

Development Approval Exemptions Policy

Responsible Division	Community Services
Responsible Business Unit	Community Planning
Responsible Officer	Manager Community Planning
Affected Business Units	Regulatory Services
ECM Document Set ID	5123470

Purpose

This policy outlines the conditions and requirements for categories of development within the City of Bayswater to be exempt from requiring Development Approval. These exemptions are in addition to those specified in cl.61 of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015 – Development for which development approval is not required*, and is prepared pursuant to table item 20 of cl.61(1).

Scope

1. This Policy applies to all land within the City of Bayswater subject to *Town Planning Scheme No. 24* (TPS 24), including development in residential and non-residential zones, unless otherwise stated.
2. The scope of this policy is limited to providing additional pathways for exempted development. It does not apply to the assessment of development applications and does not replace, modify, or supplement any development standards.
3. This policy does not apply to:
 - (a) Land or buildings entered on the State Register of Heritage Places under the *Heritage Act 2018*; or
 - (b) Land or buildings the subject of an order under the *Heritage Act 2018* Part 4 or Part 11, Division 4; or
 - (c) Land or buildings included on the City of Bayswater Heritage List; or
 - (d) Land or buildings within an area designated under TPS 24 as a Heritage Area; or
 - (e) Land or buildings subject to a Heritage Agreement entered into under the *Heritage Act 2018*; or
 - (f) Development required to be referred by the Metropolitan Region Scheme Instrument of Delegation prior to determination; or
 - (g) Land subject to the bushfire requirements of the *Planning and Development (Local Planning Schemes) Regulations 2015*; or

- (h) Development which includes the removal of trees.
- 4. This policy does not exempt any requirement for approval to be sought under other legislation (e.g. the *Building Act 2011*).

Objectives

1. To streamline and support development within the City of Bayswater by exempting low impact categories of development.
2. To establish clear criteria and definitions of low impact development.
3. To provide flexibility for minor works that align with the existing and desired context envisioned in TPS 24, the Local Planning Strategy, and other relevant local planning frameworks.

Definitions

Terms have the meanings given in TPS 24, the Residential Design Codes or the *Planning and Development (Local Planning Schemes) Regulations 2015*.

Temporary development means a development that is in place for no more than 6 months cumulatively within a 12-month period. Examples of temporary developments include community markets, fairs, festivals, garage sales, pop-up shops and galleries and temporary buildings or structures, such as marquees or site offices.

Minor development means development that, in relative terms, will not have any material effect on the operation of a land use or on the appearance of the land or buildings on which it is installed or constructed. Examples of minor development include ancillary uses, small garden structures, solar collectors and water tanks.

Policy Statement

Temporary and Minor Development

Exempt where the development:

1. Is in place for no more than 6 months cumulatively within a 12-month period; or
2. Is the replacement of a previously approved structure/building of similar setbacks and height; and
3. Development has no significant effect on the operation of an existing land use or the appearance of the land or buildings; and
4. Any structures are located outside of any visual sightline areas (i.e. truncations), to maintain safe pedestrian and vehicular access.

Works Exempt from Requiring Development Approval

Refer to cl. 61(1) of the *Planning and Development (Local Planning Schemes) Regulations 2015* for works for which development approval is not required, in addition to the following.

1. Additions and Alterations to Existing Non-Residential Buildings

Exempt where the development:

- (a) Does not increase the overall building height;
- (b) There is no proposed change or new land use as part of the proposed development; and
- (c) Meets all requirements of TPS 24 and the applicable local planning framework.

2. Additions to Grouped Dwellings

Exempt where the development:

- (a) Complies with all relevant deemed-to-comply provisions of Part B or Part C of the R-Codes (as applicable), TPS 24 and the applicable local planning framework.

3. New Grouped Dwellings

Exempt where the development:

- (a) Proposes no greater than three dwellings on a single parent lot; and
- (b) Complies with all relevant deemed-to-comply provisions of Part B or Part C of the R-Codes (as applicable), TPS 24 and the relevant local planning framework.

4. Advertisements (Signage) on City owned/managed land

All signage is exempt from development approval where it is installed by the City of Bayswater, or with the City's written approval, on land under the City's care, control and management.

5. Advertisements (Signage) on private land

Exempt where:

- (a) The signage meets all requirements of the City of Bayswater *Signage Policy*.
- (b) The sign is not erected or installed within 1.5 m of any part of a crossover or street truncation.
- (c) The signage does not contain moving, flashing lights, noise, digital screens, or electronic variable messaging.
- (d) The signage is compatible with the amenity, safety, heritage values, and streetscape character of the locality, and does not adversely impact motorists, pedestrians, or cyclists.

6. Incidental Structures:

a. Solar Panels/Collectors

Exempt where the overall height (inclusive of the solar panels) does not exceed the permitted building height limits that apply to the site.

b. Water Tanks

Exempt where:

- i. The tank is not located between the primary street and building (unless entirely underground).
- ii. The tank does not exceed a height of 3m (as measured from natural ground level).

c. Sales Offices

Exempt where the sales office is in place for less than 6 months cumulatively within a 12-month period.

d. Pergolas / Shade Sails

Exempt in all scenarios.

Uses Exempt from Requiring Development Approval

Refer to cl. 61(2) of the *Planning and Development (Local Planning Schemes) Regulations 2015* for land uses for which development approval is not required.

Related Legislation

Planning and Development (Local Planning Schemes) Regulations 2015.

Town Planning Scheme No. 24.

Heritage Act 2018

Building Act 2011

City of Bayswater Signage Policy

Document details

Relevant delegations	TP-D01		
Risk evaluation	Low		
Strategic link	4.1. Diverse Economic Opportunities 5.3 Optimised Performance		
Council adoption	23 June 2026	Resolution	10.5.1.3.3
Next review due	23 June 2030		