



SHIRE OF WYALKATCHEM
LOCAL PLANNING SCHEME No. 4

The Shire of Wyalkatchem under and by virtue of the provisions and powers conferred upon it in that behalf by Local Planning Scheme No. 4, hereby adopts the following Policy prepared under the provisions of Division 2 of the Deemed Provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

LOCAL PLANNING POLICY No. 9
DEVELOPMENT APPROVAL EXEMPTIONS

DATE ADVERTISED: 3 August 2022

DATE FINALLY ADOPTED: 16 February 2023

1 INTRODUCTION

The Council is prepared to exempt certain classes of development from requiring a Development Approval (DA) that are not already exempted by the Deemed Provisions (of the *Planning and Development (Local Planning Schemes) Regulations 2015*).

Notwithstanding the current exemptions outlined in clause 61 of the Deemed Provisions, the Council supports additional exemptions in accordance with item 20 of the **Table** included in clause 61 (1), an extract of which is shown below.

Table

	Column 1 Works	Column 2 Conditions
20.	Works specified in a local planning policy or local development plan that applies to the works as works that do not require development approval (other than works referred to in item 10).	The works comply with any requirements specified in the local planning policy or local development plan in relation to the exemption from the requirement for development approval.

Exemptions will not apply where the development or works are affected by;

- heritage provisions as outlined in Part 3 of the Deemed Provisions, or
- bushfire provisions as outlined in Part 10A of the Deemed Provisions.

2 OBJECTIVES

The objectives of this policy are as follows;

- (a) To avoid unnecessary costs and delays in obtaining Development Approval.
- (b) To avoid inclusion of unnecessary standard items on the Council agenda.
- (c) To better streamline development implementation where certain conditions are satisfied.

3 POLICY

Development approval is not required for works, as defined in Part 1 of the Deemed Provisions, if -

- (a) the works are of a class specified in Column 1 of an item in **Table 2**; and
- (b) if conditions are set out in Column 2 of **Table 2** opposite that item - all of those conditions are satisfied in relation to the development or works.

A Development approval exemption does not relate to any other legislation that would otherwise apply to such development or works.

Table 2

Zone	Column 1 Works	Column 2 Conditions
Rural	Any development or works that are determined to be required as part of an approved operating agricultural business or activity.	<ul style="list-style-type: none"> (a) The development or works are not located with a setback area of 20 metres from a street boundary and 10 metres from any other boundary. (b) The development or works are not within a heritage area or have any heritage status. (c) The development or works are not new activities, or use classes, that have not received Council's prior approval. (d) The development or works are not within a Bushfire Prone mapping area as determined by Department of Fire and Emergency Services. (e) The development or works do not create excessive increase in road traffic. (f) The development or works do not require a new or reconfigured crossover to a public road. (g) The development or works include adequate provision for any altered drainage that may be created by the proposal.

3. APPLICATION OF THE POLICY

The Policy applies to development or works in the zones of the Scheme as listed in **Table 2**. Compliance with the Conditions in Column 2 is subject to the Chief Executive Officer's discretion.

4. IMPLEMENTATION

This Policy will be effective from the conclusion of the review of the advertising of the Policy in accordance with Scheme provisions.

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Chief Executive Officer

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Date