

State Environmental Planning Policy No 60—Exempt and Complying Development (2000 EPI 93)

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New South Wales

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New South Wales

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State Environmental Planning Policy No 60—Exempt and Complying Development (2000 EPI 93)



New South Wales

Part 1 Preliminary

1 What is the name of this Policy?

This Policy is *State Environmental Planning Policy No 60—Exempt and Complying Development*.

2 What are the aims of this Policy?

The aims of this Policy are:

- (a) to provide for exempt development and complying development in certain local government areas that have not provided for those types of development through a local environmental plan:
 - (i) by identifying the development of minimal environmental impact that is to be exempt development (and that, consequently, may be carried out without the need for development consent), and
 - (ii) by identifying the development that is to be complying development (and that, consequently, may be carried out in accordance with a complying development certificate and the applicable provisions of an environmental planning instrument, development control plan or the regulations made under the Act) and specifying the development standards for that development, and
 - (iii) by identifying complying development separately for metropolitan Sydney and regional areas of New South Wales, and
 - (iv) by specifying the conditions to which complying development certificates are subject, and
- (b) to provide that development comprising the subdivision of land, the erection of a building or demolition, to the extent to which it does not already require development consent under another environmental planning instrument in order to be carried out,

cannot be carried out except with development consent.

3 Definitions and notes

(1) In this Policy:

metropolitan Sydney means the land to which this Policy applies to the extent specified in Part 1 of Schedule 1.

regional NSW means the areas specified in Part 2 of Schedule 1.

the Act means the *Environmental Planning and Assessment Act 1979*.

(2) Notes included in this Policy are explanatory notes and do not form part of this Policy.

4 Where does this Policy apply?

(1) This Policy applies to metropolitan Sydney and regional NSW, except as provided by this Policy.

(2) This Policy does not apply to the following land:

Land to which *State Environmental Planning Policy No 73—Kosciuszko Ski Resorts* applies

5 How this Policy affects other environmental planning instruments

(1) This Policy amends *State Environmental Planning Policy No 4—Development Without Consent* and *State Environmental Planning Policy No 56—Sydney Harbour Foreshores and Tributaries* as set out in Schedule 2.

(2) This Policy prevails over any other environmental planning instrument made before or after this Policy to the extent of any inconsistency:

(a) except:

(i) *State Environmental Planning Policy No 38—Olympic Games and Related Projects*, and

(ii) *State Environmental Planning Policy No 55—Remediation of Land*, and

(b) except as otherwise expressly provided by:

(i) this Policy, or

(ii) any other environmental planning instrument that commences after the day on which this Policy commences.

Part 2 Exempt development

6 What this Part does

This Part identifies the development and the requirements that must be met in respect of it for the development to be carried out without development consent as exempt development.

Note—

The Act states that exempt development:

- must be of minimal environmental impact, and
- cannot be carried out in critical habitat of an endangered species, population or ecological community (identified under the *Threatened Species Conservation Act 1995* or the *Fisheries Management Act 1994*), and
- cannot be carried out in a wilderness area (identified under the *Wilderness Act 1987*).

7 What development is exempt development

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

(3) Exempt development cannot be carried out on:

(a) the site of an item of the environmental heritage that:

- (i) is identified as such in an environmental planning instrument applying to the land, or
- (ii) is listed on the State Heritage Register under the *Heritage Act 1977*, or
- (iii) is subject to an interim heritage order under the *Heritage Act 1977*, or

(b) land within a heritage conservation area that is identified as such in an environmental planning instrument applying to the land, or

(c) land identified:

- (i) by the consent authority on a map held in the consent authority's offices, or
- (ii) in an environmental planning instrument, or
- (iii) in a development control plan,

as an environmentally sensitive area for exempt development, or

(d) land:

- (i) in regional NSW that is within 40 metres of a perennial watercourse identified by a 1:50,000 topographic map held by the Land Information Centre, or
- (ii) that is an Aboriginal place identified by the *National Parks and Wildlife Act 1974* or contains an Aboriginal relic, or
- (iii) that is reserved or dedicated under the *National Parks and Wildlife Act 1974*, or
- (iv) that is a State forest dedicated under the *Forestry Act 1916*, or
- (v) the surface of which generally has a slope greater than 18 degrees from the horizontal, or
- (vi) that is mapped as wetland by *State Environmental Planning Policy No 14—Coastal Wetlands*, or
- (vii) that is mapped as rainforest by *State Environmental Planning Policy No 26—Littoral Rainforests*.

Part 3 Complying development

8 What this Part does

This Part identifies the development that may be carried out as complying development,

the requirements that must be met for a complying development certificate to be issued in respect of it and the conditions to which the complying development certificate will be subject.

Note—

The Act states that development cannot be complying development if:

- it is on land that is critical habitat of an endangered species, population or ecological community (identified under the *Threatened Species Conservation Act 1995* or the *Fisheries Management Act 1994*), or
- it is on land within a wilderness area (identified under the *Wilderness Act 1987*), or
- there is an item of the environmental heritage on the land that is subject to an order or listing under the *Heritage Act 1977* or an environmental planning instrument, or
- the development is designated development, or
- the development is State significant development, or
- the development requires concurrence (except a concurrence of the Director-General of National Parks and Wildlife in respect of development that is likely to significantly affect a threatened species, population, or ecological community, or its habitat (identified under the *Threatened Species Conservation Act 1995*).

9 What development is complying development?

(1) Development:

- (a) specified in Schedule 4 that is carried out in metropolitan Sydney in compliance with the development standards listed in that Schedule in respect of the development and that complies with the requirements of this clause, or
- (b) specified in Schedule 5 that is carried out in regional NSW in compliance with the development standards listed in that Schedule in respect of the development and that complies with the requirements of this clause,

is complying development for the purposes of this Policy.

(2) To be complying development, the development must:

- (a) meet the relevant deemed-to-satisfy provisions of the *Building Code of Australia*, and
- (b) be more than 1 metre from any easement or public sewer main, or comply with any requirements specified by the appropriate sewer authority for building over sewers, and
- (c) have an approval (if required by the *Local Government Act 1993*) from the council for an on-site effluent disposal system if the development is undertaken on unsewered land.

(3) Complying development cannot be carried out on:

- (a) land within a heritage conservation area that is identified as such in an environmental planning instrument applying to the land, or
- (b) a site that has at any time previously been used:
 - (i) as a service station, or
 - (ii) as a sheep or cattle dip, or
 - (iii) for intensive agriculture, or
 - (iv) for mining (but not underground mining) or an extractive industry, or
 - (v) for waste storage or waste treatment, or
 - (vi) for the manufacture of chemicals, asbestos, or asbestos products, or
- (c) land identified:
 - (i) by the consent authority on a map held in the consent authority's offices, or
 - (ii) in an environmental planning instrument, or
 - (iii) in a development control plan,as an environmentally sensitive area for complying development, or
- (d) land:
 - (i) in regional NSW that is within 40 metres of a perennial watercourse identified by a 1:50,000 topographic map held by the Land Information Centre, or
 - (ii) that is an Aboriginal Place identified by the *National Parks and Wildlife Act 1974* or contains an Aboriginal relic, or
 - (iii) that is reserved or dedicated under the *National Parks and Wildlife Act 1974*, or
 - (iv) that is a State Forest dedicated under the *Forestry Act 1916*, or
 - (v) the surface of which generally has a slope greater than 18 degrees from the horizontal, or
 - (vi) that is mapped as wetland by *State Environmental Planning Policy No 14—Coastal Wetlands*, or
 - (vii) that is mapped as rainforest by *State Environmental Planning Policy No 26—Littoral Rainforests*, or
 - (viii) that is unsewered land to which *State Environmental Planning Policy No 58—Protecting Sydney's Water Supply* applies, or

(e) land:

- (i) to which an environmental planning instrument applies that requires an acid sulphate soil management plan to be considered before consent can be granted to the development, or
- (ii) identified as Class 1–4 on acid sulphate soils planning maps (prepared by the Department of Land and Water Conservation and held by the consent authority) and for which there is no provision in an environmental planning instrument applying to the land that requires an acid sulphate soils management plan to be prepared.

10 Conditions of complying development certificates

- (1) A complying development certificate issued in respect of land within metropolitan Sydney is subject to the conditions listed in Schedule 6.
- (2) A complying development certificate issued in respect of land in regional NSW is subject to the conditions listed in Schedule 7.

11 Removal of small trees

A complying development certificate is taken to satisfy any requirement of an environmental planning instrument or tree preservation order for a consent, permit or approval to remove an exotic tree under 4 metres high if the complying development cannot be carried out without the removal of the tree.

Part 4 Subdivision, building and demolition controls

12 What this Part does

This Part extends the requirement that development comprising the subdivision of land, the erection of a building or the demolition of a building or work can be carried out only with development consent.

13 Subdivision of land

- (1) A person may subdivide land only with development consent.
- (2) This clause applies if the subdivision of land:
 - (a) does not require development consent to be granted under another environmental planning instrument, and
 - (b) is not prohibited by another environmental planning instrument, and
 - (c) is not identified in any environmental planning instrument (including this Policy) as exempt development.

14 Erection of a building or demolition of a building or work

- (1) A person may erect a building only with development consent.
- (2) A person may demolish a building or work only with development consent.
- (3) This clause applies if the development:
 - (a) does not require development consent to be granted under any other environmental planning instrument, and
 - (b) is not prohibited by another environmental planning instrument, and
 - (c) is not identified in any environmental planning instrument as exempt development, and
 - (d) does not involve Crown building work as defined by section 115M of the Act.

15 Who is the consent authority?

- (1) The consent authority for development that may be carried out only with development consent under this Part is:
 - (a) the council of the area in which the development is to be carried out, except as provided by paragraphs (b) and (c), or
 - (b) in relation to land to which an environmental planning instrument specified in paragraph (3) of Part 1 of Schedule 1 (other than *Sydney Regional Environmental Plan No 26—City West*) applies, the Minister for Urban Affairs and Planning, or
 - (c) in relation to the land to which *Sydney Regional Environmental Plan No 26—City West* applies, the consent authority determined in accordance with clause 14 of that Plan.
- (2) For the purposes of this clause, a reference to an environmental planning instrument does not include a reference to a regional vegetation management plan (within the meaning of the *Native Vegetation Conservation Act 1997*).

Part 5 General

16 Suspension of certain laws

- (1) For the purpose of enabling development to be carried out in accordance with this Policy, clause 29 of the *Environmental Planning and Assessment (Savings and Transitional) Regulation 1998*, to the extent necessary to serve that purpose, does not apply to the development.
- (2) In accordance with section 28 of the Act, before the making of this Policy, the Governor approved the making of this clause on the prior concurrence in writing of the

Minister for Urban Affairs and Planning.

17 Development physically commenced before amendment of SEPP 4

If development permitted under *State Environmental Planning Policy No 4—Development Without Consent* was physically commenced on land before the amendment of that Policy by this Policy, the development may be carried out as if that Policy had not been so amended.

Schedule 1 Where does this Policy apply?

(Clauses 3 and 4)

Part 1 Metropolitan Sydney

(1) This Policy applies to the following local government areas:

City of Campbelltown, subject to subclause (2)

City of Parramatta (but not the area to which *Sydney Regional Environmental Plan No 28—Parramatta* or *Parramatta Local Environmental Plan 2001* applies)

City of Ryde

(2) Part 2 of, and Schedule 3 to, this Policy do not apply to the land within the City of Campbelltown to which *Campbelltown Local Environmental Plan No 209—Exempt Development* applies.

(3) This Policy applies to the land to which the following environmental planning instruments apply (but not the land to which *State Environmental Planning Policy No 61—Exempt and Complying Development for White Bay and Glebe Island Ports* applies):

Sydney Regional Environmental Plan No 16—Walsh Bay

Sydney Regional Environmental Plan No 24—Homebush Bay

The area identified in *Sydney Regional Environmental Plan No 26—City West* as the Bays, Ultimo-Pyrmont and Eveleigh precincts

The approved scheme for the Sydney Cove Development Area (referred to in Part 8 of Schedule 6 to the *Environmental Planning and Assessment Act 1979*)

Darling Harbour Development Plan No 1 (referred to in Part 7 of Schedule 6 to the *Environmental Planning and Assessment Act 1979*)

Part 2 Regional NSW

This Policy applies to the following local government areas:

| | | | |
|-----------------|-----------------|---|-----------|
| Balranald | Coonabarabran | Hume | |
| Barraba | Coonamble | Inverell | Severn |
| Bellingen | Crookwell | Leeton (but not the land to which <i>Leeton Local Environmental Plan No 35</i> applies) | Tumut |
| Bingara | Dungog | Maitland | Walcha |
| Bogan | Gilgandra | Manilla | Walgett |
| Bombala | Glen Innes | Merriwa | Warren |
| Boorowa | Grafton | Moree Plains | Weddin |
| Cabonne | Greater Lithgow | Mulwaree | Wentworth |
| Central Darling | Gundagai | Nundle | Windouran |
| Conargo | Gunning | | Yallaroi |
| Coolah | Holbrook | | |

Schedule 2 Amendment of other environmental planning instruments

(Clause 5 (1))

2.1 State Environmental Planning Policy No 4—Development Without Consent

[1] Clause 5A

Insert after clause 5:

5A Places of public worship

(1) If:

- (a) a building is or was last lawfully used for the purpose of a place of public worship of a particular kind, and
- (b) the building could not, but for this clause, be used for the purposes of a place of public worship of another kind, except with development consent being obtained therefor,

the building may, without the necessity for development consent being obtained therefor, on not less than 40 days written notice being given to the council, be used for the purposes of a place of public worship of another kind, subject to subclause (2).

- (2) This clause does not authorise the use of a building for the purposes of a place of public worship if the use will increase or create adverse environmental impacts, such as:
 - (a) emission of noise, or
 - (b) movement of motor vehicles, or
 - (c) parking of motor vehicles, or

(d) significant change in the hours of use.

(3) If, immediately before the commencement of a use of a building authorised by this clause, a condition of a development consent applied to the use of a building or the use of the land on which the building is erected, the condition applies to and in respect of the use of the building so authorised or the use of the land on which it is erected in the same way as it applies to and in respect of the former use.

[2] Clause 8A Places of public worship

Omit the clause.

[3] Schedule 2 Land exempted from clauses 6-10

Insert in alphabetical order:

Ashfield local government area
Balranald local government area
Barraba local government area
Bellingen local government area
Bingara local government area
Bogan local government area
Bombala local government area
Boorowa local government area
Cabonne local government area
City of Campbelltown local government area
Carrathool local government area
Central Darling local government area
City of Cessnock local government area
Cobar local government area
Conargo local government area
Coolamon local government area
Coolah local government area

Cooma-Monaro local government area
Coonabarabran local government area
Coonamble local government area
Crookwell local government area
Dungog local government area
Eurobodalla local government area
Gilgandra local government area
Glen Innes local government area
City of Grafton local government area
City of Greater Lithgow local government area
Gundagai local government area
Gunning local government area
Harden local government area
Hay local government area
Holbrook local government area
Hume local government area
Hunters Hill local government area
Inverell local government area
Junee local government area
Leeton local government area
City of Maitland local government area
Manilla local government area
Marrickville local government area
Merriwa local government area
Moree Plains local government area
Mudgee local government area

Mulwaree local government area
Narrabri local government area
Nundle local government area
Nymboida local government area
City of Parramatta local government area
City of Ryde local government area
Rylstone local government area
Severn local government area
Tumut local government area
Ulmarra local government area
Wakool local government area
Walcha local government area
Walgett local government area
Warren local government area
Weddin local government area
Wellington local government area
Wentworth local government area
Windouran local government area
Wingecarribee local government area
Yallaroi local government area
Yarrowlumla local government area

2.2 State Environmental Planning Policy No 56—Sydney Harbour Foreshores and Tributaries

Clause 9 State significant development

Insert “unless, under any environmental planning instrument applying to the land, the development is complying development” after “State significant development”.

Schedule 3 Exempt development

(Clause 7)

1 Advertising structures and displays

The erection and display of an advertising structure and advertisement, or the display of an advertisement that is not on an advertising structure (but not an illuminated sign in a residential zone) that satisfies any of the following requirements:

- (a) The advertisement displays a message relating to the premises or goods and services that are available from the premises on which the advertisement is situated and the advertisement and any structure together have an area not exceeding:
 - (i) 0.75 square metres in a residential or rural zone, or
 - (ii) 8 square metres in an industrial zone, with a maximum height of 4.6m, or
 - (iii) 25% of the front elevation of a building on which it is displayed in a commercial business zone, with a maximum height of 3m or the height of the underside of any awning measured at the line at which it is attached to the building, whichever is the greater.

If the advertisement or advertising structure is above a public road it must be at least 2.6 metres above ground level.

- (b) The advertisement is behind a shop window.
- (c) The advertisement is a temporary advertisement for a social, cultural, political or recreational event that is displayed no more than 28 days before the event. The advertisement must be removed within 14 days after the event.
- (d) The advertisement is a public notice displayed by a public authority giving information about a service.
- (e) The advertisement is a real estate sign advertising that the premises on which it is displayed are for sale or lease, and the advertisement and any structure have a total maximum area of 2.5 square metres on residential or rural premises, or 4.5 square metres on commercial or industrial premises.
- (f) The advertisement replaces one of the same, or a larger, size lawfully displayed on the same structure.
- (g) The advertisement and any structure are not visible from outside the site on which they are displayed.

2 Minor development related to a permissible use

Development (like landscaping, gardening, paving or the erection of a minor structure, but

not building alterations) that is related to a permissible use but only if:

- (a) any such minor structure is erected at least 1 metre from each boundary of the site and extends no more than 3 metres above natural ground level, and
- (b) any such minor structure, or any paving or hard surface area, does not cover more than 25 square metres, and
- (c) the development does not involve excavation deeper than 600 millimetres below natural ground level and maintains support for any neighbouring buildings and land, and
- (d) the development does not involve handling, storing or using hazardous chemicals or materials otherwise than on a domestic scale (except on farms and at a distance of more than 25 metres from any habitable building and at a distance of more than 40 metres from a watercourse), and does not release any hazardous chemicals or materials or any pollutants into the environment, and
- (e) any such minor structure located in a fire protection zone or an asset protection zone identified in a bush fire risk management plan in force under the *Rural Fires Act 1997* is made of non-combustible materials, and
- (f) the development complies with the landscaped area or site coverage control specified in an environmental planning instrument or a development control plan.

Note—

Developments that increase water use or involve disposal of trade wastes may require a certificate of compliance from the local water supply and sewer authority.

3 Boundary adjustments

An adjustment to the boundary of an allotment that:

- (a) will not result in any building contravening the deemed-to-satisfy provisions of the *Building Code of Australia*, and
- (b) will not create any additional allotments or dwelling entitlements, and
- (c) will not change the area of any allotment by more than 10%, and
- (d) will retain all services within the existing allotments.

4 Building alterations

Building alterations (but not the making of, or an alteration to the size of, any opening in a wall or roof of a building, such as a doorway, window or skylight) comprising:

- (a) non-structural alterations to the exterior of a building, such as painting, plastering, cement rendering, cladding, attaching fittings and decorative work, or

- (b) non-structural alterations to the interior of a building that do not result in the current load-bearing capacity of the building being exceeded.

5 Demolition

Demolition carried out in accordance with AS 2601-1991 *The demolition of structures of any structure:*

- (a) the erection of which would be exempt development under this Policy, and
- (b) that covers an area of not more than 25 square metres.

6 Different use of a building

A new use of a lawfully existing building that continues to comply with all other development consent conditions if:

- (a) the new use is consistent with the classification of the building under the *Building Code of Australia* and replaces a former use being carried out in accordance with a development consent, and:
 - (i) it is not actually or potentially a hazardous or offensive industry, and
 - (ii) it does not involve the handling, preparation or storage of food for sale or consumption, and
 - (iii) it is not prohibited by any provision in an environmental planning instrument applying to the land, or
- (b) the new use results from a change of building use from a shop to an office or from an office to a shop that is not in the business of handling, preparing or storing food for sale or consumption, where:
 - (i) the new use replaces a former use being carried out in accordance with a development consent, and
 - (ii) not more than 200 square metres of floorspace is changed in use, and
 - (iii) the new use is not prohibited by any provision of an environmental planning instrument applying to the land.

7 Fences

Erection of boundary fences that comply with any relevant covenant or council policy and:

- (a) that are not more than 1.8 metres high if either in a rural zone or behind the building line in an urban zone, but do not include any masonry construction over 900 millimetres above ground level, or
- (b) that are not more than 900 millimetres high if forward of the building line in an urban

zone,

and are made of non-combustible materials if located in a fire protection zone or an asset protection zone identified in a bushfire risk management plan in force under the *Rural Fires Act 1997*.

8 Flagpoles

The erection of a single flagpole on a site if the flagpole is not more than 6 metres high and is structurally sound.

9 Home occupations

The use of premises for an occupation carried on only by the permanent residents of a dwelling:

- (a) that does not require registration under the *Factories, Shops and Industries Act 1962*, and
- (b) that is managed so that there is no interference with the neighbourhood (as identified by clause 7 (2) (b) (iii) of this Policy).

10 Public meetings

The use of a class 9b building under the *Building Code of Australia* for the purpose of a public meeting that is conducted so that there is no interference with the neighbourhood (as identified by clause 7 (2) (b) (iii) of this Policy).

11 Rural development

Development (like rural sheds, bore tripods, water tanks, stables and the like) on land zoned rural or non-urban or the like, but not on land zoned rural residential or the like, that is related to a permissible use if:

- (a) the structure is set back at least 10 metres from any boundary, and
- (b) the structure does not cover more than 300 square metres, and
- (c) the ground floor level of the structure is not greater than 1 metre from the natural ground level, and
- (d) the height of the structure does not exceed 10 metres, and
- (e) any spillage from chemicals or fuel stored within the structure will be caught by an adequately sized bund.

Schedule 4 Complying development in metropolitan Sydney

(Clause 9 (1) (a))

Use

Development standards

1 Bed and breakfast accommodation

The use of a lawfully existing house by its permanent residents for the temporary accommodation of visitors for commercial purposes.

- (a) A maximum of 3 guest bedrooms.
- (b) A minimum of 2 bathrooms.
- (c) A smoke detection system that complies with AS 3786-1993 *Smoke Alarms* and AS 3000-1991 *Electrical Installations—Buildings, structures and premises* (known as the SAA wiring rules) is in the house.
- (d) A fire extinguisher and fire blanket is in the kitchen.
- (e) Approval has been obtained from the owners corporation, or the community, precinct or neighbourhood association, if the house is subject to the *Strata Schemes Management Act 1996* or the *Community Land Management Act 1989*.

2 Commercial uses and building alterations

- (1) A change of a building use from a shop to an office, or from an office to a shop.
 - (2) Internal alterations (and any necessary demolition associated with the alterations).
- (a) No increase to the total floor area of the building.
 - (b) The total floor area involved is not more than 2000 square metres.
 - (c) If a change of building use, the new use must replace a former use carried out in accordance with a development consent.
 - (d) Complies with any existing development consent conditions.

3 Houses and extensions

- (1) Development on lots of more than 450 square metres but less than 1000 square metres in area consisting of:
 - (a) a detached single storey house (including single storey alterations and additions to detached single storey houses), or
 - (b) development related to detached single storey houses (for example, erection of carports and garages).
- Group A in this Schedule

- (2) Development in Urban Development Program areas identified by maps held in the offices of the Department of Urban Affairs and Planning consisting of:
- (a) a detached house up to two storeys (including single or two storey alterations and additions to detached two storey houses), or Group B in this Schedule
 - (b) development related to detached two storey houses (for example, erection of carports and garages).
- (3) Development on lots of 1000 square metres or more in area consisting of:
- (a) a detached house up to two storeys (including single or two storey alterations and additions to detached two storey houses), or Group C in this Schedule (for lots 1000 square metres or more, but not more than 2500 square metres)
Group D in this Schedule (for lots of more than 2500 square metres)
 - (b) development related to a detached house (for example, erection of carports and garages).
- (4) Demolition of any existing work or building on the site that is necessary to enable development in paragraph (1), (2) or (3) of this classification to be carried out.

4 Industrial and warehouse buildings

Development and use of an industrial building or warehouse (including alterations and additions) on land zoned industrial where its use is not for an actually or potentially hazardous or offensive industry, but is consistent with the classification of the building under the *Building Code of Australia*. Group E in this Schedule

5 Swimming pools

Development for the purpose of swimming pools (including coping, decking and fences related to the pool) on lots over 450 square metres in area if the pool will be related to a house occupied for private use only. Group F in this Schedule

Group A Single storey detached houses, including additions and alterations and related development on lots between 450 sq m and 1000 sq m

Streetscape

(1)

Each part of the structure:

- (a) complies with any relevant building line fixed by or under an environmental planning instrument or development control plan applying to the land, or
- (b) is set back at least 4 metres from the front boundary, except garages facing the street which are to be set back at least 5.5 metres from the front boundary, or is set back at least to the average of the minimum setbacks of any like structures on land on each side of the subject property, whichever is the greater.

(2)

Carports and garages facing a public street or accessway are not more than 6.3 metres wide or 50 percent of the width of the lot at the building line, whichever is the lesser.

(3)

Driveways are not less than 6 metres from a road intersection.

Energy efficiency

The house has at least a 3.5 star rating under the *House Energy Rating Scheme (NatHERS)*.

Bulk and scale

(1)

The maximum distance between ground floor level of the structure at any point and natural ground level is not more than 1 metre.

(2)

The height between a floor and the ceiling above is not more than 2.7 metres (except the garage).

(3)

The roof openings are parallel with the roof pitch and extend not more than 150mm outside the roof.

(4)

For at least 3 hours between 9 am and 5 pm on June 21 at least 50% of the neighbouring properties' main area of private open space is not in shadow, or where this standard cannot be met, no additional overshadowing occurs.

(5)

The external walls of the house are at least 900 millimetres from the side and rear boundaries and all related development is at least 450 millimetres from the side and rear boundaries.

Open space and landscaping

(1)

A minimum of 20 percent of the lot is soft landscaped at the rear of the lot, that is, not a hard surface.

(2)

Not more than one-third of the front yard is paved or sealed.

Group B Detached houses up to 2 storeys, including additions and alterations, and related development, in Urban Development Program Areas

Streetscape

(1)

Each part of the structure:

- (a) complies with any relevant building line fixed by or under an environmental planning instrument or development control plan applying to the land, or
- (b) is set back at least 4 metres from the front boundary, except garages facing the street which are to be set back at least 5.5 metres from the front boundary, or is set back at least to the average of the minimum setbacks of any like structures on land on each side of the subject property, whichever is the greater.

(2)

Carports and garages facing a public street or accessway are not more than 6.3 metres wide or 50 percent of the width of the lot at the building line, whichever is the lesser.

(3)

Driveways are not less than 6 metres from a road intersection.

Energy efficiency

The house has at least a 3.5 star rating under the *House Energy Rating Scheme (NatHERS)*.

Bulk and scale

(1)

The maximum distance between ground floor level of the structure at any point and natural ground level is not more than 1 metre.

(2)

The height between a floor and the ceiling above is not more than 2.7 metres (except the garage).

(3)

The roof openings are parallel with the roof pitch and extend not more than 150 mm outside the roof.

(4)

For at least 3 hours between 9 am and 5 pm on June 21 at least 50% of the neighbouring properties' main area of private open space is not in shadow, or where this standard cannot be met, no additional overshadowing occurs.

(5)

The external wall of each structure is:

- (i) at least 1350 mm from the side and rear boundaries where the house is two storeys, or
- (ii) at least 900 mm from the side and rear boundaries where the house is one storey, or
- (iii) at least 450 mm from the side and rear boundaries for all related development.

Open space and landscaping

(1)

A minimum of 20 percent of the lot is soft landscaped at the rear of the lot, that is, not a hard surface.

(2)

Not more than one-third of the front yard is paved or sealed.

Group C Detached houses up to 2 storeys, including alterations and additions, and related development, on lots between 1000 sq m and 2500 sq m

Streetscape

(1)

Each part of the structure:

- (a) complies with any relevant building line fixed by or under an environmental planning instrument or development control plan applying to the land, or
- (b) is set back at least 4 metres from the front boundary, except garages facing the street which are to be set back at least 5.5 metres from the front boundary, or is set back at least to the average of the minimum setbacks of any like structures on land on each side of the subject property, whichever is the greater.

(2)

Carports and garages facing a public street or accessway are not more than 6.3 metres wide or 50 percent of the width of the lot at the building line, whichever is the lesser.

(3)

Driveways are not less than 6 metres from a road intersection.

Energy efficiency

The house has at least a 3.5 star rating under the *House Energy Rating Scheme (NatHERS)*.

Bulk and scale

(1)

The maximum distance between ground floor level of the structure at any point and natural ground level is not more than 1 metre.

(2)

The height between a floor and the ceiling above is not more than 2.7 metres (except the garage).

(3)

The roof openings are parallel with the roof pitch and extend not more than 150mm outside the roof.

(4)

For at least 3 hours between 9 am and 5 pm on June 21 at least 50% of the neighbouring properties' main area of private open space is not in shadow, or where this standard cannot be met, no additional overshadowing occurs,

(5)

The external wall of each structure is:

- (i) at least 1350 mm from the side and rear boundaries where the house is two storeys, or
- (ii) at least 900 mm from the side and rear boundaries where the house is one storey, or
- (iii) at least 450 mm from the side and rear boundaries for all related development.

Open space and landscaping

A minimum of 50 percent of the lot is soft landscaped at the rear of the lot, that is, not a hard surface.

Group D Detached houses up to 2 storeys, including alterations and additions, and related development, on lots over 2500 sq m

Streetscape

(1)

Each part of the structure:

- (a) complies with any relevant building line fixed by or under an environmental planning instrument or development control plan applying to the land, or
- (b) is set back at least 15 metres from the front boundary or is set back at least to the average of the minimum setbacks of any similar structures on land on each side of the subject property, whichever is the greater.

(2)

Driveways are not less than 6 metres from a road intersection.

Energy efficiency

The house has at least a 3.5 star rating under the *House Energy Rating Scheme (NatHERS)*.

Bulk and scale

(1)

All structures are within an area of not more than 500 square metres (which can be made up of a number of smaller building areas).

(2)

The maximum distance between ground floor level of the structure at any point and natural ground level is not more than 1 metre.

(3)

The height between a floor and the ceiling above is not more than 2.7 metres (except the garage).

(4)

The roof openings are parallel with the roof pitch and extend not more than 150 mm outside the roof.

(5)

The external wall of each structure is at least 15 metres from the side and rear boundaries.

Open space and landscaping

A minimum of 50 percent of the lot must be soft landscaped at the rear of the lot, that is, not a hard surface.

Group E Industrial and warehouse buildings

Setbacks

(1)

Each part of the structure is set back not less than 5 metres from any boundary facing a road.

(2)

Driveways are not less than 6 metres from a road intersection.

Floor space ratio

The floor space ratio (ratio of the total floor space in all buildings to the site area) is not more than 1:1.

Building height

(1)

The height of any wall is not greater than 7.2 metres above ground level, excluding any parapet.

(2)

The site is not cut or filled so as to alter its level by more than by 1 metre.

Drainage

(1)

All roof and surface water is drained to a drainage system and then discharged into the council's nearest stormwater drainage system.

(2)

The drainage system is designed for a 1 in 20 year storm event, and so that any excess water will flow over land to the street.

Garbage and storage areas

Garbage and storage areas are on-site and behind the building line for the property.

Landscaping

(1)

A landscaped strip of at least 3 metres in width to each street frontage is planted with trees and shrubs.

(2)

The driveway has a maximum width of 7 metres.

Parking, loading and unloading

(1)

Car parking on-site is provided at the rate of at least one space for each 70 square metres of gross floor area, or one space for every 2 employees, whichever is the greater, and all spaces are separately accessible.

(2)

There is space for loading and unloading of vehicles within the site.

(3)

Driveway widths and turning circles on-site comply with Roads and Traffic Authority standards.

(4)

All vehicles can enter and leave the site in a forward manner.

Group F Swimming pools

Streetscape

The pool is not between the house and front boundary.

Bulk and scale

(1)

All coping or decking around the pool is not more than 750 millimetres above the natural ground level.

(2)

The pool is at least 1.5 metres from the side and rear boundaries.

Privacy and security

The noise level of any filtration equipment or pumps does not exceed 5 dBA above the ambient background level measured at the property boundary.

Open space and landscaping

A minimum of 20 percent of the lot must be soft landscaped, that is, not a hard surface.

Installation and construction

The installation and construction of the pool complies, where relevant, with:

- (a) AS/NZS 1838:1994 *Swimming pools—Premoulded fibre-reinforced plastics—Design and fabrication*, and AS/NZS 1839:1994 *Swimming pools—Premoulded fibre-reinforced plastics—Installation*, or
- (b) AS 2783-1992 *Use of reinforced concrete for small swimming pools*.

The pool and surrounding structures

The pool and surrounding structures comply with AS 1926.1-1993 *Fencing for swimming pools* and are located in accordance with the [Swimming Pools Act 1992](#).

Schedule 5 Complying development in regional NSW

(Clause 9 (1) (b))

Use

Outcomes

1 Bed and breakfast accommodation

The use of a lawfully existing house by its permanent residents for the temporary accommodation of visitors for commercial purposes.

- (a) A maximum of 3 guest bedrooms.
- (b) A minimum of 2 bathrooms.
- (c) A smoke detection system that complies with AS 3786-1993 *Smoke alarms* and AS 3000-1991 *Electrical Installations—Buildings, structures and premises* (known as the SAA wiring rules) is in the house.
- (d) A fire extinguisher and fire blanket is in the kitchen.
- (e) Approval has been obtained from the owners corporation, or the community, precinct or neighbourhood association, if the house is subject to the [Strata Schemes Management Act 1996](#) or the [Community Land Management Act 1989](#).

2 Commercial uses and building alterations

- (1) A change of building use from a shop to an office, or from an office to a shop.
 - (a) No increase to the total floor area of the building.
 - (b) The total floor area involved is not more than 2000 square metres.
- (2) Internal alterations (and any necessary demolition associated with the alterations).
 - (c) If a change of building use, the new use must replace a former use carried out in accordance with a development consent.
 - (d) Complies with any existing development consent conditions.

3 Houses and extensions

- (1) Development on lots of land in excess of 450 square metres zoned for urban purposes (residential, village or township or the like) consisting of:
 - (a) a detached single storey house (including single storey alterations and additions to a detached single storey houses), or Group A in this Schedule
 - (b) development related to a detached single storey house (for example, erection of carports and garages).
- (2) Development on lots of land in excess of 2500 square metres zoned for rural uses (rural or rural residential or the like) consisting of:
 - (a) a detached house up to two storeys (including alterations and additions to a detached house), or Group B in this Schedule
 - (b) development related to a detached house (for example, erection of carports and garages).
- (3) Demolition of any existing work or building on the site that is necessary to enable development in paragraph (1) or (2) of this classification to be carried out.

4 Industrial and warehouse buildings

Development and use of an industrial building or warehouse (including alterations and additions) on land zoned industrial where its use is not for an actually or potentially hazardous or offensive industry, but is consistent with the classification of the building under the *Building Code of Australia*. Group C in this Schedule

5 Swimming pools

Development for the purpose of swimming pools (including coping, decking and fences ancillary to the pool) on lots over 450 square metres in area if the pool will be related to a house occupied for private use only. Group D in this Schedule

Group A Single storey detached houses, including additions and alterations, and related development, in areas zoned for urban uses (residential, village or township or the like).

Minimum lot sizes for houses

The area of the lot is equal to or more than the relevant minimum lot standards specified in an environmental planning instrument applying to the land.

Streetscape

(1)

Each part of the structure:

- (a) complies with any relevant building line fixed by or under an environmental planning instrument or development control plan applying to the land, or
- (b) is set back at least 4 metres from the front boundary, except garages facing the street which are to be set back at least 5.5 metres from the front boundary, or is set back at least to the average of the minimum setbacks of any like structures on land on each side of the subject property, whichever is the greater.

(2)

Carports and garages facing a public street or laneway are not more than 6.3 metres wide or 50 percent of the width of the lot at the building line, whichever is the lesser.

Energy efficiency

The house has at least a 3.5 star rating under the *House Energy Rating Scheme (NatHERS)*.

Bulk and scale

(1)

The maximum distance between ground floor level of the structure at any point and natural ground level is not more than 1 metre (except where the house complies with any council policy relating to development in flood areas or the like).

(2)

The height between a floor and the ceiling above is not more than 2.7 metres (except the garage).

(3)

The roof openings are parallel with the roof pitch and extend not more than 150 millimetres outside of the roof.

(4)

For at least 3 hours between 9 am and 5 pm on June 21 at least 50% of the neighbouring properties' main area of private open space is not in shadow, or where this standard cannot be met, no further overshadowing occurs.

(5)

The external walls of the house are at least 900 millimetres from the side and rear boundaries and all related development is at least 450 millimetres from the side and rear boundaries.

Open space and landscaping

(1)

A minimum of 20 percent of the lot must be soft landscaped at the rear of the lot, that is, not a hard surface.

(2)

Not more than one-third of the front yard is to be paved or sealed.

Group B Detached houses up to 2 storeys, including alterations and additions, and related development, on lots zoned for rural uses (rural or rural residential or the like)

Minimum lot sizes for houses

The area of the lot is equal to or more than the relevant minimum lot standards specified in an environmental planning instrument applying to the land.

Streetscape

(1)

Each part of the structure:

- (a) complies with any relevant building line fixed by or under an environmental planning instrument or development control plan applying to the land, or
- (b) is set back at least 15 metres from the front boundary or is set back at least to the average of the minimum setbacks of any similar structures on land on each side of the subject property, whichever is the greater.

(2)

Driveways are not less than 6 metres from a road intersection.

Energy efficiency

The house has at least a 3.5 star rating under the *House Energy Rating Scheme (NatHERS)*.

Bulk and scale

(1)

All structures are within an area of not more than 1000 square metres (which can be made up of a number of smaller building areas).

(2)

The maximum distance between ground floor level of the structure at any point and natural ground level is not more than 1 metre (except where the house complies with any council policy relating to development in flood areas and the like).

(3)

The height between a floor and the ceiling above on any level is not more than 2.7 metres (except the garage).

(4)

The roof openings are parallel with the roof pitch and extend not more than 150 mm outside the roof.

(5)

The external wall of each structure is at least 15 metres from the nearest side and the rear boundaries.

Buffers

There is a minimum distance of 150 metres between the house and any land used for agricultural purposes that is not in the same ownership as the land on which the house is to be built.

Group C Industrial and warehouse buildings

Setbacks

Each part of the structure is set back at least 5 metres from any boundary facing a road.

Floor space ratio

The floor space ratio (ratio of the total floor space in all buildings to the site area) is not more than 1:1.

Building height

(1)

The height of any wall is not greater than 7.2 metres above ground level, excluding any parapet.

(2)

The site is not cut or filled so as to alter a level by more than by 1 metre.

Drainage

(1)

All roof and surface water is drained to a drainage system and then discharged into the council's nearest stormwater drainage system.

(2)

The drainage system is designed for a 1 in 20 year storm event, and so that any excess water will flow over land to the street.

Garbage and storage areas

Garbage and storage areas are on-site and behind the building line for the property.

Landscaping

(1)

A landscaped strip of at least 3 metres in width to each street frontage is planted with trees and shrubs.

(2)

The driveway has a maximum width of 7 metres.

Parking, loading and unloading

(1)

Car parking on-site is provided at the rate of at least one space for each 70 square metres of gross floor area, or one space for every 2 employees, whichever is the greater, and all spaces are separately accessible.

(2)

There is space for loading and unloading of vehicles within the site.

(3)

Driveway widths and turning circles on-site comply with Roads and Traffic Authority standards.

(4)

All vehicles can enter and leave the site in a forward manner.

Group D Swimming pools

Streetscape

The pool is not between the house and front boundary.

Bulk and scale

(1)

All coping or decking around the pool is not more than 750 millimetres above the natural ground level.

(2)

The pool is at least 1.5 metres from the nearest side and the rear boundaries.

Privacy and security

The noise level of any filtration equipment or pumps does not exceed 5 dBA above the ambient background level measured at the property boundary.

Open space and landscaping

A minimum of 20 percent of the lot must be soft landscaped, that is, not a hard surface.

Installation and construction

The installation and construction of the pool complies, where relevant, with:

- (a) AS/NZS 1838:1994 *Swimming pools—Premoulded fibre-reinforced plastics—Design and fabrication*, and AS/NZS 1839:1994 *Swimming pools—Premoulded fibre-reinforced plastics—Installation*, or
- (b) AS 2783-1992 *Use of reinforced concrete for small swimming pools*.

The pool and surrounding structures

The pool and surrounding structures comply with AS 1926.1-1993 *Fencing for swimming pools* and are located in accordance with the [Swimming Pools Act 1992](#).

Schedule 6 Conditions of complying development certificates in metropolitan Sydney

(Clause 10 (1))

Before you begin work

(1) Two days before any site works, building or demolition begins, the applicant must:

- (a) forward a *Notice of Commencement of Work and Appointment of Principal Certifying Authority* (Form 7 of the *Environmental Planning and Assessment Regulation 1994*) to the council, and
- (b) inform the adjoining owners in writing that work will commence.

(2) Before any site works, building or demolition begins, the applicant must:

- (a) notify the council of the name, address, phone number and licence number of the builder, and
- (b) erect a sign at the front of the property with the builder's name, licence number, site address and the number given by the council to the application for the complying development certificate, and
- (c) provide a temporary on-site toilet if access to existing toilets is not adequate, and
- (d) protect and support any neighbouring buildings and land, and
- (e) protect any public land or place from obstruction, inconvenience or damage due to the carrying out of the development, and
- (f) prevent any substance from falling onto any public land or place, and
- (g) pay any section 94 contributions if required by a contributions plan applying to the land, and
- (h) comply with any other conditions prescribed by the *Environmental Planning and*

Assessment Regulation 1994.

Note—

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

Site management

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

Demolition

- (5)** Any demolition works authorised by the certificate are to be carried out in accordance with AS 2601-1991—*The demolition of structures* and comply with any council policy on waste management.

Drainage

- (6)** The completed building is to have a drainage system so that:
- (a) the land surrounding any structure is graded to divert surface water to the street, and is clear of existing and proposed structures and adjoining premises, and
 - (b) if the water drains to the rear of the property, it is collected and drained via a gravity system to a council stormwater line or disposed of in a manner consistent with the council's soil and water management policy.

Hours of works

- (7)** Any building work must be carried out between 7.00 am and 6.00 pm Monday to Friday and 7.00 am to 5.00 pm Saturdays, but not on Sundays or public holidays.

Survey certificate

- (8)** A survey certificate must be given to the principal certifying authority, at the following stages:

- (a) before the concrete is poured for the ground floor slab or before the sub-floor formwork is completed, showing the location of the structure to the boundaries,
- (b) at completion of the lowest floor, confirming that levels are in accordance with the certificate (and those levels must relate to the datum on the certificate).

Site access

- (9)** If kerb and gutter is provided, driveways are to be a minimum of 500 millimetres clear of all drainage structures on the kerb and gutter and are not to interfere with the existing public utility infrastructure, including council drainage structures, unless prior approval is obtained from the relevant authority.
- (10)** If kerb and gutter is not provided, the access to the lot must be constructed using:
 - (a) a gravel vehicular entrance incorporating a 375 millimetre diameter stormwater pipe and concrete headwalls, or
 - (b) a 6 metre by 6 metre concrete slab dish drain.
- (11)** Driveways are to be constructed in accordance with any relevant requirements of AS 2890.1-1993 *Parking facilities Part 1: Off-street car parking*, with appropriate transition zones.

Certificate of compliance

- (12)** Before a building is occupied, a certificate of compliance, if required, must be obtained from the local water supply and sewer authority.

Schedule 7 Conditions of complying development certificates in regional NSW

(Clause 10 (2))

Before you begin work

- (1)** Two days before any site works, building or demolition begins, the applicant must:
 - (a) forward a *Notice of Commencement of Work and Appointment of Principal Certifying Authority* (Form 7 of the *Environmental Planning and Assessment Regulation 1994*) to the council, and
 - (b) inform the adjoining owners in writing that work will commence.
- (2)** Before any site works, building or demolition begins, the applicant must:
 - (a) notify the council of the name, address, phone number and licence number of the builder, and
 - (b) erect a sign at the front of the property with the builder's name, licence number,

site address and the number given by the council to the application for the complying development certificate, and

- (c) provide a temporary on-site toilet if access to existing toilets is not adequate, and
- (d) protect and support any neighbouring buildings and land, and
- (e) protect any public land or place from obstruction, inconvenience or damage due to the carrying out of the development, and
- (f) prevent any substance from falling onto any public land or place, and
- (g) pay any section 94 contributions if required by a contributions plan applying to the land, and
- (h) comply with any other conditions prescribed by the *Environmental Planning and Assessment Regulation*.

Note—

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

Site management

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

Demolition

- (5)** Any demolition works authorised by the certificate are to be carried out in accordance with AS 2601-1991 *The demolition of structures* and comply with any council policy on waste management.

Drainage

- (6)** The completed building is to have a drainage system so that:
 - (a) the land surrounding any structure is graded to divert surface water to the street,

and is clear of existing and proposed structures and adjoining premises, and

- (b) if the water drains to the rear of the property, it is collected and drained via a gravity system to a council stormwater line or disposed of in a manner consistent with the council's soil and water management policy.

Hours of works

- (7) Any building work must be carried out between 7.00 am and 6.00 pm Monday to Fridays, and 7 am to 5.00 pm Saturdays, but not on Sundays or public holidays.

Construction within boundaries

- (8) The owner of the property is to ensure that any structure is constructed:
 - (a) to meet the setback requirements of the approved plans, and
 - (b) to be located within the confines of the lot.
- (9) If the council has a policy requiring survey certificates, the owner is to comply with that policy during construction.

Site access

- (10) If kerb and gutter is provided, driveways are to be a minimum of 500 millimetres clear of all drainage structures on the kerb and gutter and are not to interfere with the existing public utility infrastructure, including council drainage structures, unless prior approval is obtained from the relevant authority.
- (11) If kerb and gutter is not provided, the access to the lot must be constructed using:
 - (a) a gravel vehicular entrance incorporating a 375 millimetre diameter stormwater pipe and concrete headwalls, or
 - (b) a 6 metre by 6 metre concrete slab dish drain.
- (12) Driveways are to be constructed in accordance with any relevant requirements of AS 2890.1-1993 *Parking facilities Part 1: Off-street car parking*, with appropriate transition zones.

Sewer and drainage approval

- (13) Before a building is occupied, an approval from the council (or the local water supply and sewer authority if not the council) must be obtained, if required, for the water and sewerage connection.