



# *Forbes Shire Council* Development Control Plan for Exempt & Complying Development

*Adopted by Forbes Shire Council at its meeting on 16 December, 1999*

*Forbes LEP 1986 – Amendment 10: Exempt & Complying Development Gazetted 18 February, 2000*

**Forbes Shire Council**  
**Development Control Plan for Exempt**  
**and Complying Development**

**1.1 What is this Plan?**

This Development Control Plan (DCP) has been prepared in accordance with Section 72 of the Environmental Planning and Assessment Act, 1979 (as amended) and the Environmental Planning and Assessment Regulation, 1980.

The DCP is called the Forbes Shire Council Development Control Plan for Exempt and Complying Development. This DCP has been adopted by Council at its meeting on \_\_\_\_\_ in accordance with Clause 20 of the Environmental Planning and Assessment Regulation, 1994.

**1.2 Where does this DCP apply?**

The DCP applies to all land within the Forbes Shire Council Local Government Area except any land that is classified as

- Critical habitat (under the *Threatened Species Conservation Act 1995*) or
- Part of any wilderness area (under the *Wilderness Act 1987*)
- Containing an Aboriginal place under the National Parks and Wildlife Act, 1974,
- Being within any area designated as flood liable or flood prone under the Forbes LEP 1986.
- Reserved or dedicated under the Crown Land Act 1989 for the preservation of flora, fauna or geological formations or for other environmental protection purposes.
- Containing an item of environmental heritage subject to an order under the Heritage Act, 1977 and listed in Forbes Heritage Study 1988.
- Being within a Mines Subsidence Area

**1.3 What does this DCP aim to do?**

This DCP aims to:

- (a) Satisfy the requirements of the Environmental Planning and Assessment Act, 1979 (as amended) in respect of Exempt and Complying Development as they apply to the Forbes Shire Local Government Area

- (b) Provide clear guidelines for the smooth implementation of the exempt and complying aspects of the legislation
- (c) Satisfy the intent of the amendments to the legislation by providing the procedures to reduce delays for the approval of minor development, which is considered to have minimal environmental impact.

**1.3 What types of development does this DCP apply to?**

This DCP identifies a range of development activities that are considered to have minimal environmental impact.

Development classified as “Exempt” will be able to proceed without the need to obtain development consent. Development that is classified as being “Complying” will be able to proceed more efficiently through the approval process.

Complying development must satisfy specific criteria established within this DCP. Complying development will be able to be approved by Council or Accredited Certifiers.

**1.4 How does this Policy relate to other legislation and regulations?**

This policy should be read in conjunction with the relevant provisions of the Environmental Planning and Assessment Act, 1979 and the Forbes Local Environmental Plan 1986.

**2.0 What is Exempt Development?**

Exempt development does not cause interference with the amenity of the neighbourhood because of the emission of noise ,vibration, smell, fumes, smoke, vapour , steam, soot, dust, waste water, waste products, grit, or oil or otherwise.

Exempt development is listed in Schedule 1. It may be carried out without the need for development consent and without an assessment of the likely environmental impact of the development (required under Part 5 of the Environmental Planning and Assessment Act, 1979 for other development identified in an environmental planning instrument as development without consent).

Any person who is exempt from the requirement to obtain Council approval to carry out an activity, must still however comply with the performance standards prescribed for that activity in the Local Government Act 1993 and regulations including the Approvals Regulation and the Building Code of Australia.

### **2.1 Are there any requirements for exempt development?**

- 1) Structures or activities which do not require approval must be constructed of new materials, be sympathetic to the neighbourhood and carried out in a trades person like manner.
- 2) This policy does not affect a person's obligations under any relevant restrictive covenant or development control plans.

### **3.0 What is Complying Development?**

Schedule 2 lists the types of development that has been classified as "complying development". They are developments, which are considered to have only minor environmental significance.

Either Council or an accredited certifier can approve applications for complying development. It is anticipated that such applications will be approved within seven (7) days of being submitted to the approval authority.

### **3.2 Are there any requirements for complying development?**

Development can only be classified as complying development if it satisfies all of the relevant criteria listed in Schedule 2. If any aspect cannot be met, the application must be submitted to Council for approval (i.e. not an accredited certifier). The application will then be classified as "local development" and dealt with on its individual merit.

Complying development may only be carried out if a complying development certificate is obtained.

Note: The certificate may be obtained in seven (7) days from either the Council or an accredited certifier.

### **3.1 What does it mean to be complying development?**

Applications which are complying development will not be advertised and adjoining owners will not be notified until two (2) days before the construction commences.

Council or an accredited certifier cannot refuse to issue a complying development certificate if the proposed development complies with the requirements of Schedule 2.

There is no right of appeal against a determination or a failure or a refusal to determine a complying development certificate by Council or an accredited certifier.

### **4.0 Dictionary**

For the purpose of this DCP, the following terms and or abbreviations have been adopted:

*Accredited Certifier* means a person who is accredited by an accreditation body in accordance with the requirements of the Environmental Planning and Assessment Act, 1979 (as amended). An accredited certifier is able to approve applications for complying development.

*BCA* Building Code of Australia

*SAA* Standards Association of Australia

### **5.0 Need help?**

The staff in the Environmental Services section of Council are most willing to provide any assistance needed in respect of this plan, either at the counter or by telephone. Please do not hesitate to call in to the office or call (02) 6850 1344, 8.30 am – 5.00 pm.

## Schedule 1

# EXEMPT DEVELOPMENT

<b>GENERAL PROVISIONS</b>
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A person is allowed to carry out an activity specified in the following table without requiring prior approval of Council. This policy does not prevent such a person applying for approval to carry out an exempted activity specified in this Table.

It is a condition of exemption that the person carrying out an activity specified in the Part must comply with the relevant exemption circumstances/requirements listed below and the performance standards and the deemed to satisfy provisions of the Building Code of Australia ("BCA"). Exempt development must not contravene any condition of development consent applying to the land.

Structures or activities which do not require approval must be constructed of new materials unless otherwise specified in this following exemption provisions. The following exemption provisions do not apply to buildings or structures proposed to be erected over an existing sewer main or within 1 metre from any easement.

The DCP applies to all land within the Forbes Shire Council Local Government Area except any land that is classified as

- Critical habitat (under the Threatened Species Conservation Act 1995) or
- Part of any wilderness area (under the Wilderness Act 1987)
- Containing an Aboriginal place under the National Parks and Wildlife Act, 1974,
- Being within any area designated as flood liable or flood prone under the Forbes LEP 1986.
- Reserved or dedicated under the Crown Land Act 1989 for the preservation of flora, fauna or geological formations or for other environmental protection purposes.
- Containing an item of environmental heritage subject to an order under the Heritage Act, 1977 and listed in Forbes Heritage Study 1988.
- Being within a Mines Subsidence Area

Refer to Council's Policy for sideline setbacks and fixed building line setbacks for boundary setback requirements.

Note: The carrying out of exempt development should be differentiated from the carrying out of development which does not require consent eg: agriculture in a rural zone. Development which does not require consent may still require assessment under Part V of the Environmental Planning and Assessment Act, 1979.

Type of Activity	Where no exemption applies	Circumstances where exempt	Advisory Note
Access ramps for the disabled	Within front or side boundary setbacks other than for dwelling (house or units) with direct ground floor access. Located in HHFW as identified in	<ul style="list-style-type: none"> <li>i. Maximum height of 1 metre above ground level</li> <li>ii. Maximum grade 1:14 and otherwise complies with AS 1428.1</li> <li>iii. Structurally adequate construction</li> <li>iv. No impact on existing approved landscaping or carparking provision</li> <li>v. Located at rear of building and / or complies with side and frontage setback requirements</li> </ul>	

Type of Activity	Where no exemption applies	Circumstances where exempt	Advisory Note
	Flood Inundation & Hazard Map.		
Aerials/Antenna/ Microwave Antennae (not including satellite dishes dealt with as separate provisions below)		<ul style="list-style-type: none"> <li>i. Domestic television roof or wall mounted not exceeding 3.6 metres above roof ridge height.</li> <li>ii. Must be structurally adequate.</li> <li>iii. Installation by suitably qualified persons.</li> <li>iv. Not to encroach over property boundaries.</li> <li>v. Only one per dwelling.</li> </ul>	
Air conditioning units for dwellings (attached to external wall, ground or roof mounted)	Non-residential premises	<ul style="list-style-type: none"> <li>i. Located a minimum of 1 metre off any property boundary.</li> <li>ii. Noise level not to exceed 5dbA above ambient background noise level measured at the property boundary/wall of the dwelling on adjoining properties.</li> <li>iii. Not on the front façade of the dwelling.</li> <li>iv. The building work must not reduce the structural integrity of the building.</li> <li>v. Any opening created is to be adequately weatherproofed.</li> </ul>	Refer to Noise Control Act.
Automatic teller machines (ATM)		<ul style="list-style-type: none"> <li>i. Wholly enclosed within an arcade or shopping mall. If facing a public footpath or street, the ATM shall provide capacity for queuing and not hinder free movement of pedestrians.</li> <li>ii. It shall be: <ul style="list-style-type: none"> <li>- attached to the wall of a building;</li> <li>- appropriately lit;</li> <li>- include a bin with adequate capacity to discourage littering.</li> </ul> </li> </ul>	The area surrounding an ATM should be kept clear of litter derived from its use.
Awnings and canopies		<ul style="list-style-type: none"> <li>i. Maximum area 10m<sup>2</sup>.</li> <li>ii. Located wholly within the property boundaries and complies with the minimum side and front boundary setback as per Council's Policy.</li> <li>iii. Not structural alterations.</li> </ul>	

Type of Activity	Where no exemption applies	Circumstances where exempt	Advisory Note
Barbecues		<ul style="list-style-type: none"> <li>i. Where the structure is located in rear/side yard behind FBL.</li> <li>ii. Maximum area involved 10m<sup>2</sup>.</li> </ul>	
Bird Aviaries		<ul style="list-style-type: none"> <li>i. Where the structure is located in rear/side yard behind FBL.</li> <li>ii. Maximum area involved 10m<sup>2</sup> – height 2.4 metres.</li> <li>iii. The building is not to adversely effect any neighbours property or the enjoyment of such.</li> </ul>	
Business Sign		<ul style="list-style-type: none"> <li>i. No more than 1 sign.</li> <li>ii. Area not greater than 1m<sup>2</sup></li> <li>iii. Located wholly within the boundaries</li> <li>iv. Contains only: <ul style="list-style-type: none"> <li>a) a reference to the identification or description of the place or premises;</li> <li>b) a reference to the identification or description of any person residing or carrying on an occupation at the place or premises;</li> <li>c) particulars of any occupation carried on at the place or premises;</li> </ul> such directions or cautions as are usual or necessary relating to the place or premises or any occupation carried on there; <ul style="list-style-type: none"> <li>d) particulars or notifications required or permitted to be displayed by or under any State or Commonwealth Act;</li> <li>e) particulars relating to the goods, commodities or services dealt with or provided at the place or premises;</li> <li>f) a notice that the place or premises is or are for sale or letting together with particulars of the sale or letting;</li> <li>g) particulars of any activities held or to be held at the place or premises; or</li> <li>h) a reference to an affiliation with a trade, professional or other association relevant to the business conducted at the place or premises</li> </ul> </li> </ul>	
Cabanas/Gazebos and Green Houses	Located in HHFW as identified in Flood Inundation & Hazard Map	<ul style="list-style-type: none"> <li>i. Where the structure is located behind the building line and complies with the minimum side and front boundary setback requirements</li> <li>ii. Maximum area involved 15m<sup>2</sup> – height 2.4 metres.</li> </ul>	

Type of Activity	Where no exemption applies	Circumstances where exempt	Advisory Note
Charity bins and recycling bins	Residential areas	<ul style="list-style-type: none"> <li>i. No more than 3 bins in any one location.</li> <li>ii. Area must be kept clear and tidy at all times.</li> <li>iii. No impact on existing approved landscaping or carparking provisions.</li> </ul> <p>Registered charity or organisation only. Adequate public liability insurance.</p>	
Clothes Hoists and Lines		<ul style="list-style-type: none"> <li>i. Installed to manufacturer's specifications.</li> <li>ii. Complies with the minimum side and front boundary setback requirements.</li> <li>iii. Located at rear or side of dwelling.</li> </ul>	
Cubby Houses and Playground equipment		<ul style="list-style-type: none"> <li>i. Where the structure complies with the minimum side and front boundary setback requirements</li> <li>ii. Maximum area of 10m<sup>2</sup>.</li> <li>iii. Maximum height of 2.4 metres.</li> <li>iv. The cubby house/playground equipment is not constructed over an easement or within 1 metre of Council's sewer main, drainage pipes or interallotment drainage:</li> <li>v. The building is not erected within 900 mm of any boundary of the property; and</li> <li>vi. The building is not erected between the road alignment and the alignment of any wall of the main building on the land facing that road.</li> </ul>	Not be located where there may be conflicts such as near swimming pools, power lines etc.
Decks	Located in HHFW as identified in Flood Inundation Hazard Map	<ul style="list-style-type: none"> <li>i. Maximum area 10m<sup>2</sup>.</li> <li>ii. Maximum width 1.5 metres.</li> <li>iii. Finished surface level not greater than 1 metre above existing ground level.</li> <li>iv. Minimum 900mm side boundary setback.</li> <li>v. Termite resistant material used.</li> </ul>	Roofing of deck requires approval.
Dog Kennels	Commercial Kennels	<ul style="list-style-type: none"> <li>i. Where the structure is located behind the building line.</li> <li>ii. Maximum area involved 10m<sup>2</sup> – height 1.8 metres.</li> </ul>	

Type of Activity	Where no exemption applies	Circumstances where exempt	Advisory Note
Fences, Screen Walls and Courtyard Walls		<p>Does not create a danger to the public.</p> <p><u>Side and rear boundary fences erected behind the alignment of any wall of the main building on the land facing a road</u></p> <p>Provided that the side or rear boundary fence:</p> <ul style="list-style-type: none"> <li>• Is constructed of pipe, steel, timber, colorbond or the like;</li> <li>• Does not exceed 1.8 metres in height above the surface of the ground upon which it is to be erected; and</li> <li>• Is not erected between the road alignment and the alignment of any wall of the main building on the land facing that road.</li> </ul> <p><u>Front fences</u></p> <p>Provided that the fence:</p> <ul style="list-style-type: none"> <li>• Is constructed of textured timber, wrought iron, brick (solid) or steel mesh;</li> <li>• Does not exceed 1.2 metres in height.</li> </ul> <p><u>Side boundary fences erected between the front boundary and any wall of the main building</u></p> <p>Provided that the side boundary fence:</p> <ul style="list-style-type: none"> <li>• Is constructed of pipe, steel, timber, colorbond or the like;</li> <li>• Does not exceed 1.2 metres in height</li> </ul>	<p>Fences referred to in this section do not include fences covered by the Swimming Pools Act 1992.</p> <p>Fences erected on flood prone land are subject to the requirements of Council's Draft Floodplain Development Policy. These requirements do not set aside the provisions of the Dividing Fences Act.</p> <p>You are advised to talk to your neighbour at an early stage and consult the Dividing Fences Act if required.</p> <p>All fences are to be constructed so that they do not prevent the natural flow of stormwater drainage.</p> <p>Council requires the use of satisfactory materials.</p> <p>Decorative panels may be used, but the design, location and fixing of such is subject to approval by Council.</p> <p>These requirements do not relate to the Swimming Pool Act 1992.</p> <p>Council's fencing code can be obtained on request from the Environmental Services Department.</p>
Flag Poles		<ol style="list-style-type: none"> <li>i. Maximum height 6 metres above ground level.</li> <li>ii. Must be structurally adequate.</li> </ol>	<p>If flagpoles are to project over a public road they must comply with Clause 109 of the Approvals regulation.</p>
Fowl Houses	Industrial and	<ol style="list-style-type: none"> <li>i. Maximum area of 15m<sup>2</sup>.</li> </ol>	<p>Consideration should be given to the</p>



Type of Activity	Where no exemption applies	Circumstances where exempt	Advisory Note
	commercial	<ul style="list-style-type: none"> <li>ii. Not more than 1 per property.</li> <li>iii. Maximum height of 2 metres.</li> <li>iv. Minimum setback of 4.5 metres from side boundary and not in front of the building line of any dwelling.</li> <li>v. Materials used must blend with the environment.</li> <li>vi. Adequate drainage to be provided.</li> <li>vii. Design of structure to enable disposal of manure and wastewater to be carried in a manner that does not harm or pollute the local or downstream environment.</li> <li>viii. Design of structure to mitigate the effects of any noxious smell on the locality.</li> <li>ix. Complies with Schedule 5 Division 2 of the Local Government (Orders) Regulation 1993 (Standards for Keeping of Birds or Animals – Keeping of Poultry).</li> <li>x. The floors of poultry houses must be paved with concrete or mineral asphalt underneath the roosts or perches.</li> </ul>	<p>potential impact on adjoining properties.</p> <p>When constructed, the pens shall be regularly cleaned and maintained.</p>
Fuel Tanks	Non-rural zones Properties less than 2 hectares in area	<ul style="list-style-type: none"> <li>i. Maximum size of 5,000 litres.</li> <li>ii. Bunded with capacity to contain at least 110% of the capacity of the fuel tank.</li> <li>iii. Constructed of prefabricated metal freestanding and not relying on other structures for support.</li> <li>iv. Constructed in accordance with manufacturer's specification.</li> <li>v. Operated and maintained in accordance with AS1940 (SAA Flammable and Combustible Liquid Code).</li> <li>vi. Not erected within 20 metres of a street boundary or within 4 metres of a side or rear boundary.</li> <li>vii. Wholly within the boundaries of the property and not to encroach on any registered easements.</li> <li>viii. Clearance from power lines in accordance with the requirements of Energy Australia.</li> <li>ix. Conforms with the Dangerous Goods Act 1975 in particular, Dangerous Goods Stamping.</li> <li>x. Ancillary to the main use of the land</li> </ul>	
Garden Sheds		<ul style="list-style-type: none"> <li>i. Rear yard only.</li> <li>ii. Complies with the minimum side and front boundary setback requirements including secondary building line on corner</li> </ul>	

Type of Activity	Where no exemption applies	Circumstances where exempt	Advisory Note
		<ul style="list-style-type: none"> <li>iii. Maximum floor area 10m<sup>2</sup>.</li> <li>iv. Maximum height of 2.1 metres.</li> <li>v. Minimum 900mm from side boundary.</li> <li>vi. Free standing prefabricated metal “kit” type shed.</li> <li>vii. No more than 1 other shed on the allotment.</li> </ul>	
Hail Protection Covers	Zones other than 1(a) – Rural	<ul style="list-style-type: none"> <li>i. In 1(a) zone where ancillary to agricultural use and consisting of light construction, eg poles, wire and mesh.</li> </ul>	Requires approval in all other zones and in 1(a) zone where more substantial construction is proposed.
Home Occupation	Skin penetration industries.	<p>Carried on in a dwelling-house or in a dwelling in a residential flat building by the permanent residents of the dwelling-house or dwelling which does not involve:</p> <ul style="list-style-type: none"> <li>(a) the registration of the building under the Factories, Shops and Industries Act 1962;</li> <li>(b) the employment of persons other than those residents;</li> <li>(c) interference with the amenity of the neighbourhood by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products or grit, oil or otherwise;</li> <li>(d) the display of goods, whether in a window or otherwise;</li> <li>(e) the exhibition of any notice, advertisement or sign (other than a notice, advertisement or sign exhibited on that dwelling-house or dwelling to indicate the name and occupation of the resident); or</li> <li>(f) the sale of items (whether goods or materials) or the exposure or offer for sale of items, by retail;</li> <li>(g) Provision of car parking to Council’s satisfaction.</li> </ul>	
Machinery/Hay Sheds	Non rural zones, and 1(c) Rural-Residential,	<ul style="list-style-type: none"> <li>i. Minimum 10 metres from side boundaries of adjoining properties.</li> <li>ii. Maximum size area 300m<sup>2</sup> when enclosed.</li> <li>iii. Maximum height 7.5 metres.</li> </ul>	
Minor Internal Alterations to domestic single dwellings		<ul style="list-style-type: none"> <li>i. Non-structural work only such as: <ul style="list-style-type: none"> <li>- Replacement of doors, walls, ceiling or floor linings; or</li> <li>deteriorated frame members with equivalent of improved quality materials.</li> </ul> </li> </ul>	The alteration should not effect the structural strength and stability of the building. For example, internal walls that resist loads such as wind forces often

Type of Activity	Where no exemption applies	Circumstances where exempt	Advisory Note
		<ul style="list-style-type: none"> <li>- Renovations of bathrooms, kitchens, inclusion of built-in fixtures such as vanity cupboards and wardrobes.</li> <li>ii. Applies only to alterations or renovations to previously completed buildings.</li> <li>iii. Work not to include changes to the configuration of rooms whether by removal of existing walls, partitions or by other means.</li> <li>iv. Work not to cause reduced window arrangements for light and ventilation needs, reduced doorways for egress purposes or involves enclosure of open areas.</li> <li>v. Plumbing, draining and electrical work to be carried out by licensed trades persons.</li> </ul>	<p>strengthen external walls.</p> <p>The removal of internal walls without considering overall strength and stability may result in the failure of external walls.</p> <p>Examples of minor alterations include – new door, bathroom renovations, kitchen renovations etc.</p> <p>You are advised to consult a structural engineer, architect or building surveyor before commencing alterations to ensure you comply with the Building Code of Australia and will not affect the structural sufficiency and stability of the building.</p> <p>Any work involving asbestos cement should comply with the Workcover Authority Guidelines for Practices Involving Asbestos Cement in Buildings.</p> <p>Any work involving lead paint removal must not cause lead contamination of air or ground.</p>
<p>Minor external repairs to non structural portions of existing buildings which have become dilapidated including recladding of external and roof materials</p>		<ul style="list-style-type: none"> <li>i. Where work is the same as existing.</li> <li>ii. Replacement in residential premises with materials that comply with: <ul style="list-style-type: none"> <li>- AS1288; and</li> <li>- AS2208 Safety Glazing Materials for Use in Building (Human Impact considerations).</li> </ul> </li> <li>iii. No reduction in the area provided for light and ventilation is permitted and structural support members in the wall concerned cannot be removed.</li> </ul>	<p>You are advised to consult a structural engineer, architect or building surveyor to ensure alterations will comply with the Building Code of Australia and structural support will not be affected. You should particularly consult one of those professionals or a recognised glazier to ensure the appropriate quality of glazing is selected for the window or doorway concerned, especially as to whether safety glass is required and installed.</p>

Type of Activity	Where no exemption applies	Circumstances where exempt	Advisory Note
			<p>Any works involving asbestos cement must comply with the Workcover Authority Guidelines for Practices Involving Asbestos in Buildings.</p> <p>Any work involving lead paint removal must not cause lead contamination of air or ground.</p>
Park and street furniture, seats, bins, picnic shelters/picnic tables		<ul style="list-style-type: none"> <li>i. Construction by or for Council and designed, fabricated and installed in accordance with relevant SAA standards and/or Building Code of Australia.</li> </ul>	
Pergola/Patio Cover		<ul style="list-style-type: none"> <li>i. Maximum area 15m<sup>2</sup>.</li> <li>ii. Maximum height 2.4 metres.</li> <li>iii. Behind the building line.</li> <li>iv. If attached to dwelling 900mm minimum from side boundary.</li> <li>v. If detached more than 900mm from dwelling, to be sited 500mm minimum from boundary.</li> <li>vii. Sides not to be enclosed.</li> <li>viii. Storm water disposed of to street gutter.</li> </ul>	
Playground equipment on land classified as community land	On land other than community land	<ul style="list-style-type: none"> <li>i. Construction by or for Council and designed, fabricated and installed in accordance with AS1924, AS2155 and DR94007-DR94010.</li> </ul>	"Community Land" is a classification under the Local Government Act 1993.
Public meetings	Other than in Class 9b buildings	<ul style="list-style-type: none"> <li>i. Within Class 9b buildings</li> </ul>	
Public entertainment	Other than the temporary change of use of an existing building	<ul style="list-style-type: none"> <li>1) Temporary change of use of an existing building to a place of public entertainment subject to the following <ul style="list-style-type: none"> <li>i) Council has approved the use for public entertainment</li> <li>ii) Council's approval has effect for a period not exceeding 72 hours or longer (not exceeding 7 days) as determined by</li> </ul> </li> </ul>	

Type of Activity	Where no exemption applies	Circumstances where exempt	Advisory Note
Retaining walls	Located in HHFW as identified in Flood Inundation & Hazard Map	<p style="text-align: center;">Council:</p> <ul style="list-style-type: none"> <li>i. Maximum 500mm above or below natural ground level.</li> <li>ii. 450mm minimum from side boundaries.</li> <li>iii. Moisture barrier; agricultural drainage connected to approved stormwater drainage system to be provided.</li>   <li>iv. Masonry walls to comply with: AS3700 – Masonry Code AS3600 – Concrete Structures AS1170 – Loading Code</li>   <li>v. Timber walls to comply with: AS1720 – Timber Structures AS1170 – Loading Code</li>   <li>vi. All retaining walls are to be constructed so that they do not prevent the natural flow of stormwater drainage.</li> </ul>	
Satellite dishes		<ul style="list-style-type: none"> <li>i. For domestic use only.</li> <li>ii. Dish not to exceed 1 metre in diameter excluding any projecting feed element for residential zones.</li> <li>iii. Maximum height above ground level 2.4 metres.</li> <li>iv. Installation by suitably qualified persons.</li> <li>v. Behind the building line (see Clause 3.5 of Policy).</li> <li>vi. Dish not to be mounted on the façade or roof of a building at the frontage to a public road or within building setback of such road.</li> </ul>	Satellite dishes (non-domestic) require development consent under Forbes Local Environmental Plan.
Fabric Shade Structures		<ul style="list-style-type: none"> <li>i. Installed to manufacturer's specifications and requirements.</li> <li>ii. Maximum height of support pole not exceeding 4 metres. Average height of structure not exceeding 3 metres.</li> <li>iii. Maximum area not exceeding 40 square metres for residential properties and childcare centres in residential zones. Maximum area not exceeding 60 square metres in other circumstances except 1(a) zone where the structure is ancillary to the agricultural use of the land.</li> <li>iv. Located behind the dwelling.</li> </ul>	<p>The fabric is properly tensioned to accommodate prevailing windloads, prevent wind-generated noise and to facilitate drainage.</p> <p>The view from neighbouring properties should be considered. See Hail Protection Covers.</p>

Type of Activity	Where no exemption applies	Circumstances where exempt	Advisory Note
		<ul style="list-style-type: none"> <li>v. Minimum setback of 900mm to side and rear boundaries in residential zones.</li> <li>vi. In 1(a) zone where ancillary to agricultural use.</li> </ul>	
Silos	Non rural and rural residential	<ul style="list-style-type: none"> <li>i. Maximum size (by capacity mass) of 120 tonnes.</li> <li>ii. Constructed of prefabricated metal.</li> <li>iii. Freestanding and not relying on other structures for support and erected in accordance with the manufacturer's specification and/or engineer's certification.</li> <li>iv. Minimum setback to property boundary being equivalent to the height of the silo plus 1 metre.</li> <li>v. To be located behind the building line and not in front of the dwelling.</li> <li>vi. Not to encroach on any registered easements.</li> <li>vii. Clearance from power lines to be in accordance with the requirements of the relevant electricity authority.</li> </ul>	
Street signs comprising name plates, directional signs and advance traffic warning signs Tourist & RTA signs		<ul style="list-style-type: none"> <li>i. Construction by or for Council.</li> <li>ii. Must be structurally sound.</li> <li>iii. To be designed, fabricated and installed in accordance with relevant SAA standards.</li> </ul>	
Water heaters including solar systems		<ul style="list-style-type: none"> <li>i. Located in rear or side yard.(Relates to water heaters on ground.)</li> <li>ii. If visible from street, screening is required.(Relates to water heaters on ground.)</li> <li>iii. Not reduce the structural integrity of the building or involve any structural alterations.</li> <li>iv. Installations to be carried out by a licensed person.</li> </ul>	
Water tanks	Zones other than Rural and Residential.	<ul style="list-style-type: none"> <li>i. Residential zones: <ul style="list-style-type: none"> <li>- Maximum capacity 4500 litres.</li> <li>- Minimum setback 900mm to side and rear boundaries.</li> <li>- Maximum height 2.4 metres (including tank and stand).</li> </ul> </li> </ul>	<p>You should consult a structural engineer to ensure structural stability.</p> <p>The tank and any stand to be installed in</p>

Type of Activity	Where no exemption applies	Circumstances where exempt	Advisory Note
	Other than for provision of potable and / or bush fire water supplies.	<ul style="list-style-type: none"> <li>- Behind the building line and not in front of the dwelling.</li> <li>- Noise from pumps not to exceed 5dbA at the wall of a dwelling on any adjoining property.</li> <li>ii. Rural zones: <ul style="list-style-type: none"> <li>- Maximum capacity 100,000 litres.</li> <li>- Minimum setback 5 metres to side and rear boundaries.</li> <li>- Installation must be to Manufacturer's instructions.</li> <li>- Noise from pumps not to exceed 5dbA at the wall of a dwelling on any adjoining property.</li> </ul> </li> </ul>	<p>accordance with manufacturer's specifications.</p> <p>For further advice refer to Department of Local Government Circular No. 95/73 – Information and Guidance Regarding Installation of Rainwater Tanks as a Domestic Water Conservation Resource in Urban Situations.</p>
Windmills	Non-rural zones	<ul style="list-style-type: none"> <li>i. Sited wholly within the boundaries of the property and not to encroach onto any registered easement.</li> <li>ii. Freestanding and not relying on other structures for support.</li> <li>iii. Clearance from the power lines in accordance with the requirements of the relevant electricity authority.</li> <li>iv. Installed in accordance with the manufacturer's specifications.</li> <li>v. Built in accordance with engineer's certification for the structure and footings.</li> <li>vi. Not to encroach into any registered easement.</li> <li>vii. Maximum height 8 metres.</li> </ul>	In all zones both rural and non-rural, all bore wells are required to be licensed by the Department of Land and Water Conservation under Part 5 of the Water Act 1912.
Windows, glazed areas and external doors	Heritage building as defined in Section 142 of the Local Government Act 1993	<ul style="list-style-type: none"> <li>i. Replacement in residential premises with materials that comply with: AS1288 Glass in Buildings – Selection and Installation; and AS2208 Safety Glazing Materials for Use in Buildings (Human Impact Considerations).</li> <li>ii. No reduction in the area provided for light and ventilation.</li> <li>iii. No removal of structural support members in affected walls.</li> </ul>	<p>Consult a structural engineer, architect or building surveyor to ensure alterations will comply with the Building Code of Australia and structural support will not be affected.</p> <p>Also ensure the appropriate quality of glass and glazing is used for the window or doorway concerned, especially as to whether safety glass is required.</p> <p>The Workcover Authority has advised that, Care should be taken in work involving the removal of lead paint to avoid</p>

Type of Activity	Where no exemption applies	Circumstances where exempt	Advisory Note
			contamination. The Authority's "Guidelines for Practices Involving Asbestos Cement" should be referred to for any work involving asbestos cement.
<b>Demolition</b>			
Demolitions (excluding heritage buildings as defined in S142 of the Local Government Act 1993)	Major residential/commercial demolition	Demolition that is carried out in accordance with <i>AS2601-1991 - The Demolition of structures</i> , of any structure: <ul style="list-style-type: none"> <li>(a) the erection of which would be exempt development under this plan, or a temporary building the erection of which would be complying development under this plan, and</li> <li>(b) Covering an area of not more than 25 square metres.</li> </ul>	Any works involving asbestos cement must comply with Workcover Authority Guidelines for Practices Involving Asbestos in Buildings.  Any work involving lead paint removal must not cause lead contamination to air or ground.



**Schedule 2  
Complying Development**

Subject to Section 76A of Act, development listed in Schedule 2 is complying development, but only if

- a) it is a kind of development that would be allowed with development consent on the land on which it is proposed to be carried out if it were not complying development, whether because of the zoning of the land or otherwise,
- b) it is a kind of development which does not contravene any condition of consent applying to the land, and
- c) it is not proposed to be carried out on land that is classified as:
  - Critical habitat (under the *Threatened Species Conservation Act 1995*) or
  - Part of any wilderness area (under the *Wilderness Act 1987*)
  - Containing an Aboriginal place under the National Parks and Wildlife Act, 1974,
  - Being within any area designated as flood liable or flood prone under the Forbes LEP 1986.
  - Containing an item of environmental heritage subject to an order under the Heritage Act, 1977 or listed in Forbes Heritage Study 1988.
  - Being within a Mines Subsidence Area
  - Being subject to erosion or acid sulphate soils
  - Previously being used as a service station, for intensive agriculture, mining or extractive industries, sheep or cattle dips or for the manufacture of chemicals
- d) it complies with the deemed to satisfy provisions of the Building Code of Australia
- e) it will achieve the relevant outcomes listed for the proposed development
- f) a complying development certificate issued for any such development is to be subject to the conditions specified in Schedule 4
- g) consistent with any plan of management approved under the state environmental planning policy no 44- Koala Habitat, and with any recovery or threat abatement plan in force under the Threatened Species Conservation Act 1995 that apply to the land.

Use	Requirement	Outcome
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Use	Requirement	Outcome
<p><b>Bed and Breakfast Accommodation</b> The use of an existing lawful dwelling by its permanent residents for the temporary accommodation of visitors for commercial purposes.</p> <p><b>Houses and Extensions (Residential zones)</b></p> <ul style="list-style-type: none"> <li>• Detached single storey dwellings</li> <li>• Single storey alterations and additions to detached single storey dwellings</li> <li>• Carports and garages associated with detached single storey dwellings</li> </ul>		<p>a) A maximum of 3 guest bedrooms.  b) A minimum of 2 bathrooms.  c) A smoke detection system that complies with <i>AS3786-1993-Smoke Alarms</i> and <i>AS 3000-1991-Electrical Installation for Buildings, Structures and Premises</i> (The SAA wiring rules) is in the dwelling.  d) A fire extinguisher and fire blanket are in the kitchen.  e) Approval has been obtained from the owners corporation, or the community, precinct or neighbourhood association, where a dwelling is subject to the <i>Strata Schemes Management Act 1996</i> or the <i>Community Land Management Act 1989</i>.</p> <p><b>General</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Premises located within a residential zone 2(a)</li> <li><input type="checkbox"/> Minimum size lot of 650 m<sup>2</sup></li> <li><input type="checkbox"/> Premises must be connected to a reticulated sewerage system</li> <li><input type="checkbox"/> The height of any cut or fill does not exceed 300mm or combination of cut and fill does not exceed 300 metres.</li> <li><input type="checkbox"/> The proposal does not result in more than one dwelling or occupancy on the property.</li> <li><input type="checkbox"/> The aggregate area of all associated buildings is not to exceed two thirds of the area of the site</li> </ul> <p><b>Privacy and security</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Windows in a habitable room that allow an outlook to a window to a habitable room in the neighbours house that are within 9 metres: <ol style="list-style-type: none"> <li>1. Are offset from the edge of one window to the edge of the other by a distance of 0.5 meters, or</li> <li>2. Have sill heights of 1.7 metres above floor level, or</li> <li>3. Have fixed obscure glazing in any part of the window below 1.7 metres above floor level</li> </ol> </li> </ul>

Use	Requirement	Outcome
		<p><b>Streetscape</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Any part of the structure           <ol style="list-style-type: none"> <li>1. Complies with Councils building line adopted of 6 m</li> <li>2. Complies with any restrictions placed on the title of the land</li> <li>3. Materials to be used in the construction comply with any restrictions placed on the land by Council or private covenant</li> </ol> </li> <li><input type="checkbox"/> Dwellings facing public streets and access ways have a front door or window to a habitable room facing the street</li> <li><input type="checkbox"/> Carports and garages facing a public street or access way are no more than 6 metres or 50 % of the frontage wide whichever is the lesser</li> </ul> <p><b>Bulk and Scale</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> The ground floor level of the structure at any point is no more than 500mm above natural ground level</li> <li><input type="checkbox"/> The distance between the floor level and the underside of the eaves is no more than 2.7 metres</li> <li><input type="checkbox"/> The roof pitch is no more than 24 degrees and any openings are flush with the roof pitch.</li> <li><input type="checkbox"/> The adjoining property's main area of private open space or any habitable rooms are not in shadow between 10.00 am and 3.00 pm on 21 June as a result of the development</li> <li><input type="checkbox"/> The external wall of any structure is at least 900 mm from a side boundary</li> <li><input type="checkbox"/> Eaves and gutter minimum 675 mm from a side boundary.</li> <li><input type="checkbox"/> The outside of any eaves and / or gutter is at least 675mm from a side or rear property boundary</li> <li><input type="checkbox"/> Carports, garages and outbuildings shall not exceed a maximum floor area of 40m<sup>2</sup></li> </ul> <p><b>Open space and landscaping</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> A maximum of 15 percent of the site can be a hard surface of which no more than one third of the front setback area is paved or sealed</li> </ul>

Use	Requirement	Outcome
<b>Extensions to dwellings in rural zone 1(a)</b>	Existing approved dwelling	<input type="checkbox"/> Maximum extension of 50 % of the existing dwelling <input type="checkbox"/> No additional loading to the onsite waste management system
<b>Rural Buildings in rural zones</b>	Ancillary use only	<input type="checkbox"/> Maximum floor area of 300m <sup>2</sup> <input type="checkbox"/> Maximum ridge height of 6m <input type="checkbox"/> External cladding to be prepainted metal or other low reflectivity material <input type="checkbox"/> Not to be used for residential, commercial or industrial purposes
<b>Swimming Pools</b>	Ancillary to a dwelling for private use only and on lots over 650 square metres	<p><b>Streetscape</b></p> <input type="checkbox"/> The pool is not between the dwelling and the front boundary (excluding rural zones) <p><b>Bulk and scale</b></p> <input type="checkbox"/> All coping or decking around the pool is no more than 500mm above the natural ground level <input type="checkbox"/> The pool is at least 1.5 metres from the side and rear boundaries <p><b>Privacy and security</b></p> <input type="checkbox"/> The noise level of any filtration equipment or pumps does not exceed 5dB(A) above the ambient background level measured at the property boundary <p><b>Open space and landscaping</b></p> <input type="checkbox"/> A minimum of 20 percent of the site must be soft landscaped, that is, not hard surfaces <p><b>The Swimming Pool Act, 1992 &amp; Council's Code</b></p> <input type="checkbox"/> All aspects of the structure comply with the Swimming Pool Act and Regulations and Council's Swimming Pools and Safety Fencing Code.

Use	Requirement	Outcome
<b>Temporary Buildings</b>	Complies with BCA	<ol style="list-style-type: none"> <li>1. The building shall be demolished or removed from the site within five (5) years</li> <li>2. The building shall not be erected by way of alteration, addition or extension to an existing building</li> <li>3. The building shall not be designed or used for residential purposes, for the storage of or handling of inflammable materials or, after the period specified above</li> </ol>

Use	Requirement	Outcome
<p><b>Industrial Uses</b></p> <p>Change of use from an industry to a light industry</p> <p>Industrial and warehouse buildings, additions and alterations</p>	<p>Existing approved use</p> <p>With road access and on services land</p>	<p><b>Setbacks</b></p> <p><input type="checkbox"/> Maintain existing setbacks of building.</p> <p><b>Floor space ratio</b></p> <p><input type="checkbox"/> The floor space ratio of the building is not more than 1:1</p> <p><b>Building Height</b></p> <p><input type="checkbox"/> The height of any walls is no more than 7.2 metres, excluding a parapet</p> <p><input type="checkbox"/> Parapets may extend a maximum of 1.2 metres above the intersection of the wall and the roof</p> <p><input type="checkbox"/> Roof pitch is no more than 10 degrees</p> <p><input type="checkbox"/> The site is not cut or filled greater than 300mm</p> <p><b>Drainage</b></p> <p><input type="checkbox"/> All roof and surface water is drained to the street and discharged to council's nearest stormwater drainage system in the street</p> <p><input type="checkbox"/> The drainage system is designed for a 10 year return period, with excess flows designed to flow overland to the street</p> <p><b>Garbage and storage areas</b></p> <p><input type="checkbox"/> Garbage and storage areas are on site and behind the building line of the property</p> <p><b>Landscaping</b></p> <p><input type="checkbox"/> A landscaping strip of at least 3 metres to each street frontage is planted with trees and shrubs with a maximum width of 7 metres for the driveway.</p> <p><b>Car parking, loading and unloading</b></p> <p><input type="checkbox"/> Parking on site is provided for in accordance with Council's policy.</p>

Use	Requirement	Outcome
<b>Commercial Uses</b> Internal alterations	Excludes food related premises	<input type="checkbox"/> internal fitouts to existing shops, offices or commercial premises, if the work does not increase the total floor area of the building
<b>Subdivision</b>	Falls within the definition of development in the Environmental Planning and Assessment Act, 1979	<b>For the purpose of</b> <input type="checkbox"/> adjusting a boundary between lots that: <ol style="list-style-type: none"> <li>1. does not result in an increased number of lots</li> <li>2. does not result in a variation of more than 10%, and</li> <li>3. the resultant lots satisfy minimum area requirements in Council's Local Environmental Plan (or other relevant legislation)</li> <li>4. the resultant location of buildings to boundaries complies with the Building Code of Australia and any Council and / or private covenant setback requirements</li> </ol> <input type="checkbox"/> correcting an encroachment on a lot

## Schedule 4

### Complying Development Conditions

The following conditions are requirements under the Environmental Planning and Assessment Act, 1979 (as amended) for any person wishing to undertake complying development.

- 1 **Complying Development Certificate**  
The development must be carried out in accordance with the complying development certificate
- Before you begin work**
- 2 Two days before any site works, building or demolitions begins, the applicant must
  - forward Form 7 of the Regulation to Council (notice of commencement of work and appointment of Principal Certifying Authority)
  - notify the adjoining owners that work will commence
- 3 Before any site works, building or demolition is started, the applicant or builder must
  - notify council of the name, address, phone number and license number of the builder
  - erect a sign at the front of the property with the builder's name, license number, site address and consent number
  - provide a temporary on site toilet
  - protect and support any neighbouring buildings
  - protect any public place from obstruction or inconvenience of the carrying out of the consent
  - prevent any substance from falling onto a public place
  - follow any other conditions prescribed in the Environmental Planning and Assessment Act, 1979 Regulation

### Site Management

- 4 Install run off and erosion controls to prevent soil erosion, water pollution or the discharge of loose sediment on surrounding land, as follows:
  - divert uncontaminated run off around cleared or disturbed areas
  - erect a silt fence to prevent debris escaping into drainage systems or waterways
  - prevent tracking of sediment by vehicles onto roads
  - stockpile, excavated material, construction and landscaping supplies and debris within the site
- 5 Removal of disturbance of vegetation and topsoil must be confined to within 3 metres of the approved building area.
- Drainage**
- 6 The land surrounding any structure must be graded to divert surface water to the street and clear of existing and proposed structures and adjoining premises.

Where the water falls to the rear of the property it must be collected and drained via a gravity system to a council stormwater line or disposed in a manner which will not create any additional nuisance to adjoining properties. Such alternative is to be approved by Council 's Manager Health and Building Services
- 7 All building work must be carried out in accordance with the provisions of the Building Code of Australia.
- 8 The Builder must at all times maintain, on the job, a legible copy of the plan and specification approved with the construction certificate.
- 9 Building and construction materials, plant, equipment and the like are not to be placed or stored at any time on Council's footpath or roadway.



10 All building rubbish and debris, including that which can be wind blown, shall be contained on site in a suitable container at all times prior to disposal at Council's Waste Management Centre. The container shall be erected on the building site prior to work commencing.

NOTE: No building rubbish or debris shall be placed or be permitted to be placed on any adjoining public reserve, footway or road.

11 The applicant is to obtain a Compliance Certificate pursuant to Section 109C of the Environmental Planning and Assessment Act 1979 from Council or an accredited certifying authority, certifying compliance with the Building Code of Australia, and any other relevant condition of consent, for the stages of construction listed in Column 1. For the purposes of obtaining the Compliance Certificate the works must be inspected by the accredited certifying authority at the times specified by Column 2.

COLUMN 1	COLUMN 2
Footings	When the footings have been excavated and all steel reinforcement has been placed in position
Slab	When reinforcement steel has been placed in position in any concrete slab, whether or not the slab is suspended, on the ground, or on fill.
Damp proofing	When the damp proof course has been placed in position.
Sub floor bearers and joists	Prior to the laying of the floor.
Wall frame	When the wall frame has been completed and tied to the wall cladding.
Roof frame	Prior to the installation of the ceiling lining and eaves soffit lining.
Wet areas	When the flashing to all wet areas, including the plinth under the bath, the bathroom, laundry, water closet, ensuite and shower recess have been completed.
Drainage	When the stormwater and roofwater drainage system has been completed.

NOTE 1: A final occupation certificate in relation to the building cannot be

issued by Council or an accredited certifying authority until all compliance certificates required by this condition have been issued by or registered with Council.

NOTE 2: The above compliance certificates are required whether or not the work has been inspected by a structural engineer, a lending authority or any other person. If the compliance certificates are not issued the Council may refuse to issue a building certificate under section 149D of the Environmental Planning and Assessment Act 1979, as amended.

The applicant is to obtain a compliance certificate pursuant to Section 109C of the Environmental Planning and Assessment Act 1979 from Council or an accredited certifying authority, certifying that the plumbing work identified in column 1, where applicable, has been installed in accordance with AS/NZS 3500 and New South Wales Code of Practice, Plumbing and Drainage. For the purposes of obtaining the compliance certificates the accredited certifying authority must inspect the plumbing works at the times specified in column 2.

COLUMN 1	COLUMN 2
Internal House Drainage	When all internal plumbing work is installed and prior to concealment.
External House Drainage	When all external plumbing work is installed and prior to concealment
Stack Work	When all work is installed and prior to concealment.
Final	Prior to occupation of the building.

Approvals for sewer and water under the Local Government Act, where necessary, must be obtained from Council.

## 12. WASTE WATER DISPOSAL

- \* Waste water disposal is not to be disposed of directly to any stream, either by surface or by groundwater infiltration.
- \* All waste water is to be disposed of or recycled on-site, or in any other manner determined by the consent authority.