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**

1. **Name of regulation**

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

1. **Commencement**

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

1. **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.

1. **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.

1. **Terms defined in territory plan**

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

1. **Meaning of dwelling**

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

**Part 2 Exempt development**

1. **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**

1. **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.

1. **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.

1. **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.

1. **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.

1. **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.

1. **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**

1. **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.

**Sc****hedule 1** **Exemptions from requirement for development approval**

**Part 1.1 Preliminary**

## **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’.

## **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.

## **Meaning of designated development—sch 1**

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

## **Diagrams—sch 1**

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

## **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.

## **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**

## **General exemption criteria**

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

## **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.

## **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.

## **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.

## **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.

## **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.

## **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.

## **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**

## **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**

## **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.

## **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.

## **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.

## **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.

## **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.

## **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.

## **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.

## **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.

## **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.

## **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.

## **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.

## **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.

## **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.

## **Eternal 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.

## **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.

## **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.

## **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.

## **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**

## **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.

## **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**

## **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.

## **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.

## **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.

## **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.

## **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**

## **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.

## **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.

## **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.

## **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.

## **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.

## **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.

## **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.

## **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**

## **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.

## **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.

## **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.

## **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.

## **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**

## **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.

## **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.

## **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.

## **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.

## **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.

## **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**

## **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.

## **Definitions—div 1.4.4**

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

## **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.

## **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.

## **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.

## **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.

## **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.

## **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**

## **Application—div 1.4.5**

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

## **Meaning of outdoor eating or drinking place—div 1.4.5**

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

## **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**

## **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.

## **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**

## **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.

## **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.

## **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.

## **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.

## **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.

## **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**

## **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.

## **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.

## **Meaning of existing school—div 1.4.8**

This clause defines the term ‘existing school’ for this division.

## **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.

## **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.

## **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**

## **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.

## **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.

## **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.

## **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.

## **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.

## **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.

## **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.

## **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.

## **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.

## **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.

## **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.

## **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.

## **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.

## **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.

## **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.

## **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.

## **Schools—security cameras**

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

## **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.

## **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.

## **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**

## **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.

## **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.

## **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.

## **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.

## **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.

## **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.

## **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.

## **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.

## **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.

## **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.

## **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.

## **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.

## **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.

## **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.

## **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.

## **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.