

6.1.25 – EXEMPTIONS

1. Citation

This is a Local Planning Policy prepared under Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*. This policy may be cited as Local Planning Policy (LPP) 6.1.25 – Exemptions.

2. Introduction

Purpose

To exempt certain development from requiring a development approval where that development meets specific conditions as outlined in Appendix A of this policy and where the development will not have an adverse impact on adjoining properties.

The Shire of Manjimup Local Planning Scheme No 4 was gazetted in 2010 and is in need of a comprehensive review, update and/or replacement. Clause 8.4 sets out permitted development, however there are various provisions within the Scheme that provide additional exemptions.

Part 7 of the *Planning and Development (Local Planning Schemes) Regulations 2015* sets out requirements for development approval. Clause 61 provides for a list of works and land uses where development approval is not required is listed in the applicable tables and conditions are met. This clause also provides at (1)(20) and 2(g) the legal basis for introducing exemptions from development approval in a local planning policy or local development plan.

In addition to contemporising the list of permitted development within the Shire of Manjimup, the purpose of this policy is to provide clarity on certain minor developments that could be conditionally permitted within Special Control Areas by outlining special provisions for each works and/or use. The set of conditions for Public Drinking Water Source Areas (PDWSA) has been informed by the Department of Water and Environmental Regulations Water Quality Protection Note 25 Land Use Compatibility tables for public drinking water source areas.

3. Objectives

The objectives of this Policy are to:

- a) Enable minor development to occur within Special Control Areas where not in conflict with the purpose of the control area.
- b) Enable development that is consistent with the objectives of the zone to proceed if specific conditions are demonstrated to be achieved.
- c) To promote the provision of Short Term Rental Accommodation in areas where there is sufficient services to support the tourists.
- d) To promote agricultural activities and agri-tourism.

4. Application of Policy

This policy applies to the Shire of Manjimup Local Planning Scheme Area and addresses both works and land use exemption from requiring development approval. This policy does not apply to the development of land without constructed or dedicated

road frontage or access.

It is recommended that landowners or developers consult with the Shire of Manjimup to establish if the proposed development meets the conditions in order to be considered exempt under this Policy.

Where a landowner or developer provides evidence that the proposed development complies, the Shire may upon request, issue a letter confirming the exemption.

Where it has been determined that a development application is required, the application shall be lodged with the Shire of Manjimup for assessment and determination.

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. Policy Provisions

Refer to Appendix A for the tables of exemptions.

Local Planning Policy Document Control				
Responsible Business Unit and/or Officer		Previous Policy Title (if applicable)		Next Review Date
Development Services		N/A		September 2027
Version	Decision to Adopt/Amend		Brief Details of Modifications	
1.	27 May 2025		N/A	
WAPC Approval Required (Yes/No)		Y	Date approved by WAPC (if applicable)	
Document Reference				

5. Appendices

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Table 1 Works SCA 1-7 (PDWSA)

Table 2 Use SCA 1-7 (PDWSA)

Table 3 SCA 8 (Airport)

Table 4 SCA 9 (Structure Plans)

Table 5 Outside of Special Control Areas

Table 6 Confirmation of Residential zone exemptions.

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TABLE 1.

Development for which development approval is not required SCA 1-7 (PDWSA)

	Development Type (Use/Works)	Zones/Local Reserves	Conditions
1.	Single House	General Agriculture P2 & P3	a) Compliant with Scheme setbacks. b) The works are not located in a heritage protected place. c) The R-codes apply and the works comply with the deemed-to-comply provisions of the R-Codes. d) Not located on a road controlled by Main Roads WA e) Not a relocated/second-hand dwelling f) Not located Road or Rail Trigger Distance
2.	Ancillary Dwelling	General Agriculture P3	a) Compliant with Scheme setbacks. b) The works are not located in a heritage protected place. c) The R-codes apply and the works comply with the deemed-to-comply provisions of the R-Codes.
3.	Residential Outbuilding (incidental to existing single house)	P2 & P3	a) 50m setback from State Forest, National Park, Conservation Reserve or other timbered Crown or local government controlled land. b) The works are not located in a heritage protected place. c) The R-codes apply and the works comply with the deemed-to-comply provisions of the R-Codes. d) Does not propose connection with waste water system.
4.	External Fixtures Boundary Wall/fencing Patio Verandah Deck Garage Carport Swimming pool	P2 & P3	a) Compliant with Scheme setbacks. b) The works are not located in a heritage protected place. c) The R-codes apply and the works comply with the deemed-to-comply provisions of the R-Codes.
5.	Flagpole	P2 & P3	a) The height of the flagpole is no more than 6m above the natural ground level. b) The flagpole is no more than 200mm in diameter.

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			c) The flagpole is not used for advertising*. d) There is no more than 3 flag pole on the lot. e) 50m setback from State Forest, National Park, Conservation Reserve or other timbered Crown or local government controlled land. *Flag poles within and beyond State Regional Road Reserves may still require approvals from Main Roads WA.
6.	Water tank	All zones	a) Where the R-Codes applies: - The water tank is not installed in the street setback. - The volume of the water tank is no more than 40,000L. - The height of the water tank is no more than - - For a tank that is fixed to a building – the height of the eaves of the building; or - For a tank that is not fixed to a building and is more than 1m from each boundary of each lot – 2.4m; or - For a tank that is not fixed to a building and is 1m or less from a boundary of the lot – 1.8m. b) The works are not located in a heritage protected place. c) 50m setback from State Forest, National Park, Conservation Reserve or other timbered Crown or local government controlled land.
7.	Cubby house	All Zones P2&P3	a) Where the R-Codes applies: - The cubbyhouse is not erected or installed in the street setback of a building. - The floor of the cubbyhouse is no more than 1m above natural ground level. - The wall height of the cubbyhouse is no more than 2.4m above natural ground level. - The building height of the cubbyhouse is no more than 3m above natural ground level. - The area of the floor is no more than 10sqm. - The cubbyhouse is not erected or installed within 1m of more than 1 boundary of the lot.
8.	Solar Panels	P2 & P3	a) The solar panels are parallel to the angle of the roof. b) The works are not located in a heritage protected place.

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9.	Pergola Shade sail Incidental structures such as: • Dog house or bird enclosure • Satellite dish • Outdoor lighting tower • Landscaping • Letter boxes • Clothesline	All	The works are not located in a heritage protected place
10.	Maintenance and repair works	All	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).
11.	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; d) The protection of 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 Regulations.
12.	Clearing	Priority Agriculture and General Agriculture	Nil.
13.	Agricultural Outbuilding	Rural Residential Rural Smallholding Priority Agriculture General Agriculture	a) Compliant with Scheme setbacks. b) 50m setback from State Forest, National Park, Conservation Reserve or other timbered Crown or local government controlled land. c) Does not propose connection with waste water system or Sewage disposal to be in accordance with the Government sewerage policy. d) Not supported within well head protection zones.

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TABLE 2			
Development for which development approval is not required SCA 1-7 (PDWSA)			
	Development Type (Use)	Zones/Local Reserves	Conditions
14.	Home Occupation	P2 & P3	a) The following conditions apply to the location and type of any new on-site sewage disposal systems associated with the Home Occupation: a. System must effectively manage risk to water quality. b. Secondary treatment systems are required. All systems selected shall be approved by the Department of Health and be installed and operated in accordance with AS/NZS 1547:2012 On-site domestic wastewater management and AS 1546.3:2017 On-site domestic wastewater treatment units, Secondary treatment systems. c. The system should be approved to be able to handle the capacity of wastewater generated by the number of residents and visitors, and variation in peak/low hydraulic loads. d. Systems should be located outside of WHPZs and RPZs. If WHPZs or RPZs have not been defined, a minimum buffer of 100 m from any drinking water production bore or surface water body should be achieved. e. A 2 m vertical clearance from the highest known groundwater level is required. f. A 100 m setback to all waterways is required (as per the Government sewerage policy). g. Areas with poor drainage and land subject to flooding or inundation at a probability of greater than one in 10 years should be avoided. h. It should be demonstrated by a land capability assessment that effective on-site soakage of treated sewage can be achieved in accordance with AS/NZS 1547: Onsite domestic wastewater management. i. The slope of the land on which sewage disposal is to occur should not exceed one in five. j. Regular system maintenance is required.

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15.	Agriculture Extensive	P2& P3	Nil.
	- Non irrigated pasture, non irrigation floriculture, or dry land cropping.		
	- Stock grazing	P2 & P3	Nil.
16.	Agriculture Intensive		
	- Aquaculture	P2&P3	a) Within an existing or exempt Dam b) Vegetated buffers to water bodies are required. c) A nutrient and irrigation management plan is prepared.
	- Floriculture	P3	a) Pesticides are applied in accordance with best management practices, b) Fertilisers are applied in accordance with best management practices. c) Not supported within protection zones. d) Vegetated buffers to water bodies are required. e) A nutrient and irrigation management plan is prepared.
	- Market garden (vegetables or fruit in contact with the ground) - Turf farm	P3	a) Pesticides are applied in accordance with best management practices. b) Fertilisers are applied in accordance with best management practices. c) Not supported within protection zones (WHPZs and RPZs) unless special circumstances apply. d) Vegetated buffers to water bodies are required. e) A nutrient and irrigation management plan is prepared.
	- Hydroponic plant growing	P2	a) Pesticides are applied in accordance with best management practices b) Fertilisers are applied in accordance with best management practices. c) Vegetated buffers to water bodies are required. d) A nutrient and irrigation management plan is prepared. e) This land use is considered incompatible if irrigation with recycled water is to occur.
		P3	a) Pesticides are applied in accordance with best management practices b) Fertilisers are applied in accordance with best management practices. c) Vegetated buffers to water bodies are provided. d) A nutrient and irrigation management plan is prepared.

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	- orchard – fruit growing - nursery – plant production only, excludes Garden centre - viticulture (vineyard) wine and table grapes - olive plantation - irrigated pasture - truffle farming	P2	a) Pesticides are applied in accordance with best management practices. b) Fertilisers are applied in accordance with best management practices. c) Not supported within protection zones (WHPZs and RPZs) unless special circumstances apply d) Vegetated buffers to water bodies are provided. e) A nutrient and irrigation management plan is prepared. f) This land use is considered incompatible if irrigation with recycled water is to occur.
		P3	a) Pesticides are applied in accordance with best management practices b) Fertilisers are applied in accordance with best management practices. c) Not supported within protection zones (WHPZs and RPZs) unless special circumstances apply. d) Vegetated buffers to water bodies are provided. e) A nutrient and irrigation management plan is prepared.
17.	Animal Establishment - Apiary	P2& P3	Nil
	Equestrian Centre	P3	Nil.

TABLE 3

Development for which development approval is not required SCA 8 (Airport)

	Development Type (Use/Works)	Zones/Local Reserves	Conditions
1.	Uses as per Cl.61(1) or permitted for the applicable zone.	All.	Nil.
2.	Works as per Cl.61(2)	All.	a) Construction works compliant with Scheme setbacks. b) Development height does not exceed 100m above NGL. c) 50m setback from State Forest, National Park, Conservation Reserve or other timbered Crown or local government controlled land. d) Does not require construction tools/methods that exceed 100m above NGL.

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TABLE 4			
Development for which development approval is not required SCA 9 (Structure Plans)			
	Development Type (Use/Works)	Structure Plan Area	Conditions
1.	Single House Outbuilding ≤ 100sqm External fixtures Boundary walls/fences Patio Verandah Deck Garage Carport Swimming pool Shade Sails	All.	a) The works are not located in a heritage protected place. b) The R-codes apply and the works comply with the deemed-to-comply provisions of the R-Codes.
2.	Water Tanks	9/1-8 and 9/11	a) Where the R-Codes applies: a. The water tank is not installed in the street setback. b. The volume of the water tank is no more than 40,000L. c. The height of the water tank is no more than - i. For a tank that is 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 1m from each boundary of each lot – 2.4m; or iii. For a tank that is not fixed to a building and is 1m or less from a boundary of the lot – 1.8m. b) The works are not located in a heritage protected place. c) 50m setback from State Forest, National Park, Conservation Reserve or other timbered Crown or local government controlled land.
3.	Solar Panels	All	a) As per c.61 b) 50m setback from State Forest, National Park, Conservation Reserve or other timbered Crown or local government controlled land.
4.	Cubby House	All	a) As per c.61

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			b) 50m setback from State Forest, National Park, Conservation Reserve or other timbered Crown or local government controlled land.
5.	Maintenance Works	All	a) As per c.61
6.	Internal Works	All	a) As per c.61
7.	Home Occupation	All	Nil.
8.	Temporary Works	All	a) As per c.61 b) 50m setback from State Forest, National Park, Conservation Reserve or other timbered Crown or local government controlled land.
9.	Urgent Works	All	a) As per c.61 b) 50m setback from State Forest, National Park, Conservation Reserve or other timbered Crown or local government controlled land.
10.	Water Tank ≤ 120L	9/9	50m setback from State Forest, National Park, Conservation Reserve or other timbered Crown or local government controlled land.

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TABLE 5

Development for which development approval is not required

	Development Type (Use/Works)	Zone/Reserves	Conditions
1.	Outbuilding ≤100sqm External fixtures Boundary walls/fences Patio Verandah Deck Carport Shade Sails	Clubs and Institutions Tourist Enterprise	a) The works are not located in a heritage protected place. b) Setbacks align with the surrounding land uses.
2.	Incidental Structures	All except Special Use Zone	a) As per c.61 b) There is no more than 3 flagpoles on the lot.
3.	Land Clearing	Residential Tourist Enterprise Rural Residential Rural Small Holdings	a) < 1 Hectare cleared
4.	Unhosted Short Term Rental Accommodation (Holiday House)	Residential* Manjimup Planning Precinct 1A and 1C	a) Landowner to notify the Shire and provide management details
5.	Wayside Stalls	Priority Agriculture General Agriculture	b) Vehicle egress/ingress capable in forward gear c) ≤10sqm
6.	Dams	Priority Agriculture General Agriculture	a) Wall height ≤ 2m; b) Toe of wall setbacks ≥ 5m; and height of dam wall is < 15m; or c) Tail water of the dam is permitted to traverse a property boundary where both properties are owned by the same landowner.

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7.	Retaining Walls	All zones (without R-Codes)	a) Compliant with zone setbacks b) Wall height ≤ 2m above NGL
8.	Agriculture Intensive Agriculture Extensive Rural Pursuits	Priority Agriculture General Agriculture	Property Boundary Setback ≥ 5m
9.	All Works and Uses	Public Purpose Parks and Recreation	Proposed works and use are in accordance with the purpose of the reserve.
10.	Minor extensions to Holiday Cottage	Windy Harbour Settlement	Less than 10sqm Compliant with Local Planning Policy 6.1.16 Windy Harbour Design Guidelines
11.	All Works and Uses listed in clause 61	As per Column 2 of subclause 3 in clause 61.	a) The works are not located in a heritage protected place with the exception that the place is protected only by virtue that it is included on the Heritage Council of WA's Heritage Assessment Program.

Confirmation that development would be exempt from Planning Approval.

TABLE 6

Development for which development approval is not required

	Development Type (Use/Works)	Zone/Reserves	Conditions
1.	Single House with Building Envelopes	Planning Precincts	b) The works are not located in a heritage protected place. c) The R-codes apply and the works comply with the deemed-to-comply provisions of the R-Codes.
2.	Single House less than 100sqm	Quinninup Planning Precinct	a) The R-codes apply and the works comply with the deemed-to-comply provisions of the R-Codes.
3.	Works and Use	Local Roads	License to occupy received from the Shire.

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An exemption specified in the tables above does not apply if the development is undertaken on land designated by an order made under the *Fire and Emergency Services Act 1998* section 18P as a bushfire prone area and development approval is **required** under clause 78D(3) for the development.

* As per c.61 means Schedule 2, clause 61 of the *Planning and Development (Local Planning Schemes) Regulations 2015*