Schedule 5 — Exempted Development

[cl. 8.2]

EXEMPTED DEVELOPMENT	APPLICABLE ZONE / RESERVE	CONDITIONS APPLYING TO THE EXEMPTED DEVELOPMENT

Ancillary Accommodation	Residential Development;
	Residential Redevelopment;
	Residential;
	All Special Use zones.
		Where the ancillary accommodation meets all of the following criteria:
		• Complies with the Acceptable Development Standards as outlined within Clause 4.1.1 of the *Residential Design Codes*, which includes:
		  ○ The sole occupant or occupants are members of the family of the occupiers of the main dwelling;
		  ○ The lot is not less than 450 square metres in area;
		  ○ The open space requirements of Table 1 (*Residential Design Codes*) are met;
		  ○ There is a maximum plot ratio area of 60 square metres; and
		  ○ One (1) additional car space is provided.
		• Does not require approval under Part 6 of the Scheme;
		• Is not located within a Heritage Area and is not on a lot that contains a place on the Heritage List; and
		• There is no more than one (1) dwelling of any description on the lot.

Demolition of Single Houses and Outbuildings	All zones	Where all of the following criteria are met: • Is not on a lot that contains a place on the Heritage List; • Is not located within a Heritage Area; • Does not affect a place that is the subject of an order under Part 6 of the *Heritage of Western Australia Act 1990*; • Does not affect a place that is the subject of a Heritage Agreement under the Scheme or Part 4 of the *Heritage of Western Australia Act 1990*; and • Does not affect a place that has been entered in the Register of Heritage Places under the *Heritage of Western Australia Act, 1990*.

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Driveways ***Deleted by Amend. 92 Gov. Gaz. 23.10.2015 (Urban Housing Strategy)***	All Local Reserves	No conditions.
Driveways ***Inserted by Amend. 92 Gov. Gaz. 23.10.2015 (Urban Housing Strategy)***	All zones (excluding Residential)	Where the driveway meets all of the following criteria: • Does not require excavation or filling along the alignment of the driveway of greater than 300mm vertically; • Does not incorporate a bridge greater than 5m in length; and • Is no wider than 6m.
	Residential	Where the driveway meets all of the following criteria: • Does not require excavation or filling along the alignment of the driveway of greater than 300mm vertically; • Does not incorporate a bridge greater than 5m in length; • Is no wider than 6m; and • Where the driveway/s associated with a single house, grouped or multiple dwelling development, or residential subdivision including survey strata subdivision, does not establish more than one (1) crossover onto an abutting dedicated road.

EXEMPTED DEVELOPMENT	APPLICABLE ZONE / RESERVE	CONDITIONS APPLYING TO THE EXEMPTED DEVELOPMENT
Single Dwelling/Addition to an existing Single or Grouped Dwelling where the Single or Grouped Dwelling will be the only development on the lot. **Residential Outbuilding or addition thereto, including Incidental Domestic Structures.** ***Inserted by Amend. 92 Gov. Gaz. 23.10.2015*** ***Amended by Amend. 147 - Gov. Gaz. 13.07.18***	Residential Development; Residential Redevelopment; Residential; Midland Strategic Regional Centre; City Centre - Residential; All Special Use Zones.	In all cases where the development is not located within a Heritage Area and is not on a lot that contains a place on the Heritage List except where the development: • Requires approval under Part 6 of the Scheme (except where the development is located within Special Use Area No.24 and is compliant with conditions 2 and 3 of this zone); or • Is on a lot within or abutting the Development Control Area under the *Swan and Canning Rivers Management Act 2006* or abuts or is likely to affect waters which are within the Development Control Area; or • Is a new single house that is within a drainage contribution area designated by the City of Swan. Or Where the development is located within a Heritage Area or on a lot that contains a place on the Heritage List and meets the following criteria: • Comprises an air conditioning unit or hot water system that is located on a part of a roof of a building that does not face any adjoining street or public land.
Single Dwelling /Addition to an existing Single or Grouped Dwelling where the Single or Grouped Dwelling will be the only development on the lot. **Residential Outbuilding or addition thereto, including Incidental Domestic Structures.**	General Rural; Special Rural; Swan Valley Rural; Rural Living; Rural Residential; Landscape; Resource.	Where the development meets all of the following criteria: • It is proposed to be located within an approved Building Envelope, or where no Building Envelope exists, is set back from the property boundaries in accordance with the standard setback for that zone. Where no setback is specified in this table it shall be exempt if it meets the required setbacks for a General Rural zone; • Does not require approval under Part 6 of the Scheme; • Is not located within a Heritage Area and is not located on a lot that contains a place on the Heritage List; and • Is on a lot within or abutting the Swan River Trust Management Area or abuts or is likely to affect waters which are in that Management Area.

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Family Day Care	Midland Strategic Regional Centre Residential; Residential Development; Residential Redevelopment; General Rural; Special Rural' Swan Valley Rural; Rural Living; Rural Residential; Landscape; Resource; Private Clubs and Institutions; All Special Use zones.	Where the development meets all of the following criteria: • Does not require approval under Part 6 of the scheme; • Is not located within a Heritage area and is not on a lot that contains a place on the Heritage List. Or: Where the development is located within a Heritage Area or on a lot that contains a place on the Heritage List and meets all of the following criteria: • Does not involve any change to the external appearance of the building; • Does not involve any construction; • Does not involve the care of more than four (4) children, exclusive of the occupants' children; and • Does not require approval under Part 6 of the Scheme.

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Fences	All zones **except**:
	General Rural;
	Special Rural;
	Swan Valley Rural;
	Rural Living;
	Rural Residential;
	Landscape;
	Resource.
		Where the fence is not located within a Heritage Area or on a lot that contains a place on the Heritage List and meets any of the following criteria:
		• Is a front fence and meets the acceptable development provisions of the Residential Design Codes, including:
		  ○ Front fences within the primary street setback area being visually permeable 1.2m above natural ground level; and
		  ○ Fences being truncated to no higher than 0.75m within 1.5m of where the fence adjoins a vehicle access point, where the driveway meets a public street and where two (2) streets intersect;
		• Is located on a common boundary, is located greater than 4.5m from a primary street boundary and is no greater than 2.4m in height;
		• Is located on a secondary street boundary and is not greater than 1.8m in height.
		Or:
		Where the fence is located in a Heritage Area or on a lot that contains a place on the Heritage List and is no more than 2m in height and meets at least one of the following criteria:
		• Is located on a rear property boundary, not adjoining a secondary street or any public land;
		• Is located on a side property boundary, not adjoining a secondary street or any public land, and extends no closer than 4.5m to the front property boundary.
		Or:
		Where the fence is located within a Heritage Area or on a lot that contains a place on the Heritage List and is located on a side property boundary, not adjoining a secondary street or any public land, and extends closer than 4.5m to the front property boundary and is no greater than 1m in height.

	General Rural; Special Rural; Swan Valley Rural; Rural Living; Rural Residential; Landscape; Resource zones	Where the fence meets all of the following criteria: • Is located within a 14m visual truncation on a corner lot and is no higher than 1.2m; • Is located within a 3m visual truncation to a vehicular accessway and is no higher than 1.2m; • Is no higher than 1.8m in all other cases; • Is constructed of post and wire or post and rail; • Is not located within a Heritage Area and is not on a lot that contains a place on the Heritage List.

EXEMPTED DEVELOPMENT	APPLICABLE ZONE / RESERVE	CONDITIONS APPLYING TO THE EXEMPTED DEVELOPMENT
Fences (Cont)	All Local Reserves	Where the fence meets all of the following criteria: • Is located greater than 6m from a street boundary; • Is no higher than 1.8m.
Home Occupation	Midland Strategic Regional Centre Residential Development; Residential Redevelopment; Residential; General Rural; Special Rural; Swan Valley Rural; Rural Living; Rural Residential; Landscape; Resource; Private Clubs and Institutions; All Special Use zones.	Where a home occupation complies with the Scheme definition of a Home Occupation,

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Home Office	Midland Strategic Regional Centre Residential Development; Residential Redevelopment; Residential; General Rural; Special Rural; Swan Valley Rural; Rural Residential; Landscape; Resource; Private Clubs and Institutions; All Special Use zones.	Where a home office complies with the definition of Home Office.
Internal building alterations	All zones	Where the internal alterations/rearrangement of the building will not increase the total floor area of the building.
Keeping of Livestock	General Rural	No conditions.
	Rural Residential; Rural Living; Resource; Landscape; Special Rural; Swan Valley Rural.	Where the number of livestock kept on the lot is equal to or less than the base (dry) stocking rate that applies to the land (as defined in the Agriculture Western Australia document titled “Stocking Rate Guidelines for Rural Smallholdings – Swan Coastal Plain and Darling Scarp”).
Maintenance and removal of non-native vegetation	All zones	Where the property on which the vegetation is situated is not on a lot that contains a place on the Heritage List.

EXEMPTED DEVELOPMENT	APPLICABLE ZONE / RESERVE	CONDITIONS APPLYING TO THE EXEMPTED DEVELOPMENT
Outdoor lighting and supporting poles	General Commercial; Highway Service; Private Clubs and Institutions; Industrial Development; General Industrial; Light Industrial; Midland Strategic Regional Centre	Where lighting meets all of the following criteria: • Is not set more than 5m above ground level; • Floodlighting is directed only into the land on which it is located.
	Residential; Residential Development; Residential Redevelopment; General Rural; Special Rural' Swan Valley Rural; Rural Living; Rural Residential; Landscape; Resource; Place of Public Assembly; All Special Use zones.	Where the lighting meets all of the following criteria: • Is not set more than 2.5m above ground level; • Is fixed to a building on the property; • Floodlighting is directed only into the land on which it is located.

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Parking of Commercial Vehicles ***Inserted by Amend 40 – Gov. Gaz. 09.12.2011 (Exemptions: Parking of Commercial Vehicle Parking)***	General Rural Swan Valley Rural Special Rural Rural Living Rural Residential Landscape Resource	Where: a. The subject lot has a total area of equal to or greater than 10,000m^2 (1.0 hectares); and b. The subject vehicle is rated a gross vehicle mass of less than or equal to 6.5 tonnes.
Radio and TV Installation – Private (excepting satellite dishes)	General Rural; Special Rural; Swan Valley Rural; Rural Living; Rural Residential; Landscape; Resource.	Where the development meets all of the following criteria: • Is not located within a Heritage Area and is not on a lot that contains a place on the Heritage List; • Consists of an aerial, antenna or mast not exceeding 12m in height above natural ground level; • Is located within an approved building envelope or where no building envelope exists is setback from the property boundaries in accordance with the standard setback specified for that zone. Where no setback is specified, it shall be exempt if it meets the required setbacks for the general rural zone. Or: Where the development is located within a Heritage Area or on a lot that contains a place on the Heritage List and meets the following criteria: • Comprises an antenna of no higher than 1.5m; • Is located on the roof of a building that does not face any adjoining street or public land.
	Midland Strategic Regional Centre Residential Development; Residential Redevelopment; Residential; Special Use zone.	Where the development meets all of the following criteria: • Is not located within a Heritage Area and is not on a lot that contains a place on the Heritage List; • Complies with the Acceptable Development provisions of the Residential Design codes (where applicable). Or: Where the development is located within a Heritage Area or on a lot that contains a place on the Heritage List and meets all of the following criteria: • Comprises an antenna of no higher than 1.5m; • Is located on the roof of a building that does not face any adjoining street or public land.

EXEMPTED DEVELOPMENT	APPLICABLE ZONE / RESERVE	CONDITIONS APPLYING TO THE EXEMPTED DEVELOPMENT
Repairs and routine maintenance to an existing building	All zones	No conditions
Retaining Wall	All zones **except**: General Rural; Special Rural; Swan Valley Rural; Rural Living; Rural Residential; Landscape; Resource zones	Where the retaining wall meets all of the following criteria: • Has a maximum height of 1m above adjoining lower level; • Is not located within a Flood Prone Area; • Is not located within a Heritage Area and is not on a lot that contains a place on the Heritage List; • Is located on a boundary other than the primary street boundary.
Rural shed or outbuilding or addition thereto including railway carriages and shade structures	General Rural; Swan Valley Rural	Where the building meets all of the following criteria: • The combined area of sheds (and other outbuildings) on the land would not exceed 300m^2; • The height does not exceed 5m; • External surfaces are clad with non-reflective materials; • The shed or other building is set back from the boundaries in accordance with the standard setback specified for that zone. Where no setback is specified in this table it shall be exempt if it meets the required setbacks for a General Rural zone; • Is not located within a Flood Prone Area; • Is not located in a Heritage Area and is not located on a lot that contains a place on the Heritage List.

EXEMPTED DEVELOPMENT	APPLICABLE ZONE / RESERVE	CONDITIONS APPLYING TO THE EXEMPTED DEVELOPMENT
Rural shed or outbuilding or addition thereto including railway carriages and shade structures **Cont.**	Special Rural; Rural Living; Rural Residential; Landscape; Resource	Where the building meets all of the following criteria: • The combined area of sheds (and other outbuildings), on the land would not exceed 200m^2; • The height does not exceed 5m; • External surfaces are clad with non-reflective materials; • The shed or other building is located within an approved Building Envelope, or where no Building envelope exists, is set back from the property boundaries in accordance with the standard setback for that zone. Where no setback is specified in this table it shall be exempt if it meets the required setbacks for a General Rural zone; • Is not located within a Flood Prone Area; • Is not located within a Heritage Area and is not on a lot that contains a place on the Heritage List.
Satellite Dish	All zones	Where the development is not located within a Heritage Area and is not on a lot that contains a place on the Heritage List and meets the following criteria: • A ground mounted dish has a maximum diameter of 3m and height not exceeding 3m and is located in the rear set-back of the property; or • A roof-mounted dish has a maximum diameter of 1.5m and is not positioned on any part of the roof facing a street; or • A wall mounted dish has a maximum diameter of 1.2m and is not positioned on any part of a wall facing a street. Or: Where the development is located within a Heritage Area or on a lot that contains a place on the Heritage List and meets any of the following criteria: • Has a diameter not exceeding 0.8m; • Is located on the roof of a building that does not face an adjoining street or public land.

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Shade Structure	General Commercial; Highway Service; Industrial Development; General Industrial; Light Industrial.	Where the structure meets all of the following criteria: • Complies with the standard setback specified for that zone for the development existing on the site, or where no setbacks are prescribed the structure shall not be closer than 9m to the front boundary, 3m to the side boundary and 6m to the rear boundary; • Is no greater than 5m in height; • Is incidental to an existing commercial or industrial building on the site; • Is not located within a Heritage Area and is not on a lot that contains a place on the Heritage List.
Solar Collectors incidental to buildings	All zones	Where the development meets all of the following criteria - • Is installed on the roof or other part of buildings; • A maximum projection no greater than 1.5m from the highest point of the building to which it is attached to; • Is incidental to an approved land use; • Satisfies the deemed-to-comply requirements of the R-Codes if they apply to the development; • Is not located in a place - o Entered in the Register of Heritage Places under the *Heritage Act 2018;* o The subject of an order under the *Heritage Act 2018;* o The subject of a Heritage Agreement entered into under the *Heritage Act 2018;* • Is not located within a Heritage Area designated by this Scheme and is not on a lot that contains a place on the Heritage List prepared in accordance with this Scheme. Or: Where the development is located within a Heritage Area designated by this Scheme or a lot that contains a place on the Heritage List prepared in accordance with this Scheme and meets all of the following criteria - • Is installed flush-mounted on the roof or other part of buildings that does not face any adjoining street or public land; • Satisfies the deemed-to-comply requirements of the R-Codes if they apply to the development;

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Solar Collectors incidental to buildings
Inserted by Amd 182
GG 04/03/22
		• Is not located in a place -
		  ○ Entered in the Register of Heritage Places under the *Heritage Act 2018;*
		  ○ The subject of an order under the *Heritage Act 2018;* and
		  ○ The subject of a Heritage Agreement entered into under the *Heritage Act 2018*.

Swimming Pool/Spa	Residential Development, Residential Redevelopment; Residential; Midland Strategic Regional Centre All Special Use zones.	Where the pool/spa meets all of the following criteria: • The area of the pool/spa is no greater than 100m^2; • The pool/spa is to be used only for domestic purposes; • Is not located within a Heritage Area and is not on a lot that contains a place on the Heritage List.
	General Rural; Special Rural; Swan Valley Rural; Rural Living; Rural Residential; Landscape; Resource	Where the pool / spa meets all of the following criteria: • The area of the pool/spa is no greater than 100m^2; • It is located within an approved Building Envelope, or where no Building Envelope exists, is set back from the property boundaries in accordance with the standard setback specified for that zone. Where no setback is specified in this table it shall be exempt if it meets the required setbacks for a General Rural zone; • The pool/spa is to be used only for domestic purposes; • Is not located within a Heritage Area and is not on a lot that contains a place on the Heritage List.
Temporary Building (including temporary plant and equipment)	All zones	Where the building meets all of the following criteria: • Is necessary for the construction of a current approved development that is being constructed on the same site as that temporary building; • Will not be located on the lot for more than six (6) months.

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Temporary Sale of Foods or Other Goods	All zones and all Local Reserves	Where the non-food merchandise is sold at a fete, show, swap-meet or the like held for no more than three (3) days on the same lot in any 12 month period. Where the sale of food meets one of the following criteria: • The food is sold by traders at weekend markets; • The temporary food premises is subject to an Itinerant Food Vendors Licence; Trader's Licence; or Stallholder's Licence under any Local Law adopted by Council from time to time.
Water Storage Tank	All rural zones	Where it is located within an approved Building Envelope, or where no Building Envelope exists, is set back no less than 15m from any lot boundary and is not located within a Heritage Area and is not on a lot that contains a place on the Heritage List.