



New South Wales

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

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* in accordance with the recommendation made by the Minister for Planning. (S87/00125-1)

KRISTINA KENEALLY, M.P.,
Minister for Planning

2008 No 572

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

under the

Environmental Planning and Assessment Act 1979

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 General Housing Code, types of complying development that may be carried out in accordance with a complying development certificate as defined in the *Environmental Planning and Assessment Act 1979*, 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.

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Clause 1.5

Part 1

General

- (2) This Policy does not apply to land to which the following environmental planning instruments apply:
- (a) *State Environmental Planning Policy (Kosciuszko National Park—Alpine Resorts) 2007*,
 - (b) *Orana Regional Environmental Plan No 1—Siding Spring*.

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.

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,
- (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.

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.

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

building line means the line of the existing or proposed building wall (other than a wall of any building element within an articulation zone),

or the outside face of any existing or proposed ancillary development, closest to the relevant boundary of the lot.

complying development code means a code for complying development set out in a Part of this Policy.

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.

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

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 public exhibition under section 66 of the Act, other than an area that was exhibited before 1 March 2006, but has not been included in a plan before the commencement of this Policy.

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 public exhibition under section 66 of the Act, other than an item that was exhibited before 1 March 2006, but has not been included in a plan before the commencement of this Policy.

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

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

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.

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,

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Part 1

General

clothes drying room or other space of a specialised nature that is not occupied frequently or for extended periods.

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.

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.

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.

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.

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.

Standard Instrument means the standard local environmental planning instrument prescribed by the *Standard Instrument (Local Environmental Plans) Order 2006*.

storey, means a space within a building that is situated between one floor level and the floor level next above, or if there is no floor above, the ceiling or roof above, but does not include the following:

- (a) an attic,
- (b) a basement,
- (c) a lift shaft,
- (d) a mezzanine,
- (e) a stairway.

Note. The determination of the number of storeys a building contains is as set out in *State Environmental Planning Policy No 6—Number of Storeys in a Building*.

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 in a named land use zone is a reference:
 - (a) to a lot 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 a lot 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.

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(2) In this clause:

equivalent land uses, in relation to a lot 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.

Named land use zone	Permitted land uses
R1	Variety of residential housing types
R2	Primarily dwelling houses
R3	Mix of dwelling houses and multi dwelling housing
R4	Primarily residential flat buildings
R5	Dwelling houses on large lots in a rural setting
RU1	Primarily agriculture
RU2	Compatible rural land uses including extensive agriculture
RU3	Forestry land uses
RU4	Compatible rural land uses including primary industry
RU5	Rural village

1.7 Interpretation—references to maps

- (1) A reference in this Policy to a named map adopted by this Policy is a reference to a map by that name:
- approved by the Minister when the map is adopted, and
 - 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.
- (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 No 60—Exempt and Complying Development* specifies the same development as complying development, the other policy cease to apply to that development 12 months after the commencement of this Policy.
- (5) For the avoidance of doubt, during the first 12 months after the commencement of this Policy, each policy identified in subclause (4) continues to apply to the development.
- (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 development under this Policy and a local environmental plan or development control plan**

If this Policy and a local environmental plan or a development control plan, whether made before or after the commencement of this Policy, specify the same development as exempt development, the local environmental plan or development control plan does not apply to that development.

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Part 1 General

(2) **Complying development under this Policy and a local environmental plan or development control plan**

If this Policy and a local environmental plan or a development control plan, whether made before or after the commencement of this Policy, specify the same development as complying development, the local environmental plan or development control plan ceases to apply to that development 12 months after the commencement of this Policy.

(3) **Complying development under this Policy and exempt development under a local environmental plan or development control plan**

If this Policy specifies development as complying development and a local environmental plan or a development control plan, whether made before or after the commencement of this Policy, specifies the same development as exempt development, the local environmental plan or development control plan does not apply to that development.

(4) **Exempt development under this Policy and complying development under a local environmental plan or development control plan**

If this Policy specifies development as exempt development and a local environmental plan or a development control plan, whether made before or after the commencement of this Policy, specifies the same development as complying development, the local environmental plan or development control plan ceases to apply to that development 12 months after the commencement of this Policy.

(5) For the avoidance of doubt, during the first 12 months after the commencement of this Policy, the local environmental plan or the development control plan referred to in subclauses (2) and (4) continue to apply to the development.

(6) If a local environmental plan or a development control 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 local environmental plan or development control plan.

(7) In this clause:

local environmental plan includes a deemed environmental planning instrument.

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.

1.10 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 codes

The codes, or parts of codes, in this Policy are varied as set out in Schedule 2 or 3.

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:

- (a) as soon as practicable after the first anniversary of the commencement of this Policy, and
- (b) at least every 5 years after that 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.

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Part 1 General

- (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, the development:
- (a) must meet the relevant deemed-to-satisfy provisions of the *Building Code of Australia*, or if those provisions do not apply, 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
 - (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 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, the development must:
- (a) be installed in accordance with the manufacturer's specifications, if applicable, and
 - (b) must 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*.

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.

Note. Under section 76A of the Act, development consent for the carrying out of complying development may be obtained by the issue of a complying development certificate.

The section states that development cannot be complying development if:

- (a) it is on land that is critical habitat of an endangered species, population or ecological community (identified under the *Threatened Species Conservation Act 1995* or the *Fisheries Management Act 1994*), or
- (b) it is on land within a wilderness area (identified under the *Wilderness Act 1987*), or
- (c) the development is designated development, or
- (d) the development is on land that comprises, or on which there is, an item of environmental heritage (that is listed on the State Heritage Register or that is subject to an interim heritage order under the *Heritage Act 1977*), or
- (e) the development requires concurrence (except a concurrence of the Director-General of the Department of Environment and Climate Change in respect of development that is likely to significantly affect a threatened species, population, or ecological community, or its habitat (identified under the *Threatened Species Conservation Act 1995*), or
- (f) the development is on land identified as an environmentally sensitive area under this Policy.

1.18 General requirements for complying development

- (1) To be complying development, the development must:
 - (a) be permissible, with consent, in the land use zone in which it is carried out, and
 - (b) meet the relevant provisions of the *Building Code of Australia*, and
 - (c) have a prior 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
- (d) have, if required by the *Roads Act 1993*:
 - (i) prior consent from the relevant roads authority for each opening of a public road required by the development, and
 - (ii) prior written permission from the relevant roads authority to operate or store machinery, materials or waste required by the development on a road or footpath reserve.
- (2) To be complying development, the development must not:
 - (a) be designated development, or
 - (b) be exempt development under this Policy, or
 - (c) be carried out on land that is less than the minimum lot size for the erection of a dwelling house under an environmental planning instrument applying to the land, or
 - (d) be development that requires concurrence (except a concurrence of the Director-General of the Department of Environment and Climate Change in respect of development that is likely to significantly affect a threatened species, population, or ecological community, or its habitat (identified under the *Threatened Species Conservation Act 1995*)).
- (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.

1.19 Land-based requirements for exempt and complying development

- (1) To be exempt development or complying development, the development must not be carried out on land that is an environmentally sensitive area.
- (2) To be complying development, the development must not be carried out on:
 - (a) 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*, or
 - (b) land that comprises, or on which there is, a heritage item or a draft heritage item, or
 - (c) land within a heritage conservation area or a draft heritage conservation area, or

-
- (d) land within a wilderness area (identified under the *Wilderness Act 1987*), or
 - (e) land that is reserved for a public purpose in an environmental planning instrument, or
 - (f) unsewered land to which *Drinking Water Catchments Regional Environmental Plan No 1* applies, or
 - (g) land identified on an Acid Sulfate Soils Map as being Class 1 or Class 2, or
 - (h) land that is bush fire prone land, or
 - (i) a flood control lot, or
 - (j) excluded land identified by an environmental planning instrument.
- (3) 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.
- (4) For the purposes of this clause:
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 as a state conservation area under the *National Parks and Wildlife Act 1974*,
 - (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 land identified as being any of the following:

- (a) within a buffer area,
- (b) a coastal erosion hazard,
- (c) a difficult site,
- (d) within an ecologically sensitive area,
- (e) environmentally sensitive land,
- (f) foreshore land,
- (g) within a foreshore building line,
- (h) within a foreshore scenic protection area,
- (i) within a protected area,
- (j) within a scenic area,
- (k) within a scenic preservation area,
- (l) within a scenic protection area,
- (m) within a special area.

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*).

However, the development must not contravene any condition of a development consent already applying to the land. Also, 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 are 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 the *Swimming Pools Act 1992*.

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 constructed in accordance with AS 1428.1—2001, *Design for access and mobility—General requirements for access—New building work*, 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—be constructed of non-combustible material, and
- (e) if it is constructed or installed on or in, or in relation to, 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 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 it is not constructed or installed on or in, or in relation to, 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) be for domestic purposes only, and
 - (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 the dwelling 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 not be more than 1 development per dwelling.

Subdivision 3 Air-conditioning units

2.5 Specified development

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

2.6 Development standards

- (1) The standards specified for that development are that the development must:
 - (a) be for domestic purposes only, 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

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- (f) not reduce the existing fire resistance level of a wall, and
 - (g) if it is constructed or installed on or in, or in relation to, 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.
- (2) Any opening created by the construction or installation of the development must be adequately waterproofed.

Subdivision 4 Aviaries

2.7 Specified development

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

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 10m², and
 - (c) be not higher than 2.4m above ground level (existing), and
 - (d) if it is not on land in Zone RU1, RU2, RU3 or RU4—be located in the rear yard, and
 - (e) be located at least 1m from any registered easement, sewer main or water main, and
 - (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
 - (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.

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, or in relation to, 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
- (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.

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, or in relation to, a heritage item or a draft heritage item.

2.12 Development standards

- (1) 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 20m², and
 - (c) not cause the total floor area of all such structures on the lot to be more than 15% of the ground floor area of the dwelling on the lot, 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) be located at least 1m from any registered easement, sewer main or water main, 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 free standing—have a floor height not more than 1m above ground level (existing), and
 - (j) if it is a roofed structure:

-
- (i) that is attached to a dwelling—not extend above the roof gutter line of the dwelling, and
 - (ii) have a roof not 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 in the rear yard.

Subdivision 7 Barbecues

2.13 Specified development

The construction or installation of a barbecue 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) be located at least 1m from any registered easement, sewer main or water main.

Subdivision 8 Bed and breakfast accommodation

2.15 Specified development

Bed and breakfast accommodation is development specified for this code if it is carried out on land in a land use zone where bed and breakfast accommodation is a permissible use.

2008 No 572

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

Part 2 Exempt Development Codes

2.16 Development standards

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

- (a) be in an existing dwelling house that has a floor area not more than 300m², and
- (b) consist of not more than 3 guest bedrooms.

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, or in relation to, a heritage item or a draft heritage item.

2.18 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 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) be located at least 1m from any registered easement, sewer main or water main, 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 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, or in relation to, a heritage item or a draft heritage item.

2.20 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 more than 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.
- (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 per lot.

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.

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, or in relation to, 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 it is not constructed or installed on or in, or in relation to, a heritage item or a draft heritage item or in a heritage conservation area or a draft heritage conservation area.

2.24 Development standards

- (1) The standards specified for that development are that the development must:
 - (a) be for domestic purposes only, and
 - (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 the highest point of the roof of the dwelling on the lot, and
 - (iii) be located in the rear yard, and
 - (iv) be located at least 900mm from each lot boundary.
- (2) There must not be more than 1 development per dwelling.

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, or in relation to, 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, *Demolition of structures*.

Subdivision 14 Driveways

2.27 Specified development

The construction or installation of a driveway associated with access to a carport or garage is development specified for this code if it is not constructed or installed on or in, or in relation to, a heritage item or a draft heritage item in a heritage conservation area or a draft heritage conservation 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) if it is a driveway:
 - (i) be not wider than the carport or garage with which it is associated, and
 - (ii) be constructed in accordance with AS/NZS 2890.1:2004, *Parking facilities—Off-street car parking*, and
 - (iii) be constructed in accordance with the relevant road authority's policy and specifications on vehicle and driveway crossings, and
 - (iv) 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, or in relation to, a heritage item or a draft heritage item.

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
- (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.

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:

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

2.32 Development standards

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 1m from any registered easement, sewer main or water main, 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.

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 in relation to, a heritage item or a draft heritage item, and
- (c) not constructed or installed on a flood control lot.

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—be not higher than 1m above ground level (existing), 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—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 in relation 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.

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

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- (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—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 in relation 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.

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) if it is a boundary fence that has a frontage to a public road—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.

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 lot 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.

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, or in relation to, a heritage item or a draft heritage item.

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

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- (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) be located at least 1m from any registered easement, sewer main or water main, 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) In all zones other than Zone RU1, RU2, RU3 and RU4, 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 is development specified for this code.

2.44 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 these types of development in the Standard Instrument. If all the elements are not present, the development is not development to which this Division applies.

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 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, or in relation to, a heritage item or a draft heritage item.

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, or in relation to, 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) There must be only 1 development per lot.

Subdivision 26 Minor building alterations (internal)

2.51 Specified development

A minor internal building alteration to a dwelling for the replacement or renovation of:

- (a) a doorway, wall, ceiling or floor lining, or
 - (b) a deteriorated frame member, or
 - (c) a bathroom or kitchen, or
 - (d) a built in fixture such as a vanity, a cupboard or a wardrobe,
- is development specified for this code if it is not constructed or installed on or in, or in relation to, a heritage item or a draft heritage item.

2.52 Development standards

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

- (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.

Subdivision 27 Minor building alterations (external)

2.53 Specified development

- (1) A minor external non-structural building alteration to a dwelling, 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,

is development specified for this code if it is not constructed or installed on or in, or in relation to, 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 compromise 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, 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.

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).

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

-
- (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, or in relation to, a heritage item or a draft heritage item.

2.60 Development standards

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

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, and

- (e) be constructed of lattice, bamboo, canvas or the like.

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.

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 or RU4:
 - (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, and
 - (b) if it is on land in Zone RU1, RU2, RU3 or RU4—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) be located at least 1m from any registered easement, sewer main or water main, and
 - (k) if it is constructed or installed on or in, or in relation to, 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 it is constructed or installed on land in Zone RU1, RU2, RU3 or RU4.

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, or in relation to, 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

2.67 Specified development

The construction or installation of scaffolding to be used in connection with development that would be exempt development under this code if it were being constructed or installed 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) have sufficient structural strength to withstand, and be impenetrable to, the impact of falling rubble, and
- (c) be removed immediately after the purpose for which it was erected has finished and no safety issue will arise from its removal.

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, or in relation to, a heritage item or a draft heritage item.

2.70 Development standards

- (1) 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) have at least two-thirds of its perimeter comprising open screen mesh material, 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—be located in the rear yard.

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.

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) be for domestic purposes only, and
- (b) not have an area more than 15m², 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 the dwelling 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, or in relation to, 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 37 Skylights, roof windows and ventilators

2.73 Specified development

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, or in relation to, a heritage item or a draft heritage item.

2.74 Development standards

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

- (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.

Subdivision 38 Solar water heaters and photovoltaic systems

2.75 Specified development

The construction or installation of a solar water heater or photovoltaic system is development specified for this code.

2.76 Development standards

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

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- (a) be constructed or installed so that any service opening created is adequately weather proofed, and
 - (b) be integrated into the building or be flush or parallel with the surface of the roof of the building, and
 - (c) not involve work that reduces the structural integrity of the building, and
 - (d) if it is constructed or installed on or in, or in relation to, a heritage item or a draft heritage item or is constructed or installed in a heritage conservation area or a draft heritage conservation area— not be visible from any road frontage.

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) be located at least 1m from any registered easement, sewer main or water main, and
- (e) be removed from the lot immediately after completion of the works for which the development consent was granted.

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, or in relation to, a heritage item or a draft heritage item.

2.80 Development standards

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

- (a) not have a water depth of more than 300mm, 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.

Subdivision 41 Windmills

2.81 Specified development

The construction or installation of a windmill that is not for commercial power generation 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
- (b) be designed by a professional engineer.

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Note. Schedule 3 contains the variations to this code.

Division 1 Development that is complying development under this code

3.1 New single storey and two storey dwelling houses

The erection of a new single storey or two storey dwelling house on a lot that:

- (a) has an area of at least 450m², and
 - (b) is in Zone R1, R2, R3 or R4,
- is development specified for this code.

3.2 Existing single storey and two storey dwelling houses

Alterations or additions to an existing single storey or two storey dwelling house or addition of a second storey to an existing single storey dwelling house on a lot that:

- (a) has an area of at least 450m², and
 - (b) is in Zone R1, R2, R3, R4, R5, RU1, RU2, RU3, RU4 or RU5,
- is development specified for this code.

3.3 Basements excluded

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 included in development that is specified for this code.

3.4 Ancillary development

The erection of new ancillary development or alterations or additions to existing ancillary development on a lot that:

- (a) has an area of at least 450m², and
 - (b) is in Zone R1, R2, R3, R4, R5, RU1, RU2, RU3, RU4 or RU5,
- is development specified for this code.

3.5 Demolition or removal of dwelling houses or ancillary development

The demolition or removal of an existing single storey or two storey dwelling house or ancillary development on a lot that:

- (a) has an area of at least 450m², and
 - (b) is in Zone R1, R2, R3, R4, R5, RU1, RU2, RU3, RU4 or RU5,
- is development specified for this code.

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 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 not a battle-axe lot, has a boundary with a primary road of at least the following:
 - (i) 12m, if the lot has an area of at least 450m² but less than 900m²,
 - (ii) 15m, if the lot has an area of more than 900m² but less than 1500m²,
 - (iii) 18m, if the lot has an area of at least 1500m², and
 - (c) if it is a battle-axe lot, has an access laneway of at least 3m in width and measuring 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 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) 50 per cent of the area of the lot, if the lot has an area of at least 450m² but less than 900m²,
 - (b) 40 per cent of the area of the lot, if the lot has an area of at least 900m² but less than 1500m²,

-
- (c) 30 per cent of the area of the lot, if the lot has an area of at least than 1500m².
- (2) For the purpose of calculating the site coverage in subclause (1), the area of any of the following is not included:
- (a) an access ramp,
 - (b) that 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) an eave,
 - (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.

Note. Ancillary development is defined in clause 1.5 (1) to exclude development that is exempt development under this Policy.

3.10 Maximum floor area for dwelling houses

- (1) The floor area of a dwelling house and any carport, garage, balcony, deck, patio, pergola, terrace or verandah attached to the dwelling house and enclosed by a wall higher than 1.4m above the floor level on a lot must not be more than the following:
- (a) 330m², if the lot has an area of at least 450m² but less than 600m²,
 - (b) 380m², if the lot has an area of at least 600m² but less than 900m²,
 - (c) 430m², if the lot has an area of at least 900m².

- (2) For the purpose of calculating the floor area in subclause (1):

floor area means the sum of the areas of each storey of the dwelling house and carport, garage, balcony, deck, patio, pergola, terrace or verandah, measured at a height of 1.4m above each floor level, where the area is taken to be the area 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 excluding any of the following:

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

3.11 Maximum floor area for outbuildings

- (1) The floor area of an outbuilding on a lot in Zone RU1, RU2, RU3 or RU4 must not be more than:
 - (a) 200m², if the only purpose of the outbuilding is for agricultural use, or
 - (b) 60m² in any other case.
- (2) The floor area of an outbuilding on a lot in Zone R1, R2, R3, R4, R5 or RU5 must not be more than 40m².
- (3) For the purpose of calculating the floor area in subclause (1):

floor area means the sum of the areas of each storey of the outbuilding, measured at a height of 1.4m above each floor level, where the area of each storey is taken to be the area within the outer face of:

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

but excluding any of the following:

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

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

- (1) The maximum floor area of a balcony, deck, patio, pergola, terrace or verandah attached to a dwelling house with a floor level of more than 3.8m above ground level (existing) is 9m².
- (2) For the purpose of calculating the floor area in subclause (1):

floor area means the area of the balcony, deck, patio, pergola, terrace or verandah, measured at the floor level, where the area is taken to be the area within the outer face of:

-
- (a) the external walls, if the balcony, deck, patio, pergola, terrace or verandah is enclosed, or
 - (b) the supporting columns or posts if the balcony, deck, patio, pergola, terrace or verandah, is not enclosed.

Subdivision 3 Building heights and setbacks

3.13 Building heights of dwelling houses and outbuildings

- (1) The building height of a dwelling house above ground level (existing) must not be more than 8.5m.
- (2) The building height of an outbuilding on a lot in Zone R1, R2, R3, R4, R5 or RU5 above ground level (existing) must not be more than 4.8m.
- (3) The building height of an outbuilding on a lot in Zone RU1, RU2, RU3 or RU4 above ground level (existing) must not be more than 7m.

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 in Zone R1, R2, R3, R4, R5 or RU5 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) 4.5m, if the lot has an area of at least 450m² but less than 900m², or
 - (ii) 6.5m, if the lot has an area of at least 900m² but less than 1500m², or
 - (iii) 10m, if the lot has an area of at least 1500m².
- (2) A dwelling house and all ancillary development on a lot in Zone R1, R2, R3, R4 or R5 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 450m² 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.

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- (3) A dwelling house and all ancillary development on a lot in Zone R1, R2, R3, R4, R5 or RU5 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) 4.5m, if the lot has an area of at least 450m² but less than 900m², or
 - (ii) 6.5m, if the lot has an area of at least 900m² but less than 1500m², or
 - (iii) 10m, if the lot has an area of at least 1500m².
- (4) A dwelling house and all ancillary development on a lot in Zone RU1, RU2, RU3, RU4 or RU5 must have a setback from a boundary with any road that is not a classified road of at least 10m.

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 from side boundaries

- (1) A dwelling house with a building height of up to 3.8m and any carport, garage, balcony, deck, patio, pergola, terrace or verandah that is attached to the dwelling house on a lot in Zone R1, R2, R3, R4, R5 or RU5 must have a setback from a side boundary of at least the following:
 - (a) 900mm, if the lot has an area of at least 450m² but less than 900m²,
 - (b) 1.5m, if the lot has an area of at least 900m² but less than 1500m²,
 - (c) 2.5m, if the lot has an area of at least 1500m².
- (2) A dwelling house with a building height of more than 3.8m and any carport, garage, balcony, deck, patio, pergola, terrace or verandah that is attached to the dwelling house on a lot in Zone R1, R2, R3, R4, R5 or RU5 must have a setback from a side boundary of at least the sum of:

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- (a) the amount of the setback specified for the relevant sized lot in subclause (1), and
 - (b) an amount that is equal to one-quarter of the additional building height above 3.8m.
- (3) A dwelling house and any carport, garage, balcony, deck, patio, pergola, terrace or verandah that is attached to the dwelling house on a lot in Zone RU1, RU2, RU3 or RU4 must have a setback from a side boundary of at least 10m.

3.17 Setbacks of dwelling houses from rear boundaries

- (1) A dwelling house with a building height of up to 3.8m and any carport, garage, balcony, deck, patio, pergola, terrace or verandah that is attached to the dwelling house on a lot in Zone R1, R2, R3, R4, R5 or RU5 must have a setback from a rear boundary of at least the following:
 - (a) 3m, if the lot has an area of at least 450m² but less than 900m²,
 - (b) 5m, if the lot has an area of at least 900m² but less than 1500m²,
 - (c) 10m, if the lot has an area of at least 1500m².
- (2) A dwelling house with a building height of more than 3.8m and any carport, garage, balcony, deck, patio, pergola, terrace or verandah that is attached to the dwelling house on a lot in Zone R1, R2, R3, R4, R5 or RU5 must have a setback from a rear boundary of at least the following:
 - (a) 3m, plus an amount that is equal to three times the additional building height above 3.8m, up to a maximum setback of 8m, if the lot has an area of at least 450m² but less than 900m²,
 - (b) 5m, plus an amount that is equal to three times the additional building height above 3.8m, up to a maximum setback of 12m, if the lot has an area of at least 900m² but less than 1500m²,
 - (c) 10m, plus an amount that is equal to three times the additional building height above 3.8m, up to a maximum of 15m, if the lot has an area of at least 1500m².
- (3) Despite subclauses (1) and (2), a dwelling house on a lot in Zone R1, R2, R3, R4 or RU5 that has a rear boundary with a laneway may have a building line that abuts that boundary for up to 50 per cent of the length of that boundary.
- (4) A dwelling house and any carport, garage, balcony, deck, patio, pergola, terrace or verandah that is attached to the dwelling house on a lot in Zone RU1, RU2, RU3 or RU4 must have a setback from a rear boundary of at least 10m.

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3.18 Setbacks of outbuildings from side and rear boundaries

- (1) An outbuilding with a building height of up to 3.8m on a lot in Zone R1, R2, R3, R4, R5 or RU5 must have a setback from a side or rear boundary of at least the following:
 - (a) 900mm, if the lot has an area of at least 450m² but less than 900m²,
 - (b) 1.5m, if the lot has an area of at least 900m² but less than 1500m²,
 - (c) 2.5m, if the lot has an area of at least 1500m².
- (2) An outbuilding with a building height of more than 3.8m on a lot in Zone R1, R2, R3, R4, R5 or RU5 must have a setback from a side or rear boundary of at least the sum of:
 - (a) the amount of the setback specified for the relevant sized lot in subclause (1), and
 - (b) an amount that is equal to one-quarter of the additional building height above 3.8m.
- (3) An outbuilding on a lot in Zone RU1, RU2, RU3 or RU4 must have a setback from a side or rear boundary of at least 10m, if the only purpose of the outbuilding is for agricultural use, or 5m in any other case.

3.19 Exceptions to side and rear 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 do not apply to allowable encroachments permitted under clause 3.7.1.7 of Volume Two of the *Building Code of Australia*.

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.

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- (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.
 - (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 a side or rear setback, the maximum building height of a dwelling house on a sloping lot is to be used.
 - (5) A setback is to be calculated at the closest point to the boundary from the building line.
 - (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.

3.21 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.

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- (2) A building element must not extend above the eave gutter line, other than a pitched roof to an entry feature or portico that has the same pitch as the roof on the 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 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 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 balcony, deck, patio, pergola, terrace or verandah must not have a floor level that is more than 600mm above ground level (existing).
- (4) In this clause, *privacy screen* means a screen that:
 - (a) faces the boundary identified in subclause (2) (a), 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 of all openings less than 30 per cent of the surface area of the screen.

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) 20%, if the lot has an area of at least 450m² but less than 600m²,
 - (b) 25%, if the lot has an area of at least 600m² but less than 900m²,
 - (c) 35%, if the lot has an area of at least 900m² but less than 1500m²,

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- (d) 45%, if the lot has an area of at least 1500m².
 - (2) At least 50% of the landscaped area must be located behind the building line to the primary road boundary.
 - (3) The landscaped area must be at least 2.5 wide.

3.25 Principal private open space

- (1) A lot 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:
 - (a) an area at ground level (existing) that is directly accessible from, and adjacent to, a habitable room, other than a bedroom, and
 - (b) is at least 4m 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.
- (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 must:
 - (a) be at least 1m behind the building line, where the dwelling house has a setback from a road boundary of 4.5m or more, or
 - (b) be at least 5.5m from a road boundary, where the dwelling house has a setback of less than 4.5m.
- (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 those door openings must:
 - (a) be not more than 6m, and
 - (b) be not more than 50 per cent of the width of the building, measured at the building line to the relevant property boundary.

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- (3) An open hard stand car parking space must measure at least 2.6m wide by 5.4m long.

3.28 Vehicle access to lots

The design and construction of the vehicular access to a lot must comply with Australian Standard AS 2890.1—1993, *Parking facilities—Off-street car parking*.

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 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 must not extend more than 1m horizontally beyond the external wall of the dwelling house or ancillary development.
- (3) An unprotected embankment must not extend more than 1m horizontally beyond the external wall of the dwelling house or ancillary development.

3.30 Fill of sloping sites

- (1) Fill associated with the erection of, or alterations or additions to, a dwelling house or ancillary development must:
 - (a) be not more than 1m above ground level (existing), and
 - (b) be contained wholly within the external walls of the dwelling house or ancillary development.
- (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 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 street drainage system under the control of the relevant public authority, or
 - (b) an inter-allotment drainage system, or
 - (c) an on-site disposal system approved under section 68 of the *Local Government Act 1993*, if the lot is unsewered.
- (2) All surface water run-off emanating from a sloping site as a result of the erection of, or alterations or additions to, a dwelling house or ancillary development must be collected and conveyed to a drainage system listed in subclause (1) (a)–(c).

Subdivision 7 Ancillary development

3.33 Demolition or removal of dwelling houses and ancillary development

- (1) An existing dwelling house or ancillary development that is to be demolished or relocated must:
 - (a) be disconnected from any essential service in accordance with the requirements of the relevant authority, and
 - (b) not be relocated, except in accordance with the approval of the relevant authority.
- (2) Demolition or removal must 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.

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.
- (2) The swimming pool water line must have a setback of at least 1m from a side or rear boundary.
- (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.

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

3.35 Dimensions of 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.

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- (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) 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, unless the fence is on a lot in Zone RU1, RU2, RU3 or RU4.
- (2) A fence on bush fire prone land must be constructed of non-combustible material or hardwood.
- (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.

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, fence or awning 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.

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(2) A temporary fence must be covered in cyclone wire mesh if it adjoins or is on a public place.

(3) A temporary hoarding, fence or awning must not be erected on public land or a road unless the relevant authority has approved of the works.

Note. Approval in relation to public land may be granted under the *Local Government Act 1993*. Approval in relation to a road may be granted under the *Roads Act 1993*.

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.

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

Construction or demolition 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.

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) 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

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.

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Schedule 1 Amendment of other environmental planning instruments

Schedule 1 Amendment of other environmental planning instruments

(Clause 1.11)

1.1 State Environmental Planning Policy No 4—Development Without Consent and Miscellaneous Exempt and Complying Development

[1] Clause 3 Aims, objectives etc

Omit clause 3 (3) (b) and (d).

[2] Clause 3 (3) (c)

Omit “17, and”. Insert instead “17.”.

[3] Clause 16 When rainwater tanks are exempt development

Omit the clause.

[4] Clause 17 When satellite dishes (other than for domestic purposes) are exempt development

Insert “(other than for domestic purposes)” after “a satellite TV dish” where firstly occurring in clause 17 (1).

1.2 State Environmental Planning Policy No 60—Exempt and Complying Development

[1] Clause 5 How this Policy affects other environmental planning instruments

Omit clause 5 (2) (a) (i).

[2] Clause 14 Erection of a building or demolition of a building or work

Insert after clause 14 (3) (a):

- (a1) is not specified as exempt development or complying development under *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*, and

[3] Schedule 3 Exempt development

Omit clauses 2, 7, 8, 9 and 11 and the note at the end of the Schedule.

1.3 State Environmental Planning Policy (Infrastructure) 2007

[1] Clauses 37 Complying development

Omit the clause.

[2] Clause 39 Exempt development

Omit clause 39 (1).

[3] Schedule 1 Exempt development—general

Omit from columns 1 and 2, respectively, the matter relating to the following items:

Access ramps for persons with a disability

Fences (other than security fences or fences covered by the *Swimming Pools Act 1992*)

Flagpoles

Offices—portable

Rainwater and bore water tanks

Skylight or roof windows

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

Schedule 2 Exempt Development Codes—Variations

Schedule 2 Exempt Development Codes—Variations

(Clause 1.12)

Note. This Schedule is blank at the commencement of this Policy.

**Schedule 3 Complying Development Codes—
Variations**

(Clause 1.12)

Note. This Schedule is blank at the commencement of this Policy.