

# Development Control Plan Exempt and Complying Development

## IMPORTANT INFORMATION

**Recent changes to the exempt and complying development system in New South Wales may affect your development.**

The State Government has introduced the *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* (as amended) (the Codes SEPP).

The Codes SEPP applies to the Woollahra local government area and in some circumstances the Codes SEPP overrides Council's planning requirements.

Where both policies seek to control the same type of development, the Codes SEPP clause 1.9 specifies the relationship between the controls in the Codes SEPP and Council's DCP:

- If exempt development in both the Codes SEPP and Council's Exempt and Complying DCP, only the provisions in the SEPP apply.
- If complying development in both the Codes SEPP and Council's Exempt and Complying DCP, the applicant can choose to apply either the SEPP or the DCP provisions.
- If complying development in the Codes SEPP and exempt development in Council's Exempt and Complying DCP, only the provisions in the SEPP apply.
- If exempt development in the Codes SEPP and complying development in Council's Exempt and Complying DCP, the applicant can choose to apply either the SEPP or the DCP provisions.

To assist in identifying when the Codes SEPP prevails over Council's DCP, we have included advisory notes in this DCP and cited the relevant clauses in the Codes SEPP that you should refer to. These advisory notes are for general information purposes only.

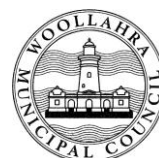
**Before you undertake work, you must check both the Codes SEPP and the Woollahra DCP Exempt and Complying Development, 2005 (DCP) to determine if the SEPP or Council's DCP applies to your proposed development.**

Further information is available from:

- Council at [www.woollahra.nsw.gov.au](http://www.woollahra.nsw.gov.au) or by calling Council's Duty Planner on 9391 7000, or
- The Department of Planning at [www.housingcode.planning.nsw.gov.au](http://www.housingcode.planning.nsw.gov.au) or by calling the Department's Information Centre on 9228 6333.

Updated 22 February 2014

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Amendment No. 1 commencement 15 July 2005





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## 1. Introduction

### 1.1 Background

On 1 July 1998 a number of amendments were introduced to Part 4 (Development Assessment) of the Environmental Planning and Assessment Act 1979 to provide a better organised and simplified development assessment process.

The amendments introduce a new development classification system and the implementation of two new categories of development called exempt development and complying development. The amendments also introduce private sector certification and the ability for accredited certifiers to issue complying development certificates, compliance certificates, construction certificates, occupation certificates and subdivision certificates.

### 1.2 The name of this Plan and when it came into effect

This Plan is called Woollahra Development Control Plan - Exempt and Complying Development. This Plan was approved by Woollahra Council on 10 April 2000 and came into effect on 31 January 2001.

### 1.3 Objective of this Plan

The objective of this Plan is to establish the development type, location and criteria for exempt development and complying development within the meaning of the Environmental Planning and Assessment Act 1979.

### 1.4 Relationship to other plans

This Plan is to be read in conjunction with:

Woollahra Local Environmental Plan 1995, as amended;  
Woollahra Local Environmental Plan No.24, as amended; and  
Woollahra Local Environmental Plan No.27, as amended.

### 1.5 Application of this Plan

### 1.6 Definitions

This Plan applies to all land within the Woollahra municipality. Certain terms used in this Plan are defined in Schedule 4 - Definitions.

### 1.7 Notes

Notes shown in this Plan do not form part of this Plan. They are provided to assist with understanding of the Plan and may be deleted or added to when necessary without re-exhibition of the Plan.

#### **Important note regarding Woollahra Section 94A Development Contributions Plan 2011**

Council, on 22 August 2011, approved Woollahra Section 94A Development Contributions Plan 2011. The plan came into effect on 31 August 2011.

The Plan authorises the Council to impose conditions on development consents granted to development to which the Plan applies requiring the applicant to pay to the Council a levy of 1% of the proposed cost of carrying out the development, provided that the Council does not also impose on the consent a condition pursuant to section 94 of the Act.

The Plan requires a certifying authority to impose a condition on a complying development certificate for development to which the Plan applies, requiring the applicant to pay to the Council a levy set out in the Ministerial directions under section 94E of the Act. The levy is currently set at:

<b>Proposed cost of the development</b>	<b>Maximum percentage of the levy</b>
Up to \$100,000	Nil
\$100,001 - \$200,000	0.5 percent
More than \$200,000	1.0 percent

Payment of the levy in the case of a condition to a complying development certificate must be made before the notice of commencement of work is submitted to the Council. Failure to pay the levy will result in a breach of consent, in which case any work undertaken will be illegal work.

## 2. Exempt development

### 2.1 What is exempt development?

Exempt development is development of minor environmental impact. Exempt development may be carried out without the need for development consent from Council, provided certain development criteria are satisfied. Section 2.2 specifies the general development criteria which must be satisfied to qualify as exempt development. Exempt development is described in Table 1 by its type, the land on which it can occur and the development criteria, which must be satisfied, when the development is carried out.

If you wish to carry out development that is not listed in Table 1, or you do not meet the general or exempt development criteria, then you must obtain development consent from Council by lodging a development application or obtain a complying development certificate if development is complying development (refer to section 3 of this Plan).

#### Note:

The exempt development provisions under the relevant LEP specified in clause 1.4 of this plan and the provisions of this Plan do not apply if the land to which the development relates is:

- critical habitat; or
- a wilderness area or part of a wilderness area (within the meaning of the Wilderness Act 1987).

The exempt development provisions will cease to apply to land or development if the development or land becomes development or land to which the circumstances in (a) or (b) applies.

Part 5 - Environmental Assessment of the Environmental Planning and Assessment Act 1979 does not apply to exempt development.

The exempt development provisions under Woollahra LEP 1995, clause 25B – Exempt and Complying Development do not apply where the provisions of clause 25D – Development on land identified on Acid Sulfate Soils Planning Map applies.

### 2.2 General development criteria for exempt development

The exempt development types listed in Table 1 may be carried out without development consent on the land identified in Table 1 provided the development will satisfy the exempt development criteria set out in that table and the development will satisfy the following general development criteria:

- the site or building to which the development relates is not an item on the State Heritage Register; and
- the development does not require development consent under the provisions of clause 25D- Development on Land identified on Acid Sulfate Soils Planning Map in Woollahra LEP 1995; and
- it is otherwise permissible under the relevant environmental planning instrument which applies to the land; and
- it does not contravene any condition of a development consent applying to the land; and
- it does not obstruct the drainage of the site on which it is proposed to be carried out; and
- it complies with any 'deemed-to-satisfy' provisions of the Building Code of Australia relevant to the development; and
- it complies with any relevant Australian Standards; and
- it will not require the removal of a tree, lopping of branches or the cutting of tree roots greater than the specified diameter of a tree protected by Council's Tree Preservation Order (TPO). Where exempt development involves work which will require the removal, lopping or the cutting of roots of a tree protected by the Tree Preservation Order exempt development must not be carried out unless approval for the necessary tree removal, lopping or root cutting has been granted; and
- it will not restrict any vehicular or pedestrian access to or from the site; and
- it is located clear of any sewer main or stormwater main by a minimum distance of 1 metre from the main centre line or the equivalent invert depth of the main, whatever is the greater; and
- it will not encroach on any easements; and

- a Subdivider / Developer Compliance Certificate has been issued for the development by Sydney Water Corporation under section 73 of the Sydney Water Act 1994 where the development involves a change in the type or volume of trade wastes from the premises, or an increase in water or wastewater usage.
- it will not exceed the following restrictions on hours of work for maintenance of the amenity to the neighbourhood:
  - (a) no work shall take place on any Sunday or public holiday, and
  - (b) no work being piling, piercing, cutting, boring, drilling or excavation of land or loading of material to trucks shall take place before 9am or after 4pm any weekday, or before 9am or after 1pm any Saturday, and
  - (c) no work shall take place before 7am or after 5pm any weekday, and
  - (d) no work shall take place before 7am or after 1pm any Saturday.

“work” for the purposes of this criteria means:

  - (a) the use of land in connection with work, and
  - (b) the subdivision of land, and
  - (c) the erection of a building, and
  - (d) the carrying out of any work, and
  - (e) the demolition of a building, and
  - (f) the piling, piercing, cutting, boring, drilling, excavation of land or work and
  - (g) the delivery to or removal from the land of any machine, article, material, or thing, and
  - (h) the occupation of the site by any person.

**Note 1:**

The TPO was adopted on 17 November 1998 and is in the following terms:

THAT pursuant to clause 6 of the Woollahra LEP 1995, clause 34 of Woollahra LEP No.24 and clause 31 of Woollahra LEP No.27, it is hereby resolved that a general Tree Preservation Order be placed on all trees in the Municipality of Woollahra with a spread of branches greater than three (3) metres and also on all trees, irrespective of the spread of branches, with a height greater than five (5) metres. This Order prohibits the ringbarking, cutting down, topping, lopping, pruning, removing, injuring or wilful destruction of such trees except with the written consent of the Council.

The TPO does not apply to rubber trees (*Ficus elastica*), large-leaved privet trees (*Ligustrum lidicum* and cvs), small-leaved privet trees (*Ligustrum sinense* and cvs) and bamboo (*Bambusa spp*).

For Council owned or managed land the TPO does not apply to Tree of Heaven (*Ailanthus altissima*), Cotoneaster (*Cotoneaster sp*), Coral trees (*Erythrina sp*), Hackberry (*Celtis occidentalis*) and African Olives (*Olea africana*).

**Note 2:**

The Building Code of Australia contains national performance standards for building construction, safety and amenity.

**Note 3:**

Where Council's DCP and the State Codes SEPP both seek to address the same or similar types of development as exempt development, the Codes SEPP prevails over Council's controls. (See Codes SEPP clause 1.9(2) and (c)). These 'same development' types have been marked up in this DCP, and includes information to direct you to the prevailing provisions in the SEPP.

2.3 Table 1- Exempt development

Development type	Applicable zones/areas	Exempt development criteria (in addition to the general development criteria in section 2.2)
<b>Activities requiring an activity approval under section 68 of the Local Government Act 1993.</b> (applies to Part A1 (on unzoned land or public open space only), A2, A3 (temporary structures) Part C1, C2, C3, C4, C5, C6, Part D1, D2, D3, D4, D5, D6, Part E1, E2, Part F5 and F7 see Schedule 2 for s68 extract ).	<ul style="list-style-type: none"> <li>All zones.</li> <li>Unzoned land.</li> </ul>	<ul style="list-style-type: none"> <li>An activity approval has been issued by Council under section 94 of the Local Government Act.</li> </ul>
<b>Advertising structures and signs.</b> (applies to all advertising structures and signs as listed below)	Where applicable as specified in the following categories for advertising structures and signs.	<p><b>General</b></p> <ul style="list-style-type: none"> <li>The top most edge of the sign must be no greater than 8 metres in height above existing ground level.</li> <li>Where allowed, illuminated signs must have electrical conduits taken directly into the building.</li> <li>Where electrical conduits are provided they must comply with safety requirements of the electrical authority.</li> <li>Signs, other than public notices, real estate signs and temporary signs must be affixed to buildings which have been lawfully constructed and must relate to uses which have been lawfully established.</li> </ul> <p><b>Heritage Items and Heritage Conservation Areas</b> In addition to the general criteria:</p> <ul style="list-style-type: none"> <li>Signs in heritage conservation areas must be in accordance with the relevant approved DCP for the area.</li> <li>Advertising structures must not be fixed by any means directly to sandstone or face brickwork, but may be fixed into mortar joints. No demolition of any part of the structure or building on the site occurs in order to accommodate the sign.</li> <li>Business identification must be restricted to the traditional areas for advertising signs, that is, parapet signs, facade bay signs, flush wall signs, awning fascia signs, under awning signs, top hamper signs or painted or etched window signs. Signs must not extend over any architectural decorative feature on the building or structure.</li> <li>Primary colours must not be used as background colours.</li> </ul>
<b>Advertising structures and signs</b> <b>Awning fascia</b> (Refer to Diagram in schedule 3)	<ul style="list-style-type: none"> <li>Business zones.</li> <li>Residential zones in heritage conservation areas, but only for business premises.</li> </ul>	<p>In addition to the general criteria:</p> <ul style="list-style-type: none"> <li>Must not be illuminated.</li> <li>Must not project below or above the awning fascia.</li> <li>Sign writing may only contain street number, name and general nature of the business. The content of the wording of the sign is to be restricted to the name of the proprietor or business (or both) and one recognised trademark or trade name (or both) of one commodity sold on the premises.</li> </ul>

Refer to Codes SEPP  
Part 2 Division 2 SUBDIVISION 4

A reference to the Codes SEPP means the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008



Development type	Applicable zones/areas	Exempt development criteria (in addition to the general development criteria in section 2.2)
<b>Advertising structures and signs</b> <b>Business identification</b> (excluding home occupations)  Refer to Codes SEPP <b>Part 2 Division 2 SUBDIVISION 36A</b> if replacing an existing sign	<ul style="list-style-type: none"> <li>Business zones.</li> <li>Residential zones in heritage conservation areas, but only for business premises.</li> </ul>	In addition to the general criteria: <ul style="list-style-type: none"> <li>Must not be illuminated, other than signs located within a building.</li> <li>Area of signage must not exceed 0.2 square metres for heritage conservation area and 0.75 square metres elsewhere.</li> <li>Must not project more than 150 mm from a wall.</li> <li>Must be located on that part of the building which is occupied by the business.</li> </ul>
<b>Advertising structures and signs</b> <b>Flush wall</b> (Refer to Diagram in schedule 3)  Refer to Codes SEPP <b>Part 2 Division 2 SUBDIVISION 3 Wall signs</b> for signs in business zones or signs for businesses in residential zones that are not in a heritage conservation area	<ul style="list-style-type: none"> <li>Business zones.</li> <li>Residential zones in heritage conservation areas, but only for business premises. (excluding heritage items).</li> </ul>	In addition to the general criteria: <ul style="list-style-type: none"> <li>Must not be illuminated.</li> <li>Must not project more than 150 mm from a wall.</li> <li>Maximum area of signage must not exceed 4.5 square metres, except for heritage conservation areas where maximum area must not exceed 2.5 square metres.</li> <li>Sign writing may only contain street number, name and general nature of the business. The content of the wording of the sign is to be restricted to the name of the proprietor or business (or both) and one recognised trademark or trade name (or both) of one commodity sold on the premises.</li> <li>Limit of one per building.</li> </ul>
<b>Advertising structures and signs</b> <b>Public notice</b>  Refer to Codes SEPP <b>Part 2 Division 2 SUBDIVISION 10</b>	<ul style="list-style-type: none"> <li>All zones.</li> </ul>	In addition to the general criteria: <ul style="list-style-type: none"> <li>Must not be illuminated.</li> <li>Maximum area of signage must not exceed 4.5 square metres, except for heritage conservation areas and heritage items where the maximum area is 2.5 square metres.</li> <li>Must not be attached to a building that is a heritage item.</li> </ul>
<b>Advertising structures and signs</b> <b>Real estate</b>  Refer to Codes SEPP <b>Part 2 Division 2 SUBDIVISION 12</b> <b>Real estate signs</b>	<ul style="list-style-type: none"> <li>All zones.</li> </ul>	In addition to the general criteria: <ul style="list-style-type: none"> <li>Must be located on the place or premises to which the sale or letting relates;</li> <li>Must not be displayed for more than 10 days after the letting or entering into the agreement to purchase.</li> <li>Maximum area of signage relating to commercial and retail premises must not exceed 4.5 square metres.</li> <li>Maximum area of signage for all other premises must not exceed 2.5 square metres.</li> <li>Must not have any returns exceeding 180 mm.</li> <li>Limit of one per building.</li> <li>Must not be attached to buildings that are heritage items.</li> </ul>
A reference to the Codes SEPP means the <i>State Environmental Planning Policy (Exempt and Complying Development Codes) 2008</i>		

Development type	Applicable zones/areas	Exempt development criteria (in addition to the general development criteria in section 2.2)
<b>Advertising structures and signs</b> <b>Temporary</b> (excluding real estate signs)  Refer to Codes SEPP <b>Part 2 Division 2 SUBDIVISION 11</b>	<ul style="list-style-type: none"> <li>All zones.</li> </ul>	In addition to the general criteria: <ul style="list-style-type: none"> <li>Must not be illuminated.</li> <li>Must not be displayed earlier than 28 days before the event to which it relates takes place.</li> <li>Must not be attached to any tree.</li> <li>The temporary sign must relate to the event or activity proposed.</li> <li>Must be removed no later than 1 day after the event.</li> <li>Maximum area of signage must not exceed 4 square metres except for heritage conservation areas and heritage items where the maximum area is 2.5 square metres.</li> <li>Must not be more than 2 per site.</li> <li>The content of the advertisement must not include third party advertising and must be relevant to the current approved use of the site on which the advertisement is located.</li> <li>Must not be located on public footpaths.</li> </ul>
<b>Advertising structures and signs</b> <b>Top hamper</b> (Refer to Diagram in schedule 3)  Refer to Codes SEPP <b>Part 2 Division 2 SUBDIVISION 6</b> <b>Top hamper signs</b>	<ul style="list-style-type: none"> <li>Business zones.</li> <li>Residential zones in heritage conservation areas, but only for business premises.</li> </ul>	In addition to the general criteria: <ul style="list-style-type: none"> <li>Must not be more than one per premises.</li> <li>Height must not exceed 600 mm.</li> <li>Length must not exceed 6 metres, terminating 600 mm short of each side boundary.</li> <li>Must be flush to the external face of the building facade.</li> </ul>
<b>Advertising structures and signs</b> <b>Under awning</b> (Refer to Diagram in schedule 3)  Refer to Codes SEPP <b>Part 2 Division 2 SUBDIVISION 5</b>	<ul style="list-style-type: none"> <li>Business zones.</li> <li>Residential zones in heritage conservation areas, but only for business premises.</li> </ul>	In addition to the general criteria: <ul style="list-style-type: none"> <li>One per premises.</li> <li>Maximum height of 300 mm.</li> <li>Maximum length of 2.6 metres (or two-thirds width of footpath whichever is the lesser).</li> <li>Not lower than 2.6 metres from the footpath level as measured from the bottom of the sign.</li> <li>Minimum distance of 3 metres from adjoining under awning signs</li> </ul>
<b>Advertising structures and signs</b> <b>Window sign or front</b> (Refer to Diagram in schedule 3)  Refer to Codes SEPP <b>Part 2 Division 2 SUBDIVISION 7 Window signs</b> for signs in business zones, or signs for businesses in residential zones, that are not in a heritage conservation area	<ul style="list-style-type: none"> <li>Business zones.</li> <li>Residential zones in heritage conservation areas, but only for business premises.</li> </ul>	In addition to the general criteria: <ul style="list-style-type: none"> <li>Must not cover more than 40% of window surface area.</li> <li>Internal illumination only.</li> <li>Balance of glass shopfront must remain transparent.</li> </ul>
A reference to the Codes SEPP means the <i>State Environmental Planning Policy (Exempt and Complying Development Codes) 2008</i>		

Development type	Applicable zones/areas	Exempt development criteria (in addition to the general development criteria in section 2.2)
<b>Aerials/antennae/microwave antennae</b> (excluding satellite dishes and microwave dishes which are dealt with elsewhere in this Plan)  Refer to Codes SEPP <b>Part 2 Division 1 SUBDIVISION 2</b>	<ul style="list-style-type: none"> <li>All zones.</li> </ul>	<b>General</b> <ul style="list-style-type: none"> <li>Must not be more than one structure per premises.</li> <li>Must be located within the property boundaries of the site.</li> <li>External alterations be attached to the building behind the front ridgeline or to the rear of a flat roof and to a maximum height of 2 metres above ridgeline or roof parapet.</li> </ul> <b>Heritage Items and Heritage Conservation Areas</b> In addition to the general criteria above: <ul style="list-style-type: none"> <li>Must not be visible from the street front and must be located on a secondary rear roof and not attached to a main chimney.</li> <li>Must not require any structural supports other than the single aerial pole (guide wires are considered structural supports)</li> </ul>
<b>Ancillary landscaping development</b> (excluding outbuildings or pergolas which are dealt with elsewhere in this Plan. Includes landscaping and landscape structures – see definition in  Refer to Codes SEPP <b>Part 2 Division 1 SUBDIVISION 15, 24 &amp; 28</b>	<ul style="list-style-type: none"> <li>All zones. (excluding open space in public ownership; heritage items and retaining walls within the foreshore building line).</li> </ul>	<b>General</b> <ul style="list-style-type: none"> <li>Must be located behind the front setback.</li> <li>The finished height of the landscape structure must not exceed 1.8 metres above the existing ground level prior to any works being undertaken.</li> <li>Must not contain hard paving or hard surface area of more than 10 square metres.</li> <li>Must not involve excavation to a depth exceeding 600mm below existing ground level. Excavation must not exceed an area of 10 square metres.</li> <li>Does not apply to sites which may be of archaeological significance.</li> <li>Does not involve construction of retaining walls, associated with the ancillary landscape development, with a height exceeding 600mm.</li> <li>The areas must not be developed or used for the parking of vehicles/boats, etc.</li> <li>Must not drain stormwater onto adjoining properties.</li> <li>For residential properties and non-residential properties adjoining residential properties, any water feature involving a pump must not be located closer than 5 metres to a window or door of a habitable room of an adjoining property and must not operate between the hours of 8.00pm to 8.00am the following day.</li> <li>The noise emission from any pump associated with a water feature must not exceed 5dBA above the ambient background noise level measured at the boundary of an adjoining residential property.</li> <li>Paving satisfies the numerical unbuilt upon and landscaped open space requirements of the relevant DCP or policy applying to the site.</li> </ul>
A reference to the Codes SEPP means the <i>State Environmental Planning Policy (Exempt and Complying Development Codes) 2008</i>		

Development type	Applicable zones/areas	Exempt development criteria (in addition to the general development criteria in section 2.2)
<b>Awnings and canopies</b>  Refer to Codes SEPP <b>Part 2 Division 1 SUBDIVISION 5</b>	<ul style="list-style-type: none"> <li>All zones. (excluding heritage items).</li> </ul>	<p><b>General</b></p> <ul style="list-style-type: none"> <li>The total surface area of all awnings and canopies must not exceed 10 square metres per site.</li> <li>Must be located at the side or rear of the building and at full extension must not be less than 1.5 metres to any property boundary.</li> <li>Height must not exceed 3 metres above existing ground level.</li> <li>Must not extend over public land.</li> </ul> <p><b>Heritage Conservation Areas</b></p> <p>In addition to the general criteria above:</p> <ul style="list-style-type: none"> <li>Retractable or fixed awnings are to be located behind the principal building form.</li> <li>Must not extend more than 1m from the side or rear face of the building.</li> <li>May only be located on side or rear windows at the lowest storey and is not visible from any adjacent street, laneway or public footpath.</li> </ul>
<b>Barbecues</b> (fixed structure)  Refer to Codes SEPP <b>Part 2 Division 1 SUBDIVISION 7</b>	<ul style="list-style-type: none"> <li>All zones.</li> </ul>	<p><b>General</b></p> <ul style="list-style-type: none"> <li>Must not be more than one per site.</li> <li>Height must not exceed 1.8 metres above existing ground level.</li> <li>The total footprint of the structure shall not exceed 2 square metres.</li> <li>Must not use wood as a fuel source.</li> <li>In conjunction with other development on the site, must comply with the numerical requirements for building footprint, unbuilt upon area and landscaped open space set out in the relevant DCP applying to the land.</li> <li>Must be located no closer than 5 metres to a window or door to a habitable room of an adjoining property.</li> <li>Must be located behind the front setback and must not be visible from a public space.</li> <li>Must not abut a fence that is also a fence required under the Swimming Pools Act 1992.</li> </ul>
<b>Basketball hoops and backing boards</b>  Refer to Codes SEPP <b>Part 2 Division 1 SUBDIVISION 29</b>	<ul style="list-style-type: none"> <li>All zones.</li> </ul>	<ul style="list-style-type: none"> <li>Must be located behind the front setback.</li> <li>Must not be located closer than 4 metres to a window or door to a habitable room of an adjoining residential property.</li> </ul>
A reference to the Codes SEPP means the <i>State Environmental Planning Policy (Exempt and Complying Development Codes) 2008</i>		

Development type	Applicable zones/areas	Exempt development criteria (in addition to the general development criteria in section 2.2)
<b>Building alterations, repair and maintenance work</b> (internal) <ul style="list-style-type: none"> <li>Replacing walls, ceilings or floor linings and deteriorated frame members with materials of equivalent or improved quality.</li> <li>Renovation of bathrooms and kitchen.</li> <li>Built-in-fixtures such as vanities, cupboards and wardrobes.</li> <li>Non-structural works such as shelving or display benches.)</li> </ul>	<ul style="list-style-type: none"> <li>All zones.</li> </ul> <p>(excluding heritage items; and food premises as defined by the Food Act 2003)</p>	<p><b>General</b></p> <ul style="list-style-type: none"> <li>Alterations must be to buildings which have been lawfully constructed.</li> <li>Alterations must not affect the capacity of any load bearing or structural components of the building.</li> <li>Must not involve making of openings or enlargement of existing openings to any load bearing walls.</li> <li>Must not result in an increase in the number of bedrooms.</li> <li>Must not increase the overall gross floor area of the building.</li> </ul> <p><b>Heritage Conservation Areas:</b> In addition to the general criteria above:</p> <ul style="list-style-type: none"> <li>Must not involve the removal of original lath and plaster or pressed metal ceilings and cornices.</li> <li>Must not involve the removal of original fireplaces and fireplace surround.</li> <li>Must not involve the removal of structural walls.</li> </ul> <p>Note:</p> <ul style="list-style-type: none"> <li>Any work involving asbestos cement must comply with the WorkCover Authority's "Guidelines for Practices Involving Asbestos Cement in Buildings". Any work involving lead paint removal must be carried out so as not to cause lead air or ground contamination.</li> <li>Any work involving lead paint must not cause contamination of air or ground or enter drainage or stormwater systems.</li> </ul>
<p>Refer to Codes SEPP <b>Part 2 Division 1 SUBDIVISION 26</b></p>		
<p>A reference to the Codes SEPP means the <i>State Environmental Planning Policy (Exempt and Complying Development Codes) 2008</i></p>		

Development type	Applicable zones/areas	Exempt development criteria (in addition to the general development criteria in section 2.2)
<p><b>Building alterations, repair and maintenance work</b> (external)</p> <ul style="list-style-type: none"> <li>Downpipes and roof guttering.</li> <li>Non-structural alterations to the exterior of a building such as plumbing, electrical works, cement rendering, recladding, painting, attaching fittings and decorative work).</li> </ul> <p><b>Refer to Codes SEPP Part 2 Division 1 SUBDIVISION 27</b></p>	<ul style="list-style-type: none"> <li>All zones.</li> </ul> <p>(excluding heritage items and inter-war flat buildings).</p>	<p><b>General</b></p> <ul style="list-style-type: none"> <li>Alterations must be to buildings which have been lawfully constructed.</li> <li>Alterations must not involve the making of, or the alteration to the size of, any opening in the roof of a building or any opening in an external wall, such as a doorway or window.</li> <li>Must not drain stormwater onto adjoining properties.</li> <li>Existing materials must be replaced with similar materials.</li> <li>Recladding of walls and roofs must not require works which affect the load bearing capacity of walls or roofs.</li> <li>Recladding of roofs must not involve altering the roof pitch or form.</li> </ul> <p><b>Heritage Conservation Areas</b></p> <ul style="list-style-type: none"> <li>In addition to the general criteria above:</li> <li>Must not involve the rendering of surfaces not already rendered including stone, face brickwork or tiles.</li> <li>Must not involve the removal of tiles, other than broken tiles that are being repaired or replaced with new tiles, in the same material or similar pattern type and style.</li> <li>Must not involve a change of material type, scale or texture.</li> <li>Must not involve the removal of render or plaster.</li> <li>Must not involve the painting of traditionally unpainted surfaces of face brick, stone, slate and tiles.</li> <li>Must not involve the re-cladding of walls or the re-sheeting of roofs except where a traditional corrugated profile sheet in galvanised steel or zincalume [unpainted or mid to dark grey colour] replaces non traditionally profiled sheet metal roofing or corrugated asbestos sheets, and the downpipes and guttering are in a matching material.</li> </ul> <p><b>Note:</b></p> <p>Any work involving asbestos cement must comply with the WorkCover Authority's "Guidelines for Practices Involving Asbestos Cement in Buildings" Any work involving lead paint removal must be carried out so as not to cause lead air or ground contamination.</p> <p>Any work involving lead paint must not cause contamination of air or ground or enter drainage of stormwater systems.</p>
A reference to the Codes SEPP means the <i>State Environmental Planning Policy (Exempt and Complying Development Codes) 2008</i>		



Development type	Applicable zones/areas	Exempt development criteria (in addition to the general development criteria in section 2.2)
<b>Building repair and maintenance work – heritage items and external works to inter-war flat buildings.</b>  <b>Refer to Codes SEPP Part 2 Division 1 SUBDIVISION 27</b>	<ul style="list-style-type: none"> <li>All zones.</li> </ul>	<p><b>Internal repairs and maintenance:</b></p> <ul style="list-style-type: none"> <li>Replacement of materials must not involve a change of material type, scale or texture such as the replacement of floorboards with a different timber species or width of board, or replacement of lath and plaster ceilings and walls with plasterboard.</li> <li>Must not include renovation of bathrooms and kitchens.</li> </ul> <p><b>External repairs and maintenance:</b></p> <ul style="list-style-type: none"> <li>Must not involve change of material type, scale or texture.</li> <li>Must not involve the rendering of surfaces not already rendered including stone, face brickwork or tiles.</li> <li>Must not involve the removal of render or plaster.</li> <li>Must not involve the painting of traditionally unpainted surfaces of face brick, stone, slate and tiles.</li> <li>Must not involve the re-cladding of walls or the re-sheeting of roofs except where a traditional corrugated profile sheet in galvanised steel or zincalume [unpainted or mid to dark grey colour] may replace non traditionally profiled sheet metal roofing or corrugated asbestos sheets, provided the downpipes and guttering are in a matching material.</li> </ul> <p><b>Note:</b></p> <ul style="list-style-type: none"> <li>Any work involving asbestos cement must comply with the WorkCover Authority's "Guidelines for Practices Involving Asbestos Cement in Buildings". Any work involving lead paint removal must be carried out so as not to cause lead air or ground contamination.</li> <li>Any work involving lead paint must not cause contamination of air or ground or enter drainage or stormwater systems.</li> </ul>
<b>Bush regeneration</b> <b>Refer to SEPP (Infrastructure) 2007 DIVISION 2</b>	<ul style="list-style-type: none"> <li>All zones.</li> </ul>	<ul style="list-style-type: none"> <li>If on public land carried out in accordance with any relevant adopted Plan of Management.</li> </ul>
A reference to the Codes SEPP means the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008		

Development type	Applicable zones/areas	Exempt development criteria (in addition to the general development criteria in section 2.2)
<b>Change of use</b> <ul style="list-style-type: none"> <li>▪ Shop to a shop</li> <li>▪ Office to a shop</li> <li>▪ Office to an office</li> <li>▪ Shop to an office</li> </ul> (Does not include: laundromats, nurseries, car washes and food premises as defined by the Food Act 2003.) <p style="text-align: center; color: red;">Refer to Codes SEPP Part 2 SUBDIVISION 10A</p>	<ul style="list-style-type: none"> <li>▪ Business zones.</li> </ul> (excluding heritage items; and an existing use within the meaning of Division 2 of Part IV of the Environmental Planning and Assessment Act 1979)	<ul style="list-style-type: none"> <li>▪ Must be a change in use from a lawfully established use.</li> <li>▪ Must be a use which is permissible in the zone.</li> <li>▪ Must not involve alterations and additions to the existing building other than alterations and additions which are exempt from the need for consent.</li> <li>▪ Must not require changes to the layout of existing car parking spaces, loading facilities or vehicular entry and exit points.</li> <li>▪ Must comply with the condition or conditions of consent relating to vehicle parking, maintenance and provision of landscaping and provision of loading and unloading facilities which were imposed upon the former use of the building or land.</li> <li>▪ Hours of operation must not extend outside of the hours imposed on the most recent consent. If no such condition was imposed, the hours of operation do not extend outside of the hours during which the former use operated.</li> <li>▪ Display and storage of goods must occur wholly within the premises.</li> <li>▪ Must not involve the preparation of food for sale or consumption.</li> <li>▪ Must not involve the storage or distribution of hazardous materials.</li> <li>▪ A trade waste certificate has been obtained for the development, if required, from Sydney Water.</li> </ul>
<b>Clothes drying hoists/lines</b> <p style="text-align: center; color: red;">Refer to Codes SEPP Part 2 SUBDIVISION 11</p>	<ul style="list-style-type: none"> <li>▪ All zones.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Located behind the front setback.</li> <li>▪ Not located on balconies or elevated decks.</li> </ul>
<b>Decks and patios</b> <p style="text-align: center; color: red;">Refer to Codes SEPP Part 2 SUBDIVISION 6</p>	<ul style="list-style-type: none"> <li>▪ Residential zones</li> </ul> (excluding heritage conservation areas; heritage items; land within the foreshore building line area; and inter-war flat buildings).	<ul style="list-style-type: none"> <li>▪ Must not be located within front setback.</li> <li>▪ Must be setback a minimum of 1.5 metres from all property boundaries.</li> <li>▪ Must not be on a lot of 450 square metres or less.</li> <li>▪ Floor area must not exceed 15 square metres.</li> <li>▪ In conjunction with other development on the site, must comply with the numerical requirements for building footprint, unbuilt upon area and landscaped open space set out in the relevant DCP applying to the land.</li> <li>▪ Finished surface level must not be greater than 1 metre above existing ground level.</li> <li>▪ Must not drain stormwater onto adjoining properties.</li> </ul>
A reference to the Codes SEPP means the <i>State Environmental Planning Policy (Exempt and Complying Development Codes) 2008</i>		



Development type	Applicable zones/areas	Exempt development criteria (in addition to the general development criteria in section 2.2)
<b>Demolition</b>  Refer to Codes SEPP <b>Part 2 Division 1 SUBDIVISION 13</b>	All zones. (excluding heritage conservation areas; heritage items; and potential archaeological sites).	<ul style="list-style-type: none"> <li>Demolition of any building, structure or work which is constructed under the provisions of exempt development described in this Plan.</li> <li>Demolition must be carried out in accordance with Australian Standard AS 2601 - Demolition of Structures.</li> </ul> <p>Note:</p> <ul style="list-style-type: none"> <li>i. This exemption does not apply to development that satisfies the exempt criteria but which was constructed before this Plan came into effect</li> </ul>
<b>Driveways over private land</b>  Refer to Codes SEPP <b>Part 2 Division 1 SUBDIVISION 14</b>	<ul style="list-style-type: none"> <li>All zones. (excluding heritage conservation areas; heritage items; land within the foreshore building line area; and potential archaeological sites).</li> </ul>	<ul style="list-style-type: none"> <li>Must only involve the replacement or resurfacing of existing driveways.</li> <li>Must be carried out with similar or existing materials.</li> <li>Must not extend beyond the existing approved dimensions.</li> <li>Width must not exceed 3.5 metres.</li> <li>Must not be longer than 12 metres</li> <li>Must not drain stormwater onto adjoining properties.</li> <li>Must be constructed to maintain the natural flow of stormwater.</li> <li>In conjunction with other development on the site, must comply with the numerical requirements for building footprint, unbuilt upon area and landscaped open space set out in the relevant Residential DCP applying to the land.</li> </ul>
<b>Driveways over public land</b>  Refer to Codes SEPP <b>Part 2 Division 1 SUBDIVISION 14</b>	<ul style="list-style-type: none"> <li>Unzoned land.</li> </ul>	<ul style="list-style-type: none"> <li>Is only to involve the replacement or resurfacing of existing driveways.</li> <li>Must be constructed to Council's specifications and to the cross sections and longitudinal levels obtained from Council.</li> </ul> <p>Note:</p> <p>Driveways over public land require separate approval under the Roads Act 1993.</p>
<b>Events</b>	<ul style="list-style-type: none"> <li>Special use zones.</li> <li>Open space zone.</li> <li>Unzoned land.</li> </ul>	<ul style="list-style-type: none"> <li>Land occupied must not exceed 20% of park area or 500 square metres whichever is the lesser and must not occupy roads and pathways.</li> <li>If in open space must be compatible with a Council adopted plan of management.</li> <li>Must occur during daylight hours and for not more than one day.</li> </ul> <p>If in open space zone or on unzoned land, an Activity Approval has been issued by Council under section 94 of the Local Government Act 1993 and fees paid in accordance with Council's adopted Fees and Charges Policy Schedule for Parks and Reserves</p> <ul style="list-style-type: none"> <li>Must not involve any demolition.</li> <li>Must not involve excavation of land.</li> </ul> <p>Note:</p> <p>If food is sold it is necessary to comply with the Food Act 2003. Temporary food premises must be constructed in accordance with the national code published by the Australian Institute for Environmental Health and Council's Environmental Health Officer must be consulted.</p>
A reference to the Codes SEPP means the <i>State Environmental Planning Policy (Exempt and Complying Development Codes) 2008</i>		

Development type	Applicable zones/areas	Exempt development criteria (in addition to the general development criteria in section 2.2)
<b>Fences side and rear</b>  <p style="color: red; text-align: center;">Refer to Codes SEPP Part 2 Division 1 SUBDIVISION 17 &amp; 19</p>	<ul style="list-style-type: none"> <li>▪ Residential zones.</li> <li>▪ Business zones.</li> <li>▪ Special use zones.</li> </ul> <p>(excluding corner allotments; and land within the foreshore building line area;).</p>	<p><b>General</b></p> <ul style="list-style-type: none"> <li>▪ Must be located behind the front setback.</li> <li>▪ In the case of dual frontage properties, must be located behind the building line of each frontage.</li> <li>▪ Must not divert stormwater onto adjoining properties.</li> <li>▪ Must be constructed to maintain the natural flow of stormwater.</li> <li>▪ Gates must not open onto a road carriageway, public footway or other public space.</li> <li>▪ Fences adjoining heritage items must not be higher than the finished height of the adjoining fence which encloses the item.</li> <li>▪ Fences adjoining heritage items must not require the demolition of any part of the fence which encloses the item.</li> <li>▪ Height must not exceed 1.8 metres on level sites, or 1.8 metres as measured from the low side where there is a difference in level either side of the boundary.</li> <li>▪ In the case of sloping sites, the height limitation may be averaged, with regular steps.</li> <li>▪ Boundary fences must comply with the Dividing Fences Act 1992.</li> </ul> <p><b>Materials</b></p> <ul style="list-style-type: none"> <li>▪ Must be constructed of timber, metal or light weight materials but must not be barbed wire.</li> </ul> <p><b>Heritage Items and Heritage Conservation Areas</b></p> <p>In addition to the general criteria above:</p> <ul style="list-style-type: none"> <li>▪ Must be the replacement of a timber paling fence with a timber paling fence.</li> </ul>
<b>Filming</b> (publicly owned land) (see definition in Schedule 4)  <p style="color: red; text-align: center;">Refer to Codes SEPP Part 2 Division 3 SUBDIVISION 4 Filming</p>	<ul style="list-style-type: none"> <li>▪ Open space zone.</li> <li>▪ Unzoned land.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Fees must be paid in accordance with Council's adopted Fees and Charges Schedule for filming on Council premises/property.</li> <li>▪ Does not involve night time shoots with commercial lighting where undertaken abutting or opposite residential areas.</li> <li>▪ Where located on or over a public road an approval under s138 of the Roads Act 1993 has been issued.</li> </ul>
A reference to the Codes SEPP means the <i>State Environmental Planning Policy (Exempt and Complying Development Codes) 2008</i>		

Development type	Applicable zones/areas	Exempt development criteria (in addition to the general development criteria in section 2.2)
<b>Filming</b> (private land) (see definition in Schedule 4)  <b>Refer to Codes SEPP Part 2 Division 3 SUBDIVISION 4 Filming</b>	<ul style="list-style-type: none"> <li>Residential zones.</li> <li>Business zones.</li> </ul>	<p><b>General</b></p> <ul style="list-style-type: none"> <li>A filming management plan must be lodged with Council at least 5 days before the commencement of filming (see definition in schedule 4).</li> <li>Must obtain a policy insurance that adequately covers the public liability of the person carrying out the filming for an amount not less than \$10,000,000.</li> <li>Filming must not be carried out for more than 30 days within a 12 month period at one particular location.</li> <li>Notice of the filming must be given in writing to residents within a 50-metre radius of the location 5 days prior to the commencement of the filming (see definition in Schedule 4).</li> </ul> <p><b>Heritage Items and Heritage Conservation Areas:</b> In addition to the general criteria above:</p> <ul style="list-style-type: none"> <li>Must not involve the moving or fixing of any object or article on any part of an item, including a building or structure;</li> <li>Must not involve the movement, parking or standing of any vehicle or equipment on or over any part of an item that is not specifically designed for the movement, parking or standing of a vehicle or equipment over it;</li> <li>Must not involve any changes to the vegetation on, or level of, such an item or area or any changes to any other natural or physical feature of the item or area.</li> </ul> <p>Note: Separate approvals under section 68 of the Local Government Act 1993 or section 138 of the Roads Act 1993 may also be required for the erection of structures and closing of roads etc.</p>
<b>Flagpoles</b> (for flags and banners)  <b>Refer to Codes SEPP Part 2 Division 1 SUBDIVISION 20</b>	<ul style="list-style-type: none"> <li>All zones. (excluding heritage conservation areas, heritage items; and land within the foreshore building line area).</li> </ul>	<ul style="list-style-type: none"> <li>Height must not exceed 6 metres above existing ground level.</li> <li>There must not be more than one per site.</li> <li>Must be setback a minimum of 1.5 metres from all property boundaries.</li> </ul>
<b>Garage doors replacement</b>	<ul style="list-style-type: none"> <li>All zones. (excluding heritage conservation areas, heritage items; inter-war flat buildings; and land within the foreshore building line area).</li> </ul>	<ul style="list-style-type: none"> <li>Must not open onto the road carriageway, public footway or other public space.</li> <li>Materials must be similar to the materials of the existing doors.</li> </ul> <p><b>Refer to Codes SEPP Part 2 Division 1 SUBDIVISION 27</b></p>
A reference to the Codes SEPP means the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008		

Development type	Applicable zones/areas	Exempt development criteria (in addition to the general development criteria in section 2.2)
<b>Garbage enclosures</b>  Refer to Codes SEPP <b>Part 2 Division 1 SUBDIVISION 21A</b>	<ul style="list-style-type: none"> <li>All zones.</li> </ul> (excluding heritage items).	<ul style="list-style-type: none"> <li>Must be no greater than 1.2 metres in height.</li> <li>Must be located behind the front setback and not be visible from a front or side street.</li> </ul>
<b>Hoardings</b>  Refer to Codes SEPP <b>Part 2 Division 1 SUBDIVISION 34</b>	<ul style="list-style-type: none"> <li>All zones.</li> <li>Unzoned land.</li> </ul>	<ul style="list-style-type: none"> <li>Where located on or over a public road an approval under s138 of the Roads Act 1993 has been issued.</li> <li>Where located on or abutting public land a hoarding permit must have been issued for the hoarding by Council.</li> <li>Must not encroach onto or over adjoining properties except where consent of adjoining owner is obtained.</li> <li>Must comply with Australian Standard AS 1576 – Scaffolding.</li> <li>Must be erected in accordance with the WorkCover Authority's requirements.</li> </ul> <b>Heritage Items and Heritage Conservation Areas</b> <ul style="list-style-type: none"> <li>Must not be erected for a period greater than 12 months.</li> </ul>
<b>Works on public land</b> (including planting, establishment of gardens, retaining walls, fencing, pathways and paving, maintenance of gardens and structures, and maintenance or repair works to existing seawalls but excluding construction of new buildings.)	<ul style="list-style-type: none"> <li>Open Space zone in public ownership.</li> <li>Unzoned land.</li> </ul>	<ul style="list-style-type: none"> <li>Works must be in accordance with a works program approved by Council.</li> <li>Repairs and maintenance works to seawalls must not change the scale, size or extent of the existing structure.</li> <li>If replacing damaged outer edge stones to an existing seawall, must use sandstone with rockfaced edge to the water front.</li> </ul> Refer to SEPP (Infrastucture) 2007 <b>DIVISION 12</b>
<b>Letter boxes</b>  Refer to Codes SEPP <b>Part 2 Division 1 SUBDIVISION 25</b>	<ul style="list-style-type: none"> <li>All zones.</li> </ul>	<ul style="list-style-type: none"> <li>Must not be higher than 1.2 metres above existing ground level.</li> <li>Must be in accordance with Australia Post requirements and AS 4253-1994</li> <li>For heritage items must be limited to 1 per site and not more than 0.1 cubic metres.</li> </ul>
A reference to the Codes SEPP means the <i>State Environmental Planning Policy (Exempt and Complying Development Codes) 2008</i>		

Development type	Applicable zones/areas	Exempt development criteria (in addition to the general development criteria in section 2.2)
<b>Outbuildings including:</b> <ul style="list-style-type: none"> <li>garden sheds</li> <li>aviaries</li> <li>cabanas</li> <li>gazebos</li> <li>greenhouses</li> </ul>	<ul style="list-style-type: none"> <li>Residential zones.</li> <li>Business zones.</li> <li>Special use zones.</li> </ul> (excluding heritage items land within the foreshore building line area).	<p><b>General</b></p> <ul style="list-style-type: none"> <li>Cabanas and gazebos must not be enclosed other than by rails and balustrades where necessary for safety purposes.</li> <li>Must not divert stormwater onto adjoining properties.</li> <li>Must be constructed to maintain the natural flow of stormwater.</li> <li>Must be located behind the front setback.</li> <li>Must be setback a minimum of 1.5 metres from all boundaries.</li> <li>The combined footprint of all outbuildings must not exceed 12 square metres for sites 450 square metres or greater in area; or must not exceed 6 square metres for sites of less than 450 square metres in area; and in conjunction with other development on the site, must comply with the numerical requirements for building footprint, unbuilt upon area and provision of soft landscaping set out in the relevant Residential DCP applying to the land.</li> <li>Height must not exceed 2.1 metres.</li> <li>Supporting posts must be fixed to concrete footings or slabs.</li> </ul> <p><b>Heritage Conservation Areas</b> In addition to the general criteria above:</p> <ul style="list-style-type: none"> <li>Must not be visible from the public domain.</li> </ul>
<b>Public telephones and telephone booths</b>	<ul style="list-style-type: none"> <li>All zones.</li> <li>Unzoned land</li> </ul>	<ul style="list-style-type: none"> <li>Must not adjoin a heritage item.</li> <li>Facility must not contain vending devices.</li> <li>Must not display advertising other than for the advertising of the public telephone.</li> <li>Must be constructed by or for a telecommunications authority.</li> </ul>
A reference to the Codes SEPP means the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008		

Development type	Applicable zones/areas	Exempt development criteria (in addition to the general development criteria in section 2.2)
<p><b>Rainwater tanks</b></p> <p>Refer to Codes SEPP Part 2 Division 1 SUBDIVISION 32 &amp; 33</p>	<ul style="list-style-type: none"> <li>All zones.</li> </ul> <p>(excluding land within the foreshore building line area).</p>	<ul style="list-style-type: none"> <li>The capacity of the tank, or the combined capacity of tanks, on a lot must not exceed 10,000 litres.</li> <li>The tank must be designed to capture and store roof water from gutters or downpipes on a building.</li> <li>The tank must not collect water from a source other than gutters or downpipes on a building or a water supply service pipe.</li> <li>The tank must be fitted with a first-flush device, being a device that causes the initial run-off of any rain to bypass the tank to reduce pollutants entering the tank.</li> <li>The tank must be structurally sound.</li> <li>The tank must be prefabricated, or be constructed from prefabricated elements that were designed and manufactured for the purpose of the construction of a rainwater tank.</li> <li>The tank must be assembled and installed in accordance with the instructions of the manufacturer or designer of the tank.</li> <li>The tank, and any stand for the tank, must be installed and maintained in accordance with any requirements of the public authority that has responsibility for the supply of water to the premises on which the tank is installed.</li> <li>The installation of the tank must not involve the excavation of more than 1 metre from the existing ground level, or the filling of more than 1 metre above the existing ground level.</li> <li>The tank must not be installed over or immediately adjacent to a water main or a sewer main, unless it is installed in accordance with any requirements of the public authority that has responsibility for the main.</li> <li>No part of the tank or any stand for the tank may rest on a footing of any building or other structure, including a retaining wall.</li> <li>The tank must not be installed over any structure or fittings used by a public authority to maintain a water or sewer.</li> <li>The tank must be located behind the front setback to the street of the building to which the tank is connected (or, in the case of a building on a corner block, the tank must be located behind both the street front and street side alignments of the building).</li> <li>The tank must not exceed 2.4 metres in height above ground level, including any stand for the tank.</li> <li>The tank must be located at least 450 millimetres from any property boundary.</li> <li>A sign must be affixed to the tank clearly stating that the water in the tank is rainwater.</li> </ul>

A reference to the Codes SEPP means the *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*





Development type	Applicable zones/areas	Exempt development criteria (in addition to the general development criteria in section 2.2)
<b>Rainwater tanks</b> (continued)  <b>Refer to Codes SEPP Part 2 Division 1 SUBDIVISION 32 &amp; 33</b>	<ul style="list-style-type: none"> <li>All zones.</li> </ul> (excluding land within the foreshore building line area).	<b>Heritage Items and Heritage Conservation Areas</b> In addition to the general criteria above: <ul style="list-style-type: none"> <li>Must not be attached to a building that is a heritage item.</li> <li>Maximum installed height of 1.8 metres above existing ground level (including any stand).</li> <li>Located behind the principal building form.</li> <li>Does not obscure any window or door opening.</li> <li>Does not require any alteration to the building or any garden structure or significant cultural planting.</li> <li>Visible tanks must be constructed of corrugated steel or corrugated profile material.</li> </ul>
<b>Roofspace conversion</b> (excluding residential flat buildings, attached dual occupancies, terrace houses, serviced apartments and hotels) (storage purpose only)  <b>Refer to Codes SEPP Part 4 Housing Alterations Code</b>	<ul style="list-style-type: none"> <li>All zones.</li> </ul> (excluding heritage items).	<b>General</b> <ul style="list-style-type: none"> <li>Must not alter the roof height, form or materials.</li> <li>Must not create an opening in the existing roof by the insertion of windows, vents, or similar devices.</li> <li>Electrical wiring in roof space must meet Australian Standard AS 3000 – 2000 (Softbound) Electrical Installations – Buildings, structures and premises.</li> </ul> <b>Heritage Conservation Areas</b> In addition to the general criteria above: <ul style="list-style-type: none"> <li>The conversion must not require an opening in a decorative pressed metal or plaster ceiling.</li> </ul>
<b>Scaffolding and site cranes</b> <b>Associated with:</b> <ul style="list-style-type: none"> <li>the erection of a building;</li> <li>repair and maintenance work;</li> <li>emergency work.</li> </ul> <b>Refer to Codes SEPP Part 2 Division 1 SUBDIVISION 34</b>	<ul style="list-style-type: none"> <li>All zones.</li> <li>Unzoned land.</li> </ul>	<ul style="list-style-type: none"> <li>Must not encroach onto or over public land other than where prior approval of the relevant public authority is obtained or where the erection of the scaffolding is associated with work by the Council or other public bodies and authorities.</li> <li>Must comply with Australian Standard AS 1576.1- 6 as applicable.</li> <li>Must be erected in accordance with WorkCover Authority's requirements.</li> <li>Must not require the removal of any heritage item or part of a heritage item.</li> <li>Where located on or over a public road an approval under s138 of the Roads Act 1993 has been issued.</li> <li>For site cranes which swing or hoist goods over a public road by means of a lift, hoist or tackle projecting over the footway an Activity Approval issued under s94 of the Local Government Act 1993 must be obtained.</li> </ul>
Reference to the Codes SEPP means the <i>State Environmental Planning Policy (Exempt and Complying Development Codes) 2008</i>		



Development type	Applicable zones/areas	Exempt development criteria (in addition to the general development criteria in section 2.2)
<b>Security screens and grills</b>  Refer to Codes SEPP <b>Part 2 Division 1 SUBDIVISION 27</b>	<ul style="list-style-type: none"> <li>All zones.</li> </ul> (excluding heritage item).	<p><b>General</b></p> <ul style="list-style-type: none"> <li>Must not be roller shutters;</li> <li>Must not open onto the road carriageway, public footpath or other public space.</li> </ul> <p><b>Heritage Conservation Areas</b> In addition to the general criteria above:</p> <ul style="list-style-type: none"> <li>Security bars must consist of simple rectangular or cylindrical bars without embellishment, in a pattern that is similar to the configuration of the glazing bars of the window or door frame (if any).</li> <li>Must allow a clear sighting of the door and window.</li> </ul>
<b>Skylights</b>  Refer to Codes SEPP <b>Part 2 Division 1 SUBDIVISION 37</b>	All zones. (excluding heritage items).	<p><b>General</b></p> <ul style="list-style-type: none"> <li>Must not be located on the front roof plane.</li> <li>Must be setback a minimum of 900mm from all site boundaries or from a wall separating dwellings.</li> <li>Each skylight must not exceed 0.25 square metres.</li> <li>Must be no more than 2 skylights on any roof plane or a maximum total area of 0.5 square metre for all skylight surfaces.</li> <li>Must be raised no more than 300mm above the roof surface whether fixed or open (outside heritage conservation areas).</li> <li>The frame colour and flashing colouring must match with the surrounding roof colour.</li> <li>No one roof plane is to incorporate more than 25% transparent materials including skylights and dormer window.</li> <li>Must be constructed with non-reflective materials.</li> </ul> <p><b>Heritage Conservation Areas</b> In addition to the general criteria above:</p> <ul style="list-style-type: none"> <li>Must not require an opening in a decorative pressed metal or plaster ceiling.</li> <li>Must not be located on roof planes visible from the public domain.</li> <li>Must be a fixed structure and flush with the roof surface.</li> <li>Must be predominantly of glass, with simple, unobtrusive detailing.</li> <li>Where there is a single dormer window only one skylight will be permitted on the same roof plane as the dormer.</li> <li>Where two or more dormers exist, no skylights are permitted on the same roof plane as the dormer windows.</li> </ul>

A reference to the Codes SEPP means the *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*

Development type	Applicable zones/areas	Exempt development criteria (in addition to the general development criteria in section 2.2)
<b>Solar water heaters</b> (Excluding solar hot water lagging systems.)  <b>Refer to SEPP (Infrastructure) 2007 DIVISION 4</b>	All zones. (excluding heritage items).	<b>General</b> <ul style="list-style-type: none"> <li>Must be located behind the front setback and not visible from the public domain.</li> <li>Where there is an above roof storage tank must be located on the rear of a building.</li> </ul> Height must not exceed 300mm above roof surface. <b>Heritage Conservation Areas</b> In addition to the general criteria above: <ul style="list-style-type: none"> <li>Must not be located on any part of the roof or chimney that is visible from the public domain.</li> </ul>
<b>Stormwater drainage work</b>  <b>Refer to SEPP (Infrastructure) 2007 DIVISION 20</b>	<ul style="list-style-type: none"> <li>All zones.</li> <li>Unzoned land.</li> </ul>	<ul style="list-style-type: none"> <li>Works must be undertaken in accordance with AS/NZS 3500.3-2003 Plumbing and Drainage - Stormwater Drainage.</li> <li>Works must be undertaken in accordance with Council's "Specifications for Roadworks, Drainage and Miscellaneous Works".</li> <li>Works must be undertaken in accordance with Council's Stormwater DCP;</li> <li>Where located on or over a public road an approval under s138 of the Roads Act 1993 has been issued.</li> </ul>
<b>Street and park furniture</b> (Fixed seats and tables, replacement bus shelters, signs, display boards, bubblers, bins, light standards, playground equipment, railings, etc.)	<ul style="list-style-type: none"> <li>All zones.</li> <li>Unzoned land. (excluding heritage items)</li> </ul>	<ul style="list-style-type: none"> <li>Works are in accordance with an approved works program by Council.</li> <li>Located on land owned or under the control of the Council.</li> <li>Must not involve a display of an advertisement unless allowed by another provision.</li> </ul> <b>Refer to SEPP (Infrastructure) 2007 DIVISION 12</b>
<b>Subdivision</b> <ul style="list-style-type: none"> <li>making a minor adjustment to a boundary between allotments</li> <li>rectifying an encroachment upon an allotment</li> <li>creation of new allotments on unmade road</li> </ul> <b>Refer to Codes SEPP Part 2 SUBDIVISION 38</b>	<ul style="list-style-type: none"> <li>All zones.</li> <li>Unzoned land. (excluding heritage conservation areas; heritage items; land within the foreshore building line area).</li> </ul>	<ul style="list-style-type: none"> <li>Does not apply to rectification of an encroachment on public land.</li> <li>Must not result in the creation of an additional allotment or allotments.</li> <li>Must not require relocation of water, stormwater or sewerage connection due to subdivision.</li> <li>Must not result in the creation of an allotment or allotments which are below the minimum allotment size for dwelling-houses as set down in Woollahra LEP 1995.</li> <li>The encroachment must not be more than 900 mm.</li> <li>Must not result in a lot having a sewer point of connection.</li> <li>Must not reduce or increase the allotment size by more than 10%.</li> <li>Must not result in the creation of an allotment or allotments that would otherwise not comply with Council's provisions contained in the relevant DCP for building location, deep soil landscaped area and density.</li> </ul> <b>Creation of new allotments on unmade road</b> <ul style="list-style-type: none"> <li>Council has approved the sale of land to which the allotment will be created.</li> </ul>
A reference to the Codes SEPP means the <i>State Environmental Planning Policy (Exempt and Complying Development Codes) 2008</i>		

Development type	Applicable zones/areas	Exempt development criteria (in addition to the general development criteria in section 2.2)
<b>Swimming pool and spa fences</b>  Refer to Codes SEPP <b>Part 2 Division 1 SUBDIVISION 30</b> (if a portable swimming pool or spa or child-resistant barrier)	<ul style="list-style-type: none"> <li>Residential zones. (excluding heritage items; heritage conservation areas; land within the foreshore building line area; and potential archaeological sites).</li> </ul>	<ul style="list-style-type: none"> <li>Swimming pool and spa pool fences must comply with the Swimming Pools Act 1992 and AS 1926-1986.</li> </ul>
<b>Temporary structures</b> (tents, marquees, stages, amusement devices excluding temporary buildings)  Refer to Codes SEPP <b>Part 2 Division 3 SUBDIVISION 1, 6, 7 8 &amp; 9</b>	<ul style="list-style-type: none"> <li>All zones.</li> </ul>	<ul style="list-style-type: none"> <li>Must not be designed or used for residential purposes.</li> <li>Must not be used for the storage or handling of inflammable materials.</li> <li>Must not include a structure erected by way of alteration, addition or extension to an existing building.</li> <li>Must be setback a minimum of 1.5 metres from all boundaries.</li> <li>Must not involve the installation of sanitary services within the structure.</li> <li>Must be removed within 24 hours following end of event/use.</li> <li>An Activity Approval has been issued under s94 of the Local Government Act 1993.</li> <li>Where on public land, fees have been paid in accordance with Council's Fees and Charges Schedule.</li> <li>There must be no demolition of existing structures or damage to gardens.</li> </ul>
<b>Water heaters</b> (external) (excluding solar water heaters)  Refer to Codes SEPP <b>Part 2 Division 1 SUBDIVISION 23A</b>	<ul style="list-style-type: none"> <li>All zones.</li> </ul>	<ul style="list-style-type: none"> <li>Located no higher than 1.8metres above ground level, behind the front setback and not visible from the public domain.</li> <li>Minimum setback of 450mm from side and rear property boundaries.</li> <li>For heritage items there is no demolition apart from installation of pipes.</li> </ul>
A reference to the Codes SEPP means the <i>State Environmental Planning Policy (Exempt and Complying Development Codes) 2008</i>		

Development type	Applicable zones/areas	Exempt development criteria (in addition to the general development criteria in section 2.2)
<b>Water supply and sewerage works</b> (carrying out water supply work; drawing water from Council water supply or sell water so drawn; install, alter, disconnect or remove a metre connected to a service pipe; carrying out sewerage work; and connecting a private drain or sewer with a public drain or sewer under the control of a council or with a drain or sewer which connects with such a public drain or sewer.)	<ul style="list-style-type: none"> <li>All zones.</li> <li>Unzoned land.</li> </ul>	<ul style="list-style-type: none"> <li>Approval has been issued under the Sydney Water Act 1994, from the Sydney Water Board;</li> <li>Where located on or over a public road an approval under s138 of the Roads Act 1993 has been issued.</li> </ul> <p>Refer to SEPP (Infrastructure) 2007 <b>DIVISION 18 and 21</b></p>
<b>Windows and doors</b> (replacement of frames)	<ul style="list-style-type: none"> <li>All zones (excluding heritage conservation areas; and heritage items).</li> </ul> <p>Refer to Codes SEPP <b>Part 2 Division 1 SUBDIVISION 27</b></p>	<ul style="list-style-type: none"> <li>Must be replaced with materials which are consistent with the period of construction of the building.</li> <li>Must not increase the window or door opening size or proportion.</li> </ul>
<b>Works and structures under s138 of the Roads Act 1993.</b> (see Schedule 5 for s138 extract)	<ul style="list-style-type: none"> <li>Unzoned land.</li> </ul> <p>Refer to SEPP (Infrastructure) 2007 <b>DIVISION 17</b></p>	<ul style="list-style-type: none"> <li>An approval has been issued under the Roads Act 1993 by the relevant roads authority.</li> </ul>
A reference to the Codes SEPP means the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008		

### 3. Complying development

#### 3.1 What is complying development?

Complying development is local development (that requires consent) which is defined by predetermined development standards. Complying development may be carried out following the issuing of a complying development certificate. Table 2 of this plan specifies the types of development identified as complying development in Woollahra Municipality. Table 2 specifies complying development by its type, the land on which it can occur and the criteria which must be satisfied when the development is carried out.

If you obtain a complying development certificate, you do not have to go through the development application process. However, because complying development is local development as defined by the Environmental Planning and Assessment Act 1979, a development application may be lodged for that development as an alternative way of obtaining consent. If you wish to carry out development that is not listed in Table 2, or you do not meet the complying development criteria, then you must obtain development consent from Council by lodging a development application.

The complying development certificate must be issued by either the Council or an accredited certifier before development commences. An accredited certifier is a person who is accredited by an accreditation body which is a professional association authorised for accreditation purposes by the Minister for Infrastructure, Planning and Natural Resources. The Environmental Planning and Assessment Act 1979 and the Environmental Planning and Assessment Regulation 2000 provide for matters such as the establishment of accreditation bodies, their authorisation, creation of registers of accredited certifiers, auditing and complaints procedures involving certifiers and liability and insurance issues.

Complying development certificates may be issued either unconditionally or subject to conditions (refer to Schedule 1).

#### Note:

Section 76A (6) of the *Environmental Planning and Assessment Act 1979* specifies that the complying development provisions under a LEP and the associated provisions of a development control plan can not be made to apply to development or land in the following circumstances:

- a) if the development is State significant development (as defined in section 76A (7) of the *Environmental Planning and Assessment Act 1979*); or
- b) if the development is designated development; or
- c) if the development is development for which a development consent cannot be granted except with the concurrence of a person other than:
  - i) the Council; or
  - ii) the Director-General of National Parks and Wildlife for circumstances specified in section 79B(3) of the *Environmental Planning and Assessment Act 1979*; or
- d) if the land is critical habitat; or
- e) if the land is partly or wholly a wilderness area within the meaning of the *Wilderness Act 1987*; or
- f) if the land comprises an item of the environmental heritage:
  - i) that is subject to an interim heritage order under the *Heritage Act 1977* or that is listed on the State Heritage Register under that Act; or
  - ii) that is identified as such an item in an environmental planning instrument; or
- g) if there is on the land an item of the environmental heritage:
  - i) that is subject to an interim heritage order under the *Heritage Act 1977* or that is listed on the State Heritage Register under that Act; or
  - ii) that is identified as such an item in an environmental planning instrument; or
- h) if land is identified in the relevant LEP as an environmentally sensitive area.

The complying development provisions will cease to apply to land or development if the development or land becomes development or land to which the circumstances in (a) to (h) applies.

### 3.2 General development criteria for complying development

The complying development types listed in Table 2 may be carried out on the land identified in that Table subject to a complying development certificate being issued, the development satisfying the complying development criteria set out in Table 2, and the following general development criteria:

- it is otherwise permissible under the relevant environmental planning instrument which applies to the land; and
- the development does not require development consent under the provisions of clause 25D-Development on land identified on Acid Sulphate Soils Planning Map in Woollahra LEP 1995.
- it complies with any other development standards specified for development in any environmental planning instrument applying to the land on which the development is proposed to be carried out (except for the maximum height for dwelling-houses, in which case the standard in this Plan prevails); and
- it does not contravene any condition of a development consent applying to the land; and
- it complies with any “deemed-to-satisfy” provisions of the Building Code of Australia relevant to the development; and
- it complies with Woollahra Municipal Council’s Code for Building Sites (1991); and
- it will not require the removal, lopping or the cutting of roots greater than the specified diameter of a tree protected by Council’s Tree Preservation Order (TPO). Where complying development involves work which will require the removal, lopping or the cutting of roots of a tree protected by the Tree Preservation Order a complying development certificate must not be issued unless approval for the necessary tree removal, lopping or root cutting has been granted; and
- it will not restrict any vehicular or pedestrian access to or from the site; and
- it is located clear of any sewer main or stormwater main by a minimum distance of 1 metre from the main centre line or the equivalent invert depth of the main, whatever is the greater; and
- it will not encroach on any easements; and
- it will not restrict any vehicular or pedestrian access to or from the site; and
- a certificate of compliance has been obtained for the development, if required, by Sydney Water; and
- no environmental planning instrument applying to the land on which the development is proposed to be carried out states that the adequacy of an acid sulphate soils management plan of the proposed development must be considered before consent can be granted to the development; and
- it will not be located on land that is identified by Council or in any environmental planning instrument or development control plan as bushfire prone, flood liable or contaminated land, or land subject to subsidence, slip or erosion; and
- it will not be located on land that is a site that has previously been used:
  - as a service station,
  - for mining or an extractive industry, or
  - for waste storage or waste treatment, or
  - for the manufacture of chemicals, asbestos or asbestos products,

and a notice of completion or remediation work for the proposed use has not been given to the Council in accordance with State Environmental Planning Policy No.55 – Remediation of Land.

**Note 1:**

The TPO was adopted on 17 November 1998 and is in the following terms:

THAT pursuant to clause 6 of the Woollahra LEP 1995, clause 34 of Woollahra LEP No.24 and clause 31 of Woollahra LEP No.27, it is hereby resolved that a general Tree Preservation Order be placed on all trees in the Municipality of Woollahra with a spread of branches greater than three (3) metres and also on all trees, irrespective of the spread of branches, with a height greater than five (5) metres. This Order prohibits the ringbarking, cutting down, topping, lopping, pruning, removing, injuring or wilful destruction of such trees except with the written consent of the Council.

The TPO does not apply to rubber trees (*Ficus elastica*), large-leaved privet trees (*Ligustrum lidicum* and cvs), small-leaved privet trees (*Ligustrum sinense* and cvs) and bamboo (*Bambusa* spp).

For Council owned or managed land the TPO does not apply to Tree of Heaven (*Ailanthus altissima*), Cotoneaster (*Cotoneaster* sp), Coral trees (*Erythrina* sp), Hackberry (*Celtis occidentalis*) and African Olives (*Olea africana*).

**Note 2:**

The Building Code of Australia contains national performance standards for building construction, safety and amenity.

**Note 3:**

For development that is complying under this DCP and also identified as complying development under the Codes SEPP, you may choose to apply either the SEPP or the DCP provision. (See Codes SEPP clauses 1.9(4) and 1.10). These 'same development' types have been marked up in this DCP, and includes information to direct you to the alternate provisions in the SEPP.

For development that is complying under this DCP and identified as exempt development under the Codes SEPP, you may choose to apply either the SEPP or the DCP provisions. (See Codes SEPP clauses 1.9(7) and 1.10). These 'same development' types have been marked up in this DCP, and includes information to direct you to the alternate provisions in the SEPP.

3.3 Table 2 - Complying development

Development type	Applicable zones / areas	Complying development criteria (in addition to the general development criteria in section 3.2)
<b>Air handling system</b> (including central heating, air conditioning, mechanical ventilation, supply air system, exhaust air system, internal air conditioning systems and packaged air conditioning systems.)  <i>The Codes SEPP also applies to this development type. Refer to Codes SEPP Part 2 Division 1 SUBDIVISION 3 and clause 1.9 (4) You may choose to apply either this DCP or the Codes SEPP.</i>	<ul style="list-style-type: none"> <li>Residential zones</li> <li>Business zones</li> </ul> (excluding heritage items).	<p><b>General</b></p> <p><b>External condenser and air conditioning units</b></p> <ul style="list-style-type: none"> <li>Must be behind the front setback and not be visible from the public domain.</li> <li>Except for in a heritage conservation area, must be located at existing ground level or on a balcony above ground level where the balustrade is non-transparent and the height of the condenser or air-conditioning unit does not exceed the height of the balustrade.</li> <li>Must be setback a minimum of 3 metres from all other property boundaries (including party wall) and not less than 5 metres from a bedroom window in an adjoining residential property.</li> </ul> <p><b>Internal air conditioning systems and packaged air conditioning systems</b></p> <ul style="list-style-type: none"> <li>Any associated wall opening must be no higher than 600mm above the adjacent ground level.</li> </ul> <p><b>Heritage Conservation Areas</b> In addition to the general criteria above:</p> <ul style="list-style-type: none"> <li>Must be behind the front setback and not be visible from the public domain.</li> <li>External condenser and air conditioning units must be located at existing ground level or at the first floor level above ground (but not on a roof).</li> <li>Must not be visible from an adjoining property.</li> <li>External conduits must not exceed 3m in length and not be visible from the public domain.</li> <li>External conduits must be bundled and concealed by matching the colour of the external surfaces of the building.</li> </ul>
<b>Bed and breakfast accommodation</b>  <i>The Codes SEPP also applies to this development type. Refer to Codes SEPP Part 4A Division 1 SUBDIVISION 1 and clause 1.9 (2) You may choose to apply either this DCP or the Codes SEPP.</i>	<ul style="list-style-type: none"> <li>Residential zones</li> </ul> (excluding heritage items).	<ul style="list-style-type: none"> <li>Must be located in an existing dwelling-house which has a permanent resident or residents.</li> <li>Must have separate toilet and bathroom facilities for permanent residents and guests.</li> <li>Accommodation must be limited to no more than four (4) guests.</li> <li>The maximum stay period for guests is 1 month.</li> <li>Food preparation facilities must not be provided in the guest rooms.</li> <li>Must have 1 car parking space per premises for the bed and breakfast accommodation. This is additional to the required car parking for the dwelling-house.</li> <li>There must not be exhibited any notice, advertisement or sign, other than one notice, advertisement or sign not exceeding 0.75 square metres and not illuminated that indicates the name of the accommodation. The notice advertisement or sign must only be attached to the dwelling-house, the front fence or be located in the front setback.</li> </ul>

A reference to the Codes SEPP means the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008



Development type	Applicable zones / areas	Complying development criteria (in addition to the general development criteria in section 3.2)
<b>Bed and breakfast accommodation</b> (continued)  <i>The Codes SEPP also applies to this development type. Refer to Codes SEPP <b>Part 4A SUBDIVISION 1</b> and <b>clause 1.9 (2)</b> You may choose to apply <b>either</b> this DCP <b>or</b> the Codes SEPP.</i>	<ul style="list-style-type: none"> <li>Residential zones (excluding heritage items).</li> </ul>	<ul style="list-style-type: none"> <li>Must not require any structural alterations to accommodate the use.</li> <li>Must comply with Australian Standard AS 3786-Smoke Alarms and Australian Standard AS 3000-Electrical Installations Buildings.</li> <li>Must have a fire extinguisher and fire blanket in the kitchen.</li> </ul> <p><b>Note:</b> Preparation of food must comply with the Food Act 2003 and the Food (General Regulation) 2004.</p>
<b>Carports and garages, excluding corner allotments and allotments with two street frontages</b>  <i>The Codes SEPP also applies to this development type. Refer to Codes SEPP <b>Part 2 Division 1 SUBDIVISION 10</b> and <b>clause 1.9 (4)</b> You may choose to apply <b>either</b> this DCP <b>or</b> the Codes SEPP.</i>	<ul style="list-style-type: none"> <li>Residential zones (excluding heritage items; heritage conservation areas; and land within the foreshore building line area).</li> </ul>	<ul style="list-style-type: none"> <li>Must not be more than one single space carport or single space garage per site.</li> <li>Must not divert stormwater onto adjoining properties.</li> <li>Must be constructed to maintain the natural flow of stormwater.</li> <li>Must be located behind the front setback.</li> <li>For properties adjoining a heritage item, the garage or carport must be located behind the building alignment of the adjoining heritage item.</li> <li>Must be located a minimum of 1.5 metres from all property boundaries.</li> <li>Floor area under the roof must not exceed 20 square metres.</li> <li>In conjunction with other development on the site, must comply with numerical requirements for building footprint, unbuilt upon area and landscaped open space set out in the relevant DCP applying to the land.</li> <li>Height must not exceed 3.6 metres from the finished floor level to the highest point for a pitched roof and 3 metres for a flat roof.</li> <li>Finished floor level must not be more than 1 metre above existing ground level at any point.</li> <li>One horizontal dimension must not be more than 6 metres.</li> <li>The wall height at the eaves line must not be more than 3 metres.</li> </ul>
<b>Fences - side and rear</b> (Masonry construction)  <i>The Codes SEPP also applies to this development type. Refer to Codes SEPP <b>Part 2 Division 1 SUBDIVISION 17</b> and <b>clause 1.9 (4)</b> You may choose to apply <b>either</b> this DCP <b>or</b> the Codes SEPP.</i>	<ul style="list-style-type: none"> <li>Residential zones (excluding heritage items; heritage conservation areas; corner allotments; and land adjoining a public space)</li> </ul>	<ul style="list-style-type: none"> <li>Must be located behind the front setback.</li> <li>In the case of dual frontage properties, must be located behind the building line of each frontage.</li> <li>Must comply with the requirements for side and rear fences in the Development Control Plan.</li> <li>Must comply with the relevant Australian Standard.</li> </ul>
A reference to the Codes SEPP means the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008		

Development type	Applicable zones / areas	Complying development criteria (in addition to the general development criteria in section 3.2)
<b>Pergolas</b> (including solar pergolas)  <i>The Codes SEPP also applies to this development type. Refer to Codes SEPP Part 2 Division 1 SUBDIVISION 6 and clause 1.9 (4) You may choose to apply either this DCP or the Codes SEPP.</i>	<ul style="list-style-type: none"> <li>Residential zones</li> <li>Business zones</li> <li>Special use zones</li> </ul> (excluding heritage conservation areas; heritage items; and land within the foreshore building line area).	<b>General</b> <ul style="list-style-type: none"> <li>Must not be more than one per site.</li> <li>Must not be enclosed other than by rails and balustrades for safety reasons.</li> <li>Must not divert stormwater onto adjoining properties.</li> <li>Must be behind the front setback.</li> <li>Must be setback a minimum of 1.5 metres from all boundaries.</li> <li>Floor area must not exceed 12 square metres.</li> <li>Structure must not exceed 2.7 metres in height and be no greater than 3.2 metres above existing ground level when located over a deck or raised level</li> <li>In conjunction with other development on the site, must comply with numerical requirements for building footprint, unbuilt upon area and landscaped open space set out in the relevant DCP applying to the land.</li> <li>Must not be covered with any reflective material or polycarbonate sheeting.</li> <li>Supporting posts must be fixed to concrete footings or slabs.</li> </ul>
<b>Satellite dishes</b> (residential)  <i>The Codes SEPP also applies to this development type. Refer to Codes SEPP Part 2 Division 1 SUBDIVISION 12 and clause 1.9 (4) You may choose to apply either this DCP or the Codes SEPP.</i>	<ul style="list-style-type: none"> <li>Residential zones</li> </ul> (excluding heritage items; and land within the foreshore building line area).	<b>General</b> <ul style="list-style-type: none"> <li>Must not be visible from the public domain.</li> <li>Must not be more than one per site, whether ground or roof mounted.</li> <li>Must be setback at least 1.5 metres from all property boundaries.</li> </ul> <b>Ground mounted</b> <ul style="list-style-type: none"> <li>Ground mounted dishes must not exceed a height of 1.8 metres above existing ground level.</li> <li>Diameter must not exceed 1.5 metres.</li> <li>Must be located behind the front setback and must not be visible from a public place within 30 metres of the dish.</li> </ul> <b>Roof mounted</b> <ul style="list-style-type: none"> <li>Diameter must not exceed 650 mm.</li> <li>Must be located behind and not above the front ridge line and not above a parapet.</li> <li>Must be only located on a secondary roof to the ground floor and not be attached to a chimney.</li> </ul>
A reference to the Codes SEPP means the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008		

Development type	Applicable zones / areas	Complying development criteria (in addition to the general development criteria in section 3.2)
<p><b>Satellite dishes</b> (commercial)</p> <p><i>The Codes SEPP also applies to this development type. Refer to Codes SEPP <b>Part 2 Division 1 SUBDIVISION 12</b> and <b>clause 1.9 (4)</b> You may choose to apply <b>either</b> this DCP <b>or</b> the Codes SEPP.</i></p>	<ul style="list-style-type: none"> <li>Business zones (excluding heritage conservation areas; and heritage items).</li> </ul>	<p><b>General</b></p> <ul style="list-style-type: none"> <li>Must not be visible from the public domain.</li> <li>Must not be more than one per site, whether ground or roof mounted.</li> <li>Must be setback at least 1.5 metres from all adjoining residential property boundaries, other than front setback.</li> </ul> <p><b>Ground mounted</b></p> <ul style="list-style-type: none"> <li>Diameter must not exceed 2 metres.</li> <li>Must be located behind the front setback and must not be visible from a public place within 30 metres of the dish.</li> </ul> <p><b>Roof mounted</b></p> <ul style="list-style-type: none"> <li>Diameter must not exceed 2 metres.</li> <li>Must be located behind and not above the front ridge line and not above a parapet.</li> </ul>
<p><b>Single storey detached dwelling-houses</b></p> <p><i>The Codes SEPP also applies to this development type. Refer to Codes SEPP <b>Part 3 Division 2 SUBDIVISION 16</b> and <b>clause 1.9 (2)</b> You may choose to apply <b>either</b> this DCP <b>or</b> the Codes SEPP.</i></p>	<ul style="list-style-type: none"> <li>Residential zones (excluding heritage items; land adjoining heritage items; heritage conservation areas; and land within the foreshore building line area).</li> </ul>	<p><b>Building Size and Location</b></p> <ul style="list-style-type: none"> <li>Applies only to residential lots between 450 square metres and 1000 square metres.</li> <li>The lot width must not be less than 12 metres.</li> <li>The floor space ratio must not exceed 0.55:1.</li> <li>The building footprint for the dwelling must comply with the footprint requirements that apply under the relevant DCP for the land.</li> <li>The rear setback must not be less than the 3.0 metres or 25% of the average site length of the allotment, whichever is the greater.</li> <li>The side setbacks must not be less than 1.5 metres. Fascias, gutters, downpipes, eaves with non-combustible roof cladding and non-combustible lining up to 0.6m, masonry chimneys, flues, pipes, domestic fuel tanks, cooling or heating appliances or other services may encroach beyond the building setback.</li> <li>The ground floor level of the structure at any point must not be more than 500 millimetres above existing ground level.</li> <li>The distance between the floor level and the underside of the eaves is not more than 2.7 metres.</li> <li>The maximum height does not exceed 6.2 metres above the existing ground level.</li> <li>The front setback is consistent with adjoining buildings unless the front setback of any adjoining building is less than 3.0 metres where a minimum 3.0 metre setback must be observed.</li> </ul> <p><b>Streetscape</b></p> <ul style="list-style-type: none"> <li>Buildings are to have a maximum unarticulated length of 6 metres on the front façade. The articulation measures may include verandahs, loggias and wall offsets.</li> <li>Carports and garages must comply with the complying development criteria established by this Plan.</li> <li>Fencing must comply with the exempt and complying development criteria established by this Plan.</li> </ul>
A reference to the Codes SEPP means the <i>State Environmental Planning Policy (Exempt and Complying Development Codes) 2008</i>		

Development type	Applicable zones / areas	Complying development criteria (in addition to the general development criteria in section 3.2)
<b>Single storey detached dwelling-houses</b> (continued) <p><i>The Codes SEPP also applies to this development type. Refer to Codes SEPP <b>Part 3 Division 2 SUBDIVISION 1-6 and clause 1.9 (2)</b></i> <i>You may choose to apply either this DCP or the Codes SEPP.</i></p>	<ul style="list-style-type: none"> <li>Residential zones (excluding heritage items; land adjoining heritage items; heritage conservation areas; and land within the foreshore building line area).</li> <li>(continued)</li> </ul>	<p><b>Car Parking and Driveways</b></p> <ul style="list-style-type: none"> <li>Must contain two (2) on-site car parking spaces with at least one space that is undercover. The other space may be located in a stacked arrangement.</li> <li>All car parking must be located behind the front building line.</li> <li>The driveway must not be located less than 6 metres to an intersection.</li> <li>Driveways must have a maximum grade and transition grades as required in AS 2890.1.</li> </ul> <p><b>Open Space and Landscaping</b></p> <ul style="list-style-type: none"> <li>Must provide a minimum landscaped area at ground level of 35 square metres.</li> <li>The dimension of the landscaped area must be at least 3.0 metres.</li> <li>The landscaped area must have a maximum gradient of 1 in 10 and one part (the 'principal area') must have a minimum area of 16 square metres and minimum dimension of 4.0 metres.</li> <li>Deep soil landscaped area must be located at ground level and comprise at least 50% of the unbuilt upon area including lawns, gardens and tree planting or is left in its natural condition where the area consists of rock outcrop or is covered by bushland vegetation.</li> <li>Not more than one-third of the front setback is to be paved or sealed.</li> </ul> <p><b>Energy Efficiency</b></p> <p>A BASIX certificate has been issued.</p>
<b>Strata title subdivision of new buildings</b> <p><i>The Codes SEPP also applies to this development type. Refer to Codes SEPP <b>Part 6 SUBDIVISIONS Code and clause 1.9 (2)</b></i> <i>You may choose to apply either this DCP or the Codes SEPP.</i></p>	Residential zones and business zones but not including heritage items.	<ul style="list-style-type: none"> <li>All building works must be completed and conditions of development consent satisfied. Any easements required for the development must be the subject of a section 88B instrument under the Conveyancing Act 1919, which is lodged with the Land Title Office.</li> <li>A section 73 Compliance Certificate must be obtained from Sydney Water where a subdivision causes any lot to no longer have a sewer point of connection located in each lot.</li> </ul>
A reference to the Codes SEPP means the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008		

Development type	Applicable zones / areas	Complying development criteria (in addition to the general development criteria in section 3.2)
<b>Swimming pools and spas, including fences and gates required under the Swimming Pools Act 1992</b>  <i>The Codes SEPP also applies to this development type. Refer to Codes SEPP <b>Part 3 Division 2 SUBDIVISION 7</b> and <b>clause 1.9 (2)</b> You may choose to apply <b>either</b> this DCP <b>or</b> the Codes SEPP.</i>	<ul style="list-style-type: none"> <li>Residential zones (excluding heritage items; heritage conservation areas; land within the foreshore building line area; and potential archaeological sites).</li> </ul>	<ul style="list-style-type: none"> <li>Must not be more than one pool and spa per allotment.</li> <li>Must have a minimum site area of 450 square metres.</li> <li>Pool, spa and associated decks and mechanical equipment must be located behind the front setback, or a side setback where on a corner allotment.</li> <li>The outer edge of the coping or any other part of the pool or spa must be setback at least 1.5 metres from all boundaries.</li> <li>Must not be located within 3 metres of the drip line of a tree protected by Council's tree preservation order.</li> <li>In conjunction with other development on the site, must comply with the numerical requirements for building footprint, unbuilt upon area and landscaped open space set out in the relevant Residential DCP applying to the land.</li> <li>In-ground pools and spas must not be elevated by more than 0.5 metres as measured from existing ground level to the top of coping or associated decking.</li> <li>The top edge of pre-fabricated above ground pools and spas must not exceed 1.2 metres in height above existing ground level (excludes concrete pools).</li> </ul>
<b>Temporary buildings</b>  <i>The Codes SEPP also applies to this development type. Refer to Codes SEPP <b>Part 2 Division 3 SUBDIVISION 3</b> and <b>clause 1.9 (2)</b> You may choose to apply <b>either</b> this DCP <b>or</b> the Codes SEPP.</i>	<ul style="list-style-type: none"> <li>All zones (excluding heritage items and heritage conservation areas).</li> </ul>	<ul style="list-style-type: none"> <li>The total period over which the building is to be erected, used and removed must not exceed 12 months.</li> <li>Must not be designed or used for residential purposes.</li> <li>Must not be used for the storage or handling of inflammable materials.</li> <li>Height must not exceed 2.7 metres.</li> <li>Must not include a building erected by way of alteration, addition or extension to an existing building.</li> <li>Must be setback at least 1.5 metres from all boundaries.</li> <li>Any sanitary services must be connected to approved service mains.</li> <li>Construction must allow for removal within 24 hours.</li> <li>Construction must not require the demolition of any building or structure other than demolition that is allowed in a development consent or a complying development certificate.</li> </ul>
A reference to the Codes SEPP means the <i>State Environmental Planning Policy (Exempt and Complying Development Codes) 2008</i>		

**Schedule 1 - Complying development conditions**

Complying development type	Applicable conditions
Air conditioning units (attached to external wall or ground mounted).	1, 13, 17, 20, 35-37, 43-45, 49-53, ADV 1, 3, 5-6, 8- 11
Bed and breakfast accommodation	1, 53, 85 ADV 1, 9-10
Carports and garages, excluding corner allotments and allotments with two street frontages	1, 3-7, 8-18, 20 –33, 36-40, 43-57, 59-68, 83-84 ADV 1, 4-6, 8, 11
Fences (side and rear) masonry construction	1, 9, 10, 12-18, 20, 30-32, 36-40, 43-46, 48, 49, 51-57, 59-68, 83 ADV 1, 5-9, 11
Pergolas	1, 9, 10, 13, 14, 17, 18, 20-28, 30-33, 36-40, 43-46, 48, 49, 51 –57, 62 –68, 83 ADV 1, 5, 6, 8, 7, 9, 11
Satellite dishes - (residential)	1, 13, 17, 20, 36, 38-40, 43-46, 48, 49, 51-57, ADV 1, 4, 5, 8, 9, 11
Satellite dishes - (commercial)	1, 13, 17, 20, 36, 38-40, 43-46, 48, 49, 51-57, ADV 1, 4, 5, 8, 9, 11
Swimming pools and spas	1, 6, 7, 9-33, 36-41, 43, 44, 46, 48, 49, 51-57, 59- 81, 83 ADV 1, 5-6, 7, 8-9, 11
Strata title subdivision	1, 58 ADV 1, 10
Single storey dwelling house	1-33, 36-40, 43-57, 59-69, 82-84 ADV 1- 11
Temporary buildings	1, 9, 10, 12, 13, 15-17, 20, 36, 37-40, 43-46, 48, 49, 51, 52, 54-57, 59-68, 84 ADV 1, 3-11

## Standard complying development certificate conditions

### Approved plans

1. Development being carried out in accordance with plans drawn by # and subject to the following conditions.

#### Where the dwelling house is to be erected on a previously vacant allotment.

2. A Compliance Certificate under Section 73 of Sydney Water (Corporatisation) Act 1994 in respect of the proposed works, is to be obtained and provided to Council.

Note: Sydney Water may also require the construction of additional works and / or the payment of additional fees. Other Sydney Water approvals may also be necessary prior to the commencement of construction work. Accordingly, in order to avoid problems in servicing the development, immediate application should be made to Sydney Water.

#### 3. Vehicular Access and Garaging

Driveways and access ramps must be designed not to scrape the underside of cars. In all other respects, proposed garage/car park/basement car park, driveways and access ramps must be designed to comply with Australian Standard AS 2890.1 "Off-Street car parking."

#### 4. Footpath Levels

The existing footpath level and grade at the street alignment of the subject property must be maintained.

5. The proposed driveway and layback are to be constructed in accordance with Council's specifications, (Drawing m 14238). The existing driveway, where it is not part of the new driveway, shall be reinstated as a new concrete footpath and kerb and gutter to Council's driveway requirements.

#### 6. Construction Management Plan (Apply to all but minor works)

A construction management plan must be submitted for the approval of Council's Development Engineer before the commencement of demolition, excavation or construction works. The plan must:-

- a. describe the anticipated impact of the construction works on:
  - local traffic routes
  - pedestrian circulation adjacent to the building site
  - on-street parking in the local area
- b. describe the means proposed to:
  - manage construction works to minimise such impacts
  - provide for the standing of vehicles during construction
  - provide for the movement of trucks to and from the site, and deliveries to the site
- c. show the location of:
  - any site sheds and any anticipated use of cranes and concrete pumps
  - any areas of Council property on which it is proposed to install a construction zone or to erect structures such as hoardings, scaffolding or shoring to excavate.

The plan must make provision for all materials, plant etc. to be stored within the development site at all times during construction. Structures or works on Council property such as hoardings, scaffolding, shoring or excavation need separate consent from Council. Standing of cranes and concrete pumps on Council property will need consent on each occasion.

#### 7. Compliance with the Construction Management Plan

All excavation, demolition and construction work and traffic movements must be carried out in accordance with the approved Construction Management Plan. All controls in the plan must be maintained at all times. A copy of the plan must be kept on-site at all times and made available to the PCA or Council on request.

#### 8. Completion of Driveways

Driveways and laybacks must be constructed in accordance with Council's specifications, (Drawing No.14238). Existing driveways, where no longer required, must be removed and reinstated as a new footpath and kerb and gutter to Council's requirements. Work must be completed and be certified by the PCA as meeting all Council requirements. Works generally must be in accordance with the relevant clauses of the current edition of AUS-SPEC, which can be purchased from Council's Customer Service Counter.

9. Prior to any excavation works, the developer must determine the location and depth of all services (telephone, pay TV, electricity, gas, water, sewer, drainage, etc.). The developer is liable for all costs of any service that may require adjustment, relocation or that is damaged during the course of works.

#### 10. Works on Council property

##### a) Approval

The Complying Development Certificate does not give approval to works on Council property. Detailed plans and specifications of any new works which are proposed to be carried out on Council property, including works on roadways, footways, parks and reserves, drainage reserves and easements, etc. must be submitted for the approval of Council's Development Engineer, before the commencement of work. Four weeks should be allowed for assessment. Works generally must be in accordance with the relevant clauses of the current edition of AUS-SPEC which can be purchased from Council's Customer Service Counter.

##### b) Infrastructure Works Bond

To ensure that works on Council property are carried out to Council's requirements, the developer must lodge a bond in the sum of \$#. The bond may be in the form of a bank guarantee and must be lodged prior to the commencement of work. The bond will be not be released until Council has inspected and is satisfied with the works, or the PCA has certified that the works have been carried out to Council's requirements. Council may use part or all of the bond to complete the works to its satisfaction if they do not meet Council's requirements.

#### 11. Road Opening

Prior to the commencement of any excavation in Council controlled road or footpath areas, the developer must obtain a road opening permit from Council's Customer Services Counter. Restoration of roads, footpaths, retaining walls, kerbs and gutters must be carried out in accordance with the relevant clauses of the current edition of AUS-SPEC which can be purchased from Council's Customer Service Counter.

#### 12. Support for Council Roads, Footpaths, Drainage Reserves, etc

Council property adjoining the construction site must be fully supported at all times during all excavation, demolition and building construction works. Details of shoring, prepping and anchoring of works adjoining Council property, prepared by a qualified Structural Engineer or Geotechnical Engineer, must be submitted for the approval of Council's Development Engineer, or certified as structurally adequate by the PCA, before the commencement of the works. Backfilling of excavations adjoining Council property, or any void remaining at completion of construction between the building and Council property, must be fully compacted to Council's satisfaction prior to release of the Security Deposit.

#### Notice of commencement of work

13. (1) Two days before any site works, building or demolition begins, the applicant must:
- forward Notice of Commencement of Work and Appointment of Principal Certifying Authority (section 103 of the Environmental Planning and Assessment Regulation 2000 ) to the Council, and
  - inform the adjoining owner, in writing that work will commence.

#### 14. Site fencing

The site must be appropriately secured and fenced to the satisfaction of the PCA during demolition / excavation / construction work to ensure there are no unreasonable impacts on the amenity of adjoining properties. Permit for hoardings and or scaffolding on Council land must be obtained and clearly displayed.

#### 15. Repair of Damaged Infrastructure

If Council's infrastructure is damaged during the course of works, Council's Development Engineer must be notified and necessary repairs must be undertaken within the time stipulated by Council, to Council's specifications, and at no cost to Council. Works generally must be in accordance the relevant clauses of the current edition of AUS-SPEC, which can be purchased from Council's Customer Service Counter.

If work is not undertaken to the satisfaction of the Development Engineer with regard to time or quality, Council may carry out remedial works and deduct the cost from the Security Deposit.

#### 16. Public footpaths

A safe pedestrian circulation route a minimum of 1.5m wide and with a pavement reasonably free of trip hazards must be maintained at all times on or adjacent to the public footpaths fronting the construction site. Where the footpath is damaged, repair works must be carried when directed by Council officers, and in accordance with the relevant clauses of the current edition of AUS-SPEC which can be purchased from Council's Customer Service Counter.

Where circulation is diverted on to the roadway clear directional signage and protective barricades must be installed in accordance with Australian Standard AS1742-3 1996 "Traffic Control Devices for Work on Roads".



If pedestrian circulation is not satisfactorily maintained, and action is not taken promptly to rectify the defects, Council may carry out remedial works and deduct the cost from the Security Deposit.

**17. Storage of materials and plant on Council's footpath**

Building, excavation or demolition materials and plant must not be stored on Council's footpath and/or roadway unless prior written approval has been obtained from Council's Development Engineer. A safe and adequate passageway for pedestrian traffic must be maintained at all times.

**18. Stockpiles**

Stockpiles of topsoil, sand, aggregate, soil or other material must not be located on any drainage line or easement, natural watercourse, footpath or roadway. Stockpiles within the construction site must be protected with adequate sediment controls, in accordance with Council's Code for Sediment Control.

**Trees and landscaping**

19. The development is to be landscaped and a landscaping plan at a scale of 1:100, such to conform to the Council's Landscaping Code, is to be submitted to the PCA. All landscaping in accordance with the Landscape Plan is to be completed prior to occupation of the building and maintained.
20. Approval pursuant to Tree Preservation Order is to be obtained from the Public Open Space Section prior to the removal of any tree from the Site.

**Stormwater**

21. Stormwater disposal is to be in accordance with the requirements of Council's Stormwater Drainage Management DCP.
22. Roof, surface and sub-surface waters are to be conveyed directly to the street gutter.
23. Any works over stormwater pipes must not block or alter the natural floodway/watercourse in such a way as to direct stormwater into neighbouring properties.
24. Where Council's stormwater pit is located outside the subject property, the developer shall be responsible for all costs for the relocation of the pit if required. The pit shall be constructed in accordance with Council's standard drawing N°DR1.
25. Downpipes shall not project from the property boundary onto the footway.
26. If discharge from the site will exceed 25 litres per second, the developer shall construct a street gully pit and pipeline to connect into Council's stormwater system.
27. The developer shall have the existing stormwater drainage pipes on the property checked and certified by a registered plumber to ensure that all existing stormwater pipes are in good condition and are operating satisfactorily.
28. An interceptor drain is to be provided at the intersection of concrete/paved area and footpath, within the boundaries of the subject property and drained to the street gutter, to ensure public safety and adequate levels of amenity.

**Reinstatement of grass verge**

29. Where works will affect an existing grass verge, the grass verge must be reinstated to contain a uniform minimum of 75mm of friable growing medium and have a total cover of Couch turf. Any alternative treatment must be carried out to the satisfaction of Council's Development Engineer.

**Easement / pipe relocations**

30. The developer must meet all costs of relocation or reconstruction of any part of Council's drainage system if required, through the subject property.
31. A new deposited plan, including a drainage easement in Council's favour over the stormwater pipeline, giving Council access rights for personnel and equipment to inspect and maintain and/or replace the drainage pipeline, must be registered at the Land Titles Office.

**32. Construction of pipelines in Council's roadway**

All new pipelines constructed in Council's roadway or drainage reserve and easement must:

- a) be of reinforced concrete,
- b) be of a class that is in accordance with the manufacturer's recommendation with rubber ring joints, and
- c) have bedding to standard HS3 in accordance with Australian Standard AS 3725 (Loads on Buried Concrete Pipes).

### 33. Sewer pipe connection

All existing underground sewer pipes affected by the works in this Complying Development Certificate, must be replaced as far as Sydney Water's sewer main. These pipes must be welded or jointed in such a manner so as to prevent leakage and must not be located less than five (5) metres from the base of any Council street tree. The replacement work must be inspected by a registered plumber who must certify, by way of a compliance certificate submitted to Council, that this condition has been satisfied.

### Air Conditioning Units (attached to external wall or ground mounted) - Mechanical Ventilation

34. The air conditioning/mechanical ventilation is to be in accordance with AS/NZS 1668 - The use of Mechanical Ventilation and Air Conditioning in Buildings.
35. The noise emission from all plant associated with the installation is not to exceed the ambient noise level at any time as measured at the boundaries of the subject property.

### Hours of building work

36. Working hours on, including deliveries and collections to and from the building/construction site, are restricted to the following:-  
7.00am - 5.30pm Monday to Friday (inclusive)  
7.00am - 1.00pm Saturday  
NO WORK and no deliveries or collections are to be carried out on Sundays or Public Holidays.  
Excavation or removal of any materials involving the use of machinery of any kind whatsoever, including compressors and jack hammers, shall be limited to between 9.00am and 4.00pm Mondays to Fridays, inclusive, with regular breaks of at least 15 minutes per hour to afford some relief to occupants of neighbouring properties. This condition is imposed to ensure reasonable standards of amenity for the residents in the locality.

### For all work involving excavation

37. Earth/Rock Anchors  
Permanent earth or rock anchors must not be used on or below any road reserve or public property.  
Temporary earth anchors may only be installed with the written permission of the Development Engineer. Details of the proposed installation, prepared by a qualified Structural Engineer or Geotechnical Engineer, must be submitted for the approval of Council's Development Engineer, or certified as structurally adequate by the PCA, before the commencement of the works. Anchors must be at least 2.5m below the surface at the boundary and must be certified by a qualified Structural Engineer as having been distressed or removed upon completion of construction.

### Inspections

38. Should the Council be appointed as the Principal Certifying Authority (PCA), the following inspections are required as a minimum, with Compliance Certificates in respect thereof being issued.  
Each separate inspection undertaken by Council will require a fee in respect thereof to be paid to Council prior to the inspection being undertaken.

\*\*\*\*\*#Delete which ever inspection is not applicable\*\*\*\*\*

### 39. Inspections prior to commencement of works:

- a) Hoardings / Site fencing
- b) Sediment Control Measures

### 40. Inspections prior to pouring concrete, backfilling or lining:

- a) Foundations - ie: pier / pile construction where reinforcement is placed insitu.
- b) Footings.
- c) Damp proof course / flashings.
- d) Reinforcement for concrete.
- e) Structural beams and columns.
- f) Timber framing - floor, walls, roof.
- g) Stormwater.

### 41. Inspection prior to filling the pool, spa or the like to a depth of 300mm or more:

- a) Swimming pool fencing.

**42. Health inspections for air-conditioning / mechanical ventilation:**

- b) Prior to completion of works.
- c) At completion of works.

**43. Inspection at completion of works:**

- a) Final.

**Compliance certificate**

- 44.** Within seven (7) days of completion of the building works (whether for part of a building or the whole) a Certificate of Compliance under Section 109C(1)(a) of the Environmental Planning and Assessment Act 1979 must be provided by the Principal Certifying Authority. This Compliance Certificate must certify that the completed work complies with the relevant Plans and Specifications and with the conditions of this complying development certificate.

**Structural details**

- 45.** A certificate, complying with Council's Special Requirements for Structural Details, from a practising Structural Engineer certifying the adequacy of the existing walls and footings to support the additional loads to ensure the structural integrity of the approved building work is to be provided, prior to the PCA commencement of works.
- 46.** Structural Engineering details and design calculations, prepared and certified by a practising Structural Engineer are required for all reinforced concrete work, structural steel works, retaining walls, brick fences, shoring and underpinning, isolated piers, chimneys, parapets and other structural members required, to ensure the structural integrity of the building. These details shall be in accordance with Council's special requirements and the relevant SAA Codes.

**Survey information**

- 47.** For the purpose of indicating relative levels in terms of Australian Height Datum and boundary clearances Survey Certificates shall be provided in respect of the following:-
- At ground floor level prior to pouring of concrete; or laying of timber floor boards;
  - On the completion of the building work.
- 48.** All works are to be carried out within the boundaries of the subject property, with such being checked and verified by survey prior to the commencement of work.

**Security deposit**

- 49.** Prior to the commencement of work, the applicant shall provide to Council security for the payment of the cost of making good any damage or injury, referred to in Section 80A of the Environmental Planning and Assessment Act, 1979 caused as a consequence of the approved works, being the work to which this consent relates, together with an administration fee of \$150.00. The security deposit shall be those amounts calculated in accordance with the following schedule and may be accepted as a Bank Guarantee.

Estimated cost of work	Deposit
Works up to \$50,000	2,000
Works in excess of \$50,000 & up to \$100,000	4,000,250
Works in excess of \$100,000	\$4,000 + \$200/\$10,000 estimated cost > \$100,000

Note:

An increase in the amount of deposit may be required according to a calculation based upon the potential for damage; such to be undertaken by the Manager Compliance Control or nominee. The following works are exempt from the requirements of the above:-

- i. The installation of domestic mechanical ventilation and air conditioning systems.
- ii. The installation of solar heating.
- iii. The installation of canopies and sunblinds.
- iv. The construction of prefabricated garden sheds and carports.
- v. The construction of office partitioning within commercial buildings.
- vi. The installation of radio and television aerials.

This condition is imposed in accordance with Section 80A of the Environmental Planning and Assessment Act 1979.

## Pipes, stacks and ductwork

50. Any proposed wastepipes, stackwork (excluding stackvents), ductwork, mechanical ventilation plant and the like are to be located internally in the building to ensure appropriate standards of aesthetic amenity.

## Construction noise

51. Compliance with the requirements of the Council's Codes relating to "Building Sites" and "The Control and Regulation of Noise on Building Sites" to ensure environmental protection, adequate levels of safety and reasonable standards of amenity for the locality. Copies of these documents are available from the Council's Customer Services counter.

### Residential Building work over \$5,000 where a Licensed Builder is to be used.

Standard Conditions of Development Consent prescribed by Clause 98 of the Environmental Planning and Assessment Regulation 2000

(The applicable components of this condition must go on all complying development certificates)

52. Compliance with the following requirements prescribed under Clause 98 of the Environmental Planning and Assessment Regulation 2000:

In accordance with the provisions of Clause 98 of the Environmental Planning and Assessment Regulation, the Council must be provided with the following information, prior to the commencement of any works;

- the proposed builder's details (in writing); and
- proof of payment of the required insurance premium pursuant to Part 6 of the Home Building Act 1989.

### Compliance with Building Code of Australia

- All building work must be carried out in accordance with the provisions of the Building Code of Australia.
- This condition does not apply to the extent to which an exemption is in force under Clause 187 or 188, of the Environmental Planning and Assessment Regulation 2000, subject to the terms of any condition or requirement referred to in Clause 187 (6) or 188 (4) of the Regulation.

### Change of building use

- A building in respect of which there is a change of building use must comply with the Category 1 fire safety provisions applicable to the proposed new use.

Note:

The obligation under this condition to comply with the Category 1 fire safety provisions may require building work to be carried out even though none is proposed or required in the relevant development consent.

- This condition does not apply to the extent to which an exemption is in force under Clause 80H or 80I of the Environmental Planning and Assessment Regulation 2000 subject to the terms of any condition or requirement referred to in Clause 80H (6) or 80I (4).

## 53. Residential Building work

- Building work that involves residential building work (within the meaning of the Home Building Act 1989) must not be carried out unless the principal certifying authority (PCA) for the development to which the work relates:
  - in the case of work to be done by a licensee under that Act:
    - has been informed in writing of the licensee's name and contractor licence number; and
    - is satisfied that the licensee has complied with the requirements of Part 6 of that Act; or
  - in the case of work to be done by any other person:
    - has been informed in writing of the person's name and owner-builder permit number; or
    - has been given a declaration, signed by the owner of the land, that states that the reasonable market cost of the labour and materials involved in the work is less than the amount prescribed for the purposes of the definition of owner-builder work in Section 29 of that Act,

and is given appropriate information and declarations under paragraphs (a) and (b) whenever arrangements for the doing of the work are changed in such a manner as to render out of date any information or declaration previously given under either of those paragraphs.

Note:

The amount referred to in paragraph (b) (ii) is prescribed by regulations under the Home Building Act 1989. As at the date on which this Regulation was gazetted, that amount was \$3,000. As those regulations are amended from time to time, so that amount may vary.

- b) A certificate purporting to be issued by an approved insurer under Part 6 of the Home Building Act 1989 that states that a person is the holder of an insurance policy issued for the purposes of that Part is, for the purposes of this clause, sufficient evidence that the person has complied with the requirements of that Part.

#### **54. Excavations and backfilling**

- a) All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with appropriate professional standards.
- b) All excavations associated with the erection or demolition of a building must be properly guarded and protected to prevent them from being dangerous to life or property.

#### **55. Retaining walls and drainage**

If the soil conditions require it:

- a) Retaining walls associated with the erection or demolition of a building or other approved methods of preventing movement of the soil must be provided; and
- b) Adequate provision must be made for drainage.

#### **56. Support for neighbouring buildings**

- a) If an excavation associated with the erection or demolition of a building extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made:
  - i. must preserve and protect the building from damage; and
  - ii. if necessary, must underpin and support the building in an approved manner; and
  - iii. must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.
- b) The owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this condition, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.
- c) In this condition, allotment of land includes a public road and any other public place.

#### **57. Protection of public places**

- a) If the work involved in the erection or demolition of a building:
  - i. is likely to cause pedestrian or vehicular traffic on a public place to be obstructed or rendered inconvenient, or
  - ii. building involves the enclosure of a public place;
  - iii. a hoarding or fence must be erected between the work site and the public place.
- b) If necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place.
- c) The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.
- d) Any such hoarding, fence or awning is to be removed when the work has been completed.

Note:

Prior to the erection of any hoarding, fence or the like on any footpath or other property owned or controlled by Council, permission is to be sought and obtained from Council and the prescribed rental fee paid.

#### **Signs to be erected on building and demolition sites**

A sign must be erected in a prominent position on any work site on which work involved in the erection or demolition of a building is being carried out:

- stating that unauthorised entry to the work site is prohibited; and
- showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours.

Any such sign is to be removed when the work has been completed.

This clause does not apply to:

- building work carried out inside an existing building; or
- building work carried out on premises that are to be occupied continuously (both during and outside working hours) while the work is being carried out.

### Toilet facilities

Toilet facilities are to be provided, at or in the vicinity of the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.

Each toilet provided:

- must be a standard flushing toilet, and
- must be connected:
- to a public sewer, or
- if connection to a public sewer is not practicable, to an accredited sewage management facility approved by the Council; or
- if connection to a public sewer or an accredited sewage management facility is not practicable, to some other sewage management facility approved by the Council

The provision of toilet facilities in accordance with this clause must be completed before any other work is commenced.

In this condition:

- accredited sewage management facility means a sewage management facility to which Division 4A of Part 3 of the Local Government (Approvals) Regulation 1993 applies, being a sewage management facility that is installed or constructed to a design or plan the subject of a certificate of accreditation referred to in Clause 95B of the Regulation.
- approved by the Council means the subject of an approval in force under Division 1 of Part 3 of the Local Government (Approvals) Regulation 1993.
- public sewer has the same meaning as it has in the Local Government (Approvals) Regulation 1993.
- sewage management facility has the same meaning as it has in the Local Government (Approvals) Regulation 1993.

### Strata subdivision

58. An application for the strata title subdivision under the Strata Titles Act is to be lodged with Council.

On all applications proposing construction, excavation and demolition works

### Soil and water management

59. a) Erosion and sediment control

An erosion sediment control plan, designed in accordance with the SSROC Soil and Water Management Brochures titled "Do it Right On Site" and the current version of the NSW Landcom publication "Managing Urban Stormwater: Soils and Construction" (The Blue Book), must be prepared to show erosion and sediment control measures which are to be installed. The Plan must be submitted to Council or the accredited certifier for approval before commencement of excavation or construction work.

(b) The Soil and Water Management Plan must be complied with at all times. Any alterations and additions to the plan must be approved by Council's Compliance Officer.

60. Council's standard warning sign for Soil and Water Management must be displayed on the most prominent point on the building site, visible both from the street and to site workers. The sign must be displayed throughout the construction period.

This sign must be obtained from Council and positioned on the site prior to the commencement of works.

61. The builder and excavation and demolition contractors are responsible for ensuring that all erosion and sediment controls are maintained at a satisfactory level.

62. A copy of the Soil and Water Management Plan must be kept on-site at all times and made available to Council Officers.

63. Stockpiles are not permitted to be stored on Council property (including nature strips) unless prior approval by Council's Technical Services Division has been granted.

64. Stockpiles of topsoil, sand, aggregate, spoil or other material shall be stored clear of any drainage line or easement, natural watercourse, kerb or road surface.

65. Gutters and roadways shall be swept regularly to maintain them free from sediment. This is the responsibility of the builder and demolition and excavation contractors.

66. Building operations, such as brick cutting, washing tools or paint brushes and mixing mortar, are not to be performed on the roadway, public footway or any other location which could lead to the discharge of materials into the stormwater drainage system.

67. Stormwater from any roof areas shall be linked, via a temporary downpipe, to a Council approved stormwater disposal system immediately after completion of the roof area.

68. Water containing sediment is not to be pumped, drained or be allowed to flow off the site. Appropriate sediment control methods must be maintained at all times.

### **Swimming pools and spas**

69. All waste water is to be drained into the main sewer with the permission of the Sydney Water, to ensure environmental protection and satisfactory health standards.
70. Approval from Sydney Electricity is to be obtained where swimming pools are proposed to be constructed within electricity easements or in proximity to service mains, to ensure safety.
71. The development is to comply with Australian Standard - AS 4282:1997.
72. Filtration, or other mechanically operated equipment must be operated by a time switch, and must be installed set and sealed so that the operation of such equipment is limited to between the hours of 7.00 a.m and 7.00p.m. daily, to ensure reasonable levels of amenity for neighbouring properties and the locality.
73. Filtration, or other mechanically operated equipment must be installed in a masonry housing and so treated to prevent the noise level, when the equipment is in operation, from rising above the background noise level, when measured at the boundaries of the subject site.
74. Vertical depth markers being permanently fitted, and be clearly visible, at the deep and shallow ends of the pool, to ensure reasonable levels of safety.
75. Where the pool concourse is higher than 1 metre above the adjacent ground level, a protective guard or hand rail complying with the provisions of Clause D2.16 of the Building Code of Australia is to be fitted, to ensure reasonable levels of safety.
76. An egress ladder or steps into the pool must be provided, to ensure reasonable levels of safety.
77. The pool/spa pool, tub or the like must be fenced, prior to filling the structure with water to a depth of 300 mm or more in such a manner so as to obstruct the entry to the pool in accordance with the provisions of the Swimming Pools Act 1992 and Regulations and Australian Standard 1926-1986 "Fences and Gates for Private Swimming Pools".
78. All overflow and splash must be contained within the boundaries of the site, to ensure reasonable levels of amenity for neighbouring properties and the locality.
79. Warning Notices must be provided in accordance with the provisions of the Swimming Pools Act 1992 Section 17 and Regulation 8, to ensure reasonable levels of safety.
80. In conjunction with other development on the site, the development must comply with numerical requirements for building footprint, unbuilt upon area and landscaped open space set out in the relevant Residential DCP applying to the land.
81. The installation and construction of the pool complies, where relevant, with:
- AS/NZS 1838:1994 - Swimming Pools- Premoulded fibre-reinforced plastics-Design and fabrication, and AS/NZS 1839:1994-Swimming Pools- Premoulded fibre-reinforced plastics-Installation; or
  - AS 2783-1992- Use of reinforced concrete for small swimming pools.

### **Water conservation (dwelling houses only)**

82. Water conservation devices with an AAA rating (as contained in the Manual of Assessment Procedure for Water Efficient Applications [SAA MP64-1995]) must be installed, including tap flow regulators, shower head roses and dual flush toilets.

### **For all applications proposing demolition**

83. All demolition work is to be undertaken in accordance with the provisions of Australian Standard AS2601-2001: The Demolition of Structures.

### **Temporary buildings**

84. All damage and wear and tear to a public space resulting from the installation, use and removal or the temporary building or buildings or the temporary structure or structures is to be repaired or reconstructed with the cost of the works being borne by the authority, group or person responsible for the temporary building and its use.

### **85. Bed and breakfast**

The bed and breakfast accommodation:

- provides short term accommodation for travellers and tourists; and
- is occupied by a permanent resident or residents;

- c) provides accommodation for not more than four (4) travellers and tourists; and
- d) contains only one advertising sign which indicates the name and details of the accommodation but does not:
- e) contain separate food preparation and cooking facilities for the travellers and tourists; or
- f) cause an interference with the amenity of the neighbourhood by reason of the emission of noise, smell, fumes, smoke, vapour, steam, waste water, waste products or the like; or
- g) include a building used as a backpackers' accommodation, boarding house, serviced apartment or a building defined elsewhere in Woollahra LEP 1995.

## Advisings

You will now need to have regard to the following requirements:-

### Important information on additional approvals that are required

1. This Complying Development Certificate does not remove the need to obtain any other statutory consent or approval necessary under the Environmental Planning and Assessment Act 1979 or any other Act.  
In particular, your attention is drawn to the necessity to:
  - i. Lodge an Application for Approval under Section 68 of the Local Government Act 1993 for an activity under that Act, including the erection of a hoarding. All such applications will be required to comply with the Building Code of Australia (BCA).
  - ii. Lodge an Application for Approval under Section 68 of the Local Government Act 1993 for a Place of Public Entertainment. Further building work may also be required for this use in order to comply with the BCA. If there is any doubt as to what constitutes "Public Entertainment" do not hesitate to contact Council's Fire Officer.
  - iii. Lodge an Application for a Subdivision Certificate under Section 109(C)(1)(d) of the Environmental Planning and Assessment Act 1979 if a land (including stratum) subdivision of the development site is proposed.
  - iv. Lodge an Application for Strata Title Subdivision under the Strata Titles Act, if strata title of the development is proposed.
  - v. Contact Sydney Water, Rockdale (Urban Development Section) regarding the water and sewerage services to this development.
2. Your attention is drawn to Australia Post's requirements for the positioning and dimensions of mail boxes in new commercial and residential developments. A brochure is available from your nearest Australia Post Office.
3. Your attention is drawn to the necessity of conferring with AGL Sydney Limited for the provision of gas connections.
4. Should any portion of the proposed development, including awnings, signs, etc, encroach into a public roadway or footway, prior approval must be obtained from Sydney Electricity for such encroachment. The Engineer Mains Overhead Eastern Area should be contacted on 9663-9408 to ascertain what action, if any, is necessary in this regard.
5. Your attention is drawn to the necessity of obtaining approval from Council's Health and Regulation Section, prior to the placement of any storage bin on Council's footpath and/or roadway.
6. Your attention is drawn to the necessity of conferring with the Sydney Water concerning all plumbing works, including connections to mains, installation or alteration of systems, and construction over or near existing water and sewerage services.
7. Your attention is drawn to the necessity of conferring with Telstra concerning the location of the proposed development in relation to access to and services provided by Telstra.
8. Home Building Act Insurance can only be obtained from an insurance company approved by the Department of Fair Trading. On payment of the insurance, the insurer shall issue a Certificate of Insurance, as evidence that the person has complied with the requirements of Part 6 of the Act.

### On all certificates

9. The classification of the building pursuant to the Building Code of Australia is #.
10. Your attention is drawn to the requirement to install smoke detectors within the premises pursuant to the Building Code of Australia.

### Tree preservation

11. Where tree work has not been approved by this Complying Development Certificate the developer is notified that a general Tree Preservation Order applies to all trees in the Municipality of Woollahra with a spread of



branches greater than three (3) metres and also on all trees, irrespective of the spread of branches, with a height greater than five (5) metres. This order prohibits the ringbarking, cutting down, topping, lopping, pruning, transplanting, injuring, or wilful destruction of such trees except with the prior written consent of Council. Written consent from Council for such tree works must be in the form of a Tree Preservation Order Permit for Pruning or Removal of Protected Trees obtained from the Parks and Streetscape Department of Council.

Repealed by WDCP2015 on 23/05/15

**Schedule 2 - Extract S68 Local Government Act 1993**

(Activities requiring approval under section 68 of the LG Act 1993).

**s68 What activities, generally, require the approval of the council?**

- (1) A person may carry out an activity specified in the following Table only with the prior approval of the council, except in so far as this Act, the regulations or a local policy adopted under Part 3 allows the activity to be carried out without that approval.
- (2) This section does not apply to the carrying out of an activity specified in Part B of the following table:
  - a) on land within the area of operations of the Sydney Water Board under the Sydney Water Act 1994, or
  - b) on land within the area of operations of the Hunter Water Board under the Hunter Water Act 1991.
- (3) This section does not apply to the carrying out of an activity specified in item 1, 2, 3, 4 or 5 of Part B of the following Table on land within the area of operations of a water supply authority constituted under the Water Management Act 2000.

Note: A person who fails to obtain an approval or who carries out an activity otherwise than in accordance with an approval is guilty of an offence—see secs 625 and 627.

**Table Approvals****Part A - Structures or places of public entertainment**

- 1 Install a manufactured home, moveable dwelling or associated structure on land
- 2 Install a temporary structure on land
- 3 Use a building or temporary structure as a place of public entertainment or permit its use as a place of public entertainment

**Part B - Water supply, sewerage and stormwater drainage work**

- 1 Carry out water supply work
- 2 Draw water from a council water supply or a standpipe or sell water so drawn
- 3 Install, alter, disconnect or remove a meter connected to a service pipe
- 4 Carry out sewerage work
- 5 Carry out stormwater drainage work
- 6 Connect a private drain or sewer with a public drain or sewer under the control of a council or with a drain or sewer which connects with such a public drain or sewer

**Part C - Management of waste**

- 1 For fee or reward, transport waste over or under a public place
- 2 Place waste in a public place
- 3 Place a waste storage container in a public place
- 4 Dispose of waste into a sewer of the council
- 5 Install, construct or alter a waste treatment device or a human waste storage facility or a drain connected to any such device or facility
- 6 Operate a system of sewage management (within the meaning of section 68A)

**Part D - Community land**

- 1 Engage in a trade or business
- 2 Direct or procure a theatrical, musical or other entertainment for the public
- 3 Construct a temporary enclosure for the purpose of entertainment
- 4 For fee or reward, play a musical instrument or sing
- 5 Set up, operate or use a loudspeaker or sound amplifying device
- 6 Deliver a public address or hold a religious service or public meeting

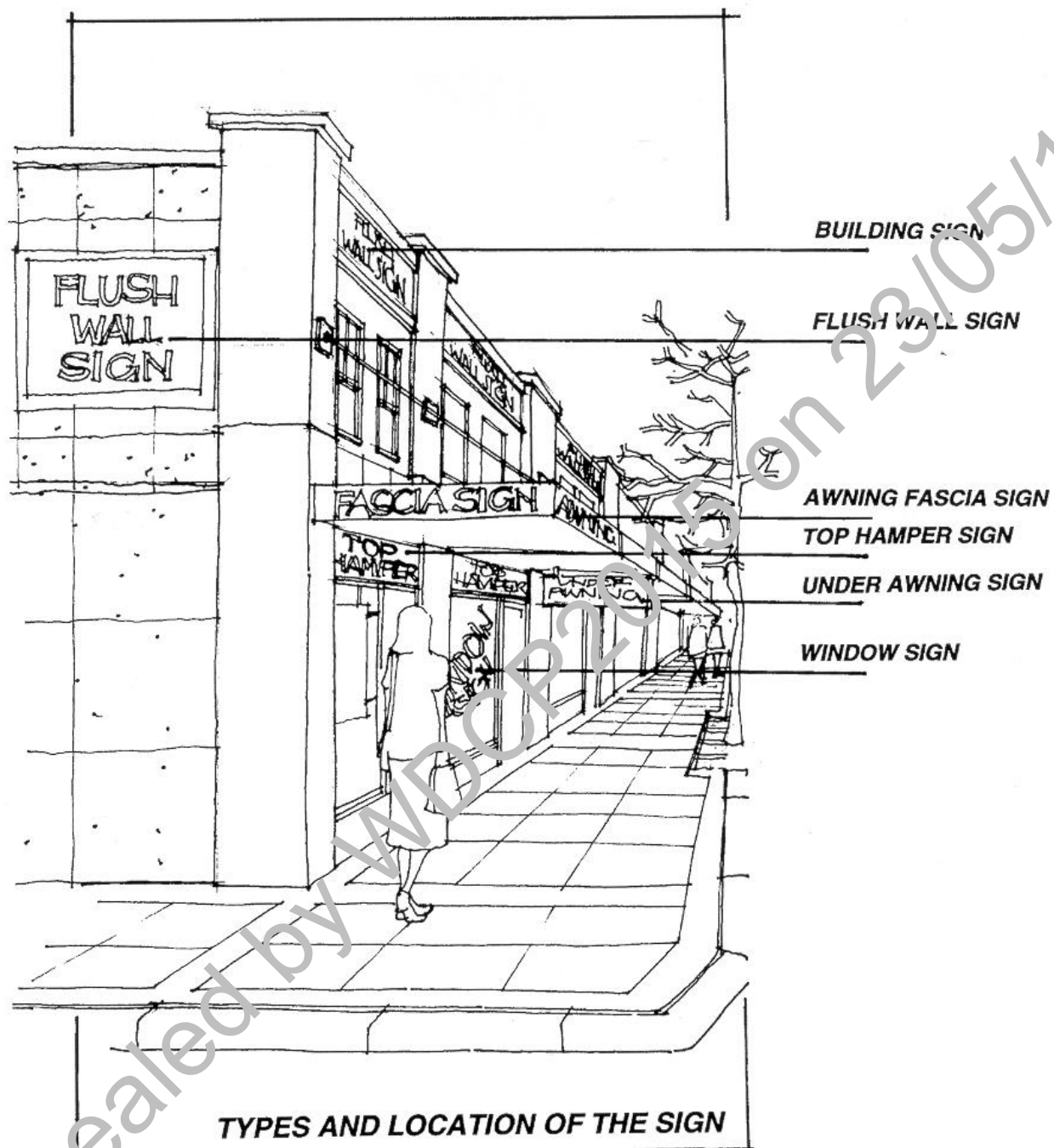
**Part E - Public roads**

- 1 Swing or hoist goods across or over any part of a public road by means of a lift, hoist or tackle projecting over the footway.
- 2 Expose or allow to be exposed (whether for sale or otherwise) any article in or on or so as to overhang any part of the road or outside a shop window or doorway abutting the road, or hang an article beneath an awning over the road.

**Part F- Other activities**

- 1 Operate a public car park
- 2 Operate a caravan park or camping ground
- 3 Operate a manufactured home estate
- 4 Install a domestic oil or solid fuel heating appliance, other than a portable appliance
- 5 Install or operate amusement devices
- 6 (repealed)
- 7 Use a standing vehicle or any article for the purpose of selling any article in a public place
- 8 (repealed)
- 9 (repealed)
- 10 Carry out an activity prescribed by the regulations or an activity of a class or description prescribed by the regulations

### Schedule 3 - Advertising structures and signs



## Schedule 4 - Definitions

<b>Accredited certifier</b>	means a suitably qualified person who has gained accreditation from an accreditation body to issue complying development certificates. An accredited certifier is a person who is accredited by an accreditation body which is a professional association authorised for accreditation purposes by the Minister for Infrastructure, Planning and Natural Resources.
<b>Advertisement</b>	means a display by the use of colour, pattern, symbols, messages or other devices for promotional purposes or for conveying information, instructions, directions or the like, whether or not the display includes the erection of a structure or the carrying out of a work.
<b>Advertisement within a site</b>	means an advertisement which is not visible from outside the site on which it is displayed.
<b>Aerial</b>	means part of a radio or television system that radiates or receives electromagnetic into or from free space.
<b>Air handling system</b>	means a system for the purpose of directing air in a controlled manner to or from specific enclosures by means of air handling plant, ducts, plenums, air distribution devices and automatic controls.
<b>Amusement device</b>	means a device used for temporary recreation such as 'jumping castles' as part of an activity or event.
<b>Ancillary landscaping development</b>	means development within the grounds of a building, such as landscaping (but not retaining walls (except where associated with ancillary landscaping) or landfill), gardening, paving (other than paving in a heritage conservation area) or the erection of minor landscaping structures, such as fountains, that are ordinarily incidental or ancillary either to a use allowed by a development consent or to a lawful existing use (as defined in section 106 of the Environmental Planning and Assessment Act 1979) but does not include a development defined elsewhere in this Plan.
<b>Assembly building</b>	means a class 9b building under the Building Code of Australia and includes an art gallery, a church or other place used for religious worship, an exhibition hall, a gymnasium, a lecture theatre, a museum, a public hall, a school classroom, a sports hall and a theatre.
<b>Aviary</b>	means an enclosure in which birds other than poultry or pigeons are kept.
<b>Awning</b>	means a roof-like structure that protrudes from the wall of a building, either over a window or doorway.
<b>Barbecue structure</b>	means a structure commonly made of bricks, masonry or metal used to cook food above an open fire.
<b>BASIX certificate</b>	means a certificate issued by the Director General in relation to the sustainability of a proposed dwelling.
<b>Bed and breakfast accommodation</b>	means a dwelling-house which: <ul style="list-style-type: none"> <li>a) provides short term accommodation for travellers and tourists;</li> <li>b) is occupied by a permanent resident or residents;</li> <li>c) provides accommodation for not more than four (4) travellers and tourists; and</li> <li>d) contains only one advertising sign which indicates the name and details of the accommodation: but does not:</li> <li>e) contain separate food preparation and cooking facilities for the travellers and tourists;</li> </ul>

- f) cause an interference with the amenity of the neighbourhood by reason of the emission of noise, smell, fumes, smoke, vapour, steam, waste water, waste products or the like;
- g) include a building used as a backpackers' accommodation, boarding house, serviced apartments or a building defined elsewhere in this Schedule 1 of Woollahra LEP 1995;

**Building Code of Australia** means the document, published by or on behalf of the Australian Building Codes Board, that is prescribed for purposes of this definition by the regulations, together with:

- a) such amendments made by the Board, and
- b) such variations approved by the Board in relation to New South Wales, as prescribed by the regulations.

**Bushfire hazard reduction** means the reduction or modification (by controlled burning or by mechanical, chemical or manual means) undertaken by the NSW Fire Brigade of material that constitutes a bush fire hazard.

**Business identification sign** means an advertisement that displays any or all of the following information relating to the place or premises to which it is fixed:

- a) the identity or a description of the place or premises;
- b) the identity or a description of any person residing or carrying on an occupation at the place or premises;
- c) particulars of any occupation carried on at the place or premises;
- d) such directions or cautions as are usual or necessary relating to the place or premises or any occupation carried on there;
- e) particulars or notifications required or permitted to be displayed by or under any State or Commonwealth Act;
- f) particulars relating to the goods, commodities or services dealt with or provided at the place or premises;
- g) particulars of any activities held or to be held at the place or premises;
- h) a reference to an affiliation with a trade, professional or other association relevant to the business conducted at the place or premises.

**Canopy** means an overhanging protection or shelter usually found over a window or door.

**Carport** means structure without walls for the parking of vehicles

**Complying development** means local development defined in Table 2 of this Plan.

**Complying development certificate** means a certificate issued by either Council or an accredited certifier that allows a complying development to proceed.

**Construction certificate** means a certificate referred to in section 109C (1)(b) of the Environmental Planning and Assessment Act 1979.

**Council** means the Council of the Municipality of Woollahra.

**Deck and patio** means a horizontal platform which is unroofed.

**Deep soil landscaped area** means that area of the site with no above ground, ground level or sub-terranean development. Paved surfaces, driveways, pathways or tennis courts do not constitute deep soil landscape area.

**Demolition** means the pulling down or removal of the whole or part of a building, structure or work.

<b>Dwelling</b>	means a room or suite of rooms occupied or used or so constructed or adapted as to be capable of being used as a separate domicile.
<b>Dwelling-house</b>	means a building containing one but not more than one dwelling on one allotment of land.
<b>Events</b>	means a short gathering of people at a specified location for social, cultural or recreational purposes, which may include the erection of temporary structures.
<b>Exempt development</b>	is development listed in Table 1 of this Plan.
<b>Exhaust air</b>	means air, other than return air, removed from an enclosure by mechanical means and discharged to the atmosphere.
<b>Existing ground level</b>	means the surveyed level of the ground surface immediately prior to the proposed development and prior to any associated excavation, development or site works.
<b>Filming</b>	<p>means recording images (whether on film or video tape or electronically or by other means) for exhibition or broadcast (such as by cinema, television or the Internet or by other means), but does not include:</p> <ol style="list-style-type: none"> <li>video recording of a wedding ceremony or other private celebration or event principally for the purpose of making a record for the participants in the ceremony, celebration or event, or</li> <li>video recording as a visitor or tourist for non-commercial purposes, or</li> <li>recording for the immediate purposes of a television program that provides information by way of current affairs or daily news.</li> </ol>
<b>Filming management plan</b>	<p>means a plan lodged with the Council for the film location that contains the following information:</p> <ol style="list-style-type: none"> <li>the name, address and telephone number of the person carrying out the filming (such as production company) and the producer for the filming;</li> <li>a brief description of the filming to be carried out (for example, television commercial, television series, feature film or a documentary);</li> <li>the proposed location of the filming;</li> <li>the proposed daily length of filming at the location;</li> <li>the number of persons to be involved in the filming;</li> <li>details of any temporary structures to be erected at the location for the purpose of the filming;</li> <li>the type of filming equipment to be used in the filming (such as hand-held or mounted camera),</li> <li>proposed arrangements for parking all vehicles associated with the filming during the filming;</li> <li>proposed arrangements for parking all vehicles associated with the filming;</li> <li>whether there will be any disruption to the location of the filming or the surrounding area and the amenity of the neighbourhood (for example, by the discharge of firearms or explosives, the production of offensive noise, vibrations, disruption to traffic flow or the release of smells, fumes, vapour, steam, soot, ash, dust, waste water, grit or oil);</li> <li>whether the filming will involve the use of outdoor lighting or any other special effects equipment;</li> <li>a copy of the public liability insurance policy that covers filming at the location;</li> <li>a copy of any approval given by a public authority to carry out an activity associated with the proposed filming at the location, such as the following: <ol style="list-style-type: none"> <li>an approval by the Roads and Traffic Authority for the closure of a road;</li> <li>an approval by the council for the location concerned for the erection of a temporary structure, closure of a road or a public footpath, or a restriction in pedestrian access;</li> <li>an approval by the Environmental Protection Authority for an open fire;</li> </ol> </li> </ol>

- iv. an approval by NSW Police for the discharge of firearms;
- v. an approval by the Department of Land and Water Conservation for the use of Crown Land.

<b>Flush wall sign</b>	means a sign attached to or painted onto the wall of a building
<b>Foreshore building line area</b>	means the area of land between a foreshore building line and the waters of Port Jackson.
<b>Front setback</b>	means the setback between the front boundary of a property and the alignment of the building.
<b>Garage</b>	means a walled structure that allows for the parking of vehicles.
<b>Heritage conservation area</b>	means land shown edged blue and marked "Heritage Conservation Area" on the heritage conservation map for Woollahra Local Environmental Plan 1995.
<b>Heritage item</b>	means the item defined under the definition specified in Woollahra LEP 1995 and the allotment or allotments of land on which the item is located.
<b>Local development</b>	is development that may not be carried out without development consent. Local development is not State significant development.
<b>Microwave antenna</b>	means a radio or television aerial the transmission of sound or microwaves
<b>Notice of filming</b>	means a notice to residents by way of a letter-box drop containing the following information: <ul style="list-style-type: none"> <li>a) the name and telephone number of the person carrying out the filming (such as a production company) and a contact representative of that person;</li> <li>b) a brief description of the filming to be carried out at the location, and any proposed disruptions to the location or the surrounding area or the amenity of the neighbourhood;</li> <li>c) the proposed commencement and completion dates for the filming at the location;</li> <li>d) the proposed daily length of filming at the location.</li> </ul>
<b>Offensive noise</b>	means noise: <ul style="list-style-type: none"> <li>a) that, by reason of its level, nature, character or quality, or the time at which it is made, or any other circumstances: <ul style="list-style-type: none"> <li>i. is harmful to (or is likely to be harmful to) a person who is outside the premises from which it is emitted, or</li> <li>ii. interferes unreasonably with (or is likely to interfere unreasonably with) the comfort or repose of a person who is outside the premises from which it is emitted, or</li> </ul> </li> <li>b) that is of a level, nature, character or quality prescribed by the regulations or that is made at a time, or in other circumstances, prescribed by the regulations.</li> </ul>
<b>Outbuilding</b>	means an unattached building or structure that includes an aviary, cubby house and other play equipment, cabana, garden shed, greenhouse and any like building or structure.
<b>Painted sign</b>	means a sign painted directly onto an awning fascia or a glass shopfront.
<b>Pergola</b>	means an unattached outbuilding that contains no walls.
<b>Portable classrooms</b>	means a school building located within existing school grounds placed on concrete footings.



<b>Potential archaeological site</b>	means a site known to the Council to have archaeological potential even if it is not identified in an environmental planning instrument or shown on a map in an environmental planning instrument.
<b>Principal building form</b>	means the primary building form, usually fronting the street, including attached verandahs that contains the original: <ul style="list-style-type: none"> <li>a) living rooms in a dwelling;</li> <li>b) shopfront in a retail building;</li> <li>c) main public space in a commercial, religious, institutional or public building; and</li> <li>d) workshop in an industrial building.</li> </ul>
<b>Public domain</b>	means all land which is owned by a public authority and includes roads, footpaths, laneways, alleyways and parks.
<b>Public notice</b>	means a notice for public information displayed by a public authority, educational establishment, religious organisation or school giving information or directions about services provided.
<b>Real estate sign</b>	means an advertisement that contains only a notice that the place or premises to which it is fixed is or are for sale or letting (together with particulars of the sale or letting) and that is not displayed for more than 10 days after the letting or entering into of the agreement to purchase.
<b>Setback</b>	means the horizontal distance between a building and a site boundary, measured along a line perpendicular to the site boundary.
<b>Significant cultural plantings</b>	means those plants including native plants that were planted for a deliberate purpose and which reflect the taste or fashion of a particular period or were associated with a person or event of historical significance.
<b>Site</b>	means the allotment or group of allotments of land on which a building stands or is proposed to be erected.
<b>State significant development</b>	means development as defined under section 76A (7) of the Environmental Planning & Assessment Act 1979.
<b>Supply</b>	means air introduced into an enclosure by mechanical means.
<b>Swimming pool</b>	means a structure designed to contain water for swimming which is an impermeable structure capable of holding water at constant levels regardless of fluctuations in the level of ground water or contiguous tidal waters outside it.
<b>Temporary building</b>	means a building, not designed or used for residential purposes, constructed for a short period of time not exceeding 12 months and capable of being removed within 24 hours.
<b>Temporary sign</b>	means an advertisement for a temporary event or activity which is carried out for a period not exceeding 21 days that: <ul style="list-style-type: none"> <li>a) announces any local level event of a religious, educational, cultural, political, social, or recreational character or relates to any temporary matter in connection with such an event; and</li> <li>b) does not include advertising of a commercial nature except for the name(s) of an event's sponsor, being ancillary to the purpose of the advertisement.</li> </ul> <p>Temporary signs may consist of advertisements in the form of banners, bunting, posters and similar things.</p>

<b>Temporary structure</b>	means a structure, not designed or used for residential purposes, erected for a short period of time as specified in an Activity Approval, including tents, marquees, stages, amusement devices.
<b>Top hamper sign</b>	means a sign attached above a doorway or display window of a building.
<b>Tree preservation order</b>	means an order which protects trees that are of significance to the natural value of the Woollahra Municipality.
<b>Under awning sign</b>	means a sign attached to the underside of an awning.

Repealed by WDCP2015 on 23/05/15

## **Schedule 5 - Extract Section 138 Roads Act 1993**

### **ROADS ACT 1993 - SECT 138**

#### **Works and structures**

#### **138 Works and structures**

(1) A person must not:

- a) erect a structure or carry out a work in, on or over a public road, or
- b) dig up or disturb the surface of a public road, or
- c) remove or interfere with a structure, work or tree on a public road, or
- d) pump water into a public road from any land adjoining the road, or
- e) connect a road (whether public or private) to a classified road,

otherwise than with the consent of the appropriate roads authority.

Maximum penalty: 10 penalty units.

- (2) A consent may not be given with respect to a classified road except with the concurrence of the RTA.
- (3) If the applicant is a public authority, the roads authority and, in the case of a classified road, the RTA must consult with the applicant before deciding whether or not to grant consent or concurrence.
- (4) This section applies to a roads authority and to any employee of a roads authority in the same way as it applies to any other person.
- (5) This section applies despite the provisions of any other Act or law to the contrary, but does not apply to anything done under the provisions of the Pipelines Act 1967 or under any other provision of an Act that expressly excludes the operation of this section.

## Schedule 6 - Table of amendments

Amendment	Date of commencement	Description of Amendment
No. 1	15 July 2005	<ul style="list-style-type: none"> <li>▪ General amendments to clarify intent of Parts 1, 2 and 3.</li> <li>▪ General restructure of Parts 1,2 and 3.</li> <li>▪ Amendments to exempt development table to the following development types: <ul style="list-style-type: none"> <li>– Advertising structures and signs</li> <li>– Aerials / antennae / microwave antennae</li> <li>– Ancillary landscaping development</li> <li>– Awnings and canopies</li> <li>– Barbecues</li> <li>– Basketball hoops and backing boards</li> <li>– Building alterations, repair and maintenance work (internal)</li> <li>– Building alterations, repair and maintenance work (external)</li> <li>– Change of use</li> <li>– Decks and patio</li> <li>– Demolition</li> <li>– Driveways over private land</li> <li>– Driveways over public land</li> <li>– Events</li> <li>– Fences - side and rear</li> <li>– Filming and photographic shoots</li> <li>– Flagpoles</li> <li>– Garage doors – replacement</li> <li>– Hoardings</li> <li>– Landscape works on public land</li> <li>– Letterboxes</li> <li>– Outbuildings</li> <li>– Public telephones and telephone booths</li> <li>– Rainwater tanks</li> <li>– Roof space conversion</li> <li>– Scaffolding</li> <li>– Solar water heaters</li> <li>– Street and park furniture</li> <li>– Subdivision</li> <li>– Temporary structures</li> <li>– Water heaters</li> <li>– Windows</li> </ul> </li> <li>▪ Insertion of new exempt development types for the following: <ul style="list-style-type: none"> <li>– Activities requiring an activity approval under s68 of the Local Government Act 1993</li> <li>– Building repair and maintenance work – heritage items and external works to inter-war flat buildings</li> <li>– Filming (private land)</li> <li>– Garbage enclosures</li> <li>– Security screens and grills</li> <li>– Skylights</li> <li>– Stormwater drainage work</li> <li>– Swimming pool and spa fences</li> <li>– Water supply and sewerage works</li> <li>– Works and structures under s138 of the Roads Act 1993</li> </ul> </li> <li>▪ Deletion of home occupations from the exempt development table.</li> <li>▪ Amendments to complying development table to the following development types: <ul style="list-style-type: none"> <li>– Air handling system</li> <li>– Bed and breakfast accommodation</li> <li>– Carports and garages</li> <li>– Pergolas</li> <li>– Satellite dishes</li> <li>– Single storey detached dwelling houses</li> <li>– Swimming pools and spas</li> <li>– Temporary buildings</li> </ul> </li> <li>▪ Insertion of new complying development types for the following: <ul style="list-style-type: none"> <li>– Fences side and rear (masonry construction)</li> </ul> </li> <li>▪ General amendments to complying development conditions and insertion of new conditions.</li> <li>▪ Insertion of schedules 2 &amp; 5.</li> <li>▪ General amendments to definitions and insertion of new definitions</li> </ul>

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