

Australian Capital Territory

Planning (Exempt Development) Regulation 2023

Subordinate law SL2023-21

made under the

Planning Act 2023, 523 (Regulation-making power)

EXPLANATORY STATEMENT

This explanatory statement relates to the *Planning (Exempt Development) Regulation 2023* (the regulation) as made by the Executive. It has been prepared to assist the reader of the regulation and to help inform any debate on it. It does not form part of the regulation and has not been endorsed by the Legislative Assembly.

This statement must be read in conjunction with the regulation. It is not, and is not meant to be, a comprehensive description of the regulation. What is said about a provision is not taken as an authoritative guide to the meaning of a provision, this being a task for the courts.

OVERVIEW OF THE REGULATION

Exempt development is an important concept for the effective operation of the planning system; it allows low-risk development to occur without development approval.

Given the regular use of exemptions by the development and building industries, the approach through the reform process was to prioritise certainty over change, so that changes only occur where necessary. There have been minor changes to drafting of some provisions to improve clarity.

A small number of new exemptions have been included that were not permitted under the previous Planning and Development Regulation 2008.

A new exemption has been added to allow some murals (street art) to be painted on to buildings without the need for development approval. This reflects a desire to support street art, which adds to the vibrancy and attractiveness of the city.

The new exemption contains important limitations to protect against offensive or unsightly murals, and potential driver distraction. These include that the mural:

- is not within a residential zone
- is undertaken with the consent of the lessee or land custodian
- does not contain material that discriminates against or vilifies any person or group, is offensive or sexually explicit

- does not contain advertising material
- is not illuminated or animated
- does not use reflective paint; and
- is not more than two storeys in height.

A new exemption has also been added for minor utility works. This allows minor works necessary for utilities to provide essential services to the community, such as fences around their facilities, lighting, modifications to existing infrastructure and excavation for exempt work. The new exemption contains important limitations to protect against impacts to nearby residents and the public, including, where relevant, height and plan area limits, a limit on distance to residential blocks, and compliance with other regulatory schemes.

Changes have also been made to exemption declarations. An exemption declaration is a type of minor approval that can be issued by the Authority that allows a single dwelling, which would be exempt otherwise than for one or more minor encroachments, to continue to be dealt with as exempt development.

Single dwellings may be exempt from requiring development approval under the current planning system where they meet the requirements of the Single Dwelling Housing Development Control (and other required criteria). This is a very important category of exempt development as it allows compliant single dwellings to be built without development approval.

Under the current legislation, the Authority is given power to declare a dwelling to be exempt notwithstanding the minor departure from the rules of the Single Dwelling Code. In all cases, the departures from stated rules must be consistent with the applicable criteria under the Single Dwelling Code, and the Authority must be satisfied the departures are minor and will not cause an adverse effect to neighbours.

This minor approval process allows many developments to avoid the lengthy and expensive development application process in circumstances where the minor departure is unlikely to have an adverse impact on anyone but the owner of that house.

This Regulation aims to increase transparency where exemption declarations are issued. At present, neighbours are required to be given information about a proposed development where an exemption declaration is issued, and it appears that requirement is not complied with in all cases. The Authority's power to issue a declaration will be limited so that a declaration can only be made where the Authority is satisfied the requirement to provide information to neighbours has been met. The information requirement itself will be bolstered, requiring site plans, elevation plans and where an encroachment into the solar building envelope is proposed, shadow diagrams, to be provided to neighbours.

In addition, this Regulation provides that encroachments into the solar building envelope may only be the subject of an exemption declaration where the encroachment does not cause shadowing to any habitable room or principal private open space of another block. This will protect neighbours and make clear that exemption declarations that relate to encroachments into the solar building envelope are only available in very limited circumstances.

SCRUTINY OF BILLS COMMITTEE PRINCIPLES AND HUMAN RIGHTS

During the development of the regulation due regard was given to its compatibility with human rights as set out in the *Human Rights Act 2004* (the HR Act).

The regulation promotes section 12 (right to privacy and reputation) of the HR Act.

The right to privacy protects individuals from unlawful or arbitrary interference with privacy and home and encompasses the idea that individuals should have a separate area of autonomous space free from excessive government intervention and unsolicited intrusion by other individuals.

The *Planning Act 2023* promotes an outcomes-focused approach to planning. It provides that development applications will be considered against the planning outcomes set out in the ACT's various plans and strategies. It seeks to reduce government intervention in prescribing how development should be undertaken on their properties. Instead, it provides space for developers, and therefore home-owners, to meet planning outcomes in ways that they believe best meet the particular conditions and circumstances in which development is to take place. The outcomes-focused approach does not mean that no restrictions exist in seeking to meet planning outcomes.

CLAUSE NOTES

Part 1 Preliminary

Clause 1 Name of regulation

This clause provides that the name of the regulation is the *Planning (Exempt Development) Regulation 2023*.

Clause 2 Commencement

This clause provides that the regulation commences on the commencement of the *Planning Act 2023*, section 523 (Regulation-making power).

Clause 3 Dictionary

This clause provides that the dictionary at the end of the regulation is part of the regulation. It contains terms used in the regulation and these terms apply to the entire regulation unless a provision provides otherwise.

Clause 4 Notes

This clause explains that a note contain in the regulation is not part of the regulation. It is intended to be explanatory in nature.

Clause 5 Terms defined in territory plan

This clause provides that a term defined in the Territory Plan has the same meaning as in this regulation.

Clause 6 Meaning of dwelling

This clause sets out the meaning of dwelling for the purposes of the regulation.

Part 2 Exempt development

Clause 7 Exempt development—Act, s 145 (1), def exempt development, par (a) (ii)

This clause defines types of developments that are exempt from requiring development approval. It also sets out the meaning of designated development and permitted construction tolerance.

Part 3 Exempt assessment matters

Clause 8 Approval of exemption assessment application—Act, s 151 (2) (b)

This clause sets out who must approve an application for a exemption assessment if the application is made by someone other than the lessee of the land to which the exemption assessment relates.

Clause 9 Information for exemption assessment application—Act, s 151 (2) (c)

This clause sets out what information must be included in an application for an exemption assessment.

Clause 10 Plans for exemption assessment application—Act, s 151 (2) (c)

This clause sets out what must be included in plans included with an application for an exemption assessment.

Clause 11 Documents for exemption assessment application—Act, s 151 (2) (c)

This clause sets out what documents must be included with an application for a exemption assessment.

Clause 12 Content of exemption assessment D notice—Act, s 152 (2) (b) (ii)

This clause sets out what documents must be included with an exemption assessment D notice.

Clause 13 Documents for exemption assessment D notice—Act, s 152 (2) (b) (ii)

This clause sets out what documents must be included with an exemption assessment D notice.

Part 4 Miscellaneous

Clause 14 Territory planning authority may declare development controls

This clause sets that the territory planning authority may declare a control which is a notifiable instrument for the development of single dwelling house in residential zones, the design, content and positioning of signs and fire safety requirements in relation to designated development for electric-powered vehicle charging points.

Schedule 1 Exemptions from requirement for development approval

Part 1.1 Preliminary

Clause 1.1 Definitions—sch 1

This clause defines the terms ‘affected residential premises’, ‘built-up urban area’, ‘clearing’, ‘designated development’, ‘existing school campus’, ‘native vegetation’, ‘native vegetation area’, ‘open space boundary’, ‘party wall’ and ‘public unleased land’.

Clause 1.2 Meaning of built-up urban area—sch 1

This clause defines the term ‘built-up urban area’ to provide a consistent meaning in this schedule.

Clause 1.3 Meaning of designated development—sch 1

This clause defines the term ‘designated development’ to provide a consistent meaning in this schedule.

Clause 1.4 Diagrams—sch 1

This clause defines the term ‘diagram’ to provide a consistent meaning in this regulation.

Clause 1.5 Inconsistency between territory plan provisions and this schedule

This clause provides that where there is an inconsistency between this schedule and the Territory Plan, this schedule prevails.

Clause 1.6 Exemption does not affect other territory laws

This clause provides that where a proposal is exempt from requiring development approval because of this schedule, this does not affect the operation of another territory law in relation to land use or the provision of services for the development.

Part 1.2 General exemption criteria

Clause 1.10 General exemption criteria

This clause sets out the general criteria a development must meet in order to be exempt from requiring development approval.

Clause 1.11 Criterion 1—easement and other access clearances

This clause sets out the criteria in relation to easement and other access clearances that a development must meet in order to be exempt from requiring development approval.

Clause 1.12 Criterion 2—plumbing and drainage clearances

This clause sets out the criteria in relation to plumbing and drainage clearances that a development must meet in order to be exempt from requiring development approval.

Clause 1.13 Criterion 3—heritage, tree, environment and conservation

This clause sets out the criteria in relation to heritage, tree, environment and conservation that a development must meet in order to be exempt from requiring development approval.

Clause 1.14 Criterion 4—compliance with lease and agreement collateral to lease

This clause sets out the criteria in relation to compliance with lease and agreement collateral to lease that a development must meet in order to be exempt from requiring development approval.

Clause 1.15 Criterion 5—no multiple occupancy dwellings

This clause sets out the criteria in relation to multiple occupancy dwellings that a development must meet in order to be exempt from requiring development approval.

Clause 1.16 Criterion 6—affected residential premises

This clause sets out the criteria in relation to affected residential premises that a development must meet in order to be exempt from requiring development approval.

Clause 1.17 Criterion 7—compliance with other applicable exemption

This clause sets out the criteria in relation to compliance with other applicable exemptions that a development must meet in order to be exempt from requiring development approval.

Part 1.3 Certain development proposals

Clause 1.18 Information about certain development proposals

This clause sets out the information that must be provided to residents of dwellings for certain development proposals on adjoining places with one or more dwellings.

The terms ‘adjoins’ and ‘resident’ are defined for this section.

Part 1.4 Development exempt from development approval

Division 1.4.1 Minor building works

Clause 1.20 Internal alterations of buildings

This clause sets out the criteria in relation to a designated development for the internal alteration of a building that a development must meet in order to be exempt from requiring development approval.

Clause 1.21 Installation, alteration and removal of low impact external doors and windows in buildings

This clause sets out the criteria in relation to the installation, alteration and removal of low impact external doors and windows in buildings that a development must meet in order to be exempt from requiring development approval.

Clause 1.22 Installation, alteration and removal of high impact external doors and windows in buildings

This clause sets out the criteria in relation to the installation, alteration and removal of high impact external doors and windows in buildings that a development must meet in order to be exempt from requiring development approval.

Clause 1.23 Exterior refinishing of buildings and other structures

This clause sets out the criteria in relation to the exterior refinishing of buildings and structures that a development must meet in order to be exempt from requiring development approval.

Clause 1.24 Street art on buildings and other structures

This clause sets out the criteria in relation to street art on buildings and other structures that a development must meet in order to be exempt from requiring development approval.

Clause 1.25 Maintenance of buildings and structures

This clause sets out the criteria in relation to the maintenance of buildings and structures that a development must meet in order to be exempt from requiring development approval.

Clause 1.26 Roof slope changes

This clause sets out the criteria in relation to roof slope changes on buildings that a development must meet in order to be exempt from requiring development approval.

Clause 1.27 Chimneys, flues and vents

This clause sets out the criteria in relation to chimneys, flues and vents on buildings that a development must meet in order to be exempt from requiring development approval.

Clause 1.28 Skylights

This clause sets out the criteria in relation to skylights that a development must meet in order to be exempt from requiring development approval.

Clause 1.29 External shades

This clause sets out the criteria in relation to external shades that a development must meet in order to be exempt from requiring development approval.

Clause 1.30 External cooling and water heating services

This clause sets out the criteria in relation to external cooling and water heating services that a development must meet in order to be exempt from requiring development approval.

Clause 1.31 External photovoltaic panels

This clause sets out the criteria in relation to external photovoltaic panels that a development must meet in order to be exempt from requiring development approval.

The terms 'protruding panel' and 'restrict' are defined for this section.

Clause 1.32 External batteries

This clause sets out the criteria in relation to external batteries that a development must meet in order to be exempt from requiring development approval.

Clause 1.33 External switchboards

This clause sets out the criteria in relation to external switchboards that a development must meet in order to be exempt from requiring development approval.

Clause 1.34 External area lighting

This clause sets out the criteria in relation to external area lighting that a development must meet in order to be exempt from requiring development approval.

The term 'area lighting' is defined for this section.

Clause 1.35 Residential leases—driveway crossings of road verges

This clause sets out the criteria in relation to driveway crossings of road verges for residential leases that a development must meet in order to be exempt from requiring development approval.

The term 'road verge' is defined for this section.

Clause 1.36 Resealing existing driveways

This clause sets out the criteria in relation to resealing existing driveways that a development must meet in order to be exempt from requiring development approval.

Clause 1.37 Temporary buildings and other structures

This clause sets out the criteria in relation to temporary buildings and structures that a development must meet in order to be exempt from requiring development approval.

The term 'event' is defined for this section.

Division 1.4.2 Non-habitable buildings and other structures

Subdivision 1.4.2.1 Preliminary

Clause 1.40 Meaning of class 10a building—div 1.4.2

This clause defines the term 'class 10a building' to provide a consistent meaning in this division.

Clause 1.41 Class 10 buildings and other structures—2nd exempt building or other structure in boundary clearance area

This clause sets out the criteria in relation to class 10 buildings and other structure in a boundary clearance area of a block that a development must meet in order to be exempt from requiring development approval.

The terms 'boundary clearance area', 'class 10 building or structure', and 'relevant cross-section area' are defined for this section.

Subdivision 1.4.2.2 Class 10a buildings

Clause 1.42 Roofed class 10a buildings—enclosed or open on 1 side

This clause sets out the criteria in relation to an enclosed or open on one side roofed class 10a building that a development must meet in order to be exempt from requiring development approval.

The terms 'setback requirement' and 'size limitation' are defined for this section.

Clause 1.43 Roofed class 10a buildings—unenclosed or partly open

This clause sets out the criteria in relation to an unenclosed or partly open roofed class 10a buildings that a development must meet in order to be exempt from requiring development approval.

Clause 1.44 Class 10a buildings—unroofed and unenclosed

This clause sets out the criteria in relation to an unroofed and class 10a buildings that a development must meet in order to be exempt from requiring development approval.

Clause 1.45 Class 10a buildings—external decks

This clause sets out the criteria in relation to external decks that a development must meet in order to be exempt from requiring development approval.

The terms 'balustrade' and 'deck' are defined for this section.

Clause 1.46 Class 10a buildings—external verandahs

This clause sets out the criteria in relation to external verandahs that a development must meet in order to be exempt from requiring development approval.

The term ‘verandah’ is defined for this section.

Subdivision 1.4.2.3 Class 10b structures**Clause 1.47 Class 10b structures—plan area not more than 2m²**

This clause sets out the criteria in relation to a class 10b structures where the plan area is not more than 2m² that a development must meet in order to be exempt from requiring development approval.

Clause 1.48 Fences and freestanding walls generally

This clause sets out the criteria in relation to fences and freestanding walls that a development must meet in order to be exempt from requiring development approval.

The terms ‘excluded criteria’, ‘fence’ and ‘wall’ are defined for this section.

Clause 1.49 Basic open space boundary fences

This clause sets out the criteria in relation to basic open space boundary fences that a development must meet in order to be exempt from requiring development approval. An open space boundary is a boundary between leased and unleased land.

The terms ‘basic paling fence’ and ‘development requirement’ are defined for this section.

Clause 1.50 Retaining walls

This clause sets out the criteria in relation to retaining walls that a development must meet in order to be exempt from requiring development approval.

The terms ‘combination retaining wall’, ‘cut-in retaining wall’ and ‘fill retaining wall’ are defined for this section.

Clause 1.51 Swimming pools

This clause sets out the criteria in relation to swimming pools that a development must meet in order to be exempt from requiring development approval.

The terms ‘associated structure’ and ‘swimming pool’ are defined for this section.

Clause 1.52 Dish antennas

This clause sets out the criteria in relation to dish antennas that a development must meet in order to be exempt from requiring development approval.

The term ‘dish antenna’ is defined for this section.

Clause 1.53 Mast antennas

This clause sets out the criteria in relation to mast antennas that a development must meet in order to be exempt from requiring development approval.

The terms ‘excluded criteria’ and ‘mast antenna’ are defined for this section.

Clause 1.54 Flag poles

This clause sets out the criteria in relation to flag poles that a development must meet in order to be exempt from requiring development approval.

The term 'flag pole' is defined for this section.

Subdivision 1.4.2.4 Other structures

Clause 1.55 Water tanks

This clause sets out the criteria in relation to water tanks that a development must meet in order to be exempt from requiring development approval.

Clause 1.56 External ponds

This clause sets out the criteria in relation to external ponds that a development must meet in order to be exempt from requiring development approval.

Clause 1.57 Animal enclosures

This clause sets out the criteria in relation to animal enclosures that a development must meet in order to be exempt from requiring development approval.

The term 'excluded criteria' is defined for this section.

Clause 1.58 Clothes lines

This clause sets out the criteria in relation to clothes lines that a development must meet in order to be exempt from requiring development approval.

The term 'excluded criteria' is defined for this section.

Clause 1.59 Shipping containers

This clause sets out the criteria in relation to shipping containers that a development must meet in order to be exempt from requiring development approval.

Division 1.4.3 Signs

Clause 1.60 Public works signs excluded—div 1.4.3

This clause provides that this division does not apply to putting up, attaching or displaying a sign that is for public works under section 1.90 of this schedule.

Clause 1.61 Signs attached etc to buildings, other structures and land

This clause sets out the criteria in relation to signs attached or similar to buildings, other structures and land that a development must meet in order to be exempt from requiring development approval.

Clause 1.62 Moveable signs on public unleased land

This clause sets out the criteria in relation to moveable signs on public unleased land that a development must meet in order to be exempt from requiring development approval.

The terms 'moveable sign' and 'public unleased land' are defined for this section.

Clause 1.63 Temporary signs

This clause sets out the criteria in relation to temporary signs that a development must meet in order to be exempt from requiring development approval.

Clause 1.64 Signs—information about future urban areas

This clause sets out the criteria in relation to signs that contain information about future urban areas that a development must meet in order to be exempt from requiring development approval.

Clause 1.65 Signs—required under Building Act 2004

This clause sets out the criteria in relation to signs that are required to be put up under the *Building Act 2004* that a development must meet in order to be exempt from requiring development approval.

Division 1.4.4 Community gardens

Clause 1.70 Application—div 1.4.4

This clause provides how this division applies to community gardens, including the provisions of this schedule that do not apply.

Clause 1.71 Definitions—div 1.4.4

This clause defines the terms ‘boundary’, ‘class 10a building’, ‘class 10b structure’ and ‘community garden’ for this division.

Clause 1.72 Community gardens—class 10a building

This clause sets out the criteria in relation to a class 10a building in a community garden that a development must meet in order to be exempt from requiring development approval.

Clause 1.73 Community gardens—class 10b structures

This clause sets out the criteria in relation to a class 10b building in a community garden that a development must meet in order to be exempt from requiring development approval.

Clause 1.74 Community gardens—boundary clearance area

This clause sets out the criteria in relation to a boundary clearance area in a community garden that a development must meet in order to be exempt from requiring development approval.

The terms ‘boundary clearance area’, ‘class 10 building or structure’ and ‘relevant cross-section area’ are defined for this section.

Clause 1.75 Community gardens—water tanks

This clause sets out the criteria in relation to water tanks in a community garden that a development must meet in order to be exempt from requiring development approval.

Clause 1.76 Community gardens—ponds

This clause sets out the criteria in relation to ponds in a community garden that a development must meet in order to be exempt from requiring development approval.

Clause 1.77 Community gardens—shade structures

This clause sets out the criteria in relation to shade structures in a community garden that a development must meet in order to be exempt from requiring development approval.

Division 1.4.5 Outdoor eating or drinking places

Clause 1.80 Application—div 1.4.5

This clause provides how this division applies to an outdoor eating or drinking place.

Clause 1.81 Meaning of outdoor eating or drinking place—div 1.4.5

This clause defines the terms ‘outdoor eating or drinking place’ for this division.

Clause 1.82 Outdoor eating or drinking places—removable objects

This clause sets out the criteria in relation to removable objects in an outdoor eating or drinking place that a development must meet in order to be exempt from requiring development approval.

The terms ‘limited mechanical assistance’ and ‘removable object’ are defined for this section.

Division 1.4.6 Rural leases

Clause 1.85 Rural lease development generally

This clause sets out the criteria in relation to rural lease developments that a development must meet in order to be exempt from requiring development approval.

Clause 1.86 Consolidation of rural leases

This clause provides that the consolidation of rural leases are exempt from requiring development approval. Restrictions on the consolidation of rural leases is contained under division 10.8.2 of the Planning (General) Regulation 2023.

Division 1.4.7 Territory development

Clause 1.90 Public works

This clause sets out the criteria in relation to public works that a development must meet in order to be exempt from requiring development approval.

The terms ‘ancillary sporting structure’, ‘bicycle parking facility’, ‘kiosk’, ‘landscaping’, ‘minor public work’, ‘minor public works code’, ‘playing field’, ‘public amenities’, ‘public works’, ‘reserve’ and ‘street and park furniture’ are defined for this section.

Clause 1.91 Public artworks

This clause sets out the criteria in relation to public artwork that a development must meet in order to be exempt from requiring development approval.

The terms ‘arterial road’ and ‘public artwork’ are defined for this section.

Clause 1.92 Plantation forestry

This clause sets out the criteria in relation to public artwork that a development must meet in order to be exempt from requiring development approval.

The terms ‘plantation forestry area’ and ‘plantation tree’ are defined for this section.

Clause 1.93 Waterway protection work

This clause sets out the criteria in relation to waterway protection work that a development must meet in order to be exempt from requiring development approval.

The term ‘waterway’ is defined for this section.

Clause 1.94 Emergencies affecting public health or safety or property

This clause sets out the criteria in relation to emergencies affecting public health or safety or property that a development must meet in order to be exempt from requiring development approval.

The term ‘emergency’ is defined for this section.

Clause 1.95 Temporary flood mitigation measures

This clause provides that temporary flood mitigation measures are exempt from requiring development approval.

Division 1.4.8 Schools

Subdivision 1.4.8.1 Preliminary

Clause 1.100 Application—div 1.4.8

This clause provides how this division applies to a development or other activity only if it is on an existing school campus.

Clause 1.101 Definitions—div 1.4.8

This clause defines the terms 'existing ground level' and 'playing field' for this division. A signpost definition of 'young child' and 'existing school' is provided.

Clause 1.102 Meaning of existing school—div 1.4.8

This clause defines the term 'existing school' for this division.

Clause 1.103 Disapplication of criterion 7—div 1.4.8

This clause provides that criterion 7, section 1.17 does not apply to a development under this division.

Clause 1.104 Additional exemption criterion—bushfire prone areas

This clause provides that where a school is in a bushfire prone areas, for certain types of development proposals, the development must have written agreement from the emergency services commissioner under the strategic bushfire management plan.

The terms 'bushfire prone area' and 'strategic bushfire management plan' are defined for this section.

Clause 1.105 Activities not development

This clause provides an activity mentioned in this division is not taken to be a development just because it is exempt under the division.

Subdivision 1.4.8.2 Exemptions—schools

Clause 1.106 Schools—new buildings or alterations to buildings

This clause sets out the criteria in relation to new buildings or alterations to buildings in a school that a development must meet in order to be exempt from requiring development approval.

Clause 1.107 Schools—entrances

This clause sets out the criteria in relation to entrances to a school that a development must meet in order to be exempt from requiring development approval.

The term 'school entrance' is defined for this section.

Clause 1.108 Schools— verandahs etc

This clause sets out the criteria in relation to verandahs at a school that a development must meet in order to be exempt from requiring development approval.

The term 'verandah' is defined for this section.

Clause 1.109 Schools—signs

This clause sets out the criteria in relation to signage at a school that a development must meet in order to be exempt from requiring development approval.

The term ‘school information’ is defined for this section.

Clause 1.110 Schools—artwork on buildings or other structures

This clause sets out the criteria in relation to artwork on buildings or other structures that a development must meet in order to be exempt from requiring development approval.

Clause 1.111 Schools—playground and exercise equipment

This clause sets out the criteria in relation to playground and exercise equipment at a school that a development must meet in order to be exempt from requiring development approval.

The term ‘playground and exercise equipment’ is defined for this section.

Clause 1.112 Schools—fences

This clause sets out the criteria in relation to fences at a school that a development must meet in order to be exempt from requiring development approval.

The terms ‘fence’ and ‘playing field’ are defined for this section.

Clause 1.113 Schools—shade structures

This clause sets out the criteria in relation to shade structures at a school that a development must meet in order to be exempt from requiring development approval.

Clause 1.114 Schools—covered external walkways

This clause sets out the criteria in relation to covered external walkways at a school that a development must meet in order to be exempt from requiring development approval.

Clause 1.115 Schools—flag poles

This clause sets out the criteria in relation to flag poles at a school that a development must meet in order to be exempt from requiring development approval.

The term ‘flag pole’ is defined for this section.

Clause 1.116 Schools—water tanks

This clause sets out the criteria in relation to water tanks at a school that a development must meet in order to be exempt from requiring development approval.

Clause 1.117 Schools—landscape gardening

This clause sets out the criteria in relation to landscape gardening at a school that a development must meet in order to be exempt from requiring development approval.

The term ‘defined landscaping’ is defined for this section.

Clause 1.118 Schools—car parks

This clause sets out the criteria in relation to car parks at a school that a development must meet in order to be exempt from requiring development approval.

The term ‘playing field’ is defined for this section.

Clause 1.119 Schools—bicycle enclosures

This clause sets out the criteria in relation to bicycle enclosures at a school that a development must meet in order to be exempt from requiring development approval.

Clause 1.120 Schools—toilet and change room facilities

This clause sets out the criteria in relation to toilet and change room facilities at a school that a development must meet in order to be exempt from requiring development approval.

Clause 1.121 Schools—driveways

This clause sets out the criteria in relation to driveways at a school that a development must meet in order to be exempt from requiring development approval.

Clause 1.122 Schools—security cameras

This clause provides that installing security cameras are exempt from requiring development approval.

Clause 1.123 Schools—external lighting

This clause provides that installing external lighting, including security lighting and flood lighting (other than flood lighting for a playing field) is exempt from requiring development approval.

Clause 1.124 Schools— demountable and transportable buildings

This clause sets out the criteria in relation to demountable and transportable buildings at a school that a development must meet in order to be exempt from requiring development approval.

Clause 1.125 Schools—class 10b structures

This clause sets out the criteria in relation to building or installing a class 10b structures at a school that a development must meet in order to be exempt from requiring development approval.

Division 1.4.9 Other exemptions**Clause 1.130 Compliant single dwellings**

This clause sets out the criteria in relation to a compliant single dwelling that a development must meet in order to be exempt from requiring development approval.

The terms 'block', 'holding lease', 'single dwelling' and 'preliminary block' are defined for this section.

Clause 1.131 Single dwellings where declaration authorises minor non-compliance

This clause sets out the criteria in relation to a single dwelling where the declaration authorises minor non-compliance that a development must meet in order to be exempt from requiring development approval.

The terms 'adversely affect' and 'defined provisions' are defined for this section.

Clause 1.132 Single dwellings—demolition

This clause sets out the criteria in relation to the demolition of a single dwelling that a development must meet in order to be exempt from requiring development approval.

The term 'single dwelling' is defined for this section.

Clause 1.133 Buildings and other structures—demolition

This clause sets out the criteria in relation to the demolition of buildings and other structures that a development must meet in order to be exempt from requiring development approval.

The term 'building' is defined for this section.

Clause 1.134 Rebuilding damaged buildings and other structures

This clause sets out the criteria in relation to rebuilding damaged buildings and other structures that a development must meet in order to be exempt from requiring development approval.

The terms 'certifier', 'damage', 'defined provision', 'lessee', 'plan', 'previously approved' and 'residential zones' are defined for this section.

Clause 1.135 Affected residential premises—work essential for health, safety or reasonable living conditions

This clause sets out the criteria in relation to work essential for health, safety or reasonable living conditions for affected residential premises that a development must meet in order to be exempt from requiring development approval.

Clause 1.136 Home businesses conducted from residential leases

This clause sets out the criteria in relation to home businesses conducted from residential leases that a development must meet in order to be exempt from requiring development approval.

The term 'home business' is defined for this section.

Clause 1.137 Tree damaging etc activity

This clause sets out the criteria in relation to utility and telecommunications services that a development must meet in order to be exempt from requiring development approval.

The terms 'damage', 'declared site', 'prohibited groundwork' and 'protection zone' are defined for this section.

Clause 1.138 Landscape gardening

This clause sets out the criteria in relation to landscape gardening that a development must meet in order to be exempt from requiring development approval.

The term 'prescribed landscaping' is defined for this section.

Clause 1.139 Utility and telecommunications services

This clause sets out the criteria in relation to utility and telecommunications services that a development must meet in order to be exempt from requiring development approval.

The terms 'electricity network', 'Evoenergy', 'fence', 'gas network', 'network facility', 'premises', 'telecommunications service' and 'utility service' are defined for this section.

Clause 1.140 Electric-powered vehicle charging points

This clause sets out the criteria in relation to electric-powered vehicle charging points that a development must meet in order to be exempt from requiring development approval.

The terms 'electricity distribution obligations', 'electricity services', 'electric-powered vehicle charging point' and 'Evoenergy' are defined for this section.

Clause 1.141 Bores

This clause sets out the criteria in relation to bores that a development must meet in order to be exempt from requiring development approval.

The term 'bore' is defined for this section.

Clause 1.142 Works under Water Resources Act by non-territory entities

This clause sets out the criteria in relation to works under the *Water Resources Act 2017* by non-territory entities that a development must meet in order to be exempt from requiring development approval.

Clause 1.143 Temporary use of land for emergency services training etc

This clause sets out the criteria in relation to temporary use of land for emergency services training that a development must meet in order to be exempt from requiring development approval.

The terms ‘authorised entity’ and ‘notifiable activity’ are defined for this section.

Clause 1.144 Subdivisions—Unit Titles Act 2001

This clause sets out the criteria in relation to subdivision of land under the *Unit Titles Act 2001* that a development must meet in order to be exempt from requiring development approval.

Clause 1.145 Designated areas—development not involving lease variations

This clause provides the provisions of this schedule that do not apply to a development under this section.

The term ‘designated area’ is defined for this section.

Part 1.5 Permitted open space boundary fence colours

This part sets out the open space boundary fence colours that are permitted to be installed in order for a development to be exempt from requiring development approval.

Part 1.6 Tables of exempt signs

This part sets out the types of signs that are permitted to be installed in order for a development to be exempt from requiring development approval. Table 1.6.1 provides the types of signs in commercial and industrial zones that are exempt. Table 1.6.2 provides the types of signs in zones other than commercial and industrial zones that are exempt.

Schedule 2 Permitted construction tolerances

Part 2.1 Interpretation—sch 2

Clause 2.1 Definitions—sch 2

This clause sets out definitions for ‘approved development’ and ‘exempt development’.

Part 2.2 Permitted construction tolerances

Clause 2.2 Horizontal siting tolerances for buildings and other structures

This clause sets permitted construction tolerances for horizontal siting on a block of a building or other structure that does not comply with the applicable siting criteria.

The term ‘designated area’ and ‘on’ are defined for this section.

Clause 2.3 Height tolerances for buildings and other structures

This clause sets permitted construction tolerances for vertical siting on a block of a building

or other structure that does not comply with the applicable siting criteria.

The term 'applicable height criteria' and 'lease' are defined for this section.

Dictionary

The Dictionary sets out the definitions for this regulation.