

# Housekeeping Amendments to the Codes SEPP

## Frequently asked questions

June 2018

### What is the purpose of these amendments and why is it happening now?

- The proposed amendments are intended to improve the clarity, performance and implementation of the *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* (**Codes SEPP**).
- The Department of Planning and Environment continuously monitors and reviews the Codes SEPP to ensure it is helping to reduce red tape, save time and cut development costs for homeowners and businesses.
- The proposed amendments are part of the Department's ongoing review to improve the Codes SEPP and make it easier to use and understand.
- The proposed amendments reflect feedback received from stakeholders, including councils, accredited certifiers, industry and the community.
- The proposed amendments support the NSW Government's efforts to encourage faster approvals, and promote housing affordability and diversity through the implementation of a streamlined approval process.

### What is Exempt and Complying Development?

- Exempt development allows for minor and low-impact building work or home renovations to be carried out without needing planning or building approval. It includes projects such as the erection of a carport, balcony, deck or garden shed provided these works meet the development standards and land requirements in the Codes SEPP.
- Complying development is a fast-track approval for straightforward development that complies with the development standards in the Codes SEPP and includes new homes, home renovations, new industrial buildings and the extension and use of commercial buildings. An application for complying development can be determined by an accredited council or private certifier, provided it meets specific development standards in the Codes SEPP.

### What changes are the Department proposing to the Codes SEPP?

- The Codes SEPP commenced in February 2009 and provides consistent state-wide standards for exempt and complying development, allowing faster and cheaper approvals for low impact works that should not require a lengthy and costly merit assessment.
- The proposed amendments will address technical issues related to the application of the Codes SEPP, clarify existing provisions and definitions to ensure they achieve policy intent and correct minor errors.
- The proposed amendments include:
  - updating definitions to improve clarity and certainty, including amending the definitions for gross floor area and outbuildings, and inserting new definitions for pathways, stairways and cabanas;
  - refining provisions to ensure they achieve the policy's intent; and
  - correcting minor clause references, drafting errors and improving diagrams to assist with implementation.

**Tables 1 and 2** provide further information about the proposed changes.

- These amendments are part of an ongoing improvement program, which constantly reviews the performance and implementation of the Codes SEPP.

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### What will be the impacts of the proposed amendments?

- The proposed housekeeping amendment comprises over 50 individual minor amendments designed to improve the performance of the Codes SEPP and respond to stakeholder feedback.
- The proposed amendments aim to simplify, clarify and tailor development standards to make it easier to use the exempt and complying development pathways. This will remove complexity as a barrier to take up and provide more certainty for applicants, certifiers and councils.
- Increasing the take-up of exempt and complying development means real savings in time and money for homeowners and businesses and frees up council planning resources to focus on more complex development applications and strategic planning.
- Approvals under the fast-track complying development pathway can be issued in as little as 22 days, compared to 75 days for a development application, and homeowners can save up to \$15,000 when building a new house.

### What happens next?

- At the end of the public consultation period, the Department will review all submissions received and prepare a report for the Minister of Planning.
- Once the Minister makes a decision about the amendment, an update will be published on the Department of Planning and Environment website at: <http://planspolicies.planning.nsw.gov.au>

### How do I comment on the proposed amendments?

- Submissions on the exhibition of the proposed amendments to the Codes SEPP will close on 18 July 2018.
- You can view the amendments and make a [submission online](#).
- All submissions will be made public in line with the Department's objective to promote an open and transparent planning system. If you do not want your name published, please state this clearly at the top of your submission. Before making a submission, please read our privacy statement at: [www.planning.nsw.gov.au/privacy](http://www.planning.nsw.gov.au/privacy)

### Where can I find out more?

- Call on 13 77 88.
- If English isn't your first language, please call 131 450. Ask for an interpreter in your language and then request to be connected to our Information Centre on 13 77 88.
- Email [information@planning.nsw.gov.au](mailto:information@planning.nsw.gov.au)

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### **Proposed amendments to the State Policy**

The proposed housekeeping amendments include over 50 individual amendments to the State Policy aimed at improving clarity, performance and implementation of the Policy.

### **Table 1– General amendments to the State Policy**

<b>Policy Issue</b>	<b>Affected Code</b>	<b>Draft Policy Amendment</b>	<b>Reason for Draft Amendment</b>
Minor amendments and errors	The whole policy	The Amending SEPP will introduce minor amendments to improve operation of the policy and to clarify the policy intent of certain provisions. It will also correct drafting errors, update existing diagrams and incorporate new diagrams.	These minor amendments are aimed at improving the implementation of the policy. They will clarify policy intent and ensure the efficient operation of the policy. Amendments will also correct errors such as grammatical mistakes, incorrect references and other drafting errors and fix/incorporate new diagrams to improve clarity based on stakeholder feedback.
Deferred commencement	Residential Complying Development Codes	For each residential complying development code, insert a new condition for deferred commencement. Clarify that where a CDC is issued before a lot is legally created, the CDC will not operate until the lot is legally created. The applicant must satisfy the council or certifier who issued the certificate, that the lot legally created is identical to the lot on which the CDC relates.	Legislative changes to the Environmental Planning & Assessment Act 1979 (NSW) which commenced on 1 March 2018, provide for deferred commencement conditions to be imposed on CDCs. This amendment will give effect to this legislative update to allow for a CDC to be granted before a lot is legally created. The CDC will remain inoperative until the condition is satisfied and the lot is legally created.

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**Table 2 – Examples of proposed amendments to the State Policy**

Policy Issue	Affected Code	Draft Policy Amendment	Reason for Draft Amendment
Proposed changes to defined terms			
Floor area	Exempt Development Codes	Amend all definitions of “floor area” to apply to Part 2 of the State Policy	The amendment will result in the application of the definition of “floor area” to the Exempt Development Codes (Part 2 of the State Policy). This amendment clarifies that the definition of “floor area” applies to development carried out under the Exempt Development Codes.
Gross Floor Area Definition	The whole policy	Amend the SEPP to clarify when calculating GFA, that the maximum size of the “1 car parking space” that can be excluded for each dwelling (excluding secondary dwellings) is 18m2.	To make it clear how much floor space can be excluded from the GFA calculation for each car space. It is proposed to amend the State Policy to include an upper limit of 18m2 for the “1 car parking space” in this definition. This amendment responds to stakeholder feedback that this is currently unclear.
Outbuildings	The whole policy	Amend the definition of “outbuilding” in clause 1.5 by replacing “class 10a building under the BCA” with “non-habitable building”	The definition of ‘outbuildings’ will refer to ‘non-habitable’ buildings rather than to building classification as not all buildings listed as an ‘outbuilding’ are class 10a.
Environmentally sensitive land	The whole policy	Insert a definition into clause 1.5 that “environmentally sensitive land” is ‘land identified within an environmental planning instrument as environmentally sensitive land’.	To clarify that ‘environmentally sensitive land’ is land identified as ‘environmentally sensitive’ in an environmental planning instrument.
Pathways	The whole policy	Insert a definition into clause 1.5 for ‘pathway’ as ‘a path but does	This amendment will clarify that construction of a pathway as exempt

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		not include a stairway, stairs or the like'	development does not include a stairway.
Stairway	The whole policy	Insert a definition into clause 1.5 for 'stairway as 'a series or flight of stairs'.	This amendment will introduce a definition for a stairway as distinct from a pathway. The definition will align with the BCA definition for a flight of stairs as being a constant series of risers including winders that is not interrupted by a landing.
Cabanas	General Exempt Development Code	Include a definition for "cabana" and clarify that a cabana carried out as exempt development cannot include shower or bathroom facilities or a kitchenette or cooking facilities.	The amendment will introduce a definition for "cabana". Where water or sewage connection is required, the amendment will require this "cabana" to be carried out as complying development to ensure that a technical assessment of the proposal is undertaken.
Floor Space	General Exempt Development Codes	Amend cl 2.30AB(b) and (c) to replace the term "floor space" with "floor area"	Because "floor space" is not a defined term in the State Policy, the amendment proposes to replace the term "floor space" with the defined term "floor area".

### Proposed policy refinements and clarifications

Calculating lot area	The whole policy	Amend the State Policy to include a provision clarifying that the lot area is the whole area of the lot, and includes the area of any land on the lot that may be subject to a land-based exclusion.	This amendment seeks to clearly outline that the relevant lot area is the area of the whole lot including any land subject to a land-based exclusion (such as Class 1 or 2 Acid Sulfate Soil).
Acid Sulfate Soil	Complying Development	Insert a Note to clarify that development is permitted on	Currently, complying development is prohibited from being carried out on

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		those parts of the lot that are not class 1 or 2.	land identified on an Acid Sulfate Soils Map as being class 1 or 2. This amendment proposes to clarify that complying development is not allowed on those parts of the lot which are class 1 or 2 Acid Sulfate Soil, but is allowed on any other parts of the lot that are not class 1 or 2.
Contaminated Land	Complying Development	Amend subclause 1.19(1)(e) to include a new subclause: land that is significantly contaminated land within the meaning of the Contaminated Land Management Act 1997 (CLM Act).	Currently, complying development on land defined as significantly contaminated land under the CLM Act is only prohibited where the development is proposed to be carried out under the Commercial and Industrial Code. It is proposed to expand this exclusion to prohibit complying development being carried out under all of the complying development Codes.
Development near rail corridors	Complying Development	<p>Insert a condition for complying development that where the development is in or adjacent to a rail corridor and is for the purposes of residential accommodation, appropriate measures should be taken to ensure that the following LAeq levels are not exceeded:</p> <ul style="list-style-type: none"> <li>- in any bedroom – 35dB(A) at any time between 10:00pm and 7:00am</li> <li>- anywhere else in the residential accommodation (other than a garage, kitchen, bathroom or hallway) – 40dB(A) at any time.</li> </ul>	This amendment responds to stakeholder concerns regarding the impact of rail noise and vibration on development near rail corridors. It is proposed to replicate noise criteria contained in clause 87(3) of the State Environmental Planning Policy (Infrastructure) 2007 which sets controls for residential development near rail corridors where development consent is required.

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Landslide hazard	Complying Development	Amend clauses 1.19(1)(f) and 1.19(5)(g) to include 'a landslide hazard'.	This amendment responds to stakeholder feedback and restricts complying development where land is identified by an environmental planning instrument (EPI) as being affected by a landslide hazard.
Mosman temporary exclusion	Complying Development	Amend clause 1.19(3)(a) to extend the time in which clause 1.19(2) applies to land in the local government area of Mosman.	This amendment extends the current expiry date for the exclusion of certain land in the Mosman LGA from the application of the State Policy for a further two years until 30 November 2020.
Street libraries	Exempt Development	<p>Amend Part 2 (Exempt Development Codes) to insert a new Subdivision to permit street libraries as exempt development if:</p> <ul style="list-style-type: none"><li>- it has a footprint of no more than 1.5m<sup>2</sup>, and</li><li>- is not higher than 1.5m above ground level (existing), and</li><li>- is structurally adequate with adequate footings or attachments, and</li><li>- any footings are not more than 600mm below ground level (existing) and located clear of any underground utility services, and</li><li>- is not constructed or installed in or on an item listed as a heritage item or proposed for listing as a draft heritage item, and</li><li>- it is not constructed or installed on a public road (including the nature strip and a footpath).</li></ul> <p>A note will be inserted to clarify that a public road is defined in the Roads Act 1993 and Road Rules</p>	This amendment will permit street libraries to be carried out as exempt development provided all relevant development standards are met.

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		2014 to include the road, the nature strip and any adjacent footpath.	
Stairway	General Exempt Development Code	<p>Insert a new subdivision into Part 2 Division 1 to permit the construction or installation of stairs or a stairway as exempt development if:</p> <ul style="list-style-type: none"> <li>- the stairs or stairway is constructed in association with a balcony, deck, patio, pergola, terrace, veranda or be located directly adjacent to and serve an external access door to a dwelling</li> <li>- the height of the topmost step is not more than 1m above ground level (existing)</li> <li>- it is located at least 450mm from the side or rear boundaries</li> <li>- it does not interfere with the functioning of existing drainage fixtures or the natural surface flow of water</li> <li>- it is constructed of non-combustible material if located on bush fire prone land and is less than 5m from any dwelling</li> <li>- it is located in the rear yard if constructed or installed on or in a heritage item or draft heritage item or in a heritage conservation area or draft heritage conservation area</li> </ul>	<p>This amendment responds to stakeholder feedback and will permit the construction of a stairway provided the relevant development standards are met. These development standards have been designed to reduce impact to neighbour amenity and privacy.</p>
Signage on cranes	Advertising and Signage Exempt Development Codes	<p>Amend Part 2 Division 3 to insert a new subdivision which allows signage on cranes to be exempt development if:</p> <ul style="list-style-type: none"> <li>- the size of the sign is no greater than 600mm in height and 2m in width</li> <li>- the signage does not obstruct line of sight to traffic control signals, driveways or</li> </ul>	<p>In response to stakeholder concerns regarding the lack of controls regarding signage on cranes, this amendment will introduce development standards for the erection of signage on cranes as exempt development.</p>



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		<p>other critical road infrastructure</p> <ul style="list-style-type: none"> <li>- it does not contain reflective materials, colours and finishes</li> <li>- it does not incorporate sound, vibration, odour and other emissions</li> <li>- it does not contain or use flashing lights, electronically changeable messages, animated display, moving parts, simulated movements, complex displays that hold a drivers attention beyond 'glance appreciation', or displays resembling traffic signs or signals by use of colour, shape or words that can be construed as giving instruction to traffic</li> <li>- it is not illuminated</li> <li>- the signage shall contain only the name or logo of the construction company, builder, or developer, or crane operator and contact details. Third party advertising is not permitted.</li> </ul>	
Carport height	General Exempt Development Code	Amend clause 2.20(1)(c) to specify the maximum height of a carport attached to dwelling.	The amendment will clarify that to be exempt development, the maximum height of a carport, where it is attached to an existing single storey dwelling, is either 3m or the roof gutter line of the dwelling, whichever is lower.
Fences facing a public space	General Exempt Development Code	Amend clause 2.34 to require that any front boundary fence which faces a public space or walkway must also meet the requirements in subclause (2).	The current controls assume that houses face a primary road, however this is not always the case. This amendment will extend front boundary controls (maximum 1.2m height and openness for at least 20% of the area above 400mm above ground level) to situations where a house faces a public space, such as a public park or walkway.

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Fences in E4 zones	General Exempt Development Code	Amend subdivision 17 to include E4 zones and subdivision 18 to exclude E4 zones.	Exempt fences in all environmental protection zones are required to have a maximum height of 1.8m and be of post and rail or post and wire construction. Stakeholder feedback has indicated that this is not appropriate for E4 Environmental Living zones which often accommodate residential development. This amendment will result in exempt development fence controls in E4 zones which are consistent with those for residential zones.
Safety of existing awnings	Exempt Development Codes Housing Code Rural Housing Code Commercial and Industrial Alterations Code	Introduce development standards requiring compliance with Section B of Volume 1 of the Building Code of Australia for existing awnings over public land.	To address safety concerns regarding awnings projecting over public space, this amendment will require certification by a structural engineer that existing awnings which project over public roads and footpaths comply with Section B of Volume 1 of the BCA wherever exempt or complying development works are being undertaken, regardless of whether the proposed works are to the awning or not.
Non-structural decking	General Exempt Development Code	Amend clause 2.53 to allow the replacement of non-structural decking as exempt development.  Amend clause 2.54 to require the use of equivalent or improved quality materials when carrying out replacement of non-structural decking as exempt development.	This amendment identifies the replacement of non-structural decking, provided equivalent materials are used, as exempt development.

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Playground equipment	General Exempt Development Code	Insert a Note in clause 2.57 that clarifies that playground equipment on private land refers to children's play equipment such as swings, slides, trampolines and the like, but does not include a skateboard ramp.	This amendment clarifies the type of playground equipment capable of being carried out as exempt development on private land.
Rainwater tanks (above ground) in E4 Zones	General Exempt Development Code	Amend development standards in clause 2.64 to allow above ground rainwater tanks in E4 zones if they are located at least 900mm from each lot boundary.	Stakeholder feedback has indicated that a 10m setback from each lot boundary is inappropriate for E4 zones. This amendment will introduce a lesser setback.
Tennis court fences	General Exempt Development Code	Change the title of Part 2 Division 1 Subdivision 39B from 'tennis courts' to 'tennis courts and tennis court fences'.	Tennis courts are currently permitted as exempt development, however this subdivision is silent as to whether tennis court fences are allowed. This amendment will clarify that tennis court fences are allowed as exempt development on lots of at least 1ha in a rural zone or a R5 zone provided they satisfy the relevant standards.
Illuminated Real Estate advertising	Advertising and Signage Exempt Development	Amend Division 2, Subdivision 12 Real Estate Signs to require that illuminated and electronic displays on private property: <ul style="list-style-type: none"> <li>- do not exceed 200 candela/m<sup>2</sup> at nighttime, and 500 candela/m<sup>2</sup> at dawn or dusk; and</li> <li>- do not contain animated or video/movie style advertising or messages including live television, satellite, internet or similar broadcasts</li> <li>- dwell times for image display must not be less than 10 seconds for areas where the speed limit for passing</li> </ul>	This amendment will introduce development standards for electronic or illuminated displays that are on private property in response to stakeholder feedback that such displays may pose a distraction to drivers and pedestrians.

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		<p>vehicles is below 80km/h and 25 seconds for areas where the speed limit is 80km/h and over.</p> <ul style="list-style-type: none"> <li>- Any digital sign that is within 250m of a classified road and is visible from a school zone must be switched to a fixed display during school zone hours.</li> </ul>	
Temporary use	Temporary Uses and Structures Exempt Development Code	Amend clauses relating to temporary use in Part 2 Division 3 to clarify that a temporary use is exempt development where a temporary structure is constructed or installed as exempt development	The construction or installation of temporary structures for a specified use are expressly permitted as exempt development. Stakeholder feedback has indicated that it is unclear if the specified temporary use itself is exempt or not. This amendment will clarify that the relevant temporary use is also exempt development.
Complying Development carried out on single lot	Residential Codes	Insert a clause stating that a single dwelling cannot be built across multiple lots under complying development.	This amendment seeks to clarify that complying development may only take place on one lot. A dwelling that stretches across two or more lots cannot be carried out as complying development.
Exceptions to setbacks	Residential Codes	Amend clauses 3.10(14), 3.21(11) and 3A.19(a) to mitigate overshadowing and amenity impacts on public reserves from detached garages and detached studios.	Previously, the General Housing Code required detached garages and studios (previously defined as 'outbuildings') to be setback from public reserves. This was mistakenly omitted in the simplified Housing Code. To address this, an amendment is proposed to require detached garages and detached studios to also be setback 3m from public reserves.
Minimum setbacks	Residential Codes	Amend clauses relating to parallel road setbacks and public reserve setbacks (such as 3.10(12) and	This amendment will clarify that where there is a boundary to a parallel road or a public reserve, development specified

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		(14)) to clarify that they apply only to any "lesser" standard, rather than any "other" standard, for a setback.	must be setback at least 3m, despite any lesser setback standard. However, any larger setbacks, for example rear setbacks, will still apply.								
Building Design	Housing Code	Amend clause 3.14(2) to clarify that only the window facing the primary or parallel road needs to be to a habitable room. The door facing the primary or parallel road does not need to be to a habitable room.	This minor amendment will clarify that a dwelling house must contain at least one window to a habitable room and one door at ground floor level facing the primary road or any parallel road. The door does not need to be to a habitable room and can be to a hallway or entryway. This amendment is in response to stakeholder feedback that the current provisions are unclear.								
Carparking and access	Housing Code	Amend the table in clause 3.16(5) to address off street parking where the dwelling is located exactly 4.5m from the primary road.	The clause currently only provides for where the dwelling is less than and greater than 4.5m from the primary road. This is a minor amendment to clarify that where a dwelling house is located exactly 4.5m or more from the primary road, the off-street parking setback is at least 1m behind the building line.								
Swimming pool setbacks from secondary roads	Housing Code	Amend clause 3.28 to require the pool to be setback from a secondary road according to the following table:	This amendment will align the secondary road setbacks for swimming pools with the secondary road setbacks for the dwelling house under the current Housing Code.								
		<table border="1"> <thead> <tr> <th>Lot size (m<sup>2</sup>)</th> <th>Secondary road setback</th> </tr> </thead> <tbody> <tr> <td>200 – 600m<sup>2</sup></td> <td>2m</td> </tr> <tr> <td>&gt;600 – 1500m<sup>2</sup></td> <td>3m</td> </tr> <tr> <td>&gt;1500m<sup>2</sup></td> <td>5m</td> </tr> </tbody> </table>	Lot size (m <sup>2</sup> )	Secondary road setback	200 – 600m <sup>2</sup>	2m	>600 – 1500m <sup>2</sup>	3m	>1500m <sup>2</sup>	5m	
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Policy Issue	Affected Code	Draft Policy Amendment	Reason for Draft Amendment
Excavation in acid sulfate soil	Housing Code	Amend clause 3.30 to permit excavation exceeding 1m on land identified as class 3 or class 4 on an Acid Sulfate Soils Map where a qualified geotechnical engineer has certified that the development proposed is not on land affected by acid sulfate soil.	Excavation as complying development cannot currently exceed 1m on land identified as class 3 or class 4 on an Acid Sulfate Soils Map. Stakeholder feedback has indicated that these Maps may be inaccurate. It is proposed to allow deeper excavation where a qualified geotechnical engineer has certified that the land where the development is proposed is not affected by acid sulfate soil class 3 or class 4.
“Cut and fill”	Housing Code	Amend clause 3.30(3) to clarify that “fill” includes fill contained within a drop edge beam, except where the fill is wholly contained within the footprint of the dwelling house, any attached development or detached development.	This amendment clarifies that “fill” under complying development includes fill contained within a drop edge beam. However, fill within a drop edge beam that is contained within the footprint of the dwelling house, any attached development or detached development will continue to be unlimited.
Protected trees	Housing Code	Omit the words ‘on the lot’ from clause 3.33(2).	The proposed amendment is required to ensure that dwelling houses, attached development and detached development are adequately setback from any protected tree on the lot and on an adjoining lot.
Internal Alterations to Residential Flat Buildings	Housing Alterations Code	Amend clause 4.2 to include a new development standard that internal alterations must not result in a change to the number of bedrooms within a residential flat building.	This amendment clarifies that internal alterations carried out as complying development must not change the number of bedrooms in an apartment.

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Attic Dormers	Housing Alterations Code	Amend clause 4.6(2)(e) to ensure that the restrictions only apply if the dormer is facing the side or rear of the building.	This minor change will clarify that the restrictions in clause 4.6(2)(e) only apply where the dormer faces the side or rear of the building. Dormers are permitted at the front of a home without restriction.
Gym (recreation facility indoor)	Commercial and Industrial Alterations Code	Insert a new subclause 5.5(1)(m) to apply to Recreation Facility (Indoor)	Recreation facilities (indoor) are currently not allowed as a change of use under complying development, but are allowed as a first use. The proposed amendment will ensure that this type of development is also excluded from the operation of the complying development framework if it is a first use of premises. As a result, where the first use of a premises is intended to be a recreation facility (indoors), such as a gym, a DA is required. This responds to stakeholder concern that a recreation facility (indoors) may have sufficient noise and vibration impacts on neighbour amenity as to require a merit assessment.
Projecting wall signs	Commercial and Industrial Alterations Code	Amend clause 5.14 to insert a minimum height of 2.6m above footways as an additional development standard that must be met	At present there is no height limit for projecting wall signs above public roads (including footpaths). This amendment will impose a new standard that requires development to also comply with a height limit before it can be carried out as complying development. This is consistent with development controls for exempt development, and will help to minimise safety and amenity impacts.
Warehouse or distribution centres	Commercial and Industrial (New Buildings and Additions) Code	Amend clause 5A.4 to apply subclauses (b) and (c) to a warehouse or distribution centre.	This amendment allows additions or external alterations to an existing building used for the purpose of a warehouse or distribution centre to be

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			carried out under the Commercial and Industrial Code.
Contamination from demolition	Demolition Code	Amend clause 7.2(1) to clarify that demolition which poses a risk of contamination, it is not development for the purposes of this Code.	This amendment will ensure that if demolition carries a risk of contamination, it cannot be carried out as complying development.
Wall on an adjoining lot	Demolition Code	Amend clause 7.2(2) to clarify that a professional engineer's report is required where the development involves the demolition or removal of a wall to a boundary that has a wall on an adjoining lot which is less than 900m from the boundary.	This amendment will clarify that where demolition of a wall near a side or rear boundary is adjacent to a wall on an adjoining lot within 900mm of the boundary, a professional engineer's report is required that details any necessary method of maintaining support.
Demolition	Demolition Code	Amend clause 7.1(1)(a) from a 'dwelling' to a 'dwelling house or secondary dwelling'.	This amendment will clarify policy intent that the demolition code only allows for the demolition of dwelling houses and secondary dwellings.
Demolition	Demolition Code	<p>Add a note to clause 7.2(4) that where a swimming pool has been removed, the fill used for the site must be:</p> <ul style="list-style-type: none"> <li>- clean fill or virgin excavated natural material as defined in Part 3 of Schedule 1 of the Protection of the Environment Operations Act 1997</li> <li>- compacted consistent with the applicable guidelines for specification and testing of earthworks of the Australian Geomechanics Society (NSW) and Australian Standard AS 1289.0-2000.</li> </ul>	This amendment will ensure that where a pool is demolished, appropriate measures will be taken to ensure that the fill used for the site is not contaminated and properly compacted.



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Contamination discovered during works	Schedules 6, 8, 9	Insert a contamination condition into Schedules 6, 8 and 9 that provides that all works must be stopped immediately and the Environment Protection Authority and council notified if the land is found to be contaminated in the course of works.	This amendment will require works to stop where it is discovered that the land on which work is being carried out is contaminated. Notice of the contamination must also be given to the Environment Protection Authority and council.
Demolition	Schedule 9 Part 2	Amend Schedule 9, Part 2, Subclause 8 – Fill for the purposes of demolition must contain only virgin excavated natural material as defined in Part 3 of Schedule 1 of the Protection of the Environment Operations Act 1997.	This amendment will clarify that fill brought to the site for the purposes of the Demolition Code must only contain VENM fill. This is consistent with conditions relating to fill for other Codes.