

Guide to Exempt Development and Complying Development

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Disclaimer

This guide provides an overview and summary of the key provisions relating to exempt development and complying development, principally under the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008, known as the Codes SEPP.

The guide only covers a limited number of the different types of development which may be carried out as either *exempt development* or *complying development* and it only provides a summary of the key provisions and development standards. Therefore, it is necessary to refer to the complete version of the Codes SEPP to ensure compliance with all of the requirements and development standards for the proposed building work or development, before undertaking any work or changing the use of premises.

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Introduction

This guide provides general information and a summary of a number of key provisions, requirements and development standards for various types of building work or other development, which may be carried out under the State Environmental Planning Policy (Exempt & Complying Development Codes) 2008, ("the Codes SEPP") as either *exempt development* or *complying development* (as of the 1 April 2018).

Exempt Development

Exempt development relates to specified minor types of building work or other types of development, which have a minimal environmental impact.

Exempt development does not require Council approval, subject to full compliance with the specific pre-set criteria and requirements (e.g. relating to the size, height and location of the particular building).

Exempt development includes various types of small-scale building work or development (e.g. dividing fences, garden sheds, landscaping, minor internal (non-loadbearing) alterations, bathroom or kitchen renovations and shade structures).

If your proposed development does not fall within the category, limitations or requirements for *exempt development*, it may be able to be carried out as *complying development* and only require a Complying Development Certificate (CDC) to be obtained from an Accredited Building Surveyor.

Further details about exempt development including a summary of the key requirements for the common types of exempt development are provided on pages 7 to 17 of this guide.

Complying Development

Complying development relates to a wide range of building work and other types of development, which complies with specific pre-set criteria and is deemed to have a low environmental impact.

To carry out complying development, an applicant must make an application to an Accredited Building Certifier for a Complying Development Certificate (CDC) and the CDC must be approved before commencing any work or change-of-use of a premises.

To be complying development, the specified prescriptive requirements and development standards must be fully (100%) complied with. If the specified requirements and development standards cannot be met, either the CDC application needs to be modified to meet the requirements, or a development consent and construction certificate must be obtained before carrying out any building work or changing the use of a premises.

Complying development includes a range of types of 'low-impact' development (including dwelling houses, alterations and additions to dwelling houses, outbuildings, garages, studios, shade structures, swimming pools, demolition work, change of business use and certain types of commercial and industrial development).

If your proposed development does not meet all of the relevant requirements for *complying development*, you must submit a Development Application (DA) and obtain development consent from Council. A Construction Certificate (CC)

must also be obtained from an Accredited Building Surveyor before commencing any building or associated work.

Further details about complying development including certain types of development are provided on pages 18 to 44 of this guide.

Where to find more information about exempt and complying development:

The NSW Department of Planning & Environment website contains detailed information about the different types of development or building work which can be carried out as Exempt or Complying Development.

- Planning Portal
<https://www.planningportal.nsw.gov.au/>
- Exempt Development
<https://www.planningportal.nsw.gov.au/understanding-planning/assessment-systems/exempt-development>
- Complying Development
<https://www.planningportal.nsw.gov.au/understanding-planning/assessment-systems/complying-development>
- NSW Legislation website – NSW Codes SEPP
<https://www.legislation.nsw.gov.au/#/view/EPI/2008/572>
- Randwick City Council website
<https://www.randwick.nsw.gov.au/>

Should you require more detailed information about *exempt development* or *complying development*, please liaise with your architect, building designer, accredited building certifier or a planning or building consultant.

Council officers are unable to provide detailed or site specific advice about the exempt or complying development provisions other than general information.

Exempt & Complying Development Provisions

Various State Environmental Planning Policies (SEPP's) and Local Environmental Plans (LEP's) contain provisions relating to *exempt development* and/or *complying development*, including:

- [State Environmental Planning Policy \(Exempt & Complying Development Codes\) 2008](#) [known as the 'Codes SEPP']
- [State Environmental Planning Policy \(Infrastructure\) 2007](#)
- [State Environmental Planning Policy \(Affordable Rental Housing\) 2009](#) [Affordable Rental Housing SEPP]
- [State Environmental Planning Policy \(Three Ports\) 2013](#)
- [State Environmental Planning Policy \(Educational Establishments and Child Care Facilities\) 2017](#)
- [Randwick City Council Local Environmental Plan 2012](#)

This guide focuses on the exempt development and complying development provisions in the Codes SEPP and principally for residential types of development.

A limited summary of the complying development provisions relating to a 'secondary dwelling' in the Affordable Rental Housing SEPP is provided on page 43.

Exempt Development

Definitions:

Prior to undertaking any building work or development, it is important to be aware of the relevant definitions and terms used in the planning provisions.

The Codes SEPP contains specific 'definitions' for most types of development, key requirements and development standards.

The 'Standard Instrument' Local Environmental Plan (LEP) Order 2006 and Randwick City Council's LEP 2012 also contain 'definitions' which may be relevant.

General Requirements for all types of exempt development:

Clause 1.16 of the Codes SEPP contains details of the general requirements for *Exempt Development*, which must be satisfied in order to carry out any *exempt development*, including:

- all building work must comply with the provisions of the National Construction Code - Building Code of Australia (BCA)
- most types of exempt development cannot be carried out on land which contains a 'heritage item' (as identified in Council's LEP or State Heritage Register)
- most types of exempt development not carried out on land identified in Schedule 4 (e.g. land affected by a Council Contaminated Land Policy)
- the work must not involve the removal or pruning of any tree or vegetation that requires an approval or permit from the Council, unless the required approval or permit has been obtained beforehand and all of the requirements are satisfied
- all work must comply with relevant manufacturers specifications.
- if the building is a class 1b or class 2 to 9 building (e.g. residential flat building, townhouse development, boarding house, hotel, guest-house, B&B, aged-care, commercial or industrial building), the building must have a current *Fire Safety Schedule* and a *Fire Safety Certificate* or *Fire Safety Statement* encompassing all of the fire safety measures in the building (e.g. emergency lighting, exit signs, fire doors, smoke detection and alarm systems, smoke alarms, fire hydrants, fire hose reels, fire extinguishers etc) that is registered with Council

If these general requirements are not met, the building work or development cannot be carried out as *exempt development*. And the owner must obtain a Complying Development Certificate (if permitted) or obtain Development Consent from Council and a Construction Certificate from an Accredited Building Certifier.

Types of exempt development include:

- TV aerials or antennae
- Air-conditioning units
- Awnings, blinds, canopies
- Balconies, decks, patios, pergolas, terraces and verandahs
- BBQ's
- Cabanas, cubby houses, garden sheds, gazebos and greenhouses
- Carports
- Change of business use
- Clothes hoists
- Demolition of exempt development types

- Driveways and hard-stand car spaces
- Earthworks and retaining walls
- Fences (side, rear and front boundaries)
- Flagpoles
- Garbage bin storage areas
- Home businesses
- Hot water systems
- Landscaping structures
- Letterboxes
- Minor (non-loadbearing) internal alterations (including renovations to bathrooms, kitchens and dwellings)
- Minor external alterations (e.g. roofing, painting)
- Pathways and paving
- Playground equipment
- Rainwater tanks
- Shade structures
- Skylights
- Water features and ponds
- Advertising and signage to businesses
- Temporary structures, tents, marquees
- Community events
- Filming

All of the abovementioned development types are subject to full compliance with the:

- General requirements in clause 1.16, and
- Specific requirements and development standards for each type of development (e.g. requirements relating to the location, size, height, floor area, boundary setbacks etc)

Further details about each type of *exempt development* is provided on the Department of Planning & Environment website. A brief summary of the most common types of *exempt development* is provided on the following pages in this guide.

Summary of Key Requirements for Common Types of Exempt Development

Air-Conditioning Units

Key requirements and development standards:

- Must comply with the general requirements for *exempt development* in clause 1.16 of the Codes SEPP

Residential use (e.g. dwelling house):

- Located behind the *building line* (e.g. located at the rear or side of the dwelling)
- Not located on the wall or roof facing the primary road/street
- Located at least 450mm from lot boundaries
- Located not higher than 1.8m above ground level (e.g. located at/near ground level only)
- In heritage conservation areas or on heritage items – the air-conditioning unit must be located at rear of the building and at ground level only
- Must not affect structural integrity or fire resistance levels of a wall or roof
- Must comply with specified noise criteria – Must not be more than 5dB(A) above background noise level and must not be audible in another residence during off-peak periods

Non-residential use (e.g. commercial):

- Located behind *building line* (e.g. located at the rear or side of the building)
- Not located on the wall or roof facing the primary road/street
- In heritage conservation areas or on heritage items – the air-conditioning unit must be located at rear of the building and at ground level only
- Must not affect structural integrity or fire resistance levels of a wall or roof
- Must comply with specified noise criteria – Must not be more than 5dB(A) above background noise level and must not be audible in another residence during off-peak periods

Additional requirements and development standards apply – Refer to Part 2, Division 1, Subdivision 3 of the Codes SEPP for details.

Balconies, Decks, Patios, Pergolas, Terraces and Verandahs

Key requirements and development standards:

- Must comply with the general requirements for *exempt development* in clause 1.16 of the Codes SEPP
- Does not apply to heritage items or in foreshore areas
- Maximum floor area – 25m²
- Floor area does not exceed 15% of ground floor area of dwelling house
- Located at least 900mm from lot boundaries
- Must be located behind *building line* (e.g. at the rear or side of the dwelling only)
- The floor level of the structure must not be more than 1m above existing ground level at any point
- If the structure is roofed, it must not be higher than gutter line and be a maximum height of 3m at any point above ground level
- Any enclosing walls must be less than 1.4m high
- Roof water must be connected to an existing stormwater drainage system

- The structure must not affect existing drainage or flow-paths
- Any metal components to be factory coloured (e.g. colourbond) and be non-reflective
- The building must be structurally adequate and comply with the Building Code of Australia

Additional requirements and development standards apply – Refer to Part 2, Division 1, Subdivision 6 of the Codes SEPP for details.

Cabanas, Cubby Houses, Garden Sheds, Gazebos and Greenhouses

Key requirements and development standards:

- Must comply with the general requirements for *exempt development* in clause 1.16 of the Codes SEPP
- Does not apply to a property identified as heritage item, foreshore area or environmentally sensitive area
- Maximum floor area - 20m²
- Maximum roof height - 3m above existing ground level
- Must be located behind front building line (e.g. at the rear or side of the dwelling only)
- Located a minimum distance of 900mm from the boundaries of the lot
- If the property is in heritage conservation area, it must be located at the rear of dwelling only
- Must be non-habitable, class 10a structure only (as defined in the BCA)
- Must be located at least 1m from a registered easement
- Must be structurally adequate and comprise non-reflective materials
- Must not affect levels of fire safety or entry/egress from a building
- Roof water must be connected to suitable stormwater system – not to create a nuisance to adjoining land
- Must not be more than two of these types of development on the lot

Additional requirements and development standards apply – Refer to Part 2, Division 1, Subdivision 9 of the Codes SEPP for details.

Carports

Key requirements and development standards:

- Must comply with the general requirements for *exempt development* in clause 1.16 of the Codes SEPP
- Does not apply to a heritage item or foreshore area
- Maximum floor area – 25m²
- Located at least 1m behind the front building line only (e.g. at the side or rear of the building and 1m from the front of the dwelling)
- Maximum roof height 3m above ground level and no higher than the roof gutter line
- Must be open on an least 2 sides and at least 1/3 of its perimeter
- Setback a minimum distance of 900mm from lot boundaries
- Must be structurally adequate and comprise non-reflective materials
- Roof water to be connected to existing stormwater drainage system
- Roof/guttering of carport must be at least 500mm from lot boundaries
- Not more than 1 carport on each lot
- In heritage conservation area the carport must be located in rear yard only
- Must not reduce vehicular access, parking or loading
- Must obtain prior approval from Council under the *Roads Act 1993*, for any proposed new or modified vehicular crossing or any work on Council land
- Applies to a class 10a structure only (as defined in the BCA)

Additional requirements and development standards apply – Refer to Part 2, Division 1, Subdivision 10 of the Codes SEPP for details.

Change of Use of Premises

Key requirements and development standards:

- Must comply with the general requirements for *exempt development* in clause 1.16 of the Codes SEPP
- Allows for the change of use from one category of use to another similar category of use, for example:
 - One type of shop to another type of shop (excluding *food and drink premises*)
 - One type of business premises, office or shop to another type of business premises, office use or shop (excluding food and drink premises), or vice versa
- The current use must be lawful (e.g. subject to a previous development consent or Council approval)
- Must be permissible under the current zoning provisions in Council's Local Environmental Plan 2012 and it must not relate to an *existing-use* (as defined in the Act)
- Must not result in a change of Building Code of Australia building classification, other than a change from a class 5 to a class 6 building or vice versa.
- Does not apply to certain uses, including; food and drink premises, firearms, market, hairdresser, beauty salon, restricted premises, roadside stall or sex services premises
- The new use must not involve building alterations, unless they meet the requirements for *exempt development* in the Codes SEPP
- Must not increase the *gross floor area* of any building
- Must not contravene any existing conditions of development consent or building approval (e.g. noise, hours of operation, traffic, parking, loading, waste management)
- If there are no existing conditions of consent which restrict the hours of operation the new use must only operate between 7.00am and 7.00pm on any day
- Any building alterations must comply with subdivision 26 of the Codes SEPP or have prior development consent and Construction Certificate or Complying Development Certificate (as applicable)
- If the building is a class 1b or class 2 to 9 building (e.g. residential flat building, townhouse development, boarding house, hotel, guest-house, B&B, aged-care, commercial or industrial building), the building must have a current *Fire Safety Schedule* and a *Fire Safety Certificate* or *Fire Safety Statement* encompassing all of the fire safety measures in the building (e.g. emergency lighting, exit signs, fire doors, smoke detection and alarm systems, smoke alarms, fire hydrants, fire hose reels, fire extinguishers etc) that is registered with Council.

Additional requirements and development standards apply – Refer to Part 2, Division 1, Subdivision 10A of the Codes SEPP for details.

Demolition Work

Key requirements and development standards:

- Must comply with the general requirements for *exempt development* in clause 1.16 of the Codes SEPP
- Does not apply to a heritage item, draft heritage item, land in a heritage (or draft heritage) conservation area

- Only allows for the demolition of a building or work which may be carried out as *exempt development* under the Codes SEPP
- Demolition work must be carried out in accordance with AS 2601 (2001) – The demolition of structures
- Must comply with Safework NSW requirements and Codes of Practice – specific requirements apply to demolition work involving materials containing asbestos and work may require the contractor to be licensed by Safework NSW

Additional requirements and development standards apply – Refer to Part 2, Division 1, Subdivision 13 of the Codes SEPP for details.

Driveways and Hard-Stand Car Spaces

Key requirements and development standards:

- Must comply with the general requirements for *exempt development* in clause 1.16 of the Codes SEPP
- Does not apply to a heritage item, draft heritage item, land in a heritage (or draft heritage) conservation area or land in a foreshore area or environmentally sensitive area
- Allows for the construction of a driveway on private land which provides access to an approved car space, garage or carport (or one that meets the exempt development criteria in the Codes SEPP)
- Allows for the construction of a hard-stand car space that is associated with a driveway on the lot
- Must comply with AS/NZS 2890.1 (2004) and AS 2890.2 (2002) relating to parking facilities and access to parking facilities
- Maximum amount of cut or fill for residential or ancillary development – 600mm
- Maximum cut or fill for commercial/industrial development – 1m
- Driveways:
 - Must obtain prior written approval from Council under the *Roads Act 1993* for any new or modified vehicular crossing or any work on Council land
 - Must not be wider than a single hard-stand car space, carport or garage
- Hard-stand car space:
 - Maximum area 20m²
 - Minimum dimensions 2.6m wide by 5.4m long
 - If ancillary to a dwelling house, the car space must be located at least 1m behind front building line and a least 900mm from side or rear boundaries
- On residential land – the area of all driveways, hard-stand car spaces, pathways/paved area must not exceed 15% of the area of the lot and a maximum 150m² (whichever the lessor)
- On residential land:
 - Site frontage up to 18m wide – must have minimum 25% landscape area forward of the building line
 - Site frontage more than 18m wide – must have minimum 50% landscape area forward of the building line
- Surface water or run-off must be connected to existing stormwater drainage system and must not cause a nuisance

Additional requirements and development standards apply – Refer to Part 2, Division 1, Subdivision 14 of the Codes SEPP for details.

Earthworks, Retaining Walls and Structural Supports

Key requirements and development standards:

- Must comply with the general requirements for *exempt development* in clause 1.16 of the Codes SEPP
- Does not apply to heritage items, draft heritage item, a *flood control lot* or environmentally sensitive area
- Located minimum 900mm from lot boundaries
- Cut and/or fill – maximum 600mm
- Must be separated from any other retaining wall or structural support by at least 2 metres
- Must not redirect flow of surface water or ground water or transport sediment onto an adjoining property
- Maximum height of any retaining walls – 600mm
- Located at least 1m from a registered easement, sewer main or water main
- Must have adequate drainage lines – connected to stormwater drainage system
- In a heritage conservation area – must be located in the rear yard only
- Fill more than 150mm in depth – must not occupy more than 25% of area of lot and all fill must be clean, free from demolition waste and comprise virgin excavated natural material (VENM) only
- Located at least 40m from a natural water body (e.g. ocean, creek, lake, pond)

Additional requirements and development standards apply – Refer to Part 2, Division 1, Subdivision 15 of the Codes SEPP for details.

Fences (Residential Land)

Key requirements and development standards:

- Must comply with the general requirements for *exempt development* in clause 1.16 of the Codes SEPP
- Does not apply to:
 - a heritage item (or draft heritage item)
 - within the front building line of a property in a heritage (or draft heritage) conservation area
 - a *flood control lot* or *foreshore area*
- If located at the side or rear of the lot behind front building line – maximum height – 1.8m
- Maximum height of any masonry wall or component – 1.2m
- If located at the front of the property within the building line – maximum height of 1.2m and must be open-design for 20% of area of the fence above 400mm from ground level
- If the fence is located on a secondary street/road frontage – the portion of the fence located within the front building line and 50% of length of secondary frontage – maximum height of 1.2m
- Non-reflective materials and no barbed wire
- Any gates must open inwards
- Any metal fencing must be pre-painted (e.g. colour bond)
- The height of a fence behind the building line may be increased by up to 400mm at the step-downs (only), on a sloping site
- The height of a fence within the building line may be increased by up to 300mm at the step-downs (only), on a sloping site
- Fences for swimming pools must comply with the *Swimming Pools Act 1992*
- if the fence is a dividing fence, the *Dividing Fences Act 1991* also applies, so consult with your neighbours before doing any work

Additional requirements and development standards apply – Refer to Part 2, Division 1, Subdivision 17 of the Codes SEPP for details.

Home Businesses, Home Occupations & Home Industries

Key requirements and development standards:

- Must comply with the general requirements for *exempt development* in clause 1.16 of the Codes SEPP
- Does not apply to a home business, home occupation or home industry involving making or manufacturing food products or skin penetration procedures
- Must not involve a change of building use or Building Code of Australia building classification
- Must comply with Council's Local Environmental Plan (LEP) 2012
- Maximum floor area of home business, home occupation or home industry – 30m² or 10% of floor area of dwelling (whichever the lessor)
- Must comply with relevant definitions in Council's LEP for *Home Business* or *Home Industry* or *Home Occupancy*, as applicable
- Must not interfere with the amenity of area or cause public nuisance (e.g. due to noise, traffic or pollution)
- Does not apply to bed and breakfast accommodation or sex services premises

Additional requirements and development standards apply – Refer to Part 2, Division 1, Subdivision 22 of the Codes SEPP for details.

Minor Building Alterations (Internal)

Key requirements and development standards:

- Must comply with the general requirements for *exempt development* in clause 1.16 of the Codes SEPP
- Does not apply to a heritage item or draft heritage item
- Applies to an alteration, replacement or renovation of:
 - a wall, floor or ceiling lining or doorway
 - a bathroom or kitchen
 - a built-in fixture e.g. vanity, cupboard or wardrobe
 - a sanitary facility
 - shelving or racking (e.g. in a shop/office)
 - a workstation or counter (e.g. in a shop/office)
 - insulation in a ceiling, floor or wall
- Does not apply to a food and drink premises
- Must not involve a change to the configuration of a room or creation of additional room/s, by the removal or installation of walls or partitions
- Must not affect the load-bearing capacity (vertical or horizontal) of a building
- Must not include a change or interfere with any fire safety measures, fire resisting components or an entry or exit to/from a building
- Must not affect light and ventilation to a room, reduce the size of a room or enclose an open space
- All work must comply with the Building Code of Australia (BCA) and relevant Australian Standards
- If the building is a class 1b or class 2 to 9 building (e.g. residential flat building, townhouse development, boarding house, hotel, guest-house, B&B, aged-care, commercial or industrial building), the building must have a current *Fire Safety Schedule* and a *Fire Safety Certificate* or *Fire Safety Statement* encompassing all of the fire safety measures in the building (e.g. emergency lighting, exit signs, fire doors, smoke detection and alarm systems, smoke alarms, fire hydrants, fire hose reels, fire extinguishers etc) that is registered with Council.

Any structural work or work involving the removal or installation of internal wall/s in a building requires either a Complying Development Certificate (refer to the complying development section for details), or a Development Application and Construction Certificate before carrying out the work.

In Strata Title developments, relevant approvals must be obtained from the Strata Plan Committee/Owners Corporation beforehand.

Additional requirements and development standards apply – Refer to Part 2, Division 1, Subdivision 26 of the Codes SEPP for details.

Minor Building alterations (External)

Key requirements and development standards:

- Must comply with the general requirements for *exempt development* in clause 1.16 of the Codes SEPP
- Does not apply to a heritage item, draft heritage item or land in a heritage (or draft heritage) conservation area
- Applies to a minor external, non-structural building alterations, such as:
 - painting, plastering, cement rendering or non-combustible wall cladding
 - attaching fittings and decorative work
 - replacement of an external window, glazing or door
 - repair or replacement of roof cladding
 - a security grille or screen to a door or window to a dwelling (only)
 - repair or replacement of a balustrade
- Must not alter the size of any opening (e.g. door or window)
- Must not affect or reduce the fire resistance level of a wall or roof or fire resisting components of a building or means of egress from a building
- A skylight to a dwelling, must be located at least 900mm from a boundary or attached dwelling and not exceeding 2% of roof area and, not on front elevation/road frontage in a heritage conservation area

Additional requirements and development standards apply – Refer to Part 2, Division 1, Subdivision 27 of the Codes SEPP for details.

Pathways and Paving

Key requirements and development standards:

- Must comply with the general requirements for *exempt development* in clause 1.16 of the Codes SEPP
- Does not apply to driveway, hard-stand car space or parking/loading area – separate provisions apply (refer to subdivision 14 – driveways and hard stand car spaces)
- Must not be more than 600mm cut and/or fill on a residential property
- Must not result in all paved (hard-surface) areas on the lot exceeding 15% of the area of the lot or 150m² whichever the lessor
- Minimum required landscape area forward of the building line on a residential lot:
 - Width of lot not more than 18m – 25% landscape area
 - Width of lot not more than 18m – 50% landscape area
- Non-residential lots – maximum cut or fill – 1m and must not reduce the landscape area fronting a roadway
- Surface water or run-off to be disposed of by a suitable stormwater drainage system

Additional requirements and development standards apply – Refer to Part 2, Division 1, Subdivision 28 of the Codes SEPP for details.

Privacy Screens

Key requirements and development standards:

- Must comply with the general requirements for *exempt development* in clause 1.16 of the Codes SEPP
- Does not apply within a *foreshore area*
- Does not apply to a privacy screen that is attached to a boundary fence or retaining wall
- Must be located in rear yard only
- Located minimum 900mm from lot boundaries
- Maximum length - 5m
- If located on the ground – maximum height 2.5m
- If attached to a deck, balcony, patio, terrace or verandah – must be 1.7m to 2.2m high above floor level
- Maximum of 2 such privacy screens per lot

Additional requirements and development standards apply – Refer to Part 2, Division 1, Subdivision 31 of the Codes SEPP for details.

Screen Enclosures (to a Deck, Balcony, Patio, Pergola, Terrace or Verandah) to a dwelling house

Key requirements and development standards:

- Must comply with the general requirements for *exempt development* in clause 1.16 of the Codes SEPP
- Does not apply to a heritage item or draft heritage item
- Must not have any enclosing solid walls higher than 1.4m
- Must not be higher than the level of house roof gutter line
- Ground level enclosures not to exceed 3m in height above floor level of the structure
- Must be located behind the front building line
- Must be located at least 900mm from lot boundaries
- Metal components to be non-reflective and pre-painted (e.g. colourbond)
- Must be structurally adequate
- Upper level enclosure – maximum 9m²
- In a heritage (or draft heritage conservation area) must be located so as not to face any road/street frontage

Additional requirements and development standards apply – Refer to Part 2, Division 1, Subdivision 35 of the Codes SEPP for details.

Shade Structure (Canvas, Fabric, Mesh or the like)

Key requirements and development standards:

- Must comply with the general requirements for *exempt development* in clause 1.16 of the Codes SEPP
- Does not apply to land in a foreshore area
- If located on land containing a heritage item, draft heritage item or heritage (or draft heritage) conservation area – must be located in rear yard only.
- Maximum area:
 - Residential 20m²
 - Child care facility in residential zone – 40m²
 - Child care facility not in residential zone – 60m²
 - Other developments – 30m²
- Maximum height – 3m above ground level

- Maximum area of all such structures on lot – 15% ground floor area of building
- Located behind the front building line
- Setback minimum 900mm from lot boundaries
- Must not interfere with drainage or flow-paths
- Structurally adequate design
- On child care facility – to be non-combustible

Additional requirements and development standards apply – Refer to Part 2, Division 1, Subdivision 36 of the Codes SEPP for details.

Advertising & Signage – Business, Commercial & Industrial

The NSW Codes SEPP contains exemptions for a number of different types of advertising and signage for business, commercial and industrial premises (subject to specific requirements and limitations), including:

- Building Identification Signs
- Wall Signs
- Under Awning Signs
- Fascia Signs
- Top Hamper Signs
- Replacement Advertising and Signage
- Internal Signs
- Community/Event Signs
- Real Estate Signs

The exempt provisions relate to specified low-impact types of advertising and signage only.

Any advertising or signage which does not fully comply with the exempt provisions requires development consent from Council prior to installation.

The general requirements for advertising and signage in Part 2, Division 2, Subdivision 1, together with the specific requirements and development standards for each type of advertising sign in Part 2, Division 2, Subdivision 2 to 13, must be fully complied with.

The prior written approval of Council must be obtained to install any advertising sign on, upon or over Council land.

The exemption provisions generally do not apply to premises identified as a heritage item, draft heritage item or buildings located within a heritage (or draft heritage) conservation area.

Complying Development

Introduction

The NSW Codes SEPP contains a number of separate codes for each key development type, including:

- **Part 3 – Housing Code**

Contains provisions relating to 1 or 2 storey dwelling houses, detached garages, studios, carports, balconies, decks, garden sheds, swimming pools, fences, retaining walls and other types of ancillary development.

- **Part 4 – Housing Alterations Code**

Contains provisions relating to Internal and External alterations to existing dwelling houses and other types of residential development (e.g. internal alterations to a unit/apartment building) and also attic conversions.

- **Part 4A – Specified Development**

Contains provisions relating to B&B's and Home Businesses (relating to manufacturing of food).

- **Part 5 – Commercial & Industrial Code**

Contains provisions relating to internal alterations and changes of use for most types of commercial and industrial development (including shop and office fit-outs). Also, allows for 'first-use' of premises, mechanical ventilation systems, external signage, shopfronts, awnings, ancillary development, parking, fences and retaining walls.

- **Part 5A – Commercial & Industrial (New Buildings & Additions)**

Contains provisions relating to the construction of new commercial and industrial buildings and additions to these types of development.

- **Part 6 – Subdivisions Code**

Contains provisions relating to the issue of a CDC for Strata Subdivisions (subject to limitations).

- **Part 7 – Demolition Code**

Contains provisions relating to the issue of a CDC to *demolish* many types of existing buildings (excluding heritage items, draft heritage items, buildings in heritage (or draft heritage) conservation areas and other exclusions).

- **Part 8 – Fire Safety Code**

Contains provisions relating to certain types of fire safety upgrading works, mainly relating to sprinkler and hydraulic systems (e.g. fire hydrants, fire mains and storage systems)

- **Schedule 2 – Variations – Exempt Development**

- **Schedule 3 – Variations – Complying Development**

- **Schedule 4 – Excluded Land – Exempt Development**
- **Schedule 5 – Excluded Land – Complying Development (including Former Matraville Incinerator Land)**
- **Schedule 6 – Complying Development Certificate Conditions – Housing Code**
- **Schedule 7 – Complying Development Certificate Conditions – Housing Alterations Code**
- **Schedule 8 – Complying Development Certificate Conditions – Commercial & Industrial Codes**
- **Schedule 9 – Complying Development Certificate Conditions – Demolition Code**
- **Schedule 10 – Complying Development Certificate Conditions – Fire Safety Code**

Key Requirements & Development Standards – Dwelling Houses

General Requirements

Reference should be made to the general requirements relating to complying development including:

- *Clause 1.17 – What is complying development*

The development must meet all of the requirements, limitations and development standards in the Codes SEPP to be complying development

- *Clause 1.17A – Requirements for complying development*

A CDC cannot be issued in relation to land containing a *heritage item* under Council's Local Environmental Plan 2012 or an item on the State Heritage Register, or land that is critical habitat, wilderness area, environmentally sensitive area or development that requires the concurrence of another person (e.g. EPA).

- *Clause 1.18 – General requirements for complying development*

- the development must be *permissible* under the current zoning provisions in Randwick City Council's Local Environmental Plan 2012
- all building work must comply with the Building Code of Australia (BCA)
- the development cannot be on land subject to draft heritage item
- the development cannot relate to 'designated development'
- separate approvals must be obtained from Council under the *Roads Act 1993* and *Local Government Act 1993* before a Complying Development Certificate can be issued (in relation to driveway crossings or other work on Council land, tree removal or pruning or other associated activities on Council land)

- *Clause 1.19 – Land exclusions for complying development*

- Complying development cannot be carried out on:
 - Land containing a heritage item or on the State Heritage Register
 - Land within a heritage conservation area or draft heritage conservation area [other than certain types of detached development or swimming pool]
 - Land affected by an Acid Sulphate Soils Map
 - Land affected by Threatened Species Provisions
 - Land that is reserved for a public purpose
 - Land identified in a planning instrument/LEP as environmentally sensitive land; coastal erosion; protected area; foreshore area [within the foreshore building line]
 - Land within or higher than the 25 ANEF contour for aircraft noise

- Land that is unsewered
- Land specified in schedule 5 of the Codes SEPP (including contaminated land identified in Council's Contaminated Land Policy – Former Matraville Incinerator)
- Reference should be made to the full provisions in Part 1 of the Codes SEPP to ensure compliance with all of the general provisions, before proceeding to the specific requirements and development standards for the proposed development

Note:

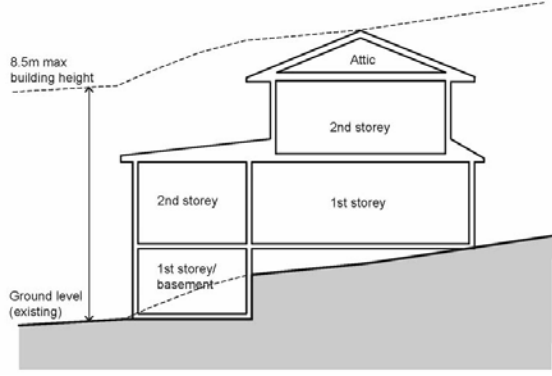
A s149 Planning Certificate contains important information about a particular property, including zoning, heritage, planning policies which apply to the property and other information about the property.

A s149 Planning Certificate should be obtained from Council before undertaking any building work or development.

Refer to [Council's website](#) for further information.

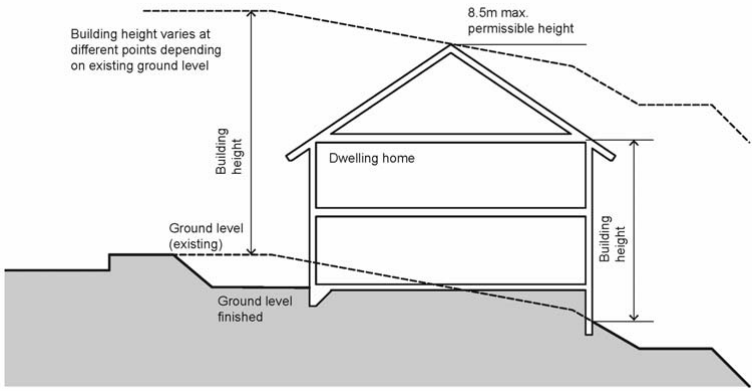
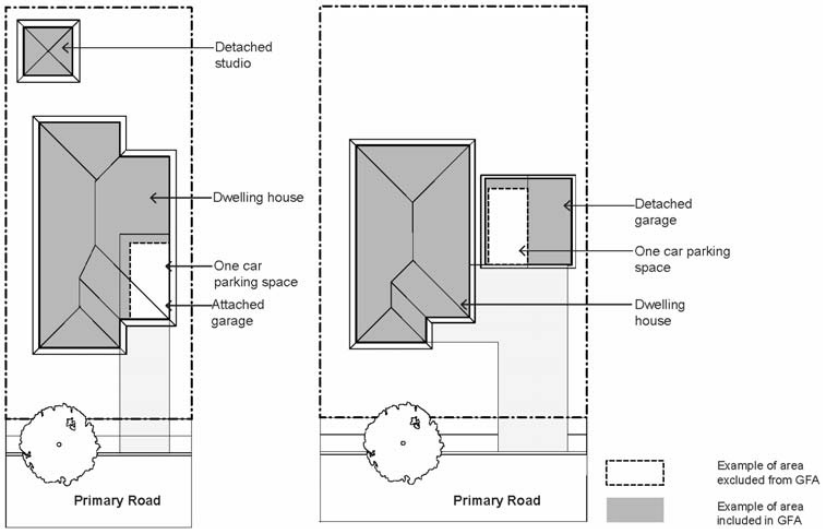
Summary of key development standards – Dwelling Houses, including ancillary detached development

(Refer to Parts 3 & 4 of the Codes SEPP for full details)

Zoning	Must be permissible [refer to Randwick City Council's Local Environmental Plan 2012]
Heritage Item	Land must not contain heritage item or be listed on State Register or land within an <i>environmentally sensitive area</i> [except for some limited exceptions]
Heritage Conservation Area	Must not be located in a heritage conservation area or draft heritage conservation area [except for certain types of detached buildings or a swimming pool]
No of Storeys	<p>Maximum of one or two storeys at any point <i>[NB. A basement including a garage is counted as a storey, however an attic is not counted as a storey]</i></p> 
Lot Requirements	<p>Must comply with the following:</p> <ul style="list-style-type: none"> • Zone R1, R2, R3, R4 and or RU5 • Minimum area of lot - 200m² • Minimum width of lot at front - 6m • Land must contain only 1 dwelling house • Must have access to a public road • Other requirements apply to battle-axe lots and corner lots
Exclusions	<p>The development must not comprise:</p> <ul style="list-style-type: none"> • A roof terrace • An attachment to a secondary dwelling or group home • Building over a registered easement [refer to owners Certificate of Title deeds or Registered Survey] • Building a 'common wall' (e.g. between two semidetached dwellings) • Any work to a carport, garage or other structure that is forward of the building line of the dwelling house • A basement area more than 25m²N for a lot 6m-10m wide or 45m² for a lot more than 10 wide
Flood Control Lots	<p>Specific requirements apply if a property is identified as a <i>Flood Control Lot</i> (e.g. as identified on a s.149 Planning Certificate)</p> <p>See clause 3.5 of the Codes SEPP</p>

Summary of key development standards – Dwelling Houses, including ancillary detached development

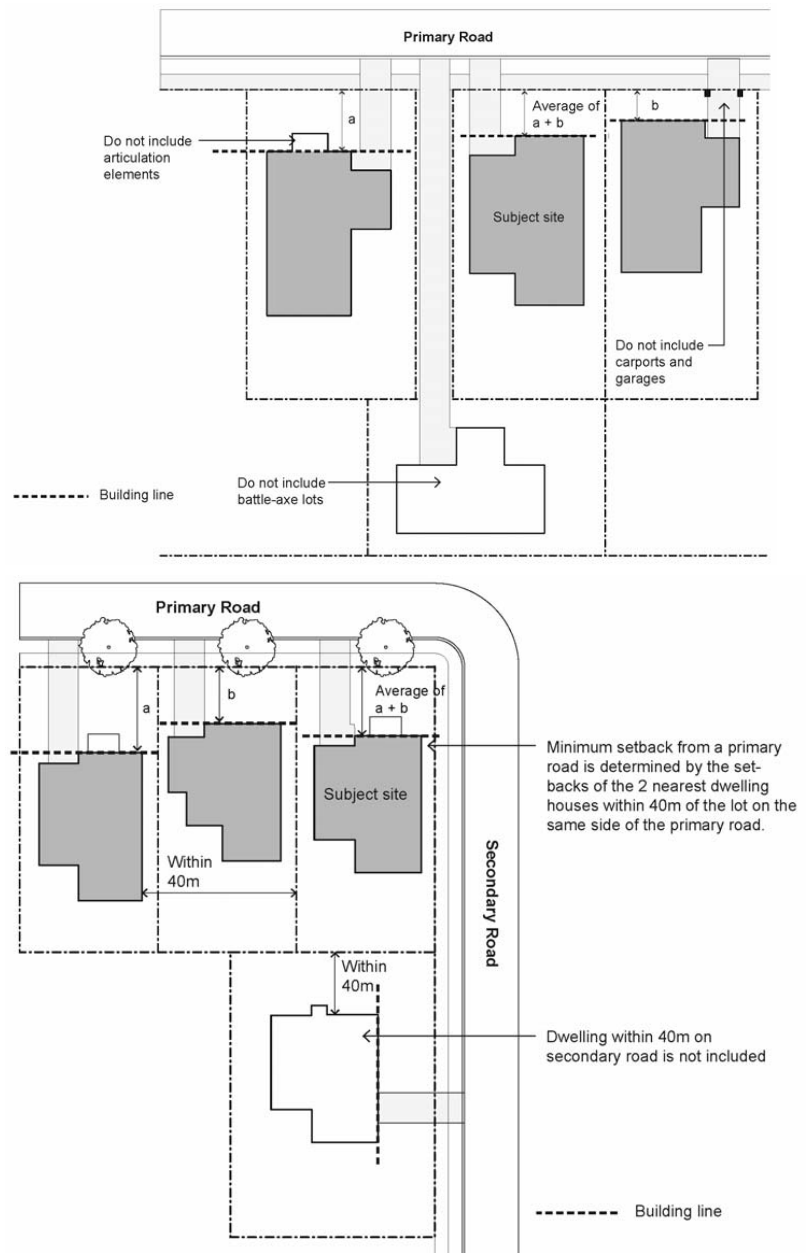
(Refer to Parts 3 & 4 of the Codes SEPP for full details)

Maximum Building Height	<p>8.5m at any point above existing ground level</p> 
Maximum Gross Floor Area (GFA) of 'all buildings' on lot	<ul style="list-style-type: none"> • Lot area 200m² - 250m² = GFA 78% of lot area • Lot area >250m² - 300m² = GFA 75% of lot area • Lot area >300m² - 350m² = GFA 235m² • Lot area >350m² - 450m² = GFA 25% lot area + 150m² • Lot area >450m² - 560m² = GFA 290m² • Lot area >560m² - 600m² = GFA 25% lot area + 150m² • Lot area >600m² - 740m² = GFA 335m² • Lot area >740m² - 900m² = GFA 25% lot area + 150m² • Lot area >900m² - 920m² = GFA 380m² • Lot area >920m² - 1000m² = GFA 25% lot area + 150m² • Lot area >1000m² = GFA 400m² • Specific provisions apply to a 'battle-axe lot'.  <p>Refer to clause 3.9 of the Codes SEPP for full details</p>
Front Setback	<p>Generally, the front setback of a dwelling or detached development from a 'primary road' must be at least 'the average setback' of the nearest two dwellings on the same side of road [e.g. the average setback of the dwellings on each side of the subject dwelling]</p> <p><i>Other provisions apply if there is not two dwellings within 40m of the lot.</i></p> <p>(Continued)</p>

Summary of key development standards – Dwelling Houses, including ancillary detached development

(Refer to Parts 3 & 4 of the Codes SEPP for full details)

Any structures on the adjoining lots forward of the building line (e.g. a carport or garage) are disregarded when calculating the front setbacks.



Refer to clause 3.10 of the Codes SEPP for full details

Side Setbacks

The minimum side setback for dwellings, detached development, carports, garages, balconies, decks, outbuildings etc are:

- Lot width 6m to 10m
 - Building height 0m to 5.5m - Minimum setback = 900mm
 - Building height >5.5m to 8.5m - Minimum setback = $(\text{building height} - 5.5\text{m}) \div 4 + 0.9\text{m}$
- Lot width >10 to 18m
 - Building height 0m to 4.5m - Minimum setback = 900mm

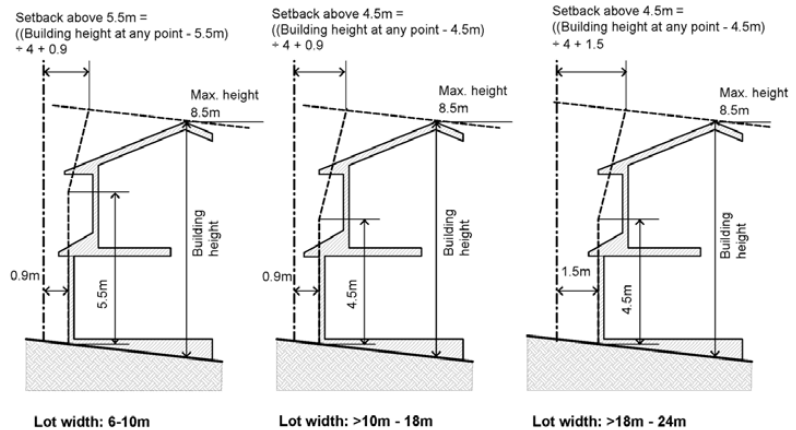
(Continued)

Summary of key development standards – Dwelling Houses, including ancillary detached development

(Refer to Parts 3 & 4 of the Codes SEPP for full details)

- Building height >4.5m to 8.5m - Minimum setback = (building height – 4.5m) ÷ 4 + 0.9m
- Lot width >18m to 24m
 - Building height 0m to 4.5m - Minimum setback = 1.5m
 - Building height >4.5m to 8.5m - Minimum setback = (building height – 4.5m) ÷ 4 + 1.5m

Refer to clause 3.10 for more details/lot sizes

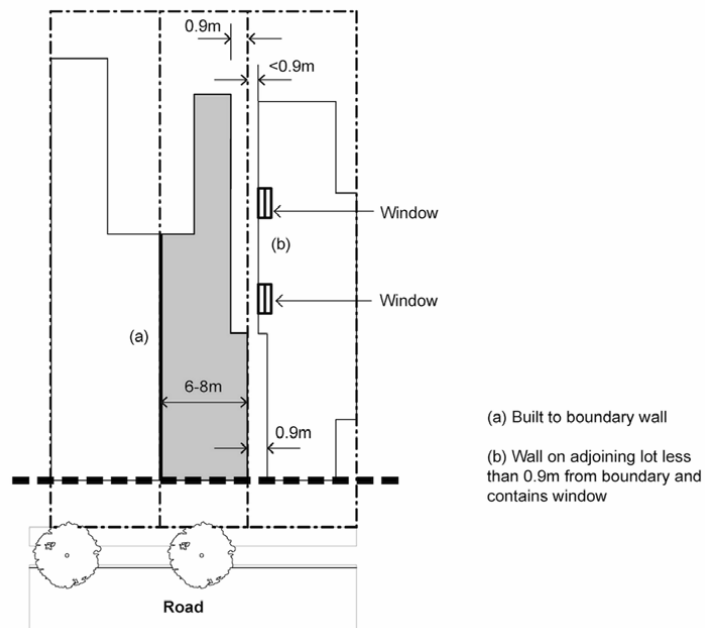


Refer to clause 3.10 (4) of the Codes SEPP for full details

Exceptions to Side Boundary Setback requirements

Clause 3.10(5) of the Codes SEPP contains specific exemptions or variations to the standard setback requirements, including:

- A building may be built to one or both side boundaries on a narrow width lot 6m to 8m, subject to specific requirements.
- A building may be built to one side boundary on a lot that is >8m to 12.5m wide, subject to specific requirements.
- Any walls built less than 900m of a boundary are subject to specific requirements e.g. height, length, design and construction [refer to clauses 3.10 (5), (6), (7) and (8)].



Refer to clause 3.10 (5) & (6) of the Codes SEPP for full details

Summary of key development standards – Dwelling Houses, including ancillary detached development

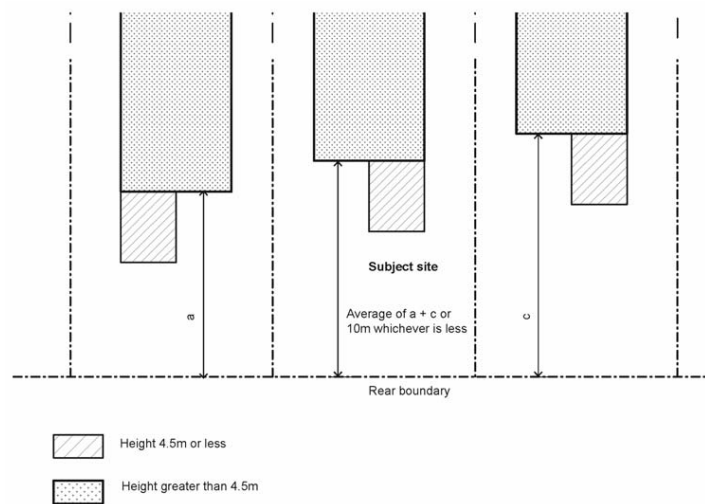
(Refer to Parts 3 & 4 of the Codes SEPP for full details)

Rear Setbacks

The minimum rear boundary setback of a dwelling house or ancillary attached development (e.g. garage, carport, balcony or terrace) is generally:

- Lot area 200m² to 300m²
 - Building height 0m – 4.5m = 3m setback
 - Building height >4.5m – 8.5m = 10m or average of upper level setback of adjoining dwellings (whichever lessor)
- Lot area >300m² to 900m²
 - Building height 0m – 4.5m = 3m setback
 - Building height >4.5m – 8.5m = 8m setback
- Lot area 900m² to 1,500m²
 - Building height 0m – 4.5m = 5m
 - Building height >4.5m – 8.5m = 12m

Refer to clause 3.10(10) for lots >1,500m²

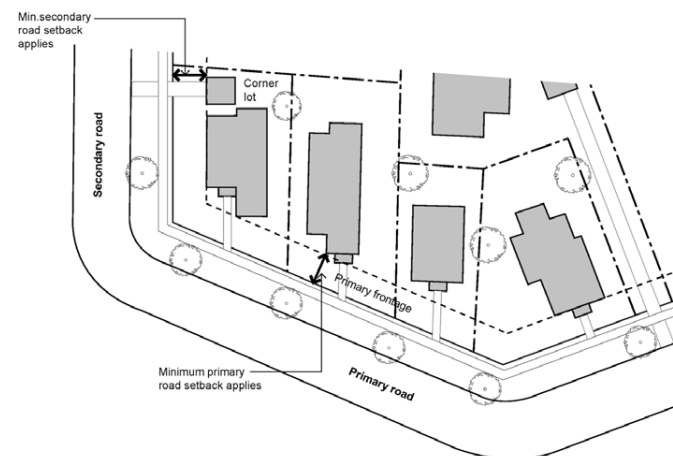


Refer to clause 3.10 (10) of the Codes SEPP for full details

Secondary Road Setback for Corner Lots

Generally:

- Lot size 200m – 600m² = 2m minimum
- Lot size >600m – 1500m² = 3m minimum
- Lot size >1,500m² = 5m minimum



Refer to clause 3.10 (11) of the Codes SEPP for full details

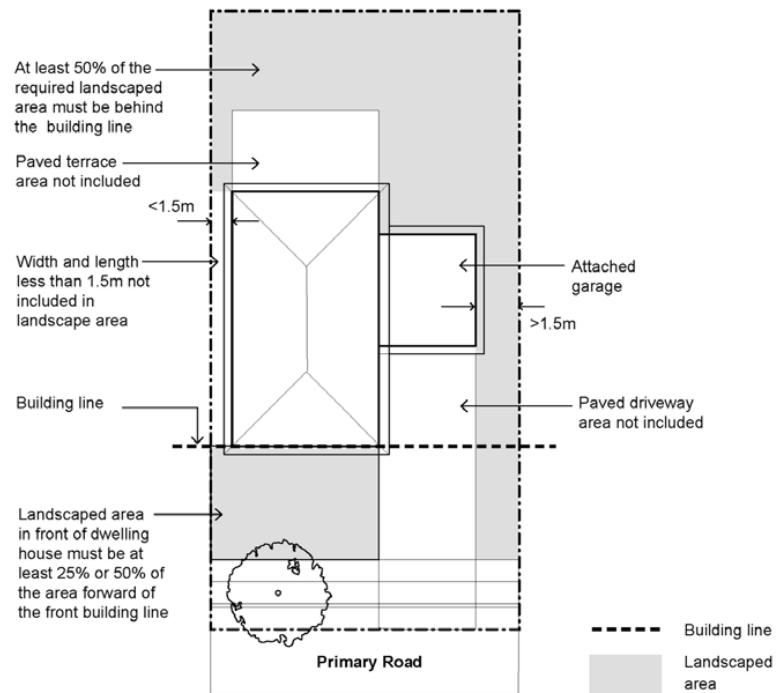
Summary of key development standards – Dwelling Houses, including ancillary detached development

(Refer to Parts 3 & 4 of the Codes SEPP for full details)

Other Boundary Setbacks	<p>Generally:</p> <ul style="list-style-type: none"> Classified road – 9m Public reserve – 3m Parallel road – 3m Battle-axe front – 3m 														
Exceptions to Setbacks	<p>Various exceptions apply to front, side and rear setbacks</p> <p>Some exceptions include:</p> <ul style="list-style-type: none"> Facias, gutters and downpipes Driveways Pathways and paving Gas or electricity meters Existing parts of a dwelling not affected or altered by the development Some ancillary building elements may only require a setback of 450mm including aerials, awnings, chimneys, rainwater tanks, eaves, privacy screens, cooling or heating appliances A building may be built within 900mm of a rear laneway for a maximum of 50% of the length of that boundary <p><i>Refer to clause 3.11 of the Codes SEPP for full details</i></p>														
Balcony, Deck, Patio, Terrace or Verandah that is 'Attached' to the side or rear of a Dwelling	<p>Minimum area of lot 300m²</p> <p>Minimum width of lot 10m</p> <p>Maximum height of the floor level of the attached balcony, deck, patio, terrace or verandah above existing ground level:</p> <ul style="list-style-type: none"> <3m from side/rear boundary = 2m 3m-6m from side/rear boundary = 3m >6m from side/rear boundary = 4m <p><u>And</u> maximum floor area 12m² if >2m above ground level</p>														
Landscaping & Principal Private Open Space	<p>Minimum required landscape area:</p> <table border="1"> <thead> <tr> <th><u>Lot area</u></th><th><u>Minimum landscaped area</u></th></tr> </thead> <tbody> <tr> <td>200m² - 300m²</td><td>10% of lot area</td></tr> <tr> <td>>300m² - 450m²</td><td>15% of lot area</td></tr> <tr> <td>>450m² - 600m²</td><td>20% of lot area</td></tr> <tr> <td>>600m² - 900m²</td><td>30% of lot area</td></tr> <tr> <td>>900m² - 1,500m²</td><td>40% of lot area</td></tr> <tr> <td>>1,500m²</td><td>45% of lot area</td></tr> </tbody> </table> <p>Minimum amount of landscaping to be provided forward of the building line:</p> <ul style="list-style-type: none"> 25% if lot width is 18m or less 50% if lot width is >18m <p><u>And</u> minimum 50% of the landscaped area must be provided behind the building line</p> <p>Minimum Principal Private Open Space on lot:</p> <ul style="list-style-type: none"> Lot width 6m – 10m = 16m² Lot width >10m = 24m² <p style="text-align: right;"><i>(Continued)</i></p>	<u>Lot area</u>	<u>Minimum landscaped area</u>	200m ² - 300m ²	10% of lot area	>300m ² - 450m ²	15% of lot area	>450m ² - 600m ²	20% of lot area	>600m ² - 900m ²	30% of lot area	>900m ² - 1,500m ²	40% of lot area	>1,500m ²	45% of lot area
<u>Lot area</u>	<u>Minimum landscaped area</u>														
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>1,500m ²	45% of lot area														

Summary of key development standards – Dwelling Houses, including ancillary detached development

(Refer to Parts 3 & 4 of the Codes SEPP for full details)



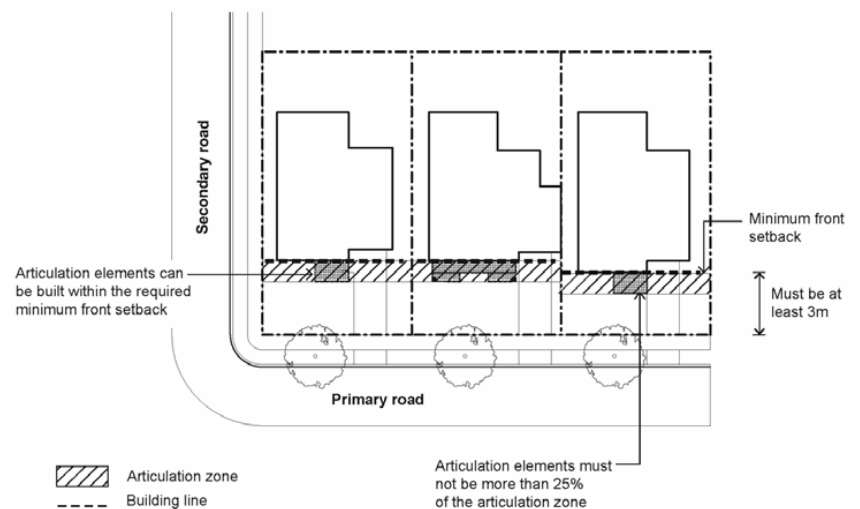
Refer to clause 3.15 of the Codes SEPP for full details

Amenity Development Standards

The dwelling house must include specific design elements, including:

- At least 1 door and 1 window to a habitable room on the front elevation
- An 'articulation zone' (architectural features at the front of the dwelling e.g. an entry feature, portico, bay window, verandah or awning)

Additional provisions apply – refer to clause 3.14 of the Codes SEPP



Refer to clause 3.14 (7) for corner lots and lots with secondary frontage

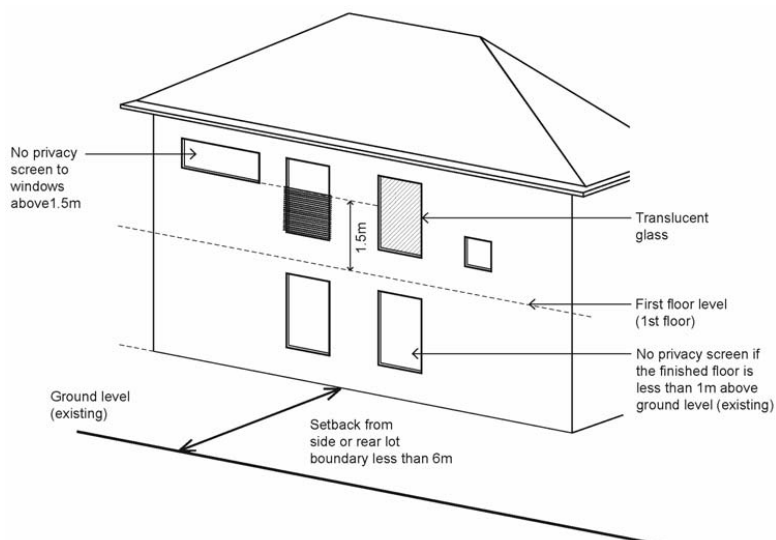
Summary of key development standards – Dwelling Houses, including ancillary detached development

(Refer to Parts 3 & 4 of the Codes SEPP for full details)

Privacy Screens to windows

A privacy screen must be provided to a *habitable room*:

- If the window is less than 1.5m above the floor level of the room and
 - the window is located <3m from a side or rear boundary and the floor level of the room is >1m above existing ground level
 - the window is located >3m to 6m from a side or rear boundary and the floor level of the room is >3m above existing ground level



These requirements do not apply to a bedroom window that is not more than 2m² in area

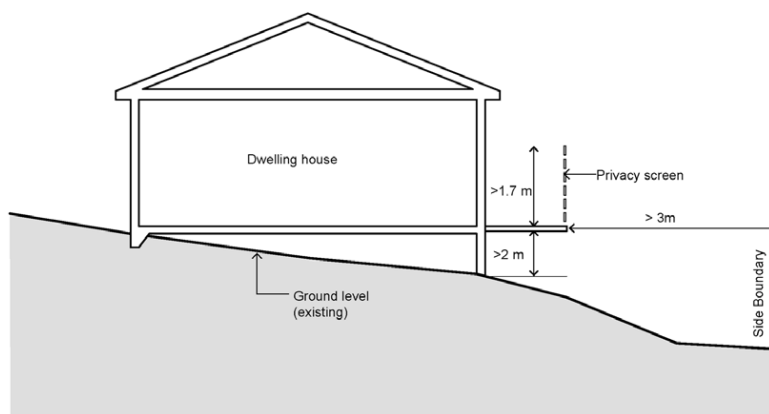
Refer to clause 3.15 of the Codes SEPP for full details

Privacy Screens to Balconies, Decks, Patios, Terraces and Verandahs etc

A privacy screen (1.7m to 2.2m high) must be provided to the side/s and end of a balcony, deck, terrace, patio or verandah etc that has a floor area of 3m² or more if:

- the structure is located <3m from a side/rear boundary and it is >1m above existing ground level, and
- the structure is located >3m to 6m from a side/rear boundary and it is >2m above existing ground level

Does not apply to existing unaffected parts of building



Refer to clause 3.15 of the Codes SEPP for full details

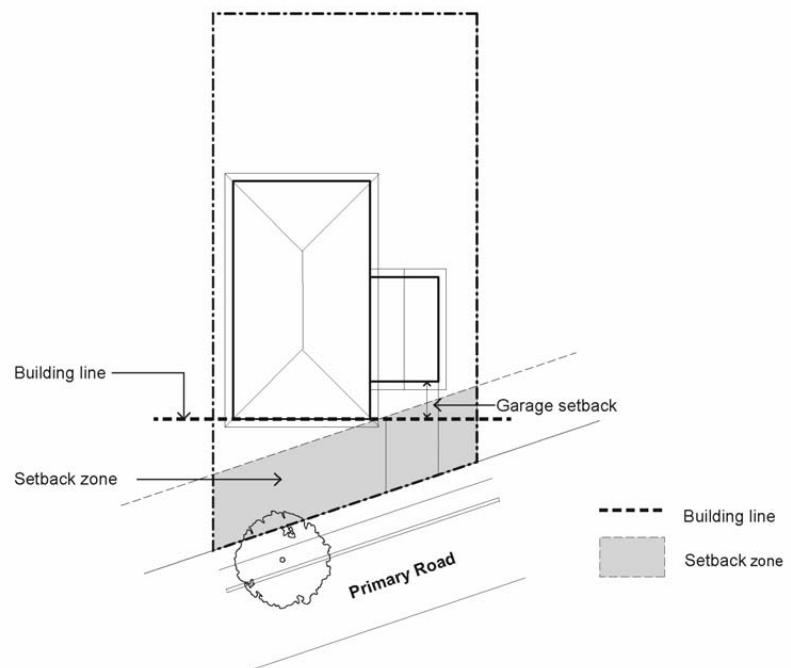
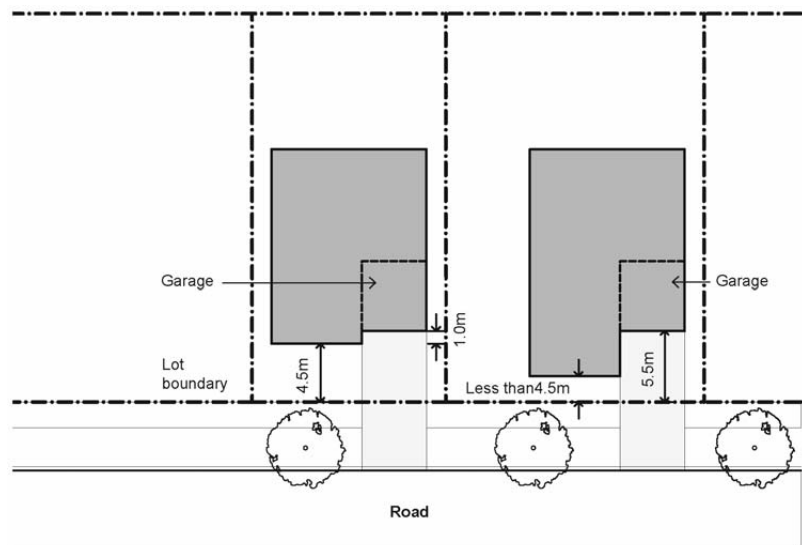
Summary of key development standards – Dwelling Houses, including ancillary detached development

(Refer to Parts 3 & 4 of the Codes SEPP for full details)

Car Parking and Vehicular Access

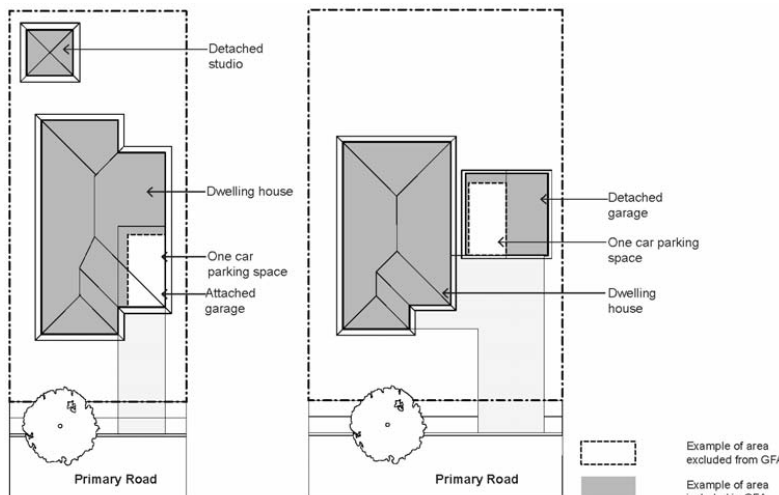
- A minimum of 1 off-street car space, garage or carport must be provided to the lot
- Parking spaces and vehicular access must comply with AS2890.1 (2004)
- Front setback to car space, garage or carport:
 - Minimum 5.5m (or 1m behind building line whichever greater)
- Maximum garage door width
 - Lot width 8m to 12m = 3.2m
 - Lot width >12m = 6m

Note: Clause 1.18 requires separate prior approval from Council under the Roads Act for a new or modified vehicular crossing, kerb and guttering or other work on Council land



Refer to clause 3.16 of the Codes SEPP for full details

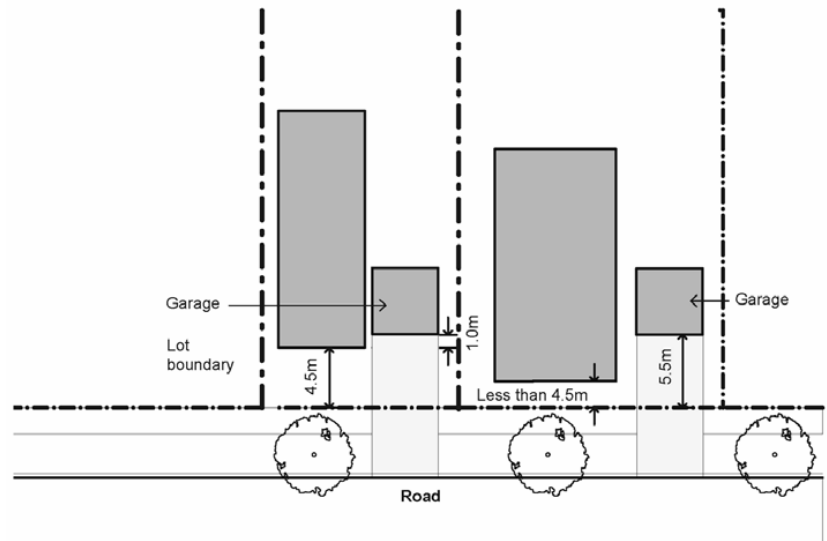
Key requirements and development standards for ancillary 'detached development' (e.g. detached garage, carport, shed, gazebo, deck, swimming pool, studio [not a secondary dwelling])

Maximum building height	4.5m above existing ground level										
Maximum <i>gross floor area</i> (GFA) of ' <u>all</u> buildings' on lot	<p>The maximum gross floor area (GFA) of <u>all</u> buildings on the lot is based on the site area of the lot and summarised below:</p> <ul style="list-style-type: none"> Lot area 200m² - 250m² = GFA 78% lot area Lot area >250m² - 300m² = GFA 75% lot area Lot area >300m² - 350m² = GFA 235m² Lot area >350m² - 450m² = GFA 25% lot area + 150m² Lot area >450m² - 560m² = GFA 290m² Lot area >560m² - 600m² = GFA 25% lot area + 150m² Lot area >600m² - 740m² = GFA 335m² Lot area >740m² - 900m² = GFA 25% lot area + 150m² Lot area >900m² - 920m² = GFA 380m² Lot area >920m² - 1000m² = GFA 25% lot area + 150m² Lot area >1000m² = GFA 400m² Specific provisions apply to a 'battle-axe lot'.  <p><i>Refer to clause 3.19 of the Codes SEPP for full details</i></p>										
Maximum <i>gross floor area</i> (GFA) of certain detached structures	<p>The maximum gross floor area (GFA) of the following structures is summarised below:</p> <ul style="list-style-type: none"> A deck, patio, pergola, terrace, verandah, cabana, cubby house, fernery, garden shed, gazebo, greenhouse, carport, garage or shed <table border="1"> <thead> <tr> <th>Lot area</th><th>Setback</th></tr> </thead> <tbody> <tr> <td><300m²</td><td>36m²</td></tr> <tr> <td>>300-600m²</td><td>45m²</td></tr> <tr> <td>>600-900m²</td><td>60m²</td></tr> <tr> <td>>900m²</td><td>100m²</td></tr> </tbody> </table> <p><i>Refer to clause 3.20 of the Codes SEPP for full details</i></p>	Lot area	Setback	<300m ²	36m ²	>300-600m ²	45m ²	>600-900m ²	60m ²	>900m ²	100m ²
Lot area	Setback										
<300m ²	36m ²										
>300-600m ²	45m ²										
>600-900m ²	60m ²										
>900m ²	100m ²										
Front setback	Must be located behind the building line of the dwelling to any primary road or secondary road										

Key requirements and development standards for ancillary 'detached development' (e.g. detached garage, carport, shed, gazebo, deck, swimming pool, studio [not a secondary dwelling])

Side setbacks	<p>General side boundary setbacks:</p> <table> <tr> <th><u>Lot width</u></th><th><u>Setback</u></th></tr> <tr> <td>6m – 18m</td><td>900mm</td></tr> <tr> <td>>18m – 24m</td><td>1.5m</td></tr> <tr> <td>>24m</td><td>2.5m</td></tr> </table> <p><i>Some exceptions apply and a detached structure may be built to a side boundary on certain narrow lots (<12.5m wide)</i></p> <p><i>Refer to clause 3.21 of Codes SEPP for full details</i></p>	<u>Lot width</u>	<u>Setback</u>	6m – 18m	900mm	>18m – 24m	1.5m	>24m	2.5m						
<u>Lot width</u>	<u>Setback</u>														
6m – 18m	900mm														
>18m – 24m	1.5m														
>24m	2.5m														
Rear setbacks	<p>Generally the structure/outbuilding must be setback from rear boundary:</p> <table> <tr> <th><u>Lot area</u></th><th><u>Setback</u></th></tr> <tr> <td>200m² - 900m²</td><td>900mm</td></tr> <tr> <td>>900m² - 1500m²</td><td>1.5m</td></tr> <tr> <td>>1500m²</td><td>2.5m</td></tr> </table> <p><i>Some variations apply, refer to clause 3.21(8) of the Codes SEPP for details</i></p>	<u>Lot area</u>	<u>Setback</u>	200m ² - 900m ²	900mm	>900m ² - 1500m ²	1.5m	>1500m ²	2.5m						
<u>Lot area</u>	<u>Setback</u>														
200m ² - 900m ²	900mm														
>900m ² - 1500m ²	1.5m														
>1500m ²	2.5m														
Other setbacks for attached development	<p>Generally:</p> <ul style="list-style-type: none"> - Parallel road – 3m - Classified road – 9m - Public reserves – 3m <p><i>Additional provisions apply to detached development in a heritage conservation area</i></p>														
Detached garages and carports	<p>Requirements include:</p> <ul style="list-style-type: none"> - Vehicular access and off-street parking to comply with AS2890.1 (2004) - On a 'battle-axe' block, vehicle must enter/leave in forward direction - A carport must have at least 2 sides open - Front setback in most cases 5.5m or 1m behind building line (whichever is greater) - Secondary street setback varies 2m to 5m - Rear setback: <table> <tr> <th><u>Lot area</u></th><th><u>Rear Boundary Setback</u></th></tr> <tr> <td>200m² - 900m²</td><td>900mm</td></tr> <tr> <td>>900m² - 1500m²</td><td>1.5m</td></tr> <tr> <td>>1500m²</td><td>2.5m</td></tr> </table> <ul style="list-style-type: none"> - Garage or carport may be built to rear boundary on small lots (<300m²), subject to certain requirements - Maximum width of garage doors: <table> <tr> <th><u>Lot width</u></th><th><u>Garage door</u></th></tr> <tr> <td>8m – 12m</td><td>3.2m</td></tr> <tr> <td>>12m</td><td>6m</td></tr> </table> <p style="text-align: right;"><i>(Continued)</i></p>	<u>Lot area</u>	<u>Rear Boundary Setback</u>	200m ² - 900m ²	900mm	>900m ² - 1500m ²	1.5m	>1500m ²	2.5m	<u>Lot width</u>	<u>Garage door</u>	8m – 12m	3.2m	>12m	6m
<u>Lot area</u>	<u>Rear Boundary Setback</u>														
200m ² - 900m ²	900mm														
>900m ² - 1500m ²	1.5m														
>1500m ²	2.5m														
<u>Lot width</u>	<u>Garage door</u>														
8m – 12m	3.2m														
>12m	6m														

Key requirements and development standards for ancillary 'detached development' (e.g. detached garage, carport, shed, gazebo, deck, swimming pool, studio [not a secondary dwelling])



Refer to clause 3.23 of Codes SEPP for full details

Detached decks, patios, pergolas, terraces and verandahs

Requirements include:

- Maximum floor level – 600mm above existing ground level
- Minimum rear setbacks:

<u>Lot area</u>	<u>Setback</u>
200m ² - 900m ²	900mm
>900m ² - 1500m ²	1.5m
>1500m ²	2.5m

Detached studios

These provisions relate to a *detached studio* that is ancillary to a dwelling – the provisions do not apply to a secondary dwelling or a separate occupancy.

Key requirements include:

- Only 1 per lot
- Maximum building height generally = 4.5m
- Maximum building height if <900m of a laneway and located above a garage = 6m
- Gross floor area of studio:

<u>Lot area</u>	<u>Maximum floor area</u>
Up to 350m ²	20m ²
>350m ²	36m ²

- Side and rear setbacks:

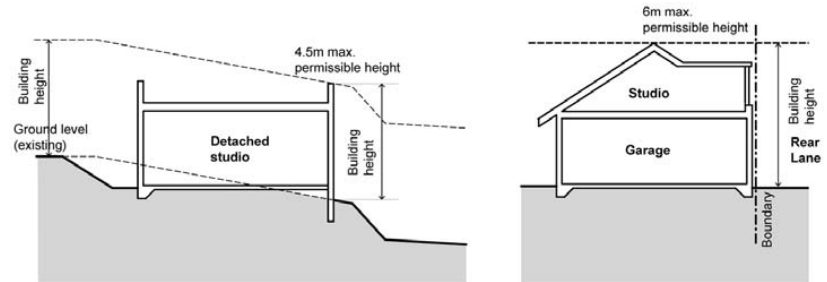
<u>Lot width</u>	<u>Setback</u>
6m – 18m	900mm
>18m	1.5m

- Some exceptions apply to setbacks e.g. on narrow lots <12.5m wide
- Additional ancillary development standards apply – Refer to clause 3.25 (7) and (8) of Codes SEPP (Continued)

Key requirements and development standards for ancillary 'detached development' (e.g. detached garage, carport, shed, gazebo, deck, swimming pool, studio [not a secondary dwelling])

Exceptions apply in relation to driveways, fences, downpipes/gutters, fascias, pathways and paving, cooling/heating meters, services etc

Some detached structures may be built to a rear lane boundary in lieu of the standard rear setback, for up to 50% of boundary length – Refer to clause 3.26 (4)



Refer to clause 3.25 (6) of Codes SEPP for full details

Landscaping requirements for detached development

The required minimum landscaped area is summarised below:

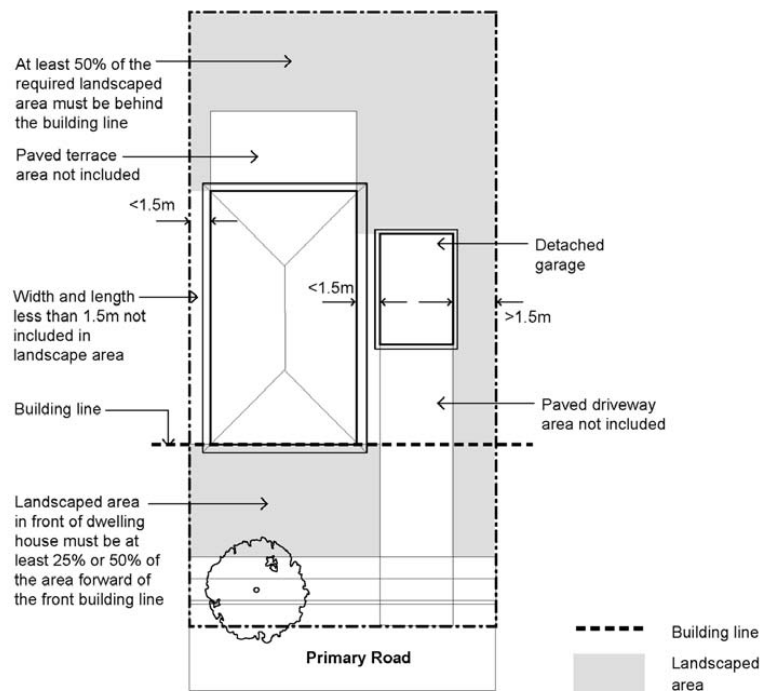
<u>Lot area</u>	<u>Min Landscape Area</u>
200m ² - 300m ²	10% lot area
>300m ² - 400m ²	15% lot area
>400m ² - 600m ²	20% lot area
>600m ² - 900m ²	30% lot area
>900m ² - 1500m ²	40% lot area
>1500m ²	45% lot area

- Minimum landscape area width – 1.5m wide
- On a lot <18m wide – a minimum 25% of the landscaped area must be in front of the building line
- On a lot >18m wide – a minimum 50% of landscape area must be in front of the building line
- At least 50% of the landscape area must be behind the building line
- Minimum *Principal Private Open Space*
 - Lot 6m – 10m wide = 16m²
 - Lot >10m wide = 24m²

Exceptions apply to existing non-compliant developments/sites.

(Continued)

Key requirements and development standards for ancillary 'detached development' (e.g. detached garage, carport, shed, gazebo, deck, swimming pool, studio [not a secondary dwelling])



Refer to clause 3.27 of the Codes SEPP for full details

Swimming pools and swimming pool barriers

- The swimming pool must be associated with a dwelling house and for 'private-use' only
- Pump/filter must be within a soundproof enclosure
- Swimming pool coping level must be not more than 1.4m above existing ground level and the coping must be 300mm wide (maximum) if it is more than 600mm above existing ground level
- Decking level to be maximum 600mm above existing ground level
- Swimming pool water line to be setback 1m from side/rear boundaries
- Swimming pool to be located behind the building line
- Additional provisions apply if the swimming pool is located in heritage conservation area
- Swimming pool fencing/barriers around the pool must comply with the *Swimming Pools Act 1992*

Fences

- Does not apply to heritage item or within the building line of building in a heritage conservation area.
- Fences located behind building line - maximum height of 1.8m
- Fences located forward of the building line - maximum height of 1.2m
- Gate/s bounding a public place must open inward
- Fence/s must not restrict the flow of any floodwater
- Fence/s located within building line must be open for 20% of the area of fence that is 400mm above existing ground level
- The maximum height of a fence located behind the building line may be up to 2.2m at any 'steps' in the fence on a sloping site

(Continued)

Key requirements and development standards for ancillary 'detached development' (e.g. detached garage, carport, shed, gazebo, deck, swimming pool, studio [not a secondary dwelling])

	<ul style="list-style-type: none"> Any metal components to be low-reflective and pre-coloured Fences must not be comprise of barbed wire or electric fence Additional development standards apply to the design and construction of fences 								
Earthworks, retaining works, protection of trees and drainage work	<ul style="list-style-type: none"> Excavation associated with complying development: <table border="1"> <thead> <tr> <th><u>Distance from boundary</u></th><th><u>Excavation depth</u></th></tr> </thead> <tbody> <tr> <td>≤1m</td><td>1m maximum</td></tr> <tr> <td>>1m – 1.5m</td><td>2m maximum</td></tr> <tr> <td>>1.5m</td><td>3m maximum</td></tr> </tbody> </table> Fill: <ul style="list-style-type: none"> fill associated with new or alterations/additions to a dwelling house under this Code - maximum 1m Fill associated with other types of complying development – maximum 600mm [excluding swimming pools] fill contained entirely within the footprint of a dwelling house or attached/detached development – is not limited fill that is more than 150mm in depth and located outside of the footprint of a dwelling or attached/detached development is limited to not more than 50% of the required landscaped area on the lot Retaining walls/supports: <ul style="list-style-type: none"> must be designed by professional engineer must be structurally adequate and comply with manufacturers specifications must not redirect surface water or groundwater provided with adequate drainage and be connected to stormwater drainage system height must be consistent with the approved height of the excavation or fill (as above) must be separated from any other retaining wall/support on the site – minimum distance of 2m any 'embankment/batter' must be located a minimum distance of 1m from side/rear boundaries Drainage systems/work must be connected to: <ul style="list-style-type: none"> council's stormwater system, or inter-allotment drainage system, or on-site disposal system [only if suitable] Protecting adjoining walls: <ul style="list-style-type: none"> any walls constructed <900mm of a boundary must be designed by a professional engineer and a report from the engineer detailing the methods of construction and support of adjoining/nearby buildings is to be included in the Complying Development Certificate Pruning/removal of trees: <ul style="list-style-type: none"> a separate approval may not be required for pruning or removal of certain trees (refer to clause 3.33 of the Codes SEPP for details) if: 	<u>Distance from boundary</u>	<u>Excavation depth</u>	≤1m	1m maximum	>1m – 1.5m	2m maximum	>1.5m	3m maximum
<u>Distance from boundary</u>	<u>Excavation depth</u>								
≤1m	1m maximum								
>1m – 1.5m	2m maximum								
>1.5m	3m maximum								

(Continued)

Key requirements and development standards for ancillary 'detached development' (e.g. detached garage, carport, shed, gazebo, deck, swimming pool, studio [not a secondary dwelling])

	<ul style="list-style-type: none"> - the tree must not be listed on Council 's register of significant trees - the tree is within 3m of building that is >25m² area - the tree is not more than 8m in the case of a Complying Development Certificate for a dwelling house or not more than 6m in any other case - some limited works/structures are permitted within 3m of tree – refer to clause 3.33 of the Codes SEPP for details <p><i>Additional provisions apply – refer to clause 3.30 of the Codes SEPP for full details</i></p>
Conditions	All CDC's are subject to specific conditions which must be complied with – Refer to Schedules 6 to 10 in the Codes SEPP

Other Complying Development Provisions in the Codes SEPP

<p>Internal alterations to existing residential buildings (including dwelling houses, units/apartments, townhouses)</p>	<ul style="list-style-type: none"> • The development must be permissible with consent under the current zoning in Randwick City Council Local Environmental Plan 2012 • Work must comply with the Building Code of Australia (BCA) • Must not result in a change of building use (building classification) under the BCA • Must not result in any additional or separate dwelling or any additional floor in a dwelling • Does not apply to a heritage item or building listed on the State Heritage Register <p><i>Refer to clause 4.1 of the Codes SEPP for full details</i></p>
<p>External alterations to a dwelling house or ancillary development</p>	<ul style="list-style-type: none"> • The development must be permissible with consent under the current zoning in Randwick City Council Local Environmental Plan 2012 • Work must comply with the Building Code of Australia (BCA) • Must not result in a change of building use (building classification) under the BCA • Must not change the floor area; footprint or height of the existing building • Must not change roof pitch by >5% • Must not enclose any carport • Windows to be provided with privacy measures in accordance with clauses 4.4 (2) and (3) of Codes SEPP • In a heritage conservation area or draft heritage conservation area – work must not be to a wall facing a primary road or any wall that connects to a wall facing a primary road <p><i>Refer to clauses 4.3 & 4.4 of the Codes SEPP for full details</i></p>
<p>External alterations to other residential buildings (including units/apartment buildings & townhouses)</p>	<ul style="list-style-type: none"> • The development must be permissible with consent under the current zoning in Randwick City Council Local Environmental Plan 2012 • Does not apply to heritage (or draft heritage conservation areas) • Does not apply to flood control lots • Does not apply to new deck, balcony, patio, terrace or verandah • Does not apply to work above 3 storeys, excluding any parking storey (except for installation if services/utilities) • Work must comply with the Building Code of Australia (BCA) • Must not result in change of building use (building classification) under the BCA • Must not increase the <i>gross floor area</i> of the building • Must not affect fire resisting components of the building or means of egress from the building <p style="text-align: right;"><i>(Continued)</i></p>

Other Complying Development Provisions in the Codes SEPP

	<ul style="list-style-type: none"> • Must comply with relevant height limits in Council's Local Environmental Plan 2012 • Must be located at least 3m from any side/rear boundary • Must be located behind the building line to the primary and any secondary road frontage • Must not increase the floor area of any balcony, deck, patio, terrace or verandah <p>Certain works may be within abovementioned setbacks – Refer to clause 4.4B of the Codes SEPP</p> <p><i>Refer to clauses 4.4A & 4.4B of the Codes SEPP for full details</i></p>
Attic conversion to existing dwelling house	<ul style="list-style-type: none"> • Must be contained entirely in roof space • No change to roof pitch • Must have required dormer window/s – Refer to clause 4.6 of the Codes SEPP • Specific provisions apply to buildings in heritage (or draft heritage) conservation areas <p><i>Refer to clauses 4.5 & 4.6 of the Codes SEPP for full details</i></p>
Bed & Breakfast Accommodation	<ul style="list-style-type: none"> • Must be permissible under Council's Local Environmental Plan 2012 • Must be an existing dwelling house • Maximum 4 guest bedrooms • Must have at least 1 guest bathroom • Fire safety requirements apply • Requires 1 off-road car space per guest bedroom • Additional provisions apply <p><i>Refer to clauses 4A.1 & 4A.2 of the Codes SEPP for full details</i></p>
Home Business	<ul style="list-style-type: none"> • Relates to manufacturing/preparation of food • Must not involve change of building use (building classification) under the Building Code of Australia (BCA) • Must comply with AS4674 – 2004 Design, Construction and Fit-Out of Food Premises • Maximum floor area 30m² or 10% of floor area of the building (whichever the lessor) <p><i>Refer to clauses 4A.3 & 4A.4 of the Codes SEPP for full details</i></p>
Commercial and Industrial Developments - Internal Alterations	<p>Generally allow for internal alterations, such as an office or shop fit-out to be carried out as complying development.</p> <p>The use of the premises must be lawful and the use must be permissible under the current zoning provisions in Council's Local Environmental Plan 2012.</p> <p>Some development standards include:</p> <ul style="list-style-type: none"> • No increase in <i>gross floor area</i> • Must comply with the Building Code of Australia (BCA) <p><i>(Continued)</i></p>

Other Complying Development Provisions in the Codes SEPP	
	<ul style="list-style-type: none"> • Must comply with specific building, fire safety, parking, loading and access and amenity requirements • Food businesses/premises must comply with AS4674 (2004) – Design, construction and fit-out of food premises • Food businesses must be inspected and registered with Council prior to occupation <p>The work must comply with a number of specific requirements and development standards.</p> <p><i>Refer to Part 5 Subdivision 1 of the Codes SEPP for full details</i></p>
Commercial and Industrial developments - Change of Use	<p>Generally allows for the change of building use from various specified uses to other categories of use.</p> <p>The current use must not be an 'existing-use' as defined in the <i>Environmental Planning and Assessment Act 1979</i>.</p> <p>Some uses are not permitted (e.g. pubs, small bars, sex services, markets, food businesses with capacity >50 seats)</p> <p>Specific building, fire safety, parking, loading, food safety, floor area, access, amenity, waste management, noise and operational requirements must be satisfied.</p> <p>A number of specific requirements and development standards must be complied with.</p> <p><i>Refer to Part 5 Subdivision 2 of the Codes SEPP for full details</i></p>
Commercial and Industrial Development – Miscellaneous Provisions	<p>Contains provisions relating to:</p> <ul style="list-style-type: none"> • Shopfronts and awnings • First-use of a business, commercial or industrial premises • Mechanical ventilation systems • Skylights and roof windows • Advertising Signage • Ancillary development • Earthworks and retaining walls • Driveways, hard-stand car spaces, pathways and paving • Fences <p><i>Refer to Part 5 Subdivisions 3 to 12 of the Codes SEPP for details</i></p>
Commercial and Industrial development – New buildings and Additions to existing buildings	<p>The Codes SEPP contains provisions relating to the construction of a new commercial or industrial building or an addition to an existing commercial or industrial building.</p> <ul style="list-style-type: none"> • The development must be permissible under the current zoning provisions in Randwick City Council Local Environmental Plan 2012 • Does not apply to land containing a heritage item or listed on the State Heritage Register

Other Complying Development Provisions in the Codes SEPP	
	<p>Specific requirements and development standards must be complied with in relation to the use of the development, size, location, height, floor area, setbacks, design, landscaping, car parking, loading access, waste disposal, construction work, drainage, noise, operational requirements</p> <p>Refer also to general provisions in Clauses 1.17A, 1.18 and 1.19 of the Codes SEPP</p> <p><i>Refer to Part 5A of the Codes SEPP for details</i></p>
Strata subdivisions	<p>Part 6 of the Codes SEPP contains provisions relating to strata subdivision of buildings in certain limited cases</p> <ul style="list-style-type: none"> • The development must be permissible under the current zoning provisions in Randwick City Council Local Environmental Plan 2012 • Does not apply to land containing a heritage item or listed on the State Heritage Register
Demolition work	<p>Part 7 of the Codes SEPP contains provisions relating to the demolition of buildings.</p> <p>Generally relates to the same types of development which may be built under the complying development provisions in the Codes SEPP (e.g. a dwelling house, ancillary development, swimming pool, commercial or industrial development)</p> <p>Specific requirements, development standards and conditions must be satisfied, including requirements relating to demolition standards, structural adequacy, site management, sediment and erosion control, hours of work and removal of any asbestos materials.</p> <p>The provisions do not apply to a heritage item and only limited provision apply if the property is within a heritage (or draft heritage) conservation area.</p>
Fire safety works	<p>Part 8 of the Codes SEPP contains provisions relating to certain fire safety works, including hydraulic systems, fire sprinklers, fire hydrants and fire alarms.</p>
Conditions	<p>All CDC's are subject to specific conditions which must be complied with – Refer to Schedules 6 to 10 in the Codes SEPP</p>

Notes

1. In addition to the specific development standards which are required to be satisfied for the development to be 'complying development', the general requirements contained in Part 1 of the Codes SEPP must be fully met.
2. All of the types of *complying development* must comply with specific conditions of consent, as specified in Schedules 6 to 10 of the Codes SEPP.

3. All work, whether it be carried out as *exempt development* or *complying development* must comply with the current provisions of the National Construction Code-Building Code of Australia (BCA) and all of the Australian Standards referenced in the BCA.
4. Schedules 2, 3 & 4 in the Codes SEPP contain a list of specific areas or sites upon which exempt development and/or complying development cannot be carried out (including some areas within the Randwick Local Government area) and any proposed work or development in these locations will require development consent from Council.
5. Prior to undertaking any work or change-of-use as *complying development*, the owner of the premises (or other person responsible for the premises) must submit an application to an Accredited Building Certifier for a *Complying Development Certificate* (CDC) and the CDC must be issued before commencing any work or use of premises.
6. It is an offence under the *Environmental Planning and Assessment Act 1979* to carry out any building work development or use of premises without obtaining either development consent or a Complying Development Certificate (as applicable), unless the work or development fully complies with the general and specific requirements for *exempt development* under the Codes SEPP, or other planning instrument.

Failure to obtain development consent or a complying development certificate (as applicable) is a serious matter and Council will take appropriate regulatory action in relation to the matter, including issue of a fine up to \$6,000 and issue of a demolition order or commencement of Court proceedings which may result in significant penalties and criminal sanctions.

Affordable Rental Housing SEPP

The Affordable Rental Housing SEPP includes provisions which allow for the construction and use of a building as a 'secondary dwelling', that is located on the same lot as a 'principal dwelling'.

A secondary dwelling may be detached or attached to the principal dwelling on the lot.

The provisions of this SEPP do not permit the secondary dwelling to be subdivided from the principal dwelling on the lot.

Some of the key requirements and development standards are summarised below, however it is essential that owners, applicants, architects and designers refer to the entire Affordable Rental Housing SEPP for the complete details, requirements and development standards which apply to secondary dwellings. If the requirements and development standards for complying development in the SEPP cannot be fully satisfied, a secondary dwelling may be able to be constructed by obtaining development consent from Council and a Construction Certificate from an accredited building certifier.

Key requirements include:

- Must comply with Division 2 and Schedule 1 of the State Environmental Planning Policy (Affordable Rental Housing) 2009
- Applies to Residential Zones R1, R2, R3 and R4 only
- Provisions relate to a '*secondary dwelling*' and associated 'ancillary development' (e.g. carport, garage, driveway, awning, pergola, fence, retaining wall etc), as defined in the SEPP
- Only permits one *secondary dwelling* on the lot
- Maximum floor area – 60m²
- Minimum site area of lot – 450m²
- Does not apply to land identified as a heritage item or draft heritage item
- Must not involve erection of a basement or roof terrace
- Must comply with the NCC-Building Code of Australia (BCA) and relevant Australian Standards
- Must comply with the general requirements in clauses 1.17A and 1.18 of the NSW Codes SEPP
- Does not apply to certain land as identified in clause 1.19 of the NSW Codes SEPP, including:
 - heritage item or Stage Heritage Register
 - heritage conservation area
 - draft heritage conservation area
 - acid sulphate soils – class 1 or 2
 - land that is reserved for a public purpose
 - environmentally sensitive land
 - a protected area
 - a foreshore area
 - land identified as a coastal hazard or coastal erosion hazard
 - land affected by the ANEF Contour 25 or higher
 - unsewered land

- Specific requirements apply in relation to various matters including:
 - Lot requirements
 - Site coverage of all development on the lot
 - Floor area for principal dwelling and secondary dwelling
 - Front, side and rear setbacks
 - Floor area of decks, balconies, patios, terraces etc
 - Building heights
 - Building design and articulation
 - Privacy, landscaping, earthworks, retaining walls and drainage

Refer to the complete version of the [State Environmental Planning Policy \(Affordable Rental Housing\) 2009](#) for full details.

Disclaimer

This guide only provides an overview and summary of some of the key provisions of the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008, known as the Codes SEPP, as in force at 28 February 2018.

The guide only covers a limited number of types of development which may be carried out as either *exempt development* or *complying development* and it only covers a number of the key requirements and development standards. Therefore, it is necessary to refer to the complete current version of the [Codes SEPP](#) to ensure compliance with all of the requirements and development standards, before carrying out or commencing any building work or development.