

Planning Regulations Amendment Regulations 2020
Planning and Development (Local Planning Schemes) **Part 2**
Regulations 2015 amended
Amendments commencing on 15 February 2021 **Division 2**
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61. Development for which development approval not required

- (1) Development approval is not required for works if —
- (a) the works are of a class specified in Column 1 of an item in the Table; and
 - (b) if conditions are set out in Column 2 of the Table opposite that item — all of those conditions are satisfied in relation to the works.

Table

	Column 1 Works	Column 2 Conditions
1.	The demolition or removal of any of the following — <ul style="list-style-type: none">(a) a single house;(b) an ancillary dwelling;(c) an outbuilding;(d) an external fixture;(e) a boundary wall or fence;(f) a patio;(g) a pergola;(h) a verandah;(i) a deck;(j) a garage;(k) a carport;	The works are not located in a heritage-protected place.

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	Column 1 Works	Column 2 Conditions
	(l) a swimming pool; (m) shade sails.	
2.	The demolition of a building that is not a single house, ancillary dwelling, multiple dwelling or grouped dwelling.	(a) The building does not share a common wall with another building. (b) The works are not located in a heritage-protected place.
3.	The demolition or removal of a cubbyhouse.	The works are not located in a heritage-protected place.
4.	The demolition or removal of a flagpole.	The works are not located in a heritage-protected place of a kind referred to in clause 1A(1)(a) to (e).
5.	Internal building work that does not materially affect the external appearance of the building.	Either — (a) neither the building nor any part of it is located in a heritage-protected place of a kind referred to in clause 1A(1)(a) to (e); or (b) the building, or a part of it, is located in a heritage-protected place of a kind referred to in clause 1A(1)(a), (c), (d) or (e), but the interior of the building is specified as not being of cultural heritage significance in the relevant register, order, agreement or list referred to in that clause.

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	Column 1 Works	Column 2 Conditions
6.	The erection of, or alterations or additions to, a single house on a lot.	(a) The R-Codes apply to the works. (b) The works comply with the deemed-to-comply provisions of the R-Codes. (c) The works are not located in a heritage-protected place.
7.	The erection or installation of, or alterations or additions to, any of the following on the same lot as a single house or a grouped dwelling — (a) an ancillary dwelling; (b) an outbuilding; (c) an external fixture; (d) a boundary wall or fence; (e) a patio; (f) a pergola; (g) a verandah; (h) a deck; (i) a garage; (j) a carport.	(a) The R-Codes apply to the works. (b) The works comply with the deemed-to-comply provisions of the R-Codes. (c) The works are not located in a heritage-protected place.

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	Column 1 Works	Column 2 Conditions
8.	The installation of, or alterations or additions to, any of the following on the same lot as a single house or a grouped dwelling — (a) a swimming pool; (b) shade sails.	The works are not located in a heritage-protected place.
9.	The temporary erection or installation of an advertisement.	<p>(a) The advertisement is erected or installed in connection with an election, referendum or other poll conducted under the <i>Commonwealth Electoral Act 1918</i> (Commonwealth), the <i>Referendum (Machinery Provisions) Act 1984</i> (Commonwealth), the <i>Electoral Act 1907</i>, the <i>Local Government Act 1995</i> or the <i>Referendums Act 1983</i>.</p> <p>(b) The primary purpose of the advertisement is for political communication in relation to the election, referendum or poll.</p> <p>(c) The advertisement is not erected or installed until the writ or writs have been issued or, for an election, referendum or poll under the <i>Local Government Act 1995</i>, until the 36th day before the day on which the election, referendum or poll is to be held.</p>

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	Column 1 Works	Column 2 Conditions
		<p>(d) The advertisement is removed no later than 48 hours after the election, referendum or poll is conducted.</p> <p>(e) The advertisement is not erected or installed within 1.5 m of any part of a crossover or street truncation.</p>
10.	The erection or installation of a sign of a class specified in a local planning policy or local development plan that applies to the works as not requiring development approval.	<p>(a) The sign complies with any requirements specified in the local planning policy or local development plan in relation to the exemption from the requirement for development approval.</p> <p>(b) The sign is not erected or installed within 1.5 m of any part of a crossover or street truncation.</p> <p>(c) The works are not located in a heritage-protected place.</p>
11.	Works to change an existing sign that has been erected or installed on land.	<p>(a) The erection or installation of the existing sign was the subject of development approval or was exempt from the requirement for development approval.</p> <p>(b) The changes do not alter the size or location of the existing sign or result in the sign containing any</p>

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	Column 1 Works	Column 2 Conditions
		<p>illumination, animation, movement or reflective, retro-reflective or fluorescent materials.</p> <p>(c) The sign is not used for advertising (other than the advertising of a business operated on the land).</p> <p>(d) The works are not located in a heritage-protected place.</p>
12.	The installation of a water tank.	<p>(a) The water tank is not installed in the street setback area of a building.</p> <p>(b) The volume of the water tank is no more than 5 000 L.</p> <p>(c) The height of the water tank is no more than —</p> <p>(i) for a tank fixed to a building — the height of the eaves of the building; or</p> <p>(ii) for a tank that is not fixed to a building and is more than 1 m from each boundary of the lot — 2.4 m; or</p> <p>(iii) for a tank that is not fixed to a building and is 1 m or less from a boundary of the lot — 1.8 m.</p> <p>(d) The works are not located in a heritage-protected place.</p>

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	Column 1 Works	Column 2 Conditions
13.	The erection or installation of a cubbyhouse.	<ul style="list-style-type: none"> (a) The cubbyhouse is not erected or installed in the street setback area of a building. (b) The floor of the cubbyhouse is no more than 1 m above the natural ground level. (c) The wall height of the cubbyhouse is no more than 2.4 m above the natural ground level. (d) The building height of the cubbyhouse is no more than 3 m above the natural ground level. (e) The area of the floor of the cubbyhouse is no more than 10 m². (f) The cubbyhouse is not erected or installed within 1 m of more than 1 boundary of the lot.
14.	The erection or installation of a flagpole.	<ul style="list-style-type: none"> (a) The height of the flagpole is no more than 6 m above the natural ground level. (b) The flagpole is no more than 200 mm in diameter. (c) The flagpole is not used for advertising. (d) There is no more than 1 flagpole on the lot.

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	Column 1 Works	Column 2 Conditions
		(e) The works are not located in a heritage-protected place.
15.	The installation of solar panels on the roof of a building.	(a) The solar panels are parallel to the angle of the roof. (b) The works are not located in a heritage-protected place.
16.	Maintenance and repair works.	Either — (a) the works are not located in a heritage-protected place; or (b) the maintenance and repair works are of a kind referred to in the <i>Heritage Regulations 2019</i> regulation 41(1)(b) to (i).
17.	Temporary works.	The works are in existence for less than 48 hours, or a longer period agreed by the local government, in any 12-month period.
18.	Works that are urgently necessary for any of the following — (a) public safety; (b) the safety or security of plant or equipment; (c) the maintenance of essential services; (d) the protection of the environment.	The works are not located in a heritage-protected place of a kind referred to in clause 1A(1)(a), (b) or (d).

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	Column 1 Works	Column 2 Conditions
19.	Works that are wholly located on an area identified as a regional reserve under a region planning scheme.	
20.	Works specified in a local planning policy or local development plan that applies to the works as works that do not require development approval (other than works referred to in item 10).	The works comply with any requirements specified in the local planning policy or local development plan in relation to the exemption from the requirement for development approval.
21.	Works of a type identified elsewhere in this Scheme as works that do not require development approval.	The works comply with any requirements specified in this Scheme in relation to the exemption from the requirement for development approval.

Notes for this subclause:

1. Approval may be required from the Commission for development on a regional reserve under a region planning scheme.
 2. Section 157 of the Act applies in respect of the carrying out of works necessary to enable the subdivision of land if the Commission has approved a plan of the subdivision.
 3. Section 6 of the Act applies in respect of the carrying out of public works.
 4. Clause 1B sets out circumstances in which development is taken to comply with a deemed-to-comply provision of the R-Codes.
- (2) Development approval of the local government is not required for the following uses —
- (a) a use that is wholly located on an area identified as a regional reserve under a region planning scheme;

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Note for this paragraph:

Approval may be required from the Commission for development on a regional reserve under a region planning scheme.

- (b) development that is a class P use in relation to the zone in which the development is located, if —
 - (i) the development has no works component;
or
 - (ii) development approval is not required for the works component of the development;
- (c) development that is an exempt class D use under subclause (3) in relation to the zone in which the development is located, if —
 - (i) the development has no works component;
or
 - (ii) development approval is not required for the works component of the development;
- (d) the use of premises as a home office;
- (e) the use of premises as a drop-off refund point if —
 - (i) the premises are otherwise used as a shop (as defined in the *Planning and Development (Local Planning Schemes) Regulations 2015* Schedule 1 clause 38); or
 - (ii) the premises are not in a residential zone and the use of the premises as a drop-off refund point is an incidental use of the premises;
- (f) temporary use that is in existence for less than 48 hours, or a longer period agreed by the local government, in any 12-month period;
- (g) any other use specified in a local planning policy or local development plan that applies to the development as a use that does not require development approval;
- (h) use of a type identified elsewhere in this Scheme as use that does not require development approval.

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- (3) For the purposes of subclause (2)(c), a use of land is an exempt class D use in relation to the zone in which the land is located if —
- (a) the use is a class D use in relation to the zone; and
 - (b) the use is of a class set out in Column 1 of an item in the Table; and
 - (c) the zone is of a class set out in Column 2 of the Table opposite that item; and
 - (d) if conditions are set out in Column 3 of the Table opposite that item — all of those conditions are satisfied in relation to the use.

Table

	Column 1 Use	Column 2 Zones	Column 3 Conditions
1.	Shop	Commercial, centre or mixed use zone	Net lettable area is no more than 300 m ² .
2.	Restaurant/cafe	Commercial, centre or mixed use zone	Net lettable area is no more than 300 m ² .
3.	Convenience store	Commercial, centre or mixed use zone	Store is not used for the sale of petroleum products.
4.	Consulting rooms	Commercial, centre or mixed use zone	No more than 60% of the glass surface of any window on the ground floor of the consulting rooms is obscured glass.
5.	Office	Commercial, centre or mixed use zone	Office is not located on the ground floor of a building.

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	Column 1 Use	Column 2 Zones	Column 3 Conditions
6.	Liquor store — small	Commercial, centre or mixed use zone	Store is in the metropolitan region or Peel Region Scheme area.
7.	Small bar	Commercial, centre or mixed use zone	<p>(a) Small bar is in the metropolitan region or Peel Region Scheme area.</p> <p>(b) The lot on which the small bar is located does not directly adjoin a residential zone.</p>
8.	Recreation — private	<p>Commercial, centre or mixed use zone</p> <p>Light industry zone</p>	<p>(a) Premises are in the metropolitan region.</p> <p>(b) Net lettable area of any indoor area of the premises is no more than 300 m².</p> <p>(c) No more than 60% of the glass surface of any window on the ground floor of a building on the premises is obscured glass.</p>
9.	Home occupation	All zones	

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- (4) A reference in Column 1 of the Table to subclause (3) to a class of land use is a reference to that use as defined in the *Planning and Development (Local Planning Schemes) Regulations 2015* Schedule 1 clause 38, whether or not —
 - (a) the relevant definition is included in this Scheme; or
 - (b) this Scheme includes a different definition for that use; or
 - (c) this Scheme refers to that class of land use by a different name.
- (5) Subclause (2) has effect despite the zoning table for this Scheme.
- (6) Despite subclauses (1) and (2), an exemption under those subclauses does not apply to development if —
 - (a) the development is undertaken in a special control area and the special provisions that apply to that area under this Scheme provide that development approval is required for the development; or
 - (b) the development is undertaken on land designated by an order made under the *Fire and Emergency Services Act 1998* section 18P as a bush fire prone area and development approval is required under clause 78D(3) for the development.
- (7) An exemption from the requirement for development approval that applies under this clause (other than an exemption under item 10 or 20 in the Table to subclause (1)) is not affected by any provision of a local planning policy or local development plan.
- (8) If development consists of both works and use of land —
 - (a) subject to subclause (2)(b)(ii) and (c)(ii), any exemption under subclause (1) that applies to the works does not affect whether development approval is required for the use; and
 - (b) any exemption under subclause (2) that applies to the use does not affect whether development approval is required for the works.