

## **62 USES, BUILDINGS, WORKS, SUBDIVISIONS AND DEMOLITION NOT REQUIRING A PERMIT**

### **62.01 Uses not requiring a permit**

Any requirement in this scheme relating to the use of land does not apply to:

- The use of land in a road if the use is associated with the use of adjoining land and is authorised by the Council under a local law.
- The use of land in a road to trade from a stall, stand, motor vehicle, trailer, barrow or other similar device if the use is authorised by the Council under a local law.

### **62.02 Buildings and works not requiring a permit**

Any requirement in this scheme relating to the construction of a building or the construction or carrying out of works does not apply to:

- A fence.
- A sign.
- Roadworks.
- Street furniture including post boxes, telephone booths, fire hydrants and traffic control devices.
- Buildings and works associated with a use on adjoining land or street trading if authorised by the Council under a local law.
- Gardening.
- Oil pipelines.
- Buildings and works associated with a minor utility installation.
- Buildings and works associated with mineral exploration.
- Buildings and works associated with mining if the conditions of Clause 52.08-2 are met.
- Buildings and works associated with search for stone. This does not apply to costeaning and bulk sampling.
- Buildings and works associated with a Telecommunications facility if the requirements of Clause 52.19 are met.
- Building and works associated with a carnival or circus if the requirements of A 'Good Neighbour' Code of Practice for a Circus or Carnival, October 1997 are met.
- A temporary shed or temporary structure for construction purposes.
- The internal rearrangement of a building or works provided the gross floor area of the building, or the size of the works, is not increased.
- Repairs and routine maintenance to an existing building or works.
- The removal, destruction or lopping of trees and the removal of vegetation.
- Any buildings or works which provide for fire protection under relevant legislation.
- Any emergency works undertaken by, or on behalf of, a municipality, public authority or utility service provider in the exercise of any power conferred on them under any Act.
- Any works necessary to prevent soil erosion, or to ensure soil conservation or reclamation.
- Any maintenance works carried out by a municipality or public authority to prevent or alleviate flood damage.

This does not apply if a permit is specifically required for any of these matters.

### **62.03 Subdivisions not requiring a permit**

Any requirement in this scheme relating to the subdivision of land does not apply to:

- A subdivision by an acquiring authority which does not create an additional lot.
- A subdivision by a public authority or utility service provider which does not create an additional lot other than for the sole purpose of a minor utility installation. This does not apply if a permit is required to subdivide land under any overlay.

- A subdivision by an acquiring authority which creates additional lots if the additional lots are severed parcels of land without legal access to an existing road and the additional lots are retained by the acquiring authority or sold to an abutting land owner on the condition that the lot be consolidated with abutting land.
- A subdivision which realigns the common boundary between two lots if all the land is in one urban zone and any of the following apply:
  - Any lot that is reduced in area meets the minimum lot area and minimum dimensions (if any) specified for the zone. This does not apply if the area of the smaller lot is limited by a provision of this scheme, or by a condition of a planning permit.
  - There is no minimum lot area specified for the zone, the area of the smaller lot is more than 230 square metres, and the area of either lot is reduced by less than 30 square metres.
  - There is no minimum lot area specified for the zone, the area of the smaller lot is 230 square metres or less, and the area of either lot is reduced by less than 5 percent or by less than 30 square metres, which ever is lesser.
  - The new boundary coincides with a boundary fence that is more than five years old. This does not apply if all the land is in one ownership.
- A subdivision which realigns the common boundary between two lots if all the land is in one non-urban zone, the re-subdivision does not allow the number of dwellings the whole of the land could be used for under this scheme to increase, and any of the following apply:
  - Any lot that is reduced in area meets the minimum lot area and minimum dimensions (if any) specified for the zone. This does not apply if the area of the smaller lot is limited by a provision of this scheme, or by a condition of a planning permit.
  - There is no minimum lot area specified for the zone, and no part of the boundary is moved more than 1 metre. This does not apply if the area of the smaller lot would be less than the area specified by a condition of a planning permit.
  - There is no minimum lot area specified for the zone, the new boundary coincides with the location of a fence that is more than 5 years old, and no part of the boundary is moved more than 3 metres.

#### **62.04 Demolition**

A permit is not required for the demolition or removal of a building or works unless a permit is specifically required for demolition or removal.