



New South Wales

State Environmental Planning Policy (Exempt and Complying Development Codes) Amendment (Housing Code) 2017

under the

Environmental Planning and Assessment Act 1979

His Excellency the Governor, with the advice of the Executive Council, has made the following State environmental planning policy under the *Environmental Planning and Assessment Act 1979*.

ANTHONY ROBERTS, MP
Minister for Planning

State Environmental Planning Policy (Exempt and Complying Development Codes) Amendment (Housing Code) 2017

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1 Name of Policy

This Policy is the *State Environmental Planning Policy (Exempt and Complying Development Codes) Amendment (Housing Code) 2017*.

2 Commencement

This Policy commences 28 days after it is published on the NSW legislation website.

3 Repeal of Policy

- (1) This Policy is repealed on the day following the day on which this Policy commences.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

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

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

Omit the definition of *General Housing Code* and *primary road* from clause 1.5 (1).

Insert in alphabetical order:

attached development means any of the following, if it is situated not more than 900mm from a dwelling house 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.

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.

detached development means any of the following, if it is situated more than 900mm from a dwelling house 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.

gross floor area, in Part 3, 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:

(a) any basement:

(i) storage, and

(ii) vehicular access, loading areas, garbage and services, and

(b) 1 car parking space (including access to it), and

(c) terraces and balconies with outer walls less than 1.4m high, and

(d) voids above a floor at the level of a storey or storey above.

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

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

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:

(a) is directly accessible from, and adjacent to, a habitable room in the dwelling, other than a bedroom, and

(b) is at least 3m wide and 3m long, and

(c) is not steeper than 1:50 gradient.

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

[2] Clauses 1.5 (1) (definition of “complying development code”) and 1.19 and Schedules 3, 5 and 6

Omit “General Housing Code” wherever occurring. Insert instead “Housing Code”.

[3] Clause 1.5 (1), definition of “detached studio”

Insert “or detached development” after “ancillary development”.

[4] Clause 1.5 (1), definition of “dwelling house”

Insert “, attached development, detached development” after “ancillary development”.

[5] Clause 1.5 (3)

Insert after clause 1.5 (2):

- (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.

[6] Clause 1.5 (5)

Insert “and diagrams” after “Notes”.

[7] Clause 1.18 General requirements for complying development under this Policy

Omit “3.6A” from clause 1.18 (1) (h) (including the note).

Insert instead “3.33”.

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

Insert “, detached development (other than a detached studio)” after “outbuilding” in clause 1.19 (1) (a).

[9] Clause 1.19 (1) (h)

Omit the paragraph. Insert instead:

- (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

[10] Clause 2.30 Development standards

Insert at the end of clause 2.30 (h):

, and

- (i) if the land is in a rural zone—not be fill of more than 100 cubic metres on each lot.

[11] Clause 2.30, note

Insert at the end of the clause:

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*).

[12] Clause 2.42 Development standards

Insert after clause 2.42 (1) (a) (iii):

- (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

[13] Clause 2.42 (1) (b1) and (b2)

Omit the paragraphs.

[14] Part 3

Omit the Part. Insert instead:

Part 3 Housing Code

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

Note 2. Schedule 3 contains variations to this code.

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

Division 1 Requirements for complying development under this code

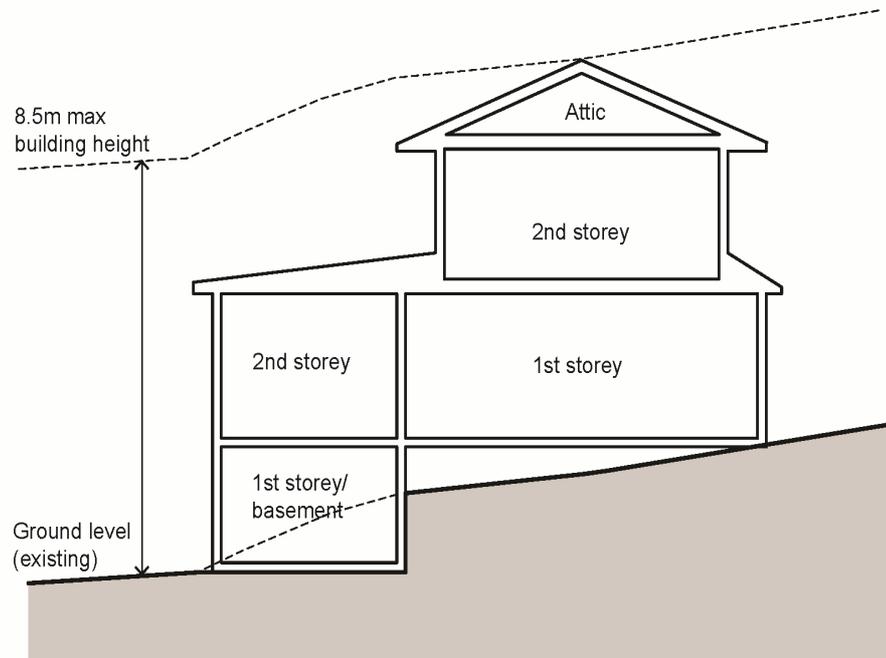
3.1 Development that is complying development under this code

- (1) The following development is complying development under this code:
 - (a) the erection of a new 1 or 2 storey dwelling house and any attached development,
 - (b) the alteration of, or an addition to, a 1 or 2 storey dwelling house (including any addition that results in a 2 storey dwelling house) and any attached development,
 - (c) the erection of detached development and the alteration of, or an addition to, any detached development.
- (2) For the purposes of calculating the number of storeys in a dwelling house under this code, any basement (including a garage) is to be counted as a storey.

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

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

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



(3) **Lot requirements**

Complying development specified for this code may only be carried out on a lot that meets the following requirements:

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

- (4) A secondary dwelling with development consent or a complying development certificate is not a dwelling house for the purpose of subclause (3) (d).

(5) **Erection of attached development and detached development**

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

- (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.

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:

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

- (f) the erection of a common wall,
- (g) the alteration of, or an addition to, a garage or carport that is located forward of the building line.

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

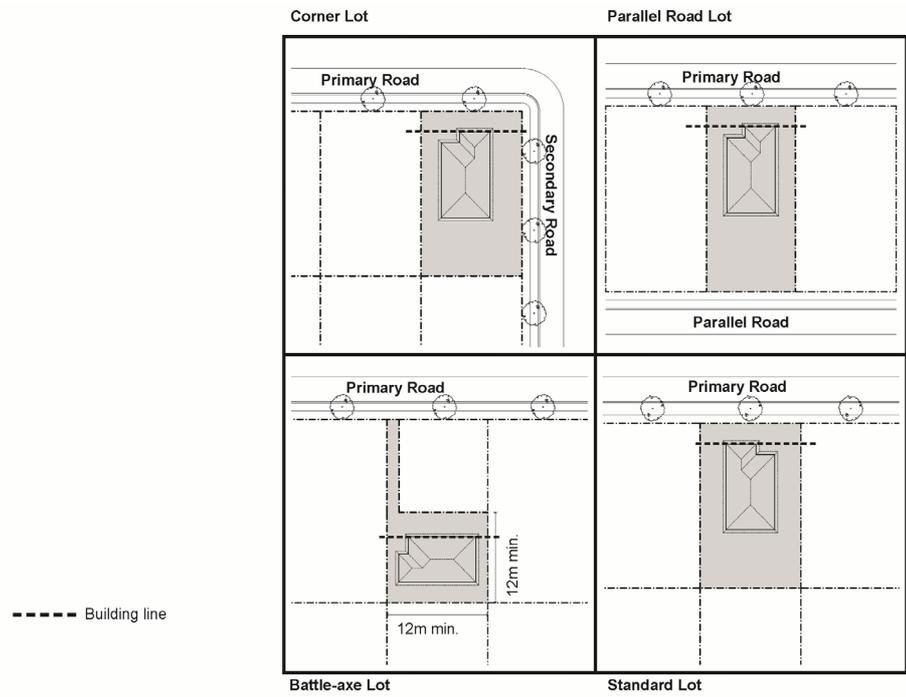
Note 2. *Basement, building, group home* and *secondary dwelling* have the same meanings as they have in the Standard Instrument.

3.3 Determining lot type

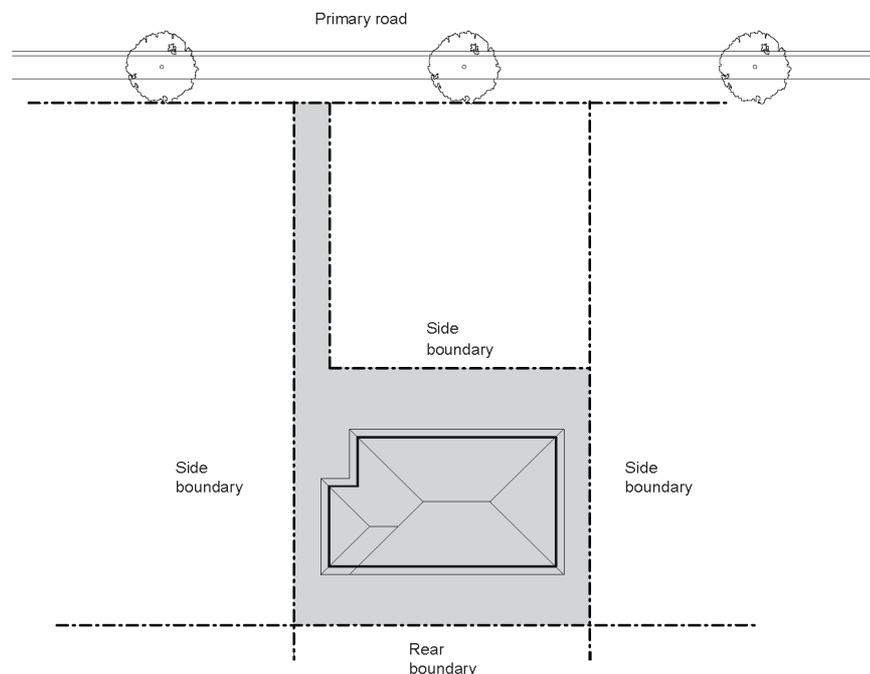
- (1) In this code, a reference to a lot is a reference to any of the following lots:
 - (a) standard lot,
 - (b) corner lot,
 - (c) parallel road lot,
 - (d) battle-axe lot.

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

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



- (2) A battle-axe lot has 3 side boundaries and a rear boundary. The rear boundary is opposite the boundary to which the front of the dwelling house faces.



Division 2 General standards relating to land type

3.4 Complying development on bush fire prone land

- (1) This clause does not apply to the following complying development under this code:
- (a) non-habitable detached development that is more than 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).

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 149 certificate from a Council will state whether or not a lot is a flood control lot.

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.

Division 3 Development standards for dwelling houses and attached development

Subdivision 1 Application of Division

3.7 Application of Division

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

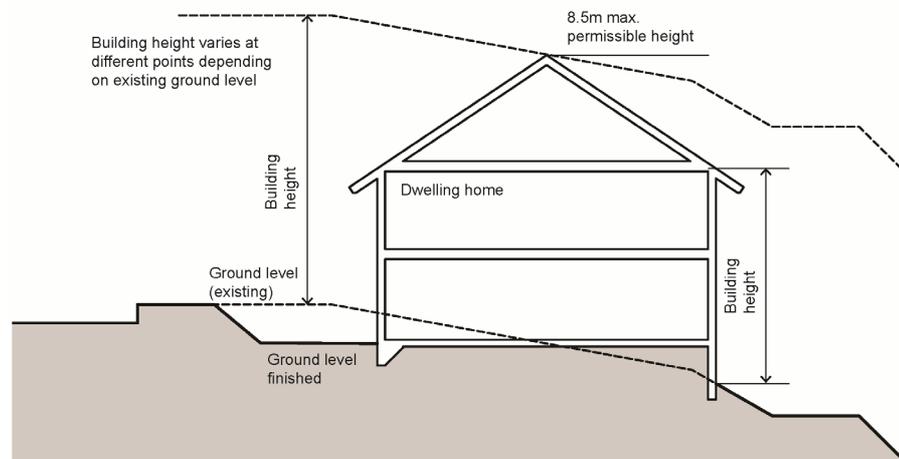
Subdivision 2 Built form development standards for dwelling houses and attached development

3.8 Maximum building height

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

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

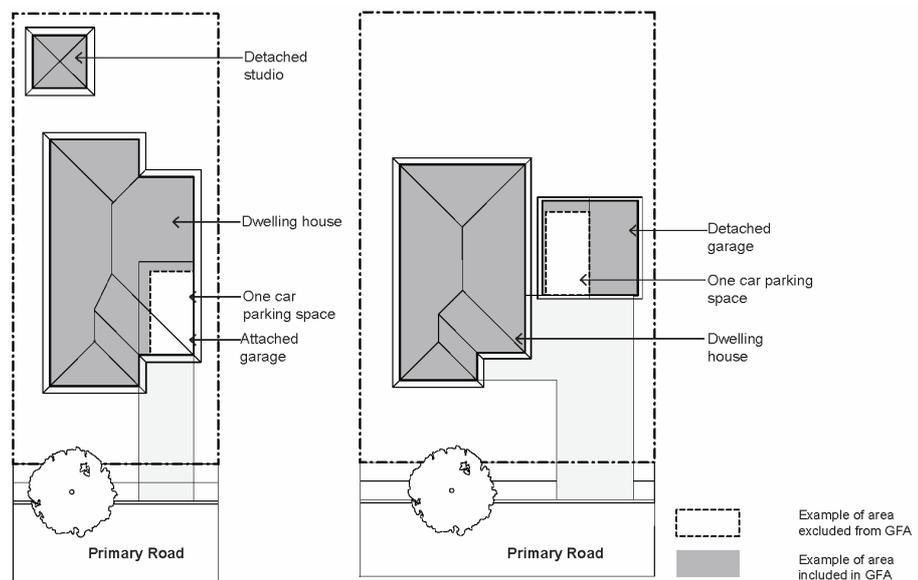
Note 2. Ground level (existing) is defined in the Standard Instrument as the existing level of a site at any point.



3.9 Maximum gross floor area of all buildings

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

Lot area (m ²)	Maximum GFA
200m ² –300m ²	75% of lot area
>300m ²	25% of lot area + 150m ² , to a maximum of 400m ²



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

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

3.10 Minimum setbacks and maximum height and length of boundary walls

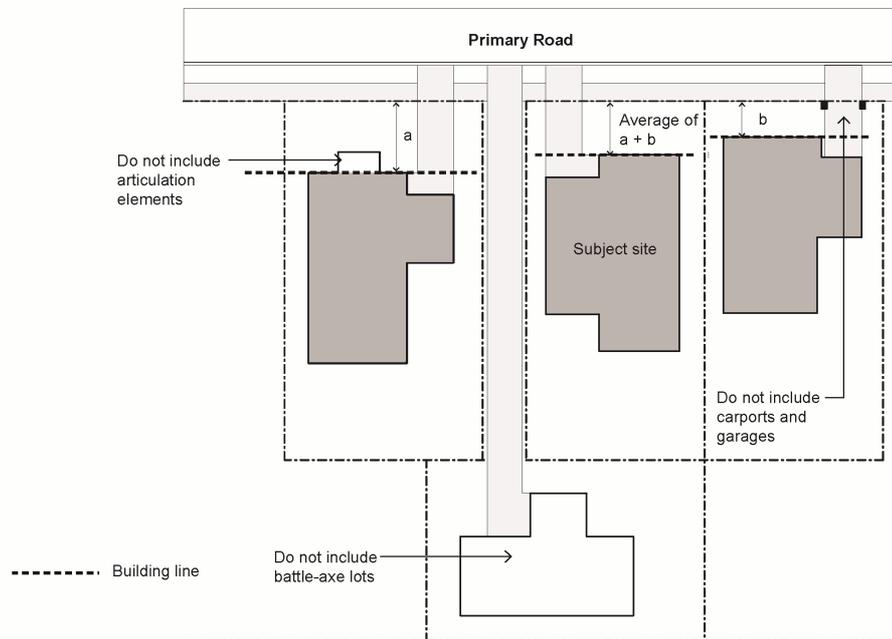
(1) Primary road setbacks

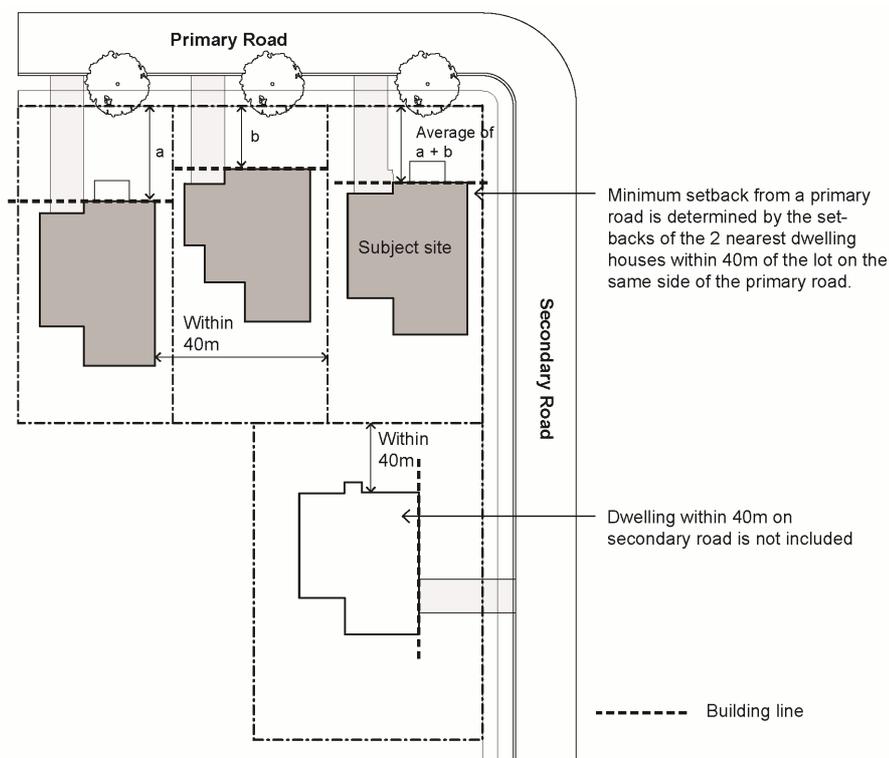
The setback of a dwelling house and any attached development from a primary road must not be less than the average setback from the primary road of the 2 nearest dwelling houses on the same side of the primary road.

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

(2) For the purpose of determining the setbacks from the primary road of the 2 nearest dwellings, the following are not to be included:

- (a) dwelling houses on battle-axe lots,
- (b) any attached development or detached development on other lots,
- (c) building elements in the articulation zone.





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

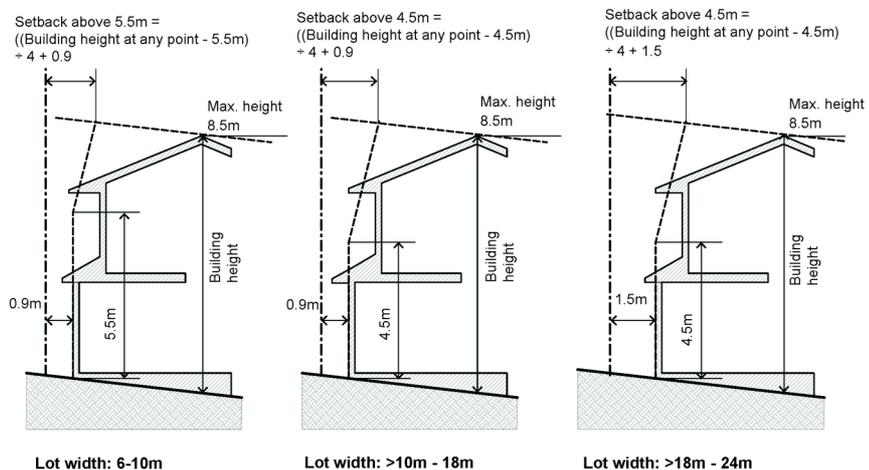
Lot size	Minimum setback from primary road
200m ² –300m ²	3m
>300m ² –900m ²	4.5m
>900m ² –1,500m ²	6.5m
>1,500m ²	10m

(4) **Side setbacks**

The following buildings must have a minimum setback from a side boundary as shown in the table to this subclause:

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

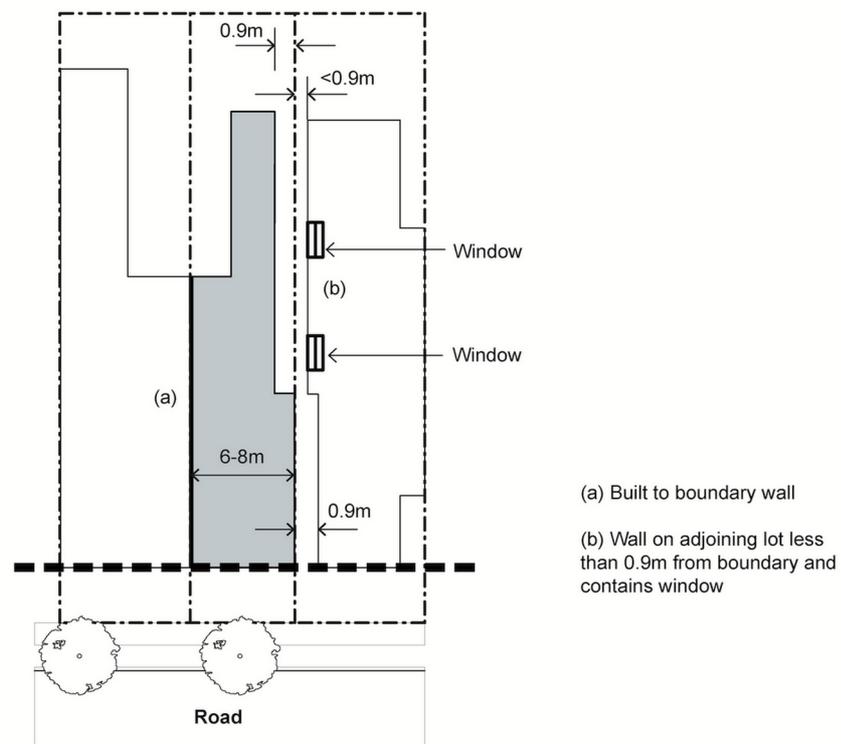
Lot width at the building line	Building height at any point	Minimum required setback from each side boundary
6m–10m	0m–5.5m	900mm
6m–10m	>5.5m–8.5m	$(\text{building height} - 5.5\text{m}) \div 4 + 0.9\text{m}$
>10m–18m	0m–4.5m	900mm
>10m–18m	>4.5m–8.5m	$(\text{building height} - 4.5\text{m}) \div 4 + 0.9\text{m}$
>18m–24m	0m–4.5m	1.5m
>18m–24m	>4.5m–8.5m	$(\text{building height} - 4.5\text{m}) \div 4 + 1.5\text{m}$
>24m	0m–8.5m	2.5m



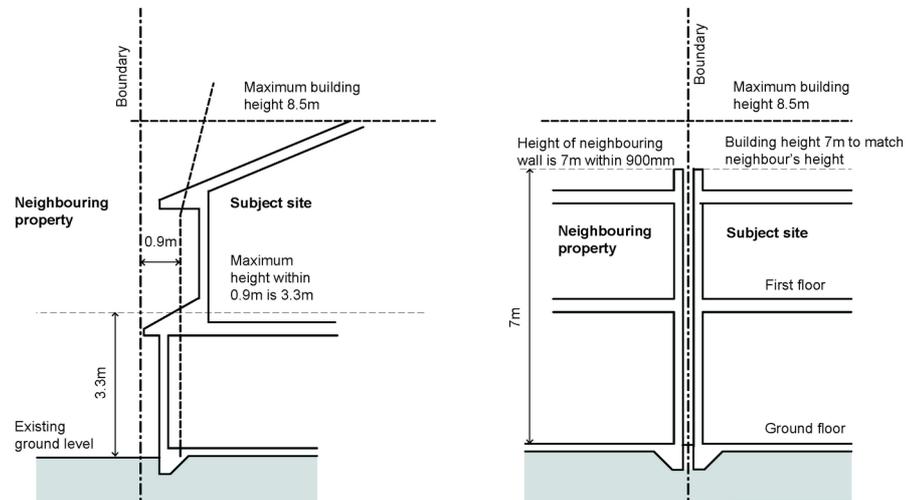
(5) **Exceptions to side setbacks**

Despite subclause (4), a building referred to in that subclause may be built to 1 or both side boundaries if:

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



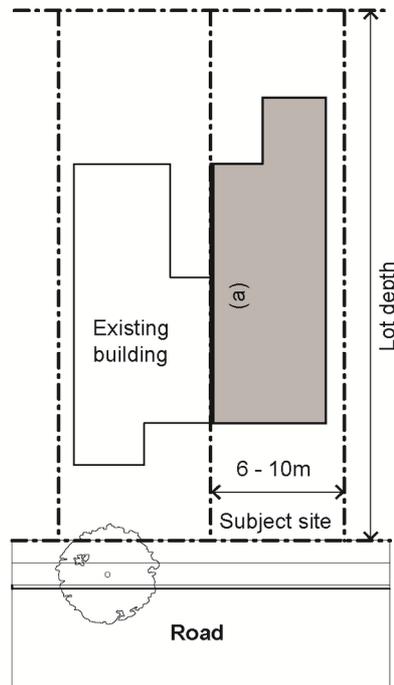
- (6) Despite subclause (4), a building referred to in that subclause may be built to 1 side boundary if:
- the lot width measured at the building line is more than 8m, but not more than 12.5m, and
 - any building wall on the adjoining lot within 900mm of that boundary is of masonry construction and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



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

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

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



(a) Maximum built to boundary wall length:
 6-10m wide lots must not be longer than 20m or 50% of the lot's depth
 >10m-12.5m wide lots must not be longer than 10m.

(9) Despite subclause (8), the maximum length of a wall erected within 900mm of a side boundary is:

- (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**

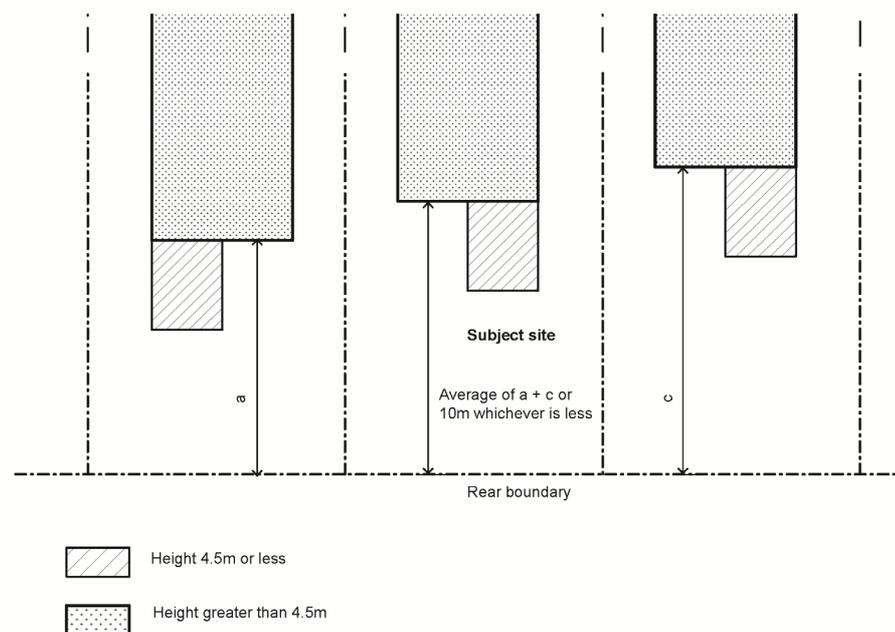
The following buildings on a lot (other than a lot that only has 3 boundaries) must have a minimum setback from the rear boundary as shown in the table to this subclause:

- (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 rear boundary
200m ² –300m ²	0m–4.5m	3m

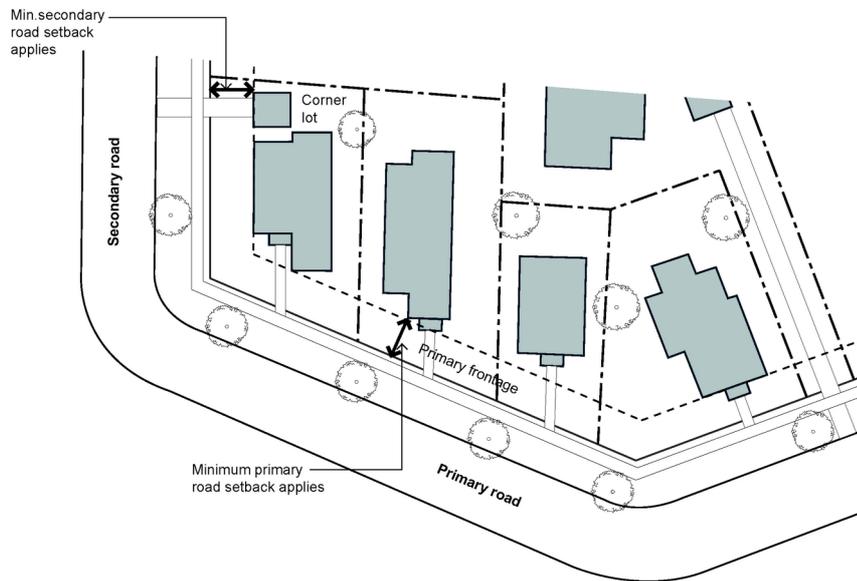
Lot area	Building height	Minimum setback from rear boundary
200m ² –300m ²	>4.5m–8.5m	10m or the average rear setback of the 2 adjoining dwelling houses, measured at 4.5m above ground level (existing), whichever is the lesser
>300m ² –900m ²	0m–4.5m	3m
>300m ² –900m ²	>4.5m–8.5m	8m
>900m ² –1,500m ²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



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

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

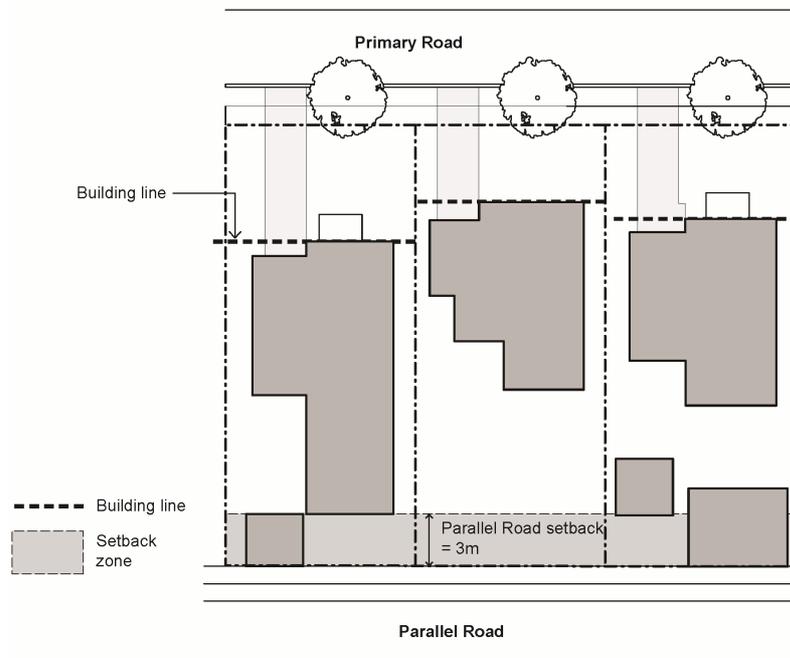
Lot size	Minimum setback from secondary road boundary
200m ² –600m ²	2m
>600m ² –1,500m ²	3m
>1,500m ²	5m



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

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

Note. Certain types of attached development may be built within the parallel road setback (see clause 3.11 (6)).



(13) **Classified road setbacks**

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

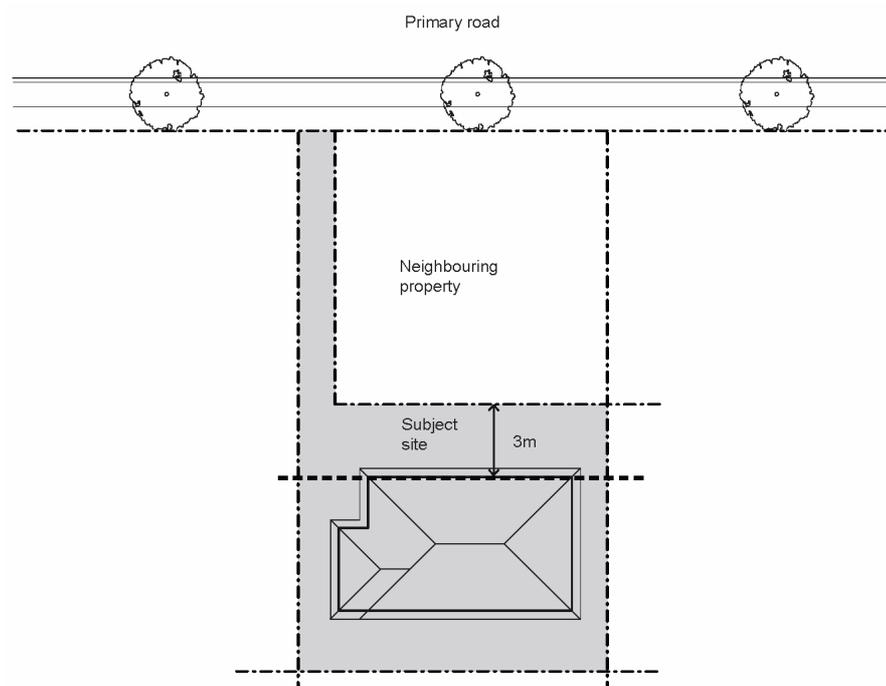
- (a) the setback for a dwelling house from a classified road specified by another environmental planning instrument applying to the land, or
- (b) if no setback is specified—9m.

(14) **Public reserve setbacks**

Despite any other standard for a setback specified by this clause, a dwelling house and any cabana, cubby house, garden shed, gazebo, fernery, greenhouse 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.



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

Note 2. *Building height, classified road and ground level (existing)* have the same meanings as they have in the Standard Instrument.

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

3.11 Exceptions to setbacks

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

The setback standards specified in clause 3.10 (4) and (10) do not apply to the following:

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

(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.

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

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

- (a) the area of the lot is more than 300m², and
- (b) the width of the lot, measured at the building line, is more than 10m.

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

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

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

- (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 may require a privacy screen—see clause 3.15.

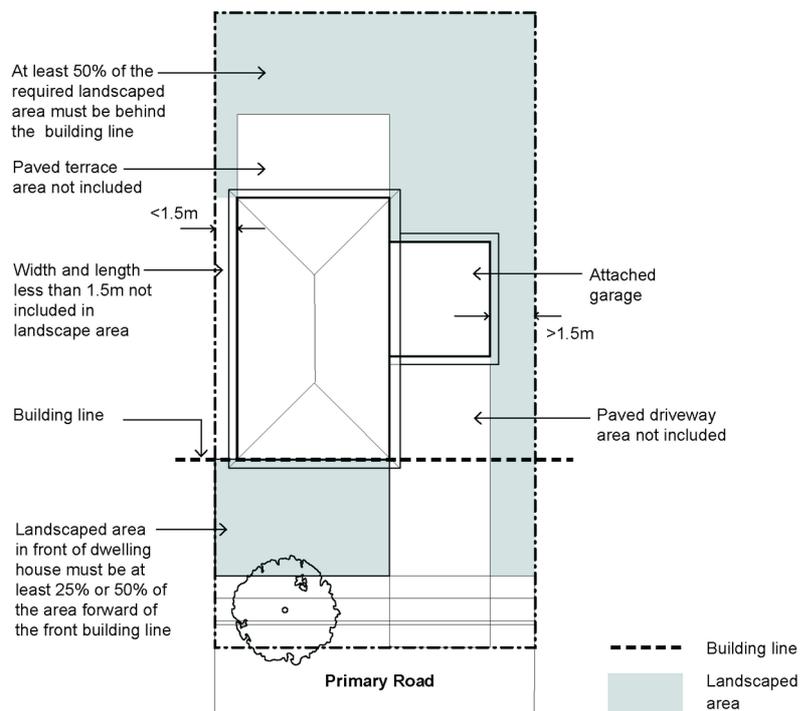
Subdivision 3 Landscape development standards for dwelling houses and attached development

3.13 Minimum landscaped area

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

Lot area (m ²)	Landscaped area
200m ² –300m ²	15% of lot area
>300m ²	50% of lot area minus 100m ²

- (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:
- if the lot width measured at the building line is 18m or less—25% of the area forward of the building line must be landscaped,
 - if the lot width measured at the building line is more than 18m—50% of the area forward of the building line must be landscaped,
 - 50% of the minimum landscaped area must be located behind the building line.



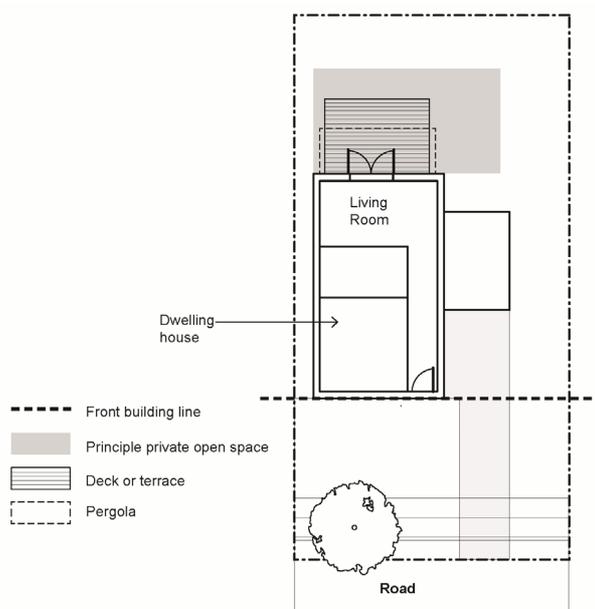
- (4) The minimum area of principal private open space that must be provided on a lot is shown in the following table:

Lot width (measured at the building line)	Minimum principal private open space
6m–10m	16m ²
>10m	24m ²

- (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:
- increase the footprint of the dwelling house or attached development, or
 - decrease the landscaped area on the lot.

Note 1. *Building line* and *principal private open space* are defined in clause 1.5.

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



Subdivision 4 Amenity development standards for dwelling houses and attached development

3.14 Building design

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

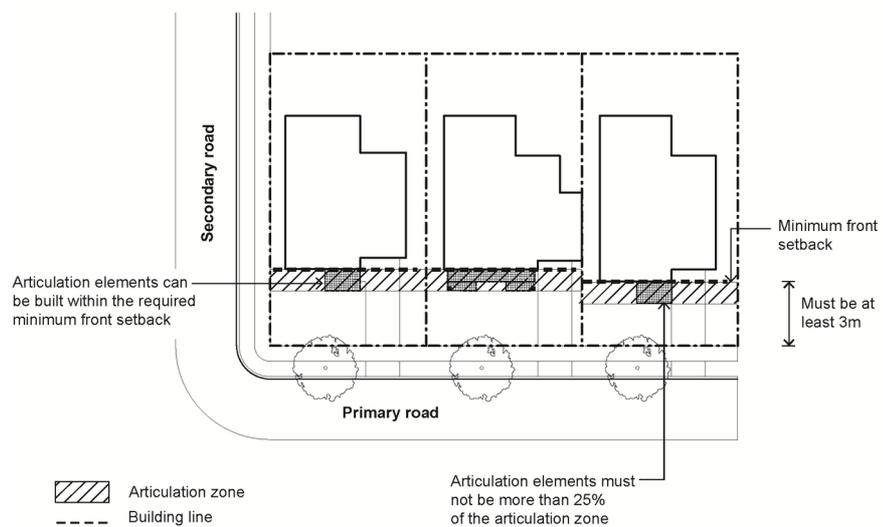
(3) **Primary road frontage**

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) or (f), must not comprise more than 25% of the area of the articulation zone.



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

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

- (a) more than 1m above the gutter line of the eaves of a single storey dwelling house, or
- (b) above the gutter line of the eaves of a 2 storey dwelling house.

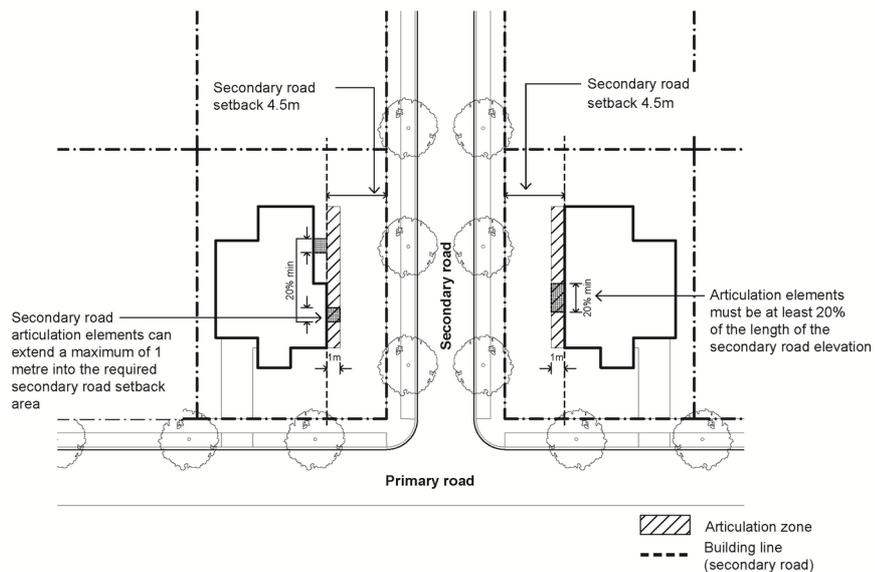
(7) **Secondary road frontage on corner lots**

A dwelling house on a corner lot must have a window to a habitable room with an area of at least 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.



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

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

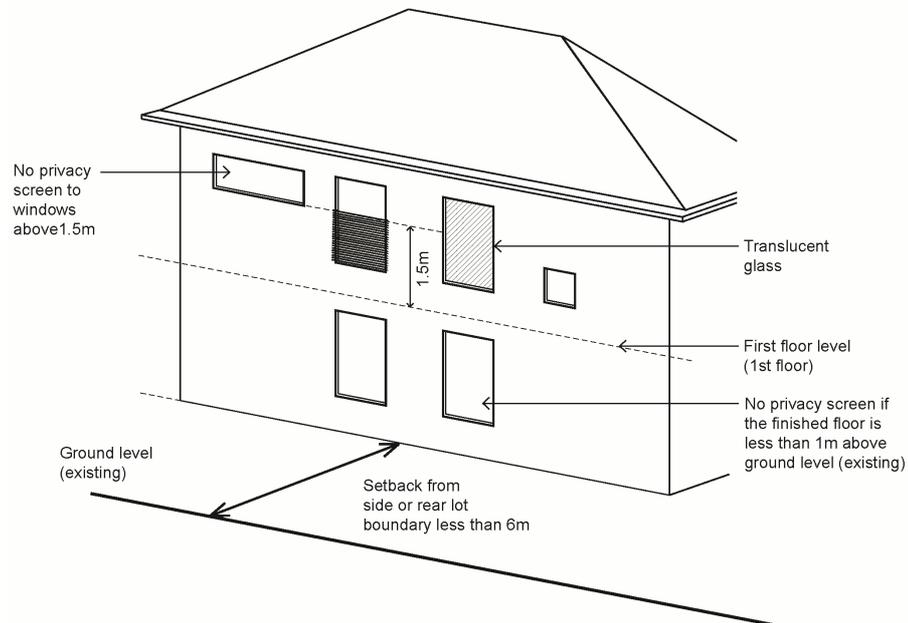
Note 2. Storey is defined in the Standard Instrument as a space within a building that is situated between one floor level and the floor level next above, or if there is no floor above, the ceiling or roof above, but does not include:

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

3.15 Privacy screens for windows and certain attached development

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

- (2) Subclause (1) does not apply to a bedroom window that has an area of not more than 2m^2 .

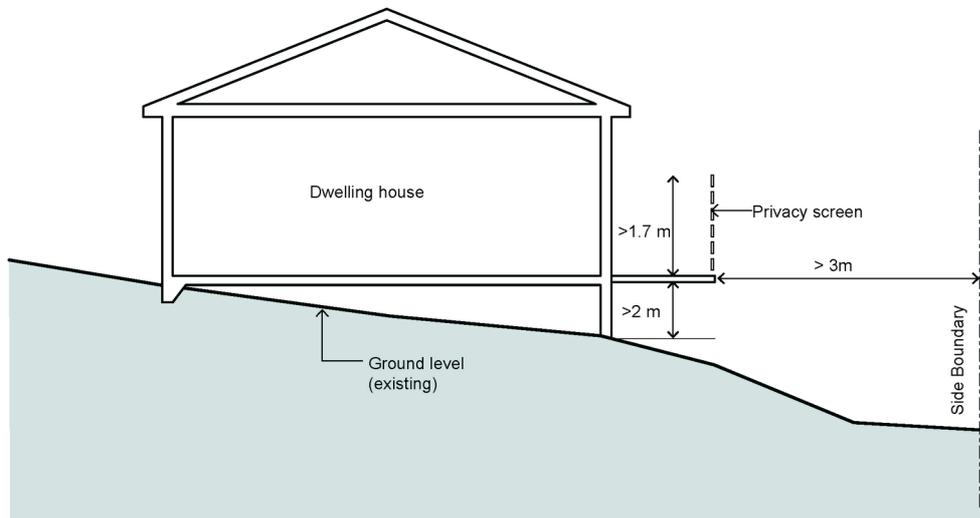


- (3) A privacy screen of at least 1.7m, but not more than 2.2m, above the finished floor level of a balcony, deck, patio, terrace or verandah must be installed at the edge of that part of the balcony, deck, patio, terrace or verandah that is parallel to or faces towards the relevant side or rear boundary if the area of the balcony, deck, patio, terrace or verandah is at least 3m^2 and:
- (a) that edge is less than 3m from a side or rear boundary and the balcony, deck, patio, terrace or verandah has a finished floor level of more than 1m above ground level (existing), or
 - (b) that edge is at least 3m, but not more than 6m from a side or rear boundary and the balcony, deck, patio, terrace or verandah has a finished floor level of more than 2m above ground level (existing).
- (4) **Clause does not apply to existing parts of dwelling house or attached development**

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

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

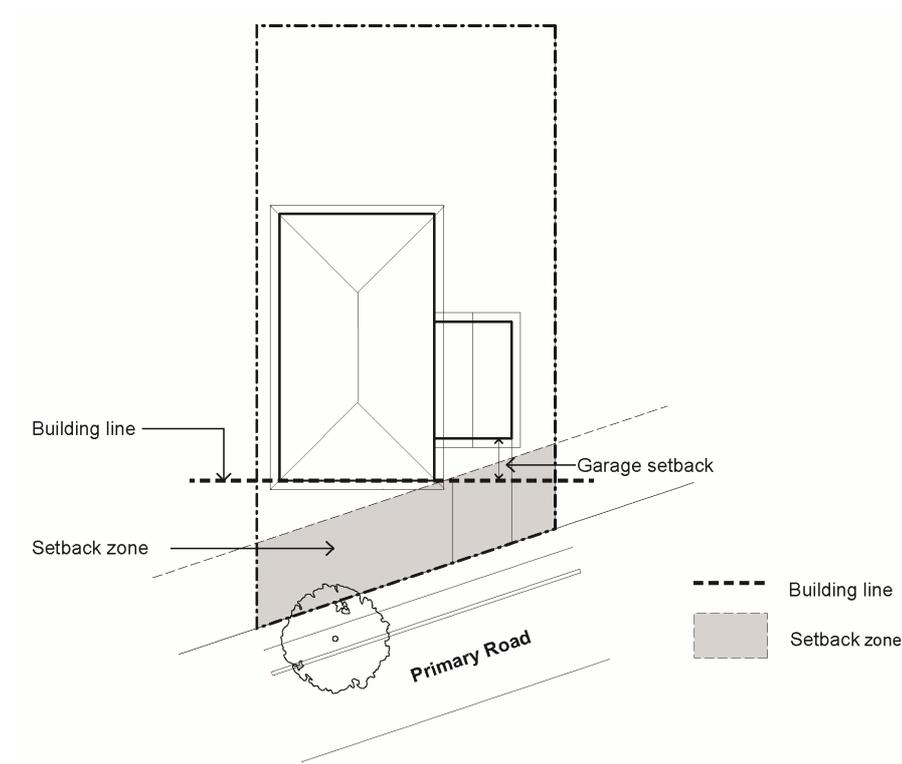
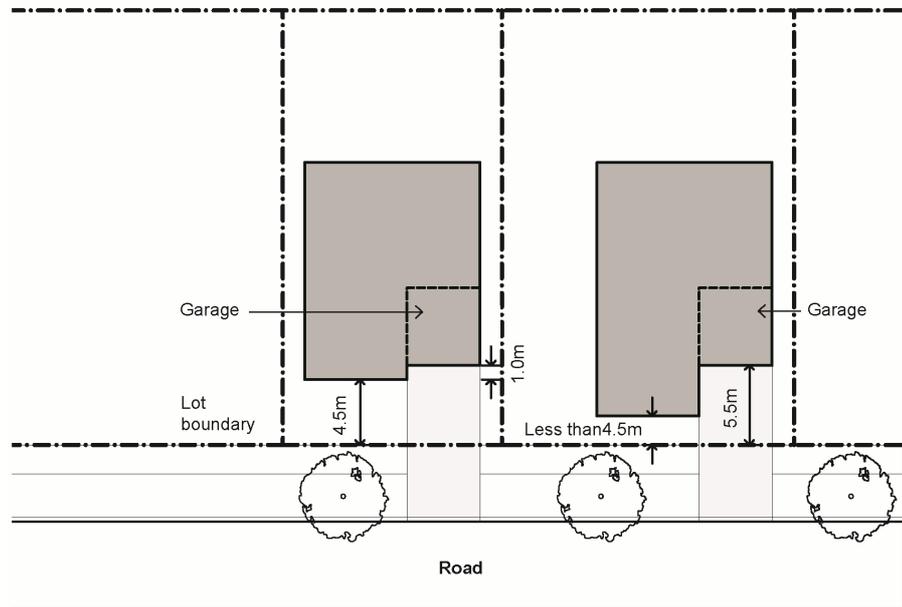
Note 2. Ground level (existing) has the same meaning as it has in the Standard Instrument.



3.16 Car parking and vehicle access requirements

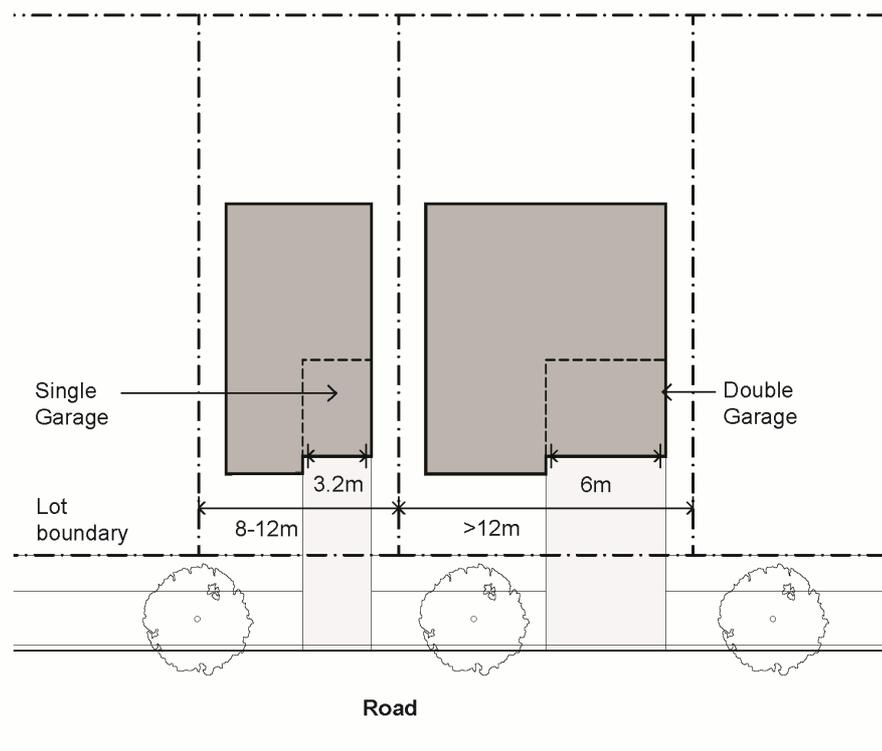
- (1) At least 1 off-street car parking space, being an open hard stand space or a carport or garage, must be provided on a lot unless:
 - (a) the lot has a width of less than 8m measured at the building line, or
 - (b) the complying development is the alteration of, or an addition to, a dwelling house and the lot does not contain an off-street car parking space, or
 - (c) the complying development is the erection or alteration of, or an addition to, attached development and the lot does not contain an off-street car parking space.
- (2) All off-street car parking spaces and vehicle access must comply with AS 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 primary road	Minimum off-street parking setback from primary road
<4.5m	5.5m
>4.5m	1m or more behind the building line of the dwelling house



- (6) The maximum width of all garage door openings facing a primary, secondary or parallel road is shown in the following table:

Lot width	Maximum width of garage door openings
8m–12m	3.2m
>12m	6m



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

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

Note 3. Alterations or additions to a garage or carport that is forward of the building line is not complying development under this code (see clause 3.2 (1) (g)).

Division 4 Development standards for detached development

Subdivision 1 Application of Division

3.17 Application of Division

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

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

3.18 Maximum height

The maximum height for any detached development is 4.5m above ground level (existing).

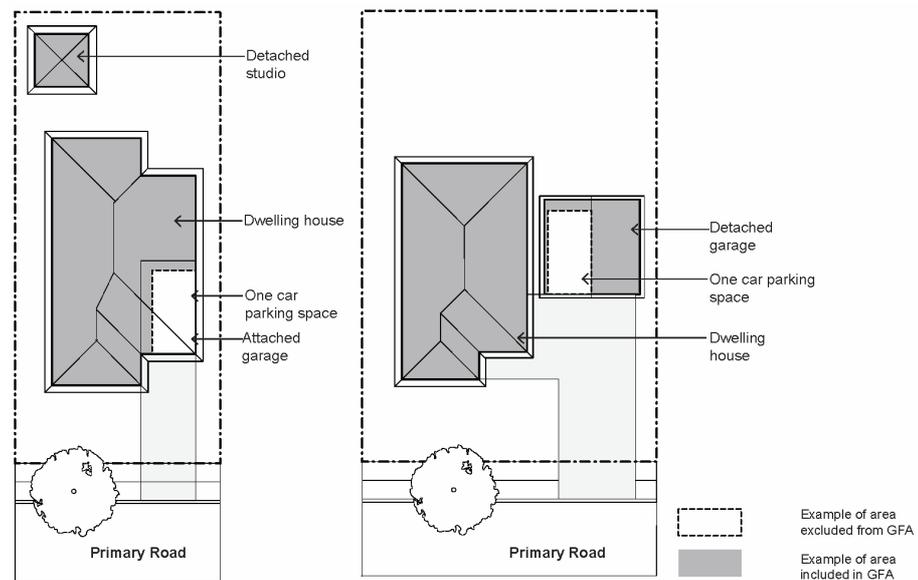
Note 1. Detached development is defined in clause 1.5.

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

3.19 Maximum gross floor area of all buildings on lot

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

Lot area (m ²)	Maximum GFA
200m ² –300m ²	75% of lot area
>300m ²	25% of lot area + 150m ² , to a maximum of 400m ²



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

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

3.20 Maximum gross floor area of certain detached development

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

- a deck, patio, pergola, terrace or verandah,
- a cabana, cubby house, fernery, garden shed, gazebo or greenhouse,

- (c) a carport or garage,
- (d) a shed.

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

Note. The maximum gross floor area of detached studios is set out in clause 3.25.

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

(1) Primary and secondary road setbacks

Detached development (other than a detached garage or carport) must be located behind the building line of a dwelling house that is adjacent to any primary road or secondary road.

Note 1. Primary and secondary road setbacks for detached garages and carports are set out in clause 3.23.

Note 2. Clause 3.26 contains certain exclusions from, and exceptions to, the setbacks specified in this clause.

(2) Side setbacks

Detached development that is any of the following must have a minimum setback from the side boundary of a lot as shown in the table to this subclause:

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

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

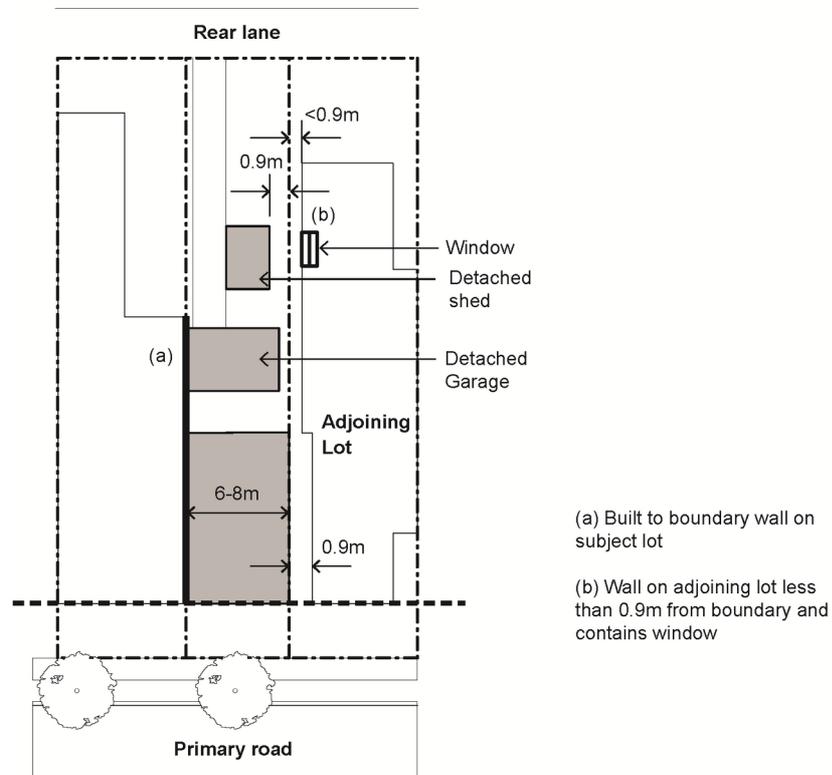
Note. Side boundary setbacks for detached studios are set out in clause 3.25.

(3) Built to boundary setbacks

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

- (a) the lot is not a corner lot, and
- (b) the lot width measured at the building line is at least 6m, but not more than 8m, and
- (c) if there is a building wall on the adjoining lot within 900mm of that boundary—that wall is of masonry construction and does not have a window facing that boundary, and

- (d) any wall erected within 900mm of a side boundary will not contain a door, window or any other opening.



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

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

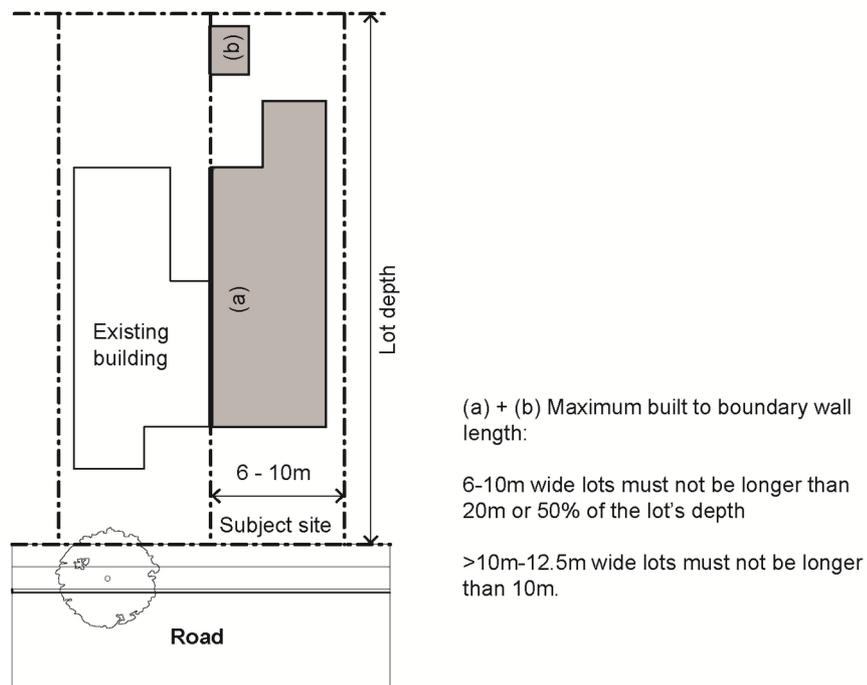
The height of a wall erected within 900mm of a side boundary must not exceed:

- 3.3m above ground level (existing), or
- if there is a building wall on the adjoining lot within 900mm of that boundary that is higher than 3.3m—the height of that wall, but not more than 4.5m, or
- if the building on the adjoining lot is subject to the same complying development certificate under clause 126 (4) of the *Environmental Planning and Assessment Regulation 2000*—the height of the wall on the adjoining lot, but not more than 4.5m.

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

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

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



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

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

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

(8) **Rear setbacks**

Detached development that is any of the following must have a minimum setback from the rear boundary of a lot as shown in the table to this subclause:

- a cabana, cubby house, fernery, garden shed, gazebo or greenhouse,
- a rainwater tank (above ground),

- (c) a shade structure or a shed.

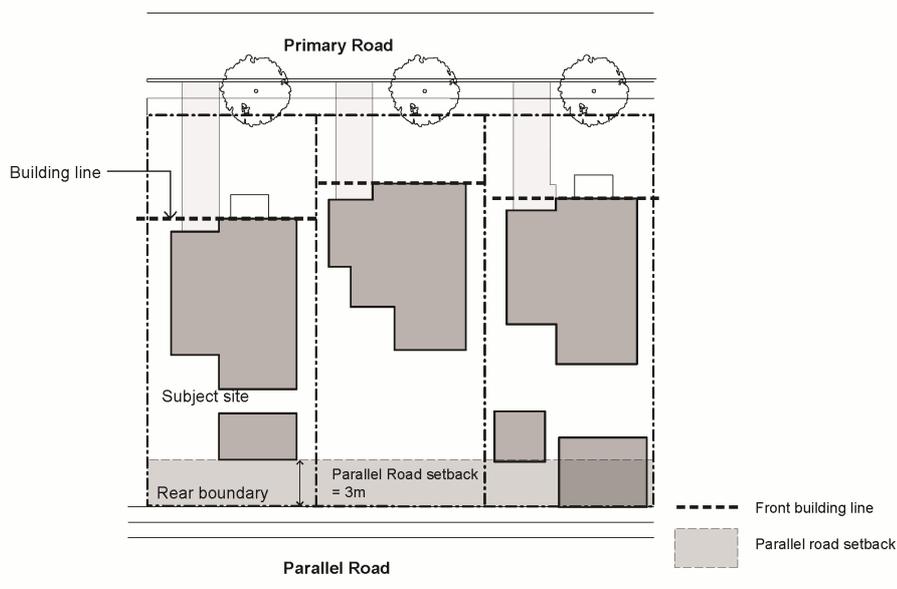
Lot area	Minimum setback from rear boundary
200m ² –900m ²	3m
>900m ² –1,500m ²	5m
>1,500m ²	10m

Note. Rear setbacks for detached garages and carports, detached decks, patios, pergolas, terraces and verandahs and detached studios are set out in clauses 3.23, 3.24 and 3.25, respectively.

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

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

Note. Clause 3.26 (4) contains exceptions to this setback for certain types of detached development.



(10) **Setbacks from classified roads**

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

- the setback for a dwelling house from a classified road specified by any other environmental planning instrument applying to the land, or
- if no setback is specified—9m.

(11) **Setbacks from public reserves**

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

- a cabana, cubby house, fernery, garden shed, gazebo or greenhouse,

- (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.

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.

3.23 Other development standards for detached garages and carports

(1) Car parking and vehicle access requirements

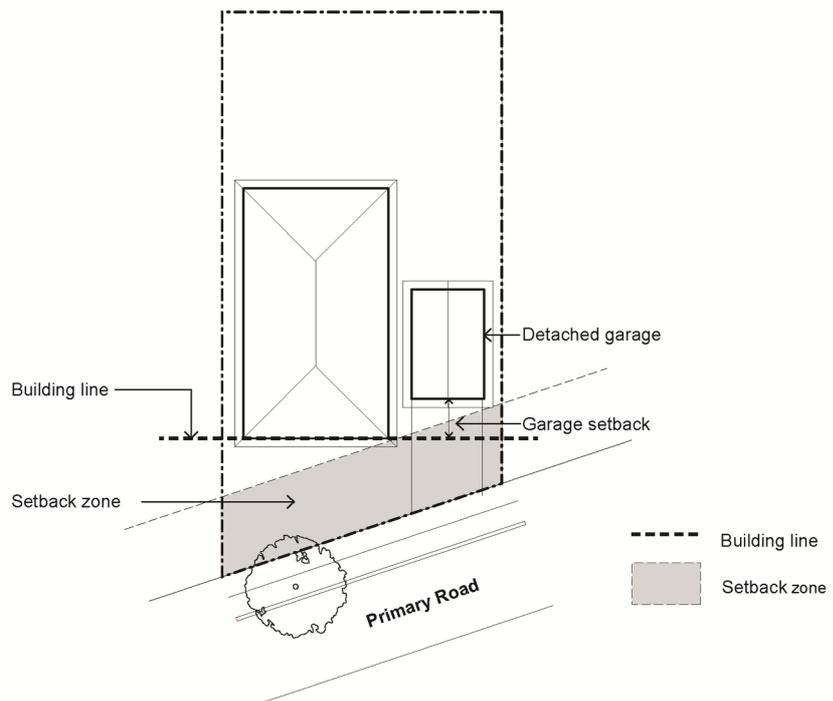
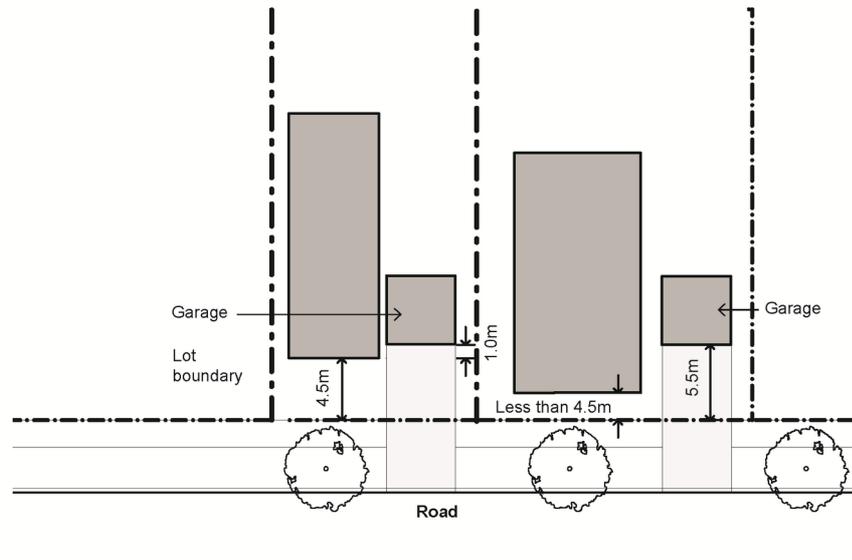
All off-street car parking spaces and vehicle access must comply with AS 2890.1:2004, *Parking facilities—Off-street car parking*.

- (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.
- (4) A carport must have 2 or more sides open and have not less than one-third of its perimeter open.

(5) Primary road setbacks

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

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



(6) **Secondary road setbacks**

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

Lot size	Minimum setback from primary road
200m ² –600m ²	2m
>600m ² –1,500m ²	3m
>1,500m ²	5m

(7) **Rear setbacks**

A detached garage or carport must have a minimum setback from the rear boundary as shown in the following table:

Lot area	Minimum setback from rear boundary
>200m ² –900m ²	900mm
>900m ² –1,500m ²	1.5m
>1,500m ²	2.5m

(8) **Built to rear boundary**

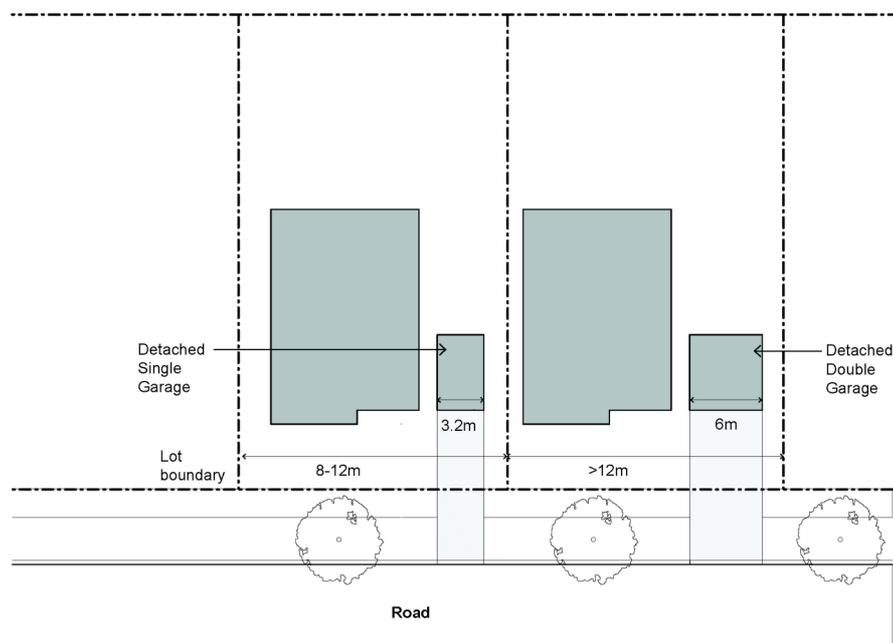
Despite subclause (7), a detached garage or carport of masonry construction may be built to the rear boundary if:

- (a) the lot area is at least 200m², but not more than 300m², and
- (b) the wall of a building on the adjoining lot within 900mm of that boundary (if any) is of masonry construction and does not have a window facing that boundary.

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

The maximum width of all detached garage and carport door openings facing a primary, secondary or parallel road is shown in the following table:

Lot width at the building line	Maximum width of garage doors
8m–12m	3.2m
>12m	6m



Note 1. *Battle-axe lot, boundary wall, building line, corner lot, detached, dwelling house, gross floor area, heritage conservation area, lane, parallel road, primary road, secondary road and setback* are defined in clause 1.5.

Note 2. *Building height* and *ground level (existing)* have the same meanings as they have in the Standard Instrument.

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

(1) Maximum finished floor level

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

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

(2) Rear setbacks

A detached deck, patio, pergola, terrace or verandah must have a minimum setback from the rear boundary as shown in the following table:

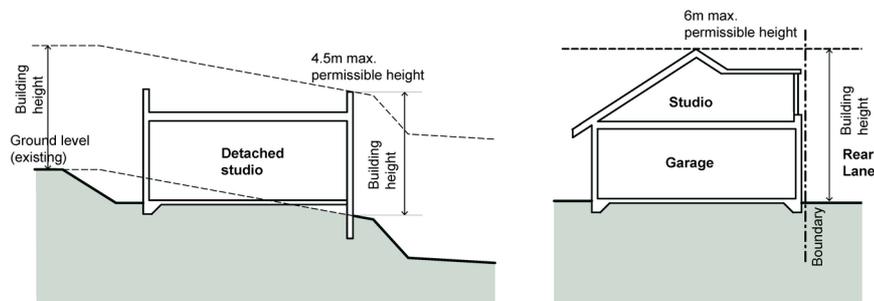
Lot area	Minimum setback from rear boundary
>200m ² –900m ²	900mm
>900m ² –1,500m ²	1.5m
>1,500m ²	2.5m

3.25 Other development standards for detached studios

- (1) There must only be 1 detached studio on the lot at the completion of the development.

(2) **Maximum height**

Despite clause 3.18, if a detached studio is within 900mm of a lane and is above a garage, the maximum height is 6m above ground level (existing).



(3) **Maximum gross floor area**

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

Lot size	Maximum gross floor area
Not more than 350m ²	20m ²
>350m ²	36m ²

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

A detached studio must have a minimum setback from each side and rear boundary as shown in the following table:

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

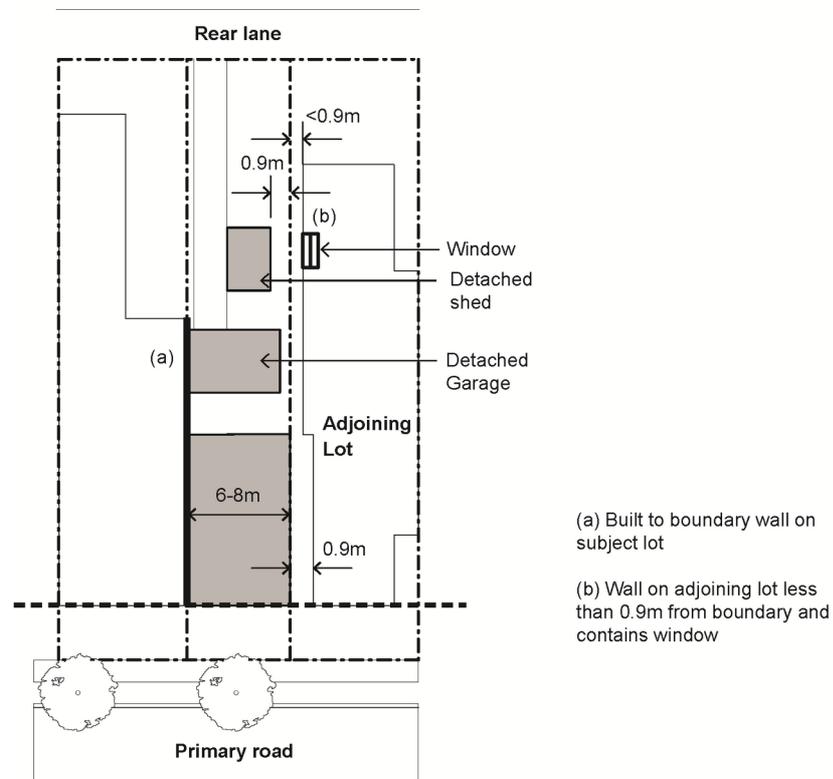
(5) **Lots with only 3 boundaries**

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

(6) **Built to boundary setbacks**

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

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



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

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.

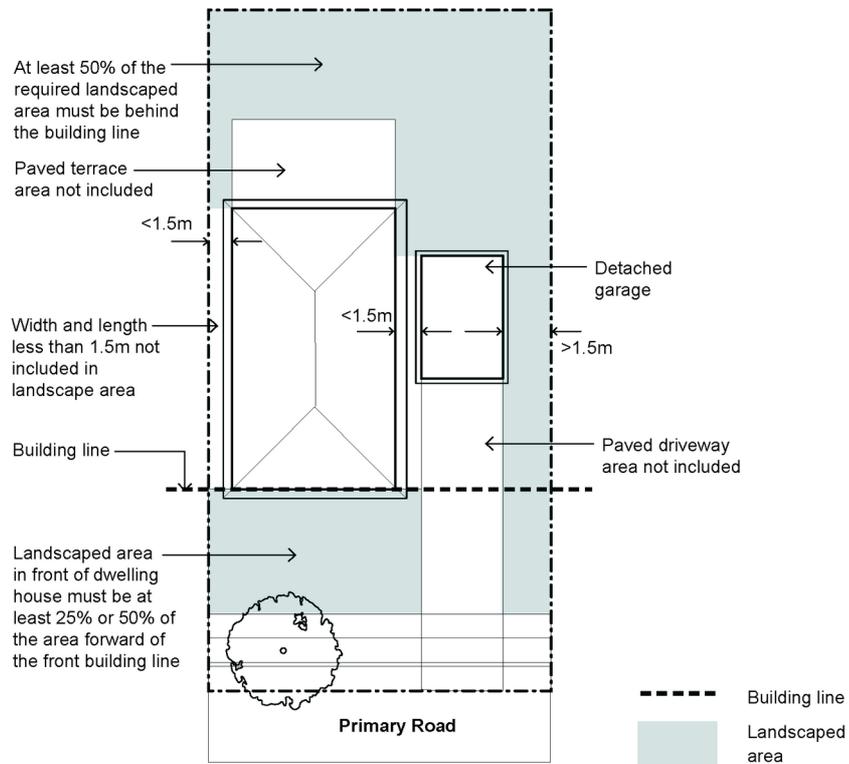
Subdivision 3 Landscape development standards for detached development (other than fences and child-resistant barriers)

3.27 Minimum landscaped area

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

Lot area (m²)	Landscaped area
200m ² –300m ²	15% of lot area
>300m ²	50% of lot area minus 100m ²

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



- (4) The minimum area of principal private open space that must be provided on a lot is shown in the following table:

Lot width (measured at the building line)	Minimum principal private open space
>6m–10m	16m ²
>10m	24m ²

- (5) This clause does not apply to complying development that is the alteration of, or addition to, detached development if the development does not:
- increase the footprint of the detached development, or
 - decrease the landscaped area on the lot.

Note 1. *Building line* and *principal private open space* are defined in clause 1.5.

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

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

3.28 Development standards for swimming pools

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

- (2) Water from a swimming pool must be discharged in accordance with an approval under the *Local Government Act 1993* if the lot is not connected to a sewer main.
 - (3) The pump must be 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 3.30.

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.

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

3.30 Earthworks, retaining walls and structural support

(1) Excavation

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

- (a) if located not more than 1m from any boundary—1m, and
 - (b) if located more than 1m but not more than 1.5m from any boundary—2m, and
 - (c) if located more than 1.5m from any boundary—3m.
- (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.

3.31 Drainage

All stormwater collecting as a result of the carrying out of development under this code must be directed by a gravity fed or charged system to:

- (a) a public drainage system, or
- (b) an inter-allotment drainage system, or

- (c) an on-site disposal system.

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

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

3.32 Protecting adjoining walls

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

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

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

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

(1) Pruning and removal of trees

A complying development certificate for complying development under Division 1 is taken to satisfy any requirement under this Policy for a permit 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.

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.

[15] Clause 7.1 Specified complying development

Insert after clause 7.1 (1) (d):

- (e) attached development or detached development.

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

[1] Clause 23 Complying development

Omit clause 23 (1) (a1). Insert instead:

- (a1) meets the requirements set out in clauses 3.4, 3.5 and 3.6 of that Policy that would be applicable if the development were development specified for the Housing Code set out in Part 3 of that Policy, and

[2] Clause 23 (2) (a1)

Omit the paragraph. Insert instead:

- (a1) meets the requirements set out in clauses 3.4 and 3.5 of *State Environmental Planning Policy (Exempt and Complying Development) Codes 2008* that would be applicable if the development were development specified for the Housing Code set out in Part 3 of that Policy, and

[3] Clause 45 Complying development—group homes

Omit “clause 3.36B” from clause 45 (1A). Insert instead “clause 3.5”.

Schedule 3 Amendment of Sydney Local Environmental Plan (Glebe Affordable Housing Project) 2011

Schedule 3 Complying development

Omit “Division 3 of Part 3 of” from Part 2. Insert instead “Schedule 6 to”.

Schedule 4 Amendment of Sydney Local Environmental Plan (Green Square Town Centre) 2013

Schedule 3 Complying development

Omit “Division 3 of Part 3 of” from Part 2. Insert instead “Schedule 6 to”.

Schedule 5 Amendment of Sydney Local Environmental Plan (Green Square Town Centre—Stage 2) 2013

Schedule 3 Complying development

Omit “Division 3 of Part 3 of” from Part 2. Insert instead “Schedule 6 to”.