



New South Wales

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

under the

Environmental Planning and Assessment Act 1979

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

ROB STOKES, MP
Minister for Planning and Public Spaces

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

under the

Environmental Planning and Assessment Act 1979

1 Name of Policy

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

2 Commencement

- (1) Subject to subclause (2), this Policy commences on 1 February 2022 and is required to be published on the NSW legislation website.
- (2) Schedule 1[11] commences on the day on which this Policy is published on the NSW legislation website.

3 Repeal of Policy

This Policy is repealed on the day following the day on which this Policy commences.

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

[1] Clause 1.5 Interpretation—general

Insert in alphabetical order in clause 1.5(1)—

Noise Policy means the document entitled *NSW Noise Policy for Industry* (ISBN 978 1 76039 481 3) published in October 2017 by the Environment Protection Authority.

[2] Clauses 1.6(3) and 1.10(2) and (3)

Omit “Director-General” wherever occurring. Insert instead “Planning Secretary”.

[3] Clause 1.13 Savings provisions

Insert after clause 1.13(4)—

- (5) An amendment made to this Policy by *State Environmental Planning Policy (Exempt and Complying Development Codes) Amendment 2021* does not apply to an application for a complying development certificate made but not finally determined before the commencement of the amendment.

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

Omit “must” wherever occurring in clause 1.18(1)(c1) and (c2).

[5] Clause 1.18(1)(c4)

Insert after clause 1.18(1)(c3)—

- (c4) not be a controlled activity within the meaning of the *Airports Act 1996* of the Commonwealth, Part 12, Division 4, and

Note— Controlled activities include the construction or alteration of buildings or other structures that causes an intrusion into prescribed airspace, which is generally airspace around airports. Controlled activities cannot be carried out without an approval granted under regulations made for the purposes of the *Airports Act 1996* of the Commonwealth, Part 12, Division 4.

[6] Clause 2.20B Development standards

Omit clause 2.20B(i) and (j).

[7] Clause 2.20B(2) and (3)

Insert at the end of the clause—

- (2) It is also a development standard that the new use must not cause the contravention of an existing condition of the most recent development consent, other than a complying development certificate, that applies to the premises relating to noise, car parking, vehicular movement, traffic generation, loading, waste management and landscaping.
- (3) It is also a development standard for development not in Zone B1, B2, B3, B4, B5, B6, B7, B8, IN4, SP1, SP2 or SP3 that—
- (a) the new use must not cause the contravention of an existing condition of the most recent development consent, other than a complying development certificate, that applies to the premises relating to hours of operation, or

- (b) if there is no existing condition that applies to the premises relating to hours of operation—the premises must only operate between 7am–7pm.

[8] Clause 2.23 Specified development

Omit clause 2.23(3), definition of *Noise Policy*.

[9] Part 2, Division 1, Subdivision 23B

Insert after Subdivision 23A—

Subdivision 23B Hours of operation and trading

2.46C Specified development

- (1) The operation of premises in accordance with an existing development consent or complying development certificate at any time outside the hours permitted by the development consent or complying development certificate is development specified for this code.
- (2) The trading on or from premises in accordance with an existing development consent or complying development certificate at the following times occurring outside the hours permitted by the development consent or complying development certificate is development specified for this code—
- (a) in Zones B1, B2, B3, B5, B6, B7, B8, IN4, SP1, SP2 and SP3—6am–10pm,
- (b) in Zone B4—6am–7pm,
- (c) in Zones IN1, IN2 and IN3 for relevant premises—
- (i) until the end of 31 January 2024—24 hours a day,
- (ii) from the beginning of 1 February 2024—6am–7pm,
- (d) in Zones IN1, IN2 and IN3 for all other premises—24 hours a day.
- (3) In this clause—
relevant premises means boat building and repair facilities and vehicle body repair workshops that are located within 100m of a residential zone.

2.46D Development standards

The standards specified for the development are as follows—

- (a) the development must comply with the Noise Policy,
- (b) the development must not be for purposes referred to in clause 5A.2(2),
- (c) the development must not be designated development,
- (d) the premises must not require, or be subject to, an environment protection licence under the *Protection of the Environment Operations Act 1997*.

[10] Clause 2.51 Specified development

Omit “that is not higher than 2.7m” from clause 2.51(1)(f).

[11] Clause 2.126 Development standards

Omit “21 consecutive days” and “140 days” from clause 2.126(a).

Insert instead “60 consecutive days” and “200 days”, respectively.

[12] Part 5, heading

Omit the heading. Insert instead—

Part 5 Industrial and Business Alterations Code

[13] Clause 5.1 Specified development

Omit “artisan food and drink industry, heavy industry, local distribution premises,”.

[14] Clause 5.2 Development standards

Omit clause 5.2(1)(a), (b) and (h).

[15] Part 5, Division 1, Subdivisions 2 and 3

Omit the Subdivisions.

[16] Clause 5.8 Development standards

Omit clause 5.8(b). Insert instead—

(b) comply with the Noise Policy, and

[17] Part 5, Division 1, Subdivision 11A

Insert after Subdivision 11—

**Subdivision 11A Click and collect bays, drive through facilities and
goods collection lockers**

5.22A Specified development

- (1) The construction, installation or alteration of a click and collect bay, drive through facility or goods collection locker, and associated directional signage, is development specified for this code.
- (2) Without limiting subclause (1), the conversion of a car parking space into a click and collect bay is development specified for this code.
- (3) Subclause (2) applies even if the conversion of a car parking space will result in less than the required minimum number of car parking spaces for the land.
- (4) In this Subdivision—

click and collect bay means a car parking space the main purpose of which is to enable goods, purchased online or by telephone, to be collected, returned or exchanged.

drive through facility means a building or place the main purpose of which is to enable purchased goods to be collected by the driver of a motor vehicle without leaving the vehicle.

goods collection locker means a building or place at which unstaffed and secured lockers are provided to enable purchased goods to be collected from the lockers.

required minimum number of car parking spaces means the minimum number of car parking spaces required under an environmental planning instrument, development control plan or condition of a development consent.

5.22B Development standards

- (1) The standards specified for development for a click and collect bay are that the development must not reduce the number of car parking spaces on the land on

which the development is carried out by more than the lesser of the following—

- (a) 20 car parking spaces,
 - (b) 15% of the number of car parking spaces on the land.
- (2) The standards specified for development for a drive through facility are that the drive through facility must—
- (a) be located behind the building line of a road frontage, and
 - (b) not be located adjacent to residential accommodation, and
 - (c) not reduce the number of car parking spaces on the land on which the development is carried out.
- (3) The standards specified for development for a goods collection locker are as follows—
- (a) the maximum gross floor area of the goods collection locker is 15 square metres,
 - (b) the maximum height of the goods collection locker is 3 metres above ground level (existing),
 - (c) the minimum setback from a boundary with adjoining land is 3.5 metres.
- (4) A car parking space affected by development for a click and collect bay or drive through facility must comply with the following standards—
- (a) AS/NZS 2890.1:2004, *Parking facilities, Part 1: Off-street car parking*,
 - (b) AS 2890.2:2018, *Parking facilities, Part 2: Off-street commercial vehicle facilities*,
 - (c) AS 2890.3:2015, *Parking facilities, Part 3: Bicycle parking*,
 - (d) AS/NZS 2890.6:2009, *Parking facilities, Part 6: Off-street parking for people with disabilities*.

[18] Clause 5B.5, heading

Omit “Commercial and Industrial (New Buildings and Additions) Code”.

Insert instead “Industrial and Business Buildings Code”.

[19] Clause 5B.5(1)(c)

Omit “Division 4”. Insert instead “Division 1A”.

[20] Clause 7.1 Specified development

Omit “commercial” from clause 7.1(1)(d).

[21] Clause 8.4 Development standards

Omit “100,000 litres” from clause 8.4(a). Insert instead “200,000 litres”.

[22] Schedule 3 Complying development codes—variations

Omit the variation to the “Commercial and Industrial (New Buildings and Additions) Code” from Column 2 of the matter relating to **Lake Macquarie**.

[23] Schedule 3

Omit the matter relating to **Liverpool City and Penrith**.

[24] Schedule 8, heading

Omit “**Commercial and Industrial Alterations Code**” and “**Commercial and Industrial (New Buildings and Additions) Code**”.

Insert instead “**Industrial and Business Alterations Code**” and “**Industrial and Business Buildings Code**”, respectively.

[25] Schedule 8

Omit “(Clauses 5.25 and 5A.31)”. Insert instead “clauses 5.25 and 5A.5(a)”.

[26] Schedule 8, clause 22

Omit the clause. Insert instead—

22 Noise

The development must comply with the Noise Policy.

[27] Schedule 8, clause 24A

Insert after clause 24—

24A Loading and unloading of goods or materials

- (1) Loading and unloading goods or materials must not be carried out on a public road.
- (2) This condition does not apply to a complying development certificate for development involving a building with a gross floor area less than 500m² in Zone B1, B2, B3, B4 or B8 that existed before 1 February 2022.

[28] Schedule 8, clause 24B

Relocate clause 5A.26 to after Schedule 8, clause 24A and renumber as clause 24B.

[29] Schedule 8, Part 5

Insert after Part 4—

Part 5 Conditions applying to entertainment venues

26 Application of prescribed conditions of development consent

The conditions of a development consent for the use of a building as an entertainment venue prescribed for the purposes of the Act, s 4.17(11) are conditions of a complying development certificate for the use of a building as an entertainment venue.

Note— See the *Environmental Planning and Assessment Regulation 2000*, Schedule 3A.

[30] The whole Policy

Omit “**Commercial and Industrial Alterations Code**” and “**Commercial and Industrial (New Buildings and Additions) Code**” wherever occurring.

Insert instead “**Industrial and Business Alterations Code**” and “**Industrial and Business Buildings Code**”, respectively.

Schedule 2 Amendment of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008—Part 5A

[1] Part 5A, heading

Omit the heading. Insert instead—

Part 5A Industrial and Business Buildings Code

[2] Part 5A, Division 1

Omit the Division. Insert instead—

Division 1 General

5A.1 Interpretation

(1) In this Part—

business zone means Zone B1, B2, B3, B4, B5, B6, B7, B8, IN4, SP1, SP2 or SP3.

industrial zone means Zone IN1, IN2 or IN3.

specified purpose—see clause 5A.2.

(2) In this Part, a requirement in relation to a building is a development standard that must be met for development in relation to the building to be complying development under this code.

5A.2 Meaning of “specified purposes”

(1) For the purposes of this Part, each of the following is a *specified purpose*—

- (a) amusement centres,
- (b) boat building and repair facilities,
- (c) commercial premises,
- (d) community facilities,
- (e) depots,
- (f) entertainment facilities,
- (g) function centres,
- (h) health consulting rooms,
- (i) industries,
- (j) information and education facilities,
- (k) medical centres,
- (l) recreational facilities (indoor),
- (m) storage premises,
- (n) vehicle body repair workshops,
- (o) vehicle repair stations,
- (p) veterinary hospitals,
- (q) warehouses or distribution centres.

(2) However, for the purposes of this Part, each of the following is not a *specified purpose*—

- (a) funeral homes,
- (b) markets,
- (c) potentially hazardous industries, and potentially offensive industries, within the meaning of *State Environmental Planning Policy No 33—Hazard and Offensive Development*,
- (d) pubs,
- (e) registered clubs,
- (f) restricted premises,
- (g) retail premises that sell firearms within the meaning of the *Firearms Act 1996*,
- (h) roadside stalls,
- (i) sex services premises,
- (j) small bars.

5A.3 Development specified for this code

Development for a specified purpose on land in an industrial zone or a business zone is development specified for this code.

5A.4 Development standards

The standards specified for the development are set out as follows—

- (a) Division 1A specifies development standards applicable to development for a specified purpose on land in an industrial zone or a business zone,
- (b) Division 2 specifies further development standards applicable only to development for a specified purpose on land in an industrial zone that involves the construction or alteration of, or addition to, a building,
- (c) Division 3 specifies further development standards applicable only to development for a specified purpose on land in a business zone that involves the construction or alteration of, or addition to, a building.

5A.5 Complying development certificates

A complying development certificate for development specified for this code—

- (a) must be issued subject to the conditions specified in Schedule 8, and
- (b) is taken to satisfy a requirement under this Policy for a permit, approval or development consent to remove or prune a tree or other vegetation on a lot if—
 - (i) the tree is not listed on a register of significant trees kept by the council, and
 - (ii) the tree or vegetation is within 3m of a building, and
 - (iii) the tree or vegetation has a height that is less than 8m.

5A.6 Change of use of premises

- (1) A change of use of premises to specified purposes may be complying development under this code even if the change of use is carried out on land referred to in clause 1.19(5).
- (2) A change of use of premises on the following land is not development specified for this code—

- (a) part of Lot 121, DP 876962 and part of Lot 101, DP 1043160, 5 Viscount Place, Warwick Farm, as shown coloured light purple on the Liverpool Local Environmental Plan 2008 Key Sites Map,
- (b) Lot 1021, DP 812335, 63 Mulgoa Road; Lot 1, DP 1043008, 73 Mulgoa Road; Lots 151 and 152, DP 863625, 83 and 109 Mulgoa Road; Lot 12 and part of Lot 13, DP 710086, 123–135 Mulgoa Road; Lot 1, DP 1064526, 1 Retreat Road in Penrith.

5A.6A Certain development on Cockle Creek Smelter and Incitec site excluded from code

The construction of a building for the purposes of warehouses or distribution centres, or industries, other than heavy industries or artisan food and drink industries, on land identified as “former Cockle Creek Smelter and Incitec site” on the Cockle Creek Smelter Land Map within the meaning of *State Environmental Planning Policy No 55—Remediation of Land*, is not development specified for this code.

[3] Part 5A, Division 2, heading

Omit Part 5A, Division 2, heading and note. Insert instead—

Division 2 Development standards for industrial zones only

[4] Part 5A, Division 2, Subdivision 1

Omit Subdivisions 1–3. Insert instead—

Subdivision 1 Site requirements

5A.7 Maximum gross floor area

The maximum gross floor area for a building is 50,000m².

5A.8 Maximum floor space ratio

The maximum floor space ratio for a building is—

- (a) the maximum floor space ratio that applies under another environmental planning instrument, or
- (b) if there is no maximum floor space ratio referred to in paragraph (a)—1:1.

[5] Clause 5A.9

Omit the clause. Insert instead—

5A.9 Maximum building height

The maximum building height for a building is the greater of the following—

- (a) the maximum building height that applies under another environmental planning instrument,
- (b) 18m.

[6] Clause 5A.10 Setbacks of development from roads

Omit “and” from clause 5A.10(2)(a)(ii). Insert instead “or”.

[7] Clause 5A.10(2)(a)(iii)

Omit the subparagraph.

[8] Clause 5A.11 Setbacks of development from side and rear boundaries

Omit clause 5A.11(1)(d). Insert instead—

- (d) for a building with a gross floor area of more than 10,000m² but not more than 50,000m²—at least 50m, with a maximum building height of the greater of the following—
 - (i) the maximum building height that applies under another environmental planning instrument,
 - (i) 18m above ground level (existing).

[9] Clauses 5A.12 and 5A.13

Omit “**industrial**” and “industrial” wherever occurring.

[10] Clause 5A.16 Landscaped area

Omit “20,000m²” from clause 5A.16(2)(c). Insert instead “50,000m²”.

[11] Part 5A, Division 3, heading

Omit Part 5A, Division 3, heading and note. Insert instead—

Division 3 Development standards for business zones only

[12] Part 5A, Division 3, Subdivision 1

Omit the Subdivision.

[13] Clause 5A.18 General standards

Omit “that development”. Insert instead “development under this Division”.

[14] Clause 5A.18(a)

Omit clause 5A.18(a)–(c). Insert instead—

- (a) if the development is an alteration of, or addition to, a building on land in Zone B1, B2, B3, B4, B8, IN4, SP1 or SP3—the development must be behind the front building line of the building, and

[15] Part 5A, Division 3, Subdivision 3

Omit the Subdivision. Insert instead—

Subdivision 3 Site requirements

5A.19 Maximum gross floor area

- (1) The maximum gross floor area for additions to a building on land in Zone B1, B2, B3, B4, B8, IN4, SP1 or SP3 is the lesser of the following—
 - (a) 50% of the gross floor area of the building,
 - (b) if the building—
 - (i) is used as retail premises—1,000m², or
 - (ii) is not used as retail premises—2,500m².
- (2) The maximum gross floor area for a new building on land in Zone B5, B6 or B7 is 10,000m².

5A.20 Maximum floor space ratio

The maximum floor space ratio for a building is—

- (a) the maximum floor space ratio that applies under another environmental planning instrument, or
- (b) if there is no maximum floor space ratio referred to in paragraph (a)—1:1.

5A.20A Landscaped area

Development must comply with landscaping requirements contained in a development control plan that applies to the development.

5A.20B Site coverage and landscaped areas

- (1) Development on land in Zone B5, B6 or B7 must meet the requirements in this clause relating to—
 - (a) site coverage, and
 - (b) landscaped areas.
- (2) The percentage of an infill lot that must be open space is as follows—
 - (a) for a building of 1 storey—at least 50%,
 - (b) for a building of 2 storeys—at least 45%,
 - (c) for a building of 3 storeys—at least 40%,
 - (d) for a building of 4 storeys—at least 35%,
 - (e) for a building of 5 storeys—at least 30%.
- (3) At least 25% of the open space of an infill lot must be landscaped area.
- (4) For a building of 1 storey on a freestanding lot—
 - (a) at least 60% of the lot must be open space, and
 - (b) at least 25% of the open space must be landscaped area.
- (5) For a building of 2 storeys on a freestanding lot—
 - (a) at least 65% of the lot must be open space, and
 - (b) at least 30% of the open space must be landscaped area.
- (6) For a building of 3 storeys on a freestanding lot—
 - (a) at least 65% of the lot must be open space, and
 - (b) at least 35% of the open space must be landscaped area.
- (7) For a building of 4 storeys on a freestanding lot—
 - (a) at least 70% of the lot must be open space, and
 - (b) at least 40% of the open space must be landscaped area.
- (8) For a building of 5 storeys on a freestanding lot—
 - (a) at least 70% of the lot must be open space, and
 - (b) at least 45% of the open space must be landscaped area.

- (9) In this clause—

freestanding lot means a lot whose total nearby side setback distance is at least 15% of the lot's total nearby lot width.

infill lot means a lot that is not a freestanding lot.

open space means the part of a lot not covered by buildings.

total nearby lot width, in relation to a lot, means the sum of the widths, measured at the lots' boundary with the adjoining road reserve, of—

- (a) the lot, and
- (b) the 5 lots, excluding vacant lots, to both sides of the lot.

total nearby side setback distance, in relation to a lot, means the sum of the side setbacks of—

- (a) the 5 lots, excluding vacant lots, to both sides of the lot, or
- (b) if the 5 lots, excluding vacant lots, to the side of the lot are not all in the same zone as the lot—all lots until the zone boundary, excluding vacant lots, to the side of the lot that are in the same zone.

[16] Clause 5A.21 Maximum height

Omit clause 5A.21(1). Insert instead—

- (1) If there is a dwelling on an adjoining lot, the maximum building height for a building is 8.5m.
- (1A) If there is not a dwelling on an adjoining lot, the maximum building height for a building is the lesser of the following—
 - (a) the maximum building height that applies under another environmental planning instrument,
 - (b) 21m.

[17] Clause 5A.21(2)

Omit “Despite subclause (1), the”. Insert instead “The”.

[18] Clause 5A.22

Omit the clause. Insert instead—

5A.22 Setbacks

- (1) The minimum building setback for a building from a boundary with a parallel road that is a classified road is—
 - (a) the minimum building setback that applies under another environmental planning instrument, or
 - (b) if there is no minimum building setback referred to in paragraph (a)—3m.
- (2) The minimum building setback for a building on land subject to a proposed road widening under a local environmental plan is—
 - (a) if the road widening is for a local road—10m, or
 - (b) if the road widening is for a classified road widening, a future classified road widening or a local road future classified road—3m.
- (3) The minimum building setback from an adjoining lot used as residential accommodation within 3m of the land on which a building is erected is—
 - (a) for a part of the building that is not more than 3m in height above ground level (existing)—1.5m,
 - (b) for a part of the building that is more than 3m, but not more than 6m, in height above ground level (existing)—3m,
 - (c) for a part of the building that is more than 6m in height above ground level (existing)—4.5m.
- (4) Subclause (3)(a) does not apply if there is no residential accommodation on the ground floor facing the building.

- (5) The minimum building setback of a building from a railway corridor is 2m.
- (6) The requirements of this clause do not apply to a part of a building that is not being altered or added to.

[19] Clause 5A.23 Privacy

Omit “any part of the existing commercial premises that is being altered or added to”.

Insert instead “a building”.

[20] Part 5A, Division 4, heading

Omit the heading. Insert instead—

**Division 4 Development standards for both industrial and
business zones**

[21] Clauses 5A.23A–5A.23C

Insert after Division 4, heading—

5A.23A Development standards—general

- (1) The development must not be carried out at premises that are a manufactured home, moveable dwelling or temporary structure.
- (2) If the development is on land to which a local environmental plan made under the Act, section 3.20 applies, the development must comply with the applicable standards specified under clause 5.4(4), (6), (7), (7AA) and (10) of the plan.
- (3) If the development is to be provided with water supply or sewerage services, or both, by a water utility, the applicant must obtain a notice or other form of written advice from the relevant water utility, or an entity authorised to do so by the utility, that specifies the works or other requirements to be completed as part of the development.
- (4) If the development is for the purposes of a manual collection point, the land on which the development is carried out must not contain underground storage tanks.
- (5) The development must not involve development of a kind referred to in the *Environmental Planning and Assessment Regulation 2000*, clause 41(1)(a), (e) or (f).
- (6) The development must not result in—
 - (a) the erection of a building over a registered easement, or
 - (b) the clearing of more than 1,000m² of native vegetation.

5A.23B Miscellaneous development standards for particular specified purposes

- (1) Food and drink premises must—
 - (a) comply with AS 4674—2004, *Design, construction and fit-out of food premises*, and
 - (b) have a maximum capacity of no more than 100 patrons, and
 - (c) display a sign indicating the maximum capacity.
- (2) Storage premises must not be used for the storage of data or related information technology hardware.

5A.23C Maximum gross floor area for particular specified purposes

- (1) The maximum gross floor area for retail areas included in artisan food and drink industries is the lesser of the following—
 - (a) the maximum gross floor area that applies under another environmental planning instrument,
 - (b) 30% of the gross floor area of the building,
 - (c) 400m².
- (2) The maximum gross floor area for industrial retail outlets or office premises is the lesser of the following—
 - (a) the maximum gross floor area that applies under another environmental planning instrument,
 - (b) 30% of the gross floor area of the building,
 - (c) 5,000m².
- (3) The maximum gross floor area for goods repair and reuse premises is—
 - (a) for a building on land in a business zone—500m², and
 - (b) for a building on land in an industrial zone—5,000m².
- (4) The maximum gross floor area for each of the following is 1,000m²—
 - (a) amusement centres,
 - (b) creative industries,
 - (c) entertainment facilities,
 - (d) function centres,
 - (e) recreational facilities (indoor).

[22] Clause 5A.23D

Relocate clause 5A.14 to after clause 5A.23C and renumber as clause 5A.23D.

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

Omit clause 5A.24(1). Insert instead—

- (1) For a building with a gross floor area less than 500m² in Zone B1, B2, B3, B4, B8, IN4, SP1 or SP3 that existed before 1 February 2022—
 - (a) car parking must be provided in accordance with an existing condition relating to car parking that applies to the use of the land, or
 - (b) if there is no existing condition relating to car parking—the development must not reduce the number of car parking spaces on the land on which the development is carried out.
- (1A) Otherwise, car parking must be provided—
 - (a) in accordance with any relevant requirements contained in an environmental planning instrument or development control plan applying to the land, or
 - (b) if there are no relevant requirements referred to in paragraph (a)—in accordance with the document entitled *Guide to Traffic Generating Developments*, Version 2.2, published by the Roads and Traffic Authority in October 2002.
- (1B) If a contribution in relation to car parking in compliance with a contributions plan under the Act, Division 7.1 is imposed as a condition of approval under

the *Environmental Planning and Assessment Regulation 2000*, clause 136K,
the contribution may be made instead of complying with subclause (1) or (1A).

[24] Clause 5A.25 Loading facilities and driveways

Omit “Each building in the development must be provided with its own loading bay and the” from clause 5A.25(1).

Insert instead “The”.

[25] Clause 5A.25(2)

Omit the subclause. Insert instead—

- (2) Loading bays must—
 - (a) be located behind the front building line of the building, and
 - (b) not be located adjacent to residential accommodation.

[26] Clause 5A.27 Earthworks

Omit clause 5A.27(1)(b) and (c). Insert instead—

- (b) if the land is identified as Class 3 or 4 on the Acid Sulfate Soils Map—
not be more than 1m below ground level (existing), and
- (c) if the land is not identified as Class 3 or 4 on the Acid Sulfate Soils
Map—
 - (i) for a site area less than 10,000m²—not be more than 3m below
ground level (existing), or
 - (ii) for a site area equal to or more than 10,000m²—not be more than
6m below ground level (existing), and

[27] Clause 5A.27(2)(a)

Omit the paragraph. Insert instead—

- (a) not raise the ground level (existing) more than—
 - (i) for a site area less than 10,000m²—2m, or
 - (ii) for a site area equal to or more than 10,000m²—6m, and

[28] Clause 5A.27(3)(d)

Omit the paragraph. Insert instead—

- (d) is not higher than—
 - (i) for a site area less than 10,000m²—3m, or
 - (ii) for a site area equal to or more than 10,000m²—7m, and

[29] Clause 5A.29 Development standards for bush fire prone land

Omit “all development specified in clause 5A.2(1) for this code that is to be carried out”
from clause 5A.29(1)(a).

Insert instead “the construction or alteration of, or additions to, a building”.

[30] Part 5A, Division 1A

Renumber Part 5A, Division 4 (clauses 5A.23A–5A.25 and 5A.27–5A.30B), as amended
by this Schedule, as Division 1A (clauses 5A.6B–5A.6M) and relocate to after Division 1.

[31] Part 5A, Division 5

Omit the Division.