

Cabanas, cubby houses, ferneries, garden sheds, gazebos and greenhouses



Rules for exempt development

This fact sheet explains the requirements of cabanas, cubby houses, ferneries, garden sheds, gazebos and greenhouses as exempt development. The relevant planning provisions are set out in the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 (the policy).

Planning and building approval

You do not need planning or building approval if your proposal complies with the exempt development standards.

Specific criteria apply to cabanas, cubby houses, ferneries, garden sheds, gazebos and greenhouses

[Clause 2.17 and 2.18](#) of the policy lists the development standards that you must fully satisfy before you can build a cabana, cubby house, fernery, garden shed, gazebo or a greenhouse.

Development standards are criteria that manage the effects of your building works. These include the requirements you must follow under the Building Code of Australia.

You cannot use a cabana, cubby house, fernery, garden shed, gazebo or greenhouse as extra living space

The exempt development standards do not permit you to use these structures as living space. These structures are considered to be class 10a buildings — that is, they are classed as non-habitable buildings or structures.

If you would like to build extra living space such as a home office, art studio, rumpus room and so on, you will need planning approval and maybe carry this work out as complying development. A detached studio could be an option and we recommend you contact your local council or an accredited certifier about your plans.



Photo credit: Sebastian Huxley / Unsplash

Other things to consider, including licences or approvals

If you are planning to remove or prune trees, please contact your local council first for a permit.

Notifying neighbours

While there is no formal requirement to notify your neighbours for exempt development, it is still a good idea to let your neighbours know about your plans.

Building works can cause disruption, so talking to your neighbours about your development proposal, big or small, is always a good idea and often saves a lot of trouble in the future.

Engaging a certifier

If you are building as exempt development, you do not have to engage a certifier, but you must comply with the relevant development standards.

Things to consider

- ✓ Exempt development must comply with the general requirements of [clause 1.16 of the policy](#)
- ✓ If building on bushfire-prone land, the structure must be built of non-combustible materials.
- ✓ You need approval from a water utility company, the relevant council, or both for water supply or sewerage services.
- ✓ You must have council approval or a permit for the following:
 - [Pruning or removing a tree.](#)
 - Stormwater drainage connection under [Section 68 of the Local Government Act 1993](#).

Did you know?

A Complying Development Certificate may be issued for a cubby house, garden shed, greenhouse etc in certain zones if the proposal meets the relevant development standards.



Photo credit: Kevin Jarrett/ Unsplash

More information

To find out more, visit the [Exempt and complying development web page](#) or call the department's Codes Team on 02 8289 6600 or email codes@planning.nsw.gov.au.

© State of New South Wales through Department of Planning and Environment 2022. You are responsible for ensuring any information in this publication upon which you rely is accurate and up to date. Check the currency of the information with an appropriate departmental officer or independent adviser. *You should read this document in conjunction with the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.*