



Young Shire Council

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PLANNING, ENVIRONMENT & STRATEGIC SERVICES DEPARTMENT

FACT SHEET 4

EXEMPT DEVELOPMENT

INTRODUCTION

Exempt Development covers a range of minor developments that can proceed without Council approval, subject to the specified limits and requirements as prescribed in the *State Environmental Planning Policy (Exempt & Complying Codes) 2008* (the Codes SEPP).

The Codes SEPP has state wide application and commenced on 27 February 2009.

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

The Codes SEPP was introduced in an attempt to;

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

The Codes SEPP prescribes general requirements for exempt development as well as providing development standards (in Part 2 - General Exempt Development Codes) for minor development that does not require Council approval.

Examples of developments that may be covered under Part 2 of the Codes SEPP include decks, verandahs, pergolas, rainwater tanks, fences, Garden Sheds, Cubby Houses, Carports, Earthworks & Retaining Walls.

Please note that in order to carry out an Exempt Development on your property you must be able to comply with all of the **general requirements** listed overleaf, and all the development standards as listed in Part 2 of the Codes SEPP.

If your proposed development does not comply with the general requirements or Part 2 of the Codes SEPP, you may still be able to undertake the development but you will be required to seek approval from Council. If you are unsure as to whether your development can be considered exempt please contact Council Staff **before** commencing any work.

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 (and in particular other professional staff such as Building Surveyors, Planners & Engineers) are available via phone or by appointment (02) 6380 1203.

GENERAL REQUIREMENTS CHECKLIST FOR EXEMPT DEVELOPMENT

You must be able to tick all boxes

1. The development:

- is not being carried out on land that is an environmentally sensitive area
Under the definitions of the Codes SEPP *environmentally sensitive areas* in Young Shire include any area identified in the Young LEP 2010 on the Natural Resources - Biodiversity Maps
- is not being carried out on land that 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](#).
- meets the relevant deemed-to-satisfy provisions of the Building Code of Australia, or if there are no such relevant provisions, it is structurally adequate, and
- if it relates to an existing building, does not cause the building to contravene the Building Code of Australia, and
- is not a designated development, and
- be installed in accordance with the manufacturer's specifications, if applicable, and
- does not involve the removal or pruning of a tree or other vegetation that requires Approval under Young Shire's Tree Preservation Order or development consent, unless undertaken in accordance with such a Approval of consent.

2. If the development that relates to an existing building that is classified under the Building Code of

- Australia as class 1b or class 2–9 :
- the building has a current fire safety certificate or fire safety statement, or no fire safety measures are currently implemented, required or proposed for the building.

Remember - If your development does not comply with all of the general requirements listed above and with all the Development Standards listed in Part 2 of the Codes SEPP you will need to seek Council approval.

Further Information

The General Exempt Development Codes can be viewed at www.legislation.nsw.gov.au - (and browse *State Environmental Planning Policy (Exempt & Complying Codes) 2008*).

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.

GENERAL REQUIREMENTS CHECKLIST (You must be able to tick all boxes)

1. The development:
 - meets the relevant deemed-to-satisfy provisions of the Building Code of Australia, or if there are no such relevant provisions, must be structurally adequate, and
 - (b) must not, if it relates to an existing building, cause the building to contravene the Building Code of Australia, and
 - (c) must not be designated development, and
 - (d) must not be carried out on land that 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](#).
2. Development that relates to an existing building that is classified under the Building Code of Australia as class 1b or class 2–9 is exempt development only if:
 - a) the building has a current fire safety certificate or fire safety statement, or
 - b) no fire safety measures are currently implemented, required or proposed for the building.
3. To be exempt development, the development must:
 - a) be installed in accordance with the manufacturer's specifications, if applicable, and
 - b) must not involve the removal or pruning of a tree or other vegetation that requires a permit or development consent for removal or pruning, unless that removal or pruning is under taken in accordance with a permit or development consent.

Exempt Development may not be carried out on land that is an environmentally sensitive area

In order for your development to be considered exempt from Council approval you must be able to comply with the general requirements listed above and with all of the Development Standards listed in Division 1 for your development. If your development does not comply with all development standards you will need to seek Council approval.

Further Information

NSW Department of Planning - www.planning.nsw.gov.au/housingcode

Young Shire Council has prepared informational flyers regarding some of the more common minor developments in our Shire which may be able to be undertaken as an Exempt Development under the Codes SEPP.

These flyers are available at the Customer Service Area at Council's Offices, and include;

- Pergolas / Verandahs / Decks / Patios
- Garden Sheds / Greenhouses / gazebo / Cubby Houses
- Fencing
- Carports
- Rainwater Tanks
- Earthworks / Retaining Walls

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