

Fact sheet: Rainwater tanks

General Requirements for Exempt Development checklist & Guide to Installation of rainwater tank above ground or below ground.

Div 2 Section 1.16 - General Requirements for Exempt Development

The proposal must satisfy ALL the criteria below to be 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
 - (b) must not, if it relates to an existing building, cause the building to contravene the Building Code of Australia, and
 - (b1) must not be carried out on land that is 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
 - (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, and
 - (d) must not be carried out on land that is described or otherwise identified on a map specified in Schedule 4.
- (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.

Subdivision 32 Rainwater tanks (above ground)

- (1) To be exempt, construction or installation of a rainwater tank above ground must—
- (a) if it is on land in residential areas (not RU1, RU2, RU3, RU4, RU6, R5, E2, E3 or E4*)
 - (i) (Repealed)
 - (ii) not have a capacity more than 10,000 L, and
 - (iii) be located at least 450mm from each lot boundary, if the tank has a height of more than 1.8m above ground level (existing), and
 - (b) if it is on land in rural areas (RU1, RU2, RU3, RU4, RU6, R5, E2, E3 or E4*) be located at least 10m from each lot boundary, and
 - (c) be located behind the building line of any road frontage, and
 - (d) not rest on the footings of an existing building for support, and
 - (e) not require cut and fill of more than 1m below or above ground level (existing), and
 - (f) be fitted with a screened rain head designed to ensure self-cleaning and prevent leaf litter entering into the water tank, and
 - (g) be fitted with a first-flush device incorporating an automatic resetting valve that causes initial run-off rainwater to bypass the tank, and
 - (h) be constructed or installed with inlets and outlets designed to prevent mosquitoes breeding in it, and
 - (i) have its overflow connected to an existing stormwater drainage system that does not discharge to an adjoining property, or cause a nuisance to adjoining owners, and
 - (j) have a sign affixed to it with a statement to the effect that the water in the tank is rainwater, and
 - (k) if it is constructed or installed on or in a heritage item or a draft heritage item—be located in the rear yard.
- (2) Pumps attached to the development must be housed in an enclosure that is soundproofed.
- (3) If reticulated water is provided to the lot, the development must not be interconnected with any system supplying drinking water to the lot unless it complies with the relevant water authority's requirements

Subdivision 33 Rainwater tanks (below ground)

- (1) To be exempt, the construction or installation of a rainwater tank below ground will be on land zoned RU1, RU2, RU3, RU4, RU6 or R5 * (ie. not residential)—
- Development standards - (1) The development must—
- (a) be fitted with a first-flush device that causes initial run-off rainwater to bypass the tank, and
 - (b) have a sign affixed to it stating the water in it is rainwater, and
 - (c) be constructed or installed to prevent mosquitoes breeding in it, and
 - (d) have its overflow connected to an existing stormwater drainage system that does not discharge to an adjoining property, or cause a nuisance to adjoining owners, and
 - (e) if it is constructed or installed on or in a heritage item or a draft heritage item—be located in the rear yard.
- (2) Pumps attached to the development must be housed in an enclosure that is soundproofed.
- (3) If reticulated water is provided to the lot, the development must not be interconnected with any system supplying drinking water to the lot unless it complies with the relevant water authority's requirements.

*Not sure of your zoning? - check it online at www.planningportal.nsw.gov.au