

# DEVELOPMENT CONTROL PLAN EXEMPT & COMPLYING DEVELOPMENT

**RESPONSIBLE DEPARTMENT:** Corporate Services

**RESPONSIBLE SECTION:** Environmental Services

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## OBJECTIVE:

To set guidelines for Exempt and Complying Development within Narrabri Shire.

## POLICY:

### PART 1 EXEMPT DEVELOPMENT

#### 1.1 What is exempt development?

Under the Environmental Planning and Assessment (EPA) Act 1979 exempt development is a type of development that would have *minimal environmental impact*.

Development listed in Schedule 1 of this Development Control Plan is exempt development under the circumstances specified, and subject to the following:

- (a) it does not cause interference with the amenity of the neighbourhood because of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil or otherwise;
- (b) it complies with any deemed-to-satisfy provisions of the Building Code of Australia relevant to the development;
- (c) it complies with the requirements and standards listed in Schedule 1 for the development;
- (d) it does not contravene any condition of development consent applying to the land;
- (e) it does not obstruct drainage of the site on which it is carried out;
- (f) it does not restrict any vehicular or pedestrian access to or from the site;
- (g) it is carried out at least one metre from any easement or public sewer main and complies with the building over sewer requirements of the local water authority applying to the land;
- (h) it is not designated development; and
- (i) it is carried out behind the building line, where it is carried out in a heritage conservation area.

## 1.2 Land on which exempt development may not be carried out

Exempt development cannot be carried out on land that is:

- (a) critical habitat (under the Threatened Species Conservation Act 1995); or
- (b) is, or is part of, a wilderness area (under the Wilderness Act 1987); or
- (c) is an Aboriginal place under the National Parks and Wildlife Act 1974; or
- (d) is within Zone No. 7(a) (Environment Protection (Scenic) Zone); or
- (e) is reserved or dedicated under the Crown Lands Act 1989 for the preservation of flora, fauna or geological formations or for other environmental protection purposes; or
- (f) an aquatic reserve declared under the Fisheries Management Act 1994; or
- (g) site of an item of environmental heritage; or
- (h) within 40 metres of a perennial watercourse identified by a 1:50,000 topographic map; or
- (i) affected by the provisions of:
  - (i) SEPP 37;
  - (ii) SEPP 44.

**SCHEDULE 1 EXEMPT DEVELOPMENT****1. Aerials/antennae**

The erection and use of aerials or antennae where they are for domestic use only and located behind the building line as set by Council, and do not cause electrical interference to television or radio reception in the area.

**2. Agricultural buildings and ancillary rural development****• This clause applies only to land zoned 1(a) General Rural**

Development such as haysheds, machinery sheds, carports and garages associated with a single dwelling, stockyards, cattle grids, water tanks, windmills and silos that are ordinarily incidental or ancillary to a use allowed by a development consent or to a lawful existing use (as defined by section 106 of the Act), but only if:

- (a) no additional access onto a public road is required, and
- (b) the structure is not located within 50 metres of a ridgeline or on top of a hill.

And in the case of:

- **Haysheds and machinery sheds:** The erection and use of a hayshed or machinery shed, but only if:
  - (a) the structure does not exceed 300 square metres in floor area and 7 metres in height at the highest point of the building, and
  - (b) the structure is on land within Zone No 1(a) General Rural, and
  - (c) the structure is set back at least 100 metres from any public road and set back at least 20 metres from a property boundary.
- **Stockyards:** The erection of stockyards, for use in conjunction with normal agricultural activities on the property, excluding commercial or intensive agricultural uses, on land within Zone No 1(a) General Rural, but only if:
  - (a) the total area of the development is not greater than 500m<sup>2</sup>, and
  - (b) the stockyards are not erected within 20 metres of a public road or within 4 metres of the property boundaries, and
  - (c) the stockyards are not within 40 metres of a watercourse or 150 metres of a dwelling not associated with the development.
- **Windmills:** The erection and use of a windmill on land within Zone No. 1(a) General Rural if the windmill is installed in accordance with the manufacturer's specifications.
- **Animal Shelters:** The erection and use of an animal shelter associated with an existing single residential dwelling on land within Zone No 1(a) General Rural, but only if the total area does not exceed 25 square metres in the case of poultry or 50 square metres in the case of hooved animals.

- **Carports, garages and domestic sheds:** The erection and use of a carport, garage or shed associated with an existing single residential dwelling on land within Zone No 1(a) General Rural and:
  - (a) in the case of the shed, it does not exceed 50 square metres, or
  - (b) in the case of a carport or garage, it does not exceed 50 square metres in area and 4 metres in height.
- **Silos:** The erection and use of a silo on land within Zone No 1(a) General Rural, but only if:
  - (a) the silo has a maximum capacity of 120 tonnes, and
  - (b) the silo is constructed of prefabricated metal components, free-standing and erected in accordance with the manufacturer's specifications or engineer's certification, and
  - (c) the silo is not erected within 20 metres of a public road or within a distance equivalent to the height of the silo plus 1 metre from another property.

### 3. Ancillary development

- **This clause applies to all land within the Narrabri Shire other than 1(a) General Rural (unless otherwise specifically excluded)**

Development not separately listed in this Schedule, such as landscaping, gardening, paving or the erection of minor structures, that are ordinarily incidental or ancillary either to a use allowed by a development consent or to a lawful existing use (as defined by section 106 of the Act), but only if:

- (a) any ancillary structure is erected at least 1 metre from each boundary of the site and extends no more than 3 metres above the natural ground level; and
- (b) any ancillary structure covering not more than 25 square metres; and
- (c) the development does not involve excavation beyond 600 millimetres below natural ground level; and
- (d) it does not involve handling, storing or using hazardous chemicals or materials otherwise than on a domestic scale (except on land within Zone No 1(a) General Rural) and at a distance of more than 25 metres from any habitable building); and
- (e) it does not release any hazardous chemicals or materials or any pollutants into the environment; and
- (f) it does not involve the display of any advertisement unless allowed by some other provision; and
- (g) any ancillary structure identified in a bush fire risk management plan in force under the Rural Fires Act 1997 is made of non-combustible materials.

### 4. Aviaries

The erection and use of an aviary to house birds with a maximum floor area of 10 square metres and a maximum height of 2.1 metres, constructed of non-reflective materials and located behind the building line.

## 5. Awnings

The erection and use of an awning on a dwelling where the awning has a maximum area of 25 square metres, is located wholly within the property boundaries, and complies with Council's building line policy.

## 6. Barbecues

The erection and use of a barbecue that:

- (a) has a maximum area of 2 square metres; and
- (b) has a maximum height of 1.8 metres; and
- (c) is located behind the building line .

## 7. Boundary adjustments

An adjustment to the boundary of an allotment that:

- (a) will not result in any building contravening the deemed-to-satisfy provisions of the *Building Code of Australia*; and
- (b) will not create any additional allotments or dwelling entitlements; and
- (c) will not change the area of any allotment by more than 10%; and
- (d) will retain all services within the existing allotments.

## 8. Building alterations

Alterations to a building (other than the making of, or an alteration to the size of, any opening in a wall or roof of a building, such as a doorway, window or skylight):

- (a) that involve non-structural exterior alterations to a building, such as pointing, plastering, cement rendering, cladding, attaching fittings and decorative work; and
- (b) that involve interior alterations to a building that do not affect the load-bearing capacity of any load-bearing component of the building; and
- (c) that do not cause reduced window arrangements for light and ventilation needs, reduced doorways for egress proposes or involves enclosure of open areas; and
- (d) that use materials for external cladding that are non-reflective;
- (e) that do not affect the structural strength and stability of the building or alter the plumbing work.

## 9. Bus shelters

The erection and use of a bus shelter that:

- (a) is constructed and designed by Council or on behalf of the Council, and
- (b) is located so as not to obstruct the footpath or line of sight of vehicles, and
- (c) is constructed of non-reflective materials.

## 10. Building site sheds

The erection and use of a building site shed that:

- (a) is associated with development or an activity allowed by a consent or an approval on the same site, and
- (b) is located within the boundaries of the allotment, and
- (c) is removed within 14 days of the completion of construction.

## 11. Change of use of a building

A new use of an existing lawful building in any of the following cases:

- (a) the new use is consistent with the classification of the building under the *Building Code of Australia* and replaces a former use being carried out in accordance with a development consent, and:
  - (i) it is not actually or potentially a hazardous or offensive industry, and
  - (ii) it does not involve the preparation of food for sale or consumption, and
  - (iii) it does not involve hairdressing salons, beauty salons or any business where skin penetration is carried out, and
  - (iv) it is not prohibited by any other provision of this plan.
- (b) the new use results from a change of building use from a shop to an office or from an office to a shop that is not in the business of preparing food for sale or consumption, where:
  - (i) the new use replaces a former use being carried out in accordance with a development consent, and
  - (ii) the use of not more than 200 square metres of floor space is changed, and
  - (iii) the new use is not prohibited by any other provision of this plan.
- (c) the new use is the temporary use of a building that does not exceed 25 metres in height for public entertainment over a period not exceeding 72 hours. [Note: A separate approval may be required under the Local Government Act 1993 for a place of public entertainment.]

**12. Clothes hoists**

The erection and use of a clothes hoist that:

- (a) is set back behind the building, or
- (b) where it is proposed to be at the side of the building, is unable to be seen from the street or any public place, and is screened from view from neighbouring land.

**13. Cubbyhouses and playground equipment**

The erection and use of a cubbyhouse or playground equipment associated with a dwelling or a recreation area where the cubbyhouse or playground equipment:

- (a) covers a maximum area of 10 square metres; and
- (b) has a maximum height of 2.4 metres; and
- (c) is constructed of non-reflective materials; and
- (d) is installed in accordance with the manufacturer's specifications and complies with any relevant Australian Standard; and
- (e) is set back beyond the building line.

**14. Decks**

The erection and use of an unroofed deck attached to an existing dwelling where:

- (a) the maximum area of the deck is 25 square metres, and
- (b) the deck is located 1 metre clear of the Council's sewer main, and
- (c) the finished surface level is not greater than 1 metre above natural ground level, and
- (d) the setback from the side boundary is at least 900 millimetres, and
- (e) no second-hand materials are used in the deck's construction, and
- (f) the deck is sited clear of the overflow gully and does not restrict access to sewer drainage, and
- (g) the deck is located behind the building line.

**15. Demolition**

Demolition carried out in accordance with *AS 2601-1991 The demolition of structures of any structure:*

- (a) the erection of which would be exempt development under this Policy; and
- (b) that covers an area of not more than 25 square metres.

## 16. Fences

- (1) The erection of fences (other than fences covered by the Swimming Pools Act 1992 or fences in rural areas) associated with a dwelling house that comply with any relevant covenant or Council policy where:
  - (a) the front and side boundary fences beyond the building line have a maximum height of 2 metres and are constructed of all new materials, and
  - (b) the front and side boundary fences that are within the building line, have a maximum height of 1.2 metres and are constructed of all new materials, and
  - (c) brick and masonry fences have a maximum height of 900 millimetres.
- (2) Any fence in zones 1(a) General Rural and 1(c) Rural Small Holdings, other than brick or masonry fences greater than 900 millimetres in height.

## 17. Flagpoles

The erection and use of a flagpole not more than 6 metres above natural ground level that is structurally adequate, but only one per site.

## 18. Fowl houses

The erection and use of fowl houses for the keeping of hens, chickens and roosters on land with an area greater than 1000 square metres where the fowl house:

- (a) has a maximum floor area of 10 square metres per 1000 square metres of allotment size with a maximum of 50 square metres, and a maximum of 20 fowls excluding roosters, and is ancillary to the domestic use of the land; and
- (b) has a maximum height of 2.1 metres; and
- (c) is constructed of non-reflective materials; and
- (d) is located behind the building and are located a minimum of 3 metres from rear and side boundaries; and
- (e) is located a minimum of 12 metres from any dwelling.

## 19. Garden sheds, gazebos and greenhouses

The erection and use of a garden shed, gazebo or greenhouse, associated with a dwelling house where:

- (a) there is only one of each such structure per allotment; and
- (b) the structure has a maximum area of 25 square metres; and
- (c) the structure has a maximum height of 2.4 metres in residential areas; and
- (d) the structure is located behind Council's building line.

**20. Home Occupations**

The use of premises for an occupation carried on only by the permanent residents of the dwelling:

- (a) that does not require registration under the Factories Shops and Industries Act 1962,
- (b) that is managed so that there is no interference with the neighbourhood because it is noisy, causes vibrations, creates smells, fumes, smoke, vapour, steam, soot, ash, dust, waste water , grit or oil.

**21. Letterbox**

The erection and use of a letterbox constructed in accordance with the requirements of Australia Post, which is located wholly within the property boundaries.

**22. Lighting**

The erection and use of external lighting (other than for the purposes of tennis courts or sporting fields, and external lighting more than 4 metres above ground level).

**23. Pergolas or carports**

The erection and use of an open pergola, or carport (not being a carport referred to in item 2 of this Schedule) either attached to a building or free-standing, where:

- (a) the structure is located behind the building line established by Council for the property; and
- (b) the maximum area of the structure is 25 square metres; and
- (c) the maximum height of the structure is 2.4 metres, other than where necessary to attach to an existing dwelling; and
- (d) the existing side boundary setback is maintained; and
- (e) the structure is not enclosed; and
- (f) no second-hand materials are used in the structure's construction; and
- (g) stormwater and roof water are taken to the street gutter; and
- (h) the overflow gully is clear of the roof and access is maintained to drainage; and
- (i) the structure is 900 millimetres clear of all property boundaries and is 1 metre clear of sewer mains and any easements; and
- (j) the construction complies with the following requirements:

- The structure may be timber or metal construction. If timber it must be as identified as durability Class 1 or Class 2 as described below:

<i>Class 1</i> Cypress (white) Ironbark Tallowood Turpentine Grey Gum	<i>Class 2</i> New England Blackbutt Blackbutt Kwila (Merbau) Spotted Gum Western Red Cedar River Red Gum Stringybark (yellow or white)
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Durability Class 3 or 4 such as oregon or radiata pine may be used if treated with paint, stain or oil prior to fabrication.

- Recommended sizes for timber construction are:
  - Posts** 75 x 75 mm (timber or steel)
  - Rafters** 100 x 50 mm maximum span 2.3 metres  
125 x 50 mm maximum span 3 metres  
150 x 50 mm maximum span 3.6 metres
  - Beams** 100 x 50 mm maximum span 1.6 metres  
150 x 50 mm maximum span 2.1 metres  
200 x 50 mm maximum span 2.7 metres  
200 x 75 mm maximum span 3.0 metres
- If steel construction, it may be prefabricated design or constructed of component sizes as recommended below:
  - Posts**  
75 x 75 mm RHS or 75 mm diameter pipe
  - Beams**  
C10015 maximum span 3.0 metres  
C15015 maximum span 6.0 metres
  - Purlins**  
61 mm Top Hat purlin maximum span 3.0 metres  
All components are to be welded or bolted together using mild steel brackets having a minimum thickness of 3 mm. Tek screws are NOT to be used for that purpose except for fixing Top Hat type purlins.
  - Footings**  
100 mm reinforced concrete slab thickened to 150mm at external perimeter, or  
300 mm diameter x 450 mm deep pad footing.  
The floor or footings must not cover or adversely affect the existing sub-floor ventilation to associated buildings.

**Connections**

Posts to be fixed to footings by a minimum two 10 mm bolts. Timber posts are to be connected by metal brackets so that the bottom of the post is a minimum 75 mm above the finished ground and/or pavement level.

Timber rafters attached to a building are to be fixed to a plate of minimum size 100mm x 50mm bolted or coach screwed to the fascia or external cladding.

Bracing is to be installed as required to provide lateral support.

**24. Re-cladding of roof**

The re-cladding of a roof, but only if:

- (a) it does not involve structural alterations to the building; and
- (b) where the work involves asbestos cement, it must comply with the WorkCover Authority's *Short Guide to Working with Asbestos*; and
- (c) the work does not involve lead contamination of the air or ground.

**25. Retaining walls**

- (1) The erection of retaining walls where:
  - (a) the maximum height is 600 millimetres above natural ground level; and
  - (b) the retaining wall is constructed so that it does not prevent the natural flow of stormwater drainage run-off; and
  - (c) the retaining wall is set back a minimum of 1 metre from the side property boundaries; and
  - (d) the retaining wall is behind the building line; and
  - (e) masonry walls comply with *AS 3700 – 1998 – Masonry structures*, *AS 3600 – 1994 Concrete structures* and *AS 1170.1 – 1989*, *AS 1170.2 – 1989*, *AS 1170.3 and AS 1170.4 – 1993 – SAA Loading Code*; and
  - (f) timber walls comply with *AS 1170.1 – 1989*, *AS 1170.2 – 1989*, *AS 1170.3 and AS 1170.4 – 1993 – SAA Loading Code* and *AS 1720.1 – 1997 – Timber Structures – Design methods*.
- (2) A retaining wall should be designed and constructed with an effective drainage system to prevent backfill becoming saturated causing a build up of water pressure behind the wall. Effective drainage can be ensured by providing weepholes and continuous drainage within the backfill.

**26. Satellite dishes**

The erection and use of a satellite dish for domestic use only where the maximum diameter is 1 metre if attached to a dwelling.

## 27. Signs

The erection of an advertising structure or commercial sign in any of the following cases:

- (a) the commercial sign is suspended under an awning in a business zone, and:
  - (i) there are no other such signs on the premises, and
  - (ii) it is securely fixed by metal supports, and
  - (iii) it has an area not exceeding 1.4 square metres, and
  - (iv) if over a public road, it is suspended at a height of not less than 2.6 metres above ground/pavement level,
- (b) the commercial sign is not visible from outside the premises on which it is located,
- (c) the commercial sign is behind the glass line of a shop window,
- (d) the advertising structure displays a temporary advertisement for a social, cultural or recreational event that is displayed for no more than 28 days before the event and is removed within 14 days after the event,
- (e) the advertising structure displays a public notice in a public reserve either by or on behalf of the Council or another public authority,
- (f) the advertising structure displays an advertisement that replaces one lawfully displayed at the same location or on the same structure,
- (g) the commercial sign or advertising structure displays a message relating to the premises on which it is situated, and will:
  - (i) have a length not greater than 2.4 metres and a depth not greater than 0.6 metre, if in a business zone, and
  - (ii) not project vertically or horizontally from a wall or above a roofline of a building, and
  - (iii) have a maximum area of 0.72 square metres, if in a residential or rural zone, and
  - (iv) have a maximum area of 10 square metres, if in an industrial zone, and
  - (v) have a maximum height of either 4.6 metres above ground level or the height of a first floor window sill.

## PART 2 – COMPLYING DEVELOPMENT

### 2.1 Introduction

Local development requires development consent and includes complying development. The form of the consent issued for complying development is a complying development certificate. A complying development certificate may be issued by council or an accredited certifier.

A complying certificate states that a particular development, if carried out as specified in the certificate, will comply with all the development standards applicable to that development.

An application for a complying development certificate may be determined by issuing a complying development certificate unconditionally or subject to conditions prescribed by the Environmental Planning and Assessment Regulations 1994 and conditions included in the *Part 2 Complying Development Conditions* of this plan.

Prior to the commencement of works for a complying development, the person having the benefit of the complying development certificate must appoint a principal certifying authority (PCA) and notify Council of the appointment. Notification of the intention to commence work must also be given to Council at least 2 days prior to work commencing. Council or an accredited certifier may be appointed as the PCA.

The Minister may authorise a professional association as an accreditation body.

### 2.2 What is complying development ?

Complying development does not include:

- (a) State significant development;
- (b) designated development;
- (c) development which requires concurrence of any person other than from the consent authority or the Director-General of the National Parks and Wildlife Service under s.79B(3).

Development listed in Schedule 2 is complying development only if:

- (a) it will achieve the outcomes listed in Schedule 2 for the development, and it complies with the relevant development standards set for the development by this plan; and
- (b) it is local development of a kind that can be carried out with consent on the land on which it is proposed; and
- (c) it is not an existing use, as defined in section 106 of the Act;
- (d) it complies with any deemed-to-satisfy provisions of the Building Code of Australia relevant to the development; and
- (e) it will be carried out behind the rear alignment of any building on the site on which it is proposed to be carried out, if that site is located in a heritage conservation area identified by this or any other environmental planning instrument; and
- (f) it will not protrude above the obstacle limitation surface as shown on Council's Obstacle Limitation Surface plan; and

- (g) no environmental planning instrument states that the adequacy of an acid sulfate soils management plan for the proposed development must be considered before consent can be granted for it; and
- (h) it is consistent with any plan of management approved under State Environmental Planning Policy No. 44 – Koala Habitat, and with any recovery plan or threat abatement plan in force under the Threatened Species Conservation Act 1995 that apply to the land; and
- (i) it does not contravene any conditions of a development consent applying to the land; and
- (j) local approval will be obtained , if required, from council for the installation of an on-site effluent disposal system to be completed before occupation.

### 2.3 Land on which complying development may not be carried out

Development is not complying development if it is carried out on land that:

- (a) is critical habitat (under the Threatened Species Conservation Act 1995);
- (b) is, or is part of, a wilderness area (under the Wilderness Act 1987);
- (c) comprises, or on which there is, an item of the environmental heritage;
- (d) is a site that has previously been used as a service station or a sheep or cattle dip, for intensive agriculture, mining or extractive industry, waste storage or waste treatment, or for the manufacture of chemicals, asbestos or asbestos products, and a notice of completion of remediation work for the proposed use has not been given to the local council in accordance with State Environmental Planning Policy No. 55 – Remediation of Land, or
- (e) is an Aboriginal place under the National Parks and Wildlife Act 1974, or
- (f) is within land zoned 7(a) Environment Protection (Scenic), Zone No.5 (a) or 5(b) Special uses or 9(a) Reservations (Arterial Road), or
- (g) is within the waste water treatment facility buffer zone as shown on the map held at the Narrabri Shire Council Chambers, or
- (h) is within 40 metres of a perennial watercourse as identified by a 1: 50,000 topographic map, or
- (i) is reserved or dedicated under the Crown Lands Act 1989 for the preservation of flora, fauna or geological formations or for other environmental protection purposes, or
- (j) is an aquatic reserve declared under the Fisheries Management Act 1994.

### 2.4 Conditions of consent for complying development

A certificate issued for complying development is subject to the conditions for the development specified in *Part 2 Complying Development Conditions* of this plan.

## COMPLYING DEVELOPMENT

## SCHEDULE 2 COMPLYING DEVELOPMENT

Complying Development	Outcomes
<b>1. Bed &amp; breakfast accommodation</b>	
The use of an existing lawful dwelling by its permanent residents for the temporary accommodation of visitors for commercial purposes.	<p><b>General</b></p> <p>(1) A maximum of 3 guest bedrooms.</p> <p>(2) A minimum of 2 bathrooms.</p> <p>(3) A smoke detection system that complies with <i>AS 3786-1993 - Smoke alarms</i> and <i>AS/NZS 3000: 2000 - Electrical Installations (the Australian/New Zealand Wiring Rules)</i> is in the dwelling.</p> <p>(4) A fire extinguisher and fire blanket are located in the kitchen.</p> <p>(5) Approval has been obtained from the owners corporation, or the community, precinct or neighbourhood association, where a dwelling is subject to the <i>Strata Schemes Management Act 1996</i> or the <i>Community Land Management Act 1989</i>.</p>
<b>2. Commercial building alterations</b>	
The making of internal alterations to a shop, office or commercial premises that alter the load-bearing capacity of load-bearing components.	<p><b>General</b></p> <p>(1) No increase in the total floor area of the building.</p> <p>(2) No more than 2,000 square metres of floor area is changed from an office to a shop.</p> <p>(3) Provides disabled access in accordance with <i>AS 1428.1 - 1998 - Design for access and mobility - General requirements for access -new building work</i>.</p>
<b>3. Demolition</b>	
Demolition of a building or structure.	<p><b>General</b></p> <p>(1) Complies with the requirements of <i>AS 2601-1991 - The demolition of structures</i>.</p> <p>(2) Is not done using the implosion method of demolition.</p> <p>(3) The water meter is removed by the Council. The sewer drainage is capped off at the junction with the Council's sewer and the work is carried out by a licensed plumber or the Council.</p> <p>(4) Any asbestos material is removed in accordance with WorkCover Authority's <i>Short Guide to Working with Asbestos</i> by a person licensed to carry out such work.</p>

<b>4. Dwelling house (single storey)</b>	
<p>The erection &amp; use of a single storey dwelling &amp; construction of an ancillary driveway on land in any zone, where a dwelling is permitted</p>	<p><b>Streetscape</b></p> <p>(1) Complies with a building line of 6 metres from the front boundary and meets the site requirements.</p> <p><b>Bulk and scale</b></p> <p>(1) The ground floor level of the structure is located at least 150 mm. for raft construction or 650 mm. for timber frame flooring but not more than 700 millimetres above the natural ground level (except where the dwelling complies with the Narrabri Shire Interim Floodplain Management Policy.)</p> <p>(2) The Finished Floor Level of all habitable areas of the dwelling are constructed 500mm higher than the 1:100 year flood event, for the subject land, in accordance with Narrabri Shire Council's Interim Floodplain Management Policy. Note: Written verification of the finished floor level is to be provided to Council after the establishment of the flooring system.</p> <p>(3) The height of any landfill placed on the land is no more than 225mm.</p> <p>(4) The distance between the floor level and the underside of the eaves is not more than 2.7 metres.</p> <p>(5) The roof pitch is not more than 24 degrees and any openings are to be flush with the roof pitch.</p> <p>(6) The external wall of any structure affected by the proposed development is at least 900 millimetres from the nearest side and rear boundaries.</p> <p><b>Privacy and security</b></p> <p>Windows in a habitable room that are within 9 metres of, and allow an outlook to, a window of a habitable room in the neighbour's house:</p> <p>(a) are offset from the edge of one window to the nearest edge of the other by a distance of at least 0.5 metre, or</p> <p>(b) have sill heights of at least 1.7 metres above floor level, or</p> <p>(c) have fixed obscure glazing in any part of the window below 1.7 metres above floor level.</p> <p><b>Site access and circulation</b></p> <p>(1) Where kerb and gutter is provided, driveways are a minimum of 500 millimetres clear of all drainage structures on the kerb and gutter and do not interfere with the existing public utility infrastructure, including the Council's drainage structures, unless prior approval is obtained from the relevant authority.</p> <p>(2) Driveways are a minimum of 6 metres from a road intersection.</p> <p>(3) Any driveway structures within the road reserve are to be constructed to the Council's Engineering standards.</p>

	<p>(4) Where kerb and guttering is provided, vehicular access from the road way shall be through a kerb layback that has been constructed in accordance with Council's Engineering Standards. Where no kerb and guttering is provided, vehicular access from the roadway shall be by a pipe culvert or causeway, determined by site requirements, constructed in accordance with Council Engineering Standards.</p> <p>(5) A minimum of one parking space is provided (either an open space or a covered space) and each is located behind the building line. Such a space is to measure a minimum of 5.5 metres in length and have a minimum width of 2.5 metres. Open space parking spaces, access ways and driveways are to be surfaced with material of a permeable nature or are to be graded to provide for on-site stormwater infiltration.</p>
<p><b>5. Extensions</b></p>	
<p>Development associated with single detached dwellings consisting of development ordinarily ancillary or incidental to detached single storey dwellings (for example, erection of carports and garages).</p>	<p><b>Streetscape</b></p> <p>(1) Each part of the structure is set back at least 6 metres from the front property boundary and 1 metre from the side.</p> <p>(2) Carports and garages facing a public street or accessway are not more than 6 metres or 50% of the frontage wide, whichever is the lesser.</p> <p><b>Bulk and scale</b></p> <p>(1) The ground floor level of the structure at any point is not more than 700 millimetres above natural ground level (unless where the dwelling complies with the Narrabri Interim Flood Plain Management Policy)</p> <p>(2) The Finished Floor Level of all habitable areas of the dwelling extension are constructed 500mm higher than the 1:100 year flood event, for the subject land, in accordance with Narrabri Shire Council's Interim Floodplain Management Policy. Written verification of the finished floor level is to be provided to Council after the establishment of the flooring system.</p> <p>(3) The distance between the floor level and the underside of the eaves is not more than 2.7 metres.</p> <p>(4) The roof openings are flush with the pitch of the roof.</p> <p>(5) The external wall of each structure affected by the proposed development is at least 900 millimetres from the nearest side and rear boundaries.</p> <p><b>Privacy and security</b></p> <p>Windows in a habitable room that are within 9 metres of, and allow an outlook to, a window of a habitable room in the neighbour's house:</p> <p>(a) are offset from the edge of one window to the nearest edge of the other by a distance of at least 0.5 metre, or</p> <p>(b) have sill heights of at least 1.7 metres above floor level,</p>

	<p>or</p> <p>(c) have fixed obscure glazing in any part of the window below 1.7 metres above floor level.</p>
<p><b>6. Swimming pools</b></p>	
<p>Development for the purpose of swimming pools on lots over 650 square metres in area if the pool is of a size that makes it ordinarily ancillary to a dwelling occupied for private use only.</p>	<p><b>Streetscape</b> The pool will not be between the dwelling and front boundary.</p> <p><b>Bulk and scale</b></p> <ol style="list-style-type: none"> <li>(1) All coping or decking around the pool is not more than 500 millimetres above the natural ground level.</li> <li>(2) The pool is at least 1.5 metres from the nearest side and rear boundaries.</li> <li>(3) The pool is located at least 2 metres from the Council's sewer main.</li> </ol> <p><b>Privacy and security</b> The noise level of any filtration equipment or pumps does not exceed 5 dBA above the ambient background level measured at the property boundary.</p> <p><b>Open space and landscaping</b> A minimum of 20% of the site must be soft landscaped, that is, not a hard surface.</p> <p><b>Installation and construction</b> The installation and construction of the pool complies, where relevant, with:</p> <ol style="list-style-type: none"> <li>(a) <i>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</i></li> <li>(b) <i>AS 2783-1992-Use of reinforced concrete for small swimming pools.</i></li> </ol> <p><b>The Pool and surrounding structures</b></p> <ol style="list-style-type: none"> <li>(1) The pool and surrounding structures are to comply with <i>AS 1926.2 – 1995 – Swimming pool safety-Location of fencing for private swimming pools.</i></li> <li>(2) All wastewater from the Swimming Pool water treatment activity is to be channelled into Council's sewer system or an appropriate sanitary waste management system, as per Council's standards.</li> </ol> <p><b>[Note: The Swimming Pools Act 1992 and the Swimming Pools Regulation 1998 must also be complied with.]</b></p>

<b>7. Telecommunications undertakings</b>	
<p>Development for the purpose of telecommunications undertakings such as radio antenna and dishes, panel antenna, directional antennae, microcells and underground cabling, on land within Zone No 1(a), 1(c), 3(a), 3(b), 4(a) or 4(b).</p>	<p><b>General</b></p> <p>Complies with any relevant Australian Standard.</p> <p><b>Antenna or dish</b></p> <p>The antenna, dish or facility is not more than 1.8 metres in diameter or 1 cubic metre in volume.</p> <p>The highest point of the antenna or dish is 4 metres above the roof of the building on which it is attached.</p> <p>Where the antenna or dish is more than 3 metres above the roof, it is set back a minimum of 2 metres from the outermost wall of the building and does not protrude from the front facade of the building with a limit of 2 such structures to be attached to any building and within the limited of practicality to be not visible from a public place.</p> <p>The colour of the antenna is matched to the background in keeping with the surrounding area.</p> <p><b>Tower, mast or pole</b></p> <p>Only on land within Zone No 1(a) General Rural with a height not more than 12 metres and will not create a hazard for aircraft operations by encroaching upon the OLS. Further, such structures must not protrude above the treeline or ridgeline as viewed from a public road or adjoining property and be set back at least 20 metres from the property boundary.</p> <p><b>Underground conduit or cable</b></p> <p>Where the trench is not more than 450 millimetres wide and the land in which the cable or duct is laid is reinstated in accordance with a reinstatement plan agreed to, prior to construction, with the owner of the land. The reinstatement plan must include the following;</p> <ul style="list-style-type: none"> <li>• management and protection measures</li> <li>• relaying of road or pavement</li> <li>• replanting of grass, trees or foliage</li> <li>• replacement or removal of material excavated</li> <li>• reinstatement of contours.</li> </ul>
<b>8. Temporary buildings</b>	
<p>The erection of a building and its use for a period not exceeding 5 years specified in the application for a complying development certificate, being a building that is not used for residential purposes, or for the storage or handling of inflammable materials.</p>	<p><b>General</b></p> <p>Maximum height of the building is 1 storey.</p> <p>Building is set back from every boundary of the lot by a minimum of 3metres.</p> <p><b>[Note: The building must be demolished or removed no later than 60 days after the specified period expires (see condition 14 in Part 2 of this Schedule)]</b></p>

## PART 2 - CONDITIONS FOR COMPLYING DEVELOPMENT CERTIFICATES

### COMPLIANCE WITH THE BUILDING CODE OF AUSTRALIA

1. All building work must be carried out in accordance with the deemed-to-satisfy provisions of the Building Code of Australia.

### BEFORE YOU BEGIN WORK

2. 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* (Form 7 of the Regulation) to the Council, and
  - notify the adjoining owners that work will commence.

*Note:* The principle certifying authority may be either an accredited certifier or the Council.

3. Before any site works, building or demolition begins, the applicant must:
  - notify the Council of the name, address, phone number and licence number of the builder, and
  - erect a sign with a minimum area of 600mm x 450mm at the front of the property (before work commences) with the builder's name, licence number, site address and consent number, and
  - provide a temporary on-site toilet, and
  - protect and support any neighbouring buildings, and protect any public place from obstruction or inconvenience due to the carrying out of the development, and
  - prevent any substance from falling onto a public place, and
  - follow any other conditions prescribed by the Regulation.

This item does not impose a requirement on an applicant if it is complied with by the builder.

### SITE MANAGEMENT

4. Run-off and erosion controls must be implemented to prevent soil erosion, water pollution or the discharge of loose sediment on surrounding land, as follows:
  - divert uncontaminated run-off around cleared or disturbed areas,
  - erect a silt fence to prevent debris escaping into drainage systems or waterways,
  - prevent tracking of sediment by vehicles onto roads,
  - stockpile top soil, excavated material, construction and landscaping supplies and debris within the site.
5. Removal or disturbance of vegetation and top soil must be confined to within 3 metres of the proposed building.

## DRAINAGE AND WATER SUPPLY

6. The land surrounding any structure must be graded to divert surface water to the street, and must be clear of existing and proposed structures and adjoining premises;
7. Where the water falls to the rear of the property, it must be collected and drained via a gravity system to a Council stormwater line;
8.
  - (1) Prior to the commencement of work on water supply and/or plumbing and drainage the licensed plumber and/or drainer must obtain a permit from Council;
  - (2) Prior to the commencement of work the owner of the premises must apply to the Council for an approval to carry out any water supply work, sewer work, stormwater work and connect such work to the Council's services;
  - (3) Prior to the commencement of work the owner of the premises must apply to Council to install a human waste treatment device and carry out the associated sewerage work;
  - (4) A minimum of 45,000 litres of stored rainwater must be provided for use in connection with development for domestic purposes in areas without reticulated water supply.

## INSPECTIONS DURING CONSTRUCTION

9. The following inspections are required to be carried out by the Council. Inspections may be arranged by contacting the Council's Environmental Services Department. Where the Council is not the principal certifying authority, an additional fee for each inspection will apply:
  - (a) sanitary drainage under hydrostatic test prior to backfilling trenches or covering,
  - (b) hot and cold water plumbing under pressure test prior to covering,
  - (c) internal stackwork under hydrostatic test prior to covering, and
  - (d) the installation of the septic tank and any sullage trenches prior to backfilling or covering.

## DRIVEWAYS AND ROADWORKS

10.
  - (1) The owner to the satisfaction of the Council shall rectify any damage caused to kerb and guttering and/or footpath as a consequence of building operations.
  - (2) Footpaths and/or road reserves are not to be used for construction purposes or placing of building materials without the prior agreement of the Council. Where necessary, arrangements may be made by contacting the Council's Engineering Services Department.
  - (3) Before the erection of any permanent structures, such as fences, concrete driveways, garages or the like, adjacent to street boundaries, correct street levels must be ascertained from the Council's Engineering Services Department.
  - (4) Driveways are to be constructed in accordance with any relevant requirements of *AS 2890.1-1993 - Parking facilities - Off-street car parking*, with appropriate transition zones.

## HOURS OF WORK

11. Any building work must be carried out between 7.00 am and 6.00 pm Monday to Friday and 8.00 am to 5.00 pm Saturdays, but not on Sundays or public holidays, if audible on residential premises.

## SAFETY

12. Fire safety measures must be included.

## SWIMMING POOLS

13.
  - (1) The following inspections are to be carried out by a person authorised as the principal certifying authority and compliance certificates are to be submitted to the Council:
    - (a) steel reinforcing before pouring of concrete;
    - (b) drains before backfilling;
    - (c) pool fencing prior to filling of pool.
  - (2) The pool fencing is to be erected prior to the pool being filled with water;
  - (3) An approved resuscitation sign in accordance with the Swimming Pools Regulation 1998 is to be provided in a prominent position within close proximity of the pool;
  - (4) The pool fence is to be located so as to isolate the pool from any dwellings and structures not directly associated with the pool;
  - (5) Backwash water must be directed to the Council's sewer via a yard sink approved by the Council;
  - (6) Temporary safety fencing is to be erected during the installation of the pool and prior to filling the pool with water.

## REMOVAL OF TEMPORARY BUILDING

14. Any building erected for use for a specified period of not more than 5 years pursuant to Part 1 of this Schedule must be completely demolished or removed from the site no later than 60 days after the specified period ends.

## HISTORY

<b>MINUTE NO:</b>	<b>MEETING DATE:</b>	<b>DESCRIPTION</b>
416/2000	15 August 2000	Adopted