

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

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New South Wales

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Contents

Part 1 General	43
Division 1 Preliminary	43
1.1 Name of Policy	43
1.2 Commencement	43
1.3 Aims of Policy	43
1.4 Land to which Policy applies	44
1.4A Development to which Policy does not apply	44
1.5 Interpretation—general	44
1.6 Interpretation—references to land use zones	60
1.7 Maps	63
1.8 Relationship with other State environmental planning policies	64
1.9 Relationship with local environmental plans and development control plans	65
1.10 Same development	66
1.11 (Repealed)	67
1.12 Variations to certain codes	67
1.13 Savings provisions	67
1.14 Review of Policy	68
Division 2 Exempt and complying development	68
1.15 What development is exempt development?	68
1.16 General requirements for exempt development	69
1.16A Exempt development on land within 18km of Siding Spring Observatory	70

1.17 What development is complying development?	71
1.17A Requirements for complying development for all environmental planning instruments	71
1.18 General requirements for complying development under this Policy	72
1.19 Land on which complying development may not be carried out	74
1.19A Land on which complying development may not be carried out—bush fire prone land	77
1.20 Suspension of covenants, agreements and instruments	78
Part 2 Exempt Development Codes	79
Note 1	79
Note 2	79
Division 1 General Exempt Development Code	79
Subdivision 1 Access ramps	79
2.1 Specified development	79
2.2 Development standards	80
Subdivision 2 Aerials, antennae and communication dishes	80
2.3 Specified development	80
2.4 Development standards	80
Subdivision 3 Air-conditioning units	82
2.5 Specified development	82
2.6 Development standards	82
Subdivision 3AA Ancillary take away food and drink outlets	83
2.6AA Specified development	84
2.6AB Development standards	84
Subdivision 3A Animal shelters	84
2.6A Specified development	84
2.6B Development standards	85
Subdivision 3B Automatic teller machines	86
2.6C Specified development	86
2.6D Development standards	86

Subdivision 4 Aviaries	86
2.7 Specified development	86
2.8 Development standards	86
Subdivision 5 Awnings, blinds and canopies	87
2.9 Specified development	87
2.10 Development standards	88
Subdivision 6 Balconies, decks, patios, pergolas, terraces and verandahs	88
2.11 Specified development	88
2.12 Development standards	88
Subdivision 7 Barbecues and other outdoor cooking structures	90
2.13 Specified development	90
2.14 Development standards	90
Subdivision 8 (Repealed)	90
Subdivision 8A Bollards	90
2.16A Specified development	90
2.16B Development standards	90
Subdivision 9 Cabanas, cubby houses, ferneries, garden sheds, gazebos and greenhouses	91
2.17 Specified development	91
2.18 Development standards	91
Subdivision 10 Carports	92
2.19 Specified development	92
2.20 Development standards	92
Subdivision 10A Change of use of premises	93
2.20A Specified development	93

2.20B Development standards	95
Subdivision 10B Change of use of places of public worship.....	97
2.20C Specified development.....	97
2.20D Development standards	97
Subdivision 10C Charity bins and recycling bins.....	97
2.20E Specified development.....	97
2.20F Development standards.....	97
Subdivision 11 Clothes hoists and clothes lines.....	98
2.21 Specified development	98
2.22 Development standards	98
Subdivision 12 Container recycling equipment.....	98
2.23 Specified development	98
2.23A Development in car parks	99
2.24 Development standards	99
Subdivision 13 Demolition	102
2.25 Specified development	102
2.26 Development standards	102
Subdivision 14 Driveways and hard stand spaces.....	102
2.27 Specified development	102
2.28 Development standards	103
Subdivision 15 Earthworks, retaining walls and structural support.....	104
2.29 Specified development	104
2.30 Development standards	104
Subdivision 15AA Emergency work and repairs.....	105
2.30AA Specified development.....	105
2.30AB Development standards	105
Subdivision 15AB Entertainment associated with existing premises	106
2.30AC Specified development.....	106

2.30AD Development standards.....	106
Subdivision 15A Evaporative cooling units (roof mounted).....	107
2.30A Specified development.....	107
2.30B Development standards	107
Subdivision 15B Farm buildings damaged by natural disasters	108
2.30C Specified development.....	108
2.30D Development standards	108
Subdivision 16 Farm buildings (other than stock holding yards, grain silos and grain bunkers)	
.....	109
2.31 Specified development.....	109
2.32 Development standards	109
Subdivision 16A Stock holding yards not used for sale of stock	111
2.32A Specified development.....	111
2.32B Development standards	112
Subdivision 16B Grain silos and grain bunkers	112
2.32C Specified development.....	112
2.32D Development standards—general.....	113
2.32E Development standards—grain silos	114
2.32F Development standards—grain bunkers.....	115
Subdivision 16C Farm experience premises	116
2.32G Specified development	116
2.32H Development standards	117
Subdivision 16D Farm gate premises.....	120
2.32I Specified development	120
2.32J Development standards	120
Subdivision 16E Farm stay accommodation	123
2.32K Specified development	123

2.32L Development standards—change of use to, or use of manufactured home for, farm stay accommodation	124
2.32M Development standards—change of use to residential accommodation	126
2.32N Development standards—use of land for campervans, caravans and temporary shelters	126
2.32O Development standards—decks, slabs and other platforms	128
Subdivision 17 Fences (certain residential zones and Zone RU5).....	129
2.33 Specified development	129
2.34 Development standards	129
Subdivision 17A Fences for swimming pools (certain residential zones and Zone RU5)	
.....	130
2.34A Specified development.....	130
2.34B Development standards	130
Subdivision 18 Fences (certain rural zones, environment protection zones and Zone R5)	
.....	130
2.35 Specified development	131
2.36 Development standards	131
Subdivision 19 Fences (business, employment, mixed use and industrial zones and Zones SP5 and W4)	
.....	132
2.37 Specified development	132
2.38 Development standards	132
Subdivision 19A (Repealed)	133
Subdivision 20 Flagpoles.....	133
2.39 Specified development	133
2.40 Development standards	133
Subdivision 20A Footpaths—outdoor dining	133
2.40A Specified development.....	133

2.40B Development standards	133
Subdivision 20B Outdoor dining—general.....	134
2.40C Specified development.....	134
2.40D Development standards	134
2.40E (Repealed)	135
Subdivision 20C Outdoor dining—registered clubs.....	135
2.40F Specified development	135
2.40G Development standards	136
2.40H (Repealed).....	136
Subdivision 21 Fowl and poultry houses.....	136
2.41 Specified development	136
2.42 Development standards	137
Subdivision 21AA Fuel tanks and gas storage.....	138
2.42AA Specified development.....	138
2.42AB Development standards	138
Subdivision 21A Garbage bin storage enclosure.....	139
2.42A Specified development.....	139
2.42B Development standards	139
Subdivision 21B (Repealed)	139
Subdivision 22 Home businesses, home industries and home occupations.....	139
2.43 Specified development	139
2.44 Development standards	139
Subdivision 23 (Repealed)	140
Subdivision 23A Hot water systems.....	140
2.46A Specified development.....	140
2.46B Development standards	140

Note 1.....	140
Note 2.....	140
Subdivision 23B Hours of operation and trading	141
2.46C Specified development.....	141
2.46D Development standards	141
Subdivision 24 Landscaping structures	141
2.47 Specified development	142
2.48 Development standards	142
Subdivision 25 Letterboxes.....	142
2.49 Specified development	142
2.50 Development standards	142
Subdivision 25A Maintenance of buildings in draft heritage conservation areas	142
2.50A Specified development.....	142
2.50B Development standards	143
Subdivision 26 Minor building alterations (internal)	143
2.51 Specified development	143
2.52 Development standards	144
Subdivision 27 Minor building alterations (external)	145
2.53 Specified development	145
2.54 Development standards	145
Subdivision 27A Mobile food and drink outlets.....	146
2.54A Specified development.....	146
2.54B Development standards	146
Subdivision 28 Pathways and paving	147
2.55 Specified development	147
2.56 Development standards	147

Subdivision 29 Playground equipment	148
2.57 Specified development	148
2.58 Development standards	148
Subdivision 30 Portable swimming pools and spas and child-resistant barriers	148
2.59 Specified development	149
2.60 Development standards	149
Subdivision 31 Privacy screens	149
2.61 Specified development	149
2.62 Development standards	149
Subdivision 32 Rainwater tanks (above ground)	150
2.63 Specified development	150
2.64 Development standards	150
Subdivision 33 Rainwater tanks (below ground)	151
2.65 Specified development	151
2.66 Development standards	151
Subdivision 33AA Roadside stalls	152
2.66AA Specified development	152
2.66AB Development standards	152
Subdivision 33A Roller shutter doors adjoining lanes	153
2.66A Specified development	153
2.66B Development standards	153
Subdivision 34 (Repealed)	153
Subdivision 35 Screen enclosures (of balconies, decks, patios, pergolas, terraces and verandahs)	153
2.69 Specified development	154

2.70 Development standards	154
Subdivision 35A Security measures for places of public worship	154
2.70A Specified development.....	155
2.70B Development standards	155
Subdivision 36 Shade structures of canvas, fabric, mesh or the like	155
2.71 Specified development.....	155
2.72 Development standards	155
Subdivision 36A Shipping containers (temporary installation and use for storage purposes following a natural disaster)	
.....	156
2.72A Specified development.....	156
2.72B Development standards	157
Subdivision 36B Shipping containers and portable offices (temporary installation and use for existing commercial and industrial purposes)	
.....	157
2.72C Specified development.....	157
2.72D Development standards	158
Subdivision 37 Skylights, roof windows and ventilators	159
2.73 Specified development	159
2.74 Development standards	159
Note.....	160
Subdivision 37A Stairway	160
2.74A Specified development.....	160
2.74B Development standards	160
Subdivision 37B Street library	160
2.74C Specified development.....	161
2.74D Development standards	161
Subdivision 38 Subdivision	161
2.75 Specified development	161

2.76 Development standards	162
Subdivision 39 Sculptures and artworks.....	162
2.77 Specified development	162
2.78 Development standards	162
Subdivision 39A (Repealed).....	163
Subdivision 39B Tennis courts.....	163
2.78C Specified development.....	163
2.78D Development standards.....	163
Subdivision 39C Waste storage containers	163
2.78E Specified development	163
2.78F Development standards.....	164
Subdivision 40 Water features and ponds	164
2.79 Specified development	164
2.80 Development standards	164
Subdivision 40A Waterways structures—minor alterations	164
2.80A Specified development.....	164
2.80B Development standards	165
Subdivision 41 Windmills	166
2.81 Specified development	166
2.82 Development standards	166
Division 2 Advertising and Signage Exempt Development Code	167
Subdivision 1 General requirements for advertising and signage.....	167
2.83 General requirements.....	167
Subdivision 2 Building identification signs.....	168
2.84 Specified development	168
2.85 Development standards	168
Subdivision 3 Wall signs	169

2.86 Specified development	169
2.87 Development standards	169
Subdivision 4 Fascia signs	170
2.88 Specified development	170
2.89 Development standards	170
Subdivision 5 Under awning signs	171
2.90 Specified development	171
2.91 Development standards	171
Subdivision 6 Top hamper signs	171
2.92 Specified development	171
2.93 Development standards	172
Subdivision 7 Window signs	172
2.94 Specified development	172
2.95 Development standards	172
Subdivision 8 Replacement of identification signs	173
2.96 Specified development	173
2.97 Development standards	173
Subdivision 9 Internal signs	173
2.98 Specified development	173
2.99 Development standards	173
Subdivision 10 Community notice and public information signs	173
2.100 Specified development	174
2.101 Development standards	174
Subdivision 11 Temporary event signs	174
2.102 Specified development	174
2.103 Development standards	174
Subdivision 12 Real estate signs	175
2.104 Specified development	175

2.105 Development standards	175
Subdivision 13 Election signs	176
2.106 Specified development	176
2.107 Development standards	177
Subdivision 14 Agritourism signs	177
2.107A Specified development.....	178
2.107B Development standards	178
Division 3 Temporary Uses and Structures Exempt Development Code	
.....	179
Subdivision 1 General requirements for temporary uses and structures	
.....	179
2.108 General requirements.....	179
Subdivision 2 Scaffolding, hoardings and temporary construction site fences	
.....	180
2.109 Specified development	180
2.110 Development standards	180
Subdivision 3 Temporary builders' structures	180
2.111 Specified development	180
2.112 Development standards	181
Subdivision 4 Filming	181
2.113 Specified development	181
2.114 Development standards	181
Subdivision 5 Temporary structures and alterations or additions to buildings for filming purposes	
.....	183
2.115 Specified development	183
2.116 Development standards	183

Subdivision 6 Tents or marquees used for filming purposes and private functions	184
2.117 Specified development	184
2.118 Development standards	184
Subdivision 7 Tents, marquees or booths for community events	186
2.119 Specified development	186
2.120 Development standards	186
Subdivision 8 Stages or platforms for private functions	187
2.121 Specified development	187
2.122 Development standards	187
Subdivision 9 Stages or platforms for community events	188
2.123 Specified development	188
2.124 Development standards	188
Subdivision 10 Major events sites—additional temporary development	
2.125 Specified development	189
2.126 Development standards	190
Subdivision 11 Sydney Cricket Ground—additional temporary development	
2.127 Specified development	191
2.128 Development standards	191
Subdivision 12 Trading hours—temporary extensions for Christmas	191
2.129 Specified development	192
2.130 Development standards	192
Subdivision 13 Trading hours—temporary extension for licensed premises	
.....	192

2.131 Specified development—extended trading hours of licensed premises generally	192
2.131A (Repealed)	192
2.131B Specified development—extended trading hours on new year's eve for licensed premises across the State	192
2.132 Development standards	193
Subdivision 14 (Repealed)	193
Division 4 (Repealed)	193
Part 2A (Repealed)	193
Part 3 Housing Code	193
Note 1	193
Note 2	194
Note 3	194
Division 1 Requirements for complying development under this code	194
3.1 Development that is complying development under this code	194
3.2 Development that is not complying development under this code	196
3.3 Determining lot type	197
Division 2 General standards relating to land type	199
3.4 Complying development on bush fire prone land	200
3.5 Complying development on flood control lots	201
3.6 (Repealed)	202
Division 3 Development standards for dwelling houses and attached development	202
Subdivision 1 Application of Division	202
3.7 Application of Division	202
Subdivision 2 Built form development standards for dwelling houses and attached development	202

3.8 Maximum building height	202
3.9 Maximum gross floor area of all buildings	203
3.10 Minimum setbacks and maximum height and length of boundary walls	204
3.11 Exceptions to setbacks	214
3.12 Other development standards for balconies, decks, patios, terraces and verandahs attached to side or rear of dwelling house—general	215
3.12A Other development standards for balconies, decks, patios, terraces and verandahs attached to side or rear of dwelling house—small lots	216
Subdivision 3 Landscape development standards for dwelling houses and attached development	217
3.13 Minimum landscaped area.....	217
Subdivision 4 Amenity development standards for dwelling houses and attached development	219
3.14 Building design	219
3.15 Privacy screens for windows and certain attached development	222
3.16 Car parking and vehicle access requirements	223
Division 4 Development standards for detached development	226
Subdivision 1 Application of Division	226
3.17 Application of Division	226
Subdivision 2 Built form development standards for detached development (other than swimming pools and fences)	226
3.18 Maximum height.....	227
3.19 Maximum gross floor area of all buildings on lot	227
3.20 Maximum gross floor area of certain detached development.....	228
3.21 Minimum setbacks and maximum height and length of built to boundary walls.....	229
3.22 Heritage conservation areas.....	234
3.23 Other development standards for detached garages and carports	235

3.24 Other development standards for detached decks, patios, pergolas, terraces and verandahs	237
3.25 Other development standards for detached studios	238
3.26 Exceptions to setbacks	240
Subdivision 3 Landscape development standards for detached development (other than fences and child-resistant barriers)	
.....	242
3.27 Minimum landscaped area.....	242
Subdivision 4 Built form development standards for swimming pools, fences and child-resistant barriers	
.....	244
3.28 Development standards for swimming pools.....	244
3.29 Development standards for fences.....	245
Division 5 Development standards for associated works including earthworks, retaining walls, drainage, protection of walls, protection of trees and conditions under complying development certificates	
.....	246
3.30 Earthworks, retaining walls and structural support	247
3.31 Drainage.....	248
3.32 Protecting adjoining walls.....	249
3.33 Setbacks of dwelling houses, attached development and detached development from protected trees	249
3.34 Conditions applying to complying development certificates under this code.....	250
Part 3A Rural Housing Code.....	250
Note 1.....	250
Note 2.....	250
Note 3.....	250
Division 1 Development that is complying development under this code	
.....	250
3A.1 Land to which code applies	250
3A.1A Development that is not complying development under this code	251
3A.2 New single storey and two storey dwelling houses	251
3A.2A Calculating number of storeys	251

3A.3 Alterations or additions to existing single storey and two storey dwelling houses	251
3A.4 Roof terraces excluded	251
3A.5 Ancillary development.....	252
3A.6 Calculating lot area and determining lot type	252
Division 2 Removal or pruning of trees.....	252
3A.7 When separate permits are not required under this Part.....	252
Division 3 Development standards for this code.....	253
Subdivision 1 Application	253
3A.8 Application of development standards	253
Subdivision 2 Site requirements	253
3A.9 Lot requirements and building envelope	253
3A.10 Maximum site coverage of all development.....	253
3A.11 Maximum floor area for new dwelling houses	253
3A.12 Maximum floor area for new outbuildings	253
3A.13 Setbacks and maximum floor area for balconies, decks, patios, terraces and verandahs	254
Subdivision 3 Building heights and setbacks	254
3A.14 Maximum heights of dwelling houses and outbuildings	254
3A.15 Setbacks of dwelling houses and ancillary development from roads	255
3A.16 Setbacks of dwelling houses from side boundaries	256
3A.17 Setbacks of dwelling houses from rear boundaries	256
3A.18 Setbacks of outbuildings from side and rear boundaries.....	256
3A.19 Exceptions to setbacks.....	257
3A.20 Calculating setbacks	258
3A.21 Building articulation	258
3A.22 Building elements within the articulation zone to a primary road	258
3A.23 Privacy.....	259
Subdivision 4 Landscaping	260
3A.24 Landscaped area	260
3A.24A Setbacks of dwelling houses and ancillary development from protected trees	260
3A.25 Principal private open space	261

Subdivision 5 Car parking and access	261
3A.26 Car parking requirements.....	261
3A.27 Garages, carports and car parking spaces	261
3A.28 Vehicle access	262
Subdivision 6 Earthworks and drainage	262
3A.29 Earthworks, retaining walls and structural support	262
3A.30, 3A.31 (Repealed).....	263
3A.32 Drainage.....	263
Subdivision 7 Ancillary development	264
3A.33 Swimming pools	264
3A.33A Development standards for detached studios.....	265
3A.34, 3A.35 (Repealed).....	265
Subdivision 8 Outbuildings	266
3A.36 Development standards for outbuildings in heritage conservation areas	266
Subdivision 9 Development standards for particular land	266
3A.37 Development standards for bush fire prone land	266
3A.38 Complying development on flood control lots	267
3A.38A (Repealed).....	268
Division 4 Conditions applying to complying development certificates under this code	268
3A.39 Conditions specified in Schedule 6 apply	269
3A.40-3A.48	269
Part 3B Low Rise Housing Diversity Code.....	269
Note 1.....	269
Note 2	269
Division 1A Manor houses permitted in certain land use zones	269
3B.1A Development for the purposes of manor houses	269

Division 1 Requirements for complying development under this code	269
3B.1 Development that can be complying development under this code	269
3B.2 Development that is not complying development under this code	270
3B.3 Determining lot type	271
3B.4 Complying development on bush fire prone land	272
3B.5 Complying development on flood control lots	273
3B.6 Development standards for land near Siding Spring Observatory	275
Division 2 Development standards for certain dual occupancies and attached development	
.....	275
Subdivision 1 Application of Division	275
3B.7 Application of Division	275
Subdivision 2 Built form development standards	275
3B.8 Lot requirements	275
3B.9 Maximum building height.....	276
3B.10 Maximum gross floor area of all buildings	276
3B.11 Minimum setbacks and maximum height and length of boundary walls.....	277
3B.12 Exceptions to setbacks.....	282
3B.13 Dwelling configuration on lot.....	283
3B.14 Other development standards for new balconies, decks, patios, terraces and verandahs attached to side or rear of dual occupancy	
.....	284
Subdivision 3 Landscape development standards	285
3B.15 Minimum landscaped area	285
Subdivision 4 Amenity development standards	287
3B.16 Primary and secondary road articulation zones	287
3B.17 Privacy screens for windows and certain attached development.....	288
3B.18 Car parking and vehicle access requirements	290
3B.19 Building design.....	292

Division 3 Development standards for manor houses, certain dual occupancies and attached development	292
Subdivision 1 Application of Division	292
3B.20 Application of Division	292
Subdivision 2 Built form development standards	293
3B.21 Lot requirements	293
3B.22 Maximum building height.....	294
3B.23 Maximum gross floor area of all buildings	294
3B.24 Minimum setbacks and maximum height and length of boundary walls.....	294
3B.25 Exceptions to setbacks.....	299
3B.26 Other development standards for new balconies, decks, patios, terraces and verandahs attached to side or rear of dual occupancy or manor house	300
3B.26A Other standards for manor houses.....	301
Subdivision 3 Landscape development standards	301
3B.27 Minimum landscaped area	301
Subdivision 4 Amenity development standards	303
3B.28 Primary road articulation zone	303
3B.29 Privacy screens for windows and certain attached development.....	303
3B.30 Car parking and vehicle access requirements	305
3B.31 Building design.....	307
Division 4 Development standards for multi dwelling housing (terraces) and attached development	307
Subdivision 1 Application of Division	307
3B.32 Application of Division	307
Subdivision 2 Built form development standards	308
3B.33 Lot requirements	308
3B.34 Maximum building height.....	309

3B.35 Maximum gross floor area of all buildings	309
3B.36 Minimum setbacks and maximum height and length of boundary walls.....	309
3B.37 Exceptions to setbacks.....	313
3B.38 Dwelling configuration on lot.....	315
3B.39 Other development standards for new attached side or rear balconies, decks, patios, terraces or verandahs	315
.....	315
Subdivision 3 Landscape development standards	316
3B.40 Minimum landscaped area	316
Subdivision 4 Amenity development standards.....	317
3B.41 Primary and secondary road articulation zones	317
3B.42 Privacy screens for windows and certain attached development.....	319
3B.43 Car parking and vehicle access requirements.....	321
3B.44 Building design.....	322
Division 5 Development standards for detached development.....	322
Subdivision 1 Application of Division	322
3B.45 Application of Division	322
Subdivision 2 Built form development standards for detached development (other than swimming pools and fences)	
.....	322
3B.46 Lot requirements	322
3B.47 Maximum height	322
3B.48 Maximum gross floor area of certain detached development	323
3B.49 Minimum setbacks and maximum height and length of built to boundary walls.....	324
3B.50 Other development standards for detached garages and carports	327
3B.51 Other development standards for detached decks, patios, pergolas, terraces and verandahs	329
.....	329
3B.52 Other development standards for detached studios	329
3B.53 Other development standards for detached cabanas, cubby houses, ferneries, garden sheds, gazebo greenhouses, rainwater tanks, shade structures or sheds	331
.....	331
3B.54 Exceptions to setbacks.....	332

Subdivision 3 Landscape development standards for detached development (other than fences and child-resistant barriers)	333
3B.55 Minimum landscaped area	334
Subdivision 4 Built form development standards for swimming pools and fences	334
3B.56 Development standards for swimming pools	334
3B.57 Development standards for fences.....	335
Division 6 Development standards for associated works including earthworks, retaining walls, drainage, protection of walls, protection of trees and conditions under complying development certificates	336
3B.58 Earthworks, retaining walls and structural support	336
3B.59 Drainage.....	339
3B.60 Protecting adjoining walls.....	339
3B.61 Setbacks of dual occupancies, manor houses, multi dwelling housing (terraces), attached development and detached development from protected trees	339
Division 7 Miscellaneous	340
3B.62 Conditions specified in Schedule 6A apply	340
3B.63 Deferred application of Part to land in certain local government areas.....	340
3BA Pattern Book Development Code	341
Division 1 Preliminary	341
3BA.1 Interpretation	341
3BA.2 Application of part.....	341
Division 2 Requirements for complying development under this code	341
3BA.3 Development that is complying development under this code	341
3BA.4 Torrens title subdivision of land	343
3BA.5 Strata subdivision of land.....	344
3BA.6 Development that is not complying development under this code	344

3BA.7 Development standards for land near Siding Spring Observatory.....	345
Division 3 Development standards for associated works, including earthworks, retaining walls, drainage, protection of walls, protection of trees and conditions under complying development certificates	
.....	345
3BA.8 Earthworks, retaining walls and structural support	345
3BA.9 Drainage	347
3BA.10 Protecting adjoining walls.....	348
3BA.11 Setbacks from protected trees	348
3BA.12 Conditions specified in Schedule 6A and 6B apply	348
Division 4 Landcom site	349
3BA.13 Application of division	349
3BA.14 Complying development at Landcom site	349
Part 3C Greenfield Housing Code	349
Note 1.....	349
Note 2.....	349
Note 3.....	349
Division 1 Requirements for complying development under this code	350
3C.1 Land to which this code applies	350
3C.2 Development that is complying development under this code	350
3C.3 Development that is not complying development under this code	352
3C.4 Determining lot type	353
Division 2 General standards relating to land type	355
3C.5 Complying development on bush fire prone land.....	355
3C.6 Complying development on flood control lots	356
3C.7 Development standards for land near Siding Spring Observatory.....	358
Division 3 Development standards for dwelling houses and attached development	
.....	358
Subdivision 1 Application of Division	358

3C.8 Application of Division	358
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Subdivision 2 Built form development standards for dwelling houses and attached development

.....	358
3C.9 Maximum building height.....	358
3C.10 Maximum gross floor area of all buildings	359
3C.11 Minimum setbacks and maximum height and length of boundary walls.....	360
3C.12 Exceptions to setbacks.....	367
3C.13 Other development standards for attached garages.....	368
3C.14 Other development standards for balconies, decks, patios, terraces and verandahs attached to side or rear of dwelling house—general	369
.....	370
3C.14A Other development standards for balconies, decks, patios, terraces and verandahs attached to side rear of dwelling house—small lots	370

Subdivision 3 Landscape development standards for dwelling houses and attached development

.....	371
3C.15 Minimum landscaped area	371

Subdivision 4 Amenity development standards for dwelling houses and attached development

.....	372
3C.16 Building design.....	372
3C.17 Windows, doors and openings	375
3C.18 Privacy screens for windows and certain attached development.....	375
3C.19 Car parking and vehicle access requirements	377

Division 4 Development standards for detached development	379
--	-----

Subdivision 1 Application of Division	379
3C.20 Application of Division	379

Subdivision 2 Built form development standards for detached development (other than swimming pools and fences)

.....	379
-------	-----

3C.21 Maximum height	379
3C.22 Maximum gross floor area of all buildings on lot	379
3C.23 Maximum gross floor area of certain detached development	380
3C.24 Minimum setbacks and maximum height and length of built to boundary walls	381
3C.25 Heritage conservation areas	386
3C.26 Other development standards for detached garages and carports	386
3C.27 Other development standards for detached decks, patios, pergolas, terraces and verandahs	389
3C.28 Other development standards for detached studios	389
3C.29 Exceptions to setbacks	392

Subdivision 3 Landscape development standards for detached development (other than fences and child-resistant barriers)

.....	393
3C.30 Minimum landscaped area	393

Subdivision 4 Built form development standards for swimming pools, fences and child-resistant barriers

.....	395
3C.31 Development standards for swimming pools	395
3C.32 Development standards for fences	396

Division 5 Development standards for associated works including earthworks, retaining walls, drainage, protection of walls, protection of trees and conditions under complying development certificates

.....	397
3C.33 Earthworks, retaining walls and structural support	397
3C.34 Drainage	399
3C.35 Protecting adjoining walls	399
3C.36 Setbacks of dwelling houses, attached development and detached development from protected tree:	399

Division 6 Conditions applying to complying development certificates under this code

.....	400
3C.37 Conditions specified in this clause and Schedule 6 apply	400

Part 3D Inland Code	403
Note 1	403
Note 2	403
Note 3	403
Division 1 Application of code	403
3D.1 Land to which code applies	403
3D.2 (Repealed)	403
Division 2 Requirements for complying development under this code	403
3D.3 Development that is complying development under this code	404
3D.4 Development that is not complying development under this code	406
3D.5 Determining lot type	407
3D.6 Complying development on bush fire prone land	409
3D.7 Complying development on flood control lots	411
3D.8 Development standards for land near Siding Spring Observatory	412
Division 3 Development standards—dwelling houses and attached development in Zones RU1, RU2, RU3, RU4 and RU6	
Subdivision 1 Application of Division	412
3D.9 Application of Division	412
Subdivision 2 Built form development standards for dwelling houses and attached development	
3D.10 Lot requirements	413
3D.11 Maximum building height and siting of development	413
3D.12 Minimum setbacks	415
3D.13 Setbacks from certain adjoining land	417
3D.14 Exceptions to setbacks	418
3D.15 Vehicle access	419
3D.16 Other development standards for attached balconies, decks, patios, pergolas terraces and verandahs	420

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

.....	420
Subdivision 1 Application of Division	420
3D.17 Application of Division.....	420
Subdivision 2 Built form development standards for dwelling houses and attached development	
.....	420
3D.18 Lot requirements.....	420
3D.19 Maximum building height.....	421
3D.20 Maximum gross floor area of all buildings.....	421
3D.21 Minimum setbacks and maximum height and length of built to boundary walls	423
3D.22 Exceptions to setbacks	433
3D.23 Other development standards for balconies, decks, patios, pergolas terraces and verandahs attached to side or rear of dwelling house	
.....	435
Subdivision 3 Landscape development standards for dwelling houses and attached development	
.....	436
3D.24 Minimum landscaped area	436
Subdivision 4 Amenity development standards for dwelling houses and attached development	
.....	437
3D.25 Building design.....	437
3D.26 Privacy screens for windows and certain attached development.....	441
3D.27 Car parking, vehicle access and garage requirements.....	443
Division 5 Development standards—dwelling houses and attached development in Zone R5	
.....	445
Subdivision 1 Application of Division	446
3D.28 Application of Division.....	446

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

.....	446
3D.29 Lot requirements	446
3D.30 Maximum building height and siting of development	446
3D.31 Maximum gross floor area of all buildings.....	448
3D.32 Minimum setbacks	449
3D.33 Exceptions to setbacks	457
3D.34 Other development standards for balconies, decks, patios, pergolas, terraces and verandahs attached to side or rear of dwelling house	
.....	459

Subdivision 3 Landscape development standards for dwelling houses and attached development

.....	460
3D.35 Landscaped area.....	460

Subdivision 4 Amenity development standards for dwelling houses and attached development

.....	461
3D.36 Building design.....	461
3D.37 Privacy screens for windows and certain attached development.....	462

Subdivision 5 Car parking and access

3D.38 Car parking, vehicle access and garage requirements.....	464
--	-----

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

.....	467
-------	-----

Subdivision 1 Application of Division

3D.39 Application of Division.....	468
------------------------------------	-----

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

.....	468
3D.40 Lot requirements	468

3D.41 Maximum height	469
3D.42 Maximum gross floor area of all buildings on lot.....	469
3D.43 Maximum floor area of certain detached development.....	470
3D.44 Minimum setbacks and maximum height and length of built to boundary walls	471
3D.45 Heritage conservation areas	476
3D.46 Other development standards for detached garages and carports.....	476
3D.47 Other development standards for detached balconies, decks, patios, pergolas, terraces and verandahs	479
3D.48 Other development standards for detached studios	479
3D.49 Exceptions to setbacks	483
Subdivision 3 Landscape development standards for detached development (other than fences and child-resistant barriers) in Zones R1, R2, R3, R4, R5 and RU5	
.....	485
3D.50 Application of Subdivision	485
3D.51 Minimum landscaped area	485
Subdivision 4 Built form development standards for swimming pools and fences	
.....	485
3D.52 Development standards for swimming pools	485
3D.53 Development standards for fences in Zones R1, R2, R3, R4 and RU5.....	487
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	
.....	488
Subdivision 1 Preliminary	488
3D.54 Application of Division.....	488
3D.55 Definition	488
Subdivision 2 Built form development standards	489
3D.56 Maximum height and siting of development.....	489
3D.57 Maximum footprint.....	490

3D.58 Maximum footprint of all farm buildings on landholding area	491
3D.59 Minimum setbacks	491
3D.60 Additional development standards.....	494
Division 8 Development standards for associated works including earthworks, retaining walls, drainage, protection of walls and protection of trees	
.....	495
3D.61 Earthworks, retaining walls and structural support.....	495
3D.62 Drainage	497
3D.63 Protecting adjoining walls	497
3D.64 Setbacks of dwelling houses, attached development and detached development from protected tree	498
Division 9 Conditions applying to complying development certificates under this code	
.....	499
3D.65 Conditions specified in Schedule 6 apply	499
Part 4 Housing Alterations Code	499
Note.....	499
Division 1 Specified development and development standards under this code	
.....	499
Subdivision 1 Internal alterations	499
4.1 Specified development	499
4.2 Development standards	499
Subdivision 2 External alterations to existing dwelling houses and ancillary development	
.....	500
4.3 Specified development	500
4.4 Development standards	500

Subdivision 2A External alterations to residential accommodation other than dwelling houses and ancillary development	501
4.4A Specified development	502
4.4B Development standards	502
Subdivision 3 Attic conversions	503
4.5 Specified development	503
4.6 Development standards	503
Subdivision 3A Development standards for particular land	503
4.6A Development standards for bush fire prone land	504
4.6B Development standards for land near Siding Spring Observatory	504
Division 1A (Repealed)	504
Division 2 Conditions applying to complying development certificates under this code	
4.7 Conditions specified in Schedule 7 apply	504
4.8–4.11 (Repealed)	504
Part 4A General Development Code	505
Note.....	505
Division 1 Specified development and development standards under this code	
4A.1 Specified development	505
4A.2 Development standards	505
Subdivision 1 Bed and breakfast accommodation	505
4A.3 Specified development	506
4A.4 Development standards	506

Subdivision 3 Tents, marquees or booths for community events	506
4A.5 Specified development	506
4A.6 Development standards	507
Subdivision 4 Stages or platforms for community events	508
4A.7 Specified development	508
4A.8 Development standards	509
Subdivision 5 Sydney Olympic Park—major events	509
4A.9 Specified development	509
4A.10 Development standards	510
Subdivision 6 Waterways structures	510
4A.11 Specified development	510
4A.12 Development standards	510
Division 2 Conditions applying to complying development certificates under this code	
4A.13 Conditions specified in Schedule 7 apply	511
Part 5 Industrial and Business Alterations Code	511
Note 1	511
Note 2	511
Note 3	511
Division 1 Specified development and development standards under this code	
	511
Subdivision 1 Building alterations (internal)	511
5.1 Specified development	511
5.2 Development standards	512
Subdivisions 2, 3 (Repealed)	513
Subdivision 4 Mechanical ventilation systems	513

5.7 Specified development	513
5.8 Development standards	513
Subdivision 5 Shop fronts and awnings.....	514
5.9 Specified development	514
5.10 Development standards	514
Subdivision 6 Skylights and roof windows.....	515
5.11 Specified development	515
5.12 Development standards	515
Subdivision 7 Projecting wall signs.....	515
5.13 Specified development	515
5.14 Development standards	516
Subdivision 8 Freestanding pylon and directory board signs.....	517
5.15 Specified development	517
5.16 Development standards	517
Subdivision 9 Ancillary development	518
5.17 Specified development	518
5.18 Development standards	518
Subdivision 10 Earthworks, retaining walls and structural support.....	519
5.19 Specified development	519
5.20 Development standards	519
Subdivision 11 Driveways, hard stand spaces, pathways and paving	520
5.21 Specified development	520
5.22 Development standards	521
Subdivision 11A Click and collect bays, drive through facilities and goods collection lockers	521
5.22A Specified development	521
5.22B Development standards	522

Subdivision 12 Fences	523
5.23 Specified development	523
5.24 Development standards	523
Subdivision 13 Development standards for land near Siding Spring Observatory	523
5.24A Specified development	523
5.24B Development standards	523
Division 2 Conditions applying to complying development certificates under this code	524
5.25 Conditions specified in Schedule 8 apply	524
Part 5A Industrial and Business Buildings Code	524
Note 1	524
Note 2	524
Division 1 General	524
5A.1 Interpretation	524
5A.2 Meaning of “specified purpose”	525
5A.3 Development specified for this code	526
5A.4 Development standards	526
5A.5 Complying development certificates	527
5A.6 Change of use of premises	527
5A.6A Certain development on Cockle Creek Smelter and Incitec site excluded from code	527
5A.6AA Internal alterations	527
Division 1A Development standards for both industrial and business zones	527
5A.6B Development standards—general	528
5A.6C Miscellaneous development standards for particular specified purposes	528
5A.6D Maximum gross floor area for particular specified purposes	529
5A.6E Bunding	529

5A.6F Car parking and access	530
5A.6G Loading facilities and driveways	531
5A.6H Earthworks	531
5A.6I Drainage.....	532
5A.6J Development standards for bush fire prone land	533
5A.6K Complying development on flood control lots	534
5A.6L Development standards for land near Siding Spring Observatory	535
5A.6M Development standard for development involving awnings.....	535
5A.6N Garbage and waste storage	536
Division 2 Development standards for industrial zones only.....	536
Subdivision 1 Site requirements	536
5A.7 Maximum gross floor area	536
5A.8 Maximum floor space ratio	537
Subdivisions 2, 3 (Repealed).....	537
Subdivision 4 Building heights and setbacks	537
5A.9 Maximum building height.....	537
5A.10 Setbacks of development from roads	537
5A.11 Setbacks of development from side and rear boundaries	538
Subdivision 5 Building and site design requirements	539
5A.12 Front facade material finishes for new buildings	539
5A.13 Building elements within the articulation zone for new buildings	539
5A.14 (Renumbered as cl 5A.23D).....	540
5A.15 Caretakers' flats	540
5A.16 Landscaped area	540
Division 3 Development standards for business zones only	541
Subdivision 1 (Repealed).....	541
Subdivision 2 General.....	541
5A.18 General standards	541

Subdivision 3 Site requirements	542
5A.19 Maximum gross floor area	542
5A.20 Maximum floor space ratio	542
5A.20A Landscaped area	542
5A.20B Site coverage and landscaped areas	543
Subdivision 4 Building heights and setbacks	544
5A.21 Maximum height	544
5A.22 Setbacks	544
5A.23 Privacy	545
Division 4	545
Division 5 (Repealed)	546
Part 5B Container Recycling Facilities Code	546
Note	546
Division 1 Preliminary	546
5B.1 Definitions	546
Division 2 Development that is complying development under this code	547
5B.2 Development to which code applies	548
5B.3 Specified development	548
Division 3 Development standards for this code	549
5B.4 Application of development standards	549
5B.5 Application of standards under Industrial and Business Buildings Code	549
5B.6 Development standards for container recycling facilities	549
Division 4 Conditions applying to complying development certificates under this code	551
5B.7 Conditions specified in Schedule 8 apply	551
Part 6 Subdivisions Code	551

Note.....	551
Division 1 Strata subdivision.....	551
6.1 Specified development	551
6.2 Development standards	551
Division 2 Torrens subdivision.....	552
6.3 Specified development.....	552
6.4 Development standards	553
Division 3 Subdivision certificates.....	554
6.5 Issue of certificate by accredited certifier	554
Division 4 Conditions applying to complying development certificates under this code	
.....	554
6.6 Conditions specified in Schedule 6B apply	554
Part 7 Demolition Code.....	554
Note.....	554
Division 1 Specified development and development standards under this code	
.....	554
7.1 Specified development.....	554
7.2 Development standards	555
Division 2 Conditions applying to complying development certificates under this code	
.....	556
7.3 Conditions specified in Schedule 9 apply	556
7.4, 7.5 (Repealed)	557
7.6 (Repealed)	557
7.7 (Repealed)	557
7.8–7.11 (Repealed)	557
Part 8 Fire Safety Code.....	557

Division 1 Development that is complying development under this code	557
8.1 Definitions	557
8.2 Specified development	557
Division 2 Development standards for this code	558
Subdivision 1 General development standards.....	558
8.3 Development standards	558
Subdivision 2 Water storage tanks.....	559
8.4 Development standards	559
Subdivision 3 Fixed on-site fire pump sets and associated external pump houses or enclosures	560
8.5 Development standards	560
Subdivision 4 Fire mains, pipes and booster connections	561
8.6 Development standards	561
Subdivision 5 Fire alarm communication link works	562
8.7 Development standards	562
Division 3 Conditions applying to complying development certificates under this code	562
8.8 Conditions specified in Schedule 10 apply	562
Part 9 Agritourism and Farm Stay Accommodation Code	562
Division 1 Preliminary	562
9.1 Definition	562
Division 2 General requirements for complying development under this code	562

9.2 Complying development on flood control lots	563
9.3 Development standards for land near Siding Spring Observatory.....	564
9.3A Development on landslide risk land	564
Division 3 Farm experience premises and farm gate premises	564
9.4 Specified development.....	564
9.5 General development standards	564
9.6 Additional development standard for change of use	566
9.7 Additional development standards for erection or alteration of, or additions to, buildings	566
Division 4 Farm stay accommodation.....	567
9.8 Specified development.....	567
9.9 Complying development on bush fire prone land	567
9.10 General development standards	568
9.11 Additional development standards for change of use to farm stay accommodation	569
9.12 Additional development standard for change of use of farm stay accommodation	570
9.13 Additional development standards for erection of buildings or alteration of, or additions to, buildings or manufactured homes	570
Division 5 Conditions applying to complying development certificates under this code	572
9.14 Conditions specified in Schedule 11 apply	573
Schedule 1 (Repealed)	573
Schedule 2 Exempt development codes—variations	573
Schedule 3 Complying development codes—variations	574
Schedule 4 Land excluded from the General Exempt Development Code	597
Schedule 5 Land excluded from the Housing Code, Inland Code or Low Rise Housing Diversity Code	598

Schedule 6 Conditions applying to complying development certificates under certain complying development codes	600
Schedule 6A Conditions applying to complying development certificates under the Low Rise Housing Diversity Code	606
Schedule 6B Conditions applying to complying development certificates under the Subdivisions Code	615
Schedule 7 Conditions applying to complying development certificates under Housing Alterations Code and General Development Code	616
Schedule 8 Conditions applying to complying development certificates under the Industrial and Business Alterations Code, the Industrial and Business Buildings Code and the Container Recycling Facilities Code	618
Schedule 9 Conditions applying to complying development certificates under the Demolition Code	627
Schedule 10 Conditions applying to complying development certificates under the Fire Safety Code	631
Schedule 11 Conditions applying to complying development certificates under the Agritourism and Farm Stay Accommodation Code	635

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



New South Wales

Part 1 General

Division 1 Preliminary

1.1 Name of Policy

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

1.2 Commencement

This Policy commences on 27 February 2009.

1.3 Aims of Policy

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

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

1.4 Land to which Policy applies

- (1) This Policy applies to the State, except as provided by this clause.
- (2) This Policy does not apply to land—
 - (a) to which *State Environmental Planning Policy (Precincts—Regional) 2021*, Chapter 4 applies, and
 - (b) to which *State Environmental Planning Policy (Precincts—Western Parkland City) 2021*, Chapter 7 applies, and
 - (c) that is less than 18 kilometres from the Siding Spring Observatory, except as provided by clause 1.16A, and
 - (d) identified as “Asbestos Encapsulation Area” on the *Asbestos Encapsulation Area Map*.
- (3), (4) (Repealed)

1.4A Development to which Policy does not apply

This Policy does not apply to development to which *State Environmental Planning Policy (Housing) 2021*, Chapter 2, Part 3 applies.

1.5 Interpretation—general

- (1) In this Policy—

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

Advertising and Signage Exempt Development Code means the code for exempt development set out in Division 2 of Part 2.

Agritourism and Farm Stay Accommodation Code means the code for complying development set out in Part 9.

Agritourism and Farm Stay Accommodation Exempt and Complying Development Map means the *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 Agritourism and Farm Stay Accommodation Exempt and Complying Development Map*.

ancillary development, in Parts 1, 2, 3A and 4, means any of the following that are not exempt development under this Policy—

- (a) access ramp,
- (b) awning, blind or canopy,

- (c) balcony, deck, patio, pergola, terrace or verandah that is attached to a dwelling house,
- (d) basement,
- (e) carport that is attached to a dwelling house,
- (f) detached studio,
- (g) driveway, hard stand space, pathway or paving,
- (h) fence or screen,
- (i) garage that is attached to a dwelling house,
- (j) outbuilding,
- (k) rainwater tank that is attached to a dwelling house,
- (l) retaining wall,
- (m) swimming pool or spa pool and child-resistant barrier.

ancillary development, in Parts 5 and 5A, means any of the following that are not exempt development under this Policy—

- (a) access ramp,
- (b) awning, blind or canopy,
- (c) carport,
- (d) driveway, hard stand space, pathway or paving,
- (e) earthworks, retaining wall and structural support,
- (f) fence or screen,
- (g) garbage bin store enclosure,
- (h) landscaping,
- (i) loading dock,
- (j) pergola,
- (k) rainwater tank (above ground),
- (l) rainwater tank (below ground),
- (m) roller shutter door,

- (n) shed,
- (o) storage enclosure.

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

annexe has the same meaning as in the *Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021*.

articulation zone means an area of a lot forward of the building line within which building elements are permitted to be located, being an area measured from—

- (a) one side boundary of the lot to the opposite side boundary of the lot, or
- (b) if the lot is a corner lot—the secondary road boundary of the lot to the boundary opposite the secondary road boundary.

Asbestos Encapsulation Area Map means the *Byron Local Environmental Plan 2014 Asbestos Encapsulation Area Map*.

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

attached development means any of the following, if it is situated not more than 900mm from a building that is residential accommodation to which it relates and is not exempt development for the purposes of this Policy—

- (a) access ramp,
- (b) awning, blind or canopy,
- (c) balcony, deck, patio, pergola, terrace or verandah,
- (d) basement,
- (e) cabana, cubby house, fernery, garden shed, gazebo or greenhouse,
- (f) carport,
- (g) driveway,
- (h) garage or hard stand space,
- (i) pathway or paving,
- (j) rainwater tank,
- (k) retaining wall,

(I) shed.

automatic light fitting means a light fitting that is activated by a sensor and switches off automatically after a period of time.

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

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

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

building line means the line of the existing or proposed external wall of a building (other than any ancillary development, attached development or detached development) closest to the property boundary adjacent to—

- (a) the primary road of the lot, or
- (b) in the case of a battle-axe lot, the rear boundary of the dwelling house on the lot in front of the battle-axe lot, or
- (c) any other stated boundary of the lot.

bush fire attack level-40 (BAL-40) has the same meaning as it has in AS 3959:2018, *Construction of buildings in bushfire-prone areas*.

campervan has the same meaning as in the *Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021*.

caravan has the same meaning as in the *Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021*.

carport means a roofed structure for the shelter of motor vehicles that has 2 or more sides open and not less than one-third of its perimeter open.

class, in relation to a building or part of a building, has the same meaning as in the *Environmental Planning and Assessment Regulation 2000*.

collection point has the same meaning as in Part 5 of the *Waste Avoidance and Resource Recovery Act 2001*.

Industrial and Business Alterations Code means the code for complying development set out in Part 5.

Industrial and Business Buildings Code means the code for complying development set out in Part 5A.

common wall means a wall shared between 2 properties.

community consultation means—

- (a) consultation with the community under clause 4 of Schedule 1 to the Act, or
- (b) public exhibition under section 66 of the Act, as in force on 30 June 2009.

community event means a function or event open to the public or a section of the public that is a ceremony, cultural celebration, exhibition, fete, fair, gathering, market or sporting event.

complying development code means any of the following codes—

- (a) the Housing Code,
- (b) the Rural Housing Code,
- (b1) Low Rise Housing Diversity Code,
- (b2) the Greenfield Housing Code,
- (c) the Housing Alterations Code,
- (d) the General Development Code,
- (e) the Industrial and Business Alterations Code,
- (e1) the Industrial and Business Buildings Code,
- (e2) the Container Recycling Facilities Code,
- (f) the Subdivisions Code,
- (g) the Demolition Code,
- (h) the Fire Safety Code,
- (i) the Inland Code,
- (j) the Agritourism and Farm Stay Accommodation Code,
- (k) the Pattern Book Development Code.

container deposit scheme means the container deposit scheme established by Part 5 of the *Waste Avoidance and Resource Recovery Act 2001*.

Container Recycling Facilities Code means the code for complying development set out in Part 5B.

container recycling facility—see clause 5B.1.

corner lot means a lot that has 2 contiguous boundaries with a road or roads (other

than a lane) that intersect at an angle of 135 degrees or less (whether or not the lot has any other boundaries with a road).

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

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

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

detached development means any of the following, if it is situated more than 900mm from a building that is residential accommodation to which it relates and is not exempt development under this Policy—

- (a) access ramp,
- (b) awning, blind or canopy,
- (c) deck, patio, pergola, terrace or verandah,
- (d) cabana, cubby house, fernery, garden shed, gazebo or greenhouse,
- (e) carport,
- (f) detached studio,
- (g) driveway, hard stand space,
- (h) garage or hard stand space,
- (i) pathway or paving,
- (j) rainwater tank (above ground),
- (k) retaining wall,
- (l) screen,
- (m) shade structure,
- (n) shed,

and any fence, swimming pool or spa pool and child-resistant barrier that is not exempt development under this Policy.

detached studio means a habitable building that is used for purposes ancillary to a dwelling house such as a home office, entertainment area, art studio or guest room and—

- (a) is established in conjunction with a dwelling house, and
- (b) is on the same lot of land as the dwelling house, and
- (c) is separate from the dwelling house, and
- (d) is not used as a separate dwelling house, and
- (e) does not contain any cooking facilities.

development consent includes an approval under Part 3A of the Act (before its repeal), and an approval under Division 5.2 of the Act.

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

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

draft heritage item means a building, work, archeological site, tree, place or aboriginal object identified as a heritage item in a local environmental plan that has been subject to community consultation, other than an item that was consulted on before 1 March 2006, but has not been included in a plan before 27 February 2009.

drop edge beam means a vertical concrete slab—

- (a) constructed at the edge of a horizontal concrete slab, and
- (b) designed to hold fill under the horizontal concrete slab.

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

environmentally sensitive area means any of the following—

- (a) the coastal waters of the State,
- (b) a coastal lake identified in *State Environmental Planning Policy (Resilience and Hazards) 2021*, Schedule 1,
- (c) land identified as “coastal wetlands” or “littoral rainforest” on the *Coastal Wetlands and Littoral Rainforests Area Map*, within the meaning of *State Environmental Planning Policy (Resilience and Hazards) 2021*, Chapter 2,

- (d) land reserved as an aquatic reserve under the *Fisheries Management Act 1994* or as a marine park under the *Marine Parks Act 1997*,
- (e) land within a wetland of international significance declared under the Ramsar Convention on Wetlands or within a World heritage area declared under the World Heritage Convention,
- (f) land within 100m of land to which paragraph (c), (d) or (e) applies,
- (g) land identified in this or any other environmental planning instrument as being of high Aboriginal cultural significance or high biodiversity significance,
- (h) land reserved under the *National Parks and Wildlife Act 1974* or land to which Part 11 of that Act applies,
- (i) land reserved or dedicated under the *Crown Land Management Act 2016* for the preservation of flora, fauna, geological formations or for other environmental protection purposes,
- (j) land identified as being critical habitat under the *Threatened Species Conservation Act 1995* or Part 7A of the *Fisheries Management Act 1994*.

exempt development code means any of the following codes—

- (a) the General Exempt Development Code,
- (b) the Advertising and Signage Exempt Development Code,
- (c) the Temporary Uses and Structures Exempt Development Code.

external combustible cladding has the same meaning as in the *Environmental Planning and Assessment Regulation 2000*.

Fire Safety Code means the code for complying development set out in Part 8.

fire sprinkler system means a system designed to automatically control the growth and spread of fire that may include components such as sprinklers, valves, pipework, pumps, boosters and water supplies.

flame zone (BAL-FZ) has the same meaning as it has in AS 3959:2018, *Construction of buildings in bushfire-prone areas*.

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

Note.

This information is a prescribed matter for the purpose of a certificate under section 10.7(2) of the Act.

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

flood planning level, for a lot, 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 council for the lot, or
- (c) if a flood planning level is not adopted by a development control plan applying to the lot—the flood planning level otherwise adopted by the council for the lot.

Flood Risk Management Manual means the *Flood Risk Management Manual*, ISBN 978-1-923076-17-4, published by the NSW Government in June 2023.

floor area, for a balcony, deck, patio, pergola, terrace or verandah referred to in Part 2, 3, 3A, 3B, 3C or 4, means the area of the balcony, deck, patio, pergola, terrace or verandah, measured at the floor level, within the outer face of—

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

floor area, for a dwelling house referred to in Part 2, 3, 3A, 3C or 4, means the sum of the areas of each storey of the dwelling house and any carport, garage, balcony, deck, patio, pergola, terrace or verandah, measured at a height of 1.4m above each floor level, that is within the outer face of—

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

but does not include any of the following—

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

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

- (a) the external walls of the outbuilding if it is enclosed, or
 - (b) the supporting columns or posts of the outbuilding if it is not enclosed,
- but does not include any of the following—
- (c) any part of an awning, blind or canopy that is outside the outer wall of a building,
 - (d) the eaves,
 - (e) a stairway.

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

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

foreshore building line means the foreshore building line identified by—

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

fruit and produce picking, by a visitor to farm gate premises, means picking, gathering, selecting or otherwise harvesting fruit, vegetables and other agricultural products from the farm for purchase by the visitor.

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

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

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

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

Greenfield Housing Code Area means the area identified as the Greenfield Housing Code Area by the [Greenfield Housing Code Area Map](#).

Greenfield Housing Code Area Map means the [State Environmental Planning Policy \(Exempt and Complying Development Codes\) 2008](#) Greenfield Housing Code

[Area Map.](#)

Note.

The [Greenfield Housing Code Area Map](#) adopted by this Policy is to be made available on the NSW legislation website.

gross floor area has the same meaning as it has in the Standard Instrument. However, in Part 3, 3B, 3C or 3D it means the sum of the floor area of each floor of a building measured from the internal face of external walls, or from the internal face of walls separating the building from any other building, measured at a height of 1.4m above the floor, and includes habitable rooms in a basement or an attic, but excludes the following—

- (a) any storage area, vehicular access area, loading area, garbage area or services located in a basement,
- (b) 1 car parking space per dwelling, including access to the parking space, if—
 - (i) the dwelling is not a secondary dwelling, and
 - (ii) the excluded area is not more than 18m²,
- (c) any terrace or balcony with outer walls less than 1.4m high,
- (d) voids above a floor at the level of a storey or storey above,
- (e) any common area intended to be used by occupants of the building to access dwellings on higher or lower storeys of the building such as a stairwell or lift shaft.

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

Note.

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

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

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

heritage item means a building, work, archaeological site, tree, place or Aboriginal object identified as a heritage item in an environmental planning instrument.

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 *Flood Risk Management 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 *Flood Risk Management Manual*.

horizontal plane, in relation to a light fitting, means the horizontal plane passing through the centre of the light source (for example the bulb) of the light fitting.

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

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

human waste storage facility has the same meaning as in the *Local Government Act 1993*.

industry has the same meaning as in the Standard Instrument but includes packaging industry.

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

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.

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

Low Rise Housing Diversity Code means the code for complying development set out in Part 3B.

Low Rise Housing Diversity Design Guide means the *Low Rise Housing Diversity Design Guide* published by the Department of Planning, Industry and Environment on the day on which *State Environmental Planning Policy (Exempt and Complying Development Codes) Amendment (Low Rise Housing Diversity Code) 2020* commences.

Note.

A copy of the Guide is available on the website of the Department.

manor house means a residential flat building containing 3 or 4 dwellings, where—

- (a) each dwelling is attached to another dwelling by a common wall or floor, and
- (b) at least 1 dwelling is partially or wholly located above another dwelling, and
- (c) the building contains no more than 2 storeys (excluding any basement).

manual collection point—see clause 5B.1.

multi dwelling housing (terraces) means multi dwelling housing where all dwellings are attached and face, and are generally aligned along, 1 or more public roads.

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

off peak time means any time other than peak time.

outbuilding means any of the following class 10a buildings under the *Building Code of Australia*—

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

outside light fitting means a light fitting that is attached or fixed outside, including on the exterior of, a building.

packaging industry means a building or place used for the handling, storage or packaging of any products for commercial purposes.

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

parallel road lot means a lot that has boundaries with 2 parallel roads, not including a lane.

parent lot, in relation to subdivision, means the lot that is being subdivided.

peak time means—

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

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

Note.

The term is defined as follows—

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

Planning for Bush Fire Protection means the document prescribed by the *Environmental Planning and Assessment Regulation 2021*, section 271.

Premises Standards means the *Disability (Access to Premises—Buildings) Standards 2010* made under section 31 of the *Disability Discrimination Act 1992* of the Commonwealth.

primary road means the road to which the front of a dwelling house, or a main building, on a lot faces or is proposed to face, and includes any road that intersects with that road at an angle of more than 135 degrees and with which the dwelling house or main building has contiguous boundaries.

principal private open space means an area outside a dwelling that is directly accessible from, and adjacent to, a habitable room in the dwelling, other than a bedroom.

privacy screen means—

- (a) a structure that provides a screen or visual barrier between a window of a habitable room or an outdoor area on a lot and an adjoining lot that—
 - (i) has no individual opening more than 30mm wide, and
 - (ii) has a total area of all openings that is no more than 30% of the surface area of the screen or barrier, or
- (b) a window, the whole of which has translucent glass and is fixed and not able to be opened.

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

Note—

The term is defined as a person who is—

- (a) if legislation is applicable—a registered professional engineer in the relevant discipline who has appropriate experience and competence in the relevant field, or
- (b) if legislation is not applicable—
 - (i) registered in the relevant discipline on the National Engineering Register (NER) of the Institution of Engineers Australia (which trades as ‘Engineers Australia’), or
 - (ii) eligible to become registered on the Institution of Engineers Australia’s NER and has appropriate

experience and competence in the relevant field.

protected tree means a tree that requires a separate permit, approval or development consent for pruning or removal, but does not include a tree that may be removed without development consent under this Policy.

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

resulting lot means a lot that is created through the subdivision of a parent lot.

reverse vending machine has the same meaning as in Part 5 of the *Waste Avoidance and Resource Recovery Act 2001*.

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

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

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

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

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

shielded light fitting means a light fitting that does not permit light to shine above the horizontal plane.

Siding Spring Observatory has the same meaning as in clause 5.14 of the Standard Instrument.

significantly contaminated land has the same meaning as in the *Contaminated Land Management Act 1997*.

site coverage means the proportion of a site area covered by buildings.

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

standard lot means a lot that is not a battle-axe lot, a corner lot or a parallel road lot.

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

Sydney Drinking Water Catchment has the same meaning as in *State Environmental Planning Policy (Biodiversity and Conservation) 2021*, Chapter 6.

Temporary Uses and Structures Exempt Development Code means the code for exempt development set out in Division 3 of Part 2.

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

water utility means—

- (a) a council or county council exercising water supply functions under Division 2 of Part 3 of Chapter 6 of the *Local Government Act 1993*, or
- (b) a water supply authority or major utility within the meaning of the *Water Management Act 2000*.

working day means a day other than a Saturday, Sunday or public holiday.

Note.

The Act and the *Interpretation Act 1987* contain definitions and other provisions that affect the interpretation and application of this Policy.

- (2) A word or expression used in this Policy has the same meaning as it has in the Standard Instrument unless it is otherwise defined in this Policy.
- (3) A reference in this Policy to any type of residential accommodation has the same meaning as it has in the Standard Instrument (unless it is otherwise defined in this Policy), but does not include any part of the building that is ancillary development, attached development, detached development or exempt development under this Policy.
- (4) For the purposes of calculating site coverage of development, the following are not to be included in determining the area covered by buildings—
 - (a) an access ramp,
 - (b) any part of an awning, blind or canopy that is outside the outer wall of a building,
 - (c) a balcony, deck, patio, pergola, terrace or verandah attached to a dwelling house that is not enclosed by a wall higher than 1.4m above the floor level,
 - (d) the eaves of a building,
 - (e) a driveway,
 - (f) a farm building,
 - (g) a fence or screen,
 - (h) a pathway or paving,
 - (i) a rainwater tank that is attached to a dwelling house,
 - (j) a swimming pool or spa pool.
- (5) A reference in this Policy to a type of building or other thing is a reference to

development for the purposes of that type of building or other thing.

- (6) Notes and diagrams included in this Policy do not form part of this Policy.

1.6 Interpretation—references to land use zones

(1) A reference in this Policy to a lot or to land in a named land use zone is a reference—

- (a) to land that, under an environmental planning instrument made as provided by section 3.20(2) of the Act, is in a land use zone specified in the Standard Instrument, and
- (b) to land that, under an environmental planning instrument that is not made as provided by section 3.20(2) of the Act, is in a land use zone in which equivalent land uses are permitted to those permitted in the named land use zone.

(1A) Land identified as “Deferred matter” on the [Land Application Map](#) within the meaning of [Warringah Local Environmental Plan 2011](#) is, for the purposes of this Policy, taken to be in Zone E3 Environmental Management.

(1B) Despite subclause (1)(b), in relation to land—

- (a) to which an environmental planning instrument that is not made as provided by section 3.20(2) of the Act applies, and
- (b) to which a draft environmental planning instrument that complies with that section and has been the subject of community consultation also applies,

a reference in this Policy to a lot or land in a named land use zone is a reference to a lot or land specified in such a zone in the last such draft environmental planning instrument that was the subject of such community consultation.

(1C) In subclause (1B), **community consultation** means community consultation under clause 4 of Schedule 1 to the Act or public exhibition under section 66 of the Act (as continued on by clause 12 of the [Environmental Planning and Assessment Regulation 2000](#)).

(2) In this clause—

equivalent land uses, in relation to land in a named land use zone, means uses equivalent to the permitted land uses shown opposite that named land use zone in the table to this clause.

(3) If the Planning Secretary, by order published in the Gazette, determines that a land use zone in a specified environmental planning instrument that is not made as provided by section 3.20(2) of the Act is a land use zone in which equivalent land uses are permitted to those permitted in a named land use zone, that certification is conclusive for the purposes of this clause.

Named land use zone	Permitted land uses
RU1 Primary Production	Primary production, including agriculture and a diverse range of primary industry enterprises
RU2 Rural Landscape	Compatible rural land uses, including extensive agriculture
RU3 Forestry	Forestry land uses and other development compatible with forestry land uses
RU4 Rural Small Holdings	Compatible rural land uses, including extensive agriculture on small rural lots
RU5 Village	Dwelling houses, business and retail premises and associated uses and facilities in a rural village setting
RU6 Transition	Housing and other land uses that provide a transition between rural land uses and other land uses of varying intensities or environmental sensitivities
R1 General Residential	Residential accommodation of various types and densities and associated services and facilities
R2 Low Density Residential	Generally low density dwellings with associated services and facilities
R3 Medium Density Residential	Mix of medium density dwellings with associated services and facilities
R4 High Density Residential	High density dwellings including residential flat buildings with associated services and facilities
R5 Large Lot Residential	Dwelling houses on large residential lots in a rural setting
B1 Neighbourhood Centre	Small scale business and retail premises, community facilities and shop top housing in a neighbourhood centre
B2 Local Centre	Business and retail premises, entertainment and community facilities and shop top housing in a local centre
B3 Commercial Core	Large scale business, office and retail premises and community and entertainment facilities in a major centre

B4 Mixed Use	A variety of business, office and retail premises, community and entertainment facilities and associated uses
B5 Business Development	Large floor area business uses, including warehouse or distribution centres, and specialised retail premises in areas that are close to, and support the viability of, centres
B6 Enterprise Corridor	Business premises, office premises, retail premises and light industries, warehouse or distribution centres and associated facilities along a main road, residential uses only as part of a mixed use development
B7 Business Park	Office premises and light industries, that encourage employment opportunities, together with associated facilities and services
B8 Metropolitan Centre	Large scale business, office and retail premises, public administration buildings, community and entertainment facilities, education establishments, health services and tourism accommodation
IN1 General Industrial	Depots, freight transport facilities, industries, neighbourhood shops and warehouse or distribution centres in a general industrial setting
IN2 Light Industrial	Depots, light industries, neighbourhood shops and warehouse or distribution centres in a light industrial setting
IN3 Heavy Industrial	Depots, freight transport facilities and heavy industries, including hazardous and offensive industries and storage establishments in a heavy industrial setting
IN4 Working Waterfront	Waterfront industrial and maritime activities, including boat launching ramps, boat repair facilities, jetties and light industries
SP1 Special Activities	Special land uses and development ancillary to those uses that is appropriate for the special character of the area
SP2 Infrastructure	Infrastructure development and other uses ancillary to that purpose
SP3 Tourist	Tourist-orientated development and related uses

RE1 Public Recreation	Public recreational uses and open space appropriate for the natural environment
RE2 Private Recreation	Private recreational uses, open space and ancillary facilities appropriate for the natural environment
C1 National Parks and Nature Reserves	Authorised uses in national parks and nature reserves
C2 Environmental Conservation	Development that is suitable in areas of high ecological, scientific, cultural or aesthetic value that will not threaten or have an adverse effect on those values
C3 Environmental Management	Development, including low density housing, that is suitable in areas of high ecological, scientific, cultural or aesthetic value and that will not threaten or have an adverse effect on those values
C4 Environmental Living	Low-impact residential housing that is suitable for areas with special ecological, scientific or aesthetic values
W1 Natural Waterways	Development that is appropriate for the ecological and scenic value of natural waterways
W2 Recreational Waterways	Recreational development that is appropriate for the ecological, scenic and recreational value of recreational waterways
W3 Working Waterways	Maritime industrial development and associated facilities that are appropriate on working waterways

1.7 Maps

- (1) A reference in this Policy to a named map adopted by this Policy is a reference to a map by that name—
 - (a) approved by the Minister when the map is adopted, and
 - (b) as amended or replaced from time to time by maps declared by environmental planning instruments to amend or replace that map, and approved by the Minister when the instruments are made.
- (2) Any 2 or more named maps may be combined into a single map. In that case, a reference in this Policy to any such named map is a reference to the relevant part or aspect of the single map.

- (3) Any such maps are to be kept and made available for public access in accordance with arrangements approved by the Minister.
- (4) For the purposes of this Policy, a map may be in, and may be kept and made available in, electronic or paper form, or both.
- (5) This clause does not apply to an Acid Sulfate Soils Map.

1.8 Relationship with other State environmental planning policies

Note

This clause is subject to section 3.28(4) of the Act.

- (1) If this Policy and any other State environmental planning policy, whether made before or after the commencement of this Policy, specify the same development, as either exempt development or complying development, the other Policy does not apply to that development, except as provided by subclauses (2)–(4).
- (2) Despite subclause (1), in each of the following circumstances, *State Environmental Planning Policy (Transport and Infrastructure) 2021*, Chapter 2 continues to apply and this Policy does not apply—
 - (a) if this Policy and *State Environmental Planning Policy (Transport and Infrastructure) 2021*, Chapter 2 specify the same development as complying development,
 - (b) if this Policy and *State Environmental Planning Policy (Transport and Infrastructure) 2021*, Chapter 2 specify the same development as exempt development,
 - (c) if this Policy specifies development as exempt development and *State Environmental Planning Policy (Transport and Infrastructure) 2021*, Chapter 2 specifies the same development as complying development,
 - (d) if this Policy specifies development as complying development and *State Environmental Planning Policy (Transport and Infrastructure) 2021*, Chapter 2 specifies the same development as exempt development.
- (3) If this Policy and *State Environmental Planning Policy (Resources and Energy) 2021*, Chapter 2 specify the same development as either exempt or complying development, this Policy does not apply to that development.
- (4) If this Policy and *State Environmental Planning Policy (Housing) 2021* specify the same development as either exempt or complying development, that Policy prevails to the extent of any inconsistency.
- (4A) (Repealed)

- (5) If this Policy and *State Environmental Planning Policy (Port Botany and Port Kembla) 2013* specify the same development as either exempt or complying development, this Policy does not apply to that development.
- (5A) If this policy and *State Environmental Planning Policy (Transport and Infrastructure) 2021* specify the same development as either exempt or complying development, *State Environmental Planning Policy (Transport and Infrastructure) 2021* prevails to the extent of any inconsistency.
- (6) If another State environmental planning policy specifies exempt development or complying development that is not the same as development specified as either exempt development or complying development in this Policy, this Policy does not affect the operation of that other Policy.
- (7) If a provision of this clause provides for another State environmental planning policy to continue to apply to development, that development may be carried out under this Policy or under that other Policy.

Note.

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

1.9 Relationship with local environmental plans and development control plans

- (1) **Exempt or complying development under this Policy and standard plans** A standard plan does not apply to development that is specified in the plan as exempt development or complying development and that is specified in this Policy as exempt development or complying development.
- (2) **Exempt development under this Policy and non-standard plans** If this Policy and a non-standard plan specify the same development as exempt development, the non-standard plan does not apply to that development.
- (3) **Subclause (1) does not apply in relation to land in Bathurst Regional** Despite subclause (1), if this Policy and *Bathurst Regional Local Environmental Plan 2014* specify the same development as exempt development or complying development, that Plan continues to apply to that development.
- (4) **Complying development under this Policy and non-standard plans** If this Policy and a non-standard plan specify the same development as complying development, the non-standard plan continues to apply to that development.
- (5) **Subclause (4) not to apply in relation to land in Kiama or Wyong** Despite subclause (4), if this Policy and a non-standard plan that applies to land in the local government area of Kiama or Wyong specify the same development as complying development, that plan does not apply to that development.

(6) **Complying development under this Policy and exempt development under non-standard plan** If this Policy specifies development as complying development and a non-standard plan specifies the same development as exempt development, the non-standard plan does not apply to that development.

(6A) (Repealed)

(7) **Exempt development under this Policy and complying development under non-standard plan** If this Policy specifies development as exempt development and a non-standard plan specifies the same development as complying development, the non-standard plan continues to apply to that development.

(8) **Subclause (7) not to apply in relation to land in Kiama and Wyong** Despite subclause (7), if this Policy specifies development as exempt development and a non-standard plan that applies to land in the local government area of Kiama or Wyong specifies the same development as complying development, that plan does not apply to that development.

(9) **Additional exempt and complying development under standard and non-standard plans** If a standard plan or non-standard plan specifies exempt development or complying development that is not the same as development specified as either exempt development or complying development in this Policy, this Policy does not affect the operation of that plan in relation to that development.

(10) If a provision of this clause provides for a plan to continue to apply to development, that development may be carried out under this Policy or under the plan.

Note.

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

(11) In this clause—

non-standard plan means a local environmental plan (whether made before or after the commencement of this Policy) that has not been made as provided by section 3.20(2) of the Act and a deemed environmental planning instrument and includes a development control plan adopted for the purposes of the plan or instrument.

standard plan means a local environmental plan (whether made before or after the commencement of this Policy) that has been made as provided by section 3.20(2) of the Act and includes a development control plan adopted for the purposes of the plan.

1.10 Same development

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

specifications or development standards for that development.

Note.

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

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

1.11 (Repealed)

1.12 Variations to certain codes

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

1.13 Savings provisions

- (1) A development application or an application for a complying development certificate that has been made but not finally determined before the commencement of this Policy, or an amendment to this Policy, must be determined as if this Policy or the amendment had not commenced.
- (2) A development application or an application for a complying development certificate that has been made but not finally determined before the commencement of *State Environmental Planning Policy (Exempt and Complying Development Codes) Amendment (Commercial and Industrial Development and Other Matters) 2013* must be determined as if that Policy had not commenced.
- (3) Development that was commenced before the commencement of *State Environmental Planning Policy (Exempt and Complying Development Codes) Amendment (Commercial and Industrial Development and Other Matters) 2013* and that was, immediately before that commencement, exempt development in accordance with an environmental planning instrument that was amended by that Policy may be continued as if that Policy had not commenced.

- (4) If an application for a complying development certificate has been made before the commencement of *State Environmental Planning Policy Amendment (Planning for Bush Fire Protection) 2020* in relation to land to which this Policy applies and the application has not been finally determined before that commencement, the application must be determined as if that Policy had not commenced.
- (5) An amendment made to this Policy by *State Environmental Planning Policy (Exempt and Complying Development Codes) Amendment 2021* does not apply to an application for a complying development certificate made but not finally determined before the commencement of the amendment.
- (6) A development application or an application for a complying development certificate submitted but not finally determined before the commencement of *State Environmental Planning Policy (Exempt and Complying Development Codes) Amendment (Agritourism) 2022* must be determined as if the Policy had not commenced.
- (7) An application for a complying development certificate lodged before 1 May 2023 must be determined as if *State Environmental Planning Policy Amendment (National Construction Code) 2023* had not commenced.
- (8) An application for a complying development certificate made, but not finally determined, before the commencement of *State Environmental Planning Policy Amendment (Flood Planning) 2023* must be determined as if that policy had not commenced.

1.14 Review of Policy

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

Division 2 Exempt and complying development

1.15 What development is exempt development?

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

Note—

Under section 1.6 of the Act, the carrying out of exempt development does not require—

- (a) development consent under Part 4 of the Act, or
- (b) environmental impact assessment under Division 5.1 of the Act, or
- (c) State significant infrastructure approval under Division 5.2 of the Act, or
- (d) a certificate under Part 6 of the Act.

1.16 General requirements for exempt development

- (1) To be exempt development for the purposes of this Policy, the development—
 - (a) must meet the relevant deemed-to-satisfy provisions of the *Building Code of Australia*, or if there are no such relevant provisions, must be structurally adequate, and
 - (b) must not, if it relates to an existing building, cause the building to contravene the *Building Code of Australia*, and
 - (b1) must not be carried out on land that is a declared area of outstanding biodiversity value under the *Biodiversity Conservation Act 2016* or declared critical habitat under Part 7A of the *Fisheries Management Act 1994*, and
 - (b2) must not be carried out on land that is, or is part of, a wilderness area (within the meaning of *Wilderness Act 1987*), and
 - (c) must not be carried out on land that is, or on which there is, an item that is listed on the State Heritage Register under the *Heritage Act 1977*, or that is subject to an interim heritage order under that Act, and
 - (d) must not be carried out on land that is described or otherwise identified on a map specified in Schedule 4.
- (1A) Despite subclause (1)(c), if development meets the requirements and standards specified by this Policy and that development—
 - (a) has been granted an exemption under section 57(2) of the *Heritage Act 1977*, or
 - (b) is subject to an exemption under section 57(1A) or (3) of that Act,the development is exempt development under this Policy.
- (1B) If an item listed on the State Heritage Register is not located on, or does not comprise, the whole of the relevant land, subclause (1)(c) applies only to the part of the land that is described and mapped on that register.
- (1C) If an item not listed on the State Heritage Register but identified as an item of environmental heritage in an environmental planning instrument does not comprise, or is not located on, the whole of the relevant land, any restriction on carrying out

development on the relevant land on which the item is located applies only to the part of the land that is described and mapped on that instrument.

- (2) Development that relates to an existing building that is classified under the *Building Code of Australia* as class 1b or class 2–9 is exempt development for the purposes of this Policy only if—
 - (a) the building has a current fire safety certificate or fire safety statement, or
 - (b) no fire safety measures are currently implemented, required or proposed for the building.
- (3) To be exempt development for the purposes of this Policy, the development must—
 - (a) be installed in accordance with the manufacturer's specifications, if applicable, and
 - (b) not involve the removal or pruning of a tree or other vegetation that requires a permit, approval or development consent, unless the removal or pruning is carried out in accordance with the permit, approval or development consent,

Example—

A permit or approval may be required under *State Environmental Planning Policy (Biodiversity and Conservation) 2021*, Chapter 2 or other legislation.

- (c) not involve the removal of—
 - (i) non-friable asbestos from an area of more than 10m², or
 - (ii) friable asbestos.

Note—

Residential buildings constructed before 1990 may contain asbestos. See *Code of practice: How to safely remove asbestos* published by SafeWork NSW in December 2022 and www.asbestos.nsw.gov.au for further information.

- (4) Subclause (3)(c) does not apply if the removal is carried out by a licensed asbestos removalist.
- (5) In this clause—

friable asbestos, licensed asbestos removalist and **non-friable asbestos** have the same meaning as in the *Work Health and Safety Regulation 2017*.

1.16A Exempt development on land within 18km of Siding Spring Observatory

- (1) Development on land that is less than 18km from the Siding Spring Observatory is not exempt development for the purposes of this Policy if the development has, or will require, any form of lighting.

- (2) Development specified in Part 2, Division 1, Subdivision 10A, 10B, 27, 27A or 37 on land that is less than 18km from the Siding Spring Observatory is not exempt development for the purposes of this Policy.

1.17 What development is complying development?

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

1.17A Requirements for complying development for all environmental planning instruments

- (1) To be complying development for the purposes of any environmental planning instrument, the development must not—
 - (a) be development for which development consent cannot be granted except with the concurrence of a person other than—
 - (i) the consent authority, or
 - (ii) the Director-General of the Department of Environment, Climate Change and Water as referred to in section 4.13(3) of the Act, or
 - (b) be on land that is critical habitat, or
 - (c) be on land that is, or is part of, a wilderness area (within the meaning of the *Wilderness Act 1987*), or
 - (d) be carried out on land that—
 - (i) comprises an item that is listed on the State Heritage Register under the *Heritage Act 1977* or on which such an item is located, or
 - (ii) is subject to an interim heritage order under that Act or on which is located an item that is so subject, or
 - (iii) is identified as an item of environmental heritage or a heritage item by an environmental planning instrument or on which is located an item that is so identified, or
 - (e) except as otherwise provided by this Policy, be on land that is within an environmentally sensitive area.
- (2) Despite subclause (1)(d), if development meets the requirements and standards

specified by this Policy and that development—

(a) has been granted an exemption under section 57(2) of the *Heritage Act 1977*, or

(b) is subject to an exemption under section 57(1A) or (3) of that Act,

the development is complying development under this Policy.

(2A) Despite subclause (1)(d), development is complying development if the development—

(a) meets the requirements and standards specified by *State Environmental Planning Policy (Transport and Infrastructure) 2021*, Part 2.3, Division 10 or Part 3.4, and

(b) is exempt or has been granted an exemption under the *Heritage Act 1977*, section 57(1A), (2) or (3).

(3) If an item listed on the State Heritage Register is not located on, or does not comprise, the whole of the relevant land, subclause (1)(d) applies only to the part of the land that is described and mapped on that register.

(4) If an item not listed on the State Heritage Register but identified as an item of environmental heritage in an environmental planning instrument does not comprise, or is not located on, the whole of the relevant land, subclause (1)(d) applies only to the part of the land that is described and mapped on that instrument.

1.18 General requirements for complying development under this Policy

(1) To be complying development for the purposes of this Policy, the development must—

(a) not be exempt development under this Policy, and

(b) be permissible, with consent, under an environmental planning instrument applying to the land on which the development is carried out, and

(c) meet the relevant provisions of the *Building Code of Australia*, and

(c1) not require an environment protection licence within the meaning of the *Protection of the Environment Operations Act 1997*, and

(c2) not be designated development, and

Note.

Designated development is defined in section 4.10 of the Act as development that is declared to be designated development by an environmental planning instrument or the regulations.

(c3) not be carried out on land that comprises, or on which there is, a draft heritage item, and

(c4) (Repealed)

- (d) before the complying development certificate is issued, have an approval, if required by the *Local Government Act 1993*, for—
 - (i) an on-site effluent disposal system if the development is undertaken on unsewered land, and
 - (ii) an on-site stormwater drainage system, and
- (e) before the complying development certificate is issued, have written consent from the relevant roads authority (if required under section 138 of the *Roads Act 1993*) for the building of any kerb, crossover or driveway, and

Note.

Other consents may be required under section 138 of the *Roads Act 1993* before carrying out other works in relation to roads.

- (f) if it is the alteration or erection of improvements on land in a mine subsidence district within the meaning of the *Mine Subsidence Compensation Act 1961*, have the prior approval of the Mine Subsidence Board, and

Note.

Information about mine subsidence is information that is a prescribed matter for the purpose of a planning certificate under section 10.7(2) of the Act, but the information is not included in a certificate issued under clause 279(2) of *Environmental Planning and Assessment Regulation 2000*.

- (g) not be the construction or installation of a skylight or roof window on land in the local government area of Coonamble, Gilgandra, Warrumbungle Shire or Dubbo Regional, and
- (h) for development involving the removal or pruning of a tree or other vegetation that requires a permit, approval or development consent—before the complying development certificate is issued, have the permit, approval or development consent.

Note—

A permit or approval may be required under *State Environmental Planning Policy (Biodiversity and Conservation) 2021*, Chapter 2 or other legislation. Paragraph (h) may not apply to some removal or pruning of trees. See, for example, clause 3.33.

- (2) The erection of a new dwelling house or an addition to a dwelling house on land in the 20-25 ANEF contours is complying development for this Policy, if the development is constructed in accordance with AS 2021:2015, *Acoustics—Aircraft noise intrusion—Building siting and construction*.
- (3) A complying development certificate for complying development under this Policy is subject to the conditions specified in this Policy in respect of that development.

Note.

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

- (4) Development is not permissible with consent for the purposes of subclause (1)(b) if the development is permissible only because of the *Standard Instrument (Local Environmental Plans) Order 2006*, Schedule 1, clause 5.

1.19 Land on which complying development may not be carried out

- (1) **Specific land exemptions for Housing Code, Inland Code, Low Rise Housing Diversity Code, Pattern Book Development Code, Rural Housing Code, Agritourism and Farm Stay Accommodation Code and Greenfield Housing Code** To be complying development specified for the Housing Code, the Inland Code, the Low Rise Housing Diversity Code, the Pattern Book Development Code, the Rural Housing Code, the Agritourism and Farm Stay Accommodation Code or the Greenfield Housing Code, the development must not be carried out on—
- (a) land within a heritage conservation area or a draft heritage conservation area, unless the development is a detached outbuilding, detached development (other than a detached studio) or swimming pool, or
 - (b) land that is reserved for a public purpose by an environmental planning instrument, or
 - (c) land identified on an Acid Sulfate Soils Map as being Class 1 or Class 2, or
 - (c1) significantly contaminated land, or
 - (d) land that is subject to a biobanking agreement under Part 7A of the *Threatened Species Conservation Act 1995* or a property vegetation plan approved under the *Native Vegetation Act 2003*, or
 - (d1) land that is subject to a private land conservation agreement under the *Biodiversity Conservation Act 2016* or that is a set aside area under section 60ZC of the *Local Land Services Act 2013*, or
 - (e) land identified by an environmental planning instrument as being—
 - (i) within a buffer area, or
 - (ii) within a river front area, or
 - (iii) within an ecologically sensitive area, or
 - (iv) environmentally sensitive land, or
 - (v) within a protected area, or
 - (f) land that is identified by an environmental planning instrument, a development control plan or a policy adopted by the council as being or affected by—
 - (i) a coastline hazard, or

- (ii) a coastal hazard, or
 - (iii) a coastal erosion hazard, or
- (g) land in a foreshore area, or
- (h) land that is in the 25 ANEF contour or a higher ANEF contour, unless the development is only for—
- (i) the erection of ancillary development, attached development or detached development, or
 - (ii) the alteration of, or an addition to, ancillary development, attached development or detached development, or
- (i) land that is declared to be a special area under the *Water NSW Act 2014*, or
- (j) unsewered land—
- (i) in the Sydney Drinking Water Catchment, if that development will result in an increase to the number of bedrooms on the site or a site disturbance area of more than 250m², or
 - (ii) in any other drinking water catchment identified in any other environmental planning instrument.
- (2) Development specified in the Housing Code, the Inland Code, the Low Rise Housing Diversity Code or the Pattern Book Development Code is not complying development under that code if it is carried out on land described or otherwise identified on a map specified in Schedule 5.
- (3) Subclause (2) ceases to have effect—
- (a) (Repealed)
 - (b) on 30 November 2023 in relation to land in the local government area of Mosman and identified on any map specified in Schedule 5, and
 - (c) (Repealed)
- (3A) Development specified in the Low Rise Housing Diversity Code or the Pattern Book Development Code is not complying development under that code if it is carried out on land on which there is a heritage item or a draft heritage item.
- (3B) Development specified in the Low Rise Housing Diversity Code or the Pattern Book Development Code is not complying development under that code if the development is—
- (a) for the purposes of dual occupancies, and

- (b) carried out on land in Zone R2 Low Density Residential, and
 - (c) permitted with development consent under *State Environmental Planning Policy (Housing) 2021*, Chapter 6, Part 2, Division 1 but not under another environmental planning instrument.
- (4) **Specific land exemptions for Housing Alterations Code and General Development Code** To be complying development specified for the Housing Alterations Code or the General Development Code, the development must not be carried out on unsewered land—
- (a) in the Sydney Drinking Water Catchment, if that development will result in an increase to the number of bedrooms on the site or in a site disturbance area of more than 250m², or
 - (b) in any other drinking water catchment identified in any other environmental planning instrument.
- (5) **Specific land exemptions for Industrial and Business Buildings Code** To be complying development specified for the Industrial and Business Buildings Code, the development must not be carried out on—
- (a) land within a heritage conservation area or a draft heritage conservation area, or
 - (b) land that is reserved for a public purpose in an environmental planning instrument, or
 - (c) land identified on an Acid Sulfate Soils Map as being Class 1 or Class 2, or
 - (d) significantly contaminated land, or
 - (d1) land that is subject to a private land conservation agreement under the *Biodiversity Conservation Act 2016* or that is a set aside area under section 60ZC of the *Local Land Services Act 2013*, or
 - (e) land that is subject to a biobanking agreement under Part 7A of the *Threatened Species Conservation Act 1995* or a property vegetation plan approved under the *Native Vegetation Act 2003*, or
 - (f) land identified by an environmental planning instrument as being—
 - (i) within a buffer area, or
 - (ii) within a river front area, or
 - (iii) within an ecologically sensitive area, or
 - (iv) environmentally sensitive land, or
 - (v) within a protected area, or

- (g) land that is identified by an environmental planning instrument, a development control plan or a policy adopted by the council as being or affected by—
 - (i) a coastline hazard, or
 - (ii) a coastal hazard, or
 - (iii) a coastal erosion hazard, or
 - (h) land in a foreshore area, or
 - (i) unsewered land—
 - (i) in the Sydney Drinking Water Catchment, or
 - (ii) in any other drinking water catchment identified in any other environmental planning instrument.
- (6) **Specific land exemptions may apply only to part of a lot** Nothing in this clause prevents complying development being carried out on part of a lot that is not land referred to in this clause even if other parts of the lot are such land.
- (7) **Savings and transitional provision** The amendment made to subclause (1) by *State Environmental Planning Policy (Exempt and Complying Development Codes) Amendment (Inland Code) 2019* applies to applications for complying development certificates made, but not finally determined, on or after 1 January 2019.

1.19A Land on which complying development may not be carried out—bush fire prone land

- (1) To be complying development specified for any complying development code (except the Housing Alterations Code)—
 - (a) the development must not be carried out on land in bush fire attack level-40 (BAL-40) or the flame zone (BAL-FZ), and
 - (b) in the case of development specified for the Rural Housing Code—any associated access way to the development must be on land that is—
 - (i) not in bush fire attack level-40 (BAL-40) or the flame zone (BAL-FZ), or
 - (ii) grasslands.

Note.

More information about the categories of bush fire attack, including the flame zone, can be found in Table A1.7 of *Planning for Bush Fire Protection*.

- (2) This clause does not apply to the following development—
 - (a) non-habitable detached development that is more than 6m from any dwelling house,

- (b) landscaped areas,
 - (c) non-combustible fences,
 - (d) swimming pools.
- (3) For the purposes of this clause, land is not in bush fire attack level-40 (BAL-40) or the flame zone (BAL-FZ) if—
- (a) the council or a person who is recognised by the NSW Rural Fire Service as a suitably qualified consultant in bush fire risk assessment determines, in accordance with the methodology specified in *Planning for Bush Fire Protection*, that the land is not in bush fire attack level-40 (BAL-40) or the flame zone (BAL-FZ), or
 - (b) in the case of development carried out on grasslands—the development conforms to the specifications and requirements of Table 7.9a of *Planning for Bush Fire Protection* that are relevant to the development.
- (4) Nothing in this clause prevents complying development being carried out on part of a lot that is not land referred to in this clause even if other parts of the lot are such land.
- (5) In this clause, **grasslands** has the same meaning as in *Planning for Bush Fire Protection*.

1.20 Suspension of covenants, agreements and instruments

- (1) For the purpose of enabling development on land in any zone to be carried out in accordance with this Policy, or with a consent granted under the Act, any agreement, covenant or other similar instrument that restricts the carrying out of that development does not apply to the extent necessary to serve that purpose.
- (2) This clause does not apply—
- (a) to a covenant imposed by a council, or that a council requires to be imposed, requiring compliance with a development standard that is—
 - (i) consistent with the development standards specified for the development concerned under this Policy, or
 - (ii) not dealt with by the development standards specified for the development concerned under this Policy, or
 - (b) to a covenant that is specifically required by another environmental planning instrument, or
 - (c) to a covenant imposed by an owner or former owner of the land concerned, other than a covenant that has been required by a council to be imposed, or

- (d) to any relevant instrument within the meaning of section 13.4 of the *Crown Land Management Act 2016*, or
 - (e) to any conservation agreement within the meaning of the *National Parks and Wildlife Act 1974*, or
 - (f) to any Trust agreement within the meaning of the *Nature Conservation Trust Act 2001*, or
 - (g) to any property vegetation plan approved under the *Native Vegetation Act 2003*, or
 - (h) to any biobanking agreement within the meaning of Part 7A of the *Threatened Species Conservation Act 1995*, or
 - (i) to any planning agreement within the meaning of Division 7.1 of the Act.
- (3) This clause does not affect the rights or interests of any public authority under any registered instrument.
- (4) Under section 28 of the Act, the Governor, before the making of this clause, approved of subclauses (1)-(3).

Part 2 Exempt Development Codes

Note 1.

Schedule 2 contains the variations to this code.

Note 2.

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

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

Division 1 General Exempt Development Code

Subdivision 1 Access ramps

2.1 Specified development

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

2.2 Development standards

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

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

Note.

See AS 1428.1—2009, *Design for access and mobility, Part 1: General requirements for access—New building work* and the *Disability (Access to Premises—Buildings) Standards 2010* under the *Disability Discrimination Act 1992* of the Commonwealth which specifies the design requirements for new building work to provide access for people with disabilities.

Subdivision 2 Aerials, antennae and communication dishes

2.3 Specified development

The construction or installation of an aerial, antenna or a satellite communications dish (including any supporting mast) is development specified for this code if the construction or installation does not comprise fire alarm communication link works within the meaning of the *Environmental Planning and Assessment Regulation 2000*.

2.4 Development standards

(1) The standards specified for that development are that—

- (a) if the development is attached to an existing building, either by being mounted on the roof or attached to an external wall of a building—
 - (i) the development must not have a diameter of more than 900mm if the development is installed in connection with the use of a dwelling on the lot, and
 - (ii) the development must not have a diameter of more than 1.8m if installed for any other purpose, and
 - (iii) the development must not be higher than 1.8m above the highest point of the roof of the building, and

- (iv) if the development is constructed or installed on a heritage item or draft heritage item—the development must only be attached to the rear wall and roof plane of the existing building and must not be higher than the highest point of the roof of the building, and
 - (b) if the development is located at ground level (existing), the development—
 - (i) must not have a diameter of more than 1.8m, and
 - (ii) must not be higher than 1.8m above ground level (existing), and
 - (iii) must be located at least 900mm from each lot boundary, and
 - (iv) must be located at the rear of the lot if it is not on land within Zone RU1, RU2, RU3, RU4, RU6 or R5, and
 - (v) must resist loads in accordance with AS/NZS 1170.0:2002, *Structural design actions, Part 0: General principles* and AS/NZS 1170.2:2011, *Structural design actions, Part 2: Wind actions*, and
 - (vi) must be anchored by a concrete slab or footing designed in accordance with AS 3600:2018, *Concrete structures*, and
 - (c) if the development is a mast or attached to a mast, the mast—
 - (i) must not have a diameter of more than 100mm, if a solid mast or 500mm if constructed as an open lattice frame, and
 - (ii) must not be higher than 10m above ground level (existing) inclusive of the mast and any attachments, and
 - (iii) must be located at least 5m from each lot boundary, if the mast is over 5m in height, and 2m from each lot boundary, if the mast is 5m or less in height, and
 - (iv) must not be constructed or installed on or in a heritage item or draft heritage item, and
 - (v) must be located at the rear of the lot if it is not on land within Zone RU1, RU2, RU3, RU4, RU6 or R5, and
 - (vi) must resist loads in accordance with AS/NZS 1170.0:2002, *Structural design actions, Part 0: General principles* and AS/NZS 1170.2:2011, *Structural design actions, Part 2: Wind actions*, and
 - (vii) must be anchored by a concrete slab or footing designed in accordance with AS 3600:2018, *Concrete structures*.
- (2) For subclause (1), there must be—

- (a) no more than 3 developments per lot, and
 - (b) not more than 1 mast or antenna located at ground level (existing) on the lot.
- (3) Despite subclause (2), development in connection with the use of dwellings in a residential flat building on the lot may comprise 1 (but not more than 1) dish, aerial or antenna per dwelling.

Note.

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

Subdivision 3 Air-conditioning units

2.5 Specified development

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

Note.

For evaporative cooling units see clause 2.30A.

2.6 Development standards

- (1) The standards specified for that development, if for residential uses only, are that the development must—
 - (a) not be located on the wall or roof of a building that faces the primary road, or forward of the building line to the primary road, and
 - (b) be located at least 450mm from each lot boundary, and
 - (b1) be located at least 1m from bedrooms of adjoining residences, and
 - (c) subject to paragraph (g), be attached to the external wall of a building or ground mounted, and
 - (d) if located on the ground floor—be not higher than 1.8m at its highest point above ground level (existing), and
 - (e) not involve work that reduces the structural integrity of the building, and
 - (f) not reduce the existing fire resistance level of a wall, and
 - (f1) be designed so as not to operate—
 - (i) during peak time—at a noise level that exceeds 5 dB(A) above the ambient background noise level measured at any property boundary, or
 - (ii) during off peak time—at a noise level that is audible in habitable rooms of

adjoining residences, and

- (g) if it is constructed or installed on or in a heritage item or a draft heritage item—be ground mounted, and
- (h) if it is constructed or installed on or in a heritage item or a draft heritage item or in a heritage conservation area or a draft heritage conservation area—be installed at or behind the rear building line.

(1A) The standards specified for that development, if for purposes other than residential uses only, are that the development must—

- (a) not be located on the wall or roof of a building that faces the primary road, or forward of the building line to the primary road, and
 - (b) not be built into any external wall unless the development is more than 3m from each side and rear boundary and 6m from any other building on the lot, and
 - (c) not involve work that reduces the structural integrity of the building, and
 - (d) not reduce the existing fire resistance level of a wall or roof, and
 - (d1) be designed so as not to operate—
 - (i) during peak time—at a noise level that is more than 5 dB(A) above the ambient background noise level measured at any property boundary, or
 - (ii) during off peak time—at a noise level that is audible in habitable rooms of adjoining residences, and
 - (e) if it is constructed or installed on or in a heritage item or draft heritage item—not be wall mounted, and
 - (f) if it is constructed or installed in a heritage conservation area or a draft heritage conservation area—be located behind the building line of any road frontage.
- (2) Any opening created by the construction or installation of the development must be adequately waterproofed.
- (3) The air-conditioning unit must not be a mechanical air-handling system, unless it is constructed or installed on a class 1a or 10 building or a temporary structure.

Note.

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

Subdivision 3AA Ancillary take away food and drink outlets

2.6AA Specified development

The ancillary use of the following for the preparation and retail sale of food or drink, or both, for immediate consumption away from the premises is development specified for this code—

- (a) business premises that were used as a cooking school immediately before the commencement of this Subdivision,
- (b) community facilities,
- (c) educational establishments that were used as a cooking school immediately before the commencement of this Subdivision,
- (d) food and drink premises, other than take away food and drink premises,
- (e) function centres.

2.6AB Development standards

The standards specified for the development are as follows—

- (a) the premises must have existing kitchen facilities,
- (b) the premises must not provide seating to take away customers,
- (c) the relevant land use referred to in clause 2.6AA(a)–(e) must be—
 - (i) permitted without development consent, or
 - (ii) permitted by a current development consent,
- (d) the ancillary use must comply with the provisions of an environmental planning instrument, and, if relevant, the conditions of the current development consent, applying to the premises,
- (e) the ancillary use must not have an adverse impact on the amenity of the neighbourhood, including from noise, waste and fumes and other smells.

Note—

The preparation and retail sale of food or drink is also regulated under other legislation, including the following—

- (a) the *Food Act 2003*,
- (b) the *Liquor Act 2007*.

Subdivision 3A Animal shelters

2.6A Specified development

The construction or installation of an animal shelter is development specified for this code

if it is not constructed or installed on land in a foreshore area.

2.6B Development standards

- (1) The standards specified for that development, when it is not a stable for the keeping of horses in Zone RU1, RU2, RU3, RU4 or RU6, are that the development must—
 - (a) be associated with a residential use, and
 - (b) not have a floor area of more than 10m², and
 - (c) be not higher than 1.8m above ground level (existing), and
 - (d) if it is not on land in Zone RU1, RU2, RU3, RU4 or RU6—be located behind the building line of any road frontage, and
 - (e) be located at least 450mm from each side and rear boundary, and
 - (f) if roofed—be constructed or installed so that roofwater is disposed of into an existing stormwater drainage system, and
 - (g) to the extent it is comprised of metal components—be constructed of low reflective, factory pre-coloured materials and have an impervious floor, and
 - (h) if it is located on bush fire prone land and is less than 5m from a dwelling—be constructed of non-combustible material, and
 - (i) if it is constructed or installed on or in a heritage item or a draft heritage item, or in a heritage conservation area or a draft heritage conservation area—be located in the rear yard.
- (2) There must not be more than 2 developments per lot for development referred to in subclause (1).
- (3) The standards specified for that development when it is a stable for the keeping of horses in Zone RU1, RU2, RU3, RU4 or RU6 are that the development must—
 - (a) be associated with a residential use, and
 - (b) not have a floor area of more than 50m², and
 - (c) be not higher than 3m above ground level (existing), and
 - (d) be located at least 20m from any road boundary and 5m from every other lot boundary, and
 - (e) be located at least 30m from any dwelling on an adjoining lot, and
 - (f) if roofed—be constructed or installed so that roof water is disposed of on site, without causing a nuisance to adjoining owners, and

- (g) if it is in Zone RU4 and to the extent it is comprised of metal components—be constructed of low reflective, factory pre-coloured materials, and
 - (h) have an impervious floor, and
 - (i) if it is located on bush fire prone land and is less than 5m from a dwelling—be constructed of non-combustible material.
- (4) There must not be more than 1 development per lot for development referred to in subclause (3).

Subdivision 3B Automatic teller machines

2.6C Specified development

The construction or installation of an automatic teller machine is development specified for this code.

2.6D Development standards

The standards specified for that development are that—

- (a) the development—
 - (i) must be located inside, and only be accessible from within, existing commercial premises, or
 - (ii) must be located inside existing commercial premises within an external wall that is at least 2m from a road and not installed or constructed on or in a heritage item or draft heritage item or in a heritage conservation area or draft heritage conservation area, and
- (b) the development must be installed in accordance with AS 3769—1990*Automatic teller machines—User access*.

Subdivision 4 Aviaries

2.7 Specified development

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

2.8 Development standards

- (1) The standards specified for that development are that the development must—
- (a) be for residential uses only, and
 - (b) not have a floor area of more than—

- (i) in a rural zone—30m², or
 - (ii) in any other zone—10m², and
- (c) be not higher than—
- (i) in a rural zone—3m above ground level (existing), or
 - (ii) in any other zone—2.4m above ground level (existing), and
- (d) be located—
- (i) in a rural zone—at least 20m from the road boundary and 5m from each other lot boundary, or
 - (ii) in any other zone—in the rear yard and at least 900mm from each side and rear boundary, and
- (e) (Repealed)
- (f) have an impervious floor, and
- (g) be constructed or installed so that roofwater is disposed of without causing a nuisance to adjoining owners, and
- (g1) if it is located in a residential zone and to the extent it is comprised of metal components—be constructed of low reflective, factory pre-coloured materials, and
- (h) if it is located on bush fire prone land and is less than 5m from a dwelling—be constructed of non-combustible material.

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

Note.

For fowl and poultry houses see clause 2.41.

Subdivision 5 Awnings, blinds and canopies

2.9 Specified development

The construction or installation of any of the following structures over a window or door opening is development specified for this code if the structure is not constructed or installed on or in a heritage item or a draft heritage item—

- (a) an awning or canopy associated with a residential use,
- (b) a blind (including a storm blind, security blind or sun blind) or similar structure for any purpose.

Note.

See separate entry for shade structures.

2.10 Development standards

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

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

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

2.11 Specified development

The following development is specified for this code—

- (a) the construction or installation of a balcony, deck, patio, pergola, terrace or verandah, whether free standing or attached to the ground floor level of a building, or roofed or unroofed, if it is not constructed or installed on or in a heritage item or a draft heritage item or on land in a foreshore area,
- (b) the replacement of a deck if the deck is not higher than 1m above ground level (existing).

2.12 Development standards

- (1) The standards specified for the development specified in clause 2.11(a) are that the development must—
 - (a) (Repealed)
 - (b) have an area of not more than 25m², and
 - (c) not cause the total floor area of all such structures on the lot to be more than—
 - (i) for a lot larger than 300m²—15% of the ground floor area of the dwelling on

- the lot, or
- (ii) for a lot 300m² or less—25m², and
- (d) not have an enclosing wall higher than 1.4m, and
- (e) be located—
- (i) if carried out in connection with farm experience premises or farm gate premises—more than 50m from a road, or
- (ii) otherwise—behind the building line of a road frontage, and
- (f) be located at a distance from each lot boundary of at least—
- (i) for development carried out in Zone RU1, RU2, RU3, RU4, RU6 or R5—5m, or
- (ii) for development carried out in any other zone—900mm, and
- (g) (Repealed)
- (h) to the extent it is comprised of metal components—be constructed of low reflective, factory pre-coloured materials, and
- (i) have a floor height not more than 1m above ground level (existing), and
- (i1) if it is a roofed structure—have a roof that does not overhang the structure by more than 600mm on each side,
- (j) if it is a roofed structure attached to a dwelling—not extend above the roof gutter line of the dwelling, and
- (j1) be no higher than 3m at its highest point above ground level (existing), and
- (k) if it is connected to a fascia—be connected in accordance with a professional engineer's specifications, and
- (l) be constructed or installed so that any roofwater is disposed of into an existing stormwater drainage system, and
- (m) not interfere with the functioning of existing drainage fixtures or flow paths, and
- (n) if it is located on bush fire prone land and is less than 5m from a dwelling—be constructed of non-combustible material, and
- (o) (Repealed)
- (2) The standards specified for the development specified in clause 2.11(b) are that the development must—
- (a) use equivalent or improved quality materials, and

- (b) not change the size or height of the existing deck.
- (3) Subclause (1)(h) does not apply to development carried out in connection with a building used for the purposes of farm stay accommodation, farm gate premises or farm experience premises.

Subdivision 7 Barbecues and other outdoor cooking structures

2.13 Specified development

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

2.14 Development standards

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

- (a) not have an area of more than 4m², and
- (b) be not higher than 1.8m above ground level (existing), and
- (c) if it is not on land in Zone RU1, RU2, RU3, RU4 or RU6—be located behind the building line of any road frontage, and
- (d) be located at least 450mm from each lot boundary, and
- (e) not be used for commercial purposes.

Subdivision 8

2.15, 2.16 (Repealed)

Subdivision 8A Bollards

2.16A Specified development

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

2.16B Development standards

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

- (a) be not higher than 1.4m above ground level (existing), and
- (b) not have a diameter of more than 600mm, and
- (c) be associated with any of the following development—
 - (i) (Repealed)
 - (ii) commercial premises,

- (iii) premises used for light industry,
 - (iv) warehouse or distribution centre, and
- (d) not reduce any existing means of entry to, or exit from, any such associated development or the lot on which it is situated.

Subdivision 9 Cabanas, cubby houses, ferneries, garden sheds, gazebos and greenhouses

2.17 Specified development

The construction or installation of a cabana, cubby house, fernery, garden shed, gazebo or greenhouse is development specified for this code if it is not constructed or installed on or in a heritage item or a draft heritage item, on land in a foreshore area or in an environmentally sensitive area.

2.18 Development standards

- (1) The standards specified for that development are that the development must—
 - (a) (Repealed)
 - (b) not have a floor area of more than—
 - (i) on land in Zone RU1, RU2, RU3, RU4, RU6 or R5—50m², or
 - (ii) on land in any other zone—20m², and
 - (c) be not higher than 3m above ground level (existing), and
 - (d) be located at a distance from each lot boundary of at least—
 - (i) for development carried out in Zone RU1, RU2, RU3, RU4, RU6 or R5—5m, or
 - (ii) for development carried out in any other zone—900mm, and
 - (e) if it is not on land in Zone RU1, RU2, RU3, RU4 or RU6—be located behind the building line of any road frontage, and
 - (f) not be a shipping container, and
 - (g) be constructed or installed so that roofwater is disposed of without causing a nuisance to adjoining owners, and
 - (h) to the extent it is comprised of metal components—be constructed of low reflective, factory pre-coloured materials if it is located on land in a residential zone, and
 - (i) if it is located on bush fire prone land and is less than 5m from a dwelling—be

- constructed of non-combustible material, and
- (j) if it is constructed or installed in a heritage conservation area or a draft heritage conservation area—be located in the rear yard, and
 - (k) if it is located adjacent to another building—be located so that it does not interfere with the entry to, or exit from, or the fire safety measures contained within, that building, and
 - (l) be a Class 10 building and not be habitable, and
 - (m) be located at least 1m from any registered easement, and
 - (n) in relation to a cabana—not be connected to water supply or sewerage services.
- (2) There must not be more than 2 developments per lot.

Subdivision 10 Carports

2.19 Specified development

The construction or installation of a carport is development specified for this code if it is not constructed or installed on or in a heritage item or a draft heritage item or on land in a foreshore area.

2.20 Development standards

- (1) The standards specified for that development are that the development must—
 - (a) not result in a building classified under the *Building Code of Australia* as class 7a, and
 - (b) not have a floor area more than—
 - (i) for a lot larger than 300m² in a rural zone or Zone R5—50m², or
 - (ii) for a lot larger than 300m² in a zone other than a rural zone or Zone R5—25m², or
 - (iii) for a lot 300m² or less in any zone—20m², and
 - (c) be not higher than 3m above ground level (existing) and, if attached to an existing single storey dwelling, be not higher than the roof gutter line, and
 - (d) be located at least 1m behind the building line of any road frontage, and
 - (e) be located at a distance from each lot boundary of at least—
 - (i) for development carried out in Zone RU1, RU2, RU3, RU4, RU6 or R5—5m, or
 - (ii) for development carried out in any other zone—900mm, and

- (f) (Repealed)
- (g) to the extent it is comprised of metal components—be constructed of low reflective, factory pre-coloured materials, and
- (h) not involve the construction of a new driveway or gutter crossing unless the consent of the relevant road authority for each opening of a public road required for the development has been obtained under the *Roads Act 1993*, and
 - (i) be constructed or installed so that any roofwater is disposed of into the existing stormwater drainage system, and
 - (j) if it is connected to a fascia—be connected in accordance with a professional engineer's specifications, and
- (k) (Repealed)
- (l) if it is located on bush fire prone land and is less than 5m from a dwelling—be constructed of non-combustible material, and
- (m) if it is constructed or installed in a heritage conservation area or a draft heritage conservation area—be located in the rear yard, and
- (n) be located so that it does not reduce vehicular access to, or parking or loading or unloading on, or from, the lot.

Note.

See the definition of **carport** in clause 1.5(1) that sets out additional requirements for carports.

- (2) The roof of the development must be located at least 500mm from each lot boundary.
- (3) There must not be more than 1 development—
 - (a) per lot if there is a dwelling on the lot, or
 - (b) per lot or per each separate occupation of premises on the lot, whichever is the greater, in any other case.

Subdivision 10A Change of use of premises

2.20A Specified development

A change of use from a current use specified in a category in Column 1 of the Table to this clause to a use specified in the corresponding category in Column 2 of the Table to this clause is development specified for this code.

Table

Column 1 Current use

Column 2 New use

Category 1

business premises
office premises
shop

public administration building

Category 2

landscaping material supplies
hardware and building supplies
garden centre
plant nursery
rural supplies
timber yard

vehicle sales or hire premises

Category 3

general industry

light industry (other than artisan food and drink industry)

packaging industry

warehouse or distribution centre (other than local distribution premises)

wholesale supplies

Category 4

entertainment facility

information and education facility

Category 5

food and drink premises

Category 1

business premises
office premises
shop
kiosk

public administration building

Category 2

landscaping material supplies
hardware and building supplies
garden centre
plant nursery
rural supplies
timber yard

Category 3

light industry (other than artisan food and drink industry)

packaging industry

warehouse or distribution centre (other than local distribution premises)

wholesale supplies

self-storage premises

Category 4

shop

entertainment facility

entertainment facility

shop

information and education facility

2.20B Development standards

- (1) The standards specified for that development are that—
- (a) the current use must be a lawful use, and
 - (b) the current use must not be an existing use within the meaning of section 4.65 of the Act, and
 - (c) the new use must be permissible with consent under an environmental planning instrument applying to the land on which the development is carried out, and
 - (d) the new use must not result in a change of building classification under the *Building Code of Australia*, unless the change of use is from a class 5 building to a class 6 building, or from a class 6 building to a class 5 building, and the building meets all the relevant provisions of that code for the new use, and
 - (e) the new use must not be carried out at premises that are a manufactured home, moveable dwelling or associated structure, temporary structure, tent, swimming pool, ship or vessel, and
 - (f) the new use must not be any of the following—
 - (i) food and drink premises,
 - (ii) a funeral chapel,
 - (iii) a funeral home,
 - (iv) retail premises where firearms within the meaning of the *Firearms Act 1996* are sold,
 - (v) landscaping material supplies,
 - (vi) a market,
 - (vii) premises that are a beauty salon or hair dressing salon,
 - (viii) premises where a skin penetration procedure within the meaning of the *Public Health Act 2010* is carried out,
 - (ix) restricted premises,
 - (x) a roadside stall,
 - (xi) sex services premises,
 - (xii) vehicle sales or hire premises, and

- (g) the new use must not involve building alterations, other than alterations that are exempt development under this Policy, and
- (h) the new use must not result in an increase in the gross floor area of any building within which it is carried out, and
- (i), (j) (Repealed)
- (k) the new use must not be carried out under an awning unless the awning complies with the requirements set out in the *Building Code of Australia*, Volume 1, B1P1 and B1P2.

Note.

Certain types of uses are subject to a maximum floor area to be permissible development in a particular zone under the relevant environmental planning instrument. In those cases, the maximum floor area requirement for that use must be complied with for a change of use to be exempt development.

- (2) It is also a development standard that the new use must not cause the contravention of an existing condition of the most recent development consent that applies to the premises relating to noise, car parking, vehicular movement, traffic generation, loading, waste management and landscaping.
- (3) It is also a development standard for development not in Zone E1, E2, E3, MU1, B1, B2, B3, B4, B5, B6, B7, B8, IN4, SP1, SP2, SP3, SP5 or W4 that—
 - (a) the new use must not cause the contravention of an existing condition of the most recent development consent that applies to the premises relating to hours of operation, or
 - (b) if there is no existing condition that applies to the premises relating to hours of operation—the premises must only operate between 7am–7pm.
- (4) The following are also development standards for a change of use referred to in clause 2.20A, Table, Category 5—
 - (a) the premises must have a floor area of no more than 300m²,
 - (b) the maximum number of persons permitted in the new use is 1 person per square metre of floor area,
 - (c) a sign must be displayed in a prominent position of the new use stating the maximum number of persons,
 - (d) if the current use is a shop, the new use must not be licensed premises within the meaning of the *Liquor Act 2007*,
 - (e) the new use must comply with *Environmental Planning and Assessment Regulation 2021*, section 72 as if the new use were an entertainment venue

subject to a development consent.

Subdivision 10B Change of use of places of public worship

2.20C Specified development

A change from a current use to a new use that is a change from a place of public worship to another place of public worship is development specified for this code.

2.20D Development standards

The standards specified for that development are that—

- (a) the current use must be a lawful use, and
- (b) the current use must not be an existing use within the meaning of section 4.65 of the Act, and
- (c) the new use must not cause the contravention of any existing condition of the most recent development consent (other than a complying development certificate) that applies to the premises relating to hours of operation, noise, car parking, vehicular movement, traffic generation, loading, waste management and landscaping, and
- (d) the new use must not increase or create significant adverse environmental impacts by reason of noise, waste products or traffic generation.

Subdivision 10C Charity bins and recycling bins

2.20E Specified development

The construction or installation of a charity bin or recycling bin is development specified for this code.

2.20F Development standards

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

- (a) be associated with commercial premises or a place of public worship, and
- (b) if located on the same lot as the commercial premises or place of public worship—be wholly located within the lot and not located on a road or road reserve, and
- (c) not result in more than 3 such bins on one lot, and
- (d) be located behind the building line of any road frontage, and
- (e) be operated by a person or organisation that is the holder of an authority under the *Charitable Fundraising Act 1991*, and
- (f) not display any advertising other than details of the person or organisation that

operates it, and

- (g) not cause the contravention of any existing condition of the most recent development consent (other than a complying development certificate) that applies to the premises relating to car parking, loading, vehicular movement, waste management and landscaping.

Subdivision 11 Clothes hoists and clothes lines

2.21 Specified development

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

2.22 Development standards

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

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

Subdivision 12 Container recycling equipment

2.23 Specified development

- (1) The following development is specified for this code—

- (a) the erection on land of a reverse vending machine or a container collection cage,
 - (b) the erection or operation of a mobile reverse vending machine.

- (2) The development is not development specified for this code if it is carried out on land in a residential or rural zone, unless—

- (a) the land is lawfully used for the purposes of a community facility, an educational establishment or any other building or place used for the physical, social, cultural or intellectual development or welfare of the community, or
 - (b) the development is carried out in connection with a commercial, community or retail event or a private function.

- (3) In this Subdivision—

container collection cage means a cage, or other structure, that is designed to store containers deposited at collection points.

container recycling equipment means—

- (a) a reverse vending machine, or
- (b) a mobile reverse vending machine, or
- (c) a container collection cage.

erection or operation of a mobile reverse vending machine means—

- (a) the erection on land of a mobile structure that is fitted with a reverse vending machine, or
- (b) the operation of a reverse vending machine on land from a vehicle.

mobile reverse vending machine means a vehicle, or mobile structure, that is fitted with a reverse vending machine.

2.23A Development in car parks

The following development is specified for this code—

- (a) the erection on land that may lawfully be used for the purposes of a car park of a reverse vending machine, a container collection cage or a mobile structure that is fitted with a reverse vending machine,
- (b) the operation of a reverse vending machine from a vehicle on land that may lawfully be used for the purposes of a car park.

2.24 Development standards

- (1) The standards specified for development specified in clause 2.23 or 2.23A are that—
 - (a) the container recycling equipment must not restrict any vehicular or pedestrian access to or from, or entry to any building on, the land on which the equipment is located, and
 - (b) the container recycling equipment must not obstruct the operation of, or access to, any utility services on the land on which the equipment is located or on adjacent land, and
 - (c) the container recycling equipment must, if erected outdoors—
 - (i) be constructed of material that protects the equipment from weathering, and
 - (ii) be painted or treated to protect the equipment from weathering, and
 - (iii) in the case of a reverse vending machine or mobile reverse vending machine—be constructed so that any opening created is adequately weather proofed, and
 - (d) the container recycling equipment must be constructed of low reflective materials,

and

- (e) the container recycling equipment must be provided with lighting that complies with AS/NZS 1158.3.1:2020, *Lighting for roads and public spaces, Part 3.1: Pedestrian area (Category P) lighting—Performance and design requirements*, and
- (f) the container recycling equipment must not redirect the flow of any surface water or ground water or cause sediment to be transported onto an adjoining property, and
- (g) the container recycling equipment must not—
 - (i) emit noise at a level that is more than 70 dB(A), measured in accordance with the Noise Policy, or
 - (ii) emit noise that is audible within residential or office premises on any lot adjoining the lot on which the equipment is located, or
 - (iii) emit noise at a level that is more than 5 dB(A) above background noise when measured at any adjoining property boundary in accordance with the Noise Policy, and
- (h) any display screen affixed externally to the container recycling equipment must not be more than 50cm in length or 30cm in width, and
 - (i) the development must not result in any damage to public property on the land on which the container recycling equipment is located or on adjacent land (except any damage resulting from securing or affixing the container recycling equipment to the ground as a safety measure), and
- (j) (Repealed)
- (k) arrangements must be made for the removal of waste or recyclable materials likely to be generated as a result of the development or the operation of the container recycling equipment, and
- (l) the siting, design and construction of the container recycling equipment must meet all of the requirements imposed by the Environment Protection Authority under the container deposit scheme, and

Note.

The EPA has published a *Design Guide for Container Recycling Equipment and Facilities under the Container Deposit Scheme*. The Design Guide can be accessed at www.planning.nsw.gov.au or www.epa.nsw.gov.au.

- (m) the container recycling equipment must not display any signage other than signage approved by the Environment Protection Authority under the container deposit scheme, and

- (n) if the container recycling equipment is development specified in clause 2.23A—the area occupied by the equipment must not exceed the greater of the following areas—
 - (i) the area comprising 3 car parking spaces,
 - (ii) 42m², and
 - (o) if it is the erection of a reverse vending machine—the machine must—
 - (i) not have a floor area of more than 50m², and
 - (ii) not be more than 3m in height, 10m in width or 5m in depth, and
 - (iii) not be erected within 5m of any residential premises, and
 - (p) if it is the erection of a reverse vending machine or a container collection cage—the machine or cage must not be erected within 2m of any street or right of way, and
 - (q) if it is the erection of a container collection cage—the cage must—
 - (i) be located in a car park or commercial premises, and
 - (ii) not have a floor area of more than 15m², and
 - (iii) not be more than 3m in height, and
 - (r) if it is the erection or operation of a mobile reverse vending machine in connection with a commercial, community or retail event or a private function—the machine must not be parked or located—
 - (i) on the land for more than 2 days before the event or for more than 2 days after the event, or
 - (ii) within 2m of any street intersection or right of way, and
 - (s) if it is the erection or operation of a mobile reverse vending machine in connection with a commercial or retail event—the reverse vending machine contained in the mobile reverse vending machine must operate only—
 - (i) between 7.00 am and 11.00 pm on a Monday, Tuesday, Wednesday or Thursday, and
 - (ii) between 7.00 am and 12.00 am on a Friday or Saturday, and
 - (iii) between 8.00 am and 8.00 pm on a Sunday.
- (2) Despite subclause (1)(n), the equipment may occupy an additional car parking area in addition to the area specified in that paragraph if—

- (a) an environmental planning instrument, development control plan or condition of a development consent that is in force requires the car park to provide a minimum number of car parking spaces, and
 - (b) the car park provides a number of car parking spaces that exceeds the minimum number required (**the additional spaces**).
- (3) The **additional car parking area** is the greater of the following areas—
- (a) an area comprising not more than 3 of the additional spaces,
 - (b) an area not exceeding 42m².

Note.

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

See note 2 to this Part for examples of other requirements that apply in addition to the requirements of this code.

Subdivision 13 Demolition

2.25 Specified development

The following, if it is not carried out on or in a heritage item or a draft heritage item or on or in a heritage conservation area or a draft heritage conservation area, is development specified for this code—

- (a) demolition of—
 - (i) development specified as exempt development under this code, or
 - (ii) a building, the structure of which is significantly damaged by a natural disaster,
- (b) partial demolition of a building damaged by a natural disaster (where the structure of the building is not significantly damaged), only to the extent necessary to make the building safe.

2.26 Development standards

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

Subdivision 14 Driveways and hard stand spaces

2.27 Specified development

The following development is specified for this code if it is not constructed or installed on or in a heritage item or a draft heritage item, in a heritage conservation area or a draft heritage conservation area, on land in a foreshore area or in an environmentally sensitive

area—

- (a) the construction or installation of a driveway associated with access to an open hard stand space, a carport, a loading bay or a garage,
- (b) the construction or installation of a hard stand space associated with a driveway, whether open or part of a carport.

2.28 Development standards

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

- (a) be constructed or installed so that any surface water or runoff is disposed of by a drainage system that is connected to the existing stormwater drainage system, and
- (b) be constructed in accordance with AS/NZS 2890.1:2004, *Parking facilities, Part 1: Off-street car parking* or AS 2890.2:2018, *Parking facilities, Part 2: Off-street commercial vehicle facilities*, and
- (c) if the development is ancillary development to a dwelling—not require cut or fill more than 600mm below or above ground level (existing), and
- (d) if the development is not ancillary development to a dwelling—not require cut or fill more than 1m below or above ground level (existing), and
- (e) if the development is a driveway—
 - (i) not be wider than the open hard stand space, carport or garage with which it is associated, and
 - (ii) be constructed in accordance with the relevant road authority's policy and specifications on vehicle and driveway crossings, and
 - (iii) be subject to written consent from the relevant roads authority (if required under section 138 of the *Roads Act 1993*) for the building of any kerb, crossover or driveway, and
- (f) if the development is a hard stand space—
 - (i) measure at least 2.6m wide by 5.4m long, and
 - (ii) have an area of not more than 20m², and
 - (iii) if the development is ancillary to a dwelling—be located at least 1m behind the building line of any road frontage (other than a laneway) and at least 900mm from each side or rear boundary, and
 - (iv) in any other case—be located clear of any required landscaped area, and
- (g) if the development is constructed or installed in a residential zone or rural zone—not

result in the total area of all driveways or hard stand spaces, pathways and paved areas on the lot exceeding 15% of the area of the lot or 150m², whichever is the lesser, and

- (h) if constructed or installed in a residential zone—
 - (i) if a lot has a width at the front building line of not more than 18m—have at least 25% of the area forward of the building line as landscaped area, and
 - (ii) if a lot has a width at the front building line of more than 18m—have at least 50% of the area forward of the building line as landscaped area.

Subdivision 15 Earthworks, retaining walls and structural support

2.29 Specified development

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

2.30 Development standards

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

- (a) not be a cut or fill of more than 600mm below or above ground level (existing), and
- (b) be located at least 1m from each lot boundary, and
- (c) if it is carried out, constructed or installed in a heritage conservation area or a draft heritage conservation area—be located in the rear yard, and
- (d) be located at least 40m from a waterbody (natural), and
- (e) not redirect the flow of any surface water or ground water or cause sediment to be transported onto an adjoining property, and
- (f) if it is a retaining wall or structural support for excavation or fill, or a combination of both—
 - (i) be not be more than 600mm high, measured vertically from the base of the development to its uppermost portion, and
 - (ii) be separated from any retaining wall or other structural support on the site by at least 2m, measured horizontally, and
 - (iii) be located at least 1m from any registered easement, sewer main or water main, and
 - (iv) have adequate drainage lines connected to the existing stormwater drainage

system for the site, and

- (g) if the fill is more than 150mm deep—not occupy more than 25% of the area of the lot, and
- (h) if the fill is imported to the site—be free of building and other demolition waste, and only contain virgin excavated natural material (VENM) as defined in Part 3 of Schedule 1 to the *Protection of the Environment Operations Act 1997*, and
- (i) if the land is in a rural or conservation zone—not be fill of more than 100 cubic metres on each lot.

Note.

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*).

Subdivision 15AA Emergency work and repairs

2.30AA Specified development

The repair of damage to a building or structure caused by either or both of the following is development specified for this code—

- (a) a natural disaster,
- (b) an event that constitutes a significant and widespread danger to life or property in an area declared by an order under the *State Emergency and Rescue Management Act 1989*, section 33 to be an area where a state of emergency exists.

2.30AB Development standards

- (1) The standards specified for that development are that the development must—
 - (a) be carried out within the relevant period, and
 - (b) not change the configuration of the building or structure being repaired, and
 - (c) not increase the floor area of the building or structure being repaired, and
 - (d) in the case of a structure that is a fence, gate or other barrier—only be the repairs necessary to ensure the repaired or replaced structure is the same size, in the same location and made with similar materials as the damaged structure, and
 - (e) in any other case—only be the repairs necessary to make the building or structure secure and weatherproof and in the case of a dwelling, safe and suitable for habitation but must not include a repair (other than a temporary repair) to a structural element of the building.
- (2) In this clause—

relevant area means land in the following local government areas—

- (a) City of Lismore,
- (b) Clarence Valley,
- (c) Richmond Valley,
- (d) Tweed,
- (e) Ballina.

relevant period means—

- (a) for development carried out in a relevant area before 1 April 2026—4 years after the natural disaster or the declaration is made, and
- (b) otherwise—2 years after the natural disaster or the declaration is made.

Subdivision 15AB Entertainment associated with existing premises

2.30AC Specified development

Low impact performance of live music or arts is development specified for this code if it is not carried out in a residential zone.

2.30AD Development standards

- (1) The standards specified for this development are that the development—
 - (a) must be carried on inside a building, and
 - (b) must not contravene an existing relevant condition of the most recent development consent that applies to the premises, and
 - (c) must not contravene the *Protection of the Environment Operations Act 1997*, and
 - (d) must not be primarily used for adult entertainment, including, for example, a strip club, and
 - (e) must not be carried on in connection with a proposed change of use of premises.
- (2) In this clause—

existing relevant condition means a condition relating to any of the following—

- (a) the number of persons permitted in the building,
- (b) hours of operation,
- (c) noise, other than a condition mentioned in the *Liquor Act 2007*, Schedule 1, clause 70(1),

- (d) car parking, vehicular movement and traffic generation,
- (e) loading management of waste,
- (f) landscaping.

Subdivision 15A Evaporative cooling units (roof mounted)

2.30A Specified development

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

Note.

For air-conditioning units see clause 2.5.

2.30B Development standards

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

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

conservation area—be located in the rear yard and must not be visible from a public road.

Note.

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

Subdivision 15B Farm buildings damaged by natural disasters

2.30C Specified development

The demolition of an existing farm building that has been significantly damaged or destroyed by a natural disaster and the erection of a new farm building is development specified for this code if the development is not carried out on or in a heritage item or a draft heritage item or in an environmentally sensitive area.

2.30D Development standards

The following standards are specified for the development—

- (a) the existing farm building must have been lawfully erected,
- (b) the development must not contravene an existing condition of the most recent development consent that applies to the landholding,
- (c) the development must be carried out in accordance with AS 2601—2001, *The demolition of structures*,
- (d) the new structure must be in the same location as the existing structure,
- (e) the new structure must be of the same building classification under the *Building Code of Australia* as the existing structure,
- (f) the new structure must not have a height or total footprint greater than the height or total footprint of the existing structure,
- (g) the new structure must be constructed of non-combustible material if it is located—
 - (i) on bush fire prone land, and
 - (ii) within 5m of a dwelling house,
- (h) the development must comply with the standards specified in the following provisions, except in relation to the location or height of the new structure or minimum distances other than a distance relating to a waterbody (natural)—
 - (i) for a farm building other than a stock holding yard, grain silo or grain bunker—clause 2.32,

- (ii) for a stock holding yard—clause 2.32B,
- (iii) for a grain silo or grain bunker—clauses 2.32D–2.32F.

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 ongoing 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 200m²,

- (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 ²
>10ha	2,000m ²

- (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 ²	10m
>100m ² -200m ²	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 200m²—is not carried out on unsewered land in the Sydney Drinking Water Catchment, if that development will result in a site disturbance area of more than 250m², and
 - (e) is not constructed or installed on or in a heritage item or a draft heritage item or in an environmentally sensitive area.
- (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 200m²—not carried out on unsewered land in the Sydney Drinking Water Catchment, if that development will result in a site disturbance area of more than 250m², and
 - (e) not constructed or installed on or in a heritage item or a draft heritage item or in an environmentally sensitive area.
- (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 200m²,
 - (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 ²
>10ha	2,000m ²

- (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 7,000m²,
 - (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 200m²,
 - (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.

Subdivision 16C Farm experience premises

2.32G Specified development

- (1) The following development, if carried out on a relevant landholding, is specified for this code—
 - (a) the use of land for the purposes of farm experience premises,
 - (b) a change of use from farm experience premises to the previous lawful use of the land.
- (2) To be exempt development, the development must not take place—
 - (a) on significantly contaminated land, or
 - (b) on land declared to be a special area under the *Water NSW Act 2014*, or
 - (c) on land identified on the *Agritourism and Farm Stay Accommodation Exempt and Complying Development Map*, or
 - (d) in a floodway, within the meaning of the Flood Risk Management Manual.
- (3) In this clause—

relevant landholding means a landholding—
 - (a) in Zone RU1 Primary Production, Zone RU2 Rural Landscape or Zone RU4 Primary Production Small Lots, or
 - (b) on which development for the purposes of one of the following is permitted with or without development consent under an environmental planning instrument—
 - (i) agritourism,
 - (ii) extensive agriculture,

- (iii) intensive livestock agriculture,
- (iv) intensive plant agriculture.

2.32H Development standards

- (1) The following standards are specified for development referred to in clause 2.32G(1)(a)—
 - (a) the development must not involve the erection of a new building,
 - (b) the development must not result in a change of building classification under the *Building Code of Australia*, unless—
 - (i) the change is from a class 5 building to a class 6 building, or vice versa, and
 - (ii) the building complies with all the relevant provisions of the *Building Code of Australia* that apply to the new use,
 - (c) the development must not involve the use of more than 200m² of the footprint of an existing building,
 - (d) the total footprint of all buildings used for the purposes of farm experience premises and farm gate premises on the landholding must be no more than 500m²,
 - (e) a building used for the purposes of farm experience premises must not be located within—
 - (i) 50m of a property boundary or waterway, or
 - (ii) 250m of residential accommodation on neighbouring land, or
 - (iii) 250m of a property boundary for land used for the purposes of one of the following—
 - (A) forestry,
 - (B) intensive livestock agriculture,
 - (C) intensive plant agriculture,
 - (D) mines,
 - (E) extractive industries,
 - (F) rail lines,
 - (G) rural industries,
 - (f) the activities visitors participate in must not be conducted within the areas

referred to in paragraph (e)(ii) and (iii),

- (g) notice of the following must be given, at least 1 week before the premises open to visitors, to neighbours likely to be affected by the development—
 - (i) the location of the premises,
 - (ii) the date on which the premises will open to visitors,
 - (iii) the opening hours of the premises,
- (h) for premises located within 1km of residential accommodation or another building on neighbouring land, including a stable, stock yard or poultry shed, used to house animals—the development must not involve amplified noise,
- (i) the premises must not be open to visitors, excluding visitors participating in farm tours, horse riding tours and school groups, for more than 52 days each year, including no more than 4 events held on a Friday or Saturday after 6pm that involve amplified noise,
- (j) the premises must not be open to visitors outside the following hours—
 - (i) on Sundays, Mondays, Tuesdays, Wednesdays, Thursdays or public holidays—8am to 6pm,
 - (ii) on Fridays and Saturdays—8am to midnight,
- (k) the number of visitors, excluding visitors participating in farm tours, horse riding tours and school groups, to all farm experience premises on the landholding at any one time must not be more than 50,
- (l) the total number of visitors, excluding visitors participating in fruit and produce picking, farm tours, horse riding tours and school groups, to all farm experience premises and farm gate premises on the landholding at any one time must not be more than 100,
- (m) a tent or marquee erected at the premises is not required to comply with clause 2.118(a)–(c), (l), (m) or (o),
- (n) an evacuation diagram displaying the following must be located in a prominent position at or near the premises—
 - (i) directions to facilitate the safe evacuation of people from the site,
 - (ii) contact details for emergency services, including for a bush fire, flood or other natural disaster,
- (o) vehicular or pedestrian access to the premises must not be directly from a freeway, highway or tollway within the meaning of the *Roads Act 1993*,

- (p) an existing vehicular access point to a public road must comply with the lesser of—
 - (i) a clear sight distance for vehicles leaving the premises of at least 300m, or
 - (ii) the minimum car stopping sight distances set out in the *Guide to Road Design Part 3: Geometric Design*, Table 5.5, published by Austroads on 26 February 2021,
 - (q) vehicles must be able to enter and exit the landholding in a forward direction,
 - (r) car parking spaces must be located wholly within the boundaries of the landholding,
 - (s) waste generated as a result of the development must be disposed of—
 - (i) using a sewage reticulation system connected to the landholding, or
 - (ii) using a system of sewage management for which the approval of the council has been obtained under the *Local Government Act 1993*, section 68, or
 - (iii) at a waste or resource management facility,
 - (t) the on-site disposal of organic or putrescible waste must not have an adverse impact on the use of adjoining land,
 - (u) a human waste storage facility on the landholding must be emptied using—
 - (i) a sewage reticulation system connected to the landholding, or
 - (ii) a system of sewage management for which the approval of the council has been obtained under the *Local Government Act 1993*, section 68.
- (1A) The standard for development referred to in clause 2.32G(1)(b) is that the development must not contravene an existing condition of the most recent development consent that applies to the land.
- (2) In this clause—
- footprint** means the area of the ground surface occupied by a building, including the walls, verandahs, balconies, 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.
- neighbouring land** means—
- (a) adjacent land outside the landholding, or
 - (b) land outside the landholding that is separated from the landholding by a road.

Subdivision 16D Farm gate premises

2.32I Specified development

- (1) The following development, if carried out on a relevant landholding, is specified for this code—
 - (a) the use of land for the purposes of farm gate premises,
 - (b) a change of use from farm gate premises to the previous lawful use of the land.
- (2) To be exempt development, the development must not take place—
 - (a) on significantly contaminated land, or
 - (b) on land declared to be a special area under the *Water NSW Act 2014*, or
 - (c) on land identified on the *Agritourism and Farm Stay Accommodation Exempt and Complying Development Map*, or
 - (d) in a floodway, within the meaning of the Flood Risk Management Manual.
- (3) In this clause—

relevant landholding means a landholding—

 - (a) in Zone RU1 Primary Production, Zone RU2 Rural Landscape or Zone RU4 Primary Production Small Lots, or
 - (b) on which development for the purposes of one of the following is permitted with or without development consent under an environmental planning instrument—
 - (i) agritourism,
 - (ii) extensive agriculture,
 - (iii) intensive livestock agriculture,
 - (iv) intensive plant agriculture.

2.32J Development standards

- (1) The following standards are specified for development referred to in clause 2.32I(1)(a)—
 - (a) the development must not involve the erection of a new building,
 - (b) the development must not result in a change of building classification under the *Building Code of Australia*, unless—
 - (i) the change is from a class 5 building to a class 6 building, or vice versa, and

- (ii) the building complies with all the relevant provisions of the *Building Code of Australia* that apply to the new use,
- (c) the development must not involve the use of more than 200m² of the footprint of an existing building,
- (d) the total footprint of all buildings used for the purposes of farm experience premises and farm gate premises on the landholding must be no more than 500m²,
- (e) a building used for the purposes of farm gate premises must not be located within—
 - (i) 50m of a property boundary or waterway, or
 - (ii) 250m of residential accommodation on—
 - (A) adjacent land outside the landholding, or
 - (B) land outside the landholding that is separated from the landholding by a road, or
 - (iii) 250m of a property boundary for land used for the purposes of one of the following—
 - (A) forestry,
 - (B) intensive livestock agriculture,
 - (C) intensive plant agriculture,
 - (D) mines,
 - (E) extractive industries,
 - (F) rail lines,
 - (G) rural industries,
- (f) services and activities related to the development must not be provided to visitors within the areas referred to in paragraph (e)(ii) and (iii),
- (g) the premises must not be open to visitors outside the following hours—
 - (i) on Sundays, Mondays, Tuesdays, Wednesdays, Thursdays, Fridays or public holidays—8am to 5pm,
 - (ii) on Saturdays—7am to 5pm,
- (h) the number of visitors, excluding visitors participating in fruit and produce picking,

to all farm gate premises on the landholding at any one time must not be more than 100,

- (i) the total number of visitors, excluding visitors participating in fruit and produce picking, farm tours, horse riding tours and school groups, to all farm experience premises and farm gate premises on the landholding at any one time must not be more than 100,
- (j) a tent or marquee erected at the premises is not required to comply with clause 2.118(a)–(c), (l), (m) or (o),
- (k) an evacuation diagram displaying the following must be located in a prominent position at or near the premises—
 - (i) directions to facilitate the safe evacuation of people from the site,
 - (ii) contact details for emergency services, including for a bush fire, flood or other natural disaster,
- (l) vehicular or pedestrian access to the premises must not be directly from a freeway, highway or tollway within the meaning of the *Roads Act 1993*,
- (m) an existing vehicular access point to a public road must comply with the lesser of—
 - (i) a clear sight distance for vehicles leaving the premises of at least 300m, or
 - (ii) the minimum car stopping sight distances set out in the *Guide to Road Design Part 3: Geometric Design*, Table 5.5, published by Austroads on 26 February 2021,
- (n) vehicles must be able to enter and exit the landholding in a forward direction,
- (o) car parking spaces must be located wholly within the boundaries of the landholding,
- (p) waste generated as a result of the development must be disposed of—
 - (i) using a sewage reticulation system connected to the landholding, or
 - (ii) using a system of sewage management for which the approval of the council has been obtained under the *Local Government Act 1993*, section 68, or
 - (iii) at a waste or resource management facility,
- (q) the on-site disposal of organic or putrescible waste must not have an adverse impact on the use of adjoining land,
- (r) a human waste storage facility on the landholding must be emptied using—

- (i) a sewage reticulation system connected to the landholding, or
- (ii) a system of sewage management for which the approval of the council has been obtained under the *Local Government Act 1993*, section 68,

Note—

The *Food Act 2003*, and the regulations under that Act, may contain additional requirements in relation to premises used by a food business in connection with the handling of food intended for sale.

- (2) The standard for development referred to in clause 2.32I(1)(b) is that the development must not contravene an existing condition of the most recent development consent that applies to the land.
- (3) In this clause—

footprint means the area of the ground surface occupied by a building, including the walls, verandahs, balconies, 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 16E Farm stay accommodation

2.32K Specified development

- (1) The following development, if carried out on a relevant landholding, is specified for this code—
 - (a) a change of use from residential accommodation to farm stay accommodation,
 - (b) the use of a manufactured home for the purposes of farm stay accommodation,
 - (b1) a change of use from farm stay accommodation to residential accommodation, if—
 - (i) the farm stay accommodation was previously residential accommodation, and
 - (ii) the change of use is to the same type of residential accommodation,
 - (b2) a change of use from farm stay accommodation to the use of a manufactured home for the purposes of residential accommodation, if the manufactured home was previously used for residential accommodation,
 - (c) the use of land for the purposes of farm stay accommodation that accommodates guests in one or more of the following—
 - (i) campervans,
 - (ii) caravans,
 - (iii) tents, annexes or other similar portable and lightweight temporary shelters,

- (d) the construction, installation or replacement of a deck, slab or other platform, whether roofed or not—
 - (i) to be used as an area for preparing, cooking or serving food in connection with farm stay accommodation, or
 - (ii) on which either of the following will be installed—
 - (A) a moveable dwelling to be used for the purposes of farm stay accommodation,
 - (B) a shelter to be used for the purposes of preparing, cooking or serving food in connection with farm stay accommodation.

(2) To be exempt development, the development must not be carried out on land—

- (a) declared to be a special area under the *Water NSW Act 2014*, or
- (b) identified on the *Agritourism and Farm Stay Accommodation Exempt and Complying Development Map*, or
- (c) in a floodway within the meaning of the *Flood Risk Management Manual*.

(2A) This clause does not apply to development under *State Environmental Planning Policy (Housing) 2021*, Chapter 3, Part 13.

(3) In this clause—

relevant landholding means a landholding—

- (a) in Zone RU1, RU2 or RU4, or
- (b) on which development for the purposes of one of the following is permitted with or without development consent under an environmental planning instrument—
 - (i) agritourism,
 - (ii) extensive agriculture,
 - (iii) intensive livestock agriculture,
 - (iv) intensive plant agriculture.

2.32L Development standards—change of use to, or use of manufactured home for, farm stay accommodation

The following standards are specified for development referred to in clause 2.32K(1)(a)—

- (a) for a change of use from residential accommodation—the existing building must have been lawfully erected,

- (b) for the use of a manufactured home—the manufactured home must have been lawfully constructed,
- (c) the development must not contravene an existing condition of the most recent development consent that applies to the landholding,
- (d) the number of buildings and manufactured homes used for the purposes of farm stay accommodation on the landholding must be no more than 6,
- (e) the number of guests, not including guests under 12 years of age, accommodated in the building or manufactured home at any one time must not be more than—
 - (i) for a building or manufactured home without a bedroom—2, or
 - (ii) otherwise—2 times the number of bedrooms,
- (f) each guest must not stay at the accommodation for more than 21 consecutive days,
- (g) an evacuation diagram displaying the following must be located in a prominent position at or near the accommodation—
 - (i) directions to facilitate the safe evacuation of people from the site,
 - (ii) contact details for emergency services, including for a bush fire, flood or other natural disaster,
- (h) vehicular or pedestrian access to the accommodation must not be directly from a freeway, highway or tollway within the meaning of the *Roads Act 1993*,
- (i) an existing vehicular access point to a public road must comply with the lesser of—
 - (i) a clear sight distance for vehicles leaving the premises of at least 300m, or
 - (ii) the minimum car stopping sight distances set out in the *Guide to Road Design Part 3: Geometric Design*, Table 5.5, published by Austroads on 26 February 2021,
- (j) vehicles must be able to enter and exit the landholding in a forward direction,
- (k) car parking spaces must be located wholly within the boundaries of the landholding,
- (l) waste generated as a result of the development must be disposed of—
 - (i) using a sewage reticulation system connected to the landholding, or
 - (ii) using a system of sewage management for which the approval of the council has been obtained under the *Local Government Act 1993*, section 68, or
 - (iii) at a waste or resource management facility,
- (m) the on-site disposal of organic or putrescible waste must not have an adverse impact

on the use of adjoining land.

2.32M Development standards—change of use to residential accommodation

The following standards are specified for development referred to in clause 2.32K(1)(b)—

- (a) the former use must have been a lawful use,
- (b) the development must not contravene an existing condition of the most recent development consent that applies to the landholding.

2.32N Development standards—use of land for campervans, caravans and temporary shelters

The following standards are specified for development referred to in clause 2.32K(1)(c)—

- (a) the development must not take place on significantly contaminated land,
- (b) the landholding must have an area of at least 15ha,
- (c) the number of campervans, caravans and other similar moveable dwellings, not including tents, annexes or other similar portable and lightweight temporary shelters, used for the purposes of farm stay accommodation on the landholding must be no more than 6,
- (d) the height of each moveable dwelling must be no more than 4.5m above ground level (existing),
- (e) the moveable dwellings must not be installed or placed within—
 - (i) 6m of—
 - (A) a building on the landholding, or
 - (B) another moveable dwelling, other than a tent or other similar portable and lightweight temporary shelter, on the landholding, or
 - (ii) 50m of a property boundary or waterway, or
 - (iii) 250m of residential accommodation on—
 - (A) adjacent land outside the landholding, or
 - (B) land outside the landholding that is separated from the landholding by a road, or
 - (iv) 250m of a property boundary for land used for the purposes of one of the following—
 - (A) forestry,

- (B) intensive livestock agriculture,
 - (C) intensive plant agriculture,
 - (D) mines,
 - (E) extractive industries,
 - (F) rail lines,
 - (G) rural industries,
- (f) the gross floor area of a part of an existing building used to provide communal amenities or facilities to guests must be no more than 25m²,
 - (g) the number of guests accommodated in moveable dwellings on the landholding at any one time must not be more than 20,
 - (h) each guest must not stay on the landholding for more than 21 consecutive days,
 - (i) an evacuation diagram displaying the following must be located in a prominent position on the site—
 - (i) directions to facilitate the safe evacuation of people from the site,
 - (ii) contact details for emergency services, including for a bush fire, flood or other natural disaster,
 - (j) vehicular or pedestrian access to the accommodation must not be directly from a freeway, highway or tollway within the meaning of the *Roads Act 1993*,
 - (k) an existing vehicular access point to a public road must comply with the lesser of—
 - (i) a clear sight distance for vehicles leaving the premises of at least 300m, or
 - (ii) the minimum car stopping sight distances set out in the *Guide to Road Design Part 3: Geometric Design*, Table 5.5, published by Austroads on 26 February 2021,
 - (l) vehicles must be able to enter and exit the landholding in a forward direction,
 - (m) car parking spaces must be located wholly within the boundaries of the landholding,
 - (n) waste generated as a result of the development must be disposed of—
 - (i) using a sewage reticulation system connected to the landholding, or
 - (ii) using a system of sewage management for which the approval of the council has been obtained under the *Local Government Act 1993*, section 68, or
 - (iii) at a waste or resource management facility,

- (o) the on-site disposal of organic or putrescible waste must not have an adverse impact on the use of adjoining land,
- (p) if there are no human waste storage facilities on the landholding as part of communal amenities or facilities, each moveable dwelling must contain a human waste storage facility,
- (q) a human waste storage facility on the landholding must be emptied using—
 - (i) a sewage reticulation system connected to the landholding, or
 - (ii) a system of sewage management for which the approval of the council has been obtained under the *Local Government Act 1993*, section 68 located on the landholding or off-site.

2.32O Development standards—decks, slabs and other platforms

The following standards are specified for development referred to in clause 2.32K(1)(d)—

- (a) the development must not be carried out on significantly contaminated land,
- (b) the number of platforms constructed or installed on the landholding must be no more than—
 - (i) 1 per 5ha, and
 - (ii) 6 in total,
- (c) the platform must have an area of no more than 25m²,
- (d) the height of the platform must be no more than 1m above ground level (existing),
- (e) the platform must not be constructed or installed within—
 - (i) 50m of a property boundary or waterway, or
 - (ii) 250m of residential accommodation on—
 - (A) adjacent land outside the landholding, or
 - (B) land outside the landholding that is separated from the landholding by a road, or
 - (iii) 250m of a property boundary for land used for the purposes of one of the following—
 - (A) forestry,
 - (B) intensive livestock agriculture,
 - (C) intensive plant agriculture,

- (D) mines,
 - (E) extractive industries,
 - (F) rail lines,
 - (G) rural industries,
- (f) a shelter installed on the platform must have an area of no more than 25m²,
 - (g) a shelter installed on the platform must be no more than 4m tall.

Subdivision 17 Fences (certain residential zones and Zone RU5)

2.33 Specified development

The construction or installation of a fence on land within Zone R1, R2, R3, R4 or RU5 is development specified for 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, or
- (c) on a flood control lot, or
- (d) on land that is identified as being in a foreshore area.

Note.

If the fence is a dividing fence, the *Dividing Fences Act 1991* also applies.

2.34 Development standards

- (1) The standards specified for development specified in clause 2.33 are that the development must—
 - (a) not be higher than 1.8m above ground level (existing), and
 - (b) not be of masonry construction to a height that is more than 1.2m above ground level (existing), and
 - (c) if it includes an entrance gate—not have a gate that opens outwards, and
 - (d) if it is located in a core koala habitat or potential koala habitat within the meaning of *State Environmental Planning Policy No 44—Koala Habitat Protection* or in a movement corridor used by koalas—be constructed or installed in accordance with any relevant council policy or guideline under that Policy, and
 - (e) if it is located on bush fire prone land—be constructed of non-combustible

- materials or hardwood, and
- (f) if it is constructed of metal components—be of low reflective, factory pre-coloured materials, and
 - (g) not be an electrical fence or use barbed wire.
- (2) Despite subclause (1), any fence located along the boundary of, or within the setback area to, a primary or secondary road must—
- (a) not be more than 1.2m above ground level (existing), and
 - (b) 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 this height being no more than 350mm in width with a minimum aperture of 25mm.
- (3) If a lot has a frontage to a secondary road or roads, subclause (2) only applies to 50% of the length of all contiguous secondary road boundaries, measured from the corner with the primary road boundary.
- (4) Subclause (2)(b) does not apply to the part of the fence along the side boundary and within the setback area to the primary road.
- (5) Despite subclauses (1) and (2), if the fence is erected on a sloping site and stepped to accommodate the fall in the land—
- (a) a fence that is required to be not more than 1.2m above ground level (existing), must not be more than 1.5m above ground level (existing) at each step, and
 - (b) a fence that is required to be not more than 1.8m above ground level (existing), must not be more than 2.2m above ground level (existing) at each step.

Subdivision 17A Fences for swimming pools (certain residential zones and Zone RU5)

2.34A Specified development

The construction or installation of a fence on land within Zone R1, R2, R3, R4 or RU5 is development specified for this code if it forms a barrier to a swimming pool.

2.34B Development standards

The standards specified for that development are that the development must comply with the requirements of the *Swimming Pools Act 1992*.

Subdivision 18 Fences (certain rural zones, environment protection zones and Zone R5)

2.35 Specified development

The construction or installation of a fence on land within Zone RU1, RU2, RU3, RU4 or RU6, a conservation zone or Zone R5 is development specified for 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.

Note.

If the fence is a dividing fence, the *Dividing Fences Act 1991* also applies.

2.36 Development standards

- (1) The standards specified for that development are that the development must—
 - (a) not be higher than 1.8m above ground level (existing), and
 - (b) not include any masonry construction that extends more than 3m from either side of the entrance to the property from the primary road, and
 - (c) be constructed using post and wire or post and rail, and
 - (d) if it includes an entrance gate—not have a gate that opens outwards, and
 - (e) if it is located in a core koala habitat or potential koala habitat within the meaning of *State Environmental Planning Policy No 44—Koala Habitat Protection* or in a movement corridor used by koalas—be constructed or installed in accordance with any relevant council policy or guideline under that Policy, and
 - (f) if it is located on bush fire prone land—be constructed of non-combustible materials or hardwood, and
 - (g) if it is constructed of metal components—be of low reflective, factory pre-coloured materials, and
 - (h) if it is electrical fencing—be constructed in accordance with AS/NZS 3014:2003, *Electrical installations - Electric fences*, and
 - (i) if it is constructed or installed on a flood control lot—not redirect or interrupt the flow of surface or ground water on that lot.
- (2) Despite subclause (1), if the fence is erected on a sloping site and stepped to accommodate the fall in the land the fence may be not more than 2.2m above ground level (existing) at each step.

Subdivision 19 Fences (business, employment, mixed use and industrial zones and Zones SP5 and W4)

2.37 Specified development

The construction or installation of a fence within a business, employment, mixed use or industrial zone or Zone SP5 or W4 is development specified for 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 Zone E1, E2, E3, MU1, SP5 or W4, or
- (c) on a flood control lot, or
- (d) on land that is identified as being in a foreshore area.

Note.

If the fence is a dividing fence, the *Dividing Fences Act 1991* also applies.

2.38 Development standards

- (1) The standards specified for that development are that the development must—
 - (a) not be higher than 3m above ground level (existing), and
 - (b) not be of masonry construction to a height that is more than 1.2m above ground level (existing), and
 - (c) if it includes an entrance gate—not have a gate that opens outwards, and
 - (d) if it is located in a core koala habitat or potential koala habitat within the meaning of *State Environmental Planning Policy No 44—Koala Habitat Protection* or in a movement corridor used by koalas—be constructed or installed in accordance with any relevant council policy or guideline under that Policy, and
 - (e) if it is located on bush fire prone land—be constructed of non-combustible materials or hardwood, and
 - (f) if it is constructed of metal components—be of low reflective, factory pre-coloured materials, and
 - (g) not be an electrical fence or use barbed wire.
- (2) Despite subclause (1)—
 - (a) any fence located along the boundary of a site that adjoins land within a

residential zone must be open for at least 75% of the area of the fence that is more than 1.8m above ground level (existing), and

- (b) any fence located on the boundary of, or within the setback area of, a road must be open for at least 75% of the area of the fence that is more than 1.2m above ground level (existing).

Subdivision 19A

2.38A, 2.38B (Repealed)

Subdivision 20 Flagpoles

2.39 Specified development

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

2.40 Development standards

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

Subdivision 20A Footpaths—outdoor dining

2.40A Specified development

The use of a footway or public open space within the meaning of the *Roads Act 1993* as an outdoor dining area associated with lawful food and drink premises is development specified for this code.

2.40B Development standards

- (1) The standards specified for that development are that the development must—
 - (a) (Repealed)
 - (b) be carried out in accordance with an approval granted under section 125 of the *Roads Act 1993*, including in accordance with any hours of operation to which the approval is subject, and

- (c) be carried out in accordance with any approval granted under section 68 of the *Local Government Act 1993*, and
- (d) not be under an awning, unless the awning complies with the requirements set out in the *Building Code of Australia*, Volume 1, B1P1 and B1P2.

(2), (3) (Repealed)

Subdivision 20B Outdoor dining—general

2.40C Specified development

- (1) The use of public land or private land as an outdoor dining area is development specified for this code if the use is associated with lawful food and drink premises or artisan food and drink industries.
- (2) To be exempt development, the development must not—
 - (a) be carried out on land—
 - (i) in a conservation zone or in Zone E5 Heavy Industrial, or
 - (ii) in a place of Aboriginal heritage significance identified in a local environmental plan, or
 - (b) be associated with a registered club.
- (3) This Subdivision does not apply to development to which Subdivision 20A applies.
- (4) In this clause—

public land has the same meaning as in the *Local Government Act 1993* and includes Crown land within the meaning of the *Crown Land Management Act 2016*.

2.40D Development standards

- (1) The standards specified for the development are—
 - (a) the development—
 - (i) must not be located on a rooftop of a building, and
 - (ii) must not cause offensive noise, within the meaning of the *Protection of the Environment Operations Act 1997*, or other nuisance that affects adjoining owners, and
 - (iii) must not contravene an existing condition of the most recent development consent, other than a complying development certificate, that applies to the associated premises relating to hours of operation, maximum capacity of patrons, waste management, food safety and pollution control, and

- (iv) must not restrict vehicular or pedestrian access to or from, or entry to a building on, the land on which the development is located, and
 - (v) must not reduce the existing access to the associated premises, or car parking spaces provided for the associated premises, for people with a disability, and
 - (vi) if carried out on land otherwise used for the purposes of a car park—must be designed to ensure pedestrian and patron safety, and
 - (vii) if located at ground level (existing)—must provide a direct exit from the outdoor dining area to open space or a road, and
 - (viii) must not be under an awning, unless the awning complies with the requirements set out in the *Building Code of Australia*, Volume 1, B1P1 and B1P2, and
- (b) at the end of the use the land must, as far as practicable, be restored to the condition in which it was before the commencement of the use.

Note—

Other legal requirements for the consent of the owner of the land and for approvals, licences, permits and authorities still apply. This includes, for example, a requirement for an approval under the *Local Government Act 1993*, section 68.

- (2) In this clause—

associated premises means the food and drink premises or artisan food and drink industries with which the development is associated.

2.40E (Repealed)

Subdivision 20C Outdoor dining—registered clubs

2.40F Specified development

- (1) The use of the premises of a registered club as an outdoor dining area associated with lawful food and drink premises is development specified for this code if the premises are located on—
- (a) community land within the meaning of the *Local Government Act 1993*, or
 - (b) private land.
- (2) To be exempt development, the development must not be carried out on land—
- (a) in a conservation zone, or
 - (b) in a place of Aboriginal heritage significance identified in a local environmental plan.

2.40G Development standards

The standards specified for the development are—

- (a) the development—
 - (i) must not be located on a rooftop of a building, and
 - (ii) must not cause offensive noise, within the meaning of the *Protection of the Environment Operations Act 1997*, or other nuisance that affects adjoining owners, and
 - (iii) must not contravene an existing condition of the most recent development consent, other than a complying development certificate, that applies to the registered club or the food and drink premises, other than in relation to car parking spaces, and
 - (iv) must not restrict vehicular or pedestrian access to or from, or entry to a building on, the land on which the development is located, and
 - (v) must not reduce the existing access to the registered club, or car parking spaces provided for the registered club, for people with a disability, and
 - (vi) if carried out on land otherwise used for the purposes of a car park—must be designed to ensure pedestrian and patron safety, and
 - (vii) if located at ground level (existing)—must provide a direct exit from the outdoor dining area to open space or a road, and
 - (viii) must not be under an awning, unless the awning complies with the requirements set out in the *Building Code of Australia*, Volume 1, B1P1 and B1P2, and
- (b) at the end of the use the land must, as far as practicable, be restored to the condition in which it was before the commencement of the use.

Note—

Other legal requirements for the consent of the owner of the land and for approvals, licences, permits and authorities still apply. This includes, for example, a requirement for an approval under the *Local Government Act 1993*, section 68.

2.40H (Repealed)

Subdivision 21 Fowl and poultry houses

2.41 Specified development

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

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

2.42 Development standards

- (1) The standards specified for that development are that the development must—
 - (a) if the development is constructed or installed on land in Zone R1, R2, R3, R4, R5 or RU5—
 - (i) be not higher than 3m above ground level (existing), and
 - (ii) not have a floor area of more than 15m², and
 - (iii) be located in the rear yard, and
 - (iv) for development on land in Zone R5—not house more than 10 fowl or poultry, and
 - (v) for development on any other land—not house more than 5 fowl or poultry and not house any roosters, and
 - (b) if the development is constructed or installed on land in Zone RU1, RU2, RU3, RU4 or RU6—
 - (i) be not higher than 7m above ground level (existing), and
 - (ii) not have a floor area of more than 50m², and
 - (b1), (b2) (Repealed)
 - (c) be located at least 3m from each lot boundary, and
 - (d) if it houses fowls (including guinea fowls) only—be located at least 4.5m from any dwelling, public hall, school or premises used for the manufacture, preparation, sale or storage of food, and
 - (e) if it houses other types of poultry—be located at least 30m from any dwelling, public hall, school or premises used for the manufacture, preparation, sale or storage of food, and
 - (f) be enclosed to prevent the escape of poultry, and
 - (g) be constructed or installed so that roofwater is disposed of without causing a nuisance to adjoining owners, and
 - (h) to the extent it is comprised of metal components—be constructed of low

reflective, factory pre-coloured materials if it is located on land in a residential zone, and

- (i) if it is located on bush fire prone land and is less than 5m from a dwelling—be constructed of non-combustible material, and
 - (j) if it is constructed or installed in a heritage conservation area or a draft heritage conservation area—be located in the rear yard.
- (2) There must not be more than 1 development per lot.

Subdivision 21AA Fuel tanks and gas storage

2.42AA Specified development

The construction or installation of an above ground fuel tank or gas storage facility for agricultural activity is development specified for this code if it is constructed or installed on a lot in a rural zone that is larger than 2ha and is not constructed or installed in an environmentally sensitive area.

2.42AB Development standards

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

- (a) not have a capacity of more than—
 - (i) for a fuel tank—5,000 L, or
 - (ii) for a gas tank—1,000 L, and
- (b) be located at least 20m from the primary road frontage of the lot and at least 10m from each other lot boundary, and
- (c) be bunded with the capacity to contain at least 110% of the capacity of the tank, and
- (d) if a fuel tank—be constructed of prefabricated metal, be freestanding and installed in accordance with the requirements of AS 1940:2017, *The storage and handling of flammable and combustible liquids*, and
- (e) if a gas tank—be designed and constructed in accordance with the requirements of AS/NZS 1596:2014, *The storage and handling of LP Gas* by a professional engineer, and
- (f) not be used for advertising, and
- (g) be located at least 1m from any registered easement, sewer main or water main.

Note.

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

Subdivision 21A Garbage bin storage enclosure

2.42A Specified development

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

2.42B Development standards

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

Subdivision 21B

2.42C, 2.42D (Repealed)

Subdivision 22 Home businesses, home industries and home occupations

2.43 Specified development

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

2.44 Development standards

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

- (a) not involve a change of building use, and

- (b) if the development is on land to which a local environmental plan made under section 3.20 of the Act applies, comply with the applicable standards specified under clause 5.4(2) and (3) of that plan.

Note 1.

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

Note 2.

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

Subdivision 23

2.45, 2.46 (Repealed)

Subdivision 23A Hot water systems

2.46A Specified development

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

2.46B Development standards

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

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

Note 1.

See note relating to Solar Hot Water Systems.

Note 2.

For further information about noise control in relation to heat pump water heaters, see the NSW Government's *Noise Guide for*

Local Government published in 2010 (ISBN 978 1 74232 942 0).

Subdivision 23B Hours of operation and trading

2.46C Specified development

- (1) The operation of premises in Zone E1, E2, E3, E4, E5, MU1, B1, B2, B3, B4, B5, B6, B7, B8, IN1, IN2, IN3, IN4, SP5 or W4 in accordance with an existing development consent or complying development certificate at any time outside the hours permitted by the development consent or complying development certificate is development specified for this code.
- (2) The trading on or from premises in accordance with an existing development consent or complying development certificate at the following times occurring outside the hours permitted by the development consent or complying development certificate is development specified for this code—
 - (a) in Zone E1, E2, E3, B1, B2, B3, B5, B6, B7, B8, IN4, SP1, SP2, SP3, SP5 or W4—6am–10pm,
 - (b) in Zone MU1 or B4—6am–7pm,
 - (c) in Zone E4, E5, IN1, IN2 or IN3 for relevant premises—
 - (i) until the end of 31 January 2024—24 hours a day,
 - (ii) from the beginning of 1 February 2024—6am–7pm,
 - (d) in Zones Zone E4, E5, IN1, IN2 or IN3 for all other premises—24 hours a day.
- (3) In this clause—

relevant premises means boat building and repair facilities and vehicle body repair workshops that are located within 100m of a residential zone.

2.46D Development standards

The standards specified for the development are as follows—

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

Subdivision 24 Landscaping structures

2.47 Specified development

The construction or installation of a landscaping structure (including a garden arch), other than a retaining wall is development specified for this code if it is not constructed or installed on or in a heritage item or a draft heritage item or on land in a foreshore area.

2.48 Development standards

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

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

Subdivision 25 Letterboxes

2.49 Specified development

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

2.50 Development standards

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

- (a) be not higher than 1.2m above ground level (existing), and
- (b) be visible from the road alignment, and
- (c) have appropriate numbering that is visible from the road alignment.

(2) (Repealed)

Subdivision 25A Maintenance of buildings in draft heritage conservation areas

2.50A Specified development

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

- (a) painting, plastering, cement rendering, or cladding, or
- (b) the repair or replacement of an external window, glazing areas or a door (other than

those on bush fire prone land), or

- (c) the repair or replacement of a non-structural wall or roof cladding, or
- (d) the repair or replacement of a balustrade,

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

2.50B Development standards

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

- (a) reproduce the existing materials, finish and design of the building so as not to alter its appearance, and
- (b) not result in an increase of floor area or alter the layout of the building, and
- (c) not comprise the making of, or an alteration to the size of, any opening in a wall or roof, such as a doorway, window or skylight, and
- (d) not reduce the existing fire resistance level of a wall or roof, and
- (e) if located on bush fire prone land—
 - (i) be adequately sealed or protected to prevent the entry of embers, and
 - (ii) use equivalent or improved quality materials, and
- (f) not affect any existing fire resisting components of the building, and
- (f1) if the development involves cladding—
 - (i) not be carried out on any building other than a 1 or 2 storey dwelling house, attached development or detached development, and
 - (ii) not involve the use of external combustible cladding, and
- (g) not affect the means of egress from the building in an emergency.

Subdivision 26 Minor building alterations (internal)

2.51 Specified development

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

- (d) a built in fixture such as a vanity, a cupboard or a wardrobe, or
- (e) an existing sanitary fixture, such as a grease trap or the like, or
- (f) shelving or racking, or
- (g) a partition, work station or counter,

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

- (2) The installation of new or replacement insulation material in the ceiling, floor or wall of a building is development specified for this code.
- (3) A minor internal building alteration consisting of other remedial work necessary to repair or maintain a building is development specified for this code if the work is not carried out on or in a heritage item or a draft heritage item.

2.52 Development standards

- (1) The standards specified for that development are that the development must—
 - (aa) not be an alteration to a food preparation area in food and drink premises, and
 - (a) if it is the replacement or renovation of a deteriorated frame member—be of equivalent or improved quality materials, and
 - (b) not include a change to the configuration of a room, whether by removal of an existing wall, partition or other means, and
 - (c) not cause reduced window arrangements for light and ventilation needs, reduce the size of a doorway or involve the enclosure of an open area, and
 - (d) not affect the load bearing capacity (whether vertical or horizontal) of a building, and
 - (e) not include a change to the fire resisting components of, or interfere with the entry to, or exit from, or the fire safety measures contained within, a building, and
 - (e1) if it is the installation of a partition, work station or counter—
 - (i) comply with the requirements set out in the *Building Code of Australia*, Volume 1, D2D5, and
 - (ii) if located beneath a fire sprinkler—not be higher than 1.5m, and
 - (f) if it is the installation of new or replacement insulation material in a dwelling, it must be in accordance with the *ABCB Housing Provisions Standard*, Part 13.2, and
 - (g) not affect an existing awning, or more than 25% of the gross floor area of an

existing building to which an awning is attached, unless the awning complies with the requirements set out in the *Building Code of Australia*, Volume 1, B1P1 and B1P2.

(2) In this clause—

ABCB Housing Provisions Standard means the *Housing Provisions Standard* published by the Australian Building Codes Board in 2022.

Subdivision 27 Minor building alterations (external)

2.53 Specified development

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

- (a) painting, plastering, cement rendering, cladding, attaching fittings or decorative work,
- (b) the replacement of an external window, glazing areas or a door (other than those on bush fire prone land),
- (c) the repair to or replacement of a non-structural wall or roof cladding,
- (d) the installation of a security screen or grill to a door or window or a security door,
- (e) the repair to or replacement of a balustrade,
- (f) restumping or repairing structure foundations without increasing the height of the structure,
- (g) other remedial work necessary to repair or maintain the building,

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

2.54 Development standards

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

- (a) not comprise the making of, or an alteration to the size of, any opening in a wall or roof, such as a doorway, window or skylight, and
- (b) not reduce the existing fire resistance level of a wall or roof, and
- (c) if located on bush fire prone land—
 - (i) be adequately sealed or protected to prevent the entry of embers, and
 - (ii) use equivalent or improved quality materials, and
- (d) not affect any existing fire resisting components of the building, and

- (d1) if the development involves cladding or is attaching fittings or decorative work—
 - (i) not be carried out on any building other than a 1 or 2 storey dwelling house, attached development or detached development, and
 - (ii) not involve the use of external combustible cladding, and
- (e) not affect the means of egress from the building in an emergency, and
- (f) if it is the installation of a security screen or grill to a door or window or a security door—
 - (i) be for the purposes of a dwelling, or
 - (ii) be for any other purpose so long as—
 - (A) the screen or grill is installed for a door or window that is situated at least 5m from the boundary of any road, or
 - (B) the security door is installed at least 5m from the boundary of any road, and
- (g) not be under an awning, unless the awning complies with the requirements set out in the *Building Code of Australia*, Volume 1, B1P1 and B1P2.

Note.

See separate entry for skylights.

Subdivision 27A Mobile food and drink outlets

2.54A Specified development

The carrying out of the retail sale of food, drinks and related products on land from a mobile outlet such as a food truck, van, cart or other similar vehicle is development specified for this code.

2.54B Development standards

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

- (a) have the consent of the owner of the land on which the development is carried out or, if a council or public authority has the control and management of the land, the consent, in writing, of the council or public authority, and
- (b) not restrict any vehicular or pedestrian access to or from the land or entry to any building on the land, and
- (c) not obstruct the operation of, or access to, any utility services on the land or on adjacent land, and
- (d) not be located within the canopy of, or result in damage to, any tree growing on the

land or on adjacent land, and

- (e) not result in any damage to public property on the land or on adjacent land, and
- (f) if carried out on land in a residential zone—only be carried out between 7am and 7pm, and
- (f1) if carried out on land immediately adjacent to a residential zone—only be carried out between 7am and 10pm, and
- (g) if located on a public place—have any approval required under section 68 of the *Local Government Act 1993*, and
- (h) if located on private land—be limited to 1 development on that land and not contravene any conditions of a development consent for any other use carried out on the land.

Note.

A registrable vehicle within the meaning of the *Road Transport (Vehicle Registration) Regulation 2007*, or a cart, bicycle cart or the like must operate in accordance with the *Guidelines for mobile food vending vehicles (NSW/FA/F1055/1302)* published by the NSW Food Authority in February 2013, and any requirements of the *Food Act 2003*.

Subdivision 28 Pathways and paving

2.55 Specified development

- (1) The construction or installation of a pathway or paving, including any paving of a deck, pergola, patio or terrace is development specified for this code.
- (2) Subclause (1) does not include any paving of a driveway, hard stand space or turning or parking area to be used by vehicles for any purpose, including the delivery or loading of goods.

2.56 Development standards

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

- (a) be constructed or installed so that any surface water or runoff is disposed of by a drainage system that is connected to the existing stormwater drainage system, and
- (b) if constructed or installed in a residential zone or Zone RU5—
 - (i) not require cut or fill more than 600mm below or above ground level (existing), and
 - (ii) not result in the total area of all paved areas (including driveways and hard stand spaces) on the lot exceeding 15% of the area of the lot or 150m², whichever is the lesser, and

- (c) if constructed or installed in a residential zone—
 - (i) on a lot that has a width at the front building line of not more than 18m—have at least 25% of the area forward of the building line as landscaped area, and
 - (ii) on a lot that has a width at the front building line of more than 18m—have at least 50% of the area forward of the building line as landscaped area, and
- (d) if constructed or installed in a zone (other than a residential zone or Zone RU5)—
 - (i) not require cut or fill more than 1m below or above ground level (existing), and
 - (ii) not reduce any required landscaped area along a boundary with a road or an adjoining lot on which a dwelling is located.

Note.

The Standard Instrument defines **landscaped area** as a part of a site used for growing plants, grasses and trees, but not including any building, structure or hard paved area.

Subdivision 29 Playground equipment

2.57 Specified development

- (1) The construction or installation of playground equipment is development specified for this code.
- (2) In this Subdivision—

playground equipment includes slides, swings and trampolines, but does not include skateboard ramps.

2.58 Development standards

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

- (a) (Repealed)
- (b) be not higher than 2.5m above ground level (existing), and
- (b1) be located at least 450mm from each side and rear boundary, and
- (c) if it is on land in Zone R1, R2, R3 or R4—be located in the rear yard.
- (d) (Repealed)

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

2.59 Specified development

The construction or installation of a portable swimming pool or spa or a child-resistant barrier that is required under the *Swimming Pools Act 1992* is development specified for this code if it is not constructed or installed on or in a heritage item or a draft heritage item or on land in a foreshore area.

2.60 Development standards

- (1) The standards specified for that development, if it is the construction or installation of a portable swimming pool or spa, are that the development must—
 - (a1) be for residential uses only, and
 - (a) be located in the rear yard, and
 - (b) be located at least 1m from each lot boundary, and
 - (c) not exceed 2,000 L in capacity, and
 - (d) not require structural work for installation, and
 - (e) not impact on the structural stability of any building.
- (2) A child-resistant barrier must be constructed or installed in accordance with the requirements of the *Swimming Pools Act 1992*.

Subdivision 31 Privacy screens

2.61 Specified development

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

2.62 Development standards

- (1) The standards specified for that development are that the development must—
 - (a) if attached to a balcony, deck, patio, terrace or verandah—be at least 1.7m, but not more than 2.2m, above the finished floor level of that development, and
 - (b) if located on the ground—be not higher than 2.5m above ground level (existing), and
 - (c) be not longer than 5m, and
 - (d) be located at least 900mm from each lot boundary, and
 - (e) be located in the rear yard.

- (2) There must not be more than 2 such privacy screens erected under this clause on any lot.

Subdivision 32 Rainwater tanks (above ground)

2.63 Specified development

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

2.64 Development standards

- (1) The standards specified for that development are that the development must—
- (a) if it is on land other than land in Zone RU1, RU2, RU3, RU4, RU6, R5, E2, E3 or E4—
 - (i) (Repealed)
 - (ii) not have a capacity more than 10,000 L, and
 - (iii) be located at least 450mm from each lot boundary, if the tank has a height of more than 1.8m above ground level (existing), and
 - (b) if it is on land in Zone RU1, RU2, RU3, RU4, RU6, R5, E2, E3 or E4—be located at least 10m from each lot boundary, and
 - (c) be located behind the building line of any road frontage, and
 - (d) not rest on the footings of an existing building for support, and
 - (e) not require cut and fill of more than 1m below or above ground level (existing), and
 - (f) be fitted with a screened rain head designed to ensure self-cleaning and prevent leaf litter entering into the water tank, and
 - (g) be fitted with a first-flush device incorporating an automatic resetting valve that causes initial run-off rainwater to bypass the tank, and
 - (h) be constructed or installed with inlets and outlets designed to prevent mosquitoes breeding in it, and
 - (i) have its overflow connected to an existing stormwater drainage system that does not discharge to an adjoining property, or cause a nuisance to adjoining owners, and
 - (j) have a sign affixed to it with a statement to the effect that the water in the tank is

rainwater, and

- (k) if it is constructed or installed on or in a heritage item or a draft heritage item—be located in the rear yard.
- (2) Pumps attached to the development must be housed in an enclosure that is soundproofed.
- (3) If reticulated water is provided to the lot, the development must not be interconnected with any system supplying drinking water to the lot unless it complies with the relevant water authority's requirements.
- (4) (Repealed)

Subdivision 33 Rainwater tanks (below ground)

2.65 Specified development

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

- (a) it is constructed or installed on land in Zone RU1, RU2, RU3, RU4, RU6 or R5, and
- (b) it is not constructed or installed on land that is identified on an Acid Sulfate Map as being Class 1–5, and
- (c) it is not constructed or installed on land that is identified as an environmentally sensitive area.

2.66 Development standards

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

- (3) If reticulated water is provided to the lot, the development must not be interconnected with any system supplying drinking water to the lot unless it complies with the relevant water authority's requirements.

Subdivision 33AA Roadside stalls

2.66AA Specified development

Development for the purposes of a single roadside stall is development specified for this code if carried out on a landholding that is—

- (a) privately owned, and
- (b) in Zone RU1, RU2 or RU4, and
- (c) not adjacent to a freeway, highway or tollway within the meaning of the *Roads Act 1993*, and
- (d) not in a floodway within the meaning of the *Flood Risk Management Manual*.

2.66AB Development standards

The following standards are specified for the development—

- (a) the gross floor area of the stall must be no more than 9m²,
- (b) for a stall located on bush fire prone land—the stall must not be erected or installed within 6m of residential accommodation,
- (c) an evacuation diagram displaying the following must be located in a prominent position on or near the stall—
 - (i) directions to facilitate the safe evacuation of people from the site,
 - (ii) contact details for emergency services, including for a bush fire, flood or other natural disaster,
- (d) an existing vehicular access point to a public road must comply with the lesser of—
 - (i) a clear sight distance for vehicles leaving the premises of at least 300m, or
 - (ii) the minimum car stopping sight distances set out in the *Guide to Road Design Part 3: Geometric Design*, Table 5.5, published by Austroads on 26 February 2021,
- (e) vehicles must be able to enter and exit the landholding in a forward direction,
- (f) car parking spaces must be located—
 - (i) on a road verge, or
 - (ii) wholly within the boundaries of the landholding,

- (g) car parking spaces may only be located on a road verge if—
 - (i) the verge has a maximum average gradient of 1:20, and
 - (ii) there is no vegetation on the verge, and
 - (iii) the parking spaces are at least 3m from a lane of a road, and
 - (iv) the verge is adjacent to a road with a maximum speed limit of 60km/hr or less,
- (h) waste generated as a result of the development must be disposed of—
 - (i) using a sewage reticulation system connected to the landholding, or
 - (ii) using a system of sewage management for which the approval of the council has been obtained under the *Local Government Act 1993*, section 68, or
 - (iii) at a waste or resource management facility,
- (i) the on-site disposal of organic or putrescible waste must not have an adverse impact on the use of adjoining land.

Subdivision 33A Roller shutter doors adjoining lanes

2.66A Specified development

The installation of a roller shutter door on a boundary adjoining a lane is development specified for this code.

2.66B Development standards

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

- (a) be associated with a hard stand, garage or carport, and
- (b) have a width of not greater than 4.5m, and
- (c) not be higher than 3m above ground level (existing), and
- (d) not encroach on the lane, and
- (e) comply with AS/NZS 2890.1:2004, *Parking facilities, Part 1: Off-street car parking*.

Subdivision 34

2.67, 2.68 (Repealed)

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

2.69 Specified development

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

2.70 Development standards

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

- (a) not have a solid enclosing wall, and
- (b) if it encloses a structure attached to the ground level of a single storey dwelling or the upper level of a two storey dwelling—not be higher than the roof gutter line, and
- (c) if it encloses a structure attached to the ground level of a two storey dwelling—not be higher than 3m above the floor level of the structure it is enclosing, and
- (d) if it encloses a freestanding structure—not be higher than 3m above the floor level of the structure it is enclosing, and
- (e) if it encloses a structure attached to the upper level of a two storey dwelling—not enclose an area of more than 9m², and
- (f) be located behind the building line of any road frontage, and
- (g) be located at least 900mm from each lot boundary, and
- (h) to the extent it is comprised of metal components—be constructed of low reflective, factory pre-coloured materials, and
- (i) if it is connected to a fascia—be connected in accordance with a professional engineer's specifications, and
- (j) if it is not located on bush fire prone land—have at least two-thirds of its perimeter comprising open screen mesh material, and
 - (j1) if it is located on bush fire prone land—cover all openings, including any sub-floor areas, operable windows, vents and eaves, and be made of a non-corrosive metal material with a maximum aperture of 2mm, and
- (k) if it is located on bush fire prone land and is less than 5m from a dwelling—be constructed of non-combustible material, and
- (l) if it is constructed or installed in a heritage conservation area or a draft heritage conservation area—not be attached to any balcony, deck, patio, pergola, terrace or verandah that faces any road.

Subdivision 35A Security measures for places of public worship

2.70A Specified development

The construction or installation of security measures, including bollards, fencing, lighting, security cameras, safety glass and reinforced doors, is development specified for this code.

2.70B Development standards

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

- (a) be associated with a place of public worship, and
- (b) be contained entirely within the lot on which the place of public worship is located, and
- (c) be at least 450mm from each lot boundary, other than a boundary with a road, and
- (d) if connected to a fascia—be connected in accordance with a professional engineer's specifications, and
- (e) if located on bush fire prone land—be constructed of non-combustible material, and
- (f) if constructed or installed on a heritage item—be constructed or installed so that it can be removed without irreversibly damaging building fabric, and
- (g) not affect any existing fire resisting components of a building, and
- (h) not affect the means of evacuation from a building in an emergency, and
- (i) not be used for advertising.

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

2.71 Specified development

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

Note.

See separate entry for awnings, blinds and canopies.

2.72 Development standards

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

- (a) (Repealed)
- (b) not have an area more than—
 - (i) if for residential uses—20m², or

- (ii) if it is constructed or installed for the purposes of a centre-based child care facility in a residential zone—40m², or
 - (iii) if it is constructed or installed for the purposes of a centre-based child care facility in a zone other than a residential zone—60m², or
 - (iv) if it is constructed or installed for the purposes of any other use—30m², and
- (c) not cause the total area of all such structures on the lot to be more than 15% of the ground floor area of all buildings on the lot, and
 - (d) not be higher than 3m from ground level (existing), and
 - (e) be located at a distance from each lot boundary of at least—
 - (i) if the development is carried out in Zone RU1, RU2, RU3, RU4, RU6 or R5—5m, or
 - (ii) in any other case—900mm, and
 - (f) be located behind the building line of any road frontage, and
 - (g) to the extent it is comprised of metal components—be constructed of low reflective, factory pre-coloured materials, and
 - (h) if it is connected to a fascia—be connected in accordance with a professional engineer's specifications, and
 - (i) not interfere with the functioning of existing drainage fixtures or flow paths, and
 - (j) if it is located on bush fire prone land and is less than 5m from a dwelling—be constructed of non-combustible material, and
 - (k) if it is constructed or installed on or in a heritage item or a draft heritage item or in a heritage conservation area or a draft heritage conservation area—be located in the rear yard, and
 - (l) if it is constructed or installed for the purposes of a centre-based child care facility—be constructed of non-combustible material.

Subdivision 36A Shipping containers (temporary installation and use for storage purposes following a natural disaster)

2.72A Specified development

The installation and temporary use of a shipping container for storage purposes on a lot is development specified for this code if—

- (a) a building on the lot has been significantly damaged by a natural disaster, or
- (b) the lot is in an area declared by an order under the *State Emergency and Rescue*

Management Act 1989, section 33 to be an area where a state of emergency exists.

2.72B Development standards

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

- (a) be carried out within 2 years of the natural disaster or of the declaration being made, and
- (b) be removed no more than 2 years after it is installed, and
- (c) not be used for a purpose other than storage, and
- (d) not result in more than—
 - (i) 1 shipping container on a lot in a residential zone or conservation zone, or
 - (ii) 2 shipping containers on a lot in a rural, business, employment, mixed use, industrial or special purpose zone or Zone W4, and
- (e) have appropriate foundations and structural support to ensure that it is safe and stable, and
- (f) have a maximum height of 3m, and
- (g) have a maximum length of 12.5m, and
- (h) have a maximum width of 2.5m, and
- (i) be at least 1.2m clear of any 150mm diameter sewer main or 2m clear of any 225mm (or greater) diameter sewer main, and
- (j) not be installed over any easement, and
- (k) not be installed over drainage pipes or any house drainage pipelines unless access to the inspection openings is maintained at all times, and
- (l) not be on a flood control lot, and
- (m) if in a residential zone—be behind the front building line.

Subdivision 36B Shipping containers and portable offices (temporary installation and use for existing commercial and industrial purposes)

2.72C Specified development

The installation and temporary use of a shipping container or portable office on land in a business, employment, mixed use or industrial zone or Zone RU5, SP5 or W4 is development specified for this code if the land—

- (a) is part of a lot on which a building has been significantly damaged by a bush fire, and
- (b) is in an area declared by an order under section 33 of the *State Emergency and Rescue Management Act 1989* to be an area where a state of emergency in respect of bush fires exists.

2.72D Development standards

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

- (a) be carried out within 2 years of the declaration being made, and
- (b) be removed no more than 2 years after it is installed, and
- (c) not be used for a purpose other than a commercial or industrial purpose for which a building, significantly damaged by a bush fire, on the lot was lawfully used in the 12 months immediately before the building was significantly damaged by the bush fire, and
- (d) have appropriate foundations and structural support to ensure that it is safe and stable, and
- (e) if it is a shipping container—
 - (i) have a maximum length of 12.5m, and
 - (ii) have a maximum height of 3m, and
 - (iii) have a maximum width of 2.5m, and
- (f) if it is a portable office—
 - (i) have a maximum area of 36m², and
 - (ii) have a maximum height of 3m, and
- (g) be at least 1.2m clear of any 150mm diameter sewer main or 2m clear of any 225mm (or greater) diameter sewer main, and
- (h) be located at a distance from each lot boundary of at least—
 - (i) if the adjoining lot is used for a residential purpose—5m, or
 - (ii) if the adjoining lot is not used for a residential purpose—1m, and
- (i) not result in more than—
 - (i) 2 shipping containers installed on the lot, or
 - (ii) 2 portable offices installed on the lot, or

- (iii) 1 shipping container and 1 portable office installed on the lot, and
- (j) not affect the means of egress from any building in an emergency, and
- (k) be installed so that roof water is disposed of without causing a nuisance to adjoining owners, and
- (l) not be installed over any easement, and
- (m) not be installed over drainage pipes or any house drainage pipelines unless access to the inspection openings is maintained at all times, and
- (n) if it contains plumbing fixtures—have those fixtures connected to an approved waste water treatment device or an approved connection to the sewer.

Note.

The *Food Act 2003*, and the regulations under that Act, may contain additional requirements in relation to premises used by a food business in connection with the handling of food intended for sale.

Subdivision 37 Skylights, roof windows and ventilators

2.73 Specified development

- (1) The construction or installation of a skylight, roof window or ventilator is development specified for this code if it is not constructed or installed on or in a heritage item or a draft heritage item.
- (2) Development referred to in subclause (1) is not exempt development if it is constructed or installed on land in the local government area of Coonamble, Gilgandra, Warrumbungle Shire or Dubbo Regional.

2.74 Development standards

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

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

of embers, and

- (g) if constructed or installed in a heritage conservation area or a draft heritage conservation area—not be visible from any road frontage.

Note.

Development for the purposes of small wind turbine systems or solar energy systems (ie a photovoltaic electricity generating system, solar hot water system or solar air heating system) is specified as exempt development under *State Environmental Planning Policy (Transport and Infrastructure) 2021*, Part 2.3, Division 5.

Subdivision 37A Stairway

2.74A Specified development

The construction or installation of a stairway, or a series or flight of steps, is development specified for this code if it is not constructed or installed—

- (a) in a heritage item or a draft heritage item, or
- (b) on land identified in a foreshore area, or
- (c) on land identified as having Aboriginal cultural significance.

2.74B Development standards

The standards specified for that development are—

- (a) the development must be constructed adjacent to a balcony, deck, patio, pergola, terrace or verandah or be located so as to provide external access to a dwelling, and
- (b) no part of the stairway (excluding handrails) may be more than 1m above the ground level (existing), and
- (c) the development must be located at least 450mm from each lot boundary, and
- (d) the development must not interfere with the functioning of existing drainage fixtures or the natural surface flow of water, and
- (e) if it is located on bush fire prone land and is less than 5m from a dwelling—the development must be constructed of non-combustible material, and
- (f) if it is constructed or installed in a heritage conservation area or a draft heritage conservation area—the development must be located in the rear yard, and
- (g) the development must be constructed in accordance with AS 1657:2018, *Fixed platforms, walkways, stairways and ladders—Design, construction and installation*.

Subdivision 37B Street library

2.74C Specified development

The construction or installation of a street library is development specified for this code if it is not constructed or installed—

- (a) on or in a heritage item or a draft heritage item, or
- (b) in a heritage conservation area or a draft heritage conservation area, or
- (c) on a road reserve (including footpath and nature strip).

2.74D Development standards

The standards specified for that development are—

- (a) the development must be structurally sound and securely fixed with any moveable parts securely attached, and
- (b) the area of the ground surface occupied by the street library (as measured at the perimeter of the street library) must not exceed 1.5m², and
- (c) the footings must not be more than 600mm below ground level (existing), and
- (d) the development must not obstruct the operation of, or access to, any utility services (including underground utility services) on the land or on adjacent land, and
- (e) the development must not be higher than 1.5m above ground level (existing).

Subdivision 38 Subdivision

2.75 Specified development

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

- (a) widening a public road,
- (b) a realignment of boundaries—
 - (i) that is not carried out in relation to land on which a heritage item or draft heritage item is situated, and
 - (ii) that will not create additional lots or increase the number of lots with a dwelling entitlement or increase the opportunity for additional dwellings, and
 - (iii) that will not result in any lot that is smaller than the minimum size specified in an environmental planning instrument in relation to the land concerned (other than a lot that was already smaller than that minimum size), and
 - (iv) that will not adversely affect the provision of existing services on a lot, and

- (v) that will not result in any increased fire risk to existing buildings, and
 - (vi) if located in Zone RU1, RU2, RU3, RU4, RU6, C1, C2, C3 or C4—that will not result in more than a minor change in the area of any lot, and
 - (vii) if located in any other zone—that will not result in a change in the area of any lot by more than 10%,
- (c) (Repealed)
- (d) rectifying an encroachment on a lot,
- (e) creating a public reserve,
- (f) excising from a lot land that is, or is intended to be, used for public purposes, including drainage purposes, rural fire brigade or other emergency service purposes or public toilets.

2.76 Development standards

Note.

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

Subdivision 39 Sculptures and artworks

2.77 Specified development

The installation and display of any outdoor sculpture or other form of freestanding artwork is development specified for this code if it is not constructed or installed on or in a heritage item or draft heritage item, in a heritage conservation area or draft heritage conservation area or on land in a foreshore area.

2.78 Development standards

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

- (a) be approved by the owner of the land on which it is installed or, if it is installed on a public road, be approved by the relevant roads authority (within the meaning of the *Roads Act 1993*), and
- (b) be structurally sound and securely fixed with any moveable parts securely attached, and
- (c) not give rise to any noise or other nuisance to any adjoining property, and
- (c1) not comprise or include masonry construction higher than 1m from ground level (existing), and
- (d) if installed on land in a residential zone—be not more than 3m in height and 3m in

diameter, and

- (e) if installed on land in any other zone—be not more than 6m in height, and
- (f) if installed on land adjoining land in a residential zone—must be wholly located at least 3m from the boundary with that adjoining land.

Subdivision 39A

2.78A, 2.78B (Repealed)

Subdivision 39B Tennis courts

2.78C Specified development

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

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

2.78D Development standards

- (1) The standards specified for that development are that the development must—
 - (a) be for residential uses only and associated with a dwelling, and
 - (b) be located behind the building line of any road frontage, and
 - (c) not have lighting, and
 - (d) not require cut or fill more than 600mm below or above ground level (existing), and
 - (e) have a setback from a side or rear boundary of at least 5m.
- (2) There must not be more than 1 development per lot.

Subdivision 39C Waste storage containers

2.78E Specified development

The installation of a waste storage container in a public place (within the meaning of the *Local Government Act 1993*) is development specified for this code.

2.78F Development standards

The standards specified for that development are that the development must be located in accordance with an approval granted under the *Local Government Act 1993*.

Subdivision 40 Water features and ponds

2.79 Specified development

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

2.80 Development standards

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

Subdivision 40A Waterways structures—minor alterations

2.80A Specified development

The following works to existing lawful boat sheds, jetties, marinas, pontoons, water recreation structures and wharf or boating facilities are development specified for this code if the works are not carried out on or in a heritage item or a draft heritage item—

- (a) the repair or replacement of the following—
 - (i) decking on a boardwalk, gangway, ramp, jetty, landing, landing steps, pontoon or wharf or on any stairs, steps or skids,
 - (ii) a handrail or ladder,
 - (iii) non-load bearing members,
- (b) non-structural internal or external alterations to an existing lawful boat shed, including painting, plastering or cement rendering,
- (c) the installation of the following—

- (i) emergency items such as lifebuoys and any associated signage,
 - (ii) lighting,
 - (iii) service pedestals,
- (d) painting or other similarly applied surface treatment that is intended to protect a structure from corrosion or weathering.

2.80B Development standards

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

- (a) if it is for the repair or replacement of non-load bearing members—
 - (i) use members of like dimension to the members being repaired or replaced, and
 - (ii) not modify the footprint for the structure concerned, and
 - (iii) use materials that are equivalent to the quality of the existing approved materials being repaired or replaced, and
- (b) if it is for a non-structural internal or external alteration to a boat shed—
 - (i) not affect the load bearing capacity of any component of the boat shed, and
 - (ii) not involve the use of external combustible cladding, and
- (c) not result in a pile being left exposed within the waterway, and
- (d) if it relates to the surfaces of pontoons, ramps or jetties (including the tops of piles)—be untreated, or stained or painted in recessive colours sympathetic to the existing natural landscape and built form, unless otherwise required for safety reasons, and
- (e) if it is the installation of lighting—
 - (i) be for the purpose of aiding pedestrian movement to, from and on the facility and be fixed to the existing structure at a height of no more than 1.5m above the surface used for pedestrian movement, and
 - (ii) not exceed 15 lux (being a unit of measurement for illumination) measured at the area to which the lighting is directed, and
 - (iii) be designed and located so as not to affect safe navigation or cause any nuisance to neighbours or users of the waterway, and
- (f) if it is the installation of service pedestals—
 - (i) be attached to an existing structure and installed in accordance with the manufacturer's specifications, and

- (ii) not be higher than 1.4m above the level of any wharf or deck on or near which it is located, and
 - (iii) not exceed a width or depth of 300mm, and
- (g) if it is pollution control facilities, occupational health and safety measures and environmental management works—
 - (i) satisfy any applicable legislative requirements relating to pollution control, and
 - (ii) not be undertaken for the purpose of remediating contaminated land, and
 - (h) not reduce the amount of light penetration to any water below, and
 - (i) not increase the area of the existing footprint of any building, and
 - (j) not change the classification of any building under the *Building Code of Australia*, and
 - (k) not involve disturbance of, or injury to, the bed of any waterway or marine vegetation (within the meaning of the *Fisheries Management Act 1994*), and
 - (l) not include a change to the fire resisting components of, or interfere with the entry to or exit from, or the fire safety measures contained within, any building, and
 - (m) use recessive colours sympathetic to the existing natural landscape and built form, and
 - (n) be consistent with the terms of any applicable development consent, and
 - (o) if an approval is required under the *Fisheries Management Act 1994*—be approved under that Act, and
 - (p) if a licence is required under the *Protection of the Environment Operations Act 1997*—be licensed under that Act.

Subdivision 41 Windmills

2.81 Specified development

The construction or installation of a windmill for purposes other than the generation of electricity is development specified for this code if it is constructed or installed on land in Zone RU1, RU2, RU3, RU4 or RU6.

2.82 Development standards

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

- (a) be free standing, and
 - (a1) be located at least 20m from any road boundary and 5m from each other lot

boundary, and

- (b) be designed by a professional engineer, and
- (c) be located at least 1m from any registered easement.

Note.

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

Division 2 Advertising and Signage Exempt Development Code

Subdivision 1 General requirements for advertising and signage

2.83 General requirements

- (1) To be exempt development under this code, development specified in this Division must—
 - (a) have the consent in writing of the owner of the land on which the sign is to be located and, if the sign or part of the sign projects over adjoining land, the consent of the owner of the adjoining land, and
 - (b) be approved under section 138 of the *Roads Act 1993*, if the sign or part of the sign projects over a public road, including a footway, and
 - (c) not be carried out on or in relation to a building being used as restricted premises, and
 - (d) not cover any mechanical ventilation inlets or outlets located on any building on which it is carried out, and
 - (e) not obstruct or interfere with any traffic sign, and
 - (f) not result in more than 3 business identification signs being constructed or installed in relation to a building if the building houses only one commercial tenant, and
 - (g) not result in more than 6 business identification signs being constructed or installed in relation to any building, and
 - (h) not result in more than one business identification sign being constructed or installed in relation to a home business, home industry or home occupation in a residential zone, and
 - (i) not be under or attached to an awning, unless the awning complies with the requirements set out in the *Building Code of Australia*, Volume 1, B1P1 and B1P2.
- (2) This clause does not affect any other requirement of this Policy in relation to exempt

development.

Note.

The *Summary Offences Act 1988* regulates or prohibits certain business signs.

Subdivision 2 Building identification signs

2.84 Specified development

The construction or installation of a building identification sign on the facade of a building for the purpose of identifying or naming a building is development specified for the purposes of this code if it is not constructed or installed on a heritage item or draft heritage item, in a heritage conservation area or draft heritage conservation area.

2.85 Development standards

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

- (a) have only one sign displayed on each street frontage, and
- (b) not be more than 2.5m² in area, and
- (c) be mounted flat against an exterior wall or parapet and must not protrude more than 300mm from the face of the wall or parapet, and
- (d) not be located higher than—
 - (i) the parapet or eaves of the building, or
 - (ii) 15m above ground level (existing),

whichever is the lower, and
- (e) not cover any window, door or architectural feature, and
- (f) be securely fixed to the building in accordance with—
 - (i) AS/NZS 1170.0:2002, *Structural design actions, Part 0: General principles*, and
 - (ii) AS/NZS 1170.2:2011, *Structural design actions, Part 2: Wind actions*, and
- (g) not include any advertising of goods, products or services, and
- (h) if the sign is illuminated—
 - (i) have its means of illumination, including any associated cables, concealed or integrated within the frame of the sign, and
 - (ii) not be animated, flashing or moving, and
 - (iii) comply with AS/NZS 4282:2019, *Control of the obtrusive effects of outdoor*

lighting, and

- (i) if the sign is on a building on land that is within a residential, rural or conservation zone, or is within 50m of and faces toward land that is within one of those zones—only be illuminated—
 - (i) if the hours of operation of the business identified on the sign have been approved—during those hours, or
 - (ii) if the hours of operation of the business identified on the sign have not been approved—between 7.00 am and 10.00 pm on any day.

Subdivision 3 Wall signs

2.86 Specified development

The construction or installation of a business identification sign (including a business identification sign for a home business) that is flat mounted or painted on the exterior wall of an existing building, or on an existing boundary fence or wall, is development specified for the purposes of this code if it is not constructed or installed on a heritage item or draft heritage item, in a heritage conservation area or draft heritage conservation area.

2.87 Development standards

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

- (a) not result in more than 4 business identification signs of this type for the building (which may refer to more than 1 business within the building) so long as only one sign is visible on each elevation of the building, and
- (b) be attached to the building in which the business identified in the sign is located, and
- (c) if it is a sign that is located in a residential, rural or conservation zone—
 - (i) for a sign for a home business, home industry or home occupation—not be more than 1m² in area, and
 - (ii) for a sign for any other use—not be more than 2.5m² in area, and
- (d) if it is a sign that is located in a business zone or Zone RU5, E1, E2, E3, MU1, SP5 or W4—not be more than 5m² in area, and
- (e) if it is a sign that is located in an industrial zone or Zone E4 or E5—
 - (i) not be more than 16m² in area if the sign is a wall sign attached or fixed to a building (other than a wall sign referred to in subparagraph (ii)), or
 - (ii) not be more than 20% of the surface area of the wall of the building if the sign is a wall sign painted or applied by adhesive material on a building, and

- (f) not project beyond the parapet or eaves of the building to which it is attached, and
- (g) not be more than 2.5m above ground level (existing) in a residential zone, and not be more than 8m above ground level (existing) in any other zone, and
- (h) not cover any window, door or architectural feature, and
- (i) be securely fixed to the building in accordance with—
 - (i) AS/NZS 1170.0:2002, *Structural design actions, Part 0: General principles*, and
 - (ii) AS/NZS 1170.2:2011, *Structural design actions, Part 2: Wind actions*, and
- (j) if the sign is illuminated—
 - (i) have its means of illumination, including any associated cables, concealed or integrated within the frame of the sign, and
 - (ii) not be animated, flashing or moving, and
 - (iii) comply with AS/NZS 4282:2019, *Control of the obtrusive effects of outdoor lighting*, and
- (k) if the sign is on a building, fence or wall on land within a residential, rural or conservation zone, or is within 50m of and faces toward land within one of those zones—only be illuminated—
 - (i) if the hours of operation of the business identified on the sign have been approved—during those hours, or
 - (ii) if the hours of operation of the business identified on the sign have not been approved—between 7.00 am and 10.00 pm on any day.

Subdivision 4 Fascia signs

2.88 Specified development

The construction or installation of a business identification sign on the existing fascia of the awning of a building is development specified for the purposes of this code.

2.89 Development standards

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

- (a) be mounted flat and securely fixed to the fascia, and
- (b) involve a rigid signboard or a signboard within a rigid frame, and
- (c) not project below, above or beyond the sides of the fascia, and
- (d) be at least 600mm behind the alignment of any kerb within the adjacent road, and

- (e) not be illuminated.

Subdivision 5 Under awning signs

2.90 Specified development

The construction or installation of a business identification sign suspended below the existing awning of a building is development specified for the purposes of this code.

2.91 Development standards

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

- (a) not result in more than one sign of this type for each ground floor tenancy, and
- (b) not be more than 1.5m² in area, and
- (c) not be more than 2.5m in length, and
- (d) be erected with the lower edge at least 2.6m above ground level (existing), and
- (e) be suspended at right angles to the building, and
- (f) not project beyond the awning fascia, and
- (g) be securely fixed to the building in accordance with—
 - (i) AS/NZS 1170.0:2002, *Structural design actions, Part 0: General principles*, and
 - (ii) AS/NZS 1170.2:2011, *Structural design actions, Part 2: Wind actions*, and
- (h) if the sign is illuminated—
 - (i) have its means of illumination, including any associated cables, concealed or integrated within the frame of the sign, and
 - (ii) not be animated, flashing or moving, and
 - (iii) comply with AS/NZS 4282:2019, *Control of the obtrusive effects of outdoor lighting*.

Subdivision 6 Top hamper signs

2.92 Specified development

The construction or installation of a business identification sign above a display window or attached to the transom of a doorway in an existing building is development specified for the purposes of this code if it is not constructed or installed on a heritage item or a draft heritage item.

2.93 Development standards

- The standards specified for that development are that the development must—
- (a) not result in more than one sign of this type for each ground floor tenancy, and
 - (b) not be more than 2.5m² in area, and
 - (c) not be more than 600mm in height, and
 - (d) be erected with the lower edge at least 2.1m above ground level (existing), and
 - (e) not project below the transom of any doorway, and
 - (f) if constructed or installed in a heritage conservation area or in a draft heritage conservation area—
 - (i) be fixed flush to the transom, and
 - (ii) not project below the top of the doorway or display window, and
 - (iii) not be externally illuminated, and
 - (g) if the sign is illuminated—
 - (i) have its means of illumination, including any associated cables, concealed or integrated within the frame of the sign, and
 - (ii) not be animated, flashing or moving, andcomply with AS/NZS 4282:2019, *Control of the obtrusive effects of outdoor lighting*.

Subdivision 7 Window signs

2.94 Specified development

The construction or installation of a business identification sign inside any window of an existing building is development specified for the purposes of this code.

2.95 Development standards

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

- (a) not cover more than 20% of the surface of the window in which it is displayed or 6m², whichever is the lesser, and
- (b) not be illuminated, and
- (c) if it involves a sign advertising a home business, home industry or home occupation—not result in more than one sign per premises.

Subdivision 8 Replacement of identification signs

2.96 Specified development

The replacement of—

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

is development specified for this code.

2.97 Development standards

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

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

Subdivision 9 Internal signs

2.98 Specified development

The construction, installation or display of advertisements or signs within an area enclosed by a building (for example, a sports stadium or shopping centre) is development specified for the purposes of this code.

2.99 Development standards

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

- (a) not be visible from any public place outside the site of the building concerned, and
- (b) be securely fixed and installed in accordance with—
 - (i) AS/NZS 1170.0:2002, *Structural design actions, Part 0: General principles*, and
 - (ii) AS/NZS 1170.2:2011, *Structural design actions, Part 2: Wind actions*.

Subdivision 10 Community notice and public information signs

2.100 Specified development

The construction or installation of a sign that provides information on, or advertises services or activities on a site for, a public or community institution or organisation is development specified for the purposes of this code.

2.101 Development standards

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

- (a) not result in more than one sign facing any road frontage, and
- (b) not have a surface area of more than 3.5m², and
- (c) not be higher than 5m above ground level (existing), and
- (d) be located wholly within the boundaries of the site, and
- (e) be securely fixed and installed in accordance with—
 - (i) AS/NZS 1170.0:2002, *Structural design actions, Part 0: General principles*, and
 - (ii) AS/NZS 1170.2:2011, *Structural design actions, Part 2: Wind actions*, and
- (f) if on the site of a heritage item or draft heritage item—not be attached to a building, and
- (g) not be illuminated.

Subdivision 11 Temporary event signs

2.102 Specified development

The construction or installation of a sign or banner that advertises a commercial, community or retail event or a private function (including sponsorship of the event or function) is development specified for the purposes of this code.

2.103 Development standards

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

- (a) not result in more than one banner and one other type of temporary sign facing any road frontage, and
- (b) not have a surface area of more than 6m², and
- (c) be located wholly within the boundaries of the property or, if attached to a building, fence or wall, not project more than 100mm from the building, fence or wall, and
- (d) not be higher than 5m above ground level (existing), and

- (e) not be permanently fixed to a building, fence or wall, and
- (f) if advertising a commercial or retail event—not be constructed or installed in a residential zone, and
- (g) not be illuminated, and
- (h) not be displayed earlier than 14 days before the event, and
- (i) be removed within 2 days after the event.

Subdivision 12 Real estate signs

2.104 Specified development

The construction or installation of a temporary sign to advertise real property for sale or rent, being a sign that is located on the property for sale or on the site of the property for sale, is development specified for the purposes of this code.

2.105 Development standards

- (1) The standards specified for that development are that the development must—
 - (a) if it is advertising a parcel of land, a dwelling house or one or more dwellings in a multi dwelling development with less than 10 dwellings—
 - (i) not result in more than one sign for each parcel of land or dwelling (except that dwellings in the same ownership must be advertised on one sign), and
 - (ii) not be more than 1.5m² in area, and
 - (iii) not be more than 3m above ground level (existing), and
 - (iv) not be externally illuminated, and
 - (v) if the development is advertising the sale or lease of a dwelling—be removed within 14 days after the sale or lease, and
 - (vi) if the development is advertising the sale or lease of vacant land—be removed no later than the commencement of any construction on the land, and
 - (b) in any other case—not result in more than one sign on any road frontage and each sign must—
 - (i) not be more than 10m² in area, and
 - (ii) not be more than 5m above ground level (existing), and
 - (iii) if the sign is more than 3.5m² in area—be securely fixed and installed in

accordance with—

- (A) AS/NZS 1170.0:2002, *Structural design actions, Part 0: General principles*, and
 - (B) AS/NZS 1170.2:2011, *Structural design actions, Part 2: Wind actions*, and
 - (iv) not be illuminated, and
 - (v) if on the site of a heritage item or draft heritage item—not be attached to a building, and
 - (vi) be removed within 14 days after the sale or lease of the property.
- (2) Despite subclause (1)(b), a sign that complies with the following development standards may be constructed or installed if the sign is advertising the sale of all the lots in a subdivision with more than 10 lots or all the dwellings in a multi dwelling development with 10 dwellings or more—
- (a) the sign must—
 - (i) not be more than 10m² in area, and
 - (ii) not be more than 5m above ground level (existing), and
 - (iii) if the sign is more than 3.5m² in area—be securely fixed and installed in accordance with—
 - (A) AS/NZS 1170.0:2002, *Structural design actions, Part 0: General principles*, and
 - (B) AS/NZS 1170.2:2011, *Structural design actions, Part 2: Wind actions*, and
 - (iv) not be illuminated, and
 - (v) if on the site of a heritage item or draft heritage item—not be attached to a building,
 - (b) the sign must be removed when 90% (rounded down to the nearest whole number) of the lots in the subdivision or dwellings in the multi dwelling development are sold or at the expiration of 2 years, whichever occurs first,
 - (c) the sign may be additional to any sign permitted under subclause (1)(b), but only one such additional sign may be constructed or installed.

Subdivision 13 Election signs

2.106 Specified development

- (1) The display of a sign that contains electoral matter in relation to an election held

under the *Commonwealth Electoral Act 1918* of the Commonwealth, the *Electoral Act 2017* or the *Local Government Act 1993* is development specified for the purposes of this code.

(2) In this clause—

electoral matter means—

- (a) matter that is intended, calculated or likely to affect, or is capable of affecting, the result of an election or that is intended, calculated or likely to influence, or is capable of influencing, an elector in relation to the casting of the elector's vote at an election, or
- (b) the name of a candidate at an election, the name of the party of a candidate and a picture of a candidate, including a photograph of the candidate and a drawing or printed matter that purports to depict the candidate or to be a likeness or representation of the candidate.

sign includes a poster, banner, placard and other similar material.

2.107 Development standards

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

- (a) not be more than the following in area—
 - (i) for a sign on land in a rural zone—3.75m²,
 - (ii) otherwise—0.8m², and
- (b) if on the site of a heritage item or draft heritage item—not be attached to a building, and
- (c) be displayed by or on behalf of a candidate at an election referred to in clause 2.106 or the party (if any) of any such candidate, and
- (d) be displayed in accordance with any relevant requirements of the Act under which the election is held, and
- (e) be displayed only during the following periods—
 - (i) 8 weeks immediately preceding the day on which the election is held,
 - (ii) the day on which the election is held,
 - (iii) 1 week immediately following the day on which the election is held.

Subdivision 14 Agritourism signs

2.107A Specified development

The construction or installation of a business identification sign related to one or more of the following, if located on the same landholding as the business to which it relates, is development specified for this code—

- (a) farm stay accommodation,
- (b) farm experience premises,
- (c) farm gate premises,
- (d) roadside stalls.

2.107B Development standards

The following standards are specified for the development—

- (a) the development must not cause there to be more than 2 business identification signs facing a road frontage,
- (b) the sign must not be attached to a building that is a heritage item or draft heritage item,
- (c) the sign must be no more than 2m above ground level (existing),
- (d) the sign must have an area of no more than 2m²,
- (e) the sign must be constructed or installed in accordance with—
 - (i) AS/NZS 1170.0:2002, *Structural design actions, Part 0: General principles*, and
 - (ii) AS/NZS 1170.2:2021, *Structural design actions, Part 2: Wind actions*,
- (f) no more than 1 sign on a landholding may be illuminated,
- (g) an illuminated sign must—
 - (i) have its means of illumination, including associated cables, concealed or integrated within the frame of the sign, and
 - (ii) not be animated, flashing or moving, and
 - (iii) comply with AS/NZS 4282:2019, *Control of the obtrusive effects of outdoor lighting*, and
 - (iv) only be illuminated—
 - (A) for a roadside stall—during the opening hours of the stall, or
 - (B) otherwise—between 7am and 10pm each day.

Division 3 Temporary Uses and Structures Exempt Development Code

Subdivision 1 General requirements for temporary uses and structures

2.108 General requirements

- (1) To be exempt development under this code, development specified in this Division must—
 - (a) have the consent in writing of the owner of the land on which the development is carried out or, if a council or public authority has the control or management of the land, the consent in writing of the council or public authority,
 - (b) not restrict any car parking required to be provided by a condition of a development consent applying to the land or any vehicular or pedestrian access to or from the land unless that parking and access is on land owned, controlled or managed by a council or public authority and that council or public authority has given its written consent to the temporary use of the land for the erection of the temporary structure,
 - (c) not redirect the flow of any surface water or ground water, or cause sediment to be transported, onto an adjoining property,
 - (d) not result in damage to any protected tree growing on the land or on adjacent land,
 - (e) if it is the erection of a temporary structure—be erected on a surface that is sufficiently firm and level to sustain the structure while in use,
 - (f) if it is the erection of a temporary structure—be able to resist loads determined in accordance with the following Australian and New Zealand Standards—
 - (i) AS/NZS 1170.0:2002, *Structural design actions, Part 0: General principles*,
 - (ii) AS/NZS 1170.1:2002, *Structural design actions, Part 1: Permanent, imposed and other actions*,
 - (iii) AS/NZS 1170.2:2011, *Structural design actions, Part 2: Wind actions*,
 - (g) be covered by a policy of insurance taken out by the person carrying out the development that adequately covers the public liability of the person in respect of the carrying out of the development for an amount approved by the owner of the land on which the development is carried out,
 - (h) have an approval for the use of the land related to the purpose of the temporary structure, unless the use of the temporary structure is specified as exempt development or is ancillary to the principal use of the land.

- (2) In this clause, any development standard that specifies a separation distance to a side or rear boundary—
- (a) only applies in respect of a boundary with adjoining land that is under a different ownership, and
 - (b) does not apply in respect of adjoining land that is owned by the council or other public authority if the written consent of the council or other public authority has been obtained.

Note.

Under section 68 of the *Local Government Act 1993* certain activities require the approval of the council.

Subdivision 2 Scaffolding, hoardings and temporary construction site fences

2.109 Specified development

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

2.110 Development standards

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

- (a) enclose the work area, and
- (b) if it is a temporary construction site fence adjoining or on a public place—be designed and installed in accordance with AS 4687—2007, *Temporary fencing and hoardings*, and
- (c) be removed immediately after the work in relation to which it was erected has finished if no safety issue will arise from its removal.

Note 1.

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

Note 2.

The *Work Health and Safety Act 2011* and *Work Health and Safety Regulation 2011* contain provisions relating to scaffolds, hoardings and other temporary structures.

Subdivision 3 Temporary builders' structures

2.111 Specified development

The construction or installation of a building site shed, office or associated amenities

structure is development specified for this code.

2.112 Development standards

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

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

Subdivision 4 Filming

2.113 Specified development

Filming is development specified for this code.

2.114 Development standards

The standards specified for that development are as follows—

- (a) the filming may only be carried out on land—

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

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

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

- (b) the filming must not create significant interference with the neighbourhood,

- (c) if the filming is carried out on private land—the filming must not be carried out for more than 90 days within a 12-month period at the particular location,
- (d) if the filming is to be carried out for more than 2 consecutive days—a filming management plan must be prepared and lodged with the consent authority for the location at least 5 days before the commencement of filming at the location. The plan must contain the following information and be accompanied by the following documents (without limiting the information or documents that may be submitted)—
 - (i) the name, address and telephone number of the person carrying out the filming (such as a production company) and of the producer for the filming,
 - (ii) a brief description of the filming to be carried out (for example, whether it involves a television commercial, a television series, a feature film or a documentary),
 - (iii) the proposed location of the filming,
 - (iv) the proposed commencement and completion dates for the filming,
 - (v) the proposed daily length of filming,
 - (vi) the number of persons to be involved in the filming,
 - (vii) details of any temporary structures (for example, tents or marquees) to be erected or used at the location for the purposes of the filming,
 - (viii) the type of filming equipment to be used in the filming (such as a hand-held or mounted camera),
 - (ix) proposed arrangements for parking vehicles associated with the filming during the filming,
 - (x) whether there will be any disruption to the location of the filming or the surrounding area and the amenity of the neighbourhood (for example, by the discharge of firearms or explosives, the production of offensive noise or vibrations, disruption to traffic flow or the release of smells, fumes, vapour, steam, soot, ash, dust, waste water, grit or oil),
 - (xi) whether the filming will involve the use of outdoor lighting or any other special effects equipment,
 - (xii) a copy of the public liability insurance policy that covers the filming at the location,
 - (xiii) a copy of any approval given by a public or local authority to carry out an activity associated with the proposed filming, such as the following—
 - (A) an approval given by Transport for NSW for the closure of a road,

- (B) an approval given by a council for the erection or use of a temporary structure, closure of a road or a public footpath, or the restriction of pedestrian access,
 - (C) an approval given by the Environment Protection Authority for an open fire,
 - (D) an approval given by the NSW Police Force for the discharge of firearms,
 - (E) an approval given by the Department of Primary Industries, Crown Land Division, for the use of Crown land,
- (xiv) details of any temporary alteration or addition to any building or work at the location for the purposes of the filming,
- (e) if the filming is to be carried out for more than 2 consecutive days—the person carrying out the filming must, at least 5 days before the commencement of filming at the particular location, give notice in writing (by way of a letter-box drop) of the filming to residents within a 50m radius of the location. The notice must contain the following information—
- (i) the name and telephone number of the person carrying out the filming (such as a production company) and of a contact representative of that person,
 - (ii) a brief description of the filming to be carried out at the location and of any proposed disruptions to the location or the surrounding area or the amenity of the neighbourhood,
 - (iii) the proposed commencement and completion dates for the filming,
 - (iv) the proposed daily length of filming.

Subdivision 5 Temporary structures and alterations or additions to buildings for filming purposes

2.115 Specified development

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

2.116 Development standards

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

- (a) be erected, used, altered or added to in connection with filming that is exempt development, and
- (b) not be at the location for more than 30 days within a 12-month period, and

- (c) if it is an alteration or addition to a building or work—not remain in place for more than 30 days within a 12-month period, and
- (d) not, in its altered or added to form, be accessible to the public.

Subdivision 6 Tents or marquees used for filming purposes and private functions

2.117 Specified development

The construction or installation of a tent or marquee used for filming purposes or a wedding, private party or other private function is development specified for this code if it is carried out on any of the following land—

- (a) land within a rural, residential or conservation zone and used for residential accommodation,
- (b) land in a zone other than a rural, residential or conservation zone,
- (c) Crown land (within the meaning of the *Crown Land Management Act 2016*),
- (d) land vested in or under the control and management of the council or other public authority of the area in which the development is carried out.

2.118 Development standards

The standards specified for that development are as follows—

- (a) for all tents or marquees being used at the same time—the development must not have a total floor area exceeding 200m², if located in a residential zone, or 300m², if located in any other zone,
- (b) if the development is carried out on land used for residential accommodation—each tent or marquee must be located—
 - (i) at least 1m from any boundary of the land, and
 - (ii) behind any building setback fixed by an environmental planning instrument or development control plan applying to the land,
- (c) if the development is carried out on land not used for residential accommodation—each tent or marquee must be located at least 3m from any boundary of the land,
- (d) each tent or marquee must be erected so as to provide an unobstructed pedestrian circulation area at least 1.5m wide around the perimeter of the tent or marquee, unless it is attached to or abuts a building with no separation,
- (e) each tent or marquee must be erected at ground level,

- (f) each tent or marquee must have the following number of exits arranged so as to afford a ready means of egress from all parts of the tent or marquee to open space or a road—
 - (i) 1 exit if the tent or marquee has a floor area of not more than 25m²,
 - (ii) 2 exits if the tent or marquee has a floor area of not more than 100m²,
 - (iii) 4 exits in any other case,
- (g) if any tent or marquee will include internal seating, stalls, tables or other obstructions, a clear path of travel to any exit no greater than 40m in length must be provided,
- (h) each tent or marquee must have a width for each exit of at least—
 - (i) 850mm if the floor area of the tent or marquee is less than 150m², or
 - (ii) 1m in any other case,
- (i) no tent or marquee can have a wall height exceeding 4m,
- (j) each tent or marquee must have a height, as measured from the surface on which the tent or marquee is erected to the highest point of the tent or marquee, not exceeding 6m,
- (k) no tent or marquee can contain tiered seating,
- (l) any wedding, private party or other private function must take place only during the following periods—
 - (i) 7.30 am to 11.00 pm on Monday, Tuesday, Wednesday or Thursday,
 - (ii) 7.30 am to 12.00 am on Friday or Saturday,
 - (iii) 8.00 am to 8.00 pm on Sunday,
- (m) if the development is carried out for the purposes of a wedding, private party or other private function (unless it is a community event to which Subdivision 7 applies)—
 - (i) each tent or marquee must not be erected on the land for more than 7 days, and
 - (ii) the number of days for which a tent or marquee is erected on the land together with the number of days for which tents or marquees have previously been erected on the land for private functions in the same calendar year must not exceed 30 days,
- (n) in any other case—each tent or marquee must not remain on the land for more than 2 days after the function or after the completion of the filming at the location,
- (o) arrangements must be made for the removal of any waste or recyclable materials

likely to be generated as a result of the function or the filming activities.

Subdivision 7 Tents, marquees or booths for community events

2.119 Specified development

The construction or installation of a tent, marquee or booth used for a community event is development specified for this code if it is carried out on land other than land within a rural, residential or conservation zone.

2.120 Development standards

The standards specified for that development are as follows—

- (a) for all tents, marquees and booths being used at the same time—the development must not have a total floor area exceeding 300m²,
- (b) each tent, marquee or booth must be located at least 3m from any boundary of the land,
- (c) each tent, marquee or booth must be erected so as to provide an unobstructed pedestrian circulation area at least 1.5m wide around the perimeter of the tent, marquee or booth, unless it is attached to or abuts a building with no separation,
- (d) each tent, marquee or booth must be erected at ground level,
- (e) each tent or marquee must have the following number of exits arranged so as to afford a ready means of egress from all parts of the tent or marquee to open space or a road—
 - (i) 1 exit if the tent or marquee has a floor area of not more than 25m²,
 - (ii) 2 exits if the tent or marquee has a floor area of not more than 100m²,
 - (iii) 4 exits in any other case,
- (f) if any tent or marquee will include internal seating, stalls, tables or other obstructions, a clear path of travel to any exit no greater than 40m in length must be provided,
- (g) each tent or marquee must have a width for each exit of at least—
 - (i) if the floor area of the tent or marquee is less than 150m²—850mm, or
 - (ii) in any other case—1m,
- (h) no tent or marquee can have a wall height exceeding 4m,
 - (i) each tent or marquee must have a height as measured from the surface on which the tent or marquee is erected to the highest point of the tent or marquee not exceeding 6m,

- (j) no tent or marquee can contain tiered seating,
- (k) the event must take place only during the following periods (unless it is a community event to which Subdivision 9 applies)—
 - (i) 7.30 am to 11.00 pm on Monday, Tuesday, Wednesday or Thursday,
 - (ii) 7.30 am to 12.00 am on Friday or Saturday,
 - (iii) 8.00 am to 8.00 pm on Sunday,
- (l) each tent, marquee or booth must not remain on the land for more than 7 days after the event,
- (m) arrangements must be made for the removal of any waste or recyclable materials likely to be generated as a result of the event.

Subdivision 8 Stages or platforms for private functions

2.121 Specified development

The construction or installation of a stage or platform used for a wedding, private party or other private function is development specified for this code if it is carried out on any of the following land—

- (a) land within a rural, residential or conservation zone and used for residential accommodation,
- (b) land in a zone other than a rural, residential or conservation zone,
- (c) Crown land (within the meaning of the *Crown Land Management Act 2016*),
- (d) land vested in or under the control and management of the council or other public authority of the area in which the development is carried out.

2.122 Development standards

The standards specified for that development are as follows—

- (a) the stage or platform must not have a floor area exceeding 50m²,
- (b) if it is development carried out on land used for residential accommodation—the stage or platform must be located—
 - (i) at least 1m from any boundary of the land, and
 - (ii) behind any building setback fixed by an environmental planning instrument or development control plan applying to the land,
- (c) if it is development carried out on land not used for residential accommodation—the

stage or platform must be located at least 3m from any boundary of the land,

- (d) the stage or platform must be erected at ground level,
- (e) the stage or platform must have a height as measured from the surface on which the tent or marquee is erected to the floor of the stage or platform not exceeding 2m,
- (f) a notice indicating the actual distributed and concentrated load for which the stage or platform has been designed must be conspicuously displayed on the stage or platform,
- (g) if it is development carried out on land used for residential accommodation or land in a business or special purpose zone or Zone E1, E2, E3, MU1 or W4—
 - (i) the stage or platform must not be erected on the land for more than 7 days, and
 - (ii) the number of days for which the stage or platform is erected on the land together with the number of days for which stages or platforms have previously been erected on the land for private functions in the same calendar year must not exceed 30 days,
- (h) the stage or platform must not remain on the land for more than 2 days after the function,
- (i) arrangements must be made for the removal of any waste or recyclable materials likely to be generated as a result of the function,
- (j) the function must take place only during the following periods—
 - (i) 7.30 am to 11.00 pm on Monday, Tuesday, Wednesday or Thursday,
 - (ii) 7.30 am to 12.00 am on Friday or Saturday,
 - (iii) 8.00 am to 8.00 pm on Sunday.

Subdivision 9 Stages or platforms for community events

2.123 Specified development

The construction or installation of a stage or platform used for a community event is development specified for this code if it is carried out on land other than land within a rural, residential or conservation zone.

2.124 Development standards

The standards specified for that development are as follows—

- (a) the stage or platform must not have a floor area exceeding 50m²,
- (b) the stage or platform must be located at least 3m from any boundary of the land,

- (c) the stage or platform must be erected at ground level,
- (d) the stage or platform must have a height, as measured from the surface on which the tent or marquee is erected to the floor of the stage or platform, not exceeding 2m,
- (e) a notice indicating the actual distributed and concentrated load for which the stage or platform has been designed must be conspicuously displayed on the stage or platform,
- (f) the community event must take place only during the following periods (unless it is a community event to which Subdivision 11 applies)—
 - (i) 7.30 am to 11.00 pm on Monday, Tuesday, Wednesday or Thursday,
 - (ii) 7.30 am to 12.00 am on Friday or Saturday,
 - (iii) 8.00 am to 8.00 pm on Sunday,
- (g) the stage or platform must not be erected on the land for more than 7 days,
- (h) the stage or platform must not remain on the land for more than 2 days after the event,
- (i) arrangements must be made for the removal of any waste or recyclable materials likely to be generated as a result of the event.

Subdivision 10 Major events sites—additional temporary development

2.125 Specified development

- (1) This Subdivision applies to the following land—
 - (a) land identified as “Circular Quay”, “Darling Harbour” or “The Rocks” on the [Sydney Harbour Foreshore Sites Map](#),
 - (b) Lots 1 and 3, DP 876516, being the Overseas Passenger Terminal at Circular Quay,
 - (c) land identified as “Sydney Olympic Park Site” on the [State Significant Development Sites Map](#),
 - (d) land identified as “Barangaroo Site” on the [State Significant Development Sites Map](#),
 - (e) land identified as “Blackwattle Bay Precinct Site” on the [State Significant Development Sites Map](#).
- (2) Development for the purposes of temporary uses in the public domain, including development for the following purposes, is development specified for this code—
 - (a) a community event,

- (b) a commercial event (such as a product launch and sampling),
 - (c) trading for retail or other commercial purposes (such as providing a temporary dining and drinking area),
 - (d) associated storage areas and truck lay-by areas and the like.
- (3) In this clause—

public domain has the same meaning as in the *Place Management NSW Act 1998*.

State Significant Development Sites Map has the same meaning as in *State Environmental Planning Policy (Planning Systems) 2021*, Chapter 2.

Sydney Harbour Foreshore Sites Map has the same meaning as in *State Environmental Planning Policy (Precincts—Eastern Harbour City) 2021*, Chapter 2.

2.126 Development standards

The standards specified for that development are as follows—

- (a) if the use is a community or commercial event—
 - (i) the period of the use must be for not more than 60 consecutive days, from the start of set-up to the completion of clean-up for the use, and
 - (ii) a location must not be used for more than 200 days, inclusive of set-up and clean-up time, in any calendar year,
- (b) if the use is for the operation of a street market carried out, coordinated or managed by a public authority—the use must be for not more than 3 consecutive days and a location must not be used for more than 120 days in any calendar year,
- (c) there must be no permanent physical change to the fabric of the location where the use occurs,
- (d) emergency vehicle access must be maintained to and around the location at all times,
- (e) pedestrian access must be maintained along existing footpaths at the location or barriers must be erected between alternative pedestrian pathways and traffic on any adjoining road,
- (f) the use must not occur before 6.00 am or after midnight on any day, except New Year's Eve (when the use may occur until 2.00 am the following day),
- (g) set-up time for the use must not start earlier than 6.00 am, or end later than midnight, on any day,
- (h) clean up time for the use must end no later than 2 hours after the use was to stop occurring under paragraph (f),

- (i) temporary flags relating to the use—
 - (i) must be attached to existing flagpoles, and
 - (ii) must not be displayed for more than 14 days before the use starts, and
 - (iii) must be removed within 7 days after the use ends,
- (j) other temporary signs (including freestanding banners)—
 - (i) must not be more than 2.5m in height, and
 - (ii) must not be larger than 1.2m by 2.4m, and
 - (iii) must not be displayed for more than 7 days before the use starts, and
 - (iv) must be removed within 2 days after the use ends,
- (k) any mobile structures or equipment installed as part of the event, such as video screens, communications equipment and mobile phone towers are to be erected or installed on level ground with secure footings and are to be located so as not to obstruct pedestrian paths of travel.

Subdivision 11 Sydney Cricket Ground—additional temporary development

2.127 Specified development

Development for the purposes of temporary outdoor non-sporting events (such as concerts) and associated equipment, structures and facilities (such as stages, public address systems, food or beverage outlets, video screens and information or ticket booths) is development specified for this code if it is carried out on land described in Schedule 4A, Part 1 of the *Sporting Venues Authorities Act 2008*.

2.128 Development standards

The standards specified for that development are as follows—

- (a) the development must comply with any noise controls in a prevention notice issued under the *Protection of the Environment Operations Act 1997*,
- (b) each event must not have a total duration of more than 14 days,
- (c) each event must comply with any written plan for the management of traffic, parking and vehicle and pedestrian access in relation to the event.

Subdivision 12 Trading hours—temporary extensions for Christmas

2.129 Specified development

The operation of retail premises for 24 hours a day during the period of 2 weeks immediately before 25 December in any year is development specified for this code if—

- (a) it is carried out on land within a business zone or Zone E1, E2, E3, MU1, SP5 or W4, and
- (b) for a food and beverage premises—the premises are not licensed premises, and
- (c) for premises within a mixed-use building—the premises are not on the same floor as one on which a residential use is located or on a floor immediately above or below a floor where a residential use is located.

2.130 Development standards

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

- (a) be for the operation of premises that are the subject of a development consent, and
- (b) comply with all conditions of the consent for the use of the premises other than any condition that restricts the trading hours of the premises, and
- (c) if the conditions of the consent do not specify hours for the loading or delivery of goods to, or the removal of waste from, the premises—only be carried out between 7.00 am and 7.00 pm on any day

Subdivision 13 Trading hours—temporary extension for licensed premises

2.131 Specified development—extended trading hours of licensed premises generally

The operation of licensed premises for extended trading hours is development specified for this code if—

- (a) there is a development consent under which the development may be carried out at times other than the extended trading hours, and
- (b) the development is authorised by an extended trading authorisation granted under section 49 or 49A of the *Liquor Act 2007* for a special occasion (referred to in section 49(5)(b) or 49A(3)(b) of that Act) of local, State or national significance or by that Act, section 13.
- (c) (Repealed)

2.131A (Repealed)

2.131B Specified development—extended trading hours on new year's eve for licensed

premises across the State

- (1) Despite clause 2.131, the operation of licensed premises during the new year's eve trading period is development specified for this code if—
 - (a) there is a development consent under which the development may be carried out at times other than the new year's eve trading period, and
 - (b) the development is authorised under section 14(2)(b), 18(2)(b), 25(5) or 50(2)(b) of the *Liquor Act 2007* or by an extended trading authorisation or is otherwise permitted in accordance with an exemption under that Act.
- (2) This clause does not limit the operation of any extended trading authorisation that applies in relation to licensed premises.
- (3) In this clause—

extended trading authorisation has the same meaning as in the *Liquor Act 2007*.

new year's eve trading period, in relation to licensed premises, means the period from the end of the standard trading period on 31 December in any year to 2 am on the next succeeding day.

standard trading period has the same meaning as in the *Liquor Act 2007*.

2.132 Development standards

- (1) The standards specified for any development referred to in clause 2.131 or 2.131B are that the development must not contravene any terms of a development consent that are applicable to the development when carried out at times other than during the extended trading hours under clause 2.131 or the new year's eve trading period referred to in clause 2.131B.
- (2) Subclause (1) does not apply to a term of a development consent that sets out or restricts the hours of operation of, or trading on, the premises.

Subdivision 14

2.132A-2.132C (Repealed)

Division 4

2.133-2.135 (Repealed)

Part 2A

2A.1-2A.3 (Repealed)

Part 3 Housing 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 Requirements for complying development under this code

3.1 Development that is complying development under this code

- (1) The following development is complying development under this code—
 - (a) 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.

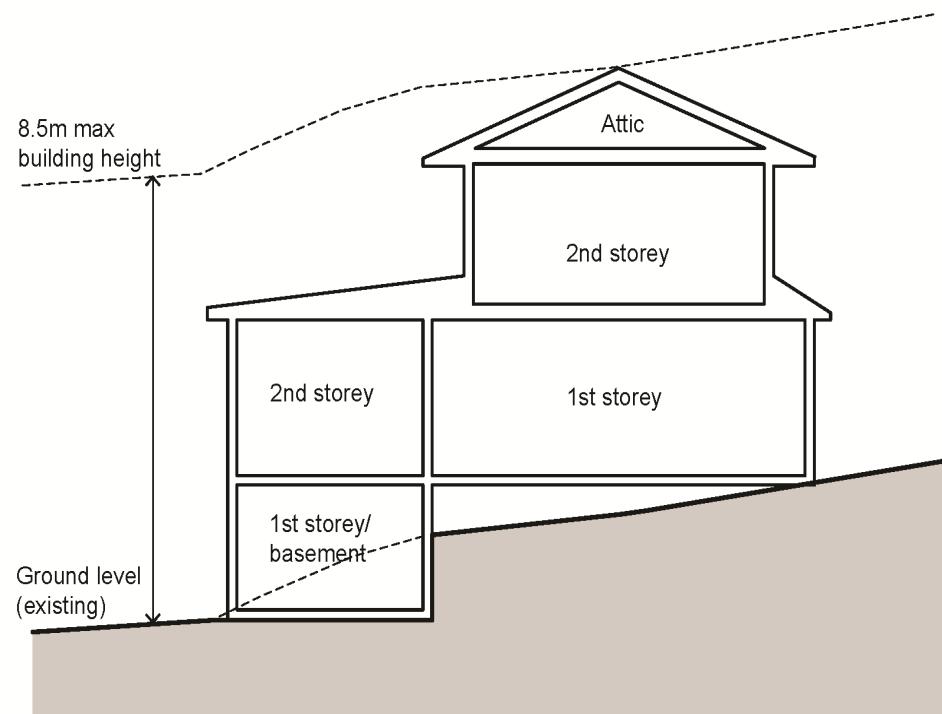
Note 1.

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) **Lot requirements** Complying development specified for this code may only be carried out on a lot that meets the following requirements—

- (a) the lot must be in Zone R1, R2, R3, R4 or RU5,
- (b) the area of the lot must not be less than 200m²,
- (c) the width of the lot must be at least 6m measured at the building line,
- (d) there must only be 1 dwelling house on the lot at the completion of the development,
- (e) the lot must have lawful access to a public road at the completion of the development,
- (f) if the development is on a battle-axe lot—the lot must be at least 12m by 12m (not including the access laneway) and must have an access laneway that is at least 3m wide,
- (g) if the development is on a corner lot—the width of the primary road boundary of the lot must be at least 6m.

(4) A secondary dwelling with development consent or a complying development

certificate is not a dwelling house for the purpose of subclause (3)(d).

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

Note 1.

Attached development, battle-axe lot, building line, detached development, development consent and **dwelling house** are defined in clause 1.5.

Note 2.

Basement and **secondary dwelling** 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.

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

3.2 Development that is not complying development under this code

- The following development is not complying development under this code—
 - the erection or alteration of, or an addition to, a roof terrace on the top most roof of a building,
 - development that is complying development under the Housing Alterations Code,
 - development that is attached to a secondary dwelling or group home,
 - the erection of a building over a registered easement,
 - the construction of a basement 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 ²
>10m	45m ²

- (f) the erection of a common wall,
 - (g) the alteration of, or an addition to, a garage or carport that is located forward of the building line,
 - (h) development on land identified as susceptible to landslide risk in—
 - (i) an environmental planning instrument applying to the land, or
 - (ii) for land to which *Warringah Local Environmental Plan 2011* applies—"Area C" or "Area E" on the *Landslip Risk Map* within the meaning of that Plan,
 - (i) external alterations or additions to the following—
 - (i) the front of an existing attached dwelling or existing semi-detached dwelling, including any decorative elements at the front of the dwelling,
 - (ii) an existing balcony, deck, patio, pergola, terrace or verandah that is attached to the front of an existing attached dwelling or existing semi-detached dwelling,
 - (iii) an existing awning, blind or canopy that is attached to the front of an existing attached dwelling or existing semi-detached dwelling.
- (2) Development involving the construction of gutters, eaves, downpipes or underground drainage over a registered easement may, despite subclause 3.2(1)(d), be complying development under this code if—
- (a) the registered easement is for the purposes of maintenance and allows gutters, eaves, downpipes or underground drainage to be constructed over the registered easement, and
 - (b) no part of the building other than the gutters, eaves, downpipes or underground drainage is located over the registered easement.

Note 1.

Attached, building line, common wall 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.

3.3 Determining lot type

- (1) 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,

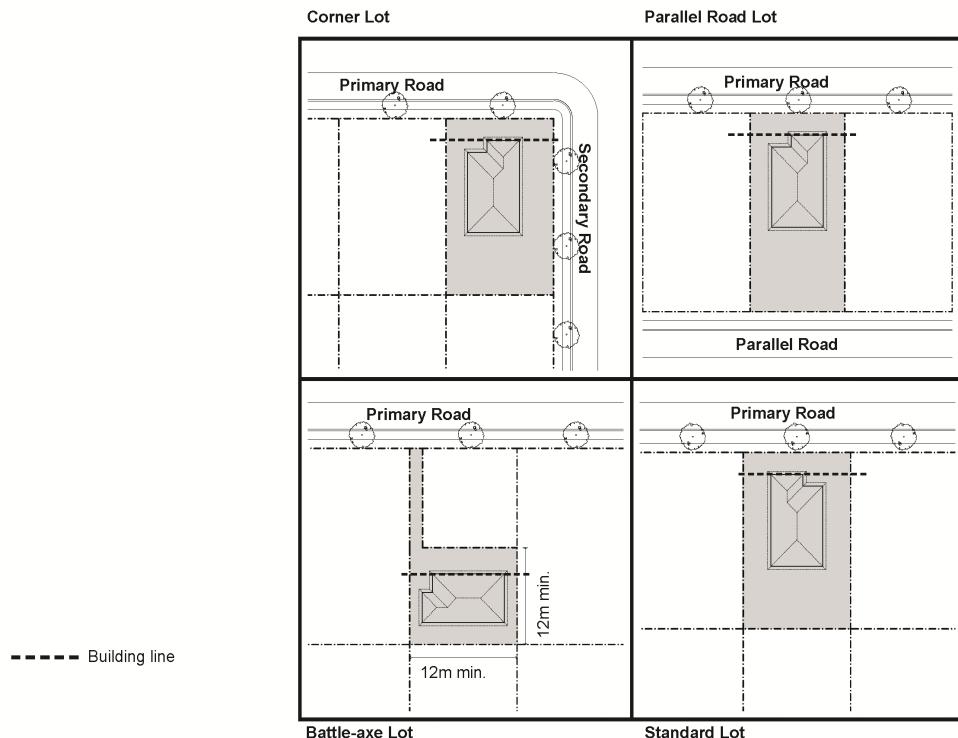
(d) battle-axe lot.

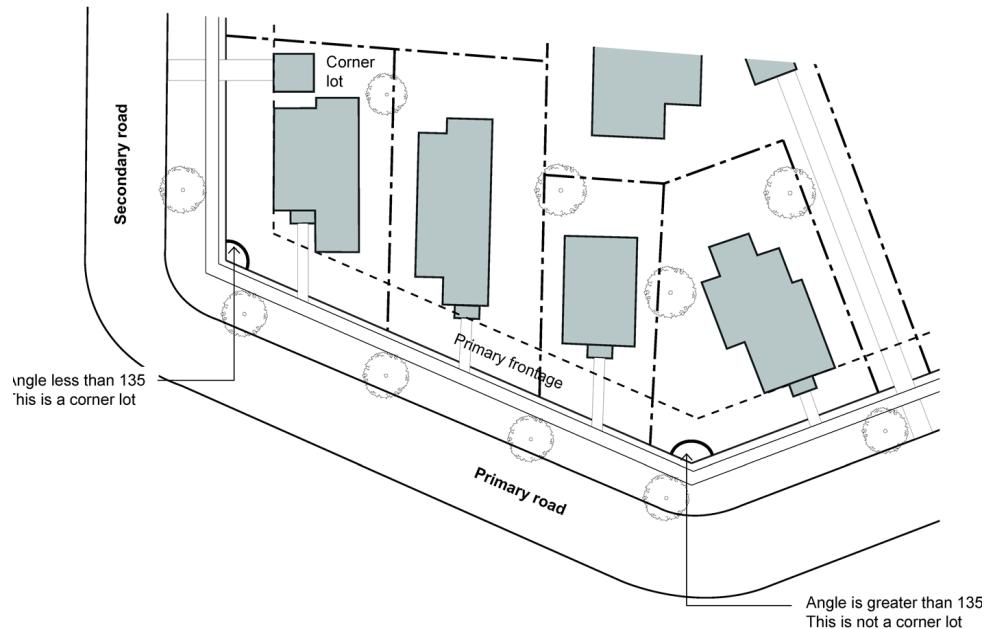
Note 1.

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

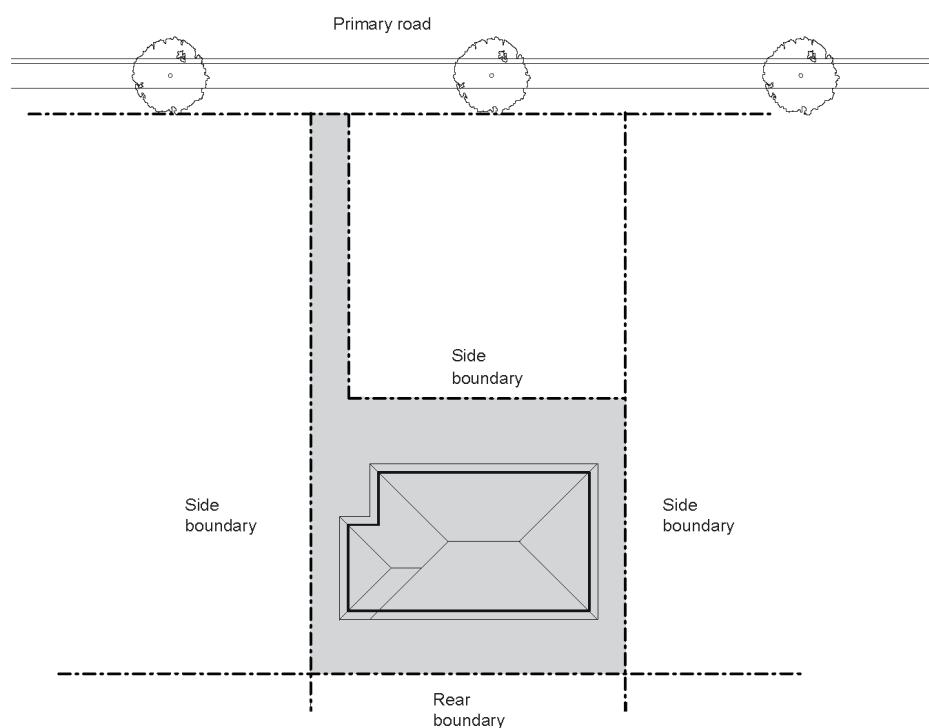
Note 2.

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).





- (1A) When determining the lot type for this code, a lane is not to be considered a primary road.
- (2) A battle-axe lot has 3 side boundaries and a rear boundary. The rear boundary is opposite the boundary to which the front of the dwelling house faces.



Division 2 General standards relating to land type

3.4 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 that is more than 6m from any dwelling house,
 - (b) landscaped areas,
 - (c) non-combustible fences,
 - (d) swimming pools.

Note.

See clause 1.19A for additional provisions relating to bush fire prone land.

- (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) (Repealed)
 - (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 RU5, there must be—
 - (i) a reticulated water supply connection to the lot and a fire hydrant within 70m of any part of the development, or

- (ii) a 10,000 L capacity water tank on the lot,
- (h) if the development is carried out on a lot in any zone other than Zone RU5, there must be—
 - (i) a reticulated water supply connection to the lot, and
 - (ii) a fire hydrant within 70m of any part of the development,
- (i) the development must conform to the specifications and requirements of *Planning for Bush Fire Protection* that are relevant to the development.

Note 1.

Attached development, council, detached and **dwelling house** 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) (Repealed)

3.5 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,
 - (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 *Flood Risk Management Manual*, unless it is otherwise defined in this Policy.
- (5) (Repealed)

Note.

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

3.6 (Repealed)

Division 3 Development standards for dwelling houses and attached development

Subdivision 1 Application of Division

3.7 Application of Division

This Division sets out the development standards that apply to the erection or alteration of, or an addition to, a dwelling house and any attached development that is complying development under this code.

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

3.8 Maximum building height

The maximum height for a dwelling house and any attached development is 8.5m above

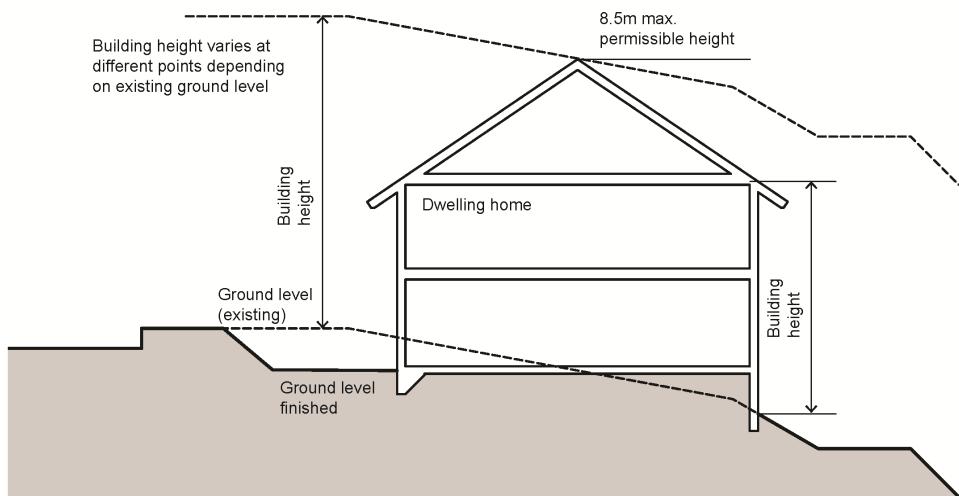
ground level (existing).

Note 1.

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

Note 2.

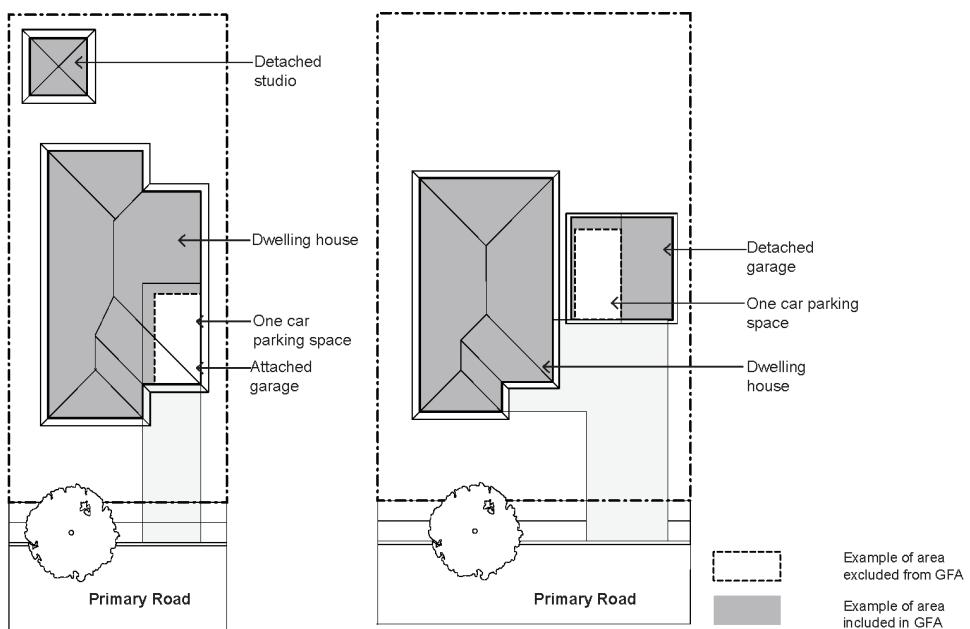
Ground level (existing) is defined in the Standard Instrument as the existing level of a site at any point.



3.9 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 ² -250m ²	78% of lot area
>250m ² -300m ²	75% of lot area
>300m ² -350m ²	235m ²
>350m ² -450m ²	25% of lot area + 150m ²
>450m ² -560m ²	290m ²
>560m ² -600m ²	25% of lot area + 150m ²
>600m ² -740m ²	335m ²
>740m ² -900m ²	25% of lot area + 150m ²
>900m ² -920m ²	380m ²
>920m ² -1,000m ²	25% of lot area + 150m ²
>1,000m ²	400m ²



- (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.

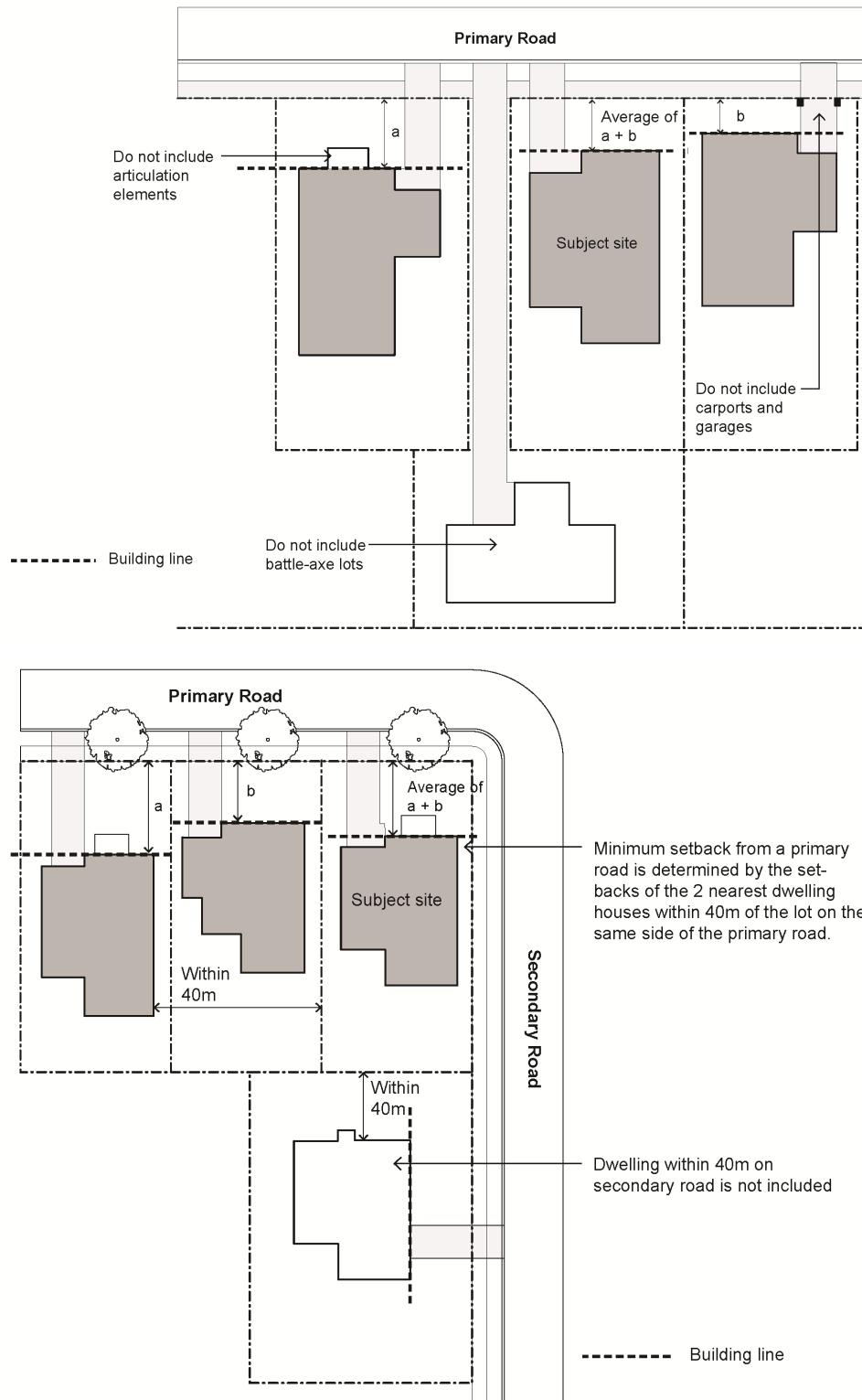
3.10 Minimum setbacks and maximum height and length of boundary walls

- (1) **Primary road setbacks** The setback of a dwelling house and any attached development from a primary road must not be less than the average setback from the primary road of the 2 nearest dwelling houses on the same side of the primary road.

Note.

Clause 3.11 contains certain exclusions from, and exceptions to, the setbacks in this clause.

- (2) For the purpose of determining the setbacks from the primary road of the 2 nearest dwellings, 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.



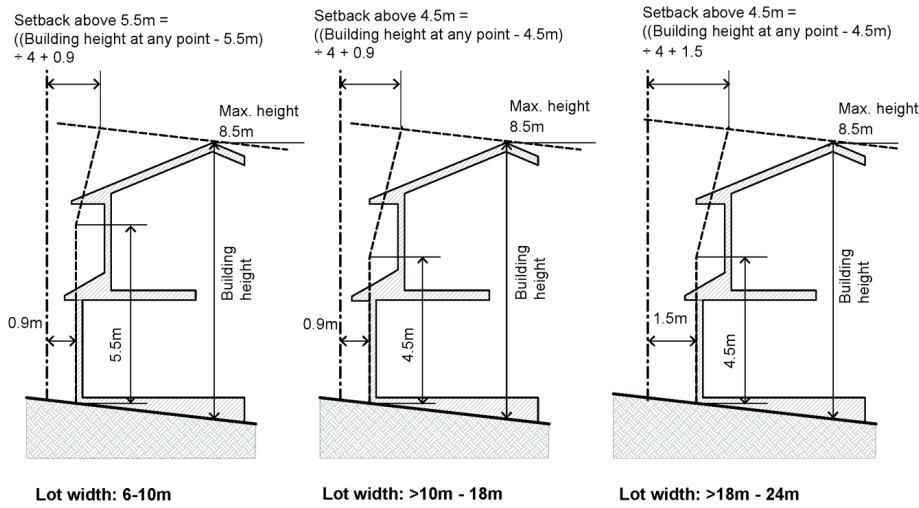
- (3) If there are not 2 dwelling houses within 40m of the lot on the same side of the primary road, the dwelling house and any attached development must have a minimum setback from the primary road as shown in the following table—

Lot size	Minimum setback from primary road
200m ² -300m ²	3m
>300m ² -900m ²	4.5m
>900m ² -1,500m ²	6.5m
>1,500m ²	10m

(4) **Side setbacks** The following buildings must have a minimum setback from a side boundary as shown in the table to this subclause—

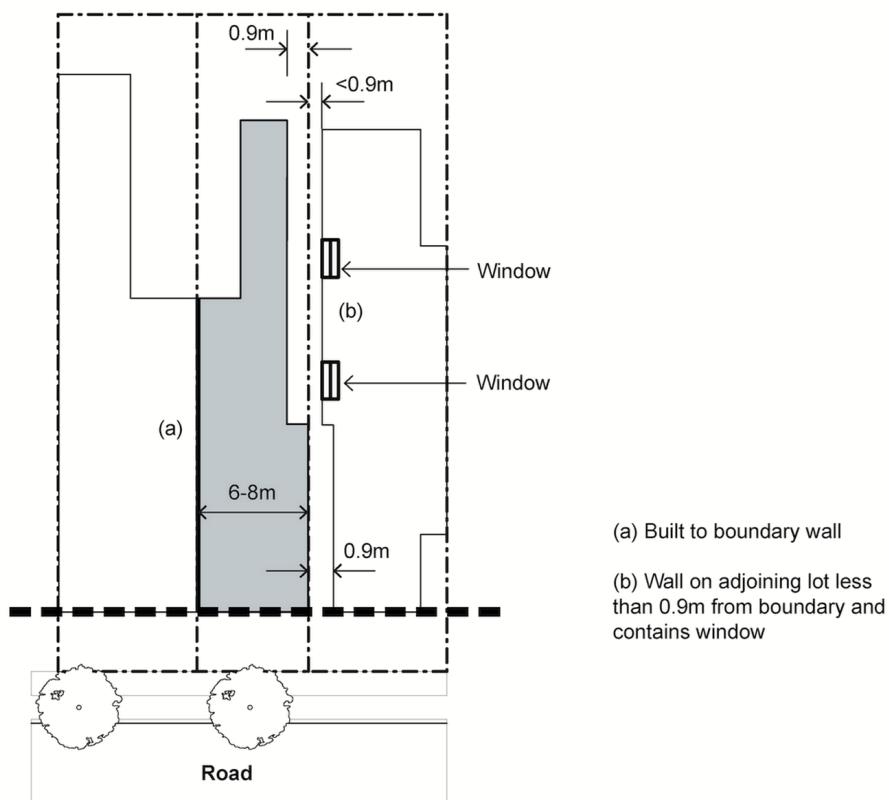
- (a) a dwelling house,
- (b) a carport or garage,
- (c) a balcony, deck, patio, pergola, terrace or verandah,
- (d) a cabana, cubby house, garden shed, gazebo, fernery, greenhouse or shed.

Lot width at the building line	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-18m	0m-4.5m	900mm
>10m-18m	>4.5m-8.5m	(building height-4.5m) ÷ 4 + 0.9m
>18m-24m	0m-4.5m	1.5m
>18m-24m	>4.5m-8.5m	(building height-4.5m) ÷ 4 + 1.5m
>24m	0m-8.5m	2.5m

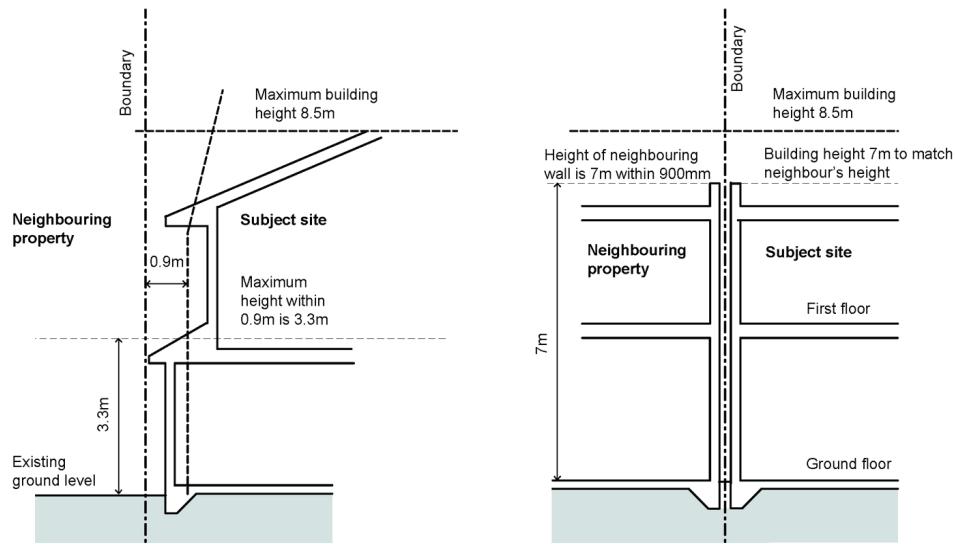


(5) **Exceptions to side setbacks** Despite subclause (4), a building referred to in that subclause may be built to 1 or both side boundaries if—

- the lot is not a corner lot, and
- the lot width measured at the building line is at least 6m, but not more than 8m, and
- 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
- any wall erected within 900mm of a side boundary will not contain a door, window or any other opening.



- (6) Despite subclause (4), a building referred to in that subclause may be built to 1 side boundary if—
- the lot width measured at the building line is more than 8m, but not more than 12.5m, and
 - 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
 - any wall erected within 900mm of the side boundary will not contain a door, window or any other opening.
- (7) **Maximum height of walls within 900mm of side boundary** The height of a wall erected within 900mm of a side boundary must not exceed—
- 3.3m above ground level (existing), or
 - 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
 - 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.



(8) 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

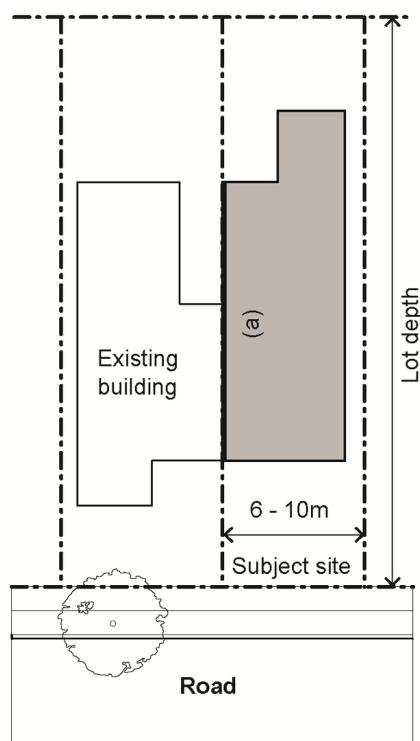
6m-10m

>10m-12.5m

Maximum length of built to boundary wall

20m or 50% of the depth of the lot, whichever is the lesser

10m



(a) Maximum built to boundary wall length:

6-10m wide lots must not be longer than 20m or 50% of the lot's depth

>10m-12.5m wide lots must not be longer than 10m.

- (9) Despite subclause (8), the maximum length of a wall erected within 900mm of a side boundary is—
- 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 (8)—the length of that wall, or
 - 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.

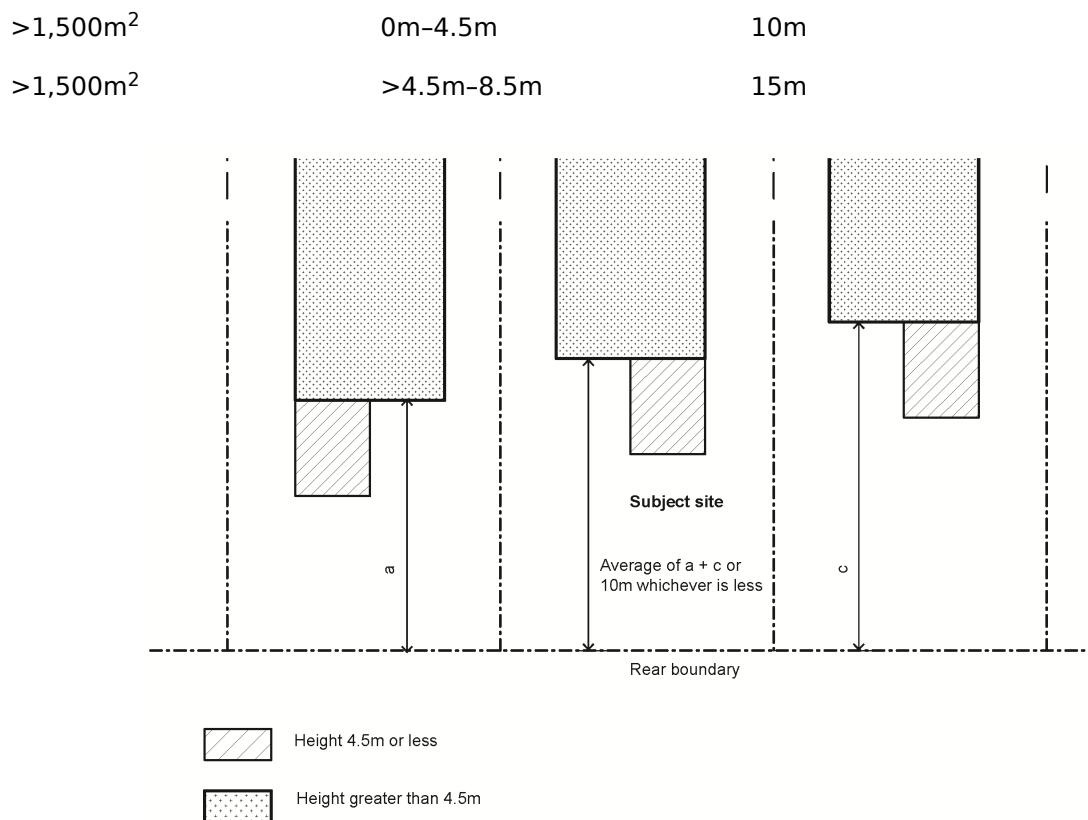
A wall built within 900mm of a wall on an adjoining lot is subject to clause 3.32 (Protecting adjoining walls) in Division 4.

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

Note.

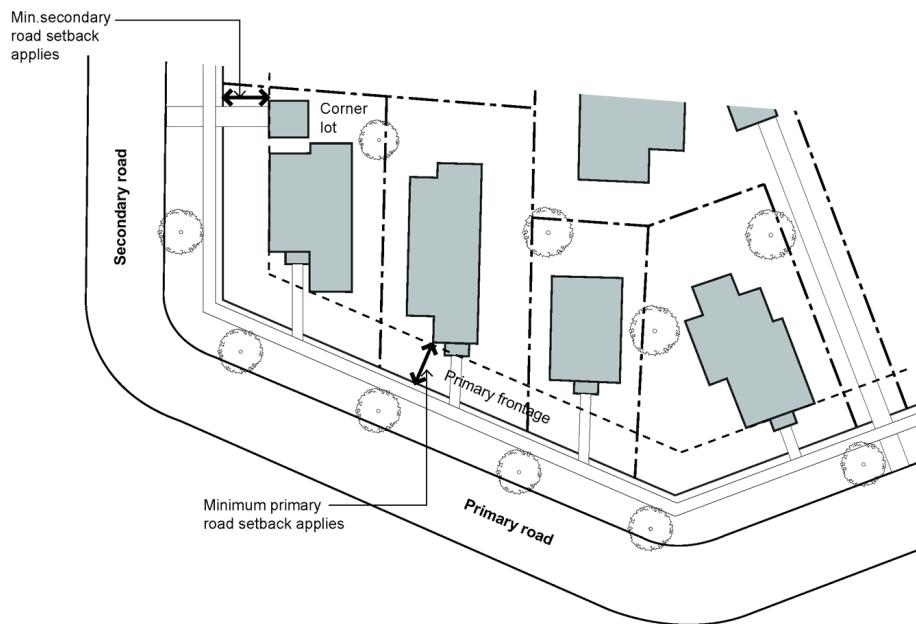
Certain exceptions to the rear setbacks apply if the lot has a rear boundary with a lane (see clause 3.11(5)).

Lot area	Building height	Minimum setback from rear boundary
200m ² -300m ²	0m-4.5m	3m
200m ² -300m ²	>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 ² -900m ²	0m-4.5m	3m
>300m ² -900m ²	>4.5m-8.5m	8m
>900m ² -1,500m ²	0m-4.5m	5m
>900m ² -1,500m ²	>4.5m-8.5m	12m



(11) 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—

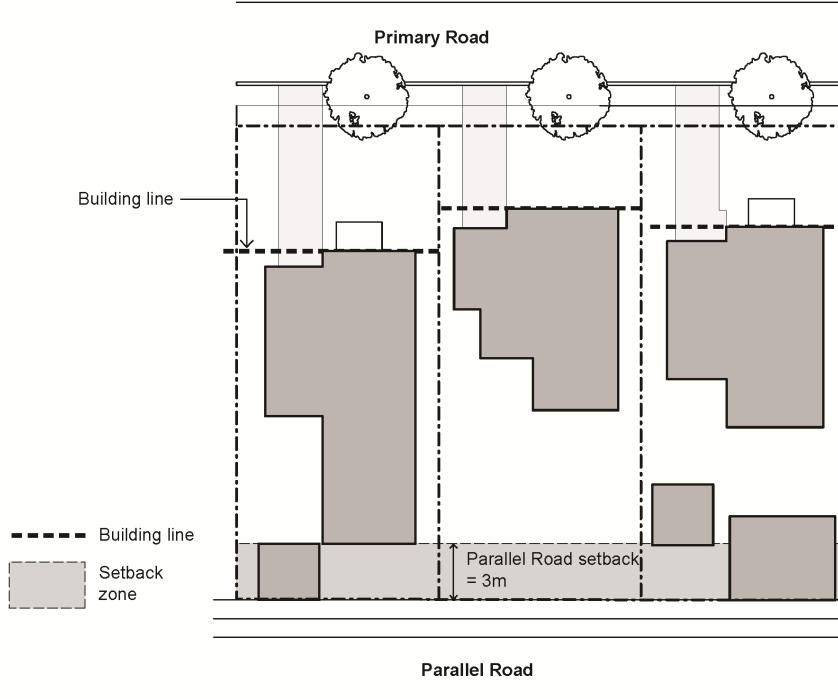
Lot size	Minimum setback from secondary road boundary
200m ² -600m ²	2m
>600m ² -1,500m ²	3m
>1,500m ²	5m



(12) 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 3.11(6)).



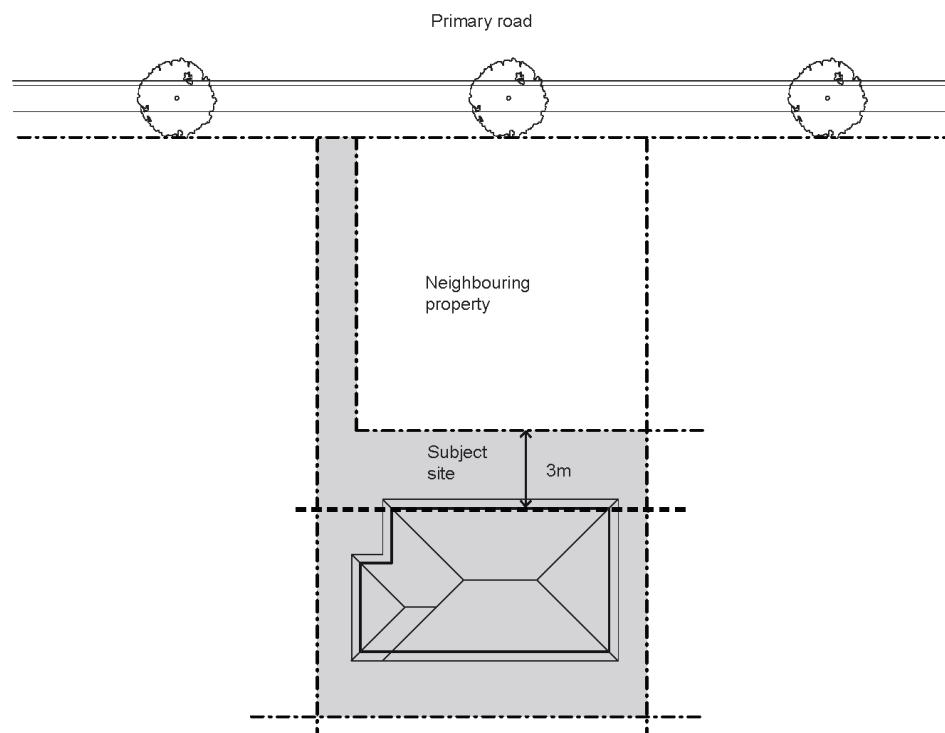
(13) Classified road setbacks Despite any other standard for a setback specified by this

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) if no setback is specified—9m.

(14) **Public reserve setbacks** Despite any other standard for a setback specified by this clause, a dwelling house and any cabana, cubby house, garden shed, gazebo, fernery, greenhouse, shed or detached studio must have a setback from a boundary with a public reserve of at least 3m.

(15) **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, boundary wall, building element, building line, detached development, dwelling house, lane, primary road, setback and **standard lot** are defined in clause 1.5.

Note 2.

Building height, classified road and **ground level (existing)** 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.

3.11 Exceptions to setbacks

(1) **Development to which side and rear setbacks do not apply** The setback standards specified in clause 3.10(4) and (10) 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,
- (h) access ramps to the ground floor,
- (i) fences.

(2) **Development to which side and rear setbacks do not apply if 450mm from boundary** The setback standards specified in clause 3.10(4) and (10) 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 not more 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 3.10(1), (3), (11), (12) and (13) 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 3.10(1), (3), (11), (12) and (13) 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 3.10(10), 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 3.10(12), 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 3.10 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.

3.12 Other development standards for balconies, decks, patios, terraces and verandahs attached to side or rear of dwelling house—general

- (1) The erection of a balcony, deck, patio, 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 300m², 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, 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, terraces and verandahs that, after the completion of the development—
- are within 6m from a side or rear boundary, and
 - have a finished floor level of more than 2m above ground level (existing), must not be more than 12m².
- (4) This clause does not affect development involving the erection of a balcony, deck, patio, terrace or verandah that is permitted under clause 3.12A.

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, terrace or verandah may require a privacy screen—see clause 3.15.

3.12A Other development standards for balconies, decks, patios, terraces and verandahs attached to side or rear of dwelling house—small lots

- (1) The erection of a balcony, deck, patio, terrace or verandah that is attached to the side or rear elevation of a dwelling house is permitted on a lot if—
- the area of the lot is at least 200m² but not more than 300m² and the width of the lot, measured at the building line, is more than 7m, or
 - the area of the lot is more than 300m² and the width of the lot, measured at the building line, is more than 7m but not more than 10m.
- (2) The maximum height of the balcony, deck, patio, terrace or verandah is the lower of—
- 3m above the finished floor level of the balcony, deck, patio, terrace or verandah,

and

(b) the roof gutter line of the dwelling house.

- (3) The balcony, deck, patio, terrace or verandah must not have a finished floor level of more than 1m above ground level (existing).
- (4) This clause does not affect development involving the erection of a balcony, deck, patio, terrace or verandah that is permitted under clause 3.12.

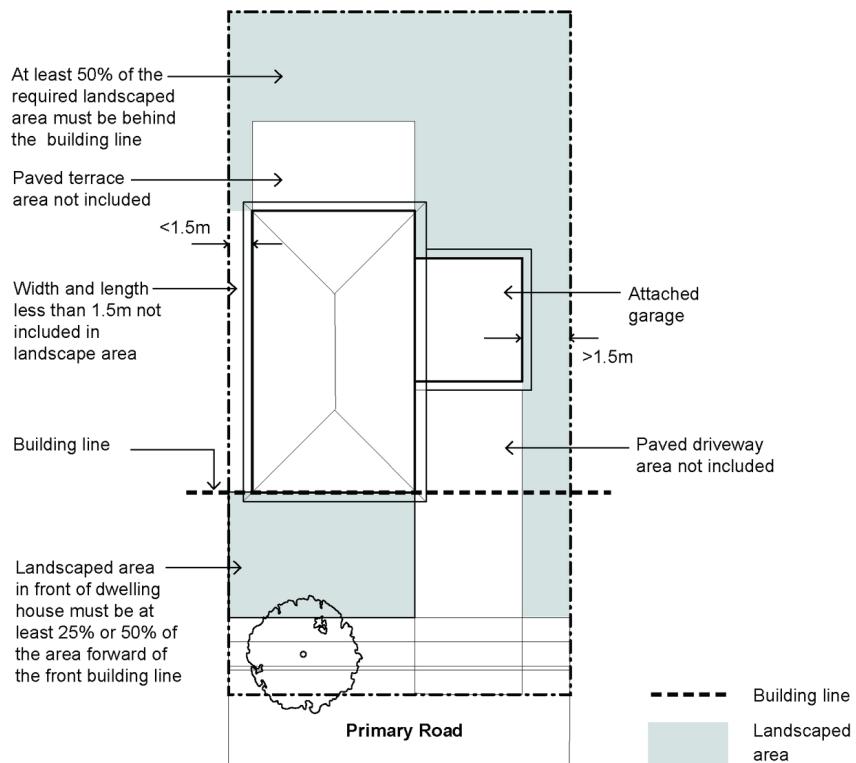
Subdivision 3 Landscape development standards for dwelling houses and attached development

3.13 Minimum landscaped area

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

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

- (2) Each landscaped area must have a minimum width and 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) The minimum area of principal private open space that must be provided on a lot is shown in the following table—

Lot width (measured at the building line)	Minimum principal private open space
6m-10m	16m^2
$>10\text{m}$	24m^2

- (4A) The principal private open space must—

- (a) be at least 3m wide and 3m long, and
- (b) not be steeper than 1:50 gradient.

- (5) 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—

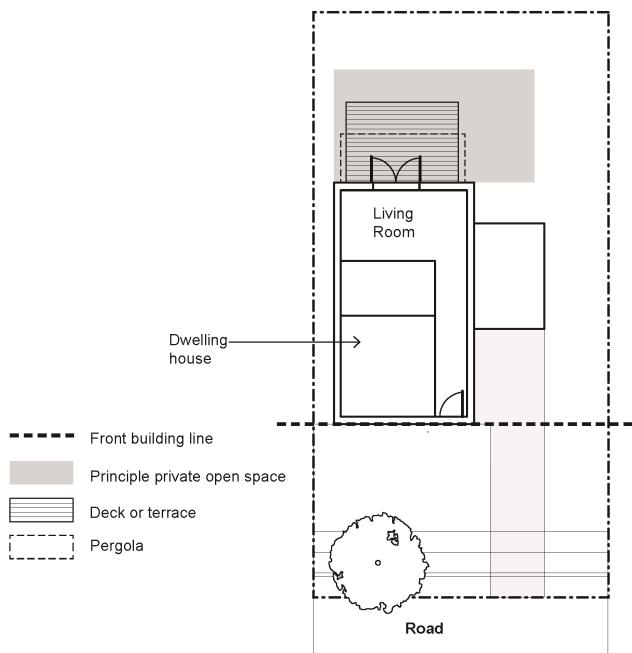
- (a) increase the footprint of the dwelling house or attached development, or
- (b) decrease the landscaped area on the lot.

Note 1.

Building line and **principal private open space** are 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

3.14 Building design

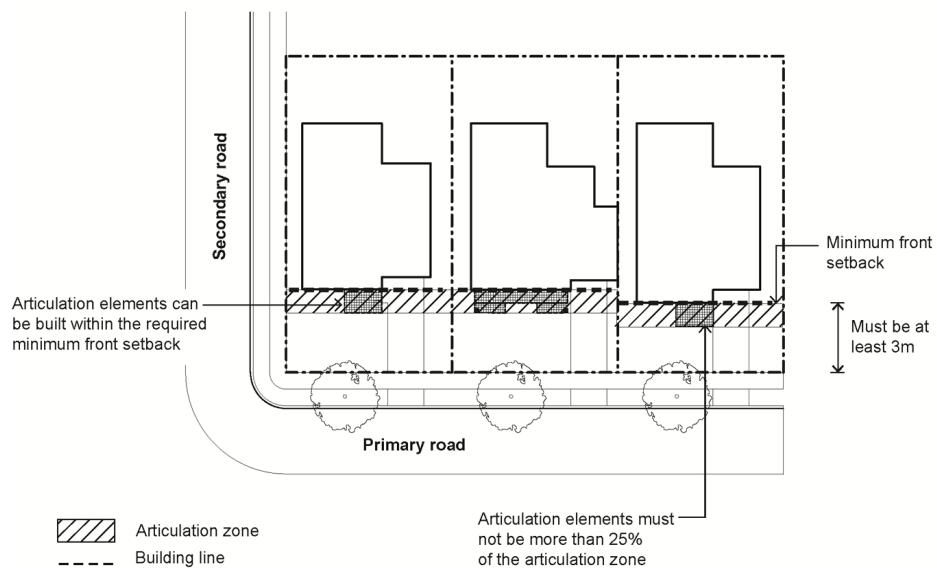
- (1) This clause applies to the following development on a lot other than a battle-axe lot—
 - (a) the erection of a new dwelling house,
 - (b) alterations and additions to the front of an existing dwelling house.
- (2) For development specified in subclause (1)(a), the dwelling house must contain the following building elements—
 - (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.
- (2A) For development specified in subclause (1)(b), the dwelling house must contain at least 1 window to a habitable room at ground floor level facing the primary road or a 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, 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 comprise more than 25% of the area of the articulation zone.



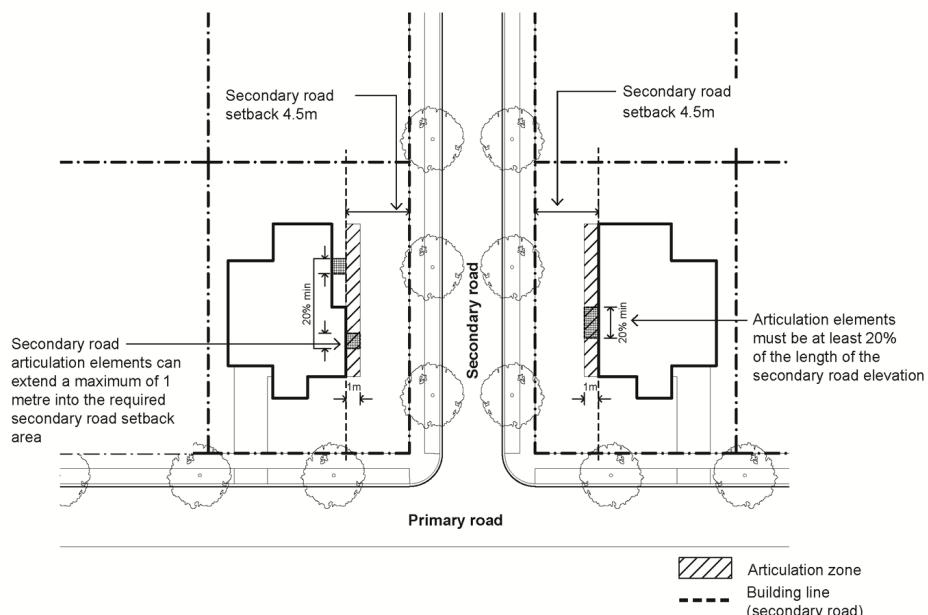
(6) **Maximum height of building elements** A building element on a dwelling house (other than an entry feature or portico that has the same pitch as the roof on the dwelling house) must not extend—

- (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 $1m^2$ 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, 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.

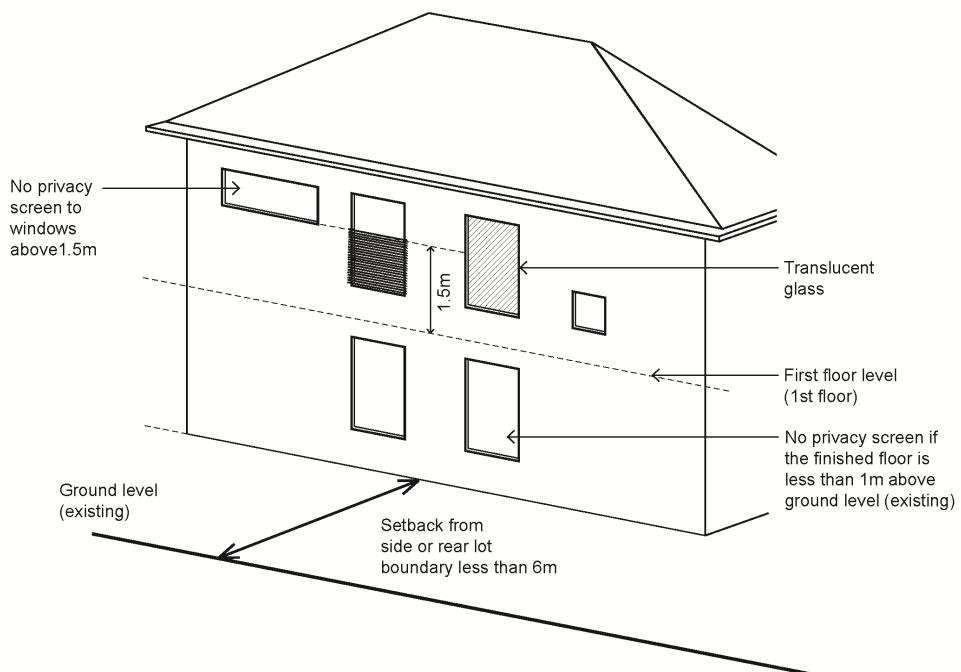
Note 2.

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.

3.15 Privacy screens for windows and certain attached development

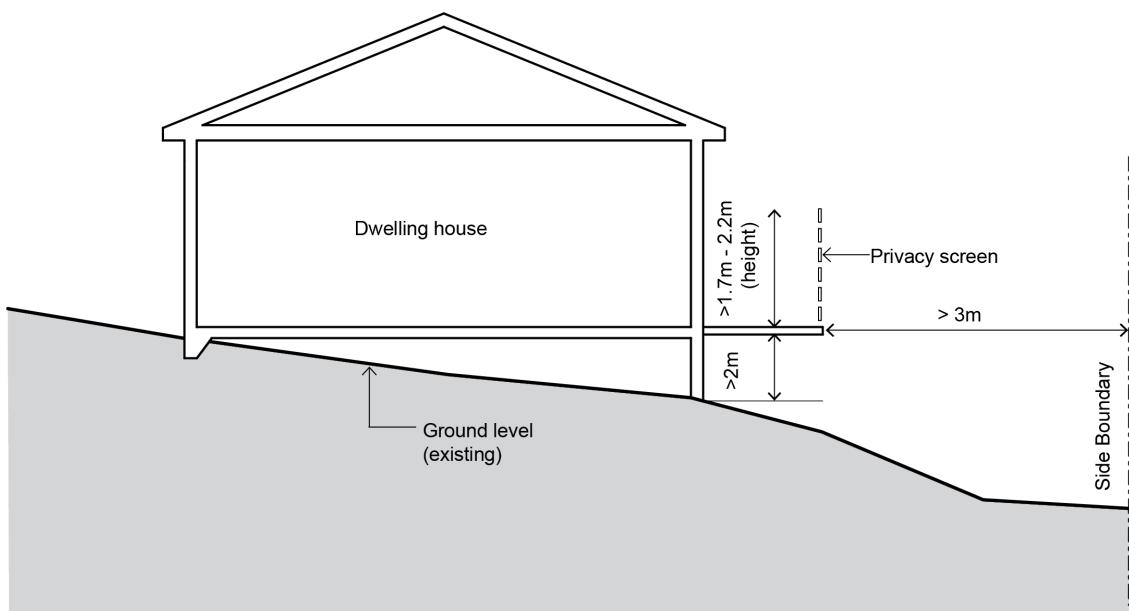
- (1) A privacy screen must be provided for any part of a window to a habitable room that is less than 1.5m above the finished floor level of that room if—
 - (a) the window faces and is less than 3m from a side or rear boundary and the room has a finished floor level of more than 1m above ground level (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 2m².



- (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, terrace or verandah must be installed at the edge of that part of the balcony, deck, patio, terrace or verandah that is parallel to or faces towards the relevant side or rear boundary if the area of the balcony, deck, patio,

terrace or verandah is at least 3m² and—

- (a) that edge is less than 3m from a side or rear boundary and the balcony, deck, patio, 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, 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.

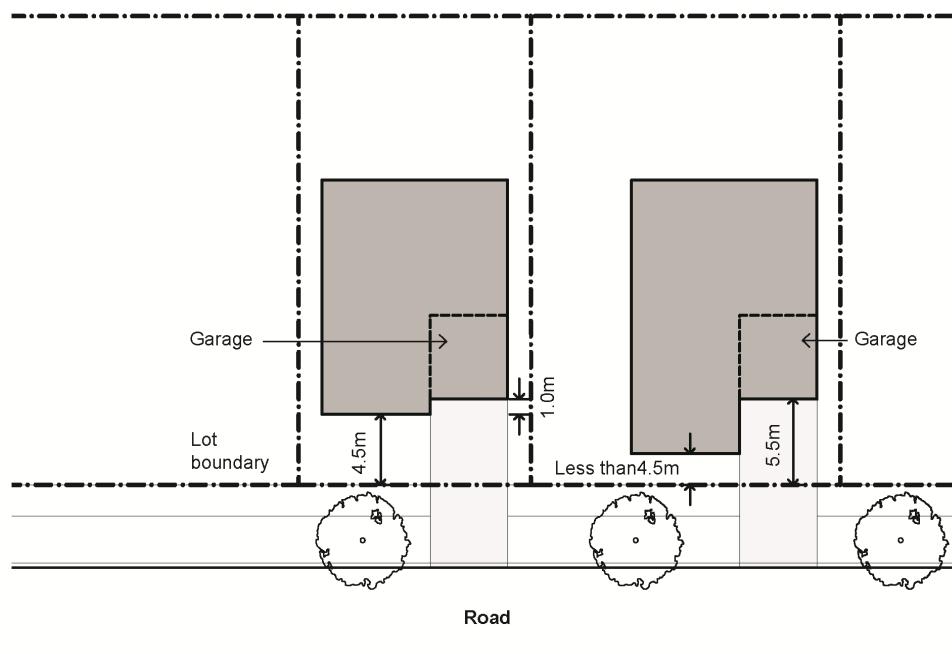
3.16 Car parking and vehicle access requirements

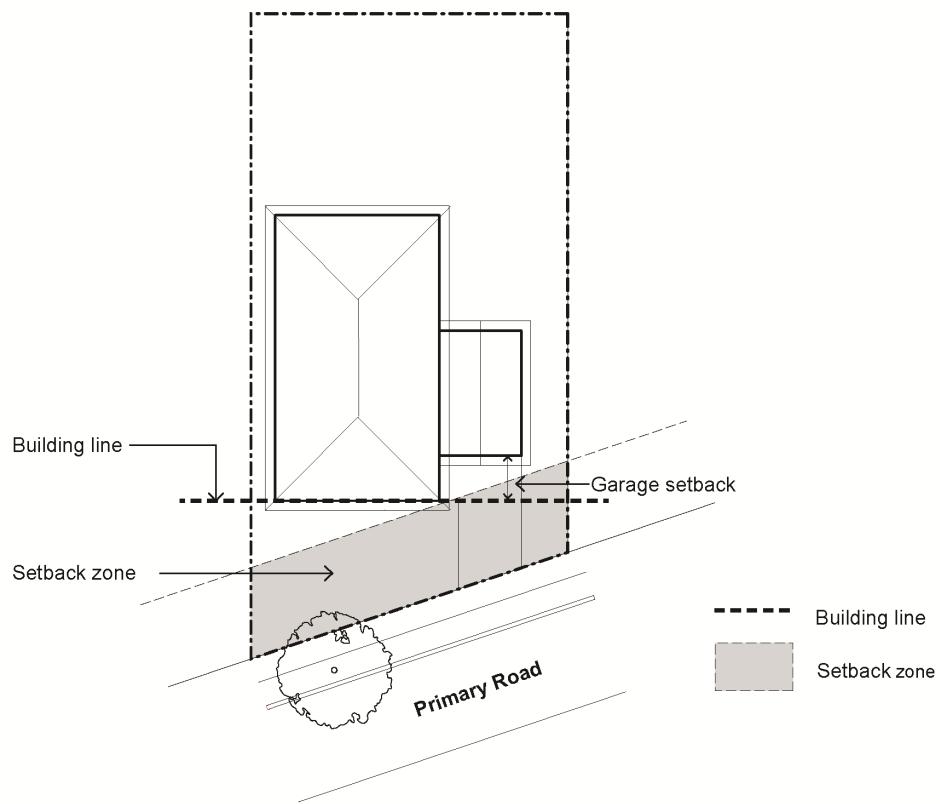
- (1) At least 1 off-street car parking space, being an open hard stand space or a carport or garage, must be provided on a lot unless—
 - (a) the lot has a width of less than 8m measured at the building line, or
 - (b) the complying development is the alteration of, or an addition to, a dwelling house

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) All off-street car parking spaces and vehicle access must comply with AS/NZS 2890.1:2004, *Parking facilities, Part 1: Off-street car parking*.
- (3) 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.
- (4) An attached garage may only be erected on a lot that has a width of less than 8m measured at the building line if the garage is accessed only from a secondary road, parallel road or lane.
- (5) An attached garage, carport or car parking space accessed from a primary road must have a minimum setback as shown in the following table—

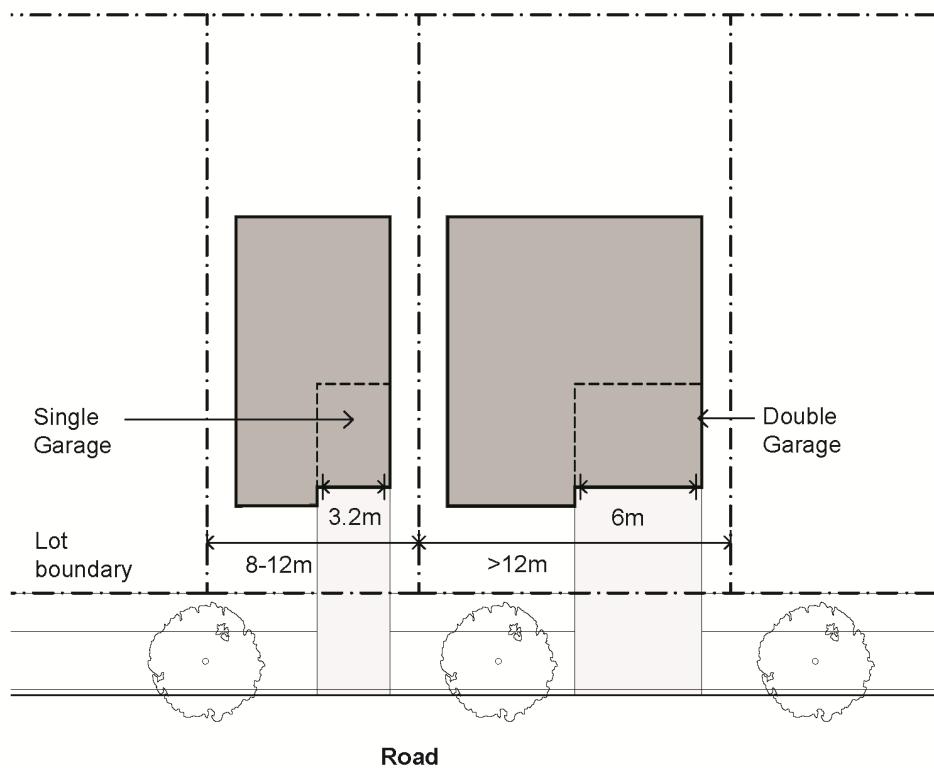
Setback of dwelling house from primary road	Minimum off-street parking setback from primary road
<4.5m	5.5m
4.5m or more	1m or more behind the building line of the dwelling house





- (6) The maximum width of all garage door openings facing a primary, secondary or parallel road is shown in the following table—

Lot width	Maximum width of garage door openings
8m-12m	3.2m
>12m	6m



Note 1.

Attached, battle-axe lot, 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.

Alterations or additions to a garage or carport that is forward of the building line is not complying development under this code (see clause 3.2(1)(g)).

Division 4 Development standards for detached development

Subdivision 1 Application of Division

3.17 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.

Subdivision 2 Built form development standards for detached development (other than swimming pools and fences)

3.18 Maximum height

The maximum height for any detached development is 4.5m above ground level (existing).

Note 1.

Detached development is defined in clause 1.5.

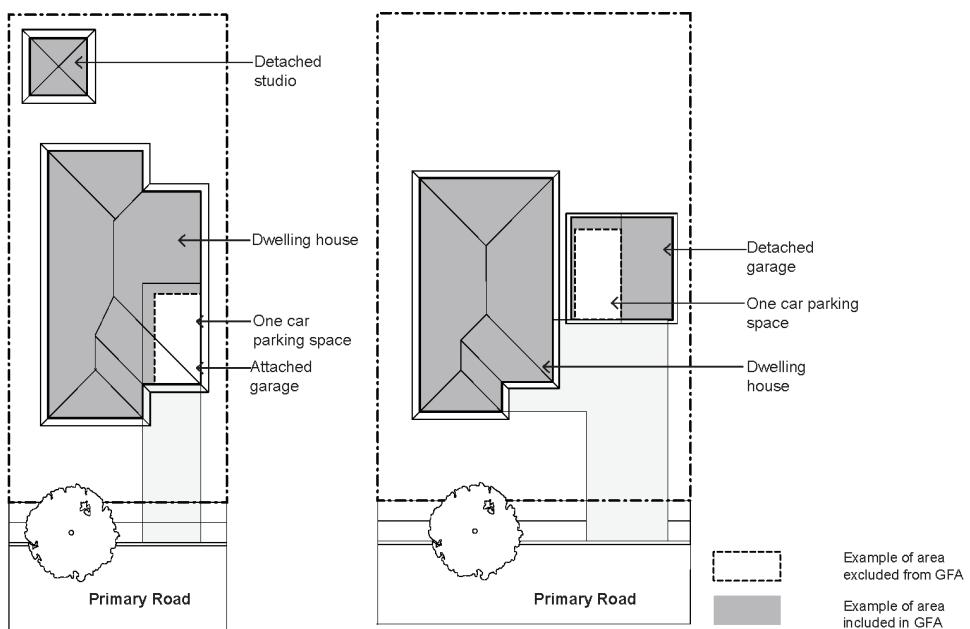
Note 2.

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

3.19 Maximum gross floor area of all buildings on lot

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

Lot area	Maximum GFA
200m ² -250m ²	78% of lot area
>250m ² -300m ²	75% of lot area
>300m ² -350m ²	235m ²
>350m ² -450m ²	25% of lot area + 150m ²
>450m ² -560m ²	290m ²
>560m ² -600m ²	25% of lot area + 150m ²
>600m ² -740m ²	335m ²
>740m ² -900m ²	25% of lot area + 150m ²
>900m ² -920m ²	380m ²
>920m ² -1,000m ²	25% of lot area + 150m ²
>1,000m ²	400m ²



- (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.

3.20 Maximum gross floor area of certain detached development

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

- (a) a 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 gross floor area
200m ² -300m ²	36m ²
>300m ² -600m ²	45m ²
>600m ² -900m ²	60m ²
>900m ²	100m ²

Note.

The maximum gross floor area of detached studios is set out in clause 3.25.

3.21 Minimum setbacks and maximum height and length of built to boundary walls

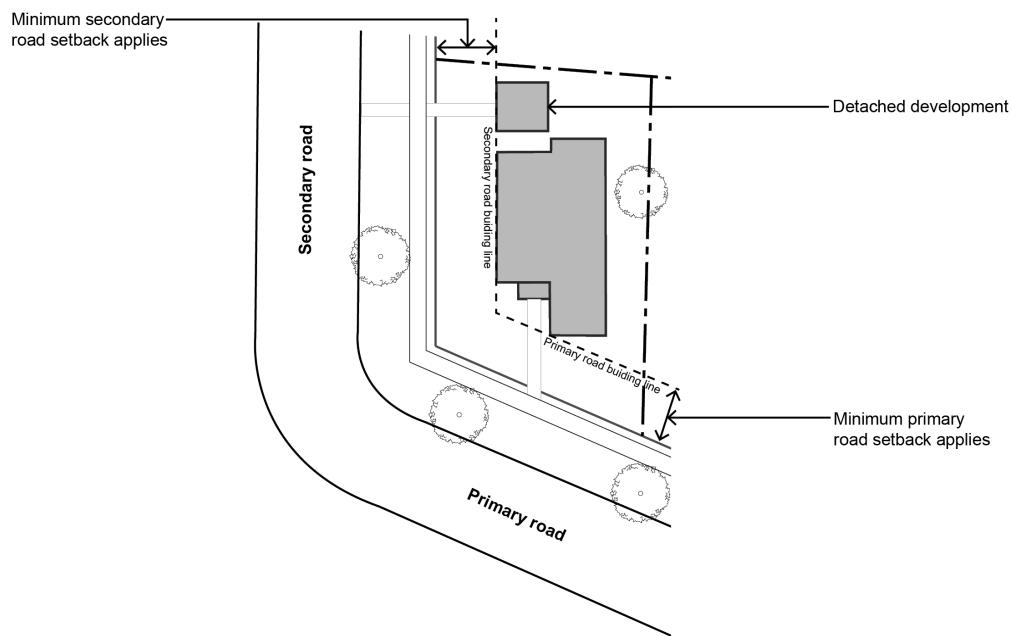
- (1) **Primary and secondary road setbacks** Detached development (other than a detached garage or carport) must be located behind the building line of a dwelling house that is adjacent to any primary road or secondary road.

Note 1.

Primary and secondary road setbacks for detached garages and carports are set out in clause 3.23.

Note 2.

Clause 3.26 contains certain exclusions from, and exceptions to, the setbacks specified in this clause.



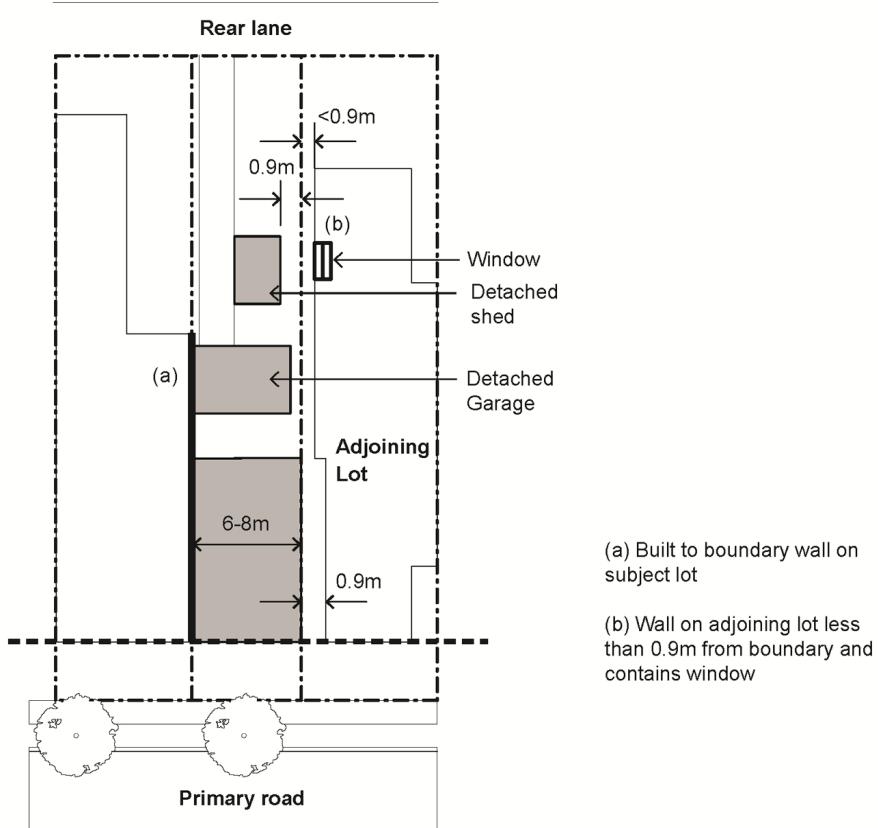
- (2) **Side setbacks** Detached development that is any of the following must have a minimum setback from the side boundary of a lot as shown in the table to this subclause—
- a deck, patio, pergola, terrace or verandah,
 - a cabana, cubby house, fernery, garden shed, gazebo or greenhouse,
 - a carport or garage,
 - a rainwater tank (above ground),
 - a shade structure or a shed.

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

Note.

Side boundary setbacks for detached studios are set out in clause 3.25.

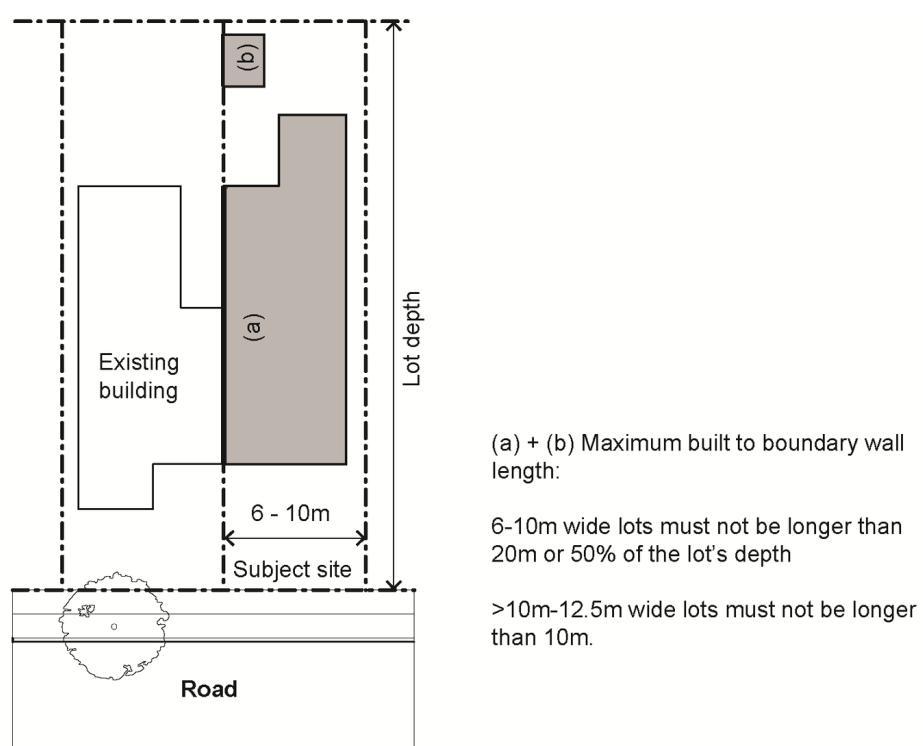
- (3) **Built to boundary setbacks** Despite subclause (2), detached development that is referred to in that subclause may be built to 1 or both side boundaries if—
- (a) the lot is not a corner lot, and
 - (b) the lot width measured at the building line is at least 6m, but not more than 8m, and
 - (c) 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.



- (4) Despite subclause (2), detached development that is referred to in that subclause may be built to 1 side boundary if—
- the lot width measured at the building line is more than 8m, but not more than 12.5m, and
 - 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
 - any wall erected within 900mm of the side boundary will not contain a door, window or any other opening.
- (5) **Maximum height of built to boundary walls** The height of a wall erected within 900mm of a side boundary must not exceed—
- 3.3m above ground level (existing), or
 - 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 4.5m, or
 - 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 4.5m.

- (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—
- 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
 - 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.

A wall built within 900mm of a wall on an adjoining lot is subject to clause 3.32 (Protecting adjoining walls) in Division 4.

- (8) **Rear setbacks** Detached development 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 rainwater tank (above ground),
- (c) a shade structure or a shed.

Lot area	Minimum setback from rear boundary
200m ² -900m ²	0.9m
>900m ² -1,500m ²	1.5m
>1,500m ²	2.5m

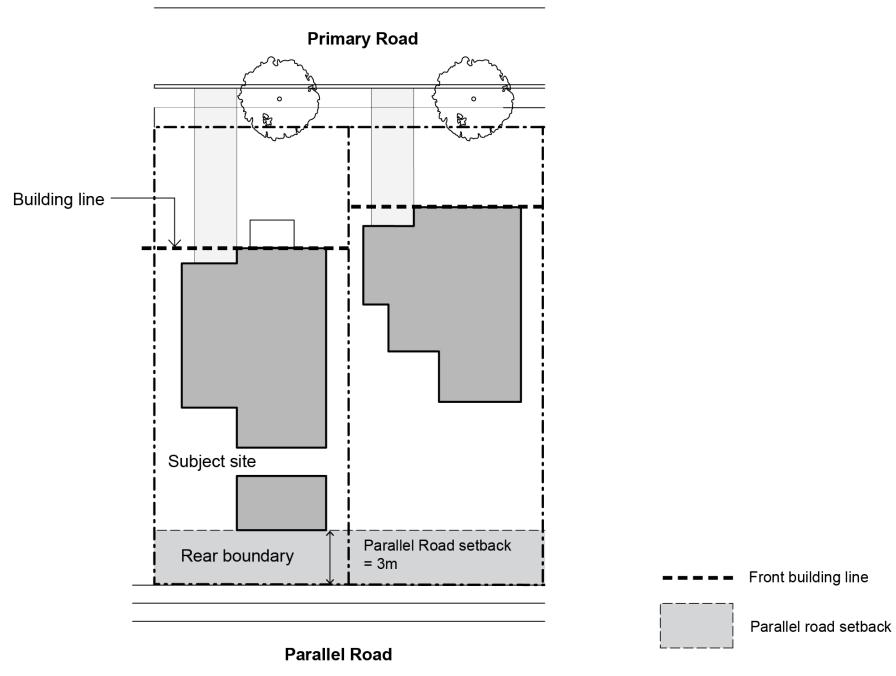
Note.

Rear setbacks for detached garages and carports, detached decks, patios, pergolas, terraces and verandahs and detached studios are set out in clauses 3.23, 3.24 and 3.25, 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 3.26(4) contains exceptions to this setback for certain types of detached development.



- (10) **Setbacks from classified roads** Despite any standard for a setback specified by this clause, detached development must have a setback from a boundary with a classified road of at least—
- the setback for a dwelling house from a classified road specified by any other environmental planning instrument applying to the land, or
 - if no setback is specified—9m.
- (11) **Setbacks from public reserves** Despite any 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 cabana, cubby house, fernery, garden shed, gazebo or greenhouse,
 - a carport or garage,
 - a deck, patio, pergola, terrace or verandah,
 - a rainwater tank (above ground),
 - a shade structure or shed,
 - a detached studio.

3.22 Heritage conservation areas

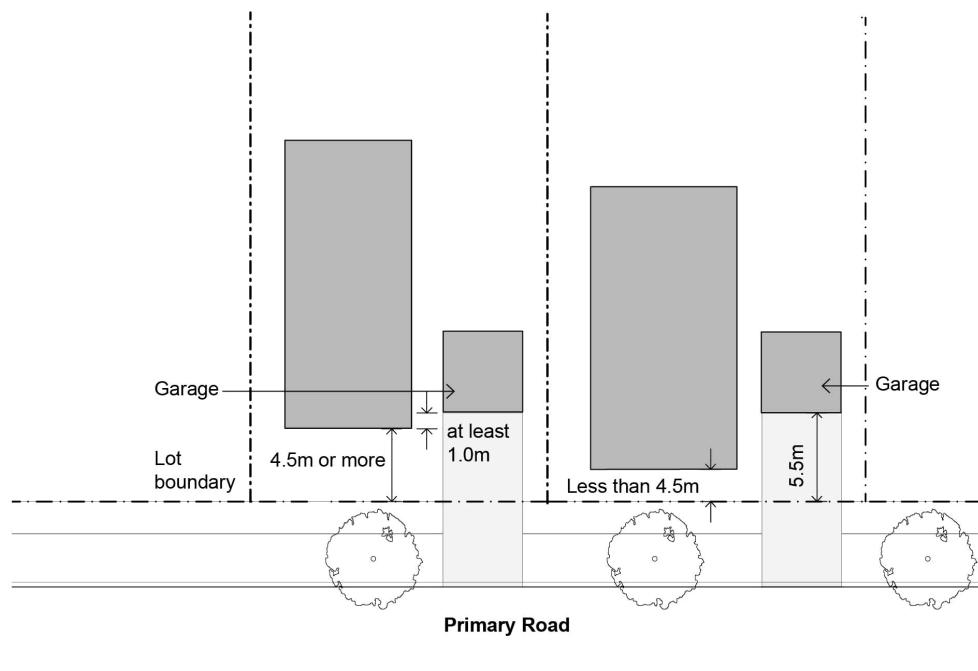
- The erection or alteration of, or an addition to, detached development must not be carried out on a lot in a heritage conservation area or a draft heritage conservation area if the lot adjoins a lane, a secondary road or a parallel road.
- If the lot does not adjoin a lane, a secondary road or a parallel road, the erection or alteration of, or an addition to, detached development, other than development involving a detached studio, may be carried out on the lot in a heritage conservation area or draft heritage conservation area if the detached development—
 - is located behind the rear building line of the dwelling house, and
 - is no closer to the side boundaries than the dwelling house, and
 - has a gross floor area of not more than 20m².
- The alteration of, or an addition to, detached development must use materials, finish and design that are similar to the existing building so as not to alter the appearance of the existing building.

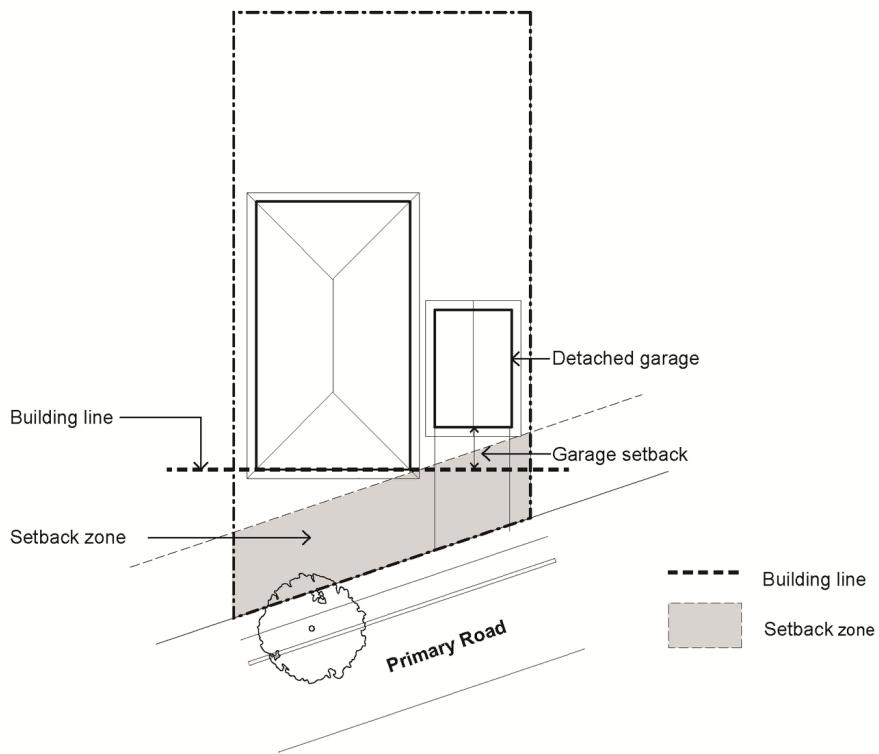
Note.

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

3.23 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, Part 1: 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) (Repealed)
 - (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** A detached garage or carport on a corner lot must have a minimum setback from the secondary road as shown in the following table—

Lot size	Minimum setback from secondary road
200m ² -600m ²	2m
>600m ² -1,500m ²	3m
>1,500m ²	5m

(7) **Rear setbacks** A detached garage or carport must have a minimum setback from the rear boundary as shown in the following table—

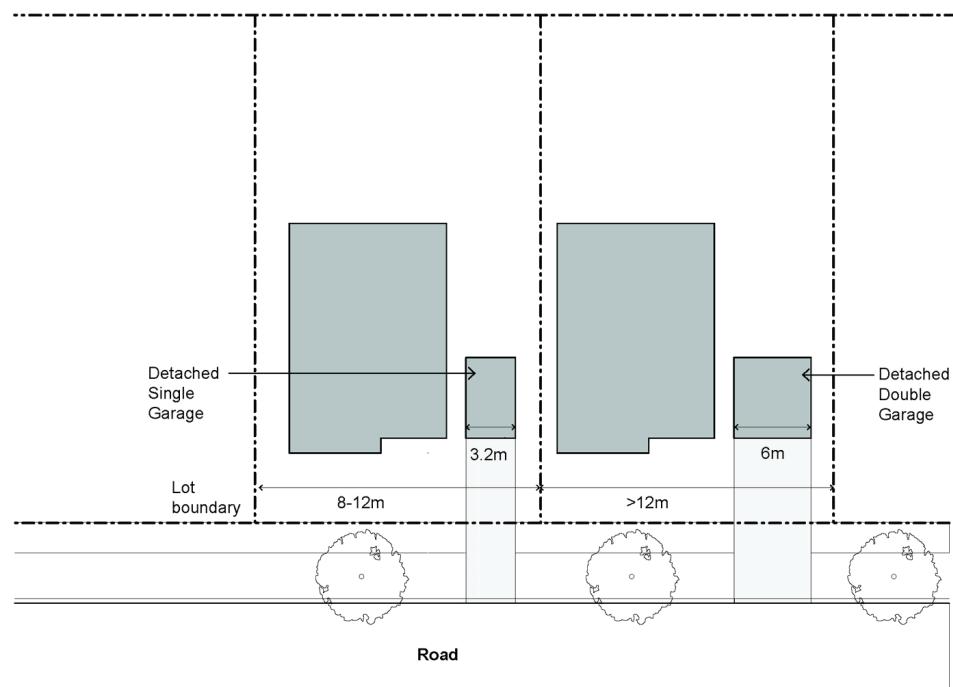
Lot area	Minimum setback from rear boundary
200m ² -900m ²	900mm
>900m ² -1,500m ²	1.5m
>1,500m ²	2.5m

(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 200m², but not more than 300m², 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 detached garage and carport door openings facing a primary, secondary or parallel road is shown in the following table—

Lot width at the building line	Maximum width of garage doors
8m-12m	3.2m
>12m	6m



Note 1.

Battle-axe lot, boundary wall, building line, corner lot, detached, dwelling house, gross floor area, heritage conservation area, lane, parallel road, primary road, secondary road and setback are defined in clause 1.5.

Note 2.

Building height and **ground level (existing)** have the same meanings as they have in the Standard Instrument.

3.24 Other development standards for detached decks, patios, pergolas, terraces and verandahs

(1) **Maximum finished floor level** The maximum finished floor level for any detached 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.

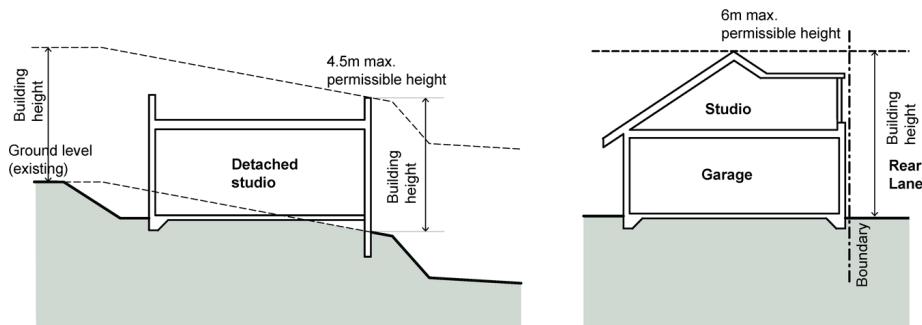
(2) **Rear setbacks** A detached deck, patio, pergola, terrace or verandah must have a

minimum setback from the rear boundary as shown in the following table—

Lot area	Minimum setback from rear boundary
200m ² -900m ²	900mm
>900m ² -1,500m ²	1.5m
>1,500m ²	2.5m

3.25 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 3.18, if a detached studio is within 900mm of a lane and is above a garage, the maximum height 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 ² -350m ²	20m ²
>350m ²	36m ²

- (4) **Side and rear boundary setbacks** A detached studio must have a minimum setback from each side and rear boundary as shown in the following table—

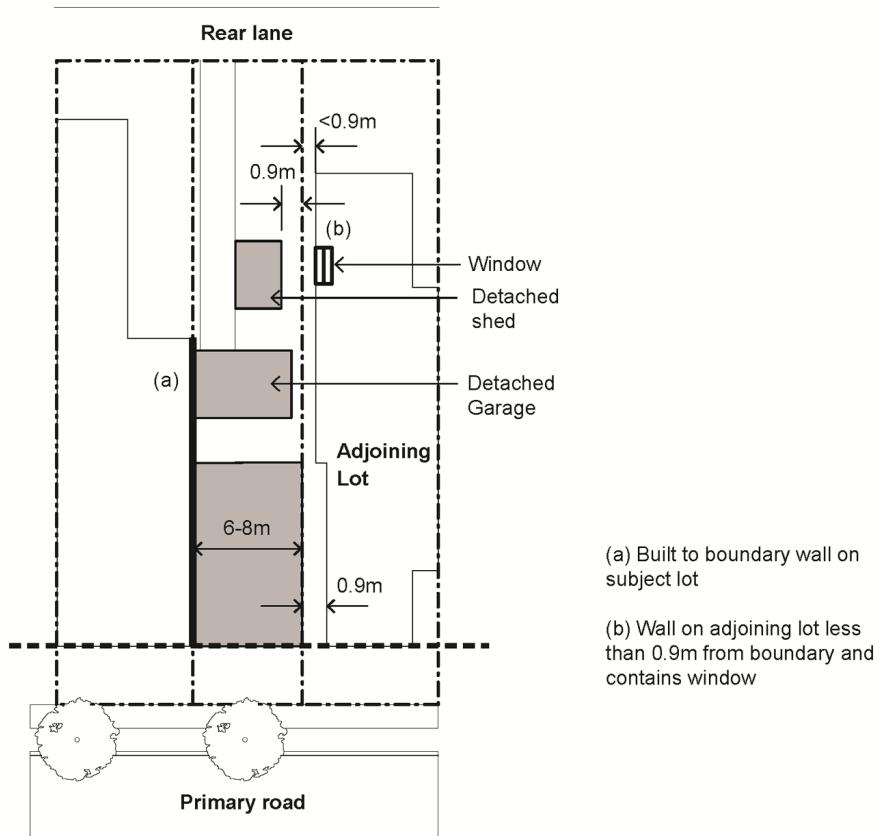
Lot width at the building line	Minimum setback from each side and rear boundary
6m-18m	900mm
>18m	1.5m

- (5) **Lots with only 3 boundaries** The rear setbacks specified in subclause (4) do not apply to a lot that only has 3 boundaries.

- (6) **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.



- (7) 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.

- (8) **Maximum height of built to boundary walls** The height of a wall erected within 900mm of a side boundary must not exceed—
- 3.3m above ground level (existing), or
 - 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 4.5m, or
 - 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 4.5m, or
 - 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.
- (9) **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—
- 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
 - 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, dwelling house, gross floor area, heritage conservation area, lane, parallel road, primary road, privacy screen, secondary road and **setback** are defined in clause 1.5.

Note 2.

Building height and **ground level (existing)** have the same meanings as they have in the Standard Instrument.

3.26 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—
- downpipes,
 - driveways,
 - electricity or gas meters,
 - 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 not more 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.

Articulation zone, boundary wall, building line, dwelling house and **setback** are defined in clause 1.5.

Note 2.

Classified road, public reserve and **rainwater tank** 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.

Subdivision 3 Landscape development standards for detached development (other than fences and child-resistant barriers)

3.27 Minimum landscaped area

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

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

(2) Each landscaped area must have a minimum width and length of 1.5m.

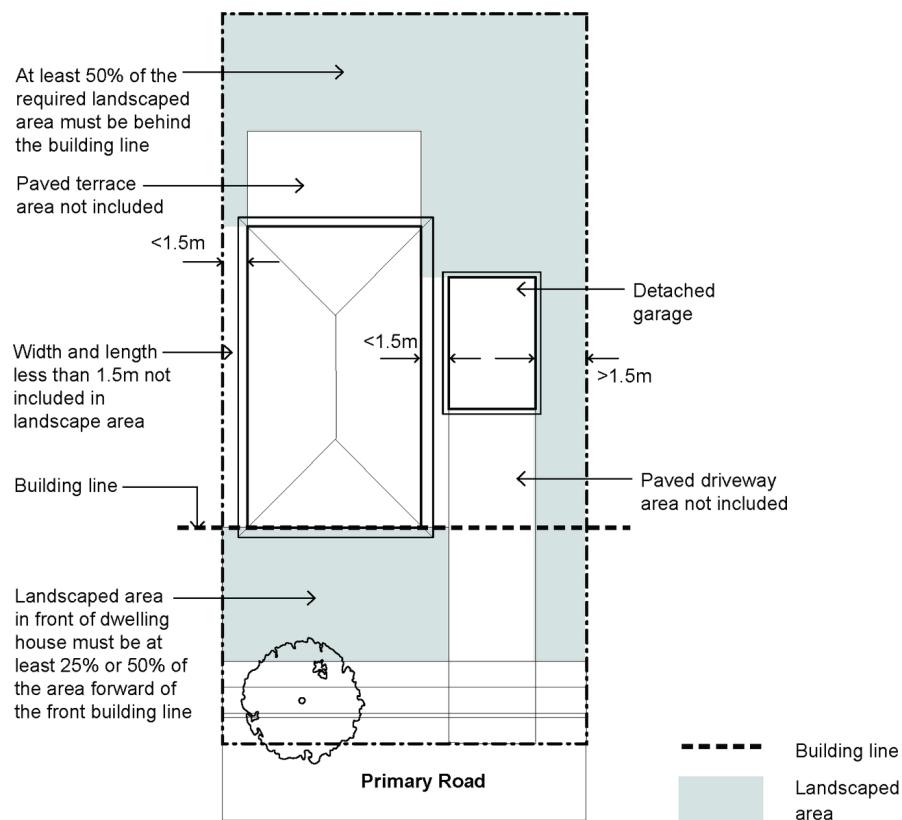
(3) The minimum landscaped area calculated in accordance with subclause (1) must be provided as follows—

(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) The minimum area of principal private open space that must be provided on a lot is shown in the following table—

Lot width (measured at the building line)	Minimum principal private open space
--	---

6m-10m	$16m^2$
$>10m$	$24m^2$

- (4A) The principal private open space must—

- (a) be at least 3m wide and 3m long, and
- (b) not be steeper than 1:50 gradient.

- (5) This clause does not apply to complying development that is the alteration of, or addition to, detached development if the development does not—

- (a) increase the footprint of the detached development, or

- (b) decrease the landscaped area on the lot.

Note 1.

Building line and **principal private open space** are defined in clause 1.5.

Note 2.

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

Subdivision 4 Built form development standards for swimming pools, fences and child-resistant barriers

3.28 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—
 - (a) housed in a soundproofed enclosure, and
 - (b) located more than 450mm from each lot boundary.

Note—

See the regulations under the *Protection of the Environment Operations Act 1997* for offences relating to the use of pumps on residential premises.

- (3A) A heat pump water heater must be designed so as not to operate—
 - (a) during peak time—at a noise level that is more than 5 dB(A) above the ambient background noise level measured at any property boundary, and
 - (b) during off peak time—at a noise level that is audible in habitable rooms of adjoining residences.
- (4) **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).
- (5) Decking around a swimming pool must not be more than 600mm above ground level (existing).
- (6) A swimming pool must be located behind the building line of the dwelling house.
- (7) The swimming pool water line must have a setback of at least 1m from a side or rear boundary.

- (7A) The minimum setback for a swimming pool from a secondary road is the setback of the dwelling house from the secondary road.
- (8) **Heritage conservation areas** Despite subclauses (6) and (7), if the swimming pool is being constructed in a heritage conservation area or a draft heritage conservation area the swimming pool must be located—
- behind the building line of the dwelling house that is adjacent to the rear boundary of the lot, and
 - 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) and **landscaped area** have the same meanings as they have 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 3.30.

3.29 Development standards for fences

- A fence may be erected on a lot under this code if it is not constructed or installed—
 - on a lot, or along a common boundary of a lot that contains a heritage item or a draft heritage item, or
 - 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.
- A fence erected behind the building line on a lot must—
 - not be higher than 1.8m above ground level (existing), and
 - not incorporate barbed wire in its construction or be electrified, and
 - if it includes an entrance gate—not have a gate that opens outward, and
 - if it is constructed of metal components—be of low reflective, factory pre-coloured materials, and
 - 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.
- (3) 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.
- (4) Despite subclause (2)(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).
- (5) A fence erected on bush fire prone land must be constructed of non-combustible material.
- (6) A requirement in subclause (2)(f) or (3)(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, conservation zones and Zone R5 are specified in clause 2.36.

Division 5 Development standards for associated works including earthworks, retaining walls, drainage, protection of walls, protection of trees and conditions under complying development

certificates

3.30 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, and
 - (b) if located more than 1m but not more than 1.5m from any boundary—2m, and
 - (c) if located more than 1.5m from any boundary—3m.
- (1A) Excavation for the purposes of a pier in a pier and beam foundation may exceed the maximum depth specified in subclause (1) if a professional engineer has certified the depth of the excavation.
- (2) Despite subclauses (1) and (1A), the excavation must not exceed a maximum depth, measured from ground level (existing), of 1m if the land is identified as Class 3 or 4 on an Acid Sulfate Soils Map or is within 40m of a waterbody (natural).
- (3) **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, or
 - (b) if the fill is for any other purpose under this code—600mm.
- (4) Despite subclause (3), the height of fill is not limited if the fill is contained—
- (a) wholly within the footprint of a dwelling house, attached development or detached development, or
 - (b) by a drop edge beam.
- (5) Fill that is higher than 150mm above ground level (existing) and is not contained wholly within the footprint of a dwelling house or any attached development or detached development is limited to 50% of the landscaped area of the lot.
- (6) The ground level (finished) of the fill must not be used to measure the height of any dwelling house or any attached development or detached development under this code.
- (7) **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 have 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 other retaining wall or structural support on the site by at least 2m, measured horizontally, and
 - (f) has been installed in accordance with any manufacturer's specifications, and
 - (g) if it is an embankment or batter—has a toe or top that is more than 1m from any side or rear boundary.

(8) (Repealed)

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.

3.31 Drainage

All stormwater collecting as a result of the carrying out of development 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 or 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.

3.32 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.

3.33 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 1 is taken to satisfy any requirement under this Policy for a permit, approval 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 25m², and
- (c) the tree or vegetation has a height that is less than—
 - (i) for development that is the erection of a 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 and an adjoining 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, approval 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.

3.34 Conditions applying to complying development certificates under this code

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

Note.

Complying development certificate and **environmental planning instrument** have the same meanings as they have in the Act.

Part 3A Rural Housing 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 Development that is complying development under this code

3A.1 Land to which code applies

This code applies to development that is specified in clauses 3A.2–3A.5 on lots in Zones RU1, RU2, RU3, RU4, RU6 and R5.

3A.1A Development that is not complying development under this code

Development on land identified as susceptible to landslide risk in—

- (a) an environmental planning instrument applying to the land, or
- (b) for land to which *Warringah Local Environmental Plan 2011* applies—“Area C” or “Area E” on the [Landslip Risk Map](#) within the meaning of that Plan.

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

- (1) The erection of a new single storey or two storey dwelling house is development specified for this code if the development is erected on a lot—
 - (a) in Zone RU1, RU2, RU4 or RU6 that has an area of at least 4,000m², or
 - (b) in Zone R5.
- (2) This clause does not apply if the size of the lot is less than the minimum lot size for the erection of a dwelling house under the environmental planning instrument applying to the lot.

3A.2A Calculating number of storeys

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

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

- (1) Alterations or additions to an existing single storey or two storey dwelling house or the addition of a second storey to an existing single storey dwelling house is development specified for this code if the development is erected on a lot—
 - (a) in Zone RU1, RU2, RU3, RU4 or RU6 that has an area of at least 4,000m², or
 - (b) in Zone R5.
- (2) Subclause (1) does not include development specified in the Housing Alterations Code.

3A.4 Roof terraces excluded

- (1) (Repealed)
- (2) The erection of a roof terrace on the topmost roof of—
 - (a) an existing or a new dwelling house, or
 - (b) an existing or a new outbuilding that is detached from a dwelling house,is not development specified for this code.

3A.5 Ancillary development

- (1) The erection of new ancillary development, or alterations or additions to existing ancillary development, is development specified for this code if the development is ancillary to a dwelling house and erected on a lot—
 - (a) in Zone RU1, RU2, RU3, RU4 or RU6 that has an area of at least 4,000m², or
 - (b) in Zone R5.
- (2) Subclause (1) does not include development specified in the Housing Alterations Code.
- (3) Ancillary development that is permitted by a current complying development certificate may be erected 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 the construction of the dwelling house.

Note.

See clause 1.19(1)(a) in relation to development that is detached ancillary development or a swimming pool in a heritage conservation area or a draft heritage conservation area.

3A.6 Calculating lot area and determining lot type

- (1) 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.
- (2) When determining the lot type for this code, a lane is not to be considered a primary road.

Division 2 Removal or pruning of trees

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

A complying development certificate for complying development under Division 1 is taken to satisfy any requirement under this Policy for a permit, approval or development consent to remove or prune a tree or other vegetation on a lot if—

- (a) the tree is not listed on a significant tree register or register of significant trees kept by the council, and
- (b) the tree or vegetation will be within 3m of development that is a building that has an area of more than 25m², 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 to the subdivision of the lot, or
- (ii) for any other development—6m.

Division 3 Development standards for this code

Subdivision 1 Application

3A.8 Application of development standards

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

Subdivision 2 Site requirements

3A.9 Lot requirements and building envelope

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

3A.10 Maximum site coverage of all development

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

3A.11 Maximum floor area for new dwelling houses

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

3A.12 Maximum floor area for new outbuildings

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

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

3A.13 Setbacks and maximum floor area for balconies, decks, patios, terraces and verandahs

- (1) The total floor area of all balconies, decks, patios, terraces and verandahs on a lot must not be more than 12m² if—
 - (a) any part of the structure is within 6m from a side or the rear boundary, and
 - (b) the structure has any point of its finished floor level more than 2m above ground level (existing).
- (2) A balcony, deck, patio, terrace or verandah must not have any point of its finished floor level—
 - (a) if it is located within 3m of a side or the rear boundary—more than 2m above ground level (existing), or
 - (b) if it is located more than 3m but not more than 6m from a side or the rear boundary—more than 3m above ground level (existing), or
 - (c) if it is located more than 6m from a side or the rear boundary—more than 4m above ground level (existing).
- (3) Any detached balcony, deck, patio, terrace or verandah (including any alterations or additions to the detached balcony, deck, patio, terrace or verandah) must not have a floor level that is more than 600mm above ground level (existing).
- (4) This clause does not apply to a balcony, deck, patio, terrace or verandah that is located on the front elevation of a dwelling house unless the dwelling house is located on a battle-axe lot.

Note.

Development identified in this clause may require privacy screens under clause 3A.23.

Subdivision 3 Building heights and setbacks

3A.14 Maximum heights of dwelling houses and outbuildings

- (1) The height of a dwelling house or the alterations and additions to an existing dwelling house on a lot in Zone R5 that has an area of less than 4,000m² must not be more than 8.5m above ground level (existing).
- (2) The height of an outbuilding or the alterations and additions to an existing outbuilding on a lot in Zone R5 that has an area of less than 4,000m² must not be more than 4.8m above ground level (existing).

- (3) The height of a dwelling house or the alterations and additions to an existing dwelling house on the following lots must not be more than 10m above ground level (existing)—
 - (a) a lot in Zone RU1, RU2, RU3, RU4 or RU6,
 - (b) a lot in Zone R5 that has an area of at least 4,000m².
- (4) The height of an outbuilding, or of the alterations and additions to an existing outbuilding, must not be more than—
 - (a) if the outbuilding is located on a lot in Zone RU1, RU2, RU3, RU4 or RU6 and the outbuilding is not a farm building or shed—4.8m above ground level (existing), or
 - (b) if the outbuilding is located on a lot in Zone R5 that has an area of at least 4,000m² and the outbuilding is not a farm building or shed—4.8m above ground level (existing), or
 - (c) if the outbuilding is a farm building or shed—7m above ground level (existing).
- (5) The highest point of a dwelling house or the alterations and additions to an existing dwelling house referred to in subclause (1) or (3) must be at least 5m below the highest ridgeline of any hill within 100m of the dwelling or alteration.

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

- (1) A dwelling house and all ancillary development on a lot in Zone R5 that has an area of less than 4,000m² must have a setback from the boundary with a primary road that is not a classified road of at least—
 - (a) the average distance of the setbacks of the nearest 2 dwelling houses having the same primary road boundary and located within 40m of the lot on which the dwelling house is erected, or
 - (b) in any case where 2 dwelling houses are not located within 40m of the lot, 10m.
- (2) A dwelling house and all ancillary development on a lot in the following zones must have a setback from the boundary with a primary road that is not a classified road of at least the following—
 - (a) if the lot is in Zone R5 and has an area of at least 4,000m²—15m,
 - (b) if the lot is in Zone RU4—30m,
 - (c) if the lot is in Zone RU1, RU2, RU3 or RU6—50m.
- (3) A dwelling house and all ancillary development on a corner lot must have a setback from a boundary with a secondary road that is not a classified road of at least the following—

- (a) if the lot is in Zone R5 and has an area of less than 4,000m²—5m,
 - (b) if the lot is in Zone R5 and has an area of at least 4,000m², or is in Zone RU1, RU2, RU3, RU4 or RU6—10m.
- (4) A dwelling house and all ancillary development on a lot in Zone R5 that has an area of less than 4,000m² must have a setback from a boundary with a parallel road that is not a classified road of at least 10m.
- (5) If a lot fronts a classified road, a dwelling house and any ancillary development must have a setback from the boundary with the classified road of—
- (a) if another environmental planning instrument applying to that lot specifies a setback for those circumstances, the setback specified by the other instrument, or
 - (b) the setback specified by subclauses (1) and (2),
- whichever is the greater.

3A.16 Setbacks of dwelling houses from side boundaries

- (1) This clause applies to a dwelling house and any carport, garage, balcony, deck, patio, pergola, terrace or verandah that is attached to the dwelling house (a **building**).
- (2) Any point of a building, on a lot to which this code applies, must have a setback from the side boundary nearest to that point of at least the following distance—
 - (a) if the lot is in Zone R5 and has an area of less than 4,000m²—2.5m,
 - (b) if the lot is in Zone R5, and has an area of at least 4,000m², or is in Zone RU1, RU2, RU3, RU4 or RU6—10m.

3A.17 Setbacks of dwelling houses from rear boundaries

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

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

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

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

3A.19 Exceptions to setbacks

Despite any other clause in this Subdivision—

- (a) a new dwelling house, outbuilding or detached studio must have a setback of at least 3m from a boundary with a public reserve, and
- (b) side and rear setbacks and setbacks from the boundary with a road do not apply to the existing parts of a dwelling house or ancillary development where it is proposed to carry out any of the following—
 - (i) alterations or additions to an existing dwelling house,
 - (ii) alterations or additions to existing ancillary development, and
- (c) side and rear setbacks do not apply to—
 - (i) any aerial, antenna, awning, eave, flue, chimney, pipe, cooling or heating appliance, any rainwater tank greater than 1.8m in height or any other structure associated with the provision of a utility service, if it is located at least 450mm from the relevant boundary, and
 - (ii) any fence, fascia, gutter, downpipe, light fitting, electricity or gas meter, driveway, hard stand space, pathway or paving, if it is located within any required setback area to the relevant boundary, and
- (c1) the setback from a road does not apply to—
 - (i) a driveway, fence, hard stand space, pathway, paving or retaining wall, or
 - (ii) any building element that is permitted within the articulation zone, and
- (d) a dwelling house or outbuilding must have a setback of at least 40m from the bank of any perennial watercourse identified on a 1:50,000 topographical map published by Spatial Services in the Department of Finance, Services and Innovation, and
- (e) a dwelling house or outbuilding must have a setback of at least 250m from a boundary with adjoining land being used for any of the following—
 - (i) forestry,
 - (ii) intensive livestock agriculture,
 - (iii) intensive plant agriculture,
 - (iv) mines and extractive industries,
 - (v) railway lines,
 - (vi) rural industries.

3A.20 Calculating setbacks

- (1) For the purpose of determining the nearest 2 dwelling houses in clause 3A.15(1), a battle-axe lot is to be disregarded.
- (2) For the purpose of calculating the setbacks of the nearest 2 dwelling houses in clause 3A.15(1)—
 - (a) any ancillary development is to be disregarded, and
 - (b) any building element listed in clause 3A.22(2) is not to be included.
- (2A) (Repealed)
- (3) For the purpose of calculating the setbacks of a new dwelling house, any building element that is permitted in the articulation zone is not included.
- (4) For the purpose of calculating setbacks for a battle-axe lot, the setback on the opposite side of the lot to the rear setback is taken to be a side setback.
- (5) (Repealed)

3A.21 Building articulation

- (1) This clause applies only to lots in Zone R5 that have an area of less than 4,000m².
- (2) A dwelling house, other than a dwelling house on a battle-axe lot, must have a front door and a window to a habitable room in the building wall that faces a primary road.
- (3) A dwelling house, other than a dwelling house on a battle-axe lot, must have a door and a window to a habitable room in the building wall that faces a parallel road.
- (4) A dwelling house, other than a dwelling house that has a setback from a primary road of less than 3m, may incorporate an articulation zone that extends from the building line to a distance of 1.5m into the required setback from the primary road.
- (5) A new dwelling house on a corner lot must have a window to a habitable room that is at least 1m² in area and that faces and is visible from a secondary road.

3A.22 Building elements within the articulation zone to a primary road

- (1) This clause applies only to lots in Zone R5 that have an area of less than 4,000m².
- (2) The following building elements are permitted in an articulation zone 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.
- (3) A building element on a dwelling house (other than a pitched roof to an entry feature or portico that has the same pitch as the roof on the dwelling house) must not extend more than—
- (a) 1m above the gutter line of the eaves of a single storey dwelling house, or
 - (b) above the gutter line of the eaves of a two storey dwelling house.
- (4) The maximum total area of all building elements within an articulation zone, other than a building element listed in subclause (2)(e) or (f), must be not more than 25% of the area of the articulation zone.

3A.23 Privacy

- (1) This clause applies only to lots in Zone R5 that have an area of less than 4,000m².
- (2) A window in a new dwelling house, or a new window in any alteration or addition to an existing dwelling house, must have a privacy screen for any part of the window that is less than 1.5m above floor level if—
 - (a) the window—
 - (i) is in a habitable room that has a finished floor level of more than 1m above ground level (existing), and
 - (ii) has a sill height of less than 1.5m above that floor level, and
 - (iii) faces a side or rear boundary and is less than 3m from that boundary, or
 - (b) the window—
 - (i) is in a habitable room that has a finished floor level of more than 3m above ground level (existing), and
 - (ii) has a sill height of less than 1.5m above that floor level, and
 - (iii) faces a side or rear boundary and is at least 3m, but not more than 6m, from that boundary.
- (3) Subclause (2) does not apply to a window located in a bedroom where the window has an area of not more than 2m².

- (4) A new balcony, deck, patio, terrace or verandah and any alteration to an existing balcony, deck, patio, terrace or verandah that has a floor area of more than 3m² must have a privacy screen if the balcony, deck, patio, terrace or verandah is—
 - (a) within 3m of a side or rear boundary and has a floor level more than 1m above ground level (existing), or
 - (b) between 3m and 6m of a side or rear boundary and has a floor level more than 2m above ground level (existing).
- (5) Any privacy screen required under subclause (4) must be installed—
 - (a) to a height of at least 1.7m, but not more than 2.2m, above the finished floor level of the balcony, deck, patio, terrace or verandah, and
 - (b) at the edge of that part of the development that is within the areas specified in subclause (4)(a) or (b) and is parallel to or faces towards the relevant side or rear boundary.

Subdivision 4 Landscaping

3A.24 Landscaped area

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

3A.24A Setbacks of dwelling houses and ancillary development from protected trees

- (1) A dwelling house and all ancillary development, and any associated excavation, must have a setback of at least 3m from the base of the trunk of each protected tree on the lot and an adjoining lot.
- (2) Despite subclause (1), ancillary development comprising the following is permitted within this setback, if the development does not require a cut 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.

A separate permit, approval 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.

3A.25 Principal private open space

A lot in Zone R5 that has an area of less than 4,000m² and on which a new dwelling house is erected must have principal private open space that—

- (a) is at least 24m², and
- (b) is at least 3m wide, and
- (c) is not steeper than 1:50 gradient.

Subdivision 5 Car parking and access

3A.26 Car parking requirements

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

3A.27 Garages, carports and car parking spaces

- (1) This clause applies only to lots in Zone R5 that have an area of less than 4,000m².
- (2) A garage, carport or car parking space that is accessed from a primary road must—
 - (a) if the dwelling house has a setback from the primary road boundary of 4.5m or more—be at least 1m behind the building line of the dwelling house, or
 - (b) if the dwelling house has a setback from the primary road boundary of less than 4.5m—be at least 5.5m from that boundary.
- (3) If the door or doors on a garage face a primary road, a secondary road or a parallel road, the total width of all those door openings must—
 - (a) be not more than 6m, and
 - (b) if the lot has a frontage of more than 15m—be not more than 50 per cent of the width of the building, measured at the building line to the relevant property boundary, and

- (c) if the lot has a frontage of not more than 15m—be not more than 60 per cent of the width of the building, measured at the building line to the relevant property boundary.
- (4) An open hard stand car parking space must measure at least 2.6m wide by 5.4m long.

3A.28 Vehicle access

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

Note.

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

Subdivision 6 Earthworks and drainage

3A.29 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, and
 - (b) if located more than 1m but not more than 1.5m from any boundary—2m, and
 - (c) if located more than 1.5m from any boundary—3m.
- (1A) Excavation for the purposes of a pier in a pier and beam foundation may exceed the maximum depth specified in subclause (1) if a professional engineer has certified the depth of the excavation.
- (2) Despite subclauses (1) and (1A), the excavation must not exceed a maximum depth, measured from ground level (existing), of 1m if the land is identified as Class 3 or 4 on an Acid Sulfate Soils Map or is within 40m of a waterbody (natural).
- (3) **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.
- (4) Despite subclause (3), the height of fill is not limited if the fill is contained—
 - (a) wholly within the footprint of a dwelling house or ancillary development, or

- (b) by a drop edge beam.
- (5) Fill that is higher than 150mm above ground level (existing) and is not contained wholly within the footprint of a dwelling house or ancillary development is limited to 50% of the landscaped area of the lot.
- (6) The ground level (finished) of the fill must not be used to measure the height of any dwelling house or ancillary development under this code.
- (7) **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 have 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 other retaining wall or structural support on the site by at least 2m, measured horizontally, and
 - (f) is installed in accordance with any manufacturer's specifications, and
 - (g) if it is an embankment or batter—has a toe or top that is more than 1m from any side or rear boundary.
- (8) (Repealed)

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.

3A.30, 3A.31 (Repealed)

3A.32 Drainage

- (1) All stormwater drainage collecting as a result of the erection of, or alterations or

additions to, a dwelling house or ancillary development must be conveyed by a gravity fed or charged system to—

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

(2) All stormwater drainage systems within a lot and the connection to a public or an inter-allotment drainage system must—

- (a) if an approval is required under section 68 of the *Local Government Act 1993*, be approved under that Act, or
- (b) if an approval is not required under section 68 of the *Local Government Act 1993*, comply with any requirements for the disposal of stormwater drainage contained in a development control plan that is applicable to the land.

Subdivision 7 Ancillary development

3A.33 Swimming pools

(1) Ancillary development comprising a swimming pool for private use must be located on a lot—

- (a) behind the setback area from a primary road, or
- (b) in the rear yard.

Note.

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

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

(2A) Despite subclauses (1) and (2), if the swimming pool is being constructed in a heritage conservation area, the swimming pool must be located—

- (a) behind the rear most building line of the dwelling house, and
- (b) no closer to each side boundary than the dwelling house.

(3) Decking around a swimming pool must not be more than 600mm above ground level (existing).

(4) Coping around a swimming pool must not be more than—

- (a) 1.4m above ground level (existing), and

- (b) 300mm wide if the coping is more than 600mm above ground level (existing).
- (5) Water from a swimming pool must be discharged in accordance with an approval under the *Local Government Act 1993* if the lot is not connected to a sewer main.
- (6) Any pump attached to the development must be housed in an enclosure that is soundproofed.
- (7) If the swimming pool is being constructed after, and at a different time to, the erection of a dwelling house on the lot, the development standards for this Code (other than the standards referred to in clauses 3A.24, 3A.24A, 3A.25, 3A.29, 3A.38 and this clause) do not apply to the construction.

Note 1.

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

Note 2.

Requirements relating to excavation for the purposes of a swimming pool are set out in clause 3A.29.

3A.33A Development standards for detached studios

- (1) This clause applies—
 - (a) to a detached studio, and
 - (b) in addition to the development standards specified in clause 3A.24.

Note.

Clauses 3A.9 and 3A.10 contain development standards that also apply to detached studios.

- (2) A detached studio must not be located in a heritage conservation area or draft heritage conservation area.
- (3) A detached studio must be located behind the building line of a dwelling house.
- (4) No more than one detached studio may be located on a lot.
- (5) A detached studio must not have a building height of more than 3.6m.
- (6) The floor area of a detached studio must not be more than 35m².
- (7) A detached studio must have a setback from a side or rear boundary of at least—
 - (a) if the lot is in Zone R5 and has an area of less than 4,000m²—2.5m, or
 - (b) in any other case—5m.

3A.34, 3A.35 (Repealed)

Subdivision 8 Outbuildings

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

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

Subdivision 9 Development standards for particular land

3A.37 Development standards for bush fire prone land

- (1) This clause applies—
 - (a) to all development specified for this code that is 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 6m from any dwelling house, landscaping, a non-combustible fence or a swimming pool), and
 - (b) in addition to all other development standards specified for this code.

Note.

See clause 1.19A for additional provisions relating to bush fire prone land.

- (2) The development may be carried out on the lot only if—
 - (a) the development conforms to the specifications and requirements of *Planning for Bush Fire Protection* that are relevant to the development, and
 - (b) (Repealed)
 - (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 Table 7.4a of *Planning for Bush Fire Protection*, 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
- (fa) the size of the non-reticulated water supply mentioned in paragraph (f) is—
 - (i) for a lot with an area no greater than 10,000m²—10,000L, and
 - (ii) for a lot with an area greater than 10,000m²—20,000L, and
- (g) reticulated or bottled gas on the lot is installed and maintained in accordance with AS/NZS 1596:2014, *The storage and handling of LP Gas* and the requirements of relevant authorities (metal piping must be used), and
- (g) all fixed gas cylinders on the lot are located at least 10m from flammable materials and are enclosed on the hazard side of the installation, and
- (h) any gas cylinders on the lot that are within 10m of a dwelling house—
 - (i) have the release valves directed away from the dwelling house, and
 - (ii) have metal connections to and from the cylinders, and
- (i) there are no polymer sheathed flexible gas supply lines to gas meters adjacent to the dwelling.

Note.

The requirements relating to the construction of buildings in bush fire prone areas set out in the *Building Code of Australia* also apply.

- (3) (Repealed)

3A.38 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 complying development certificate, as not being any of the following—
 - (a) a flood storage area,
 - (b) a floodway,
 - (c) a flow path,

- (d) a high hazard area,
 - (e) a high risk area.
- (2) Development that is carried out under this code on any part of a flood control lot must meet the following requirements—
- (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 ancillary development that is erected at or below the flood planning level is constructed of flood compatible material,
 - (c) any part of the dwelling house or any ancillary 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 *Flood Risk Management Manual*, unless it is otherwise defined in this Policy.
- (5) (Repealed)

Note.

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

3A.38A (Repealed)

Division 4 Conditions applying to complying development certificates under this code

3A.39 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.

3A.40-3A.48

Part 3B Low Rise Housing Diversity 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.

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 1A Manor houses permitted in certain land use zones

3B.1A Development for the purposes of manor houses

Manor houses are, despite any other environmental planning instrument, permitted with consent on land in any of the following land use zones if multi dwelling housing or residential flat buildings (or both) are permitted in the zone—

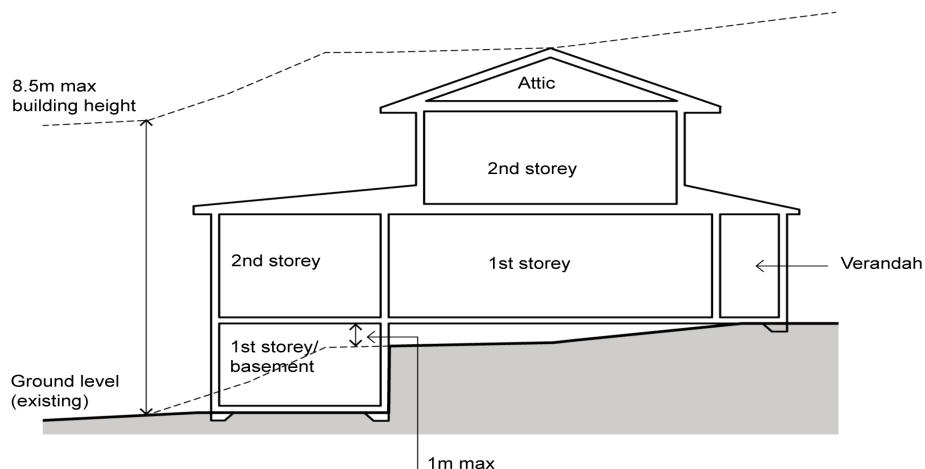
- (a) Zone RU5 Village,
- (b) Zone R1 General Residential,
- (c) Zone R2 Low Density Residential,
- (d) Zone R3 Medium Density Residential.

Division 1 Requirements for complying development under this code

3B.1 Development that can be complying development under this code

- (1) The following types of development are complying development under this code—
 - (a) the erection or alteration of, or addition to—
 - (i) any 1 or 2 storey dual occupancy, manor house or multi dwelling housing (terraces), or
 - (ii) any attached development or detached development related to any building referred to in subparagraph (i),

- (b) the conversion of an existing dwelling to a dual occupancy.
- (2) For the purposes of calculating the number of storeys in a building for the purposes of this code, only those parts of a basement that comprise habitable rooms are to be counted as a storey.



- (3) **Lot requirements** Complying development specified for this code may only be carried out on a lot that meets the following requirements—
- the lot must be in Zone RU5, Zone R1, Zone R2 or Zone R3,
 - the lot must have lawful access to a public road at the completion of the development.
- (4) **Erection of attached development and detached development** Attached development or detached development may be erected on a lot—
- if a dual occupancy, manor house or multi dwelling housing (terraces) exists on the lot, or
 - if there is a current development consent or complying development certificate for the construction of a dual occupancy, manor house or multi dwelling housing (terraces) on the lot.

Note 1.

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

Note 2.

Clauses 1.17A, 1.18 and 1.19(1) set out additional requirements for complying development.

3B.2 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 roof terrace on the top most roof of a building,
- (b) development that is complying development under the Housing Alterations Code,
- (c) development on a battle-axe lot,
- (d) development on any lot on which there is a secondary dwelling or group home whether or not the development is attached to the dwelling or home,
- (e) the erection of a building over a registered easement,
- (f) the alteration of, or an addition to, a garage or carport that is located forward of the building line,
- (g) the erection of multi dwelling housing (terraces) on bush fire prone land,
- (h) development to which *State Environmental Planning Policy (Housing) 2021*, Chapter 2, Part 2, Division 1 applies, unless it is development that is being carried out by or on behalf of the New South Wales Land and Housing Corporation constituted by the *Housing Act 2001*,
- (i) development on unsewered land,
- (j) development on land identified as susceptible to landslide risk in—
 - (i) an environmental planning instrument applying to the land, or
 - (ii) for land to which *Warringah Local Environmental Plan 2011* applies—“Area C” or “Area E” on the *Landslip Risk Map* within the meaning of that Plan.

3B.3 Determining lot type

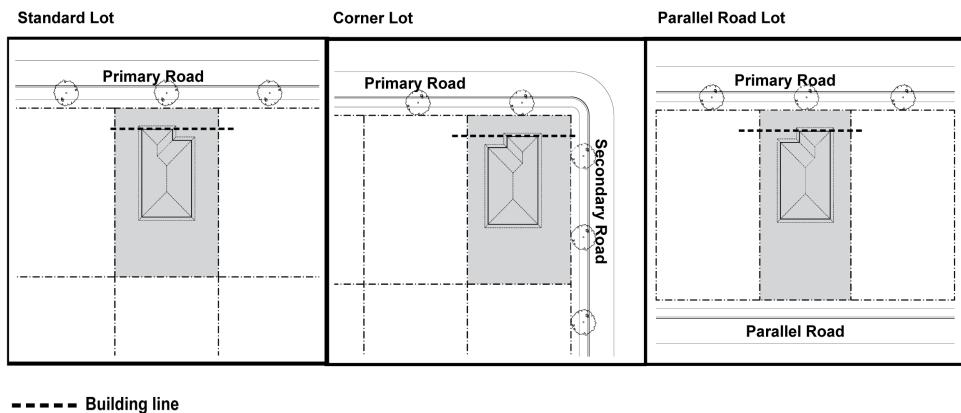
- (1) In this code, a reference to a lot is a reference to any of the following lots—
 - (a) standard lot,
 - (b) corner lot,
 - (c) parallel road lot.

Note 1.

Corner lot, lane, 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).



- (2) When determining the lot type for this code, a lane is not to be considered a primary road.

3B.4 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 that is more than 6m from any residential accommodation,
 - a landscaped area,
 - a non-combustible fence,
 - a swimming pool.

Note.

See clause 1.19A for additional provisions relating to bush fire prone land.

- (2) If complying development under this code is carried out on bush fire prone land, all of the following development standards also apply—
- (Repealed)
 - 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,
 - the dual occupancy or manor house must be able to be connected to mains electricity,
 - if reticulated or bottled gas is installed and maintained on the lot—
 - it must be installed and maintained in accordance with AS/NZS 1596:2014, *The storage and handling of LP Gas*, and
 - 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 must—
 - (i) have its release valves directed away from the dwelling, 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 dual occupancy,
- (g) if the development is carried out on a lot in Zone RU5, there must be—
 - (i) a reticulated water supply connection to the lot and a fire hydrant within 70m of any part of the development, or
 - (ii) a 10,000 L capacity water tank on the lot,
- (h) if the development is carried out on a lot in any zone other than Zone RU5, there must be—
 - (i) a reticulated water supply connection to the lot, and
 - (ii) a fire hydrant within 70m of any part of the development,
- (i) the development must conform to the specifications and requirements of *Planning for Bush Fire Protection* that are relevant to the development.

Note 1.

Attached development, council and **detached development** 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) (Repealed)

3B.5 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,
 - (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 to have a floor level lower than that floor level,
 - (b) any part of a building that is erected at or below the flood planning level is constructed of flood compatible material,
 - (c) any part of a building 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 dual occupancy, manor house or multi dwelling housing (terraces),
 - (f) vehicular access to any dwelling 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.
- (3A) Without limiting subclause (3), a joint report must—
- (a) include a signature made by each professional engineer by whom the report is prepared, and
 - (b) where conclusions of the report are based on data, surveys or other material—include the name and author of the document on which the conclusions are based.
- (4) A word or expression used in this clause has the same meaning as it has in the *Flood Risk Management Manual*, unless it is otherwise defined in this Policy.
- (5) (Repealed)

Note.

A planning certificate from a council will state whether or not a lot is a flood control lot.

3B.6 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 Dubbo Regional, 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 residential accommodation on land in the local government area of—
 - (a) Coonamble, Gilgandra, Warrumbungle Shire or Dubbo Regional 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 2 Development standards for certain dual occupancies and attached development

Subdivision 1 Application of Division

3B.7 Application of Division

This Division sets out the development standards that apply to the following types of complying development under this code—

- (a1) the conversion of an existing dwelling to a dual occupancy,
- (a) the erection or alteration of, or an addition to, a dual occupancy where no part of a dwelling is located above any part of another dwelling,
- (b) the erection or alteration of, or addition to, attached development that is related to any such dual occupancy.

Note.

Clauses 1.17A, 1.18 and 1.19(1) set out additional requirements for complying development.

Subdivision 2 Built form development standards

3B.8 Lot requirements

- (1) The area of the parent lot must not be less than whichever is the greater of the following—
 - (a) 400m²,

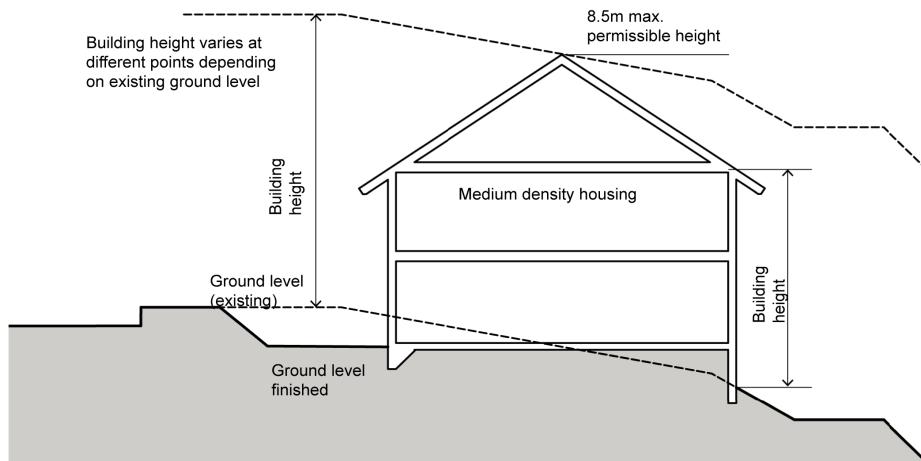
- (b) the minimum lot area specified for dual occupancies in the environmental planning instrument, other than *State Environmental Planning Policy (Housing) 2021*, Chapter 6, Part 2, Division 2, that applies to the land concerned.
- (1A) Despite subclause (1), the area of the parent lot in development carried out by or on behalf of the Aboriginal Housing Office, the Land and Housing Corporation or a registered community housing provider, within the meaning of *State Environmental Planning Policy (Housing) 2021*, must not be less than 400m².
- (2) The width of the parent lot must not be less than the following when measured at the building line—
- (a) if the car parking space for the parent lot is accessed only from a secondary road, parallel road or lane—12m,
 - (b) otherwise—15m.

3B.9 Maximum building height

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

Note.

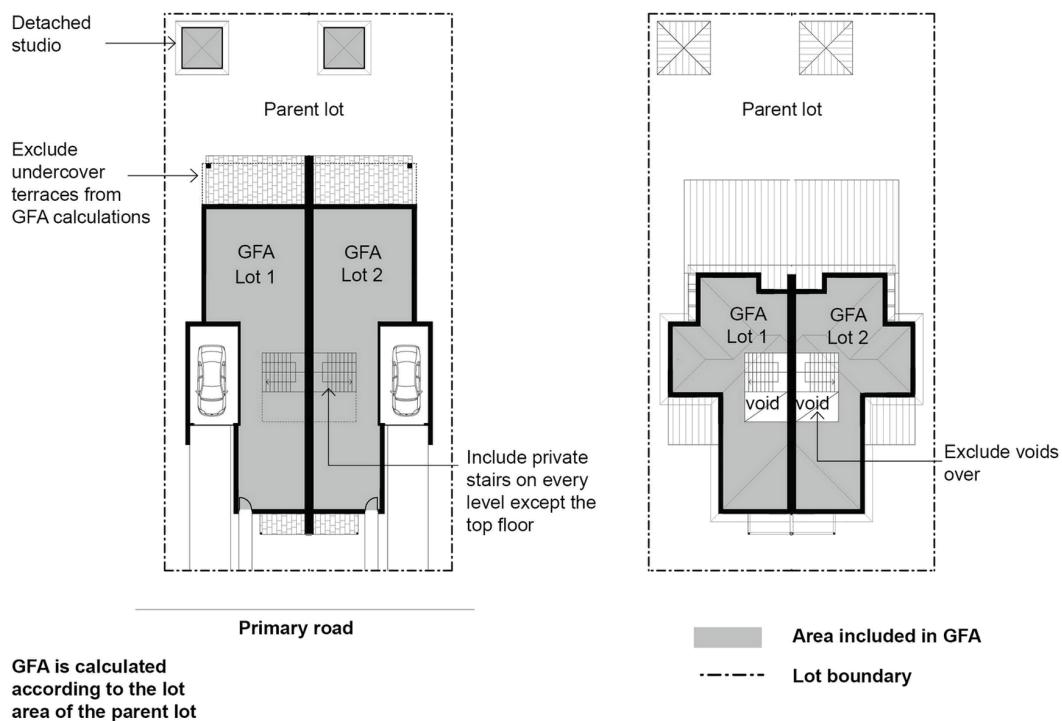
Ground level (existing) is defined in the Standard Instrument as the existing level of a site at any point.



3B.10 Maximum gross floor area of all buildings

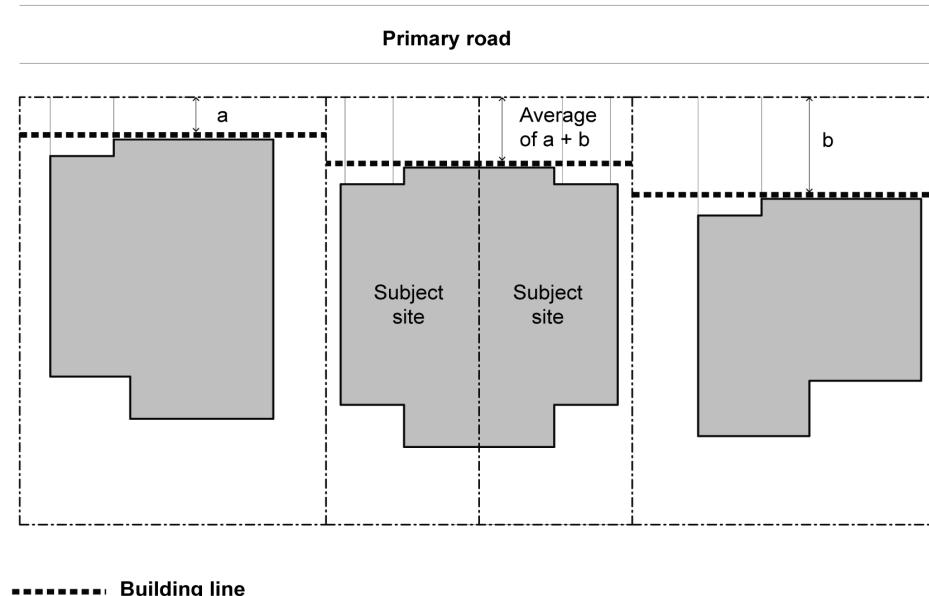
The maximum gross floor area of all buildings on a lot is shown in the following table—

Lot area of parent lot	Maximum GFA
400m ² -2,000m ²	25% of lot area + 300m ²
>2,000m ²	800m ²



3B.11 Minimum setbacks and maximum height and length of boundary walls

(1) **Primary road setbacks** The setback of a dual occupancy and any attached development from a primary road must not be less than the average setback from the primary road of the 2 nearest dwelling houses or dual occupancies within 40m of the lot and on the same side of the primary road.



Note.

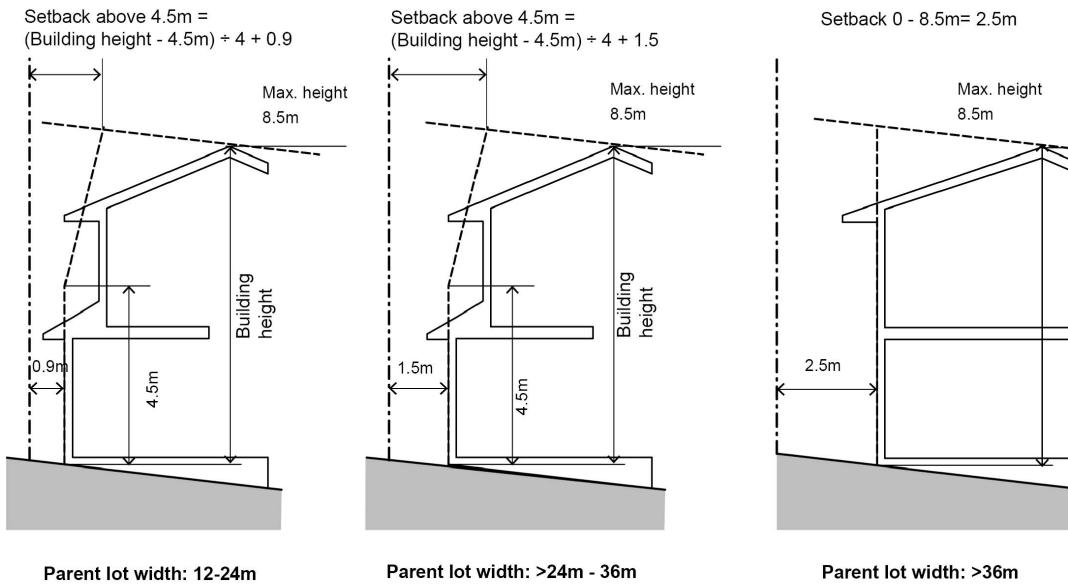
Clause 3B.12 contains certain exclusions from, and exceptions to, the setbacks in this clause.

- (2) For the purpose of determining the setbacks from the primary road of the 2 nearest dwelling houses or dual occupancies, the following are not to be included—
- dwelling houses or dual occupancies 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 or dual occupancies within 40m of the lot on the same side of the primary road, the dual occupancy and any attached development must have a minimum setback from the boundary with the primary road as shown in the following table—

Lot area	Minimum setback from primary road boundary
400m ² -900m ²	4.5m
>900m ² -1,500m ²	6.5m
>1,500m ²	10m

- (4) **Side setbacks** The following buildings must have a minimum setback from a side boundary as shown in the table to this subclause—
- a dual occupancy,
 - a garage or an attached carport,
 - a balcony, deck, patio, pergola, terrace or verandah,
 - a cabana, cubby house, garden shed, gazebo, fernery, greenhouse or shed.

Width of parent lot at the building line	Building height	Minimum required setback from each side boundary
12m-24m	0m-4.5m	0.9m
12m-24m	>4.5m-8.5m	(building height-4.5m) ÷ 4 + 0.9m
>24m-36m	0m-4.5m	1.5m
>24m-36m	>4.5m-8.5m	(building height-4.5m) ÷ 4 + 1.5m
>36m	0m-8.5m	2.5m

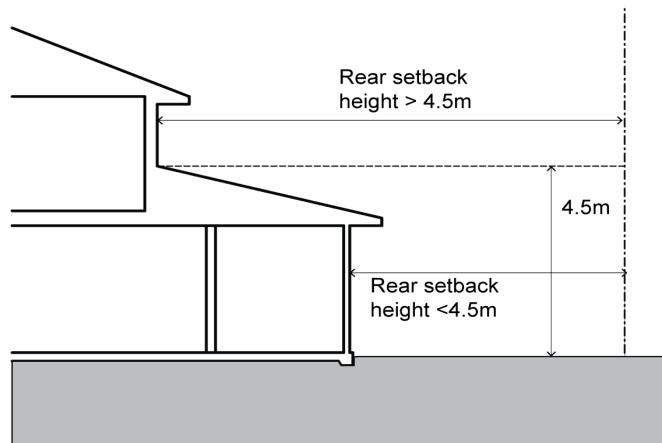


(5) **Rear setbacks** Each part of a dual occupancy (other than a detached dual occupancy on a corner lot) and any carport, garage, balcony, deck, patio, pergola, terrace or verandah must have a minimum setback from the rear boundary as shown in the following table—

Lot area	Height of building part	Minimum setback from rear boundary
400m ² -900m ²	0m-4.5m	3m
400m ² -900m ²	>4.5m-8.5m	8m
>900m ² -1,500m ²	0m-4.5m	5m
>900m ² -1,500m ²	>4.5m-8.5m	12m
>1,500m ²	0m-4.5m	10m
>1,500m ²	>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 3B.12(4)).

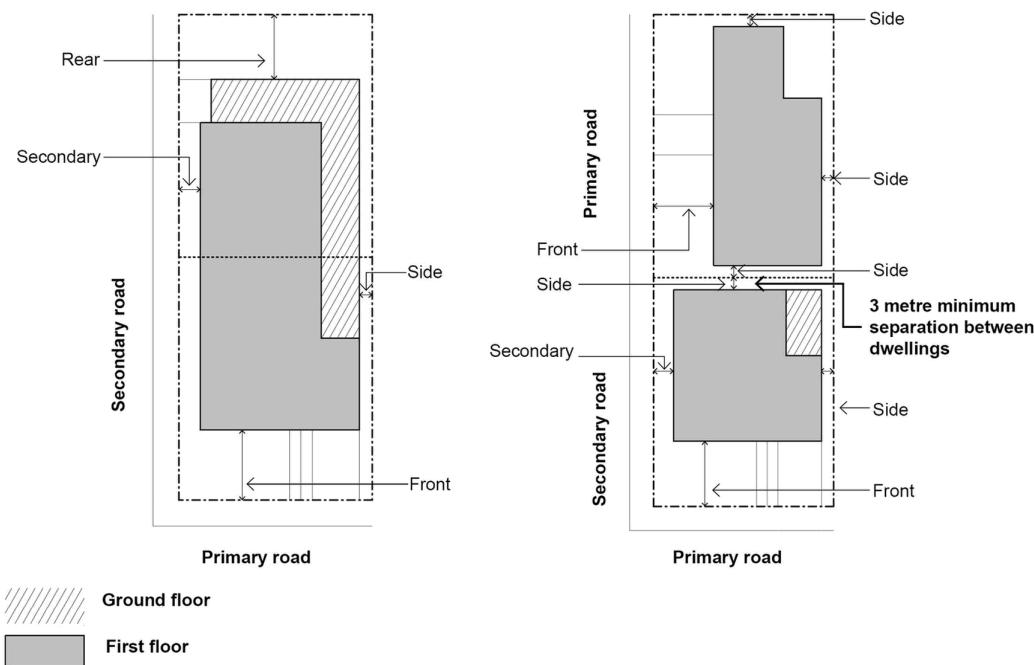


(6) **Secondary road setbacks for corner lots** Despite any other setback specified in this clause, a dual occupancy and any attached development must have a minimum setback from a boundary with a secondary road as shown in the following table—

Lot area	Minimum setback from secondary road boundary
400m ² -900m ²	2m
>900m ² -1,500m ²	3m
>1,500m ²	5m

Note.

In many cases the primary road and secondary road may be different for each of the dwellings comprising a dual occupancy (detached) on a corner lot. This is because for each dwelling the primary road is the road that the dwelling faces. Accordingly, the setbacks for each of these dwellings will not necessarily align.



- (7) **Dual occupancy (detached) on a corner lot** If a dual occupancy on a corner lot has a dwelling fronting different roads, the rear of each dwelling is to be treated as a side for the purposes of determining the setbacks required under this clause.
 - (8) **Parallel road setbacks for parallel road lots** Despite any other setback specified in this clause, a dual occupancy and any attached development must have a setback from a boundary with a parallel road of at least 3m unless, in the case of a dual occupancy (attached), 1 of the dwellings in the dual occupancy faces the parallel road, in which case the setback must be the same as if the parallel road were a primary road.
- Note.**
- The primary road and parallel road may be different for each of the dwellings comprising a dual occupancy (detached) if the dwellings face in opposite directions. This is because for each dwelling the primary road is the road that the dwelling faces.
- (9) **Classified road setbacks** Despite any other setback specified in this clause, a dual occupancy and any attached development must have a setback from a boundary with a classified road of at least 9m.
 - (10) **Public reserve setbacks** Despite any other setback specified in this clause, a dual occupancy and any attached development must have a setback from a boundary with a public reserve of at least 3m.

Note 1.

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

Note 2.

Building height, **classified road** and **public reserve** have the same meanings as they have in the Standard Instrument.

3B.12 Exceptions to setbacks

(1) **Development to which side and rear setbacks do not apply** The setback standards specified in clause 3B.11(4) and (5) do not apply to the following—

- (a) access ramps,
- (b) downpipes,
- (c) driveways or hard stand spaces,
- (d) electricity or gas meters,
- (e) fascias,
- (f) fences,
- (g) gutters,
- (h) light fittings,
- (i) pathways and paving,
- (j) steps.

(2) **Development to which side and rear setbacks do not apply if 450mm from boundary** The setback standards specified in clause 3B.11(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,

(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 3B.11(1), (3), (6), (8) and (9) do not apply to the following—

(a) access ramps,

(b) driveways,

(c) eaves,

(d) pathways and paving,

(e) retaining walls,

(f) any building elements that are permitted within a primary road articulation zone,

(g) steps.

(4) **Lots with rear lanes** Despite clause 3B.11(5), if the lot has a rear boundary with a lane, a building to which that subclause applies may be erected within 900mm of, or abut, the rear boundary for a maximum length of 7m.

(5) **Setbacks do not apply to existing parts of dual occupancy or attached development** The setbacks standards specified in clause 3B.11 do not apply to any existing parts of a dwelling house, dual occupancy or attached development that will remain on a lot after the complying development is carried out.

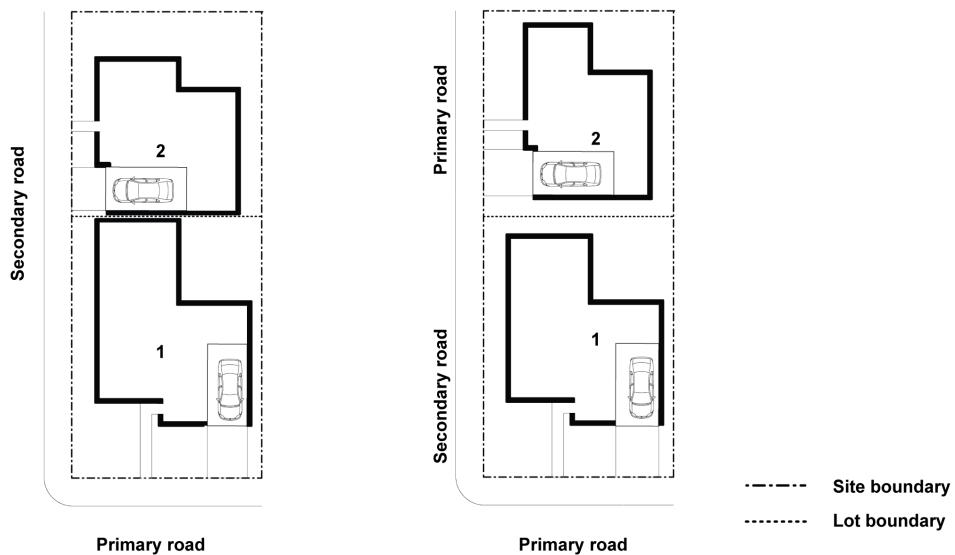
Note.

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

3B.13 Dwelling configuration on lot

(1) Each dwelling must face a public road.

(2) No dwelling must be located behind another dwelling on the same lot (except on a corner lot or a parallel road lot where each dwelling fronts a different road).



- (3) The 2 buildings comprising a dual occupancy (detached) (including any attached development) must be located at least 3m from each other.
- (3A) The 2 buildings comprising a dual occupancy (attached) must share a common wall.
- (4) Each dwelling, including an off-street car parking space for the dwelling, must have a minimum width, measured at the building line, of—
 - (a) if the car parking space is accessed from a primary road—6.5m, or
 - (b) otherwise—5m.
- (5) The width of a dwelling is to be measured from the centre of a side wall if that wall adjoins another building or from the outside of the side wall if that wall is an external wall.

3B.14 Other development standards for new balconies, decks, patios, terraces and verandahs attached to side or rear of dual occupancy

- (1) The maximum height of the floor level of the balcony, deck, patio, terrace or verandah is 4m above ground level (existing).
- (1A) The floor level of the balcony, deck, patio, terrace or verandah must be the same as the floor level of the part of the dual occupancy to which it is attached.
- (2) Any attached side or rear balcony, deck, patio, terrace or verandah that has a floor level of more than 2m above ground level (existing) must have a setback from side and rear boundaries of at least 3m.
- (3) The total floor area of all attached decks having a floor level of more than 2m above ground level (existing) must not be more than 12m^2 for each dwelling.

Note 1.

Attached, building line 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.

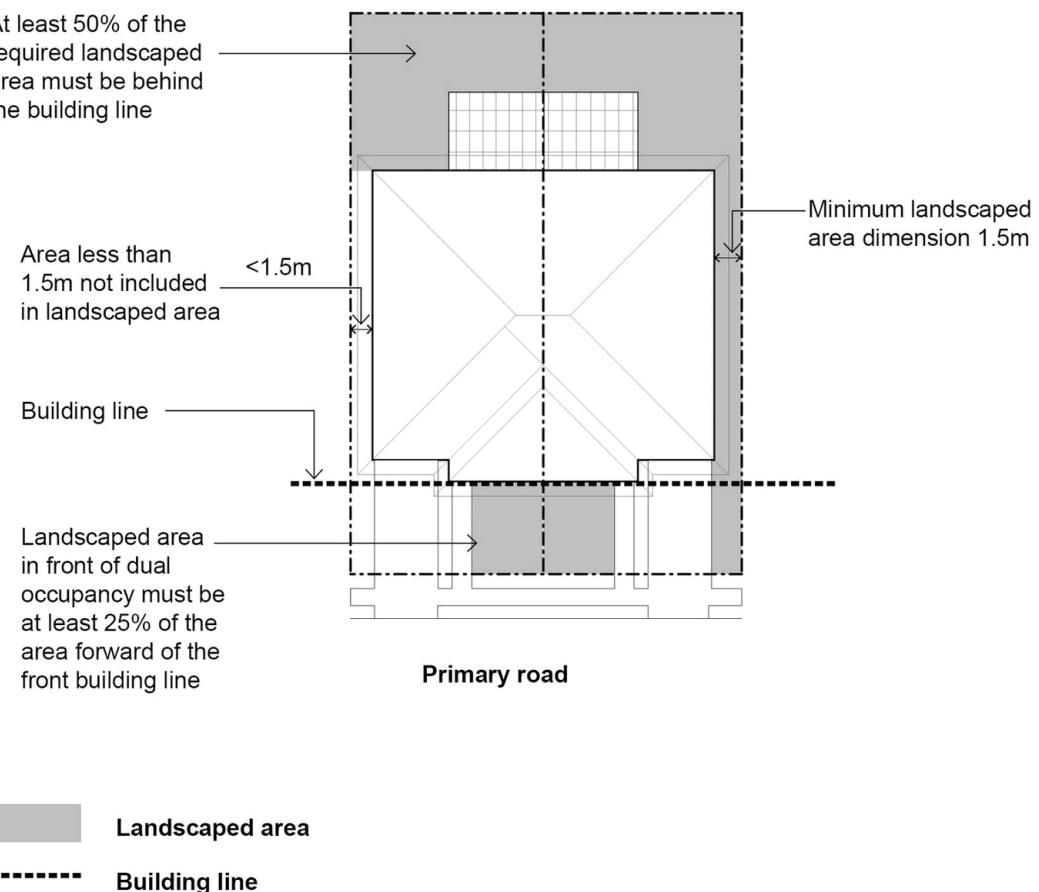
Note 3.

A balcony may require a privacy screen—see clause 3B.17.

Subdivision 3 Landscape development standards

3B.15 Minimum landscaped area

- (1) The minimum landscaped area that must be provided is 50% of the parent lot area minus 100m².
- (2) At least 25% of the area of the lot forward of the building line must be landscaped.
- (2A) At least 50% of the area required to be landscaped under subclause (1) must be located behind the building line.
- (3) Each landscaped area must have—
 - (a) a minimum width of 1.5m, and
 - (b) a minimum length of 1.5m.



(4) Principal private open space must be provided for each dwelling that—

- (a) is at least 16m^2 , and
- (b) is at least 3m wide.

(5) This clause does not apply to complying development that is the alteration of, or addition to, a dual occupancy or attached development if the development does not—

- (a) increase the footprint of the dual occupancy or attached development, or
- (b) decrease the landscaped area on the lot, or
- (c) decrease the principal private open space for a dwelling.

Note 1.

Building line and **principal private open space** are defined in clause 1.5.

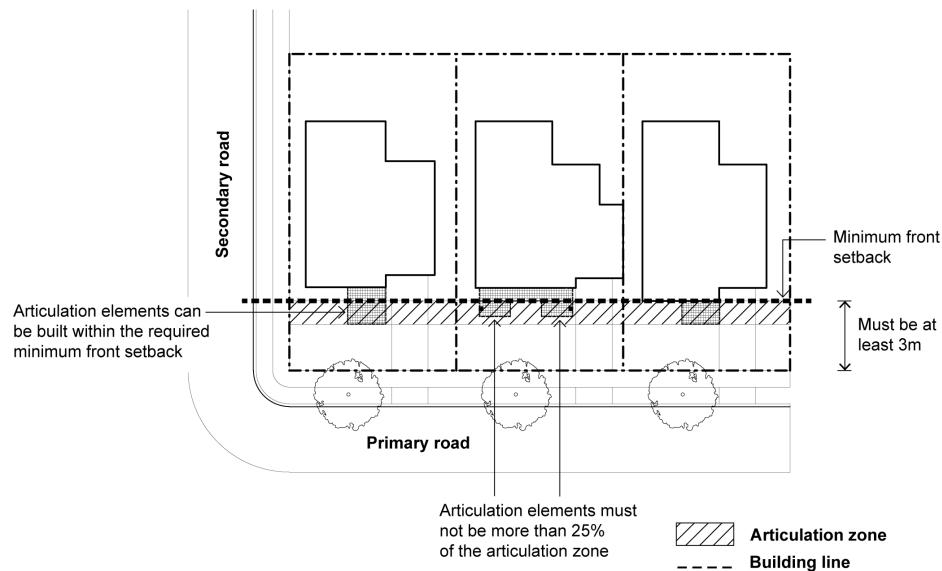
Note 2.

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

Subdivision 4 Amenity development standards

3B.16 Primary and secondary road articulation zones

- (1) A dual occupancy may have the following articulation zones—
 - (a) a primary road articulation zone that extends up to 1.5m forward of the minimum required setback from the primary road,
 - (b) a secondary road articulation zone that extends up to 1m forward of the minimum required setback from the secondary road.
- (2) The following building elements can be located in the primary road articulation zone or secondary road articulation zone—
 - (a) an entry feature or portico,
 - (b) a balcony, deck, 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,
 - (h) an access ramp.
- (3) The maximum total area of all building elements in the articulation zone, other than a building element specified in subclause (2)(e), (f), (g) or (h), must not comprise more than 25% of the area of the articulation zone.



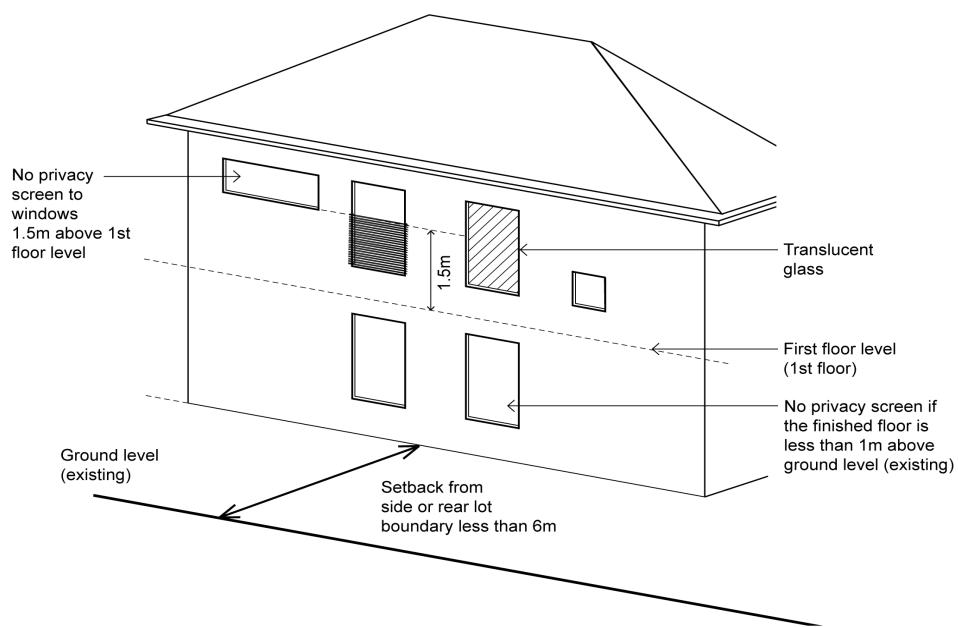
- (4) Each habitable room that has a wall facing a road must have a window in that wall.

Note.

Articulation zone, building element, primary road, secondary road and **setback** are defined in clause 1.5.

3B.17 Privacy screens for windows and certain attached development

- (1) **Windows in habitable rooms near boundaries or other dwellings** A window in a habitable room must have a privacy screen over any part of that window that is less than 1.5m above the floor level of the room in the following cases—
- the floor level of the habitable room is 1m or more, but not more than 3m, above ground level (existing) and the window faces a side or rear boundary and is less than 3m from that boundary,
 - the floor level of the habitable room is more than 3m above ground level (existing) and the window faces a side or rear boundary and is less than 6m from that boundary,
 - the floor level of the habitable room is 1m or more, but not more than 3m, above ground level (existing) and the window faces a dwelling on the same lot and is less than 6m from that dwelling,
 - the floor level of the habitable room is more than 3m above ground level (existing) and the window faces a dwelling on the same lot and is less than 12m from that dwelling.

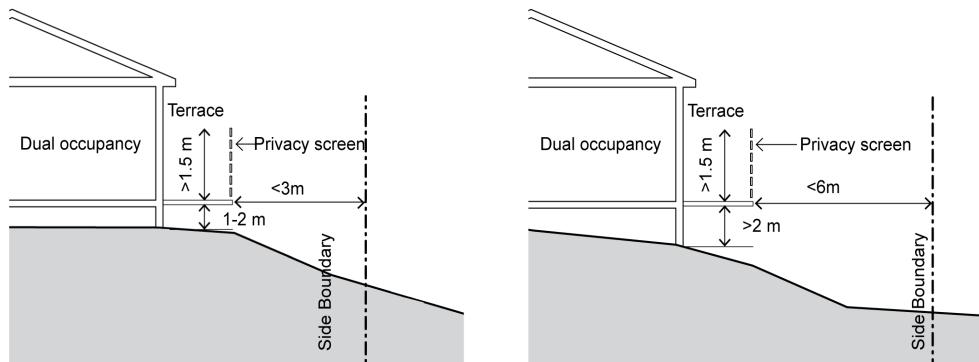


(2) Subclause (1) does not apply to—

- (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 bedroom window that has an area of not more than 2m².

(3) **Balconies, decks, patios, terraces or verandahs near boundaries or other dwellings** The edge of a balcony, deck, patio, terrace or verandah must have a privacy screen with a height of at least 1.5m above the floor level of a balcony, deck, patio, terrace or verandah in the following cases—

- (a) the floor level of the balcony, deck, patio, terrace or verandah is 1m or more, but not more than 3m, above ground level (existing) and the edge faces a side or rear boundary and is less than 3m from that boundary,
- (b) the floor level of the balcony, deck, patio, terrace or verandah is more than 3m above ground level (existing) and the edge faces a side or rear boundary and is less than 6m from that boundary,
- (c) the floor level of the balcony, deck, patio, terrace or verandah is 1m or more, but not more than 2m, above ground level (existing) and the edge faces a dwelling on the same lot and is less than 6m from that dwelling,
- (d) the floor level of the balcony, deck, patio, terrace or verandah is more than 2m above ground level (existing) and the edge faces a dwelling on the same lot and is less than 12m from that dwelling.



- (4) Subclause (3) does not apply to a balcony, deck, patio, terrace or verandah—
 - (a) with a floor level not more than 1m above ground level (existing), or
 - (b) that faces a road or public space, or
 - (c) that has an area of not more than 2m².
- (5) **Existing windows, balconies, decks, patios, terraces or verandahs** This clause does not apply to any existing parts of a dwelling house, dual occupancy 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.

3B.18 Car parking and vehicle access requirements

- (1) This clause applies to—
 - (a) the erection of a dual occupancy, or
 - (b) the alteration of, or addition to, a dwelling house that causes a dual occupancy to be on the lot.
- (2) At least 1 off-street car parking space must be provided for each dwelling.
- (3) The off-street car parking space may be an open hard stand space or a carport or garage, whether attached to or detached from the dual occupancy.
- (4) All off-street car parking spaces and vehicle access must comply with AS/NZS 2890.1:2004, *Parking facilities, Part 1: Off-street car parking*.
- (5) In the case of a lot that has a width of less than 15m measured at the building line

any car parking space must be provided at the rear of the lot or in a basement and must be accessed only from a secondary road, parallel road or lane.

- (6) A garage, carport or car parking space at ground level (existing) and accessed from a primary road, secondary road or parallel road must have a minimum setback as shown in the following table—

Setback of dual occupancy from road boundary	Minimum off-street parking setback from road boundary
<4.5m	5.5m
4.5m or more	1m or more behind the building line of the dual occupancy

- (7) The maximum width of all garage doors accessed from a primary road is shown in the following table—

Lot width	Maximum width of garage door openings
15m-20m	6m
>20m-25m	9.2m
>25m	12m

- (8) The maximum width of all garage doors accessed from a secondary road, parallel road or lane is shown in the following table—

Lot width	Maximum width of garage door openings
12m-15m	3.2m
>15m-20m	6m
>20m-25m	9.2m
>25m	12m

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.

Alterations or additions to a garage or carport that is forward of the building line is not complying development under this code (see clause 3B.2(g)).

3B.19 Building design

- (1) The design of a dual occupancy must be consistent with the relevant design criteria in the Low Rise Housing Diversity Design Guide.
- (2) However, the requirements of this Part prevail to the extent that the Guide is inconsistent with this Part.

Division 3 Development standards for manor houses, certain dual occupancies and attached development

Subdivision 1 Application of Division

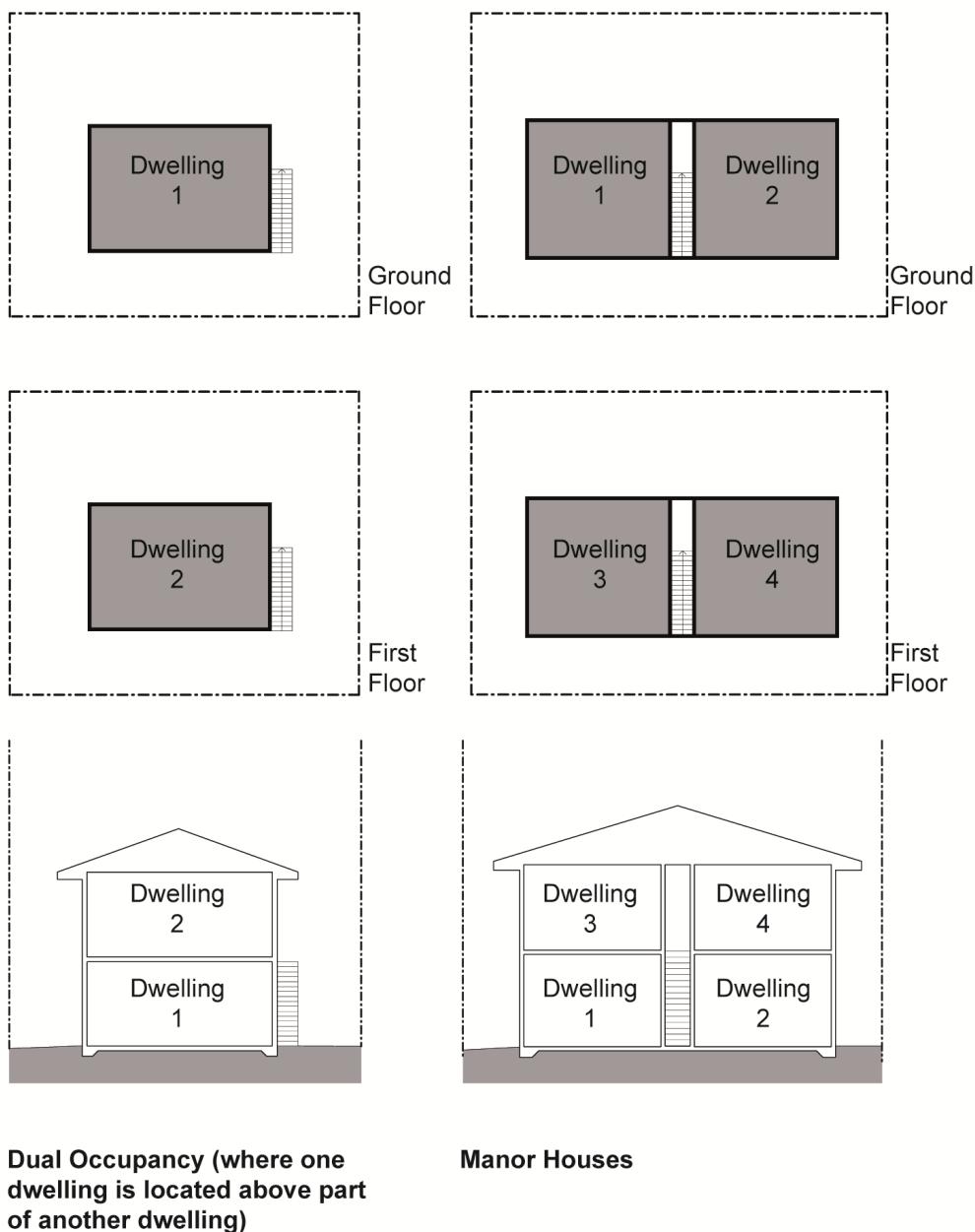
3B.20 Application of Division

This Division sets out the development standards that apply to the following types of complying development under this code—

- (a1) the conversion of an existing dwelling to a dual occupancy,
- (a) the erection or alteration of, or an addition to, a manor house,
- (b) the erection or alteration of, or an addition to, a dual occupancy (attached) where part of a dwelling is located above part of another dwelling,
- (c) the erection or alteration of, or addition to, attached development that is related to any such dual occupancy or manor house.

Note.

Clauses 1.17A, 1.18 and 1.19(1) set out additional requirements for complying development.



Subdivision 2 Built form development standards

3B.21 Lot requirements

The lot must meet the following requirements—

- (a) in the case of a manor house—the area of the lot must not be less than whichever is greater of the following—
 - (i) 600m²,
 - (ii) the minimum lot area specified for manor houses in the environmental planning instrument, other than *State Environmental Planning Policy (Housing) 2021*,

Chapter 6, Part 4, Division 2, that applies to the land concerned,

- (b) in the case of a dual occupancy—the area of the lot must not be less than whichever is the greater of the following—
 - (i) 400m^2 ,
 - (ii) the minimum lot area specified for dual occupancies in the environmental planning instrument, other than *State Environmental Planning Policy (Housing) 2021*, Chapter 6, Part 2, Division 2, that applies to the land concerned,
- (c) the width of the lot must not be less than 15m measured at the building line.

3B.22 Maximum building height

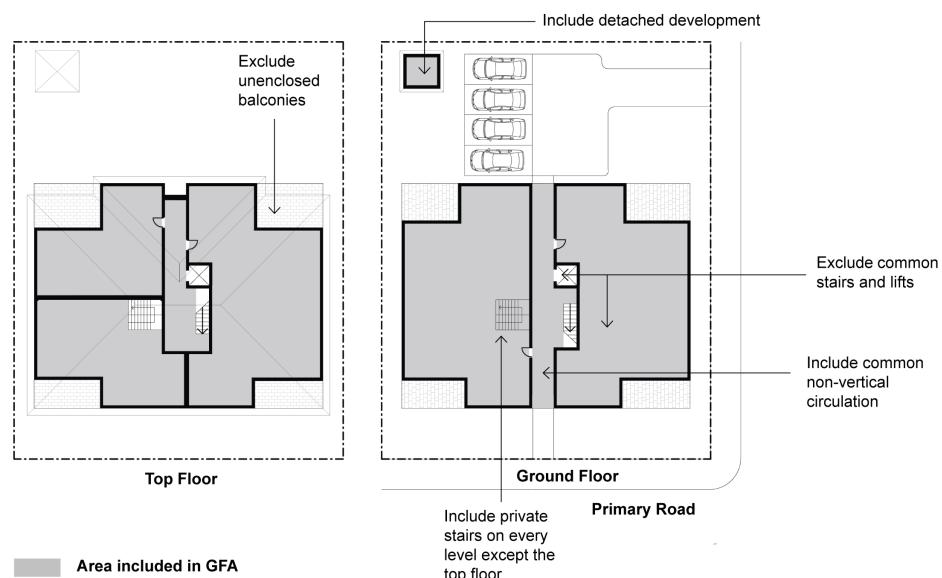
- (1) The maximum height for a manor house, dual occupancy and any attached development is 8.5m above ground level (existing).
- (2) This clause does not apply to any existing part of a building that is more than 8.5m above ground level (existing) before the relevant complying development takes place.

Note.

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

3B.23 Maximum gross floor area of all buildings

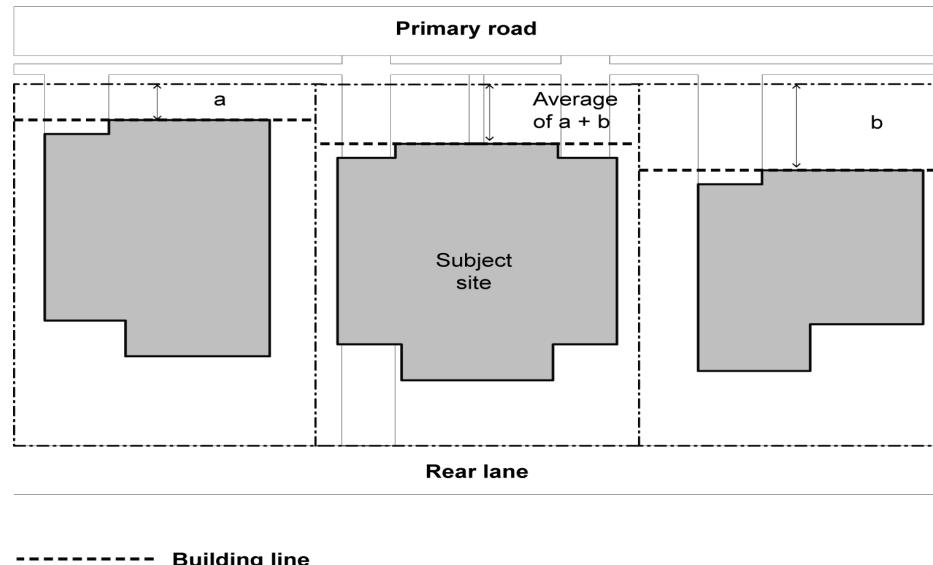
The maximum gross floor area of all buildings on a lot is 25% of the lot area plus 150m^2 , to a maximum of 400m^2 .



3B.24 Minimum setbacks and maximum height and length of boundary walls

- (1) **Primary road setbacks** The setback of a manor house, dual occupancy and any

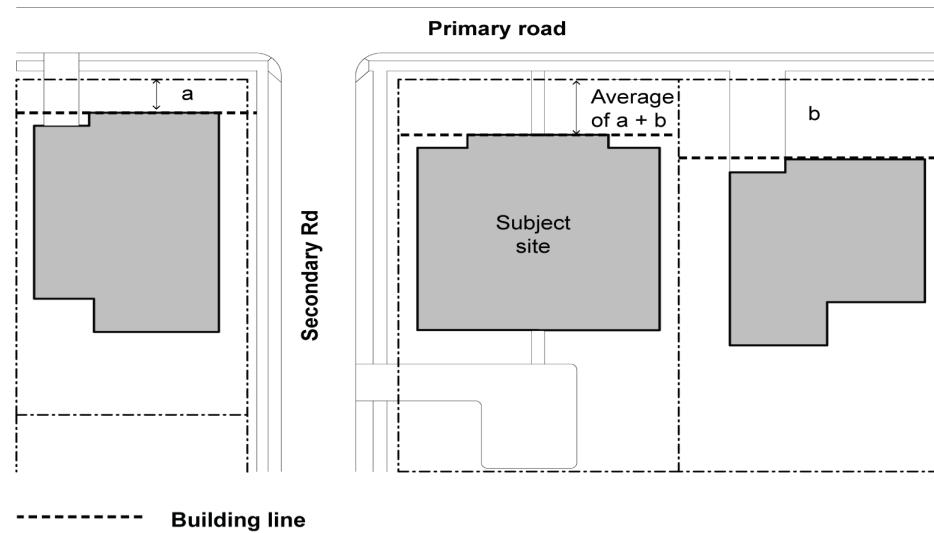
attached development from a primary road must not be less than the average setback from the primary road of the 2 nearest buildings within 40m of the lot and on the same side of the primary road that are residential accommodation.



- (2) For the purpose of determining the setbacks from the primary road of the 2 nearest buildings that are residential accommodation, the following are not to be included—
- buildings on battle-axe lots,
 - attached development and detached development on other lots,
 - building elements in the articulation zone.

Note.

Setbacks for boundaries with classified roads and public reserves are set out in subclauses (9) and (10).



- (3) If there are not 2 buildings that are residential accommodation within 40m of the lot on the same side of the primary road, the manor house or dual occupancy and any attached development must have a minimum setback from the boundary with the primary road as shown in the following table—

Lot area	Minimum setback from primary road boundary
400m ² -900m ²	4.5m
>900m ² -1,500m ²	6.5m
>1,500m ²	10m

- (4) **Side setbacks** A manor house, dual occupancy or any attached development must have a minimum setback from a side boundary of 1.5 m.

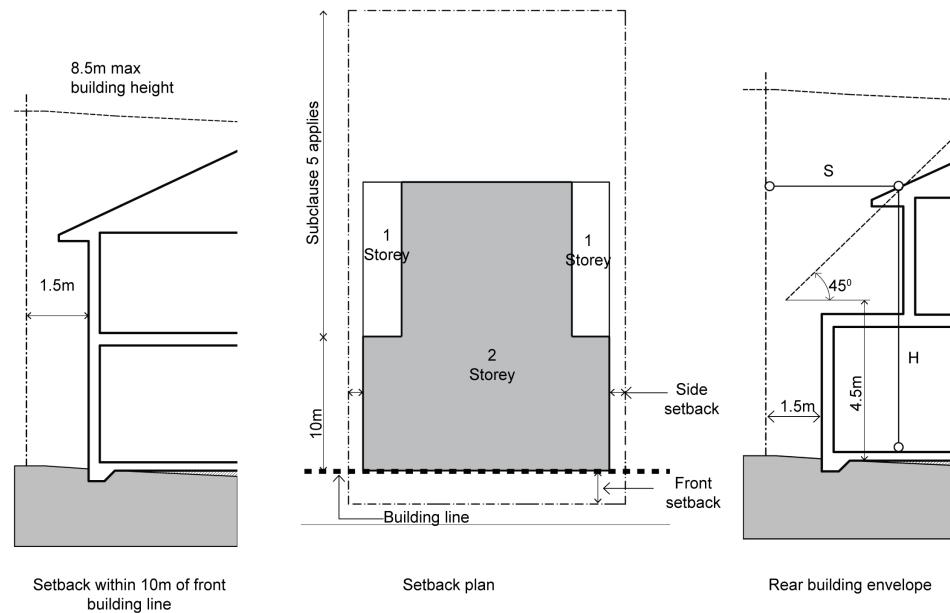
- (5) Despite subclause (4), any part of a manor house, dual occupancy or any attached development that is more than 10m behind the building line and that is more than 4.5m above ground level (existing) must have a minimum setback from a side boundary of—

$$s = h - 3m$$

where—

s is the minimum setback in metres.

h is the height of the part of the building in metres.

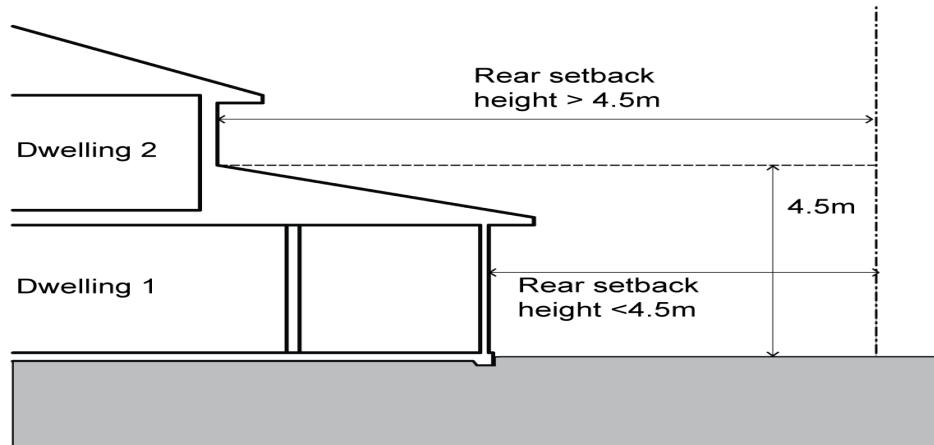


(6) **Rear setbacks** Each part of a manor house or dual occupancy and any attached development must have a minimum setback from the rear boundary as shown in the following table—

Lot area	Height of building part	Minimum setback from rear boundary
400m ² -1,500m ²	0m-4.5m	6m
>1,500m ²	0m-4.5m	10m
400m ² -1,500m ²	>4.5m-8.5m	10m
>1,500m ²	>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 3B.25(4)).



(7) **Secondary road setbacks for corner lots** Despite any other setback specified in this clause, a dual occupancy, manor house and any attached development must have a minimum setback from a boundary with a secondary road as shown in the following table—

Lot area	Minimum setback from secondary road boundary
400m ² -1,500m ²	3m
>1,500m ²	5m

(8) **Parallel road setbacks for parallel road lots** Despite any other setback specified in this clause, a dual occupancy, manor house and any attached development must have a setback from a boundary with a parallel road of at least 3m.

(9) **Classified road setbacks** Despite any other setback specified in this clause, a dual occupancy, manor house and any attached development must have a setback from a boundary with a classified road of at least 9m.

(10) **Public reserve setbacks** Despite any other setback specified in this clause, a dual occupancy, manor house and any attached development must have a setback from a boundary with a public reserve of at least 3m.

Note 1.

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

Note 2.

Building height, classified road and **ground level (existing)** have the same meanings as they have in the Standard Instrument.

3B.25 Exceptions to setbacks

(1) **Development to which side and rear setbacks do not apply** The setback standards specified in clause 3B.24(4), (5) and (6) do not apply to the following—

- (a) access ramps,
- (b) downpipes,
- (c) driveways and hard stand spaces,
- (d) electricity or gas meters,
- (e) fascias,
- (f) fences,
- (g) gutters,
- (h) light fittings,
- (i) pathways and paving,
- (j) steps.

(2) **Development to which side and rear setbacks do not apply if 450mm from boundary** The setback standards specified in clause 3B.24(4), (5) and (6) 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,
- (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 3B.24(1), (3), (7), (8) and (9) do not apply to the following—

- (a) access ramps,
- (b) driveways,
- (c) eaves,
- (d) pathways and paving,
- (e) retaining walls,
- (f) any building elements that are permitted within a primary road articulation zone,
- (g) steps.

- (4) **Lots with rear lanes** Despite clause 3B.24(6), 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 the boundary.
- (5) **Certain attached development may be built within parallel road setback** Despite clause 3B.24(8), 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.
- (6) **Setbacks do not apply to existing parts of dual occupancy, manor house or attached development** The setback standards specified in clause 3B.24 do not apply to any existing parts of a dual occupancy, manor house or attached development that will remain on a lot after the complying development is carried out.

Note 1.

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.

3B.26 Other development standards for new balconies, decks, patios, terraces and verandahs attached to side or rear of dual occupancy or manor house

- (1) The maximum height of the floor level of a balcony, deck, patio, terrace or verandah is 4m above ground level (existing).
- (1A) The floor level of the balcony, deck, patio, terrace or verandah must be the same as the floor level of the part of the dual occupancy or manor house to which it is attached.
- (2) Any attached side or rear balcony, deck, patio, terrace or verandah that has a floor level of more than 2m above ground level (existing) must have a setback from side

and rear boundaries of at least 3m.

- (3) The total floor area of all attached side or rear balconies, decks, patios, terraces and verandahs having a floor level of more than 2m above ground level (existing) must not be more than 12m^2 for each dwelling.

Note 1.

Attached, **building line** 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 may require a privacy screen—see clause 3B.29.

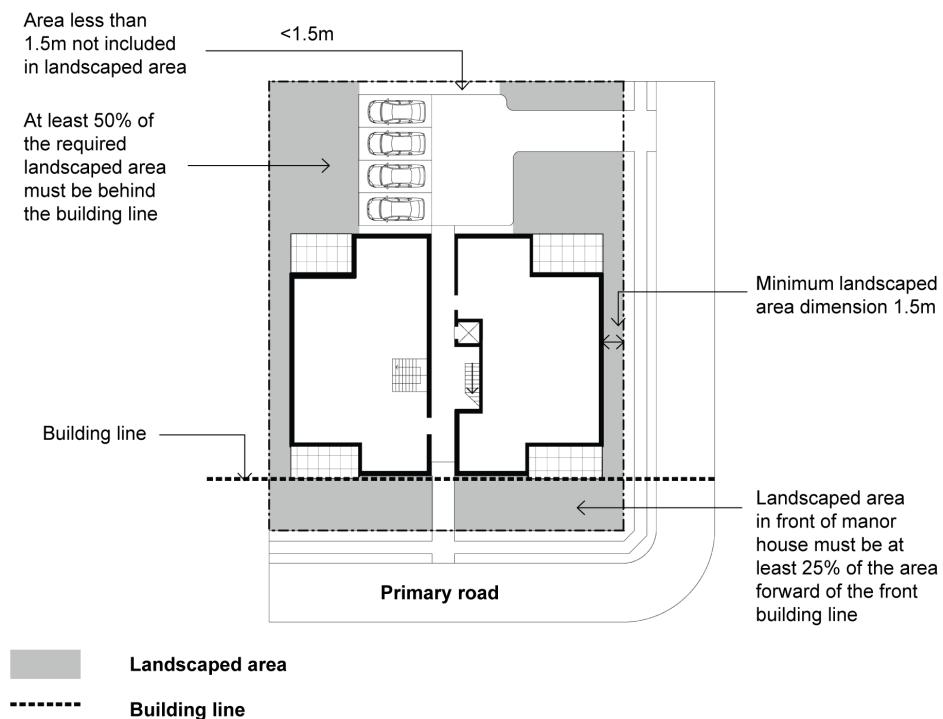
3B.26A Other standards for manor houses

A manor house must face a public road.

Subdivision 3 Landscape development standards

3B.27 Minimum landscaped area

- (1) The minimum landscaped area that must be provided on a lot is 50% of the lot area minus 100m^2 .
- (2) At least 25% of the area of the lot forward of the building line must be landscaped.
- (2A) At least 50% of the area required to be landscaped under subclause (1) must be located behind the building line.
- (3) Each landscaped area must have—
- a minimum width of 1.5m, and
 - a minimum length of 1.5m.



- (4) The principal private open space that must be provided for each dwelling is—
 - (a) for a 1 bedroom dwelling or a studio— 8m^2 with a minimum width of 2m, and
 - (b) for a dwelling with 2 bedrooms— 12m^2 with a minimum width of 2m, and
 - (c) for a dwelling with 3 or more bedrooms— 16m^2 with a minimum width of 2m.
- (5) This clause does not apply to complying development that is the alteration of, or addition to, a dual occupancy or manor house if the development does not—
 - (a) increase the footprint of the dual occupancy or manor house, or
 - (b) decrease the landscaped area on the lot, or
 - (c) decrease the principal private open space for a dwelling, or
 - (d) change the number of dwellings on the lot.

Note 1.

Building line and **principal private open space** are 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

3B.28 Primary road articulation zone

- (1) A dual occupancy or manor house may have a primary road articulation zone that extends up to 1.5m forward of the minimum required setback from the primary road.
- (2) The following building elements can be located in the primary road articulation zone—
 - (a) an entry feature or portico,
 - (b) a balcony, deck, 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.
 - (h) (Repealed)
- (3) The maximum total area of all building elements in the articulation zone, other than a building element specified in subclause (2)(e), (f) or (g), must not comprise more than 25% of the area of the articulation zone.
- (4) Each habitable room that has a wall facing a road must have a window in that wall.

Note.

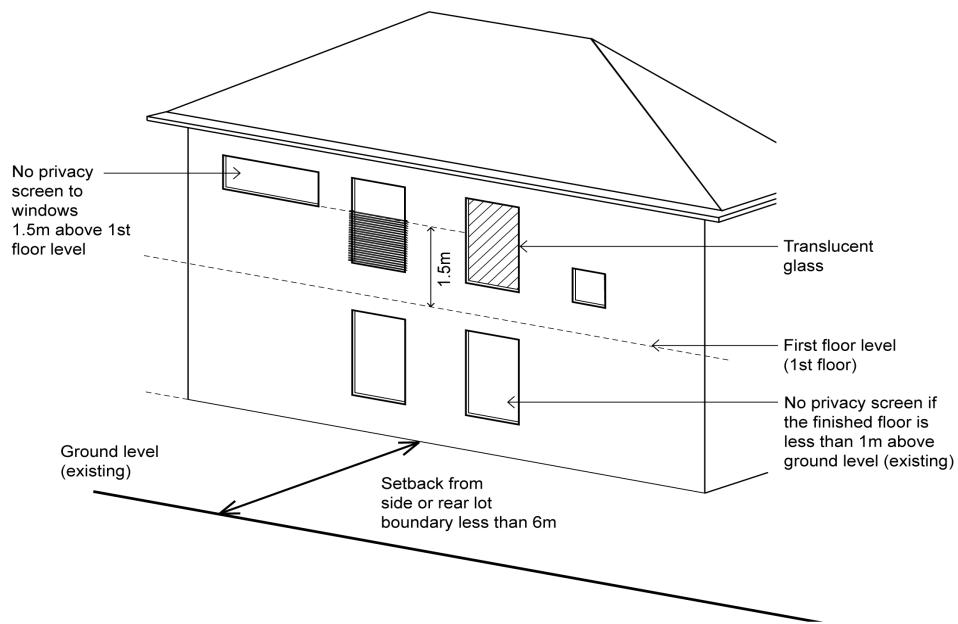
Articulation zone, building element, habitable room, primary road and setback are defined in clause 1.5.

3B.29 Privacy screens for windows and certain attached development

- (1) **Windows in habitable rooms near boundaries or other dwellings** A window in a habitable room must have a privacy screen over any part of that window that is less than 1.5m above the floor level of the room in the following cases—
 - (a) the floor level of the habitable room is 1m or more, but not more than 3m, above ground level (existing) and the window faces a side or rear boundary and is less than 3m from that boundary,
 - (b) the floor level of the habitable room is more than 3m above ground level (existing) and the window faces a side or rear boundary and is less than 6m from that boundary,
 - (c) the floor level of the habitable room is 1m or more, but not more than 3m, above

ground level (existing) and the window faces a dwelling on the same lot and is less than 6m from that dwelling,

- (d) the floor level of the habitable room is more than 3m above ground level (existing) and the window faces a dwelling on the same lot and is less than 12m from that dwelling.



(2) 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 bedroom window that has an area of not more than 2m².

(3) **Balconies, decks, patios, terraces or verandahs near boundaries or other dwellings** The edge of a balcony, deck, patio, terrace or verandah must have a privacy screen with a height of at least 1.5m above the floor level of a balcony, deck, patio, terrace or verandah in the following cases—

- (a) the floor level of the balcony, deck, patio, terrace or verandah is 1m or more, but not more than 3m, above ground level (existing) and the edge faces a side or rear boundary and is less than 3m from that boundary,
- (b) the floor level of the balcony, deck, patio, terrace or verandah is more than 3m above ground level (existing) and the edge faces a side or rear boundary and is less than 6m from that boundary,
- (c) the floor level of the balcony, deck, patio, terrace or verandah is 1m or more, but

not more than 2m, above ground level (existing) and the edge faces a dwelling on the same lot and is less than 6m from that dwelling,

- (d) the floor level of the balcony, deck, patio, terrace or verandah is more than 2m above ground level (existing) and the edge faces a dwelling on the same lot and is less than 12m from that dwelling.



- (4) Subclause (3) does not apply to a balcony, deck, patio, terrace or verandah—
 - (a) with a floor level not more than 1m above ground level (existing), or
 - (b) that faces a road or public space, or
 - (c) that has an area of not more than 2m².

- (5) **Existing windows, balconies, decks, patios, terraces or verandahs** This clause does not apply to any existing parts of a dwelling house, dual occupancy 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.

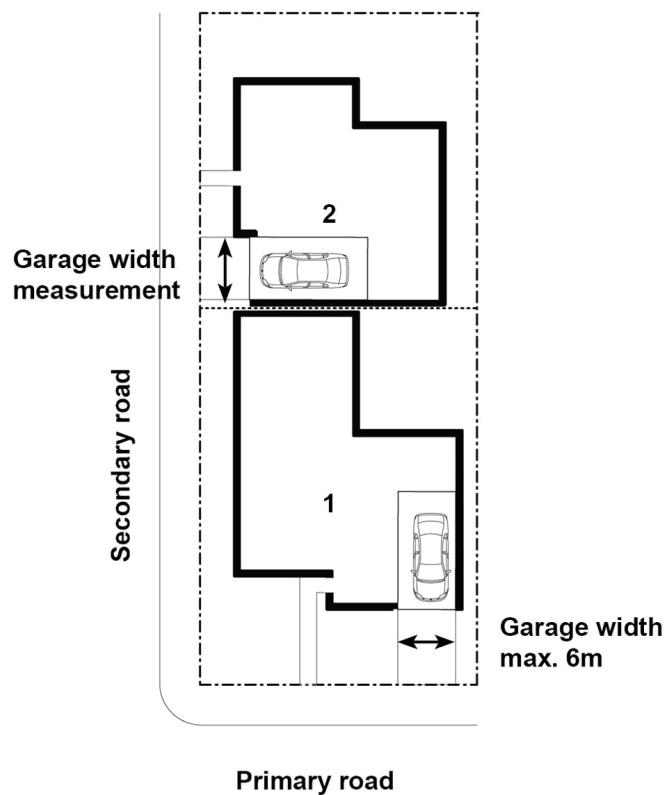
3B.30 Car parking and vehicle access requirements

- (1) This clause applies to—
 - (a) the erection of a dual occupancy or manor house, or
 - (b) the alteration of, or addition to, a dwelling house, dual occupancy or manor house that causes an increase in the number of dwellings on the lot.
- (2) One parking space must be provided for each dwelling.

- (3) The car parking space may be an open hard stand space or a carport or garage, whether attached to or detached from the dual occupancy or manor house.
- (4) All off-street car parking spaces and vehicle access must comply with AS/NZS 2890.1:2004, *Parking facilities, Part 1: Off-street car parking*.
- (5) A garage, carport or car parking space at ground level (existing) and accessed from a primary road, secondary road or parallel road must have a minimum setback from the relevant road boundary as shown in the following table—

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

- (6) The maximum width of all garage doors accessed from a primary road, parallel road or secondary road is 6m.



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.

Alterations or additions to a garage or carport that is forward of the building line is not complying development under this code (see clause 3B.2(g)).

3B.31 Building design

- (1) The design of a dual occupancy or a manor house must be consistent with the relevant design criteria in the Low Rise Housing Diversity Design Guide.
- (2) However, the requirements of this Part prevail to the extent that the Guide is inconsistent with this Part.

Division 4 Development standards for multi dwelling housing (terraces) and attached development

Subdivision 1 Application of Division

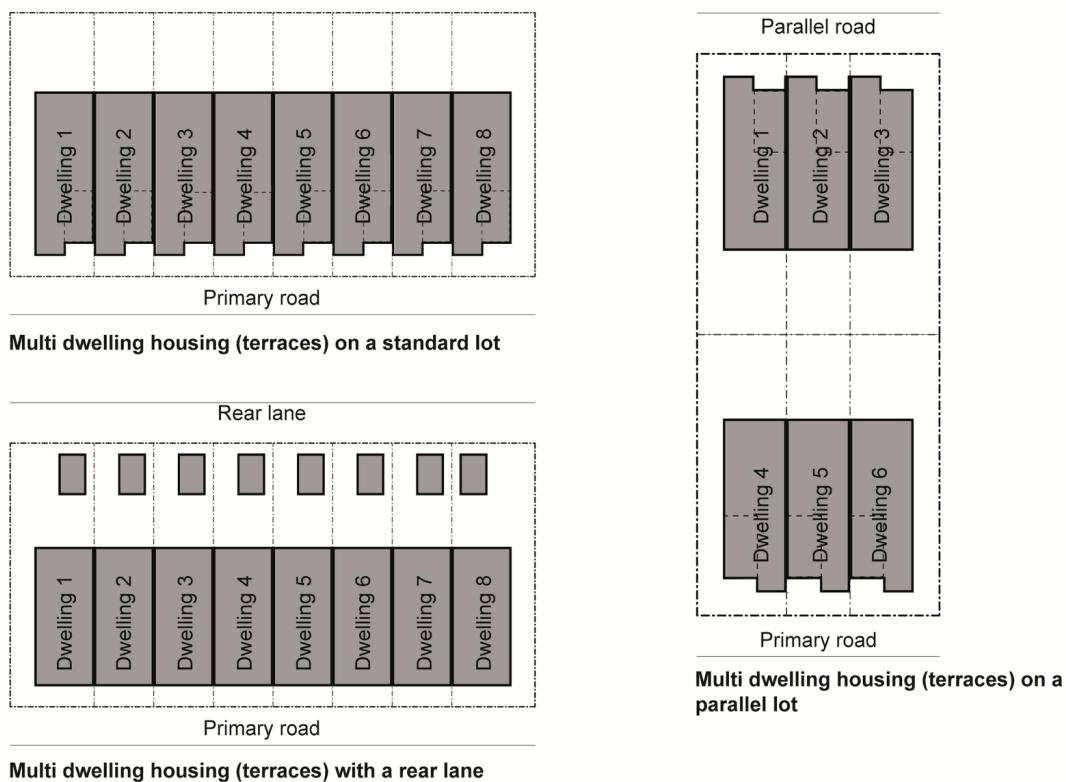
3B.32 Application of Division

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, multi dwelling housing (terraces),
- (b) the erection or alteration of, or addition to, attached development that is related to multi dwelling housing (terraces).

Note.

Clauses 1.17A, 1.18 and 1.19(1) set out additional requirements for complying development.



Subdivision 2 Built form development standards

3B.33 Lot requirements

- (1) The area of the parent lot must not be less than the following—
 - (a) the minimum lot area specified for multi dwelling housing (terraces) in the environmental planning instrument, other than *State Environmental Planning Policy (Housing) 2021*, Chapter 6, Part 3, Division 2, that applies to the land concerned,
 - (b) if no minimum lot area is specified for multi dwelling housing (terraces) in that environmental planning instrument—the minimum lot area specified for multi dwelling housing in the environmental planning instrument, other than *State Environmental Planning Policy (Housing) 2021*, Chapter 6, Part 3, Division 2, that applies to the land concerned,
 - (c) 600m², but only if—
 - (i) the minimum lot area specified in the environmental planning instrument referred to in paragraph (a) or (b) is less than 600m², or
 - (ii) no minimum lot area is specified in that environmental planning instrument.
- (2) The width of the lot must not be less than 21m measured at the building line.

3B.34 Maximum building height

The maximum height for a multi dwelling housing (terraces) and any attached development is 9m above ground level (existing).

Note.

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

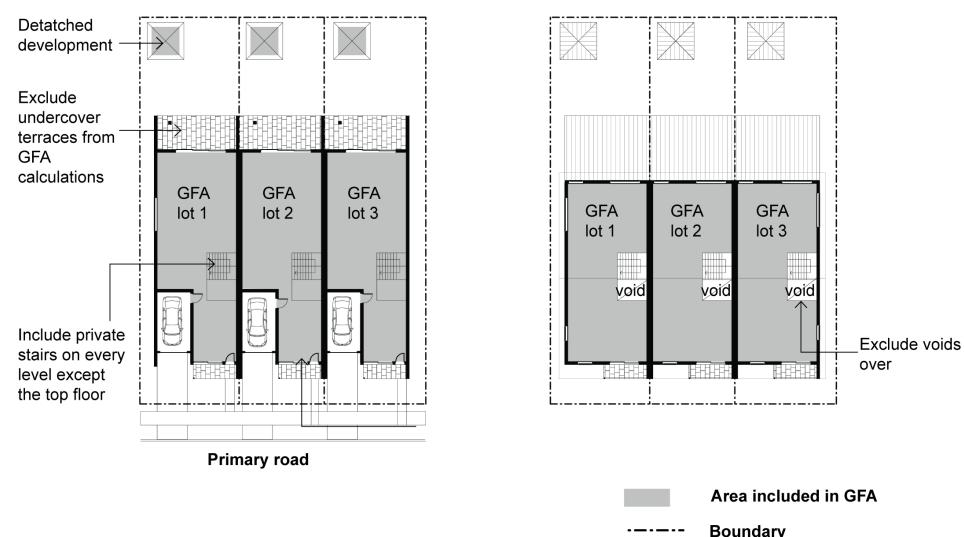
3B.35 Maximum gross floor area of all buildings

The maximum gross floor area of all buildings on a parent lot is shown in the following table—

Land use zone in which development is carried out	Maximum GFA
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Zone RU5, Zone R1 or Zone R2 60% of lot area

Zone R3 80% of lot area



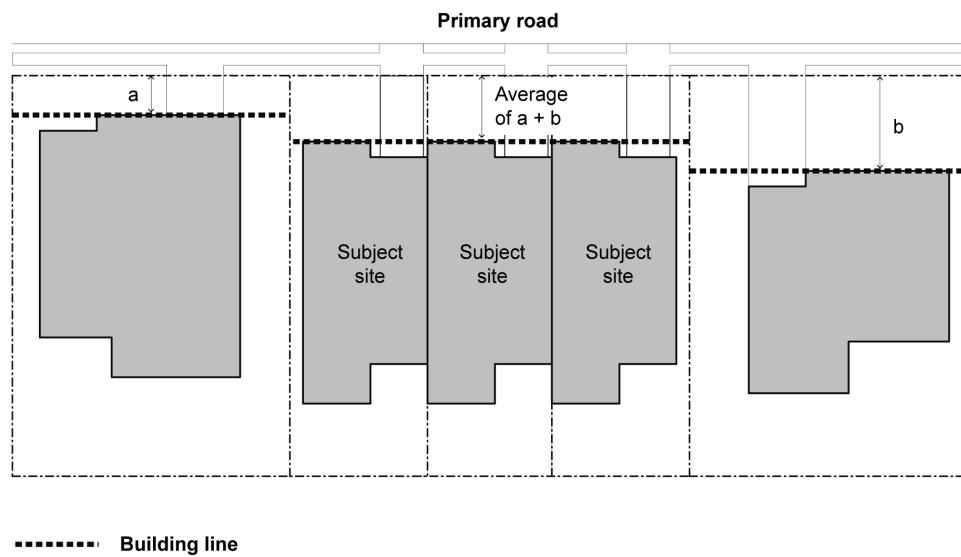
3B.36 Minimum setbacks and maximum height and length of boundary walls

(1) **Primary road setbacks** The setback of multi dwelling housing (terraces) and any attached development (on land in Zone RU5, Zone R1 or Zone R2) from a primary road must not be less than the average setback from the primary road of the 2 nearest buildings within 40m of the lot and on the same side of the primary road that are any of the following—

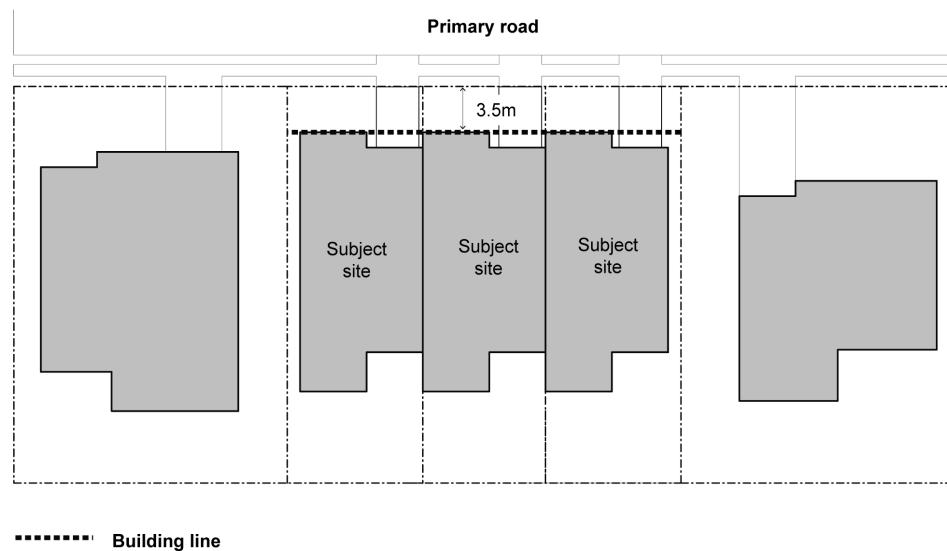
- (a) dwelling house,
- (b) dual occupancy,
- (c) multi dwelling housing (terraces).

Note.

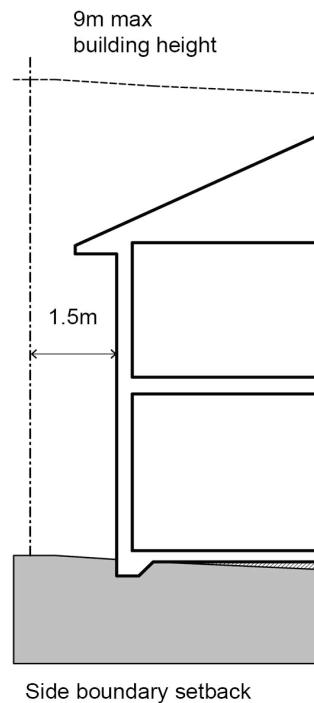
Clause 3B.37 contains certain exclusions from, and exceptions to, the setbacks in this clause.



- (2) For the purpose of determining the setbacks from a primary road of the 2 nearest buildings that are dwelling houses, dual occupancies or multi dwelling housing (terraces), the following are not to be included—
 - (a) buildings 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 buildings that are dwelling houses, dual occupancies or multi dwelling housing (terraces) within 40m of the lot on the same side of the primary road or if the development is on land in Zone R3, the multi dwelling housing (terraces) and any attached development must have a minimum setback from the boundary with the primary road of 3.5m.



- (4) **Side setbacks** Multi dwelling housing (terraces) and any attached development must have a minimum setback from a side boundary of 1.5m.



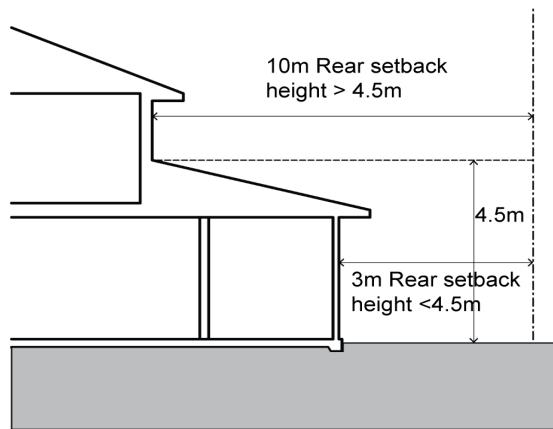
- (5) **Rear setbacks** Each part of multi dwelling housing (terraces) and any carport, garage, balcony, deck, patio, pergola, terrace or verandah must have a minimum setback from the rear boundary as shown in the following table—

Lot area	Height of building part	Minimum setback from rear boundary
600m ² -900m ²	0m-4.5m	3m

$600m^2-900m^2$	$>4.5m-9m$	8m
$>900m^2-1,500m^2$	$0m-4.5m$	5m
$>900m^2-1,500m^2$	$>4.5m-9m$	12m
$>1,500m^2$	$0m-4.5m$	10m
$>1,500m^2$	$>4.5m-9m$	15m

Note.

Certain exceptions to the rear setbacks apply if the lot has a rear boundary with a lane (see clause 3B.37(4)).



(6) **Secondary road setbacks for corner lots** Despite any other setback specified in this clause, multi dwelling housing (terraces) and any attached development must have a minimum setback from a boundary with a secondary road as shown in the following table—

Lot area	Minimum setback from secondary road boundary
$600m^2-900m^2$	2m
$>900m^2-1,500m^2$	3m
$>1,500m^2$	5m

(7) **Parallel road setbacks for parallel road lots** Despite any other setback specified in this clause, multi dwelling housing (terraces) and any attached development must have a setback from a boundary with a parallel road of at least 3m unless 1 of the dwellings in the multi dwelling housing (terraces) faces the parallel road, in which case the setback must be the same as if the parallel road were a primary road.

(8) **Classified road setbacks** Despite any other setback specified in this clause, multi dwelling housing (terraces) and any attached development must have a setback from a boundary with a classified road of at least 9m.

- (9) **Public reserve setbacks** Despite any other setback specified in this clause, multi dwelling housing (terraces) and any attached development must have a setback from a boundary with a public reserve of at least 3m.

Note 1.

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

Note 2.

Building height, classified road and **ground level (existing)** have the same meanings as they have in the Standard Instrument.

3B.37 Exceptions to setbacks

- (1) **Development to which side and rear setbacks do not apply** The setback standards specified in clause 3B.36(4) and (5) do not apply to the following—

- (a) access ramps,
- (b) downpipes,
- (c) driveways or hard stand spaces,
- (d) electricity or gas meters,
- (e) fascias,
- (f) fences,
- (g) gutters,
- (h) light fittings,
- (i) pathways and paving,
- (j) steps.

- (2) **Development to which side and rear setbacks do not apply if 450mm from boundary** The setback standards specified in clause 3B.36(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,
- (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 3B.36(1), (3), (6), (7) and (8) do not apply to the following—

- (a) access ramps,
- (b) driveways,
- (c) eaves,
- (d) pathways and paving,
- (e) retaining walls,
- (f) any building elements that are permitted within a primary road articulation zone,
- (g) steps.

(4) **Lots with rear lanes** Despite clause 3B.36(5), 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 length of 7m.

(5) **Setbacks do not apply to existing parts of multi dwelling housing (terraces) or attached development** The setbacks standards specified in clause 3B.36 do not apply to any existing parts of any multi dwelling housing (terraces) or attached development that will remain on a 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.

3B.38 Dwelling configuration on lot

- (1) Each dwelling must face a public road.
- (2) No dwelling must be located behind another dwelling on the same lot.
- (2A) Each terrace must share a common wall with each adjoining terrace.
- (3) Each terrace, including any car parking space accessed from the primary road, must have a minimum width, measured at the building line, of 6m.
- (4) The width of a terrace is to be measured from the centre of a side wall if that wall adjoins another terrace or from the outside of the side wall if that wall is an external wall.
- (5) In this clause—

terrace means a single dwelling in multi dwelling housing (terraces).

3B.39 Other development standards for new attached side or rear balconies, decks, patios, terraces or verandahs

- (1) The maximum height of the floor level of a balcony, deck, patio, terrace or verandah is 4m above ground level (existing).
- (1A) The floor level of the balcony, deck, patio, terrace or verandah must be the same as the floor level of the part of the multi dwelling housing (terraces) to which it is attached.
- (2) Any attached side or rear balcony, deck, patio, terrace or verandah that has a floor level of more than 2m above ground level (existing) must have a setback from side and rear boundaries of at least 3m.
- (3) The total floor area of all attached decks having a floor level of more than 2m above ground level (existing) must not be more than 12m^2 for each dwelling.

Note 1.

Attached, building line 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 may require a privacy screen—see clause 3B.42.

Subdivision 3 Landscape development standards

3B.40 Minimum landscaped area

- (1) The minimum landscaped area that must be provided for each resulting lot where concurrent Torrens title subdivision is proposed is shown in the following table—

Land use zone in which development is carried out	Landscaped area
Zone RU5, Zone R1 or Zone R2	30% of lot area
Zone R3	20% of lot area

- (1A) The minimum landscaped area that must be provided on a lot where concurrent Torrens title subdivision is not proposed is shown in the following table—

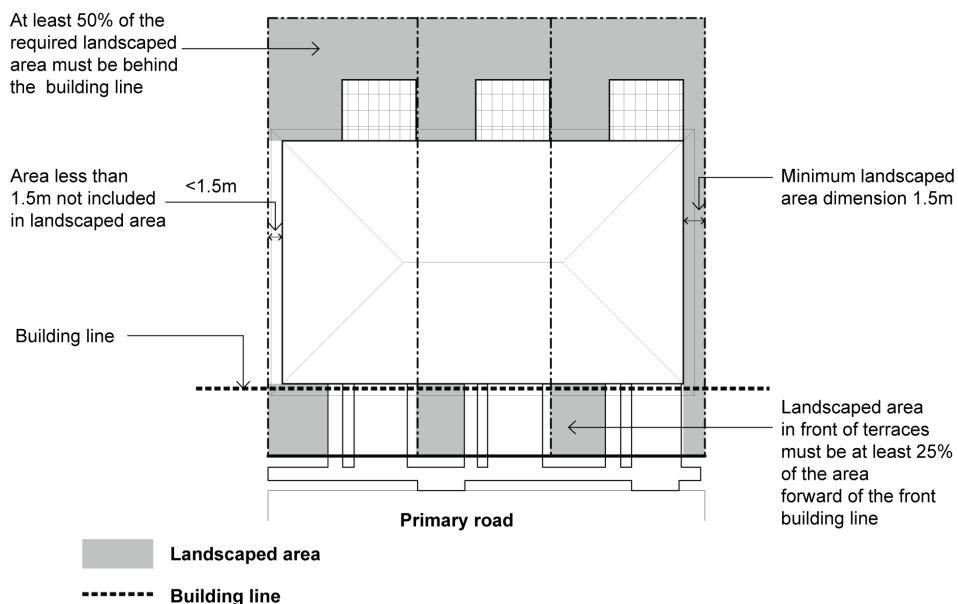
Land use zone in which development is carried out	Landscaped area
Zone RU5, Zone R1 or Zone R2	30% of the parent lot area of which at least 54m ² is apportioned to each dwelling
Zone R3	20% of the parent lot area of which at least 36m ² is apportioned to each dwelling

- (2) At least 25% of the area of the lot forward of the building line must be landscaped.

- (2A) At least 50% of the area required to be landscaped under subclause (1) or (1A) must be located behind the building line.

- (3) Each landscaped area must have—

- a minimum width of 1.5m, and
- a minimum length of 1.5m.



- (4) The area of principal private open space that must be provided for each terrace is at least 16m^2 with a minimum width of 3m.
- (5) This clause does not apply to complying development that is the alteration of, or addition to, multi dwelling housing (terraces) or attached development if the development does not—
 - (a) increase the footprint of the multi dwelling housing (terraces) or attached development, or
 - (b) decrease the landscaped area on the lot, or
 - (c) decrease the area of principal private open space for a terrace.

Note 1.

Building line and **principal private open space** are defined in clause 1.5.

Note 2.

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

- (6) In this clause—
terrace means a single dwelling in multi dwelling housing (terraces).

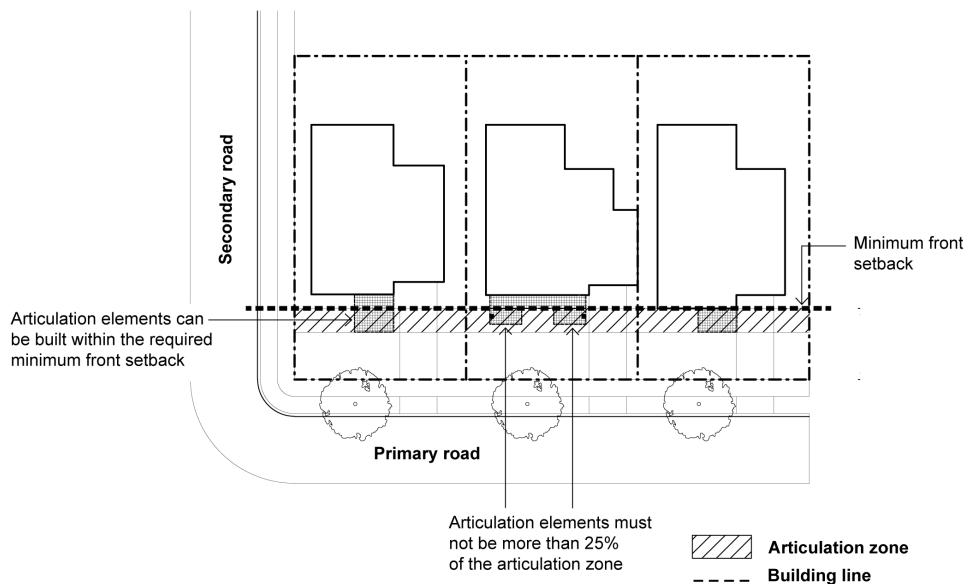
Subdivision 4 Amenity development standards

3B.41 Primary and secondary road articulation zones

- (1) Multi dwelling housing (terraces) may have a primary road articulation zone and a secondary road articulation zone that each extend up to 1.5m forward of the minimum

required setback from the primary road or secondary road.

- (2) The following building elements can be located in the primary road articulation zone or secondary road articulation zone—
- (a) an entry feature or portico,
 - (b) a balcony, deck, 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.
 - (h) (Repealed)
- (3) The maximum total area of all building elements in the articulation zone, other than a building element specified in subclause (2)(e), (f) or (g), must not comprise more than 25% of the area of the articulation zone.



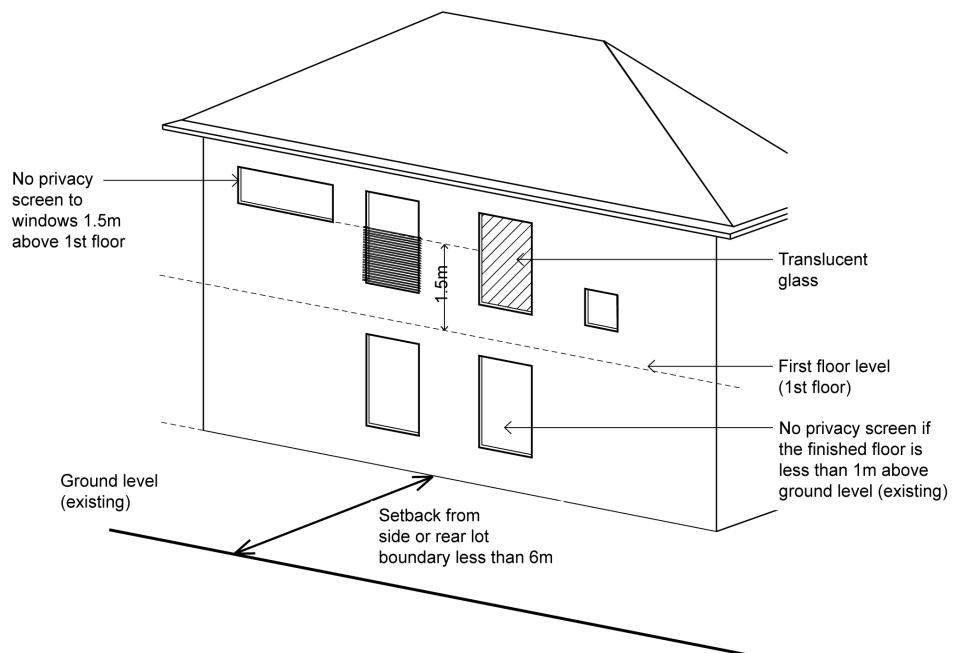
- (4) Each habitable room that has a wall facing a road must have a window in that wall.

Note.

Articulation zone, building element, primary road, secondary road and **setback** are defined in clause 1.5.

3B.42 Privacy screens for windows and certain attached development

- (1) **Windows in habitable rooms near boundaries or other dwellings** A window in a habitable room must have a privacy screen over any part of that window that is less than 1.5m above the floor level of the room in the following cases—
- the floor level of the habitable room is 1m or more, but not more than 3m, above ground level (existing) and the window faces a side or rear boundary and is less than 3m from that boundary,
 - the floor level of the habitable room is more than 3m above ground level (existing) and the window faces a side or rear boundary and is less than 6m from that boundary,
 - the floor level of the habitable room is 1m or more, but not more than 3m, above ground level (existing) and the window faces a dwelling on the same lot and is less than 6m from that dwelling,
 - the floor level of the habitable room is more than 3m above ground level (existing) and the window faces a dwelling on the same lot and is less than 12m from that dwelling.



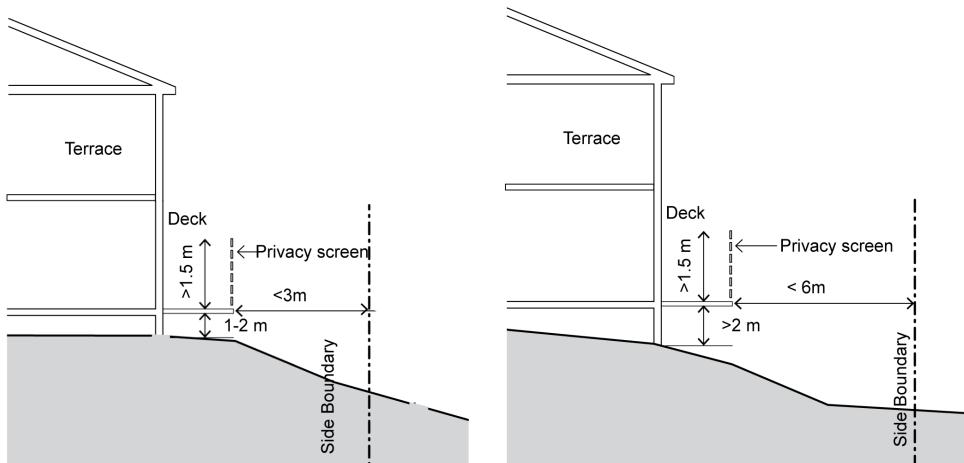
- (2) Subclause (1) does not apply to—

- a habitable room with a floor level not more than 1m above ground level (existing), or
- a window that faces a road or public space, or

(c) a bedroom window that has an area of not more than 2m².

(3) **Balconies, decks, patios, terraces or verandahs near boundaries or other dwellings** The edge of a balcony, deck, patio, terrace or verandah must have a privacy screen with a height of at least 1.5m above the floor level of a balcony, deck, patio, terrace or verandah in the following cases—

- (a) the floor level of the balcony, deck, patio, terrace or verandah is 1m or more, but not more than 3m, above ground level (existing) and the edge faces a side or rear boundary and is less than 3m from that boundary,
- (b) the floor level of the balcony, deck, patio, terrace or verandah is more than 3m above ground level (existing) and the edge faces a side or rear boundary and is less than 6m from that boundary,
- (c) the floor level of the balcony, deck, patio, terrace or verandah is 1m or more, but not more than 2m, above ground level (existing) and the edge faces a dwelling on the same lot and is less than 6m from that dwelling,
- (d) the floor level of the balcony, deck, patio, terrace or verandah is more than 2m above ground level (existing) and the edge faces a dwelling on the same lot and is less than 12m from that dwelling.



(4) Subclause (3) does not apply to a balcony, deck, patio, terrace or verandah—

- (a) with a floor level not more than 1m above ground level (existing), or
- (b) that faces a road or public space, or
- (c) that has an area of not more than 2m².

(5) **Existing windows, balconies, decks, patios, terraces or verandahs** This clause does not apply to any existing parts of multi dwelling housing (terraces) 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.

3B.43 Car parking and vehicle access requirements

- (1) This clause applies to—
 - (a) the erection of multi dwelling housing (terraces), or
 - (b) the alteration of, or addition to, multi dwelling housing (terraces) that causes an increase in the number of dwellings on the lot.
- (2) At least 1 off-street car parking space must be provided for each dwelling.
- (3) The off-street car parking space may be an open hard stand space or a carport or garage, that is attached development or detached development.
- (4) All off-street car parking spaces and vehicle access must comply with AS/NZS 2890.1:2004, *Parking facilities, Part 1: Off-street car parking*.
- (5) A garage, carport or car parking space at ground level (existing) and accessed from a primary road, secondary road or parallel road must have a minimum setback from the relevant road boundary as shown in the following table unless the road is a lane—

Setback of multi dwelling housing (terraces) from road boundary	Minimum off-street parking setback from road boundary
0–4.5m	5.5m
>4.5m	1m or more behind the building line of the multi dwelling housing (terraces)

- (6) The maximum width of all garage door openings facing a primary, secondary or parallel road is shown in the following table—

Resulting lot width	Maximum width of garage door openings
6m–12m	3.2m
>12m	6m

- (7) (Repealed)

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.

Alterations or additions to a garage or carport that is forward of the building line is not complying development under this code (see clause 3B.2(g)).

3B.44 Building design

- (1) The design of multi dwelling housing (terraces) must be consistent with the relevant design criteria in the Low Rise Housing Diversity Design Guide.
- (2) However, the requirements of this Part prevail to the extent that the Guide is inconsistent with this Part.

Division 5 Development standards for detached development

Subdivision 1 Application of Division

3B.45 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.

Clauses 1.17A, 1.18 and 1.19(1) set out additional requirements for complying development.

Subdivision 2 Built form development standards for detached development (other than swimming pools and fences)

3B.46 Lot requirements

The parent lot must meet the following requirements—

- (a) the area of the lot must not be less than 400m²,
- (b) the width of the lot must not be less than 12m measured at the building line.

3B.47 Maximum height

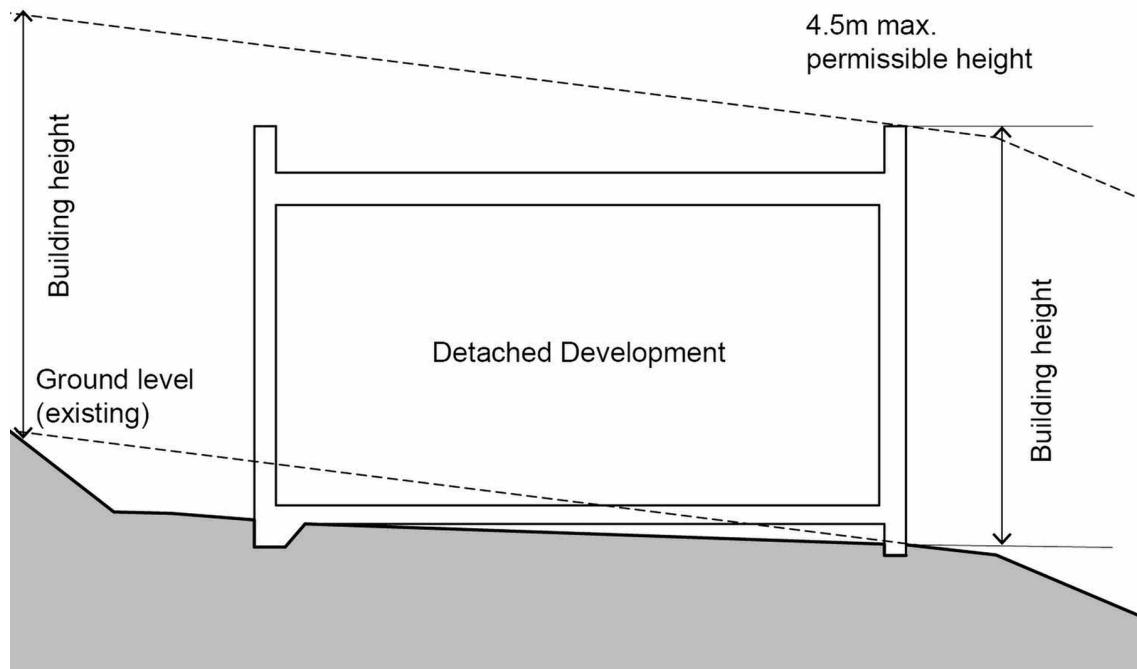
The maximum height for any detached development is 4.5m above ground level (existing).

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.



3B.48 Maximum gross floor area of certain detached development

- (1) The maximum gross floor area of all of the following detached development that relates to multi dwelling housing (terraces) or a dual occupancy where no part of a dwelling is located above any part of another dwelling is 45m²—
 - (a) a 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.
- (2) The maximum gross floor area of all of the following detached development that relates to a manor house or dual occupancy (attached) where part of a dwelling is located above part of another dwelling is shown in the table to this clause—
 - (a) a 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.

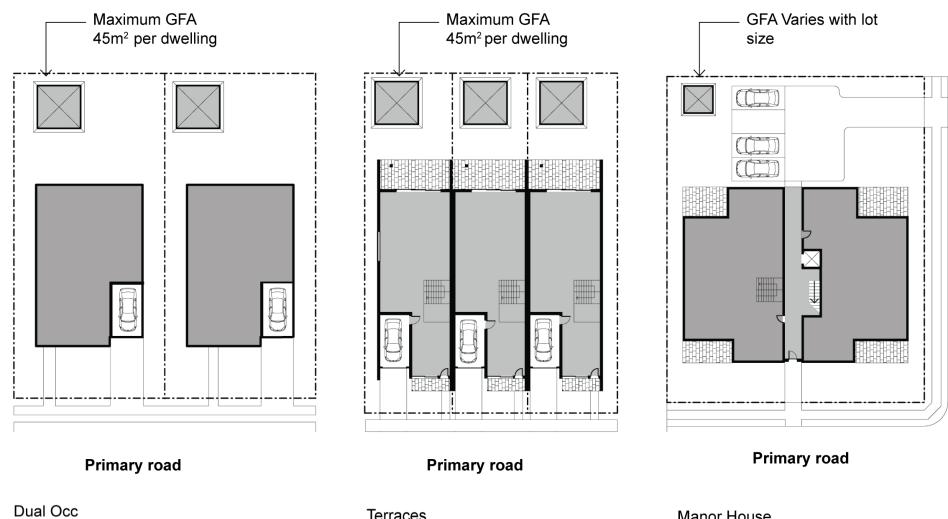
Lot area

Maximum gross floor area

$400m^2 - 600m^2$	$45m^2$
$>600m^2 - 900m^2$	$60m^2$
$>900m^2$	$100m^2$

Note.

The maximum gross floor area of detached studios is set out in clause 3B.52.



3B.49 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) must be located behind the building line of a building that is residential accommodation that is adjacent to any primary road or secondary road.

Note 1.

Primary and secondary road setbacks for detached garages and carports are set out in clause 3B.50.

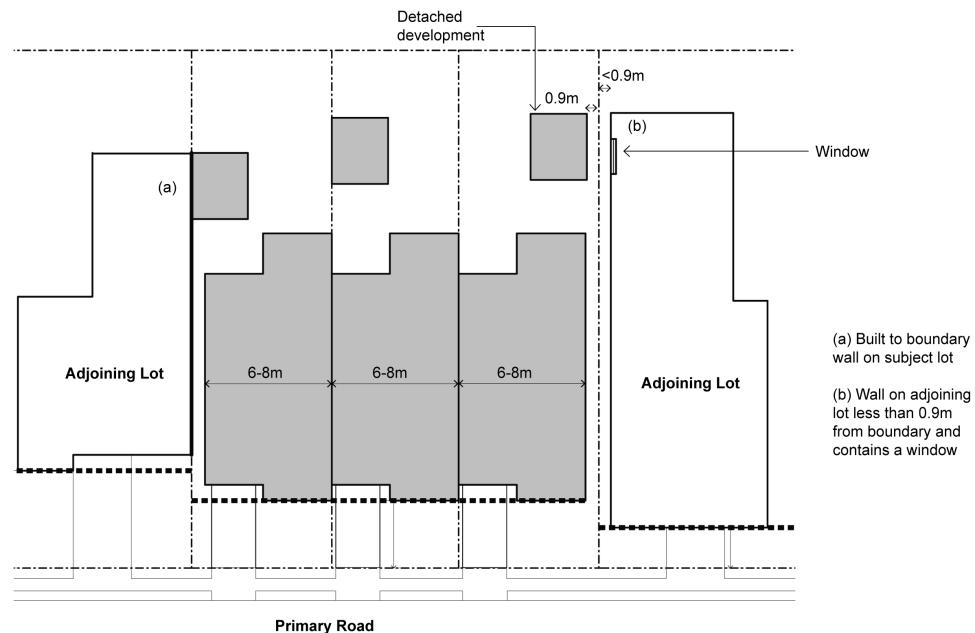
Note 2.

Clause 3B.54 contains certain exclusions from, and exceptions to, the setbacks specified in this clause.

- (2) **Side setbacks** Detached development that is any of the following must have a minimum setback from the side boundary of a lot of 900mm—
- (a) a deck, patio, pergola, terrace or verandah,
 - (b) a cabana, cubby house, fernery, garden shed, gazebo or greenhouse,
 - (c) a carport or garage,
 - (d) a rainwater tank (above ground),
 - (e) a shade structure or a shed.

Note.

Side boundary setbacks for detached studios are set out in clause 3B.52.



(3) **Built to boundary setbacks** Despite subclause (2), detached development that is referred to in that subclause may be built to 1 or both side boundaries if—

- (a) the detached development relates to a dual occupancy or multi dwelling housing (terraces), and
- (b) any building wall on the adjoining lot that is 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 a side boundary will not contain a door, window or any other opening facing that boundary,

but if the lot width measured at the building line is more than 8m, but not more than 12.5m the detached development may be built to 1 side boundary only.

(4) **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 4.5m, 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

4.5m, or

- (d) if the detached development is 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.
- (5) **Maximum length of built to boundary walls** The length of all walls on the lot that are within 900mm of a side boundary must not exceed 10m.
- (6) Despite subclause (5), 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 (5)—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.
- (7) **Rear setbacks** Any of the following detached development that relates to a dual occupancy where no part of a dwelling is located above any part of another dwelling or that relates to multi dwelling housing (terraces) must have a minimum setback from the rear boundary of a lot of 900mm (unless there is a wall of a building on the adjoining lot that is within 900mm of the boundary and that wall is of masonry construction and does not have a window facing the boundary)—
- (a) a cabana, cubby house, fernery, garden shed, gazebo or greenhouse,
 - (b) a rainwater tank (above ground),
 - (c) a shade structure or a shed.
- (8) Any of the following detached development that relates to a dual occupancy (attached) where part of a dwelling is located above part of another dwelling or that relates to a manor house 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 rainwater tank (above ground),
 - (c) a shade structure or a shed.

Lot area	Minimum setback from rear boundary
400m ² -900m ²	900mm
>900m ² -1,500m ²	1.5m
>1,500m ²	2.5m

Note.

Rear setbacks for detached garages and carports, detached decks, patios, pergolas, terraces and verandahs and detached studios are set out in clauses 3B.50, 3B.51 and 3B.52, 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 3B.54(4) contains exceptions to this setback for certain types of detached development.

- (10) **Setbacks from classified roads** Despite any 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) in the case of detached development related to a dual occupancy—the setback for a dual occupancy from a classified road specified by any other environmental planning instrument applying to the land, or
- (b) in the case of detached development related to a manor house—the setback for a manor house from a classified road specified by any other environmental planning instrument applying to the land, or
- (c) in the case of detached development related to multi dwelling housing (terraces)—the setback for multi dwelling housing (terraces) from a classified road specified by any other environmental planning instrument applying to the land, or
- (d) if no setback is specified for the purposes of paragraph (a), (b) or (c)—9m.

- (11) **Setbacks from public reserves** Despite any 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 deck, patio, pergola, terrace or verandah,
- (d) a rainwater tank (above ground),
- (e) a shade structure or shed.

Note.

Public reserve has the same meaning as it has in the Standard Instrument.

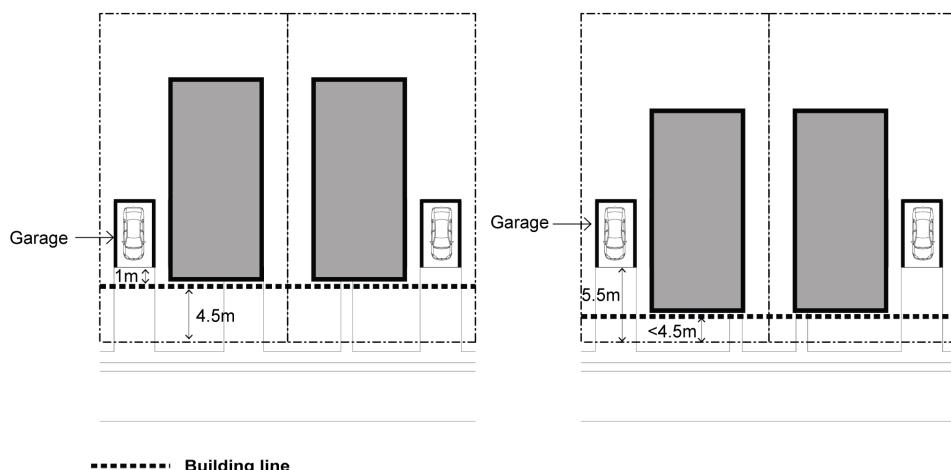
3B.50 Other development standards for detached garages and carports

- (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, Part 1: Off-*

street car parking.

- (2) **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 boundary
<4.5m	5.5m
4.5m or more	At least 1m behind the building line of the building that is the residential accommodation to which the garage or carport relates



- (3) **Secondary and parallel road setbacks** A detached garage or carport on a corner lot must have a minimum setback from a secondary road or parallel road as shown in the following table—

Lot area	Minimum setback from secondary or parallel road boundary
400m ² -600m ²	2m
>600m ² -1,500m ²	3m
>1,500m ²	5m

- (4) **Rear setbacks** A detached garage or carport must have a minimum setback from the rear boundary as shown in the following table—

Lot area	Building height at that point	Minimum setback from rear boundary
400m ² -900m ²	0m-4.5m	900mm
>900m ² -1,500m ²	0m-4.5m	1.5m

>1,500m ²	0m–4.5m	2.5m
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- (5) **Built to rear boundary** Despite subclause (4), a detached garage or carport of masonry construction may be built to the rear boundary if there is a wall of a building on the adjoining lot within 900mm of that boundary, the wall is of masonry construction and does not have a window facing that boundary.
- (6) **Building separation** A detached garage must be at least 3m from any building that is residential accommodation on the same lot.
- (7) **Maximum width of garage doors** The maximum width of all detached garage and carport door openings (except where the garage or carport is to the rear of the building that is residential accommodation to which it relates) facing a primary, secondary or parallel road is 6m.

Note 1.

Boundary wall, building line, corner lot, detached, dwelling house, gross floor area, lane, parallel road, primary road, secondary road and **setback** are defined in clause 1.5.

Note 2.

Building height and **ground level (existing)** have the same meanings as they have in the Standard Instrument.

3B.51 Other development standards for detached decks, patios, pergolas, terraces and verandahs

- (1) **Maximum floor level** The maximum floor level for any detached deck, patio, pergola, terrace or verandah is 1m above ground level (existing) unless the deck, patio, pergola, terrace or verandah is less than 900mm from a side or rear boundary in which case the maximum floor level is 600mm above ground level (existing).

Note.

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

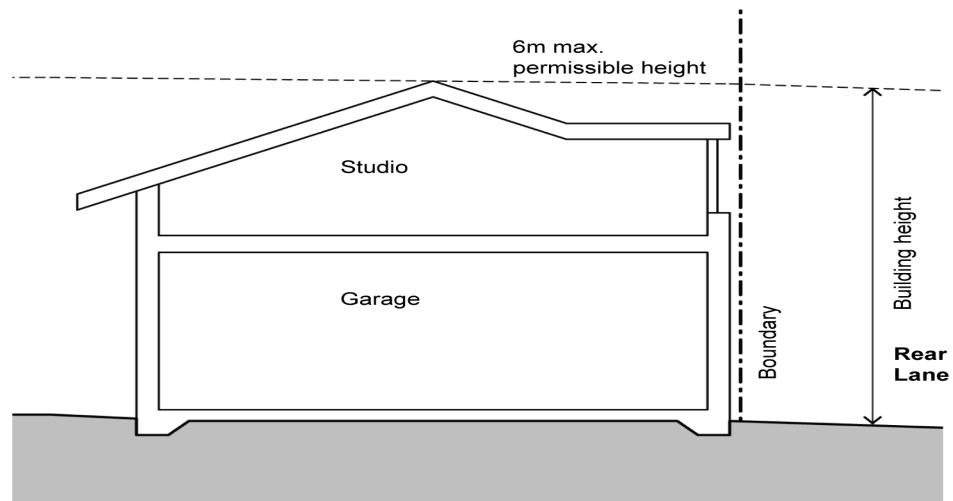
- (2) **Rear setbacks** A detached deck, patio, pergola, terrace or verandah must have a minimum setback from the rear boundary of a lot as shown in the following table—

Lot area	Minimum setback from rear boundary
400m ² –900m ²	900mm
>900m ² –1,500m ²	1.5m
>1,500m ²	2.5m

3B.52 Other development standards for detached studios

- (1) At the completion of the development, there must be no more than 1 detached studio for each dwelling in the dual occupancy or multi dwelling housing (terraces).

- (2) **Maximum height** Despite clause 3B.47, if a detached studio is within 900mm of a lane and is above a garage, the maximum height is 6m above ground level (existing).



- (3) **Maximum gross floor area** The maximum gross floor area of a detached studio is 36m².

- (4) **Side boundary setbacks** A detached studio must have a minimum setback from each side boundary as shown in the following table—

Lot width at the building line	Minimum setback from each side boundary
12m-18m	900mm
>18m	1.5m

- (5) **Rear boundary setbacks** A detached studio must have a minimum setback from the rear boundary of 3m.

- (6) Despite subclause (5), if the lot has a rear boundary with a lane, the detached studio may be erected within 900mm of, or abut, the rear boundary for a maximum length of 50% of the length of that boundary.

- (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.
- (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.
- (9) **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 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 4.5m, 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 4.5m, 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) **Separation from residential accommodation** A detached studio must be at least 3m from any building on the same lot that is residential accommodation.
- (11) **Privacy** A privacy screen must be provided for any part of a window in a detached studio that is less than 1.5m above the floor level of that room in the following cases—
- (a) the floor level of the studio is 1m or more, but not more than 3m, above ground level (existing) and the window faces a side or rear boundary (other than a boundary to a lane) and is less than 3m from that boundary,
 - (b) the floor level of the studio is 3m or more above ground level (existing) and the window faces a side or rear boundary (other than a boundary to a lane) and is less than 6m from that boundary.
- (12) Any window in a detached studio with a floor level of more than 1.5m above ground level (existing) must not have an area of more than 2m².

3B.53 Other development standards for detached cabanas, cubby houses, ferneries,

garden sheds, gazebos, greenhouses, rainwater tanks, shade structures or sheds

A cabana, cubby house, fernery, garden shed, gazebo, greenhouse, rainwater tank (above ground), shade structure or shed must have a minimum setback from the rear boundary of 3m unless the lot has a rear boundary with a lane, in which case it may be erected within 900mm of, or abut, the rear boundary for a maximum length of 7m.

3B.54 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) access ramps,
- (b) downpipes,
- (c) driveways and hard stand spaces,
- (d) electricity or gas meters,
- (e) fascias,
- (f) fences,
- (g) gutters,
- (h) light fittings,
- (i) pathways and paving,
- (j) steps.

(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 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,
- (k) 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) access ramps,
- (b) driveways,
- (c) eaves,
- (d) fences,
- (e) pathways and paving,
- (f) retaining walls,
- (g) steps.

(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 up to 50% of the length of that boundary—

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

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

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.

Subdivision 3 Landscape development standards for detached

development (other than fences and child-resistant barriers)

3B.55 Minimum landscaped area

The minimum landscaped area that must be provided on a lot is the minimum landscaped area required under this Part in respect of the residential accommodation to which the detached development relates.

Note.

Landscaped area and **residential accommodation** have the same meanings as they have in the Standard Instrument.

Subdivision 4 Built form development standards for swimming pools and fences

3B.56 Development standards for swimming pools

- (1) A swimming pool must be associated with a dual occupancy or manor house and be for the use of residents of the dual occupancy or manor 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—
 - (a) housed in a soundproofed enclosure, and
 - (b) located more than 450mm from each lot boundary.

Note—

See the regulations under the *Protection of the Environment Operations Act 1997* for offences relating to the use of pumps on residential premises.

- (3A) A heat pump water heater must be designed so as not to operate—
 - (a) during peak time—at a noise level that is more than 5 dB(A) above the ambient background noise level measured at any property boundary, and
 - (b) during off peak time—at a noise level that is audible in habitable rooms of adjoining residences.
- (4) 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).
- (5) The pool must be designed so that it cannot be filled to a height of more than 1.2m above ground level (existing).

- (6) A swimming pool must be located in the rear yard of the dual occupancy or manor house with a minimum setback of 1m from any side or rear boundary.
- (7) The construction of a swimming pool for an existing manor house or for an existing dual occupancy (attached) where part of a dwelling is located above part of another dwelling must not decrease the landscaped area, or the principal private open space for a dwelling, below the amounts specified in relation to the manor house or dual occupancy in clause 3B.27.
- (8) The minimum setback for a swimming pool from a secondary road is the setback of the dual occupancy or manor house from the secondary road.

Note 1.

Ground level (existing) and **landscaped area** have the same meanings as they have in the Standard Instrument.

Note 2.

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

Note 3.

Requirements relating to excavation for the purposes of a swimming pool are set out in clause 3B.58.

3B.57 Development standards for fences

- (1) A fence must not be erected under this code if—

- (a) it is erected along a common boundary of a lot, that contains a heritage item or a draft heritage item, or

Note.

Clause 1.19(3A) prevents the erection of a fence under this code on a lot that contains a heritage item or a draft heritage item.

- (b) it is erected 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, or

- (c) it incorporates barbed wire in its construction or it is electrified, or

- (d) it is constructed of metal components that are not low reflective materials, or

- (e) it is erected on bush fire prone land and is constructed of combustible material, or

- (f) the design of the fence will restrict the flow of floodwater.

- (2) In the case of development on a flood control lot, the requirement in subclause (1)(f) is satisfied only if a joint report by a professional engineer specialising in hydraulic

engineering and a professional engineer specialising in civil engineering states that the design of the fence will not restrict the flow of floodwater.

- (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) if it is on a sloping site and stepped to accommodate the fall in the land—not be higher than 2.2m above ground level (existing) at each step.
- (4) A fence erected forward of the building line on a lot must—
 - (a) not be higher than—
 - (i) 1.2m above ground level (existing), or
 - (ii) if it is erected adjacent to a public reserve—1.5m above ground level (existing), or
 - (iii) if it is located in the setback area of a classified road—2.1m above ground level (existing), and
 - (b) not have an entrance gate that opens outward, and
 - (c) be open for at least 20% of the area of the fence that is more than 400mm above ground level (existing), with a minimum aperture of 25mm, and
 - (d) if it is located in the setback area of a classified road—be setback at least 1.5m from the relevant boundary with a landscaped area between the fence and the boundary.

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.

Division 6 Development standards for associated works including earthworks, retaining walls, drainage, protection of walls, protection of trees and conditions under complying development certificates

3B.58 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, and
 - (b) if located more than 1m but not more than 1.5m from any boundary—2m, and
 - (c) if located more than 1.5m from any boundary—3m.
- (1A) Excavation for the purposes of a pier in a pier and beam foundation may exceed the maximum depth specified in subclause (1) if a professional engineer has certified the depth of the excavation.
- (2) Despite subclauses (1) and (1A), the excavation must not exceed a maximum depth, measured from ground level (existing), of 1m if—
 - (a) the land is identified as Class 3 or 4 on an Acid Sulfate Soils Map, or
 - (b) the land is within 40m of a waterbody (natural), or
 - (c) the excavation is an aquifer interference activity within the meaning of the *Water Management Act 2000*.
- (3) Before an excavation exceeding a maximum depth, measured from ground level (existing), of 1m is carried out on a lot—
 - (a) a geotechnical investigation report for the lot must be obtained, and
 - (b) the report must show—
 - (i) no groundwater is present on the part of the lot where the excavation is to be carried out, or
 - (ii) groundwater is present on the part of the lot but is below the level of the excavation.
- (3A) The geotechnical investigation report required under subclause (3) must—
 - (a) be prepared by a professional engineer specialising in geotechnical engineering, and
 - (b) be prepared in accordance with AS 1726:2017, *Geotechnical site investigations*.
- (4) **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 dual occupancy or manor house under this code—1m, and
 - (b) if the fill is for any other purpose under this code—600mm.
- (5) Despite subclause (4), the height of fill is not limited if the fill is contained—
 - (a) wholly within the footprint of a building, attached development or detached

development, or

- (b) by a drop edge beam.

- (6) 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 50% of the landscaped area of the lot.
- (7) 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.
- (8) **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) has been installed in accordance with the manufacturer's specifications (if any), and
 - (g) if it is an embankment or batter—has a toe or top that is more than 1m from any side or rear boundary.
- (9) If a retaining wall has a height of more than 600mm above ground level (existing) and is located within the front setback of a building, a landscaped area with a minimum depth of 600mm must be provided in front of the wall (on the low side).
- (10) (Repealed)

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.

3B.59 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.

3B.60 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.

3B.61 Setbacks of dual occupancies, manor houses, multi dwelling housing (terraces), attached development and detached development from protected trees

- (1) **Pruning and removal of trees** A complying development certificate for complying development under Division 1 is taken to satisfy any requirement under this Policy for a permit, approval 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 25m², and

- (c) the tree or vegetation has a height that is less than—
 - (i) for development that is the erection of a new dual occupancy or manor 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 and any adjacent 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, approval 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 7 Miscellaneous

3B.62 Conditions specified in Schedule 6A apply

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

3B.63 Deferred application of Part to land in certain local government areas

- (1) This Part (other than this clause) does not apply to or in respect of land in a deferred

area.

- (2) For the purposes of this clause, land is in a **deferred area** if the land is in any of the following local government areas—

Bathurst Regional, Bayside, Bellingen, City of Blue Mountains, Burwood, Byron, Camden, City of Campbelltown, Canada Bay, Canterbury-Bankstown, Central Coast, City of Coffs Harbour, Cumberland, Georges River, City of Hawkesbury, Hilltops, Hornsby, Hunter's Hill, Inner West, Kiama, City of Liverpool, Mid-Coast, Mid-Western Regional, Moree Plains, Mosman, Northern Beaches, City of Parramatta, City of Penrith, City of Randwick, City of Ryde, City of Shellharbour, City of Shoalhaven, Snowy Monaro Regional, Strathfield, Sutherland Shire, City of Sydney, Tamworth Regional, The Hills Shire, Tweed, Upper Lachlan Shire, City of Willoughby, Wingeecarribee, Wollondilly, City of Wollongong, Woollahra, Yass Valley.

- (3) This clause ceases to have effect on 1 July 2020.

3BA Pattern Book Development Code

Division 1 Preliminary

3BA.1 Interpretation

- (1) A word or expression used in this part has the same meaning as in the Standard Instrument unless it is otherwise defined in this part.
- (2) In this part—
pattern means a pattern published by the Department in July 2025.

3BA.2 Application of part

This part applies as follows—

- (a) for Lot 411, DP 1278302—from the commencement of this part,
(b) for other land—from 30 July 2025.

Division 2 Requirements for complying development under this code

3BA.3 Development that is complying development under this code

- (1) This clause applies to land in Zone R1 General Residential, Zone R2 Low Density Residential and Zone R3 Medium Density Residential.
- (2) Development for the purposes of dual occupancies and associated attached development or detached development is development specified for this code if the development is carried out in accordance with the development standards, location requirements, technical drawing set and technical information specified in the pattern

identified as—

- (a) “Semis 01 by Anthony Gill Architects”, or
 - (b) “Semis 02 by Sibling Architecture”.
- (3) Development for the purposes of manor houses and associated attached development or detached development is development specified for this code if the development is carried out in accordance with the development standards, location requirements, technical drawing set and technical information specified in the pattern identified as “Manor Homes 01 by Studio Johnston”.
- (4) Development for the purposes of multi dwelling housing and associated attached development or detached development is development specified for this code if the development is carried out in accordance with the development standards, location requirements, technical drawing set and technical information specified in the pattern identified as “Row Homes 01 by SAHA”.
- (5) Development for the purposes of multi dwelling housing (terraces) and associated attached development or detached development is development specified for this code if the development is carried out in accordance with the development standards, location requirements, technical drawing set and technical information specified in the pattern identified as—
- (a) “Terraces 01 by Carter Williamson”, or
 - (b) “Terraces 02 by Sam Crawford Architects”, or
 - (c) “Terraces 03 by Officer Woods Architects”, or
 - (d) “Terraces 04 by Other Architects x NMBW”.
- (6) Development for the purposes of secondary dwellings associated with development carried out under subclause (5)(d) is development specified for this code if the development is carried out in accordance with the development standards, location requirements, technical drawing set and technical information specified in the pattern identified as “Terraces 04 by Other Architects x NMBW”.

Note—

Clauses 1.17A, 1.18 and 1.19 set out additional requirements for complying development.

- (7) Subclauses (2)–(5) do not apply to a lot if—
- (a) the size of the lot is less than—
 - (i) if the development is for the purposes of dual occupancies—the minimum lot size for the erection of dual occupancies under an environmental planning instrument applying to the lot, or

- (ii) if the development is for the purposes of manor houses—the minimum lot size for the erection of manor houses under an environmental planning instrument applying to the lot, or
 - (iii) if the development is for the purposes of multi dwelling housing—the minimum lot size for the erection of multi dwelling housing under an environmental planning instrument applying to the lot, or
 - (iv) if the development is for the purposes of multi dwelling housing (terraces)—the minimum lot size for the erection of multi dwelling housing (terraces) under an environmental planning instrument applying to the lot, or
- (b) the lot will not have lawful access to a public road at the completion of the development.
- (8) Subclause (7)(a) does not apply to a lot if the lot is on land within the low and mid rise housing area.
- (9) In this clause—

low and mid rise housing area has the same meaning as in *State Environmental Planning Policy (Housing) 2021*, Chapter 6.

3BA.4 Torrens title subdivision of land

- (1) This clause applies to land on which development for the purposes of dual occupancies, multi dwelling housing or multi dwelling housing (terraces) has been or will be carried out, but only if no part of a dwelling is located above any part of another dwelling.
 - (2) If a single complying development certificate application proposes both the erection of a building to which this clause applies and the Torrens title subdivision of the land on which the development will be carried out, the subdivision of the land is complying development.
 - (3) A Torrens title subdivision of land is also complying development if development located on the land satisfies the following—
 - (a) the development is development to which this clause applies,
 - (b) the development is development for which a complying development certificate has been issued under this part.
- (4) Subclauses (2) and (3) do not apply unless—
 - (a) there will be only 1 dwelling on each resulting lot at the completion of the development, and
 - (b) dual occupancies, multi dwelling housing or multi dwelling housing (terraces) are

permissible, with consent, under an environmental planning instrument applying to the land.

- (5) Subclause (4)(a) does not apply if the development that has or will be carried out on the land includes a secondary dwelling permitted by clause 3BA.3(6), or clause 3BA.14(2).
- (6) A compliance certificate may be issued by an accredited certifier for a subdivision under this clause.

3BA.5 Strata subdivision of land

- (1) This clause applies to land on which development for the purposes of dual occupancies, manor houses, multi dwelling housing or multi dwelling housing (terraces) has been or will be carried out.
- (2) If a single complying development certificate application proposes both the erection of a building to which this clause applies and the strata subdivision of the land on which the development will be carried out, the strata subdivision of that land is complying development.
- (3) A strata subdivision of land is also complying development if development located on the land satisfies the following—
 - (a) the development is development to which this clause applies,
 - (b) the development is development for which a complying development certificate has been issued under this part.
- (4) Subclause (3) does not apply if the subdivision would contravene a condition of a complying development certificate that applies to the land.
- (5) A compliance certificate may be issued by an accredited certifier for a subdivision under this clause.

3BA.6 Development that is not complying development under this code

The following development is not complying development under this code—

- (a) development on bush fire prone land,
- (b) development on a flood control lot,
- (c) development that is complying development under the Housing Alterations Code,
- (d) development on a battle-axe lot,
- (e) development on any lot on which there is a secondary dwelling or group home, whether or not the development is attached to the dwelling or home,

- (f) the erection of a building over a registered easement,
- (g) development to which *State Environmental Planning Policy (Housing) 2021*, Chapter 2, Part 2, Division 1 applies, unless it is development that is being carried out by or on behalf of the New South Wales Land and Housing Corporation constituted by the *Housing Act 2001*,
- (h) development on unsewered land,
- (i) development on land identified as susceptible to landslide risk in—
 - (i) an environmental planning instrument applying to the land, or
 - (ii) for land to which *Warringah Local Environmental Plan 2011* applies—“Area C” or “Area E” on the *Landslip Risk Map* within the meaning of that plan.

Note—

A planning certificate from a council will state whether or not a lot is a flood control lot.

3BA.7 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, Dubbo Regional, Gilgandra or Warrumbungle Shire, the development standards in this clause 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 residential accommodation on land in the local government area of—
 - (a) Coonamble, Dubbo Regional, Gilgandra or Warrumbungle Shire 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 for associated works, including earthworks, retaining walls, drainage, protection of walls, protection of trees and conditions under complying development certificates

3BA.8 Earthworks, retaining walls and structural support

- (1) 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.
- (2) Excavation for the purposes of a pier in a pier and beam foundation may exceed the maximum depth specified in subclause (1) if a professional engineer has certified the depth of the excavation.
- (3) Despite subclauses (1) and (2), the excavation must not exceed a maximum depth, measured from ground level (existing), of 1m if—
- (a) the land is identified as Class 3 or 4 on an Acid Sulfate Soils Map, or
 - (b) the land is within 40m of a waterbody (natural), or
 - (c) the excavation is an aquifer interference activity within the meaning of the *Water Management Act 2000*.
- (4) Before an excavation exceeding a maximum depth, measured from ground level (existing), of 1m is carried out on a lot—
- (a) a geotechnical investigation report for the lot must be obtained, and
 - (b) the report must show—
 - (i) no groundwater is present on the part of the lot where the excavation is to be carried out, or
 - (ii) groundwater is present on the part of the lot but is below the level of the excavation.
- (5) The geotechnical investigation report required under subclause (4) must—
- (a) be prepared by a professional engineer specialising in geotechnical engineering, and
 - (b) be prepared in accordance with AS 1726:2017, *Geotechnical site investigations*.
- (6) 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 dual occupancy or manor house under this code—1m, or
 - (b) if the fill is for any other purpose under this code—600mm.
- (7) Despite subclause (6), the height of fill is not limited if the fill is contained—
- (a) wholly within the footprint of a building, attached development or detached development, or
 - (b) by a drop edge beam.
- (8) 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 50% of the landscaped area of the lot.

- (9) 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.
- (10) 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) its 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 groundwater, 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) has been installed in accordance with the manufacturer's specifications (if any), and
 - (g) if it is an embankment or batter—has a toe or top that is more than 1m from any side or rear boundary.
- (11) If a retaining wall has a height of more than 600mm above ground level (existing) and is located within the front setback of a building, a landscaped area with a minimum depth of 600mm must be provided in front of the wall on the low side.

3BA.9 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—

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

3BA.10 Protecting adjoining walls

A 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.

3BA.11 Setbacks from protected trees

- (1) A complying development certificate for complying development under this part is taken to satisfy any requirement under this policy for a permit, approval 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 25m², and
 - (c) the tree or vegetation has a height that is less than—
 - (i) for development that is the erection of a new dual occupancy or manor house—8m and is not required to be retained as a condition of consent, or
 - (ii) in any other case—6m.
- (2) Development under this code must be at least 3m from each protected tree on the lot and any adjacent 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—

Development consent and **protected tree** are defined in clause 1.5.

3BA.12 Conditions specified in Schedule 6A and 6B apply

- (1) A complying development certificate for development specified in clause 3BA.3 must

be issued subject to the conditions specified in Schedule 6A, other than condition 28.

- (2) Schedule 6A, condition 17 is taken to apply to the erection of multi dwelling housing for the purposes of this code.
- (3) A complying development certificate for development specified in clause 3BA.4 or 3BA.5 must be issued subject to the conditions specified in Schedule 6B, other than condition 2.

Division 4 Landcom site

3BA.13 Application of division

This division applies to Lot 411, DP 1278302 (**Landcom site**).

3BA.14 Complying development at Landcom site

- (1) Development for the purposes of multi dwelling housing (terraces) and associated attached or detached development is development specified for this code if the development is carried out in accordance with the development standards, location requirements, technical drawing set and technical information specified in the pattern identified as "Terraces 04 by Other Architects x NMBW".
- (2) Development for the purposes of secondary dwellings associated with development carried out under subclause (1) is development specified for this code if the development is carried out in accordance with the development standards, location requirements, technical drawing set and technical information specified in the pattern identified as "Terraces 04 by Other Architects x NMBW".

Note—

Clauses 1.17A, 1.18 and 1.19 set out additional requirements for complying development.

- (3) Clause 3BA.6(a) does not apply to development carried out under this clause.

Part 3C Greenfield Housing 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.

Clause 1.18(1)(c) states that to be complying development for the purposes of this Policy the development must meet the relevant provisions of the *Building Code of Australia*. Clause 136A of the *Environmental Planning and Assessment Regulation 2000* requires a complying development certificate to be issued subject to the conditions specified in that clause, including a condition that building work must be carried out in accordance with the requirements of that 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 Requirements for complying development under this code

3C.1 Land to which this code applies

This code applies to land within the Greenfield Housing Code Area.

Note—

Land in the Greenfield Housing Code Area may still be subject to general exclusions from complying development provided for in this code.

3C.2 Development that is complying development under this code

- (1) The following development is complying development under this code—
 - (a) 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.

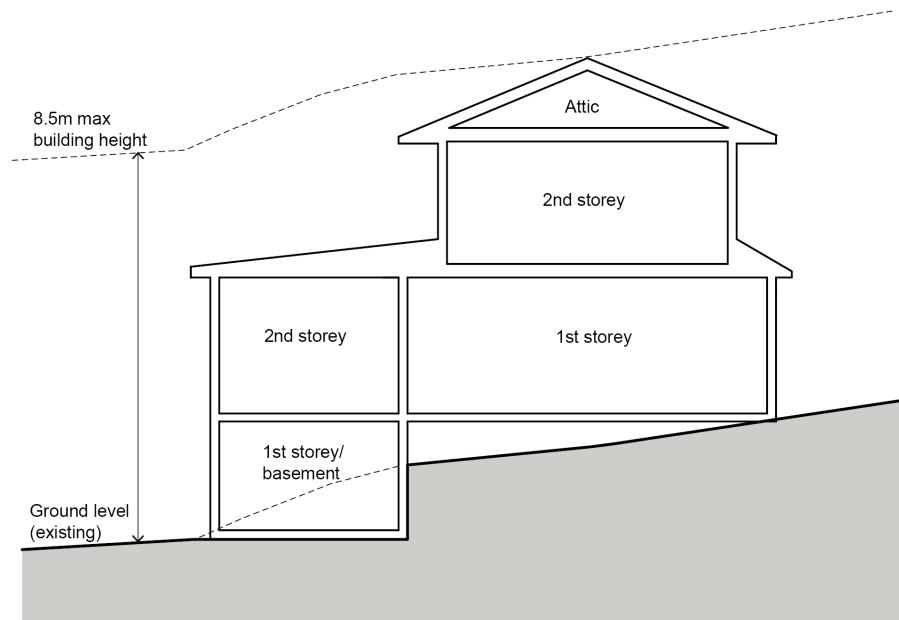
Note 1.

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) **Lot requirements** Complying development specified for this code may only be carried out on a lot that meets the following requirements—

- (a) the lot must be in Zone R1, R2, R3, R4 or RU5,
- (b) the area of the lot must not be less than 200m²,
- (c) the width of the lot must be at least 6m measured at the building line,
- (d) (Repealed)
- (e) there must only be 1 dwelling house on the lot at the completion of the development,
- (f) the lot must have lawful access to a public road at the completion of the development,
- (g) if the development is on a battle-axe lot—the lot must be at least 12m by 12m (not including the access laneway) and must have an access laneway that is at least 3m wide,
- (h) if the development is on a corner lot—the width of the primary road boundary of the lot must be at least 6m.

(4) A secondary dwelling with development consent or a complying development

certificate is not a dwelling house for the purpose of subclause (3)(e).

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

Note 1.

Attached development, battle-axe lot, building line, detached development, development consent and **dwelling house** are defined in clause 1.5.

Note 2.

Basement and **secondary dwelling** 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.

Clauses 1.17A, 1.18 and 1.19(1) of, and Schedule 6 to, this Policy contain additional requirements for complying development.

3C.3 Development that is not complying development under this code

- The following development is not complying development under this code—
 - the erection or alteration of, or an addition to, a roof terrace on the top most roof of a building,
 - development that is complying development under the Housing Alterations Code,
 - development that is attached to a secondary dwelling or group home,
 - the erection of a building over a registered easement,
 - the construction of a basement 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 ²
>10m	45m ²

- (f) the erection of a common wall,
 - (g) the alteration of, or an addition to, a garage or carport that is located forward of the building line,
 - (h) development on land identified as susceptible to landslide risk in—
 - (i) an environmental planning instrument applying to the land, or
 - (ii) for land to which *Warringah Local Environmental Plan 2011* applies—"Area C" or "Area E" on the *Landslip Risk Map* within the meaning of that Plan.
- (2) Development involving the construction of gutters or eaves over a registered easement may, despite subclause 3C.3(d), be complying development under this code if—
- (a) the registered easement is for the purposes of maintenance and allows gutters or eaves to be constructed over the registered easement, and
 - (d) no part of the building other than the gutters and eaves is located over the registered easement.

Note 1.

Attached, building line, common wall 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.

3C.4 Determining lot type

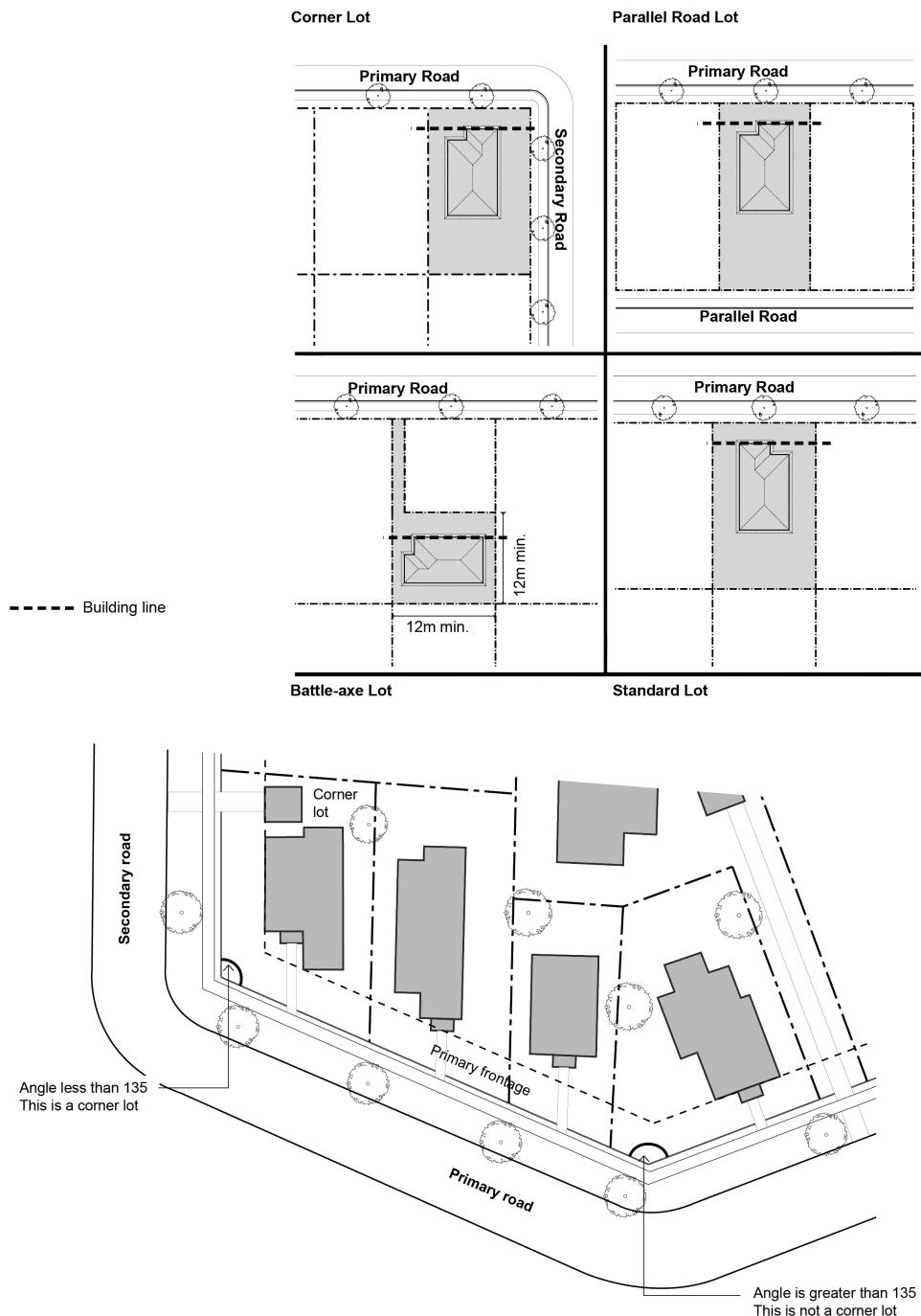
- (1) In this code, a reference to a lot is a reference to any of the following lots—
- (a) standard lot,
 - (b) corner lot,
 - (c) parallel road lot,
 - (d) battle-axe lot.

Note 1.

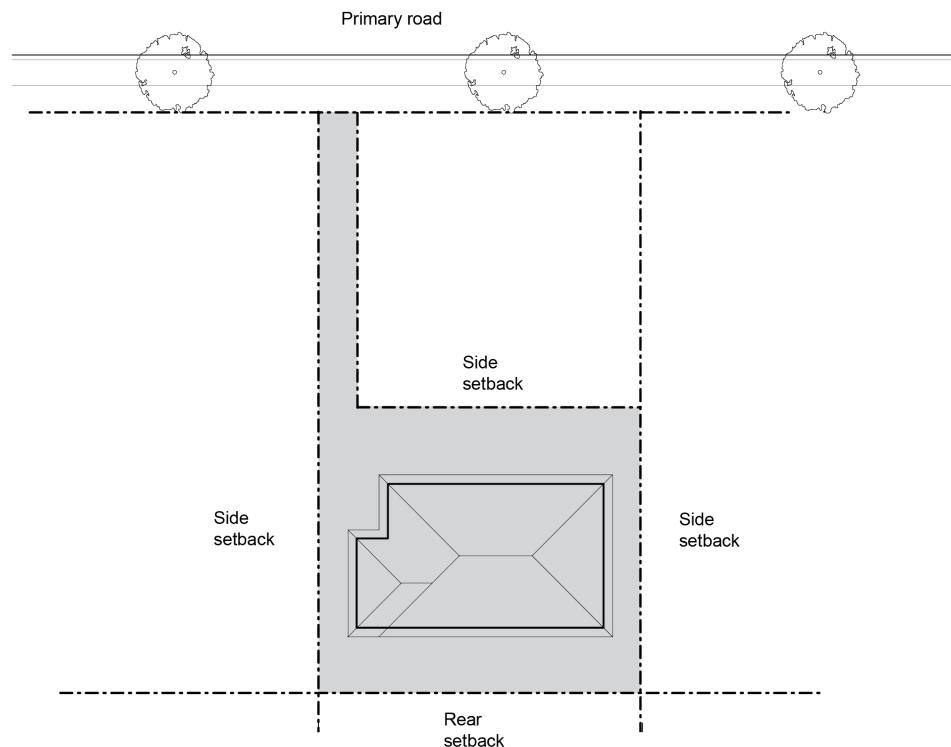
Battle-axe lot, corner lot, lane, parallel road lot and **standard lot** are defined in clause 1.5.

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).



- (1A) When determining the lot type for this code, a lane is not to be considered a primary road.
- (2) A battle-axe lot has 3 side boundaries and a rear boundary. The rear boundary is opposite the boundary to which the front of the dwelling house faces.



Division 2 General standards relating to land type

3C.5 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 that is more than 6m from any dwelling house,
 - (b) landscaped areas,
 - (c) non-combustible fences,
 - (d) swimming pools.

Note.

See clause 1.19A for additional provisions relating to bush fire prone land.

- (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) (Repealed)
 - (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 RU5, there must be—
 - (i) a reticulated water supply connection to the lot and a fire hydrant within 70m of any part of the development, or
 - (ii) a 10,000 L capacity water tank on the lot,
- (h) if the development is carried out on a lot in any zone other than Zone RU5, there must be—
 - (i) a reticulated water supply connection to the lot, and
 - (ii) a fire hydrant within 70m of any part of the development,
- (i) the development must conform to the specifications and requirements of *Planning for Bush Fire Protection* that are relevant to the development.

Note 1.

Attached development, council, detached and **dwelling house** 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) (Repealed)

3C.6 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,
- (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 *Flood*

Risk Management Manual, unless it is otherwise defined in this Policy.

(5) (Repealed)

Note.

A planning certificate from a Council will state whether or not a lot is a flood control lot.

3C.7 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 Dubbo Regional, 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 on land in the local government area of—
 - (a) Coonamble, Gilgandra, Warrumbungle Shire or Dubbo Regional 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 for dwelling houses and attached development

Subdivision 1 Application of Division

3C.8 Application of Division

This Division sets out the development standards that apply to the erection or alteration of, or an addition to, a dwelling house and any attached development that is complying development under this code.

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

3C.9 Maximum building height

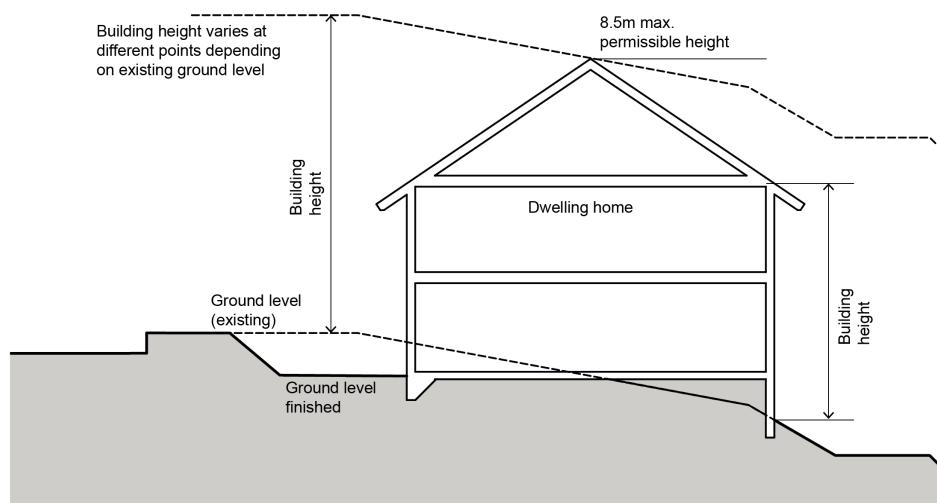
The maximum height for a dwelling house and any attached development is 8.5m above ground level (existing).

Note 1.

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

Note 2.

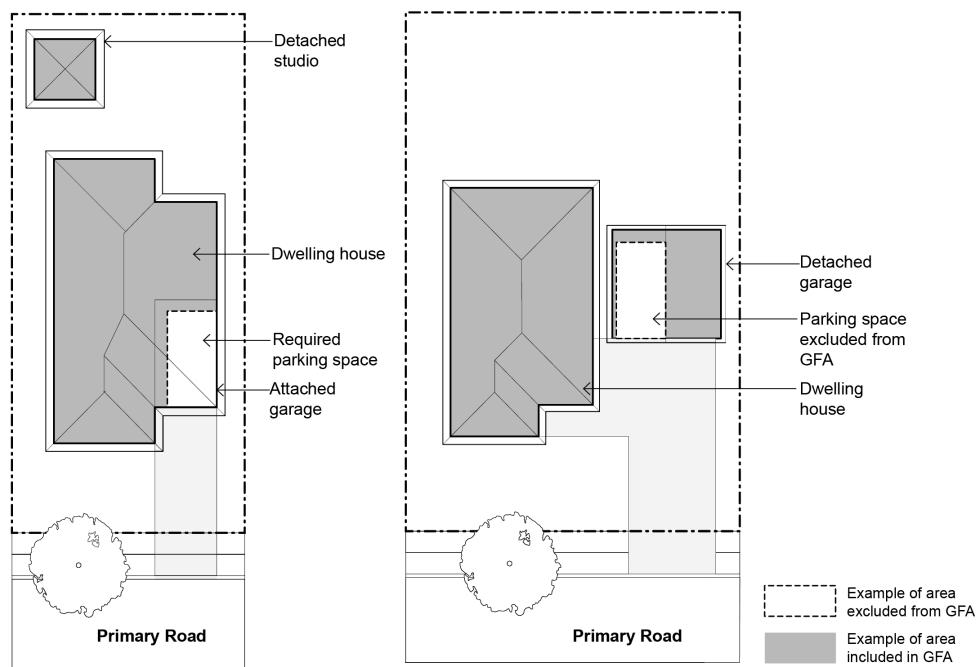
Ground level (existing) is defined in the Standard Instrument as the existing level of a site at any point.



3C.10 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 gross floor area
200m ² -250m ²	78% of lot area
>250m ² -300m ²	75% of lot area
>300m ² -350m ²	235m ²
>350m ² -450m ²	25% of lot area + 150m ²
>450m ² -560m ²	290m ²
>560m ² -600m ²	25% of lot area + 150m ²
>600m ² -740m ²	335m ²
>740m ² -900m ²	25% of lot area + 150m ²
>900m ² -920m ²	380m ²
>920m ² -1,000m ²	25% of lot area + 150m ²
>1,000m ²	400m ²



- (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.

3C.11 Minimum setbacks and maximum height and length of boundary walls

- (1) **Primary road setbacks** The front building line of, and articulation zone for, a dwelling house and an attached development, other than a garage or carport, must have a minimum setback from the primary road as shown in the following table—

Lot size	Minimum setback of building line from primary road	Minimum setback of articulation zone from primary road
200m ² -300m ²	3m	1.5m
>300m ²	4.5m	3m

- (2) **Side setbacks** The ground level of a dwelling house and any attached development (other than a garage to which subclause (4) applies) must have—

- (a) a minimum set back from one side boundary as shown under "Side A" in the following table, and
- (b) a minimum setback from the other side boundary as shown under "Side B" in the following table.

Lot width at the building line	Side A	Side B
6m or more but less than 7m	0m	0m
7m or more but less than 10m	0m	900mm
10m or more but less than 15m	0m	900mm
15m or more	900mm	900mm

Note 1.

Clause 3C.12 contains certain exclusions from the setbacks for lots of 10m or more in this subclause.

Note 2—

Despite this subclause, clause 3C.3 provides the erection of a building over a registered easement is not complying development under this code.

- (3) The upper level of a dwelling house and any attached development (other than a garage) must have—
 - (a) a minimum set back from the “Side A” boundary referred to in subclause (2)(a), as shown under “Side A” in the following table, and
 - (b) a minimum setback from the “Side B” boundary referred to in subclause (2)(b), as shown under “Side B” in the following table in relation to that lot.

Lot width at the building line	Side A	Side B
6m or more but less than 7m	1.2m	0m
7m or more but less than 10m	1.2m	900mm
10m or more but less than 15m	1.2m	900mm
15m or more	1.2m	900mm

Note.

Clause 3C.12 contains certain exclusions from the setbacks for lots of 10m or more in this subclause.

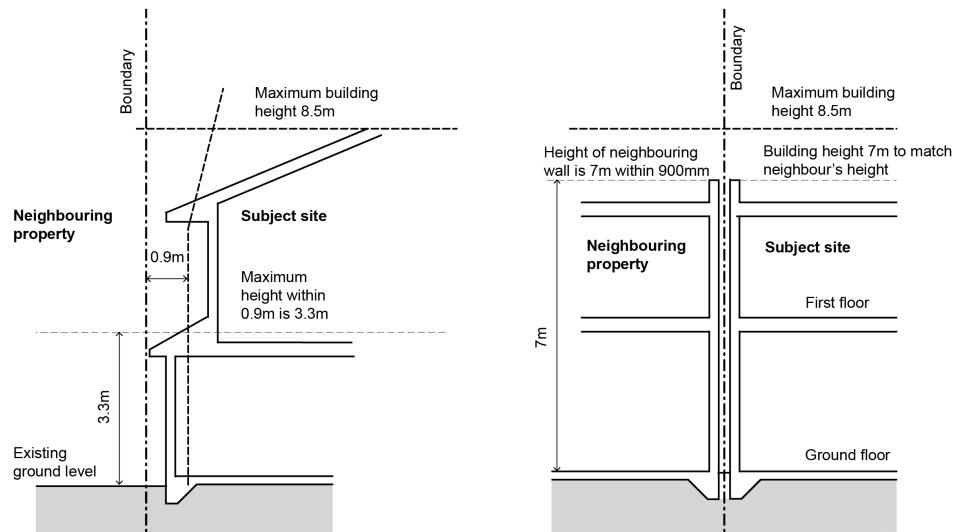
- (4) A garage that is attached to the rear elevation of a dwelling house must have a minimum setback from a side boundary as shown in the following table—

Lot width at the building line	Minimum side setback
6m or more but less than 7m	0m from the “Side A” and “Side B” boundaries referred to in subclause (2)(a) and (b) for a maximum length of 6.5m

7m or more but less than 10m	0m from the "Side A" boundary for a maximum length of 6.5m, and 900mm from the "Side B" boundary
10m or more but less than 15m	900mm from the "Side A" boundary for a maximum length of 6.5m
15m or more	900mm from the "Side A" boundary for a maximum length of 6.5m

(5) **Maximum height of walls within 900mm of side boundary** The height of a wall erected within 900mm of a side boundary must not exceed—

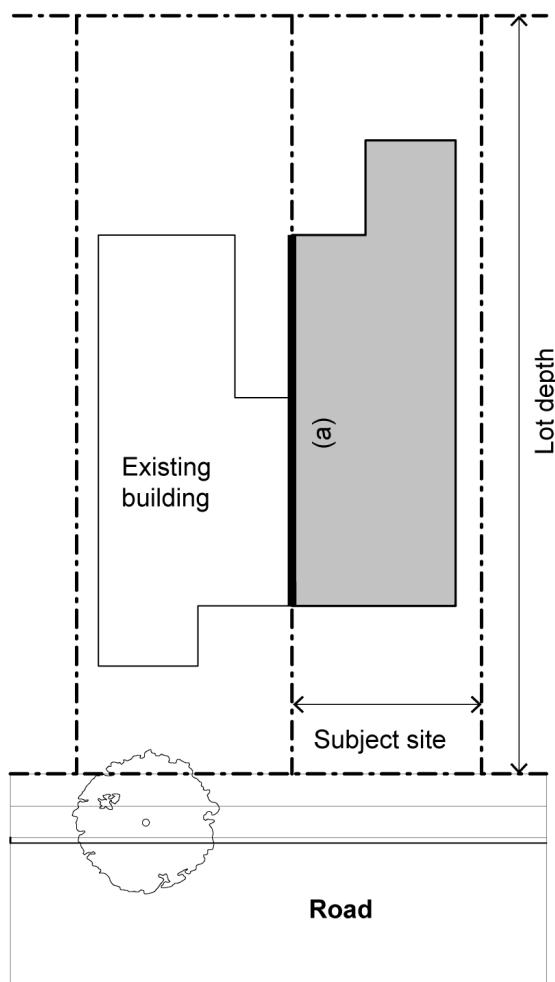
- (a) 3.3m above ground level (existing), or
- (b) if there is a building wall on the adjoining lot within 900mm of that boundary that is higher than 3.3m—the height of that wall, but not more than 8.5m, or
- (c) if the building on the adjoining lot is subject to the same complying development certificate 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.



(6) **Maximum length of built to boundary 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 or more but less than 7m	20m or 50% of the depth of the lot, whichever is the lesser

7m or more but less than 10m	15m or 50% of the depth of the lot, whichever is the lesser
10m or more but less than 15m	11m or 50% of the depth of the lot, whichever is the lesser
15m or more	no maximum length



(a) Maximum length of built to boundary walls:

≥6m>7m wide lots must not be longer than 20m or 50% of the depth of the lot, whichever is the lesser

≥7m>10m wide lots must not be longer than 15m or 50% of the depth of the lot, whichever is the lesser

≥10m>15m wide lots must not be longer than 11m or 50% of the depth of the lot, whichever is the lesser

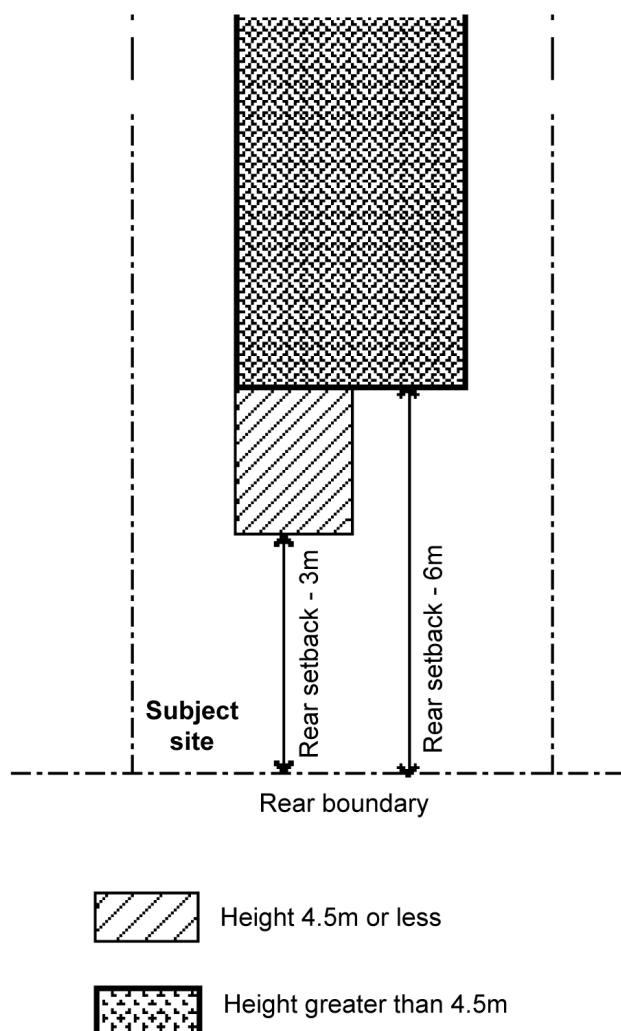
≥15m - no maximum length

Note.

A wall built within 900mm of a wall on an adjoining lot is subject to clause 3C.35 (Protecting adjoining walls).

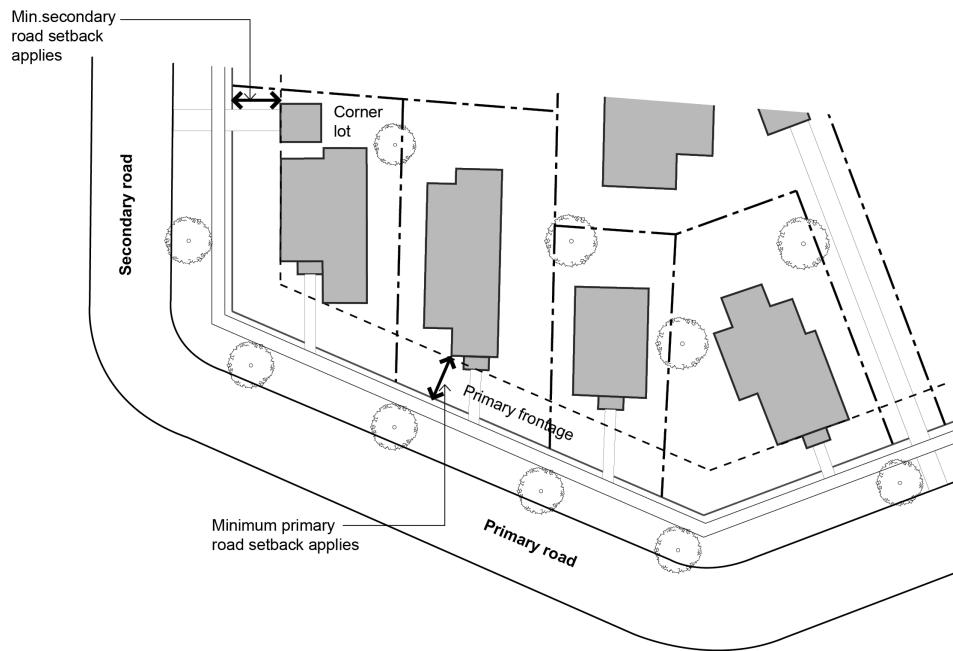
- (7) **Rear setbacks** A dwelling house and any attached development must have a setback from the rear boundary as shown in the following table—

Height of dwelling or attached development	Minimum setback from rear
4.5m or less	3m
more than 4.5m	6m



(8) **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—

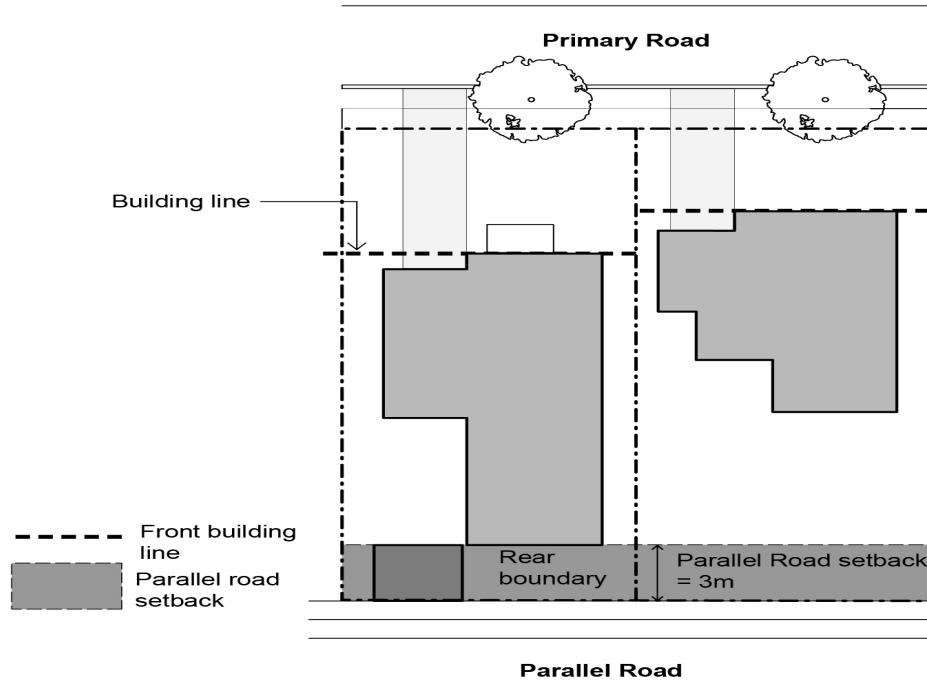
Lot width at the building line	Minimum setback from secondary road boundary
6m or more but less than 7m	1m
7m or more	2m



(9) 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 3C.12(6)).



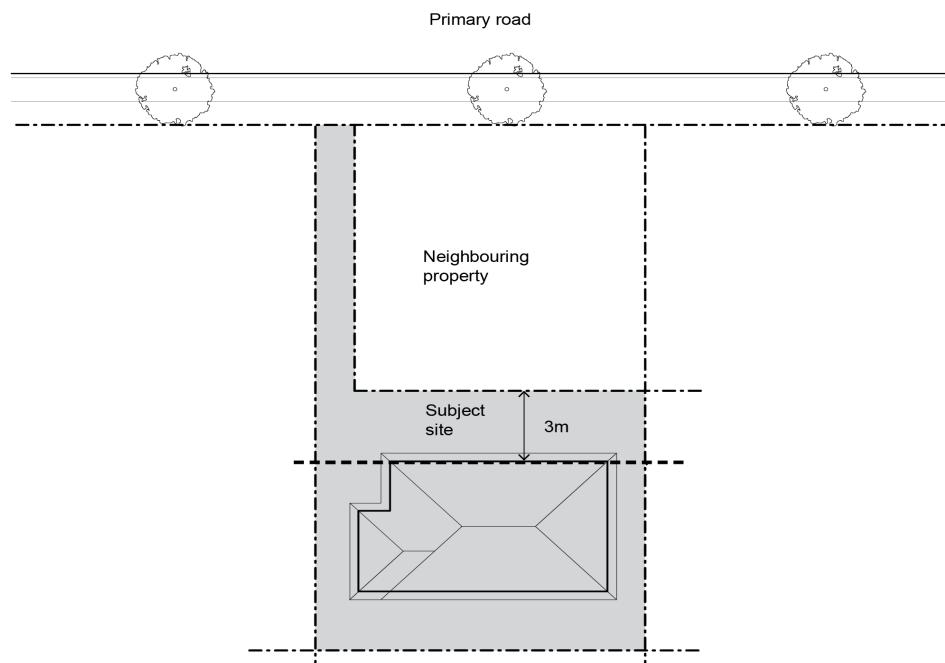
(10) Classified road setbacks Despite any other standard for a setback specified by this

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) if no setback is specified—9m.

(11) **Public reserve setbacks** Despite any other standard for a setback specified by this clause, a dwelling house and any cabana, cubby house, garden shed, gazebo, fernery, greenhouse or shed must have a setback from a boundary with a public reserve of at least 3m.

(12) **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, boundary wall, building element, building line, detached development, dwelling house, lane, primary road, setback and **standard lot** are defined in clause 1.5.

Note 2.

Building height, classified road and **ground level (existing)** 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.

3C.12 Exceptions to setbacks

(1) Development to which side and rear setbacks do not apply The side setback standards specified in clause 3C.11(2), (3) or (7) do not apply to the following—

- (a1) access ramps,
- (a) downpipes,
- (b) driveways,
- (c) electricity or gas meters,
- (d) fascias,
- (d1) fences,
- (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 side setback standards specified in clause 3C.11(2), (3) or (7) do not apply to the following if they are at least 450mm from the relevant boundary—

- (a1) aerials,
- (a) antennae,
- (b) awnings,
- (c) chimneys,
- (d) cooling or heating appliances,
- (e) eaves,
- (f) flues,
- (g) pipes,
- (h) privacy screens,
- (i) rainwater tanks greater than 1.8m in height,
- (j) 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 3C.11(1), (8), (9) and (10) 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 3C.11(1), (8), (9) and (10) 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 3C.11(7), 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 3C.11(9), 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 3C.11 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.

3C.13 Other development standards for attached garages

- (1) An attached garage on a lot with a width of more than 8m measured at the building line must have a setback from a primary road of least 5.5m.
- (2) An attached garage on a lot with a width of 6m or more but not more than 8m measured at the building line must be located at the rear of a dwelling house.
- (3) (Repealed)

- (4) Despite clause 3C.9, the maximum height of an attached rear garage is 3.3m.
- (5) The total floor area of all attached rear garages that are within 6m of a side or rear boundary (after the completion of the development) must not exceed 18m².

(5A) Subclause (5) does not apply to an attached garage on a corner lot.

- (6) Despite clause 3C.11(7), if the lot has a rear boundary with a lane, an attached garage must have a minimum setback from the rear boundary as shown in the following table—

Lot width at the building line	Minimum setback from rear boundary
6m or more but less than 7m	0m
7m or more but less than 10m	0m
10m or more but less than 15m	0m for a maximum of 6.5m of the length of the rear boundary
15m or more	0m for a maximum of 9m of the length of the rear boundary

- (7) An attached garage on a lot with a width of more than 8m measured at the building line may have a finished floor level of 1.2m above ground level (existing) if the wall of the attached garage is above a drop edge beam.
- (8) A wall of the attached garage referred to in subclause (7) that is within 900mm of a boundary must not exceed 3.3m above the finished floor level of the garage for more than 6.5m along the boundary.
- (9) Subclause (8) applies despite clause 3C.11(5)(a).

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.

See also standards for car parking and vehicle access requirements in clause 3C.19.

3C.14 Other development standards for balconies, decks, patios, terraces and verandahs attached to side or rear of dwelling house—general

- (1) The erection of a balcony, deck, patio, 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 300m², 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, 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, terraces and verandahs that, after the completion of the development—
- are within 6m from a side or rear boundary, and
 - have a finished floor level of more than 2m above ground level (existing), must not be more than 12m².
- (4) This clause does not affect development involving the erection of a balcony, deck, patio, terrace or verandah that is permitted under clause 3C.14A.

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, terrace or verandah may require a privacy screen—see clause 3C.18.

3C.14A Other development standards for balconies, decks, patios, terraces and verandahs attached to side or rear of dwelling house—small lots

- (1) The erection of a balcony, deck, patio, terrace or verandah that is attached to the side or rear elevation of a dwelling house is permitted on a lot if—
- the area of the lot is at least 200m² but not more than 300m² and the width of the lot, measured at the building line, is more than 7m, or
 - the area of the lot is more than 300m² and the width of the lot, measured at the building line, is more than 7m but not more than 10m.
- (2) The maximum height of the balcony, deck, patio, terrace or verandah is the lower of—
- 3m above the finished floor level of the balcony, deck, patio, terrace or verandah,

and

- (b) the roof gutter line of the dwelling house.
- (3) The balcony, deck, patio, terrace or verandah must not have a finished floor level of more than 1m above ground level (existing).
- (4) This clause does not affect development involving the erection of a balcony, deck, patio, terrace or verandah that is permitted under clause 3C.14.

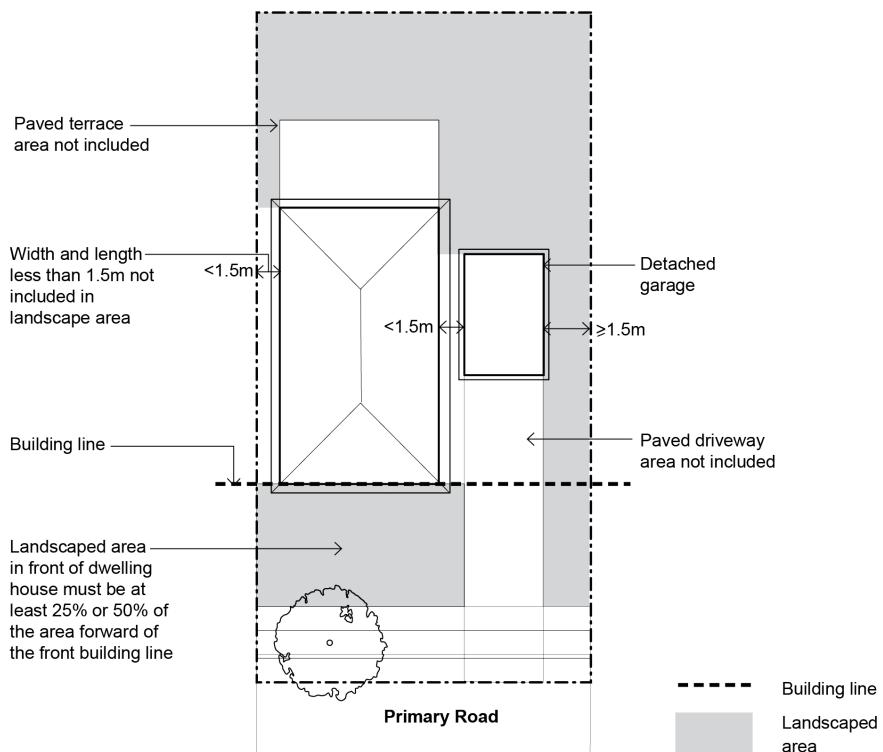
Subdivision 3 Landscape development standards for dwelling houses and attached development

3C.15 Minimum landscaped area

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

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

- (2) Each landscaped area must have a minimum width and 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.



- (4) Subclause (3) does not apply if the lot is a battle-axe lot.
- (5) 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.

Battle-axe lot, building line and **principal private open space** are defined in clause 1.5.

Note 2.

Landscape area has the same meaning as it has in the Standard Instrument.

Subdivision 4 Amenity development standards for dwelling houses and attached development

3C.16 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 the following building elements—
 - (a) at least 1 door and 1 window to a habitable room at ground floor level facing the

primary road, or

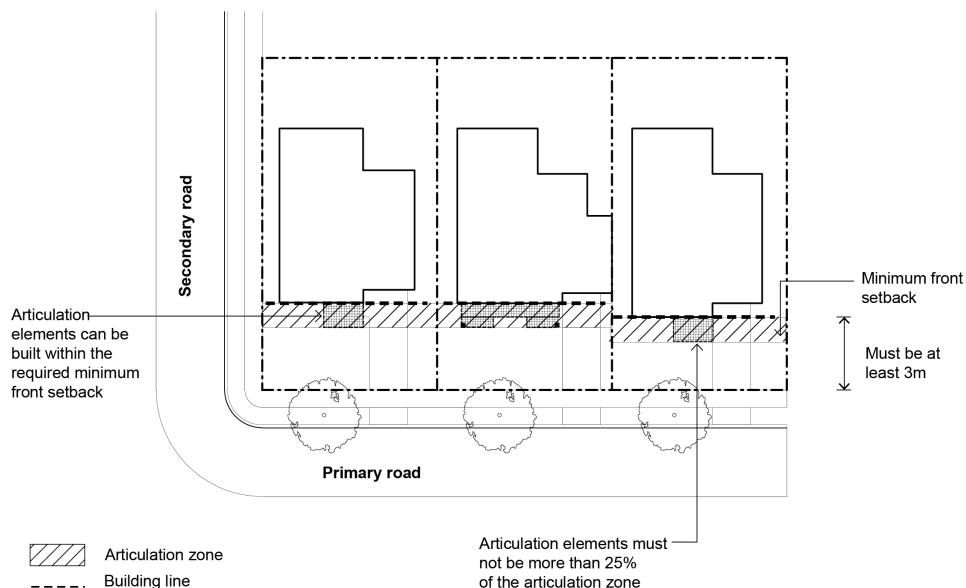
- (b) at least 1 door and 1 window to a habitable room at ground floor level facing any parallel road.

(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—

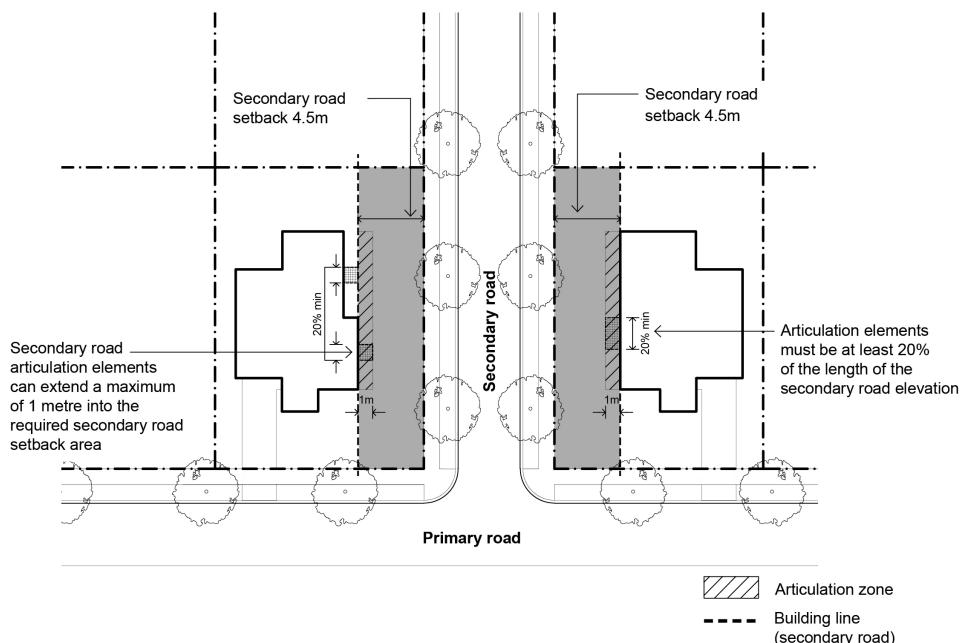
- (a) an entry feature or portico,
- (b) a balcony, deck, pergola, terrace or verandah,
- (c) a window box treatment,
- (d) a bay window or similar feature,
- (e) an awning or other feature over a window,
- (f) a sun shading feature,
- (g) an eave.

(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 comprise 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 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 $1m^2$ 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, 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—

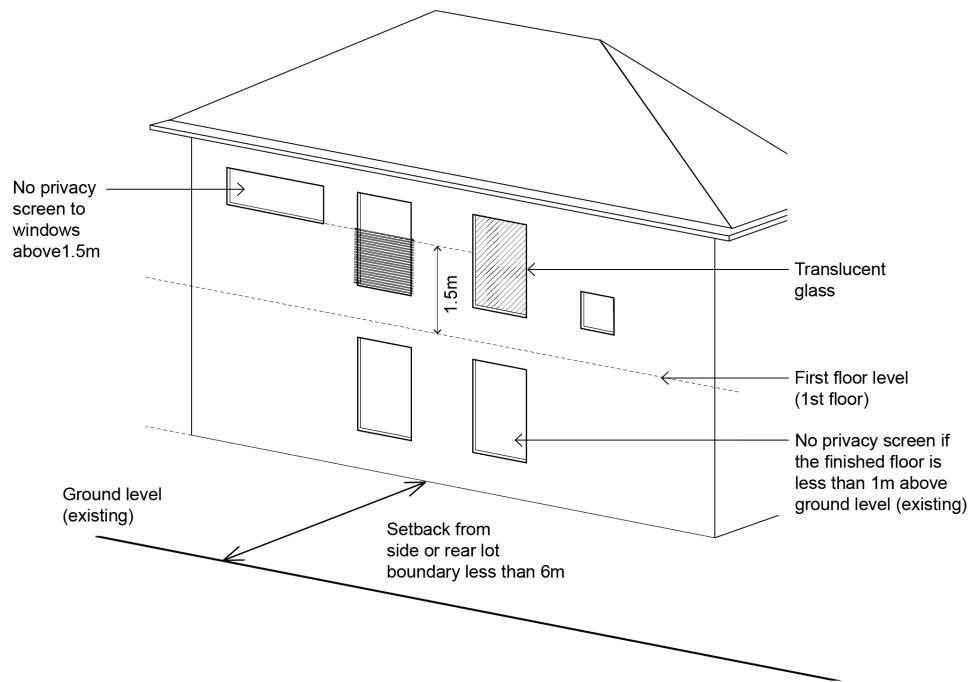
- (a) a space that contains only a lift shaft, stairway or meter room, or
- (b) a mezzanine, or
- (c) an attic.

3C.17 Windows, doors and openings

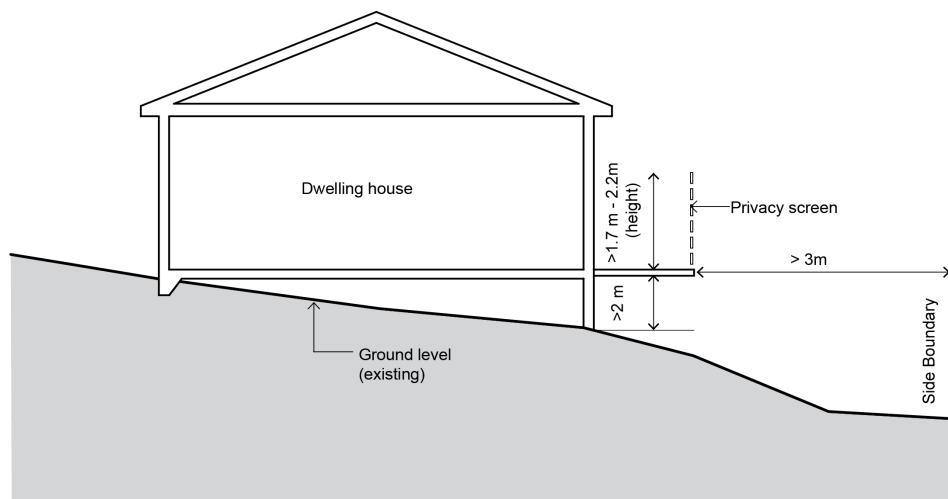
Any wall erected within 900mm of a side boundary must not contain a door, window or any other opening.

3C.18 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 2m².



- (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, terrace or verandah must be installed at the edge of that part of the balcony, deck, patio, terrace or verandah that is parallel to or faces towards the relevant side or rear boundary if the area of the balcony, deck, patio, terrace or verandah is at least 3m² and—
- that edge is less than 3m from a side or rear boundary and the balcony, deck, patio, terrace or verandah has a finished floor level of more than 1m above ground level (existing), or
 - that edge is at least 3m, but not more than 6m from a side or rear boundary and the balcony, deck, patio, 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.

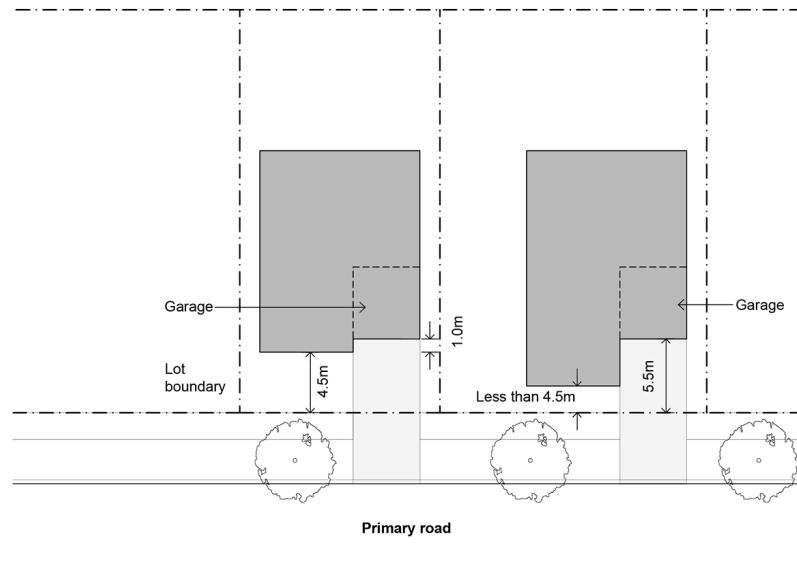
Note 2.

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

3C.19 Car parking and vehicle access 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) All off-street car parking spaces and vehicle access must comply with AS/NZS 2890.1:2004, *Parking facilities, Part 1: Off-street car parking*.
- (3) 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.
- (4) An attached garage may only be erected on a lot that has a width of less than 8m measured at the building line if the garage is accessed only from a secondary road, parallel road or lane.
- (5) An attached garage, carport or car parking space 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) The maximum width of all garage door openings facing a primary, secondary or parallel road is shown in the following table—

Lot width at the building line	Maximum width of garage door openings
7m or more but less than 10m	3.2m
10m or more but less than 11m	for a 1 storey dwelling house—3.2m for a 2 storey dwelling house—6m
11m or more but less than 15m	6m
15m or more	50% of width of front facade of dwelling or 7.2m, whichever is the lesser

- (7) The maximum width of all driveways measured at the boundary to which the front of the dwelling house faces is shown in the following table—

Lot width at the building line	Maximum width of driveway
7m or more but less than 10m	3.2m
10m or more but less than 15m	single entry driveway—3.2m double entry driveway—4.8m
15m or more	4.8m

Note 1.

Attached, battle-axe lot, 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.

Alterations or additions to a garage or carport that is forward of the building line is not complying development under this code (see clause 3C.3(3)(g)).

Division 4 Development standards for detached development

Subdivision 1 Application of Division

3C.20 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.

Subdivision 2 Built form development standards for detached development (other than swimming pools and fences)

3C.21 Maximum height

The maximum height for any detached development is 4.5m above ground level (existing).

Note 1.

Detached development is defined in clause 1.5.

Note 2.

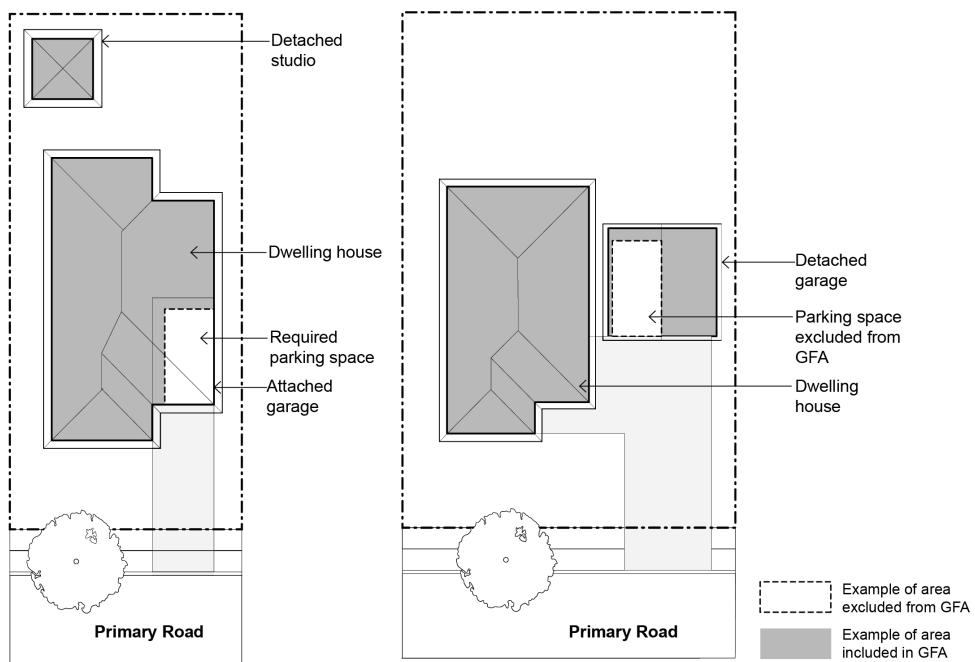
Ground level (existing) is defined in the Standard Instrument as the existing level of a site at any point.

3C.22 Maximum gross floor area of all buildings on lot

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

Lot area	Maximum gross floor area
200m ² -250m ²	78% of lot area
>250m ² -300m ²	75% of lot area
>300m ² -350m ²	235m ²
>350m ² -450m ²	25% of lot area + 150m ²
>450m ² -560m ²	290m ²
>560m ² -600m ²	25% of lot area + 150m ²

>600m ² -740m ²	335m ²
>740m ² -900m ²	25% of lot area + 150m ²
>900m ² -920m ²	380m ²
>920m ² -1,000m ²	25% of lot area + 150m ²
>1,000m ²	400m ²



- (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.

3C.23 Maximum gross floor area of certain detached development

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

- (a) a 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 area

Maximum gross floor area

200m ² -300m ²	36m ²
>300m ² -600m ²	45m ²
>600m ² -900m ²	60m ²
>900m ²	100m ²

Note.

The maximum gross floor area of detached studios is set out in clause 3C.28.

3C.24 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) must be located behind the building line of a dwelling house that is adjacent to any primary road or secondary road.

Note 1.

Primary and secondary road setbacks for detached garages and carports are set out in clause 3C.26.

Note 2.

Clause 3C.29 contains certain exclusions from, and exceptions to, the setbacks specified in this clause.

- (2) **Side setbacks** Detached development that is any of the following must have a minimum setback from the side boundary of a lot as shown in the table to this subclause—

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

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

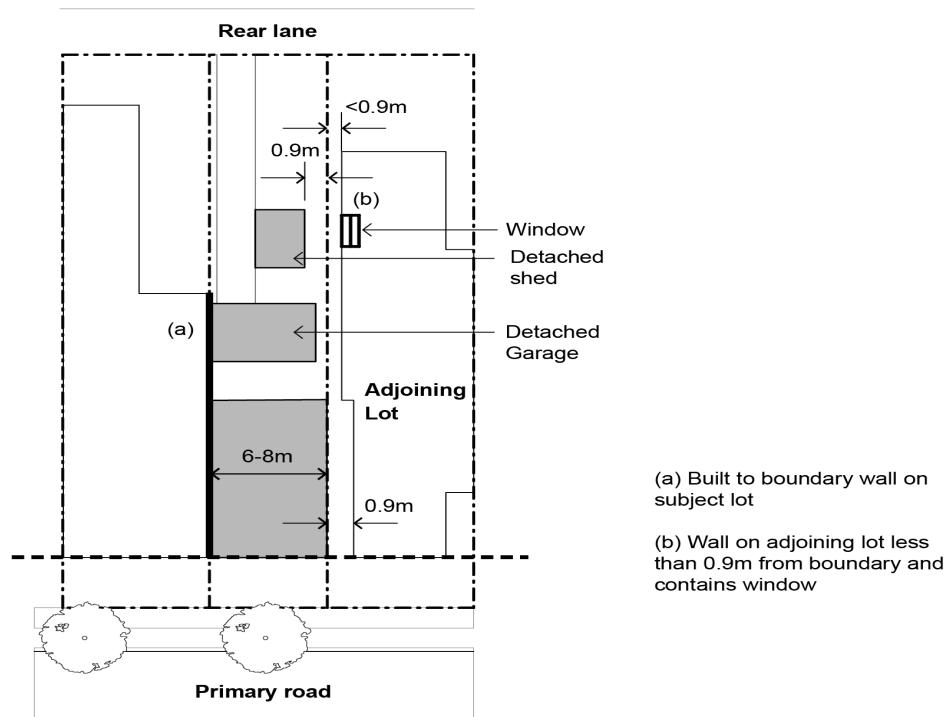
Note.

Side boundary setbacks for detached studios are set out in clause 3C.28.

- (3) **Built to boundary setbacks** Despite subclause (2), detached development 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.



(4) Despite subclause (2), detached development 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.

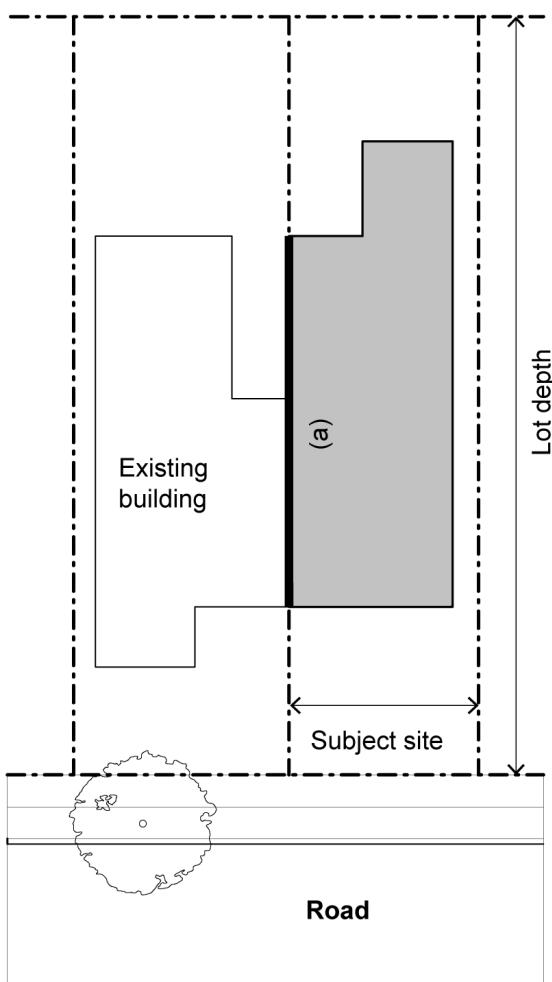
(5) **Maximum height of built to boundary walls** The height of a wall erected within 900mm of

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 4.5m, 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 4.5m.

(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 or more, but less than 7m	20m or 50% of the depth of the lot, whichever is the lesser
7m or more, but less than 10m	15m or 50% of the depth of the lot, whichever is the lesser
10m or more, but less than 15m	11m or 50% of the depth of the lot, whichever is the lesser
15m or more	No maximum length



(a) Maximum length of built to boundary walls:

$\geq 6m > 7m$ wide lots must not be longer than 20m or 50% of the depth of the lot, whichever is the lesser

$\geq 7m > 10m$ wide lots must not be longer than 15m or 50% of the depth of the lot, whichever is the lesser

$\geq 10m > 15m$ wide lots must not be longer than 11m or 50% of the depth of the lot, whichever is the lesser

$\geq 15m$ - no maximum length

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

A wall built within 900mm of a wall on an adjoining lot is subject to clause 3C.35 (Protecting adjoining walls).

- (8) **Rear setbacks** Detached development 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 cabana, cubby house, fernery, garden shed, gazebo or greenhouse,

(b) a rainwater tank (above ground),

(c) a shade structure or a shed.

Lot area	Minimum setback from rear boundary
200m ² -900m ²	900mm
>900m ² -1,500m ²	1.5m
>1,500m ²	2.5m

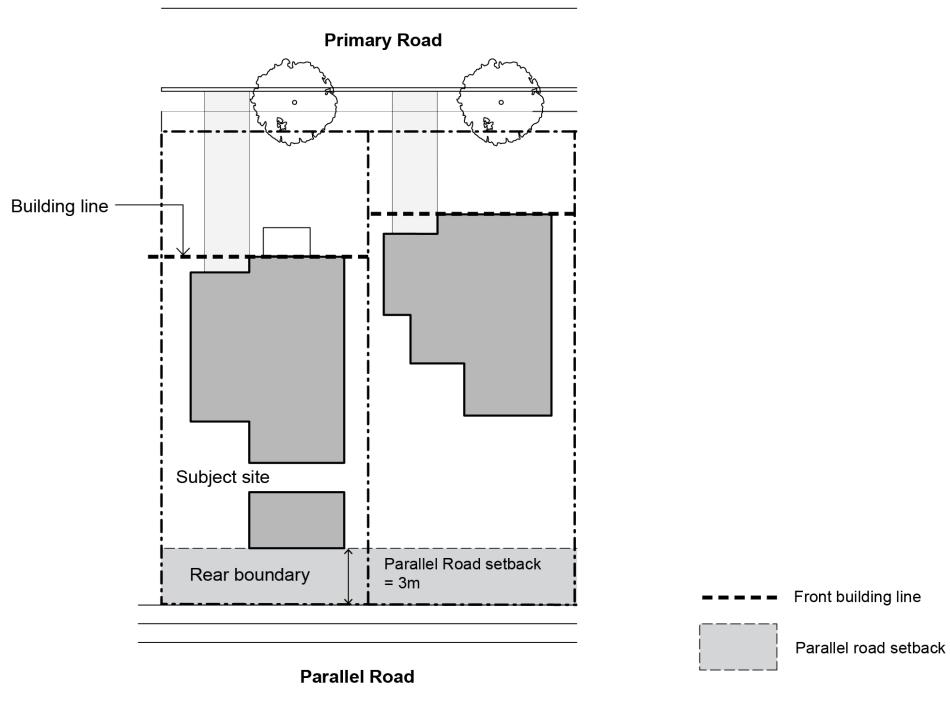
Note.

Rear setbacks for detached garages and carports, detached decks, patios, pergolas, terraces and verandahs and detached studios are set out in clauses 3C.26, 3C.28 and 3C.29, 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 3C.29(4) contains exceptions to this setback for certain types of detached development.



(10) Setbacks from classified roads Despite any 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 any other environmental planning instrument applying to the land, or

(b) if no setback is specified—9m.

- (11) **Setbacks from public reserves** Despite any 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 deck, patio, pergola, terrace or verandah,
 - (d) a rainwater tank (above ground),
 - (e) a shade structure or shed,
 - (f) a detached studio.

3C.25 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 20m².

Note.

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

3C.26 Other development standards for detached garages and carports

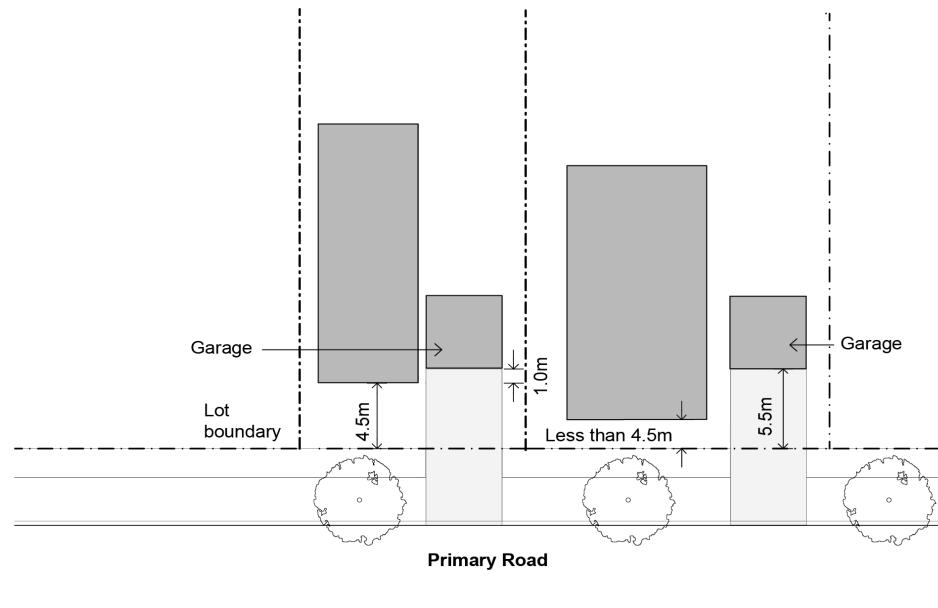
- (1) **Car parking and vehicle access requirements** All off-street car parking spaces and vehicle access must comply with AS/NZS 2890.1:2004, *Parking facilities, Part 1: Off-street car parking*.
- (2) The off-street car parking space for a battle-axe lot must be constructed so that vehicles can leave 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 detached garage must be located at the rear of the dwelling house if the width of the lot is not more than 7m measured at the building line.

(5) A carport must have 2 or more sides open and have not less than one-third of its perimeter open.

(6) **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



(7) **Secondary road setbacks** A detached garage or carport on a corner lot must have a minimum setback from the secondary road as shown in the following table—

Lot area	Minimum setback from secondary road
200m ² -600m ²	2m
>600m ² -1,500m ²	3m
>1,500m ²	5m

(8) **Rear setbacks** A detached garage or carport must have a minimum setback from the rear boundary as shown in the following table—

Lot area	Minimum setback from rear boundary

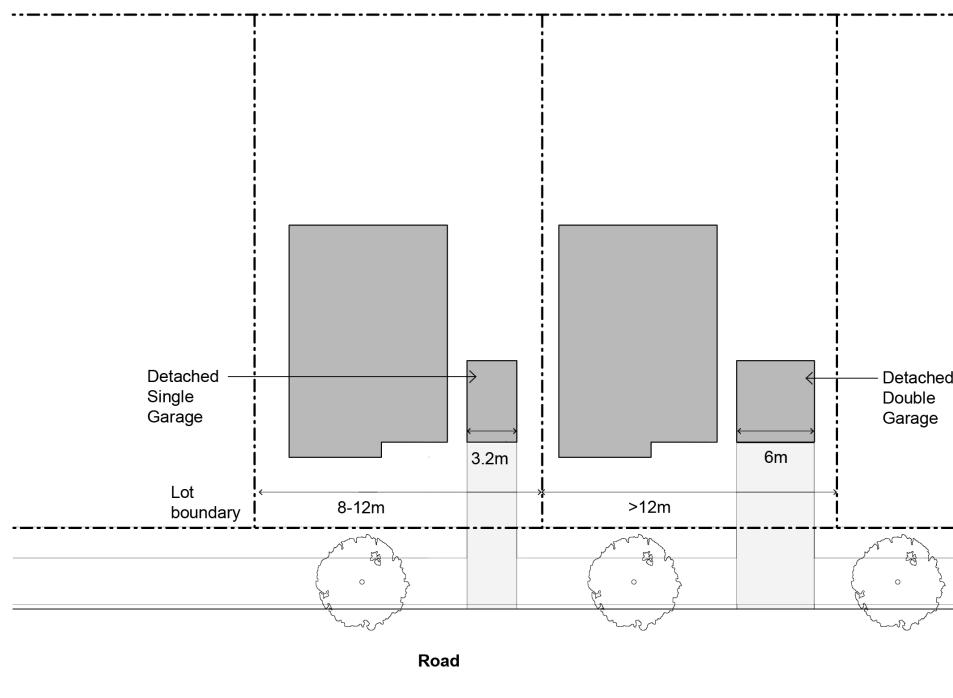
$200\text{m}^2 - 900\text{m}^2$	900mm
$>900\text{m}^2 - 1,500\text{m}^2$	1.5m
$>1,500\text{m}^2$	2.5m

(9) **Built to rear boundary** Despite subclause (8), a detached garage or carport of masonry construction may be built to the rear boundary if—

- (a) the lot area is at least 200m^2 , but not more than 300m^2 , 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.

(10) **Maximum width of garage doors** The maximum width of all detached garage and carport door openings facing a primary, secondary or parallel road is shown in the following table—

Lot width at the building line	Maximum width of garage doors
8m-12m	3.2m
$>12\text{m}$	6m



Note 1.

Battle-axe lot, boundary wall, building line, corner lot, detached, dwelling house, gross floor area, heritage conservation area, lane, parallel road, primary road, secondary road and **setback** are defined in clause 1.5.

Note 2.

Building height and **ground level (existing)** have the same meanings as they have in the Standard Instrument.

3C.27 Other development standards for detached decks, patios, pergolas, terraces and verandahs

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

Note.

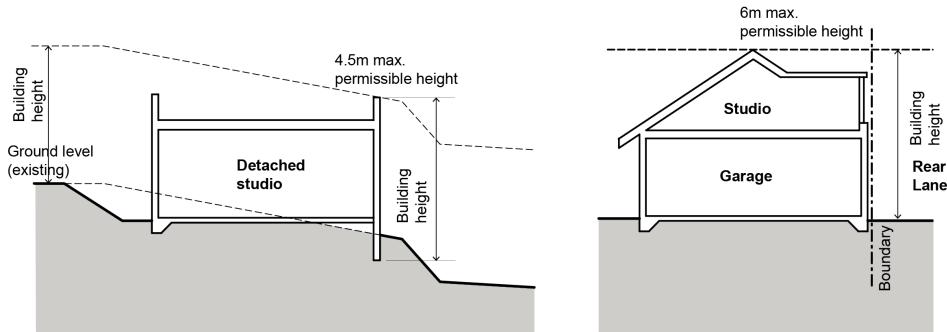
Ground level (existing) has the same meaning as it has in the Standard Instrument.

- (2) **Rear setbacks** A detached deck, patio, pergola, terrace or verandah must have a minimum setback from the rear boundary as shown in the following table—

Lot area	Minimum setback from rear boundary
200m ² -900m ²	900mm
>900m ² -1,500m ²	1.5m
>1,500m ²	2.5m

3C.28 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 3C.21, if a detached studio is within 900mm of a lane and is above a garage, the maximum height 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 area	Maximum gross floor area
200m ² -350m ²	20m ²
>350m ²	36m ²

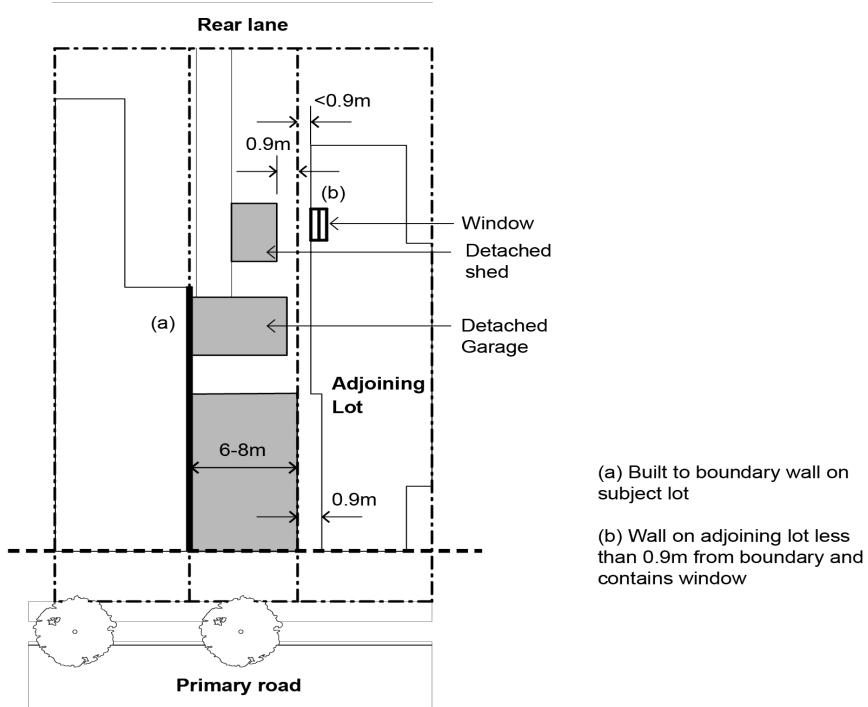
(4) **Side and rear boundary setbacks** A detached studio must have a minimum setback from each side and rear boundary as shown in the following table—

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

(5) **Lots with only 3 boundaries** The rear setbacks specified in subclause (4) do not apply to a lot that only has 3 boundaries.

(6) **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.



- (7) Despite subclause (4), a detached studio that is within 900mm of a rear lane may be built to 1 side boundary if—
- the lot width measured at the building line is more than 8m, but not more than 12.5m, and
 - 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
 - any wall erected within 900mm of the side boundary will not contain a door, window or any other opening.
- (8) **Maximum height of built to boundary walls** The height of a wall erected within 900mm of a side boundary must not exceed—
- 3.3m above ground level (existing), or
 - 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 4.5m, or
 - 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 4.5m, or
 - 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.
- (9) **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—
- 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
 - 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, dwelling house, gross floor area, heritage conservation area, lane, parallel road, primary road, privacy screen, secondary road and **setback** are defined in clause 1.5.

Note 2.

Building height and **ground level (existing)** have the same meanings as they have in the Standard Instrument.

3C.29 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.

Articulation zone, boundary wall, building line, dwelling house and **setback** are defined in clause 1.5.

Note 2.

Classified road, public reserve and **rainwater tank** 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.

Subdivision 3 Landscape development standards for detached development (other than fences and child-resistant barriers)

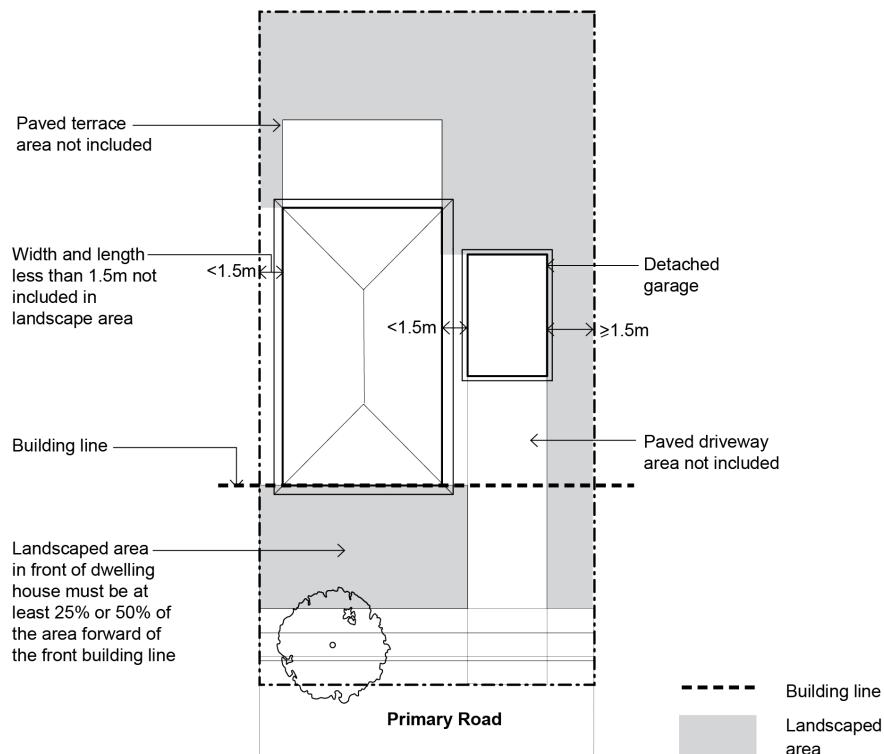
3C.30 Minimum landscaped area

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

Lot area	Minimum landscaped area
200m ² -300m ²	10% of lot area
>300m ² -450m ²	15% of lot area
>450m ² -600m ²	20% of lot area
>600m ² -900m ²	30% of lot area

$>900\text{m}^2 - 1,500\text{m}^2$	40% of lot area
$>1,500\text{m}^2$	45% of lot area

- (2) Each landscaped area must have a minimum width and 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.



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

Note 1.

Building line and **principal private open space** are defined in clause 1.5.

Note 2.

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

Subdivision 4 Built form development standards for swimming pools, fences and child-resistant barriers

3C.31 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.
- (4) **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).
- (5) Decking around a swimming pool must not be more than 600mm above ground level (existing).
- (6) A swimming pool must be located behind the building line of the dwelling house.
- (6A) If the dwelling house is on a corner lot, the swimming pool must also be behind the building line of the dwelling house adjacent to the secondary road boundary.
- (7) The swimming pool water line must have a setback of at least 1m from—
 - (a) a side or rear boundary, or
 - (b) a boundary with a secondary road.
- (8) **Heritage conservation areas** Despite subclauses (6) and (7), 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, principal private open space and **setback** are defined in clause 1.5.

Note 2.

Ground level (existing) and **landscaped area** have the same meanings as they have 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 3C.33.

3C.32 Development standards for fences

- (1) 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.
- (2) 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.
- (3) 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.

- (4) Despite subclause (2)(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).
- (5) A fence erected on bush fire prone land must be constructed of non-combustible material.
- (6) A requirement in subclause (2)(f) or (3)(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, conservation zones and Zone R5 are specified in clause 2.36.

Division 5 Development standards for associated works including earthworks, retaining walls, drainage, protection of walls, protection of trees and conditions under complying development certificates

3C.33 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, and
 - (b) if located more than 1m but not more than 1.5m from any boundary—2m, and
 - (c) if located more than 1.5m from any boundary—3m.
 - (1A) Excavation for the purposes of a pier in a pier and beam foundation may exceed the maximum depth specified in subclause (1) if a professional engineer has certified the depth of the excavation.
- (2) Despite subclauses (1) and (1A), the excavation must not exceed a maximum depth, measured from ground level (existing), of 1m if the land is identified as Class 3 or 4 on an Acid Sulfate Soils Map or is within 40m of a waterbody (natural).
- (3) **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, or
 - (b) if the fill is for any other purpose under this code—600mm.
- (4) Despite subclause (3), the height of fill is not limited if the fill is contained—
- (a) wholly within the footprint of a dwelling house, attached development or detached development, or
 - (b) by a drop edge beam.
- (5) Fill that is higher than 150mm above ground level (existing) and is not contained wholly within the footprint of a dwelling house or any attached development or detached development is limited to 50% of the landscaped area of the lot.
- (6) The ground level (finished) of the fill must not be used to measure the height of any dwelling house or any attached development or detached development under this code.
- (7) **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 have 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 other retaining wall or structural support on the site by at least 2m, measured horizontally, and
 - (f) has been installed in accordance with any manufacturer's specifications, and
 - (g) if it is an embankment or batter—has a toe or top that is more than 1m from any side or rear boundary.
- (8) (Repealed)

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 3C.32 and 3C.33.

3C.34 Drainage

All stormwater collecting as a result of the carrying out of development 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 or 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.

3C.35 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.

3C.36 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 1 is taken to satisfy any requirement under this Policy for a permit, approval 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 25m², and
 - (c) the tree or vegetation has a height that is less than—
 - (i) for development that is the erection of a 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 and an adjoining 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, approval 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 6 Conditions applying to complying development certificates under this code

3C.37 Conditions specified in this clause and Schedule 6 apply

- (1) A complying development certificate for development under this code must be issued subject to the conditions specified in this clause and in Schedule 6.

Note.

Complying development certificate and **environmental planning instrument** have the same meanings as they have in the Act.

- (2) **Waste management** The following are conditions applying before works commence (in addition to those set out in Part 1 of Schedule 6)—
- (a) A waste management plan for the work must be submitted to the principal certifying authority at least 2 days before work commences on the site.
 - (b) The waste management plan must—
 - (i) identify all waste (including excavation, demolition and construction waste materials) that will be generated by the work on the site, and
 - (ii) identify the quantity of waste material in tonnes and cubic metres to be—
 - (A) reused on-site, and
 - (B) recycled on-site and off-site, and
 - (C) disposed of off-site, and
 - (iii) if waste materials are to be reused or recycled on-site—specify how the waste material will be reused or recycled on-site, and
 - (iv) if waste materials are to be disposed of or recycled off-site—specify the contractor who will be transporting the materials and the waste facility or recycling outlet to which the materials will be taken.
 - (c) A garbage receptacle must be provided at the work site before works begin and must be maintained until the works are completed.
 - (d) The garbage receptacle must have a tight fitting lid and be suitable for the reception of food scraps and papers.

Note.

A council has power under section 124 of the *Local Government Act* to make specific orders about the removal or keeping of waste.

- (3) **Maintenance of site** The following is a condition applying during works (in addition to those set out in Part 2 of Schedule 6)—
- Copies of receipts stating the following must be given to the principal certifying authority—
- (a) the place to which waste materials were transported,
 - (b) the name of the contractor transporting the materials,

- (c) the quantity of materials transported off-site and recycled or disposed of.

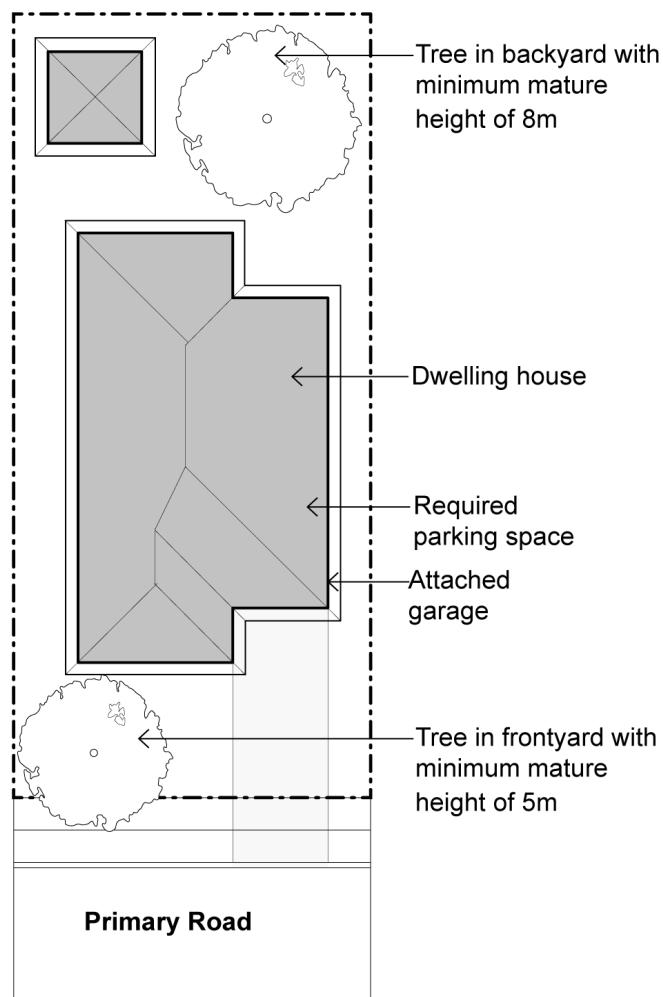
Note.

Clause 9 of Schedule 6 sets out further conditions relating to maintenance of the site.

- (4) **Planting of trees** The following is a condition applying as an operational requirement (in addition to those set out in Part 2 of Schedule 6)—

If the work relates to the erection of a new dwelling, a species of tree must be planted—

- (a) in the area between the dwelling house and the rear boundary—that is capable of achieving a height of at least 8m at maturity, and
- (b) in the area between the dwelling house and the primary road boundary—that is capable of achieving a height of at least 5m at maturity.



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, Narromine, 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 (Repealed)

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 a farm building or detached development and the alteration of, or an addition to, a farm building or 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.

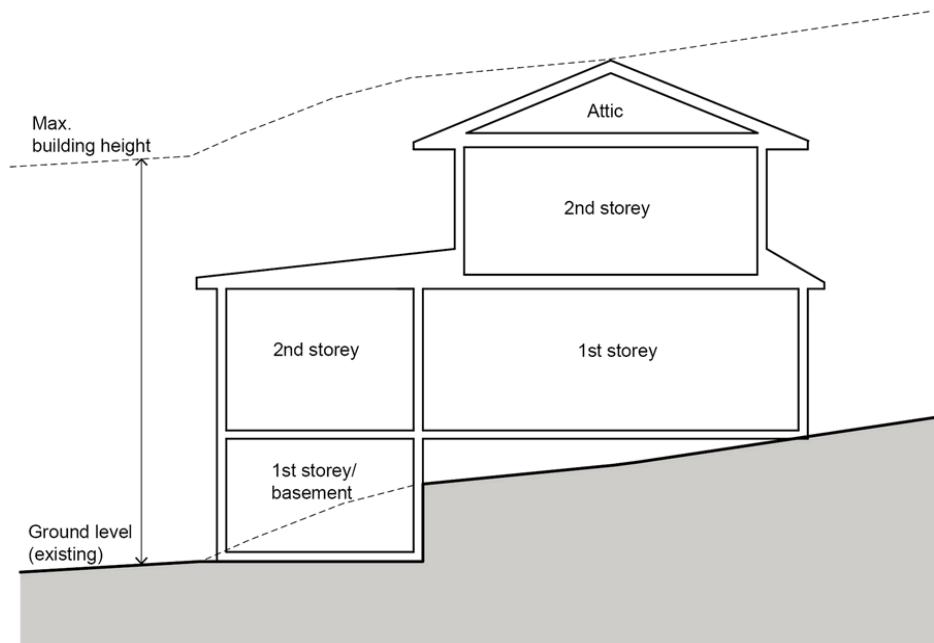
Note 1.

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 ²
>10m	45m ²

- (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,

- (l) development on land identified as being susceptible to landslide risk in an environmental planning instrument applying to the land.

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

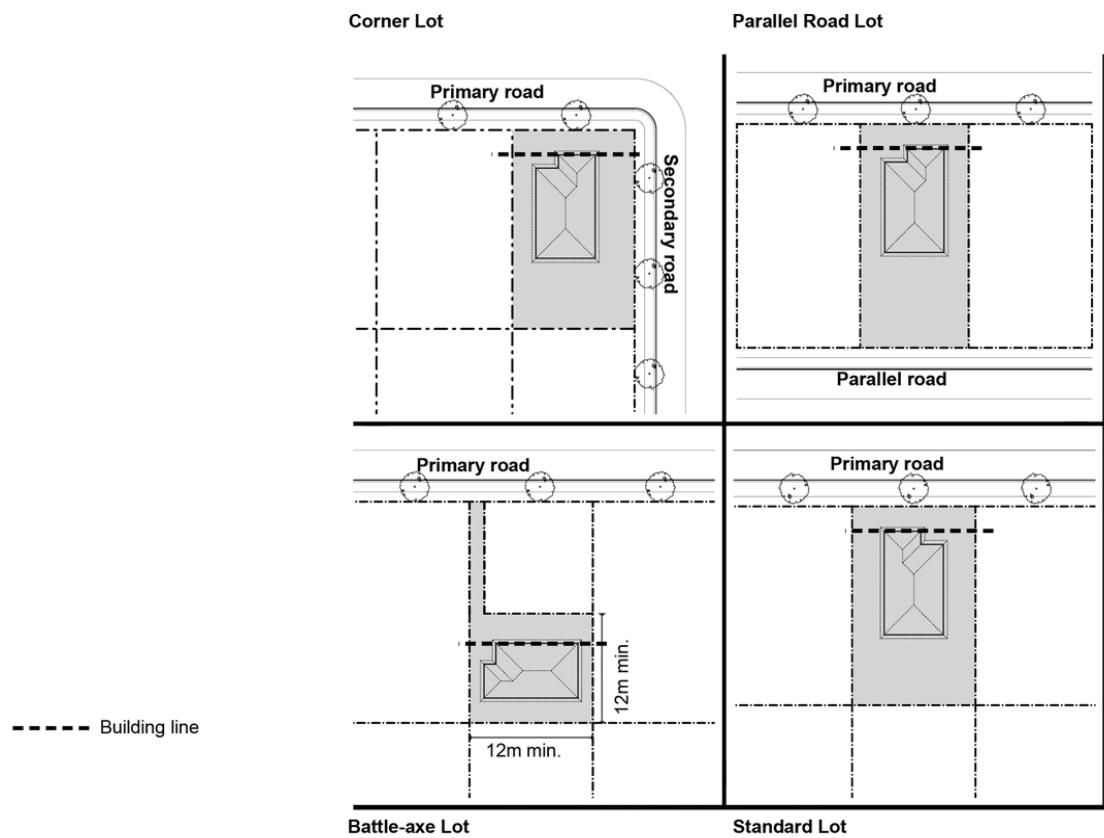
- (1) In this code, a reference to a lot is a reference to any of the following lots—
- (a) standard lot,
 - (b) corner lot,
 - (c) parallel road lot,
 - (d) battle-axe lot.

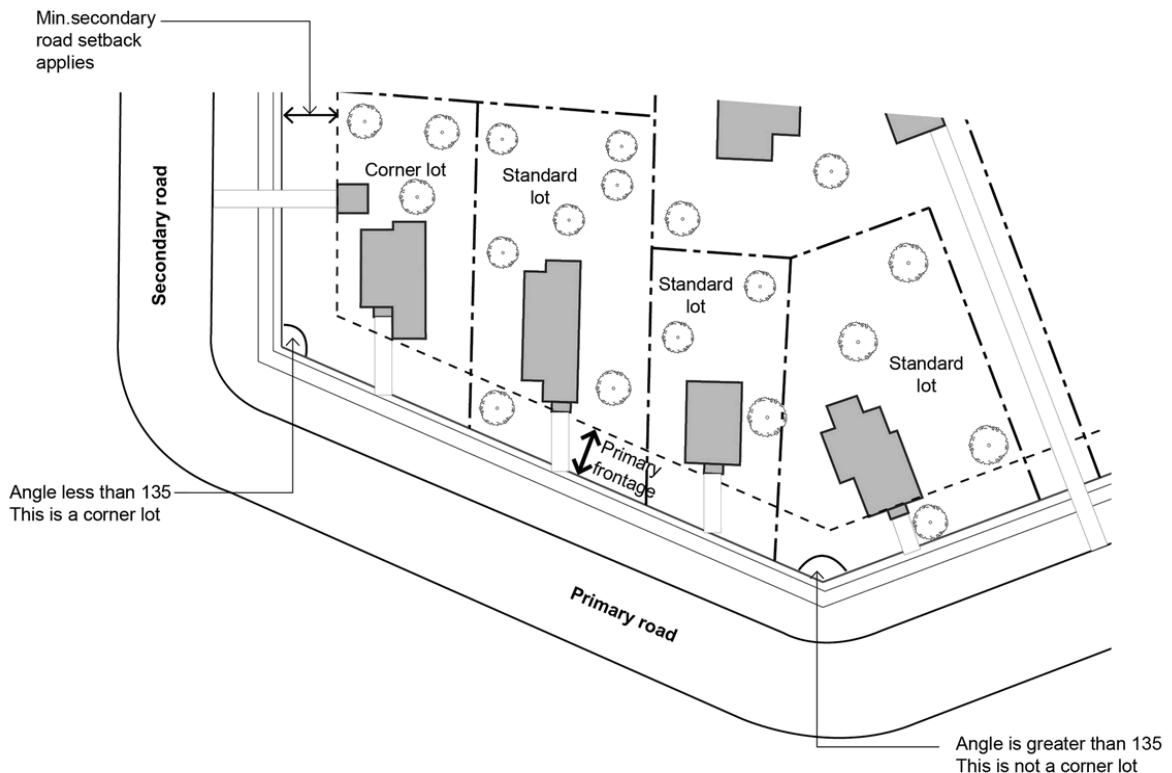
Note 1.

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).





- (2) When determining the lot type for this code, a lane is not to be considered a primary road.

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 that is more than 6m from any dwelling house,
 - (b) landscaped areas,
 - (c) non-combustible fences,
 - (d) swimming pools.

Note.

See clause 1.19A for additional provisions relating to bush fire prone land.

- (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) (Repealed)

- (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 70m of any part of the development, or
 - (ii) in the case of a lot with an area of 10,000m² 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 10,000m²—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 70m of any part of the development,
 - (j) the development must conform to the specifications and requirements of *Planning for Bush Fire Protection* that are relevant to the development.

Note 1.

Attached development, council, detached and **dwelling house** 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) (Repealed)

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,
 - (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 *Flood Risk Management Manual*, unless it is otherwise defined in this Policy.
- (5) (Repealed)

Note.

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 Dubbo Regional, 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 Dubbo Regional 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.

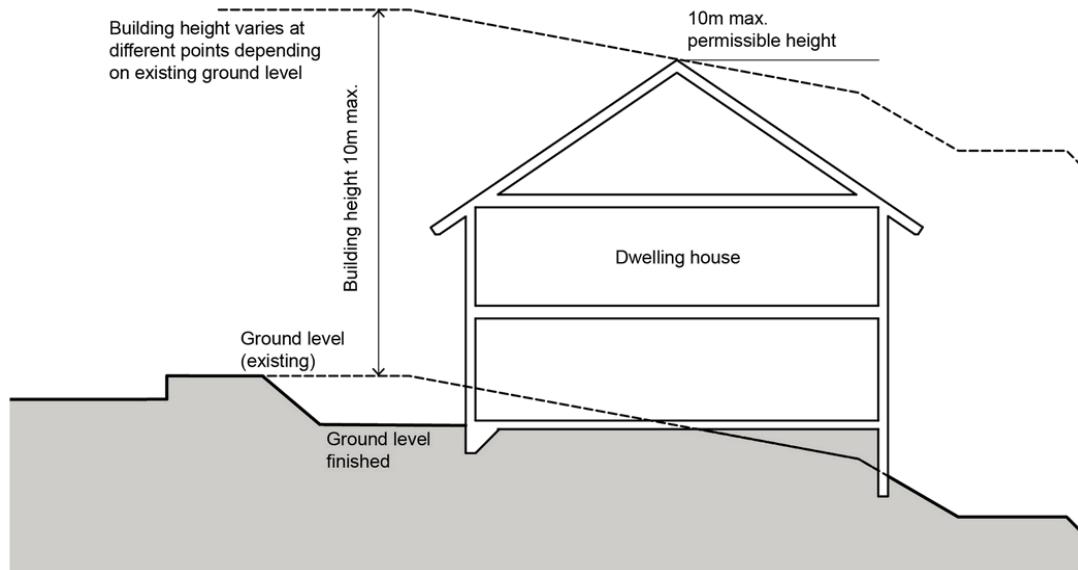
Subdivision 2 Built form development standards for dwelling houses and attached development

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—4,000m²,
 - (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,

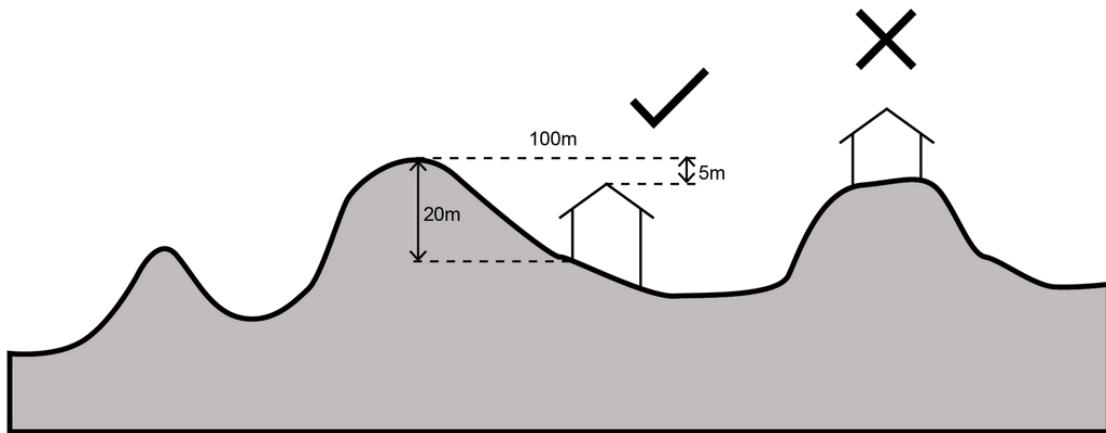
must be sited on the lot so that the highest point of the development is at least 5m below that ridgeline.

Note 1.

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

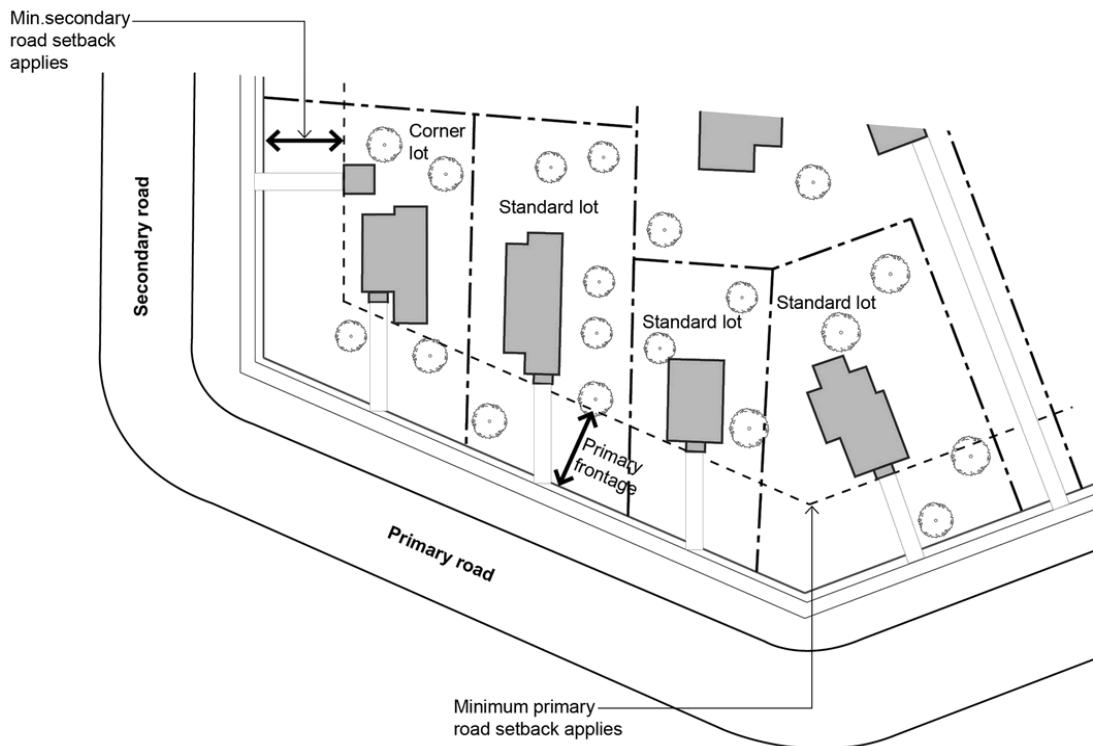
Note 2.

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—
- in the case of a sealed primary road—
 - in Zones RU1, RU2, RU3 and RU6—50m, or
 - in Zone RU4—30m, or
 - in the case of a sealed secondary road—10m, or
 - 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.

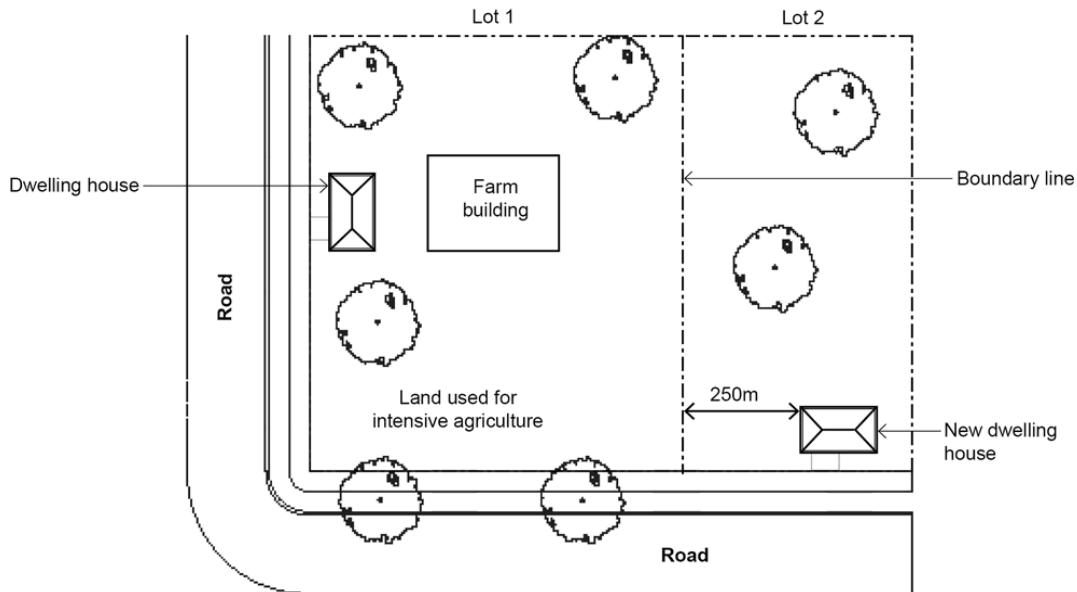
Note.

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, Part 1: 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 200m²,
 - (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

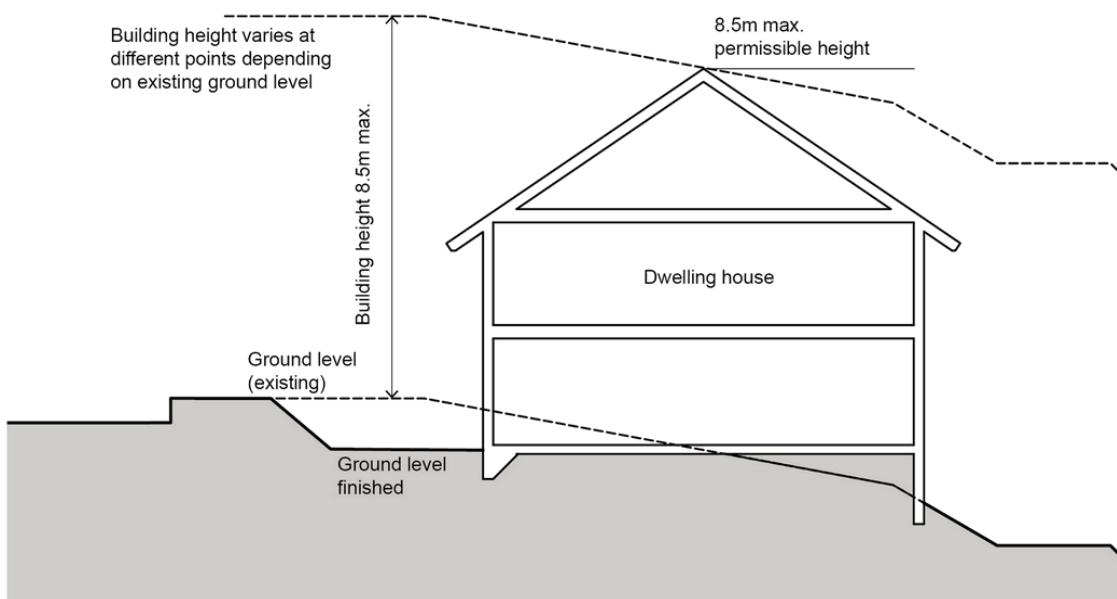
The maximum height for a dwelling house and any attached development is 8.5m above ground level (existing).

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.

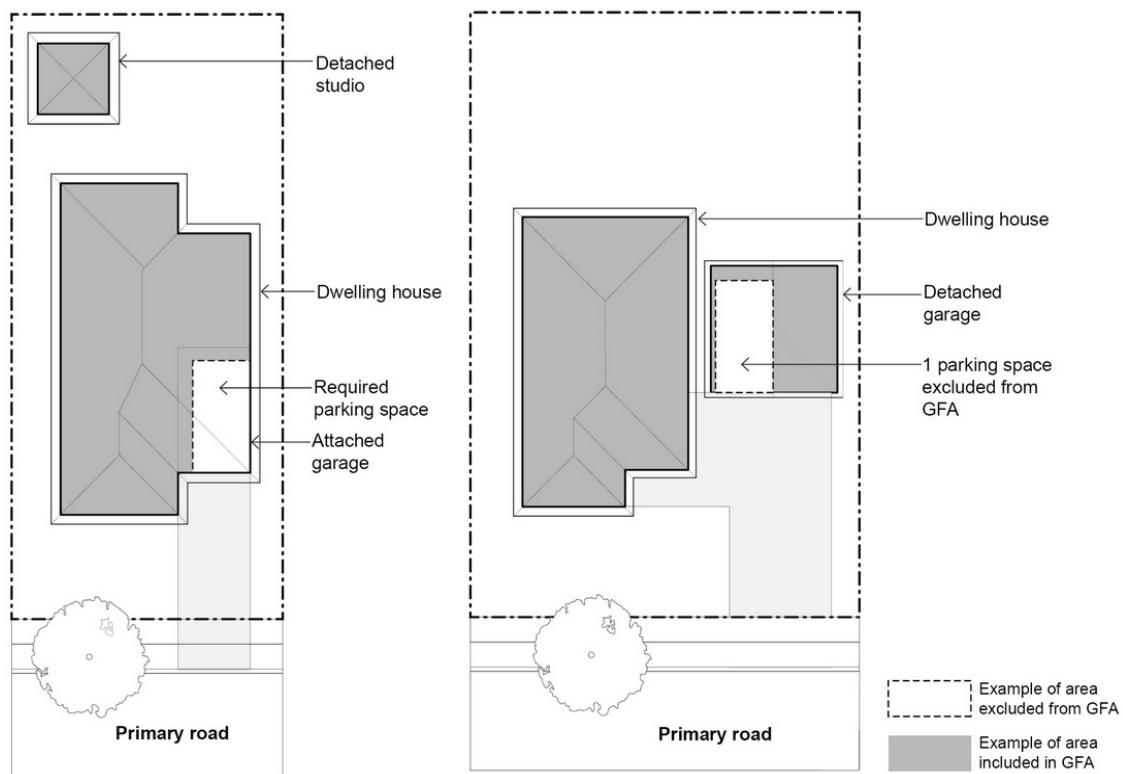


3D.20 Maximum gross floor area of all buildings

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

Lot area	Maximum GFA
200m ² -250m ²	78% of lot area
>250m ² -300m ²	75% of lot area

>300m ² -350m ²	235m ²
>350m ² -450m ²	25% of lot area + 150m ²
>450m ² -560m ²	290m ²
>560m ² -600m ²	25% of lot area + 150m ²
>600m ² -740m ²	335m ²
>740m ² -900m ²	25% of lot area + 150m ²
>900m ² -920m ²	380m ²
>920m ² -1,400m ²	25% of lot area + 150m ²
>1,400m ²	500m ²



- (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.

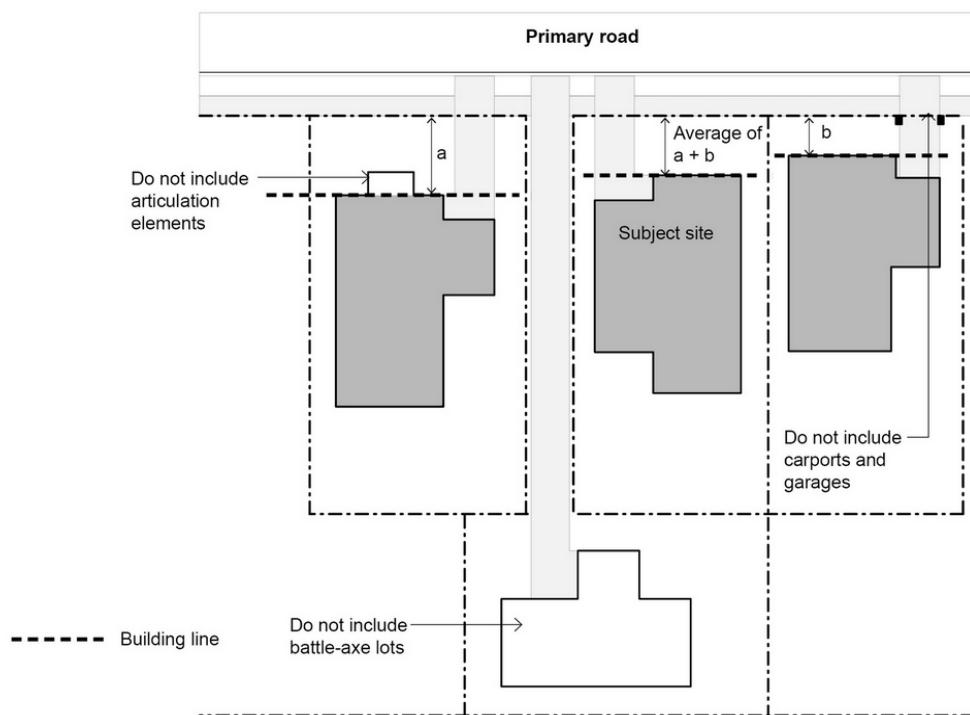
3D.21 Minimum setbacks and maximum height and length of built to boundary walls

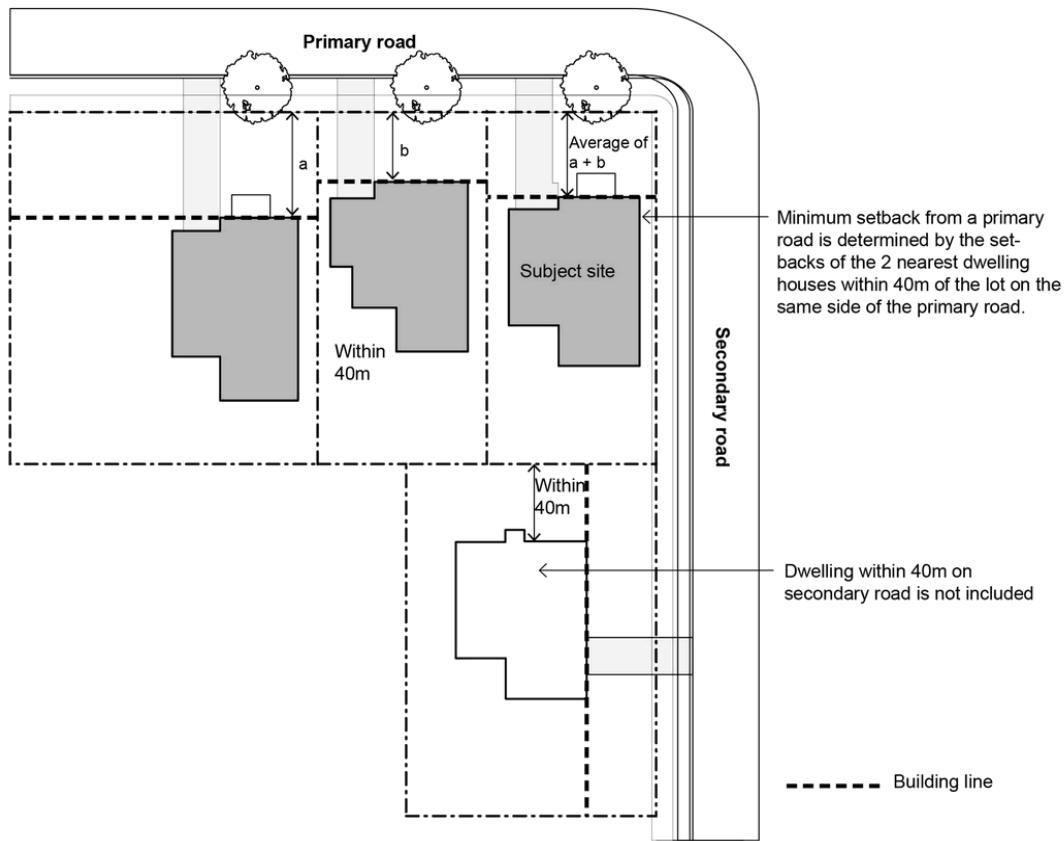
- (1) **Primary road setbacks** The primary road setback of a dwelling house and any attached development must not be less than the average primary road setback of the 2 nearest dwelling houses on the same side of the primary road.

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—
- dwelling houses on battle-axe lots,
 - any attached development or detached development on other lots,
 - building elements in the articulation zone.



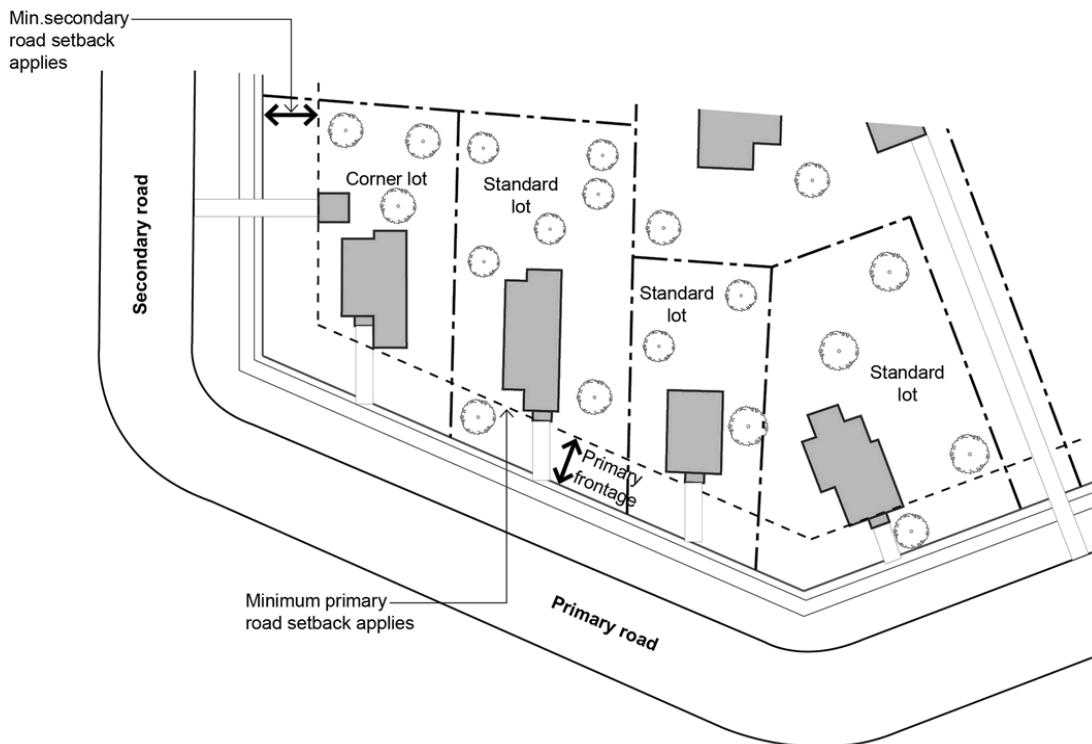


- (3) If there are not 2 dwelling houses within 40m of the lot on the same side of the primary road, the dwelling house and any attached development must have a minimum setback from the primary road as shown in the following table—

Lot size	Minimum setback from primary road
200m ² -300m ²	3m
>300m ² -1,500m ²	4.5m
>1,500m ²	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 ² -600m ²	2m
>600m ² -1,500m ²	3m
>1,500m ²	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)

$$s = h - 3m$$

where—

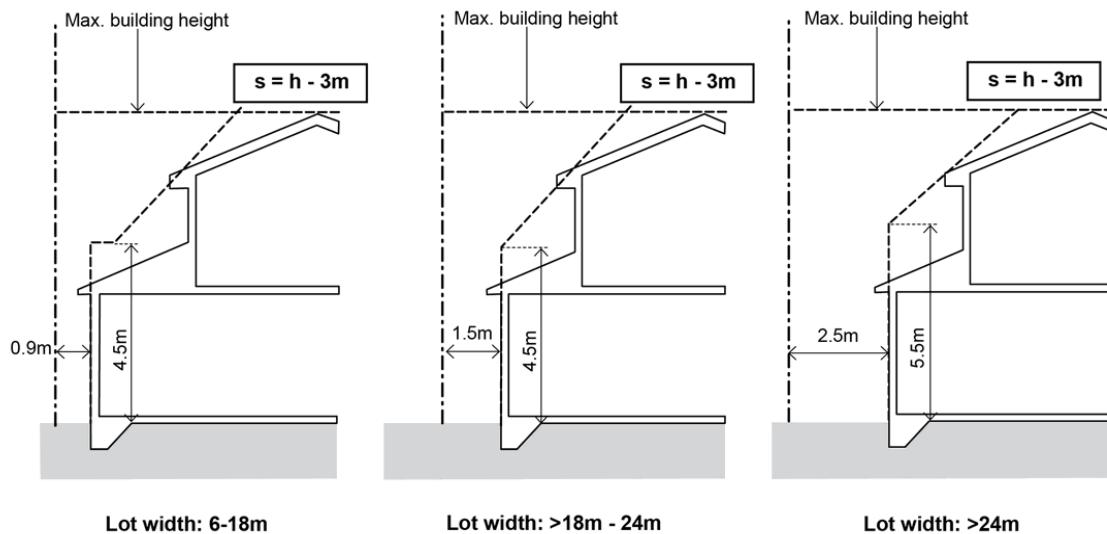
s is the minimum setback in metres, and

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

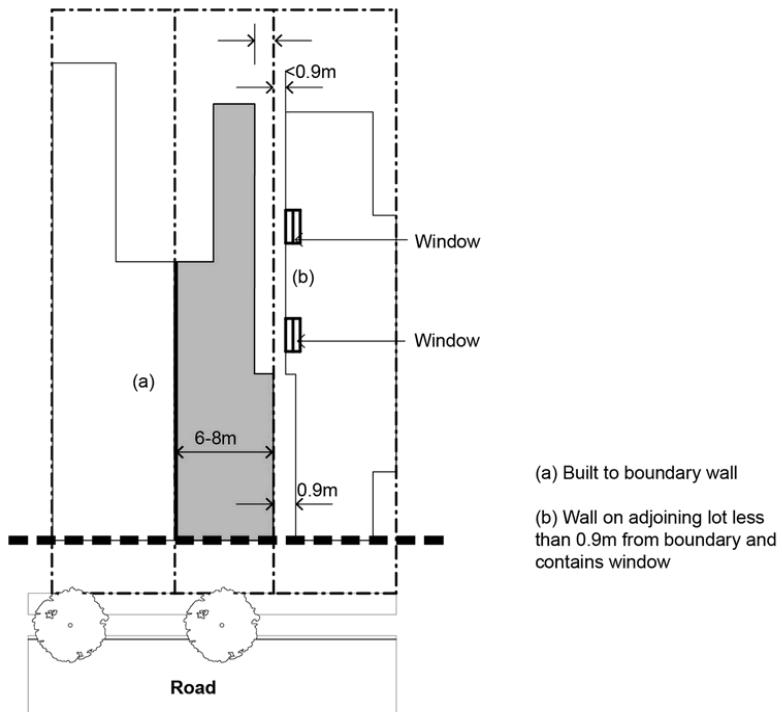
(b) the minimum setback specified in subclause (7),

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—
- the lot is not a corner lot, and
 - the lot width measured at the building line is at least 6m, but not more than 8m, and
 - 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
 - any wall erected within 900mm of a side boundary will not contain a door, window or any other opening.



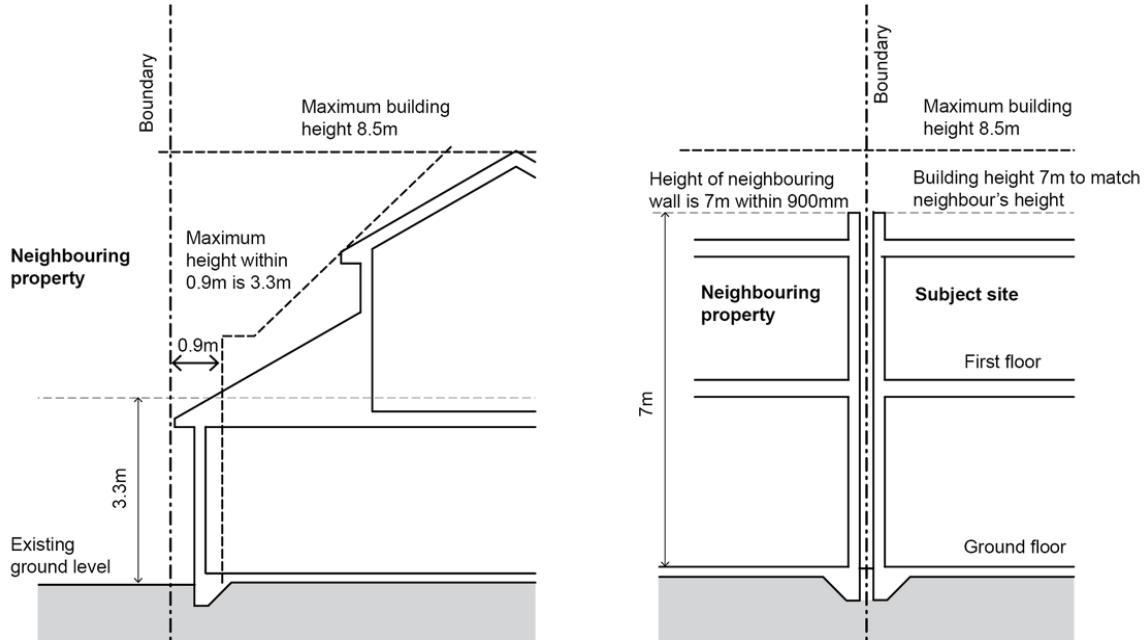
(10) Despite subclause (7), a building that is referred to in that subclause may be built to 1 side boundary if—

- (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—

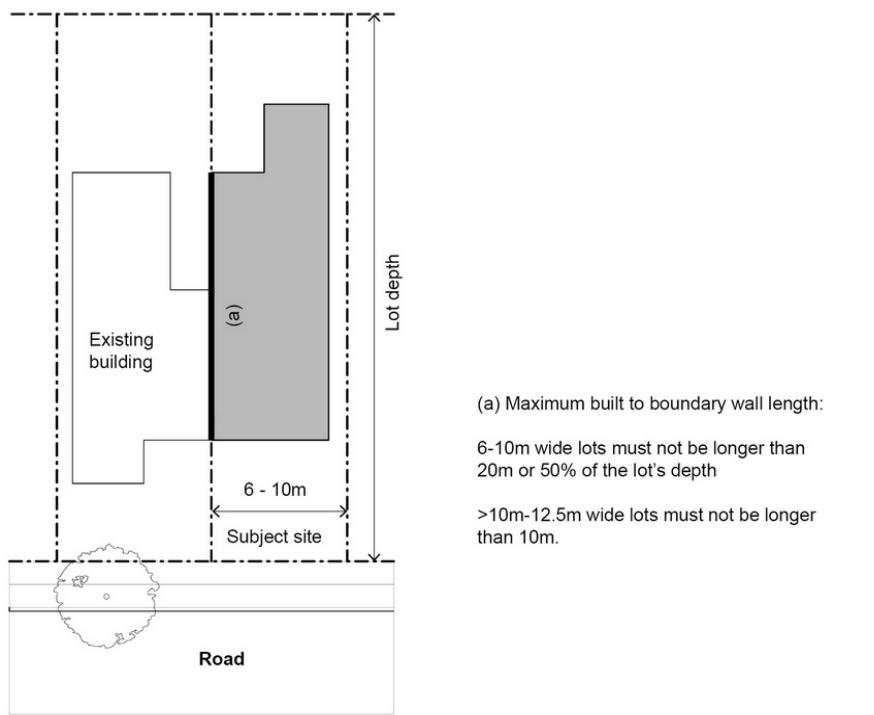
- (a) 3.3m above ground level (existing), or
- (b) if there is a building wall on the adjoining lot within 900mm of that boundary that is higher than 3.3m—the height of that wall, but not more than 8.5m, or
- (c) if the building on the adjoining lot is subject to the same complying development certificate 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—

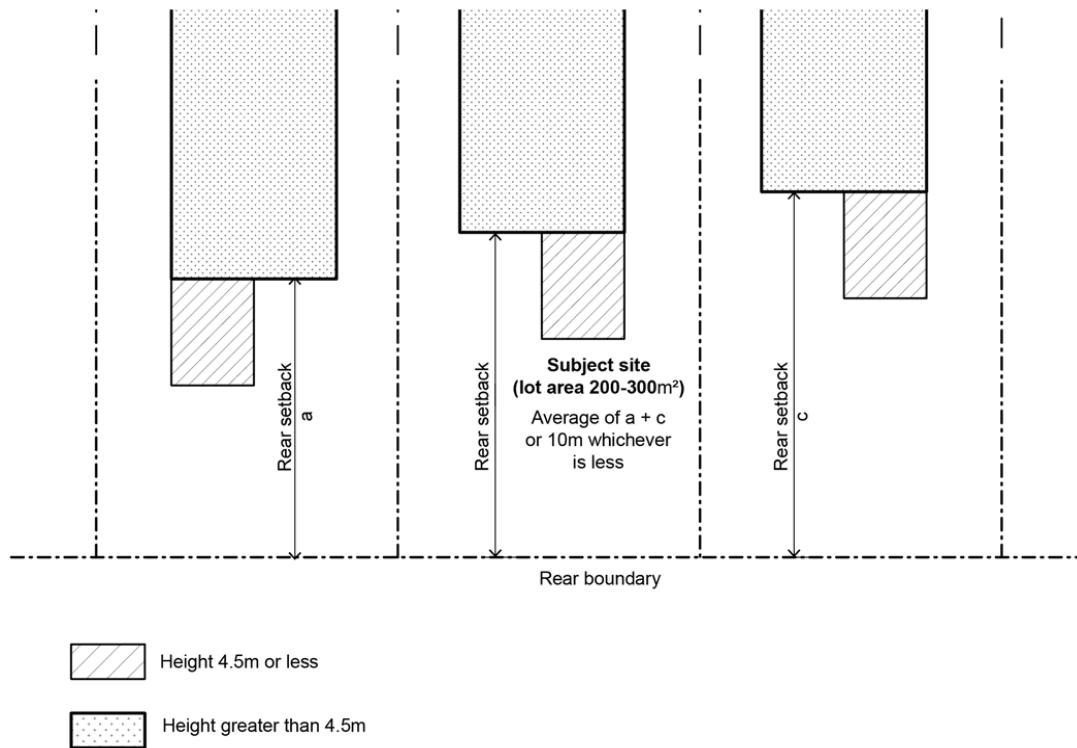
- (a) a dwelling house,

- (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 ² -300m ²	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 ² -900m ²	0m-4.5m	3m
	>4.5m-8.5m	8m
>900m ² -1,500m ²	0m-4.5m	5m
	>4.5m-8.5m	12m
>1,500m ²	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.

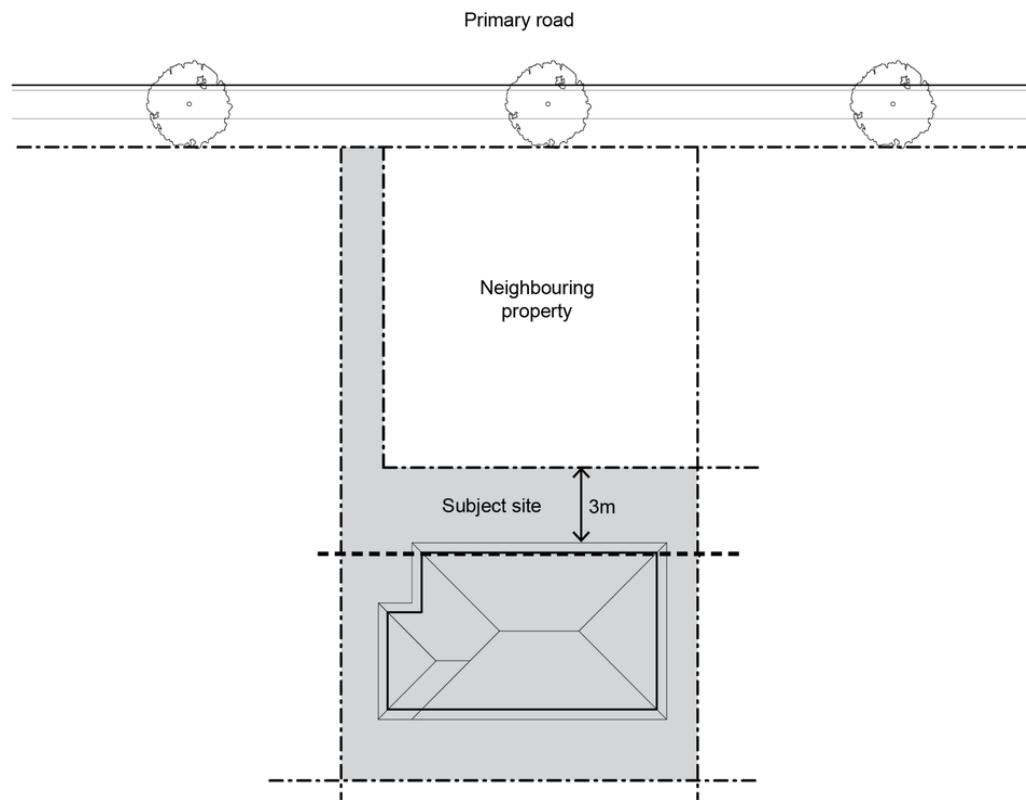
Note.

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 300m², 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 12m².

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.

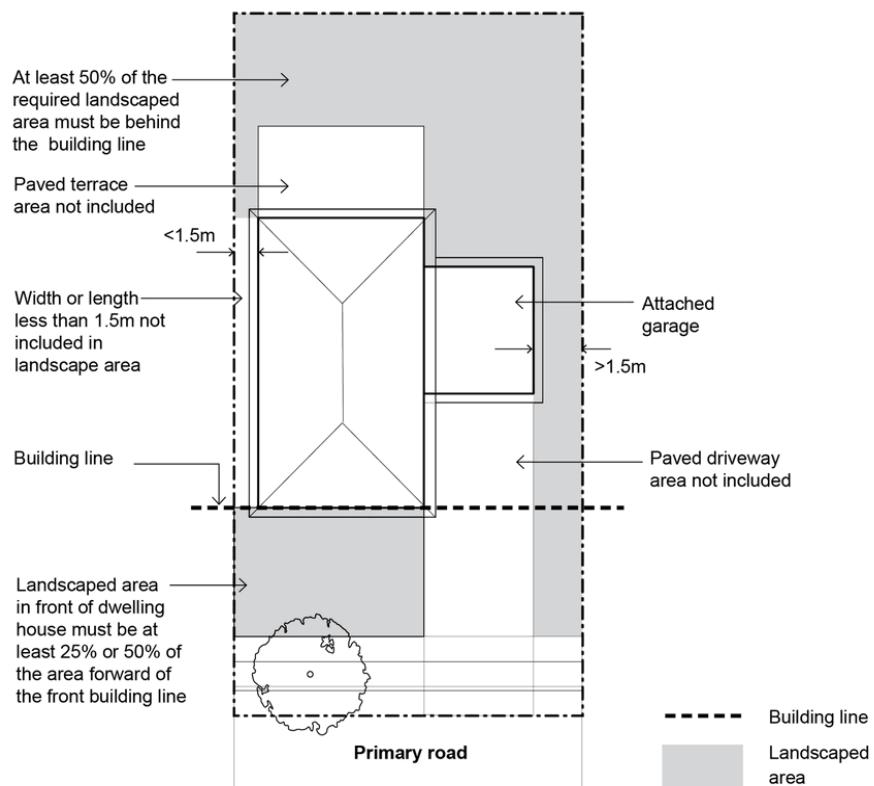
Subdivision 3 Landscape development standards for dwelling houses and attached development

3D.24 Minimum landscaped area

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

Lot area	Minimum landscaped area
200m ² -300m ²	10% of lot area
>300m ² -450m ²	15% of lot area
>450m ² -600m ²	20% of lot area
>600m ² -900m ²	30% of lot area
>900m ² -1,500m ²	40% of lot area
>1,500m ²	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—
- 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,
 - 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,
 - 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.

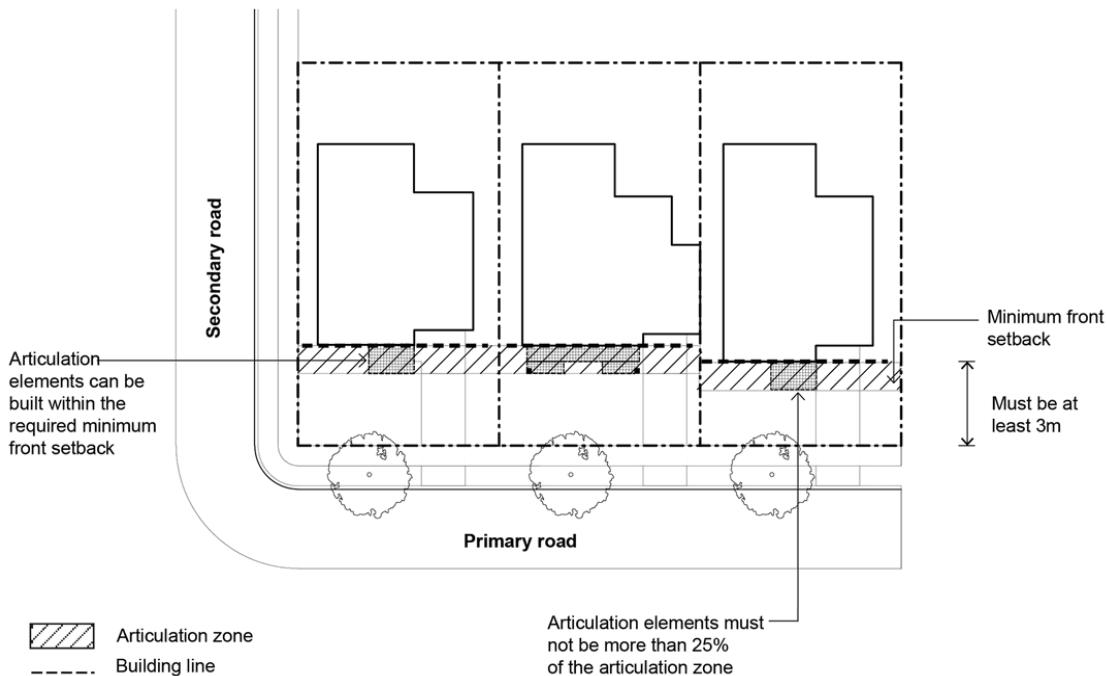
Landscaped area has the same meaning as it has in the Standard Instrument.

Subdivision 4 Amenity development standards for dwelling houses and attached development

3D.25 Building design

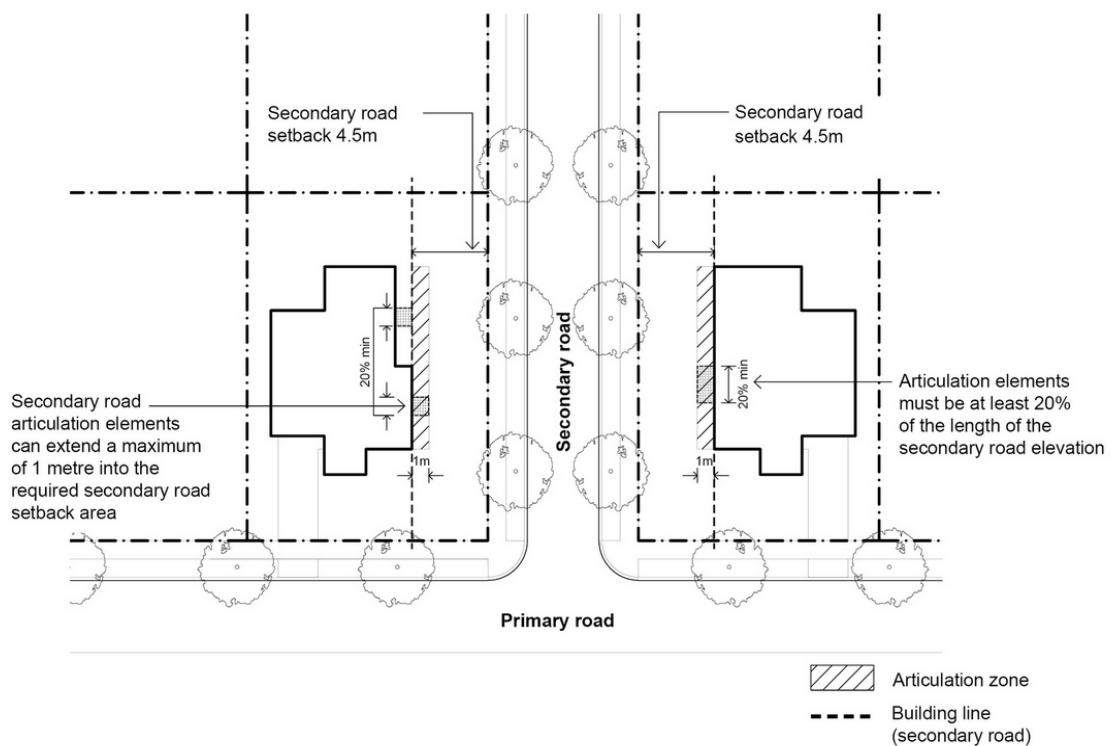
- (1) This clause applies to the erection of a dwelling house on a lot, other than a battle-axe lot.
- (2) The dwelling house must contain—

- (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 $1m^2$ 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.

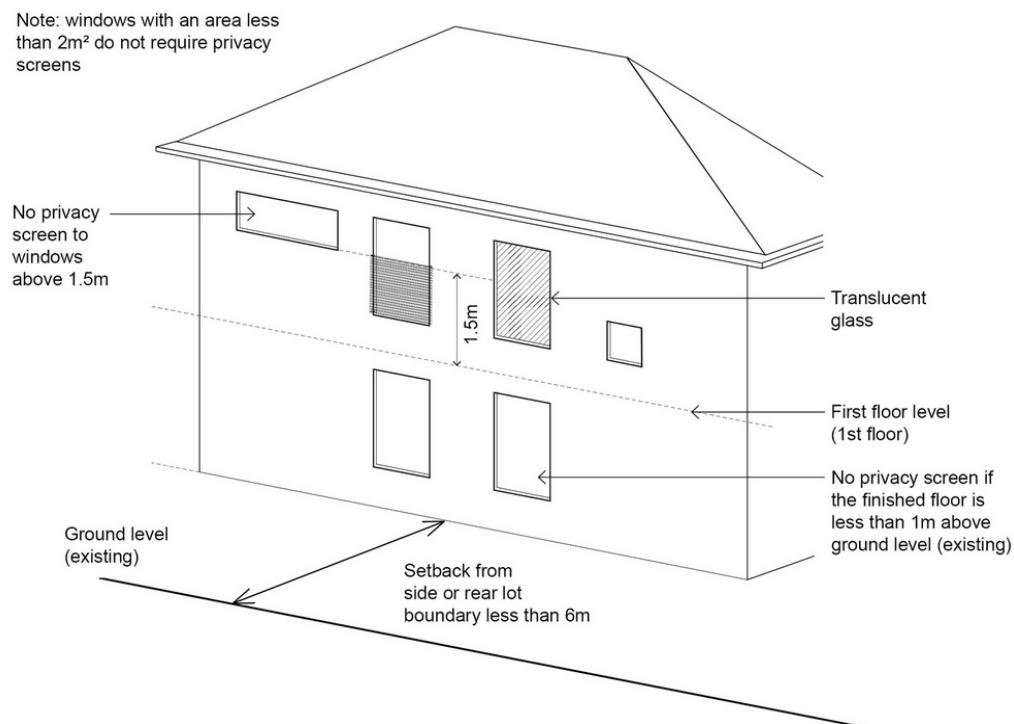
Note 2.

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

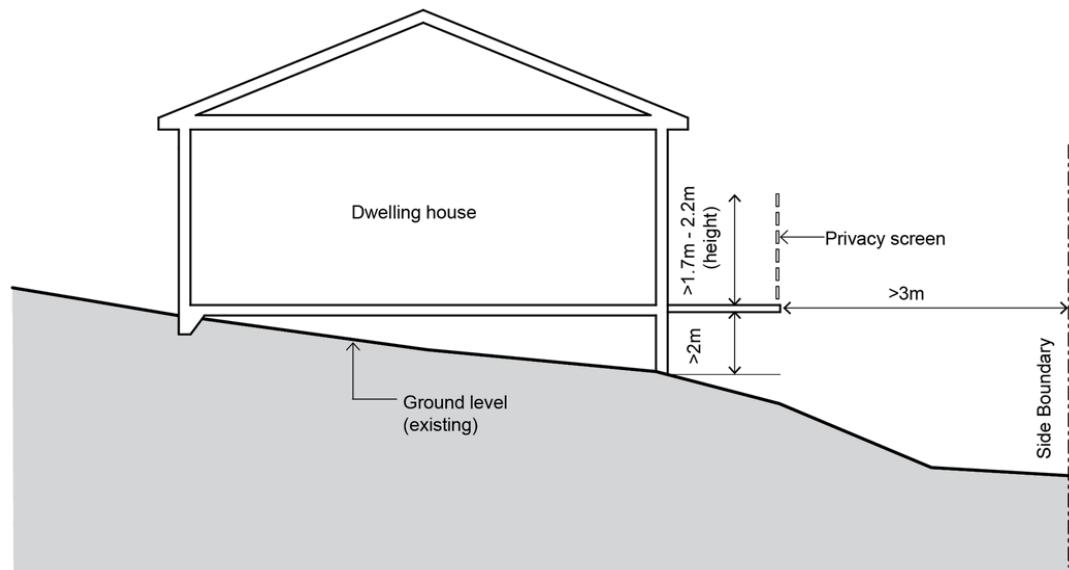
- (1) A privacy screen must be provided for any part of a window to a habitable room that is less than 1.5m above the finished floor level of that room if—
 - (a) the window faces and is less than 3m from a side or rear boundary and the room has a finished floor level of more than 1m above ground level (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 2m².



- (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 3m² 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.

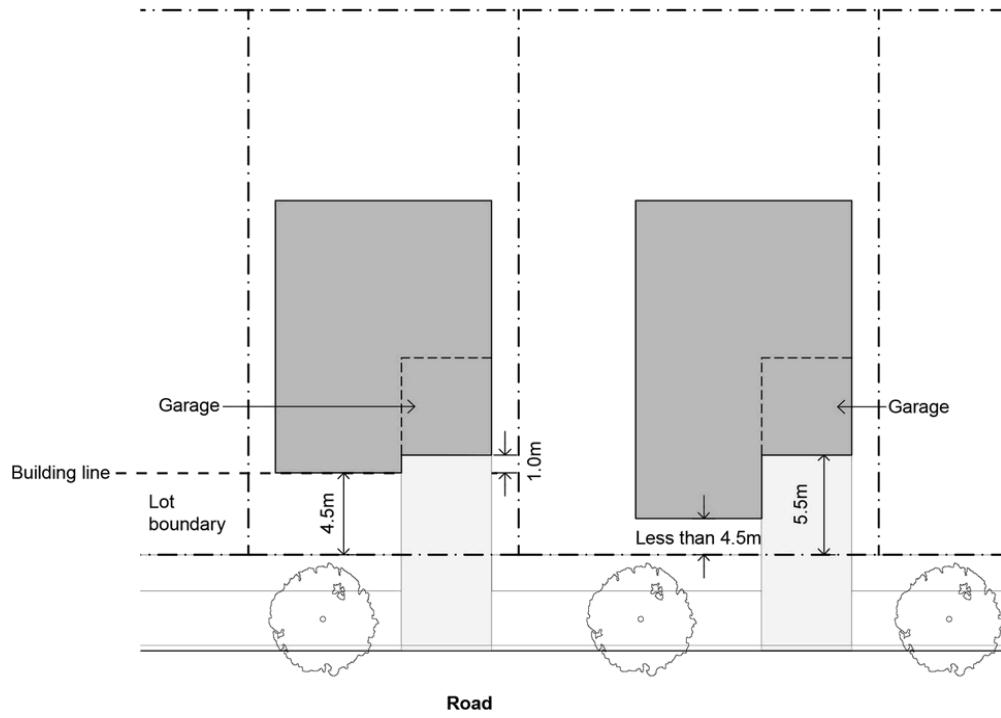
Note 2.

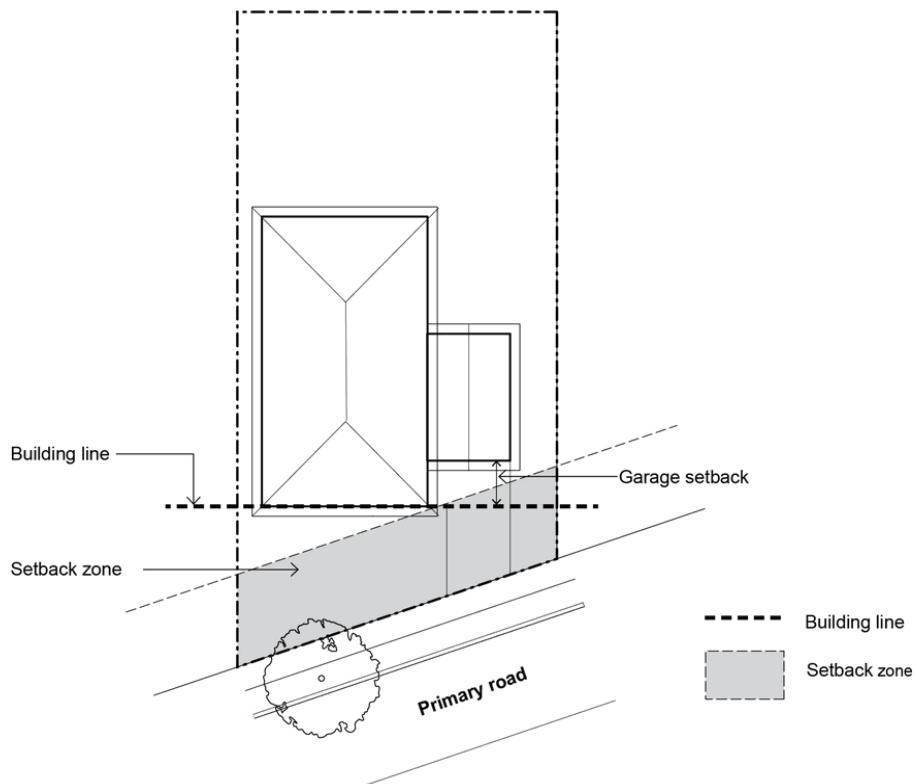
Ground level (existing) has the same meaning as it has in the Standard Instrument.

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





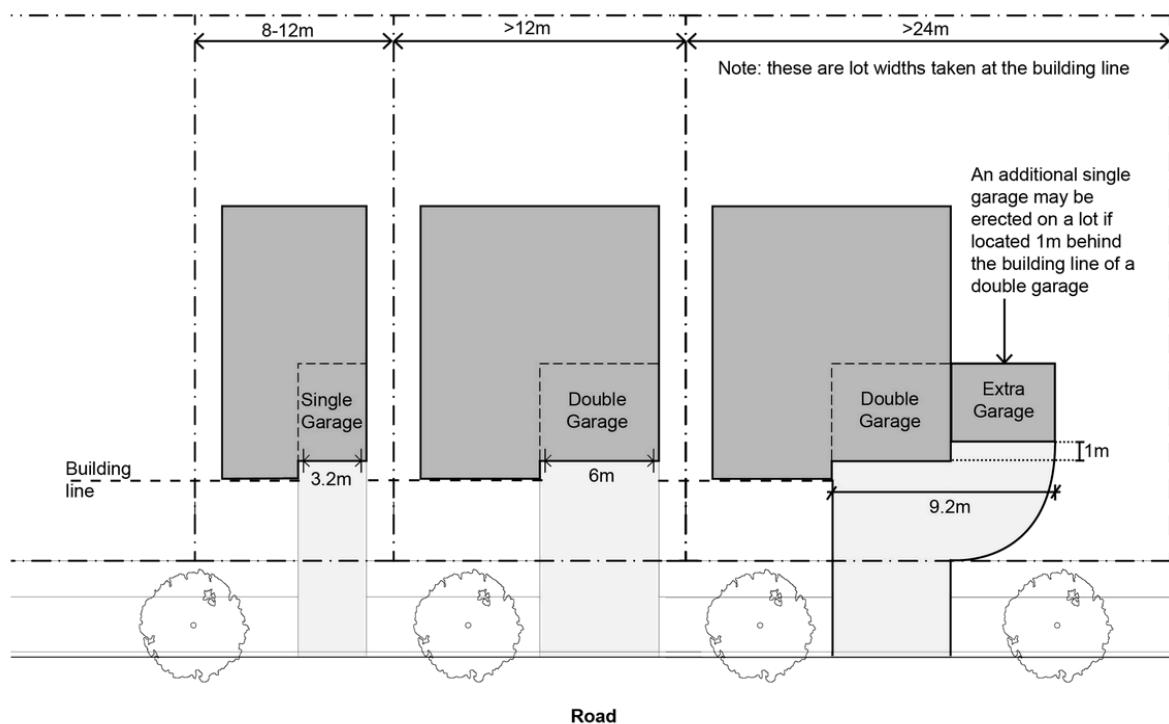
- (3) An attached garage may be erected on a lot that has a width of less than 8m measured at the building line only if the garage is accessed from a secondary road, parallel road or lane.
- (4) All off-street car parking spaces and vehicle access must comply with AS/NZS 2890.1:2004, *Parking facilities, Part 1: 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

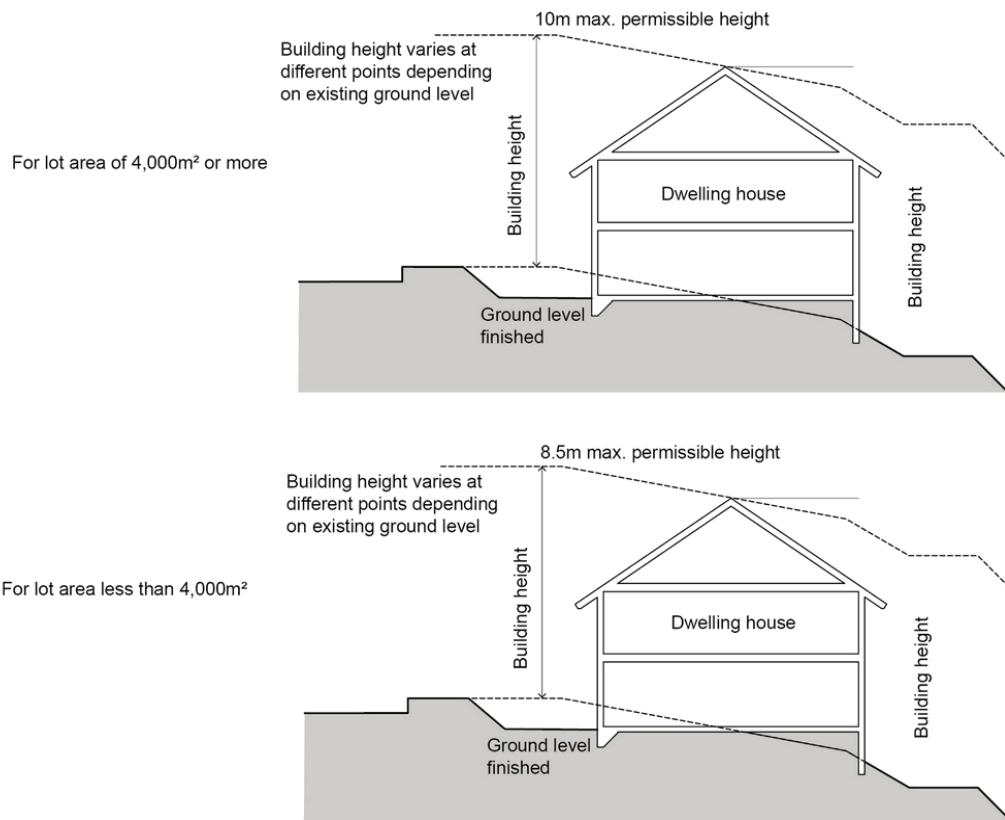
- (1) The lot must meet the following requirements—
 - (a) the area of the lot must not be less than—
 - (i) the minimum lot area specified in the environmental planning instrument that applies to the land concerned, or
 - (ii) if no size is specified in the environmental planning instrument—800m²,
 - (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—

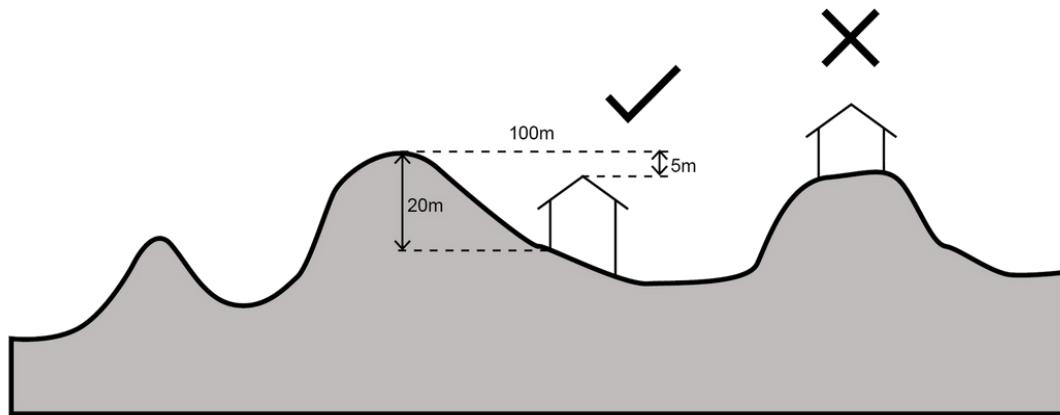
- (a) if the lot has an area of less than 4,000m²—8.5m above ground level (existing), or
- (b) if the lot has an area of 4,000m² or more—10m above ground level (existing).



(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.

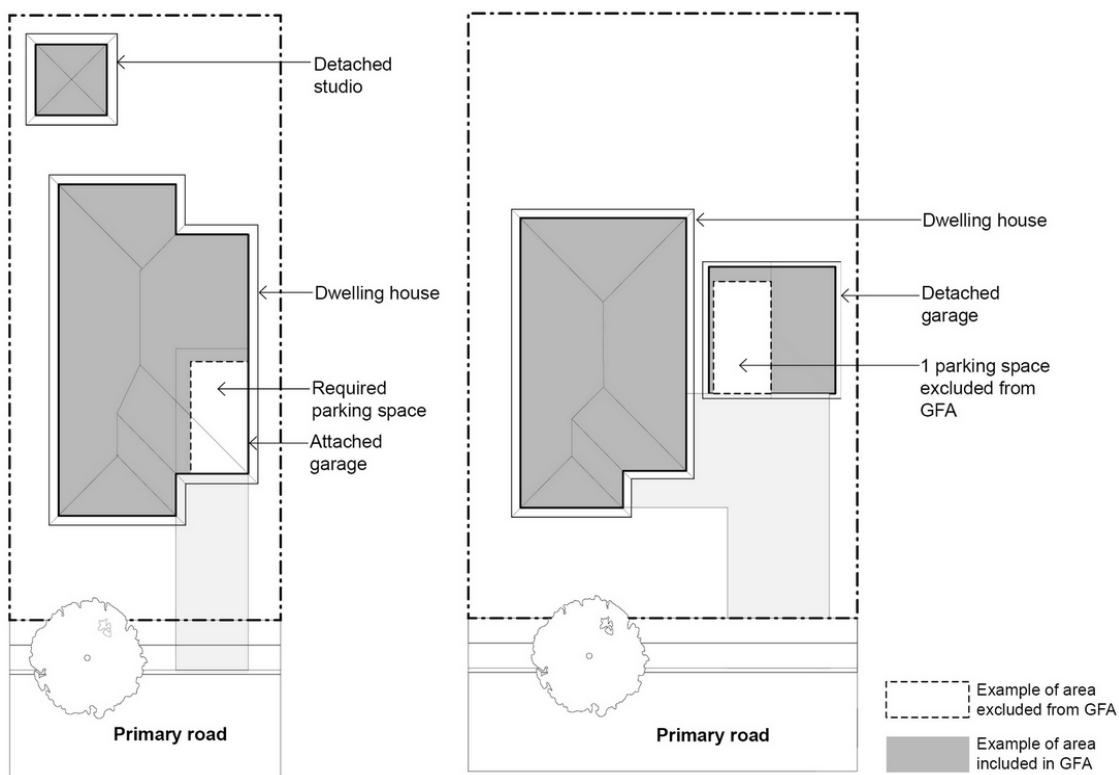
Attached development and **dwelling house** are defined in clause 1.5.

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) on a lot with an area less than or equal to 4,000m² is 500m².



- (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.

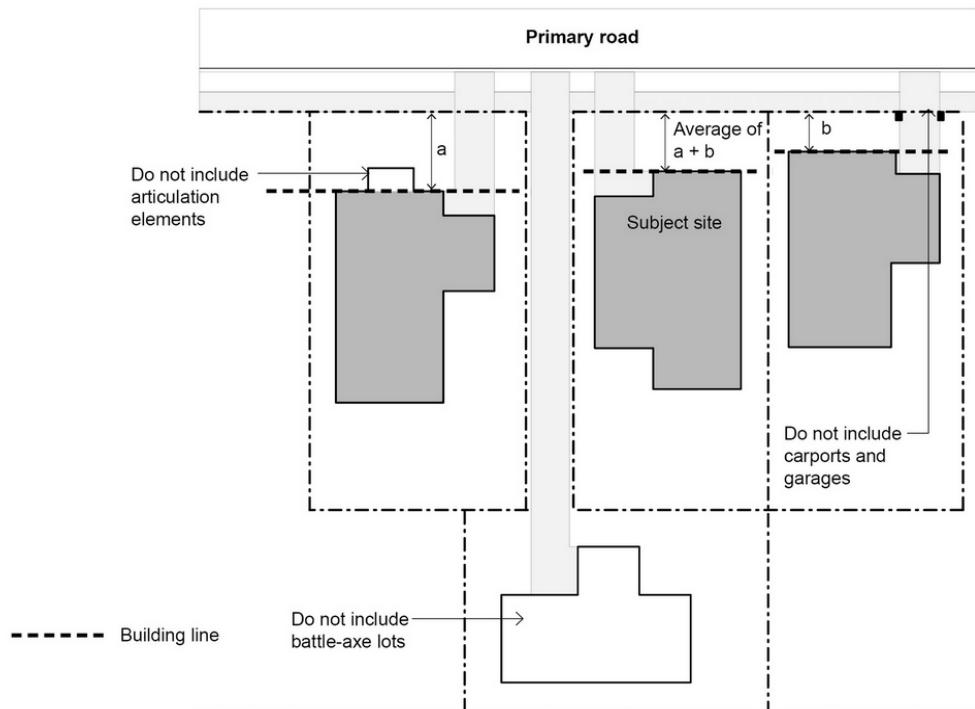
3D.32 Minimum setbacks

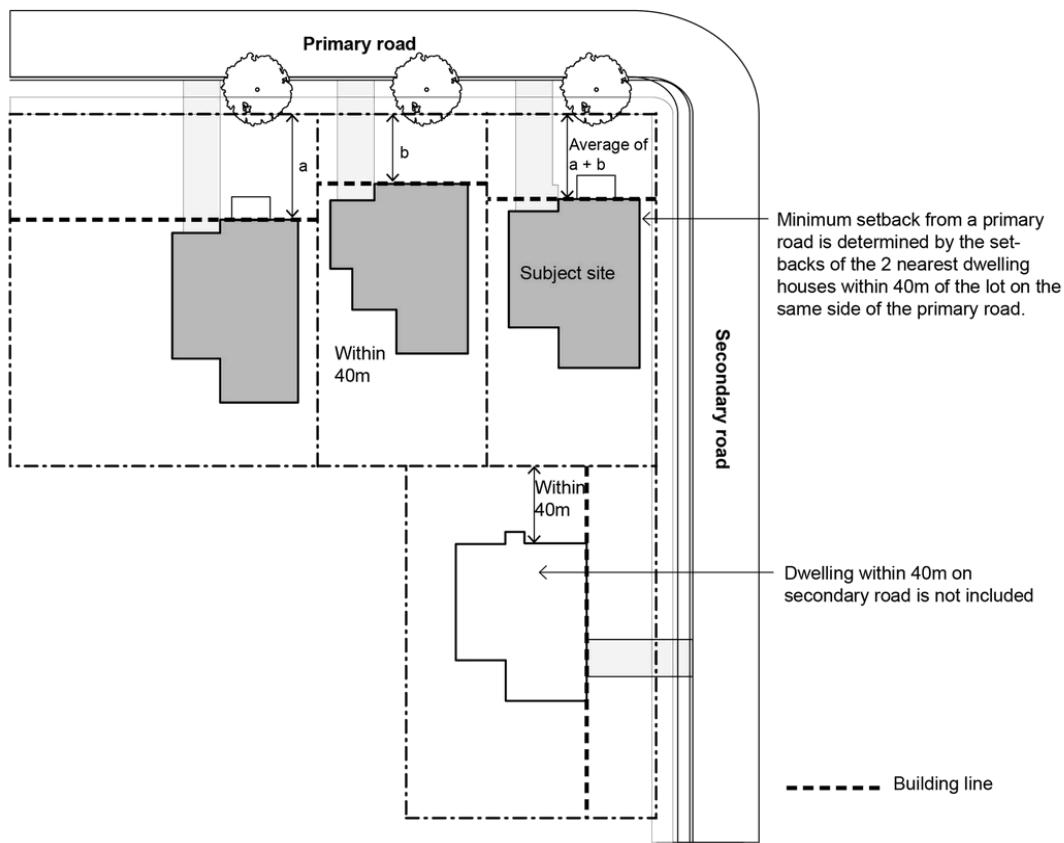
- (1) **Primary road setbacks** The primary road setback of a dwelling house and any attached development on a lot with an area of less than 4,000m² must not be less than the average primary road setback of the 2 nearest dwelling houses on the same side of the primary road.

Note.

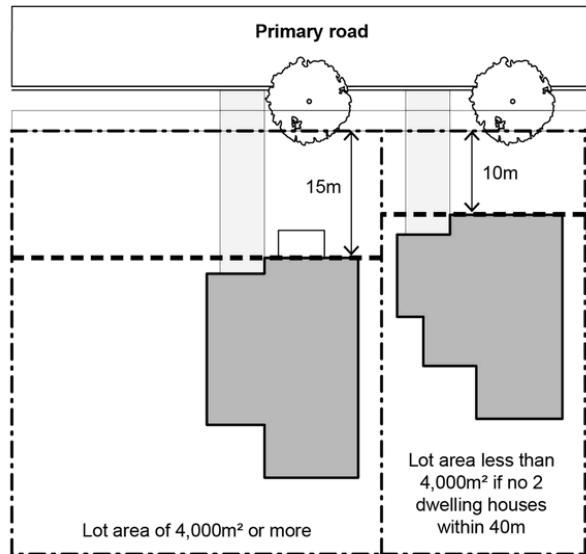
Clause 3D.33 contains certain exclusions from, and exceptions to, the setbacks in this clause.

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



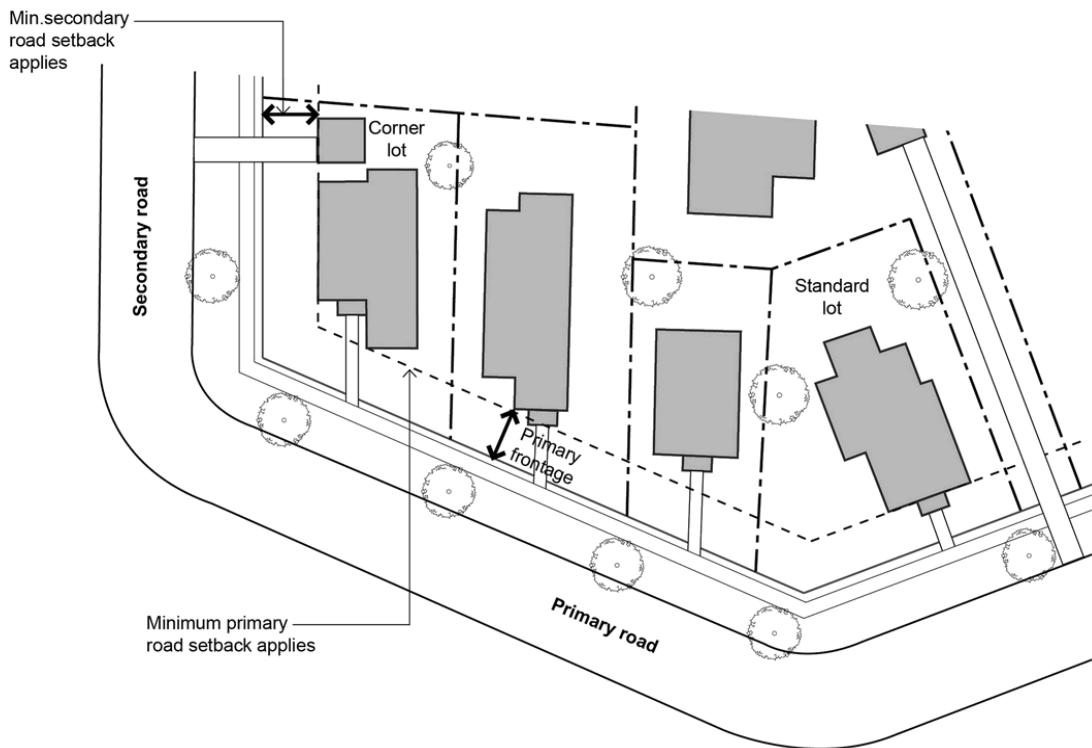


- (3) If there are not 2 dwelling houses within 40m of the lot on the same side of the primary road boundary, a dwelling house and any attached development on a lot with an area of less than 4,000m² must have a minimum setback from the boundary with the primary road of 10m.
- (4) A dwelling house and any attached development on a lot with an area of 4,000m² or more must have a minimum setback from the boundary with the primary road of 15m.

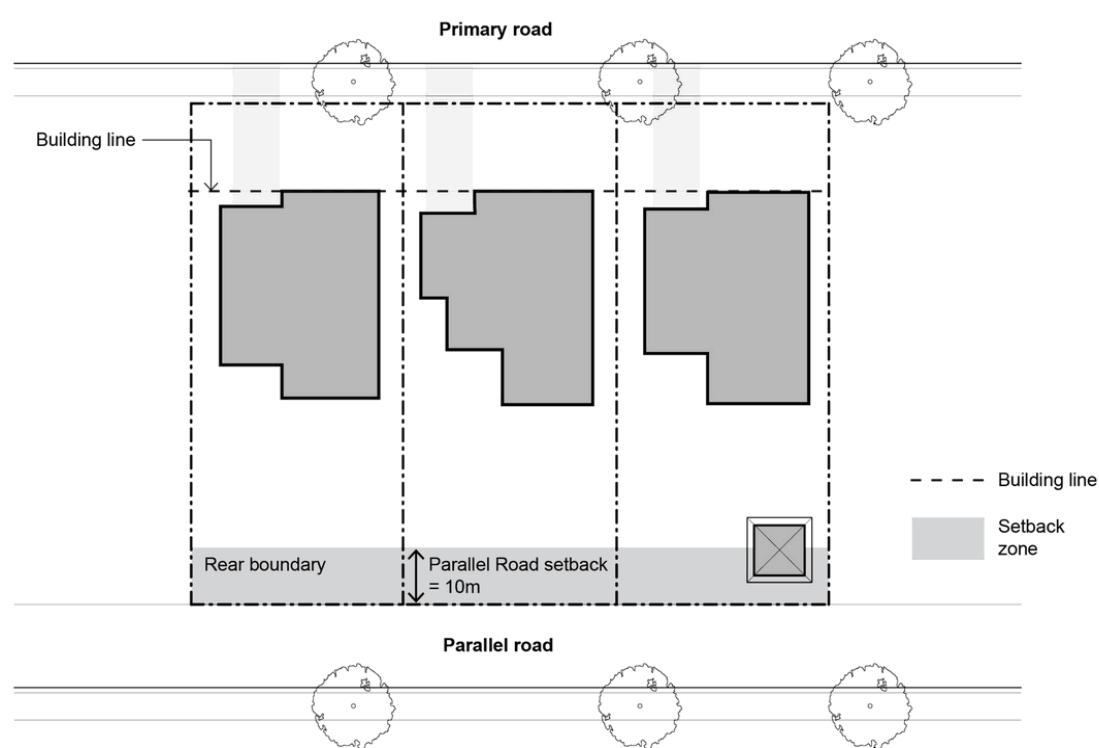


(5) **Secondary road setbacks for corner lots** Despite any other standard for a setback specified by this clause, a dwelling house and any attached development must have a minimum setback from a boundary with a secondary road as shown in the following table—

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



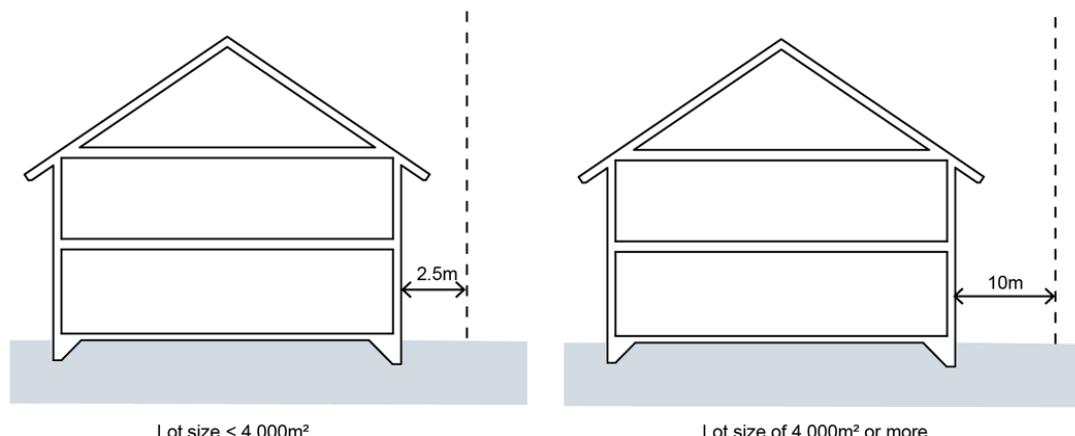
- (6) **Parallel road setbacks for parallel road lots** The setback from a parallel road of a dwelling house and any attached development on a lot with an area of less than 4,000m² must be at least 10m.



- (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—
- the setback for a dwelling house from a classified road specified by another environmental planning instrument applying to the land, or
 - the minimum setback specified under this clause from a primary, secondary or parallel road, or
 - 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 ²	2.5m
4,000m ² or more	10m



(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 ²	8m
1,000m ² -<4,000m ²	10m
4,000m ² or more	15m

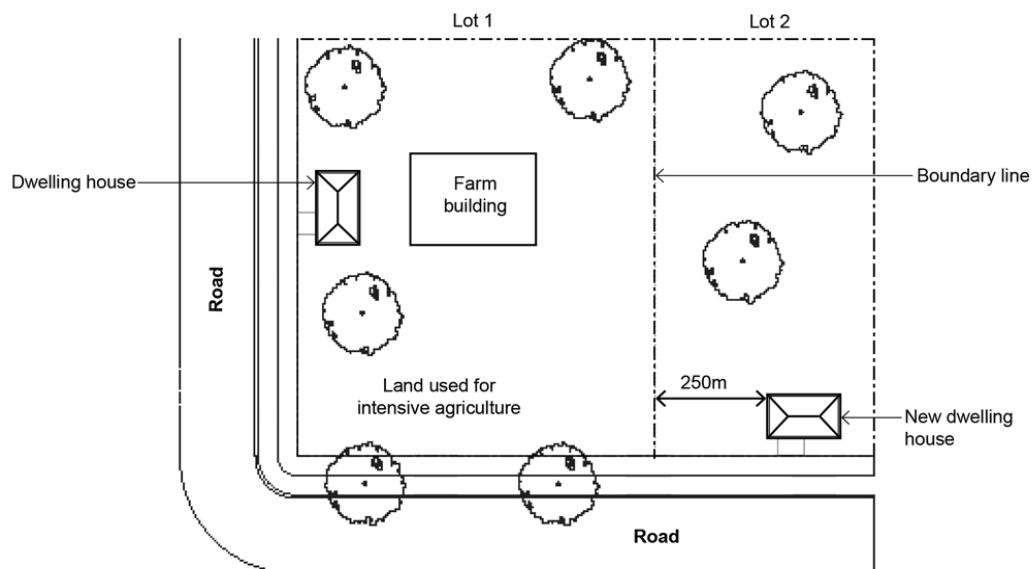
Note.

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

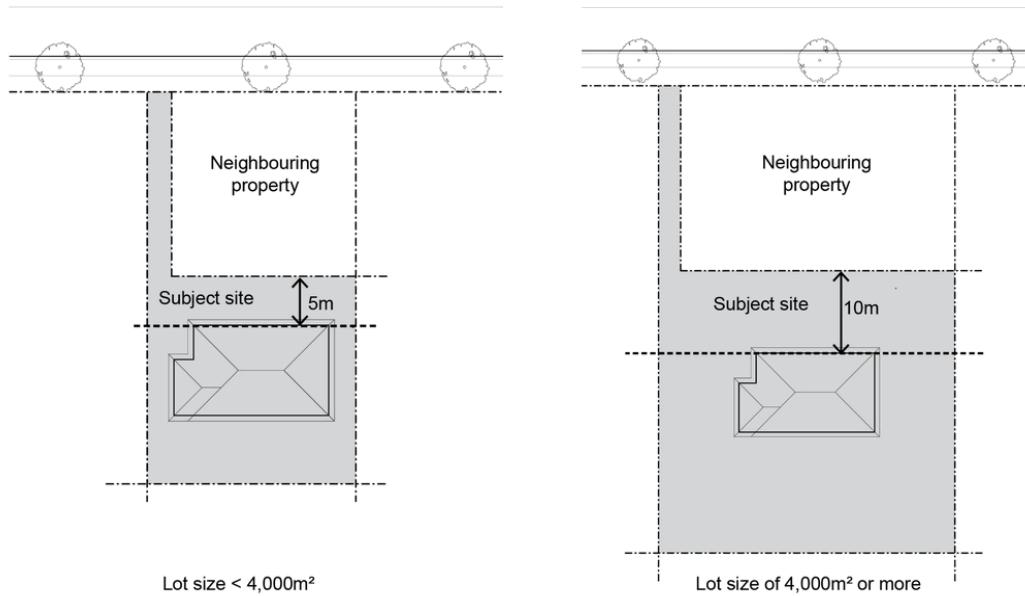
new dwelling house must have a setback of at least 250m from a boundary with adjoining land being used for any of the following—

- (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 4,000m² 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

(1A) **Development to which side and rear setbacks do not apply** The setback standards specified in clause 3D.32(10) and (11) 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.

(1B) Development to which side and rear setbacks do not apply if 450mm from boundary The setback standards specified in clause 3D.32(10) and (11) 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.

(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—
- the area of the lot is more than 300m², and
 - 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 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, pergolas, terraces and verandahs that, after the completion of the development—
- are within 6m from a side or rear boundary, and
 - have a finished floor level of more than 2m above ground level (existing), must not be more than 12m².

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.

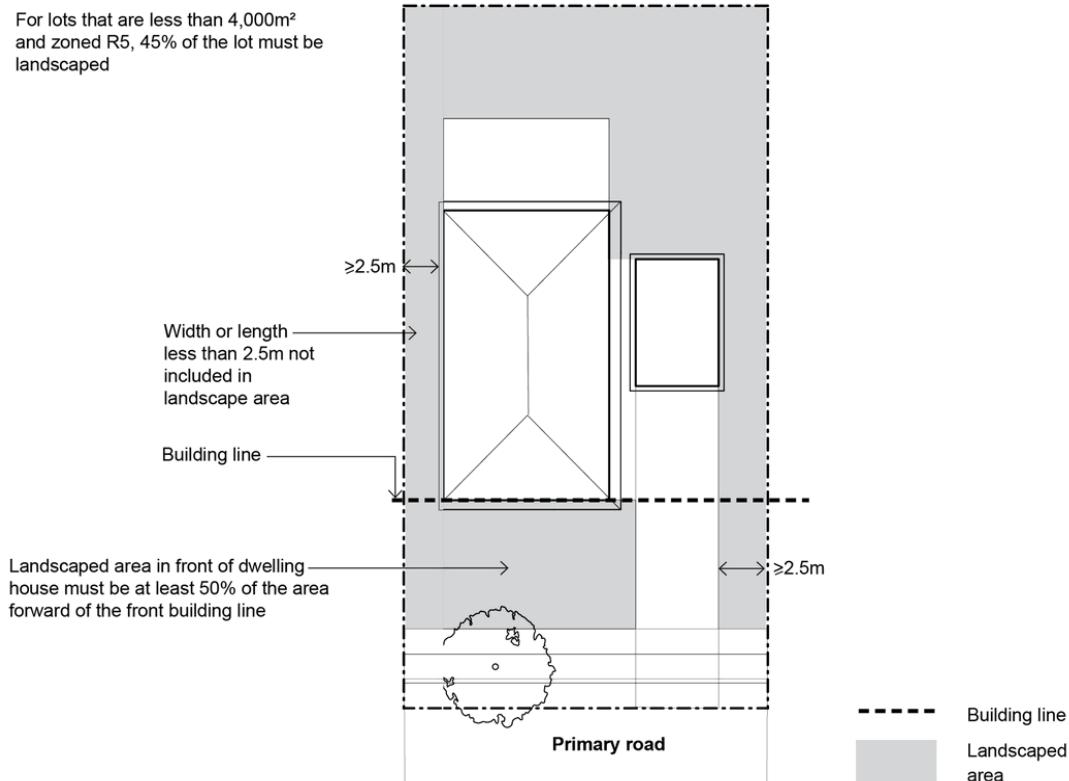
Note 3.

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 4,000m² must have at least 45% of its area landscaped.
- (2) At least 50% of the area forward of the building line to the primary road must be landscaped.
- (3) Each landscaped area must have a minimum width of 2.5m and a minimum length of 2.5m.



- (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.

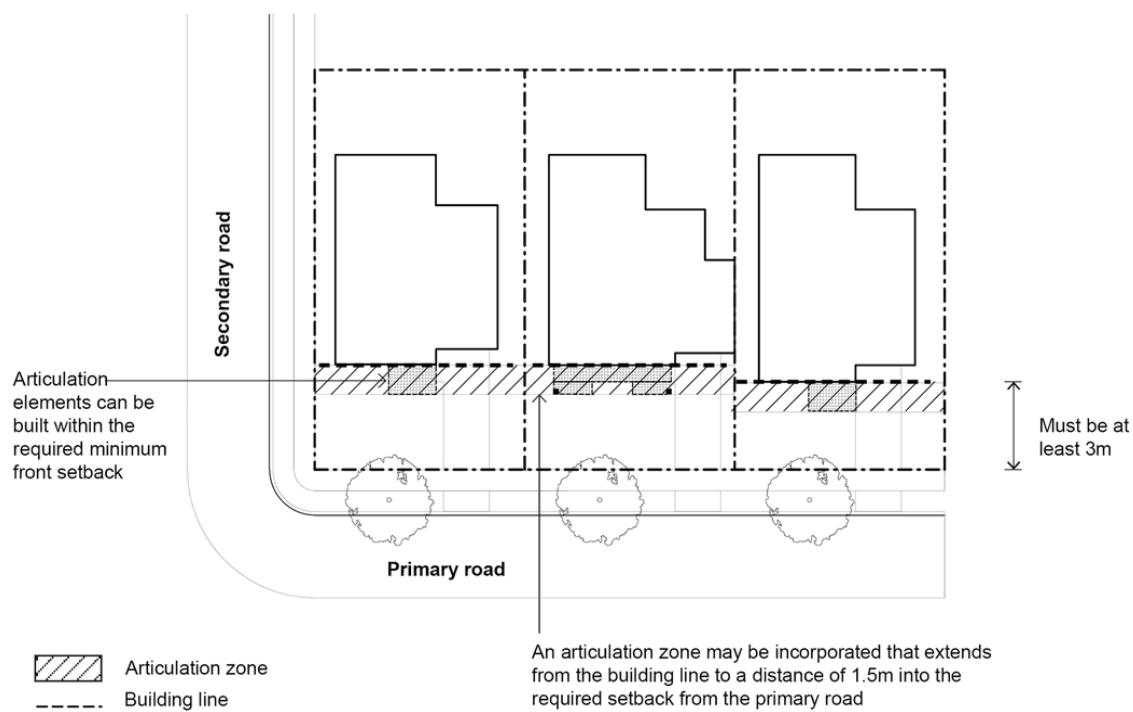
Subdivision 4 Amenity development standards for dwelling houses and attached development

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—
- more than 1m above the gutter line of the eaves of a single storey dwelling house, or
 - 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 $1m^2$ in area and that faces and is visible from a secondary road.

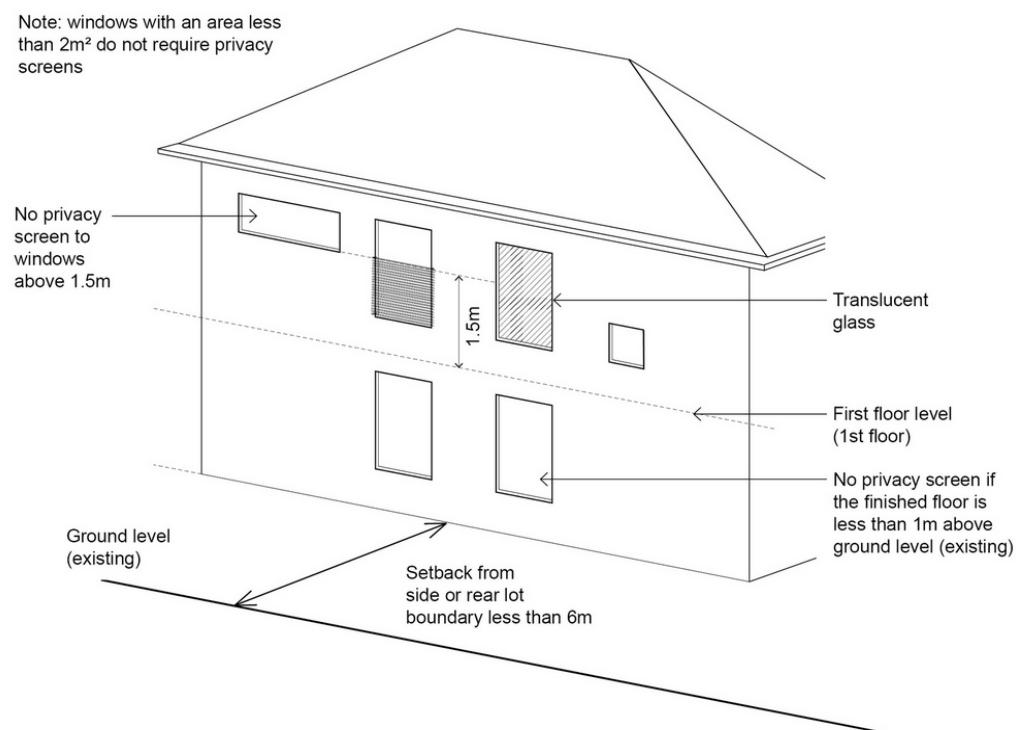
For dwelling houses with a setback from a primary road of less than 10m and zoned R5



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

- (1) This clause applies to lots that have an area of less than $4,000m^2$.

- (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 habitable room with a floor level not more than 1m above ground level (existing), or
 - a window that faces a road or public space, or
 - a window that faces, and is more than 6m from, a side or rear boundary, or
 - a bedroom window that has an area of not more than 2m².

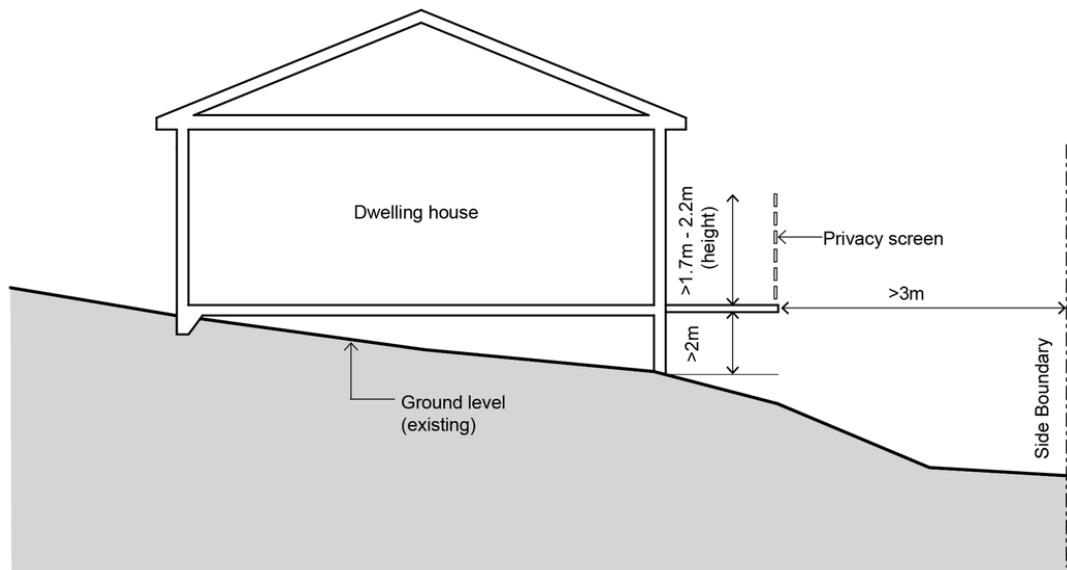


- (5) A balcony, deck, patio, pergola, terrace or verandah that has a floor area of more than 3m² must have a privacy screen installed at the edge of that part of the balcony, deck, patio, pergola, terrace or verandah that is parallel to or faces towards a side or rear boundary if—
- that edge is less 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.

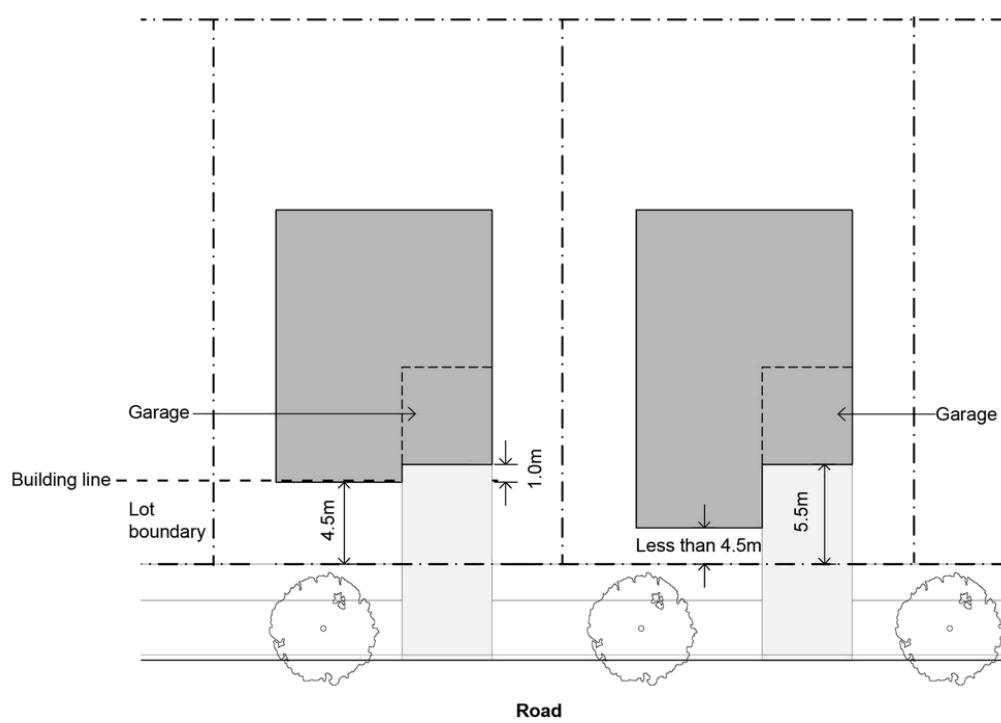
Subdivision 5 Car parking and access

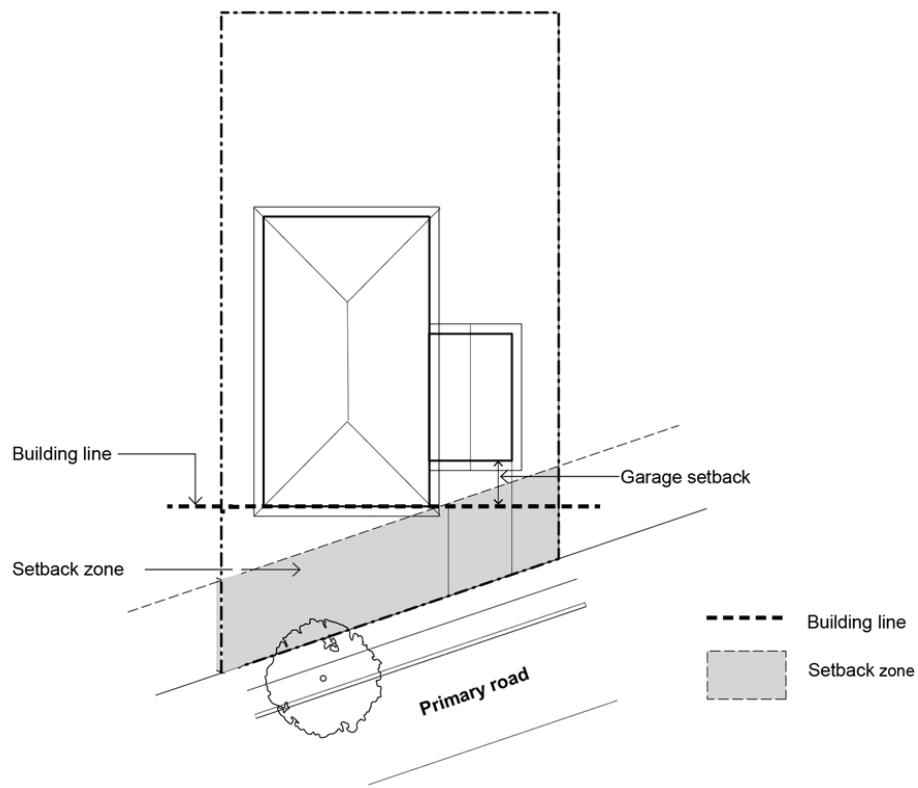
3D.38 Car parking, vehicle access and garage requirements

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

- (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) (Repealed)

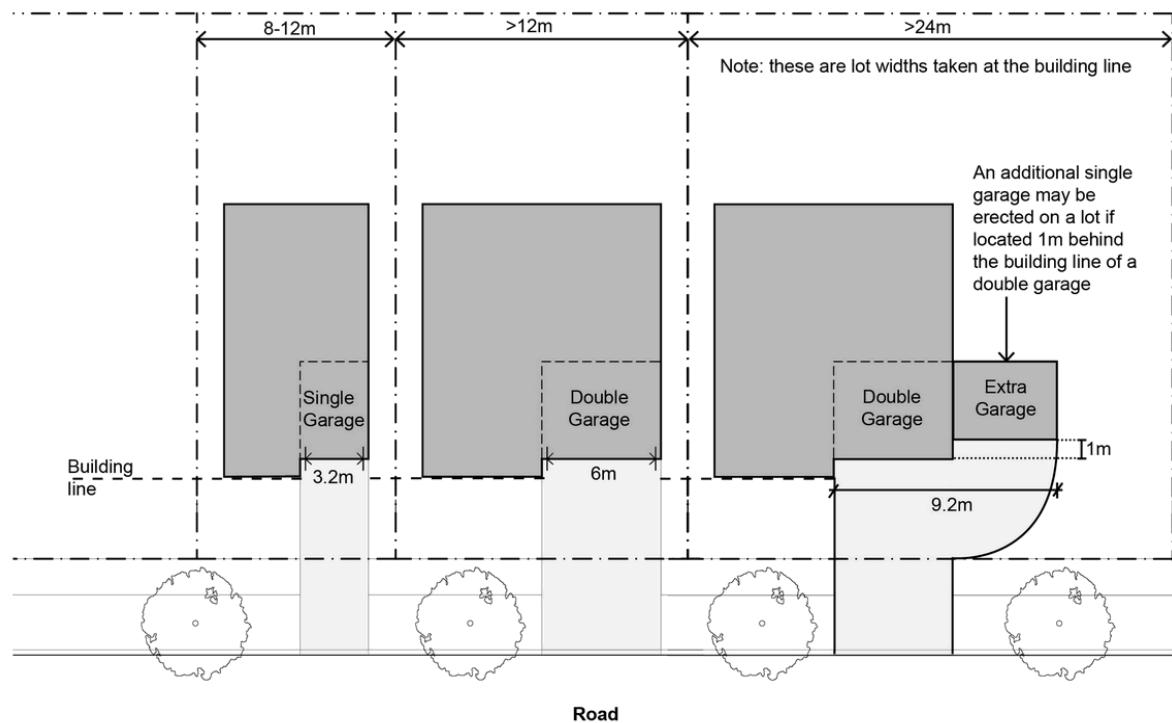
- (7) All off-street car parking spaces and vehicle access must comply with AS/NZS 2890.1:2004, *Parking facilities, Part 1: Off-street car parking*.
- (8) The off-street car parking space for a battle-axe lot must be constructed so that vehicles can leave the lot in a forward direction.
- (9) The maximum 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
18m-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) 4,000m²,

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 200m²,
 - (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—800m²,
 - (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 groundlevel (existing).

Note 1.

Detached development is defined in clause 1.5.

Note 2.

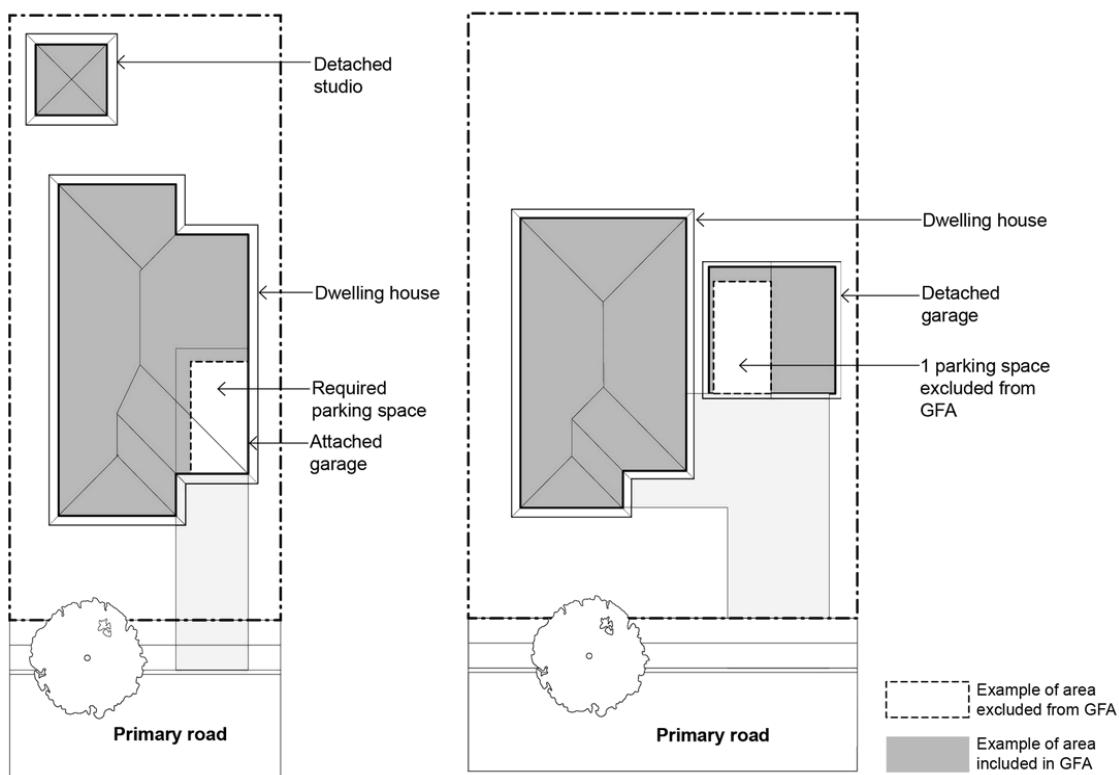
Ground level (existing) is defined in the Standard Instrument as the existing level of a site at any point.

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 ² -300m ²	36m ²
>300m ² -600m ²	45m ²
>600m ² -900m ²	60m ²
>900m ²	100m ²

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)—
- must be located behind the building line of a dwelling house that is adjacent to any primary road or secondary road, or
 - 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.

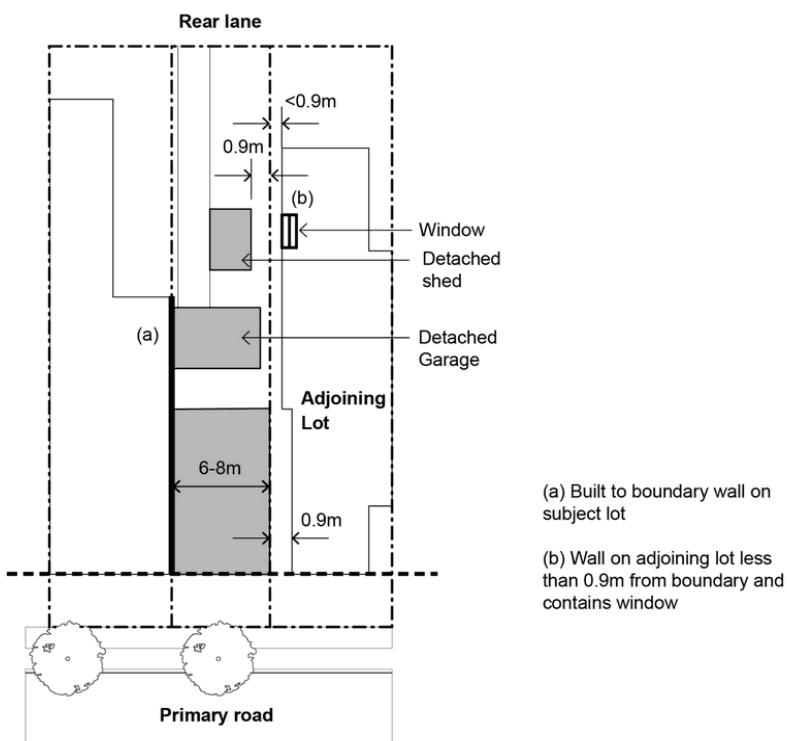
Note 2.

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—
- in the case of a lot with an area of 4,000m² or more—5m, or
 - in the case of a lot with an area of less than 4,000m²—as shown in the following table—

Lot width at the building line	Minimum setback from each side boundary
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—
- the lot is not a corner lot, and
 - the lot width measured at the building line is at least 6m, but not more than 8m, and
 - 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
 - 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—

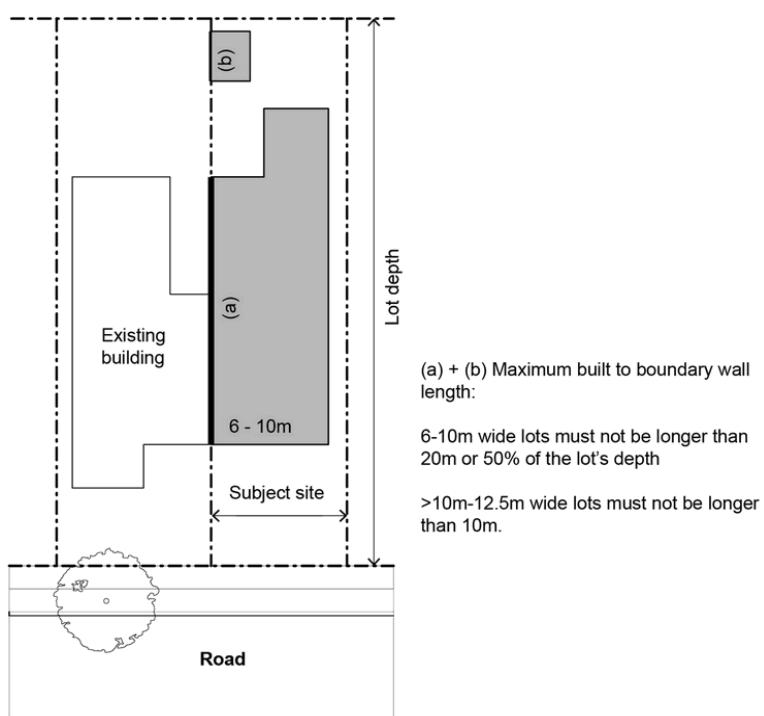
- (a) the lot width measured at the building line is more than 8m, but not more than 12.5m, and
- (b) any building wall on the adjoining lot within 900mm of that boundary is of masonry construction and does not have a window facing that boundary, and
- (c) any wall erected within 900mm of the side boundary 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—
- 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
 - 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 cabana, cubby house, fernery, garden shed, gazebo or greenhouse,
 - a balcony, deck, patio, pergola, terrace or verandah,
 - a rainwater tank (above ground),
 - a shade structure or a shed.

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

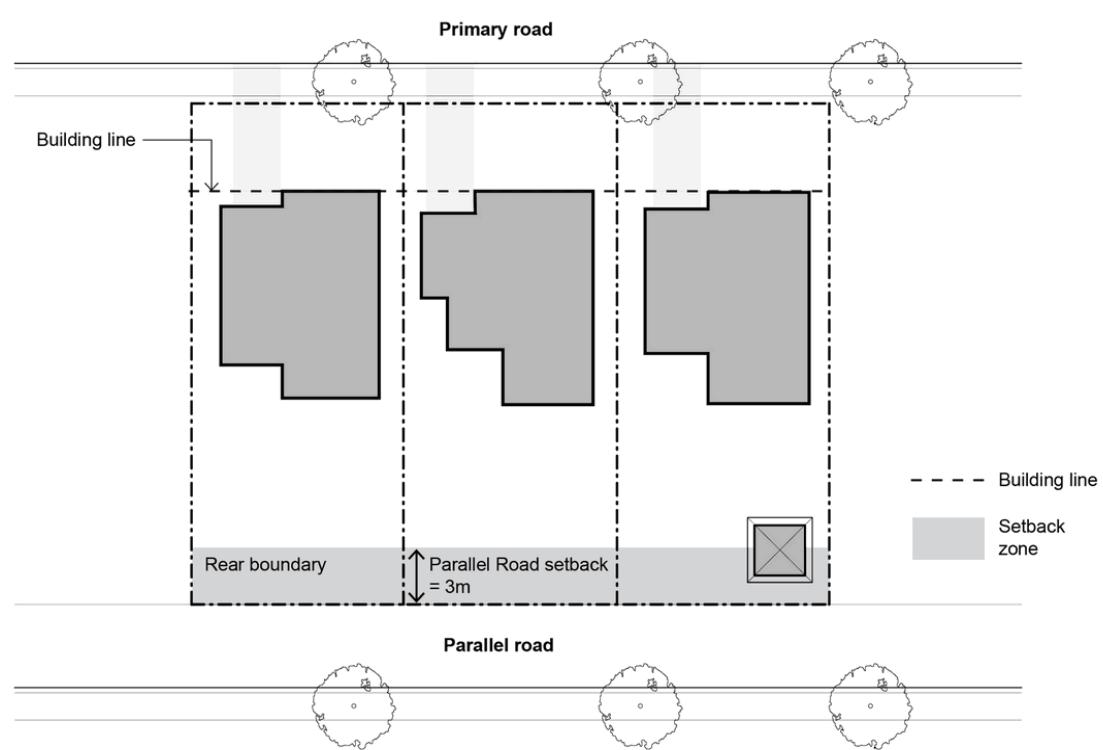
Note.

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 20m².

Note.

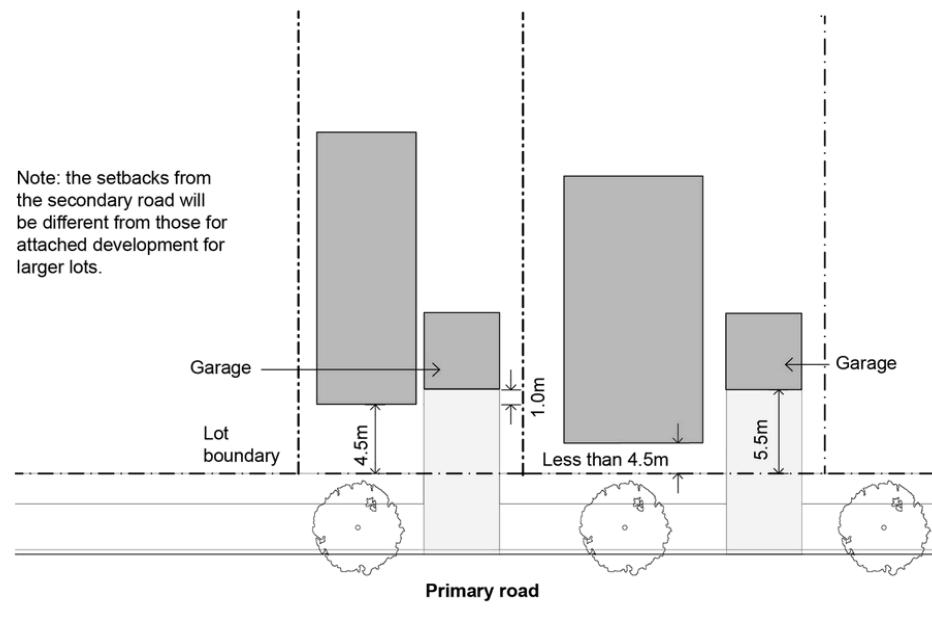
Building line, dwelling house, gross floor area, heritage conservation area, lane, parallel road and secondary road are defined in clause 1.5.

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, Part 1: 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 ² -600m ²	2m
>600m ² -1,500m ²	3m
>1,500m ² -4,000m ²	5m
>4,000m ²	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—

Lot area	Minimum setback from rear boundary
200m ² -900m ²	900mm
>900m ² -1,500m ²	1.5m
>1,500m ² -4,000m ²	2.5m
>4,000m ²	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—

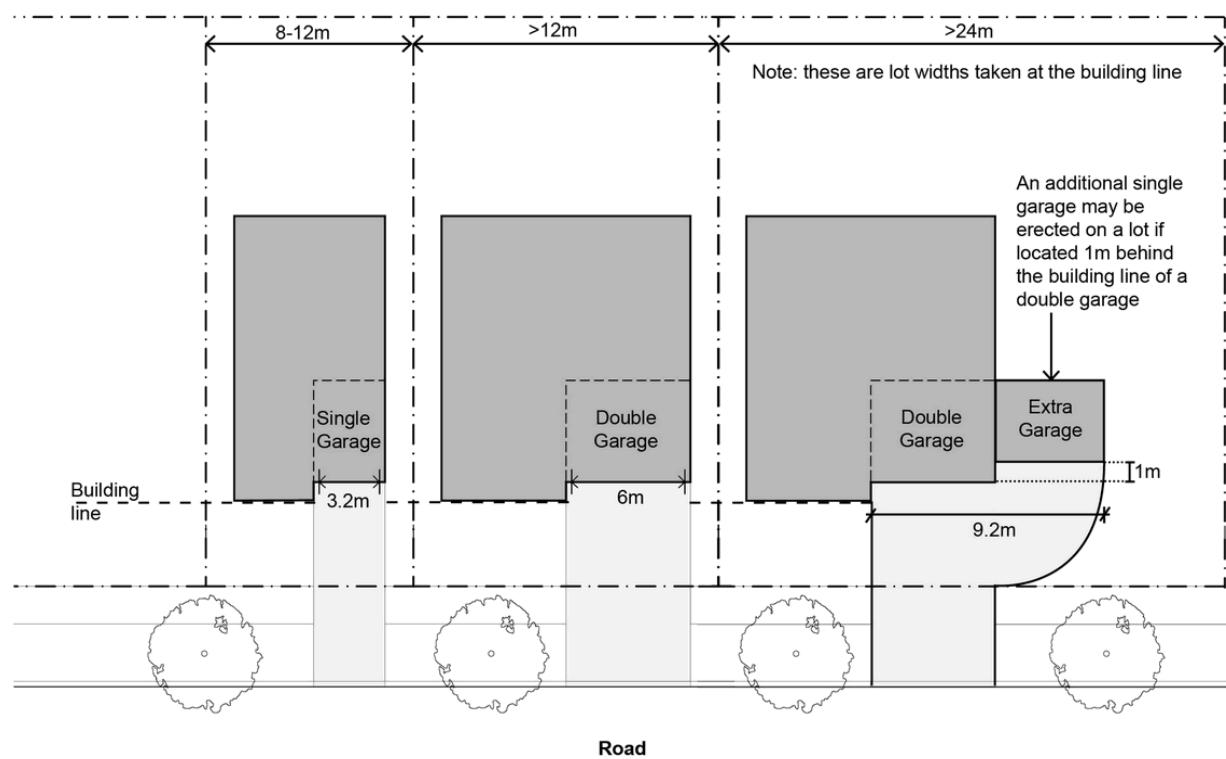
- (a) the lot area is at least 200m², but not more than 300m², and
- (b) the wall of a building on the adjoining lot within 900mm of that boundary (if any) is of masonry construction and does not have a window facing that boundary.

(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—

Lot width at the building line	Maximum width of garage doors
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

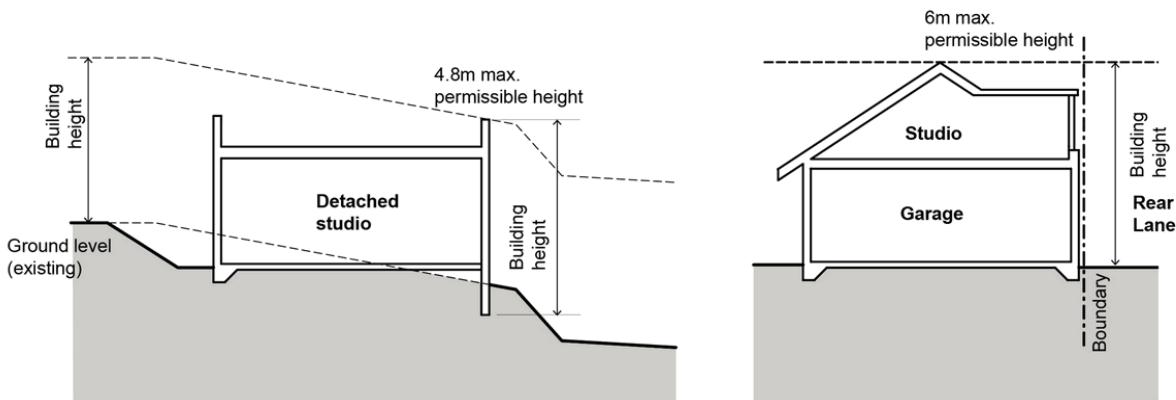
The maximum finished floor level for any detached balcony, deck, patio, pergola, terrace or verandah is 600mm above ground level (existing).

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 ² -350m ²	20m ²
>350m ²	36m ²

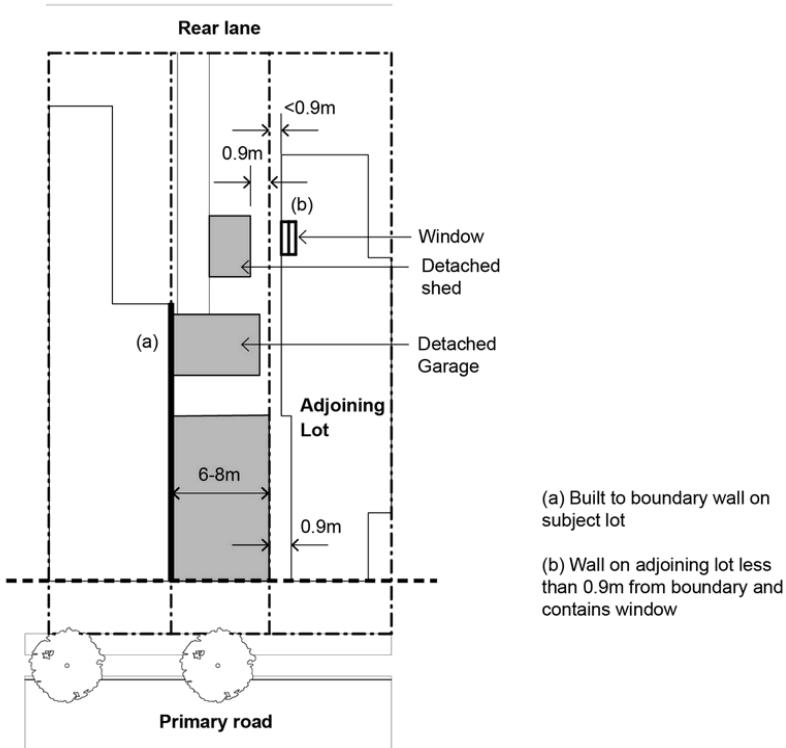
- (4) **Side and rear boundary setbacks** A detached studio that is erected on land in Zone R1, R2, R3, R4 or RU5 must have a minimum setback from each side and rear boundary as shown in the following table—

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 ²	2.5m
Zone RU1, RU2, RU3, RU4, RU6 or R5	>4,000m ²	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 4,000m².

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—
 - (a) housed in a soundproofed enclosure, and
 - (b) located more than 450mm from each lot boundary.

Note—

See the regulations under the *Protection of the Environment Operations Act 1997* for offences relating to the use of pumps on residential premises.

- (3A) A heat pump water heater must be designed so as not to operate—
- during peak time—at a noise level that is more than 5 dB(A) above the ambient background noise level measured at any property boundary, and
 - during off peak time—at a noise level that is audible in habitable rooms of adjoining residences.
- (4) Subclause (3)(a) does not apply to swimming pools on lots with an area greater than 4,000m² 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—
- 1.4m above ground level (existing), and
 - 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 ² | 1m |
| >4,000m ² | 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—
- behind the building line of the dwelling house that is adjacent to the rear boundary of the lot, and
 - 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, conservation 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 4,000m².
- (2) Despite clause 3D.1, this Division does not apply to land in Zones RU5, R1, R2, R3 and R4.

3D.55 Definition

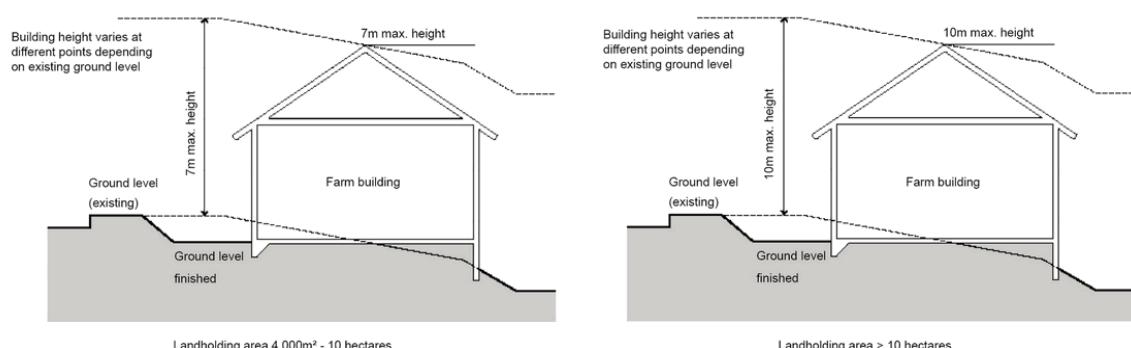
In this Division, ***footprint*** means the area of the ground surface occupied by a building, including the walls, footings, and roofing of the building, and extending to the perimeter of the foundations and other means of structural support to the building, excluding the area of access ramps, eaves 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 ² -10ha	7m
>10ha	10m



(2) **Siting** Development that is a farm building that is situated—

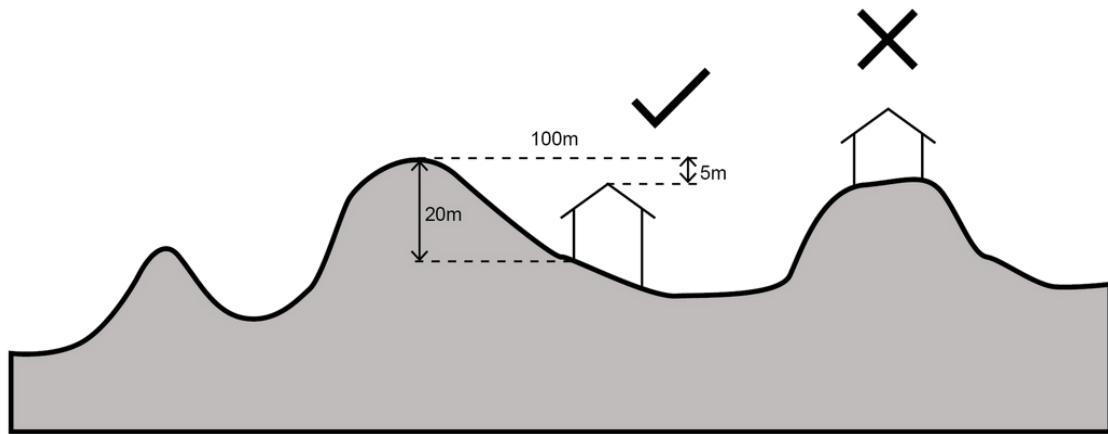
(a) on a lot—

- having an area of more than 4ha, and
- 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 ² -40ha	200m ²
>40ha-100ha	500m ²
>100ha	1,200m ²

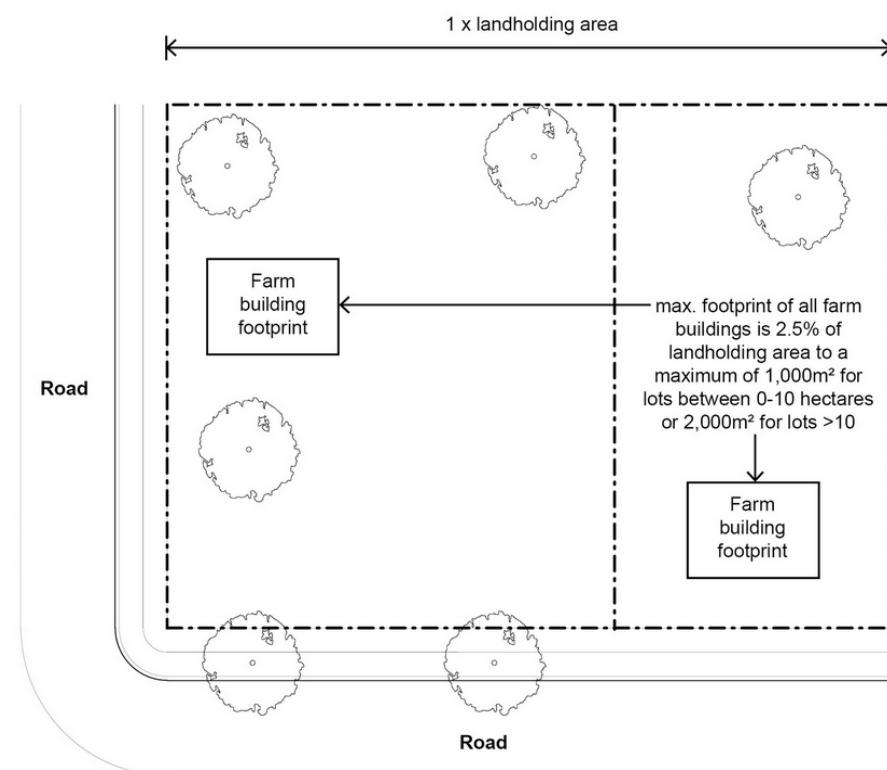
- (2) Despite any other provision of Division 6, if the development includes development for the purpose of an office that is ancillary to the use of the land for the purpose of an agricultural activity (an **ancillary office**)—

- (a) the gross floor area of the ancillary office must not be more than 50m², and
- (b) 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 ² -4ha	2.5% of the area of the landholding
>4ha-10ha	1,000m ²
>10ha	2,000m ²

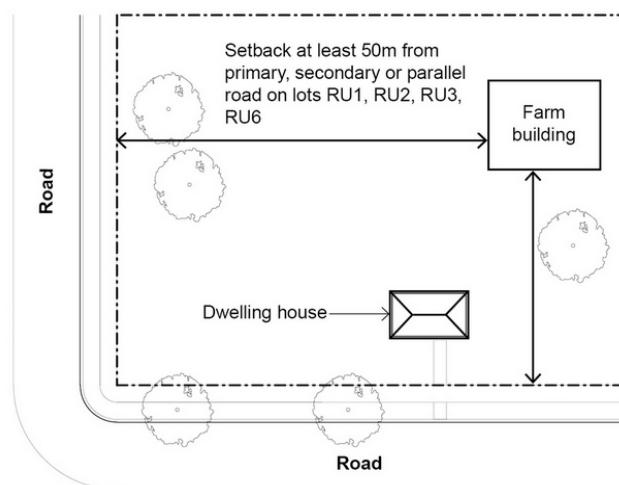


3D.59 Minimum setbacks

- (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—

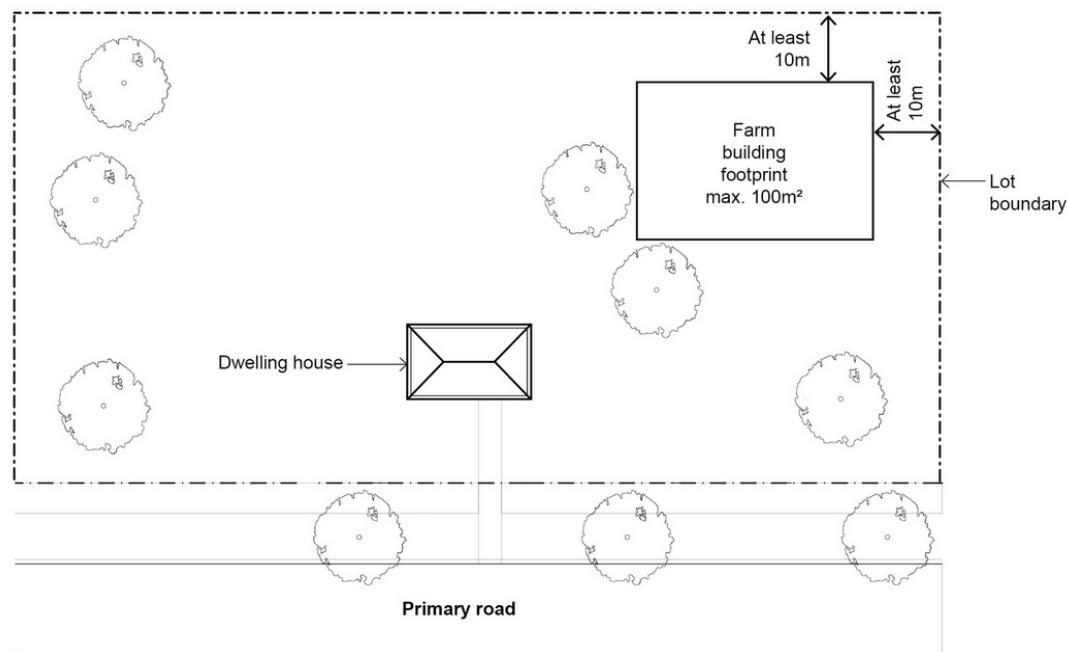
- (a) shown in the table to this subclause, or
 - (b) specified by another environmental planning instrument or a development control plan applying to the land,
- whichever is the greater.

Landholding area	Minimum setback from classified road boundary
-------------------------	--

4,000m ² -4ha	20m
>4ha	50m

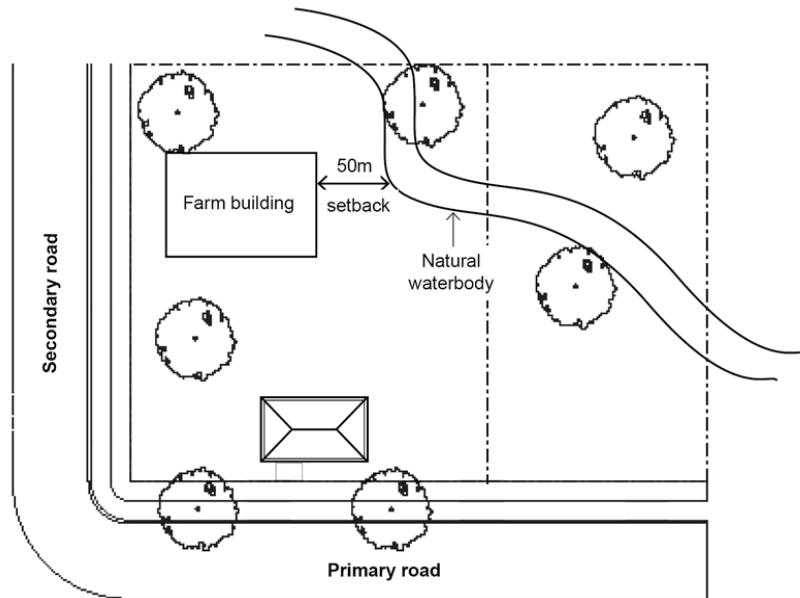
(3) **Side and rear setbacks** Development that is a farm building must have a minimum setback from a side or rear boundary as shown in the following table—

Building footprint	Minimum setback
0-100m ²	10m
>100m ²	50m



(4) **Setbacks for farm buildings with a footprint of 500m² or more** Despite any other setback specified in this clause, development that is a farm building with a footprint of 500m² 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 200m², 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.
- (2A) Excavation for the purposes of a pier in a pier and beam foundation may exceed the maximum depth specified in subclause (1) if a professional engineer has certified the depth of the excavation.
- (3) Despite subclauses (1) and (2A), 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 exceeding a maximum depth, measured from ground level (existing), of 1m is carried out on a lot—
 - (a) a geotechnical investigation report for the lot must be obtained, and
 - (b) the report must show—
 - (i) no groundwater is present on the part of the lot where the excavation is to be carried out, or
 - (ii) groundwater is present on the part of the lot but is below the level of the excavation.
- (4A) The geotechnical investigation report required under subclause (4) must—
 - (a) be prepared by a professional engineer specialising in geotechnical engineering,

and

- (b) be prepared in accordance with AS 1726:2017, *Geotechnical site investigations*.

(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 (5), the height of fill is not limited if the fill is contained—

- (a) wholly within the footprint of a building, attached development or detached development, or

- (b) by a drop edge beam.

(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 4,000m²—

- (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.
- (10) 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 or 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, approval 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 25m², 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 and an adjoining 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, approval 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.

Part 4 Housing Alterations Code

Note.

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

Division 1 Specified development and development standards under this code

Subdivision 1 Internal alterations

4.1 Specified development

Internal alterations to existing residential accommodation, including alterations to common property or existing ancillary development that is associated with residential accommodation (but not including development that is the erection or conversion of a basement to existing residential accommodation), is development specified for this code.

Note.

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

4.2 Development standards

The standards specified for that development are that the development—

- (a) must not result in a change of classification of the building under the Act or the

Building Code of Australia, and

- (b) must not result in any additional separate dwelling, and
- (c) must not result in the creation of an additional floor within a dwelling, and
- (d) must not result in a change in the number of bedrooms in the building, unless the building is a class 1a building.

Subdivision 2 External alterations to existing dwelling houses and ancillary development

4.3 Specified development

- (1) The following development is specified for this code—
 - (a) if the development is on land that is not within a heritage conservation area or a draft heritage conservation area—external alterations to an existing dwelling house,
 - (b) if the development is on land that is within a heritage conservation area or a draft heritage conservation area—external alterations to that part of an existing dwelling house that comprises the storey on the ground level, excluding the roof,
 - (c) external alterations to existing ancillary development that is associated with an existing dwelling house.
- (2) External alterations to the following are not development specified for this code—
 - (a) the front of an existing attached dwelling or existing semi-detached dwelling, including any decorative elements at the front of the dwelling,
 - (b) an existing balcony, deck, patio, pergola, terrace or verandah that is attached to the front of an existing attached dwelling or existing semi-detached dwelling,
 - (c) an existing awning, blind or canopy that is attached to the front of an existing attached dwelling or existing semi-detached dwelling.

4.4 Development standards

- (1) The standards specified for that development are that the development—
 - (a) must not result in a change of classification of the building under the Act or the *Building Code of Australia*, and
 - (b) must not result in a change to the floor area of the dwelling house or ancillary development, and
 - (c) must not result in a change to the footprint of the dwelling house or ancillary

development, and

- (ca) must not result in an increase in the existing building height of the dwelling house or ancillary development, and
 - (cb) must not result in more than a 5% change in the pitch of the roof of the dwelling house or ancillary development, and
 - (cc) must not result in the enclosure of any carport, and
 - (d) if it is a new window in an alteration or addition to an existing dwelling house—must comply with subclause (2), and
 - (e) if it is located in a heritage conservation area or a draft heritage conservation area—must not be to a wall facing the primary road or any wall that connects to a wall facing the primary road.
- (f) (Repealed)
- (2) A new window in any alteration or addition to an existing dwelling house must have a privacy screen for any part of the window that is less than 1.5m above finished floor level if—
- (a) the window—
 - (i) is in a habitable room that has a floor level of more than 1m above ground level (existing), and
 - (ii) has a sill height of less than 1.5m above that floor level, and
 - (iii) faces a side or rear boundary and is less than 3m from that boundary, or
 - (b) the window—
 - (i) is in a habitable room that has a floor level of more than 3m above ground level (existing), and
 - (ii) has a sill height of less than 1.5m above that floor level, and
 - (iii) faces a side or rear boundary and is at least 3m, but not more than 6m, from that boundary.
- (3) Subclause (2) does not apply to a window located in a bedroom where the window has an area of not more than 2m².

Subdivision 2A External alterations to residential accommodation other than dwelling houses and ancillary development

4.4A Specified development

External alterations to existing residential accommodation (other than a dwelling house) or existing ancillary development to residential accommodation (other than a dwelling house) is development specified for this code if the development is—

- (a) on land that is not within a heritage conservation area or a draft heritage conservation area, and
- (b) on land that is not identified as being within a flood control lot, and
- (c) not the erection of a new balcony, deck, patio, terrace or verandah.

4.4B Development standards

- (1) The standards specified for that development are that the development—
 - (a) must not result in a change of classification of the building under the Act or the *Building Code of Australia*, and
 - (b) must not result in an increase to the gross floor area of the existing residential accommodation or ancillary development, and
 - (c) must only use materials and finishes of a similar colour palette and substance to the existing building, and
 - (d) must not affect any existing fire resisting components of the building, and
 - (e) must not affect the means of egress from the building in an emergency, and
 - (f) must comply with any height limits contained in an environmental planning instrument applying to the land or, if there are no such limits, the external works must not be higher than the uppermost habitable floor level, and
 - (g) must be located at least 3m from any side or rear boundary, and
 - (h) must be located behind the building line of any primary or secondary road frontage.
- (2) Subclause (1)(g) and (h) do not apply if the development is for the purpose of providing pedestrian access in the form of an access ramp or stair lift to the ground floor level, including any balustrade, handrail or other device relating to safety.
- (3) If the development is for the purposes of external works to an existing building, the development must only be to the first 3 storeys of the building, not including any basement or parking level, unless the development is for—
 - (a) the installation of services and utilities, or
 - (b) the alteration of existing services and utilities.

- (4) If the development is for the purpose of an alteration to an existing balcony, deck, patio, terrace or verandah, the development must not increase the floor area or the floor level above ground level (existing) of the development.

Subdivision 3 Attic conversions

4.5 Specified development

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

4.6 Development standards

- (1) The standards specified for that development are that the development—
- (a) must be contained entirely within the roof space, and
 - (b) must not result in a change in the roof pitch, and
 - (c) must have one dormer window if the building is less than 6m wide or 2 dormer windows if the building is 6m wide or more, and
 - (d) the flashing or waterproofing for a dormer window must not span the roof ridge, and
 - (e) if it is constructed in a heritage conservation area or a draft heritage conservation area—
 - (i) must not contain a dormer window or extend the roof in any way, and
 - (ii) must only have windows that are flush with the existing roof plane, and
 - (iii) must only have windows that are located in the existing rear roof plane, and
 - (iv) must only have windows that do not exceed 1.5m² in total.
- (2) A dormer window referred to in subclause (1)—
- (a) must not have a width of more than 1.3m, and
 - (b) (Repealed)
 - (c) must be set in at least 500mm from the edge of the roof, and
 - (d) must be at least 200mm below the existing roof ridge height, and
 - (e) on the side or the rear of the building, must not have a total area of more than 4m².

Subdivision 3A Development standards for particular land

4.6A Development standards for bush fire prone land

- (1) This clause applies—
 - (a) to development specified in Subdivision 2, 2A or 3 that is to be carried out on a lot that is wholly or partly bush fire prone land, and
 - (b) in addition to all other development standards specified for this code.
- (2) The development may be carried out on the lot only if the development conforms to the specifications and requirements of *Planning for Bush Fire Protection* that are relevant to the development.

Note.

The requirements relating to the construction of buildings in bush fire prone areas set out in the *Building Code of Australia* also apply.

4.6B 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 Dubbo Regional, 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 in the local government area of—
 - (a) Coonamble, Gilgandra, Warrumbungle Shire or Dubbo Regional with an outside light fitting other than a shielded light fitting, or
 - (b) Coonamble, Gilgandra or Warrumbungle Shire with more than—
 - (i) 7 shielded outside light fittings that are automatic light fittings, or
 - (ii) 5 shielded outside light fittings that are not automatic light fittings.

Division 1A

(Repealed)

Division 2 Conditions applying to complying development certificates under this code

4.7 Conditions specified in Schedule 7 apply

A complying development certificate for development specified under this code must be issued subject to the conditions specified in Schedule 7.

4.8-4.11 (Repealed)

Part 4A General Development Code

Note.

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*, the *Disability (Access to Premises—Buildings) Standards 2010* of the Commonwealth and Acts applying to various infrastructure authorities. If the development is in proximity to infrastructure, including water, stormwater and sewer mains, electricity power lines and telecommunications facilities, the relevant infrastructure authority should be contacted before commencing the development.

Division 1 Specified development and development standards under this code

Subdivision 1 Bed and breakfast accommodation

4A.1 Specified development

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

- (a) permissible with development consent under an environmental planning instrument applying to the land on which the development is carried out, and
- (b) not constructed or installed on bush fire prone land.

4A.2 Development standards

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

- (a) be in an existing dwelling house, and
- (b) consist of not more than 4 guest bedrooms or, if there is a local environmental plan applying to the land that was made under section 3.20 of the Act, the maximum number of bedrooms specified in clause 5.4(1) of that plan, and
- (c) have at least 1 guest bathroom, and
- (d) have a fire extinguisher and fire blanket in the kitchen, and
- (e) have at least 1 off-road car parking space per guest bedroom, and
- (f) not display any advertisement on the premises (other than a notice or sign indicating the name and occupation of the resident), and
- (g) if the dwelling house is subject to the *Strata Schemes Management Act 1996* or the *Community Land Management Act 2021*—have the prior approval of the owners corporation, or the community, precinct or neighbourhood association.

Note.

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

Subdivision 2 Home businesses

4A.3 Specified development

A home business that involves the manufacture of food is development specified for this code.

4A.4 Development standards

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

- (a) not involve a change of building use, and
- (b) if the development is on land to which a local environmental plan made under section 3.20 of the Act applies—comply with the applicable standards under clause 5.4(2) of that plan, and
- (c) be carried out in premises that comply with the relevant requirements of AS 4674—2004, *Design, construction and fit-out of food premises*.

Note 1.

The *Food Act 2003*, and the regulations under that Act, may contain additional requirements in relation to premises on which food is manufactured.

Note 2.

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

Note 3.

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

Subdivision 3 Tents, marquees or booths for community events

4A.5 Specified development

The construction or installation of a tent, marquee or booth used for a community event is development specified for this code if it is not exempt development and is carried out on any of the following land—

- (a) land in the following zones—
 - (i) a business zone,
 - (ii) an employment zone, other than Zone E5,

- (iii) a mixed use zone,
 - (iv) an industrial zone, other than a heavy industrial zone,
 - (v) an open space zone,
 - (vi) a special purpose zone,
 - (vii) Zone W4,
- (b) land that is unzoned.

4A.6 Development standards

The standards specified for that development are that—

- (a) each tent, marquee or booth must not have a total floor area exceeding 500m², and
- (b) for all tents, marquees and booths being used at the same time—the development must not have a total floor area exceeding 1,000m², and
- (c) each tent, marquee or booth must be located at least 3m from any boundary of the land unless the land is under the ownership, control or management of a council or public authority and that council or public authority has provided its consent in writing to the temporary use of the land for the erection of the tent, marquee or booth, and
- (d) each tent, marquee or booth must be erected so as to ensure that there is a distance of at least 1.5m from any other tent, marquee or booth that is unobstructed so as to allow for pedestrian circulation unless that other tent, marquee or booth is attached with no separation, and
- (e) each tent or marquee with an area exceeding 300m² must be located at least 6m from any other tent or marquee, and from any booth, to minimise the risk of fire spread, and
- (f) each tent or marquee with an area exceeding 300m² must be provided with a system of emergency lighting and an additional electrical supply capable of providing emergency lighting in the event of a power failure, and
- (g) each tent or marquee must have the following number of exits arranged so as to afford a ready means of egress from all parts of the tent or marquee to open space or a road—
 - (i) if the tent or marquee has a floor area of not more than 25m²—1 exit,
 - (ii) if the tent or marquee has a floor area of not more than 100m²—2 exits,
 - (iii) in any other case—4 exits, and
- (h) if any tent or marquee will include internal seating, stalls, tables or other obstructions,

a clear path of travel to any exit no greater than 40m in length must be provided, and

- (i) each tent, marquee or booth must have a width for each exit of at least—
 - (i) if the floor area of the tent, marquee or booth is less than 150m²—850mm, or
 - (ii) in any other case—1m, and
- (j) no tent or marquee can have a height for the walls exceeding 6m, and
- (k) each tent, marquee or booth must have a height, as measured from the surface on which the tent or marquee is erected to the highest point of the tent, marquee or booth, not exceeding 8m, and
- (l) each tent, marquee or booth must resist loads determined in accordance with the following Australian and New Zealand Standards—
 - (i) AS/NZS 1170.0:2002, *Structural design actions, Part 0: General principles*,
 - (ii) AS/NZS 1170.1:2002, *Structural design actions, Part 1: Permanent, imposed and other actions*,
 - (iii) AS/NZS 1170.2:2011, *Structural design actions, Part 2: Wind actions*, and
- (m) if on land in the local government area of Coonamble, Gilgandra, Warrumbungle Shire or Dubbo Regional, any tent, marquee or booth must not have an outside light fitting other than a shielded light fitting and any such shielded light fitting must be downward facing.

Subdivision 4 Stages or platforms for community events

4A.7 Specified development

The construction or installation of a stage or platform used for a community event is development specified for this code if it is not exempt development and is carried out on any of the following land—

- (a) land in the following zones—
 - (i) a business zone,
 - (ii) an employment zone, other than Zone E5,
 - (iii) a mixed use zone,
 - (iv) an industrial zone, other than a heavy industrial zone,
 - (v) an open space zone,
 - (vi) a special purpose zone,

- (vii) Zone W4,
- (b) land that is unzoned.

4A.8 Development standards

The standards specified for that development are that—

- (a) the stage or platform must not have a floor area exceeding 100m², and
- (b) each stage or platform must be located at least 3m from any boundary of the land unless the land is under the ownership, control or management of a council or public authority, and that council or public authority has provided its consent in writing to the temporary use of the land for the erection of the stage or platform, and
- (c) the stage or platform must have a height as measured from the surface on which the stage or platform is erected to the floor of the stage or platform not exceeding 2m, and
- (d) the stage or platform must resist loads determined in accordance with the following Australian and New Zealand Standards—
 - (i) AS/NZS 1170.0:2002, *Structural design actions, Part 0: General principles*,
 - (ii) AS/NZS 1170.1:2002, *Structural design actions, Part 1: Permanent, imposed and other actions*,
 - (iii) AS/NZS 1170.2:2011, *Structural design actions, Part 2: Wind actions*, and
- (e) if on land in the local government area of Coonamble, Gilgandra, Warrumbungle Shire or Dubbo Regional, any stage or platform must not have an outside light fitting other than a shielded light fitting and any such shielded light fitting must be downward facing.

Subdivision 5 Sydney Olympic Park—major events

4A.9 Specified development

- (1) The internal or external alteration or addition to a major event venue (other than Newington Armoury) situated on the Sydney Olympic Park site, including a new or replacement large format video screen within a stadium or auditorium, is development specified for this code if it is carried out on land within the Sydney Olympic Park site.
- (2) In this Subdivision, **major event venue** and **Sydney Olympic Park site** have the same meanings as in Part 23 of Schedule 3 to *State Environmental Planning Policy (Major Development) 2005*.

4A.10 Development standards

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

- (a) not add more than 100m² to the external envelope of the major event venue, and
- (b) not add a new seating area to the major event venue of more than 1,000m².

Subdivision 6 Waterways structures

4A.11 Specified development

- (1) Structural repairs to, the replacement of, or the carrying out of maintenance works in relation to, existing lawful boat sheds, cranes, davits, jetties, marinas, pontoons, slipway rails, winches, water recreation structures and wharf or boating facilities is development specified for this code if it is not carried out on or in a heritage item or a draft heritage item.
- (2) Development specified for this code may be carried out on land whether or not the land is within an environmentally sensitive area.

4A.12 Development standards

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

- (a) not reduce the amount of light penetration to any water below, and
- (b) not change the classification of any building under the *Building Code of Australia*, and
- (c) not involve disturbance of or injury to the bed of any waterway or injury to any marine vegetation (as defined under the *Fisheries Management Act 1994*), and
- (d) not increase the height or site coverage of the building concerned, and
- (e) in the case of the repair or replacement of any crane, davit, slipway rails or winch—not be larger in size or capacity than the one being repaired or replaced, and
- (f) not result in a pile being exposed within the waterway, and
- (g) comply with AS 3962:2020, *Marina design* and AS 4997—2005, *Guidelines for the design of maritime structures*, and
- (h) if an approval is required under the *Fisheries Management Act 1994*—be approved under that Act, and
- (i) if an approval is required under the *Protection of the Environment Operations Act 1997*—be approved under that Act.

- (2) Despite subclause (1)(c), if the development is for the purpose of the removal or the replacement of damaged or degraded piles, the following additional standards are specified for that development—
 - (a) the development must not cause a deterioration in water quality,
 - (b) the development must use silt curtains or similar effective methods to control pollution,
 - (c) the development must not dispose of spoil in the waterway.

Division 2 Conditions applying to complying development certificates under this code

4A.13 Conditions specified in Schedule 7 apply

A complying development certificate for development specified under this code must be issued subject to the conditions specified in Schedule 7.

Part 5 Industrial and Business Alterations 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 *Disability (Access to Premises—Buildings) Standards 2010* of the Commonwealth and Acts applying to various infrastructure authorities. If the development is in the proximity of infrastructure, including water, stormwater and sewer mains, electricity power lines and telecommunications facilities, the relevant infrastructure authority should be contacted before commencing the development.

Division 1 Specified development and development standards under this code

Subdivision 1 Building alterations (internal)

5.1 Specified development

An internal alteration to a building that is used, or is the subject of a development consent for use, for any purpose (other than for the purpose of residential accommodation, sex services premises or restricted premises) is development specified for this code.

5.2 Development standards

- (1) The standards specified for that development are as follows—
- (a), (b) (Repealed)
 - (c) the alteration must not result in an increase in the gross floor area of any building within which it is carried out, except if the increase is required for the alteration to comply with the Premises Standards,
 - (d) the alteration must not involve the conversion of any area that is excluded from the measurement of gross floor area of the building (such as a basement, plant room, car parking space, loading space or void),
 - (e) if the alteration is to a building used for the purposes of an entertainment venue (such as a cinema, theatre, hall or auditorium) in a registered club or used as an entertainment facility, the alteration must not increase the floor area used for those purposes,
 - (f) if the alteration involves food and drink premises, the alteration must be carried out in accordance with AS 4674—2004, *Design, construction and fit-out of food premises*,
 - (g) the alteration must not relate to the cooking of food at the premises by barbecue or charcoal methods,
 - (h) (Repealed)
 - (i) if the alteration involves the amalgamation of retail premises located in a building, the amalgamation must not result in 1 retail premises having more than 50% of the total floor area of the building that is used for the purposes of retail premises,
 - (j) the alteration must not affect an existing awning, or more than 25% of the gross floor area of an existing building to which an awning is attached, unless the awning complies with the requirements set out in the *Building Code of Australia*, Volume 1, B1P1 and B1P2.

Note 1.

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

Note 2.

If the alteration involves premises at which a **skin penetration procedure**, within the meaning of the *Public Health Act 2010*, is carried out, the premises must comply with the requirements under that Act, and Part 4 of the *Public Health Regulation 2012*.

- (1A) Subclause (1)(e) does not apply to development in connection with a tertiary institution.

- (2) The following requirements of the *Building Code of Australia* are also standards specified for that development—
- (a) if the building that is being altered is subject to a performance solution relating to a fire safety requirement—the alteration must be consistent with that performance solution,
 - (b) if the alteration involves an area of more than 500m² of commercial premises, or an area of more than 1,000m² of premises used for light industry or a warehouse or distribution centre—that area must—
 - (i) comply with the requirements set out in the *Building Code of Australia*, Volume 1, D1P2-D1P5, and
 - (ii) comply with the number of sanitary and other facilities set out in the *Building Code of Australia*, Volume 1, F4P1, and
 - (iii) comply with the light and ventilation requirements set out in the *Building Code of Australia*, Volume 1, F6P1-F6P5,
 - (c) if the building is a mixed use development that also contains a Class 2, 3 or 4 portion—the altered area must be separated from the Class 2, 3 or 4 portion by building elements that comply with the fire resistance performance requirements set out in the *Building Code of Australia*, Volume 1, C1P2 and C1P8.
- (3) Subclause (2)(b) is also a standard specified for that development if the alteration involves an area of more than 500m² of a tertiary institution.

Subdivisions 2, 3

5.3-5.6 (Repealed)

Subdivision 4 Mechanical ventilation systems

5.7 Specified development

The construction, installation or alteration of a mechanical ventilation system on a building that is used for any purpose (other than a dwelling house) is development specified for this code if it is not carried out in a heritage conservation area or a draft heritage conservation area.

5.8 Development standards

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

- (a) be located at least 3.5m behind the building line from any lot boundary, and
- (b) comply with the Noise Policy, and

- (c) be located not more than 1m above the ridge of a pitched roof or 3m above a flat roof, and
- (d) not relate to the cooking of food at the premises by barbecue or charcoal methods, and
- (e) if it is located on bush fire prone land—be constructed or installed so that any opening is sealed against the entry of embers.

Note.

If the mechanical ventilation system is a **regulated system** within the meaning of the *Public Health Act 2010*, the system must comply with the requirements of that Act and the regulations made under it, including AS/NZS 3666.1:2011, *Air-handling and water systems of buildings—Microbial control, Part 1: Design, installation and commissioning*.

Subdivision 5 Shop fronts and awnings

5.9 Specified development

An external alteration to, or the repair or replacement of, an existing shop front or awning, or the construction of a new awning, on a building that is used for any purpose other than for the purpose of a dwelling house is development specified for this code if it is not carried out in a heritage conservation area or a draft heritage conservation area.

5.10 Development standards

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

- (a) not result in an increase in the gross floor area of the building, and
- (b) not reduce the area of the window or other clear glass of the shop front, and
- (c) not reduce the level of transparency of the shop front, such as by using obscure glazing, and
- (d) not reduce the existing level of access to the building for people with a disability, and
- (e) in the case of the replacement of an awning or the construction of a new awning—be no less than 2.7m high at any point measured above ground level (existing), and
- (f) in the case of the replacement of an existing awning fascia—have a vertical depth for the replacement fascia not greater than the vertical depth of the existing awning fascia, and
- (g) in the case of the construction of a new awning—have a vertical depth for the awning fascia not greater than the average of the vertical depths of the immediately adjoining awning fascias or, if there are no adjoining awning fascias, 350mm, and
- (h) be no more than 3m in depth measured horizontally from the facade of the building to

which it is attached, and

- (i) be no closer than 450mm to the edge of any kerb or alignment of any path on which vehicles travel, and
- (j) be designed and certified by a professional engineer, and
- (k) in the case of the replacement of an awning or the construction of a new awning—be constructed of non-combustible material if it is located on bush fire prone land, and
- (l) in the case of the alteration to, or the repair of, an awning—not be carried out unless the awning complies with the requirements set out in the *Building Code of Australia*, Volume 1, B1P1 and B1P2.

Note.

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

Subdivision 6 Skylights and roof windows

5.11 Specified development

The construction or installation of a skylight or roof window on a building that is used for any purpose other than a dwelling house is development specified for this code.

5.12 Development standards

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

- (a) be constructed or installed so that any opening created is adequately weather proofed, and
- (b) if located on bush fire prone land—be constructed or installed so that any opening is sealed against the entry of embers, and
- (c) if located on land in a heritage conservation area or draft heritage conservation area—be constructed or installed within the plane of the roof and not be visible on the street elevation.

Subdivision 7 Projecting wall signs

5.13 Specified development

The construction or installation of a business identification sign or building identification sign that projects from the exterior wall of an existing building is development specified for the purposes of this code if—

- (a) it is not carried out on or in a heritage item or draft heritage item or in a heritage conservation area or draft heritage conservation area, and

- (b) it is carried out on land that is in a business, employment, mixed use, industrial or special purpose zone or Zone W4.

5.14 Development standards

- (1) The standards specified for that development are that the development must—
 - (a) not result in more than 4 business identification signs (which may refer to more than 1 business within the building) or building identification signs (or both) of this type for the building so long as only one sign is visible on each elevation of the building, and
 - (b) not project beyond the parapet or eaves of the building to which it is attached, and
 - (c) if located in an industrial zone or Zone E4 or E5—be no more than 2.5m² in area and not project more than 1.5m horizontally from the facade of the building, and
 - (d) if located in any other zone—be no more than 1.5m² in area and not project more than 0.75m horizontally from the facade of the building, and
 - (d1) be erected with the lower edge at least 2.6m above ground level (existing), and
 - (e) be securely fixed to the wall in accordance with—
 - (i) AS/NZS 1170.0:2002, *Structural design actions, Part 0: General principles*, and
 - (ii) AS/NZS 1170.2:2011, *Structural design actions, Part 2: Wind actions*, and
 - (f) if the sign is illuminated—
 - (i) have its means of illumination, including any associated cables, concealed or integrated within the frame of the sign, and
 - (ii) not be animated, flashing or moving, and
 - (iii) comply with AS/NZS 4282:2019, *Control of the obtrusive effects of outdoor lighting*, and
 - (g) if the sign is a business identification sign and is on land that is within a residential zone or within 50m of land that is within a residential zone and the sign faces the residential zone—only be illuminated during the following periods—
 - (i) if the hours of operation of the business identified on the sign have been approved—during those hours,
 - (ii) if the hours of operation of the business identified on the sign have not been approved—between 7.00 am and 10.00 pm on any day.

Note.

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

- (2) Subclause (1)(c) does not apply to development in connection with a tertiary institution.

Subdivision 8 Freestanding pylon and directory board signs

5.15 Specified development

The erection of a business identification sign or building identification sign that is displayed on a freestanding structure that is mounted on the ground on one or more supports is development specified for this code if—

- (a) it is not carried out on or in a heritage item or a draft heritage item or in a heritage conservation area or a draft heritage conservation area, and
- (b) it is carried out on land that is in a business, employment, mixed use, industrial or special purpose zone or Zone W4.

5.16 Development standards

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

- (a) not result in more than one such freestanding sign for each street frontage of the lot on which the development is located that is more than 15m in width, and
- (b) not be higher than 6m from ground level (existing), and
- (c) not have an area for the sign of more than 8m² unless paragraph (d) applies, and
- (d) if the development is located on premises with more than one commercial tenant—not have an area for the sign of more than 16m², and
- (e) not be located within 3m of any protected tree, and
- (f) be constructed and installed in accordance with—
 - (i) AS/NZS 1170.0:2002, *Structural design actions, Part 0: General principles*, and
 - (ii) AS/NZS 1170.2:2011, *Structural design actions, Part 2: Wind actions*, and
- (g) not obstruct the visibility sight lines of, or interfere with, any traffic control device, including traffic control lights, and
- (h) if the sign is illuminated—
 - (i) have its means of illumination, including any associated cables, concealed or integrated within the frame of the sign, and
 - (ii) not be animated, flashing or moving, and

- (iii) comply with AS/NZS 4282:2019, *Control of the obtrusive effects of outdoor lighting*, and
 - (i) if the sign is a business identification sign and is on land that is within 50m of land that is within a residential zone and the sign faces the residential zone—only be illuminated during the following periods—
 - (i) if the hours of operation of the business identified on the sign have been approved—during those hours, or
 - (ii) if the hours of operation of the business identified on the sign have not been approved—between 7.00 am and 10.00 pm on any day.

Note.

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

Subdivision 9 Ancillary development

5.17 Specified development

Development, or the carrying out of works, that is or are ancillary to the use of land is development specified for this code if it is not carried out on a lot that—

- (a) contains a dwelling house, or
- (b) is a flood control lot.

5.18 Development standards

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

- (a) have an area of not more than 100m², or 15% of the area of the site on which the development is carried out, whichever is the lesser, and
- (b) not have a building height of more than 5m, and
- (c) be located at least 1m behind the building line of any road frontage (except where the development is a front awning on a building), and
- (d) be located at least 3m from any boundary adjoining land on which a dwelling is located, and
- (e) not be located over a registered easement, and
- (f) not reduce vehicular access to, parking on or loading or unloading on or from, the lot, and
- (g) not reduce the landscaped area of the lot, and

- (h) if carried out in a heritage conservation area or in a draft heritage conservation area—
 - (i) be located behind the rear building line and no closer to each side boundary than the existing development with which it is associated, and
 - (ii) not be carried out on a lot that adjoins a lane or a secondary or parallel road, and
 - (i) to the extent that it is comprised of metal components—be constructed of low reflective, factory pre-coloured materials, and
 - (j) if located on bush fire prone land—be constructed of non-combustible material, and
 - (k) satisfy the requirements contained in an applicable development control plan applying to the land concerning its drainage systems and not interfere with the functioning of existing drainage fixtures or flow paths, and
 - (l) (Repealed)
- (m) in the case of a garbage bin enclosure—
 - (i) not have a floor area more than 5m², and
 - (ii) not be higher than 3m if roofed or 1.5m above ground level (existing) if not roofed, and
- (n) not be carried out under an awning unless the awning—
 - (i) complies with the requirements set out in the *Building Code of Australia*, Volume 1, B1P1 and B1P2, and
 - (ii) is structurally sound.

Subdivision 10 Earthworks, retaining walls and structural support

5.19 Specified development

Earthworks and the construction or installation of a retaining wall or other form of structural support are development specified for this code if they are not carried out on a lot that—

- (a) contains a dwelling house, or
- (b) is a flood control lot.

5.20 Development standards

(1) **Excavation** The standards specified for excavation work are that the work must—

- (a) be structurally sound, and
- (b) if the land is not identified as Class 3 or 4 on the Acid Sulfate Soils Map—not be

- more than 3m below ground level (existing), and
- (c) if the land is identified as Class 3 or 4 on the Acid Sulfate Soils Map—not be more than 1m below ground level (existing), and
 - (d) be carried out at least 40m from any waterbody (natural), and
 - (e) not result in a building being located over a registered easement, and
 - (f) if it is on a lot adjacent to a rail corridor—be setback at least 3m from the corridor.
- (2) **Fill** The standards specified for fill are that the fill must—
- (a) not raise the ground level (existing) more than 2m, and
 - (b) be structurally sound, and
 - (c) be located at least 40m from any waterbody (natural).
- (3) **Structural supports** Earthworks that are more than 1m above or below ground level (existing) are structurally sound only if they have 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 adequate drainage lines connected to an existing stormwater drainage system for the site, and
 - (c) does not redirect the flow of any water or cause sediment to be transported onto an adjoining property, and
 - (d) is not higher than 3m, and
 - (e) is separated from any other structural support on the site by at least 2m, measured horizontally, and
 - (f) is not located over a registered easement.

Subdivision 11 Driveways, hard stand spaces, pathways and paving

5.21 Specified development

The following development is specified for this code if it is not carried out on a lot that contains a dwelling house—

- (a) the construction or installation of pathways or paving,
- (b) the construction or installation of a driveway associated with access to a hard stand space, carport, loading bay or garage,

- (c) the construction or installation of a hard stand space, whether open or part of a carport.

5.22 Development standards

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

- (a) satisfy the requirements of any applicable development control plan concerning its drainage systems and not interfere with the functioning of existing drainage fixtures or flow paths, and
- (b) not require a cut or fill of greater than 2m from ground level (existing), and
- (c) if it is a driveway or hard stand space—
 - (i) be constructed in accordance with AS/NZS 2890.1:2004, *Parking facilities, Part 1: Off-street car parking* or AS 2890.2:2018, *Parking facilities, Part 2: Off-street commercial vehicle facilities* and RMS Australian Standard Supplements, Australian Standard—AS2890, *Parking Facilities, Parts 1–6* issued by Transport for NSW, and
 - (ii) be designed to allow all vehicles to turn around within the site and exit in a forward direction, and
 - (iii) be designed and certified by a professional engineer, and
- (d) if it is a driveway—have the consent required for a driveway under section 138 of the *Roads Act 1993* from the appropriate roads authority, and
- (e) if the development is a hard stand space—
 - (i) be associated with a driveway, and
 - (ii) be located at least 3m from any boundary that adjoins a residential zone, and
- (f) if it is a pathway or paving area to be used for pedestrian access—be designed or constructed in accordance with AS 1428.1—2009, *Design for access and mobility, Part 1: General requirements for access—New building work*.

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

5.22A Specified development

- (1) The construction, installation or alteration of a click and collect bay, drive through facility or goods collection locker, and associated directional signage, is development specified for this code.
- (2) Without limiting subclause (1), the conversion of a car parking space into a click and collect bay is development specified for this code.

(3) Subclause (2) applies even if the conversion of a car parking space will result in less than the required minimum number of car parking spaces for the land.

(4) In this Subdivision—

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

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

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

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

5.22B Development standards

(1) The standards specified for development for a click and collect bay are that the development must not reduce the number of car parking spaces on the land on which the development is carried out by more than the lesser of the following—

(a) 20 car parking spaces,

(b) 15% of the number of car parking spaces on the land.

(2) The standards specified for development for a drive through facility are that the drive through facility must—

(a) be located behind the building line of a road frontage, and

(b) not be located adjacent to residential accommodation, and

(c) not reduce the number of car parking spaces on the land on which the development is carried out.

(3) The standards specified for development for a goods collection locker are as follows—

(a) the maximum gross floor area of the goods collection locker is 15 square metres,

(b) the maximum height of the goods collection locker is 3 metres above ground level (existing),

(c) the minimum setback from a boundary with adjoining land is 3.5 metres.

(4) A car park affected by development for a click and collect bay or drive through facility

must comply with the following standards—

- (a) AS/NZS 2890.1:2004, *Parking facilities, Part 1: Off-street car parking*,
- (b) AS 2890.2:2018, *Parking facilities, Part 2: Off-street commercial vehicle facilities*,
- (c) AS 2890.3:2015, *Parking facilities, Part 3: Bicycle parking*,
- (d) AS/NZS 2890.6:2009, *Parking facilities, Part 6: Off-street parking for people with disabilities*.

Subdivision 12 Fences

5.23 Specified development

The construction of a fence that is not located on the boundary of a road, other than a rear lane, is development specified for this code if it is not carried out on a lot that contains a dwelling house.

5.24 Development standards

- (1) The standards specified for that development are that the development must—
 - (a) be located on a side or rear boundary, and
 - (b) not be more than 3m above ground level (existing), and
 - (c) not be of solid construction.
- (2) Despite subclause (1), any fence located along the boundary of a site that adjoins land within a residential zone or a lane must be open for at least 75% of the area of the fence that is more than 1.8m above ground level (existing).

Note.

Development standards for fences that are exempt development are specified in Division 1 of Part 2.

Subdivision 13 Development standards for land near Siding Spring Observatory

5.24A Specified development

All external lighting associated with development under this Part in the local government areas of Coonamble, Gilgandra, Warrumbungle Shire and Dubbo Regional is development specified for this code.

5.24B Development standards

- (1) The standards specified for that development are that the development must—
 - (a) be installed or constructed using a shielded light fitting, and

- (b) be downward facing, and
 - (c) for each site—not exceed 50,000 lumens, and
 - (d) for each individual light—not exceed a maximum colour temperature of 3,500 kelvin.
- (2) In this clause—

shielded light fitting means a light fitting that does not allow light to shine above the horizontal plane.

Division 2 Conditions applying to complying development certificates under this code

5.25 Conditions specified in Schedule 8 apply

A complying development certificate for development specified under this code must be issued subject to the conditions specified in Schedule 8.

Part 5A Industrial and Business Buildings 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.

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

Division 1 General

5A.1 Interpretation

- (1) In this Part—

business zone means Zone E1, E2, E3, MU1, B1, B2, B3, B4, B5, B6, B7, B8, IN4, SP1, SP2, SP3, SP5 or W4.

industrial zone means Zone E4, E5, IN1, IN2 or IN3.

specified purpose—see clause 5A.2.

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

under this code.

5A.2 Meaning of “specified purpose”

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

- (a) amusement centres,
- (b) boat building and repair facilities,
- (c) commercial premises,
- (d) community facilities,
- (e) depots,
- (f) entertainment facilities,
- (g) function centres,
- (h) health consulting rooms,
- (i) industries,
- (j) information and education facilities,
- (k1) local distribution premises,
- (k) medical centres,
- (l) recreational facilities (indoor),
- (m) storage premises,
- (n) vehicle body repair workshops,
- (o) vehicle repair stations,
- (p) veterinary hospitals,
- (q) warehouses or distribution centres,
- (r) waste or resource transfer stations.

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

- (a1) data centres,
- (a) funeral homes,
- (b) markets,

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

5A.3 Development specified for this code

- (1) Development for a specified purpose on land in an industrial zone or a business zone is development specified for this code.
- (2) Despite subclause (1), development involving the erection of a new building for a specified purpose is not development specified for this code on land in Zone E1, E2, MU1, B1, B2, B3, B4, B8, IN4, SP1, SP3, SP5 or W4.
- (3) Despite subclause (1), development for the purposes of waste or resource transfer stations is development specified for this code only if carried out by or on behalf of a public authority.

5A.4 Development standards

- (1) The standards specified for the development are set out as follows—
 - (a) Division 1A specifies development standards applicable to development for a specified purpose on land in an industrial zone or a business zone,
 - (b) Division 2 specifies further development standards applicable only to development for a specified purpose on land in an industrial zone that involves the construction or alteration of, or addition to, a building,
 - (c) Division 3 specifies further development standards applicable only to development for a specified purpose on land in a business zone that involves the construction or alteration of, or addition to, a building.
- (2) Divisions 2 and 3 do not apply to development involving internal alterations only, if the development does not increase the gross floor area of the building.

5A.5 Complying development certificates

A complying development certificate for development specified for this code—

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

5A.6 Change of use of premises

- (1) A change of use of premises to specified purposes may be complying development under this code even if the change of use is carried out on land referred to in clause 1.19(5).
- (2) A change of use of premises on the following land is not development specified for this code—
 - (a) part of Lot 121, DP 876962 and part of Lot 101, DP 1043160, 5 Viscount Place, Warwick Farm, as shown coloured light purple on the [Liverpool Local Environmental Plan 2008 Key Sites Map](#),
 - (b) Lot 1021, DP 812335, 63 Mulgoa Road; Lot 1, DP 1043008, 73 Mulgoa Road; Lots 151 and 152, DP 863625, 83 and 109 Mulgoa Road; Lot 12 and part of Lot 13, DP 710086, 123-135 Mulgoa Road; Lot 1, DP 1064526, 1 Retreat Road in Penrith.

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

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

5A.6AA Internal alterations

Internal alterations to an existing building used for a specified purpose may be complying development under this code, even if the development is carried out on land referred to in clause 1.19(5).

Division 1A Development standards for both industrial and business zones

5A.6B Development standards—general

- (1) The development must not be carried out at premises that are a manufactured home, moveable dwelling or temporary structure.
- (2) If the development is on land to which a local environmental plan made under the Act, section 3.20 applies, the development must comply with the applicable standards specified under clause 5.4(4), (6), (7), (7AA) and (10) of the plan.
- (3) If the development is to be provided with water supply or sewerage services, or both, by a water utility, the applicant must obtain a notice or other form of written advice from the relevant water utility, or an entity authorised to do so by the utility, that specifies the works or other requirements to be completed as part of the development.
- (4) If the development is for the purposes of a manual collection point, the land on which the development is carried out must not contain underground storage tanks.
- (5) The development must not involve development of a kind referred to in the *Environmental Planning and Assessment Regulation 2021*, section 163(1)(a), (e) or (f).
- (6) The development must not result in—
 - (a) the erection of a building over a registered easement, or
 - (b) the clearing of more than 1,000m² of native vegetation.
- (7) The development must not be a controlled activity within the meaning of the *Airports Act 1996* of the Commonwealth, Part 12, Division 4.

Note—

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

5A.6C Miscellaneous development standards for particular specified purposes

- (1) Food and drink premises must—
 - (a) comply with AS 4674—2004, *Design, construction and fit-out of food premises*, and
 - (b) have a maximum capacity of no more than 100 patrons, and
 - (c) display a sign indicating the maximum capacity.
- (2) (Repealed)

5A.6D Maximum gross floor area for particular specified purposes

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

5A.6E Bunding

All areas for the storage and handling of chemicals, fuels and oils on-site must be designed with appropriate bunded areas that—

- (a) have impervious flooring, and
- (b) have sufficient capacity to contain 110% of the largest container stored within the bund, and
- (c) are designed in accordance with pages 40–44 of the document entitled *Storing and*

Handling Liquids: Environmental Protections, Participants Manual published by the Department of Environment and Climate Change NSW in May 2007.

5A.6F Car parking and access

- (1) For a building with a gross floor area less than 500m² in Zone E1, E2, MU1, B1, B2, B3, B4, B8, IN4, SP1, SP3, SP5 or W4 that existed before 1 February 2022—
 - (a) car parking must be provided in accordance with an existing condition relating to car parking that applies to the use of the land, or
 - (b) if there is no existing condition relating to car parking—the development must not reduce the number of car parking spaces on the land on which the development is carried out.
- (1A) Otherwise, car parking must be provided—
 - (a) in accordance with any relevant requirements contained in an environmental planning instrument or development control plan applying to the land, or
 - (b) if there are no relevant requirements referred to in paragraph (a)—in accordance with the document entitled *Guide to Traffic Generating Developments*, Version 2.2, published by the Roads and Traffic Authority in October 2002.
- (1B) If a contribution in relation to car parking in compliance with a contributions plan under the Act, Division 7.1 is imposed as a condition of approval under the *Environmental Planning and Assessment Regulation 2021*, section 156, the contribution may be made instead of complying with subclause (1) or (1A).
- (2) New car parking must be constructed to comply with the following standards—
 - (a) AS/NZS 2890.1:2004, *Parking facilities, Part 1: Off-street car parking*,
 - (b) AS 2890.2:2018, *Parking facilities, Part 2: Off-street commercial vehicle facilities*,
 - (c) AS 2890.3:2015, *Parking facilities, Part 3: Bicycle parking*,
 - (d) AS/NZS 2890.6:2009, *Parking facilities, Part 6: Off-street parking for people with disabilities*.
- (3) If car parking is in connection with a tertiary institution, the following additional development standards apply—
 - (a) must not increase or reduce the number of car spaces currently approved for the land,
 - (b) if the parking area is on grade, provide at least 1 tree with a mature height of at least 8m for every 6 cars.

Note.

Consent from the relevant roads authority may be required under section 138 of the *Roads Act 1993* for the building of any kerb, crossover or driveway. See clause 1.18(1)(e).

5A.6G Loading facilities and driveways

- (1A) This clause applies to development that—
- (a) provides a new loading bay or new driveway, or
 - (b) involves alterations or additions specifically to an existing loading bay or driveway.
- (1) The loading facilities must be contained wholly within the lot on which the development is carried out.
- (2) Loading bays must—
- (a) be located behind the front building line of the building, and
 - (b) not be located adjacent to residential accommodation.
- (3) Driveways within the lot on which the development is carried out must be designed so as to enable vehicles to leave the lot in a forward direction.
- (4) Ingress to and egress from the site, driveway widths, turning circles and the dimensions of all loading bays must be designed in accordance with—
- (a) AS/NZS 2890.1:2004, *Parking facilities, Part 1: Off-street car parking* or AS 2890.2:2018, *Parking facilities, Part 2: Off-street commercial vehicle facilities* and *RMS Australian Standard Supplements, Australian Standard—AS2890, Parking Facilities, Parts 1–6*, and
 - (b) the document entitled *Guide to Traffic Generating Developments*, Version 2.2, published by the Roads and Traffic Authority in October 2002.

5A.6H Earthworks

- (1) **Excavation** The standards specified for excavation work are that the work must—
- (a) be structurally sound, and
 - (b) if the land is identified as Class 3 or 4 on the *Acid Sulfate Soils Map*—not be more than 1m below ground level (existing), and
 - (c) if the land is not identified as Class 3 or 4 on the *Acid Sulfate Soils Map*—
 - (i) for a site area less than 10,000m²—not be more than 3m below ground level (existing), or
 - (ii) for a site area equal to or more than 10,000m²—not be more than 6m below

ground level (existing), and

- (d) be carried out at least 40m from any waterbody (natural), and
- (e) not result in a building being located over a registered easement, and
- (f) if it is on a lot adjacent to a rail corridor—be setback at least 3m from the corridor.

(2) **Fill** The standards specified for fill are that the fill must—

- (a) not raise the ground level (existing) more than—
 - (i) for a site area less than 10,000m²—2m, or
 - (ii) for a site area equal to or more than 10,000m²—6m, and
- (b) be structurally sound, and
- (c) be located at least 40m from any waterbody (natural).

(3) **Structural supports** Earthworks that are more than 1m above or below ground level (existing) are structurally sound only if they have 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 adequate drainage lines connected to an existing stormwater drainage system for the site, and
- (c) does not redirect the flow of any water or cause sediment to be transported onto an adjoining property, and
- (d) is not higher than—
 - (i) for a site area less than 10,000m²—3m, or
 - (ii) for a site area equal to or more than 10,000m²—7m, and
- (e) is separated from any other structural support on the site by at least 2m, measured horizontally, and
- (f) is not located over a registered easement.

5A.6I Drainage

- (1) All stormwater drainage collected as a result of the development must be conveyed by a gravity fed or charged system to—
 - (a) a public drainage system, or
 - (b) an inter-allotment drainage system, or

- (c) an on-site disposal system.
- (2) All stormwater drainage systems within a lot, and the connection to a public or an inter-allotment drainage system, must—
- (a) if an approval is required under section 68 of the *Local Government Act 1993*—be approved under that Act, or
 - (b) if an approval is not required under section 68 of the *Local Government Act 1993*—comply with any requirements for the disposal of stormwater drainage contained in a development control plan that is applicable to the land.

5A.6J Development standards for bush fire prone land

- (1) This clause applies—
- (a) to the construction or alteration of, or additions to, a building on a lot that is wholly or partly bush fire prone land, and
 - (b) in addition to all other development standards specified for this code.

Note.

See clause 1.19A for additional provisions relating to bush fire prone land.

- (2) The development may be carried out on the lot only if—
- (a) the development conforms to the specifications and requirements of *Planning for Bush Fire Protection* that are relevant to the development, and
 - (b) (Repealed)
 - (c) the lot has direct access to a public road or a road vested in or maintained by the council, and
 - (d) a reticulated water supply is connected to the lot, and
 - (e) a fire hydrant is located less than 70m from the location on the lot of the proposed development, and
 - (f) mains electricity is connected to the lot, and
 - (g) reticulated or bottled gas on the lot is installed and maintained in accordance with AS/NZS 1596:2014, *The storage and handling of LP Gas* and the requirements of relevant authorities (such as the requirement that metal piping be used), and
 - (h) any gas cylinders on the lot that are within 10m of a dwelling—
 - (i) have their release valves directed away from the dwelling, and
 - (ii) are enclosed on the hazard side of the installation, and

- (iii) have metal connections to and from the cylinders, and
- (i) there are no polymer sheathed flexible gas supply lines to gas meters adjacent to any dwelling on the lot or an adjoining lot.

Note.

The requirements relating to the construction of buildings in bush fire prone areas set out in the *Building Code of Australia* also apply.

- (3) (Repealed)

5A.6K 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 complying development certificate, as not being any of the following—
 - (a) a flood storage area,
 - (b) a floodway,
 - (c) a flow path,
 - (d) a high hazard area,
 - (e) a high risk area.
- (2) Development that is carried out under this code on any part of a flood control lot must meet the following requirements—
 - (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 building that is erected at or below the flood planning level is constructed of flood compatible material,
 - (c) any part of the building 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 building,
 - (f) vehicular access to the building 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 *Flood Risk Management Manual*, unless it is otherwise defined in this Policy.
- (5) (Repealed)

Note.

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

5A.6L Development standards for land near Siding Spring Observatory

- (1) This clause applies—
 - (a) to all external lighting associated with development under this Part in the local government areas of Coonamble, Gilgandra, Warrumbungle Shire and Dubbo Regional, and
 - (b) in addition to all other development standards specified for this code.
- (2) The development must—
 - (a) be installed or constructed using a shielded light fitting, and
 - (b) be downward facing, and
 - (c) for each site—not exceed 50,000 lumens, and
 - (d) for each individual light—not exceed a maximum colour temperature of 3,500 kelvin.
- (3) In this clause—

shielded light fitting means a light fitting that does not allow light to shine above the horizontal plane.

5A.6M Development standard for development involving awnings

- (1) This clause applies to development to which this code applies that—
 - (a) includes the construction or installation of an awning, or
 - (b) includes the replacement or alteration of, or otherwise affects, an existing awning, or

- (c) is carried out under an existing awning.
- (2) The awning must—
- (a) comply with the requirements set out in the *Building Code of Australia*, Volume 1, B1P1 and B1P2, and
 - (b) be structurally sound.

5A.6N Garbage and waste storage

- (1) This clause applies to development to which this code applies that involves the erection of a building, if the building does not have an existing garbage and waste storage area.
- (2) A garbage and waste storage area must be provided as part of the development.
- (3) The garbage and waste storage area must—
 - (a) be screened, and
 - (b) be located behind the primary road frontage building line, and
 - (c) not be located in car parking, loading bay or landscaped area, and
 - (d) not be located on a side of the building that faces an adjoining lot on which there is a dwelling, and
 - (e) comply with the following appendices in the document entitled *Better Practice Guidelines for Waste Management and Recycling in Commercial and Industrial Facilities*, ISBN 978-1-74293-944-5, published by the NSW Environment Protection Authority in December 2012—
 - (i) appendices A and B, for the size and location of garbage and storage areas and the size of waste receptacles,
 - (ii) appendices C and D, for the design of openings of waste storage areas and loading bay turning circles for waste removal vehicles,
 - (iii) appendix E, for standard signs for waste storage areas,
 - (iv) appendix F, for the design and operational capacity of waste storage areas.

Division 2 Development standards for industrial zones only

Subdivision 1 Site requirements

5A.7 Maximum gross floor area

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

5A.8 Maximum floor space ratio

The maximum floor space ratio for a building is—

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

Subdivisions 2, 3

(Repealed)

Subdivision 4 Building heights and setbacks

5A.9 Maximum building height

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

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

5A.10 Setbacks of development from roads

- (1) If the development has a boundary with a classified road, the building must have a setback from the boundary with the classified road of—
 - (a) at least 10m, or
 - (b) if a greater setback is applicable in those circumstances under another environmental planning instrument applying to the land on which the building is erected—at least the setback specified in that instrument.
- (2) If the development has a boundary with a primary road that is not a classified road, the building must have a setback from that boundary of—
 - (a) the average distance of the setbacks of the nearest 2 buildings that—
 - (i) have a boundary with the same road, and
 - (ii) are located within 40m of the lot on which the building is erected, or
 - (iii) (Repealed)
 - (b) at least 10m,whichever is the lesser.
- (3) If the development is on a lot that has a boundary with a parallel road that is not a

classified road, the building must have a setback from the boundary with the parallel road determined in accordance with subclause (2).

- (4) If the development is located on a corner lot, the building must have a setback from the boundary of the secondary road of at least 3m if the secondary road is not a classified road.
- (4A) If the development is on a lot that is subject to a proposed road widening under a local environmental plan, the building must have a setback from the boundary with the road, after acquisition for the road widening, of at least—
 - (a) if the road widening is for a local road—10m, or
 - (b) if the road widening is for a classified road widening, a future classified road widening or a local road future classified road—4.5m.
- (5) Despite subclauses (1)–(4A), an addition or alteration to an existing building may have a setback from the boundary of any road that is not a classified road at the same distance as the setback of the existing building from that boundary.
- (6) Despite subclauses (1)–(4A), the requirements of this clause do not apply to the existing parts of a building.
- (7) Despite subclauses (1)–(6), if a setback is specified in a development control plan applying to the lot on which the development is located, the building must have the setback specified in the development control plan.

5A.11 Setbacks of development from side and rear boundaries

- (1) If the development is a new building, or the alteration of or an addition to an existing building, on land that adjoins a lot in a residential zone, the building must have a setback from the boundary of the adjoining lot of—
 - (a) for a building with a gross floor area of not more than 1,000m²—at least 3m, plus an additional metre for every whole metre by which the building exceeds 4.5m in height above ground level (existing), or
 - (b) for a building with a gross floor area of more than 1,000m² but not more than 5,000m²—at least 5m, plus an additional metre for every whole metre by which the building exceeds 4.5m in height above ground level (existing), or
 - (c) for a building with a gross floor area of more than 5,000m² but not more than 10,000m²—at least 20m, plus an additional metre for every whole metre by which the building exceeds 4.5m in height above ground level (existing), or
 - (d) for a building with a gross floor area of more than 10,000m² but not more than 50,000m²—at least 50m, with a maximum building height of the greater of the following—

- (i) the maximum building height that applies under another environmental planning instrument,
 - (i) 18m above ground level (existing).
- (2) If the development is a new building, or the alteration of or an addition to an existing building, on a lot that adjoins a public reserve, the building must have a setback from the boundary with the public reserve of at least 3m and the area of that setback must be a landscaped area.
- (3) If the development is a new building, or the alteration of or an addition to an existing building, on a lot that adjoins an environmentally sensitive area, the building must have a setback from the boundary with that environmentally sensitive area of at least 10m and an area of at least 3m in width of that setback must be a landscaped area.
- (4) Despite the other provisions of this clause, the requirements of this clause do not apply to the existing parts of a building that are not being altered or added to.
- (5) If the development is carried out on a lot that has a boundary with a railway corridor, the new building or addition and any ancillary development must be located at least 3m from that boundary.

Subdivision 5 Building and site design requirements

5A.12 Front facade material finishes for new buildings

- (1) A new building must—
 - (a) as part of a facade that faces a primary road— have a door or window, and
 - (b) as part of the facade of the front of the building—
 - (i) have a front door, or
 - (ii) have an entry with an awning or portico, or
 - (iii) be distinguished by the use of different building materials.
- (2) (Repealed)
- (3) Sun shading devices, screens or canopies must be provided for each glazed wall or window in a new building if the glazed wall or window faces in a direction that is between north and east or north and west.
- (4) All glazing in a new building must be of low reflective glass.

5A.13 Building elements within the articulation zone for new buildings

- (1) The following building elements are permitted within an articulation zone for a new

building—

- (a) an entry feature or portico,
- (b) an awning or canopy over a door or window.

(2) A building element within the articulation zone of a new building—

- (a) must not reduce the required landscape area, car parking spaces or driveway, and
- (b) may extend 2m into the minimum required front setback, but must not be more than 25% of the width of the front facade of the building, and
- (c) must not be more than the maximum height of the building.

5A.14 (Renumbered as cl 5A.23D)

5A.15 Caretakers' flats

- (1) If the development includes development for the purposes of an ancillary caretaker's flat, the flat must—
 - (a) for development that is—
 - (i) the construction of a new building—form part of the new building, or
 - (ii) the alteration of or addition to an existing building—be an addition to the existing building, and
 - (b) comply with the relevant requirements contained in Volume 1 of the *Building Code of Australia* that are applicable to a Class 4 building, and
 - (c) have a floor area not exceeding 100m².
- (2) The development must not include more than one caretaker's flat per lot.

5A.16 Landscaped area

- (1) A landscaped area complying with the following specifications must be provided along each boundary of a lot on which the development is carried out with any adjoining road (except in areas necessary for vehicle and pedestrian access)—
 - (a) at least 3m in width or, if the setback from the road boundary is less than 3m, the width of the setback, and
 - (b) with a soil depth of at least 1m, and
 - (c) if the width of a lot is more than 10m at the primary street frontage—with a species of trees planted at 3m intervals along that frontage that are capable of achieving a height of at least 8m at maturity and at least 2m within 2 years of the occupation of the development.

- (2) If the development adjoins a residential zone, the setback area referred to in clause 5A.11(1) must have in it a landscaped area, adjacent to the boundary with that zone, that is—
 - (a) for a building with a gross floor area of more than 1,000m² but not more than 5,000m²—at least 3m wide in that setback, and
 - (b) for a building with a gross floor area of more than 5,000m² but not more than 10,000m²—at least 5m wide in that setback, and
 - (c) for a building with a gross floor area of more than 10,000m² but not more than 50,000m²—at least 10m wide in that setback.
- (3) The landscaped area required under subclause (2) must have trees and shrubs planted evenly across its length and width with, for every 3m² of the area—
 - (a) 1 tree of a species capable of achieving a height of at least 8m at maturity and at least 2m within 2 years of the occupation of the development, and
 - (b) 1 shrub of a species capable of achieving a height of at least 2m within 5 years of the occupation of the development and no more than 5m at maturity.
- (4) This clause does not apply to development that is the alteration of, or addition to, an existing building if the development does not—
 - (a) increase the footprint of the building, or
 - (b) decrease the landscaped area on the lot.

Division 3 Development standards for business zones only

Subdivision 1

5A.17 (Repealed)

Subdivision 2 General

5A.18 General standards

- (1) The standards specified for development under this Division are that—
 - (a) if the development is an alteration of, or addition to, a building on land in Zone E1, E2, MU1, B1, B2, B3, B4, B8, IN4, SP1, SP3, SP5 or W4—the development must be behind the front building line of the building, and
 - (b) if the development involves the erection of a building in Zone E3, B5, B6 or B7—the design of the development must be consistent with the relevant design criteria set out in the *Business Zone Design Guide*, published by the Department of Planning, Industry and Environment in December 2021 and available on the

NSW planning portal.

(c), (d) (Repealed)

(e) any new facade created by the development that faces any street must have a surface comprised of not more than 50% glazed materials which must be low reflective glass.

(2) Despite subclause (1)(b), the requirements of this Part prevail to the extent that the *Business Zone Design Guide* is inconsistent with this Part.

Subdivision 3 Site requirements

5A.19 Maximum gross floor area

- (1) The maximum gross floor area for additions to a building on land in Zone E1, E2, MU1, B1, B2, B3, B4, B8, IN4, SP1, SP3, SP5 or W4 is the lesser of the following—
- (a) 50% of the gross floor area of the building,
 - (b) if the building—
 - (i) is used as retail premises—1,000m², or
 - (ii) is not used as retail premises—2,500m².
- (2) The maximum gross floor area for a building on land in Zone E3, B5, B6 or B7 is 10,000m².
- (3) Despite subclause (2), the maximum gross floor area for a building resulting from development on land to which the *Sydney Local Environmental Plan 2012*, clause 7.32 applies and used for the purposes of specialised retail premises or vehicle sales or hire premises is 1000m².

5A.20 Maximum floor space ratio

The maximum floor space ratio for a building is—

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

5A.20A Landscaped area

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

5A.20B Site coverage and landscaped areas

- (1) Development on land in Zone E3, B5, B6 or B7 must meet the requirements in this clause relating to—
 - (a) site coverage, and
 - (b) landscaped areas.
- (2) The percentage of an infill lot that must be open space is as follows—
 - (a) for a building of 1 storey—at least 50%,
 - (b) for a building of 2 storeys—at least 45%,
 - (c) for a building of 3 storeys—at least 40%,
 - (d) for a building of 4 storeys—at least 35%,
 - (e) for a building of 5 storeys—at least 30%.
- (3) At least 50% of the open space of an infill lot must be landscaped area.
- (4) For a building of 1 storey on a freestanding lot—
 - (a) at least 60% of the lot must be open space, and
 - (b) at least 25% of the open space must be landscaped area.
- (5) For a building of 2 storeys on a freestanding lot—
 - (a) at least 65% of the lot must be open space, and
 - (b) at least 30% of the open space must be landscaped area.
- (6) For a building of 3 storeys on a freestanding lot—
 - (a) at least 65% of the lot must be open space, and
 - (b) at least 35% of the open space must be landscaped area.
- (7) For a building of 4 storeys on a freestanding lot—
 - (a) at least 70% of the lot must be open space, and
 - (b) at least 40% of the open space must be landscaped area.
- (8) For a building of 5 storeys on a freestanding lot—
 - (a) at least 70% of the lot must be open space, and
 - (b) at least 45% of the open space must be landscaped area.

(8A) If there is more than 1 building on a lot, the number of storeys for the purposes of this clause must be determined in accordance with the *Business Zone Design Guide* dated December 2021 and published on the NSW planning portal.

(9) In this clause—

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

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

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

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

(a) the lot, and

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

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

(a) the 5 lots, excluding vacant lots, to both sides of the lot, or

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

Subdivision 4 Building heights and setbacks

5A.21 Maximum height

(1) If there is a dwelling on an adjoining lot, the maximum building height for a building is 8.5m.

(1A) If there is not a dwelling on an adjoining lot, the maximum building height for a building is the lesser of the following—

(a) the maximum building height that applies under another environmental planning instrument,

(b) 21m.

(2) The maximum height of any ancillary development must not be more than 5m.

5A.22 Setbacks

(1) The minimum building setback for a building from a boundary with a parallel road that is a classified road is—

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

5A.23 Privacy

A window in a building must have a privacy screen for any part of the window that is less than 1.5m above finished floor level if—

- (a) the window faces a building used for residential accommodation on an adjoining lot, and
- (b) the wall in which the window is located has a setback of less than 6m from the boundary of that adjoining lot.

Division 4

5A.23A–5A.25 and 5A.27–5A.30B

(Renumbered as Division 1A (clauses 5A.6B–5A.6M); clause 5A.26 renumbered as Schedule 8, clause 24B)

Division 5

5A.31 (Repealed)

Part 5B Container Recycling Facilities Code

Note.

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

Division 1 Preliminary

5B.1 Definitions

In this Division—

automated counting and sorting centre means a building or place—

- (a) that is used in connection with the container deposit scheme, and
- (b) that contains a machine or other device designed for large-scale and high-speed counting, sorting and verification of beverage containers, and
- (c) that may contain or be attached to any other type of container recycling facility.

container recycling facility means any of the following—

- (a) an automated counting and sorting centre,
- (b) a drop-off collection point,
- (c) an encased automatic machine,
- (d) a large reverse vending machine,
- (e) a manual collection point,
- (f) an outdoor express centre.

drop-off collection point means a building or place—

- (a) that is used in connection with the container deposit scheme, and
- (b) that consists of a collection point at which beverage containers are counted, and refund amounts issued, by staff, and
- (c) that contains a structure or facility for the storage of beverage containers, and

- (d) that may contain a machine or other device for the counting and sorting, or counting, sorting and verification, of beverage containers.

encased automatic machine means a structure—

- (a) that is used in connection with the container deposit scheme, and
- (b) that contains a reverse vending machine, and
- (c) that contains a machine or other device, located within or attached to the reverse vending machine, that is designed to count and sort beverage containers.

large reverse vending machine means a reverse vending machine—

- (a) that is used in connection with the container deposit scheme, and
- (b) that has a floor area of more than 50m² or is more than 3m in height, 10m in width or 5m in depth.

manual collection point means a building or place—

- (a) that is used in connection with the container deposit scheme, and
- (b) that consists of a collection point at which beverage containers are manually counted, and refund amounts issued, by staff, and
- (c) that may include a drive-through area enabling a person to drive a vehicle into the collection point for the purpose of exchanging beverage containers contained in the vehicle for the issue of a refund amount.

outdoor express centre means a structure—

- (a) that is used in connection with the container deposit scheme, and
- (b) that consists of a collection point at which beverage containers are counted, and refund amounts issued, by staff, and
- (c) that may be constructed from a shipping container adapted for use as a collection point, and
- (d) that contains a structure or facility for the storage of beverage containers, and
- (e) that may contain or be attached to an encased automatic machine, and
- (f) that does not include a drive-through area.

Division 2 Development that is complying development under this code

5B.2 Development to which code applies

- (1) This code applies to development that is specified in clause 5B.3 on any lot in Zone B1, B2, B3, B4, B5, B6, B7, B8, E1, E2, E3, E4, E5, MU1, IN1, IN2, IN3, IN4, SP3, SP5 or W4.
- (2) This code applies to development that is specified in clause 5B.3 on any other land if—
 - (a) the development is for the purposes of an encased automatic machine, a large reverse vending machine or an outdoor express centre, and
 - (b) the land is lawfully used for the purposes of a railway station or ferry terminal operated by a public authority.
- (3) However, this code does not apply to the following development—
 - (a) development for any of the following purposes that is carried out on land in a business zone or Zone E1, E2, E3, MU1, SP5 or W4—
 - (i) an automated counting and sorting centre,
 - (ii) a drop-off collection point (other than a drop-off collection point that is ancillary to the lawful use of the land),
 - (iii) a manual collection point (other than a manual collection point resulting from a change of use under clause 5.3),
 - (b) development for the purposes of a container recycling facility that is carried out on land in a car park (unless the use of the land for the purposes of the car park is lawful),
 - (c) development for the purposes of an outdoor express centre that is carried out on any land (unless the land is used for the purposes of commercial premises and that use is lawful).

5B.3 Specified development

- (1) Development for the following purposes is development specified for this code—
 - (a) the erection on land of a container recycling facility,
 - (b) any of the following development for the purposes of a container recycling facility—
 - (i) an addition to an existing building that is used for the purposes of industry (other than heavy industry), a warehouse or distribution centre or commercial premises,
 - (ii) the external alteration of an existing building that is used for the purposes of

industry (other than heavy industry), a warehouse or distribution centre or commercial premises.

- (2) If development specified by this clause is to be provided with water supply or sewerage services (or both) by a water utility, to be complying development the applicant must obtain a notice or other form of written advice from the relevant water utility, or an entity authorised to do so by the utility, that specifies the works or other requirements to be completed as part of the development.

Division 3 Development standards for this code

5B.4 Application of development standards

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

5B.5 Application of standards under Industrial and Business Buildings Code

- (1) The development standards set out in the Industrial and Business Buildings Code apply to development specified for this code as follows—
 - (a) the development standards set out in Division 2 of Part 5A apply to the development if it is carried out on land in an industrial zone or Zone E3, E4 or SP3,
 - (b) the development standards set out in Division 3 of Part 5A apply to the development if it is carried out on land in a business zone or Zone E1, E2, E3, MU1, SP5 or W4,
 - (c) the development standards set out in Division 1A of Part 5A apply to the development if it is carried out on land in a business, employment, mixed use or industrial zone or Zone SP3 or W4.
- (2) This clause applies in addition to all other development standards specified for this code.

5B.6 Development standards for container recycling facilities

- (1) If the development is for the purposes of an encased automatic machine, a large reverse vending machine, an outdoor express centre or a drop-off collection point, on land in a car park—
 - (a) the container recycling facility must be located to allow adequate clearance for waste collection vehicles to enter and exit the car park for the collection of waste from the facility, and
 - (b) the container recycling facility must not be erected within 5m of any residential premises, and
 - (c) containers deposited under the container deposit scheme must be dispatched

from the container recycling facility for reuse or recycling only during the following periods—

- (i) between 7.00 am and 5.00 pm on Monday, Tuesday, Wednesday, Thursday, Friday or Saturday,
- (ii) between 9.00 am and 5.00 pm on Sunday.

- (2) If the development is for the purposes of an encased automatic machine, a large reverse vending machine, an outdoor express centre or a drop-off collection point, on land in a car park—the area occupied by the container recycling facility must not exceed the greater of the following areas—
 - (a) the area comprising 3 car parking spaces,
 - (b) 42m².
- (3) If the development is for the purposes of a drop-off collection centre, the centre must not have a floor area of more than 300m².
- (4) If the development is for the purposes of an encased automatic machine, the machine must not be more than 15m in height, 10m in width or 25m in length.
- (5) If the development is for the purposes of an outdoor express centre—
 - (a) the centre must operate only during the lawful operating hours of the commercial premises, and
 - (b) the centre must not have a floor area of more than 40m², and
 - (c) the centre must not be more than 3m in height, 3m in width or 6.5m in length.
- (6) Despite subclause (2), the container recycling facility may occupy an additional car parking area in addition to the area specified in that subclause if—
 - (a) an environmental planning instrument, development control plan or condition of a development consent that is in force requires the car park to provide a minimum number of car parking spaces, and
 - (b) the car park provides a number of car parking spaces that exceeds the minimum number required (**the additional spaces**).
- (7) The **additional car parking area** is the greater of the following areas—
 - (a) an area comprising not more than 3 of the additional spaces,
 - (b) an area not exceeding 42m².
- (8) The development standards set out in subclauses (1)–(5) prevail to the extent of any inconsistency with the development standards referred to in clause 5B.5.

Division 4 Conditions applying to complying development certificates under this code

5B.7 Conditions specified in Schedule 8 apply

A complying development certificate for development specified under this code must be issued subject to the conditions specified in Schedule 8.

Part 6 Subdivisions Code

Note.

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

Division 1 Strata subdivision

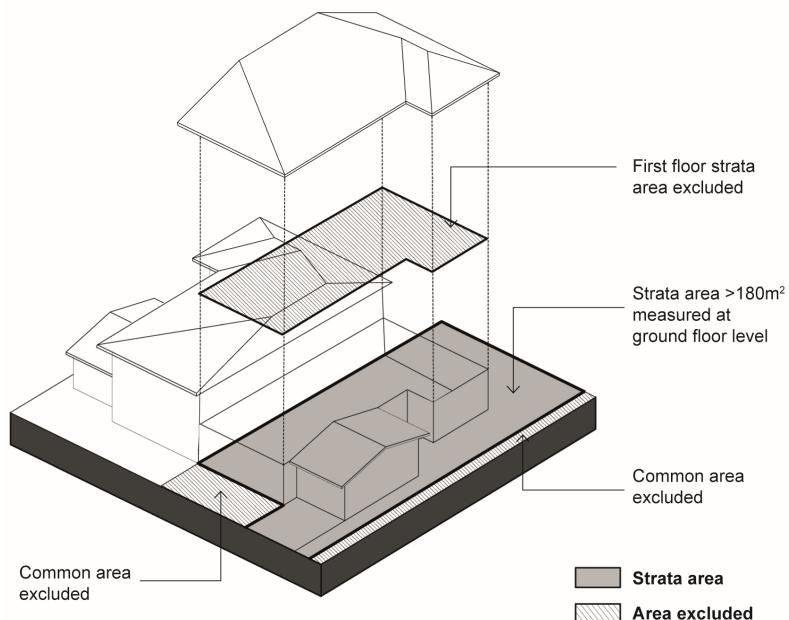
6.1 Specified development

- (1) The strata subdivision of a building for which development consent or a complying development certificate was granted or issued is, for 5 years from the date the consent or certificate was granted or issued, development specified for this code.
- (2) The strata subdivision of a dual occupancy, manor house or multi dwelling housing (terraces), for which a complying development certificate has been issued under the Low Rise Housing Diversity Code, is development specified for this code.
- (3) If a single complying development certificate application proposes both the strata subdivision of land and the erection of a dual occupancy, manor house or multi dwelling housing (terraces) on the land, the subdivision of that land is development specified for this code.
- (4) This clause does not include the strata subdivision of the following—
 - (a) a secondary dwelling,
 - (b) a boarding house,
 - (c) a group home,
 - (d) a dual occupancy (except as provided by subclause (2) or (3)).

6.2 Development standards

The standards specified for that development are as follows—

- (a) that the subdivision must not contravene any condition of any development consent or complying development certificate applying to the development,
- (b) in the case of a dual occupancy or multi dwelling housing (terraces)—
 - (i) each dwelling must have lawful frontage to a public road (other than a lane), and
 - (ii) no dwelling must be located behind any other dwelling on the same lot (except in the case of a corner lot or a parallel road lot), and
 - (iii) each resulting lot must have a minimum width (measured at the building line) of 6m,
- (c) in the case of a dual occupancy where no part of a dwelling is located above any part of another dwelling or multi dwelling housing (terraces), the strata area (being the area of the ground floor of all dwellings) is not less than 180m².



Note.

Registered interests on the land, the subject of the strata subdivision, the *Strata Schemes Management Act 2015* and the *Strata Schemes Development Act 2015* apply.

Division 2 Torrens subdivision

6.3 Specified development

- (1) This clause applies only to a dual occupancy or multi dwelling housing (terraces) where no part of a dwelling is located above any part of another dwelling.
- (2) The Torrens title subdivision of a dual occupancy or multi dwelling housing (terraces) to which this clause applies, for which a complying development certificate has been

issued under the Low Rise Housing Diversity Code, is development specified for this code.

- (3) If a single complying development certificate application proposes both the erection of a dual occupancy or multi dwelling housing (terraces) to which this clause applies on land and the Torrens title subdivision of land, the subdivision of that land is development specified for this code.

6.4 Development standards

- (1) **Lot requirements** The standards specified for that development are as follows—

- (a) there must only be 1 dwelling on each resulting lot at the completion of the development,
- (b) each resulting lot must be in Zone RU5, Zone R1, Zone R2 or Zone R3, or must have been in one of the zones at the relevant time,
- (c) each resulting lot must be at least 6m wide (measured at the building line) and have lawful access, and frontage to, a public road,
- (d) if the subdivision relates to a dual occupancy, the area of each resulting lot must be at least—
 - (i) the minimum size specified for the subdivision of land for the purpose of a dual occupancy in the environmental planning instrument that applies to the land, or that applied to the land at the relevant time, or
 - (ii) if no minimum size is, or was at the relevant time, specified—200m²,
- (e) if the subdivision relates to multi dwelling housing (terraces), the area of each resulting lot must be at least 200m².

- (2) **Other requirements** The standards specified for that development are as follows—

- (a) dual occupancies or multi dwelling housing must—
 - (i) be permissible, with consent, under an environmental planning instrument applying to the land, or
 - (ii) have been permissible, with consent, under an environmental planning instrument applying to the land at the relevant time,
- (b) the subdivision must not contravene any condition of any complying development certificate applying to the development,
- (c) in the case of multi dwelling housing (terraces) that are erected as complying development—the minimum landscaped area that must be provided for each resulting lot complies with the requirements in the table to clause 3B.40(1).

(3) For development specified in clause 6.3(2), the reference in clause 1.18(1)(b) to an environmental planning instrument applying to the land includes a reference to an environmental planning instrument applying to the land at the relevant time.

(4) In this clause—

relevant time, for development specified in clause 6.3(2), means the date on which the complying development certificate for the erection of a dual occupancy or multi dwelling housing (terraces) was issued under the Low Rise Housing Diversity Code.

Division 3 Subdivision certificates

6.5 Issue of certificate by accredited certifier

A subdivision certificate may be issued by an accredited certifier for a subdivision under this Part in accordance with section 109D(1)(d)(iv) of the Act.

Division 4 Conditions applying to complying development certificates under this code

6.6 Conditions specified in Schedule 6B apply

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

Part 7 Demolition Code

Note.

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

Division 1 Specified development and development standards under this code

7.1 Specified development

- (1) The demolition or removal of the following development, is development specified for this code—
 - (a) a dwelling house,
 - (a1) a secondary dwelling,
 - (b) ancillary development under Part 2, 3A, 4, 5 or 5A,

- (b1) a swimming pool,
 - (c) an industrial building,
 - (d) a building that would be complying development under the Industrial and Business Alterations Code and the Industrial and Business Buildings Code if it were being constructed,
 - (e) attached development or detached development.
- (2) If development specified under subclause (1) is within a heritage conservation area or a draft heritage conservation area, the development may only relate to—
- (a) an outbuilding that may be constructed under clause 3.22, 3A.36 or 3C.25, or
 - (b) an alteration under clause 4.1, or
 - (c) an external alteration that may be constructed under clause 4.3(b) or (c), or
 - (d) an attic conversion that may be constructed under clause 4.5, or
 - (e) a swimming pool.
- (3) This part does not extend to demolition carried out as part of complying development under Part 3 or 4.

7.2 Development standards

- (1) The standards specified for that development are that—
- (a) the development must be carried out in accordance with AS 2601—2001, *The demolition of structures*, and
 - (b) run-off and erosion controls to prevent soil erosion, water pollution or the discharge of loose sediment on the land surrounding the development must be implemented by—
 - (i) diverting uncontaminated run-off around cleared or disturbed areas, and
 - (ii) erecting a silt fence to prevent debris escaping into drainage systems and waterways, and
 - (iii) preventing tracking of sediment by vehicles onto roads, and
 - (iv) stockpiling top soil, excavated materials, construction and landscaping supplies and debris within the lot, and
 - (c) any essential service must be disconnected from the structure being demolished or removed in accordance with the requirements of the relevant authority, and

- (d) the structure being demolished or removed must not be relocated on the same lot or to a different lot, unless it meets the relevant development standards specified in Part 3, Part 3A or Part 3C, and
 - (e) the development must, if it is the demolition or removal of an existing attached dwelling or a semi-detached dwelling, not be carried out within the front 6m of the dwelling or forward of the roof ridge line.
- (2) Despite other development standards of this code, if, within 900mm of a boundary with an adjoining lot, there is a wall on the adjoining lot—
- (a) a professional engineer's report must be provided with an application for a complying development certificate, and
 - (b) the development must be carried out in accordance with the support method proposed by the report.
- (3) If the development referred to in subclause (2) results in the exposure of a common wall, the common wall must, at the completion of the development, be weatherproofed.
- (4) If a swimming pool is wholly or partly removed, the site of the pool, or the part of the pool that is removed, must—
- (a) be restored to the ground level (existing) adjacent to the pool, taking into account the gradient of the site, and
 - (b) if the development is in a heritage conservation area or a draft heritage conservation area—be a landscaped area.
- (5) If it is necessary to fill the site of the pool, or the part of the pool that is removed, to comply with subclause (4)—
- (a) the fill must contain only virgin excavated natural material as defined in Schedule 1, Part 3 of the *Protection of the Environment Operations Act 1997*, and
 - (b) the fill must be compacted in accordance with AS 3798-2007 *Guidelines on earthworks for commercial and residential developments*, and
 - (c) piping and similar material must be removed from the site before it is filled.

Division 2 Conditions applying to complying development certificates under this code

7.3 Conditions specified in Schedule 9 apply

A complying development certificate for development specified under this code must be issued subject to the conditions specified in Schedule 9.

7.4, 7.5 (Repealed)

7.6 (Repealed)

7.7 (Repealed)

7.8-7.11 (Repealed)

Part 8 Fire Safety Code

Division 1 Development that is complying development under this code

8.1 Definitions

In this code—

alteration to a hydraulic fire safety system has the same meaning as in clause 165 of the *Environmental Planning and Assessment Regulation 2000*.

fire alarm communication link work has the same meaning as in clause 3 of the *Environmental Planning and Assessment Regulation 2000*.

hydraulic fire safety system has the same meaning as in clause 165 of the *Environmental Planning and Assessment Regulation 2000*.

private service provider has the same meaning as in clause 3 of the *Environmental Planning and Assessment Regulation 2000*.

8.2 Specified development

The following development is specified for this code—

- (a) the installation or extension of a fire sprinkler system in a residential care facility, within the meaning of the Standard Instrument,
- (b) alteration to a hydraulic fire safety system for the purposes only of the installation or modification of—
 - (i) a fire main or other pipe work, or
 - (ii) a fire water storage tank, or
 - (iii) a fixed on-site fire pump set, or
 - (iv) a fire brigade's booster connection,
- (c) the construction or installation of a new external pump house or enclosure to accommodate a fixed on-site fire pump set and associated pipe work,
- (d) the internal or external alteration of, or addition to, an existing building for—

- (i) the construction or installation of a pump house or enclosure to accommodate a fixed on-site fire pump set and associated pipe work, or
 - (ii) the installation or extension of a fire sprinkler system in a residential care facility, or
 - (iii) an alteration to a hydraulic fire safety system, or
 - (iv) fire alarm communication works,
- (e) fire alarm communication link work for—
- (i) the installation of a fire alarm communication link to connect with the fire alarm monitoring network of a private service provider, or
 - (ii) the conversion of a fire alarm communication link from a connection with the fire alarm monitoring network of a private service provider to the fire alarm monitoring network of another private service provider, or
 - (iii) the conversion of a fire alarm communication link from a connection with the fire alarm monitoring network of a private service provider to another fire alarm monitoring network of the private service provider.

Note.

Development to which section 100B(1) of the *Rural Fires Act 1997* applies is not complying development under this Policy.

Division 2 Development standards for this code

Subdivision 1 General development standards

8.3 Development standards

The development standards specified for that development are as follows—

- (a) the current use of the premises must be a lawful use,
- (b) if the building to which the development relates is subject to a performance solution relating to a fire safety requirement, the development must be consistent with that performance solution,
- (c) the development must not reduce the level of fire safety or structural integrity provided by an existing building,
- (d) the development must not alter or extend an existing fire sprinkler system if the level of fire hazard arising from the current use of the building exceeds the level of fire hazard for which the fire sprinkler system was designed and installed,
- (e) the development must not contravene any condition of an existing development

consent that applies to the land relating to vehicle access and loading facilities or result in the reduction of any car parking on the land by more than 2 car spaces,

- (f) the development must not—
 - (i) result in a change of classification of the building under the Act or the *Building Code of Australia*, or
 - (ii) result in an increase in the gross floor area of any current lawful use, or
 - (iii) affect any existing fire-resisting components of any building, or
 - (iv) affect the means of egress from the building in an emergency,
- (g) if the development includes excavation (unless it is for the purpose of underground pipe work connecting the system to a water main)—any excavation that is more than 600mm in depth must be supported by a structure or a structural support that has been certified by a professional engineer, and must not—
 - (i) be greater than 3m below ground level (existing), or
 - (ii) be less than 1.5m from any lot boundary,
- (h) all stormwater drainage collected as a result of the development must be conveyed by a gravity fed or charged system to—
 - (i) a public drainage system, or
 - (ii) an inter-allotment drainage system, or
 - (iii) an on-site disposal system,
- (i) all stormwater drainage systems within a lot where the development is being carried out, and the connection to a public or an inter-allotment drainage system, must—
 - (i) if an approval is required under section 68 of the *Local Government Act 1993*—be approved under that Act, or
 - (ii) if an approval is not required under section 68 of the *Local Government Act 1993*—comply with any requirements for the disposal of stormwater drainage contained in a development control plan that is applicable to the land.

Subdivision 2 Water storage tanks

8.4 Development standards

The development standards applying to the installation of a new water storage tank, or an extension to an existing water storage tank for the purposes of the installation or extension of a fire sprinkler system or an alteration to a hydraulic fire safety system, are that—

- (a) the tank, or the extended existing tank, must have a capacity of no more than 200,000 litres, and
- (b) if the tank is to be located within a building—the tank must not increase the floor area of any room, and
- (c) if the tank is to be located outside a building—the tank must—
 - (i) be located behind the building line of the primary public road frontage (the front of the building), unless the tank is to be located below ground level, and
 - (ii) be located at least 3m from any other public road frontage, and
 - (iii) have a diameter or width of not more than 6m, and
 - (iv) have a height of not more than 5m above ground level (existing), and
 - (v) for any tank up to 3m in height—have a setback of at least 900mm from any side or rear boundary, and
 - (vi) for any tank 3m in height or greater—have a setback of at least 3m from any side or rear boundary, and
- (d) if the tank is to be located on the roof of a building—
 - (i) a tank on a flat roof must be no more than 3m above the roof level and be located at least 3.5m from the parapet edge of the building, or
 - (ii) a tank on a pitched roof must be no more than 1m above the ridge level of the roof of the building, and
- (e) the tank must not be located over a registered easement.

Subdivision 3 Fixed on-site fire pump sets and associated external pump houses or enclosures

8.5 Development standards

The development standards applying to the installation of a fixed-on-site fire pump set and associated pipe work, and the construction of a new internal or external pump house enclosure for the purposes of the installation or the extension of a fire sprinkler system or an alteration to a hydraulic fire safety system, are that—

- (a) the walls and roof of any pump house or any enclosure of a pump set must be of a non-combustible material, unless otherwise required by the *Building Code of Australia*, and
- (b) the wall of any pump house or any enclosure of a pump set must have an external wall finish that is the same colour palette as the existing premises so that the pump

room or enclosure is in keeping with the existing premises, and

- (c) any development comprising the construction of an attached pump house or enclosure must not increase the floor area of an existing building by more than 20m², and
- (d) if the pump house or enclosure is to be located outside a building, it must—
 - (i) be located behind the building line of the primary public road frontage (the front of the building), unless the pump house or enclosure is to be located below ground level, and
 - (ii) be located at least 3m from any other public road frontage, and
 - (iii) have a height of not more than 3m above ground level (existing), and
 - (iv) have a setback of at least 900mm from any side or rear boundary, and
- (e) if the pump house or enclosure is to be located on the roof of a building—
 - (i) a pump house or enclosure on a flat roof must be no more than 3m above the roof level and be located at least 3.5m from the parapet edge of the building, or
 - (ii) a pump house or enclosure on a pitched roof must be no more than 1m above the ridge level of the roof of the building, and
- (f) any pump house or enclosure must be soundproofed to ensure that the house or enclosure does not emit noise exceeding an LAeq of 5 dB(A) above background noise when measured at any lot boundary, and
- (g) the fixed on-site fire pump set, the pump house and the enclosure must not be located over a registered easement.

Subdivision 4 Fire mains, pipes and booster connections

8.6 Development standards

- (1) The development standards applying to the installation of a new or replacement fire main or pipe and the connection to the water supply for the purposes of the installation or extension of a fire sprinkler system or an alteration to a hydraulic fire safety system are that—
 - (a) all pipe work is to be located within the building or located underground, other than the part of the pipe or main within a horizontal distance of—
 - (i) 2m of an above ground booster connection used by Fire and Rescue NSW, and
 - (ii) 2m of the point at which the pipe work enters the building, and
 - (b) a fire brigade booster connection, if it is not attached to the building, must not—

- (i) have a height of more than 1.5m above ground level (existing), or
 - (ii) cover an area of more than 6m².
- (2) Despite subclause (1)(a)(ii), in relation to a building within a heritage conservation area or draft heritage conservation area, all such pipe work is to be located within the building or underground or is to be attached to the side or rear of the building.

Subdivision 5 Fire alarm communication link works

8.7 Development standards

The development standards applying to fire alarm communication link works are that the works must consist only of—

- (a) internal alterations to a building, or
- (b) internal alterations to a building together with the mounting of an antenna and any support structure on an external wall or roof of a building so as to occupy a space of not more than 450mm × 100mm × 100mm.

Division 3 Conditions applying to complying development certificates under this code

8.8 Conditions specified in Schedule 10 apply

A complying development certificate for development specified under this code must be issued subject to the conditions specified in Schedule 10.

Part 9 Agritourism and Farm Stay Accommodation Code

Division 1 Preliminary

9.1 Definition

In this Part—

footprint means the area of the ground surface occupied by a building, including the walls, verandahs, balconies, 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.

neighbouring land means—

- (a) adjacent land outside the landholding, or
- (b) land outside the landholding that is separated from the landholding by a road.

Division 2 General requirements for complying development under

this code

9.2 Complying development on flood control lots

- (1) Development specified for this code may be carried out on a flood control lot, other than the part of a flood control lot comprising one of the following—
 - (a) a flood storage area,
 - (b) a floodway,
 - (c) a flow path,
 - (d) a high hazard area,
 - (e) a high risk area.
- (2) Before the issue of a complying development certificate for the development, the council or a professional engineer who specialises in hydraulic engineering must certify that the part of the flood control lot on which the development will be carried out is not an area referred to in subclause (1)(a)–(e).
- (3) If development specified for this code is carried out on a flood control lot, the following standards apply—
 - (a) the development must not result in increased flooding elsewhere in the floodplain,
 - (b) if there is a minimum floor level specified in a development control plan that applies to the landholding, the floor level of each habitable room must be no lower than the minimum floor level,
 - (c) a part of the building or manufactured home erected at or below the flood planning level must be constructed using flood compatible material,
 - (d) the building or manufactured home must be able to withstand the forces exerted during a flood by water, debris and buoyancy up to—
 - (i) if an on-site refuge is located on the lot—the probable maximum flood level, or
 - (ii) otherwise—the flood planning level,
 - (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 building or manufactured home,
 - (f) vehicular access to the building or manufactured home will not be inundated by water at a level of more than 30cm during a 1:100 average recurrent interval flood event,
 - (g) open car parking spaces and carports must not be lower than the level of a 1:20

average recurrent interval flood event.

- (4) The standards specified in subclause (3)(a) and (d) are satisfied if a joint report by a professional engineer who specialises in hydraulic engineering and a professional engineer who specialises in civil engineering states that the standards are satisfied.
- (5) A word or expression used in this clause has the same meaning as in the *Flood Risk Management Manual*, unless otherwise defined in this Policy.

9.3 Development standards for land near Siding Spring Observatory

The following standards apply to development specified for this code—

- (a) for development carried out in the Coonamble, Gilgandra, Warrumbungle Shire or Dubbo Regional local government area—an outside light fitting on a building or manufactured home must be a shielded light fitting,
- (b) for development carried out in the Coonamble, Gilgandra or Warrumbungle Shire local government area—a building or manufactured home must not have more than—
 - (i) 5 shielded outside light fittings that do not operate automatically, and
 - (ii) 7 shielded outside light fittings in total.

9.3A Development on landslide risk land

Development is not development specified for this code if it is carried out on land identified as susceptible to landslide risk in an environmental planning instrument applying to the land.

Division 3 Farm experience premises and farm gate premises

9.4 Specified development

The following development, if carried out on a landholding in Zone RU1, RU2 or RU4, is development specified for this code—

- (a) the change of use of a building to farm experience premises or farm gate premises,
- (b) the erection or alteration of, or additions to, a building to be used for the purposes of farm experience premises or farm gate premises.

9.5 General development standards

The following standards are specified for the development—

- (a) a new building must have a footprint of no more than 200m²,
- (b) the part of an existing building used for the purposes of farm experience premises or farm gate premises must have a footprint of no more than 200m²,

- (c) the total footprint of all buildings on the landholding used for the purposes of farm experience premises and farm gate premises must be no more than 500m²,
- (d) for the change of use of a building, or alterations or additions to a building that involve internal alterations only—the building must not be located within—
 - (i) 250m of residential accommodation on neighbouring land, or
 - (ii) 250m of a property boundary for land used for the purposes of one of the following—
 - (A) forestry,
 - (B) intensive livestock agriculture,
 - (C) intensive plant agriculture,
 - (D) mines,
 - (E) extractive industries,
 - (F) rail lines,
 - (G) rural industries,
- (e) for the erection of a building, or alterations or additions to a building that involve external alterations—the building must not be located within—
 - (i) 6m of another building on the landholding, or
 - (ii) 50m of a property boundary or waterway, or
 - (iii) 250m of residential accommodation on neighbouring land, or
 - (iv) 250m of a property boundary for land used for the purposes of one of the following—
 - (A) forestry,
 - (B) intensive livestock agriculture,
 - (C) intensive plant agriculture,
 - (D) mines,
 - (E) extractive industries,
 - (F) rail lines,
 - (G) rural industries,

- (f) for a building on a lot for which the natural ground is, at a point within 100m of the ridgeline of a hill, at least 20m lower than the ridgeline—the highest point of the building, if located within 100m of the ridgeline, must be at least 5m below the ridgeline,
- (g) associated earthworks, retaining walls or structural supports must comply with clause 3D.61.
- (h) (Repealed)
- (i) for farm experience premises located within 1km of residential accommodation or another building on neighbouring land, including a stable, stock yard or poultry shed, used to house animals—an event held at the premises must not involve amplified noise,
- (j) vehicular or pedestrian access to the premises must not be directly from a freeway, highway or tollway within the meaning of the *Roads Act 1993*,
- (k) an existing vehicular access point to a public road must comply with the lesser of—
 - (i) a clear sight distance for vehicles leaving the premises of at least 300m, or
 - (ii) the minimum car stopping sight distances set out in the *Guide to Road Design Part 3: Geometric Design*, Table 5.5, published by Austroads on 26 February 2021,
- (l) vehicles must be able to enter and exit the landholding in a forward direction,
- (m) car parking spaces must be located wholly within the boundaries of the landholding.

9.6 Additional development standard for change of use

For development referred to in clause 9.4(a), the current use must be a lawful use.

9.7 Additional development standards for erection or alteration of, or additions to, buildings

The following standards are specified for development referred to in clause 9.4(b)—

- (a) for development on land within 2km of an aerodrome or airport—
 - (i) the development must not be carried out on land for which a PANS-OPS surface is identified that may compromise the effective and ongoing operation of the aerodrome or airport, as shown on a Procedures for Air Navigation Services—Aircraft Operations Map prepared by the operator of the aerodrome or airport, and
 - (ii) the building must not penetrate an obstacle limitation surface shown on an Obstacle Limitation Surface Plan prepared by the operator of the aerodrome or airport and reported to the Civil Aviation Safety Authority,

- (b) for a landholding with an area of no more than 10ha—
 - (i) the height of a new building, or an existing building that was less than 7m tall before being altered or added to, must be no more than 7m above ground level (existing), and
 - (ii) the height of an existing building that is at least 7m tall must not increase as a result of the development,
- (c) for a landholding with an area greater than 10ha—
 - (i) the height of a new building, or an existing building that was less than 10m tall before being altered or added to, must be no more than 10m above ground level (existing), and
 - (ii) the height of an existing building that is at least 10m tall must not increase as a result of the development,
- (d) for a new building, or an existing building that is altered or added to, on land identified in 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—the height of the building must be no more than 7m above ground level (existing).

Division 4 Farm stay accommodation

9.8 Specified development

The following development, if carried out on a landholding in Zone RU1, RU2 or RU4, is development specified for this code—

- (a) the change of use of a building to farm stay accommodation,

Note—

A change of use from residential accommodation to farm stay accommodation is exempt development under Part 2, Division 1, Subdivision 16E.

- (b) the change of use of farm stay accommodation to the previous lawful use of the building,

Note—

A change of use from farm stay accommodation that was previously residential accommodation to the same type of residential accommodation is exempt development under Part 2, Division 1, Subdivision 16E.

- (c) the erection of a new building, or the alteration of, or additions to, an existing building or manufactured home, to be used for the purposes of farm stay accommodation.

9.9 Complying development on bush fire prone land

The development may only be carried out on bush fire prone land if all of the following

apply—

- (a) the development complies with the relevant requirements of *Planning for Bush Fire Protection*,
- (b) the landholding on which the development is carried out has direct access to a public road or a road vested in or maintained by the council,
- (c) the building or manufactured home is able to be connected to mains electricity,
- (d) reticulated or bottled gas on the landholding is installed and maintained in accordance with AS/NZS 1596:2014, *The storage and handling of LP Gas* and the storage and handling of LP gas on the landholding complies with the requirements of relevant authorities, including that metal piping is used,
- (e) for gas cylinders stored on the landholding within 10m of farm stay accommodation—
 - (i) the release valves are directed away from the farm stay accommodation, and
 - (ii) the cylinders are enclosed on the hazard side of the installation, and
 - (iii) the connections to and from the cylinders are made of metal,
- (f) there are no polymer sheathed flexible gas supply lines to gas meters adjacent to farm stay accommodation on the landholding,
- (g) for fire fighting purposes, the landholding—
 - (i) is connected to a reticulated water supply and a fire hydrant is located within 70m of each part of the development, or
 - (ii) for a landholding with an area of no more than 10,000m²—has a 10,000L capacity water tank, or
 - (iii) for a landholding with an area greater than 10,000m²—has a 20,000L capacity water tank,
- (h) for a water tank installed on the landholding in accordance with paragraph (g)—
 - (i) the water tank has a 65mm metal Storz outlet with a gate or ball valve, and
 - (ii) the gate or ball valve, pipes and tank penetrations are made of metal and designed to allow for a 50mm inner diameter water flow through the Storz outlet.

9.10 General development standards

- (1) The following standards are specified for the development—
 - (a) the development must not be carried out on land identified on the [Agritourism and Farm Stay Accommodation Exempt and Complying Development Map](#),

- (b) the development must not be development to which the *Rural Fires Act 1997*, section 100B(1) applies,
- (c) the development must not cause there to be more than—
 - (i) 1 building or manufactured home used for the purposes of farm stay accommodation per 5ha, and
 - (ii) 6 buildings and manufactured homes used for the purposes of farm stay accommodation on the landholding,
- (d) the same guests must not be accommodated at the premises for more than 21 consecutive days,
- (e) vehicular or pedestrian access to the accommodation must not be directly from a freeway, highway or tollway within the meaning of the *Roads Act 1993*,
- (f) an existing vehicular access point to a public road must comply with the lesser of—
 - (i) a clear sight distance for vehicles leaving the premises of at least 300m, or
 - (ii) the minimum car stopping sight distances set out in the *Guide to Road Design Part 3: Geometric Design*, Table 5.5, published by Austroads on 26 February 2021,
- (g) vehicles must be able to enter and exit the property in a forward direction,
- (h) car parking spaces must be located wholly within the boundaries of the landholding.

(2) This clause does not apply to development referred to in clause 9.8(b).

9.11 Additional development standards for change of use to farm stay accommodation

The following standards are specified for development referred to in clause 9.8(a)—

- (a1) the landholding on which the building is located must have an area of at least 15ha,
- (a2) the building must be located—
 - (i) on the same lot as a lawfully erected dwelling house, or
 - (ii) on a lot that is at least the minimum size permitted under the environmental planning instrument applying to the land,
- (a) the current use must be a lawful use,
- (b) the development must not contravene an existing condition of the most recent development consent that applies to the landholding,

- (c) the part of the building used for the purposes of farm stay accommodation must not have a gross floor area of more than 60m²,
- (d) the building must not be located within—
 - (i) 250m of residential accommodation on neighbouring land, or
 - (ii) 250m of a property boundary for land used for the purposes of one of the following—
 - (A) forestry,
 - (B) intensive livestock agriculture,
 - (C) intensive plant agriculture,
 - (D) mines,
 - (E) extractive industries,
 - (F) rail lines,
 - (G) rural industries.

Note—

A change of use from residential accommodation to farm stay accommodation is exempt development under Part 2, Division 1, Subdivision 16E.

9.12 Additional development standard for change of use of farm stay accommodation

For development referred to in clause 9.8(b), the development must not contravene an existing condition of the most recent development consent that applies to the landholding.

Note—

A change of use from farm stay accommodation that was previously residential accommodation to the same type of residential accommodation is exempt development under Part 2, Division 1, Subdivision 16E.

9.13 Additional development standards for erection of buildings or alteration of, or additions to, buildings or manufactured homes

- (1) The following standards are specified for development referred to in clause 9.8(c)—
 - (a) the landholding on which the building or manufactured home is located must have an area of at least 15ha,
 - (b) the building or manufactured home must be located—
 - (i) on the same lot as a lawfully erected dwelling house, or
 - (ii) on a lot that is at least the minimum size permitted under the environmental

planning instrument applying to the land,

- (c) for development on land within 2km of an aerodrome or airport—
 - (i) the development must not be carried out on land for which a PANS-OPS surface is identified that may compromise the effective and ongoing operation of the aerodrome or airport, as shown on a Procedures for Air Navigation Services—Aircraft Operations Map prepared by the operator of the aerodrome or airport, and
 - (ii) the building or manufactured home must not penetrate an obstacle limitation surface shown on an Obstacle Limitation Surface Plan prepared by the operator of the aerodrome or airport and reported to the Civil Aviation Safety Authority,
- (d) a new building must have a height of no more than 4.5m above ground level (existing),
- (e) an existing building or manufactured home with a height of less than 4.5m above ground level (existing) must have a height of no more than 4.5m above ground level (existing) after being altered or added to,
- (f) an existing building or manufactured home with a height of at least 4.5m above ground level (existing) before being altered or added to must not increase in height,
- (g) for a building or manufactured home on a lot for which the natural ground is, at a point within 100m of the ridgeline of a hill, at least 20m lower than the ridgeline—the highest point of the building or manufactured home, if located within 100m of the ridgeline, must be at least 5m below the ridgeline,
- (h) a new building must have a gross floor area of no more than 60m²,
 - (i) the part of an existing building or manufactured home used for the purposes of farm stay accommodation must have a gross floor area of no more than 60m²,
 - (j) for alterations or additions to an existing building or manufactured home that involve internal alterations only—the building or manufactured home must not be located within—
 - (i) 250m of residential accommodation on neighbouring land, or
 - (ii) 250m of a property boundary for land used for the purposes of one of the following—
 - (A) forestry,
 - (B) intensive livestock agriculture,

- (C) intensive plant agriculture,
 - (D) mines,
 - (E) extractive industries,
 - (F) rail lines,
 - (G) rural industries,
- (k) for the erection of a new building, or alterations or additions to an existing building or manufactured home that involve external alterations—the building or manufactured home must not be located within—
- (i) 6m of another building or moveable dwelling on the landholding, or
 - (ii) 50m of a property boundary or waterway, or
 - (iii) 250m of residential accommodation on neighbouring land,
 - (iv) 250m of a property boundary for land used for the purposes of one of the following—
 - (A) forestry,
 - (B) intensive livestock agriculture,
 - (C) intensive plant agriculture,
 - (D) mines,
 - (E) extractive industries,
 - (F) rail lines,
 - (G) rural industries,
- (l) the gross floor area of a building, or a part of a building, used to provide communal amenities or facilities to guests must be no more than 25m²,
- (m) associated earthworks, retaining walls or structural supports must comply with clause 3D.61.
- (2) Subclause (1)(a) does not apply to development involving the alteration of, or additions to, an existing building or manufactured home used for residential accommodation.

Division 5 Conditions applying to complying development certificates under this code

9.14 Conditions specified in Schedule 11 apply

A complying development certificate for development under this code must be issued subject to the conditions specified in Schedule 11.

Schedule 1 (Repealed)

Schedule 2 Exempt development codes—variations

(Clause 1.12(1))

Column 1	Column 2
Land to which variation applies	Variation
State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 Randwick Exempt Development Land Map (SEPP_ECD_6550_LED_001_20101022)	The General Exempt Development Code is varied in its application by omitting Subdivisions 3A, 4, 6, 8A, 9, 10, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 21A, 21B, 24, 28, 29, 30, 32, 33, 35, 40 and 41
Part of Lot 121, DP 876962 and part of Lot 101, DP 1043160, 5 Viscount Place, Warwick Farm, as shown coloured light purple on the Liverpool Local Environmental Plan 2008 Key Sites Map	The General Exempt Development Code is varied in its application by omitting Subdivision 10A
Land at Penrith, being Lot 1021, DP 812335, 63 Mulgoa Road; Lot 1, DP 1043008, 73 Mulgoa Road; Lots 151 and 152, DP 863625, 83 and 109 Mulgoa Road; Lot 12 and part of Lot 13, DP 710086, 123-135 Mulgoa Road; Lot 1, DP 1064526, 1 Retreat Road	The General Exempt Development Code is varied in its application by omitting Subdivision 10A
Shoalhaven Local Environmental Plan (Jerberra Estate) 2014 Land Application Map (6950_PCT_LAP_001_040_20140116)	The General Exempt Development Code is varied in its application by omitting Subdivisions 3A, 4, 6, 7, 9, 10, 14, 15, 18, 21, 32, 33, 38 and 39B
Land in Zone RU2 under Bathurst Regional Local Environmental Plan 2014	The General Exempt Development Code is varied in its application by omitting Subdivisions 16C, 16D, 16E and 33AA
Sydney Local Environmental Plan 2012 Land Application Map	The General Exempt Development Code is varied in its application by omitting clause 2.46C(2)(b) and inserting the following instead— <ul style="list-style-type: none">(b) in Zone B4—<ul style="list-style-type: none">(i) for business premises, kiosks and shops, other than licensed premises—6am–10pm, but only if trade occurs indoors, or(ii) otherwise—6am–7pm,

The General Exempt Development Code is varied in its application by omitting clause 2.46C(2)(a) and inserting the following instead—

All of the land in the local government area of Randwick

- (a) in Zones E1 and E2—
 - (i) for business premises, kiosks and shops—6am-11pm,
 - (ii) for all other premises—6am-10pm,
- (aa) in Zone E3, B1, B2, B3, B5, B6, B7, B8, IN4, SP1, SP2, SP3, SP5 or W4—6am-10pm,

Schedule 3 Complying development codes—variations

(Clause 1.12(2))

Part 1 General

Column 1	Column 2
Land to which variation applies	Variation
Albury	Land in Zone SP4 under <i>Albury Local Environmental Plan 2010</i> The Industrial and Business Buildings Code is varied in its application by omitting “or IN3” and inserting instead “, IN3 or SP4” in clause 5A.1, definition of industrial zone .
Bankstown	Every lot in the local government area of Bankstown that is in Zone R2 Low Density Residential and has an area of not more than 450m ² The Housing Code is varied in its application by inserting the following after clauses 3.9 (2) and 3.19 (2)— (3) However, the total floor area of a dwelling house, detached studio, basement and any secondary dwelling on a lot must not be more than 50% of the area of the lot.
Bathurst Regional	Land in Zone RU2 under <i>Bathurst Regional Local Environmental Plan 2014</i> The Agritourism and Farm Stay Accommodation Code is varied in its application by omitting Divisions 3 and 4

Bega Valley

The Rural Housing Code is varied in its application by inserting the following after clause 3A.2 (2)—

(3)

All of the land in the local government area of Bega Valley

Despite subclause (2), if a lot referred to in subclause (1)(a) was created for the purpose of the erection of a new single storey or 2 storey dwelling house by a subdivision for which development consent has been granted, the erection of the dwelling house is development specified for this code.

The Rural Housing Code is varied in its application by inserting the following after clause 3A.5(3)—

(4)

Land in Zone C3 or C4 under
Bega Valley Local Environmental Plan 2013

The erection of a new swimming pool or spa pool and child-resistant barrier, or an outbuilding, or alterations or additions to an existing swimming pool or spa pool and child-resistant barrier, or an outbuilding, is development specified for this code if the development—
(a) is erected on a lot in Zone C3 or C4, and
(b) is ancillary to an existing dwelling house, and
(c) is erected in the asset protection zone for the dwelling house, and
(d) also complies with the development standards specified in this code for development on land in Zone R5.

(5)

In this clause—

asset protection zone means an asset protection zone in accordance with *Planning for Bush Fire Protection*.

City of Blue Mountains

The Low Rise Housing Diversity Code is varied in its application by omitting clause 3B.10 and inserting the following instead—

3B.10 Floor space ratio

Every lot in the local government area of City of Blue Mountains that is in Zone R1 General Residential, Zone R2 Low Density Residential or Zone R3 Medium Density Residential

(1)

The maximum floor space ratio for a building on a lot is the maximum floor space ratio for the building under *Blue Mountains Local Environmental Plan 2015*.

(2)

To avoid doubt, the definition of **gross floor area** in *Blue Mountains Local Environmental Plan 2015* applies for the purpose of calculating a maximum floor space ratio under this clause.

The Low Rise Housing Diversity Code is varied in its application by inserting the following subclauses in clause 3B.15, in appropriate order—

(2B)

At least 40% of the parent lot area must consist of pervious area.

(6)

In this clause—

hard surface does not include the following—

(a) rainwater tanks,

(b) unroofed areas of spaced decking,

(c) swimming pools.

pervious area means part of a lot on which water infiltrates into the subsoil, excluding—

(a) an area of land used as a driveway, or

(b) another hard surface.

The Low Rise Housing Diversity Code is varied in its application by inserting the following after clause 3B.23—

3B.23A Floor space ratio

(1)

Despite clause 3B.23, the maximum floor space ratio for a building on a lot is the maximum floor space ratio for the building under *Blue Mountains Local Environmental Plan 2015*.

(2)

To avoid doubt, the definition of **gross floor area** in *Blue Mountains Local Environmental Plan 2015* applies for the purpose of calculating a maximum floor space ratio under this clause.

(3) (Repealed)

The Low Rise Housing Diversity Code is varied in its application by inserting the following subclauses in clause 3B.27, in appropriate order—

(2B)

At least 40% of the parent lot area must consist of pervious area.

(6)

In this clause—

hard surface does not include the following—

(a) rainwater tanks,

(b) unroofed areas of spaced decking,

(c) swimming pools.

pervious area means part of a lot on which water infiltrates into the subsoil, excluding—

(a) an area of land used as a driveway, or

(b) another hard surface.

The Low Rise Housing Diversity Code is varied in its application by omitting clause 3B.35 and inserting instead—

3B.35 Floor space ratio

The maximum floor space ratio for a building on a parent lot is the maximum floor space ratio for the building under the *Blue Mountains Local Environmental Plan 2015*.

The Low Rise Housing Diversity Code is varied in its application by inserting the following after clause 3B.40(2A)—

(2B)

At least 40% of the parent lot area must consist of pervious area.

The Low Rise Housing Diversity Code is varied in its application by inserting the following in clause 3B.40(6), in alphabetical order—

hard surface does not include the following—

- (a) rainwater tanks,
- (b) unroofed areas of spaced decking,
- (c) swimming pools.

pervious area means part of a lot on which water infiltrates into the subsoil, excluding—

- (a) an area of land used as a driveway, or
- (b) another hard surface.

Cumberland/Parramatta (formerly Holroyd City)

All of the land in the local government areas of Cumberland and City of Parramatta that was formerly within Holroyd City

The Housing Code is varied in its application by omitting clauses 3.16(1)(a) and (4) and 3.23(3).

Fairfield City

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

The Housing Code is varied in its application by omitting clauses 3.16(1)(a) and (4) and 3.23(3).

Lake Macquarie

The Housing Code is varied in its application by inserting the following after clause 3.1(1)—

(1A)

Despite subclause (1), development described in subclause (1)(a) (being the erection of a new 1 or 2 storey dwelling house and any attached development) on land identified as “former Cockle Creek Smelter and Incitec site” on the [Cockle Creek Smelter Land Map](#) within the meaning of [State Environmental Planning Policy \(Resilience and Hazards\) 2021](#), Chapter 4 is not complying development under this code.

The land in the local government area of Lake Macquarie that is identified as “former Cockle Creek Smelter and Incitec site” on the [Cockle Creek Smelter Land Map](#) within the meaning of [State Environmental Planning Policy \(Resilience and Hazards\) 2021](#), Chapter 4

The Low Rise Housing Diversity Code is varied in its application by inserting the following at the end of clause 3B.2—

(1A)

Development on land identified as “former Cockle Creek Smelter and Incitec site” on the [Cockle Creek Smelter Land Map](#) within the meaning of [State Environmental Planning Policy \(Resilience and Hazards\) 2021](#), Chapter 4 is not complying development under this code.

The Greenfield Housing Code is varied in its application by inserting after clause 3C.1(1)—

(1A)

Despite subclause (1), this code does not apply to land identified as “former Cockle Creek Smelter and Incitec site” on the [Cockle Creek Smelter Land Map](#) within the meaning of [State Environmental Planning Policy \(Resilience and Hazards\) 2021](#), Chapter 4.

The Subdivisions Code is varied in its application by inserting the following after clause 6.3(1)—

(1A)

Despite subclause (1), this clause does not apply to land identified as “former Cockle Creek Smelter and Incitec site” on the [Cockle Creek Smelter Land Map](#) within the meaning of [State Environmental Planning Policy \(Resilience and Hazards\) 2021](#), Chapter 4.

Port Macquarie-Hastings

The Housing Code is varied in its application as follows—

(a) by omitting clause 3.10(1),

(b) by omitting the table to clause 3.10(3) and inserting instead—

Lot size	Minimum setback from primary road
less than or equal to 300m ²	3m
>300m ²	4.5m

All of the land in the local government area of Port Macquarie-Hastings

(c) by omitting the table to clause 3.10(4) 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-4.5m) ÷ 4 + 0.9m

Riverstone Scheduled Lands

All lots within the Riverstone Scheduled Lands, within the meaning of *State Environmental Planning Policy (Precincts—Central River City) 2021*, Appendix 7 other than a lot that has direct frontage to Loftus Street, Bandon Road or Windsor Road

The Housing Code is varied in its application by inserting the following after clause 3.1(1)—

(1A)

However, development referred to in subclause (1)(a) is only complying development under this code if it is carried out on a lot created in accordance *State Environmental Planning Policy (Precincts—Central River City) 2021*, Appendix 7.

Singleton

The Rural Housing Code is varied in its application by the following—
(a) inserting the following after clause 3.A2(2)—

- (3) Despite subclauses (1) and (2), this clause does not apply to 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](#).

All of the land in the local government area of Singleton that is 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 3.A3(2)—

- (3) Despite subclauses (1) and (2), this clause does not apply to 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](#).

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](#).

Sutherland Shire

The Low Rise Housing Diversity Code is varied in its application by omitting clause 3B.10 and inserting the following instead—

3B.10 Floor space ratio

(1)

Every lot in the local government area of Sutherland Shire that is in Zone R2 Low Density Residential

The maximum floor space ratio for a building on a lot is the maximum floor space ratio for the building under *Sutherland Shire Local Environmental Plan 2015*.

(2)

To avoid doubt, the definition of **gross floor area** in *Sutherland Shire Local Environmental Plan 2015* applies for the purpose of calculating a maximum floor space ratio under this clause.

This variation to the Low Rise Housing Diversity Code ceases to have effect at the end of 2 October 2024.

The Low Rise Housing Diversity Code is varied in its application by inserting the following after clause 3B.23—

3B.23A Floor space ratio

(1)

Despite clause 3B.23, the maximum floor space ratio for a building on a lot is the maximum floor space ratio for the building under *Sutherland Shire Local Environmental Plan 2015*.

(2)

To avoid doubt, the definition of **gross floor area** in *Sutherland Shire Local Environmental Plan 2015* applies for the purpose of calculating a maximum floor space ratio under this clause.

(3)

This clause does not apply to the following development—

(a) the erection or alteration of, or an addition to, a manor house,

(b) the erection or alteration of, or addition to, attached development that is related to a manor house.

This variation to the Low Rise Housing Diversity Code ceases to have effect at the end of 2 October 2023.

Tamworth Regional

The Housing Code is varied in its application by omitting the table to clause 3.10(4) and inserting instead—

	Lot width at the building line	Building height at any point	Minimum required setback from each side boundary
All of the land in the local government area of Tamworth Regional	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-4.5m) ÷ 4 + 0.9m

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

Wingecarribee

The Housing Code is varied in its application as follows—

- (a) by inserting “ $-4,000\text{m}^2$ ” after “ $>1,500\text{m}^2$ ” in the first column of the table to clause 3.10(3),

- (b) by inserting in appropriate order in the table to clause 3.10(3)—

$>4,000\text{m}^2$	15m
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- (c) by inserting after clause 3.10(4)—

All of the land in the local government area of Wingecarribee

(4A) Despite the table to subclause (4), if the lot has an area of at least $4,000\text{m}^2$ the minimum required setback from each side boundary is 7.5m.

- (d) by inserting “ $-4,000\text{m}^2$ ” after “ $>300\text{m}^2$ ” in the first column of the table to clause 3.13(1),

- (e) by inserting in appropriate order in the table to clause 3.13(1)—

$>4,000\text{m}^2$	75% of lot area
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Part 2 South East Wilton Precinct Stage 1

1 Land to which Part applies

This Part applies to land identified as Stage 1 South East Wilton on the [Wilton Greenfield Housing Code Variation Area Map](#).

2 Definition

In this Part—

Wilton Greenfield Housing Code Variation Area Map means the [State Environmental Planning Policy \(Exempt and Complying Development Codes\) 2008 Wilton Greenfield Housing Code Variation Area Map](#).

3 Variations

(1) The Greenfield Housing Code is varied in its application to the land to which this Part applies as set out in this clause.

(2) **Clause 3C.2 Development that is complying development under this code** Omit clause 3C.2(3)(a). Insert instead—

(a) the lot must be identified as Stage 1 South East Wilton on the [Wilton Greenfield](#)

Housing Code Variation Area Map,

Part 3 South East Wilton Precinct (other than Stage 1) and North Wilton Precinct

1 Land to which Part applies

This Part applies to land identified as Low Density Residential on the [Wilton Greenfield Housing Code Variation Area Map](#), other than land identified by blue cross-hatching.

2 Definition

In this Part—

Wilton Greenfield Housing Code Variation Area Map means the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 Wilton Greenfield Housing Code Variation Area Map.

3 Variations

- (1) The Greenfield Housing Code is varied in its application to the land to which this Part applies as set out in this clause.
- (2) **Clause 3C.2 Development that is complying development under this code** Omit clause 3C.2(3)(a). Insert instead—
 - (a) the lot must be—
 - (i) identified as Low Density Residential on the [Wilton Greenfield Housing Code Variation Area Map](#), other than land identified by blue cross-hatching, and
 - (ii) created by a plan of subdivision lodged or registered after the Neighbourhood Plan process under the development control plan applying to the land has been completed.
- (3) **Clause 3C.2(3)(c)** Omit “6m”. Insert instead “8m”.
- (4) **Clause 3C.2(3)(h)** Omit “6m”. Insert instead “8m”.
- (5) **Clause 3C.3 Development that is not complying development under this code** Omit “6–10m” from the table to clause 3C.3(e). Insert instead “8–10m”.
- (6) **Clause 3C.11 Minimum setbacks and maximum height and length of boundary walls** Omit the table to clause 3C.11(1). Insert instead—

Lot size	Minimum setback of building line from primary road	Minimum setback of articulation zone from primary road
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>200m ²	4.5m	3m
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(7) **Clause 3C.11(2)** Insert “that is detached” after “dwelling house”.

(8) **Clause 3C.11(2), table** Omit the table. Insert instead—

Lot width at the building line	Side A	Side B
8m or more but less than 9m	900mm	900mm
9m or more but less than 12.5m	900mm	900mm
12.5m or more but less than 15m	900mm	900mm
15m or more	900mm	1.5m

(9) **Clause 3C.11(3)** Insert “that is detached” after “dwelling house”.

(10) **Clause 3C.11(3), table** Omit the table. Insert instead—

Lot width at the building line	Side A	Side B
8m or more but less than 9m	900mm	900mm
9m or more but less than 12.5m	900mm	900mm
12.5m or more but less than 15m	900mm	900mm
15m or more	900mm	2.5m

(11) **Clause 3C.11(3A) and (3B)** Insert after clause 3C.11(3)—

(3A) **Side setbacks—dwelling constructed on boundary** The ground level of a dwelling house and any attached development, other than a garage to which subclause (4) applies, constructed on a boundary, must have—

- (a) the setback from one side boundary as shown under “Side A” in the following table, and
- (b) a minimum setback from the other side boundary as shown under “Side B” in the following table.

Lot width at the building line	Side A	Side B
8m or more but less than 9m	0m	1.2m
9m or more but less than 12.5m	0m	900mm
12.5m or more but less than 15m	0m	900mm

Note—

Clause 3C.3 provides the erection of a building over a registered easement is not complying development under this code.

(3B) **Side setbacks upper level—dwelling constructed on boundary** The upper level of a dwelling house and any attached development, other than a garage, constructed on a boundary must have—

- (a) a minimum setback from the “Side A” boundary referred to in subclause (3A)(a), as shown under “Side A” in the following table, and
- (b) a minimum setback from the “Side B” boundary referred to in subclause (3A)(b), as shown under “Side B” in the following table in relation to that lot.

Lot width at the building line	Side A	Side B
8m or more but less than 9m	1.2m	1.2m
9m or more but less than 12.5m	1.5m	900mm
12.5m or more but less than 15m	1.5m	900mm

(12) **Clause 3C.11(4)** Omit the table. Insert instead—

Lot width at the building line	Minimum side setback
8m or more but less than 9m	0m from the “Side A” and “Side B” boundaries referred to in subclause (2)(a) and (b) for a maximum length of 6.5m
9m or more but less than 12.5m	0m from the “Side A” boundary for a maximum length of 6.5m, and 900mm from the “Side B” boundary

12.5m or more but less than 15m	900mm from the “Side A” boundary for a maximum length of 6.5m
15m or more	900mm from the “Side A” boundary for a maximum length of 6.5m

(13) **Clause 3C.11(6), table** Omit the table. Insert instead—

Lot width at the building line	Maximum length of built to boundary wall
8m or more but less than 9m	15m or 50% of the depth of the lot, whichever is the lesser
9m or more but less than 12.5m	11m or 50% of the depth of the lot, whichever is the lesser
12.5m or more but less than 15m	11m or 50% of the depth of the lot, whichever is the lesser
15m or more	No maximum length

(14) **Clause 3C.11(7)** Omit “3m”. Insert instead “4.5m”.

(15) **Clause 3C.11(8)** Omit the table to clause 3C.11(8). Insert instead—

Lot width at the building line	Minimum setback from secondary road boundary
8m or more but less than 9m	1m
9m or more	2m

(16) **Clause 3C.11(12)** Omit “3m”. Insert instead “4.5m”.

(17) **Clause 3C.13 Other development standards for attached garages** Omit “7m” from clause 3C.13(1). Insert instead “8m”.

(18) **Clause 3C.13(2)** Omit the subclause.

(19) **Clause 3C.13(6), table** Omit the table. Insert instead—

Lot width at the building line	Minimum setback from rear boundary
8m or more but less than 9m	0m
9m or more but less than 12.5m	0m

12.5m or more but less than 15m	0m for a maximum of 6.5m of the length of the rear boundary
15m or more	0m for a maximum of 9m of the length of the rear boundary

(20) **Clause 3C.14B** Insert after clause 3C.14A—

3C.14B Roof material solar absorptance rating

- (1) This clause applies to a lot that is—
 - (a) identified as Low Density Residential on the [Wilton Greenfield Housing Code Variation Area Map](#), other than land identified by blue cross-hatching, and
 - (b) created by a plan of subdivision lodged or registered after the Neighbourhood Plan process under the development control plan applying to the land has been completed.
- (2) The roofing material for a dwelling house and attached development must be of a colour that has a solar absorptance of 0.7 or less.
- (3) In this clause—

solar absorptance, of roofing material, means the total incident solar radiation that is absorbed by the roofing material.

(21) **Clause 3C.15 Minimum landscaped area** Omit clause 3C.15(1), table. Insert instead—

Lot area	Minimum landscaped area
200m ² -270m ²	15% of lot area
>270m ² -375m ²	20% of lot area
>375m ² -450m ²	25% of lot area
>450m ² -650m ²	30% of lot area
>650m ² -750m ²	35% of lot area
>750m ²	40% of lot area

(22) **Clause 3C.16 Building design** Omit “3m” from 3C.16(3). Insert instead “4.5m”.

(23) **Clause 3C.19 Car parking and vehicle access requirements** Omit clause 3C.19(1)(a).

(24) **Clause 3C.19(6), table** Omit “7m”. Insert instead “8m”.

(25) **Clause 3C.19(7)** Omit the subclause. Insert instead—

- (7) The maximum width of all driveways measured at the boundary to which the front of the dwelling house faces is 3m.

(26) **Clause 3C.19A** Insert after clause 3C.19—

3C.19A Dwelling houses near rail and major roads corridors

- (1) This clause applies to development for the purposes of a dwelling house on land within 60m of a rail or major road corridor identified on the [Wilton Rail and Major Roads Corridor Map](#).
- (2) A certifier must not issue a complying development certificate for development to which this clause applies unless the certifier is satisfied appropriate measures will be taken to ensure the noise generated by rail or major roads corridors does not result in LAeq levels greater than—
- (a) in a bedroom of the dwelling house—LAEQ 35 dB(A) between 10pm and 7am, and
- (b) anywhere else in the dwelling house, other than a garage, kitchen, bathroom or hallway—LAEQ 40 dB(A) at all times.

- (3) In this clause—

Wilton Rail and Major Roads Corridor Map means the [State Environmental Planning Policy \(Exempt and Complying Development Codes\) 2008—Wilton Rail and Major Roads Corridor Map](#).

(27) **Clause 3C.24 Minimum setbacks and maximum height and length of built to boundary walls** Omit “6m–18m” from the table to clause 3C.24(2). Insert instead “8m–18m”.

(28) **Clauses 3C.24(3)(b)** Omit “at least 6m, but not more than”.

(29) **Clause 3C.24(6), table** Omit the table. Insert instead—

Lot width at the building line	Maximum length of built to boundary wall
8m or more but less than 9m	20m or 50% of the depth of the lot, whichever is the lesser
9m or more but less than 12.5m	15m or 50% of the depth of the lot, whichever is the lesser

12.5m or more but less than 15m	11m or 50% of the depth of the lot, whichever is the lesser
15m or more	No maximum length

(30) **Clause 3C.28 Other development standards for detached studios** Omit “6m–18m” from the table to clause 3C.28(4). Insert instead “8m–18m”.

(31) **Clause 3C.28(6)(b)** Omit “at least 6m, but not more than”.

(32) **Clause 3C.29A** Insert after clause 3C.29—

3C.29A Roof material solar absorptance rating

(1) This clause applies to a lot that is—

- (a) identified as Low Density Residential on the [Wilton Greenfield Housing Code Variation Area Map](#), other than land identified by blue cross-hatching, and
- (b) created by a plan of subdivision lodged or registered after the Neighbourhood Plan process under the development control plan applying to the land has been completed.

(2) The roofing material for detached development must be of a colour that has a solar absorptance of 0.7 or less.

(3) In this clause—

solar absorptance, of roofing material, means the total incident solar radiation that is absorbed by the roofing material.

(33) **Clause 3C.30 Minimum landscaped area** Omit clause 3C.30(1), table. Insert instead—

Lot area	Minimum landscaped area
200m ² –270m ²	15% of lot area
>270m ² –375m ²	20% of lot area
>375m ² –450m ²	25% of lot area
>450m ² –650m ²	30% of lot area
>650m ² –750m ²	35% of lot area
>750m ²	40% of lot area

Part 4 Riverstone East Stage 3 Precinct

1 Land to which part applies

This part applies to land shown on the [Riverstone East Stage 3 Precinct Variation Area Map](#).

2 Definition

In this part—

Riverstone East Stage 3 Precinct Variation Area Map means the [State Environmental Planning Policy \(Exempt and Complying Development Codes\) 2008 Riverstone East Stage 3 Precinct Variation Area Map](#).

3 Variations

- (1) The Greenfield Housing Code is varied in its application to the land to which this part applies as set out in this clause.
- (2) **Clause 3C.2 Development that is complying development under this code** Omit “6m” from clause 3C.2(3)(c). Insert instead “8m”.
- (3) **Clause 3C.2(3)(h)** Omit “6m”. Insert instead “8m”.
- (4) **Clause 3C.3 Development that is not complying development under this code** Omit “6–10m” from clause 3C.3(1)(e), table. Insert instead “8–10m”.
- (5) **Clause 3C.11 Minimum setbacks and maximum height and length of boundary walls** Omit the table to clause 3C.11(1). Insert instead—

Lot size	Minimum setback of building line from primary road	Minimum setback of articulation zone from primary road
>200m ²	4.5m	3m

- (6) **Clause 3C.11(2)** Insert “that is detached” after “dwelling house”.

- (7) **Clause 3C.11(2), table** Omit the table. Insert instead—

Lot width at the building line	Side A	Side B
8m or more but less than 9m	900mm	900mm
9m or more but less than 12.5m	900mm	900mm

12.5m or more but less than 15m	900mm	900mm
15m or more	900mm	1.5m

(8) **Clause 3C.11(3)** Insert “that is detached” after “dwelling house”.

(9) **Clause 3C.11(3), table** Omit the table. Insert instead—

Lot width at the building line	Side A	Side B
8m or more but less than 9m	900mm	900mm
9m or more but less than 12.5m	900mm	900mm
12.5m or more but less than 15m	900mm	900mm
15m or more	900mm	2.5m

(10) **Clause 3C.11(3A) and (3B)** Insert after clause 3C.11(3)—

(3A) **Side setbacks—dwelling constructed on boundary** The ground level of a dwelling house and any attached development, other than a garage to which subclause (4) applies, constructed on a boundary must have—

- (a) the setback from one side boundary as shown under “Side A” in the following table, and
- (b) a minimum setback from the other side boundary as shown under “Side B” in the following table.

Lot width at the building line	Side A	Side B
8m or more but less than 9m	0m	1.2m
9m or more but less than 12.5m	0m	900mm
12.5m or more but less than 15m	0m	900mm

Note—

Clause 3C.3 provides that the erection of a building over a registered easement is not complying development under this code.

(3B) **Side setbacks upper level—dwelling constructed on boundary** The upper level of a dwelling house and any attached development, other than a garage, constructed on a boundary must have—

- (a) a minimum setback from the “Side A” boundary referred to in subclause (3A)(a), as shown under “Side A” in the following table, and
- (b) a minimum setback from the “Side B” boundary referred to in subclause (3A)(b), as shown under “Side B” in the following table in relation to that lot.

Lot width at the building line	Side A	Side B
8m or more but less than 9m	1.2m	1.2m
9m or more but less than 12.5m	1.5m	900mm
12.5m or more but less than 15m	1.5m	900mm

(11) **Clause 3C.11(4), table** Omit the table. Insert instead—

Lot width at the building line	Minimum side setback
8m or more but less than 9m	0m from the “Side A” and “Side B” boundaries referred to in subclause (2)(a) and (b) for a maximum length of 6.5m
9m or more but less than 12.5m	0m from the “Side A” boundary for a maximum length of 6.5m, and 900mm from the “Side B” boundary
12.5m or more but less than 15m	900mm from the “Side A” boundary for a maximum length of 6.5m
15m or more	900mm from the “Side A” boundary for a maximum length of 6.5m

(12) **Clause 3C.11(6), table** Omit the table. Insert instead—

Lot width at the building line	Maximum length of built to boundary wall
8m or more but less than 9m	15m or 50% of the depth of the lot, whichever is the lesser
9m or more but less than 12.5m	11m or 50% of the depth of the lot, whichever is the lesser

12.5m or more but less than 15m	11m or 50% of the depth of the lot, whichever is the lesser
15m or more	No maximum length

(13) **Clause 3C.11(7), table** Omit “3m”. Insert instead “4.5m”.

(14) **Clause 3C.11(8), table** Omit the table. Insert instead—

Lot width at the building line	Minimum setback from secondary road boundary
8m or more but less than 9m	1m
9m or more	2m

(15) **Clause 3C.11(12)** Omit “3m”. Insert instead “4.5m”.

(16) **Clause 3C.13 Other development standards for attached garages** Omit clause 3C.13(6), table. Insert instead—

Lot width at the building line	Minimum setback from rear boundary
8m or more but less than 9m	0m
9m or more but less than 12.5m	0m
12.5m or more but less than 15m	0m for a maximum of 6.5m of the length of the rear boundary
15m or more	0m for a maximum of 9m of the length of the rear boundary

(17) **Clause 3C.14B** Insert after clause 3C.14A—

3C.14B Roof material solar absorptance rating

(1) The roofing material for a dwelling house and attached development on land to which this part applies must be of a colour that has a solar absorptance of 0.64 or less.

(2) In this clause—

solar absorptance, of roofing material, means the total incident solar radiation that is absorbed by the roofing material.

(18) **Clause 3C.15 Minimum landscaped area** Omit clause 3C.15(1), table. Insert instead—

Lot area	Minimum landscaped area
200m ² -270m ²	15% of lot area
>270m ² -375m ²	20% of lot area
>375m ² -450m ²	25% of lot area
>450m ² -650m ²	30% of lot area
>650m ² -750m ²	35% of lot area
>750m ²	40% of lot area

- (19) **Clause 3C.16 Building design** Omit “3m” from 3C.16(3). Insert instead “4.5m”.
- (20) **Clause 3C.19 Car parking and vehicle access requirements** Omit clause 3C.19(1)(a).
- (21) **Clause 3C.19(6), table** Omit “7m”. Insert instead “8m”.
- (22) **Clause 3C.19(7)** Omit the subclause. Insert instead—

(7) The maximum width of all driveways measured at the boundary to which the front of the dwelling house faces is 3m.

- (23) **Clause 3C.19A** Insert after clause 3C.19—

3C.19A Dwelling houses near rail and major roads corridors

- (1) This clause applies to development for the purposes of a dwelling house on land within 60m of Windsor Road.
- (2) A certifier must not issue a complying development certificate for development to which this clause applies unless the certifier is satisfied appropriate measures will be taken to ensure the noise generated from Windsor Road does not result in LAeq levels greater than—
 - (a) in a bedroom of the dwelling house—LAEQ 35 dB(A) between 10pm and 7am, or
 - (b) anywhere else in the dwelling house, other than a garage, kitchen, bathroom or hallway—LAEQ 40 dB(A) at all times.
- (24) **Clause 3C.24 Minimum setbacks and maximum height and length of built to boundary walls** Omit “6m-18m” from clause 3C.24(2), table. Insert instead “8m-18m”.
- (25) **Clauses 3C.24(3)(b)** Omit “6m, but not more than”.
- (26) **Clause 3C.24(6), table** Omit the table. Insert instead—

Lot width at the building line	Maximum length of built to boundary wall
8m or more but less than 9m	20m or 50% of the depth of the lot, whichever is the lesser
9m or more but less than 12.5m	15m or 50% of the depth of the lot, whichever is the lesser
12.5m or more but less than 15m	11m or 50% of the depth of the lot, whichever is the lesser
15m or more	No maximum length

(27) **Clause 3C.28 Other development standards for detached studios** Omit “6m–18m” from clause 3C.28(4), table. Insert instead “8m–18m”.

(28) **Clause 3C.28(6)(b)** Omit “6m, but not more than”.

(29) **Clause 3C.29A** Insert after clause 3C.29—

3C.29A Roof material solar absorptance rating

(1) The roofing material for detached development on land to which this part applies must be of a colour that has a solar absorptance of 0.64 or less.

(2) In this clause—

solar absorptance, of roofing material, means the total incident solar radiation that is absorbed by the roofing material.

(30) **Clause 3C.30 Minimum landscaped area** Omit clause 3C.30(1), table. Insert instead—

Lot area	Minimum landscaped area
200m ² –270m ²	15% of lot area
>270m ² –375m ²	20% of lot area
>375m ² –450m ²	25% of lot area
>450m ² –650m ²	30% of lot area
>650m ² –750m ²	35% of lot area
>750m ²	40% of lot area

Schedule 4 Land excluded from the General Exempt Development

Code

(Clause 1.16(1)(d))

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

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

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

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

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

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

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

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

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

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

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

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

Schedule 5 Land excluded from the Housing Code, Inland Code or Low Rise Housing Diversity Code

clause 1.19(2)

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

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

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

[Complying Development Land Map \(SEPP_ECD_1100_LCD_001_20101022\)](#)

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

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

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

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

[State Environmental Planning Policy \(Exempt and Complying Development Codes\) 2008 Holroyd Complying Development Land Map \(SEPP_ECD_3950_LCD_001_20131016\)](#)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

[State Environmental Planning Policy \(Exempt and Complying Development Codes\) 2008 Tweed Complying Development Land Map \(SEPP_ECD_7550_LCD_001_20171101\)](#)

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

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

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

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

[State Environmental Planning Policy \(Exempt and Complying Development Codes\) 2008 Wyong Complying Development Land Map \(SEPP_ECD_8550_LCD_003_20101022\)](#)

[State Environmental Planning Policy \(Exempt and Complying Development Codes\) 2008 Wyong Complying Development Land Map \(SEPP_ECD_8550_LCD_004_20101022\)](#)

[State Environmental Planning Policy \(Exempt and Complying Development Codes\) 2008 Wyong Complying Development Land Map \(SEPP_ECD_8550_LCD_005_20101022\)](#)

[State Environmental Planning Policy \(Exempt and Complying Development Codes\) 2008 Wyong Complying Development Land Map \(SEPP_ECD_8550_LCD_006_20101022\)](#)

[State Environmental Planning Policy \(Exempt and Complying Development Codes\) 2008 Wyong Complying Development Land Map \(SEPP_ECD_8550_LCD_007_20101022\)](#)

[State Environmental Planning Policy \(Exempt and Complying Development Codes\) 2008 Wyong Complying Development Land Map \(SEPP_ECD_8550_LCD_008_20101022\)](#)

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.

Note 2.

Division 2A of Part 7 of the *Environmental Planning and Assessment Regulation 2000* specifies conditions to which certain complying development certificates are subject.

Note 3.

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

Note 4.

If the development is in the proximity of infrastructure (including water, stormwater or sewer mains, electricity power lines and telecommunications facilities), the relevant infrastructure authority should be contacted before commencing the development.

Note 5.

Under section 4.29 of the *Environmental Planning and Assessment Act 1979*, a complying development certificate lapses 5 years after the date endorsed on the certificate, unless the development has physically commenced on the land during that period.

Part 1 Conditions applying before works commence

1 Protection of adjoining areas

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

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

2 Toilet facilities

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

3 Garbage receptacle

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

4 Adjoining wall dilapidation report

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

5 Run-off and erosion controls

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

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

6 Tree protection measures

- (1) This clause applies to each protected tree and any other tree that is to be retained on a lot.
- (2) The trunk of each of the following trees must be provided with a tree guard that is comprised of hardwood timber panels each having a minimum length of 2m, minimum width of 75mm and minimum thickness of 25mm and secured, but not permanently fixed or nailed, to the tree and spaced a maximum of 80mm apart—
 - (a) each tree that is within 6m of a dwelling house or any ancillary development that is to be constructed, and
 - (b) each protected tree that is within 10m of a dwelling house or any ancillary

development that is to be constructed.

- (3) Each protected tree that is within 6m of a dwelling house, outbuilding or swimming pool must have a fence or barrier that is erected—
 - (a) around its tree protection zone as defined by section 3.2 of AS 4970—2009, *Protection of trees on development sites*, and
 - (b) in accordance with section 4 of that standard.
- (4) The person having the benefit of the complying development certificate must ensure that—
 - (a) the activities listed in section 4.2 of that standard do not occur within the tree protection zone of any tree on the lot or any tree on an adjoining lot, and
 - (b) any temporary access to, or location of scaffolding within the tree protection zone of a protected tree or any other tree to be retained on the lot during the construction, is undertaken using the protection measures specified in sections 4.5.3 and 4.5.6 of that standard.
- (5) The tree protection measures specified in this clause must—
 - (a) be in place before work commences on the lot, and
 - (b) be maintained in good condition during the construction period, and
 - (c) remain in place for the duration of the construction works.

Note.

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.

Part 2 Conditions applying during the works

Note.

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

7 Hours for construction

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

8 Compliance with plans

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

9 Maintenance of site

- (1) All materials and equipment must be stored wholly within the work site unless an approval to store them elsewhere is held.
- (2) Waste materials (including excavation, demolition and construction waste materials) must be managed on the site and then disposed of at a waste management facility.
- (3) Any run-off and erosion control measures required must be maintained within their operating capacity until the completion of the works to prevent debris escaping from the site into drainage systems, waterways, adjoining properties and roads.
- (4) During construction—
 - (a) all vehicles entering or leaving the site must have their loads covered, and
 - (b) all vehicles, before leaving the site, must be cleaned of dirt, sand and other materials, to avoid tracking these materials onto public roads.
- (5) At the completion of the works, the work site must be left clear of waste and debris.

10 Earthworks, retaining walls and structural support

- (1) Any earthworks (including any structural support or other related structure for the purposes of the development)—
 - (a) must not cause a danger to life or property or damage to any adjoining building or structure on the lot or to any building or structure on any adjoining lot, and
 - (b) must not redirect the flow of any surface or ground water or cause sediment to be transported onto an adjoining property, and
 - (c) that is fill brought to the site—must contain only virgin excavated natural material (VENM) as defined in Part 3 of Schedule 1 to the *Protection of the Environment Operations Act 1997*, and
 - (d) that is excavated soil to be removed from the site—must be disposed of in accordance with any requirements under the *Protection of the Environment Operations (Waste) Regulation 2005*.
- (2) Any excavation must be carried out in accordance with *Excavation Work: Code of Practice* (ISBN 978-0-642-785442), published in July 2012 by Safe Work Australia.

11 Drainage connections

- (1) If the work is the erection of, or an alteration or addition to, a dwelling house, the roof stormwater drainage system must be installed and connected to the drainage system before the roof is installed.

- (2) Any approval that is required for connection to the drainage system under the *Local Government Act 1993* must be held before the connection is carried out.

11A Swimming pool safety

If the work involves the construction of a swimming pool, a child-resistant barrier that complies with the requirements of the *Building Code of Australia* and AS 1926.1—2012, *Swimming pool safety, Part 1: Safety barriers for swimming pools* must be erected around that work during the construction.

11B Contamination discovered during works

- (1) If during works on the land comprising the lot, the land is found to be contaminated, within the meaning of the *Contaminated Land Management Act 1997*—
- all works must stop immediately, and
 - the Environment Protection Authority and the council must be notified of the contamination.
- (2) Land is found to be contaminated for the purposes of this clause if the person having the benefit of the complying development certificate or the principal certifying authority knows or should reasonably suspect the land is contaminated.

Note—

Depending on the nature and level of the contamination, remediation of the land may be required before further work can continue.

12 Archaeology discovered during works

If any object having interest due to its age or association with the past is uncovered during the course of the work—

- all work must stop immediately in that area, and
- the Office of Environment and Heritage must be advised of the discovery.

Note.

Depending on the significance of the object uncovered, an archaeological assessment and excavation permit under the *Heritage Act 1977* may be required before further the work can continue.

13 Aboriginal objects discovered during works

If an Aboriginal object (including evidence of habitation or remains) is discovered during the course of the work—

- all excavation or disturbance of the area must stop immediately, and
- the person making the discovery must advise the Chief Executive (within the meaning of the *National Parks and Wildlife Act 1974*) of the discovery in accordance with

section 89A of that Act.

Note.

If an Aboriginal object is discovered, an Aboriginal heritage impact permit may be required under the *National Parks and Wildlife Act 1974*.

Part 3 Conditions applying before the issue of an occupation certificate

14 Vehicular access

If the work involves the construction of a vehicular access point, the access point must be completed before the occupation certificate for the work on the site is obtained.

15 Utility services

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

Schedule 6A Conditions applying to complying development certificates under the Low Rise Housing Diversity Code

(Clause 3B.62)

Note 1.

Complying development under the Low Rise Housing Diversity Code must comply with the requirements of the Act, the *Environmental Planning and Assessment Regulation 2000* and the conditions listed in this Schedule.

Note 2.

Division 2A of Part 7 of the *Environmental Planning and Assessment Regulation 2000* specifies conditions to which certain complying development certificates are subject.

Note 3.

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

Note 4.

If the development is in the proximity of infrastructure (including water, stormwater or sewer mains, electricity power lines and telecommunications facilities), the relevant infrastructure authority should be contacted before commencing the development. Information in relation to underground assets can be obtained at www.1100.com.au or by phoning 1100.

Note 5.

Under section 86A of the Act, a complying development certificate lapses 5 years after the date endorsed on the certificate, unless the development has physically commenced on the land during that period.

Note 6.

Street numbering and letter box facilities should be provided in accordance with Australia Post guidelines and to the satisfaction

of the council.

Part 1 Conditions applying before works commence

1 Evidence of payment of contributions

Sufficient evidence must be provided to the principal certifying authority before works begin to reasonably satisfy the principal certifying authority that any contribution required to be paid under section 7.11 or 7.12 of the Act in respect of the development has been paid.

2 Protection of adjoining areas

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

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

3 Toilet facilities

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

4 Garbage receptacle

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

5 Wall dilapidation report

- (1) If a wall on a lot is to be built to a boundary and there is a wall (the **adjoining wall**)

on the lot adjoining that boundary that is less than 0.9m from that boundary, the person having the benefit of the complying development certificate must obtain a dilapidation report on the adjoining wall before works begin.

- (2) If the person preparing the report is denied access to the adjoining lot for the purpose of inspecting the wall, the report may be prepared from an external inspection of the wall.

6 Run-off and erosion controls

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

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

7 Tree protection measures

- (1) This clause applies to each protected tree and any other tree that is to be retained on a lot.
- (2) The trunk of each of the following trees must be provided with a tree guard that is comprised of hardwood timber panels each having a minimum length of 2m, minimum width of 75mm and minimum thickness of 25mm and secured, but not permanently fixed or nailed, to the tree and spaced a maximum of 80mm apart—
 - (a) each tree that is within 6m of any dual occupancy, manor house, multi dwelling housing (terraces) or ancillary development that is to be constructed,
 - (b) each protected tree that is within 10m of any dual occupancy, manor house, multi dwelling housing (terraces) or ancillary development that is to be constructed.
- (3) Each protected tree that is within 6m of a dual occupancy, manor house, multi dwelling housing (terraces), outbuilding or swimming pool must have a fence or barrier that is erected—
 - (a) around its tree protection zone as defined by section 3.2 of AS 4970—2009, *Protection of trees on development sites*, and
 - (b) in accordance with section 4 of that standard.

- (4) The person having the benefit of the complying development certificate must ensure that—
 - (a) the activities listed in section 4.2 of that standard do not occur within the tree protection zone of any tree on the lot or any tree on an adjoining lot, and
 - (b) any temporary access to, or location of scaffolding within the tree protection zone of a protected tree or any other tree to be retained on the lot during the construction, is undertaken using the protection measures specified in sections 4.5.3 and 4.5.6 of that standard.
- (5) The tree protection measures specified in this clause must—
 - (a) be in place before work begins on the lot, and
 - (b) be maintained in good condition during the construction period, and
 - (c) remain in place for the duration of the construction works.

Note.

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.

8 Notification of works to water and sewerage supply authorities

- (1) If the development involves the erection of a new building or an addition to an existing building, the person having the benefit of the complying development certificate must ensure that the following are given plans of the building work and have approved those plans—
 - (a) any organisation having water or sewerage infrastructure on the land on which the development is to occur,
 - (b) any organisation that is required to provide water or sewerage services to the land as a result of the development.
- (2) Evidence of the giving of approval required under subclause (1) is to be provided to the principal certifying authority for the building work involved in the development before that work begins.

9 Drainage

Any water supply, sewerage or stormwater drainage work carried out under section 68 of the *Local Government Act 1993* on the lot must be completed before building works begin.

10 Location of footings and external walls

- (1) Before works begin, the position of the following are to be marked out on the ground

on the lot by a registered surveyor—

- (a) all footings required for the proposed development,
 - (b) the external walls of any building to be erected as part of the development but only if the building will contain a habitable room.
- (2) The person having the benefit of the complying development certificate must ensure that before those external walls are constructed, the principal certifying authority is given a survey and a report by a registered surveyor that shows the position of the walls relative to the lot boundary.

11 Safety of persons and the environment

Before works begin appropriate measures must be in place to ensure all works and activities are carried out during the development in a manner that ensures the safety of persons and of the environment, including, if the council recommends specific environmental site management controls in respect of the development, those recommended controls.

Part 2 Conditions applying during the works

Note.

The *Protection of the Environment Operations Act 1997* and the *Protection of the Environment Operations (Noise Control) Regulation 2017* contain provisions relating to noise.

12 Hours for construction

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

13 Construction noise

Noise caused by construction must not exceed an LAeq (15 min) of 5dB(A) above background noise when measured at any lot boundary of the property where the construction is being carried out.

14 Compliance with plans

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

15 Maintenance of site

- (1) All materials and equipment must be stored wholly within the work site unless an approval to store them elsewhere is held.
- (2) Waste materials (including excavation, demolition and construction waste materials)

must be managed on the site and then disposed of at a waste management facility.

- (3) Any run-off and erosion control measures required must be maintained within their operating capacity until the completion of the works to prevent debris escaping from the site into drainage systems, waterways, adjoining properties and roads.
- (4) During construction—
 - (a) all vehicles entering or leaving the site must have their loads covered, and
 - (b) all vehicles, before leaving the site, must be cleaned of dirt, sand and other materials, to avoid tracking these materials onto public roads.
- (5) At the completion of the works, the work site must be left clear of waste and debris.

16 Earthworks, retaining walls and structural support

- (1) Any earthworks (including any structural support or other related structure for the purposes of the development)—
 - (a) must not cause a danger to life or property or damage to any adjoining building or structure on the lot or to any building or structure on any adjoining lot, and
 - (b) must not redirect the flow of any surface or ground water or cause sediment to be transported onto an adjoining property, and
 - (c) that is fill brought to the site—must contain only virgin excavated natural material (VENM) as defined in Part 3 of Schedule 1 to the *Protection of the Environment Operations Act 1997*, and
 - (d) that is excavated soil to be removed from the site—must be disposed of in accordance with any requirements under the *Protection of the Environment Operations (Waste) Regulation 2014*.
- (2) Any excavation must be carried out in accordance with *Excavation Work: Code of Practice* (ISBN 978-0-642-78544-2), published in July 2012 by Safe Work Australia.

17 Drainage connections

- (1) If the work is the erection of, or an alteration or addition to, any dual occupancy, manor house or multi dwelling housing (terraces), the roof stormwater drainage system must be installed and connected to the drainage system before the roof is installed.
- (2) Any approval that is required for connection to the drainage system under the *Local Government Act 1993* must be held before the connection is carried out.

18 Swimming pool safety

If the work involves the construction of a swimming pool, a child-resistant barrier that complies with the requirements of the *Building Code of Australia* and AS 1926.1—2012, *Swimming pool safety, Part 1: Safety barriers for swimming pools* must be erected around that work during the construction.

19 Contamination discovered during works

- (1) If during works on the land comprising the lot, the land is found to be contaminated (within the meaning of the *Contaminated Land Management Act 1997*)—
 - (a) all works must stop immediately, and
 - (b) the Environment Protection Authority and the council must be notified of the contamination.
- (2) Land is found to be contaminated for the purposes of this clause if the person having the benefit of the complying development certificate or the principal certifying authority knows or should reasonably suspect that the land is contaminated.

Note.

Depending on the nature and level of the contamination, remediation of the land may be required before further work can continue.

20 Archaeology discovered during works

If any object having interest due to its age or association with the past is uncovered during the course of the work—

- (a) all work must stop immediately in that area, and
- (b) the Office of Environment and Heritage must be advised of the discovery.

Note.

Depending on the significance of the object uncovered, an archaeological assessment and excavation permit under the *Heritage Act 1977* may be required before further work can continue.

21 Aboriginal objects discovered during works

If an Aboriginal object (including evidence of habitation or remains) is discovered during the course of the work—

- (a) all excavation or disturbance of the area must stop immediately, and
- (b) the person making the discovery must advise the Chief Executive (within the meaning of the *National Parks and Wildlife Act 1974*) of the discovery in accordance with section 89A of that Act.

Note.

If an Aboriginal object is discovered, an Aboriginal heritage impact permit may be required under the [National Parks and Wildlife Act 1974](#).

Part 3 Conditions applying before issue of occupation certificate

22 Vehicular access

If the work involves the construction of a vehicular access point, the access point must be completed before the occupation certificate for the work on the site is obtained.

23 Utility services

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

24 On-site stormwater detention system

- (1) If an on-site stormwater detention system is installed on the lot in relation to the development, the following must be registered before the occupation certificate for the work on the site is obtained—
 - (a) a public positive covenant enforceable by the council requiring the owner of the land to maintain and repair the system,
 - (b) a restriction as to user in favour of the council that is worded to the satisfaction of the council.
- (2) A certificate issued by an engineer that certifies that the on-site stormwater detention system has been constructed in accordance with the approval of the council must be given to the principal certifying authority before the occupation certificate for the work on the site is obtained.

25 Evidence of certain matters

- (1) Sufficient evidence must be provided to the principal certifying authority before the occupation certificate for the work on the site is obtained to reasonably satisfy the principal certifying authority that each new dwelling will be adequately serviced with water, sewerage, electricity, natural gas (where available) and telecommunications.
- (2) The following must be provided to the principal certifying authority before the occupation certificate for the work on the site is obtained—
 - (a) a survey certificate prepared by a registered surveyor that certifies the location of any new buildings, or additions to existing buildings, in relation to the boundaries of the lot,
 - (b) if the development has resulted in the installation of a mechanical ventilation system—a certificate from a mechanical ventilation engineer that states that the

- system complies with the approved plans and specifications,
- (c) if the council has design guidelines or constructions specifications for works to which the complying development certificate relates and those guidelines or specifications address the submission of compliance documentation to the council—that compliance documentation.

26 Easement in gross over rear lane

If the development results in the creation of a rear access lane, an easement in gross for public access in favour of the council must be created over the lane before the occupation certificate for the work on the site is obtained.

27 Adaptable housing notification

- (1) If a dwelling has been constructed in a manner that permits it to be adapted for persons with a disability, a permanent notice should be attached in a visible location near the electricity meter that informs future occupants of this.
- (2) Without limiting subclause (1), if the Secretary of the Department of Planning and Environment approves the form of a notice for the purposes of this clause, a notice in that form is taken to satisfy subclause (1).

28 Trees

- (1) At least 1 tree (that will have a mature height of at least 8m) is to be in each rear yard for each dwelling house, dual occupancy or terrace on the site before the occupation certificate for the work on the site is obtained.
- (2) At least 1 tree (that will have a mature height of at least 5m) is to be in the setback from the primary road for each dwelling house, dual occupancy or terrace on the site before the occupation certificate for the work on the site is obtained but only if that setback is more than 3m.
- (2A) One tree (that will have a mature height of at least 8m) is to be in the rear yard for each manor house on the site before the occupation certificate for the work on the site is obtained.
- (2B) One tree (that will have a mature height of at least 5m) is to be in the setback from the primary road for each manor house on the site before the occupation certificate for the work on the site is obtained but only if that setback is more than 3m.
- (3) In this clause—

terrace means a single dwelling in multi dwelling housing (terraces).

Part 4 Condition applying after issue of occupation certificate

29 Notification to council

The person having the benefit of a complying development certificate must, as soon as practicable after obtaining an occupation certificate from a principal certifying authority (other than the council), notify the council of issuing of the certificate.

Schedule 6B Conditions applying to complying development certificates under the Subdivisions Code

(Clause 6.6)

Note 1.

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

Note 2.

Division 2A of Part 7 of the *Environmental Planning and Assessment Regulation 2000* specifies conditions to which certain complying development certificates are subject.

1 Evidence of certain matters relating to services and works

- (1) Sufficient evidence must be provided to the principal certifier before the subdivision certificate for the site is obtained to reasonably satisfy the person of the following—
 - (a) each new lot on which there will be a dwelling will be adequately serviced with water, sewerage, electricity, natural gas (where available) and telecommunications,
 - (b) an occupation certificate for any new building or part of a building to which this Schedule relates has been obtained.
- (2) A survey certificate prepared by a registered surveyor that certifies that the services to each lot are located on the lot or on appropriate easements must be provided to the principal certifier before the subdivision certificate for the site is obtained.
- (3) After the completion of the subdivision works and before the subdivision certificate for the site is obtained, copies of the plans approved in relation to the issue of the complying development certificate are to be provided to the principal certifier that—
 - (a) are marked in red to show how the works as executed depart from those approved plans, and
 - (b) are certified and dated by a registered surveyor or design engineer.

2 Boundary fencing

Fencing must be provided along all property boundaries located behind the building line

before the subdivision certificate for the site is obtained.

Note.

See the *Dividing Fences Act 1991* for requirements in relation to boundary fences.

3 Easements for stormwater drainage

- (1) Evidence that any stormwater pipelines that are on lots other than the lots that they benefit are on appropriate easements must be provided to the principal certifier before the subdivision certificate for the site is obtained.
- (2) An easement is appropriate for the purposes of this clause if—
 - (a) it was created (by registration of an instrument under Division 1 of Part 7 of the *Real Property Act 1900*), and
 - (b) its location was approved by the council, and
 - (c) it has a minimum width of—
 - (i) if the diameter of the stormwater pipeline is less than 350mm—1m, or
 - (ii) if the diameter of the stormwater pipeline is 350mm or more and no more than 1.4m—2.4m, or
 - (iii) in any other case—the diameter of the stormwater pipeline plus 1m.

4 Common driveways

If lots share a common driveway, rights of carriageway over that driveway to the benefit of each of those lots must be created.

5 Plan of subdivision

- (1) The plan of subdivision that is to be lodged with the Registrar-General and an instrument under section 88B of the *Conveyancing Act 1919* must be provided to the principal certifier before the subdivision certificate for the site is obtained.
- (2) The principal certifier must not issue the subdivision certificate unless the instrument and plans properly reflect the consent including the conditions to which the complying development certificate is subject.

Schedule 7 Conditions applying to complying development certificates under Housing Alterations Code and General Development Code

(Clauses 4.7 and 4A.13)

Note 1.

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

Note 2.

Division 2A of Part 7 of the *Environmental Planning and Assessment Regulation 2000* specifies conditions to which certain complying development certificates are subject.

Note 3.

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

Note 4.

If the development is in the proximity of infrastructure (including water, stormwater or sewer mains, electricity power lines and telecommunications facilities), the relevant infrastructure authority should be contacted before commencing the development.

Note 5.

Under section 4.29 of the *Environmental Planning and Assessment Act 1979*, a complying development certificate lapses 5 years after the date endorsed on the certificate, unless the development has physically commenced on the land during that period.

Part 1 Conditions applying before works commence

1 Toilet facilities

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

2 Garbage receptacle

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

Part 2 Conditions applying during the works

Note.

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

3 Hours for construction

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

4 Compliance with plans

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

5 Demolition

Any demolition must be carried out in accordance with AS 2601—2001, *The demolition of structures*.

6 Maintenance of site

- (1) All materials and equipment must be stored wholly within the work site unless an approval to store them elsewhere is held.
- (2) Waste materials (including excavation, demolition and construction waste materials) must be managed on the site and then disposed of at a waste management facility.
- (3) At the completion of the works, the work site must be left clear of waste and debris.

Schedule 8 Conditions applying to complying development certificates under the Industrial and Business Alterations Code, the Industrial and Business Buildings Code and the Container Recycling Facilities Code

clauses 5.25 and 5A.5(a)

Note 1.

Complying development under the Industrial and Business Alterations Code, the Industrial and Business Buildings Code and the Container Recycling Facilities Code must comply with the requirements of the Act, the *Environmental Planning and Assessment Regulation 2000* and the conditions listed in this Schedule.

Note 2.

Division 2A of Part 7 of the *Environmental Planning and Assessment Regulation 2000* specifies conditions to which certain complying development certificates are subject.

Note 3.

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

Note 4.

If the development is in the proximity of infrastructure (including water, stormwater or sewer mains, electricity power lines and telecommunications facilities), the relevant infrastructure authority should be contacted before commencing the development.

Note 5.

Under section 4.29 of the *Environmental Planning and Assessment Act 1979*, a complying development certificate lapses 5 years after the date endorsed on the certificate, unless the development has physically commenced on the land during that period.

Part 1 Conditions applying before works commence

1 Protection of adjoining areas

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

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

Note.

Clauses 2.67 and 2.68 of this Policy specify which scaffolding, hoardings and temporary construction site fences are exempt development and state the applicable standards for that development.

2 Toilet facilities

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

3 Waste management

- (1) A waste management plan for the work must be submitted to the principal certifying authority at least 2 days before work commences on the site
- (2) The waste management plan must—
 - (a) identify all waste (including excavation, demolition and construction waste materials) that will be generated by the work on the site, and
 - (b) identify the quantity of waste material in tonnes and cubic metres to be—

- (i) reused on-site, and
 - (ii) recycled on-site and off-site, and
 - (iii) disposed of off-site, and
- (c) if waste materials are to be reused or recycled on-site—specify how the waste material will be reused or recycled on-site, and
 - (d) if waste materials are to be disposed of or recycled off-site—specify the contractor who will be transporting the materials and the waste facility or recycling outlet to which the materials will be taken.
- (3) A garbage receptacle must be provided at the work site before works begin and must be maintained until the works are completed.
 - (4) The garbage receptacle must have a tight fitting lid and be suitable for the reception of food scraps and papers.

4 Adjoining wall dilapidation report

- (1) Before commencing any demolition or excavation works, the person having the benefit of the complying development certificate must obtain a dilapidation report on any part of a building that is within 2m of the works.
- (2) If the person preparing the report is denied access to the building for the purpose of an inspection, the report may be prepared from an external inspection.

5 Run-off and erosion controls

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

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

Part 2 Conditions applying during the works

Note.

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

6 Standard hours for construction

Construction may only be carried out between 7.00 am and 6.00 pm on Monday to Friday, or between 8.00 am and 1.00 pm on Saturdays, and no construction is to be carried out at any time on a Sunday or a public holiday.

7 Works outside standard hours for construction

- (1) Work may be carried out outside the standard hours for construction if the work only generates noise that is—
 - (a) no louder than 5 dB(A) above the rating background level at any adjoining residence in accordance with the *Interim Construction Noise Guideline* (ISBN 978 1 74232 217 9) published by the Department of Environment and Climate Change NSW in July 2009, and
 - (b) no louder than the noise management levels specified in Table 3 of that guideline at other sensitive receivers.
- (2) Work may be carried out outside the standard hours for construction—
 - (a) for the delivery of materials—if prior approval has been obtained from the NSW Police Force or any other relevant public authority, or
 - (b) in an emergency, to avoid the loss of lives or property or to prevent environmental harm.

8 Compliance with plans

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

9 Demolition

Any demolition must be carried out in accordance with AS 2601—2001, *The demolition of structures*.

10 Maintenance of site

- (1) All materials and equipment must be stored wholly within the work site unless an approval to store them elsewhere is held.
- (2) Waste materials (including excavation, demolition and construction waste materials) must be managed on the site and then disposed of at a waste management facility.
- (3) Copies of receipts stating the following must be given to the principal certifying authority—
 - (a) the place to which waste materials were transported,

- (b) the name of the contractor transporting the materials,
 - (c) the quantity of materials transported off-site and recycled or disposed of.
- (4) Any run-off and erosion control measures required must be maintained within their operating capacity until the completion of the works to prevent debris escaping from the site into drainage systems, waterways, adjoining properties and roads.
- (5) During construction—
- (a) all vehicles entering or leaving the site must have their loads covered, and
 - (b) all vehicles, before leaving the site, must be cleaned of dirt, sand and other materials, to avoid tracking these materials onto public roads.
- (6) At the completion of the works, the work site must be left clear of waste and debris.

11 Earthworks, retaining walls and structural support

- (1) Any earthworks (including any structural support or other related structure for the purposes of the development)—
 - (a) must not cause a danger to life or property or damage to any adjoining building or structure on the lot or to any building or structure on any adjoining lot, and
 - (b) must not redirect the flow of any surface or ground water or cause sediment to be transported onto an adjoining property, and
 - (c) that is fill brought to the site—must contain only virgin excavated natural material (VENM) as defined in Part 3 of Schedule 1 to the *Protection of the Environment Operations Act 1997*, and
 - (d) that is excavated soil to be removed from the site—must be disposed of in accordance with any requirements under the *Protection of the Environment Operations (Waste) Regulation 2005*.
- (2) Any excavation must be carried out in accordance with *Excavation Work: Code of Practice* (ISBN 978-0-642-785442 [PDF] and ISBN 978-0-642-785459 [DOCX]), published in July 2012 by Safe Work Australia.

12 Drainage connections

- (1) If the work is the erection of, or an alteration or addition to, a building, the roof stormwater drainage system must be installed and connected to the drainage system before the roof is installed.
- (2) Any approval that is required for connection to the drainage system under the *Local Government Act 1993* must be held before the connection is carried out.

12A Contamination discovered during works

- (1) If during works on the land comprising the lot, the land is found to be contaminated, within the meaning of the *Contaminated Land Management Act 1997*—
 - (a) all works must stop immediately, and
 - (b) the Environment Protection Authority and the council must be notified of the contamination.
- (2) Land is found to be contaminated for the purposes of this clause if the person having the benefit of the complying development certificate or the principal certifying authority knows or should reasonably suspect the land is contaminated.

Note—

Depending on the nature and level of the contamination, remediation of the land may be required before further work can continue.

13 Archaeology discovered during works

If any object having interest due to its age or association with the past is uncovered during the course of the work—

- (a) all work must stop immediately in that area, and
- (b) the Office of Environment and Heritage must be advised of the discovery.

Note.

Depending on the significance of the object uncovered, an archaeological assessment and excavation permit under the *Heritage Act 1977* may be required before further the work can continue.

14 Aboriginal objects discovered during works

If any Aboriginal object (including evidence of habitation or remains) is discovered during the course of the work—

- (a) all excavation or disturbance of the area must stop immediately in that area, and
- (b) the Office of Environment and Heritage must be advised of the discovery in accordance with section 89A of the *National Parks and Wildlife Act 1974*.

Note.

If an Aboriginal object is discovered, an Aboriginal heritage impact permit may be required under the *National Parks and Wildlife Act 1974*.

15 When a survey certificate is required

- (1) If any part of the work is the erection of a new building, or an alteration or addition to an existing building, that is located less than 3m from the lot boundary, a survey certificate must be given to the principal certifying authority—

- (a) before any form work below the ground floor slab is completed, or
 - (b) if there is no such form work—before the concrete is poured for the ground floor slab.
- (2) The survey certificate must be prepared by a registered land surveyor and show the location of the work relative to the boundaries of the site.

Part 3 Conditions applying before the issue of an occupation certificate

16 Vehicular access

If the work involves the construction of a vehicular access point, the access point must be completed before the occupation certificate for the work on the site is obtained.

17 Utility services

- (1) If the work requires alteration to, or the relocation of, utility services on, or adjacent to, the lot on which the work is carried out, the work is not complete until all such works are carried out.
- (2) If the work is the subject of a notice of requirements for water supply or sewerage services (or both) by a water utility or an entity authorised by the utility, the work must be satisfactorily completed and any monetary contributions required to be paid to the relevant water supply authority must be paid before the occupation certificate is issued.
- (3) If the work is the subject of a compliance certificate under section 73 of the *Sydney Water Act 1994*, the work must be satisfactorily completed and any monetary contributions required to be paid to the Sydney Water Corporation must be paid before the occupation certificate is issued.

18 Mechanical ventilation systems

If the work includes a mechanical ventilation system that is a **regulated system** within the meaning of the *Public Health Act 2010*, the system must be notified as required by the *Public Health Regulation 2012*, before an occupation certificate (whether interim or final) for the work is issued.

19 Food businesses

If the work relates to a **food business** within the meaning of the *Food Act 2003*, the food business must be notified as required by that Act, or licensed as required by the *Food Regulation 2010*, before an occupation certificate (whether interim or final) for the work is issued.

20 Premises where skin penetration procedures are carried out

If the work relates to premises at which a **skin penetration procedure**, within the meaning of the *Public Health Act 2010*, will be carried out, the premises must be notified as required by Part 4 of the *Public Health Regulation 2012* before an occupation certificate (whether interim or final) for the work is issued.

Part 4 Operational requirements

21 Hours of operation

- (1) If there are existing conditions on a development consent applying to hours of operation, the development must not be operated outside the hours specified in those conditions.
- (2) If there are no existing conditions on a development consent applying to hours of operation, the development must not be operated outside the following hours—
 - (a) if the development involves a new use as specialised retail premises or other commercial premises—7.00 am to 10.00 pm Monday to Saturday and 7.00 am to 8.00 pm on a Sunday or a public holiday,
 - (b) if the development involves a new use as something other than a specialised retail premises or other commercial premises and adjoins or is opposite a residential lot within a residential zone or Zone RU5 Village—7.00 am to 7.00 pm Monday to Saturday and no operation on a Sunday or a public holiday,
 - (c) in any other case not referred to in paragraph (a) or (b)—7.00 am to 7.00 pm Monday to Saturday and 9.00 am to 6.00 pm on a Sunday or a public holiday.

22 Noise

The development must comply with the Noise Policy.

23 Lighting

- (1) All new external lighting must—
 - (a) comply with AS/NZS 4282:2019, *Control of the obtrusive effects of outdoor lighting*, and
 - (b) be mounted, screened and directed in a way that it does not create a nuisance or light spill on to buildings on adjoining lots or public places.
- (2) Lighting at vehicle access points to the development must be provided in accordance with the following standards—
 - (i) AS/NZS 1158.0:2005, *Lighting for roads and public spaces, Part 0: Introduction*,

- (ii) AS/NZS 1158.1.1:2005, *Lighting for roads and public spaces, Part 1.1: Vehicular traffic (Category V) lighting—Performance and design requirements*,
- (iii) AS/NZS 1158.1.2:2010, *Lighting for roads and public spaces, Part 1.2: Vehicular traffic (Category V) lighting—Guide to design, installation, operation and maintenance*,
- (iv) AS/NZS 1158.2:2020, *Lighting for roads and public spaces, Part 2: Computer procedures for the calculation of light technical parameters for Category V and Category P lighting*,
- (v) AS/NZS 1158.3.1:2020, *Lighting for roads and public spaces, Part 3.1: Pedestrian area (Category P) lighting—Performance and design requirements*,
- (vi) AS/NZS 1158.4:2015, *Lighting for roads and public spaces, Part 4: Lighting of pedestrian crossings*,
- (vii) AS/NZS 1158.5:2014, *Lighting for roads and public spaces, Part 5: Tunnels and underpasses*.

24 Use of driveways and parking areas

- (1) All driveways and parking areas must be unobstructed at all times.
- (2) Except as otherwise permitted by an existing condition of the most recent development consent (other than a complying development certificate) that applies to the premises, driveways and car spaces—
 - (a) must not be used for the manufacture, storage or display of goods, materials or any other equipment, and
 - (b) must be used solely for vehicular access and for the parking of vehicles associated with the use of the premises.

24A Loading and unloading of goods or materials

- (1) Loading and unloading goods or materials must not be carried out on a public road.
- (2) This condition does not apply to a complying development certificate for development involving a building with a gross floor area less than 500m² in Zone E1, E2, MU1, B1, B2, B3, B4, B8 or SP5 that existed before 1 February 2022.

24B (Repealed)

25 Landscaped area (planting and maintenance)

- (1) Any tree or shrub that fails to establish within 2 years of the initial planting date must be replaced with the same species of tree or shrub.

- (2) All landscaped areas on the site must be maintained on an on-going basis.

Part 5 Conditions applying to entertainment venues

26 Application of prescribed conditions of development consent

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

Note—

See the *Environmental Planning and Assessment Regulation 2021*, section 72.

Schedule 9 Conditions applying to complying development certificates under the Demolition Code

(Clause 7.3)

Note 1.

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

Note 2.

Division 2A of Part 7 of the *Environmental Planning and Assessment Regulation 2000* specifies conditions to which certain complying development certificates are subject.

Note 3.

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

Note 4.

If the development is in the proximity of infrastructure (including water, stormwater or sewer mains, electricity power lines and telecommunications facilities), the relevant infrastructure authority should be contacted before commencing the development.

Note 5.

Under section 4.29 of the *Environmental Planning and Assessment Act 1979* a complying development certificate lapses 5 years after the date endorsed on the certificate, unless the development has physically commenced on the land during that period.

Part 1 Conditions applying before works commence

1 Protection of adjoining areas

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

- (a) could cause a danger, obstruction or inconvenience to pedestrian or vehicular traffic,
or

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

Note.

Clauses 2.67 and 2.68 of this Policy specify which scaffolding, hoardings and temporary construction site fences are exempt development and state the applicable standards for that development.

2 Toilet facilities

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

3 Waste management

- (1) A waste management plan for the work must be prepared before work commences on the site.
- (2) The waste management plan must—
 - (a) identify all waste (including excavation, demolition and construction waste material) that will be generated by the work on the site, and
 - (b) identify the quantity of waste material, in tonnes and cubic metres, to be—
 - (i) reused on-site, and
 - (ii) recycled on-site and off-site, and
 - (iii) disposed of off-site, and
 - (c) if waste material is to be reused or recycled on-site—specify how the waste material will be reused or recycled on-site, and
 - (d) if waste material is to be disposed of or recycled off-site—specify the contractor who will be transporting the material and the waste facility or recycling outlet to which the material will be taken.
- (3) A garbage receptacle must be provided at the work site before works begin and must be maintained until the works are completed.

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

4 Adjoining wall dilapidation report

- (1) If a building to be demolished is within 900mm of a boundary, and there is a wall (the **adjoining wall**) on the lot adjoining that boundary that is less than 900mm from that boundary, the person having the benefit of the complying development certificate must obtain a dilapidation report on the adjoining wall.
- (2) If the person preparing the report is denied access to the adjoining lot for the purpose of inspecting the adjoining wall, the report may be prepared from an external inspection of the adjoining wall.

5 Run-off and erosion controls

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

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

Part 2 Conditions applying during the works

Note.

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

6 Hours for demolition

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

7 Compliance with plans

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

8 Demolition

Any demolition must be carried out in accordance with AS 2601—2001, *The demolition of*

structures.

9 Maintenance of site

- (1) All materials and equipment must be stored wholly within the work site unless an approval to store them elsewhere is held.
- (2) Waste materials (including excavation, demolition and construction waste materials) must be managed on the site and then disposed of at a waste management facility.
- (3) Copies of receipts stating the following must be given to the principal certifying authority—
 - (a) the place to which waste materials were transported,
 - (b) the name of the contractor transporting the materials,
 - (c) the quantity of materials transported off-site and recycled or disposed of.
- (4) Any run-off and erosion control measures required must be maintained within their operating capacity until the completion of the works to prevent debris escaping from the site into drainage systems, waterways, adjoining properties and roads.
- (5) During construction—
 - (a) all vehicles entering or leaving the site must have their loads covered, and
 - (b) all vehicles, before leaving the site, must be cleaned of dirt, sand and other materials, to avoid tracking these materials onto public roads.
- (6) At the completion of the works, the work site must be left clear of waste and debris.

9A Fill on work site

Fill brought to the work site must contain only virgin excavated natural material as defined in Schedule 1, Part 3 of the *Protection of the Environment Operations Act 1997*.

9B Contamination discovered during works

- (1) If during works on the land comprising the lot, the land is found to be contaminated, within the meaning of the *Contaminated Land Management Act 1997*—
 - (a) all works must stop immediately, and
 - (b) the Environment Protection Authority and the council must be notified of the contamination.
- (2) Land is found to be contaminated for the purposes of this clause if the person having the benefit of the complying development certificate or the principal certifying authority knows or should reasonably suspect the land is contaminated.

Note—

Depending on the nature and level of the contamination, remediation of the land may be required before further work can continue.

10 Aboriginal objects discovered during works

If an Aboriginal object (including evidence of habitation or remains) is discovered during the course of the work—

- (a) all excavation or disturbance of the area must stop immediately, and
- (b) the person making the discovery must advise the Chief Executive (within the meaning of the *National Parks and Wildlife Act 1974*) of the discovery in accordance with section 89A of that Act.

Note.

If an Aboriginal object is discovered, an Aboriginal heritage impact permit may be required under the *National Parks and Wildlife Act 1974*.

Schedule 10 Conditions applying to complying development certificates under the Fire Safety Code

(Clause 8.8)

Note 1.

Complying development under the Fire Safety Code must comply with the requirements of the Act, the *Environmental Planning and Assessment Regulation 2000* and the conditions listed in this Schedule.

Note 2.

Division 2A of Part 7 of the *Environmental Planning and Assessment Regulation 2000* specifies conditions to which certain complying development certificates are subject.

Note 3.

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

Note 4.

If the development is in the proximity of infrastructure (including water, stormwater or sewer mains, electricity power lines and telecommunications facilities), the relevant infrastructure authority should be contacted before commencing the development.

Note 5.

Under section 4.29 of the *Environmental Planning and Assessment Act 1979* a complying development certificate lapses 5 years after the date endorsed on the certificate, unless the development has physically commenced on the land during that period.

Part 1 Conditions applying before works commence

1 Protection of adjoining areas

A temporary hoarding or temporary construction site fence must be erected between the

work site and adjoining lands before the works begin and must be kept in place until after the completion of the works if the works—

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

Note.

Clauses 2.67 and 2.68 of this Policy specify which scaffolding, hoardings and temporary construction site fences are exempt development and state the applicable standards for that development.

2 Toilet facilities

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

3 Waste management

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

4 Run-off and erosion controls

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

- (a) diverting uncontaminated run-off around cleared or disturbed areas, and
- (b) erecting a silt fence and providing any other necessary sediment control measures that will prevent debris escaping into drainage systems, waterways or adjoining properties, and
- (c) preventing the tracking of sediment by vehicles onto roads, and

- (d) stockpiling top soil, excavated materials, construction and landscaping supplies and debris within the lot.

Part 2 Conditions applying during the works

Note.

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

5 Hours for construction

Work may only be carried out between 7.00 am and 6.00 pm on Monday to Friday, or between 8.00 am and 1.00 pm on Saturdays, and no work is to be carried out at any time on a Sunday or a public holiday.

6 Compliance with plans

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

7 Demolition

Any demolition must be carried out in accordance with AS 2601—2001, *The demolition of structures*.

8 Earthworks, retaining walls and structural support

- (1) Any earthworks (including any structural support or other related structure for the purposes of the development)—
 - (a) must not cause a danger to life or property or damage to any adjoining building or structure on the lot or to any building or structure on any adjoining lot, and
 - (b) must not redirect the flow of any surface or ground water or cause sediment to be transported onto an adjoining property, and
 - (c) that involve fill brought to the site—must contain only virgin excavated natural material (VENM) as defined in Part 3 of Schedule 1 to the *Protection of the Environment Operations Act 1997*, and
 - (d) that involve excavated soil being removed from the site—must be disposed of in accordance with any requirements under the *Protection of the Environment Operations (Waste) Regulation 2005*.
- (2) Any excavation must be carried out in accordance with *Excavation Work: Code of Practice* (ISBN 978-0-642-78544-2), published in July 2012 by Safe Work Australia.

9 Maintenance of site

- (1) All materials and equipment must be stored wholly within the work site unless an approval to store them elsewhere is held.
- (2) Waste materials (including excavation, demolition and construction waste materials) must be managed on the site and then disposed of at a waste management facility.
- (3) Any run-off and erosion control measures required must be maintained within their operating capacity until the completion of the works to prevent debris escaping from the site into drainage systems, waterways, adjoining properties and roads.
- (4) During construction—
 - (a) all vehicles entering or leaving the site must have their loads covered, and
 - (b) all vehicles, before leaving the site, must be cleaned of dirt, sand and other materials, to avoid tracking these materials onto public roads.
- (5) At the completion of the works, the work site must be left clear of waste and debris.

10 Alarm signalling equipment

Any work to existing alarm signalling equipment must not result in any loss of monitoring service continuity unless fire watch measures are implemented for the full duration of the period in which the work is carried out.

11 Archaeology discovered during works

If any object having interest due to its age or association with the past is uncovered during the course of the work—

- (a) all work must stop immediately in that area, and
- (b) the Office of Environment and Heritage must be advised of the discovery.

Note.

Depending on the significance of the object uncovered, an archaeological assessment and excavation permit under the *Heritage Act 1977* may be required before further work can continue.

12 Aboriginal objects discovered during works

If any Aboriginal object (including evidence of habitation or remains) is discovered during the course of the work—

- (a) all excavation or disturbance of the area must stop immediately in that area, and
- (b) the Office of Environment and Heritage must be advised of the discovery in accordance with section 89A of the *National Parks and Wildlife Act 1974*.

Note.

If an Aboriginal object is discovered, an Aboriginal heritage impact permit may be required under the *National Parks and Wildlife Act 1974*.

Schedule 11 Conditions applying to complying development certificates under the Agritourism and Farm Stay Accommodation Code

Note 1—

Complying development under the Agritourism and Farm Stay Accommodation Code must comply with the requirements of the Act, the *Environmental Planning and Assessment Regulation 2021* and the conditions listed in this Schedule.

Note 2—

The *Environmental Planning and Assessment Regulation 2021*, Part 6, Division 5 specifies conditions to which certain complying development certificates are subject.

Note 3—

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

Note 4—

If the development is in the proximity of infrastructure, including water, stormwater or sewer mains, electricity power lines and telecommunications facilities, the relevant infrastructure authority should be contacted before commencing the development.

Note 5—

Under the Act, section 4.29, a complying development certificate lapses 5 years after the date specified on the certificate, unless the development has physically commenced on the land during the period.

Part 1 General conditions

Division 1 Preliminary

1 Application of Part

The conditions specified in this Part apply to complying development under the Agritourism and Farm Stay Accommodation Code.

Division 2 Conditions applying before works commence

2 Protection of adjoining land

- (1) A temporary hoarding or temporary construction site fence must be erected between the work site and adjoining land before works commence.
- (2) The temporary hoarding or temporary construction site fence must be kept in place until the works are completed if the works—
 - (a) could cause a danger, obstruction or inconvenience to pedestrian or vehicular

traffic, or

- (b) could cause damage to adjoining land by falling objects, or
- (c) involve the enclosure of a public place or part of a public place.

3 Toilets

- (1) 1 toilet, plus 1 additional toilet for every 20 persons working at the work site, must be available at the site before works commence and maintained until the works are completed.
- (2) Each toilet must—
 - (a) be a standard flushing toilet connected to a public sewer, or
 - (b) have an on-site effluent disposal system approved under the *Local Government Act 1993*, or
 - (c) be a temporary chemical closet approved under the *Local Government Act 1993*.

4 Waste management

- (1) A waste management plan for the works must be submitted to the principal certifier at least 2 days before works commence.
- (2) The waste management plan must specify the following—
 - (a) all waste, including construction, demolition and excavation waste, that will be generated by the works,
 - (b) the quantity of waste, in cubic metres and tonnes, that will be—
 - (i) reused on site, and
 - (ii) recycled on and off site, and
 - (iii) disposed of off site,
 - (c) if waste will be reused or recycled on site—how the waste will be reused or recycled on site,
 - (d) if waste will be recycled or disposed of off site—
 - (i) the person who will transport the waste, and
 - (ii) the waste or resource management facility to which the waste will be taken.
- (3) If the development will involve the disposal of liquid trade waste into a council sewer, an approval obtained under the *Local Government Act 1993*, section 68 must be given to the principal certifier before works commence.

- (4) At least 1 garbage receptacle must be provided at the work site before works commence and maintained until the works are completed.
- (5) Each garbage receptacle must—
 - (a) be suitable for the disposal of food scraps and papers, and
 - (b) have a tight-fitting lid.

5 Run-off and erosion controls

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

- (a) diverting uncontaminated run-off around cleared or disturbed areas, and
- (b) erecting a silt fence and using other necessary sediment control measures to prevent debris escaping into drainage systems, waterways and adjoining properties, and
- (c) preventing the tracking of sediment onto roads by vehicles, and
- (d) stockpiling top soil, excavated materials and construction and landscaping supplies and debris at the work site.

6 Tree protection measures

- (1) The tree protection measures specified in this clause must—
 - (a) be in place before works commence, and
 - (b) be maintained in good condition until the works are completed.
- (2) A tree guard must be installed around the trunks of—
 - (b) protected trees on the landholding that are within 10m of a new building or moveable dwelling, and
 - (a) other trees that will be retained on the landholding that are within 6m of a new building or moveable dwelling.
- (3) The tree guard must be made of hardwood timber panels that are—
 - (a) at least 2m long, at least 75mm wide and at least 25mm thick, and
 - (b) spaced no more than 80mm apart, and
 - (c) secured, but not permanently fixed, to the tree.
- (4) A fence or barrier must be erected, in accordance with section 4 of the Standard, around the tree protection zone of each protected tree on the landholding that is within 6m of a new building or moveable dwelling.

- (5) An activity referred to in section 4.2 of the Standard must not be carried out within the tree protection zone of a tree on the landholding or adjoining land.
- (6) If temporarily installing or accessing scaffolding within the tree protection zone of a protected tree or other tree that will be retained on the landholding, the tree protection measures specified in sections 4.5.3 and 4.5.6 of the Standard must be implemented.
- (7) In this clause—
tree protection zone has the same meaning as in section 3.2 of the Standard.
the Standard means AS 4970—2009, *Protection of trees on development sites*.

Note—

A separate permit or development consent may be required if the branches or roots of a protected tree on the landholding or adjoining land must be pruned or removed.

Division 3 Conditions applying during the works

Note—

The *Protection of the Environment Operations Act 1997* and the *Protection of the Environment Operations (Noise Control) Regulation 2017* contain provisions relating to noise.

7 Work hours

- (1) Works may only be carried out between 7am and 5pm on Monday to Saturday.
- (2) Works may be carried out outside the hours specified in subclause (1)—
 - (a) if the noise generated is not louder than, in accordance with the document entitled *Interim Construction Noise Guideline* published by the Department of Environment and Climate Change NSW in July 2009—
 - (i) 5dB(A) above the rating background level at residential accommodation on adjoining land, and
 - (ii) the noise management levels specified in Table 3 of the guideline at other sensitive receivers, or
 - (b) in an emergency, to avert danger to life or to prevent damage to property or environmental harm.
- (3) Works must not be carried out on a Sunday or public holiday.

8 Compliance with plans

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

9 Demolition

Demolition must be carried out in accordance with AS 2601—2001, *The demolition of structures*.

10 Maintenance of site

- (1) Materials and equipment must be stored wholly within the work site, unless stored elsewhere in accordance with an approval.
- (2) Waste, including construction, demolition and excavation waste, must be—
 - (a) managed on site, and
 - (b) recycled or disposed of at a waste or resource management facility, unless the waste is reused or recycled on site.
- (3) Run-off and erosion controls must be maintained until the works are completed.
- (4) The loads of vehicles entering or leaving the site must be covered.
- (5) All vehicles must, before leaving the site, be cleaned to remove dirt, sand and other material that could be tracked onto roads.
- (6) The site must be clear of waste and debris at the completion of the works.

11 Earthworks and structural supports

- (1) Earthworks, including structural supports and other related structures for the purposes of the development, must not—
 - (a) cause a danger to life or property, or
 - (b) cause damage to a building on the landholding or adjoining land, or
 - (c) cause sediment to settle on adjoining land, or
 - (d) redirect the flow of surface or ground water.
- (2) Fill brought to the site must only contain—
 - (a) virgin excavated natural material, within the meaning of the *Protection of the Environment Operations Act 1997*, Schedule 1, Part 3, or
 - (b) material to which a resource recovery exemption applies under the *Protection of the Environment Operations (Waste) Regulation 2014*, or
 - (c) a combination of the materials referred to in paragraphs (a) and (b).

12 Drainage connections

- (1) If a roof is being installed in connection with the erection or alteration of, or additions to, a building, the roof stormwater drainage system must be installed and connected to the drainage system before the roof is installed.
- (2) If an approval under the *Local Government Act 1993* is required to carry out the connection to the drainage system, the approval must be obtained before the connection is carried out.

13 Contamination discovered during works

- (1) If the landholding is found to be contaminated, within the meaning of the *Contaminated Land Management Act 1997*, during the works—
 - (a) the works must stop immediately, and
 - (b) the Environment Protection Authority and the council must be notified.
- (2) For the purposes of this clause, the landholding is found to be contaminated if either of the following know or should reasonably suspect the landholding is contaminated—
 - (a) the principal certifier,
 - (b) the person having the benefit of the complying development certificate.

Note—

Depending on the nature and level of the contamination, remediation of the land may be required before the works may continue.

14 Archaeological objects discovered during works

If an object having interest due to the object's age or association with the past is uncovered during the works—

- (a) the works carried out in the area must stop immediately, and
- (b) the Environment and Heritage Coordinator-General must be notified.

Note—

Depending on the significance of the object, an archaeological assessment and excavation permit under the *Heritage Act 1977* may be required before the works may continue.

15 Aboriginal objects discovered during works

If an Aboriginal object, including evidence of habitation or remains, is discovered during the works—

- (a) the excavation or disturbance of the area must stop immediately, and

- (b) the person who made the discovery must notify the Secretary of the Department of Planning and Environment in accordance with the *National Parks and Wildlife Act 1974*, section 89A.

Note—

If an Aboriginal object is discovered, an Aboriginal heritage impact permit may be required under the *National Parks and Wildlife Act 1974*.

Division 4 Conditions applying before the issue of an occupation certificate

16 Utility services

- (1) If the works involve altering or relocating utility services on the landholding or adjacent land, the works are not taken to have been completed until the alteration or relocation is completed.
- (2) If the works are the subject of a notice of requirements for water supply or sewerage services, or both, by a local water utility or an entity authorised by a local water utility—
- (a) the works must be satisfactorily completed, and
 - (b) monetary contributions required to be paid to the local water utility must be paid before the occupation certificate is issued.
- (3) If a compliance certificate is granted in relation to the works under the *Sydney Water Act 1994*, section 73—
- (a) the works must be satisfactorily completed, and
 - (b) monetary contributions required to be paid to the Sydney Water Corporation must be paid before the occupation certificate is issued.
- (4) In this clause—

local water utility has the same meaning as in the *Water Management Act 2000*.

16A Evacuation diagrams

An evacuation diagram displaying the following must be located in a prominent position at or near the farm gate premises, farm experience premises or farm stay accommodation—

- (a) directions to facilitate the safe evacuation of people from the site,
- (b) contact details for emergency services, including for a bush fire, flood or other natural disaster.

Division 5 Operational conditions

17 Waste

- (1) Waste must be disposed of—
 - (a) using a sewage reticulation system connected to the landholding, or
 - (b) using a system of sewage management for which the approval of the council has been obtained under the *Local Government Act 1993*, section 68, or
 - (c) at a waste or resource management facility.
- (2) The on-site disposal of organic or putrescible waste must not have an adverse impact on the use of adjoining land.
- (3) A human waste storage facility on the landholding must be emptied using—
 - (a) a sewage reticulation system connected to the landholding, or
 - (b) a system of sewage management for which the approval of the council has been obtained under the *Local Government Act 1993*, section 68.

Part 2 Conditions for farm experience premises

Division 1 Preliminary

18 Application of Part

The conditions specified in this Part apply to complying development under the Agritourism and Farm Stay Accommodation Code for the purposes of farm experience premises.

Division 2 Conditions applying before the issue of an occupation certificate

19 Mechanical ventilation systems

If the works involve installing a mechanical ventilation system that is a regulated system within the meaning of the *Public Health Act 2010*, the relevant person must be notified in accordance with the *Public Health Regulation 2022* before an occupation certificate is issued.

20 Food businesses

If the works relate to a food business within the meaning of the *Food Act 2003*, the conduct of the business must be notified, if required, under the Act and a licence issued in accordance with the *Food Regulation 2015* before an occupation certificate is issued.

Division 3 Operational conditions

21 Notice to neighbours

At least 1 week before the premises open to visitors, notice of the following must be given to neighbours likely to be affected by the land use—

- (a) the location of the premises,
- (b) the date on which the premises will open to visitors,
- (c) the opening hours of the premises.

22 Opening hours

- (1) The premises must not be open to visitors, excluding visitors participating in farm tours, horse riding tours and school groups, for more than 52 days each year, including no more than 4 events held on a Friday or Saturday after 6pm that involve amplified noise.
- (2) The premises must not be open to visitors outside the following hours—
 - (a) on Sundays, Mondays, Tuesdays, Wednesdays, Thursdays or public holidays—8am to 6pm,
 - (b) on Fridays and Saturdays—8am to midnight.

23 Number of visitors

- (1) The number of visitors, excluding visitors participating in farm tours, horse riding tours and school groups, to all farm experience premises on the landholding at any one time must not be more than 50.
- (2) The total number of visitors, excluding visitors participating in fruit and produce picking, farm tours, horse riding tours and school groups, to all farm experience premises and farm gate premises on the landholding at any one time must not be more than 100.

Part 3 Conditions for farm gate premises

Division 1 Preliminary

24 Application of Part

The conditions specified in this Part apply to complying development under the Agritourism and Farm Stay Accommodation Code for the purposes of farm gate premises.

Division 2 Conditions applying before the issue of an occupation

certificate

25 Mechanical ventilation systems

If the works involve installing a mechanical ventilation system that is a regulated system within the meaning of the *Public Health Act 2010*, the relevant person must be notified in accordance with the *Public Health Regulation 2022* before an occupation certificate is issued.

26 Food businesses

If the works relate to a food business within the meaning of the *Food Act 2003*, the conduct of the business must be notified, if required, under the Act and a licence issued in accordance with the *Food Regulation 2015* before an occupation certificate is issued.

Division 3 Operational conditions

27 Opening hours

The premises must not be open to visitors outside the following hours—

- (a) on Sundays, Mondays, Tuesdays, Wednesdays, Thursdays, Fridays or public holidays—8am to 5pm,
- (b) on Saturdays—7am to 5pm.

28 Number of visitors

- (1) The number of visitors, excluding visitors participating in fruit and produce picking, to all farm gate premises on the landholding at any one time must not be more than 100.
- (2) The total number of visitors, excluding visitors participating in fruit and produce picking, farm tours, horse riding tours and school groups, to all farm experience premises and farm gate premises on the landholding at any one time must not be more than 100.

Part 4 Conditions for farm stay accommodation

Division 1 Preliminary

29 Application of Part

The conditions specified in this Part apply to complying development under the Agritourism and Farm Stay Accommodation Code for the purposes of farm stay accommodation.

Division 2 Conditions applying before the issue of an occupation

certificate

30 Compliance with Short-term Rental Accommodation Fire Safety Standard

A building used for the purposes of farm stay accommodation must comply with the relevant requirements of the *Short-term Rental Accommodation Fire Safety Standard* approved by the Planning Secretary and published on the Department's website, as in force from time to time.

Division 3 Operational conditions

31 Number of guests

The number of guests, not including guests under 12 years of age, accommodated in a building used for the purposes of farm stay accommodation at any one time must not be more than—

- (i) if the building has no bedrooms—2, or
- (ii) otherwise—2 times the number of bedrooms.

32 Length of stay

Each guest must not stay at the accommodation for more than 21 consecutive days.