

4.0 Exemptions

- 4.0.1 Use or development listed in Tables 4.1 – 4.6 is exempt from requiring a permit provided it meets the corresponding requirements.
- 4.0.2 Use or development which, under the provisions of the Act, including sections 12(1) - (4), a planning scheme is not to prevent, does not require a permit.
- 4.0.3 Excluding the exemption for emergency works at 4.3.1, in the coastal zone, no development listed in Tables 4.2 - 4.6 is exempt from this planning scheme if it is to be undertaken on actively mobile landforms as referred to in clause 1.4 of the Tasmanian *State Coastal Policy 1996*. Any development on actively mobile landforms in the coastal zone must comply with the requirements of the Coastal Erosion Hazard Code.

Table 4.1 Exempt uses

	Use	Requirements
4.1.1	bee keeping	The use of land for bee keeping.
4.1.2	occasional use	If for infrequent or irregular sporting, social or cultural events.
4.1.3	home-based child care	If: <ul style="list-style-type: none"> (a) the person conducting the home-based child care normally uses the dwelling as their principal place of residence; (b) it does not involve employment of persons other than a resident; and (c) there are no more than 6 non-resident children for child care per day.
4.1.4	home occupation	If: <ul style="list-style-type: none"> (a) not more than 40m² of gross floor area of the dwelling is used for non-residential purposes; (b) the person conducting the home occupation normally uses the dwelling as their principal place of residence; (c) it does not involve employment of persons other than a resident; (d) any load on a utility is no more than for a domestic use; (e) there is no activity that causes electrical interference to other land; (f) it does not involve display of goods for sale that are visible from any road or public open space adjoining the site; (g) it involves no more than 1 advertising sign (that must be non-illuminated) and not more than 0.2m² in area; (h) it does not involve refuelling, servicing, detailing or repair of vehicles not owned by the resident on the site; (i) no more than 1 commercial vehicle is on the site at any one time and no commercial vehicle on the site exceeds 2 tonnes; and

	Use	Requirements
		(j) any vehicle used solely for non-residential purposes must be parked on the site.
4.1.5	markets	If on public land.
4.1.6	Visitor Accommodation in a dwelling (including a secondary residence)	If: (a) the dwelling is used by the owner or occupier as their main place of residence, and only let while the owner or occupier is on vacation; or (b) the dwelling is used by the owner or occupier as their main place of residence, and visitors are accommodated in not more than 4 bedrooms.

Table 4.2 Exempt infrastructure use or development

	Use or development	Requirements
4.2.1	dam construction works	Works that are directly associated with construction of a dam approved under the <i>Water Management Act 1999</i> , including the construction of vehicular access, vegetation removal and bulk soil excavations, are exempt if contained on the same site as the dam.
4.2.2	stormwater infrastructure	Provision, removal, maintenance and repair of pipes, open drains and pump stations for the reticulation or removal of stormwater by, or on behalf of, the Crown, a council or a State authority unless the Landslip Hazard Code applies and requires a permit for the use or development.
4.2.3	irrigation pipes	If for the laying or installation of irrigation pipes in the Rural Zone or Agriculture Zone that are directly associated with an agricultural use, provided no pipes are located within a wetland, unless the Landslip Hazard Code applies and requires a permit for the use or development.
4.2.4	road works	Maintenance and repair of roads and upgrading by or on behalf of the road authority which may extend up to 3m outside the road reserve including: (a) widening or narrowing of existing carriageways; (b) making, placing or upgrading kerbs, gutters, footpaths, shoulders, roadsides, traffic control devices, line markings, street lighting, safety barriers, signs, fencing and landscaping, unless the Local Historic Heritage Code applies and requires a permit for the use or development; or (c) repair of bridges, or replacement of bridges of similar size in the same or adjacent location.
4.2.5	vehicle crossings, junctions and level crossings	If: (a) development of a vehicle crossing, junction or level crossing: (i) by the road or rail authority; or (ii) in accordance with the written consent of the relevant

	Use	Requirements
		road or rail authority; or (b) use of a vehicle crossing, junction or level crossing by a road or railway authority.
	Use or development	Requirements
4.2.6	minor communications infrastructure	<p>If:</p> <ul style="list-style-type: none"> (a) development of low impact facilities as defined in Parts 2 and 3 of the <i>Telecommunications (Low-Impact Facilities) Determination 2018</i>; (b) works involved in the inspection of land to identify suitability for telecommunications infrastructure; (c) development of a facility that has been granted a facility installation permit by the Australian Communications and Media Authority; (d) works involved in the maintenance of telecommunication infrastructure; (e) works meeting the transitional arrangements as defined in Part 2 of Schedule 3 of the <i>Telecommunications Act 1997</i>; (f) feeder and distribution optical fibre cables not exceeding 18mm in diameter and with attached messenger wires on existing poles; (g) the connection of a line forming part of a telecommunications network to a building, caravan or mobile home including drop cabling of optic fibre networks; or (h) works involved in the installation, for purposes in connection with the installation of the National Broadband Network, of a: <ul style="list-style-type: none"> (i) galvanised steel service pole, no more than 6.6m in height above existing ground level, and 0.2m in diameter; or (ii) timber service pole, no more than 10.2m in height above existing ground level, and 0.42m in diameter, <p>unless the Safeguarding of Airports Code applies and requires a permit for the use or development.</p>
4.2.7	minor infrastructure	Provision, maintenance and modification of footpaths, cycle paths, playground equipment, seating, shelters, bus stops and bus shelters, street lighting, telephone booths, public toilets, post boxes, cycle racks, fire hydrants, drinking fountains, waste or recycling bins, public art, and the like by, or on behalf of, the Crown, a council or a State authority.
4.2.8	navigation aids	Provision, maintenance and modification of any sort of marker which aids in navigation of nautical or aviation craft such as lighthouses, buoys, fog signals, landing lights, beacons, and the like, unless the Safeguarding of Airports Code applies and requires a permit for the use or development.
4.2.9	electric car rechargers	Provision and maintenance if in a car park.

Table 4.3 Exempt building and works

	Use or development	Requirements
4.3.1	emergency works	Urgent works to protect property, public safety or the environment in an emergency situation, that are required or authorised by or on behalf of the Crown, a council or a State authority.
4.3.2	internal building and works	All internal building and works. ¹
4.3.3	maintenance and repair	If for maintenance and repair of buildings. ²
4.3.4	minor alterations	If for minor alterations of buildings, such as re-cladding, re-roofing and replacing windows and doors without enlargement or extension, unless the Local Historic Heritage Code applies and requires a permit for the use or development.
4.3.5	temporary buildings or works	If: <ul style="list-style-type: none"> (a) to facilitate development for which a permit has been granted or for which no permit is required or for an occasional use that is exempt under this clause; (b) not occupied for Residential use; and (c) removed within 14 days of completion of development or occasional use.
4.3.6	unroofed decks	If: <ul style="list-style-type: none"> (a) not attached to or abutting a habitable building; and (b) the floor level is less than 1m above existing ground level, unless the Local Historic Heritage Code applies and requires a permit for the use or development.
4.3.7	outbuildings	Construction or placement of an outbuilding if: <ul style="list-style-type: none"> (a) it is not between a frontage and the building line, or if on a lot with no buildings, the setback from the frontage is not less than the relevant Acceptable Solution requirement; and (b) the area of the new outbuilding that is roofed is not more than: <ul style="list-style-type: none"> (i) 10m² if: <ul style="list-style-type: none"> a. there is not more than one other outbuilding on the lot; b. the total area of all outbuildings on the lot that are roofed will not be more than 20m²; c. no side of the new outbuilding is longer than 3.2m; and d. the building height of the new outbuilding is not more than 2.4m; or

¹ Internal building and works to places entered on the Tasmanian Heritage Register may still require heritage approval under the *Historic Cultural Heritage Act 1995*.

² Section 12(1)(b) of the Act also applies.

		<p>(ii) 18m² if:</p> <ul style="list-style-type: none"> a. there is no other outbuilding on the lot; b. the roof span of the new outbuilding is not more than 3m; c. the building height of the new outbuilding is not more than 2.4m; d. the new outbuilding is not less than 0.9m from an existing building on the lot; e. the new outbuilding has a setback of not less than 0.9m from any boundary; and f. the change in existing ground level as a result of cut or fill is not more than 0.5m, <p>unless the Local Historic Heritage Code applies and requires a permit for the use or development.</p>
4.3.8	outbuildings in Rural Living Zone, Rural Zone or Agriculture Zone	<p>Outbuildings located in the Rural Living Zone, Rural Zone or Agriculture Zone if:</p> <ul style="list-style-type: none"> (a) an outbuilding exempt under clause 4.3.7; or (b) the outbuilding is associated with an existing dwelling and the: <ul style="list-style-type: none"> (i) total gross floor area of all outbuildings on the lot is not more 108m²; (ii) setback is no less than the relevant Acceptable Solution requirement, or located no closer to a property boundary than an existing dwelling or any outbuilding on the site whichever is the lesser; and (iii) building height is not more than 6m and wall height is not more than 4m, <p>unless the Local Historic Heritage Code applies and requires a permit for the use or development.</p>
4.3.9	agricultural buildings and works in the Rural Zone or Agriculture Zone	<p>Located in the Rural Zone or Agriculture Zone, if:</p> <ul style="list-style-type: none"> (a) buildings or works, excluding a dwelling or land filling, are directly associated with, and a subservient part of, an agricultural use; (b) on prime agricultural land only if not for plantation forestry and: <ul style="list-style-type: none"> (i) it is directly associated with an agricultural use dependent on the soils as a growth medium; or (ii) it is conducted in a manner which does not alter, disturb or damage the existing soil profile or preclude it from future use as a growth medium; (c) individual buildings are not more than 200m² in gross floor area; (d) building height does not exceed 12m; and (e) buildings have a setback of not less than 5m from all property boundaries, <p>unless the Local Historic Heritage Code, or the Scenic Protection Code, applies and requires a permit for the use or development.</p>
4.3.10	demolition of exempt	<p>Demolition of buildings for which the construction would be exempt under Tables 4.2 – 4.6, unless the Local Historic Heritage</p>

	buildings	Code applies and requires a permit for the use or development.
4.3.11	garden structures	<p>Garden structures, such as a pergola, garden arch, trellis or frame, if:</p> <ul style="list-style-type: none"> (a) the total area is no greater than 20m²; (b) the height is no more than 3m above ground level; and (c) it is uncovered or covered by an open-weave permeable material that allows water through, <p>unless the Local Historic Heritage Code applies and requires a permit for the use or development.</p>

Table 4.4 Vegetation exemptions

	Use or development	Requirements
4.4.1	vegetation removal for safety or in accordance with other Acts	<p>If for:</p> <ul style="list-style-type: none"> (a) clearance and conversion of a threatened native vegetation community, or the disturbance of a vegetation community, in accordance with a forest practices plan certified under the <i>Forest Practices Act 1985</i>, unless for the construction of a building or the carrying out of any associated development; (b) harvesting of timber or the clearing of trees, or the clearance and conversion of a threatened native vegetation community, on any land to enable the construction and maintenance of electricity infrastructure in accordance with the <i>Forest Practices Regulations 2017</i>; (c) fire hazard management in accordance with a bushfire hazard management plan approved as part of a use or development; (d) fire hazard reduction required in accordance with the <i>Fire Service Act 1979</i> or an abatement notice issued under the <i>Local Government Act 1993</i>; (e) fire hazard management works necessary to protect existing assets and ensure public safety in accordance with a plan for fire hazard management endorsed by the Tasmania Fire Service, Sustainable Timbers Tasmania, the Parks and Wildlife Service, or council; (f) clearance within 2m of lawfully constructed buildings or infrastructure including roads, tracks, footpaths, cycle paths, drains, sewers, power lines, pipelines and telecommunications facilities, for maintenance, repair and protection; (g) safety reasons where the work is required for the removal of dead wood, or treatment of disease, or required to remove an unacceptable risk to public or private safety, or where the vegetation is causing or threatening to cause damage to a substantial structure or building; or (h) within 1.5m of a lot boundary for the purpose of erecting or maintaining a boundary fence, or within 3m of a lot boundary in the Rural Zone and Agriculture Zone.
4.4.2	landscaping and vegetation management	Landscaping and vegetation management within a private garden, public garden or park, or within State-reserved land or a council reserve, if:

		<p>(a) the vegetation is not protected by legislation, a permit condition, an agreement made under section 71 of the Act, or a covenant; or</p> <p>(b) the vegetation is not specifically listed and described as part of a Local Heritage Place or a significant tree in the relevant Local Provisions Schedule,</p> <p>unless the management is incidental to the general maintenance.</p>
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	Use or development	Requirements
4.4.3	vegetation rehabilitation works	<p>The planting, clearing or modification of vegetation for:</p> <ul style="list-style-type: none"> (a) soil conservation or rehabilitation works including Landcare activities and the like, provided that ground cover is maintained and erosion is managed; (b) the removal or destruction of declared weeds or environmental weeds listed under a strategy or management plan approved by a council; (c) water quality protection or stream bank stabilisation works approved by the relevant State authority or a council; (d) the implementation of a vegetation management agreement or a natural resource, catchment, coastal, reserve or property management plan or the like, provided the agreement or plan has been endorsed or approved by the relevant State authority or a council; or (e) the implementation of a mining and rehabilitation plan approved under the terms of a permit, an Environment Protection Notice, or rehabilitation works approved under the <i>Mineral Resources Development Act 1995</i>.

Table 4.5 Renewable energy exemptions

	Use or development	Requirements
4.5.1	ground mounted solar energy installations	If covering an area of not more than 18m ² , unless the Local Historic Heritage Code applies and requires a permit for the use or development.
4.5.2	roof mounted solar energy installations	Unless the Local Historic Heritage Code applies and requires a permit for the use or development.
4.5.3	wind turbines	<p>If:</p> <ul style="list-style-type: none"> (a) one wind turbine per lot; (b) no part of the structure is closer to a frontage than any other existing building, excluding a fence, on the lot; (c) no part of the structure is within 15m of a side or rear boundary; (d) the height of the structure excluding blades above existing ground level is no higher than: <ul style="list-style-type: none"> (i) 20m in the Light Industrial Zone, General Industrial Zone, Rural Zone, Agriculture Zone, Port and Marine Zone or Utilities Zone; or (ii) 12m in any other zone; and (e) if adjoining a sensitive use, no part of the structure is closer to a boundary of a sensitive use on another lot than: <ul style="list-style-type: none"> (i) 60m if the wind turbine has an energy generation potential of 10kW or less; or (ii) 250m if the wind turbine has an energy generation potential of more than 10kW, <p>unless the Electricity Transmission Infrastructure Protection Code, Local Historic Heritage Code, Attenuation Code, Landslip Hazard Code, or Safeguarding of Airports Code applies and requires a permit for the use or development.</p>

Table 4.6 Miscellaneous exemptions

	Use or development	Requirements
4.6.1	signs	If listed in, and meeting the requirements of, clause C1.4 in the Signs Code.
4.6.2	use or development in a road reserve or on public land	If: (a) for outdoor dining facilities, signboards, roadside vendors and stalls on a road that is managed by a relevant council; or (b) a community garden on public land used for growing vegetables, fruit or ornamentals.
4.6.3	fences within 4.5m of a frontage	Fences (including free-standing walls) within 4.5m of a frontage, if located in: (a) the General Residential Zone, Inner Residential Zone, Low Density Residential Zone, Village Zone, Urban Mixed Use Zone, Local Business Zone, General Business Zone, Central Business Zone, Commercial Zone or any particular purpose zone, and if not more than a height of: (i) 1.2m above existing ground level if the fence is solid; or (ii) 1.8m above existing ground level, if the fence has openings above the height of 1.2m which provide a uniform transparency of at least 30% (excluding any posts or uprights); (b) the Utilities Zone and adjoining a property in the General Residential Zone, Inner Residential Zone, Low Density Residential Zone or Village Zone and if not more than a height of: (i) 1.2m above existing ground level if the fence is solid; or (ii) 1.8m above existing ground level, if the fence has openings above the height of 1.2m which provide a uniform transparency of at least 30% (excluding any posts or uprights); or (c) any other zone, or if located in the Utilities Zone and not adjoining a property in the General Residential Zone, Inner Residential Zone, Low Density Residential Zone or Village Zone and if not more than a height of: (i) 1.8m above existing ground level if adjoining public land; or (ii) 2.1m above existing ground level if not adjoining public land, unless the Local Historic Heritage Code applies and requires a permit for the use or development.

	Use or development	Requirements
4.6.4	fences not within 4.5m of a frontage	<p>Fences not within 4.5m of a frontage, if located in:</p> <p>(a) the Urban Mixed Use Zone, Local Business Zone, General Business Zone, Central Business Zone, or Commercial Zone and:</p> <p>(i) it is not more than a height of 1.8m above existing ground level if adjoining public land; or</p> <p>(ii) it is not more than a height of 2.1m above existing ground level if not adjoining public land;</p> <p>and it does not contain barbed wire if on a common boundary with a property in the General Residential Zone, Inner Residential Zone, Low Density Residential Zone, or Rural Living Zone; or</p> <p>(b) any other zone and it is</p> <p>(i) not more than a height of 1.8m above existing ground level if adjoining public land; or</p> <p>(ii) not more than a height of 2.1m above existing ground level if not adjoining public land,</p> <p>unless the Local Historic Heritage Code applies and requires a permit for the use or development.</p>
4.6.5	fences for security purposes	<p>Fences for security purposes, if it is located:</p> <p>(a) within the Light Industrial Zone, General Industrial Zone, Port and Marine Zone or Utilities Zone or at an airport and is not more than a height of 2.8m above existing ground level; or</p> <p>(b) within the Light Industrial Zone or Utilities Zone and a common boundary fence with a property in the General Residential Zone, Inner Residential Zone, Low Density Residential Zone or Village Zone and:</p> <p>(i) is not more than a height of 2.1m above existing ground level; and</p> <p>(ii) does not contain barbed wire,</p> <p>unless the Local Historic Heritage Code applies and requires a permit for the use or development.</p>
4.6.6	fences in the Rural Zone or Agriculture Zone	Fences within the Rural Zone or Agriculture Zone, unless the Local Historic Heritage Code applies and requires a permit for the use or development.
4.6.7	temporary fencing	If for public safety, construction works or occasional sporting, social or cultural events.
4.6.8	retaining walls	<p>Retaining walls, excluding any land filling, if:</p> <p>(a) it has a setback of not less than 1.5m from any boundary; and</p> <p>(b) it retains a difference in ground level of less than 1m, unless the Local Historic Heritage Code or the Landslip Hazard Code applies, and requires a permit for the use or development.</p>

4.6.9	land filling	<p>Land filling to a depth of not more than 1m above existing ground level from that existing at the effective date, unless the:</p> <ul style="list-style-type: none"> (a) Natural Assets Code; (b) Coastal Erosion Hazard Code; (c) Coastal Inundation Hazard Code; (d) Flood-Prone Areas Hazard Code; or (e) Landslip Hazard Code, <p>applies and requires a permit for the use or development.</p>
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	Use or development	Requirements
4.6.10	antennas, masts, flagpoles, and satellite dishes	<p>If for:</p> <ul style="list-style-type: none"> (a) minor communications infrastructure exempt under clause 4.2.6; or (b) all other antennas, masts, flagpoles and satellite dishes, unless : <ul style="list-style-type: none"> (i) the Electricity Transmission Infrastructure Protection Code, Local Historic Heritage Code, or Safeguarding of Airports Code applies and requires a permit for the use or development; or (ii) for facilities as defined under the Telecommunications Code.
4.6.11	heat pumps and air-conditioners	<p>If:</p> <ul style="list-style-type: none"> (a) attached, or located, to the side or rear of building; (b) not within 10m of a boundary of a property containing a sensitive use if for a non-residential use located in a General Residential Zone, Inner Residential Zone, Low Density Residential Zone or Village Zone; or (c) not within 10m of the boundary of a General Residential Zone, Inner Residential Zone, Low Density Residential Zone or Rural Living Zone if located in a Urban Mixed Use Zone, Local Business Zone, General Business Zone, Central Business Zone, Commercial Zone, Light Industrial, Major Tourism Zone, Utilities Zone, Community Purpose Zone, Recreation Zone or Open Space Zone, <p>unless the Local Historic Heritage Code applies and requires a permit for the use or development.</p>
4.6.12	hot water cylinders	<p>If attached, or located, to the side or rear of a building, unless the Local Historic Heritage Code applies and requires a permit for the use or development.</p>
4.6.13	rain-water tanks	<p>If:</p> <ul style="list-style-type: none"> (a) attached, or located, to the side or rear of a building; (b) not more than 45kL in capacity; (c) not on a stand with a height of more than 1.2m above existing ground level; and (d) has a setback not less than the Acceptable Solution for the relevant zone, <p>unless the Local Historic Heritage Code applies and requires a permit for the use or development.</p>
4.6.14	rain-water tanks in Rural Living Zone, Rural Zone, Agriculture Zone or Landscape Conservation Zone	<p>If:</p> <ul style="list-style-type: none"> (a) attached, or located, to the side or rear of a building; and (b) has a setback not less than the Acceptable Solution for the relevant zone, <p>unless the Local Historic Heritage Code applies and requires a permit for the use or development.</p>

	Use or development	Requirements
4.6.15	fuel tanks in the Light Industrial Zone, General Industrial Zone, Rural Zone, Agriculture Zone or Port and Marine Zone	<p>If:</p> <ul style="list-style-type: none"> (a) it is located in the Light Industrial Zone, General Industrial Zone, Rural Zone, Agriculture Zone or Port and Marine Zone; and (b) it has a setback not less than the Acceptable Solution for the relevant zone, <p>unless:</p> <ul style="list-style-type: none"> (iii) the Local Historic Heritage Code applies and requires a permit for the use or development; or (iv) for the storage of a hazardous chemical of a manifest quantity and the Coastal Erosion Hazard Code, Coastal Inundation Hazard Code, Flood-Prone Areas Hazard Code, Bushfire-Prone Areas Code or Landslip Hazard Code, applies and requires a permit for the use or development.
4.6.16	fuel tanks in other zones	<p>If:</p> <ul style="list-style-type: none"> (a) in a zone excluding the Light Industrial Zone, General Industrial Zone, Rural Zone, Agriculture Zone or Port and Marine Zone; (b) attached, or located, to the side or rear of a building; (c) not more than 1kL in capacity; (d) not on a stand with a height of more than 1.2m above existing ground level; and (e) has a setback not less than the Acceptable Solution for the relevant zone, <p>unless the Local Historic Heritage Code applies and requires a permit for the use or development.</p>
4.6.17	anemometers	All anemometers.
4.6.18	strata division	Division by strata titles of lawfully constructed or approved buildings for a use that has been granted a permit under this planning scheme or previously lawfully approved.