

EXEMPT & COMPLYING DEVELOPMENT

Make sure you have the right information before you start.



EXEMPT DEVELOPMENT

You may not need a development application or construction approval for many minor renovations and low-impact works at your house, shop or business. This is called exempt development. Council approval is not needed if your project meets specific development standards, which are outlined in the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 (the CODES SEPP).

A few examples of development that may be exempt development are:

- Decks & Verandahs
- Garden sheds
- Carports
- Fences
- Repairing a window
- Painting a house
- Rainwater tanks
- Farm Buildings
- Minor building alterations

As long as the proposed works meet all of the general requirements & development standards identified in the CODES SEPP, approval may not be needed.

Other considerations

- Works must be structurally adequate, installed in accordance with manufacturer's specifications and comply with the Building Code of Australia (BCA).
- Buildings constructed before 1987 may contain asbestos. If you are unsure, you should have the building assessed by a qualified professional before carrying out any renovation or maintenance work. Call 1800 Asbestos (1800 272 378) or visit asbestosawareness.com.au

Generally, exempt development cannot be carried out on:

- land that is, or on which there is, an item that is listed on the State Heritage Register under the *Heritage Act 1977* or that is subject to an interim heritage order under that Act (unless an exemption has been granted under section 57 of the *Heritage Act 1977*);
- a critical habitat of an endangered species, population or ecological community under the Threatened Species Conservation Act 1995 or the *Fisheries Management Act 1994*;
- a wilderness area under the *Wilderness Act 1987*.

COMPLYING DEVELOPMENT

Complying development is a combined planning and construction approval that meets pre-determined development standards.

It is for straightforward development that can be determined through a fast-track assessment by council or private certifier.

Complying development applies to homes, businesses and industry and allows for a range of things like the construction of:

- a new house
- alterations and additions to a house
- new industrial buildings
- demolition of a building
- changes to a business use

Complying development generally includes larger building works than exempt development. For this reason 'sign off' by a building professional (known as a certifier) is needed.

Complying development is also subject to conditions of approval to protect surrounding uses during the construction period and the life of the complying development.

This means that routine works that comply with the relevant development standards in the State Policy can save homeowners and businesses time and money.

Approvals under the fast-track complying development pathway can be issued in as little as 20 days.

The majority of exempt and complying development types and their development standards are found in the State Policy for exempt and complying development.

You can view the State Policy on the NSW Legislation website:

State Environmental Planning Policy (Exempt and Complying Development Codes) 2008

The NSW Planning Portal

The Department provides free information, advice and tools for everything from adding a deck or garage to building a new home.

You can use the online planning tools on the NSW Planning Portal to check requirements for Exempt Development and prepare, lodge and track applications for Complying Development

<http://www.planningportal.nsw.gov.au>

WHAT IS DEVELOPMENT WITHOUT CONSENT?

Not all development requires consent before work can start. Development without Consent is outlined in the Land Use tables of the Gundagai Local Environmental Plan 2011 and the Cootamundra Local Environmental Plan 2013 under "*Permitted without consent*".

Development without consent is limited to low impact development such as some home occupations, or environmental protection works in RU1 zone.

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Need help?

Council provides building certification services that are flexible and personalised.

If you have any further questions, please contact Council's Planning, Building and Compliance team on 1300 459 689 or mail@cgrc.nsw.gov.au

Disclaimer

Any person using this document must do so on the basis that, not every scenario and issue can be addressed, and discussion with relevant staff at Council should be undertaken.

This document is subject to change without notice.



**COOTAMUNDRA-
GUNDAGAI** REGIONAL
COUNCIL

PO Box 420, Cootamundra NSW 2590
Phone 1300 459 689
Email mail@cgrc.nsw.gov.au
Fax 02 6490 2127