

**STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)
2008**

- Made under the Environmental Planning and Assessment Act 1979
- As at 1 July 2019
- Reg 572 of 2008

TABLE OF PROVISIONS

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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. Development to which Policy does not apply

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. (Repealed)

1.12. Variations to certain codes

1.13. Savings provisions

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

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

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 under this Policy

1.19. Land on which complying development may not be carried out

1.20. Suspension of covenants, agreements and instruments

PART 2 - EXEMPT DEVELOPMENT CODES

Division 1 - General Exempt Development Code

Subdivision 1 - Access ramps

2.1. Specified development

2.2. Development standards

Subdivision 2 - Aerials, antennae and communication dishes

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Subdivision 8 - (Repealed)

None

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 10B - Change of use of places of public worship

2.20C. Specified development

2.20D. Development standards

Subdivision 10C - Charity bins and recycling bins

2.20E. Specified development

2.20F. Development standards

Subdivision 11 - Clothes hoists and clothes lines

2.21. Specified development

2.22. Development standards

Subdivision 12 - Container recycling equipment

2.23. Specified development

2.23A. Development in car parks

2.24. Development standards

Subdivision 13 - Demolition

2.25. Specified development

2.26. Development standards

Subdivision 14 - Driveways and hard stand spaces

2.27. Specified development

2.28. Development standards

Subdivision 15 - Earthworks, retaining walls and structural support

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 (other than stock holding yards, grain silos and grain bunkers)

2.31. Specified development

2.32. Development standards

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

2.32A. Specified development

2.32B. Development standards

Subdivision 16B - Grain silos and grain bunkers

2.32C. Specified development

2.32D. Development standards--general

2.32E. Development standards--grain silos

2.32F. Development standards--grain bunkers

Subdivision 17 - Fences (certain residential zones and Zone RU5)

2.33. Specified development

2.34. Development standards

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

2.34A. Specified development

2.34B. Development standards

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

2.35. Specified development

2.36. Development standards

Subdivision 19 - Fences (business and industrial zones)

2.37. Specified development

2.38. Development standards

Subdivision 19A - (Repealed)

None

Subdivision 20 - Flagpoles

2.39. Specified development

2.40. Development standards

Subdivision 20A - Footpaths--outdoor dining

2.40A. Specified development

2.40B. 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 - (Repealed)

None

Subdivision 22 - Home businesses, home industries and home occupations

2.43. Specified development

2.44. Development standards

Subdivision 23 - (Repealed)

None

Subdivision 23A - Hot water systems

2.46A. Specified development

2.46B. Development standards

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 27A - Mobile food and drink outlets

2.54A. Specified development

2.54B. 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 33A - Roller shutter doors adjoining lanes

2.66A. Specified development

2.66B. Development standards

Subdivision 34 - (Repealed)

None

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 - (Repealed)

None

Subdivision 37 - Skylights, roof windows and ventilators

2.73. Specified development

2.74. Development standards

Subdivision 38 - Subdivision

2.75. Specified development

2.76. Development standards

Subdivision 39 - Sculptures and artworks

2.77. Specified development

2.78. Development standards

Subdivision 39A - (Repealed)

None

Subdivision 39B - Tennis courts

2.78C. Specified development

2.78D. Development standards

Subdivision 39C - Waste storage containers

2.78E. Specified development

2.78F. Development standards

Subdivision 40 - Water features and ponds

2.79. Specified development

2.80. Development standards

Subdivision 40A - Waterways structures--minor alterations

2.80A. Specified development

2.80B. Development standards

Subdivision 41 - Windmills

2.81. Specified development

2.82. Development standards

Division 2 - Advertising and Signage Exempt Development Code

Subdivision 1 - General requirements for advertising and signage

2.83. General requirements

Subdivision 2 - Building identification signs

2.84. Specified development

2.85. Development standards

Subdivision 3 - Wall signs

2.86. Specified development

2.87. Development standards

Subdivision 4 - Fascia signs

2.88. Specified development

2.89. Development standards

Subdivision 5 - Under awning signs

2.90. Specified development

2.91. Development standards

Subdivision 6 - Top hamper signs

2.92. Specified development

2.93. Development standards

Subdivision 7 - Window signs

2.94. Specified development

2.95. Development standards

Subdivision 8 - Replacement of identification signs

2.96. Specified development

2.97. Development standards

Subdivision 9 - Internal signs

2.98. Specified development

2.99. Development standards

Subdivision 10 - Community notice and public information signs

2.100. Specified development

2.101. Development standards

Subdivision 11 - Temporary event signs

2.102. Specified development

2.103. Development standards

Subdivision 12 - Real estate signs

2.104. Specified development

2.105. Development standards

Subdivision 13 - Election signs

2.106. Specified development

2.107. Development standards

Division 3 - Temporary Uses and Structures Exempt Development Code

Subdivision 1 - General requirements for temporary uses and structures

2.108. General requirements

Subdivision 2 - Scaffolding, hoardings and temporary construction site fences

2.109. Specified development

2.110. Development standards

Subdivision 3 - Temporary builders' structures

2.111. Specified development

2.112. Development standards

Subdivision 4 - Filming

2.113. Specified development

2.114. Development standards

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

2.115. Specified development

2.116. Development standards

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

functions

2.117. Specified development

2.118. Development standards

Subdivision 7 - Tents, marquees or booths for community events

2.119. Specified development

2.120. Development standards

Subdivision 8 - Stages or platforms for private functions

2.121. Specified development

2.122. Development standards

Subdivision 9 - Stages or platforms for community events

2.123. Specified development

2.124. Development standards

Subdivision 10 - Major events sites--additional temporary development

2.125. Specified development

2.126. Development standards

Subdivision 11 - Sydney Cricket Ground--additional temporary development

2.127. Specified development

2.128. Development standards

Subdivision 12 - Trading hours--temporary extensions for Christmas

2.129. Specified development

2.130. Development standards

Subdivision 13 - Trading hours--temporary extension for licensed premises

2.131. Specified development--extended trading hours of licensed premises generally

2.131A. (Repealed)

2.131B. Specified development--extended trading hours on new year's eve for licensed premises across the State

2.132. Development standards

PART 2A - TRANSITIONAL DEVELOPMENT UNDER FORMER GENERAL HOUSING CODE AND RELATED PROVISIONS

2A.1. Housing that would have been complying development under repealed General Housing Code continues to be complying development

2A.2. Housing that would have been complying development under certain other repealed provisions continues to be complying development

2A.3. Part ceases to have effect on 13 July 2019

PART 3 - HOUSING CODE

Division 1 - Requirements for complying development under this code

3.1. Development that is complying development under this code

3.2. Development that is not complying development under this code

3.3. Determining lot type

Division 2 - General standards relating to land type

3.4. Complying development on bush fire prone land

3.5. Complying development on flood control lots

3.6. Development standards for land near Siding Spring Observatory

Division 3 - Development standards for dwelling houses and attached development

Subdivision 1 - Application of Division

3.7. Application of Division

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

3.8. Maximum building height

3.9. Maximum gross floor area of all buildings

3.10. Minimum setbacks and maximum height and length of boundary walls

3.11. Exceptions to setbacks

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

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

3.13. Minimum landscaped area

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

3.14. Building design

3.15. Privacy screens for windows and certain attached development

3.16. Car parking and vehicle access requirements

Division 4 - Development standards for detached development

Subdivision 1 - Application of Division

3.17. Application of Division

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

3.18. Maximum height

3.19. Maximum gross floor area of all buildings on lot

3.20. Maximum gross floor area of certain detached development

3.21. Minimum setbacks and maximum height and length of built to boundary walls

3.22. Heritage conservation areas

3.23. Other development standards for detached garages and carports

3.24. Other development standards for detached decks, patios, pergolas, terraces and verandahs

3.25. Other development standards for detached studios

3.26. Exceptions to setbacks

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

3.27. Minimum landscaped area

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

3.28. Development standards for swimming pools

3.29. Development standards for fences

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

3.30. Earthworks, retaining walls and structural support

3.31. Drainage

3.32. Protecting adjoining walls

3.33. Setbacks of dwelling houses, attached development and detached development from protected trees

3.34. Conditions applying to complying development certificates under this code

PART 3A - RURAL HOUSING CODE

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.2A. Calculating number of storeys

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

3A.4. 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. Setbacks and maximum floor area for balconies, decks, patios, 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. Building articulation

3A.22. Building elements within the articulation zone to a primary road

3A.23. Privacy

Subdivision 4 - Landscaping

3A.24. Landscaped area

3A.24A. Setbacks of dwelling houses and ancillary development from protected trees

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. Earthworks, retaining walls and structural support

3A.30, 3A.31. (Repealed)

3A.32. Drainage

Subdivision 7 - Ancillary development

3A.33. Swimming pools

3A.33A. Development standards for detached studios

3A.34, 3A.35. (Repealed)

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. Complying development on flood control lots

3A.38A. Development standards for land near Siding Spring Observatory

Division 4 - Conditions applying to complying development certificates under this code

3A.39. Conditions specified in Schedule 6 apply

3A.40-3A.48.

PART 3B - LOW RISE MEDIUM DENSITY HOUSING CODE

Division 1A - Manor houses permitted in certain land use zones

3B.1A. Development for the purposes of manor houses

Division 1 - Requirements for complying development under this code

3B.1. Development that can be complying development under this code

3B.2. Development that is not complying development under this code

3B.3. Determining lot type

3B.4. Complying development on bush fire prone land

3B.5. Complying development on flood control lots

3B.6. Development standards for land near Siding Spring Observatory

Division 2 - Development standards for certain dual occupancies and attached development

Subdivision 1 - Application of Division

3B.7. Application of Division

Subdivision 2 - Built form development standards

3B.8. Lot requirements

3B.9. Maximum building height

3B.10. Maximum gross floor area of all buildings

3B.11. Minimum setbacks and maximum height and length of boundary walls

3B.12. Exceptions to setbacks

3B.13. Dwelling configuration on lot

3B.14. Other development standards for new balconies, decks, patios, terraces and verandahs attached to side or rear of dual occupancy

Subdivision 3 - Landscape development standards

3B.15. Minimum landscaped area

Subdivision 4 - Amenity development standards

3B.16. Primary and secondary road articulation zones

3B.17. Privacy screens for windows and certain attached development

3B.18. Car parking and vehicle access requirements

3B.19. Building design

Division 3 - Development standards for manor houses, certain dual occupancies and attached development

Subdivision 1 - Application of Division

3B.20. Application of Division

Subdivision 2 - Built form development standards

3B.21. Lot requirements

3B.22. Maximum building height

3B.23. Maximum gross floor area of all buildings

3B.24. Minimum setbacks and maximum height and length of boundary walls

3B.25. Exceptions to setbacks

3B.26. Other development standards for new balconies, decks, patios, terraces and verandahs attached to side or rear of dual occupancy or manor house

Subdivision 3 - Landscape development standards

3B.27. Minimum landscaped area

Subdivision 4 - Amenity development standards

3B.28. Primary road articulation zone

3B.29. Privacy screens for windows and certain attached development

3B.30. Car parking and vehicle access requirements

3B.31. Building design

Division 4 - Development standards for multi dwelling housing (terraces) and attached development

Subdivision 1 - Application of Division

3B.32. Application of Division

Subdivision 2 - Built form development standards

3B.33. Lot requirements

3B.34. Maximum building height

3B.35. Maximum gross floor area of all buildings

3B.36. Minimum setbacks and maximum height and length of boundary walls

3B.37. Exceptions to setbacks

3B.38. Dwelling configuration on lot

3B.39. Other development standards for new attached side or rear balconies, decks, patios, terraces or verandahs

Subdivision 3 - Landscape development standards

3B.40. Minimum landscaped area

Subdivision 4 - Amenity development standards

3B.41. Primary and secondary road articulation zones

3B.42. Privacy screens for windows and certain attached development

3B.43. Car parking and vehicle access requirements

3B.44. Building design

Division 5 - Development standards for detached development

Subdivision 1 - Application of Division

3B.45. Application of Division

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

3B.46. Lot requirements

3B.47. Maximum height

3B.48. Maximum gross floor area of certain detached development

3B.49. Minimum setbacks and maximum height and length of built to boundary walls

3B.50. Other development standards for detached garages and carports

3B.51. Other development standards for detached decks, patios, pergolas, terraces and verandahs

3B.52. Other development standards for detached studios

3B.53. Other development standards for detached cabanas, cubby houses, ferneries, garden sheds, gazebos, greenhouses, rainwater tanks, shade structures or sheds

3B.54. Exceptions to setbacks

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

3B.55. Minimum landscaped area

Subdivision 4 - Built form development standards for swimming pools and fences

3B.56. Development standards for swimming pools

3B.57. Development standards for fences

Division 6 - Development standards for associated works including earthworks, retaining walls, drainage, protection of walls, protection of trees and conditions under complying development certificates

3B.58. Earthworks, retaining walls and structural support

3B.59. Drainage

3B.60. Protecting adjoining walls

3B.61. Setbacks of dual occupancies, manor houses, attached development and detached development from protected trees

Division 7 - Miscellaneous

3B.62. Conditions specified in Schedule 6A apply

3B.63. Deferred application of Part to land in certain local government areas

PART 3C - GREENFIELD HOUSING CODE

Division 1 - Requirements for complying development under this code

3C.1. Land to which this code applies

3C.2. Development that is complying development under this code

3C.3. Development that is not complying development under this code

3C.4. Determining lot type

Division 2 - General standards relating to land type

3C.5. Complying development on bush fire prone land

3C.6. Complying development on flood control lots

3C.7. Development standards for land near Siding Spring Observatory

Division 3 - Development standards for dwelling houses and attached development

Subdivision 1 - Application of Division

3C.8. Application of Division

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

3C.9. Maximum building height

3C.10. Maximum gross floor area of all buildings

3C.11. Minimum setbacks and maximum height and length of boundary walls

3C.12. Exceptions to setbacks

3C.13. Other development standards for attached garages

3C.14. Other development standards for balconies, decks, patios, terraces and verandahs attached to side or rear of dwelling house

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

3C.15. Minimum landscaped area

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

3C.16. Building design

3C.17. Windows, doors and openings

3C.18. Privacy screens for windows and certain attached development

3C.19. Car parking and vehicle access requirements

Division 4 - Development standards for detached development

Subdivision 1 - Application of Division

3C.20. Application of Division

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

3C.21. Maximum height

3C.22. Maximum gross floor area of all buildings on lot

3C.23. Maximum gross floor area of certain detached development

3C.24. Minimum setbacks and maximum height and length of built to boundary walls

3C.25. Heritage conservation areas

3C.26. Other development standards for detached garages and carports

3C.27. Other development standards for detached decks, patios, pergolas, terraces and verandahs

3C.28. Other development standards for detached studios

3C.29. Exceptions to setbacks

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

3C.30. Minimum landscaped area

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

3C.31. Development standards for swimming pools

3C.32. Development standards for fences

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

3C.33. Earthworks, retaining walls and structural support

3C.34. Drainage

3C.35. Protecting adjoining walls

3C.36. Setbacks of dwelling houses, attached development and detached development from protected trees

Division 6 - Conditions applying to complying development certificates under this code

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

PART 3D - INLAND CODE

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Division 1 - Application of code

3D.1. Land to which code applies

3D.2. Savings and transitional provision

Division 2 - Requirements for complying development under this code

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

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

3D.5. Determining lot type

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

3D.7. Complying development on flood control lots

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

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

Subdivision 1 - Application of Division

3D.9. Application of Division

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

3D.10. Lot requirements

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

3D.12. Minimum setbacks

3D.13. Setbacks from certain adjoining land

3D.14. Exceptions to setbacks

3D.15. Vehicle access

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

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

Subdivision 1 - Application of Division

3D.17. Application of Division

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

3D.18. Lot requirements

3D.19. Maximum building height

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

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

3D.22. Exceptions to setbacks

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

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

3D.24. Minimum landscaped area

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

3D.25. Building design

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

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

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

Subdivision 1 - Application of Division

3D.28. Application of Division

Subdivision 2 - Built form development standards for dwelling houses and

attached development

3D.29. Lot requirements

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

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

3D.32. Minimum setbacks

3D.33. Exceptions to setbacks

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

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

3D.35. Landscaped area

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

3D.36. Building design

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

Subdivision 5 - Car parking and access

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

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

Subdivision 1 - Application of Division

3D.39. Application of Division

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

3D.40. Lot requirements

3D.41. Maximum height

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

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

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

3D.45. Heritage conservation areas

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

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

3D.48. Other development standards for detached studios

3D.49. Exceptions to setbacks

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

3D.50. Application of Subdivision

3D.51. Minimum landscaped area

Subdivision 4 - Built form development standards for swimming pools and fences

3D.52. Development standards for swimming pools

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

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

Subdivision 1 - Preliminary

3D.54. Application of Division

3D.55. Definition

Subdivision 2 - Built form development standards

3D.56. Maximum height and siting of development

3D.57. Maximum footprint

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

3D.59. Minimum setbacks

3D.60. Additional development standards

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

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

3D.62. Drainage

3D.63. Protecting adjoining walls

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

Division 9 - Conditions applying to complying development certificates under this code

3D.65. Conditions specified in Schedule 6 apply

PART 4 - HOUSING ALTERATIONS CODE

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 to existing dwelling houses and ancillary development

4.3. Specified complying development

4.4. Development standards

Subdivision 2A - External alterations to residential accommodation other than dwelling houses and ancillary development

4.4A. Specified complying development

4.4B. Development standards

Subdivision 3 - Attic conversions

4.5. Specified complying development

4.6. Development standards

Subdivision 3A - Development standards for particular land

4.6A. Development standards for bush fire prone land

Division 1A - (Repealed)

None

Division 2 - Conditions applying to complying development certificates under this code

4.7. Conditions specified in Schedule 7 apply

4.8-4.11. (Repealed)

PART 4A - GENERAL DEVELOPMENT CODE

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

Subdivision 2 - Home businesses

4A.3. Specified complying development

4A.4. Development standards

Subdivision 3 - Tents, marquees or booths for community events

4A.5. Specified development

4A.6. Development standards

Subdivision 4 - Stages or platforms for community events

4A.7. Specified development

4A.8. Development standards

Subdivision 5 - Sydney Olympic Park--major events

4A.9. Specified development

4A.10. Development standards

Subdivision 6 - Waterways structures

4A.11. Specified development

4A.12. Development standards

Division 2 - Conditions applying to complying development certificates under this code

4A.13. Conditions specified in Schedule 7 apply

PART 5 - COMMERCIAL AND INDUSTRIAL ALTERATIONS CODE

Division 1 - Specified development and development standards under this code

Subdivision 1 - Building alterations (internal)

5.1. Specified complying development

5.2. Development standards

Subdivision 2 - Change of use of premises

5.3. Specified complying development

5.4. Development standards

Subdivision 3 - First use of premises

5.5. Specified development

5.6. Development standards

Subdivision 4 - Mechanical ventilation systems

5.7. Specified complying development

5.8. Development standards

Subdivision 5 - Shop fronts and awnings

5.9. Specified complying development

5.10. Development standards

Subdivision 6 - Skylights and roof windows

5.11. Specified complying development

5.12. Development standards

Subdivision 7 - Projecting wall signs

5.13. Specified development

5.14. Development standards

Subdivision 8 - Freestanding pylon and directory board signs

5.15. Specified development

5.16. Development standards

Subdivision 9 - Ancillary development

5.17. Specified development

5.18. Development standards

Subdivision 10 - Earthworks, retaining walls and structural support

5.19. Specified development

5.20. Development standards

Subdivision 11 - Driveways, hard stand spaces, pathways and paving

5.21. Specified development

5.22. Development standards

Subdivision 12 - Fences

5.23. Specified development

5.24. Development standards

Subdivision 13 - Development standards for land near Siding Spring Observatory

5.24A. Specified development

5.24B. Development standards

Division 2 - Conditions applying to complying development certificates under this code

5.25. Conditions specified in Schedule 8 apply

PART 5A - COMMERCIAL AND INDUSTRIAL (NEW BUILDINGS AND ADDITIONS) CODE

Division 1 - Development that is complying development under this code

5A.1. Land to which code applies

5A.2. Alterations or additions to an existing building or construction of new building

5A.3. When separate permits are not required under this Part

Division 2 - Development standards for this code relating to industrial buildings

Subdivision 1 - Application

5A.4. Application of development standards

Subdivision 2 - General

5A.5. General standards

5A.6. Registered easements

Subdivision 3 - Site requirements

5A.7. Maximum gross floor area

5A.8. Maximum floor space ratio

Subdivision 4 - Building heights and setbacks

5A.9. Maximum height

5A.10. Setbacks of development from roads

5A.11. Setbacks of development from side and rear boundaries

Subdivision 5 - Building and site design requirements

5A.12. Front facade material finishes for new industrial buildings

5A.13. Building elements within the articulation zone for new industrial buildings

5A.14. Bunding

5A.15. Caretakers' flats

5A.16. Landscaped areas

Division 3 - Development standards for this code relating to commercial premises

Subdivision 1 - Application

5A.17. Application of development standards

Subdivision 2 - General

5A.18. General standards

Subdivision 3 - Site requirements

5A.19. Maximum gross floor area

5A.20. Maximum floor space ratio

Subdivision 4 - Building heights and setbacks

5A.21. Maximum height

5A.22. Setbacks

5A.23. Privacy

Division 4 - Development standards for both industrial and commercial development

5A.24. Car parking and access

5A.25. Loading facilities and driveways

5A.26. Garbage and waste storage

5A.27. Earthworks

5A.28. Drainage

5A.29. Development standards for bush fire prone land

5A.30. Complying development on flood control lots

5A.30A. Development standards for land near Siding Spring Observatory

Division 5 - Conditions applying to complying development certificates under this code

5A.31. Conditions specified in Schedule 8 apply

PART 5B - CONTAINER RECYCLING FACILITIES CODE

Division 1 - Preliminary

5B.1. Definitions

Division 2 - Development that is complying development under this code

5B.2. Development to which code applies

5B.3. Specified development

Division 3 - Development standards for this code

5B.4. Application of development standards

5B.5. Application of standards under Commercial and Industrial (New Buildings and Additions) Code

5B.6. Development standards for container recycling facilities

Division 4 - Conditions applying to complying development certificates under this code

5B.7. Conditions specified in Schedule 8 apply

PART 6 - SUBDIVISIONS CODE

Division 1 - Strata subdivision

6.1. Specified complying development

6.2. Development standards

Division 2 - Torrens subdivision

6.3. Specified complying development

6.4. Development standards

Division 3 - Subdivision certificates

6.5. Issue of certificate by accredited certifier

Division 4 - Conditions applying to complying development certificates under this code

6.6. Conditions specified in Schedule 6B apply

PART 7 - DEMOLITION CODE

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

7.3. Conditions specified in Schedule 9 apply

7.4-7.11. (Repealed)

PART 8 - FIRE SAFETY CODE

Division 1 - Development that is complying development under this code

8.1. Definitions

8.2. Specified complying development

Division 2 - Development standards for this code

Subdivision 1 - General development standards

8.3. Development standards

Subdivision 2 - Water storage tanks

8.4. Development standards

Subdivision 3 - Fixed on-site fire pump sets and associated external pump houses or enclosures

8.5. Development standards

Subdivision 4 - Fire mains, pipes and booster connections

8.6. Development standards

Subdivision 5 - Fire alarm communication link works

8.7. Development standards

Division 3 - Conditions applying to complying development certificates under this code

8.8. Conditions specified in Schedule 10 apply

Schedule 1 (Repealed)

SCHEDULE 2

SCHEDULE 3

SCHEDULE 4

SCHEDULE 5

SCHEDULE 6

SCHEDULE 6A

SCHEDULE 6B

SCHEDULE 7

SCHEDULE 8

SCHEDULE 9

SCHEDULE 10

**STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)
2008**

- REG 1.1

Name of Policy

1.1 Name of Policy

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

**STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)
2008**

2008

- REG 1.2

Commencement

1.2 Commencement

This Policy commences on 27 February 2009.

**STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)
2008**

2008

- REG 1.3

Aims of Policy

1.3 Aims of Policy

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

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

**STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)
2008**

2008

- REG 1.4

Land to which Policy applies

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 less than 18 kilometres from the Siding Spring Observatory, except as provided by clause 1.16A.

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 1.4A

Development to which Policy does not apply

1.4A Development to which Policy does not apply

This Policy does not apply to development to which Part 3 of State Environmental Planning Policy (Affordable Rental Housing) 2009 applies.

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 1.5

Interpretation--general

1.5 Interpretation--general

(1) In this Policy:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

"Commercial and Industrial (New Buildings and Additions) Code" means the code for complying development set out in Part 5A.

"common wall" means a wall shared between 2 properties.

"community consultation" means:

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

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

"complying development code" means any of the following codes:

- (a) the Housing Code,**
- (b) the Rural Housing Code,**
- (b1) Low Rise Medium Density Housing Code,**
- (b2) the Greenfield Housing Code,**
- (c) the Housing Alterations Code,**
- (d) the General Development Code,**
- (e) the Commercial and Industrial Alterations Code,**
- (e1) the Commercial and Industrial (New Buildings and Additions) Code,**
- (e2) the Container Recycling Facilities Code,**
- (f) the Subdivisions Code,**
- (g) the Demolition Code,**
- (h) the Fire Safety Code,**
- (i) the Inland Code.**

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

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

"container recycling facility" --see clause 5B.1.

"corner lot" means a lot that has 2 contiguous boundaries with a road or roads (other than a lane) that intersect at an angle of 135 degrees or less (whether or not the lot has any other boundaries with a road).

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

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

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

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

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

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

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

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

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

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

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

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

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

"environmentally sensitive area" means any of the following:

- (a) the coastal waters of the State,**
- (b) a coastal lake identified in Schedule 1 to State Environmental Planning Policy (Coastal Management) 2018,**
- (c) land identified as "coastal wetlands" or "littoral rainforest" on the Coastal Wetlands and Littoral Rainforests Area Map (within the meaning of State Environmental Planning Policy (Coastal Management) 2018),**
- (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.**

"exempt development code" means any of the following codes:

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

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

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

"fire sprinkler system" means a system designed to automatically

control the growth and spread of fire that may include components such as sprinklers, valves, pipework, pumps, boosters and water supplies.

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

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

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

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

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

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

but does not include any of the following:

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

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

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

but does not include any of the following:

- (c) any part of an awning, blind or canopy that is outside the outer wall of a building,**
- (d) the eaves,**
- (e) a stairway.**

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

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

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

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

"Greenfield Housing Code Area" means the area identified as the Greenfield Housing Code Area by the Greenfield Housing Code Area Map.

"Greenfield Housing Code Area Map" means the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 Greenfield Housing Code Area Map.

Note : The Greenfield Housing Code Area Map adopted by this Policy is to be made available on the NSW legislation website.

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

- (a) any storage area, vehicular access area, loading area, garbage area or services located in a basement,**
- (b) 1 car parking space per dwelling (including access to the parking space),**
- (c) any terrace or balcony with outer walls less than 1.4m high,**
- (d) voids above a floor at the level of a storey or storey above,**
- (e) any common area intended to be used by occupants of the building to access dwellings on higher or lower storeys of the building such as a stairwell or lift shaft.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

"manual collection point" --see clause 5B.1.

"Medium Density Design Guide" means the Medium Density Design Guide published by the Department of Planning and Environment on the day on which State Environmental Planning Policy (Exempt and Complying Development Codes) Amendment (Low Rise Medium Density Housing) 2017 commences.

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

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

"off peak time" means any time other than peak time.

"outbuilding" means any of the following class 10a buildings under the Building Code of Australia:

- (a) balcony, deck, patio, pergola, terrace or verandah that is detached from a dwelling house,**
- (b) cabana, cubby house, fernery, garden shed, gazebo or greenhouse,**
- (c) carport that is detached from a dwelling house,**

- (d) farm building,
- (e) garage that is detached from a dwelling house,
- (f) rainwater tank (above ground) that is detached from a dwelling house,
- (g) shade structure that is detached from a dwelling house,
- (h) shed.

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

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

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

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

"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.

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

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

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

"privacy screen" means:

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

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

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.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

"water utility" means:

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

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

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

(2) A word or expression used in this Policy has the same meaning as it has in the Standard Instrument unless it is otherwise defined in

this Policy.

(3) A reference in this Policy to any type of residential accommodation has the same meaning as it has in the Standard Instrument (unless it is otherwise defined in this Policy), but does not include any part of the building that is ancillary development, attached development, detached development or exempt development under this Policy.

(3) For the purposes of calculating site coverage of development, the following are not to be included in determining the area covered by buildings:

- (a) an access ramp,**
- (b) any part of an awning, blind or canopy that is outside the outer wall of a building,**
- (c) a balcony, deck, patio, pergola, terrace or verandah attached to a dwelling house that is not enclosed by a wall higher than 1.4m above the floor level,**
- (d) the eaves of a building,**
- (e) a driveway,**
- (f) a farm building,**
- (g) a fence or screen,**
- (h) a pathway or paving,**
- (i) a rainwater tank that is attached to a dwelling house,**
- (j) a swimming pool or spa pool.**

(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 and diagrams included in this Policy do not form part of this Policy.

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 1.6

Interpretation--references to land use zones

1.6 Interpretation--references to land use zones

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

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

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

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

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

a reference in this Policy to a lot or land in a named land use zone is a reference to a lot or land specified in such a zone in the last

such draft environmental planning instrument that was the subject of such community consultation.

(1C) In subclause (1B),

"community consultation" means community consultation under clause 4 of Schedule 1 to the Act or public exhibition under section 66 of the Act (as continued on by clause 12 of the Environmental Planning and Assessment Regulation 2000).

(2) In this clause:

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

(3) If the 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 3.20 (2) of the Act is a land use zone in which equivalent land uses are permitted to those permitted in a named land use zone, that certification is conclusive for the purposes of this clause.

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

B4 Mixed Use	A variety of business, office and retail premises, community and entertainment facilities and
B5 Business Development	Large floor area business uses, including warehouse or distribution centres, and specialised retail premises in areas that are close to,
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
B7 Business Park	Office premises and light industries, that encourage employment opportunities, together with
B8 Metropolitan Centre	Large scale business, office and retail premises, public administration buildings, community and entertainment facilities, education establishments, health
IN1 General Industrial	Depots, freight transport facilities, industries, neighbourhood shops and warehouse or distribution centres in
IN2 Light Industrial	Depots, light industries, neighbourhood shops and warehouse or distribution centres in a light
IN3 Heavy Industrial	Depots, freight transport facilities and heavy industries, including hazardous and offensive industries and storage establishments in a heavy
IN4 Working Waterfront	Waterfront industrial and maritime activities, including boat launching ramps, boat repair facilities,
SP1 Special Activities	Special land uses and development ancillary to those uses that is appropriate for the special character
SP2 Infrastructure	Infrastructure development and other
SP3 Tourist	Tourist-orientated development and
RE1 Public Recreation	Public recreational uses and open space appropriate for the natural
RE2 Private Recreation	Private recreational uses, open space and ancillary facilities appropriate
E1 National Parks and Nature	Authorised uses in national parks and
E2 Environmental Conservation	Development that is suitable in areas of high ecological, scientific, cultural or aesthetic value that will

	not threaten or have an adverse
E3 Environmental Management	Development, including low density housing, that is suitable in areas of high ecological, scientific, cultural or aesthetic value and that will not threaten or have an adverse effect on
E4 Environmental Living	Low-impact residential housing that is suitable for areas with special ecological, scientific or aesthetic
W1 Natural Waterways	Development that is appropriate for the ecological and scenic value of
W2 Recreational Waterways	Recreational development that is appropriate for the ecological, scenic and recreational value of
W3 Working Waterways	Maritime industrial development and associated facilities that are

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 1.7

Maps

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.

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 1.8

Relationship with other State environmental planning policies

1.8 Relationship with other State environmental planning policies

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

(1) If this Policy and any other State environmental planning policy, whether made before or after the commencement of this Policy, specify the same development, as either exempt development or complying development, the other Policy does not apply to that development,

except as provided by subclauses (2)-(4).

(2) Despite subclause (1), in each of the following circumstances, State Environmental Planning Policy (Infrastructure) 2007 continues to apply and this Policy does not apply:

(a) if this Policy and State Environmental Planning Policy (Infrastructure) 2007 specify the same development as complying development,

(b) if this Policy and State Environmental Planning Policy (Infrastructure) 2007 specify the same development as exempt development,

(c) if this Policy specifies development as exempt development and State Environmental Planning Policy (Infrastructure) 2007 specifies the same development as complying development,

(d) if this Policy specifies development as complying development and State Environmental Planning Policy (Infrastructure) 2007 specifies the same development as exempt development.

(3) If this Policy and State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007 specify the same development as either exempt or complying development, this Policy does not apply to that development.

(4) If this Policy and State Environmental Planning Policy (Affordable Rental Housing) 2009 specify the same development as either exempt or complying development, that Policy prevails to the extent of any inconsistency.

(5) If this Policy and State Environmental Planning Policy (Port Botany and Port Kembla) 2013 specify the same development as either exempt or complying development, this Policy does not apply to that development.

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

(7) If a provision of this clause provides for another State environmental planning policy to continue to apply to development, that development may be carried out under this Policy or under that other Policy.

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

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 1.9

Relationship with local environmental plans and development control plans

1.9 Relationship with local environmental plans and development control plans

(1) Exempt or complying development under this Policy and standard plans A standard plan does not apply to development that is specified in the plan as exempt development or complying development and that is specified in this Policy as exempt development or complying development.

(2) Exempt development under this Policy and non-standard plans If this Policy and a non-standard plan specify the same development as exempt development, the non-standard plan does not apply to that development.

(3) Subclause (1) does not apply in relation to land in Bathurst Regional Despite subclause (1), if this Policy and Bathurst Regional Local Environmental Plan 2014 specify the same development as exempt development or complying development, that Plan continues to apply to that development.

(4) Complying development under this Policy and non-standard plans If this Policy and a non-standard plan specify the same development as complying development, the non-standard plan continues to apply to that development.

(5) Subclause (4) not to apply in relation to land in Kiama or Wyong Despite subclause (4), if this Policy and a non-standard plan that applies to land in the local government area of Kiama or Wyong specify the same development as complying development, that plan does not apply to that development.

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

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

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

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

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

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

(11) In this clause:

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

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

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 1.10

Same development

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.

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 1.12

Variations to certain codes

1.12 Variations to certain codes

(1) The exempt development codes are varied, in relation to the land described or otherwise identified on a map specified in Column 1 of the Table to Schedule 2, in the manner described opposite that land in Column 2.

(2) The complying development codes are varied, in relation to the land 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 exempt development codes or the complying development codes are varied because of the application of subclause (1) or (2) in relation to land, any provision of an existing local environmental plan or development control plan that would have applied to that land, but for clause 1.9, does not apply to that land.

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 1.13

Savings provisions

1.13 Savings provisions

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

(2) A development application or an application for a complying development certificate that has been made but not finally determined before the commencement of State Environmental Planning Policy (Exempt and Complying Development Codes) Amendment (Commercial and Industrial Development and Other Matters) 2013 must be determined as if that Policy had not commenced.

(3) Development that was commenced before the commencement of State

Environmental Planning Policy (Exempt and Complying Development Codes) Amendment (Commercial and Industrial Development and Other Matters) 2013 and that was, immediately before that commencement, exempt development in accordance with an environmental planning instrument that was amended by that Policy may be continued as if that Policy had not commenced.

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 1.14

Review of Policy

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.

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 1.15

What development is exempt 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 4.1 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).**

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 1.16

General requirements for exempt development

1.16 General requirements for exempt development

(1) To be exempt development for the purposes of this Policy, the development:

- (a) must meet the relevant deemed-to-satisfy provisions of the Building Code of Australia, or if there are no such**

relevant provisions, must be structurally adequate, and
(b) must not, if it relates to an existing building, cause the building to contravene the Building Code of Australia, and

(b1) must not be carried out on land that is a declared area of outstanding biodiversity value under the Biodiversity Conservation Act 2016 or declared critical habitat under Part 7A of the Fisheries Management Act 1994, and

(b2) must not be carried out on land that is, or is part of, a wilderness area (within the meaning of Wilderness Act 1987), and

(c) must not be carried out on land that is, or on which there is, an item that is listed on the State Heritage Register under the Heritage Act 1977, or that is subject to an interim heritage order under that Act, and

(d) must not be carried out on land that is described or otherwise identified on a map specified in Schedule 4.

(1A) Despite subclause (1) (c), if development meets the requirements and standards specified by this Policy and that development:

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

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

the development is exempt development under this Policy.

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

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

(2) Development that relates to an existing building that is classified under the Building Code of Australia as class 1b or class 2-9 is exempt development for the purposes of this Policy only if:

(a) the building has a current fire safety certificate or fire safety statement, or

(b) no fire safety measures are currently implemented, required or proposed for the building.

(3) To be exempt development for the purposes of this Policy, the development must:

(a) be installed in accordance with the manufacturer's specifications, if applicable, and

(b) not involve the removal or pruning of a tree or other vegetation that requires a permit 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.

- REG 1.16A

Exempt development on land within 18 kilometres of Siding Spring Observatory

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

Clauses 1.15 and 1.16 and Part 2 apply to development on land that is less than 18 kilometres from the Siding Spring Observatory, but only if:

- (a) the development does not have, and will not require, any form of lighting, and**
- (b) the development is not development that is specified in any of the following provisions of Division 1 of Part 2:**
 - (i) Subdivision 6 Balconies, decks, patios, pergolas, terraces and verandahs,**
 - (ii) Subdivision 10 Carports,**
 - (iii) Subdivision 10A Change of use of premises,**
 - (iv) Subdivision 10B Change of use of places of public worship,**
 - (v) Subdivision 16 Farm buildings (other than stock holding yards, grain silos and grain bunkers),**
 - (v1) Subdivision 16A Stock holding yards not used for sale of stock,**
 - (v2) Subdivision 16B Grain silos and grain bunkers,**
 - (vi) Subdivision 24 Landscaping structures,**
 - (vii) Subdivision 27 Minor building alterations (external),**
 - (viii) Subdivision 27A Mobile food and drink outlets,**
 - (ix) Subdivision 37 Skylights, roof windows and ventilators.**

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 1.17

What development is complying development?

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.

Note : Development referred to in clause 2A.1 is also 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.

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 1.17A

Requirements for complying development for all environmental planning instruments

1.17A Requirements for complying development for all environmental planning instruments

(1) To be complying development for the purposes of any environmental planning instrument, the development must not:

- (a) be development for which development consent cannot be**

granted except with the concurrence of a person other than:

- (i) the consent authority, or
- (ii) the Director-General of the Department of Environment, Climate Change and Water as referred to in section 4.13 (3) of the Act, or
- (b) be on land that is critical habitat, or
- (c) be on land that is, or is part of, a wilderness area (within the meaning of the Wilderness Act 1987), or
- (d) be carried out on land that:
 - (i) comprises an item that is listed on the State Heritage Register under the Heritage Act 1977 or on which such an item is located, or
 - (ii) is subject to an interim heritage order under that Act or on which is located an item that is so subject, or
 - (iii) is identified as an item of environmental heritage or a heritage item by an environmental planning instrument or on which is located an item that is so identified, or
- (e) except as otherwise provided by this Policy, be on land that is within an environmentally sensitive area.

(2) Despite subclause (1) (d), if development meets the requirements and standards specified by this Policy and that development:

- (a) has been granted an exemption under section 57 (2) of the Heritage Act 1977, or
- (b) is subject to an exemption under section 57 (1A) or (3) of that Act,

the development is complying development under this Policy.

(3) If an item listed on the State Heritage Register is not located on, or does not comprise, the whole of the relevant land, subclause

(1) (d) applies only to the part of the land that is described and mapped on that register.

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

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 1.18

General requirements for complying development under this Policy

1.18 General requirements for complying development under this Policy

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

- (a) not be exempt development under this Policy, and
- (b) be permissible, with consent, under an environmental planning instrument applying to the land on which the development is carried out, and
- (c) meet the relevant provisions of the Building Code of Australia, and
 - (c1) must not require an environment protection licence within the meaning of the Protection of the Environment Operations Act 1997, and
 - (c2) must not be designated development, and

Note : Designated development is defined in section 4.10 of the Act as development that is declared to be designated development by an

environmental planning instrument or the regulations.

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

(d) before the complying development certificate is issued, have an approval, if required by the Local Government Act 1993, for:

(i) an on-site effluent disposal system if the development is undertaken on unsewered land, and

(ii) an on-site stormwater drainage system, and

(e) before the complying development certificate is issued, have written consent from the relevant roads authority (if required under section 138 of the Roads Act 1993) for the building of any kerb, crossover or driveway, and

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

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

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

(g) not be the construction or installation of a skylight or roof window on land in the local government area of Coonamble, Gilgandra, Warrumbungle Shire or that part of the local government area of Dubbo Regional that was formerly in the City of Dubbo, 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 3.33, 3A.7 or 5A.3 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 this Policy (see clauses 3.33, 3A.7 and 5A.3).

(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.

2008

- REG 1.19

Land on which complying development may not be carried out

1.19 Land on which complying development may not be carried out

(1) Specific land exemptions for Housing Code, Inland Code, Low Rise Medium Density Housing Code, Rural Housing Code and Greenfield Housing Code To be complying development specified for the Housing Code, the Inland Code, the Low Rise Medium Density Housing Code, the Rural Housing Code or the Greenfield Housing Code, the development must not be carried out on:

- (a) land within a heritage conservation area or a draft heritage conservation area, unless the development is a detached outbuilding, detached development (other than a detached studio) or swimming pool, or**
- (b) land that is reserved for a public purpose by an environmental planning instrument, or**
- (c) land identified on an Acid Sulfate Soils Map as being Class 1 or Class 2, or**
- (d) land that is subject to a biobanking agreement under Part 7A of the Threatened Species Conservation Act 1995 or a property vegetation plan approved under the Native Vegetation Act 2003, or**
- (d1) land that is subject to a private land conservation agreement under the Biodiversity Conservation Act 2016 or that is a set aside area under section 60ZC of the Local Land Services Act 2013, or**
- (e) land identified by an environmental planning instrument as being:
 - (i) within a buffer area, or**
 - (ii) within a river front area, or**
 - (iii) within an ecologically sensitive area, or**
 - (iv) environmentally sensitive land, or**
 - (v) within a protected area, or****
- (f) land that is identified by an environmental planning instrument, a development control plan or a policy adopted by the council as being or affected by:
 - (i) a coastline hazard, or**
 - (ii) a coastal hazard, or**
 - (iii) a coastal erosion hazard, or****
- (g) land in a foreshore area, or**
- (h) land that is in the 25 ANEF contour or a higher ANEF contour, unless the development is only for:
 - (i) the erection of ancillary development, attached development or detached development, or**
 - (ii) the alteration of, or an addition to, ancillary development, attached development or detached development, or****
- (i) land that is declared to be a special area under the Water NSW Act 2014, or**
- (j) unsewered land:
 - (i) to which State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011 applies, if that development will result in an increase to the number of bedrooms on the site or a site disturbance area of more than 250m², or**
 - (ii) in any other drinking water catchment identified in any other environmental planning instrument.****

(2) Development specified in the Housing Code, Inland Code or the Low Rise Medium Density 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.

(3) Subclause (2) ceases to have effect:

(a) on 30 November 2018 in relation to land in the local government area of Lake Macquarie and identified on State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 Lake Macquarie Complying Development Land Map (SEPP_ECD_4650_LCD_002_20130730) specified in Schedule 5, and

(b) on 30 November 2021 in relation to land in the local government area of Mosman and identified on any map specified in Schedule 5.

(3A) Development specified in the Low Rise Medium Density Housing Code is not complying development under that code if it is carried out on land on which there is a heritage item or a draft heritage item.

(4) Specific land exemptions for Housing Alterations Code and General Development Code To be complying development specified for the Housing Alterations Code or the General Development Code, the development must not be carried out on unsewered land:

(a) to which State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011 applies, if that development will result in an increase to the number of bedrooms on the site or in a site disturbance area of more than 250m², or

(b) in any other drinking water catchment identified in any other environmental planning instrument.

(5) Specific land exemptions for Commercial and Industrial (New Buildings and Additions) Code To be complying development specified for the Commercial and Industrial (New Buildings and Additions) Code, the development must not be carried out on:

(a) land within a heritage conservation area or a draft heritage conservation area, or

(b) land that is reserved for a public purpose in an environmental planning instrument, or

(c) land identified on an Acid Sulfate Soils Map as being Class 1 or Class 2, or

(d) land that is significantly contaminated land within the meaning of the Contaminated Land Management Act 1997, or

(d1) land that is subject to a private land conservation agreement under the Biodiversity Conservation Act 2016 or that is a set aside area under section 60ZC of the Local Land Services Act 2013, or

(e) land that is subject to a biobanking agreement under Part 7A of the Threatened Species Conservation Act 1995 or a property vegetation plan approved under the Native Vegetation Act 2003, or

(f) land identified by an environmental planning instrument as being:

(i) within a buffer area, or

(ii) within a river front area, or

(iii) within an ecologically sensitive area, or

(iv) environmentally sensitive land, or

(v) within a protected area, or

(g) land that is identified by an environmental planning instrument, a development control plan or a policy adopted by the council as being or affected by:

(i) a coastline hazard, or

(ii) a coastal hazard, or

(iii) a coastal erosion hazard, or

(h) land in a foreshore area, or

(i) unsewered land:

(i) 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.

(6) Specific land exemptions may apply only to part of a lot Nothing in this clause prevents complying development being carried out on part of a lot that is not land referred to in this clause even if other parts of the lot are such land.

(7) Savings and transitional provision The amendment made to subclause (1) by State Environmental Planning Policy (Exempt and Complying Development Codes) Amendment (Inland Code) 2019 applies to applications for complying development certificates made, but not finally determined, on or after 1 January 2019.

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 1.20

Suspension of covenants, agreements and instruments

1.20 Suspension of covenants, agreements and instruments

(1) For the purpose of enabling development on land in any zone to be carried out in accordance with this Policy, or with a consent granted under the Act, any agreement, covenant or other similar instrument that restricts the carrying out of that development does not apply to the extent necessary to serve that purpose.

(2) This clause does not apply:

(a) to a covenant imposed by a council, or that a council requires to be imposed, requiring compliance with a development standard that is:

(i) consistent with the development standards specified for the development concerned under this Policy, or

(ii) not dealt with by the development standards specified for the development concerned under this Policy, or

(b) to a covenant that is specifically required by another environmental planning instrument, or

(c) to a covenant imposed by an owner or former owner of the land concerned, other than a covenant that has been required by a council to be imposed, or

(d) to any prescribed instrument within the meaning of section 183A of the Crown Lands Act 1989, or

(e) to any conservation agreement within the meaning of the National Parks and Wildlife Act 1974, or

(f) to any Trust agreement within the meaning of the Nature Conservation Trust Act 2001, or

(g) to any property vegetation plan approved under the Native Vegetation Act 2003, or

(h) to any biobanking agreement within the meaning of Part 7A of the Threatened Species Conservation Act 1995, or

(i) to any planning agreement within the meaning of Division 7.1 of the Act.

(3) This clause does not affect the rights or interests of any public authority under any registered instrument.

(4) Under section 28 of the Act, the Governor, before the making of this clause, approved of subclauses (1)-(3).

**STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)
2008
- NOTES**

Note to Part 2 Schedule 2 contains the variations to this code.

**STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)
2008
- NOTES**

Note to Part 2A 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

Act

1993, the Swimming Pools Act

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.

**STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)
2008**

- REG 2.1

Specified development

2.1 Specified development

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

**STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)
2008**

- REG 2.2

Development standards

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.

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 2.3

Specified development

2.3 Specified development

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

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 2.4

Development standards

2.4 Development standards

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

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

- building and must not be higher than the highest point of the roof of the building, and
- (b) if the development is located at ground level (existing), the development:
- (i) must not have a diameter of more than 1.8m, and
 - (ii) must not be higher than 1.8m above ground level (existing), and
 - (iii) must be located at least 900mm from each lot boundary, and
 - (iv) must be located at the rear of the lot if it is not on land within Zone RU1, RU2, RU3, RU4, RU6 or R5, and
 - (v) must resist loads in accordance with AS/NZS 1170.0:2002 Structural design actions, Part 0: General Principles and AS/NZS 1170.2: 2011 Structural design actions, Part 2: Wind actions, and
 - (vi) must be anchored by a concrete slab or footing designed in accordance with AS 3600--2009 Concrete structures, and
- (c) if the development is a mast or attached to a mast, the mast:
- (i) must not have a diameter of more than 100mm, if a solid mast or 500mm if constructed as an open lattice frame, and
 - (ii) must not be higher than 10m above ground level (existing) inclusive of the mast and any attachments, and
 - (iii) must be located at least 5m from each lot boundary, if the mast is over 5m in height, and 2m from each lot boundary, if the mast is 5m or less in height, and
 - (iv) must not be constructed or installed on or in a heritage item or draft heritage item, and
 - (v) must be located at the rear of the lot if it is not on land within Zone RU1, RU2, RU3, RU4, RU6 or R5, and
 - (vi) must resist loads in accordance with AS/NZS 1170.0:2002 Structural design actions, Part 0: General Principles and AS/NZS 1170.2: 2011 Structural design actions, Part 2: Wind actions, and
 - (vii) must be anchored by a concrete slab or footing designed in accordance with AS 3600--2009 Concrete structures.
- (2) For subclause (1), there must be:
- (a) no more than 3 developments per lot, and
 - (b) not more than 1 mast or antenna located at ground level (existing) on the lot.
- (3) Despite subclause (2), development in connection with the use of dwellings in a residential flat building on the lot may comprise 1 (but not more than 1) dish, aerial or antenna per dwelling.
- Note :** There are other existing legislative requirements relating to the clearance of power lines and Obstacle Limitation Surfaces near airport flight paths.

Specified development

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.

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 2.6

Development standards

2.6 Development standards

(1) The standards specified for that development, if for residential uses only, are that the development must:

- (a) not be located on the wall or roof of a building that faces the primary road, or forward of the building line to the primary road, and**
- (b) be located at least 450mm from each lot boundary, and**
- (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--be ground mounted, and**
- (h) if it is constructed or installed on or in a heritage item or a draft heritage item or in a heritage conservation area or a draft heritage conservation area--be installed at or behind the rear building line.**

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

- (a) not be located on the wall or roof of a building that faces the primary road, or forward of the building line to the primary road, and**
- (b) not be built into any external wall unless the development is more than 3m from each side and rear boundary and 6m from any other building on the lot, and**
- (c) not involve work that reduces the structural integrity of the building, and**
- (d) not reduce the existing fire resistance level of a wall or roof, and**
- (d1) be designed so as not to operate:**
 - (i) during peak time--at a noise level that is more than 5 dB(A) above the ambient background noise level measured at any property boundary, or**
 - (ii) during off peak time--at a noise level that is audible in habitable rooms of adjoining**

- residences, and
 - (e) if it is constructed or installed on or in a heritage item or draft heritage item--not be wall mounted, and
 - (f) if it is constructed or installed in a heritage conservation area or a draft heritage conservation area--be located behind the building line of any road frontage.
- (2) Any opening created by the construction or installation of the development must be adequately waterproofed.
- 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.

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 2.6A

Specified development

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.

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 2.6B

Development standards

2.6B Development standards

- (1) The standards specified for that development, when it is not a stable for the keeping of horses in Zone RU1, RU2, RU3, RU4 or RU6, are that the development must:
- (a) be associated with a residential use, and
 - (b) not have a floor area of more than 10m², and
 - (c) be not higher than 1.8m above ground level (existing), and
 - (d) if it is not on land in Zone RU1, RU2, RU3, RU4 or RU6--be located behind the building line of any road frontage, and
 - (e) be located at least 450mm from each side and rear boundary, and
 - (f) if roofed--be constructed or installed so that roofwater is disposed of into an existing stormwater drainage system, and
 - (g) to the extent it is comprised of metal components--be constructed of low reflective, factory pre-coloured materials and have an impervious floor, and
 - (h) if it is located on bush fire prone land and is less than 5m from a dwelling--be constructed of non-combustible material, and
 - (i) if it is constructed or installed on or in a heritage item or a draft heritage item, or in a heritage conservation area or a draft heritage conservation area--be located in the rear yard.
- (2) There must not be more than 2 developments per lot for development referred to in subclause (1).

(3) The standards specified for that development when it is a stable for the keeping of horses in Zone RU1, RU2, RU3, RU4 or RU6 are that the development must:

- (a) be associated with a residential use, and**
- (b) not have a floor area of more than 50m², and**
- (c) be not higher than 3m above ground level (existing), and**
- (d) be located at least 20m from any road boundary and 5m from every other lot boundary, and**
- (e) be located at least 30m from any dwelling on an adjoining lot, and**
- (f) if roofed--be constructed or installed so that roof water is disposed of on site, without causing a nuisance to adjoining owners, and**
- (g) if it is in Zone RU4 and to the extent it is comprised of metal components--be constructed of low reflective, factory pre-coloured materials, and**
- (h) have an impervious floor, and**
- (i) if it is located on bush fire prone land and is less than 5m from a dwelling--be constructed of non-combustible material.**

(4) There must not be more than 1 development per lot for development referred to in subclause (3).

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 2.6C

Specified development

2.6C Specified development

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

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 2.6D

Development standards

2.6D Development standards

The standards specified for that development are that:

(a) the development:

- (i) must be located inside, and only be accessible from within, existing commercial premises, or**
- (ii) must be located inside existing commercial premises within an external wall that is at least 2m from a road and not installed or constructed on or in a heritage item or draft heritage item or in a heritage conservation area or draft heritage conservation area, and**

(b) the development must be installed in accordance with AS 3769--1990 Automatic teller machines--User access.

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 2.7

Specified development

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.

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 2.8

Development standards

2.8 Development standards

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

- (a) be for residential uses only, and**
- (b) not have a floor area of more than:**
 - (i) in a rural zone--30m², or**
 - (ii) in any other zone--10m², and**
- (c) be not higher than:**
 - (i) in a rural zone--3m above ground level (existing), or**
 - (ii) in any other zone--2.4m above ground level (existing), and**
- (d) be located:**
 - (i) in a rural zone--at least 20m from the road boundary and 5m from each other lot boundary, or**
 - (ii) in any other zone--in the rear yard and at least 900mm from each side and rear boundary, and**
- (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.

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 2.9

Specified development

2.9 Specified development

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

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

Note : See separate entry for shade structures.

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 2.10

Development standards

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.

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 2.11

Specified development

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.

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 2.12

Development standards

2.12 Development standards

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

- (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 a distance from each lot boundary of at least:
 - (i) for development carried out in Zone RU1, RU2, RU3, RU4, RU6 or R5--5m, or
 - (ii) for development carried out in any other zone--900mm,

- and
- (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.

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 2.13

Specified development

2.13 Specified development

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

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 2.14

Development standards

2.14 Development standards

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

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

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 2.16A

Specified development

2.16A Specified development

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

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 2.16B

Development standards

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:
 - (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.

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 2.17

Specified development

2.17 Specified development

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

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 2.18

Development standards

2.18 Development standards

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

- (b) not have a floor area of more than:
 - (i) on land in Zone RU1, RU2, RU3, RU4, RU6 or R5--50m², or
 - (ii) on land in any other zone--20m², and
- (c) be not higher than 3m above ground level (existing), and
- (d) be located at a distance from each lot boundary of at least:
 - (i) for development carried out in Zone RU1, RU2, RU3, RU4, RU6 or R5--5m, or
 - (ii) for development carried out in any other zone--900mm, and
- (e) if it is not on land in Zone RU1, RU2, RU3, RU4 or RU6--be located behind the building line of any road frontage, and
- (f) not be a shipping container, and
- (g) be constructed or installed so that roofwater is disposed of without causing a nuisance to adjoining owners,

- and
- (h) to the extent it is comprised of metal components--be constructed of low reflective, factory pre-coloured materials if it is located on land in a residential zone, and
 - (i) if it is located on bush fire prone land and is less than 5m from a dwelling--be constructed of non-combustible material, and
 - (j) if it is constructed or installed in a heritage conservation area or a draft heritage conservation area--be located in the rear yard, and
 - (k) if it is located adjacent to another building--be located so that it does not interfere with the entry to, or exit from, or the fire safety measures contained within, that building, and
 - (l) be a Class 10 building and not be habitable, and
 - (m) be located at least 1m from any registered easement.
- (2) There must not be more than 2 developments per lot.

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 2.19

Specified development

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.

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 2.20

Development standards

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 a distance from each lot boundary of at least:
 - (i) for development carried out in Zone RU1, RU2, RU3, RU4, RU6 or R5--5m, or
 - (ii) for development carried out in any other

general industry	light industry (other than artisan food)
light industry (other than artisan)	packaging industry
packaging industry	warehouse or distribution centre (other)
warehouse or distribution centre (other than local distribution)	wholesale supplies

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 2.20B

Development standards

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 4.65 of the Act, and
- (c) the new use must be permissible with consent under an environmental planning instrument applying to the land on which the development is carried out, and
- (d) the new use must not result in a change of building classification under the Building Code of Australia, unless the change of use is from a class 5 building to a class 6 building, or from a class 6 building to a class 5 building, and the building meets all the relevant provisions of that code for the new use, and
- (e) the new use must not be carried out at premises that are a manufactured home, moveable dwelling or associated structure, temporary structure, tent, swimming pool, ship or vessel, and
- (f) the new use must not be any of the following:
 - (i) food and drink premises,
 - (ii) a funeral chapel,
 - (iii) a funeral home,
 - (iv) retail premises where firearms within the meaning of the Firearms Act 1996 are sold,
 - (v) landscaping material supplies,
 - (vi) a market,
 - (vii) premises that are a beauty salon or hair dressing salon,
 - (viii) premises where a skin penetration procedure within the meaning of 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 the most recent development consent (other than a complying development certificate) that applies to the premises relating to hours of operation, noise, car parking, vehicular movement, traffic generation, loading, waste management and

landscaping, and

(j) if there is no such existing condition applying to the premises relating to the hours of operation, the premises must only operate between 7.00 am and 7.00 pm on any day.

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

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 2.20C

Specified development

2.20C Specified development

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

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 2.20D

Development standards

2.20D Development standards

The standards specified for that development are that:

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

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 2.20E

Specified development

2.20E Specified development

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

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 2.20F

Development standards

2.20F Development standards

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

- (a) be associated with commercial premises or a place of public worship, and
- (b) if located on the same lot as the commercial premises or place of public worship--be wholly located within the lot and not located on a road or road reserve, and
- (c) not result in more than 3 such bins on one lot, and
- (d) be located behind the building line of any road frontage, and
- (e) be operated by a person or organisation that is the holder of an authority under the Charitable Fundraising Act 1991, and
- (f) not display any advertising other than details of the person or organisation that operates it, and
- (g) not cause the contravention of any existing condition of the most recent development consent (other than a complying development certificate) that applies to the premises relating to car parking, loading, vehicular movement, waste management and landscaping.

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 2.21

Specified development

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.

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 2.22

Development standards

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.

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 2.23

Specified development

2.23 Specified development

(1) The following development is specified for this code:

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

(b) the erection or operation of a mobile reverse vending machine.

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

(a) the land is lawfully used for the purposes of a community facility, an educational establishment or any other building or place used for the physical, social, cultural or intellectual development or welfare of the community, or

(b) the development is carried out in connection with a commercial, community or retail event or a private function.

(3) In this Subdivision:

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

"container recycling equipment" means:

(a) a reverse vending machine, or

(b) a mobile reverse vending machine, or

(c) a container collection cage.

"erection or operation of a mobile reverse vending machine" means:

(a) the erection on land of a mobile structure that is fitted with a reverse vending machine, or

(b) the operation of a reverse vending machine on land from a vehicle.

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

"Noise Policy" means the document entitled NSW Industrial Noise Policy published by the Environment Protection Authority and in force as at the commencement of this Subdivision.

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 2.23A

Development in car parks

2.23A Development in car parks

The following development is specified for this code:

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

(b) the operation of a reverse vending machine from a vehicle on land that may lawfully be used for the purposes of a car park.

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 2.24

Development standards

2.24 Development standards

(1) The standards specified for development specified in clause 2.23

or 2.23A are that:

- (a) the container recycling equipment must not restrict any vehicular or pedestrian access to or from, or entry to any building on, the land on which the equipment is located, and**
- (b) the container recycling equipment must not obstruct the operation of, or access to, any utility services on the land on which the equipment is located or on adjacent land, and**
- (c) the container recycling equipment must, if erected outdoors:**
 - (i) be constructed of material that protects the equipment from weathering, and**
 - (ii) be painted or treated to protect the equipment from weathering, and**
 - (iii) in the case of a reverse vending machine or mobile reverse vending machine--be constructed so that any opening created is adequately weather proofed, and**
- (d) the container recycling equipment must be constructed of low reflective materials, and**
- (e) the container recycling equipment must be provided with lighting that complies with AS/NZS 1158.3.1:2005 Lighting for roads and public spaces, Part 3.1: Pedestrian area (Category P) lighting--Performance and design requirements, and**
- (f) the container recycling equipment must not redirect the flow of any surface water or ground water or cause sediment to be transported onto an adjoining property, and**
- (g) the container recycling equipment must not:**
 - (i) emit noise at a level that is more than 70 dB (A), measured in accordance with the Noise Policy, or**
 - (ii) emit noise that is audible within residential or office premises on any lot adjoining the lot on which the equipment is located, or**
 - (iii) emit noise at a level that is more than 5 dB(A) above background noise when measured at any adjoining property boundary in accordance with the Noise Policy, and**
- (h) any display screen affixed externally to the container recycling equipment must not be more than 50cm in length or 30cm in width, and**
- (i) the development must not result in any damage to public property on the land on which the container recycling equipment is located or on adjacent land (except any damage resulting from securing or affixing the container recycling equipment to the ground as a safety measure), and**
- (k) arrangements must be made for the removal of waste or recyclable materials likely to be generated as a result of the development or the operation of the container recycling equipment, and**
- (l) the siting, design and construction of the container recycling equipment must meet all of the requirements imposed by the Environment Protection Authority under the container deposit scheme, and**

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

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

(n) if the container recycling equipment is development specified in clause 2.23A--the area occupied by the equipment must not exceed the greater of the following areas:

- (i) the area comprising 3 car parking spaces,**
- (ii) 42m², and**

(o) if it is the erection of a reverse vending machine--the machine must:

- (i) not have a floor area of more than 50m², and**
- (ii) not be more than 3m in height, 10m in width or 5m in depth, and**
- (iii) not be erected within 5m of any residential premises, and**

(p) if it is the erection of a reverse vending machine or a container collection cage--the machine or cage must not be erected within 2m of any street or right of way, and

(q) if it is the erection of a container collection cage--the cage must:

- (i) be located in a car park or commercial premises, and**
- (ii) not have a floor area of more than 15m², and**
- (iii) not be more than 3m in height, and**

(r) if it is the erection or operation of a mobile reverse vending machine in connection with a commercial, community or retail event or a private function--the machine must not be parked or located:

- (i) on the land for more than 2 days before the event or for more than 2 days after the event, or**
- (ii) within 2m of any street intersection or right of way, and**

(s) if it is the erection or operation of a mobile reverse vending machine in connection with a commercial or retail event--the reverse vending machine contained in the mobile reverse vending machine must operate only:

- (i) between 7.00 am and 11.00 pm on a Monday, Tuesday, Wednesday or Thursday, and**
- (ii) between 7.00 am and 12.00 am on a Friday or Saturday, and**
- (iii) between 8.00 am and 8.00 pm on a Sunday.**

(2) Despite subclause (1) (n), the equipment may occupy an additional car parking area in addition to the area specified in that paragraph if:

- (a) an environmental planning instrument, development control plan or condition of a development consent that is in force requires the car park to provide a minimum number of car parking spaces, and**
- (b) the car park provides a number of car parking spaces that exceeds the minimum number required ("the additional spaces").**

(3) The "additional car parking area" is the greater of the following areas:

- (a) an area comprising not more than 3 of the additional spaces,**
- (b) an area not exceeding 42m².**

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

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

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 2.25

Specified development

2.25 Specified development

Demolition of development specified as exempt development under this code, if it is not carried out on or in a heritage item or a draft heritage item or on or in a heritage conservation area or a draft heritage conservation area, is development specified for this code.

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 2.26

Development standards

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.

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 2.27

Specified development

2.27 Specified development

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

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

(b) the construction or installation of a hard stand space associated with a driveway, whether open or part of a carport.

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 2.28

Development standards

2.28 Development standards

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

- (a) be constructed or installed so that any surface water or runoff is disposed of by a drainage system that is connected to the existing stormwater drainage system, and**
- (b) be constructed in accordance with AS/NZS 2890.1:2004, Parking facilities, Part 1: Off-street car parking or AS: 2890.2--2002, Parking facilities, Part 2: Off-street commercial vehicle facilities, and**
- (c) if the development is ancillary development to a dwelling--not require cut or fill more than 600mm below or above ground level (existing), and**
- (d) if the development is not ancillary development to a dwelling--not require cut or fill more than 1m below or above ground level (existing), and**
- (e) if the development is a driveway:**
 - (i) not be wider than the open hard stand space, carport or garage with which it is associated, and**
 - (ii) be constructed in accordance with the relevant road authority's policy and specifications on vehicle and driveway crossings, and**
 - (iii) be subject to written consent from the relevant roads authority (if required under section 138 of the Roads Act 1993) for the building of any kerb, crossover or driveway, and**
- (f) if the development is a hard stand space:**
 - (i) measure at least 2.6m wide by 5.4m long, and**
 - (ii) have an area of not more than 20m², and**
 - (iii) if the development is ancillary to a dwelling--be located at least 1m behind the building line of any road frontage (other than a laneway) and at least 900mm from each side or rear boundary, and**
 - (iv) in any other case--be located clear of any required landscaped area, and**
- (g) if the development is constructed or installed in a residential zone or rural zone--not result in the total area of all driveways or hard stand spaces, pathways and paved areas on the lot exceeding 15% of the area of the lot or 150m², whichever is the lesser, and**
- (h) if constructed or installed in a residential zone:**
 - (i) if a lot has a width at the front building line of not more than 18m--have at least 25% of the area forward of the building line as landscaped area, and**
 - (ii) if a lot has a width at the front building line of more than 18m--have at least 50% of the area forward of the building line as landscaped area.**

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 2.29

Specified development

2.29 Specified development

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

heritage item, on a flood control lot or in an environmentally sensitive area.

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 2.30

Development standards

2.30 Development standards

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

- (a) not be a cut or fill of more than 600mm below or above ground level (existing), and
- (b) be located at least 1m from each lot boundary, and
- (c) if it is carried out, constructed or installed in a heritage conservation area or a draft heritage conservation area--be located in the rear yard, and
- (d) be located at least 40m from a waterbody (natural), and
- (e) not redirect the flow of any surface water or ground water or cause sediment to be transported onto an adjoining property, and
- (f) if it is a retaining wall or structural support for excavation or fill, or a combination of both:
 - (i) be not be more than 600mm high, measured vertically from the base of the development to its uppermost portion, and
 - (ii) be separated from any retaining wall or other structural support on the site by at least 2m, measured horizontally, and
 - (iii) be located at least 1m from any registered easement, sewer main or water main, and
 - (iv) have adequate drainage lines connected to the existing stormwater drainage system for the site, and
- (g) if the fill is more than 150mm deep--not occupy more than 25% of the area of the lot, and
- (h) if the fill is imported to the site--be free of building and other demolition waste, and only contain virgin excavated natural material (VENM) as defined in Part 3 of Schedule 1 to the Protection of the Environment Operations Act 1997, and
- (i) if the land is in a rural zone--not be fill of more than 100 cubic metres on each lot.

Note : It is an offence to transport waste to a place other than an appropriate and lawful waste facility (see section 143 of the Protection of the Environment Operations Act 1997).

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 2.30AA

Specified development

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.

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT

CODES)

2008

- REG 2.30AB

Development standards

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.

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 2.30A

Specified development

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.

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 2.30B

Development standards

2.30B Development standards

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

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

or a draft heritage conservation area--be located in the rear yard and must not be visible from a public road.

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

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 2.31

Specified development

2.31 Specified development

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

(a) constructed or installed on land in Zone RU1, RU2, RU3, RU4 or RU6, and

(b) not constructed or installed on or in a heritage item or a draft heritage item or in an environmentally sensitive area, and

(c) not constructed or installed on land shown on any relevant Procedures for Air Navigation Services--Aircraft Operations Map prepared by the operator of an aerodrome or airport operating within 2 kilometres of the proposed development and for which a PANS-OPS surface is identified that may compromise the effective and on-going operation of the relevant aerodrome or airport.

Note 1 :

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

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

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 2.32

Development standards

2.32 Development standards

(1) The following standards are specified for that development:

(a) the development must not be higher than:

(i) for a landholding that has an area of less than 10ha--7m above ground level (existing), and

(ii) for a landholding that has an area of 10ha or more--10m above ground level (existing),

(b) if the development is located on land that is identified for the purposes of an environmental planning instrument as "Land with scenic and landscape values" on a Scenic and Landscape Values Map or as "Scenic Protection Area" on a Scenic Protection Map or Scenic Protection Area Map--it must not be higher than 7m,

(c) if the development:

(i) is on a landholding that has an area of more than 4ha, and

- (ii) is on a landholding in relation to which the natural ground at any point within 100m of the ridgeline of any hill is at least 20m lower than the ridgeline, and
 - (iii) is located within 100m of that ridgeline,
- it must be sited on the landholding so that the highest point of the development is at least 5m below that ridgeline,
- (d) subject to paragraph (e), the footprint of a farm building must not exceed 200m²,
 - (e) the footprint of all farm buildings (other than grain bunkers) on a landholding must not exceed the footprint shown in the following table:

Landholding area	Maximum footprint of all farm buildings

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

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

(2) In this clause,

"footprint" means the area of the ground surface occupied by a building, including the walls, footings and roofing of the building, and extending to the perimeter of the foundations and other means of structural support to the building, but does not include the area of access ramps, eaves and sunshade devices.

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

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

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 2.32A

Specified development

2.32A Specified development

(1) The construction or installation of a farm building that is a stock holding yard that is not used for habitable purposes is development specified for this code if it:

(a) is constructed or installed on land in Zone RU1, RU2 or RU6, and

(b) is used for the purpose of the short-term storage or watering of stock, and

(c) does not include or comprise a stock and sale yard, and

(d) in the case of development that has a footprint greater than 200m² --is not carried out on unsewered land to which State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011 applies, if that development will result in a site disturbance area of more than 250m².

(2) In this clause,

"footprint" means the area of the ground surface occupied by a building, including the walls, footings and roofing of the building, and extending to the perimeter of the foundations and other means of structural support to the building, but does not include the area of access ramps, eaves and sunshade devices.

Note :

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

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 2.32B

Development standards

2.32B Development standards

The following standards are specified for that development:

(a) a stock holding yard:

(i) must be fenced around its perimeter, and

(ii) must not be roofed,

(b) any fencing erected in or around the perimeter of the stock holding yard must not be higher than 4.5m above ground level (existing),

(c) the development must be located at least 10m from any road boundary and at least 200m from any other boundary,

(d) the development must be located at least 200m from any dwelling that is located on land on the opposite side of a road that separates the landholding on which the development is located and that other lot,

(e) the development must be located at least 6m from any other farm

building (including any farm building that is a grain silo or grain bunker) on the landholding or on an adjoining landholding,
(f) the development must be located at least 100m from a waterbody (natural).

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

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 2.32C

Specified development

2.32C Specified development

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

(a) constructed or installed on land in Zone RU1, RU2 or RU6, and

(b) used for the purpose of the storage of grain that has been produced on the landholding, and

(c) not constructed or installed on land shown on any relevant Procedures for Air Navigation Services--Aircraft Operations Map prepared by the operator of an aerodrome or airport operating within 2 kilometres of the proposed development and for which a PANS-OPS surface is identified that may compromise the effective and on-going operation of the relevant aerodrome or airport, and

(d) in the case of development that has a footprint greater than 200m² --not carried out on unsewered land to which State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011 applies, if that development will result in a site disturbance area of more than 250m².

(2) In this clause,

"footprint" means the area of the ground surface occupied by a building, including the walls, footings and roofing of the building, and extending to the perimeter of the foundations and other means of structural support to the building, but does not include the area of access ramps, eaves and sunshade devices.

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 2.32D

Development standards--general

2.32D Development standards--general

The following standards are specified for that development:

(a) the development must not be constructed or installed on a landholding with an area of less than 40ha,

(b) the development must be located at least 15m from any road boundary and at least 100m from any other boundary,

(c) the development must be located at least 100m from any dwelling,

(d) the development must be located at least 6m from any other farm building (including any farm building that is a stock holding yard) on the landholding or on an adjoining landholding,

- (e) the development must be located at least 50m from a waterbody (natural),
 - (f) if the development:
 - (i) is on a landholding in relation to which the natural ground at any point within 100m of the ridgeline of any hill is at least 20m lower than the ridgeline, and
 - (ii) is located within 100m of that ridgeline,
 it must be sited on the landholding so that the highest point of the development is at least 5m below that ridgeline,
 - (g) the development must not penetrate any obstacle limitation surface shown on any relevant Obstacle Limitation Surface Plan that has been prepared by the operator of an aerodrome or airport operating within 2 kilometres of the proposed development and reported to the Civil Aviation Safety Authority,
 - (h) if the development is located within 13km of an airfield or aerodrome--the development must be adequately sealed or protected to prevent the entry of wildlife,
 - (i) despite clause 2.30 (a), excavation for the purposes of structural supports may exceed a depth of 600mm, measured from ground level (existing), unless the land is identified for the purposes of an environmental planning instrument as Class 1-5 on an Acid Sulfate Soils Map.
- Note 1 :** There are other existing legislative requirements relating to the clearance of power lines and Obstacle Limitation Surfaces near airport flight paths.
- Note 2 :** The consent of the appropriate roads authority is required under section 138 of the Roads Act 1993 for the carrying out of certain works in relation to roads, including the building of any crossover or creating road access.

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 2.32E

Development standards--grain silos

2.32E Development standards--grain silos

(1) The following additional standards are specified for that development if the development is a grain silo:

- (a) it must not be higher than:
 - (i) in the case of a landholding that has an area of 40ha or more but less than 100ha--7m above ground level (existing), and
 - (ii) in the case of a landholding that has an area of 100ha or more--15m above ground level (existing),
- (b) it must not have a footprint greater than 200m²,
- (c) it must not have a footprint that would result in the footprint of all farm buildings (other than grain bunkers) on the landholding exceeding the footprint shown in the following table:

Landholding area	Maximum footprint of all farm buildings

(d) if the development is located on land that is identified for the purposes of an environmental planning instrument as "Land with scenic and landscape values" on a

Scenic and Landscape Values Map or as "Scenic Protection Area" on a Scenic Protection Map or Scenic Protection Area Map--it must not be higher than 7m,
(e) it must be constructed in accordance with the Code of Practice entitled " Safety Aspects in the Design of Bulk Solids Containers Including Silos, Field Bins and Chaser Bins " as published on the website SafeWork NSW and amended from time to time,
(f) in the case of a grain silo that is sealed--it must be designed and sealed in accordance with sections 2 and 3 of AS 2628-2010, Sealed grain-storage silos - Sealing requirements for insect control,
(g) it must not result in more than 5 silos being erected on a landholding.

(2) In this clause,
"footprint" means the surface area covered by a built structure that has either a roof or a floor installed as a fixture, or both, excluding the area of access ramps, eaves, sunshade devices, hard surfaces for parking or landscaping associated with the structure.

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 2.32F

Development standards--grain bunkers

2.32F Development standards--grain bunkers

(1) The following additional standards are specified for that development if the development is a grain bunker:

- (a) it must not be higher than 7m above ground level (existing),
- (b) it must not have a footprint that would result in the footprint of all grain bunkers on the landholding exceeding 7,000m²,
- (c) if the development is located on land that is identified as "Land with scenic and landscape values" on a Scenic and Landscape Values Map or as "Scenic Protection Area" on a Scenic Protection Map or Scenic Protection Area Map--it must not have a footprint greater than 200m²,
- (d) any structural elements, including any wall or concrete floor slab, of the development must be constructed in accordance with the specifications of a professional engineer,
- (e) despite clause 2.30, it must not require cut or fill more than 1m below or above ground level (existing) and any cut or fill must only be carried out wholly within a 50m radius of the grain bunker,
- (f) it must not cause the redirection of the flow of any surface water or ground water or cause sediment to be transported onto an adjoining landholding,
- (g) it must not be located over any registered easement, sewer main or water main.

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

Note 1 : It is an offence to transport waste to a place other than an appropriate and lawful waste facility (see section 143 of the

Protection of the Environment Operations Act 1997).

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

Note 3 : Subdivision 15 of Division 1 of Part 2 contains additional requirements relating to earthworks.

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 2.33

Specified development

2.33 Specified development

The construction or installation of a fence on land within Zone R1, R2, R3, R4 or RU5 is development specified for this code if it is not constructed or installed:

- (a) on a lot, or along a common boundary of a lot, that contains a heritage item or a draft heritage item, or**
- (b) along the boundary of, or within the setback area of, a primary or secondary road within a heritage conservation area or draft heritage conservation area, or**
- (c) on a flood control lot, or**
- (d) on land that is identified as being in a foreshore area.**

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

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 2.34

Development standards

2.34 Development standards

(1) The standards specified for development specified in clause 2.33 are that the development must:

- (a) not be higher than 1.8m above ground level (existing), and**
- (b) not be of masonry construction to a height that is more than 1.2m above ground level (existing), and**
- (c) if it includes an entrance gate--not have a gate that opens outwards, and**
- (d) if it is located in a core koala habitat or potential koala habitat within the meaning of State Environmental Planning Policy No 44--Koala Habitat Protection or in a movement corridor used by koalas--be constructed or installed in accordance with any relevant council policy or guideline under that Policy, and**
- (e) if it is located on bush fire prone land--be constructed of non-combustible materials or hardwood, and**
- (f) if it is constructed of metal components--be of low reflective, factory pre-coloured materials, and**
- (g) not be an electrical fence or use barbed wire.**

(2) Despite subclause (1), any fence located along the boundary of, or within the setback area to, a primary or secondary road must:

- (a) not be more than 1.2m above ground level (existing), and**

(b) be open for at least 20% of the area of the fence that is more than 400mm above ground level (existing), with any individual solid element of the fence above this height being no more than 350mm in width with a minimum aperture of 25mm.

(3) If a lot has a frontage to a secondary road or roads, subclause (2) only applies to 50% of the length of all contiguous secondary road boundaries, measured from the corner with the primary road boundary.

(4) Subclause (2) (b) does not apply to the part of the fence along the side boundary and within the setback area to the primary road.

(5) Despite subclauses (1) and (2), if the fence is erected on a sloping site and stepped to accommodate the fall in the land:

(a) a fence that is required to be not more than 1.2m above ground level (existing), must not be more than 1.5m above ground level (existing) at each step, and

(b) a fence that is required to be not more than 1.8m above ground level (existing), must not be more than 2.2m above ground level (existing) at each step.

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 2.34A

Specified development

2.34A Specified development

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

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 2.34B

Development standards

2.34B Development standards

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

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 2.35

Specified development

2.35 Specified development

The construction or installation of a fence on land within Zone RU1, RU2, RU3, RU4 or RU6, an environment protection zone or Zone R5 is development specified for this code if it is not constructed or installed:

(a) on a lot, or along a common boundary of a lot, that contains a heritage item or a draft heritage item, or

(b) along the boundary of, or within the setback area of, a primary or secondary road within a heritage conservation area or draft heritage conservation area.

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

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 2.36

Development standards

2.36 Development standards

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

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

(2) Despite subclause (1), if the fence is erected on a sloping site and stepped to accommodate the fall in the land the fence may be not more than 2.2m above ground level (existing) at each step.

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 2.37

Specified development

2.37 Specified development

The construction or installation of a fence within a business or industrial zone is development specified for this code if it is not constructed or installed:

- (a) on a lot, or along a common boundary of a lot, that contains a heritage item or a draft heritage item, or**
- (b) along the boundary of, or within the setback area of, a primary or secondary road within a business zone, or**
- (c) on a flood control lot, or**
- (d) on land that is identified as being in a foreshore area.**

Note : If the fence is a dividing fence, the Dividing Fences Act 1991

also applies.

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 2.38

Development standards

2.38 Development standards

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

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

(2) Despite subclause (1):

- (a) any fence located along the boundary of a site that adjoins land within a residential zone must be open for at least 75% of the area of the fence that is more than 1.8m above ground level (existing), and**
- (b) any fence located on the boundary of, or within the setback area of, a road must be open for at least 75% of the area of the fence that is more than 1.2m above ground level (existing).**

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 2.39

Specified development

2.39 Specified development

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

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 2.40

Development standards

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.**

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 2.40A

Specified development

2.40A Specified development

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

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 2.40B

Development standards

2.40B Development standards

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

- (a) not be associated with a pub or a small bar, and**
- (b) be carried out in accordance with an approval granted under section 125 of the Roads Act 1993, including in accordance with any hours of operation to which the approval is subject, and**
- (c) be carried out in accordance with any approval granted under section 68 of the Local Government Act 1993.**

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 2.41

Specified development

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.**

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 2.42

Development standards

2.42 Development standards

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

- (a) if the development is constructed or installed on land in Zone R1, R2, R3, R4, R5 or RU5:
 - (i) be not higher than 3m above ground level (existing), and**
 - (ii) not have a floor area of more than 15m², and**
 - (iii) be located in the rear yard, and**
 - (iv) for development on land in Zone R5--not house more than 10 fowl or poultry, and**
 - (v) for development on any other land--not house more than 5 fowl or poultry and not house any roosters, and****
- (b) if the development is constructed or installed on land in Zone RU1, RU2, RU3, RU4 or RU6:
 - (i) be not higher than 7m above ground level (existing), and**
 - (ii) not have a floor area of more than 50m², and****
- (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.

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 2.42AA

Specified development

2.42AA Specified development

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

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 2.42AB

Development standards

2.42AB Development standards

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

- (a) not have a capacity of more than:
 - (i) for a fuel tank--5,000 L, or
 - (ii) for a gas tank--1,000 L, and
- (b) be located at least 20m from the primary road frontage of the lot and at least 10m from each other lot boundary, and
- (c) be bunded with the capacity to contain at least 110% of the capacity of the tank, and
- (d) if a fuel tank--be constructed of prefabricated metal, be freestanding and installed in accordance with the requirements of AS 1940-2004, 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.

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 2.42A

Specified development

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.

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 2.42B

Development standards

2.42B Development standards

- (1) The standards specified for that development are that the development must:
 - (a) be for a dwelling house only, and
 - (b) be located at least 1m behind the building line of any road frontage, and
 - (c) be located at least 450mm from each side and rear boundary, and
 - (d) if it is constructed of metal components--be of low reflective, factory pre-coloured materials, and

- (e) if it is located on bush fire prone land and is less than 5m from a dwelling--be constructed of non-combustible material, and
 - (f) if it is constructed or installed on or in a heritage item or a draft heritage item or in a heritage conservation area or a draft heritage conservation area--be located in the rear yard, and
 - (g) be located at least 1m from any registered easement.
- (2) There must not be more than 1 development per lot.

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 2.43

Specified development

2.43 Specified development

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

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 2.44

Development standards

2.44 Development standards

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

- (a) not involve a change of building use, and
- (b) if the development is on land to which a local environmental plan made under section 3.20 of the Act applies, comply with the applicable standards specified under clause 5.4 (2) and (3) of that plan.

Note 1 : The elements that must comprise this development are specified in the definition of

"home business",
"home industry" or

"home occupation" the Standard Instrument.

Note 2 : Under the Building Code of Australia, a change of building use involving a floor area greater than 10% of the floor area of a building would cause the building to contravene the development standard.

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 2.46A

Specified development

2.46A Specified development

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

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT

CODES)

2008

- REG 2.46B

Development standards

2.46B Development standards

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

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

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- NOTES

Note to Subdivision 23A See note relating to Solar Hot Water Systems.

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- NOTES

Note to Subdivision 23A For further information about noise control in relation to heat pump water heaters, see the NSW Government's Noise Guide for Local Government published in 2010 (ISBN 978 1 74232 942 0).

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 2.47

Specified development

2.47 Specified development

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

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 2.48

Development standards

2.48 Development standards

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

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

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 2.49

Specified development

2.49 Specified development

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

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 2.50

Development standards

2.50 Development standards

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

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

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 2.50A

Specified development

2.50A Specified development

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

- (a) painting, plastering, cement rendering, or cladding, or
- (b) the repair or replacement of an external window, glazing areas or a door (other than those on bush fire prone land), or
- (c) the repair or replacement of a non-structural wall or roof cladding, or
- (d) the repair or replacement of a balustrade,

is development specified for this code if it is not constructed or installed on

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

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 2.50B

Development standards

2.50B Development standards

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

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

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 2.51

Specified development

2.51 Specified development

- (1) A minor internal building alteration for the replacement or renovation of:
 - (a) a doorway, wall, ceiling or floor lining, or
 - (b) a deteriorated frame member, including stairs and stairwells, or
 - (c) a bathroom or kitchen, or
 - (d) a built in fixture such as a vanity, a cupboard or a wardrobe, or
 - (e) an existing sanitary fixture, such as a grease trap or the like, or
 - (f) shelving or racking that is not higher than 2.7m, or
 - (g) a work station or counter,is development specified for this code if it is not constructed or installed on or in a heritage item or a draft heritage item.
- (2) The installation of new or replacement insulation material in the ceiling, floor or wall of a building is development specified for this code.

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 2.52

Development standards

2.52 Development standards

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

- (aa) not be an alteration to a food preparation area in food and drink premises, and
- (a) if it is the replacement or renovation of a deteriorated frame member--be of equivalent or improved quality materials, and
- (b) not include a change to the configuration of a room, whether by removal of an existing wall, partition or other means, and
- (c) not cause reduced window arrangements for light and ventilation needs, reduce the size of a doorway or involve the enclosure of an open area, and
- (d) not affect the load bearing capacity (whether vertical or horizontal) of a building, and
- (e) not include a change to the fire resisting components of, or interfere with the entry to, or exit from, or the fire safety measures contained within, a building, and
- (f) if it is the installation of new or replacement insulation material in a dwelling, it must be in accordance with Part 3.12.1 of the Building Code of Australia.

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 2.53

Specified development

2.53 Specified development

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

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

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

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 2.54

Development standards

2.54 Development standards

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

- (a) not comprise the making of, or an alteration to the size of, any opening in a wall or roof, such as a doorway, window or skylight, and**
- (b) not reduce the existing fire resistance level of a wall or roof, and**
- (c) if located on bush fire prone land:**
 - (i) be adequately sealed or protected to prevent the entry of embers, and**
 - (ii) use equivalent or improved quality materials, and**
- (d) not affect any existing fire resisting components of the building, and**
- (d1) if the development involves cladding or is attaching fittings or decorative work:**
 - (i) not be carried out on any building other than a 1 or 2 storey dwelling house, attached development or detached development, and**
 - (ii) not involve the use of external combustible cladding, and**
- (e) not affect the means of egress from the building in an emergency, and**
- (f) if it is the installation of a security screen or grill to a door or window or a security door:**
 - (i) be for the purposes of a dwelling, or**
 - (ii) be for any other purpose so long as:**
 - (A) the screen or grill is installed for a door or window that is situated at least 5m from the boundary of any road, or**
 - (B) the security door is installed at least 5m from the boundary of any road.**

Note : See separate entry for skylights.

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 2.54A

Specified development

2.54A Specified development

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

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 2.54B

Development standards

2.54B Development standards

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

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

- tree growing on the land or on adjacent land, and
- (e) not result in any damage to public property on the land or on adjacent land, and
- (f) if carried out on land within or immediately adjacent to a residential zone--only be carried out between 7.00 am and 7.00 pm on any day, and
- (g) if located on a public place--have any approval required under section 68 of the Local Government Act 1993, and
- (h) if located on private land--be limited to 1 development on that land and not contravene any conditions of a development consent for any other use carried out on the land.

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

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 2.55

Specified development

2.55 Specified development

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

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 2.56

Development standards

2.56 Development standards

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

- (a) be constructed or installed so that any surface water or runoff is disposed of by a drainage system that is connected to the existing stormwater drainage system, and
- (b) if constructed or installed in a residential zone or Zone RU5:
 - (i) not require cut or fill more than 600mm below or above ground level (existing), and
 - (ii) not result in the total area of all paved areas (including driveways and hard stand spaces) on the lot exceeding 15% of the area of the lot or 150m², whichever is the lesser, and
- (c) if constructed or installed in a residential zone:
 - (i) on a lot that has a width at the front building line of not more than 18m--have at least 25% of the area forward of the building line as landscaped area, and
 - (ii) on a lot that has a width at the front building line of more than 18m--have at least 50% of the area forward of the building line as landscaped area, and
- (d) if constructed or installed in a zone (other than a residential

zone or Zone RU5):

- (i) not require cut or fill more than 1m below or above ground level (existing), and
- (ii) not reduce any required landscaped area along a boundary with a road or an adjoining lot on which a dwelling is located.

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

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 2.57

Specified development

2.57 Specified development

The construction or installation of playground equipment is development specified for this code.

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 2.58

Development standards

2.58 Development standards

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

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

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 2.59

Specified development

2.59 Specified development

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

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 2.60

Development standards

2.60 Development standards

- (1) The standards specified for that development, if it is the

construction or installation of a portable swimming pool or spa, are that the development must:

- (a1) be for residential uses only, and
 - (a) be located in the rear yard, and
 - (b) be located at least 1m from each lot boundary, and
 - (c) not exceed 2,000 L in capacity, and
 - (d) not require structural work for installation, and
 - (e) not impact on the structural stability of any building.
- (2) A child-resistant barrier must be constructed or installed in accordance with the requirements of the Swimming Pools Act 1992.

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 2.61

Specified development

2.61 Specified development

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

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 2.62

Development standards

2.62 Development standards

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

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

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

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 2.63

Specified development

2.63 Specified development

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

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 2.64

Development standards

2.64 Development standards

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

- (a) if it is on land other than land in Zone RU1, RU2, RU3, RU4, RU6, R5, E2, E3 or E4:
 - (ii) not have a capacity more than 10,000 L, and**
 - (iii) be located at least 450mm from each lot boundary, if the tank has a height of more than 1.8m above ground level (existing), and****
 - (b) if it is on land in Zone RU1, RU2, RU3, RU4, RU6, R5, E2, E3 or E4--be located at least 10m from each lot boundary, and**
 - (c) be located behind the building line of any road frontage, and**
 - (d) not rest on the footings of an existing building for support, and**
 - (e) not require cut and fill of more than 1m below or above ground level (existing), and**
 - (f) be fitted with a screened rain head designed to ensure self-cleaning and prevent leaf litter entering into the water tank, and**
 - (g) be fitted with a first-flush device incorporating an automatic resetting valve that causes initial run-off rainwater to bypass the tank, and**
 - (h) be constructed or installed with inlets and outlets designed to prevent mosquitoes breeding in it, and**
 - (i) have its overflow connected to an existing stormwater drainage system that does not discharge to an adjoining property, or cause a nuisance to adjoining owners, and**
 - (j) have a sign affixed to it with a statement to the effect that the water in the tank is rainwater, and**
 - (k) if it is constructed or installed on or in a heritage item or a draft heritage item--be located in the rear yard.**
- (2) Pumps attached to the development must be housed in an enclosure that is soundproofed.**
- (3) If reticulated water is provided to the lot, the development must not be interconnected with any system supplying drinking water to the lot unless it complies with the relevant water authority's requirements.**

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 2.65

Specified development

2.65 Specified development

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

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

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 2.66

Development standards

2.66 Development standards

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

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

(2) Pumps attached to the development must be housed in an enclosure that is soundproofed.

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

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 2.66A

Specified development

2.66A Specified development

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

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 2.66B

Development standards

2.66B Development standards

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

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

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 2.69

Specified development

2.69 Specified development

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

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 2.70

Development standards

2.70 Development standards

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

- (a) not have a solid enclosing wall higher than 1.4m above the floor level of the structure it is enclosing, and
- (b) if it encloses a structure attached to the ground level of a single storey dwelling or the upper level of a two storey dwelling--not be higher than the roof gutter line, and
- (c) if it encloses a structure attached to the ground level of a two storey dwelling--not be higher than 3m above the floor level of the structure it is enclosing, and
- (d) if it encloses a freestanding structure--not be higher than 3m above the floor level of the structure it is enclosing, and
- (e) if it encloses a structure attached to the upper level of a two storey dwelling--not enclose an area of more than 9m², and
- (f) be located behind the building line of any road frontage, and
- (g) be located at least 900mm from each lot boundary, and
- (h) to the extent it is comprised of metal components--be constructed of low reflective, factory pre-coloured materials, and
- (i) if it is connected to a fascia--be connected in accordance with a professional engineer's specifications, and
- (j) if it is not located on bush fire prone land--have at least two-thirds of its perimeter comprising open screen mesh material, and
- (j1) if it is located on bush fire prone land--cover all openings, including any sub-floor areas, operable windows, vents and eaves, and be made of a non-corrosive metal material with a maximum aperture of 2mm, and
- (k) if it is located on bush fire prone land and is less than 5m from a dwelling--be constructed of non-combustible material, and
- (l) if it is constructed or installed in a heritage conservation area or a draft heritage conservation area--not be attached to any balcony, deck, patio, pergola, terrace or verandah that faces any road.

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 2.71

Specified development

2.71 Specified development

The construction or installation of a shade structure of canvas, fabric, mesh

or the like is development specified for this code if it is not constructed or installed on land in a foreshore area.

Note : See separate entry for awnings, blinds and canopies.

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 2.72

Development standards

2.72 Development standards

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

(b) not have an area more than:

(i) if for residential uses--20m², or

(ii) if it is constructed or installed for the purposes of a centre-based child care facility in a residential zone--40m², or

(iii) if it is constructed or installed for the purposes of a centre-based child care facility in a zone other than a residential zone--60m², or

(iv) if it is constructed or installed for the purposes of any other use--30m², and

(c) not cause the total area of all such structures on the lot to be more than 15% of the ground floor area of all buildings on the lot, and

(d) not be higher than 3m from ground level (existing), and

(e) be located at a distance from each lot boundary of at least:

(i) if the development is carried out in Zone RU1, RU2, RU3, RU4, RU6 or R5--5m, or

(ii) in any other case--900mm, and

(f) be located behind the building line of any road frontage, and

(g) to the extent it is comprised of metal components--be constructed of low reflective, factory pre-coloured materials, and

(h) if it is connected to a fascia--be connected in accordance with a professional engineer's specifications, and

(i) not interfere with the functioning of existing drainage fixtures or flow paths, and

(j) if it is located on bush fire prone land and is less than 5m from a dwelling--be constructed of non-combustible material, and

(k) if it is constructed or installed on or in a heritage item or a draft heritage item or in a heritage conservation area or a draft heritage conservation area--be located in the rear yard, and

(l) if it is constructed or installed for the purposes of a centre-based child care facility--be constructed of non-combustible material.

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 2.73

Specified development

2.73 Specified development

(1) The construction or installation of a skylight, roof window or ventilator is development specified for this code if it is not constructed or installed on or in a heritage item or a draft heritage item.

(2) Development referred to in subclause (1) is not exempt

development if it is constructed or installed on land in the local government area of Coonamble, Gilgandra, Warrumbungle Shire or that part of the local government area of Dubbo Regional that was formerly in the City of Dubbo.

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 2.74

Development standards

2.74 Development standards

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

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

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- NOTES

Note to Subdivision 37 Development for the purposes of small wind turbine systems or solar energy systems (ie a photovoltaic electricity generating system, solar hot water system or solar air heating system) is specified as exempt development under Division 4 of Part 3 of State Environmental Planning Policy (Infrastructure) 2007.

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 2.75

Specified development

2.75 Specified development

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

- (a) widening a public road,
- (b) a realignment of boundaries:
 - (i) that is not carried out in relation to land on which a heritage item or draft heritage item is situated, and

- (ii) that will not create additional lots or increase the number of lots with a dwelling entitlement or increase the opportunity for additional dwellings, and
 - (iii) that will not result in any lot that is smaller than the minimum size specified in an environmental planning instrument in relation to the land concerned (other than a lot that was already smaller than that minimum size), and
 - (iv) that will not adversely affect the provision of existing services on a lot, and
 - (v) that will not result in any increased fire risk to existing buildings, and
 - (vi) if located in Zone RU1, RU2, RU3, RU4, RU6, E1, E2, E3 or E4--that will not result in more than a minor change in the area of any lot, and
 - (vii) if located in any other zone--that will not result in a change in the area of any lot by more than 10%,
- (d) rectifying an encroachment on a lot,
 - (e) creating a public reserve,
 - (f) excising from a lot land that is, or is intended to be, used for public purposes, including drainage purposes, rural fire brigade or other emergency service purposes or public toilets.

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 2.76

Development standards

2.76 Development standards

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

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 2.77

Specified development

2.77 Specified development

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

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 2.78

Development standards

2.78 Development standards

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

- (a) be approved by the owner of the land on which it is installed or, if it is installed on a public road, be approved by the relevant roads authority (within the meaning of the Roads Act 1993), and**

- (b) be structurally sound and securely fixed with any moveable parts securely attached, and**
- (c) not give rise to any noise or other nuisance to any adjoining property, and**
- (c1) not comprise or include masonry construction higher than 1m from ground level (existing), and**
- (d) if installed on land in a residential zone--be not more than 3m in height and 3m in diameter, and**
- (e) if installed on land in any other zone--be not more than 6m in height, and**
- (f) if installed on land adjoining land in a residential zone--must be wholly located at least 3m from the boundary with that adjoining land.**

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 2.78C

Specified development

2.78C Specified development

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

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

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 2.78D

Development standards

2.78D Development standards

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

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 2.78E

Specified development

2.78E Specified development

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

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 2.78F

Development standards

2.78F Development standards

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

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 2.79

Specified development

2.79 Specified development

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

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 2.80

Development standards

2.80 Development standards

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

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

(a1) not have a surface area of more than 10m², and

(b) if it is constructed or installed in a heritage conservation area or a draft heritage conservation area--be located in the rear yard.

(2) Despite subclause 1 (a), a pond sump may be placed in a water feature or pond below a water depth of 300mm if the sump is covered with a bolted or anchored grate that is capable of supporting a weight of 150kg.

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 2.80A

Specified development

2.80A Specified development

The following works to existing lawful boat sheds, jetties, marinas, pontoons, water recreation structures and wharf or boating facilities are development

specified for this code if the works are not carried out on or in a heritage item or a draft heritage item:

- (a) the repair or replacement of the following:
 - (i) decking on a boardwalk, gangway, ramp, jetty, landing, landing steps, pontoon or wharf or on any stairs, steps or skids,
 - (ii) a handrail or ladder,
 - (iii) non-load bearing members,
- (b) non-structural internal or external alterations to an existing lawful boat shed, including painting, plastering or cement rendering,
- (c) the installation of the following:
 - (i) emergency items such as lifebuoys and any associated signage,
 - (ii) lighting,
 - (iii) service pedestals,
- (d) painting or other similarly applied surface treatment that is intended to protect a structure from corrosion or weathering.

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 2.80B

Development standards

2.80B Development standards

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

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

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

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 2.81

Specified development

2.81 Specified development

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

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 2.82

Development standards

2.82 Development standards

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

- (a) be free standing, and
- (a1) be located at least 20m from any road boundary and 5m from each other lot boundary, and
- (b) be designed by a professional engineer, and
- (c) be located at least 1m from any registered easement.

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

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 2.83

General requirements

2.83 General requirements

(1) To be exempt development under this code, development specified in this Division must:

(a) have the consent in writing of the owner of the land on which the sign is to be located and, if the sign or part of the sign projects over adjoining land, the consent of the owner of the adjoining land, and

(b) be approved under section 138 of the Roads Act 1993, if the sign or part of the sign projects over a public road, including a footway, and

(c) not be carried out on or in relation to a building being used as restricted premises, and

(d) not cover any mechanical ventilation inlets or outlets located on any building on which it is carried out, and

(e) not obstruct or interfere with any traffic sign, and

(f) not result in more than 3 business identification signs being constructed or installed in relation to a building if the building houses only one commercial tenant, and

(g) not result in more than 6 business identification signs being constructed or installed in relation to any building, and

(h) not result in more than one business identification sign being constructed or installed in relation to a home business, home industry or home occupation in a residential zone.

(2) This clause does not affect any other requirement of this Policy in relation to exempt development.

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

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 2.84

Specified development

2.84 Specified development

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

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 2.85

Development standards

2.85 Development standards

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

- (a) have only one sign displayed on each street frontage, and**
- (b) not be more than 2.5m² in area, and**
- (c) be mounted flat against an exterior wall or parapet and must not protrude more than 300mm from the face of the wall or parapet, and**
- (d) not be located higher than:**
 - (i) the parapet or eaves of the building, or**
 - (ii) 15m above ground level (existing),****whichever is the lower, and**
- (e) not cover any window, door or architectural feature, and**
- (f) be securely fixed to the building in accordance with:**
 - (i) AS/NZS 1170.0:2002, Structural design actions, Part 0: General principles, and**
 - (ii) AS/NZS 1170.2:2011, Structural design actions, Part 2: Wind actions, and**
- (g) not include any advertising of goods, products or services, and**
- (h) if the sign is illuminated:**
 - (i) have its means of illumination, including any associated cables, concealed or integrated within the frame of the sign, and**
 - (ii) not be animated, flashing or moving, and**
 - (iii) comply with AS 4282--1997, Control of the obtrusive effects of outdoor lighting, and**
- (i) if the sign is on a building on land that is within a residential, rural or environment protection zone, or is within 50m of and faces toward land that is within one of those zones--only be illuminated:**
 - (i) if the hours of operation of the business identified on the sign have been approved--during those hours, or**
 - (ii) if the hours of operation of the business identified on the sign have not been approved--between 7.00 am and 10.00 pm on any day.**

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 2.86

Specified development

2.86 Specified development

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

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 2.87

Development standards

2.87 Development standards

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

- (a) not result in more than 4 business identification signs of this type for the building (which may refer to more than 1 business within the building) so long as only one sign is visible on each elevation**

- of the building, and
- (b) be attached to the building in which the business identified in the sign is located, and
- (c) if it is a sign that is located in a residential, rural or environment protection zone:
 - (i) for a sign for a home business, home industry or home occupation--not be more than 1m² in area, and
 - (ii) for a sign for any other use--not be more than 2.5m² in area, and
- (d) if it is a sign that is located in a business zone or Zone RU5--not be more than 5m² in area, and
- (e) if it is a sign that is located in an industrial zone:
 - (i) not be more than 16m² in area if the sign is a wall sign attached or fixed to a building (other than a wall sign referred to in subparagraph (ii)), or
 - (ii) not be more than 20% of the surface area of the wall of the building if the sign is a wall sign painted or applied by adhesive material on a building, and
- (f) not project beyond the parapet or eaves of the building to which it is attached, and
- (g) not be more than 2.5m above ground level (existing) in a residential zone, and not be more than 8m above ground level (existing) in any other zone, and
- (h) not cover any window, door or architectural feature, and
- (i) be securely fixed to the building in accordance with:
 - (i) AS/NZS 1170.0:2002, Structural design actions, Part 0: General principles, and
 - (ii) AS/NZS 1170.2:2011, Structural design actions, Part 2: Wind actions, and
- (j) if the sign is illuminated:
 - (i) have its means of illumination, including any associated cables, concealed or integrated within the frame of the sign, and
 - (ii) not be animated, flashing or moving, and
 - (iii) comply with AS 4282--1997, Control of the obtrusive effects of outdoor lighting, and
- (k) if the sign is on a building, fence or wall on land within a residential, rural or environment protection zone, or is within 50m of and faces toward land within one of those zones--only be illuminated:
 - (i) if the hours of operation of the business identified on the sign have been approved--during those hours, or
 - (ii) if the hours of operation of the business identified on the sign have not been approved--between 7.00 am and 10.00 pm on any day.

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 2.88

Specified development

2.88 Specified development

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

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 2.89

Development standards

2.89 Development standards

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

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

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 2.90

Specified development

2.90 Specified development

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

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 2.91

Development standards

2.91 Development standards

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

- (a) not result in more than one sign of this type for each ground floor tenancy, and
- (b) not be more than 1.5m² in area, and
- (c) not be more than 2.5m in length, and
- (d) be erected with the lower edge at least 2.6m above ground level (existing), and
- (e) be suspended at right angles to the building, and
- (f) not project beyond the awning fascia, and
- (g) be securely fixed to the building in accordance with:
 - (i) AS/NZS 1170.0:2002, Structural design actions, Part 0: General principles, and
 - (ii) AS/NZS 1170.2:2011, Structural design actions, Part 2: Wind actions, and
- (h) if the sign is illuminated:
 - (i) have its means of illumination, including any associated cables, concealed or integrated within the frame of the sign, and
 - (ii) not be animated, flashing or moving, and
 - (iii) comply with AS 4282--1997, Control of the obtrusive effects of outdoor lighting.

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 2.92

Specified development

2.92 Specified development

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

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 2.93

Development standards

2.93 Development standards

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

- (a) not result in more than one sign of this type for each ground floor tenancy, and
- (b) not be more than 2.5m² in area, and
- (c) not be more than 600mm in height, and
- (d) be erected with the lower edge at least 2.1m above ground level (existing), and
- (e) not project below the transom of any doorway, and
- (f) if constructed or installed in a heritage conservation area or in a draft heritage conservation area:
 - (i) be fixed flush to the transom, and
 - (ii) not project below the top of the doorway or display window, and
 - (iii) not be externally illuminated, and
- (g) if the sign is illuminated:
 - (i) have its means of illumination, including any associated cables, concealed or integrated within the frame of the sign, and
 - (ii) not be animated, flashing or moving, and comply with AS 4282--1997, Control of the obtrusive effects of outdoor lighting.

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 2.94

Specified development

2.94 Specified development

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

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 2.95

Development standards

2.95 Development standards

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

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

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 2.96

Specified development

2.96 Specified development

The replacement of:

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

is development specified for this code.

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 2.97

Development standards

2.97 Development standards

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

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

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 2.98

Specified development

2.98 Specified development

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

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 2.99

Development standards

2.99 Development standards

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

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

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 2.100

Specified development

2.100 Specified development

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

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 2.101

Development standards

2.101 Development standards

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

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

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 2.102

Specified development

2.102 Specified development

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

of this code.

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 2.103

Development standards

2.103 Development standards

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

- (a) not result in more than one banner and one other type of temporary sign facing any road frontage, and
- (b) not have a surface area of more than 6m², and
- (c) be located wholly within the boundaries of the property or, if attached to a building, fence or wall, not project more than 100mm from the building, fence or wall, and
- (d) not be higher than 5m above ground level (existing), and
- (e) not be permanently fixed to a building, fence or wall, and
- (f) if advertising a commercial or retail event--not be constructed or installed in a residential zone, and
- (g) not be illuminated, and
- (h) not be displayed earlier than 14 days before the event, and
- (i) be removed within 2 days after the event.

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 2.104

Specified development

2.104 Specified development

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

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 2.105

Development standards

2.105 Development standards

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

- (a) if it is advertising a parcel of land, a dwelling house or one or more dwellings in a multi dwelling development with less than 10 dwellings:
 - (i) not result in more than one sign for each parcel of land or dwelling (except that dwellings in the same ownership must be advertised on one sign), and
 - (ii) not be more than 1.5m² in area, and
 - (iii) not be more than 3m above ground level (existing), and
 - (iv) not be externally illuminated, and

- (v) if the development is advertising the sale or lease of a dwelling--be removed within 14 days after the sale or lease, and
- (vi) if the development is advertising the sale or lease of vacant land--be removed no later than the commencement of any construction on the land, and
- (b) in any other case--not result in more than one sign on any road frontage and each sign must:
 - (i) not be more than 10m² in area, and
 - (ii) not be more than 5m above ground level (existing), and
 - (iii) if the sign is more than 3.5m² in area--be securely fixed and installed in accordance with:
 - (A) AS/NZS 1170.0:2002, Structural design actions, Part 0: General principles, and
 - (B) AS/NZS 1170.2:2011, Structural design actions, Part 2: Wind actions, and
 - (iv) not be illuminated, and
 - (v) if on the site of a heritage item or draft heritage item--not be attached to a building, and
 - (vi) be removed within 14 days after the sale or lease of the property.

(2) Despite subclause (1) (b), a sign that complies with the following development standards may be constructed or installed if the sign is advertising the sale of all the lots in a subdivision with more than 10 lots or all the dwellings in a multi dwelling development with 10 dwellings or more:

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

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 2.106

Specified development

2.106 Specified development

(1) The display of any poster that contains electoral matter in relation to an election held under the Commonwealth Electoral Act 1918 of the Commonwealth, the Parliamentary Electorates and Elections Act 1912 or the Local Government Act 1993 is development specified for the purposes of this code.

(2) In this clause,

"electoral matter" means:

(a) any matter that is intended or calculated or likely to affect or is capable of affecting the result of an election or that is intended or calculated or likely to influence or is capable of influencing an elector in relation to the casting of his or her vote at an election, or

(b) the name of a candidate at an election, the name of the party of any such candidate and the picture of any such candidate (including any photograph of the candidate and any drawing or printed matter that purports to depict any such candidate or to be a likeness or representation of any such candidate).

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 2.107

Development standards

2.107 Development standards

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

(a) not be more than 0.8m² in area, and

(b) if on the site of a heritage item or draft heritage item--not be attached to a building, and

(c) be displayed by or on behalf of a candidate at an election referred to in clause 2.106 or the party (if any) of any such candidate, and

(d) be displayed in accordance with any relevant requirements of the Act under which the election is held, and

(e) be displayed only during the following periods:

(i) 5 weeks immediately preceding the day on which the election is held,

(ii) the day on which the election is held,

(iii) 1 week immediately following the day on which the election is held.

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 2.108

General requirements

2.108 General requirements

(1) To be exempt development under this code, development specified in this Division must:

(a) have the consent in writing of the owner of the land on which the development is carried out or, if a council or public authority has the control or management of the land, the consent in writing of the council or public authority,

(b) not restrict any car parking required to be provided by a condition of a development consent applying to the land or any vehicular or pedestrian access to or from the land

unless that parking and access is on land owned, controlled or managed by a council or public authority and that council or public authority has given its written consent to the temporary use of the land for the erection of the temporary structure,

(c) not redirect the flow of any surface water or ground water, or cause sediment to be transported, onto an adjoining property,

(d) not result in damage to any protected tree growing on the land or on adjacent land,

(e) if it is the erection of a temporary structure--be erected on a surface that is sufficiently firm and level to sustain the structure while in use,

(f) if it is the erection of a temporary structure--be able to resist loads determined in accordance with the following Australian and New Zealand Standards:

(i) AS/NZS 1170.0:2002, Structural design actions, Part 0: General principles,

(ii) AS/NZS 1170.1:2002, Structural design actions, Part 1: Permanent, imposed and other actions,

(iii) AS/NZS 1170.2:2011, Structural design actions, Part 2: Wind actions,

(g) be covered by a policy of insurance taken out by the person carrying out the development that adequately covers the public liability of the person in respect of the carrying out of the development for an amount approved by the owner of the land on which the development is carried out,

(h) have an approval for the use of the land related to the purpose of the temporary structure, unless the use of the temporary structure is specified as exempt development or is ancillary to the principal use of the land.

(2) In this clause, any development standard that specifies a separation distance to a side or rear boundary:

(a) only applies in respect of a boundary with adjoining land that is under a different ownership, and

(b) does not apply in respect of adjoining land that is owned by the council or other public authority if the written consent of the council or other public authority has been obtained.

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

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 2.109

Specified development

2.109 Specified development

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

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 2.110

Development standards

2.110 Development standards

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

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

Note 1 : A structure on public land or on or over a public road requires the prior approval of the relevant authority under the Local Government Act 1993 or the Roads Act 1993, respectively.

Note 2 : The Work Health and Safety Act 2011 and Work Health and Safety Regulation 2011 contain provisions relating to scaffolds, hoardings and other temporary structures.

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 2.111

Specified development

2.111 Specified development

The construction or installation of a building site shed, office or associated amenities structure is development specified for this code.

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 2.112

Development standards

2.112 Development standards

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

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

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 2.113

Specified development

2.113 Specified development

Filming is development specified for this code.

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 2.114

Development standards

2.114 Development standards

The standards specified for that development are as follows:

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

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

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

(iv) any changes or additions that are not merely superficial and temporary to any part of a heritage item, a heritage conservation area or an environmentally sensitive area,

(v) the mounting or fixing of any object or article on any part of such an item or area (including any building),

(vi) the movement, parking or standing of any vehicle or equipment on or over any part of such an item or area that is not specifically designed for the movement, parking or standing of a vehicle or equipment on or over it,

(vii) any changes to the vegetation on, or level of, such an item or area or any changes to any other natural or physical feature of the item or area,

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

(c) if the filming is carried out on private land--the filming must not be carried out for more than 30 days within a 12-month period at the particular location,

(d) if the filming is to be carried out for more than 2 consecutive days--a filming management plan must be prepared and lodged with the consent authority for the location at least 5 days before the commencement of filming at the location. The plan must contain the following information and be accompanied by the following documents (without limiting the information or documents that may be submitted):

- (i) the name, address and telephone number of the person carrying out the filming (such as a production company) and of the producer for the filming,
- (ii) a brief description of the filming to be carried out (for example, whether it involves a television commercial, a television series, a feature film or a documentary),
- (iii) the proposed location of the filming,
- (iv) the proposed commencement and completion dates for the filming,
- (v) the proposed daily length of filming,
- (vi) the number of persons to be involved in the filming,
- (vii) details of any temporary structures (for example, tents or marquees) to be erected or used at the location for the purposes of the filming,
- (viii) the type of filming equipment to be used in the filming (such as a hand-held or mounted camera),
- (ix) proposed arrangements for parking vehicles associated with the filming during the filming,
- (x) whether there will be any disruption to the location of the filming or the surrounding area and the amenity of the neighbourhood (for example, by the discharge of firearms or explosives, the production of offensive noise or vibrations, disruption to traffic flow or the release of

smells, fumes, vapour, steam, soot, ash, dust, waste water, grit or oil),

(xi) whether the filming will involve the use of outdoor lighting or any other special effects equipment,

(xii) a copy of the public liability insurance policy that covers the filming at the location,

(xiii) a copy of any approval given by a public or local authority to carry out an activity associated with the proposed filming, such as the following:

(A) an approval given by Roads and Maritime Services for the closure of a road,

(B) an approval given by a council for the erection or use of a temporary structure, closure of a road or a public footpath, or the restriction of pedestrian access,

(C) an approval given by the Environment Protection Authority for an open fire,

(D) an approval given by the NSW Police Force for the discharge of firearms,

(E) an approval given by the Department of Primary Industries, Crown Land Division, for the use of Crown land,

(xiv) details of any temporary alteration or addition to any building or work at the location for the purposes of the filming,

(e) if the filming is to be carried out for more than 2 consecutive days--the person carrying out the filming must, at least 5 days before the commencement of filming at the particular location, give notice in writing (by way of a letter-box drop) of the filming to residents within a 50m radius of the location. The notice must contain the following information:

(i) the name and telephone number of the person carrying out the filming (such as a production company) and of a contact representative of that person,

(ii) a brief description of the filming to be carried out at the location and of any proposed disruptions to the location or the surrounding area or the amenity of the neighbourhood,

(iii) the proposed commencement and completion dates for the filming,

(iv) the proposed daily length of filming.

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 2.115

Specified development

2.115 Specified development

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

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 2.116

Development standards

2.116 Development standards

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

- (a) be erected, used, altered or added to in connection with filming that is exempt development, and
- (b) not be at the location for more than 30 days within a 12-month period, and
- (c) if it is an alteration or addition to a building or work--not remain in place for more than 30 days within a 12-month period, and
- (d) not, in its altered or added to form, be accessible to the public.

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 2.117

Specified development

2.117 Specified development

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

- (a) land within a rural, residential or environment protection zone and used for residential accommodation,
- (b) land in a zone other than a rural, residential or environment protection zone,
- (c) Crown land (within the meaning of the Crown Lands Act 1989),
- (d) land vested in or under the control and management of the council or other public authority of the area in which the development is carried out.

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 2.118

Development standards

2.118 Development standards

The standards specified for that development are as follows:

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

arranged so as to afford a ready means of egress from all parts of the tent or marquee to open space or a road:

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

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 2.119

Specified development

2.119 Specified development

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

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 2.120

Development standards

2.120 Development standards

The standards specified for that development are as follows:

- (a) for all tents, marquees and booths being used at the same time-- the development must not have a total floor area exceeding 300m²,
- (b) each tent, marquee or booth must be located at least 3m from any boundary of the land,
- (c) each tent, marquee or booth must be erected so as to provide an unobstructed pedestrian circulation area at least 1.5m wide around the perimeter of the tent, marquee or booth, unless it is attached to or abuts a building with no separation,
- (d) each tent, marquee or booth must be erected at ground level,
- (e) each tent or marquee must have the following number of exits arranged so as to afford a ready means of egress from all parts of the tent or marquee to open space or a road:
 - (i) 1 exit if the tent or marquee has a floor area of not more than 25m²,
 - (ii) 2 exits if the tent or marquee has a floor area of not more than 100m²,
 - (iii) 4 exits in any other case,
- (f) if any tent or marquee will include internal seating, stalls, tables or other obstructions, a clear path of travel to any exit no greater than 40m in length must be provided,
- (g) each tent or marquee must have a width for each exit of at least:
 - (i) if the floor area of the tent or marquee is less than 150m² --850mm, or
 - (ii) in any other case--1m,
- (h) no tent or marquee can have a wall height exceeding 4m,
- (i) each tent or marquee must have a height as measured from the surface on which the tent or marquee is erected to the highest point of the tent or marquee not exceeding 6m,
- (j) no tent or marquee can contain tiered seating,
- (k) the event must take place only during the following periods (unless it is a community event to which Subdivision 9 applies):
 - (i) 7.30 am to 11.00 pm on Monday, Tuesday, Wednesday or Thursday,
 - (ii) 7.30 am to 12.00 am on Friday or Saturday,
 - (iii) 8.00 am to 8.00 pm on Sunday,
- (l) each tent, marquee or booth must not remain on the land for more than 7 days after the event,
- (m) arrangements must be made for the removal of any waste or recyclable materials likely to be generated as a result of the event.

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 2.121

Specified development

2.121 Specified development

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

- (a) land within a rural, residential or environment protection zone and used for residential accommodation,
- (b) land in a zone other than a rural, residential or environment protection zone,
- (c) Crown land (within the meaning of the Crown Lands Act 1989),
- (d) land vested in or under the control and management of the council

or other public authority of the area in which the development is carried out.

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 2.122

Development standards

2.122 Development standards

The standards specified for that development are as follows:

- (a) the stage or platform must not have a floor area exceeding 50m²,
- (b) if it is development carried out on land used for residential accommodation--the stage or platform must be located:
 - (i) at least 1m from any boundary of the land, and
 - (ii) behind any building setback fixed by an environmental planning instrument or development control plan applying to the land,
- (c) if it is development carried out on land not used for residential accommodation--the stage or platform must be located at least 3m from any boundary of the land,
- (d) the stage or platform must be erected at ground level,
- (e) the stage or platform must have a height as measured from the surface on which the tent or marquee is erected to the floor of the stage or platform not exceeding 2m,
- (f) a notice indicating the actual distributed and concentrated load for which the stage or platform has been designed must be conspicuously displayed on the stage or platform,
- (g) if it is development carried out on land used for residential accommodation or land in a business or special purpose zone:
 - (i) the stage or platform must not be erected on the land for more than 7 days, and
 - (ii) the number of days for which the stage or platform is erected on the land together with the number of days for which stages or platforms have previously been erected on the land for private functions in the same calendar year must not exceed 30 days,
- (h) the stage or platform must not remain on the land for more than 2 days after the function,
- (i) arrangements must be made for the removal of any waste or recyclable materials likely to be generated as a result of the function,
- (j) the function must take place only during the following periods:
 - (i) 7.30 am to 11.00 pm on Monday, Tuesday, Wednesday or Thursday,
 - (ii) 7.30 am to 12.00 am on Friday or Saturday,
 - (iii) 8.00 am to 8.00 pm on Sunday.

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 2.123

Specified development

2.123 Specified development

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

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 2.124

Development standards

2.124 Development standards

The standards specified for that development are as follows:

- (a) the stage or platform must not have a floor area exceeding 50m²,
- (b) the stage or platform must be located at least 3m from any boundary of the land,
- (c) the stage or platform must be erected at ground level,
- (d) the stage or platform must have a height, as measured from the surface on which the tent or marquee is erected to the floor of the stage or platform, not exceeding 2m,
- (e) a notice indicating the actual distributed and concentrated load for which the stage or platform has been designed must be conspicuously displayed on the stage or platform,
- (f) the community event must take place only during the following periods (unless it is a community event to which Subdivision 11 applies):
 - (i) 7.30 am to 11.00 pm on Monday, Tuesday, Wednesday or Thursday,
 - (ii) 7.30 am to 12.00 am on Friday or Saturday,
 - (iii) 8.00 am to 8.00 pm on Sunday,
- (g) the stage or platform must not be erected on the land for more than 7 days,
- (h) the stage or platform must not remain on the land for more than 2 days after the event,
- (i) arrangements must be made for the removal of any waste or recyclable materials likely to be generated as a result of the event.

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 2.125

Specified development

2.125 Specified development

- (1) This Subdivision applies to the following land:
 - (a) land identified as Circular Quay, Darling Harbour or The Rocks on the Sydney Harbour Foreshore Sites Map within the meaning of State Environmental Planning Policy (Major Development) 2005 and that is within the public domain within the meaning of the Sydney Harbour Foreshore Authority Act 1998, and
 - (b) Lots 1 and 3, DP 876516, being the Overseas Passenger Terminal at Circular Quay, and
 - (c) Sydney Olympic Park Site as shown marked as such on the State Significant Development Sites Map within the meaning of State Environmental Planning Policy (State and Regional Development) 2011, and
 - (d) the Barangaroo site as shown marked as such on the State Significant Development Sites Map within the meaning of State Environmental Planning Policy (State and Regional Development) 2011.
- (2) Development for the purposes of temporary uses in the public

domain, including development for the following purposes, is development specified for this code:

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

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 2.126

Development standards

2.126 Development standards

The standards specified for that development are as follows:

- (a) if the use is a community or commercial event:
 - (i) the period of the use must be for not more than 21 consecutive days, from the start of set-up to the completion of clean-up for the use, and
 - (ii) a location must not be used for more than 140 days, inclusive of set-up and clean-up time, in any calendar year,
- (b) if the use is for the operation of a street market carried out, coordinated or managed by a public authority--the use must be for not more than 3 consecutive days and a location must not be used for more than 120 days in any calendar year,
- (c) there must be no permanent physical change to the fabric of the location where the use occurs,
- (d) emergency vehicle access must be maintained to and around the location at all times,
- (e) pedestrian access must be maintained along existing footpaths at the location or barriers must be erected between alternative pedestrian pathways and traffic on any adjoining road,
- (f) the use must not occur before 6.00 am or after midnight on any day, except New Year's Eve (when the use may occur until 2.00 am the following day),
- (g) set-up time for the use must not start earlier than 6.00 am, or end later than midnight, on any day,
- (h) clean up time for the use must end no later than 2 hours after the use was to stop occurring under paragraph (f),
- (i) temporary flags relating to the use:
 - (i) must be attached to existing flagpoles, and
 - (ii) must not be displayed for more than 14 days before the use starts, and
 - (iii) must be removed within 7 days after the use ends,
- (j) other temporary signs (including freestanding banners):
 - (i) must not be more than 2.5m in height, and
 - (ii) must not be larger than 1.2m by 2.4m, and
 - (iii) must not be displayed for more than 7 days before the use starts, and
 - (iv) must be removed within 2 days after the use ends,
- (k) any mobile structures or equipment installed as part of the event, such as video screens, communications equipment and mobile phone towers are to be erected or installed on level ground with secure footings and are to be located so as not to obstruct pedestrian paths of travel.

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 2.127

Specified development

2.127 Specified development

Development for the purposes of temporary outdoor non-sporting events (such as concerts) and associated equipment, structures and facilities (such as stages, public address systems, food or beverage outlets, video screens and information or ticket booths) is development specified for this code if it is carried out on land described in Schedule 2 to the Sydney Cricket and Sports Ground Act 1978.

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 2.128

Development standards

2.128 Development standards

The standards specified for that development are as follows:

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

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 2.129

Specified development

2.129 Specified development

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

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

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 2.130

Development standards

2.130 Development standards

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

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

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 2.131

Specified development--extended trading hours of licensed premises generally

2.131 Specified development--extended trading hours of licensed premises generally

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

- (a) there is a development consent under which the development may be carried out at times other than the extended trading hours, and**
- (b) the development is authorised by an extended trading authorisation granted under section 49 or 49A of the Liquor Act 2007 for a special occasion (referred to in section 49 (5) (b) or 49A (3) (b) of that Act) of local, State or national significance or by a regulation made under section 13 of that Act in connection with an event of that kind, and**
- (c) the premises are not subject premises within the meaning of Division 1A of Part 4 of the Liquor Act 2007 while the freeze period (as referred to in that Division 1A) is in force.**

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 2.131B

Specified development--extended trading hours on new year's eve for licensed premises across the State

2.131B Specified development--extended trading hours on new year's eve for licensed premises across the State

(1) Despite clause 2.131, the operation of licensed premises during the new year's eve trading period is development specified for this code if:

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

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

"new year's eve trading period", in relation to licensed premises, means the period from the end of the standard trading period on 31 December 2018 to 2 am on the next succeeding day.

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

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 2.132

Development standards

2.132 Development standards

(1) The standards specified for any development referred to in clause 2.131 or 2.131B are that the development must not contravene any terms of a development consent that are applicable to the development when carried out at times other than during the extended trading hours under clause 2.131 or the new year's eve trading period referred to in clause 2.131B.

(2) Subclause (1) does not apply to a term of a development consent that sets out or restricts the hours of operation of, or trading on, the premises.

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 2A.1

Housing that would have been complying development under repealed General Housing Code continues to be complying development

2A.1 Housing that would have been complying development under repealed General Housing Code continues to be complying development

(1) Development specified for the General Housing Code as repealed by State Environmental Planning Policy (Exempt and Complying Development Codes) Amendment (Housing Code) 2017 is also complying development for the purposes of this Policy if the development would have been complying development under this Policy as in force immediately before the repeal of that Code.

(2) Development carried out under this clause is taken (except for the purposes of clause 1.17) to be carried out under a complying development code to be known as the Transitional Housing Code.

Note : The relevant version of the General Housing Code (now known as the Transitional Housing Code) is the historical version in force from 5 August 2016 to 13 July 2017.

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 2A.2

Housing that would have been complying development under certain other repealed provisions continues to be complying development

2A.2 Housing that would have been complying development under certain other repealed provisions continues to be complying development

Development that would have been complying development under any of the following environmental planning instruments immediately before the amendment of that instrument by State Environmental Planning Policy Amendment (Miscellaneous) 2017 is taken to be complying development under that instrument:

- (a) Ku-ring-gai Local Environmental Plan 2015,**
- (b) Liverpool Local Environmental Plan 2008,**
- (c) Sutherland Shire Local Environmental Plan 2015.**

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 2A.3

Part ceases to have effect on 13 July 2019

2A.3 Part ceases to have effect on 13 July 2019

This Part ceases to have effect on 13 July 2019.

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- NOTES

Note to Part 3 Clause 1.18 (1) (b) states that to be complying development for the purposes of this Policy the development must be permissible with consent under an environmental planning instrument applying to the land on which the development is carried out.

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- NOTES

Note to Part 3 Schedule 3 contains variations to this code.

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- NOTES

Note to Part 3 In addition to the requirements specified for development under this code, adjoining owners' property rights, the applicable common law and other legislative requirements for approvals, licences, permits and authorities still apply. For example, requirements relevant to development in this code may be contained in the Act, the Environmental Planning and Assessment Regulation

2000, various State environmental planning policies, the Protection of the Environment Operations

Act

1997, the Roads

Act

1993, the Swimming Pools

Act

1992 and Acts applying to various infrastructure authorities. If the development is in proximity to infrastructure, including water, stormwater and sewer mains, electricity power lines and telecommunications facilities, the relevant infrastructure authority should be contacted before commencing the development.

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 3.1

Development that is complying development under this code

3.1 Development that is complying development under this code

(1) The following development is complying development under this code:

- (a) the erection of a new 1 or 2 storey dwelling house and any attached development,**
- (b) the alteration of, or an addition to, a 1 or 2 storey dwelling house (including any addition that results in a 2 storey dwelling house) and any attached development,**
- (c) the erection of detached development and the alteration of, or an addition to, any detached development.**

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

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

Note 2 :

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

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

: [graphic]

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

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

(4) A secondary dwelling with development consent or a complying development certificate is not a dwelling house for the purpose of

subclause (3) (d).

(5) Erection of attached development and detached development
Complying development specified for this code that is attached development or detached development may be carried out on a lot:

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

Note 1 :

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

Note 2 :

"Basement" and
"secondary dwelling" have the same meanings as they have in the Standard Instrument.

Note 3 :

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

Note 4 : Clauses 1.17A, 1.18 and 1.19 (1) and Schedules 3 and 5 of this Policy contain additional requirements for complying development.

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 3.2

Development that is not complying development under this code

3.2 Development that is not complying development under this code

The following development is not complying development under this code:

- (a) the erection or alteration of, or an addition to, a roof terrace on the top most roof of a building,
- (b) development that is complying development under the Housing Alterations Code,
- (c) development that is attached to a secondary dwelling or group home,
- (d) the erection of a building over a registered easement,
- (e) the construction of a basement that will have an area that exceeds the limits shown in the following table:

- (f) the erection of a common wall,
- (g) the alteration of, or an addition to, a garage or carport that is located forward of the building line.

Note 1 :

"Attached",
"building line",
"common wall" and
"Housing Alterations Code" are defined in clause 1.5.

Note 2 :

"Basement",
"building",
"group home" and

"secondary dwelling" have the same meanings as they have in the Standard Instrument.

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 3.3

Determining lot type

3.3 Determining lot type

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

- (a) standard lot,**
- (b) corner lot,**
- (c) parallel road lot,**
- (d) battle-axe lot.**

Note 1 :

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

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

: [graphic]

: [graphic]

(2) A battle-axe lot has 3 side boundaries and a rear boundary. The rear boundary is opposite the boundary to which the front of the dwelling house faces. [graphic]

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 3.4

Complying development on bush fire prone land

3.4 Complying development on bush fire prone land

(1) This clause does not apply to the following complying development under this code:

- (a) non-habitable detached development that is more than 10m from any dwelling house,**
- (b) landscaped areas,**
- (c) non-combustible fences,**
- (d) swimming pools.**

(2) If complying development under this code is carried out on bush fire prone land, the following development standards also apply in addition to any other development standards:

- (a) the development will not be carried out on any part of the lot that is bush fire attack level-40 (BAL-40) or in the flame zone (BAL-FZ),**
- (b) the lot on which the development is to be carried out must have direct access to a public road or a road vested in or maintained by the council,**
- (c) the dwelling house must be able to be connected to mains electricity,**
- (d) if reticulated or bottled gas is installed and**

maintained on the lot:

- (i) it must be installed and maintained in accordance with AS/NZS 1596:2008, The storage and handling of LP Gas, and**
- (ii) the storage and handling of any LP gas on the lot must comply with the requirements of the relevant authorities (including the use of metal piping),**
- (e) any gas cylinder stored on the lot within 10m of any dwelling house must:**
 - (i) have its release valves directed away from the dwelling house, and**
 - (ii) be enclosed on the hazard side of the installation, and**
 - (iii) have metal connections to and from the cylinder,**
- (f) there must not be any polymer sheathed flexible gas supply lines to gas meters adjacent to the dwelling house,**
- (g) if the development is carried out on a lot in Zone RU5, there must be:**
 - (i) a reticulated water supply connection to the lot and a fire hydrant within 60m of any part of the development, or**
 - (ii) a 10,000 L capacity water tank on the lot,**
- (h) if the development is carried out on a lot in any zone other than Zone RU5, there must be:**
 - (i) a reticulated water supply connection to the lot, and**
 - (ii) a fire hydrant within 60m of any part of the development,**
- (i) the development must comply with the requirements of all of the following:**
 - (i) Planning for Bush Fire Protection (ISBN 0 9751033 2 6) published by the NSW Rural Fire Service in December 2006,**
 - (ii) Addendum: Appendix 3 (published by NSW Rural Fire Service in 2010) to Planning for Bush Fire Protection (ISBN 0 9751033 2 6),**
 - (iii) AS 3959-2009, Construction of buildings in bushfire-prone areas,**
 - (iv) any other document required by the Environmental Planning and Assessment Regulation 2000 (in accordance with section 4.14 of the Act).**

Note 1 :

**"Attached development",
"bush fire attack level-40 (BAL-40)",
"council",
"detached",
"dwelling house" and
"flame zone (BAL-FZ)" are defined in clause 1.5.**

Note 2 :

**"Bush fire prone land",
"landscaped area",
"road" and
"swimming pool" have the same meanings as they have in the Standard Instrument.**

(3) A development standard specified in subclause (2) (a) is satisfied if the council or a person who is recognised by the NSW Rural Fire Service as a suitably qualified consultant in bush fire risk assessment certifies that the development is not in bush fire attack level-40 (BAL-40) or the flame zone (BAL-FZ).

**STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)
2008**

- REG 3.5

Complying development on flood control lots

3.5 Complying development on flood control lots

(1) Development under this code must not be carried out on any part of a flood control lot, other than a part of the lot that the council or a professional engineer who specialises in hydraulic engineering has certified, for the purposes of the issue of the relevant complying development certificate, as not being any of the following:

- (a) a flood storage area,**
- (b) a floodway area,**
- (c) a flow path,**
- (d) a high hazard area,**
- (e) a high risk area.**

(2) If complying development under this code is carried out on any part of a flood control lot, the following development standards also apply in addition to any other development standards:

- (a) if there is a minimum floor level adopted in a development control plan by the relevant council for the lot, the development must not cause any habitable room in the dwelling house to have a floor level lower than that floor level,**
- (b) any part of the dwelling house or any attached development or detached development that is erected at or below the flood planning level is constructed of flood compatible material,**
- (c) any part of the dwelling house and any attached development or detached development that is erected is able to withstand the forces exerted during a flood by water, debris and buoyancy up to the flood planning level (or if an on-site refuge is provided on the lot, the probable maximum flood level),**
- (d) the development must not result in increased flooding elsewhere in the floodplain,**
- (e) the lot must have pedestrian and vehicular access to a readily accessible refuge at a level equal to or higher than the lowest habitable floor level of the dwelling house,**
- (f) vehicular access to the dwelling house will not be inundated by water to a level of more than 0.3m during a 1:100 ARI (average recurrent interval) flood event,**
- (g) the lot must not have any open car parking spaces or carports lower than the level of a 1:20 ARI (average recurrent interval) flood event.**

(3) The requirements under subclause (2) (c) and (d) are satisfied if a joint report by a professional engineer specialising in hydraulic engineering and a professional engineer specialising in civil engineering states that the requirements are satisfied.

(4) A word or expression used in this clause has the same meaning as it has in the Floodplain Development Manual, unless it is otherwise defined in this Policy.

(5) In this clause:

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

"flood planning level" means:

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

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

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

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

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

Note 1 :

"Council",

"flood control lot",

"habitable room" and

"professional engineer" are defined in clause 1.5.

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

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 3.6

Development standards for land near Siding Spring Observatory

3.6 Development standards for land near Siding Spring Observatory

(1) If complying development under this code is carried out on land in the local government area of Coonamble, Gilgandra, Warrumbungle Shire or that part of the local government area of Dubbo Regional that was formerly in the City of Dubbo, the development standards in this clause also apply in addition to any other development standards.

(2) Complying development specified for this code may only be carried out if it does not result in a dwelling house on land in the local government area of:

(a) Coonamble, Gilgandra, Warrumbungle Shire or that part of the local government area of Dubbo Regional that was formerly in the City of Dubbo with an outside light fitting other than a shielded light fitting, and

(b) Coonamble, Gilgandra or Warrumbungle Shire with more than 7 shielded outside light fittings or more than 5 such light fittings that are not automatic light fittings.

(3) This clause ceases to have effect on 1 January 2021.

Note : Under clause 3D.1, the Inland Code will apply exclusively to land to which this clause applies on and from 1 January 2021.

**STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)
2008
- REG 3.7
Application of Division**

3.7 Application of Division

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

**STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)
2008
- REG 3.8
Maximum building height**

3.8 Maximum building height

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

Note 1 :

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

Note 2 :

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

: [graphic]

**STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)
2008
- REG 3.9
Maximum gross floor area of all buildings**

3.9 Maximum gross floor area of all buildings

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

[graphic]

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

Note :

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

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 3.10

Minimum setbacks and maximum height and length of boundary walls

3.10 Minimum setbacks and maximum height and length of boundary walls

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

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

(2) For the purpose of determining the setbacks from the primary road of the 2 nearest dwellings, the following are not to be included:

- (a) dwelling houses on battle-axe lots,**
- (b) any attached development or detached development on other lots,**
- (c) building elements in the articulation zone.**

[graphic] [graphic]

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

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

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

Lot width at the	Building height at any	Minimum required setback
6m-10m	>5.5m-8.5m	 (building height-5.5m) ◆
>10m-18m	>4.5m-8.5m	 (building height-4.5m) ◆
>18m-24m	>4.5m-8.5m	 (building height-4.5m) ◆

[graphic]

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

- (a) the lot is not a corner lot, and**
- (b) the lot width measured at the building line is at least 6m, but not more than 8m, and**
- (c) if there is a building wall on the adjoining lot within 900mm of that boundary--that wall is of masonry construction and does not have a window facing that**

boundary, and

(d) any wall erected within 900mm of a side boundary will not contain a door, window or any other opening.

[graphic]

(6) Despite subclause (4), a building referred to in that subclause may be built to 1 side boundary if:

(a) the lot width measured at the building line is more than 8m, but not more than 12.5m, and

(b) any building wall on the adjoining lot within 900mm of that boundary is of masonry construction and does not have a window facing that boundary, and

(c) any wall erected within 900mm of the side boundary will not contain a door, window or any other opening.

(7) Maximum height of walls within 900mm of side boundary The height of a wall erected within 900mm of a side boundary must not exceed:

(a) 3.3m above ground level (existing), or

(b) if there is a building wall on the adjoining lot within 900mm of that boundary that is higher than 3.3m--the height of that wall, but not more than 8.5m, or

(c) if the building on the adjoining lot is subject to the same complying development certificate under clause 126 (4) of the Environmental Planning and Assessment Regulation 2000 --the height of the wall on the adjoining lot, but not more than 8.5m.

[graphic]

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

Lot width at the building line	Maximum length of built to boundary
6m-10m	20m or 50% of the depth of the lot,

[graphic]

(9) Despite subclause (8), the maximum length of a wall erected within 900mm of a side boundary is:

(a) if there is a building wall on the adjoining lot within 900mm of that boundary that is longer than the maximum length calculated under subclause (8)--the length of that wall, or

(b) if the building on the adjoining lot is subject to the same complying development certificate under clause 126 (4) of the Environmental Planning and Assessment Regulation 2000 --the length of the wall on the adjoining lot.

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

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

(a) a dwelling house,

(b) a carport or garage,

(c) a balcony, deck, patio, pergola, terrace or verandah,

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

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

Lot area	Building height	Minimum setback from

		10m or the average rear setback of the 2 adjoining dwelling houses, measured at 4.5m above ground level (existing), whichever
200m 2	-300m 2	>4.5m-8.5m

: [graphic]

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

[graphic]

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

Note : Certain types of attached development may be built within the parallel road setback (see clause 3.11 (6)).

: [graphic]

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

(a) the setback for a dwelling house from a classified road specified by another environmental planning instrument applying to the land, or

(b) if no setback is specified--9m.

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

(15) Front setbacks for battle-axe lots A dwelling house and any attached development on a battle-axe lot must have a setback from the rear boundary of the lot that is in front of the battle-axe lot of at least 3m. [graphic]

Note 1 :

"Articulation zone",

"attached development",

"battle-axe lot",

"boundary wall",

"building element",

"building line",

"detached development",

"dwelling house",

"lane",

"primary road",

"setback" and

"standard lot" are defined in clause 1.5.

Note 2 :

"Building height",

"classified road" and "ground level (existing)" have the same meanings as they have in the Standard Instrument.

Note 3 :

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

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 3.11

Exceptions to setbacks

3.11 Exceptions to setbacks

(1) Development to which side and rear setbacks do not apply The setback standards specified in clause 3.10 (4) and (10) do not apply to the following:

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

(2) Development to which side and rear setbacks do not apply if 450mm from boundary The setback standards specified in clause 3.10 (4) and (10) do not apply to the following if they are at least 450mm from the relevant boundary:

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

(3) Road setbacks do not apply to eaves within 1m The setback standards specified in clause 3.10 (1), (3), (11), (12) and (13) do not apply to eaves if they are within 1m of the dwelling house.

(4) Development to which road setbacks do not apply The setback standards specified in clause 3.10 (1), (3), (11), (12) and (13) do not apply to the following:

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

(5) Lots with rear lanes Despite clause 3.10 (10), if the lot has a rear boundary with a lane, the building may be erected within 900mm of, or abut, the rear boundary for a maximum of 50% of the length of that boundary.

(6) Certain attached development may be built within parallel road setback Despite clause 3.10 (12), a cabana, cubby house, fernery, garden shed, gazebo, greenhouse or shed may be built within 3m of, or abut, a parallel road boundary for a maximum of 50% of the length of that boundary if the parallel road is not a classified road.

(7) Setbacks do not apply to existing parts of dwelling house or attached development The setback standards specified in clause 3.10 do not apply to any existing parts of a dwelling house or attached development that will remain on the lot after the complying development is carried out.

Note 1 :

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

Note 2 :

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

Note 3 :

"Environmental planning instrument" has the same meaning as it has in the Act.

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 3.12

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

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

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

- (a) the area of the lot is more than 300m², and**
- (b) the width of the lot, measured at the building line, is more than 10m.**

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

Setback from the side or rear	Maximum permitted floor level above

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

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

must not be more than 12m².

Note 1 :

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

Note 2 :

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

Note 3 : A balcony, deck, patio, terrace or verandah may require a privacy screen--see clause 3.15.

**STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)
2008**

- REG 3.13

Minimum landscaped area

3.13 Minimum landscaped area

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

(2) Each landscaped area must have a minimum width and length of 1.5m.

(3) The minimum landscaped area calculated in accordance with subclause (1) must be provided as follows:

(a) if the lot width measured at the building line is 18m or less--25% of the area forward of the building line must be landscaped,

(b) if the lot width measured at the building line is more than 18m--50% of the area forward of the building line must be landscaped,

(c) 50% of the minimum landscaped area must be located behind the building line.

[graphic]

(4) The minimum area of principal private open space that must be provided on a lot is shown in the following table:

Lot width (measured at the building line)	Minimum principal private open space

(4A) The principal private open space must:

(a) be at least 3m wide and 3m long, and

(b) not be steeper than 1:50 gradient.

(5) This clause does not apply to complying development that is the alteration of, or an addition to, a dwelling house or attached development if the development does not:

(a) increase the footprint of the dwelling house or attached development, or

(b) decrease the landscaped area on the lot.

Note 1 :

"Building line" and

"principal private open space" are defined in clause 1.5.

Note 2 :

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

: [graphic]

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 3.14

Building design

3.14 Building design

- (1) This clause applies to the erection of a dwelling house on a lot, other than a battle-axe lot.**
 - (2) The dwelling house must contain the following building elements:**
 - (a) at least 1 door and 1 window to a habitable room at ground floor level facing the primary road, or**
 - (b) at least 1 door and 1 window to a habitable room at ground floor level facing any parallel road.**
 - (3) Primary road frontage A dwelling house with a setback from a primary road of at least 3m may have an articulation zone that extends up to 1.5m forward of the minimum required setback from the primary road.**
 - (4) The following building elements may be located in the articulation zone:**
 - (a) an entry feature or portico,**
 - (b) a balcony, deck, pergola, terrace or verandah,**
 - (c) a window box treatment,**
 - (d) a bay window or similar feature,**
 - (e) an awning or other feature over a window,**
 - (f) a sun shading feature,**
 - (g) an eave.**
 - (5) The maximum total area of all building elements in the articulation zone, other than a building element specified in subclause (4) (e), (f) or (g), must not comprise more than 25% of the area of the articulation zone. [graphic]**
 - (6) Maximum height of building elements A building element on a dwelling house (other than an entry feature or portico that has the same pitch as the roof on the dwelling house) must not extend:**
 - (a) more than 1m above the gutter line of the eaves of a single storey dwelling house, or**
 - (b) above the gutter line of the eaves of a 2 storey dwelling house.**
 - (7) Secondary road frontage on corner lots A dwelling house on a corner lot must have a window to a habitable room with an area of at least 1m² that faces and is visible from the secondary road.**
 - (8) A dwelling house with a setback from a secondary road of not more than 4.5m must have at least one of the following building elements for a minimum length of 20% of the elevation of the walls that face the secondary road and that are within 4.5m of the secondary road:**
 - (a) an entry feature or portico,**
 - (b) a balcony, deck, pergola, terrace or verandah,**
 - (c) a bay window,**
 - (d) a step of at least 600mm in depth.**
 - (9) Building elements listed in subclause (8) may be located in a secondary road articulation zone if:**
 - (a) the zone extends no more than 1m into the minimum required setback area and spans the length of the walls that face the secondary road, and**
 - (b) the building element comprises no more than 20% of the zone area.**
- [graphic]**
- (10) Any part of a gable or hipped roof that overhangs walls that are within 4.5m of the secondary road boundary must include eaves that extend for the length of those walls and project at least 450mm, but not more than 1m from those walls.**

Note 1 :

**"Articulation zone",
"battle-axe lot",
"building element",**

"corner lot",
"dwelling house",
"habitable room",
"parallel road",
"parallel road lot",
"primary road",
"secondary road" and
"setback" are defined in clause 1.5.

Note 2 :

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

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

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 3.15

Privacy screens for windows and certain attached development

3.15 Privacy screens for windows and certain attached development

(1) A privacy screen must be provided for any part of a window to a habitable room that is less than 1.5m above the finished floor level of that room if:

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

(2) Subclause (1) does not apply to a bedroom window that has an area of not more than 2m². [graphic]

(3) A privacy screen of at least 1.7m, but not more than 2.2m, above the finished floor level of a balcony, deck, patio, terrace or verandah must be installed at the edge of that part of the balcony, deck, patio, terrace or verandah that is parallel to or faces towards the relevant side or rear boundary if the area of the balcony, deck, patio, terrace or verandah is at least 3m² and:

- (a) that edge is less than 3m from a side or rear boundary and the balcony, deck, patio, terrace or verandah has a finished floor level of more than 1m above ground level (existing), or**
- (b) that edge is at least 3m, but not more than 6m from a side or rear boundary and the balcony, deck, patio, terrace or verandah has a finished floor level of more than 2m above ground level (existing).**

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

Note 1 :

"Habitable room" and
"privacy screen" are defined in clause 1.5.

Note 2 :

"Ground level (existing)" has the same meaning as it has in the

Standard Instrument.
: [graphic]

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 3.16

Car parking and vehicle access requirements

3.16 Car parking and vehicle access requirements

(1) At least 1 off-street car parking space, being an open hard stand space or a carport or garage, must be provided on a lot unless:

- (a) the lot has a width of less than 8m measured at the building line, or
- (b) the complying development is the alteration of, or an addition to, a dwelling house and the lot does not contain an off-street car parking space, or
- (c) the complying development is the erection or alteration of, or an addition to, attached development and the lot does not contain an off-street car parking space.

(2) All off-street car parking spaces and vehicle access must comply with AS 2890.1:2004, Parking facilities--Off-street car parking.

(3) The off-street car parking space for a battle-axe lot must be constructed so that vehicles can leave the lot in a forward direction.

(4) An attached garage may only be erected on a lot that has a width of less than 8m measured at the building line if the garage is accessed only from a secondary road, parallel road or lane.

(5) An attached garage, carport or car parking space accessed from a primary road must have a minimum setback as shown in the following table:

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

[graphic] [graphic]

(6) The maximum width of all garage door openings facing a primary, secondary or parallel road is shown in the following table:

[graphic]

Note 1 :

- "Attached",
- "battle-axe lot",
- "building line",
- "detached",
- "hard stand space",
- "lane",
- "parallel road",
- "primary road",
- "secondary road" and
- "setback" are defined in clause 1.5.

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

Note 3 : Alterations or additions to a garage or carport that is forward of the building line is not complying development under this

code (see clause 3.2 (1) (g)).

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 3.17

Application of Division

3.17 Application of Division

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

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 3.18

Maximum height

3.18 Maximum height

The maximum height for any detached development is 4.5m above ground level (existing).

Note 1 :

"Detached development" is defined in clause 1.5.

Note 2 :

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

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 3.19

Maximum gross floor area of all buildings on lot

3.19 Maximum gross floor area of all buildings on lot

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

[graphic]

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

Note :

"Battle-axe lot" is defined in clause 1.5.

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 3.20

Maximum gross floor area of certain detached development

3.20 Maximum gross floor area of certain detached development

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

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

Note : The maximum gross floor area of detached studios is set out in clause 3.25.

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 3.21

Minimum setbacks and maximum height and length of built to boundary walls

3.21 Minimum setbacks and maximum height and length of built to boundary walls

(1) Primary and secondary road setbacks Detached development (other than a detached garage or carport) must be located behind the building line of a dwelling house that is adjacent to any primary road or secondary road.

Note 1 : Primary and secondary road setbacks for detached garages and carports are set out in clause 3.23.

Note 2 : Clause 3.26 contains certain exclusions from, and exceptions to, the setbacks specified in this clause.

(2) Side setbacks Detached development that is any of the following must have a minimum setback from the side boundary of a lot as shown in the table to this subclause:

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

Lot width at the building line	Minimum setback from each side

Note : Side boundary setbacks for detached studios are set out in clause 3.25.

(3) Built to boundary setbacks Despite subclause (2), detached development that is referred to in that subclause may be built to 1 or both side boundaries if:

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

[graphic]

(4) Despite subclause (2), detached development that is referred to in that subclause may be built to 1 side boundary if:

- (a) the lot width measured at the building line is more than 8m, but not more than 12.5m, and
- (b) any building wall on the adjoining lot within 900mm of that boundary is of masonry construction and does not have a window facing that boundary, and
- (c) any wall erected within 900mm of the side boundary will not contain a door, window or any other opening.

(5) Maximum height of built to boundary walls The height of a wall erected within 900mm of a side boundary must not exceed:

- (a) 3.3m above ground level (existing), or
- (b) if there is a building wall on the adjoining lot within 900mm of that boundary that is higher than 3.3m--the height of that wall, but not more than 4.5m, or
- (c) if the building on the adjoining lot is subject to the same complying development certificate under clause 126 (4) of the Environmental Planning and Assessment Regulation 2000 --the height of the wall on the adjoining lot, but not more than 4.5m.

(6) Maximum length of built to boundary walls The length of all walls within 900mm of a side boundary must not exceed the length shown in the following table:

Lot width at the building line	Maximum length of built to boundary
6m-10m	20m or 50% of the depth of the lot,

[graphic]

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

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

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

(8) Rear setbacks Detached development that is any of the following must have a minimum setback from the rear boundary of a lot as shown in the table to this subclause:

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

Note : Rear setbacks for detached garages and carports, detached decks, patios, pergolas, terraces and verandahs and detached studios are set out in clauses 3.23, 3.24 and 3.25, respectively.

(9) Parallel road setbacks for parallel road lots Detached development on a lot must have a minimum setback from a parallel road of 3m.

Note : Clause 3.26 (4) contains exceptions to this setback for certain types of detached development.

: [graphic]

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

(a) the setback for a dwelling house from a classified road specified by any other environmental planning instrument applying to the land, or

(b) if no setback is specified--9m.

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

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

(b) a carport or garage,

(c) a deck, patio, pergola, terrace or verandah,

(d) a rainwater tank (above ground),

(e) a shade structure or shed.

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 3.22

Heritage conservation areas

3.22 Heritage conservation areas

(1) Detached development may not be erected on a lot in a heritage conservation area or a draft heritage conservation area if the lot adjoins a lane, a secondary road or a parallel road.

(2) If the lot does not adjoin a lane, a secondary road or a parallel road, detached development (other than a detached studio) may be erected on the lot in a heritage conservation area or draft heritage conservation area if it:

(a) is located behind the rear building line of the dwelling house, and

(b) is no closer to the side boundaries than the dwelling house, and

(c) has a gross floor area of not more than 20m².

Note :

"Building line",

"dwelling house",

"gross floor area",

"heritage conservation area",

"lane",

"parallel road" and

"secondary road" are defined in clause 1.5.

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 3.23

Other development standards for detached garages and carports

3.23 Other development standards for detached garages and carports

(1) Car parking and vehicle access requirements All off-street car parking spaces and vehicle access must comply with AS 2890.1:2004, Parking facilities--Off-street car parking.

(2) The off-street car parking space for a battle-axe lot must be constructed so that vehicles can leave the lot in a forward direction.

(3) A detached garage or carport may only be erected on a lot that has a width of less than 8m at the building line if the only vehicular access to the lot is from a secondary road, a parallel road or a lane.

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

Primary road setback of dwelling	Minimum required garage or carport
4.5m or more	At least 1m behind the building

[graphic] [graphic]

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

(7) Rear setbacks A detached garage or carport must have a minimum setback from the rear boundary as shown in the following table:

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

(a) the lot area is at least 200m², but not more than 300m², and

(b) the wall of a building on the adjoining lot within 900mm of that boundary (if any) is of masonry construction and does not have a window facing that boundary.

(9) Maximum width of garage doors The maximum width of all detached garage and carport door openings facing a primary, secondary or parallel road is shown in the following table:

[graphic]

Note 1 :

"Battle-axe lot",
"boundary wall",
"building line",
"corner lot",

"detached",
"dwelling house",
"gross floor area",
"heritage conservation area",
"lane",
"parallel road",
"primary road",
"secondary road" and
"setback" are defined in clause 1.5.

Note 2 :

"Building height" and
"ground level (existing)" have the same meanings as they have in the
Standard Instrument.

**STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT
CODES)**

2008

- REG 3.24

**Other development standards for detached decks, patios, pergolas, terraces and
verandahs**

**3.24 Other development standards for detached decks, patios, pergolas, terraces
and verandahs**

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

Note :

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

(2) Rear setbacks A detached deck, patio, pergola, terrace or
verandah must have a minimum setback from the rear boundary as shown
in the following table:

**STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT
CODES)**

2008

- REG 3.25

Other development standards for detached studios

3.25 Other development standards for detached studios

**(1) There must only be 1 detached studio on the lot at the completion
of the development.**

(2) Maximum height Despite clause 3.18, if a detached studio is
within 900mm of a lane and is above a garage, the maximum height is
6m above ground level (existing). [graphic]

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

(4) Side and rear boundary setbacks A detached studio must have a
minimum setback from each side and rear boundary as shown in the

following table:

Lot width at the building line	Minimum setback from each side and

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

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

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

[graphic]

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

- (a) the lot width measured at the building line is more than 8m, but not more than 12.5m, and
- (b) any building wall on the adjoining lot within 900mm of that boundary is of masonry construction and does not have a window facing that boundary, and
- (c) any wall erected within 900mm of the side boundary will not contain a door, window or any other opening.

(8) Maximum height of built to boundary walls The height of a wall erected within 900mm of a side boundary must not exceed:

- (a) 3.3m above ground level (existing), or
- (b) if the height of the built to boundary wall on the adjoining lot is higher than 3.3m--the height of that wall, but not more than 4.5m, or
- (c) if the building on the adjoining lot is subject to the same complying development certificate under clause 126 (4) of the Environmental Planning and Assessment Regulation 2000 --the height of the wall on the adjoining lot, but not more than 4.5m, or
- (d) if the wall is part of a detached studio that is above a garage--the height of the built to boundary wall on the adjoining lot, but not more than 6m.

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

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

Note 1 :

"Boundary wall",
"building line",
"detached",
"dwelling house",
"gross floor area",
"heritage conservation area",
"lane",
"parallel road",

"primary road",
"privacy screen",
"secondary road" and
"setback" are defined in clause 1.5.

Note 2 :

"Building height" and
"ground level (existing)" have the same meanings as they have in the
Standard Instrument.

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 3.26

Exceptions to setbacks

3.26 Exceptions to setbacks

(1) Development to which side and rear setbacks do not apply The side and rear setback standards specified in this Subdivision do not apply to the following:

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

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

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

(3) Development to which road setbacks do not apply The road setbacks specified in this Subdivision do not apply to the following:

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

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

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

(5) Setbacks do not apply to existing parts of detached development The setback standards specified in this Subdivision do not apply to

any existing parts of detached development that will remain on the lot after the complying development is carried out.

Note 1 :

"Articulation zone",
"boundary wall",
"building line",
"dwelling house" and
"setback" are defined in clause 1.5.

Note 2 :

"Classified road",
"public reserve" and
"rainwater tank" have the same meanings as they have in the Standard Instrument.

Note 3 :

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

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 3.27

Minimum landscaped area

3.27 Minimum landscaped area

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

(2) Each landscaped area must have a minimum width and length of 1.5m.

(3) The minimum landscaped area calculated in accordance with subclause (1) must be provided as follows:

- (a) if the lot width measured at the building line is 18m or less--25% of the area forward of the building line must be landscaped,
- (b) if the lot width measured at the building line is more than 18m--50% of the area forward of the building line must be landscaped,
- (c) 50% of the minimum landscaped area must be located behind the building line.

[graphic]

(4) The minimum area of principal private open space that must be provided on a lot is shown in the following table:

Lot width (measured at the building line)	Minimum principal private open space

(4A) The principal private open space must:

- (a) be at least 3m wide and 3m long, and
- (b) not be steeper than 1:50 gradient.

(5) This clause does not apply to complying development that is the alteration of, or addition to, detached development if the development does not:

- (a) increase the footprint of the detached development, or
- (b) decrease the landscaped area on the lot.

Note 1 :

"Building line" and
"principal private open space" are defined in clause 1.5.

Note 2 :

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

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 3.28

Development standards for swimming pools

3.28 Development standards for swimming pools

- (1) A swimming pool must be for private use and associated with a dwelling house.
- (2) Water from a swimming pool must be discharged in accordance with an approval under the Local Government Act 1993 if the lot is not connected to a sewer main.
- (3) The pump must be housed in an enclosure that is soundproofed.
- (4) Height of coping and decking Coping around a swimming pool must not be more than:
 - (a) 1.4m above ground level (existing), and
 - (b) 300mm wide if the coping is more than 600mm above ground level (existing).
- (5) Decking around a swimming pool must not be more than 600mm above ground level (existing).
- (6) A swimming pool must be located behind the building line of the dwelling house.
- (7) The swimming pool water line must have a setback of at least 1m from a side or rear boundary.
- (8) Heritage conservation areas Despite subclauses (6) and (7), if the swimming pool is being constructed in a heritage conservation area or a draft heritage conservation area the swimming pool must be located:
 - (a) behind the building line of the dwelling house that is adjacent to the rear boundary of the lot, and
 - (b) no closer to each side boundary than the dwelling house.

Note 1 :

"Building line",
"dwelling house",
"heritage conservation area" and
"setback" are defined in clause 1.5.

Note 2 :

"Ground level (existing)" and
"landscaped area" have the same meanings as they have in the Standard Instrument.

Note 3 : A child-resistant barrier must be constructed or installed in accordance with the requirements of the Swimming Pools Act 1992.

Note 4 : Requirements relating to excavation for the purposes of a swimming pool are set out in clause 3.30.

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 3.29

Development standards for fences

3.29 Development standards for fences

- (1) A fence may be erected on a lot under this code if it is not constructed or installed:**
- (a) on a lot, or along a common boundary of a lot that contains a heritage item or a draft heritage item, or**
 - (b) along the boundary of, or within the setback area of, a primary or secondary road within a heritage conservation area or draft heritage conservation area.**
- (2) A fence erected behind the building line on a lot must:**
- (a) not be higher than 1.8m above ground level (existing), and**
 - (b) not incorporate barbed wire in its construction or be electrified, and**
 - (c) if it includes an entrance gate--not have a gate that opens outward, and**
 - (d) if it is constructed of metal components--be of low reflective, factory pre-coloured materials, and**
 - (e) if it is on a sloping site and stepped to accommodate the fall in the land--be no higher than 2.2m above ground level (existing) at each step, and**
 - (f) be designed so as not to restrict the flow of any floodwater.**
- (3) A fence erected forward of the building line on a lot must:**
- (a) not be higher than 1.2m above ground level (existing), and**
 - (b) not incorporate barbed wire in its construction or be electrified, and**
 - (c) if it includes an entrance gate--not have a gate that opens outward, and**
 - (d) if it is constructed of metal components--be of low reflective, factory pre-coloured materials, and**
 - (e) be open for at least 20% of the area of the fence that is more than 400mm above ground level (existing), with any individual solid element of the fence above that height being no more than 350mm wide with a minimum aperture of 25mm, and**
 - (f) be designed so as not to restrict the flow of any floodwater.**
- (4) Despite subclause (2) (a), any fence located in the setback area of a primary or secondary road must not be higher than 1.2m above ground level (existing).**
- (5) A fence erected on bush fire prone land must be constructed of non-combustible material.**
- (6) A requirement in subclause (2) (f) or (3) (f) is satisfied if a joint report by a professional engineer specialising in hydraulic engineering and a professional engineer specialising in civil engineering states that the requirement is satisfied.**

Note 1 :

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

Note 2 :

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

Note 2 : Exempt development standards for fences in certain rural zones, environment protection zones and Zone R5 are specified in clause 2.36.

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 3.30

Earthworks, retaining walls and structural support

3.30 Earthworks, retaining walls and structural support

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

(a) if located not more than 1m from any boundary--1m, and

(b) if located more than 1m but not more than 1.5m from any boundary--2m, and

(c) if located more than 1.5m from any boundary--3m.

(2) Despite subclause (1), the excavation must not exceed a maximum depth, measured from ground level (existing), of 1m if the land is identified as Class 3 or 4 on an Acid Sulfate Soils Map or is within 40m of a waterbody (natural).

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

(a) if the fill is for the purposes of the erection or alteration of, or an addition to, a dwelling house under this code--1m, or

(b) if the fill is for any other purpose under this code--600mm.

(4) Despite subclause (3), the height of fill contained wholly within the footprint of a dwelling house or any attached development or detached development is not limited.

(5) Fill that is higher than 150mm above ground level (existing) and is not contained wholly within the footprint of a dwelling house or any attached development or detached development is limited to 50% of the landscaped area of the lot.

(6) The ground level (finished) of the fill must not be used to measure the height of any dwelling house or any attached development or detached development under this code.

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

(a) a professional engineer has certified as structurally sound, including in relation to (but not limited to) the ability to withstand the forces of lateral soil load, and

(b) has been designed so as not to redirect the flow of any surface water or ground water, or cause sediment to be transported, onto an adjoining property, and

(c) has adequate drainage lines connected to the stormwater drainage system for the site, and

(d) does not have a total height measured vertically from the base of the retaining wall or structural support to its uppermost portion that is more than the height of the associated excavation or fill, and

(e) is separated from any other retaining wall or structural support on the site by at least 2m, measured horizontally, and

(f) has been installed in accordance with any manufacturer's specifications, and

(g) if it is an embankment or batter--has a toe or top that is more than 1m from any side or rear boundary.

Note 1 :

"Excavation",

"fill" and "ground level (existing)" have the same meanings as they have in the Standard Instrument.

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

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 3.31

Drainage

3.31 Drainage

All stormwater collecting as a result of the carrying out of development under this code must be directed by a gravity fed or charged system to:

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

Note 1 :

"Drainage" has the same meaning as it has in the Standard Instrument.

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

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 3.32

Protecting adjoining walls

3.32 Protecting adjoining walls

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

Note 1 :

"Professional engineer" is defined in clause 1.5.

Note 2 :

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

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 3.33

Setbacks of dwelling houses, attached development and detached development from protected trees

3.33 Setbacks of dwelling houses, attached development and detached development from protected trees

(1) Pruning and removal of trees A complying development certificate for complying development under Division 1 is taken to satisfy any requirement under this Policy for a permit or development consent to remove or prune a tree or other vegetation on the lot if:

- (a) the tree is not listed on a register of significant trees kept by the council, and
- (b) the tree or vegetation will be within 3m of any building that has an area of more than 25m², and
- (c) the tree or vegetation has a height that is less than:
 - (i) for development that is the erection of a dwelling house--8m and is not required to be retained as a condition of consent, or
 - (ii) in any other case--6m.

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

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

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

Note 1 :

"Development consent",
"dwelling house" and
"protected tree" are defined in clause 1.5.

Note 2 :

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

Note 3 :

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

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

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 3.34

Conditions applying to complying development certificates under this code

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

Note :

"Complying development certificate" and
"environmental planning instrument" have the same meanings as they have in the Act.

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- NOTES

Note to Part 3A Clause 1.18 (1) (b) states that to be complying development for the purposes of this Policy the development must be permissible with consent under an environmental planning instrument applying to the land on which the development is carried out.

**STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)
2008
- NOTES**

Note to Part 3A Schedule 3 contains variations to this code.

**STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)
2008
- NOTES**

Note to Part 3A 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.

**STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)
2008
- REG 3A.1
Land to which code applies**

3A.1 Land to which code applies

This code applies to development that is specified in clauses 3A.2-3A.5 on lots in Zones RU1, RU2, RU3, RU4, RU6 and R5.

**STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)
2008
- REG 3A.2
New single storey and two storey dwelling houses**

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

(1) The erection of a new single storey or two storey dwelling house is development specified for this code if the development is erected on a lot:

- (a) in Zone RU1, RU2, RU4 or RU6 that has an area of at least 4,000m², or**
- (b) in Zone R5.**

(2) This clause does not apply if the size of the lot is less than the minimum lot size for the erection of a dwelling house under the environmental planning instrument applying to the lot.

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 3A.2A

Calculating number of storeys

3A.2A Calculating number of storeys

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

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 3A.3

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

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

(1) Alterations or additions to an existing single storey or two storey dwelling house or the addition of a second storey to an existing single storey dwelling house is development specified for this code if the development is erected on a lot:

- (a) in Zone RU1, RU2, RU3, RU4 or RU6 that has an area of at least 4,000m², or**
- (b) in Zone R5.**

(2) Subclause (1) does not include development specified in the Housing Alterations Code.

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 3A.4

Roof terraces excluded

3A.4 Roof terraces excluded

(2) The erection of a roof terrace on the topmost roof of:

- (a) an existing or a new dwelling house, or**
- (b) an existing or a new outbuilding that is detached from a dwelling house,**

is not development specified for this code.

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT

CODES)

2008

- REG 3A.5

Ancillary development

3A.5 Ancillary development

(1) The erection of new ancillary development, or alterations or additions to existing ancillary development, is development specified for this code if the development is ancillary to a dwelling house and erected on a lot:

(a) in Zone RU1, RU2, RU3, RU4 or RU6 that has an area of at least 4,000m², or

(b) in Zone R5.

(2) Subclause (1) does not include development specified in the Housing Alterations Code.

(3) Ancillary development that is permitted by a current complying development certificate may be erected on a lot:

(a) if a dwelling house exists on the lot--at any time, or

(b) if there is a current development consent or complying development certificate for the construction of a dwelling house on the lot--before the construction of the dwelling house.

Note : See clause 1.19 (1) (a) in relation to development that is detached ancillary development or a swimming pool in a heritage conservation area or a draft heritage conservation area.

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 3A.6

Calculating lot area

3A.6 Calculating lot area

For the purpose of calculating the area of a lot, the area of the access laneway is excluded if it is a battle-axe lot.

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 3A.7

When separate permits are not required under this Part

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

A complying development certificate for complying development under Division 1 is taken to satisfy any requirement under this Policy for a permit or development consent to remove or prune a tree or other vegetation on a lot if:

(a) the tree is not listed on a significant tree register or register of significant trees kept by the council, and

(b) the tree or vegetation will be within 3m of development that is a building that has an area of more than 25m², and

(c) the tree or vegetation has a height that is less than:

(i) for development that is the erection of a new dwelling house--8m and is not required to be retained as a condition of consent to the subdivision of the lot, or

(ii) for any other development--6m.

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 3A.8

Application of development standards

3A.8 Application of development standards

This Division sets out the specified development standards that apply to development specified for this code.

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 3A.9

Lot requirements and building envelope

3A.9 Lot requirements and building envelope

(1) Development specified for this code may only be carried out on a lot that:

(a) at the completion of the development will have only one dwelling house, and

(b) if the lot is in Zone R5 and is not a battle-axe lot--has a width, measured at the building line, of at least 18m, and

(c) if the lot is in Zone R5 and is a battle-axe lot--has an access laneway at least 3m wide and measures at least 12m \times 12m, excluding the access laneway.

(2) A lot on which a new single storey or two storey dwelling house is erected must have lawful direct frontage access or a right of carriageway to a public road or a road vested in or maintained by the council (other than a Crown road reserve).

(3) If under section 88B of the Conveyancing Act 1919 a restriction is created that specifies a building envelope for a lot, development specified for this code may only be carried out within the building envelope specified.

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 3A.10

Maximum site coverage of all development

3A.10 Maximum site coverage of all development

The site coverage of a new dwelling house and all ancillary development on a lot in Zone R5 that has an area of less than 4,000m² must not be more than 30 per cent.

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 3A.11

Maximum floor area for new dwelling houses

3A.11 Maximum floor area for new dwelling houses

The floor area of a new dwelling house on a lot in Zone R5 that has an area of

less than 4,000m² must not be more than 430m².

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 3A.12

Maximum floor area for new outbuildings

3A.12 Maximum floor area for new outbuildings

The floor area of a new outbuilding on a lot in Zone R5 that has an area of less than 4,000m² must not be more than the following:

- (a) 500m², if the only purpose of the outbuilding is for agricultural use,
- (b) 100m², in any other case.

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 3A.13

Setbacks and maximum floor area for balconies, decks, patios, terraces and verandahs

3A.13 Setbacks and maximum floor area for balconies, decks, patios, terraces and verandahs

(1) The total floor area of all balconies, decks, patios, terraces and verandahs on a lot must not be more than 12m² if:

- (a) any part of the structure is within 6m from a side or the rear boundary, and
- (b) the structure has any point of its finished floor level more than 2m above ground level (existing).

(2) A balcony, deck, patio, terrace or verandah must not have any point of its finished floor level:

- (a) if it is located within 3m of a side or the rear boundary--more than 2m above ground level (existing), or
- (b) if it is located more than 3m but not more than 6m from a side or the rear boundary--more than 3m above ground level (existing), or
- (c) if it is located more than 6m from a side or the rear boundary--more than 4m above ground level (existing).

(3) Any detached balcony, deck, patio, terrace or verandah (including any alterations or additions to the detached balcony, deck, patio, terrace or verandah) must not have a floor level that is more than 600mm above ground level (existing).

(4) This clause does not apply to a balcony, deck, patio, terrace or verandah that is located on the front elevation of a dwelling house unless the dwelling house is located on a battle-axe lot.

Note : Development identified in this clause may require privacy screens under clause 3A.23.

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 3A.14

Maximum heights of dwelling houses and outbuildings

3A.14 Maximum heights of dwelling houses and outbuildings

- (1) The height of a dwelling house or the alterations and additions to an existing dwelling house on a lot in Zone R5 that has an area of less than 4,000m² must not be more than 8.5m above ground level (existing).**
- (2) The height of an outbuilding or the alterations and additions to an existing outbuilding on a lot in Zone R5 that has an area of less than 4,000m² must not be more than 4.8m above ground level (existing).**
- (3) The height of a dwelling house or the alterations and additions to an existing dwelling house on the following lots must not be more than 10m above ground level (existing):**
 - (a) a lot in Zone RU1, RU2, RU3, RU4 or RU6,**
 - (b) a lot in Zone R5 that has an area of at least 4,000m².**
- (4) The height of an outbuilding, or of the alterations and additions to an existing outbuilding, must not be more than:**
 - (a) if the outbuilding is located on a lot in Zone RU1, RU2, RU3, RU4 or RU6 and the outbuilding is not a farm building or shed--4.8m above ground level (existing), or**
 - (b) if the outbuilding is located on a lot in Zone R5 that has an area of at least 4,000m² and the outbuilding is not a farm building or shed--4.8m above ground level (existing), or**
 - (c) if the outbuilding is a farm building or shed--7m above ground level (existing).**
- (5) The highest point of a dwelling house or the alterations and additions to an existing dwelling house referred to in subclause (1) or (3) must be at least 5m below the highest ridgeline of any hill within 100m of the dwelling or alteration.**

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 3A.15

Setbacks of dwelling houses and ancillary development from roads

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

- (1) A dwelling house and all ancillary development on a lot in Zone R5 that has an area of less than 4,000m² must have a setback from the boundary with a primary road that is not a classified road of at least:**
 - (a) the average distance of the setbacks of the nearest 2 dwelling houses having the same primary road boundary and located within 40m of the lot on which the dwelling house is erected, or**
 - (b) in any case where 2 dwelling houses are not located within 40m of the lot, 10m.**
- (2) A dwelling house and all ancillary development on a lot in the following zones must have a setback from the boundary with a primary road that is not a classified road of at least the following:**
 - (a) if the lot is in Zone R5 and has an area of at least 4,000m² --15m,**
 - (b) if the lot is in Zone RU4--30m,**
 - (c) if the lot is in Zone RU1, RU2, RU3 or RU6--50m.**
- (3) A dwelling house and all ancillary development on a corner lot must have a setback from a boundary with a secondary road that is not a classified road of at least the following:**
 - (a) if the lot is in Zone R5 and has an area of less than 4,000m² --5m,**
 - (b) if the lot is in Zone R5 and has an area of at least 4,000m², or is in Zone RU1, RU2, RU3, RU4 or RU6--10m.**

(4) A dwelling house and all ancillary development on a lot in Zone R5 that has an area of less than 4,000m² must have a setback from a boundary with a parallel road that is not a classified road of at least 10m.

(5) If a lot fronts a classified road, a dwelling house and any ancillary development must have a setback from the boundary with the classified road of:

(a) if another environmental planning instrument applying to that lot specifies a setback for those circumstances, the setback specified by the other instrument, or

(b) the setback specified by subclauses (1) and (2), whichever is the greater.

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 3A.16

Setbacks of dwelling houses from side boundaries

3A.16 Setbacks of dwelling houses from side boundaries

(1) This clause applies to a dwelling house and any carport, garage, balcony, deck, patio, pergola, terrace or verandah that is attached to the dwelling house (a "building").

(2) Any point of a building, on a lot to which this code applies, must have a setback from the side boundary nearest to that point of at least the following distance:

(a) if the lot is in Zone R5 and has an area of less than 4,000m² --2.5m,

(b) if the lot is in Zone R5, and has an area of at least 4,000m², or is in Zone RU1, RU2, RU3, RU4 or RU6--10m.

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 3A.17

Setbacks of dwelling houses from rear boundaries

3A.17 Setbacks of dwelling houses from rear boundaries

(1) This clause applies to a dwelling house and any carport, garage, balcony, deck, patio, pergola, terrace or verandah that is attached to the dwelling house (a "building").

(2) Any point of the building must have a setback from the rear boundary nearest to that point of at least 15m.

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 3A.18

Setbacks of outbuildings from side and rear boundaries

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

An outbuilding, or alterations and additions to an existing outbuilding, must have a setback from a side or rear boundary of at least:

(a) if the only purpose of the outbuilding is for agricultural use--

- 10m, or
- (b) in any other case--5m.

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 3A.19

Exceptions to setbacks

3A.19 Exceptions to setbacks

Despite any other clause in this Subdivision:

- (a) a new dwelling house or outbuilding must have a setback of at least 3m from a boundary with a public reserve, and
- (b) side and rear setbacks and setbacks from the boundary with a road do not apply to the existing parts of a dwelling house or ancillary development where it is proposed to carry out any of the following:
 - (i) alterations or additions to an existing dwelling house,
 - (ii) alterations or additions to existing ancillary development, and
- (c) side and rear setbacks do not apply to:
 - (i) any aerial, antenna, awning, eave, flue, chimney, pipe, cooling or heating appliance, any rainwater tank greater than 1.8m in height or any other structure associated with the provision of a utility service, if it is located at least 450mm from the relevant boundary, and
 - (ii) any fence, fascia, gutter, downpipe, light fitting, electricity or gas meter, driveway, hard stand space, pathway or paving, if it is located within any required setback area to the relevant boundary, and
- (c1) the setback from a road does not apply to:
 - (i) a driveway, fence, hard stand space, pathway, paving or retaining wall, or
 - (ii) any building element that is permitted within the articulation zone, and
- (d) a dwelling house or outbuilding must have a setback of at least 40m from the bank of any perennial watercourse identified on a 1: 50,000 topographical map published by Spatial Services in the Department of Finance, Services and Innovation, and
- (e) a dwelling house or outbuilding must have a setback of at least 250m from a boundary with adjoining land being used for any of the following:
 - (i) forestry,
 - (ii) intensive livestock agriculture,
 - (iii) intensive plant agriculture,
 - (iv) mines and extractive industries,
 - (v) railway lines,
 - (vi) rural industries.

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 3A.20

Calculating setbacks

3A.20 Calculating setbacks

- (1) For the purpose of determining the nearest 2 dwelling houses in clause 3A.15 (1), a battle-axe lot is to be disregarded.
- (2) For the purpose of calculating the setbacks of the nearest 2

dwelling houses in clause 3A.15 (1):

- (a) any ancillary development is to be disregarded, and
 - (b) any building element listed in clause 3A.22 (2) is not to be included.
- (3) For the purpose of calculating the setbacks of a new dwelling house, any building element that is permitted in the articulation zone is not included.
- (4) For the purpose of calculating setbacks for a battle-axe lot, the setback on the opposite side of the lot to the rear setback is taken to be a side setback.

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 3A.21

Building articulation

3A.21 Building articulation

- (1) This clause applies only to lots in Zone R5 that have an area of less than 4,000m².
- (2) A dwelling house, other than a dwelling house on a battle-axe lot, must have a front door and a window to a habitable room in the building wall that faces a primary road.
- (3) A dwelling house, other than a dwelling house on a battle-axe lot, must have a door and a window to a habitable room in the building wall that faces a parallel road.
- (4) A dwelling house, other than a dwelling house that has a setback from a primary road of less than 3m, may incorporate an articulation zone that extends from the building line to a distance of 1.5m into the required setback from the primary road.
- (5) A new dwelling house on a corner lot must have a window to a habitable room that is at least 1m² in area and that faces and is visible from a secondary road.

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 3A.22

Building elements within the articulation zone to a primary road

3A.22 Building elements within the articulation zone to a primary road

- (1) This clause applies only to lots in Zone R5 that have an area of less than 4,000m².
- (2) The following building elements are permitted in an articulation zone in the setback from a primary road:
 - (a) an entry feature or portico,
 - (b) a balcony, deck, patio, pergola, terrace or verandah,
 - (c) a window box treatment,
 - (d) a bay window or similar feature,
 - (e) an awning or other feature over a window,
 - (f) a sun shading feature.
- (3) A building element on a dwelling house (other than a pitched roof to an entry feature or portico that has the same pitch as the roof on the dwelling house) must not extend more than:
 - (a) 1m above the gutter line of the eaves of a single storey dwelling house, or
 - (b) above the gutter line of the eaves of a two storey dwelling house.

(4) The maximum total area of all building elements within an articulation zone, other than a building element listed in subclause (2) (e) or (f), must be not more than 25% of the area of the articulation zone.

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 3A.23

Privacy

3A.23 Privacy

(1) This clause applies only to lots in Zone R5 that have an area of less than 4,000m².

(2) A window in a new dwelling house, or a new window in any alteration or addition to an existing dwelling house, must have a privacy screen for any part of the window that is less than 1.5m above floor level if:

(a) the window:

(i) is in a habitable room that has a finished floor level of more than 1m above ground level (existing), and

(ii) has a sill height of less than 1.5m above that floor level, and

(iii) faces a side or rear boundary and is less than 3m from that boundary, or

(b) the window:

(i) is in a habitable room that has a finished floor level of more than 3m above ground level (existing), and

(ii) has a sill height of less than 1.5m above that floor level, and

(iii) faces a side or rear boundary and is at least 3m, but not more than 6m, from that boundary.

(3) Subclause (2) does not apply to a window located in a bedroom where the window has an area of not more than 2m².

(4) A new balcony, deck, patio, terrace or verandah and any alteration to an existing balcony, deck, patio, terrace or verandah that has a floor area of more than 3m² must have a privacy screen if the balcony, deck, patio, terrace or verandah is:

(a) within 3m of a side or rear boundary and has a floor level more than 1m above ground level (existing), or

(b) between 3m and 6m of a side or rear boundary and has a floor level more than 2m above ground level (existing).

(5) Any privacy screen required under subclause (4) must be installed:

(a) to a height of at least 1.7m, but not more than 2.2m, above the finished floor level of the balcony, deck, patio, terrace or verandah, and

(b) at the edge of that part of the development that is within the areas specified in subclause (4) (a) or (b) and is parallel to or faces towards the relevant side or rear boundary.

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 3A.24

Landscaped area

3A.24 Landscaped area

- (1) A lot in Zone R5 that has an area of less than 4,000m² must have at least 45% of its area landscaped.**
- (2) At least 50% of the area forward of the building line to the primary road must be landscaped.**
- (3) The landscaped area must be at least 2.5m wide.**

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 3A.24A

Setbacks of dwelling houses and ancillary development from protected trees

3A.24A Setbacks of dwelling houses and ancillary development from protected trees

- (1) A dwelling house and all ancillary development, and any associated excavation, must have a setback of at least 3m from the base of the trunk of each protected tree on the lot.**
- (2) Despite subclause (1), ancillary development comprising the following is permitted within this setback, if the development does not require a cut or fill of more than 150mm below or above ground level (existing):**
 - (a) an access ramp,**
 - (b) a driveway, pathway or paving,**
 - (c) an awning, blind or canopy,**
 - (d) a fence, screen or child-resistant barrier associated with a swimming pool or spa pool.**

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

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 3A.25

Principal private open space

3A.25 Principal private open space

A lot in Zone RU5 that has an area of less than 4,000m² and on which a new dwelling house is erected must have principal private open space that:

- (a) is at least 24m², and**
- (b) is at least 3m wide, and**
- (c) is not steeper than 1:50 gradient.**

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 3A.26

Car parking requirements

3A.26 Car parking requirements

- (1) This clause applies only to lots in Zone R5 that have an area of less than 4,000m².**

- (2) At least one off-street car parking space must be provided on a lot on which a new dwelling house is erected.**
- (3) At least one off-street car parking space must be retained on a lot on which alterations or additions to an existing car parking space are carried out.**
- (4) A car parking space under this clause may be an open hard stand space or a carport or garage, whether attached to or detached from the dwelling house.**

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 3A.27

Garages, carports and car parking spaces

3A.27 Garages, carports and car parking spaces

- (1) This clause applies only to lots in Zone R5 that have an area of less than 4,000m².**
- (2) A garage, carport or car parking space that is accessed from a primary road must:**
 - (a) if the dwelling house has a setback from the primary road boundary of 4.5m or more--be at least 1m behind the building line of the dwelling house, or**
 - (b) if the dwelling house has a setback from the primary road boundary of less than 4.5m--be at least 5.5m from that boundary.**
- (3) If the door or doors on a garage face a primary road, a secondary road or a parallel road, the total width of all those door openings must:**
 - (a) be not more than 6m, and**
 - (b) if the lot has a frontage of more than 15m--be not more than 50 per cent of the width of the building, measured at the building line to the relevant property boundary, and**
 - (c) if the lot has a frontage of not more than 15m--be not more than 60 per cent of the width of the building, measured at the building line to the relevant property boundary.**
- (4) An open hard stand car parking space must measure at least 2.6m wide by 5.4m long.**

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 3A.28

Vehicle access

3A.28 Vehicle access

- (1) A lot on which an off-street car parking space is provided or retained under clause 3A.27 must have a driveway to a public road.**
 - (2) A driveway on a lot must be constructed in accordance with AS/NZS 2890.1--2004, Parking facilities--Off-street car parking.**
- Note : Clause 2.28 applies to the construction or installation of a driveway as exempt development.**

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 3A.29

Earthworks, retaining walls and structural support

3A.29 Earthworks, retaining walls and structural support

- (1) **Excavation** Excavation for the purposes of development under this code must not exceed a maximum depth, measured from ground level (existing), of:
- (a) if located not more than 1m from any boundary--1m, and
 - (b) if located more than 1m but not more than 1.5m from any boundary--2m, and
 - (c) if located more than 1.5m from any boundary--3m.
- (2) Despite subclause (1), the excavation must not exceed a maximum depth, measured from ground level (existing), of 1m if the land is identified as Class 3 or 4 on an Acid Sulfate Soils Map or is within 40m of a waterbody (natural).
- (3) **Fill** Fill must not exceed a maximum height, measured from ground level (existing), of:
- (a) if the fill is for the purposes of the erection or alteration of, or an addition to, a dwelling house under this code--1m, and
 - (b) if the fill is for any other purpose under this code--600mm.
- (4) Despite subclause (3), the height of fill contained wholly within the footprint of a dwelling house or ancillary development is not limited.
- (5) Fill that is higher than 150mm above ground level (existing) and is not contained wholly within the footprint of a dwelling house or ancillary development is limited to 50% of the landscaped area of the lot.
- (6) The ground level (finished) of the fill must not be used to measure the height of any dwelling house or ancillary development under this code.
- (7) **Retaining walls and structural supports** Support for earthworks more than 600mm above or below ground level (existing) must take the form of a retaining wall or other structural support that:
- (a) a professional engineer has certified as structurally sound, including in relation to (but not limited to) the ability to withstand the forces of lateral soil load, and
 - (b) has been designed so as not to redirect the flow of any surface water or ground water, or cause sediment to be transported, onto an adjoining property, and
 - (c) has adequate drainage lines connected to the stormwater drainage system for the site, and
 - (d) does not have a total height measured vertically from the base of the retaining wall or structural support to its uppermost portion that is more than the height of the associated excavation or fill, and
 - (e) is separated from any other retaining wall or structural support on the site by at least 2m, measured horizontally, and
 - (f) is installed in accordance with any manufacturer's specifications, and
 - (g) if it is an embankment or batter--has a toe or top that is more than 1m from any side or rear boundary.

Note 1 :

"Excavation",
"fill" and

"ground level (existing)" have the same meanings as they have in the Standard Instrument.

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

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 3A.32

Drainage

3A.32 Drainage

(1) All stormwater drainage collecting as a result of the erection of, or alterations or additions to, a dwelling house or ancillary development must be conveyed by a gravity fed or charged system to:

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

(2) All stormwater drainage systems within a lot and the connection to a public or an inter-allotment drainage system must:

- (a) if an approval is required under section 68 of the Local Government Act 1993, be approved under that Act, or**
- (b) if an approval is not required under section 68 of the Local Government Act 1993, comply with any requirements for the disposal of stormwater drainage contained in a development control plan that is applicable to the land.**

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 3A.33

Swimming pools

3A.33 Swimming pools

(1) Ancillary development comprising a swimming pool for private use must be located on a lot:

- (a) behind the setback area from a primary road, or**
- (b) in the rear yard.**

Note : Development for the purposes of a swimming pool is not complying development under this Code unless it is ancillary to a dwelling house.

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

(2A) Despite subclauses (1) and (2), if the swimming pool is being constructed in a heritage conservation area, the swimming pool must be located:

- (a) behind the rear most building line of the dwelling house, and**
- (b) no closer to each side boundary than the dwelling house.**

(3) Decking around a swimming pool must not be more than 600mm above ground level (existing).

(4) Coping around a swimming pool must not be more than:

- (a) 1.4m above ground level (existing), and**
- (b) 300mm wide if the coping is more than 600mm above ground level (existing).**

(5) Water from a swimming pool must be discharged in accordance with an approval under the Local Government Act 1993 if the lot is not connected to a sewer main.

(6) Any pump attached to the development must be housed in an enclosure that is soundproofed.

(7) If the swimming pool is being constructed after, and at a

different time to, the erection of a dwelling house on the lot, the development standards for this Code (other than the standards referred to in clauses 3A.24, 3A.24A, 3A.25, 3A.29, 3A.38 and this clause) do not apply to the construction.

Note 1 : A child-resistant barrier must be constructed or installed in accordance with the requirements of the Swimming Pools Act 1992.

Note 2 : Requirements relating to excavation for the purposes of a swimming pool are set out in clause 3A.29.

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 3A.33A

Development standards for detached studios

3A.33A Development standards for detached studios

(1) This clause applies:

(a) to a detached studio, and

(b) in addition to the development standards specified in clause 3A.24.

Note : Clauses 3A.9 and 3A.10 contain development standards that also apply to detached studios.

(2) A detached studio must not be located in a heritage conservation area or draft heritage conservation area.

(3) A detached studio must be located behind the building line of a dwelling house.

(4) No more than one detached studio may be located on a lot.

(5) A detached studio must not have a building height of more than 3.6m.

(6) The floor area of a detached studio must not be more than 35m².

(7) A detached studio must have a setback from a side or rear boundary of at least:

(a) if the lot is in Zone R5 and has an area of less than 4,000m² --2.5m, or

(b) in any other case--5m.

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 3A.36

Development standards for outbuildings in heritage conservation areas

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

(1) This clause applies:

(a) to an outbuilding erected on a lot in a heritage conservation area or a draft heritage conservation area to which this code applies, and

(b) in addition to the development standards specified in clauses 3A.10, 3A.14, 3A.18 and 3A.24.

(2) The outbuilding must be located:

(a) behind the rear most building line of the dwelling house, and

(b) no closer to each side boundary than the dwelling house.

(3) The floor area of an outbuilding must not be more than 20m².

(4) The lot must not adjoin a lane or a secondary or parallel road frontage.

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 3A.37

Development standards for bush fire prone land

3A.37 Development standards for bush fire prone land

(1) This clause applies:

(a) to all development specified for this code that is carried out on a lot that is wholly or partly bush fire prone land (other than development that is the erection of non-habitable ancillary development that is more than 10m from any dwelling house, landscaping, a non-combustible fence or a swimming pool), and

(b) in addition to all other development standards specified for this code.

(2) The development may be carried out on the lot only if:

(a) the development conforms to the specifications and requirements of the following that are relevant to the development:

(i) Planning for Bush Fire Protection (ISBN 0 9751033 2 6) published by the NSW Rural Fire Service in December 2006,

(ii) Addendum: Appendix 3 (ISBN 0 9751033 2 6, published by NSW Rural Fire Service in 2010) to Planning for Bush Fire Protection (ISBN 0 9751033 2 6),

(iii) if another document is prescribed by the regulations for the purposes of section 4.14 of the Environmental Planning and Assessment Act 1979 --that document, and

(b) the part of the lot on which the development is to be carried out and any associated access way is not in bush fire attack level-40 (BAL-40) or the flame zone (BAL-FZ), and

(c) the lot has direct access to a public road or a road vested in or maintained by the council, and

(d) the development is located within 200m of that road, and

(e) there is sufficient access designed in accordance with the acceptable solutions identified in clause 4.1.3 (2) of Planning for Bush Fire Protection (ISBN 0 9751033 2 6) published by the NSW Rural Fire Service in December 2006, and

(f) a reticulated water supply is connected to the lot, or a water supply with a 65mm metal Storz outlet with a gate or ball valve is provided for fire fighting purposes on the lot (the gate or ball valve, pipes and tank penetrations are to be designed to allow for a full 50mm inner diameter water flow through the Storz fitting and must be of a metal construction), and

(fa) the size of the non-reticulated water supply mentioned in paragraph (f) is:

(i) for a lot with an area no greater than 10,000m² --10,000L, and

(ii) for a lot with an area greater than 10,000m² --20,000L, and

(g) reticulated or bottled gas on the lot is installed and maintained in accordance with AS/NZS 1596:2008, The storage and handling of LP Gas and the requirements of relevant

authorities (metal piping must be used), and
(g) all fixed gas cylinders on the lot are located at least 10m from flammable materials and are enclosed on the hazard side of the installation, and
(h) any gas cylinders on the lot that are within 10m of a dwelling house:

(i) have the release valves directed away from the dwelling house, and

(ii) have metal connections to and from the cylinders, and

(i) there are no polymer sheathed flexible gas supply lines to gas meters adjacent to the dwelling.

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

(3) A standard specified in subclause (2) (b) is satisfied if one of the following certifies that the development is not in bush fire attack level-40 (BAL-40) or the flame zone (BAL-FZ):

(b) a person who is recognised by the NSW Rural Fire Service as a suitably qualified consultant in bush fire risk assessment, or

(c) the council.

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

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 3A.38

Complying development on flood control lots

3A.38 Complying development on flood control lots

(1) Development under this code must not be carried out on any part of a flood control lot, other than a part of the lot that the council or a professional engineer who specialises in hydraulic engineering has certified, for the purposes of the issue of the complying development certificate, as not being any of the following:

(a) a flood storage area,

(b) a floodway area,

(c) a flow path,

(d) a high hazard area,

(e) a high risk area.

(2) Development that is carried out under this code on any part of a flood control lot must meet the following requirements:

(a) if there is a minimum floor level adopted in a development control plan by the relevant council for the lot, the development must not cause any habitable room in the dwelling house to have a floor level lower than that floor level,

(b) any part of the dwelling house or any ancillary development that is erected at or below the flood planning level is constructed of flood compatible material,

(c) any part of the dwelling house or any ancillary development that is erected is able to withstand the forces exerted during a flood by water, debris and buoyancy up to the flood planning level (or if an on-site refuge is

provided on the lot, the probable maximum flood level),
(d) the development must not result in increased flooding elsewhere in the floodplain,

(e) the lot must have pedestrian and vehicular access to a readily accessible refuge at a level equal to or higher than the lowest habitable floor level of the dwelling house,

(f) vehicular access to the dwelling house will not be inundated by water to a level of more than 0.3m during a 1:100 ARI (average recurrent interval) flood event,

(g) the lot must not have any open car parking spaces or carports lower than the level of a 1:20 ARI (average recurrent interval) flood event.

(3) The requirements under subclause (2) (c) and (d) are satisfied if a joint report by a professional engineer specialising in hydraulic engineering and a professional engineer specialising in civil engineering states that the requirements are satisfied.

(4) A word or expression used in this clause has the same meaning as it has in the Floodplain Development Manual, unless it is otherwise defined in this Policy.

(5) In this clause:

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

"flood planning level" means:

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

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

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

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

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

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

Note 1 :

"Council",

"flood control lot",

"habitable room" and

"professional engineer" are defined in clause 1.5.

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

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 3A.38A

Development standards for land near Siding Spring Observatory

3A.38A Development standards for land near Siding Spring Observatory

(1) This clause applies:

(a) to all development specified for this code that is to be carried out on land in the local government area of Coonamble, City of Dubbo, Gilgandra or Warrumbungle Shire, and

(b) in addition to all other development standards specified for this code.

(2) The development may be carried out only if it does not result in a dwelling house on land in the local government area of:

(a) Coonamble, Gilgandra, Warrumbungle Shire or that part of the local government area of Dubbo Regional that was formerly in the City of Dubbo with an outside light fitting other than a shielded light fitting,

(b) Coonamble, Gilgandra or Warrumbungle Shire with more than 7 shielded outside light fittings or more than 5 such light fittings that are not automatic light fittings.

(3) This clause ceases to have effect on 1 January 2021.

Note : Under clause 3D.1, the Inland Code will apply exclusively to land to which this clause applies on and from 1 January 2021.

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 3A.39

Conditions specified in Schedule 6 apply

3A.39 Conditions specified in Schedule 6 apply

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

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 3A.40-3A.48

3A.40-3A.48

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- NOTES

Note to Part 3B Clause 1.18 (1) (b) states that to be complying development for the purposes of this Policy the development must be permissible with consent under an environmental planning instrument applying to the land on which the development is carried out.

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

**2008
- NOTES**

Note to Part 3BIn 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.

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 3B.1A

Development for the purposes of manor houses

3B.1A Development for the purposes of manor houses

Manor houses are, despite any other environmental planning instrument, permitted with consent on land in any of the following land use zones if multi dwelling housing or residential flat buildings (or both) are permitted in the zone:

- (a) Zone RU5 Village,
- (b) Zone R1 General Residential,
- (c) Zone R2 Low Density Residential,
- (d) Zone R3 Medium Density Residential.

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 3B.1

Development that can be complying development under this code

3B.1 Development that can be complying development under this code

(1) The erection or alteration of, or addition to, any of the following can be complying development under this code:

- (a) any 1 or 2 storey dual occupancy, manor house or multi dwelling housing (terraces),
- (b) any attached development or detached development related to any building referred to in paragraph (a).

(2) For the purposes of calculating the number of storeys in a building for the purposes of this code, only those parts of a basement that comprise habitable rooms are to be counted as a storey. [graphic]

(3) Lot requirements Complying development specified for this code

may only be carried out on a lot that meets the following requirements:

(a) the lot must be in Zone RU5, Zone R1, Zone R2 or Zone R3,

(b) the lot must have lawful access to a public road at the completion of the development.

(4) Erection of attached development and detached development

Attached development or detached development may be erected on a lot:

(a) if a dual occupancy, manor house or multi dwelling housing (terraces) exists on the lot, or

(b) if there is a current development consent or complying development certificate for the construction of a dual occupancy, manor house or multi dwelling housing (terraces) on the lot.

Note 1 :

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

Note 2 : Clauses 1.17A, 1.18 and 1.19 (1) set out additional requirements for complying development.

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 3B.2

Development that is not complying development under this code

3B.2 Development that is not complying development under this code

The following development is not complying development under this code:

(a) the erection or alteration of, or an addition to, a roof terrace on the top most roof of a building,

(b) development that is complying development under the Housing Alterations Code,

(c) development on a battle-axe lot,

(d) development that is attached to a secondary dwelling or group home,

(e) the erection of a building over a registered easement,

(f) the alteration of, or an addition to, a garage or carport that is located forward of the building line,

(g) the erection of multi dwelling housing (terraces) on bush fire prone land.

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 3B.3

Determining lot type

3B.3 Determining lot type

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

(a) standard lot,

(b) corner lot,

(c) parallel road lot.

Note 1 :

"Corner lot",

"lane",

"parallel road lot" and

"standard lot" are defined in clause 1.5.

Note 2 : A lot that adjoins a lane is not a parallel road lot or a

corner lot. The lot type depends on which other roads it fronts (if any).
[graphic]

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 3B.4

Complying development on bush fire prone land

3B.4 Complying development on bush fire prone land

(1) This clause does not apply to the following complying development under this code:

- (a) a non-habitable detached development that is more than 10m from any residential accommodation,**
- (b) a landscaped area,**
- (c) a non-combustible fence,**
- (d) a swimming pool.**

(2) If complying development under this code is carried out on bush fire prone land, all of the following development standards also apply:

- (a) the development will not be carried out on any part of the lot that is bush fire attack level-40 (BAL-40) or in the flame zone (BAL-FZ),**
- (b) the lot on which the development is to be carried out must have direct access to a public road or a road vested in or maintained by the council,**
- (c) the dual occupancy or manor house must be able to be connected to mains electricity,**
- (d) if reticulated or bottled gas is installed and maintained on the lot:**

- (i) it must be installed and maintained in accordance with AS/NZS 1596:2008, The storage and handling of LP Gas, and**

- (ii) the storage and handling of any LP gas on the lot must comply with the requirements of the relevant authorities (including the use of metal piping),**

- (e) any gas cylinder stored on the lot within 10m of any dwelling must:**

- (i) have its release valves directed away from the dwelling, and**

- (ii) be enclosed on the hazard side of the installation, and**

- (iii) have metal connections to and from the cylinder,**

- (f) there must not be any polymer sheathed flexible gas supply lines to gas meters adjacent to the dual occupancy,**

- (g) if the development is carried out on a lot in Zone RU5, there must be:**

- (i) a reticulated water supply connection to the lot and a fire hydrant within 60m of any part of the development, or**

- (ii) a 10,000 L capacity water tank on the lot,**

- (h) if the development is carried out on a lot in any zone other than Zone RU5, there must be:**

- (i) a reticulated water supply connection to the lot, and**

- (ii) a fire hydrant within 60m of any part of the development,**

(i) the development must comply with the requirements of all of the following:

- (i) Planning for Bush Fire Protection (ISBN 0 9751033 2 6) published by the NSW Rural Fire Service in December 2006,**
- (ii) Addendum: Appendix 3 (published by NSW Rural Fire Service in 2010) to Planning for Bush Fire Protection (ISBN 0 9751033 2 6),**
- (iii) AS 3959-2009, Construction of buildings in bushfire-prone areas,**
- (iv) any other document required by the Environmental Planning and Assessment Regulation 2000 (in accordance with section 79BA of the Act).**

Note 1 :

**"Attached development",
"bush fire attack level-40 (BAL-40)",
"council",
"detached development" and
"flame zone (BAL-FZ)" are defined in clause 1.5.**

Note 2 :

**"Bush fire prone land",
"landscaped area",
"road" and
"swimming pool" have the same meanings as they have in the Standard Instrument.**

(3) A development standard specified in subclause (2) (a) is satisfied if the council or a person who is recognised by the NSW Rural Fire Service as a suitably qualified consultant in bush fire risk assessment certifies that the development is not in bush fire attack level-40 (BAL-40) or the flame zone (BAL-FZ).

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 3B.5

Complying development on flood control lots

3B.5 Complying development on flood control lots

(1) Development under this code must not be carried out on any part of a flood control lot, other than a part of the lot that the council or a professional engineer who specialises in hydraulic engineering has certified, for the purposes of the issue of the relevant complying development certificate, as not being any of the following:

- (a) a flood storage area,**
- (b) a floodway area,**
- (c) a flow path,**
- (d) a high hazard area,**
- (e) a high risk area.**

(2) If complying development under this code is carried out on any part of a flood control lot, the following development standards also apply in addition to any other development standards:

- (a) if there is a minimum floor level adopted in a development control plan by the relevant council for the lot, the development must not cause any habitable room to have a floor level lower than that floor level,**
- (b) any part of a building that is erected at or below the flood planning level is constructed of flood compatible material,**
- (c) any part of a building that is erected is able to**

withstand the forces exerted during a flood by water, debris and buoyancy up to the flood planning level (or if an on-site refuge is provided on the lot, the probable maximum flood level),
(d) the development must not result in increased flooding elsewhere in the floodplain,
(e) the lot must have pedestrian and vehicular access to a readily accessible refuge at a level equal to or higher than the lowest habitable floor level of the dual occupancy, manor house or multi dwelling housing (terraces),
(f) vehicular access to any dwelling will not be inundated by water to a level of more than 0.3m during a 1:100 ARI (average recurrent interval) flood event,
(g) the lot must not have any open car parking spaces or carports lower than the level of a 1:20 ARI (average recurrent interval) flood event.

(3) The requirements under subclause (2) (c) and (d) are satisfied if a joint report by a professional engineer specialising in hydraulic engineering and a professional engineer specialising in civil engineering states that the requirements are satisfied.

(4) A word or expression used in this clause has the same meaning as it has in the Floodplain Development Manual, unless it is otherwise defined in this Policy.

(5) In this clause:

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

"flood planning level" means:

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

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

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

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

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

Note 1 :

"Council",

"flood control lot",

"habitable room" and

"professional engineer" are defined in clause 1.5.

Note 2 : A section 149 certificate from a council will state whether or not a lot is a flood control lot.

CODES)

2008

- REG 3B.6

Development standards for land near Siding Spring Observatory

3B.6 Development standards for land near Siding Spring Observatory

(1) If complying development under this code is carried out on land in the local government area of Coonamble, Gilgandra, Warrumbungle Shire or that part of the local government area of Dubbo Regional that was formerly in the City of Dubbo, the development standards in this clause also apply in addition to any other development standards.

(2) Complying development specified for this code may only be carried out if it does not result in residential accommodation on land in the local government area of:

(a) Coonamble, Gilgandra, Warrumbungle Shire or that part of the local government area of Dubbo Regional that was formerly in the City of Dubbo with an outside light fitting other than a shielded light fitting, and

(b) Coonamble, Gilgandra or Warrumbungle Shire with more than 7 shielded outside light fittings or more than 5 such light fittings that are not automatic light fittings.

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 3B.7

Application of Division

3B.7 Application of Division

This Division sets out the development standards that apply to the following types of complying development under this code:

(a) the erection or alteration of, or an addition to, a dual occupancy where no part of a dwelling is located above any part of another dwelling,

(b) the erection or alteration of, or addition to, attached development that is related to any such dual occupancy.

Note : Clauses 1.17A, 1.18 and 1.19 (1) set out additional requirements for complying development.

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 3B.8

Lot requirements

3B.8 Lot requirements

(1) The area of the lot must not be less than whichever is the greater of the following:

(a) 400m²,

(b) the minimum lot area specified for dual occupancies in the environmental planning instrument that applies to the land concerned.

(2) The width of the lot must not be less than 12m measured at the building line.

Note : See clause 1.18.

[graphic]

**STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)
2008**

- REG 3B.9

Maximum building height

3B.9 Maximum building height

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

Note :

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

[graphic]

**STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)
2008**

2008

- REG 3B.10

Maximum gross floor area of all buildings

3B.10 Maximum gross floor area of all buildings

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

[graphic]

**STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)
2008**

2008

- REG 3B.11

Minimum setbacks and maximum height and length of boundary walls

3B.11 Minimum setbacks and maximum height and length of boundary walls

(1) **Primary road setbacks** The setback of a dual occupancy and any attached development from a primary road must not be less than the average setback from the primary road of the 2 nearest dwelling houses or dual occupancies within 40m of the lot and on the same side of the primary road. [graphic]

Note : Clause 3B.12 contains certain exclusions from, and exceptions to, the setbacks in this clause.

(2) For the purpose of determining the setbacks from the primary road of the 2 nearest dwelling houses or dual occupancies, the following are not to be included:

- (a) dwelling houses or dual occupancies on battle-axe lots,
- (b) any attached development or detached development on other lots,
- (c) building elements in the articulation zone.

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

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

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

Lot width at the building	Building height	Minimum required setback
12m-24m	>4.5m-8.5m	((building height-4.5m) ⚡)
>24m-36m	>4.5m-8.5m	((building height-4.5m) ⚡)

[graphic]

(5) Rear setbacks Each part of a dual occupancy (other than a dual occupancy on a corner lot) and any carport, garage, balcony, deck, patio, pergola, terrace or verandah must have a minimum setback from the rear boundary as shown in the following table:

Lot area	Height of building part	Minimum setback from rear

Note : Certain exceptions to the rear setbacks apply if the lot has a rear boundary with a lane (see clause 3B.12 (4)).

[graphic]

(6) Secondary road setbacks for corner lots Despite any other setback specified in this clause, a dual occupancy and any attached development must have a minimum setback from a boundary with a secondary road as shown in the following table:

Note : In many cases the primary road and secondary road may be different for each of the dwellings comprising a dual occupancy (detached) on a corner lot. This is because for each dwelling the primary road is the road that the dwelling faces. Accordingly, the setbacks for each of these dwellings will not necessarily align.

[graphic]

(7) Dual occupancy (detached) on a corner lot If a dual occupancy on a corner lot has dwelling fronting different roads, the rear of each dwelling is to be treated as a side for the purposes of determining the setbacks required under this clause.

(8) Parallel road setbacks for parallel road lots Despite any other setback specified in this clause, a dual occupancy and any attached development must have a setback from a boundary with a parallel road of at least 3m unless, in the case of a dual occupancy (attached), 1

of the dwellings in the dual occupancy faces the parallel road, in which case the setback must be the same as if the parallel road were a primary road.

Note : The primary road and parallel road may be different for each of the dwellings comprising a dual occupancy (detached) if the dwellings face in opposite directions.

This is because for each dwelling the primary road is the road that the dwelling faces.

(9) Classified road setbacks Despite any other setback specified in this clause, a dual occupancy and any attached development must have a setback from a boundary with a classified road of at least 9m.

(10) Public reserve setbacks Despite any other setback specified in this clause, a dual occupancy and any attached development must have a setback from a boundary with a public reserve of at least 3m.

Note 1 :

"Articulation zone",
"attached development",
"battle-axe lot",
"boundary wall",
"building element",
"building line",
"detached development",
"dwelling house",
"lane",
"primary road",
"setback" and
"standard lot" are defined in clause 1.5.

Note 2 :

"Building height" and
"classified road" have the same meanings as they have in the Standard Instrument.

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 3B.12

Exceptions to setbacks

3B.12 Exceptions to setbacks

(1) Development to which side and rear setbacks do not apply The setback standards specified in clause 3B.11 (4) and (5) do not apply to the following:

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

(2) Development to which side and rear setbacks do not apply if 450mm from boundary The setback standards specified in clause 3B.11 (4) and (5) do not apply to the following if they are at least 450mm from the relevant boundary:

- (a) aerials,
- (b) antennae,
- (c) awnings,
- (d) chimneys,
- (e) cooling or heating appliances,

- (f) eaves,
- (g) flues,
- (h) pipes,
- (i) privacy screens,
- (j) rainwater tanks,
- (k) structures associated with the provision of a utility service.

(3) Development to which road setbacks do not apply The setback standards specified in clause 3B.11 (1), (3), (6), (8) and (9) do not apply to the following:

- (a) access ramps,
- (b) driveways,
- (c) eaves,
- (d) pathways and paving,
- (e) retaining walls,
- (f) any building elements that are permitted within a primary road articulation zone.

(4) Lots with rear lanes Despite clause 3B.11 (5), if the lot has a rear boundary with a lane, a building to which that subclause applies may be erected within 900mm of, or abut, the rear boundary for a maximum length of 7m.

(5) Setbacks do not apply to existing parts of dual occupancy or attached development The setbacks standards specified in clause 3B.11 do not apply to any existing parts of a dwelling house, dual occupancy or attached development that will remain on a lot after the complying development is carried out.

Note :

- "Articulation zone",
- "attached development",
- "dwelling house",
- "primary road" and
- "setback" are defined in clause 1.5.

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 3B.13

Dwelling configuration on lot

3B.13 Dwelling configuration on lot

- (1) Each dwelling must face a public road.
- (2) No dwelling must be located behind another dwelling on the same lot (except on a corner lot). [graphic]
- (3) The 2 buildings comprising a dual occupancy (detached) (including any attached development) must be located at least 3m from each other.
- (4) Each dwelling must have a minimum width (measured at the building line) of 5m.
- (5) The width of a dwelling is to be measured from the centre of a side wall if that wall adjoins another building or from the outside of the side wall if that wall is an external wall.

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 3B.14

Other development standards for new balconies, decks, patios, terraces and verandahs attached to side or rear of dual occupancy

3B.14 Other development standards for new balconies, decks, patios, terraces and verandahs attached to side or rear of dual occupancy

- (1) The maximum height of the floor level of the balcony, deck, patio, terrace or verandah is 4m.
- (2) Any attached side or rear balcony, deck, patio, terrace or verandah that has a floor level of more than 2m above ground level (existing) must have a setback from side and rear boundaries of at least 3m.
- (3) The total floor area of all attached decks having a floor level of more than 2m above ground level (existing) must not be more than 12m².

Note 1 :

"Attached",
"building line" and
"floor area" are defined in clause 1.5.

Note 2 :

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

Note 3 : A balcony may require a privacy screen--see clause 3B.17.

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 3B.15

Minimum landscaped area

3B.15 Minimum landscaped area

- (1) The minimum landscaped area that must be provided for each dwelling on a lot is 50% of lot area minus 100m².
 - (2) At least 25% of the area of the lot forward of the building line must be landscaped.
 - (3) Each landscaped area must have:
 - (a) a minimum width of 1.5m, and
 - (b) a minimum length of 1.5m.
- [graphic]
- (4) Principal private open space must be provided for each dwelling that:
 - (a) is at least 16m², and
 - (b) is at least 3m wide.
 - (5) This clause does not apply to complying development that is the alteration of, or addition to, a dual occupancy or attached development if the development does not:
 - (a) increase the footprint of the dual occupancy or attached development, or
 - (b) decrease the landscaped area on the lot, or
 - (c) decrease the principal private open space for a dwelling.

Note 1 :

"Building line" and
"principal private open space" are defined in clause 1.5.

Note 2 :

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

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 3B.16

Primary and secondary road articulation zones

3B.16 Primary and secondary road articulation zones

(1) A dual occupancy may have a primary road articulation zone and a secondary road articulation zone that each extend up to 1.5m forward of the minimum required setback from the primary road or secondary road.

(2) The following building elements can be located in the primary road articulation zone or secondary road articulation zone:

- (a) an entry feature or portico,**
- (b) a balcony, deck, pergola, terrace or verandah,**
- (c) a window box treatment,**
- (d) a bay window or similar feature,**
- (e) an awning or other feature over a window,**
- (f) a sun shading feature,**
- (g) an eave,**
- (h) an access ramp.**

(3) The maximum total area of all building elements in the articulation zone, other than a building element specified in subclause (2) (e), (f), (g) or (h), must not comprise more than 25% of the area of the articulation zone. [graphic]

(4) Each habitable room that has a wall facing a road must have a window in that wall.

Note :

**"Articulation zone",
"building element",
"primary road",
"secondary road" and
"setback" are defined in clause 1.5.**

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 3B.17

Privacy screens for windows and certain attached development

3B.17 Privacy screens for windows and certain attached development

(1) Windows in habitable rooms near boundaries or other dwellings A window in a habitable room must have a privacy screen over any part of that window that is less than 1.5m above the floor level of the room in the following cases:

- (a) the floor level of the habitable room is 1m or more, but not more than 3m, above ground level (existing) and the window faces a side or rear boundary and is less than 3m from that boundary,**
- (b) the floor level of the habitable room is more than 3m above ground level (existing) and the window faces a side or rear boundary and is less than 6m from that boundary,**
- (c) the floor level of the habitable room is 1m or more, but not more than 3m, above ground level (existing) and the window faces a dwelling on the same lot and is less than 6m from that dwelling,**
- (d) the floor level of the habitable room is more than 3m above ground level (existing) and the window faces a dwelling on the same lot and is less than 12m from that dwelling.**

[graphic]

(2) Subclause (1) does not apply to:

- (a) a habitable room with a floor level not more than 1m**

- above ground level (existing), or
- (b) a window that faces a road or public space, or
- (c) a bedroom window that has an area of not more than 2m².

(3) Balconies, decks, patios, terraces or verandahs near boundaries or other dwellings The edge of a balcony, deck, patio, terrace or verandah must have a privacy screen with a height of at least 1.5m above the floor level of a balcony, deck, patio, terrace or verandah in the following cases:

- (a) the floor level of the balcony, deck, patio, terrace or verandah is 1m or more, but not more than 3m, above ground level (existing) and the edge faces a side or rear boundary and is less than 3m from that boundary,
- (b) the floor level of the balcony, deck, patio, terrace or verandah is more than 3m above ground level (existing) and the edge faces a side or rear boundary and is less than 6m from that boundary,
- (c) the floor level of the balcony, deck, patio, terrace or verandah is 1m or more, but not more than 2m, above ground level (existing) and the edge faces a dwelling on the same lot and is less than 6m from that dwelling,
- (d) the floor level of the balcony, deck, patio, terrace or verandah is more than 2m above ground level (existing) and the edge faces a dwelling on the same lot and is less than 12m from that dwelling.

[graphic]

(4) Subclause (3) does not apply to a balcony, deck, patio, terrace or verandah:

- (a) with a floor level not more than 1m above ground level (existing), or
- (b) that faces a road or public space, or
- (c) that has an area of not more than 2m².

(5) Existing windows, balconies, decks, patios, terraces or verandahs This clause does not apply to any existing parts of a dwelling house, dual occupancy or attached development that will remain on the lot after the complying development is carried out.

Note 1 :

"Habitable room" and
"privacy screen" are defined in clause 1.5.

Note 2 :

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

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 3B.18

Car parking and vehicle access requirements

3B.18 Car parking and vehicle access requirements

(1) This clause applies to:

- (a) the erection of a dual occupancy, or
- (b) the alteration of, or addition to, a dwelling house that causes a dual occupancy to be on the lot.

(2) At least 1 off-street car parking space must be provided for each dwelling.

(3) The off-street car parking space may be an open hard stand space or a carport or garage, whether attached to or detached from the dual occupancy.

(4) All off-street car parking spaces and vehicle access must comply

with AS/NZS 2890.1:2004, Parking facilities, Part 1: Off-street car parking.

(5) In the case of a lot that has a width of less than 15m measured at the building line any car parking space must be provided at the rear of the lot or in a basement and must be accessed only from a secondary road, parallel road or lane.

(6) A garage, carport or car parking space at ground level (existing) and accessed from a primary road, secondary road or parallel road must have a minimum setback as shown in the following table:

Setback of dual occupancy from	Minimum off-street parking setback
>4.5m	1m or more behind the building line

(7) The maximum width of all garage doors accessed from a primary road is shown in the following table:

Note 1 :

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

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

Note 3 : Alterations or additions to a garage or carport that is forward of the building line is not complying development under this code (see clause 3B.2 (g)).

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 3B.19

Building design

3B.19 Building design

(1) The design of a dual occupancy must be consistent with the relevant design criteria in the Medium Density Design Guide.

(2) However, the requirements of this Part prevail to the extent that the Guide is inconsistent with this Part.

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 3B.20

Application of Division

3B.20 Application of Division

This Division sets out the development standards that apply to the following types of complying development under this code:

- (a) the erection or alteration of, or an addition to, a manor house,**
- (b) the erection or alteration of, or an addition to, a dual occupancy (attached) where part of a dwelling is located above part of another dwelling,**
- (c) the erection or alteration of, or addition to, attached development that is related to any such dual occupancy or manor house.**

Note : Clauses 1.17A, 1.18 and 1.19 (1) set out additional requirements for complying development.

[graphic]

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 3B.21

Lot requirements

3B.21 Lot requirements

The lot must meet the following requirements:

- (a) in the case of a manor house--the area of the lot must not be less than 600m²,**
- (b) in the case of a dual occupancy--the area of the lot must not be less than whichever is the greater of the following:**
 - (i) 400m²,**
 - (ii) the minimum lot area specified for dual occupancies in the environmental planning instrument that applies to the land concerned,**
- (c) the width of the lot must not be less than 15m measured at the building line.**

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 3B.22

Maximum building height

3B.22 Maximum building height

- (1) The maximum height for a manor house, dual occupancy and any attached development is 8.5m above ground level (existing).**
- (2) This clause does not apply to any existing part of a building that is more than 8.5m above ground level (existing) before the relevant complying development takes place.**

Note :

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

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 3B.23

Maximum gross floor area of all buildings

3B.23 Maximum gross floor area of all buildings

The maximum gross floor area of all buildings on a lot is 25% of the lot area

plus 150m², to a maximum of 400m². [graphic]

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 3B.24

Minimum setbacks and maximum height and length of boundary walls

3B.24 Minimum setbacks and maximum height and length of boundary walls

(1) Primary road setbacks The setback of a manor house, dual occupancy and any attached development from a primary road must not be less than the average setback from the primary road of the 2 nearest buildings within 40m of the lot and on the same side of the primary road that are residential accommodation. [graphic]

(2) For the purpose of determining the setbacks from the primary road of the 2 nearest buildings that are residential accommodation, the following are not to be included:

- (a) buildings on battle-axe lots,
- (b) any ancillary development on other lots,
- (c) building elements in the articulation zone.

Note : Setbacks for boundaries with classified roads and public reserves are set out in subclauses (9) and (10).

[graphic]

(3) If there are not 2 buildings that are residential accommodation within 40m of the lot on the same side of the primary road, the manor house or dual occupancy and any attached development must have a minimum setback from the boundary with the primary road as shown in the following table:

(4) Side setbacks A manor house, dual occupancy or any attached development must have a minimum setback from a side boundary of 1.5 m.

(5) Despite subclause (4), any part of a manor house, dual occupancy or any attached development that is more than 10m behind the building line and that is more than 4.5m above ground level (existing) must have a minimum setback from a side boundary of:

[graphic]

"s" is the minimum setback in metres.

"h" is the height of the part of the building in metres.

[graphic]

(6) Rear setbacks Each part of a manor house or dual occupancy and any attached development must have a minimum setback from the rear boundary as shown in the following table:

Lot area	Height of building part	Minimum setback from rear

Note : Certain exceptions to the rear setbacks apply if the lot has a rear boundary with a lane (see clause 3B.25 (4)).

[graphic]

(7) Secondary road setbacks for corner lots Despite any other setback

specified in this clause, a dual occupancy, manor house and any attached development must have a minimum setback from a boundary with a secondary road as shown in the following table:

(8) Parallel road setbacks for parallel road lots Despite any other setback specified in this clause, a dual occupancy, manor house and any attached development must have a setback from a boundary with a parallel road of at least 3m.

(9) Classified road setbacks Despite any other setback specified in this clause, a dual occupancy, manor house and any attached development must have a setback from a boundary with a classified road of at least 9m.

(10) Public reserve setbacks Despite any other setback specified in this clause, a dual occupancy, manor house and any attached development must have a setback from a boundary with a public reserve of at least 3m.

Note 1 :

"Articulation zone",
"attached development",
"battle-axe lot",
"boundary wall",
"building element",
"building line",
"detached development",
"dwelling house",
"lane",
"primary road",
"setback" and
"standard lot" are defined in clause 1.5.

Note 2 :

"Building height",
"classified road" and
"ground level (existing)" have the same meanings as they have in the Standard Instrument.

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 3B.25

Exceptions to setbacks

3B.25 Exceptions to setbacks

(1) Development to which side and rear setbacks do not apply The setback standards specified in clause 3B.24 (4), (5) and (6) do not apply to the following:

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

(2) Development to which side and rear setbacks do not apply if 450mm from boundary The setback standards specified in clause 3B.24 (4), (5) and (6) do not apply to the following if they are at least 450mm

from the relevant boundary:

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

(3) Development to which road setbacks do not apply The setback standards specified in clause 3B.24 (1), (3), (7), (8) and (9) do not apply to the following:

- (a) access ramps,
- (b) driveways,
- (c) eaves,
- (d) pathways and paving,
- (e) retaining walls,
- (f) any building elements that are permitted within a primary road articulation zone.

(4) Lots with rear lanes Despite clause 3B.24 (6), if the lot has a rear boundary with a lane, the building may be erected within 900mm of, or abut, the rear boundary for a maximum of 50% of the length of the boundary.

(5) Certain attached development may be built within parallel road setback Despite clause 3B.24 (8), a cabana, cubby house, fernery, garden shed, gazebo, greenhouse or shed may be built within 3m of, or abut, a parallel road boundary for a maximum of 50% of the length of that boundary if the parallel road is not a classified road.

(6) Setbacks do not apply to existing parts of dual occupancy, manor house or attached development The setback standards specified in clause 3B.24 do not apply to any existing parts of a dual occupancy, manor house or attached development that will remain on a lot after the complying development is carried out.

Note 1 :

"Dwelling house",
"primary road" and
"setback" are defined in clause 1.5.

Note 2 :

"Classified road" and
"public reserve" have the same meanings as they have in the Standard Instrument.

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 3B.26

Other development standards for new balconies, decks, patios, terraces and verandahs attached to side or rear of dual occupancy or manor house

3B.26 Other development standards for new balconies, decks, patios, terraces and verandahs attached to side or rear of dual occupancy or manor house

- (1) The maximum height of the floor level of a balcony, deck, patio, terrace or verandah is 4m.
- (2) Any attached side or rear balcony, deck, patio, terrace or verandah that has a floor level of more than 2m above ground level (existing) must have a setback from side and rear boundaries of at

least 3m.

(3) The total floor area of all attached side or rear balconies, decks, patios, terraces and verandahs having a floor level of more than 2m above ground level (existing) must not be more than 12m².

Note 1 :

"Attached",

"building line" and

"floor area" are defined in clause 1.5.

Note 2 :

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

Note 3 : A balcony may require a privacy screen--see clause 3B.29.

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 3B.27

Minimum landscaped area

3B.27 Minimum landscaped area

(1) The minimum landscaped area that must be provided on a lot is 50% of the lot area minus 100m².

(2) At least 50% of the area forward of the building line must be landscaped.

(3) Each landscaped area must have:

(a) a minimum width of 1.5m, and

(b) a minimum length of 1.5m.

[graphic]

(4) The principal private open space that must be provided for each dwelling is:

(a) for a 1 bedroom dwelling or a studio--8m² with a minimum width of 2m, and

(b) for a dwelling with 2 bedrooms--12m² with a minimum width of 2m, and

(c) for a dwelling with 3 or more bedrooms--16m² with a minimum width of 2m.

(5) This clause does not apply to complying development that is the alteration of, or addition to, a dual occupancy or manor house if the development does not:

(a) increase the footprint of the dual occupancy or manor house, or

(b) decrease the landscaped area on the lot, or

(c) decrease the principal private open space for a dwelling, or

(d) change the number of dwellings on the lot.

Note 1 :

"Building line"

"" and

"principal private open space" are defined in clause 1.5.

Note 2 :

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

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 3B.28

Primary road articulation zone

3B.28 Primary road articulation zone

(1) A dual occupancy or manor house may have a primary road articulation zone that extends up to 1.5m forward of the minimum required setback from the primary road.

(2) The following building elements can be located in the primary road articulation zone:

- (a) an entry feature or portico,**
- (b) a balcony, deck, pergola, terrace or verandah,**
- (c) a window box treatment,**
- (d) a bay window or similar feature,**
- (e) an awning or other feature over a window,**
- (f) a sun shading feature,**
- (g) an eave,**
- (h) an access ramp.**

(3) The maximum total area of all building elements in the articulation zone, other than a building element specified in subclause (2) (e), (f), (g) or (h), must not comprise more than 25% of the area of the articulation zone.

(4) Each habitable room that has a wall facing a road must have a window in that wall.

Note :

**"Articulation zone",
"building element",
"habitable room",
"primary road" and
"setback" are defined in clause 1.5.**

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 3B.29

Privacy screens for windows and certain attached development

3B.29 Privacy screens for windows and certain attached development

(1) Windows in habitable rooms near boundaries or other dwellings A window in a habitable room must have a privacy screen over any part of that window that is less than 1.5m above the floor level of the room in the following cases:

- (a) the floor level of the habitable room is 1m or more, but not more than 3m, above ground level (existing) and the window faces a side or rear boundary and is less than 3m from that boundary,**
- (b) the floor level of the habitable room is more than 3m above ground level (existing) and the window faces a side or rear boundary and is less than 6m from that boundary,**
- (c) the floor level of the habitable room is 1m or more, but not more than 3m, above ground level (existing) and the window faces a dwelling on the same lot and is less than 6m from that dwelling,**
- (d) the floor level of the habitable room is more than 3m above ground level (existing) and the window faces a dwelling on the same lot and is less than 12m from that dwelling.**

[graphic]

(2) Subclause (1) does not apply to:

- (a) a habitable room with a floor level not more than 1m above ground level (existing), or**
- (b) a window that faces a road or public space, or**
- (c) a bedroom window that has an area of not more than 2m**

2.

(3) Balconies, decks, patios, terraces or verandahs near boundaries or other dwellings The edge of a balcony, deck, patio, terrace or verandah must have a privacy screen with a height of at least 1.5m above the floor level of a balcony, deck, patio, terrace or verandah in the following cases:

- (a) the floor level of the balcony, deck, patio, terrace or verandah is 1m or more, but not more than 3m, above ground level (existing) and the edge faces a side or rear boundary and is less than 3m from that boundary,
- (b) the floor level of the balcony, deck, patio, terrace or verandah is more than 3m above ground level (existing) and the edge faces a side or rear boundary and is less than 6m from that boundary,
- (c) the floor level of the balcony, deck, patio, terrace or verandah is 1m or more, but not more than 2m, above ground level (existing) and the edge faces a dwelling on the same lot and is less than 6m from that dwelling,
- (d) the floor level of the balcony, deck, patio, terrace or verandah is more than 2m above ground level (existing) and the edge faces a dwelling on the same lot and is less than 12m from that dwelling.

[graphic]

(4) Subclause (3) does not apply to a balcony, deck, patio, terrace or verandah:

- (a) with a floor level not more than 1m above ground level (existing), or
- (b) that faces a road or public space, or
- (c) that has an area of not more than 2m².

(5) Existing windows, balconies, decks, patios, terraces or verandahs This clause does not apply to any existing parts of a dwelling house, dual occupancy or attached development that will remain on the lot after the complying development is carried out.

Note 1 :

"Habitable room" and
"privacy screen" are defined in clause 1.5.

Note 2 :

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

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 3B.30

Car parking and vehicle access requirements

3B.30 Car parking and vehicle access requirements

(1) This clause applies to:

- (a) the erection of a dual occupancy or manor house, or
- (b) the alteration of, or addition to, a dwelling house, dual occupancy or manor house that causes an increase in the number of dwellings on the lot.

(2) One parking space must be provided for each dwelling.

(3) The car parking space may be an open hard stand space or a carport or garage, whether attached to or detached from the dual occupancy or manor house.

(4) All off-street car parking spaces and vehicle access must comply with AS/NZS 2890.1:2004, Parking facilities, Part 1: Off-street car parking.

(5) A garage, carport or car parking space at ground level (existing)

and accessed from a primary road, secondary road or parallel road must have a minimum setback from the relevant road as shown in the following table:

Setback of building from road	Minimum off-street parking setback

(6) The maximum width of all garage doors accessed from a primary road or secondary road is 6m.

Note 1 :

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

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

Note 3 : Alterations or additions to a garage or carport that is forward of the building line is not complying development under this code (see clause 3B.2 (g)).

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 3B.31

Building design

3B.31 Building design

(1) The design of a dual occupancy or a manor house must be consistent with the relevant design criteria in the Medium Density Design Guide.

(2) However, the requirements of this Part prevail to the extent that the Guide is inconsistent with this Part.

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 3B.32

Application of Division

3B.32 Application of Division

This Division sets out the development standards that apply to the following types of complying development under this code:

(a) the erection or alteration of, or an addition to, multi dwelling housing (terraces),

(b) the erection or alteration of, or addition to, attached development that is related to multi dwelling housing (terraces).

Note : Clauses 1.17A, 1.18 and 1.19 (1) set out additional requirements for complying development.

[graphic]

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT

**CODES)
2008
- REG 3B.33
Lot requirements**

3B.33 Lot requirements

- (1) The area of the lot must not be less than:
 - (a) the minimum lot area specified for multi dwelling housing in the environmental planning instrument that applies to the land concerned, or
 - (b) if no minimum lot area is specified in that environmental planning instrument--600m².
- (2) The width of the lot must not be less than 18m measured at the building line.

**STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)
2008
- REG 3B.34
Maximum building height**

3B.34 Maximum building height

The maximum height for a multi dwelling housing (terraces) and any attached development is 9m above ground level (existing).

Note :

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

**STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)
2008
- REG 3B.35
Maximum gross floor area of all buildings**

3B.35 Maximum gross floor area of all buildings

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

[graphic]

**STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)
2008
- REG 3B.36
Minimum setbacks and maximum height and length of boundary walls**

3B.36 Minimum setbacks and maximum height and length of boundary walls

- (1) Primary road setbacks The setback of multi dwelling housing (terraces) and any attached development (on land in Zone RU5, Zone R1 or Zone R2) from a primary road must not be less than the average setback from the primary road of the 2 nearest buildings within 40m of the lot and on the same side of the primary road that are any of

the following:

- (a) dwelling house,
- (b) dual occupancy,
- (c) multi dwelling housing (terraces).

Note : Clause 3B.37 contains certain exclusions from, and exceptions to, the setbacks in this clause.

[graphic]

(2) For the purpose of determining the setbacks from a primary road of the 2 nearest buildings that are dwelling houses, dual occupancies or multi dwelling housing (terraces), the following are not to be included:

- (a) buildings on battle-axe lots,
- (b) any attached development or detached development on other lots,
- (c) building elements in the articulation zone.

(3) If there are not 2 buildings that are dwelling houses, dual occupancies or multi dwelling housing (terraces) within 40m of the lot on the same side of the primary road or if the development is on land in Zone R3, the multi dwelling housing (terraces) and any attached development must have a minimum setback from the boundary with the primary road of 3.5m. [graphic]

(4) Side setbacks Multi dwelling housing (terraces) and any attached development must have a minimum setback from a side boundary of 1.5m. [graphic]

(5) Rear setbacks Each part of multi dwelling housing (terraces) and any carport, garage, balcony, deck, patio, pergola, terrace or verandah must have a minimum setback from the rear boundary as shown in the following table:

Lot area	Height of building part	Minimum setback from rear

Note : Certain exceptions to the rear setbacks apply if the lot has a rear boundary with a lane (see clause 3B.37 (4)).

[graphic]

(6) Secondary road setbacks for corner lots Despite any other setback specified in this clause, multi dwelling housing (terraces) and any attached development must have a minimum setback from a boundary with a secondary road as shown in the following table:

(7) Parallel road setbacks for parallel road lots Despite any other setback specified in this clause, multi dwelling housing (terraces) and any attached development must have a setback from a boundary with a parallel road of at least 3m unless 1 of the dwellings in the multi dwelling housing (terraces) faces the parallel road, in which case the setback must be the same as if the parallel road were a primary road.

(8) Classified road setbacks Despite any other setback specified in this clause, multi dwelling housing (terraces) and any attached development must have a setback from a boundary with a classified road of at least 9m.

(9) Public reserve setbacks Despite any other setback specified in this clause, multi dwelling housing (terraces) and any attached

development must have a setback from a boundary with a public reserve of at least 3m.

Note 1 :

"Articulation zone",
"attached development",
"battle-axe lot",
"boundary wall",
"building element",
"building line",
"detached development",
"dwelling house",
"lane",
"primary road",
"setback" and
"standard lot" are defined in clause 1.5.

Note 2 :

"Building height",
"classified road" and
"ground level (existing)" have the same meanings as they have in the Standard Instrument.

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 3B.37

Exceptions to setbacks

3B.37 Exceptions to setbacks

(1) Development to which side and rear setbacks do not apply The setback standards specified in clause 3B.36 (4) and (5) do not apply to the following:

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

(2) Development to which side and rear setbacks do not apply if 450mm from boundary The setback standards specified in clause 3B.36 (4) and (5) do not apply to the following if they are at least 450mm from the relevant boundary:

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

(3) Development to which road setbacks do not apply The setback standards specified in clause 3B.36 (1), (3), (6), (7) and (8) do not apply to the following:

- (a) access ramps,

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

(4) Lots with rear lanes Despite clause 3B.36 (5), if the lot has a rear boundary with a lane, the building may be erected within 900mm of, or abut, the rear boundary for a maximum length of 7m.

(5) Setbacks do not apply to existing parts of multi dwelling housing (terraces) or attached development The setbacks standards specified in clause 3B.36 do not apply to any existing parts of any multi dwelling housing (terraces) or attached development that will remain on a lot after the complying development is carried out.

Note 1 :

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

Note 2 :

"Classified road" and
"public reserve" have the same meanings as they have in the Standard Instrument.

Note 3 :

"Environmental planning instrument" has the same meaning as it has in the Act.

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 3B.38

Dwelling configuration on lot

3B.38 Dwelling configuration on lot

- (1) Each dwelling must face a public road.
- (2) No dwelling must be located behind another dwelling on the same lot.
- (3) Each terrace must have a minimum width (measured parallel to the building line) of 6m.
- (4) The width of a terrace is to be measured from the centre of a side wall if that wall adjoins another terrace or from the outside of the side wall if that wall is an external wall.
- (5) In this clause:

"terrace" means a single dwelling in multi dwelling housing (terraces).

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 3B.39

Other development standards for new attached side or rear balconies, decks, patios, terraces or verandahs

3B.39 Other development standards for new attached side or rear balconies, decks, patios, terraces or verandahs

- (1) The maximum height of the floor level of a balcony, deck, patio,

terrace or verandah is 4m.

(2) Any attached side or rear balcony, deck, patio, terrace or verandah that has a floor level of more than 2m above ground level (existing) must have a setback from side and rear boundaries of at least 3m.

(3) The total floor area of all attached decks having a floor level of more than 2m above ground level (existing) must not be more than 12m².

Note 1 :

"Attached",

"building line" and

"floor area" are defined in clause 1.5.

Note 2 :

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

Note 3 : A balcony may require a privacy screen--see clause 3B.42.

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 3B.40

Minimum landscaped area

3B.40 Minimum landscaped area

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

(2) At least 25% of the area of the lot forward of the building line must be landscaped.

(3) Each landscaped area must have:

(a) a minimum width of 1.5m, and

(b) a minimum length of 1.5m.

[graphic]

(4) The area of principal private open space that must be provided for each terrace is at least 16m² with a minimum width of 3m.

(5) This clause does not apply to complying development that is the alteration of, or addition to, multi dwelling housing (terraces) or attached development if the development does not:

(a) increase the footprint of the multi dwelling housing (terraces) or attached development, or

(b) decrease the landscaped area on the lot, or

(c) decrease the area of principal private open space for a terrace.

Note 1 :

"Building line" and

"principal private open space" are defined in clause 1.5.

Note 2 :

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

(6) In this clause:

"terrace" means a single dwelling in multi dwelling housing (terraces).

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 3B.41

Primary and secondary road articulation zones

3B.41 Primary and secondary road articulation zones

(1) Multi dwelling housing (terraces) may have a primary road articulation zone and a secondary road articulation zone that each extend up to 1.5m forward of the minimum required setback from the primary road or secondary road.

(2) The following building elements can be located in the primary road articulation zone or secondary road articulation zone:

- (a) an entry feature or portico,**
- (b) a balcony, deck, pergola, terrace or verandah,**
- (c) a window box treatment,**
- (d) a bay window or similar feature,**
- (e) an awning or other feature over a window,**
- (f) a sun shading feature,**
- (g) an eave,**
- (h) an access ramp.**

(3) The maximum total area of all building elements in the articulation zone, other than a building element specified in subclause (2) (e), (f), (g) or (h), must not comprise more than 25% of the area of the articulation zone. [graphic]

(4) Each habitable room that has a wall facing a road must have a window in that wall.

Note :

**"Articulation zone",
"building element",
"primary road",
"secondary road" and
"setback" are defined in clause 1.5.**

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 3B.42

Privacy screens for windows and certain attached development

3B.42 Privacy screens for windows and certain attached development

(1) Windows in habitable rooms near boundaries or other dwellings A window in a habitable room must have a privacy screen over any part of that window that is less than 1.5m above the floor level of the room in the following cases:

- (a) the floor level of the habitable room is 1m or more, but not more than 3m, above ground level (existing) and the window faces a side or rear boundary and is less than 3m from that boundary,**
- (b) the floor level of the habitable room is more than 3m above ground level (existing) and the window faces a side or rear boundary and is less than 6m from that boundary,**
- (c) the floor level of the habitable room is 1m or more, but not more than 3m, above ground level (existing) and the window faces a dwelling on the same lot and is less than 6m from that dwelling,**
- (d) the floor level of the habitable room is more than 3m above ground level (existing) and the window faces a dwelling on the same lot and is less than 12m from that dwelling.**

[graphic]

(2) Subclause (1) does not apply to:

- (a) a habitable room with a floor level not more than 1m above ground level (existing), or**
- (b) a window that faces a road or public space, or**
- (c) a bedroom window that has an area of not more than 2m².**

(3) Balconies, decks, patios, terraces or verandahs near boundaries or other dwellings The edge of a balcony, deck, patio, terrace or verandah must have a privacy screen with a height of at least 1.5m above the floor level of a balcony, deck, patio, terrace or verandah in the following cases:

- (a) the floor level of the balcony, deck, patio, terrace or verandah is 1m or more, but not more than 3m, above ground level (existing) and the edge faces a side or rear boundary and is less than 3m from that boundary,**
- (b) the floor level of the balcony, deck, patio, terrace or verandah is more than 3m above ground level (existing) and the edge faces a side or rear boundary and is less than 6m from that boundary,**
- (c) the floor level of the balcony, deck, patio, terrace or verandah is 1m or more, but not more than 2m, above ground level (existing) and the edge faces a dwelling on the same lot and is less than 6m from that dwelling,**
- (d) the floor level of the balcony, deck, patio, terrace or verandah is more than 2m above ground level (existing) and the edge faces a dwelling on the same lot and is less than 12m from that dwelling.**

[graphic]

(4) Subclause (3) does not apply to a balcony, deck, patio, terrace or verandah:

- (a) with a floor level not more than 1m above ground level (existing), or**
- (b) that faces a road or public space, or**
- (c) that has an area of not more than 2m².**

(5) Existing windows, balconies, decks, patios, terraces or verandahs This clause does not apply to any existing parts of multi dwelling housing (terraces) or attached development that will remain on the lot after the complying development is carried out.

Note 1 :

"Habitable room" and "privacy screen" are defined in clause 1.5.

Note 2 :

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

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 3B.43

Car parking and vehicle access requirements

3B.43 Car parking and vehicle access requirements

(1) This clause applies to:

- (a) the erection of multi dwelling housing (terraces), or**
- (b) the alteration of, or addition to, multi dwelling housing (terraces) that causes an increase in the number of dwellings on the lot.**

(2) At least 1 off-street car parking space must be provided for each dwelling.

(3) The off-street car parking space may be an open hard stand space

or a carport or garage, that is attached development or detached development.

(4) All off-street car parking spaces and vehicle access must comply with AS/NZS 2890.1:2004, Parking facilities, Part 1: Off-street car parking.

(5) A garage, carport or car parking space at ground level (existing) and accessed from a primary road, secondary road or parallel road must have a minimum setback as shown in the following table unless the road is a lane:

Setback of multi dwelling housing	Minimum off-street parking
>4.5m	1m or more behind the building line of the multi dwelling

(6) The maximum width of all garage door openings facing a primary, secondary or parallel road is shown in the following table (garage door openings are not permitted to face a primary, secondary or parallel road if the resulting lot width is less than 8m):

(7) Despite subclause (6), if concurrent Torrens title subdivision is proposed--the maximum width of all garage door openings facing a primary, secondary or parallel road is 6m.

Note 1 :

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

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

Note 3 : Alterations or additions to a garage or carport that is forward of the building line is not complying development under this code (see clause 3B.2 (g)).

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 3B.44

Building design

3B.44 Building design

(1) The design of multi dwelling housing (terraces) must be consistent with the relevant design criteria in the Medium Density Design Guide.

(2) However, the requirements of this Part prevail to the extent that the Guide is inconsistent with this Part.

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 3B.45

Application of Division

3B.45 Application of Division

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

Note : Clauses 1.17A, 1.18 and 1.19 (1) set out additional requirements for complying development.

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 3B.46

Lot requirements

3B.46 Lot requirements

The lot must meet the following requirements:

- (a) the area of the lot must not be less than 400m²,
- (b) the width of the lot must not be less than 12m measured at the building line.

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 3B.47

Maximum height

3B.47 Maximum height

The maximum height for any detached development is 4.5m above ground level (existing).

Note 1 :

"Detached development" is defined in clause 1.5.

Note 2 :

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

[graphic]

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 3B.48

Maximum gross floor area of certain detached development

3B.48 Maximum gross floor area of certain detached development

(1) The maximum gross floor area of all of the following detached development that relates to multi dwelling housing (terraces) or a dual occupancy where no part of a dwelling is located above any part of another dwelling is 45m²:

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

(2) The maximum gross floor area of all of the following detached

development that relates to a manor house or dual occupancy (attached) where part of a dwelling is located above part of another dwelling is shown in the table to this clause:

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

Note : The maximum gross floor area of detached studios is set out in clause 3B.52.

[graphic]

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 3B.49

Minimum setbacks and maximum height and length of built to boundary walls

3B.49 Minimum setbacks and maximum height and length of built to boundary walls

(1) Primary and secondary road setbacks Detached development (other than a detached garage or carport) must be located behind the building line of a building that is residential accommodation that is adjacent to any primary road or secondary road.

Note 1 : Primary and secondary road setbacks for detached garages and carports are set out in clause 3B.50.

Note 2 : Clause 3B.54 contains certain exclusions from, and exceptions to, the setbacks specified in this clause.

(2) Side setbacks Detached development that is any of the following must have a minimum setback from the side boundary of a lot of 900mm:

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

Note : Side boundary setbacks for detached studios are set out in clause 3B.52.

[graphic]

(3) Built to boundary setbacks Despite subclause (2), detached development that is referred to in that subclause may be built to 1 or both side boundaries if:

- (a) the detached development relates to a dual occupancy or multi dwelling housing (terraces), and
- (b) any building wall on the adjoining lot that is within 900mm of that boundary is of masonry construction and does not have a window facing that boundary, and
- (c) any wall erected within 900mm of a side boundary will not contain a door, window or any other opening facing that boundary,

but if the lot width measured at the building line is more than 8m, but not more than 12.5m the detached development may be built to 1 side boundary only.

(4) Maximum height of built to boundary walls The height of a wall erected within 900mm of a side boundary must not exceed:

- (a) 3.3m above ground level (existing), or

- (b) if there is a building wall on the adjoining lot within 900mm of that boundary that is higher than 3.3m--the height of that wall, but not more than 4.5m, or
 - (c) if the building on the adjoining lot is subject to the same complying development certificate under clause 126 (4) of the Environmental Planning and Assessment Regulation 2000 --the height of the wall on the adjoining lot, but not more than 4.5m, or
 - (d) if the detached development is a detached studio that is above a garage--the height of the built to boundary wall on the adjoining lot, but not more than 6m.
- (5) Maximum length of built to boundary walls The length of all walls on the lot that are within 900mm of a side boundary must not exceed 10m.
- (6) Despite subclause (5), the length of a wall erected within 900mm of a side boundary must not exceed:
- (a) if the length of the built to boundary wall on the adjoining lot is longer than the maximum length calculated under subclause (6)--the length of that wall, or
 - (b) if the building on the adjoining lot is subject to the same complying development certificate under clause 126 (4) of the Environmental Planning and Assessment Regulation 2000 --the length of the wall on the adjoining lot.
- (7) Rear setbacks Any of the following detached development that relates to a dual occupancy where no part of a dwelling is located above any part of another dwelling or that relates to multi dwelling housing (terraces) must have a minimum setback from the rear boundary of a lot of 900mm (unless there is a wall of a building on the adjoining lot that is within 900mm of the boundary and that wall is of masonry construction and does not have a window facing the boundary):
- (a) a cabana, cubby house, fernery, garden shed, gazebo or greenhouse,
 - (b) a rainwater tank (above ground),
 - (c) a shade structure or a shed.
- (8) Any of the following detached development that relates to a dual occupancy (attached) where part of a dwelling is located above part of another dwelling or that relates to a manor house must have a minimum setback from the rear boundary of a lot as shown in the table to this subclause:
- (a) a cabana, cubby house, fernery, garden shed, gazebo or greenhouse,
 - (b) a rainwater tank (above ground),
 - (c) a shade structure or a shed.

Note : Rear setbacks for detached garages and carports, detached decks, patios, pergolas, terraces and verandahs and detached studios are set out in clauses 3B.50, 3B.51 and 3B.52, respectively.

- (9) Parallel road setbacks for parallel road lots Detached development on a lot must have a minimum setback from a parallel road of 3m.

Note : Clause 3B.54 (4) contains exceptions to this setback for certain types of detached development.

- (10) Setbacks from classified roads Despite any standard for a setback specified by this clause, detached development must have a setback from a boundary with a classified road of at least:
- (a) in the case of detached development related to a dual

occupancy--the setback for a dual occupancy from a classified road specified by any other environmental planning instrument applying to the land, or
 (b) in the case of detached development related to a manor house--the setback for a manor house from a classified road specified by any other environmental planning instrument applying to the land, or
 (c) in the case of detached development related to multi dwelling housing (terraces)--the setback for multi dwelling housing (terraces) from a classified road specified by any other environmental planning instrument applying to the land, or
 (d) if no setback is specified for the purposes of paragraph (a), (b) or (c)--9m.

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

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

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 3B.50

Other development standards for detached garages and carports

3B.50 Other development standards for detached garages and carports

(1) Car parking and vehicle access requirements All off-street car parking spaces and vehicle access must comply with AS/NZS 2890.1: 2004, Parking facilities, Part 1 Off-street car parking.

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

Primary road setback of dwelling	Minimum required garage or carport
4.5m or more	At least 1m behind the building line of the building that is the residential accommodation to which

[graphic]

(3) Secondary and parallel road setbacks A detached garage or carport on a corner lot must have a minimum setback from a secondary road or parallel road as shown in the following table:

Secondary road setback of dwelling	Minimum required garage or carport

(4) Rear setbacks A detached garage or carport must have a minimum setback from the rear boundary as shown in the following table:

Lot area	Building height at that	Minimum setback from rear

(5) Built to rear boundary Despite subclause (4), a detached garage or carport of masonry construction may be built to the rear boundary if there is a wall of a building on the adjoining lot within 900mm of that boundary, the wall is of masonry construction and does not have a window facing that boundary.

(6) Building separation A detached garage must be at least 3m from any building that is residential accommodation on the same lot.

(7) Maximum width of garage doors The maximum width of all detached garage and carport door openings (except where the garage or carport is to the rear of the building that is residential accommodation to which it relates) facing a primary, secondary or parallel road is 6m.

Note 1 :

"Boundary wall",
"building line",
"corner lot",
"detached",
"dwelling house",
"gross floor area",
"lane",
"parallel road",
"primary road",
"secondary road" and
"setback" are defined in clause 1.5.

Note 2 :

"Building height" and
"ground level (existing)" have the same meanings as they have in the Standard Instrument.

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 3B.51

Other development standards for detached decks, patios, pergolas, terraces and verandahs

3B.51 Other development standards for detached decks, patios, pergolas, terraces and verandahs

(1) Maximum floor level The maximum floor level for any detached deck, patio, pergola, terrace or verandah is 1m above ground level (existing) unless the deck, patio, pergola, terrace or verandah is less than 900mm from a side or rear boundary in which case the maximum floor level is 600mm above ground level (existing).

Note :

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

(2) Rear setbacks A detached deck, patio, pergola, terrace or verandah must have a minimum setback from the rear boundary of a lot as shown in the following table:

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 3B.52

Other development standards for detached studios

3B.52 Other development standards for detached studios

(1) At the completion of the development, there must be no more than 1 detached studio for each dwelling in the dual occupancy or multi dwelling housing (terraces).

(2) Maximum height Despite clause 3B.47, if a detached studio is within 900mm of a lane and is above a garage, the maximum height is 6m above ground level (existing). [graphic]

(3) Maximum gross floor area The maximum gross floor area of a detached studio is 36m².

(4) Side boundary setbacks A detached studio must have a minimum setback from each side boundary as shown in the following table:

Lot width at the building line	Minimum setback from each side

(5) Rear boundary setbacks A detached studio must have a minimum setback from the rear boundary of 3m.

(6) Despite subclause (5), if the lot has a rear boundary with a lane, the detached studio may be erected within 900mm of, or abut, the rear boundary for a maximum length of 50% of the length of that boundary.

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

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

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

- (a) the lot width measured at the building line is more than 8m, but not more than 12.5m, and
- (b) any building wall on the adjoining lot within 900mm of that boundary is of masonry construction and does not have a window facing that boundary, and
- (c) any wall erected within 900mm of the side boundary will not contain a door, window or any other opening.

(9) Maximum height of built to boundary walls The height of a wall erected within 900mm of a side boundary must not exceed:

- (a) 3.3m above ground level (existing), or
- (b) if the height of the built to boundary wall on the adjoining lot is higher than 3.3m--the height of that wall, but not more than 4.5m, or
- (c) if the building on the adjoining lot is subject to the same complying development certificate under clause 126 (4) of the Environmental Planning and Assessment Regulation 2000 --the height of the wall on the adjoining lot, but not more than 4.5m, or
- (d) if the wall is part of a detached studio that is above a garage--the height of the built to boundary wall on the adjoining lot, but not more than 6m.

(10) Separation from residential accommodation A detached studio must

be at least 3m from any building on the same lot that is residential accommodation.

(11) Privacy A privacy screen must be provided for any part of a window in a detached studio that is less than 1.5m above the floor level of that room in the following cases:

(a) the floor level of the studio is 1m or more, but not more than 3m, above ground level (existing) and the window faces a side or rear boundary (other than a boundary to a lane) and is less than 3m from that boundary,

(b) the floor level of the studio is 3m or more above ground level (existing) and the window faces a side or rear boundary (other than a boundary to a lane) and is less than 6m from that boundary.

(12) Any window in a detached studio with a floor level of more than 1.5m above ground level (existing) must not have an area of more than 2m².

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 3B.53

Other development standards for detached cabanas, cubby houses, ferneries, garden sheds, gazebos, greenhouses, rainwater tanks, shade structures or sheds

3B.53 Other development standards for detached cabanas, cubby houses, ferneries, garden sheds, gazebos, greenhouses, rainwater tanks, shade structures or sheds

A cabana, cubby house, fernery, garden shed, gazebo, greenhouse, rainwater tank (above ground), shade structure or shed must have a minimum setback from the rear boundary of 3m unless the lot has a rear boundary with a lane, in which case it may be erected within 900mm of, or abut, the rear boundary for a maximum length of 7m.

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 3B.54

Exceptions to setbacks

3B.54 Exceptions to setbacks

(1) Development to which side and rear setbacks do not apply The side and rear setback standards specified in this Subdivision do not apply to the following:

- (a) access ramps,**
- (b) downpipes,**
- (c) driveways and hard stand spaces,**
- (d) electricity or gas meters,**
- (e) fascias,**
- (f) fences,**
- (g) gutters,**
- (h) light fittings,**
- (i) pathways and paving.**

(2) Development to which side and rear setbacks do not apply if 450mm from boundary The side and rear setback standards specified in this Subdivision do not apply to the following if they are at least 450mm from the relevant boundary:

- (a) aerials,**
- (b) antennae,**

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

(3) Development to which road setbacks do not apply The road setbacks specified in this Subdivision do not apply to the following:

- (a) access ramps,
- (b) driveways,
- (c) eaves,
- (d) fences,
- (e) pathways and paving,
- (f) retaining walls.

(4) Rear boundaries with parallel roads or rear lanes Despite any rear setback specified in this Subdivision, if a lot has a rear boundary with a parallel road or lane, the following detached development may be erected within 3m of, or abut, the rear boundary for up to 50% of the length of that boundary:

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

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

Note 1 :

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

Note 2 :

"Classified road" and
"public reserve" have the same meanings as they have in the Standard Instrument.

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 3B.55

Minimum landscaped area

3B.55 Minimum landscaped area

The minimum landscaped area that must be provided on a lot is the minimum landscaped area required under this Part in respect of the residential accommodation to which the detached development relates.

Note :

"Landscaped area" and
"residential accommodation" have the same meanings as they have in the Standard Instrument.

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 3B.56

Development standards for swimming pools

3B.56 Development standards for swimming pools

(1) A swimming pool must be associated with a dual occupancy or manor house and be for the use of residents of the dual occupancy or manor house.

(2) Water from a swimming pool must be discharged in accordance with an approval under the Local Government Act 1993 if the lot is not connected to a sewer main.

(3) The pump must be housed in an enclosure that is soundproofed.

Note : The Protection of the Environment Operations Act 1997 contains provisions relating to noise pollution.

(4) Coping around a swimming pool must not be more than:

(a) 1.4m above ground level (existing), and

(b) 300mm wide if the coping is more than 600mm above ground level (existing).

(5) The pool must be designed so that it cannot be filled to a height of more than 1.2m above ground level (existing).

(6) A swimming pool must be located in the rear yard of the dual occupancy or manor house with a minimum setback of 1m from any side or rear boundary.

(7) The construction of a swimming pool for an existing manor house or for an existing dual occupancy (attached) where part of a dwelling is located above part of another dwelling must not decrease the landscaped area, or the principal private open space for a dwelling, below the amounts specified in relation to the manor house or dual occupancy in clause 3B.27.

Note 1 :

"Ground level (existing)" and

"landscaped area" have the same meanings as they have in the Standard Instrument.

Note 2 : A child-resistant barrier must be constructed or installed in accordance with the requirements of the Swimming Pools Act 1992.

Note 3 : Requirements relating to excavation for the purposes of a swimming pool are set out in clause 3B.58.

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 3B.57

Development standards for fences

3B.57 Development standards for fences

(1) A fence must not be erected under this code if:

(a) it is erected along a common boundary of a lot, that contains a heritage item or a draft heritage item, or

Note : Clause 1.19 (3A) prevents the erection of a fence under this code on a lot that contains a heritage item or a draft heritage item.

(b) it is erected along the boundary of, or within the setback area of, a primary or secondary road within a heritage conservation area or draft heritage conservation area, or

(c) it incorporates barbed wire in its construction or it is electrified, or

(d) it is constructed of metal components that are not low reflective materials, or

- (e) it is erected on bush fire prone land and is constructed of combustible material, or
 - (f) the design of the fence will restrict the flow of floodwater.
- (2) In the case of development on a flood control lot, the requirement in subclause (1) (f) is satisfied only if a joint report by a professional engineer specialising in hydraulic engineering and a professional engineer specialising in civil engineering states that the design of the fence will not restrict the flow of floodwater.
- (3) A fence erected behind the building line on a lot must:
- (a) not be higher than 1.8m above ground level (existing), and
 - (b) if it is on a sloping site and stepped to accommodate the fall in the land--not be higher than 2.2m above ground level (existing) at each step.
- (4) A fence erected forward of the building line on a lot must:
- (a) not be higher than:
 - (i) 1.2m above ground level (existing), or
 - (ii) if it is erected adjacent to a public reserve--1.5m above ground level (existing), or
 - (iii) if it is located in the setback area of a classified road--2.1m above ground level (existing), and
 - (b) not have an entrance gate that opens outward, and
 - (c) be open for at least 20% of the area of the fence that is more than 400mm above ground level (existing), with a minimum aperture of 25mm, and
 - (d) if it is located in the setback area of a classified road--be setback at least 1.5m from the relevant boundary with a landscaped area between the fence and the boundary.

Note 1 :

"Building line",
"primary road",
"secondary road" and
"setback" are defined in clause 1.5.

Note 2 :

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

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 3B.58

Earthworks, retaining walls and structural support

3B.58 Earthworks, retaining walls and structural support

- (1) Excavation for the purposes of development under this code must not exceed a maximum depth, measured from ground level (existing), of:
- (a) if located not more than 1m from any boundary--1m, and
 - (b) if located more than 1m but not more than 1.5m from any boundary--2m, and
 - (c) if located more than 1.5m from any boundary--3m.
- (2) Despite subclause (1), the excavation must not exceed a maximum depth, measured from ground level (existing), of 1m if:
- (a) the land is identified as Class 3 or 4 on an Acid Sulfate Soils Map, or
 - (b) the land is within 40m of a waterbody (natural), or
 - (c) the excavation is an aquifer interference activity

within the meaning of the Water Management Act 2000.

(3) Before an excavation that exceeds a maximum depth, measured from ground level (existing), of 1m is carried out on a lot, a groundwater works summary must be obtained for the lot that shows that there is no groundwater present on that part of the lot on which the excavation is to be carried out or that groundwater is present on that part of the lot but is below the level of the excavation.

Note : Groundwater summaries are available from www.waterinfo.nsw.gov.au.

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

(a) if the fill is for the purposes of the erection or alteration of, or an addition to, a dual occupancy or manor house under this code--1m, and

(b) if the fill is for any other purpose under this code--600mm.

(5) Despite subclause (4), the height of fill contained wholly within the footprint of a building or any attached development or detached development is not limited.

(6) Fill that is higher than 150mm above ground level (existing) and is not contained wholly within the footprint of a building or any attached development or detached development is limited to 50% of the landscaped area of the lot.

(7) The ground level (finished) of the fill must not be used to measure the height of any building or any attached development or detached development under this code.

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

(a) a professional engineer has certified as structurally sound, including in relation to (but not limited to) the ability to withstand the forces of lateral soil load, and

(b) has been designed so as not to redirect the flow of any surface water or ground water, or cause sediment to be transported, onto an adjoining property, and

(c) has adequate drainage lines connected to the stormwater drainage system for the site, and

(d) does not result in a retaining wall or structural support with a total height measured vertically from the base of the retaining wall or structural support to its uppermost portion that is more than the height of the associated excavation or fill, and

(e) is separated from any retaining wall or structural support on the site by at least 2m, measured horizontally, and

(f) has been installed in accordance with the manufacturer's specifications (if any), and

(g) if it is an embankment or batter--has a toe or top that is more than 1m from any side or rear boundary.

(9) If a retaining wall has a height of more than 600mm above ground level (existing) and is located within the front setback of a building, a landscaped area with a minimum depth of 600mm must be provided in front of the wall (on the low side).

Note 1 :

"Excavation",

"fill" and

"ground level (existing)" have the same meanings as they have in the Standard Instrument.

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

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 3B.59

Drainage

3B.59 Drainage

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

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

Note 1 :

"Drainage" has the same meaning as it has in the Standard Instrument.

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

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 3B.60

Protecting adjoining walls

3B.60 Protecting adjoining walls

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

Note 1 :

"Professional engineer" is defined in clause 1.5.

Note 2 :

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

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 3B.61

Setbacks of dual occupancies, manor houses, attached development and detached development from protected trees

3B.61 Setbacks of dual occupancies, manor houses, attached development and detached development from protected trees

(1) Pruning and removal of trees A complying development certificate for complying development under Division 1 is taken to satisfy any requirement under this Policy for a permit or development consent to remove or prune a tree or other vegetation on the lot if:

- (a) the tree is not listed on a register of significant trees kept by the council, and**
- (b) the tree or vegetation will be within 3m of any building that has an area of more than 25m², and**
- (c) the tree or vegetation has a height that is less than:**
 - (i) for development that is the erection of a new dual occupancy or manor house--8m and is not required to be retained as a condition of**

consent, or

(ii) in any other case--6m.

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

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

(a) an access ramp,

(b) a driveway, pathway or paving,

(c) an awning, blind or canopy,

(d) a fence, screen, or child-resistant barrier associated with a swimming pool or spa pool.

Note 1 :

"Development consent",

"dwelling house" and

"protected tree" are defined in clause 1.5.

Note 2 :

"Council",

"excavation",

"fill",

"ground level (existing)",

"spa pool" and

"swimming pool" have the same meanings as they have in the Standard Instrument.

Note 3 :

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

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

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 3B.62

Conditions specified in Schedule 6A apply

3B.62 Conditions specified in Schedule 6A apply

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

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 3B.63

Deferred application of Part to land in certain local government areas

3B.63 Deferred application of Part to land in certain local government areas

(1) This Part (other than this clause) does not apply to or in respect of land in a deferred area.

(2) For the purposes of this clause, land is in a "deferred area" if the land is in any of the following local government areas:

Bathurst Regional, Bayside, Bellingen, City of Blue Mountains, Burwood, Byron, Camden, City of Campbelltown, Canada Bay, Canterbury-Bankstown, Central Coast, City of Coffs Harbour, Cumberland, Georges River, City of

Hawkesbury, Hilltops, Hornsby, Hunter's Hill, Inner West, Kiama, City of Liverpool, Mid-Coast, Mid-Western Regional, Moree Plains, Mosman, Northern Beaches, City of Parramatta, City of Penrith, City of Randwick, City of Ryde, City of Shellharbour, City of Shoalhaven, Snowy Monaro Regional, Strathfield, Sutherland Shire, City of Sydney, Tamworth Regional, The Hills Shire, Tweed, Upper Lachlan Shire, City of Willoughby, Wingecarribee, Wollondilly, City of Wollongong, Woollahra, Yass Valley.

(3) This clause ceases to have effect on:

(a) in relation to land in a deferred area in the local government area of City of Ryde--1 July 2020, and

(b) in relation to other land in a deferred area--31 October 2019.

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- NOTES

Note to Part 3C Clause 1.18 (1) (b) states that to be complying development for the purposes of this Policy the development must be permissible with consent under an environmental planning instrument applying to the land on which the development is carried out.

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- NOTES

Note to Part 3C Clause 1.18 (1) (c) states that to be complying development for the purposes of this Policy the development must meet the relevant provisions of the Building Code of Australia. Clause 136A of the Environmental Planning and Assessment

Regulation

2000 requires a complying development certificate to be issued subject to the conditions specified in that clause, including a condition that building work must be carried out in accordance with the requirements of that Code.

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- NOTES

Note to Part 3C 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.

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 3C.1

Land to which this code applies

3C.1 Land to which this code applies

(1) This code applies to land within the Greenfield Housing Code Area.

Note : Land within the Greenfield Housing Code Area may still be subject to general exclusions from complying development provided for in this code.

(2) This code applies to the exclusion of any other code for complying development.

(3) Despite subclause (2), complying development under the Housing Code or the Transitional Housing Code, instead of under this code, may be carried out on land to which this code applies.

(4) Subclause (3) ceases to have effect:

(a) to the extent that it relates to the Transitional Housing Code, on 13 July 2019, and

(b) to the extent that it relates to the Housing Code, on 15 December 2019.

Note : Clause 2A.1 provides for the Transitional Housing Code.

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 3C.2

Development that is complying development under this code

3C.2 Development that is complying development under this code

(1) The following development is complying development under this code:

(a) the erection of a new 1 or 2 storey dwelling house and any attached development,

(b) the alteration of, or an addition to, a 1 or 2 storey dwelling house (including any addition that results in a 2 storey dwelling house) and any attached development,

(c) the erection of detached development and the alteration of, or an addition to, any detached development.

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

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

this code.

Note 2 :

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

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

[graphic]

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

- (a) the lot must be in Zone R1, R2, R3, R4 or RU5,**
- (b) the area of the lot must not be less than 200m²,**
- (c) the width of the lot must be at least 6m measured at the building line,**
- (d) the lot must have a minimum depth of 25m (from the property boundary adjacent to the primary road of the lot to the rear property boundary of the lot),**
- (e) there must only be 1 dwelling house on the lot at the completion of the development,**
- (f) the lot must have lawful access to a public road at the completion of the development,**
- (g) if the development is on a battle-axe lot--the lot must be at least 12m by 12m (not including the access laneway) and must have an access laneway that is at least 3m wide,**
- (h) if the development is on a corner lot--the width of the primary road boundary of the lot must be at least 6m.**

(4) A secondary dwelling with development consent or a complying development certificate is not a dwelling house for the purpose of subclause (3) (e).

(5) Erection of attached development and detached development Complying development specified for this code that is attached development or detached development may be carried out on a lot:

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

Note 1 :

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

Note 2 :

**"Basement" and
"secondary dwelling" have the same meanings as they have in the Standard Instrument.**

Note 3 :

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

Note 4 : Clauses 1.17A, 1.18 and 1.19 (1) of, and Schedule 6 to, this Policy contain additional requirements for complying development.

- REG 3C.3

Development that is not complying development under this code

3C.3 Development that is not complying development under this code

The following development is not complying development under this code:

- (a) the erection or alteration of, or an addition to, a roof terrace on the top most roof of a building,
- (b) development that is complying development under the Housing Alterations Code,
- (c) development that is attached to a secondary dwelling or group home,
- (d) the erection of a building over a registered easement,
- (e) the construction of a basement that will have an area that exceeds the limits shown in the following table:

- (f) the erection of a common wall,
- (g) the alteration of, or an addition to, a garage or carport that is located forward of the building line.

Note 1 :

"Attached",
"building line",
"common wall" and
"Housing Alterations Code" are defined in clause 1.5.

Note 2 :

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

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 3C.4

Determining lot type

3C.4 Determining lot type

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

- (a) standard lot,
- (b) corner lot,
- (c) parallel road lot,
- (d) battle-axe lot.

Note 1 :

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

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

[graphic] [graphic]

(2) A battle-axe lot has 3 side boundaries and a rear boundary. The rear boundary is opposite the boundary to which the front of the dwelling house faces. [graphic]

**STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)
2008**

- REG 3C.5

Complying development on bush fire prone land

3C.5 Complying development on bush fire prone land

(1) This clause does not apply to the following complying development under this code:

- (a) non-habitable detached development that is more than 10m from any dwelling house,**
- (b) landscaped areas,**
- (c) non-combustible fences,**
- (d) swimming pools.**

(2) If complying development under this code is carried out on bush fire prone land, the following development standards also apply in addition to any other development standards:

- (a) the development will not be carried out on any part of the lot that is bush fire attack level-40 (BAL-40) or in the flame zone (BAL-FZ),**
- (b) the lot on which the development is to be carried out must have direct access to a public road or a road vested in or maintained by the council,**
- (c) the dwelling house must be able to be connected to mains electricity,**
- (d) if reticulated or bottled gas is installed and maintained on the lot:**

- (i) it must be installed and maintained in accordance with AS/NZS 1596:2008, The storage and handling of LP Gas, and**

- (ii) the storage and handling of any LP gas on the lot must comply with the requirements of the relevant authorities (including the use of metal piping),**

- (e) any gas cylinder stored on the lot within 10m of any dwelling house must:**

- (i) have its release valves directed away from the dwelling house, and**

- (ii) be enclosed on the hazard side of the installation, and**

- (iii) have metal connections to and from the cylinder,**

- (f) there must not be any polymer sheathed flexible gas supply lines to gas meters adjacent to the dwelling house,**

- (g) if the development is carried out on a lot in Zone RU5, there must be:**

- (i) a reticulated water supply connection to the lot and a fire hydrant within 60m of any part of the development, or**

- (ii) a 10,000 L capacity water tank on the lot,**

- (h) if the development is carried out on a lot in any zone other than Zone RU5, there must be:**

- (i) a reticulated water supply connection to the lot, and**

- (ii) a fire hydrant within 60m of any part of the development,**

- (i) the development must comply with the requirements of all of the following:**

- (i) Planning for Bush Fire Protection (ISBN 0**

9751033 2 6) published by the NSW Rural Fire Service in December 2006,
(ii) Addendum: Appendix 3 (published by NSW Rural Fire Service in 2010) to Planning for Bush Fire Protection (ISBN 0 9751033 2 6),
(iii) AS 3959-2009, Construction of buildings in bushfire-prone areas,
(iv) any other document required by the Environmental Planning and Assessment Regulation 2000 (in accordance with section 79BA of the Act).

Note 1 :

"Attached development",
"bush fire attack level-40 (BAL-40)",
"council",
"detached",
"dwelling house" and
"flame zone (BAL-FZ)" are defined in clause 1.5.

Note 2 :

"Bush fire prone land",
"landscaped area",
"road" and
"swimming pool" have the same meanings as they have in the Standard Instrument.

(3) A development standard specified in subclause (2) (a) is satisfied if the council or a person who is recognised by the NSW Rural Fire Service as a suitably qualified consultant in bush fire risk assessment certifies that the development is not in bush fire attack level-40 (BAL-40) or the flame zone (BAL-FZ).

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 3C.6

Complying development on flood control lots

3C.6 Complying development on flood control lots

(1) Development under this code must not be carried out on any part of a flood control lot, other than a part of the lot that the council or a professional engineer who specialises in hydraulic engineering has certified, for the purposes of the issue of the relevant complying development certificate, as not being any of the following:

- (a) a flood storage area,
- (b) a floodway area,
- (c) a flow path,
- (d) a high hazard area,
- (e) a high risk area.

(2) If complying development under this code is carried out on any part of a flood control lot, the following development standards also apply in addition to any other development standards:

- (a) if there is a minimum floor level adopted in a development control plan by the relevant council for the lot, the development must not cause any habitable room in the dwelling house to have a floor level lower than that floor level,
- (b) any part of the dwelling house or any attached development or detached development that is erected at or below the flood planning level is constructed of flood compatible material,
- (c) any part of the dwelling house and any attached

development or detached development that is erected is able to withstand the forces exerted during a flood by water, debris and buoyancy up to the flood planning level (or if an on-site refuge is provided on the lot, the probable maximum flood level),

(d) the development must not result in increased flooding elsewhere in the floodplain,

(e) the lot must have pedestrian and vehicular access to a readily accessible refuge at a level equal to or higher than the lowest habitable floor level of the dwelling house,

(f) vehicular access to the dwelling house will not be inundated by water to a level of more than 0.3m during a 1:100 ARI (average recurrent interval) flood event,

(g) the lot must not have any open car parking spaces or carports lower than the level of a 1:20 ARI (average recurrent interval) flood event.

(3) The requirements under subclause (2) (c) and (d) are satisfied if a joint report by a professional engineer specialising in hydraulic engineering and a professional engineer specialising in civil engineering states that the requirements are satisfied.

(4) A word or expression used in this clause has the same meaning as it has in the Floodplain Development Manual, unless it is otherwise defined in this Policy.

(5) In this clause:

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

"flood planning level" means:

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

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

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

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

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

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

Note 1 :

"Council",

"flood control lot",

"habitable room" and

"professional engineer" are defined in clause 1.5.

Note 2 : A section 149 certificate from a Council will state whether or not a lot is a flood control lot.

CODES)

2008

- REG 3C.7

Development standards for land near Siding Spring Observatory

3C.7 Development standards for land near Siding Spring Observatory

(1) If complying development under this code is carried out on land in the local government area of Coonamble, Gilgandra, Warrumbungle Shire or that part of the local government area of Dubbo Regional that was formerly in the City of Dubbo, the development standards in this clause also apply in addition to any other development standards.

(2) Complying development specified for this code may only be carried out if it does not result in a dwelling house on land in the local government area of:

(a) Coonamble, Gilgandra, Warrumbungle Shire or that part of the local government area of Dubbo Regional that was formerly in the City of Dubbo with an outside light fitting other than a shielded light fitting, and

(b) Coonamble, Gilgandra or Warrumbungle Shire with more than 7 shielded outside light fittings or more than 5 such light fittings that are not automatic light fittings.

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 3C.8

Application of Division

3C.8 Application of Division

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

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 3C.9

Maximum building height

3C.9 Maximum building height

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

Note 1 :

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

Note 2 :

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

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 3C.10

Maximum gross floor area of all buildings

3C.10 Maximum gross floor area of all buildings

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

[graphic]

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

Note :

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

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 3C.11

Minimum setbacks and maximum height and length of boundary walls

3C.11 Minimum setbacks and maximum height and length of boundary walls

(1) Primary road setbacks A dwelling house and any attached development (other than a garage or carport) must be set back from a primary road so that the primary road is at least:

(a) for lots with an area of between 200m² -300m²:

- (i) 3m from the front building line of the dwelling house, and
- (ii) 1.5m from the articulation zone for the dwelling house, and

(b) for lots with an area of more than 300m²:

- (i) 4.5m from the front building line of the dwelling house, and
- (ii) 3m from the articulation zone for the dwelling house.

(2) Side setbacks The ground level of a dwelling house and any attached development (other than a garage to which subclause (4) applies) must have:

- (a) a minimum set back from one side boundary as shown under "Side A" in the following table, and
- (b) a minimum setback from the other side boundary as shown under "Side B" in the following table.

Note : Clause 3C.12 contains certain exclusions from the setbacks for lots of 10m or more in this subclause.

(3) The upper level of a dwelling house and any attached development

(other than a garage) must have:

- (a) a minimum set back from the "Side A" boundary referred to in subclause (2) (a), as shown under "Side A" in the following table, and
- (b) a minimum setback from the "Side B" boundary referred to in subclause (2) (b), as shown under "Side B" in the following table in relation to that lot.

Note : Clause 3C.12 contains certain exclusions from the setbacks for lots of 10m or more in this subclause.

(4) A garage that is attached to the rear elevation of a dwelling house must have a minimum setback from a side boundary as shown in the following table:

6m or more but less than 7m	0m from both side boundaries for a
7m or more but less than 10m	0m from one side boundary for a maximum length of 6.5m, and 900mm
10m or more but less than 15m	900mm from one side boundary for a
15m or more	900mm from one side boundary for a

(5) Maximum height of walls within 900mm of side boundary The height of a wall erected within 900mm of a side boundary must not exceed:

- (a) 3.3m above ground level (existing), or
- (b) if there is a building wall on the adjoining lot within 900mm of that boundary that is higher than 3.3m--the height of that wall, but not more than 8.5m, or
- (c) if the building on the adjoining lot is subject to the same complying development certificate under clause 126 (4) of the Environmental Planning and Assessment Regulation 2000 --the height of the wall on the adjoining lot, but not more than 8.5m.

[graphic]

(6) Maximum length of built to boundary walls within 900mm of side boundary The length of all walls within 900mm of a side boundary must not exceed the length shown in the following table:

Lot width at the building line	Maximum length of built to boundary
6m or more but less than 7m	20m or 50% of the depth of the lot,
7m or more but less than 10m	15m or 50% of the depth of the lot,
10m or more but less than 15m	11m or 50% of the depth of the lot,

[graphic]

Note : A wall built within 900mm of a wall on an adjoining lot is subject to clause 3C.35 (Protecting adjoining walls).

(7) Rear setbacks A dwelling house and any attached development must have a setback from the rear boundary of at least:

- (a) for a single storey dwelling house and any attached development--3m,

(b) for a 2 storey dwelling house and any attached development--6m.

Note : Certain exceptions to the rear setbacks apply if the lot has a rear boundary with a lane (see clause 3C.12 (5)).

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

Lot width at the building line	Minimum setback from secondary road

[graphic]

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

Note : Certain types of attached development may be built within the parallel road setback (see clause 3C.12 (6)).

[graphic]

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

(a) the setback for a dwelling house from a classified road specified by another environmental planning instrument applying to the land, or

(b) if no setback is specified--9m.

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

(12) Front setbacks for battle-axe lots A dwelling house and any attached development on a battle-axe lot must have a setback from the rear boundary of the lot that is in front of the battle-axe lot of at least 3m. [graphic]

Note 1 :

"Articulation zone",
"attached development",
"battle-axe lot",
"boundary wall",
"building element",
"building line",
"detached development",
"dwelling house",
"lane",
"primary road",
"setback" and
"standard lot" are defined in clause 1.5.

Note 2 :

"Building height",
"classified road" and
"ground level (existing)" have the same meanings as they have in the Standard Instrument.

Note 3 :

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

2008

- REG 3C.12

Exceptions to setbacks

3C.12 Exceptions to setbacks

(1) Development to which side and rear setbacks do not apply The side setback standards specified in clause 3C.11 (2) or (3) for a lot width measured at the building line of 10m or more but less than 15m or of 15m or more do not apply to the following:

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

(2) Development to which side and rear setbacks do not apply if 450mm from boundary The side setback standards specified in clause 3C.11

(2) or (3) for a lot width measured at the building line of 10m or more but less than 15m or of 15m or more do not apply to the following if they are at least 450mm from the relevant boundary:

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

(3) Road setbacks do not apply to eaves within 1m The setback standards specified in clause 3C.11 (1), (8), (9) and (10) do not apply to eaves if they are within 1m of the dwelling house.

(4) Development to which road setbacks do not apply The setback standards specified in clause 3C.11 (1), (8), (9) and (10) do not apply to the following:

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

(5) Lots with rear lanes Despite clause 3C.11 (7), if the lot has a rear boundary with a lane, the building may be erected within 900mm of, or abut, the rear boundary for a maximum of 50% of the length of that boundary.

(6) Certain attached development may be built within parallel road setback Despite clause 3C.11 (9), a cabana, cubby house, fernery, garden shed, gazebo, greenhouse or shed may be built within 3m of, or abut, a parallel road boundary for a maximum of 50% of the length of that boundary if the parallel road is not a classified road.

(7) Setbacks do not apply to existing parts of dwelling house or attached development The setback standards specified in clause 3C.11 do not apply to any existing parts of a dwelling house or attached development that will remain on the lot after the complying development is carried out.

Note 1 :

**"Articulation zone",
"attached development",
"dwelling house",**

"primary road" and "setback" are defined in clause 1.5.

Note 2 :

"Classified road" and "public reserve" have the same meanings as they have in the Standard Instrument.

Note 3 :

"Environmental planning instrument" has the same meaning as it has in the Act.

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 3C.13

Other development standards for attached garages

3C.13 Other development standards for attached garages

(1) An attached garage on a lot with a width of more than 7m measured at the building line must have a setback from a primary road of least 5.5m.

(2) An attached garage on a lot with a width of 6m or more but not more than 7m measured at the building line must be located at the rear of a dwelling house.

(3) The maximum height of the floor level of an attached rear garage is the height shown in the following table:

Setback from the rear boundary	Maximum permitted floor level above

(4) Despite clause 3C.9, the maximum height of an attached rear garage on a lot with a width of 6m or more is 3.3m.

(5) The total floor area of all attached rear garages that, after the completion of the development:

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

must not be more than 12m².

(6) Despite clause 3C.11 (7), if the lot has a rear boundary with a lane, an attached garage must have a minimum setback from the rear boundary as shown in the following table:

10m or more but less than 15m	0m for a maximum of 6.5m of the
15m or more	0m for a maximum of 9m of the length

Note 1 :

"Attached",
"building line",
"dwelling house" and
"floor area" are defined in clause 1.5.

Note 2 :

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

Note 3 : See also standards for car parking and vehicle access requirements in clause 3C.19.

**STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)
2008**

- REG 3C.14

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

3C.14 Other development standards for balconies, decks, patios, terraces and verandahs attached to side or rear of dwelling house

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

- (a) the area of the lot is more than 300m², and**
- (b) the width of the lot, measured at the building line, is more than 10m.**

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

Setback from the side or rear	Maximum permitted floor level above

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

- (a) are within 6m from a side or rear boundary, and**
 - (b) have a finished floor level of more than 2m above ground level (existing),**
- must not be more than 12m².**

Note 1 :

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

Note 2 :

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

Note 3 : A balcony, deck, patio, terrace or verandah may require a privacy screen--see clause 3C.18.

**STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)
2008**

- REG 3C.15

Minimum landscaped area

3C.15 Minimum landscaped area

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

(2) Each landscaped area must have a minimum width and length of 1.5m.

(3) The minimum landscaped area calculated in accordance with subclause (1) must be provided as follows:

(a) if the lot width measured at the building line is 18m or less--25% of the area forward of the building line must be landscaped,

(b) if the lot width measured at the building line is more than 18m--50% of the area forward of the building line must be landscaped.

[graphic]

(4) Subclause (3) does not apply if the lot is a battle-axe lot.

(5) This clause does not apply to complying development that is the alteration of, or an addition to, a dwelling house or attached development if the development does not:

(a) increase the footprint of the dwelling house or attached development, or

(b) decrease the landscaped area on the lot.

Note 1 :

"Battle-axe lot, building line" and

"principal private open space" are defined in clause 1.5.

Note 2 :

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

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 3C.16

Building design

3C.16 Building design

(1) This clause applies to the erection of a dwelling house on a lot, other than a battle-axe lot.

(2) The dwelling house must contain the following building elements:

(a) at least 1 door and 1 window to a habitable room at ground floor level facing the primary road, or

(b) at least 1 door and 1 window to a habitable room at ground floor level facing any parallel road.

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

(4) The following building elements may be located in the articulation zone:

(a) an entry feature or portico,

(b) a balcony, deck, pergola, terrace or verandah,

(c) a window box treatment,

(d) a bay window or similar feature,

(e) an awning or other feature over a window,

(f) a sun shading feature,

(g) an eave.

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

(6) Maximum height of building elements A building element on a dwelling house (other than an entry feature or portico that has the

same pitch as the roof on the dwelling house) must not extend:

- (a) more than 1m above the gutter line of the eaves of a single storey dwelling house, or
- (b) above the gutter line of the eaves of a 2 storey dwelling house.

(7) Secondary road frontage on corner lots A dwelling house on a corner lot must have a window to a habitable room with an area of at least 1m² that faces and is visible from the secondary road.

(8) A dwelling house with a setback from a secondary road of not more than 4.5m must have at least one of the following building elements for a minimum length of 20% of the elevation of the walls that face the secondary road and that are within 4.5m of the secondary road:

- (a) an entry feature or portico,
- (b) a balcony, deck, pergola, terrace or verandah,
- (c) a bay window,
- (d) a step of at least 600mm in depth.

(9) Building elements listed in subclause (8) may be located in a secondary road articulation zone if:

- (a) the zone extends no more than 1m into the minimum required setback area and spans the length of the walls that face the secondary road, and
- (b) the building element comprises no more than 20% of the zone area.

[graphic]

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

Note 1 :

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

Note 2 :

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

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

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 3C.17

Windows, doors and openings

3C.17 Windows, doors and openings

Any wall erected within 900mm of a side boundary must not contain a door, window or any other opening.

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 3C.18

Privacy screens for windows and certain attached development

3C.18 Privacy screens for windows and certain attached development

(1) A privacy screen must be provided for any part of a window to a habitable room that is less than 1.5m above the finished floor level of that room if:

(a) the window faces and is less than 3m from a side or rear boundary and the room has a finished floor level of more than 1m above ground level (existing), or

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

(2) Subclause (1) does not apply to a bedroom window that has an area of not more than 2m². [graphic]

(3) A privacy screen of at least 1.7m, but not more than 2.2m, above the finished floor level of a balcony, deck, patio, terrace or verandah must be installed at the edge of that part of the balcony, deck, patio, terrace or verandah that is parallel to or faces towards the relevant side or rear boundary if the area of the balcony, deck, patio, terrace or verandah is at least 3m² and:

(a) that edge is less than 3m from a side or rear boundary and the balcony, deck, patio, terrace or verandah has a finished floor level of more than 1m above ground level (existing), or

(b) that edge is at least 3m, but not more than 6m from a side or rear boundary and the balcony, deck, patio, terrace or verandah has a finished floor level of more than 2m above ground level (existing). [graphic]

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

Note 1 :

"Habitable room" and

"privacy screen" are defined in clause 1.5.

Note 2 :

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

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 3C.19

Car parking and vehicle access requirements

3C.19 Car parking and vehicle access requirements

(1) At least 1 off-street car parking space, being an open hard stand space or a carport or garage, must be provided on a lot unless:

(a) the lot has a width of less than 8m measured at the building line, or

(b) the complying development is the alteration of, or an addition to, a dwelling house and the lot does not contain an off-street car parking space, or

(c) the complying development is the erection or alteration of, or an addition to, attached development and the lot does not contain an off-street car parking space.

(2) All off-street car parking spaces and vehicle access must comply with AS 2890.1:2004, Parking facilities--Off-street car parking.

(3) The off-street car parking space for a battle-axe lot must be constructed so that vehicles can leave the lot in a forward direction.

(4) An attached garage may only be erected on a lot that has a width of less than 8m measured at the building line if the garage is accessed only from a secondary road, parallel road or lane.

(5) An attached garage, carport or car parking space accessed from a primary road must have a minimum setback as shown in the following table:

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

[graphic]

(6) The maximum width of all garage door openings facing a primary, secondary or parallel road is shown in the following table:

Lot width at the building line	Maximum width of garage door
10m or more but less than 11m	for a 1 storey dwelling house--3.2m
15m or more	50% of width of front facade of dwelling or 7.2m, whichever is the

(7) The maximum width of all driveways measured at the boundary to which the front of the dwelling house faces is shown in the following table:

10m or more but less than 15m	single entry driveway--3m
-------------------------------	---------------------------

Note 1 :

"Attached",
 "battle-axe lot",
 "building line",
 "detached",
 "hard stand space",
 "lane",
 "parallel road",
 "primary road",
 "secondary road" and
 "setback" are defined in clause 1.5.

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

Note 3 : Alterations or additions to a garage or carport that is forward of the building line is not complying development under this code (see clause 3C.3 (3) (g)).

2008
- REG 3C.20
Application of Division

3C.20 Application of Division

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

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008
- REG 3C.21
Maximum height

3C.21 Maximum height

The maximum height for any detached development is 4.5m above ground level (existing).

Note 1 :
"Detached development" is defined in clause 1.5.

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

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008
- REG 3C.22
Maximum gross floor area of all buildings on lot

3C.22 Maximum gross floor area of all buildings on lot

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

[graphic]

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

Note :
"Battle-axe lot" is defined in clause 1.5.

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008
- REG 3C.23

Maximum gross floor area of certain detached development

3C.23 Maximum gross floor area of certain detached development

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

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

Note : The maximum gross floor area of detached studios is set out in clause 3C.28.

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 3C.24

Minimum setbacks and maximum height and length of built to boundary walls

3C.24 Minimum setbacks and maximum height and length of built to boundary walls

(1) Primary and secondary road setbacks Detached development (other than a detached garage or carport) must be located behind the building line of a dwelling house that is adjacent to any primary road or secondary road.

Note 1 : Primary and secondary road setbacks for detached garages and carports are set out in clause 3C.26.

Note 2 : Clause 3C.29 contains certain exclusions from, and exceptions to, the setbacks specified in this clause.

(2) Side setbacks Detached development that is any of the following must have a minimum setback from the side boundary of a lot as shown in the table to this subclause:

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

Lot width at the building line	Minimum setback from each side

Note : Side boundary setbacks for detached studios are set out in clause 3C.28.

(3) Built to boundary setbacks Despite subclause (2), detached development that is referred to in that subclause may be built to 1 or both side boundaries if:

- (a) the lot is not a corner lot, and
- (b) the lot width measured at the building line is at least 6m, but not more than 8m, and
- (c) if there is a building wall on the adjoining lot within 900mm of that boundary--that wall is of masonry

construction and does not have a window facing that boundary, and

(d) any wall erected within 900mm of a side boundary will not contain a door, window or any other opening.

[graphic]

(4) Despite subclause (2), detached development that is referred to in that subclause may be built to 1 side boundary if:

(a) the lot width measured at the building line is more than 8m, but not more than 12.5m, and

(b) any building wall on the adjoining lot within 900mm of that boundary is of masonry construction and does not have a window facing that boundary, and

(c) any wall erected within 900mm of the side boundary will not contain a door, window or any other opening.

(5) Maximum height of built to boundary walls The height of a wall erected within 900mm of a side boundary must not exceed:

(a) 3.3m above ground level (existing), or

(b) if there is a building wall on the adjoining lot within 900mm of that boundary that is higher than 3.3m--the height of that wall, but not more than 4.5m, or

(c) if the building on the adjoining lot is subject to the same complying development certificate under clause 126 (4) of the Environmental Planning and Assessment Regulation 2000 --the height of the wall on the adjoining lot, but not more than 4.5m.

(6) Maximum length of built to boundary walls The length of all walls within 900mm of a side boundary must not exceed the length shown in the following table:

Lot width at the building line	Maximum length of built to boundary
6m-10m	20m or 50% of the depth of the lot,

[graphic]

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

(a) if the length of the built to boundary wall on the adjoining lot is longer than the maximum length calculated under subclause (6)--the length of that wall, or

(b) if the building on the adjoining lot is subject to the same complying development certificate under clause 126 (4) of the Environmental Planning and Assessment Regulation 2000 --the length of the wall on the adjoining lot.

Note : A wall built within 900mm of a wall on an adjoining lot is subject to clause 3C.35 (Protecting adjoining walls).

(8) Rear setbacks Detached development that is any of the following must have a minimum setback from the rear boundary of a lot as shown in the table to this subclause:

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

(b) a rainwater tank (above ground),

(c) a shade structure or a shed.

Note : Rear setbacks for detached garages and carports, detached decks, patios, pergolas, terraces and verandahs and detached studios are set out in clauses 3C.26, 3C.28

and 3C.29, respectively.

(9) Parallel road setbacks for parallel road lots Detached development on a lot must have a minimum setback from a parallel road of 3m.

Note : Clause 3C.29 (4) contains exceptions to this setback for certain types of detached development.

[graphic]

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

(a) the setback for a dwelling house from a classified road specified by any other environmental planning instrument applying to the land, or

(b) if no setback is specified--9m.

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

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

(b) a carport or garage,

(c) a deck, patio, pergola, terrace or verandah,

(d) a rainwater tank (above ground),

(e) a shade structure or shed.

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 3C.25

Heritage conservation areas

3C.25 Heritage conservation areas

(1) Detached development may not be erected on a lot in a heritage conservation area or a draft heritage conservation area if the lot adjoins a lane, a secondary road or a parallel road.

(2) If the lot does not adjoin a lane, a secondary road or a parallel road, detached development (other than a detached studio) may be erected on the lot in a heritage conservation area or draft heritage conservation area if it:

(a) is located behind the rear building line of the dwelling house, and

(b) is no closer to the side boundaries than the dwelling house, and

(c) has a gross floor area of not more than 20m².

Note :

"Building line",

"dwelling house",

"gross floor area",

"heritage conservation area",

"lane",

"parallel road" and

"secondary road" are defined in clause 1.5.

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 3C.26

Other development standards for detached garages and carports

3C.26 Other development standards for detached garages and carports

(1) Car parking and vehicle access requirements All off-street car parking spaces and vehicle access must comply with AS 2890.1:2004, Parking facilities--Off-street car parking.

(2) The off-street car parking space for a battle-axe lot must be constructed so that vehicles can leave the lot in a forward direction.

(3) A detached garage or carport may only be erected on a lot that has a width of less than 8m at the building line if the only vehicular access to the lot is from a secondary road, a parallel road or a lane.

(4) A detached garage must be located at the rear of the dwelling house if the width of the lot is not more than 7m measured at the building line.

(5) A carport must have 2 or more sides open and have not less than one-third of its perimeter open.

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

Primary road setback of dwelling	Minimum required garage or carport
4.5m or more	At least 1m behind the building

[graphic]

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

(8) Rear setbacks A detached garage or carport must have a minimum setback from the rear boundary as shown in the following table:

(9) Built to rear boundary Despite subclause (8), a detached garage or carport of masonry construction may be built to the rear boundary if:

(a) the lot area is at least 200m², but not more than 300m², and

(b) the wall of a building on the adjoining lot within 900mm of that boundary (if any) is of masonry construction and does not have a window facing that boundary.

(10) Maximum width of garage doors The maximum width of all detached garage and carport door openings facing a primary, secondary or parallel road is shown in the following table:

[graphic]

Note 1 :

"Battle-axe lot",
"boundary wall",
"building line",
"corner lot",

"detached",
"dwelling house",
"gross floor area",
"heritage conservation area",
"lane",
"parallel road",
"primary road",
"secondary road" and
"setback" are defined in clause 1.5.

Note 2 :

"Building height" and
"ground level (existing)" have the same meanings as they have in the
Standard Instrument.

**STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT
CODES)**

2008

- REG 3C.27

**Other development standards for detached decks, patios, pergolas, terraces and
verandahs**

**3C.27 Other development standards for detached decks, patios, pergolas,
terraces and verandahs**

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

Note :

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

(2) Rear setbacks A detached deck, patio, pergola, terrace or
verandah must have a minimum setback from the rear boundary as shown
in the following table:

**STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT
CODES)**

2008

- REG 3C.28

Other development standards for detached studios

3C.28 Other development standards for detached studios

**(1) There must only be 1 detached studio on the lot at the completion
of the development.**

(2) Maximum height Despite clause 3C.21, if a detached studio is
within 900mm of a lane and is above a garage, the maximum height is
6m above ground level (existing). [graphic]

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

(4) Side and rear boundary setbacks A detached studio must have a
minimum setback from each side and rear boundary as shown in the

following table:

Lot width at the building line	Minimum setback from each side and

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

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

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

[graphic]

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

- (a) the lot width measured at the building line is more than 8m, but not more than 12.5m, and
- (b) any building wall on the adjoining lot within 900mm of that boundary is of masonry construction and does not have a window facing that boundary, and
- (c) any wall erected within 900mm of the side boundary will not contain a door, window or any other opening.

(8) Maximum height of built to boundary walls The height of a wall erected within 900mm of a side boundary must not exceed:

- (a) 3.3m above ground level (existing), or
- (b) if the height of the built to boundary wall on the adjoining lot is higher than 3.3m--the height of that wall, but not more than 4.5m, or
- (c) if the building on the adjoining lot is subject to the same complying development certificate under clause 126 (4) of the Environmental Planning and Assessment Regulation 2000 --the height of the wall on the adjoining lot, but not more than 4.5m, or
- (d) if the wall is part of a detached studio that is above a garage--the height of the built to boundary wall on the adjoining lot, but not more than 6m.

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

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

Note 1 :

"Boundary wall",
"building line",
"detached",
"dwelling house",
"gross floor area",
"heritage conservation area",
"lane",
"parallel road",

"primary road",
"privacy screen",
"secondary road" and
"setback" are defined in clause 1.5.

Note 2 :

"Building height" and
"ground level (existing)" have the same meanings as they have in the
Standard Instrument.

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 3C.29

Exceptions to setbacks

3C.29 Exceptions to setbacks

(1) Development to which side and rear setbacks do not apply The side and rear setback standards specified in this Subdivision do not apply to the following:

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

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

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

(3) Development to which road setbacks do not apply The road setbacks specified in this Subdivision do not apply to the following:

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

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

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

(5) Setbacks do not apply to existing parts of detached development The setback standards specified in this Subdivision do not apply to

any existing parts of detached development that will remain on the lot after the complying development is carried out.

Note 1 :

"Articulation zone",
"boundary wall",
"building line",
"dwelling house" and
"setback" are defined in clause 1.5.

Note 2 :

"Classified road",
"public reserve" and
"rainwater tank" have the same meanings as they have in the Standard Instrument.

Note 3 :

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

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 3C.30

Minimum landscaped area

3C.30 Minimum landscaped area

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

(2) Each landscaped area must have a minimum width and length of 1.5m.

(3) The minimum landscaped area calculated in accordance with subclause (1) must be provided as follows:

(a) if the lot width measured at the building line is 18m or less--25% of the area forward of the building line must be landscaped,

(b) if the lot width measured at the building line is more than 18m--50% of the area forward of the building line must be landscaped.

: [graphic]

(4) This clause does not apply to complying development that is the alteration of, or addition to, detached development if the development does not:

(a) increase the footprint of the detached development, or

(b) decrease the landscaped area on the lot.

Note 1 :

"Building line" and
"principal private open space" are defined in clause 1.5.

Note 2 :

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

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 3C.31

Development standards for swimming pools

3C.31 Development standards for swimming pools

- (1) A swimming pool must be for private use and associated with a dwelling house.**
- (2) Water from a swimming pool must be discharged in accordance with an approval under the Local Government Act 1993 if the lot is not connected to a sewer main.**
- (3) The pump must be housed in an enclosure that is soundproofed.**
- (4) Height of coping and decking Coping around a swimming pool must not be more than:
 - (a) 1.4m above ground level (existing), and**
 - (b) 300mm wide if the coping is more than 600mm above ground level (existing).****
- (5) Decking around a swimming pool must not be more than 600mm above ground level (existing).**
- (6) A swimming pool must be located behind the building line of the dwelling house.**
- (7) The swimming pool water line must have a setback of at least 1m from a side or rear boundary.**
- (8) Heritage conservation areas Despite subclauses (6) and (7), if the swimming pool is being constructed in a heritage conservation area or a draft heritage conservation area the swimming pool must be located:
 - (a) behind the building line of the dwelling house that is adjacent to the rear boundary of the lot, and**
 - (b) no closer to each side boundary than the dwelling house.****

Note 1 :

**"Building line",
"dwelling house",
"heritage conservation area",
"principal private open space" and
"setback" are defined in clause 1.5.**

Note 2 :

**"Ground level (existing)" and
"landscaped area" have the same meanings as they have in the Standard Instrument.**

Note 3 : A child-resistant barrier must be constructed or installed in accordance with the requirements of the Swimming Pools Act 1992.

Note 4 : Requirements relating to excavation for the purposes of a swimming pool are set out in clause 3C.33.

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 3C.32

Development standards for fences

3C.32 Development standards for fences

- (1) A fence may be erected on a lot under this code if it is not constructed or installed:
 - (a) on a lot, or along a common boundary of a lot that contains a heritage item or a draft heritage item, or**
 - (b) along the boundary of, or within the setback area of, a primary or secondary road within a heritage conservation area or draft heritage conservation area.****

- (2) A fence erected behind the building line on a lot must:
- (a) not be higher than 1.8m above ground level (existing), and
 - (b) not incorporate barbed wire in its construction or be electrified, and
 - (c) if it includes an entrance gate--not have a gate that opens outward, and
 - (d) if it is constructed of metal components--be of low reflective, factory pre-coloured materials, and
 - (e) if it is on a sloping site and stepped to accommodate the fall in the land--be no higher than 2.2m above ground level (existing) at each step, and
 - (f) be designed so as not to restrict the flow of any floodwater.
- (3) A fence erected forward of the building line on a lot must:
- (a) not be higher than 1.2m above ground level (existing), and
 - (b) not incorporate barbed wire in its construction or be electrified, and
 - (c) if it includes an entrance gate--not have a gate that opens outward, and
 - (d) if it is constructed of metal components--be of low reflective, factory pre-coloured materials, and
 - (e) be open for at least 20% of the area of the fence that is more than 400mm above ground level (existing), with any individual solid element of the fence above that height being no more than 350mm wide with a minimum aperture of 25mm, and
 - (f) be designed so as not to restrict the flow of any floodwater.
- (4) Despite subclause (2) (a), any fence located in the setback area of a primary or secondary road must not be higher than 1.2m above ground level (existing).
- (5) A fence erected on bush fire prone land must be constructed of non-combustible material.
- (6) A requirement in subclause (2) (f) or (3) (f) is satisfied if a joint report by a professional engineer specialising in hydraulic engineering and a professional engineer specialising in civil engineering states that the requirement is satisfied.

Note 1 :

"Building line",
"primary road",
"secondary road" and
"setback" are defined in clause 1.5.

Note 2 :

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

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

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 3C.33

Earthworks, retaining walls and structural support

3C.33 Earthworks, retaining walls and structural support

(1) Excavation Excavation for the purposes of development under this

code must not exceed a maximum depth, measured from ground level (existing), of:

- (a) if located not more than 1m from any boundary--1m, and
 - (b) if located more than 1m but not more than 1.5m from any boundary--2m, and
 - (c) if located more than 1.5m from any boundary--3m.
- (2) Despite subclause (1), the excavation must not exceed a maximum depth, measured from ground level (existing), of 1m if the land is identified as Class 3 or 4 on an Acid Sulfate Soils Map or is within 40m of a waterbody (natural).
- (3) Fill Fill must not exceed a maximum height, measured from ground level (existing), of:
- (a) if the fill is for the purposes of the erection or alteration of, or an addition to, a dwelling house under this code--1m, or
 - (b) if the fill is for any other purpose under this code--600mm.
- (4) Despite subclause (3), the height of fill contained wholly within the footprint of a dwelling house or any attached development or detached development is not limited.
- (5) Fill that is higher than 150mm above ground level (existing) and is not contained wholly within the footprint of a dwelling house or any attached development or detached development is limited to 50% of the landscaped area of the lot.
- (6) The ground level (finished) of the fill must not be used to measure the height of any dwelling house or any attached development or detached development under this code.
- (7) Retaining walls and structural supports Support for earthworks more than 600mm above or below ground level (existing) must take the form of a retaining wall or other structural support that:
- (a) a professional engineer has certified as structurally sound, including in relation to (but not limited to) the ability to withstand the forces of lateral soil load, and
 - (b) has been designed so as not to redirect the flow of any surface water or ground water, or cause sediment to be transported, onto an adjoining property, and
 - (c) has adequate drainage lines connected to the stormwater drainage system for the site, and
 - (d) does not have a total height measured vertically from the base of the retaining wall or structural support to its uppermost portion that is more than the height of the associated excavation or fill, and
 - (e) is separated from any other retaining wall or structural support on the site by at least 2m, measured horizontally, and
 - (f) has been installed in accordance with any manufacturer's specifications, and
 - (g) if it is an embankment or batter--has a toe or top that is more than 1m from any side or rear boundary.

Note 1 :

"Excavation",

"fill" and

"ground level (existing)" have the same meanings as they have in the Standard Instrument.

Note 2 : Fill and excavation that is not associated with a building may be exempt development under clauses 3C.32 and 3C.33.

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 3C.34

Drainage

3C.34 Drainage

All stormwater collecting as a result of the carrying out of development under this code must be directed by a gravity fed or charged system to:

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

Note 1 :

"Drainage" has the same meaning as it has in the Standard Instrument.

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

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 3C.35

Protecting adjoining walls

3C.35 Protecting adjoining walls

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

Note 1 :

"Professional engineer" is defined in clause 1.5.

Note 2 :

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

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 3C.36

Setbacks of dwelling houses, attached development and detached development from protected trees

3C.36 Setbacks of dwelling houses, attached development and detached development from protected trees

(1) Pruning and removal of trees A complying development certificate for complying development under Division 1 is taken to satisfy any requirement under this Policy for a permit or development consent to remove or prune a tree or other vegetation on the lot if:

- (a) the tree is not listed on a register of significant trees kept by the council, and**
- (b) the tree or vegetation will be within 3m of any building that has an area of more than 25m², and**
- (c) the tree or vegetation has a height that is less than:**
 - (i) for development that is the erection of a dwelling house--8m and is not required to be retained as a condition of consent, or**
 - (ii) in any other case--6m.**

(2) Setbacks from protected trees Development under this code must be at least 3m from each protected tree on the lot (measured from the

base of the trunk of the tree).

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

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

Note 1 :

"Development consent",
"dwelling house" and
"protected tree" are defined in clause 1.5.

Note 2 :

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

Note 3 :

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

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

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 3C.37

Conditions specified in this clause and Schedule 6 apply

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

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

Note :

"Complying development certificate" and
"environmental planning instrument" have the same meanings as they have in the Act.

(2) Waste management The following are conditions applying before works commence (in addition to those set out in Part 1 of Schedule 6):

(a) A waste management plan for the work must be submitted to the principal certifying authority at least 2 days before work commences on the site.

(b) The waste management plan must:

(i) identify all waste (including excavation, demolition and construction waste materials) that will be generated by the work on the site, and

(ii) identify the quantity of waste material in tonnes and cubic metres to be:

(A) reused on-site, and

(B) recycled on-site and off-site, and

(C) disposed of off-site, and

(iii) if waste materials are to be reused or recycled on-site--specify how the waste material will be reused or recycled on-site, and

(iv) if waste materials are to be disposed of or recycled off-site--specify the contractor who will be transporting the materials and the waste facility or recycling outlet to which the materials will be taken.

(c) A garbage receptacle must be provided at the work site before works begin and must be maintained until the works are completed.

(d) The garbage receptacle must have a tight fitting lid and be suitable for the reception of food scraps and papers.

Note : A council has power under section 124 of the Local Government Act to make specific orders about the removal or keeping of waste.

(3) Maintenance of site The following is a condition applying during works (in addition to those set out in Part 2 of Schedule 6):

Copies of receipts stating the following must be given to the principal certifying authority:

- (a) the place to which waste materials were transported,
- (b) the name of the contractor transporting the materials,
- (c) the quantity of materials transported off-site and recycled or disposed of.

Note : Clause 9 of Schedule 6 sets out further conditions relating to maintenance of the site.

(4) Planting of trees The following is a condition applying as an operational requirement (in addition to those set out in Part 2 of Schedule 6):

A species of tree must be planted:

- (a) in the area opposite the boundary to which the front of the dwelling house faces--that is capable of achieving a height of at least 8m at maturity, and
- (b) in the area opposite the rear boundary of the dwelling house--that is capable of achieving a height of at least 5m at maturity.

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- NOTES

Note to Part 3D Clause 1.18 (1) (b) states that to be complying development for the purposes of this Policy, the development must be permissible with consent under an environmental planning instrument applying to the land on which the development is carried out.

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- NOTES

Note to Part 3D Schedule 3 contains variations to this code.

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- NOTES

Note to Part 3DIn 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

Act

1993, the Swimming Pools Act

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.

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 3D.1

Land to which code applies

3D.1 Land to which code applies

(1) Subject to subclause (2), this code applies to the development that is specified in clauses 3D.3-3D.66 on land in Zones RU1, RU2, RU3, RU4, RU5, RU6, R1, R2, R3, R4 and R5 in inland local government areas.

(2) This code does not apply to land to which the Greenfield Housing Code applies.

(3) Except as provided by clause 3D.2, the Housing Code and Rural Housing Code do not apply to land to which this code applies.

(4) In this clause,

"inland local government areas" means the local government areas of Albury City, Armidale Regional, Balranald, Bathurst Regional, Berrigan, Bland, Blayney, Bogan, Bourke, Brewarrina, Broken Hill, Cabonne, Carrathool, Central Darling, Cobar, Coolamon, Coonamble, Cootamundra-Gundagai Regional, Cowra, Dubbo Regional, Dungog, Edward River, Federation, Forbes, Gilgandra, Glen Innes Severn Shire, Goulburn Mulwaree, Greater Hume Shire, Griffith, Gunnedah, Gwydir, Hay, Hilltops, Inverell, Junee, Lachlan, Leeton, Lithgow, Liverpool Plains, Lockhart, Mid-Western Regional, Moree Plains, Murray River, Murrumbidgee, Muswellbrook, Narrabri, Narrandera, Narromine, Oberon, Orange, Parkes, Queanbeyan-Palerang Regional, Singleton, Snowy Monaro Regional, Snowy Valleys, Tamworth Regional, Temora, Tenterfield, Upper Hunter Shire, Upper Lachlan Shire, Uralla, Wagga Wagga, Walcha, Walgett, Warren, Warrumbungle Shire, Weddin, Wentworth and Yass Valley.

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 3D.2

Savings and transitional provision

3D.2 Savings and transitional provision

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

(2) The Transitional Housing Code continues to apply to land to which this code applies, and development may be carried out on the land under the Transitional Housing Code, until 13 July 2019.

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 3D.3

Development that is complying development under this code

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

(1) The following development is complying development under this code:

- (a) subject to subclause (2), the erection of a new 1 or 2 storey dwelling house and any attached development,**
- (b) the alteration of, or an addition to, a 1 or 2 storey dwelling house (including any addition that results in a 2 storey dwelling house) and any attached development,**
- (c) the erection of detached development and the alteration of, or an addition to, any detached development.**

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

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

Note 2 :

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

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

[graphic]

(3) Development specified for this code may only be carried out on a lot that has lawful direct frontage access or a right of carriageway to a public road or a road vested in or maintained by the council (other than an unformed Crown road or a Crown road vested in the Council, but not maintained).

(4) If, under section 88B of the Conveyancing Act 1919, a restriction is created that specifies a building envelope for a lot, development specified for this code may only be carried out within the building envelope specified.

(5) Erection of attached development and detached development Complying development specified for this code that is attached development or detached development may be carried out on a lot:

- (a) if a dwelling house exists on the lot--at any time, or**

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

Note 1 :

"Attached development",
"detached development",
"development consent" and
"dwelling house" are defined in clause 1.5.
"Basement" has the same meaning as it has in the Standard Instrument.

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

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

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 3D.4

Development that is not complying development under this code

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

The following development is not complying development under this code:

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

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

Note 1 :

"Attached",
"building line",

"common wall",
"detached" and
"Housing Alterations Code" are defined in clause 1.5.

Note 2 :

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

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 3D.5

Determining lot type

3D.5 Determining lot type

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

- (a) standard lot,
- (b) corner lot,
- (c) parallel road lot,
- (d) battle-axe lot.

Note 1 :

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

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

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 3D.6

Complying development on bush fire prone land

3D.6 Complying development on bush fire prone land

(1) This clause does not apply to the following complying development under this code:

- (a) non-habitable detached development (other than farm buildings) that is more than 10m from any dwelling house,
- (b) landscaped areas,
- (c) non-combustible fences,
- (d) swimming pools.

(2) If complying development under this code is carried out on bush fire prone land, the following development standards also apply in addition to any other development standards:

- (a) the development will not be carried out on any part of the lot that is bush fire attack level-40 (BAL-40) or in the flame zone (BAL-FZ),
- (b) the lot on which the development is to be carried out must have direct access to a public road or a road vested in or maintained by the council,
- (c) the dwelling house must be able to be connected to mains electricity,
- (d) if reticulated or bottled gas is installed and maintained on the lot:

- (i) it must be installed and maintained in accordance with AS/NZS 1596:2014, The storage and handling of LP Gas, and
 - (ii) the storage and handling of any LP gas on the lot must comply with the requirements of the relevant authorities (including the use of metal piping),
- (e) any gas cylinder stored on the lot within 10m of any dwelling house must:
 - (i) have its release valves directed away from the dwelling house, and
 - (ii) be enclosed on the hazard side of the installation, and
 - (iii) have metal connections to and from the cylinder,
- (f) there must not be any polymer sheathed flexible gas supply lines to gas meters adjacent to the dwelling house,
- (g) if the development is carried out on a lot in Zone R5, RU1, RU2, RU3, RU4 or RU5, there must be:
 - (i) a reticulated water supply connection to the lot and a fire hydrant within 60m of any part of the development, or
 - (ii) in the case of a lot with an area of 10,000m² or less--a 10,000 L capacity water tank on the lot, or
 - (iii) in the case of a lot with an area greater than 10,000m² --a 20,000 L capacity water tank on the lot,
- (h) any water tank installed on the lot in compliance with paragraph (g) must have a 65mm metal Storz outlet with a gate or ball valve (the gate or ball valve, pipes and tank penetrations are to be designed to allow for a full 50mm inner diameter water flow through the Storz fitting and must be of a metal construction),
- (i) if the development is carried out on a lot in Zone R1, R2, R3 or R4, there must be:
 - (i) a reticulated water supply connection to the lot, and
 - (ii) a fire hydrant within 60m of any part of the development,
- (j) the development must comply with the requirements of all of the following:
 - (i) Planning for Bush Fire Protection (ISBN 0 9751033 2 6) published by the NSW Rural Fire Service in December 2006,
 - (ii) Addendum: Appendix 3 (published by NSW Rural Fire Service in 2010) to Planning for Bush Fire Protection (ISBN 0 9751033 2 6),
 - (iii) AS 3959-2009, Construction of buildings in bushfire-prone areas,
 - (iv) any other document required by the Environmental Planning and Assessment Regulation 2000 (in accordance with section 4.14 of the Act).

Note 1 :

"Attached development",
"bush fire attack level-40 (BAL-40)",
"council",
"detached",
"dwelling house" and
"flame zone (BAL-FZ)" are defined in clause 1.5.

Note 2 :

"Bush fire prone land",
"landscaped area",
"road" and
"swimming pool" have the same meanings as they have in the
Standard Instrument.

(3) A development standard specified in subclause (2) (a) is satisfied if the council or a person who is recognised by the NSW Rural Fire Service as a suitably qualified consultant in bush fire risk assessment certifies that the development is not in bush fire attack level-40 (BAL-40) or the flame zone (BAL-FZ).

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 3D.7

Complying development on flood control lots

3D.7 Complying development on flood control lots

(1) Development under this code must not be carried out on any part of a flood control lot, other than a part of the lot that the council or a professional engineer who specialises in hydraulic engineering has certified, for the purposes of the issue of the relevant complying development certificate, as not being any of the following:

- (a) a flood storage area,
- (b) a floodway area,
- (c) a flow path,
- (d) a high hazard area,
- (e) a high risk area.

(2) If complying development under this code is carried out on any part of a flood control lot, the following development standards also apply in addition to any other development standards:

- (a) if there is a minimum floor level adopted in a development control plan by the relevant council for the lot, the development must not cause any habitable room in the dwelling house to have a floor level lower than that floor level,
- (b) any part of the dwelling house or any attached development or detached development that is erected at or below the flood planning level is constructed of flood compatible material,
- (c) any part of the dwelling house and any attached development or detached development that is erected is able to withstand the forces exerted during a flood by water, debris and buoyancy up to the flood planning level (or if an on-site refuge is provided on the lot, the probable maximum flood level),
- (d) the development must not result in increased flooding elsewhere in the floodplain,
- (e) the lot must have pedestrian and vehicular access to a readily accessible refuge at a level equal to or higher than the lowest habitable floor level of the dwelling house,
- (f) vehicular access to the dwelling house will not be inundated by water to a level of more than 0.3m during a 1:100 ARI (average recurrent interval) flood event,
- (g) the lot must not have any open car parking spaces or carports lower than the level of a 1:20 ARI (average recurrent interval) flood event.

(3) The requirements under subclause (2) (c) and (d) are satisfied if a joint report by a professional engineer specialising in hydraulic

engineering and a professional engineer specialising in civil engineering states that the requirements are satisfied.

(4) A word or expression used in this clause has the same meaning as it has in the Floodplain Development Manual, unless it is otherwise defined in this Policy.

(5) In this clause:

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

"flood planning level" means:

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

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

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

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

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

Note 1 :

"Council",

"flood control lot",

"habitable room" and

"professional engineer" are defined in clause 1.5.

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

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 3D.8

Development standards for land near Siding Spring Observatory

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

(1) If complying development under this code is carried out on land in the local government area of Coonamble, Gilgandra, Warrumbungle Shire or that part of the local government area of Dubbo Regional that was formerly in the City of Dubbo, the development standards in this clause also apply in addition to any other development standards.

(2) Complying development specified for this code may only be carried out if it does not result in a dwelling house, attached development or detached development on land in the local government area of:

- (a) Coonamble, Gilgandra, Warrumbungle Shire or that part of the local government area of Dubbo Regional that was formerly in the City of Dubbo with an outside light fitting

other than a shielded light fitting, and
(b) Coonamble, Gilgandra or Warrumbungle Shire with more than 7 shielded outside light fittings or more than 5 such light fittings that are not automatic light fittings.

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 3D.9

Application of Division

3D.9 Application of Division

(1) This Division sets out the development standards that apply to the erection or alteration of, or an addition to, a 1 or 2 storey dwelling house and any attached development that is complying development under this code.

(2) Despite clause 3D.1, this Division does not apply to land in Zones RU5, R1, R2, R3, R4 and R5.

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

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 3D.10

Lot requirements

3D.10 Lot requirements

(1) The lot must meet the following requirements:

(a) the area of the lot must not be less than:

(i) the minimum lot area specified in the environmental planning instrument that applies to the land concerned, or

(ii) if no size is specified in the environmental planning instrument--4,000m²,

(b) there must only be 1 dwelling house on the lot at the completion of the development.

(2) Subclause (1) (a) does not apply to development that is the alteration of, or an addition to, an existing dwelling house and the erection or alteration of, or addition to, any attached development.

(3) For the purpose of calculating the area of a lot, the area of the access laneway is excluded if it is a battle-axe lot.

(4) A secondary dwelling with development consent or a complying development certificate is not a dwelling house for the purpose of subclause (1) (b).

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 3D.11

Maximum building height and siting of development

3D.11 Maximum building height and siting of development

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

: [graphic]

(2) Siting A dwelling house and any attached development that is situated:

(a) on a lot:

- (i) having an area of more than 4ha, and**
- (ii) in relation to which the natural ground at any point within 100m of the ridgeline of any hill is at least 20m lower than the ridgeline, and**

(b) within 100m of that ridgeline, must be sited on the lot so that the highest point of the development is at least 5m below that ridgeline.

Note 1 :

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

Note 2 :

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

: [graphic]

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 3D.12

Minimum setbacks

3D.12 Minimum setbacks

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

(a) in the case of a sealed primary road:

- (i) in Zones RU1, RU2, RU3 and RU6--50m, or**
- (ii) in Zone RU4--30m, or**

(b) in the case of a sealed secondary road--10m, or

(c) in the case of any unsealed road--50m.

: [graphic]

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

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

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

whichever is the greater.

(4) Side setbacks The following buildings must have a minimum setback from a side boundary of 10m:

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

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

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

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

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

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

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 3D.13

Setbacks from certain adjoining land

3D.13 Setbacks from certain adjoining land

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

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

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 3D.14

Exceptions to setbacks

3D.14 Exceptions to setbacks

(1) **Development to which side and rear setbacks do not apply** The setback standards specified in clause 3D.12 (4) and (5) do not apply to the following:

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

(2) **Development to which side and rear setbacks do not apply if 450mm from boundary** The setback standards specified in clause 3D.12 (4) and

(5) do not apply to the following if they are at least 450mm from the relevant boundary:

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

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

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

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 3D.15

Vehicle access

3D.15 Vehicle access

(1) A lot that has an off-street car parking space must have a driveway to a public road.

(2) A driveway on a lot must be constructed in accordance with AS/NZS 2890.1:2004, Parking facilities--Off-street car parking.

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

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

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 3D.16

Other development standards for attached balconies, decks, patios, pergolas terraces and verandahs

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

(1) The maximum height of the finished floor level of an attached balcony, deck, patio, pergola, terrace or verandah is 4m above ground level (existing).

(2) Subclause (1) does not apply to a balcony, deck, patio, pergola, terrace or verandah that is set back at least 20m from a side or rear boundary.

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 3D.17

Application of Division

3D.17 Application of Division

(1) This Division sets out the development standards that apply to the following types of complying development under this code:

- (a) the erection or alteration of, or an addition to, a dwelling house,**
- (b) the erection or alteration of, or an addition to, attached development.**

(2) Despite clause 3D.1, this Division does not apply to land in Zones RU1, RU2, RU3, RU4, RU6 and R5.

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 3D.18

Lot requirements

3D.18 Lot requirements

(1) The lot must meet the following requirements:

- (a) the area of the lot must not be less than 200m²,**
- (b) the width of the lot must be at least 6m measured at the building line,**
- (c) there must only be 1 dwelling house on the lot at the completion of the development,**
- (d) if the lot is a battle-axe lot--the lot must have an access laneway at least 3m wide and measure at least 12m by 12m, excluding the access laneway,**
- (e) if the development is on a corner lot--the width of the primary road boundary of the lot must be at least 6m.**

(2) A secondary dwelling with development consent or a complying development certificate is not a dwelling house for the purpose of subclause (1) (c).

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 3D.19

Maximum building height

3D.19 Maximum building height

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

Note 1 :

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

Note 2 :

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

: [graphic]

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 3D.20

Maximum gross floor area of all buildings

3D.20 Maximum gross floor area of all buildings

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

: [graphic]

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

Note :

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

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 3D.21

Minimum setbacks and maximum height and length of built to boundary walls

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

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

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

(2) For the purpose of determining the primary road setbacks of the 2 nearest dwelling houses, the following are not to be included:

- (a) dwelling houses on battle-axe lots,**
- (b) any attached development or detached development on other lots,**
- (c) building elements in the articulation zone.**

: [graphic] [graphic]

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

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

: [graphic]

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

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

whichever is the greater.

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

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

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

Lot width at the building line	Minimum required setback from each

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

- (a) [graphic]

"s" is the minimum setback in metres, and

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

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

: [graphic]

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

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

: [graphic]

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

- (a) the lot width measured at the building line is more than 8m, but not more than 12.5m, and
- (b) any building wall on the adjoining lot within 900mm of that boundary is of masonry construction and does not have a window facing that boundary, and
- (c) any wall erected within 900mm of the side boundary will not contain a door, window or any other opening.

(11) Maximum height of walls within 900mm of side boundary The height of a wall erected within 900mm of a side boundary must not exceed:

- (a) 3.3m above ground level (existing), or
- (b) if there is a building wall on the adjoining lot within 900mm of that boundary that is higher than 3.3m--the height of that wall, but not more than 8.5m, or
- (c) if the building on the adjoining lot is subject to the same complying development certificate under clause 126 (4) of the Environmental Planning and Assessment Regulation 2000 --the height of the wall on the adjoining lot, but not more than 8.5m.

: [graphic]

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

Lot width at the building line	Maximum length of built to boundary
6m-10m	20m or 50% of the depth of the lot,

: [graphic]

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

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

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

Note 2 :

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

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

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

Lot area	Building height	Minimum setback from rear
		10m or the average rear setback of the 2 adjoining dwelling

	>4.5m-8.5m	houses, measured at 4.5m above ground level (existing),

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

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

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

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

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

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

: [graphic]

Note 1 :

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

Note 2 :

"Classified road" has the same meaning as it has in the Standard Instrument.

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 3D.22

Exceptions to setbacks

3D.22 Exceptions to setbacks

(1) Development to which side and rear setbacks do not apply The setback standards specified in clause 3D.21 (7) and (14) do not apply to the following:

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

(g) pathways and paving.
(2) Development to which side and rear setbacks do not apply if 450mm from boundary The setback standards specified in clause 3D.21 (7) and (14) do not apply to the following if they are at least 450mm from the relevant boundary:

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

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

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

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

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

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

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

Note 1 :

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

Note 2 :

"Classified road" and
"public reserve" have the same meanings as they have in the Standard Instrument.

Note 3 :

"Environmental planning instrument" has the same meaning as it has in the Act.

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 3D.23

Other development standards for balconies, decks, patios, pergolas terraces and

verandahs attached to side or rear of dwelling house

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

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

- (a) the area of the lot is more than 300m², and
- (b) the width of the lot, measured at the building line, is more than 10m.

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

Setback from the side or rear	Maximum permitted floor level above

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

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

must not be more than 12m².

Note 1 :

"Attached",
"building line",
"dwelling house" and
"floor area" are defined in clause 1.5.

Note 2 :

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

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

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 3D.24

Minimum landscaped area

3D.24 Minimum landscaped area

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

(2) Each landscaped area must have a minimum width of 1.5m and a minimum length of 1.5m.

(3) The minimum landscaped area calculated in accordance with subclause (1) must be provided as follows:

- (a) if the lot width measured at the building line is 18m

or less--25% of the area forward of the building line must be landscaped,
(b) if the lot width measured at the building line is more than 18m--50% of the area forward of the building line must be landscaped,
(c) 50% of the minimum landscaped area must be located behind the building line.

: [graphic]

(4) This clause does not apply to complying development that is the alteration of, or an addition to, a dwelling house or attached development if the development does not:

(a) increase the footprint of the dwelling house or attached development, or

(b) decrease the landscaped area on the lot.

Note 1 :

"Building line" is defined in clause 1.5.

Note 2 :

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

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 3D.25

Building design

3D.25 Building design

(1) This clause applies to the erection of a dwelling house on a lot, other than a battle-axe lot.

(2) The dwelling house must contain:

(a) at least 1 door and 1 window to a habitable room at ground floor level facing the primary road, or

(b) at least 1 door and 1 window to a habitable room at ground floor level facing any parallel road.

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

(4) The following building elements may be located in the articulation zone:

(a) an entry feature or portico,

(b) a balcony, deck, patio, pergola, terrace or verandah,

(c) a window box treatment,

(d) a bay window or similar feature,

(e) an awning or other feature over a window,

(f) a sun shading feature,

(g) an eave.

(5) The maximum total area of all building elements in the articulation zone, other than a building element specified in subclause (4) (e), (f) or (g), must not be more than 25% of the area of the articulation zone.

: [graphic]

(6) Maximum height of building elements A building element on a dwelling house (other than a pitched roof to an entry feature or portico that has the same pitch as the roof on the dwelling house) must not extend:

(a) more than 1m above the gutter line of the eaves of a single storey dwelling house, or

(b) above the gutter line of the eaves of a 2 storey dwelling house.

- (7) Secondary road frontage on corner lots A dwelling house on a corner lot must have a window to a habitable room with an area of at least 1m² that faces and is visible from the secondary road.
- (8) A dwelling house with a setback from a secondary road of not more than 4.5m must have at least one of the following building elements for a minimum length of 20% of the elevation of the walls that face the secondary road and that are within 4.5m of the secondary road:
- (a) an entry feature or portico,
 - (b) a balcony, deck, patio, pergola, terrace or verandah,
 - (c) a bay window,
 - (d) a step of at least 600mm in depth.
- (9) Building elements listed in subclause (8) may be located in a secondary road articulation zone if:
- (a) the zone extends no more than 1m into the minimum required setback area and spans the length of the walls that face the secondary road, and
 - (b) the building element comprises no more than 20% of the zone area.
- : [graphic]
- (10) Any part of a gable or hipped roof that overhangs walls that are within 4.5m of the secondary road boundary must include eaves that extend for the length of those walls and project at least 450mm, but not more than 1m, from those walls.

Note 1 :

"Articulation zone",
"battle-axe lot",
"building element",
"corner lot",
"dwelling house",
"habitable room",
"parallel road",
"parallel road lot",
"primary road",
"secondary road" and
"setback" are defined in clause 1.5.

Note 2 :

"Storey" is defined in the Standard Instrument as a space within a building that is situated between one floor level and the floor level next above, or if there is no floor above, the ceiling or roof above, but does not include:

- (a) a space that contains only a lift shaft, stairway or meter room, or
- (b) a mezzanine, or
- (c) an attic.

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 3D.26

Privacy screens for windows and certain attached development

3D.26 Privacy screens for windows and certain attached development

- (1) A privacy screen must be provided for any part of a window to a habitable room that is less than 1.5m above the finished floor level of that room if:
- (a) the window faces and is less than 3m from a side or rear boundary and the room has a finished floor level of more than 1m above ground level (existing), or
 - (b) the window faces and is at least 3m, but not more than 6m, from a side or rear boundary and the room has a

finished floor level of more than 3m above ground level (existing).

(2) Subclause (1) does not apply to a bedroom window that has an area of not more than 2m².

: [graphic]

(3) A privacy screen of at least 1.7m, but not more than 2.2m, above the finished floor level of a balcony, deck, patio, pergola, terrace or verandah must be installed at the edge of that part of the balcony, deck, patio, pergola, terrace or verandah that is parallel to or faces towards the relevant side or rear boundary if the area of the balcony, deck, patio, pergola, terrace or verandah is at least 3m² and:

(a) that edge is less than 3m from a side or rear boundary and the balcony, deck, patio, pergola, terrace or verandah has a finished floor level of more than 1m above ground level (existing), or

(b) that edge is at least 3m, but not more than 6m, from a side or rear boundary and the balcony, deck, patio, pergola, terrace or verandah has a finished floor level of more than 2m above ground level (existing).

: [graphic]

(4) Clause does not apply to existing parts of dwelling house or attached development This clause does not apply to any existing parts of a dwelling house or attached development that will remain on the lot after the complying development is carried out.

Note 1 :

"Habitable room" and "privacy screen" are defined in clause 1.5.

Note 2 :

"Ground level (existing)" has the same meaning as it has in the Standard Instrument.

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 3D.27

Car parking, vehicle access and garage requirements

3D.27 Car parking, vehicle access and garage requirements

(1) At least 1 off-street car parking space, being an open hard stand space or a carport or garage, must be provided on a lot unless:

(a) the lot has a width of less than 8m measured at the building line, or

(b) the complying development is the alteration of, or an addition to, a dwelling house and the lot does not contain an off-street car parking space, or

(c) the complying development is the erection or alteration of, or an addition to, attached development and the lot does not contain an off-street car parking space.

(2) An attached garage, carport or car parking space that is accessed from a primary road must have a minimum setback as shown in the following table:

Setback of dwelling house from	Minimum off-street parking setback
4.5m or more	1m or more behind the building line

: [graphic] [graphic]

(3) An attached garage may be erected on a lot that has a width of

less than 8m measured at the building line only if the garage is accessed from a secondary road, parallel road or lane.

(4) All off-street car parking spaces and vehicle access must comply with AS/NZS/2890.1:2004, Parking facilities--Off-street car parking.

(5) The off-street car parking space for a battle-axe lot must be constructed so that vehicles can leave the lot in a forward direction.

(6) The maximum width of all garage doors accessed from a primary road, secondary road or parallel road is shown in the following table:

Lot width at the building line	Maximum width of garage door

(7) Subject to subclause (6), an attached garage that is designed to contain 3 parallel car parking spaces may be erected on a lot that has a width greater than 24m if:

(a) the entry to 1 of the car parking spaces is set back at least 1 metre behind the entry to the other car parking spaces, and

(b) the width of the driveway associated with access to the car parking spaces must not exceed 6m at the property boundary, and

(c) the width of a driveway that is more than 6m wide at the garage door openings must taper gradually to a maximum width of 6m at the property boundary.

: [graphic]

Note 1 :

"Attached",

"building line",

"detached",

"hard stand space",

"lane",

"parallel road",

"primary road",

"secondary road" and

"setback" are defined in clause 1.5.

Note 2 : Clause 2.28 applies to the construction or installation of a driveway as exempt development.

Note 3 : Division 6 sets out additional development standards for detached garages.

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 3D.28

Application of Division

3D.28 Application of Division

(1) This Division sets out the development standards that apply to the following types of complying development under this code:

(a) the erection or alteration of, or an addition to, a dwelling house,

(b) the erection or alteration of, or an addition to, attached development.

(2) Despite clause 3D.1, this Division does not apply to land in Zones RU1, RU2, RU3, RU4, RU5, RU6, R1, R2, R3 and R4.

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 3D.29

Lot requirements

3D.29 Lot requirements

- (1) The lot must meet the following requirements:**
 - (a) the area of the lot must not be less than:**
 - (i) the minimum lot area specified in the environmental planning instrument that applies to the land concerned, or**
 - (ii) if no size is specified in the environmental planning instrument--800m²,**
 - (b) the width of the lot (if the lot is not a battle-axe lot) must be at least 18m measured at the building line,**
 - (c) there must only be 1 dwelling house on the lot at the completion of the development,**
 - (d) if the development is on a battle-axe lot--the lot must have an access laneway at least 3m wide and measure at least 12m by 12m, excluding the access laneway,**
 - (e) if the development is on a corner lot--the width of the primary road boundary of the lot must be at least 18m.**
- (2) Subclause (1) (a) does not apply to development that is the alteration of, or an addition to, an existing dwelling house and the erection or alteration of, or addition to, any attached development.**
- (3) A secondary dwelling with development consent or a complying development certificate is not a dwelling house for the purpose of subclause (1) (c).**

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 3D.30

Maximum building height and siting of development

3D.30 Maximum building height and siting of development

- (1) Maximum height The maximum height for a dwelling house and any attached development is:**
 - (a) if the lot has an area of less than 4,000m² --8.5m above ground level (existing), or**
 - (b) if the lot has an area of 4,000m² or more--10m above ground level (existing).**

: [graphic]
- (2) Siting A dwelling house and any attached development that is situated:**
 - (a) on a lot:**
 - (i) having an area of more than 4ha, and**
 - (ii) in relation to which the natural ground at any point within 100m of the ridgeline of any hill is at least 20m lower than the ridgeline, and**
 - (b) within 100m of that ridgeline, must be sited on the lot so that the highest point of the development is at least 5m below that ridgeline.**

: [graphic]

Note 1 :

"Attached development" and

"dwelling house" are defined in clause 1.5.

Note 2 :

"Ground level (existing)" is defined in the Standard Instrument as the existing level of a site at any point.

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 3D.31

Maximum gross floor area of all buildings

3D.31 Maximum gross floor area of all buildings

(1) The maximum gross floor area of all buildings (other than farm buildings) is 500m².

: [graphic]

(2) When calculating the lot size of a battle-axe lot, the area of the access laneway is excluded.

Note :

"Battle-axe lot" and

"gross floor area" are defined in clause 1.5.

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 3D.32

Minimum setbacks

3D.32 Minimum setbacks

(1) Primary road setbacks The primary road setback of a dwelling house and any attached development on a lot with an area of less than 4,000m² must not be less than the average primary road setback of the 2 nearest dwelling houses on the same side of the primary road.

Note : Clause 3D.33 contains certain exclusions from, and exceptions to, the setbacks in this clause.

(2) For the purpose of determining the primary road setbacks of the 2 nearest dwelling houses, the following are not to be included:

(a) dwelling houses on battle-axe lots,

(b) any attached development or detached development on other lots,

(c) building elements in the articulation zone.

: [graphic] [graphic]

(3) If there are not 2 dwelling houses within 40m of the lot on the same side of the primary road boundary, a dwelling house and any attached development on a lot with an area of less than 4,000m² must have a minimum setback from the boundary with the primary road of 10m.

(4) A dwelling house and any attached development on a lot with an area of 4,000m² or more must have a minimum setback from the boundary with the primary road of 15m.

: [graphic]

(5) Secondary road setbacks for corner lots Despite any other standard for a setback specified by this clause, a dwelling house and any attached development must have a minimum setback from a boundary with a secondary road as shown in the following table:

: [graphic]

(6) Parallel road setbacks for parallel road lots The setback from a parallel road of a dwelling house and any attached development on a lot with an area of at least 4,000m² must be at least 10m.

: [graphic]

(7) Classified road setbacks Despite any other standard for a setback specified by this clause, a dwelling house and any attached development must have a setback from a boundary with a classified road of at least:

(a) the setback for a dwelling house from a classified road specified by another environmental planning instrument applying to the land, or

(b) the minimum setback specified under this clause from a primary, secondary or parallel road, or

(c) 9m,

whichever is the greater.

(8) Road setbacks--unsealed roads Despite any other setback specified in this clause, a dwelling house and any attached development must have a minimum setback from a boundary with an unsealed road of 50m.

(9) Road setbacks--road widening proposals If the development is on a lot that is subject to a proposed road widening under an environmental planning instrument, a development control plan or section 88B or 195A of the Conveyancing Act 1919, the setback of a dwelling house and any attached development must be measured from the proposed boundary with the road.

(10) Side setbacks A dwelling house and any attached development must have a minimum setback from a side boundary as shown in the following table:

: [graphic]

(11) Rear setbacks A dwelling house and any attached development (other than on a lot that only has 3 boundaries) must have a minimum setback from the rear boundary as shown in the following table:

Note : Certain exceptions to the rear setbacks apply if the lot has a rear boundary with a lane (see clause 3D.33 (3)).

(12) Setbacks from certain adjoining land Despite any other clause in this Subdivision, a new dwelling house must have a setback of at least 250m from a boundary with adjoining land being used for any of the following:

(a) forestry,

(b) intensive livestock agriculture,

(c) intensive plant agriculture,

(d) mines and extractive industries,

(e) railway lines,

(f) rural industries.

: [graphic]

(13) Public reserve setbacks Despite any other clause in this Subdivision, a new dwelling house and any attached development must have a setback of at least 3m from a boundary with a public reserve.

(14) Front setbacks for battle-axe lots A dwelling house and any attached development on a battle-axe lot with an area of less than 4,000m² must have a setback from the rear boundary of the lot that is in front of the battle-axe lot of at least 5m.

: [graphic]

(15) Setbacks from watercourses Despite any other clause in this Subdivision, a dwelling house and any attached development must have a setback of at least 40m from the bank of any perennial watercourse identified on a 1:50,000 topographical map published by Spatial Services in the Department of Finance, Services and Innovation.

Note 1 :

"Articulation zone",
"attached development",
"battle-axe lot",
"building element",
"building line",
"detached development",
"dwelling house",
"primary road",
"setback" and
"standard lot" are defined in clause 1.5.

Note 2 :

"Classified road" has the same meaning as it has in the Standard Instrument.

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 3D.33

Exceptions to setbacks

3D.33 Exceptions to setbacks

(1) Road setbacks do not apply to eaves within 1m The setback standards specified in clause 3D.32 (1), (3), (5), (6) and (7) do not apply to eaves if they are within 1m of the dwelling house.

(2) Development to which road setbacks do not apply The setback standards specified in clause 3D.32 (1), (3), (5), (6) and (7) do not apply to the following:

- (a) driveways,**
- (b) pathways and paving,**
- (c) retaining walls,**
- (d) any building elements that are permitted within a primary or secondary articulation zone.**

(3) Lots with rear lanes Despite clause 3D.32 (11), if the lot has a rear boundary with a lane, the building may be erected within 900mm of, or abut, the rear boundary for a maximum of 50% of the length of that boundary.

(4) Setbacks do not apply to existing parts of dwelling house or attached development The setback standards specified in clause 3D.32 do not apply to any existing parts of a dwelling house or attached development that will remain on the lot after the complying development is carried out.

Note 1 :

"Articulation zone",
"attached development",
"dwelling house",
"primary road" and
"setback" are defined in clause 1.5.

Note 2 :

"Classified road" and
"public reserve" have the same meanings as they have in the Standard Instrument.

Note 3 :

"Environmental planning instrument" has the same meaning as it has in the Act.

**STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)
2008**

- REG 3D.34

Other development standards for balconies, decks, patios, pergolas, terraces and verandahs attached to side or rear of dwelling house

3D.34 Other development standards for balconies, decks, patios, pergolas, terraces and verandahs attached to side or rear of dwelling house

(1) The erection of a balcony, deck, patio, pergola, terrace or verandah that is attached to the side or rear elevation of a dwelling house is only permitted on a lot if:

- (a) the area of the lot is more than 300m², and
- (b) the width of the lot, measured at the building line, is more than 10m.

(2) The maximum height of the floor level of the balcony, deck, patio, pergola terrace or verandah is the height shown in the following table:

Setback from side or rear boundary	Maximum permitted floor level

(3) The total floor area of all attached side or rear balconies, decks, patios, pergolas, terraces and verandahs that, after the completion of the development:

- (a) are within 6m from a side or rear boundary, and
- (b) have a finished floor level of more than 2m above ground level (existing),

must not be more than 12m².

Note 1 :

"Attached",
"building line",
"dwelling house" and
"floor area" are defined in clause 1.5.

Note 2 :

"Ground level (existing)" has the same meaning as it has in the Standard Instrument.

Note 3 : A balcony, deck, patio, pergola terrace or verandah may require a privacy screen--see clause 3D.37.

**STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)
2008**

- REG 3D.35

Landscaped area

3D.35 Landscaped area

- (1) A lot that has an area of less than 4,000m² must have at least 45% of its area landscaped.
- (2) At least 50% of the area forward of the building line to the primary road must be landscaped.
- (3) Each landscaped area must have a minimum width of 2.5m and a minimum length of 2.5m.

: [graphic]

(4) This clause does not apply to complying development that is the

alteration of, or an addition to, a dwelling house or attached development if the development does not:

- (a) increase the footprint of the dwelling house or attached development, or
- (b) decrease the landscaped area on the lot.

Note 1 :

"Building line" is defined in clause 1.5.

Note 2 :

"Landscaped area" has the same meaning as it has in the Standard Instrument.

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 3D.36

Building design

3D.36 Building design

- (1) This clause applies to the erection of a dwelling house:
 - (a) on a lot, other than a battle-axe lot, and
 - (b) with a setback from a primary road of less than 10m.
 - (2) The dwelling house must contain:
 - (a) at least 1 door and 1 window to a habitable room at ground floor level facing the primary road, or
 - (b) at least 1 door and 1 window to a habitable room at ground floor level facing any parallel road.
 - (3) Primary road frontage A dwelling house with a setback from a primary road of at least 3m may have an articulation zone that extends up to 1.5m forward of the minimum required setback from the primary road.
 - (4) The following building elements are permitted in an articulation zone in the setback from a primary road:
 - (a) an entry feature or portico,
 - (b) a balcony, deck, patio, pergola, terrace or verandah,
 - (c) a window box treatment,
 - (d) a bay window or similar feature,
 - (e) an awning or other feature over a window,
 - (f) a sun shading feature,
 - (g) an eave.
 - (5) The maximum total area of all building elements within an articulation zone, other than a building element listed in subclause (4) (e)-(g), must not be more than 25% of the area of the articulation zone.
 - (6) Maximum height of building elements A building element on a dwelling house (other than a pitched roof to an entry feature or portico that has the same pitch as the roof on the dwelling house) must not extend:
 - (a) more than 1m above the gutter line of the eaves of a single storey dwelling house, or
 - (b) above the gutter line of the eaves of a 2 storey dwelling house.
 - (7) Secondary road frontage on corner lots A new dwelling house on a corner lot must have a window to a habitable room that is at least 1m² in area and that faces and is visible from a secondary road.
- : [graphic]

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 3D.37

Privacy screens for windows and certain attached development

3D.37 Privacy screens for windows and certain attached development

(1) This clause applies to lots that have an area of less than 4,000m².

(2) This clause does not apply to any existing parts of a dwelling house or attached development that will remain on the lot after the complying development is carried out.

(3) A privacy screen must be provided for any part of a window to a habitable room that is less than 1.5m above the finished floor level of that room.

(4) Subclause (1) does not apply to:

(a) a habitable room with a floor level not more than 1m above ground level (existing), or

(b) a window that faces a road or public space, or

(c) a window that faces, and is more than 6m from, a side or rear boundary, or

(d) a bedroom window that has an area of not more than 2m².

: [graphic]

(5) A balcony, deck, patio, pergola, terrace or verandah that has a floor area of more than 3m² must have a privacy screen installed at the edge of that part of the balcony, deck, patio, pergola, terrace or verandah that is parallel to or faces towards a side or rear boundary if:

(a) that edge is less than 3m from the boundary and the balcony, deck, patio, pergola, terrace or verandah has a finished floor level of more than 1m above ground level (existing), or

(b) that edge is at least 3m, but not more than 6m, from the boundary and the balcony, deck, patio, pergola, terrace or verandah has a finished floor level of more than 2m above ground level (existing).

(6) Any privacy screen required under subclause (3) must be installed to a height of at least 1.7m, but not more than 2.2m, above the finished floor level of the balcony, deck, patio, pergola, terrace or verandah.

: [graphic]

Note 1 :

"Habitable room" and

"privacy screen" are defined in clause 1.5.

Note 2 :

"Ground level (existing)" has the same meaning as it has in the Standard Instrument.

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 3D.38

Car parking, vehicle access and garage requirements

3D.38 Car parking, vehicle access and garage requirements

(1) This clause applies only to lots that have an area of less than 4,000m².

(2) At least 1 off-street car parking space, being an open hard stand space or a carport or garage, must be provided on a lot on which a new dwelling house is erected and located behind the building line of the dwelling house.

- (3) At least 1 off-street car parking space must be retained on a lot on which alterations or additions to an existing car parking space are carried out.
- (4) A lot that has an off-street car parking space must have a driveway to a public road.
- (5) A garage, carport or car parking space that is accessed from a primary road must have a minimum setback as shown in the following table:

Setback of dwelling house from	Minimum off-street parking setback
4.5m or more	1m or more behind the building line

: [graphic] [graphic]

- (6) A lot that has a width of less than 8m measured at the building line may have an attached garage if the garage is accessed from a secondary road, parallel road or lane.
- (7) All off-street car parking spaces and vehicle access must comply with AS/NZS 2890.1:2004, Parking facilities--Off-street car parking.
- (8) The off-street car parking space for a battle-axe lot must be constructed so that vehicles can leave the lot in a forward direction.
- (9) The maximum width of all garage doors accessed from a primary road, secondary road or parallel road is shown in the following table:

Lot width at the building line	Maximum width of garage door

- (10) Subject to subclause (9), an attached garage that is designed to contain 3 parallel car parking spaces may be erected on a lot that has a width greater than 24m if:
 - (a) the entry to 1 of the car parking spaces is set back at least 1 metre behind the entry to the other car parking spaces, and
 - (b) the width of the driveway associated with access to the car parking spaces does not exceed 6m at the property boundary, and
 - (c) the width of a driveway that is more than 6m wide at the garage door openings must taper gradually to a maximum width of 6m at the property boundary.

: [graphic]

Note 1 :

"Attached",
 "building line",
 "detached",
 "hard stand space",
 "lane",
 "parallel road",
 "primary road",
 "secondary road" and
 "setback" are defined in clause 1.5.

Note 2 : Clause 2.28 applies to the construction or installation of a driveway as exempt development.

Note 3 : A driveway crossover may require the prior approval of the relevant roads authority under the Roads Act 1993.

Note 4 : Division 6 sets out additional development standards for detached garages.

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 3D.39

Application of Division

3D.39 Application of Division

This Division sets out the development standards that apply to the erection of detached development and to the alteration of, or an addition to, detached development under this code.

Note 1 :

"Detached development" is defined in clause 1.5.

Note 2 : Development standards for excavation, fill, retaining walls and structural supports, drainage and protection of adjoining walls associated with detached development are specified in Division 7.

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 3D.40

Lot requirements

3D.40 Lot requirements

(1) If the detached development is on land in Zone RU1, RU2, RU3, RU4 or RU6--the area of the lot must not be less than:

- (a) the minimum lot area specified in the environmental planning instrument that applies to the land concerned, or**
- (b) 4,000m²,**

whichever is the greater.

(2) If the detached development is on land in Zone RU5, R1, R2, R3 or R4--the lot must meet the following requirements:

- (a) the area of the lot must not be less than 200m²,**
- (b) the width of the lot must be at least 6m measured at the building line,**
- (c) if the lot is a battle-axe lot--the lot must have an access laneway at least 3m wide and measure at least 12m by 12m, excluding the access laneway,**
- (d) if the development is on a corner lot--the width of the primary road boundary of the lot must be at least 6m.**

(3) If the detached development is on land in Zone R5--the lot must meet the following requirements:

- (a) the area of the lot must not be less than:**
 - (i) the minimum size specified in the environmental planning instrument that applies to the land concerned, or**
 - (ii) if no size is specified in the environmental planning instrument--800m²,**

(b) the width of the lot (if the lot is not a battle-axe lot) must be at least 18m measured at the building line,

(c) if the development is on a battle-axe lot--the lot must have an access laneway at least 3m wide and measure at least 12m by 12m, excluding the access laneway,

(d) if the development is on a corner lot--the width of the primary road boundary of the lot must be at least 18m.

(4) For the purpose of calculating the area of a lot, the area of the access laneway is excluded if it is a battle-axe lot.

(5) Subclauses (1)-(3) do not apply if there is an existing dwelling house on the lot.

**STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)
2008**

**- REG 3D.41
Maximum height**

3D.41 Maximum height

The maximum height for any detached development is 4.8m above groundlevel (existing).

Note 1 :

"Detached development" is defined in clause 1.5.

Note 2 :

"Ground level (existing)" is defined in the Standard Instrument as the existing level of a site at any point.

**STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)
2008**

**- REG 3D.42
Maximum gross floor area of all buildings on lot**

3D.42 Maximum gross floor area of all buildings on lot

(1) The maximum gross floor area of all buildings on a lot is as follows:

(a) if the detached development is on land in Zone RU5, R1, R2, R3 or R4--the maximum gross floor area applying to development to which Division 4 applies and set out in the table to clause 3D.20 (1),

(b) if the detached development is on land in Zone R5--the maximum gross floor area applying to development to which Division 5 applies and set out in clause 3D.31 (1).

(2) When calculating the lot size of a battle-axe lot, the area of the access laneway is excluded.

Note :

"Battle-axe lot" is defined in clause 1.5.

: [graphic]

**STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)
2008**

**- REG 3D.43
Maximum floor area of certain detached development**

3D.43 Maximum floor area of certain detached development

The maximum floor area of all of the following detached development on a lot is shown in the table to this clause:

- (a) a balcony, deck, patio, pergola, terrace or verandah,
- (b) a cabana, cubby house, fernery, garden shed, gazebo or greenhouse,
- (c) a carport or garage,
- (d) a shed.

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 3D.44

Minimum setbacks and maximum height and length of built to boundary walls

3D.44 Minimum setbacks and maximum height and length of built to boundary walls

(1) Primary and secondary road setbacks Detached development (other than a detached garage or carport):

- (a) must be located behind the building line of a dwelling house that is adjacent to any primary road or secondary road, or**
- (b) in the case of a dwelling house that has a setback from a primary road or secondary road of more than 50m--must have a minimum setback from the boundary with any primary or secondary road of 50m.**

Note 1 : Primary and secondary road setbacks for detached garages and carports are set out in clause 3D.46.

Note 2 : Clause 3D.49 contains certain exceptions to the setbacks specified in this clause.

(2) Side setbacks Detached development must have a minimum setback from a side boundary of a lot:

- (a) in the case of a lot with an area of 4,000m² or more--5m, or**
- (b) in the case of a lot with an area of less than 4,000m²--as shown in the following table:**

Lot width at the building	Minimum setback from each side

(3) Built to boundary setbacks Despite subclause (2), detached development may be built to 1 or both side boundaries if:

- (a) the lot is not a corner lot, and**
- (b) the lot width measured at the building line is at least 6m, but not more than 8m, and**
- (c) if there is a building wall on the adjoining lot within 900mm of that boundary--that wall is of masonry construction and does not have a window facing that boundary, and**
- (d) any wall erected within 900mm of a side boundary will not contain a door, window or any other opening.**

: [graphic]

(4) Despite subclause (2), detached development may be built to 1 side boundary if:

- (a) the lot width measured at the building line is more than 8m, but not more than 12.5m, and**
- (b) any building wall on the adjoining lot within 900mm of that boundary is of masonry construction and does not have a window facing that boundary, and**
- (c) any wall erected within 900mm of the side boundary will not contain a door, window or any other opening facing the boundary.**

(5) Maximum height of built to boundary walls The height of a wall erected within 900mm of a side boundary must not exceed:

- (a) 3.3m above ground level (existing), or**

- (b) if there is a building wall on the adjoining lot within 900mm of that boundary that is higher than 3.3m--the height of that wall, but not more than 4.8m, or
- (c) if the building on the adjoining lot is subject to the same complying development certificate under clause 126 (4) of the Environmental Planning and Assessment Regulation 2000 --the height of the wall on the adjoining lot, but not more than 4.8m.

(6) Maximum length of built to boundary walls The length of all walls within 900mm of a side boundary must not exceed the length shown in the following table:

Lot width at the building line	Maximum length of built to boundary
6m-10m	20m or 50% of the depth of the lot,

: [graphic]

(7) Despite subclause (6), the length of a wall erected within 900mm of a side boundary must not exceed:

- (a) if the length of the built to boundary wall on the adjoining lot is longer than the maximum length calculated under subclause (6)--the length of that wall, or
- (b) if the building on the adjoining lot is subject to the same complying development certificate under clause 126 (4) of the Environmental Planning and Assessment Regulation 2000 --the length of the wall on the adjoining lot.

Note 1 : A wall built within 900mm of a wall on an adjoining lot is subject to clause 3D.63 (Protecting adjoining walls) in Division 8.

(8) Rear setbacks Detached development (other than detached development that is on a lot that only has 3 boundaries) that is any of the following must have a minimum setback from the rear boundary of a lot as shown in the table to this subclause:

- (a) a cabana, cubby house, fernery, garden shed, gazebo or greenhouse,
- (b) a balcony, deck, patio, pergola, terrace or verandah,
- (c) a rainwater tank (above ground),
- (d) a shade structure or a shed.

Note : Rear setbacks for detached garages and carports and detached studios are set out in clauses 3D.46 and 3D.48, respectively.

(9) Parallel road setbacks for parallel road lots Detached development on a lot must have a minimum setback from a parallel road of 3m.

Note : Clause 3D.49 (4) contains exceptions to this setback for certain types of detached development.

: [graphic]

(10) Classified road setbacks Despite any other standard for a setback specified by this clause, detached development must have a setback from a boundary with a classified road of at least:

- (a) the setback for a dwelling house from a classified road specified by another environmental planning instrument applying to the land, or
- (b) the minimum setback specified under this clause from a primary, secondary or parallel road, or

(c) 9m,
whichever is the greater.

(11) Public reserve setbacks Despite any other standard for a setback specified by this clause, the following detached development must have a setback from a boundary with a public reserve of at least 3m:

- (a) a cabana, cubby house, fernery, garden shed, gazebo or greenhouse,
- (b) a carport or garage,
- (c) a balcony, deck, patio, pergola, terrace or verandah,
- (d) a rainwater tank (above ground),
- (e) a shade structure or shed.

(12) Setbacks from watercourses Despite any standard for a setback specified by this clause, detached development must have a setback of at least 40m from the bank of any perennial watercourse identified on a 1:50,000 topographical map published by Spatial Services in the Department of Finance, Services and Innovation.

Note :

"Complying development certificate" has the same meaning as it has in the Act.

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 3D.45

Heritage conservation areas

3D.45 Heritage conservation areas

(1) Detached development may not be erected on a lot in a heritage conservation area or a draft heritage conservation area if the lot adjoins a lane, a secondary road or a parallel road.

(2) If the lot does not adjoin a lane, a secondary road or a parallel road, detached development (other than a detached studio) may be erected on the lot in a heritage conservation area or draft heritage conservation area if it:

- (a) is located behind the rear building line of the dwelling house, and
- (b) is no closer to the side boundaries than the dwelling house, and
- (c) has a gross floor area of not more than 20m².

Note :

"Building line",
"dwelling house",
"gross floor area",
"heritage conservation area",
"lane",
"parallel road" and
"secondary road" are defined in clause 1.5.

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 3D.46

Other development standards for detached garages and carports

3D.46 Other development standards for detached garages and carports

(1) Car parking and vehicle access requirements All off-street car parking spaces and vehicle access must comply with AS/NZS/2890.1: 2004, Parking facilities--Off-street car parking.

(2) The off-street car parking space for a battle-axe lot must be constructed so that vehicles can leave the lot in a forward direction.

(3) A detached garage or carport may only be erected on a lot that has a width of less than 8m at the building line if the only vehicular access to the lot is from a secondary road, a parallel road or a lane.

(4) A carport must have 2 or more sides open and have not less than one-third of its perimeter open.

(5) Primary road setbacks A detached garage or carport that is accessed from a primary road must have a minimum setback as shown in the following table:

Primary road setback of dwelling	Minimum required garage or carport
4.5m or more	At least 1m behind the building

: [graphic]

(6) Secondary road setbacks for corner lots A detached garage or carport on a corner lot must have a minimum setback from a secondary road as shown in the following table:

(7) Rear setbacks A detached garage or carport (other than a detached garage or carport that is on a lot that only has 3 boundaries) must have a minimum setback from the rear boundary as shown in the following table:

(8) Built to rear boundary Despite subclause (7), a detached garage or carport of masonry construction may be built to the rear boundary if:

(a) the lot area is at least 200m², but not more than 300m², and

(b) the wall of a building on the adjoining lot within 900mm of that boundary (if any) is of masonry construction and does not have a window facing that boundary.

(9) Maximum width of garage doors The maximum width of all garage doors accessed from a primary, secondary or parallel road is shown in the following table:

(10) Subject to subclause (9), a detached garage that is designed to contain 3 parallel car parking spaces may be erected on a lot that has a width greater than 24m if:

(a) the entry to 1 of the car parking spaces is set back at least 1 metre behind the entry to the other car parking spaces, and

(b) the width of the driveway associated with access to the car parking spaces does not exceed 6m at the property

boundary, and
(c) the width of a driveway that is more than 6m wide at the garage door openings tapers gradually to a maximum width of 6m at the property boundary.

: [graphic]

Note :

"Battle-axe lot",
"building line",
"corner lot",
"detached",
"lane",
"parallel road",
"primary road",
"secondary road" and
"setback" are defined in clause 1.5.

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 3D.47

Other development standards for detached balconies, decks, patios, pergolas, terraces and verandahs

3D.47 Other development standards for detached balconies, decks, patios, pergolas, terraces and verandahs

The maximum finished floor level for any detached balcony, deck, patio, pergola, terrace or verandah is 600mm above ground level (existing).

Note :

"Ground level (existing)" has the same meaning as it has in the Standard Instrument.

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 3D.48

Other development standards for detached studios

3D.48 Other development standards for detached studios

(1) There must only be 1 detached studio on the lot at the completion of the development.

(2) Maximum height Despite clause 3D.41, if a detached studio is within 900mm of a lane and is above a garage, the maximum height of the detached studio is 6m above ground level (existing).

: [graphic]

(3) Maximum gross floor area The maximum gross floor area of a detached studio is shown in the following table:

(4) Side and rear boundary setbacks A detached studio that is erected on land in Zone R1, R2, R3, R4 or RU5 must have a minimum setback from each side and rear boundary as shown in the following table:

Lot width at the building line	Minimum setback from each side and

(5) A detached studio that is erected on land in Zone RU1, RU2, RU3, RU4, RU6 or R5 must have a minimum setback from each side and rear boundary as shown in the following table:

Land use zone lot is located	Lot area	Minimum setback from each
Zone RU1, RU2, RU3, RU4, RU6	>4,000m ²	5m

(6) Lots with only 3 boundaries The rear setbacks specified in subclauses (4) and (5) do not apply to a lot that only has 3 boundaries.

(7) Built to boundary setbacks Despite subclause (4), a detached studio that is within 900mm of a rear lane may be built to 1 or both side boundaries if:

- (a) the lot is not a corner lot, and
- (b) the lot width measured at the building line is at least 6m, but not more than 8m, and
- (c) if there is a building wall on the adjoining lot within 900mm of that boundary--that wall is of masonry construction and does not have a window facing that boundary, and
- (d) any wall erected within 900mm of a side boundary will not contain a door, window or any other opening facing the boundary.

: [graphic]

(8) Despite subclause (4), a detached studio that is within 900mm of a rear lane may be built to 1 side boundary if:

- (a) the lot width measured at the building line is more than 8m, but not more than 12.5m, and
- (b) any building wall on the adjoining lot within 900mm of that boundary is of masonry construction and does not have a window facing that boundary, and
- (c) any wall erected within 900mm of the side boundary will not contain a door, window or any other opening facing the boundary.

(9) Maximum height of built to boundary walls The height of a wall of a detached studio erected within 900mm of a side boundary must not exceed:

- (a) 3.3m above ground level (existing), or
- (b) if the height of the built to boundary wall on the adjoining lot is higher than 3.3m--the height of that wall, but not more than 4.8m, or
- (c) if the building on the adjoining lot is subject to the same complying development certificate under clause 126 (4) of the Environmental Planning and Assessment Regulation 2000 --the height of the wall on the adjoining lot, but not more than 4.8m, or
- (d) if the wall is part of a detached studio that is above a garage--the height of the built to boundary wall on the adjoining lot, but not more than 6m.

(10) Privacy screens A privacy screen must be provided for any part of a window in a detached studio that is less than 1.5m above the finished floor level of that room if:

- (a) the window faces and is less than 3m from a side or rear boundary and the room has a finished floor level more than 1m above ground level (existing), or
- (b) the window faces and is at least 3m, but not more than 6m, from a side or rear boundary and the room has a finished floor level more than 3m above ground level (existing).

Note 1 :

"Boundary wall",
"building line",
"detached",
"gross floor area",
"lane", and
"setback" are defined in clause 1.5.

Note 2 :

"Ground level (existing)" has the same meaning as it has in the Standard Instrument.

Note 3 :

"Complying development certificate" has the same meaning as it has in the Act.

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 3D.49

Exceptions to setbacks

3D.49 Exceptions to setbacks

(1) Development to which side and rear setbacks do not apply The side and rear setback standards specified in this Subdivision do not apply to the following:

- (a) downpipes,**
- (b) driveways,**
- (c) electricity or gas meters,**
- (d) fascias,**
- (e) fences,**
- (f) gutters,**
- (g) light fittings,**
- (h) pathways and paving.**

(2) Development to which side and rear setbacks do not apply if 450mm from boundary The side and rear setback standards specified in this Subdivision do not apply to the following if they are located at least 450mm from the relevant boundary:

- (a) aerials,**
- (b) antennae,**
- (c) awnings,**
- (d) chimneys,**
- (e) cooling or heating appliances,**
- (f) eaves,**
- (g) flues,**
- (h) pipes,**
- (i) rainwater tanks greater than 1.8m in height,**
- (j) structures associated with the provision of a utility service.**

(3) Development to which road setbacks do not apply The road setbacks specified in this Subdivision do not apply to the following:

- (a) driveways,**
- (b) fences,**
- (c) pathways and paving,**
- (d) retaining walls.**

(4) Rear boundaries with parallel roads or rear lanes Despite any rear setback specified in this Subdivision, if a lot has a rear boundary with a parallel road or lane, the following detached development may be erected within 3m of, or abut, the rear boundary for not more than 50% of the length of that boundary:

- (a) a cabana, cubby house, fernery, garden shed, gazebo or greenhouse,**
- (b) a carport or garage,**

- (c) a rainwater tank (above ground),
- (d) a shade structure or shed.

(5) Setbacks do not apply to existing parts of detached development
The setback standards specified in this Subdivision do not apply to any existing parts of detached development that will remain on the lot after the complying development is carried out.

Note 1 :

"Boundary wall",
"lane",
"parallel road" and
"setback" are defined in clause 1.5.

Note 2 :

"Rainwater tank" has the same meaning as it has in the Standard Instrument.

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 3D.50

Application of Subdivision

3D.50 Application of Subdivision

This Subdivision applies to detached development other than development that is a fence or child resistant-barrier and, in the case of development on land in Zone R5, is on a lot with an area of less than 4,000m².

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 3D.51

Minimum landscaped area

3D.51 Minimum landscaped area

The minimum landscaped area that must be provided on a lot is as follows:

(a) if the detached development is on land in Zone RU5, R1, R2, R3 or R4--the minimum landscaped area that must be provided on a lot to which Division 4 applies and set out in the table to clause 3D.24

(1),

(b) if the detached development is on land in Zone R5--the minimum landscaped area that must be provided on a lot to which Division 5 applies and set out in clause 3D.35.

Note :

"Landscaped area" has the same meaning as it has in the Standard Instrument.

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 3D.52

Development standards for swimming pools

3D.52 Development standards for swimming pools

(1) A swimming pool must be for private use and associated with a dwelling house.

(2) Water from a swimming pool must be discharged in accordance with an approval under the Local Government Act 1993 if the lot is not

connected to a sewer main.

(3) The pump must be housed in an enclosure that is soundproofed.

Note : The Protection of the Environment Operations Act 1997 contains provisions relating to noise pollution.

(4) Subclause (3) does not apply to swimming pools on lots with an area greater than 4,000m² in Zone RU1, RU2, RU3, RU4, RU6 or R5.

(5) Height of coping and decking Coping around a swimming pool must not be more than:

(a) 1.4m above ground level (existing), and

(b) 300mm wide if the coping is more than 600mm above ground level (existing).

(6) Decking around a swimming pool must not be more than 600mm above ground level (existing).

(7) If the swimming pool is being constructed on a lot in Zone R1, R2, R3, R4, R5 or RU5--the swimming pool must be located behind the building line of the dwelling house.

(8) Subject to subclause (7), the swimming pool water line must have a minimum setback from any boundary as shown in the following table:

(9) Heritage conservation areas Despite subclauses (7) and (8), if the swimming pool is being constructed in a heritage conservation area or a draft heritage conservation area, the swimming pool must be located:

(a) behind the building line of the dwelling house that is adjacent to the rear boundary of the lot, and

(b) no closer to each side boundary than the dwelling house.

Note 1 :

"Building line",

"dwelling house",

"heritage conservation area" and

"setback" are defined in clause 1.5.

Note 2 :

"Ground level (existing)" has the same meaning as it has in the Standard Instrument.

Note 3 : A child-resistant barrier must be constructed or installed in accordance with the requirements of the Swimming Pools Act 1992.

Note 4 : Requirements relating to excavation for the purposes of a swimming pool are set out in clause 3D.61.

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 3D.53

Development standards for fences in Zones R1, R2, R3, R4 and RU5

3D.53 Development standards for fences in Zones R1, R2, R3, R4 and RU5

(1) This clause applies to development on land in Zone R1, R2, R3, R4 or RU5.

(2) A fence may be erected on a lot under this code if it is not constructed or installed:

(a) on a lot, or along a common boundary of a lot, that contains a heritage item or a draft heritage item, or

(b) along the boundary of, or within the setback area of, a primary or secondary road within a heritage conservation area or draft heritage conservation area.

(3) A fence erected behind the building line on a lot must:

- (a) not be higher than 1.8m above ground level (existing), and
 - (b) not incorporate barbed wire in its construction or be electrified, and
 - (c) if it includes an entrance gate--not have a gate that opens outward, and
 - (d) if it is constructed of metal components--be of low reflective, factory pre-coloured materials, and
 - (e) if it is on a sloping site and stepped to accommodate the fall in the land--be no higher than 2.2m above ground level (existing) at each step, and
 - (f) be designed so as not to restrict the flow of any floodwater.
- (4) A fence erected forward of the building line on a lot must:
- (a) not be higher than 1.2m above ground level (existing), and
 - (b) not incorporate barbed wire in its construction or be electrified, and
 - (c) if it includes an entrance gate--not have a gate that opens outward, and
 - (d) if it is constructed of metal components--be of low reflective, factory pre-coloured materials, and
 - (e) be open for at least 20% of the area of the fence that is more than 400mm above ground level (existing), with any individual solid element of the fence above that height being no more than 350mm wide with a minimum aperture of 25mm, and
 - (f) be designed so as not to restrict the flow of any floodwater.
- (5) Despite subclause (3) (a), any fence located in the setback area of a primary or secondary road must not be higher than 1.2m above ground level (existing).
- (6) A fence erected on bush fire prone land must be constructed of non-combustible material.
- (7) A requirement in subclause (3) (f) or (4) (f) is satisfied if a joint report by a professional engineer specialising in hydraulic engineering and a professional engineer specialising in civil engineering states that the requirement is satisfied.
- Note 1 :**
"Building line",
"primary road",
"secondary road" and
"setback" are defined in clause 1.5.
- Note 2 :**
"Ground level (existing)" and
"heritage item" have the same meanings as they have in the Standard Instrument.
- Note 3 :** Exempt development standards for fences in certain rural zones, environment protection zones and Zone R5 are specified in clause 2.36.

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 3D.54

Application of Division

3D.54 Application of Division

- (1) This Division applies to development that is a farm building (other than a stock holding yard, grain silo or grain bunker) that:

- (a) is not used for habitable purposes, and
 - (b) is on a lot with an area of at least 4,000m².
- (2) Despite clause 3D.1, this Division does not apply to land in Zones RU5, R1, R2, R3 and R4.

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 3D.55

Definition

3D.55 Definition

In this Division,

"footprint" means the area of the ground surface occupied by a building, including the walls, footings, and roofing of the building, and extending to the perimeter of the foundations and other means of structural support to the building, excluding the area of access ramps, eaves and sunshade devices.

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 3D.56

Maximum height and siting of development

3D.56 Maximum height and siting of development

(1) Maximum height The maximum height for any development that is a farm building is shown in the following table:

: [graphic]

(2) Siting Development that is a farm building that is situated:

(a) on a lot:

- (i) having an area of more than 4ha, and
- (ii) in relation to which the natural ground at any point within 100m of the ridgeline of any hill is at least 20m lower than the ridgeline, and

(b) within 100m of that ridgeline,

must be sited on the lot so that the highest point of the development is at least 5m below that ridgeline.

: [graphic]

Note : Clause 3D.4 (j) and (k) provide that certain development that penetrates an obstacle limitation surface, or development that is on certain land shown on a relevant Procedures for Air Navigation Services--Aircraft Operations Map, respectively, is not complying development.

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 3D.57

Maximum footprint

3D.57 Maximum footprint

(1) Development that is a farm building must not have a footprint that exceeds the footprint shown in the following table:

(2) Despite any other provision of Division 6, if the development includes development for the purpose of an office that is ancillary to the use of the land for the purpose of an agricultural activity (an "ancillary office"):

(a) the gross floor area of the ancillary office must not be more than 50m², and

(b) the ancillary office must be attached to, and contained within the footprint of, the farm building.

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 3D.58

Maximum footprint of all farm buildings on landholding area

3D.58 Maximum footprint of all farm buildings on landholding area

The footprint of all farm buildings on a landholding (other than grain bunkers), including any ancillary office, must not exceed the footprint shown in the following table:

Landholding area	Maximum footprint of all farm buildings (other than grain)

: [graphic]

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 3D.59

Minimum setbacks

3D.59 Minimum setbacks

(1) Primary, secondary and parallel road setback Despite any other setback specified in this clause, development that is a farm building must have a minimum setback from a boundary with any primary, secondary or parallel road as shown in the following table:

Land use zone in which landholding is located	Minimum setback from primary, secondary or parallel road

: [graphic]

(2) Classified road setbacks Despite any other setback specified in this clause, development that is a farm building must have a minimum setback from a boundary with a classified road as:

(a) shown in the table to this subclause, or

(b) specified by another environmental planning instrument or a development control plan applying to the land, whichever is the greater.

(3) Side and rear setbacks Development that is a farm building must have a minimum setback from a side or rear boundary as shown in the following table:

: [graphic]

(4) Setbacks for farm buildings with a footprint of 500m² or more Despite any other setback specified in this clause, development that is a farm building with a footprint of 500m² or more must have a minimum setback from any boundary of the lot of 200m.

(5) Waterbody setback Development that is a farm building must be located at least 50m from a waterbody (natural).

: [graphic]

Note 1 : Development standards for excavation, fill, retaining walls and structural supports, drainage and protection of adjoining walls associated with farm buildings development are specified in Division 8.

Note 2 : Setbacks of farm buildings from protected trees are specified in clause 3D.64.

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 3D.60

Additional development standards

3D.60 Additional development standards

(1) If the development is a shipping container, there must not be more than the following number of shipping containers:

(a) for a landholding that has an area of less than 400ha--
1, and

(b) for a landholding that has an area of 400ha or more--5.

(2) If the development is located on land that is identified for the purposes of an environmental planning instrument as "Land with scenic and landscape values" on a Scenic and Landscape Values Map or as "Scenic Protection Area" on a Scenic Protection Map or Scenic Protection Area Map, it must not:

(a) have a footprint greater than 200m², or

(b) be more than 7m in height above ground level (existing).

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 3D.61

Earthworks, retaining walls and structural support

3D.61 Earthworks, retaining walls and structural support

(1) Excavation Excavation for the purposes of development under this

code must not exceed a maximum depth, measured from ground level (existing), of:

- (a) if located not more than 1m from any boundary--1m, or**
- (b) if located more than 1m but not more than 1.5m from any boundary--2m, or**
- (c) if located more than 1.5m from any boundary--3m, or**
- (d) if carried out wholly within the footprint of a building or any attached development or detached development--3m.**

(2) Subclause (1) does not apply to excavation for the purposes of a footing associated with development that is a farm building, unless the development is on land that is identified for the purposes of an environmental planning instrument as Class 1, 3, 4 or 5 on an Acid Sulfate Soils Map.

(3) Despite subclause (1), the excavation must not exceed a maximum depth, measured from ground level (existing), of 1m if the land is identified as Class 1, 3, 4 or 5 on an Acid Sulfate Soils Map or is within 40m of a waterbody (natural).

(4) Before an excavation that exceeds a maximum depth, measured from ground level (existing), of 1m is carried out on a lot, a groundwater works summary must be obtained for the lot that shows that there is no groundwater present on that part of the lot on which the excavation is to be carried out or that groundwater is present on that part of the lot but is below the level of the excavation.

Note : Groundwater summaries are available from waterinfo.nsw.gov.au.

(5) Fill must not exceed a maximum height, measured from ground level (existing), of:

- (a) if the fill is for the purposes of the erection or alteration of, or an addition to, a dwelling house under this code--1m, and**
- (b) if the fill is for any other purpose under this code--600mm.**

(6) Despite subclause (3), the height of fill contained wholly within the footprint of a building or any attached development or detached development is not limited.

(7) Fill that is higher than 150mm above ground level (existing) and is not contained wholly within the footprint of a building or any attached development or detached development is limited to 25% of the landscaped area of the lot.

(8) The ground level (finished) of the fill must not be used to measure the height of any building or any attached development or detached development under this code.

(9) Retaining walls and structural supports Support for earthworks more than 600mm above or below ground level (existing) must take the form of a retaining wall or other structural support that:

- (a) a professional engineer has certified as structurally sound, including in relation to (but not limited to) the ability to withstand the forces of lateral soil load, and**
- (b) has been designed so as not to redirect the flow of any surface water or ground water, or cause sediment to be transported, onto an adjoining property, and**
- (c) has adequate drainage lines connected to the stormwater drainage system for the site, and**
- (d) does not result in a retaining wall or structural support with a total height measured vertically from the base of the retaining wall or structural support to its uppermost portion that is more than the height of the associated excavation or fill, and**
- (e) is separated from any retaining wall or structural support on the site by at least 2m, measured horizontally, and**

(f) if the retaining wall is erected on a lot with an area greater than 4,000m²:

(i) is not more than 10m from the dwelling house and any attached development, measured horizontally from the point of the retaining wall that is furthest from the dwelling house and any attached development, and

(ii) is not more than 5m from any detached development, measured horizontally from the point of the retaining wall that is furthest from the detached development, and

(g) has been installed in accordance with any manufacturer's specifications, and

(h) if it is an embankment or batter--has a toe or top that is more than 1m from any side or rear boundary.

(9) Footprint In this clause,

"footprint" has the same meaning as it has in Division 7.

Note 1 :

"Excavation",

"fill" and

"ground level (existing)" have the same meanings as they have in the Standard Instrument.

Note 2 : Fill and excavation that is not associated with a building may be exempt development under clauses 2.29 and 2.30.

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 3D.62

Drainage

3D.62 Drainage

All stormwater collecting as a result of development erected, altered or added to under this code must be directed by a gravity fed or charged system to:

(a) a public drainage system, or

(b) an inter-allotment drainage system, or

(c) an on-site disposal system.

Note 1 :

"Drainage" has the same meaning as it has in the Standard Instrument.

Note 2 : All stormwater drainage systems and connections to public drainage systems of inter-allotment drainage systems must either be approved under section 68 of the Local Government Act 1993 or comply with the requirements for the disposal of stormwater contained in the development control plan that is applicable to the land.

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 3D.63

Protecting adjoining walls

3D.63 Protecting adjoining walls

Any wall constructed within 900mm of a lot boundary must be built in accordance with the support method proposed by the professional engineer's report provided with the application for the complying development certificate.

Note 1 :

"Professional engineer" is defined in clause 1.5.

Note 2 :

"Complying development certificate" has the same meaning as it has in the Act.

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 3D.64

Setbacks of dwelling houses, attached development and detached development from protected trees

3D.64 Setbacks of dwelling houses, attached development and detached development from protected trees

(1) Pruning and removal of trees A complying development certificate for complying development under Division 2 of this code is taken to satisfy any requirement under this Policy for a permit or development consent to remove or prune a tree or other vegetation on the lot if:

- (a) the tree is not listed on a register of significant trees kept by the council, and**
- (b) the tree or vegetation will be within 3m of any building that has an area of more than 25m², and**
- (c) the tree or vegetation has a height that is less than:**
 - (i) for development that is the erection of a new dwelling house--8m and is not required to be retained as a condition of consent, or**
 - (ii) in any other case--6m.**

(2) Setbacks from protected trees Development under this code must be at least 3m from each protected tree on the lot (measured from the base of the trunk of the tree).

(3) Despite subclause (2), the following development can be located within 3m of a protected tree if works do not involve excavation or fill of more than 150mm below or above ground level (existing):

- (a) an access ramp,**
- (b) a driveway, pathway or paving,**
- (c) an awning, blind or canopy,**
- (d) a fence, screen, or child-resistant barrier associated with a swimming pool or spa pool.**

Note 1 :

**"Development consent",
"dwelling house" and
"protected tree" are defined in clause 1.5.**

Note 2 :

**"Council",
"excavation",
"fill",
"ground level (existing)",
"spa pool" and
"swimming pool" have the same meanings as they have in the Standard Instrument.**

Note 3 :

"Complying development certificate" has the same meaning as it has in the Act.

Note 4 : A separate permit or development consent may be required if the branches or roots of a protected tree on the lot or on an adjoining lot are required to be pruned or removed.

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 3D.65

Conditions specified in Schedule 6 apply

3D.65 Conditions specified in Schedule 6 apply

A complying development certificate for development specified under this code must be issued subject to the conditions specified in Schedule 6.

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- NOTES

Note to Part 4 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.

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 4.1

Specified complying development

4.1 Specified complying development

Internal alterations to existing residential accommodation, including alterations to common property or existing ancillary development that is associated with residential accommodation (but not including development that is the erection or conversion of a basement to existing residential accommodation), is development specified for this code.

Note : See the entry for minor building alterations (internal) in the General Exempt Development Code.

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 4.2

Development standards

4.2 Development standards

The standards specified for that development are that the development:

- (a) must not result in a change of classification of the building under the Act or the Building Code of Australia, and**
- (b) must not result in any additional separate dwelling, and**
- (c) must not result in the creation of an additional floor within a dwelling.**

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 4.3

Specified complying development

4.3 Specified complying development

The following development is specified for this code:

- (a) if the development is on land that is not within a heritage conservation area or a draft heritage conservation area--external alterations to an existing dwelling house,**
- (b) if the development is on land that is within a heritage conservation area or a draft heritage conservation area--external alterations to that part of an existing dwelling house that comprises the storey on the ground level,**
- (c) external alterations to existing ancillary development that is associated with an existing dwelling house.**

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 4.4

Development standards

4.4 Development standards

(1) The standards specified for that development are that the development:

- (a) must not result in a change of classification of the building under the Act or the Building Code of Australia, and**
- (b) must not result in a change to the floor area of the dwelling house or ancillary development, and**
- (c) must not result in a change to the footprint of the dwelling house or ancillary development, and**
- (ca) must not result in an increase in the existing building height of the dwelling house or ancillary development, and**
- (cb) must not result in more than a 5% change in the pitch of the roof of the dwelling house or ancillary development, and**
- (cc) must not result in the enclosure of any carport, and**
- (d) if it is a new window in an alteration or addition to an existing dwelling house--must comply with subclause (2), and**
- (e) if it is located in a heritage conservation area or a draft heritage conservation area--must not be to a wall facing the primary road or any wall that connects to a wall facing the primary road.**

(2) A new window in any alteration or addition to an existing dwelling house must have a privacy screen for any part of the window that is less than 1.5m above finished floor level if:

- (a) the window:**

- (i) is in a habitable room that has a floor level of more than 1m above ground level (existing), and
 - (ii) has a sill height of less than 1.5m above that floor level, and
 - (iii) faces a side or rear boundary and is less than 3m from that boundary, or
- (b) the window:
- (i) is in a habitable room that has a floor level of more than 3m above ground level (existing), and
 - (ii) has a sill height of less than 1.5m above that floor level, and
 - (iii) faces a side or rear boundary and is at least 3m, but not more than 6m, from that boundary.
- (3) Subclause (2) does not apply to a window located in a bedroom where the window has an area of not more than 2m².

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 4.4A

Specified complying development

4.4A Specified complying development

External alterations to existing residential accommodation (other than a dwelling house) or existing ancillary development to residential accommodation (other than a dwelling house) is development specified for this code if the development is:

- (a) on land that is not within a heritage conservation area or a draft heritage conservation area, and
- (b) on land that is not identified as being within a flood control lot, and
- (c) not the erection of a new balcony, deck, patio, terrace or verandah.

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 4.4B

Development standards

4.4B Development standards

- (1) The standards specified for that development are that the development:
- (a) must not result in a change of classification of the building under the Act or the Building Code of Australia, and
 - (b) must not result in an increase to the gross floor area of the existing residential accommodation or ancillary development, and
 - (c) must only use materials and finishes of a similar colour palette and substance to the existing building, and
 - (d) must not affect any existing fire resisting components of the building, and
 - (e) must not affect the means of egress from the building in an emergency, and

- (f) must comply with any height limits contained in an environmental planning instrument applying to the land or, if there are no such limits, the external works must not be higher than the uppermost habitable floor level, and
- (g) must be located at least 3m from any side or rear boundary, and
- (h) must be located behind the building line of any primary or secondary road frontage.

(2) Subclause (1) (g) and (h) do not apply if the development is for the purpose of providing pedestrian access in the form of an access ramp or stair lift to the ground floor level, including any balustrade, handrail or other device relating to safety.

(3) If the development is for the purposes of external works to an existing building, the development must only be to the first 3 storeys of the building, not including any basement or parking level, unless the development is for:

- (a) the installation of services and utilities, or
- (b) the alteration of existing services and utilities.

(4) If the development is for the purpose of an alteration to an existing balcony, deck, patio, terrace or verandah, the development must not increase the floor area or the floor level above ground level (existing) of the development.

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 4.5

Specified complying development

4.5 Specified complying development

An attic conversion in respect of a dwelling house that existed at the commencement of this clause is development specified for this code.

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 4.6

Development standards

4.6 Development standards

(1) The standards specified for that development are that the development:

- (a) must be contained entirely within the roof space, and
- (b) must not result in a change in the roof pitch, and
- (c) must have one dormer window if the building is less than 6m wide or 2 dormer windows if the building is 6m wide or more, and
- (d) the flashing or waterproofing for a dormer window must not span the roof ridge, and
- (e) if it is constructed in a heritage conservation area or a draft heritage conservation area:
 - (i) must not contain a dormer window or extend the roof in any way, and
 - (ii) must only have windows that are flush with the existing roof plane, and
 - (iii) must only have windows that are located in the existing rear roof plane, and
 - (iv) must only have windows that do not exceed

1.5m² in total.

- (2) A dormer window referred to in subclause (1):
- (a) must not have a width of more than 1.3m, and
 - (c) must be set in at least 500mm from the edge of the roof, and
 - (d) must be at least 200mm below the existing roof ridge height, and
 - (e) facing to the rear of the building, must not have a total area of more than 4m².

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 4.6A

Development standards for bush fire prone land

4.6A Development standards for bush fire prone land

(1) This clause applies:

- (a) to development specified in Subdivision 2, 2A or 3 that is to be carried out on a lot that is wholly or partly bush fire prone land, and
- (b) in addition to all other development standards specified for this code.

(2) The development may be carried out on the lot only if the development conforms to the specifications and requirements of the following documents that are relevant to the development:

- (a) Planning for Bush Fire Protection (ISBN 0 9751033 2 6), published by the NSW Rural Fire Service in December 2006,
- (b) Planning for Bush Fire Protection, Addendum: Appendix 3 (ISBN 0 9751033 2 6), published by NSW Rural Fire Service in 2010,
- (c) if another document is prescribed by the regulations for the purposes of section 4.14 of the Environmental Planning and Assessment Act 1979 --that document.

Note : The requirements of AS 3959--2009, Construction of buildings in bushfire-prone areas set out in the Building Code of Australia also apply.

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 4.7

Conditions specified in Schedule 7 apply

4.7 Conditions specified in Schedule 7 apply

A complying development certificate for development specified under this code must be issued subject to the conditions specified in Schedule 7.

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- NOTES

Note to Part 4A In addition to the requirements specified for development under this code, adjoining owners' property rights, the applicable common law and other legislative requirements for approvals, licences, permits and authorities

still apply. For example, requirements relevant to development in this code may be contained in the Act, the Environmental Planning and Assessment Regulation

2000, various State environmental planning policies, the Protection of the Environment Operations

Act

1997, the Roads

Act

1993, the Swimming Pools

Act

1992, the Disability (Access to Premises--Buildings)

Standards

2010 of the Commonwealth and Acts applying to various infrastructure authorities. If the development is in proximity to infrastructure, including water, stormwater and sewer mains, electricity power lines and telecommunications facilities, the relevant infrastructure authority should be contacted before commencing the development.

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 4A.1

Specified complying development

4A.1 Specified complying development

Bed and breakfast accommodation is development specified for this code if it is:

- (a) permissible with development consent under an environmental planning instrument applying to the land on which the development is carried out, and
- (b) not constructed or installed on bush fire prone land.

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 4A.2

Development standards

4A.2 Development standards

The standards specified for that development are that the development must:

- (a) be in an existing dwelling house, and
- (b) consist of not more than 4 guest bedrooms or, if there is a local environmental plan applying to the land that was made under section 3.20 of the Act, the maximum number of bedrooms specified in clause 5.4 (1) of that plan, and
- (c) have at least 1 guest bathroom, and
- (d) have a fire extinguisher and fire blanket in the kitchen, and
- (e) have at least 1 off-road car parking space per guest bedroom, and
- (f) not display any advertisement on the premises (other than a notice or sign indicating the name and occupation of the resident), and
- (g) if the dwelling house is subject to the Strata Schemes Management Act 1996 or the Community Land Management Act 1989 --have the prior approval of the owners corporation, or the community, precinct or neighbourhood association.

Note : The use of a dwelling as bed and breakfast accommodation will result in a change of building class for the dwelling under the

Building Code of Australia. There will be new fire safety and access requirements.

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 4A.3

Specified complying development

4A.3 Specified complying development

A home business that involves the manufacture of food is development specified for this code.

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 4A.4

Development standards

4A.4 Development standards

The standards specified for that development are that the development must:

- (a) not involve a change of building use, and**
- (b) if the development is on land to which a local environmental plan made under section 3.20 of the Act applies--comply with the applicable standards under clause 5.4 (2) of that plan, and**
- (c) be carried out in premises that comply with the relevant requirements of AS 4674--2004, Design, construction and fit-out of food premises.**

Note 1 : The Food Act 2003, and the regulations under that Act, may contain additional requirements in relation to premises on which food is manufactured.

Note 2 : The elements that must comprise this development are specified in the definition of "home business" in the Standard Instrument.

Note 3 : Under the Building Code of Australia, a change of building use involving a floor area greater than 10% of the floor area of a building would cause the building to contravene the development standard.

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 4A.5

Specified development

4A.5 Specified development

The construction or installation of a tent, marquee or booth used for a community event is development specified for this code if it is not exempt development and is carried out on any of the following land:

- (a) land in a business, industrial (other than heavy industrial), open space or special purpose zone,**
- (b) land that is unzoned.**

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 4A.6

Development standards

4A.6 Development standards

The standards specified for that development are that:

(a) each tent, marquee or booth must not have a total floor area exceeding 500m², and

(b) for all tents, marquees and booths being used at the same time-- the development must not have a total floor area exceeding 1,000m², and

(c) each tent, marquee or booth must be located at least 3m from any boundary of the land unless the land is under the ownership, control or management of a council or public authority and that council or public authority has provided its consent in writing to the temporary use of the land for the erection of the tent, marquee or booth, and

(d) each tent, marquee or booth must be erected so as to ensure that there is a distance of at least 1.5m from any other tent, marquee or booth that is unobstructed so as to allow for pedestrian circulation unless that other tent, marquee or booth is attached with no separation, and

(e) each tent or marquee with an area exceeding 300m² must be located at least 6m from any other tent or marquee, and from any booth, to minimise the risk of fire spread, and

(f) each tent or marquee with an area exceeding 300m² must be provided with a system of emergency lighting and an additional electrical supply capable of providing emergency lighting in the event of a power failure, and

(g) each tent or marquee must have the following number of exits arranged so as to afford a ready means of egress from all parts of the tent or marquee to open space or a road:

(i) if the tent or marquee has a floor area of not more than 25m² --1 exit,

(ii) if the tent or marquee has a floor area of not more than 100m² --2 exits,

(iii) in any other case--4 exits, and

(h) if any tent or marquee will include internal seating, stalls, tables or other obstructions, a clear path of travel to any exit no greater than 40m in length must be provided, and

(i) each tent, marquee or booth must have a width for each exit of at least:

(i) if the floor area of the tent, marquee or booth is less than 150m² --850mm, or

(ii) in any other case--1m, and

(j) no tent or marquee can have a height for the walls exceeding 6m, and

(k) each tent, marquee or booth must have a height, as measured from the surface on which the tent or marquee is erected to the highest point of the tent, marquee or booth, not exceeding 8m, and

(l) each tent, marquee or booth must resist loads determined in accordance with the following Australian and New Zealand Standards:

(i) AS/NZS 1170.0:2002, Structural design actions, Part 0: General principles,

(ii) AS/NZS 1170.1:2002, Structural design actions, Part 1: Permanent, imposed and other actions,

(iii) AS/NZS 1170.2:2011, Structural design actions, Part 2: Wind actions, and

(m) if on land in the local government area of Coonamble, Gilgandra, Warrumbungle Shire or that part of the local government area of Dubbo Regional that was formerly in the City of Dubbo, any tent, marquee or booth must not have an outside light fitting other than a shielded

light fitting and any such shielded light fitting must be downward facing.

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 4A.7

Specified development

4A.7 Specified development

The construction or installation of a stage or platform used for a community event is development specified for this code if it is not exempt development and is carried out on any of the following land:

- (a) land in a business, industrial (other than heavy industrial), open space or special purpose zone,**
- (b) land that is unzoned.**

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 4A.8

Development standards

4A.8 Development standards

The standards specified for that development are that:

- (a) the stage or platform must not have a floor area exceeding 100m², and**
- (b) each stage or platform must be located at least 3m from any boundary of the land unless the land is under the ownership, control or management of a council or public authority, and that council or public authority has provided its consent in writing to the temporary use of the land for the erection of the stage or platform, and**
- (c) the stage or platform must have a height as measured from the surface on which the stage or platform is erected to the floor of the stage or platform not exceeding 2m, and**
- (d) the stage or platform must resist loads determined in accordance with the following Australian and New Zealand Standards:
 - (i) AS/NZS 1170.0:2002, Structural design actions, Part 0: General principles,**
 - (ii) AS/NZS 1170.1:2002, Structural design actions, Part 1: Permanent, imposed and other actions,**
 - (iii) AS/NZS 1170.2:2011, Structural design actions, Part 2: Wind actions, and****
- (e) if on land in the local government area of Coonamble, Gilgandra, Warrumbungle Shire or that part of the local government area of Dubbo Regional that was formerly in the City of Dubbo, any stage or platform must not have an outside light fitting other than a shielded light fitting and any such shielded light fitting must be downward facing.**

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 4A.9

Specified development

4A.9 Specified development

(1) The internal or external alteration or addition to a major event venue (other than Newington Armoury) situated on the Sydney Olympic Park site, including a new or replacement large format video screen within a stadium or auditorium, is development specified for this code if it is carried out on land within the Sydney Olympic Park site.

(2) In this Subdivision, "major event venue" and "Sydney Olympic Park site" have the same meanings as in Part 23 of Schedule 3 to State Environmental Planning Policy (Major Development) 2005.

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 4A.10

Development standards

4A.10 Development standards

The standards specified for that development are that the development must:

- (a) not add more than 100m² to the external envelope of the major event venue, and**
- (b) not add a new seating area to the major event venue of more than 1,000m².**

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 4A.11

Specified development

4A.11 Specified development

(1) Structural repairs to, the replacement of, or the carrying out of maintenance works in relation to, existing lawful boat sheds, cranes, davits, jetties, marinas, pontoons, slipway rails, winches, water recreation structures and wharf or boating facilities is development specified for this code if it is not carried out on or in a heritage item or a draft heritage item.

(2) Development specified for this code may be carried out on land whether or not the land is within an environmentally sensitive area.

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 4A.12

Development standards

4A.12 Development standards

(1) The standards specified for that development are that the development must:

- (a) not reduce the amount of light penetration to any water below, and**
- (b) not change the classification of any building under the Building Code of Australia, and**
- (c) not involve disturbance of or injury to the bed of any**

waterway or injury to any marine vegetation (as defined under the Fisheries Management Act 1994), and
(d) not increase the height or site coverage of the building concerned, and
(e) in the case of the repair or replacement of any crane, davit, slipway rails or winch--not be larger in size or capacity than the one being repaired or replaced, and
(f) not result in a pile being exposed within the waterway, and
(g) comply with AS 3962--2001, Guidelines for design of marinas and AS 4997--2005, Guidelines for the design of maritime structures, and
(h) if an approval is required under the Fisheries Management Act 1994 --be approved under that Act, and
(i) if an approval is required under the Protection of the Environment Operations Act 1997 --be approved under that Act.

(2) Despite subclause (1) (c), if the development is for the purpose of the removal or the replacement of damaged or degraded piles, the following additional standards are specified for that development:
(a) the development must not cause a deterioration in water quality,
(b) the development must use silt curtains or similar effective methods to control pollution,
(c) the development must not dispose of spoil in the waterway.

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 4A.13

Conditions specified in Schedule 7 apply

4A.13 Conditions specified in Schedule 7 apply

A complying development certificate for development specified under this code must be issued subject to the conditions specified in Schedule 7.

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- NOTES

Note to Part 5 Clause 1.18 (1) (b) states that to be complying development for the purposes of this Policy the development must be permissible with consent under an environmental planning instrument applying to the land on which the development is carried out.

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- NOTES

Note to Part 5 Schedule 3 contains variations to this code.

**STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)
2008
- NOTES**

Note to Part 5 In addition to the requirements specified for development under this code, adjoining owners' property rights, the applicable common law and other legislative requirements for approvals, licences, permits and authorities still apply. For example, requirements relevant to development in this code may be contained in the Act, the Environmental Planning and Assessment Regulation

2000, various State environmental planning policies, the Protection of the Environment Operations

Act

1997, the Roads

Act

1993, the Disability (Access to Premises--Buildings)

Standards

2010 of the Commonwealth and Acts applying to various infrastructure authorities. If the development is in the proximity of infrastructure, including water, stormwater and sewer mains, electricity power lines and telecommunications facilities, the relevant infrastructure authority should be contacted before commencing the development.

**STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)
2008**

- REG 5.1

Specified complying development

5.1 Specified complying development

An internal alteration to a building that is used, or is the subject of a development consent for use, for any purpose (other than for the purpose of residential accommodation, artisan food and drink industry, heavy industry, local distribution premises, sex services premises or restricted premises) is development specified for this code.

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 5.2

Development standards

5.2 Development standards

(1) The standards specified for that development are as follows:

- (a) the current use of the premises must be a lawful use,**
- (b) the current use of the premises must not be an existing use within the meaning of section 4.65 of the Act,**
- (c) the alteration must not result in an increase in the gross floor area of any building within which it is carried out, except if the increase is required for the alteration to comply with the Premises Standards,**
- (d) the alteration must not involve the conversion of any area that is excluded from the measurement of gross floor area of the building (such as a basement, plant room, car**

parking space, loading space or void),
(e) if the alteration is to a building used for the purposes of an entertainment venue (such as a cinema, theatre, hall or auditorium) in a registered club or used as an entertainment facility, the alteration must not increase the floor area used for those purposes,
(f) if the alteration involves food and drink premises, the alteration must be carried out in accordance with AS 4674--2004, Design, construction and fit-out of food premises,
(g) the alteration must not relate to the cooking of food at the premises by barbecue or charcoal methods,
(h) if the alteration involves a loading dock, the alteration must not:

- (i) reduce the number or capacity of the trucks accommodated, or
- (ii) reduce the area for goods handling, or
- (iii) reduce the area for waste handling (including any recycling area), or
- (iv) reduce the manoeuvring area of the loading dock or access driveway,

(i) if the alteration involves the amalgamation of retail premises located in a building, the amalgamation must not result in 1 retail premises having more than 50% of the total floor area of the building that is used for the purposes of retail premises.

Note 1 : If the alteration involves premises that are a "food business" within the meaning of the Food Act 2003, the premises must comply with the requirements under that Act.

Note 2 : If the alteration involves premises at which a "skin penetration procedure", within the meaning of the Public Health Act 2010, is carried out, the premises must comply with the requirements under that Act, and Part 4 of the Public Health Regulation 2012.

(1A) Subclause (1) (e) does not apply to development in connection with a tertiary institution.

(2) The following requirements of the Building Code of Australia are also standards specified for that development:

- (a) if the building that is being altered is subject to an alternative solution relating to a fire safety requirement--the alteration must be consistent with that alternative solution,
- (b) if the alteration involves an area of more than 500m² of commercial premises, or an area of more than 1,000m² of premises used for light industry or a warehouse or distribution centre--that area must:

- (i) comply with the requirements set out in DP2-DP5 of Volume 1 of the Building Code of Australia, and
- (ii) comply with the number of sanitary and other facilities set out in FP2.1, FP2.5 and FP2.6 of Volume 1 of the Building Code of Australia, and
- (iii) comply with the light and ventilation requirements set out in FP4.1-FP4.5 of Volume 1 of the Building Code of Australia,

(c) if the building is a mixed use development that also contains a Class 2, 3 or 4 portion--the altered area must be separated from the Class 2, 3 or 4 portion by building elements that comply with the fire resistance performance requirements set out in CP2 and CP8 of Volume 1 of the Building Code of Australia.

(3) Subclause (2) (b) is also a standard specified for that

- REG 5.4

Development standards

5.4 Development standards

(1) The standards specified for that development are as follows:

- (a) the current use must be a lawful use,**
- (b) the current use must not be an existing use within the meaning of section 4.65 of the Act,**
- (c) 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,**
- (d) the new use must not be any of the following:**
 - (i) a funeral home,**
 - (ii) sex services premises,**
 - (iii) restricted premises,**
 - (iv) retail premises where firearms within the meaning of the Firearms Act 1996 are sold,**
 - (v) a roadside stall,**
 - (vi) a market,**
 - (vii) food and drink premises with the capacity for more than 50 seats, other than premises where the seating is provided within a common food court or food hall,**
 - (viii) a pub,**
 - (ix) a small bar,**
- (e) a new use that is an ancillary office within premises that are a warehouse or distribution centre, or that is an ancillary office or an industrial retail outlet within premises used for light industry, must not occupy more than:**
 - (i) the maximum amount of gross floor area permitted for such an office in such a building under an environmental planning instrument applying to the land, or**
 - (ii) 20% of the gross floor area of the building or 1,000m²,****whichever is the lesser,**
- (f) if the new use is food and drink premises--the premises must comply with AS 4674-2004 Construction and fit-out of food premises,**
- (g) the new use must not cause the contravention of any existing condition of the most recent development consent (other than a complying development certificate) that applies to the premises relating to hours of operation, noise, car parking, loading, vehicular movement, traffic generation, waste management or landscaping,**
- (h) car parking must be provided:**
 - (i) in accordance with any existing condition relating to car parking that applies to the use of the land, or**
 - (ii) if there is no existing condition relating to car parking either:**
 - (A) in accordance with any relevant requirements contained in an environmental planning instrument or development control plan applying to the land, or**
 - (B) if a contribution in relation to car parking in compliance with a contributions plan under Division 7.1**

of the Act is imposed as a condition of approval under clause 136K of the Environmental Planning and Assessment Regulation 2000 --if that contribution is made,

(i) if the new use is a manual collection point--the land on which the new use is carried out must not contain any underground storage tanks.

Note : The term

"pub" is defined in the Standard Instrument as meaning licensed premises under the Liquor Act 2007, the principal purpose of which is the retail sale of liquor for consumption on the premises, whether or not the premises include hotel or motel accommodation and whether or not food is sold or entertainment is provided on the premises.

(1A) Subclause (1) (e) does not apply to development in connection with a tertiary institution.

(2) The following requirements of the Building Code of Australia are also standards specified for that development:

(a) if the change of use involves an area of more than 500m² of commercial premises, or an area of more than 1,000m² of premises used for industry or a warehouse or distribution centre, that area must:

(i) comply with the requirements set out in DP2-DP5 of Volume 1 of the Building Code of Australia, and

(ii) comply with the number of sanitary and other facilities set out in FP2.1, FP2.5 and FP2.6 of Volume 1 of the Building Code of Australia, and

(iii) comply with the light and ventilation requirements set out in FP4.1-FP4.5 of Volume 1 of the Building Code of Australia,

(b) if the building is a mixed use development that also contains a Class 2, 3 or 4 portion--the area involved in the change of use must be separated from the Class 2, 3 or 4 portion by building elements that comply with the fire resistance performance requirements set out in CP2 and CP8 of Volume 1 of the Building Code of Australia.

Note : Pursuant to the requirement under the Act that a building must be suitable for occupation and use in accordance with its classification under the Building Code of Australia, a change of use may require building work to be carried out despite such work not being included in an application for a complying development certificate.

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 5.5

Specified development

5.5 Specified development

(1) The first use of a part of a building that is a Class 5, 6, 7b or 8 building is development specified for this code if the use is not for any of the following:

(a) a funeral home,

(b) sex services premises,

(c) restricted premises,

(d) retail premises where firearms within the meaning of the Firearms Act 1996 are sold,

- (e) a roadside stall,
- (f) a market,
- (g) food and drink premises with the capacity for more than 50 seats, other than premises where the seating is provided within a common food court or food hall,
- (h) a pub,
- (i) a small bar,
- (j) an entertainment facility,
- (k) a registered club,
- (l) a tertiary institution,
- (m) an artisan food and drink industry,
- (n) local distribution premises.

Note : The term

"pub" is defined in the Standard Instrument as meaning licensed premises under the Liquor Act 2007, the principal purpose of which is the retail sale of liquor for consumption on the premises, whether or not the premises include hotel or motel accommodation and whether or not food is sold or entertainment is provided on the premises.

- (2) If development specified in subclause (1) is to be provided with water supply or sewerage services (or both) by a water utility, to be complying development the applicant must obtain a notice or other form of written advice that specifies the works or other requirements to be completed as part of the development from the relevant water utility or an entity authorised to provide such a notice or advice by the utility.

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 5.6

Development standards

5.6 Development standards

- (1) The standards specified for that development are that the development:

- (a) must not result in an increase to the gross floor area of the building, and
- (b) must not cause the contravention of any existing condition of the most recent development consent (other than a complying development certificate) that applies to the premises relating to hours of operation, noise, car parking, loading, vehicular movement, traffic generation, waste management or landscaping, and
- (c) car parking must be provided:
 - (i) in accordance with any existing condition relating to car parking that applies to the use of the land, or
 - (ii) if there is no existing condition relating to car parking either:
 - (A) in accordance with any relevant requirements contained in an environmental planning instrument or development control plan applying to the land, or
 - (B) if a contribution in relation to car parking in compliance with a contributions plan under Division 7.1 of the Act is imposed as a condition of approval under clause 136K of the

**Environmental Planning and Assessment
Regulation 2000 --if that contribution
is made.**

(2) The following requirements of the Building Code of Australia are also standards specified for that development:

(a) if the new use involves an area of more than 500m² of commercial premises, or an area of more than 1,000m² of premises used for industry or a warehouse or distribution centre--that area must:

(i) comply with the requirements set out in DP2-DP5 of Volume 1 of the Building Code of Australia, and

(ii) comply with the number of sanitary and other facilities set out in FP2.1, FP2.5 and FP2.6 of Volume 1 of the Building Code of Australia, and

(iii) comply with the light and ventilation requirements set out in FP4.1-FP4.5 of Volume 1 of the Building Code of Australia,

(b) if the building is a mixed use development that also contains a Class 2, 3 or 4 portion--the area involved in the change of use must be separated from the Class 2, 3 or 4 portion by building elements that comply with the fire resistance performance requirements set out in CP2 and CP8 of Volume 1 of the Building Code of Australia.

Note : Pursuant to the requirement under the Act that a building must be suitable for occupation and use in accordance with its classification under the Building Code of Australia, a new use may require building work to be carried out despite such work not being included in an application for a complying development certificate.

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 5.7

Specified complying development

5.7 Specified complying development

The construction, installation or alteration of a mechanical ventilation system on a building that is used for any purpose (other than a dwelling house) is development specified for this code if it is not carried out in a heritage conservation area or a draft heritage conservation area.

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 5.8

Development standards

5.8 Development standards

The standards specified for that development are that the development must:

(a) be located at least 3.5m behind the building line from any lot boundary, and

(b) be designed so as not to emit noise exceeding an LAeq of 5 dB(A) above background noise when measured at any lot boundary, and

(c) be located not more than 1m above the ridge of a pitched roof or 3m above a flat roof, and

(d) not relate to the cooking of food at the premises by barbecue or

charcoal methods, and

(e) if it is located on bush fire prone land--be constructed or installed so that any opening is sealed against the entry of embers.

Note : If the mechanical ventilation system is a "regulated system" within the meaning of the Public Health Act 2010, the system must comply with the requirements of that Act and the regulations made under it, including AS/NZS 3666.1:2002, Air-handling and water systems of buildings--Microbial control, Part 1: Design, installation and commissioning.

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 5.9

Specified complying development

5.9 Specified complying development

An external alteration to, or the repair or replacement of, an existing shop front or awning, or the construction of a new awning, on a building that is used for any purpose other than for the purpose of a dwelling house is development specified for this code if it is not carried out in a heritage conservation area or a draft heritage conservation area.

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 5.10

Development standards

5.10 Development standards

The standards specified for that development are that the development must:

- (a) not result in an increase in the gross floor area of the building, and
- (b) not reduce the area of the window or other clear glass of the shop front, and
- (c) not reduce the level of transparency of the shop front, such as by using obscure glazing, and
- (d) not reduce the existing level of access to the building for people with a disability, and
- (e) in the case of the replacement of an awning or the construction of a new awning--be no less than 2.7m high at any point measured above ground level (existing), and
- (f) in the case of the replacement of an existing awning fascia--have a vertical depth for the replacement fascia not greater than the vertical depth of the existing awning fascia, and
- (g) in the case of the construction of a new awning--have a vertical depth for the awning fascia not greater than the average of the vertical depths of the immediately adjoining awning fascias or, if there are no adjoining awning fascias, 350mm, and
- (h) be no more than 3m in depth measured horizontally from the facade of the building to which it is attached, and
- (i) be no closer than 450mm to the edge of any kerb or alignment of any path on which vehicles travel, and
- (j) be designed and certified by a professional engineer, and
- (k) in the case of the replacement of an awning or the construction of a new awning--be constructed of non-combustible material if it is located on bush fire prone land.

Note : A structure on public land or on or over a public road

requires the prior approval of the relevant authority under the Local Government Act 1993 or the Roads Act 1993, respectively.

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 5.11

Specified complying development

5.11 Specified complying development

The construction or installation of a skylight or roof window on a building that is used for any purpose other than a dwelling house is development specified for this code.

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 5.12

Development standards

5.12 Development standards

The standards specified for that development are that the development must:

- (a) be constructed or installed so that any opening created is adequately weather proofed, and
- (b) if located on bush fire prone land--be constructed or installed so that any opening is sealed against the entry of embers, and
- (c) if located on land in a heritage conservation area or draft heritage conservation area--be constructed or installed within the plane of the roof and not be visible on the street elevation.

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 5.13

Specified development

5.13 Specified development

The construction or installation of a business identification sign or building identification sign that projects from the exterior wall of an existing building is development specified for the purposes of this code if:

- (a) it is not carried out on or in a heritage item or draft heritage item or in a heritage conservation area or draft heritage conservation area, and
- (b) it is carried out on land that is in a business, industrial or special purpose zone.

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 5.14

Development standards

5.14 Development standards

- (1) The standards specified for that development are that the

development must:

- (a) not result in more than 4 business identification signs (which may refer to more than 1 business within the building) or building identification signs (or both) of this type for the building so long as only one sign is visible on each elevation of the building, and**
- (b) not project beyond the parapet or eaves of the building to which it is attached, and**
- (c) if located in an industrial zone--be no more than 2.5m² in area and not project more than 1.5m horizontally from the facade of the building, and**
- (d) if located in any other zone--be no more than 1.5m² in area and not project more than 0.75m horizontally from the facade of the building, and**
- (e) be securely fixed to the wall in accordance with:**
 - (i) AS/NZS 1170.0:2002, Structural design actions, Part 0: General principles, and**
 - (ii) AS/NZS 1170.2:2011, Structural design actions, Part 2: Wind actions, and**
- (f) if the sign is illuminated:**
 - (i) have its means of illumination, including any associated cables, concealed or integrated within the frame of the sign, and**
 - (ii) not be animated, flashing or moving, and**
 - (iii) comply with AS 4282--1997, Control of the obtrusive effects of outdoor lighting, and**
- (g) if the sign is a business identification sign and is on land that is within a residential zone or within 50m of land that is within a residential zone and the sign faces the residential zone--only be illuminated during the following periods:**
 - (i) if the hours of operation of the business identified on the sign have been approved--during those hours,**
 - (ii) if the hours of operation of the business identified on the sign have not been approved--between 7.00 am and 10.00 pm on any day.**

Note : A structure on public land or on or over a public road requires the prior approval of the relevant authority under the Local Government Act 1993 or the Roads Act 1993, respectively.

(2) Subclause (1) (c) does not apply to development in connection with a tertiary institution.

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 5.15

Specified development

5.15 Specified development

The erection of a business identification sign or building identification sign that is displayed on a freestanding structure that is mounted on the ground on one or more supports is development specified for this code if:

- (a) it is not carried out on or in a heritage item or a draft heritage item or in a heritage conservation area or a draft heritage conservation area, and**
- (b) it is carried out on land that is in a business, industrial or special purpose zone.**

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 5.16

Development standards

5.16 Development standards

The standards specified for that development are that the development must:

- (a) not result in more than one such freestanding sign for each street frontage of the lot on which the development is located that is more than 15m in width, and**
- (b) not be higher than 6m from ground level (existing), and**
- (c) not have an area for the sign of more than 8m² unless paragraph (d) applies, and**
- (d) if the development is located on premises with more than one commercial tenant--not have an area for the sign of more than 16m², and**
- (e) not be located within 3m of any protected tree, and**
- (f) be constructed and installed in accordance with:**
 - (i) AS/NZS 1170.0:2002, Structural design actions, Part 0: General principles, and**
 - (ii) AS/NZS 1170.2:2011, Structural design actions, Part 2: Wind actions, and**
- (g) not obstruct the visibility sight lines of, or interfere with, any traffic control device, including traffic control lights, and**
- (h) if the sign is illuminated:**
 - (i) have its means of illumination, including any associated cables, concealed or integrated within the frame of the sign, and**
 - (ii) not be animated, flashing or moving, and**
 - (iii) comply with AS 4282--1997, Control of the obtrusive effects of outdoor lighting, and**
- (i) if the sign is a business identification sign and is on land that is within 50m of land that is within a residential zone and the sign faces the residential zone--only be illuminated during the following periods:**
 - (i) if the hours of operation of the business identified on the sign have been approved--during those hours, or**
 - (ii) if the hours of operation of the business identified on the sign have not been approved--between 7.00 am and 10.00 pm on any day.**

Note : A structure on public land or on or over a public road requires the prior approval of the relevant authority under the Local Government Act 1993 or the Roads Act 1993, respectively.

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 5.17

Specified development

5.17 Specified development

Development, or the carrying out of works, that is or are ancillary to the use of land is development specified for this code if it is not carried out on a lot that:

- (a) contains a dwelling house, or**
- (b) is a flood control lot.**

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 5.18

Development standards

5.18 Development standards

The standards specified for that development are that the development must:

- (a) have an area of not more than 100m², or 15% of the area of the site on which the development is carried out, whichever is the lesser, and
- (b) not have a building height of more than 5m, and
- (c) be located at least 1m behind the building line of any road frontage (except where the development is a front awning on a building), and
- (d) be located at least 3m from any boundary adjoining land on which a dwelling is located, and
- (e) not be located over a registered easement, and
- (f) not reduce vehicular access to, parking on or loading or unloading on or from, the lot, and
- (g) not reduce the landscaped area of the lot, and
- (h) if carried out in a heritage conservation area or in a draft heritage conservation area:
 - (i) be located behind the rear building line and no closer to each side boundary than the existing development with which it is associated, and
 - (ii) not be carried out on a lot that adjoins a lane or a secondary or parallel road, and
- (i) to the extent that it is comprised of metal components--be constructed of low reflective, factory pre-coloured materials, and
- (j) if located on bush fire prone land--be constructed of non-combustible material, and
- (k) satisfy the requirements contained in an applicable development control plan applying to the land concerning its drainage systems and not interfere with the functioning of existing drainage fixtures or flow paths, and
- (m) in the case of a garbage bin enclosure:
 - (i) not have a floor area more than 5m², and
 - (ii) not be higher than 3m if roofed or 1.5m above ground level (existing) if not roofed.

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 5.19

Specified development

5.19 Specified development

Earthworks and the construction or installation of a retaining wall or other form of structural support are development specified for this code if they are not carried out on a lot that:

- (a) contains a dwelling house, or
- (b) is a flood control lot.

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 5.20

Development standards

5.20 Development standards

(1) Excavation The standards specified for excavation work are that the work must:

- (a) be structurally sound, and**
- (b) if the land is not identified as Class 3 or 4 on the Acid Sulfate Soils Map--not be more than 3m below ground level (existing), and**
- (c) if the land is identified as Class 3 or 4 on the Acid Sulfate Soils Map--not be more than 1m below ground level (existing), and**
- (d) be carried out at least 40m from any waterbody (natural), and**
- (e) not result in a building being located over a registered easement, and**
- (f) if it is on a lot adjacent to a rail corridor--be setback at least 3m from the corridor.**

(2) Fill The standards specified for fill are that the fill must:

- (a) not raise the ground level (existing) more than 2m, and**
- (b) be structurally sound, and**
- (c) be located at least 40m from any waterbody (natural).**

(3) Structural supports Earthworks that are more than 1m above or below ground level (existing) are structurally sound only if they have structural support that:

- (a) a professional engineer has certified as structurally sound, including in relation to (but not limited to) the ability to withstand the forces of lateral soil load, and**
- (b) has adequate drainage lines connected to an existing stormwater drainage system for the site, and**
- (c) does not redirect the flow of any water or cause sediment to be transported onto an adjoining property, and**
- (d) is not higher than 3m, and**
- (e) is separated from any other structural support on the site by at least 2m, measured horizontally, and**
- (f) is not located over a registered easement.**

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 5.21

Specified development

5.21 Specified development

The following development is specified for this code if it is not carried out on a lot that contains a dwelling house:

- (a) the construction or installation of pathways or paving,**
- (b) the construction or installation of a driveway associated with access to a hard stand space, carport, loading bay or garage,**
- (c) the construction or installation of a hard stand space, whether open or part of a carport.**

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 5.22

Development standards

5.22 Development standards

The standards specified for that development are that the development must:

- (a) satisfy the requirements of any applicable development control plan concerning its drainage systems and not interfere with the functioning of existing drainage fixtures or flow paths, and**
- (b) not require a cut or fill of greater than 2m from ground level (existing), and**
- (c) if it is a driveway or hard stand space:**
 - (i) be constructed in accordance with AS/NZS 2890.1:2004, Parking facilities, Part 1: Off-street car parking or AS 2890.2--2002, Parking facilities, Part 2: Off-street commercial vehicle facilities and RMS Australian Standard Supplements, Australian Standard--AS2890, Parking Facilities, Parts 1-6 issued by Roads and Maritime Services, and**
 - (ii) be designed to allow all vehicles to turn around within the site and exit in a forward direction, and**
 - (iii) be designed and certified by a professional engineer, and**
- (d) if it is a driveway--have the consent required for a driveway under section 138 of the Roads Act 1993 from the appropriate roads authority, and**
- (e) if the development is a hard stand space:**
 - (i) be associated with a driveway, and**
 - (ii) be located at least 3m from any boundary that adjoins a residential zone, and**
- (f) if it is a pathway or paving area to be used for pedestrian access--be designed or constructed in accordance with AS 1428.1--2009, Design for access and mobility, Part 1: General requirements for access--New building work.**

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 5.23

Specified development

5.23 Specified development

The construction of a fence that is not located on the boundary of a road, other than a rear lane, is development specified for this code if it is not carried out on a lot that contains a dwelling house.

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 5.24

Development standards

5.24 Development standards

- (1) The standards specified for that development are that the development must:**
 - (a) be located on a side or rear boundary, and**
 - (b) not be more than 3m above ground level (existing), and**
 - (c) not be of solid construction.**
- (2) Despite subclause (1), any fence located along the boundary of a site that adjoins land within a residential zone or a lane must be**

open for at least 75% of the area of the fence that is more than 1.8m above ground level (existing).

Note : Development standards for fences that are exempt development are specified in Division 1 of Part 2.

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 5.24A

Specified development

5.24A Specified development

All external lighting associated with development under this Part in the local government areas of Coonamble, Gilgandra, Warrumbungle Shire and that part of the local government area of Dubbo Regional that was formerly in the City of Dubbo is development specified for this code.

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 5.24B

Development standards

5.24B Development standards

(1) The standards specified for that development are that the development must:

(a) be installed or constructed using a shielded light fitting, and

(b) be downward facing, and

(c) for each site--not exceed 50,000 lumens, and

(d) for each individual light--not exceed a maximum colour temperature of 3,500 kelvin.

(2) In this clause:

"shielded light fitting" means a light fitting that does not allow light to shine above the horizontal plane.

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 5.25

Conditions specified in Schedule 8 apply

5.25 Conditions specified in Schedule 8 apply

A complying development certificate for development specified under this code must be issued subject to the conditions specified in Schedule 8.

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- NOTES

Note to Part 5A Clause 1.18 (1) (b) states that to be complying development for the purposes of this Policy the development must be permissible with consent

under an environmental planning instrument applying to the land on which the development is carried out.

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- NOTES

Note to Part 5AIn addition to the requirements specified for development under this code, adjoining owners' property rights, the applicable common law and other legislative requirements for approvals, licences, permits and authorities still apply. For example, requirements relevant to development in this code may be contained in the Act, the Environmental Planning and Assessment Regulation

2000, various State environmental planning policies, the Protection of the Environment Operations

Act

1997, the Roads

Act

1993 and Acts applying to various infrastructure authorities. If the development is in proximity to infrastructure, including water, stormwater and sewer mains, electricity power lines and telecommunications facilities, the relevant infrastructure authority should be contacted before commencing the development.

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 5A.1

Land to which code applies

5A.1 Land to which code applies

(1) This code applies to development that is specified in clause 5A.2 on any lot in Zone B1, B2, B3, B4, B5, B6, B7, B8, IN1, IN2, IN3, IN4 or SP3.

(2) This code also applies to development that is specified in clause 5A.2 (1) (d) or (e) on any lot in Zone SP1 or SP2 if that development is in connection with a tertiary institution.

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 5A.2

Alterations or additions to an existing building or construction of new building

5A.2 Alterations or additions to an existing building or construction of new building

(1) The following development is development specified for this code:

- (a) the construction of a building for the purposes of industry (other than heavy industry or an artisan food and drink industry) or a warehouse or distribution centre (other than a local distribution premises),**
- (b) an addition to an existing building that is used for**

the purpose of industry (other than heavy industry or an artisan food and drink industry) or a warehouse or distribution centre (other than a local distribution premises),

(c) the external alteration of an existing building used for the purpose of industry (other than heavy industry or an artisan food and drink industry) or a warehouse or distribution centre (other than a local distribution premises),

(d) an addition to the rear of existing commercial premises, other than on a corner lot,

(e) the external alteration of existing commercial premises.

(2) If development specified in subclause (1) (a)-(e) is to be provided with water supply or sewerage services (or both) by a water utility, to be complying development the applicant must obtain a notice or other form of written advice from the relevant water utility, or an entity authorised to do so by the utility, that specifies the works or other requirements to be completed as part of the development.

(3) Development that requires the clearing of more than 1,000m² of native vegetation is not development for the purpose of this code.

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 5A.3

When separate permits are not required under this Part

5A.3 When separate permits are not required under this Part

A complying development certificate for complying development under this Division is taken to satisfy any requirement under this Policy for a permit or development consent to remove or prune a tree or other vegetation on a lot if:

(a) the tree is not listed on a significant tree register or register of significant trees kept by the council, and

(b) the tree or vegetation is within 3m of the development, and

(c) the tree or vegetation has a height that is less than 8m.

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- NOTES

Note to Division 2 Division 4 of this Part also specifies additional development standards that apply to development relating to industrial buildings.

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 5A.4

Application of development standards

5A.4 Application of development standards

This Division sets out the development standards that apply to development specified for this code that comprises:

- (a) the construction of a building for the purpose of industry or of a warehouse or distribution centre, or**
- (b) an addition to an existing building that is used for the purpose of industry, or**
- (c) the external alteration of an existing building used for the purpose of industry.**

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 5A.5

General standards

5A.5 General standards

The standard specified for development to which this Division applies is that it must not contravene any condition of an existing development consent that applies to the land in relation to car parking, hours of operation, landscaping, noise, loading, traffic generation, vehicular movement and waste management.

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 5A.6

Registered easements

5A.6 Registered easements

Development that will result in the erection of a building over a registered easement is not complying development under this code.

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 5A.7

Maximum gross floor area

5A.7 Maximum gross floor area

- (1) If the development is a new building, the total gross floor area of the completed buildings on the site must not be more than 20,000m².**
- (2) If the development is an alteration or addition to an existing building, the total gross floor area of the building as altered or added to must not exceed:**
 - (a) for an existing building with a gross floor area of 5,000m² or less--5,000m², or**
 - (b) in any other case--the gross floor area of the existing building with an additional 5,000m².**
- (3) If the development includes development for the purposes of an ancillary office or industrial retail outlet, the floor area of the ancillary office or industrial retail outlet must not be more than 20% of the total gross floor area of the completed building or 1,000m², whichever is the lesser.**

Note : Clause 1.18 (1) (b) requires the new use to be permissible, with consent, in the land use zone in which it is carried out. In addition, certain types of uses are subject to a maximum floor area to be permissible development in a particular zone under the relevant

planning instrument, such as in clause 5.4 of the Standard Instrument. In those cases, the maximum floor area requirement for that use must be complied with for a change of use to be complying development.

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 5A.8

Maximum floor space ratio

5A.8 Maximum floor space ratio

The maximum floor space ratio of a new building or an existing building that is altered or added to must not be more than:

- (a) the maximum floor space ratio applicable to the land on which the building is erected under another environmental planning instrument applying to the land, or
- (b) if there is no such applicable maximum floor space ratio--1:1.

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 5A.9

Maximum height

5A.9 Maximum height

- (1) The maximum height of a new building must not be more than:
 - (a) the maximum height applicable to the land on which the building is erected under another environmental planning instrument applying to the land, or
 - (b) if there is no such applicable maximum height--15m.
- (2) The maximum height of an existing building that is being altered or added to must not be more than:
 - (a) the maximum height applicable to the land on which the building is erected under another environmental planning instrument applying to the land, or
 - (b) if there is no such applicable maximum height--the height of the existing building or 15m, whichever is the lesser.

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 5A.10

Setbacks of development from roads

5A.10 Setbacks of development from roads

- (1) If the development has a boundary with a classified road, the building must have a setback from the boundary with the classified road of:
 - (a) at least 10m, or
 - (b) if a greater setback is applicable in those circumstances under another environmental planning instrument applying to the land on which the building is erected--at least the setback specified in that instrument.
- (2) If the development has a boundary with a primary road that is not

a classified road, the building must have a setback from that boundary of:

(a) the average distance of the setbacks of the nearest 2 buildings that:

- (i) have a boundary with the same road, and
- (ii) are located within 40m of the lot on which the building is erected, and
- (iii) are used for the purpose of industry or a warehouse or distribution centre, or

(b) at least 10m,

whichever is the lesser.

(3) If the development is on a lot that has a boundary with a parallel road that is not a classified road, the building must have a setback from the boundary with the parallel road determined in accordance with subclause (2).

(4) If the development is located on a corner lot, the building must have a setback from the boundary of the secondary road of at least 3m if the secondary road is not a classified road.

(4A) If the development is on a lot that is subject to a proposed road widening under a local environmental plan, the building must have a setback from the boundary with the road, after acquisition for the road widening, of at least:

- (a) if the road widening is for a local road--10m, or
- (b) if the road widening is for a classified road widening, a future classified road widening or a local road future classified road--4.5m.

(5) Despite the other provisions of this clause, an addition or alteration to an existing building may have a setback from the boundary of any road that is not a classified road at the same distance as the setback of the existing building from that boundary.

(6) Despite the other provisions of this clause, the requirements of this clause do not apply to the existing parts of a building.

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 5A.11

Setbacks of development from side and rear boundaries

5A.11 Setbacks of development from side and rear boundaries

(1) If the development is a new building, or the alteration of or an addition to an existing building, on land that adjoins a lot in a residential zone, the building must have a setback from the boundary of the adjoining lot of:

- (a) for a building with a gross floor area of not more than 1,000m² --at least 3m, plus an additional metre for every whole metre by which the building exceeds 4.5m in height above ground level (existing), or
- (b) for a building with a gross floor area of more than 1,000m² but not more than 5,000m² --at least 5m, plus an additional metre for every whole metre by which the building exceeds 4.5m in height above ground level (existing), or
- (c) for a building with a gross floor area of more than 5,000m² but not more than 10,000m² --at least 20m, plus an additional metre for every whole metre by which the building exceeds 4.5m in height above ground level (existing), or
- (d) for a building with a floor area of more than 10,000m² but not more than 20,000m² --at least 50m, with a maximum

- building height of 15m above ground level (existing).
- (2) If the development is a new building, or the alteration of or an addition to an existing building, on a lot that adjoins a public reserve, the building must have a setback from the boundary with the public reserve of at least 3m and the area of that setback must be a landscaped area.
 - (3) If the development is a new building, or the alteration of or an addition to an existing building, on a lot that adjoins an environmentally sensitive area, the building must have a setback from the boundary with that environmentally sensitive area of at least 10m and an area of at least 3m in width of that setback must be a landscaped area.
 - (4) Despite the other provisions of this clause, the requirements of this clause do not apply to the existing parts of a building that are not being altered or added to.
 - (5) If the development is carried out on a lot that has a boundary with a railway corridor, the new building or addition and any ancillary development must be located at least 3m from that boundary.

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 5A.12

Front facade material finishes for new industrial buildings

5A.12 Front facade material finishes for new industrial buildings

- (1) A new industrial building must have a front door or entry with an awning or portico, or be distinguished by the use of different building materials, as part of the front facade wall of the building that faces the primary road or principal entry onto the site.
- (2) The front facade wall of a new industrial building must contain at least 30% of materials that are not the main exterior finish.
- (3) Sun shading devices, screens or canopies must be provided for each glazed wall or window in a new industrial building if the glazed wall or window faces in a direction that is between north and west.
- (4) All glazing in a new industrial building must be of low reflective glass.

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 5A.13

Building elements within the articulation zone for new industrial buildings

5A.13 Building elements within the articulation zone for new industrial buildings

- (1) The following building elements are permitted within an articulation zone for a new industrial building:
 - (a) an entry feature or portico,
 - (b) an awning or canopy over a door or window.
- (2) A building element within the articulation zone of a new industrial building:
 - (a) must not reduce the required landscape area, car parking spaces or driveway, and
 - (b) may extend 2m into the minimum required front setback, but must not be more than 25% of the width of the front facade of the building, and
 - (c) must not be more than the maximum height of the

building.

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 5A.14

Bunding

5A.14 Bunding

All areas for the storage and handling of chemicals, fuels and oils on-site must be designed with appropriate banded areas that:

- (a) have impervious flooring, and**
- (b) have sufficient capacity to contain 110% of the largest container stored within the bund, and**
- (c) are designed in accordance with pages 40-44 of the document entitled Storing and Handling Liquids: Environmental Protections, Participants Manual published by the Department of Environment and Climate Change NSW in May 2007.**

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 5A.15

Caretakers' flats

5A.15 Caretakers' flats

(1) If the development includes development for the purposes of an ancillary caretaker's flat, the flat must:

- (a) for development that is:**
 - (i) the construction of a new building--form part of the new building, or**
 - (ii) the alteration of or addition to an existing building--be an addition to the existing building, and**
- (b) comply with the relevant requirements contained in Volume 1 of the Building Code of Australia that are applicable to a Class 4 building, and**
- (c) have a floor area not exceeding 100m².**

(2) The development must not include more than one caretaker's flat per lot.

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 5A.16

Landscaped areas

5A.16 Landscaped areas

(1) A landscaped area complying with the following specifications must be provided along each boundary of a lot on which the development is carried out with any adjoining road (except in areas necessary for vehicle and pedestrian access):

- (a) at least 3m in width or, if the setback from the road boundary is less than 3m, the width of the setback, and**
- (b) with a soil depth of at least 1m, and**
- (c) if the width of a lot is more than 10m at the primary**

street frontage--with a species of trees planted at 3m intervals along that frontage that are capable of achieving a height of at least 8m at maturity and at least 2m within 2 years of the occupation of the development.

(2) If the development adjoins a residential zone, the setback area referred to in clause 5A.11 (1) must have in it a landscaped area, adjacent to the boundary with that zone, that is:

(a) for a building with a gross floor area of more than 1,000m² but not more than 5,000m² --at least 3m wide in that setback, and

(b) for a building with a gross floor area of more than 5,000m² but not more than 10,000m² --at least 5m wide in that setback, and

(c) for a building with a gross floor area of more than 10,000m² but not more than 20,000m² --at least 10m wide in that setback.

(3) The landscaped area required under subclause (2) must have trees and shrubs planted evenly across its length and width with, for every 3m² of the area:

(a) 1 tree of a species capable of achieving a height of at least 8m at maturity and at least 2m within 2 years of the occupation of the development, and

(b) 1 shrub of a species capable of achieving a height of at least 2m within 5 years of the occupation of the development and no more than 5m at maturity.

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- NOTES

Note to Division 3 Division 4 also specifies development standards that apply to development relating to commercial buildings.

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 5A.17

Application of development standards

5A.17 Application of development standards

This Division sets out the development standards that apply to development specified for this code that comprises an addition to existing commercial premises at the rear of the premises or the external alteration of existing commercial premises.

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 5A.18

General standards

5A.18 General standards

The standards specified for that development are that:

(a) the current use of the premises must be a lawful use, and

- (b) the current use of the premises must not be an existing use within the meaning of section 4.65 of the Act, and**
- (c) the development must not contravene any condition of an existing development consent that continues to apply to the land, and**
- (d) the finish to the proposed building addition or alteration that comprises the development must be of similar materials and colour to the existing premises so that the addition or alteration is in keeping with the existing premises, and**
- (e) any new facade created by the development that faces any street must have a surface comprised of not more than 50% glazed materials which must be low reflective glass.**

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 5A.19

Maximum gross floor area

5A.19 Maximum gross floor area

- (1) The total gross floor area of any part of additions to existing commercial premises that are to be used for retail purposes must not exceed 1,000m², or 50% of the gross floor area of the existing commercial premises, whichever is the lesser.**
- (2) The total gross floor area of any part of additions to existing commercial premises that are to be used for any other commercial uses must not exceed 2,500m², or 50% of the gross floor area of the existing commercial premises, whichever is the lesser.**

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 5A.20

Maximum floor space ratio

5A.20 Maximum floor space ratio

The maximum floor space ratio of the existing commercial premises as altered or added to must not be more than:

- (a) the maximum floor space ratio applicable to the land on which the premises are erected under another environmental planning instrument applying to the land, or**
- (b) if there is no such applicable maximum floor space ratio--1:1.**

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 5A.21

Maximum height

5A.21 Maximum height

- (1) The maximum height of the existing commercial premises as altered or added to must not be more than:**
 - (a) if there is a dwelling on an adjoining lot--8.5m, or**
 - (b) in any other case:**
 - (i) the maximum height applicable to the land on which the building is erected under another environmental planning instrument applying to the**

land, or
(ii) if there is no such applicable maximum height--12m.

(2) Despite subclause (1), the maximum height of any ancillary development must not be more than 5m.

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 5A.22

Setbacks

5A.22 Setbacks

(1) If the existing commercial premises as altered or added to has a boundary with a parallel road that is a classified road, the addition to the commercial premises must have a setback from the boundary with the parallel road of:

(a) at least 3m, or

(b) if a greater setback is applicable in those circumstances under another environmental planning instrument applying to the land on which the commercial premises are erected--at least the setback specified in that instrument.

(2) If the existing commercial premises to be altered or added to is on a lot that is subject to a proposed road widening under a local environmental plan, the premises must have a setback from the boundary with the road, after acquisition for the road widening, of at least:

(a) if the road widening is for a local road--10m, or

(b) if the road widening is for a classified road widening, a future classified road widening or a local road future classified road--3m.

(3) If there is a building on an adjoining lot that is being used for residential accommodation and that building is located less than 3m from the boundary with the existing commercial premises being altered or added to, the following setbacks are required from the side and rear boundaries of the lot on which the commercial premises are located:

(a) a distance of at least 1.5m for any part of the alteration or addition to the commercial premises that does not exceed 3m in height above ground level (existing),

(b) a distance of at least 3m for any part of the alteration or addition to the commercial premises that exceeds 3m but does not exceed 6m in height above ground level (existing),

(c) a distance of at least 4.5m for any part of the alteration or addition to the commercial premises that exceeds 6m in height above ground level (existing).

(4) Subclause (3) (a) does not apply if the building on the adjoining lot is being used for a mixed use development that does not include any residential accommodation on the ground floor facing the boundary with the lot on which the existing commercial premises are located.

(5) If the site of the existing commercial premises has a boundary with a railway corridor, the commercial premises as altered or added to must be located at least 2m from that boundary.

(6) Subject to the other provisions of this clause, the existing commercial premises as altered or added to may extend to the side and rear boundaries.

(7) Despite the other provisions of this clause, the requirements of this clause do not apply to the existing parts of a building that are

not being altered or added to.

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 5A.23

Privacy

5A.23 Privacy

A window in any part of the existing commercial premises that is being altered or added to must have a privacy screen for any part of the window that is less than 1.5m above finished floor level if:

- (a) the window faces a building used for residential accommodation on an adjoining lot, and**
- (b) the wall in which the window is located has a setback of less than 5m from the boundary of that adjoining lot.**

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 5A.24

Car parking and access

5A.24 Car parking and access

(1) Car parking must be provided on site:

(a) either:

(i) in accordance with any relevant requirements contained in an environmental planning instrument or a development control plan applying to the land, or

(ii) if a contribution in relation to car parking in compliance with a contributions plan under Division 7.1 of the Act that is imposed as a condition of approval under clause 136K of the Environmental Planning and Assessment Regulation 2000 --if that contribution is made, or

(b) if there are no relevant requirements as referred to in paragraph (a), in accordance with the document entitled Guide to Traffic Generating Developments, Version 2.2, published by the Roads and Traffic Authority in October 2002.

(2) The dimensions of all car parking spaces must be designed in accordance with AS/NZS 2890.1:2004, Parking facilities, Part 1: Off-street car parking or AS 2890.2--2002, Parking facilities, Part 2: Off-street commercial vehicle facilities and RMS Australian Standard Supplements, Australian Standard--AS2890, Parking Facilities, Parts 1-6.

(3) If car parking is in connection with a tertiary institution, the following additional development standards apply:

(a) must not increase or reduce the number of car spaces currently approved for the land,

(b) if the parking area is on grade, provide at least 1 tree with a mature height of at least 8m for every 6 cars.

Note : Consent from the relevant roads authority may be required under section 138 of the Roads Act 1993 for the building of any kerb, crossover or driveway. See clause 1.18 (1) (e).

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 5A.25

Loading facilities and driveways

5A.25 Loading facilities and driveways

- (1) Each building in the development must be provided with its own loading bay and the loading facilities must be contained wholly within the lot on which the development is carried out.**
- (2) Loading bays must be located behind the front building line of the building and must not be located on any side of the building that faces an adjoining lot on which there is a dwelling.**
- (3) Driveways within the lot on which the development is carried out must be designed so as to enable vehicles to leave the lot in a forward direction.**
- (4) Ingress to and egress from the site, driveway widths, turning circles and the dimensions of all loading bays must be designed in accordance with:
 - (a) AS/NZS 2890.1:2004, Parking facilities, Part 1: Off-street car parking or AS 2890.2--2002, Parking facilities, Part 2: Off-street commercial vehicle facilities and RMS Australian Standard Supplements, Australian Standard--AS2890, Parking Facilities, Parts 1-6, and**
 - (b) the document entitled Guide to Traffic Generating Developments, Version 2.2, published by the Roads and Traffic Authority in October 2002.****

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 5A.26

Garbage and waste storage

5A.26 Garbage and waste storage

- (1) A garbage and waste storage area for recyclable and non-recyclable waste materials and receptacles for those materials must:
 - (a) be provided as part of the development, and**
 - (b) be located entirely within the lot on which the development is being carried out and not on a road or road reserve, and**
 - (c) comply with the following appendices in the document entitled Better Practice Guidelines for Waste Management and Recycling in Commercial and Industrial Facilities (ISBN 978-1-74293-944-5), published by the NSW Environment Protection Authority in December 2012:
 - (i) Appendices A and B, for the size and location of garbage and storage areas and the size of waste receptacles,**
 - (ii) Appendices C and D, for the design of openings of waste storage areas and loading bay turning circles for waste removal vehicles,**
 - (iii) Appendix E, for standard signs for waste storage areas,**
 - (iv) Appendix F for the design and operational capacity of waste storage areas.******
- (2) The waste storage area must:
 - (a) be screened, and****

- (b) be located behind the primary road frontage building line, and
- (c) not be located in any car parking, loading or landscaped area, and
- (d) not be located on any side of the building that faces an adjoining lot on which there is a dwelling.

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 5A.27

Earthworks

5A.27 Earthworks

(1) Excavation The standards specified for excavation work are that the work must:

- (a) be structurally sound, and
- (b) if the land is not identified as Class 3 or 4 on the Acid Sulfate Soils Map--not be more than 3m below ground level (existing), and
- (c) if the land is identified as Class 3 or 4 on the Acid Sulfate Soils Map--not be more than 1m below ground level (existing), and
- (d) be carried out at least 40m from any waterbody (natural), and
- (e) not result in a building being located over a registered easement, and
- (f) if it is on a lot adjacent to a rail corridor--be setback at least 3m from the corridor.

(2) Fill The standards specified for fill are that the fill must:

- (a) not raise the ground level (existing) more than 2m, and
- (b) be structurally sound, and
- (c) be located at least 40m from any waterbody (natural).

(3) Structural supports Earthworks that are more than 1m above or below ground level (existing) are structurally sound only if they have structural support that:

- (a) a professional engineer has certified as structurally sound, including in relation to (but not limited to) the ability to withstand the forces of lateral soil load, and
- (b) has adequate drainage lines connected to an existing stormwater drainage system for the site, and
- (c) does not redirect the flow of any water or cause sediment to be transported onto an adjoining property, and
- (d) is not higher than 3m, and
- (e) is separated from any other structural support on the site by at least 2m, measured horizontally, and
- (f) is not located over a registered easement.

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 5A.28

Drainage

5A.28 Drainage

(1) All stormwater drainage collected as a result of the development must be conveyed by a gravity fed or charged system to:

- (a) a public drainage system, or

- (b) an inter-allotment drainage system, or
 - (c) an on-site disposal system.
- (2) All stormwater drainage systems within a lot, and the connection to a public or an inter-allotment drainage system, must:
- (a) if an approval is required under section 68 of the Local Government Act 1993 --be approved under that Act, or
 - (b) if an approval is not required under section 68 of the Local Government Act 1993 --comply with any requirements for the disposal of stormwater drainage contained in a development control plan that is applicable to the land.

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 5A.29

Development standards for bush fire prone land

5A.29 Development standards for bush fire prone land

- (1) This clause applies:
- (a) to all development specified in clause 5A.2 (1) for this code that is to be carried out on a lot that is wholly or partly bush fire prone land, and
 - (b) in addition to all other development standards specified for this code.
- (2) The development may be carried out on the lot only if:
- (a) the development conforms to the specifications and requirements of the following documents that are relevant to the development:
 - (i) Planning for Bush Fire Protection (ISBN 0 9751033 2 6) published by the NSW Rural Fire Service in December 2006,
 - (ii) Planning for Bush Fire Protection, Addendum: Appendix 3 (ISBN 0 9751033 2 6), published by the NSW Rural Fire Service in April 2010,
 - (iii) if another document is prescribed by the regulations for the purposes of section 4.14 of the Environmental Planning and Assessment Act 1979 --that document, and
 - (b) the part of the lot on which the development is to be carried out is not in bush fire attack level-40 (BAL-40) or the flame zone (BAL-FZ), and
 - (c) the lot has direct access to a public road or a road vested in or maintained by the council, and
 - (d) a reticulated water supply is connected to the lot, and
 - (e) a fire hydrant is located less than 60m from the location on the lot of the proposed development, and
 - (f) mains electricity is connected to the lot, and
 - (g) reticulated or bottled gas on the lot is installed and maintained in accordance with AS/NZS 1596:2008, The storage and handling of LP Gas and the requirements of relevant authorities (such as the requirement that metal piping be used), and
 - (h) any gas cylinders on the lot that are within 10m of a dwelling:
 - (i) have their release valves directed away from the dwelling, and
 - (ii) are enclosed on the hazard side of the installation, and
 - (iii) have metal connections to and from the cylinders, and

(i) there are no polymer sheathed flexible gas supply lines to gas meters adjacent to any dwelling on the lot or an adjoining lot.

Note : The requirements of AS 3959--2009, Construction of buildings in bushfire-prone areas set out in the Building Code of Australia also apply.

(3) A standard specified in subclause (1) (b) is satisfied if one of the following certifies that the development is not in bush fire attack level-40 (BAL-40) or the flame zone (BAL-FZ):

- (a) a person who is recognised by the NSW Rural Fire Service as a suitably qualified consultant in bush fire risk assessment, or
- (b) the council.

Note : More information about the categories of bush fire attack, including the flame zone, can be found in Table A3.4.2 of Addendum: Appendix 3 (ISBN 0 9751033 2 6) to the publication titled Planning for Bush Fire Protection (ISBN 0 9751033 2 6) published by NSW Rural Fire Service in 2006.

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 5A.30

Complying development on flood control lots

5A.30 Complying development on flood control lots

(1) Development under this code must not be carried out on any part of a flood control lot, other than a part of the lot that the council or a professional engineer who specialises in hydraulic engineering has certified, for the purposes of the issue of the complying development certificate, as not being any of the following:

- (a) a flood storage area,
- (b) a floodway area,
- (c) a flow path,
- (d) a high hazard area,
- (e) a high risk area.

(2) Development that is carried out under this code on any part of a flood control lot must meet the following requirements:

- (a) if there is a minimum floor level adopted in a development control plan by the relevant council for the lot, the development must not cause any habitable room in the dwelling house to have a floor level lower than that floor level,
- (b) any part of the building that is erected at or below the flood planning level is constructed of flood compatible material,
- (c) any part of the building that is erected is able to withstand the forces exerted during a flood by water, debris and buoyancy up to the flood planning level (or if an on-site refuge is provided on the lot, the probable maximum flood level),
- (d) the development must not result in increased flooding elsewhere in the floodplain,
- (e) the lot must have pedestrian and vehicular access to a readily accessible refuge at a level equal to or higher than the lowest habitable floor level of the building,
- (f) vehicular access to the building will not be inundated by water to a level of more than 0.3m during a 1:100 ARI (average recurrent interval) flood event,
- (g) the lot must not have any open car parking spaces or

carports lower than the level of a 1:20 ARI (average recurrent interval) flood event.

(3) The requirements under subclause (2) (c) and (d) are satisfied if a joint report by a professional engineer specialising in hydraulic engineering and a professional engineer specialising in civil engineering states that the requirements are satisfied.

(4) A word or expression used in this clause has the same meaning as it has in the Floodplain Development Manual, unless it is otherwise defined in this Policy.

(5) In this clause:

"flood compatible material" means building materials and surface finishes capable of withstanding prolonged immersion in water.

"flood planning level" means:

(a) the flood planning level adopted by a local environmental plan applying to the lot, or

(b) if a flood planning level is not adopted by a local environmental plan applying to the lot, the flood planning level adopted in a development control plan by the relevant council for the lot.

"Floodplain Development Manual" means the Floodplain Development Manual (ISBN 0 7347 5476 0) published by the NSW Government in April 2005.

"flow path" means a flow path identified in the council's flood study or floodplain risk management study carried out in accordance with the Floodplain Development Manual.

"high hazard area" means a high hazard area identified in the council's flood study or floodplain risk management study carried out in accordance with the Floodplain Development Manual.

"high risk area" means a high risk area identified in the council's flood study or floodplain risk management study carried out in accordance with the Floodplain Development Manual.

Note 1 :

"Council",

"flood control lot",

"habitable room" and

"professional engineer" are defined in clause 1.5.

Note 2 : A section 10.7 certificate from a Council will state whether or not a lot is a flood control lot.

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 5A.30A

Development standards for land near Siding Spring Observatory

5A.30A Development standards for land near Siding Spring Observatory

(1) This clause applies:

(a) to all external lighting associated with development under this Part in the local government areas of Coonamble, Gilgandra, Warrumbungle Shire and that part of the local government area of Dubbo Regional that was formerly in the City of Dubbo, and

(b) in addition to all other development standards specified for this code.

- (2) The development must:**
- (a) be installed or constructed using a shielded light fitting, and**
 - (b) be downward facing, and**
 - (c) for each site--not exceed 50,000 lumens, and**
 - (d) for each individual light--not exceed a maximum colour temperature of 3,500 kelvin.**
- (3) In this clause:**

"shielded light fitting" means a light fitting that does not allow light to shine above the horizontal plane.

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 5A.31

Conditions specified in Schedule 8 apply

5A.31 Conditions specified in Schedule 8 apply

A complying development certificate for development specified under this code must be issued subject to the conditions specified in Schedule 8.

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- NOTES

Note to Part 5B In addition to the requirements specified for development under this code, adjoining owners' property rights, the applicable common law and other legislative requirements for approvals, licences, permits and authorities still apply. For example, requirements relevant to development in this code may be contained in the Act, the Environmental Planning and Assessment Regulation

2000, various State environmental planning policies, the Protection of the Environment Operations

Act

1997, the Roads

Act

1993 and Acts applying to various infrastructure authorities. If the development is in proximity to infrastructure, including water, stormwater and sewer mains, electricity power lines and telecommunications facilities, the relevant infrastructure authority should be contacted before commencing the development.

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 5B.1

Definitions

5B.1 Definitions

In this Division:

"automated counting and sorting centre" means a building or place:

- (a) that is used in connection with the container deposit scheme, and**

- (b) that contains a machine or other device designed for large-scale and high-speed counting, sorting and verification of beverage containers, and**
- (c) that may contain or be attached to any other type of container recycling facility.**

"container recycling facility" means any of the following:

- (a) an automated counting and sorting centre,**
- (b) a drop-off collection point,**
- (c) an encased automatic machine,**
- (d) a large reverse vending machine,**
- (e) a manual collection point,**
- (f) an outdoor express centre.**

"drop-off collection point" means a building or place:

- (a) that is used in connection with the container deposit scheme, and**
- (b) that consists of a collection point at which beverage containers are counted, and refund amounts issued, by staff, and**
- (c) that contains a structure or facility for the storage of beverage containers, and**
- (d) that may contain a machine or other device for the counting and sorting, or counting, sorting and verification, of beverage containers.**

"encased automatic machine" means a structure:

- (a) that is used in connection with the container deposit scheme, and**
- (b) that contains a reverse vending machine, and**
- (c) that contains a machine or other device, located within or attached to the reverse vending machine, that is designed to count and sort beverage containers.**

"large reverse vending machine" means a reverse vending machine:

- (a) that is used in connection with the container deposit scheme, and**
- (b) that has a floor area of more than 50m² or is more than 3m in height, 10m in width or 5m in depth.**

"manual collection point" means a building or place:

- (a) that is used in connection with the container deposit scheme, and**
- (b) that consists of a collection point at which beverage containers are manually counted, and refund amounts issued, by staff, and**
- (c) that may include a drive-through area enabling a person to drive a vehicle into the collection point for the purpose of exchanging beverage containers contained in the vehicle for the issue of a refund amount.**

"outdoor express centre" means a structure:

- (a) that is used in connection with the container deposit scheme, and**
- (b) that consists of a collection point at which beverage containers are counted, and refund amounts issued, by staff, and**
- (c) that may be constructed from a shipping container adapted for use as a collection point, and**
- (d) that contains a structure or facility for the storage of beverage containers, and**
- (e) that may contain or be attached to an encased automatic machine, and**
- (f) that does not include a drive-through area.**

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 5B.2

Development to which code applies

5B.2 Development to which code applies

(1) This code applies to development that is specified in clause 5B.3 on any lot in Zone B1, B2, B3, B4, B5, B6, B7, B8, IN1, IN2, IN3, IN4 or SP3.

(2) This code applies to development that is specified in clause 5B.3 on any other land if:

(a) the development is for the purposes of an encased automatic machine, a large reverse vending machine or an outdoor express centre, and

(b) the land is lawfully used for the purposes of a railway station or ferry terminal operated by a public authority.

(3) However, this code does not apply to the following development:

(a) development for any of the following purposes that is carried out on land in a business zone:

(i) an automated counting and sorting centre,

(ii) a drop-off collection point (other than a drop-off collection point that is ancillary to the lawful use of the land),

(iii) a manual collection point (other than a manual collection point resulting from a change of use under clause 5.3),

(b) development for the purposes of a container recycling facility that is carried out on land in a car park (unless the use of the land for the purposes of the car park is lawful),

(c) development for the purposes of an outdoor express centre that is carried out on any land (unless the land is used for the purposes of commercial premises and that use is lawful).

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 5B.3

Specified development

5B.3 Specified development

(1) Development for the following purposes is development specified for this code:

(a) the erection on land of a container recycling facility,

(b) any of the following development for the purposes of a container recycling facility:

(i) an addition to an existing building that is used for the purposes of industry (other than heavy industry), a warehouse or distribution centre or commercial premises,

(ii) the external alteration of an existing building that is used for the purposes of industry (other than heavy industry), a warehouse or distribution centre or commercial premises.

(2) If development specified by this clause is to be provided with water supply or sewerage services (or both) by a water utility, to be complying development the applicant must obtain a notice or other form of written advice from the relevant water utility, or an entity authorised to do so by the utility, that specifies the works or other requirements to be completed as part of the development.

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 5B.4

Application of development standards

5B.4 Application of development standards

This Division sets out the specified development standards that apply to development specified for this code.

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 5B.5

Application of standards under Commercial and Industrial (New Buildings and Additions) Code

5B.5 Application of standards under Commercial and Industrial (New Buildings and Additions) Code

(1) The development standards set out in the Commercial and Industrial (New Buildings and Additions) Code apply to development specified for this code as follows:

- (a) the development standards set out in Division 2 of Part 5A apply to the development if it is carried out on land in an industrial zone or Zone SP3,**
- (b) the development standards set out in Division 3 of Part 5A apply to the development if it is carried out on land in a business zone,**
- (c) the development standards set out in Division 4 of Part 5A apply to the development if it is carried out on land in an industrial zone, a business zone or Zone SP3.**

(2) This clause applies in addition to all other development standards specified for this code.

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 5B.6

Development standards for container recycling facilities

5B.6 Development standards for container recycling facilities

(1) If the development is for the purposes of an encased automatic machine, a large reverse vending machine, an outdoor express centre or a drop-off collection point, on land in a car park:

- (a) the container recycling facility must be located to allow adequate clearance for waste collection vehicles to enter and exit the car park for the collection of waste from the facility, and**
- (b) the container recycling facility must not be erected within 5m of any residential premises, and**
- (c) containers deposited under the container deposit scheme must be dispatched from the container recycling facility for reuse or recycling only during the following periods:**
 - (i) between 7.00 am and 5.00 pm on Monday, Tuesday, Wednesday, Thursday, Friday or Saturday,**
 - (ii) between 9.00 am and 5.00 pm on Sunday.**

(2) If the development is for the purposes of an encased automatic machine, a large reverse vending machine, an outdoor express centre or a drop-off collection point, on land in a car park--the area occupied by the container recycling facility must not exceed the greater of the following areas:

- (a) the area comprising 3 car parking spaces,
- (b) 42m².

(3) If the development is for the purposes of a drop-off collection centre, the centre must not have a floor area of more than 300m².

(4) If the development is for the purposes of an encased automatic machine, the machine must not be more than 15m in height, 10m in width or 25m in length.

(5) If the development is for the purposes of an outdoor express centre:

- (a) the centre must operate only during the lawful operating hours of the commercial premises, and
- (b) the centre must not have a floor area of more than 40m², and
- (c) the centre must not be more than 3m in height, 3m in width or 6.5m in length.

(6) Despite subclause (2), the container recycling facility may occupy an additional car parking area in addition to the area specified in that subclause if:

- (a) an environmental planning instrument, development control plan or condition of a development consent that is in force requires the car park to provide a minimum number of car parking spaces, and
- (b) the car park provides a number of car parking spaces that exceeds the minimum number required ("the additional spaces").

(7) The "additional car parking area" is the greater of the following areas:

- (a) an area comprising not more than 3 of the additional spaces,
- (b) an area not exceeding 42m².

(8) The development standards set out in subclauses (1)-(5) prevail to the extent of any inconsistency with the development standards referred to in clause 5B.5.

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 5B.7

Conditions specified in Schedule 8 apply

5B.7 Conditions specified in Schedule 8 apply

A complying development certificate for development specified under this code must be issued subject to the conditions specified in Schedule 8.

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- NOTES

Note to Part 6 In addition to the requirements specified for development under this code, adjoining owners' property rights, the applicable common law and other legislative requirements for approvals, licences, permits and authorities still apply. For example, requirements relevant to development in this code may

be contained in the Act, the Environmental Planning and Assessment Regulation 2000, various State environmental planning policies, the Protection of the Environment Operations Act

1997, the Roads Act

1993 and Acts applying to various infrastructure authorities. If the development is in proximity to infrastructure, including water, stormwater and sewer mains, electricity power lines and telecommunications facilities, the relevant infrastructure authority should be contacted before commencing the development.

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 6.1

Specified complying development

6.1 Specified complying development

(1) The strata subdivision of a building for which development consent or a complying development certificate was granted or issued is, for 5 years from the date the consent or certificate was granted or issued, development specified for this code.

(2) The strata subdivision of a dual occupancy, manor house or multi dwelling housing (terraces), for which a complying development certificate has been issued under the Low Rise Medium Density Housing Code, is development specified for this code.

(3) If a single complying development certificate application proposes both the strata subdivision of land and the erection of a dual occupancy, manor house or multi dwelling housing (terraces) on the land, the subdivision of that land is development specified for this code.

(4) This clause does not include the strata subdivision of the following:

- (a) a secondary dwelling,
- (b) a boarding house,
- (c) a group home,
- (d) a dual occupancy (except as provided by subclause (2) or (3)).

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 6.2

Development standards

6.2 Development standards

The standards specified for that development are as follows:

(a) that the subdivision must not contravene any condition of any development consent or complying development certificate applying to the development,

(b) in the case of a dual occupancy or multi dwelling housing (terraces):

- (i) each dwelling must have lawful frontage to a public road (other than a lane), and
- (ii) no dwelling must be located behind any other dwelling

- on the same lot (except in the case of a corner lot or a parallel road lot), and
- (iii) each resulting lot must have a minimum width (measured at the building line) of 6m,
- (c) in the case of a dual occupancy where no part of a dwelling is located above any part of another dwelling or multi dwelling housing (terraces), the strata area (being the area of the ground floor of all dwellings) is not less than 180m².

[graphic]

Note : Registered interests on the land, the subject of the strata subdivision, the Strata Schemes Management Act 2015 and the Strata Schemes Development Act 2015 apply.

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 6.3

Specified complying development

6.3 Specified complying development

- (1) This clause applies only to a dual occupancy or multi dwelling housing (terraces) where no part of a dwelling is located above any part of another dwelling.
- (2) The Torrens title subdivision of a dual occupancy or multi dwelling housing (terraces) to which this clause applies, for which a complying development certificate has been issued under the Low Rise Medium Density Housing Code, is development specified for this code.
- (3) If a single complying development certificate application proposes both the erection of a dual occupancy or multi dwelling housing (terraces) to which this clause applies on land and the Torrens title subdivision of land, the subdivision of that land is development specified for this code.

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 6.4

Development standards

6.4 Development standards

- (1) Lot requirements The standards specified for that development are as follows:
 - (a) there must only be 1 dwelling on each resulting lot at the completion of the development,
 - (b) each resulting lot must be in Zone RU5, Zone R1, Zone R2 or Zone R3,
 - (c) each resulting lot must be at least 6m wide (measured at the building line) and have lawful access, and frontage to, a public road,
 - (d) if the subdivision relates to a dual occupancy, the area of each resulting lot must be at least:
 - (i) 60% of the minimum size specified for the subdivision of land for the purpose of a dual occupancy in the environmental planning instrument that applies to the land, or
 - (ii) if no minimum size is specified--200m²,
 - (e) if the subdivision relates to multi dwelling housing (terraces), the area of each resulting lot must be at least

200m 2.

(2) Other requirements The standards specified for that development are as follows:

(a) dual occupancies or multi dwelling housing must be permissible, with consent, under an environmental planning instrument applying to the land on which the development is carried out,

(b) the subdivision must not contravene any condition of any complying development certificate applying to the development.

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 6.5

Issue of certificate by accredited certifier

6.5 Issue of certificate by accredited certifier

A subdivision certificate may be issued by an accredited certifier for a subdivision under this Part in accordance with section 109D (1) (d) (iv) of the Act.

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 6.6

Conditions specified in Schedule 6B apply

6.6 Conditions specified in Schedule 6B apply

A complying development certificate for development specified under this code must be issued subject to the conditions specified in Schedule 6B.

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- NOTES

Note to Part 7 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.

**STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)
2008**

- REG 7.1

Specified complying development

7.1 Specified complying development

(1) The demolition or removal of the following development, is development specified for this code:

- (a) a dwelling,**
- (b) ancillary development under Part 2, 3A, 4, 5 or 5A,**
- (b1) a swimming pool,**
- (c) an industrial building,**
- (d) a commercial building that would be complying development under the Commercial and Industrial Alterations Code and the Commercial and Industrial (New Buildings and Additions) Code if it were being constructed,**
- (e) attached development or detached development.**

(2) If development specified under subclause (1) is within a heritage conservation area or a draft heritage conservation area, the development may only relate to:

- (a) an outbuilding that may be constructed under clause 3.22, 3A.36 or 3C.25, or**
- (b) an alteration under clause 4.1, or**
- (c) an external alteration that may be constructed under clause 4.3 (b) or (c), or**
- (d) an attic conversion that may be constructed under clause 4.5.**

**STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)
2008**

- REG 7.2

Development standards

7.2 Development standards

(1) The standards specified for that development are that:

- (a) the development must be carried out in accordance with AS 2601--2001, The demolition of structures, and**
- (b) run-off and erosion controls to prevent soil erosion, water pollution or the discharge of loose sediment on the land surrounding the development must be implemented by:**
 - (i) diverting uncontaminated run-off around cleared or disturbed areas, and**
 - (ii) erecting a silt fence to prevent debris escaping into drainage systems and waterways, and**
 - (iii) preventing tracking of sediment by vehicles onto roads, and**
 - (iv) stockpiling top soil, excavated materials, construction and landscaping supplies and debris within the lot, and**
- (c) any essential service must be disconnected from the structure being demolished or removed in accordance with the requirements of the relevant authority, and**
- (d) the structure being demolished or removed must not be relocated on the same lot or to a different lot, unless it meets the relevant development standards specified in Part**

3, Part 3A or Part 3C, and
(e) the development must, if it is the demolition or removal of an existing attached dwelling or a semi-detached dwelling, not be carried out within the front 6m of the dwelling or forward of the roof ridge line.

(2) Despite any other development standard of this code, if the development involves the demolition or removal of a wall to a boundary that has a wall less than 0.9m from the boundary, the wall must be demolished or removed in accordance with the method of maintaining support proposed by the professional engineer's report provided with the application for the complying development certificate.

(3) If the demolition or removal referred to in subclause (2) results in the exposure of a common wall, the common wall must, at the completion of the development, be weatherproofed.

(4) If a swimming pool is removed:

(a) the site of the swimming pool must be filled (if necessary) so as to restore the site to the ground level (existing) adjacent to the pool, taking into account any sloping of the site, and

(b) the fill must be compacted, and

(c) any piping or similar material must be removed from the site before the site is filled.

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 7.3

Conditions specified in Schedule 9 apply

7.3 Conditions specified in Schedule 9 apply

A complying development certificate for development specified under this code must be issued subject to the conditions specified in Schedule 9.

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 8.1

Definitions

8.1 Definitions

In this code:

"alteration to a hydraulic fire safety system" has the same meaning as in clause 165 of the Environmental Planning and Assessment Regulation 2000.

"fire alarm communication link work" has the same meaning as in clause 3 of the Environmental Planning and Assessment Regulation 2000.

"hydraulic fire safety system" has the same meaning as in clause 165 of the Environmental Planning and Assessment Regulation 2000.

"private service provider" has the same meaning as in clause 3 of the Environmental Planning and Assessment Regulation 2000.

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 8.2

Specified complying development

8.2 Specified complying development

The following development is specified for this code:

- (a) the installation or extension of a fire sprinkler system in a residential care facility (within the meaning of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004),**
- (b) alteration to a hydraulic fire safety system for the purposes only of the installation or modification of:**
 - (i) a fire main or other pipe work, or**
 - (ii) a fire water storage tank, or**
 - (iii) a fixed on-site fire pump set, or**
 - (iv) a fire brigade's booster connection,**
- (c) the construction or installation of a new external pump house or enclosure to accommodate a fixed on-site fire pump set and associated pipe work,**
- (d) the internal or external alteration of, or addition to, an existing building for:**
 - (i) the construction or installation of a pump house or enclosure to accommodate a fixed on-site fire pump set and associated pipe work, or**
 - (ii) the installation or extension of a fire sprinkler system in a residential care facility, or**
 - (iii) an alteration to a hydraulic fire safety system, or**
 - (iv) fire alarm communication works,**
- (e) fire alarm communication link work for:**
 - (i) the installation of a fire alarm communication link to connect with the fire alarm monitoring network of a private service provider, or**
 - (ii) the conversion of a fire alarm communication link from a connection with the fire alarm monitoring network of a private service provider to the fire alarm monitoring network of another private service provider, or**
 - (iii) the conversion of a fire alarm communication link from a connection with the fire alarm monitoring network of a private service provider to another fire alarm monitoring network of the private service provider.**

Note : Development to which section 100B (1) of the Rural Fires Act 1997 applies is not complying development under this Policy.

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 8.3

Development standards

8.3 Development standards

The development standards specified for that development are as follows:

- (a) the current use of the premises must be a lawful use,**
- (b) if the building to which the development relates is subject to an alternative solution relating to a fire safety requirement, the development must be consistent with that alternative solution,**
- (c) the development must not reduce the level of fire safety or structural integrity provided by an existing building,**
- (d) the development must not alter or extend an existing fire sprinkler system if the level of fire hazard arising from the current**

- use of the building exceeds the level of fire hazard for which the fire sprinkler system was designed and installed,
- (e) the development must not contravene any condition of an existing development consent that applies to the land relating to vehicle access and loading facilities or result in the reduction of any car parking on the land by more than 2 car spaces,
 - (f) the development must not:
 - (i) result in a change of classification of the building under the Act or the Building Code of Australia, or
 - (ii) result in an increase in the gross floor area of any current lawful use, or
 - (iii) affect any existing fire-resisting components of any building, or
 - (iv) affect the means of egress from the building in an emergency,
 - (g) if the development includes excavation (unless it is for the purpose of underground pipe work connecting the system to a water main)--any excavation that is more than 600mm in depth must be supported by a structure or a structural support that has been certified by a professional engineer, and must not:
 - (i) be greater than 3m below ground level (existing), or
 - (ii) be less than 1.5m from any lot boundary,
 - (h) all stormwater drainage collected as a result of the development must be conveyed by a gravity fed or charged system to:
 - (i) a public drainage system, or
 - (ii) an inter-allotment drainage system, or
 - (iii) an on-site disposal system,
 - (i) all stormwater drainage systems within a lot where the development is being carried out, and the connection to a public or an inter-allotment drainage system, must:
 - (i) if an approval is required under section 68 of the Local Government Act 1993 --be approved under that Act, or
 - (ii) if an approval is not required under section 68 of the Local Government Act 1993 --comply with any requirements for the disposal of stormwater drainage contained in a development control plan that is applicable to the land.

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 8.4

Development standards

8.4 Development standards

The development standards applying to the installation of a new water storage tank, or an extension to an existing water storage tank for the purposes of the installation or extension of a fire sprinkler system or an alteration to a hydraulic fire safety system, are that:

- (a) the tank, or the extended existing tank, must have a capacity of no more than 100,000 litres, and
- (b) if the tank is to be located within a building--the tank must not increase the floor area of any room, and
- (c) if the tank is to be located outside a building--the tank must:
 - (i) be located behind the building line of the primary public road frontage (the front of the building), unless the tank is to be located below ground level, and
 - (ii) be located at least 3m from any other public road frontage, and
 - (iii) have a diameter or width of not more than 6m, and
 - (iv) have a height of not more than 5m above ground level

- (existing), and
- (v) for any tank up to 3m in height--have a setback of at least 900mm from any side or rear boundary, and
- (vi) for any tank 3m in height or greater--have a setback of at least 3m from any side or rear boundary, and
- (d) if the tank is to be located on the roof of a building:
 - (i) a tank on a flat roof must be no more than 3m above the roof level and be located at least 3.5m from the parapet edge of the building, or
 - (ii) a tank on a pitched roof must be no more than 1m above the ridge level of the roof of the building, and
- (e) the tank must not be located over a registered easement.

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 8.5

Development standards

8.5 Development standards

The development standards applying to the installation of a fixed-on-site fire pump set and associated pipe work, and the construction of a new internal or external pump house enclosure for the purposes of the installation or the extension of a fire sprinkler system or an alteration to a hydraulic fire safety system, are that:

- (a) the walls and roof of any pump house or any enclosure of a pump set must be of a non-combustible material, unless otherwise required by the Building Code of Australia, and
- (b) the wall of any pump house or any enclosure of a pump set must have an external wall finish that is the same colour palette as the existing premises so that the pump room or enclosure is in keeping with the existing premises, and
- (c) any development comprising the construction of an attached pump house or enclosure must not increase the floor area of an existing building by more than 20m², and
- (d) if the pump house or enclosure is to be located outside a building, it must:
 - (i) be located behind the building line of the primary public road frontage (the front of the building), unless the pump house or enclosure is to be located below ground level, and
 - (ii) be located at least 3m from any other public road frontage, and
 - (iii) have a height of not more than 3m above ground level (existing), and
 - (iv) have a setback of at least 900mm from any side or rear boundary, and
- (e) if the pump house or enclosure is to be located on the roof of a building:
 - (i) a pump house or enclosure on a flat roof must be no more than 3m above the roof level and be located at least 3.5m from the parapet edge of the building, or
 - (ii) a pump house or enclosure on a pitched roof must be no more than 1m above the ridge level of the roof of the building, and
- (f) any pump house or enclosure must be soundproofed to ensure that the house or enclosure does not emit noise exceeding an LAeq of 5 dB (A) above background noise when measured at any lot boundary, and
- (g) the fixed on-site fire pump set, the pump house and the enclosure must not be located over a registered easement.

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 8.6

Development standards

8.6 Development standards

(1) The development standards applying to the installation of a new or replacement fire main or pipe and the connection to the water supply for the purposes of the installation or extension of a fire sprinkler system or an alteration to a hydraulic fire safety system are that:

(a) all pipe work is to be located within the building or located underground, other than the part of the pipe or main within a horizontal distance of:

(i) 2m of an above ground booster connection used by Fire and Rescue NSW, and

(ii) 2m of the point at which the pipe work enters the building, and

(b) a fire brigade booster connection, if it is not attached to the building, must not:

(i) have a height of more than 1.5m above ground level (existing), or

(ii) cover an area of more than 6m².

(2) Despite subclause (1) (a) (ii), in relation to a building within a heritage conservation area or draft heritage conservation area, all such pipe work is to be located within the building or underground or is to be attached to the side or rear of the building.

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 8.7

Development standards

8.7 Development standards

The development standards applying to fire alarm communication link works are that the works must consist only of:

(a) internal alterations to a building, or

(b) internal alterations to a building together with the mounting of an antenna and any support structure on an external wall or roof of a building so as to occupy a space of not more than 450mm ✦ 100mm ✦ 100mm.

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- REG 8.8

Conditions specified in Schedule 10 apply

8.8 Conditions specified in Schedule 10 apply

A complying development certificate for development specified under this code must be issued subject to the conditions specified in Schedule 10.

**STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)
2008
- SCHEDULE 2**

**SCHEDULE 2 - Exempt development codes--variations
(Clause 1.12 (1))**

State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 Randwick Exempt Development Land Map (SEPP_ECD_6550_LED_001_20101022)	The General Exempt Development Code is varied in its application by omitting Subdivisions 3A, 4, 6, 8A, 9, 10, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 21A, 21B, 24, 28, 29, 30, 32, 33, 35,
Part of Lot 121, DP 876962 and part of Lot 101, DP 1043160, 5 Viscount Place, Warwick Farm, as shown coloured light purple on the Liverpool Local	The General Exempt Development Code is varied in its application by omitting Subdivision 10A
Land at Penrith, being Lot 1021, DP 812335, 63 Mulgoa Road; Lot 1, DP 1043008, 73 Mulgoa Road; Lots 151 and 152, DP 863625, 83 and 109 Mulgoa Road; Lot 12 and part of Lot 13, DP 710086, 123-135 Mulgoa Road; Lot 1, DP	The General Exempt Development Code is varied in its application by omitting Subdivision 10A
Shoalhaven Local Environmental Plan (Jerberra Estate) 2014 Land Application Map	The General Exempt Development Code is varied in its application by omitting Subdivisions 3A, 4, 6, 7, 9, 10, 14,

**STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)
2008
- SCHEDULE 3**

**SCHEDULE 3 - Complying development codes--variations
(Clause 1.12 (2))**

	The Housing Code is varied in its application by inserting the following
Every lot in the local government area of Bankstown that is in Zone R2 Low Density Residential and has an area of not more than 450m ²	after clauses 3.9 (2) and 3.19 (2):(3) However, the total floor area of a dwelling house, detached studio, basement and any secondary dwelling on a lot must not be more than 50% of the
	The Rural Housing Code is varied in its application by inserting the following after clause 3A.2 (2):(3) Despite subclause (2), if a lot referred to in subclause (1) (a) was
All of the land in the local	created for the purpose of the

government area of Bega Valley |erection of a new single storey or 2 |
|storey dwelling house by a subdivision|
|for which development consent has been|
|granted, the erection of the dwelling |
|house is development specified for |

|The Rural Housing Code is varied in |
|its application by:(a) inserting " |
|(other than in the local government |
|area of Snowy Monaro)" after "dwelling|
|house" in clause 3A.2 (1),(b) |
|inserting after clause 3A.2 (2) the |
|following subclause:(2A) The erection |
|of a new single storey or two storey |
|dwelling house within the local |
All of the land in the local |government area of Snowy Monaro is |
government area of Snowy Monaro |development specified for this code if|
|the development is erected on a lot |
|that:(a) has an area of at least 80 |
|hectares, or(b) is subject to a |
|restriction created under section 88B |
|of the Conveyancing Act 1919 that |
|specifies a building envelope for the |
|lot and was required by the |
|council.This variation to the Rural |
|Housing Code ceases to have effect on |

|The Inland Code is varied in its |
|application by the following:(a) |
|inserting "(other than in the local |
|government area of Snowy Monaro)" |
|after "dwelling house" in clause 3D.3 |
|(1) (a),(b) inserting after clause |
|3D.3 (1) the following subclause:(1A) |
|The erection of a new single storey or|
|two storey dwelling house within the |
|local government area of Snowy Monaro |
|is development specified for this code|
|if the development is erected on a lot|
|that:(a) has an area of at least 80 |
|hectares, or(b) is subject to a |
|restriction created under section 88B |
|of the Conveyancing Act 1919 that |
|specifies a building envelope for the |

|Cumberland/Parramatta (formerly |

All of the land in the local |The Housing Code is varied in its |
government areas of Cumberland and |application by omitting clauses 3.16 |
City of Parramatta that was formerly |(1) (a) and (4) and 3.23 (3). |

All of the land in the local |The Housing Code is varied in its |
government area of Fairfield City |application by omitting clauses 3.16 |

|The Housing Code is varied in its |
|application by inserting the following|
|after clause 3.1 (1):(1A) Despite |
|subclause (1), development described |
|in subclause (1) (a) (being the |

erection of a new 1 or 2 storey dwelling house and any attached development) on land identified as "former Cockle Creek Smelter and Incitec site" on the Cockle Creek Smelter Land Map within the meaning of State Environmental Planning Policy No 55--Remediation of Land is not complying development under this code. The Low Rise Medium Density of Lake Macquarie that is identified as "former Cockle Creek Smelter and Incitec site" on the Cockle Creek Smelter Land Map within the meaning of State Environmental Planning Policy No 55--Remediation of Land is not complying development under this code. The Greenfield Housing Code is varied in its application by inserting after clause 3C.1 (1):(1A) Despite subclause (1), this code does not apply to land identified as "former Cockle Creek Smelter and Incitec site" on the Cockle Creek Smelter Land Map within the meaning of State Environmental Planning Policy No 55--

The Commercial and Industrial (New Buildings and Additions) Code is varied in its application by inserting the following after clause 5A.2 (1): (1A) Despite subclause (1), development described in subclause (1) (a) (being the construction of a building for the purposes of industry (other than heavy industry or an artisan food and drink industry) or a warehouse or distribution centre) on land identified as "former Cockle Creek Smelter and Incitec site" on the Cockle Creek Smelter Land Map within the meaning of State Environmental Planning Policy No 55--Remediation of Land is not development specified for this code. The Subdivisions Code is varied in its application by inserting the following after clause 6.3 (1): (1A) Despite subclause (1), this clause does not apply to land identified as "former Cockle Creek Smelter and Incitec site" on the Cockle Creek Smelter Land Map within the meaning of State Environmental Planning Policy No 55--Remediation of

Part of Lot 121, DP 876962 and part of Lot 101, DP 1043160, 5 Viscount Place, Warwick Farm, as shown coloured light The Commercial and Industrial Alterations Code is varied in its application by omitting Subdivision 2

purple on the Liverpool Local of Division 1.

The Rural Housing Code is varied in its application by:(a) inserting "(other than on land in the local government area of Queanbeyan-Palerang that is inside the heavy black line shown on the map within the meaning of the Palerang Local Environmental Plan 2014)" after "dwelling house" in clause 3A.2 (1),(b) inserting after clause 3A.2 (2) the following subclause:(2A) The erection of a new single storey or two storey dwelling house on land in the local government area of Queanbeyan-Palerang that is inside the heavy black line shown on the map within the meaning of the Palerang Local Environmental Plan 2014 is development specified for this code if the development is erected on a lot that:(a) has an area of at least 80 hectares, or(b) is subject to a restriction created under section 88B of the Conveyancing Act 1919 that specifies a building envelope for the lot and was required by the council.This variation to the Rural Housing Code ceases to have effect on

The Inland Code is varied in its application by the following:(a) inserting "(other than in the local government area of Queanbeyan-Palerang that is inside the heavy black line shown on the map within the meaning of the Palerang Local Environmental Plan 2014)" after "dwelling house" in clause 3D.3 (1) (a),(b) inserting after clause 3D.3 (1) the following subclause:(1A) The erection of a new single storey or two storey dwelling house within the local government area of Queanbeyan-Palerang is development specified for this code if the development is erected on a lot that: (a) has an area of at least 80 hectares, or(b) is subject to a restriction created under section 88B of the Conveyancing Act 1919 that specifies a building envelope for the

Lot 1021, DP 812335, 63 Mulgoa Road; Lot 1, DP 1043008, 73 Mulgoa Road; Lots 151 and 152, DP 863625, 83 and 109 Mulgoa Road; Lot 12 and part of Lot 13, DP 710086, 123-135 Mulgoa Road; Lot 1, DP 1064526, 1 Retreat The Commercial and Industrial Alterations Code is varied in its application by omitting Subdivision 2 of Division 1

The Housing Code is varied in its application as follows:(a) by omitting clause 3.10 (1),(b) by omitting the table to clause 3.10 (3) and inserting instead:

Lot size	Minimum setback
less than or equal to 3m	

(c) by omitting the table to clause

All of the land in the local government area of Port Macquarie-Hastings

	Minimum
Lot width at the building line	Building required height at setback from any point each side
6m-10m	(building height-5.5m)
>10m	(building height-4.5m)

The Housing Code is varied in its application by inserting the following

All lots within the Riverstone Scheduled Lands (within the meaning of State Environmental Planning Policy (Sydney Region Growth Centres) 2006) after clause 3.1 (1):(1A) However, (1) (a) is only complying development under this code if it is carried out on a lot created in accordance with other than a lot that has direct frontage to Loftus Street, Bandon Road or Windsor Road the provisions of Appendix 4 (Alex Avenue and Riverstone Precinct Plan 2010) to State Environmental Planning Policy (Sydney Region Growth Centres)

The Rural Housing Code is varied in its application by the following:(a) inserting the following after clause 3.A2 (2):(3) Despite subclauses (1) and (2), this clause does not apply to any lot (or part of a lot) within the heavy black line shown on the State

All of the land in the local government area of Singleton that is within the heavy black line shown on the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 Singleton Complying Development Land Map (b) inserting the following after clause 3.A3 (2):(3) Despite subclauses (1) and (2), this clause does not apply to any lot (or part of a lot) within the heavy black line shown on the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 Singleton Complying Development Land Map. This variation to the Rural Housing Code ceases to have effect on 1 January

The Inland Code is varied in its application by the following:(a) inserting the following after clause 3D.9 (2):(3) Despite subclause (1), this Division does not apply to the erection or alteration of, or an addition to, a 1 or 2 storey dwelling house on any lot (or part of a lot) within the heavy black line shown on the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 Singleton Complying Development Land Map.(b) inserting the following after clause 3D.28 (2):(3) Despite subclause (1), this Division does not apply to the erection or alteration of, or an addition to, a dwelling house on any lot (or part of a lot) within the heavy black line shown on the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 Singleton Complying Development Land

The Housing Code is varied in its application by omitting the table to clause 3.10 (4) and inserting instead:

	Minimum
Lot width at the building line	Building required
height at any point	setback from each side

All of the land in the local government area of Tamworth Regional

6m-10m	>5.5m-8.5m	(building height-5.5m)
>10m	>4.5m-8.5m	(building height-4.5m)

This variation to the Rural Housing Code ceases to have effect on 1

The Inland Code is varied in its application by omitting the table to clause 3D.21 (7) and clause 3D.21 (8) and inserting instead:

	Minimum	
Lot width at the building line	Building required	
height at any point	setback from each side	
6m-10m	>5.5m-8.5m	(building height-5.5m)
		(building

	>10m	>4.5m-8.5m height-5.5m)
		<p>The Housing Code is varied in its application as follows:(a) by inserting "-4,000m²" after ">1,500m²" in the first column of the table to clause 3.10 (3),(b) by inserting in appropriate order in the table to clause 3.10 (3):</p>
<p>All of the land in the local government area of Wingecarribee</p>		<p>(c) by inserting after clause 3.10 (4):(4A) Despite the table to subclause (4), if the lot has an area of at least 4,000m² the minimum required setback from each side boundary is 7.5m.(d) by inserting "-4,000m²" after ">300m²" in the first column of the table to clause 3.13 (1),(e) by inserting in appropriate order in the table to clause 3.13 (1):</p>

**STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)
2008
- SCHEDULE 4**

- SCHEDULE 4 - Land excluded from the General Exempt Development Code (Clause 1.16 (1) (d))**
- State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 Botany Bay Exempt Development Land Map (SEPP_ECD_1100_LED_001_20101022)**
 - State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 Botany Bay Exempt Development Land Map (SEPP_ECD_1100_LED_002_20101022)**
 - State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 Botany Bay Exempt Development Land Map (SEPP_ECD_1100_LED_003_20101022)**
 - State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 Botany Bay Exempt Development Land Map (SEPP_ECD_1100_LED_004_20101022)**
 - State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 Wyong Exempt Development Land Map (SEPP_ECD_8550_LED_001_20101022)**
 - State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 Wyong Exempt Development Land Map (SEPP_ECD_8550_LED_002_20101022)**
 - State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 Wyong Exempt Development Land Map (SEPP_ECD_8550_LED_003_20101022)**
 - State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 Wyong Exempt Development Land Map (SEPP_ECD_8550_LED_004_20101022)**
 - State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 Wyong Exempt Development Land Map (SEPP_ECD_8550_LED_005_20101022)**
 - State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 Wyong Exempt Development Land Map (SEPP_ECD_8550_LED_006_20101022)**
 - State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 Wyong Exempt Development Land Map (SEPP_ECD_8550_LED_007_20101022)**
 - State Environmental Planning Policy (Exempt and Complying Development Codes)**

2008 Wyong Exempt Development Land Map (SEPP_ECD_8550_LED_008_20101022)

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- SCHEDULE 5

SCHEDULE 5 - Land excluded from the Housing Code

(Clause 1.19 (1B))

State Environmental Planning Policy (Exempt and Complying Development Codes)

2008 Ballina Complying Development Land Map

(SEPP_ECD_0250_LCD_001_20101022)

State Environmental Planning Policy (Exempt and Complying Development Codes)

2008 Ballina Complying Development Land Map

(SEPP_ECD_0250_LCD_002_20101022)

State Environmental Planning Policy (Exempt and Complying Development Codes)

2008 Botany Bay Complying Development Land Map

(SEPP_ECD_1100_LCD_001_20101022)

State Environmental Planning Policy (Exempt and Complying Development Codes)

2008 Botany Bay Complying Development Land Map

(SEPP_ECD_1100_LCD_002_20101022)

State Environmental Planning Policy (Exempt and Complying Development Codes)

2008 Botany Bay Complying Development Land Map

(SEPP_ECD_1100_LCD_003_20101022)

State Environmental Planning Policy (Exempt and Complying Development Codes)

2008 Botany Bay Complying Development Land Map

(SEPP_ECD_1100_LCD_004_20101022)

State Environmental Planning Policy (Exempt and Complying Development Codes)

2008 Clarence Valley Complying Development Land Map

(SEPP_ECD_1730_LCD_001_20101022)

State Environmental Planning Policy (Exempt and Complying Development Codes)

2008 Great Lakes Complying Development Land Map

(SEPP_ECD_3400_LCD_001_20101022)

State Environmental Planning Policy (Exempt and Complying Development Codes)

2008 Holroyd Complying Development Land Map

(SEPP_ECD_3950_LCD_001_20131016)

State Environmental Planning Policy (Exempt and Complying Development Codes)

2008 Kiama Complying Development Land Map (SEPP_ECD_4400_LCD_001_20101022)

State Environmental Planning Policy (Exempt and Complying Development Codes)

2008 Lake Macquarie City Council Complying Development Land Map

(SEPP_ECD_4650_LCD_001_20120626)

State Environmental Planning Policy (Exempt and Complying Development Codes)

2008 Lake Macquarie Complying Development Land Map

(SEPP_ECD_4650_LCD_002_20130730)

State Environmental Planning Policy (Exempt and Complying Development Codes)

2008 Marrickville Complying Development Land Map

(SEPP_ECD_5200_LCD_001_20101022)

State Environmental Planning Policy (Exempt and Complying Development Codes)

2008 Marrickville Complying Development Land Map

(SEPP_ECD_5200_LCD_002_20101022)

State Environmental Planning Policy (Exempt and Complying Development Codes)

2008 Marrickville Complying Development Land Map

(SEPP_ECD_5200_LCD_003_20101022)

State Environmental Planning Policy (Exempt and Complying Development Codes)

2008 Marrickville Complying Development Land Map

(SEPP_ECD_5200_LCD_004_20101022)

State Environmental Planning Policy (Exempt and Complying Development Codes)

2008 Mosman Complying Development Land Map

(SEPP_ECD_5350_LCD_001_20101022)

State Environmental Planning Policy (Exempt and Complying Development Codes)

**State Environmental Planning Policy (Exempt and Complying Development Codes)
2008 Tweed Complying Development Land Map
(SEPP_ECD_7550_LCD_001_20171101)**

**State Environmental Planning Policy (Exempt and Complying Development Codes)
2008 Wingecarribee Complying Development Land Map
(SEPP_ECD_8350_LCD_001_20110211)**

**State Environmental Planning Policy (Exempt and Complying Development Codes)
2008 Wingecarribee Complying Development Land Map
(SEPP_ECD_8350_LCD_002_20110211)**

**State Environmental Planning Policy (Exempt and Complying Development Codes)
2008 Wyong Complying Development Land Map
(SEPP_ECD_8550_LCD_001_20101022)**

**State Environmental Planning Policy (Exempt and Complying Development Codes)
2008 Wyong Complying Development Land Map
(SEPP_ECD_8550_LCD_002_20101022)**

**State Environmental Planning Policy (Exempt and Complying Development Codes)
2008 Wyong Complying Development Land Map
(SEPP_ECD_8550_LCD_003_20101022)**

**State Environmental Planning Policy (Exempt and Complying Development Codes)
2008 Wyong Complying Development Land Map
(SEPP_ECD_8550_LCD_004_20101022)**

**State Environmental Planning Policy (Exempt and Complying Development Codes)
2008 Wyong Complying Development Land Map
(SEPP_ECD_8550_LCD_005_20101022)**

**State Environmental Planning Policy (Exempt and Complying Development Codes)
2008 Wyong Complying Development Land Map
(SEPP_ECD_8550_LCD_006_20101022)**

**State Environmental Planning Policy (Exempt and Complying Development Codes)
2008 Wyong Complying Development Land Map
(SEPP_ECD_8550_LCD_007_20101022)**

**State Environmental Planning Policy (Exempt and Complying Development Codes)
2008 Wyong Complying Development Land Map
(SEPP_ECD_8550_LCD_008_20101022)**

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- SCHEDULE 6

SCHEDULE 6 - Conditions applying to complying development certificates under certain complying development codes

(Clauses 3.34, 3A.39, 3C.37 and 3D.65)

Note 1 : Complying development under the Housing Code, the Rural Housing Code, the Greenfield Housing Code and the Inland Code must comply with the requirements of the Act, the Environmental Planning and Assessment Regulation 2000 and the conditions listed in this Schedule.

Note 2 : Division 2A of Part 7 of the Environmental Planning and Assessment Regulation 2000 specifies conditions to which certain complying development certificates are subject.

Note 3 : In addition to the requirements specified for development under this Policy, adjoining owners' property rights, applicable common law and other legislative requirements for approvals, licences, permits and authorities still apply.

Note 4 : If the development is in the proximity of infrastructure (including water, stormwater or sewer mains, electricity power lines and telecommunications facilities), the relevant infrastructure authority should be contacted before commencing the development.

Note 5 : Under section 4.29 of the Environmental Planning and Assessment Act 1979, a complying development certificate lapses 5

years after the date endorsed on the certificate, unless the development has physically commenced on the land during that period.

Part 1 - Conditions applying before works commence 1 Protection of adjoining areas

A temporary hoarding or temporary construction site fence must be erected between the work site and adjoining lands before the works begin and must be kept in place until after the completion of the works if the works:

- (a) could cause a danger, obstruction or inconvenience to pedestrian or vehicular traffic, or
- (b) could cause damage to adjoining lands by falling objects, or
- (c) involve the enclosure of a public place or part of a public place.

2 Toilet facilities

(1) Toilet facilities must be available or provided at the work site before works begin and must be maintained until the works are completed at a ratio of one toilet plus one additional toilet for every 20 persons employed at the site.

(2) Each toilet must:

- (a) be a standard flushing toilet connected to a public sewer, or
- (b) have an on-site effluent disposal system approved under the Local Government Act 1993, or
- (c) be a temporary chemical closet approved under the Local Government Act 1993.

3 Garbage receptacle

(1) A garbage receptacle must be provided at the work site before works begin and must be maintained until the works are completed.

(2) The garbage receptacle must have a tight fitting lid and be suitable for the reception of food scraps and papers.

4 Adjoining wall dilapidation report

(1) If a wall on a lot is to be built to a boundary and there is a wall (the "adjoining wall") on the lot adjoining that boundary that is less than 0.9m from that boundary, the person having the benefit of the complying development certificate must obtain a dilapidation report on the adjoining wall.

(2) If the person preparing the report is denied access to the adjoining lot for the purpose of inspecting the adjoining wall, the report may be prepared from an external inspection of the adjoining wall.

5 Run-off and erosion controls

Run-off and erosion controls must be implemented to prevent soil erosion, water pollution or the discharge of loose sediment on the surrounding land by:

- (a) diverting uncontaminated run-off around cleared or disturbed areas, and
- (b) erecting a silt fence and providing any other necessary sediment control measures that will prevent debris escaping into drainage systems, waterways or adjoining properties, and
- (c) preventing the tracking of sediment by vehicles onto roads, and
- (d) stockpiling top soil, excavated materials, construction and landscaping supplies and debris within the lot.

6 Tree protection measures

(1) This clause applies to each protected tree and any other tree that is to be retained on a lot.

(2) The trunk of each of the following trees must be provided with a tree guard that is comprised of hardwood timber panels each having a minimum length of 2m, minimum width of 75mm and minimum thickness of 25mm and secured, but not permanently fixed or nailed, to the tree and spaced a maximum of 80mm apart:

- (a) each tree that is within 6m of a dwelling house or any

ancillary development that is to be constructed, and
(b) each protected tree that is within 10m of a dwelling house or any ancillary development that is to be constructed.

(3) Each protected tree that is within 6m of a dwelling house, outbuilding or swimming pool must have a fence or barrier that is erected:

(a) around its tree protection zone as defined by section 3.2 of AS 4970--2009, Protection of trees on development sites, and

(b) in accordance with section 4 of that standard.

(4) The person having the benefit of the complying development certificate must ensure that:

(a) the activities listed in section 4.2 of that standard do not occur within the tree protection zone of any tree on the lot or any tree on an adjoining lot, and

(b) any temporary access to, or location of scaffolding within the tree protection zone of a protected tree or any other tree to be retained on the lot during the construction, is undertaken using the protection measures specified in sections 4.5.3 and 4.5.6 of that standard.

(5) The tree protection measures specified in this clause must:

(a) be in place before work commences on the lot, and

(b) be maintained in good condition during the construction period, and

(c) remain in place for the duration of the construction works.

Note : A separate permit or development consent may be required if the branches or roots of a protected tree on the lot or on an adjoining lot are required to be pruned or removed.

Part 2 - Conditions applying during the works

Note : The Protection of the Environment Operations Act 1997 and the Protection of the Environment Operations (Noise Control) Regulation 2008 contain provisions relating to noise.

7 Hours for construction

Construction may only be carried out between 7.00 am and 5.00 pm on Monday to Saturday and no construction is to be carried out at any time on a Sunday or a public holiday.

8 Compliance with plans

Works must be carried out in accordance with the plans and specifications to which the complying development certificate relates.

9 Maintenance of site

(1) All materials and equipment must be stored wholly within the work site unless an approval to store them elsewhere is held.

(2) Waste materials (including excavation, demolition and construction waste materials) must be managed on the site and then disposed of at a waste management facility.

(3) Any run-off and erosion control measures required must be maintained within their operating capacity until the completion of the works to prevent debris escaping from the site into drainage systems, waterways, adjoining properties and roads.

(4) During construction:

(a) all vehicles entering or leaving the site must have their loads covered, and

(b) all vehicles, before leaving the site, must be cleaned of dirt, sand and other materials, to avoid tracking these materials onto public roads.

(5) At the completion of the works, the work site must be left clear of waste and debris.

10 Earthworks, retaining walls and structural support

(1) Any earthworks (including any structural support or other related structure for the purposes of the development):

- (a) must not cause a danger to life or property or damage to any adjoining building or structure on the lot or to any building or structure on any adjoining lot, and
- (b) must not redirect the flow of any surface or ground water or cause sediment to be transported onto an adjoining property, and
- (c) that is fill brought to the site--must contain only virgin excavated natural material (VENM) as defined in Part 3 of Schedule 1 to the Protection of the Environment Operations Act 1997, and
- (d) that is excavated soil to be removed from the site-- must be disposed of in accordance with any requirements under the Protection of the Environment Operations (Waste) Regulation 2005.

(2) Any excavation must be carried out in accordance with Excavation Work: Code of Practice (ISBN 978-0-642-785442), published in July 2012 by Safe Work Australia.

11 Drainage connections

(1) If the work is the erection of, or an alteration or addition to, a dwelling house, the roof stormwater drainage system must be installed and connected to the drainage system before the roof is installed.

(2) Any approval that is required for connection to the drainage system under the Local Government Act 1993 must be held before the connection is carried out.

11A Swimming pool safety

If the work involves the construction of a swimming pool, a child-resistant barrier that complies with the requirements of the Building Code of Australia and AS 1926.1--2012, Swimming pool safety--Part 1: Safety barriers for swimming pools must be erected around that work during the construction.

12 Archaeology discovered during excavation

If any object having interest due to its age or association with the past is uncovered during the course of the work:

- (a) all work must stop immediately in that area, and
- (b) the Office of Environment and Heritage must be advised of the discovery.

Note : Depending on the significance of the object uncovered, an archaeological assessment and excavation permit under the Heritage Act 1997 may be required before further the work can continue.

13 Aboriginal objects discovered during excavation

If an Aboriginal object (including evidence of habitation or remains) is discovered during the course of the work:

- (a) all excavation or disturbance of the area must stop immediately, and
- (b) the person making the discovery must advise the Chief Executive (within the meaning of the National Parks and Wildlife Act 1974) of the discovery in accordance with section 89A of that Act.

Note : If an Aboriginal object is discovered, an Aboriginal heritage impact permit may be required under the National Parks and Wildlife Act 1974.

Part 3 - Conditions applying before the issue of an occupation certificate 14 Vehicular access

If the work involves the construction of a vehicular access point, the access point must be completed before the occupation certificate for the work on the site is obtained.

15 Utility services

If the work requires alteration to, or the relocation of, utility services on, or adjacent to, the lot on which the work is carried out, the work is not complete until all such works are carried out.

**CODES)
2008
- SCHEDULE 6A**

SCHEDULE 6A - Conditions applying to complying development certificates under the Low Rise Medium Density Housing Code (Clause 3B.62)

Note 1 : Complying development under the Low Rise Medium Density Housing Code must comply with the requirements of the Act, the Environmental Planning and Assessment Regulation 2000 and the conditions listed in this Schedule.

Note 2 : Division 2A of Part 7 of the Environmental Planning and Assessment Regulation 2000 specifies conditions to which certain complying development certificates are subject.

Note 3 : In addition to the requirements specified for development under this Policy, adjoining owners' property rights, applicable common law and other legislative requirements for approvals, licences, permits and authorities still apply.

Note 4 : If the development is in the proximity of infrastructure (including water, stormwater or sewer mains, electricity power lines and telecommunications facilities), the relevant infrastructure authority should be contacted before commencing the development. Information in relation to underground assets can be obtained at www.1100.com.au or by phoning 1100.

Note 5 : Under section 86A of the Act, a complying development certificate lapses 5 years after the date endorsed on the certificate, unless the development has physically commenced on the land during that period.

Note 6 : Street numbering and letter box facilities should be provided in accordance with Australia Post guidelines and to the satisfaction of the council.

Part 1 - Conditions applying before works commence
1 Evidence of payment of contributions

Sufficient evidence must be provided to the principal certifying authority before works begin to reasonably satisfy the principal certifying authority that any contribution required to be paid under section 94 or 94A of the Act in respect of the development has been paid.

2 Protection of adjoining areas

A temporary hoarding or temporary construction site fence must be erected between the work site and adjoining lands before the works begin and must be kept in place until after the completion of the works if the works:

- (a) could cause a danger, obstruction or inconvenience to pedestrian or vehicular traffic, or
- (b) could cause damage to adjoining lands by falling objects, or
- (c) involve the enclosure of a public place or part of a public place.

3 Toilet facilities

(1) Toilet facilities must be available or provided at the work site before works begin and must be maintained until the works are completed at a ratio of 1 toilet plus 1 additional toilet for every 20 persons employed at the site.

(2) Each toilet must:

- (a) be a standard flushing toilet connected to a public sewer, or
- (b) have an on-site effluent disposal system approved under the Local Government Act 1993, or
- (c) be a temporary chemical closet approved under the Local Government Act 1993.

4 Garbage receptacle

(1) A garbage receptacle must be provided at the work site before works begin and must be maintained until the works are completed.

(2) The garbage receptacle must have a tight fitting lid and be suitable for the reception of food scraps and papers.

5 Wall dilapidation report

(1) If a wall on a lot is to be built to a boundary and there is a wall (the "adjoining wall") on the lot adjoining that boundary that is less than 0.9m from that boundary, the person having the benefit of the complying development certificate must obtain a dilapidation report on the adjoining wall before works begin.

(2) If the person preparing the report is denied access to the adjoining lot for the purpose of inspecting the wall, the report may be prepared from an external inspection of the wall.

6 Run-off and erosion controls

Run-off and erosion controls must be implemented before works begin to prevent soil erosion, water pollution or the discharge of loose sediment on the surrounding land by:

(a) diverting uncontaminated run-off around cleared or disturbed areas, and

(b) erecting a silt fence and providing any other necessary sediment control measures that will prevent debris escaping into drainage systems, waterways or adjoining properties, and

(c) preventing the tracking of sediment by vehicles onto roads, and

(d) stockpiling top soil, excavated materials, construction and landscaping supplies and debris within the lot.

7 Tree protection measures

(1) This clause applies to each protected tree and any other tree that is to be retained on a lot.

(2) The trunk of each of the following trees must be provided with a tree guard that is comprised of hardwood timber panels each having a minimum length of 2m, minimum width of 75mm and minimum thickness of 25mm and secured, but not permanently fixed or nailed, to the tree and spaced a maximum of 80mm apart:

(a) each tree that is within 6m of any dual occupancy, manor house, multi dwelling housing (terraces) or ancillary development that is to be constructed,

(b) each protected tree that is within 10m of any dual occupancy, manor house, multi dwelling housing (terraces) or ancillary development that is to be constructed.

(3) Each protected tree that is within 6m of a dual occupancy, manor house, multi dwelling housing (terraces), outbuilding or swimming pool must have a fence or barrier that is erected:

(a) around its tree protection zone as defined by section 3.2 of AS 4970--2009, Protection of trees on development sites, and

(b) in accordance with section 4 of that standard.

(4) The person having the benefit of the complying development certificate must ensure that:

(a) the activities listed in section 4.2 of that standard do not occur within the tree protection zone of any tree on the lot or any tree on an adjoining lot, and

(b) any temporary access to, or location of scaffolding within the tree protection zone of a protected tree or any other tree to be retained on the lot during the construction, is undertaken using the protection measures specified in sections 4.5.3 and 4.5.6 of that standard.

(5) The tree protection measures specified in this clause must:

(a) be in place before work begins on the lot, and

(b) be maintained in good condition during the construction period, and

(c) remain in place for the duration of the construction works.

Note : A separate permit or development consent may be required if

the branches or roots of a protected tree on the lot or on an adjoining lot are required to be pruned or removed.

8 Notification of works to water and sewerage supply authorities

(1) If the development involves the erection of a new building or an addition to an existing building, the person having the benefit of the complying development certificate must ensure that the following are given plans of the building work and have approved those plans:

- (a) any organisation having water or sewerage infrastructure on the land on which the development is to occur,
- (b) any organisation that is required to provide water or sewerage services to the land as a result of the development.

(2) Evidence of the giving of approval required under subclause (1) is to be provided to the principal certifying authority for the building work involved in the development before that work begins.

9 Drainage

Any water supply, sewerage or stormwater drainage work carried out under section 68 of the Local Government Act 1993 on the lot must be completed before building works begin.

10 Location of footings and external walls

(1) Before works begin, the position of the following are to be marked out on the ground on the lot by a registered surveyor:

- (a) all footings required for the proposed development,
- (b) the external walls of any building to be erected as part of the development but only if the building will contain a habitable room.

(2) The person having the benefit of the complying development certificate must ensure that before those external walls are constructed, the principal certifying authority is given a survey and a report by a registered surveyor that shows the position of the walls relative to the lot boundary.

11 Safety of persons and the environment

Before works begin appropriate measures must be in place to ensure all works and activities are carried out during the development in a manner that ensures the safety of persons and of the environment, including, if the council recommends specific environmental site management controls in respect of the development, those recommended controls.

Part 2 - Conditions applying during the works

Note : The Protection of the Environment Operations Act 1997 and the Protection of the Environment Operations (Noise Control) Regulation 2017 contain provisions relating to noise.

12 Hours for construction

Construction may only be carried out between 7.00 am and 5.00 pm on Monday to Saturday and no construction is to be carried out at any time on a Sunday or a public holiday.

13 Construction noise

Noise caused by construction must not exceed an LAeq (15 min) of 5dB(A) above background noise when measured at any lot boundary of the property where the construction is being carried out.

14 Compliance with plans

Works must be carried out in accordance with the plans and specifications to which the complying development certificate relates.

15 Maintenance of site

(1) All materials and equipment must be stored wholly within the work site unless an approval to store them elsewhere is held.

(2) Waste materials (including excavation, demolition and construction waste materials) must be managed on the site and then disposed of at a waste management facility.

(3) Any run-off and erosion control measures required must be maintained within their operating capacity until the completion of the works to prevent debris escaping from the site into drainage

systems, waterways, adjoining properties and roads.

(4) During construction:

(a) all vehicles entering or leaving the site must have their loads covered, and

(b) all vehicles, before leaving the site, must be cleaned of dirt, sand and other materials, to avoid tracking these materials onto public roads.

(5) At the completion of the works, the work site must be left clear of waste and debris.

16 Earthworks, retaining walls and structural support

(1) Any earthworks (including any structural support or other related structure for the purposes of the development):

(a) must not cause a danger to life or property or damage to any adjoining building or structure on the lot or to any building or structure on any adjoining lot, and

(b) must not redirect the flow of any surface or ground water or cause sediment to be transported onto an adjoining property, and

(c) that is fill brought to the site--must contain only virgin excavated natural material (VENM) as defined in Part 3 of Schedule 1 to the Protection of the Environment Operations Act 1997, and

(d) that is excavated soil to be removed from the site-- must be disposed of in accordance with any requirements under the Protection of the Environment Operations (Waste) Regulation 2014.

(2) Any excavation must be carried out in accordance with Excavation Work: Code of Practice (ISBN 978-0-642-78544-2), published in July 2012 by Safe Work Australia.

17 Drainage connections

(1) If the work is the erection of, or an alteration or addition to, any dual occupancy, manor house or multi dwelling housing (terraces), the roof stormwater drainage system must be installed and connected to the drainage system before the roof is installed.

(2) Any approval that is required for connection to the drainage system under the Local Government Act 1993 must be held before the connection is carried out.

18 Swimming pool safety

If the work involves the construction of a swimming pool, a child-resistant barrier that complies with the requirements of the Building Code of Australia and AS 1926.1--2012, Swimming pool safety, Part 1: Safety barriers for swimming pools must be erected around that work during the construction.

19 Contamination discovered during works

(1) If in the course of works on the land comprising the lot, the land is found to be contaminated (within the meaning of the Contaminated Land Management Act 1997):

(a) all works must stop immediately, and

(b) the Environment Protection Authority and the council must be notified of the contamination.

(2) Land is found to be contaminated for the purposes of this clause if the person having the benefit of the complying development certificate or the principal certifying authority knows or should reasonably suspect that the land is contaminated.

Note : Depending on the level of the nature and level of the contamination, remediation of the land may be required before further work can continue.

20 Archaeology discovered during excavation

If any object having interest due to its age or association with the past is uncovered during the course of the work:

(a) all work must stop immediately in that area, and

(b) the Office of Environment and Heritage must be advised of the discovery.

Note : Depending on the significance of the object uncovered, an archaeological assessment and excavation permit under the Heritage Act 1977 may be required before further work can continue.

21 Aboriginal objects discovered during excavation

If an Aboriginal object (including evidence of habitation or remains) is discovered during the course of the work:

- (a) all excavation or disturbance of the area must stop immediately, and**
- (b) the person making the discovery must advise the Chief Executive (within the meaning of the National Parks and Wildlife Act 1974) of the discovery in accordance with section 89A of that Act.**

Note : If an Aboriginal object is discovered, an Aboriginal heritage impact permit may be required under the National Parks and Wildlife Act 1974.

Part 3 - Conditions applying before issue of occupation certificate 22

Vehicular access

If the work involves the construction of a vehicular access point, the access point must be completed before the occupation certificate for the work on the site is obtained.

23 Utility services

If the work requires alteration to, or the relocation of, utility services on, or adjacent to, the lot on which the work is carried out, the work is not complete until all such works are carried out.

24 On-site stormwater detention system

(1) If an on-site stormwater detention system is installed on the lot in relation to the development, the following must be registered before the occupation certificate for the work on the site is obtained:

- (a) a public positive covenant enforceable by the council requiring the owner of the land to maintain and repair the system,**
- (b) a restriction as to user in favour of the council that is worded to the satisfaction of the council.**

(2) A certificate issued by an engineer that certifies that the on-site stormwater detention system has been constructed in accordance with the approval of the council must be given to the principal certifying authority before the occupation certificate for the work on the site is obtained.

25 Evidence of certain matters

(1) Sufficient evidence must be provided to the principal certifying authority before the occupation certificate for the work on the site is obtained to reasonably satisfy the principal certifying authority that each new dwelling will be adequately serviced with water, sewerage, electricity, natural gas (where available) and telecommunications.

(2) The following must be provided to the principal certifying authority before the occupation certificate for the work on the site is obtained:

- (a) a survey certificate prepared by a registered surveyor that certifies the location of any new buildings, or additions to existing buildings, in relation to the boundaries of the lot,**
- (b) if the development has resulted in the installation of a mechanical ventilation system--a certificate from a mechanical ventilation engineer that states that the system complies with the approved plans and specifications,**
- (c) if the council has design guidelines or constructions specifications for works to which the complying development certificate relates and those guidelines or specifications address the submission of compliance documentation to the council--that compliance documentation.**

26 Easement in gross over rear lane

If the development results in the creation of a rear access lane, an easement in gross for public access in favour of the council must be created over the lane before the occupation certificate for the work on the site is obtained.

27 Adaptable housing notification

(1) If a dwelling has been constructed in a manner that permits it to be adapted for persons with a disability, a permanent notice should be attached in a visible location near the electricity meter that informs future occupants of this.

(2) Without limiting subclause (1), if the Secretary of the Department of Planning and Environment approves the form of a notice for the purposes of this clause, a notice in that form is taken to satisfy subclause (1).

28 Trees

(1) At least 1 tree (that will have a mature height of at least 8m) is to be in each rear yard on the site before the occupation certificate for the work on the site is obtained.

(2) At least 1 tree (that will have a mature height of at least 5m) is to be in the setback from the primary road for each dwelling house, dual occupancy, manor house or terrace on the site before the occupation certificate for the work on the site is obtained but only if that setback is more than 3m.

(3) In this clause:

"terrace" means a single dwelling in multi dwelling housing (terraces).

Part 4 - Condition applying after issue of occupation certificate 29

Notification to council

The person having the benefit of a complying development certificate must, as soon as practicable after obtaining an occupation certificate from a principal certifying authority (other than the council), notify the council of issuing of the certificate.

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- SCHEDULE 6B

SCHEDULE 6B - Conditions applying to complying development certificates under the Subdivisions Code

(Clause 6.6)

Note 1 : Complying development under the Subdivisions Code must comply with the requirements of the Act, the Environmental Planning and Assessment Regulation 2000 and the conditions listed in this Schedule.

Note 2 : Division 2A of Part 7 of the Environmental Planning and Assessment Regulation 2000 specifies conditions to which certain complying development certificates are subject.

1 Evidence of certain matters relating to services and works

(1) Sufficient evidence must be provided to the principal certifying authority before the subdivision certificate for the site is obtained to reasonably satisfy that person that each new lot on which there will be a dwelling will be adequately serviced with water, sewerage, electricity, natural gas (where available) and telecommunications.

(2) A survey certificate prepared by a registered surveyor that certifies that the services to each lot are located on the lot or on appropriate easements must be provided to the principal certifying authority before the subdivision certificate for the site is obtained.

(3) After the completion of the subdivision works and before the subdivision certificate for the site is obtained, copies of the plans

approved in relation to the issue of the complying development certificate are to be provided to the principal certifying authority that:

- (a) are marked in red to show how the works as executed depart from those approved plans, and
- (b) are certified and dated by a registered surveyor or design engineer.

2 Boundary fencing

Fencing must be provided along all property boundaries located behind the building line before the subdivision certificate for the site is obtained.

Note : See the Dividing Fences Act 1991 for requirements in relation to boundary fences.

3 Easements for stormwater drainage

(1) Evidence that any stormwater pipelines that are on lots other than the lots that they benefit are on appropriate easements must be provided to the principal certifying authority before the subdivision certificate for the site is obtained.

(2) An easement is appropriate for the purposes of this clause if:

- (a) it was created (by registration of an instrument under Division 1 of Part 7 of the Real Property Act 1900), and
- (b) its location was approved by the council, and
- (c) it has a minimum width of:
 - (i) if the diameter of the stormwater pipeline is less than 350mm--1m, or
 - (ii) if the diameter of the stormwater pipeline is 350mm or more and no more than 1.4m--2.4m, or
 - (iii) in any other case--the diameter of the stormwater pipeline plus 1m.

4 Common driveways

If lots share a common driveway, rights of carriageway over that driveway to the benefit of each of those lots must be created.

5 Plan of subdivision

(1) The plan of subdivision that is to be lodged with the Registrar-General and an instrument under section 88B of the Conveyancing Act 1919 must be provided to the principal certifying authority before the subdivision certificate for the site is obtained.

(2) The principal certifying authority must not issue the subdivision certificate unless the instrument and plans properly reflect the consent including the conditions to which the complying development certificate is subject.

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- SCHEDULE 7

SCHEDULE 7 - Conditions applying to complying development certificates under Housing Alterations Code and General Development Code (Clauses 4.7 and 4A.13)

Note 1 : Complying development under the Housing Alterations Code must comply with the requirements of the Act, the Environmental Planning and Assessment Regulation 2000 and the conditions listed in this Schedule.

Note 2 : Division 2A of Part 7 of the Environmental Planning and Assessment Regulation 2000 specifies conditions to which certain complying development certificates are subject.

Note 3 : In addition to the requirements specified for development under this Policy, adjoining owners' property rights, applicable common law and other legislative requirements for approvals, licences, permits and authorities still apply.

Note 4 : If the development is in the proximity of infrastructure (including water, stormwater or sewer mains, electricity power lines and telecommunications facilities), the relevant infrastructure authority should be contacted before commencing the development.

Note 5 : Under section 4.29 of the Environmental Planning and Assessment Act 1979, a complying development certificate lapses 5 years after the date endorsed on the certificate, unless the development has physically commenced on the land during that period.

Part 1 - Conditions applying before works commence

1 Toilet facilities
(1) Toilet facilities must be available or provided at the work site before works begin and must be maintained until the works are completed at a ratio of one toilet plus one additional toilet for every 20 persons employed at the site.

(2) Each toilet must:

(a) be a standard flushing toilet connected to a public sewer, or

(b) have an on-site effluent disposal system approved under the Local Government Act 1993, or

(c) be a temporary chemical closet approved under the Local Government Act 1993.

2 Garbage receptacle

(1) A garbage receptacle must be provided at the work site before works begin and must be maintained until the works are completed.

(2) The garbage receptacle must have a tight fitting lid and be suitable for the reception of food scraps and papers.

Part 2 - Conditions applying during the works

Note : The Protection of the Environment Operations Act 1997 and the Protection of the Environment Operations (Noise Control) Regulation 2008 contain provisions relating to noise.

3 Hours for construction

Construction may only be carried out between 7.00 am and 5.00 pm on Monday to Saturday and no construction is to be carried out at any time on a Sunday or a public holiday.

4 Compliance with plans

Works must be carried out in accordance with the plans and specifications to which the complying development certificate relates.

5 Demolition

Any demolition must be carried out in accordance with AS 2601--2001, The demolition of structures.

6 Maintenance of site

(1) All materials and equipment must be stored wholly within the work site unless an approval to store them elsewhere is held.

(2) Waste materials (including excavation, demolition and construction waste materials) must be managed on the site and then disposed of at a waste management facility.

(3) At the completion of the works, the work site must be left clear of waste and debris.

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- SCHEDULE 8

SCHEDULE 8 - Conditions applying to complying development certificates under the Commercial and Industrial Alterations Code, the Commercial and Industrial (New Buildings and Additions) Code and the Container Recycling Facilities Code (Clauses 5.25 and 5A.31)

Note 1 : Complying development under the Commercial and Industrial Alterations Code, the Commercial and Industrial (New Buildings and Additions) Code and the Container Recycling Facilities Code must

comply with the requirements of the Act, the Environmental Planning and Assessment Regulation 2000 and the conditions listed in this Schedule.

Note 2 : Division 2A of Part 7 of the Environmental Planning and Assessment Regulation 2000 specifies conditions to which certain complying development certificates are subject.

Note 3 : In addition to the requirements specified for development under this Policy, adjoining owners' property rights, applicable common law and other legislative requirements for approvals, licences, permits and authorities still apply.

Note 4 : If the development is in the proximity of infrastructure (including water, stormwater or sewer mains, electricity power lines and telecommunications facilities), the relevant infrastructure authority should be contacted before commencing the development.

Note 5 : Under section 4.29 of the Environmental Planning and Assessment Act 1979, a complying development certificate lapses 5 years after the date endorsed on the certificate, unless the development has physically commenced on the land during that period.

Part 1 - Conditions applying before works commence 1 Protection of adjoining areas

A temporary hoarding or temporary construction site fence must be erected between the work site and adjoining lands before the works begin and must be kept in place until after the completion of the works if the works:

- (a) could cause a danger, obstruction or inconvenience to pedestrian or vehicular traffic, or
- (b) could cause damage to adjoining lands by falling objects, or
- (c) involve the enclosure of a public place or part of a public place.

Note : Clauses 2.67 and 2.68 of this Policy specify which scaffolding, hoardings and temporary construction site fences are exempt development and state the applicable standards for that development.

2 Toilet facilities

(1) Toilet facilities must be available or provided at the work site before works begin and must be maintained until the works are completed at a ratio of one toilet plus one additional toilet for every 20 persons employed at the site.

(2) Each toilet must:

- (a) be a standard flushing toilet connected to a public sewer, or
- (b) have an on-site effluent disposal system approved under the Local Government Act 1993, or
- (c) be a temporary chemical closet approved under the Local Government Act 1993.

3 Waste management

(1) A waste management plan for the work must be submitted to the principal certifying authority at least 2 days before work commences on the site

(2) The waste management plan must:

- (a) identify all waste (including excavation, demolition and construction waste materials) that will be generated by the work on the site, and
- (b) identify the quantity of waste material in tonnes and cubic metres to be:
 - (i) reused on-site, and
 - (ii) recycled on-site and off-site, and
 - (iii) disposed of off-site, and
- (c) if waste materials are to be reused or recycled on-site--specify how the waste material will be reused or recycled on-site, and
- (d) if waste materials are to be disposed of or recycled off-site--specify the contractor who will be transporting

the materials and the waste facility or recycling outlet to which the materials will be taken.

(3) A garbage receptacle must be provided at the work site before works begin and must be maintained until the works are completed.

(4) The garbage receptacle must have a tight fitting lid and be suitable for the reception of food scraps and papers.

4 Adjoining wall dilapidation report

(1) Before commencing any demolition or excavation works, the person having the benefit of the complying development certificate must obtain a dilapidation report on any part of a building that is within 2m of the works.

(2) If the person preparing the report is denied access to the building for the purpose of an inspection, the report may be prepared from an external inspection.

5 Run-off and erosion controls

Run-off and erosion controls must be implemented to prevent soil erosion, water pollution or the discharge of loose sediment on the surrounding land by:

(a) diverting uncontaminated run-off around cleared or disturbed areas, and

(b) erecting a silt fence and providing any other necessary sediment control measures that will prevent debris escaping into drainage systems, waterways or adjoining properties, and

(c) preventing the tracking of sediment by vehicles onto roads, and

(d) stockpiling top soil, excavated materials, construction and landscaping supplies and debris within the lot.

Part 2 - Conditions applying during the works

Note : The Protection of the Environment Operations Act 1997 and the Protection of the Environment Operations (Noise Control) Regulation 2008 contain provisions relating to noise.

6 Standard hours for construction

Construction may only be carried out between 7.00 am and 6.00 pm on Monday to Friday, or between 8.00 am and 1.00 pm on Saturdays, and no construction is to be carried out at any time on a Sunday or a public holiday.

7 Works outside standard hours for construction

(1) Work may be carried out outside the standard hours for construction if the work only generates noise that is:

(a) no louder than 5 dB(A) above the rating background level at any adjoining residence in accordance with the Interim Construction Noise Guideline (ISBN 978 1 74232 217 9) published by the Department of Environment and Climate Change NSW in July 2009, and

(b) no louder than the noise management levels specified in Table 3 of that guideline at other sensitive receivers.

(2) Work may be carried out outside the standard hours for construction:

(a) for the delivery of materials--if prior approval has been obtained from the NSW Police Force or any other relevant public authority, or

(b) in an emergency, to avoid the loss of lives or property or to prevent environmental harm.

8 Compliance with plans

Works must be carried out in accordance with the plans and specifications to which the complying development certificate relates.

9 Demolition

Any demolition must be carried out in accordance with AS 2601--2001, The demolition of structures.

10 Maintenance of site

(1) All materials and equipment must be stored wholly within the work site unless an approval to store them elsewhere is held.

(2) Waste materials (including excavation, demolition and construction waste materials) must be managed on the site and then disposed of at a waste management facility.

(3) Copies of receipts stating the following must be given to the principal certifying authority:

- (a) the place to which waste materials were transported,**
- (b) the name of the contractor transporting the materials,**
- (c) the quantity of materials transported off-site and recycled or disposed of.**

(4) Any run-off and erosion control measures required must be maintained within their operating capacity until the completion of the works to prevent debris escaping from the site into drainage systems, waterways, adjoining properties and roads.

(5) During construction:

- (a) all vehicles entering or leaving the site must have their loads covered, and**
- (b) all vehicles, before leaving the site, must be cleaned of dirt, sand and other materials, to avoid tracking these materials onto public roads.**

(6) At the completion of the works, the work site must be left clear of waste and debris.

11 Earthworks, retaining walls and structural support

(1) Any earthworks (including any structural support or other related structure for the purposes of the development):

- (a) must not cause a danger to life or property or damage to any adjoining building or structure on the lot or to any building or structure on any adjoining lot, and**
- (b) must not redirect the flow of any surface or ground water or cause sediment to be transported onto an adjoining property, and**
- (c) that is fill brought to the site--must contain only virgin excavated natural material (VENM) as defined in Part 3 of Schedule 1 to the Protection of the Environment Operations Act 1997, and**
- (d) that is excavated soil to be removed from the site-- must be disposed of in accordance with any requirements under the Protection of the Environment Operations (Waste) Regulation 2005.**

(2) Any excavation must be carried out in accordance with Excavation Work: Code of Practice (ISBN 978-0-642-785442 [PDF] and ISBN 978-0-642-785459 [DOCX]), published in July 2012 by Safe Work Australia.

12 Drainage connections

(1) If the work is the erection of, or an alteration or addition to, a building, the roof stormwater drainage system must be installed and connected to the drainage system before the roof is installed.

(2) Any approval that is required for connection to the drainage system under the Local Government Act 1993 must be held before the connection is carried out.

13 Archaeology discovered during excavation

If any object having interest due to its age or association with the past is uncovered during the course of the work:

- (a) all work must stop immediately in that area, and**
- (b) the Office of Environment and Heritage must be advised of the discovery.**

Note : Depending on the significance of the object uncovered, an archaeological assessment and excavation permit under the Heritage Act 1997 may be required before further the work can continue.

14 Aboriginal objects discovered during excavation

If any Aboriginal object (including evidence of habitation or remains) is discovered during the course of the work:

- (a) all excavation or disturbance of the area must stop immediately in that area, and**
- (b) the Office of Environment and Heritage must be advised of the discovery in accordance with section 89A of the National Parks and Wildlife Act 1974.**

Note : If an Aboriginal object is discovered, an Aboriginal heritage impact permit may be required under the National Parks and Wildlife Act 1974.

15 When a survey certificate is required

(1) If any part of the work is the erection of a new building, or an alteration or addition to an existing building, that is located less than 3m from the lot boundary, a survey certificate must be given to the principal certifying authority:

- (a) before any form work below the ground floor slab is completed, or**
- (b) if there is no such form work--before the concrete is poured for the ground floor slab.**

(2) The survey certificate must be prepared by a registered land surveyor and show the location of the work relative to the boundaries of the site.

Part 3 - Conditions applying before the issue of an occupation certificate 16

Vehicular access

If the work involves the construction of a vehicular access point, the access point must be completed before the occupation certificate for the work on the site is obtained.

17 Utility services

(1) If the work requires alteration to, or the relocation of, utility services on, or adjacent to, the lot on which the work is carried out, the work is not complete until all such works are carried out.

(2) If the work is the subject of a notice of requirements for water supply or sewerage services (or both) by a water utility or an entity authorised by the utility, the work must be satisfactorily completed and any monetary contributions required to be paid to the relevant water supply authority must be paid before the occupation certificate is issued.

(3) If the work is the subject of a compliance certificate under section 73 of the Sydney Water Act 1994, the work must be satisfactorily completed and any monetary contributions required to be paid to the Sydney Water Corporation must be paid before the occupation certificate is issued.

18 Mechanical ventilation systems

If the work includes a mechanical ventilation system that is a "regulated system" within the meaning of the Public Health Act 2010, the system must be notified as required by the Public Health Regulation 2012, before an occupation certificate (whether interim or final) for the work is issued.

19 Food businesses

If the work relates to a

"food business" within the meaning of the Food Act 2003, the food business must be notified as required by that Act, or licensed as required by the Food Regulation 2010, before an occupation certificate (whether interim or final) for the work is issued.

20 Premises where skin penetration procedures are carried out

If the work relates to premises at which a

"skin penetration procedure", within the meaning of the Public Health Act 2010, will be carried out, the premises must be notified as required by Part 4 of the Public Health Regulation 2012 before an occupation certificate (whether interim or final) for the work is issued.

Part 4 - Operational requirements 21 Hours of operation

(1) If there are existing conditions on a development consent applying to hours of operation, the development must not be operated outside the hours specified in those conditions.

(2) If there are no existing conditions on a development consent applying to hours of operation, the development must not be operated outside the following hours:

- (a) if the development involves a new use as specialised retail premises or other commercial premises--7.00 am to 10.00 pm Monday to Saturday and 7.00 am to 8.00 pm on a**

Sunday or a public holiday,
(b) if the development involves a new use as something other than a specialised retail premises or other commercial premises and adjoins or is opposite a residential lot within a residential zone or Zone RU5 Village--7.00 am to 7.00 pm Monday to Saturday and no operation on a Sunday or a public holiday,
(c) in any other case not referred to in paragraph (a) or (b)--7.00 am to 7.00 pm Monday to Saturday and 9.00 am to 6.00 pm on a Sunday or a public holiday.

22 Noise

(1) The development must comply with the requirements for industrial premises contained in the Noise Policy.

(2) Noise emitted by the development:

(a) must not exceed an L A (15 min) of 5dB(A) above background noise when measured at any lot boundary of the property where the development is being carried out, and

(b) must not cause the relevant amenity criteria in Table 2.1 in the Noise Policy to be exceeded.

(3) In this clause,

"the Noise Policy" means the document entitled NSW Industrial Noise Policy (ISBN 0 7313 2715 2) published in January 2000 by the Environment Protection Authority.

23 Lighting

(1) All new external lighting must:

(a) comply with AS 4282-1997 Control of the obtrusive effects of outdoor lighting, and

(b) be mounted, screened and directed in a way that it does not create a nuisance or light spill on to buildings on adjoining lots or public places.

(2) Lighting at vehicle access points to the development must be provided in accordance with AS/NZS 1158 Set:2010 Lighting for roads and public spaces Set.

24 Use of driveways and parking areas

(1) All driveways and parking areas must be unobstructed at all times.

(2) Except as otherwise permitted by an existing condition of the most recent development consent (other than a complying development certificate) that applies to the premises, driveways and car spaces:

(a) must not be used for the manufacture, storage or display of goods, materials or any other equipment, and

(b) must be used solely for vehicular access and for the parking of vehicles associated with the use of the premises.

25 Landscaped area (planting and maintenance)

(1) Any tree or shrub that fails to establish within 2 years of the initial planting date must be replaced with the same species of tree or shrub.

(2) All landscaped areas on the site must be maintained on an on-going basis.

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- SCHEDULE 9

SCHEDULE 9 - Conditions applying to complying development certificates under the Demolition Code

(Clause 7.3)

Note 1 : Complying development under the Demolition Code must comply

with the requirements of the Act, the Environmental Planning and Assessment Regulation 2000 and the conditions listed in this Schedule.

Note 2 : Division 2A of Part 7 of the Environmental Planning and Assessment Regulation 2000 specifies conditions to which certain complying development certificates are subject.

Note 3 : In addition to the requirements specified for development to be complying development under this Policy, adjoining owners' property rights, applicable common law and other legislative requirements for approvals, licences, permits and authorities still apply.

Note 4 : If the development is in the proximity of infrastructure (including water, stormwater or sewer mains, electricity power lines and telecommunications facilities), the relevant infrastructure authority should be contacted before commencing the development.

Note 5 : Under section 4.29 of the Environmental Planning and Assessment Act 1979 a complying development certificate lapses 5 years after the date endorsed on the certificate, unless the development has physically commenced on the land during that period.

Part 1 - Conditions applying before works commence 1 Protection of adjoining areas

A temporary hoarding or temporary construction site fence must be erected between the work site and adjoining lands before the works begin, and must be kept in place until after the completion of works, if the works:

- (a) could cause a danger, obstruction or inconvenience to pedestrian or vehicular traffic, or
- (b) could cause damage to adjoining lands by falling objects, or
- (c) involve the enclosure of a public place or part of a public place.

Note : Clauses 2.67 and 2.68 of this Policy specify which scaffolding, hoardings and temporary construction site fences are exempt development and state the applicable standards for that development.

2 Toilet facilities

(1) Toilet facilities must be available or provided at the work site before works begin, and must be maintained until the works are completed, at a ratio of one toilet plus one additional toilet for every 20 persons employed at the site.

(2) Each toilet must:

- (a) be a standard flushing toilet connected to a public sewer, or
- (b) have an on-site effluent disposal system approved under the Local Government Act 1993, or
- (c) be a temporary chemical closet approved under the Local Government Act 1993.

3 Waste management

(1) A waste management plan for the work must be prepared before work commences on the site.

(2) The waste management plan must:

- (a) identify all waste (including excavation, demolition and construction waste material) that will be generated by the work on the site, and
- (b) identify the quantity of waste material, in tonnes and cubic metres, to be:
 - (i) reused on-site, and
 - (ii) recycled on-site and off-site, and
 - (iii) disposed of off-site, and
- (c) if waste material is to be reused or recycled on-site--specify how the waste material will be reused or recycled on-site, and
- (d) if waste material is to be disposed of or recycled off-site--specify the contractor who will be transporting the

material and the waste facility or recycling outlet to which the material will be taken.

(3) A garbage receptacle must be provided at the work site before works begin and must be maintained until the works are completed.

(4) The garbage receptacle must have a tight fitting lid and be suitable for the reception of food scraps and papers.

4 Adjoining wall dilapidation report

(1) If a building to be demolished is within 900mm of a boundary, and there is a wall (the "adjoining wall") on the lot adjoining that boundary that is less than 900mm from that boundary, the person having the benefit of the complying development certificate must obtain a dilapidation report on the adjoining wall.

(2) If the person preparing the report is denied access to the adjoining lot for the purpose of inspecting the adjoining wall, the report may be prepared from an external inspection of the adjoining wall.

5 Run-off and erosion controls

Run-off and erosion controls must be implemented to prevent soil erosion, water pollution or the discharge of loose sediment on the surrounding land by:

(a) diverting uncontaminated run-off around cleared or disturbed areas, and

(b) erecting a silt fence and providing any other necessary sediment control measures that will prevent debris escaping into drainage systems, waterways or adjoining properties, and

(c) preventing the tracking of sediment by vehicles onto roads, and

(d) stockpiling top soil, excavated materials, construction and landscaping supplies and debris within the lot.

Part 2 - Conditions applying during the works

Note : The Protection of the Environment Operations Act 1997 and the Protection of the Environment Operations (Noise Control) Regulation 2008 contain provisions relating to noise.

6 Hours for demolition

Demolition may only be carried out between 7.00 am and 5.00 pm on Monday to Saturday and no demolition is to be carried out at any time on a Sunday or a public holiday.

7 Compliance with plans

Works must be carried out in accordance with the plans and specifications to which the complying development certificate relates.

8 Demolition

Any demolition must be carried out in accordance with AS 2601--2001, The demolition of structures.

9 Maintenance of site

(1) All materials and equipment must be stored wholly within the work site unless an approval to store them elsewhere is held.

(2) Waste materials (including excavation, demolition and construction waste materials) must be managed on the site and then disposed of at a waste management facility.

(3) Copies of receipts stating the following must be given to the principal certifying authority:

(a) the place to which waste materials were transported,

(b) the name of the contractor transporting the materials,

(c) the quantity of materials transported off-site and recycled or disposed of.

(4) Any run-off and erosion control measures required must be maintained within their operating capacity until the completion of the works to prevent debris escaping from the site into drainage systems, waterways, adjoining properties and roads.

(5) During construction:

(a) all vehicles entering or leaving the site must have their loads covered, and

(b) all vehicles, before leaving the site, must be cleaned

of dirt, sand and other materials, to avoid tracking these materials onto public roads.

(6) At the completion of the works, the work site must be left clear of waste and debris.

10 Aboriginal objects discovered during excavation

If an Aboriginal object (including evidence of habitation or remains) is discovered during the course of the work:

(a) all excavation or disturbance of the area must stop immediately, and

(b) the person making the discovery must advise the Chief Executive (within the meaning of the National Parks and Wildlife Act 1974) of the discovery in accordance with section 89A of that Act.

Note : If an Aboriginal object is discovered, an Aboriginal heritage impact permit may be required under the National Parks and Wildlife Act 1974.

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- SCHEDULE 10

SCHEDULE 10 - Conditions applying to complying development certificates under the Fire Safety Code

(Clause 8.8)

Note 1 : Complying development under the Fire Safety Code must comply with the requirements of the Act, the Environmental Planning and Assessment Regulation 2000 and the conditions listed in this Schedule.

Note 2 : Division 2A of Part 7 of the Environmental Planning and Assessment Regulation 2000 specifies conditions to which certain complying development certificates are subject.

Note 3 : In addition to the requirements specified for development under this Policy, adjoining owners' property rights, applicable common law and other legislative requirements for approvals, licences, permits and authorities still apply.

Note 4 : If the development is in the proximity of infrastructure (including water, stormwater or sewer mains, electricity power lines and telecommunications facilities), the relevant infrastructure authority should be contacted before commencing the development.

Note 5 : Under section 4.29 of the Environmental Planning and Assessment Act 1979 a complying development certificate lapses 5 years after the date endorsed on the certificate, unless the development has physically commenced on the land during that period.

Part 1 - Conditions applying before works commence 1 Protection of adjoining areas

A temporary hoarding or temporary construction site fence must be erected between the work site and adjoining lands before the works begin and must be kept in place until after the completion of the works if the works:

(a) could cause a danger, obstruction or inconvenience to pedestrian or vehicular traffic, or

(b) could cause damage to adjoining lands by falling objects, or

(c) involve the enclosure of a public place or part of a public place.

Note : Clauses 2.67 and 2.68 of this Policy specify which scaffolding, hoardings and temporary construction site fences are exempt development and state the applicable standards for that development.

2 Toilet facilities

(1) Toilet facilities must be available or provided at the work site before works begin, and must be maintained until the works are

completed, at a ratio of one toilet plus one additional toilet for every 20 persons employed at the site.

(2) Each toilet must:

- (a) be a standard flushing toilet connected to a public sewer, or
- (b) have an on-site effluent disposal system approved under the Local Government Act 1993, or
- (c) be a temporary chemical closet approved under the Local Government Act 1993.

3 Waste management

- (1) A garbage receptacle must be provided at the work site before works begin and must be maintained until the works are completed.
- (2) The garbage receptacle must have a tight fitting lid and be suitable for the reception of food scraps and papers.

4 Run-off and erosion controls

Run-off and erosion controls must be implemented to prevent soil erosion, water pollution or the discharge of loose sediment on the surrounding land by:

- (a) diverting uncontaminated run-off around cleared or disturbed areas, and
- (b) erecting a silt fence and providing any other necessary sediment control measures that will prevent debris escaping into drainage systems, waterways or adjoining properties, and
- (c) preventing the tracking of sediment by vehicles onto roads, and
- (d) stockpiling top soil, excavated materials, construction and landscaping supplies and debris within the lot.

Part 2 - Conditions applying during the works

Note : The Protection of the Environment Operations Act 1997 and the Protection of the Environment Operations (Noise Control) Regulation 2008 contain provisions relating to noise.

5 Hours for construction

Work may only be carried out between 7.00 am and 6.00 pm on Monday to Friday, or between 8.00 am and 1.00 pm on Saturdays, and no work is to be carried out at any time on a Sunday or a public holiday.

6 Compliance with plans

Works must be carried out in accordance with the plans and specifications to which the complying development certificate relates.

7 Demolition

Any demolition must be carried out in accordance with AS 2601--2001, The demolition of structures.

8 Earthworks, retaining walls and structural support

- (1) Any earthworks (including any structural support or other related structure for the purposes of the development):
 - (a) must not cause a danger to life or property or damage to any adjoining building or structure on the lot or to any building or structure on any adjoining lot, and
 - (b) must not redirect the flow of any surface or ground water or cause sediment to be transported onto an adjoining property, and
 - (c) that involve fill brought to the site--must contain only virgin excavated natural material (VENM) as defined in Part 3 of Schedule 1 to the Protection of the Environment Operations Act 1997, and
 - (d) that involve excavated soil being removed from the site--must be disposed of in accordance with any requirements under the Protection of the Environment Operations (Waste) Regulation 2005.

(2) Any excavation must be carried out in accordance with Excavation Work: Code of Practice (ISBN 978-0-642-785442), published in July 2012 by Safe Work Australia.

9 Maintenance of site

- (1) All materials and equipment must be stored wholly within the work site unless an approval to store them elsewhere is held.

(2) Waste materials (including excavation, demolition and construction waste materials) must be managed on the site and then disposed of at a waste management facility.

(3) Any run-off and erosion control measures required must be maintained within their operating capacity until the completion of the works to prevent debris escaping from the site into drainage systems, waterways, adjoining properties and roads.

(4) During construction:

(a) all vehicles entering or leaving the site must have their loads covered, and

(b) all vehicles, before leaving the site, must be cleaned of dirt, sand and other materials, to avoid tracking these materials onto public roads.

(5) At the completion of the works, the work site must be left clear of waste and debris.

10 Alarm signalling equipment

Any work to existing alarm signalling equipment must not result in any loss of monitoring service continuity unless fire watch measures are implemented for the full duration of the period in which the work is carried out.

11 Archaeology discovered during excavation

If any object having interest due to its age or association with the past is uncovered during the course of the work:

(a) all work must stop immediately in that area, and

(b) the Office of Environment and Heritage must be advised of the discovery.

Note : Depending on the significance of the object uncovered, an archaeological assessment and excavation permit under the Heritage Act 1997 may be required before further work can continue.

12 Aboriginal objects discovered during excavation

If any Aboriginal object (including evidence of habitation or remains) is discovered during the course of the work:

(a) all excavation or disturbance of the area must stop immediately in that area, and

(b) the Office of Environment and Heritage must be advised of the discovery in accordance with section 89A of the National Parks and Wildlife Act 1974.

Note : If an Aboriginal object is discovered, an Aboriginal heritage impact permit may be required under the National Parks and Wildlife Act 1974.

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- NOTES

See also:

Planning Legislation Amendment

Bill

2019

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES)

2008

- NOTES

Reprint history:
Reprint No 1 22 September 2009

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES) 2008
- NOTES

Historical notes

The following abbreviations are used in the Historical notes:

Table of amending instruments State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 (572). GG No 157 of 12.12.2008, p 12142. Date of commencement, 27.2.2009, cl 1.2. This Policy has been amended as follows:

(74)	State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 (Amendment No 1). LW 27.2.2009.
(91)	State Environmental Planning Policy (Western Sydney Parklands) 2009. LW 6.3.2009.
No 56	Statute Law (Miscellaneous Provisions) Act 2009. Assented to 1.7.2009.
(364)	State Environmental Planning Policy (Affordable Rental Housing) 2009. LW 31.7.2009.
(387)	State Environmental Planning Policy (Exempt and Complying Development Codes) Amendment (Commercial and Industrial) 2009. LW 5.8.2009. Date of commencement, 7.9.2009, cl 2. Amended by Statute Law (Miscellaneous Provisions) Act (No 2) 2009 No 106. Assented to 14.12.2009. Date of commencement of Sch
(603)	State Environmental Planning Policy (Exempt and Complying Development Codes) Amendment (Asbestos) 2009. LW 18.12.2009.

2010	<p>State Environmental Planning Policy (Exempt and Complying Development Codes) Amendment (Extension) 2010. LW 26.2.2010.</p>
	<p>State Environmental Planning Policy (Exempt and Complying Development Codes) Amendment (Miscellaneous) (135) 2010. LW 23.4.2010.</p> <p>Date of commencement of Sch 1 [3] and [10]-[14], on publication on LW, cl 2 (1); date of commencement of Sch 1 [1] [2] [4]-[9] and</p>
	<p>State Environmental Planning Policy (Exempt and Complying Development Codes) Amendment (City of Sydney Special Events) (244) 2010. LW 11.6.2010.</p>
	<p>Statute Law (Miscellaneous Provisions) No 59 Act 2010. Assented to 28.6.2010.</p>
	<p>State Environmental Planning Policy (Infrastructure) Amendment (375) (Telecommunications Facilities) 2010. LW 16.7.2010.</p>
	<p>State Environmental Planning Policy (Exempt and Complying Development Codes) Amendment (Exclusions and Variations) (639) 2010. LW 19.11.2010.</p> <p>Date of commencement, 6 weeks after the day on which it is</p>
	<p>State Environmental Planning Policy (Exempt and Complying Development Codes) Amendment (Additional Codes) 2010. LW 1.12.2010.</p> <p>Date of commencement of Sch 1 [1]-[8] and [10]-[139], 25.2.2011, cl 2 (1); date of commencement of Sch 1 [9], 31.12.2010, cl 2 (2). Amended by State Environmental Planning Policy (656) (Mining, Petroleum Production and Extractive Industries) Amendment 2010 (680). LW 10.12.2010. Date of commencement, on publication on LW, cl 2. Amended by State Environmental Planning Policy (Infrastructure) Amendment (Miscellaneous) 2010 (754). LW 17.12.2010. Date of commencement of Sch 3, on</p>
	<p>State Environmental Planning Policy (Infrastructure) Amendment (754) (Miscellaneous) 2010. LW 17.12.2010.</p>
	<p>State Environmental</p>

2011	(28)	Planning Policy (Sydney Drinking Water Catchment) 2011. LW 21.1.2011.	
	(83)	State Environmental Planning Policy Amendment (Zone B8 Metropolitan Centre) 2011. LW 23.2.2011.	
	(99)	State Environmental Planning Policy (Exempt and Complying Development Codes) Amendment (Miscellaneous) 2011. LW 25.2.2011.	
	No 27	Statute Law (Miscellaneous Provisions) Act 2011. Assented to 27.6.2011.	
	(600)	State Environmental Planning Policy (Exempt and Complying Development Codes) Amendment (Miscellaneous) (No 2) 2011. LW 25.11.2011.	
	(649)	Warringah Local Environmental Plan 2011. LW 9.12.2011.	
2012	(30)	State Environmental Planning Policy Amendment (Miscellaneous) 2011. LW 27.1.2012.	
2012	(349)	State Environmental Planning Policy (Exempt and Complying Development Codes) Amendment (General Housing Code) 2012. LW 27.7.2012.	
	(670)	State Environmental Planning Policy Amendment (Fire Sprinkler Systems) 2012. LW 21.12.2012.	
2013	(316)	Liverpool Local Environmental Plan 2008 (Amendment No 22). LW 21.6.2013.	
	(318)	Penrith Local Environmental Plan 2010 (Amendment No 2). LW 21.6.2013.	
	No 47	Statute Law (Miscellaneous Provisions) Act 2013. Assented to 25.6.2013.	

**State Environmental Planning Policy
(Exempt and Complying
Development Codes) Amendment (Commercial and Industrial
(706) Development and Other
Matters) 2013. LW 20.12.2013.**

**Shoalhaven Local
Environmental Plan
2014 (51) (Jerberra Estate) 2014. LW 14.2.2014.**

**State Environmental Planning Policy
(Exempt and Complying
(453) Development Codes) Amendment (Commercial and Industrial)
2014. LW 18.7.2014.**

**Water NSW Act
2014. Assented to 11.11.2014.
No 74
Date of commencement, 1.1.2015, sec 2 and 2014 (839) LW**

**Bathurst Regional
Local Environmental
(729) Plan 2014. LW 19.11.2014.**

**Bankstown Local
Environmental Plan
2015 (140) 2015. LW 5.3.2015.**

**State Environmental Planning Policy
(Exempt and Complying
(728) Development Codes) Amendment (Extension of Provision)
2015. LW 27.11.2015.**

**State Environmental
Planning Policy
2016 (310) (Integration and Repeals) 2016. LW 10.6.2016.**

**State Environmental Planning Policy
(Exempt and Complying
(269) Development Codes) Amendment (Housing Code)
2017. LW 16.6.2017.**

**State Environmental Planning Policy
(Exempt and Complying
Development Codes) Amendment (Miscellaneous and
(270) Affordable Housing)
2017. LW 16.6.2017.**

**State Environmental Planning Policy
Amendment (Miscellaneous)
(350) 2017. LW 7.7.2017.**

**State Environmental Planning Policy
(Exempt and Complying
(359) Development Codes) Amendment (Container Recycling)
2017. LW 14.7.2017.**

**State Environmental
Planning Policy
(454) (Vegetation in Non-Rural Areas) 2017. LW 25.8.2017.**

**State Environmental
Planning Policy
(494) (Educational Establishments and Child Care Facilities)
2017. LW 1.9.2017.**

**State Environmental Planning Policy
(Exempt and Complying
(542) Development Codes) Amendment (Miscellaneous)
2017. LW 22.9.2017.**

**Environmental Planning and
Assessment
No 60 Amendment Act 2017. Assented to 23.11.2017.**

**State Environmental Planning Policy
(Exempt and Complying
Development Codes) Amendment (Container Recycling
(661) Equipment)
2017. LW 24.11.2017.**

**State Environmental Planning Policy
(Exempt and Complying
Development Codes) Amendment (Trading Hours of Licensed
(662) Premises on New
Year's Eve) 2017. LW 24.11.2017.**

**State Environmental Planning Policy
(Exempt and Complying
Development Codes) Amendment (State-wide Trading Hours
(727) on New Year's
Eve) 2017. LW 15.12.2017.**

**State Environmental Planning Policy
(Infrastructure) Amendment
(734) (Review) 2017. LW 15.12.2017.**

**Tweed Local Environmental Plan 2014
(Amendment No
(753) 4). LW 22.12.2017.**

**State Environmental Planning Policies
Amendment (State and
2018) (68) Regionally Significant Development and Law Revision)**

2018. LW 28.2.2018.

State Environmental
Planning Policy
(106)(Coastal Management) 2018. LW 23.3.2018.

State Environmental Planning Policy
(Exempt and Complying
Development Codes) Amendment (Low Rise Medium Density
Housing)
2017. LW 6.4.2018.

Date of commencement, 3 months after publication on LW, cl 2.
Amended by State
Environmental Planning Policy (Exempt and
(132)Complying Development Codes)
Amendment (Low Rise Medium Density Housing)
Amendment 2018
(210). LW 18.5.2018. Date of commencement, on publication on LW,
cl 2. Amended by State
Environmental Planning Policy (Exempt and Complying
Development Codes)
Amendment (Low Rise Medium Density Housing) Further
Amendment 2018
(370). LW 5.7.2018. Date of commencement, on publication on LW, cl

State Environmental Planning Policy
(Exempt and Complying
(190)Development Codes) Amendment (Greenfield Housing Code)
2017. LW 6.5.2018.

Statute Law (Miscellaneous
Provisions)
Act 2018. Assented to 15.6.2018.

No 25|Date of commencement of Sch 5.38, on the commencement of State
Environmental
Planning Policy (Exempt and Complying
Development Codes) Amendment (Low Rise
Medium Density Housing) 2017

State Environmental Planning Policy
(Exempt and Complying
Development Codes) Amendment (Low Rise Medium Density
(384)Housing Exemptions)
2018. LW 13.7.2018.

State Environmental Planning Policy
Amendment (Artisan Food and
(406)Drink Industries) 2018. LW 27.7.2018.

State Environmental Planning Policy
(Exempt and Complying
(486)Development Codes) Amendment (Greenfield Housing Code)
2018. LW 24.8.2018.

**State Environmental Planning Policy
Amendment (Land Use Terms)
(488) 2018. LW 29.8.2018.**

**State Environmental Planning Policy
Amendment (Exempt
Development--Cladding and Decorative Work)
(505) 2018. LW 31.8.2018.**

**State Environmental Planning Policy
Amendment (Remediation of
Land) (506) 2018. LW 31.8.2018.**

**State Environmental Planning Policy
(Exempt and Complying
Development Codes) Amendment (Inland Code)
(569) 2018. LW 28.9.2018.**

**Statute Law (Miscellaneous
Provisions)
No 68 Act (No 2) 2018. Assented to 31.10.2018.**

**State Environmental Planning Policy
Amendment (Miscellaneous)
(665) 2018. LW 23.11.2018.**

**State Environmental Planning Policy
(Exempt and Complying
Development Codes) Amendment (Trading Hours of Licensed
Premises on New
Year's Eve) (720) 2018. LW 7.12.2018.**

**State Environmental Planning Policy
(Exempt and Complying
Development Codes) Amendment (Inland Code)
(67) 2019. LW 8.2.2019.**

**Statute Law (Miscellaneous
Provisions)
No 1 Act 2019. Assented 17.6.2019.**

**State Environmental Planning Policy
(Exempt and Complying
Development Codes) Amendment (Low Rise Medium Density
Housing Code)
(291) 2019. LW 28.6.2019.**

Table of amendments

CI 1.4	Am 2009 (74), Sch 1 [1]; 2009 (91), Sch 3.11; 2009 (387), Sch 1 [1]; 2010 (244), Sch 1 [1]; 2010 (656), Sch 1
CI 1.4A	Ins 2009 (74), Sch 1 [2]. Rep 2010 (656), Sch 1 [2]. Ins 2014 (453), Sch
CI 1.5	Am 2009 (74), Sch 1 [3]; 2009 (387), Sch 1 [2]-[4]; 2010 (135), Sch 1 [3] [4]; 2010 (656), Sch 1 [3]-[6]; 2012 (670), Sch 2 [1]; 2013 (706), Sch 1 [2]-[12]; 2016 (310), Sch 4.29 [2]; 2017 (269), Sch 1 [1]-[6]; 2017 (270), Sch 1 [2] [3]; 2017 (359), Sch 1 [1] [2]; 2018 (68), Sch 2 [1]; 2018 (106), Sch 2.13; 2018 (132), Sch 1 [1] [2] (am 2018 (370), Sch 1 [1] [2]) [3]- [6]; 2018 (190), Sch 1 [1]-[4]; 2018 (505), Sch 1.3 [1]; 2018 (569), Sch 1
CI 1.6	Am 2009 (74), Sch 1 [4]; 2009 (364), Sch 3.5 [1]; 2009 (387), Sch 1 [5]- [8]; 2010 (135), Sch 1 [5]; 2010 (656), Sch 1 [7]; 2011 (83), Sch 2; 2011 (649), Sch 6.1; 2013 (706), Sch 1
CI 1.8	Am 2009 (74), Sch 1 [5]-[7]; 2009 (364), Sch 3.5 [2]; 2010 (68), Sch 1 [1] [2]; 2010 (375), Sch 2.1 [1]; 2010 (656), Sch 1 [9]; 2011 (600), Sch 1 [1]; 2013 (706), Sch 1 [16]-[18]; 2014 (453), Sch 1 [2]; 2018 (68), Sch 2
CI 1.9	Am 2010 (68), Sch 1 [3] [4]; 2010 (244), Sch 1 [2]; 2010 (656), Sch 1 [10]. Subst 2011 (600), Sch 1 [2]. Am 2013 (706), Sch 1 [19]; 2014 (729), cl
CI 1.12	Subst 2010 (639), Sch 1 [1]. Am 2011 (99), Sch 1 [1] [2]; 2011 No 27, Sch 2.49; 2013 (316), Sch 2 [1] [2]; 2013
CI 1.16	Am 2009 (387), Sch 1 [9]; 2010 (244), Sch 1 [3]; 2010 (656), Sch 1 [12]- [17]; 2013 (706), Sch 1 [24] [25]; 2017 (270), Sch 1 [5]; 2017 No 60, Sch
CI 1.16A	Ins 2016 (310), Sch 4.29 [3]. Am 2018
CI 1.17	Am 2009 (387), Sch 1 [10] [11]; 2010 (656), Sch 1 [18]; 2017 (542), Sch 1
CI 1.17A	Ins 2010 (656), Sch 1 [19]. Am 2011 (99), Sch 1 [3]; 2013 (706), Sch 1
	Am 2009 (74), Sch 1 [8]; 2009 (387), Sch 1 [12] [13]; 2010 (135), Sch 1

CI 1.18	<p>[6]. Subst 2010 (656), Sch 1 [20]. Am [2013 (706), Sch 1 [28]-[32]; 2016 (310), Sch 4.29 [4]; 2017 (269), Sch 1 [7]; 2017 (270), Sch 1 [6]; 2018 (68),</p>
CI 1.19	<p>Am 2009 (74), Sch 1 [9]-[11]. Subst 2009 (387), Sch 1 [14]. Am 2010 (135), Sch 1 [7]-[9]; 2010 (244), Sch 1 [4]; 2010 (639), Sch 1 [2]; 2010 (656), Sch 1 [21] [22]; 2011 (28), Sch 1.7; 2011 (99), Sch 1 [4]-[6]. Subst 2013 (706), Sch 1 [33]. Am 2014 No 74, Sch 3.29; 2015 (728), cl 4; 2017 (269), Sch 1 [2] [8] [9]; 2017 (270), Sch 1 [7]; 2017 (454), cl 29; 2018 (132), Sch 1 [7]-[10]; 2018 (190), Sch 1 [5]; 2018 (569), Sch 1 [7] [8]; 2018 (665), Sch</p>
CI 1.20	<p>Ins 2013 (706), Sch 1 [33]. Am 2018</p>
CI 2.2	<p>Am 2009 (387), Sch 1 [16]; 2010 (656),</p>
CI 2.3	<p>Subst 2010 (375), Sch 2.1 [2]. Am 2010 (656), Sch 1 [25]. Subst 2013 (706),</p>
CI 2.4	<p>Am 2009 (387), Sch 1 [17]-[19]; 2010 (375), Sch 2.1 [3]; 2010 (656), Sch 1</p>
CI 2.6	<p>Am 2009 (387), Sch 1 [20]-[22]; 2010 (656), Sch 1 [25] [28]-[30]; 2013 (706), Sch 1 [35] [36]; 2017 (270),</p>
CI 2.6B	<p>Ins 2009 (387), Sch 1 [23]. Am 2010 (656), Sch 1 [31]-[34]; 2013 (706),</p>
CI 2.6D	<p>Ins 2009 (387), Sch 1 [23]. Subst 2013 (706), Sch 1 [39]. Am 2017 (270), Sch</p>
CI 2.8	<p>Am 2009 (387), Sch 1 [24]; 2010 (656), Sch 1 [35]-[37]; 2013 (706), Sch 1</p>
CI 2.9	<p>Am 2010 (656), Sch 1 [25]. Subst 2013</p>
CI 2.10	<p>Am 2009 (387), Sch 1 [25]; 2010 No 59, Sch 2.87 [1]; 2010 (656), Sch 1 [38]</p>
CI 2.11	<p>Am 2009 (74), Sch 1 [13]; 2010 (656),</p>
CI 2.12	<p>Am 2009 (74), Sch 1 [14]; 2009 (387), Sch 1 [26]-[28]; 2010 No 59, Sch 2.87 [1]; 2010 (656), Sch 1 [40]-[42]; 2013</p>

CI 2.14	Am 2009 (387), Sch 1 [29]; 2013 (706),
Part 2, Div 1, Subdiv 8 (cII 2.15, Rep 2010 (656), Sch 1 [45].	
CI 2.16B	Ins 2009 (387), Sch 1 [30]. Am 2013
CI 2.17	Am 2009 (74), Sch 1 [13]; 2010 (656),
CI 2.18	Am 2009 (387), Sch 1 [31] [32]; 2010 (656), Sch 1 [46] [47]; 2013 (706),
CI 2.19	Am 2009 (74), Sch 1 [13]; 2010 (656),
CI 2.20	Am 2009 (387), Sch 1 [33]-[35]; 2010 No 59, Sch 2.87 [1]; 2010 (656), Sch 1 [48]; 2013 (706), Sch 1 [50] [51];
CI 2.20A	Ins 2009 (387), Sch 1 [36]. Am 2010 (656), Sch 1 [49]. Subst 2013 (706), Sch 1 [52]. Am 2017 (359), Sch 1 [3]; 2017 (734), Sch 22; 2018 (406), Sch
CI 2.20B	Ins 2009 (387), Sch 1 [36]. Am 2013 (706), Sch 1 [53] [54]; 2017 (270), Sch 1 [10]; 2017 (359), Sch 1 [4] [5];
CI 2.20D	Ins 2013 (706), Sch 1 [55]. Am 2018
Part 2, Div 1, Subdiv 10C (cII 2.20E, Ins 2013 (706), Sch 1 [55].	
Part 2, Div 1, Subdiv 12 Rep 2013 (706), Sch 1 [56]. Ins 2017	
CI 2.23	Subst 2010 (375), Sch 2.1 [4]. Am 2010 (656), Sch 1 [25] [50]. Rep 2013 (706), Sch 1 [56]. Ins 2017 (359), Sch
CI 2.24	Am 2009 (387), Sch 1 [37] [38]; 2010 (135), Sch 1 [10]; 2010 (656), Sch 1 [51]. Rep 2013 (706), Sch 1 [56]. Ins 2017 (359), Sch 1 [6]. Am 2017 (661),
CI 2.25	Am 2010 (656), Sch 1 [25]. Subst 2017
CI 2.26	Am 2009 (603), Sch 1 [1]; 2010 No 59,
CI 2.27	Subst 2009 (74), Sch 1 [15]. Am 2010 (656), Sch 1 [25]. Subst 2013 (706),
CI 2.28	Am 2009 (74), Sch 1 [16]; 2010 (656), Sch 1 [52]. Subst 2013 (706), Sch 1
Am 2009 (387), Sch 1 [39]; 2010 (656),	

CI 2.29	Sch 1 [25]. Subst 2013 (706), Sch 1
	Am 2009 (74), Sch 1 [17]; 2010 (656),
CI 2.30	Sch 1 [53]. Subst 2013 (706), Sch 1
Part 2, Div 1, Subdiv 15AA (cII	Ins 2010 (656), Sch 1 [54].
CI 2.30A	Ins 2009 (387), Sch 1 [40]. Am 2010
CI 2.30B	Ins 2009 (387), Sch 1 [40]. Am 2010 (656), Sch 1 [57]-[59]; 2013 (706),
Part 2, Div 1, Subdiv 16, heading	Am 2013 (706), Sch 1 [59]. Subst 2018
CI 2.31	Am 2010 (656), Sch 1 [25]. Subst 2013 (706), Sch 1 [60]; 2018 (569), Sch 1
CI 2.32	Am 2009 (387), Sch 1 [41]; 2010 (656), Sch 1 [60] [61]; 2013 (706), Sch 1
Part 2, Div 1, Subdivs 16A, 16B (cII	Ins 2018 (569), Sch 1 [9].
CI 2.33	Am 2009 (74), Sch 1 [18]; 2010 (656), Sch 1 [62] [63]. Subst 2013 (706), Sch
CI 2.34	Am 2009 (387), Sch 1 [42]; 2010 (656), Sch 1 [64] [65]; 2013 (706), Sch 1 [35]. Subst 2013 (706), Sch 1 [62]. Am
Part 2, Div 1, Subdiv 17A (cII 2.34A,	Ins 2017 (270), Sch 1 [15].
CI 2.35	Am 2010 (656), Sch 1 [62] [63]. Subst 2013 (706), Sch 1 [62]. Am 2017 (270),
CI 2.36	Am 2010 (656), Sch 1 [65]. Subst 2013
CI 2.37	Am 2009 (387), Sch 1 [43]; 2010 (656), Sch 1 [62] [63]. Subst 2013 (706), Sch
CI 2.38	Am 2009 (387), Sch 1 [44]; 2010 (656), Sch 1 [66]. Subst 2013 (706), Sch 1
Part 2, Div 1, Subdiv 19A (cII 2.38A,	Ins 2010 (656), Sch 1 [67]. Rep 2013
Part 2, Div 1, Subdiv 20A (cII 2.40A,	Ins 2013 (706), Sch 1 [63].
CI 2.41	Am 2009 (74), Sch 1 [19]; 2010 (656),
CI 2.42	Am 2009 (387), Sch 1 [47]; 2010 (656), Sch 1 [68] [69]; 2013 (706), Sch 1 [64]-[66]; 2017 (269), Sch 1 [12]

CI 2.42AA	Ins 2010 (656), Sch 1 [70]. Am 2013
CI 2.42B	Ins 2009 (387), Sch 1 [48]. Am 2010 (656), Sch 1 [25]; 2013 (706), Sch 1
Part 2, Div 1, Subdiv 21B	Ins 2009 (387), Sch 1 [48]. Rep 2013
CI 2.42C	Ins 2009 (387), Sch 1 [48]. Am 2010 (656), Sch 1 [25]. Rep 2013 (706), Sch
CI 2.42D	Ins 2009 (387), Sch 1 [48]. Am 2010 (656), Sch 1 [52]; 2013 (706), Sch 1
CI 2.44	Subst 2009 (74), Sch 1 [20]. Am 2011
Part 2, Div 1, Subdiv 23 (cII 2.45,	Rep 2017 (494), Sch 6.1 [1].
CI 2.46B	Ins 2009 (387), Sch 1 [49]. Am 2010
CI 2.47	Am 2009 (74), Sch 1 [13]; 2010 (656),
CI 2.50B	Ins 2011 (99), Sch 1 [8]. Am 2018
CI 2.51	Am 2009 (74), Sch 1 [21]; 2009 (387), Sch 1 [51] [52]; 2010 (656), Sch 1
CI 2.52	Am 2009 (74), Sch 1 [22]; 2009 (387),
CI 2.53	Am 2009 (387), Sch 1 [55]-[57]; 2010
CI 2.54	Am 2009 (74), Sch 1 [23]; 2009 (387), Sch 1 [58] [59]; 2013 (706), Sch 1
Part 2, Div 1, Subdiv 27A (cII 2.54A,	Ins 2013 (706), Sch 1 [71].
CI 2.56	Am 2009 (74), Sch 1 [24]. Subst 2013 (706), Sch 1 [72]. Am 2017 (542), Sch
CI 2.58	Am 2010 (656), Sch 1 [77]; 2013 (706),
CI 2.59	Am 2009 (74), Sch 1 [13]; 2010 (656),
CI 2.60	Am 2009 (387), Sch 1 [60] [61]; 2013
CI 2.62	Am 2010 (656), Sch 1 [78] [79]. Subst
CI 2.63	Am 2009 (74), Sch 1 [12]; 2013 (706),
	Am 2009 (387), Sch 1 [62] [63]; 2010

CI 2.64	(656), Sch 1 [25] [80]; 2013 (706), Sch 1 [77]-[79]; 2017 (494), Sch 6.1
CI 2.65	Subst 2010 (656), Sch 1 [80]; 2013
CI 2.66	Am 2010 (656), Sch 1 [25]; 2013 (706),
Part 2, Div 1, Subdiv 33A (cII 2.66A, Ins 2013 (706), Sch 1 [82].	
Part 2, Div 1, Subdiv 34, heading Subst 2009 (387), Sch 1 [64]. Rep 2013	
CI 2.67	Subst 2009 (387), Sch 1 [65]. Rep 2013
CI 2.68	Am 2009 (387), Sch 1 [66] [67]. Rep
CI 2.70	Am 2009 (387), Sch 1 [68] [69]; 2010 No 59, Sch 2.87 [1]; 2010 (656), Sch 1
CI 2.72	Am 2010 No 59, Sch 2.87 [1]; 2010 (656), Sch 1 [25] [83] [84]; 2013 (706), Sch 1 [35] [84]-[86]; 2017
Part 2, Div 1, Subdiv 36A (cII 2.72A, Ins 2009 (387), Sch 1 [70]. Rep 2013	
CI 2.73	Am 2010 (656), Sch 1 [25] [85]; 2016 (310), Sch 4.29 [5]; 2017 (270), Sch 1
CI 2.74	Am 2009 (387), Sch 1 [71]; 2013 (706),
Part 2, Div 1, Subdiv 38	Rep 2009 (74), Sch 1 [25]. Ins 2010 (656), Sch 1 [86] (am 2010 (754), Sch
CI 2.75	Rep 2009 (74), Sch 1 [25]. Ins 2010 (656), Sch 1 [86] (am 2010 (754), Sch 3). Am 2011 (99), Sch 1 [9]; 2013 (706), Sch 1 [88]; 2017 (270), Sch 1
CI 2.76	Rep 2009 (74), Sch 1 [25]. Ins 2010 (656), Sch 1 [86] (am 2010 (754), Sch
CI 2.78	Am 2009 (387), Sch 1 [72]. Subst 2013 (706), Sch 1 [89]. Am 2019 (291), cl 4
Part 2, Div 1, Subdiv 39A (cII 2.78A, Ins 2010 (656), Sch 1 [87]. Rep 2013	
CI 2.78C	Ins 2010 (656), Sch 1 [87]. Am 2013
CI 2.78D	Ins 2010 (656), Sch 1 [87]. Am 2013
Part 2, Div 1, Subdiv 39C (cII 2.78E, Ins 2010 (656), Sch 1 [87]. Subst 2013	
CI 2.80	Am 2009 (387), Sch 1 [73]; 2010 (656),
CI 2.80A	Ins 2013 (706), Sch 1 [94]. Am 2018

CI 2.80B	Ins 2013 (706), Sch 1 [94]. Am 2018 (505), Sch 1.3 [5]; 2019 No 1, Sch
CI 2.81	Am 2010 (656), Sch 1 [89]. Subst 2013
CI 2.82	Am 2010 (656), Sch 1 [90] [91]; 2013
Part 2, Div 2	Ins 2010 (244), Sch 1 [5]. Rep 2010 (656), Sch 1 [92]. Ins 2013 (706), Sch
CI 2.83	Ins 2010 (244), Sch 1 [5]. Rep 2010 (656), Sch 1 [92]. Ins 2013 (706), Sch
CI 2.84	Ins 2010 (244), Sch 1 [5]. Rep 2010 (656), Sch 1 [92]. Ins 2013 (706), Sch
Part 2, Div 2, Subdivs 3-11 (cII 2.86-	Ins 2013 (706), Sch 1 [97].
CI 2.105	Ins 2013 (706), Sch 1 [97]. Am 2017
Part 2, Div 2, Subdiv 13 (cII 2.106,	Ins 2013 (706), Sch 1 [97].
CI 2.110	Ins 2013 (706), Sch 1 [97]. Am 2017
Part 2, Div 3, Subdivs 3-12 (cII	Ins 2013 (706), Sch 1 [97].
CI 2.131	Ins 2013 (706), Sch 1 [97]. Am 2017 (270), Sch 1 [22]; 2017 (662), Sch 1
CI 2.131A	Ins 2017 (662), Sch 1 [5]. Am 2017 (727), Sch 1 [1]. Rep 2018 (720), Sch
CI 2.131B	Ins 2017 (727), Sch 1 [2]. Am 2018
CI 2.132	Ins 2013 (706), Sch 1 [97]. Am 2017 (662), Sch 1 [6] [7]; 2017 (727), Sch
Part 3, notes	Subst 2009 (387), Sch 1 [74]; 2017
CI 3.1	Subst 2010 (656), Sch 1 [93]; 2017
CI 3.2	Am 2009 (387), Sch 1 [75]. Subst 2010 (656), Sch 1 [93]; 2017 (269), Sch 1
CI 3.2A	Ins 2013 (706), Sch 1 [98]. Rep 2017
CI 3.3	Am 2009 (387), Sch 1 [76]. Subst 2010 (656), Sch 1 [93]; 2017 (269), Sch 1

Part 3, Div 1A	 Ins 2010 (656), Sch 1 [94]. Rep 2017
CI 3.4	 Subst 2010 (656), Sch 1 [93]; 2013 (706), Sch 1 [99]; 2017 (269), Sch 1
CI 3.5	 Subst 2010 (656), Sch 1 [93]. Am 2011 (99), Sch 1 [10] [11]; 2013 (706), Sch 1 [100]. Subst 2017 (269), Sch 1 [14].
CI 3.6	 Subst 2017 (269), Sch 1 [14]. Am 2018
CI 3.6A	 Ins 2010 (656), Sch 1 [94]. Subst 2013 (706), Sch 1 [101]. Rep 2017 (269),
Part 3, Div 2, Subdiv 8	 Ins 2010 (656), Sch 1 [116]. Rep 2017
Part 3, Div 2, Subdiv 9	 Ins 2010 (656), Sch 1 [116]. Rep 2017
Part 3, Div 3	 Subst 2013 (706), Sch 1 [129]; 2017
Part 3, Div 3, Subdiv 1	 Rep 2013 (706), Sch 1 [129]. Ins 2017
Part 3, Div 3, Subdiv 2	 Rep 2013 (706), Sch 1 [129]. Ins 2017
CI 3.8	 Am 2009 (74), Sch 1 [26]; 2010 (656), Sch 1 [95]. Subst 2017 (269), Sch 1
CI 3.9	 Subst 2010 (656), Sch 1 [96]. Am 2013 (706), Sch 1 [102]. Subst 2017 (269),
CI 3.10	 Am 2009 No 56, Sch 2.62 [1]; 2009 (387), Sch 1 [77]. Subst 2010 (656), Sch 1 [96]; 2013 (706), Sch 1 [103];
CI 3.11	 Am 2009 No 56, Sch 2.62 [2]; 2009 (387), Sch 1 [78]-[81]. Subst 2010 (656), Sch 1 [96]; 2013 (706), Sch 1
CI 3.12	 Am 2009 (387), Sch 1 [82] [83]. Subst 2010 (656), Sch 1 [96]; 2013 (706), Sch 1 [105]; 2017 (269), Sch 1 [14].
Part 3, Div 3, Subdiv 3	 Rep 2013 (706), Sch 1 [129]. Ins 2017
CI 3.13	 Subst 2009 (387), Sch 1 [84]; 2010 (656), Sch 1 [97]; 2017 (269), Sch 1 [14]. Am 2017 (542), Sch 1 [8]; 2018
CI 3.14	 Am 2009 (74), Sch 1 [27] [28]; 2010 (656), Sch 1 [98] [99]; 2011 (99), Sch 1 [12] [13]; 2011 (600), Sch 1 [3]. Subst 2013 (706), Sch 1 [106]; 2017 (269), Sch 1 [14]. Am 2017 (542), Sch
CI 3.16	 Am 2009 (387), Sch 1 [85] [86] (am 2009 No 106, Sch 2.40). Subst 2010 (135), Sch 1 [11]; 2010 (656), Sch 1 [100]. Am 2013 (706), Sch 1 [107].

CI 3.17	Am 2009 (387), Sch 1 [85] [86] (am 2009 No 106, Sch 2.40). Subst 2010 (135), Sch 1 [11]; 2010 (656), Sch 1 [100]. Am 2011 (99), Sch 1 [14]; 2013 (706), Sch 1 [108]. Subst 2017 (269),
CI 3.18	Am 2009 (387), Sch 1 [87]; 2010 (135), Sch 1 [12] [13]. Subst 2010 (656), Sch 1 [100]. Am 2011 (99), Sch 1 [15]; 2013 (706), Sch 1 [109]. Subst 2017
CI 3.19	Am 2009 (387), Sch 1 [88]; 2010 (656), Sch 1 [101] [102]; 2013 (706), Sch 1 [110]. Subst 2017 (269), Sch 1 [14].
CI 3.20	Am 2010 (135), Sch 1 [14]; 2010 (656), Sch 1 [103]; 2011 (99), Sch 1 [16]; 2013 (706), Sch 1 [111] [112]. Subst
CI 3.20A	Ins 2010 (656), Sch 1 [104]. Rep 2017
CI 3.21	Am 2013 (706), Sch 1 [113]. Subst 2017 (269), Sch 1 [14]. Am 2017 (542), Sch
CI 3.22	Am 2010 (656), Sch 1 [105]; 2013 (706), Sch 1 [114]. Subst 2017 (269),
CI 3.23	Am 2009 (387), Sch 1 [89]-[91]; 2010 (656), Sch 1 [106]. Subst 2013 (706), Sch 1 [115]; 2017 (269), Sch 1 [14];
CI 3.24	Subst 2010 (656), Sch 1 [107]. Am 2013 (706), Sch 1 [116]. Subst 2017 (269),
CI 3.24A	Ins 2013 (706), Sch 1 [117]. Rep 2017
CI 3.25	Am 2009 (387), Sch 1 [92]. Subst 2010 (656), Sch 1 [107]. Am 2013 (706), Sch 1 [118] [119]. Subst 2017 (269), Sch 1
CI 3.26	Am 2010 (656), Sch 1 [108]; 2011 (99), Sch 1 [17]. Subst 2017 (269), Sch 1
CI 3.27	Am 2010 (135), Sch 1 [15]. Subst 2010 (656), Sch 1 [109]. Am 2011 (99), Sch 1 [18]; 2013 (706), Sch 1 [120]. Subst 2017 (269), Sch 1 [14]. Am 2017 (542),
CI 3.28	Subst 2009 (74), Sch 1 [29]. Am 2010 (656), Sch 1 [52] [110] [111]. Subst 2017 (269), Sch 1 [14]. Am 2018 (132),
CI 3.29	Am 2009 (74), Sch 1 [30] [31]; 2010 (135), Sch 1 [16] [17]. Subst 2013 (706), Sch 1 [121]; 2017 (269), Sch 1

CI 3.30	Am 2009 (74), Sch 1 [32]; 2010 (135), Sch 1 [18]. Rep 2013 (706), Sch 1
CI 3.31	Rep 2013 (706), Sch 1 [121]. Ins 2017
CI 3.32	Subst 2009 (74), Sch 1 [33]; 2017
CI 3.33	Am 2009 (74), Sch 1 [34] [35]; 2009 (603), Sch 1 [2]; 2010 No 59, Sch 2.87 [2]; 2010 (656), Sch 1 [52]. Subst 2010 (656), Sch 1 [112]. Am 2011 (99), Sch 1 [19]; 2011 (600), Sch 1 [4] [5]. Subst 2013 (706), Sch 1 [122]; 2017
CI 3.34	Am 2010 (656), Sch 1 [113]; 2011 (99), Sch 1 [20]-[22]; 2013 (706), Sch 1 [123]-[125]. Subst 2017 (269), Sch 1
CI 3.35	Am 2010 (135), Sch 1 [19]; 2010 (656), Sch 1 [114]. Subst 2013 (706), Sch 1
CI 3.36	Am 2009 (74), Sch 1 [36]; 2010 (135), Sch 1 [20]; 2010 (656), Sch 1 [114]
CI 3.36A	Ins 2010 (656), Sch 1 [116]. Rep 2017
CI 3.36B	Ins 2010 (656), Sch 1 [116]. Am 2013 (706), Sch 1 [127] [128]. Rep 2017
CI 3.36C	Ins 2010 (656), Sch 1 [116]. Am 2011 (99), Sch 1 [23] [24]. Rep 2017 (269),
CI 3.36D	Ins 2016 (310), Sch 4.29 [6]. Rep 2017
CI 3.37	Am 2009 (387), Sch 1 [93]-[95]. Subst 2013 (706), Sch 1 [129]. Rep 2017
CI 3.38	Subst 2013 (706), Sch 1 [129]. Rep
CI 3.39A	Ins 2009 (387), Sch 1 [96]. Rep 2013
CI 3.39B	Ins 2010 (656), Sch 1 [117]. Rep 2013
CI 3.40	Am 2009 (387), Sch 1 [97]; 2010 (656), Sch 1 [118]. Rep 2013 (706), Sch 1
CI 3.43	Am 2010 (656), Sch 1 [119]. Rep 2013
CI 3A.1	Ins 2010 (656), Sch 1 [120]. Am 2013
CI 3A.2	Ins 2010 (656), Sch 1 [120]. Am 2013
CI 3A.3	Ins 2010 (656), Sch 1 [120]. Am 2013
CI 3A.4	Ins 2010 (656), Sch 1 [120]. Am 2013

CI 3A.5	Ins 2010 (656), Sch 1 [120]. Am 2011 (99), Sch 1 [25] [26]; 2013 (706), Sch
CI 3A.7	Ins 2010 (656), Sch 1 [120]. Subst
CI 3A.13	Ins 2010 (656), Sch 1 [120]. Subst
CI 3A.14	Ins 2010 (656), Sch 1 [120]. Am 2013
CI 3A.15	Ins 2010 (656), Sch 1 [120]. Am 2013
CI 3A.16	Ins 2010 (656), Sch 1 [120]. Am 2017
CI 3A.19	Ins 2010 (656), Sch 1 [120]. Am 2013 (706), Sch 1 [144] [145]; 2018 (569),
CI 3A.20	Ins 2010 (656), Sch 1 [120]. Am 2011 (99), Sch 1 [27]; 2013 (706), Sch 1
CI 3A.21	Ins 2010 (656), Sch 1 [120]. Am 2013
CI 3A.22	Ins 2010 (656), Sch 1 [120]. Am 2013
CI 3A.23	Ins 2010 (656), Sch 1 [120]. Subst
CI 3A.25	Ins 2010 (656), Sch 1 [120]. Subst
CI 3A.27	Ins 2010 (656), Sch 1 [120]. Am 2013
CI 3A.29	Ins 2010 (656), Sch 1 [120]. Am 2011 (99), Sch 1 [28]. Subst 2013 (706),
CI 3A.30	Ins 2010 (656), Sch 1 [120]. Am 2011 (99), Sch 1 [29]. Rep 2013 (706), Sch
CI 3A.31	Ins 2010 (656), Sch 1 [120]. Rep 2013
CI 3A.33	Ins 2010 (656), Sch 1 [120]. Am 2011 (99), Sch 1 [30]-[32]; 2013 (706), Sch 1 [155] [156]; 2017 (270), Sch 1 [28]
CII 3A.34, 3A.35	Ins 2010 (656), Sch 1 [120]. Rep 2013

CI 3A.37	Ins 2010 (656), Sch 1 [120]. Am 2013 (706), Sch 1 [158]-[160]; 2017 (270),
CI 3A.38	Ins 2010 (656), Sch 1 [120]. Am 2011 (99), Sch 1 [33] [34]. Subst 2017 (270), Sch 1 [33]. Am 2018 (68), Sch 2
CI 3A.38A	Ins 2016 (310), Sch 4.29 [7]. Am 2017 (270), Sch 1 [6]; 2018 (569), Sch 1
Part 3A, Div 4	Ins 2010 (656), Sch 1 [120]. Subst
CI 3A.39	Ins 2010 (656), Sch 1 [120]. Subst
CII 3A.40-3A.42	Ins 2010 (656), Sch 1 [120]. Rep 2013
Part 3A, Div 4, Subdivs 2, 3 (cii	Ins 2010 (656), Sch 1 [120]. Rep 2013
Part 3B, Div 1A (cl 3B.1A)	Ins 2018 (132), Sch 1 [18] (am 2018
CI 3B.30	Ins 2018 (132), Sch 1 [18]. Am 2019 No
CI 3B.49	Ins 2018 (132), Sch 1 [18]. Am 2018 No
Part 3B, Div 7, heading	Ins 2018 (132), Sch 1 [18] (am 2018
CI 3B.63	Ins 2018 (132), Sch 1 [18] (am 2018 (370), Sch 1 [4]). Am 2018 (384), cl 4; 2018 (665), Sch 1.1 [2]; 2019
Part 4, heading	Ins 2009 (387), Sch 1 [98]. Am 2010
Part 4, Div 1	Ins 2009 (387), Sch 1 [98]. Subst 2010
CI 4.1	Ins 2009 (387), Sch 1 [98]. Subst 2010 (135), Sch 1 [21]; 2013 (706), Sch 1
CI 4.2 (previously cl 4.1A)	Ins 2009 (603), Sch 1 [3]. Subst 2010 (135), Sch 1 [21]. Renumbered 2010 (656), Sch 1 [123]. Am 2013 (706), Sch
Part 4, Div 1, Subdiv 2, heading	Am 2013 (706), Sch 1 [164]. Subst 2017

Part 4, Div 1, Subdiv 2	 Ins 2010 (135), Sch 1 [21]. Subst 2010
Cl 4.1B	 Ins 2010 (135), Sch 1 [21]. Rep 2010
Cl 4.1C	 Ins 2010 (135), Sch 1 [21]. Am 2010 No 59, Sch 2.87 [2]. Rep 2010 (656), Sch
Cl 4.3	 Ins 2010 (656), Sch 1 [124]. Am 2017
Cl 4.4	 Ins 2010 (656), Sch 1 [124]. Am 2013 (706), Sch 1 [165]-[167]; 2017 (270),
Part 4, Div 1, Subdiv 2A (cII 4.4A,	 Ins 2013 (706), Sch 1 [168].
Cl 4.6	 Ins 2010 (656), Sch 1 [124]. Am 2017
Cl 4.6A	 Ins 2013 (706), Sch 1 [169]. Am 2018
Part 4, Div 1A	 Ins 2009 (603), Sch 1 [3]. Rep 2010
Part 4, Div 2	 Ins 2009 (387), Sch 1 [98]. Subst 2013
Cl 4.7 (previously cl 4.2)	 Ins 2009 (387), Sch 1 [98]. Renumbered 2010 (656), Sch 1 [122]. Subst 2013
Cl 4.8 (previously cl 4.3)	 Ins 2009 (387), Sch 1 [98]. Renumbered 2010 (656), Sch 1 [122]. Rep 2013
Part 4, Div 2, Subdiv 2	 Ins 2009 (387), Sch 1 [98]. Rep 2013
Cl 4.9 (previously cl 4.4)	 Ins 2009 (387), Sch 1 [98]. Renumbered 2010 (656), Sch 1 [122]. Am 2010 (656), Sch 1 [125]. Rep 2013 (706),
Cl 4.10 (previously cl 4.5)	 Ins 2009 (387), Sch 1 [98]. Renumbered 2010 (656), Sch 1 [122]. Rep 2013
Cl 4.11 (previously cl 4.6)	 Ins 2009 (387), Sch 1 [98]. Renumbered 2010 (656), Sch 1 [122]. Am 2010 (656), Sch 1 [126]. Rep 2013 (706),
Part 4A, note 2	 Ins 2009 (387), Sch 1 [98]. Am 2013 (706), Sch 1 [171]. Renumbered as
Cl 4A.1	 Ins 2010 (656), Sch 1 [127]. Am 2013
Cl 4A.2	 Ins 2010 (656), Sch 1 [127]. Am 2011 (99), Sch 1 [35]; 2018 (68), Sch 2
Part 4A, Div 1, Subdiv 2	 Ins 2012 (670), Sch 2 [2]. Subst 2013
Cl 4A.3	 Ins 2012 (670), Sch 2 [2]. Subst 2013

CI 4A.4	Ins 2012 (670), Sch 2 [2]. Subst 2013 (706), Sch 1 [173]. Am 2018 (68), Sch
CI 4A.5	Ins 2012 (670), Sch 2 [2]. Subst 2013
CI 4A.6	Ins 2012 (670), Sch 2 [2]. Subst 2013 (706), Sch 1 [173]. Am 2016 (310), Sch
CI 4A.7	Ins 2012 (670), Sch 2 [2]. Subst 2013
CI 4A.8	Ins 2012 (670), Sch 2 [3]. Rep 2013 (706), Sch 1 [175]. Ins 2013 (706), Sch 1 [173]. Am 2016 (310), Sch 4.29
Part 4A, Div 1, Subdiv 5 (cII 4A.9,	Ins 2013 (706), Sch 1 [173].
CI 4A.11	Ins 2013 (706), Sch 1 [173]. Am 2019
Part 4A, Div 2	Ins 2010 (656), Sch 1 [127]. Am 2013
Part 5	Ins 2009 (387), Sch 1 [98]. Subst 2013
Part 5, Div 1, Subdiv 1	Ins 2009 (387), Sch 1 [98]. Subst 2013
CI 5.1	Ins 2009 (387), Sch 1 [98]. Subst 2013 (706), Sch 1 [176]. Am 2018 (406), Sch
CI 5.2	Ins 2009 (387), Sch 1 [98]. Am 2010 No 59, Sch 2.87 [2]; 2010 (656), Sch 1 [128] [129]. Subst 2013 (706), Sch 1 [176]. Am 2014 (453), Sch 1 [3]; 2017 (270), Sch 1 [41]; 2017 (494), Sch 6.1
Part 5, Div 1, Subdiv 2	Ins 2009 (387), Sch 1 [98]. Subst 2013
CI 5.3	Ins 2009 (387), Sch 1 [98]. Subst 2013 (706), Sch 1 [176]. Am 2017 (359), Sch 1 [7]-[9]; 2017 (494), Sch 6.1 [7] [8]; 2018 (406), Sch 2.1 [3]; 2018
CI 5.4	Ins 2009 (387), Sch 1 [98]. Subst 2013 (706), Sch 1 [176]. Am 2014 (453), Sch 1 [4]; 2017 (359), Sch 1 [10]; 2017 (494), Sch 6.1 [5]; 2018 (68), Sch 2
Part 5, Div 1, Subdiv 3	Ins 2009 (387), Sch 1 [98]. Subst 2013
CI 5.5	Ins 2009 (387), Sch 1 [98]. Subst 2013 (706), Sch 1 [176]. Am 2017 (494), Sch 6.1 [9]; 2018 (406), Sch 2.1 [4]; 2018
CI 5.6	Ins 2009 (387), Sch 1 [98]. Subst 2013 (706), Sch 1 [176]. Am 2014 (453), Sch
Part 5, Div 1, Subdiv 4	Ins 2009 (387), Sch 1 [98]. Subst 2013

CI 5.7	Ins 2009 (387), Sch 1 [98]. Am 2010 (656), Sch 1 [130]. Subst 2013 (706),
CI 5.8	Ins 2009 (387), Sch 1 [98]. Am 2010 No 59, Sch 2.87 [2]; 2010 (656), Sch 1 [131] [132]. Subst 2013 (706), Sch 1
Part 5, Div 1, Subdiv 5	Ins 2009 (387), Sch 1 [98]. Subst 2013
CI 5.9	Ins 2009 (387), Sch 1 [98]. Subst 2013
CI 5.10	Ins 2009 (387), Sch 1 [98]. Am 2010 No 59, Sch 2.87 [2]; 2010 (656), Sch 1 [133] [134]. Subst 2013 (706), Sch 1
CI 5.11	Ins 2009 (387), Sch 1 [98]. Subst 2013
CI 5.12	Ins 2009 (387), Sch 1 [98]. Am 2010 No 59, Sch 2.87 [2]. Subst 2010 (656),
CI 5.13	Ins 2009 (387), Sch 1 [98]. Subst 2013 (706), Sch 1 [176]. Am 2017 (494), Sch
CI 5.14	Ins 2009 (387), Sch 1 [98]. Subst 2013 (706), Sch 1 [176]. Am 2017 (494), Sch
CI 5.15	Ins 2009 (387), Sch 1 [98]. Subst 2013 (706), Sch 1 [176]. Am 2017 (494), Sch
CI 5.16	Ins 2009 (387), Sch 1 [98]. Am 2010 (656), Sch 1 [136]. Subst 2013 (706), Sch 1 [176]. Am 2017 (270), Sch 1
CI 5.17	Ins 2009 (387), Sch 1 [98]. Subst 2013
CI 5.18	Ins 2009 (387), Sch 1 [98]. Am 2010 (656), Sch 1 [137]. Subst 2013 (706), Sch 1 [176]. Am 2018 (132), Sch 1
CI 5.19	Ins 2009 (387), Sch 1 [98]. Subst 2013
CI 5.20	Ins 2009 (387), Sch 1 [98]. Subst 2013 (706), Sch 1 [176]; 2017 (270), Sch 1
CII 5.21, 5.22	Ins 2009 (387), Sch 1 [98]. Subst 2013
Part 5, Div 1, Subdiv 13 (CII 5.24A,	Ins 2017 (270), Sch 1 [46].
Part 5, Div 2	Ins 2009 (387), Sch 1 [98]. Subst 2013

Part 5A, note 2 (previously Part 5A, note)	 Ins 2013 (706), Sch 1 [177]. Renumbered as note 2, 2017 (270), Sch
CI 5A.1	 Ins 2013 (706), Sch 1 [177]. Am 2017
CI 5A.2	 Ins 2013 (706), Sch 1 [177]. Am 2018 (406), Sch 2.1 [5]; 2018 (488), Sch
CI 5A.5	 Ins 2013 (706), Sch 1 [177]. Subst
Part 5A, Div 2, Subdiv 3 (cII 5A.7, Ins 2013 (706), Sch 1 [177].	
CI 5A.10	 Ins 2013 (706), Sch 1 [177]. Am 2014
CI 5A.11	 Ins 2013 (706), Sch 1 [177]. Am 2014
Part 5A, Div 2, Subdiv 5 (cII 5A.12- Ins 2013 (706), Sch 1 [177].	
CI 5A.18	 Ins 2013 (706), Sch 1 [177]. Am 2018
Part 5A, Div 3, Subdivs 3, 4 (cII Ins 2013 (706), Sch 1 [177].	
CI 5A.24	 Ins 2013 (706), Sch 1 [177]. Am 2014 (453), Sch 1 [11]; 2017 (494), Sch 6.1
CI 5A.27	 Ins 2013 (706), Sch 1 [177]. Subst
CI 5A.29	 Ins 2013 (706), Sch 1 [177]. Am 2018
CI 5A.30	 Ins 2013 (706), Sch 1 [177]. Subst 2017 (270), Sch 1 [49]. Am 2018 (68),
Part 6	 Ins 2010 (135), Sch 1 [22]. Subst 2018
Part 6, notes	 Am 2017 (270), Sch 1 [34]. Subst 2018
CI 6.1	 Ins 2010 (135), Sch 1 [22]. Am 2013 (706), Sch 1 [178]. Subst 2017 (270),
CI 6.2	 Ins 2010 (135), Sch 1 [22]. Subst 2018

CI 7.1	Ins 2010 (656), Sch 1 [138]. Am 2011 (99), Sch 1 [36]; 2013 (706), Sch 1 [179]; 2017 (269), Sch 1 [15]; 2017 (270), Sch 1 [51]; 2018 (190), Sch 1
CI 7.2	Ins 2010 (656), Sch 1 [138]. Am 2011 (99), Sch 1 [37]; 2018 (190), Sch 1
Part 7, Div 2	Ins 2010 (656), Sch 1 [138]. Subst
Part 7, Div 2, Subdiv 1	Ins 2010 (656), Sch 1 [138]. Rep 2013
CI 7.3	Ins 2010 (656), Sch 1 [138]. Subst
CII 7.4, 7.5	Ins 2010 (656), Sch 1 [138]. Rep 2013
CI 7.6	Ins 2010 (656), Sch 1 [138]. Am 2013 No 47, Sch 2.24. Rep 2013 (706), Sch 1
CI 7.7	Ins 2010 (656), Sch 1 [138]. Rep 2013
Part 7, Div 2, Subdiv 2 (cii 7.8-7.11)	Ins 2010 (656), Sch 1 [138]. Rep 2013
Sch 1	Am 2009 (74), Sch 1 [37]. Rep 2010
Sch 2	Subst 2010 (639), Sch 1 [3]. Am 2013 (316), Sch 2 [3]; 2013 (318), Sch 2
Sch 3	Subst 2010 (639), Sch 1 [3]; 2011 (99), Sch 1 [38]. Am 2011 (600), Sch 1 [6]; 2012 (30), Sch 2; 2013 (316), Sch 2 [4]; 2013 (318), Sch 2 [2]; 2013 (706), Sch 1 [182]; 2015 (140), cl 1.8B; 2017 (269), Sch 1 [2]; 2017 (270), Sch 1 [52]; 2017 (350), Sch 1.4 [1]-[8]; 2018 (506), Sch 2; 2018
Sch 4	Ins 2010 (639), Sch 1 [3]. Am 2017
Sch 5, heading	Am 2018 (190), Sch 1 [9]; 2018 No 68,
Sch 5	Ins 2010 (639), Sch 1 [3]. Am 2011 (99), Sch 1 [39]; 2012 (349), cl 3; 2013 (706), Sch 1 [183]; 2017 (269),
Sch 6	Ins 2013 (706), Sch 1 [184]. Am 2017 (269), Sch 1 [2]; 2017 (270), Sch 1 [54]-[56]; 2018 (68), Sch 2 [1]; 2018 (190), Sch 1 [10] [11]; 2018 (569),
Sch 7	Ins 2013 (706), Sch 1 [184]. Am 2018
Sch 8	Ins 2013 (706), Sch 1 [184]. Am 2014 (453), Sch 1 [12]; 2017 (270), Sch 1 [57] [58]; 2017 (359), Sch 1 [13]; 2018 (68), Sch 2 [1]; 2018 (488), Sch
	Ins 2013 (706), Sch 1 [184]. Am 2017

Sch 9	 (270), Sch 1 [59] [60]; 2018 (68), Sch
Sch 10	 Ins 2013 (706), Sch 1 [184]. Am 2018
Maps	 Am 2012 (349), cl 3; 2017 (753), cl 5;