

NOTIFICATION OF EXEMPT DEVELOPMENT UNDER BATHURST REGIONAL LOCAL ENVIRONMENTAL PLAN 2014 OR SEPP (EXEMPT AND COMPLYING DEVELOPMENT CODES) 2008

Property File No: 22: Authority No: 82 /

Section 1 Applicant details

Name:

Postal address:

Suburb State P/Code

Email address:

Contact Nos: Mobile: Work Home

Section 2 Property Details

Lot: Deposited Plan/Strata Plan:

Parcel No:

No: Street

Suburb:

Owner/s:

Section 3 Proposed development

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Section 4 Vegetation

Does the proposal require the removal of any trees or vegetation? Yes No

If yes, how many trees will be removed or what is the area?

List below the species to be removed

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The plans are to clearly show any tree/vegetation removal.

NOTE: State Environmental Planning Policy (Vegetation in Non-Rural areas) 2017 and Part 5A of the Local Land Services Act set thresholds relating to the removal of vegetation. The removal of vegetation may require the lodgement of a development application.

Section 5 Owner/s Signature		
I/we acknowledge that I/we have read the relevant sections of either the Bathurst Regional Local Environmental Plan 2014 or the SEPP (Exempt and Complying Development Codes) 2008. The development proposed complies with all the criteria applicable to the development (attach exemption checklist) and as such is exempt development.		
Name (print names)	Signature	Date
.....
.....

The information on this form is being collected to allow Council to process your application and/or carry out its statutory obligations. All information collected will be held by Council and will only be used for the purpose for which it was collected. An individual may view their personal information and may correct any errors.

OFFICE USE ONLY		
Complies as exempt development	Yes / No	
Exemption granted under:		
<input type="checkbox"/> Bathurst Regional Local Environmental Plan 2014		OR
<input type="checkbox"/> State Environmental Planning Policy (Exempt and Complying Development Codes) 2008		
Officer's Name:	Signature	Date

EXEMPT DEVELOPMENT PROCEDURE	
1.	<p>Is your proposed development exempt from the need to lodge a development application with Council?</p> <p>In order to be exempt development you must be able to COMPLY with all of the exemption criteria listed for that development type. See Bathurst Regional Local Environmental Plan 2014 and State Environmental Planning Policy (Exempt & Complying Development Codes) 2008 (SEPP) for a complete list of exempt developments.</p>
2.	<p>If you believe your proposed development meets all the relevant exemption criteria under the LEP or SEPP, you <u>must</u> lodge the following information with Council before you commence works:</p> <ul style="list-style-type: none"> <input type="checkbox"/> completed notification form <u>signed by owner.</u> <input type="checkbox"/> site plan, drawn to scale, showing the location of the proposed development in relation to the existing site. <ul style="list-style-type: none"> You may be able to use the following documents as a base for your site plan: <ul style="list-style-type: none"> • Drainage Diagram. These are only available in sewered areas. • Aerial maps/images. These are available from Council on request. Fees apply. • Site plan of existing structures. A copy of these plans can be obtained from Council. Fees apply. <input type="checkbox"/> If the property is located in a Heritage Conservation Area or is a Heritage Item please provide: <ul style="list-style-type: none"> • Elevation plan/photographs of site indicating dimensions where relevant • Schedule of colours and materials <input type="checkbox"/> completed exemption checklist.
<p>Please note that you CANNOT commence works until all the above documents are provided to Council and Council has reviewed your notification form.</p>	
3.	<p>If your development meets the exemption criteria and you are not in a bushfire prone area, Council will be able to review your form at the counter and then a confirmation letter will be forwarded to you.</p> <p>If your property is bushfire prone, assessment is required and notification of exemption will be received by mail.</p>

NOTES

For developments considered under the Bathurst Regional Council Local Environmental Plan 2014 clause 3.1 (refer below) applies in addition to the criteria for the individual exempt development type.

3.1 Exempt development

Note. Under section 76 of the Act, exempt development may be carried out without the need for development consent under Part 4 of the Act or for assessment under Part 5 of the Act.

The section states that exempt development:

- (a) must be of minimal environmental impact, and
 - (b) cannot be carried out in a declared area of outstanding biodiversity value under the Biodiversity Conservation Act 2016 or declared critical habitat under Part 7A of the Fisheries Management Act 1994, and
 - (c) cannot be carried out in a wilderness area (identified under the Wilderness Act 1987).
- (1) The objective of this clause is to identify development of minimal environmental impact as exempt development.
 - (2) Development specified in Schedule 2 that meets the standards for the development contained in that Schedule and that complies with the requirements of this Part is exempt development.
 - (3) To be exempt development, the development:
 - (a) must meet the relevant deemed-to-satisfy provisions of the Building Code of Australia or, if there are no such relevant provisions, 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) 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.
 - (5) To be exempt development, the development must:
 - (a) be installed in accordance with the manufacturer's specifications, if applicable, and
 - (b) not involve the removal, pruning or other clearing of vegetation that requires a permit, development consent or other approval, unless it is undertaken in accordance with a permit, development consent or approval.

Note. See *State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017* and *Part 5A of the Local Land Services Act 2013*

- (6) A heading to an item in Schedule 2 is part of that Schedule.

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For developments considered under the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 (SEPP) clause 1.16 & 1.9 (refer below) applies in addition to the criteria for the individual exempt development type.

1.16 General requirements for exempt development

- (1) To be exempt development for the purposes of this Policy, the development:
 - (a) must meet the relevant deemed-to-satisfy provisions of the Building Code of Australia, or if there are no such relevant provisions, must be structurally adequate, and
 - (b1) must not be carried out on land that is declared area of outstanding biodiversity value under the Biodiversity Conservation Act 2016 or declared critical habitat under Part 7A of the Fisheries Management Act 1994, and
 - (b2) must not be carried out on land that is, or is part of, a wilderness area (within the meaning of Wilderness Act 1987), and
 - (c) must not be carried out on land that is, 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 that Act.

(d) (Repealed)

(1A) Despite subclause (1) (c), if development meets the requirements and standards specified by this Policy and that development:

(a) has been granted an exemption under section 57 (2) of the Heritage Act 1977, or

(b) is subject to an exemption under section 57 (1A) or (3) of that Act, the development is exempt development under this Policy.

(1B) If an item listed on the State Heritage Register is not located on, or does not comprise, the whole of the relevant land, subclause (1) (c) applies only to the part of the land that is described and mapped on that register.

(1C) If an item not listed on the State Heritage Register but identified as an item of environmental heritage in an environmental planning instrument does not comprise, or is not located on, the whole of the relevant land, any restriction on carrying out development on the relevant land on which the item is located applies only to the part of the land that is described and mapped on that instrument.

(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 for the purposes of this Policy 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.

(3) To be exempt development for the purposes of this Policy, the development must:

(a) be installed in accordance with the manufacturer's specifications, if applicable, and

(b) 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.

Note. A permit for the removal or pruning of a tree or other vegetation may be granted under a local environmental plan. A development consent for the removal of native vegetation may be granted under the Native Vegetation Act 2003.

(4) (Repealed)