



**City of Perth**  
**City Planning Scheme**  
**No. 2**

**Schedule 7**

# **Minor Development Exempt from Development Approval**



#### Permitted Development

Pursuant to Supplemental Provision 61(j) (i), the development listed below is exempt from the need to obtain development approval from the local government.

Clause 61 of the Deemed Provisions provides exemptions from the requirement to obtain development approval and prevail over the provisions of this Schedule.

This does not exempt development from the need to obtain all other necessary approvals relating to, but not limited to -

- Building Licence
- Sign Licence
- Alfresco Dining Licence
- Events Licence
- Hoarding Licence
- Extended Trading Permit
- Any By-Laws or Local Laws
- Strata Approval as per the Strata Titles Act 1985 (where appropriate)
- All State Government Approvals (where appropriate)

#### Prerequisites:-

The following matters are to be satisfied prior to the carrying out of any exempted development listed below.

- Owner's consent has been secured for the use of land, including the consent of the local government, if the land is owned or under the care, control and management of the local government.
- No variation of any development standard in the City Planning Scheme No. 2 (as amended) and where appropriate, any special control areas or local planning scheme is proposed.
- No variation of any 'Acceptable Development' provisions of the R-Codes (as amended) is proposed.
- Conditions of a current development approval for the site will not be contravened.
- The building or structure is not:-
  - (i) located or proposed to be in or on a place that has been entered in the Register of Heritage Places under the Heritage of Western Australia Act 1990;
  - (ii) the subject of an Order under Part 6 of the Heritage of Western Australia Act 1990;
  - (iii) listed, or is proposed to be located in or on a place listed within the local government's Heritage List; or
  - (iv) located within an existing or proposed heritage precinct, or Heritage Area designated on the local government's Heritage List;



- The proposed development or use is not located within the Region Planning Scheme clause 32 Area - Parliament House Precinct Policy Area.
- The proposed development or use is not on a lot within or abutting the Swan River Management Area or abuts or is likely to affect waters which are in the Management Area.
- The proposed development or use is not on a reservation under the Region Planning Scheme.
- Universal access is integrated into any proposed reconfiguration of internal floor space of buildings that the public are entitled or allowed to enter or use (including the foyer/lobby for residential buildings).
- The land is not known to be or found to be contaminated.
- Vehicular or pedestrian access to or from the site will not be obstructed by the proposed works.
- The development or use has the necessary clearances from relevant infrastructure and/or utility authorities.
- The development or use will not impact on public or private safety.
- The development or use will not result in the direct or indirect loss of amenity.
- A street tree or tree listed within the local government’s Heritage List will not be affected in any way or removed.
- All stormwater will be contained on site.
- Any proposed replacement of existing air conditioning units which do not meet the conditions applying to exempted development will require a separate application for development approval.
- Any proposed apparatus will be installed in accordance with the manufacturer's specifications.
- The proposed works will not adversely impact on fire safety and existing fire measures installed in the existing building.

**NOTE:**

1. *Subject to Amendment No. 35 gazetted on 24 February 2017.*

**Exempted Development:-**

<b>Development Type</b>	<b>Conditions Applying To The Exempted Development</b>
<b>Air Conditioning Units</b>	<ul style="list-style-type: none"><li>• Only applicable where all equipment and any discharge is wholly contained within the property's boundaries and does not encroach over the road reserve.</li><li>• Designed to meet the Environmental Protection (Noise) Regulations 1997.</li><li>• If located on the roof of a building, to be integrated into a screened rooftop so that the air conditioning unit is not visible from nearby buildings or the street (preferred option for commercial premises).</li></ul>



Development Type	Conditions Applying To The Exempted Development
	<p>Otherwise to be located towards the rear of the building and screened from the primary street.</p> <ul style="list-style-type: none"> <li>• Is not proposed to be located on a balcony.</li> <li>• Located so as not to adversely impact on active or habitable spaces of adjoining properties.</li> <li>• All servicing lines including electrical, plumbing and duct work to be concealed.</li> <li>• Does not discharge air or condensate onto the street.</li> <li>• Complies with the provisions of the Air Conditioning Units Local Law 2004.</li> </ul>
<p><b>End of trip facilities for commercial premises</b> (secure showers, bike racks, change rooms and lockers)</p>	<ul style="list-style-type: none"> <li>• Accommodated within an existing building.</li> <li>• No external alterations are proposed.</li> <li>• Does not encroach on the existing parking layout.</li> <li>• Facilities are provided in accordance with City Planning Scheme No. 2 Policy - Bicycle Parking and End of Journey Facilities.</li> </ul>
<p><b>Excavation/fill and retaining walls</b></p>	<ul style="list-style-type: none"> <li>• Excavation limited to a maximum of 500mm below natural ground level situated within setback areas.</li> <li>• Fill and/or retaining wall height to a maximum of 500mm in height above natural ground level within setback areas. Any proposed fill to be situated against an adequate retaining wall.</li> <li>• Note the creation of landscaped 'terraces' within the front setback area is not permitted without formal approval.</li> </ul>
<p><b>Façade Repair</b></p>	<ul style="list-style-type: none"> <li>• Non structural works only.</li> <li>• There is no change to the external appearance of the building, including building materials, finishes or glazing.</li> <li>• No new fittings or attachments to the façade of the building are permitted. However the replacement of like materials/fittings for like with regard to minor façade repairs is acceptable.</li> </ul>
<p><b>Flag Poles</b></p>	<ul style="list-style-type: none"> <li>• The structure is wholly contained within the property's boundaries and free standing with a minimum head clearance of 2.75 metres from the existing ground level.</li> <li>• A maximum of 6m in height and 200mm diameter.</li> <li>• Only one flag pole per premises.</li> <li>• Does not promote advertising or offensive material.</li> <li>• Is structurally stable with adequate footings where required.</li> </ul>
<p><b>Home Occupation</b></p>	<ul style="list-style-type: none"> <li>• The proposed use is identified in the appropriate Use Group Table as a Preferred Use 'P', with no restrictions applying.</li> <li>• Where a home occupation complies with the Scheme definition of a Home Occupation and the provisions of Policy 3.4 of the City Planning Scheme No. 2 (as amended).</li> </ul>
<p><b>Internal alterations</b></p>	<p>Building or other work for the maintenance, improvement or other alteration of any building where those works affect only its interior and does not: -</p> <ul style="list-style-type: none"> <li>• materially affect its external appearance;</li> </ul>



Development Type	Conditions Applying To The Exempted Development
	<ul style="list-style-type: none"> <li>• increase the existing plot ratio floor area of the building; and/or</li> <li>• change the approved use of the building.</li> </ul>
<p><b>Pergolas, patios, vergolas and shade sails.</b></p>	<ul style="list-style-type: none"> <li>• These structures are to be contained wholly within the property's boundaries.</li> <li>• Not visible from the primary street, or located within the front, side/rear setback areas.</li> <li>• A maximum of 2.8 metres in height from natural ground level.</li> <li>• Compliant with the setback and open space requirements of the 'Deemed to Comply' provisions of the R-Codes and the provisions of the City Planning Scheme No. 2 (as amended).</li> <li>• The proposed materials, finishes and design are complementary to the existing building.</li> <li>• Does not encroach on the existing parking layout.</li> </ul> <p><b>NOTE:</b></p> <p>1. Subject to Amendment No. 35 gazetted on 24 February 2017.</p>
<p><b>Pools (in-ground) and spas</b></p>	<ul style="list-style-type: none"> <li>• Not visible from the primary street, or located within the front setback area.</li> <li>• Located to avoid where possible adjoining active living areas or habitable rooms.</li> <li>• Pool pump to be enclosed, screened and designed to meet the Environmental Protection (Noise) Regulations 1997.</li> <li>• Installed with specified safety fencing as required under the Building Code of Australia Act 2004 (as amended).</li> <li>• Any discharge of water associated with the pool or spa to be contained on site.</li> <li>• The proposed pool/spa to be only for non commercial purposes.</li> </ul>
<p><b>Satellite dishes</b></p>	<p><u>General standards</u></p> <ul style="list-style-type: none"> <li>• The structure is to be contained wholly within the property's boundaries.</li> <li>• The structure is not to be located on the building frontage but located towards the rear of the building and screened from the primary street.</li> <li>• Not located within the front, side/rear setback areas.</li> <li>• Only one dish per dwelling or premises may be permitted.</li> <li>• Does not affect the structural integrity of the building.</li> <li>• In accordance with the installation of low impact facilities as defined under Part 3 of the Telecommunications (Low Impact Facilities) Determination Act 1997.</li> </ul> <p><u>Roof Mounted dishes</u></p> <ul style="list-style-type: none"> <li>• A maximum of 1.2 metres in diameter for dwellings.</li> <li>• A maximum of 2 metres in diameter for commercial premises and integrated into the design of the building.</li> <li>• Of non-reflective finish and in a colour compatible with the roof.</li> <li>• Dish installation not to be located on the ridge line, and the</li> </ul>



Development Type	Conditions Applying To The Exempted Development
	<p>overall height of the structure not to project above the ridge line of the building.</p> <p><b>Ground mounted dishes</b></p> <ul style="list-style-type: none"> <li>The diameter is not more than 1.5 metres and height is not more than 3 metres above the natural ground level.</li> </ul> <p><b>Wall mounted</b></p> <ul style="list-style-type: none"> <li>Non commercial - the diameter is no more than 1.2 metres.</li> <li>Commercial - the diameter is no more than 1.5 metres.</li> </ul>
<b>Signage</b>	<ul style="list-style-type: none"> <li>Exemptions in accordance with City Planning Scheme No. 2 Policy - Signs.</li> </ul> <p><b>NOTE:</b></p> <ol style="list-style-type: none"> <li>A sign licence is still required (refer to Signs Local Law 2005).</li> <li>Subject to Amendment No. 35 gazetted on 24 February 2017.</li> </ol>
<b>Solar panels</b> (photovoltaic cells) systems	<ul style="list-style-type: none"> <li>Panels to be mounted flush to the roof.</li> <li>The size and location of the panels should not have an adverse impact on adjoining properties.</li> </ul>
<b>TV Antennae</b>	<ul style="list-style-type: none"> <li>No more than 1 aerial/antennae per development/single dwelling.</li> <li>For grouped, multiple dwellings or special dwellings, one antennae should service all dwellings.</li> <li>Built inside the roof space - otherwise to be located towards the rear of the building away from the primary street.</li> <li>In accordance with the installation of low impact facilities as defined under Part 3 of the Telecommunications (Low Impact Facilities) Determination Act 1997.</li> </ul>
<b>Water Tanks</b>	<ul style="list-style-type: none"> <li>The structure is to be located towards the rear of the building and not be visible from the primary street.</li> <li>Not to be situated within the front, side/rear setback areas.</li> <li>A maximum height of 2.4 metres from the natural ground level.</li> <li>A capacity of not more than 4500 litres.</li> </ul>