

# Farm Buildings as Exempt Development – Summary of Development Standards

Rural zones RU1, RU2, RU3, RU4, and RU6 throughout NSW

October 2018

This Summary Tables is intended to be a guide to the development standards for the construction or installation of a farm building as exempt development under the General Exempt Development Code.

## For further information:

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Exempt development under the Environmental Planning and Assessment Act 1979 is low impact, minor development for which no approval is required provided it is specified in an environmental planning instrument and meets the relevant development standards.

## Important Notes

1. The Summary Tables below apply to exempt development that is a farm building that is not used for habitable purposes and is ancillary to the agricultural use of the landholding.
2. All general requirements of the *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* (State Policy), including clauses 1.15, 1.16 and 1.16A), and all development standards in the relevant subdivision (16, 16A, or 16B) of the General Exempt Development Code must be complied with.
3. Requirements under clause 1.16 include that exempt development must:
  - a. Comply with the *Building Code of Australia* or if no such provisions apply, be structurally adequate;
  - b. Be installed in accordance with the manufacturer's specifications, if applicable;
  - c. Not involve the removal or pruning of a tree that would otherwise require consent or a permit
  - d. Not be carried out on land that is, or is part of, an area of outstanding biodiversity, declared critical habitat, wilderness area, or State Heritage item (unless exceptions apply).
4. Development standards for land near the Siding Spring Observatory are provided in clause 1.16A.
5. Additional land-based restrictions and requirements may apply under Part 1 of the State Policy.
6. These Summary Tables must be read with all relevant clauses in the General Exempt Development Code.
7. EPI = Environmental Planning Instrument. A reference to an EPI in the Inland Code will usually mean the council's Local Environmental Plan (LEP) that applies to the lot.

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8. The General Exempt Development Code defines “footprint” as:  
*the area of the ground surface occupied by a building, including the walls, footings, and roofing of the building, and extending to the perimeter of the foundations and other means of structural support to the building, excluding the area of access ramps, eaves and sunshade devices.*
9. These Summary Tables only relate to the Part 2 Exempt Development Code and do not relate to any other exempt development provisions, the Rural Housing Code, the Inland Code, or any other complying development provisions.
10. Schedules 2 and 4 of the State Policy contain exempt development variations and exclusions for certain local government areas.
11. A farm building is defined as:  
*a structure the use of which is ancillary to an agricultural use of the landholding on which it is situated and includes a hay shed, stock holding yard, machinery shed, shearing shed, silo, storage tank, outbuilding or the like, but does not include a dwelling.<sup>1</sup>*

**Disclaimer:** The information provided, including Summary Tables, is intended to be general information only and does not constitute professional advice and should not be relied upon as such. No liability is accepted for reliance on any information that is provided. You should seek independent professional advice and refer to the relevant legislation, including the [State Environmental Planning Policy \(Exempt and Complying Development Codes\) 2008](#) before taking action.

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<sup>1</sup> As defined in the dictionary of *Standard Instrument – Principal Local Environmental Plan*.

## Part 1. Farm buildings (other than stock holding yards, grain silos and grain bunkers)

The following Summary Table only applies to farm buildings as exempt development asset out in *Subdivision 16 Farm buildings (other than stock holding yards, grain silos and grain bunkers)*.

- The Summary Table does not apply to farm buildings that are:
  - Stock holding yards (Subdivision 16A Stock holding yards not used for the sale of stock); or
  - grain silos and bunkers (Subdivision 16B Grain silos and bunkers).
- Farm buildings (other than stock holding yards, grain silos and grain bunkers) must not be constructed or installed on or in a heritage item or draft heritage item or an environmentally sensitive area (clause 2.31(b)).
- If you are on land near an airfield or aerodrome, refer to clauses 2.31(c) and 2.32(1)(k) for controls that may affect whether the development is permitted.<sup>2</sup>
- The development must be designed and constructed in accordance with the specifications of a professional engineer (clause 2.32 (1)(i)).
- Excavation for structural supports may exceed 600mm (which is specified in clause 2.30 (a)), unless the land is identified on a Class 1- 5 Acid Sulphate Soils map (clause 2.32(1)(l)).



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<sup>2</sup> Other legislation applies to land near airfields and aerodromes.

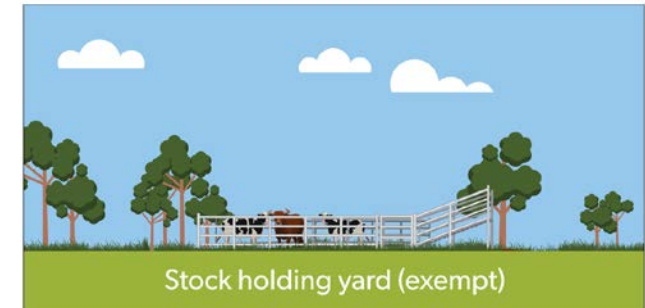
**Development Standards Farm buildings (based on landholding area)**

Clause	Built form development standards	Landholding area in hectares (ha)		
		<10	10 – 400	>400
2.31(a)	Permitted zones	RU1, RU2, RU3, RU4, and RU6		
2.32(1) (a)	Maximum height <sup>3</sup>	7m	10m	
2.32(1) (d)	Maximum footprint (per building)	200m <sup>2</sup>		
2.32(1) (e)	Maximum footprint (all farm buildings on landholding)	2.5% of area of landholding to a max of 1,000m <sup>2</sup>	Landholding area 10ha – 1,000m <sup>2</sup> Landholding area >10ha - 2,000m <sup>2</sup>	
2.32(1) (j)	Maximum no. shipping containers	1		5
2.32(1) (c)	Siting	Siting controls apply to farm buildings to be constructed on certain sloping land on landholdings >4ha		
2.32(1) (h)	Minimum waterbody setback	50m		
2.32(1) (f)	Setback from any road (primary, secondary, parallel, or classified)	20m		
2.32(1) (f)	Any other setback (side, rear, or battle-axe front)	Footprint:		
		0 – 100m <sup>2</sup>	10m	
		>100 – 200m <sup>2</sup>	50m	
2.32(1) (g)	Minimum setback from other any building	6m		

<sup>3</sup> Buildings located on land identified as “land with scenic and landscape values” or “scenic protection area” must not exceed a height of 7m - see clause 2.32 (1)(b).

## Part 2. Stock holding yards not used for the sale of stock

- The following Summary Table only applies to stock holding yards as set out in *Subdivision 16A Stock holding yards not used for the sale of stock*.
- The Summary Table does not apply to farm buildings that are:
  - farm sheds (Subdivision 16 Farm buildings (other than stock holding yards, grain silos and grain bunkers); or
  - grain silos and bunkers (Subdivision 16B Grain silos and bunkers).
- The stock holding yard is to be used for short-term storage or watering of stock (clause 2.32A(1)(b)).
- A stock holding yard must not be used as a stock and sales yard (clause 2.32A(1)(c)).
- A stock holding yard must be fenced around its perimeter and not be roofed (clause 2.32B(a)).
- If a stock holding yard has a footprint of more than 200m<sup>2</sup> and is proposed to be constructed on land with the Sydney Drinking Water Catchment (to which the *State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011* applies), it must not cause a site disturbance area of more than 250m<sup>2</sup> (clause 2.32A(1)(d)).

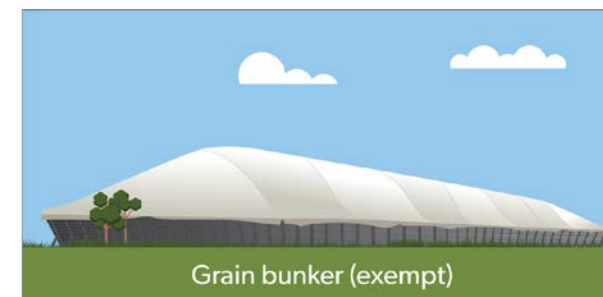


**Development Standards for Stock Holding Yards (based on landholding area)**

<b>Clause</b>	<b>Built form development standards</b>	
2.32A(1) (a)	Permitted zones	RU1, RU2, and RU6
2.32B(a)	Maximum fence height	4.5m
2.32B(c)	Minimum setback from any road boundary (primary, secondary, parallel, or classified)	10m
2.32B(c)	Any other minimum setback (side, rear, or battle-axe front)	200m
2.32B(d)	Minimum setback from a dwelling across the road	200m
2.32B(e)	Minimum setback from another farm building	6m
2.32B(f)	Minimum waterbody setback	100m

### Part 3. Grain silos and bunkers

- The following Summary Table only applies to grain silos and grain bunkers as exempt development as set out in *Subdivision 16B Grain silos and grain bunkers*. (clause ???)
- A grain bunker is a lined area in which grain is stored under a non-structural cover.
- The Summary Table does not apply to farm buildings that are:
  - farm sheds (*Subdivision 16 Farm buildings (other than stock holding yards, grain silos and grain bunkers)*); or
  - stock holding yards, (*Subdivision 16A Stock holding yards not used for the sale of stock*).
- If you are on land near an airfield or aerodrome, refer to clauses 2.32C(c) and 2.32D(g) and (h) for controls that may affect whether the development is permitted and how it must be constructed.<sup>4</sup>
- The grain silo or bunker must be used for the purposes of storage of grain that has been produced on the landholding (clause 2.32C(b)).
- Consent is required from the appropriate roads authority for the carrying out of certain works relating to roads, including building any driveway crossovers or road accesses.<sup>5</sup>
- If a bunker has a footprint greater than 200m<sup>2</sup> and is proposed to be constructed on land with the Sydney Drinking Water Catchment (to which the *State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011* applies), it must not cause a site disturbance area of more than 250m<sup>2</sup> (clause 2.32C(d)).
- Excavation for structural supports may exceed 600mm (which is specified in clause 2.30(a)), unless the land is identified on a Class 1- 5 Acid Sulphate Soils map (2.32D(i)).
- A grain silo that is sealed must be designed and sealed in accordance with sections 2 and 3 of AS 2628-2010 Sealed grain-storage silos – Sealing requirements for insect control (clause 2.32E (1) (f)).
- A grain silo must be constructed in accordance with the Code of Practice entitled “Safety Aspects in the Design of Bulk Solids Containers Including Silos, Field Bins and Chaser Bins” as published on the website SafeWork NSW and amended from time to time (clause 2.32E (1) (e)).



<sup>4</sup> Other legislation applies to land near airfields and aerodromes.

<sup>5</sup> Refer to section 138 of the *Roads Act 1993*.

**Development Standards for Grain Silos**

Clause	Built form development standards	Landholding area in hectares (ha)	
		40 - 100	>100
2.32D(a)	Minimum lot size	40ha	
2.32C(a)	Permitted zones	RU1, RU2, and RU6	
2.32E(1) (a)	Maximum height <sup>6</sup>	7m	15m
2.32E(1) (b)	Maximum footprint (per building)	200m <sup>2</sup>	
2.32E(1) (c)	Maximum footprint of all farm buildings on landholding (excluding grain bunkers)	2,000m <sup>2</sup>	
2.32D(f)	Siting	Siting controls apply to farm buildings to be constructed on certain sloping land. Refer to clause 3.32D (f) for details	
2.32D(e)	Minimum waterbody setback	50m	
2.32D(b)	Setback from any road (primary, secondary, parallel, or classified)	15m	
2.32D(b)	Setback from any other boundary (side, rear, or battle-axe front)	100m	
2.32D(d)	Minimum setback from another farm building	6m	
2.32D(c)	Minimum setback from a dwelling	100m	
2.32E(1) (g)	Maximum no. of silos per landholding	5	

<sup>6</sup> Grain silos located on land identified as “land with scenic and landscape values” or “scenic protection area” must not exceed a height of 7m - see clause 2.32E (1)(d).



**Development Standards for Grain Bunkers**

Clause	Built form development standards	
2.32D(a)	Minimum lot size	40ha
2.32C(a)	Permitted zones	RU1, RU2, and RU6
2.32F(1)(a)	Maximum height	7m
2.32F(1)(b)	Maximum footprint of all grain bunkers <sup>7</sup>	7,000m <sup>2</sup>
2.32D(f)	Siting	Siting controls apply to farm buildings to be constructed on certain sloping land. Refer to clause 3.32D (f) for details
2.32D(e)	Minimum waterbody setback	50m
2.32D(b)	Minimum setback from any road (primary, secondary, parallel, or classified)	15m
2.32D(b)	Minimum setback from any other boundary (side, rear, or battle-axe front)	100m
2.32D(d)	Minimum setback from another farm building	6m
2.32D(c)	Minimum setback from a dwelling	100m
2.32F(1) (d)	Structural elements	Any structural elements of the bunker including walls or slabs must be constructed in accordance with the specifications of a professional engineer
2.32F (1) (e)	Cut and fill	Despite clause 2.30, cut or fill is limited to 1m above or below ground level (existing) and must be carried out wholly within 50m of the grain bunker
2.32F (1) (f) and (g)	Protection of neighbouring land and easements	A grain bunker must not: <ul style="list-style-type: none"> <li>• redirect the flow of any surface or ground water or cause sediment to be transported onto an adjoining landholding; or</li> <li>• be located over any registered easement, sewer main or water main</li> </ul>

<sup>7</sup> Grain bunkers located on land identified as “land with scenic and landscape values” or “scenic protection area” must not exceed an area of 200m<sup>2</sup> - see clause 2.32F (1)(c).