

EXEMPT DEVELOPMENT SUMMARY

**A SUMMARY OF THE PROVISIONS OF
STATE ENVIRONMENTAL PLANNING POLICY
(EXEMPT AND COMPLYING DEVELOPMENT CODES) 2008
AND THE
BLACKTOWN LOCAL ENVIRONMENTAL PLAN 1988
(AMENDMENT No. 214)
UNDER THE
ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979**

EXEMPT DEVELOPMENT is:

- (a) development that is specified in an exempt development code that meets the standards specified for that development and that complies with the applicable requirements of the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 (the **SEPP**) or the Blacktown Local Environmental Plan 1988 (the **BLEP**), and
- (b) more generally, **minor development** which may be undertaken without the need for development consent or any other Council approval and without an assessment of the likely environmental impact of the development, but only where the development/work will comply with **each and every** applicable development standard listed in the SEPP (Parts 1 and 2) or the BLEP.

The proponent/enquirer should be satisfied that the proposed development complies with each of the applicable general requirements and development standards contained within this document, otherwise a separate Development Application and Construction Certificate or Complying Development Certificate are/is required for the development.

The SEPP came into effect on 27 February 2009.

The SEPP replaced many of the existing Exempt Development provisions of the BLEP. The BLEP Exempt Development provisions still apply for those development types **not** identified in the SEPP.

Should further information be required, please refer to the NSW Department of Planning website (www.planning.nsw.gov.au/housingcode.asp) or Information Centre on 1300 305 695 (in relation to SEPP provisions) or contact the Blacktown City Information Centre on (02) 9839 6000 (in relation to BLEP provisions).

Disclaimer: While every reasonable effort has been made to ensure that this document is correct, Council and its employees disclaim any and all liability to any person in respect of anything or the consequences of anything done or omitted to be done in reliance upon the whole or any part of the document.

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1. LAND USE ZONES

- 1.1 A reference in the SEPP to a lot in a named land use zone is a reference:
- (a) to a lot that, under an environmental planning instrument made as provided by Section 33A (2) of the Act, is in a land use zone specified in the Standard Instrument, and
 - (b) to a lot that, under an environmental planning instrument that is not made as provided by Section 33A (2) of the Act, is in a land use zone in which equivalent land uses are permitted to those permitted in the named land use zone.
- 1.2 **equivalent land uses**, in relation to a lot in a named land use zone, means uses equivalent to the permitted land uses shown opposite that named land use zone in the table to this clause.

Named land use zone	Permitted land uses
R1	Variety of residential housing types
R2	Primarily dwelling houses
R3	Mix of dwelling houses and multi dwelling housing
R4	Primarily residential flat buildings
R5	Dwelling houses on large lots in a rural setting
RU1	Primarily agriculture
RU2	Compatible rural land uses including extensive agriculture
RU3	Forestry land uses
RU4	Compatible rural land uses including primary industry

2. RELATIONSHIP WITH OTHER STATE ENVIRONMENTAL PLANNING POLICIES

- 2.1 Where the SEPP and *State Environmental Planning Policy (Infrastructure) 2007* specify the same development as exempt development, the SEPP does not apply to that development.
- 2.2 Where the SEPP and *State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007* specify the same development as exempt development, the SEPP does not apply to that development.
- 2.3 Where the BLEP specifies exempt development that is not the same as development specified as exempt development in the SEPP, the SEPP does not affect the operation of the BLEP.

3. RELATIONSHIP WITH BLACKTOWN LOCAL ENVIRONMENTAL PLAN 1988 AND DEVELOPMENT CONTROL PLANS

- 3.1 ***Exempt development under the SEPP and the BLEP***
- Where the SEPP and BLEP specify the same development as exempt development, the BLEP does not apply to that development.
- 3.2 ***Exempt development under the SEPP and complying development under BLEP***
- Where the SEPP specifies development as exempt development and the BLEP specifies the same development as complying development, the BLEP ceases to apply to that development 12 months after the commencement of the SEPP.
- 3.3 Where the BLEP specifies exempt development that is not the same as development specified as exempt development in the SEPP, the SEPP does not affect the operation of the BLEP.

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4. GENERAL SEPP REQUIREMENTS

- 4.1 The development, in addition to those relevant Development Standards indicated in the following Table:
- (a) must meet the relevant deemed-to-satisfy provisions of the *Building Code of Australia*, or if those provisions do not apply, 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*.
- 4.2 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.
- 4.3 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 undertaken in accordance with a permit or development consent.
- 4.4 The development must not be carried out on land that is an environmentally sensitive area.

5. GENERAL BLEP REQUIREMENTS

- 5.1 The development specified in Schedule 6 of the BLEP is exempt development provided it satisfies all of the applicable development standards/criteria in the following Table and the development:
- (a) complies with any deemed-to-satisfy provisions of the Building Code of Australia relevant to the development, and
 - (b) does not result in a total roofed coverage of the land that exceeds 0.66:1, and
 - (c) does not involve the removal, lopping, topping or ringbarking of a tree, and
 - (d) does not encroach upon any easement or right-of-way, and
 - (e) is carried out at least 1 metre from any easement or public sewer main and complies with the building over sewer requirements of Sydney Water Corporation applying to the land, and
 - (f) meets the requirements of the Sydney Water Corporation, including obtaining a certificate of compliance, if required, and
 - (g) is not on land that contains threatened species, threatened populations or endangered ecological communities or land that is subject to a recovery plan or threat abatement plan

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under the *Threatened Species Conservation Act 1995* or the *Fisheries Management Act 1994*, and

- (h) does not contravene any condition of a development consent applying to the land, and
- (i) is not on land that is or contains an item of the environmental heritage listed in Schedule 2, and
- (j) is not on land that is:
 - (i) dedicated or reserved under the *National Parks and Wildlife Act 1974*, or
 - (ii) dedicated or reserved under the *Crown Lands Act 1989*, for the preservation of flora, fauna or geological formations or for other environmental protection purposes, or
 - (iii) an Aboriginal place, or contains an Aboriginal relic, under the *National Parks and Wildlife Act 1974*; or
 - (iv) subject to an order under the *Heritage Act 1977*, or
 - (v) identified in an environmental planning instrument as a wetland, or within 20 metres of a wetland, or
 - (vi) an aquatic reserve declared under the *Fisheries Management Act 1994*, or
 - (vii) flood liable land, or
 - (viii) identified as subject to local overland flooding under *Blacktown Development Control Plan 1992*, or
 - (ix) steeper than 33% slope (to the horizontal) within any building footprint, or
 - (x) within an area identified as being of high archaeological significance under *Blacktown Development Control Plan 1992*, or
 - (xi) identified as a known archaeological site under *Blacktown Development Control Plan 1992*, or
 - (xii) contaminated, within the meaning of the *Contaminated Land Management Act 1997*, or
 - (xiii) subject to subsidence or slip, or
 - (xiv) within 40 metres of a perennial watercourse identified by a 1:50,000 topographical map held by Land and Property Information NSW, or
 - (xv) identified as a riverine scenic area under *Sydney Regional Environmental Plan No. 20 - Hawkesbury - Nepean River (No. 2 - 1997)*, or
 - (xvi) identified as bushfire prone on the council's bushfire prone land map.

Note: Section 76 (3) of the *Environmental Planning and Assessment (EP&A Act)* states that exempt development cannot be carried out on land that is:
(a) critical habitat (within the meaning of the *Threatened Species Conservation Act 1995* or the *Fisheries Management Act 1994*), or
(b) within a wilderness area (within the meaning of the *Wilderness Act 1987*).

Note: Exempt development identified in Schedule 6 to this plan may be carried out without development consent and without any environmental assessment under the *EP&A Act*. The plan does not affect any other requirement for approval or authorisation required under another Act. If any of the applicable criteria for exempt development as listed above and in Schedule 6 cannot be met then that development may only be carried out with the consent of the council.

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EXEMPT DEVELOPMENT TABLE

DEVELOPMENT TYPE		DEVELOPMENT STANDARDS (together with the General Requirements indicated at Section 4 (for SEPP developments) or Section 5 (for BLEP developments))
1.	Access Ramps (SEPP)	<ul style="list-style-type: none"> (a) Not more than 1m above ground level (existing), and (b) constructed in accordance with AS 1428.1 – 2001, <i>Design for access and mobility – General requirements for access – New building work, and</i> (c) not interfere with the functioning of existing drainage fixtures or the natural surface flow of water, and (d) if it is located on bush fire prone land – be constructed of non-combustible material, and (e) if it is constructed or installed on or in, or in relation to, a heritage item or a draft heritage item or in a heritage conservation area or a draft heritage conservation area – be located in the rear yard.
2.	Advertisement (BLEP)	<p><u>General provisions that are applicable to each advertisement including a street sign, directional sign or traffic management sign:</u></p> <ul style="list-style-type: none"> (a) Does not cover, obstruct or interfere with facilities essential to the function or occupation of any building (e.g. ventilation ducts/openings and architectural features). (b) does not incorporate flashing or moving components. (c) each element incorporated in the advertisement is structurally adequate.
	2.1 Awning or under awning sign (illuminated and non-illuminated)	<ul style="list-style-type: none"> (a) Within a Business or Industrial zone, and (b) one per premises, and (c) securely attached to the awning, and (d) maximum area 2m², and (e) under awning sign minimum height 2.6m above any footway, and (f) minimum horizontal distance 600mm from the road kerb/shoulder, and (g) minimum horizontal distance 3m from any other awning sign or under awning sign
	2.2 Business identification sign	<ul style="list-style-type: none"> (a) Within a Residential, Rural or Special Uses zone, and (b) limited to a flush or painted wall sign and pole or pylon sign, and (c) one per premises, and (d) maximum area 1m², and (e) located within the property boundaries, and (f) not directly illuminated by either an external or internal light source, and (g) maximum overall height 2m above any adjacent ground level.

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DEVELOPMENT TYPE	DEVELOPMENT STANDARDS (together with the General Requirements indicated at Section 4 (for SEPP developments) or Section 5 (for BLEP developments))
2.3 Development advisory sign and real estate sign	<ul style="list-style-type: none"> (a) Limited to a flush or painted wall sign and pole or pylon sign, and (b) one per road frontage, and (c) maximum area 2.5m² in a Residential, Rural, Special Uses or Open Space zone and maximum area 4m² in a Business or an Industrial zone, and (d) does not obstruct pedestrian or road traffic vision or otherwise interfere with public safety, and (e) not erected or placed in, on or above any public place, and (f) maximum overall height 2m in a Residential, Rural, Special Uses or Open Space zone and maximum overall height 3m in a Business or Industrial zone, and (g) not directly illuminated by either an external or internal light source where within a Residential, Rural, Special Uses or Open Space zone, and (h) a development advisory sign relates to a property with an approved Development Application, and (i) a development advisory sign must be removed within 10 days from completion of the development.
2.4 Fascia sign	<ul style="list-style-type: none"> (a) Within a Business or Industrial zone, and (b) not to project above or below the fascia or return end of the awning to which it is attached.
2.5 Fin or projecting wall sign (illuminated and non-illuminated)	<ul style="list-style-type: none"> (a) Within a Business or Industrial zone; and (b) one per premises, and (c) securely attached to wall, and (d) maximum area 2.5m², and (e) minimum height 2.6m above any footway, and (f) minimum horizontal distance 600mm from the road kerb/shoulder, and (g) not to extend above the top of the wall to which it is attached.
2.6 Flush or painted wall sign	<ul style="list-style-type: none"> (a) Within a Business or Industrial zone, and (b) one per premises, and (c) securely attached to wall, and (d) minimum height 2.6m above any footway, and (e) maximum area 2.5m².
2.7 School sign	<ul style="list-style-type: none"> (a) Within a school zone or on land used for a primary or secondary education purpose approved by the Council; and (b) maximum area 1m² per sign; and (c) minimum distance 3.5m from any other sign, and (d) maximum overall height 1.5m above adjacent ground level, and

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DEVELOPMENT TYPE		DEVELOPMENT STANDARDS (together with the General Requirements indicated at Section 4 (for SEPP developments) or Section 5 (for BLEP developments))
		(e) maximum of 6 signs per road frontage; and (f) not directly illuminated by any external or internal light source.
2.8	Temporary sign (such as a banner, notice board or the like)	(a) Not erected or placed in, on or above any public place, and (b) maximum 1 per property, and (c) maximum area 4m ² .
2.9	Top hamper sign	(a) Within a Business or Industrial zone only; and securely attached to the wall transom; and. (c) maximum area 2.5m ² , and (d) maximum height 500mm above the top of the door opening.
2.10	Window sign	(a) Within a Business or Industrial zone, and (b) Maximum aggregate area of signs on a window is 20% of the window area.
3.	Aerials and Antennae (SEPP)	(a) Domestic purposes only, and (b) located at least 900mm from each lot boundary, and (c) if it is roof mounted – be not higher than 1.8m above the highest point of the roof, and (d) if it is not roof mounted: (i) be not higher than 1.8m above the highest point of the roof of the dwelling on the lot, and (ii) if it is not on land in Zone RU1, RU2, RU3 or RU4 – be located in the rear yard, and (e) not be more than 1 development per dwelling.
4.	Air-conditioning Units (SEPP)	(a) Domestic purposes only, and (b) located at least 450mm from each lot boundary, and (c) subject to paragraph (g), be attached to the external wall of a building or ground mounted, and (d) not higher than 1.8m above ground level (existing), and (e) not involve work that reduces the structural integrity of the building, and (f) not reduce the existing fire resistance level of a wall, and (g) if it is constructed or installed on or in, or in relation to, a heritage item or a draft heritage item – not be wall mounted, and (h) if it is constructed or installed in a heritage conservation area or a draft heritage conservation area – be located in the rear yard, and (i) any opening created by the construction or installation of the development must be adequately waterproofed.

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DEVELOPMENT TYPE		DEVELOPMENT STANDARDS (together with the General Requirements indicated at Section 4 (for SEPP developments) or Section 5 (for BLEP developments))	
5.	Amenities Building, Constructed by or for the Council (including change room, toilet, kiosk and other like facilities) (BLEP)	(a)	Maximum area 100m ² and
		(b)	maximum overall height 3m above adjacent ground level, and
		(c)	compliance with any relevant Australian Standard, and
		(d)	located on land zoned 6(a) Public Recreation or 5(a) Special Uses – General Zone where drainage is the use indicated, and
		(e)	located minimum 20m from any residential land, and
		(f)	any roofwater drains to a street or interallotment drainage system or other existing approved stormwater drainage system, and
		(g)	does not include a grandstand.
6.	Aviaries (SEPP)	(a)	Domestic purposes only, and
		(b)	not have a floor area of more than 10m ² , and
		(c)	not higher than 2.4m above ground level (existing), and
		(d)	if it is not on land in Zone RU1, RU2, RU3 or RU4 – be located in the year yard, and
		(e)	located at least 1m from any registered easement, sewer main or water main, and
		(f)	have an impervious floor, and
		(g)	be constructed or installed so that roof water is disposed of without causing a nuisance to adjoining owners, and
		(h)	if it is located on bush fire prone land and is less than 5m from a dwelling – be constructed of non-combustible material, and
		(i)	not more than 2 developments per lot.
7.	Awnings, Blinds and Canopies (SEPP)	(a)	Not have an area more than 10m ² , and
		(b)	not project beyond the external wall of the building by more than 2m, and
		(c)	if it is connected to a fascia – be connected in accordance with a professional engineer's specifications, and
		(d)	if it is located on bush fire prone land – be constructed of non-combustible material.
8.	Balconies, Decks, Patios, Pergolas, Terraces and Verandahs (SEPP)	(a)	Domestic purposes only, and
		(b)	have an area of not more than 20m ² , and
		(c)	not cause the total floor area of all such structures on the lot to be more than 15% of the ground floor area of the dwelling on the lot, and
		(d)	not have an enclosing wall higher than 1.4m, and
		(e)	located behind the building line of any road frontage, and
		(f)	located at least 900mm from each lot boundary, and
		(g)	located at least 1m from any registered easement, sewer main or water main, and

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	<ul style="list-style-type: none"> (h) to the extent it is comprised of metal components – be constructed of low reflective, factory pre-coloured materials, and (i) if it is free standing – have a floor height not more than 1m above ground level (existing), and (j) if it is a roofed structure: have a roof not higher than 3m, at its highest point, above ground level (existing), and <ul style="list-style-type: none"> (i) that is attached to a dwelling – not extend above the roof gutter line of the dwelling, and (ii) have a roof not higher than 3m, at its highest point, above ground level (existing), and (k) if it is connected to a fascia – be connected in accordance with a professional engineer's specifications, and (l) be constructed or installed so that any roof water is disposed of into an existing stormwater drainage system, and (m) not interfere with the functioning of existing drainage fixtures or flow paths, and (n) if it is located on bush fire prone land and is less than 5m from a dwelling – be constructed of non-combustible material, and (o) if it is constructed or installed in a heritage conservation area or a draft heritage conservation area – be located in the rear yard.
9.	Barbecues (SEPP)
	<ul style="list-style-type: none"> (a) Not have an area of more than 4m², and (b) not higher than 1.8m above ground level (existing), and (c) if it is not on land in Zone RU1, RU2, RU3 or RU4 – be located behind the building line of any road frontage, and (d) located at least 450mm from each lot boundary, and (e) located at least 1m from any registered easement, sewer main or water main.
10.	Bed and Breakfast Accommodation (SEPP)
	<ul style="list-style-type: none"> (a) A permissible use in the land use zone, and (b) be in an existing dwelling house that has a floor area not more than 300m², and (c) consist of not more than 3 guest bedrooms.
11.	Cabanas, Cubby Houses, Ferneries, Garden Sheds, Gazebos and Greenhouses (SEPP)
	<ul style="list-style-type: none"> (a) Domestic purposes only, and (b) not have a floor area of more than 20m², and (c) not higher than 3m above ground level (existing), and (d) located at least 900mm from each lot boundary, and (e) if it is not on land in Zone RU1, RU2, RU3 or RU4 – be located behind the building line of any road frontage, and (f) not be a shipping container, and (g) constructed or installed so that roof water is disposed of without causing a

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		<ul style="list-style-type: none"> (h) nuisance to adjoining owners, and (i) located at least 1m from any registered easement, sewer main or water main, and (j) if it is located on bush fire prone land and is less than 5m from a dwelling – be constructed of non-combustible material, and (k) if it is constructed or installed in a heritage conservation area or a draft heritage conservation area – be located in the rear yard, and (l) not more than 2 developments per lot.
12.	Carports (SEPP)	<ul style="list-style-type: none"> (a) Domestic purposes only, and (b) not have a floor area more than 20m², and (c) not higher than 3m above ground level (existing) or, if attached to an existing single storey dwelling, be not higher than the roof gutter line, and (d) located at least 1m behind the building line of any road frontage, and (e) located at least 900mm from each lot boundary, and (f) have 2 or more sides open and not less than 1/3 of its perimeter open, and (g) to the extent it is comprised of metal components – be constructed of low reflective, factory pre-coloured materials, and (h) not involve the construction of a new driveway or gutter crossing unless the consent of the relevant road authority for each opening of a public road required for the development has been obtained under the <i>Roads Act 1993</i>, and (i) constructed or installed so that any roof water is disposed of into the existing stormwater drainage system, and (j) if it is connected to a fascia – be connected in accordance with a professional engineer's specifications, and (k) located at least 1m from any registered easement, sewer main or water main, and (l) if it is located on bush fire prone land and is less than 5m from a dwelling – be constructed of non-combustible material, and (m) if it is constructed or installed in a heritage conservation area or a draft heritage conservation area – be located in the rear yard, and (n) roof located at least 500mm from each lot boundary, and (o) not more than 1 development per lot.
13.	Clothes Hoists and Clothes Lines (SEPP)	<ul style="list-style-type: none"> (a) Located behind the building line of any road frontage, and (b) if it is constructed or installed on or in, or in relation to, a heritage item or a draft heritage item or in a heritage conservation area or a draft heritage conservation area – be located in the rear yard.

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14. Clothing Recycling Bin (BLEP)	<ul style="list-style-type: none"> (a) Installed within a building; and (b) has written consent from the owner of the building; and (c) does not interfere with required exits, paths of travel to exits and installed firefighting equipment services, and. (d) maintenance schedule in place to ensure bin and adjacent areas kept clean and tidy.
15. Communications Dishes (Radio and Satellite) (SEPP)	<ul style="list-style-type: none"> (a) Domestic purposes only, and (b) if it is roof mounted: <ul style="list-style-type: none"> (i) not have a diameter of more than 900mm, and (ii) be not higher than 1.8m above the highest point of the roof of the dwelling on the lot, and (c) if it is ground mounted: <ul style="list-style-type: none"> (i) not have a diameter of more than 1.8m, and (ii) be not higher than 1.8m above the highest point of the roof of the dwelling on the lot, and (iii) be located in the rear yard, and (iv) be located at least 900mm from each lot boundary, and (d) not more than 1 development per dwelling.
16. Demolition (SEPP)	<ul style="list-style-type: none"> (a) The development to be demolished must be exempt development under the Policy, and (b) undertaken in accordance with AS 2601 – 2001, <i>Demolition of Structures</i>.
17. Driveways (SEPP)	<ul style="list-style-type: none"> (a) Domestic purposes only, and (b) constructed so that any surface water is disposed of without causing a nuisance to adjoining owners, and (c) not require cut or fill more than 600mm below or above ground level (existing), and (d) if it is a driveway: <ul style="list-style-type: none"> (i) be not wider than the carport or garage with which it is associated, and (ii) be constructed in accordance with AS/NZS 2890.1 – 2004, <i>Parking facilities – Off-street car parking</i>, and (iii) be constructed in accordance with the relevant road authority's policy and specifications on vehicle and driveway crossings, and (iv) have the consent of the relevant road authority under the <i>Roads Act 1993</i> for each opening of a public road required for the development.

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18. Earthworks and Retaining Walls (SEPP)	<ul style="list-style-type: none"> (a) Domestic purposes only, and (b) located at least 900mm from each lot boundary, and (c) if a retaining wall: <ul style="list-style-type: none"> (i) be not higher than 600mm (including the height of any batters) above ground level (existing), and (ii) if it is on a sloping site and stepped to accommodate the fall in the land – be not higher than 800mm above ground level (existing) at each step, and (iii) have adequate drainage lines behind it, and (d) not require cut or fill more than 600mm below or above ground level (existing), and (e) not redirect the flow of surface water onto an adjoining property, and (f) cause surface water to be disposed of without causing a nuisance to adjoining owners, and (g) located at least 1m from any registered easement, sewer main or water main, and (h) if the fill is more than 150mm deep – not occupy more than 50% of the landscaped area, and (i) if it is carried out, constructed or installed in a heritage conservation area or a draft heritage conservation area – be located in the rear yard.
19. Farm Buildings and Structures (SEPP)	<ul style="list-style-type: none"> (a) Constructed or installed on land in Zone RU1, RU2, RU3 or RU4, and (b) not higher than 7m above ground level (existing), and (c) not have an area of more than: <ul style="list-style-type: none"> (i) if it is a stockyard – 0.5ha, or (ii) if it is any other building or structure – 200m², and (d) located at least 20m from the primary road frontage of the lot and at least 10m from the other lot boundaries, and (e) not be constructed or installed within 50m of a dwelling on an adjoining property, and (f) located at least 1m from any registered easement, sewer main or water main, and (g) to the extent it is comprised of metal components – be designed by, and constructed in accordance with the specifications of, a professional engineer.

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DEVELOPMENT TYPE	DEVELOPMENT STANDARDS (together with the General Requirements indicated at Section 4 (for SEPP developments) or Section 5 (for BLEP developments))
20. Fences (Non Rural) – Behind the Building Line (SEPP)	<ul style="list-style-type: none"> (a) Constructed or installed on land in any zone other than Zone RU1, RU2, RU3 or RU4, and (b) not constructed or installed on a flood control lot, and (c) if it is constructed of timber, metal or light weight materials – be not higher than 1.8m above ground level (existing), and (d) if it is constructed of masonry materials or chain wire – be not higher than 1m above ground level (existing), and (e) if it is constructed of metal components – be of low reflective, factory pre-coloured materials, and (f) not be an electrical fence or use barbed wire, and (g) if it is on a sloping site and stepped to accommodate the fall in the land – be not higher than 2.2m above ground level (existing) at each step, and (h) not redirect the flow of surface water onto an adjoining property, and (i) if it is located in core Koala habitat – be constructed or installed in accordance with any relevant council policy, and (j) if it is located on bush fire prone land – be constructed of non-combustible material or hardwood, and (k) if constructed or installed on a secondary road frontage, it may be constructed up to a point that is level with the building line for the primary road frontage.
21. Fences (Non Rural) – Forward of the Building Line (SEPP)	<ul style="list-style-type: none"> (a) Constructed or installed on land in any zone other than Zone RU1, RU2, RU3 or RU4, and (b) not constructed or installed on a flood control lot, and (c) not higher than 1.2m above ground level (existing), and (d) an open style incorporating pickets, slats, palings or the like or lattice style panels with a minimum aperture of 25mm, and (e) not be solid metal panels or chain wire fencing, and (f) not be an electrical fence or use barbed wire, and (g) if it is on a sloping site and stepped to accommodate the fall in the land – be not higher than 1.5m above ground level (existing) at each step, and (h) not redirect the flow of surface water onto an adjoining property, and (i) if it is an entrance gate – not swing open over council property, and (j) if it is located in core Koala habitat – be constructed or installed in accordance with any relevant council policy, and (k) if it is located on bush fire prone land – be constructed of non-combustible material or hardwood.

EXEMPT DEVELOPMENT SUMMARY

DEVELOPMENT TYPE	DEVELOPMENT STANDARDS (together with the General Requirements indicated at Section 4 (for SEPP developments) or Section 5 (for BLEP developments))
22. Fences (Rural) (SEPP)	<ul style="list-style-type: none"> (a) Constructed or installed on land in Zone RU1, RU2, RU3 or RU4, and (b) not constructed or installed on a flood control lot. (c) not higher than 1.8m above ground level (existing), and (d) if it is a boundary fence that has a frontage to a public road – be constructed using post and wire or post and rail, and (e) if it is electrical fencing – be constructed in accordance with AS/NZS 3014 – 2003, <i>Electrical installations – Electric fences</i>, and (f) if any part of it is a masonry decorative feature associated with an entrance gate on a boundary that has a frontage to a public road – not extend more than 3m from either side of the gate, and (g) if it is on a sloping site and stepped to accommodate the fall in the land – be not higher than 2.2m above ground level (existing) at each step, and (h) not redirect the flow of surface water onto an adjoining property,
23. Flagpoles (SEPP)	<ul style="list-style-type: none"> (a) Freestanding, and (b) not higher than 6m above ground level (existing), and (c) not have a diameter of more than 90mm, and (d) located at least 3m from each lot boundary, and (e) not more than 1 development per lot, and (f) any flag flown from the development must not have an area of more than 2.5m².
24. Fowl and Poultry Houses (SEPP)	<ul style="list-style-type: none"> (a) Constructed or installed on land in a residential or rural zone, and (b) if the development is constructed or installed on land in Zone R1, R2, R3, R4, R5 or RU5: <ul style="list-style-type: none"> (i) be not higher than 3m above ground level (existing), and (ii) not have a floor area of more than 15m², and (iii) be located in the rear yard, and (iv) not house more than 10 fowls or poultry, and (c) if the development is constructed or installed on land in Zone RU1, RU2, RU3 or RU4: <ul style="list-style-type: none"> (i) be not higher than 7m above ground level (existing), and (ii) not have a floor area of more than 50m², and (d) be located at least 3m from each lot boundary, and (e) if it houses fowls (including guinea fowls) only – be located at least 4.5m from any dwelling, public hall, school or premises used for the manufacture, preparation, sale or storage of food, and (f) if it houses other types of poultry – be located at least 30m from any dwelling, public hall, school or premises used for the manufacture, preparation, sale or storage of food, and

EXEMPT DEVELOPMENT SUMMARY

DEVELOPMENT TYPE		DEVELOPMENT STANDARDS (together with the General Requirements indicated at Section 4 (for SEPP developments) or Section 5 (for BLEP developments))
		<ul style="list-style-type: none"> (g) be enclosed to prevent the escape of poultry, and (h) be constructed or installed so that roof water is disposed of without causing a nuisance to adjoining owners, and (i) be located at least 1m from any registered easement, sewer main or water main, and (j) if it is located on bush fire prone land and is less than 5m from a dwelling – be constructed of non-combustible material, and (k) if it is constructed or installed in a heritage conservation area or a draft heritage conservation area – be located in the rear yard, and (l) in all zones other than Zone RU1, RU2, RU3 and RU4, there must not be more than 1 development per lot.
25.	Garage Sale (BLEP)	<ul style="list-style-type: none"> (a) Associated with the existing residential use of land; and (b) maximum 2 sales in any one calendar year, and (c) conducted during daylight hours, and (d) no goods, items, signs or the like are to be placed upon any public place, and (e) maximum 2 days per sale.
26.	Home Businesses, Home Industries and Home Occupations (SEPP)	<ul style="list-style-type: none"> (a) The standard specified for this development is that it must not involve a change of building use.
27.	Home-based Child Care (SEPP)	<ul style="list-style-type: none"> (a) Not conducted on bush fire prone land.
28.	Landscaping Structures (SEPP)	<ul style="list-style-type: none"> (a) Not higher than 2.1m above ground level (existing), and (b) not wider than 1.5m, and (c) located at least 900mm from each lot boundary, and (d) not comprise masonry construction higher than 1m from ground level (existing), and (e) if it is constructed or installed in a heritage conservation area or a draft heritage conservation area – be located in the rear yard.
29.	Letterboxes (SEPP)	<ul style="list-style-type: none"> (a) Not higher than 1.2m above ground level (existing), and (b) visible from the road alignment, and (c) have appropriate numbering that is visible from the road alignment, and (d) only 1 development per lot.

EXEMPT DEVELOPMENT SUMMARY

DEVELOPMENT TYPE	DEVELOPMENT STANDARDS (together with the General Requirements indicated at Section 4 (for SEPP developments) or Section 5 (for BLEP developments))
30. Minor Alteration to a Shop or Commercial Premises (BLEP)	<ul style="list-style-type: none"> (a) Applies to a Class 3 and 5 – 9 (inclusive) building as defined in the <i>Building Code of Australia</i>, and (b) non-structural work only, such as shelving, benches, fittings, equipment and partitions, and (c) work must not compromise fire safety or affect access to any fire exit, and (d) work must not change the configuration of rooms, whether by removal of walls or other means of structural support, and (e) does not apply to a food shop, except where only pre-packaged food is sold.
31. Minor Building Alterations (Internal) [such as: (a) a doorway, wall, ceiling or floor lining, or (b) deteriorated frame member, or (c) a bathroom or kitchen, or (d) a built-in fixture such as a vanity, a cupboard or a wardrobe]. (SEPP)	<ul style="list-style-type: none"> (a) If it is the replacement or renovation of a deteriorated frame member – be of equivalent or improved quality materials, and (b) not include a change to the configuration of a room, whether by removal of an existing wall, partition or other means, and (c) not cause reduced window arrangements for light and ventilation needs, reduce the size of a doorway or involve the enclosure of an open area, and (d) not affect the load bearing capacity (whether vertical or horizontal) of a building.
32. Minor Building Alterations (External) [such as: (a) painting, plastering, (b) cement rendering, cladding, attaching fittings or decorative work, (c) the replacement of an external window, glazing areas of a door (other than those on bush fire prone land) (d) the repair to or replacement of a non-structural wall or roof cladding.] (SEPP)	<ul style="list-style-type: none"> (a) Not compromise the making of, or an alteration to the size of, any opening in a wall or roof, such as a doorway, window or skylight, and (b) not reduce the existing fire resistance level of a wall, and (c) if located on bush fire prone land: <ul style="list-style-type: none"> (i) be adequately sealed or protected to prevent the entry of embers, and (ii) use equivalent or improved quality materials.
33. Minor Land Remediation Works (BLEP)	<ul style="list-style-type: none"> (a) Applies only to Category 2 works as defined in <i>State Environmental Planning Policy No. 55 – Remediation of Land</i>, and (b) work must be supervised by person(s) with appropriate qualifications and experience.

EXEMPT DEVELOPMENT SUMMARY

DEVELOPMENT TYPE		DEVELOPMENT STANDARDS (together with the General Requirements indicated at Section 4 (for SEPP developments) or Section 5 (for BLEP developments))
34.	Minor Telecommunications Facility (BLEP)	No specific criteria.
35.	Pathways and Paving (SEPP)	<ul style="list-style-type: none"> (a) Domestic purposes only, and (b) constructed so that any surface water is disposed of without causing a nuisance to adjoining owners, and (c) not require cut or fill more than 600mm below or above ground level (existing).
36.	Permanent Group Home (BLEP)	<ul style="list-style-type: none"> (a) In an existing approved dwelling-house, and (b) occupied by people with a disability or socially disadvantaged people and resident supervisory/assistant staff, and (c) maximum 5 bedrooms, and (d) maximum of 2 people per bedroom.
37.	Playground Equipment (SEPP)	<ul style="list-style-type: none"> (a) Domestic purposes only, and (b) not higher than 2.5m above ground level (existing), and (c) if it is not on land in Zone RU1, RU2, RU3 or RU4 – be located in the rear yard, and (d) be located at least 1m from any registered easement, sewer main or water main.
38.	Portable Swimming Pools and Spas and Child-Resistant Barriers (SEPP)	<ul style="list-style-type: none"> (a) Located in the rear yard, and (b) located at least 1m from each lot boundary, and (c) not exceed 2,000 L in capacity, and (d) not require structural work for installation, and (e) not impact on the structural stability of any building, and (f) a child-resistant barrier must be constructed or installed in accordance with the requirements of the <i>Swimming Pools Act 1992</i>.
39.	Privacy Screens (SEPP)	<ul style="list-style-type: none"> (a) Not higher than 2.5m above ground level (existing), and (b) not longer than 5m, and (c) located at least 900mm from each lot boundary, and (d) located in the rear yard, and (e) be constructed of lattice, bamboo, canvas or the like.

EXEMPT DEVELOPMENT SUMMARY

DEVELOPMENT TYPE	DEVELOPMENT STANDARDS (together with the General Requirements indicated at Section 4 (for SEPP developments) or Section 5 (for BLEP developments))
40. Rainwater Tanks (Above Ground) (SEPP)	<ul style="list-style-type: none"> (a) If it is on land other than land in Zone RU1, RU2, RU3 or RU4: <ul style="list-style-type: none"> (i) for an educational establishment – not have a capacity of more than 25,000 L, and (ii) in any other case – not have capacity more than 10,000 L, and (iii) be located at least 450mm from each lot boundary, and (b) if it is on land in Zone RU1, RU2, RU3 or RU4 – be located at least 10m from each lot boundary, and (c) located behind the building line of any road frontage, and (d) not rest on the footings of an existing building for support, and (e) not require cut and fill of more than 1m below or above ground level (existing), and (f) fitted with a first-flush device that causes initial run-off rainwater to bypass the tank, and (g) have a sign affixed to it stating the water in it is rainwater, and (h) constructed or installed to prevent mosquitoes breeding in it, and (i) have its overflow connected to an existing stormwater drainage system that does not discharge to an adjoining property, or cause a nuisance to adjoining owners, and (j) be located at least 1m from any registered easement, sewer main or water main, and (k) if it is constructed or installed on or in, or in relation to, a heritage item or a draft heritage item – be located in the rear yard, and (l) pumps attached to the development must be housed in a soundproof enclosure, and (m) if reticulated water is provided to the lot, the development must not be interconnected with any system supplying drinking water to the lot unless it complies with the relevant water authority's requirements.
41. Rainwater Tanks (Below Ground) (SEPP)	<ul style="list-style-type: none"> (a) Constructed or installed on land in Zone RU1, RU2, RU3 or RU4, and (b) be fitted with a first-flush device that causes initial run-off rainwater to bypass the tank, and (c) have a sign affixed to it stating the water in it is rainwater, and (d) be constructed or installed to prevent mosquitoes breeding in it, and (e) have its overflow connected to an existing stormwater drainage system that does not discharge to an adjoining property, or cause a nuisance to adjoining owners, and (f) if it is constructed or installed on or in, or in relation to, a heritage item or a draft heritage item – be located in the rear yard, and (g) pumps attached to the development must be housed in a soundproof enclosure, and (h) if reticulated water is provided to the lot, the development must not be interconnected with any system supplying drinking water to the lot unless it complies with the relevant water authority's requirements.

EXEMPT DEVELOPMENT SUMMARY

DEVELOPMENT TYPE		DEVELOPMENT STANDARDS (together with the General Requirements indicated at Section 4 (for SEPP developments) or Section 5 (for BLEP developments))
42.	Scaffolding (SEPP)	<ul style="list-style-type: none"> (a) Enclose the works area, and (b) have sufficient structural strength to withstand, and be impenetrable to, the impact of falling rubble, and (c) removed immediately after the purpose for which it was erected has finished and no safety issue will arise from its removal.
43.	Screen Enclosures (of balconies, decks, patios, pergolas, terraces and verandahs) (SEPP)	<ul style="list-style-type: none"> (a) Not have a solid enclosing wall higher than 1.4m above the floor level of the structure it is enclosing, and (b) if it encloses a structure attached to the ground level of a single storey dwelling or the upper level of a two storey dwelling – not be higher than the roof gutter line, and (c) if it encloses a structure attached to the ground level of a two storey dwelling – not be higher than 3m above the floor level of the structure it is enclosing, and (d) if it encloses a freestanding structure – not be higher than 3m above the floor level of the structure it is enclosing, and (e) if it encloses a structure attached to the upper level of a two storey dwelling – not enclose an area of more than 9m², and (f) located behind the building line of any road frontage, and (g) located at least 900mm from each lot boundary, and (h) to the extent it is comprised of metal components – be constructed of low reflective, factory pre-coloured materials, and (i) if it is connected to a fascia – be connected in accordance with a professional engineer's specifications, and (j) have at least 2/3 of its perimeter comprising open screen mesh material, and (k) if it is located on bush fire prone land and is less than 5m from a dwelling – be constructed of non-combustible material, and (l) if it is constructed or installed in a heritage conservation area or a draft heritage conservation area – be located in the rear yard.
44.	Shade Structures of Canvas, Fabric, Mesh or the like (SEPP)	<ul style="list-style-type: none"> (a) Domestic purposes only, and (b) not have an area more than 15m², and (c) not cause the total area of all such structures on the lot to be more than 15% of the ground floor area of the dwelling on the lot, and (d) not be higher than 3m from ground level (existing), and (e) located at least 900mm from each lot boundary, and (f) located behind the building line of any road frontage, and (g) to the extent it is comprised of metal components – be constructed of low reflective, factory pre-coloured materials, and (h) if it is connected to a fascia – be connected in accordance with a professional engineer's specifications, and

EXEMPT DEVELOPMENT SUMMARY

DEVELOPMENT TYPE		DEVELOPMENT STANDARDS (together with the General Requirements indicated at Section 4 (for SEPP developments) or Section 5 (for BLEP developments))
		<ul style="list-style-type: none"> (i) not interfere with the functioning of existing drainage fixtures or flow paths, and (j) if it is located on bush fire prone land and is less than 5m from a dwelling – be constructed of non-combustible material, and (k) if it is constructed or installed on or in, or in relation to, a heritage item or a draft heritage item or in a heritage conservation area or a draft heritage conservation area – be located in the rear yard.
45.	Skylights, Roof Windows and Ventilators (SEPP)	<ul style="list-style-type: none"> (a) Not cause the total area of all such structures to be more than 2% of the total roof area of the building, and (b) be located at least 900mm from each lot boundary, and (c) located at least 900mm from a wall separating attached dwellings, and (d) constructed or installed so that any opening created is adequately weather proofed, and (e) not involve work that reduces the structural integrity of the building, and (f) if located on bush fire prone land – be adequately sealed or protected to prevent entry of embers, and (g) if constructed or installed in a heritage conservation area or a draft heritage conservation area – not be visible from any road frontage.
46.	Solar Water Heaters and Photovoltaic Systems (SEPP)	<ul style="list-style-type: none"> (a) Constructed or installed so that any service opening created is adequately weather proofed, and (b) integrated into the building or be flush or parallel with the surface of the roof of the building, and (c) not involve work that reduces the structural integrity of the building, and (d) if it is constructed or installed on or in, or in relation to, a heritage item or a draft heritage item or is constructed or installed in a heritage conservation area or a draft heritage conservation area – not be visible from any road frontage.
47.	Street Furniture, Bus Shelter (including any advertisement thereon), Street Sign (other than an illuminated street sign), or Directional or Public Information Sign or the like (BLEP)	<ul style="list-style-type: none"> (a) Undertaken by or on behalf of the council or a government transport authority, and (b) located on land under the council's control, and (c) designed, fabricated and installed in accordance with any relevant Australian Standard or manufacturer's specification.

EXEMPT DEVELOPMENT SUMMARY

DEVELOPMENT TYPE	DEVELOPMENT STANDARDS (together with the General Requirements indicated at Section 4 (for SEPP developments) or Section 5 (for BLEP developments))
48. Temporary Builders' Structures (SEPP)	<ul style="list-style-type: none"> (a) Located on the lot in relation to which a development consent has been granted, and (b) if it contains plumbing fixtures, have those fixtures connected to an approved waste water treatment device or an approved connection to the sewer, and (c) not be used for residential purposes, and (d) located at least 1m from any registered easement, sewer main or water main, and (e) removed from the lot immediately after completion of the works for which the development consent was granted.
49. Use and Occupation of Premises (BLEP)	<p><u>General provisions that are applicable to each use and occupation:</u></p> <ul style="list-style-type: none"> (a) Within a Business or Industrial zone, and. (b) does not apply to development operating under <i>existing use rights</i> within the meaning of the <i>Environmental Planning and Assessment Act 1979</i>, and (c) occupation must be for a type of use that is permissible in the applicable zone.
33.1 Commercial premises	<ul style="list-style-type: none"> (a) Within Zones Nos 3(a), 3(b) and 3(c), and (b) does not relate to the occupation of premises as a food shop except where only pre-packaged food is sold, and (c) does not relate to the occupation of premises as a liquor outlet, and (d) does not involve the sale of any restricted publications or sexual paraphernalia, and (e) occupation must be for a type of use that is permissible in the applicable zone, and (f) does not relate to bulky goods retailing in Zone No. 3(b), and (g) in the case of development in Zone No. 3(c) the occupation must be for a purpose that is ancillary to the primary approved development on the land, and (h) does not involve any structural change to the building or premises, and. (i) does not compromise fire safety or compliance with the Building Code of Australia, and. (j) occupation must be in a building that has in the past received Development Consent for use as commercial premises (i.e. exemption does not apply to a new building).
33.2 Industry	<ul style="list-style-type: none"> (a) Within Zone Nos. 4(a), 4(b), 4(c) and 4(d), and (b) limited to an industrial purpose only and not including hazardous development, offensive development, potentially hazardous development, potentially offensive development or designated development, and (c) does not compromise fire safety or compliance with the <i>Building Code of Australia</i>, and. (d) does not compromise fire safety or compliance with the <i>Building Code of Australia</i>, and (e) does not relate to bulky goods retailing in Zone No. 4(c).

EXEMPT DEVELOPMENT SUMMARY

DEVELOPMENT TYPE		DEVELOPMENT STANDARDS (together with the General Requirements indicated at Section 4 (for SEPP developments) or Section 5 (for BLEP developments))
50.	Water Features and Ponds (SEPP)	<ul style="list-style-type: none"> (a) Not have a water depth of more than 300mm, and (b) if it is constructed or installed in a heritage conservation area or a draft heritage conservation area – be located in the rear yard.
51.	Water Heater (BLEP)	<ul style="list-style-type: none"> (a) Installed to manufacturer's specifications, and (b) work does not compromise the structural integrity of the building or involve structural alterations, and. (c) any opening in the associated building envelope is suitably waterproofed, and (d) located within the property boundaries.
52.	Wind Monitoring Tower (BLEP) The provisions of Item 52 were introduced by State Environmental Planning Policy No. 4 (Amendment No. 17) which came into effect on 3 February 2006.	<ul style="list-style-type: none"> (a) A temporary structure that is removed within 30 months of its being erected, and (b) erected in accordance with the instructions of the manufacturer, and (c) enclosed by a fence that prevents unauthorised persons from entering the site, and (d) maximum height 110m, and (e) not erected within 100m of any public road, and (f) not erected within 1 kilometre of any other wind monitoring tower, and (g) not erected within 1 kilometre of any dwelling (except with the prior consent in writing of the owner of the dwelling), and (h) not erected within 1 kilometre of any school, and (i) not erected within 500m of any item of environmental heritage that is listed on the State Heritage Register under the <i>Heritage Act 1977</i>, and (j) Prior to the erection of any tower, the Civil Aviation Authority must be notified of the following: <ul style="list-style-type: none"> (i) The as constructed co-ordinates of the tower in longitude and latitude, (ii) The ground level of the tower expressed in Australian Height Datum, (iii) The height of the tower expressed in Australian Height Datum, and (iv) The proposed date for removal of the tower.
53.	Windmills (SEPP)	<ul style="list-style-type: none"> (a) Constructed or installed on land in Zone RU1, RU2, RU3 or RU4, and (b) free standing, and (c) designed by a professional engineer.