

State Environmental Planning Policy (Exempt and Complying Development Codes) 2008

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New South Wales

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Notes—

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New South Wales

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State Environmental Planning Policy (Exempt and Complying Development Codes) 2008



New South Wales

Part 1 General

Division 1 Preliminary

1.1 Name of Policy

This Policy is *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*.

1.2 Commencement

This Policy commences on 27 February 2009.

1.3 Aims of Policy

This Policy aims to provide streamlined assessment processes for development that complies with specified development standards by:

- (a) providing exempt and complying development codes that have State-wide application, and
- (b) identifying, in the General Exempt Development Code, types of development that are of minimal environmental impact that may be carried out without the need for development consent, and
- (c) identifying, in the complying development codes, types of complying development that may be carried out in accordance with a complying development certificate as defined in the Act, and
- (d) enabling the progressive extension of the types of development in this Policy, and
- (e) providing transitional arrangements for the introduction of the State-wide codes, including the amendment of other environmental planning instruments.

1.4 Land to which Policy applies

- (1) This Policy applies to the State, except as provided by this clause.
- (2) This Policy does not apply to land:
 - (a) to which *State Environmental Planning Policy (Kosciuszko National Park—Alpine Resorts) 2007* applies, and
 - (b) to which *State Environmental Planning Policy (Western Sydney Parklands) 2009* applies, and
 - (c) that is within 18km of the land owned by the Australian National University at Siding Spring.
- (3), (4) (Repealed)

1.4A (Repealed)

1.5 Interpretation—general

- (1) In this Policy:

Acid Sulfate Soils Map means a map in an environmental planning instrument that identifies land containing acid sulfate soil.

alternative solution has the same meaning as in the *Building Code of Australia*.

Note—

The term is defined as follows:

alternative solution means a **building solution** which complies with the **performance requirements** other than by reason of satisfying the **deemed-to-satisfy provisions** (where each of those terms is also defined in that document).

ancillary development means any of the following that are not exempt development under this Policy:

- (a) access ramp,
- (b) awning, blind or canopy,
- (c) balcony, deck, patio, pergola, terrace or verandah that is attached to a dwelling house,
- (d) carport that is attached to a dwelling house,
- (d1) detached studio,
- (e) driveway, pathway or paving,
- (f) fence or screen,

- (g) garage that is attached to a dwelling house,
- (h) outbuilding,
- (i) rainwater tank that is attached to a dwelling house,
- (j) retaining wall,
- (k) swimming pool or spa pool and child-resistant barrier.

ANEF contour, for an airport, means a noise exposure contour shown as an ANEF contour on any Noise Exposure Forecast Contour Map for that airport prepared by the Department of the Commonwealth responsible for airports.

articulation zone means an area within a lot within which building elements are or may be located, that consists of that part of the setback area from a primary road that is measured horizontally for a distance of 1.5m from:

- (a) the foremost edge of the building line, or
- (b) a gable or roof parapet having a surface area of more than 10m².

attached, in relation to a building or structure that is complying development, means not more than 900mm from another building or structure.

battle-axe lot means a lot that has access to a road by an access laneway.

boundary wall means a wall that has a setback of less than 150mm from the side or rear boundary of a lot.

building element has the meaning set out in the code in which it is used.

building height (or **height of building**), at any point of a building, means the vertical distance between that point at ground level (existing) and the highest point of the building immediately above that point, including plant and lift overruns, but excluding communication devices, antennae, satellite dishes, masts, flagpoles, chimneys, flues and the like.

building line means the line of an existing or proposed external wall or roof edge of a building (other than a wall or roof of any building element within an articulation zone), or the outside face of any existing or proposed ancillary development, closest to a boundary of a lot.

bush fire attack level-40 (BAL-40) has the same meaning as it has in AS 3959—2009, *Construction of buildings in bushfire-prone areas*.

class, in relation to a building or part of a building, has the same meaning as in the [Environmental Planning and Assessment Regulation 2000](#).

commercial premises means business premises, office premises or retail premises.

common wall means a wall shared between 2 properties.

community consultation means:

- (a) consultation with the community under section 57 of the Act, or
- (b) public exhibition under section 66 of the Act, as in force on 30 June 2009.

complying development code means any of the following codes:

- (a) the General Housing Code,
- (b) the Rural Housing Code,
- (c) the Housing Alterations Code,
- (d) the General Development Code,
- (e) the General Commercial and Industrial Code,
- (f) the Subdivisions Code,
- (g) the Demolition Code.

council means the council of a local government area and, in relation to a particular development, means the council of the local government area in which the development will be carried out.

Demolition Code means the code for complying development set out in Part 7.

detached, in relation to a building or structure that is complying development, means more than 900mm from another building or structure.

detached studio means ancillary development that is habitable and is:

- (a) established in conjunction with a dwelling house, and
- (b) on the same lot of land as the dwelling house, and
- (c) separate from the dwelling house.

draft heritage conservation area means an area of land identified as a heritage conservation area or place of Aboriginal heritage significance in a local environmental plan that has been subject to community consultation, other than an area that was consulted on before 1 March 2006, but has not been included in a plan before 27 February 2009.

draft heritage item means a building, work, archeological site, tree, place or aboriginal object identified as a heritage item in a local environmental plan that has

been subject to community consultation, other than an item that was consulted on before 1 March 2006, but has not been included in a plan before 27 February 2009.

dwelling house means a building containing one dwelling, an attached dwelling or a semi-detached dwelling, but does not include any part of the building that is ancillary development or exempt development under this Policy.

environmentally sensitive area means any of the following:

- (a) the coastal waters of the State,
- (b) a coastal lake,
- (c) land to which [State Environmental Planning Policy No 14—Coastal Wetlands](#) or [State Environmental Planning Policy No 26—Littoral Rainforests](#) applies,
- (d) land reserved as an aquatic reserve under the [Fisheries Management Act 1994](#) or as a marine park under the [Marine Parks Act 1997](#),
- (e) land within a wetland of international significance declared under the Ramsar Convention on Wetlands or within a World heritage area declared under the World Heritage Convention,
- (f) land within 100m of land to which paragraph (c), (d) or (e) applies,
- (g) land identified in this or any other environmental planning instrument as being of high Aboriginal cultural significance or high biodiversity significance,
- (h) land reserved under the [National Parks and Wildlife Act 1974](#) or land to which Part 11 of that Act applies,
- (i) land reserved or dedicated under the [Crown Lands Act 1989](#) for the preservation of flora, fauna, geological formations or for other environmental protection purposes,
- (j) land identified as being critical habitat under the [Threatened Species Conservation Act 1995](#) or Part 7A of the [Fisheries Management Act 1994](#).

excluded land identified by an environmental planning instrument means:

- (a) land identified by an environmental planning instrument as being any of the following:
 - (i) within a buffer area,
 - (ii) within a river front area,
 - (iii) within an ecologically sensitive area,
 - (iv) environmentally sensitive land,

- (v) within a protected area, or
- (b) land identified by an environmental planning instrument, a development control plan or a policy adopted by the council as being a coastal erosion hazard.

exempt development code means a code for exempt development set out in Part 2.

flame zone (BAL-FZ) has the same meaning as it has in AS 3959—2009, *Construction of buildings in bushfire-prone areas*.

flood control lot means a lot to which flood related development controls apply in respect of development for the purposes of dwelling houses, dual occupancies, multi dwelling housing or residential flat buildings (other than development for the purposes of group homes or seniors housing).

Note—

This information is a prescribed matter for the purpose of a certificate under section 149 (2) of the Act.

floor area, for a balcony, deck, patio, pergola, terrace or verandah referred to in Part 3, 3A or 4, means the area of the balcony, deck, patio, pergola, terrace or verandah, measured at the floor level, within the outer face of:

- (a) the external walls if the balcony, deck, patio, pergola, terrace or verandah is enclosed, or
- (b) the balustrade or other safety barrier if the balcony, deck, patio, pergola, terrace or verandah, is not enclosed.

floor area, for a dwelling house referred to in Part 3, 3A or 4, means the sum of the areas of each storey of the dwelling house and any carport, garage, balcony, deck, patio, pergola, terrace or verandah, measured at a height of 1.4m above each floor level, that is within the outer face of:

- (a) the external walls of the dwelling house, and
- (b) the walls of the carport, garage, balcony, deck, patio, pergola, terrace or verandah,

but does not include any of the following:

- (c) any part of an awning, blind or canopy that is outside the outer wall of a building,
- (d) the eaves,
- (e) a lift shaft,
- (f) a stairway,
- (g) a void above a lower storey.

floor area, for an outbuilding referred to in Part 3, 3A or 4, means the sum of the areas of each storey of the outbuilding, measured at a height of 1.4m above each floor level, within the outer face of:

- (a) the external walls of the outbuilding if it is enclosed, or
- (b) the supporting columns or posts of the outbuilding if it is not enclosed,

but does not include any of the following:

- (c) any part of an awning, blind or canopy that is outside the outer wall of a building,
- (d) the eaves,
- (e) a stairway.

foreshore area means the land between a foreshore building line and the mean high water mark of an adjacent waterbody (natural).

foreshore building line means the foreshore building line identified by:

- (a) a development control plan adopted before 12 December 2008, or
- (b) an environmental planning instrument.

General Commercial and Industrial Code means the code for complying development set out in Part 5.

General Development Code means the code for complying development set out in Part 4A.

General Exempt Development Code means the code for exempt development set out in Division 1 of Part 2.

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

habitable room has the same meaning as in the *Building Code of Australia*.

Note—

The term is defined as a room used for normal domestic activities, other than a bathroom, laundry, toilet, pantry, walk in wardrobe, hallway, lobby, clothes drying room or other space of a specialised nature that is not occupied frequently or for extended periods.

hard stand space means an area of concrete, paving or other hard material at ground level designed solely for parking a motor vehicle.

heritage conservation area means an area of land identified as a heritage conservation area or a place of Aboriginal heritage significance, including any heritage items situated on or within that area, in an environmental planning instrument.

heritage item means a building, work, archaeological site, tree, place or Aboriginal

object identified as a heritage item in an environmental planning instrument.

Housing Alterations Code means the code for complying development set out in Part 4.

lane means a public road, with a width greater than 3m but less than 7m, that is used primarily for access to the rear of premises, and includes a nightsoil lane.

off peak time means any time other than peak time.

outbuilding means any of the following:

- (a) balcony, deck, patio, pergola, terrace or verandah that is detached from a dwelling house,
- (b) cabana, cubby house, fernery, garden shed, gazebo or greenhouse,
- (c) carport that is detached from a dwelling house,
- (d) farm building,
- (e) garage that is detached from a dwelling house,
- (f) rainwater tank (above ground) that is detached from a dwelling house,
- (g) shade structure that is detached from a dwelling house,
- (h) shed.

parallel road means, in the case of a lot that has boundaries with parallel roads, the road that is not the primary road.

peak time means:

- (a) the time between 8:00 am and 10:00 pm on any Saturday, Sunday or public holiday, or
- (b) the time between 7:00 am and 10:00 pm on any other day.

primary road means the road to which the front of a dwelling house, or a main building, on a lot faces or is proposed to face.

privacy screen means a screen that:

- (a) faces a boundary, and
- (b) is 1.5m high, measured from the floor level, and
- (c) has no individual opening more than 30mm wide, and
- (d) has a total area of all openings that is less than 30 per cent of the surface area of

the screen.

professional engineer has the same meaning as in the *Building Code of Australia*.

Note—

The term is defined as a person who is:

- (a) if legislation is applicable—a registered *professional engineer* in the relevant discipline who has appropriate experience and competence in the relevant field, or
- (b) if legislation is not applicable:
 - (i) a Corporate Member of the Institution of Engineers, Australia, or
 - (ii) eligible to become a Corporate Member of the Institution of Engineers, Australia, and has appropriate experience and competence in the relevant field.

residential zone means Zone R1, R2, R3, R4 or R5.

Rural Housing Code means the code for complying development set out in Part 3A.

rural zone means Zone RU1, RU2, RU3, RU4, RU5 or RU6.

secondary road means, in the case of a corner lot that has boundaries with adjacent roads, the road that is not the primary road.

setback means the horizontal distance between the relevant boundary of the lot and the building line.

setback area means the area between the building line and the relevant boundary of the lot.

site coverage, for development, does not include any of the following:

- (a) an access ramp,
- (b) any part of an awning, blind or canopy that is outside the outer wall of a building,
- (c) a balcony, deck, patio, pergola, terrace or verandah attached to the dwelling house that is not enclosed by a wall higher than 1.4m above the floor level,
- (d) the eaves,
- (e) a driveway,
- (f) a farm building,
- (g) a fence or screen,
- (h) a pathway or paving,
- (i) a rainwater tank that is attached to the dwelling house,

(j) a swimming pool or spa pool.

Standard Instrument means the standard local environmental planning instrument prescribed by the [Standard Instrument \(Local Environmental Plans\) Order 2006](#).

Subdivisions Code means the code for complying development set out in Part 6.

the Act means the [Environmental Planning and Assessment Act 1979](#).

- (2) A word or expression used in this Policy has the same meaning as it has in the Standard Instrument unless it is otherwise defined in this Policy.
- (3) A reference in this Policy to a code is a reference to a code set out in a Part of this Policy.
- (4) A reference in this Policy to a type of building or other thing is a reference to development for the purposes of that type of building or other thing.
- (5) Notes included in this Policy do not form part of this Policy.

1.6 Interpretation—references to land use zones

- (1) A reference in this Policy to a lot or to land in a named land use zone is a reference:
 - (a) to land that, under an environmental planning instrument made as provided by section 33A (2) of the Act, is in a land use zone specified in the Standard Instrument, and
 - (b) to land that, under an environmental planning instrument that is not made as provided by section 33A (2) of the Act, is in a land use zone in which equivalent land uses are permitted to those permitted in the named land use zone.
- (1A) Land identified as “Deferred matter” on the [Land Application Map](#) within the meaning of [Warringah Local Environmental Plan 2011](#) is, for the purposes of this Policy, taken to be in Zone E3 Environmental Management.
- (2) In this clause:

equivalent land uses, in relation to land in a named land use zone, means uses equivalent to the permitted land uses shown opposite that named land use zone in the table to this clause.
- (3) If the Director-General, by order published in the Gazette, determines that a land use zone in a specified environmental planning instrument that is not made as provided by section 33A (2) of the Act is a land use zone in which equivalent land uses are permitted to those permitted in a named land use zone, that certification is conclusive for the purposes of this clause.

Named land use zone	Permitted land uses
RU1 Primary Production	Primary production, including agriculture and a diverse range of primary industry enterprises
RU2 Rural Landscape	Compatible rural land uses, including extensive agriculture
RU3 Forestry	Forestry land uses and other development compatible with forestry land uses
RU4 Rural Small Holdings	Compatible rural land uses, including extensive agriculture on small rural lots
RU5 Village	Dwelling houses, business and retail premises and associated uses and facilities in a rural village setting
R1 General Residential	Residential accommodation of various types and densities and associated services and facilities
R2 Low Density Residential	Generally low density dwellings with associated services and facilities
R3 Medium Density Residential	Mix of medium density dwellings with associated services and facilities
R4 High Density Residential	High density dwellings including residential flat buildings with associated services and facilities
R5 Large Lot Residential	Dwelling houses on large residential lots in a rural setting
B1 Neighbourhood Centre	Small scale business and retail premises, community facilities and shop top housing in a neighbourhood centre
B2 Local Centre	Business and retail premises, entertainment and community facilities and shop top housing in a local centre
B3 Commercial Core	Large scale business, office and retail premises and community and entertainment facilities in a major centre
B4 Mixed Use	A variety of business, office and retail premises, community and entertainment facilities and associated uses

B5 Business Development	Large floor area business uses, including warehouse or distribution centres, and specialised retail premises in areas that are close to, and support the viability of, centres
B6 Enterprise Corridor	Business premises, office premises, retail premises and light industries, warehouse or distribution centres and associated facilities along a main road, residential uses only as part of a mixed use development
B7 Business Park	Office premises and light industries, that encourage employment opportunities, together with associated facilities and services
B8 Metropolitan Centre	Large scale business, office and retail premises, public administration buildings, community and entertainment facilities, education establishments, health services and tourism accommodation
IN1 General Industrial	Depots, freight transport facilities, industries, neighbourhood shops and warehouse or distribution centres in a general industrial setting
IN2 Light Industrial	Depots, light industries, neighbourhood shops and warehouse or distribution centres in a light industrial setting
IN3 Heavy Industrial	Depots, freight transport facilities and heavy industries, including hazardous and offensive industries and storage establishments in a heavy industrial setting
IN4 Working Waterfront	Waterfront industrial and maritime activities, including boat launching ramps, boat repair facilities, jetties and light industries

1.7 Maps

- (1) A reference in this Policy to a named map adopted by this Policy is a reference to a map by that name:
- (a) approved by the Minister when the map is adopted, and
 - (b) as amended or replaced from time to time by maps declared by environmental planning instruments to amend or replace that map, and approved by the Minister when the instruments are made.

- (2) Any 2 or more named maps may be combined into a single map. In that case, a reference in this Policy to any such named map is a reference to the relevant part or aspect of the single map.
- (3) Any such maps are to be kept and made available for public access in accordance with arrangements approved by the Minister.
- (4) For the purposes of this Policy, a map may be in, and may be kept and made available in, electronic or paper form, or both.
- (5) This clause does not apply to an Acid Sulfate Soils Map.

1.8 Relationship with other State environmental planning policies

Note

This clause is subject to section 36 (4) of the Act.

- (1) If this Policy and any other State environmental planning policy, whether made before or after the commencement of this Policy, specify the same development, as either exempt development or complying development, the other Policy does not apply to that development, except as provided by subclauses (2)–(4).
- (2) If this Policy and *State Environmental Planning Policy (Infrastructure) 2007* specify the same development as either exempt or complying development, this Policy does not apply to that development if:
 - (a) the development is carried out by a person who may carry out the development under *State Environmental Planning Policy (Infrastructure) 2007*, and
 - (b) in the case of development for the purposes of the construction or installation of an aerial or antenna—the aerial or antenna is for use for some purpose other than:
 - (i) receiving television or radio signals, or
 - (ii) in connection with community band or two-way radio (or any combination of these uses), or
 - (iii) any combination of the uses referred to in subparagraphs (i) and (ii), and
 - (c) in the case of development for the purposes of the construction or installation of a radio or satellite communications dish—the dish is for use for some purpose other than receiving television or radio signals (or both).
- (3) If this Policy and *State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007* specify the same development as either exempt or complying development, this Policy does not apply to that development.
- (4) If this Policy specifies development as either exempt or complying development and a

provision in *State Environmental Planning Policy (Sydney Region Growth Centres) 2006* or *State Environmental Planning Policy No 60—Exempt and Complying Development* specifies the same development as complying development, the other policy ceases to apply to that development on 1 September 2012.

- (4A) If this Policy and *State Environmental Planning Policy (Affordable Rental Housing) 2009* specify the same development as either exempt or complying development, this Policy does not apply to that development.
- (5) For the avoidance of doubt, each policy identified in subclause (4) continues to apply to the development until 1 September 2012.
- (6) If another State environmental planning policy specifies exempt development or complying development that is not the same as development specified as either exempt development or complying development in this Policy, this Policy does not affect the operation of that other Policy.

Note—

The *Environmental Planning and Assessment Regulation 2000* specifies that a person must refer to the environmental planning instrument under which the development is complying development in an application for a complying development certificate.

1.9 Relationship with local environmental plans and development control plans

- (1) **Exempt or complying development under this Policy and standard plans** A standard plan does not apply to development that is specified in the plan as exempt development or complying development and that is specified in this Policy as exempt development or complying development.
- (2) **Exempt development under this Policy and non-standard plans** If this Policy and a non-standard plan specify the same development as exempt development, the non-standard plan does not apply to that development.
- (3) **Subclause (2) not to apply in relation to land in Bathurst Regional** Despite subclause (2), if this Policy and *Bathurst Regional (Interim) Local Environmental Plan 2005* specify the same development as exempt development, that Plan continues to apply to that development.
- (4) **Complying development under this Policy and non-standard plans** If this Policy and a non-standard plan specify the same development as complying development, the non-standard plan continues to apply to that development.
- (5) **Subclause (4) not to apply in relation to land in Kiama or Wyong** Despite subclause (4), if this Policy and a non-standard plan that applies to land in the local government area of Kiama or Wyong specify the same development as complying development, that plan does not apply to that development.

- (6) **Complying development under this Policy and exempt development under non-standard plan** If this Policy specifies development as complying development and a non-standard plan specifies the same development as exempt development, the non-standard plan does not apply to that development.
- (7) **Exempt development under this Policy and complying development under non-standard plan** If this Policy specifies development as exempt development and a non-standard plan specifies the same development as complying development, the non-standard plan continues to apply to that development.
- (8) **Subclause (7) not to apply in relation to land in Kiama and Wyong** Despite subclause (7), if this Policy specifies development as exempt development and a non-standard plan that applies to land in the local government area of Kiama or Wyong specifies the same development as complying development, that plan does not apply to that development.
- (9) **Additional exempt and complying development under standard and non-standard plans** If a standard plan or non-standard plan specifies exempt development or complying development that is not the same as development specified as either exempt development or complying development in this Policy, this Policy does not affect the operation of that plan in relation to that development.
- (10) If a provision of this clause provides for a plan to continue to apply to development, that development may be carried out under this Policy or under the plan.

Note—

The [Environmental Planning and Assessment Regulation 2000](#) specifies that a person must refer to the environmental planning instrument under which the development is complying development in an application for a complying development certificate.

- (11) In this clause:

non-standard plan means a local environmental plan (whether made before or after the commencement of this Policy) that has not been made as provided by section 33A (2) of the Act and a deemed environmental planning instrument and includes a development control plan adopted for the purposes of the plan or instrument.

standard plan means a local environmental plan (whether made before or after the commencement of this Policy) that has been made as provided by section 33A (2) of the Act and includes a development control plan adopted for the purposes of the plan.

1.10 Same development

- (1) For the purposes of this Policy, 2 or more instruments are taken to specify the same development if they specify that development for the same purpose may be carried out on the same land, even though there may be some differences in the specifications or development standards for that development.

Note—

For example, “deck” is a development, even if the size of the deck or its location varies in different local environmental plans or development control plans.

- (2) The Director-General may certify in writing, for the purpose of this Policy, that 2 or more instruments do, or do not, specify the same development and any such certificate has effect according to its tenor.
- (3) Notice of any certification by the Director-General under subclause (2) must be published in the Gazette.

1.11 Amendment of environmental planning instruments

The environmental planning instruments specified in Schedule 1 are amended as set out in that Schedule.

1.12 Variations to certain codes

- (1) The General Exempt Development Code is varied, in relation to the land described or otherwise identified on a map specified in Column 1 of the Table to Schedule 2, in the manner described opposite that land in Column 2.
- (2) The General Housing Code and the Rural Housing Code are varied, in relation to the land described or otherwise identified on a map specified in Column 1 of the Table to Schedule 3, in the manner described opposite that land in Column 2.
- (3) If the General Exempt Development Code, the General Housing Code or the Rural Housing Code is varied because of the application of subclause (1) or (2) in relation to land, any provision of an existing local environmental plan or development control plan that would have applied to that land, but for clause 1.9, does not apply to that land.

1.13 Savings provision relating to pending applications

A development application or an application for a complying development certificate that has been made but not finally determined before the commencement of this Policy, or an amendment to this Policy, must be determined as if this Policy or the amendment had not commenced.

1.14 Review of Policy

The Minister must ensure that the provisions of this Policy are reviewed at least every 5 years after its commencement.

Division 2 Exempt and complying development

1.15 What development is exempt development?

- (1) Development that is specified in an exempt development code that meets the standards specified for that development and that complies with the requirements of

this Division for exempt development is exempt development for the purposes of this Policy.

- (2) For the purposes of subclause (1), development that is specified includes any specified limitations as to the land on which that development may be carried out.

Note—

Under section 76 of the Act, exempt development may be carried out without the need for development consent under Part 4 of the Act or for assessment under Part 5 of the Act.

The section states that exempt development:

- (a) must be of minimal environmental impact, and
- (b) 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
- (c) cannot be carried out in a wilderness area (identified under the [Wilderness Act 1987](#)).

1.16 General requirements for exempt development

- (1) To be exempt development for the purposes of this Policy, the development:
- (a) must meet the relevant deemed-to-satisfy provisions of the *Building Code of Australia*, or if there are no such relevant provisions, must be structurally adequate, and
 - (b) must not, if it relates to an existing building, cause the building to contravene the *Building Code of Australia*, and
 - (c) must not be designated development, and

Note—

Designated development is defined in section 77A of the Act as development that is declared to be designated development by an environmental planning instrument or the regulations.

- (d) must not be carried out on land that comprises, or on which there is, an item that is listed on the State Heritage Register under the [Heritage Act 1977](#) or that is subject to an interim heritage order under the [Heritage Act 1977](#).
- (2) Development that relates to an existing building that is classified under the *Building Code of Australia* as class 1b or class 2-9 is exempt development for the purposes of this Policy only if:
- (a) the building has a current fire safety certificate or fire safety statement, or
 - (b) no fire safety measures are currently implemented, required or proposed for the building.
- (3) To be exempt development for the purposes of this Policy, the development must:

- (a) be installed in accordance with the manufacturer's specifications, if applicable, and
- (b) not involve the removal or pruning of a tree or other vegetation that requires a permit or development consent for removal or pruning, unless that removal or pruning is undertaken in accordance with a permit or development consent.

Note—

A permit for the removal or pruning of a tree or other vegetation may be granted under a local environmental plan. A development consent for the removal of native vegetation may be granted under the [Native Vegetation Act 2003](#).

- (4) (Repealed)

1.17 What development is complying development?

- (1) Development that is specified in a complying development code that meets the standards specified for that development and that complies with the requirements of this Division for complying development is complying development for the purposes of this Policy.
- (2) For the purposes of subclause (1), development that is specified includes any specified limitations as to the land on which that development may be carried out.

1.17A Requirements for complying development for all environmental planning instruments

To be complying development for the purposes of any environmental planning instrument, the development must not:

- (a) be development for which development consent cannot be granted except with the concurrence of a person other than:
 - (i) the consent authority, or
 - (ii) the Director-General of the Department of Environment, Climate Change and Water as referred to in section 79B (3) of the Act, or
- (b) be on land that is critical habitat, or
- (c) be on land that is, or is part of, a wilderness area (within the meaning of the [Wilderness Act 1987](#)), or
- (d) be on land that comprises, or on which there is, an item of environmental heritage:
 - (i) that is subject to an interim heritage order under the [Heritage Act 1977](#), or that is listed on the State Heritage Register under that Act, or
 - (ii) that is identified as such an item in an environmental planning instrument, or

- (e) be on land that is within an environmentally sensitive area.

1.18 General requirements for complying development for this Policy

- (1) To be complying development for the purposes of this Policy, the development must:
 - (a) not be exempt development under this Policy, and
 - (b) be permissible, with consent, in the land use zone in which it is carried out, and
 - (c) meet the relevant provisions of the *Building Code of Australia*, and
 - (d) before the complying development certificate is issued, have an approval, if required by the *Local Government Act 1993*, for:
 - (i) an on-site effluent disposal system if the development is undertaken on unsewered land, and
 - (ii) an on-site stormwater drainage system, and
 - (e) before the complying development certificate is issued, have written consent from the relevant roads authority, if required by the *Roads Act 1993*:
 - (i) for each opening of a public road required by the development, and
 - (ii) to operate or store machinery, materials or waste required by the development on a road or footpath reserve, and
 - (f) if it is the alteration or erection of improvements on land in a mine subsidence district within the meaning of the *Mine Subsidence Compensation Act 1961*, have the prior approval of the Mine Subsidence Board, and

Note—

Information about mine subsidence is information that is a prescribed matter for the purpose of a planning certificate under section 149 (2) of the Act.

- (g) not be the construction or installation of a skylight or roof window on land to which *Orana Regional Environmental Plan No 1—Siding Spring* applies, and
- (h) if it involves the removal or pruning of a tree or other vegetation that requires a permit or development consent to which clause 3.6A or 3A.7 does not apply, before the complying development certificate is issued, have a permit or development consent for that removal or pruning.

Note—

A permit for the removal or pruning of a tree or other vegetation may be granted under a local environmental plan. A development consent for the removal of native vegetation may be granted under the *Native Vegetation Act 2003*. Paragraph (h) may not apply to certain trees or vegetation near complying development under Part 3 (see clauses 3.6A and 3A.7).

- (2) The erection of a new dwelling house or an addition to a dwelling house on land in the

20-25 ANEF contours is complying development for this Policy, if the development is constructed in accordance with AS 2021—2000, *Acoustics—Aircraft noise intrusion—Building siting and construction*.

- (3) A complying development certificate for complying development under this Policy is subject to the conditions specified in this Policy in respect of that development.

Note—

Clause 136A of the *Environmental Planning and Assessment Regulation 2000* requires a complying development certificate to be issued subject to the conditions specified in that clause.

1.19 Land on which exempt development and complying development may not be carried out

- (1) **General land exemptions** To be exempt development or complying development, the development must not be carried out on land that is an environmentally sensitive area.
- (1A) Development specified in the General Exempt Development Code is not exempt development under that code if it is carried out on land described or otherwise identified on a map specified in Schedule 4.
- (1B) Development specified in the General Housing Code is not complying development under that code if it is carried out on land described or otherwise identified on a map specified in Schedule 5.
- (1C) Subclause (1B) ceases to have effect on 30 November 2015 in relation to land in the local government area of Mosman identified on any map specified in Schedule 5.
- (2) The general land exemptions set out in clause 1.17A and subclauses (3) and (4) apply to complying development specified for the following codes:
- (a) the General Housing Code,
 - (b) the Rural Housing Code,
 - (c) the Housing Alterations Code,
 - (d) the General Development Code,
 - (e) the General Commercial and Industrial Code,
 - (f) the Subdivisions Code,
 - (g) the Demolition Code.
- (3) To be complying development, the development must not be carried out on land that comprises, or on which there is, a draft heritage item.

- (4) If only a part of a lot is land to which this clause applies, complying development must not be carried out on any part of that lot.
- (5) Despite subclause (4), if land is part of a lot to which the Rural Housing Code applies, complying development may be carried out on the part of the lot to which this clause does not apply.
- (6) **Specific land exemptions for General Housing Code and Rural Housing Code** To be complying development specified for the General Housing Code or the Rural Housing Code, the development must not be carried out on:
 - (a) land within a heritage conservation area or a draft heritage conservation area, unless the development is a detached outbuilding or swimming pool, or
 - (b) land that is reserved for a public purpose in an environmental planning instrument, or
 - (c) land identified on an *Acid Sulfate Soils Map* as being Class 1 or Class 2, or
 - (d) land that is subject to a biobanking agreement under Part 7A of the *Threatened Species Conservation Act 1995* or a property vegetation plan under the *Native Vegetation Act 2003*, or
 - (e) excluded land identified by an environmental planning instrument, or
 - (f) land in a foreshore area, or
 - (g) land that is in the 25 ANEF contour or a higher ANEF contour, unless the development is only for the erection of ancillary development, the alteration of or an addition to ancillary development or the alteration of a dwelling house, or
 - (h) unsewered land:
 - (i) to which *State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011* applies, or
 - (ii) in any other drinking water catchment identified in any other environmental planning instrument, or
 - (i) land that is declared to be a special area under the *Sydney Water Catchment Management Act 1998*.
- (7) **Specific land exemptions for Housing Alterations Code and General Development Code** To be complying development specified for the Housing Alterations Code and General Development Code, the development must not be carried out on unsewered land:
 - (a) to which *State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011* applies, or

- (b) in any other drinking water catchment identified in any other environmental planning instrument.

Part 2 Exempt Development Codes

Note 1—

Schedule 2 contains the variations to this code.

Note 2—

A person may carry out development specified in this code without obtaining development consent from a consent authority if the person complies with the development standards that apply to the development (which includes the deemed-to-satisfy provisions of the *Building Code of Australia*).

In addition to the requirements specified for development under this code, adjoining owners' property rights, the applicable common law and other legislative requirements for approvals, licences, permits and authorities still apply. For example, requirements relevant to development in this code may be contained in the Act, the *Environmental Planning and Assessment Regulation 2000*, various State environmental planning policies, the *Protection of the Environment Operations Act 1997*, the *Roads Act 1993*, the *Swimming Pools Act 1992* and Acts applying to various infrastructure authorities. If the development is in proximity to infrastructure, including water, stormwater and sewer mains, electricity power lines and telecommunications facilities, the relevant infrastructure authority should be contacted before commencing the development.

Division 1 General Exempt Development Code

Subdivision 1 Access ramps

2.1 Specified development

The construction or installation of an access ramp is development specified for this code.

2.2 Development standards

The standards specified for that development are that the development must:

- (a) be not more than 1m above ground level (existing), and
- (b) be located at least 450mm from each side boundary and the rear boundary, and
- (c) not interfere with the functioning of existing drainage fixtures or the natural surface flow of water, and
- (d) if it is located on bush fire prone land and is less than 5m from a dwelling—be constructed of non-combustible material, and
- (e) if it is constructed or installed on or in a heritage item or a draft heritage item or in a heritage conservation area or a draft heritage conservation area—be located in the rear yard.

Note—

See AS 1428.1—2009, *Design for access and mobility—General requirements for access—New building work* and the *Disability (Access to Premises—Buildings) Standards 2010* under the *Disability Discrimination Act 1992* of the Commonwealth which specifies the design requirements for new building work to provide access for people with

disabilities.

Subdivision 2 Aerials and antennae

2.3 Specified development

The construction or installation of an aerial or antenna, including a microwave antennae, is development specified for this code if:

- (a) it is only for the purpose of receiving television or radio signals or for use in connection with community band or two-way radio (or any combination of these uses), and
- (b) it is not constructed or installed on or in a heritage item or a draft heritage item.

Note—

See separate entry for communication dishes.

2.4 Development standards

- (1) The standards specified for that development are that the development must:
 - (a) (Repealed)
 - (b) be located at least 900mm from each lot boundary, and
 - (c) if it is roof mounted—be not higher than 1.8m above the highest point of the roof, and
 - (d) if it is not roof mounted:
 - (i) be not higher than 1.8m above the highest point of the roof of any dwelling, bulky goods premises, commercial premises, premises used for light industry or warehouse or distribution centre located on the lot, and
 - (ii) if it is not on land in Zone RU1, RU2, RU3 or RU4—be located in the rear yard.
- (2) There must be not more than 1 development:
 - (a) per lot if there is a dwelling on the lot, or
 - (b) per lot or per each separate occupation of premises on the lot, whichever is the greater, in any other case.

Note—

There are other existing legislative requirements relating to the clearance of power lines and Obstacle Limitation Surfaces near airport flight paths.

Subdivision 3 Air-conditioning units

2.5 Specified development

The construction or installation of an air-conditioning unit is development specified for this code.

Note—

For evaporative cooling units see clause 2.30A.

2.6 Development standards

- (1) The standards specified for that development, if for domestic purposes only, are that the development must:
 - (a) not be located on the wall or roof of a building that faces the primary road, or forward of the building line to the primary road, and
 - (b) be located at least 450mm from each lot boundary, and
 - (c) subject to paragraph (g), be attached to the external wall of a building or ground mounted, and
 - (d) be not higher than 1.8m above ground level (existing), and
 - (e) not involve work that reduces the structural integrity of the building, and
 - (f) not reduce the existing fire resistance level of a wall, and
 - (f1) be designed so as not to operate:
 - (i) during peak time—at a noise level that exceeds 5 dB(A) above the ambient background noise level measured at any property boundary, or
 - (ii) during off peak time—at a noise level that is audible in habitable rooms of adjoining residences, and
 - (g) if it is constructed or installed on or in a heritage item or a draft heritage item—not be wall mounted, and
 - (h) if it is constructed or installed in a heritage conservation area or a draft heritage conservation area—be located in the rear yard.
- (1A) The standards specified for that development, if for purposes other than domestic purposes only, are that the development must:
 - (a) not be located on the wall or roof of a building that faces the primary road, or forward of the building line to the primary road, and
 - (b) not be built into any external wall unless the development is more than 3m from

- each side and rear boundary and 6m from any other building on the lot, and
 - (c) not involve work that reduces the structural integrity of the building, and
 - (d) not reduce the existing fire resistance level of a wall or roof, and
 - (d1) be designed so as not to operate:
 - (i) during peak time—at a noise level that is more than 5 dB(A) above the ambient background noise level measured at any property boundary, or
 - (ii) during off peak time—at a noise level that is audible in habitable rooms of adjoining residences, and
 - (e) if it is constructed or installed on or in a heritage item or draft heritage item—not be wall mounted, and
 - (f) if it is constructed or installed in a heritage conservation area or a draft heritage conservation area—be located behind the building line of any road frontage.
- (2) Any opening created by the construction or installation of the development must be adequately waterproofed.

Note—

For further information about noise control see the *Noise Guide for Local Government* (ISBN 978 1 74232 942 0) published by the Department of Environment, Climate Change and Water NSW in October 2010.

Subdivision 3A Animal shelters

2.6A Specified development

The construction or installation of an animal shelter is development specified for this code if it is not constructed or installed on land in a foreshore area.

2.6B Development standards

- (1) The standards specified for that development, when it is not a stable for the keeping of horses in Zone RU1, RU2, RU3 or RU4, are that the development must:
- (a) be for domestic purposes only, and
 - (b) not have a floor area of more than 10m², and
 - (c) be not higher than 1.8m above ground level (existing), and
 - (d) if it is not on land in Zone RU1, RU2, RU3 or RU4—be located behind the building line of any road frontage, and
 - (e) be located at least 450mm from each side and rear boundary, and

- (f) if roofed—be constructed or installed so that roofwater is disposed of into an existing stormwater drainage system, and
 - (g) to the extent it is comprised of metal components—be constructed of low reflective, factory pre-coloured materials and have an impervious floor, and
 - (h) if it is located on bush fire prone land and is less than 5m from a dwelling—be constructed of non-combustible material, and
 - (i) if it is constructed or installed on or in a heritage item or a draft heritage item, or in a heritage conservation area or a draft heritage conservation area—be located in the rear yard.
- (2) There must not be more than 2 developments per lot for development referred to in subclause (1).
- (3) The standards specified for that development when it is a stable for the keeping of horses in Zone RU1, RU2, RU3 or RU4 are that the development must:
- (a) be for domestic purposes only, and
 - (b) not have a floor area of more than 50m², and
 - (c) be not higher than 3m above ground level (existing), and
 - (d) be located at least 20m from any road boundary and 5m from every other lot boundary, and
 - (e) be located at least 30m from any dwelling on an adjoining lot, and
 - (f) if roofed—be constructed or installed so that roof water is disposed of on site, without causing a nuisance to adjoining owners, and
 - (g) if it is in Zone RU4 and to the extent it is comprised of metal components—be constructed of low reflective, factory pre-coloured materials, and
 - (h) have an impervious floor, and
 - (i) if it is located on bush fire prone land and is less than 5m from a dwelling—be constructed of non-combustible material.
- (4) There must not be more than 1 development per lot for development referred to in subclause (3).

Subdivision 3B Automatic teller machines

2.6C Specified development

The construction or installation of an automatic teller machine is development specified

for this code.

2.6D Development standards

The standards specified for that development are that the development must be located inside, and only be accessible from within, existing bulky goods premises or commercial premises.

Subdivision 4 Aviaries

2.7 Specified development

The construction or installation of an aviary is development specified for this code if it is not constructed or installed on land in a foreshore area.

2.8 Development standards

- (1) The standards specified for that development are that the development must:
 - (a) be for domestic purposes only, and
 - (b) not have a floor area of more than:
 - (i) in a rural zone—30m², or
 - (ii) in any other zone—10m², and
 - (c) be not higher than:
 - (i) in a rural zone—3m above ground level (existing), or
 - (ii) in any other zone—2.4m above ground level (existing), and
 - (d) be located:
 - (i) in a rural zone—at least 20m from the road boundary and 5m from each other lot boundary, or
 - (ii) in any other zone—in the rear yard and at least 900mm from each side and rear boundary, and
 - (e) (Repealed)
 - (f) have an impervious floor, and
 - (g) be constructed or installed so that roofwater is disposed of without causing a nuisance to adjoining owners, and
 - (g1) if it is located in a residential zone and to the extent it is comprised of metal components—be constructed of low reflective, factory pre-coloured materials, and

(h) if it is located on bush fire prone land and is less than 5m from a dwelling—be constructed of non-combustible material.

(2) There must not be more than 2 developments per lot.

Note—

For fowl and poultry houses see clause 2.41.

Subdivision 5 Awnings, blinds and canopies

2.9 Specified development

The construction or installation of an awning, blind (including a storm blind, security blind or sun blind), canopy or similar structure over a window or door opening is development specified for this code if it is not constructed or installed on or in a heritage item or a draft heritage item.

Note—

See separate entry for shade structures.

2.10 Development standards

The standards specified for that development are that the development must:

- (a) not have an area more than 10m², and
- (b) not project beyond the external wall of the building by more than 2m, and
 - (b1) be at least 450mm from each side and rear boundary when fully extended, and
- (c) if it is connected to a fascia—be connected in accordance with a professional engineer's specifications, and
- (d) if it is located on bush fire prone land—be constructed of non-combustible material, and
 - (d1) if it is constructed or installed on or in a heritage conservation area or a draft heritage conservation area—be located in the rear yard, and
- (e) not be used for advertising.

Subdivision 6 Balconies, decks, patios, pergolas, terraces and verandahs

2.11 Specified development

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) is development specified for this code 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.

2.12 Development standards

The standards specified for that development are that the development must:

- (a) be for domestic purposes only, and
- (b) have an area of not more than 25m², and
- (c) not cause the total floor area of all such structures on the lot to be more than:
 - (i) for a lot larger than 300m²—15% of the ground floor area of the dwelling on the lot, or
 - (ii) for a lot 300m² or less—25m², and
- (d) not have an enclosing wall higher than 1.4m, and
- (e) be located behind the building line of any road frontage, and
- (f) be located at least 900mm from each lot boundary, and
- (g) (Repealed)
- (h) to the extent it is comprised of metal components—be constructed of low reflective, factory pre-coloured materials, and
- (i) have a floor height not more than 1m above ground level (existing), and
- (j) if it is a roofed structure attached to a dwelling—not extend above the roof gutter line of the dwelling, and
- (j1) be no higher than 3m at its highest point above ground level (existing), and
- (k) if it is connected to a fascia—be connected in accordance with a professional engineer’s specifications, and
- (l) be constructed or installed so that any roofwater is disposed of into an existing stormwater drainage system, and
- (m) not interfere with the functioning of existing drainage fixtures or flow paths, and
- (n) if it is located on bush fire prone land and is less than 5m from a dwelling—be constructed of non-combustible material, and
- (o) if it is constructed or installed in a heritage conservation area or a draft heritage conservation area—be located behind the building line of any road frontage.

Subdivision 7 Barbecues and other outdoor cooking structures

2.13 Specified development

The construction or installation of a barbecue or other outdoor cooking structure is development specified for this code.

2.14 Development standards

The standards specified for that development are that the development must:

- (a) not have an area of more than 4m², and
- (b) be not higher than 1.8m above ground level (existing), and
- (c) if it is not on land in Zone RU1, RU2, RU3 or RU4—be located behind the building line of any road frontage, and
- (d) be located at least 450mm from each lot boundary, and
- (e) not be used for commercial purposes.

Subdivision 8

2.15, 2.16 (Repealed)

Subdivision 8A Bollards

2.16A Specified development

The construction or installation of a bollard is development specified for this code.

2.16B Development standards

The standards specified for that development are that the development must:

- (a) be not higher than 1.4m above ground level (existing), and
- (b) not have a diameter of more than 600mm, and
- (c) be associated with any of the following development:
 - (i) bulky goods premises,
 - (ii) commercial premises,
 - (iii) premises used for light industry,
 - (iv) warehouse or distribution centre, and
- (d) not reduce any existing means of entry to, or exit from, any such associated development or the lot on which it is situated.

Subdivision 9 Cabanas, cubby houses, ferneries, garden sheds,

gazebos and greenhouses

2.17 Specified development

The construction or installation of a cabana, cubby house, fernery, garden shed, gazebo or greenhouse is development specified for this code 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.

2.18 Development standards

- (1) The standards specified for that development are that the development must:
 - (a) (Repealed)
 - (b) not have a floor area of more than:
 - (i) on land in Zone RU1, RU2, RU3, RU4 or R5—50m², or
 - (ii) on land in any other zone—20m², and
 - (c) be not higher than 3m above ground level (existing), and
 - (d) be located at least 900mm from each lot boundary, and
 - (e) if it is not on land in Zone RU1, RU2, RU3 or RU4—be located behind the building line of any road frontage, and
 - (f) not be a shipping container, and
 - (g) be constructed or installed so that roofwater is disposed of without causing a nuisance to adjoining owners, and
 - (h) to the extent it is comprised of metal components—be constructed of low reflective, factory pre-coloured materials if it is located on land in a residential zone, and
 - (i) if it is located on bush fire prone land and is less than 5m from a dwelling—be constructed of non-combustible material, and
 - (j) if it is constructed or installed in a heritage conservation area or a draft heritage conservation area—be located in the rear yard, and
 - (k) if it is located adjacent to another building—be located so that it does not interfere with the entry to, or exit from, or the fire safety measures contained within, that building.
- (2) There must not be more than 2 developments per lot.

Subdivision 10 Carports

2.19 Specified development

The construction or installation of a carport is development specified for this code 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.

2.20 Development standards

- (1) The standards specified for that development are that the development must:
 - (a) not result in a building classified under the *Building Code of Australia* as class 7a, and
 - (b) not have a floor area more than:
 - (i) for a lot larger than 300m² in a rural zone or Zone R5—50m², or
 - (ii) for a lot larger than 300m² in a zone other than a rural zone or Zone R5—25m², or
 - (iii) for a lot 300m² or less in any zone—20m², and
 - (c) be not higher than 3m above ground level (existing) or, if attached to an existing single storey dwelling, be not higher than the roof gutter line, and
 - (d) be located at least 1m behind the building line of any road frontage, and
 - (e) be located at least 900mm from each lot boundary, and
 - (f) have 2 or more sides open and not less than one-third of its perimeter open, and
 - (g) to the extent it is comprised of metal components—be constructed of low reflective, factory pre-coloured materials, and
 - (h) not involve the construction of a new driveway or gutter crossing unless the consent of the relevant road authority for each opening of a public road required for the development has been obtained under the [Roads Act 1993](#), and
 - (i) be constructed or installed so that any roofwater is disposed of into the existing stormwater drainage system, and
 - (j) if it is connected to a fascia—be connected in accordance with a professional engineer's specifications, and
 - (k) be located at least 1m from any registered easement, sewer main or water main, and
 - (l) if it is located on bush fire prone land and is less than 5m from a dwelling—be

constructed of non-combustible material, and

(m) if it is constructed or installed in a heritage conservation area or a draft heritage conservation area—be located in the rear yard, and

(n) be located so that it does not reduce vehicular access to, or parking or loading or unloading on, or from, the lot.

(2) The roof of the development must be located at least 500mm from each lot boundary.

(3) There must not be more than 1 development:

(a) per lot if there is a dwelling on the lot, or

(b) per lot or per each separate occupation of premises on the lot, whichever is the greater, in any other case.

Subdivision 10A Change of use of premises

2.20A Specified development

A change from a current use to a new use that is a change from:

(a) a type of business premises to another type of business premises, or

(b) business premises to office premises, or

(c) a type of office premises to another type of office premises, or

(d) office premises to business premises, or

(e) a type of retail premises to another type of retail premises, or

(f) a bulky goods premises to another bulky goods premises, or

(g) a light industry to another light industry, or

(h) a warehouse or distribution centre to another warehouse or distribution centre, or

(i) a light industry to a warehouse or distribution centre, or

(j) a warehouse or distribution centre to a light industry, or

(k) a community or recreation use to another community or recreation use,

is development specified for this code.

2.20B Development standards

The standards specified for that development are that:

(a) the current use must be a lawful use, and

- (b) the current use must not be an existing use within the meaning of section 106 of the Act, and
- (c) the new use must be permissible in the land use zone in which it is carried out, and
- (d) the new use must not result in a change of building use under the *Building Code of Australia*, and
- (e) the new use must not be carried out at premises that are a manufactured home, moveable dwelling or associated structure, temporary structure, tent, swimming pool, ship or vessel, and
- (f) the new use must not be any of the following:
 - (i) food and drink premises,
 - (ii) a funeral chapel,
 - (iii) a funeral home,
 - (iv) retail premises where firearms within the meaning of the *Firearms Act 1996* are sold,
 - (v) landscape and garden supplies,
 - (vi) a market,
 - (vii) premises that are a beauty salon or hair dressing salon,
 - (viii) premises where a skin penetration procedure within the meaning of section 51 of the *Public Health Act 1991* is carried out,
 - (ix) restricted premises,
 - (x) a roadside stall,
 - (xi) sex services premises,
 - (xii) vehicle sales or hire premises, and
- (g) the new use must not involve building alterations, other than alterations that are exempt development under this Policy, and
- (h) the new use must not result in an increase in the gross floor area of any building within which it is carried out, and
- (i) the new use must not cause the contravention of any existing condition of a development consent that applies to the premises relating to hours of operation, car parking, vehicular movement, traffic generation, landscaping or waste management.

Note—

Development consent is defined in section 4 of the Act to include a complying development certificate.

Subdivision 11 Clothes hoists and clothes lines

2.21 Specified development

The construction or installation of a clothes hoist or clothes line is development specified for this code if it is not constructed or installed on land in a foreshore area.

2.22 Development standards

The standards specified for that development are that the development must:

- (a) be located behind the building line of any road frontage, and
- (b) if it is constructed or installed on or in a heritage item or a draft heritage item or in a heritage conservation area or a draft heritage conservation area—be located in the rear yard.

Subdivision 12 Communications dishes (radio and satellite)

2.23 Specified development

The construction or installation of a radio or satellite communications dish is development specified for this code if:

- (a) it is only for the purpose of receiving television or radio signals (or both), and
- (b) it is not constructed or installed on or in a heritage item or a draft heritage item.

2.24 Development standards

(1) The standards specified for that development are that the development must:

- (a) (Repealed)
- (b) if it is roof mounted:
 - (i) not have a diameter of more than 900mm, and
 - (ii) be not higher than 1.8m above the highest point of the roof of the dwelling on the lot, and
- (c) if it is ground mounted:
 - (i) not have a diameter of more than 1.8m, and
 - (ii) be not higher than 1.8m above ground level (existing), and
 - (iii) be located in the rear yard, and
 - (iv) be located at least 900mm from each lot boundary.

- (1A) If the development is in a heritage conservation area or a draft heritage conservation area, it must be located in the rear yard and must not be visible from a public road.
- (2) There must not be more than 1 development:
 - (a) per lot if there is a dwelling on the lot, or
 - (b) per lot or per each separate occupation of premises on the lot, whichever is the greater, in any other case.

Subdivision 13 Demolition

2.25 Specified development

Demolition of development that would be exempt development under this code if it were being constructed or installed is development specified for this code if it is not carried out on or in a heritage item or a draft heritage item or in a heritage conservation area or a draft heritage conservation area.

2.26 Development standards

The standards specified for that development are that the development must be carried out in accordance with AS 2601—2001, *The demolition of structures*.

Note—

A building constructed before 1987 may contain asbestos. Businesses are licensed to undertake asbestos removal work under the [Occupational Health and Safety Regulation 2001](#) (refer to *Working with Asbestos: Guide 2008* (ISBN 0 7310 5159 9) published by the WorkCover Authority). If the work is not undertaken by a licensed contractor it should still be undertaken in a manner that minimises risks (refer to *Fibro & Asbestos—A Renovator and Homeowner's Guide* at <http://more.nsw.gov.au>). Information on the removal and disposal of asbestos to landfill sites licensed to accept this waste is available from the Department of Environment, Climate Change and Water.

Subdivision 14 Driveways

2.27 Specified development

The construction or installation of a driveway associated with access to an open hard stand space, a carport or garage is development specified for this code if it is not constructed or installed on or in a heritage item or a draft heritage item in a heritage conservation area or a draft heritage conservation area or on land in a foreshore area.

2.28 Development standards

The standards specified for that development are that the development must:

- (a) be for domestic purposes only, and
- (b) be constructed so that any surface water is disposed of without causing a nuisance to

adjoining owners, and

- (c) not require cut or fill more than 600mm below or above ground level (existing), and
- (d) not be wider than the open hard stand space, carport or garage with which it is associated, and
- (e) be constructed in accordance with AS 2890.1—1993, *Parking facilities—Off-street car parking*, and
- (f) be constructed in accordance with the relevant road authority's policy and specifications on vehicle and driveway crossings, and
- (g) have the consent of the relevant road authority under the [Roads Act 1993](#) for each opening of a public road required for the development.

Subdivision 15 Earthworks and retaining walls

2.29 Specified development

Earthworks and the construction or installation of a retaining wall is development specified for this code if it is not carried out, constructed or installed on or in a heritage item or a draft heritage item or on a flood control lot.

2.30 Development standards

The standards specified for that development are that the development must:

- (a) be for domestic purposes only, and
- (b) be located at least 900mm from each lot boundary, and
- (c) if a retaining wall:
 - (i) be not higher than 600mm (including the height of any batters) above ground level (existing), and
 - (ii) if it is on a sloping site and stepped to accommodate the fall in the land—be not higher than 800mm above ground level (existing) at each step, and
 - (iii) have adequate drainage lines behind it, and
- (d) not require cut or fill more than 600mm below or above ground level (existing), and
- (e) not redirect the flow of surface water onto an adjoining property, and
- (f) cause surface water to be disposed of without causing a nuisance to adjoining owners, and
- (g) be located at least 1m from any registered easement, sewer main or water main, and

- (h) if the fill is more than 150mm deep—not occupy more than 50% of the landscaped area, and
- (h1) if the fill is imported to the site—only contain natural materials and must be free of building and other demolition waste, and
- (i) if it is carried out, constructed or installed in a heritage conservation area or a draft heritage conservation area—be located in the rear yard, and
- (j) be located at least 50m from a waterbody (natural).

Subdivision 15AA Emergency work and temporary repairs

2.30AA Specified development

The temporary repair of any damage to a building or structure caused by an event that constitutes a significant and widespread danger to life or property in any zone in an area declared by an order under section 33 of the *State Emergency and Rescue Management Act 1989* to be an area where a state of emergency exists is development specified for this code.

2.30AB Development standards

The standards specified for that development are that the development must:

- (a) be carried out within 6 months of the declaration being made, and
- (b) not change the configuration of the floor space of the building or structure being repaired, and
- (c) not increase the floor space of the building or structure being repaired, and
- (d) be to make the building or structure weatherproof and, if a dwelling, suitable for habitation.

Subdivision 15A Evaporative cooling units (roof mounted)

2.30A Specified development

- (1) The construction or installation of a roof mounted evaporative cooling unit on land in Climate Zone 4 is development specified for this code if it is not carried out on or in a heritage item or a draft heritage item.
- (2) For the purposes of this clause, land is in Climate Zone 4 if it is within an area identified as Zone 4 of the Climate Zones for Thermal Design in the *Building Code of Australia*.

Note—

For air-conditioning units see clause 2.5.

2.30B Development standards

The standards specified for that development are that the development must:

- (a) be for domestic purposes only, and
- (b) be located at least 3m from each side boundary, and
- (c) be not higher than 1.8m above the highest point of the roof of the building on which it is mounted, and
- (d) be constructed or installed so that any opening created is adequately weather proofed, and
- (e) not involve work that reduces the structural integrity of the building, and
- (e1) be designed so as not to operate:
 - (i) during peak time—at a noise level that is more than 5 dB(A) above the ambient background noise level measured at any property boundary, or
 - (ii) during off peak time—at a noise level that is audible in habitable rooms of adjoining residences, and
- (f) if it is located on bush fire prone land—be constructed of non-combustible material and be adequately sealed or protected to prevent the entry of embers, and
- (g) if it is constructed or installed in a heritage conservation area or a draft heritage conservation area—be located in the rear yard and must not be visible from a public road.

Note—

For further information about noise control see the *Noise Guide for Local Government* (ISBN 978 1 74232 942 0) published by the Department of Environment, Climate Change and Water NSW in October 2010.

Subdivision 16 Farm buildings and structures

2.31 Specified development

The construction or installation of a farm building or other structure used for the purpose of an agricultural activity is development specified for this code if it is:

- (a) constructed or installed on land in Zone RU1, RU2, RU3 or RU4, and
- (b) not constructed or installed on or in a heritage item or a draft heritage item.

2.32 Development standards

(1) The standards specified for that development are that the development must:

- (a) be not higher than 7m above ground level (existing), and
 - (b) not have an area of more than:
 - (i) if it is a stockyard—0.5ha, or
 - (ii) if it is any other building or structure—200m², and
 - (c) be located at least 20m from the primary road frontage of the lot and at least 10m from the other lot boundaries, and
 - (d) not be constructed or installed within 50m of a dwelling on an adjoining property, and
 - (e) be located at least 50m from a waterbody (natural), and
 - (f) to the extent it is comprised of metal components—be designed by, and constructed in accordance with the specifications of, a professional engineer, and
 - (g) to the extent it is a silo—not be fitted with a motorised fan for aeration or drying purposes.
- (2) If the development is a shipping container, there must not be more than 1 shipping container per lot.

Subdivision 17 Fences (non rural)—behind the building line

2.33 Specified development

The construction or installation of a fence or gate behind the building line of the primary road frontage is development specified for this code if it is:

- (a) constructed or installed on land in any zone other than Zone RU1, RU2, RU3 or RU4, and
- (b) not constructed or installed on or in, or adjacent to, a heritage item or a draft heritage item, and
- (c) not constructed or installed on a flood control lot, and
- (d) not constructed or installed on land in a foreshore area.

Note—

If the fence is a dividing fence, the [Dividing Fences Act 1991](#) also applies.

2.34 Development standards

- (1) The standards specified for that development are that the development must:
 - (a) if it is constructed of timber, metal or light weight materials—be not higher than

1.8m above ground level (existing), and

- (b) if it is constructed of masonry materials or chain wire—not be higher than:
 - (i) 1m above ground level (existing), if for domestic purposes only, or
 - (ii) 1.8m above ground level (existing), in any other case, and
 - (b1) if it is a boundary fence on land in Zone R5—be constructed using post and wire or post and rail, and
 - (c) if it is constructed of metal components—be of low reflective, factory pre-coloured materials, and
 - (d) not be an electrical fence or use barbed wire, and
 - (e) if it is on a sloping site and stepped to accommodate the fall in the land—be not higher than 2.2m above ground level (existing) at each step, and
 - (f) not redirect the flow of surface water onto an adjoining property, and
 - (g) if it is located in core Koala habitat, key Koala habitat or a Koala movement corridor—be constructed or installed in accordance with any relevant council policy, and
 - (h) if it is located on bush fire prone land—be constructed of non-combustible material or hardwood.
- (2) If the development is constructed or installed on a secondary road frontage, it may be constructed up to a point that is level with the building line for the primary road frontage.

Subdivision 18 Fences (non rural)—forward of the building line

2.35 Specified development

The construction or installation of a fence or gate forward of the building line for the primary road frontage is development specified for this code if it is:

- (a) constructed or installed on land in any zone other than Zone RU1, RU2, RU3 or RU4, and
- (b) not constructed or installed on or in, or adjacent to, a heritage item or a draft heritage item or in a heritage conservation area or a draft heritage conservation area, and
- (c) not constructed or installed on a flood control lot.

Note—

If the fence is a dividing fence, the [Dividing Fences Act 1991](#) also applies.

2.36 Development standards

The standards specified for that development are that the development must:

- (a) be not higher than 1.2m above ground level (existing), and
- (b) be an open style incorporating pickets, slats, palings or the like or lattice style panels with a minimum aperture of 25mm, and
- (c) not be solid metal panels or chain wire fencing, and
- (d) not be an electrical fence or use barbed wire, and
- (e) if it is on a sloping site and stepped to accommodate the fall in the land—be not higher than 1.5m above ground level (existing) at each step, and
- (f) not redirect the flow of surface water onto an adjoining property, and
- (g) if it is an entrance gate—not swing open over council property, and
- (h) if it is located in core Koala habitat, key Koala habitat or a Koala movement corridor—be constructed or installed in accordance with any relevant council policy, and
- (i) if it is located on bush fire prone land—be constructed of non-combustible material or hardwood.

Subdivision 19 Fences (rural)

2.37 Specified development

The construction or installation of a fence or gate is development specified for this code if it is:

- (a) constructed or installed on land in Zone RU1, RU2, RU3 or RU4, and
- (b) not constructed or installed on or in, or adjacent to, a heritage item or a draft heritage item or in a heritage conservation area or a draft heritage conservation area.
- (c) (Repealed)

Note—

If the fence is a dividing fence, the [Dividing Fences Act 1991](#) also applies.

2.38 Development standards

The standards specified for that development are that the development must:

- (a) be not higher than 1.8m above ground level (existing), and

- (b) subject to paragraph (d), be constructed using post and wire or post and rail, and
- (c) if it is electrical fencing—be constructed in accordance with AS/NZS 3014:2003, *Electrical installations—electric fences*, and
- (d) if any part of it is a masonry decorative feature associated with an entrance gate on a boundary that has a frontage to a public road—not extend more than 3m from either side of the gate, and
- (e) if it is on a sloping site and stepped to accommodate the fall in the land—be not higher than 2.2m above ground level (existing) at each step, and
- (f) not redirect the flow of surface water onto an adjoining property, and
- (g) if it is constructed or installed on a flood control lot—not redirect or interrupt the flow of surface water on that lot.

Subdivision 19A Filming

2.38A Specified development

Filming is development specified for this code.

2.38B Development standards

(1) The standards specified for that development are as follows:

(a) the development may only be carried out on land:

- (i) on which there is a heritage item, or
- (ii) within a heritage conservation area, or
- (iii) identified as an environmentally sensitive area,

if the filming does not involve or result in any of the following:

- (iv) any changes or additions that are not merely superficial and temporary to any part of a heritage item, a heritage conservation area or an environmentally sensitive area,
- (v) the mounting or fixing of any object or article on any part of such an item or area (including any building or structure),
- (vi) the movement, parking or standing of any vehicle or equipment on or over any part of such an item or area that is not specifically designed for the movement, parking or standing of a vehicle or equipment on or over it,
- (vii) any changes to the vegetation on, or level of, such an item or area or any changes to any other natural or physical feature of the item or area,

- (b) the development must not create significant interference with the neighbourhood,
- (c) the person carrying out the filming must obtain a policy of insurance that adequately covers the public liability of the person in respect of the filming for an amount of not less than \$10,000,000,
- (d) if the filming is carried out on private land, the filming must not be carried out for more than 30 days within a 12-month period at the particular location,
- (e) a filming management plan must be prepared and lodged with the consent authority for the location at least 5 days before the commencement of filming at the location. The plan must contain the following information and be accompanied by the following documents (without limiting the information or documents that may be submitted):
 - (i) the name, address and telephone number of the person carrying out the filming (such as a production company) and of the producer for the filming,
 - (ii) a brief description of the filming to be carried out (for example, a television commercial, a television series, a feature film or a documentary),
 - (iii) the proposed location of the filming,
 - (iv) the proposed commencement and completion dates for the filming at the location,
 - (v) the proposed daily length of filming at the location,
 - (vi) the number of persons to be involved in the filming,
 - (vii) details of any temporary structures (for example, tents or marquees) to be erected or used at the location for the purposes of the filming,
 - (viii) the type of filming equipment to be used in the filming (such as a hand-held or mounted camera),
 - (ix) proposed arrangements for parking vehicles associated with the filming during the filming,
 - (x) whether there will be any disruption to the location of the filming or the surrounding area and the amenity of the neighbourhood (for example, by the discharge of firearms or explosives, the production of offensive noise, vibrations, disruption to traffic flow or the release of smells, fumes, vapour, steam, soot, ash, dust, waste water, grit or oil),
 - (xi) whether the filming will involve the use of outdoor lighting or any other special effects equipment,

- (xii) a copy of the public liability insurance policy that covers the filming at the location,
- (xiii) a copy of any approval given by a public or local authority to carry out an activity associated with the proposed filming at the location, such as the following:
 - (A) an approval by the Roads and Traffic Authority for the closure of a road,
 - (B) an approval by the Council for the erection or use of a temporary structure, closure of a road or a public footpath, or a restriction in pedestrian access,
 - (C) an approval by the Environment Protection Authority for an open fire,
 - (D) an approval by the NSW Police Force for the discharge of firearms,
 - (E) an approval by the Land and Property Management Authority for the use of Crown land,
- (xiv) details of any temporary alteration or addition to any building or work at the location for the purposes of the filming,
- (f) the person carrying out the filming must, at least 5 days before the commencement of filming at the particular location, give notice in writing (by way of a letter-box drop) of the filming to residents within a 50m radius of the location. The notice must contain the following information:
 - (i) the name and telephone number of the person carrying out the filming (such as a production company) and of a contact representative of that person,
 - (ii) a brief description of the filming to be carried out at the location, and any proposed disruptions to the location or the surrounding area or the amenity of the neighbourhood,
 - (iii) the proposed commencement and completion dates for the filming at the location,
 - (iv) the proposed daily length of filming at the location.

Subdivision 20 Flagpoles

2.39 Specified development

The construction or installation of a free-standing flagpole is development specified for this code.

2.40 Development standards

- (1) The standards specified for that development are that the development must:
 - (a) be not higher than 6m above ground level (existing), and
 - (b) not have a diameter of more than 90mm, and
 - (c) be located at least 3m from each side and rear boundary.
- (2) There must not be more than 1 development per lot.
- (3) Any flag flown from the development must not have an area of more than 2.5m² and must not be used for advertising.

Subdivision 21 Fowl and poultry houses

2.41 Specified development

The construction or installation of a fowl or poultry house is development specified for this code if it is:

- (a) constructed or installed on land in a residential or rural zone, and
- (b) not constructed or installed on or in a heritage item or a draft heritage item, and
- (c) not constructed or installed on land in a foreshore area.

2.42 Development standards

- (1) The standards specified for that development are that the development must:
 - (a) if the development is constructed or installed on land in Zone R1, R2, R3, R4, R5 or RU5:
 - (i) be not higher than 3m above ground level (existing), and
 - (ii) not have a floor area of more than 15m², and
 - (iii) be located in the rear yard, and
 - (iv) not house more than 10 fowls or poultry, and
 - (b) if the development is constructed or installed on land in Zone RU1, RU2, RU3 or RU4:
 - (i) be not higher than 7m above ground level (existing), and
 - (ii) not have a floor area of more than 50m², and
 - (c) be located at least 3m from each lot boundary, and

- (d) if it houses fowls (including guinea fowls) only—be located at least 4.5m from any dwelling, public hall, school or premises used for the manufacture, preparation, sale or storage of food, and
- (e) if it houses other types of poultry—be located at least 30m from any dwelling, public hall, school or premises used for the manufacture, preparation, sale or storage of food, and
- (f) be enclosed to prevent the escape of poultry, and
- (g) be constructed or installed so that roofwater is disposed of without causing a nuisance to adjoining owners, and
- (h) to the extent it is comprised of metal components—be constructed of low reflective, factory pre-coloured materials if it is located on land in a residential zone, and
- (i) if it is located on bush fire prone land and is less than 5m from a dwelling—be constructed of non-combustible material, and
- (j) if it is constructed or installed in a heritage conservation area or a draft heritage conservation area—be located in the rear yard.

(2) There must not be more than 1 development per lot.

Subdivision 21AA Fuel tanks and gas storage

2.42AA Specified development

The construction or installation of an above ground fuel tank or gas storage facility for agricultural activity is development specified for this code if it is constructed or installed on a lot in a rural zone that is larger than 2ha.

2.42AB Development standards

The standards specified for that development are that the development must:

- (a) not have a capacity of more than:
 - (i) for a fuel tank—5,000 L, or
 - (ii) for a gas tank—1,000 L, and
- (b) be located at least 20m from the primary road frontage of the lot and at least 10m from each other lot boundary, and
- (c) be bunded with the capacity to contain at least 110% of the capacity of the tank, and
- (d) if a fuel tank—be constructed of prefabricated metal, be freestanding and installed in

accordance with the requirements of AS 1940-2004, *The storage and handling of flammable and combustible liquids*, and

- (e) if a gas tank—be designed and constructed in accordance with the requirements of AS/NZS 1596:2008, *The storage and handling of LP Gas* by a professional engineer, and
- (f) not be used for advertising, and
- (g) be located at least 1m from any registered easement, sewer main or water main.

Note—

Other existing legislative requirements still apply in relation to work place health and safety issues.

Subdivision 21A Garbage bin storage enclosure

2.42A Specified development

The construction or installation of a garbage bin storage enclosure is development specified for this code if it is not carried out on land in a foreshore area.

2.42B Development standards

- (1) The standards specified for that development are that the development must:
 - (a) be for a dwelling house only, and
 - (b) be located at least 1m behind the building line of any road frontage, and
 - (c) be located at least 450mm from each side and rear boundary, and
 - (d) if it is constructed of metal components—be of low reflective, factory pre-coloured materials, and
 - (e) if it is located on bush fire prone land and is less than 5m from a dwelling—be constructed of non-combustible material, and
 - (f) if it is constructed or installed on or in a heritage item or a draft heritage item or in a heritage conservation area or a draft heritage conservation area—be located in the rear yard.
- (2) There must not be more than 1 development per lot.

Subdivision 21B Hard stand spaces

2.42C Specified development

The construction or installation of a hard stand space, whether open or part of a carport, is development specified for this code if it is not carried out on or in a heritage item or a

draft heritage item or in a heritage conservation area or a draft heritage conservation area or on land in a foreshore area.

2.42D Development standards

- (1) The standards specified for that development are that the development must:
- (a) be for domestic purposes only, and
 - (b) be associated with a driveway, and
 - (c) measure at least 2.6m wide by 5.4m long, and
 - (d) have an area of not more than 20m², and
 - (e) be located at least 1m behind the building line of any road frontage, and
 - (f) be located at least 900mm from each side or rear boundary, and
 - (g) be constructed so that any surface water is disposed of without causing a nuisance to adjoining owners, and
 - (h) not require cut or fill more than 600mm below or above ground level (existing), and
 - (i) be constructed in accordance with AS 2890.1—1993, *Parking facilities—Off-street car parking*.
- (2) There must not be more than 1 development per lot.

Subdivision 22 Home businesses, home industries and home occupations

2.43 Specified development

A home business, a home industry or a home occupation that does not involve the manufacture of food products or skin penetration procedures is development specified for this code.

2.44 Development standards

The standards specified for this development are that the development must:

- (a) not involve a change of building use, and
- (b) if the development is on land to which a local environmental plan made under section 33A of the Act applies, comply with the applicable standards specified under clause 5.4 (2) and (3) of that plan.

Note 1—

The elements that must comprise this development are specified in the definition of **home business**, **home industry** or **home occupation** the Standard Instrument.

Note 2—

Under the *Building Code of Australia*, a change of building use involving a floor area greater than 10% of the floor area of a building would cause the building to contravene the development standard.

Subdivision 23 Home-based child care

2.45 Specified development

Home-based child care is development specified for this code if it is not carried out on bush fire prone land.

2.46 Development standards

No standards are specified for this development.

Note—

The elements that must comprise this type of development are specified in the definition for this development in the Standard Instrument. If all the elements are not present, the development is not development to which this Division applies.

Subdivision 23A Hot water systems

2.46A Specified development

The construction or installation of a hot water heater or a hot water storage tank is development specified for this code.

2.46B Development standards

The standards specified for that development are that the development must:

- (a) not be a solar hot water system, and
- (a1) if it uses a heat pump water heater, be designed so as not to operate:
 - (i) during peak time—at a noise level that is more than 5 dB(A) above the ambient background noise level measured at any property boundary, or
 - (ii) during off peak time—at a noise level that is audible in habitable rooms of adjoining residences, and
- (b) if constructed or installed externally and on or in a heritage item or a draft heritage item or in a heritage conservation area or a draft heritage conservation area:
 - (i) not be located on a roof, and
 - (ii) be located in the rear yard.

Note 1—

See note relating to Solar Hot Water Systems.

Note 2—

For further information about noise control in relation to heat pump water heaters, see the NSW Government's *Noise Guide for Local Government* published in 2010 (ISBN 978 1 74232 942 0).

Subdivision 24 Landscaping structures

2.47 Specified development

The construction or installation of a landscaping structure (including a garden arch), other than a retaining wall is development specified for this code 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.

2.48 Development standards

The standards specified for that development are that the development must:

- (a) be not higher than 2.1m above ground level (existing), and
- (b) be not wider than 1.5m, and
- (c) be located at least 900mm from each lot boundary, and
- (d) not comprise masonry construction higher than 1m from ground level (existing), and
- (e) if it is constructed or installed in a heritage conservation area or a draft heritage conservation area—be located in the rear yard.

Subdivision 25 Letterboxes

2.49 Specified development

The construction or installation of a letterbox, whether free standing or in banks, is development specified for this code if it is not constructed or installed on or in a heritage item or a draft heritage item.

2.50 Development standards

- (1) The standards specified for that development are that the development must:
 - (a) be not higher than 1.2m above ground level (existing), and
 - (b) be visible from the road alignment, and
 - (c) have appropriate numbering that is visible from the road alignment.
- (2) (Repealed)

Subdivision 25A Maintenance of buildings in draft heritage

conservation areas

2.50A Specified development

The maintenance of a building in a draft heritage conservation area comprising only:

- (a) painting, plastering, cement rendering, or cladding, or
- (b) the repair or replacement of an external window, glazing areas or a door (other than those on bush fire prone land), or
- (c) the repair or replacement of a non-structural wall or roof cladding, or
- (d) the repair or replacement of a balustrade,

is development specified for this code if it is not constructed or installed on or in, or in relation to, a heritage item or draft heritage item.

2.50B Development standards

The standards specified for that development are that the development must:

- (a) reproduce the existing materials, finish and design of the building so as not to alter its appearance, and
- (b) not result in an increase of floor area or alter the layout of the building, and
- (c) not comprise the making of, or an alteration to the size of, any opening in a wall or roof, such as a doorway, window or skylight, and
- (d) not reduce the existing fire resistance level of a wall or roof, and
- (e) if located on bush fire prone land:
 - (i) be adequately sealed or protected to prevent the entry of embers, and
 - (ii) use equivalent or improved quality materials, and
- (f) not affect any existing fire resisting components of the building, and
- (g) not affect the means of egress from the building in an emergency.

Subdivision 26 Minor building alterations (internal)

2.51 Specified development

- (1) A minor internal building alteration for the replacement or renovation of:
 - (a) a doorway, wall, ceiling or floor lining, or
 - (b) a deteriorated frame member, including stairs and stairwells, or

- (c) a bathroom or kitchen, or
- (d) a built in fixture such as a vanity, a cupboard or a wardrobe, or
- (e) an existing sanitary fixture, such as a grease trap or the like, or
- (f) shelving or racking that is not higher than 2.7m, or
- (g) a work station or counter,

is development specified for this code if it is not constructed or installed on or in a heritage item or a draft heritage item.

- (2) The installation of new or replacement insulation material in the ceiling, floor or wall of a building is development specified for this code.

2.52 Development standards

The standards specified for that development are that the development must:

- (aa) not be an alteration to a food preparation area in food and drink premises, and
- (a) if it is the replacement or renovation of a deteriorated frame member—be of equivalent or improved quality materials, and
- (b) not include a change to the configuration of a room, whether by removal of an existing wall, partition or other means, and
- (c) not cause reduced window arrangements for light and ventilation needs, reduce the size of a doorway or involve the enclosure of an open area, and
- (d) not affect the load bearing capacity (whether vertical or horizontal) of a building, and
- (e) not include a change to the fire resisting components of, or interfere with the entry to, or exit from, or the fire safety measures contained within, a building, and
- (f) if it is the installation of new or replacement insulation material in a dwelling, it must be in accordance with Part 3.12.1 of the *Building Code of Australia*.

Subdivision 27 Minor building alterations (external)

2.53 Specified development

A minor external non-structural building alteration, such as the following:

- (a) painting, plastering, cement rendering, cladding, attaching fittings or decorative work,
- (b) the replacement of an external window, glazing areas or a door (other than those on bush fire prone land),

- (c) the repair to or replacement of a non-structural wall or roof cladding,
- (d) the installation of a security screen or grill to a door or window or a security door,
- (e) the repair to or replacement of a balustrade,
- (f) restumping or repairing structure foundations without increasing the height of the structure,

is development specified for this code if it is not constructed or installed on or in a heritage item or a draft heritage item or in a heritage conservation area or a draft heritage conservation area.

2.54 Development standards

The standards specified for that development are that the development must:

- (a) not comprise the making of, or an alteration to the size of, any opening in a wall or roof, such as a doorway, window or skylight, and
- (b) not reduce the existing fire resistance level of a wall or roof, and
- (c) if located on bush fire prone land:
 - (i) be adequately sealed or protected to prevent the entry of embers, and
 - (ii) use equivalent or improved quality materials, and
- (d) not affect any existing fire resisting components of the building, and
- (e) not affect the means of egress from the building in an emergency, and
- (f) if it is the installation of a security screen or grill to a door or window or a security door—be for domestic purposes only.

Note—

See separate entry for skylights.

Subdivision 28 Pathways and paving

2.55 Specified development

The construction or installation of a pathway or paving associated with a balcony, deck, patio, pergola, terrace or verandah is development specified for this code.

2.56 Development standards

The standards specified for that development are that the development must:

- (a) be for domestic purposes only, and

- (b) be constructed so that any surface water is disposed of without causing a nuisance to adjoining owners, and
- (c) not require cut or fill more than 600mm below or above ground level (existing), and
- (d) not have an area more than 15% of the floor area of the associated development.

Subdivision 29 Playground equipment

2.57 Specified development

The construction or installation of playground equipment is development specified for this code.

2.58 Development standards

The standards specified for that development are that the development must:

- (a) be for domestic purposes only, and
- (b) be not higher than 2.5m above ground level (existing), and
 - (b1) be located at least 450mm from each side and rear boundary, and
- (c) if it is not on land in Zone RU1, RU2, RU3 or RU4—be located in the rear yard, and
- (d) be located at least 1m from any registered easement, sewer main or water main.

Subdivision 30 Portable swimming pools and spas and child-resistant barriers

2.59 Specified development

The construction or installation of a portable swimming pool or spa or a child-resistant barrier that is required under the [Swimming Pools Act 1992](#) is development specified for this code 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.

2.60 Development standards

- (1) The standards specified for that development, if it is the construction or installation of a portable swimming pool or spa, are that the development must:
 - (a1) be for domestic purposes only, and
 - (a) be located in the rear yard, and
 - (b) be located at least 1m from each lot boundary, and
 - (c) not exceed 2,000 L in capacity, and

- (d) not require structural work for installation, and
 - (e) not impact on the structural stability of any building.
- (2) A child-resistant barrier must be constructed or installed in accordance with the requirements of the *Swimming Pools Act 1992*.

Subdivision 31 Privacy screens

2.61 Specified development

The construction or installation of a privacy screen that is not attached to a boundary fence or retaining wall is development specified for this code if it is not constructed or installed on land in a foreshore area.

2.62 Development standards

The standards specified for that development are that the development must:

- (a) be not higher than 2.5m above ground level (existing), and
- (b) be not longer than 5m, and
- (c) be located at least 900mm from each lot boundary, and
- (d) be located in the rear yard.
- (e) (Repealed)

Subdivision 32 Rainwater tanks (above ground)

2.63 Specified development

The construction or installation of a rainwater tank above ground is development specified for this code if it is not constructed or installed on land in a foreshore area.

2.64 Development standards

- (1) The standards specified for that development are that the development must:
- (a) if it is on land other than land in Zone RU1, RU2, RU3, RU4, R5, E2, E3 or E4:
 - (i) for an educational establishment—not have a capacity of more than 25,000 L, and
 - (ii) in any other case—not have a capacity more than 10,000 L, and
 - (iii) be located at least 450mm from each lot boundary, if the tank has a height of more than 1.8m above ground level (existing), and
 - (b) if it is on land in Zone RU1, RU2, RU3, RU4, R5, E2, E3 or E4—be located at least

10m from each lot boundary, and

- (c) be located behind the building line of any road frontage, and
 - (d) not rest on the footings of an existing building for support, and
 - (e) not require cut and fill of more than 1m below or above ground level (existing),
and
 - (f) be fitted with a first-flush device that causes initial run-off rainwater to bypass the tank, and
 - (g) have a sign affixed to it stating the water in it is rainwater, and
 - (h) be constructed or installed to prevent mosquitoes breeding in it, and
 - (i) have its overflow connected to an existing stormwater drainage system that does not discharge to an adjoining property, or cause a nuisance to adjoining owners,
and
 - (j) (Repealed)
 - (k) if it is constructed or installed on or in a heritage item or a draft heritage item—be located in the rear yard.
- (2) Pumps attached to the development must be housed in a soundproof enclosure.
- (3) If reticulated water is provided to the lot, the development must not be interconnected with any system supplying drinking water to the lot unless it complies with the relevant water authority's requirements.
- (4) In this clause:

educational establishment means a building or place used for education (including teaching) and includes a pre-school, a school, a tertiary institution that provides formal education (such as a university or TAFE establishment) and an art gallery or museum that is not used to sell the items displayed in it (whether or not the building or place is also used for accommodation for staff or students).

Subdivision 33 Rainwater tanks (below ground)

2.65 Specified development

The construction or installation of a rainwater tank below ground is development specified for this code if:

- (a) it is constructed or installed on land in Zone RU1, RU2, RU3, RU4 or R5, and
- (b) it is not constructed or installed on land that is identified on an Acid Sulfate Map as

being Class 1-5.

2.66 Development standards

- (1) The standards specified for that development are that the development must:
 - (a) be fitted with a first-flush device that causes initial run-off rainwater to bypass the tank, and
 - (b) have a sign affixed to it stating the water in it is rainwater, and
 - (c) be constructed or installed to prevent mosquitoes breeding in it, and
 - (d) have its overflow connected to an existing stormwater drainage system that does not discharge to an adjoining property, or cause a nuisance to adjoining owners, and
 - (e) if it is constructed or installed on or in a heritage item or a draft heritage item—be located in the rear yard.
- (2) Pumps attached to the development must be housed in a soundproof enclosure.
- (3) If reticulated water is provided to the lot, the development must not be interconnected with any system supplying drinking water to the lot unless it complies with the relevant water authority's requirements.

Subdivision 34 Scaffolding, hoardings and temporary construction site fences

2.67 Specified development

The construction, installation and removal of a scaffold, hoarding or temporary construction site fence that is used in connection with development that is exempt development or complying development is development specified for this code.

2.68 Development standards

The standards specified for that development are that the development must:

- (a) enclose the works area, and
- (b) if it is a temporary construction site fence adjoining, or on, a public place—be covered in chain wire mesh, and
- (c) be removed immediately after the purpose for which it was erected has finished and no safety issue will arise from its removal.

Note 1—

A structure on public land or on or over a public road requires the prior approval of the relevant authority under

the *Local Government Act 1993* or the *Roads Act 1993*, respectively.

Note 2—

The *Occupational Health and Safety Act 2000* and *Occupational Health and Safety Regulation 2001* contain provisions relating to scaffolds, hoardings and other temporary structures.

Subdivision 35 Screen enclosures (of balconies, decks, patios, pergolas, terraces and verandahs)

2.69 Specified development

The construction or installation of a screen by attaching it to a balcony, deck, patio, pergola, terrace or verandah of a dwelling is development specified for this code if it is not constructed or installed on or in a heritage item or a draft heritage item.

2.70 Development standards

The standards specified for that development are that the development must:

- (a) not have a solid enclosing wall higher than 1.4m above the floor level of the structure it is enclosing, and
- (b) if it encloses a structure attached to the ground level of a single storey dwelling or the upper level of a two storey dwelling—not be higher than the roof gutter line, and
- (c) if it encloses a structure attached to the ground level of a two storey dwelling—not be higher than 3m above the floor level of the structure it is enclosing, and
- (d) if it encloses a freestanding structure—not be higher than 3m above the floor level of the structure it is enclosing, and
- (e) if it encloses a structure attached to the upper level of a two storey dwelling—not enclose an area of more than 9m², and
- (f) be located behind the building line of any road frontage, and
- (g) be located at least 900mm from each lot boundary, and
- (h) to the extent it is comprised of metal components—be constructed of low reflective, factory pre-coloured materials, and
- (i) if it is connected to a fascia—be connected in accordance with a professional engineer’s specifications, and
- (j) if it is not located on bush fire prone land—have at least two-thirds of its perimeter comprising open screen mesh material, and
- (j1) if it is located on bush fire prone land—cover all openings, including any sub-floor areas, operable windows, vents and eaves, and be made of a non-corrosive metal

material with a maximum aperture of 2mm, and

- (k) if it is located on bush fire prone land and is less than 5m from a dwelling—be constructed of non-combustible material, and
- (l) if it is constructed or installed in a heritage conservation area or a draft heritage conservation area—not be attached to any balcony, deck, patio, pergola, terrace or verandah that faces any road.

Subdivision 36 Shade structures of canvas, fabric, mesh or the like

2.71 Specified development

The construction or installation of a shade structure of canvas, fabric, mesh or the like is development specified for this code if it is not constructed or installed on land in a foreshore area.

Note—

See separate entry for awnings, blinds and canopies.

2.72 Development standards

The standards specified for that development are that the development must:

- (a) (Repealed)
- (b) not have an area more than:
 - (i) if for domestic purposes—20m², or
 - (ii) for any other purpose—30m², and
- (c) not cause the total area of all such structures on the lot to be more than 15% of the ground floor area of all buildings on the lot, and
- (d) not be higher than 3m from ground level (existing), and
- (e) be located at least 900mm from each lot boundary, and
- (f) be located behind the building line of any road frontage, and
- (g) to the extent it is comprised of metal components—be constructed of low reflective, factory pre-coloured materials, and
- (h) if it is connected to a fascia—be connected in accordance with a professional engineer's specifications, and
- (i) not interfere with the functioning of existing drainage fixtures or flow paths, and
- (j) if it is located on bush fire prone land and is less than 5m from a dwelling—be

constructed of non-combustible material, and

- (k) if it is constructed or installed on or in a heritage item or a draft heritage item or in a heritage conservation area or a draft heritage conservation area—be located in the rear yard.

Subdivision 36A Signage (replacement of identification signs)

2.72A Specified development

The replacement of:

- (a) an existing building identification sign or the content of such a sign, or
- (b) an existing business identification sign or the content of such a sign,

is development specified for this code.

2.72B Development standards

The standards specified for that development are that the development must:

- (a) replace a lawful sign, and
- (b) not be greater in size than the sign that is replaced, and
- (c) not be a sign that is flashing or animated, and
- (d) not involve any alteration to the structure or vessel on which the sign is displayed, and
- (e) not obstruct or interfere with traffic signs.

Note—

The [Summary Offences Act 1988](#) regulates or prohibits certain business signs.

Subdivision 37 Skylights, roof windows and ventilators

2.73 Specified development

- (1) The construction or installation of a skylight, roof window or ventilator is development specified for this code if it is not constructed or installed on or in a heritage item or a draft heritage item.
- (2) Development referred to in subclause (1) is not exempt development if it is constructed or installed on land to which [Orana Regional Environmental Plan No 1—Siding Spring](#) applies.

2.74 Development standards

The standards specified for that development are that the development must:

- (aa) be for domestic purposes only, and
- (a) not cause the total area of all such structures to be more than 2% of the total roof area of the building, and
- (b) be located at least 900mm from each lot boundary, and
- (c) be located at least 900mm from a wall separating attached dwellings, and
- (d) be constructed or installed so that any opening created is adequately weather proofed, and
- (e) not involve work that reduces the structural integrity of the building, and
- (f) if located on bush fire prone land—be adequately sealed or protected to prevent entry of embers, and
- (g) if constructed or installed in a heritage conservation area or a draft heritage conservation area—not be visible from any road frontage.

Note—

Development for the purposes of small wind turbine systems or solar energy systems (ie a photovoltaic electricity generating system, solar hot water system or solar air heating system) is specified as exempt development under Division 4 of Part 3 of [State Environmental Planning Policy \(Infrastructure\) 2007](#).

Subdivision 38 Subdivision

2.75 Specified development

The subdivision of land, for the purpose only of any one or more of the following, is development specified for this code:

- (a) widening a public road,
- (b) a minor realignment of boundaries:
 - (i) that will not create additional lots or the opportunity for additional dwellings, and
 - (ii) that will not result in one or more lots that are smaller than the minimum size specified in an environmental planning instrument in relation to the land concerned (unless the original lot or lots are already smaller than the minimum size), and
 - (iii) that will not adversely affect the provision of existing services on a lot, and
 - (iv) that will not result in any increased bush fire risk to existing buildings,

- (c) (Repealed)
- (d) rectifying an encroachment on a lot,
- (e) creating a public reserve,
- (f) excising from a lot land that is, or is intended to be, used for public purposes, including drainage purposes, rural fire brigade or other emergency service purposes or public toilets.

2.76 Development standards

Note—

(At the commencement of this clause no standards were specified.)

Subdivision 39 Temporary builders' structures

2.77 Specified development

The construction or installation of a building site shed, office or associated amenities structure is development specified for this code.

2.78 Development standards

The standards specified for that development are that the development must:

- (a) be located on the lot in relation to which a development consent has been granted, and
- (b) if it contains plumbing fixtures, have those fixtures connected to an approved waste water treatment device or an approved connection to the sewer, and
- (c) not be used for residential purposes, and
- (d) (Repealed)
- (e) be removed from the lot immediately after completion of the works for which the development consent was granted.

Subdivision 39A Temporary structures (other than tents and marquees), and temporary alterations or additions to buildings or works, solely for filming purposes

2.78A Specified development

The construction or installation of a temporary structure (other than a tent or marquee), and temporary alterations or additions to a building or work, solely for filming purposes is development specified for this code.

2.78B Development standards

The standards specified for that development are that the development must:

- (a) be erected, used, altered or added to in connection with filming that is exempt development, and
- (b) not be at the location for more than 30 days within a 12-month period, and
- (c) if it is an alteration or addition to the building or work—not remain in place for more than 30 days within a 12-month period, and
- (d) not, in its altered or added to form, be accessible to the public.

Subdivision 39B Tennis courts

2.78C Specified development

The construction or installation of a tennis court is development specified for this code if it is:

- (a) constructed or installed on a lot with a size of at least 1ha in a rural zone or Zone R5, and
- (b) not constructed or installed on or in a heritage item, a draft heritage item, a heritage conservation area or a draft heritage conservation area.

2.78D Development standards

- (1) The standards specified for that development are that the development must:
 - (a) be for domestic purposes only and associated with a dwelling, and
 - (b) be located behind the building line of any road frontage, and
 - (c) not have lighting, and
 - (d) not require cut or fill more than 600mm below or above ground level (existing).
- (2) There must not be more than 1 development per lot.

Subdivision 39C Tents or marquees used solely for filming purposes

2.78E Specified development

The construction or installation of a tent or marquee used solely for filming purposes is development specified for this code.

2.78F Development standards

The standards specified for that development are that the development must:

- (a) only be used in connection with filming that is exempt development, and
- (b) for all tents or marquees on location at the same time—not have a total floor area exceeding 200m², and
- (c) be located at least 3m from any boundary adjoining a public road and at least 1m from any other boundary, and
- (d) have the following number of exits arranged so as to afford a ready means of egress from all parts of the tent or marquee to open space or a road:
 - (i) 1 exit if the floor area of the tent or marquee does not exceed 25m²,
 - (ii) 2 exits in any other case, and
- (e) have a width for each exit of at least:
 - (i) 800mm if the floor area of the tent or marquee is less than 150m², or
 - (ii) 1m in any other case, and
- (f) have a height for the walls not exceeding:
 - (i) 4m if erected on private land, or
 - (ii) 5m in any other case, and
- (g) have a height as measured from the surface on which the tent or marquee is erected to the highest point of the tent or marquee not exceeding 6m, and
- (h) resist loads determined in accordance with the following Australian and New Zealand Standards entitled:
 - (i) AS/NZS 1170.0:2002, *Structural design actions—General principles*,
 - (ii) AS/NZS 1170.1:2002, *Structural design actions—Permanent, imposed and other actions*,
 - (iii) AS/NZS 1170.2:2002, *Structural design actions—Wind actions*, and
- (i) not remain at the location for more than 2 days after the completion of the filming at the location.

Subdivision 40 Water features and ponds

2.79 Specified development

The construction or installation of a water feature or pond is development specified for this code if it is not constructed or installed on or in a heritage item or a draft heritage item.

2.80 Development standards

- (1) The standards specified for that development are that the development must:
 - (a) not have a water depth of more than 300mm, and
 - (a1) not have a surface area of more than 10m², and
 - (b) if it is constructed or installed in a heritage conservation area or a draft heritage conservation area—be located in the rear yard.
- (2) Despite subclause 1 (a), a pond sump may be placed in a water feature or pond below a water depth of 300mm if the sump is covered with a bolted or anchored grate that is capable of supporting a weight of 150kg.

Subdivision 41 Windmills

2.81 Specified development

The construction or installation of a windmill that is not connected to the electricity grid is development specified for this code if it is constructed or installed on land in Zone RU1, RU2, RU3 or RU4.

2.82 Development standards

The standards specified for that development are that the development must:

- (a) be free standing, and
- (a1) be located at least 20m from any road boundary and 5m from each other lot boundary, and
- (b) be designed by a professional engineer.

Note—

There are other existing legislative requirements relating to the clearance of power lines and Obstacle Limitation Surfaces near airport flight paths.

Division 2

2.83, 2.84 (Repealed)

Part 3 General Housing Code

Note 1—

Schedule 3 contains variations to this code.

Note 2—

In addition to the requirements specified for development under this code, adjoining owners' property rights, the applicable common law and other legislative requirements for approvals, licences, permits and authorities still apply. For example,

requirements relevant to development in this code may be contained in the Act, the *Environmental Planning and Assessment Regulation 2000*, various State environmental planning policies, the *Protection of the Environment Operations Act 1997*, the *Roads Act 1993*, the *Swimming Pools Act 1992* and Acts applying to various infrastructure authorities. If the development is in proximity to infrastructure, including water, stormwater and sewer mains, electricity power lines and telecommunications facilities, the relevant infrastructure authority should be contacted before commencing the development.

Division 1 Development that is complying development under this code

3.1 Land to which code applies

This code applies to development that is specified in clauses 3.2–3.5 on any lot in Zone R1, R2, R3, R4 or RU5 that:

- (a) has an area of at least 200m², and
- (b) has a width, measured at the building line fronting a primary road, of at least 6m.

3.2 New single storey and two storey dwelling houses

The erection of a new single storey or two storey dwelling house is development specified for this code.

3.3 Alterations or additions to existing single storey and two storey dwelling houses

- (1) Alterations or additions to an existing single storey or two storey dwelling house or the addition of a second storey to an existing single storey dwelling house is development specified for this code.
- (2) Subclause (1) does not include development specified in the Housing Alterations Code.

3.4 Basements and roof terraces excluded

- (1) The erection of a basement, either as part of a new dwelling house or as an addition or alteration to an existing dwelling house, is not development specified for this code if:
 - (a) on a lot that has a width, measured at the building line, of at least 10m—the basement has an area greater than 45m², or
 - (b) on a lot that has a width, measured at the building line, of at least 6m, but less than 10m—the basement has an area greater than 25m².
- (2) The erection of a roof terrace on the topmost roof of:
 - (a) an existing or a new dwelling house, or
 - (b) an existing or a new outbuilding that is detached from a dwelling house,is not development specified for this code.

3.5 Ancillary development

- (1) The erection of new ancillary development, or alterations or additions to existing ancillary development, is development specified for this code if the development is ancillary to a dwelling house.
- (2) Subclause (1) does not include:
 - (a) development specified in the Housing Alterations Code, and
 - (b) development that is a balcony, deck, patio, pergola, terrace or verandah that is, or will be, attached to a dwelling house on a lot that has an area of less than 300m² and a width, measured at the building line, of 10m or less, unless the development is to the primary road frontage of the lot.

Note—

See clause 1.19 (6) (a) in relation to development that is detached ancillary development or a swimming pool in a heritage conservation area or a draft heritage conservation area.

3.6 Calculating lot area

For the purpose of calculating the area of a lot, the area of the access laneway is excluded if it is a battle-axe lot.

Division 1A Removal or pruning of trees

3.6A When separate permits are not required under this Part

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

- (a) is within 3 metres of the proposed development, and
- (b) is less than 6 metres high, and
- (c) is not listed on a significant tree register or register of significant trees kept by the council.

Division 2 Development standards for this code

Subdivision 1 Application

3.7 Application of development standards

This Division sets out the specified development standards that apply to development specified for this code.

Subdivision 2 Site requirements

3.8 Lot requirements

- (1) Development specified for this code may only be carried out on a lot that:
 - (a) at the completion of the development will have only one dwelling house, and
 - (b) if it is a battle-axe lot—has an access laneway at least 3m wide and measures at least 12m × 12m, excluding the access laneway.
 - (c) (Repealed)
- (2) A lot on which a new single storey or two storey dwelling house is erected must have lawful access to a public road.

3.9 Maximum site coverage of all development

- (1) The site coverage of the dwelling house and all ancillary development on a lot must not be more than the following:
 - (a) 65 per cent of the area of the lot, if the lot has an area of at least 200m² but less than 250m²,
 - (b) 60 per cent of the area of the lot, if the lot has an area of at least 250m² but less than 300m²,
 - (c) 55 per cent of the area of the lot, if the lot has an area of at least 300m² but less than 450m²,
 - (d) 50 per cent of the area of the lot, if the lot has an area of at least 450m² but less than 900m²,
 - (e) 40 per cent of the area of the lot, if the lot has an area of at least 900m² but less than 1500m²,
 - (f) 30 per cent of the area of the lot, if the lot has an area of at least than 1500m².
- (2) Despite subclause (1) (d), the site coverage of a single storey dwelling house and all ancillary development on a lot must not be more than 55 per cent of the area of the lot, if the lot has an area of at least 450m² but less than 500m².

3.10 Maximum floor area for dwelling houses

The floor area of a dwelling house on a lot must not be more than the following:

- (a) 90 per cent of the area of the lot, if the lot has an area of at least 200m² but less than 250m²,
- (b) 85 per cent of the area of the lot, if the lot has an area of at least 250m² but less than

300m²,

- (c) 270m², if the lot has an area of at least 300m² but less than 450m²,
- (d) 330m², if the lot has an area of at least 450m² but less than 600m²,
- (e) 380m², if the lot has an area of at least 600m² but less than 900m²,
- (f) 430m², if the lot has an area of at least 900m².

3.11 Maximum floor area for outbuildings

The floor area of an outbuilding on a lot must not be more than the following:

- (a) 36m², if the lot has an area of less than 300m²,
- (b) 45m², if the lot has an area of at least 300m² but less than 600m²,
- (c) 60m², if the lot has an area of at least 600m² but less than 900m²,
- (d) 100m², if the lot has an area of at least 900m².

3.12 Maximum floor area for balconies, decks, patios, pergolas, terraces and verandahs

The floor area of a balcony, deck, patio, pergola, terrace or verandah attached to a dwelling house with a floor level more than 3m above ground level (existing) on the lot must not be more than 12m².

Subdivision 3 Building heights and setbacks

3.13 Maximum height of dwelling houses and outbuildings

- (1) The height of a dwelling house or the alterations and additions to an existing dwelling house must not be more than 8.5m above ground level (existing).
- (2) The height of an outbuilding or the alterations and additions to an existing outbuilding on a lot must not be more than 4.8m above ground level (existing).

3.14 Setbacks of dwelling houses and ancillary development from roads, other than classified roads

- (1) A dwelling house and all ancillary development on a lot must have a setback from the boundary with a primary road that is not a classified road of at least:
 - (a) the average distance of the setbacks of the nearest 2 dwelling houses having a boundary with the same primary road and located within 40m of the lot on which the dwelling house is erected, or
 - (b) in any case where 2 dwelling houses are not located within 40m of the lot:
 - (i) 3m, if the lot has an area of less than 300m², or

- (ii) 4.5m, if the lot has an area of at least 300m² but less than 900m², or
 - (iii) 6.5m, if the lot has an area of at least 900m² but less than 1500m², or
 - (iv) 10m, if the lot has an area of at least 1500m².
- (2) A dwelling house and all ancillary development on a lot must have a setback from a boundary with a secondary road that is not a classified road of at least the following:
 - (a) 2m, if the lot has an area of at least 200m² but less than 600m², or
 - (b) 3m, if the lot has an area of at least 600m² but less than 1500m², or
 - (c) 5m, if the lot has an area of at least 1500m².
- (3) A dwelling house and all ancillary development on a lot must have a setback from a boundary with a parallel road that is not a classified road of at least:
 - (a) the average distance of the setbacks of the nearest 2 dwelling houses having a boundary with the same parallel road and located within 40m of the lot on which the dwelling house is erected, or
 - (b) in any case where 2 dwelling houses are not located within 40m of the lot:
 - (i) 3m, if the lot has an area of less than 300m², or
 - (ii) 4.5m, if the lot has an area of at least 300m² but less than 900m², or
 - (iii) 6.5m, if the lot has an area of at least 900m² but less than 1500m², or
 - (iv) 10m, if the lot has an area of at least 1500m².
- (4) (Repealed)

3.15 Setbacks of dwelling houses and ancillary development from classified roads

A dwelling house and all ancillary development on a lot must have a setback from a boundary with a classified road of at least:

- (a) if another environmental planning instrument applying to the lot establishes a setback for a dwelling house having a boundary with a classified road, that distance, or
- (b) 9m in any other case.

3.16 Setbacks of dwelling houses and outbuildings from side boundaries, and built to boundary walls

(1) This clause applies to the following:

- (a) a dwelling house and any carport, garage, balcony, deck, patio, pergola, terrace or verandah that is attached to the dwelling house (a **building**),

- (b) an outbuilding, or alterations and additions to an existing outbuilding (also a **building**).
- (2) Any point of a building on a lot must have a setback from the side boundary nearest to that point of at least the following:
- (a) if the lot has a width, measured at the building line, of at least 6m, but less than 10m:
 - (i) for any part of the building with a height of up to 5.5m—0.9m,
 - (ii) for any part of the building with a height of more than 5.5m—0.9m plus one-quarter of the height of the building above 5.5m,
 - (b) if the lot has a width, measured at the building line, of at least 10m, but less than 18m:
 - (i) for any part of the building with a height of up to 4.5m—0.9m,
 - (ii) for any part of the building with a height of more than 4.5m—0.9m plus one-quarter of the height of the building above 4.5m,
 - (c) if the lot has a width, measured at the building line, of at least 18m, but less than 24m:
 - (i) for any part of the building with a height of up to 4.5m—1.5m,
 - (ii) for any part of the building with a height of more than 4.5m—1.5m plus one-quarter of the height of the building above 4.5m,
 - (d) if the lot has a width, measured at the building line, of at least 24m—2.5m for all building heights.
- (3) Despite subclause (2) (a):
- (a) if the lot has a width, measured at the building line, of at least 6m, but less than 8m, the building may be built to both side boundaries, or
 - (b) if the lot has a width, measured at the building line, of at least 8m, but less than 10m, the building may be built to only one side boundary.
- (4) Subclause (3) does not apply if:
- (a) the wall of the building adjoining the boundary is not of masonry construction and is within 900mm of the boundary, or
 - (b) the wall of the building adjoining the boundary has a window facing the boundary and is within 900mm of the boundary.
- (5) A boundary wall of a building erected under subclause (3):

- (a) must not be higher than 3.3m, or
- (b) if the wall is to be built to a boundary wall on an adjoining lot, must not be higher than the height of that wall, or
- (c) if the lot on which the building is erected is an adjoining lot for which a single complying development certificate has been issued under clause 126 (4) of the *Environmental Planning and Assessment Regulation 2000*, must not be higher than the height of the wall on the adjoining lot,

but in any case must not be higher than 8.5m.

(6) The boundary wall of a building erected under subclause (3):

- (a) together with the length of the boundary walls of any other buildings on the lot, must not have a length totalling more than 20m or 50% of the depth of the lot, whichever is the lesser, or
- (b) if the wall is to be built to a boundary wall on an adjoining lot, must not be longer than the length of that boundary wall, or
- (c) if the lot on which the building is erected is an adjoining lot for which a single complying development certificate has been issued under clause 126 (4) of the *Environmental Planning and Assessment Regulation 2000*, must not be longer than the length of the wall on the adjoining lot.

3.17 Setbacks of dwelling houses from rear boundaries

- (1) This clause applies to a dwelling house and any carport, garage, balcony, deck, patio, pergola, terrace or verandah that is attached to the dwelling house (a **building**).
- (2) Any point of a building on a lot must have a setback from the rear boundary of the lot nearest to that building of at least the following distance:
 - (a) if the lot has an area, of at least 200m², but less than 900m², for any part of the building with a height of up to 4.5m—3m,
 - (b) if the lot has an area of at least 200m², but less than 300m², for any part of the building with a height greater than 4.5m:
 - (i) in a case where there are 2 adjoining dwelling houses with a height greater than 4.5m—10m or the average distance setback from the rear boundary of that part of those adjoining dwelling houses which is greater than 4.5m, whichever is the lesser, or
 - (ii) in a case where there are not 2 such adjoining dwellings—10m,
 - (c) if the lot has an area of at least 300m², but less than 900m², for any part of the building with a height greater than 4.5m—8m,

- (d) if the lot has an area of at least 900m², but less than 1500m²:
 - (i) for any part of the building with a height of up to 4.5m—5m, or
 - (ii) for any part of the building with a height greater than 4.5m—12m, or
- (e) if the lot has an area of at least 1500m²:
 - (i) for any part of the building with a height of up to 4.5m—10m, or
 - (ii) for any part of the building with a height greater than 4.5m—15m.
- (3) Despite subclause (2), if the lot has a rear boundary with a lane the building may have a building line that abuts that boundary for not more than 50 per cent of the length of that boundary.

3.18 Setbacks of outbuildings from rear boundaries

- (1) This clause applies to a new outbuilding, or alterations and additions to an existing outbuilding (an **outbuilding**).
- (2) Any point of an outbuilding on a lot must have a setback from the rear boundary of the lot of at least the following:
 - (a) if the lot has an area of at least 200m², but less than 300m²:
 - (i) for any part of the outbuilding with a height of up to 3.3m—the outbuilding may be built to the rear boundary, or
 - (ii) for any part of the outbuilding with a height greater than 3.3m—one-quarter of the height of the outbuilding above 3.3m,
 - (b) if the lot has an area of at least 300m², but less than 900m²:
 - (i) for any part of the outbuilding with a height of up to 3.8m—0.9m, or
 - (ii) for any part of the outbuilding with a height greater than 3.8m—0.9m plus one-quarter of the height of the outbuilding above 3.8m,
 - (c) if the lot has an area of at least 900m², but less than 1500m²:
 - (i) for any part of the outbuilding with a height of up to 3.8m—1.5m, or
 - (ii) for any part of the outbuilding with a height greater than 3.8m—1.5m plus one-quarter of the height of the outbuilding above 3.8m,
 - (d) if the lot has an area of at least 1500m²:
 - (i) for any part of the outbuilding with a height of up to 3.8m—2.5m, or
 - (ii) for any part of the outbuilding with a height greater than 3.8m—2.5m plus

one-quarter of the height of the outbuilding above 3.8m.

(3) Despite subclause (2) (a) if:

- (a) the wall of the building adjoining the boundary is not of masonry construction and is within 900mm of the boundary, or
- (b) the wall of the building adjoining the boundary has a window facing the boundary and is within 900mm of the boundary,

the outbuilding must have a setback from the rear boundary of the lot of at least the following:

- (c) for any part of the outbuilding with a height of up to 3.8m—0.9m,
- (d) for any part of the outbuilding with a height greater than 3.8m—0.9m plus one-quarter of the height of the outbuilding above 3.8m.

(4) Despite subclause (2), if the lot has a rear boundary with a lane the outbuilding may have a building line that abuts that boundary for not more than 50 per cent of the length of that boundary.

3.19 Exceptions to setbacks

Despite any other clause in this Subdivision:

- (a) a dwelling house or an outbuilding must have a setback of at least 3m from a boundary with a public reserve, and
- (b) side and rear setbacks and setbacks from the boundary with a road do not apply to the existing parts of a dwelling house or ancillary development where it is proposed to carry out any of the following:
 - (i) alterations or additions to an existing dwelling house,
 - (ii) alterations or additions to existing ancillary development, and
 - (iii) (Repealed)
- (c) side and rear setbacks and setbacks from the boundary with a road do not apply to allowable encroachments permitted under clause 3.7.1.7 of Volume 2 of the *Building Code of Australia* or any eave or roof overhang that has a horizontal width of not more than 450mm.

Note—

The allowable encroachments permitted under clause 3.7.1.7 of Volume Two of the *Building Code of Australia* include fascias, gutters, downpipes, rainwater tanks, chimneys, flues, domestic fuel tanks, cooling or heating appliances, light fittings, electricity and gas meters, aerials, antennae, pergolas, sun blinds, unroofed terraces, landings, steps and certain ramps.

3.20 Calculating setbacks

- (1) For the purpose of calculating the setback of an existing dwelling house, the location of any of the following is not included:
 - (a) any part of an existing garage or carport that is located between the building line of the dwelling house and a boundary with the primary road,
 - (b) any existing building element of a dwelling house that is located within the articulation zone.
- (2) For the purpose of calculating the setbacks of the nearest two dwelling houses, those dwelling houses must be on the same side of the road as the lot.
- (2A) For the purpose of calculating the setbacks of the nearest 2 dwelling houses as referred to in clause 3.14 (1) (a) and (3) (a), a dwelling house located on a battle axe block is to be disregarded.
- (3) For the purpose of calculating the setbacks of a new dwelling house, any building element that is permitted in the articulation zone is not included.
- (4) For the purpose of calculating setbacks for a battle-axe lot, the setback on the opposite side of the lot to the rear setback is taken to be a side setback.
- (5) (Repealed)
- (6) For the purpose of calculating the setback from a road, a reference to ancillary development does not include the following:
 - (a) a driveway, pathway or paving,
 - (b) an eave,
 - (c) a fence or screen,
 - (d) a retaining wall,
 - (e) any ancillary development that is a building element that is permitted in the articulation zone.

3.20A Protecting adjoining walls

Despite any other development standard of this code, if the development involves the erection of a wall to a boundary that has a wall less than 0.9m from the boundary, the wall must be built in accordance with the method of support proposed by the professional engineer's report provided with the application for the complying development certificate.

3.21 Articulation zone

- (1) A new dwelling house, other than a dwelling house on a battle-axe lot, must have a

front door and a window to a habitable room in the building wall that faces a primary road.

- (2) A new dwelling house, other than a dwelling house on a battle-axe lot, must have a door and a window to a habitable room in the building wall that faces a parallel road.
- (3) A dwelling house, other than a dwelling house that has a setback from a primary road of less than 3m, may incorporate an articulation zone to a primary road.

3.22 Building elements within the articulation zone

- (1) The following building elements are permitted in an articulation zone:
 - (a) an entry feature or portico,
 - (b) a balcony, deck, patio, pergola, terrace or verandah,
 - (c) a window box treatment,
 - (d) a bay window or similar feature,
 - (e) an awning or other feature over a window,
 - (f) a sun shading feature.
- (2) A building element on a dwelling house (other than a pitched roof to an entry feature or portico that has the same pitch as the roof on the dwelling house) must not extend more than:
 - (a) 1m above the gutter line of the eaves of a single storey dwelling house, or
 - (b) above the gutter line of the eaves of a two storey dwelling house.
- (3) The maximum area of all building elements within the articulation zone, other than a building element listed in subclause (1) (e) or (f), must not be more than 25 per cent of the area of the articulation zone, measured through the horizontal plane of the elements.

3.23 Privacy

- (1) A window in a new dwelling house or a new window in any alterations or additions to an existing dwelling house must have a privacy screen if:
 - (a) it is a window in a habitable room, other than a bedroom, that has a floor level of more than 1m above ground level (existing), and
 - (b) the wall in which the window is located has a setback of less than 3 metres from a side or rear boundary, and
 - (c) the window has a sill height of less than 1.5m.

- (2) A new balcony, deck, patio, pergola, terrace or verandah and any alterations to an existing balcony, deck, patio, pergola, terrace or verandah must have a privacy screen if it:
 - (a) has a setback of less than 3m from a side or rear boundary, and
 - (b) has a floor area more than 3m², and
 - (c) has a floor level more than 1 metre above ground level (existing).
- (3) A detached deck, patio, pergola or terrace or any alterations or additions to an existing deck, patio, pergola or terrace must not have a floor level that is more than 600mm above ground level (existing).
- (4) (Repealed)

Subdivision 4 Landscaping

3.24 Landscaped area

- (1) A lot on which development specified for this code is carried out must have a landscaped area of at least the following:
 - (a) 10% of the area of the lot, if the lot has an area of at least 200m² but less than 300m²,
 - (b) 15% of the area of the lot, if the lot has an area of at least 300m² but less than 450m²,
 - (c) 20% of the area of the lot, if the lot has an area of at least 450m² but less than 600m²,
 - (d) 30% of the area of the lot, if the lot has an area of at least 600m² but less than 900m²,
 - (e) 40% of the area of the lot, if the lot has an area of at least 900m² but less than 1,500m²,
 - (f) 45% of the area of the lot, if the lot has an area of at least 1,500m².
- (2) If the lot has a width, measured at the building line, of at least 18m, at least 50% of the area forward of the building line to the primary road must be landscaped.
- (3) If the lot has a width, measured at the building line, of less than 18m, at least 25% of the area forward of the building line to the primary road must be landscaped.
- (4) At least 50% of the landscaped area must be located behind the building line to the primary road.

- (5) The landscaped area must be at least 1.5m wide.
- (6) Subclauses (1)–(5) do not apply to development referred to in clause 3.3 if the development does not:
 - (a) increase the existing site coverage of the lot, or
 - (b) decrease the existing landscaped area.

3.25 Principal private open space

- (1) A lot, with a width measured at the building line of at least 6m but less than 10m, on which a new dwelling house is erected must have at least 16m² of principal private open space.
- (2) A lot, with a width measured at the building line of at least 10m, on which a new dwelling house is erected must have at least 24m² of principal private open space.
- (3) In this clause, ***principal private open space*** means an area that:
 - (a) is directly accessible from, and adjacent to, a habitable room, other than a bedroom, and
 - (b) is at least 3m wide, and
 - (c) is not steeper than 1:50 gradient.

Subdivision 5 Car parking and access

3.26 Car parking requirements

- (1) At least one off-street car parking space must be provided on the lot on which a new dwelling house is erected.
- (1A) Subclause (1) does not apply to a lot that has a width, measured at the building line, of less than 8m.
- (2) At least one off-street car parking space must be retained on a lot on which alterations or additions to an existing car parking space are carried out.
- (3) A car parking space under this clause may be an open hard stand space or a carport or garage, whether attached to or detached from the dwelling house.

3.27 Garages, carports and car parking spaces

- (1) A garage, carport or car parking space for a dwelling house must:
 - (a) if the dwelling house has a setback from a road boundary of 4.5m or more—be at least 1m behind the building line of the dwelling house, or

- (b) if the dwelling house has a setback from a road boundary of less than 4.5m—be at least 5.5m from the boundary.
- (2) If the door or doors on a garage face a primary road, a secondary road or a parallel road, the total width of all the door openings must not exceed:
 - (a) 3.2m, if the lot has a width, measured at the building line, of at least 8m, but less than 12m, or
 - (b) 6m, if the lot has a width, measured at the building line, of at least 12m.
- (3) A garage cannot be erected on a lot that has a width, measured at the building line, of less than 8m.
- (4) An open hard stand car parking space must measure at least 2.6m wide and 5.4m long.

3.28 Vehicle access

- (1) A lot on which an off-street car parking space is provided or retained under clause 3.26 must have a driveway to a public road.
- (2) A driveway on a lot must be constructed in accordance with AS 2890.1—2004, *Parking facilities—Off-street car parking*.
- (3) The off street car parking space for a battle-axe lot must be constructed in a way that allows vehicles to leave the lot in a forward direction.

Note—

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

Subdivision 6 Earthworks and drainage

3.29 Excavation of sloping sites

- (1) Excavation associated with the erection of, or alterations or additions to, a dwelling house or ancillary development (other than a swimming pool) must:
 - (a) be not more than 1m below ground level (existing), and
 - (b) be constructed using a retaining wall or unprotected embankment that meets the standards of subclause (2) or (3), respectively.
- (2) A retaining wall:
 - (a) must not redirect the flow of surface water onto adjoining property, and
 - (b) must not extend more than 2m horizontally from any external wall of the dwelling house or ancillary development.

- (3) An unprotected embankment must not extend more than 2m horizontally beyond the external wall of the dwelling house or ancillary development.
- (4) Excavation associated with the erection of, or alterations or additions to, a swimming pool must be not more than the depth required for the pool structure.

3.30 Fill of sloping sites

- (1) Fill associated with the erection of, or an alteration or addition to, a dwelling house or ancillary development must:
 - (a) be contained wholly within the footprint of the dwelling house or ancillary development, or
 - (b) be adequately contained by a retaining wall that:
 - (i) is not higher than 600mm (including the height of any batters) above ground level (existing), and
 - (ii) does not redirect the flow of surface water onto adjoining property.
- (2) Despite subclause (1), exposed fill may be constructed using an unprotected embankment if the dwelling house or ancillary development has a setback of more than 2m from a side or rear boundary, if:
 - (a) the fill is not more than 600mm above ground level (existing), and
 - (b) the fill (but not the embankment) does not extend more than 1m beyond an external wall of the dwelling house or ancillary development, and
 - (c) the toe of the unprotected embankment has a setback of at least 400mm from a side or rear boundary.

3.31 Run-off and erosion controls

Run-off and erosion controls must be implemented to prevent soil erosion, water pollution or the discharge of loose sediment on the surrounding land by:

- (a) diverting uncontaminated run-off around cleared or disturbed areas, and
- (b) erecting a silt fence to prevent debris escaping into drainage systems and waterways, and
- (c) preventing tracking of sediment by vehicles onto roads, and
- (d) stockpiling top soil, excavated materials, construction and landscaping supplies and debris within the lot.

3.32 Drainage

- (1) All stormwater drainage collecting as a result of the erection of, or alterations or additions to, a dwelling house or ancillary development must be conveyed by a gravity fed or charged system to:
 - (a) a public drainage system, or
 - (b) an inter-allotment drainage system, or
 - (c) an on-site disposal system.
- (2) All stormwater drainage systems within a lot and the connection to a public or an inter-allotment drainage system must:
 - (a) if an approval is required under section 68 of the *Local Government Act 1993*, be approved under that Act, or
 - (b) if an approval is not required under section 68 of the *Local Government Act 1993*, comply with any requirements for the disposal of stormwater drainage contained in a development control plan that is applicable to the land.

Subdivision 7 Ancillary development

3.33 Development standards for detached studios adjoining lanes

- (1) This clause applies:
 - (a) to a detached studio that adjoins a lane, and
 - (b) in addition to the development standards specified in clauses 3.8, 3.9 and 3.24.
- (2) A detached studio must be at least 3m from any part of the dwelling house below 4.5m in building height and 6m from any part of the dwelling house above 4.5m in building height.
- (3) A detached studio must not be more than 6m high, 9m wide or 7m deep.
- (4) The floor area of a detached studio must not be more than the following:
 - (a) 60m², if the lot has a width, measured at the building line, of at least 6m, but less than 12m,
 - (b) 75m², if the lot has a width, measured at the building line, of at least 12m, but less than 15m,
 - (c) 100m², if the lot has a width, measured at the building line, of at least 15m.
- (5) The side setback for a detached studio is the following:
 - (a) if the lot has a width, measured at the building line, of at least 6m, but less than

15m:

- (i) 0.9m for a building height of up to 4.5m,
- (ii) 1.2m for a building height greater than 4.5m,

(b) if the lot has a width, measured at the building line, of at least 15m, but less than 18m:

- (i) 0.9m for a building height of up to 4.5m,
- (ii) 1.5m for a building height greater than 4.5m,

(c) if the lot has a width, measured at the building line, of at least 18m:

- (i) 1.5m for a building height of up to 4.5m,
- (ii) 2.5m for a building height greater than 4.5m.

(6) Despite subclause (5):

- (a) if the lot has a width, measured at the building line, of at least 6m, but less than 8m, the building may be built to both side boundaries, or
- (b) if the lot has a width, measured at the building line, of at least 8m, but less than 10m, the building may be built to only one side boundary.

(7) Subclause (6) does not apply if:

- (a) the wall of the building adjoining the boundary is not of masonry construction and is within 900mm of the boundary, or
- (b) the wall of the building adjoining the boundary has a window facing the boundary and is within 900mm of the boundary.

(8) A boundary wall of a detached studio erected under subclause (6):

- (a) must not be higher than 3.3m, or
- (b) if the wall is to be built to a boundary wall on an adjoining lot, must not be higher than the height of that wall, or
- (c) if the lot on which the detached studio is erected is an adjoining lot for which a single complying development certificate has been issued under clause 126 (4) of the *Environmental Planning and Assessment Regulation 2000*, must not be higher than the height of the wall on the adjoining lot,

but in any case must not be higher than 8.5m.

(9) The boundary wall of a detached studio erected under subclause (6):

- (a) together with the length of the boundary walls of any other buildings on the lot must not have a length totalling more than 20m or 50% of the depth of the lot, whichever is the lesser, or
 - (b) if the wall is to be built to a boundary wall on an adjoining lot, must not be longer than the length of that boundary wall, or
 - (c) if the lot on which the detached studio is erected is an adjoining lot for which a single complying development certificate has issued under clause 126 (4) of the *Environmental Planning and Assessment Regulation 2000*, must not be longer than the length of the wall on the adjoining lot.
- (10) A window in a new detached studio or a new window in any alterations or additions to an existing detached studio must have a privacy screen if:
- (a) the window faces a dwelling house on the same lot or on an immediately adjoining lot, and
 - (b) the window is in a room that has a floor level of more than 2.5 metres above ground level (existing), and
 - (c) the window has a sill height of less than 1.5 metres.
- (11) Paragraphs (a) and (b) of the definition of **privacy screen** in clause 1.5 (1) do not apply to a privacy screen referred to in subclause (10).

3.34 Swimming pools

- (1) Ancillary development comprising a swimming pool for private use must be located on a lot:
- (a) behind the setback area from a primary road, or
 - (b) in the rear yard.

Note—

Development for the purposes of a swimming pool is not complying development under this Code unless it is ancillary to a dwelling house.

- (2) The swimming pool water line must have a setback of at least 1m from a side or rear boundary.
- (2A) Despite subclauses (1) and (2), if the swimming pool is being constructed in a heritage conservation area, the swimming pool must be located:
- (a) behind the rear most building line of the dwelling house, and
 - (b) no closer to each side boundary than the dwelling house.

- (3) Decking around a swimming pool must not be more than 600mm above ground level (existing).
- (4) Coping around a swimming pool must not be more than:
 - (a) 1.4m above ground level (existing), or
 - (b) 300mm wide if the coping is more than 600mm above ground level (existing).
- (5) Water from a swimming pool must be discharged in accordance with an approval under the *Local Government Act 1993* if the lot is not connected to a sewer main.
- (6) Pumps attached to the development must be housed in a soundproof enclosure.
- (7) If the swimming pool is being constructed after, and at a different time to, the erection of a dwelling house on the lot, the development standards for this Code (other than the standards referred to in clause 3.24 and this clause) do not apply to the construction.

Note—

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

3.35 Fences and retaining walls

- (1) A fence and any associated retaining wall located within the setback area from a primary road must:
 - (a) not be more than 1.2m above ground level (existing), and
 - (b) be open for at least 50 per cent of the upper $\frac{2}{3}$ of the area of the fence, and
 - (c) in relation to any brick or other solid portion of the fence above 600mm, be not more than 250mm wide.
- (2) A fence and any associated retaining wall located behind the setback area from a primary road or any side or rear boundary fence must not be more than 1.8m above ground level (existing).
- (3) A retaining wall or embankment that is not subject to Subdivision 6 must not have a height above or below ground level (existing) of more than:
 - (a) 600mm at any distance up to 500mm from a side or rear boundary, or
 - (b) 1m at any distance more than 500mm from a side or rear boundary.
- (4) The fence or the fence and associated retaining wall on a sloping lot may be stepped, provided the height of each step is not more than:
 - (a) 1.6m above ground level (existing) if it is located within a setback area from a

primary road, or

(b) 2.2m above ground level (existing) in any other case.

- (4A) If the land on which a fence or retaining wall is to be erected is bush fire prone land, the fence or retaining wall must be constructed from non-combustible materials.
- (5) All fill on a lot that is not subject to Subdivision 6 must be retained by a retaining wall.
- (6) Fill more than 150mm deep must not occupy an area of more than 50 per cent of the landscaped area of the lot.

3.36 Construction of fences

- (1) A fence must not incorporate barbed wire in its construction or be electrified.
- (2) If the land on which a fence is to be erected is bush fire prone land, the fence must be constructed from non-combustible materials.
- (3) Metal used in the construction of a fence must be low reflective and factory pre-coloured.
- (4) A fence must not be constructed so as to redirect the overland flow of surface water onto adjoining properties.

Subdivision 8 Outbuildings

3.36A Development standards for outbuildings in heritage conservation areas

- (1) This clause applies:
- (a) to an outbuilding erected on a lot in a heritage conservation area or a draft heritage conservation area to which this code applies, and
 - (b) in addition to the development standards specified in clauses 3.9, 3.13, 3.16 and 3.18.
- (2) The outbuilding must be located:
- (a) behind the rear most building line of the dwelling house, and
 - (b) no closer to each side boundary than the dwelling house.
- (3) The floor area of an outbuilding must not be more than 20m².
- (4) The lot must not adjoin a lane or a secondary or parallel road frontage.

Subdivision 9 Development standards for particular land

3.36B Development standards for bush fire prone land

(1) This clause applies:

- (a) to all development specified for this code that is to be carried out on a lot that is wholly or partly bush fire prone land (other than development that is the erection of non-habitable ancillary development that is more than 10m from any dwelling house, landscaping, a non-combustible fence or a swimming pool), and
- (b) in addition to all other development standards specified for this code.

(2) The development may be carried out on the lot only if:

- (a) the development conforms to the specifications and requirements of the following that are relevant to the development:
 - (i) *Planning for Bush Fire Protection* (ISBN 0 9751033 2 6) published by the NSW Rural Fire Service in December 2006,
 - (ii) *Addendum: Appendix 3* (ISBN 0 9751033 2 6, published by NSW Rural Fire Service in 2010) to *Planning for Bush Fire Protection* (ISBN 0 9751033 2 6),
 - (iii) if another document is prescribed by the regulations for the purposes of section 79BA of the *Environmental Planning and Assessment Act 1979*—that document, and
- (b) the part of the lot on which the development is to be carried out is not in bush fire attack level-40 (BAL-40) or the flame zone (BAL-FZ), and
- (c) the lot has direct access to a public road or a road vested in or maintained by the council, and
- (d) a reticulated water supply is connected to the lot, and
- (e) a fire hydrant is located less than 60 metres from the location on the lot of the proposed development, and
- (f) mains electricity is connected to the lot, and
- (g) reticulated or bottled gas on the lot is installed and maintained in accordance with AS/NZS 1596:2008, *The storage and handling of LP Gas* and the requirements of relevant authorities (metal piping must be used), and
- (h) any gas cylinders on the lot that are within 10m of a dwelling house:
 - (i) have the release valves directed away from the dwelling house, and
 - (ii) are enclosed on the hazard side of the installation, and
 - (iii) have metal connections to and from the cylinders, and

- (i) there are no polymer sheathed flexible gas supply lines to gas meters adjacent to the dwelling.

Note—

The requirements of AS 3959—2009, *Construction of buildings in bushfire-prone areas* set out in the *Building Code of Australia* also apply.

- (3) A standard specified in subclause (2) (b) is satisfied if one of the following certifies that the development is not in bush fire attack level-40 (BAL-40) or the flame zone (BAL-FZ):
 - (a) until 25 February 2012—the NSW Rural Fire Service, or
 - (b) a person who is recognised by the NSW Rural Fire Service as a suitably qualified consultant in bush fire risk assessment, or
 - (c) the council.

Note—

More information about the categories of bush fire attack, including the flame zone, can be found in Table A3.4.2 of *Addendum: Appendix 3* (ISBN 0 9751033 2 6 and published by NSW Rural Fire Service in 2010) to the publication titled *Planning for Bush Fire Protection* (ISBN 0 9751033 2 6) published by NSW Rural Fire Service in 2006.

3.36C Development standards for flood control lots

- (1) This clause applies:
 - (a) to all development specified for this code that is to be carried out on a flood control lot, and
 - (b) in addition to all other development standards specified for this code.
- (2) The development must not be on any part of a flood control lot unless that part of the lot has been certified, for the purposes of the issue of the relevant complying development certificate, by the council or a professional engineer who specialises in hydraulic engineering as not being any of the following:
 - (a) a flood storage area,
 - (b) a floodway area,
 - (c) a flow path,
 - (d) a high hazard area,
 - (e) a high risk area.
- (3) The development must, to the extent it is within a flood planning area:

- (a) have all habitable rooms no lower than the floor levels set by the council for that lot, and
 - (b) have the part of the development at or below the flood planning level constructed of flood compatible material, and
 - (c) be able to withstand the forces of floodwater, debris and buoyancy up to the flood planning level (or if on-site refuge is proposed, the probable maximum flood level), and
 - (d) not increase flood affectation elsewhere in the floodplain, and
 - (e) have reliable access for pedestrians and vehicles from the development, at a minimum level equal to the lowest habitable floor level of the development, to a safe refuge, and
 - (f) have open car parking spaces or carports that are no lower than the 20-year flood level, and
 - (g) have driveways between car parking spaces and the connecting public roadway that will not be inundated by a depth of water greater than 0.3m during a 1:100 ARI (average recurrent interval) flood event.
- (4) A standard specified in subclause (3) (c) or (d) is satisfied if a joint report by a professional engineer who specialises in hydraulic engineering and a professional engineer who specialises in civil engineering confirms that the development:
- (a) can withstand the forces of floodwater, debris and buoyancy up to the flood planning level (or if on-site refuge is proposed, the probable maximum flood level), or
 - (b) will not increase flood affectation elsewhere in the floodplain.
- (5) If a word or expression used in this clause is defined in the Floodplain Development Manual, the word or expression has the same meaning as it has in that Manual unless it is otherwise defined in this clause.
- (6) In this clause:

flood compatible material means building materials and surface finishes capable of withstanding prolonged immersion in water.

Floodplain Development Manual means the *Floodplain Development Manual* (ISBN 0 7347 5476 0) published by the NSW Government in April 2005.

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

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

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

Division 3 Conditions applying to complying development certificate under this code

Note—

Complying development must comply with the requirements of the Act, the [Environmental Planning and Assessment Regulation 2000](#) and the conditions listed in this Part.

Note—

A contributions plan setting out the contribution requirements towards the provision or improvement of public amenities or public services may specify that an accredited certifier must, under section 94EC of the Act, impose a condition on a complying development certificate requiring the payment of a monetary contribution in accordance with that plan.

Subdivision 1 Conditions applying before works commence

3.37 Protection of adjoining areas

- (1) A temporary hoarding or temporary construction site fence must be erected between the work site and adjoining lands before the works begin and must be kept in place until after the completion of works if the works:
 - (a) could cause a danger, obstruction or inconvenience to pedestrian or vehicular traffic, or
 - (b) could cause damage to adjoining lands by falling objects, or
 - (c) involve the enclosure of a public place or part of a public place.

(2), (3) (Repealed)

Note—

See the entry in the General Exempt Development Code for scaffolding, hoardings and temporary construction site fences.

3.38 Toilet facilities

- (1) Toilet facilities must be available or provided at the work site before works begin and must be maintained until the works are completed at a ratio of one toilet plus one additional toilet for every 20 persons employed at the site.
- (2) Each toilet must:

- (a) be a standard flushing toilet connected to a public sewer, or
- (b) have an on-site effluent disposal system approved under the *Local Government Act 1993*, or
- (c) be a temporary chemical closet approved under the *Local Government Act 1993*.

3.39 Garbage receptacle

- (1) A garbage receptacle must be provided at the work site before works begin and must be maintained until the works are completed.
- (2) The garbage receptacle must have a tight fitting lid and be suitable for the reception of food scraps and papers.

3.39A Notification to neighbours

The person having the benefit of the complying development certificate must give at least 2 days' notice in writing of the intention to commence the works to the owner or occupier of each dwelling that is situated within 20m of the lot on which the works will be carried out.

3.39B Adjoining wall dilapidation report

- (1) If a wall on a lot is to be built to a boundary and there is a wall (the **adjoining wall**) on the lot adjoining that boundary that is less than 0.9m from that boundary, the person having the benefit of the complying development certificate must obtain a dilapidation report on the adjoining wall.
- (2) If the person preparing the report is denied access to the adjoining lot for the purpose of inspecting the adjoining wall, the report may be prepared from an external inspection of the adjoining wall.
- (3) In this clause:

dilapidation report means a report, prepared by a professional engineer, confirming the structural condition of the adjoining wall before the development commences.

Subdivision 2 Conditions applying during the works

Note—

The *Protection of the Environment Operations Act 1997* and the *Protection of the Environment Operations (Noise Control) Regulation 2008* contain provisions relating to noise.

3.40 Hours for construction

Construction may only be carried out between 7.00 am and 5.00 pm on Monday to Saturday and no construction is to be carried out at any time on a Sunday or a public holiday.

3.41 Compliance with plans

Works must be carried out in accordance with the plans and specifications to which the complying development certificate relates.

3.42 Sedimentation and erosion controls

Run-off and erosion controls must be effectively maintained until the site has been stabilised and landscaped.

3.43 Maintenance of site

- (1) Building materials and equipment must be stored wholly within the work site unless an approval to store them elsewhere is held.
- (2) Waste materials must be disposed of at a waste management facility.
- (3) The work site must be left clear of waste and debris at the completion of the works.

Subdivision 3 Construction requirements

3.44 Staging construction

- (1) If the complying development is the erection of, or alterations or additions to, a dwelling house, the roof stormwater drainage system must be installed and connected to the drainage system before the roof covering is installed.
- (2) Any approval that is required for connection to the drainage system under the [Local Government Act 1993](#) must be held before the connection is carried out.
- (3) If the complying development involves the construction of a vehicular access point, the access point must be completed before the occupation certificate for the complying development on the site is obtained.

3.45 Utility services

If the complying development requires alteration to, or the relocation of, utility services on the lot on which the complying development is carried out, the complying development is not complete until all such works are carried out.

Part 3A Rural Housing Code

Note 1—

Schedule 3 contains variations to this code.

Note 2—

In addition to the requirements specified for development under this code, adjoining owners' property rights, the applicable common law and other legislative requirements for approvals, licences, permits and authorities still apply. For example, requirements relevant to development in this code may be contained in the Act, the [Environmental Planning and Assessment](#)

Regulation 2000, various State environmental planning policies, the *Protection of the Environment Operations Act 1997*, the *Roads Act 1993*, the *Swimming Pools Act 1992* and Acts applying to various infrastructure authorities. If the development is in proximity to infrastructure, including water, stormwater and sewer mains, electricity power lines and telecommunications facilities, the relevant infrastructure authority should be contacted before commencing the development.

Division 1 Development that is complying development under this code

3A.1 Land to which code applies

This code applies to development that is specified in clauses 3A.2–3A.5 on lots in Zones RU1, RU2, RU3, RU4 and R5.

3A.2 New single storey and two storey dwelling houses

- (1) The erection of a new single storey or two storey dwelling house is development specified for this code if the development is erected on a lot:
 - (a) in Zone RU1, RU2 or RU4 that has an area of at least 4,000m², or
 - (b) in Zone R5.
- (2) This clause does not apply if the size of the lot is less than the minimum lot size for the erection of a dwelling house under the environmental planning instrument applying to the lot.

3A.3 Alterations or additions to existing single storey and two storey dwelling houses

- (1) Alterations or additions to an existing single storey or two storey dwelling house or the addition of a second storey to an existing single storey dwelling house is development specified for this code if the development is erected on a lot:
 - (a) in Zone RU1, RU2, RU3 or RU4 that has an area of at least 4,000m², or
 - (b) in Zone R5.
- (2) Subclause (1) does not include development specified in the Housing Alterations Code.

3A.4 Basements and roof terraces excluded

- (1) The erection of a basement, either as part of a new dwelling house or as an addition or alteration to an existing dwelling house is not development specified for this code.
- (2) The erection of a roof terrace on the topmost roof of:
 - (a) an existing or a new dwelling house, or
 - (b) an existing or a new outbuilding that is detached from a dwelling house,is not development specified for this code.

3A.5 Ancillary development

- (1) The erection of new ancillary development, or alterations or additions to existing ancillary development, is development specified for this code if the development is ancillary to a dwelling house and erected on a lot:
 - (a) in Zone RU1, RU2, RU3 or RU4 that has an area of at least 4,000m², or
 - (b) in Zone R5.
- (2) Subclause (1) does not include development specified in the Housing Alterations Code.

Note—

See clause 1.19 (6) (a) in relation to development that is detached ancillary development or a swimming pool in a heritage conservation area or a draft heritage conservation area.

3A.6 Calculating lot area

For the purpose of calculating the area of a lot, the area of the access laneway is excluded if it is a battle-axe lot.

Division 2 Removal or pruning of trees

3A.7 When separate permits are not required under this Part

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

- (a) is within 3 metres of the proposed development, and
- (b) is less than 6 metres high, and
- (c) is not listed on a significant tree register or register of significant trees kept by the council.

Division 3 Development standards for this code

Subdivision 1 Application

3A.8 Application of development standards

This Division sets out the specified development standards that apply to development specified for this code.

Subdivision 2 Site requirements

3A.9 Lot requirements and building envelope

- (1) Development specified for this code may only be carried out on a lot that:
 - (a) at the completion of the development will have only one dwelling house, and
 - (b) if the lot is in Zone R5 and is not a battle-axe lot—has a width, measured at the building line, of at least 18m, and
 - (c) if the lot is in Zone R5 and is a battle-axe lot—has an access laneway at least 3m wide and measures at least 12m × 12m, excluding the access laneway.
- (2) A lot on which a new single storey or two storey dwelling house is erected must have lawful direct frontage access or a right of carriageway to a public road or a road vested in or maintained by the council (other than a Crown road reserve).
- (3) If under section 88B of the *Conveyancing Act 1919* a restriction is created that specifies a building envelope for a lot, development specified for this code may only be carried out within the building envelope specified.

3A.10 Maximum site coverage of all development

The site coverage of a new dwelling house and all ancillary development on a lot in Zone R5 that has an area of less than 4,000m² must not be more than 30 per cent.

3A.11 Maximum floor area for new dwelling houses

The floor area of a new dwelling house on a lot in Zone R5 that has an area of less than 4,000m² must not be more than 430m².

3A.12 Maximum floor area for new outbuildings

The floor area of a new outbuilding on a lot in Zone R5 that has an area of less than 4,000m² must not be more than the following:

- (a) 500m², if the only purpose of the outbuilding is for agricultural use,
- (b) 100m², in any other case.

3A.13 Maximum floor area for balconies, decks, patios, pergolas, terraces and verandahs

The floor area of a balcony, deck, patio, pergola, terrace or verandah attached to a dwelling house with a floor level of more than 3m above ground level (existing) on a lot in Zone R5 that has an area of less than 4,000m² must not be more than 12m².

Subdivision 3 Building heights and setbacks

3A.14 Maximum heights of dwelling houses and outbuildings

- (1) The height of a dwelling house or the alterations and additions to an existing dwelling

house on a lot in Zone R5 that has an area of less than 4,000m² must not be more than 8.5m above ground level (existing).

- (2) The height of an outbuilding or the alterations and additions to an existing outbuilding on a lot in Zone R5 that has an area of less than 4,000m² must not be more than 4.8m above ground level (existing).
- (3) The height of a dwelling house or the alterations and additions to an existing dwelling house on the following lots must not be more than 10m above ground level (existing):
 - (a) a lot in Zone RU1, RU2, RU3 or RU4,
 - (b) a lot in Zone R5 that has an area of at least 4,000m².
- (4) The height of an outbuilding or the alterations and additions to an existing outbuilding on the following must not be more than 4.8m above ground level (existing):
 - (a) a lot in Zone RU1, RU2, RU3 or RU4,
 - (b) a lot in Zone R5 that has an area of at least 4,000m².
- (5) The highest point of a dwelling house or the alterations and additions to an existing dwelling house referred to in subclause (1) or (3) must be at least 5m below the highest ridgeline of any hill within 100m of the dwelling or alteration.

3A.15 Setbacks of dwelling houses and ancillary development from roads

- (1) A dwelling house and all ancillary development on a lot in Zone R5 that has an area of less than 4,000m² must have a setback from the boundary with a primary road that is not a classified road of at least:
 - (a) the average distance of the setbacks of the nearest 2 dwelling houses having a boundary with the same primary road and located within 40m of the lot on which the dwelling house is erected, or
 - (b) in any case where 2 dwelling houses are not located within 40m of the lot, 10m.
- (2) A dwelling house and all ancillary development on a lot in the following zones must have a setback from the boundary with a primary road that is not a classified road of at least the following:
 - (a) if the lot is in Zone R5 and has an area of at least 4,000m²—15m,
 - (b) if the lot is in Zone RU4—30m,
 - (c) if the lot is in Zone RU1, RU2 or RU3—50m.
- (3) A dwelling house and all ancillary development must have a setback from a boundary with a secondary road that is not a classified road of at least the following:

- (a) if the lot is in Zone R5 and has an area of less than 4,000m²—5m,
 - (b) if the lot is in Zone R5 and has an area of at least 4,000m², or is in Zone RU1, RU2, RU3 or RU4—10m.
- (4) A dwelling house and all ancillary development on a lot in Zone R5 that has an area of less than 4,000m² must have a setback from a boundary with a parallel road that is not a classified road of at least 10m.
- (5) If a lot fronts a classified road, a dwelling house and any ancillary development must have a setback from the boundary with the classified road of:
- (a) if another environmental planning instrument applying to that lot specifies a setback for those circumstances, the setback specified by the other instrument, or
 - (b) the setback specified by subclauses (1) and (2),
- whichever is the greater.

3A.16 Setbacks of dwelling houses from side boundaries

- (1) This clause applies to a dwelling house and any carport, garage, balcony, deck, patio, pergola, terrace or verandah that is attached to the dwelling house (a **building**).
- (2) Any point of a building, on a lot to which this code applies, must have a setback from the side boundary nearest to that point of at least the following distance:
 - (a) if the lot is in Zone R5 and has an area of less than 4,000m²—2.5m,
 - (b) if the lot is in Zone R5, and has an area of at least 4,000m², or is in Zone RU1, RU2, RU3 or RU4—10m.

3A.17 Setbacks of dwelling houses from rear boundaries

- (1) This clause applies to a dwelling house and any carport, garage, balcony, deck, patio, pergola, terrace or verandah that is attached to the dwelling house (a **building**).
- (2) Any point of the building must have a setback from the rear boundary nearest to that point of at least 15m.

3A.18 Setbacks of outbuildings from side and rear boundaries

An outbuilding, or alterations and additions to an existing outbuilding, must have a setback from a side or rear boundary of at least:

- (a) if the only purpose of the outbuilding is for agricultural use—10m, or
- (b) in any other case—5m.

3A.19 Exceptions to setbacks

Despite any other clause in this Subdivision:

- (a) a new dwelling house or outbuilding must have a setback of at least 3m from a boundary with a public reserve, and
- (b) side and rear setbacks and setbacks from the boundary with a road do not apply to the existing parts of a dwelling house or ancillary development where it is proposed to carry out any of the following:
 - (i) alterations or additions to an existing dwelling house,
 - (ii) alterations or additions to existing ancillary development, and
- (c) side and rear setbacks and setbacks from the boundary with a road do not apply to allowable encroachments permitted under clause 3.7.1.7 of Volume 2 of the *Building Code of Australia* or any eave or roof overhang that has a horizontal width of not more than 450mm, and
- (d) a dwelling house or outbuilding must have a setback of at least 40m from the bank of any perennial watercourse identified on a 1:50,000 topographical map published by the Land and Property Management Authority, and
- (e) a dwelling house or outbuilding must have a setback of at least 250m from a boundary with adjoining land being used for any of the following:
 - (i) forestry,
 - (ii) intensive livestock agriculture,
 - (iii) intensive plant agriculture,
 - (iv) mines and extractive industries,
 - (v) railway lines,
 - (vi) rural industries.

Note—

The allowable encroachments permitted under clause 3.7.1.7 of Volume Two of the *Building Code of Australia* include fascias, gutters, downpipes, rainwater tanks, chimneys, flues, domestic fuel tanks, cooling or heating appliances, light fittings, electricity and gas meters, aerials, antennae, pergolas, sun blinds, unroofed terraces, landings, steps and certain ramps.

3A.20 Calculating setbacks

- (1) For the purpose of calculating the setback of an existing dwelling house, the location of any of the following is not included:

- (a) any part of an existing garage or carport that is located between the building line of the dwelling house and a boundary with the primary road,
 - (b) any existing building element of a dwelling house that is located within the articulation zone.
- (2) For the purpose of calculating the setbacks of the nearest two dwelling houses, those dwelling houses must be on the same side of the road as the lot.
- (2A) For the purpose of calculating the setbacks of the nearest 2 dwelling houses as referred to in clause 3A.15 (1) (a), a dwelling house located on a battle axe block is to be disregarded.
- (3) For the purpose of calculating the setbacks of a new dwelling house, any building element that is permitted in the articulation zone is not included.
- (4) For the purpose of calculating setbacks for a battle-axe lot, the setback on the opposite side of the lot to the rear setback is taken to be a side setback.
- (5) For the purpose of calculating the setback from a road, a reference to ancillary development does not include the following:
- (a) a driveway, pathway or paving,
 - (b) the eaves,
 - (c) a fence or screen,
 - (d) a retaining wall,
 - (e) any ancillary development that is a building element that is permitted in the articulation zone.

3A.21 Articulation zone

- (1) This clause applies only to lots in Zone R5 that have an area of less than 4,000m².
- (2) A dwelling house, other than a dwelling house on a battle-axe lot, must have a front door and a window to a habitable room in the building wall that faces a primary road.
- (3) A dwelling house, other than a dwelling house on a battle-axe lot, must have a door and a window to a habitable room in the building wall that faces a parallel road.
- (4) A dwelling house, other than a dwelling house that has a setback from a primary road of less than 3m, may incorporate an articulation zone to a primary road.

3A.22 Building elements within the articulation zone

- (1) This clause applies only to lots in Zone R5 that have an area of less than 4,000m².

- (2) The following building elements are permitted in an articulation zone:
 - (a) an entry feature or portico,
 - (b) a balcony, deck, patio, pergola, terrace or verandah,
 - (c) a window box treatment,
 - (d) a bay window or similar feature,
 - (e) an awning or other feature over a window,
 - (f) a sun shading feature.
- (3) A building element on a dwelling house (other than a pitched roof to an entry feature or portico that has the same pitch as the roof on the dwelling house) must not extend more than:
 - (a) 1m above the gutter line of the eaves of a single storey dwelling house, or
 - (b) above the gutter line of the eaves of a two storey dwelling house.
- (4) The maximum area of all building elements within the articulation zone, other than a building element listed in subclause (2) (e) or (f), must not be more than 25 per cent of the area of the articulation zone, measured through the horizontal plane of the elements.

3A.23 Privacy

- (1) This clause applies only to lots in Zone R5 that have an area of less than 4,000m².
- (2) A window in a dwelling house or a new window in any alterations or additions to an existing dwelling house must have a privacy screen if:
 - (a) it is a window in a habitable room, other than a bedroom, that has a floor level of more than 1m above ground level (existing), and
 - (b) the wall in which the window is located has a setback of less than 3 metres from a side or rear boundary, and
 - (c) the window has a sill height of less than 1.5m.
- (3) A balcony, deck, patio, pergola, terrace or verandah and any alterations to an existing balcony, deck, patio, pergola, terrace or verandah must have a privacy screen if it:
 - (a) has a setback of less than 3m from a side or rear boundary, and
 - (b) has a floor area more than 3m², and
 - (c) has a floor level more than 1 metre above ground level (existing).

- (4) A detached deck, patio, pergola or terrace or any alterations or additions to an existing deck, patio, pergola or terrace must not have a floor level that is more than 600mm above ground level (existing).

Subdivision 4 Landscaping

3A.24 Landscaped area

- (1) A lot in Zone R5 that has an area of less than 4,000m² must have at least 45% of its area landscaped.
- (2) At least 50% of the area forward of the building line to the primary road must be landscaped.
- (3) The landscaped area must be at least 2.5m wide.

3A.25 Principal private open space

- (1) A lot in Zone R5 that has an area of less than 4,000m² and on which a new dwelling house is erected must have at least 24m² of principal private open space.
- (2) In this clause, ***principal private open space*** means an area that:
 - (a) is directly accessible from, and adjacent to, a habitable room, other than a bedroom, and
 - (b) is at least 3m wide, and
 - (c) is not steeper than 1:50 gradient.

Subdivision 5 Car parking and access

3A.26 Car parking requirements

- (1) This clause applies only to lots in Zone R5 that have an area of less than 4,000m².
- (2) At least one off-street car parking space must be provided on a lot on which a new dwelling house is erected.
- (3) At least one off-street car parking space must be retained on a lot on which alterations or additions to an existing car parking space are carried out.
- (4) A car parking space under this clause may be an open hard stand space or a carport or garage, whether attached to or detached from the dwelling house.

3A.27 Garages, carports and car parking spaces

- (1) This clause applies only to lots in Zone R5 that have an area of less than 4,000m².
- (2) A garage, carport or car parking space for a dwelling house must:

- (a) if the dwelling house has a setback from a road boundary of 4.5m or more—be at least 1m behind the building line of the dwelling house, or
 - (b) if the dwelling house has a setback from a road boundary of less than 4.5m—be at least 5.5m from the boundary.
- (3) If the door or doors on a garage face a primary road, a secondary road or a parallel road, the total width of all those door openings must:
- (a) be not more than 6m, and
 - (b) if the lot has a frontage of more than 15m—be not more than 50 per cent of the width of the building, measured at the building line to the relevant property boundary, and
 - (c) if the lot has a frontage of not more than 15m—be not more than 60 per cent of the width of the building, measured at the building line to the relevant property boundary.
- (4) An open hard stand car parking space must measure at least 2.6m wide by 5.4m long.

3A.28 Vehicle access

- (1) A lot on which an off-street car parking space is provided or retained under clause 3A.27 must have a driveway to a public road.
- (2) A driveway on a lot must be constructed in accordance with AS/NZS 2890.1—2004, *Parking facilities—Off-street car parking*.

Note—

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

Subdivision 6 Earthworks and drainage

3A.29 Excavation of sloping sites

- (1) Excavation associated with the erection of, or alterations or additions to, a dwelling house or ancillary development (other than a swimming pool) must:
 - (a) be not more than 2m below ground level (existing), and
 - (b) be constructed using a retaining wall or unprotected embankment that meets the standards of subclause (2) or (3), respectively.
- (2) A retaining wall:
 - (a) must not redirect the flow of surface water onto adjoining property, and
 - (b) must not extend more than 2m horizontally from any external wall of the dwelling

house or ancillary development.

- (3) An unprotected embankment must not extend more than 4m horizontally beyond the external wall of the dwelling house or ancillary development.
- (4) Excavation associated with the erection of, or alterations or additions to, a swimming pool must be not more than the depth required for the pool structure.

3A.30 Fill of sloping sites

- (1) Fill associated with the erection of, or an alteration or addition to, a dwelling house or ancillary development must:
 - (a) be contained wholly within the footprint of the dwelling house or ancillary development, or
 - (b) be adequately contained by a retaining wall that:
 - (i) is not higher than 1m (including the height of any batters) above ground level (existing), and
 - (ii) does not redirect the flow of surface water onto adjoining property.
- (2) Despite subclause (1), exposed fill may be constructed using an unprotected embankment if the dwelling house or ancillary development has a setback of more than 2m from a side or rear boundary, if:
 - (a) the fill is not more than 600mm above ground level (existing), and
 - (b) the fill (but not the embankment) does not extend more than 1m beyond an external wall of the dwelling house or ancillary development, and
 - (c) the toe of the unprotected embankment has a setback of at least 400mm from a side or rear boundary.

3A.31 Run-off and erosion controls

Run-off and erosion controls must be implemented to prevent soil erosion, water pollution or the discharge of loose sediment on the surrounding land by:

- (a) diverting uncontaminated run-off around cleared or disturbed areas, and
- (b) erecting a silt fence to prevent debris escaping into drainage systems and waterways, and
- (c) preventing tracking of sediment by vehicles onto roads, and
- (d) stockpiling top soil, excavated materials, construction and landscaping supplies and debris within the lot.

3A.32 Drainage

- (1) All stormwater drainage collecting as a result of the erection of, or alterations or additions to, a dwelling house or ancillary development must be conveyed by a gravity fed or charged system to:
 - (a) a public drainage system, or
 - (b) an inter-allotment drainage system, or
 - (c) an on-site disposal system.
- (2) All stormwater drainage systems within a lot and the connection to a public or an inter-allotment drainage system must:
 - (a) if an approval is required under section 68 of the *Local Government Act 1993*, be approved under that Act, or
 - (b) if an approval is not required under section 68 of the *Local Government Act 1993*, comply with any requirements for the disposal of stormwater drainage contained in a development control plan that is applicable to the land.

Subdivision 7 Ancillary development

3A.33 Swimming pools

- (1) Ancillary development comprising a swimming pool for private use must be located on a lot:
 - (a) behind the setback area from a primary road, or
 - (b) in the rear yard.

Note—

Development for the purposes of a swimming pool is not complying development under this Code unless it is ancillary to a dwelling house.

- (2) The swimming pool water line must have a setback of at least 1m from a side or rear boundary.
- (2A) Despite subclauses (1) and (2), if the swimming pool is being constructed in a heritage conservation area, the swimming pool must be located:
 - (a) behind the rear most building line of the dwelling house, and
 - (b) no closer to each side boundary than the dwelling house.
- (3) Decking around a swimming pool must not be more than 600mm above ground level (existing).

- (4) Coping around a swimming pool must not be more than:
 - (a) 1.4m above ground level (existing), or
 - (b) 300mm wide if the coping is more than 600mm above ground level (existing).
- (5) Water from a swimming pool must be discharged in accordance with an approval under the [Local Government Act 1993](#) if the lot is not connected to a sewer main.
- (6) Pumps attached to the development must be housed in a soundproof enclosure.
- (7) If the swimming pool is being constructed after, and at a different time to, the erection of a dwelling house on the lot, the development standards for this Code (other than the standards referred to in clause 3A.24 and this clause) do not apply to the construction.

Note—

A child-resistant barrier must be constructed or installed in accordance with the requirements of the [Swimming Pools Act 1992](#).

3A.34 Fences and retaining walls

- (1) A fence and any associated retaining wall located within the setback area from a primary road must:
 - (a) not be more than 1.2m above ground level (existing), and
 - (b) be open for at least 50 per cent of the upper $\frac{2}{3}$ of the area of the fence, and
 - (c) in relation to any brick or other solid portion of the fence above 600mm, be not more than 250mm wide.
- (2) A fence and any associated retaining wall located behind the setback area from a primary road or any side or rear boundary fence must not be more than 1.8m above ground level (existing).
- (3) A retaining wall or embankment that is not subject to Subdivision 6 must not have a height above or below ground level (existing) of more than:
 - (a) 600mm at any distance up to 500mm from a side or rear boundary, or
 - (b) 1m at any distance more than 500mm from a side or rear boundary.
- (4) The fence or the fence and associated retaining wall on a sloping lot may be stepped, provided the height of each step is not more than:
 - (a) 1.6m above ground level (existing) if it is located within a setback area from a primary road, or
 - (b) 2.2m above ground level (existing) in any other case.

- (5) If the land on which a fence or retaining wall is to be erected is bush fire prone land, the fence or retaining wall must be constructed from non-combustible materials.
- (6) All fill on a lot that is not subject to Subdivision 6 must be retained by a retaining wall.
- (7) Fill more than 150mm deep must not occupy an area of more than 50 per cent of the landscaped area of the lot.

3A.35 Construction of fences

- (1) A fence must not incorporate barbed wire in its construction or be electrified if it is on a lot in Zone R5.
- (2) If the land on which a fence is to be erected is bush fire prone land, the fence must be constructed from non-combustible materials.
- (3) Metal used in the construction of a fence must be low reflective and factory pre-coloured.
- (4) A fence must not be of solid construction (for example, colourbond) if it is on a side or rear boundary of a lot.
- (5) A fence must not be constructed so as to redirect the overland flow of surface water onto adjoining properties.

Subdivision 8 Outbuildings

3A.36 Development standards for outbuildings in heritage conservation areas

- (1) This clause applies:
 - (a) to an outbuilding erected on a lot in a heritage conservation area or a draft heritage conservation area to which this code applies, and
 - (b) in addition to the development standards specified in clauses 3A.10, 3A.14, 3A.18 and 3A.24.
- (2) The outbuilding must be located:
 - (a) behind the rear most building line of the dwelling house, and
 - (b) no closer to each side boundary than the dwelling house.
- (3) The floor area of an outbuilding must not be more than 20m².
- (4) The lot must not adjoin a lane or a secondary or parallel road frontage.

Subdivision 9 Development standards for particular land

3A.37 Development standards for bush fire prone land

(1) This clause applies:

- (a) to all development specified for this code that is to be carried out on a lot that is wholly or partly bush fire prone land (other than development that is the erection of a farm building that is more than 10m from any dwelling house, landscaping, a non-combustible fence or a swimming pool), and
- (b) in addition to all other development standards specified for this code.

(2) The development may be carried out on the lot only if:

- (a) the development conforms to the specifications and requirements of the following that are relevant to the development:
 - (i) *Planning for Bush Fire Protection* (ISBN 0 9751033 2 6) published by the NSW Rural Fire Service in December 2006,
 - (ii) *Addendum: Appendix 3* (ISBN 0 9751033 2 6, published by NSW Rural Fire Service in 2010) to *Planning for Bush Fire Protection* (ISBN 0 9751033 2 6),
 - (iii) if another document is prescribed by the regulations for the purposes of section 79BA of the *Environmental Planning and Assessment Act 1979*—that document, and
- (b) the part of the lot on which the development is to be carried out and any associated access way is not in bush fire attack level-40 (BAL-40) or the flame zone (BAL-FZ), and
- (c) the lot has direct access to a public road or a road vested in or maintained by the council, and
- (d) the development is located within 200m of that road, and
- (e) there is sufficient access designed in accordance with the acceptable solutions identified in clause 4.1.3 (2) of *Planning for Bush Fire Protection* (ISBN 0 9751033 2 6) published by the NSW Rural Fire Service in December 2006, and
- (f) a 20,000L water supply with 65mm metal Storz outlet with a gate or ball valve is provided for fire fighting purposes on the lot (the gate or ball valve, pipes and tank penetrations are to be designed to allow for a full 50mm inner diameter water flow through the Storz fitting and must be of a metal construction), and
- (g) reticulated or bottled gas on the lot is installed and maintained in accordance with AS/NZS 1596:2008, *The storage and handling of LP Gas* and the requirements of relevant authorities (metal piping must be used), and
- (g) all fixed gas cylinders on the lot are located at least 10m from flammable

- materials and are enclosed on the hazard side of the installation, and
- (h) any gas cylinders on the lot that are within 10m of a dwelling house:
 - (i) have the release valves directed away from the dwelling house, and
 - (ii) have metal connections to and from the cylinders, and
 - (i) there are no polymer sheathed flexible gas supply lines to gas meters adjacent to the dwelling.

Note—

The requirements of AS 3959—2009, *Construction of buildings in bushfire-prone areas* set out in the *Building Code of Australia* also apply.

- (3) A standard specified in subclause (2) (b) is satisfied if one of the following certifies that the development is not in bush fire attack level-40 (BAL-40) or the flame zone (BAL-FZ):
 - (a) until 25 February 2012—the NSW Rural Fire Service, or
 - (b) a person who is recognised by the NSW Rural Fire Service as a suitably qualified consultant in bush fire risk assessment, or
 - (c) the council.

Note—

More information about the categories of bush fire attack, including the flame zone, can be found in Table A3.4.2 of *Addendum: Appendix 3* (ISBN 0 9751033 2 6 and published by NSW Rural Fire Service in 2010) to the publication titled *Planning for Bush Fire Protection* (ISBN 0 9751033 2 6) published by NSW Rural Fire Service in 2006.

3A.38 Development standards for flood control lots

- (1) This clause applies:
 - (a) to all development specified for this code that is to be carried out on a flood control lot, and
 - (b) in addition to all other development standards specified for this code.
- (2) The development must not be on any part of a flood control lot unless that part of the lot has been certified, for the purposes of the issue of the relevant complying development certificate, by the council or a professional engineer who specialises in hydraulic engineering as not being any of the following:
 - (a) a flood storage area,
 - (b) a floodway area,

- (c) a flow path,
 - (d) a high hazard area,
 - (e) a high risk area.
- (3) The development must, to the extent it is within a flood planning area:
- (a) have all habitable rooms no lower than the floor levels set by the council for that lot, and
 - (b) have the part of the development at or below the flood planning level constructed of flood compatible material, and
 - (c) be able to withstand the forces of floodwater, debris and buoyancy up to the flood planning level (or if on-site refuge is proposed, the probable maximum flood level), and
 - (d) not increase flood affectation elsewhere in the floodplain, and
 - (e) have reliable access for pedestrians and vehicles from the development, at a minimum level equal to the lowest habitable floor level of the development, to a safe refuge, and
 - (f) have open car parking spaces or carports that are no lower than the 20-year flood level, and
 - (g) have driveways between car parking spaces and the connecting public roadway that will not be inundated by a depth of water greater than 0.3m during a 1:100 ARI (average recurrent interval) flood event.
- (4) A standard specified in subclause (3) (c) or (d) is satisfied if a joint report by a professional engineer who specialises in hydraulic engineering and a professional engineer who specialises in civil engineering confirms that the development:
- (a) can withstand the forces of floodwater, debris and buoyancy up to the flood planning level (or if on-site refuge is proposed, the probable maximum flood level),
or
 - (b) will not increase flood affectation elsewhere in the floodplain.
- (5) If a word or expression used in this clause is defined in the Floodplain Development Manual, the word or expression has the same meaning as it has in that Manual unless it is otherwise defined in this clause.
- (6) In this clause:
- flood compatible material*** means building materials and surface finishes capable of withstanding prolonged immersion in water.

Floodplain Development Manual means the *Floodplain Development Manual* (ISBN 0 7347 5476 0) published by the NSW Government in April 2005.

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

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

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

Division 4 Conditions applying to complying development certificates under this code

Note 1—

Complying development must comply with the requirements of the Act, the [Environmental Planning and Assessment Regulation 2000](#) and the conditions listed in this Part.

Note 2—

A contributions plan setting out the contribution requirements towards the provision or improvement of public amenities or public services may specify that an accredited certifier must, under section 94EC of the Act, impose a condition on a complying development certificate requiring the payment of a monetary contribution in accordance with that plan.

Subdivision 1 Conditions applying before works commence

3A.39 Protection of adjoining areas

A temporary hoarding or temporary construction site fence must be erected between the work site and adjoining lands before the works begin and must be kept in place until after the completion of works if the works:

- (a) could cause a danger, obstruction or inconvenience to pedestrian or vehicular traffic, or
- (b) could cause damage to adjoining lands by falling objects, or
- (c) involve the enclosure of a public place or part of a public place.

Note—

See the entry in the General Exempt Development Code for scaffolding, hoardings and temporary construction site fences.

3A.40 Toilet facilities

- (1) Toilet facilities must be available or provided at the work site before works begin and must be maintained until the works are completed at a ratio of one toilet plus one additional toilet for every 20 persons employed at the site.
- (2) Each toilet must:
 - (a) be a standard flushing toilet connected to a public sewer, or
 - (b) have an on-site effluent disposal system approved under the [Local Government Act 1993](#), or
 - (c) be a temporary chemical closet approved under the [Local Government Act 1993](#).

3A.41 Garbage receptacle

- (1) A garbage receptacle must be provided at the work site before works begin and must be maintained until the works are completed.
- (2) The garbage receptacle must have a tight fitting lid and be suitable for the reception of food scraps and papers.

3A.42 Notification to neighbours

The person having the benefit of the complying development certificate must give at least 2 days' notice in writing of the intention to commence the works to the owner or occupier of each dwelling that is situated within 20m of the lot on which the works will be carried out.

Subdivision 2 Conditions applying during the works

Note—

The [Protection of the Environment Operations Act 1997](#) and the [Protection of the Environment Operations \(Noise Control\) Regulation 2008](#) contain provisions relating to noise.

3A.43 Hours of construction

Construction may only be carried out between 7.00 am and 5.00 pm on Monday to Saturday and no construction or demolition is to be carried out at any time on a Sunday or a public holiday.

3A.44 Compliance with plans

Works must be carried out in accordance with the plans and specifications to which the complying development certificate relates.

3A.45 Sedimentation and erosion controls

Run-off and erosion controls must be effectively maintained until the site has been

stabilised and landscaped.

3A.46 Maintenance of site

- (1) Building materials and equipment must be stored wholly within the work site unless an approval to store them elsewhere is held.
- (2) Demolition materials and waste materials must be disposed of at a waste management facility.
- (3) The work site must be left clear of waste and debris at the completion of the works.

Subdivision 3 Construction requirements

3A.47 Staging construction

- (1) If the complying development is the erection of, or alterations or additions to, a dwelling house, the roof stormwater drainage system must be installed and connected to the drainage system before the roof covering is installed.
- (2) Any approval that is required for connection to the drainage system under the [Local Government Act 1993](#) must be held before the connection is carried out.
- (3) If the complying development involves the construction of a vehicular access point, the access point must be completed before the occupation certificate for the complying development on the site is obtained.

3A.48 Utility services

If the complying development requires alteration to, or the relocation of, utility services on the lot on which the complying development is carried out, the complying development is not complete until all such works are carried out.

Part 4 Housing Alterations Code

Note 1—

Schedule 3 contains variations to this code.

Note 2—

In addition to the requirements specified for development under this code, adjoining owners' property rights, the applicable common law and other legislative requirements for approvals, licences, permits and authorities still apply. For example, requirements relevant to development in this code may be contained in the Act, the [Environmental Planning and Assessment Regulation 2000](#), various State environmental planning policies, the [Protection of the Environment Operations Act 1997](#), the [Roads Act 1993](#), the [Swimming Pools Act 1992](#) and Acts applying to various infrastructure authorities. If the development is in proximity to infrastructure, including water, stormwater and sewer mains, electricity power lines and telecommunications facilities, the relevant infrastructure authority should be contacted before commencing the development.

Division 1 Specified development and development standards under this code

Subdivision 1 Internal alterations

4.1 Specified complying development

Internal alterations to an existing dwelling or existing ancillary development that is associated with a dwelling, other than development that is the erection or conversion of a basement to an existing dwelling, is development specified for this code.

Note—

See the entry for minor building alterations (internal) in the General Exempt Development Code.

4.2 Development standards

The standards specified for that development are that the development:

- (a) must not result in a change of classification of the building under the Act or the *Building Code of Australia*, and
- (b) must not result in any additional separate dwelling, and
- (c) if it relates to a building on land in the Sydney region, as declared under section 4 (6) of the Act, or in the local government area of Newcastle or Wollongong—must be to a building, other than a dwelling house, that was approved for subdivision under the [Strata Schemes \(Freehold Development\) Act 1973](#) or has an occupation certificate issued after 28 January 2000.

Subdivision 2 External alterations

4.3 Specified complying development

The following development is specified for this code:

- (a) if the development is on land that is not within a heritage conservation area or a draft heritage conservation area—external alterations to an existing dwelling house,
- (b) if the development is on land that is within a heritage conservation area or a draft heritage conservation area—external alterations to that part of the dwelling house that is a single storey,
- (c) external alterations to existing ancillary development that is associated with a dwelling house.

4.4 Development standards

The standards specified for that development are that the development:

- (a) must not result in a change of classification of the building under the Act or the *Building Code of Australia*, and
- (b) must not result in a change to the floor area of the dwelling house, and

- (c) must not result in a change to the footprint of the dwelling house, and
- (d) if it is a new window in an alteration or addition to an existing dwelling house, must have a privacy screen if:
 - (i) it is a window in a habitable room, other than a bedroom, that has a floor level of more than 1m above ground level (existing), and
 - (ii) the wall in which the window is located has a setback of less than 3 metres from a side or rear boundary, and
 - (iii) the window has a sill height of less than 1.5m, and
- (e) if it is located on bush fire prone land and is a new opening—must be adequately sealed or protected to prevent the entry of embers, and
- (f) if it is located in a heritage conservation area or a draft heritage conservation area—is limited to a wall, including a wall opening, behind the rear most building line.

Subdivision 3 Attic conversions

4.5 Specified complying development

An attic conversion in respect of a dwelling house that existed at the commencement of this clause is development specified for this code.

4.6 Development standards

- (1) The standards specified for that development are that the development:
 - (a) must be contained entirely within the roof space, and
 - (b) must not result in a change in the roof pitch, and
 - (c) must have one dormer window if the building is less than 6m wide or 2 dormer windows if the building is 6m wide or more, and
 - (d) the flashing or waterproofing for a dormer window must not span the roof ridge, and
 - (e) if it is constructed in a heritage conservation area or a draft heritage conservation area:
 - (i) must not contain a dormer window or extend the roof in any way, and
 - (ii) must only have windows that are flush with the existing roof plane, and
 - (iii) must only have windows that are located in the existing rear roof plane, and
 - (iv) must only have windows that do not exceed 1.5m² in total.

- (2) A dormer window referred to in subclause (1):
 - (a) must not have a width of more than 1.3m, and
 - (b) must not exceed the height of the existing roof ridge height, and
 - (c) must be set in at least 500mm from the edge of the roof, and
 - (d) must be at least 200mm below the existing roof ridge height, and
 - (e) facing to the rear of the building, must not have a total area of more than 4m².

Division 1A

(Repealed)

Division 2 Conditions applying to complying development certificate under this code

Note 1—

Complying development must comply with the requirements of the Act, the [Environmental Planning and Assessment Regulation 2000](#) and the conditions listed in this Part.

Note 2—

A contributions plan setting out the contribution requirements towards the provision or improvement of public amenities or public services may specify that an accredited certifier must, under section 94EC of the Act, impose a condition on a complying development certificate requiring the payment of a monetary contribution in accordance with that plan.

Subdivision 1 Conditions applying before works commence

4.7 Toilet facilities

- (1) Toilet facilities must be available or provided at the work site before works begin and must be maintained until the works are completed at a ratio of one toilet plus one additional toilet for every 20 persons employed at the site.
- (2) Each toilet must:
 - (a) be a standard flushing toilet connected to a public sewer, or
 - (b) have an on-site effluent disposal system approved under the [Local Government Act 1993](#), or
 - (c) be a temporary chemical closet approved under the [Local Government Act 1993](#).

4.8 Garbage receptacle

- (1) A garbage receptacle must be provided at the work site before works begin and must be maintained until the works are completed.

- (2) The garbage receptacle must have a tight fitting lid and be suitable for the reception of food scraps and papers.

Subdivision 2 Conditions applying during the works

Note—

The [Protection of the Environment Operations Act 1997](#) and the [Protection of the Environment Operations \(Noise Control\) Regulation 2008](#) contain provisions relating to noise.

4.9 Hours for construction

Construction may only be carried out between 7.00 am and 5.00 pm on Monday to Saturday and no construction is to be carried out at any time on a Sunday or a public holiday.

4.10 Compliance with plans

Works must be carried out in accordance with the plans and specifications to which the complying development certificate relates.

4.11 Maintenance of site

- (1) Building materials and equipment must be stored wholly within the work site unless an approval to store them elsewhere is held.
- (2) Waste materials must be disposed of at a waste management facility.
- (3) The work site must be left clear of waste and debris at the completion of the works.

Part 4A General Development Code

Note 1—

Schedule 3 contains variations to this code.

Note 2—

In addition to the requirements specified for development under this code, adjoining owners' property rights, the applicable common law and other legislative requirements for approvals, licences, permits and authorities still apply. For example, requirements relevant to development in this code may be contained in the Act, the [Environmental Planning and Assessment Regulation 2000](#), various State environmental planning policies, the [Protection of the Environment Operations Act 1997](#), the [Roads Act 1993](#), the [Swimming Pools Act 1992](#) and Acts applying to various infrastructure authorities. If the development is in proximity to infrastructure, including water, stormwater and sewer mains, electricity power lines and telecommunications facilities, the relevant infrastructure authority should be contacted before commencing the development.

Division 1 Specified development and development standards under this code

Subdivision 1 Bed and breakfast accommodation

4A.1 Specified complying development

Bed and breakfast accommodation is development specified for this code if it is:

- (a) carried out on land in a land use zone where bed and breakfast accommodation is a permissible use, and
- (b) not constructed or installed on bush fire prone land.

4A.2 Development standards

The standards specified for that development are that the development must:

- (a) be in an existing dwelling house, and
- (b) consist of not more than 4 guest bedrooms or, if there is a local environmental plan applying to the land that was made under section 33A of the Act, the maximum number of bedrooms specified in clause 5.4 (1) of that plan, and
- (c) have at least 1 guest bathroom, and
- (d) have a fire extinguisher and fire blanket in the kitchen, and
- (e) have at least 1 off-road car parking space per guest bedroom, and
- (f) not display any advertisement on the premises (other than a notice or sign indicating the name and occupation of the resident), and
- (g) if the dwelling house is subject to the *Strata Schemes Management Act 1996* or the *Community Land Management Act 1989*—have the prior approval of the owners corporation, or the community, precinct or neighbourhood association.

Note—

The use of a dwelling as bed and breakfast accommodation will result in a change of building class for the dwelling under the *Building Code of Australia*. There will be new fire safety and access requirements.

Division 2 Conditions applying to complying development certificates under this code

Note 1—

Complying development must comply with the requirements of the Act, the *Environmental Planning and Assessment Regulation 2000* and the conditions listed in this Part.

Note 2—

A contributions plan setting out the contribution requirements towards the provision or improvement of public amenities or public services may specify that an accredited certifier must, under section 94EC of the Act, impose a condition on a complying development certificate requiring the payment of a monetary contribution in accordance with that plan.

[When this SEPP was made there were no conditions in this Division.]

Part 5 General Commercial and Industrial Code

Note 1—

Schedule 3 contains variations to this code.

Note 2—

In addition to the requirements specified for development under this code, adjoining owners' property rights, the applicable common law and other legislative requirements for approvals, licences, permits and authorities still apply. For example, requirements relevant to development in this code may be contained in the Act, the *Environmental Planning and Assessment Regulation 2000*, various State environmental planning policies, the *Protection of the Environment Operations Act 1997*, the *Roads Act 1993* and Acts applying to various infrastructure authorities. If the development is in proximity to infrastructure, including water, stormwater and sewer mains, electricity power lines and telecommunications facilities, the relevant infrastructure authority should be contacted before commencing the development.

Division 1 Specified development and development standards under this code

Subdivision 1 Building alterations (internal)

5.1 Specified complying development

An internal alteration to a building that is used as bulky goods premises, commercial premises, premises for light industry or a warehouse or distribution centre is development specified for this code.

5.2 Development standards—general

The standards specified for that development are that:

- (a) the current use of the premises must be a lawful use, and
- (b) the current use of the premises must not be an existing use within the meaning of section 106 of the Act, and
- (c) the alteration must not result in an increase in the gross floor area of any building within which it is carried out, and
- (d) the alteration must not involve the conversion of any area that is excluded from the measurement of gross floor area of the building (such as a basement, plant room, car parking space, loading space or void), and
- (e) if the alteration involves a loading dock, the alteration must not:
 - (i) reduce the number or capacity of the trucks accommodated, or
 - (ii) reduce the area for goods handling, or
 - (iii) reduce the area for waste handling (including any recycling area), or
 - (iv) reduce the manoeuvring area of the loading dock or access driveway, and

- (f) the alteration must not relate to the cooking of food at the premises by barbecue or charcoal methods, and
- (g) if the alteration involves food and drink premises, the alteration must be carried out in accordance with AS 4674—2004, *Design, construction and fit out of food premises*.
- (h) (Repealed)

Note 1—

If the alteration involves premises that are a **food business** within the meaning of the *Food Act 2003*, the premises must comply with the requirements under that Act.

Note 2—

If the alteration involves premises at which a **skin penetration procedure** is carried out within the meaning of the *Public Health Act 1991*, the premises must comply with the requirements under that Act, including the *Guidelines on Skin Penetration* (April 2008), published by the Department of Health.

5.3 Development standards—Building Code of Australia matters

The following standards are also specified for that development:

- (a) if the building that is being altered is subject to an alternative solution relating to a fire safety requirement, the alteration must be consistent with that alternative solution,
- (b) if the alteration involves an area of more than 500m² of bulky goods premises or commercial premises, or an area of more than 1000m² of premises used for light industry or a warehouse or distribution centre, that area must:
 - (i) comply with the requirements set out in DP2–DP5 of Volume 1 of the *Building Code of Australia*, and
 - (ii) comply with the number of sanitary and other facilities set out in FP2.1, FP2.5 and FP2.6 of Volume 1 of the *Building Code of Australia*, and
 - (iii) comply with the light and ventilation requirements set out in FP4.1–FP4.5 of Volume 1 of the *Building Code of Australia*,
- (c) if the building is a mixed use development that also contains a class 2, 3 or 4 portion, the altered area must be separated from the class 2, 3 or 4 portion by building elements that comply with the fire resistance performance requirements set out in CP2 and CP8 of Volume 1 of the *Building Code of Australia*.

Subdivision 2 Change of use of premises

5.4 Specified complying development

A change from a current use to a new use that is a change from:

- (a) a bulky goods premises to another bulky goods premises, or
 - (b) a type of commercial premises to another type of commercial premises, or
 - (c) a light industry to another light industry, or
 - (d) a warehouse or distribution centre to another warehouse or distribution centre, or
 - (e) a light industry to a warehouse or distribution centre, or
 - (f) a warehouse or distribution centre to a light industry, or
 - (g) a light industry to an ancillary office, or
 - (h) a warehouse or distribution centre to an ancillary office,
- is development that is specified for this code.

Note—

See the entry for change of use of premises in the General Exempt Development Code.

5.5 Development standards—general

The standards specified for that development are that:

- (a) the current use must be a lawful use, and
- (b) the current use must not be an existing use within the meaning of section 106 of the Act, and
- (c) the new use must not be carried out at premises that are a manufactured home, moveable dwelling or associated structure, temporary structure, tent, swimming pool, ship or vessel, and
- (d) the new use must not be any of the following:
 - (i) a funeral chapel,
 - (ii) a funeral home,
 - (iii) retail premises where firearms within the meaning of the *Firearms Act 1996* are sold,
 - (iv) landscape and garden supplies,
 - (v) a market,
 - (vi) a pub,
 - (vii) restricted premises,
 - (viii) a roadside stall,

- (ix) sex services premises,
 - (x) timber and building supplies,
 - (xi) vehicle sales or hire premises, and
- (e) the new use must not result in a change of building use under the *Building Code of Australia* that is any of the following:
- (i) from a class 5 or 6 building to a class 2, 3, 4, 7a, 7b, 8, 9a, 9b or 9c building,
 - (ii) from a class 7b or 8 building to a class 2, 3, 4, 6, 7a, 9a, 9b or 9c building, and
- (f) a new use that is an ancillary office within premises that are a warehouse or distribution centre or are used for light industry must not occupy more than:
- (i) the maximum amount of gross floor area permitted for such an office in such a building under an environmental planning instrument applying to the land, or
 - (ii) 20% of the gross floor area of the building in any other case, and
- (g) the new use must not cause the contravention of any existing condition of the most recent development consent (other than a complying development certificate) that applies to the premises relating to hours of operation, car parking and landscaping, and
- (h) if there is no existing condition relating to hours of operation, the premises must not be operated outside the following hours:
- (i) if the new use is as bulky goods premises or commercial premises—7.00 am to 10.00 pm Monday to Saturday and 7.00 am to 8.00 pm on a Sunday or a public holiday,
 - (ii) in any other case—7.00 am to 7.00 pm Monday to Saturday and the new use is not to be carried out at any time on a Sunday or a public holiday, and
- (i) if there is no existing condition relating to car parking, the new use must comply with any relevant requirements contained in an environmental planning instrument or a development control plan applying to the land relating to car parking.

Note—

The construction or installation of a driveway or hard stand space in relation to bulky goods premises, commercial premises, premises used for light industry or a warehouse or distribution centre is not exempt development or complying development under this Policy.

5.6 Development standards—Building Code of Australia matters

The following standards are also specified for that development:

- (a) if the change of use involves an area of more than 500m² of bulky goods premises or

commercial premises, or an area of more than 1000m² of premises used for light industry or a warehouse or distribution centre, that area must:

- (i) comply with the requirements set out in DP2-DP5 of Volume 1 of the *Building Code of Australia*, and
 - (ii) comply with the number of sanitary and other facilities set out in FP2.1, FP2.5 and FP2.6 of Volume 1 of the *Building Code of Australia*, and
 - (iii) comply with the light and ventilation requirements set out in FP4.1-FP4.5 of Volume 1 of the *Building Code of Australia*,
- (b) if the building is a mixed use development that also contains a class 2, 3 or 4 portion, the area involved in the change of use must be separated from the class 2, 3 or 4 portion by building elements that comply with the fire resistance performance requirements set out in CP2 and CP8 of Volume 1 of the *Building Code of Australia*.

Note—

Pursuant to the requirement under the Act that a building must be suitable for occupation and use in accordance with its classification under the *Building Code of Australia*, a change of use may require building work to be carried out despite such work not being included in an application for a complying development certificate.

Subdivision 3 Mechanical ventilation systems

5.7 Specified complying development

The construction, installation or alteration of a mechanical ventilation system on a building that is used as bulky goods premises, commercial premises, premises for light industry or a warehouse or distribution centre is development specified for this code if it is not carried out in a heritage conservation area or a draft heritage conservation area or at premises located on bush fire prone land.

5.8 Development standards

The standards specified for that development are that:

- (a) the development must be located at least 3.5m behind the building line from any lot boundary, and
- (b) the development must be designed so as not to emit noise exceeding an LAeq of 5 dB(A) above background noise when measured at any lot boundary, and
- (c) the development must be located not more than 1m above the ridge of a pitched roof or 3m above a flat roof, and
- (d) the development must not relate to the cooking of food at the premises by barbecue or charcoal methods.
- (e) (Repealed)

Note—

If the mechanical ventilation system is a **regulated system** in **regulated premises** within the meaning of the [Public Health Act 1991](#), the system must comply with the requirements of that Act, including AS/NZS 3666.1:2002, *Air-handling and water systems of buildings—Microbial control—Design, installation and commissioning*.

Subdivision 4 Shop front and awning alterations

5.9 Specified complying development

An external alteration to, or the repair or replacement of, an existing shop front or awning on a building that is used as bulky goods premises or commercial premises is development specified for this code if it is not carried out in a heritage conservation area or a draft heritage conservation area.

5.10 Development standards

The standards specified for that development are that:

- (a) the development must not result in an increase in the gross floor area of the building, and
- (b) the development must not reduce the area of the window or other clear glass of the shop front, and
- (c) the development must not reduce the level of transparency of the shop front, such as by using obscure glazing, and
- (d) the development must not reduce the existing level of access to the building for people with a disability.
- (e) (Repealed)

Note—

A structure on public land or on or over a public road requires the prior approval of the relevant authority under the [Local Government Act 1993](#) or the [Roads Act 1993](#), respectively.

Subdivision 5 Skylights and roof windows

5.11 Specified complying development

The construction or installation of a skylight or roof window on a building that is used as bulky goods premises, commercial premises, premises for light industry or a warehouse or distribution centre is development specified for this code, other than at premises located on bush fire prone land.

5.12 Development standards

The standard specified for that development is that the development be constructed or

installed so that any opening created is adequately weather proofed.

Division 2 Conditions applying to complying development certificate under this code

Note 1—

Complying development must comply with the requirements of the Act, the [Environmental Planning and Assessment Regulation 2000](#) and the conditions listed in this Part.

Note 2—

A contributions plan setting out the contribution requirements towards the provision or improvement of public amenities or public services may specify that an accredited certifier must, under section 94EC of the Act, impose a condition on a complying development certificate requiring the payment of a monetary contribution in accordance with that plan. Contributions may be imposed in respect of development on certain land under section 61 the [City of Sydney Act 1988](#).

Subdivision 1 Conditions applying before works commence

5.13 Protection of adjoining areas

A hoarding or a temporary construction site fence must be erected between the work site and adjoining lands before the works begin and must be kept in place until after the completion of works if the works:

- (a) could cause a danger, obstruction or inconvenience to pedestrian or vehicular traffic, or
- (b) could cause damage to adjoining lands by falling objects, or
- (c) involve the enclosure of a public place or part of a public place.

Note—

See the entry in the General Exempt Development Code for scaffolding, hoardings and temporary construction site fences.

5.14 Toilet facilities

- (1) Toilet facilities must be available or provided at the work site before works begin and must be maintained until the works are completed at a ratio of one toilet plus one additional toilet for every 20 persons employed at the site.
- (2) Each toilet must:
 - (a) be a standard flushing toilet connected to a public sewer, or
 - (b) have an on-site effluent disposal system approved under the [Local Government Act 1993](#), or
 - (c) be a temporary chemical closet approved under the [Local Government Act 1993](#).

5.15 Garbage receptacle

- (1) A garbage receptacle must be provided at the work site before works begin and must be maintained until the works are completed.
- (2) The garbage receptacle must have a tight fitting lid and be suitable for the reception of food scraps and papers.

Subdivision 2 Conditions applying during the works

Note—

The [Protection of the Environment Operations Act 1997](#) and the [Protection of the Environment Operations \(Noise Control\) Regulation 2008](#) contain provisions relating to noise.

5.16 Hours for construction

Construction that is audible in any dwelling on an adjoining lot may only be carried out between 7.00 am and 8.00 pm on Monday to Saturday.

5.17 Compliance with plans

Works must be carried out in accordance with the plans and specifications to which the complying development certificate relates.

5.18 Maintenance of site

- (1) Building materials and equipment must be stored wholly within the work site unless an approval to store them elsewhere is held.
- (2) Waste materials must be disposed of at a waste management facility.
- (3) The work site must be left clear of waste and debris at the completion of the works.

Subdivision 3 Construction requirements

5.19 Utility services

If the complying development requires alteration to, or the relocation of, utility services on the lot on which the complying development is carried out, the complying development is not complete until all such works are carried out.

5.20 Mechanical ventilation systems

If the complying development is a mechanical ventilation system that is a **regulated system** in **regulated premises** within the meaning of the [Public Health Act 1991](#), the system must be notified as required by the [Public Health \(Microbial Control\) Regulation 2000](#), before an occupation certificate (whether interim or final) for the complying development is issued.

5.21 Food businesses

If the complying development is a **food business** within the meaning of the *Food Act 2003*, the food business must be notified as required by that Act or licensed as required by the *Food Regulation 2004*, before an occupation certificate (whether interim or final) for the complying development is issued.

5.22 Premises where skin penetration procedures are carried out

If the complying development involves premises at which a **skin penetration procedure** within the meaning of the *Public Health Act 1991* will be carried out, the premises must be notified as required under the *Public Health (Skin Penetration) Regulation 2000* before an occupation certificate (whether interim or final) for the complying development is issued.

Part 6 Subdivisions Code

Note 1—

Schedule 3 contains variations to this code.

Note 2—

In addition to the requirements specified for development under this code, adjoining owners' property rights, the applicable common law and other legislative requirements for approvals, licences, permits and authorities still apply. For example, requirements relevant to development in this code may be contained in the Act, the *Environmental Planning and Assessment Regulation 2000*, various State environmental planning policies, the *Protection of the Environment Operations Act 1997*, the *Roads Act 1993* and Acts applying to various infrastructure authorities. If the development is in proximity to infrastructure, including water, stormwater and sewer mains, electricity power lines and telecommunications facilities, the relevant infrastructure authority should be contacted before commencing the development.

6.1 Specified complying development

The strata subdivision of a building, other than a dual occupancy, for which development consent or a complying development certificate was granted or issued is, for 5 years from the date the consent or certificate was granted or issued, development specified for this code.

6.2 Development standards

The standards specified for that development are:

- (a) that any development consent or complying development certificate relating to the building, the subject of the subdivision, and granted or issued before 1 January 2011 must require the allocation of parking spaces for each individual dwelling, and
- (b) that the subdivision must not contravene any condition of any development consent or complying development certificate applying to the development.

Note—

Registered interests on the land, the subject of the strata subdivision, the *Strata Schemes Management Act 1996* and the *Strata Schemes (Freehold Development) Act 1973* apply.

Part 7 Demolition Code

Note 1—

Schedule 3 contains variations to this code.

Note 2—

In addition to the requirements specified for development under this code, adjoining owners' property rights, the applicable common law and other legislative requirements for approvals, licences, permits and authorities still apply. For example, requirements relevant to development in this code may be contained in the Act, the *Environmental Planning and Assessment Regulation 2000*, various State environmental planning policies, the *Protection of the Environment Operations Act 1997*, the *Roads Act 1993*, the *Swimming Pools Act 1992* and Acts applying to various infrastructure authorities. If the development is in proximity to infrastructure, including water, stormwater and sewer mains, electricity power lines and telecommunications facilities, the relevant infrastructure authority should be contacted before commencing the development.

Division 1 Specified development and development standards under this code

7.1 Specified complying development

- (1) The demolition or removal of the following development, is development specified for this code:
 - (a) a dwelling,
 - (b) ancillary development,
 - (b1) a swimming pool,
 - (c) an industrial building,
 - (d) a commercial building that would be complying development under the General Commercial and Industrial Code if it were being constructed.
- (2) If development specified under subclause (1) is within a heritage conservation area or a draft heritage conservation area, the development may only relate to:
 - (a) an outbuilding that may be constructed under clause 3.36A or 3A.36, or
 - (b) an alteration under clause 4.1, or
 - (c) an external alteration that may be constructed under clause 4.3 (b) or (c), or
 - (d) an attic conversion that may be constructed under clause 4.5.

7.2 Development standards

- (1) The standards specified for that development are that:
 - (a) the development must be carried out in accordance with AS 2601—2001, *The demolition of structures*, and

- (b) run-off and erosion controls to prevent soil erosion, water pollution or the discharge of loose sediment on the land surrounding the development must be implemented by:
 - (i) diverting uncontaminated run-off around cleared or disturbed areas, and
 - (ii) erecting a silt fence to prevent debris escaping into drainage systems and waterways, and
 - (iii) preventing tracking of sediment by vehicles onto roads, and
 - (iv) stockpiling top soil, excavated materials, construction and landscaping supplies and debris within the lot, and
 - (c) any essential service must be disconnected from the structure being demolished or removed in accordance with the requirements of the relevant authority, and
 - (d) the structure being demolished or removed must not be relocated on the same lot or to a different lot, unless it meets the relevant development standards specified in Part 3 or Part 3A, and
 - (e) the development must, if it is the demolition or removal of an existing attached dwelling or a semi-detached dwelling, not be carried out within the front 6m of the dwelling or forward of the roof ridge line.
- (2) Despite any other development standard of this code, if the development involves the demolition or removal of a wall to a boundary that has a wall less than 0.9m from the boundary, the wall must be demolished or removed in accordance with the method of maintaining support proposed by the professional engineer's report provided with the application for the complying development certificate.
- (3) If the demolition or removal 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 removed:
- (a) the site of the swimming pool must be filled (if necessary) so as to restore the site to the ground level (existing) adjacent to the pool, taking into account any sloping of the site, and
 - (b) the fill must be compacted, and
 - (c) any piping or similar material must be removed from the site before the site is filled.

Division 2 Conditions applying to complying development certificates

under this code

Note 1—

Complying development must comply with the requirements of the Act, the [Environmental Planning and Assessment Regulation 2000](#) and the conditions listed in this Part.

Note 2—

A contributions plan setting out the contribution requirements towards the provision or improvement of public amenities or public services may specify that an accredited certifier must, under section 94EC of the Act, impose a condition on a complying development certificate requiring the payment of a monetary contribution in accordance with that plan.

Subdivision 1 Conditions applying before works commence

7.3 Protection of adjoining areas

A temporary hoarding or temporary construction site fence must be erected between the work site and adjoining lands before the works begin and must be kept in place until after the completion of works if the works:

- (a) could cause a danger, obstruction or inconvenience to pedestrian or vehicular traffic, or
- (b) could cause damage to adjoining lands by falling objects, or
- (c) involve the enclosure of a public place or part of a public place.

Note—

See the entry in the General Exempt Development Code for scaffolding, hoardings and temporary construction site fences.

7.4 Toilet facilities

- (1) Toilet facilities must be available or provided at the work site before works begin and must be maintained until the works are completed at a ratio of one toilet plus one additional toilet for every 20 persons employed at the site.
- (2) Each toilet must:
 - (a) be a standard flushing toilet connected to a public sewer, or
 - (b) have an on-site effluent disposal system approved under the [Local Government Act 1993](#), or
 - (c) be a temporary chemical closet approved under the [Local Government Act 1993](#).

7.5 Garbage receptacle

- (1) A garbage receptacle must be provided at the work site before works begin and must be maintained until the works are completed.

- (2) The garbage receptacle must have a tight fitting lid and be suitable for the reception of food scraps and papers.

7.6 Notification to neighbours

- (1) The person having the benefit of the complying development certificate must give at least 2 days' notice in writing of the intention to commence the works to the owner or occupier of each dwelling that is situated within 20m of the lot on which the works will be carried out.
- (2) The notice must state that the works may include the removal of asbestos and, if it does, it will be carried out by a licensed person in accordance with the requirements of the *Occupational Health and Safety Regulation 2001*.

7.7 Adjoining wall dilapidation report

- (1) If on a lot a wall built to a boundary is to be demolished and there is a wall (the **adjoining wall**) on the lot adjoining that boundary that is less than 0.9m from that boundary, the person having the benefit of the complying development certificate must obtain a dilapidation report on the adjoining wall.
- (2) If the person preparing the report is denied access to the adjoining lot for the purpose of inspecting the adjoining wall, the report may be prepared from an external inspection of the adjoining wall.
- (3) In this clause:

dilapidation report means a report, prepared by a professional engineer, confirming the structural condition of the adjoining wall before the development commences.

Subdivision 2 Conditions applying during the works

Note—

The *Protection of the Environment Operations Act 1997* and the *Protection of the Environment Operations (Noise Control) Regulation 2008* contain provisions relating to noise.

7.8 Hours for demolition

Demolition may only be carried out between 7.00 am and 5.00 pm on Monday to Saturday and no demolition is to be carried out at any time on a Sunday or a public holiday.

7.9 Compliance with plans

Works must be carried out in accordance with the plans and specifications to which the complying development certificate relates.

7.10 Sedimentation and erosion controls

Run-off and erosion controls must be effectively maintained until the site has been

stabilised and landscaped.

7.11 Maintenance of site

- (1) Demolition materials and equipment must be stored wholly within the work site unless an approval to store them elsewhere is held.
- (2) Demolition materials and waste materials must be disposed of at a waste management facility.
- (3) The work site must be left clear of waste and debris at the completion of the works.

Schedule 1 (Repealed)

Schedule 2 Exempt development codes—variations

(Clause 1.12 (1))

Column 1	Column 2
Land to which variation applies	Variation
State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 Randwick Exempt Development Land Map (SEPP_ECD_6550_LED_001_20101022)	The General Exempt Development Code is varied in its application by omitting Subdivisions 3A, 4, 6, 8A, 9, 10, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 21A, 21B, 24, 28, 29, 30, 32, 33, 35, 40 and 41

Schedule 3 Complying development codes—variations

(Clause 1.12 (2))

Column 1	Column 2
Land to which variation applies	Variation

Cooma Monaro

The Rural Housing Code is varied in its application by:

- (a) inserting "(other than in the local government area of Cooma Monaro)" after "dwelling house" in clause 3A.2 (1),
- (b) inserting after clause 3A.2 (2) the following subclause:

All of the land in the local government area of Cooma Monaro

- (2A) The erection of a new single storey or two storey dwelling house within the local government area of Cooma Monaro is development specified for this code if the development is erected on a lot that:
 - (a) has an area of at least 80 hectares, or
 - (b) is subject to a restriction created under section 88B of the [Conveyancing Act 1919](#) that specifies a building envelope for the lot and was required by the council.

Fairfield City

All of the land in the local government area of Fairfield City

The General Housing Code is varied in its application by inserting ", except in the local government areas of Fairfield City and Holroyd City" after "8m" wherever occurring in clauses 3.26 (1A) and 3.27 (3).

Holroyd City

All of the land in the local government area of Holroyd City

The General Housing Code is varied in its application by inserting ", except in the local government areas of Fairfield City and Holroyd City" after "8m" wherever occurring in clauses 3.26 (1A) and 3.27 (3).

Palerang

The Rural Housing Code is varied in its application by:

- (a) inserting “(other than on land in the local government area of Palerang that is inside the heavy black line shown on the map within the meaning of the *Cooma-Monaro Local Environmental Plan 1999—(Rural)*)” after “dwelling house” in clause 3A.2 (1),
- (b) inserting after clause 3A.2 (2) the following subclause:

All of the land in the local government area of Palerang that is inside the heavy black line shown on the map within the meaning of the *Cooma-Monaro Local Environmental Plan 1999—(Rural)*

- (2A) The erection of a new single storey or two storey dwelling house on land in the local government area of Palerang that is inside the heavy black line shown on the map within the meaning of the *Cooma-Monaro Local Environmental Plan 1999—(Rural)* is development specified for this code if the development is erected on a lot that:
 - (a) has an area of at least 80 hectares, or
 - (b) is subject to a restriction created under section 88B of the *Conveyancing Act 1919* that specifies a building envelope for the lot and was required by the council.

Riverstone Scheduled Lands

All lots within the Riverstone Scheduled Lands (within the meaning of *State Environmental Planning Policy (Sydney Region Growth Centres) 2006*) other than a lot that has direct frontage to Loftus Street, Bandon Road or Windsor Road

The General Housing Code is varied in its application by inserting the following subclause after clause 3.2:

(2)

However, such development is only specified for this code if it is carried out on a lot created in accordance with the provisions of Appendix 4 (Alex Avenue and Riverstone Precinct Plan 2010) of *State Environmental Planning Policy (Sydney Region Growth Centres) 2006*.

Wingecarribee

The General Housing Code is varied in its application by:

(a) inserting at the end of clause 3.14 (1) (b):

, or

(v) 15m, if the lot has an area of at least 4,000m².

All of the land in the local government area of Wingecarribee

(b) inserting “or, if the lot has an area of at least 4,000m², 7.5m for all building heights” after “building heights” in clause 3.16 (2) (d),

(c) inserting “but less than 4,000m²” after “1,500m²” in clause 3.24 (1) (f),

(d) inserting after clause 3.24 (1) (f):

(g) 75% of the area of the lot, if the lot has an area of at least 4,000m².

Schedule 4 Land excluded from the General Exempt Development Code

(Clause 1.19 (1A))

[State Environmental Planning Policy \(Exempt and Complying Development Codes\) 2008 Botany Bay Exempt Development Land Map \(SEPP_ECD_1100_LED_001_20101022\)](#)

[State Environmental Planning Policy \(Exempt and Complying Development Codes\) 2008 Botany Bay Exempt Development Land Map \(SEPP_ECD_1100_LED_002_20101022\)](#)

[State Environmental Planning Policy \(Exempt and Complying Development Codes\) 2008 Botany Bay Exempt Development Land Map \(SEPP_ECD_1100_LED_003_20101022\)](#)

[State Environmental Planning Policy \(Exempt and Complying Development Codes\) 2008 Botany Bay Exempt Development Land Map \(SEPP_ECD_1100_LED_004_20101022\)](#)

[State Environmental Planning Policy \(Exempt and Complying Development Codes\) 2008 Wyong Exempt Development Land Map \(SEPP_ECD_8550_LED_001_20101022\)](#)

[State Environmental Planning Policy \(Exempt and Complying Development Codes\) 2008 Wyong Exempt Development Land Map \(SEPP_ECD_8550_LED_002_20101022\)](#)

[State Environmental Planning Policy \(Exempt and Complying Development Codes\) 2008 Wyong Exempt Development Land Map \(SEPP_ECD_8550_LED_003_20101022\)](#)

[State Environmental Planning Policy \(Exempt and Complying Development Codes\) 2008 Wyong Exempt Development Land Map \(SEPP_ECD_8550_LED_004_20101022\)](#)

[State Environmental Planning Policy \(Exempt and Complying Development Codes\) 2008 Wyong Exempt Development Land Map \(SEPP_ECD_8550_LED_005_20101022\)](#)

[State Environmental Planning Policy \(Exempt and Complying Development Codes\) 2008 Wyong Exempt Development Land Map \(SEPP_ECD_8550_LED_006_20101022\)](#)

[State Environmental Planning Policy \(Exempt and Complying Development Codes\) 2008 Wyong Exempt Development Land Map \(SEPP_ECD_8550_LED_007_20101022\)](#)

[State Environmental Planning Policy \(Exempt and Complying Development Codes\) 2008 Wyong Exempt Development Land Map \(SEPP_ECD_8550_LED_008_20101022\)](#)

Schedule 5 Land excluded from the General Housing Code

(Clause 1.19 (1B))

[State Environmental Planning Policy \(Exempt and Complying Development Codes\) 2008 Ballina Complying Development Land Map \(SEPP_ECD_0250_LCD_001_20101022\)](#)

[State Environmental Planning Policy \(Exempt and Complying Development Codes\) 2008 Ballina Complying Development Land Map \(SEPP_ECD_0250_LCD_002_20101022\)](#)

[State Environmental Planning Policy \(Exempt and Complying Development Codes\) 2008 Botany Bay Complying Development Land Map \(SEPP_ECD_1100_LCD_001_20101022\)](#)

[State Environmental Planning Policy \(Exempt and Complying Development Codes\) 2008 Botany Bay Complying Development Land Map \(SEPP_ECD_1100_LCD_002_20101022\)](#)

[State Environmental Planning Policy \(Exempt and Complying Development Codes\) 2008 Botany Bay Complying Development Land Map \(SEPP_ECD_1100_LCD_003_20101022\)](#)

[State Environmental Planning Policy \(Exempt and Complying Development Codes\) 2008 Botany Bay Complying Development Land Map \(SEPP_ECD_1100_LCD_004_20101022\)](#)

[State Environmental Planning Policy \(Exempt and Complying Development Codes\) 2008 Clarence Valley Complying Development Land Map \(SEPP_ECD_1730_LCD_001_20101022\)](#)

[State Environmental Planning Policy \(Exempt and Complying Development Codes\) 2008 Great Lakes Complying Development Land Map \(SEPP_ECD_3400_LCD_001_20101022\)](#)

[State Environmental Planning Policy \(Exempt and Complying Development Codes\) 2008 Kiama Complying Development Land Map \(SEPP_ECD_4400_LCD_001_20101022\)](#)

[State Environmental Planning Policy \(Exempt and Complying Development Codes\) 2008 Lake Macquarie City Council Complying Development Land Map \(SEPP_ECD_4650_LCD_001_20120626\)](#)

[State Environmental Planning Policy \(Exempt and Complying Development Codes\) 2008 Marrickville Complying Development Land Map \(SEPP_ECD_5200_LCD_001_20101022\)](#)

[State Environmental Planning Policy \(Exempt and Complying Development Codes\) 2008 Marrickville Complying Development Land Map \(SEPP_ECD_5200_LCD_002_20101022\)](#)

[State Environmental Planning Policy \(Exempt and Complying Development Codes\) 2008 Marrickville Complying Development Land Map \(SEPP_ECD_5200_LCD_003_20101022\)](#)

[State Environmental Planning Policy \(Exempt and Complying Development Codes\) 2008 Marrickville Complying Development Land Map \(SEPP_ECD_5200_LCD_004_20101022\)](#)

[State Environmental Planning Policy \(Exempt and Complying Development Codes\) 2008 Mosman Complying Development Land Map \(SEPP_ECD_5350_LCD_001_20101022\)](#)

[State Environmental Planning Policy \(Exempt and Complying Development Codes\) 2008 Mosman Complying Development Land Map \(SEPP_ECD_5350_LCD_002_20101022\)](#)

[State Environmental Planning Policy \(Exempt and Complying Development Codes\) 2008 Mosman Complying Development Land Map \(SEPP_ECD_5350_LCD_003_20101022\)](#)

[State Environmental Planning Policy \(Exempt and Complying Development Codes\) 2008 Mosman Complying Development Land Map \(SEPP_ECD_5350_LCD_004_20101022\)](#)

[State Environmental Planning Policy \(Exempt and Complying Development Codes\) 2008 Nambucca Complying Development Land Map \(SEPP_ECD_5700_LCD_001_20101022\)](#)

[State Environmental Planning Policy \(Exempt and Complying Development Codes\) 2008 Pittwater Complying Development Land Map \(SEPP_ECD_6370_LCD_001_20101022\)](#)

[State Environmental Planning Policy \(Exempt and Complying Development Codes\) 2008 Pittwater Complying Development Land Map \(SEPP_ECD_6370_LCD_002_20101022\)](#)

[State Environmental Planning Policy \(Exempt and Complying Development Codes\) 2008 Pittwater Complying Development Land Map \(SEPP_ECD_6370_LCD_003_20101022\)](#)

[State Environmental Planning Policy \(Exempt and Complying Development Codes\) 2008 Pittwater Complying Development Land Map \(SEPP_ECD_6370_LCD_004_20101022\)](#)

[State Environmental Planning Policy \(Exempt and Complying Development Codes\) 2008 Queanbeyan Complying Development Land Map \(SEPP_ECD_1520_LCD_001_20101022\)](#)

[State Environmental Planning Policy \(Exempt and Complying Development Codes\) 2008 Randwick Complying Development Land Map \(SEPP_ECD_6550_LCD_001_20101022\)](#)

[State Environmental Planning Policy \(Exempt and Complying Development Codes\) 2008 Shoalhaven Complying Development Land Map \(SEPP_ECD_6950_LCD_001_20101022\)](#)

[State Environmental Planning Policy \(Exempt and Complying Development Codes\) 2008 Shoalhaven Complying Development Land Map \(SEPP_ECD_6950_LCD_002_20101022\)](#)

[State Environmental Planning Policy \(Exempt and Complying Development Codes\) 2008 Shoalhaven Complying Development Land Map \(SEPP_ECD_6950_LCD_003_20101022\)](#)

[State Environmental Planning Policy \(Exempt and Complying Development Codes\) 2008 Shoalhaven Complying Development Land Map \(SEPP_ECD_6950_LCD_004_20101022\)](#)

[State Environmental Planning Policy \(Exempt and Complying Development Codes\) 2008 Shoalhaven Complying Development Land Map \(SEPP_ECD_6950_LCD_005_20101022\)](#)

[State Environmental Planning Policy \(Exempt and Complying Development Codes\) 2008 Shoalhaven](#)

[Complying Development Land Map \(SEPP_ECD_6950_LCD_006_20101022\)](#)

[State Environmental Planning Policy \(Exempt and Complying Development Codes\) 2008 Shoalhaven Complying Development Land Map \(SEPP_ECD_6950_LCD_007_20101022\)](#)

[State Environmental Planning Policy \(Exempt and Complying Development Codes\) 2008 Shoalhaven Complying Development Land Map \(SEPP_ECD_6950_LCD_008_20101022\)](#)

[State Environmental Planning Policy \(Exempt and Complying Development Codes\) 2008 Shoalhaven Complying Development Land Map \(SEPP_ECD_6950_LCD_009_20101022\)](#)

[State Environmental Planning Policy \(Exempt and Complying Development Codes\) 2008 Shoalhaven Complying Development Land Map \(SEPP_ECD_6950_LCD_010_20101022\)](#)

[State Environmental Planning Policy \(Exempt and Complying Development Codes\) 2008 Shoalhaven Complying Development Land Map \(SEPP_ECD_6950_LCD_011_20101022\)](#)

[State Environmental Planning Policy \(Exempt and Complying Development Codes\) 2008 Wingecarribee Complying Development Land Map \(SEPP_ECD_8350_LCD_001_20110211\)](#)

[State Environmental Planning Policy \(Exempt and Complying Development Codes\) 2008 Wingecarribee Complying Development Land Map \(SEPP_ECD_8350_LCD_002_20110211\)](#)

[State Environmental Planning Policy \(Exempt and Complying Development Codes\) 2008 Wyong Complying Development Land Map \(SEPP_ECD_8550_LCD_001_20101022\)](#)

[State Environmental Planning Policy \(Exempt and Complying Development Codes\) 2008 Wyong Complying Development Land Map \(SEPP_ECD_8550_LCD_002_20101022\)](#)

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