



Young Shire Council

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PLANNING, ENVIRONMENT & STRATEGIC SERVICES DEPARTMENT

FACT SHEET 3

COMPLYING DEVELOPMENT

INTRODUCTION

Complying Development are developments that comply with specified limits and requirements as prescribed in the *State Environmental Planning Policy (Exempt & Complying Codes) 2008*.

The Codes SEPP has state wide application and were introduced in an attempt to;

- introduce state-wide legislation,
- streamline development assessment, and
- to identify types of development that have minimal environmental impact and could be undertaken without Development Consent.

Environmental Planning Policy (Exempt & Complying Codes) 2008 - Codes SEPP

Under the Codes SEPP there are four categories of Complying Development which include;

- **The General Housing Code** (Part 3) - which includes the construction of single and two-storey dwellings and ancillary structures.
- **Housing Internal Alterations Code** (Part 4) - which includes internal alterations to existing dwelling houses
- **General Commercial & Industrial Code** (Part 5) - which includes internal building alterations, change of use proposals, mechanical ventilation systems, shop front and awning alterations to commercial and industrial premises
- **Subdivisions Code** (Part 6)

Council has developed a series of Checklists designed to assist Applicants when applying for a Complying Development Certificate under *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*. The Applicant should refer to the Codes SEPP when completing these checklists which are now available from the Customer Service area and on the web.

If your proposed development does not comply with the general requirements AND the development standards of the Codes SEPP, you may still be able to undertake the development but you will be required to lodge a Development Application with Council.

A staff member from the Planning, Environment and Strategic Services Department is available for consultation at the Customer Service area between 8.30am and 11am weekdays.
At other times Staff are available via phone or by appointment (02) 6380 1203.

In order to apply for a Complying Development Certificate you must be able to comply with all of the general requirements, and all the development standards as listed in the applicable Part of the Codes SEPP.

General Exclusions

For any Complying Development under the Codes SEPP, approval cannot be granted when the land:

- is an environmentally sensitive area, or

(**Note** the definition of *environmentally sensitive area* is set out in the Codes SEPP - for the Young Shire are the only section currently applicable is the following:
- land identified in this or any other environmental planning instrument as being of high Aboriginal cultural significance or high biodiversity significance.

To identify this land please refer to the Young LEP 2010 Natural Resource Sensitivity Biodiversity Maps - NRB Series).
- comprises, 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 the *Heritage Act 1977*, or
- land that comprises, or on which there is, a heritage item or draft heritage item (Refer to the Young LEP 2010 Heritage Map Series), or

In addition to the above, there are also exclusions for Complying Development under the **General Housing Code** (refer to Clause 1.19). In Young Shire this means that Complying Development cannot be carried out when the land:

- Is within a heritage conservation area or a draft heritage conservation area (Refer to Young LEP 2010 Map HER_016 of the Heritage Map Series), or
- is land that is bushfire prone land.

Note: If only a part of a lot is affected by any of the above constraints, complying development must not be carried out on any part of that lot.

As the Housing Internal Alterations Code relates to internal alterations only and the Commercial and Industrial Codes relates to internal alterations and change of use, the land based exclusions for these codes are less extensive than those for the General Housing Code. Refer to Clause 1.19 of the Codes SEPP.

The Codes SEPP can be viewed at www.legislation.nsw.gov.au - (and browse *Environmental Planning Policy (Exempt & Complying Codes) 2008*), or through the NSW Department of Planning website at www.planning.nsw.gov.au/housingcode

Disclaimer

Whilst Council endeavours to ensure the advice given by staff and the information supplied by Council is suitable, accurate and complete, no warranty is given that the verbal or material advice is free from error or omission. Verbal advice and material is intended for general use and general information only. Any person receiving such advice and material must exercise their own due skill and care with respect to the use of the advice and material.

Accordingly, Young Shire Council, expressly disclaim all liability for any act done, or admission made in reliance on such advice or material, and consequences of such an act or omission.

If you have any you have any questions regarding this information sheet, please contact Council's Planning, Environment & Strategic Services Department on (02) 6380 1203.

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