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## **Checklist for *Dwellings and Attached Development* under the NSW Housing Code Zones R1 - 4 and RU5**

### **Introduction**

In 2008, 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 Housing Code (the Code).

The SEPP restricts development under the Code by limiting the application of the Code to certain land that is not of an environmentally sensitive nature or to sites that are not otherwise affected by such restriction as significant heritage issue or high levels of aircraft noise levels.

These land restrictions can be identified through a Section 10.7 Planning Certificate that can be generally applied for online from your local council. It is important to identify early whether the restrictions affect your site – so apply for the certificate as your first step in considering complying development.

The Code includes development standards applicable to 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 9 September 2022).

The following checklist is a summary of the requirements of the SEPP and Housing Code and is to be used primarily for the assessment of development for compliance with the Code. The Code includes diagrams that may assist in further understanding the development standards of the Code. The diagrams and Notes in the Code and this checklist are for advisory purposes only.

When you are considering designing your development to comply with the Code you should obtain a copy of the Code and the SEPP from the NSW Department of Planning or through their website.

## 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, retaining wall 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 and detached studio; and
- (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.

**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, retaining wall, driveway, pathway, paving, awning, blind, canopy and retaining wall,
- (b) garage, carport, hardstand, rainwater tank, balcony, a basement, deck, patio, pergola, terrace or verandah,
- (c) driveway, hardstand space, pathway or paving,
- (d) cabana, shed, cubby house, fernery, garden shed, gazebo or greenhouse.

**basement** means the space of a building where the floor level of that space is predominantly below ground level (existing) and where the floor level of the storey immediately above is less than 1 metre above ground level (existing). (*Definition extracted from the Standard Instrument*)

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

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

**building height** (or **height of building**) means in relation to the height of a building in metres - the vertical distance from ground level (existing) to the highest point of the building, including plant and lift overruns, but excluding communication devices, antennae, satellite dishes, masts, flagpoles, chimneys, flues and the like.

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

**detached development** means any of the following, if it is situated more than 900mm from a dwelling house to which it relates and is not exempt development under this Policy:

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

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

**detached studio** means ancillary development that is habitable such as a home office, entertainment area, art studio or guest room and is:

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

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

**flood control lot** means a lot to which flood related development controls apply in respect of development for the purposes of industrial buildings, commercial premises, dwelling houses, dual occupancies, multi dwelling housing or residential flat buildings (other than development for the purposes of group homes or seniors housing).

**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.

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

**outbuilding** means any of the following Class 10a buildings under the BCA:

- (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.

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

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

**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.

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

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

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

## 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) not be on land that is critical habitat, or
- c) not be on land that is wilderness area, or
- d) not be carried out on land that:
  - (i) comprises an item that is listed on the State Heritage Register under the Heritage Act 1977 or on which such an item is located, or
  - (ii) is subject to an interim heritage order under that Act or on which is located an item that is so subject, or
  - (iii) is identified as an item of environmental heritage or a heritage item by an environmental planning instrument (EPI) or on which is located an item that is so identified,

Despite the above, if development meets the requirements and standards specified by this Policy and that development has been granted an exemption under the Heritage Act 1977,  
or is subject to an exemption under the Act the development is complying development under this Policy.

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

If the item is only located on part of a lot and only identified as an item of environmental heritage in an EPI, the exclusion applies only to the part of the land that is described and mapped on that EPI.

e) except as otherwise provided by this Policy, not be on land that is within an environmentally sensitive area.

f) to be complying development for the purposes of this Policy, the development must:

- i) not be exempt development under this Policy, and
- ii) meet the relevant provisions of the *Building Code of Australia*, and
- iii) must not require an environment protection licence within the meaning of the Protection of the Environment Operations Act, and
- iv) must not be designated development, and
- v) before the complying development certificate is issued, have an approval, if required by the Local Government Act 1993, for:
  - (A) an on-site effluent disposal system if the development is undertaken on unsewered land, and
  - (B) an on-site stormwater drainage system, and
- vi) before the complying development certificate is issued, have written consent from the relevant roads authority (if required under section 138 of the Roads Act 1993) for the building of any kerb, crossover or driveway, and
- vii) if it is the alteration or erection of improvements on land in a mine subsidence district within the meaning of the Mine Subsidence Compensation Act 1961, have the prior approval of the Mine Subsidence Board, and
- viii) if it involves the removal or pruning of a tree or other vegetation that requires a permit or development consent - before the complying development certificate is issued, have a permit or development consent for that removal or pruning (may not apply to certain trees or vegetation near complying development. See Housing Code for exemptions).
- ix) comply with AS 2021—2015, *Acoustics—Aircraft noise intrusion—Building siting and construction* if it is the erection of a new dwelling house or an addition to a dwelling house on land in the 20-25 ANEF contours.

## Land on which complying development under the Code may not be carried out

The development must not be carried out on:

- i) land within a heritage conservation area or a draft heritage conservation area, unless the development is a detached outbuilding, detached development (other than a detached studio) or swimming pool, or
- ii) land that is reserved for a public purpose by an environmental planning instrument, or
- iii) land identified on an Acid Sulfate Soils Map as being Class 1 or Class 2, or
- iv) land that is significantly contaminated land within the meaning of the [Contaminated Land Management Act 1997](#), or
- v) land that is subject to a biobanking agreement under Part 7A of the Threatened Species Conservation Act or a property vegetation plan approved under the Native Vegetation Act, or
- vi) land identified by an environmental planning instrument as being within a buffer area, a river front area, an ecologically sensitive area, on environmentally sensitive land or within a protected area,
- vii) 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 a coastline hazard, a coastal hazard or a coastal erosion hazard,
- viii) land in a foreshore area, or
- ix) land that is in the 25 ANEF contour or a higher ANEF contour, unless the development is only for the erection of ancillary development, attached development or detached development, or the alteration of, or an addition to, ancillary development, attached development or detached development, or
- x) land that is declared to be a special area *under the Water NSW Act 2014*, or
- xi) unsewered land to which [State Environmental Planning Policy \(Sydney Drinking Water Catchment\) 2011](#) applies, if that development will result in an increase to the number of bedrooms on the site or a site disturbance area of more than 250m<sup>2</sup>, or in any other drinking water catchment identified in any other environmental planning instrument.
- xii) described or otherwise identified on a map specified in Schedule 5 of the SEPP.
- xiii) land that is in bush fire attack level-40 (BAL-40) or the flame zone (BAL-FZ).

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.

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

## Part 1

The following pages include a summary of the 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.

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 this case 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 10.7 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.

## 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.

## 2. Lot requirements

(1) 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 200m<sup>2</sup>,
- (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 other than for a secondary dwelling that is the subject of a consent or a complying development certificate,
- (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.

(2) Complying development 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.

Complies  Yes  No



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

The following development is not complying development under this code:

- a) the erection or alteration of, or an addition to, a roof terrace on the top most roof of a building,
- b) development that is complying development under the Housing Alterations Code,
- c) development that is attached to a secondary dwelling or group home,
- d) the erection of a building over a registered easement,
- e) the construction of a basement that will have an area that exceeds the limits shown in the following table:

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

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

Complies  Yes  No  NA

### 4. Maximum building height

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

Proposed height \_\_\_\_\_

Complies  Yes  No  NA

### 5. Maximum gross floor area of all buildings

Gross floor area 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 storage and vehicular access, loading areas, garbage and services, and
- b) 1 car parking space (including access to it) to a maximum area of 18m<sup>2</sup>, and
- c) terraces and balconies with outer walls less than 1.4m high, and
- d) voids above a floor at the level of the storey above.

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

Lot area	Maximum GFA
200m <sup>2</sup> –250m <sup>2</sup>	78% of lot area
>250m <sup>2</sup> –300m <sup>2</sup>	75% of lot area
>300m <sup>2</sup> –350m <sup>2</sup>	235m <sup>2</sup>
>350m <sup>2</sup> –450m <sup>2</sup>	25% of lot area + 150m <sup>2</sup>
>450m <sup>2</sup> –560m <sup>2</sup>	290m <sup>2</sup>
>560m <sup>2</sup> –600m <sup>2</sup>	25% of lot area + 150m <sup>2</sup>
>600m <sup>2</sup> –740m <sup>2</sup>	335m <sup>2</sup>
>740m <sup>2</sup> –900m <sup>2</sup>	25% of lot area + 150m <sup>2</sup>
>900m <sup>2</sup> –920m <sup>2</sup>	380m <sup>2</sup>
>920m <sup>2</sup> –1,000m <sup>2</sup>	25% of lot area + 150m <sup>2</sup>
>1,000m <sup>2</sup>	400m <sup>2</sup>

Proposed GFA \_\_\_\_\_

Complies  Yes  No  NA

## 6. Minimum setbacks and maximum height and length of boundary walls

### (A) 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.** See J below for exclusions from, and exceptions to, the setbacks in this clause.

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.

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	Setback
200m <sup>2</sup> –300m <sup>2</sup>	3m
>300m <sup>2</sup> –900m <sup>2</sup>	4.5m
>900m <sup>2</sup> –1,500m <sup>2</sup>	6.5m
>1,500m <sup>2</sup>	10m

Proposed setback \_\_\_\_\_

Complies  Yes  No  NA

## (B) Secondary road setbacks for corner lots

The setback of a dwelling house and any attached development from a secondary road must not be less than as shown in the following table:

Lot size	Setback
200m <sup>2</sup> –600m <sup>2</sup>	2m
>600m <sup>2</sup> –1,500m <sup>2</sup>	3m
>1,500m <sup>2</sup>	5m

Proposed setback \_\_\_\_\_ **Complies**  **Yes**  **No**  **NA**

**Note.** See J below for exclusions from, and exceptions to, the setbacks in this clause.

## (C) Parallel road setbacks

The setback of a dwelling house and any attached development from a boundary with a parallel road must be at least 3m.

**Note.** See J below for exclusions from, and exceptions to, the setbacks in this clause.

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

## (D) Classified road setbacks

The setback of a dwelling house and any attached development from a boundary with a classified road must be the lesser of:

- (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.

**Note.** See J below for exclusions from, and exceptions to, the setbacks in this clause.

Proposed setback \_\_\_\_\_ **Complies**  **Yes**  **No**  **NA**

## (E) Side boundary setbacks

The following buildings must have a minimum setback from a side boundary as shown in the table to this subclause (except as provided for in (F) below):

- 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.

<b>Lot width at the building line</b>	<b>Building height (BH) at any point</b>	<b>Minimum required setback</b>
6m - 10m	0m–5.5m	900mm
6m - 10m	>5.5m - 8.5m	$(BH - 5.5m) \div 4 + 0.9m$
>10m - 18m	0m - 4.5m	900mm
>10m - 18m	>4.5m - 8.5m	$(BH - 4.5m) \div 4 + 0.9m$
>18m - 24m	0m - 4.5m	1.5m
>18m - 24m	>4.5m - 8.5m	$(BH - 4.5m) \div 4 + 1.5m$
>24m	0m - 8.5m	2.5m

Max height \_\_\_\_\_ Proposed setback \_\_\_\_\_ **Complies**  **Yes**  **No**  **NA**

#### **(F) Exceptions to side setbacks**

A building referred above 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.

A building referred to above 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.

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

- (a) 3.3m above ground level (existing), or
- (b) if there is a building wall on the adjoining lot within 900mm of that boundary that

is higher than 3.3m—the height of that wall, but not more than 8.5m, or

(c) if the building on the adjoining lot is subject to the same complying development certificate under clause 126 (4) of the *Environmental Planning and Assessment Regulation 2000*—the height of the wall on the adjoining lot, but not more than 8.5m.

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

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

The maximum length of a wall erected within 900mm of a side boundary may be increase:

(a) if there is a building wall on the adjoining lot within 900mm of that boundary that is longer than the maximum length calculated above - 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.

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

### G) Rear boundary 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.** See J below for exclusions from, and exceptions to, the setbacks in this clause.

<b>Lot area</b>	<b>Building height</b>	<b>Minimum setback from rear boundary</b>
200m <sup>2</sup> - 300m <sup>2</sup>	0m - 4.5m	3m
200m <sup>2</sup> - 300m <sup>2</sup>	>4.5m	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 <sup>2</sup> - 900m <sup>2</sup>	0m - 4.5m	3m
>300m <sup>2</sup> - 900m <sup>2</sup>	>4.5m	8m
>900m <sup>2</sup> –1,500m <sup>2</sup>	0m - 4.5m	5m
>900m <sup>2</sup> - 1,500m <sup>2</sup>	>4.5m	12m
>1,500m <sup>2</sup>	0m - 4.5m	10m
>1,500m <sup>2</sup>	>4.5m	15m

Proposed setback \_\_\_\_\_

Complies  Yes  No  NA

### H. Public reserve setbacks

A dwelling house and any cabana, cubby house, garden shed, gazebo, fernery, greenhouse, shed or detached studio must have a setback from a boundary with a public reserve of at least 3m.

Proposed setback \_\_\_\_\_

Complies  Yes  No  NA

### I. 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.

Proposed setback \_\_\_\_\_

Complies  Yes  No  NA

### J. Exceptions to setbacks

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

The setback standards do not apply to the following:

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

(2) Development to which side and rear setbacks **do not apply if 450mm from boundary**

The setback standards do not apply to the following if the following are at least 450mm from the relevant boundary:

- (a) aerials, antennae, flues, pipes and structures associated with the

provision of a utility service,

(b) eaves, privacy screens, awnings and chimneys,

(c) cooling or heating appliances and rainwater tanks greater than 1.8m in height.

(3) Development to which **road setbacks do not apply**

The setback standards to roads do not apply to eaves if they are not greater than 1m from the dwelling house.

(4) Additional development to which **road setbacks** do not apply

The setback standards to roads do not apply to the following:

(a) driveways, pathways and paving,

(b) retaining walls,

(c) any building elements that are permitted within a primary or secondary articulation zone.

(5) Development to which **rear setbacks** do not apply

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) Development to which **setbacks to parallel road** do not apply

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 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.

**7. 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 300m<sup>2</sup>, **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:

<b>Setback from boundary</b>	<b>Maximum permitted floor level above ground level (existing)</b>
<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 12m<sup>2</sup>.

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

## 8. Landscape development standards

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

<b>Lot area</b>	<b>Minimum landscaped area</b>
200m <sup>2</sup> –300m <sup>2</sup>	10% of lot area
>300m <sup>2</sup> –450m <sup>2</sup>	15% of lot area
>450m <sup>2</sup> –600m <sup>2</sup>	20% of lot area
>600m <sup>2</sup> –900m <sup>2</sup>	30% of lot area
>900m <sup>2</sup> –1,500m <sup>2</sup>	40% of lot area
>1,500m <sup>2</sup>	45% of lot area

(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 required 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:

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



The principal private open space must be at least 3m wide and 3m long and not be steeper than 1:50 gradient.

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

Proposal \_\_\_\_\_

Complies  Yes  No  NA

## **9. Amenity development standards for dwelling houses and attached development**

### **A. Building design**

The following applies to the erection of a dwelling house or additions and alterations to a dwelling house other than a battle-axe lot.

- (1) The dwelling house must contain the following building elements:
- (a) at least 1 door and 1 window to a habitable room at ground floor level facing the primary road, or
  - (b) at least 1 door and 1 window to a habitable room at ground floor level facing any parallel road.

### **B. Articulation zone**

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.

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.

The maximum total area of all building elements in the articulation zone, other than a

building element specified in (e) or (f), must not comprise more than 25% of the area of the articulation zone.

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.

### **C. Building design for a corner lot**

A dwelling house on a corner lot must have a window to a habitable room with an area of at least 1m<sup>2</sup> that faces and is visible from the secondary road.

### **D. Articulation zone for a corner lot**

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.

The above 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.

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.

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

### **E. Privacy screens for windows and certain attached development**

A privacy screen means:

- a) a structure that provides a screen or visual barrier between a window of a habitable room or an outdoor area on a lot and an adjoining lot that:
  - (i) has no individual opening more than 30mm wide, and

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

(b) a window, the whole of which has translucent glass and is fixed and not able to be opened.

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).

The above does not apply to a bedroom window that has an area of not more than 2m<sup>2</sup>.

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<sup>2</sup> 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).

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

## 10. Car parking and vehicle access requirements

At least 1 off-street car parking space, being an open hard stand space, 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.

All off-street car parking spaces and vehicle access must comply with AS 2890.1:2004, *Parking facilities – Part 1:Off-street car parking*.

The off-street car parking space for a battle-axe lot must be constructed so that vehicles can enter and leave the lot in a forward direction.

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.

An attached garage, carport or car parking space accessed from a primary road must have a minimum setback as shown in the following table:

<b>Setback of dwelling house from primary road</b>	<b>Minimum off-street parking setback from primary road</b>
<4.5m	5.5m
>4.5m	1m or more behind the building line of the dwelling house

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

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

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

## 11. Earthworks, retaining walls and structural support

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.

Despite the above, 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).

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 -1m, or

(b) if the fill is for any other purpose under this code—600mm.

Despite the above the fill is not limited if it is contained wholly within the footprint of a dwelling house or any attached development.

Fill that is higher than 150mm above existing ground level 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.

The finished ground level of the fill must not be used to measure the height of any development under the code.

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.

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

## 12. 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.

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

### 13. 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.

Complies  Yes  No  NA

### 14. Setbacks from protected trees

A complying development certificate is taken to satisfy any requirement under the Housing Code 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 25m<sup>2</sup>, 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.

Development under the code must be at least 3m from each protected tree on the lot (measured from the base of the trunk of the tree).

However, 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.

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.

Complies  Yes  No  NA

## Part 2

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

### A. Bushfire Prone Land

The bushfire provisions do not apply to the following:

- (a) non-habitable detached development that is more than 10m from any dwelling house,
- (b) landscaped areas,
- (c) non-combustible fences,
- (d) swimming pools.

If complying development under this code is carried out on bush fire prone land, the following development standards apply:

- (a) the development will not be carried out on any part of the lot that is bush fire attack level-40 (BAL-40) or in the flame zone (BAL-FZ) (see Note 1 below),
- (b) the lot on which the development is to be carried out must have direct access to a public road or a road vested in or maintained by the council,
- (c) the dwelling house must be able to be connected to mains electricity,
- (d) if reticulated or bottled gas is installed and maintained on the lot:
  - i) it must be installed and maintained in accordance with AS/NZS 1596:2014, *The storage and handling of LP Gas*, and
  - (ii) the storage and handling of any LP gas on the lot must comply with the requirements of the relevant authorities (including the use of metal piping),
- (e) any gas cylinder stored on the lot within 10m of any dwelling house must:
  - (i) have its release valves directed away from the dwelling house, and
  - (ii) be enclosed on the hazard side of the installation, and
  - (iii) have metal connections to and from the cylinder,
- (f) there must not be any polymer sheathed flexible gas supply lines to gas meters adjacent to the dwelling house,
- (g) if the development is carried out on a lot in Zone 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*,

**Note 1**

Land is not in bush fire attack level-40 (BAL-40) or the flame zone (BAL-FZ) 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 determines, in accordance with the methodology specified in *Planning for Bush Fire Protection*, that the land is not in bush fire attack level-40 (BAL-40) or the flame zone (BAL-FZ).

A bush fire certificate must be submitted with any application for complying development where any part of the land is classified as bush fire prone land.

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

**B. Flood Control Lots**

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.

The following standards apply to development on a flood control lot:

- 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.

The above requirements under (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.

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*.

Complies  Yes  No  NA