

Owners are encouraged to discuss their plans for new buildings on farm land with the Building Surveyor by contacting the building department on 5382 9796.

Council welcomes applications for exemptions, but as a general rule, a building permit is required for almost every farm shed/farm building and the permit must be approved before any works can commence. The majority of farm sheds and farm buildings are classified as Class 7 or Class 8 buildings and subject to a building permit.

Applications for Exemptions from Obtaining a Building Permit for a Farm Shed

An application for exemption for a Class 10 farm shed can be lodged on the 'Application for Exemption' form. Exemptions from the requirements to obtain a building permit for farm sheds are not "as of right" and owners are required to apply for an exemption where the application will be considered on a case by case basis. The application will be assessed and the classification of the farm shed together with any conditions will be determined by the Building Surveyor.

What information is required for an Application for Exemption?

Copy of title, scaled site plans, elevations, structural engineering and any relevant supporting information

What is a Class 10 farm shed that may be exempt?

Under the Victorian Building Regulations 2018 – Regulation 280 (formerly 1804) 'Exemption for class 10 buildings on farm land', may exempt the following, subject to an application process on a case by case basis, and subject to the relevant building surveyor classifying the building as belonging to the class it most closely resembles in accordance with Regulation 13 (formerly 112).

- (a) Any single storey Class 10 building that is to be constructed on land primarily used for farming that is:
 - (i) Used in connection with farming; or
 - (ii) Used primarily to store one or more farm vehicles; or
 - (iii) A combination of (i) or (ii); and
- (b) occupied neither frequently nor for extended periods by people; and
- (c) in which the total numbers of persons accommodated at any time does not exceed 2; and
- (d) with a total floor area of 500 square metres or less
- (e)
 - (i) Farming – as defined in the Building Code of Australia
 - (ii) Farm vehicle – as defined in the Building Code of Australia
 - (iii) Farm Land – as defined in the Victorian Valuation of Land Act 1960

Farm land means any rateable land—

- (a) that is not less than 2 hectares in area; and
- (b) that is used primarily for grazing (including agistment), dairying, pig-farming, poultry farming, fish-farming, tree-farming, bee-keeping, viticulture, horticulture, fruit-growing or the growing of crops of any kind or for any combination of those activities; and
- (c) that is used by a business—
 - (i) that has a significant and substantial commercial purpose or character; and
 - (ii) that seeks to make a profit on a continuous or repetitive basis from its activities on the land; and
 - (iii) that is making a profit from its activities on the land, or that has a reasonable prospect of making a profit from its activities on the land if it continues to operate in the way that it is operating;

Approval of an Exemption

If the application for exemption is granted by the Building Surveyor, a building permit is not required. However, the building subject to the exemption is required to comply with the Building Code of Australia, and comply with any siting controls and planning permit requirements.

Offences

It is an offence under section 246 of the Act for an applicant for an exemption to provide false and misleading information to Council about the proposed use of a building. Where the use of the building changes after it has been constructed, regulation 229 applies, which requires the building to comply with the requirements of the new use.