

Balconies, decks, patios, pergolas, terraces and verandahs



Exempt and Complying Development

This information sheet explains the requirements for balconies, decks, patios, pergolas, terraces and verandahs which may be erected as exempt development.

Important note

This information is for guidance only and may not contain all the information relevant to every property in New South Wales. Applicants should refer to the relevant planning controls before work begins, or seek professional advice on how the planning controls apply to their property.

The *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* identifies the majority of development types that can be done as exempt and complying development in NSW.

What is exempt development?

Many types of renovations and minor building projects don't need approval from a council or private certifier. This is called exempt development.

As long as the building project meets specific standards and land requirements (as defined in the Exempt and Complying policy), the project will be considered to be exempt development.

The first step when planning the building project is to check your building project meets the relevant development standards. The information sheets available at www.planning.nsw.gov.au/exemptandcomplying provide all the details you need.

Exempt development is excluded from specific areas within some local government areas; and in other areas the development standards are varied or particular types of exempt development may not be undertaken. These local variations and exclusions are listed in Schedules 2 and 4 of the policy.

What are the criteria for exempt development?

Exempt development must be of minimal environmental impact and cannot be carried out on land that is:

- a critical habitat under the *Threatened Species Conservation Act 1995* or *Fisheries Management Act 1994*,
- a wilderness area under the *Wilderness Act 1987*.
- a heritage item listed on the State Heritage Register (SHR) or that is subject to an interim heritage order under the *Heritage Act 1977* – unless the work is subject to a specific exemption under section 57 of the *Act*. Development may also be carried out if it is located outside of the area of the item as defined on the SHR or in an EPI

Many specific types of exempt development are restricted on land that is a local heritage item identified in an environmental planning instrument (EPI) – such as a council's local environmental plan (LEP) - or in a draft EPI which has been on public exhibition.

What development standards apply?

If the property is not subject to one of the exempt development criteria, then the following standards apply.

General requirements

- the development needs to be located behind the building line of any road frontage, and must be located from the lot boundary by at least:
 - 5 m (if located on Zone RU1, RU2, RU3, RU4, RU6 or R5)
 - 900mm (for any other zone)
- it must not have an area of more than 25m²
- the total floor area of all such structures on the lot cannot exceed:
 - on a lot larger than 300m²—15% of the ground floor area of the dwelling on the lot
 - on a lot 300m² or less—25m²
- not have an enclosing wall higher than 1.4m
- not have a floor height of more than 1m above the existing ground level
- not be more than 3m at the highest point, above existing ground level
- if it is to be constructed out of metal components it should be low reflective, factory pre-coloured materials
- if it is located on bushfire prone land and is less than 5 m from a dwelling it needs to be constructed of non-combustible material

Certain requirements of the Building Code of Australia (BCA) may also be relevant, and these types of structures must be structurally adequate and installed in accordance with the manufacturer's specifications, if applicable

If the removal or pruning of a tree or other vegetation is required you must contact your local council before carrying any work

Additional requirements for roofed structures

- If the development is a roofed structure attached to a dwelling it cannot extend above the relevant roof gutter line of the dwelling, and
- if it is connected to a fascia it needs to be connected in accordance with engineer's specifications
- The development needs to be constructed or installed so that any roof water is disposed of into an existing stormwater drainage system, and

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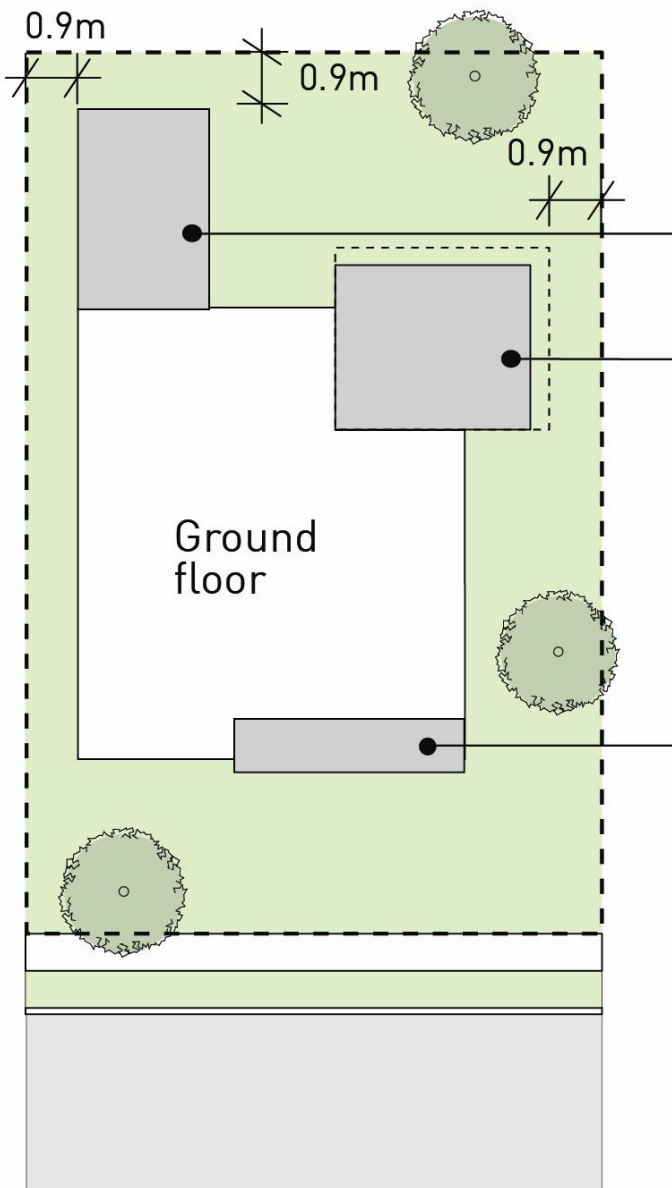
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- It must not interfere with the functioning of existing drainage fixtures or flow paths.

If all of the above criteria or standards cannot be met, balconies, decks, patios, pergolas, terraces and verandahs can only be installed after approval is obtained from the local council to a development application.

Figure 1 illustrates the area requirements for balconies, decks, patios, pergolas, terraces and verandahs that can be installed as exempt development.

Figure 1



Further information

Visit www.planning.nsw.gov.au/exemptandcomplying for more information sheets or to view the State policy.

Contact the department's Exempt and Complying Development Team on 1300 305 695 or email codes@planning.nsw.gov.au.

Electronic Housing Code

A number of NSW councils are now utilising the EHC.

The EHC website helps applicants determine whether the proposed development qualifies as exempt or complying development and the standards that must be met.

Applications for complying development can also be lodged and tracked online for those council areas which are using the Electronic Housing Code. Visit www.electronichousingcode.com.au to find out if it is used by your local council or for more details.

- Total area:
- for a lot larger than 300m²-15% of the ground floor area of the dwelling on the lot, or
 - for a lot 300m² or less-25m².