

14. ECO-INFO – EXEMPT DEVELOPMENT IN WYONG SHIRE

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INTRODUCTION

Council currently has a Local Approvals Policy (LAP) that exempts certain types of development from the need for Council approval.

In December 1997, the NSW State Parliament passed the Environmental Planning and Assessment Act Amendment 1997 which becomes effective 1st July 1998. The new legislation requires Councils to expand and improve their existing exemption list and requires preparation of a new Local Environment Plan (LEP) for Exempt Development. Councils have until December 1999 to complete this task or be subject to a State imposed list of Exempt Development.

The aims of the new Local Environment Plan will be to:

- .. allow development with minimal environmental impact to proceed without the need for development consent;
- .. allow small scale and low impact development to proceed efficiently; and
- .. list exempt development and the standards and conditions that apply

In the meantime the existing exemptions listed in the Local Approvals Policy remain in force.

It is important to note that this category of development is aimed at small, simple structures (i.e. small barbeques and pergolas) that will have minimal impact on the amenity of the neighbourhood and the environment.

WHERE EXEMPT DEVELOPMENT APPLIES

Exemption from approval is limited to uses identified in Table 1 and must satisfy certain criteria or requirements. Some, but not all the criteria are shown in Table 1. The **onus is on the applicant** to satisfy all criteria/requirements.

If they are not satisfied, the exemption does not apply and approval is required. You will need to refer to Councils Local Approval Policy, 1996 to confirm if your application meets all the criteria for exemption.

WHERE EXEMPT DEVELOPMENT CANNOT APPLY?

The new legislation identifies that the exemption in Wyong's case can not apply if the subject property is 'critical habitat'

Table 1: Development Exempt From the Need for Council Consent

.. Advertising structures

- .. Business identification signs
- .. Real estate signs
- .. Access ramps
- .. Air-conditioning units for dwellings
- .. Aerials/antennae/microwave antennae (max height 6 m)
- .. Automatic Teller Machines (ATM)
- .. Awnings, canopies and storm blinds on dwellings (max area 20 m²)
- .. Barbeques (max area 3 m²)
- .. Bird aviaries (max area 10 m²)
- .. Bus shelters
- .. Cabanas/gazebos and green houses (max area 20m²)
- .. Charity bins
- .. Clothes hoists/lines
- .. Cubby houses and playground equipment (max area 10 m²)
- .. Dams (wall height max 1 m)
- .. Decks - unroofed and attached to dwellings (max area 20 m²)
- .. Fences (other than fences covered by the Swimming Pools Act 1992)
- .. Flagpoles (max height 6m)
- .. Garden sheds (max floor area 10 m²)
- .. Goal posts, sight screens and similar ancillary sporting structures
- .. Hail protection covers
- .. Home occupations
- .. Horse stables (max area 20 m²)
- .. Letter box
- .. Machinery/hay shed (max area 20 m²)
- .. Minor alterations to domestic single dwellings
- .. Park and street furniture
- .. Open pergolas (max area 20 m²)
- .. Playground equipment on Council land or school (not including child care centre)
- .. Recladding of roofs and walls
- .. Retaining walls (max height 600mm)
- .. Satellite dishes (max height 1.8 m)
- .. Shade structures (max height of poles 4m)
- .. Skylights
- .. Solar water heating
- .. Stockyards
- .. Water heaters
- .. Water tanks

FURTHER INFORMATION

The new Local Environmental Plan for 'exempt' development will be exhibited for public comment. You are urged to provide input when it is on exhibition to ensure Councils list of exempt

development is appropriate for our local conditions.

If you have any questions as to whether your proposed development is 'exempt' from the need for consent, contact Council's Customer Service Staff on (02) 4350 5555 or make enquiries at Council's Administration Building in Hely Street, Wyong or The Ebbtide Mall, The Entrance.