

GUIDANCE NOTES

These notes have been prepared to assist development proponents in determining whether a proposed **development** of land will require **development approval** under the Shire of Dundas land use planning framework.

The term **‘Development’** as defined in the *Planning and Development Act 2005* means:

“the **development** or **use** of any land, including —

- (a) demolition, erection, construction, alteration of or addition to any building or structure on the land;
- (b) the carrying out on the land of any excavation or other works; and
- (c) in the case of a place to which a protection order made under the *Heritage Act 2018* Part 4 Division 1 applies, any act or thing that —
 - (i) is likely to change the character of that place or the external appearance of any building; or
 - (ii) would constitute an irreversible alteration of the fabric of any building.”

Where a proposed development (ie. use, activity or work) upon land within the Dundas local government district falls within the aforementioned meaning of **development**—and unless it is classified as an **exempt development**—approval to implement or carry out the proposed development **must first be obtained from the approving authority before it can be commenced**.

In most cases, the approving authority is the Shire of Dundas. However, in certain circumstances approval might also need to be sought from the Western Australian Planning Commission (WAPC) and/or the State’s Regional Joint Development Assessment Panel (JDAP).

Reference should be made to the Shire’s *Guide to Applying for and obtaining Development Approval* for further information and assistance in this regard.

There are, however, types of development **exempt** from obtaining development approval (subject to conforming to any specified conditions). These are listed on the following pages.

Notably, these exemptions include the **erection** of, or **alterations** and **additions** to, a **single house** where:

- (a) the design and layout of the proposed single house can demonstrate **compliance** with applicable **‘deemed-to-comply’** provisions of the *Residential Design Codes of Western Australia* (the **‘R Codes’**); and
- (b) the single house will not be located in a **heritage-protected area** or **place**, nor upon land that is subject to a **heritage order** or **agreement**.

If in doubt as to whether a proposed single house development is exempt from obtaining development approval, or confirmation is required that it is, please contact the Shire either by email (shire@dundas.wa.gov.au) or by telephoning 9039 1205.

NB:

Notwithstanding that a development of land within the Dundas district might be exempt from obtaining development approval a check should also be made with other relevant authorities to establish whether any other types of approval might also be required to be obtained in order to carry out or commence the proposed development.

List of Exempt Development

(1) Demolition or removal of the following:

- (a) a single house
- (b) an ancillary dwelling
- (c) an outbuilding
- (d) an external fixture
- (e) a boundary wall or fence
- (f) a patio
- (g) a pergola
- (h) a verandah
- (i) a deck
- (j) a garage
- (k) a carport
- (l) a swimming pool
- (m) shade sails

Conditions:
The works will not be located in a heritage-protected place

(2) The demolition of a building that is not a single house, ancillary dwelling, multiple dwelling or grouped dwelling

Conditions:

- (a) *The building will not share a common wall with another building*
- (b) *The works will not be located in a heritage-protected place*

(3) The demolition or removal of a cubby-house

Conditions:
The works will not be located in a heritage-protected place

(4) The demolition or removal of a flagpole

Conditions:
The works are not located in a heritage-protected place of a kind referred to in clause 1A (1)(a) to (e)

(5) Internal building work that does not materially affect the external appearance of the building

Conditions:
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)*

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), 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*

(6) The erection of, or alterations or additions to, a single house on a lot

Conditions:

- (a) *The R-Codes apply to the works*
- (b) *The works will comply with the deemed-to-comply provisions of the R-Codes*
- (c) *The works will not be located in a heritage-protected place*

(7) The erection or installation of, or alteration or addition to, any of the following on the same lot as a single house or a grouped dwelling—

- (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

Conditions:

- (a) *The R-Codes apply to the works*
- (b) *The works will comply with the deemed-to-comply provisions of the R-Codes*
- (c) *The works will not be located in a heritage-protected place*

(8) The installation of, or alteration or addition to, any of the following on the same lot as a single house or a grouped dwelling—

- (a) a swimming pool
- (b) a shade sail

Conditions:
The works are not located in a heritage-protected place

(9) The temporary erection or installation of an advertisement

Conditions:

- (a) The advertisement will be erected or installed in connection with an election, referendum or other poll conducted under the Commonwealth Electoral Act 1918 (Commonwealth), the Referendum (Machinery Provisions) Act 1984 (Commonwealth), the Electoral Act 1907, the Local Government Act 1995 or the Referendums Act 1983;
- (b) The primary purpose of the advertisement is for political communication in relation to the election, referendum or poll
- (c) The advertisement will not be erected or installed until the writ or writs have been issued or, for an election, referendum or poll under the Local Government Act 1995, until the 36th day before the day on which the election, referendum or poll is to be held
- (d) The advertisement will be removed no later than 48 hours after the election, referendum or poll is conducted
- (e) The advertisement will not be erected or installed within 1.5 metres of any part of a crossover or street truncation

(c) The sign will not be used for advertising (other than the advertising of a business operated on the land)

(d) The works will not be located in a heritage-protected place

(12) The installation of a water tank

Conditions:

- (a) The water tank is not installed in the street setback area of a building
- (b) The volume of the water tank is no more than 5,000 L
- (c) The height of the water tank is no more than—
 - (i) for a tank to be fixed to a building — the height of the eaves of the building
 - or**
 - (ii) for a tank that will not be fixed to a building and is more than 1 m 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— 1.84 metres
- (d) The works will not be located in a heritage-protected place

(10) The erection or installation of a sign of a class specified in a local planning policy, or a local development plan that applies to the works as not requiring development approval

Conditions:

- (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
- (b) The sign is not erected or installed within 1.5 metres of any part of a crossover or street truncation
- (c) The works will not be located in a heritage-protected place

(13) The erection or installation of a cubbyhouse

Conditions:

- (a) The cubby-house is not erected or installed in the street setback area of a building
- (b) The floor of the cubby-house is no more than 1 metre above the natural ground level
- (c) The wall height of the cubby-house is no more than 2.4 metres above the natural ground level
- (d) The building height of the cubby-house is no more than 3 metres above the natural ground level
- (e) The area of the floor of the cubby-house is no more than 10 m²
- (f) The cubby-house is not erected or installed within 1 metre of more than one (1) boundary of the lot

(11) Works to change an existing sign that has been erected or installed on land

Conditions:

- (a) The erection or installation of the existing sign was the subject of development approval or is exempt from the requirement for development approval
- (b) The changes will 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

(14) The erection or installation of a flagpole

Conditions:

- (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 be used for advertising
- (d) There is no more than one (1) flagpole on the lot

- (e) *The works are not located in a heritage-protected place*
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- (15) The installation of a solar panels on the roof of a building
Conditions:
 (a) *The solar panels are parallel to the angle of the roof*
 (b) *The works are not located in a heritage-protected place*
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- (16) Maintenance and repair works
Conditions:
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 Heritage Regulations 2019, regulation 41(1)(b) to (i)*
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- (17) Temporary uses and works
Conditions:
The uses and works will be in existence for less than 48 hours, or for a longer period agreed to by the Shire of Dundas, in any 12-month period
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- (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
 (d) the protection of the environment
Conditions:
The works will not be located in a heritage-protected place of a kind referred to in clause 1A(1)(a), (b) or (d)
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- (19) Works specified in a local planning policy or local development plan that applies to the works as works that do not require development approval (other than works referred to in item 10)
Conditions:
The works will 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
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- (20) Works of a type identified elsewhere in this Scheme as works that do not require development approval
Conditions:
The works comply with any requirements specified in this Scheme in relation to the exemption from the requirement for development approval
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- (21) The carrying out of any works on, in, over or under a street or road by a public authority acting pursuant to the provisions of any Act
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- (22) Earthworks and retaining walls
Conditions:
The works will not result in the natural ground level being raised or lowered by more than 0.5 metres
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- (23) Clearing/removal of vegetation
Conditions:
The vegetation is:
 (a) *dead, diseased or dangerous*
 (b) *necessary for any firebreak required by law*
 (c) *for the purpose of access to an approved dwelling or outbuilding*
 (d) *within a defined building envelope and limited to that*
 (e) *necessary for the construction of a dwelling, outbuildings and an area of 20 metres width surrounding the dwelling for the purpose of bushfire protection*
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- (24) Effluent disposal system
Condition/s:
The system will be used for domestic purposes only, and will comply with applicable provisions of LPS 2 and relevant legislation
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- (25) Satellite dish and domestic telecommunication systems
Condition/s:
The satellite dish and/or systems will comply with relevant adopted standards outlined in a Local Planning Policy, and will not be located within a heritage-protected place

(26) Land subdivision works

Conditions:

The works are necessary to fulfil a condition of a preliminary subdivision approval granted by the WAPC

(27) A public work

Conditions:

The work is listed as a public work in the Public Works Act 1902

(28) Development that is listed in Table 1 of LPS 2 as a 'P' use in relation to the zone in which the proposed development is located

Condition/s:

- (a) *The development will have no works component*
- or**
- (b) *development approval is not required for the works component of the development*

(29) Commercial Uses

The following list of commercial uses (in **bold type**) are exempt from obtaining development approval, subject to the **specific and general conditions** listed hereunder:

Shop, Restaurant/Cafe

Specific Condition:

Net lettable area is no more than 300 m²

Convenience Store

Specific Condition:

The store is not used for the sale of petroleum products

Consulting Rooms

Specific Condition:

No more than 60% of the glass surface of any window on the ground floor of the consulting rooms is obscured glass

Office

Specific Condition:

The office is not proposed to be located on the ground floor of a building

Liquor Store—small

[No specific conditions]

Small Bar

Specific Condition:

The lot on which the small bar will be located does not directly adjoin a residential zone

General Conditions (applying to all of the preceding listed uses in 29):

- (a) *The proposed use will be located in a Commercial, Centre or Mixed-use zone*
- (b) *The proposed use has no works component*
- (c) *Development approval is not required for the works component of the development*
- (d) *The proposed development will not be located within a Special Control Area*

(30) A Home Office

(31) Home Occupation

(32) A drop-off refund point

Condition/s:

The premises are being used or will be used as a shop;

or

The premises are not located within a residential zone designated under LPS 2 and the use of the premises as a drop-off refund point will be incidental to the predominant use of the premises

(33) Specified Uses

Condition/s:

The uses are specified in a local planning policy or local development plan that applies to the development as a use that does not require development approval

(34) Use of a type identified elsewhere in this Scheme as use that does not require development approval

(35) The erection or installation of a sign or advertisement of a class listed in Schedule 2 of LPS 2

Condition/s:

The sign or advertisement is not erected or installed—

- (a) *in a heritage-protected area or place*
- (b) *upon land that is subject to a heritage order or agreement*
- (c) *upon land subject to the provisions of the Main Roads (Control of Advertisements) Regulations 1996*

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- (36) The erection or extension of a single house on a lot if a single house is a permitted ('P') development within the zone applying to the lot

Conditions:

- (a) *There is no R-Code assigned to the lot*
 - (b) *The development will comply with applicable standards as prescribed in LPS 2*
 - (c) *The lot is not located within a heritage-protected area or place*
 - (d) *The lot is not subject to a heritage order or agreement*
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- (37) 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 the single house is a permitted ('P') development within the zone applying to the lot

Conditions:

- (a) *There is no R-Code assigned to the lot*
 - (b) *The development will comply with applicable standards as prescribed in LPS 2*
 - (c) *The lot is not located within a heritage-protected area or place*
 - (d) *The lot is not subject to a heritage order or agreement*
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- (38) The use of land in a local reserve, where such land is held by the local government or vested in a public authority:

- (i) for the purpose for which the land is reserved under the Scheme; or
 - (ii) in the case of land vested in a public authority for any purpose for which such land may be lawfully used by that authority.
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- (39) The carrying out of any works on, in, over or under a street or road by a public authority acting pursuant to the provisions of any Act
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- (40) Construction of a dwelling, outbuildings and ancillary buildings associated with an **agriculture - extensive use** where the development is a permitted ('P') use in the zone applying to the lot
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