

NB: In this clause, pergola means an open structure that does not have a roof but may have a covering of open weave permeable material.

Description of building work for which building permit is not required

1. Construction, erection, assembly or placement of a freestanding Class 10a building that:
 - (a) has a floor area not exceeding 10m²; and
 - (b) is no more than 2.4m in height; and
 - (c) is not located in wind region C or D as defined in AS 1170.2.

2. Renovation, alteration, improvement, repair or maintenance of a building or incidental structure if the building work:
 - (a) will not adversely affect the structural soundness of the building or incidental structure and does not include:
 - (i) an increase or decrease in the floor area or height of the building or incidental structure; or
 - (ii) underpinning or replacement of footings; or
 - (iii) the removal or alteration of any element of the building or incidental structure that is contributing to the support of any other element of the building or incidental structure; and
 - (b) is done using materials commonly used for the same purpose as the material being replaced; and
 - (c) will not change the use or classification of the building or incidental structure; and
 - (d) will not adversely affect the safety and health of the occupants or other users of the building or incidental structure or of the public; and
 - (e) will not affect whether the building or incidental structure complies with each building standard that applies to the building or incidental structure; and
 - (f) is not work of a kind to which section 76, 77, 78 or 79 relates; and
 - (g) is not subject to an order, agreement or permit under the Heritage Act.

3. Construction, erection, assembly or placement of a temporary office, shed or sanitary facility to be used by a builder in connection with building work carried out on the land on which the office, shed or sanitary facility is, or is proposed to be, located.
4. Construction, erection, assembly or placement of a fence, screen or similar structure, other than a fence forming part of an enclosure for a private swimming pool, if:
 - (a) the fence, screen or similar structure is constructed in accordance with a local law made under the Local Government Act 1995 section 9.60 that applies to the construction of the fence, screen or similar structure in the district in which the fence, screen or similar structure is, or is to be, located; or
 - (b) the fence, screen or similar structure is, or is to be, located in a district in which there is no local law of a type referred to in paragraph (a) and the fence, screen or similar structure:
 - (i) if constructed of masonry, is no more than 0.75m in height; and
 - (ii) if constructed of a material other than masonry, is no more than 1.8m in height; and
 - (iii) is not located in wind region C or D as defined in AS 1170.2.
5. Construction, erection, assembly or placement of a mast, antenna or similar structure that:
 - (a) is not located in wind region C or D as defined in AS 1170.2; and
 - (b) if attached to a building:
 - (i) is no more than 2m in height above the highest point of attachment to the building; and
 - (ii) will not affect the way in which the building complies with each building standard that applies to the building; and
 - (c) if not attached to a building, is no more than 3m in height.
6. Construction, erection, assembly or placement of a retaining wall that:
 - (a) retains ground no more than 0.5m in height; and
 - (b) is not associated with other building work or with the protection of land adjoining the land on which the retaining wall is located; and

- (c) is not work of a kind to which section 76, 77, 78 or 79 relates.
7. Construction, erection, assembly or placement of a pergola associated with a Class 1 building that:
 - (a) is no more than 2.4m in height; and
 - (b) is not located in wind region C or D as defined in AS 1170.2; and
 - (c) covers an area not exceeding 20m².
 8. Construction, erection, assembly or placement of a rainwater tank with a capacity of 5,000 litres or less.
 9. Building work for a park home or annexe as those terms are defined in the Caravan Parks and Camping Grounds Act 1995 section 5(1).
 10. Attachment of photovoltaic panels or solar hot water systems to the roof of a Class 1 or Class 10a building that is not located in wind region C or D as defined in AS 1170.2.
 11. Building work for which a building licence was not required under the former provisions if, before commencement day:
 - (a) the on site building work had commenced; or
 - (b) a contract to carry out the building work was entered into.
 12. Building work for buildings owned or occupied by, or under the control or management of the Crown in right of the State or a department, agency or instrumentality of the Crown in right of the State that:
 - (a) commences before 31 December 2012; and
 - (b) has an estimated value of less than \$100,000.