



Exempt Development Frequently Asked Questions

General Information

This information sheet is for guidance only and may not contain all the information relevant to every property in NSW.

Many types of home renovations and minor building projects do not need approval from Council or a Private Certifier. This is called exempt development.

The majority of the development that can be undertaken as exempt development in NSW is identified in the State wide policy called the *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*. Additional information on exempt development can be found on the NSW Department of Planning, Industry and Environment Exempt Development website.

As long as the building project meets specific standards and land requirements (as defined in the State wide policy) no planning or building approval is needed. The *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* is available on the NSW Legislation website.

What type of development can be exempt development?

A range of minor developments can be undertaken to residential, commercial and industrial properties, as exempt development. The exempt and complying development policy divides exempt development into three groups:

- General Exempt Development (for a broad range of building work),
- Advertising and Signage Exempt Development (for common types of business signs and other signage),
- Temporary Uses and Structures (for temporary uses such as filming, builder's sheds and tents and marquees used for specific events).

How do I know if my project is exempt development?

The policy clearly sets out the development standards that a building project must meet, to be exempt development. To be exempt development the project must comply 100% with all of the relevant development standards including Division 1 and Division 2 of the policy.

What else should I know about exempt development?

If any of the development standards for the particular exempt development type cannot be met, approval is required for the project. Exempt development must have minimal environmental impact and cannot be carried out on land that is:

- A critical habitat of an endangered species, population or ecological community (identified under the *Threatened Species Conservation Act 1995* or the *Fisheries Management Act 1994*).
- That is a declared area of outstanding biodiversity value under the *Biodiversity Conservation Act 2016* or declared critical habitat under Part 7A of the *Fisheries Management Act 1994*.
- A wilderness area under the *Wilderness Act 1987*.
- A State heritage item listed on the State Heritage Register (SHR) or that is subject to an interim heritage order under the *Heritage Act 1977*.

Additional general requirements for exempt development are contained within clause 1.16 of the policy and apply to all exempt development types. As well as the above general restrictions for exempt development, some development types have specific exclusions. These additional exclusions protect against negative impacts on land that is especially sensitive or has a special character. These exclusions are identified in the development standards for each development type.

Safety and Exempt Development

All exempt development works must comply with relevant provisions of the *Building Code of Australia*. If no relevant provisions exist, the works must be structurally adequate. Additionally:

- Exempt development works must not cause an existing building to contravene the *Building Code of Australia*.
- All exempt development works must be installed in accordance with the manufacture's specifications.
- To be exempt under this policy, 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 undertaken in accordance with a permit or development consent. The provisions of the State wide policy do not override other policies or legislation.

Any other approvals required?

Before undertaking some types of exempt development, you may need to obtain a separate approval or licence from Council, a State Agency or utilities providers. Examples of other approvals include:

- The land owner's approval to carry out any works on their land.
- Covenants and legal agreements that apply to the land still apply.

- Approval under section 68 of the Local Government Act 1993 is required for certain activities, including the installation of manufactured homes/transportable dwellings, the placing of some structures in or over a public place and; plumbing and drainage works.
- The building of any kerb, crossover or driveway and other work over a public road or footway will require an approval from the relevant roads authority under the Roads Act 1993.
- Works to waterway structures may need an approval under the Fisheries Management Act 1994, or a licence under the Protection of the Environment Operations Act 1997, or water licencing approvals under the Water Management Act 2000.

When is Local Development Approval by Council required?

The burden of proof to satisfy the exempt policy rests with the owner of the land, who must ensure the proposed development meets the State wide exempt policy. Applicants should refer to the relevant planning controls before beginning work, or seek professional advice on how the planning controls apply to their property.

Any development that cannot comply with the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 is required to seek development approval under the Goulburn Mulwaree Local Environmental Plan 2009. All local approvals must demonstrate compliance with the planning controls as outlined in the Goulburn Mulwaree Development Control Plan 2009 (DCP).

More Information

For property information, including land zoning and constraints that apply to the land visit the NSW Planning Portal website and click on “Find a Property”.

A section 10.7 Planning Certificate is a legal document, issued by Council that details the zoning and applicable rules for development of your property. Contact your Conveyancer or Solicitor.

For more information on exempt development, visit the Exempt and Complying Development Policy website or contact the Department’s Exempt and Complying Development Team on 1300 305 695 or by email: codes@planning.nsw.gov.au