

## **DWELLINGS AND ANCILLARY DEVELOPMENT**

**on lots in Zone R1, R2, R3, R4 or RU5 (Generally Residential Zoned Land)  
under the General Housing Code (Part 3 of the Codes SEPP)**

If certain requirements and standards applicable to land and development are met, there is an opportunity for an application for development on a property to be lodged as a Complying Development application, instead of the traditional Development Application and Construction Certificate process.

The *State Environmental Planning Policy (Exempt and Complying Development Codes 2008)* known as the 'Codes SEPP' is a publication issued by the NSW Department of Planning that includes requirements and standards applicable to land and development that, if complied with, will enable Complying Development. Part 3 of the Codes SEPP contains the *General Housing Code*.

This checklist relates to Complying Development proposals on qualifying lots in **R1, R2, R3, R4 and RU5** zoned land for:

- new single storey and two storey dwellings
- alterations or additions to existing single storey and two storey dwellings
- new ancillary development, or
- additions to existing ancillary development.

Please refer to separate checklist complying development under the *Rural Housing Code* for such development in rural zones.

Before you lodge a Complying Development application, you need to determine whether your development proposal qualifies as complying development under the *General Housing Code* by completing this self-assessment checklist, which gives a summary of the requirements for Complying Development. A complete copy of the *General Housing Code* is found in Part 3 of the Codes SEPP.

The assessment tables within this checklist include check boxes that identify which of the standards are applicable to your proposed development and it is the applicant's responsibility to confirm whether the proposal complies. The checklist is an integral part of your Complying Development Application and must be completed and submitted with a Complying Development Application form. Submission of the checklist demonstrates you have fully considered all the standards in respect of your proposal.

If the proposed development does not comply with all the standards and criteria in the assessment tables but you still wish to lodge your proposal as a Complying Development application, you will need to amend the proposal so that it does comply. If a lodged application does not comply with all the standards and criteria, it cannot be approved as Complying Development and a Development Application and a Construction Certificate application will have to be lodged.

## Bushfire Prone Land and Flood Control Lots

Complying development cannot occur on land categorised as high risk bushfire prone land or high risk flood control lots. For complying development to occur on low risk bushfire prone land or low risk flood control lots, the land must be certified as being low risk and meeting specific development standards for construction on such land. A Bushfire Attack Level (BAL) Assessment Certificate must be obtained prior to lodging the application. Assessment Tables B and C within this checklist relate to development on bushfire prone land and flood control lots. It is best practice to establish specific bushfire and flood issues relating to the property before designing your project and this will minimise costs of amending architectural and construction plans later on in the process.

Some new housing and existing housing estates have covenants on the land title to define particular characteristics of housing development. These are not affected by the *NSW Housing Code*. Land owners and agents must ensure that the legal requirements of any covenants applying to the land are complied with.

## COMPLIANCE SUMMARY TABLE

Complying Development for dwellings and ancillary development can only be carried out if you have answered yes to **all** 12 of the questions below. If you cannot answer yes to all 12 questions and you still wish to lodge your proposal as a Complying Development application, you will need to either:

- Amend the proposal so that it complies
- If the proposal still does not comply, a Development Application and a Construction Certificate application will have to be made.

CRITERIA	Complies		Office Use
	Yes	No	Compliance Checked
1. Is the lot suitably zoned? Complying Development under the <i>General Housing Code</i> can only occur in landzones R1, R2, R3, R4 and RU5			
2. The lot has an area of at least 200m <sup>2</sup>			
3. The lot has a width, measured at the building line fronting a primary road, of at least 6m.			
4. At the completion of the development, the lot will have only one dwelling house.			
5. The proposal does not require the removal or pruning of a tree or other vegetation except where the prior permission has been obtained and the work is in accordance with that approval, or a. the tree or vegetation is within 3m of the development, and b. is less than 6m high, and c. is not listed on a significant tree register or register of significant trees kept by the Council.			
6. All <b>Land Based Requirements</b> permit complying development to occur (refer to Assessment Table A)			
7. The proposal complies with all <b>Bushfire Prone Land Requirements</b> (refer to Assessment Table B)			



CRITERIA	Complies		Office Use
	Yes	No	Compliance Checked
8. The proposal complies with all <b>Flood Control Lot Requirements</b> (refer to Assessment Table C)			
9. The proposal complies with all <b>Site Requirements</b> (refer to Assessment Table D)			
10. The proposal complies with all <b>Setback Requirements</b> (refer to Assessment Tables E1 and E2)			
11. The proposal complies with all <b>Amenity Requirements</b> (refer to Assessment Table F)			
12. The proposal complies with all <b>General Requirements</b> (refer to Assessment Table G)			

## IMPORTANT DEFINITIONS

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

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

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

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

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

**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.

**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.

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

**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.



## ASSESSMENT TABLE A - LAND BASED REQUIREMENTS

Complying Development can only be carried out on certain land. Land based requirements apply to the general locality and the specific site. Some land is excluded from Complying Development due to its constrained nature.

The simplest way to find out whether any Land Based Exclusions exist and therefore rule out Complying Development on your property is to obtain a Planning Certificate from Council (referred to as a 149(2) Certificate). This document will explicitly state whether or not Complying Development can occur and it will also provide a comprehensive list of planning matters and constraints affecting the land. Although this is not compulsory, it is recommended, as it will alleviate the need to answer the questions in the following table.

**Have you obtained a 149(2) Certificate which confirms Complying Development can occur on the property?**

- YES You can also tick 'Yes' to Question 6 in the Compliance Summary Table and move on to Question 7.
- NO You must answer the following Land Based Criteria questions.

LAND BASED CRITERIA	YES	NO	OFFICE USE Compliance Checked
<b>Does the land contain:</b>			
a. An item listed on the State Heritage Register?			
b. A heritage item or draft heritage item?			
<b>Is the land designated as:</b>			
c. land reserved for a public purpose in an environmental planning instrument			
d. Land identified on an Acid Sulfate Soils Map as being Class 1 or Class 2			
e. Environmentally Sensitive Area being <ul style="list-style-type: none"> <li>• land identified in any environmental planning instrument as being of high Aboriginal cultural significance or high biodiversity significance</li> <li>• land reserved under the <i>National Parks and Wildlife Act 1974</i> or land to which part 11 of that Act applies</li> <li>• land reserved or dedicated under the <i>Crown Lands Act 1989</i> for the preservation of flora, fauna, geological formations or for other environmental protection purposes</li> </ul>			

If you answered 'No' to all the above questions, the proposal can be considered for Complying Development as the land does not contain any land based exclusions.

If you answer 'Yes' to any of the questions, you cannot do Complying Development on the land and a Development Application/Construction Certificate application will have to be lodged.



## ASSESSMENT TABLE B - BUSHFIRE PRONE LAND

This section does not apply to the erection of non-habitable ancillary development that is more than 10m from any dwelling house, landscaping, a non-combustible fence or a swimming pool.

### Is the land wholly or partly bushfire prone?

- YES Please read the information below and complete the assessment table below
- NO You can tick 'Yes' to Question 7 in the Compliance Summary Table (page 2) and move on to Question 8.

Complying development can not occur on land categorised as high risk bush fire prone land. The risk category is based on the Bushfire Attack Level (BAL) and can only be determined by:

- a. Council
- b. a person who is recognised by the NSW Rural Fire Service as a suitably qualified consultant in bush fire risk assessment, or

High risk bushfire prone land is land having a category of (BAL 40 and above) and complying development cannot occur on such land. For low risk categories (less than BAL 40), the certifier must certify that the proposal complies with Australian Standard AS 3959:2009 – *Construction of buildings in bush fire prone land*.

If required, the BAL Risk Assessment Certificate is required to be obtained and lodged with the Complying Development application.

More information about the categories of bushfire attack can be found in Table A3.4.2 of *Addendum: Appendix 3* (ISBN 0 9751033 2 6, published by the NSW Rural Fire Service in 2010) to the publication titled *Planning for Bushfire Protection* (ISBN 0 9751033 2 6) published by the NSW Rural Fire Service in 2006.

To be Complying Development, the development must meet all the following criteria:

CRITERIA	COMPLIES APPLICANT USE	
	YES	NO
<p>a. The part of the lot on which development is proposed is <b>NOT</b> in bushfire attack level - 40 (BAL-40) or the flame zone (BAL-FZ). Written certification prepared by Council, the NSW Rural Fire Service or a person who is recognised by the NSW Rural Fire Service as a suitably qualified consultant in bushfire risk assessment must be attached to this checklist. A separate application form is required if you elect Council to issue the BAL certificate.</p>		
<p>b. The development conforms to the specifications and requirements of the following that are relevant to the development:</p> <ol style="list-style-type: none"> <li>i. <i>Planning for Bushfire Protection</i> (ISBN 0 9751033 2 6) published by the NSW Rural Fire Service in December 2006</li> <li>ii. <i>Addendum: Appendix 3</i> (ISBN 0 9751033 2 6, published by the NSW Rural Fire Service in 2010) <i>Planning for Bushfire Protection</i> (ISBN 0 9751033 2 6)</li> <li>iii. Any other document prescribed by the regulations for the purpose of section 79BA of the <i>Environmental Planning and Assessment Act 1979</i>.</li> </ol>		
<p>c. The requirements of AS 3959:2009 - <i>Construction of Buildings in Bushfire Prone Areas</i> set out in the <i>Building Code of Australia</i> have been met. Please note that all required bushfire construction requirements will need to be detailed on the plans forming part of this Complying Development application.</p>		



CRITERIA	COMPLIES APPLICANT USE	
	YES	NO
d. The lot has direct access to a public road or a road vested in or maintained by Council.		
e. Reticulated water supply is connected to the lot.		
f. A fire hydrant is located less than 60m from the location on the lot of the proposed development. The hydrant location should be shown on the plan.		
g. Mains electricity is connected to the lot.		
h. Reticulated or bottled gas on the lot is installed and maintained in accordance with AS/NZS 1596:2008 - <i>The Storage and handling of LP Gas</i> and the requirements of relevant authorities (metal piping must be used).		
i. Any gas cylinders on the lot that are within 10m of a dwelling house: <ul style="list-style-type: none"> <li>i. have the release valves directed away from the dwelling house, and</li> <li>ii. are enclosed on the hazard side of the installation, and</li> <li>iii. have metal connections to and from the cylinders, and</li> <li>iv. there are no polymer sheathed flexible gas supply lines to gas meters adjacent to the dwelling</li> </ul>		

OFFICE USE		
Complies	<input type="checkbox"/> Yes	<input type="checkbox"/> No <input type="checkbox"/> N/A



## ASSESSMENT TABLE C - FLOOD CONTROL LOTS

1. Is the development proposed to be carried out on a flood control lot?  
You can determine if the property is a flood control lot by obtaining a planning certificate from Council (referred to as a 149(2) Certificate). Alternatively, you can contact our staff on (02) 4221 6111.

YES Proceed to Question 2 below

NO You can tick 'Yes' to Question 8 in the Compliance Summary Table (page 2) and move to Question 9.

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2. Is the development on any part of the lot that has been certified by Council or a professional engineer who specialises in hydraulic engineering as being:

a. a flood storage area

b. a floodway area

c. a flow path

d. a high hazard area

e. a high risk area

YES Complying Development cannot be carried out. You will need to either relocate the development or lodge a Development Application/Construction Certificate

NO Written certification prepared by either Council or a professional engineer who specialises in hydraulic engineering must be attached to this checklist.

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3. To be complying development, the written certification prepared by either Council OR a professional engineer who specialises in hydraulic engineering must refer to the portion of development that is within the flood planning meets all the following criteria:

a. All habitable rooms are no lower than the floor levels set by the Council for the lot.

b. Any part of the development at or below the flood planning level is to be constructed of flood compatible material.

c. The development must be able to withstand the forces of floodwater, debris and buoyancy up to the flood planning level (or up to the probable maximum flood level if onsite refuge is proposed).

A joint report prepared by a professional engineer who specialises in hydraulic engineering and a professional engineer who specialises in civil engineering must be attached to this checklist providing confirmation of this.

d. The development does not increase flood affectation elsewhere in the floodplain.

A joint report prepared by a professional engineer who specialises in hydraulic engineering and a professional engineer who specialises in civil engineering must be attached to this checklist providing confirmation of this.

e. The development has reliable access for pedestrians and vehicles to a safe refuge. The access has a minimum level equal to the lowest habitable floor level of the development.

f. Open car parking spaces or carports are no lower than the 20 year flood level.

g. Driveways between car parking spaces and the connecting public roadway will not be inundated by a depth of water greater than 0.3 metres during a 1:100 year ARI (Average Recurrence Interval) rainfall event.



## DEFINITIONS

***flood compatible material*** means building materials and surface finishes capable of withstanding prolonged immersion in water.

***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*.

OFFICE USE	
Complies	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A





## ASSESSMENT TABLE D - SITE REQUIREMENTS

This table is a summary of the provisions of the *General Housing Code*. Complete copies of the *General Housing Code* can be obtained from the *NSW Housing Code* website.

<b>SITE TYPES</b> Many of the complying development standards relate to lot size (see Note 1)	Minimum Street Frontage (see Note 2)			Maximum Site Coverage (see Note 3)			Maximum Floor Area (Dwellings) (See Note 4)			Maximum Floor Area (Outbuildings) (See Note 5)			Maximum Floor Area (Balconies, Decks, Pergolas, etc) (See Note 6)			Maximum Building Height (Dwellings) (See Note 7)			Maximum Building Height (Outbuildings) (See Note 8)			Minimum Landscaped Area (See Note 9)			Minimum Principal Private Open Space (See Note 10)			Carparking and Access (See Note 11)								
<b>Site Type A</b> (200m <sup>2</sup> - < 250m <sup>2</sup> )	6.0m			65%			90% of lot area			36m <sup>2</sup>			12m <sup>2</sup>			8.5m			4.8m			10%			16m <sup>2</sup> - 24m <sup>2</sup>			1								
<b>Complies</b>	Yes	No	N/A	Yes	No	N/A	Yes	No	N/A	Yes	No	N/A	Yes	No	N/A	Yes	No	N/A	Yes	No	N/A	Yes	No	N/A	Yes	No	N/A	Yes	No	N/A	Yes	No	N/A			
<b>Site Type B</b> (250m <sup>2</sup> - <300m <sup>2</sup> )	6.0m			60%			85% of lot area			36m <sup>2</sup>			12m <sup>2</sup>			8.5m			4.8m			10%			16m <sup>2</sup> - 24m <sup>2</sup>			1								
<b>Complies</b>	Yes	No	N/A	Yes	No	N/A	Yes	No	N/A	Yes	No	N/A	Yes	No	N/A	Yes	No	N/A	Yes	No	N/A	Yes	No	N/A	Yes	No	N/A	Yes	No	N/A	Yes	No	N/A	Yes	No	N/A
<b>Site Type C</b> (300m <sup>2</sup> - <450m <sup>2</sup> )	6.0m			55%			270m <sup>2</sup>			45m <sup>2</sup>			12m <sup>2</sup>			8.5m			4.8m			15%			16m <sup>2</sup> - 24m <sup>2</sup>			1								
<b>Complies</b>	Yes	No	N/A	Yes	No	N/A	Yes	No	N/A	Yes	No	N/A	Yes	No	N/A	Yes	No	N/A	Yes	No	N/A	Yes	No	N/A	Yes	No	N/A	Yes	No	N/A	Yes	No	N/A	Yes	No	N/A
<b>Site Type D</b> (450m <sup>2</sup> - <600m <sup>2</sup> )	6.0m			50% See Note 3A			330m <sup>2</sup>			45m <sup>2</sup>			12m <sup>2</sup>			8.5m			4.8m			20%			16m <sup>2</sup> - 24m <sup>2</sup>			1								
<b>Complies</b>	Yes	No	N/A	Yes	No	N/A	Yes	No	N/A	Yes	No	N/A	Yes	No	N/A	Yes	No	N/A	Yes	No	N/A	Yes	No	N/A	Yes	No	N/A	Yes	No	N/A	Yes	No	N/A	Yes	No	N/A
<b>Site Type E</b> (600m <sup>2</sup> - <900m <sup>2</sup> )	6.0m			50%			380m <sup>2</sup>			60m <sup>2</sup>			12m <sup>2</sup>			8.5m			4.8m			30%			16m <sup>2</sup> - 24m <sup>2</sup>			1								
<b>Complies</b>	Yes	No	N/A	Yes	No	N/A	Yes	No	N/A	Yes	No	N/A	Yes	No	N/A	Yes	No	N/A	Yes	No	N/A	Yes	No	N/A	Yes	No	N/A	Yes	No	N/A	Yes	No	N/A	Yes	No	N/A
<b>Site Type F</b> (900m <sup>2</sup> - <1,500m <sup>2</sup> )	6.0m			40%			430m <sup>2</sup>			100m <sup>2</sup>			12m <sup>2</sup>			8.5m			4.8m			40%			16m <sup>2</sup> - 24m <sup>2</sup>			1								
<b>Complies</b>	Yes	No	N/A	Yes	No	N/A	Yes	No	N/A	Yes	No	N/A	Yes	No	N/A	Yes	No	N/A	Yes	No	N/A	Yes	No	N/A	Yes	No	N/A	Yes	No	N/A	Yes	No	N/A	Yes	No	N/A
<b>Site Type G</b> (1,200m <sup>2</sup> or greater)	6.0m			30%			430m <sup>2</sup>			100m <sup>2</sup>			12m <sup>2</sup>			8.5m			4.8m			45%			16m <sup>2</sup> - 24m <sup>2</sup>			1								
<b>Complies</b>	Yes	No	N/A	Yes	No	N/A	Yes	No	N/A	Yes	No	N/A	Yes	No	N/A	Yes	No	N/A	Yes	No	N/A	Yes	No	N/A	Yes	No	N/A	Yes	No	N/A	Yes	No	N/A	Yes	No	N/A

**OFFICE USE**

Complies     Yes    No



- Note 1:** For the purpose of calculating the area of a lot, the area of the access laneway is excluded if it is a battle-axe lot.
- Note 2:** The width of the site is measured at the building line fronting a primary road (see *building line* definition). The lot must have lawful access to a public road. For battle-axe shaped lots, the access handle must be at least 3m wide and the main area of the site must be at least 12m by 12m exclusive of the access handle.
- Note 3:** For the purpose of calculating site cover - ramps, awnings, eaves, unenclosed balconies, decks, pergolas, verandahs, driveways, paving rainwater tanks, swimming pools and spas are not included (see *General Housing Code* for additional exclusions).
- Note 3A:** If the lot 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 must not be more than 55% of the area of the lot.
- Note 4:** *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:
- the external walls of the dwelling house, and
  - 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 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:
- the external walls of the outbuilding if it is enclosed, and
  - 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:** The definition of floor area from the *Housing Code* as it applies to balconies and the like is:
- Floor area* means the area of the balcony, deck, patio, pergola, terrace or verandah, measured at the floor level, where the area is taken to be the area within the outer face of:
- the external walls, if the balcony, deck, patio, pergola, terrace or verandah if enclosed, or
  - the balustrade or other safety barrier if the balcony, deck, patio, pergola, terrace or verandah is not enclosed.
- The standard only applies to a balcony, deck, patio, pergola, terrace or verandah that is greater than 3.0m above existing ground level. There is no floor area limitation below this height above ground level.
- A balcony, deck, patio, pergola, terrace or verandah attached to a dwelling house on a lot that has an area of less than 300m<sup>2</sup> and a width measured at the building line of less than 10m is not complying development unless the balcony, deck, patio, pergola, terrace or verandah is attached to the primary road frontage of the dwelling.
- Notes 7 & 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:** If the lot has a width, measured at the building line, of at least 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 less 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 1.5m wide.

**Note 10:** A lot, with a width measured at the building of at least 6m but less than 10m, on which a new dwelling house is erected must have at least 16m<sup>2</sup> of principal private open space.

A lot, with a width measured at the building line of at least 10m, on which a new dwelling house is erected must have at least 24m<sup>2</sup> of principal private open space. Principal Private Open Space means an area that:

- a. is directly accessible from, and adjacent to, a habitable room, other than a bedroom, and
- b. is at least 3m wide, and
- c. is not steeper than 1:50 gradient.

**Note 11: General Carparking Requirements**

At least one off-street car parking space must be provided on the lot on which a new dwelling house is erected unless the lot has a width, measured at the building line, of less than 8m.

At least one off-street car parking space must be retained on a lot on which alterations or additions to an existing car parking space are carried out.

**Garages, Carports and Carparking Spaces**

A garage, carport or carparking space for a dwelling house must:

- a. if the dwelling house has a setback from a road boundary of 4.5m or more, be at least 1m behind the building line of the dwelling house, or
- b. if the dwelling house has a setback from a road boundary of less than 4.5m, be at least 5.5m from the boundary.

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:

- a. 3.2m, if the lot has a width, measured at the building line, of at least 8m, but less than 12m, or
- b. 6m, if the lot has a width, measured at the building line, of at least 12m.

A garage cannot be erected on a lot that has a width, measured at the building line, of less than 8m. An open hard stand car parking space must measure at least 2.6m wide and 5.4m long.

**Vehicle Access**

A lot on which an off-street car parking space is provided or retained must have a driveway to a public road.

A driveway on a lot must be constructed in accordance with AS 2890.1-2004, Parking Facilities - Off-Street Car parking.

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.

Construction or installation of a driveway requires a separate approval under the *Roads Act*.



# ASSESSMENT TABLE E1 - SETBACK REQUIREMENTS

This table is a summary of the provisions of the *NSW Housing Code* published by the NSW Department of Planning. Applicants should obtain a copy from the *NSW Housing Code* website.

Site Types Many of the Complying Development standards relate to lot size (See Note 1)	Dwellings And Attached Structures To Rear Boundaries (See Note 2)			Outbuildings To Side And Rear Boundaries (See Note 3)			Dwellings, Attachments and Outbuildings to Public Reserves		
<b>Site Type A</b> (200m <sup>2</sup> - < 250m <sup>2</sup> )	<ul style="list-style-type: none"> <li>3m for any part of the building with a height of up to 4.5m</li> <li>For wall heights 4.5m or greater, the rear boundary setback is the lesser of 10m and the average rear setback of those parts of the adjoining dwelling houses with wall heights greater than 4.5m</li> <li>10m if there are not two dwellings with a wall height greater than 4.5m</li> </ul>			<ul style="list-style-type: none"> <li>Nil for any part of the outbuilding with a height of up to 3.3m</li> <li>25% of the height of the outbuilding above 3.3m for any part of the outbuilding with a height greater than 3.3m</li> </ul>			3m		
<b>Complies</b>	Yes	No	N/A	Yes	No	N/A	Yes	No	N/A
<b>Site Type B</b> (250m <sup>2</sup> - <300m <sup>2</sup> )	<ul style="list-style-type: none"> <li>3m for any part of the building with a height of up to 4.5m</li> <li>For wall heights 4.5m or greater, the rear boundary setback is the lesser of 10m and the average rear setback of those parts of the adjoining dwelling houses with wall heights greater than 4.5m</li> <li>10m if there are not two dwellings with a wall height greater than 4.5m</li> </ul>			<ul style="list-style-type: none"> <li>Nil for any part of the outbuilding with a height of up to 3.3m</li> <li>25% of the height of the outbuilding above 3.3m for any part of the outbuilding with a height greater than 3.3m</li> </ul>			3m		
<b>Complies</b>	Yes	No	N/A	Yes	No	N/A	Yes	No	N/A
<b>Site Type C</b> (300m <sup>2</sup> - <450m <sup>2</sup> )	<ul style="list-style-type: none"> <li>3m for any part of the building with a height of up to 4.5m</li> <li>8m for any part of the building with a height greater than 4.5m</li> </ul>			<ul style="list-style-type: none"> <li>0.9m for any part of the outbuilding with a height of up to 3.8m</li> <li>0.9m plus 25% of the height of the outbuilding above 3.8m for any part of the outbuilding with a height greater than 3.8m</li> </ul>			3m		
<b>Complies</b>	Yes	No	N/A	Yes	No	N/A	Yes	No	N/A
<b>Site Type D</b> (450m <sup>2</sup> - <600m <sup>2</sup> )	<ul style="list-style-type: none"> <li>3m for any part of the building with a height of up to 4.5m</li> <li>8m for any part of the building with a height greater than 4.5m</li> </ul>			<ul style="list-style-type: none"> <li>0.9m for any part of the outbuilding with a height of up to 3.8m</li> <li>0.9m plus 25% of the height of the outbuilding above 3.8m for any part of the outbuilding with a height greater than 3.8m</li> </ul>			3m		
<b>Complies</b>	Yes	No	N/A	Yes	No	N/A	Yes	No	N/A
<b>Site Type E</b> (600m <sup>2</sup> - <900m <sup>2</sup> )	<ul style="list-style-type: none"> <li>3m for any part of the building with a height of up to 4.5m</li> <li>8m for any part of the building with a height greater than 4.5m</li> </ul>			<ul style="list-style-type: none"> <li>0.9m for any part of the outbuilding with a height of up to 3.8m</li> <li>0.9m plus 25% of the height of the outbuilding above 3.8m for any part of the outbuilding with a height greater than 3.8m</li> </ul>			3m		
<b>Complies</b>	Yes	No	N/A	Yes	No	N/A	Yes	No	N/A
<b>Site Type F</b> (900m <sup>2</sup> - <1,500m <sup>2</sup> )	<ul style="list-style-type: none"> <li>5m for any part of the building with a height of up to 4.5m</li> <li>12m for any part of the building with a height greater than 4.5m</li> </ul>			<ul style="list-style-type: none"> <li>1.5m for any part of the outbuilding with a height of up to 3.8m</li> <li>1.5m plus 25% of the height of the outbuilding above 3.8m for any part of the outbuilding with a height greater than 3.8m</li> </ul>			3m		
<b>Complies</b>	Yes	No	N/A	Yes	No	N/A	Yes	No	N/A
<b>Site Type G</b> (1,200m <sup>2</sup> or greater)	<ul style="list-style-type: none"> <li>10m for any part of the building with a height of up to 4.5m</li> <li>15m for any part of the building with a height greater than 4.5m</li> </ul>			<ul style="list-style-type: none"> <li>2.5m for any part of the outbuilding with a height of up to 3.8m</li> <li>2.5m plus 25% of the height of the outbuilding above 3.8m for any part of the outbuilding with a height greater than 3.8m</li> </ul>			3m		
<b>Complies</b>	Yes	No	N/A	Yes	No	N/A	Yes	No	N/A

Refer to *General Housing Code* clause 3.19 for exceptions to setbacks

**Note 1:** For the purpose of calculating the area of a lot, the area of the access laneway is excluded if it is a battle-axe lot.

**Note 2:** If the lot has a rear boundary with a lane, the building may have a building that abuts that boundary for not more than 50% of the length of that boundary.

**Note 3:** If the wall of the building adjoining the boundary is not of masonry construction and is within 900mm of the boundary, or if the wall of the building adjoining the boundary has window facing the boundary and is within 900mm of the boundary, the outbuilding must have a setback from the rear boundary of the lot of at least:

- 0.9m for any part of the outbuilding with a height of up to 3.8m
- 0.9m plus 25% of the height of the outbuilding above 3.8m for any part of the outbuilding with a height greater than 3.8m

### OFFICE USE

Complies  Yes  No



## ASSESSMENT TABLE E2 - SETBACK REQUIREMENTS (CONTINUED)

This table is a summary of the provisions of the *General Housing Code*. Complete copies of the *General Housing Code* can be obtained from the *NSW Housing Code* website.

<b>Lot Width</b> Some complying development setback standards relate to lot width	Dwellings and Ancillary Development to Primary and Parallel Road (See note 1)			Dwellings and Ancillary Development to Secondary Road (See note 2)			Dwellings and Ancillary Development to Classified Road (See note 3)			Dwellings, Outbuildings and Attached Structures to Side Boundaries (See note 4)		
<b>6m - &lt;10m</b>	Average setbacks of the nearest 2 dwelling houses to the same primary road and located within 40m of the lot (See note 1A)			2m - 5m depending on lot area (See note 2A)			9m unless an EPI provides an alternative setback			0.9m + 25% of building height greater than 5.5m		
<b>Complies</b>	Yes	No	N/A	Yes	No	N/A	Yes	No	N/A	Yes	No	N/A
<b>10m - &lt;18m</b>	Average setbacks of the nearest 2 dwelling houses to the same primary road and located within 40m of the lot (See note 1A)			2m - 5m depending on lot area (See note 2A)			9m unless an EPI provides an alternative setback			0.9m + 25% of building height greater than 4.5m		
<b>Complies</b>	Yes	No	N/A	Yes	No	N/A	Yes	No	N/A	Yes	No	N/A
<b>18m - &lt;24m</b>	Average setbacks of the nearest 2 dwelling houses to the same primary road and located within 40m of the lot (See note 1A)			2m - 5m depending on lot area (See note 2A)			9m unless an EPI provides an alternative setback			1.5m + 25% of building height greater than 4.5m		
<b>Complies</b>	Yes	No	N/A	Yes	No	N/A	Yes	No	N/A	Yes	No	N/A
<b>24m +</b>	Average setbacks of the nearest 2 dwelling houses to the same primary road and located within 40m of the lot (See note 1A)			2m - 5m depending on lot area (See note 2A)			9m unless an EPI provides an alternative setback			2.5m		
<b>Complies</b>	Yes	No	N/A	Yes	No	N/A	Yes	No	N/A	Yes	No	N/A

Refer to General Housing Code clause 3.19 for exceptions to setbacks and clause 3.20 for calculating setbacks

**Note 1:** *parallel road* means, in the case of a lot that has boundaries with parallel roads, the road that is not the primary road.

**Note 1A:** *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. If there are no dwellings within 40m, setback shall be at least: (please refer to the General Housing Code clause 3.14(1)(b))

- (a) 3m, if the lot has an area of less than 300m<sup>2</sup>, or
- (b) 4.5m, if the lot has an area of at least 300m<sup>2</sup> but less than 900m<sup>2</sup>, or
- (c) 6.5m, if the lot has an area of at least 900m<sup>2</sup> but less than 1500m<sup>2</sup>, or
- (d) 10m, if the lot has an area of at least 1500m<sup>2</sup>.

**Note 2:** *secondary road* means, in the case of a corner lot that has boundaries with adjacent roads, the road that is not the primary road

**Note 2A:** setback to secondary road that is not a classified road shall be at least: (please refer to the General Housing Code clause 3.14(2))

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

**Note 3:** *classified road* is defined in the Roads Act, 1993 as a main road, a highway, a freeway, a controlled access road, a secondary road, a tourist road, a tollway, a transitway, a State work.

**Note 4:** Except if the wall of an adjoining building is not of masonry, and/or contains a window, and is within 900mm from the boundary, the following side boundary setbacks may apply

- (a) If the lot has a width at the building line of at least 6m but less than 8m, the building may be built to both side boundaries.
- (b) If the lot has a width at the building line of at least 8m but less than 10m, the building may be built to only one side

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

- (a) Must not be higher than 3.3m, or
- (b) 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 A boundary wall

- (a) Together with the length of the boundary walls of any other building 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
- (b) 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 or proposed boundary wall

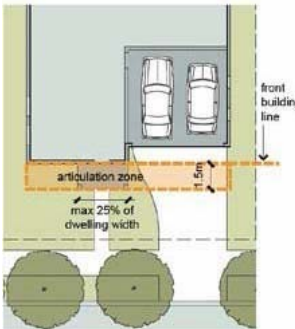
If the development involves the erection of a wall to a boundary that has a wall less than 0.9m from the boundary, the wall must be built in accordance with the method of support proposed by the professional engineer's report which must be provided with the application for the complying development certificate

<b>Office Use</b>		
Complies	<input type="checkbox"/> Yes	<input type="checkbox"/> No



# ASSESSMENT TABLE F - AMENITY REQUIREMENTS

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

AMENITY CRITERIA		COMPLIES		
		APPLICANT USE		
		Yes	No	N/A
<p><b>Façade Design</b></p>	<p>A new dwelling house, other than a dwelling house on a battle-ace lot, must have:</p> <ul style="list-style-type: none"> <li>• A front door and a window to a habitable room in the building wall that faces a primary road.</li> <li>• A door and a window to a habitable room in the building wall that faces a parallel road</li> </ul> <p>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.</p> <p>An articulation zone is the area within a lot within which building elements are or may be located, that consists of that part of the setback area from a primary road that is measured horizontally for a distance of 1.5m from:</p> <ul style="list-style-type: none"> <li>• The foremost edge of the building line, or</li> <li>• A gable or roof parapet having a surface area of more than 10m<sup>2</sup>.</li> </ul> <div style="text-align: center;">  <p><b>Articulation Zone</b></p> </div> <p>The following building elements are permitted in an articulation zone:</p> <ol style="list-style-type: none"> <li>An entry feature or portico,</li> <li>A balcony, deck, patio, pergola, terrace or verandah</li> <li>A window box treatment,</li> <li>A bay window or similar feature,</li> <li>An awning or other feature over a window</li> <li>A sun shading feature.</li> </ol> <p>Up to 25% of the articulation zone, when viewed from above may include building elements. Building elements listed in sub-clause (e) or (f) are not included in the maximum area of the articulation zone.</p> <p>No building element can extend above the eave gutter line, other than a pitched roof to an entry feature or portico that has the same pitch as the roof on the dwelling house.</p>			



AMENITY CRITERIA		COMPLIES		
		APPLICANT USE		
		Yes	No	N/A
<b>Privacy</b>	<p>a) A proposed window in a dwelling house or an addition to a dwelling house must have a privacy screen if:</p> <ul style="list-style-type: none"> <li>i) It is a window in a habitable room, other than a bedroom, that has a floor level of more than 1m above existing ground level, and</li> <li>ii) The wall in which the window is located has a setback of less than 3m from a side or rear boundary, and</li> <li>iii) The window has a sill height of less than 1.5m</li> </ul> <p>b) A proposed new balcony, deck, patio, pergola, terrace or verandah must have a privacy screen if it:</p> <ul style="list-style-type: none"> <li>i) Has a setback of less than 3m from a side or rear boundary, and</li> <li>ii) Has a floor area more than 3m<sup>2</sup>, and</li> <li>iii) Has a floor level more than 1m above existing ground level.</li> </ul> <p>c) 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 the existing ground level.</p> <p><b>Privacy screen</b> means a screen that:</p> <ul style="list-style-type: none"> <li>i) Faces the boundary identified in subclause (b) i), and</li> <li>ii) Is 1.5m high, measured from the floor level, and</li> <li>iii) Has no individual opening more than 30mm wide, and</li> <li>iv) Has a total of all openings less than 30% of the surface area of the screen.</li> </ul>			
<b>Detached studios adjoining laneways</b>	The policy provides a number of standards applicable to the construction of studios that are proposed to be erected adjoining a laneway. The standards are contained in clause 3.33 of the General Housing Code. The policy should be referred to directly for applicable standards relating to this form of complying development.			
<b>Earthworks</b>	<p>Excavation for dwellings and ancillary development (other than swimming pools) must be not more than 1m below existing ground level.</p> <p>The excavation must be supported by retaining walls or by unprotected embankments that do not redirect surface flows onto an adjoining property. Any retaining wall or embankment must not extend further than 2m from the dwelling or outbuilding.</p> <p>Site filling for a dwelling house or ancillary development must:</p> <ul style="list-style-type: none"> <li>i) Be contained wholly within the external walls of the building</li> <li>ii) Be supported by a retaining wall that is not higher than 600mm (including the height of batters) above ground level and does not redirect surface flows onto an adjoining property</li> <li>iii) If the dwelling house or ancillary development has a setback of more than 2m from a rear boundary, the fill may extend no more than 600mm above ground level and, other than the embankment, no more than 1, beyond the external wall with the toe of the unprotected embankment being at least 400mm from the side or rear boundary</li> </ul>			
<b>Drainage</b>	<p>All stormwater collected 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:</p> <ul style="list-style-type: none"> <li>i) A public drainage system, or</li> <li>ii) An inter-allotment drainage system, or</li> <li>iii) An on-site disposal system.</li> </ul>			



AMENITY CRITERIA		COMPLIES		
		APPLICANT USE		
		Yes	No	N/A
<b>Run-off and Erosion Control</b>	<p>a) Run-off and erosion controls must be implemented to prevent soil erosion, water pollution or the discharge of loose sediment on surrounding land by:</p> <ul style="list-style-type: none"> <li>i) Diverting uncontaminated run-off around cleared or disturbed areas, and</li> <li>ii) Erecting a silt fence to prevent debris escaping into drainage systems and waterways, and</li> <li>iii) Preventing tracking of sediment by vehicles onto roads, and</li> <li>iv) Not stockpiling top soil, excavated materials, construction and landscaping supplies and debris within the lot.</li> </ul>			
<b>Swimming Pools</b>	<p>a) Excavation must be no more than the depth required for the pool structure</p> <p>b) A swimming pool for private use must be located on a lot:</p> <ul style="list-style-type: none"> <li>i) Behind the setback area from the primary or main road frontage, or</li> <li>ii) In the rear yard.</li> </ul> <p>c) The swimming pool water line must have a setback of at least 1m from a side or rear boundary.</p> <p>d) Decking around a swimming pool must not be more than 600mm above the existing ground level.</p> <p>e) Coping around a swimming pool must not be more than:</p> <ul style="list-style-type: none"> <li>i) 1.4m above existing ground level, and</li> <li>ii) 300mm wide if the coping is more than 600mm above existing ground level.</li> </ul> <p>f) 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.</p> <p>g) A child-resistant barrier must be constructed or installed in accordance with the requirements of the Swimming Pools Act 1992.</p> <p>h) Pumps attached to the development must be housed in a soundproof enclosure</p> <p>i) 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.</p>			





AMENITY CRITERIA		COMPLIES		
		APPLICANT USE		
		Yes	No	N/A
<b>Fences and Retaining Walls</b>	<ul style="list-style-type: none"> <li>a) A fence and any associated retaining wall located within the setback area from a primary road must:               <ul style="list-style-type: none"> <li>i) Not be more than 1.2m above the existing ground level, and</li> <li>ii) Be open for at least 50% of the upper 2/3 of the area of the fence, and</li> <li>iii) In relation to any brick or other solid portion of the fence above 600mm, be not more than 250mm wide.</li> </ul> </li> <li>b) A fence and any associated retaining wall located behind the setback area from a primary road or any side or rear boundary fence must not be more than 1.8m above existing ground level.</li> <li>c) A retaining wall or embankment that is not subject to "Earthworks" must not have a height above or below existing ground level of more than:               <ul style="list-style-type: none"> <li>a. 600mm at any distance up to 500mm from a side or rear boundary, or</li> <li>b. 1m at any distance more than 500mm from a side or rear boundary.</li> </ul> </li> <li>d) A fence or a fence and associated retaining wall on a sloping lot may be stepped, provided the height of each step is not more than:               <ul style="list-style-type: none"> <li>a. 1.6 m above existing ground level if it is located within a setback area from a primary road, or</li> <li>b. 2.2m above existing ground level in any other case.</li> </ul> </li> <li>e) All fill on a lot that is not subject to "Earthworks" must be retained by a retaining wall.</li> <li>f) Fill more than 150mm deep must not occupy an area of more than 50% of the landscaped area of the lot.</li> <li>g) A fence must not incorporate barbed wire in its construction or be electrified.</li> <li>h) Metal used in the construction of a fence must have a low reflectivity and be factory pre-coloured.</li> <li>i) A fence must not be constructed so as to redirect the overland flow of surface water onto adjoining properties.</li> <li>j) Fencing and retaining walls on land that is in a bush fire prone area must be non-combustible.</li> </ul>			

Office Use	
Complies	<input type="checkbox"/> Yes <input type="checkbox"/> No



## ASSESSMENT TABLE G - GENERAL REQUIREMENTS

To be complying development, the development must:

CRITERIA	COMPLIES		
	APPLICANT USE		
	Yes	No	N/A
a) meet the relevant provisions of the Building Code of Australia			
b) if required, have a prior approval by the Local Government Act 1993, for: <ul style="list-style-type: none"> <li>a. an on-site effluent disposal system if the development is undertaken on unsewered land, and</li> <li>b. an on-site stormwater drainage system</li> </ul>			
c) If required by the Roads Act 1993, have prior consent from the relevant roads authority for each opening of a public road required for the development, and the prior written permission from the relevant roads authority to operate or store machinery, materials or waste required by the development on a road or footpath reserve.			
d) Is not development that would require the concurrence of another body			
e) Basements <ul style="list-style-type: none"> <li>a. If the lot has a width, measured at the building line, of at least 10m<sup>2</sup> the development does not include a basement having an area greater than 45m<sup>2</sup>.</li> <li>b. If the lot has a width, measured at the building line, of at least 6m but less than 10m, the development does not include a basement having an area greater than 25m<sup>2</sup>.</li> </ul>			
f) The development does not include a roof terrace on the topmost roof			
g) The proposal does not conflict with any restrictions or covenants applying to the land			

Office Use	
Complies	<input type="checkbox"/> Yes <input type="checkbox"/> No

