

# EXEMPT DEVELOPMENT INFORMATION

## STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES) 2008

In February 2009, the NSW Government introduced the NSW Housing Code which is contained in ***State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*** (SEPP).

The SEPP now lists more than 50 different types of exempt development where, subject to satisfying the pre-determined standards can be undertaken without the need for prior planning or construction approval from Council (or a private certifier). However, other legislative requirements for approvals, licences, permits and authorities still apply.

The **Specified development** (types of development) and **Development standards** (requirements) for each exempt development type in the SEPP must also be read in conjunction with the other relevant clauses including, but not limited to:

[Clause 1.15](#) What development is exempt development?

[Clause 1.16](#) General requirements for exempt development

[Clause 1.19](#) Land on which exempt and complying development may not be carried out

[Part 2 Note 2](#) Adjoining owners' property rights, common law and other legislative requirements

Other parts of the SEPP may also be important such as interpretations (definitions). It is therefore your responsibility to ensure you have read the full and latest version of the

[State Environmental Planning Policy \(Exempt and Complying Development Codes\) 2008](#) before taking any action.

## WHAT IF MY PROPOSAL DOES NOT COMPLY WITH ALL REQUIREMENTS IN THE SEPP?

The requirements for exempt development are strict. If your proposal does not comply with each and every requirement in the SEPP, then it is **not exempt development**. If this is the case, you will need to obtain approval for the development **before** commencing your proposal.

Failure to obtain the appropriate approvals for work not covered by the exempt development code will be treated as unauthorised development. Councils and other consent authorities have specific powers to issue fines, orders to demolish works or cease activities that fall outside the scope of exempt development. Any person (including neighbours) may also take action in the Land and Environment Court.

If your proposal is **not exempt development** and you require information on lodging an application, please contact Penrith Council's Development Services Department on (02) 4732 7991 or visit our [council website](#)

## WHERE CAN I OBTAIN FURTHER INFORMATION ON EXEMPT DEVELOPMENT AND THE SEPP?

If you require further information or resources on the SEPP and the NSW Housing Code, please visit the [Department of Planning's Website](#) Email [codes@planning.nsw.gov.au](mailto:codes@planning.nsw.gov.au) Phone 1300 305 695