



LPP/01 EXEMPTIONS FROM DEVELOPMENT APPROVAL

1. Purpose

The purpose of this policy is to outline specific developments that do not require development approval.

2. Objectives

The objectives of this policy are:

1. Reduce red tape by removing the need to apply to the Town of Port Hedland for development approval for particular developments that positively contribute to the local community and are not likely to cause issues of community concern.
2. Supplement the provisions of the Town of Port Hedland Local Planning Scheme No. 5 (Scheme) and the *Planning and Development (Local Planning Scheme) Regulations 2015* (Regulations) by providing guidance to applicants detailing when certain land uses and building works are exempt from the requirement to obtain development approval.

3. Application

This policy applies to the entire municipality of the Town of Port Hedland and must be read in conjunction with the Scheme and Regulations. If this policy is inconsistent with the Scheme and Regulations, the Scheme and Regulations prevail to the extent of any inconsistency.

4. Policy Provisions

4.1 Land Uses

The land uses listed in Table 1 do not require development approval from the Town of Port Hedland where all conditions have been met.

Land Use	Conditions
Family Day Care	<ul style="list-style-type: none"> • Located in Residential Zone. • Does not display more than one (1) sign on the property with a maximum area of 0.2m² (100cm by 20cm). • Pick-up and drop-off areas shall be located wholly within lot boundaries. • The maximum number of children shall be restricted to seven (7) at any one time. • Operated by an occupier of the dwelling and does not employ any persons who do not reside at the property. • No food is to be prepared or handled on site without notification to the Town’s Environmental Health Department. • Does not operate outside the hours of 7:00am – 7:00pm Monday to Saturday, 8:30am – 4:30pm on Sundays, and does not operate on Public Holidays.



	<ul style="list-style-type: none"> Operates in a way that does not adversely affect the amenity of surrounding properties. Operates in a location that does not exceed 50m² of the dwelling floor area, and does not operate outside the dwelling (to protect neighbours from potential noise concerns). Not located west of McGregor Street and north of Wilson Street in Port Hedland. Complies with the <i>Education and Care Services National Law (WA) Act 2012</i> and <i>Education and Care Services National Regulations 2012</i>.
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Table 1: Land uses exempt from the requirement to obtain development approval

4.2 Building Works

This section has intentionally been left blank. Please refer to the Scheme and Regulations for building works that are exempt from the requirement to obtain development approval.

5. Definitions

For the purposes of this policy, the following definitions apply:

“Amenity” is defined by factors which combine to form the character of an area and include the present and likely future amenity.

“Family Day Care” means a child care service provided to up to seven (7) related or unrelated children in a private dwelling in a family or domestic environment.

Relevant legislation	<i>Planning and Development Act 2005</i> <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> Town of Port Hedland Local Planning Scheme No. 5
Delegated authority	
Business unit	Planning & Development
Directorate	Development, Sustainability & Lifestyle

<i>Governance to complete this section</i>			
Version Control	Version No.	Resolution No.	Adoption date
	VO1	CM201920/033	28 August 2019
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