

All development requires a Development Approval before it can be undertaken. So, what is development that needs approval?

The list below has been prepared to provide broad guidance only and has been simplified for information. If what you propose is not specifically covered, or you are still unsure, then it is strongly recommended that you contact Council's Development Services department to see if you in fact do need a development approval before you undertake your project.

Note that the lists included within this Fact Sheet do not apply to State Heritage Places. Owners of State Heritage Places are encouraged to contact Council about what, if any, exclusions apply to your circumstance.

Buildings and Structures

Generally, the construction of a building or structure requires approval. However, the **following activities do not require approval**, provided they achieve **all of the relevant criteria**.

- an outbuilding (other than in a designated flood zone, subzone or overlay or in any other zone, subzone or overlay identified under the Planning and Design Code for the purposes of this paragraph) in which human activity is secondary, and which;
 - is detached from and ancillary to another building which is erected on the site, or for which consent has been granted has a total floor area not exceeding 15m²
 - no roof span in any direction is greater than 3m
 - no part of the building being more than 2.5m above natural surface of the ground
 - not positioned in front of the building line of the primary street frontage of the building to which it relates or within 900mm of the boundary of any secondary street (for corner sites)
 - not within 6 metres of an intersection of a street corner / junction, other than where a 4m x 4m corner cut-off has already been provided
- An above ground or inflatable swimming pool on the site of a dwelling that is capable of being filled to a depth of 300mm or less or does not incorporate a filtration system (unless the location of the land is within a Hazards (Flooding) Overlay
- A deck associated with a dwelling which achieves the following:
 - No part of the deck is higher than 500mm above natural surface of the ground
 - No part of the deck is within 900mm of the boundary of the land
- A tree house or cubby house that is ancillary to a dwelling and has a total floor area less than 5m²
- A privacy screen or structure if the screen comprises a permeable material or is a plastic blind capable of being opened and closed and which the height or length does not exceed the dimensions of the structure it is attached to.
- A masonry oven (such as a pizza oven) used for domestic outdoor cooking that does not exceed a height of 2m (excluding any flue or chimney).
- A windmill or a flagpole that is not attached to a building and less than 10m in height

- A windmill or a flagpole that is attached to a building and is not more than 4m above the topmost point of the building (exclusive of any guidewires)
 - A water tank (and any supporting structure) which;
 - is part of a roof-drainage system, and
 - is wholly above ground with no part higher than 4m above the natural surface of the ground; and
 - where located in the Hazards (Bushfire - Urban Interface) Overlay has a total floor area not exceeding 15m² and a total volume not exceeding 60,000L; or
 - in any other location, a total floor area not exceeding 10m² and a total volume of 40,000L
 - Temporary builders office, shed or store that is;
 - used for storing materials or documents, or amenities for workers or any other purpose connected with undertaking building work on the land (other than overnight accommodation), provided; and
 - is removed upon the completion of the building work; and
 - is located on the ground and totally within the site of the building work.
- Note that the following only apply to properties that are **NOT** local heritage places and therefore the following activities would be development and require approval for local heritage places.
- Installing a garage or carport door provided the garage or carport exists and is ancillary to another building on the land and is not located closer to the primary street than the building line of the main building on the land.
 - A shade sail that is of permeable material and the structure achieve all of the following:
 - 20m² or less in area and no part being more than 3m above ground level or floor level (depending on where situated)
 - No part is situated in front of primary street façade of the building line of the main building on the land
 - A pergola (either freestanding or attached) associated with an existing dwelling which does not have a solid roof, and each freestanding side is open in nature (i.e. does not have solid materials) and:
 - is not higher than 4m above the ground
 - no part of the structure will be forward of the existing building line facing the primary street
 - Repair, maintenance or internal alterations of a building that:
 - does not involve demolition of any part of the building (other than fixtures and fittings or non-load bearing partitions)
 - will not adversely affect the structural soundness of the building or health and safety of persons using it
 - Works associated with the installation of the following, provided works do not encroach on the public street or affect the ability of the building to resist the spread of fire:
 - an individual air handling unit on a wall, window or floor
 - a ceiling fan or fan coil section of air conditioning systems not exceeding 100kg and where installed within the ceiling space (i.e. internal)
 - an exhaust fan

- installation of any electrical, gas, sewerage or telecommunications service

OTHER ACTIVITIES WHICH REQUIRE DEVELOPMENT APPROVAL

The following forms of activity, generally, require Development Approval.

Land Division

- Land division creating additional allotments, or changing allotment boundaries (but not including where titles are being amalgamated)

Changes to the use of land or building

- A change in the use of land, other than a home activity (see separate fact sheet explaining what qualifies as a Home Activity)
- The parking of any vehicles 3 tonnes or greater in weight (including the weight of any associated trailer) on land used for residential purposes
- The parking of a caravan or motor home of any weight on land for residential purposes where it is used to accommodate a person who is not occupant of a dwelling situated on the land
- The keeping of any horses, sheep, alpacas, cattle, pigs, goats, donkeys or wild animals.
- Works that result in a change in Building Classification under the Building Code of Australia

Regulated and Significant Trees

- Tree damaging activity to a regulated or significant tree (removal, lopping, pruning or works that affect the root system)

Earthworks and Retaining Walls

The following forms of earthworks and retaining:

- excavation or filling of land involving 9m³ or more on land identified as being within the Hills Face Zone, Hills Neighbourhood Zone, Coastal Areas Overlay or the Hazards (Flooding) Overlay, unless the excavation or fill is:
 - for the purpose of ploughing for farming
 - associated with the installation, repair or maintenance of underground services
 - located within a public road or public road reserve
 - to protect life or property in the event of an emergency.
- excavation or filling of land involving 9m³ or more in a local heritage place or within coastal land
- the forming of a levee or mound greater than 3m in height above the natural surface of the ground
- a retaining wall that retains a difference in ground levels of 1m or less (other than within Coastal Areas Overlay and Hazards (Flooding) Overlay)

Fencing

The following forms of fencing:

- a fence that is 2.1 metres or less in height (measured from the lower of the 2 adjoining finished ground levels) other than where it is located within a Coastal Areas Overlay or Hazards (Flooding) Overlay.
- a fence that would exceed 1m in height within 6m of an intersection of two

roads, other than where a 4 x 4m corner cut off has been provided.

- a masonry fence or part of a fence formed from masonry (such as masonry piers or columns) that is 1m or more in height (measured from the lower of the 2 adjoining finished ground levels).
- A fence that is a safety for a swimming pool or spa pool which was approved for construction in or after 1 July 1993
- A brush fence that is closer than 3m to an existing or proposed Class 1 or 2 building.
- a post and wire fence (other than in the Coastal Areas Overlay or Hazards (Flooding) Overlay)

Advertisements / Signs

The display of an advertisement (unless it is in the form of a change to the content of an existing advertisement where the size has not increased, nor there be the introduction of animation or illumination), other than the following:

- Traffic control devices
- Signs that are internal to a building or enclosed site and are not readily visible from outside
- Identification, directional, warning or other information relating to dwellings (including home activities), provided it achieves the following:
 - It does not move, flash or reflect light to distract motorists, nor is illuminated
 - It is no more than 0.2m² in advertisement area and no more than 2 advertisements are placed in relation to the same building.
- Advertisements located on a building used for retail, commercial, office, business or community purposes subject to the following conditions
 - Is it not located above any verandah or the fascia of a verandah (and not more than 3.7m above ground level)
 - It does not move, flash or reflect light to distract motorists, nor is illuminated
- that is for the announcement of a religious, educational, cultural, social, recreational or political event provided:
 - the advertisement is limited to 1 per building and no more than 2m² in advertisement area
 - the advertisement is displayed for a period no sooner than 1 month prior to the event, and removed no longer than 1 week following the event (other than advertisements relating to federal, state or local elections)
 - it does not move, flash or reflect light to distract motorists, nor is illuminated
- Builders signage on land where works are being undertaken, provided:
 - information on the advertisement relates only to the works being undertaken
 - the advertisement area is no bigger than 3m²
 - It does not move, flash or reflect light to distract motorists, nor is illuminated
- Moveable signs under the Local Government Act, 1999 (ie A-frame signs that comply with the relevant By-Law criteria)
- For Sale or For Lease advertisements provided they are on the same land that it relates to and

- no greater than 4m² in advertisement area
- removed within 2 weeks after the completion of the sale or entering of the lease
- and it does not move, flash or reflect light to distract motorists, nor is illuminated

North-South Corridor Tunnel Protection Overlay

Certain additional activities within the Tunnel Protection Overlay trigger the need for development approval.

You are strongly encouraged to make contact with Council if you are identified as being in this area to clarify what additional activities require approval.

Solar Panels

- Installation, repair or maintenance of solar panels on the roof of a building where it:
 - is a system with a generating capacity of less than 5MW that is to be connected to the State's power system,
 - weighs less than 100kg; or
 - weights more than 100kg and
 - the weight load is distributed so that it does not exceed 100kg at any single point of attachment to the roof
 - the panels do not overhang any part of the roof
 - panels are fitted parallel to the roof with the underside surface of the panels no more than 100mm above the roof surface
 - panels are installed by an accredited person under a scheme recognised by the Minister
 - where it is on a local heritage place, the panel locations when installed are

not able to be seen by a person standing at ground level in a public street.

Demolition of Structures

- The partial demolition of a structure or building
- The demolition of a state or local heritage place

Note that a total demolition of a building (other than a local or state heritage building) does not require approval.

Your obligations

It is up to you to be informed about whether your proposed project requires approval or not. If you need more detail than this list, or what you propose is not covered in this list you can obtain full details within the legislation as follows:

[*Planning, Development and Infrastructure Act, 2016.*](#)

[*Planning, Development and Infrastructure \(General\) Regulations 2017.*](#)

Need help?

Of course, we understand some of this is technical in nature and if not clear to you, we can provide further clarity by discussing your specific circumstances.

Feel free to contact Council on 8375 6600 and ask to speak to Development Services.