



LPP/01 EXEMPTIONS FROM DEVELOPMENT APPROVAL

1.0 Citation

This is a Local Planning Policy prepared under Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* (Regulations). This Policy may be cited as *LPP/01 Exemptions from Development Approval* (LPP/01).

2.0. Purpose

This policy outlines specific developments that are exempt from requiring development approval and that are not already identified in the Regulations, Scheme, or other Local Planning Policies.

3.0. Objectives

The objectives of this policy are:

1. To streamline planning processes and remove barriers, particularly for developments that positively contribute to the local community and are not likely to cause issues of community concern.
2. Enable development and to support new and existing businesses.
3. Supplement the provisions of the Town of Port Hedland Local Planning Scheme No. 7 (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.
4. To ensure that proponents of exempt works and land uses understand that other approvals may be required under other Legislation.

4.0. 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.

Where works and land uses do not meet the specifications below then a development application will be required to be submitted to the Town, unless they do not require development approval under other Local Planning Policies, the Scheme or the Regulations.

Works and land uses that have previously received development approval are still bound by that development approval and the associated conditions of approval. An exemption under this Policy does not supersede a previous development approval or replace the need for previously approved works and land uses to comply with that approval.

5.0 Policy Provisions

5.1 Land Uses

The land uses listed in **Table 1** do not require development approval from the Town of Port Hedland where:

- a) The Scheme identifies that the land use in Column 1 is a 'D' use within the zone set out in Column 2;



- b) All conditions are set out in Column 3 of the Table opposite that item are satisfied in relation to the use; and
- c) The development has no works component or development approval is not required for the works component of the development.

Column 4 provides guidance for satisfying the condition, other relevant information or other approvals that may be required before the land use can commence. The proponent is required to do their own due diligence as to what approvals apply to their proposal. These are only the main approvals that may be required from the Town and the State Government, and there may be other approvals required. These approvals are also subject to change.

5.2 Building Works

The building works listed in **Table 2** do not require development approval from the Town of Port Hedland where:

- a) The works are of a class specified in Column 1 of an item in the table; and
- b) If conditions are set out in Column 2 of the Table opposite that item – all of those conditions are satisfied in relation to the works

Column 3 provides guidance for satisfying the condition, other relevant information or other approvals that may be required before the land use can commence. These are only the main approvals that may be required from the Town and the State Government, and there may be other approvals required. These approvals are also subject to change.

These provisions are to be read in conjunction with Schedule A of the Scheme and Clause 61 the deemed provisions (Schedule 2) contained in the *Planning and Development (Local Planning Schemes) Regulations 2015* which identify other building works where development approval is not required.



Table 1: Land uses exempt from the requirement to obtain development approval

Column 1 Land Use	Column 2 Zones	Column 3 Conditions	Column 4 Guidance
Family Day Care	Residential	a) Not located west of McGregor Street and north of Wilson Street in Port Hedland. b) Located in a single house or grouped dwelling (not a multiple dwelling or ancillary dwelling). c) Does not display more than one (1) sign on the property with a maximum area of 0.2m ² (10cm by 20cm). d) A minimum of two (2) pick-up and drop-off areas shall be located wholly within lot boundaries. e) Operated by an occupier of the dwelling. f) Does not operate outside the hours of 7:00am – 7:00pm Monday to Saturday and does not operate on Sunday and Public Holidays. g) Operates in a way that does not adversely affect the amenity of surrounding properties. h) Outdoor play areas are adequately fenced and managed to minimise noise impacts on surrounding properties. i) Operates in a way that waste is appropriately managed so that it does not impact on the general amenity of the area or create a public health risk	<ul style="list-style-type: none"> • A Building Permit from the Town's Building team may be required for any associated works (including internally). • An Occupancy Permit will be required from the Town's Building team to change the use or classification of the building. • No food is to be prepared or handled on site without notification to the Town's Environmental Health team. 'Lunch box' services are permitted. • Must comply with the <i>Education and Care Services National Law (WA) Act 2012</i> and <i>Education and Care Services National Regulations 2012</i>. • Must comply with the <i>Environmental Protection (Noise) Regulations 1997</i>
Amusement Parlour	Centre mixed use zone or	a) The lot on which the amusement parlour is located does contain existing residential uses or does not directly adjoin a residential zone. b) The amusement parlour is located on the ground floor. c) Net lettable area of the premises is no more than 300 m ² . d) No more than 30% of the glass surface of any window on the ground floor of a building on the premises is obscured glass. e) Does not operate outside the hours of 7:00am – 7:00pm Monday to Saturday and does not operate on Sunday and Public Holidays. f) Operates in a way that does not adversely affect the amenity of surrounding properties.	<ul style="list-style-type: none"> • A Building Permit from the Town's Building team may be required for any associated works (including internally). • An Occupancy Permit may be required from the Town's Building team to change the use or classification of the building. • A Food Business registration will be required from the Town's Environmental Health team if food or drinks are sold or supplied at the premises. • If alcohol is to be sold or consumed, a liquor licence may be required from the Department of Liquor. They may



		g) Does not operate outside the premises.	<p>require a Section 39 certificate and Section 40 certificate to be obtained from the Town's Health and Planning teams.</p> <ul style="list-style-type: none"> • A Public Building certificate will be required from the Town's Environmental Health team if gatherings, events or activations are hosted at the premises. • An Application for Trading in Streets and Public Places will be required from the Town's Environmental Health team if goods will be displayed on public property or Town-owned or managed land/property. • A Trade Waste Permit may be required from the Water Corporation if the wastewater generated from a food business being disposed into the Water Corporation wastewater sewer system • Must comply with the <i>Environmental Protection (Noise) regulations 1997</i> • If a recreation centre includes a swimming pool, it must comply with the <i>Health (Aquatic Facilities) Regulations 2007</i> and the code of practice for the design, construction, operation and maintenance of aquatic facilities
Art Gallery	Centre mixed use zone or	a) The lot that the art gallery is located on does contain existing residential uses or does not directly adjoin a residential zone. b) The art gallery is located on the ground floor. c) Operates in a way that does not adversely affect the amenity of surrounding properties.	
Small Bar	Centre mixed use zone or	a) The lot on which the small bar is located does contain existing residential uses or does not directly adjoin a residential zone. b) The small bar is located on the ground floor. c) Operates in a way that does not adversely affect the amenity of surrounding properties.	
Reception Centre	Centre mixed use zone or	a) Net lettable area of the premises is no more than 300 m2. b) Operates in a way that does not adversely affect the amenity of surrounding properties. c) Does not operate outside the premises.	
Recreation - Private	Centre mixed use zone or	a) Net lettable area of the premises is no more than 300 m2. b) No more than 30% of the glass surface of any window on the ground floor of a building on the premises is obscured glass. c) Operates in a way that does not adversely affect the amenity of surrounding properties.	
Fast Food Outlet/ Lunch Bar	Centre, mixed use zone, light industry or general industry zone	a) Net lettable area of the premises is no more than 300 m2. b) No more than 30% of the glass surface of any window on the ground floor of a building on the premises is obscured glass. c) Operates in a way that does not adversely affect the amenity of surrounding properties. d) Where the business area is a mobile premises: <ol style="list-style-type: none"> Hours completely outside the opening hours of the existing premises to avoid conflict of parking Not located on a vehicle or pedestrian access way; Protection is provided for pedestrians 	<ul style="list-style-type: none"> • A Food Business registration will be required from the Town's Environmental Health team if food or drinks are sold or supplied at the premises • A food business must comply with the <i>Food Act 2008</i> and Food Standards Code • A Trade Waste Permit may be required from the Water Corporation if the wastewater generated from a food business being disposed into the Water Corporation wastewater sewer system • If alcohol is to be sold or consumed, a liquor licence may be required from the Department of Liquor. They may require a Section 39 certificate and Section 40



			<p>certificate to be obtained from the Town's Health and Planning teams.</p> <ul style="list-style-type: none">• An Application for Trading in Streets and Public Places will be required from the Town's Environmental Health team if goods will be displayed on public property or Town-owned or managed land/property.• Must comply with the <i>Environmental Protection (Noise) regulations 1997</i>
Home Business	Residential, centre, mixed use, rural, rural residential	<ul style="list-style-type: none">• Meets definition of Home Business as prescribed in the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i>• Does not operate outside the hours of 7:00am – 7:00pm Monday to Saturday and does not operate on Sunday and Public Holidays.• Operates in a way that does not adversely affect the amenity of surrounding properties.• Does not operate outside the premises or use any mechanical equipment• No additional parking to that required by the R-Codes is required to undertake the business• No more than 1 customer per hour, up to a maximum of 8 customers per day• Does not operate in connection with any form of sexual behaviour or activity.	<ul style="list-style-type: none">• Operation of a home business requires that any retail sale, display, or hire is done only by means of the Internet. By means of the internet requires the proponent to have an internet presence.• A Food Business registration will be required from the Town's Environmental Health team if food or drinks are sold as part of the business.• A skin penetration licence will be required from the Town's Environmental Health team if home business involves skin penetration (e.g., skin penetration and beauty services).• A Trade Waste Permit may be required from the Water Corporation if the wastewater generated from a food business being disposed into the Water Corporation wastewater sewer system• Must comply with the <i>Environmental Protection (Noise) Regulations 1997</i>



Table 2: Building works exempt from the requirement to obtain development approval

Column 1 Works	Column 2 Conditions	Column 3 Guidance
Outbuilding	<ul style="list-style-type: none">a) The works are located in the rural residential or rural zoneb) The lot contains an existing residential buildingc) The outbuilding set back a minimum 25m from the primary street boundary and a minimum of 10m from the side and rear boundaryd) Maximum 300m² total aggregate floor areae) The finished floor level is a minimum of 300mm above the 1% AEPf) The outbuilding is sited outside the visual protection corridorg) The outbuilding is used for domestic purposes only.h) The outbuilding complies with the requirements of the relevant local planning policy.	<ul style="list-style-type: none">• A Building Permit from the Town's Building team may be required for any works• The location of the visual protection corridor is articulated within the Town's Local Planning Strategy• An application to construct or install an apparatus for the treatment of sewage may be required from the Town's Environmental Health team if the outbuilding is not connected to mains sewerage



5. Definitions

For the purposes of this policy, the following definitions apply. Where they are not defined below, words and terms referred to in this Policy are as defined in the Scheme, the Planning and Development Act 2005, the Regulations or the Residential Design Codes (the R-Codes).

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

“Adverse affect” means that complaints are lodged to the Local Government by adjoining landowners or residents and they contain substantiated grounds or evidence of factors affecting enjoyment or use of the property or surrounding public areas but does not include reasons of economic competition.

“Net lettable area” or **“nla”** means the area of all floors within the internal finished surfaces of permanent walls but does not include the following areas

- a) stairs, toilets, cleaner’s cupboards, lift shafts and motor rooms, escalators, tea rooms and plant rooms, and other service areas;
- b) lobbies between lifts facing other lifts serving the same floor;
- c) areas set aside as public space or thoroughfares and not for the exclusive use of occupiers of the floor or building;
- d) areas set aside for the provision of facilities or services to the floor or building where those facilities are not for the exclusive use of occupiers of the floor or building;

“Mobile premises” means a business premises that is mounted on wheels or otherwise designed to be readily movable from place to place, such as food vans, trailers, or other similar vehicles used for commercial activities.

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. 7
Delegated authority	Director Regulatory Services Manager Planning and Economic Development Coordinator Urban Planning Senior Urban Planner
Business unit	Planning & Economic Development
Directorate	Regulatory Services

<i>Governance to complete this section</i>			
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