



ABN 26 807 194 868  
Suite 1 146 Oak Road  
KIRRAWEE NSW 2232  
Phone 8880 4480

Email: [info@mybuildingcertifier.com.au](mailto:info@mybuildingcertifier.com.au)

## Complying Development Checklist for

### ***Dwellings and Ancillary Development***

under the NSW General Housing Code

**Zones R 1 - 4 and RU 5 or equivalent**

#### **Introduction**

In 2009, the NSW State Government introduced a new provision for the assessment of development of a minor nature that, if it meets certain prescribed standards, will have minimal environmental impact. The provisions are contained in State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 (the SEPP). The SEPP includes a document entitled the NSW General Housing Code.

The NSW General Housing Code includes requirements and standards applicable to land and development that, if complied with, will enable applicants to apply for a complying development certificate instead of applying for a development consent and construction certificate.

This will enable applicants to save valuable time and money when undertaking house renovations and construction of new homes that meet the strict requirements contained in the Code.

This edition of the checklist includes all amendments to the SEPP at the time of printing (including those that took effect on 22 February 2014).

The following checklist is a summary of the requirements of the NSW General Housing Code only and is to be used primarily for the assessment of development for compliance with the Code.

When you are considering designing your development to comply with the NSW General Housing Code you should obtain a copy of the Code and the SEPP from the NSW Department of Planning or through their website <http://housingcode.planning.nsw.gov.au/>

## Important definitions

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

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

**attached** in relation to a building or structure means not more than 900mm from another building or structure.

**bushfire prone** - in relation to an area, means land recorded as bushfire prone land on a bushfire prone land map – generally under a local environmental plan.

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

**detached studio** means ancillary development that is habitable and is:

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

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

**flood control lot** means a lot to which flood related development controls apply in respect of development for the purposes of dwelling houses (amongst other uses).

**habitable room** is 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.

**landscaped area** means a part of a site used for growing plants, grasses and trees, but does not include any building, structure or hard paved area.

**outbuilding** means any of the following:

(a) carport, garage, shade structure, rainwater tank, balcony, deck, patio, pergola, terrace or verandah that is detached from a dwelling house,

(b) cabana, shed, cubby house, fernery, garden shed, gazebo or greenhouse.

## General requirements for complying development

To be complying development, the development must:

- (a) be permissible, with consent, under an environmental planning instrument applying to the land on which the development is proposed and not be Exempt Development under the Policy.
- (b) meet the relevant provisions of the *Building Code of Australia*.
- (c) not require a licence under the POEO Act.
- (d) not be on land that comprises or on which an item that is listed on the State Heritage Register under the Heritage Act 1977 (or an environmental planning instrument), or on land, or land that contains an item, that is subject to an interim heritage order under the Act (except as provided for under Clause 1.17A (2) – (4) of the SEPP).
- (e) not be on land on which there is a draft heritage item; and
- (f) not be on land within a heritage conservation area or a draft heritage conservation area, unless the development is a detached outbuilding or swimming pool.
- (g) have the prior 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.
- (h) have, if required by the *Roads Act 1993*, the prior consent from the relevant roads authority for the building of any kerb, crossover or driveway.
- (i) have the relevant approval of the Mine Subsidence Board if it is located in a mine subsidence district.
- (j) if it involves the removal or pruning of a tree or other vegetation that requires a permit or development consent, have a permit or development consent for that removal or pruning unless:
  - i) the tree is not listed on a significant tree register or register of significant trees kept by the council, and
  - ii) the tree or vegetation will be within 3m of a proposed building that has an area of more than 25m<sup>2</sup>, and

iii) the tree or vegetation has a height that is less than:

a) 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

b) for any other development—6m.

(k) not be on land that is within the 20 – 25 ANEF contours of an airport unless, in the case of a dwelling house, the development is to be constructed in accordance with AS2021 – 2000 – *acoustics – Aircraft noise intrusion – building siting and construction*.

(l) not be development that would require the concurrence of another body.

(m) not be on land that is reserved for a public purpose.

(n) not be on land identified on an Acid Sulfate Soils Map as being Class 1 or Class 2.

(o) not be on land that is subject to a bio-banking agreement.

(p) not be on land identified by an environmental planning instrument as being within:

- i. buffer area, or
- ii. a river front area, or
- iii. an ecologically sensitive area, or
- iv. on environmentally sensitive land (except where specifically provided for in the Policy), or
- v. within a protected area.

(r) not be on 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,

(s) not be on land in a foreshore area.

(t) not be on land that is in the 25 ANEF contour or a higher, unless the development is only for the erection of ancillary development, the alteration of or an addition to ancillary development or the alteration of a dwelling house, or

(u) not be on un-sewered land to which REP No. 1 applies or is within a drinking water catchment area, or

(v) be on land declared to be a special area under the Sydney Water Catchment Management Act.

**Complies  Yes  No**

## **Covenants**

The SEPP suspends agreements, covenant or other similar instrument that restricts the carrying out of that development that would otherwise prevent a complying development certificate to be issued except covenants, agreements and the like imposed or required by a council that are consistent with or not dealt with in the development standards of the SEPP, required to be imposed by another planning instrument, imposed by an owner, or previous owner, of the land or imposed through specified Acts.

**The applicant should ensure that all covenants are identified prior to submission of a complying development certificate application.**

## **Assessment**

### **Part 1**

The following pages include a summary of the NSW General Housing Code that can be used to determine if your application can qualify as complying development under the Code.

The tables on the following pages include check boxes that you can use to identify which of the standards are applicable to your proposed development and whether the proposal complies with the standards.

It is important to read the Notes after each table.

**If the proposal does not comply with all the relevant standards and you wish to submit a complying development application – you will need to amend the proposal so that it complies with the Code.**

**If an application does not comply with all the relevant standards – it cannot be approved as complying development. In these cases you will need to lodge a development application and an application for a construction certificate not a complying development certificate application.**

**When you submit your complying development certificate application you should submit this completed assessment sheet to demonstrate that you have fully considered all the standards in respect to your proposal. You will also need to supply a copy of a current Section 149 Planning Certificate issued through your local council. Additionally, a copy of your land title and any covenants that are included on the title should also be submitted with the application**

## Complying development requirements summary from NSW General Housing Code (Table 1a)

SITE TYPE (See Note 1)	Max No. of Dwellings per lot			Minimum Street Frontage (See Note 2)			Maximum Site Cover (See Note 3)			Maximum Floor Area-Dwellings (See Note 4)			Maximum Floor Area-Outbuilding (See Note 5)			Maximum Building Height -Dwellings (See Note 7)			Maximum Building Height -Outbuildings (See Note 8)			Minimum Landscaped Area (See Note 9)			Minimum Area Principal Private Open Space (See Note 10)								
<b>A</b> (200-250 m <sup>2</sup> )	1			6m			65%			90% of site area			36m <sup>2</sup>			8.5m			4.8m			10%			16-24m <sup>2</sup>								
<b>Complies</b>	Yes	No	NA	Yes	No	NA	Yes	No	NA	Yes	No	NA	Yes	No	NA	Yes	No	NA	Yes	No	NA	Yes	No	NA	Yes	No	NA	Yes	No	NA			
<b>B</b> (251-300 m <sup>2</sup> )	1			6m			60%			85% of site area			36m <sup>2</sup>			8.5m			4.8m			10%			16-24m <sup>2</sup>								
<b>Complies</b>	Yes	No	NA	Yes	No	NA	Yes	No	NA	Yes	No	NA	Yes	No	NA	Yes	No	NA	Yes	No	NA	Yes	No	NA	Yes	No	NA	Yes	No	NA	Yes	No	NA
<b>C</b> (301-450 m <sup>2</sup> )	1			6m			55%			270m <sup>2</sup>			45m <sup>2</sup>			8.5m			4.8m			15%			16-24m <sup>2</sup>								
<b>Complies</b>	Yes	No	NA	Yes	No	NA	Yes	No	NA	Yes	No	NA	Yes	No	NA	Yes	No	NA	Yes	No	NA	Yes	No	NA	Yes	No	NA	Yes	No	NA	Yes	No	NA
<b>D</b> (451-600 m <sup>2</sup> )	1			6m			50% (See Note 3A)			330m <sup>2</sup>			45m <sup>2</sup>			8.5m			4.8m			20%			16-24m <sup>2</sup>								
<b>Complies</b>	Yes	No	NA	Yes	No	NA	Yes	No	NA	Yes	No	NA	Yes	No	NA	Yes	No	NA	Yes	No	NA	Yes	No	NA	Yes	No	NA	Yes	No	NA	Yes	No	NA
<b>E</b> (601-900 m <sup>2</sup> )	1			6m			50%			380m <sup>2</sup>			60m <sup>2</sup>			8.5m			4.8m			30%			16-24m <sup>2</sup>								
<b>Complies</b>	Yes	No	NA	Yes	No	NA	Yes	No	NA	Yes	No	NA	Yes	No	NA	Yes	No	NA	Yes	No	NA	Yes	No	NA	Yes	No	NA	Yes	No	NA	Yes	No	NA
<b>F</b> (more than 900 m <sup>2</sup> )	1			6m			See Note 3A			430m <sup>2</sup>			100m <sup>2</sup>			8.5m			4.8m			40-45%			16-24m <sup>2</sup>								
<b>Complies</b>	Yes	No	NA	Yes	No	NA	Yes	No	NA	Yes	No	NA	Yes	No	NA	Yes	No	NA	Yes	No	NA	Yes	No	NA	Yes	No	NA	Yes	No	NA	Yes	No	NA

## Complying development requirements summary from NSW General Housing Code (Table 1b)

SITE TYPE (See Note 1)	Dwellings and Attached Structures to Rear Boundaries (See Note 11)			Outbuildings to Rear Boundaries (See Note 12)			Outbuildings, Dwellings & Attachments to Public Reserves		
<b>A</b> (200-250 m <sup>2</sup> )	For building heights up to 4.5m – 3m. For greater building heights the lesser of 10m and the average rear setback of those parts of the adjoining dwelling houses with a height greater than 4.5m.			For building heights up to 3.3m – nil. For greater building heights the setback must equal 25% of the height of the wall greater than 3.3m.			<b>3m</b>		
<b>Complies</b>	Yes	No	NA	Yes	No	N/A	Yes	No	N/A
<b>B</b> (251-300 m <sup>2</sup> )	For building heights up to 4.5 m – 3 m. For any part greater than 4.5m – 8m except that if the site area is not more than 300m <sup>2</sup> then apply the Site A requirements			900mm + 25% of the building height greater than 3.8 metres. If the site area is not more than 300m <sup>2</sup> apply the Site A requirements			<b>3m</b>		
<b>Complies</b>	Yes	No	NA	Yes	No	N/A	Yes	No	N/A
<b>C</b> (301-450 m <sup>2</sup> )	For building heights up to 4.5 m – 3 m. For any part greater than 4.5m – 8m.			900mm + 25% of the building height greater than 3.8 metres.			<b>3m</b>		
<b>Complies</b>	Yes	No	NA	Yes	No	N/A	Yes	No	N/A
<b>D</b> (451-600 m <sup>2</sup> )	For building heights up to 4.5 m – 3 m. For any part greater than 4.5m – 8m			900mm + 25% of the building height greater than 3.8 metres.			<b>3m</b>		
<b>Complies</b>	Yes	No	NA	Yes	No	N/A	Yes	No	N/A
<b>E</b> (601-900 m <sup>2</sup> )	For building heights up to 4.5 m – 3 m. For any part greater than 4.5m – 8m.			900mm + 25% of the building height greater than 3.8 metres.			<b>3m</b>		
<b>Complies</b>	Yes	No	NA	Yes	No	N/A	Yes	No	N/A
<b>F</b> (more than 900 m <sup>2</sup> )	For site areas less than 1500m <sup>2</sup> for building heights up to 4.5m – 5m. For greater building heights - 12m. For site areas greater than 1500m <sup>2</sup> - for building heights up to 4.5m – 10m. For greater wall heights – 15 m.			For site areas not more than 1500m <sup>2</sup> – 1.5m + 25% of the building height greater than 3.8 metres. For site areas greater than 1500 m <sup>2</sup> - 2.5m + 25% of the wall height greater than 3.8 metres.			<b>3m</b>		
<b>Complies</b>	Yes	No	NA	Yes	No	N/A	Yes	No	N/A

General Notes: This table is a summary of the provisions of the NSW General Housing Code published by the NSW Department of Planning.

Intending applicants should obtain a copy of the NSW General Housing Code and SEPP from

<http://housingcode.planning.nsw.gov.au/>

Note 1: Site Type A - 200 to less than 250m<sup>2</sup>, Type B – 250 to less than 300m<sup>2</sup>, Type C – 300 to less than 450m<sup>2</sup>, Type D – 450 to less than 600m<sup>2</sup>, Type E – 600 to less than 900m<sup>2</sup> and Type F 900m<sup>2</sup> and more.

Note 2: For battle-axe shaped lots – the access handle must be at least 3 m wide and the main area of the site must be at least 12m by 12m (exclusive of the access handle).

The lot must have lawful access to a public road.

Note 3: For the purpose of calculating site cover the following are not included as site cover any basement, any part of an awning that is outside the outer walls of a building and that adjoins the street frontage or other site boundary, any eaves and unenclosed balconies, decks, pergolas and the like. (See NSW General Housing Code for additional exclusions).

Note 3A: If the site has an area of at least 450m<sup>2</sup> but less than 500m<sup>2</sup>, the site coverage for a single storey dwelling house and all ancillary development on a lot must not be more than 55 per cent of the area of the lot.

If the site has an area of at least 900m<sup>2</sup> and less than 1500m<sup>2</sup> - the maximum site coverage is 40%. For site areas of 1500m<sup>2</sup> and more the maximum site coverage is 30%.

Note 4: The nominated percentages and floor areas in Table 1a apply to the combined areas of any dwelling house, detached studio, basement and any secondary dwelling on the lot.

**Floor area** means the sum of the areas of each storey of the dwelling house and carport, garage, balcony, deck, patio, pergola, terrace or verandah attached to the dwelling house and enclosed by a wall (other than the external wall of the dwelling house) measured at a height of 1.4m above each floor level, where the area is taken to be the area 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 excluding any part of an awning, blind or canopy that is outside the outer wall of a building, an eave, a stairway, lift shaft or void over a lower storey.

Note 5: See definition of outbuilding at the front of this document or in the NSW General Housing Code.

**Floor area** means the sum of the areas of each storey of the outbuilding, measured at a height of 1.4m above each floor level, where the area of each storey is taken to be the area within the outer face of:

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

but excluding any part of an awning, blind or canopy that is outside the outer wall of a building or an eave or stairway.

Note 6: DELETED

Notes 7 and 8: **building height** (or **height of building**), at any point of a building, means the vertical distance between that point at ground level (existing) and the highest point of the building immediately above that point, including plant and lift overruns, but excluding communication devices, antennae, satellite dishes, masts, flagpoles, chimneys, flues and the like.

Note 9: The landscaped area provisions do not apply to alterations and additions if the development does not increase the existing site coverage of the lot and decrease the existing landscaped area.

If the lot has a width, measured at the building line, of more than 18m, at least 50% of the area forward of the building line to the primary road must be landscaped.

If the lot has a width, measured at the building line, of not more than 18m, at least 25% of the area forward of the building line to the primary road must be landscaped.

At least 50% of the landscaped area must be located behind the building line to the primary road.

The landscaped area must be at least 1.5 metres wide.

For Site type F - 40% landscaped area where the site is less than 1500m<sup>2</sup> and 45% where the site area is 1500m<sup>2</sup> or greater.

Note 10: **principal private open space** means an area at least 3m wide, that is directly accessible from, and adjacent to, a habitable room (other than a bedroom) and has a maximum slope of 1:50.

Only applies to new dwelling houses.

The principal private open space is required to be a minimum of 16m<sup>2</sup> where the width of the site is not more than 10 m, measured at the building line. Where the lot width is more than 10m the minimum area is 24m<sup>2</sup>.

Note 11: For the purpose of calculating a side or rear setback, the maximum building height of a dwelling house at the building line on a sloping lot is to be used.

In the case where there are not two adjoining dwellings with a wall height in excess of 4.5 metres, a minimum setback of 10.0 metres is required.

Despite Table 1b, if the rear boundary adjoins a lane, the building may have a zero building line to the laneway for not more than half the length of the boundary.

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 the required setback area to the relevant boundary,

The setback from a rear boundary does not apply to a lot that has only 3 boundaries, disregarding any boundary of an access lane if the lot is a battle-axe lot.

Note 12: For the purpose of calculating a side or rear setback, the maximum building height of a dwelling house at the building line on a sloping lot is to be used.

Despite the table, where the rear boundary adjoins a laneway the building line may be reduced to nil for up to 50% of the length of the boundary.

For lots between 200 m<sup>2</sup> and 300 m<sup>2</sup> the NSW Housing Code provides restrictions where the wall adjoining the boundary is not masonry construction or contains a window. A minimum setback of 900 mm or 900 mm plus 25% the height of the outbuilding when it is greater than 3.8 metres high applies.

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 the required setback area to the relevant boundary.

The setback from a rear boundary does not apply to a lot that has only 3 boundaries, disregarding any boundary of an access lane if the lot is a battle-axe lot.

Complies  Yes  No

## Complying development setback requirements summary from NSW Housing Code (Table 2)

Lot Width from NSW Housing Code (See Note 1)	Dwellings and Ancillary Development to Primary and Parallel Road (See Note 2)			Dwellings and Ancillary Development to Secondary Road (See Note 3)			Dwellings and Ancillary Development to Classified Road (See Note 4)			Dwellings, Outbuildings and Attached Structures to Side boundaries (See Note 5)			Car Parking (See Note 6)		
	Yes	No	NA	Yes	No	NA	Yes	No	NA	Yes	No	NA	Yes	No	NA
6 metres but not more than 10 metres	Minimum of average of the setbacks to road of the 2 nearest dwellings <u>having the same primary road frontage</u> The setback to a parallel road is 3 metres (See Note 6(6))			2 - 5 m depending on site area (see Note 3)			9 m unless an EPI provides and alternative setback			900mm + 25% of building height greater than 5.5m. (See Note 5a)			1		
Complies	Yes	No	NA	Yes	No	NA	Yes	No	NA	Yes	No	NA	Yes	No	NA
10 metres but not more than 18 metres	Minimum of average of the setbacks to road of the 2 nearest dwellings <u>having the same primary road frontage</u> The setback to a parallel road is 3 metres (See Note 6(6))			2 - 5 m depending on site area (see Note 3)			9 m unless an EPI provides and alternative setback			900mm + 25% of building height greater than 4.5m			1		
Complies	Yes	No	NA	Yes	No	NA	Yes	No	NA	Yes	No	NA	Yes	No	NA
18 metres but not more than 24 metres	Minimum of average of the setbacks to road of the 2 nearest dwellings <u>having the same primary road frontage</u> The setback to a parallel road is 3 metres (See Note 6(6))			2 - 5 m depending on site area (see Note 3)			9 m unless an EPI provides and alternative setback			1.5m + 25% of building height greater than 4.5m			1		
Complies	Yes	No	NA	Yes	No	NA	Yes	No	NA	Yes	No	NA	Yes	No	NA
Greater than 24 metres	Minimum of average of the setbacks to road of the 2 nearest dwellings <u>having the same primary road frontage</u> The setback to a parallel road is 3 metres (See Note 6(6))			2 - 5 m depending on site area (see Note 3)			9 m unless an EPI provides and alternative setback			2.5 m			1		
Complies	Yes	No	NA	Yes	No	NA	Yes	No	NA	Yes	No	NA	Yes	No	NA

General Notes: This table is a summary of the provisions of the NSW General Housing Code published by the NSW Department of Planning.

Complying development applications for additions and alterations or for new dwellings must not include the provision of roof terraces or basements except as provided for in Clause 3.4 of the Code.

Note 1: The lot width is measure at the building line to the street that the setback relates to.

Note 2: (1) **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.

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

(3) In cases where 2 dwellings are not located within 40 metres alternative provisions apply – see NSW Housing Code C3.14.

(4) For the purpose of calculating the setbacks of the nearest two dwelling houses disregard,

- i) a dwelling house located on a battle axe block;
- ii) any ancillary development; and
- iii) any building element permitted in the articulation (see Part 2 (Façade Design) of this Checklist).

(5) 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.

(6) An outbuilding may be built within 3m of a parallel road boundary that is not a classified road for not more than 50% of the length of that boundary.

(7) See also Part 2 (Façade Design) of the checklist for façade designs where a wall of a dwelling house is less than 4.5 metres from a secondary road.

Note 3: (1) **secondary road** means, in the case of a corner lot that has boundaries with adjacent roads, the road that is not the primary road.

(2) The minimum required setback is:

- i) 2m, if the lot has an area of at least 200m<sup>2</sup> but less than 600m<sup>2</sup>, or
- ii) 3m, if the lot has an area of at least 600m<sup>2</sup> but less than 1500m<sup>2</sup>, or
- iii) 5m, if the lot has an area of at least 1500m<sup>2</sup>.

(3) 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.

Note 4: (1) An EPI is a planning instrument such as a local environmental plan or a state or regional environmental plan.

(2) **classified road** means a main road, a highway, a freeway, a controlled access road, a secondary road, a tourist road, a tollway, a transit way or a State work.

(3) 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.

Note 5: (1) **attached** means not more than 900mm from the dwelling.

(2) Side 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 the required setback area to the relevant boundary,

Note 5a: (1) Except if the wall of the building adjoining the boundary is not of masonry construction, and/or contains a window, and is within 900mm of the boundary the following may be applied instead of Table 2 for the purpose of calculating a side boundary setback:

- i) if the lot has a width, measured at the building line, of at least 6m, but not more than 8m, the building may be built to both side boundaries, or
- ii) if the lot has a width of at least 8m, but not more than 12.5m, the building may be built to only one side boundary.

(2) A boundary wall (i.e. a wall that stands less than 150mm from a boundary):

- i) must not be higher than 3.3m, or
- ii) if the wall is to be built to an existing or proposed boundary wall on an adjoining lot, must not be higher than the height of that wall to a maximum of 8.5m.

(3) A boundary wall:

- i) on a lot having a width of 6 metres but not more than 10 metres, together with the length of the boundary walls of any other buildings on the lot, must not have a length totalling more than 20m or 50% of the depth of the lot, whichever is the lesser, or
- ii) or if the width of the lot is more than 10 metres – 10 metres
- iii) if the wall is to be built to a boundary wall on an adjoining lot, must not be longer than the length of that existing boundary wall,

(4) If a proposed boundary wall will adjoin a wall on an adjoining property that is less than 900mm from the boundary, the wall must be built in accordance with the method of support proposed by a professional engineer. A copy of a report by the professional engineer must be provided with the application for the complying development certificate.

Note 6: (1) A garage, carport or car parking space must:

- i) be at least 1m behind the building line, where the dwelling house has a setback from a road boundary of 4.5m or more, or
  - ii) be at least 5.5m from a road boundary, where the dwelling house has a setback of less than 4.5m.
- (2) If the door or doors on a garage face a primary road, a secondary road or a parallel road, the total width of all the door openings must not exceed:
- i) 3.2m if the lot has a width, measured at the building line, of not more than 12m, or
  - ii) in any other case – 6 metres.
- (3) A **garage** may only be erected on a lot having a width of less than 8 metres if the access is only from a secondary road, parallel road or a lane.
- (4) An open hardstand car parking space must measure at least 2.6m wide by 5.4m long.
- (5) A lot on which an off-street car parking space is provided or retained must have a driveway to a public road.
- (6) A driveway on a lot must be constructed in accordance with Australian Standard AS 2890.1—2004, *Parking facilities — off-street car parking*.
- (7) The off street car parking space for a battle-axe lot must be constructed in a way that allows vehicles to leave the lot in a forward direction.

Complies  Yes  No



## Part 2

The following additional standards are applicable to some proposals irrespective of the area or width of the land on which the work is proposed.

### (A) General

The application cannot include:

- i) a roof terrace to the topmost roof of a dwelling house or an outbuilding;
- ii) any development erected over a registered easement;
- iii) a balcony, deck or the like attached to a dwelling house on a lot with an area of less than 300m<sup>2</sup> and a width of 10 metres or less measured at the building line to the primary road frontage;
- iv) a basement that will have an area of more than 25m<sup>2</sup> if the lot has a width, measured at the building line, of a least 6m, but not more than 10m or 45m<sup>2</sup> if the lot has a width of more than 10m;
- v) development that is attached to a secondary dwelling or a group home;

Complies  Yes  No  NA

### (B) Balconies, Decks and the like

The following 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.

- i) The total floor area of all balconies, decks, patios, terraces and verandahs on a lot must not be more than 12m<sup>2</sup> if any part is within 6m from a side or the rear boundary, and any part of the floor is more than 2m above existing ground level.
- ii) 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 existing ground level, 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 existing ground level, or
  - (c) if it is located more than 6m from a side or the rear boundary—more than 4m above ground level (existing).

iii) Any detached balcony, deck, patio, terrace or verandah must not have a floor level that is more than 600mm above existing ground level.

Complies  Yes  No  NA

### (C) Façade Design

A new dwelling house, other than a dwelling house on a battle-axe lot, must have:

- i) a front door and a window to a habitable room in the building wall that faces a primary road;
- ii) a door and a window to a habitable room in the building wall that faces a parallel road; and
- iii) in the case of a wall facing a secondary road, have a window to a habitable room that has an area of at least 1m<sup>2</sup>.

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 to a primary road to a maximum of 1.5 metres into the required setback.

*Articulation zone* means an area of a lot 1.5 metres forward of the building line within which building elements are permitted to be located, being an area measured from one side boundary of the lot to the opposite side boundary of the lot or, if the lot is a corner lot, the secondary road boundary.

The following building elements are permitted in an articulation zone:

- i) an entry feature or portico,
- ii) a balcony, deck, patio, pergola, terrace or verandah,
- iii) a window box treatment,
- iv) a bay window or similar feature,
- v) an awning or other feature over a window,
- vi) a sun shading feature.

No element can extend more than 1 metre above the gutter line of the eave of a single storey dwelling, other than a pitched roof to an entry feature or portico that has the same pitch as the roof on the dwelling house. In the case of a two storey dwelling it may only extend to the gutter line of the eave of the two storey section.

The maximum area of all building elements within the articulation zone, (other than a building element listed in subclause (v) or (vi)) can be no more than 25 per cent of the area of the articulation zone.

If the setback provided for a dwelling house from a secondary road boundary is not more than 4.5m:

i) the walls of the dwelling house within 4.5m of and facing the secondary road boundary must include:

(a) building elements listed in i), II) or iv) above for a minimum of 20% of the length of the elevation of those walls that extend not more than 1m from those walls, or

(b) a step of at least 600mm in depth for at least 20% of the length of the elevation of those walls, and

ii) any part of a gable or hipped roof that overhangs walls 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.

Complies  Yes  No  NA

#### (D) Privacy

i) A proposed window in a dwelling house or an addition to a dwelling house must have a privacy screen for any part of the window that is less than 1.5 metres above floor level if:

(a) it is a window in a habitable room, other than a bedroom window with an area of not more than 2m<sup>2</sup>, that has a finished floor level of more than 1m above existing ground level, and

(b) the wall in which the window is located has a setback of less than 3 metres from a side or rear boundary, and

(c) the window has a sill height of less than 1.5m.

ii) A proposed window in a dwelling house or an addition to a dwelling house must have a privacy screen for any part of the window that is less than 1.5 metres above floor level if:

(a) it is a window in a habitable room, other than a bedroom window with an area of not more than 2m<sup>2</sup>, that has a finished floor level of more than 3m above existing ground level, and

(b) the wall in which the window is located has a setback at least 3 metres but not more than 6 metres from a side or rear boundary, and

(c) the window has a sill height of less than 1.5m.

iii) A new balcony, deck, patio, pergola, terrace or verandah must have a privacy screen if it:

(a) has a floor area more than 3m<sup>2</sup>, and

(b) has a setback of less than 3 metres from a side or rear boundary and a floor level more than 1 metre above existing ground level; or

(c) is between 3 metres and 6 metres from a side or rear boundary and has a floor level more than 2 metres above existing ground level.

A privacy screen for a balcony or the like must have a height of at least 1.7 metres but not more than 2.2m above the floor level of the balcony or like and installed at the edge of the balcony within the setbacks provided for in b) and c) above.

The privacy screen must provide visual barrier between a window of a habitable room or an outdoor area on a lot and an adjoining lot that:

(a) has no individual opening more than 30mm wide, and

(b) has a total area of all openings that is no more than 30% of the surface area of the screen or barrier, or

A window, the whole of which has translucent glass and is fixed and not able to be opened, is considered to be a privacy screen.

iv) A detached balcony, deck, patio, pergola, terrace or verandah or any alterations or additions to an existing deck, patio, pergola or terrace, must not have a floor level that is more than 600mm above existing ground level.

**Complies**  **Yes**  **No**  **NA**

#### (E) Setbacks from protected trees

A dwelling house, and all ancillary development (except as provided below) and any associated excavation, must have a setback of at least 3m measured from the base of the trunk of each protected tree on the lot.

An access ramp, driveway, pathway or paving, an awning, blind or canopy, a fence or screen are permitted within the setback if cut or fill not more than 150mm is required.

**Complies**  **Yes**  **No**  **NA**

#### (F) Detached studios adjoining laneways

The policy provides a number of standards applicable to the construction of detached studios. The standards are contained in Clause 3.33. The Policy should be referred to directly for the applicable standards.

**Complies**  **Yes**  **No**  **NA**

(G) Swimming pools

Excavation for swimming pools must be no more than the depth required for the pool structure.

A swimming pool for private use must be located on a lot:

- i) behind the setback area from the primary or main road frontage, or
- ii) in the rear yard.

A pool in a heritage conservation area or a draft heritage conservation area must be located behind the rear most building line of the dwelling house and no closer to the side boundary than the dwelling house.

The waterline of the swimming pool must have a setback of at least 1m from the side or rear boundaries.

Decking around a swimming pool must not be more than 600mm above existing ground level.

Coping around a swimming pool must not be more than:

- i) 1.4m above existing ground level, and
- ii) 300mm wide if the coping is more than 600mm above existing ground level.

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.

A child-resistant barrier must be constructed or installed in accordance with the requirements of the *Swimming Pools Act 1992*.

Pool pumps must be housed in a soundproof enclosure.

If the swimming pool is being constructed at a different time to, the erection of a dwelling on the lot, the development standards for this code (other than the standards for landscaped area) do not apply to the construction.

**Complies**  **Yes**  **No**  **NA**

(H) Earthworks, retaining walls and structural support

i) Excavation

Excavation associated with complying development must be constructed in accordance with iii) below and must not exceed a maximum depth measured from existing ground level 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.

Despite the above, the excavation must not be more than 1m below ground level if the land is identified as Class 3 or 4 on an Acid Sulfate Soils Map or is within 40m of a natural water body.

ii) Filling

Fill, for the purpose of erecting a dwelling house:

(a) must not exceed 1m above existing ground level, and

(b) must be contained in accordance with iii) below by either:

(1) a retaining wall or other form of structural support that does not extend more than 1.5m from any external wall of the dwelling house, or

(2) an unprotected sloping embankment or batter that does not extend from the dwelling house by more than 3m, in which case the toe of the embankment or batter must be more than 1m away from a side or rear boundary.

The finished ground level of the fill must not be used for the purposes of measuring the height of any development erected under the Code.

iii) Retaining walls and structural support

Support for earthworks that are more than 600mm above or below ground level and within 1m of any boundary, or more than 1m above or below ground level in any other location, must take the form of a retaining wall or other form of structural support that:

(a) has been certified by a professional engineer, and

(b) has adequate drainage lines connected to the existing stormwater drainage system for the site, and

(c) does not result in any 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:

A. more than 1m in height and within 1m from a side or rear boundary or,

B. more than 3m in height in any other location.

Any excavation or fill that exceeds 600mm above or below ground level requires a retaining wall or structural support that must be:

- (a) constructed in accordance with the above, and
- (b) 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) separated from any retaining wall or other structural support on the site by at least 2m, measured horizontally, and
- (d) installed in accordance with any manufacturer's specification.

Complies  Yes  No  NA

#### (I) Drainage

Run-off and erosion controls must be implemented to prevent soil erosion, water pollution or the discharge of loose sediment on surrounding land 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) not stockpiling top soil, excavated materials, construction and landscaping supplies and debris within the lot.

All stormwater collecting as a result of the erection of, or alterations or additions to, a dwelling house or ancillary development must be conveyed by gravity or by a charged system to:

- i) a public drainage system, or
- ii) an inter-allotment drainage system, or
- iii) an on-site disposal system.

The disposal of the stormwater must be in accordance with the requirements contained in the relevant local council's Development Control Plan (DCP). This may require utilisation of one or a combination of the following:

- i) on site retention;
- ii) on site detention; and/or

- iii) on site disposal.

A stormwater design, prepared by a suitably qualified civil engineer, may be required to be submitted with the complying development certificate application demonstrating how the proposed work will comply with the relevant DCP.

Complies  Yes  No  NA

(J) Fences

The following does not apply to a fence:

- i) on a lot, or along a common boundary of a lot, that contains a heritage item or a draft heritage item, or
- ii) along the boundary of, or within the setback area of, a primary or secondary road within a heritage conservation
- iii) on a flood control lot, or
- iv) on land that is identified as being in a foreshore area.

Fences other than fences within the setback areas to a primary or secondary road must:

- i) not be higher than 1.8m above ground level (existing), and
- ii) if it includes an entrance gate—not have a gate that opens outwards, and
- iii) 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
- iv) if it is located on bush fire prone land—be constructed of non-combustible materials or hardwood, and
- v) if it is constructed of metal components—be of low reflective, factory pre-coloured materials, and
- vi) not be an electrical fence or use barbed wire, and
- vi) if it is on a sloping site and stepped to accommodate the fall in the land—be no higher than 2.2m above existing ground level at each step.

Fences within the setback area to a primary or secondary road must:

- i) be not be more than 1.2m above existing ground level, and



ii) 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. This does not apply to the part of the fence along the side boundary and within the setback area to the primary road.

iii) if a lot has a frontage to a secondary road i) and ii) only applies to 50% of the length of all contiguous secondary road boundaries, measured from the corner with the primary road boundary.

iv) if it is on a sloping site and stepped to accommodate the fall in the land—be no higher than 1.5m above existing ground level at each step.

Complies  Yes  No  NA

#### (K) Outbuildings in Heritage Conservation Areas

The policy provides a number of standards applicable to the construction of outbuildings in heritage conservation areas so as to maintain the historical character of the neighbourhood. The standards are contained in Clause 3.36A. The Policy should be referred to directly for the applicable standards.

Complies  Yes  No  NA

### Part 3

The Policy provides specific standards for properties that are bushfire prone or are flood liable (see definitions at the front of the check sheet).

#### (a) Bushfire prone land

(i) The standards apply to all lots that are wholly or partly bush fire prone land and to all development on those lots except non-habitable ancillary development that is more than 10m from any dwelling house, landscaping, a non-combustible fence or a swimming pool. The standards are additional to those in Parts 1 and 2 of the checklist.

(ii) Development may be carried out on the lot only if the development conforms to the specifications and requirements of:

- (a) *Planning for Bush Fire Protection* published by the NSW Rural Fire Service in December 2006 and *Addendum: Appendix 3* published in 2010.
- (b) if another document is prescribed by the regulations for the purposes of section 79BA of the *Environmental Planning and Assessment Act 1979*—that document, and
- (c) Comply with the requirements of AS 3959—2009, *Construction of buildings in bushfire-prone areas*

(iii) Complying development can not be undertaken on a part of a lot that is classified as bush fire attack level-40 (BAL-40) or the flame zone (BAL-FZ). More information can be found in the above publications.

The classification must be determine, and certified, by the NSW Rural Fire Service, a person who is recognised by the NSW Rural Fire Service as a suitably qualified consultant in bush fire risk assessment, or the council. The certification must be submitted with the complying development certificate application.

(iv) The lot must have direct access to a public road or a road vested in or maintained by the council.

(v) The lot must have a reticulated water supply connected in zones R1-4.

(vi) A fire hydrant must be located less than 60 metres of the location on the lot of the proposed development in Zones 1-4.

(vii) Mains electricity must be connected to the lot

(viii) 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).

(ix) Any gas cylinders on the lot that are within 10m of a dwelling house must have the release valves directed away from the dwelling, be enclosed on the hazard side of the installation and have metal connections to and from the cylinders.

(x) There are no polymer sheathed flexible gas supply lines to gas meters adjacent to the dwelling.

Complies  Yes  No  NA

(b) Flood control lots

The following standards, as well as those in Parts 1 and 2 of this checklist, apply to development on flood control lots.

(i) The development must not be on any part of a flood control lot unless that part of the lot has been certified by the council or a professional engineer who specialises in hydraulic engineering as not being:

- (a) a flood storage area,
- (b) a floodway area,
- (c) a flow path - as identified in the council's flood study or floodplain risk management study,

- (d) a high hazard area - as identified in the council's flood study or floodplain risk management study,
- (e) a high risk area - as identified in the council's flood study or floodplain risk management study.

(ii) The development must, to the extent it is within a flood planning area:

- (a) have all habitable rooms no lower than the floor levels set by the council for that lot,
- (b) have the part of the development at or below the flood planning level constructed of flood compatible material (being building materials and surface finishes capable of withstanding prolonged immersion in water),
- (c) be able to withstand the forces of floodwater, debris and buoyancy up to the flood planning level (or if on-site refuge is proposed, the probable maximum flood level),
- (d) not increase flood affectation elsewhere in the floodplain,
- (e) have reliable access for pedestrians and vehicles from the development, at a minimum level equal to the lowest habitable floor level of the development, to a safe refuge,
- (f) have open car parking spaces or carports that are no lower than the 20-year flood level, and
- (g) have driveways between car parking spaces and the connecting public roadway that will not be inundated by a depth of water greater than 0.3m during a 1:100 ARI (average recurrent interval) flood event.

(iii) The standards specified in subclause (c) and (d) above are satisfied if a joint report by a professional engineer who specialises in hydraulic engineering and a professional engineer who specialises in civil engineering confirms that the development:

- (a) can withstand the forces of floodwater, debris and buoyancy up to the flood planning level (or if on-site refuge is proposed, the probable maximum flood level), and
- (b) will not increase flood affectation elsewhere in the floodplain.

**Complies**  **Yes**  **No**  **NA**