



New South Wales

State Environmental Planning Policy (Exempt and Complying Development Codes) Amendment (Miscellaneous) 2021

under the

Environmental Planning and Assessment Act 1979

Her 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*.

ROB STOKES, MP
Minister for Planning and Public Spaces

State Environmental Planning Policy (Exempt and Complying Development Codes) Amendment (Miscellaneous) 2021

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Environmental Planning and Assessment Act 1979

1 Name of Policy

This Policy is *State Environmental Planning Policy (Exempt and Complying Development Codes) Amendment (Miscellaneous) 2021*.

2 Commencement

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

3 Repeal of Policy

This Policy is repealed on the day following the day on which this Policy commences.

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

[1] Whole Policy

Omit “AS 4282—1997” wherever occurring. Insert instead “AS/NZS 4282:2019”.

[2] Clause 1.5 Interpretation—general

Insert “2,” after “Part” wherever occurring in the definitions of *floor area* in clause 1.5(1).

[3] Clause 1.5(1), definition of “gross floor area”

Omit paragraph (b). Insert instead—

- (b) 1 car parking space per dwelling, including access to the parking space, if—
 - (i) the dwelling is not a secondary dwelling, and
 - (ii) the excluded area is not more than 18m²,

[4] Clause 1.5(4)–(6)

Renumber clause 1.5(3) where secondly occurring, (4) and (5) as clause 1.5(4), (5) and (6), respectively.

[5] Clause 1.15 What development is exempt development?

Omit clause 1.15(1). Insert instead—

- (1) Development is exempt development for the purposes of this Policy if the development—
 - (a) is specified in an exempt development code, and
 - (b) meets the standards specified for the development, and
 - (c) complies with the requirements of this Division for exempt development.

[6] Clause 1.15, note

Omit the note. Insert instead—

Note— Under section 1.6 of the Act, the carrying out of exempt development does not require—

- (a) development consent under Part 4 of the Act, or
- (b) environmental impact assessment under Division 5.1 of the Act, or
- (c) State significant infrastructure approval under Division 5.2 of the Act, or
- (d) a certificate under Part 6 of the Act.

[7] Clause 1.18 General requirements for complying development under this Policy

Omit “AS 2021—2000” from clause 1.18(2). Insert instead “AS 2021:2015”.

[8] Clause 2.2 Development standards

Omit “*mobility—General*” from the note. Insert instead “*mobility, Part 1: General*”.

[9] Clause 2.4 Development standards

Insert “,” after “AS/NZS 1170.0:2002” wherever occurring.

[10] Clause 2.4(1)(b)(v) and (c)(vi)

Insert “,” after “AS/NZS 1170.2:2011” wherever occurring.

[11] Clause 2.4(1)(b)(v) and (c)(vi)

Omit “*Principles*” wherever occurring. Insert instead “*principles*”.

[12] Clause 2.4(1)(b)(vi) and (c)(vii)

Omit “AS 3600—2009” wherever occurring. Insert instead “AS 3600:2018.”.

[13] Clause 2.6 Development standards

Insert after clause 2.6(1)(b)—

- (b1) be located at least 1m from bedrooms of adjoining residences, and

[14] Clause 2.6(1)(d)

Insert “at its highest point” after “1.8m”.

[15] Clause 2.11

Omit the clause. Insert instead—

2.11 Specified development

The following development is specified for this code—

- (a) the construction or installation of a balcony, deck, patio, pergola, terrace or verandah, whether free standing or attached to the ground floor level of a building, or roofed or unroofed, if it is not constructed or installed on or in a heritage item or a draft heritage item or on land in a foreshore area,
- (b) the replacement of a deck if the deck is not higher than 1m above ground level (existing).

[16] Clause 2.12 Development standards

Omit “that development”. Insert instead “the development specified in clause 2.11(a)”.

[17] Clause 2.12

Insert at the end of the clause—

- (2) The standards specified for the development specified in clause 2.11(b) are that the development must—
 - (a) use equivalent or improved quality materials, and
 - (b) not change the size or height of the existing deck.

[18] Clause 2.20 Development standards

Omit “or” from clause 2.20(1)(c). Insert instead “and”.

[19] Clause 2.20B Development standards

Omit “section 51 of the *Public Health Act 1991*” from clause 2.20B(f)(viii).

Insert instead “the *Public Health Act 2010*”.

[20] Clause 2.24 Development standards

Omit “AS/NZS 1158.3.1:2005” from clause 2.24(1)(e).

Insert instead “AS/NZS 1158.3.1:2020.”.

[21] Clauses 2.28 Development standards

Omit “AS: 2890.2—2002” from clause 2.28(b). Insert instead “AS 2890.2:2018”.

[22] Clause 2.30AB Development standards

Omit “of the floor space” from clause 2.30AB(b).

[23] Clause 2.30AB(c)

Omit “floor space”. Insert instead “floor area”.

[24] Clause 2.32E Development standards—grain silos

Omit “AS 2628-2010, *Sealed grain-storage silos – Sealing requirements for insect control*” from clause 2.32E(1)(f).

Insert instead “AS 2628—2010, *Sealed grain-storage silos—Sealing requirements for insect control*”.

[25] Clause 2.36 Development standards

Omit “*installations—electrical*” from clause 2.36(1)(h).

Insert instead “*installations – Electric*”.

[26] Clause 2.42AB Development standards

Omit “AS 1940–2004” from clause 2.42AB(d). Insert instead “AS 1940:2017”.

[27] Clause 2.51 Specified development

Insert “partition,” after “a” in clause 2.51(1)(g).

[28] Clause 2.52 Development standards

Insert after clause 2.52(e)—

- (e1) if it is the installation of a partition, work station or counter—
 - (i) comply with the requirements set out in D1.4 of Volume 1 of the *Building Code of Australia*, and
 - (ii) if located beneath a fire sprinkler—not be higher than 1.5m, and

[29] Clause 2.57 Specified development

Insert at the end of the clause—

- (2) In this Subdivision—
playground equipment includes slides, swings and trampolines, but does not include skateboard ramps.

[30] Clause 2.66B Development standards

Omit “AS/NZS 2890.1:2004*Parking facilities, Part 1: Off-street parking*” from clause 2.66B(e).

Insert instead “AS/NZS 2890.1:2004, *Parking facilities, Part 1: Off-street car parking*”.

[31] Clause 2.74B Development standards

Omit “AS 1657:2018,*Fixed*” from clause 2.74B(g). Insert instead “AS 1657:2018, *Fixed*”.

[32] Clause 2.85 Development standards

Omit “0:General” from clause 2.85(f)(i). Insert instead “0: General”.

[33] Clause 2.85(f)(ii)

Omit “2:Wind”. Insert instead “2: Wind”.

[34] Clauses 3.10 Minimum setbacks and maximum height and length of boundary walls

Omit “or shed” from clause 3.10(14). Insert instead “, shed or detached studio”.

[35] Clause 3.11 Exceptions to setbacks

Omit “greater than” from clause 3.11(2)(j). Insert instead “not more than”.

[36] Clause 3.14 Building design

Omit clause 3.14(1). Insert instead—

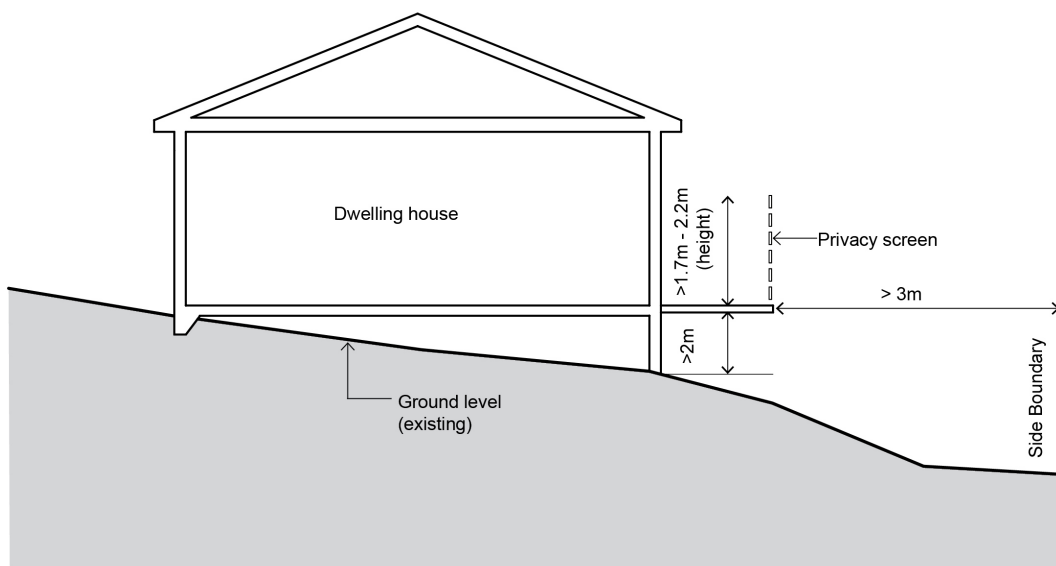
- (1) This clause applies to the following development on a lot other than a battle-axe lot—
 - (a) the erection of a new dwelling house,
 - (b) alterations and additions to the front of an existing dwelling house.

[37] Clause 3.15 Privacy screens for windows and certain attached development

Omit the diagram to the clause.

[38] Clause 3.15(3)(b), diagram

Insert after clause 3.15(3)(b)—



[39] Clauses 3.16(2), 3.23(1), 3C.19(2) and 3C.26(1)

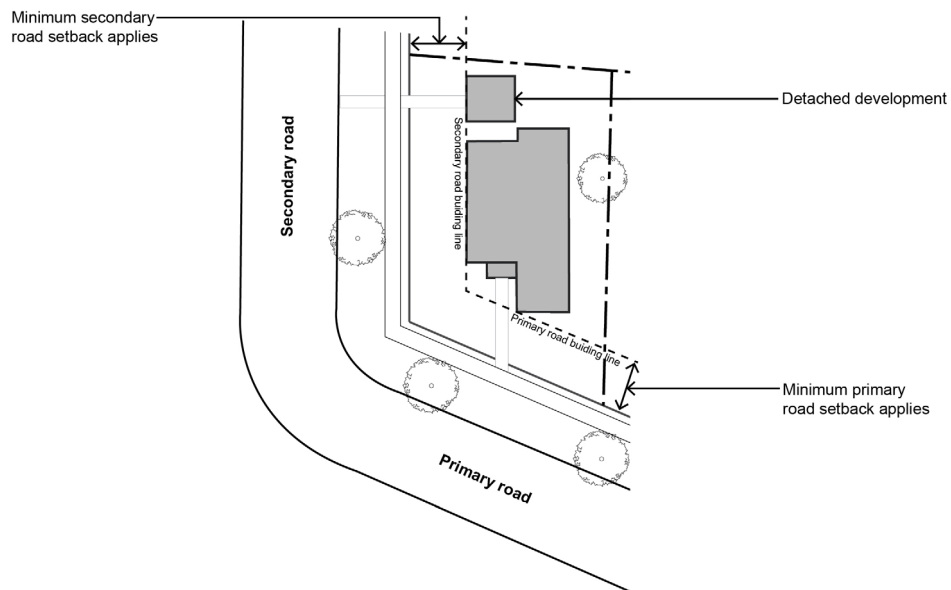
Omit “AS 2890.1:2004, *Parking facilities—Off-street car parking*” wherever occurring.
Insert instead “AS/NZS 2890.1:2004, *Parking facilities, Part 1: Off-street car parking*”.

[40] Clauses 3.20 and 3C.23

Omit “<300m²” wherever occurring. Insert instead “200m²–300m²”.

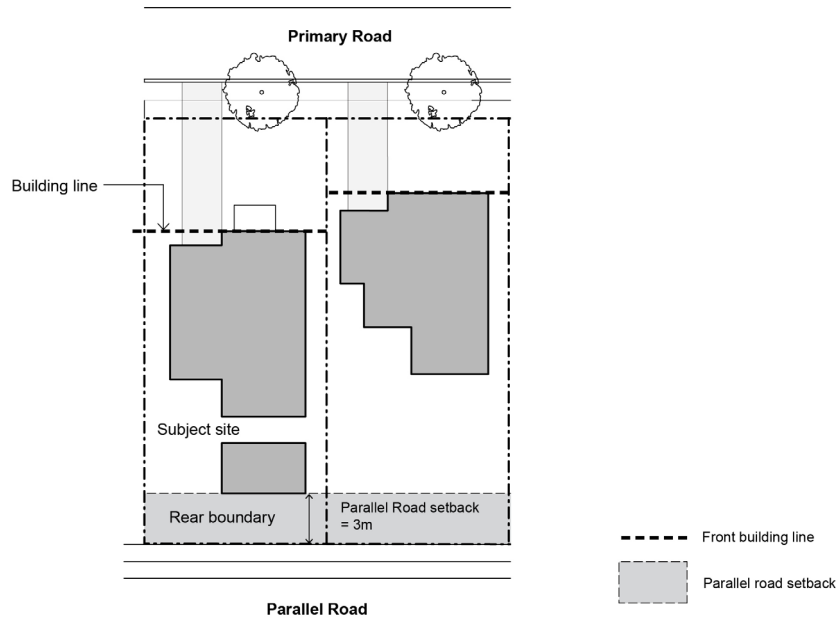
[41] Clause 3.21 Minimum setbacks and maximum height and length of built to boundary walls

Insert after clause 3.21(1), after the notes—



[42] Clause 3.21(9), diagram

Omit the diagram. Insert instead—



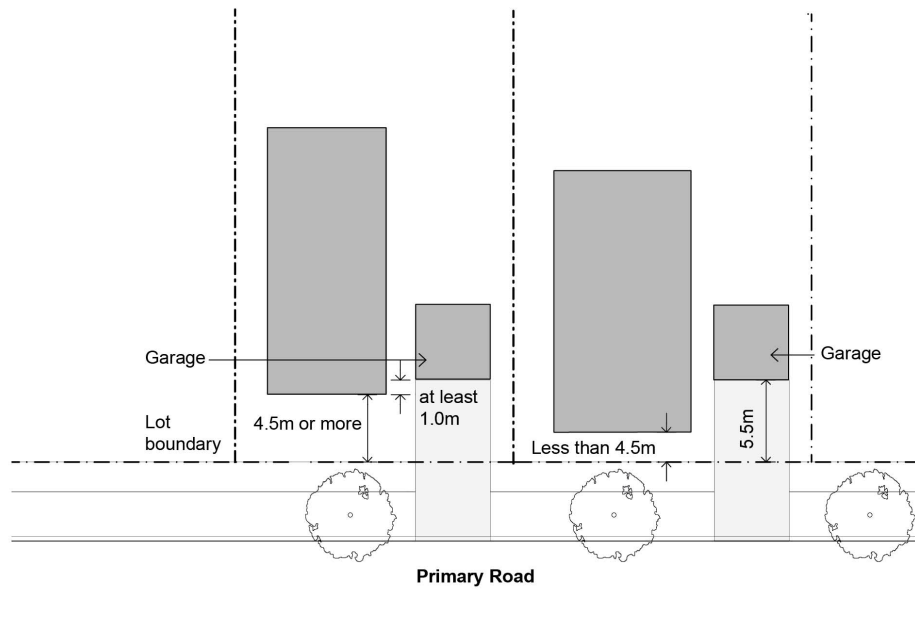
[43] Clause 3.21(11)(f)

Insert after clause 3.21(11)(e)—

(f) a detached studio.

[44] Clause 3.23 Other development standards for detached garages and carports

Omit the first diagram to clause 3.23(5). Insert instead—



[45] Clause 3.23(6), table

Omit “**primary road**” from the heading to the table. Insert instead “**secondary road**”.

[46] Clauses 3.23(7), 3.24(2) and 3D.46(7), tables

Omit “>200m²” wherever occurring. Insert instead “200m²”.

[47] Clause 3.25 Other development standards for detached studios

Omit “Not more than 350m²” from the table to clause 3.25(3).

Insert instead “200m²–350m²”.

[48] Clause 3.27 Minimum landscaped area

Omit “>6m” from the table to clause 3.27(4). Insert instead “6m”.

[49] Clause 3.28 Development standards for swimming pools

Insert after clause 3.28(7)—

- (7A) The minimum setback for a swimming pool from a secondary road is the setback of the dwelling house from the secondary road.

[50] Clause 3.30 Earthworks, retaining walls and structural support

Omit clause 3.30(4). Insert instead—

- (4) Despite subclause (3), the height of fill is not limited if the fill is contained—
- (a) wholly within the footprint of a dwelling house, attached development or detached development, or
 - (b) by a drop edge beam.

[51] Clause 3.30(8)

Insert after clause 3.30(7), before the notes—

- (8) In this clause—
drop edge beam means a vertical concrete slab—
(a) constructed at the edge of a horizontal concrete slab, and
(b) designed to hold fill under the horizontal concrete slab.

[52] Clause 3A.19 Exceptions to setbacks

Omit “or outbuilding” from clause 3A.19(a).

Insert instead “, outbuilding or detached studio”.

[53] Clause 3A.25 Principal private open space

Omit “Zone RU5”. Insert instead “Zone R5”.

[54] Clause 3A.28 Vehicle access

Omit “AS/NZS 2890.1—2004, *Parking facilities—Off-street car parking*” from clause 3A.28(2).

Insert instead “AS/NZS 2890.1:2004, *Parking facilities, Part 1: Off-street car parking*”.

[55] Clause 3A.29 Earthworks, retaining walls and structural support

Omit clause 3A.29(4). Insert instead—

- (4) Despite subclause (3), the height of fill is not limited if the fill is contained—
(a) wholly within the footprint of a dwelling house or ancillary development, or
(b) by a drop edge beam.

[56] Clause 3A.29(8)

Insert after clause 3A.29(7), before the notes—

- (8) In this clause—
drop edge beam means a vertical concrete slab—
(a) constructed at the edge of a horizontal concrete slab, and
(b) designed to hold fill under the horizontal concrete slab.

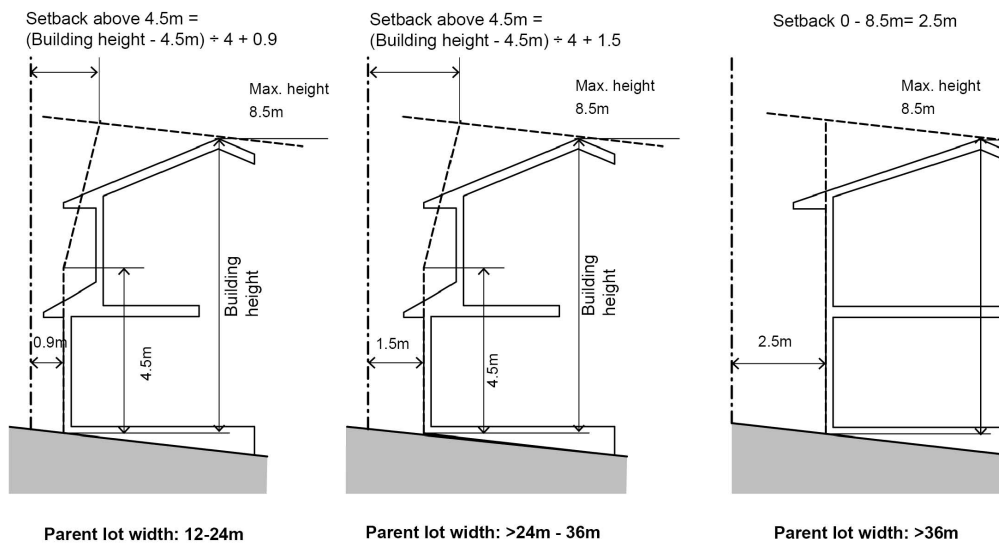
[57] Clause 3B.8 Lot requirements

Omit clause 3B.8(2)(a) and (b). Insert instead—

- (a) if the car parking space for the parent lot is accessed only from a secondary road, parallel road or lane—12m,
(b) otherwise—15m.

[58] Clause 3B.11 Minimum setbacks and maximum height and length of boundary walls

Omit the diagram to clause 3B.11(4). Insert instead—



[59] Clause 3B.13 Dwelling configuration on lot

Insert after clause 3B.13(3)—

- (3A) The 2 buildings comprising a dual occupancy (attached) must be attached to each other by a common wall.

[60] Clause 3B.13(4)

Omit the subclause. Insert instead—

- (4) Each dwelling, including an off-street car parking space for the dwelling, must have a minimum width, measured at the building line, of—
- if the car parking space is accessed from a primary road—6.5m, or
 - otherwise—5m.

[61] Clause 3B.24 Minimum setbacks and maximum height and length of boundary walls

Omit “any ancillary development” from clause 3B.24(2)(b).

Insert instead “attached development and detached development”.

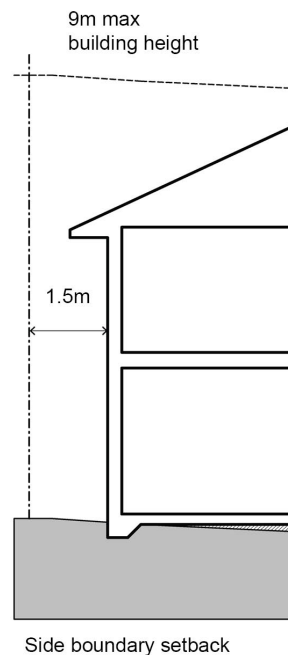
[62] Clause 3B.27 Minimum landscaped area

Omit clause 3B.27(2A). Insert instead—

- (2A) At least 50% of the area required to be landscaped under subclause (1) must be located behind the building line.

[63] Clause 3B.36 Minimum setbacks and maximum height and length of boundary walls

Omit the diagram to clause 3B.36(4). Insert instead—



- [64] **Clause 3B.36(5), table**
Omit “>600m²” wherever occurring. Insert instead “600m²”.
- [65] **Clause 3B.36(5), table**
Omit “8.5m” wherever occurring. Insert instead “9m”.
- [66] **Clause 3B.40 Minimum landscaped area**
Omit clause 3B.40(2A). Insert instead—
(2A) At least 50% of the area required to be landscaped under subclause (1) or (1A) must be located behind the building line.
- [67] **Clause 3B.49 Minimum setbacks and maximum height and length of built to boundary walls**
Omit “subclause (6)” from clause 3B.49(6)(a). Insert instead “subclause (5)”.
- [68] **Clause 3B.50 Other development standards for detached garages and carports**
Omit “1 *Off-street*” from clause 3B.50(1). Insert instead “1: *Off-street*”.
- [69] **Clause 3B.56 Development standards for swimming pools**
Omit clause 3B.56(8). Insert instead—
(8) The minimum setback for a swimming pool from a secondary road is the setback of the dual occupancy or manor house from the secondary road.
- [70] **Clause 3B.58 Earthworks, retaining walls and structural support**
Omit clause 3B.58(3). Insert instead—
(3) Before an excavation exceeding a maximum depth, measured from ground level (existing), of 1m is carried out on a lot—

- (a) a geotechnical investigation report for the lot must be obtained, and
 - (b) the report must show—
 - (i) no groundwater is present on the part of the lot where the excavation is to be carried out, or
 - (ii) groundwater is present on the part of the lot but is below the level of the excavation.
- (3A) The geotechnical investigation report required under subclause (3) must—
- (a) be prepared by a professional engineer specialising in geotechnical engineering, and
 - (b) be prepared in accordance with AS 1726:2017, *Geotechnical site investigations*.

[71] Clause 3B.58(5)

Omit the subclause. Insert instead—

- (5) Despite subclause (4), the height of fill is not limited if the fill is contained—
 - (a) wholly within the footprint of a building, attached development or detached development, or
 - (b) by a drop edge beam.

[72] Clause 3B.58(10)

Insert after clause 3B.58(9), before the notes—

- (10) In this clause—
 - drop edge beam* means a vertical concrete slab—
 - (a) constructed at the edge of a horizontal concrete slab, and
 - (b) designed to hold fill under the horizontal concrete slab.

[73] Clause 3B.61, heading

Insert “**multi dwelling housing (terraces),**” after “**manor houses,**”.

[74] Clause 3C.11 Minimum setbacks and maximum height and length of boundary walls

Omit clause 3C.11(1). Insert instead—

- (1) **Primary road setbacks** The front building line of, and articulation zone for, a dwelling house and an attached development, other than a garage or carport, must have a minimum setback from the primary road as shown in the following table—

Lot size	Minimum setback of building line from primary road	Minimum setback of articulation zone from primary road
200m ² –300m ²	3m	1.5m
>300m ²	4.5m	3m

[75] Clause 3C.11(2), note

Insert “**1**” after “**Note**”.

[76] Clause 3C.11(2), note 2

Insert after note 1—

Note 2— Despite this subclause, clause 3C.3 provides the erection of a building over a registered easement is not complying development under this code.

- [77] **Clause 3C.11(4), table**
Omit “both side boundaries”.
Insert instead “the “Side A” and “Side B” boundaries referred to in subclause (2)(a) and (b)”.
- [78] **Clause 3C.11(4), table**
Omit “one side boundary” wherever occurring. Insert instead “the “Side A” boundary”.
- [79] **Clause 3C.11(4), table**
Omit “the other side boundary”. Insert instead “the “Side B” boundary”.
- [80] **Clause 3C.12 Exceptions to setbacks**
Omit “clause 3C.11(2) or (3)” wherever occurring in clause 3C.12(1) and (2).
Insert instead “clause 3C.11(2), (3) or (7)”.
- [81] **Clause 3C.12(1)(a1)**
Insert before clause 3C.12(1)(a)—
(a1) access ramps,
- [82] **Clause 3C.12(1)(d1)**
Insert after clause 3C.12(1)(d)—
(d1) fences,
- [83] **Clause 3C.12(2)(a1)**
Insert before clause 3C.12(2)(a)—
(a1) aerials,
- [84] **Clause 3C.13 Other development standards for attached garages**
Omit “on a lot with a width of 6m or more” from clause 3C.13(4).
- [85] **Clause 3C.24 Minimum setbacks and maximum height and length of built to boundary walls**
Insert after clause 3C.24(11)(e)—
(f) a detached studio.
- [86] **Clause 3C.26 Other development standards for detached garages and carports**
Omit “primary road” from the heading to the table to clause 3C.26(7).
Insert instead “secondary road”.
- [87] **Clause 3C.33 Earthworks, retaining walls and structural support**
Omit clause 3C.33(4). Insert instead—
(4) Despite subclause (3), the height of fill is not limited if the fill is contained—
(a) wholly within the footprint of a dwelling house, attached development or detached development, or
(b) by a drop edge beam.

[88] Clause 3C.33(8)

Insert after clause 3C.33(7), before the notes—

- (8) In this clause—
drop edge beam means a vertical concrete slab—
(a) constructed at the edge of a horizontal concrete slab, and
(b) designed to hold fill under the horizontal concrete slab.

[89] Clauses 3D.15(2), 3D.27(4), 3D.38(7) and 3D.46(1)

Omit “*facilities—Off-street*” wherever occurring.

Insert instead “*facilities, Part 1: Off-street*”.

[90] Clauses 3D.27(4) and 3D.46(1)

Omit “AS/NZS/2890.1:2004” wherever occurring. Insert instead “AS/NZS 2890.1:2004”.

[91] Clause 3D.32 Minimum setbacks

Omit “at least 4,000m²” from clause 3D.32(6). Insert instead “less than 4,000m²”.

[92] Clause 3D.38 Car parking, vehicle access and garage requirements

Omit clause 3D.38(6).

[93] Clause 3D.38(9), table

Omit the table. Insert instead—

Lot width at the building line	Maximum width of garage door openings
18m–24m	6m
>24m	9.2m

[94] Clause 3D.61 Earthworks, retaining walls and structural support

Omit clause 3D.61(4), including the note. Insert instead—

- (4) Before an excavation exceeding a maximum depth, measured from ground level (existing), of 1m is carried out on a lot—
(a) a geotechnical investigation report for the lot must be obtained, and
(b) the report must show—
(i) no groundwater is present on the part of the lot where the excavation is to be carried out, or
(ii) groundwater is present on the part of the lot but is below the level of the excavation.
- (4A) The geotechnical investigation report required under subclause (4) must—
(a) be prepared by a professional engineer specialising in geotechnical engineering, and
(b) be prepared in accordance with AS 1726:2017, *Geotechnical site investigations*.

[95] Clause 3D.61(6)

Omit the subclause. Insert instead—

- (6) Despite subclause (5), the height of fill is not limited if the fill is contained—

- (a) wholly within the footprint of a building, attached development or detached development, or
- (b) by a drop edge beam.

[96] Clause 3D.61(10)

Omit clause 3D.61(9) where secondly occurring. Insert instead, before the notes—

(10) In this clause—

drop edge beam means a vertical concrete slab—

- (a) constructed at the edge of a horizontal concrete slab, and
- (b) designed to hold fill under the horizontal concrete slab.

footprint has the same meaning as it has in Division 7.

[97] Clauses 4.1, 4.3, 4.4A, 4.5, 4A.1, 4A.3, 5.1, 5.3, 5.7, 5.9, 5.11, 6.1, 6.3, 7.1 and 8.2, headings

Omit “**complying**” wherever occurring.

[98] Clause 4.6 Development standards

Omit “facing to” from clause 4.6(2)(e). Insert instead “on the side or”.

[99] Clause 4A.12 Development standards

Omit “AS 3962—2001, *Guidelines for design of marinas*” from clause 4A.12(1)(g).

Insert instead “AS 3962:2020, *Marina design*”.

[100] Clause 5.4 Development standards

Omit “AS 4674—2004*Construction*” from clause 5.4(1)(f).

Insert instead “AS 4674—2004, *Design, construction*”.

[101] Clause 5.5 Specified development

Insert after clause 5.5(1)(n)—

- (o) recreation facilities (indoor).

[102] Clause 5.8 Development standards

Omit “AS/NZS 3666.1:2002” from the note. Insert instead “AS/NZS 3666.1:2011”.

[103] Clause 5.14 Development standards

Insert after clause 5.14(1)(d)—

- (d1) be erected with the lower edge at least 2.6m above ground level (existing), and

[104] Clauses 5.22(c)(i), 5A.24(2) and 5A.25(4)(a)

Omit “AS 2890.2—2002” wherever occurring. Insert instead “AS 2890.2:2018”.

[105] Clause 5A.2 Alterations or additions to an existing building or construction of new building

Insert after clause 5A.2(1)(e)—

- (f) the construction of storage premises, other than storage premises used for the storage of data and related information technology hardware.

- [106] Clause 5A.2(2)**
Omit “subclause (1)(a)–(e)”. Insert instead “subclause (1)(a)–(f)”.
- [107] Clause 5A.4 Application of development standards**
Omit “that is” from clause 5A.4(b).
- [108] Clause 5A.4(b)**
Insert “or to a warehouse or distribution centre” after “industry”.
- [109] Clause 5A.4(c)**
Insert “or of a warehouse or distribution centre” after “industry”.
- [110] Clause 5A.10 Setbacks of development from roads**
Omit “the other provisions of this clause” wherever occurring in clause 5A.10(5) and (6).
Insert instead “subclauses (1)–(4A)”.
- [111] Clause 5A.10(7)**
Insert after clause 5A.10(6)—
(7) Despite subclauses (1)–(6), if a setback is specified in a development control plan applying to the lot on which the development is located, the building must have the setback specified in the development control plan.
- [112] Clause 5A.12 Front facade material finishes for new industrial buildings**
Omit clause 5A.12(1) and (2). Insert instead—
(1) A new industrial building must—
(a) as part of a facade that faces a primary road— have a door or window, and
(b) as part of the facade of the front of the building—
(i) have a front door, or
(ii) have an entry with an awning or portico, or
(iii) be distinguished by the use of different building materials.
- [113] Clause 5A.12(3)**
Insert “north and east or” after “between”.
- [114] Clause 5A.16, heading**
Omit “areas”. Insert instead “area”.
- [115] Clause 5A.16(4)**
Insert after subclause (3)—
(4) This clause does not apply to development that is the alteration of, or addition to, an existing building if the development does not—
(a) increase the footprint of the building, or
(b) decrease the landscaped area on the lot.
- [116] Clause 5A.18 General standards**
Omit clause 5A.18(d).

[117] Clause 5A.20A

Insert after clause 5A.20—

5A.20A Landscaped area

The existing commercial premises, as altered or added to, must comply with landscaping requirements contained in a development control plan applying to the land.

[118] Clause 5A.23 Privacy

Omit “5m” from clause 5A.23(b). Insert instead “6m”.

[119] Clause 5A.24 Car parking and access

Omit clause 5A.24(2). Insert instead—

- (2) New car parking must be constructed to comply with the following standards—
 - (a) AS/NZS 2890.1:2004, *Parking facilities, Part 1: Off-street car parking*,
 - (b) AS 2890.2:2018, *Parking facilities, Part 2: Off-street commercial vehicle facilities*,
 - (c) AS 2890.3:2015, *Parking facilities, Part 3: Bicycle parking*,
 - (d) AS/NZS 2890.6:2009, *Parking facilities, Part 6: Off-street parking for people with disabilities*.

[120] Clause 7.1 Specified development

Omit clause 7.1(1)(a). Insert instead—

- (a) a dwelling house,
- (a1) a secondary dwelling,

[121] Clause 7.2 Development standards

Omit clause 7.2(2)–(4). Insert instead—

- (2) Despite other development standards of this code, if, within 900mm of a boundary with an adjoining lot, there is a wall on the adjoining lot—
 - (a) a professional engineer’s report must be provided with an application for a complying development certificate, and
 - (b) the development must be carried out in accordance with the support method proposed by the report.
- (3) If the development referred to in subclause (2) results in the exposure of a common wall, the common wall must, at the completion of the development, be weatherproofed.
- (4) If a swimming pool is wholly or partly removed, the site of the pool, or the part of the pool that is removed, must be restored to the ground level (existing) adjacent to the pool, taking into account the gradient of the site.
- (5) If it is necessary to fill the site of the pool, or the part of the pool that is removed, to comply with subclause (4)—
 - (a) the fill must contain only virgin excavated natural material as defined in Schedule 1, Part 3 of the *Protection of the Environment Operations Act 1997*, and
 - (b) the fill must be compacted, and

- (c) piping and similar material must be removed from the site before it is filled.

[122] Schedule 6 Conditions applying to complying development certificates under certain complying development codes

Omit “*safety—Part*” from clause 11A. Insert instead “*safety, Part*”.

[123] Schedule 6, clause 11B

Insert after clause 11A—

11B Contamination discovered during works

- (1) If during works on the land comprising the lot, the land is found to be contaminated, within the meaning of the *Contaminated Land Management Act 1997*—
- (a) all works must stop immediately, and
 - (b) the Environment Protection Authority and the council must be notified of the contamination.
- (2) Land is found to be contaminated for the purposes of this clause if the person having the benefit of the complying development certificate or the principal certifying authority knows or should reasonably suspect the land is contaminated.

Note— Depending on the nature and level of the contamination, remediation of the land may be required before further work can continue.

[124] Schedule 6, clauses 12 and 13, headings

Omit “**excavation**” wherever occurring. Insert instead “**works**”.

[125] Schedule 6A Conditions applying to complying development certificates under the Low Rise Housing Diversity Code

Omit “section 94 or 9A” from clause 1. Insert instead “section 7.11 or 7.12”.

[126] Schedule 6A, clause 19(1)

Omit “in the course of”. Insert instead “during”.

[127] Schedule 6A, clause 19(2), note

Omit “the level of”.

[128] Schedule 6A, clauses 20 and 21, headings

Omit “**excavation**” wherever occurring. Insert instead “**works**”.

[129] Schedule 8 Conditions applying to complying development certificates under the Commercial and Industrial Alterations Code, the Commercial and Industrial (New Buildings and Additions) Code and the Container Recycling Facilities Code

Insert after clause 12—

12A Contamination discovered during works

- (1) If during works on the land comprising the lot, the land is found to be contaminated, within the meaning of the *Contaminated Land Management Act 1997*—
- (a) all works must stop immediately, and

- (b) the Environment Protection Authority and the council must be notified of the contamination.
- (2) Land is found to be contaminated for the purposes of this clause if the person having the benefit of the complying development certificate or the principal certifying authority knows or should reasonably suspect the land is contaminated.
Note— Depending on the nature and level of the contamination, remediation of the land may be required before further work can continue.

[130] Schedule 8, clauses 13 and 14, headings

Omit “excavation” wherever occurring. Insert instead “works”.

[131] Schedule 8, clause 23(1)(a)

Omit “AS 4282–1997*Control*”. Insert instead “AS/NZS 4282:2019, *Control*”.

[132] Schedule 8, clause 23(2)

Omit the subclause. Insert instead—

- (2) Lighting at vehicle access points to the development must be provided in accordance with the following standards—
 - (i) AS/NZS 1158.0:2005, *Lighting for roads and public spaces, Part 0: Introduction*,
 - (ii) AS/NZS 1158.1.1:2005, *Lighting for roads and public spaces, Part 1.1: Vehicular traffic (Category V) lighting—Performance and design requirements*,
 - (iii) AS/NZS 1158.1.2:2010, *Lighting for roads and public spaces, Part 1.2: Vehicular traffic (Category V) lighting—Guide to design, installation, operation and maintenance*,
 - (iv) AS/NZS 1158.2:2020, *Lighting for roads and public spaces, Part 2: Computer procedures for the calculation of light technical parameters for Category V and Category P lighting*,
 - (v) AS/NZS 1158.3.1:2020, *Lighting for roads and public spaces, Part 3.1: Pedestrian area (Category P) lighting—Performance and design requirements*,
 - (vi) AS/NZS 1158.4:2015, *Lighting for roads and public spaces, Part 4: Lighting of pedestrian crossings*,
 - (vii) AS/NZS 1158.5:2014, *Lighting for roads and public spaces, Part 5: Tunnels and underpasses*.

[133] Schedule 9 Conditions applying to complying development certificates under the Demolition Code

Insert after clause 9—

9A Fill on work site

Fill brought to the work site must contain only virgin excavated natural material as defined in Schedule 1, Part 3 of the *Protection of the Environment Operations Act 1997*.

9B Contamination discovered during works

- (1) If during works on the land comprising the lot, the land is found to be contaminated, within the meaning of the *Contaminated Land Management Act 1997*—

- (a) all works must stop immediately, and
 - (b) the Environment Protection Authority and the council must be notified of the contamination.
- (2) Land is found to be contaminated for the purposes of this clause if the person having the benefit of the complying development certificate or the principal certifying authority knows or should reasonably suspect the land is contaminated.

Note— Depending on the nature and level of the contamination, remediation of the land may be required before further work can continue.

[134] Schedule 9, clause 10, heading

Omit “**excavation**”. Insert instead “**works**”.

[135] Schedule 10, clauses 11 and 12, headings

Omit “**excavation**” wherever occurring. Insert instead “**works**”.