



Thematic Discussion Paper- *Exempt and Complying Development*

Exempt Development

What is exempt development?

Exempt development is a type of development that meets specific criteria. The specific criteria are aimed at ensuring the development has minimal environmental impact. With exempt development, no application needs to be submitted to Council for approval.

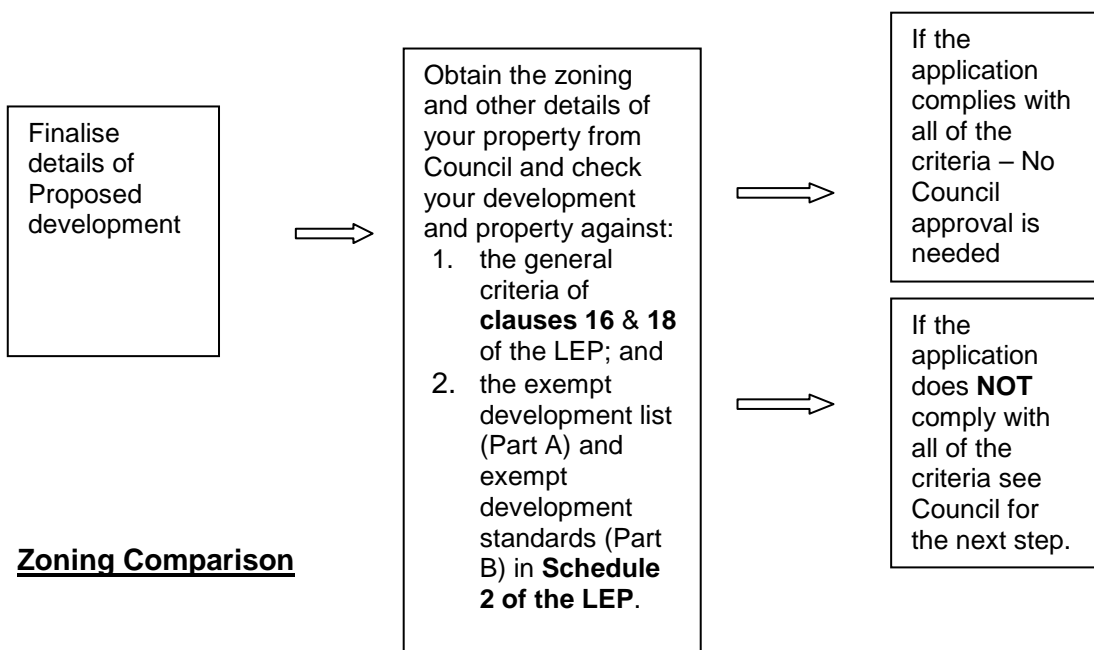
Are there any standards that still apply?

Yes, the requirements to have a structurally adequate building and all the normal standards that apply to building and structures stipulated in the Building Code of Australia and associated standards still apply.

How does a person know if their development is exempt development or not?

Exempt development will be listed under Schedule 2 of the LEP.

Exempt Development Flow Chart



The Table below lists the proposed **new** Land Use zones (left column) and the corresponding zones from the existing Wingecarribee LEP 1989 (right column).

WLEP 2007 Zones	WLEP 1989 Zones
RU1 Primary Production	1a Rural
RU2 Rural landscape	1a Rural 1b Rural
RU3 Forestry	1f Forest
RU4 Rural Smallholdings	1C Rural Smallholdings
R2 Low Density Residential	Residential 2(a) Residential 2(a2) Residential 2(b) Residential 2(c)
R3 Medium Density Residential	Residential 2(b)
R5 Large Lot Residential	Residential 2(a1)
B1 Neighbourhood Centre	3(a) Business
B3 Commercial Core	3(a) Business
B4 Mixed Use	3(a) Business
B5 Business Development	3(b) Business
B7 Business Park	3(b) Business
IN1 General Industrial	4a Industrial 4b Industrial 1a Rural (Enterprise Corridor)
IN2 Light Industrial	4a Industrial 4b Industrial
IN3 Heavy Industrial	4a Industrial
SP1 Special Activities	5(a) Special Uses
SP2 Infrastructure	5(b) Railway 9(a) (Proposed Arterial Road Zone) 9(b) (Proposed Local Road Zone) 9(c) (Reservation Special Uses (Parking etc.) Zone)
RE1 Public Recreation	6(a) Open Space 6(c) Open Space Special Purposes
RE2 Private Recreation	6(b) Open Space Private
E1 National Parks and Nature Reserves	8(a) Existing National Parks and Nature Reserves
E2 Environmental Conservation	5(c) Special Uses (Water Catchment) 7(a) Environmental Protection, Various
E3 Environmental Management	1b Rural 5(c) Special Uses (Water Catchment) 7(a) Environmental Protection 7(b) Environmental Protection (Landscape Conservation)
E4 Environmental Living	1C Rural Smallholdings

The comparison table below compares how exempt development is arranged between WLEP 2007 and WLEP 1989.

WLEP 2007	WLEP 1989
Part 3 Exempt and Complying Development	Part 1 Preliminary
Clause 16 <i>Exempt development</i> clause 18 <i>Environmentally sensitive areas excluded</i>	Clause 6A – What is Exempt Development?
Schedule 2 Exempt Development	Schedule 7 – Exempt Development

What are the major changes to exempt development?

- WLEP 2007 has broadened the opportunity for exempt development to occur in the Special Purposes Zone Group, Recreation Zone Group and Environmental Zone Groups. This is in addition to those zone groups already covered in WLEP 1989 (Rural, Residential, Business, Industrial).
- E2 Environmental Conservation and E3 Environmental Management have been separated rather than list them under the Environmental Protection Zone Group. This is because dwelling houses are prohibited in E2 (land in public ownership eg Crown land) and permissible with consent in E3.

What changes have been made to the exempt development list (Schedule 2)?

The majority of the exempt development list has been carried over from WLEP1989. The following are some of the activities/developments which have been added to the exempt development list:-

- Access ramps for people with disabilities;
- Change of Business Use (Retail premises to Retail Premises, Retail Premises to Office Premises, Office Premises to Retail Premises, Office Premises to Office Premises).
- A temporary sign;
- A clothes line/hoist;
- Minor garden and landscape establishment and maintenance works;
- Driveways and pathways (private land);
- Development for public purposes;

In addition, exempt development previously listed in State Environmental Planning Policy (SEPP) No.4 - *Development Without Consent* have been included:-

- Filming;
- Rainwater tanks;
- Satellite TV dishes;
- Wind monitoring tower.
- The maximum floor area sizes for some exempt developments have been increased for the rural zones and E3 Environmental Management Zones to reflect the larger lot sizes in these localities where the potential for environmental impact is reduced. Eg. a garden, machinery or tool shed can

be a maximum floor area of 20m² in a rural zone, where previously it was 10m².

- The maximum capacity for rainwater tanks in the rural and environmental protection zones has been increased from 20,000 litres to 50,000 litres.

Complying Development

What is Complying Development?

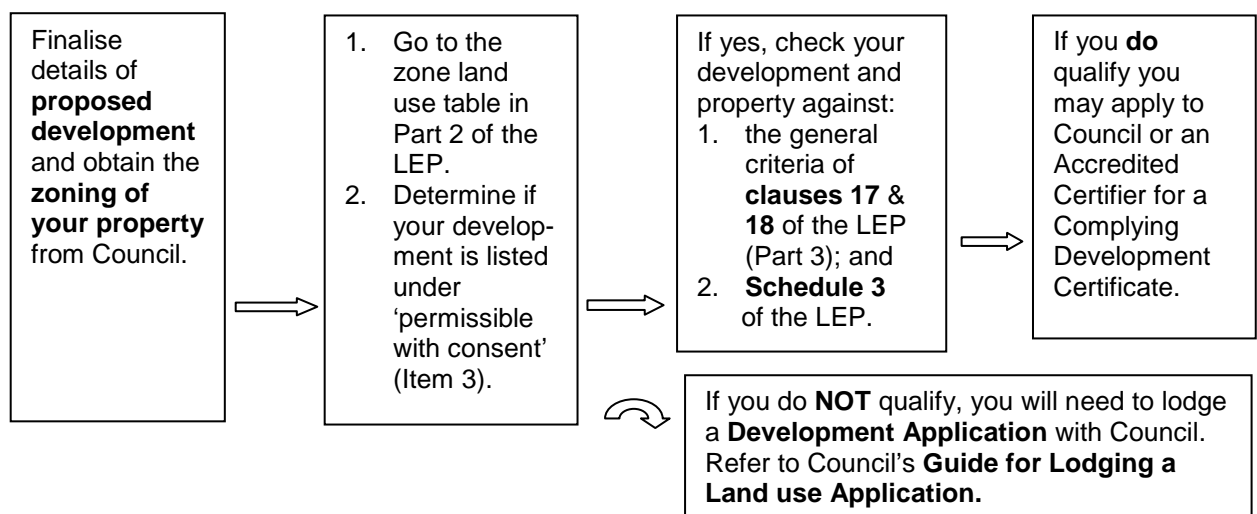
Complying development is a type of development that meets specific criteria. Complying development is basically “routine” type development that includes development such as a single storey dwelling or additions to a dwelling where the environmental impacts are generally low and can be managed by standard conditions that are set out in Development Control Plan No 44 – Requirements for the erection of buildings.

With this type of development a Complying Development Certificate application needs to be submitted to Council or an Accredited Certifier for approval. Adjoining property owners are not notified of Complying Development.

How do I know if my proposal is Complying Development?

- To be complying development, your development must be ‘permissible with consent’ in the zone.
- You need to check against the following flowchart. Follow the instructions and check off all issues to see if you qualify.
- It is important to know that you **must not** change your proposal without specific approval once a Complying Development Certificate has been issued as this may exclude you from the qualifying criteria.

Complying Development Flow Chart



The comparison table below compares how complying development is arranged between WLEP 2007 and WLEP 1989.

WLEP 2007 Zones	WLEP 1989 Zones
Part 3 Exempt and complying development	Part 1 Preliminary
Clause 17 Complying development Clause 18 Environmentally sensitive areas excluded	Clause 6B – What is Complying Development?
Schedule 3 Complying Development	Schedule 8 – Complying Development

What are the major changes to complying development list?

- Change of business use has been removed and inserted into exempt development. The internal fit out or alteration to a retail premises including a food and drink premises is retained in complying development.
- Spa pools have been inserted as complying development under recreation facilities.
- The complying development descriptions have been updated to be consistent with the Standard LEP definitions (e.g. bed and breakfast accommodation replaces bed and breakfast establishment).

How have the exempt development standards changed?

- Bed and breakfast accommodation is limited to occurring in the dwelling-house only. Car-parking and advertising sign standards have been inserted.
- Development standards for residential development now reference the Wingecarribee Development Control Plan Residential Development adopted by Council on 19 April 2006 and State Environmental Planning Policy (Building Sustainability Index: BASIX 2004).
- Other development standards have simply been updated to current standards and regulations eg. for a bed and breakfast accommodation reference compliance with the Food Act 2003 and Regulations as Amended and AS4674-2004 – Design, Construction and Fit-Out of Food Premises.