



## POLICY NO. LPP 1.3

## EXEMPTED DEVELOPMENT

### PURPOSE

To exempt certain development proposals from the requirement to obtain planning approval under the City of Gosnells Local Planning Scheme No. 24.

## POLICY

### 1. OBJECTIVES

This Policy establishes the City's position in relation to development that is exempt from requiring development approval. The policy complements the development exemptions listed in Schedule 2 ('Deemed Provisions') of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

The objectives of this Policy are to:

- a) Identify types of development proposals that are suitable for exemption from the need for development approval.
- b) Streamline the planning approval process and to reduce red tape.
- c) Ensure acceptable development outcomes are maintained.

### 2. APPLICATION OF POLICY

- a) This policy applies to all zoned land within the City of Gosnells.
- b) Prior to the commencement of development works, landowners and applicants are encouraged to discuss all development proposals with the City to determine whether the proposal will be exempt under the policy.
- c) Before carrying out any development listed in Table 1, any other licences, permits or approvals required must be obtained in accordance with any other law. It should be noted that whilst the Policy identifies certain development types that do not require development approval, a building permit or other approval may still need to be obtained from the City or other responsible authority.

### 3. POLICY

#### 3.1 Exempted Development Standards

In addition to the exemptions in Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, Development Approval is not required for development listed in Table 1 'Exempted Development' providing:

- 3.1.1 The proposal complies with the listed zones 'Applicable Zone' and criteria contained in the corresponding 'Exemption Criteria' columns,
- 3.1.2 The land use or development does not represent an 'X' (Prohibited Use) in Table No.1: Zoning Table of the City of Gosnells operative Local Planning Scheme,
- 3.1.3 The proposal does not vary any standards or requirements prescribed in the Scheme or the *Planning and Development (Local Planning Schemes) Regulations 2015*, or any deemed-to-comply provisions of the R-Codes (if applicable), and



3.1.4 The proposal complies with the provisions of applicable Local Planning Policies.

**Table 1 – Development Exempt from Development Approval**

Exempted Development / Use	Applicable Zone (Unless 'X' in Land Use Table)	Exemption Criteria
<p>The development of a single house or ancillary dwelling, or alterations/additions to a single house or ancillary dwelling comprising any of the following;</p> <ul style="list-style-type: none"> <li>(a) an outbuilding;</li> <li>(b) an external fixture;</li> <li>(c) a patio;</li> <li>(d) a pergola;</li> <li>(e) a verandah;</li> <li>(f) a deck;</li> <li>(g) a garage;</li> <li>(h) a carport;</li> <li>(i) sea containers;</li> <li>(j) aviaries.</li> </ul> <p>Note: In accordance with the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i>, the items listed above do not require development approval where they occur on residential zoned land.</p>	<p>Rural Rural Residential Special Use 2 - Kennel Area</p>	<ul style="list-style-type: none"> <li>a) Development is setback in accordance with Local Planning Scheme requirements; and</li> <li>b) If the development is located within a designated bushfire prone area, a Bushfire Attack Level (BAL) assessment is prepared by a suitably qualified consultant demonstrating the BAL rating is BAL-29 or less; and</li> <li>c) If the development is situated on a lot which is not serviced by a reticulated water supply, each habitable building is serviced by a minimum 10,000 litre dedicated firefighting water supply; and</li> <li>d) Development complies with the provisions of any applicable Local Planning Policy;</li> </ul> <p>Note:</p> <ul style="list-style-type: none"> <li>1. A BAL assessment is only required for the initial construction of a single or ancillary dwelling and is not required for alterations or additions to such developments.</li> <li>2. Development which is subject to a BAL rating of BAL – 40 or BAL – FZ requires development approval.</li> </ul>



<ul style="list-style-type: none"><li>(a) Arbor, archway or gateway – or similar type of decorative structure that defines a pedestrian entrance to a property.</li><li>(b) Outdoor cooking facilities – Pizza Oven, BBQ;</li><li>(c) fences;</li><li>(d) water feature.</li></ul>	All Zones	<ul style="list-style-type: none"><li>a) An arbor, archway or gateway may have a maximum height of 3 metres and maximum width of 2.5 metres.</li><li>b) Outdoor cooking facilities that exceed 1.8m in height (excluding a chimney or flue) must be setback in accordance with the R-Codes and may not exceed 4m<sup>2</sup> in area.</li><li>c) Fencing must comply with the requirements of the City of Gosnells Fencing Local Law, City of Gosnells LPP 4.10 – Subdivision and Development Abutting Public Areas, and/ or Residential Design Codes (deemed to comply provisions) where applicable;</li><li>d) Solid fencing within rural zones compliant with scheme setback requirements, excluding fences on boundaries, provided the fence is no higher than 1.8m.</li><li>e) Fencing within the primary street setback area on Commercial and Industrial zoned lots shall be visually permeable and not exceed a height of 2.1m.</li><li>f) Where water feature is constructed on a residential lot and associated with a dwelling –<ul style="list-style-type: none"><li>i) Maximum height of 2.4m above natural ground level if located behind the primary street setback;</li><li>ii) Maximum height of 1.2m above natural ground level if located within the primary street setback; and</li><li>iii) Permitted with a nil boundary setback.</li></ul></li><li>g) In all zones other than residential, water features shall be set back in accordance with Scheme requirements.</li></ul> <p><i>Note:</i> <i>A Building Permit may be required in accordance with the National Construction Code.</i></p>
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Vehicle Access Entry Statements	All zones	<ul style="list-style-type: none"><li>a) Entry statement adjoins the primary driveway; and</li><li>b) Is not located within a 1.5m visual truncation area at the driveway entry; and</li><li>c) Is less than 6m wider than the driveway and 2.6m in height from natural ground level.</li></ul>
Family Day Care	All zones	<ul style="list-style-type: none"><li>a) Development does not require advertising under the requirements of City of Gosnells LPP 2.5 – Home Businesses and Family Day Care.</li></ul>
Horse Shelters / Open Sided Animal Enclosures	Rural Rural Residential	<ul style="list-style-type: none"><li>a) Development is setback in accordance with Local Planning Scheme requirements; and</li><li>b) No greater than 20m<sup>2</sup> per shelter / enclosure; and</li><li>c) Height is not greater than 3.5m from natural ground level; and</li><li>d) Not enclosed on more than 3 sides.</li></ul>
Keeping of Livestock (Agriculture Extensive / Rural Pursuit / Hobby Farm)	Rural Rural Residential	The number of livestock must comply with Agriculture WA's "Stocking Rate Guidelines for Rural Small Holdings, Swan Coastal Plain and Darling Scarp".
Commercial Vehicle Parking	All zones other than Residential	Two vehicles in accordance with Local Planning Policy No. 2.1 – Commercial Vehicle Parking.
Site works and retaining walls	Residential zones	<ul style="list-style-type: none"><li>a) Where the extent of fill and/or height of the retaining wall(s) does not exceed 500mm above the natural ground level; or</li><li>b) Where extent of fill and/or height of the retaining wall(s) exceeds 500mm, but no more than 1 metre, above the natural ground level and the wall height is required in order to meet the City's engineering and drainage requirements; and</li><li>c) fencing shall be located on the retaining wall to prevent overlooking; and</li><li>d) Is located on a boundary other than the primary street boundary.</li></ul>



	Rural Rural Residential Special Use 2 – Kennel Area	<div>a) Retaining walls are setback in accordance with Local Planning Scheme requirements; and</div> <div>b) Up to a maximum height of 1.5m where required for a single / ancillary dwelling or incidental structure.</div>								
Trading or Events – The use of any land which is approved through a licence permit issued under a Local Law	All zones	<div>a) The activity does not involve alterations to the land or construction of permanent structure(s); and</div> <div>b) Each event is in existence for less than 72 hours; and</div> <div>c) Does not require a greater period than 5 days setup and breakdown of event infrastructure, or such other period as is specified in the approval by the City of Gosnells; and</div> <div>d) The cumulative total number of events at the property does not exceed more than 5 events in any 12 month period.</div>								
Temporary site offices and sheds	All zones	Where a Building Permit has been issued for construction of the overall development offices and sheds (including sea containers) used by builders directly associated with the building works occurring on site for the duration of completing the works.								
Water Tank	All zones	<div>a) Maximum height 3m above natural ground level in Rural zones; and</div> <div>b) Setback in accordance with Local Planning Scheme requirements for the applicable zone/designation.</div> <table><tr><td colspan="2">Permitted size by lot area:</td></tr><tr><td>Under 2,000m<sup>2</sup></td><td>6,000l tank no greater than 2.4m in height.</td></tr><tr><td>2,000m<sup>2</sup> - 4,000m<sup>2</sup></td><td>4m in diameter.</td></tr><tr><td>Over 4,000m<sup>2</sup></td><td>10m in diameter.</td></tr></table> <div>c) More than one water tank is permitted in the Rural, Rural Residential and Special Use 2 - Kennel Area zones where water tanks are clustered with the dwelling or outbuildings, and no clearing of vegetation is required.</div>	Permitted size by lot area:		Under 2,000m <sup>2</sup>	6,000l tank no greater than 2.4m in height.	2,000m <sup>2</sup> - 4,000m <sup>2</sup>	4m in diameter.	Over 4,000m <sup>2</sup>	10m in diameter.
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2,000m <sup>2</sup> - 4,000m <sup>2</sup>	4m in diameter.									
Over 4,000m <sup>2</sup>	10m in diameter.									



Windmills and Wind Turbines	Rural Rural Residential Special Use 2 – Kennel Area	Incidental to an approved or exempt use occurring on the land and: a) Compliant with the relevant setbacks/building envelope requirements for the applicable zone/designation. b) A maximum height of 12m. c) One Windmill or Wind Turbine is permitted per lot. d) Noise generation must not exceed noise limits prescribed in <i>Environmental (Noise) Protection Regulations 1997</i> .
Transportable buildings	General Rural (under Town Planning Scheme No. 6 only)	a) Compliant with the setback requirements of Town Planning Scheme No. 6. b) Limited to a maximum aggregate floor area of 200 square metres.
Container-mounted Tension Fabric Structure (dome structures)	General Rural (under Town Planning Scheme No. 6 only)	a) Compliant with the setback requirements of Town Planning Scheme No.6 and Local Planning Policy 2.2 – Outbuildings and Sea Containers. b) Compliant with the floor area and height requirements prescribed in Local Planning Policy 2.2 – Outbuildings and Sea Containers.
Sea Containers	General Rural (under Town Planning Scheme No. 6 only)	c) Compliant with clause 3.4 of Local Planning Policy 2.2 – Outbuildings and Sea Containers.

## GOVERNANCE REFERENCES

<b>Statutory Compliance</b>	<i>Planning and Development Act 2005</i> <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> City of Gosnells Local Planning Scheme No. 24
<b>Industry Compliance</b>	
<b>Organisational Compliance</b>	Nil
<b>Process Links</b>	Nil

## LOCAL PLANNING POLICY ADMINISTRATION

Directorate		Officer Title		Contact:	
Development Services		Manager Development Services		9397 3000	
<b>Risk Rating</b>	Med	<b>Review Cycle</b>	Triennial	<b>Next Due:</b>	2028
Version	Decision To Advertise	Decision to Adopt	Synopsis		
1.	OCM 74/08/04/2025		Advertised for public comment for a period of 21 days.		
2.		OCM 206/12/08/2025	Provides clarity in regard to the City's position in relation to development that is exempt from requiring development approval and specifies conditions that apply to such exemptions.		
		OCM 390/16/12/2025	Minor amendments.		