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# Exemption for Farm Sheds from Requirement to Obtain a Building Permit Policy



September 2023

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Northern Grampians Shire Council  
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# Exemption for Farm Sheds from Requirement to Obtain a Building Permit Policy



## Council

**Responsible director**

**Responsible officer**

**Functional area**

**Date adopted by Council**

**Review date**

Director Infrastructure and Amenity

Municipal Building Surveyor

Community Safety and Amenity

September 2023

September 2027

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## Purpose

The purpose of the policy is to clarify when Council will provide an exemption from obtaining a permit for the construction of a Class 10a shed (excluding swimming pools and pool fences) in a farming zone that is intended to be used for farming purposes and does not require a planning permit.

## Background

This policy has been adopted by Council since 2010. The policy originally provided exemption for farm sheds in farm zone. The *Building Code of Australia 2016* and the *Building Regulations 2018* removed any exemption for farm sheds which exceed 500 square metres in area. The Policy has since been changed to include the requirements of the current Building Regulations.

## Scope

This policy applies to building permit exemptions for the construction of a Class 10a shed not exceeding 500 square metres on land within the Farming Zone.

Staff and Councillors of the Northern Grampians Shire Council are responsible for the implementation of this policy.

## Policy Objective

This policy aligns with the *Council Plan 2021-25*, Boost Economic Growth objective by contributing to - Increasing new investment, providing support to existing businesses, workforce and investment attraction.

## Policy

Provision is made under Regulation 280 of the *Building Regulations 2018*, to exempt Class 10 farm sheds that do not exceed 500 square metres in area and proposed to be constructed on land in the Farming Zone, and used for farming purposes, from all the requirements of the *Building Regulations 2018*, in accordance with the

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criteria set out in this policy. An exemption from a building permit does however not apply when a Planning Permit is required.

### Conditions

The farm shed:

- Must not exceed a maximum floor area of 500 square metres.
- Must be structurally adequate in accordance with Part P2.1.1 of Volume 2 of the Building Code of Australia.
- Must be constructed on land in a farming zone and used for farming purposes and does not require a planning permit.
- Must not be within the following setbacks as specified in S35.07 of the Farming Zone requirements of the Northern Grampians Planning Scheme:
  - 100 metres from a Road Zone Category 1 or land in a Public Acquisition Overlay to be acquired for a road, Category 1
  - 40 metres from a Road Zone Category 2 or land in a Public Acquisition Overlay to be acquired for a road, Category 2
  - 20 metres from any other road
  - 5 metres from any other property boundary
  - 100 metres from a dwelling not in the same ownership or
  - Not in a designated flood zone.

### **Legislation and Standards**

*Building Code of Australia 2016*

*Regulation 280 of the Building Regulations 2018*

Northern Grampians Planning Scheme

### **Responsibilities**

Responsible Director: Director Infrastructure and Amenity

Responsible Officer: Municipal Building Surveyor

### **Review**

Assessment of the policy will be undertaken every four years to align with the Council term to ensure it remains current with the Council's goals, processes, aims and requirements and as a means by which to reduce Council's exposure to risk. Triggers for an earlier assessment include legislative changes and introduction of new systems or procedures.

### **Communication and implementation**

This policy review had been undertaken in line with the Council's policy development and approval procedures. This policy will be made available on Council's website.

### **References**

✓ *Local Government Act 2020*

✓ *Regulation 280 of the Building Regulations 2018*

✓ *Planning and Environment Act 1987*

### **Compliance**

The policy requires the relevant State Government legislative compliance with:

✓ *Local Government Act 2020*

✓ *Planning and Environment Act 1987*

✓ *Building Regulations 2018*

### **Privacy and Data Protection compliance**

This policy considers the *Privacy and Data Protection Act 2014* and the Victorian Protective Data Security Standards and the risk of unauthorised disclosure of personal information. Council's procedures and IT systems will be used to protect security across the domains of information, personnel, ICT and physical.

### **Gender Equality compliance**

This policy considers relevant gender equity principles, workplace gender equality of rights, opportunities, responsibilities, outcomes and the promotion of gender equality in the policies, programs and services it

delivers.

### Charter of Human Rights compliance

It is considered that this policy does not impact on any human rights identified in the *Charter of Human Rights & Responsibilities Act 2006*.

### Definitions

<b>Term</b>	<b>Definition</b>
<b>Farming</b>	<ul style="list-style-type: none"> <li>a) cultivating, propagating and harvesting plants or fungi or their products or parts, including seeds, spores, bulbs or the like, but does not include forestry; or</li> <li>b) maintaining animals in any physical environment for the purposes of                             <ul style="list-style-type: none"> <li>i) breeding them; or</li> <li>ii) selling them; or</li> <li>iii) acquiring and selling their bodily produce such as milk, wool, eggs or the like; or</li> </ul> </li> <li>c) a combination of (a) and (b) but does not include forestry or maintaining animals for sport or recreational purposes.</li> </ul>
<b>Farm Shed</b>	<ul style="list-style-type: none"> <li>a) means a single storey building located on land primarily used for farming that is:                             <ul style="list-style-type: none"> <li>- used in connection with farming, or</li> <li>- used primarily to store one or more farm vehicles, or</li> <li>- a combination of the above</li> </ul> </li> <li>b) occupied neither frequently nor for extended periods by people, and</li> <li>c) in which the total number of persons accommodated at any time does not exceed two.</li> </ul>
<b>Class 10 Building</b>	are non-habitable buildings or structures.
<b>Class 10a Building</b>	are non-habitable buildings including sheds, carports and private garages.

### Review history

Date	Review details	Action
27 May 2010	Policy developed	Policy adopted by Council
4 March 2015	Policy reviewed (minor change)	EMT approval
1 October 2018	Policy reviewed (legislation changes)	Policy Adopted by Council
11 September 2023	Policy reviewed (template updated)	Reported to Councillor Briefing
2 October 2023	Policy reviewed (minor change)	Policy adopted by Council