

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 contained in the City of Stirling's Local Planning Scheme No. 3, the 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.
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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.”

Policy Manual

- 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.”

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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