

Planning Approval Exemptions Guideline

Development (Works) Exemptions

Type of development is...	Zoning of the land is...	Exemptions are outlined in...	Acceptable development standards are in...
Single House	Residential	Planning & Development Regulations	Residential Design Codes
	Urban Development Rural Residential Rural Smallholdings Rural Village Rural	Local Planning Policy No. 5	Local Planning Policy No. 5 Local Planning Scheme
Grouped Dwelling – alteration, extension or addition (not initial development)	Residential Special Use	Local Planning Policy No. 5	Local Planning Policy No. 5 Local Planning Scheme (Special Use) Residential Design Codes (Residential)
Ancillary Dwelling	Residential	Planning & Development Regulations	Residential Design Codes
	Other zones	Nil – requires planning approval	Local Planning Policy No. 1
Outbuildings (sheds)	Residential R2 – R25	Planning & Development Regulations	Residential Design Codes Local Planning Policy No. 3
	Residential R30 and above	Planning & Development Regulations	Residential Design Codes
	Rural Residential Rural Smallholdings Rural Village Rural Special Use Tourism	Local Planning Policy No. 3	Local Planning Policy No. 3 Local Planning Scheme

Water tanks <5kL	All zones	Planning & Development Regulations	Planning & Development Regulations
Water tanks >5kL	Residential Rural Residential Rural Smallholding Rural Village Rural *and residential development in other zones	Town Planning Policy No. 21	Town Planning Policy No. 21
Incidental development to an existing Single House or Grouped Dwelling: <ul style="list-style-type: none"> external fixture to a house boundary wall or fence patio or pergola verandah deck garage carport 	Residential	Planning & Development Regulations	Residential Design Codes
Incidental development to an existing Single House or Grouped Dwelling: <ul style="list-style-type: none"> external fixture to a house roofed or unroofed decking carport gazebo, pergola or patio green house or shade house animal shelter, pen or aviary clothesline letterbox children's play or sporting equipment freestanding aerials, antennae and satellite dishes property entry statement 	Urban Development Rural Residential Rural Smallholdings Rural Village Rural Special Use	Local Planning Policy No. 5	Local Planning Policy No. 5 Local Planning Scheme

Swimming pools	All zones	Planning & Development Regulations	Nil
Shade sails			
Cubbyhouse	All zones	Planning & Development Regulations	Planning & Development Regulations
Flagpole			
Solar panels			
Landscaping, tree planting, retaining walls and site works	Urban Development Rural Residential Rural Smallholdings Rural Village Rural Special Use	Local Planning Policy No. 5	Local Planning Policy No. 5 Local Planning Scheme
Rural produce stalls			
Advertising signage		Planning & Development Regulations Local Planning Scheme	Planning & Development Regulations Schedule 1 in Local Planning Scheme No. 5 Town Planning Policy No. 22
Demolition	All zones	Planning & Development Regulations	Planning & Development Regulations
Internal works (only)			
Maintenance and repairs			
Temporary works (up to 48 hours)			
Emergency works (for public safety)			

Land Use Exemptions

Type of land use is...	Zoning of the land is...	Conditions
Permitted 'P' use in Table 3 – Zoning Table in Local Planning Scheme No. 5	All zones	No works component, or works are exempt
Home Office	All zones	Meets the definition in the Regulations: home office means a dwelling used by an occupier of the dwelling to carry out a home occupation if the carrying out of the occupation — (a) is solely within the dwelling; and (b) does not entail clients or customers travelling to and from the dwelling; and (c) does not involve the display of a sign on the premises; and (d) does not require any change to the external appearance of the dwelling
Shop	Commercial, centre or mixed use zone	Planning & Development Regulations
Restaurant/Café		
Convenience Store		
Consulting Rooms		
Recreation - Private	Commercial, centre or mixed use zone Light Industry zone	Planning & Development Regulations
Hosted Short-Term Rental Accommodation	All zones (within an existing approved dwelling)	Planning & Development Regulations
Temporary land use (up to 48 hours)	All zones	Planning & Development Regulations

When Exemptions Do Not Apply

Development is not exempt from approval under the Regulations if:

- Works are proposed in a heritage protected place (ie. Shire's Heritage List or Heritage Council's State Heritage Register)
- A habitable building is being constructed in a location that has been assessed as BAL-40 or BAL-FZ (before fuel reduction)
- The works do not meet all of the conditions in Column 2 of the exemptions table at Cl. 61

Development is not exempt from approval under Local Planning Policy No. 5 if any of the following applies, as determined by the Shire:

- The development location is included on the Shire's adopted Municipal Heritage Inventory, Heritage List and/or on the Heritage Council's State Heritage Register.
- Where located within a Bushfire Prone Area, any habitable development has a Bushfire Attack Level (BAL) rating of BAL-40 or BAL-FZ unless the works are exempt from compliance with *State Planning Policy 3.7 – Bushfire* (including the *Planning for Bushfire Guidelines*).
- The development includes clearing of remnant vegetation or is located within 30 metres of a natural waterway or wetland.
- The development does not meet any one of the acceptable development standards for that development or land use as outlined in this policy.
- The development does not meet a development standard established in the Scheme or another applicable local planning policy.

If works involve the clearing of vegetation, this clearing must be authorised by:

- Planning approval, where the clearing is directly related (ie. house site, asset protection zone, driveway only), OR
- A clearing permit from DWER, OR
- The clearing is exempt from the need for a DWER clearing permit