



# Exempt and Complying Development: An overview of recent changes

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# Overview

- What is exempt and complying development?
- The SEPP
- Recent Changes
- Examples



# Background - Exempt and Complying Development

- 3 categories of development:
  - Development that needs consent
  - Development that does not need consent
  - Prohibited development
- Different assessment streams for developments that need consent
  - **Part 4** (complying development, designated development)
  - **Part 4 Div. 4.1** (State significant development)
  - **Part 5** (environmental assessment )

# The SEPP

- State Environmental Planning Policy (Exempt and Complying Development Codes) 2008
  - Identifies development that is exempt
  - Identifies development that is complying
  - Sets the development standards that must be met (Codes)
  - Sets out restrictions and general requirements for exempt and complying development (including land restrictions)

# The SEPP – Exempt Development

- SEPP contains codes for a wide range of exempt development
  - General Exempt Development Codes
  - Advertising and Signage Exempt Development Codes (new)
  - Temporary Uses and Structures Exempt Development Codes (new)

# The SEPP – Complying Development

- SEPP contains codes for a wide range of complying development:
  - General Housing Code
  - Rural Housing Code
  - Housing Alterations Code
  - General Development Code
  - Commercial and Industrial Alterations Code (new)
  - Commercial and Industrial (New Builds) Code (new)
  - Subdivisions Code
  - Demolition Code
  - Fire Safety Code (new)

# The SEPP – general land restrictions

- General

- Some land is not covered by the SEPP
- Exempt and Complying development cannot take place on some land
  - Critical habitat
  - Wilderness areas
  - State Heritage Register or Interim Heritage Order

- Complying Development exemptions (Code based)

- General Housing Code and Rural Housing Code
- Housing Alterations Code and General Development Code
- Commercial and Industrial (New Buildings and Additions) Code

## The SEPP – specific land restrictions

- Some Codes include land restrictions, such as:
  - Heritage conservation areas
  - Foreshore areas
  - Environmentally sensitive areas
  - Flood control lot
  - Zoning (only RU zones)
  - Lot size (minimum of 2ha)
  - Acid Sulfate Soil



# Recent Changes

- **What?**

- Amendments to Exempt and Complying Development SEPP
- Amendments to the Environmental Planning and Assessment Reg

- **When?**

- Changes notified in Dec 2013 and commenced in Feb 2014

- **Who**

- NSW Dept Planning and Infrastructure (now Dept Planning and Environment)

- **Why?**

- Implement NSW 2021 Plan – reduce red tape
- Faster, simpler approvals process
- Save businesses and individuals time and money

## General considerations

- Increase in time to issue Complying Development Certificate
- Standardised conditions for complying development
- New neighbour notification requirements
- Protections for adjoining properties
- Certifier obligations

# 1. New categories of exempt development



## 2. Changes to the General Exempt Development Code





### 3. New complying development codes for commercial and industrial buildings



## 4. Changes to the General Housing Code, Rural Housing Code and Housing Alterations Code





## 5. Exempt Development and Environmentally Sensitive Land



## 6. Land exclusions

