



New South Wales

Port Stephens Local Environmental Plan 2000 (Amendment No 26)

under the

Environmental Planning and Assessment Act 1979

I, the Minister for Planning, make the following local environmental plan under the *Environmental Planning and Assessment Act 1979*. (NEW0005064/S69)

FRANK SARTOR, M.P.,
Minister for Planning

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Clause 1 Port Stephens Local Environmental Plan 2000 (Amendment No 26)

Port Stephens Local Environmental Plan 2000 (Amendment No 26)

under the

Environmental Planning and Assessment Act 1979

1 Name of plan

This plan is *Port Stephens Local Environmental Plan 2000 (Amendment No 26)*.

2 Aim of plan

The aim of this plan is to set out the criteria that will be used to determine whether certain development may be carried out as exempt or complying development.

3 Land to which plan applies

This plan applies to all the land to which *Port Stephens Local Environmental Plan 2000* applies.

4 Amendment of Port Stephens Local Environmental Plan 2000

Port Stephens Local Environmental Plan 2000 is amended as set out in Schedule 1.

Schedule 1 Amendments

(Clause 4)

[1] Clauses 49 and 49A

Omit clause 49. Insert instead:

49 Exempt development

- (1) The objective of this clause is to identify development of minimal environmental impact as exempt development.
- (2) Development specified in Schedule 3 that meets the standards for the development contained in that Schedule and any other requirements contained in that Schedule and that complies with the requirements of this clause is *exempt development*.
- (3) To be exempt development:
 - (a) the development must:
 - (i) meet the relevant deemed-to-satisfy provisions of the *Building Code of Australia*, and
 - (ii) be more than 1 metre from any easement or public sewer main, and
 - (iii) if it relates to an existing building that is classified under the *Building Code of Australia* as class 1b or class 2–9, have a current fire safety certificate or fire safety statement or be a building for which no fire safety measures are currently implemented, required or proposed, and
 - (b) the development must not:
 - (i) if it relates to an existing building, cause the building to contravene the *Building Code of Australia*, or
 - (ii) require a tree to be removed, or
 - (iii) create interference with the neighbourhood because it is noisy, causes vibrations, creates smells, fumes, smoke, vapour, steam, soot, ash, dust, waste water, grit or oil, or
 - (iv) be designated development, or
 - (v) be development on land that comprises, or on which there is, an item of environmental heritage that is listed on the State Heritage Register under the *Heritage Act 1977* or in Schedule 2 to this Plan or

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that is subject to an interim heritage order under the *Heritage Act 1977*, or

- (vi) be on or in an environmentally sensitive area of State significance.

49A Complying development

- (1) The objective of this clause is to identify development as complying development.
- (2) Development specified in Schedule 4 that is carried out in compliance with the standards listed in that Schedule in respect of the development and any other requirements contained in that Schedule and that complies with the requirements of this clause is *complying development*.
- (3) To be complying development, the development must:
 - (a) meet the relevant deemed-to-satisfy provisions of the *Building Code of Australia*, and
 - (b) be more than 1 metre from any easement or public sewer main, and
 - (c) have an approval, if required by the *Local Government Act 1993*, from the Council for an on-site effluent disposal system if the development is undertaken on unsewered land.
- (4) To be complying development, the development must not be carried out on or in:
 - (a) a site that has at any time previously been used:
 - (i) as a service station, or
 - (ii) as a sheep or cattle dip, or
 - (iii) for intensive agriculture, or
 - (iv) for mining (but not underground mining) or an extractive industry, or
 - (v) for waste storage or waste treatment, or
 - (vi) for the manufacture of chemicals, asbestos, or asbestos products, or
 - (b) an environmentally sensitive area of State significance, or
 - (c) land to which clause 51A (Development on land identified on Acid Sulfate Soils Planning Maps) applies, or
 - (d) land to which clause 38 (Development on flood prone land) applies, or

- (e) land located within the 20 Australian Noise Exposure Forecast contour as identified on the *2012 Australian Noise Exposure Forecast* for Salt Ash Air Weapons Range and for RAAF Base Williamtown.

[2] Schedules 3 and 4

Insert after Schedule 2:

Schedule 3 Exempt development

(Clause 49)

Development consisting of, or for the purpose of the following:	Exempt development standards and requirements
Private development	
Access ramps	<ul style="list-style-type: none"> • Maximum height 1m above finished ground level. • Maximum grade 1:14. • Complies with AS 1428.1—2001, <i>Design for access and mobility</i>, Part 1: <i>General requirements for access—New building work</i>. • Located wholly within the property boundary.
Advertising signs	
(a) Business identification sign	<ul style="list-style-type: none"> • Maximum of 1 business identification sign indicating the approved use of the land. • Maximum 1.2m length and 0.6m height. • Must be fixed to the wall of the building, the front fence of the property, or on a pole with a maximum height of 1.5m above the ground. • Located within the property boundary.

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Development consisting of, or for the purpose of the following:	Exempt development standards and requirements
(b) Directory boards for industrial units	<ul style="list-style-type: none">• Maximum 1.5m length and 1.5m height.• Must be fixed to the wall of the building, the front fence of the property, or on a pole with the top of the sign to be no more than 2.5m above the ground.
(c) Fascia sign on land within Zone No 3 (a) (Business General "A" Zone)	<ul style="list-style-type: none">• Must be attached to the fascia or return end of an awning.• Must not project above or below the fascia.• Must not extend more than 300mm from the fascia.• Must not be internally illuminated.
(d) Flush wall sign on land within Zone No 3 (a) (Business General "A" Zone) and Zone No 4 (a) (Industrial General "A" Zone)	<ul style="list-style-type: none">• Must be attached flush to the wall and must not protrude more than 200mm from the wall.• Maximum 2.5m² in area.• Must be securely fixed to the wall.• Must not cover mechanical ventilation vents.
(e) Signage for sporting field fences and scoreboards	<ul style="list-style-type: none">• Maximum 5m length and 0.9m height.• Must face the sporting fields.• Must be attached to existing fencing or scoreboards.• If on a reserve, must be in accordance with any plan of management adopted by Council for the reserve.
(f) Top hamper sign on land within Zone No 3 (a) (Business General "A" Zone)	<ul style="list-style-type: none">• Must be attached to the transom of a doorway or window of a building.• Maximum 2.5m² in area.• Must not extend more than 200mm beyond any building alignment.• Must not extend beyond the doorway or window to which it is attached.

Development consisting of, or for the purpose of the following:	Exempt development standards and requirements
(g) Underawning sign on land within Zone No 3 (a) (Business General "A" Zone)	<ul style="list-style-type: none"> • Must be attached to the underside of an awning and erected horizontal to the ground. • Must not be less than 2.6m from the ground at any point. • Maximum 1.5m² in area. • Must not project beyond the awning. • Must be securely fixed with metal supports. • Must not affect sight distances or reduce traffic visibility.
Aerials, antennae, microwave antennae (not including satellite dishes)	<ul style="list-style-type: none"> • Maximum height 3.6m if mounted on the roof or 6m above ground level if not attached to the dwelling. • Maximum diameter of 900mm. • Located wholly within the property boundary and behind the building line. • Only 1 per building. • For domestic use only.
Air conditioning units	<p data-bbox="790 1254 1257 1317"><i>Heritage conservation area and heritage item requirements</i></p> <ul style="list-style-type: none"> • The method of fixing to the building must be sympathetic to the heritage fabric of the building. • Located to the side or rear of the building. • Must not create offensive noise (ie noise that by reason of its level, nature, character or quality, or at the time at which it is made, is actually or likely to be harmful to a person who is outside the premises from which it is emitted). Where air conditioner noise is audible within another residence, it is potentially offensive noise.

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| Automatic Teller Machines (ATM) other than ATMs within buildings that are heritage items or within buildings located within a Heritage Conservation Area | <ul style="list-style-type: none">• Where the air conditioning unit is located within 900mm of a common boundary, a certificate must be provided by a practising acoustic engineer to the effect that, having assessed the design and installation of the air conditioning unit, it is not, while in operation, likely to create offensive noise as defined under the <i>Protection of the Environment Operations Act 1997</i>.• Associated building work must not reduce the structural integrity of the building.• Any opening created for an air conditioning unit must be suitably weatherproofed.• Airflow from an air conditioning unit must be directed so as not to affect adjoining properties. |
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Heritage conservation area and heritage item requirements

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| | <ul style="list-style-type: none">• Located to the side or rear of the building.• Must be attached to the wall of a building.• Must be wholly enclosed in an arcade or shopping centre or if facing a public footpath or street, setback 1m from the road reserve unless it is turned perpendicular to the street.• Allowance must be made for queuing so as not to hinder the free movement of pedestrians.• Complies with AS 1428.1—2001, <i>Design for access and mobility, Part 1: General requirements for access—New building work</i>.• Must be appropriately lit with satisfactory surveillance.• Must include a bin with adequate capacity to discourage littering. |
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Development consisting of, or for the purpose of the following:	Exempt development standards and requirements
Awnings, canopies, storm blinds on dwelling	<ul style="list-style-type: none"> • Maximum area 10m². • Must not encroach more than 1m on the building line. • Minimum 675mm from side and rear boundaries. • Stormwater must not be directed onto adjoining properties. • Located wholly within the property boundaries. • Materials used must generally be non-reflective.
Barbeques	<p><i>Bush fire prone land requirements</i></p> <ul style="list-style-type: none"> • Materials used must have a Flammability Index no greater than 5.
	<p><i>Heritage conservation area and heritage item requirements</i></p> <ul style="list-style-type: none"> • Located to the side or rear of the building. • Maximum area 10m² and maximum height 2.4m. • Minimum 900mm from side and rear boundaries. • Minimum separation 1.8m from adjoining dwellings. • Located behind the building line. • Not within 6m of an LPG tank, other than the energy source for the barbeque.
	<p><i>Heritage conservation area and heritage item requirements</i></p> <ul style="list-style-type: none"> • Located to the rear of the building.

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Development consisting of, or for the purpose of the following:	Exempt development standards and requirements
Bird aviaries (not for the keeping of poultry)	<ul style="list-style-type: none">• Maximum area 20m² and maximum height 2.4m.• Minimum of 10m from adjoining dwellings.• Located behind the rear alignment of the building.• Minimum 900mm from side and rear boundaries.• Floor must be impervious.• Stormwater must not be directed onto adjoining properties.• Maximum of 1 per site.
Cabanas and gazebos	<p data-bbox="790 1025 1244 1086"><i>Heritage conservation area and heritage item requirements</i></p> <ul style="list-style-type: none">• Architectural style must be in keeping with the existing building.• Located to the rear of the building.• Maximum floor area 20m² and maximum height 2.7m.• Free standing and prefabricated using non-reflective materials.• Maximum of 1 per site.• Installed to manufacturer's specifications.• Located behind building line setback.• Must not cause nuisance to adjoining properties as a result of stormwater run-off or visual intrusion.• Minimum 900mm from side and rear boundaries in residential areas and 5m in rural areas. <p data-bbox="790 1646 1181 1680"><i>Bush fire prone land requirements</i></p> <ul style="list-style-type: none">• Located more than 10m from the dwelling or complies with AS 3959—1999, <i>Construction of buildings in bushfire-prone areas</i>.

Development consisting of, or for the purpose of the following:	Exempt development standards and requirements
Change of use of a building from: (a) 1 type of industry to another type of industry (b) 1 type of warehouse to another type of warehouse (c) 1 type of industry to a warehouse.	<ul style="list-style-type: none"> • The building is lawfully used, or has been lawfully constructed to be used, for industry or light industry. • Total floor space is less than 2,000m². • The use is not actually or potentially a hazardous or offensive industry. • The use does not require a trade waste agreement. • Building must have a current fire safety certificate. • Must not involve a change in building classification under the <i>Building Code of Australia</i>.
Change of use of a building from: (a) 1 type of shop to another type of shop (b) 1 type of commercial premises to another type of commercial premises (c) 1 type of shop to commercial premises.	<ul style="list-style-type: none"> • The building is lawfully used, or has been lawfully constructed to be used, for the purposes of a shop or commercial premises. • The use is consistent with the classification of the building under the <i>Building Code of Australia</i> and replaces a former use being carried out in accordance with development consent. • The building does not involve the preparation of food for sale or consumption, or involve use as a hairdresser or beauty salon. • The different use complies with the conditions of any relevant existing development consent. • The different use does not result in an increase in the gross floor area of the building. • Building must have a current fire safety certificate.
<p>Note. Restricted premises are separately defined and do not come under the definition of a shop or commercial premises.</p>	

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Development consisting of, or for the purpose of the following:	Exempt development standards and requirements
Charity, clothing and recycling bins	<ul style="list-style-type: none">• Only permissible in residential and commercial zones.• Maximum of 3 bins at any 1 location.• Area must be kept clean and tidy at all times.• Owners' consent is required prior to placement of the bins.
Clothes hoists or lines	<ul style="list-style-type: none">• Installed to manufacturer's specifications.• Located behind the building line setback.• Suitably screened from public view.
Cubby houses and play equipment	<ul style="list-style-type: none">• Maximum height 2.4m.• Maximum ground coverage 10m².• Minimum setback 900mm from side and rear boundaries.• Installed to manufacturer's specifications.• Timber construction complies with AS 1684, <i>National Timber Framing Code</i>.• Located behind the building line setback.
	<p><i>Heritage conservation area and heritage item requirements</i></p> <ul style="list-style-type: none">• Located to the rear of the building.
Dams on land within Zone No 1 (a) (Rural Agriculture "A" Zone) Note. Approval may be required from the Department of Natural Resources.	<ul style="list-style-type: none">• Must have an outside wall height to the crest of 1m or less.• Minimum 10m from the property boundaries.• Capacity must not exceed 1 megalitre.• Maximum of 1 dam per property.• No trees are to be removed or damaged as a result of the dam construction.• Spillways must not direct water onto adjoining properties.

Development consisting of, or for the purpose of the following:	Exempt development standards and requirements
Decks and patios	<ul style="list-style-type: none"> • Maximum area 25m². • Maximum 1m above existing ground level. • Must have sufficient step down to prevent the entry of water into the dwelling. • Maximum of 1 per property. • Minimum 900mm from side and rear boundaries. • A privacy screen must be provided if the deck or patio overlooks the open space of an adjoining dwelling. • Located behind the building line. • Must be of timber construction or concrete slab on brick supports. • Timber construction must comply with AS 1684, <i>National Timber Framing Code</i>. • Termite barriers must be installed in accordance with AS 3660, <i>Protection of buildings from subterranean termites</i>, Supp 1—1993: <i>Prevention, Detection and treatment of infestation—Certificate of termiticide application</i>. <p><i>Bush fire prone land requirements</i></p> <ul style="list-style-type: none"> • Complies with AS 3959—1999, <i>Construction of buildings in bushfire-prone areas</i>. <p><i>Heritage conservation area and heritage item requirements</i></p> <ul style="list-style-type: none"> • Located behind the rear of the building.

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Development consisting of, or for the purpose of the following:	Exempt development standards and requirements
Demolition other than demolition of: <ul style="list-style-type: none">(a) a building that is a heritage item, or(b) a building adjoining a heritage item, or(c) a building within a heritage conservation area, or(d) a building within Zone No 3 (a) (Business General “A” Zone).	<ul style="list-style-type: none">• Complies with AS 2601—1991, <i>Demolition of structures</i>.• Does not involve the “implosion” method of demolition.• Residents in adjoining dwellings must be given a minimum 7 days notice of any work involving asbestos cement.• Any work involving asbestos cement must comply with WorkCover Authority’s <i>Guidelines for Practices Involving Asbestos in Buildings</i>.• Any work involving lead paint removal must not cause lead contamination of the air or ground.
Fences (other than fences required by the <i>Swimming Pools Act 1992</i>)	<ul style="list-style-type: none">• All fences must be constructed so that they do not prevent the natural flow of stormwater drainage or run-off.• Fences fronting a road must have a maximum height of 1m if of solid appearance and 1.5m if the overall fence design is at least 50% transparent.• Side and rear fences must not exceed a height of 1.8m.• Side fences must not encroach on the front setback area of the dwelling. <p><i>Bush fire prone land requirements</i></p> <ul style="list-style-type: none">• Must not be constructed of softwood, treated pine or brushwood.• If the fence does not connect to a dwelling and has at least 1m separation from a dwelling—must be constructed from hardwood or non combustible material.

Development consisting of, or for the purpose of the following:	Exempt development standards and requirements
Flagpoles	<ul style="list-style-type: none"> • Maximum height 6m above existing ground level. • Freestanding, not relying on other structures for support. • Installed to manufacturer’s specifications. • Structural engineer’s certificate required. • Maximum of 1 flagpole per lot in residential zones and 3 flagpoles in industrial and commercial zones. • Must not project over a public road or adjoining property. • Clearance from power lines in accordance with the requirements of the relevant electricity authority.
Fowl houses (for the keeping of poultry) on land within Zone No 1 (a) (Rural Agriculture “A” Zone)	<ul style="list-style-type: none"> • Maximum area 50m² and maximum height 3m. • Minimum setback of 5m from side and rear boundaries. • Maximum of 1 per site. • Located behind the building line setback. • Constructed from non-reflective materials that blend with the natural environment. • Stormwater must be directed to the street gutter, stormwater main or an absorption pit. • Not located over house surcharge or overflow gully. • Disposal of manure and wastewater by a method that does not harm or pollute the local or downstream environment.

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Development consisting of, or for the purpose of the following:	Exempt development standards and requirements
Fuel tanks (used for agricultural activities or home employment) on land within Zone No 1 (a) (Rural Agriculture "A" Zone)	<ul style="list-style-type: none">• Design and location of structure must mitigate the effects of any offensive smell within the locality.• Complies with Schedule 2, Part 5, Division 2 (other than clause 20 (5)) of the <i>Local Government (General) Regulation 2005</i> (Keeping of poultry).• On sites with an area of a least 2 hectares.• Maximum capacity 5,000 litres.• Bunded with capacity to contain at least 110% of the capacity of the fuel tank.• Constructed of prefabricated material.• Operated and maintained in accordance with AS 1940—2004, <i>The storage and handling of flammable and combustible liquids</i>.• Minimum 20m from the street boundary and 4m from the side and rear boundaries.• Wholly within the property boundaries and not to encroach on any registered easements.• Minimum of 100m from a creek, river or watercourse.
Garden shed	<ul style="list-style-type: none">• Free standing and prefabricated.• Maximum of 1 per site.• Maximum floor area 10m² and maximum height 2.4m.• Constructed from non-reflective materials that blend with the natural environment.• Located behind the rear alignment of the building.• Minimum 900mm from side and rear boundaries.

Development consisting of, or for the purpose of the following:	Exempt development standards and requirements
Gardening, landscaping and paving	<p><i>Bush fire prone land requirements</i></p> <ul style="list-style-type: none"> • If within a nominated Asset Protection Zone—must be located more than 10m from the dwelling or constructed to meet the requirements of AS 3959—1999, <i>Construction of buildings in bushfire-prone areas</i>. • Must not adversely impact on adjoining properties. • Paving or hard surface area covers not more than 25m². • Must not involve excavation or fill deeper than 600mm.
Home-based child care or family day care home	<ul style="list-style-type: none"> • The use of the premises for the supervision of a maximum of 7 children in accordance with the definition of <i>home-based child care</i>.
Home occupation	<p><i>Bush fire prone land requirements</i></p> <ul style="list-style-type: none"> • On bush fire prone land, is not exempt development. <p>Note. See the definition of <i>home occupation</i> in the Dictionary.</p>
Horse shelters (keeping up to 4 horses) and animal shelters on land within Zone No 1 (a) (Rural Agriculture “A” Zone)	<ul style="list-style-type: none"> • Maximum of 1 per property. • Maximum area 50m² and maximum height 3m. • Minimum of 5m from side and rear boundaries. • Constructed of timber (cut or round) or prefabricated metal (including cladding) to AS 1684, <i>Residential timber-framed construction</i>. • Constructed from non-reflective materials that blend with the natural environment. • Must be more than 6m from any effluent wastewater disposal.

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Development consisting of, or for the purpose of the following:	Exempt development standards and requirements
Internal fit out to existing shop or commercial premises (excluding food shops, hairdressers and beauty salons)	<ul style="list-style-type: none">• Stormwater must be discharged to a point well clear of any buildings or effluent wastewater disposal areas.• Design and location of structure must mitigate the effects of any offensive smell within the locality.• Disposal of manure and wastewater in a manner that does not harm or pollute the local or downstream environment.• Complies with Schedule 2, Part 5, Division 3 (other than clause 21 (4)) of the <i>Local Government (General) Regulation 2005</i> (Keeping of horses and cattle).• Non-structural work only (must not include load bearing walls and walls incorporating structural bracing units).• Must not reduce light or ventilation.• Must not reduce the number or size of exits.• Must not involve the enclosure of open areas.• Complies with the <i>Building Code of Australia</i>.
Internal alterations to existing single dwellings	<ul style="list-style-type: none">• Non-structural work only (must not include load bearing walls and walls incorporating structural bracing units).• Renovations of bathrooms and kitchens including built-in fixtures such as vanities, cupboards and wardrobes.• Replacement doors, wall, ceiling or floor linings and deteriorated frame members, must be constructed with equivalent or better quality materials.• Must not reduce light or ventilation.• Must not reduce the number or size of exits.

Development consisting of, or for the purpose of the following:	Exempt development standards and requirements
Letterbox	<ul style="list-style-type: none"> • Must not involve the enclosure of open areas. • Residents in adjoining dwellings must be given a minimum 7 days notice of any work involving asbestos cement. • Any work involving asbestos cement must comply with WorkCover Authority's <i>Guidelines for Practices Involving Asbestos Cement in Buildings</i>. • Any work involving lead paint removal must not cause lead contamination of the air or ground. • Maximum height 1.5m above existing ground level. • Appropriate numbering of each letterbox in accordance with postal requirements. • Structurally stable with adequate footings. • Located at the street frontage. • Located wholly within property boundaries.
Pergolas and verandahs	<ul style="list-style-type: none"> • Maximum area 25m² and maximum height 3m. • No enclosed walls. • A privacy screen must be provided if the pergola or verandah overlooks the open space of an adjoining dwelling. • Maximum of 1m above existing ground level. • Maximum of 1 per dwelling. • Sufficient step down must be provided to prevent the entry of water into the dwelling. • Complies with the relevant Australian Standards and <i>Building Code of Australia</i>.

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Development consisting of, or for the purpose of the following:	Exempt development standards and requirements
Recladding, painting, plastering, cement rendering or repair, restoration or maintenance of damaged materials	<ul style="list-style-type: none">• Located wholly within the property boundaries and behind the building line setback.• Minimum 900mm from side and rear boundaries. <p><i>Bush fire prone land requirements</i></p> <ul style="list-style-type: none">• Located more than 10m from the dwelling or constructed to meet the requirements of AS 3959—1999, <i>Construction of buildings in bushfire-prone areas</i>. <p><i>Heritage conservation area and heritage item requirements</i></p> <ul style="list-style-type: none">• Located behind the rear of the building.• Replaces existing materials with similar materials that are compatible with the existing building and finish.• Must not involve structural alterations or a change to the external configuration of a building.• Residents in adjoining dwellings must be given a minimum 7 days notice of any work involving asbestos cement.• Any work involving asbestos cement must comply with WorkCover Authority's <i>Guidelines for Practices Involving Asbestos Cement in Buildings</i>.• Any work involving lead paint removal must not cause lead contamination of the air or ground. <p><i>Heritage conservation area and heritage item requirements</i></p> <ul style="list-style-type: none">• For maintenance, restoration and repairs only.• Materials used must match the existing fabric in all respects.

Development consisting of, or for the purpose of the following:	Exempt development standards and requirements
Retaining walls	<ul style="list-style-type: none"> • Maximum height at the site boundary is 600mm where development is 1,300mm or less from the boundary. This may extend to 900mm where the setback proposed is at a greater distance. • Maximum height 1m. • Minimum distance between retaining walls is 2m. • Slopes between retaining walls or terracing must be landscaped and must not be greater than 4 horizontal to 1 vertical. • Constructed so as not to prevent the natural flow of stormwater drainage or run-off. • Masonry walls must comply with AS 3700, <i>Masonry structures</i>, AS 3600, <i>Concrete structures</i>, AS 1170, <i>Loading Code</i>. • Timber walls must comply with AS 1720, <i>Timber structures</i>, AS 1170, <i>Loading Code</i>, AS 3660, <i>Termite management</i>. • Must not affect existing fencing. • Must be located wholly within the property boundaries.
Rural earthworks Note. Approval may be required from the Department of Natural Resources.	<p data-bbox="790 1444 1244 1512"><i>Heritage conservation area and heritage item requirements</i></p> <ul style="list-style-type: none"> • Located behind the rear alignment of the building. • Minor levelling of land to a maximum depth of 300mm. • Minimum 10m from the property boundaries. • Excavation must be associated with current development approval (dwelling, shed, retaining wall, etc).

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Development consisting of, or for the purpose of the following:	Exempt development standards and requirements
Rural shed (garage, hay shed, machinery shed) on land within Zone No 1 (a) (Rural Agriculture "A" Zone)	<ul style="list-style-type: none">• Permissible only on sites with an area of at least 4,000m².• Maximum area of 75m².• Single storey.• Maximum height of 4.2m to the roof and 3.6m to the eaves.• Minimum 10m from side and rear boundaries.• Located behind the building line and dwelling.• Minimum 5m from any effluent disposal area.• Maximum of 2 sheds for any 1 property.• Constructed from non-reflective materials that blend with the natural environment.• Erected in accordance with manufacturer's specifications.• Stormwater must discharge to a rainwater tank or a point well clear of any buildings or effluent wastewater disposal area.
Satellite dishes	<ul style="list-style-type: none">• Installed to manufacturer's specifications.• Maximum height 1.8m and maximum diameter 900mm.• Maximum of 1 per property.• Minimum 900mm from side and rear boundaries.• Located below the ridgeline of the roof.

Development consisting of, or for the purpose of the following:	Exempt development standards and requirements
Shade structures—open weave fabric or mesh shade structures	<ul style="list-style-type: none"> • Maximum height 3m and maximum area 40m². • Located behind the dwelling or building. • Minimum setback 900mm from side and rear boundaries. • Structural engineer’s certificate required for the structure and footings.
Silo on land within Zone No 1 (a) (Rural Agriculture “A” Zone)	<p data-bbox="790 896 1173 929"><i>Bush fire prone land requirements</i></p> <ul style="list-style-type: none"> • If within 10m of the dwelling—materials used must have a Flammability Index no greater than 5. • Maximum capacity of 60 tonnes. • Constructed of prefabricated metal. • Freestanding, not relying on other structures for support. • Erected in accordance with manufacturer’s specifications. • Erected at least 20m from property boundaries. • Not to encroach on any registered easement. • Clearance from power lines in accordance with the relevant electricity authority. • Minimum of 40m from a creek, river or watercourse.
Skylights (non-opening)	<ul style="list-style-type: none"> • Maximum area 1m². • No more than 1 per 25m² of roof area. • Associated building work must not involve structural alterations. • Any opening created must be adequately waterproofed. • Installed to manufacturer’s instructions and <i>Building Code of Australia</i> requirements.

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Development consisting of, or for the purpose of the following:	Exempt development standards and requirements
Solar water heaters/panels	<p data-bbox="790 622 1181 656"><i>Bush fire prone land requirements</i></p> <ul data-bbox="790 660 1281 1097" style="list-style-type: none"><li data-bbox="790 660 1281 750">• Constructed to meet the requirements of AS 3959—1999, <i>Construction of buildings in bushfire-prone areas</i>.<li data-bbox="790 754 1161 817">• Installed to manufacturer's specifications.<li data-bbox="790 822 1257 855">• Installed by a licensed tradesperson.<li data-bbox="790 860 1257 974">• Associated building work must not reduce the structural integrity of the building or involve structural alterations.<li data-bbox="790 978 1189 1041">• Any opening created must be adequately waterproofed.<li data-bbox="790 1046 1232 1097">• Installations are flush with a roof alignment.
Stockyards associated with agricultural activities on land within Zone No 1 (a) (Rural Agriculture "A" Zone)	<ul data-bbox="790 1108 1281 1400" style="list-style-type: none"><li data-bbox="790 1108 1241 1142">• Maximum yard area of 1/2 hectare.<li data-bbox="790 1146 1125 1180">• Maximum height 2.4m.<li data-bbox="790 1184 1241 1247">• Minimum setback of 10m from all property boundaries.<li data-bbox="790 1252 1257 1314">• Minimum setback of 40m from any dwelling.<li data-bbox="790 1319 1241 1400">• All run-off must be collected and treated to prevent pollution of any watercourse.
Water heaters (replacement or new installations)	<ul data-bbox="790 1411 1281 1765" style="list-style-type: none"><li data-bbox="790 1411 1281 1601">• Must not create offensive noise (ie noise that by reason of its level, nature, character or quality, or at the time at which it is made, is actually or likely to be harmful to a person who is outside the premises from which it is emitted).<li data-bbox="790 1606 1228 1668">• The installation must not involve structural alterations.<li data-bbox="790 1673 1257 1706">• Installed by a licensed tradesperson.<li data-bbox="790 1711 1264 1765">• Located directly on the ground or in the ground, behind the building line.

Development consisting of, or for the purpose of the following:	Exempt development standards and requirements
Water tanks (at or above ground level)	<ul style="list-style-type: none"> • Maximum capacity of 10,000 litres in residential zones and 60,000 litres in rural zones. • Minimum setback 900mm to side and rear boundaries. • Maximum height 2.4m. • Located behind the building line and the dwelling. • Noise from the pumps must comply with the <i>Protection of the Environment and Operations Act 1997</i>. • Installed to manufacturer's specifications. • Overflow must be directed to an existing stormwater disposal system, street, absorption pit or drainage easement.
Windmills (for pumping water—not commercial power generation) on land within Zone No 1 (a) (Rural Agriculture "A" Zone)	<ul style="list-style-type: none"> • Located wholly within property boundaries. • Freestanding, not relying on other structures for support. • Structural engineer's certificate required for the structure and footings. • Maximum height 15m.
Windows, glazed areas and external doors	<ul style="list-style-type: none"> • Replacement in residential premises with windows that comply with AS 1288—2006, <i>Glass in buildings—Selection and installation</i> and AS/NZS 2208:1996, <i>Safety glazing materials in buildings</i> (Human Impact Considerations). • No reduction in light or ventilation. • No increase in size. • Alterations must comply with the <i>Building Code of Australia</i> and the structural integrity of the building must not be affected.

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Development consisting of, or for the purpose of the following:	Exempt development standards and requirements
	<ul style="list-style-type: none">Any work involving asbestos cement must comply with WorkCover Authority's <i>Guidelines for Practices Involving Asbestos Cement in Buildings</i>.Any work involving lead paint removal must not cause lead contamination of the air or ground. <p><i>Bush fire prone land requirements</i></p> <ul style="list-style-type: none">Constructed to meet the requirements of AS 3959—1999, <i>Construction of buildings in bushfire-prone areas</i>. <p><i>Heritage conservation area and heritage item requirements</i></p> <ul style="list-style-type: none">Involves repairs or maintenance only.The new glazing and frame must match the existing fabric in all respects.
Council development	
Amenities buildings on public land	<ul style="list-style-type: none">Maximum area 50m² and maximum height 6m.Consistent with any plan of management adopted by Council under the <i>Local Government Act 1993</i>.Complies with AS 1428.1—2001, <i>Design for access and mobility, Part 1: General requirements for access—New building work</i>.Structural engineer's certificate required.

Development consisting of, or for the purpose of the following:	Exempt development standards and requirements
Bus shelters	<ul style="list-style-type: none"> • Suitably designed and constructed by or for Council. • Must reflect the character and amenity of the area. • Structurally adequate construction. • Not obstruct the line of sight of vehicular traffic. • Located to enable safe and convenient access by pedestrians including people with disabilities. • Provide all weather comfort for patrons. • Maximum area 10m² and maximum height 2.7m. • Non-reflective surface finishes.
Goal posts, playground equipment, sightcreens, scoreboards and similar structures on public land	<ul style="list-style-type: none"> • Constructed by or for Council. • Installed in accordance with the relevant standards and <i>Building Code of Australia</i>. • Located on land under the control of Council. • Structural engineer's certificate required.
Landscaping, bridges, footpaths and staircases on public land	<ul style="list-style-type: none"> • Bridges to a maximum span of 5m. • Constructed by or for Council. • Designed, fabricated and installed in accordance with the <i>Building Code of Australia</i> and AS 4100, <i>Steel structures</i>, AS 1720, <i>Timber structures</i> and AS 3600, <i>Concrete structures</i>. • Complies with AS 1428.1—2001, <i>Design for access and mobility</i>, Part 1: <i>General requirements for access—New building work</i>.

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Development consisting of, or for the purpose of the following:	Exempt development standards and requirements
Minor structure/building work associated with drainage and water supply on public land and road reserves	<ul style="list-style-type: none">• Consistent with any plan of management adopted by Council under the <i>Local Government Act 1993</i>.• Constructed by or for Council.• Designed, fabricated and installed so as to be structurally adequate and safe to the public in accordance with the relevant Australian Standards and <i>Building Code of Australia</i>.
Park and street furniture, shade structures, awnings, fencing, monuments, plaques, flagpoles, maintenance sheds and the like, on land under the control of Council.	<ul style="list-style-type: none">• Consistent with any plan of management adopted by Council under the <i>Local Government Act 1993</i>.• Constructed by or for Council.• Designed, fabricated and installed so as to be structurally adequate and safe for the public in accordance with the relevant Australian Standards and <i>Building Code of Australia</i>.• Complies with AS 1428.2—1992, <i>Design for access and mobility, Part 2: Enhanced and additional requirements—Buildings and facilities</i>.
Rotunda/gazebo on public land	<ul style="list-style-type: none">• Maximum area 40m² and maximum height 6.5m.• Consistent with any plan of management adopted by Council under the <i>Local Government Act 1993</i>.• Complies with AS 1428.1—2001, <i>Design for access and mobility, Part 1: General requirements for access—New building work</i>.• Structural engineer's certificate required.• Located on land under the control of Council.

Development consisting of, or for the purpose of the following:	Exempt development standards and requirements
Security fences	<ul style="list-style-type: none"> • Chain-wire type fences. • Enclosure of Council owned compounds and depots.
Skate parks and court based facilities on public land	<ul style="list-style-type: none"> • Constructed by or for Council. • Designed, fabricated and installed so as to be structurally adequate and safe for the public in accordance with the relevant Australian Standards and <i>Building Code of Australia</i>. • Located on land under the control of Council. • Consistent with a site specific plan of management adopted by Council under the <i>Local Government Act 1993</i> that identifies the facilities and their location.
Street signs, directional signs and traffic warning signs	<ul style="list-style-type: none"> • Constructed by or for Council. • Designed, fabricated and installed so as to be structurally adequate and safe for the public in accordance with the relevant Australian Standards and <i>Building Code of Australia</i>. • Complies with AS 1428.1—2001, <i>Design for access and mobility</i>, Part 1: <i>General requirements for access—New building work</i>.
Use of Council owned and managed public land (ie markets, circuses, camping and sporting events, and public entertainment on public reserves).	<ul style="list-style-type: none"> • Located on land under the control of Council. • Operated by or on behalf of Council, or operated by a community group in accordance with an event management plan endorsed by Council.

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Development consisting of, or for the purpose of the following:	Exempt development standards and requirements
	<ul style="list-style-type: none"><li data-bbox="790 616 1283 712">• Maximum 3 day event if covered by a generic plan of management under the <i>Local Government Act 1993</i>.<li data-bbox="790 712 1283 882">• If the site is covered by a site specific plan of management, the duration of the event must be in accordance with the site specific plan of management adopted by Council under the <i>Local Government Act 1993</i>.

Schedule 4 Complying development

(Clause 49A)

Development consisting of, or for the purpose of the following:	Complying development standards
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New single storey dwellings and alterations/additions to an existing single storey dwelling	<p><i>Aircraft noise</i></p> <ul style="list-style-type: none"> Must comply with AS 2021—2000, <i>Acoustics—Aircraft noise intrusion—Building siting and construction</i>.
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Bulk and scale

- The ground floor level of the structure at any point must not be more than 500mm above natural ground level.
- The distance between the floor level and the underside of the eaves must not be more than 2.7m.
- The roof pitch must not be more than 24 degrees and any openings must be flush with the roof pitch.
- The external wall of any structure must be at least 900mm from the nearest side and rear boundary.
- The eaves may encroach up to $\frac{1}{3}$ of the depth of the side or rear boundary setback.
- Gable ends exceeding 10m² are a minimum of 900mm from the side boundary.
- Building must not exceed a single storey.

Bush fire prone land requirements

- Must comply with *Planning for Bushfire Protection* (published in December 2001 by the NSW Rural Fire Service in collaboration with the Department of Planning) and AS 3959—1999, *Construction of buildings in bushfire-prone areas*.

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Development consisting of, or for the purpose of the following:	Complying development standards
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General

- Building must not be relocated from another site.
- Building must not be constructed of second hand materials or zincalume.

Heritage conservation area and heritage item requirements

- Not permitted in relation to heritage items or on land within a heritage conservation area.

Landscaping

- Minimum 20% of the site must be soft landscaped (ie not a hard surface).

Privacy and security

Windows in a habitable room that are within 9m of, and allow an outlook to, a window of a habitable room in an adjoining dwelling must:

- be offset from the edge of 1 window to the edge of the other by a minimum distance of 500mm, or
- have sill heights of at least 1.7m above floor level, or
- have fixed obscure glazing in any part of the window below 1.7m above floor level, or
- have a fence no less than 1.8m high erected between the opposing windows.

Site access and parking

- Minimum of 1 parking space for each one or two bedroom dwelling and two spaces for each dwelling with three or more bedrooms and located at least 6m from the front property boundary.
- Carports and garages facing the street must not be more than 6m or 50% of the frontage width, whichever is the lesser.

Development consisting of, or for the purpose of the following:	Complying development standards
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- Driveways must be located a minimum of 6m from a road boundary intersection.
- Maximum of 1 driveway is permitted to any residential allotment, with a minimum separation of 1m.

Site coverage

- Dwelling together with any other hardstand area must not occupy more than 60% of the allotment.
- Minimum of 50m² of private open space with the principal private open space having a minimum useable area of 35m² and a minimum dimension of 4m.

Stormwater drainage

Roof stormwater run-off from dwellings and outbuildings must be discharged to an infiltration trench with overflow to:

- a roadside table drain or drainage channel (with concrete end protection), or
- a street kerb and gutter using a kerb adaptor, or
- the rear of an existing drainage pit in the street, or
- a kerb outlet provided in the existing kerb, or
- an inter-allotment drainage line provided, or
- an infiltration pit located within the property and overflow pipe to an existing curb or inter-allotment drainage line provided.

No overflow is required for rural and rural-residential properties provided discharge is a minimum of 10m from the receiving boundary.

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Development consisting of, or for the purpose of the following:	Complying development standards
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Streetscape

- Dwelling-house must be set back at least 6m from the front property boundary and, if located on a corner allotment, at least 3m from the property boundary on the secondary street.
- Dwellings must have a front door or window to a habitable room facing the street.

Water and sewer

Internal fit out to existing shops or commercial premises

- Premises must have appropriate approval from the Hunter Water Corporation to be connected to water and sewer supply.
- Alterations or renovations to previously completed buildings only.
- Non-structural work only.
- Work must not reduce light from windows or ventilation or reduce the number or size of exits or involve enclosure of open areas.
- Must not create an additional occupancy.

Water and sewer

- Premises must have appropriate approval from the Hunter Water Corporation to be connected to water and sewer supply.

Carport or detached garage

Bulk and scale

- Maximum area 40m².
- Maximum height of 3m at any point.
- No enclosing walls for pergolas or carports.
- Timber construction complies with AS 1684, *National Timber Framing Code*.

Development consisting of, or for the purpose of the following:	Complying development standards
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- Metal construction is of prefabricated design and erected in accordance with manufacturers' specification.
- Structure wholly within property boundaries and building line.
- There is a 900mm side boundary setback if the structure is closer than 900mm to the dwelling.

Bush fire prone land requirements

- Must comply with *Planning for Bushfire Protection* (published in December 2001 by the NSW Rural Fire Service in collaboration with the Department of Planning) and AS 3959—1999, *Construction of buildings in bushfire-prone areas*.

Heritage conservation area and heritage item requirements

- Located behind the rear alignment of the building.
- 1 only.

Site access and parking

- Carports and garages facing the street must not be more than 6m wide or 50% of the frontage width of the allotment, whichever is the lesser.
- Driveways must be located a minimum of 6m from a road boundary intersection.
- Maximum of 1 driveway is permitted to any residential allotment, with a minimum separation of 1m.

Stormwater drainage

Roof stormwater run-off must be discharged to an infiltration trench with overflow to:

- a roadside table drain or drainage channel (with concrete end protection), or
- a street kerb and gutter using a kerb adaptor, or

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Development consisting of, or for the purpose of the following:	Complying development standards
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| | <ul style="list-style-type: none">• the rear of an existing drainage pit in the street, or• a kerb outlet provided in the existing kerb, or• an inter-allotment drainage line provided, or• an infiltration pit located within the property and overflow pipe to an existing curb or inter-allotment drainage line provided. <p>No overflow is required for rural and rural-residential properties provided discharge is a minimum of 10m from the receiving boundary.</p> <p><i>Water and sewer</i></p> <ul style="list-style-type: none">• Premises must have appropriate approval from the Hunter Water Corporation to be connected to water and sewer supply if development includes toilet, laundry or bathroom facilities. |
| Swimming pool (associated with a dwelling) | <p><i>Bulk and scale</i></p> <ul style="list-style-type: none">• Must be located behind the dwelling and at least 6m from the front property boundary.• Must be at least 1.5m from the side and rear boundaries.• If located on a corner allotment, must be at least 3m from the property boundary on the secondary street.• Coping and decking must be no more than 500mm above the existing ground level. <p><i>Privacy and security</i></p> <ul style="list-style-type: none">• Noise level of any filtration equipment or pumps must not exceed 5dBA above the ambient background noise level when measured at the property boundary. |

Development consisting of, or for the purpose of the following:	Complying development standards
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<p>Subdivision for the purpose of:</p> <p>(a) widening a public road, or</p> <p>(b) adjusting a boundary between lots (other than on bush fire prone land), or</p> <p>(c) correcting an encroachment on a lot, or</p> <p>(d) consolidating lots.</p>	<p><i>Legislation and standards</i></p> <ul style="list-style-type: none"> • Must comply with the <i>Swimming Pools Act 1992</i>, the <i>Swimming Pools Regulation 1998</i>, and AS 1926.2—1995, <i>Swimming pool safety—Location of fencing for private swimming pools</i>. <p><i>Heritage conservation area and heritage item requirements</i></p> <ul style="list-style-type: none"> • Located behind the rear alignment of the building. • Minimum lot sizes comply with this plan. • Services associated with a building on a lot affected by the subdivision are contained within the same lot as the building, or appropriate easements are created. • The subdivision must not create any additional allotments. • Boundary adjustments within Zones Nos 1 (a) and 1 (c) are to have a maximum variation of 10% for both the lot area and the location of the common boundary. <p><i>Heritage conservation area and heritage item requirements</i></p> <ul style="list-style-type: none"> • Boundary adjustments in heritage conservation areas must not result in more than a 5% change in area for each allotment created.
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[3] Dictionary

Insert in alphabetical order:

building line or setback means the horizontal distance between the property boundary or other stated boundary and a building wall or the outside face of a balcony, deck or the like, or the supporting posts or a carport or verandah roof.

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bush fire prone land means land recorded as bush fire prone land on a map for the area certified as referred to in section 146 (2) of the Act.

environmentally sensitive area of State significance means:

- (a) coastal waters of the state, or
- (b) land to which *State Environmental Planning Policy No 14—Coastal Wetlands* or *State Environmental Planning Policy No 26—Littoral Rainforests* applies, or
- (c) land reserved as an aquatic reserve under the *Fisheries Management Act 1994* or as a marine park under the *Marine Parks Act 1997*, or
- (d) land within a wetland of international significance declared under the Ramsar Convention on Wetlands or within a World heritage area declared under the World Heritage Convention, or
- (e) land identified in this or any other environmental planning instrument as being of high Aboriginal cultural significance or high biodiversity significance, or
- (f) land reserved as a State conservation area under the *National Parks and Wildlife Act 1974*, or
- (g) land, places, buildings or structures listed on the State Heritage Register, or
- (h) land reserved or dedicated under the *Crown Lands Act 1989* for the preservation of flora, fauna, geological formations or for other environmental protection purposes, or
- (i) land identified as being critical habitat under the *Threatened Species Conservation Act 1995* or Part 7A of the *Fisheries Management Act 1994*.

home-based child care or ***family day care home*** means a dwelling used by a resident of the dwelling for the supervision and care of one or more children and which satisfies the following conditions:

- (a) the person providing the child care is appropriately licensed under the *Children and Young Persons (Care and Protection) Act 1998*,
- (b) the number of children at the dwelling (including children related to the carer or licensee) does not at any one time exceed 7 children under the age of 12 years, including no more than 5 who do not ordinarily attend school.

maintenance in relation to a heritage item or a building, work, relic, tree or place within a heritage conservation area, means ongoing protective care. It does not include alterations, such as carrying out extensions or additions, or the introduction of new materials or technology.

market means an open-air area or an existing building used for the purpose of selling, exposing or offering goods, merchandise or materials for retail sale by independent stall holders, and includes temporary structures and existing permanent structures used for that purpose on an intermittent or occasional basis.

private open space means an area of land external to a building that is used for private outdoor purposes ancillary to the use of the building.

public entertainment means entertainment to which admission may ordinarily be gained by members of the public on payment of money or other consideration:

- (a) whether or not some (but not all) persons are admitted free of charge, and
- (b) whether or not the money or other consideration demanded:
 - (i) as a charge for a meal or other refreshment before admission is granted, or
 - (ii) as a charge for the entertainment after admission is granted.

public land means any land (including a public reserve) vested in or under the control of Council, but does not include:

- (a) a public road, or
- (b) land to which the *Crown Lands Act 1989* applies, or
- (c) a common, or
- (d) land subject to the *Trustees of Schools of Arts Enabling Act 1902*, or
- (e) a regional park under the *National Parks and Wildlife Act 1974*.

public reserve has the same meaning as in the *Local Government Act 1993*.

site coverage means the proportion of a site area covered by buildings. However:

- (a) in relation to residential development, the following are not included for the purpose of calculating site coverage:
 - (i) a basement,

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- (ii) pedestrian awnings adjoining the street frontage,
- (iii) eaves, and
- (b) in relation to commercial development, the following are not included for the purpose of calculating site coverage:
 - (i) a basement,
 - (ii) pedestrian awnings adjoining the street frontage,
 - (iii) unenclosed pedestrian decks adjoining the street frontage,
 - (iv) transparent or translucent roof structures over a landscaped area.

swimming pool means an excavation, structure or vessel:

- (a) that is capable of being filled with water to a depth of 300 millimetres or more, and
- (b) that is solely or principally used, or that is designed, manufactured or adapted to be solely or principally used, for the purpose of swimming, wading, paddling or any other human aquatic activity,

and includes a spa pool, but does not include the following:

- (c) a spa bath,
- (d) anything that is situated within a bathroom,
- (e) anything declared by the regulations under the *Swimming Pools Act 1992* not to be a swimming pool for the purposes of that Act.

BY AUTHORITY
