

SHIRE OF KENT LOCAL PLANNING SCHEME NO.3



SCHEDULE OF EXEMPTIONS FROM THE REQUIREMENT FOR DEVELOPMENT APPROVAL

Please note the various exemptions itemised below **do not apply** to development if:

- a) it is proposed to be undertaken in a **Special Control Area** and the special provisions that apply to that area require development approval; or
- b) it is proposed to be undertaken on land designated by an order made under section 18P of the *Fire and Emergency Services Act 1998* as a **bush fire prone area**, and development approval is required pursuant to clause 78D(3) in Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

	Proposed Works / Use	Terms / Conditions	Legislation Providing Exemption
1.	The demolition or removal of any of the following: (a) a single house; (b) an ancillary dwelling; (c) an outbuilding; (d) an external fixture; (e) a boundary wall or fence; (f) a patio; (g) a pergola; (h) a verandah; (i) a deck; (j) a garage; (k) a carport; (l) a swimming pool; (m) shade sails.	The works are not located in a heritage-protected place.	<i>Clause 61(1) - Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015.</i>

	Proposed Works / Use	Terms / Conditions	Legislation Providing Exemption
2.	The demolition of a building that is not a single house, ancillary dwelling, multiple dwelling or grouped dwelling.	(a) The building does not share a common wall with another building; and/or (b) The works are not located in a heritage-protected place.	<i>Clause 61(1) - Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015.</i>
3.	The demolition or removal of a cubbyhouse.	The works are not located in a heritage-protected place.	<i>Clause 61(1) - Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015.</i>
4.	The demolition or removal of a flagpole.	The works are not located in a heritage-protected place of a kind referred to in clause 1A(1)(a) to (e) of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> .	<i>Clause 61(1) - Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015.</i>
5.	Internal building work that does not materially affect the external appearance of the building.	Either: (a) neither the building nor any part of it is located in a heritage-protected place of a kind referred to in clause 1A(1)(a) to (e) of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> ; or (b) the building, or a part of it, is located in a heritage-protected place of a kind referred to in clause 1A(1)(a), (c), (d) or (e) of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> , but the interior of the building is specified as not being of cultural heritage significance in the relevant register, order, agreement or list referred to in that clause.	<i>Clause 61(1) - Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015.</i>
6.	The erection of, or alterations or additions to, a single house on a lot.	(a) The R-Codes apply to the works. (b) The works comply with the deemed-to-comply provisions of the R-Codes. (c) The works are not located in a heritage-protected place.	<i>Clause 61(1) - Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015.</i>

	Proposed Works / Use	Terms / Conditions	Legislation Providing Exemption
7.	The erection or installation of, or alterations or additions to, any of the following on the same lot as a single house or a grouped dwelling — (a) an ancillary dwelling; (b) an outbuilding; (c) an external fixture; (d) a boundary wall or fence; (e) a patio; (f) a pergola; (g) a verandah; (h) a deck; (i) a garage; (j) a carport.	(a) The R-Codes apply to the works. (b) The works comply with the deemed-to-comply provisions of the R-Codes. (c) The works are not located in a heritage-protected place.	<i>Clause 61(1) - Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015.</i>
8.	The installation of, or alterations or additions to, any of the following on the same lot as a single house or a grouped dwelling: (a) a swimming pool; (b) shade sails.	The works are not located in a heritage-protected place.	<i>Clause 61(1) - Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015.</i>
9.	The erection of a single house in the Rural, Rural Smallholdings and Rural Residential zones.	The works comply with the development provisions of Local Planning Scheme No.3 and any local planning policy.	<i>Shire of Kent Local Planning Scheme No.3</i>
10.	The construction of a second dwelling on a lot in the Rural Zone.	(a) The second dwelling is a 'permitted use'; and (b) The works comply with the development provisions of Local Planning Scheme No.3 and any local planning policy.	<i>Shire of Kent Local Planning Scheme No.3</i>
11.	The erection or extension of an outbuilding, external fixture, boundary wall or fence, patio, pergola, veranda, garage, carport or swimming pool on the same lot as a	(a) The works are not located in a heritage-protected place; and	<i>Shire of Kent Local Planning Scheme No.3</i>

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	single house in the Rural, Rural Smallholdings and Rural Residential zone.	(b) The works comply with the development provisions of Local Planning Scheme No.3 and any local planning policy.	
12.	The construction of outbuildings, water tanks, dams and soaks in the Rural and Rural Smallholdings zones where incidental to a permitted or approved agricultural use.	The works comply with the development provisions of Local Planning Scheme No.3 and any local planning policy.	<i>Shire of Kent Local Planning Scheme No.3</i>
13.	The keeping of animals in the Rural Residential zone.	The use is in accordance with the requirements of Schedule 1 of Local Planning Scheme No.3.	<i>Shire of Kent Local Planning Scheme No.3</i>
14.	Street trading and outdoor eating facilities on public places.	The use is undertaken in accordance with a local law.	<i>Shire of Kent Local Planning Scheme No.3</i>
15.	The erection or installation of any of the exempted advertisements listed in Schedule 4 of Local Planning Scheme No.3.	The works are not located in a heritage-protected place.	<i>Shire of Kent Local Planning Scheme No.3.</i>
16.	The temporary erection or installation of an advertisement.	<p>(a) The advertisement is erected or installed in connection with an election, referendum or other poll conducted under the <i>Commonwealth Electoral Act 1918</i> (Commonwealth), the <i>Referendum (Machinery Provisions) Act 1984</i> (Commonwealth), the <i>Electoral Act 1907</i>, the <i>Local Government Act 1995</i> or the <i>Referendums Act 1983</i>;</p> <p>(b) The primary purpose of the advertisement is for political communication in relation to the election, referendum or poll;</p> <p>(c) The advertisement is not erected or installed until the writ or writs have been issued or, for an election, referendum or poll under the <i>Local Government Act 1995</i>, until the 36th day before the day on which the election, referendum or poll is to be held;</p>	<i>Clause 61(1) - Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015.</i>

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		<p>(d) The advertisement is removed no later than 48 hours after the election, referendum or poll is conducted; and</p> <p>(e) The advertisement is not erected or installed within 1.5 metres of any part of a crossover or street truncation.</p>	
17.	The erection or installation of a sign of a class specified in a local planning policy or local development plan that applies to the works as not requiring development approval.	<p>(a) The sign complies with any requirements specified in the local planning policy or local development plan in relation to the exemption from the requirement for development approval;</p> <p>(b) The sign is not erected or installed within 1.5 metres of any part of a crossover or street truncation; and</p> <p>(c) The works are not located in a heritage-protected place.</p>	<i>Clause 61(1) - Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015.</i>
18.	Works to change an existing sign that has been erected or installed on land.	<p>(a) The erection or installation of the existing sign was the subject of development approval or was exempt from the requirement for development approval;</p> <p>(b) The changes do not alter the size or location of the existing sign or result in the sign containing any illumination, animation, movement or reflective, retro-reflective or fluorescent materials;</p> <p>(c) The sign is not used for advertising (other than the advertising of a business operated on the land); and</p> <p>(d) The works are not located in a heritage-protected place.</p>	<i>Clause 61(1) - Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015.</i>

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19.	The installation of a water tank.	<ul style="list-style-type: none"> (a) The water tank is not installed in the street setback area of a building; (b) The volume of the water tank is no more than 5,000 litres; (c) The height of the water tank is no more than: <ul style="list-style-type: none"> (i) for a tank fixed to a building — the height of the eaves of the building; or (ii) for a tank that is not fixed to a building and is more than 1 metre from each boundary of the lot — 2.4 metres; or (iii) for a tank that is not fixed to a building and is 1 metre or less from a boundary of the lot — 1.8 metres; and (d) The works are not located in a heritage protected place. 	<i>Clause 61(1) - Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015.</i>
20.	The erection or installation of a cubbyhouse.	<ul style="list-style-type: none"> (a) The cubbyhouse is not erected or installed in the street setback area of a building; (b) The floor of the cubbyhouse is no more than 1 metre above the natural ground level; (c) The wall height of the cubbyhouse is no more than 2.4 metres above the natural ground level; (d) The building height of the cubbyhouse is no more than 3 metres above the natural ground level; (e) The area of the floor of the cubbyhouse is no more than 10 m²; and (f) The cubbyhouse is not erected or installed within 1 metre of more than 1 boundary of the lot. 	<i>Clause 61(1) - Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015.</i>

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21.	The erection or installation of a flagpole.	(a) The height of the flagpole is no more than 6 metres above the natural ground level; (b) The flagpole is no more than 200 mm in diameter; (c) The flagpole is not used for advertising; (d) There is no more than 1 flagpole on the lot; and (e) The works are not located in a heritage-protected place.	<i>Clause 61(1) - Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015.</i>
22.	The installation of solar panels on the roof of a building.	(a) The solar panels are parallel to the angle of the roof; and (b) The works are not located in a heritage-protected place.	<i>Clause 61(1) - Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015.</i>
23.	Maintenance and repair works.	Either: (a) the works are not located in a heritage protected place; or (b) the maintenance and repair works are of a kind referred to in the <i>Heritage Regulations 2019</i> regulation 41(1)(b) to (i).	<i>Clause 61(1) - Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015.</i>
24.	Temporary works and/or use.	The works and/or use are in existence for less than 48 hours, or a longer period agreed by the local government, in any 12-month period.	<i>Clause 61(1) & (2) - Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015.</i>
25.	Works that are urgently necessary for any of the following: (a) public safety; (b) the safety or security of plant or equipment; (c) the maintenance of essential services; and/or (d) the protection of the environment.	The works are not located in a heritage-protected place of a kind referred to in clause 1A(1)(a), (b) or (d) of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> .	<i>Clause 61(1) - Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015.</i>
26.	Works and/or use specified in a local planning policy or local development plan that applies to the works and/or use as works and/or use that do not require development	The works and/or use comply with any requirements specified in the local planning policy or local	<i>Clause 61(1) & (2) - Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015.</i>

	Proposed Works / Use	Terms / Conditions	Legislation Providing Exemption
	approval (other than the works referred to in item 10 of this schedule.	development plan in relation to the exemption from the requirement for development approval.	
27.	Development that is a class P use in relation to the zone in which the development is located.	(a) The development has no works component; or (b) Development approval is not required for the works component of the development.	<i>Clause 61(2) - Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015</i>
28.	Development that is an exempt class D use in relation to the zone in which the development is located.	(a) The development has no works component; or (b) Development approval is not required for the works component of the development; or (c) The class D use is of the following type in the following zones as described in Local Planning Scheme No.3 and all conditions outlined below are satisfied in relation to that use: i) Shop in a Commercial zone, Centre zone or Mixed Use zone with a net lettable area no more than 300m ² ; ii) Restaurant/Café in a Commercial zone, Centre zone or Mixed Use zone with a net lettable area no more than 300m ² ; iii) Convenience Store in a Commercial zone, Centre zone or Mixed Use zone and the Store is not used for the sale of petroleum products; iv) Consulting Rooms in a Commercial zone, Centre zone or Mixed Use zone and no more than 60% of the glass surface of any window on the ground floor of the Consulting Rooms is obscured glass; v) Office in a Commercial zone, Centre zone or Mixed Use zone and the office is not located on the ground floor of a building; and	<i>Clause 61(2) - Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015</i>

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		vi) Home Occupation in all zones.	
29.	The use of premises as a home office.		<i>Clause 61(2) - Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015</i>
30.	The use of premises as a drop-off refund point.	<p>(a) The premises are otherwise used as a shop (as defined in the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> Schedule 1 clause 38); or</p> <p>(b) The premises are not in a Residential zone and the use of the premises as a drop-off refund point is an incidental use of the premises.</p>	<i>Clause 61(2) - Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015</i>