Exempt Development Update

Many in the strata industry will be surprised to discover that **what they thought was exempt, is not exempt development.**

If planning approval is required for remedial works it's important to obtain it before the works commence.

There's many reasons, including:

- To avoid substantial penalties and stop work, removal or remediation orders issued under the Environmental Planning & Assessment Act 1989.
- To avoid stop work, removal or remediation orders under the Design and Building Practitioners Act 2020 being imposed on the building practitioner.
- To avoid contractor terminating the contract for that failure.
- To avoid exclusion from the strata scheme's insurance in respect of those illegal works.
- Please click the buttons below for an exploration of some commonly remediated building elements.

Is Installing an Air-Conditioning Unit Exempt Development?

Is Replacing Roof or Wall Cladding Exempt Development?

Is Replacing an External Balustrade Exempt Development?

Is Replacing External Waterproofing Exempt Development?

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Key takeaways

- Many in the strata industry may mistakenly believe certain works are exempt from planning approval.
- Failing to obtain necessary approvals can lead to substantial penalties and legal repercussions.
- Remedial works without approval can result in exclusion from strata insurance.
- Specific building elements, such as air-conditioning units and external cladding, may require planning approval.
- Understanding the regulations is crucial for compliance and avoiding contractor disputes.

****The information contained in this article is general information only and not legal advice. The currency, accuracy and completeness of this article (and its contents) should be checked by obtaining independent legal advice before you take any action or otherwise rely upon its contents in any way.*

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