



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

[2008-572]



Status Information

Currency of version

Current version for 27 January 2012 to date (accessed 6 February 2012 at 10:18).
Legislation on this site is usually updated within 3 working days after a change to the legislation.

Provisions in force

The provisions displayed in this version of the legislation have all commenced. See [Historical notes](#)

Authorisation

This version of the legislation is compiled and maintained in a database of legislation by the Parliamentary Counsel's Office and published on the NSW legislation website, and is certified as the form of that legislation that is correct under section 45C of the [Interpretation Act 1987](#).

File last modified 27 January 2012.

Contents

Part 1 General

Division 1 Preliminary

1.1 Name of Policy

1.2 Commencement

1.3 Aims of Policy

1.4 Land to which Policy applies

1.4A (Repealed)

1.5 Interpretation—general

1.6 Interpretation—references to land use zones

1.7 Maps

1.8 Relationship with other State environmental planning policies

1.9 Relationship with local environmental plans and development control plans

1.10 Same development

1.11 Amendment of environmental planning instruments

1.12 Variations to certain codes

1.13 Savings provision relating to pending applications

1.14 Review of Policy

Division 2 Exempt and complying development

1.15 What development is exempt development?

1.16 General requirements for exempt development

1.17 What development is complying development?

1.17A Requirements for complying development for all environmental planning instruments

1.18 General requirements for complying development for this Policy

1.19 Land on which exempt development and complying development may not be carried out

Part 2 Exempt Development Codes

Note 1

Note 2

Division 1 General Exempt Development Code

Subdivision 1 Access ramps

2.1 Specified development

2.2 Development standards

Subdivision 2 Aerials and antennae

2.3 Specified development

2.4 Development standards

Subdivision 3 Air-conditioning units

2.5 Specified development

2.6 Development standards

Subdivision 3A Animal shelters

2.6A Specified development

2.6B Development standards

Subdivision 3B Automatic teller machines

2.6C Specified development

2.6D Development standards

Subdivision 4 Aviaries

2.7 Specified development

2.8 Development standards

Subdivision 5 Awnings, blinds and canopies

2.9 Specified development

2.10 Development standards

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

2.11 Specified development

2.12 Development standards

Subdivision 7 Barbecues and other outdoor cooking structures

2.13 Specified development

2.14 Development standards

Subdivision 8

2.15, 2.16(Repealed)

Subdivision 8A Bollards

2.16A Specified development

2.16B Development standards

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

2.17 Specified development

2.18 Development standards

Subdivision 10 Carports

2.19 Specified development

2.20 Development standards

Subdivision 10A Change of use of premises

2.20A Specified development

2.20B Development standards

Subdivision 11 Clothes hoists and clothes lines

2.21 Specified development

2.22 Development standards

Subdivision 12 Communications dishes (radio and satellite)

2.23 Specified development

2.24 Development standards

Subdivision 13 Demolition

2.25 Specified development

2.26 Development standards

Subdivision 14 Driveways

2.27 Specified development

2.28 Development standards

Subdivision 15 Earthworks and retaining walls

2.29 Specified development

2.30 Development standards

Subdivision 15AA Emergency work and temporary repairs

2.30AA Specified development

2.30AB Development standards

Subdivision 15A Evaporative cooling units (roof mounted)

2.30A Specified development

2.30B Development standards

Subdivision 16 Farm buildings and structures

2.31 Specified development

2.32 Development standards

Subdivision 17 Fences (non rural)—behind the building line

2.33 Specified development

2.34 Development standards

Subdivision 18 Fences (non rural)—forward of the building line

2.35 Specified development

2.36 Development standards

Subdivision 19 Fences (rural)

2.37 Specified development

2.38 Development standards

Subdivision 19A Filming

2.38A Specified development

2.38B Development standards

Subdivision 20 Flagpoles

2.39 Specified development

2.40 Development standards

Subdivision 21 Fowl and poultry houses

2.41 Specified development

2.42 Development standards

Subdivision 21AA Fuel tanks and gas storage

2.42AA Specified development

2.42AB Development standards

Subdivision 21A Garbage bin storage enclosure

2.42A Specified development

2.42B Development standards

Subdivision 21B Hard stand spaces

2.42C Specified development

2.42D Development standards

Subdivision 22 Home businesses, home industries and home occupations

2.43 Specified development

2.44 Development standards

Subdivision 23 Home-based child care

2.45 Specified development

2.46 Development standards

Subdivision 23A Hot water systems

2.46A Specified development

2.46B Development standards

Note 1

Note 2

Subdivision 24 Landscaping structures

2.47 Specified development

2.48 Development standards

Subdivision 25 Letterboxes

2.49 Specified development

2.50 Development standards

Subdivision 25A Maintenance of buildings in draft heritage conservation areas

2.50A Specified development

2.50B Development standards

Subdivision 26 Minor building alterations (internal)

2.51 Specified development

2.52 Development standards

Subdivision 27 Minor building alterations (external)

2.53 Specified development

2.54 Development standards

Subdivision 28 Pathways and paving

2.55 Specified development

2.56 Development standards

Subdivision 29 Playground equipment

2.57 Specified development

2.58 Development standards

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

2.59 Specified development

2.60 Development standards

Subdivision 31 Privacy screens

2.61 Specified development

2.62 Development standards

Subdivision 32 Rainwater tanks (above ground)

2.63 Specified development

2.64 Development standards

Subdivision 33 Rainwater tanks (below ground)

2.65 Specified development

2.66 Development standards

Subdivision 34 Scaffolding, hoardings and temporary construction site fences

2.67 Specified development

2.68 Development standards

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

2.69 Specified development

2.70 Development standards

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

2.71 Specified development

2.72 Development standards

Subdivision 36A Signage (replacement of identification signs)

2.72A Specified development

2.72B Development standards

Subdivision 37 Skylights, roof windows and ventilators

2.73 Specified development

2.74 Development standards

Note

Subdivision 38 Subdivision

2.75 Specified development

2.76 Development standards

Subdivision 39 Temporary builders' structures

2.77 Specified development

2.78 Development standards

Subdivision 39A Temporary structures (other than tents and marquees), and temporary alterations or additions to buildings or works, solely for filming purposes

2.78A Specified development

2.78B Development standards

Subdivision 39B Tennis courts

2.78C Specified development

2.78D Development standards

Subdivision 39C Tents or marquees used solely for filming purposes

2.78E Specified development

2.78F Development standards

Subdivision 40 Water features and ponds

2.79 Specified development

2.80 Development standards

Subdivision 41 Windmills

2.81 Specified development

2.82 Development standards

Division 2

2.83, 2.84(Repealed)

Part 3 General Housing Code

Note 1

Note 2

Division 1 Development that is complying development under this code

3.1 Land to which code applies

3.2 New single storey and two storey dwelling houses

3.3 Alterations or additions to existing single storey and two storey dwelling houses

3.4 Basements and roof terraces excluded

3.5 Ancillary development

3.6 Calculating lot area

Division 1A Removal or pruning of trees

3.6A When separate permits are not required under this Part

Division 2 Development standards for this code

Subdivision 1 Application

3.7 Application of development standards

Subdivision 2 Site requirements

3.8 Lot requirements

3.9 Maximum site coverage of all development

3.10 Maximum floor area for dwelling houses

3.11 Maximum floor area for outbuildings

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

Subdivision 3 Building heights and setbacks

3.13 Maximum height of dwelling houses and outbuildings

3.14 Setbacks of dwelling houses and ancillary development from roads, other than classified roads

3.15 Setbacks of dwelling houses and ancillary development from classified roads

3.16 Setbacks of dwelling houses and outbuildings from side boundaries, and built to boundary walls

3.17 Setbacks of dwelling houses from rear boundaries

3.18 Setbacks of outbuildings from rear boundaries

3.19 Exceptions to setbacks

3.20 Calculating setbacks

3.20A Protecting adjoining walls

3.21 Articulation zone

3.22 Building elements within the articulation zone

3.23 Privacy

Subdivision 4 Landscaping

3.24 Landscaped area

3.25 Principal private open space

Subdivision 5 Car parking and access

3.26 Car parking requirements

3.27 Garages, carports and car parking spaces

3.28 Vehicle access

Subdivision 6 Earthworks and drainage

3.29 Excavation of sloping sites

3.30 Fill of sloping sites

3.31 Run-off and erosion controls

3.32 Drainage

Subdivision 7 Ancillary development

3.33 Development standards for detached studios adjoining lanes

3.34 Swimming pools

3.35 Fences and retaining walls

3.36 Construction of fences

Subdivision 8 Outbuildings

3.36A Development standards for outbuildings in heritage conservation areas

Subdivision 9 Development standards for particular land

3.36B Development standards for bush fire prone land

3.36C Development standards for flood control lots

Division 3 Conditions applying to complying development certificate under this code

Note

Note

Subdivision 1 Conditions applying before works commence

3.37 Protection of adjoining areas

3.38 Toilet facilities

3.39 Garbage receptacle

3.39A Notification to neighbours

3.39B Adjoining wall dilapidation report

Subdivision 2 Conditions applying during the works

Note

3.40 Hours for construction

3.41 Compliance with plans

3.42 Sedimentation and erosion controls

3.43 Maintenance of site

Subdivision 3 Construction requirements

3.44 Staging construction

3.45 Utility services

Part 3A Rural Housing Code

Note 1

Note 2

Division 1 Development that is complying development under this code

3A.1 Land to which code applies

3A.2 New single storey and two storey dwelling houses

3A.3 Alterations or additions to existing single storey and two storey dwelling houses

3A.4 Basements and roof terraces excluded

3A.5 Ancillary development

3A.6 Calculating lot area

Division 2 Removal or pruning of trees

3A.7 When separate permits are not required under this Part

Division 3 Development standards for this code

Subdivision 1 Application

3A.8 Application of development standards

Subdivision 2 Site requirements

3A.9 Lot requirements and building envelope

3A.10 Maximum site coverage of all development

3A.11 Maximum floor area for new dwelling houses

3A.12 Maximum floor area for new outbuildings

3A.13 Maximum floor area for balconies, decks, patios, pergolas, terraces and verandahs

Subdivision 3 Building heights and setbacks

3A.14 Maximum heights of dwelling houses and outbuildings

3A.15 Setbacks of dwelling houses and ancillary development from roads

3A.16 Setbacks of dwelling houses from side boundaries

3A.17 Setbacks of dwelling houses from rear boundaries

3A.18 Setbacks of outbuildings from side and rear boundaries

3A.19 Exceptions to setbacks

3A.20 Calculating setbacks

3A.21 Articulation zone

3A.22 Building elements within the articulation zone

3A.23 Privacy

Subdivision 4 Landscaping

3A.24 Landscaped area

3A.25 Principal private open space

Subdivision 5 Car parking and access

3A.26 Car parking requirements

3A.27 Garages, carports and car parking spaces

3A.28 Vehicle access

Subdivision 6 Earthworks and drainage

3A.29 Excavation of sloping sites

3A.30 Fill of sloping sites

3A.31 Run-off and erosion controls

3A.32 Drainage

Subdivision 7 Ancillary development

3A.33 Swimming pools

3A.34 Fences and retaining walls

3A.35 Construction of fences

Subdivision 8 Outbuildings

3A.36 Development standards for outbuildings in heritage conservation areas

Subdivision 9 Development standards for particular land

3A.37 Development standards for bush fire prone land

3A.38 Development standards for flood control lots

Division 4 Conditions applying to complying development certificates under this code

Note 1

Note 2

Subdivision 1 Conditions applying before works commence

3A.39 Protection of adjoining areas

3A.40 Toilet facilities

3A.41 Garbage receptacle

3A.42 Notification to neighbours

Subdivision 2 Conditions applying during the works

Note

3A.43 Hours of construction

3A.44 Compliance with plans

3A.45 Sedimentation and erosion controls

3A.46 Maintenance of site

Subdivision 3 Construction requirements

3A.47 Staging construction

3A.48 Utility services

Part 4 Housing Alterations Code

Note 1

Note 2

Division 1 Specified development and development standards under this code

Subdivision 1 Internal alterations

4.1 Specified complying development

4.2 Development standards

Subdivision 2 External alterations

4.3 Specified complying development

4.4 Development standards

Subdivision 3 Attic conversions

4.5 Specified complying development

4.6 Development standards

Division 1A

Division 2 Conditions applying to complying development certificate under this code

Note 1

Note 2

Subdivision 1 Conditions applying before works commence

4.7 Toilet facilities

4.8 Garbage receptacle

Subdivision 2 Conditions applying during the works

Note

4.9 Hours for construction

4.10 Compliance with plans

4.11 Maintenance of site

Part 4A General Development Code

Note 1

Note 2

Division 1 Specified development and development standards under this code

Subdivision 1 Bed and breakfast accommodation

4A.1 Specified complying development

4A.2 Development standards

Division 2 Conditions applying to complying development certificates under this code

Note 1

Note 2

Part 5 General Commercial and Industrial Code

Note 1

Note 2

Division 1 Specified development and development standards under this code

Subdivision 1 Building alterations (internal)

5.1 Specified complying development

5.2 Development standards—general

5.3 Development standards—Building Code of Australia matters

Subdivision 2 Change of use of premises

5.4 Specified complying development

5.5 Development standards—general

5.6 Development standards—Building Code of Australia matters

Subdivision 3 Mechanical ventilation systems

5.7 Specified complying development

5.8 Development standards

Subdivision 4 Shop front and awning alterations

5.9 Specified complying development

5.10 Development standards

Subdivision 5 Skylights and roof windows

5.11 Specified complying development

5.12 Development standards

Division 2 Conditions applying to complying development certificate under this code

Note 1

Note 2

Subdivision 1 Conditions applying before works commence

5.13 Protection of adjoining areas

5.14 Toilet facilities

5.15 Garbage receptacle

Subdivision 2 Conditions applying during the works

Note

5.16 Hours for construction

5.17 Compliance with plans

5.18 Maintenance of site

Subdivision 3 Construction requirements

5.19 Utility services

5.20 Mechanical ventilation systems

5.21 Food businesses

5.22 Premises where skin penetration procedures are carried out

Part 6 Subdivisions Code

Note 1

Note 2

6.1 Specified complying development

6.2 Development standards

Part 7 Demolition Code

Note 1

Note 2

Division 1 Specified development and development standards under this code

7.1 Specified complying development

7.2 Development standards

Division 2 Conditions applying to complying development certificates under this code

Note 1

Note 2

Subdivision 1 Conditions applying before works commence

7.3 Protection of adjoining areas

7.4 Toilet facilities

7.5 Garbage receptacle

7.6 Notification to neighbours

7.7 Adjoining wall dilapidation report

Subdivision 2 Conditions applying during the works

Note

7.8 Hours for demolition

7.9 Compliance with plans

7.10 Sedimentation and erosion controls

7.11 Maintenance of site

Schedule 1 (Repealed)

Schedule 2 Exempt development codes—variations

Schedule 3 Complying development codes—variations

Schedule 4 Land excluded from the General Exempt Development Code

Schedule 5 Land excluded from the General Housing Code

Historical notes



Part 1 General

Division 1 Preliminary

1.1 Name of Policy

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

1.2 Commencement

This Policy commences on 27 February 2009.

1.3 Aims of Policy

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

- (a) providing exempt and complying development codes that have State-wide application, and
- (b) identifying, in the General Exempt Development Code, types of development that are of minimal environmental impact that may be carried out without the need for development consent, and
- (c) identifying, in the 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 (Kosciuszko National Park—Alpine Resorts) 2007* applies, and
 - (b) to which *State Environmental Planning Policy (Western Sydney Parklands) 2009* applies, and
 - (c) that is within 18km of the land owned by the Australian National University at Siding Spring.
- (3), (4) (Repealed)

1.4A (Repealed)

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.

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

Note.

The term is defined as follows:

alternative 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).

ancillary development means any of the following that are not exempt development under this Policy:

- (a) access ramp,
- (b) awning, blind or canopy,
- (c) balcony, deck, patio, pergola, terrace or verandah that is attached to a dwelling house,
- (d) carport that is attached to a dwelling house,
- (d1) detached studio,
- (e) driveway, pathway or paving,
- (f) fence or screen,
- (g) garage that is attached to a dwelling house,
- (h) outbuilding,
- (i) rainwater tank that is attached to a dwelling house,
- (j) retaining wall,
- (k) swimming pool or spa pool and child-resistant barrier.

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.

articulation zone means an area within a lot within which building elements are or may be located, that consists of that part of the setback area from a primary road that is measured horizontally for a distance of 1.5m from:

- (a) the foremost edge of the building line, or
- (b) a gable or roof parapet having a surface area of more than 10m².

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

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

boundary wall means a wall that has a setback of less than 150mm 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 height (or **height of building**), at any point of a building, means the vertical distance between that point at ground level (existing) and the highest point of the building immediately above that point, including plant and lift overruns, but excluding communication devices, antennae, satellite dishes, masts, flagpoles, chimneys, flues and the like.

building line means the line of an existing or proposed external wall or roof edge of a building (other than a wall or roof of any building element within an articulation zone), or the outside face of any existing or proposed ancillary development, closest to a boundary of a lot.

bush fire attack level-40 (BAL-40) has the same meaning as it has in AS 3959—2009, *Construction of buildings in bushfire-prone areas*.

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

commercial premises means business premises, office premises or retail premises.

common wall means a wall shared between 2 properties.

community consultation means:

- (a) consultation with the community under section 57 of the Act, or
- (b) public exhibition under section 66 of the Act, as in force on 30 June 2009.

complying development code means any of the following codes:

- (a) the General Housing Code,
- (b) the Rural Housing Code,
- (c) the Housing Alterations Code,
- (d) the General Development Code,
- (e) the General Commercial and Industrial Code,
- (f) the Subdivisions Code,
- (g) the Demolition Code.

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 studio means ancillary development that is habitable and is:

- (a) established in conjunction with a dwelling house, and
- (b) on the same lot of land as the dwelling house, and
- (c) separate from the dwelling house.

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.

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 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,
- (c) land to which State Environmental Planning Policy No 14—Coastal Wetlands or State Environmental Planning Policy No 26—Littoral Rainforests applies,
- (d) land reserved as an aquatic reserve under the Fisheries Management Act 1994 or as a marine park under the Marine Parks Act 1997,
- (e) land within a wetland of international significance declared under the Ramsar Convention on Wetlands or within a World heritage area declared under the World Heritage Convention,
- (f) land within 100m of land to which paragraph (c), (d) or (e) applies,
- (g) land identified in this or any other environmental planning instrument as being of high Aboriginal cultural significance or high biodiversity significance,
- (h) land reserved 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 Lands Act 1989 for the preservation of flora, fauna, geological formations or for other environmental protection purposes,
- (j) land identified as being critical habitat under the Threatened Species Conservation Act 1995 or Part 7A of the Fisheries Management Act 1994.

excluded land identified by an environmental planning instrument means:

- (a) land identified by an environmental planning instrument as being any of the following:
 - (i) within a buffer area,

- (ii) within a river front area,
 - (iii) within an ecologically sensitive area,
 - (iv) environmentally sensitive land,
 - (v) within a protected area, or
- (b) land identified by an environmental planning instrument, a development control plan or a policy adopted by the council as being a coastal erosion hazard.

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

flame zone (BAL-FZ) has the same meaning as it has in AS 3959—2009, *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 dwelling houses, dual occupancies, multi dwelling housing or residential flat buildings (other than development for the purposes of group homes or seniors housing).

Note. This information is a prescribed matter for the purpose of a certificate under section 149 (2) of the Act.

floor area, for a balcony, deck, patio, pergola, terrace or verandah referred to in Part 3, 3A 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 3, 3A 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 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.

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.

General Commercial and Industrial Code means the code for complying development set out in Part 5.

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.

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

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

Note. The term is defined as a room used for normal domestic activities, other than a bathroom, laundry, toilet, pantry, walk in wardrobe, hallway, lobby, 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.

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

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.

off peak time means any time other than peak time.

outbuilding means any of the following:

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

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

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.

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.

privacy screen means a screen that:

- (a) faces a boundary, and
- (b) is 1.5m high, measured from the floor level, and
- (c) has no individual opening more than 30mm wide, and
- (d) has a total area of all openings that is less than 30 per cent of the surface area of the screen.

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

Note. The term is defined as a person who is:

- (a) if legislation is applicable—a registered *professional engineer* in the relevant discipline who has appropriate experience and competence in the relevant field, or

(b) if legislation is not applicable:

- (i) a Corporate Member of the Institution of Engineers, Australia, or
- (ii) eligible to become a Corporate Member of the Institution of Engineers, Australia, and has appropriate experience and competence in the relevant field.

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

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.

site coverage, for development, does not include any of the following:

- (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 the dwelling house that is not enclosed by a wall higher than 1.4m above the floor level,
- (d) the eaves,
- (e) a driveway,
- (f) a farm building,
- (g) a fence or screen,
- (h) a pathway or paving,
- (i) a rainwater tank that is attached to the dwelling house,
- (j) a swimming pool or spa pool.

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

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

the Act means the Environmental Planning and Assessment Act 1979.

- (2) A word or expression used in this Policy has the same meaning as it has in the Standard Instrument unless it is otherwise defined in this Policy.
- (3) A reference in this Policy to a code is a reference to a code set out in a Part of this Policy.

- (4) A reference in this Policy to a type of building or other thing is a reference to development for the purposes of that type of building or other thing.
- (5) Notes included in this Policy do not form part of this Policy.

1.6 Interpretation—references to land use zones

- (1) A reference in this Policy to a lot 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 33A (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 33A (2) of the Act, is in a land use zone in which equivalent land uses are permitted to those permitted in the named land use zone.
- (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.
- (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 Director-General, 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 33A (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
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

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 36 (4) of the Act.

- (1) If this Policy and any other State environmental planning policy, whether made before or after the commencement of this Policy, specify the same development, as either exempt development or complying development, the other Policy does not apply to that development, except as provided by subclauses (2)–(4).
- (2) If this Policy and *State Environmental Planning Policy (Infrastructure) 2007* specify the same development as either exempt or complying development, this Policy does not apply to that development if:
 - (a) the development is carried out by a person who may carry out the development under *State Environmental Planning Policy (Infrastructure) 2007*, and
 - (b) in the case of development for the purposes of the construction or installation of an aerial or antenna—the aerial or antenna is for use for some purpose other than:
 - (i) receiving television or radio signals, or
 - (ii) in connection with community band or two-way radio (or any combination of these uses), or
 - (iii) any combination of the uses referred to in subparagraphs (i) and (ii), and
 - (c) in the case of development for the purposes of the construction or installation of a radio or satellite communications dish—the dish is for use for some purpose other than receiving television or radio signals (or both).
- (3) If this Policy and *State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007* specify the same development as either exempt or complying development, this Policy does not apply to that development.
- (4) If this Policy specifies development as either exempt or complying development and a provision in *State Environmental Planning Policy (Sydney Region Growth Centres) 2006* or *State Environmental Planning Policy No 60—Exempt and Complying Development* specifies the same development as complying development, the other policy ceases to apply to that development on 1 September 2012.
- (4A) If this Policy and *State Environmental Planning Policy (Affordable Rental Housing) 2009* specify the same development as either exempt or complying development, this Policy does not apply to that development.
- (5) For the avoidance of doubt, each policy identified in subclause (4) continues to apply to the development until 1 September 2012.

- (6) If another State environmental planning policy specifies exempt development or complying development that is not the same as development specified as either exempt development or complying development in this Policy, this Policy does not affect the operation of that other Policy.

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

1.9 Relationship with local environmental plans and development control plans

- (1) **Exempt 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 (2) not to apply in relation to land in Bathurst Regional**

Despite subclause (2), if this Policy and *Bathurst Regional (Interim) Local Environmental Plan 2005* specify the same development as exempt 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.

- (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 33A (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 33A (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 Director-General may certify in writing, for the purpose of this Policy, that 2 or more instruments do, or do not, specify the same development and any such certificate has effect according to its tenor.
- (3) Notice of any certification by the Director-General under subclause (2) must be published in the Gazette.

1.11 Amendment of environmental planning instruments

The environmental planning instruments specified in Schedule 1 are amended as set out in that Schedule.

1.12 Variations to certain codes

- (1) The General Exempt Development Code is 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 General Housing Code and the Rural Housing Code are varied, in relation to the land described or otherwise identified on a map specified in Column 1 of the Table to Schedule 3, in the manner described opposite that land in Column 2.
- (3) If the General Exempt Development Code, the General Housing Code or the Rural Housing Code is 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 provision relating to pending applications

A development application or an application for a complying development certificate that has been made but not finally determined before the commencement of this Policy, or an amendment to this Policy, must be determined as if this Policy or the amendment had not commenced.

1.14 Review of Policy

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

Division 2 Exempt and complying development

1.15 What development is exempt development?

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

Note. Under section 76 of the Act, exempt development may be carried out without the need for development consent under Part 4 of the Act or for assessment under Part 5 of the Act.

The section states that exempt development:

- (a) must be of minimal environmental impact, and
- (b) cannot be carried out in critical habitat of an endangered species, population or ecological community (identified under the *Threatened Species Conservation Act 1995* or the *Fisheries Management Act 1994*), and
- (c) cannot be carried out in a wilderness area (identified under the *Wilderness Act 1987*).

1.16 General requirements for exempt development

- (1) To be exempt development 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
 - (c) must not be designated development, and
 - Note.** Designated development is defined in section 77A of the Act as development that is declared to be designated development by an environmental planning instrument or the regulations.
 - (d) must not be carried out on land that comprises, or on which there is, an item that is listed on the State Heritage Register under the *Heritage Act 1977* or that is subject to an interim heritage order under the *Heritage Act 1977*.
- (2) Development that relates to an existing building that is classified under the *Building Code of Australia* as class 1b or class 2–9 is exempt development 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 or development consent for removal or pruning, unless that removal or pruning is undertaken in accordance with a permit or development consent.
- Note.** A permit for the removal or pruning of a tree or other vegetation may be granted under a local environmental plan. A development consent for the removal of native vegetation may be granted under the *Native Vegetation Act 2003*.
- (4) (Repealed)

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

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 79B (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 on land that comprises, or on which there is, an item of environmental heritage:
 - (i) that is subject to an interim heritage order under the Heritage Act 1977, or that is listed on the State Heritage Register under that Act, or
 - (ii) that is identified as such an item in an environmental planning instrument, or
- (e) be on land that is within an environmentally sensitive area.

1.18 General requirements for complying development for 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, in the land use zone in which it is carried out, and
 - (c) meet the relevant provisions of the *Building Code of Australia*, and
 - (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 by the Roads Act 1993:
 - (i) for each opening of a public road required by the development, and

- (ii) to operate or store machinery, materials or waste required by the development on a road or footpath reserve, and
- (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 149 (2) of the Act.

- (g) not be the construction or installation of a skylight or roof window on land to which *Orana Regional Environmental Plan No 1—Siding Spring* applies, and
- (h) if it involves the removal or pruning of a tree or other vegetation that requires a permit or development consent to which clause 3.6A or 3A.7 does not apply, before the complying development certificate is issued, have a permit or development consent for that removal or pruning.

Note. A permit for the removal or pruning of a tree or other vegetation may be granted under a local environmental plan. A development consent for the removal of native vegetation may be granted under the *Native Vegetation Act 2003*. Paragraph (h) may not apply to certain trees or vegetation near complying development under Part 3 (see clauses 3.6A and 3A.7).

- (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—2000, *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.

1.19 Land on which exempt development and complying development may not be carried out

(1) General land exemptions

To be exempt development or complying development, the development must not be carried out on land that is an environmentally sensitive area.

- (1A) Development specified in the General Exempt Development Code is not exempt development under that code if it is carried out on land described or otherwise identified on a map specified in Schedule 4.
- (1B) Development specified in the General Housing 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.

- (1C) Subclause (1B) ceases to have effect on 30 November 2015 in relation to land in the local government area of Mosman identified on any map specified in Schedule 5.
- (2) The general land exemptions set out in clause 1.17A and subclauses (3) and (4) apply to complying development specified for the following codes:
- (a) the General Housing Code,
 - (b) the Rural Housing Code,
 - (c) the Housing Alterations Code,
 - (d) the General Development Code,
 - (e) the General Commercial and Industrial Code,
 - (f) the Subdivisions Code,
 - (g) the Demolition Code.
- (3) To be complying development, the development must not be carried out on land that comprises, or on which there is, a draft heritage item.
- (4) If only a part of a lot is land to which this clause applies, complying development must not be carried out on any part of that lot.
- (5) Despite subclause (4), if land is part of a lot to which the Rural Housing Code applies, complying development may be carried out on the part of the lot to which this clause does not apply.
- (6) **Specific land exemptions for General Housing Code and Rural Housing Code**
To be complying development specified for the General Housing Code or the Rural 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 or swimming pool, 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) land that is subject to a biobanking agreement under Part 7A of the *Threatened Species Conservation Act 1995* or a property vegetation plan under the *Native Vegetation Act 2003*, or
 - (e) excluded land identified by an environmental planning instrument, or
 - (f) land in a foreshore area, or
 - (g) land that is in the 25 ANEF contour or a higher ANEF contour, unless the development is only for the erection of ancillary development, the alteration of or an addition to ancillary development or the alteration of a dwelling house, or

- (h) unsewered land:
 - (i) to which State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011 applies, or
 - (ii) in any other drinking water catchment identified in any other environmental planning instrument, or
- (i) land that is declared to be a special area under the Sydney Water Catchment Management Act 1998.

(7) Specific land exemptions for Housing Alterations Code and General Development Code

To be complying development specified for the Housing Alterations Code and General Development Code, the development must not be carried out on unsewered land:

- (a) to which State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011 applies, or
- (b) in any other drinking water catchment identified in any other environmental planning instrument.

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—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 and antennae

2.3 Specified development

The construction or installation of an aerial or antenna, including a microwave antennae, is development specified for this code if:

- (a) it is only for the purpose of receiving television or radio signals or for use in connection with community band or two-way radio (or any combination of these uses), and
- (b) it is not constructed or installed on or in a heritage item or a draft heritage item.

Note. See separate entry for communication dishes.

2.4 Development standards

- (1) The standards specified for that development are that the development must:
 - (a) (Repealed)
 - (b) be located at least 900mm from each lot boundary, and
 - (c) if it is roof mounted—be not higher than 1.8m above the highest point of the roof, and
 - (d) if it is not roof mounted:
 - (i) be not higher than 1.8m above the highest point of the roof of any dwelling, bulky goods premises, commercial premises, premises used for light industry or warehouse or distribution centre located on the lot, and
 - (ii) if it is not on land in Zone RU1, RU2, RU3 or RU4—be located in the rear yard.
- (2) There must be not 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.

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 domestic purposes 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
 - (c) subject to paragraph (g), be attached to the external wall of a building or ground mounted, and
 - (d) be not higher than 1.8m above ground level (existing), and
 - (e) not involve work that reduces the structural integrity of the building, and
 - (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—not be wall mounted, and
 - (h) if it is constructed or installed in a heritage conservation area or a draft heritage conservation area—be located in the rear yard.
- (1A) The standards specified for that development, if for purposes other than domestic purposes 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.

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 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 or RU4, are that the development must:
 - (a) be for domestic purposes only, and
 - (b) not have a floor area of more than 10m², and
 - (c) be not higher than 1.8m above ground level (existing), and
 - (d) if it is not on land in Zone RU1, RU2, RU3 or RU4—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 or RU4 are that the development must:
- (a) be for domestic purposes only, 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 the development must be located inside, and only be accessible from within, existing bulky goods premises or commercial premises.

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 domestic purposes 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 an awning, blind (including a storm blind, security blind or sun blind), canopy or similar structure over a window or door opening is development specified for this code if it is not constructed or installed on or in a heritage item or a draft heritage item.

Note. See separate entry for shade structures.

2.10 Development standards

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

- (a) not have an area more than 10m², and
- (b) not project beyond the external wall of the building by more than 2m, and
- (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 construction or installation of a balcony, deck, patio, pergola, terrace or verandah (whether free standing or attached to the ground floor level of a building, or roofed or unroofed) is development specified for this code if it is not constructed or installed on or in a heritage item or a draft heritage item or on land in a foreshore area.

2.12 Development standards

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

- (a) be for domestic purposes only, and
- (b) have an area of not more than 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 behind the building line of any road frontage, and
- (f) be located at least 900mm from each lot boundary, 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
- (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) 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.

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 or RU4—be located behind the building line of any road frontage, and
- (d) be located at least 450mm from each lot boundary, and
- (e) 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) bulky goods premises,
 - (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 or on land in a foreshore 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 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 least 900mm from each lot boundary, and
 - (e) if it is not on land in Zone RU1, RU2, RU3 or RU4—be located behind the building line of any road frontage, and
 - (f) not be a shipping container, and
 - (g) be constructed or installed so that roofwater is disposed of without causing a nuisance to adjoining owners, and

- (h) 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.

(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) or, if attached to an existing single storey dwelling, be not higher than the roof gutter line, and
 - (d) be located at least 1m behind the building line of any road frontage, and
 - (e) be located at least 900mm from each lot boundary, and
 - (f) have 2 or more sides open and not less than one-third of its perimeter open, and
 - (g) to the extent it is comprised of metal components—be constructed of low reflective, factory pre-coloured materials, and

- (h) not involve the construction of a new driveway or gutter crossing unless the consent of the relevant road authority for each opening of a public road required for the development has been obtained under the *Roads Act 1993*, and
 - (i) be constructed or installed so that any roofwater is disposed of into the existing stormwater drainage system, and
 - (j) if it is connected to a fascia—be connected in accordance with a professional engineer’s specifications, and
 - (k) be located at least 1m from any registered easement, sewer main or water main, and
 - (l) if it is located on bush fire prone land and is less than 5m from a dwelling—be constructed of non-combustible material, and
 - (m) if it is constructed or installed in a heritage conservation area or a draft heritage conservation area—be located in the rear yard, and
 - (n) be located so that it does not reduce vehicular access to, or parking or loading or unloading on, or from, the lot.
- (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 from a current use to a new use that is a change from:

- (a) a type of business premises to another type of business premises, or
- (b) business premises to office premises, or
- (c) a type of office premises to another type of office premises, or
- (d) office premises to business premises, or
- (e) a type of retail premises to another type of retail premises, or
- (f) a bulky goods premises to another bulky goods premises, or
- (g) a light industry to another light industry, or
- (h) a warehouse or distribution centre to another warehouse or distribution centre, or
- (i) a light industry to a warehouse or distribution centre, or

- (j) a warehouse or distribution centre to a light industry, or
 - (k) a community or recreation use to another community or recreation use,
- is development specified for this code.

2.20B 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 106 of the Act, and
- (c) the new use must be permissible in the land use zone in which it is carried out, and
- (d) the new use must not result in a change of building use under the *Building Code of Australia*, 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) landscape and garden 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 section 51 of the *Public Health Act 1991* 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) the new use must not cause the contravention of any existing condition of a development consent that applies to the premises relating to hours of operation, car parking, vehicular movement, traffic generation, landscaping or waste management.

Note. *Development consent* is defined in section 4 of the Act to include a complying development certificate.

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 Communications dishes (radio and satellite)

2.23 Specified development

The construction or installation of a radio or satellite communications dish is development specified for this code if:

- (a) it is only for the purpose of receiving television or radio signals (or both), and
- (b) it is not constructed or installed on or in a heritage item or a draft heritage item.

2.24 Development standards

- (1) The standards specified for that development are that the development must:
 - (a) (Repealed)
 - (b) if it is roof mounted:
 - (i) not have a diameter of more than 900mm, and
 - (ii) be not higher than 1.8m above the highest point of the roof of the dwelling on the lot, and
 - (c) if it is ground mounted:
 - (i) not have a diameter of more than 1.8m, and
 - (ii) be not higher than 1.8m above ground level (existing), and

- (iii) be located in the rear yard, and
 - (iv) be located at least 900mm from each lot boundary.
- (1A) If the development is in a heritage conservation area or a draft heritage conservation area, it must be located in the rear yard and must not be visible from a public road.
- (2) 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 13 Demolition

2.25 Specified development

Demolition of development that would be exempt development under this code if it were being constructed or installed is development specified for this code if it is not carried out on or in a heritage item or a draft heritage item or in a heritage conservation area or a draft heritage conservation area.

2.26 Development standards

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

Note. A building constructed before 1987 may contain asbestos. Businesses are licensed to undertake asbestos removal work under the *Occupational Health and Safety Regulation 2001* (refer to *Working with Asbestos: Guide 2008* (ISBN 0 7310 5159 9) published by the WorkCover Authority). If the work is not undertaken by a licensed contractor it should still be undertaken in a manner that minimises risks (refer to *Fibro & Asbestos—A Renovator and Homeowner's Guide* at <http://more.nsw.gov.au>). Information on the removal and disposal of asbestos to landfill sites licensed to accept this waste is available from the Department of Environment, Climate Change and Water.

Subdivision 14 Driveways

2.27 Specified development

The construction or installation of a driveway associated with access to an open hard stand space, a carport or garage is development 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 or on land in a foreshore area.

2.28 Development standards

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

- (a) be for domestic purposes only, and
- (b) be constructed so that any surface water is disposed of without causing a nuisance to adjoining owners, and

- (c) not require cut or fill more than 600mm below or above ground level (existing), and
- (d) not be wider than the open hard stand space, carport or garage with which it is associated, and
- (e) be constructed in accordance with AS 2890.1—1993, *Parking facilities—Off-street car parking*, and
- (f) be constructed in accordance with the relevant road authority's policy and specifications on vehicle and driveway crossings, and
- (g) have the consent of the relevant road authority under the *Roads Act 1993* for each opening of a public road required for the development.

Subdivision 15 Earthworks and retaining walls

2.29 Specified development

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

2.30 Development standards

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

- (a) be for domestic purposes only, and
- (b) be located at least 900mm from each lot boundary, and
- (c) if a retaining wall:
 - (i) be not higher than 600mm (including the height of any batters) above ground level (existing), and
 - (ii) if it is on a sloping site and stepped to accommodate the fall in the land—be not higher than 800mm above ground level (existing) at each step, and
 - (iii) have adequate drainage lines behind it, and
- (d) not require cut or fill more than 600mm below or above ground level (existing), and
- (e) not redirect the flow of surface water onto an adjoining property, and
- (f) cause surface water to be disposed of without causing a nuisance to adjoining owners, and
- (g) be located at least 1m from any registered easement, sewer main or water main, and
- (h) if the fill is more than 150mm deep—not occupy more than 50% of the landscaped area, and
- (h1) if the fill is imported to the site—only contain natural materials and must be free of building and other demolition waste, and

- (i) if it is carried out, constructed or installed in a heritage conservation area or a draft heritage conservation area—be located in the rear yard, and
- (j) be located at least 50m from a waterbody (natural).

Subdivision 15AA Emergency work and temporary repairs

2.30AA Specified development

The temporary repair of any damage to a building or structure caused by an event that constitutes a significant and widespread danger to life or property in any zone 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 exists is development specified for this code.

2.30AB Development standards

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

- (a) be carried out within 6 months of the declaration being made, and
- (b) not change the configuration of the floor space of the building or structure being repaired, and
- (c) not increase the floor space of the building or structure being repaired, and
- (d) be to make the building or structure weatherproof and, if a dwelling, suitable for habitation.

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 domestic purposes 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 16 Farm buildings and structures

2.31 Specified development

The construction or installation of a farm building or other structure used for the purpose of an agricultural activity is development specified for this code if it is:

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

2.32 Development standards

- (1) The standards specified for that development are that the development must:
 - (a) be not higher than 7m above ground level (existing), and
 - (b) not have an area of more than:
 - (i) if it is a stockyard—0.5ha, or
 - (ii) if it is any other building or structure—200m², and
 - (c) be located at least 20m from the primary road frontage of the lot and at least 10m from the other lot boundaries, and
 - (d) not be constructed or installed within 50m of a dwelling on an adjoining property, and
 - (e) be located at least 50m from a waterbody (natural), and
 - (f) to the extent it is comprised of metal components—be designed by, and constructed in accordance with the specifications of, a professional engineer, and

- (g) to the extent it is a silo—not be fitted with a motorised fan for aeration or drying purposes.
- (2) If the development is a shipping container, there must not be more than 1 shipping container per lot.

Subdivision 17 Fences (non rural)—behind the building line

2.33 Specified development

The construction or installation of a fence or gate behind the building line of the primary road frontage is development specified for this code if it is:

- (a) constructed or installed on land in any zone other than Zone RU1, RU2, RU3 or RU4, and
- (b) not constructed or installed on or in, or adjacent to, a heritage item or a draft heritage item, and
- (c) not constructed or installed on a flood control lot, and
- (d) not constructed or installed on land 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 that development are that the development must:
 - (a) if it is constructed of timber, metal or light weight materials—be not higher than 1.8m above ground level (existing), and
 - (b) if it is constructed of masonry materials or chain wire—not be higher than:
 - (i) 1m above ground level (existing), if for domestic purposes only, or
 - (ii) 1.8m above ground level (existing), in any other case, and
 - (b1) if it is a boundary fence on land in Zone R5—be constructed using post and wire or post and rail, and
 - (c) if it is constructed of metal components—be of low reflective, factory pre-coloured materials, and
 - (d) not be an electrical fence or use barbed wire, and
 - (e) if it is on a sloping site and stepped to accommodate the fall in the land—be not higher than 2.2m above ground level (existing) at each step, and
 - (f) not redirect the flow of surface water onto an adjoining property, and

- (g) if it is located in core Koala habitat, key Koala habitat or a Koala movement corridor—be constructed or installed in accordance with any relevant council policy, and
 - (h) if it is located on bush fire prone land—be constructed of non-combustible material or hardwood.
- (2) If the development is constructed or installed on a secondary road frontage, it may be constructed up to a point that is level with the building line for the primary road frontage.

Subdivision 18 Fences (non rural)—forward of the building line

2.35 Specified development

The construction or installation of a fence or gate forward of the building line for the primary road frontage is development specified for this code if it is:

- (a) constructed or installed on land in any zone other than Zone RU1, RU2, RU3 or RU4, and
- (b) not constructed or installed on or in, or adjacent to, a heritage item or a draft heritage item or in a heritage conservation area or a draft heritage conservation area, and
- (c) not constructed or installed on a flood control lot.

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

2.36 Development standards

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

- (a) be not higher than 1.2m above ground level (existing), and
- (b) be an open style incorporating pickets, slats, palings or the like or lattice style panels with a minimum aperture of 25mm, and
- (c) not be solid metal panels or chain wire fencing, and
- (d) not be an electrical fence or use barbed wire, and
- (e) if it is on a sloping site and stepped to accommodate the fall in the land—be not higher than 1.5m above ground level (existing) at each step, and
- (f) not redirect the flow of surface water onto an adjoining property, and
- (g) if it is an entrance gate—not swing open over council property, and
- (h) if it is located in core Koala habitat, key Koala habitat or a Koala movement corridor—be constructed or installed in accordance with any relevant council policy, and
- (i) if it is located on bush fire prone land—be constructed of non-combustible material or hardwood.

Subdivision 19 Fences (rural)

2.37 Specified development

The construction or installation of a fence or gate is development specified for this code if it is:

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

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

2.38 Development standards

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

- (a) be not higher than 1.8m above ground level (existing), and
- (b) subject to paragraph (d), be constructed using post and wire or post and rail, and
- (c) if it is electrical fencing—be constructed in accordance with AS/NZS 3014:2003, *Electrical installations—electric fences*, and
- (d) if any part of it is a masonry decorative feature associated with an entrance gate on a boundary that has a frontage to a public road—not extend more than 3m from either side of the gate, and
- (e) if it is on a sloping site and stepped to accommodate the fall in the land—be not higher than 2.2m above ground level (existing) at each step, and
- (f) not redirect the flow of surface water onto an adjoining property, and
- (g) if it is constructed or installed on a flood control lot—not redirect or interrupt the flow of surface water on that lot.

Subdivision 19A Filming

2.38A Specified development

Filming is development specified for this code.

2.38B Development standards

- (1) The standards specified for that development are as follows:
 - (a) the development 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 or structure),
 - (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 development must not create significant interference with the neighbourhood,
 - (c) the person carrying out the filming must obtain a policy of insurance that adequately covers the public liability of the person in respect of the filming for an amount of not less than \$10,000,000,
 - (d) if the filming is carried out on private land, the filming must not be carried out for more than 30 days within a 12-month period at the particular location,
 - (e) 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, 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 at the location,
 - (v) the proposed daily length of filming at the location,
 - (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, 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 at the location, such as the following:
 - (A) an approval by the Roads and Traffic Authority for the closure of a road,
 - (B) an approval by the Council for the erection or use of a temporary structure, closure of a road or a public footpath, or a restriction in pedestrian access,
 - (C) an approval by the Environment Protection Authority for an open fire,
 - (D) an approval by the NSW Police Force for the discharge of firearms,
 - (E) an approval by the Land and Property Management Authority 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,
- (f) 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 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 at the location,
- (iv) the proposed daily length of filming at the location.

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 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) not house more than 10 fowls or poultry, and
 - (b) if the development is constructed or installed on land in Zone RU1, RU2, RU3 or RU4:
 - (i) be not higher than 7m above ground level (existing), and
 - (ii) not have a floor area of more than 50m², and
 - (c) be located at least 3m from each lot boundary, and
 - (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.

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 banded 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 1940–2004, *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 1596:2008, *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.
- (2) There must not be more than 1 development per lot.

Subdivision 21B