



New South Wales

State Environmental Planning Policy (Exempt and Complying Development Codes) Amendment (Greenfield Housing Code) 2017

under the

Environmental Planning and Assessment Act 1979

His Excellency the Governor, with the advice of the Executive Council, has made the following State environmental planning policy under the *Environmental Planning and Assessment Act 1979*.

ANTHONY ROBERTS, MP
Minister for Planning

State Environmental Planning Policy (Exempt and Complying Development Codes) Amendment (Greenfield Housing Code) 2017

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1 Name of Policy

This Policy is *State Environmental Planning Policy (Exempt and Complying Development Codes) Amendment (Greenfield Housing Code) 2017*.

2 Commencement

This Policy commences 2 months after the day on which it is published on the NSW legislation website.

3 Repeal of Policy

- (1) This Policy is repealed on the day following the day on which this Policy commences.
- (2) The repeal of this Policy does not, because of the operation of sections 5 (6) and 30 of the *Interpretation Act 1987*, affect any amendment made by this Policy.

Schedule 1 Amendment of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008

[1] Clause 1.5 Interpretation—General

Insert before paragraph (c) of the definition of *complying development code* in clause 1.5 (1):

(b2) the Greenfield Housing Code,

[2] Clause 1.5 (1), all definitions of “floor area”

Insert “, 3C” before “or 4” wherever occurring.

[3] Clause 1.5 (1)

Insert in alphabetical order:

Greenfield Housing Code means the code for complying development set out in Part 3C.

Greenfield Housing Code Area means the area identified as the Greenfield Housing Code Area by the Greenfield Housing Code Area Map.

Greenfield Housing Code Area Map means the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 Greenfield Housing Code Area Map.

Note. The Greenfield Housing Code Area Map adopted by this Policy is to be made available on the NSW legislation website.

[4] Clause 1.5 (1), definition of “gross floor area” (as inserted by State Environmental Planning Policy (Exempt and Complying Development Codes) Amendment (Low Rise Medium Density Housing) 2017)

Omit “or 3B”. Insert instead “, 3B or 3C”.

[5] Clause 1.19 Land on which complying development may not be carried out

Omit “and Rural Housing Code” and “or the Rural Housing Code” from clause 1.19 (1).

Insert instead “, Rural Housing Code and Greenfield Housing Code” and “, the Rural Housing Code or the Greenfield Housing Code”, respectively.

[6] Part 3C

Insert after Part 3B (as inserted by *State Environmental Planning Policy (Exempt and Complying Development Codes) Amendment (Low Rise Medium Density Housing) 2017*):

Part 3C Greenfield Housing Code

Note 1. Clause 1.18 (1) (b) states that to be complying development for the purposes of this Policy the development must be permissible with consent under an environmental planning instrument applying to the land on which the development is carried out.

Note 2. Clause 1.18 (1) (c) states that to be complying development for the purposes of this Policy the development must meet the relevant provisions of the *Building Code of Australia*. Clause 136A of the *Environmental Planning and Assessment Regulation 2000* requires a complying development certificate to be issued subject to the conditions specified in that clause, including a condition that building work must be carried out in accordance with the requirements of that Code.

Note 3. In addition to the requirements specified for development under this code, adjoining owners' property rights, the applicable common law and other legislative requirements for approvals, licences, permits and authorities still apply. For example, requirements relevant to development in this code may be contained in the Act, the *Environmental Planning and Assessment Regulation 2000*, various State environmental planning policies, the *Protection of the Environment Operations Act 1997*, the *Roads Act 1993*, the *Swimming Pools Act 1992* and Acts applying to various infrastructure authorities.

If the development is in proximity to infrastructure, including water, stormwater and sewer mains, electricity power lines and telecommunications facilities, the relevant infrastructure authority should be contacted before commencing the development.

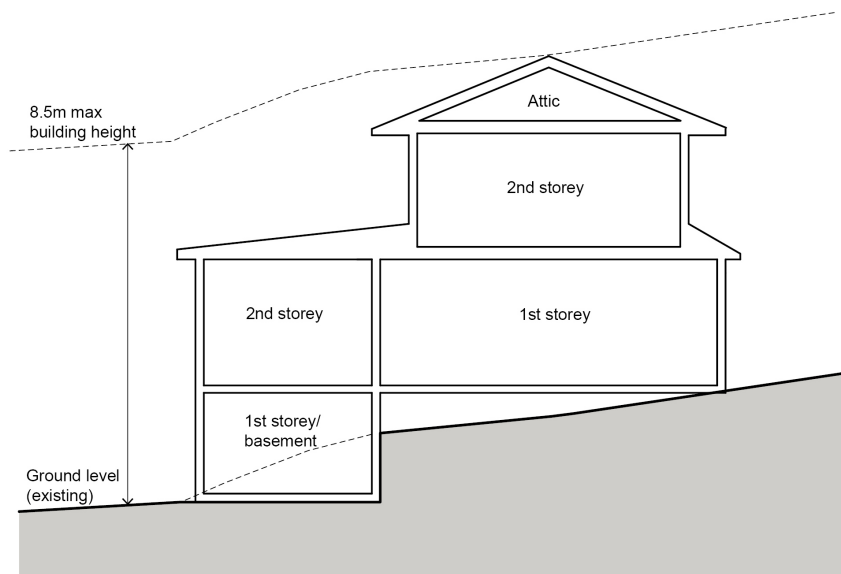
Division 1 Requirements for complying development under this code

3C.1 Land to which this code applies

- (1) This code applies to land within the Greenfield Housing Code Area.
Note. Land within the Greenfield Housing Code Area may still be subject to general exclusions from complying development provided for in this code.
- (2) This code applies to the exclusion of any other code for complying development.
- (3) Despite subclause (2), complying development under the Housing Code or the Transitional Housing Code, instead of under this code, may be carried out on land to which this code applies.
- (4) Subclause (3) ceases to have effect:
 - (a) to the extent that it relates to the Transitional Housing Code, on 13 July 2019, and
 - (b) to the extent that it relates to the Housing Code, on 15 December 2019.**Note.** Clause 2A.1 provides for the Transitional Housing Code.

3C.2 Development that is complying development under this code

- (1) The following development is complying development under this code:
 - (a) the erection of a new 1 or 2 storey dwelling house and any attached development,
 - (b) the alteration of, or an addition to, a 1 or 2 storey dwelling house (including any addition that results in a 2 storey dwelling house) and any attached development,
 - (c) the erection of detached development and the alteration of, or an addition to, any detached development.
- (2) For the purposes of calculating the number of storeys in a dwelling house under this code, any basement (including a garage) is to be counted as a storey.
Note 1. Although a basement is to be counted as a storey for the purposes of calculating the number of storeys in a dwelling house, a basement is a type of attached development for the purposes of complying development under this code.
Note 2. Storey is defined in the Standard Instrument as a space within a building that is situated between one floor level and the floor level next above, or if there is no floor above, the ceiling or roof above, but does not include:
 - (a) a space that contains only a lift shaft, stairway or meter room, or
 - (b) a mezzanine, or
 - (c) an attic.



(3) **Lot requirements**

Complying development specified for this code may only be carried out on a lot that meets the following requirements:

- (a) the lot must be in Zone R1, R2, R3, R4 or RU5,
 - (b) the area of the lot must not be less than 200m²,
 - (c) the width of the lot must be at least 6m measured at the building line,
 - (d) the lot must have a minimum depth of 25m (from the property boundary adjacent to the primary road of the lot to the rear property boundary of the lot),
 - (e) there must only be 1 dwelling house on the lot at the completion of the development,
 - (f) the lot must have lawful access to a public road at the completion of the development,
 - (g) if the development is on a battle-axe lot—the lot must be at least 12m by 12m (not including the access laneway) and must have an access laneway that is at least 3m wide,
 - (h) if the development is on a corner lot—the width of the primary road boundary of the lot must be at least 6m.
- (4) A secondary dwelling with development consent or a complying development certificate is not a dwelling house for the purpose of subclause (3) (e).

(5) **Erection of attached development and detached development**

Complying development specified for this code that is attached development or detached development may be carried out on a lot:

- (a) if a dwelling house exists on the lot—at any time, or
- (b) if there is a current development consent or complying development certificate for the construction of a dwelling house on the lot—before the construction of the dwelling house.

Note 1. Attached development, battle-axe lot, building line, detached development, development consent and dwelling house are defined in clause 1.5.

Note 2. *Basement* and *secondary dwelling* have the same meanings as they have in the Standard Instrument.

Note 3. *Complying development certificate* has the same meaning as it has in the Act.

Note 4. Clauses 1.17A, 1.18 and 1.19 (1) of, and Schedule 6 to, this Policy contain additional requirements for complying development.

3C.3 Development that is not complying development under this code

The following development is not complying development under this code:

- (a) the erection or alteration of, or an addition to, a roof terrace on the top most roof of a building,
- (b) development that is complying development under the Housing Alterations Code,
- (c) development that is attached to a secondary dwelling or group home,
- (d) the erection of a building over a registered easement,
- (e) the construction of a basement that will have an area that exceeds the limits shown in the following table:

Lot width measured at the building line	Maximum area of basement
6–10m	25m ²
>10m	45m ²

- (f) the erection of a common wall,
- (g) the alteration of, or an addition to, a garage or carport that is located forward of the building line.

Note 1. *Attached, building line, common wall* and *Housing Alterations Code* are defined in clause 1.5.

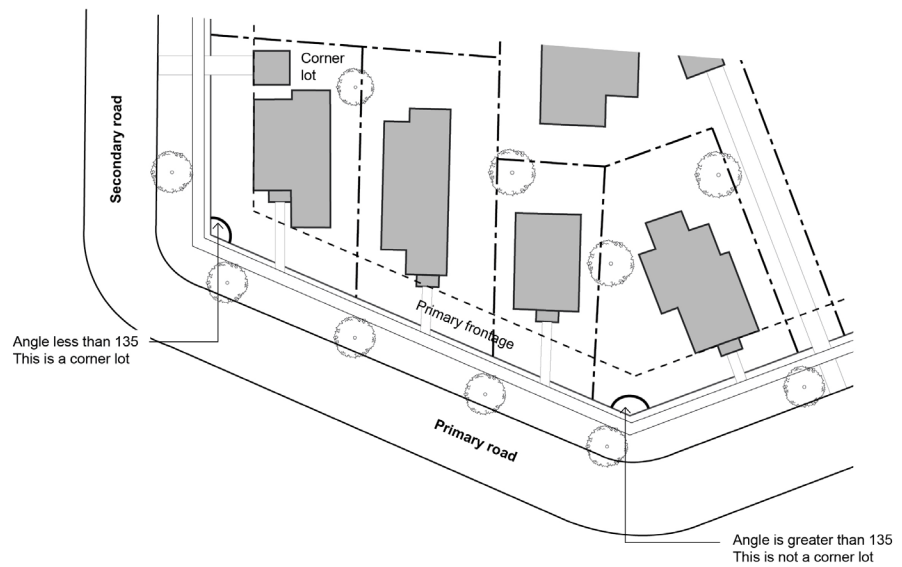
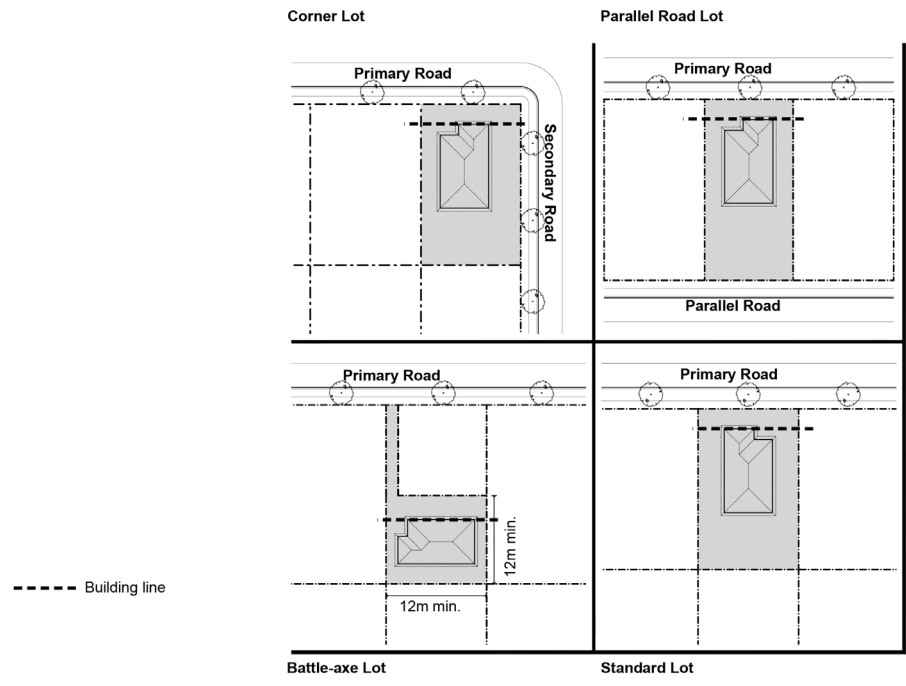
Note 2. *Basement, building, group home* and *secondary dwelling* have the same meanings as they have in the Standard Instrument.

3C.4 Determining lot type

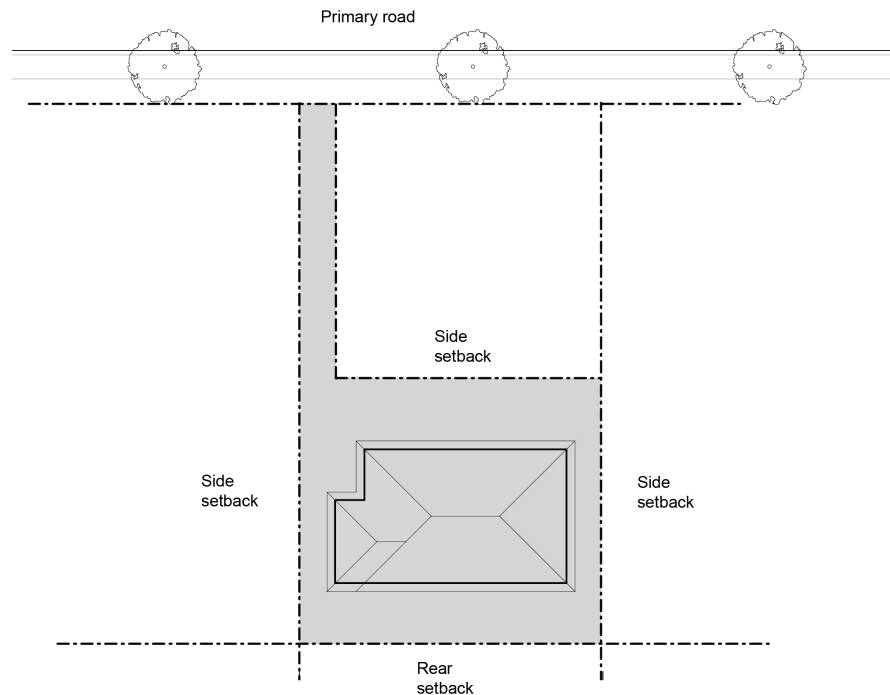
- (1) In this code, a reference to a lot is a reference to any of the following lots:
 - (a) standard lot,
 - (b) corner lot,
 - (c) parallel road lot,
 - (d) battle-axe lot.

Note 1. *Battle-axe lot, corner lot, lane, parallel road lot* and *standard lot* are defined in clause 1.5.

Note 2. A lot that adjoins a lane is not a parallel road lot or a corner lot. The lot type depends on which other roads it fronts (if any).



- (2) A battle-axe lot has 3 side boundaries and a rear boundary. The rear boundary is opposite the boundary to which the front of the dwelling house faces.



Division 2 General standards relating to land type

3C.5 Complying development on bush fire prone land

- (1) This clause does not apply to the following complying development under this code:
- (a) non-habitable detached development that is more than 10m from any dwelling house,
 - (b) landscaped areas,
 - (c) non-combustible fences,
 - (d) swimming pools.
- (2) If complying development under this code is carried out on bush fire prone land, the following development standards also apply in addition to any other development standards:
- (a) the development will not be carried out on any part of the lot that is bush fire attack level-40 (BAL-40) or in the flame zone (BAL-FZ),
 - (b) the lot on which the development is to be carried out must have direct access to a public road or a road vested in or maintained by the council,
 - (c) the dwelling house must be able to be connected to mains electricity,
 - (d) if reticulated or bottled gas is installed and maintained on the lot:
 - (i) it must be installed and maintained in accordance with AS/NZS 1596:2008, *The storage and handling of LP Gas*, and

- (ii) the storage and handling of any LP gas on the lot must comply with the requirements of the relevant authorities (including the use of metal piping),
- (e) any gas cylinder stored on the lot within 10m of any dwelling house must:
 - (i) have its release valves directed away from the dwelling house, and
 - (ii) be enclosed on the hazard side of the installation, and
 - (iii) have metal connections to and from the cylinder,
- (f) there must not be any polymer sheathed flexible gas supply lines to gas meters adjacent to the dwelling house,
- (g) if the development is carried out on a lot in Zone RU5, there must be:
 - (i) a reticulated water supply connection to the lot and a fire hydrant within 60m of any part of the development, or
 - (ii) a 10,000 L capacity water tank on the lot,
- (h) if the development is carried out on a lot in any zone other than Zone RU5, there must be:
 - (i) a reticulated water supply connection to the lot, and
 - (ii) a fire hydrant within 60m of any part of the development,
- (i) the development must comply with the requirements of all of the following:
 - (i) *Planning for Bush Fire Protection* (ISBN 0 9751033 2 6) published by the NSW Rural Fire Service in December 2006,
 - (ii) *Addendum: Appendix 3* (published by NSW Rural Fire Service in 2010) to *Planning for Bush Fire Protection* (ISBN 0 9751033 2 6),
 - (iii) AS 3959–2009, *Construction of buildings in bushfire-prone areas*,
 - (iv) any other document required by the *Environmental Planning and Assessment Regulation 2000* (in accordance with section 79BA of the Act).

Note 1. *Attached development, bush fire attack level-40 (BAL-40), council, detached, dwelling house* and *flame zone (BAL-FZ)* are defined in clause 1.5.

Note 2. *Bush fire prone land, landscaped area, road* and *swimming pool* have the same meanings as they have in the Standard Instrument.

- (3) A development standard specified in subclause (2) (a) is satisfied if the council or a person who is recognised by the NSW Rural Fire Service as a suitably qualified consultant in bush fire risk assessment certifies that the development is not in bush fire attack level-40 (BAL-40) or the flame zone (BAL-FZ).

3C.6 Complying development on flood control lots

- (1) Development under this code must not be carried out on any part of a flood control lot, other than a part of the lot that the council or a professional engineer who specialises in hydraulic engineering has certified, for the purposes of the issue of the relevant complying development certificate, as not being any of the following:
 - (a) a flood storage area,
 - (b) a floodway area,
 - (c) a flow path,

- (d) a high hazard area,
 - (e) a high risk area.
- (2) If complying development under this code is carried out on any part of a flood control lot, the following development standards also apply in addition to any other development standards:
- (a) if there is a minimum floor level adopted in a development control plan by the relevant council for the lot, the development must not cause any habitable room in the dwelling house to have a floor level lower than that floor level,
 - (b) any part of the dwelling house or any attached development or detached development that is erected at or below the flood planning level is constructed of flood compatible material,
 - (c) any part of the dwelling house and any attached development or detached development that is erected is able to withstand the forces exerted during a flood by water, debris and buoyancy up to the flood planning level (or if an on-site refuge is provided on the lot, the probable maximum flood level),
 - (d) the development must not result in increased flooding elsewhere in the floodplain,
 - (e) the lot must have pedestrian and vehicular access to a readily accessible refuge at a level equal to or higher than the lowest habitable floor level of the dwelling house,
 - (f) vehicular access to the dwelling house will not be inundated by water to a level of more than 0.3m during a 1:100 ARI (average recurrent interval) flood event,
 - (g) the lot must not have any open car parking spaces or carports lower than the level of a 1:20 ARI (average recurrent interval) flood event.
- (3) The requirements under subclause (2) (c) and (d) are satisfied if a joint report by a professional engineer specialising in hydraulic engineering and a professional engineer specialising in civil engineering states that the requirements are satisfied.
- (4) A word or expression used in this clause has the same meaning as it has in the *Floodplain Development Manual*, unless it is otherwise defined in this Policy.
- (5) In this clause:
- flood compatible material*** means building materials and surface finishes capable of withstanding prolonged immersion in water.
- flood planning level*** means:
- (a) the flood planning level adopted by a local environmental plan applying to the lot, or
 - (b) if a flood planning level is not adopted by a local environmental plan applying to the lot, the flood planning level adopted in a development control plan by the relevant council for the lot.
- Floodplain Development Manual*** means the *Floodplain Development Manual* (ISBN 0 7347 5476 0) published by the NSW Government in April 2005.
- flow path*** means a flow path identified in the council's flood study or floodplain risk management study carried out in accordance with the *Floodplain Development Manual*.

high hazard area means a high hazard area identified in the council's flood study or floodplain risk management study carried out in accordance with the *Floodplain Development Manual*.

high risk area means a high risk area identified in the council's flood study or floodplain risk management study carried out in accordance with the *Floodplain Development Manual*.

Note 1. Council, flood control lot, habitable room and professional engineer are defined in clause 1.5.

Note 2. A section 149 certificate from a Council will state whether or not a lot is a flood control lot.

3C.7 Development standards for land near Siding Spring Observatory

- (1) If complying development under this code is carried out on land in the local government area of Coonamble, Gilgandra, Warrumbungle Shire or that part of the local government area of Dubbo Regional that was formerly in the City of Dubbo, the development standards in this clause also apply in addition to any other development standards.
- (2) Complying development specified for this code may only be carried out if it does not result in a dwelling house on land in the local government area of:
 - (a) Coonamble, Gilgandra, Warrumbungle Shire or that part of the local government area of Dubbo Regional that was formerly in the City of Dubbo with an outside light fitting other than a shielded light fitting, and
 - (b) Coonamble, Gilgandra or Warrumbungle Shire with more than 7 shielded outside light fittings or more than 5 such light fittings that are not automatic light fittings.

Division 3 Development standards for dwelling houses and attached development

Subdivision 1 Application of Division

3C.8 Application of Division

This Division sets out the development standards that apply to the erection or alteration of, or an addition to, a dwelling house and any attached development that is complying development under this code.

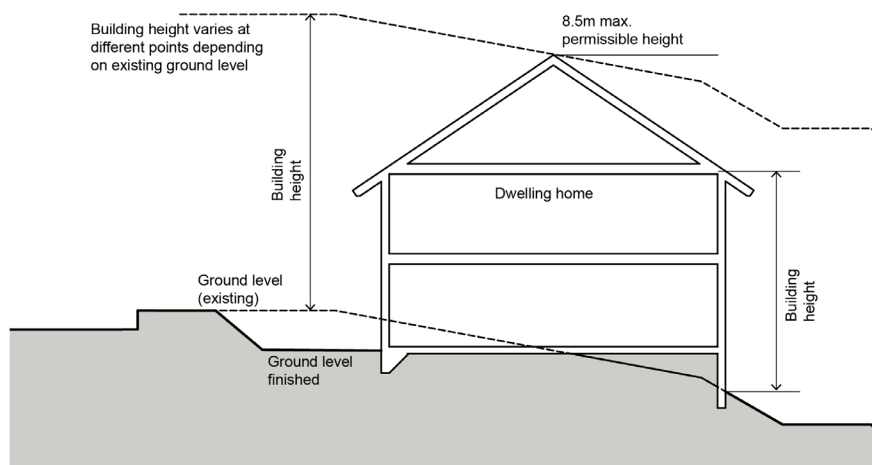
Subdivision 2 Built form development standards for dwelling houses and attached development

3C.9 Maximum building height

The maximum height for a dwelling house and any attached development is 8.5m above ground level (existing).

Note 1. Attached development and dwelling house are defined in clause 1.5.

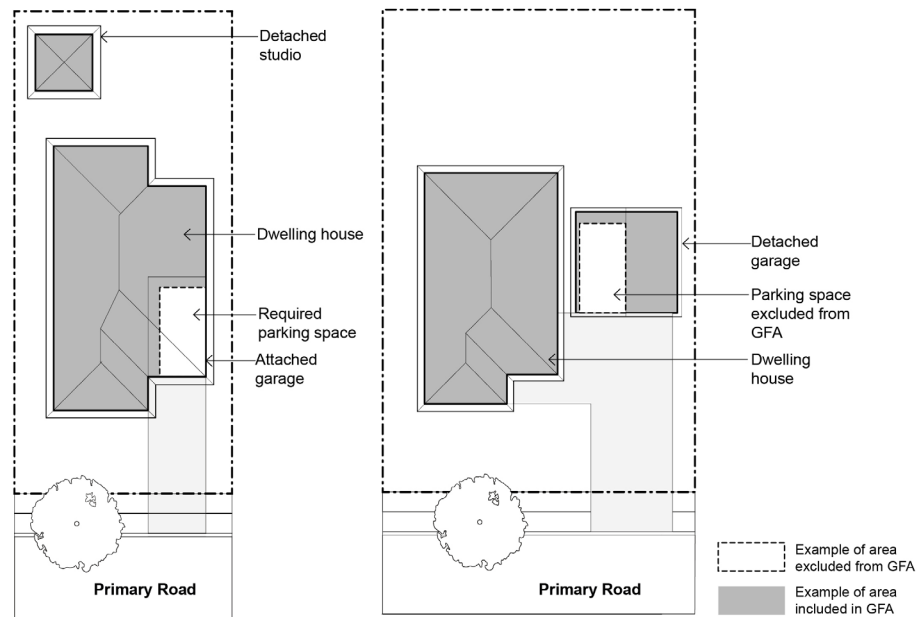
Note 2. Ground level (existing) is defined in the Standard Instrument as the existing level of a site at any point.



3C.10 Maximum gross floor area of all buildings

- (1) The maximum gross floor area of all buildings on a lot is shown in the following table:

Lot area	Maximum gross floor area
200m ² –250m ²	78% of lot area
>250m ² –300m ²	75% of lot area
>300m ² –350m ²	235m ²
>350m ² –450m ²	25% of lot area + 150m ²
>450m ² –560m ²	290m ²
>560m ² –600m ²	25% of lot area + 150m ²
>600m ² –740m ²	335m ²
>740m ² –900m ²	25% of lot area + 150m ²
>900m ² –920m ²	380m ²
>920m ² –1,000m ²	25% of lot area + 150m ²
>1,000m ²	400m ²



- (2) When calculating the lot size of a battle-axe lot, the area of the access laneway is excluded.

Note. *Battle-axe lot* and *gross floor area* are defined in clause 1.5.

3C.11 Minimum setbacks and maximum height and length of boundary walls

(1) Primary road setbacks

A dwelling house and any attached development (other than a garage or carport) must be set back from a primary road so that the primary road is at least:

- (a) for lots with an area of between 200m²–300m²:
 - (i) 3m from the front building line of the dwelling house, and
 - (ii) 1.5m from the articulation zone for the dwelling house, and
- (b) for lots with an area of more than 300m²:
 - (i) 4.5m from the front building line of the dwelling house, and
 - (ii) 3m from the articulation zone for the dwelling house.

(2) Side setbacks

The ground level of a dwelling house and any attached development (other than a garage to which subclause (4) applies) must have:

- (a) a minimum set back from one side boundary as shown under “Side A” in the following table, and
- (b) a minimum setback from the other side boundary as shown under “Side B” in the following table.

Lot width at the building line	Side A	Side B
6m or more but less than 7m	0m	0m
7m or more but less than 10m	0m	900mm

Lot width at the building line	Side A	Side B
10m or more but less than 15m	0m	900mm
15m or more	900mm	900mm

Note. Clause 3C.12 contains certain exclusions from the setbacks for lots of 10m or more in this subclause.

- (3) The upper level of a dwelling house and any attached development (other than a garage) must have:
- (a) a minimum set back from the “Side A” boundary referred to in subclause (2) (a), as shown under “Side A” in the following table, and
 - (b) a minimum setback from the “Side B” boundary referred to in subclause (2) (b), as shown under “Side B” in the following table in relation to that lot.

Lot width at the building line	Side A	Side B
6m or more but less than 7m	1.2m	0m
7m or more but less than 10m	1.2m	900mm
10m or more but less than 15m	1.2m	900mm
15m or more	1.2m	900mm

Note. Clause 3C.12 contains certain exclusions from the setbacks for lots of 10m or more in this subclause.

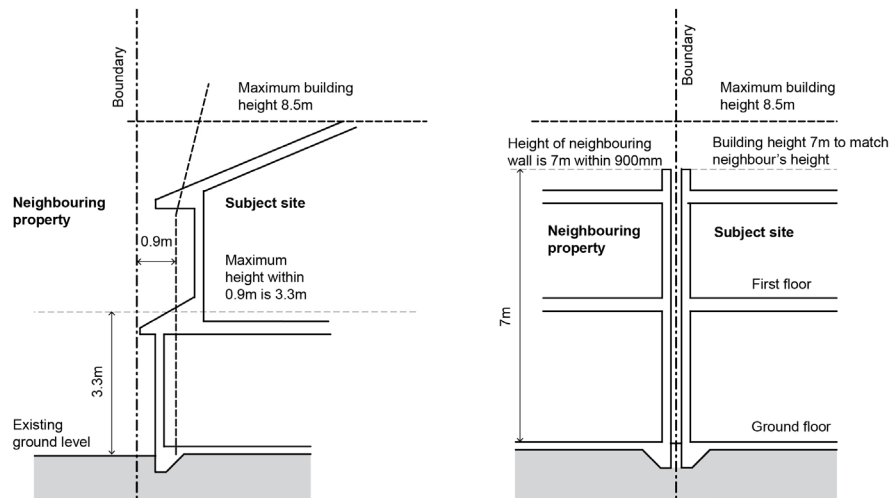
- (4) A garage that is attached to the rear elevation of a dwelling house must have a minimum setback from a side boundary as shown in the following table:

Lot width at the building line	Minimum side setback
6m or more but less than 7m	0m from both side boundaries for a maximum length of 6.5m
7m or more but less than 10m	0m from one side boundary for a maximum length of 6.5m, and 900mm from the other side boundary
10m or more but less than 15m	900mm from one side boundary for a maximum length of 6.5m
15m or more	900mm from one side boundary for a maximum length of 6.5m

- (5) **Maximum height of walls within 900mm of side boundary**

The height of a wall erected within 900mm of a side boundary must not exceed:

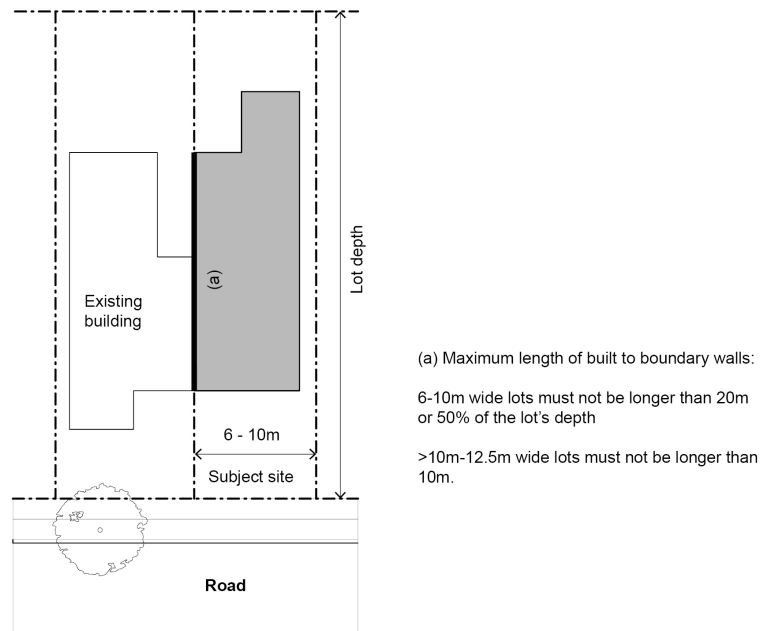
- (a) 3.3m above ground level (existing), or
- (b) if there is a building wall on the adjoining lot within 900mm of that boundary that is higher than 3.3m—the height of that wall, but not more than 8.5m, or
- (c) if the building on the adjoining lot is subject to the same complying development certificate under clause 126 (4) of the *Environmental Planning and Assessment Regulation 2000*—the height of the wall on the adjoining lot, but not more than 8.5m.



(6) Maximum length of built to boundary walls within 900mm of side boundary

The length of all walls within 900mm of a side boundary must not exceed the length shown in the following table:

Lot width at the building line	Maximum length of built to boundary wall
6m or more but less than 7m	20m or 50% of the depth of the lot, whichever is the lesser
7m or more but less than 10m	15m or 50% of the depth of the lot, whichever is the lesser
10m or more but less than 15m	11m or 50% of the depth of the lot, whichever is the lesser
15m or more	no maximum length



Note. A wall built within 900mm of a wall on an adjoining lot is subject to clause 3C.35 (Protecting adjoining walls).

(7) **Rear setbacks**

A dwelling house and any attached development must have a setback from the rear boundary of at least:

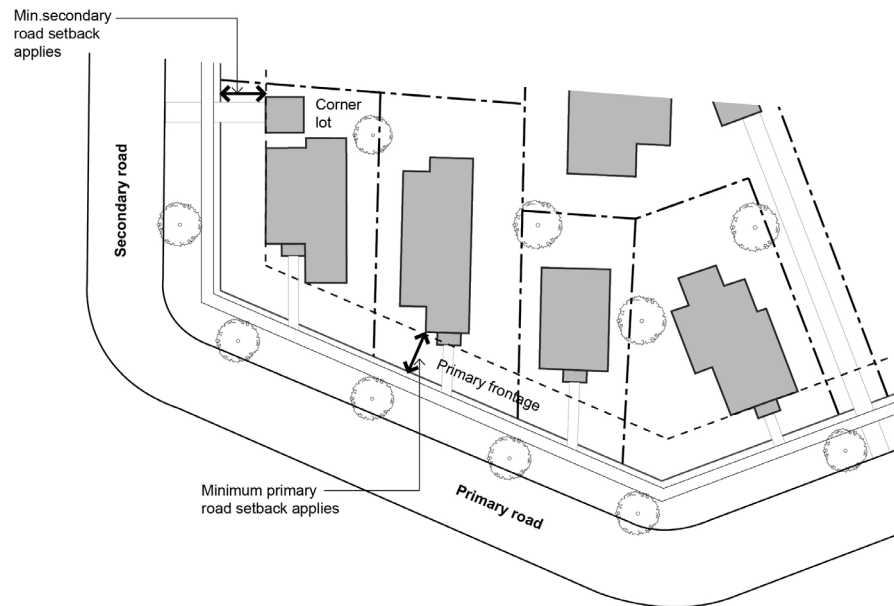
- (a) for a single storey dwelling house and any attached development—3m,
- (b) for a 2 storey dwelling house and any attached development—6m.

Note. Certain exceptions to the rear setbacks apply if the lot has a rear boundary with a lane (see clause 3C.12 (5)).

(8) **Secondary road setbacks for corner lots**

Despite any other standard for a setback specified by this clause, a dwelling house and any attached development must have a minimum setback from a boundary with a secondary road as shown in the following table:

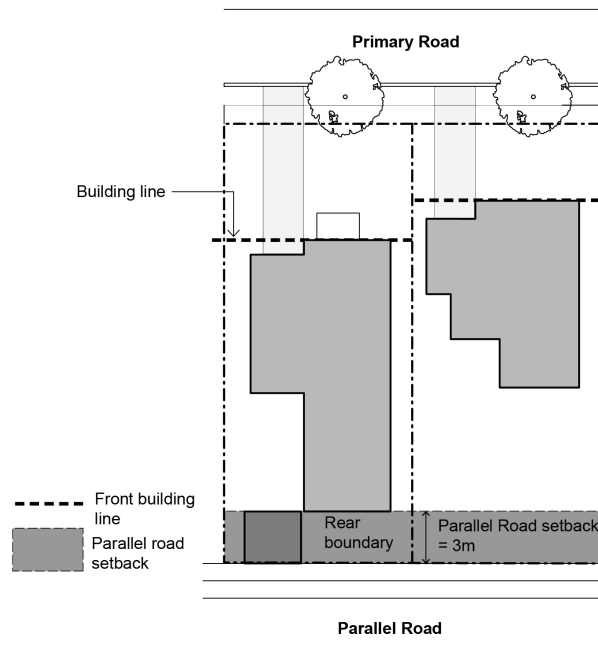
Lot width at the building line	Minimum setback from secondary road boundary
6m or more but less than 7m	1m
7m or more	2m



(9) **Parallel road setbacks for parallel road lots**

Despite any other standard for a setback specified by this clause, a dwelling house and any attached development must have a setback from a boundary with a parallel road of at least 3m.

Note. Certain types of attached development may be built within the parallel road setback (see clause 3C.12 (6)).



(10) **Classified road setbacks**

Despite any other standard for a setback specified by this clause, a dwelling house and any attached development must have a setback from a boundary with a classified road of at least:

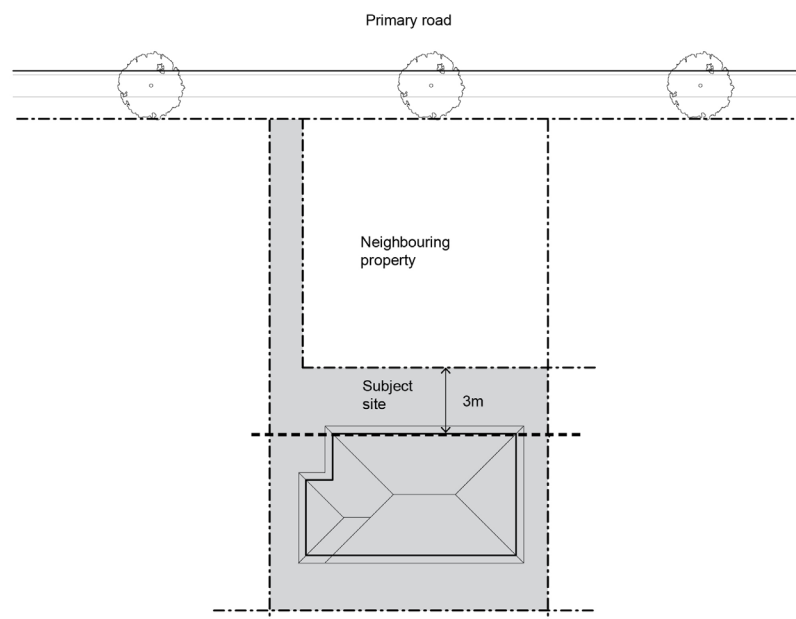
- (a) the setback for a dwelling house from a classified road specified by another environmental planning instrument applying to the land, or
- (b) if no setback is specified—9m.

(11) **Public reserve setbacks**

Despite any other standard for a setback specified by this clause, a dwelling house and any cabana, cubby house, garden shed, gazebo, fernery, greenhouse or shed must have a setback from a boundary with a public reserve of at least 3m.

(12) **Front setbacks for battle-axe lots**

A dwelling house and any attached development on a battle-axe lot must have a setback from the rear boundary of the lot that is in front of the battle-axe lot of at least 3m.



Note 1. *Articulation zone, attached development, battle-axe lot, boundary wall, building element, building line, detached development, dwelling house, lane, primary road, setback and standard lot* are defined in clause 1.5.

Note 2. *Building height, classified road and ground level (existing)* have the same meanings as they have in the Standard Instrument.

Note 3. *Complying development certificate* has the same meaning as it has in the Act.

3C.12 Exceptions to setbacks

(1) **Development to which side and rear setbacks do not apply**

The side setback standards specified in clause 3C.11 (2) or (3) for a lot width measured at the building line of 10m or more but less than 15m or of 15m or more do not apply to the following:

- (a) downpipes,
- (b) driveways,
- (c) electricity or gas meters,
- (d) fascias,
- (e) gutters,
- (f) light fittings,
- (g) pathways and paving.

(2) **Development to which side and rear setbacks do not apply if 450mm from boundary**

The side setback standards specified in clause 3C.11 (2) or (3) for a lot width measured at the building line of 10m or more but less than 15m or of 15m or more do not apply to the following if they are at least 450mm from the relevant boundary:

- (a) antennae,
- (b) awnings,
- (c) chimneys,
- (d) cooling or heating appliances,
- (e) eaves,
- (f) flues,
- (g) pipes,
- (h) privacy screens,
- (i) rainwater tanks greater than 1.8m in height,
- (j) structures associated with the provision of a utility service.

(3) **Road setbacks do not apply to eaves within 1m**

The setback standards specified in clause 3C.11 (1), (8), (9) and (10) do not apply to eaves if they are within 1m of the dwelling house.

(4) **Development to which road setbacks do not apply**

The setback standards specified in clause 3C.11 (1), (8), (9) and (10) do not apply to the following:

- (a) driveways,
- (b) pathways and paving,
- (c) retaining walls,
- (d) any building elements that are permitted within a primary or secondary articulation zone.

(5) **Lots with rear lanes**

Despite clause 3C.11 (7), if the lot has a rear boundary with a lane, the building may be erected within 900mm of, or abut, the rear boundary for a maximum of 50% of the length of that boundary.

(6) **Certain attached development may be built within parallel road setback**

Despite clause 3C.11 (9), a cabana, cubby house, fernery, garden shed, gazebo, greenhouse or shed may be built within 3m of, or abut, a parallel road boundary for a maximum of 50% of the length of that boundary if the parallel road is not a classified road.

(7) **Setbacks do not apply to existing parts of dwelling house or attached development**

The setback standards specified in clause 3C.11 do not apply to any existing parts of a dwelling house or attached development that will remain on the lot after the complying development is carried out.

Note 1. *Articulation zone, attached development, dwelling house, primary road* and *setback* are defined in clause 1.5.

Note 2. *Classified road* and *public reserve* have the same meanings as they have in the Standard Instrument.

Note 3. *Environmental planning instrument* has the same meaning as it has in the Act.

3C.13 Other development standards for attached garages

- (1) An attached garage on a lot with a width of more than 7m measured at the building line must have a setback from a primary road of least 5.5m.
- (2) An attached garage on a lot with a width of 6m or more but not more than 7m measured at the building line must be located at the rear of a dwelling house.
- (3) The maximum height of the floor level of an attached rear garage is the height shown in the following table:

Setback from the rear boundary	Maximum permitted floor level above ground level (existing)
<3m	2m
3m–6m	3m
>6m	4m

- (4) Despite clause 3C.9, the maximum height of an attached rear garage on a lot with a width of 6m or more is 3.3m.
- (5) The total floor area of all attached rear garages that, after the completion of the development:
 - (a) are within 6m from a side or rear boundary, and
 - (b) have a finished floor level of more than 2m above ground level (existing),
 must not be more than 12m².
- (6) Despite clause 3C.11 (7), if the lot has a rear boundary with a lane, an attached garage must have a minimum setback from the rear boundary as shown in the following table:

Lot width at the building line	Minimum setback from rear boundary
6m or more but less than 7m	0m
7m or more but less than 10m	0m
10m or more but less than 15m	0m for a maximum of 6.5m of the length of the rear boundary
15m or more	0m for a maximum of 9m of the length of the rear boundary

Note 1. *Attached, building line, dwelling house* and *floor area* are defined in clause 1.5.

Note 2. Ground level (existing) has the same meaning as it has in the Standard Instrument.

Note 3. See also standards for car parking and vehicle access requirements in clause 3C.19.

3C.14 Other development standards for balconies, decks, patios, terraces and verandahs attached to side or rear of dwelling house

- (1) The erection of a balcony, deck, patio, terrace or verandah that is attached to the side or rear elevation of a dwelling house is only permitted on a lot if:
 - (a) the area of the lot is more than 300m², and
 - (b) the width of the lot, measured at the building line, is more than 10m.
- (2) The maximum height of the floor level of the balcony, deck, patio, terrace or verandah is the height shown in the following table:

Setback from the side or rear boundary	Maximum permitted floor level above ground level (existing)
<3m	2m
3m–6m	3m
>6m	4m

- (3) The total floor area of all attached side or rear balconies, decks, patios, terraces and verandahs that, after the completion of the development:
 - (a) are within 6m from a side or rear boundary, and
 - (b) have a finished floor level of more than 2m above ground level (existing),
 must not be more than 12m².

Note 1. Attached, building line, dwelling house and floor area are defined in clause 1.5.

Note 2. Ground level (existing) has the same meaning as it has in the Standard Instrument.

Note 3. A balcony, deck, patio, terrace or verandah may require a privacy screen—see clause 3C.18.

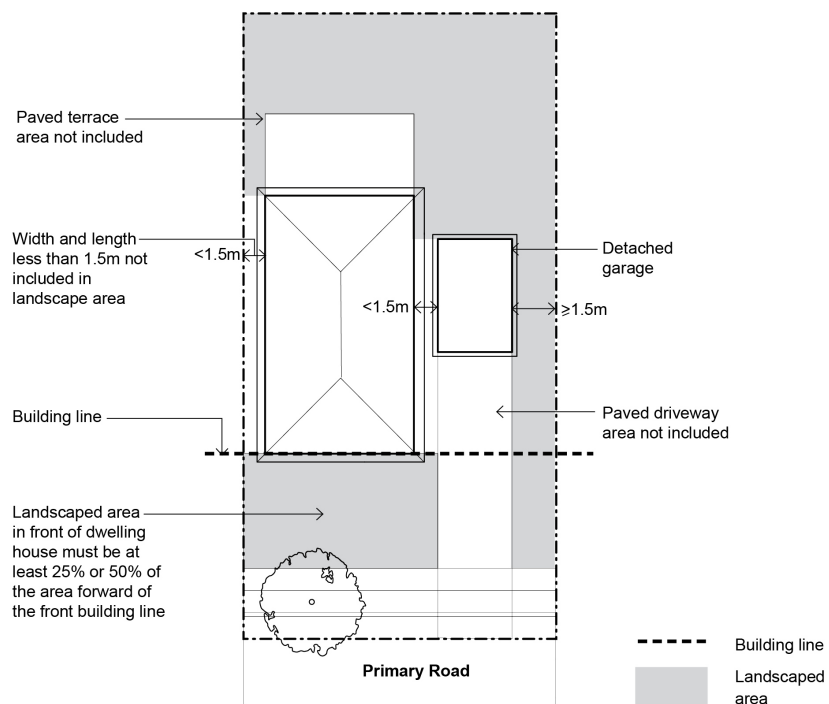
Subdivision 3 Landscape development standards for dwelling houses and attached development

3C.15 Minimum landscaped area

- (1) The minimum landscaped area that must be provided on a lot is shown in the following table:

Lot area	Minimum landscaped area
200m ² –300m ²	10% of lot area
>300m ² –450m ²	15% of lot area
>450m ² –600m ²	20% of lot area
>600m ² –900m ²	30% of lot area
>900m ² –1,500m ²	40% of lot area
>1,500m ²	45% of lot area

- (2) Each landscaped area must have a minimum width and length of 1.5m.
- (3) The minimum landscaped area calculated in accordance with subclause (1) must be provided as follows:
 - (a) if the lot width measured at the building line is 18m or less—25% of the area forward of the building line must be landscaped,
 - (b) if the lot width measured at the building line is more than 18m—50% of the area forward of the building line must be landscaped.



- (4) Subclause (3) does not apply if the lot is a battle-axe lot.
- (5) This clause does not apply to complying development that is the alteration of, or an addition to, a dwelling house or attached development if the development does not:
 - (a) increase the footprint of the dwelling house or attached development,
 - (b) decrease the landscaped area on the lot.

Note 1. *Battle-axe lot*, *building line* and *principal private open space* are defined in clause 1.5.

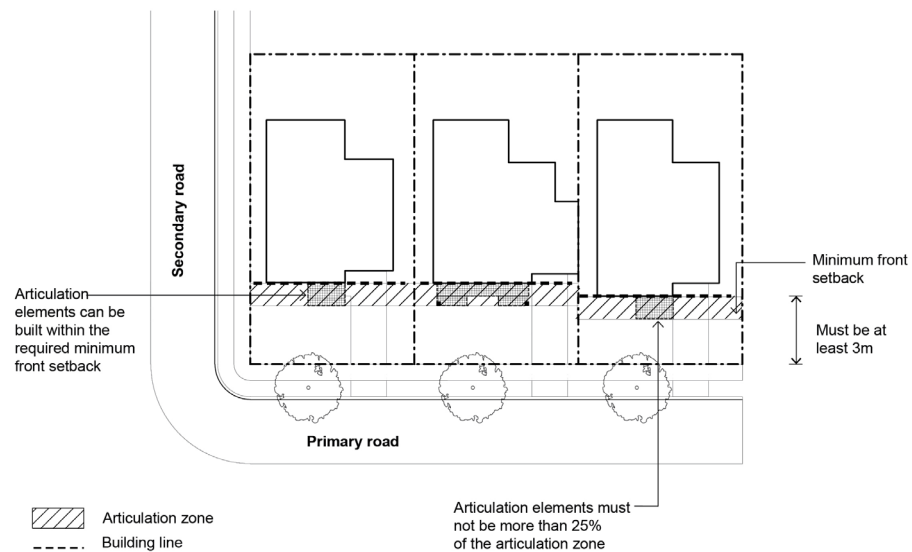
Note 2. *Landscaped area* has the same meaning as it has in the Standard Instrument.

Subdivision 4 Amenity development standards for dwelling houses and attached development

3C.16 Building design

- (1) This clause applies to the erection of a dwelling house on a lot, other than a battle-axe lot.
- (2) The dwelling house must contain the following building elements:

- (a) at least 1 door and 1 window to a habitable room at ground floor level facing the primary road, or
 - (b) at least 1 door and 1 window to a habitable room at ground floor level facing any parallel road.
- (3) **Primary road frontage**
- A dwelling house with a setback from a primary road of at least 3m may have an articulation zone that extends up to 1.5m forward of the minimum required setback from the primary road.
- (4) The following building elements may be located in the articulation zone:
- (a) an entry feature or portico,
 - (b) a balcony, deck, pergola, terrace or verandah,
 - (c) a window box treatment,
 - (d) a bay window or similar feature,
 - (e) an awning or other feature over a window,
 - (f) a sun shading feature,
 - (g) an eave.
- (5) The maximum total area of all building elements in the articulation zone, other than a building element specified in subclause (4) (e), (f) or (g), must not comprise more than 25% of the area of the articulation zone.



- (6) **Maximum height of building elements**
- A building element on a dwelling house (other than an entry feature or portico that has the same pitch as the roof on the dwelling house) must not extend:
- (a) more than 1m above the gutter line of the eaves of a single storey dwelling house, or
 - (b) above the gutter line of the eaves of a 2 storey dwelling house.

(7) **Secondary road frontage on corner lots**

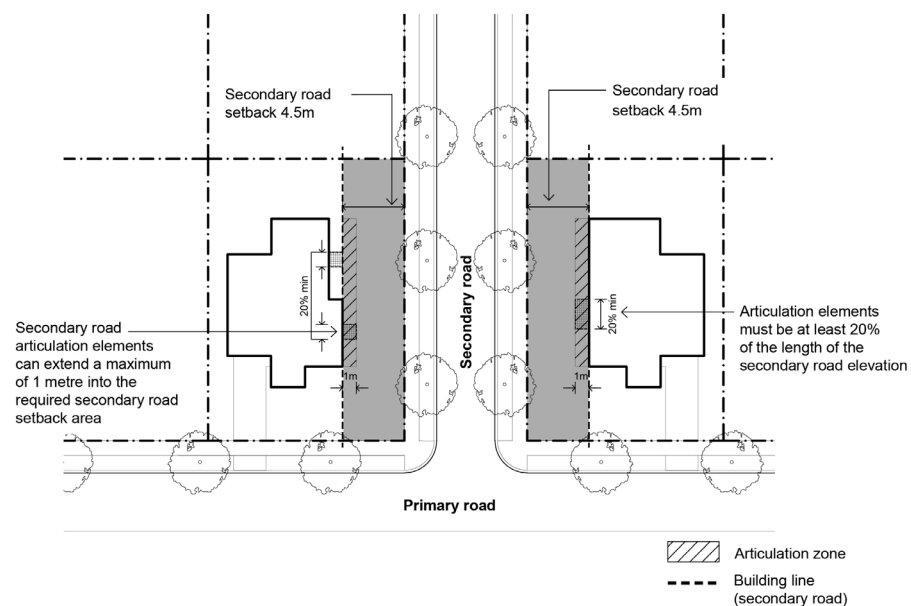
A dwelling house on a corner lot must have a window to a habitable room with an area of at least 1m² that faces and is visible from the secondary road.

(8) A dwelling house with a setback from a secondary road of not more than 4.5m must have at least one of the following building elements for a minimum length of 20% of the elevation of the walls that face the secondary road and that are within 4.5m of the secondary road:

- (a) an entry feature or portico,
- (b) a balcony, deck, pergola, terrace or verandah,
- (c) a bay window,
- (d) a step of at least 600mm in depth.

(9) Building elements listed in subclause (8) may be located in a secondary road articulation zone if:

- (a) the zone extends no more than 1m into the minimum required setback area and spans the length of the walls that face the secondary road, and
- (b) the building element comprises no more than 20% of the zone area.



(10) Any part of a gable or hipped roof that overhangs walls that are within 4.5m of the secondary road boundary must include eaves that extend for the length of those walls and project at least 450mm, but not more than 1m from those walls.

Note 1. *Articulation zone, battle-axe lot, building element, corner lot, dwelling house, habitable room, parallel road, parallel road lot, primary road, secondary road* and *setback* are defined in clause 1.5.

Note 2. *Storey* is defined in the Standard Instrument as a space within a building that is situated between one floor level and the floor level next above, or if there is no floor above, the ceiling or roof above, but does not include:

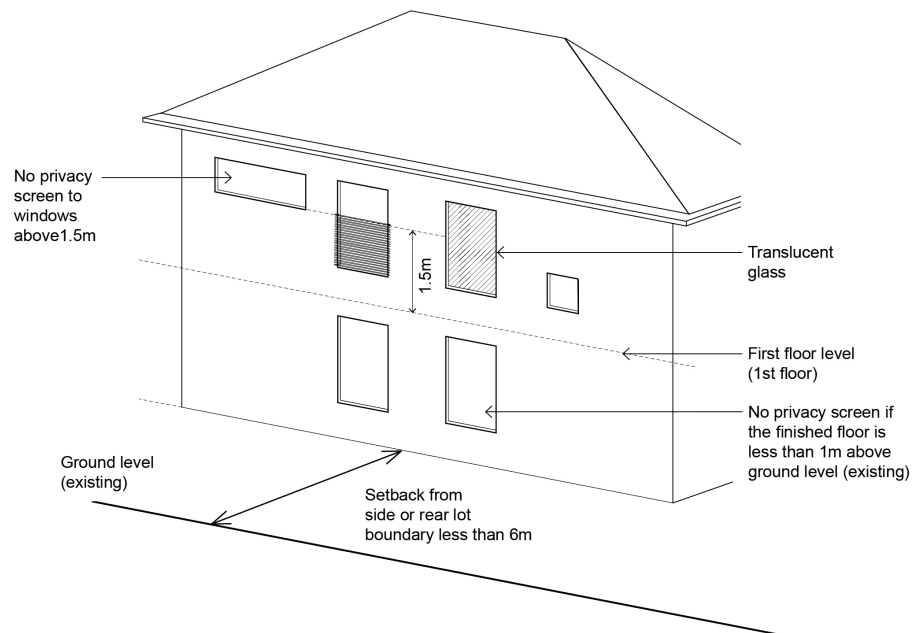
- (a) a space that contains only a lift shaft, stairway or meter room, or
- (b) a mezzanine, or
- (c) an attic.

3C.17 Windows, doors and openings

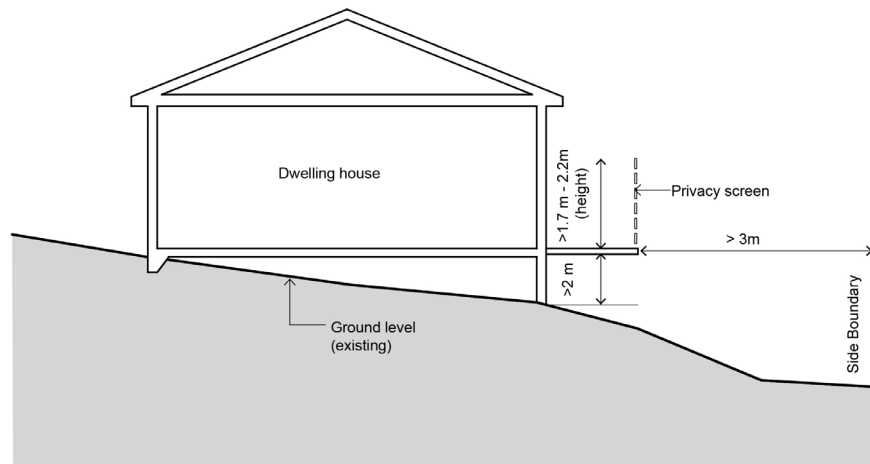
Any wall erected within 900mm of a side boundary must not contain a door, window or any other opening.

3C.18 Privacy screens for windows and certain attached development

- (1) A privacy screen must be provided for any part of a window to a habitable room that is less than 1.5m above the finished floor level of that room if:
 - (a) the window faces and is less than 3m from a side or rear boundary and the room has a finished floor level of more than 1m above ground level (existing), or
 - (b) the window faces and is at least 3m, but not more than 6m, from a side or rear boundary and the room has a finished floor level of more than 3m above ground level (existing).
- (2) Subclause (1) does not apply to a bedroom window that has an area of not more than 2m².



- (3) A privacy screen of at least 1.7m, but not more than 2.2m, above the finished floor level of a balcony, deck, patio, terrace or verandah must be installed at the edge of that part of the balcony, deck, patio, terrace or verandah that is parallel to or faces towards the relevant side or rear boundary if the area of the balcony, deck, patio, terrace or verandah is at least 3m² and:
 - (a) that edge is less than 3m from a side or rear boundary and the balcony, deck, patio, terrace or verandah has a finished floor level of more than 1m above ground level (existing), or
 - (b) that edge is at least 3m, but not more than 6m from a side or rear boundary and the balcony, deck, patio, terrace or verandah has a finished floor level of more than 2m above ground level (existing).



(4) **Clause does not apply to existing parts of dwelling house or attached development**

This clause does not apply to any existing parts of a dwelling house or attached development that will remain on the lot after the complying development is carried out.

Note 1. *Habitable room* and *privacy screen* are defined in clause 1.5.

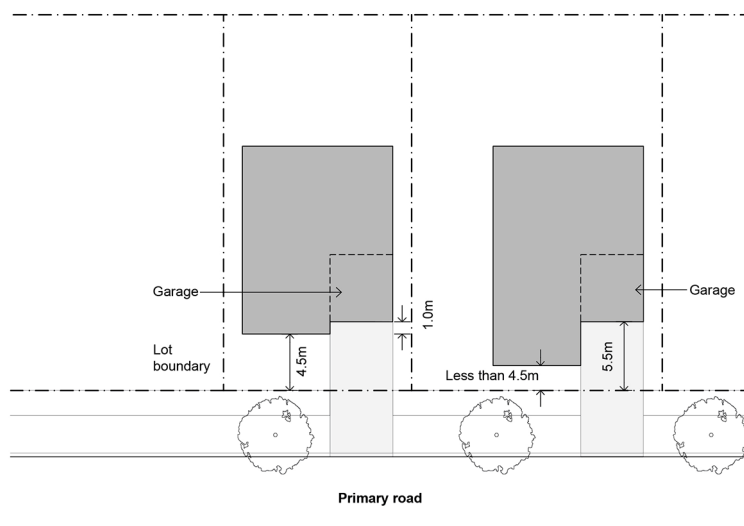
Note 2. *Ground level (existing)* has the same meaning as it has in the Standard Instrument.

3C.19 Car parking and vehicle access requirements

- (1) At least 1 off-street car parking space, being an open hard stand space or a carport or garage, must be provided on a lot unless:
 - (a) the lot has a width of less than 8m measured at the building line, or
 - (b) the complying development is the alteration of, or an addition to, a dwelling house and the lot does not contain an off-street car parking space, or
 - (c) the complying development is the erection or alteration of, or an addition to, attached development and the lot does not contain an off-street car parking space.
- (2) All off-street car parking spaces and vehicle access must comply with AS 2890.1:2004, *Parking facilities—Off-street car parking*.
- (3) The off-street car parking space for a battle-axe lot must be constructed so that vehicles can leave the lot in a forward direction.
- (4) An attached garage may only be erected on a lot that has a width of less than 8m measured at the building line if the garage is accessed only from a secondary road, parallel road or lane.
- (5) An attached garage, carport or car parking space accessed from a primary road must have a minimum setback as shown in the following table:

Setback of dwelling house from primary road	Minimum off-street parking setback from primary road
<4.5m	5.5m

Setback of dwelling house from primary road	Minimum off-street parking setback from primary road
>4.5m	1m or more behind the building line of the dwelling house



- (6) The maximum width of all garage door openings facing a primary, secondary or parallel road is shown in the following table:

Lot width at the building line	Maximum width of garage door openings
7m or more but less than 10m	3.2m
10m or more but less than 11m	for a 1 storey dwelling house—3.2m for a 2 storey dwelling house—6m
11m or more but less than 15m	6m
15m or more	50% of width of front facade of dwelling or 7.2m, whichever is the lesser

- (7) The maximum width of all driveways measured at the boundary to which the front of the dwelling house faces is shown in the following table:

Lot width at the building line	Maximum width of driveway
7m or more but less than 10m	3.2m
10m or more but less than 15m	single entry driveway—3m double entry driveway—4.8m
15m or more	4.8m

Note 1. Attached, battle-axe lot, building line, detached, hard stand space, lane, parallel road, primary road, secondary road and setback are defined in clause 1.5.

Note 2. Clause 2.28 applies to the construction or installation of a driveway as exempt development.

Note 3. Alterations or additions to a garage or carport that is forward of the building line is not complying development under this code (see clause 3C.3 (3) (g)).

Division 4 Development standards for detached development

Subdivision 1 Application of Division

3C.20 Application of Division

This Division sets out the development standards that apply to the erection of detached development and to the alteration of, or an addition to, detached development under this code.

Subdivision 2 Built form development standards for detached development (other than swimming pools and fences)

3C.21 Maximum height

The maximum height for any detached development is 4.5m above ground level (existing).

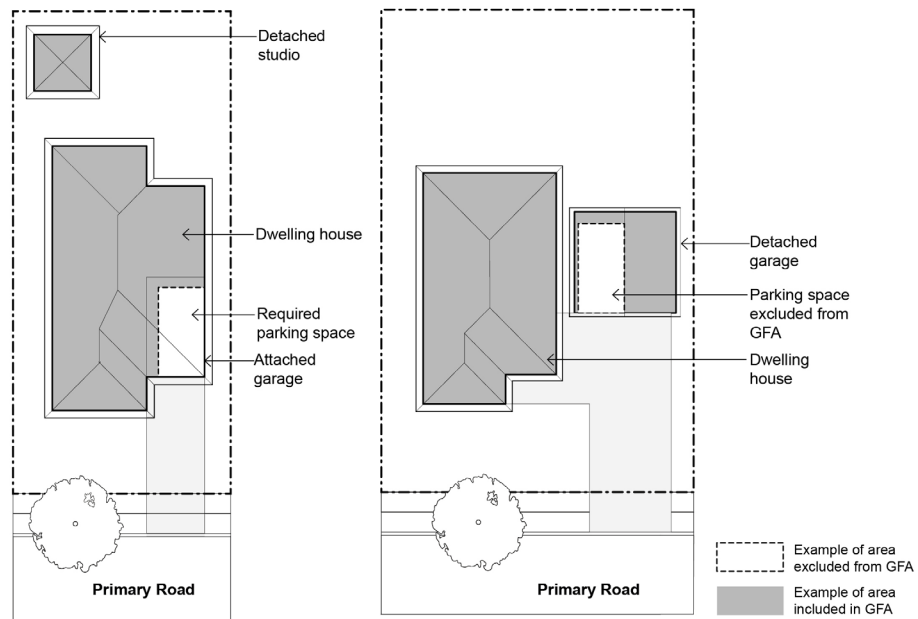
Note 1. Detached development is defined in clause 1.5.

Note 2. Ground level (existing) is defined in the Standard Instrument as the existing level of a site at any point.

3C.22 Maximum gross floor area of all buildings on lot

- (1) The maximum gross floor area of all buildings on a lot is shown in the following table:

Lot area	Maximum gross floor area
200m ² –250m ²	78% of lot area
>250m ² –300m ²	75% of lot area
>300m ² –350m ²	235m ²
>350m ² –450m ²	25% of lot area + 150m ²
>450m ² –560m ²	290m ²
>560m ² –600m ²	25% of lot area + 150m ²
>600m ² –740m ²	335m ²
>740m ² –900m ²	25% of lot area + 150m ²
>900m ² –920m ²	380m ²
>920m ² –1,000m ²	25% of lot area + 150m ²
>1,000m ²	400m ²



- (2) When calculating the lot size of a battle-axe lot, the area of the access laneway is excluded.

Note. *Battle-axe lot* is defined in clause 1.5.

3C.23 Maximum gross floor area of certain detached development

The maximum gross floor area of all of the following detached development on a lot is shown in the table to this clause:

- (a) a deck, patio, pergola, terrace or verandah,
- (b) a cabana, cubby house, fernery, garden shed, gazebo or greenhouse,
- (c) a carport or garage,
- (d) a shed.

Lot area	Maximum gross floor area
<300m ²	36m ²
>300m ² –600m ²	45m ²
>600m ² –900m ²	60m ²
>900m ²	100m ²

Note. The maximum gross floor area of detached studios is set out in clause 3C.28.

3C.24 Minimum setbacks and maximum height and length of built to boundary walls

- (1) **Primary and secondary road setbacks**

Detached development (other than a detached garage or carport) must be located behind the building line of a dwelling house that is adjacent to any primary road or secondary road.

Note 1. Primary and secondary road setbacks for detached garages and carports are set out in clause 3C.26.

Note 2. Clause 3C.29 contains certain exclusions from, and exceptions to, the setbacks specified in this clause.

(2) **Side setbacks**

Detached development that is any of the following must have a minimum setback from the side boundary of a lot as shown in the table to this subclause:

- (a) a deck, patio, pergola, terrace or verandah,
- (b) a cabana, cubby house, fernery, garden shed, gazebo or greenhouse,
- (c) a carport or garage,
- (d) a rainwater tank (above ground),
- (e) a shade structure or a shed.

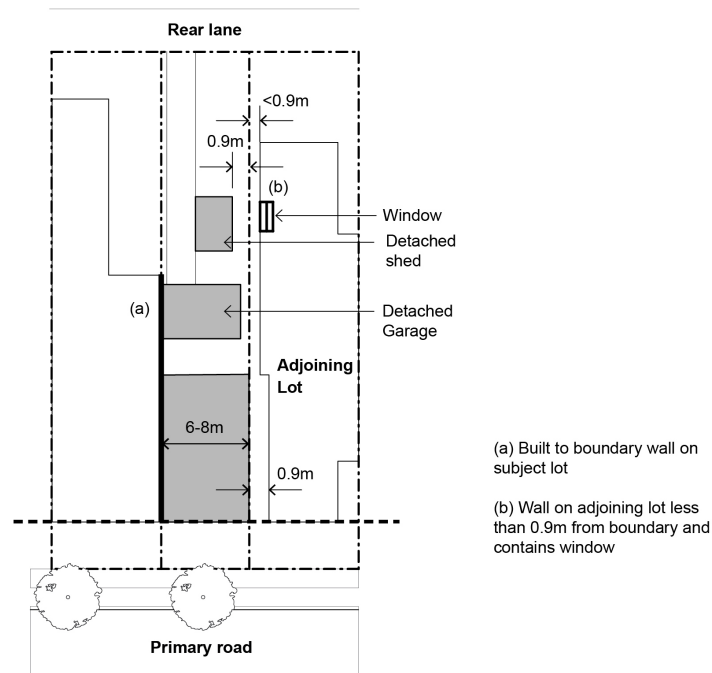
Lot width at the building line	Minimum setback from each side boundary
6m–18m	900mm
>18m–24m	1.5m
>24m	2.5m

Note. Side boundary setbacks for detached studios are set out in clause 3C.28.

(3) **Built to boundary setbacks**

Despite subclause (2), detached development that is referred to in that subclause may be built to 1 or both side boundaries if:

- (a) the lot is not a corner lot, and
- (b) the lot width measured at the building line is at least 6m, but not more than 8m, and
- (c) if there is a building wall on the adjoining lot within 900mm of that boundary—that wall is of masonry construction and does not have a window facing that boundary, and
- (d) any wall erected within 900mm of a side boundary will not contain a door, window or any other opening.



- (4) Despite subclause (2), detached development that is referred to in that subclause may be built to 1 side boundary if:
- (a) the lot width measured at the building line is more than 8m, but not more than 12.5m, and
 - (b) any building wall on the adjoining lot within 900mm of that boundary is of masonry construction and does not have a window facing that boundary, and
 - (c) any wall erected within 900mm of the side boundary will not contain a door, window or any other opening.

(5) **Maximum height of built to boundary walls**

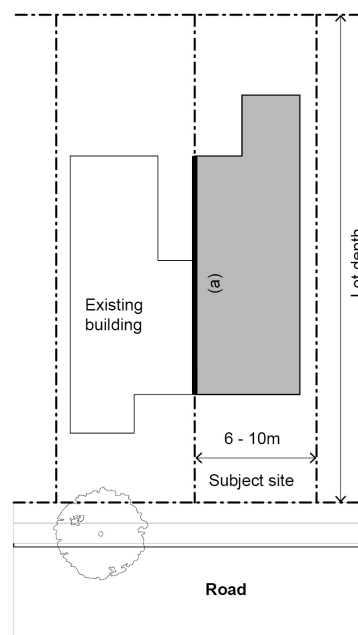
The height of a wall erected within 900mm of a side boundary must not exceed:

- (a) 3.3m above ground level (existing), or
- (b) if there is a building wall on the adjoining lot within 900mm of that boundary that is higher than 3.3m—the height of that wall, but not more than 4.5m, or
- (c) if the building on the adjoining lot is subject to the same complying development certificate under clause 126 (4) of the *Environmental Planning and Assessment Regulation 2000*—the height of the wall on the adjoining lot, but not more than 4.5m.

(6) **Maximum length of built to boundary walls**

The length of all walls within 900mm of a side boundary must not exceed the length shown in the following table:

Lot width at the building line	Maximum length of built to boundary wall
6m–10m	20m or 50% of the depth of the lot, whichever is the lesser
>10m–12.5m	10m



(a) Maximum length of built to boundary walls:

6-10m wide lots must not be longer than 20m or 50% of the lot's depth
 >10m-12.5m wide lots must not be longer than 10m.

(7) Despite subclause (6), the length of a wall erected within 900mm of a side boundary must not exceed:

- (a) if the length of the built to boundary wall on the adjoining lot is longer than the maximum length calculated under subclause (6)—the length of that wall, or
- (b) if the building on the adjoining lot is subject to the same complying development certificate under clause 126 (4) of the *Environmental Planning and Assessment Regulation 2000*—the length of the wall on the adjoining lot.

Note. A wall built within 900mm of a wall on an adjoining lot is subject to clause 3C.35 (Protecting adjoining walls).

(8) **Rear setbacks**

Detached development that is any of the following must have a minimum setback from the rear boundary of a lot as shown in the table to this subclause:

- (a) a cabana, cubby house, fernery, garden shed, gazebo or greenhouse,
- (b) a rainwater tank (above ground),
- (c) a shade structure or a shed.

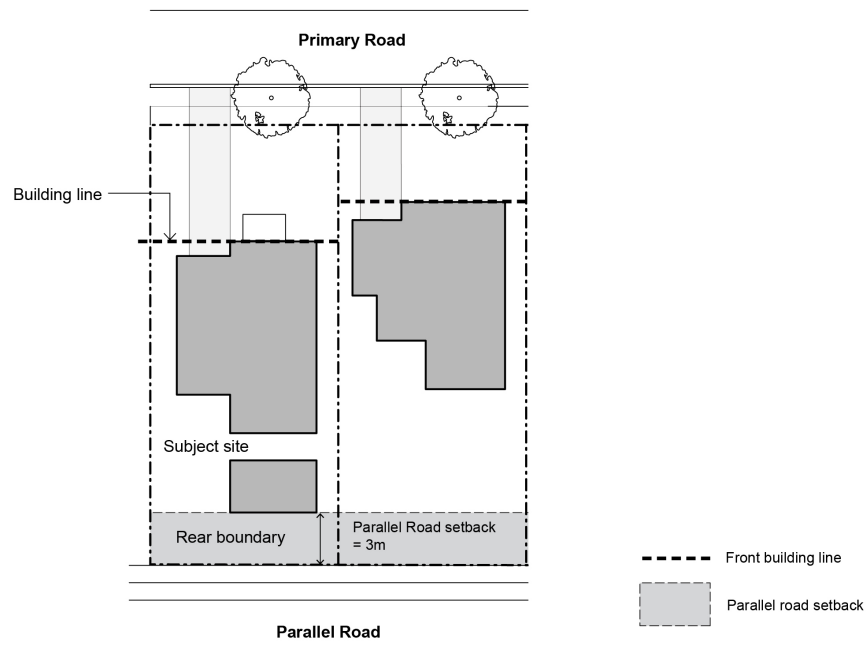
Lot area	Minimum setback from rear boundary
200m ² –900m ²	900mm
>900m ² –1,500m ²	1.5m
>1,500m ²	2.5m

Note. Rear setbacks for detached garages and carports, detached decks, patios, pergolas, terraces and verandahs and detached studios are set out in clauses 3C.26, 3C.28 and 3C.29, respectively.

(9) **Parallel road setbacks for parallel road lots**

Detached development on a lot must have a minimum setback from a parallel road of 3m.

Note. Clause 3C.29 (4) contains exceptions to this setback for certain types of detached development.



(10) **Setbacks from classified roads**

Despite any standard for a setback specified by this clause, detached development must have a setback from a boundary with a classified road of at least:

- the setback for a dwelling house from a classified road specified by any other environmental planning instrument applying to the land, or
- if no setback is specified—9m.

(11) **Setbacks from public reserves**

Despite any standard for a setback specified by this clause, the following detached development must have a setback from a boundary with a public reserve of at least 3m:

- (a) a cabana, cubby house, fernery, garden shed, gazebo or greenhouse,
- (b) a carport or garage,
- (c) a deck, patio, pergola, terrace or verandah,
- (d) a rainwater tank (above ground),
- (e) a shade structure or shed.

3C.25 Heritage conservation areas

- (1) Detached development may not be erected on a lot in a heritage conservation area or a draft heritage conservation area if the lot adjoins a lane, a secondary road or a parallel road.
- (2) If the lot does not adjoin a lane, a secondary road or a parallel road, detached development (other than a detached studio) may be erected on the lot in a heritage conservation area or draft heritage conservation area if it:
 - (a) is located behind the rear building line of the dwelling house, and
 - (b) is no closer to the side boundaries than the dwelling house, and
 - (c) has a gross floor area of not more than 20m².

Note. *Building line, dwelling house, gross floor area, heritage conservation area, lane, parallel road* and *secondary road* are defined in clause 1.5.

3C.26 Other development standards for detached garages and carports

(1) **Car parking and vehicle access requirements**

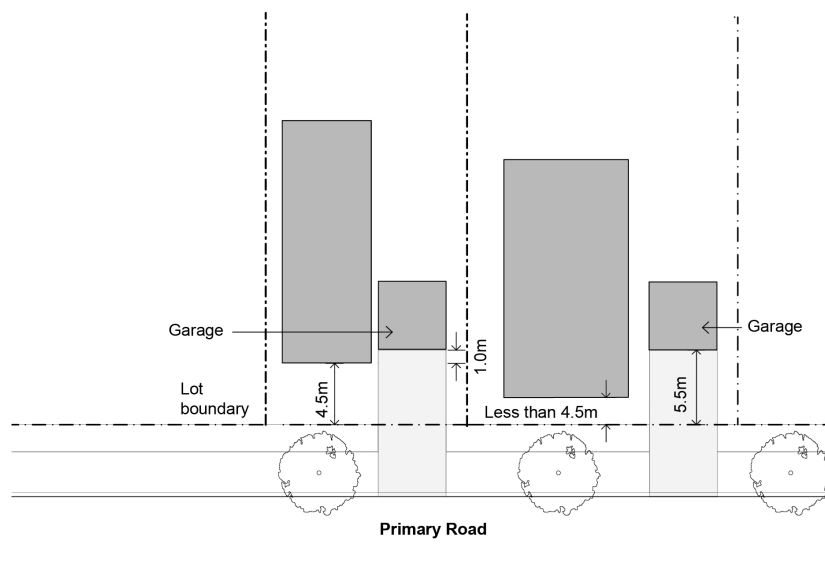
All off-street car parking spaces and vehicle access must comply with AS 2890.1:2004, *Parking facilities—Off-street car parking*.

- (2) The off-street car parking space for a battle-axe lot must be constructed so that vehicles can leave the lot in a forward direction.
- (3) A detached garage or carport may only be erected on a lot that has a width of less than 8m at the building line if the only vehicular access to the lot is from a secondary road, a parallel road or a lane.
- (4) A detached garage must be located at the rear of the dwelling house if the width of the lot is not more than 7m measured at the building line.
- (5) A carport must have 2 or more sides open and have not less than one-third of its perimeter open.

(6) **Primary road setbacks**

A detached garage or carport that is accessed from a primary road must have a minimum setback as shown in the following table:

Primary road setback of dwelling house	Minimum required garage or carport setback from primary road
<4.5m	5.5m
4.5m or more	At least 1m behind the building line of the dwelling house



(7) **Secondary road setbacks**

A detached garage or carport on a corner lot must have a minimum setback from the secondary road as shown in the following table:

Lot area	Minimum setback from primary road
200m ² –600m ²	2m
>600m ² –1,500m ²	3m
>1,500m ²	5m

(8) **Rear setbacks**

A detached garage or carport must have a minimum setback from the rear boundary as shown in the following table:

Lot area	Minimum setback from rear boundary
>200m ² –900m ²	900mm
>900m ² –1,500m ²	1.5m
>1,500m ²	2.5m

(9) **Built to rear boundary**

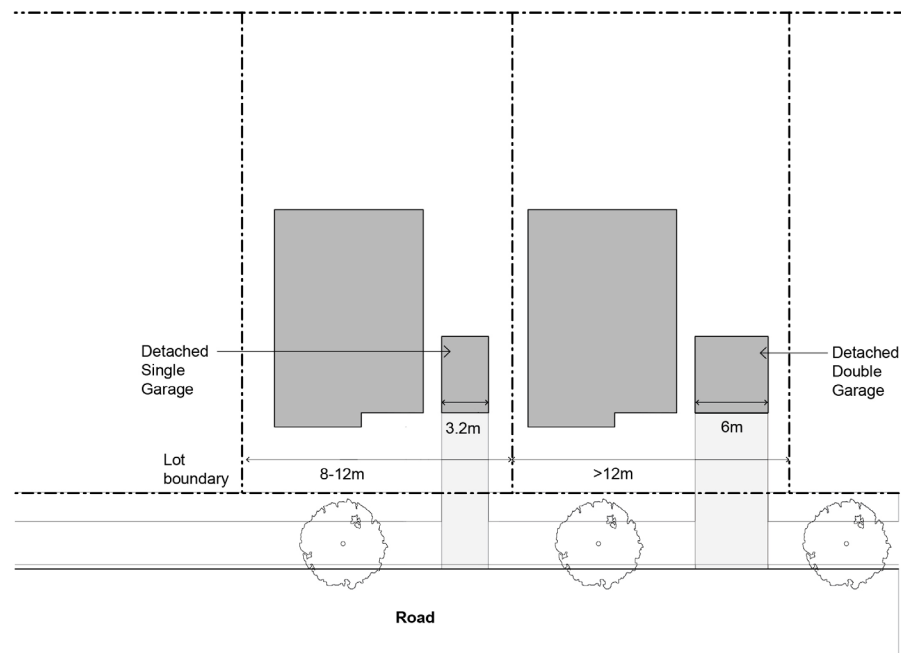
Despite subclause (8), a detached garage or carport of masonry construction may be built to the rear boundary if:

- (a) the lot area is at least 200m², but not more than 300m², and
- (b) the wall of a building on the adjoining lot within 900mm of that boundary (if any) is of masonry construction and does not have a window facing that boundary.

(10) **Maximum width of garage doors**

The maximum width of all detached garage and carport door openings facing a primary, secondary or parallel road is shown in the following table:

Lot width at the building line	Maximum width of garage doors
8m–12m	3.2m
>12m	6m



Note 1. *Battle-axe lot, boundary wall, building line, corner lot, detached, dwelling house, gross floor area, heritage conservation area, lane, parallel road, primary road, secondary road* and *setback* are defined in clause 1.5.

Note 2. *Building height* and *ground level (existing)* have the same meanings as they have in the Standard Instrument.

3C.27 Other development standards for detached decks, patios, pergolas, terraces and verandahs

(1) **Maximum finished floor level**

The maximum finished floor level for any detached deck, patio, pergola, terrace or verandah is 600mm above ground level (existing).

Note. *Ground level (existing)* has the same meaning as it has in the Standard Instrument.

(2) **Rear setbacks**

A detached deck, patio, pergola, terrace or verandah must have a minimum setback from the rear boundary as shown in the following table:

Lot area	Minimum setback from rear boundary
>200m ² –900m ²	900mm

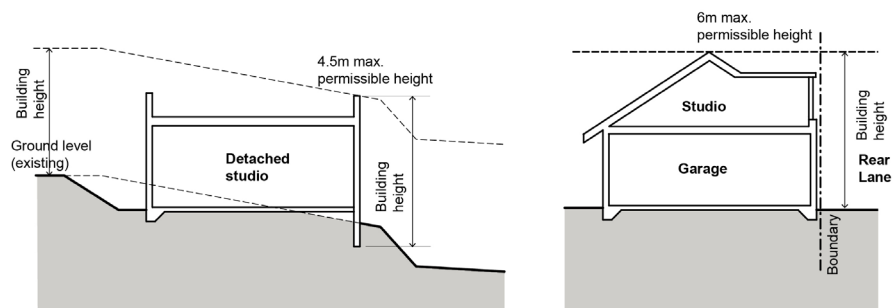
Lot area	Minimum setback from rear boundary
>900m ² –1,500m ²	1.5m
>1,500m ²	2.5m

3C.28 Other development standards for detached studios

- (1) There must only be 1 detached studio on the lot at the completion of the development.

(2) **Maximum height**

Despite clause 3C.21, if a detached studio is within 900mm of a lane and is above a garage, the maximum height is 6m above ground level (existing).



(3) **Maximum gross floor area**

The maximum gross floor area of a detached studio is shown in the following table:

Lot area	Maximum gross floor area
Not more than 350m ²	20m ²
>350m ²	36m ²

(4) **Side and rear boundary setbacks**

A detached studio must have a minimum setback from each side and rear boundary as shown in the following table:

Lot width at the building line	Minimum setback from each side and rear boundary
6m–18m	900mm
>18m	1.5m

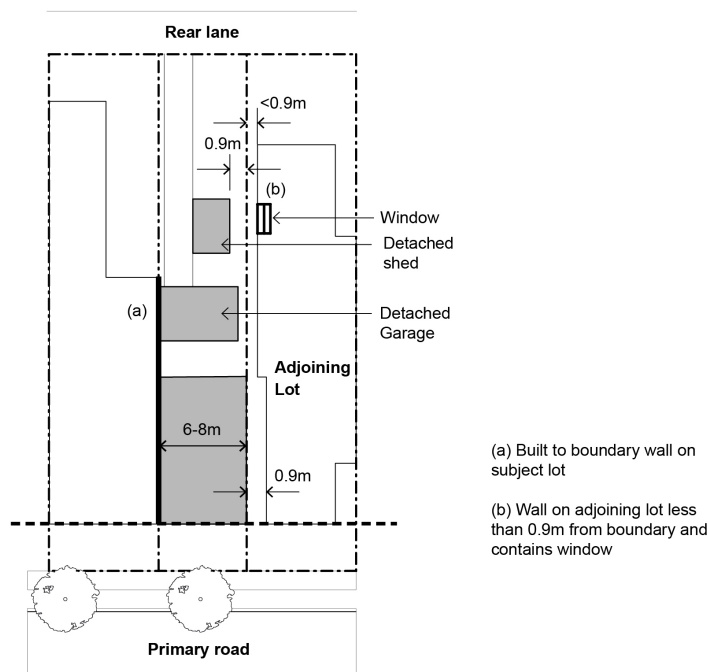
(5) **Lots with only 3 boundaries**

The rear setbacks specified in subclause (4) do not apply to a lot that only has 3 boundaries.

(6) **Built to boundary setbacks**

Despite subclause (4), a detached studio that is within 900mm of a rear lane may be built to 1 or both side boundaries if:

- (a) the lot is not a corner lot, and
- (b) the lot width measured at the building line is at least 6m, but not more than 8m, and
- (c) if there is a building wall on the adjoining lot within 900mm of that boundary—that wall is of masonry construction and does not have a window facing that boundary, and
- (d) any wall erected within 900mm of a side boundary will not contain a door, window or any other opening.



- (7) Despite subclause (4), a detached studio that is within 900mm of a rear lane may be built to 1 side boundary if:
 - (a) the lot width measured at the building line is more than 8m, but not more than 12.5m, and
 - (b) any building wall on the adjoining lot within 900mm of that boundary is of masonry construction and does not have a window facing that boundary, and
 - (c) any wall erected within 900mm of the side boundary will not contain a door, window or any other opening.

(8) **Maximum height of built to boundary walls**

The height of a wall erected within 900mm of a side boundary must not exceed:

- (a) 3.3m above ground level (existing), or
- (b) if the height of the built to boundary wall on the adjoining lot is higher than 3.3m—the height of that wall, but not more than 4.5m, or
- (c) if the building on the adjoining lot is subject to the same complying development certificate under clause 126 (4) of the *Environmental*

Planning and Assessment Regulation 2000—the height of the wall on the adjoining lot, but not more than 4.5m, or

- (d) if the wall is part of a detached studio that is above a garage—the height of the built to boundary wall on the adjoining lot, but not more than 6m.

(9) **Privacy screens**

A privacy screen must be provided for any part of a window in a detached studio that is less than 1.5m above the finished floor level of that room if:

- (a) the window faces and is less than 3m from a side or rear boundary and the room has a finished floor level more than 1m above ground level (existing), or
- (b) the window faces and is at least 3m, but not more than 6m from a side or rear boundary and the room has a finished floor level more than 3m above ground level (existing).

Note 1. *Boundary wall, building line, detached, dwelling house, gross floor area, heritage conservation area, lane, parallel road, primary road, privacy screen, secondary road* and *setback* are defined in clause 1.5.

Note 2. *Building height* and *ground level (existing)* have the same meanings as they have in the Standard Instrument.

3C.29 Exceptions to setbacks

(1) **Development to which side and rear setbacks do not apply**

The side and rear setback standards specified in this Subdivision do not apply to the following:

- (a) downpipes,
- (b) driveways,
- (c) electricity or gas meters,
- (d) fascias,
- (e) fences,
- (f) gutters,
- (g) light fittings,
- (h) pathways and paving.

(2) **Development to which side and rear setbacks do not apply if 450mm from boundary**

The side and rear setback standards specified in this Subdivision do not apply to the following if they are located at least 450mm from the relevant boundary:

- (a) aerials,
- (b) antennae,
- (c) awnings,
- (d) chimneys,
- (e) cooling or heating appliances,
- (f) eaves,
- (g) flues,
- (h) pipes,
- (i) rainwater tanks greater than 1.8m in height,
- (j) structures associated with the provision of a utility service.

(3) **Development to which road setbacks do not apply**

The road setbacks specified in this Subdivision do not apply to the following:

- (a) driveways,
- (b) fences,
- (c) pathways and paving,
- (d) retaining walls.

(4) **Rear boundaries with parallel roads or rear lanes**

Despite any rear setback specified in this Subdivision, if a lot has a rear boundary with a parallel road or lane, the following detached development may be erected within 3m of, or abut, the rear boundary for not more than 50% of the length of that boundary:

- (a) a cabana, cubby house, fernery, garden shed, gazebo or greenhouse,
- (b) a carport or garage,
- (c) a rainwater tank (above ground),
- (d) a shade structure or shed.

(5) **Setbacks do not apply to existing parts of detached development**

The setback standards specified in this Subdivision do not apply to any existing parts of detached development that will remain on the lot after the complying development is carried out.

Note 1. *Articulation zone, boundary wall, building line, dwelling house and setback* are defined in clause 1.5.

Note 2. *Classified road, public reserve and rainwater tank* have the same meanings as they have in the Standard Instrument.

Note 3. *Complying development certificate* has the same meaning as it has in the Act.

Subdivision 3 Landscape development standards for detached development (other than fences and child-resistant barriers)

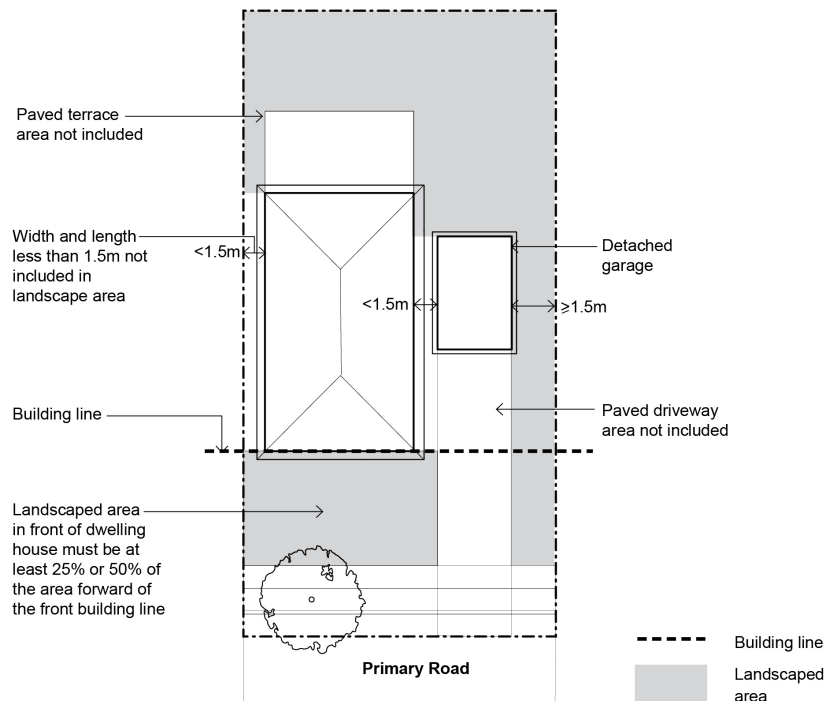
3C.30 Minimum landscaped area

- (1) The minimum landscaped area that must be provided on a lot is shown in the following table:

Lot area	Minimum landscaped area
200m ² –300m ²	10% of lot area
>300m ² –450m ²	15% of lot area
>450m ² –600m ²	20% of lot area
>600m ² –900m ²	30% of lot area
>900m ² –1,500m ²	40% of lot area
>1,500m ²	45% of lot area

- (2) Each landscaped area must have a minimum width and length of 1.5m.
- (3) The minimum landscaped area calculated in accordance with subclause (1) must be provided as follows:

- (a) if the lot width measured at the building line is 18m or less—25% of the area forward of the building line must be landscaped,
- (b) if the lot width measured at the building line is more than 18m—50% of the area forward of the building line must be landscaped.



- (4) This clause does not apply to complying development that is the alteration of, or addition to, detached development if the development does not:
 - (a) increase the footprint of the detached development, or
 - (b) decrease the landscaped area on the lot.

Note 1. *Building line* and *principal private open space* are defined in clause 1.5.

Note 2. *Landscaped area* has the same meaning as it has in the Standard Instrument.

Subdivision 4 Built form development standards for swimming pools, fences and child-resistant barriers

3C.31 Development standards for swimming pools

- (1) A swimming pool must be for private use and associated with a dwelling house.
- (2) Water from a swimming pool must be discharged in accordance with an approval under the *Local Government Act 1993* if the lot is not connected to a sewer main.
- (3) The pump must be housed in an enclosure that is soundproofed.
- (4) **Height of coping and decking**
 Coping around a swimming pool must not be more than:
 - (a) 1.4m above ground level (existing), and

- (b) 300mm wide if the coping is more than 600mm above ground level (existing).
- (5) Decking around a swimming pool must not be more than 600mm above ground level (existing).
- (6) A swimming pool must be located behind the building line of the dwelling house.
- (7) The swimming pool water line must have a setback of at least 1m from a side or rear boundary.

(8) **Heritage conservation areas**

Despite subclauses (6) and (7), if the swimming pool is being constructed in a heritage conservation area or a draft heritage conservation area the swimming pool must be located:

- (a) behind the building line of the dwelling house that is adjacent to the rear boundary of the lot, and
- (b) no closer to each side boundary than the dwelling house.

Note 1. *Building line, dwelling house, heritage conservation area, principal private open space* and *setback* are defined in clause 1.5.

Note 2. *Ground level (existing)* and *landscaped area* have the same meanings as they have in the Standard Instrument.

Note 3. A child-resistant barrier must be constructed or installed in accordance with the requirements of the *Swimming Pools Act 1992*.

Note 4. Requirements relating to excavation for the purposes of a swimming pool are set out in clause 3C.33.

3C.32 Development standards for fences

- (1) A fence may be erected on a lot under this code if it is not constructed or installed:
 - (a) on a lot, or along a common boundary of a lot that contains a heritage item or a draft heritage item, or
 - (b) along the boundary of, or within the setback area of, a primary or secondary road within a heritage conservation area or draft heritage conservation area.
- (2) A fence erected behind the building line on a lot must:
 - (a) not be higher than 1.8m above ground level (existing), and
 - (b) not incorporate barbed wire in its construction or be electrified, and
 - (c) if it includes an entrance gate—not have a gate that opens outward, and
 - (d) if it is constructed of metal components—be of low reflective, factory pre-coloured materials, and
 - (e) if it is on a sloping site and stepped to accommodate the fall in the land—be no higher than 2.2m above ground level (existing) at each step, and
 - (f) be designed so as not to restrict the flow of any floodwater.
- (3) A fence erected forward of the building line on a lot must:
 - (a) not be higher than 1.2m above ground level (existing), and
 - (b) not incorporate barbed wire in its construction or be electrified, and
 - (c) if it includes an entrance gate—not have a gate that opens outward, and

- (d) if it is constructed of metal components—be of low reflective, factory pre-coloured materials, and
 - (e) be open for at least 20% of the area of the fence that is more than 400mm above ground level (existing), with any individual solid element of the fence above that height being no more than 350mm wide with a minimum aperture of 25mm, and
 - (f) be designed so as not to restrict the flow of any floodwater.
- (4) Despite subclause (2) (a), any fence located in the setback area of a primary or secondary road must not be higher than 1.2m above ground level (existing).
- (5) A fence erected on bush fire prone land must be constructed of non-combustible material.
- (6) A requirement in subclause (2) (f) or (3) (f) is satisfied if a joint report by a professional engineer specialising in hydraulic engineering and a professional engineer specialising in civil engineering states that the requirement is satisfied.

Note 1. *Building line, primary road, secondary road* and *setback* are defined in clause 1.5.

Note 2. *Ground level (existing)* and *heritage item* have the same meanings as they have in the Standard Instrument.

Note 3. Exempt development standards for fences in certain rural zones, environment protection zones and Zone R5 are specified in clause 2.36.

Division 5 Development standards for associated works including earthworks, retaining walls, drainage, protection of walls, protection of trees and conditions under complying development certificates

3C.33 Earthworks, retaining walls and structural support

(1) Excavation

Excavation for the purposes of development under this code must not exceed a maximum depth, measured from ground level (existing), of:

- (a) if located not more than 1m from any boundary—1m, and
 - (b) if located more than 1m but not more than 1.5m from any boundary—2m, and
 - (c) if located more than 1.5m from any boundary—3m.
- (2) Despite subclause (1), the excavation must not exceed a maximum depth, measured from ground level (existing), of 1m if the land is identified as Class 3 or 4 on an Acid Sulfate Soils Map or is within 40m of a waterbody (natural).
- #### **(3) Fill**
- Fill must not exceed a maximum height, measured from ground level (existing), of:
- (a) if the fill is for the purposes of the erection or alteration of, or an addition to, a dwelling house under this code—1m, or
 - (b) if the fill is for any other purpose under this code—600mm.
- (4) Despite subclause (3), the height of fill contained wholly within the footprint of a dwelling house or any attached development or detached development is not limited.

- (5) Fill that is higher than 150mm above ground level (existing) and is not contained wholly within the footprint of a dwelling house or any attached development or detached development is limited to 50% of the landscaped area of the lot.
- (6) The ground level (finished) of the fill must not be used to measure the height of any dwelling house or any attached development or detached development under this code.

(7) **Retaining walls and structural supports**

Support for earthworks more than 600mm above or below ground level (existing) must take the form of a retaining wall or other structural support that:

- (a) a professional engineer has certified as structurally sound, including in relation to (but not limited to) the ability to withstand the forces of lateral soil load, and
- (b) has been designed so as not to redirect the flow of any surface water or ground water, or cause sediment to be transported, onto an adjoining property, and
- (c) has adequate drainage lines connected to the stormwater drainage system for the site, and
- (d) does not have a total height measured vertically from the base of the retaining wall or structural support to its uppermost portion that is more than the height of the associated excavation or fill, and
- (e) is separated from any other retaining wall or structural support on the site by at least 2m, measured horizontally, and
- (f) has been installed in accordance with any manufacturer's specifications, and
- (g) if it is an embankment or batter—has a toe or top that is more than 1m from any side or rear boundary.

Note 1. *Excavation, fill* and *ground level (existing)* have the same meanings as they have in the Standard Instrument.

Note 2. Fill and excavation that is not associated with a building may be exempt development under clauses 3C.32 and 3C.33.

3C.34 Drainage

All stormwater collecting as a result of the carrying out of development under this code must be directed by a gravity fed or charged system to:

- (a) a public drainage system, or
- (b) an inter-allotment drainage system, or
- (c) an on-site disposal system.

Note 1. *Drainage* has the same meaning as it has in the Standard Instrument.

Note 2. All stormwater drainage systems and connections to public drainage systems or inter-allotment drainage systems must either be approved under section 68 of the *Local Government Act 1993* or comply with the requirements for the disposal of stormwater contained in the development control plan that is applicable to the land.

3C.35 Protecting adjoining walls

Any wall constructed within 900mm of a lot boundary must be built in accordance with the support method proposed by the professional engineer's report provided with the application for the complying development certificate.

Note 1. *Professional engineer* is defined in clause 1.5.

Note 2. *Complying development certificate* has the same meaning as it has in the Act.

3C.36 Setbacks of dwelling houses, attached development and detached development from protected trees

(1) **Pruning and removal of trees**

A complying development certificate for complying development under Division 1 is taken to satisfy any requirement under this Policy for a permit or development consent to remove or prune a tree or other vegetation on the lot if:

- (a) the tree is not listed on a register of significant trees kept by the council, and
- (b) the tree or vegetation will be within 3m of any building that has an area of more than 25m², and
- (c) the tree or vegetation has a height that is less than:
 - (i) for development that is the erection of a dwelling house—8m and is not required to be retained as a condition of consent, or
 - (ii) in any other case—6m.

(2) **Setbacks from protected trees**

Development under this code must be at least 3m from each protected tree on the lot (measured from the base of the trunk of the tree).

(3) Despite subclause (2), the following development can be located within 3m of a protected tree if works do not involve excavation or fill of more than 150mm below or above ground level (existing):

- (a) an access ramp,
- (b) a driveway, pathway or paving,
- (c) an awning, blind or canopy,
- (d) a fence, screen, or child-resistant barrier associated with a swimming pool or spa pool.

Note 1. *Development consent, dwelling house* and ***protected tree*** are defined in clause 1.5.

Note 2. *Council, excavation, fill, ground level (existing), spa pool* and ***swimming pool*** have the same meanings as they have in the Standard Instrument.

Note 3. *Complying development certificate* has the same meaning as it has in the Act.

Note 4. A separate permit or development consent may be required if the branches or roots of a protected tree on the lot or on an adjoining lot are required to be pruned or removed.

Division 6 Conditions applying to complying development certificates under this code

3C.37 Conditions specified in this clause and Schedule 6 apply

- (1) A complying development certificate for development under this code must be issued subject to the conditions specified in this clause and in Schedule 6.

Note. *Complying development certificate* and ***environmental planning instrument*** have the same meanings as they have in the Act.

(2) **Waste management**

The following are conditions applying before works commence (in addition to those set out in Part 1 of Schedule 6):

- (a) A waste management plan for the work must be submitted to the principal certifying authority at least 2 days before work commences on the site.
- (b) The waste management plan must:
 - (i) identify all waste (including excavation, demolition and construction waste materials) that will be generated by the work on the site, and
 - (ii) identify the quantity of waste material in tonnes and cubic metres to be:
 - (A) reused on-site, and
 - (B) recycled on-site and off-site, and
 - (C) disposed of off-site, and
 - (iii) if waste materials are to be reused or recycled on-site—specify how the waste material will be reused or recycled on-site, and
 - (iv) if waste materials are to be disposed of or recycled off-site—specify the contractor who will be transporting the materials and the waste facility or recycling outlet to which the materials will be taken.
- (c) A garbage receptacle must be provided at the work site before works begin and must be maintained until the works are completed.
- (d) The garbage receptacle must have a tight fitting lid and be suitable for the reception of food scraps and papers.

Note. A council has power under section 124 of the *Local Government Act* to make specific orders about the removal or keeping of waste.

(3) **Maintenance of site**

The following is a condition applying during works (in addition to those set out in Part 2 of Schedule 6):

Copies of receipts stating the following must be given to the principal certifying authority:

- (a) the place to which waste materials were transported,
- (b) the name of the contractor transporting the materials,
- (c) the quantity of materials transported off-site and recycled or disposed of.

Note. Clause 9 of Schedule 6 sets out further conditions relating to maintenance of the site.

(4) **Planting of trees**

The following is a condition applying as an operational requirement (in addition to those set out in Part 2 of Schedule 6):

A species of tree must be planted:

- (a) in the area opposite the boundary to which the front of the dwelling house faces—that is capable of achieving a height of at least 8m at maturity, and
- (b) in the area opposite the rear boundary of the dwelling house—that is capable of achieving a height of at least 5m at maturity.

- [7] Clause 7.1 Specified complying development**
Omit “clause 3.36A or 3A.36” from clause 7.1 (2) (a).
Insert instead “clause 3.22, 3A.36 or 3C.25”.
- [8] Clause 7.2 Development standards**
Omit “or Part 3A” from clause 7.2 (1) (d). Insert instead “, Part 3A or Part 3C”.
- [9] Schedule 5, heading**
Insert “and Greenfield Housing Code” after “Code”.
- [10] Schedule 6 Conditions applying to complying development certificates under the Housing Code, Rural Housing Code and Greenfield Housing Code**
Omit “and 3A.39” from the enabling clause. Insert instead “, 3A.39 and 3C.37”.
- [11] Schedule 6, Note 1**
Omit “and the Rural Housing Code”.
Insert instead “, the Rural Housing Code and the Greenfield Housing Code”.