

Planning Exemptions

Frequently Asked Questions

On 8 April 2020 the Minister for Planning issued a Notice of Exemption granting temporary exemption for a range of planning matters in response to the COVID-19 pandemic.

What types of things does the Notice of Exemption cover?

The Notice relates only to exemptions from planning-related approvals, subject to conditions. There may still be a need to obtain approvals under separate legislation for building, health and other requirements.

The types of planning applications the Notice relates to include:

- Medical or health-related facilities required in response to the COVID-19 pandemic;
- Truck and logistic companies needing to deliver goods but currently with restricted loading and unloading times;
- Businesses seeking to adapt by changing their current approved use;
- Restaurants and cafes required to sell takeaway in contravention of current planning conditions;
- People operating their businesses from residential zones;
- Parking commercial vehicles on residential properties;
- A blanket two-year extension for all current development approvals;
- Businesses needing to change signs; and
- Temporary workers accommodation.

What are the conditions of the exemptions?

Some conditions, including the need to notify the Local Government and potentially impacted neighbours, are placed on the exemptions. These are specific for each exemption detailed in the Notice of Exemption and may be required to be addressed when notifying the City of Joondalup.

How long is the Notice in place?

The Notice provides temporary exemptions from certain planning requirements.

The exemptions will expire 90 days after the date upon which the State of Emergency Declaration ceases to have effect, or is revoked.

At this stage, the Notice will remain in effect until midnight, 1 May 2023.

How do I notify the City?

People relying on an exemption in the Notice are required to notify the Local Government within seven days of commencing a use and/or undertaking the works.

To notify the City of commencing a use or undertaking works under the Notice, please email planningexemptions@joondalup.wa.gov.au

What information do I need to provide?

In your notification to the City, please provide the following information:

- Your name and contact details (including telephone number, postal address and email address);
- The address of the property where the exemption will apply;
- A description of the use/works that are being undertaken;
- The relevant clause of the Notice that you are using; and
- Where applicable, identify how conditions of the Notice have been met.

Do I need to notify my neighbour?

Changes that result from the Notice may impact neighbours and local communities. For example, businesses can now operate within residential areas.

Business operators are encouraged to advise neighbours about any relevant changes to their residence and intention to operate a business, to avoid any misunderstanding or negative response.

Draft letters, which can be adapted to suit individual circumstance, have been prepared by the Department of Planning, Lands and Heritage (DPLH) and are located on their [State of Emergency – planning changes](#) webpage for use.

What happens at the end of the temporary exemption period?

The exemptions granted by the Notice remain in effect until 90 days after the end of the State of Emergency.

At the end of this timeframe, if a proponent (landowner, business operator, applicant) wishes to continue to operate the temporary use or keep the temporary works, a permanent approval will need to be sought through the normal planning application process.

Can I still apply for permanent approval?

A proponent (landowner, business operator, applicant) is not obligated to adhere to the Notice of Exemption in that if a proponent wants to apply for permanent approval, they are still entitled to do so through the normal planning application process.

What if I currently have a planning application lodged but it is now exempt?

If you have a planning application currently lodged and being assessed by the City but it is now exempt from requiring development approval under the Notice, you can choose whether you would like to withdraw the application and claim the temporary exemption or have the City continue its assessment and provide you with a determination.

What type of home-based business can I operate?

Any home-based business must still comply with the requirements of either a Home Occupation or Home Business as outlined in the *City's Local Planning Scheme No. 3*.

If the business meets the requirements below for either a Home Occupation or Home Business, then a formal planning approval is not required at this point, however you must inform the City within seven days of the business commencing operation.

Home Occupation requirements:

- Does not involve employing a person who is not a member of the occupier's household;
- Will not cause injury to or adversely affect the amenity of the neighbourhood;
- Does not occupy an area greater than 20m²;
- Does not involve the display on the premises of a sign with an area exceeding 0.2m²;
- Does not involve the retail sale, display or hire of any goods unless the sale, display or hire is done only by means of the Internet;
- Does not require a greater number of parking spaces than normally required for a single dwelling;
- Does not result in an increase in traffic volume in the neighbourhood;
- Does not involve the presence, use or calling of a vehicle of more than 4.5 tonnes tare weight;
- Does not include provisions for the fuelling, repair or maintenance of motor vehicles; and
- Does not involve the use of an essential service that is greater than the use normally required in the zone in which the dwelling is located.

Home Business requirements:

- Does not involve employing more than two people who are not members of the occupier's household;
- Will not cause injury to or adversely affect the amenity of the neighbourhood;
- Does not occupy an area greater than 50m²;

- Does not involve the retail sale, display or hire of any goods unless the sale, display or hire is done only by means of the internet;
- Does not result in traffic difficulties as a result of the inadequacy of parking or an increase in traffic volumes in the neighbourhood;
- Does not involve the presence, use or calling of a vehicle of more than 4.5 tonnes tare weight; and
- Does not involve the use of an essential service that is greater than the use normally required in the zone in which the dwelling is located.

How do I find out more?

If you have further questions regarding the requirements or conditions of the Notice, please contact Planning Services on **9400 4100** or email

planningexemptions@joondalup.wa.gov.au

The DPLH's dedicated [State of Emergency – planning changes](#) webpage will also be updated within additional information as it becomes available.