



This document answers frequently asked questions about the planning options that the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 (State Policy) provides.

## EXEMPT DEVELOPMENT

### What is exempt development?

Exempt development is development that poses minimal impact to the environment. It includes any development that people may carry out without needing development consent.

Exempt development must meet the relevant provisions of the Building Code of Australia. If there are no such provisions, the development must be structurally adequate. If development is for an existing building, the work cannot breach the Building Code of Australia.

All works must be constructed or installed according to the manufacturer's specifications and comply with the Building Code of Australia.

In addition, the works must not involve the removal or pruning of a tree or other vegetation, unless the local council approves that removal or pruning.

### Things to consider

✓	All works must be structurally adequate, installed according to the manufacturer's specifications and comply with the Building Code of Australia.
✓	If you propose to remove or prune any trees or vegetation, you should first contact your council to make sure you do not need approval for this.
✓	Any structures that would be on public land, or on or over a public road (including temporary structures), must have separate approval from the relevant council or Roads and Maritime Services under the Roads Act 1993 and the Local Government Act 1993.
✓	You can carry out complying development on bushfire-prone land, subject to the requirements of the relevant code such as clause 3.4 of the Housing Code which sets out the bushfire-prone land requirements).
✓	You can carry out complying development on flood-prone land, subject to the requirements of the relevant code.

# Exempt and complying development

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## What limitations do I need to be aware of before undertaking exempt development?

Exempt development cannot take place within a wilderness area or critical habitat of endangered species, populations or ecological communities. It also cannot occur on land that is listed on, or subject to, an interim heritage order under the State Heritage Register under the Heritage Act 1977.

[Clause 1.16](#) of the State Policy provides a full list of general requirements for exempt development. [Schedule 4](#) of the State Policy includes maps that identify land where exempt development cannot occur.



## COMPLYING DEVELOPMENT

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### What is complying development?

Complying development is development that goes through a fast-track planning and building approval process that councils or private certifiers assess. It is development that is specified in a complying development code and meets the specified standards for that development. It can occur in both metropolitan and rural areas.

General standards apply to all complying development, with specific standards for certain development types.

### What are the general standards for complying development?

Generally, complying development cannot occur on:

- Land within a heritage conservation area or a draft heritage conservation area (there are some exceptions; please check the relevant development standards for more information)
- Land reserved for a public purpose
- Class 1 or Class 2 land on council's acid sulfate soils map
- Land in a buffer area
- Land in a riverfront area
- Land in an ecologically sensitive area
- Land in a protected area
- Land affected by a coastline hazard, coastal hazard or coastal erosion hazard
- Land in a foreshore area
- Land in the 25 Australian Noise Exposure Forecast (ANEF) system contour or a higher ANEF contour (in some instances)
- Unsewered land in a drinking water catchment identified in an environmental planning instrument (a statutory plan)
- Land declared as a special area
- Land in an environmentally sensitive area.

For a full list of the general requirements for complying development, please refer to [Clause 1.18](#) of the State Policy.

# Exempt and complying development

## Where is complying development prohibited?

Complying development cannot occur on land that:

- Contains an item listed in the [State Heritage Register](#) (unless the development has received an exemption under Section 57 of the [Heritage Act 1977](#)).
- Is subject to an interim heritage order (unless the development has received an exemption under Section 57 of the [Heritage Act 1977](#)).
- The government has identified as an item of environmental heritage or a heritage item in an environmental planning instrument (unless the development has received an exemption under Section 57 of the [Heritage Act 1977](#)).
- Is a critical habitat under the [Threatened Species Conservation Act 1995](#).
- Is a wilderness area under the [Wilderness Act 1987](#). See clause 1.19 for specific details on land on which complying development may not be carried out.

## Once I receive a complying development certificate, are there any other conditions I need to satisfy?

The State Policy sets out conditions that apply to a complying development certificate, and your complying development certificate approval will specify these conditions.

### More information



Contact the Codes Hotline.

**Tel: 02 8289 6600**

**Email: [codes@planning.nsw.gov.au](mailto:codes@planning.nsw.gov.au)**

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*You should read this fact sheet in conjunction with our Exempt and complying development – FAQs*