

Exemptions from Requiring Development Approval

Responsible Directorate	Place and Community	
Responsible Service Area	Community Planning	
Resolution	June 2026	C-13-6-2026
Procedure Ref	N/A	

1. Purpose

The purpose of this policy is to exempt certain works from requiring a development approval where the works will not have an adverse impact on the streetscape or adjoining properties.

2. Scope

- (1) 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).
- (2) These are additional to the exemptions from requiring development approval contained in the Shire’s Local Planning Scheme No. 4 (LPS4), the Planning and Development (Local Planning Schemes) Regulations 2015 (LPS Regulations), Local Development Plans (LDP) and other Shire Local Planning Policies (LPP).
- (3) This policy applies to all development on land within the Shire of Mundaring where Local Planning Scheme No. 4 applies. This policy does not exempt development from obtaining other approvals and compliance with relevant local laws, statutes and policies such as relevant building, health and environment approvals.

3. Objectives

- (1) To detail the development types which are exempt from development approval within the Shire of Mundaring, which are in addition to the exemptions contained in the LPS Regulations, LPS4, LDP’s and Shire LPP’s.
- (2) To detail the specific circumstances and requirements that must be met in order for specific types of development to qualify for an exemption from development approval.

4. Definitions

- (1) If a word or expression used in this local planning policy is listed in this clause, its meaning is as follows:

Vergola Means an open-framed structure with a roof cover made out of adjustable louvers.

- (2) A word or expression that is not defined in this local planning policy –
- (a) has the meaning it has in the *Planning and Development Act 2005* (the Act); or
 - (b) if it is not defined in (a) – has the same meaning as it has in the *Planning and Development (Local Planning Schemes) Regulations 2015*; or
 - (c) if it is not defined in (a) or (b) – has the same meaning as it has in the R-Codes; or
 - (d) if it is not defined in (a), (b) or (c) – has the same meaning as it has in the Shire of Mundaring Local Planning Scheme. No.4.

5. Policy

- (1) Work(s) at a place which is:
- (a) not affected by the *Heritage Act 2018*; and
 - (b) not listed on the Shire of Mundaring Heritage List; and
 - (c) not required to be referred by the Metropolitan Region Scheme Instrument of Delegation prior to determination,

do not require development approval if the work(s) meet all of the conditions specified in Table 1 of this policy.

Table 1: Exempt Works

Item	Works	Conditions
1	The erection of, or alterations or additions to, a single house on a lot where the R-Codes do not apply.	<p>(a) The proposed work(s) is not already exempt from requiring development approval under the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> and/or Local Planning Scheme No.4 and/or a different Shire Local Planning Policy; and</p> <p>(b) The proposed work(s) is not specified under the Shire's Local Planning Scheme No.4 as requiring development approval; and</p> <p>(c) The work(s) comply with all applicable local development plan, precinct plan, activity centre plan, and State and Local Planning Policy requirements; and</p> <p>(d) Under the Shire's Local Planning Scheme No.4, the work(s) complies with all applicable:</p> <ul style="list-style-type: none"> i. General development requirements (Part 5 of LPS4); and ii. Special Control Area requirements (Part 6 of LPS4); and iii. Conditions specified for Additional Uses, Restricted Uses and Special Use Zones (Schedules 2, 3 and 4 of LPS4); and <p>(e) The building is not used for, or in conjunction with, a non-conforming use; and</p> <p>(f) The site is not a heritage-protected place.</p>

Item	Works	Conditions
2	<p>The erection or installation of, or alterations or additions to, any of the following on the same lot as a single house or grouped dwelling:</p> <ul style="list-style-type: none"> (a) an ancillary dwelling; (b) an outbuilding; (c) an external fixture; (d) a boundary wall or fence; (e) a patio; (f) a pergola (including a shade sail); (g) a vergola; (h) a verandah; (i) a deck; (j) a garage; (k) a carport; (l) a water tank <p>where the R-Codes do not apply.</p>	<ul style="list-style-type: none"> (a) The proposed work(s) is not already exempt from requiring development approval under the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> and/or Local Planning Scheme No.4 and/or a different Shire Local Planning Policy; and (b) The proposed work(s) is not specified under the Shire's Local Planning Scheme No.4 as requiring development approval; and (c) The work(s) comply with all applicable local development plan, precinct plan, activity centre plan, and State and Local Planning Policy requirements; and (d) Under the Shire's Local Planning Scheme No.4, the work(s) complies with all applicable: <ul style="list-style-type: none"> i. General development requirements (Part 5 of LPS4); and ii. Special Control Area requirements (Part 6 of LPS4); and iii. Conditions specified for Additional Uses, Restricted Uses and Special Use Zones (Schedules 2, 3 and 4 of LPS4); and (e) The building is not used for, or in conjunction with, a non-conforming use; and (f) The site is not a heritage-protected place.

Item	Works	Conditions
3	The erection of, or alterations or additions to, retaining wall(s) where the R-Codes do not apply.	<p>(a) The retaining wall is no more than 500mm above or below the natural ground level at any point; and</p> <p>(b) The proposed work(s) is not already exempt from requiring development approval under the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> and/or Local Planning Scheme No.4 and/or a different Shire Local Planning Policy; and</p> <p>(c) The proposed work(s) is not specified under the Shire's Local Planning Scheme No.4 as requiring development approval; and</p> <p>(d) The work(s) comply with all applicable local development plan, precinct plan, activity centre plan, and State and Local Planning Policy requirements; and</p> <p>(e) Under the Shire's Local Planning Scheme No.4, the work(s) complies with all applicable:</p> <ul style="list-style-type: none"> i. General development requirements (Part 5 of LPS4); and ii. Special Control Area requirements (Part 6 of LPS4); and iii. Conditions specified for Additional Uses, Restricted Uses and Special Use Zones (Schedules 2, 3 and 4 of LPS4); and <p>(f) The building is not used for, or in conjunction with, a non-conforming use; and</p> <p>(g) The site is not a heritage-protected place.</p>
4	The erection of, or alterations or additions to, a non-residential building on a lot not used for residential purposes and where the R-Codes do not apply.	<p>(a) The proposed work(s) is not already exempt from requiring development approval under the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> and/or Local Planning Scheme No.4 and/or a different Shire Local Planning Policy; and</p> <p>(b) The proposed work(s) is not specified under the Shire's Local Planning Scheme No.4 as requiring development approval; and</p> <p>(c) The work(s) comply with all applicable local development plan, precinct plan, activity centre plan, and State and Local Planning Policy requirements; and</p> <p>(d) Under the Shire's Local Planning Scheme No.4, the work(s) complies with all applicable:</p> <ul style="list-style-type: none"> i. General development requirements (Part 5 of LPS4); and ii. Special Control Area requirements (Part 6 of LPS4); and iii. Conditions specified for Additional Uses, Restricted Uses and Special Use Zones (Schedules 2, 3 and 4 of LPS4); and <p>(e) The building is not used for, or in conjunction with, a non-conforming use; and</p> <p>(f) The site is not a heritage-protected place.</p>

Item	Works	Conditions
5	Any other works, on a lot where the R-Codes do not apply, of a minor nature as determined by the Shire in writing on a case-by-case basis.	<p>(a) Subject to written confirmation from the Shire that the works are exempt by this Policy; and</p> <p>(b) The proposed work(s) is not already exempt from requiring development approval under the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> and/or Local Planning Scheme No.4 and/or a different Shire Local Planning Policy; and</p> <p>(c) The proposed work(s) is not specified under the Shire's Local Planning Scheme No.4 as requiring development approval; and</p> <p>(d) The work(s) comply with all applicable local development plan, precinct plan, activity centre plan, and State and Local Planning Policy requirements; and</p> <p>(e) Under the Shire's Local Planning Scheme No.4, the work(s) complies with all applicable:</p> <ul style="list-style-type: none"> i. General development requirements (Part 5 of LPS4); and ii. Special Control Area requirements (Part 6 of LPS4); and iii. Conditions specified for Additional Uses, Restricted Uses and Special Use Zones (Schedules 2, 3 and 4 of LPS4); and <p>(f) The building is not used for, or in conjunction with, a non-conforming use; and</p> <p>(g) The site is not a heritage-protected place.</p>

6. Related Legislation

- Planning and Development Act 2005
- Metropolitan Region Scheme
- Planning and Development (Local Planning Schemes) Regulations 2015
- Shire of Mundaring Local Planning Scheme No.4
- Residential Design Codes