



New South Wales

# **State Environmental Planning Policy (Exempt and Complying Development Codes) Amendment (Inland Code) 2018**

under the

Environmental Planning and Assessment Act 1979

His 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*.

ANTHONY ROBERTS, MP  
Minister for Planning

## **State Environmental Planning Policy (Exempt and Complying Development Codes) Amendment (Inland Code) 2018**

under the

Environmental Planning and Assessment Act 1979

### **1 Name of Policy**

This Policy is *State Environmental Planning Policy (Exempt and Complying Development Codes) Amendment (Inland Code) 2018*.

### **2 Commencement**

This Policy commences on 1 January 2019.

### **3 Repeal of Policy**

- (1) This Policy is repealed on the day following the day on which this Policy commences.
- (2) The repeal of this Policy does not, because of the operation of sections 5 (6) and 30 of the *Interpretation Act 1987*, affect any amendment made by this Policy.

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

**[1]    Clause 1.5 Interpretation—general**

Insert at the end of the definition of *complying development code* in clause 1.5 (1), with appropriate paragraph numbering:

the Inland Code.

**[2]    Clause 1.5 (1), definitions of “grain bunker” and “landholding”**

Insert in alphabetical order:

*grain bunker* means a lined area in which grain is stored under a non-structural cover.

*landholding* includes one or more lots of land (whether held under the same title, different titles or different kinds of titles) that constitute or are worked as a single property and that are contiguous with one another or are separated from one another only by a road, river, creek or other watercourse.

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

Insert “, 3D” after “3C”.

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

Omit “or 3C”. Insert instead “, 3C or 3D”.

**[5]    Clause 1.5 (1), definition of “Inland Code”**

Insert in alphabetical order:

*Inland Code* means the code for complying development set out in Part 3D.

**[6]    Clause 1.16A Exempt development on land within 18 kilometres of Siding Spring Observatory**

Omit clause 1.16A (b) (v). Insert instead:

- (v)    Subdivision 16 Farm buildings (other than stock holding yards, grain silos and grain bunkers),
- (v1)   Subdivision 16A Stock holding yards not used for sale of stock,
- (v2)   Subdivision 16B Grain silos and grain bunkers,

**[7]    Clause 1.19 Land on which complying development may not be carried out**

Insert “, Inland Code,” after “Housing Code” in the heading to clause 1.19 (1) where firstly occurring.

**[8]    Clause 1.19 (2)**

Insert “, Inland Code” after “Housing Code” where firstly occurring.

**[9] Part 2, Division 1, Subdivisions 16–16B**

Omit Subdivision 16. Insert instead:

**Subdivision 16 Farm buildings (other than stock holding yards, grain silos and grain bunkers)**

**2.31 Specified development**

The construction or installation of a farm building (other than a stock holding yard, grain silo or grain bunker) that is not used for habitable purposes is development specified for this code if it is:

- (a) constructed or installed on land in Zone RU1, RU2, RU3, RU4 or RU6, and
- (b) not constructed or installed on or in a heritage item or a draft heritage item or in an environmentally sensitive area, and
- (c) not constructed or installed on land shown on any relevant Procedures for Air Navigation Services—Aircraft Operations Map prepared by the operator of an aerodrome or airport operating within 2 kilometres of the proposed development and for which a PANS-OPS surface is identified that may compromise the effective and on-going operation of the relevant aerodrome or airport.

**Note 1. Farm building** is defined in the Standard Instrument as a structure the use of which is ancillary to an agricultural use of the landholding on which it is situated and includes a hay shed, stock holding yard, machinery shed, shearing shed, silo, storage tank, outbuilding or the like, but does not include a dwelling.

**Note 2.** Subdivisions 16A and 16B make special provision for farm buildings that are stock holding yards, grain silos or grain bunkers.

**2.32 Development standards**

- (1) The following standards are specified for that development:
  - (a) the development must not be higher than:
    - (i) for a landholding that has an area of less than 10ha—7m above ground level (existing), and
    - (ii) for a landholding that has an area of 10ha or more—10m above ground level (existing),
  - (b) if the development is located on land that is identified for the purposes of an environmental planning instrument as “Land with scenic and landscape values” on a Scenic and Landscape Values Map or as “Scenic Protection Area” on a Scenic Protection Map or Scenic Protection Area Map—it must not be higher than 7m,
  - (c) if the development:
    - (i) is on a landholding that has an area of more than 4ha, and
    - (ii) is on a landholding in relation to which the natural ground at any point within 100m of the ridgeline of any hill is at least 20m lower than the ridgeline, and
    - (iii) is located within 100m of that ridgeline,it must be sited on the landholding so that the highest point of the development is at least 5m below that ridgeline,
  - (d) subject to paragraph (e), the footprint of a farm building must not exceed 200m<sup>2</sup>,
  - (e) the footprint of all farm buildings (other than grain bunkers) on a landholding must not exceed the footprint shown in the following table:



Landholding area	Maximum footprint of all farm buildings (other than grain bunkers)
0–4ha	2.5% of the area of the landholding
>4ha–10ha	1,000m <sup>2</sup>
>10ha	2,000m <sup>2</sup>

- (f) the development must be located at least 20m from any road boundary and have a minimum setback from any other boundary as shown in the table to this paragraph:

Building footprint	Minimum setback from boundary
0–100m <sup>2</sup>	10m
>100m <sup>2</sup> –200m <sup>2</sup>	50m

- (g) a farm building must be located at least 6m from any other farm building (including any farm building that is a stock holding yard, grain silo or grain bunker) on the landholding or on an adjoining landholding,
- (h) the development must be located at least 50m from a waterbody (natural),
- (i) the development must be designed by, and constructed in accordance with the specifications of, a professional engineer,
- (j) if the development is a shipping container, there must not be more than the following number of shipping containers per landholding:
- (i) for a landholding that has an area of less than 400ha—1,
  - (ii) for a landholding that has an area of 400ha or more—5,
- (k) the development must not penetrate any obstacle limitation surface shown on any relevant Obstacle Limitation Surface Plan that has been prepared by the operator of an aerodrome or airport operating within 2 kilometres of the proposed development and reported to the Civil Aviation Safety Authority,
- (l) despite clause 2.30 (a), excavation for the purposes of structural supports may exceed a depth of 600mm, measured from ground level (existing), unless the land is identified for the purposes of an environmental planning instrument as Class 1–5 on an Acid Sulfate Soils Map.
- (2) In this clause, **footprint** means the area of the ground surface occupied by a building, including the walls, footings and roofing of the building, and extending to the perimeter of the foundations and other means of structural support to the building, but does not include the area of access ramps, eaves and sunshade devices.

**Note 1.** There are other existing legislative requirements relating to the clearance of power lines, substations and Obstacle Limitation Surfaces near airport flight paths.

**Note 2.** The consent of the appropriate roads authority is required under section 138 of the *Roads Act 1993* for the carrying out of certain works in relation to roads, including the building of any crossover or creating road access.

## Subdivision 16A Stock holding yards not used for sale of stock

### 2.32A Specified development

- (1) The construction or installation of a farm building that is a stock holding yard that is not used for habitable purposes is development specified for this code if it:
  - (a) is constructed or installed on land in Zone RU1, RU2 or RU6, and
  - (b) is used for the purpose of the short-term storage or watering of stock, and
  - (c) does not include or comprise a stock and sale yard, and
  - (d) in the case of development that has a footprint greater than 200m<sup>2</sup>—is not carried out on unsewered land to which *State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011* applies, if that development will result in a site disturbance area of more than 250m<sup>2</sup>.
- (2) In this clause, **footprint** means the area of the ground surface occupied by a building, including the walls, footings and roofing of the building, and extending to the perimeter of the foundations and other means of structural support to the building, but does not include the area of access ramps, eaves and sunshade devices.

**Note. Stock and sale yard** is defined in the Standard Instrument as a building or place that is used on a commercial basis for the purpose of offering livestock or poultry for sale and that may be used for the short-term storage and watering of stock.

### 2.32B Development standards

The following standards are specified for that development:

- (a) a stock holding yard:
  - (i) must be fenced around its perimeter, and
  - (ii) must not be roofed,
- (b) any fencing erected in or around the perimeter of the stock holding yard must not be higher than 4.5m above ground level (existing),
- (c) the development must be located at least 10m from any road boundary and at least 200m from any other boundary,
- (d) the development must be located at least 200m from any dwelling that is located on land on the opposite side of a road that separates the landholding on which the development is located and that other lot,
- (e) the development must be located at least 6m from any other farm building (including any farm building that is a grain silo or grain bunker) on the landholding or on an adjoining landholding,
- (f) the development must be located at least 100m from a waterbody (natural).

**Note.** The consent of the appropriate roads authority is required under section 138 of the *Roads Act 1993* for the carrying out of certain works in relation to roads, including the building of any crossover or creating road access.

## Subdivision 16B Grain silos and grain bunkers

### 2.32C Specified development

- (1) The construction or installation of a farm building that is a grain silo or grain bunker that is not used for habitable purposes is development specified for this code if it is:

- (a) constructed or installed on land in Zone RU1, RU2 or RU6, and
  - (b) used for the purpose of the storage of grain that has been produced on the landholding, and
  - (c) not constructed or installed on land shown on any relevant Procedures for Air Navigation Services—Aircraft Operations Map prepared by the operator of an aerodrome or airport operating within 2 kilometres of the proposed development and for which a PANS-OPS surface is identified that may compromise the effective and on-going operation of the relevant aerodrome or airport, and
  - (d) in the case of development that has a footprint greater than 200m<sup>2</sup>—not carried out on unsewered land to which *State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011* applies, if that development will result in a site disturbance area of more than 250m<sup>2</sup>.
- (2) In this clause, **footprint** means the area of the ground surface occupied by a building, including the walls, footings and roofing of the building, and extending to the perimeter of the foundations and other means of structural support to the building, but does not include the area of access ramps, eaves and sunshade devices.

#### 2.32D Development standards—general

The following standards are specified for that development:

- (a) the development must not be constructed or installed on a landholding with an area of less than 40ha,
- (b) the development must be located at least 15m from any road boundary and at least 100m from any other boundary,
- (c) the development must be located at least 100m from any dwelling,
- (d) the development must be located at least 6m from any other farm building (including any farm building that is a stock holding yard) on the landholding or on an adjoining landholding,
- (e) the development must be located at least 50m from a waterbody (natural),
- (f) if the development:
  - (i) is on a landholding in relation to which the natural ground at any point within 100m of the ridgeline of any hill is at least 20m lower than the ridgeline, and
  - (ii) is located within 100m of that ridgeline,  
it must be sited on the landholding so that the highest point of the development is at least 5m below that ridgeline,
- (g) the development must not penetrate any obstacle limitation surface shown on any relevant Obstacle Limitation Surface Plan that has been prepared by the operator of an aerodrome or airport operating within 2 kilometres of the proposed development and reported to the Civil Aviation Safety Authority,
- (h) if the development is located within 13km of an airfield or aerodrome—the development must be adequately sealed or protected to prevent the entry of wildlife,
- (i) despite clause 2.30 (a), excavation for the purposes of structural supports may exceed a depth of 600mm, measured from ground level (existing), unless the land is identified for the purposes of an

environmental planning instrument as Class 1–5 on an Acid Sulfate Soils Map.

**Note 1.** There are other existing legislative requirements relating to the clearance of power lines and Obstacle Limitation Surfaces near airport flight paths.

**Note 2.** The consent of the appropriate roads authority is required under section 138 of the *Roads Act 1993* for the carrying out of certain works in relation to roads, including the building of any crossover or creating road access.

### 2.32E Development standards—grain silos

- (1) The following additional standards are specified for that development if the development is a grain silo:
  - (a) it must not be higher than:
    - (i) in the case of a landholding that has an area of 40ha or more but less than 100ha—7m above ground level (existing), and
    - (ii) in the case of a landholding that has an area of 100ha or more—15m above ground level (existing),
  - (b) it must not have a footprint greater than 200m<sup>2</sup>,
  - (c) it must not have a footprint that would result in the footprint of all farm buildings (other than grain bunkers) on the landholding exceeding the footprint shown in the following table:

Landholding area	Maximum footprint of all farm buildings (other than grain bunkers)
0–4ha	2.5% of the area of the landholding
>4ha–10ha	1,000m <sup>2</sup>
>10ha	2,000m <sup>2</sup>

- (d) if the development is located on land that is identified for the purposes of an environmental planning instrument as “Land with scenic and landscape values” on a Scenic and Landscape Values Map or as “Scenic Protection Area” on a Scenic Protection Map or Scenic Protection Area Map—it must not be higher than 7m,
  - (e) it must be constructed in accordance with the Code of Practice entitled “*Safety Aspects in the Design of Bulk Solids Containers Including Silos, Field Bins and Chaser Bins*” as published on the website SafeWork NSW and amended from time to time,
  - (f) in the case of a grain silo that is sealed—it must be designed and sealed in accordance with sections 2 and 3 of AS 2628-2010, *Sealed grain-storage silos – Sealing requirements for insect control*,
  - (g) it must not result in more than 5 silos being erected on a landholding.
- (2) In this clause, **footprint** means the surface area covered by a built structure that has either a roof or a floor installed as a fixture, or both, excluding the area of access ramps, eaves, sunshade devices, hard surfaces for parking or landscaping associated with the structure.

### 2.32F Development standards—grain bunkers

- (1) The following additional standards are specified for that development if the development is a grain bunker:
  - (a) it must not be higher than 7m above ground level (existing),

- (b) it must not have a footprint that would result in the footprint of all grain bunkers on the landholding exceeding 7,000m<sup>2</sup>,
  - (c) if the development is located on land that is identified as “Land with scenic and landscape values” on a Scenic and Landscape Values Map or as “Scenic Protection Area” on a Scenic Protection Map or Scenic Protection Area Map—it must not have a footprint greater than 200m<sup>2</sup>,
  - (d) any structural elements, including any wall or concrete floor slab, of the development must be constructed in accordance with the specifications of a professional engineer,
  - (e) despite clause 2.30, it must not require cut or fill more than 1m below or above ground level (existing) and any cut or fill must only be carried out wholly within a 50m radius of the grain bunker,
  - (f) it must not cause the redirection of the flow of any surface water or ground water or cause sediment to be transported onto an adjoining landholding,
  - (g) it must not be located over any registered easement, sewer main or water main.
- (2) In this clause, **footprint** means the area of the ground surface occupied by a building, including the walls, footings and roofing of the building, and extending to the perimeter of the foundations and other means of structural support to the building, excluding the area of access ramps, eaves and sunshade devices.
- Note 1.** It is an offence to transport waste to a place other than an appropriate and lawful waste facility (see section 143 of the *Protection of the Environment Operations Act 1997*).
- Note 2.** The consent of the appropriate roads authority is required under section 138 of the *Roads Act 1993* for the carrying out of certain works in relation to roads, including the building of any crossover or creating road access.
- Note 3.** Subdivision 15 of Division 1 of Part 2 contains additional requirements relating to earthworks.

**[10] Clause 3.6 Development standards for land near Siding Spring Observatory**

Insert after clause 3.6 (2):

- (3) This clause ceases to have effect on 1 January 2021.  
**Note.** Under clause 3D.1, the Inland Code will apply exclusively to land to which this clause applies on and from 1 January 2021.

**[11] Clause 3A.19 Exceptions to setbacks**

Omit “the Land and Property Management Authority” from clause 3A.19 (d).

Insert instead “Spatial Services in the Department of Finance, Services and Innovation”.

**[12] Clause 3A.38A Development standards for land near Siding Spring Observatory**

Insert after clause 3A.38A (2):

- (3) This clause ceases to have effect on 1 January 2021.  
**Note.** Under clause 3D.1, the Inland Code will apply exclusively to land to which this clause applies on and from 1 January 2021.

**[13] Part 3D**

Insert after Part 3C:

## **Part 3D Inland Code**

**Note 1.** Clause 1.18 (1) (b) states that to be complying development for the purposes of this Policy, the development must be permissible with consent under an environmental planning instrument applying to the land on which the development is carried out.

**Note 2.** Schedule 3 contains variations to this code.

**Note 3.** In addition to the requirements specified for development under this code, adjoining owners' property rights, the applicable common law and other legislative requirements for approvals, licences, permits and authorities still apply. For example, requirements relevant to development in this code may be contained in the Act, the *Environmental Planning and Assessment Regulation 2000*, various State environmental planning policies, the *Protection of the Environment Operations Act 1997*, the *Roads Act 1993*, the *Swimming Pools Act 1992* and Acts applying to various infrastructure authorities. If the development is in proximity to infrastructure, including water, stormwater and sewer mains, electricity power lines and telecommunications facilities, the relevant infrastructure authority should be contacted before commencing the development.

### **Division 1 Application of code**

#### **3D.1 Land to which code applies**

- (1) Subject to subclause (2), this code applies to the development that is specified in clauses 3D.3–3D.66 on land in Zones RU1, RU2, RU3, RU4, RU5, RU6, R1, R2, R3, R4 and R5 in inland local government areas.
- (2) This code does not apply to land to which the Greenfield Housing Code applies.
- (3) Except as provided by clause 3D.2, the Housing Code and Rural Housing Code do not apply to land to which this code applies.
- (4) In this clause, ***inland local government areas*** means the local government areas of Albury City, Armidale Regional, Balranald, Bathurst Regional, Berrigan, Bland, Blayney, Bogan, Bourke, Brewarrina, Broken Hill, Cabonne, Carrathool, Central Darling, Cobar, Coolamon, Coonamble, Cootamundra–Gundagai Regional, Cowra, Dubbo Regional, Dungog, Edward River, Federation, Forbes, Gilgandra, Glen Innes Severn Shire, Goulburn Mulwaree, Greater Hume Shire, Griffith, Gunnedah, Gwydir, Hay, Hilltops, Inverell, Junee, Lachlan, Leeton, Lithgow, Liverpool Plains, Lockhart, Mid-Western Regional, Moree Plains, Murray River, Murrumbidgee, Muswellbrook, Narrabri, Narrandera, Narramine, Oberon, Orange, Parkes, Queanbeyan-Palerang Regional, Singleton, Snowy Monaro Regional, Snowy Valleys, Tamworth Regional, Temora, Tenterfield, Upper Hunter Shire, Upper Lachlan Shire, Uralla, Wagga Wagga, Walcha, Walgett, Warren, Warrumbungle Shire, Weddin, Wentworth and Yass Valley.

#### **3D.2 Savings and transitional provision**

- (1) Until 1 January 2021, the Housing Code, Rural Housing Code and this code (including any variations to any of those codes made by Schedule 3 to this Policy) continue to apply to land to which this code applies and development may be carried out on the land under the Housing Code, Rural Housing Code or this code.
- (2) The Transitional Housing Code continues to apply to land to which this code applies, and development may be carried out on the land under the Transitional Housing Code, until 13 July 2019.

## **Division 2      Requirements for complying development under this code**

### **3D.3    Development that is complying development under this code**

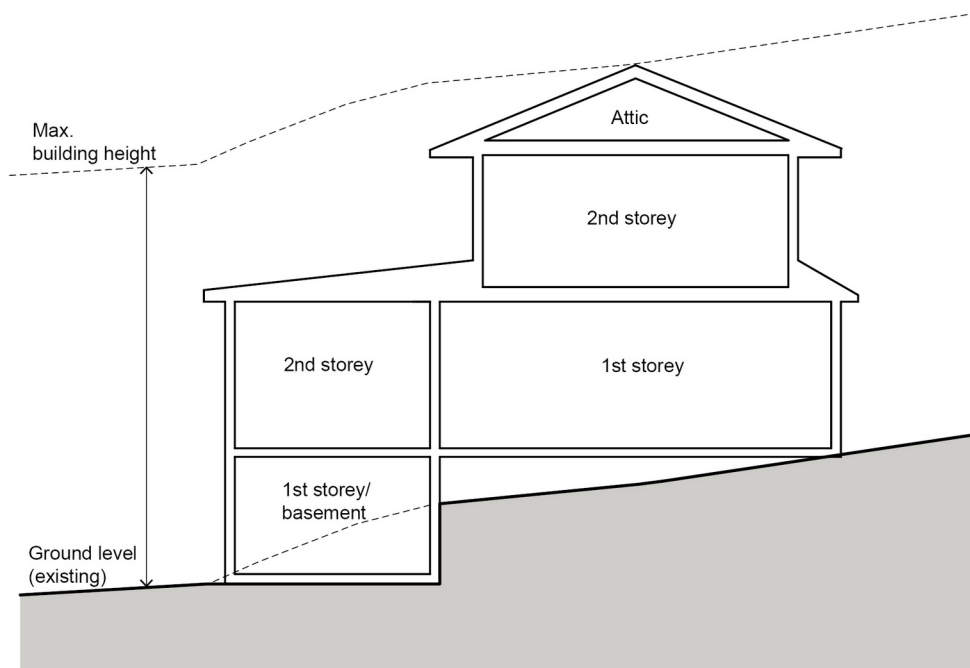
- (1) The following development is complying development under this code:
- (a) subject to subclause (2), the erection of a new 1 or 2 storey dwelling house and any attached development,
  - (b) the alteration of, or an addition to, a 1 or 2 storey dwelling house (including any addition that results in a 2 storey dwelling house) and any attached development,
  - (c) the erection of detached development and the alteration of, or an addition to, any detached development.

- (2) For the purposes of calculating the number of storeys in a dwelling house under this code any basement (including a garage) is to be counted as a storey.

**Note 1.** Although a basement is to be counted as a storey for the purposes of calculating the number of storeys in a dwelling house, a basement is a type of attached development for the purposes of complying development under this code.

**Note 2. Storey** is defined in the Standard Instrument as 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:

- (a) a space that contains only a lift shaft, stairway or meter room, or
- (b) a mezzanine, or
- (c) an attic.



- (3) Development specified for this code may only be carried out on a lot that has lawful direct frontage access or a right of carriageway to a public road or a road vested in or maintained by the council (other than an unformed Crown road or a Crown road vested in the Council, but not maintained).
- (4) If, under section 88B of the *Conveyancing Act 1919*, a restriction is created that specifies a building envelope for a lot, development specified for this code may only be carried out within the building envelope specified.
- (5) **Erection of attached development and detached development**

Complying development specified for this code that is attached development or detached development may be carried out on a lot:

- (a) if a dwelling house exists on the lot—at any time, or
- (b) if there is a current development consent or complying development certificate for the construction of a dwelling house on the lot—before or during the construction of the dwelling house.

**Note 1.** *Attached development, detached development, development consent and dwelling house* are defined in clause 1.5. *Basement* has the same meaning as it has in the Standard Instrument. *Complying development certificate* has the same meaning as it has in the Act.

**Note 2.** Clauses 1.17A, 1.18 and 1.19 (1) and Schedules 3 and 5 of this Policy contain additional requirements for complying development.



### 3D.4 Development that is not complying development under this code

The following development is not complying development under this code:

- (a) the erection or alteration of, or an addition to, a secondary dwelling or a group home,
- (b) development that is complying development under the Housing Alterations Code,
- (c) the erection of a building within 1m of a public water or sewer mains,
- (d) the erection of a building over a registered easement,
- (e) the erection of a new dwelling house on land in Zone RU3,
- (f) the erection or alteration of, or an addition to, a roof terrace on the topmost roof of an existing or a new dwelling house, or existing or new detached development,
- (g) the construction of a basement on land in Zone R1, R2, R3, R4 or RU5 that will have an area that exceeds the limits shown in the following table:

Lot width measured at the building line	Maximum area of basement
6–10m	25m <sup>2</sup>
>10m	45m <sup>2</sup>

- (h) the erection of a common wall,
- (i) the alteration of, or an addition to, a garage or carport that is located forward of the building line,
- (j) development that penetrates any obstacle limitation surface shown on any relevant Obstacle Limitation Surface Plan that has been prepared by the operator of an aerodrome or airport operating within 2 kilometres of the proposed development and reported to the Civil Aviation Safety Authority,
- (k) development that is on land shown on any relevant Procedures for Air Navigation Services—Aircraft Operations Map prepared by the operator of an aerodrome or airport operating within 2 kilometres of the proposed development and for which a PANS-OPS surface is identified that may compromise the effective and on-going operation of the relevant aerodrome or airport.

**Note 1.** *Attached, building line, common wall, detached* and *Housing Alterations Code* are defined in clause 1.5.

**Note 2.** *Basement, building, group home* and *secondary dwelling* have the same meanings as they have in the Standard Instrument.

### 3D.5 Determining lot type

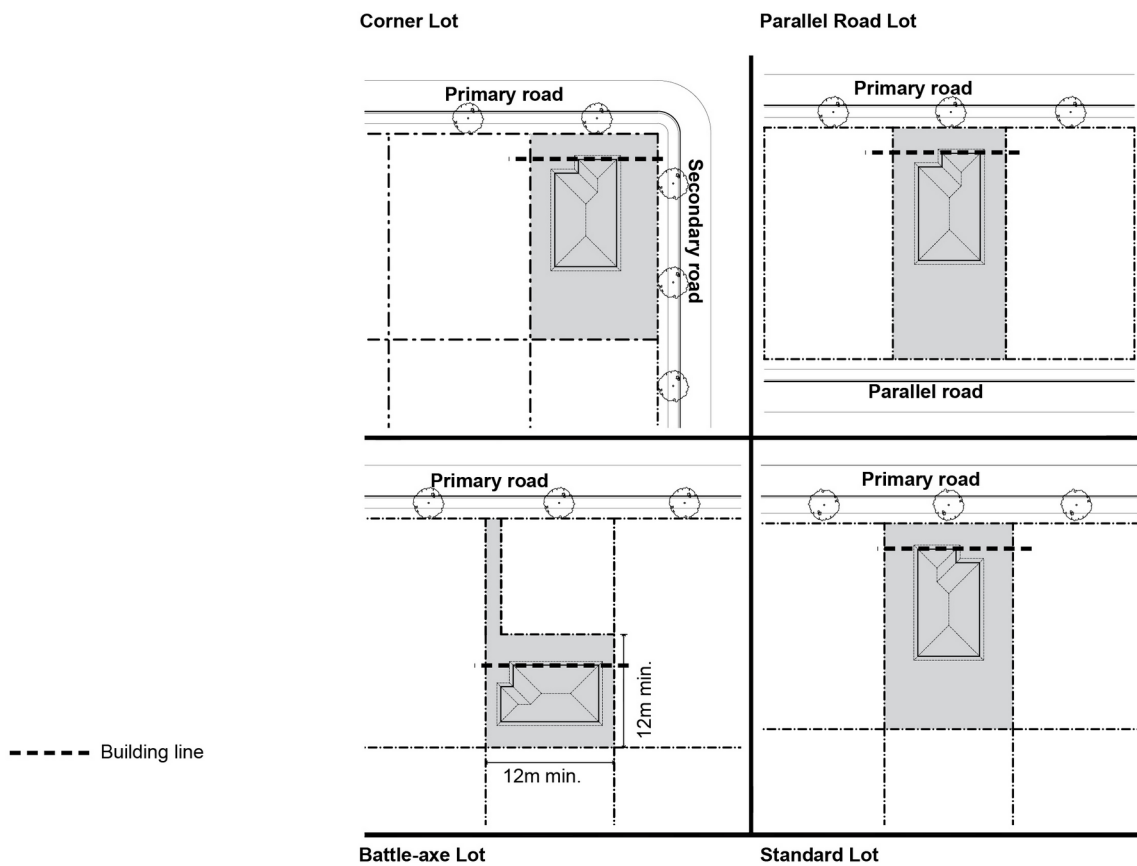
In this code, a reference to a lot is a reference to any of the following lots:

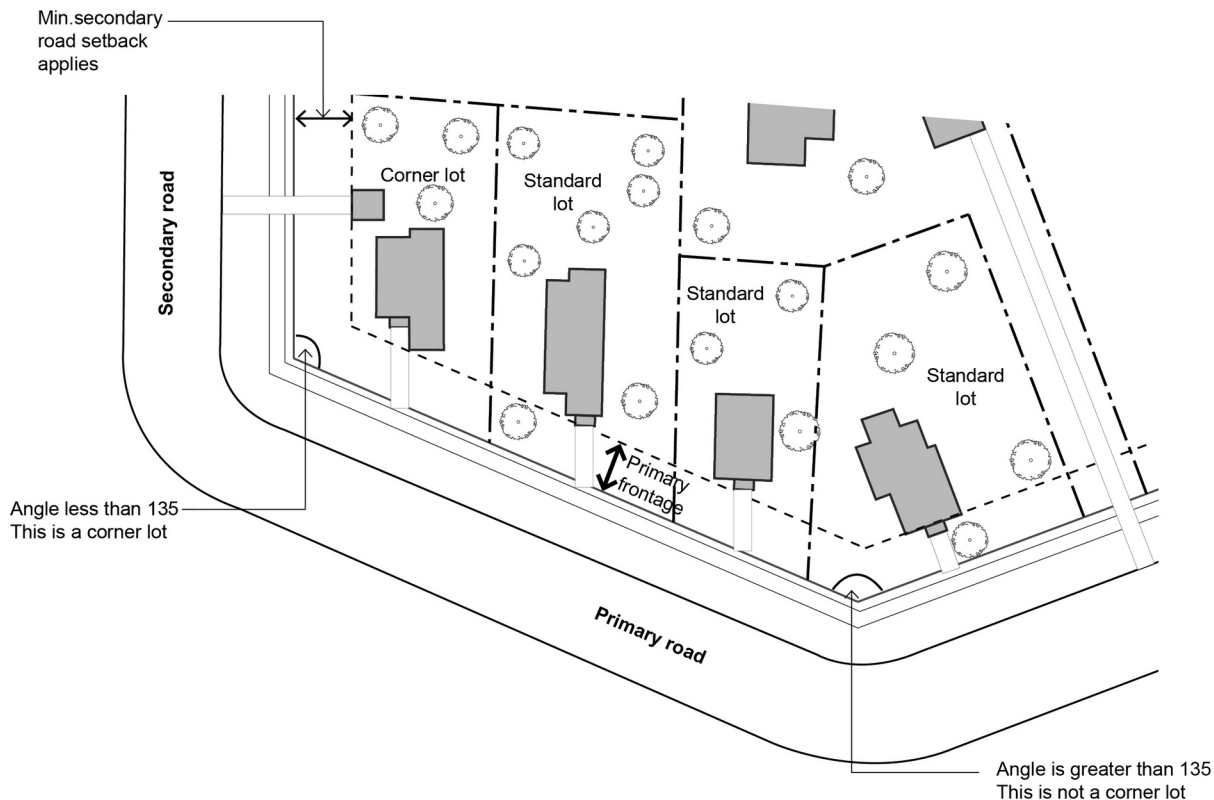
- (a) standard lot,
- (b) corner lot,
- (c) parallel road lot,

(d) battle-axe lot.

**Note 1.** *Battle-axe lot*, *corner lot*, *parallel road lot* and *standard lot* are defined in clause 1.5.

**Note 2.** A lot that adjoins a lane is not a parallel road lot or a corner lot. The lot type depends on which other roads it fronts (if any).





### 3D.6 Complying development on bush fire prone land

- (1) This clause does not apply to the following complying development under this code:
  - (a) non-habitable detached development (other than farm buildings) that is more than 10m from any dwelling house,
  - (b) landscaped areas,
  - (c) non-combustible fences,
  - (d) swimming pools.
- (2) If complying development under this code is carried out on bush fire prone land, the following development standards also apply in addition to any other development standards:
  - (a) the development will not be carried out on any part of the lot that is bush fire attack level-40 (BAL-40) or in the flame zone (BAL-FZ),
  - (b) the lot on which the development is to be carried out must have direct access to a public road or a road vested in or maintained by the council,
  - (c) the dwelling house must be able to be connected to mains electricity,
  - (d) if reticulated or bottled gas is installed and maintained on the lot:
    - (i) it must be installed and maintained in accordance with AS/NZS 1596:2014, *The storage and handling of LP Gas*, and

- (ii) the storage and handling of any LP gas on the lot must comply with the requirements of the relevant authorities (including the use of metal piping),
  - (e) any gas cylinder stored on the lot within 10m of any dwelling house must:
    - (i) have its release valves directed away from the dwelling house, and
    - (ii) be enclosed on the hazard side of the installation, and
    - (iii) have metal connections to and from the cylinder,
  - (f) there must not be any polymer sheathed flexible gas supply lines to gas meters adjacent to the dwelling house,
  - (g) if the development is carried out on a lot in Zone R5, RU1, RU2, RU3, RU4 or RU5, there must be:
    - (i) a reticulated water supply connection to the lot and a fire hydrant within 60m of any part of the development, or
    - (ii) in the case of a lot with an area of 10,000m<sup>2</sup> or less—a 10,000 L capacity water tank on the lot, or
    - (iii) in the case of a lot with an area greater than 10,000m<sup>2</sup>—a 20,000 L capacity water tank on the lot,
  - (h) any water tank installed on the lot in compliance with paragraph (g) must have a 65mm metal Storz outlet with a gate or ball valve (the gate or ball valve, pipes and tank penetrations are to be designed to allow for a full 50mm inner diameter water flow through the Storz fitting and must be of a metal construction),
  - (i) if the development is carried out on a lot in Zone R1, R2, R3 or R4, there must be:
    - (i) a reticulated water supply connection to the lot, and
    - (ii) a fire hydrant within 60m of any part of the development,
  - (j) the development must comply with the requirements of all of the following:
    - (i) *Planning for Bush Fire Protection* (ISBN 0 9751033 2 6) published by the NSW Rural Fire Service in December 2006,
    - (ii) *Addendum: Appendix 3* (published by NSW Rural Fire Service in 2010) to *Planning for Bush Fire Protection* (ISBN 0 9751033 2 6),
    - (iii) AS 3959–2009, *Construction of buildings in bushfire-prone areas*,
    - (iv) any other document required by the *Environmental Planning and Assessment Regulation 2000* (in accordance with section 4.14 of the Act).
- Note 1. Attached development, bush fire attack level-40 (BAL-40), council, detached, dwelling house and flame zone (BAL-FZ)** are defined in clause 1.5.
- Note 2. Bush fire prone land, landscaped area, road and swimming pool** have the same meanings as they have in the Standard Instrument.
- (3) A development standard specified in subclause (2) (a) is satisfied if the council or a person who is recognised by the NSW Rural Fire Service as a suitably qualified consultant in bush fire risk assessment certifies that the development is not in bush fire attack level-40 (BAL-40) or the flame zone (BAL-FZ).

### 3D.7 Complying development on flood control lots

- (1) Development under this code must not be carried out on any part of a flood control lot, other than a part of the lot that the council or a professional engineer who specialises in hydraulic engineering has certified, for the purposes of the issue of the relevant complying development certificate, as not being any of the following:
  - (a) a flood storage area,
  - (b) a floodway area,
  - (c) a flow path,
  - (d) a high hazard area,
  - (e) a high risk area.
- (2) If complying development under this code is carried out on any part of a flood control lot, the following development standards also apply in addition to any other development standards:
  - (a) if there is a minimum floor level adopted in a development control plan by the relevant council for the lot, the development must not cause any habitable room in the dwelling house to have a floor level lower than that floor level,
  - (b) any part of the dwelling house or any attached development or detached development that is erected at or below the flood planning level is constructed of flood compatible material,
  - (c) any part of the dwelling house and any attached development or detached development that is erected is able to withstand the forces exerted during a flood by water, debris and buoyancy up to the flood planning level (or if an on-site refuge is provided on the lot, the probable maximum flood level),
  - (d) the development must not result in increased flooding elsewhere in the floodplain,
  - (e) the lot must have pedestrian and vehicular access to a readily accessible refuge at a level equal to or higher than the lowest habitable floor level of the dwelling house,
  - (f) vehicular access to the dwelling house will not be inundated by water to a level of more than 0.3m during a 1:100 ARI (average recurrent interval) flood event,
  - (g) the lot must not have any open car parking spaces or carports lower than the level of a 1:20 ARI (average recurrent interval) flood event.
- (3) The requirements under subclause (2) (c) and (d) are satisfied if a joint report by a professional engineer specialising in hydraulic engineering and a professional engineer specialising in civil engineering states that the requirements are satisfied.
- (4) A word or expression used in this clause has the same meaning as it has in the *Floodplain Development Manual*, unless it is otherwise defined in this Policy.
- (5) In this clause:

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

***flood planning level*** means:

  - (a) the flood planning level adopted by a local environmental plan applying to the lot, or

- (b) if a flood planning level is not adopted by a local environmental plan applying to the lot, the flood planning level adopted in a development control plan by the relevant council for the lot.

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

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

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

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

**Note 1.** **Council, flood control lot, habitable room** and **professional engineer** are defined in clause 1.5.

**Note 2.** A section 10.7 certificate from a Council will state whether or not a lot is a flood control lot.

### **3D.8 Development standards for land near Siding Spring Observatory**

- (1) If complying development under this code is carried out on land in the local government area of Coonamble, Gilgandra, Warrumbungle Shire or that part of the local government area of Dubbo Regional that was formerly in the City of Dubbo, the development standards in this clause also apply in addition to any other development standards.
- (2) Complying development specified for this code may only be carried out if it does not result in a dwelling house, attached development or detached development on land in the local government area of:
  - (a) Coonamble, Gilgandra, Warrumbungle Shire or that part of the local government area of Dubbo Regional that was formerly in the City of Dubbo with an outside light fitting other than a shielded light fitting, and
  - (b) Coonamble, Gilgandra or Warrumbungle Shire with more than 7 shielded outside light fittings or more than 5 such light fittings that are not automatic light fittings.

## **Division 3 Development standards—dwelling houses and attached development in Zones RU1, RU2, RU3, RU4 and RU6**

### **Subdivision 1 Application of Division**

#### **3D.9 Application of Division**

- (1) This Division sets out the development standards that apply to the erection or alteration of, or an addition to, a 1 or 2 storey dwelling house and any attached development that is complying development under this code.
- (2) Despite clause 3D.1, this Division does not apply to land in Zones RU5, R1, R2, R3, R4 and R5.

**Note.** Clause 3D.4 provides that the erection of a new dwelling house is not permitted on land in Zone RU3.

## **Subdivision 2     Built form development standards for dwelling houses and attached development**

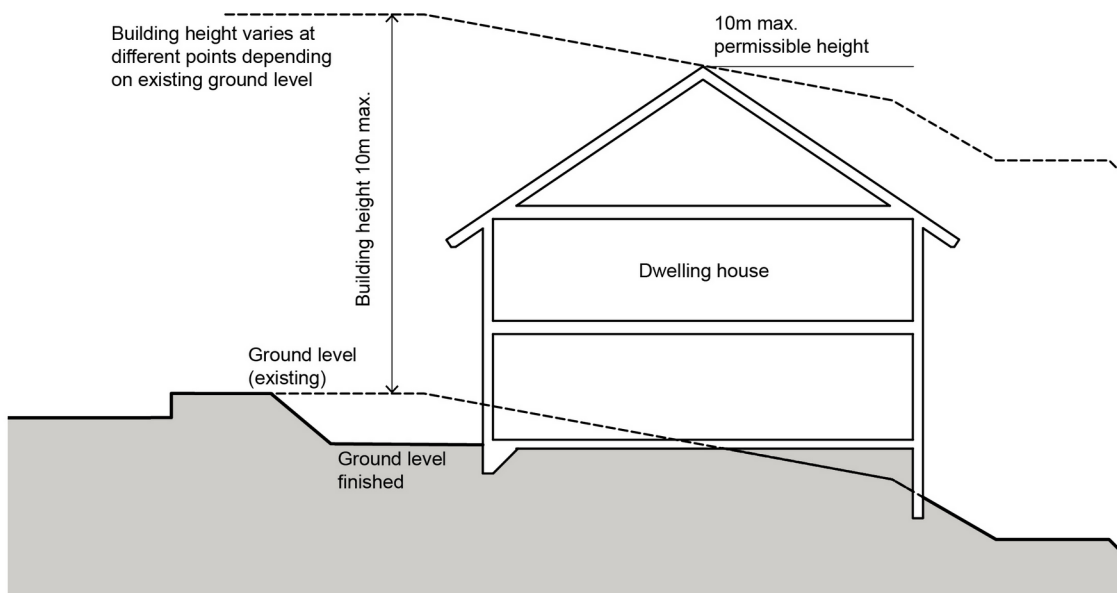
### **3D.10     Lot requirements**

- (1) The lot must meet the following requirements:
  - (a) the area of the lot must not be less than:
    - (i) the minimum lot area specified in the environmental planning instrument that applies to the land concerned, or
    - (ii) if no size is specified in the environmental planning instrument—4,000m<sup>2</sup>,
  - (b) there must only be 1 dwelling house on the lot at the completion of the development.
- (2) Subclause (1) (a) does not apply to development that is the alteration of, or an addition to, an existing dwelling house and the erection or alteration of, or addition to, any attached development.
- (3) 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.
- (4) A secondary dwelling with development consent or a complying development certificate is not a dwelling house for the purpose of subclause (1) (b).

### **3D.11     Maximum building height and siting of development**

#### **(1)     Maximum height**

The maximum height for a dwelling house and any attached development is 10m above ground level (existing).



(2) **Siting**

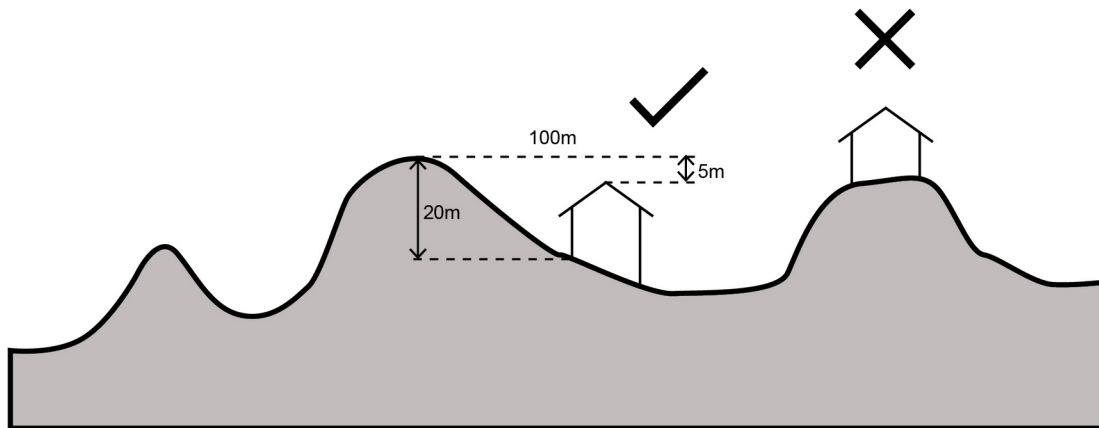
A dwelling house and any attached development that is situated:

- (a) on a lot:
    - (i) having an area of more than 4ha, and
    - (ii) in relation to which the natural ground at any point within 100m of the ridgeline of any hill is at least 20m lower than the ridgeline, and
  - (b) within 100m of that ridgeline,
- must be sited on the lot so that the highest point of the development is at least 5m below that ridgeline.

**Note 1.** *Attached development* and *dwelling house* are defined in clause 1.5.

**Note 2.** *Ground level (existing)* is defined in the Standard Instrument as the existing level of a site at any point.



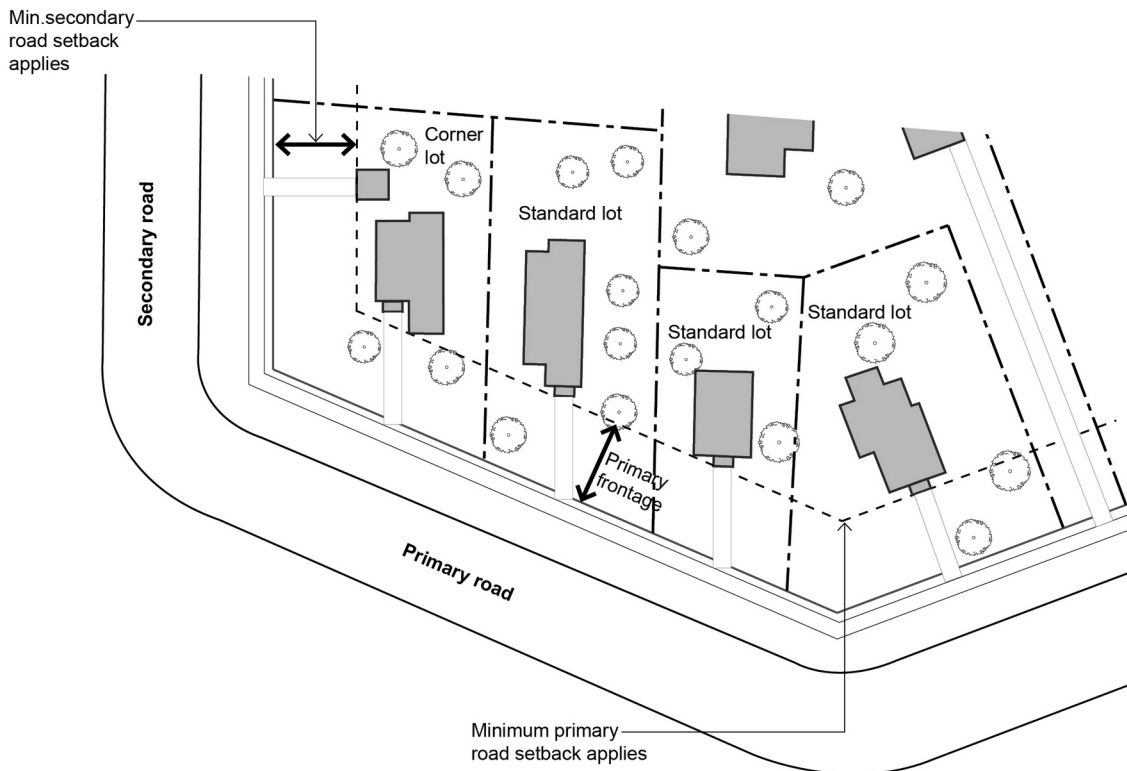


### 3D.12 Minimum setbacks

#### (1) Primary and secondary road setbacks

The setback of a dwelling house and any attached development from a primary or secondary road must be at least:

- (a) in the case of a sealed primary road:
  - (i) in Zones RU1, RU2, RU3 and RU6—50m, or
  - (ii) in Zone RU4—30m, or
- (b) in the case of a sealed secondary road—10m, or
- (c) in the case of any unsealed road—50m.



(2) **Road setbacks—road widening proposals**

If the development is on a lot that is subject to a proposed road widening under an environmental planning instrument, a development control plan or section 88B or 195A of the *Conveyancing Act 1919*, any road setback of a dwelling house and any attached development must be measured from the proposed boundary with the road.

(3) **Classified road setbacks**

Despite any other setback specified in this clause, a dwelling house and any attached development must have at least the setback from a classified road of:

- (a) if another environmental planning instrument or a development control plan applying to that lot specifies a setback for those circumstances—the setback specified by the other instrument or the development control plan, or
  - (b) the setback specified by subclause (1),
- whichever is the greater.

(4) **Side setbacks**

The following buildings must have a minimum setback from a side boundary of 10m:

- (a) a dwelling house,
- (b) a carport or garage,

- (c) a balcony, deck, patio, pergola, terrace or verandah,
- (d) a cabana, cubby house, garden shed, gazebo, fernery, greenhouse or shed.

(5) **Rear setbacks**

The following buildings on a lot (other than a lot that only has 3 boundaries) must have a minimum setback from the rear boundary of 15m:

- (a) a dwelling house,
- (b) a carport or garage,
- (c) a balcony, deck, patio, pergola, terrace or verandah,
- (d) a cabana, cubby house, garden shed, gazebo, fernery, greenhouse or shed.

(6) **Public reserve setbacks**

Despite any other setback specified in this clause, a new dwelling house and any attached development must have a setback of at least 3m from a boundary with a public reserve.

(7) **Setbacks from watercourses**

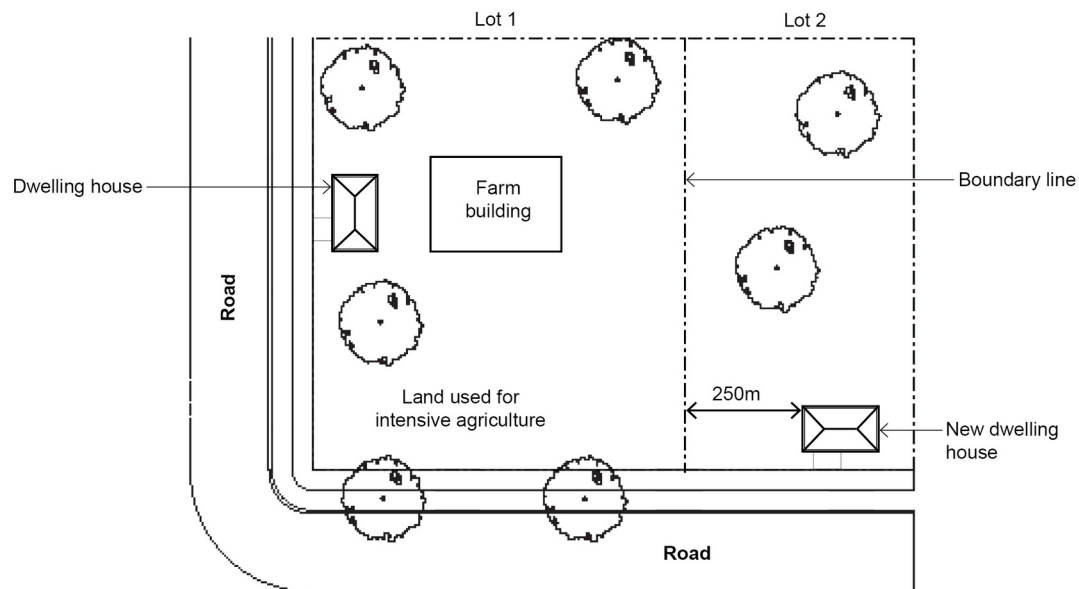
A dwelling house and any attached development must have a setback of at least 40m from the bank of any perennial watercourse identified on a 1:50,000 topographical map published by Spatial Services in the Department of Finance, Services and Innovation.

**Note.** Clause 3D.14 contains certain exclusions from, and exceptions to, the setbacks in this clause.

**3D.13 Setbacks from certain adjoining land**

Despite any other clause in this Subdivision, a new dwelling house must have a setback of at least 250m from a boundary with adjoining land being used for any of the following:

- (a) forestry,
- (b) intensive livestock agriculture,
- (c) intensive plant agriculture,
- (d) mines and extractive industries,
- (e) railway lines,
- (f) rural industries.



### 3D.14 Exceptions to setbacks

(1) **Development to which side and rear setbacks do not apply**

The setback standards specified in clause 3D.12 (4) and (5) do not apply to the following:

- (a) access ramps,
- (b) downpipes,
- (c) driveways,
- (d) electricity or gas meters,
- (e) fascias,
- (f) fences,
- (g) gutters,
- (h) hard stand spaces,
- (i) light fittings,
- (j) pathways and paving,
- (k) eaves that are within 1m of the relevant dwelling house.

(2) **Development to which side and rear setbacks do not apply if 450mm from boundary**

The setback standards specified in clause 3D.12 (4) and (5) do not apply to the following if they are at least 450mm from the relevant boundary:

- (a) aerials,
- (b) antennae,
- (c) awnings,
- (d) chimneys,
- (e) cooling or heating appliances,
- (f) eaves,
- (g) flues,
- (h) pipes,
- (i) privacy screens,
- (j) rainwater tanks greater than 1.8m in height,
- (k) structures associated with the provision of a utility service.

(3) **Development to which road setbacks do not apply**

The setback standards specified in clause 3D.12 (1) and (3) do not apply to the following:

- (a) driveways,
- (b) hard stand spaces.
- (c) pathways and paving,
- (d) retaining walls,
- (e) fences,

**3D.15 Vehicle access**

- (1) A lot that has an off-street car parking space must have a driveway to a public road.
- (2) A driveway on a lot must be constructed in accordance with AS/NZS 2890.1:2004, *Parking facilities—Off-street car parking*.

**Note 1.** Clause 2.28 applies to the construction or installation of a driveway as exempt development.

**Note 2.** A driveway crossover may require the prior approval of the relevant roads authority under the *Roads Act 1993*.

**3D.16 Other development standards for attached balconies, decks, patios, pergolas terraces and verandahs**

- (1) The maximum height of the finished floor level of an attached balcony, deck, patio, pergola, terrace or verandah is 4m above ground level (existing).
- (2) Subclause (1) does not apply to a balcony, deck, patio, pergola, terrace or verandah that is set back at least 20m from a side or rear boundary.

## **Division 4      Development standards—dwelling houses and attached development in Zones RU5, R1, R2, R3 and R4**

### **Subdivision 1 Application of Division**

#### **3D.17    Application of Division**

- (1) This Division sets out the development standards that apply to the following types of complying development under this code:
  - (a) the erection or alteration of, or an addition to, a dwelling house,
  - (b) the erection or alteration of, or an addition to, attached development.
- (2) Despite clause 3D.1, this Division does not apply to land in Zones RU1, RU2, RU3, RU4, RU6 and R5.

### **Subdivision 2      Built form development standards for dwelling houses and attached development**

#### **3D.18    Lot requirements**

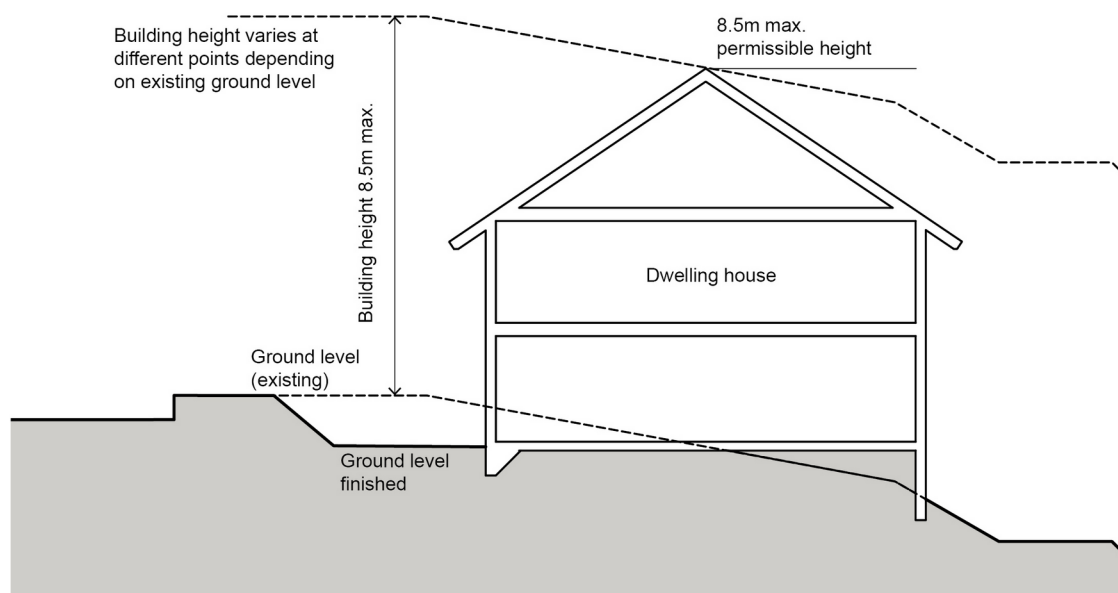
- (1) The lot must meet the following requirements:
  - (a) the area of the lot must not be less than 200m<sup>2</sup>,
  - (b) the width of the lot must be at least 6m measured at the building line,
  - (c) there must only be 1 dwelling house on the lot at the completion of the development,
  - (d) if the lot is a battle-axe lot—the lot must have an access laneway at least 3m wide and measure at least 12m by 12m, excluding the access laneway,
  - (e) if the development is on a corner lot—the width of the primary road boundary of the lot must be at least 6m.
- (2) A secondary dwelling with development consent or a complying development certificate is not a dwelling house for the purpose of subclause (1) (c).

#### **3D.19    Maximum building height**

The maximum height for a dwelling house and any attached development is 8.5m above ground level (existing).

**Note 1. *Attached development*** and ***dwelling house*** are defined in clause 1.5.

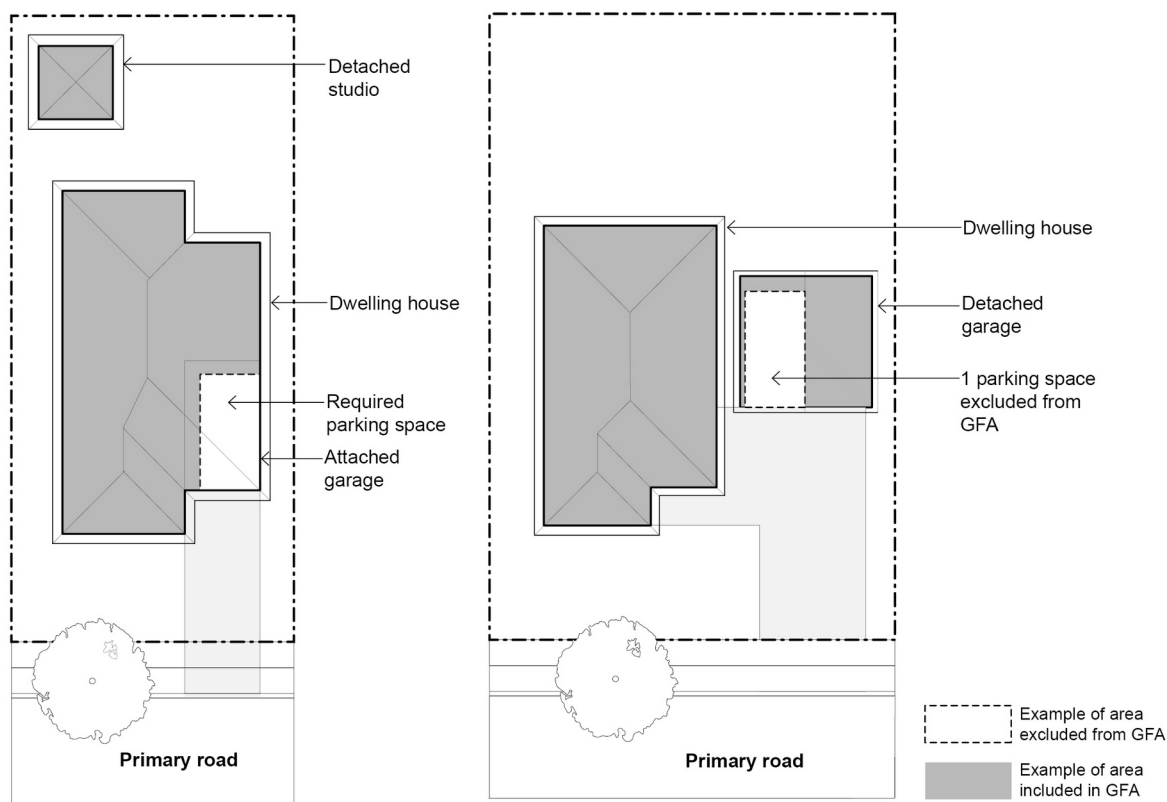
**Note 2. *Ground level (existing)*** is defined in the Standard Instrument as the existing level of a site at any point.



### 3D.20 Maximum gross floor area of all buildings

- (1) The maximum gross floor area of all buildings on a lot is shown in the following table:

Lot area	Maximum GFA
200m <sup>2</sup> –250m <sup>2</sup>	78% of lot area
>250m <sup>2</sup> –300m <sup>2</sup>	75% of lot area
>300m <sup>2</sup> –350m <sup>2</sup>	235m <sup>2</sup>
>350m <sup>2</sup> –450m <sup>2</sup>	25% of lot area + 150m <sup>2</sup>
>450m <sup>2</sup> –560m <sup>2</sup>	290m <sup>2</sup>
>560m <sup>2</sup> –600m <sup>2</sup>	25% of lot area + 150m <sup>2</sup>
>600m <sup>2</sup> –740m <sup>2</sup>	335m <sup>2</sup>
>740m <sup>2</sup> –900m <sup>2</sup>	25% of lot area + 150m <sup>2</sup>
>900m <sup>2</sup> –920m <sup>2</sup>	380m <sup>2</sup>
>920m <sup>2</sup> –1,400m <sup>2</sup>	25% of lot area + 150m <sup>2</sup>
>1,400m <sup>2</sup>	500m <sup>2</sup>



- (2) When calculating the lot size of a battle-axe lot, the area of the access laneway is excluded.

**Note.** *Battle-axe lot* and *gross floor area* are defined in clause 1.5.

### 3D.21 Minimum setbacks and maximum height and length of built to boundary walls

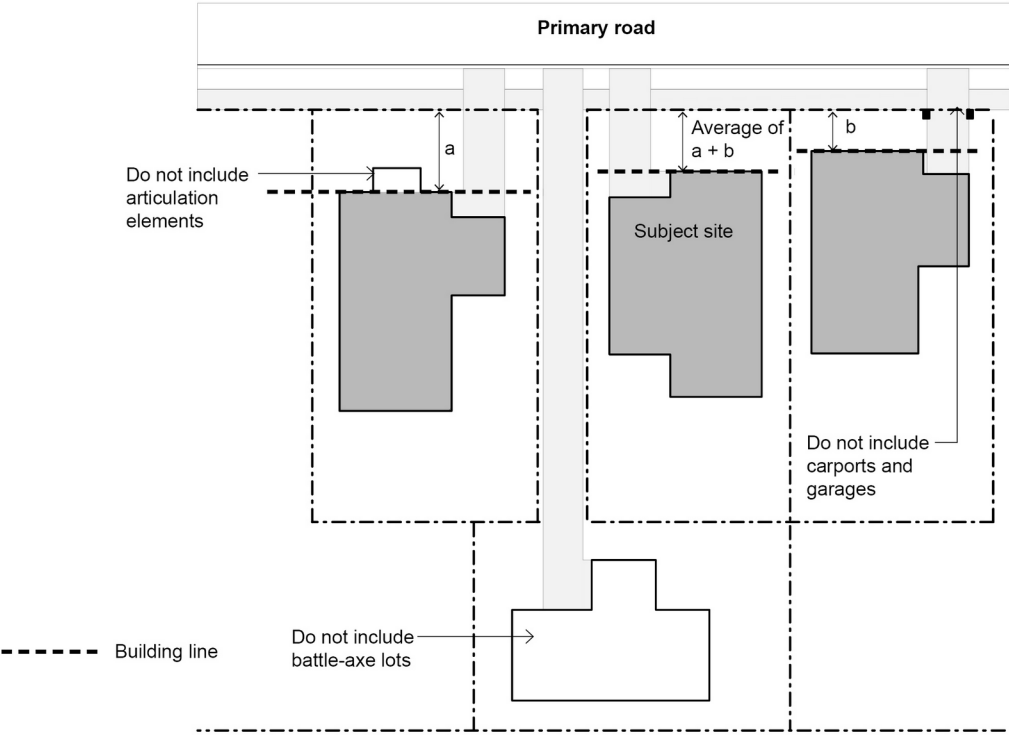
#### (1) Primary road setbacks

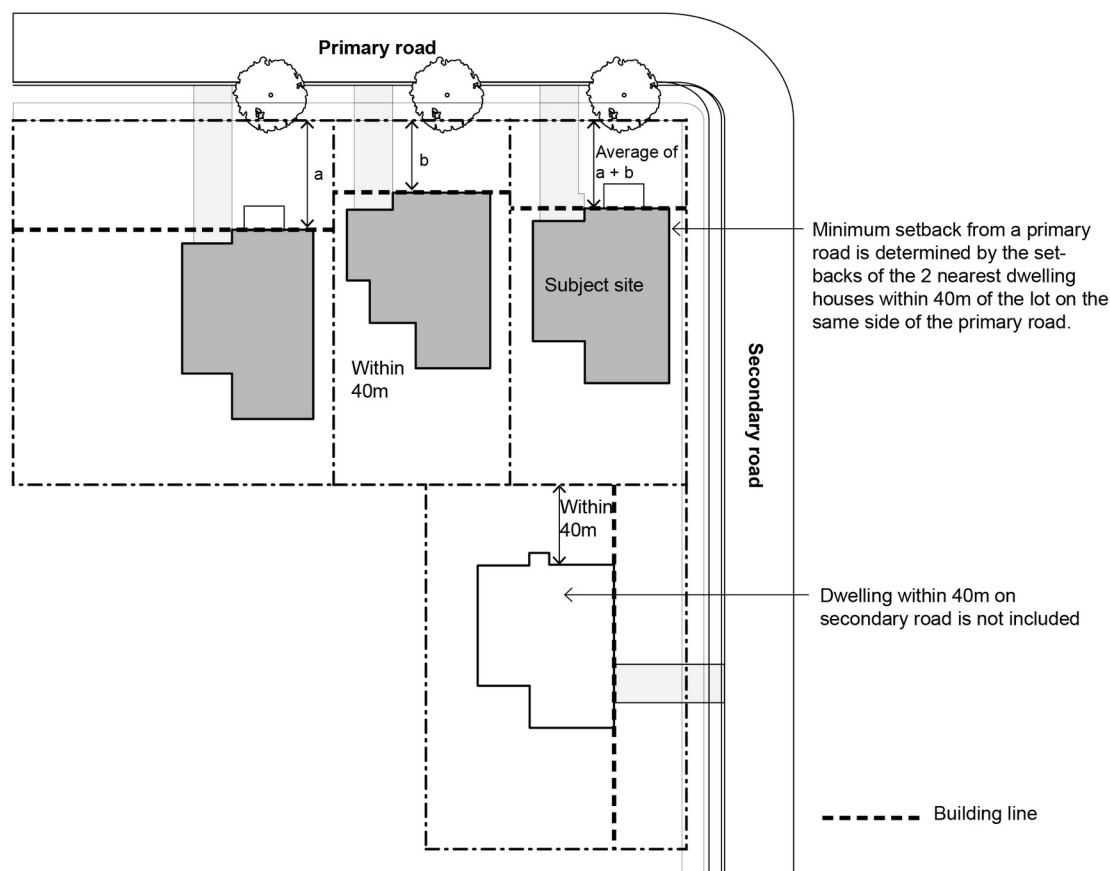
The primary road setback of a dwelling house and any attached development must not be less than the average primary road setback of the 2 nearest dwelling houses on the same side of the primary road.

**Note.** Clause 3D.22 contains certain exclusions from, and exceptions to, the setbacks in this clause.

- (2) For the purpose of determining the primary road setbacks of the 2 nearest dwelling houses, the following are not to be included:
- (a) dwelling houses on battle-axe lots,
  - (b) any attached development or detached development on other lots,
  - (c) building elements in the articulation zone.







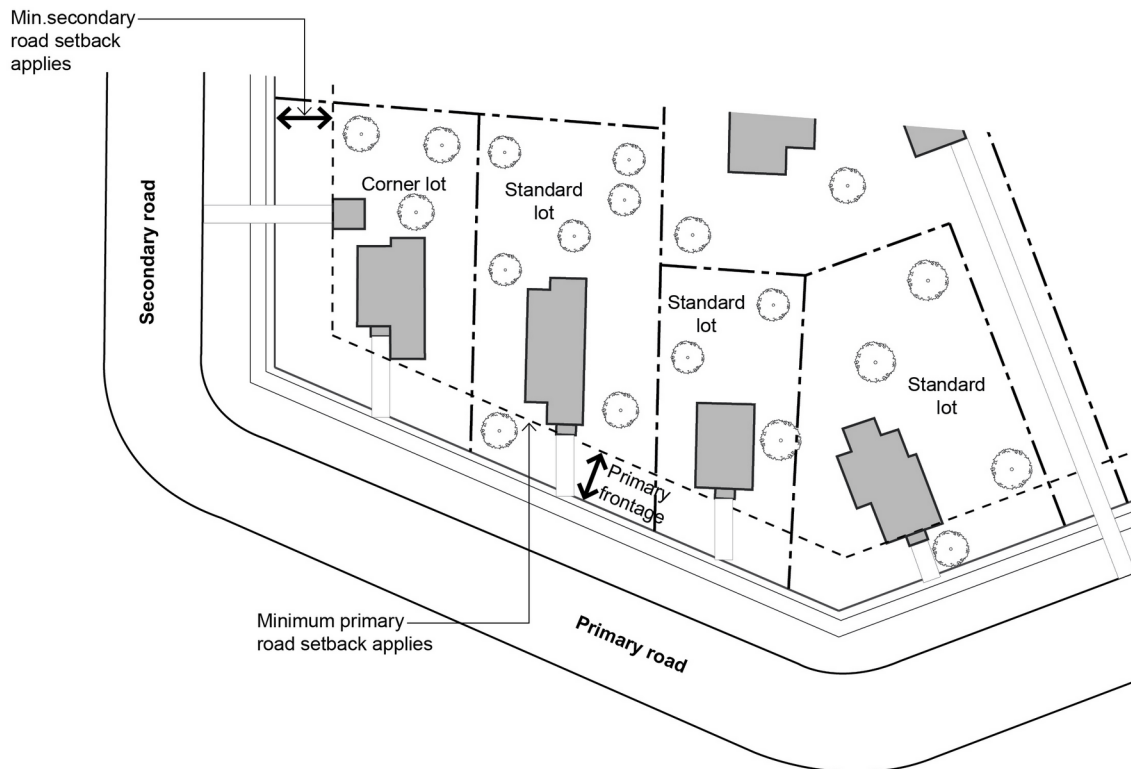
- (3) If there are not 2 dwelling houses within 40m of the lot on the same side of the primary road, the dwelling house and any attached development must have a minimum setback from the primary road as shown in the following table:

Lot size	Minimum setback from primary road
200m <sup>2</sup> –300m <sup>2</sup>	3m
>300m <sup>2</sup> –1,500m <sup>2</sup>	4.5m
>1,500m <sup>2</sup>	10m

- (4) **Secondary road setbacks**

Despite any other standard for a setback specified by this clause, a dwelling house and any attached development must have a minimum setback from a boundary with a secondary road as shown in the following table:

Lot size	Minimum setback from secondary road boundary
200m <sup>2</sup> –600m <sup>2</sup>	2m
>600m <sup>2</sup> –1,500m <sup>2</sup>	3m
>1,500m <sup>2</sup>	5m



(5) **Classified road setbacks**

Despite any other standard for a setback specified by this clause, a dwelling house and any attached development must have a setback from a boundary with a classified road of at least:

- (a) the setback for a dwelling house from a classified road specified by another environmental planning instrument applying to the land, or
  - (b) the minimum setback specified under this clause from a primary, secondary or parallel road, or
  - (c) 9m,
- whichever is the greater.

(6) **Road setbacks—road widening proposals**

If the development is on a lot that is subject to a proposed road widening under an environmental planning instrument, a development control plan or section 88B or 195A of the *Conveyancing Act 1919*, the setback of a dwelling house and any attached development must be measured from the proposed boundary with the road.

(7) **Side setbacks**

Subject to subclause (8), the following buildings must have a minimum setback from a side boundary as shown in the table to this subclause:

- (a) a dwelling house,

- (b) a carport or garage,
- (c) a balcony, deck, patio, pergola, terrace or verandah,
- (d) a cabana, cubby house, garden shed, gazebo, fernery, greenhouse or shed.

Lot width at the building line	Minimum required setback from each side boundary
6m–18m	900mm
>18m–24m	1.5m
>24m	2.5m

- (8) Any part of a dwelling house or any attached development that is more than 4.5m above ground level (existing) must have a minimum setback from a side boundary of:

- (a)  $s = h - 3\text{m}$

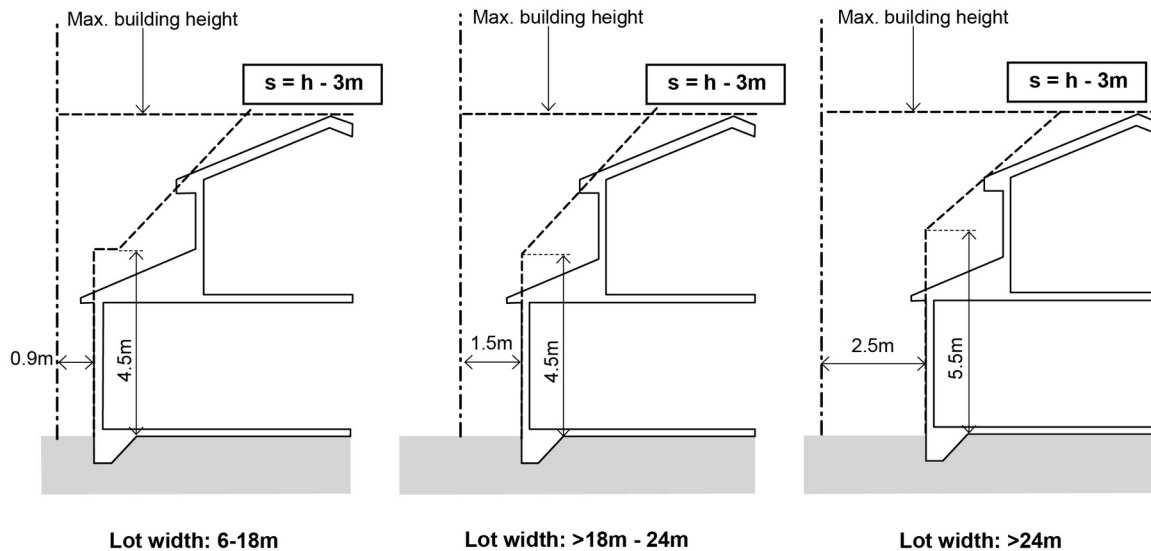
where:

$s$  is the minimum setback in metres, and

$h$  is the height of the part of the building in metres, or

- (b) the minimum setback specified in subclause (7),  
whichever is the greater.

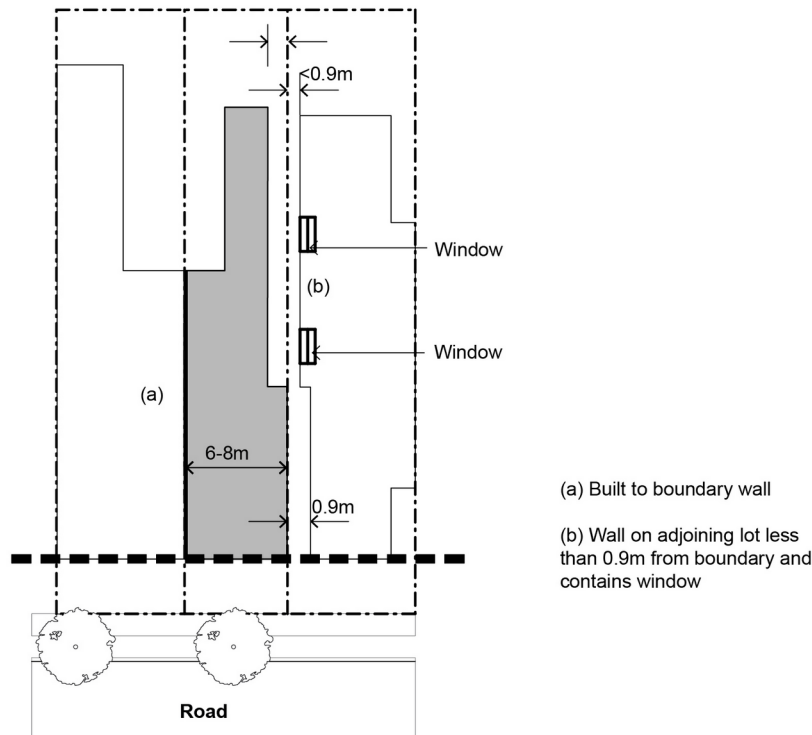
Setback above 4.5m = Building height at any point - 3m (subject to 3C.21(7))



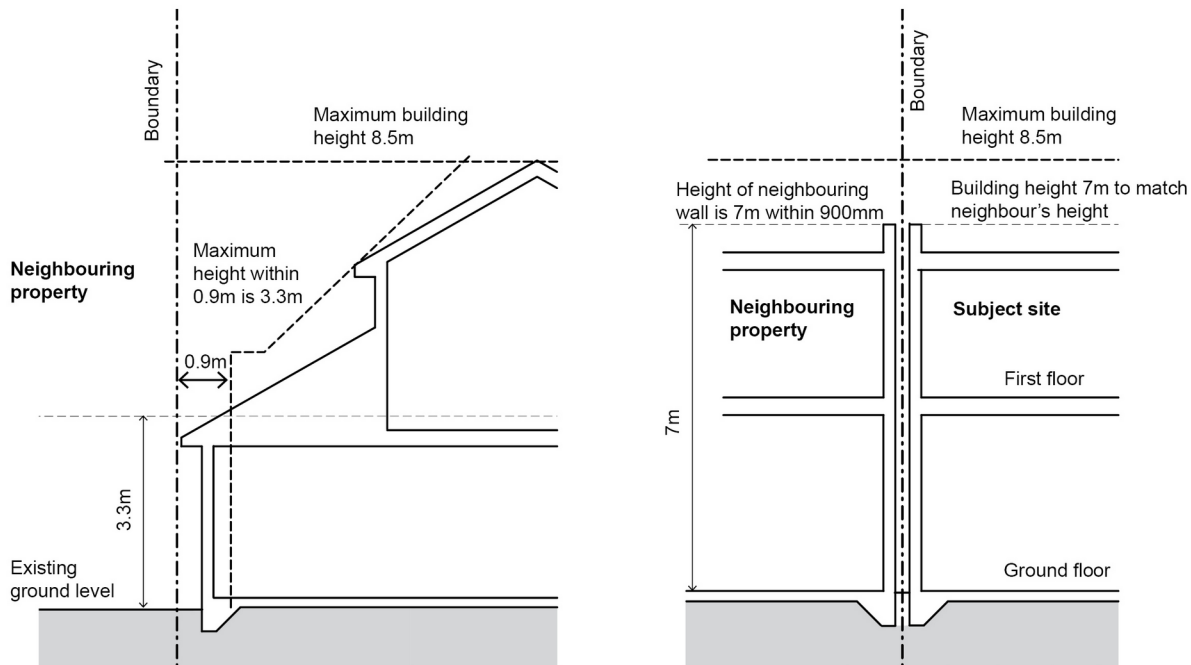
**(9) Exceptions to side setbacks**

Despite subclause (7), a building that is referred to in that subclause may be built to 1 or both side boundaries if:

- (a) the lot is not a corner lot, and
- (b) the lot width measured at the building line is at least 6m, but not more than 8m, and
- (c) if there is a building wall on the adjoining lot within 900mm of that boundary—that wall is of masonry construction and does not have a window facing that boundary, and
- (d) any wall erected within 900mm of a side boundary will not contain a door, window or any other opening.



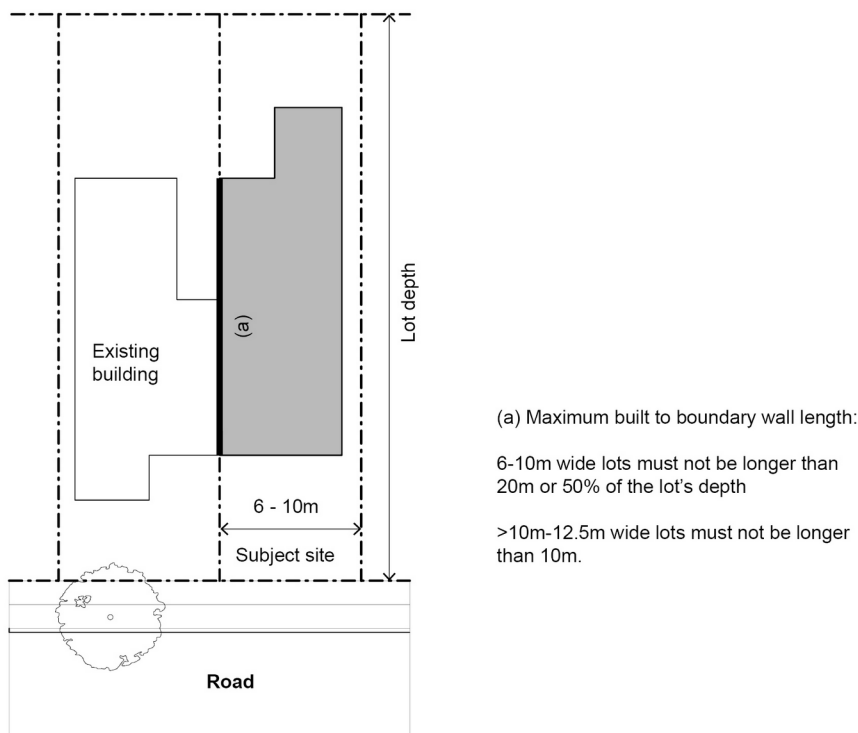
- (10) Despite subclause (7), a building that is referred to in that subclause may be built to 1 side boundary if:
- (a) the lot width measured at the building line is more than 8m, but not more than 12.5m, and
  - (b) any building wall on the adjoining lot within 900mm of that boundary is of masonry construction and does not have a window facing that boundary, and
  - (c) any wall erected within 900mm of the side boundary will not contain a door, window or any other opening.
- (11) **Maximum height of walls within 900mm of side boundary**
- The height of a wall erected within 900mm of a side boundary must not exceed:
- (a) 3.3m above ground level (existing), or
  - (b) if there is a building wall on the adjoining lot within 900mm of that boundary that is higher than 3.3m—the height of that wall, but not more than 8.5m, or
  - (c) if the building on the adjoining lot is subject to the same complying development certificate under clause 126 (4) of the *Environmental Planning and Assessment Regulation 2000*—the height of the wall on the adjoining lot, but not more than 8.5m.



(12) **Maximum length of walls within 900mm of side boundary**

The length of all walls within 900mm of a side boundary must not exceed the length shown in the following table:

Lot width at the building line	Maximum length of built to boundary wall
6m–10m	20m or 50% of the depth of the lot, whichever is the lesser
>10m–12.5m	10m



- (13) Despite subclause (12), the maximum length of a wall erected within 900mm of a side boundary is:

- (a) if there is a building wall on the adjoining lot within 900mm of that boundary that is longer than the maximum length calculated under subclause (12)—the length of that wall, or
- (b) if the building on the adjoining lot is subject to the same complying development certificate under clause 126 (4) of the *Environmental Planning and Assessment Regulation 2000*—the length of the wall on the adjoining lot.

**Note 1.** A wall built within 900mm of a wall on an adjoining lot is subject to clause 3D.63 (Protecting adjoining walls) in Division 8.

**Note 2.** **Complying development certificate** has the same meaning as it has in the Act.

- (14) **Rear setbacks**

The following buildings on a lot (other than a lot that only has 3 boundaries) must have a minimum setback from the rear boundary as shown in the table to this subclause:

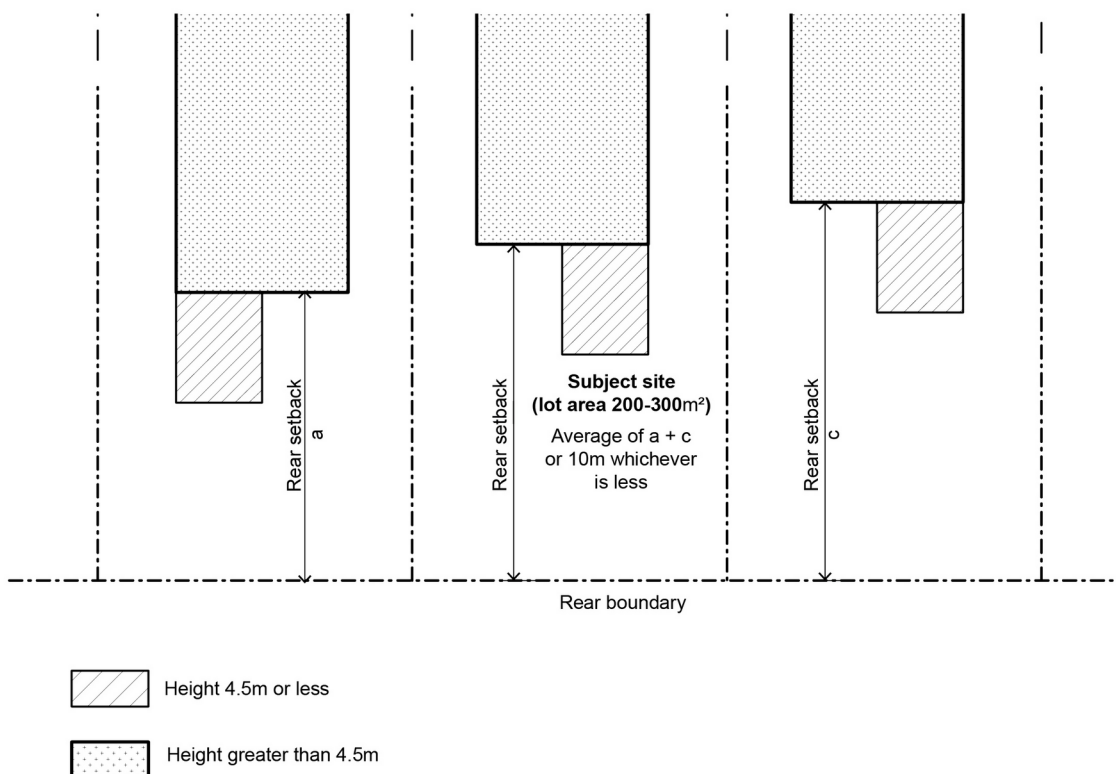
- (a) a dwelling house,
- (b) a carport or garage,
- (c) a balcony, deck, patio, pergola, terrace or verandah,



- (d) a cabana, cubby house, garden shed, gazebo, fernery, greenhouse or shed.

Lot area	Building height	Minimum setback from rear boundary
200m <sup>2</sup> –300m <sup>2</sup>	0m–4.5m	3m
	>4.5m–8.5m	10m or the average rear setback of the 2 adjoining dwelling houses, measured at 4.5m above ground level (existing), whichever is the lesser
>300m <sup>2</sup> –900m <sup>2</sup>	0m–4.5m	3m
	>4.5m–8.5m	8m
>900m <sup>2</sup> –1,500m <sup>2</sup>	0m–4.5m	5m
	>4.5m–8.5m	12m
>1,500m <sup>2</sup>	0m–4.5m	10m
	>4.5m–8.5m	15m

**Note.** Certain exceptions to the rear setbacks apply if the lot has a rear boundary with a lane (see clause 3D.22 (5)).



(15) **Parallel road setbacks for parallel road lots**

Despite any other standard for a setback specified by this clause, a dwelling house and any attached development must have a setback from a boundary with a parallel road of at least 3m.

**Note.** Certain types of attached development may be built within the parallel road setback (see clause 3D.22 (6)).

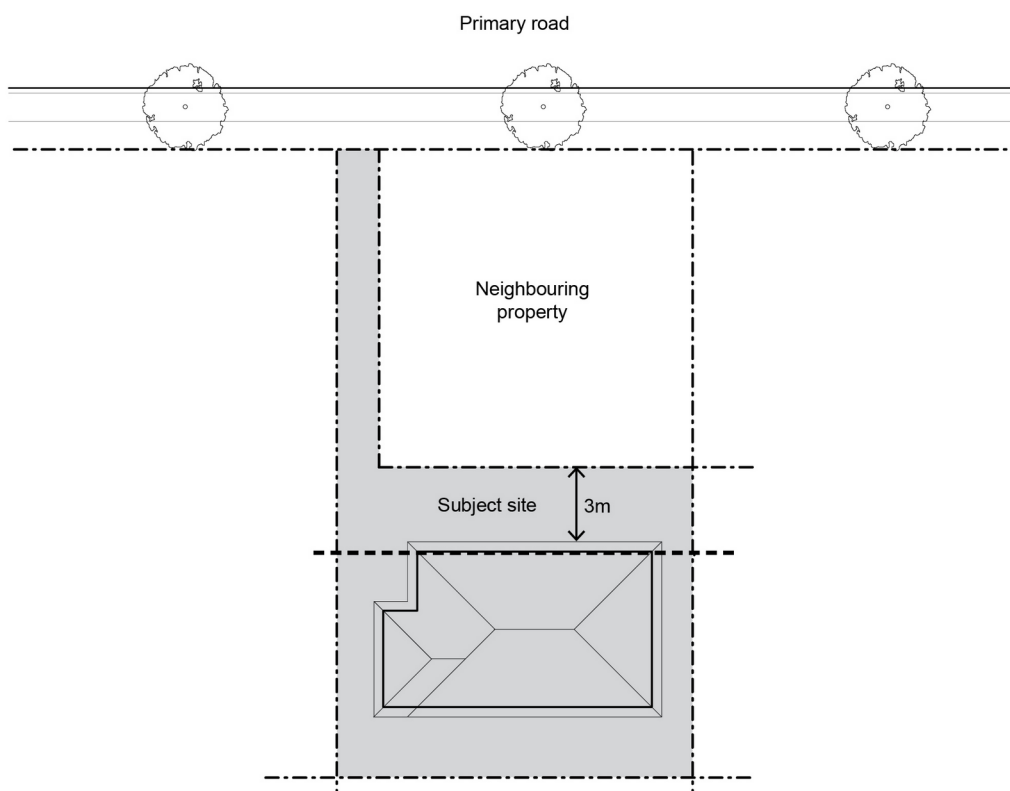
(16) **Public reserve setbacks**

Despite any other standard for a setback specified by this clause, the following development must have a setback from a boundary with a public reserve of at least 3m:

- (a) a dwelling house and any attached development,
- (b) any cabana, cubby house, fernery, garden shed, gazebo, greenhouse or shed.

(17) **Front setbacks for battle-axe lots**

A dwelling house and any attached development on a battle-axe lot must have a setback from the rear boundary of the lot that is in front of the battle-axe lot of at least 3m.



**Note 1.** *Articulation zone, attached development, battle-axe lot, building element, building line, detached development, dwelling house, primary road, setback and standard lot* are defined in clause 1.5.

**Note 2.** *Classified road* has the same meaning as it has in the Standard Instrument.

### **3D.22 Exceptions to setbacks**

**(1) Development to which side and rear setbacks do not apply**

The setback standards specified in clause 3D.21 (7) and (14) do not apply to the following:

- (a) downpipes,
- (b) driveways,
- (c) electricity or gas meters,
- (d) fascias,
- (e) gutters,
- (f) light fittings,
- (g) pathways and paving.

**(2) Development to which side and rear setbacks do not apply if 450mm from boundary**

The setback standards specified in clause 3D.21 (7) and (14) do not apply to the following if they are at least 450mm from the relevant boundary:

- (a) aerials,
- (b) antennae,
- (c) awnings,
- (d) chimneys,
- (e) cooling or heating appliances,
- (f) eaves,
- (g) flues,
- (h) pipes,
- (i) privacy screens,
- (j) rainwater tanks greater than 1.8m in height,
- (k) structures associated with the provision of a utility service.

**(3) Road setbacks do not apply to eaves within 1m**

The setback standards specified in clause 3D.21 (1), (3), (4), (5) and (15) do not apply to eaves if they are within 1m of the dwelling house.

**(4) Development to which road setbacks do not apply**

The setback standards specified in clause 3D.22 (1), (3), (4), (5) and (15) do not apply to the following:

- (a) driveways,
- (b) pathways and paving,
- (c) retaining walls,
- (d) any building elements that are permitted within a primary or secondary articulation zone.

**(5) Lots with rear lanes**

Despite clause 3D.21 (14), if the lot has a rear boundary with a lane, the building may be erected within 900mm of, or abut, the rear boundary for a maximum of 50% of the length of that boundary.

(6) **Certain attached development may be built within parallel road setback**

Despite clause 3D.21 (15), a cabana, cubby house, fernery, garden shed, gazebo, greenhouse or shed may be built within 3m of, or abut, a parallel road boundary for a maximum of 50% of the length of that boundary if the parallel road is not a classified road.

(7) **Setbacks do not apply to existing parts of dwelling house or attached development**

The setback standards specified in clause 3D.21 do not apply to any existing parts of a dwelling house or attached development that will remain on the lot after the complying development is carried out.

**Note 1.** *Articulation zone, attached development, dwelling house, primary road and setback* are defined in clause 1.5.

**Note 2.** *Classified road* and *public reserve* have the same meanings as they have in the Standard Instrument.

**Note 3.** *Environmental planning instrument* has the same meaning as it has in the Act.

**3D.23 Other development standards for balconies, decks, patios, pergolas terraces and verandahs attached to side or rear of dwelling house**

(1) The erection of a balcony, deck, patio, pergola, terrace or verandah that is attached to the side or rear elevation of a dwelling house is only permitted on a lot if:

- (a) the area of the lot is more than 300m<sup>2</sup>, and
- (b) the width of the lot, measured at the building line, is more than 10m.

(2) The maximum height of the floor level of the balcony, deck, patio, pergola, terrace or verandah is the height shown in the following table:

Setback from the side or rear boundary	Maximum permitted floor level above ground level (existing)
<3m	2m
3m–6m	3m
>6m	4m

(3) The total floor area of all attached side or rear balconies, decks, patios, pergola, terraces and verandahs that, after the completion of the development:

- (a) are within 6m from a side or rear boundary, and
- (b) have a finished floor level of more than 2m above ground level (existing),

must not be more than 12m<sup>2</sup>.

**Note 1.** *Attached, building line, dwelling house* and *floor area* are defined in clause 1.5.

**Note 2.** *Ground level (existing)* has the same meaning as it has in the Standard Instrument.

**Note 3.** A balcony, deck, patio, pergola, terrace or verandah may require a privacy screen—see clause 3D.26.

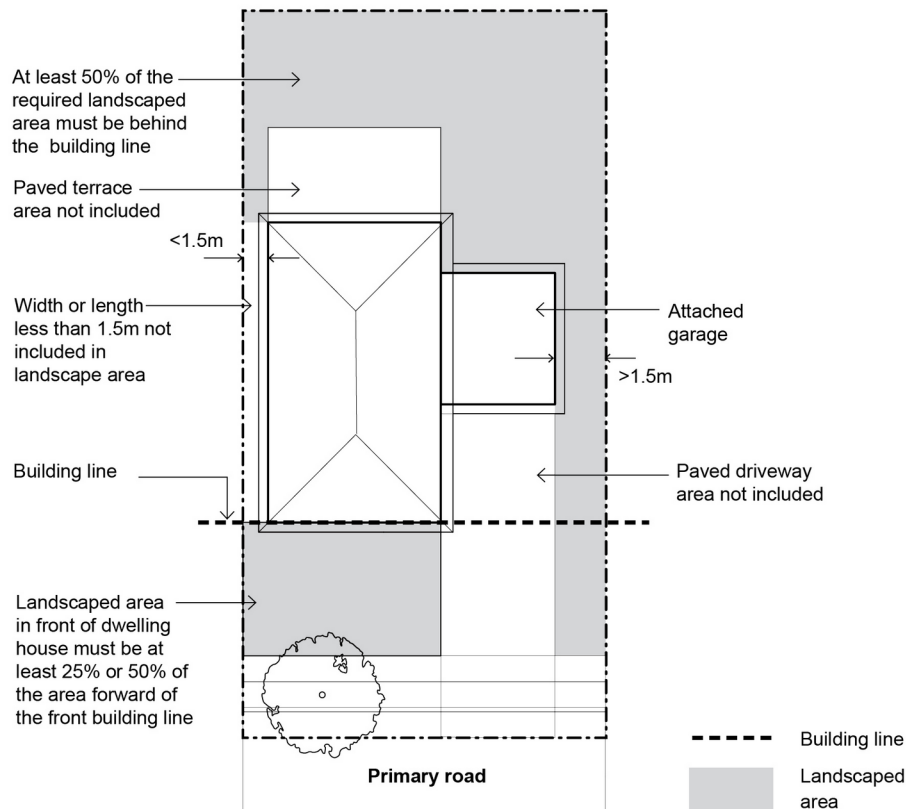
### **Subdivision 3     Landscape development standards for dwelling houses and attached development**

#### **3D.24     Minimum landscaped area**

- (1) The minimum landscaped area that must be provided on a lot is shown in the following table:

<b>Lot area</b>	<b>Minimum landscaped area</b>
200m <sup>2</sup> –300m <sup>2</sup>	10% of lot area
>300m <sup>2</sup> –450m <sup>2</sup>	15% of lot area
>450m <sup>2</sup> –600m <sup>2</sup>	20% of lot area
>600m <sup>2</sup> –900m <sup>2</sup>	30% of lot area
>900m <sup>2</sup> –1,500m <sup>2</sup>	40% of lot area
>1,500m <sup>2</sup>	45% of lot area

- (2) Each landscaped area must have a minimum width of 1.5m and a minimum length of 1.5m.
- (3) The minimum landscaped area calculated in accordance with subclause (1) must be provided as follows:
- (a) if the lot width measured at the building line is 18m or less—25% of the area forward of the building line must be landscaped,
  - (b) if the lot width measured at the building line is more than 18m—50% of the area forward of the building line must be landscaped,
  - (c) 50% of the minimum landscaped area must be located behind the building line.



- (4) This clause does not apply to complying development that is the alteration of, or an addition to, a dwelling house or attached development if the development does not:
- (a) increase the footprint of the dwelling house or attached development, or
  - (b) decrease the landscaped area on the lot.

**Note 1.** *Building line* is defined in clause 1.5.

**Note 2.** *Landscaped area* has the same meaning as it has in the Standard Instrument.

#### Subdivision 4 Amenity development standards for dwelling houses and attached development

##### 3D.25 Building design

- (1) This clause applies to the erection of a dwelling house on a lot, other than a battle-axe lot.
- (2) The dwelling house must contain:
  - (a) at least 1 door and 1 window to a habitable room at ground floor level facing the primary road, or
  - (b) at least 1 door and 1 window to a habitable room at ground floor level facing any parallel road.

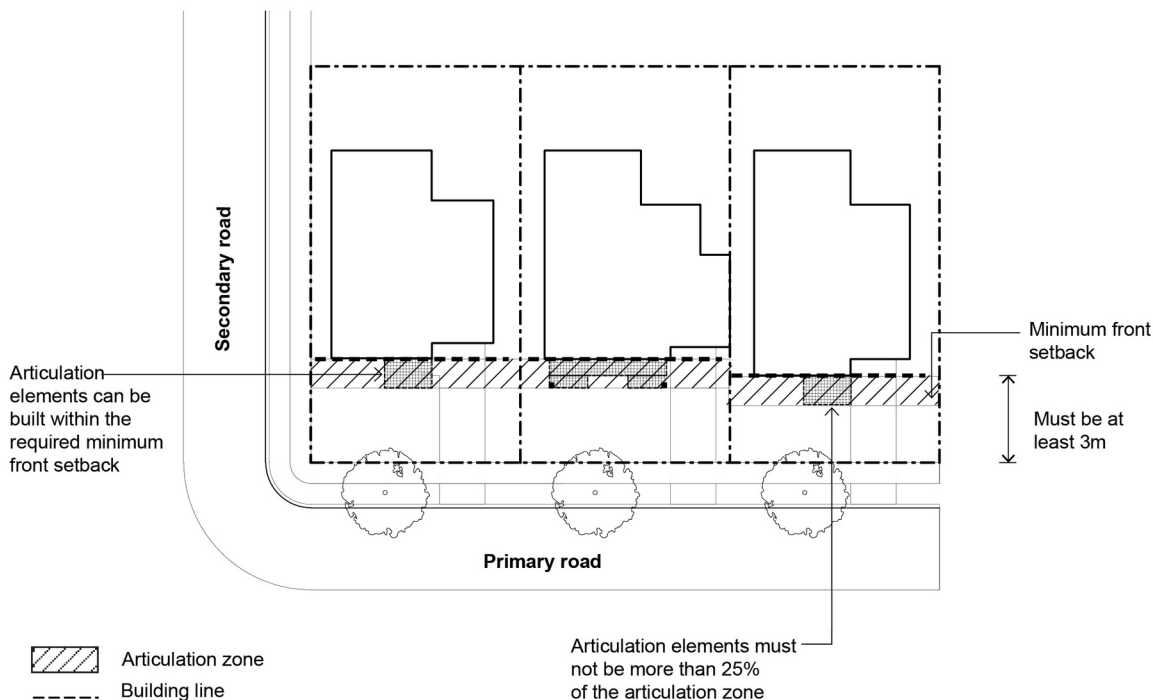
**(3) Primary road frontage**

A dwelling house with a setback from a primary road of at least 3m may have an articulation zone that extends up to 1.5m forward of the minimum required setback from the primary road.

**(4) The following building elements may be located in the 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,
- (g) an eave.

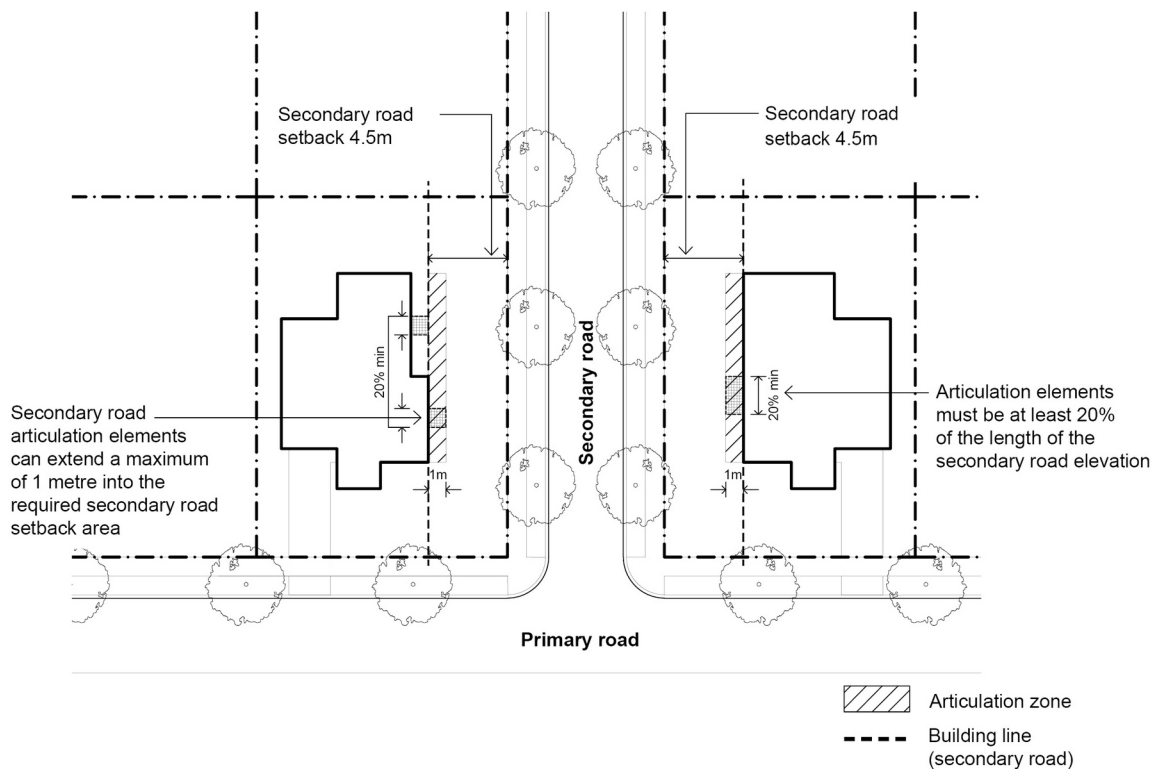
**(5) The maximum total area of all building elements in the articulation zone, other than a building element specified in subclause (4) (e), (f) or (g), must not be more than 25% of the area of the articulation zone.**



**(6) Maximum height of building elements**

A building element on a dwelling house (other than a pitched roof to an entry feature or portico that has the same pitch as the roof on the dwelling house) must not extend:

- (a) more than 1m above the gutter line of the eaves of a single storey dwelling house, or
  - (b) above the gutter line of the eaves of a 2 storey dwelling house.
- (7) **Secondary road frontage on corner lots**
- A dwelling house on a corner lot must have a window to a habitable room with an area of at least 1m<sup>2</sup> that faces and is visible from the secondary road.
- (8) A dwelling house with a setback from a secondary road of not more than 4.5m must have at least one of the following building elements for a minimum length of 20% of the elevation of the walls that face the secondary road and that are within 4.5m of the secondary road:
- (a) an entry feature or portico,
  - (b) a balcony, deck, patio, pergola, terrace or verandah,
  - (c) a bay window,
  - (d) a step of at least 600mm in depth.
- (9) Building elements listed in subclause (8) may be located in a secondary road articulation zone if:
- (a) the zone extends no more than 1m into the minimum required setback area and spans the length of the walls that face the secondary road, and
  - (b) the building element comprises no more than 20% of the zone area.





- (10) Any part of a gable or hipped roof that overhangs walls that are within 4.5m of the secondary road boundary must include eaves that extend for the length of those walls and project at least 450mm, but not more than 1m, from those walls.

**Note 1.** *Articulation zone, battle-axe lot, building element, corner lot, dwelling house, habitable room, parallel road, parallel road lot, primary road, secondary road* and *setback* are defined in clause 1.5.

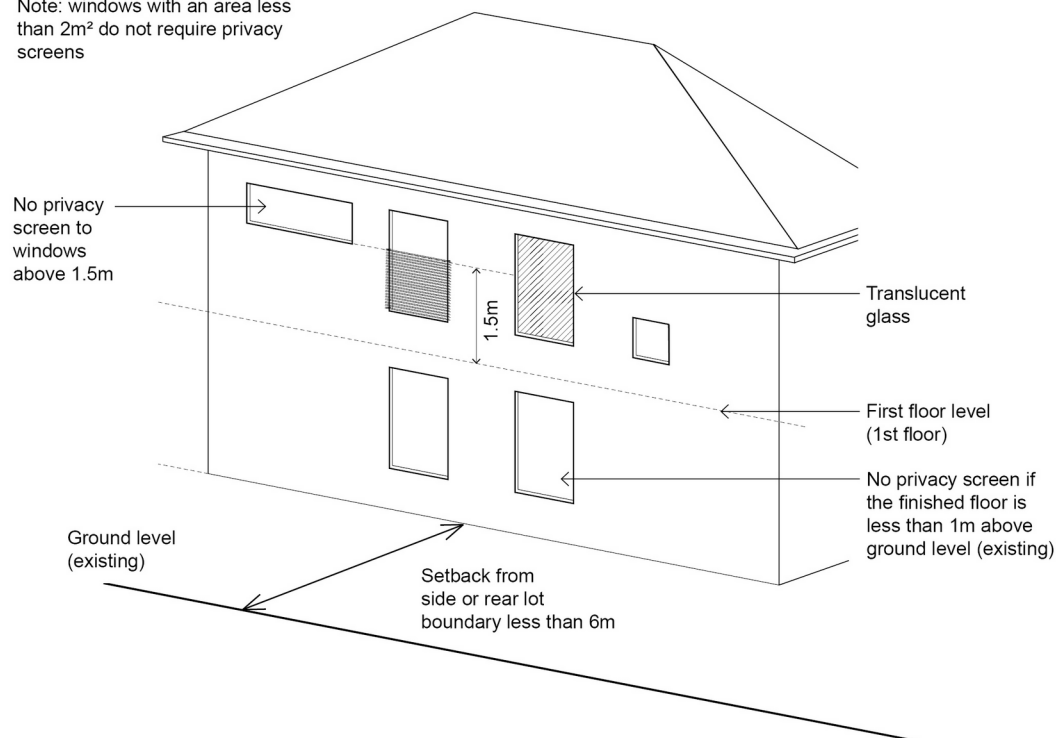
**Note 2.** *Storey* is defined in the Standard Instrument as a space within a building that is situated between one floor level and the floor level next above, or if there is no floor above, the ceiling or roof above, but does not include:

- (a) a space that contains only a lift shaft, stairway or meter room, or
- (b) a mezzanine, or
- (c) an attic.

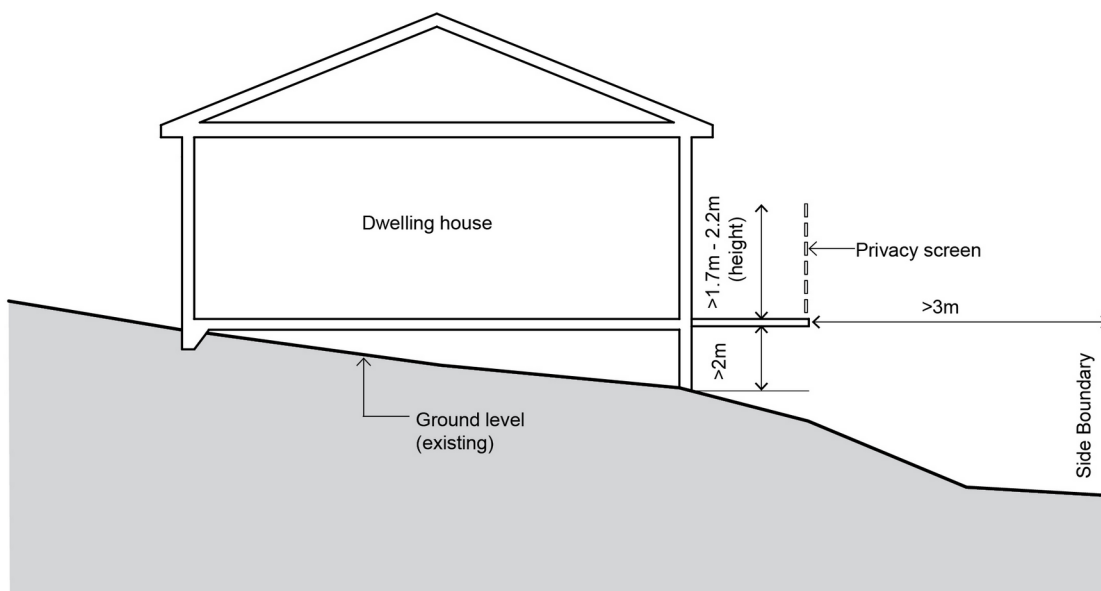
### **3D.26 Privacy screens for windows and certain attached development**

- (1) A privacy screen must be provided for any part of a window to a habitable room that is less than 1.5m above the finished floor level of that room if:
- (a) the window faces and is less than 3m from a side or rear boundary and the room has a finished floor level of more than 1m above ground level (existing), or
  - (b) the window faces and is at least 3m, but not more than 6m, from a side or rear boundary and the room has a finished floor level of more than 3m above ground level (existing).
- (2) Subclause (1) does not apply to a bedroom window that has an area of not more than 2m<sup>2</sup>.

Note: windows with an area less than 2m<sup>2</sup> do not require privacy screens



- (3) A privacy screen of at least 1.7m, but not more than 2.2m, above the finished floor level of a balcony, deck, patio, pergola, terrace or verandah must be installed at the edge of that part of the balcony, deck, patio, pergola, terrace or verandah that is parallel to or faces towards the relevant side or rear boundary if the area of the balcony, deck, patio, pergola, terrace or verandah is at least 3m<sup>2</sup> and:
- (a) that edge is less than 3m from a side or rear boundary and the balcony, deck, patio, pergola, terrace or verandah has a finished floor level of more than 1m above ground level (existing), or
  - (b) that edge is at least 3m, but not more than 6m, from a side or rear boundary and the balcony, deck, patio, pergola, terrace or verandah has a finished floor level of more than 2m above ground level (existing).



(4) **Clause does not apply to existing parts of dwelling house or attached development**

This clause does not apply to any existing parts of a dwelling house or attached development that will remain on the lot after the complying development is carried out.

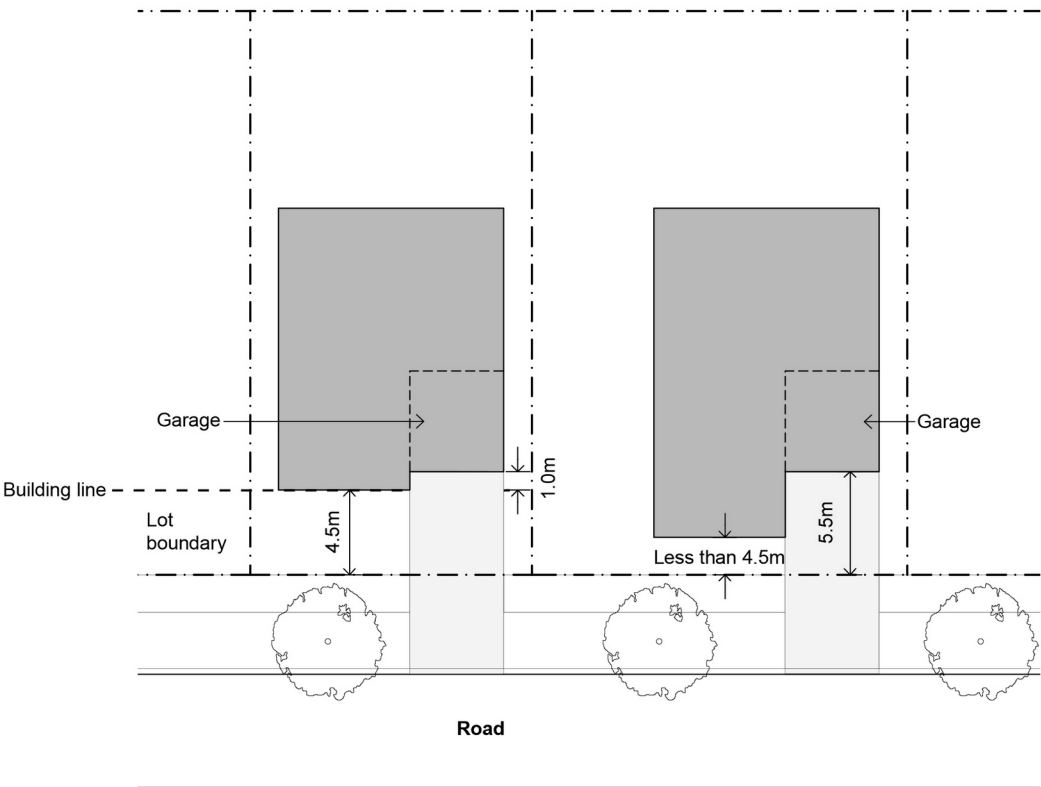
**Note 1.** *Habitable room* and *privacy screen* are defined in clause 1.5.

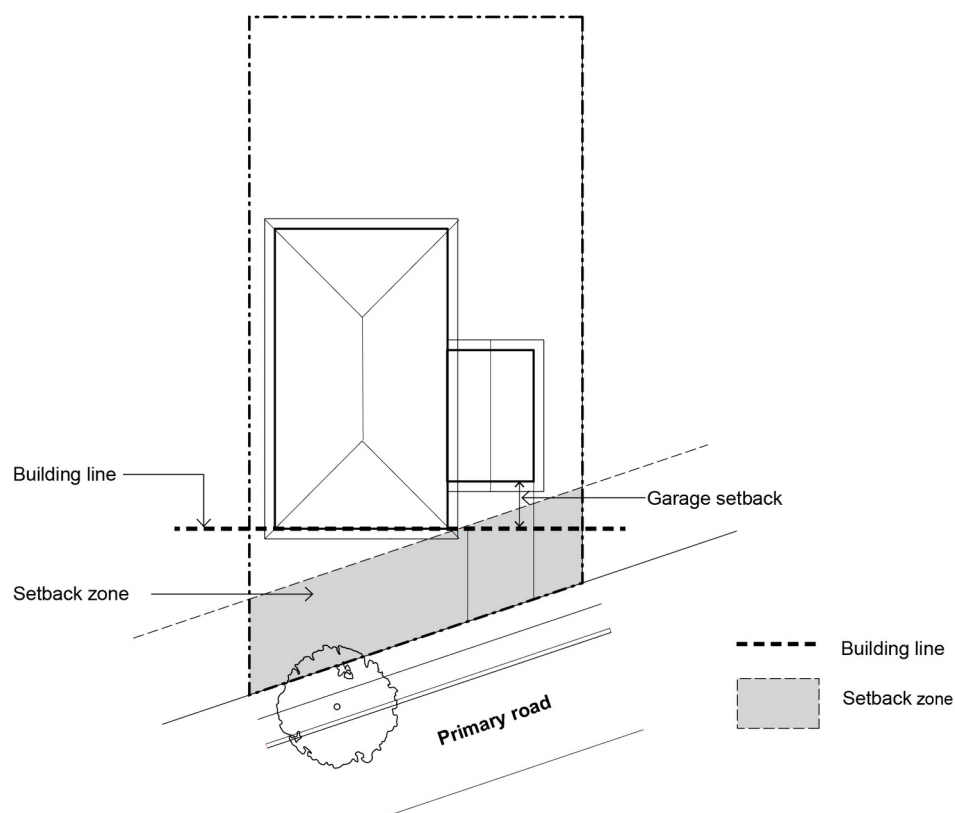
**Note 2.** *Ground level (existing)* has the same meaning as it has in the Standard Instrument.

**3D.27 Car parking, vehicle access and garage requirements**

- (1) At least 1 off-street car parking space, being an open hard stand space or a carport or garage, must be provided on a lot unless:
  - (a) the lot has a width of less than 8m measured at the building line, or
  - (b) the complying development is the alteration of, or an addition to, a dwelling house and the lot does not contain an off-street car parking space, or
  - (c) the complying development is the erection or alteration of, or an addition to, attached development and the lot does not contain an off-street car parking space.
- (2) An attached garage, carport or car parking space that is accessed from a primary road must have a minimum setback as shown in the following table:

Setback of dwelling house from primary road	Minimum off-street parking setback from primary road
<4.5m	5.5m
4.5m or more	1m or more behind the building line of the dwelling house



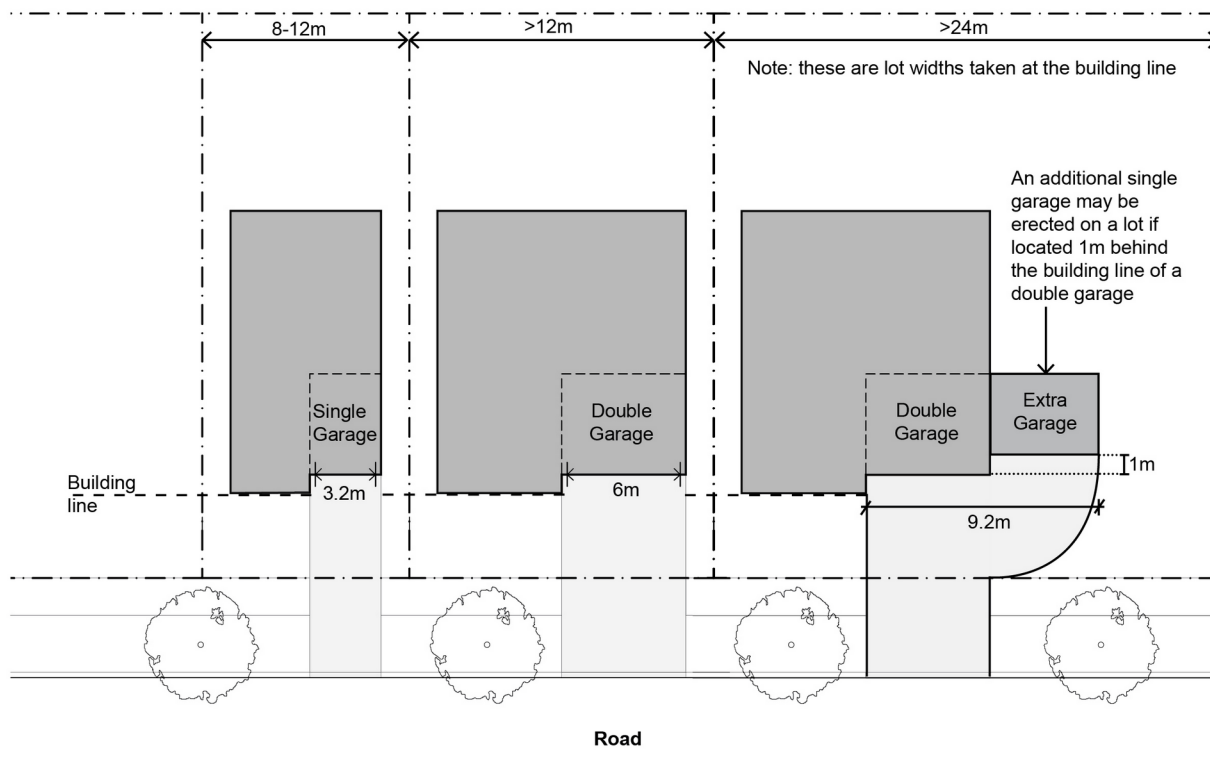


- (3) An attached garage may be erected on a lot that has a width of less than 8m measured at the building line only if the garage is accessed from a secondary road, parallel road or lane.
- (4) All off-street car parking spaces and vehicle access must comply with AS/NZS/2890.1:2004, *Parking facilities—Off-street car parking*.
- (5) The off-street car parking space for a battle-axe lot must be constructed so that vehicles can leave the lot in a forward direction.
- (6) The maximum width of all garage doors accessed from a primary road, secondary road or parallel road is shown in the following table:

Lot width at the building line	Maximum width of garage door openings
8m–12m	3.2m
>12m–24m	6m
>24m	9.2m

- (7) Subject to subclause (6), an attached garage that is designed to contain 3 parallel car parking spaces may be erected on a lot that has a width greater than 24m if:

- (a) the entry to 1 of the car parking spaces is set back at least 1 metre behind the entry to the other car parking spaces, and
- (b) the width of the driveway associated with access to the car parking spaces must not exceed 6m at the property boundary, and
- (c) the width of a driveway that is more than 6m wide at the garage door openings must taper gradually to a maximum width of 6m at the property boundary.



**Note 1.** *Attached, building line, detached, hard stand space, lane, parallel road, primary road, secondary road* and *setback* are defined in clause 1.5.

**Note 2.** Clause 2.28 applies to the construction or installation of a driveway as exempt development.

**Note 3.** Division 6 sets out additional development standards for detached garages.

## Division 5 Development standards—dwelling houses and attached development in Zone R5

### Subdivision 1 Application of Division

#### 3D.28 Application of Division

- (1) This Division sets out the development standards that apply to the following types of complying development under this code:
  - (a) the erection or alteration of, or an addition to, a dwelling house,

- (b) the erection or alteration of, or an addition to, attached development.
- (2) Despite clause 3D.1, this Division does not apply to land in Zones RU1, RU2, RU3, RU4, RU5, RU6, R1, R2, R3 and R4.

## **Subdivision 2 Built form development standards for dwelling houses and attached development**

### **3D.29 Lot requirements**

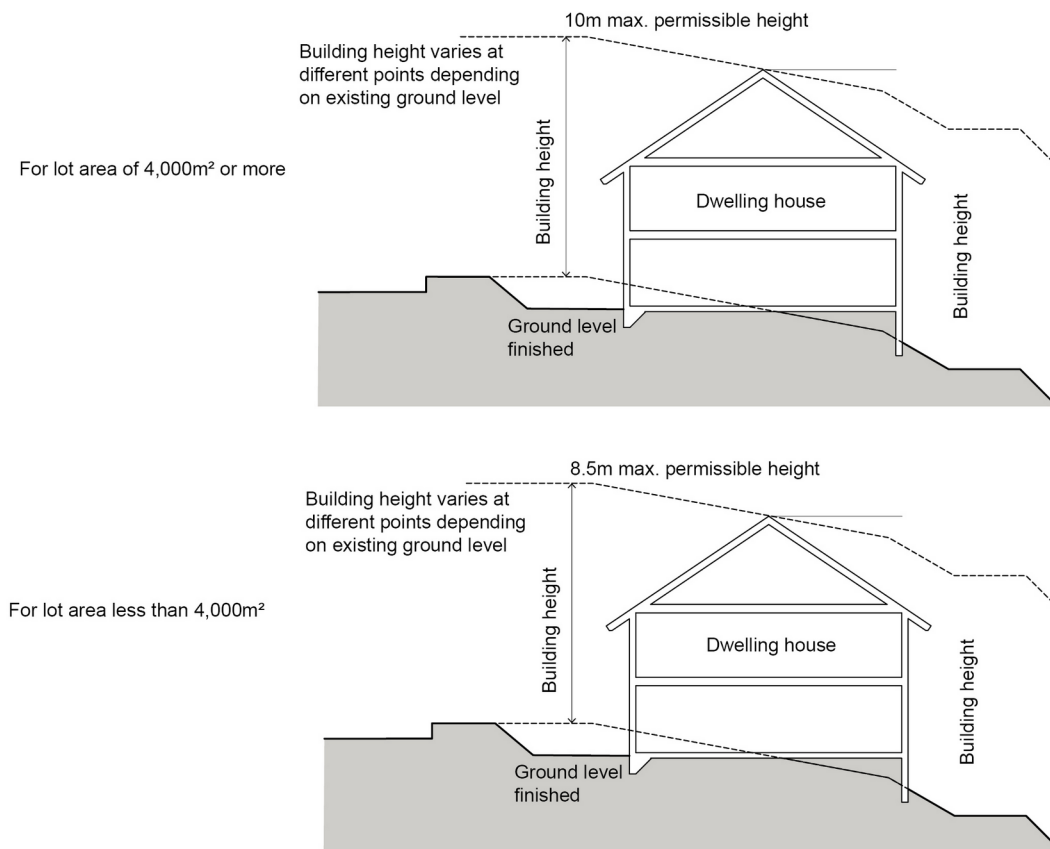
- (1) The lot must meet the following requirements:
  - (a) the area of the lot must not be less than:
    - (i) the minimum lot area specified in the environmental planning instrument that applies to the land concerned, or
    - (ii) if no size is specified in the environmental planning instrument— $800\text{m}^2$ ,
  - (b) the width of the lot (if the lot is not a battle-axe lot) must be at least 18m measured at the building line,
  - (c) there must only be 1 dwelling house on the lot at the completion of the development,
  - (d) if the development is on a battle-axe lot—the lot must have an access laneway at least 3m wide and measure at least 12m by 12m, excluding the access laneway,
  - (e) if the development is on a corner lot—the width of the primary road boundary of the lot must be at least 18m.
- (2) Subclause (1) (a) does not apply to development that is the alteration of, or an addition to, an existing dwelling house and the erection or alteration of, or addition to, any attached development.
- (3) A secondary dwelling with development consent or a complying development certificate is not a dwelling house for the purpose of subclause (1) (c).

### **3D.30 Maximum building height and siting of development**

#### **(1) Maximum height**

The maximum height for a dwelling house and any attached development is:

- (a) if the lot has an area of less than  $4,000\text{m}^2$ —8.5m above ground level (existing), or
- (b) if the lot has an area of  $4,000\text{m}^2$  or more—10m above ground level (existing).

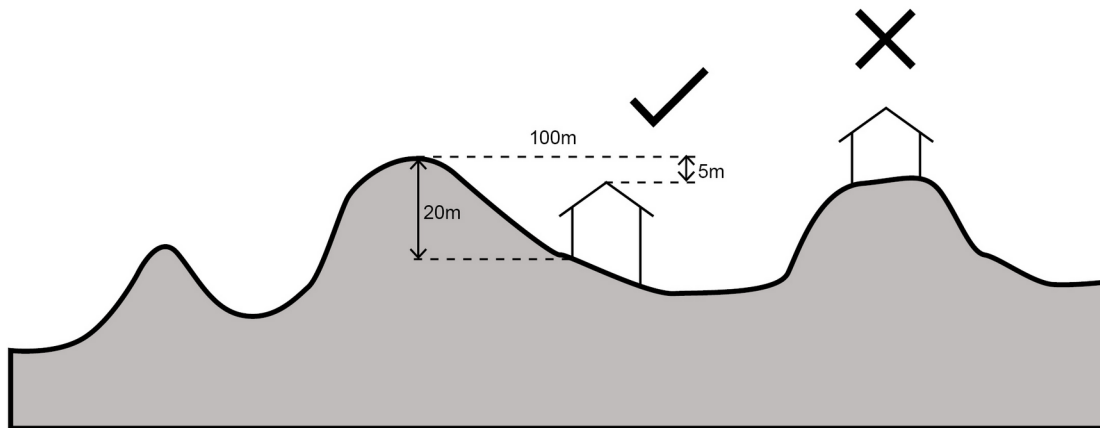


(2) **Siting**

A dwelling house and any attached development that is situated:

- (a) on a lot:
    - (i) having an area of more than 4ha, and
    - (ii) in relation to which the natural ground at any point within 100m of the ridgeline of any hill is at least 20m lower than the ridgeline, and
  - (b) within 100m of that ridgeline,
- must be sited on the lot so that the highest point of the development is at least 5m below that ridgeline.



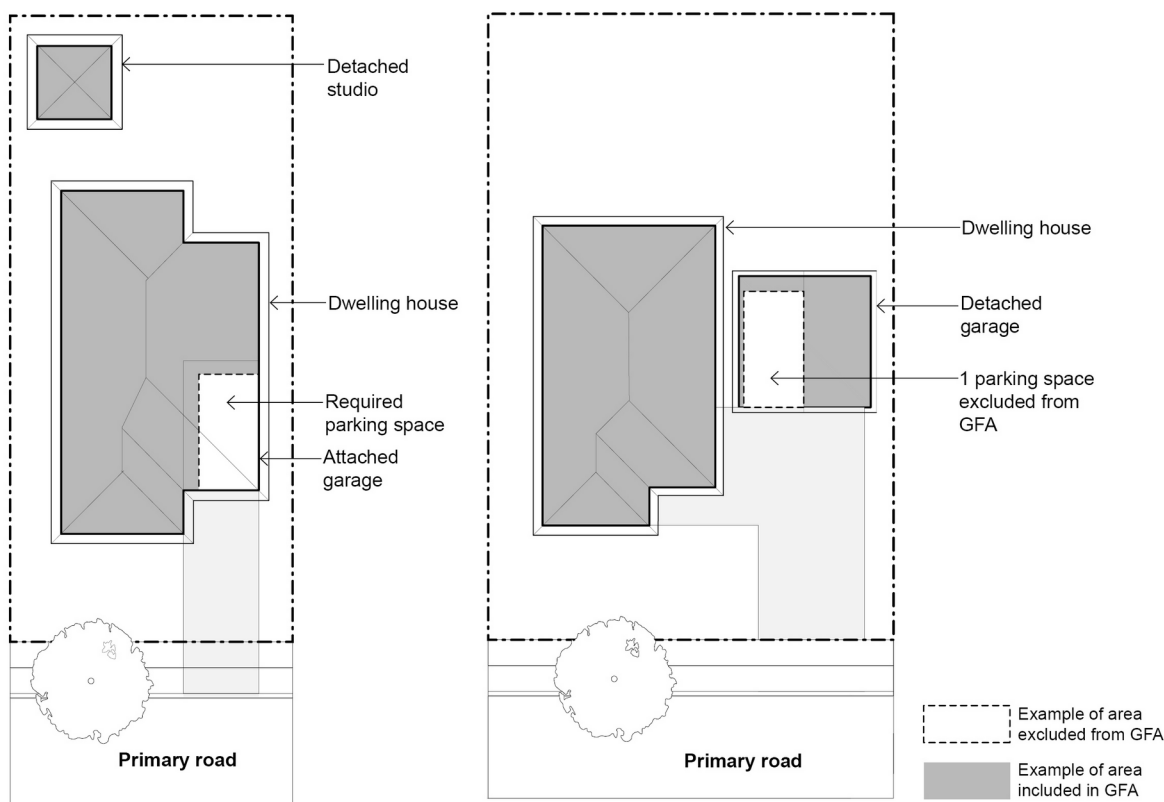


**Note 1.** *Attached development* and *dwelling house* are defined in clause 1.5.

**Note 2.** *Ground level (existing)* is defined in the Standard Instrument as the existing level of a site at any point.

### 3D.31 Maximum gross floor area of all buildings

- (1) The maximum gross floor area of all buildings (other than farm buildings) is 500m<sup>2</sup>.



- (2) When calculating the lot size of a battle-axe lot, the area of the access laneway is excluded.

**Note.** *Battle-axe lot* and *gross floor area* are defined in clause 1.5.

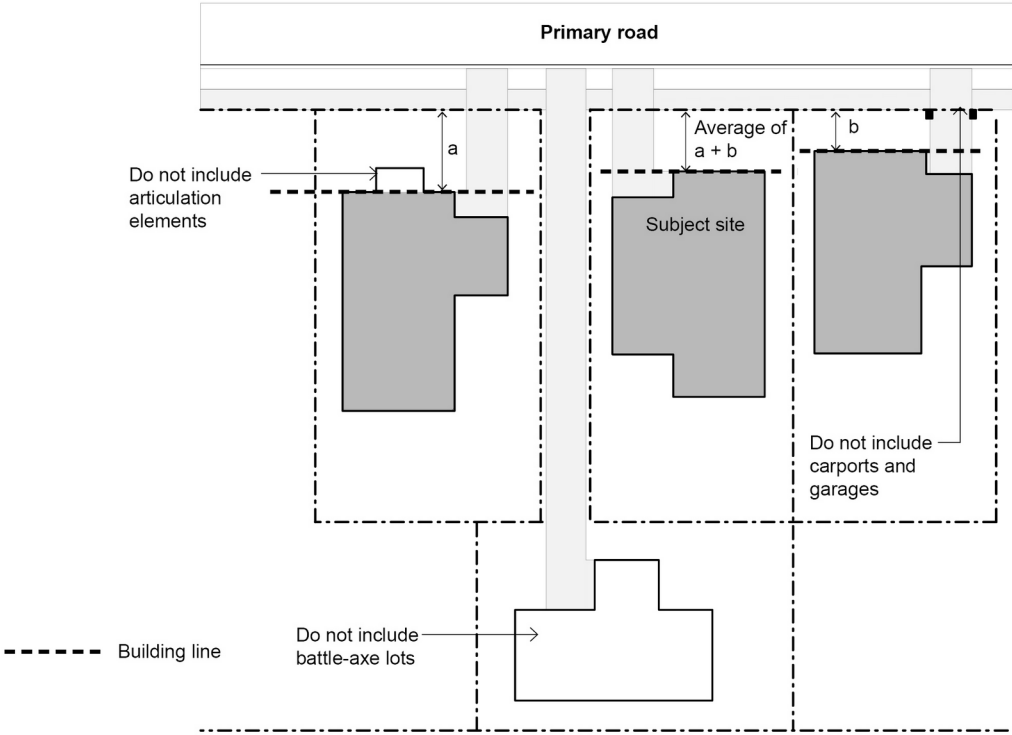
### 3D.32 Minimum setbacks

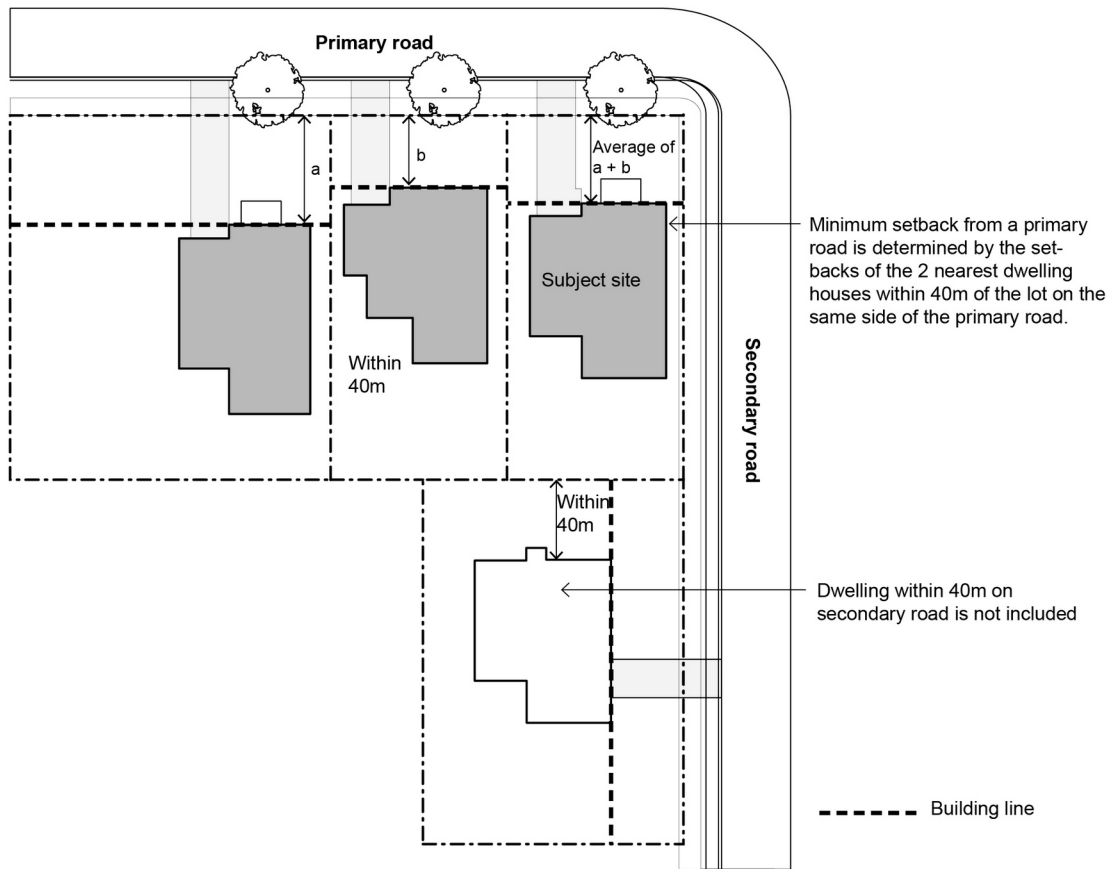
#### (1) Primary road setbacks

The primary road setback of a dwelling house and any attached development on a lot with an area of less than 4,000m<sup>2</sup> must not be less than the average primary road setback of the 2 nearest dwelling houses on the same side of the primary road.

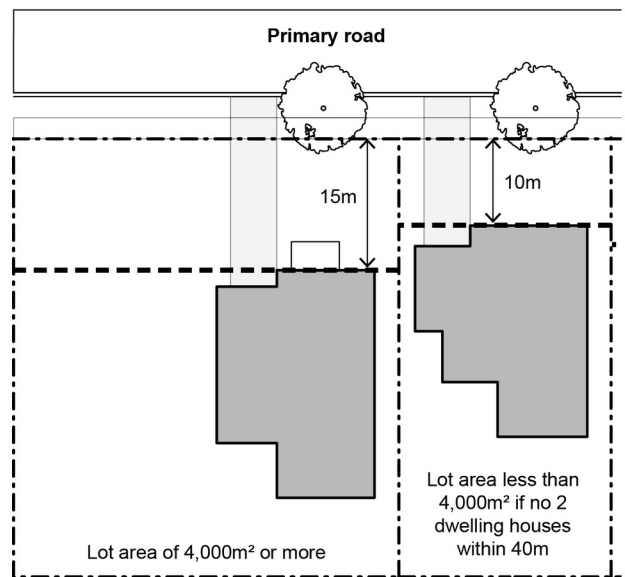
**Note.** Clause 3D.33 contains certain exclusions from, and exceptions to, the setbacks in this clause.

- (2) For the purpose of determining the primary road setbacks of the 2 nearest dwelling houses, the following are not to be included:
- dwelling houses on battle-axe lots,
  - any attached development or detached development on other lots,
  - building elements in the articulation zone.





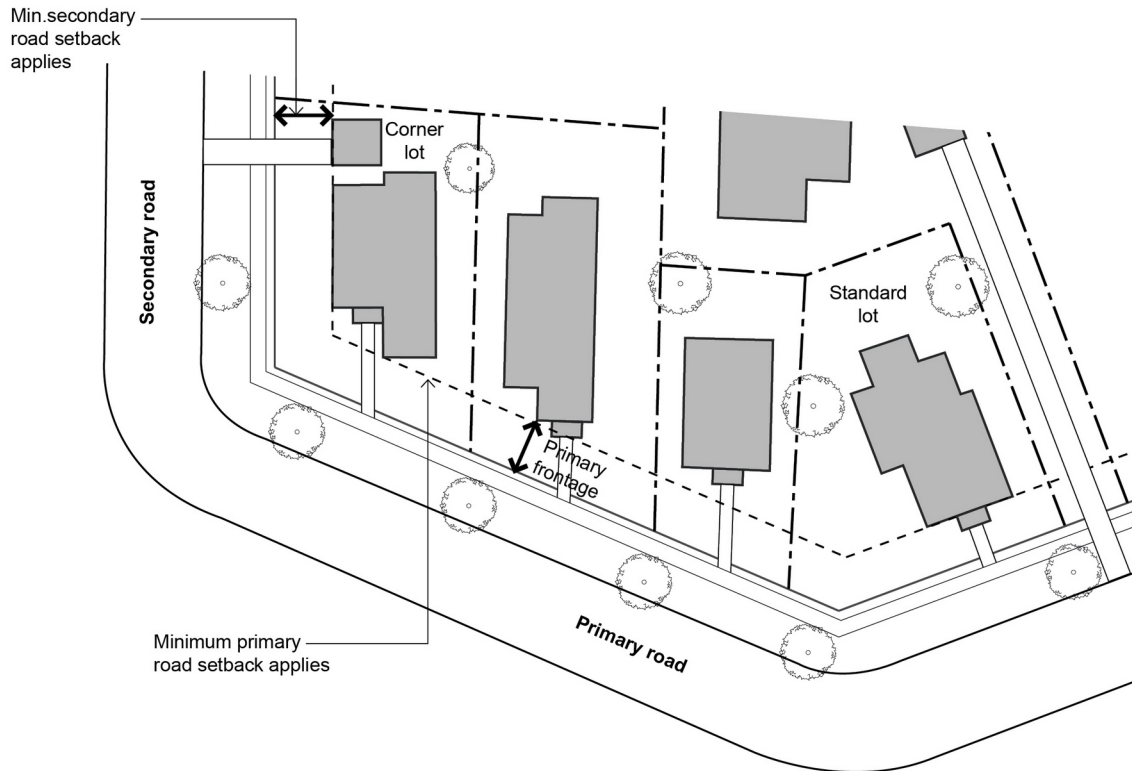
- (3) If there are not 2 dwelling houses within 40m of the lot on the same side of the primary road boundary, a dwelling house and any attached development on a lot with an area of less than 4,000m<sup>2</sup> must have a minimum setback from the boundary with the primary road of 10m.
- (4) A dwelling house and any attached development on a lot with an area of 4,000m<sup>2</sup> or more must have a minimum setback from the boundary with the primary road of 15m.



(5) **Secondary road setbacks for corner lots**

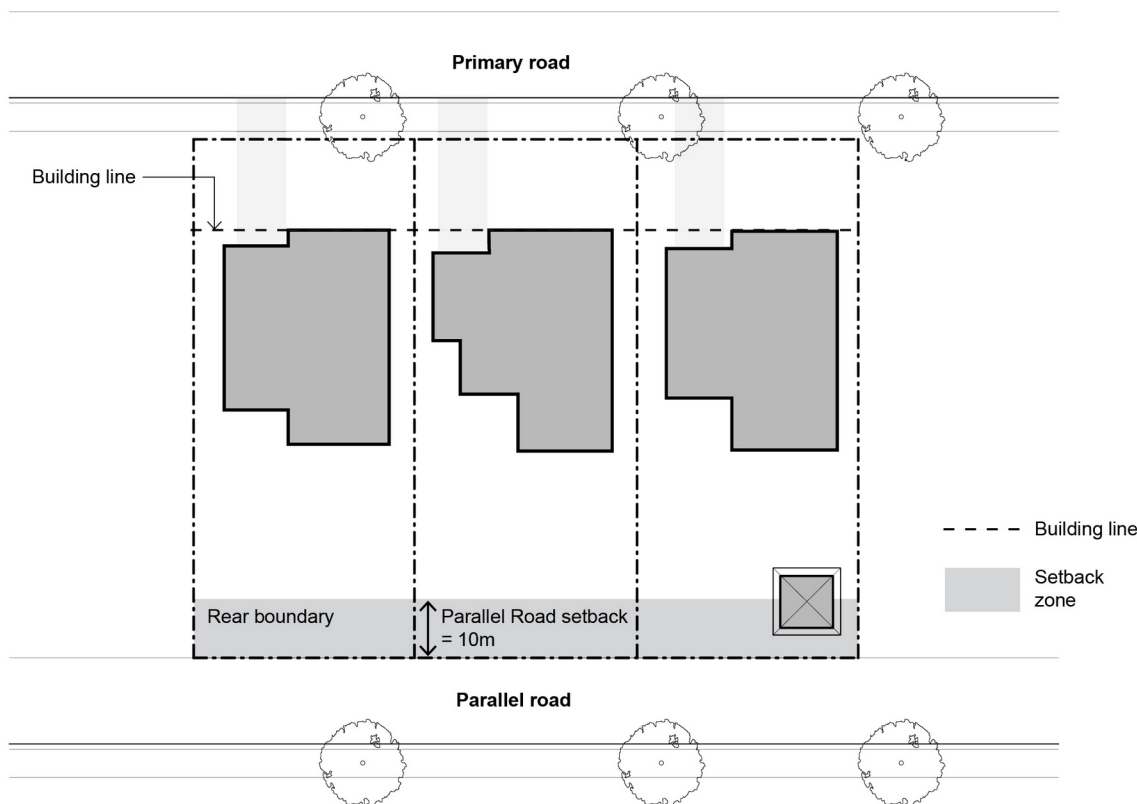
Despite any other standard for a setback specified by this clause, a dwelling house and any attached development must have a minimum setback from a boundary with a secondary road as shown in the following table:

Lot size	Minimum setback from secondary road boundary
<4,000m <sup>2</sup>	5m
4,000m <sup>2</sup> or more	10m



**(6) Parallel road setbacks for parallel road lots**

The setback from a parallel road of a dwelling house and any attached development on a lot with an area of at least 4,000m<sup>2</sup> must be at least 10m.



**(7) Classified road setbacks**

Despite any other standard for a setback specified by this clause, a dwelling house and any attached development must have a setback from a boundary with a classified road of at least:

- (a) the setback for a dwelling house from a classified road specified by another environmental planning instrument applying to the land, or
  - (b) the minimum setback specified under this clause from a primary, secondary or parallel road, or
  - (c) 9m,
- whichever is the greater.

**(8) Road setbacks—unsealed roads**

Despite any other setback specified in this clause, a dwelling house and any attached development must have a minimum setback from a boundary with an unsealed road of 50m.

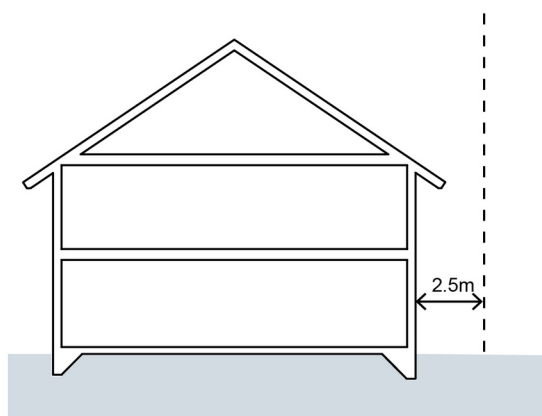
**(9) Road setbacks—road widening proposals**

If the development is on a lot that is subject to a proposed road widening under an environmental planning instrument, a development control plan or section 88B or 195A of the *Conveyancing Act 1919*, the setback of a dwelling house and any attached development must be measured from the proposed boundary with the road.

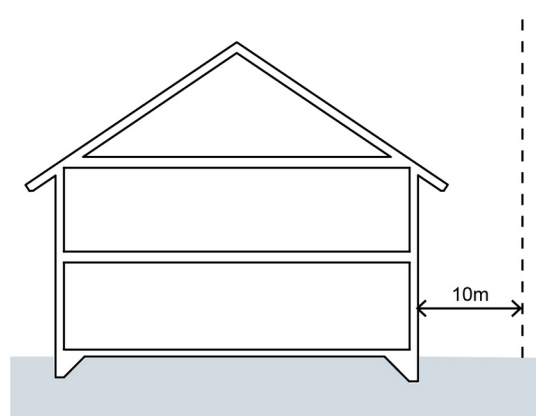
(10) **Side setbacks**

A dwelling house and any attached development must have a minimum setback from a side boundary as shown in the following table:

Lot size	Minimum setback from side boundary
<4,000m <sup>2</sup>	2.5m
4,000m <sup>2</sup> or more	10m



Lot size < 4,000m<sup>2</sup>



Lot size of 4,000m<sup>2</sup> or more

(11) **Rear setbacks**

A dwelling house and any attached development (other than on a lot that only has 3 boundaries) must have a minimum setback from the rear boundary as shown in the following table:

Lot area	Minimum setback from rear boundary
<1,000m <sup>2</sup>	8m
1,000m <sup>2</sup> —<4,000m <sup>2</sup>	10m
4,000m <sup>2</sup> or more	15m

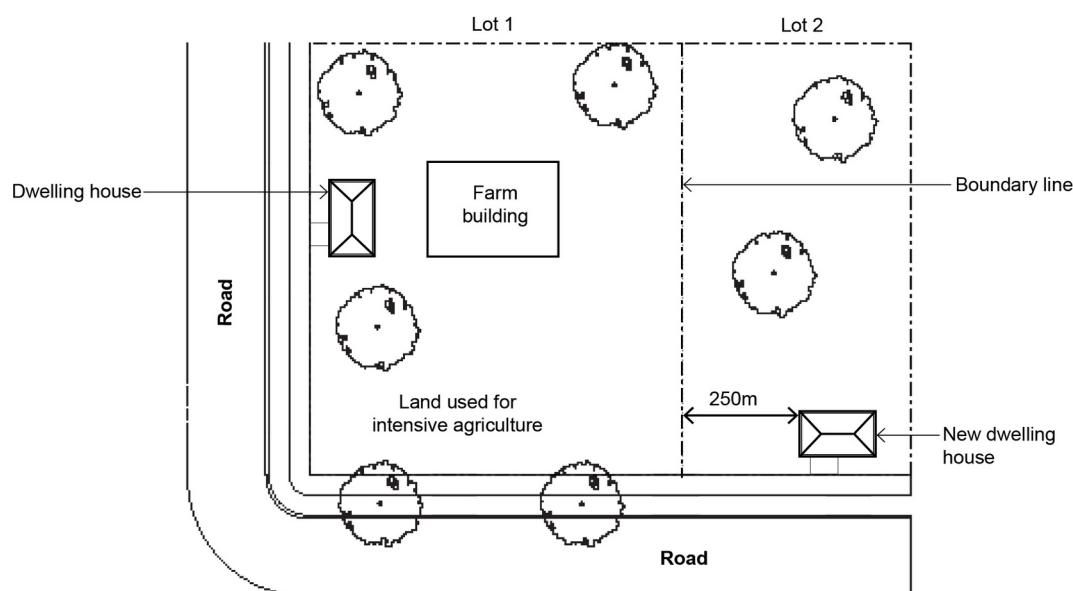


**Note.** Certain exceptions to the rear setbacks apply if the lot has a rear boundary with a lane (see clause 3D.33 (3)).

(12) **Setbacks from certain adjoining land**

Despite any other clause in this Subdivision, a new dwelling house must have a setback of at least 250m from a boundary with adjoining land being used for any of the following:

- (a) forestry,
- (b) intensive livestock agriculture,
- (c) intensive plant agriculture,
- (d) mines and extractive industries,
- (e) railway lines,
- (f) rural industries.

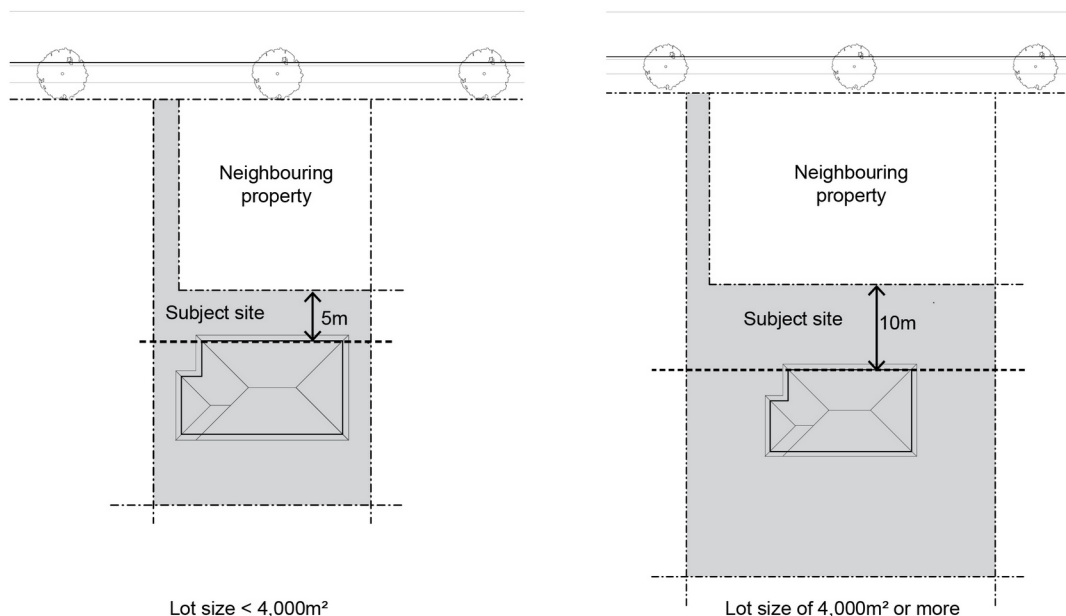


(13) **Public reserve setbacks**

Despite any other clause in this Subdivision, a new dwelling house and any attached development must have a setback of at least 3m from a boundary with a public reserve.

(14) **Front setbacks for battle-axe lots**

A dwelling house and any attached development on a battle-axe lot with an area of less than 4,000m<sup>2</sup> must have a setback from the rear boundary of the lot that is in front of the battle-axe lot of at least 5m.



(15) **Setbacks from watercourses**

Despite any other clause in this Subdivision, a dwelling house and any attached development must have a setback of at least 40m from the bank of any perennial watercourse identified on a 1:50,000 topographical map published by Spatial Services in the Department of Finance, Services and Innovation.

**Note 1.** *Articulation zone, attached development, battle-axe lot, building element, building line, detached development, dwelling house, primary road, setback and standard lot* are defined in clause 1.5.

**Note 2.** *Classified road* has the same meaning as it has in the Standard Instrument.

**3D.33 Exceptions to setbacks**

(1) **Road setbacks do not apply to eaves within 1m**

The setback standards specified in clause 3D.32 (1), (3), (5), (6) and (7) do not apply to eaves if they are within 1m of the dwelling house.

(2) **Development to which road setbacks do not apply**

The setback standards specified in clause 3D.32 (1), (3), (5), (6) and (7) do not apply to the following:

- (a) driveways,
- (b) pathways and paving,
- (c) retaining walls,

- (d) any building elements that are permitted within a primary or secondary articulation zone.

(3) **Lots with rear lanes**

Despite clause 3D.32 (11), if the lot has a rear boundary with a lane, the building may be erected within 900mm of, or abut, the rear boundary for a maximum of 50% of the length of that boundary.

(4) **Setbacks do not apply to existing parts of dwelling house or attached development**

The setback standards specified in clause 3D.32 do not apply to any existing parts of a dwelling house or attached development that will remain on the lot after the complying development is carried out.

**Note 1.** *Articulation zone, attached development, dwelling house, primary road* and *setback* are defined in clause 1.5.

**Note 2.** *Classified road* and *public reserve* have the same meanings as they have in the Standard Instrument.

**Note 3.** *Environmental planning instrument* has the same meaning as it has in the Act.

**3D.34 Other development standards for balconies, decks, patios, pergolas, terraces and verandahs attached to side or rear of dwelling house**

- (1) The erection of a balcony, deck, patio, pergola, terrace or verandah that is attached to the side or rear elevation of a dwelling house is only permitted on a lot if:
- (a) the area of the lot is more than 300m<sup>2</sup>, and
  - (b) the width of the lot, measured at the building line, is more than 10m.
- (2) The maximum height of the floor level of the balcony, deck, patio, pergola terrace or verandah is the height shown in the following table:

<b>Setback from side or rear boundary</b>	<b>Maximum permitted floor level above ground level (existing)</b>
<3m	2m
3m–6m	3m
>6m	4m

- (3) The total floor area of all attached side or rear balconies, decks, patios, pergolas, terraces and verandahs that, after the completion of the development:
- (a) are within 6m from a side or rear boundary, and
  - (b) have a finished floor level of more than 2m above ground level (existing),

must not be more than 12m<sup>2</sup>.

**Note 1.** *Attached, building line, dwelling house* and *floor area* are defined in clause 1.5.

**Note 2.** *Ground level (existing)* has the same meaning as it has in the Standard Instrument.

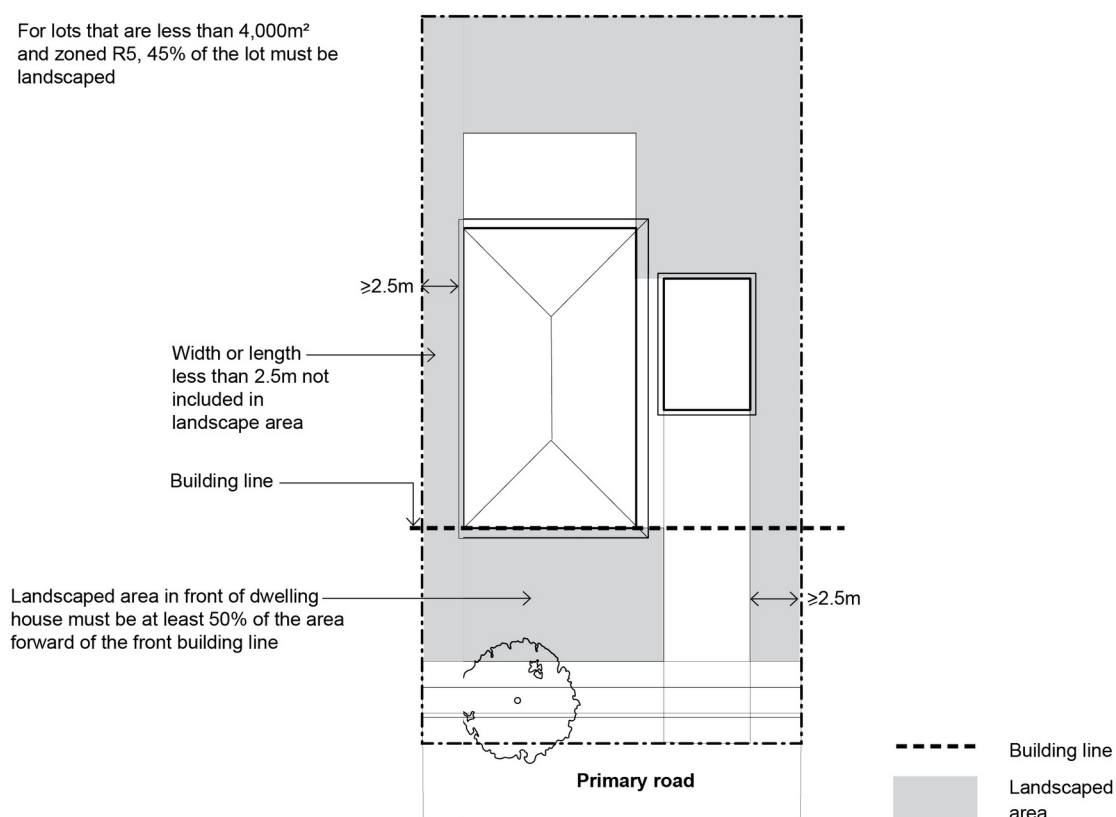
**Note 3.** A balcony, deck, patio, pergola terrace or verandah may require a privacy screen—see clause 3D.37.

### Subdivision 3 Landscape development standards for dwelling houses and attached development

#### 3D.35 Landscaped area

- (1) A lot that has an area of less than 4,000m<sup>2</sup> must have at least 45% of its area landscaped.
- (2) At least 50% of the area forward of the building line to the primary road must be landscaped.
- (3) Each landscaped area must have a minimum width of 2.5m and a minimum length of 2.5m.

For lots that are less than 4,000m<sup>2</sup> and zoned R5, 45% of the lot must be landscaped



- (4) This clause does not apply to complying development that is the alteration of, or an addition to, a dwelling house or attached development if the development does not:
  - (a) increase the footprint of the dwelling house or attached development, or
  - (b) decrease the landscaped area on the lot.

**Note 1.** *Building line* is defined in clause 1.5.

**Note 2.** *Landscaped area* has the same meaning as it has in the Standard Instrument.

## **Subdivision 4     Amenity development standards for dwelling houses and attached development**

### **3D.36     Building design**

- (1) This clause applies to the erection of a dwelling house:
  - (a) on a lot, other than a battle-axe lot, and
  - (b) with a setback from a primary road of less than 10m.
- (2) The dwelling house must contain:
  - (a) at least 1 door and 1 window to a habitable room at ground floor level facing the primary road, or
  - (b) at least 1 door and 1 window to a habitable room at ground floor level facing any parallel road.
- (3) **Primary road frontage**

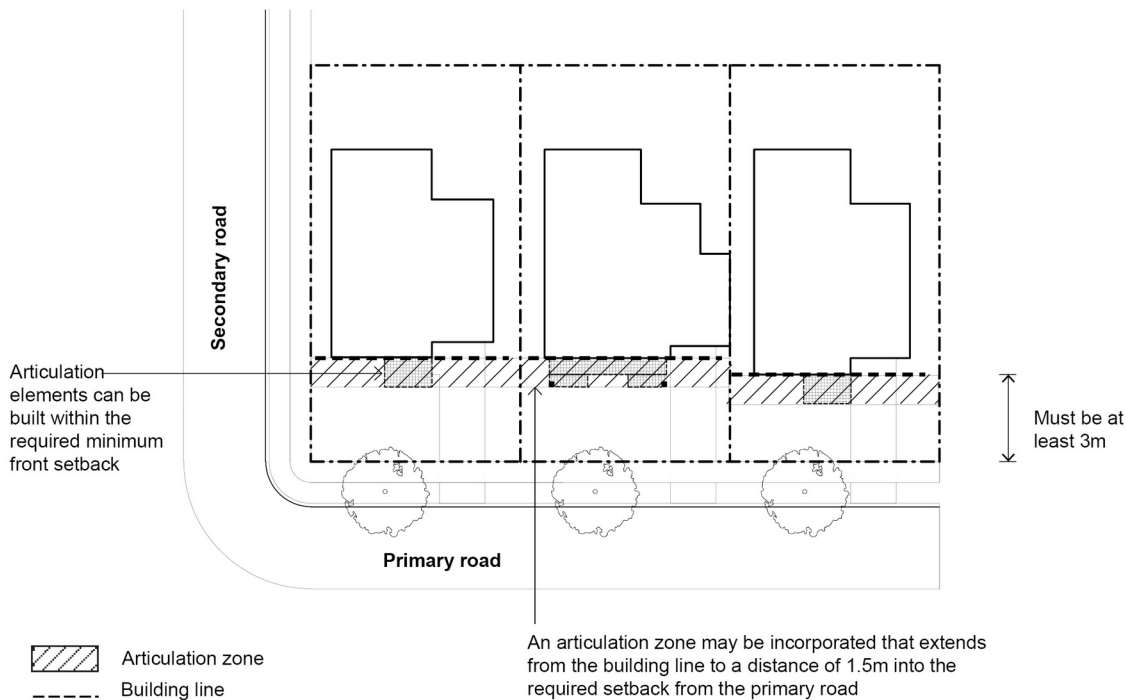
A dwelling house with a setback from a primary road of at least 3m may have an articulation zone that extends up to 1.5m forward of the minimum required setback from the primary road.
- (4) The following building elements are permitted in an articulation zone in the setback from a primary road:
  - (a) 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,
  - (g) an eave.
- (5) The maximum total area of all building elements within an articulation zone, other than a building element listed in subclause (4) (e)–(g), must not be more than 25% of the area of the articulation zone.
- (6) **Maximum height of building elements**

A building element on a dwelling house (other than a pitched roof to an entry feature or portico that has the same pitch as the roof on the dwelling house) must not extend:

  - (a) more than 1m above the gutter line of the eaves of a single storey dwelling house, or
  - (b) above the gutter line of the eaves of a 2 storey dwelling house.
- (7) **Secondary road frontage on corner lots**

A new dwelling house on a corner lot must have a window to a habitable room that is at least 1m<sup>2</sup> in area and that faces and is visible from a secondary road.

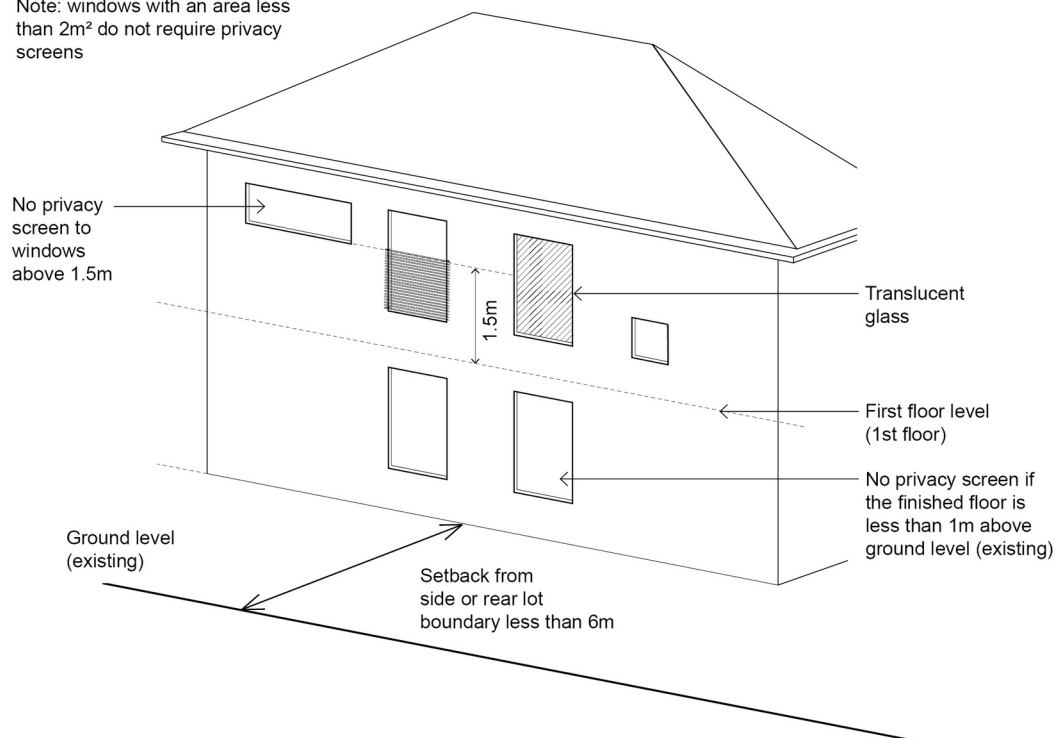
For dwelling houses with a setback from a primary road of less than 10m and zoned R5



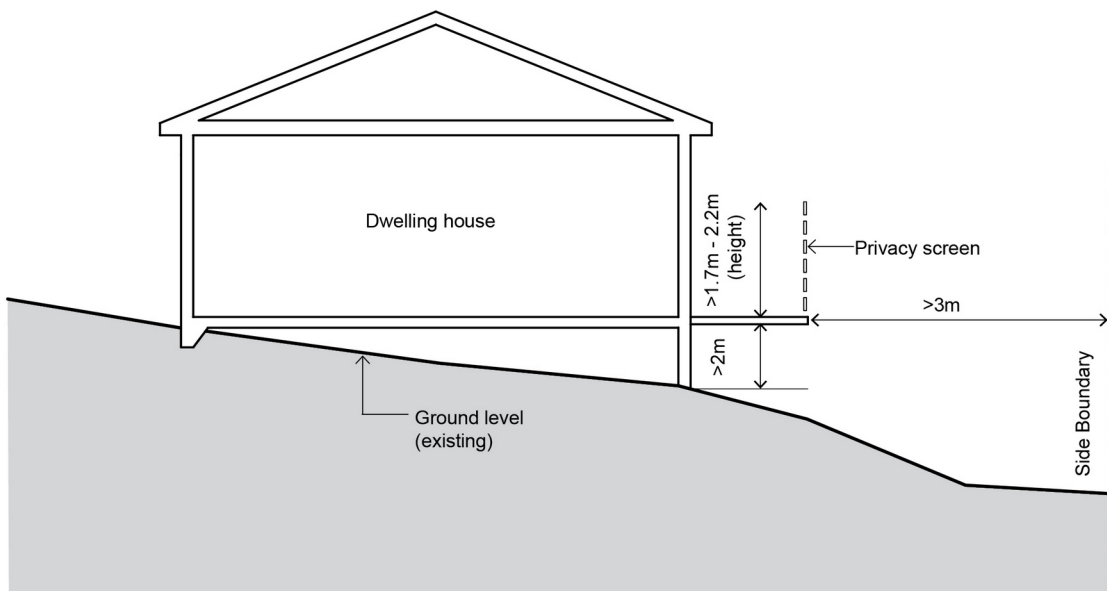
### 3D.37 Privacy screens for windows and certain attached development

- (1) This clause applies to lots that have an area of less than 4,000m<sup>2</sup>.
- (2) This clause does not apply to any existing parts of a dwelling house or attached development that will remain on the lot after the complying development is carried out.
- (3) A privacy screen must be provided for any part of a window to a habitable room that is less than 1.5m above the finished floor level of that room.
- (4) Subclause (1) does not apply to:
  - (a) a habitable room with a floor level not more than 1m above ground level (existing), or
  - (b) a window that faces a road or public space, or
  - (c) a window that faces, and is more than 6m from, a side or rear boundary, or
  - (d) a bedroom window that has an area of not more than 2m<sup>2</sup>.

Note: windows with an area less than 2m<sup>2</sup> do not require privacy screens



- (5) A balcony, deck, patio, pergola, terrace or verandah that has a floor area of more than 3m<sup>2</sup> must have a privacy screen installed at the edge of that part of the balcony, deck, patio, pergola, terrace or verandah that is parallel to or faces towards a side or rear boundary if:
  - (a) that edge is less than 3m from the boundary and the balcony, deck, patio, pergola, terrace or verandah has a finished floor level of more than 1m above ground level (existing), or
  - (b) that edge is at least 3m, but not more than 6m, from the boundary and the balcony, deck, patio, pergola, terrace or verandah has a finished floor level of more than 2m above ground level (existing).
- (6) Any privacy screen required under subclause (3) must be installed to a height of at least 1.7m, but not more than 2.2m, above the finished floor level of the balcony, deck, patio, pergola, terrace or verandah.



**Note 1.** *Habitable room* and *privacy screen* are defined in clause 1.5.

**Note 2.** *Ground level (existing)* has the same meaning as it has in the Standard Instrument.

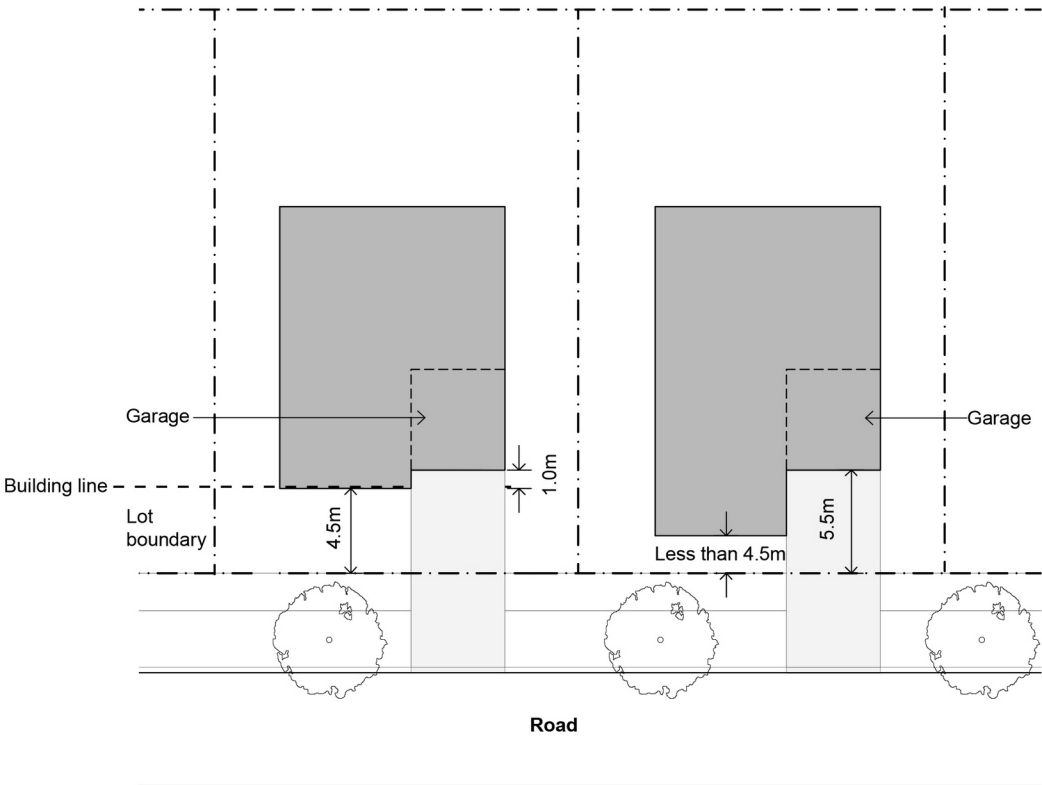
## Subdivision 5 Car parking and access

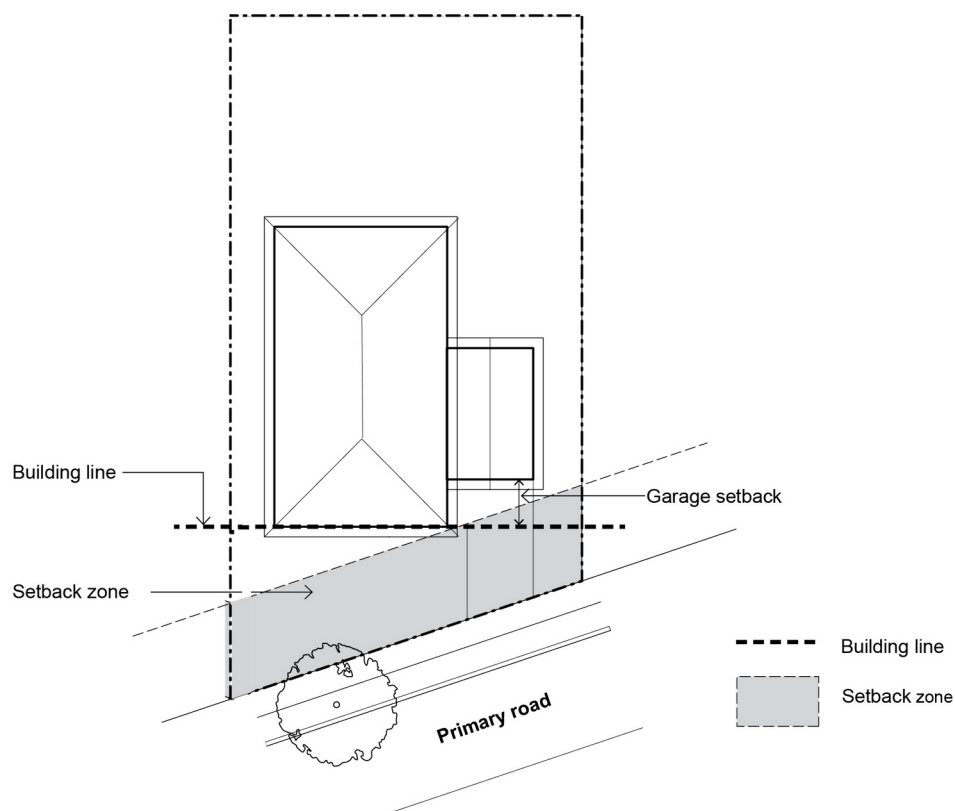
### 3D.38 Car parking, vehicle access and garage requirements

- (1) This clause applies only to lots that have an area of less than 4,000m<sup>2</sup>.
- (2) At least 1 off-street car parking space, being an open hard stand space or a carport or garage, must be provided on a lot on which a new dwelling house is erected and located behind the building line of the dwelling house.
- (3) At least 1 off-street car parking space must be retained on a lot on which alterations or additions to an existing car parking space are carried out.
- (4) A lot that has an off-street car parking space must have a driveway to a public road.
- (5) A garage, carport or car parking space that is accessed from a primary road must have a minimum setback as shown in the following table:



Setback of dwelling house from primary road	Minimum off-street parking setback from primary road
<4.5m	5.5m
4.5m or more	1m or more behind the building line of the dwelling house



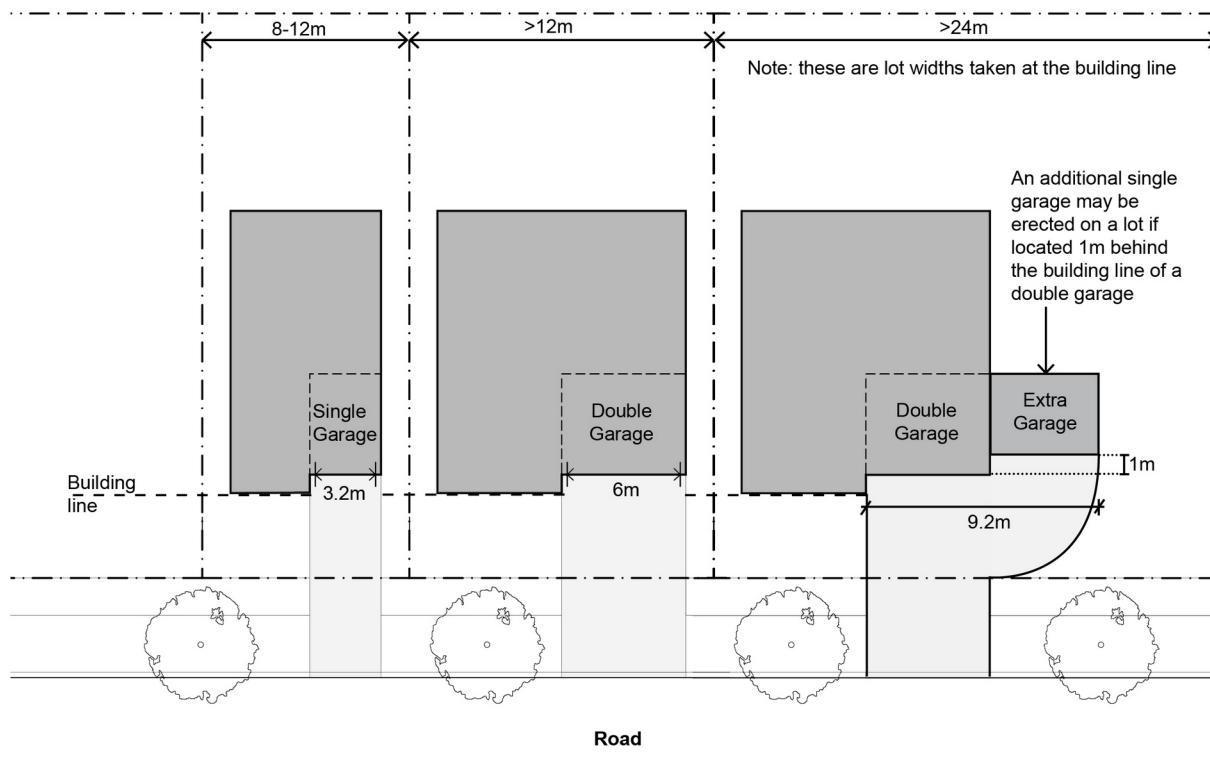


- (6) A lot that has a width of less than 8m measured at the building line may have an attached garage if the garage is accessed from a secondary road, parallel road or lane.
- (7) All off-street car parking spaces and vehicle access must comply with AS/NZS 2890.1:2004, *Parking facilities—Off-street car parking*.
- (8) The off-street car parking space for a battle-axe lot must be constructed so that vehicles can leave the lot in a forward direction.
- (9) The maximum width of all garage doors accessed from a primary road, secondary road or parallel road is shown in the following table:

Lot width at the building line	Maximum width of garage door openings
8m–12m	3.2m
>12m–24m	6m
>24m	9.2m

- (10) Subject to subclause (9), an attached garage that is designed to contain 3 parallel car parking spaces may be erected on a lot that has a width greater than 24m if:

- (a) the entry to 1 of the car parking spaces is set back at least 1 metre behind the entry to the other car parking spaces, and
- (b) the width of the driveway associated with access to the car parking spaces does not exceed 6m at the property boundary, and
- (c) the width of a driveway that is more than 6m wide at the garage door openings must taper gradually to a maximum width of 6m at the property boundary.



**Note 1.** *Attached, building line, detached, hard stand space, lane, parallel road, primary road, secondary road* and *setback* are defined in clause 1.5.

**Note 2.** Clause 2.28 applies to the construction or installation of a driveway as exempt development.

**Note 3.** A driveway crossover may require the prior approval of the relevant roads authority under the *Roads Act 1993*.

**Note 4.** Division 6 sets out additional development standards for detached garages.

## **Division 6      Development standards for detached development in rural and residential zones**

### **Subdivision 1      Application of Division**

#### **3D.39      Application of Division**

This Division sets out the development standards that apply to the erection of detached development and to the alteration of, or an addition to, detached development under this code.

**Note 1. *Detached development*** is defined in clause 1.5.

**Note 2.** Development standards for excavation, fill, retaining walls and structural supports, drainage and protection of adjoining walls associated with detached development are specified in Division 7.

### **Subdivision 2      Built form development standards for detached development (other than farm buildings, swimming pools and fences)**

#### **3D.40      Lot requirements**

- (1) If the detached development is on land in Zone RU1, RU2, RU3, RU4 or RU6—the area of the lot must not be less than:
  - (a) the minimum lot area specified in the environmental planning instrument that applies to the land concerned, or
  - (b) 4,000m<sup>2</sup>,whichever is the greater.
- (2) If the detached development is on land in Zone RU5, R1, R2, R3 or R4—the lot must meet the following requirements:
  - (a) the area of the lot must not be less than 200m<sup>2</sup>,
  - (b) the width of the lot must be at least 6m measured at the building line,
  - (c) if the lot is a battle-axe lot—the lot must have an access laneway at least 3m wide and measure at least 12m by 12m, excluding the access laneway,
  - (d) if the development is on a corner lot—the width of the primary road boundary of the lot must be at least 6m.
- (3) If the detached development is on land in Zone R5—the lot must meet the following requirements:
  - (a) the area of the lot must not be less than:
    - (i) the minimum size specified in the environmental planning instrument that applies to the land concerned, or
    - (ii) if no size is specified in the environmental planning instrument—800m<sup>2</sup>,
  - (b) the width of the lot (if the lot is not a battle-axe lot) must be at least 18m measured at the building line,
  - (c) if the development is on a battle-axe lot—the lot must have an access laneway at least 3m wide and measure at least 12m by 12m, excluding the access laneway,
  - (d) if the development is on a corner lot—the width of the primary road boundary of the lot must be at least 18m.

- (4) 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.
- (5) Subclauses (1)–(3) do not apply if there is an existing dwelling house on the lot.

**3D.41 Maximum height**

The maximum height for any detached development is 4.8m above ground level (existing).

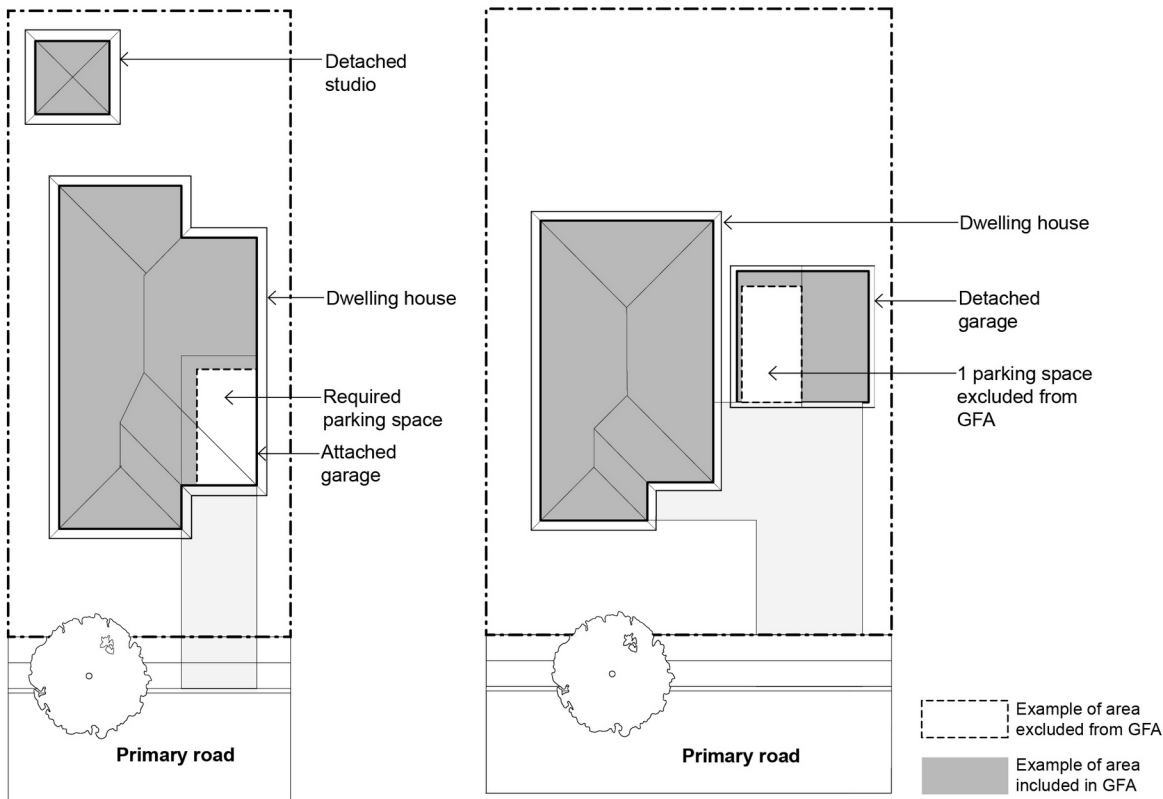
**Note 1. *Detached development*** is defined in clause 1.5.

**Note 2. *Ground level (existing)*** is defined in the Standard Instrument as the existing level of a site at any point.

**3D.42 Maximum gross floor area of all buildings on lot**

- (1) The maximum gross floor area of all buildings on a lot is as follows:
  - (a) if the detached development is on land in Zone RU5, R1, R2, R3 or R4—the maximum gross floor area applying to development to which Division 4 applies and set out in the table to clause 3D.20 (1),
  - (b) if the detached development is on land in Zone R5—the maximum gross floor area applying to development to which Division 5 applies and set out in clause 3D.31 (1).
- (2) When calculating the lot size of a battle-axe lot, the area of the access laneway is excluded.

**Note. *Battle-axe lot*** is defined in clause 1.5.



### 3D.43 Maximum floor area of certain detached development

The maximum floor area of all of the following detached development on a lot is shown in the table to this clause:

- (a) a balcony, deck, patio, pergola, terrace or verandah,
- (b) a cabana, cubby house, fernery, garden shed, gazebo or greenhouse,
- (c) a carport or garage,
- (d) a shed.

Lot size	Maximum floor area
200m <sup>2</sup> –300m <sup>2</sup>	36m <sup>2</sup>
>300m <sup>2</sup> –600m <sup>2</sup>	45m <sup>2</sup>
>600m <sup>2</sup> –900m <sup>2</sup>	60m <sup>2</sup>
>900m <sup>2</sup>	100m <sup>2</sup>

### **3D.44 Minimum setbacks and maximum height and length of built to boundary walls**

#### **(1) Primary and secondary road setbacks**

Detached development (other than a detached garage or carport):

- (a) must be located behind the building line of a dwelling house that is adjacent to any primary road or secondary road, or
- (b) in the case of a dwelling house that has a setback from a primary road or secondary road of more than 50m—must have a minimum setback from the boundary with any primary or secondary road of 50m.

**Note 1.** Primary and secondary road setbacks for detached garages and carports are set out in clause 3D.46.

**Note 2.** Clause 3D.49 contains certain exceptions to the setbacks specified in this clause.

#### **(2) Side setbacks**

Detached development must have a minimum setback from a side boundary of a lot:

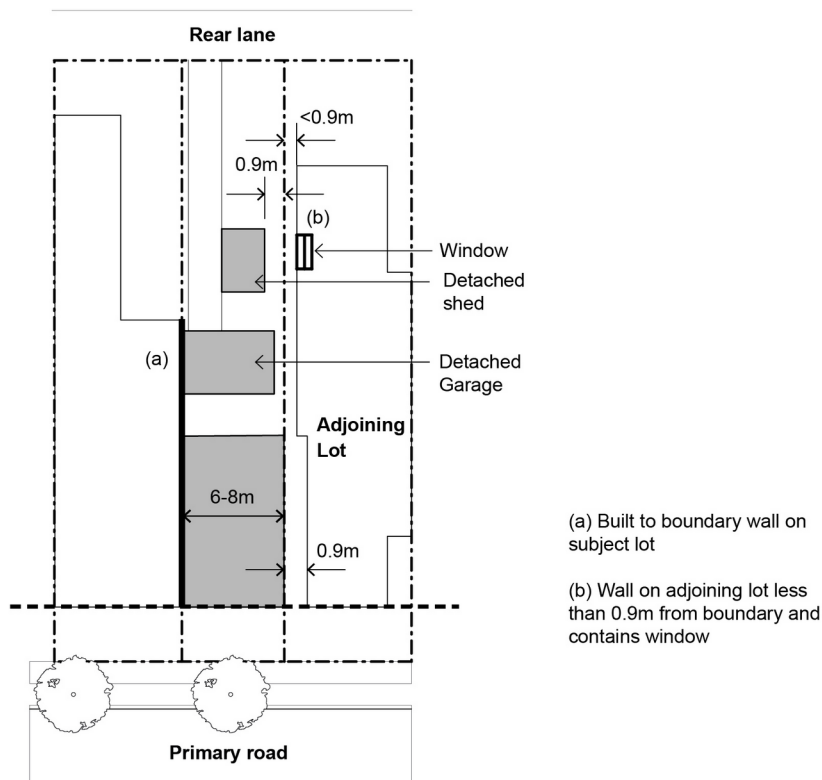
- (a) in the case of a lot with an area of 4,000m<sup>2</sup> or more—5m, or
- (b) in the case of a lot with an area of less than 4,000m<sup>2</sup>—as shown in the following table:

<b>Lot width at the building line</b>	<b>Minimum setback from each side boundary</b>
6m–18m	900mm
>18m–24m	1.5m
>24m	2.5m

#### **(3) Built to boundary setbacks**

Despite subclause (2), detached development may be built to 1 or both side boundaries if:

- (a) the lot is not a corner lot, and
- (b) the lot width measured at the building line is at least 6m, but not more than 8m, and
- (c) if there is a building wall on the adjoining lot within 900mm of that boundary—that wall is of masonry construction and does not have a window facing that boundary, and
- (d) any wall erected within 900mm of a side boundary will not contain a door, window or any other opening.



- (4) Despite subclause (2), detached development may be built to 1 side boundary if:
- (a) the lot width measured at the building line is more than 8m, but not more than 12.5m, and
  - (b) any building wall on the adjoining lot within 900mm of that boundary is of masonry construction and does not have a window facing that boundary, and
  - (c) any wall erected within 900mm of the side boundary will not contain a door, window or any other opening facing the boundary.

(5) **Maximum height of built to boundary walls**

The height of a wall erected within 900mm of a side boundary must not exceed:

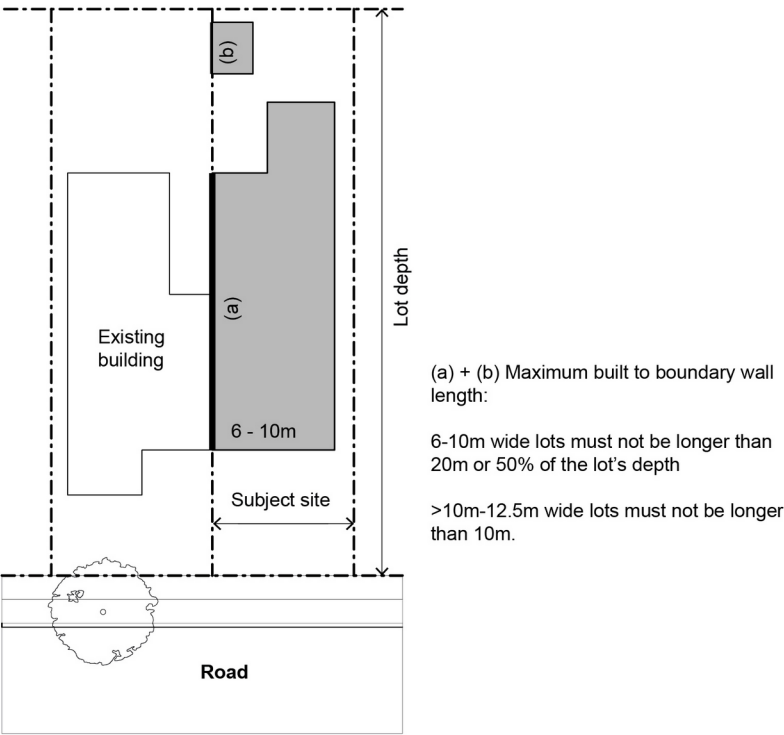
- (a) 3.3m above ground level (existing), or
- (b) if there is a building wall on the adjoining lot within 900mm of that boundary that is higher than 3.3m—the height of that wall, but not more than 4.8m, or
- (c) if the building on the adjoining lot is subject to the same complying development certificate under clause 126 (4) of the *Environmental Planning and Assessment Regulation 2000*—the height of the wall on the adjoining lot, but not more than 4.8m.



(6) **Maximum length of built to boundary walls**

The length of all walls within 900mm of a side boundary must not exceed the length shown in the following table:

Lot width at the building line	Maximum length of built to boundary wall
6m–10m	20m or 50% of the depth of the lot, whichever is the lesser
>10m–12.5m	10m



(7) Despite subclause (6), the length of a wall erected within 900mm of a side boundary must not exceed:

- (a) if the length of the built to boundary wall on the adjoining lot is longer than the maximum length calculated under subclause (6)—the length of that wall, or
- (b) if the building on the adjoining lot is subject to the same complying development certificate under clause 126 (4) of the *Environmental Planning and Assessment Regulation 2000*—the length of the wall on the adjoining lot.

**Note 1.** A wall built within 900mm of a wall on an adjoining lot is subject to clause 3D.63 (Protecting adjoining walls) in Division 8.

(8) **Rear setbacks**

Detached development (other than detached development that is on a lot that only has 3 boundaries) that is any of the following must have a minimum setback from the rear boundary of a lot as shown in the table to this subclause:

- (a) a cabana, cubby house, fernery, garden shed, gazebo or greenhouse,
- (b) a balcony, deck, patio, pergola, terrace or verandah,
- (c) a rainwater tank (above ground),
- (d) a shade structure or a shed.

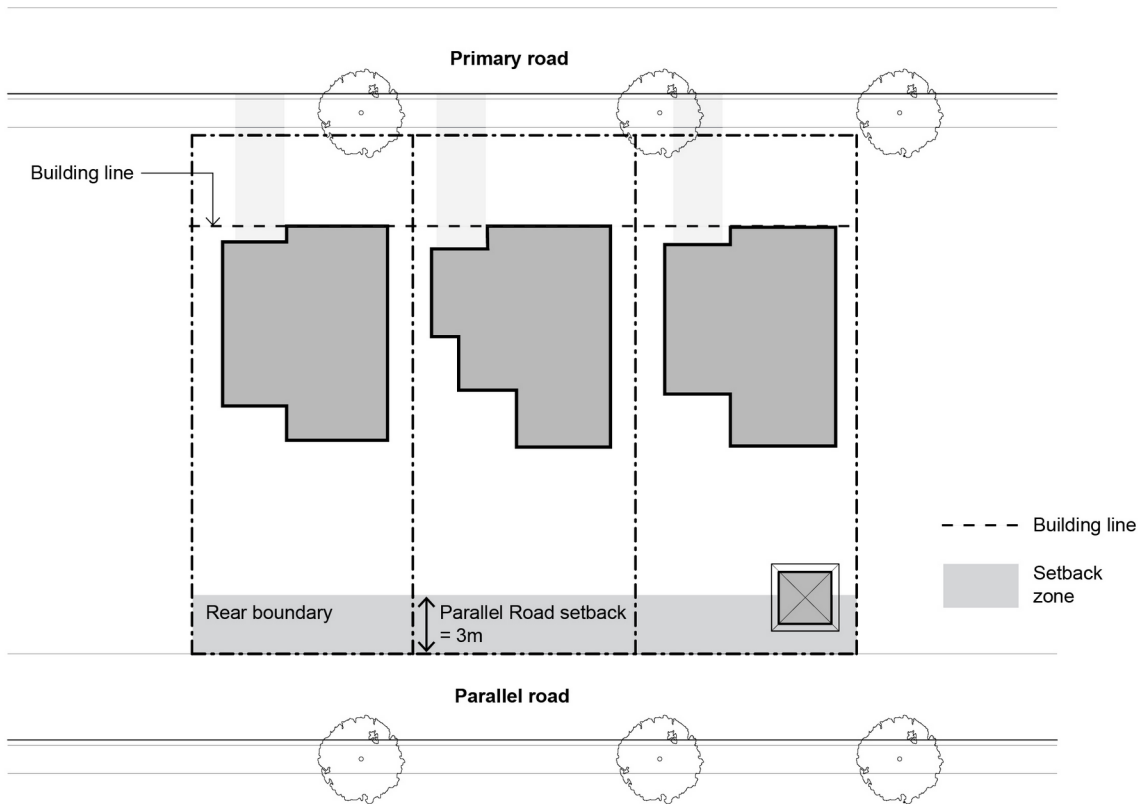
Lot area	Minimum setback from rear boundary
200m <sup>2</sup> –900m <sup>2</sup>	0.9m
>900m <sup>2</sup> –1,500m <sup>2</sup>	1.5m
>1,500m <sup>2</sup> –4,000m <sup>2</sup>	2.5m
>4,000m <sup>2</sup>	5m

**Note.** Rear setbacks for detached garages and carports and detached studios are set out in clauses 3D.46 and 3D.48, respectively.

(9) **Parallel road setbacks for parallel road lots**

Detached development on a lot must have a minimum setback from a parallel road of 3m.

**Note.** Clause 3D.49 (4) contains exceptions to this setback for certain types of detached development.



(10) **Classified road setbacks**

Despite any other standard for a setback specified by this clause, detached development must have a setback from a boundary with a classified road of at least:

- (a) the setback for a dwelling house from a classified road specified by another environmental planning instrument applying to the land, or
  - (b) the minimum setback specified under this clause from a primary, secondary or parallel road, or
  - (c) 9m,
- whichever is the greater.

(11) **Public reserve setbacks**

Despite any other standard for a setback specified by this clause, the following detached development must have a setback from a boundary with a public reserve of at least 3m:

- (a) a cabana, cubby house, fernery, garden shed, gazebo or greenhouse,
- (b) a carport or garage,
- (c) a balcony, deck, patio, pergola, terrace or verandah,
- (d) a rainwater tank (above ground),
- (e) a shade structure or shed.

(12) **Setbacks from watercourses**

Despite any standard for a setback specified by this clause, detached development must have a setback of at least 40m from the bank of any perennial watercourse identified on a 1:50,000 topographical map published by Spatial Services in the Department of Finance, Services and Innovation.

**Note.** *Complying development certificate* has the same meaning as it has in the Act.

**3D.45 Heritage conservation areas**

- (1) Detached development may not be erected on a lot in a heritage conservation area or a draft heritage conservation area if the lot adjoins a lane, a secondary road or a parallel road.
- (2) If the lot does not adjoin a lane, a secondary road or a parallel road, detached development (other than a detached studio) may be erected on the lot in a heritage conservation area or draft heritage conservation area if it:
  - (a) is located behind the rear building line of the dwelling house, and
  - (b) is no closer to the side boundaries than the dwelling house, and
  - (c) has a gross floor area of not more than 20m<sup>2</sup>.

**Note.** *Building line, dwelling house, gross floor area, heritage conservation area, lane, parallel road* and *secondary road* are defined in clause 1.5.

**3D.46 Other development standards for detached garages and carports**

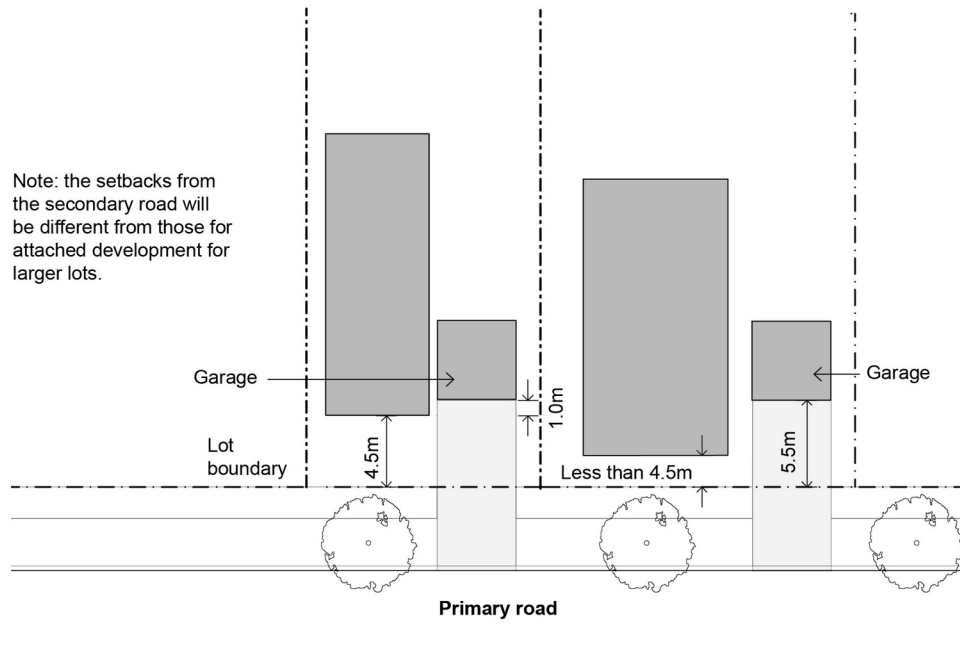
(1) **Car parking and vehicle access requirements**

All off-street car parking spaces and vehicle access must comply with AS/NZS/2890.1:2004, *Parking facilities—Off-street car parking*.

- (2) The off-street car parking space for a battle-axe lot must be constructed so that vehicles can leave the lot in a forward direction.
- (3) A detached garage or carport may only be erected on a lot that has a width of less than 8m at the building line if the only vehicular access to the lot is from a secondary road, a parallel road or a lane.
- (4) A carport must have 2 or more sides open and have not less than one-third of its perimeter open.
- (5) **Primary road setbacks**

A detached garage or carport that is accessed from a primary road must have a minimum setback as shown in the following table:

Primary road setback of dwelling house	Minimum required garage or carport setback from primary road
<4.5m	5.5m
4.5m or more	At least 1m behind the building line of the dwelling house



(6) **Secondary road setbacks for corner lots**

A detached garage or carport on a corner lot must have a minimum setback from a secondary road as shown in the following table:

Lot size	Minimum setback from secondary road
200m <sup>2</sup> –600m <sup>2</sup>	2m
>600m <sup>2</sup> –1,500m <sup>2</sup>	3m
>1,500m <sup>2</sup> –4,000m <sup>2</sup>	5m
>4,000m <sup>2</sup>	10m

(7) **Rear setbacks**

A detached garage or carport (other than a detached garage or carport that is on a lot that only has 3 boundaries) must have a minimum setback from the rear boundary as shown in the following table:

<b>Lot area</b>	<b>Minimum setback from rear boundary</b>
>200m <sup>2</sup> –900m <sup>2</sup>	900mm
>900m <sup>2</sup> –1,500m <sup>2</sup>	1.5m
>1,500m <sup>2</sup> –4,000m <sup>2</sup>	2.5m
>4,000m <sup>2</sup>	5m

(8) **Built to rear boundary**

Despite subclause (7), a detached garage or carport of masonry construction may be built to the rear boundary if:

- (a) the lot area is at least 200m<sup>2</sup>, but not more than 300m<sup>2</sup>, and
- (b) the wall of a building on the adjoining lot within 900mm of that boundary (if any) is of masonry construction and does not have a window facing that boundary.

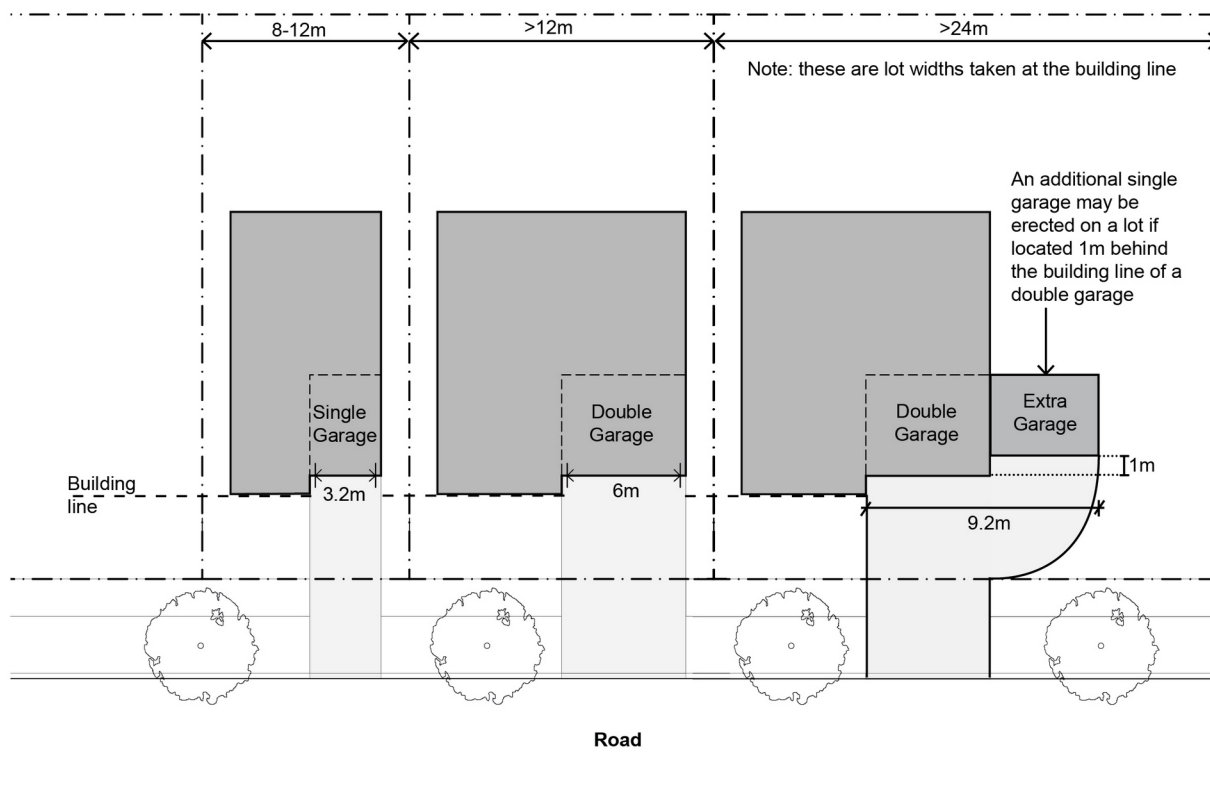
(9) **Maximum width of garage doors**

The maximum width of all garage doors accessed from a primary, secondary or parallel road is shown in the following table:

<b>Lot width at the building line</b>	<b>Maximum width of garage doors</b>
8m–12m	3.2m
>12m–24m	6m
>24m	9.2m

(10) Subject to subclause (9), a detached garage that is designed to contain 3 parallel car parking spaces may be erected on a lot that has a width greater than 24m if:

- (a) the entry to 1 of the car parking spaces is set back at least 1 metre behind the entry to the other car parking spaces, and
- (b) the width of the driveway associated with access to the car parking spaces does not exceed 6m at the property boundary, and
- (c) the width of a driveway that is more than 6m wide at the garage door openings tapers gradually to a maximum width of 6m at the property boundary.



**Note.** *Battle-axe lot, building line, corner lot, detached, lane, parallel road, primary road, secondary road* and *setback* are defined in clause 1.5.

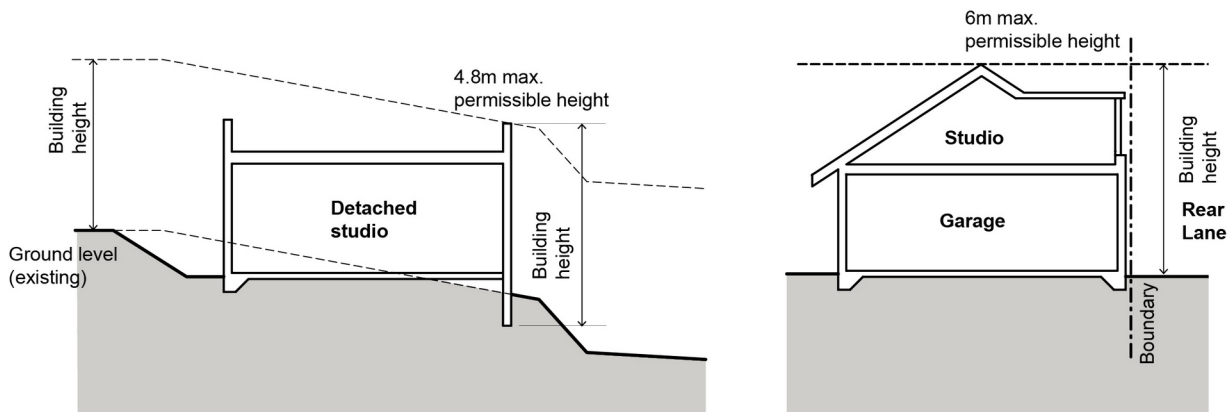
### 3D.47 Other development standards for detached balconies, decks, patios, pergolas, terraces and verandahs

The maximum finished floor level for any detached balcony, deck, patio, pergola, terrace or verandah is 600mm above ground level (existing).

**Note.** *Ground level (existing)* has the same meaning as it has in the Standard Instrument.

### 3D.48 Other development standards for detached studios

- (1) There must only be 1 detached studio on the lot at the completion of the development.
- (2) **Maximum height**  
 Despite clause 3D.41, if a detached studio is within 900mm of a lane and is above a garage, the maximum height of the detached studio is 6m above ground level (existing).



(3) **Maximum gross floor area**

The maximum gross floor area of a detached studio is shown in the following table:

Lot size	Maximum gross floor area
200m <sup>2</sup> –350m <sup>2</sup>	20m <sup>2</sup>
>350m <sup>2</sup>	36m <sup>2</sup>

(4) **Side and rear boundary setbacks**

A detached studio that is erected on land in Zone R1, R2, R3, R4 or RU5 must have a minimum setback from each side and rear boundary as shown in the following table:

Lot width at the building line	Minimum setback from each side and rear boundary
6m–18m	900mm
>18m	1.5m



- (5) A detached studio that is erected on land in Zone RU1, RU2, RU3, RU4, RU6 or R5 must have a minimum setback from each side and rear boundary as shown in the following table:

Land use zone lot is located in	Lot area	Minimum setback from each side and rear boundary
Zone R5	0–4,000m <sup>2</sup>	2.5m
Zone RU1, RU2, RU3, RU4, RU6 or R5	>4,000m <sup>2</sup>	5m

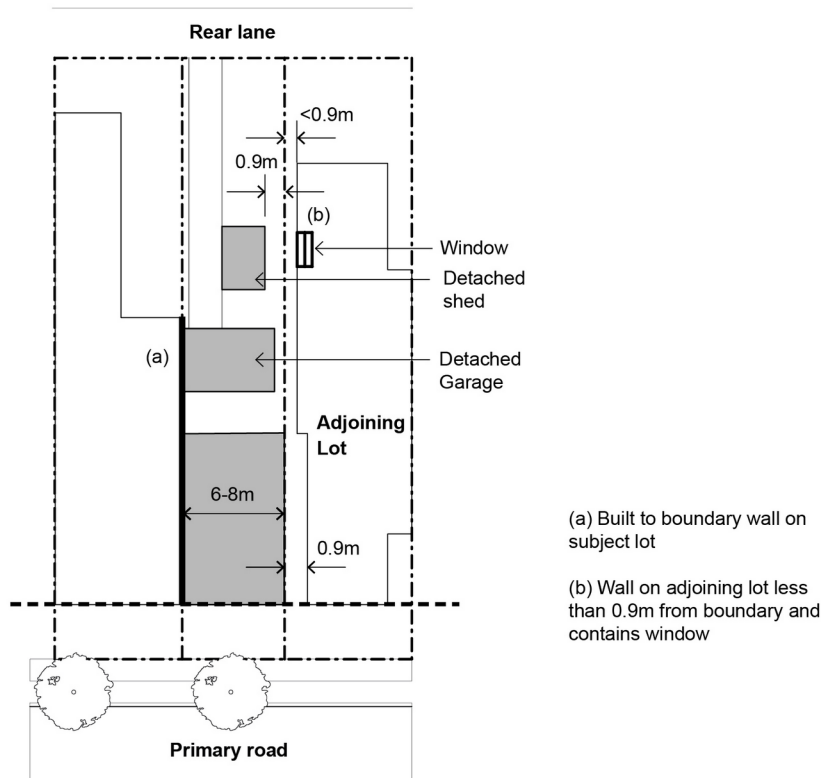
- (6) **Lots with only 3 boundaries**

The rear setbacks specified in subclauses (4) and (5) do not apply to a lot that only has 3 boundaries.

- (7) **Built to boundary setbacks**

Despite subclause (4), a detached studio that is within 900mm of a rear lane may be built to 1 or both side boundaries if:

- (a) the lot is not a corner lot, and
- (b) the lot width measured at the building line is at least 6m, but not more than 8m, and
- (c) if there is a building wall on the adjoining lot within 900mm of that boundary—that wall is of masonry construction and does not have a window facing that boundary, and
- (d) any wall erected within 900mm of a side boundary will not contain a door, window or any other opening facing the boundary.



- (8) Despite subclause (4), a detached studio that is within 900mm of a rear lane may be built to 1 side boundary if:
- (a) the lot width measured at the building line is more than 8m, but not more than 12.5m, and
  - (b) any building wall on the adjoining lot within 900mm of that boundary is of masonry construction and does not have a window facing that boundary, and
  - (c) any wall erected within 900mm of the side boundary will not contain a door, window or any other opening facing the boundary.
- (9) **Maximum height of built to boundary walls**
- The height of a wall of a detached studio erected within 900mm of a side boundary must not exceed:
- (a) 3.3m above ground level (existing), or
  - (b) if the height of the built to boundary wall on the adjoining lot is higher than 3.3m—the height of that wall, but not more than 4.8m, or
  - (c) if the building on the adjoining lot is subject to the same complying development certificate under clause 126 (4) of the *Environmental Planning and Assessment Regulation 2000*—the height of the wall on the adjoining lot, but not more than 4.8m, or

- (d) if the wall is part of a detached studio that is above a garage—the height of the built to boundary wall on the adjoining lot, but not more than 6m.

(10) **Privacy screens**

A privacy screen must be provided for any part of a window in a detached studio that is less than 1.5m above the finished floor level of that room if:

- (a) the window faces and is less than 3m from a side or rear boundary and the room has a finished floor level more than 1m above ground level (existing), or
- (b) the window faces and is at least 3m, but not more than 6m, from a side or rear boundary and the room has a finished floor level more than 3m above ground level (existing).

**Note 1.** *Boundary wall, building line, detached, gross floor area, lane, and setback* are defined in clause 1.5.

**Note 2.** *Ground level (existing)* has the same meaning as it has in the Standard Instrument.

**Note 3.** *Complying development certificate* has the same meaning as it has in the Act.

**3D.49 Exceptions to setbacks**

(1) **Development to which side and rear setbacks do not apply**

The side and rear setback standards specified in this Subdivision do not apply to the following:

- (a) downpipes,
- (b) driveways,
- (c) electricity or gas meters,
- (d) fascias,
- (e) fences,
- (f) gutters,
- (g) light fittings,
- (h) pathways and paving.

(2) **Development to which side and rear setbacks do not apply if 450mm from boundary**

The side and rear setback standards specified in this Subdivision do not apply to the following if they are located at least 450mm from the relevant boundary:

- (a) aerials,
- (b) antennae,
- (c) awnings,
- (d) chimneys,
- (e) cooling or heating appliances,
- (f) eaves,
- (g) flues,
- (h) pipes,
- (i) rainwater tanks greater than 1.8m in height,
- (j) structures associated with the provision of a utility service.

(3) **Development to which road setbacks do not apply**

The road setbacks specified in this Subdivision do not apply to the following:

- (a) driveways,
- (b) fences,
- (c) pathways and paving,
- (d) retaining walls.

(4) **Rear boundaries with parallel roads or rear lanes**

Despite any rear setback specified in this Subdivision, if a lot has a rear boundary with a parallel road or lane, the following detached development may be erected within 3m of, or abut, the rear boundary for not more than 50% of the length of that boundary:

- (a) a cabana, cubby house, fernery, garden shed, gazebo or greenhouse,
- (b) a carport or garage,
- (c) a rainwater tank (above ground),
- (d) a shade structure or shed.

(5) **Setbacks do not apply to existing parts of detached development**

The setback standards specified in this Subdivision do not apply to any existing parts of detached development that will remain on the lot after the complying development is carried out.

**Note 1.** *Boundary wall, lane, parallel road* and *setback* are defined in clause 1.5.

**Note 2.** *Rainwater tank* has the same meaning as it has in the Standard Instrument.

### **Subdivision 3 Landscape development standards for detached development (other than fences and child-resistant barriers) in Zones R1, R2, R3, R4, R5 and RU5**

#### **3D.50 Application of Subdivision**

This Subdivision applies to detached development other than development that is a fence or child resistant-barrier and, in the case of development on land in Zone R5, is on a lot with an area of less than 4,000m<sup>2</sup>.

#### **3D.51 Minimum landscaped area**

The minimum landscaped area that must be provided on a lot is as follows:

- (a) if the detached development is on land in Zone RU5, R1, R2, R3 or R4—the minimum landscaped area that must be provided on a lot to which Division 4 applies and set out in the table to clause 3D.24 (1),
- (b) if the detached development is on land in Zone R5—the minimum landscaped area that must be provided on a lot to which Division 5 applies and set out in clause 3D.35.

**Note.** *Landscaped area* has the same meaning as it has in the Standard Instrument.

### **Subdivision 4 Built form development standards for swimming pools and fences**

#### **3D.52 Development standards for swimming pools**

- (1) A swimming pool must be for private use and associated with a dwelling house.

- (2) 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.
- (3) The pump must be housed in an enclosure that is soundproofed.  
**Note.** The *Protection of the Environment Operations Act 1997* contains provisions relating to noise pollution.
- (4) Subclause (3) does not apply to swimming pools on lots with an area greater than 4,000m<sup>2</sup> in Zone RU1, RU2, RU3, RU4, RU6 or R5.
- (5) **Height of coping and decking**  
 Coping around a swimming pool must not be more than:
  - (a) 1.4m above ground level (existing), and
  - (b) 300mm wide if the coping is more than 600mm above ground level (existing).
- (6) Decking around a swimming pool must not be more than 600mm above ground level (existing).
- (7) If the swimming pool is being constructed on a lot in Zone R1, R2, R3, R4, R5 or RU5—the swimming pool must be located behind the building line of the dwelling house.
- (8) Subject to subclause (7), the swimming pool water line must have a minimum setback from any boundary as shown in the following table:

Lot size	Minimum setback from any boundary
0–4,000m <sup>2</sup>	1m
>4,000m <sup>2</sup>	5m

- (9) **Heritage conservation areas**  
 Despite subclauses (7) and (8), if the swimming pool is being constructed in a heritage conservation area or a draft heritage conservation area, the swimming pool must be located:
  - (a) behind the building line of the dwelling house that is adjacent to the rear boundary of the lot, and
  - (b) no closer to each side boundary than the dwelling house.**Note 1.** *Building line, dwelling house, heritage conservation area* and *setback* are defined in clause 1.5.  
**Note 2.** *Ground level (existing)* has the same meaning as it has in the Standard Instrument.  
**Note 3.** A child-resistant barrier must be constructed or installed in accordance with the requirements of the *Swimming Pools Act 1992*.  
**Note 4.** Requirements relating to excavation for the purposes of a swimming pool are set out in clause 3D.61.

### 3D.53 Development standards for fences in Zones R1, R2, R3, R4 and RU5

- (1) This clause applies to development on land in Zone R1, R2, R3, R4 or RU5.
- (2) A fence may be erected on a lot under this code if it is not constructed or installed:
  - (a) on a lot, or along a common boundary of a lot, that contains a heritage item or a draft heritage item, or

- (b) along the boundary of, or within the setback area of, a primary or secondary road within a heritage conservation area or draft heritage conservation area.
- (3) A fence erected behind the building line on a lot must:
  - (a) not be higher than 1.8m above ground level (existing), and
  - (b) not incorporate barbed wire in its construction or be electrified, and
  - (c) if it includes an entrance gate—not have a gate that opens outward, and
  - (d) if it is constructed of metal components—be of low reflective, factory pre-coloured materials, and
  - (e) if it is on a sloping site and stepped to accommodate the fall in the land—be no higher than 2.2m above ground level (existing) at each step, and
  - (f) be designed so as not to restrict the flow of any floodwater.
- (4) A fence erected forward of the building line on a lot must:
  - (a) not be higher than 1.2m above ground level (existing), and
  - (b) not incorporate barbed wire in its construction or be electrified, and
  - (c) if it includes an entrance gate—not have a gate that opens outward, and
  - (d) if it is constructed of metal components—be of low reflective, factory pre-coloured materials, and
  - (e) be open for at least 20% of the area of the fence that is more than 400mm above ground level (existing), with any individual solid element of the fence above that height being no more than 350mm wide with a minimum aperture of 25mm, and
  - (f) be designed so as not to restrict the flow of any floodwater.
- (5) Despite subclause (3) (a), any fence located in the setback area of a primary or secondary road must not be higher than 1.2m above ground level (existing).
- (6) A fence erected on bush fire prone land must be constructed of non-combustible material.
- (7) A requirement in subclause (3) (f) or (4) (f) is satisfied if a joint report by a professional engineer specialising in hydraulic engineering and a professional engineer specialising in civil engineering states that the requirement is satisfied.

**Note 1.** *Building line, primary road, secondary road* and *setback* are defined in clause 1.5.

**Note 2.** *Ground level (existing)* and *heritage item* have the same meanings as they have in the Standard Instrument.

**Note 3.** Exempt development standards for fences in certain rural zones, environment protection zones and Zone R5 are specified in clause 2.36.

## **Division 7      Development standards for farm buildings (other than stock holding yards, grain silos and grain bunkers) in Zones RU1, RU2, RU3, RU4, RU6 and R5**

### **Subdivision 1      Preliminary**

#### **3D.54      Application of Division**

- (1) This Division applies to development that is a farm building (other than a stock holding yard, grain silo or grain bunker) that:

- (a) is not used for habitable purposes, and
  - (b) is on a lot with an area of at least 4,000m<sup>2</sup>.
- (2) Despite clause 3D.1, this Division does not apply to land in Zones RU5, R1, R2, R3 and R4.

**3D.55 Definition**

In this Division, *footprint* means the area of the ground surface occupied by a building, including the walls, footings, and roofing of the building, and extending to the perimeter of the foundations and other means of structural support to the building, excluding the area of access ramps, eaves and sunshade devices.

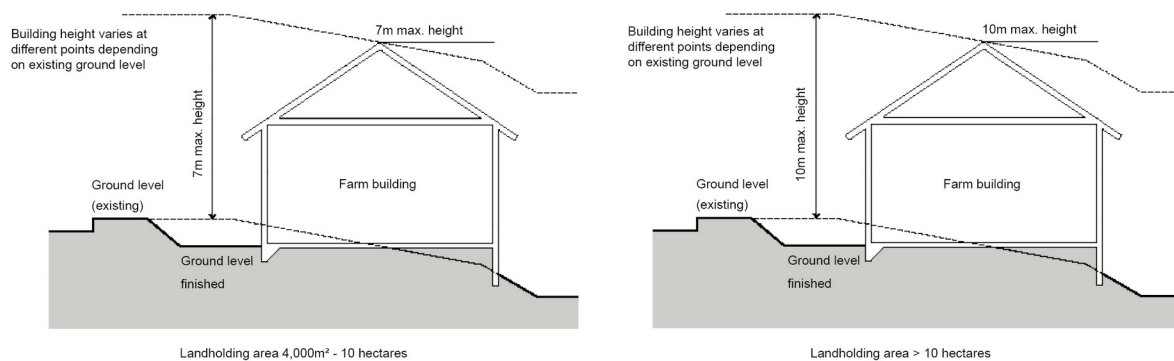
**Subdivision 2 Built form development standards**

**3D.56 Maximum height and siting of development**

(1) **Maximum height**

The maximum height for any development that is a farm building is shown in the following table:

Landholding area	Maximum height
4,000m <sup>2</sup> –10ha	7m
>10ha	10m

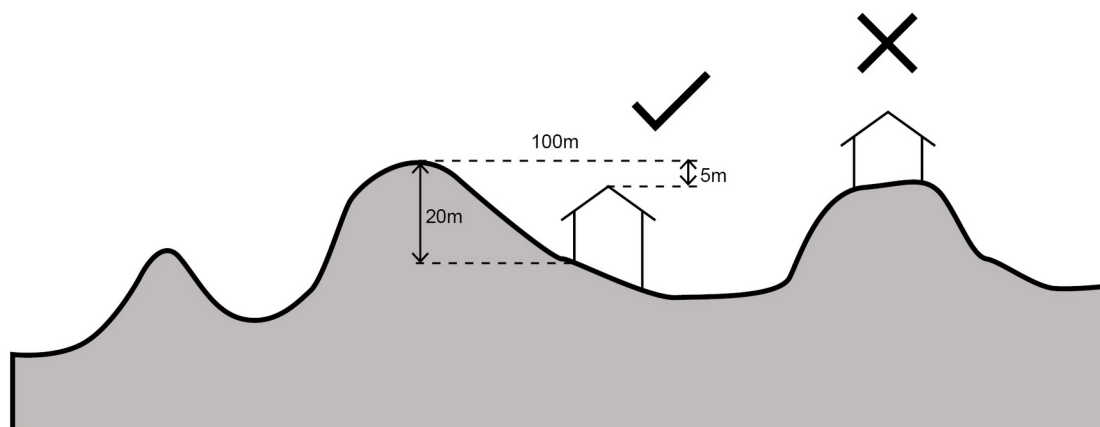


(2) **Siting**

Development that is a farm building that is situated:

- (a) on a lot:
    - (i) having an area of more than 4ha, and
    - (ii) in relation to which the natural ground at any point within 100m of the ridgeline of any hill is at least 20m lower than the ridgeline, and
  - (b) within 100m of that ridgeline,
- must be sited on the lot so that the highest point of the development is at least 5m below that ridgeline.





**Note.** Clause 3D.4 (j) and (k) provide that certain development that penetrates an obstacle limitation surface, or development that is on certain land shown on a relevant Procedures for Air Navigation Services—Aircraft Operations Map, respectively, is not complying development.

### 3D.57 Maximum footprint

- (1) Development that is a farm building must not have a footprint that exceeds the footprint shown in the following table:

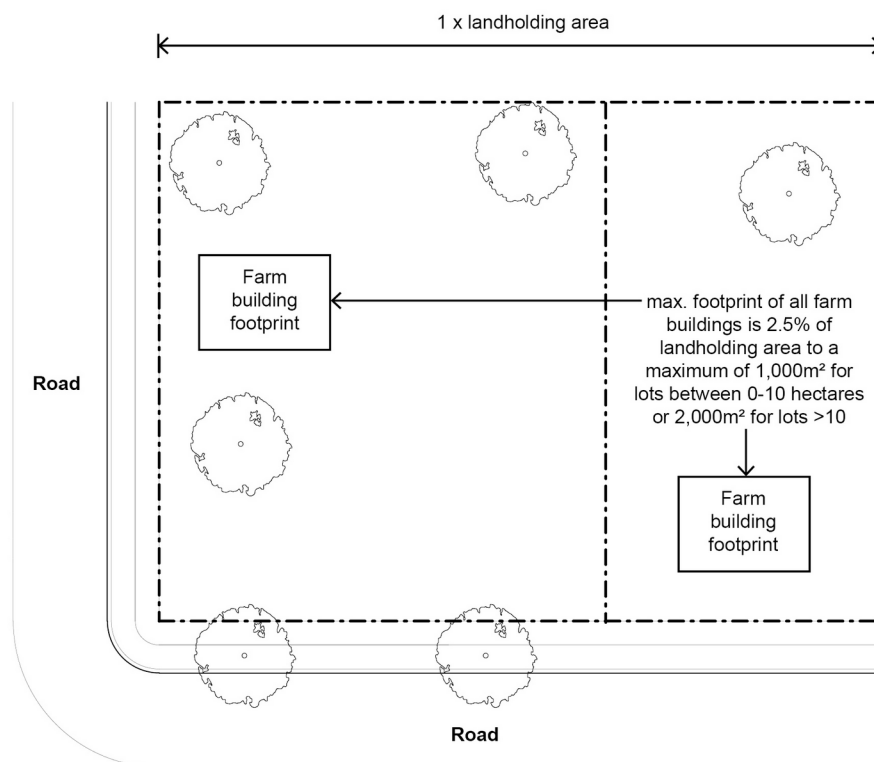
Landholding area	Maximum footprint
4,000m <sup>2</sup> –40ha	200m <sup>2</sup>
>40ha–100ha	500m <sup>2</sup>
>100ha	1,200m <sup>2</sup>

- (2) Despite any other provision of Division 6, if the development includes development for the purpose of an office that is ancillary to the use of the land for the purpose of an agricultural activity (an **ancillary office**):
- the gross floor area of the ancillary office must not be more than 50m<sup>2</sup>, and
  - the ancillary office must be attached to, and contained within the footprint of, the farm building.

### 3D.58 Maximum footprint of all farm buildings on landholding area

The footprint of all farm buildings on a landholding (other than grain bunkers), including any ancillary office, must not exceed the footprint shown in the following table:

Landholding area	Maximum footprint of all farm buildings (other than grain bunkers) on a landholding
4,000m <sup>2</sup> –4ha	2.5% of the area of the landholding
>4ha–10ha	1,000m <sup>2</sup>
>10ha	2,000m <sup>2</sup>

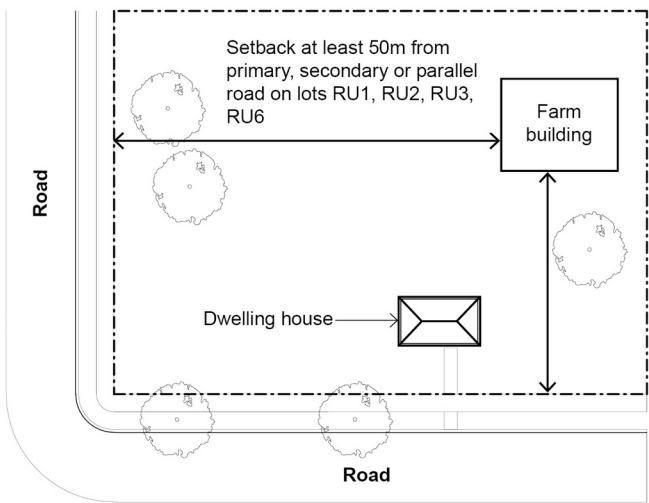


### 3D.59 Minimum setbacks

#### (1) Primary, secondary and parallel road setback

Despite any other setback specified in this clause, development that is a farm building must have a minimum setback from a boundary with any primary, secondary or parallel road as shown in the following table:

Land use zone in which landholding is located	Minimum setback from primary, secondary or parallel road boundary
Zone R5	15m
Zone RU4	30m
Zone RU1, RU2, RU3 or RU6	50m



(2) **Classified road setbacks**

Despite any other setback specified in this clause, development that is a farm building must have a minimum setback from a boundary with a classified road as:

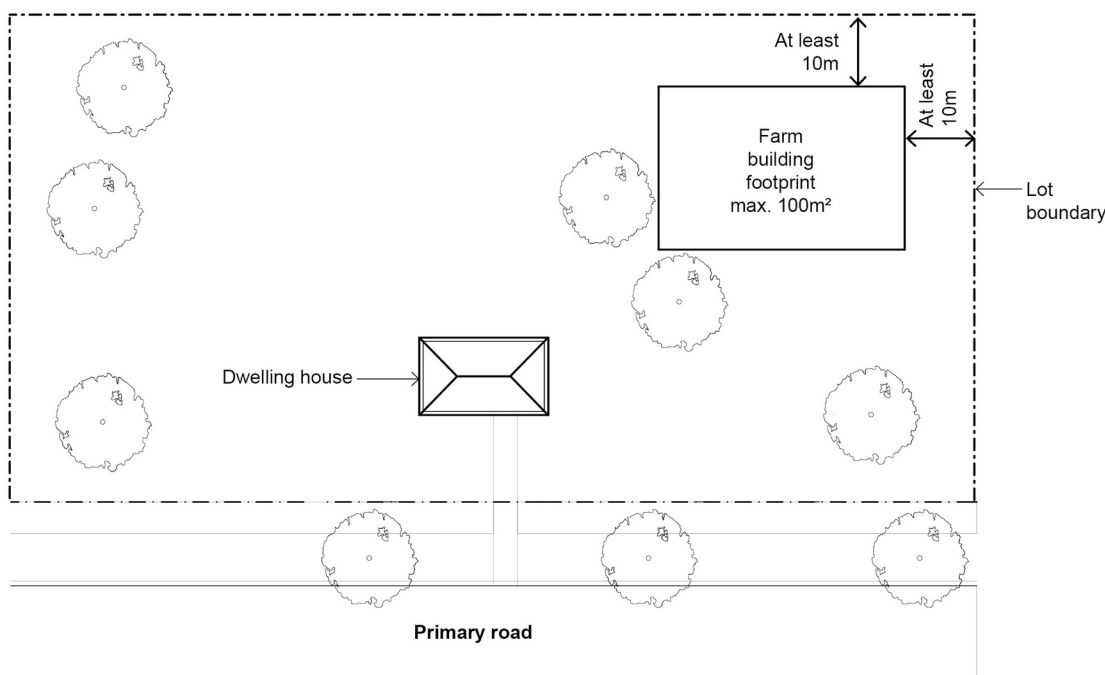
- (a) shown in the table to this subclause, or
  - (b) specified by another environmental planning instrument or a development control plan applying to the land,
- whichever is the greater.

Landholding area	Minimum setback from classified road boundary
4,000m <sup>2</sup> –4ha	20m
>4ha	50m

(3) **Side and rear setbacks**

Development that is a farm building must have a minimum setback from a side or rear boundary as shown in the following table:

Building footprint	Minimum setback
0–100m <sup>2</sup>	10m
>100m <sup>2</sup>	50m

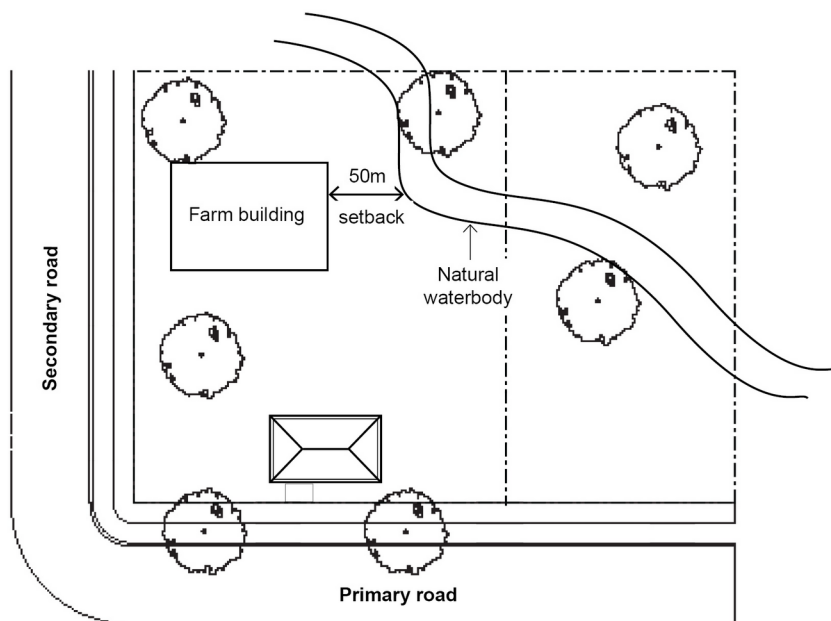


(4) **Setbacks for farm buildings with a footprint of 500m<sup>2</sup> or more**

Despite any other setback specified in this clause, development that is a farm building with a footprint of 500m<sup>2</sup> or more must have a minimum setback from any boundary of the lot of 200m.

(5) **Waterbody setback**

Development that is a farm building must be located at least 50m from a waterbody (natural).



**Note 1.** Development standards for excavation, fill, retaining walls and structural supports, drainage and protection of adjoining walls associated with farm buildings development are specified in Division 8.

**Note 2.** Setbacks of farm buildings from protected trees are specified in clause 3D.64.

**3D.60 Additional development standards**

- (1) If the development is a shipping container, there must not be more than the following number of shipping containers:
  - (a) for a landholding that has an area of less than 400ha—1, and
  - (b) for a landholding that has an area of 400ha or more—5.
- (2) If the development is located on land that is identified for the purposes of an environmental planning instrument as “Land with scenic and landscape values” on a Scenic and Landscape Values Map or as “Scenic Protection Area” on a Scenic Protection Map or Scenic Protection Area Map, it must not:
  - (a) have a footprint greater than 200m<sup>2</sup>, or
  - (b) be more than 7m in height above ground level (existing).

## **Division 8      Development standards for associated works including earthworks, retaining walls, drainage, protection of walls and protection of trees**

### **3D.61    Earthworks, retaining walls and structural support**

#### **(1)    Excavation**

Excavation for the purposes of development under this code must not exceed a maximum depth, measured from ground level (existing), of:

- (a) if located not more than 1m from any boundary—1m, or
  - (b) if located more than 1m but not more than 1.5m from any boundary—2m, or
  - (c) if located more than 1.5m from any boundary—3m, or
  - (d) if carried out wholly within the footprint of a building or any attached development or detached development—3m.
- (2) Subclause (1) does not apply to excavation for the purposes of a footing associated with development that is a farm building, unless the development is on land that is identified for the purposes of an environmental planning instrument as Class 1, 3, 4 or 5 on an Acid Sulfate Soils Map.
- (3) Despite subclause (1), the excavation must not exceed a maximum depth, measured from ground level (existing), of 1m if the land is identified as Class 1, 3, 4 or 5 on an Acid Sulfate Soils Map or is within 40m of a waterbody (natural).
- (4) Before an excavation that exceeds a maximum depth, measured from ground level (existing), of 1m is carried out on a lot, a groundwater works summary must be obtained for the lot that shows that there is no groundwater present on that part of the lot on which the excavation is to be carried out or that groundwater is present on that part of the lot but is below the level of the excavation.

**Note.** Groundwater summaries are available from [waterinfo.nsw.gov.au](http://waterinfo.nsw.gov.au).

#### **(5)    Fill**

Fill must not exceed a maximum height, measured from ground level (existing), of:

- (a) if the fill is for the purposes of the erection or alteration of, or an addition to, a dwelling house under this code—1m, and
  - (b) if the fill is for any other purpose under this code—600mm.
- (6) Despite subclause (3), the height of fill contained wholly within the footprint of a building or any attached development or detached development is not limited.
- (7) Fill that is higher than 150mm above ground level (existing) and is not contained wholly within the footprint of a building or any attached development or detached development is limited to 25% of the landscaped area of the lot.
- (8) The ground level (finished) of the fill must not be used to measure the height of any building or any attached development or detached development under this code.

(9) **Retaining walls and structural supports**

Support for earthworks more than 600mm above or below ground level (existing) must take the form of a retaining wall or other structural support that:

- (a) a professional engineer has certified as structurally sound, including in relation to (but not limited to) the ability to withstand the forces of lateral soil load, and
- (b) has been designed so as not to redirect the flow of any surface water or ground water, or cause sediment to be transported, onto an adjoining property, and
- (c) has adequate drainage lines connected to the stormwater drainage system for the site, and
- (d) does not result in a retaining wall or structural support with a total height measured vertically from the base of the retaining wall or structural support to its uppermost portion that is more than the height of the associated excavation or fill, and
- (e) is separated from any retaining wall or structural support on the site by at least 2m, measured horizontally, and
- (f) if the retaining wall is erected on a lot with an area greater than 4,000m<sup>2</sup>:
  - (i) is not more than 10m from the dwelling house and any attached development, measured horizontally from the point of the retaining wall that is furthest from the dwelling house and any attached development, and
  - (ii) is not more than 5m from any detached development, measured horizontally from the point of the retaining wall that is furthest from the detached development, and
- (g) has been installed in accordance with any manufacturer's specifications, and
- (h) if it is an embankment or batter—has a toe or top that is more than 1m from any side or rear boundary.

(9) **Footprint**

In this clause, *footprint* has the same meaning as it has in Division 7.

**Note 1.** *Excavation, fill* and *ground level (existing)* have the same meanings as they have in the Standard Instrument.

**Note 2.** Fill and excavation that is not associated with a building may be exempt development under clauses 2.29 and 2.30.

**3D.62 Drainage**

All stormwater collecting as a result of development erected, altered or added to under this code must be directed by a gravity fed or charged system to:

- (a) a public drainage system, or
- (b) an inter-allotment drainage system, or
- (c) an on-site disposal system.

**Note 1.** *Drainage* has the same meaning as it has in the Standard Instrument.

**Note 2.** All stormwater drainage systems and connections to public drainage systems of inter-allotment drainage systems must either be approved under section 68 of the *Local Government Act 1993* or comply with the requirements for the disposal of stormwater contained in the development control plan that is applicable to the land.

### 3D.63 Protecting adjoining walls

Any wall constructed within 900mm of a lot boundary must be built in accordance with the support method proposed by the professional engineer's report provided with the application for the complying development certificate.

**Note 1.** *Professional engineer* is defined in clause 1.5.

**Note 2.** *Complying development certificate* has the same meaning as it has in the Act.

### 3D.64 Setbacks of dwelling houses, attached development and detached development from protected trees

#### (1) Pruning and removal of trees

A complying development certificate for complying development under Division 2 of this code is taken to satisfy any requirement under this Policy for a permit or development consent to remove or prune a tree or other vegetation on the lot if:

- (a) the tree is not listed on a register of significant trees kept by the council, and
- (b) the tree or vegetation will be within 3m of any building that has an area of more than 25m<sup>2</sup>, and
- (c) the tree or vegetation has a height that is less than:
  - (i) for development that is the erection of a new dwelling house—8m and is not required to be retained as a condition of consent, or
  - (ii) in any other case—6m.

#### (2) Setbacks from protected trees

Development under this code must be at least 3m from each protected tree on the lot (measured from the base of the trunk of the tree).

#### (3) Despite subclause (2), the following development can be located within 3m of a protected tree if works do not involve excavation or fill of more than 150mm below or above ground level (existing):

- (a) an access ramp,
- (b) a driveway, pathway or paving,
- (c) an awning, blind or canopy,
- (d) a fence, screen, or child-resistant barrier associated with a swimming pool or spa pool.

**Note 1.** *Development consent*, *dwelling house* and *protected tree* are defined in clause 1.5.

**Note 2.** *Council*, *excavation*, *fill*, *ground level (existing)*, *spa pool* and *swimming pool* have the same meanings as they have in the Standard Instrument.

**Note 3.** *Complying development certificate* has the same meaning as it has in the Act.

**Note 4.** A separate permit or development consent may be required if the branches or roots of a protected tree on the lot or on an adjoining lot are required to be pruned or removed.



## **Division 9      Conditions applying to complying development certificates under this code**

### **3D.65      Conditions specified in Schedule 6 apply**

A complying development certificate for development specified under this code must be issued subject to the conditions specified in Schedule 6.

#### **[14]      Schedule 3 Complying development codes—variations**

Omit “Cooma Monaro” wherever occurring from the matter relating to Cooma Monaro.  
Insert instead “Snowy Monaro”.

#### **[15]      Schedule 3**

Insert after paragraph (b) of the matter relating to Cooma Monaro in Column 2:

This variation to the Rural Housing Code ceases to have effect on 1 January 2021.

The Inland Code is varied in its application by the following:

- (a) inserting “(other than in the local government area of Snowy Monaro)” after “dwelling house” in clause 3D.3 (1) (a),
- (b) inserting after clause 3D.3 (1) the following subclause:
  - (1A) The erection of a new single storey or two storey dwelling house within the local government area of Snowy Monaro is development specified for this code if the development is erected on a lot that:
    - (a) has an area of at least 80 hectares, or
    - (b) is subject to a restriction created under section 88B of the *Conveyancing Act 1919* that specifies a building envelope for the lot and was required by the council.

#### **[16]      Schedule 3**

Omit “Palerang” wherever occurring from the matter relating to Palerang.  
Insert instead “Queanbeyan-Palerang”.

#### **[17]      Schedule 3**

Omit “*Cooma-Monaro Local Environmental Plan 1999—(Rural)*” wherever occurring from the matter relating to Palerang.  
Insert instead “*Palerang Local Environmental Plan 2014*”.

#### **[18]      Schedule 3**

Insert after paragraph (b) of the matter relating to Palerang in Column 2:

This variation to the Rural Housing Code ceases to have effect on 1 January 2021.

The Inland Code is varied in its application by the following:

- (a) inserting “(other than in the local government area of Queanbeyan-Palerang that is inside the heavy black line shown on the map within the meaning of the *Palerang Local Environmental Plan 2014*)” after “dwelling house” in clause 3D.3 (1) (a),
- (b) inserting after clause 3D.3 (1) the following subclause:
  - (1A) The erection of a new single storey or two storey dwelling house within the local government area of Queanbeyan-Palerang is development specified for this code if the development is erected on a lot that:
    - (a) has an area of at least 80 hectares, or
    - (b) is subject to a restriction created under section 88B of the *Conveyancing Act 1919* that specifies a building envelope for the lot and was required by the council.

#### [19] Schedule 3

Insert after the matter relating to Singleton in Column 2:

This variation to the Rural Housing Code ceases to have effect on 1 January 2021.

The Inland Code is varied in its application by the following:

- (a) inserting the following after clause 3D.9 (2):
  - (3) Despite subclause (1), this Division does not apply to the erection or alteration of, or an addition to, a 1 or 2 storey dwelling house on any lot (or part of a lot) within the heavy black line shown on the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 Singleton Complying Development Land Map.
- (b) inserting the following after clause 3D.28 (2):
  - (3) Despite subclause (1), this Division does not apply to the erection or alteration of, or an addition to, a dwelling house on any lot (or part of a lot) within the heavy black line shown on the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 Singleton Complying Development Land Map.

#### [20] Schedule 3

Insert after the matter relating to Tamworth Regional in Column 2:

This variation to the Rural Housing Code ceases to have effect on 1 January 2021.

The Inland Code is varied in its application by omitting the table to clause 3D.21 (7) and clause 3D.21 (8) and inserting instead:

Lot width at the building line	Building height at any point	Minimum required setback from each side boundary
6m–10m	0m–5.5m	900mm
6m–10m	>5.5m–8.5m	(building height–5.5m) ÷ 4 + 0.9m
>10m	0m–4.5m	900mm
>10m	>4.5m–8.5m	(building height–5.5m) ÷ 4 + 0.9m

**[21] Schedule 6, heading, source reference and Note 1 to heading**

Omit the heading to Schedule 6, the source reference and Note 1. Insert instead:

**Schedule 6      Conditions applying to complying  
development certificates under certain  
complying development codes**

(Clauses 3.34, 3A.39, 3C.37 and 3D.65)

**Note 1.** Complying development under the Housing Code, the Rural Housing Code, the Greenfield Housing Code and the Inland Code must comply with the requirements of the Act, the *Environmental Planning and Assessment Regulation 2000* and the conditions listed in this Schedule.

## **Schedule 2      Amendment of State Environmental Planning Policy (Affordable Rental Housing) 2009**

**[1]    Clause 23 Complying development**

Omit clause 23 (1) (a1) and (2) (a1).

**[2]    Clause 45 Complying development—group homes**

Omit clause 45 (1A).

**[3]    Part 2, Division 8**

Insert after Division 7:

### **Division 8            Complying development on certain land—secondary dwellings and group homes**

**46A    Application**

Unless otherwise provided, this Division applies:

- (a) to development to which Divisions 2 and 7 of Part 2 apply, and
- (b) in addition to all other development standards specified in those Divisions that apply to the development.

**46B    Development standards for bush fire prone land**

- (1) Except as provided in subclause (2), this clause applies to development to which this Division applies that is carried out on a lot that is wholly or partly bush fire prone land (other than development that is the erection of non-habitable ancillary development that is more than 10m from any dwelling house, landscaping, a non-combustible fence or a swimming pool).
- (2) This clause does not apply to development to which Division 7 of Part 2 applies.
- (3) The development may be carried out on the lot only if:
  - (a) the development conforms to the specifications and requirements of the following that are relevant to the development:
    - (i) *Planning for Bush Fire Protection* (ISBN 0 9751033 2 6) published by the NSW Rural Fire Service in December 2006,
    - (ii) *Addendum: Appendix 3* (published by NSW Rural Fire Service in 2010) to *Planning for Bush Fire Protection* (ISBN 0 9751033 2 6),
    - (iii) if another document is prescribed by the regulations for the purposes of section 4.14 of the *Environmental Planning and Assessment Act 1979*—that document, and
  - (b) the part of the lot on which the development is to be carried out and any associated access way is not in bush fire attack level-40 (BAL-40) or the flame zone (BAL-FZ), and
  - (c) the lot has direct access to a public road or a road vested in or maintained by the council, and
  - (d) the development is located within 200m of that road, and
  - (e) there is sufficient access designed in accordance with the acceptable solutions identified in clause 4.1.3 (2) of *Planning for Bush Fire*

*Protection* (ISBN 0 9751033 2 6) published by the NSW Rural Fire Service in December 2006, and

- (f) a reticulated water supply is connected to the lot, or a water supply with a 65mm metal Storz outlet with a gate or ball valve is provided for fire fighting purposes on the lot (the gate or ball valve, pipes and tank penetrations are to be designed to allow for a full 50mm inner diameter water flow through the Storz fitting and must be of a metal construction), and
- (g) the size of the non-reticulated water supply mentioned in paragraph (f) is:
  - (i) for a lot with an area no greater than 10,000m<sup>2</sup>—10,000L, and
  - (ii) for a lot with an area greater than 10,000m<sup>2</sup>—20,000L, and
- (h) reticulated or bottled gas on the lot is installed and maintained in accordance with AS/NZS 1596:2008, *The storage and handling of LP Gas* and the requirements of relevant authorities (metal piping must be used), and
- (i) all fixed gas cylinders on the lot are located at least 10m from flammable materials and are enclosed on the hazard side of the installation, and
- (j) any gas cylinders on the lot that are within 10m of a dwelling house:
  - (i) have the release valves directed away from the dwelling house, and
  - (ii) have metal connections to and from the cylinders, and
- (k) there are no polymer sheathed flexible gas supply lines to gas meters adjacent to the dwelling.

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

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

- (5) In this clause, ***bush fire prone land*** has the same meaning as it has in the *Environmental Planning and Assessment Act 1979*.

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

#### **46C Development standards for flood control lots**

- (1) Development to which this Division applies must not be carried out on any part of a flood control lot, other than a part of the lot that the council or a professional engineer who specialises in hydraulic engineering has certified, for the purposes of the issue of the relevant complying development certificate, as not being any of the following:
  - (a) a flood storage area,
  - (b) a floodway area,
  - (c) a flow path,

- (d) a high hazard area,
  - (e) a high risk area.
- (2) Development to which this Division applies that is carried out on any part of a flood control lot must comply with the following development standards:
- (a) if there is a minimum floor level adopted in a development control plan by the relevant council for the lot, the development must not cause any habitable room in the dwelling house or group home to have a floor level lower than that floor level,
  - (b) any part of the dwelling house or group home or any ancillary development that is erected at or below the flood planning level must be constructed of flood compatible material,
  - (c) any part of the dwelling house or group home and any ancillary development that is erected must be able to withstand the forces exerted during a flood by water, debris and buoyancy up to the flood planning level (or if an on-site refuge is provided on the lot, the probable maximum flood level),
  - (d) the development must not result in increased flooding elsewhere in the floodplain,
  - (e) the lot must have pedestrian and vehicular access to a readily accessible refuge at a level equal to or higher than the lowest habitable floor level of the dwelling house or group home,
  - (f) vehicular access to the dwelling house or group home must not be inundated by water to a level of more than 0.3m during a 1:100 ARI (average recurrent interval) flood event,
  - (g) the lot must not have any open car parking spaces or carports lower than the level of a 1:20 ARI (average recurrent interval) flood event.
- (3) The requirements under subclause (2) (c) and (d) are satisfied if a joint report by a professional engineer specialising in hydraulic engineering and a professional engineer specialising in civil engineering states that the requirements are satisfied.
- (4) A word or expression used in this clause has the same meaning as it has in the *Floodplain Development Manual*.
- (5) In this clause:
- flood compatible material*** means building materials and surface finishes capable of withstanding prolonged immersion in water.
- flood control lot*** means a lot to which flood related development controls apply in respect of development for the purposes of secondary dwellings or group homes.
- flood planning level*** means:
- (a) the flood planning level adopted by a local environmental plan applying to the lot, or
  - (b) if a flood planning level is not adopted by a local environmental plan applying to the lot, the flood planning level adopted in a development control plan by the relevant council for the lot.
- Floodplain Development Manual*** means the *Floodplain Development Manual* (ISBN 0 7347 5476 0) published by the NSW Government in April 2005.

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

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

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

**46D Development standards for land near Siding Spring Observatory**

- (1) This clause applies to development to which this Division applies that is to be carried out on land in the local government area of Coonamble, Gilgandra or Warrumbungle Shire or that part of the local government area of Dubbo Regional that was formerly in the City of Dubbo.
- (2) The development may be carried out only if it does not result in a dwelling house or group home on land in the local government area of:
  - (a) Coonamble, Gilgandra or Warrumbungle Shire or that part of the local government area of Dubbo Regional that was formerly in the City of Dubbo with an outside light fitting other than a shielded light fitting, or
  - (b) Coonamble, Gilgandra or Warrumbungle Shire with more than 7 shielded outside light fittings or more than 5 such light fittings that are not automatic light fittings.