



New South Wales

Ashfield Local Environmental Plan 1985 (Amendment No 89)— Exempt and Complying Development

under the

Environmental Planning and Assessment Act 1979

I, the Minister for Urban Affairs and Planning, make the following local environmental plan under the *Environmental Planning and Assessment Act 1979*.
(S00/00036/S69)

ANDREW REFSHAUGE, M.P.,

Minister for Urban Affairs and Planning

Sydney, 5th March 2001.

2001 No 200

Clause 1 Ashfield Local Environmental Plan 1985 (Amendment No 89)—Exempt and Complying Development

Ashfield Local Environmental Plan 1985 (Amendment No 89)—Exempt and Complying Development

1 Name of plan

This plan is Ashfield Local Environmental Plan 1985 (Amendment No 89)—Exempt and Complying Development.

2 Aims of plan

The aim of this plan is to provide for exempt and complying development in the local government area of Ashfield.

3 Land to which plan applies

This plan applies to all land within the local government area of Ashfield.

4 Amendment of Ashfield Local Environmental Plan 1985

Ashfield Local Environmental Plan 1985 is amended as set out in Schedule 1.

5 Amendment of State Environmental Planning Policy No 60

State Environmental Planning Policy No 60—Exempt and Complying Development is amended by omitting the word “Ashfield” from Part 1 (1) of Schedule 1.

Schedule 1 Amendments

(Clause 4)

[1] Clause 6 Interpretation

Insert in alphabetical order in clause 6 (1):

advertisement means a display by the use of symbols, messages or other devices for promotional purposes or for conveying information, instructions, directions or the like, whether or not the display includes the erection of a structure or the carrying out of a work.

bed and breakfast accommodation means the use of an existing lawful dwelling by its permanent residents to provide temporary accommodation of visitors for commercial purposes.

[2] Clause 6 (1A)

Insert after clause 6 (1):

(1A) The following terms have the same meaning in this plan as they have in the *Environmental Planning and Assessment Act 1979*:

building
Building Code of Australia
building work
certifying authority
complying development
complying development certificate
exempt development
local development
prohibited development

[3] Clauses 8A and 8B

Insert before clause 9:

8A Exempt development

(1) Development listed in Schedule 8 is exempt development, except as provided by subclauses (2) and (3).

2001 No 200

Ashfield Local Environmental Plan 1985 (Amendment No 89)—Exempt and Complying Development

Schedule 1 Amendments

- (2) Development is exempt development only if:
- (a) it is of minimal environmental impact, and
 - (b) it meets the requirements specified for it in Schedule 8, and
 - (c) it is ancillary to an existing lawful use, and
 - (d) it does not contravene any condition of a development consent applying to the land, and
 - (e) it is contained wholly within the land on which it is carried out, and
 - (f) it complies with any relevant deemed-to-satisfy provisions of the *Building Code of Australia*, and
 - (g) it does not obstruct drainage on the site on which it is carried out, and
 - (h) it does not restrict any vehicular or pedestrian access to or from the site, and
 - (i) it is carried out at least one metre from any easement or public sewer main and complies with the building-over-sewer requirements of Sydney Water Corporation applying to the land, and
 - (j) it does not require a tree to be removed, and
 - (k) the total hard surface area on the site after it is carried out does not exceed any limit provided in an environmental planning instrument or development control plan applying to the land, and
 - (l) it is carried out with the agreement of the owner of the land, and
 - (m) if it involves the installation of any article or equipment, the article or equipment is installed to any relevant manufacturer's specifications, and
 - (n) when it is carried out, no dimensional requirement of an environmental planning instrument or development control plan applying to the land is exceeded.
- (3) Development is not exempt development if it is carried out on land that is the site of a heritage item or is in a heritage conservation area.

8B Complying development

- (1) Development listed in Schedule 9 is complying development if:
- (a) it is local development of a kind that can be carried out with consent on the land on which it is proposed, and
 - (b) it is not an *existing use*, as defined in section 106 of the Act,

except as provided by subclauses (2) and (3).

- (2) Development is complying development only if:
- (a) it complies with any deemed-to-satisfy provisions of the *Building Code of Australia* relevant to the development, and
 - (b) it complies with the development standards and other requirements specified in Schedule 9 for the development, and
 - (c) it complies with the relevant development standards set for the development by this plan and by any other environmental planning instrument applying to the land, and
 - (d) no environmental planning instrument states that the adequacy of an acid sulfate soils management plan for the proposed development must be considered before consent can be granted for it, and
 - (e) it does not contravene any condition of a development consent applying to the land.

Note. Section 76A (6) of the *Environmental Planning and Assessment Act 1979* says that the following development cannot be complying development:

- (a) State significant development,
- (b) designated development,
- (c) any development, if consent for it requires the concurrence of a person other than the consent authority or the Director-General of National Parks and Wildlife as referred to in section 79B (3) of the Act.

- (3) Development is not complying development if it is carried out on land that:
- (a) is within a heritage conservation area or is the site of a heritage item, or

2001 No 200

Ashfield Local Environmental Plan 1985 (Amendment No 89)—Exempt and Complying Development

Schedule 1 Amendments

- (b) is a site that has previously been used:
- (i) as a service station, or
 - (ii) for waste storage or waste treatment, or
 - (iii) for the manufacture of chemicals, asbestos or asbestos products,

and a notice of completion of remediation work for the proposed use has not been given to the council in accordance with *State Environmental Planning Policy No 55—Remediation of Land*.

- (4) Each complying development certificate is subject to the conditions specified in Schedule 10.
- (5) A complying development certificate is taken to satisfy any requirement of an environmental planning instrument or tree preservation order for a consent, permit or approval to remove an exotic tree under 4 metres high if the carrying out of the complying development necessitates the removal of the tree.

Note. Section 76A (6) of the *Environmental Planning and Assessment Act 1979* says that development cannot be complying development on land that:

- (a) is critical habitat (within the meaning of the *Threatened Species Conservation Act 1995* or Part 7A of the *Fisheries Management Act 1994*), or
- (b) is, or is part of, a wilderness area (within the meaning of the *Wilderness Act 1987*), or
- (c) comprises, or on which there is, an item of environmental heritage:
 - (i) that is subject to an interim heritage order under the *Heritage Act 1977*, or that is listed on the State Heritage Register under that Act, or
 - (ii) that is identified as such an item in an environmental planning instrument, or
- (d) identified as an environmentally sensitive area in this plan.

[4] Clause 10 Development control table

Omit “Nil” from item 1 (Without development consent) of the matter relating to Zones Nos 2 (a), 2 (b), 2 (c), 3 (a), 3 (b), 3 (c), 3 (d), 4 (b), 5 (a), 9 (d) and 9 (e) in the Table to clause 10.

Insert instead “Exempt development, flood mitigation, public utility undertakings, railway undertakings”.

[5] Clause 10, Table

Omit “Nil” from item 1 (Without development consent) of the matter relating to Zone No 5 (b).

Insert instead “Exempt development, flood mitigation, public utility undertakings, railway undertakings, roads”.

[6] Clause 10, Table

Insert “, exempt development” in alphabetical order in item 1 (Without development consent) of the matter relating to Zones Nos 6 (a), 6 (b) and 9 (b).

[7] Clause 10, Table

Insert “exempt development,” in alphabetical order in item 1 (Without development consent) of the matter relating to Zone No 9 (a).

[8] Clause 10, Table

Omit “Widening” from item 1 (Without development consent) of the matter relating to Zone No 9 (c).

Insert instead “Exempt development, widening”.

[9] Clause 18

Omit the clause. Insert instead:

18 Development for purpose of advertisements

(1) Advertisements allowed only with consent

Development for the purpose of an advertisement that is:

(a) not exempt development, and

(b) not prohibited development,

may be carried out only with consent.

(2) Despite any other provision of this plan, development may be carried out with consent for the purpose of an advertisement that directs the travelling public to a specific tourist facility or place of scientific, historic or scenic interest, if the council is satisfied that:

2001 No 200

Ashfield Local Environmental Plan 1985 (Amendment No 89)—Exempt and Complying Development

Schedule 1 Amendments

- (a) the principal purpose of the advertisement is to direct the travelling public to that facility or place, and
 - (b) the dimensions (including the area) and overall size of the advertisement are not larger than would reasonably be required to so direct the travelling public.
- (3) **Prohibited advertisements**
Development for the purpose of an advertisement on land within a Special Uses or Open Space zone is prohibited unless:
- (a) it is exempt development, or
 - (b) it is allowed with consent under subclause (2).
- (4) Despite subclause (3), the council may consent to development for the purpose of an advertisement on the land within Zone No 6 (a) known as Pratten Park, provided the advertisement is in accordance with a plan of management adopted under the provisions of section 40 of the *Local Government Act 1993*.
- (5) **Definitions**
In this clause:
- area** of an advertisement, if in the form of a sign, means the area within the outline of that sign.
- tourist facility** means an establishment providing holiday accommodation or recreational facilities, or both, on a short-term basis, and may include:
- (a) hotels, motels, bed and breakfast accommodation, serviced apartments, holiday cabins, caravan parks, camping grounds and houseboats, and associated swimming pools, golf courses, tennis courts and marinas, or
 - (b) restaurants, or
 - (c) souvenir shops, arts and crafts galleries and exhibition centres.

[10] Schedules 8, 9 and 10

Insert after Schedule 7:

Schedule 8 Exempt development

(Clause 8A)

DEVELOPMENT TYPE Erection or installation and use, or carrying out, of the following:	REQUIREMENTS
<p>ADVERTISEMENTS</p> <p>Advertisement within a site being an advertisement which is not visible from outside the site on which it is displayed.</p> <p>Advertisement on a motor vehicle used principally for conveying goods or passengers.</p> <p>Business identification sign being an advertisement that displays any or all of the following information relating to the place or premises to which it is fixed:</p> <ul style="list-style-type: none"> (a) identity or a description of the place or premises, (b) identity or a description of any person residing at or carrying on an occupation at the place or premises, (c) particulars of any occupation carried on at a place or premises, 	<p>None.</p> <p>None.</p> <p>When displayed within Zone No 2 (a), 2 (b) or 2 (c), such a sign:</p> <ul style="list-style-type: none"> (a) must not exceed 0.75 m² in area, and (b) must not stand more than 1.5 m above ground level, and (c) must not exceed one in number per property (but not including a medical practitioner’s light box), and (d) must not be illuminated unless it is a standard sized medical practitioner’s light box.

2001 No 200

Ashfield Local Environmental Plan 1985 (Amendment No 89)—Exempt and Complying Development

Schedule 1 Amendments

<p>DEVELOPMENT TYPE</p> <p>Erection or installation and use, or carrying out, of the following:</p>	<p>REQUIREMENTS</p>
<p>(d) such directions or cautions as are usual or necessary relating to the place or premises or any occupation carried on there,</p> <p>(e) particulars or notifications required or permitted to be displayed by or under any State or Commonwealth Act,</p> <p>(f) particulars relating to the goods, commodities or services dealt with or provided at the place or premises,</p> <p>(g) particulars of any activities held or to be held at the place or premises,</p> <p>(h) a reference to an affiliation with a trade, professional or other association relevant to the business conducted at the place or premises.</p>	<p>When displayed within Zone No 3 (a), 3 (b), 3 (c), 3 (d) or 4 (b):</p> <p>(a) if there is no awning on the premises, there may be one or more such signs, but none is to extend more than 3.6 m above ground level or above the level of the bottom of the first-floor window (whichever is lower) and not more than 30% of the area of a shopfront (including window area) is to be covered by such signs, or</p> <p>(b) if there is an awning attached to the premises, there may be one or more signs below the level of the awning provided not more than 30% of the area of the shopfront (including window area) is to be covered by such signs.</p> <p>A business identification sign must not relate to premises used as a brothel.</p>
<p>Change of message</p>	<p>Such an advertisement may be displayed within any zone provided:</p> <p>(a) the previous advertisement was lawful and there is no change to the area of the sign on which it is displayed, and</p> <p>(b) the sign does not relate to premises used as a brothel.</p>
<p>Public notice being a notice for public information displayed by a public authority giving information or directions about services provided.</p>	<p>None.</p>

DEVELOPMENT TYPE	REQUIREMENTS
<p>Erection or installation and use, or carrying out, of the following:</p> <p>Real estate sign being an advertisement that contains only a notice that the place or premises to which it is fixed is or are for sale or letting (together with particulars of the sale or letting) and that is not displayed more than 14 days after the letting or completion of the sale.</p> <p>Sign behind the glass line of a shop window visible from a public place</p> <p>Temporary sign being an advertisement of a temporary nature that:</p> <ul style="list-style-type: none"> (a) announces any local event of a religious, educational, cultural, political, social or recreational character or relates to any temporary matter in connection with such an event, and (b) does not include advertising of a commercial nature or for a commercial event. 	<p>Such a sign must not be illuminated.</p> <p>If the sign relates to the letting or the sale of residential premises:</p> <ul style="list-style-type: none"> (a) it must not exceed 0.75 m² in area, and (b) the aggregate area of signage must not exceed 2.5 m². <p>Such a sign relating to commercial or industrial premises must not exceed 3.5 m² in area.</p> <p>Such a sign may be displayed within any zone provided it does not cover more than 30% of the area of the window.</p> <p>Such a sign:</p> <ul style="list-style-type: none"> (a) must not be displayed earlier than 28 days before the event, and (b) must be removed within 14 days after the event.

2001 No 200

Ashfield Local Environmental Plan 1985 (Amendment No 89)—Exempt and Complying Development

Schedule 1 Amendments

DEVELOPMENT TYPE Erection or installation and use, or carrying out, of the following:	REQUIREMENTS
AERIALS/MICROWAVE ANTENNAE	Standard aerials for TV reception only. One per property. For domestic use only. Maximum height 3 m above ridge height. Must not be a separate pole in the yard space of the dwelling.
AIR CONDITIONING UNITS FOR SINGLE DWELLINGS	Attached to an external wall or ground mounted. Located a minimum of 3 m off any property boundary. Noise level must not be more than 5dB (A) above surrounding noise levels at the property boundary. The building work must not reduce the structural integrity of the building. Any opening created must be adequately weatherproofed.
AWNINGS, CANOPIES AND STORM BLINDS OVER WINDOWS AND DOORS (all buildings) (see separate entry for Rollershutters)	Located at least 450 mm within property boundaries. Requires no other supporting structure.

<p>DEVELOPMENT TYPE</p> <p>Erection or installation and use, or carrying out, of the following:</p>	<p>REQUIREMENTS</p>
<p>BARBECUES (permanently constructed, non-movable)</p>	<p>Must be for domestic use only.</p> <p>Not located adjacent to, or within 6 m of, a window or other ventilation opening on adjacent buildings.</p> <p>No roof or other cover.</p> <p>One per property.</p> <p>Maximum height 2,100 mm.</p>
<p>BUS SHELTERS</p>	<p>Must be designed and constructed by or for council.</p> <p>Structurally adequate construction.</p> <p>Must not obstruct the line of sight of vehicular traffic.</p> <p>A maximum height of 2.7 m above the footpath.</p> <p>Area of not less than 10 m².</p> <p>Must not involve the display of an advertisement unless otherwise allowed by some other provision of this plan.</p>

2001 No 200

Ashfield Local Environmental Plan 1985 (Amendment No 89)—Exempt and Complying Development

Schedule 1 Amendments

<p>DEVELOPMENT TYPE</p> <p>Erection or installation and use, or carrying out, of the following:</p>	<p>REQUIREMENTS</p>
<p>CHANGE OF USE A different use resulting from a change of use:</p> <ul style="list-style-type: none"> • from shop to another shop • from office to another office • between social and sporting clubs (other than clubs registered under the <i>Registered Clubs Act 1976</i>) • between community or cultural centres • from industry to another industry 	<p>Must be change from an existing lawful use to another lawful use.</p> <p>Different use is not a brothel.</p> <p>No display or sale of publications classified Category 1 restricted, Category 2 restricted or RC (Refused Classification) under the <i>Classification (Publications, Films and Computer Games) Act 1995</i> of the Commonwealth, or display of objects primarily concerned with sexual behaviour.</p> <p>No extension to hours outside hours of operation before the change.</p> <p>The curtilage of any shop or office must not be used for storage or display purposes.</p> <p>Different use complies with the conditions of any development consent relating to the use of the building or land. In relation to industry, only if both the former use and different use:</p> <ul style="list-style-type: none"> (a) do not involve the use of more than 500 m² of floor area, and (b) have rear access or off-street loading facilities, and (c) do not operate before 6 am or after 6 pm.

2001 No 200

Ashfield Local Environmental Plan 1985 (Amendment No 89)—Exempt and Complying Development

Amendments

Schedule 1

DEVELOPMENT TYPE	REQUIREMENTS
Erection or installation and use, or carrying out, of the following:	
CLOTHES HOISTS/LINES	<p>Installed to manufacturer's specifications.</p> <p>Located behind the building line.</p> <p>If associated with a residential flat building, must be shielded from public view by use of louvres or other screening devices (which will still allow access to sun and breezes).</p>
DECKS	<p>Maximum area of deck 10 m².</p> <p>Located at rear of main building.</p> <p>Minimum 450 mm setback from boundary.</p> <p>Must not be roofed.</p> <p>Maximum height 500 mm above ground level to top of deck.</p>
DEMOLITION	<p>Development consent to erect the structure to be demolished would not be required.</p> <p>The demolition is carried out according to Australian Standard <i>AS 2601-1991 (The demolition of structures)</i>.</p>

2001 No 200

Ashfield Local Environmental Plan 1985 (Amendment No 89)—Exempt and Complying Development

Schedule 1 Amendments

<p>DEVELOPMENT TYPE</p> <p>Erection or installation and use, or carrying out, of the following:</p>	<p>REQUIREMENTS</p>
<p>DRIVEWAYS, PATHWAYS (private land)</p>	<p>Not over public land.</p> <p>Must not be elevated or suspended above natural ground level.</p> <p>Rainwater must not be directed onto adjoining property.</p> <p>One driveway or pathway per property.</p> <p>Must be of structurally sound and stable construction with adequate reinforcement.</p>
<p>EXTERNAL LIGHTING (DOMESTIC) (except for tennis courts, sporting fields and the like)</p>	<p>Must not cause glare onto adjoining properties or streets.</p>
<p>FENCES (other than fences covered by the <i>Swimming Pools Act 1992</i>)</p>	<p>Location must not alter overland flow of water.</p> <p>For front boundary fences (between the building line and street or other public place)—maximum height 1 m if constructed of timber, metal or lightweight materials.</p>
	<p>For side and rear boundary fences (between the building line and the rear boundary)—maximum height 1.8 m if constructed of timber, metal or lightweight materials.</p> <p>For masonry or brick fences regardless of location—maximum height 1 m.</p>

DEVELOPMENT TYPE Erection or installation and use, or carrying out, of the following:	REQUIREMENTS
FLAGPOLES	<p>Maximum height 6 m above ground level.</p> <p>Not to be used to display advertising material, logos or similar matter.</p> <p>One per property.</p> <p>Must be structurally adequate.</p>
GOAL POSTS, SIGHT SCREENS AND SIMILAR ANCILLARY SPORTING STRUCTURES	<p>Construction by or for council and installed in accordance with relevant Australian standards or the <i>Building Code of Australia</i>.</p> <p>Located in public park or recreation areas.</p>
HOME OCCUPATIONS	<p>None.</p>
IDENTIFICATION, INTERPRETIVE, DIRECTIONAL AND ADVANCE WARNING SIGNS	<p>Constructed and installed by or on behalf of council or the Roads and Traffic Authority.</p>
LETTER BOXES	<p>Maximum height of 1.2 m above ground level.</p>

2001 No 200

Ashfield Local Environmental Plan 1985 (Amendment No 89)—Exempt and Complying Development

Schedule 1 Amendments

<p>DEVELOPMENT TYPE</p> <p>Erection or installation and use, or carrying out, of the following:</p>	<p>REQUIREMENTS</p>
<p>MINOR INTERNAL ALTERATIONS TO DOMESTIC DWELLINGS being previously completed buildings</p>	<p>Work must comply with the <i>Building Code of Australia</i>.</p> <p>Work must not affect the structural stability of the building.</p> <p>Non-structural work only such as:</p> <ul style="list-style-type: none"> (a) replacement of doors, linings of walls, ceiling or floors or deteriorated frame members, (b) renovations of bathrooms or kitchens, (c) inclusion of built-in fixtures such as vanities, cupboards and wardrobes. <p>Work must not change room configurations, reduce window arrangements for light or ventilation needs, reduce doorways for egress or enclose open areas.</p>
<p>OUTBUILDINGS USED EXCLUSIVELY FOR THE FOLLOWING AND SIMILAR ACTIVITIES:</p> <ul style="list-style-type: none"> • Garden shed • Cubby house • Greenhouse • Bird aviary • Gazebo • Cabana • Kennel 	<p>Not of masonry construction.</p> <p>Detached from main dwelling.</p> <p>Maximum gross floor area 10 m².</p> <p>Located behind building line to any street frontage.</p> <p>Maximum height 2.1 m.</p> <p>Located at least 450 mm from any property boundary.</p> <p>Safety glazing to any glass doors conforming to Australian Standard <i>AS/NZS 2208:1996 (Safety glazing materials in buildings)</i>.</p>

<p>DEVELOPMENT TYPE</p> <p>Erection or installation and use, or carrying out, of the following:</p>	<p>REQUIREMENTS</p>
	<p>Roofing material to be non-reflective.</p> <p>Constructed in accordance with any manufacturer's instructions.</p> <p>Not connected to any plumbing or electricity supply.</p>
<p>PARK AND STREET FURNITURE AND PUBLIC PLAYGROUND EQUIPMENT such as seats, bins, picnic tables, community notice boards and minor shelters not including bus shelters</p>	<p>Constructed or installed by or for council and designed, fabricated and installed in accordance with relevant Australian standards.</p> <p>Located on land under control of council.</p>
<p>PATHS AND STAIRCASES INSTALLED IN PUBLIC PARKS AND RECREATION SPACES</p>	<p>Constructed or installed by or for council.</p> <p>Designed, fabricated and installed in accordance with the <i>Building Code of Australia</i> (Section B) and:</p> <ul style="list-style-type: none"> (a) for steel structures—Australian Standard AS 4100–1998 (<i>Steel structures</i>), (b) for timber structures—Australian Standard AS 1720.1–1997 (<i>Timber structures—Design methods</i>), AS 1720.2–1990 (<i>Timber structures—Timber properties</i>) and AS 1720.4–1990 (<i>Timber structures—Fire-resistance of structural timber members</i>), (c) for concrete structures—Australian Standard AS 3600–1994 (<i>Concrete structures</i>).

2001 No 200

Ashfield Local Environmental Plan 1985 (Amendment No 89)—Exempt and Complying Development

Schedule 1 Amendments

DEVELOPMENT TYPE Erection or installation and use, or carrying out, of the following:	REQUIREMENTS
PAVED AREA AT GROUND LEVEL (such as patios)	Must not exceed an area of 20 m ² . Entirely at ground level. Rainwater must not be redirected onto adjoining property. Sufficient stepdown must be provided between patio and building to prevent the entry of water into internal areas. Any minimum landscaped area requirement must be maintained.
PERGOLA	Not enclosed and with open roof structure. Maximum area 10 m ² . Maximum height 2.4 m. Attached to a dwelling or free-standing. Located behind building line to any street frontage. Located at least 450 mm from any property boundary.
PLAYGROUND EQUIPMENT (on private property)	Installed to manufacturer's specifications. Maximum height above ground 2.4 m. Maximum area 10 m ² .

<p>DEVELOPMENT TYPE</p> <p>Erection or installation and use, or carrying out, of the following:</p>	<p>REQUIREMENTS</p>
	<p>Located at least 450 mm from any boundary line.</p> <p>Located at rear of premises.</p>
<p>PORTABLE CLASSROOMS AND SCHOOL BUILDINGS</p>	<p>Must be structurally adequate.</p> <p>Installation must accord with a suitably qualified engineer’s design.</p> <p>Must comply with the <i>Building Code of Australia</i>.</p> <p>Location must only be in school grounds and not contravene any other consent.</p> <p>Rainwater to be connected to an adequate rainwater system.</p> <p>Must not exceed 1 storey in height.</p> <p>Must be removed within 5 years of erection.</p> <p>Written notice must be given to council advising date of erection.</p>
<p>RAMPS FOR THE DISABLED</p>	<p>Maximum height of 1 m (above existing finished or natural ground level).</p> <p>Maximum grade of 1:14 and must otherwise accord with Australian Standard AS 1428.1–1998 (<i>Design for access and mobility—General requirements for access—New building work</i>).</p>

2001 No 200

Ashfield Local Environmental Plan 1985 (Amendment No 89)—Exempt and Complying Development

Schedule 1 Amendments

DEVELOPMENT TYPE Erection or installation and use, or carrying out, of the following:	REQUIREMENTS
RECLADDING OR REPAIR OF EXISTING ROOF OR WALLS (Domestic buildings only)	No alteration to existing window or door openings or their location and size. The type of roofing material is the same as the original material. No structural alterations required. Any works involving asbestos cement must comply with the WorkCover Authority's <i>Short Guide to Working with Asbestos</i> . Any works involving lead paint removal must not cause lead contamination of air or ground.
ROLLERSHUTTERS TO DOORS, WINDOWS ETC	Not visible from the public street or a public place (other than a laneway), unless it is to a vehicular garage or entrance. Must not involve structural alteration.
ROLLERSHUTTERS TO VEHICULAR GARAGE OR ENTRANCE	Must not involve structural alteration.
ROOF VENTILATORS FOR SINGLE DWELLINGS	Maximum area of installation does not exceed 0.3 m ² . The building work must not reduce the structural integrity of the building or involve structural alterations. Installed to manufacturer's specifications.

2001 No 200

Ashfield Local Environmental Plan 1985 (Amendment No 89)—Exempt and Complying Development

Amendments

Schedule 1

<p>DEVELOPMENT TYPE</p> <p>Erection or installation and use, or carrying out, of the following:</p>	<p>REQUIREMENTS</p>
<p>SATELLITE DISHES</p>	<p>Directly attached to roof or wall or, if on ground, within rear yard and maximum height 1,800 mm.</p> <p>Maximum diameter 1.5 m when situated on the ground or 650 mm when attached to the roof or wall.</p> <p>One only for each allotment.</p>
<p>SKYLIGHTS OR ROOF WINDOWS</p>	<p>Maximum area of installation for all windows does not exceed 1 square metre.</p> <p>The building work must not reduce the structural integrity of the building or involve structural alterations.</p>
<p>SOLAR WATER HEATERS includes solar systems and heat-pumps</p>	<p>Solar systems must be flush with the roof plane, only at rear roof plane and with the water tanks located elsewhere.</p> <p>The work must not reduce the structural integrity of the building or involve structural alterations.</p> <p>Installation must be carried out by a licensed person.</p>
<p>SOLAR REFLECTORS</p>	<p>Must be flush with the roof plane and only at rear.</p> <p>The work must not reduce the structural integrity of the building or involve structural alterations.</p> <p>Installation must be carried out by a licensed person.</p>

2001 No 200

Ashfield Local Environmental Plan 1985 (Amendment No 89)—Exempt and Complying Development

Schedule 1 Amendments

DEVELOPMENT TYPE Erection or installation and use, or carrying out, of the following:	REQUIREMENTS
<p>SUBDIVISION (Torrens Title land only) for the purpose of:</p> <ul style="list-style-type: none"> (a) rectifying an encroachment upon an allotment, if no additional allotments are created, or (b) excising an allotment of land which is, or is intended to be, used for public purposes (including a public reserve, drainage purposes, bushfire or rescue service purposes or public conveniences), not involving the public acquisition of the land. 	<p>Any site area or setback requirements must be maintained.</p>
<p>TEMPORARY BUILDERS' SHEDS, PORTALOOS, MARQUEES AND THE LIKE</p>	<p>Must be removed on completion of associated development or within 5 months, whichever is the lesser.</p> <p>Located within property boundaries.</p> <p>Portaloos must be located a minimum 6 m from any adjacent living area.</p> <p>Marquees must not be in place for longer than 72 hours.</p> <p>Written notification must be given to council advising date of erection.</p>
<p>USE OF PUBLIC OPEN SPACE FOR COMMUNITY, CULTURAL OR COMMERCIAL PURPOSES</p>	<p>Must be in accordance with a temporary licence or hire agreement or other decision by council as land owner.</p>
<p>USE OF A CLASS 9B BUILDING FOR A PUBLIC MEETING</p>	<p>Temporary use only.</p>

2001 No 200

Ashfield Local Environmental Plan 1985 (Amendment No 89)—Exempt and Complying Development

Amendments

Schedule 1

DEVELOPMENT TYPE	REQUIREMENTS
Erection or installation and use, or carrying out, of the following:	
UTILITY INSTALLATION MAINTENANCE OR REPAIR	Maintenance or emergency work only.
WATER TANKS AT OR ABOVE GROUND LEVEL	Maximum capacity 2,500 litres. Maximum overall height 1,800 mm. Located behind the existing building line. Constructed or installed in accordance with manufacturer's specifications. Must be mosquito proofed.
WINDOWS, GLAZED AREAS AND EXTERNAL DOORS (residential premises only)	Replacement with materials that comply with: (a) Australian Standard <i>AS 1288-1994 (Glass in buildings—Selection and installation)</i> , and (b) Australian Standard <i>AS/NZS 2208:1996 (Safety glazing materials in buildings)</i> . No reduction in the area provided for light and ventilation is permitted and structural support members cannot be removed.

2001 No 200

Ashfield Local Environmental Plan 1985 (Amendment No 89)—Exempt and Complying Development

Schedule 1 Amendments

Schedule 9 Complying development

(Clause 8B)

DEVELOPMENT TYPE The erection and use, or carrying out of, the following:	DEVELOPMENT STANDARDS AND OTHER REQUIREMENTS
BED AND BREAKFAST ACCOMMODATION (not including any building works)	<p>A maximum of 2 guest bedrooms.</p> <p>A smoke detection system that complies with Australian Standards <i>AS 3786–1993 (Smoke alarms)</i> and <i>AS/NZS 3000:2000 (Electrical installations)</i> (known as the <i>Australian/New Zealand Wiring Rules</i>) is in the dwelling.</p> <p>A fire extinguisher and fire blanket are in the kitchen.</p> <p>Approval has been obtained from the owners corporation, or the community, precinct or neighbourhood association, where the dwelling is subject to the <i>Strata Schemes Management Act 1996</i> or the <i>Community Land Management Act 1989</i>.</p> <p>There are no key-release deadlocks on guest bedroom or exit doors and no bars or other restrictions placed on windows.</p>
COMMERCIAL AND SHOP BUILDINGS A different building use resulting from a change of use from a shop to an office, or from an office to a shop	<p>No increase to the total floor area of the building.</p> <p>No more than 300 m² of floor area is changed from an office to a shop.</p> <p>Different use is not a brothel.</p>

2001 No 200

Ashfield Local Environmental Plan 1985 (Amendment No 89)—Exempt and Complying Development

Amendments

Schedule 1

DEVELOPMENT TYPE The erection and use, or carrying out of, the following:	DEVELOPMENT STANDARDS AND OTHER REQUIREMENTS
	<p>No increase to the total floor area of the building.</p> <p>No more than 300 m² of floor area is changed from an office to a shop.</p> <p>Different use is not a brothel.</p> <p>No display or sale of publications classified Category 1 restricted, Category 2 restricted or RC (Refused Classification) under the <i>Classification (Publications, Films and Computer Games) Act 1995</i> of the Commonwealth, or display of objects primarily concerned with sexual behaviour.</p> <p>The new use must replace a former use carried out in accordance with a development consent.</p>
Internal alterations to a shop or an office	<p>No increase to the total floor area of the building.</p> <p>Internal partitioning not to increase fire-egress travel distances or coverage requirements for smoke detector and sprinkler systems.</p>
Replacement of footpath awnings	<p>Footpath awnings are to:</p> <ul style="list-style-type: none">(a) have approval from council under section 126 of the <i>Roads Act 1993</i>, and(b) replace like with like where in a heritage conservation area, and(c) be set back at least 600 mm from the kerb line with a minimum clearance of 3.6 m above footpath level.

2001 No 200

Ashfield Local Environmental Plan 1985 (Amendment No 89)—Exempt and Complying Development

Schedule 1 Amendments

<p>DEVELOPMENT TYPE</p> <p>The erection and use, or carrying out of, the following:</p>	<p>DEVELOPMENT STANDARDS AND OTHER REQUIREMENTS</p>
<p>HOUSES AND EXTENSIONS</p> <p>Additions to rear of free-standing dwelling houses (including associated demolition)</p>	<p><u>General requirements</u></p> <p>All work must comply with the deemed-to-satisfy provisions of section 3 (Acceptable Construction) of the <i>Building Code of Australia</i> (Housing Provisions).</p> <p>Additions to ground floor only.</p> <p>An addition must not provide for an additional dwelling.</p> <p>An addition must not result in the loss of off-street parking.</p> <p>No part of the structure may be located within the drip line of an existing tree (unless permission has been obtained to remove the tree).</p> <p>The addition must not increase the floor area of the dwelling by more than 40 m².</p> <p>Any demolition must be carried out to Australian Standard <i>AS 2601-1991 (The demolition of structures)</i>.</p> <p><u>Urban form and design requirements</u></p> <p>External walls of the addition must be located not less than 900 mm from a property boundary.</p> <p>The ground floor level of the addition must be no more than 500 mm above natural ground level at any point.</p>

<p>DEVELOPMENT TYPE</p> <p>The erection and use, or carrying out of, the following:</p>	<p>DEVELOPMENT STANDARDS AND OTHER REQUIREMENTS</p>
	<p>The distance between the floor level and the underside of the eaves must be no more than 2.7 metres.</p> <p>The roof pitch must be no more than 30 degrees and openings must be flush with the roof.</p> <p>The height of the addition must not exceed the existing ridge height or 3.6 metres above natural ground level, whichever is the higher.</p> <p>Materials and window and door proportions must match existing building.</p> <p><u>Amenity requirements</u></p> <p>Windows and doors are permissible if they face a property boundary where there is a fence at least 1.8 m high.</p> <p>Solar access must be maintained to adjacent properties' habitable rooms for a minimum period of 2 hours between 9 am and 3 pm at the winter solstice or, where less than 2 hours solar access is currently available, no additional overshadowing is permitted.</p> <p>Solar access to the subject property and adjacent properties' primary landscaped area must be maintained over a minimum of 50% of that space for a period of at least 3 hours between 9 am and 3 pm at the winter solstice.</p>

2001 No 200

Ashfield Local Environmental Plan 1985 (Amendment No 89)—Exempt and Complying Development

Schedule 1 Amendments

DEVELOPMENT TYPE The erection and use, or carrying out of, the following:	DEVELOPMENT STANDARDS AND OTHER REQUIREMENTS
	<p>The extension must not result in a private outdoor area of less than 40 m² or a minimum dimension of less than 3.5 m.</p>
<p>Structural internal alterations</p>	<p>All work must comply with the deemed-to-satisfy provisions of section 3 (Acceptable Construction) of the <i>Building Code of Australia</i> (Housing Provisions).</p> <p>No external works.</p> <p>No increase to the total floor area of the building.</p> <p>Alterations to ground floor only.</p>
<p>Alteration and addition of windows and doors other than:</p> <ul style="list-style-type: none"> • addition of openings in party or common walls, or • addition of openings with an area greater than 4 m² 	<p><u>General requirements</u></p> <p>All work must comply with the deemed-to-satisfy provisions of section 3 (Acceptable Construction) of the <i>Building Code of Australia</i> (Housing Provisions).</p> <p>Openings are to be located not less than 900 mm from a property boundary and not less than 900 mm from a wall separating attached dwellings</p> <p><u>Amenity requirements</u></p> <p>Windows and doors are permissible if they face a property boundary where there is a fence at least 1.8 m high and the floor level of the room is less than 0.5 m above ground level at the boundary.</p>

<p>DEVELOPMENT TYPE</p> <p>The erection and use, or carrying out of, the following:</p>	<p>DEVELOPMENT STANDARDS AND OTHER REQUIREMENTS</p>
<p>Dormer windows and extensions within the existing roof space, including gablet windows being additions or extensions to bedrooms, bathrooms or the creation or extension of storage rooms</p>	<p>Alterations and additions to ground floor only.</p> <p>No alterations and additions to primary street frontage.</p> <p>New window and door openings to habitable rooms within 9 m of, and allowing a view of a window of a habitable room in, another dwelling must be offset by not less than 0.5 m.</p> <p><u>Urban form and design requirements</u></p> <p>Materials and window and door proportions must match existing building.</p> <p><u>General requirements</u></p> <p>All work must comply with the deemed-to-satisfy provisions of section 3 (Acceptable Construction) of the <i>Building Code of Australia</i> (Housing Provisions).</p> <p>Development only to rear of property.</p> <p>Not to be visible from a public place (excluding back lanes).</p> <p>Only one dormer window permissible per roof plane.</p> <p><u>Urban form and design requirements</u></p> <p>The dormer window is to be located not less than 900 mm from a property boundary and not less than 900 mm from a wall separating attached dwellings.</p>

2001 No 200

Ashfield Local Environmental Plan 1985 (Amendment No 89)—Exempt and Complying Development

Schedule 1 Amendments

<p>DEVELOPMENT TYPE</p> <p>The erection and use, or carrying out of, the following:</p>	<p>DEVELOPMENT STANDARDS AND OTHER REQUIREMENTS</p>
	<p>Dormer windows are to be centrally located along the width of the roof.</p> <p>Dormers are to be traditionally vertically proportioned, with a height 1.5 width.</p> <p>Dormer windows are to be set below the ridgeline and up from the eaves.</p> <p>Materials and window and door proportions must match existing building.</p> <p><u>Amenity requirements</u></p> <p>Dormer windows are not to be located adjacent to bedroom windows of adjoining dwellings.</p> <p>The sides of the dormer windows are to be of a solid construction without glazing.</p>
<p>INDUSTRIAL AND WAREHOUSE BUILDINGS</p> <p>Internal alterations</p> <p>Replacement of roofing material</p>	<p>No increase to the total floor area of the building.</p> <p>Internal partitioning not to increase fire-egress travel distances or coverage requirements for smoke detector and sprinkler systems.</p> <p>Any setback requirements and building height requirements must be maintained.</p> <p>No structural alterations required.</p>

<p>DEVELOPMENT TYPE</p> <p>The erection and use, or carrying out of, the following:</p>	<p>DEVELOPMENT STANDARDS AND OTHER REQUIREMENTS</p>
	<p>Any works involving asbestos cement must comply with the WorkCover Authority's <i>Short Guide to Working with Asbestos</i>.</p>
<p>SWIMMING POOLS</p> <p>Development for the purpose of swimming pools on lots over 450 m² in area if the pool is ancillary to a dwelling occupied for private use only.</p>	<p><u>Streetscape</u></p> <p>The pool will not be between the dwelling and the front boundary.</p> <p><u>Bulk and scale</u></p> <p>All coping or decking around the pool is not more than 150 mm above the natural ground level.</p> <p>The pool is at least 1.5 m from the nearest side and the rear boundaries.</p> <p><u>Privacy and security</u></p> <p>The noise level of any filtration equipment or pumps does not exceed 5 dB (A) above the ambient background level measured at the property boundary.</p> <p><u>Open space and landscaping</u></p> <p>Minimum private outdoor area of 40 m² excluding the area of the water and minimum dimension of 3.5 m is to be maintained.</p>

2001 No 200

Ashfield Local Environmental Plan 1985 (Amendment No 89)—Exempt and Complying Development

Schedule 1 Amendments

DEVELOPMENT TYPE The erection and use, or carrying out of, the following:	DEVELOPMENT STANDARDS AND OTHER REQUIREMENTS
	<p><u>Installation and construction</u></p> <p>The installation and construction of the pool complies, where relevant, with the <i>Swimming Pools Act 1992</i> and the <i>Swimming Pools Regulation 1998</i>, and</p> <p>(a) Australian Standards <i>AS/NZS 1838:1994 (Swimming pools—Premoulded fibre-reinforced plastics—Design and fabrication)</i> and <i>AS/NZS 1839:1994 (Swimming pools—Premoulded fibre-reinforced plastics—Installation)</i>, or</p> <p>(b) <i>AS 2783–1992 (Use of reinforced concrete for small swimming pools)</i>.</p> <p><u>Pool and surrounding structures</u></p> <p>The pool and surrounding structures comply with <i>AS 1926–1986 (Fence and Gates for Private Swimming Pools)</i> as published on 4 August 1986.</p>

Schedule 10 Conditions of complying development certificates

(Clause 8B)

Before you begin work

- 1 Two days before any site works, building or demolition begins, the applicant must:
 - (a) inform adjoining owners in writing that work will commence, and
 - (b) forward to the council a notice of the appointment of the principal certifying authority and of intention to commence the erection of a building or subdivision work.

The notice forwarded to the council must contain the following information and be in the form (if any) approved by the council:

 - (a) the name and address of the person by whom the notice is being given, and
 - (b) a description of the work to be carried out, and
 - (c) the address of the land on which the work is to be carried out,
 - (d) the registered number and date of issue of the relevant complying development certificate, and
 - (e) the name and address of the principal certifying authority, and
 - (f) if the principal certifying authority is an accredited certifier:
 - (i) his or her accreditation number, and
 - (ii) the name of the accreditation body by which he or she is accredited, and
 - (iii) a statement signed by the accredited certifier to the effect that he or she consents to being appointed as principal certifying authority.
- 2 Before any site works, building or demolition begins, the applicant must:
 - (a) notify the council of the name, address, phone number and licence number of the builder, and

2001 No 200

Ashfield Local Environmental Plan 1985 (Amendment No 89)—Exempt and Complying Development

Schedule 1 Amendments

- (b) erect a sign at the front of the property with the builder's name, licence number, site address and the number given by the council to the application for the complying development certificate, and
- (c) provide for access to an on-site toilet, and
- (d) protect and support any neighbouring buildings, and
- (e) protect any public place from obstruction, inconvenience or damage due to the carrying out of the development, and
- (f) prevent any substance from falling onto any public place, and
- (g) have obtained a certificate of compliance if required from Sydney Water Corporation Ltd, and
- (h) comply with any other conditions prescribed by the *Environmental Planning and Assessment Regulation 2000*.

This item does not impose a requirement on an applicant if it is complied with by the builder.

Site management

- 3 Run-off and erosion controls must be implemented to prevent soil erosion, water pollution or the discharge of loose sediment on surrounding land, as follows:
 - (a) divert uncontaminated run-off around cleared or disturbed areas,
 - (b) erect a silt fence to prevent debris escaping into drainage systems or waterways,
 - (c) prevent tracking of sediment by vehicles onto roads,
 - (d) stockpile topsoil, excavated material, construction and landscaping supplies and debris within the site.
- 4 Removal or disturbance of vegetation and topsoil must be confined to within 3 metres of the proposed building.

Drainage

- 5 The land surrounding any structure must be graded to divert surface water to the street, and must be clear of existing and proposed structures and adjoining premises.

- 6 If the water falls to the rear of the property, it must be collected and drained via a gravity system to a council stormwater line or disposed of in a manner consistent with the council's *Soil and Water Management Policy*.

Inspections during construction

- 7 The applicant must notify either the council or an accredited certifier at least 48 hours in advance in writing, by fax or phone, to inspect the following:
- (a) erosion controls, site works and site set out, before building starts,
 - (b) placement of piers or foundation before placing footings,
 - (c) steel reinforcing before pouring concrete,
 - (d) framework of structure before lining or cladding is fixed,
 - (e) stormwater drainage and on-site detention before back-filling,
 - (f) wet areas treated before lining or tiling,
 - (g) final inspection prior to occupation or use.

Hours of work

- 8 Any building work must be carried out between 7 am and 6 pm Monday to Friday and 8 am to 5 pm Saturdays, but not on Sundays or public holidays.

Survey certificate

- 9 For all:
- (a) non-residential development, or
 - (b) Class 10a and 10b buildings less than 450 mm from the boundary, or
 - (c) Class 1a and 1b buildings less than 1500 mm from the boundary, (excluding internal works), a survey certificate must be given to the principal certifying authority at the following stages:
 - (a) on completion of floor slab framework before concrete is poured, detailing the location of the structure in relation to the boundaries, and

2001 No 200

Ashfield Local Environmental Plan 1985 (Amendment No 89)—Exempt and Complying Development

Schedule 1 Amendments

- (b) at completion of the lowest floor, confirming that levels are in accordance with the certificate. (Levels must relate to the datum shown on the certificate.)

Site access

- 10 Driveways are to be a minimum of 500 mm clear of all drainage structures on the kerb and gutter and are not to interfere with the existing public utility infrastructure, including council drainage structures, unless prior approval is obtained from the relevant authority.
- 11 Driveways are to be a minimum of 6 m from a road intersection.
- 12 Driveways are to be constructed in accordance with any relevant requirements of Australian Standard *AS 2890.1–1993 (Parking facilities—Off-street car parking)*, with appropriate transition zones.

Occupation certificate

- 13 Unless it is a Class 1a, 1b, 10a or 10b building, the building is not to be occupied before issue of an occupation certificate.

Notes.

Builders insurance

The builder or person who does residential building work must comply with the applicable requirements of Part 6 of the *Home Building Act 1989*, whereby a person must not contract to do any residential building work unless a contract of insurance that complies with this Act is in force in relation to the proposed work. It is the responsibility of the builder or person who is to do the work to satisfy council that they have so complied.

Construction Industry Long Service Levy

It is the responsibility of the builder or person who does building work to satisfy the council or accredited certifier under section 85A (10A) of the *Environmental Planning and Assessment Act 1979* that any long service levy (or instalment of a levy) payable under the *Building and Construction Industry Long Service Payments Act 1986* has been paid.

BY AUTHORITY