the policy whereby provisions that duplicate or conflict with the Regulations and R-Codes have been removed or amended to ensure alignment with the current State Planning Framework.

Financial Assessment and Implications

The costs associated with advertising and adopting Local Planning Policies are covered within the City Future Business Unit budget.

Stakeholder Engagement

If Council resolves to advertise the amendments to Local Planning Policy 6.15 – Exemption from Requiring Development Approval, the consultation will be undertaken in accordance with the provisions of the Regulations and the City's Local Planning Policy 6.18 – Public Consultation.

The policy is required to be advertised for 21 days. A notification will be placed on the City's website and on the noticeboard in the City's Administration building for the duration of the advertising period. Elected Members will also be notified of the advertisement of the Policy via the Elected Member Portal.

Recommended Action

It is recommended that Council adopts Local Planning Policy – Development Approval Exemptions for the purpose of public advertising, as shown in Attachment 1.

Relevant Policies, Legislation and Council Resolutions

Local Government Act 1995

Meeting Date	Council Resolution Number	Council Resolution
19 November 2019	1119/008	3. That pursuant to the Planning and Development (Local Planning Schemes) Regulations 2015, Council PROCEEDS with (adopts) draft Local Planning Policy 6.13 – Markets – Exemption from Development Approval as shown in Attachment 2, following the gazettal of Scheme Amendment No.108.
26 May 2020	0520/022	1. That pursuant to the Planning and Development (Local Planning Schemes) Regulations 2015, Council PROCEEDS with (adopts) the modified draft Local Planning Policy 6.15 – 'Exemption from Requiring Development Approval' contained in Attachment 2, with further modifications to delete the words 'Developments that meet the following provisions do not require development approval' at the start of Section 5 from page 1 of the draft Local Planning Policy. 2. That the modified draft Local Planning Policy 6.15 – 'Exemption from Requiring Development Approval', be REFERRED to the Western Australian Planning Commission for approval of modification to the R-Codes that require approval of the Western Australian Planning Commission.

Sustainable Stirling 2022-2032

Key Result Area: Our built environment

Objective: A liveable City

Priority: Facilitate diverse housing choice for our community

Priority: Improve the quality, liveability and identity of local areas

Strategic Risk

Strategic Risk	Risk Appetite
Environment	The City will prioritise protection, enhancement and sustainability of the natural environment unless this cannot be achieved without significantly compromising the City's economic or social sustainability.

Relevant Documents and Information

Linked Documents

Local Planning Scheme No.4

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Local Planning Policy - Development Approval Exemptions

1. CITATION

This is a Local Planning Policy prepared under Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* and Local Planning Scheme No. 4. This Policy may be cited as Local Planning Policy (LPP) Development Exemptions and Modifications.

2. INTRODUCTION

Clause 61 of Schedule 2, Part 7 of the *Planning and Development (Local Planning Schemes) Regulations 2015* specifies the types of works and land uses that do not require development approval from the local government.

Sub-clauses 61(1)(i) and 61(2)(g) provide authority for the local government to adopt a Local Planning Policy that identifies additional exemptions.

The purpose of this Policy is to outline further categories of development that are exempt from development approval, beyond those listed in Clause 61.

Specifically, this Policy:

- Supplements specific provisions of the Residential Design Codes (R-Codes);
- Exempts minor development works in residential and non-residential zones within the City of Stirling; and
- Identifies circumstances in which community markets are exempt from development approval.

3. OBJECTIVES

The objectives of this policy are:

a) To streamline the planning process by exempting low-impact developments that demonstrate no adverse impact on adjoining properties and/or the streetscape.

b) To enable greater flexibility in residential development where proposals demonstrably align with both the existing and likely future built form.

c) To enhance urban design quality and residential living standards by implementing a planning framework that aligns with the general objectives of the R-Codes.

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4. APPLICATION OF THIS POLICY

Where a proposal does not meet the specific provisions outlined in this policy, assessment will be undertaken against the broader objectives, apart from the R-Code Exemptions.

It does **not** exempt development from the requirement to obtain other relevant approvals or comply with applicable local laws, statutes, or policies—including, but not limited to, building and health permits.

Scope of Application

5(a) Applies to residential development on land within the City of Stirling subject to *Local Planning Scheme No 4*, including augmentations to the R-Codes.

5(b) Applies to development on residential and non-residential zoned land within the City of Stirling under *Local Planning Scheme No. 4*.

5(c) Applies to Market Stalls located on land zoned Private Community Purposes and Local Reserves including 'Local Roads' within the City of Stirling.

5. POLICY PROVISIONS

5(a) R-Code Exemptions

The R-Codes apply to all residential development throughout Western Australia and Clause 3.2 outlines instances where a local planning policy can modify the R-Codes either with or without WAPC approval.

The provisions listed in the table below replace the relevant deemed-to-comply requirements of the R-Codes Volume 1, except where modified or inconsistent with the local planning framework (i.e. Character Retention Guidelines).

Should the policy provision not be met the proposal shall be assessed against the relevant R-Code provision.

No.	Amend/Replace	R-Codes:	Policy:
1.	Part B Cl. 5.1.3 (C3.1) Lot Boundary Setbacks		
	Is amended to allow for a 3m height in lieu of 2.7m.	ii. for carports, patios, verandas 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 not more than 10m in length and 2.7m height; • is located behind the primary street setback; and • has eaves, gutters and roofs set back at least	ii. for carports, patios, verandas 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 not more than 10m in length and **3m** height; • is located behind the primary street setback; and • has eaves, gutters and roofs set back at least

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		450mm from the lot boundary.	450mm from the lot boundary.
		*Note: *There may also be building code requirements that apply.*	
WAPC Approval Required: Y/N		Date Approved by WAPC (if applicable): N/A	
2.	Part B Cl. 5.2.5 (C5) - Sightlines		
	Is amended to allow fencing within the sightline area where it has been demonstrated that pier dimensions and visibility do not obstruct sightlines in low-density areas.	No provision.	An added alternative option is included as shown below: iv. A fencing height up to 1.8m above natural ground level within 1.5m of where a driveway meets a street with: • no more than one support pier with a maximum horizontal dimension of 350mm; and • no more than two panels (inclusive of a sliding or swinging gate) with open style pickets that individually achieves a 1:10 spacing ratio (i.e. a 10mm picket with a 100mm space to the next picket).
WAPC Approval Required: Y/N		Date Approved by WAPC (if applicable): N/A	
3	Part B Cl. 5.4.3 - Outbuildings		
	Is amended to allow for a 3m height in lieu of 2.4 for large and multiple outbuildings and 2.7m for small outbuildings.	A. Small outbuilding iv. does not exceed a wall height of 2.7m; B. Large and multiple outbuildings iii. does not exceed a wall height of 2.4m	A. Small outbuilding iv. does not exceed a wall height of **3m;** B. Large and multiple outbuildings iii. does not exceed a wall height of **3m;**
WAPC Approval Required: Y/N		Date Approved by WAPC (if applicable): N/A	

5(b) Exempt Development Works

The exemptions listed in the table below do not apply where:

- a referral to the Metropolitan Region Scheme under the Instrument of Delegation is required prior to determination; or
- the bushfire requirements of the *Planning and Development (Local Planning Schemes) Regulations 2015* are applicable;
- Where development is considered to have an adverse impact on the streetscape and/or adjoining properties.

The following development does not require approval:

Applies to:	Condition(s)

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a) Alterations to non-residential buildings **Except where the property is: affected by the *Heritage Act 2018*, is listed on the *City of Stirling Heritage* List and/or located within a Heritage Protection Area.**	Alterations to the building facades (to the primary and secondary street) where: i. the height of the building is not increased; and ii. the alignment to a street is not altered by more than 300mm; and iii. meets all requirements of the City's Local Planning Scheme and relevant local planning framework.
b) Grouped Dwelling development that results in no more than two dwellings on a parent lot.	i. That meets all requirements of the City's Local Planning Scheme and any relevant local planning framework, and ii. The deemed-to-comply provisions of the R-Codes Volume 1.
c) In addition to the exemptions provided under Clause 61(1)(b)(7) of Schedule 2, Part 7 of the Planning and Development (Local Planning Schemes) Regulations 2015, **Grouped Dwelling additions** are exempt from development approval where they meet the following criteria. **Except where the property is: affected by the *Heritage Act 2018*, is listed on the *City of Stirling Heritage* List and/or located within a Heritage Protection Area.**	i. The development meets all requirements of the City's Local Planning Scheme and any relevant Local Planning Framework, and ii. The deemed-to-comply provisions of the R-Codes Volume 1.
d) Transportable Containers	Where present on the property for no more than 9 consecutive days in any 12-month period.
d) Viewing Platforms	When used to market homes in an approved development, to show potential views, and are: i. limited to one per development site; and ii. on-site for a maximum of 3 months within a 12-month period; and iii. within the maximum building height of the approved development; and iv. located behind all street setback areas; and v. setback a minimum of 7.5m from any lot boundary.
e) Incidental Structures ***Except where; at a place listed on the Heritage List or where located within the Heritage Special Control Area and is in the front setback area; attached to the front facing portion of a building including the roof.***	Such as but not limited to: • Satellite dish; • Air Conditioner; • Solar Panel; • Shade structure or sail; • Screening; • Clothes line • Swimming Pools - below ground for private use only.

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5(c) Markets

Development Approval Exemption – Private Community Purposes Zone

Markets are exempt from requiring Development Approval within the *Private Community Purposes* zone under the City's Local Planning Scheme provided all the following conditions are met:

- No new buildings are constructed. Markets may operate from existing buildings, temporary structures, vehicles, trailers, or similar setups.
- The Market operates no more than one day per week.
- The Market includes no more than 30 stalls.
- The market is not open to the public:
  - Between 7:00pm and 7:00am, Monday to Saturday
  - Between 7:00pm and 9:00am on Sundays
  - On Christmas Day, Good Friday, or Easter Sunday
- Vendor arrival is not permitted before 6:00am.
- The Market and associated parking must be located at least 150 metres from any lot zoned for 'Residential' use.
- Market operations must not conflict with parking requirements for the site's primary use.
- A minimum of two car parking bays per stall must be provided.

Markets on Public Land

Markets proposed on Local Reserves are also exempt from Development Approval under the Scheme. These proposals will be assessed through the City's Event Application process.

6. DEFINITIONS

Unless otherwise provided for in this Policy, definitions have the same meaning as the Residential Design Codes (R-Codes), the City's Local Planning Scheme and the *Planning and Development (Local Planning Schemes) Regulations 2015*. The following additional definitions apply to this policy.

Market	Means premises used for the display and sale of goods from stalls by independent vendors; *Note: For the purpose of this definition, a stall includes any structure whether fixed or moveable, temporary or permanent, vehicles, trailers and the like. The sale of goods includes the sale of food or drinks from a stall.*

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Transportable Containers	Means a moveable container, sea container, shipping container or the like, that is being used to transport goods to and/or from the property.

7. OTHER RELEVANT DOCUMENTS

- Local Planning Scheme No.4 Scheme Text
- State Planning Policy 7.3 Residential Design Codes
- Planning and Development (Local Planning Schemes) Regulations 2015
- The City's Event Application Guidelines and Requirements

OFFICE USE ONLY:

Policy Type: Local Planning Policy	**Policy No. 6.15 (LPP6.15)**
Policy Owner: City Future	**Latest adopted review date: 15 Feb 2022**

Policy Type: Local Planning Policy	**Policy No. 6.13 (LPP6.13)**
Policy Owner: City Future	**Latest adopted review date: 1 Oct 2020**

Proposed Policy Changes

Project Brief:

To review and where required update current local planning policies to accompany and support the impending adoption of LPS 4.

The Western Australian Planning Commission has prepared a draft WA Planning Manual which includes the manner and form that Local Planning Policies should take. The draft WA Planning Manual - Local Planning Policies specifies how the title of the policy should be displayed with a preference to the policy name only, however, it does not preclude the use of Policy numbering. To align with this State Planning framework numbering has not been included in this policy, however, should the City consider including policy numbering later this can be done as a minor administrative process change.

The two exemption policies LPP6.13 and LPP6.15 have been amalgamated to streamline where exemptions from requiring development approval can be viewed. Details on the two policies and the proposed changes are provided below.

LPP6.13 – Markets – Exemption from Development Approval

LPP6.13 came into effect October 2020. Whilst the policy provided criteria for exempting Markets in the Business; Hotel; Industry; District Centre; Local Centre; Mixed Business; Mixed Use; Private Institution or Regional Centre and Civic zones, Markets are listed as a 'P' use in these zones under LPS3. This means that the policy provisions don't currently apply as it is already a permitted use with no Scheme requirements.

Similarly, under LPS 4 Markets are a permitted ('P') use in the Mixed Use, Local Centre, Neighbourhood Centre, Centre and Service Commercial zones. Markets are a discretionary ('D') use in the Private Community Purpose zone. Therefore, an exemption has been applied for this zone only where specific criteria is met. This results in the policy provisions being reduced and simplified in the draft exemptions policy. The changes are summarised in the table below:

Current LPP6.13 Provisions	Changes	Comment
Formatting	The incorporated elements of this policy have been re-formatted in accordance with the State Governments draft Local Planning Policy template.	The changes to the formatting will ensure that the City's local planning policy framework aligns with the State's vision for a consistent local planning policy framework across all local governments.
Objectives	The objectives of the policy have been removed.	The current policy sets out criteria to be met to exempt the use from requiring development approval. The policies are not intended to be an assessment tool for when the exemption is not met.

Proposed Policy Changes

Applications subject of this Policy	Reference to the types of zones the application applies to have been updated to reflect the change in zone names under Local Planning Scheme No.4 (LPS4). Additionally, the zones listed as a 'P' use have been removed to accurately reflect that the use is a permitted use under LPS4 without any criteria being imposed.	These changes ensure that the planning framework accurately reflects the statutory provisions.
Exemptions from requiring Development Approval on zoned land.	The zones under a) have been amended and j) has been removed.	The redundant zone names have been removed with the policy provision applying to the relevant discretionary zone only. Additionally, the allowance for no car parking requirements in the Civic zone has been removed as there is no longer a Civic zone, now included in the Centre zone in which 'Markets' are a permitted use without any set criteria making this provision obsolete.

LPP6.15 – Exemption from Requiring Development Approval

LPP 6.15 Policy main changes are detailed below:

Existing Policy Provision No.		Change proposed	Reason
1.	Formatting	Format change to align with the draft WA Planning Policy.	The changes to the formatting will ensure that the City's local planning policy framework aligns with the State's vision for a consistent local planning policy framework across all local governments.
2.	Point 5a – Amends Clause 5.1.3 Lot Boundary Setback as follows: "C3.1 Buildings which are set back in accordance with the following provisions, subject to any additional measures in other elements of the R-Codes:	Amending the current policy from 3.5m to 3m. The R-Codes include this provision with a 2.7m height provision.	The R-Codes were reviewed and released 10 April 2024. Part C under this review increased the patio height from 2.7m to 3m. To ensure consistency with Part C and to pre-empt any future updates to Part B the height has been reduced from 3.5m to 3m.

Proposed Policy Changes

	vii. for patios, verandas or equivalent structures, (with pillars and posts with a horizontal dimension of 450mm by 450mm, or less), that are additions to an existing dwelling, the lot boundary setbacks in Table 1 and Table 2a and 2b may be reduced to nil to the posts where the structure; a. is not more than 10m in length or **3.5m in height**; and b. is located behind the primary street setback; and c. has eaves, gutters and roofs set back at least 450mm from the lot boundary."		The 3m height allowance is still an increase from the R-Code Part B provision, and provides a consistent approach regardless or which Part of the R-Codes.
3.	Point 5b - Boundary wall to any number of boundaries in areas coded R30 and higher.	This provision has been removed.	At the time that this provision was included in the policy, only one boundary wall was allowed under the R-Codes. The R-Codes have since been amended to allow for two boundary walls. Given this has been given due consideration by DPLH and not changed through the adoption of the R-Codes in April 2024, the R-Codes deemed to comply provisions should prevail.

Proposed Policy Changes

			By removing this exemption, it means that Should DPLH do another review of Part B the Policy won't be out of line with these amendments.
4.	Point 5c - Sightlines	No change - currently in the exemptions policy for Part B (which is for low density development sites).	The provision came about because of a 2016 SAT case, however, can't be applied to Part C without DPLH approval as it is listed as a clause that can't be augmented in the R-Codes. In reviewing the SAT decision, it appears that this was not intended to apply in other situations without review i.e. the 350mm pier and 1:10 ratio worked in that site situation however street trees and other obstructions need to be given due consideration as well. Therefore, the provision isn't included in the amended policy for Part C which is for medium density development sites.
5.	Point 5d – Outdoor living area. This provision allows for one-third uncovered outdoor living area in lieu of two-thirds.	Provision removed.	This provision could potentially impact on the ability of a residential site to provide adequate deep soil areas for landscaping and tree planting which in turn could impact on the health and longevity of trees. Given the City's strategic objective is to increase tree canopy coverage amending the deemed-to-comply provisions of the R-Codes is seen to contradict this attempt.
6.	Point 5e – Outbuildings. The provision relates to Part B for 'Large and Multiple Outbuildings' only and allows for a wall height	An additional provision has been included for Small Outbuildings to have a 3m wall height in lieu of 2.7m as per the R-Codes.	Part C of the R-Codes came into effect 10 April 2024, with this allowing for 3m wall height for all outbuildings.

Proposed Policy Changes

	of 3m in lieu of the R-Code provision of 2.4m		Allowing a 3m wall height for 'Small Outbuildings' under Part B, aligns with the provision for Part B 'Large and Multiple Outbuildings' and with the Part C provisions. Small Outbuildings under the R-Codes can have a wall height of 2.7m however under the Building Regulations any small outbuilding with a wall height greater than 2.4m requires a building permit. Therefore, increasing the wall height for a 'Small' outbuilding to 3m has no further impact from a building permit perspective.
7.	Point 4 - 6b) Grouped Dwelling development that results in no more than two dwellings on a parent lot, that meets all requirements of Local Planning Scheme No. 3, relevant Local Planning Framework and the deemed-to comply provisions of the R-Codes Volume 1.	Retention of this provision is supported.	Upon investigating this existing provision, there has been limited uptake of this exemption allowance i.e 7.2% of 2 Grouped Dwellings applications didn't have associated DA's (data taken over a 1-year timeframe). The recommendation is to retain the exemption and investigate the reasons for the lack of uptake in a later and more complex review of the policy.
8.	Point 4 - 6c) Additions or alterations to a Grouped Dwelling that meets all requirements of Local Planning Scheme No. 3 and the deemed-to-comply provisions of the R-Codes.	Retention of this provision	The *Planning and Development (Local Planning Schemes) Regulations 2015* now includes exemptions through clause 61. (7) for various additions that meet the deemed to comply provisions of the R-Codes such as: - Ancillary dwellings - Outbuilding - An external fixture - A boundary wall or fence - A patio

Proposed Policy Changes

			- A pergola - A verandah - A deck - A garage or a - Carport The existing policy exempts the requirement for Development Approval for Group Dwelling additions. This policy retains this exemption for additions that are not listed above where they meet the requirements of the Local Planning Scheme any relevant Local Planning Framework and the deemed-to-comply provisions of the R-Codes Volume 1.
9.	Point 6 – a) Non-residential building component	This provision has been modified slightly to include a secondary street façade not just the primary street building façade.	Alterations to non-residential primary street facades are exempt under the current policy but there is no reason why this should not be exempt for each street façade (for corner sites) given the criteria ensures that the changes have minimal impact on the streetscape.

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6.13 MARKETS - EXEMPTION FROM DEVELOPMENT APPROVAL

1 Introduction

The purpose of this Policy is to identify the circumstances where 'Markets' such as, but not limited to Swap Meets or Farmers Markets) are exempt from requiring Development Approval under the Scheme.

2 Objectives

- *To increase social connectedness and inclusivity in developing a thriving, healthy and active community; and*
- *To ensure that small scale, low impact community Markets can operate in a way that does not impact on the amenity of surrounding residential properties.*

3 Applications Subject of this Policy

This Policy applies to any proposal to operate a Market on oned land, on 'Local Reserves' and on 'No Zone' land roads, rights of way and pedestrian access ways , whether indoors or outdoors. It does not apply to proposals to operate on land under control of the Metropolitan Redevelopment Authority.

4 Exemption from requiring Development Approval on zoned land

Markets are exempt from requiring Development Approval on zoned land where:

a) The Market is located on land oned as 'Business', ' otel', ' ndustry', 'Civic', ' istrict Centre', 'Local Centre', 'Mixed Business', 'Mixed se', 'Private nstitution' or 'Regional Centre'

b) The Market does not require the construction of any new buildings, but may operate from existing buildings, temporary buildings, temporary structures, vehicles, trailers and the like;

c) The Market operates for no more than one day per week;

d) The Market contains no more than 30 Market Stalls;

e) The Market does not open to the public between 7pm and 7am Monday to Saturday, and between 7pm and 9am on Sundays, or on Christmas Day, Good Friday or Easter Sunday;

f) No vendors to the Market arrive before 6am;

g) The Market and all associated car parking is located a minimum of 150 metres from any part of a lot that has a 'Residential' land use;

h) The operation of the Market does not conflict with parking requirements for the predominant use of the site

i) car parking bays per Market Stall are provided in 'Business', ' otel', ' ndustry', ' istrict Centre', 'Local Centre', 'Mixed Business', 'Mixed se', 'Private nstitution' or 'Regional Centre' ones and

j) n 'Civic' ones, no car parking is required for a Market.

Markets that do not meet the requirements of this Local Planning Policy will be assessed against the objective of this policy.

Note: the zoning of land can be checked by using 'StirlingMaps' which is available on the City's website

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5 Exemption from requiring Development Approval on public land

Proposals to operate Markets on 'Local Reserves' and 'No Zone' land are exempt from the requirement to obtain Development Approval under the Scheme and will be processed through the City's 'Event Application' process.

6 Relevant legislation and policies

Local Planning Scheme No. 3.
Local Planning Policy 6.1 Advertisings Signs Policy.
The City's Event Application Guidelines and Requirements.

7 Definitions

The terms 'Market', 'Buildings', and 'Temporary buildings' are defined in Local Planning Scheme No 3, which can be found on the City's website using the following link https://www.stirling.wa.gov.au/your-city/documents-and-publications/planning-and-building/develop-my-property/local-planning-scheme-3-text

OFFICE USE ONLY:

Local Planning Scheme No.3 – Local Planning Policy History:

Action	Resolution Number	Effective Date
Adopted	1119/008	1 Oct 2020

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6.15 EXEMPTION FROM REQUIRING DEVELOPMENT APPROVAL

This document has been prepared under Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015' and the City of Stirling 'Local Planning Scheme No.3'.*

1. INTRODUCTION

This Policy outlines development that is exempt from requiring development approval in accordance with the Planning and Development (Local Planning Schemes) Regulations 2015 Schedule 2 Clause 61(1)(Table Item 20) and Clause 61(2)(g). These are additional to the exemptions from requiring development approval Planning and Development (Local Planning Schemes) Regulations 2015, Local Development Plans and other City of Stirling Local Planning Policies.

2. PURPOSE

To exempt certain development from requiring a development approval where the development will not have an adverse impact on the streetscape or adjoining properties.

3. APPLICATION OF THIS POLICY

This Policy applies to all development on land within the City of Stirling where Local Planning Scheme No. 3 applies. This Policy does not exempt development from obtaining other approvals and compliance with relevant local laws, statutes and policies such as building and health permits.

4. DEFINITIONS

Unless otherwise provided for in this Policy, definitions have the same meaning as the Residential Design Codes (R-Codes) Volume 1, Local Planning Scheme No. 3 and the *Planning and Development (Local Planning Schemes) Regulations 2015*. The following additional definitions apply to this policy.

Transportable Containers:	means a moveable container, sea container, shipping container or the like, that is being used to transport goods to and/or from the property.

5. REQUIREMENTS FOR RESIDENTIAL DWELLINGS

These provisions replace or amend the relevant deemed-to-comply requirements of the R-Codes Volume 1, except where modified elsewhere by the local planning framework (i.e. Character Retention Guidelines):

a) R-CODES CLAUSE 5.1.3 LOT BOUNDARY SETBACK is amended to include:

C3.1 Buildings which are set back in accordance with the following provisions, subject to any additional measures in other elements of the R-Codes:

vii. for patios, verandas or equivalent structures, (with pillars and posts with a horizontal dimension of 450mm by 450mm, or less), that are additions to an existing dwelling, the lot boundary setbacks in Table 1 and Table 2a and 2b may be reduced to nil to the posts where the structure;
   a. is not more than 10m in length or 3.5m in height; and
   b. is located behind the primary street setback; and
   c. has eaves, gutters and roofs set back at least 450mm from the lot boundary.

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b) R-CODES CLAUSE 5.1.3 LOT BOUNDARY SETBACK C3.2 iii. is replaced with:

C3.2 Boundary walls may be built behind the street setback (specific in Table 1 and in accordance with clauses 5.1.2 and 5.2.1), within the following limits and subject to the overshadowing provisions of clause 5.4.2 and Figure Series 11:

iii. in areas coded R30 and higher, walls not higher than 3.5m for two-thirds the length of the balance of the site boundary behind the front setback, to any number of site boundaries; or

c) R-CODES CLAUSE 5.2.5 SIGHT LINES C5 is replaced with:

C5.1 Development no higher than 0.75m above natural ground level within 1.5m of where:

i. a driveway meets a street; or
ii. two streets intersect.

C5.2 Fencing no higher than 1.8m high above natural ground level within 1.5m of where a driveway meets a street with:

i. no more than one support pier with a maximum horizontal dimension of 350mm; and
ii. no more than two panels (inclusive of a sliding or swinging gate) with open style pickets that individually achieve a 1:10 spacing ratio (i.e. a 10mm picket with a 100mm space to the next picket).

d) R-CODES CLAUSE 5.3.1 OUTDOOR LIVING AREA is amended to include:

C1.3 Where patios are an addition to an existing dwelling, the outdoor living area is to be provided:

i. in accordance with Table 1;
ii. behind the street setback area;
iii. directly accessible from the primary living space of the dwelling;
iv. with a minimum length and width dimension of 4m; and
v. with at least one-third of the required area without permanent roof cover.

e) R-CODES CLAUSE 5.4.3 OUTBUILDINGS C3 TABLE B. LARGE AND MULTIPLE OUTBUILDINGS is replaced with:

i. individually or collectively does not exceed 60m2 in area or 10 per cent in aggregate of the site area, whichever is the lesser;
ii. set back in accordance with Table 2a;
iii. do not exceed a wall height of 3.0m;
iv. do not exceed a ridge height of 4.2m;
v. not located within the primary or secondary street setback area; and
vi. does not reduce the open space and outdoor living area requirements in Table 1.

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6. WORKS ON A PROPERTY EXEMPT FROM REQUIRING DEVELOPMENT APPROVAL

Works within a lot that are:

- not located on a property affected by the *Heritage Act 2018*;
- not on a place listed on the City of Stirling Heritage List;
- not on a property within a Heritage Protection Area;
- not required to be referred by the Metropolitan Region Scheme Instrument of Delegation prior to determination; or
- not subject to the bushfire requirements of the *Planning and Development (Local Planning Schemes) Regulations 2015*;

do not require development approval in the following instances:

a) ALTERATIONS OF FRONT FACADES of non-residential components of buildings where:

i. the height of the building is not increased; and

ii. the alignment to the street is not altered by more than 300mm; and

iii. meets all requirements of Local Planning Scheme No. 3 and relevant Local Planning Framework.

b) GROUPED DWELLING development that results in no more than two dwellings on a parent lot, that meets all requirements of Local Planning Scheme No. 3, relevant Local Planning Framework and the deemed-to-comply provisions of the R-Codes Volume 1.

c) Additions or alterations to a GROUPED DWELLING that meets all requirements of Local Planning Scheme No. 3, relevant Local Planning Framework and the deemed-to-comply provisions of the R-Codes Volume 1.

d) TRANSPORTABLE CONTAINERS that are present on the property for no more than 9 consecutive days in total for a 12 month period.

e) VIEWING PLATFORMS used as part of the sale of individual dwellings in an approved development, to demonstrate the prospective views, that are:

i. limited to one per development site; and

ii. on-site for a maximum of 3 months in any 12 month period; and

iii. within the maximum building height of the approved development; and

iv. behind all street setback areas; and

v. setback a minimum of 7.5m from any lot boundary.

OFFICE USE ONLY:

Local Planning Scheme No.3 - Local Planning Policy History:

Action	*Council Date*	*Resolution No.*	*Effective Date*
Council Adopted	*26 May 2020*	*0520/022*	*Nil*
WAPC Approval	*26 Oct 2021*		
Modified	*15 Feb 2022*	*0222/006*	*16 Mar 2022*

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