



# Local Planning Policy 17 – Exemptions from Development Approval

AMRShire Local Planning Policy

November 2020

Local Planning Policies are guidelines used to assist the local government in making decisions under the Scheme. In considering an application for planning approval, the local government must have due regard to relevant Local Planning Policies.

## 1.0 Introduction

This Local Planning Policy is to be read in conjunction with the Explanatory Guidelines which are provided to support the Local Government's Local Planning Policies. This Local Planning Policy compliments Part 7 of the Deemed Provisions of Local Planning Scheme No. 1 in exempting specified development.

## 2.0 Objectives

This Local Planning Policy aims to achieve the following objectives:

- (a) To exempt specified development from the requirement for development approval.
- (b) To compliment Part 7 Deemed Provisions of the Scheme.
- (c) To streamline the development approval process.

## 3.0 Scope

This Local Planning Policy administers provisions to exempt specified development from the requirement for development approval throughout the Scheme area.

### 3.1 Limitations & Exclusions

This Local Planning Policy does not deal with exemptions for:

- (a) Development as provided under clause 61 of the Deemed Provisions of the Scheme; and
- (b) Outbuildings and fences which are administered under a separate Local Planning Policy; and
- (c) Signs which are administered under Schedule 5 of the Scheme; and
- (d) Development that requires a discretionary decision of the Shire.

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## 4.0 Policy Measures

Except as otherwise provided in the Scheme\*, or any relevant Local Planning Policy adopted under Part 2 of the Scheme, the following development does not require the development approval of the local government:

- (a) the erection of a single house, or the extension, addition (including ancillary dwellings) or alteration to a single house on a lot in the Rural Residential, Priority Agricultural and General Agricultural zone where:
  - i) in the case of a Rural Residential zoned land, the development is contained within an approved building envelope or where there is no approved envelope within an appropriately shaped envelope compliant with clause 4.22.2(e) of the Scheme and the setback requirements setout in Schedule 9; or
  - ii) in the Priority Agriculture and General Agriculture Zones the development is compliant with the setback requirements setout in Schedule 9; and
  - iii) the development is located in a Bushfire Prone Area, achieves a Bush Fire Attack Level of 29 or lower without vegetation removal being required unless exempt under clause 5.20.1 of the Scheme;
  - iv) the development is compliant with the height limitations as set out in clause 5.13 of the Scheme;
  - v) in the case of Rural Residential development, the development is compliant with any specific requirements setout in Schedule 7 of the Scheme;
  - vi) the development is compliant with the relevant requirements of Visual Management Areas where applicable;
  - vii) the development is not located in a place that has been entered in the Register of Places under the *Heritage of Western Australia Act 1990*;
  - viii) the development is not the subject of an order under Part 6 of the *Heritage of Western Australia Act 1990*;

- ix) the development is not included on the Heritage List under Part 3 of the Deemed Provisions;  
or
- x) the development does not require the exercise of discretion by the local government under the Scheme.

**\*Development approval is required in the Leeuwin Naturaliste Ridge Conservation and Leeuwin Naturaliste Ridge Landscape Amenity Zones, any Special Control Area identified at Part 6 of the Scheme or as required under specific Scheme provisions (including Colyer Drive Hamelin Bay).**

- (b) the demolition of any building or structure not otherwise listed at 61(1)(e) of the Deemed Provisions except where the building or structure is:
  - i) located in a place that has been entered in the Register of 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*; or
  - iii) included on the Heritage List under Part 3 of the Deemed Provisions.
- (c) minor additions to existing caravan park sites which do not increase the number or change the nature or use of available accommodation units.

#### **Temporary Seasonal Worker Accommodation Exemptions**

- (d) until 30 June 2021:
    - (i) the permanent occupation of any premises approved for short stay purposes for a period of longer than three (3) months in that period; or
    - (ii) the occupation of portion of a dwelling or a portion thereof for short stay accommodation provided the dwelling is also occupied by a permanent resident who is present overnight for the duration of the stay;
- provided that accommodation under (d)(i) or (d)(ii) is limited to seasonal workers in the tourism, hospitality or agricultural sectors and their dependents.

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