

Structures that may be exempt

- Aerials and antennas
- A code compliant single house in a new estate or established residential area
- Carports and shade structures
- Courtyard and freestanding walls
- Decks, patios and terraces
- Demolition
- Extensions
- External doors, walls and windows
- Fences
- Garages, sheds and gazebos
- Heating and cooling installations
- Internal alterations
- Landscape gardening
- Letterboxes and barbeques
- Maintenance
- Open space boundary fences
- Pergolas and arbours
- Ponds
- Pool fencing and barriers
- Refinishing external appearance
- Retaining walls
- Satellite dishes
- Second building in clearance area
- Skylights
- Swimming pools
- Tanks

More information:

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www.actpla.act.gov.au

Exemptions

from development applications and building approvals



Some structures, such as carports, pergolas, decks, sheds, ponds, retaining walls and fences, can be built without having to apply for either building approval or development approval, if they meet exemption requirements.

How do I find out if I need to get either building or development approval?

ACTPLA's website has a list of structures and details on whether they need any kind of approval. [see back page]

A complete list of developments that are exempt from development approval, with relevant criteria and requirements is in Schedule 1 of the Planning and Development Regulation 2008 which can be found at: www.legislation.act.gov.au

What steps do I have to take?

Before you begin work you need to do some research. For example, say you wanted to build a new carport:

Step 1: Go to the ACTPLA website homepage and click on Do I need to lodge a DA?

Step 2: When you get to the exemptions page click on the link for carports and shade structures.

Step 3: Carefully read the dot points under 'Exemptions from development approval'. For example, you do not have to apply for development approval if your planned carport does not have walls on more than two of the sides, as well as several other criteria.

Step 4: Carefully read the dot points under 'Exemptions from building approval'. For example, you do not have to apply for building approval if your planned carport does not have any walls, as well as several other criteria.

If your planned structure does not comply with its specific exemption criteria, you will have to apply for either development or building approval (or both).

Note: other types of approval—such as approvals to remove trees—may still be required.

General exemptions criteria

There are general criteria for all development approval exemptions, as well as the specific ones that apply for different structures. These are listed below.

1. The development must not be located in an easement (proposed or existing), utility infrastructure access or protection space without written permission from whoever owns that space (e.g. a utility).
2. A development must not interfere with plumbing and drainage clearances.
3. The development must not breach the *Tree Protection Act 2005* or cause any part of a building or structure (other than a class 10 building or structure) to be on heritage - listed property or property which is the subject of a heritage agreement. All development, except minor non-habitable buildings or structures, requires a development application if it is on a heritage object or place.
4. The development must comply with the lease and development approvals.

5. The development must not increase the number of dwellings on a block to two or more dwellings.
6. The development must comply with any other criteria that apply to the development.

The specific criteria for your development will say whether general exemption criteria apply.

Exemptions from development approval, but not building approval

Even if you don't need development approval, you may still have to get building approval. For example, a single house in a new housing estate may be exempt from development approval, but it will still need building approval.

Step 1: Download a building approval pack from the ACTPLA website. You can find this under publications and forms and then information packs.

Step 2: Hire a certifier—they are listed on ACTPLA's website under hiring and licensing.

Step 3: The certifier will check if the proposal does not need a development application and is exempt.

Step 4: The certifier will issue a building approval and commencement notice. This is when building can begin.

Step 5: When the building work is finished, the certifier inspects the building and issues a Certificate of Occupancy.