



*Scone Shire Council*  
Development Control Plan for  
Exempt & Complying Development

*Adopted by Scone Shire Council at its meeting on 22 March 1999*

**Scone Shire Council**  
**Development Control Plan for Exempt**  
**and Complying Development**

**1.1 What is this Plan?**

This Development Control Plan (DCP) has been prepared in accordance with Section 72 of the Environmental Planning and Assessment Act, 1979 (as amended) and the Environmental Planning and Assessment Regulation, 1980.

The DCP is called the Scone Shire Council Development Control Plan for Exempt and Complying Development. This DCP has been adopted by Council at its meeting on 22 / 3 / 1999 in accordance with Clause 20 of the Environmental Planning and Assessment Regulation, 1994.

**1.2 Where does this DCP apply?**

The DCP applies to all land within the Scone Shire Council Local Government Area except any land that is classified as

- Critical habitat (under the *Threatened Species Conservation Act 1995*) or
- Part of any wilderness area (under the *Wilderness Act 1987*)
- Containing an Aboriginal place under the National Parks and Wildlife Act, 1974,
- Being within any area designated as flood liable or flood prone under the Scone Local Environmental Plan 1986.
- Being within the Conservation Area
- Containing an item of environmental heritage listed in the Scone Local Environmental Plan 1986 and / or subject to an order under the Heritage Act, 1977
- Being within a Mines Subsidence Area

**1.3 What does this DCP aim to do?**

This DCP aims to:

- (a) Satisfy the requirements of the Environmental Planning and Assessment Act, 1979 (as amended) in respect of Exempt and Complying Development as they apply to the Scone Shire Local Government Area

- (b) Provide clear guidelines for the smooth implementation of the exempt and complying aspects of the legislation
- (c) Satisfy the intent of the amendments to the legislation by providing the procedures to reduce delays for the approval of minor development, which is considered to have minimal environmental impact.

**1.3 What types of development does this DCP apply to?**

This DCP identifies a range of development activities that are considered to have minimal environmental impact.

Development classified as “Exempt” will be able to proceed without the need to obtain development consent. Development that is classified as being “Complying” will be able to proceed more efficiently through the approval process.

Complying development must satisfy specific criteria established within this DCP. Complying development will be able to be approved by Council or Accredited Certifiers.

**1.4 How does this Policy relate to other legislation and regulations?**

This policy should be read in conjunction with the relevant provisions of the Environmental Planning and Assessment Act, 1979 and the Scone Local Environmental Plan 1986.

**2.0 What is Exempt Development?**

Exempt development is listed in Schedule 1. It may be carried out without the need for development consent and without an assessment of the likely environmental impact of the development (required under Part 5 of the Environmental Planning and Assessment Act, 1979 for other development identified in an environmental planning instrument as development without consent).

Any person who is exempt from the requirement to obtain Council approval to carry out an activity, must still however comply with the performance

standards prescribed for that activity in the Local Government Act 1993 and regulations including the Approvals Regulation and the Building Code of Australia.

### **2.1 Are there any requirements for exempt development?**

- 1) Structures or activities which do not require approval must be constructed of new materials, be sympathetic to the neighbourhood and carried out in a tradesperson like manner.
- 2) This policy does not affect a person's obligations under any relevant restrictive covenant or development control plans.

### **3.0 What is Complying Development?**

Schedule 2 lists the types of development that has been classified as "complying development". They are developments, which are considered to have only minor environmental significance.

Either Council or an accredited certifier can approve applications for complying development. It is anticipated that such applications will be approved within seven (7) days of being submitted to the approval authority.

### **3.2 Are there any requirements for complying development?**

Development can only be classified as complying development if it satisfies all of the relevant criteria listed in Schedule 2. If any aspect cannot be met, the application must be submitted to Council for approval (i.e. not an accredited certifier). The application will then be classified as "local development" and dealt with on its individual merit.

Complying development may only be carried out if a complying development certificate is obtained.

Note: The certificate may be obtained in seven (7) days from either the Council or an accredited certifier.

### **3.1 What does it mean to be complying development?**

Applications which are complying development will not be advertised and adjoining owners will not be notified until two (2) days before the construction commences.

Council or an accredited certifier cannot refuse to issue a complying development certificate if the proposed development complies with the requirements of Schedule 2.

There is no right of appeal against a determination or a failure or a refusal to determine a complying development certificate by Council or and accredited certifier.

### **4.0 Dictionary**

For the purpose of this DCP, the following terms and or abbreviations have been adopted:

*Accredited Certifier* means a person who is accredited by an accreditation body in accordance with the requirements of the Environmental Planning and Assessment Act, 1979 (as amended). An accredited certifier is able to approve applications for complying development.

*BCA* Building Code of Australia

*SAA* Standards Association of Australia

*NatHERS* National House Energy Rating Scheme

### **5.0 Need help?**

The staff in the Environmental Services section of Council are most willing to provide any assistance needed in respect of this plan, either at the counter or by telephone. Please do not hesitate to call in to the office or call (02) 6540 1136, 8.30 am – 4.30 pm.

## Schedule 1

# EXEMPT DEVELOPMENT

### GENERAL PROVISIONS

A person is allowed to carry out an activity specified in the following table without requiring prior approval of Council. This policy does not prevent such a person applying for approval to carry out an exempted activity specified in this Table.

It is a condition of exemption that the person carrying out an activity specified in the Part must comply with the relevant exemption circumstances/requirements listed below and the performance standards and the deemed to satisfy provisions of the Building Code of Australia ("BCA"). Exempt development must not contravene any condition of development consent applying to the land.

Structures or activities which do not require approval must be constructed of new materials unless otherwise specified in this following exemption provisions. The following exemption provisions do not apply to buildings or structures proposed to be erected over an existing sewer main or within 1 metre from any easement.

Refer to Schedule 4 for details of front and side boundary setback requirements.

Note: The carrying out of exempt development should be differentiated from the carrying out of development which does not require consent eg: agriculture in a rural zone. Development which does not require consent may still require assessment under Part V of the Environmental Planning and Assessment Act, 1979.

Type of Activity	Where no exemption applies	Circumstances where exempt	Advisory Note
Access ramps for the disabled	Within front or side boundary setbacks other than for dwelling (house or units) with direct ground floor access	<ol style="list-style-type: none"><li>i. Maximum height of 1 metre above ground level</li><li>ii. Maximum grade 1:14 and otherwise complies with AS 1428.1</li><li>iii. Structurally adequate construction</li><li>iv. No impact on existing approved landscaping or carparking provision</li><li>v. Located at rear of building and / or complies with side and frontage setback requirements</li></ol>	
Aerials/Antenna/ Microwave Antennae (not including satellite dishes dealt with as separate provisions)		<ol style="list-style-type: none"><li>i. Domestic television roof or wall mounted not exceeding 3.6 metres above roof ridge height.</li><li>ii. Must be structurally adequate.</li><li>iii. Installation by suitably qualified persons.</li><li>iv. Not to encroach over property boundaries.</li></ol>	

Type of Activity	Where no exemption applies	Circumstances where exempt	Advisory Note
below)		v. Only one per dwelling.	
Air conditioning units for dwellings (attached to external wall or ground mounted)	Non-residential premises	i. Located a minimum of 3 metres off any property boundary. ii. Noise level not to exceed 5dbA above ambient background noise level measured at the property boundary/wall of the dwelling on adjoining properties. iii. Not on the front façade of the dwelling. iv. The building work must not reduce the structural integrity of the building. v. Any opening created is to be adequately weatherproofed.	Refer to Noise Control Act.
Automatic teller machines (ATM)		i. Wholly enclosed within an arcade or shopping mall. If facing a public footpath or street, the ATM shall provide capacity for queuing and not hinder free movement of pedestrians. ii. It shall be: - attached to the wall of a building; - appropriately lit; - include a bin with adequate capacity to discourage littering.	The area surrounding an ATM should be kept clear of litter derived from its use.
Awnings and canopies		i. Maximum area 10m <sup>2</sup> . ii. Located wholly within the property boundaries and complies with the minimum side and front boundary setback requirements iii. Not structural alterations.	
Barbecues		i. Where the structure is located behind the building line (see schedule 3 of policy). ii. Maximum area involved 10m <sup>2</sup> .	
Bird Aviaries		i. Where the structure is located behind the building line (see schedule 3 of policy). ii. Maximum area involved 10m <sup>2</sup> – height 2.4 metres.	

Type of Activity	Where no exemption applies	Circumstances where exempt	Advisory Note
Business Sign		<ul style="list-style-type: none"> <li>i. Area not greater than 1m<sup>2</sup></li> <li>ii. Located wholly within the boundaries</li> <li>iii. Contains only: <ul style="list-style-type: none"> <li>a) a reference to the identification or description of the place or premises;</li> <li>b) a reference to the identification or description of any person residing or carrying on an occupation at the place or premises;</li> <li>c) particulars of any occupation carried on at the place or premises;</li> <li>such directions or cautions as are usual or necessary relating to the place or premises or any occupation carried on there;</li> <li>d) particulars or notifications required or permitted to be displayed by or under any State or Commonwealth Act;</li> <li>e) particulars relating to the goods, commodities or services dealt with or provided at the place or premises;</li> <li>f) a notice that the place or premises is or are for sale or letting together with particulars of the sale or letting;</li> <li>g) particulars of any activities held or to be held at the place or premises; or</li> <li>h) a reference to an affiliation with a trade, professional or other association relevant to the business conducted at the place or premises</li> </ul> </li> </ul>	
Cabanas/Gazebos and Green Houses		<ul style="list-style-type: none"> <li>i. Where the structure is located behind the building line and complies with the minimum side and front boundary setback requirements</li> <li>ii. Maximum area involved 10m<sup>2</sup> – height 2.4 metres.</li> <li>iii. Minimum 900mm side boundary setback.</li> </ul>	
Charity bins and recycling bins	Rural and residential areas	<ul style="list-style-type: none"> <li>i. No more than 3 bins in any one location.</li> <li>ii. Area must be kept clear and tidy at all times.</li> <li>iii. No impact on existing approved landscaping or carparking provisions.</li> </ul>	Registered charity or organisation only.  Adequate public liability insurance.
Clothes Hoists and Lines		<ul style="list-style-type: none"> <li>i. Installed to manufacturer's specifications.</li> <li>ii. Complies with the minimum side and front boundary setback requirements.</li> <li>iii. Located at rear or side of dwelling.</li> </ul>	

Type of Activity	Where no exemption applies	Circumstances where exempt	Advisory Note
Cubby Houses and Playground equipment		<ul style="list-style-type: none"> <li>i. Where the structure complies with the minimum side and front boundary setback requirements</li> <li>ii. Maximum area of 10m<sup>2</sup>.</li> <li>iii. Maximum height of 2.1 metres.</li> </ul>	Not be located where there may be conflicts such as near swimming pools, power lines etc.
Decks		<ul style="list-style-type: none"> <li>i. Maximum area 10m<sup>2</sup>.</li> <li>ii. Maximum width 1.5 metres.</li> <li>iii. Finished surface level not greater than 1 metre above existing ground level.</li> <li>iv. Minimum 900mm side boundary setback.</li> <li>v. Decks to be of non-combustible material in fire prone areas.</li> </ul>	<p>Roofing of deck requires approval.</p> <p>You should contact Council to determine if your property is in a fire prone area.</p>
Dog Kennels		<ul style="list-style-type: none"> <li>i. Where the structure is located behind the building line (see schedule 3 of policy).</li> <li>ii. Maximum area involved 10m<sup>2</sup> – height 2.4 metres.</li> </ul>	
Fences, Screen Walls and Courtyard Walls		<ul style="list-style-type: none"> <li>i. Compliance with Council's Code for the Erection of Fences, Screen Walls and Courtyard Walls" 1995.</li> </ul>	<p>These requirements do not set aside the provisions of the Dividing Fences Act.</p> <p>You are advised to talk to your neighbour at an early stage and consult the Dividing Fences Act if required.</p> <p>All fences are to be constructed so that they do not prevent the natural flow of stormwater drainage.</p> <p>Council requires the use of satisfactory materials.</p> <p>Decorative panels may be used, but the design, location and fixing of such is subject to approval by Council.</p>

Type of Activity	Where no exemption applies	Circumstances where exempt	Advisory Note
			<p>These requirements do not relate to the Swimming Pool Act 1992.</p> <p>Council's fencing code can be obtained on request from the Environmental Services Department.</p>
Flag Poles		<ul style="list-style-type: none"> <li>i. Maximum height 6 metres above ground level.</li> <li>ii. Must be structurally adequate.</li> </ul>	<p>If flagpoles are to project over a public road they must comply with Clause 109 of the Approvals regulation.</p>
Fowl Houses	Industrial and commercial	<ul style="list-style-type: none"> <li>i. Maximum area of 50m<sup>2</sup>. (Rural) 10m<sup>2</sup> (Residential)</li> <li>ii. Not more than 1 per property.</li> <li>iii. Maximum height of 3 metres. (Rural) 2m<sup>2</sup> (Residential)</li> <li>iv. Minimum setback of 4.5 metres from side boundary and not in front of the building line of any dwelling.</li> <li>v. Materials used must blend with the environment and be non-reflective.</li> <li>vi. Adequate drainage to be provided.</li> <li>vii. Design of structure to enable disposal of manure and wastewater to be carried in a manner that does not harm or pollute the local or downstream environment.</li> <li>viii. Design of structure to mitigate the effects of any noxious smell on the locality.</li> <li>ix. Complies with Schedule 5 Division 2 of the Local Government (Orders) Regulation 1993 (Standards for Keeping of Birds or Animals – Keeping of Poultry) and Council's Local Orders Policy for the Keeping of Animals and Birds in Scone Shire</li> <li>x. The floors of poultry houses must be paved with concrete or mineral asphalt underneath the roosts or perches.</li> </ul>	<p>Consideration should be given to the potential impact on adjoining properties.</p> <p>When constructed, the pens shall be regularly cleaned and maintained.</p>
Fuel Tanks	Non-rural zones Properties less than 2 hectares in area	<ul style="list-style-type: none"> <li>i. Maximum size of 5,000 litres.</li> <li>ii. Bunded with capacity to contain at least 110% of the capacity of the fuel tank.</li> <li>iii. Constructed of prefabricated metal freestanding and not relying on other structures for support.</li> </ul>	

Type of Activity	Where no exemption applies	Circumstances where exempt	Advisory Note
		<ul style="list-style-type: none"> <li>iv. Constructed in accordance with manufacturer's specification.</li> <li>v. Operated and maintained in accordance with AS1940 (SAA Flammable and Combustible Liquid Code).</li> <li>vi. Not erected within 20 metres of a street boundary or within 4 metres of a side or rear boundary.</li> <li>vii. Wholly within the boundaries of the property and not to encroach on any registered easements.</li> <li>viii. Clearance from power lines in accordance with the requirements of Energy Australia.</li> <li>ix. Conforms with the Dangerous Goods Act 1975 in particular, Dangerous Goods Stamping.</li> </ul>	
Garden Sheds		<ul style="list-style-type: none"> <li>i. Rear yard only.</li> <li>ii. Complies with the minimum side and front boundary setback requirements including secondary building line on corner</li> <li>iii. Maximum floor area 10m<sup>2</sup>.</li> <li>iv. Maximum height of 2.1 metres.</li> <li>v. Minimum 900mm from side boundary.</li> <li>vi. Free standing prefabricated metal "kit" type shed.</li> <li>vii. No more than 1 other shed on the allotment.</li> </ul>	
Hail Protection Covers	Zones other than 1(a) – Rural	<ul style="list-style-type: none"> <li>i. In 1(a) zone where ancillary to agricultural use and consisting of light construction, eg poles, wire and mesh.</li> </ul>	Requires approval in all other zones and in 1(a) zone where more substantial construction is proposed.
Home Industry		<p>Carried on in a building (other than a dwelling-house or a dwelling in a residential flat building) under the following circumstances:</p> <p>(a) the building does not occupy a floor space exceeding 50 square metres and is erected within the curtilage of the dwelling-house or residential flat building occupied by the person carrying on the industry or on adjoining land owned by that person; and</p> <p>(b) the industry does not:</p> <ul style="list-style-type: none"> <li>(i) interfere with the amenity of the locality by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products or grit, oil or otherwise;</li> <li>(ii) involve exposure to view from any adjacent premises or from</li> </ul>	

Type of Activity	Where no exemption applies	Circumstances where exempt	Advisory Note
		any public place of any unsightly matter; or (iii) require the provision of any essential service main of a greater capacity than that available in the locality;	
Home Occupation		Carried on in a dwelling-house or in a dwelling in a residential flat building by the permanent residents of the dwelling-house or dwelling which does not involve: (a)the registration of the building under the Factories, Shops and Industries Act 1962; (b)the employment of persons other than those residents; (c)interference with the amenity of the neighbourhood by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products or grit, oil or otherwise; (d)the display of goods, whether in a window or otherwise; (e)the exhibition of any notice, advertisement or sign (other than a notice, advertisement or sign exhibited on that dwelling-house or dwelling to indicate the name and occupation of the resident); or (f) the sale of items (whether goods or materials) or the exposure or offer for sale of items, by retail;	
Horse Stables	Non rural zones with lot size less than 4000m <sup>2</sup>	<ul style="list-style-type: none"> <li>i. Where the stables are located behind the building line and at least 900mm from any property boundary.</li> <li>ii. Minimum 9 metres from any dwelling, schools, or other premises specified in Clause 6(2) of the Local Government (Orders) regulation 1993.</li> <li>iii. No habitable rooms attached.</li> <li>iv. Maximum area 200m<sup>2</sup>.</li> <li>iv. Minimum 100 metres from street frontage.</li> <li>v. Floors of stables must be paved with concrete or mineral asphalt or other equally impervious material and must be properly graded to drain.</li> </ul>	
Machinery/Hay Sheds	Non rural zones, and 1(c) Rural-Residential, 7(a) Environmental Protection	<ul style="list-style-type: none"> <li>i. Where the shed is located behind the building line (see schedule 3 of policy).</li> <li>ii. Minimum 10 metres from side boundaries of adjoining properties.</li> <li>iii. Maximum size area 200m<sup>2</sup>.</li> </ul>	Development approval required for more than one shed.  Applies only if there are no other

Type of Activity	Where no exemption applies	Circumstances where exempt	Advisory Note
		<ul style="list-style-type: none"> <li>iv. Maximum height 7.5 metres.</li> <li>vi. Less than 100 metres from frontage – zincalume or galvanised metal cladding not used.</li> <li>vii. One shed per property only.</li> </ul>	<p>machinery/hay sheds on the land.</p>
<p>Minor Internal Alterations to domestic single dwellings</p>		<ul style="list-style-type: none"> <li>i. Non-structural work only such as: <ul style="list-style-type: none"> <li>- Replacement of doors, walls, ceiling or floor linings; or deteriorated frame members with equivalent of improved quality materials.</li> <li>- Renovations of bathrooms, kitchens, inclusion of built-in fixtures such as vanity cupboards and wardrobes.</li> </ul> </li> <li>ii. Applies only to alterations or renovations to previously completed buildings.</li> <li>iii. Work not to include changes to the configuration of rooms whether by removal of existing walls, partitions or by other means.</li> <li>iv. Work not to cause reduced window arrangements for light and ventilation needs, reduced doorways for egress purposes or involves enclosure of open areas.</li> <li>v. Plumbing, draining and electrical work to be carried out by licensed tradespersons.</li> </ul>	<p>The alteration should not effect the structural strength and stability of the building. For example, internal walls that resist loads such as wind forces often strengthen external walls.</p> <p>The removal of internal walls without considering overall strength and stability may result in the failure of external walls.</p> <p>Examples of minor alterations include – new door, bathroom renovations, kitchen renovations etc.</p> <p>You are advised to consult a structural engineer, architect or building surveyor before commencing alterations to ensure you comply with the Building Code of Australia and will not affect the structural sufficiency and stability of the building.</p> <p>Any work involving asbestos cement should comply with the Workcover Authority Guidelines for Practices Involving Asbestos Cement in Buildings.</p> <p>Any work involving lead paint removal must not cause lead contamination of air or ground.</p>
<p>Minor external repairs to non structural</p>		<ul style="list-style-type: none"> <li>i. Where work is the same as existing.</li> <li>ii. Replacement in residential premises with materials that comply</li> </ul>	<p>You are advised to consult a structural engineer, architect or building surveyor to</p>

Type of Activity	Where no exemption applies	Circumstances where exempt	Advisory Note
portions of existing buildings which have become dilapidated including recladding of external and roof materials		with: - AS1288; and - AS2208 Safety Glazing Materials for Use in Building (Human Impact considerations). iii. No reduction in the area provided for light and ventilation is permitted and structural support members in the wall concerned cannot be removed.	<p>ensure alterations will comply with the Building Code of Australia and structural support will not be affected. You should particularly consult one of those professionals or a recognised glazier to ensure the appropriate quality of glazing is selected for the window or doorway concerned, especially as to whether safety glass is required and installed.</p> <p>Any works involving asbestos cement must comply with the Workcover Authority Guidelines for Practices Involving Asbestos in Buildings.</p> <p>Any work involving lead paint removal must not cause lead contamination of air or ground.</p>
Park and street furniture, seats, bins, picnic tables, minor shelters		i. Construction by or for Council and designed, fabricated and installed in accordance with relevant SAA standards and/or Building Code of Australia.	
Patos		i. Maximum area 10m <sup>2</sup> . ii. Maximum width 1.5 metres. iii. Finished surface level not greater than 1 metre above existing ground level. iv. Minimum 900mm side boundary setback.	Roofing of patio requires approval.
Pergola		i. Maximum area 20m <sup>2</sup> . ii. Maximum height 2.4 metres. iii. Behind the building line (see Clause 3.5 of Policy). iv. If attached to dwelling 900mm minimum from side boundary. v. If detached more than 900mm from dwelling, to be sited 500mm minimum from boundary.	Roofed or enclosed pergolas require approval.

Type of Activity	Where no exemption applies	Circumstances where exempt	Advisory Note
		<ul style="list-style-type: none"> <li>vi. No solid roof cover – shadecloth only.</li> <li>vii. Sides not to be enclosed.</li> </ul>	
Playground equipment on land classified as community land	On land other than community land	<ul style="list-style-type: none"> <li>i. Construction by or for Council and designed, fabricated and installed in accordance with AS1924, AS2155 and DR94007-DR94010.</li> </ul>	“Community Land” is a classification under the Local Government Act 1993.
Public meetings	Other than in Class 9b buildings	<ul style="list-style-type: none"> <li>i. Within Class 9b buildings</li> </ul>	
Public entertainment	Other than the temporary change of use of an existing building	<ul style="list-style-type: none"> <li>1) Temporary change of use of an existing building to a place of public entertainment subject to the following <ul style="list-style-type: none"> <li>i) Council has approved the use for public entertainment</li> <li>ii) Council’s approval has effect for a period not exceeding 72 hours or longer (not exceeding 7 days) as determined by Council:</li> </ul> </li> </ul>	
Retaining walls		<ul style="list-style-type: none"> <li>i. Maximum 750mm above or below natural ground level.</li> <li>ii. 450mm minimum from side boundaries.</li> <li>iii. Moisture barrier; agricultural drainage connected to approved stormwater drainage system to be provided.</li> <li>iv. Masonry walls to comply with: <ul style="list-style-type: none"> <li>AS3700 – Masonry Code</li> <li>AS3600 – Concrete Structures</li> <li>AS1170 – Loading Code</li> </ul> </li> <li>v. Timber walls to comply with: <ul style="list-style-type: none"> <li>AS1720 – Timber Structures</li> <li>AS1170 – Loading Code</li> </ul> </li> <li>vi. All retaining walls are to be constructed so that they do not prevent the natural flow of stormwater drainage.</li> </ul>	
Satellite dishes		<ul style="list-style-type: none"> <li>i. For domestic use only.</li> <li>ii. Dish not to exceed 1 metre in diameter excluding any projecting feed element for residential zones.</li> </ul>	Satellite dishes (non-domestic) require development consent under Scone Local Environmental Plan.

Type of Activity	Where no exemption applies	Circumstances where exempt	Advisory Note
		<ul style="list-style-type: none"> <li>iii. Maximum height above ground level 2.4 metres.</li> <li>iv. Installation by suitably qualified persons.</li> <li>v. Behind the building line (see Clause 3.5 of Policy).</li> <li>vi. Dish not to be mounted on the façade or roof of a building at the frontage to a public road or within building setback of such road.</li> </ul>	
Shade Structures		<ul style="list-style-type: none"> <li>i. Installed to manufacturer's specifications and requirements.</li> <li>ii. Maximum height of support pole not exceeding 4 metres. Average height of structure not exceeding 3 metres.</li> <li>iii. Maximum area not exceeding 40 square metres for residential properties and childcare centres in residential zones. Maximum area not exceeding 60 square metres in other circumstances except 1(a) zone where the structure is ancillary to the agricultural use of the land.</li> <li>iv. Located behind the dwelling or building.</li> <li>v. Minimum setback of 900mm to side and rear boundaries in residential zones. Minimum setback of 5 metres to side and rear boundaries in rural, and scenic protection zones.</li> <li>vi. Behind any Building Line.</li> <li>vii. In 1(a) zone where ancillary to agricultural use.</li> </ul>	<p>The fabric is properly tensioned to accommodate prevailing windloads, prevent wind-generated noise and to facilitate drainage.</p> <p>The view from neighbouring properties should be considered. See Hail Protection Covers.</p>
Silos	Non rural and rural residential	<ul style="list-style-type: none"> <li>i. Maximum size (by capacity mass) of 120 tonnes.</li> <li>ii. Constructed of prefabricated metal.</li> <li>iii. Freestanding and not relying on other structures for support and erected in accordance with the manufacturer's specification and/or engineer's certification.</li> <li>iv. Minimum setback to property boundary being equivalent to the height of the silo plus 1 metre.</li> <li>v. To be located behind the building line and not in front of the dwelling.</li> <li>vi. Not to encroach on any registered easements.</li> <li>vii. Clearance from power lines to be in accordance with the requirements of the relevant electricity authority.</li> </ul>	
Street signs comprising name		<ul style="list-style-type: none"> <li>i. Construction by or for Council.</li> <li>ii. Must be structurally sound.</li> </ul>	

Type of Activity	Where no exemption applies	Circumstances where exempt	Advisory Note
plates, directional signs and advance traffic warning signs		iii. To be designed, fabricated and installed in accordance with relevant SAA standards.	
Water heaters (excluding solar systems)		i. Located in rear or side yard. ii. If visible from street, screening is required. iii. Not reduce the structural integrity of the building or involve any structural alterations. iv. Installations to be carried out by a licensed person.	
Water tanks	Zones other than Rural, Village and Residential.  Other than for provision of potable and / or bush fire water supplies.	i. Residential zones: - Maximum capacity 4500 litres. - Minimum setback 900mm to side and rear boundaries. - Maximum height 2.4 metres (including tank and stand). - Behind the building line and not in front of the dwelling. - Noise from pumps not to exceed 5dbA at the wall of a dwelling on any adjoining property.  ii. Village and Rural zones: - Maximum capacity 100,000 litres. - Minimum setback 5 metres to side and rear boundaries. - Maximum height 2.4 metres. - Installation must be to Manufacturer's instructions. - Located behind the building line. - Noise from pumps not to exceed 5dbA at the wall of a dwelling on any adjoining property.	You should consult a structural engineer to ensure structural stability.  The tank and any stand to be installed in accordance with manufacturer's specifications.  For further advice refer to Department of Local Government Circular No. 95/73 – Information and Guidance Regarding Installation of Rainwater Tanks as a Domestic Water Conservation Resource in Urban Situations.  Council Policy requires the provision of a minimum 100,000 litres of potable water storage to village and rural dwellings that do not have reticulated water. A minimum 20,000 litres must be available for fire fighting purposes and provided with a 38mm fitting for connection to fire fighting equipment.
Windmills	Non-rural zones	i. Sited wholly within the boundaries of the property and not to encroach onto any registered easement. ii. Freestanding and not relying on other structures for support. iii. Clearance from the power lines in accordance with the	

Type of Activity	Where no exemption applies	Circumstances where exempt	Advisory Note
		requirements of the relevant electricity authority. iv. Installed in accordance with the manufacturer's specifications. v. Built in accordance with engineer's certification for the structure and footings. vi. Not to encroach into any registered easement. vii. Maximum height 8 metres.	
Windows, glazed areas and external doors	Heritage building as defined in Section 142 of the Local Government Act 1993	i. Replacement in residential premises with materials that comply with: AS1288 Glass in Buildings – Selection and Installation; and AS2208 Safety Glazing Materials for Use in Buildings (Human Impact Considerations). ii. No reduction in the area provided for light and ventilation. iii. No removal of structural support members in affected walls.	<p>Consult a structural engineer, architect or building surveyor to ensure alterations will comply with the Building Code of Australia and structural support will not be affected.</p> <p>Also ensure the appropriate quality of glass and glazing is used for the window or doorway concerned, especially as to whether safety glass is required.</p> <p>The Workcover Authority has advised that,            Care should be taken in work involving the removal of lead paint to avoid contamination. The Authority's "Guidelines for Practices Involving Asbestos Cement" should be referred to for any work involving asbestos cement.</p>
<b>Demolition</b>			
Demolitions (excluding heritage buildings as defined in S142 of the Local Government Act 1993)		<p>Approval is not required where Council has consented to demolition as a condition of development approval or an order to demolish has been served by Council; or</p> <p>Approval is not required for demolition of any building in a category under this policy for which approval to erect that building would not be necessary (whether erected before or after this policy took effect); or</p>	<p>Any works involving asbestos cement must comply with Workcover Authority Guidelines for Practices Involving Asbestos in Buildings.</p> <p>Any work involving lead paint removal must not cause lead contamination to air</p>

Type of Activity	Where no exemption applies	Circumstances where exempt	Advisory Note
		<p>Approval is not required for buildings:-</p> <ol style="list-style-type: none"> <li>a. not greater than one storey in height.</li> <li>b. 3 metres minimum from side boundaries.</li> <li>i. Compliance with Australian Standard AS2601 – 1991 “The Demolition of Structures”.</li> <li>ii. If less than 7.5 metres from the street an “A” class hoarding to be provided.</li> </ol> <p>All buildings not listed under the following Planning instruments:-</p> <ul style="list-style-type: none"> <li>• Schedule 4 Scone LEP (1986)</li> <li>• Schedules 1, 2, 3 and 4 Hunter Regional Environmental (Heritage) Plan 1989.</li> <li>• Buildings located within Western Scone Urban Conservation Area.</li> </ul>	<p>or ground.</p>

**Schedule 2  
Complying Development**

Subject to Section 76A of Act, development listed in Schedule 2 is complying development, but only if

- a) it is a kind of development that would be allowed with development consent on the land on which it is proposed to be carried out if it were not complying development, whether because of the zoning of the land or otherwise,
- b) it is a kind of development which does not contravene any condition of consent applying to the land, and
- c) it is not proposed to be carried out on land that is classified as:
  - Critical habitat (under the *Threatened Species Conservation Act 1995*) or
  - Part of any wilderness area (under the *Wilderness Act 1987*)
  - Containing an Aboriginal place under the National Parks and Wildlife Act, 1974,
  - Being within any area designated as flood liable or flood prone under the Scone Local Environmental Plan 1986
  - Being within the Conservation Area
  - Containing an item of environmental heritage listed in the Scone Local Environmental Plan 1986 and / or subject to an order under the Heritage Act, 1977
  - Being within a Mines Subsidence Area
  - Being subject to erosion or acid sulphate soils
  - Previously being used as a service station, for intensive agriculture, mining or extractive industries, sheep or cattle dips or for the manufacture of chemicals
- d) it complies with the deemed to satisfy provisions of the Building Code of Australia
- e) it will achieve the relevant outcomes listed for the proposed development
- f) a complying development certificate issued for any such development is to be subject to the conditions specified in Schedule 4

Use	Requirement	Outcome
<p><b>Houses and Extensions (Residential zones)</b></p> <ul style="list-style-type: none"> <li>• Detached single storey dwellings</li> <li>• Single storey alterations and additions to detached single storey dwellings</li> <li>• Carports and garages associated with detached single storey dwellings</li> <li>• Development ancillary or incidental to detached single storey dwellings</li> </ul>		<p><b>General</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Premises located within a residential landuse zone</li> <li><input type="checkbox"/> Minimum size lot of 650 m<sup>2</sup></li> <li><input type="checkbox"/> Premises must be connected to a reticulated sewerage system</li> <li><input type="checkbox"/> The height of any cut or fill does not exceed 750mm or combination of cut and fill does not exceed 1.5 metres.</li> <li><input type="checkbox"/> The proposal does not result in more than one dwelling or occupancy on the property.</li> <li><input type="checkbox"/> The aggregate area of all associated buildings is not to exceed two thirds of the area of the site</li> </ul>

Use	Requirement	Outcome
		<p><b>Streetscape</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Any part of the structure           <ol style="list-style-type: none"> <li>1. Complies with any building line specified in Schedule 3</li> <li>2. Complies with any restrictions placed on the title of the land</li> <li>3. Materials to be used in the construction comply with any restrictions placed on the land by Council or private covenant</li> </ol> </li> <li><input type="checkbox"/> Dwellings facing public streets and accessways have a front door or window to a habitable room facing the street</li> <li><input type="checkbox"/> Carports and garages facing a public street or accessway are no more than 6 metres or 50 % of the frontage wide whichever is the lesser</li> <li><input type="checkbox"/> Fencing complies with Council's Fencing Code</li> </ul> <p><b>Energy Efficiency</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> The dwelling has at least a 3.5 star rating under the SEDA scorecard or the National House Energy Rating Scheme (NatHERS)</li> </ul> <p><b>Bulk and Scale</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> The ground floor level of the structure at any point is no more than 700mm above natural ground level</li> <li><input type="checkbox"/> The distance between the floor level and the underside of the eaves is no more than 2.7 metres</li> <li><input type="checkbox"/> The roof pitch is no more than 24 degrees and any openings are flush with the roof pitch.</li> <li><input type="checkbox"/> The adjoining property's main area of private open space or any habitable rooms are not in shadow between 10.00 am and 3.00 pm on 21 June as a result of the development</li> <li><input type="checkbox"/> The external wall of any structure is at least 900 mm from a side boundary</li> <li><input type="checkbox"/> The outside of any eaves and / or gutter is at least 675mm from a side or rear property boundary</li> <li><input type="checkbox"/> Carports, garages and outbuildings shall not exceed a maximum floor area of 40m<sup>2</sup></li> </ul> <p><b>Privacy and security</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Windows in a habitable room that allow an outlook to a window to a habitable room in the neighbours house that are within 9 metres:           <ol style="list-style-type: none"> <li>1. Are offset from the edge of one window to the edge of the other by a distance of 0.5</li> </ol> </li> </ul>

Use	Requirement	Outcome
		<p>meters, or</p> <ol style="list-style-type: none"> <li>2. Have sill heights of 1.5 metres above floor level, or</li> <li>3. Have fixed obscure glazing in any part of the window below 1.5 metres above floor level</li> </ol> <p><b>Open space and landscaping</b></p> <p><input type="checkbox"/> A maximum of 15 percent of the site can be a hard surface of which no more than one third of the front setback area is paved or sealed</p>
<b>Extensions to dwellings in rural, rural residential and village zones</b>	Existing approved dwelling	<p><input type="checkbox"/> Maximum extension of 50 % of the existing dwelling</p> <p><input type="checkbox"/> Low bushfire hazard area</p> <p><input type="checkbox"/> No additional loading to the onsite waste management system</p> <p><input type="checkbox"/> External cladding to be of low reflectivity and earth tone colours</p>
<b>Machinery Sheds and Rural Buildings in rural zones</b>	Ancillary use only	<p><input type="checkbox"/> Maximum floor area of 300m<sup>2</sup></p> <p><input type="checkbox"/> Maximum ridge height of 6m</p> <p><input type="checkbox"/> External cladding to be prepainted metal or other low reflectivity material</p> <p><input type="checkbox"/> Not to be used for residential, commercial or industrial purposes</p>
<b>Swimming Pools</b>	Ancillary to a dwelling for private use only and on lots over 650 square metres	<p><b>Streetscape</b></p> <p><input type="checkbox"/> The pool is not between the dwelling and the front boundary (excluding rural zones)</p> <p><b>Bulk and scale</b></p> <p><input type="checkbox"/> All coping or decking around the pool is no more than 500mm above the natural ground level</p> <p><input type="checkbox"/> The pool is at least 1.5 metres from the side and rear boundaries</p> <p><b>Privacy and security</b></p> <p><input type="checkbox"/> The noise level of any filtration equipment or pumps does not exceed 5dB(A) above the ambient background level measured at the property boundary</p>

Use	Requirement	Outcome
		<p><b>Open space and landscaping</b></p> <p><input type="checkbox"/> A minimum of 20 percent of the site must be soft landscaped, that is, not hard surfaces</p> <p><b>The Swimming Pool Act, 1992 &amp; Council's Code</b></p> <p><input type="checkbox"/> All aspects of the structure comply with the Swimming Pool Act and Regulations and Council's Swimming Pools and Safety Fencing Code.</p>
<b>Bed and Breakfast Establishments</b>	In an approved dwelling and operated by residents / s of such dwelling	Complies with Council's Code for the Conduct of Bed and Breakfast Establishments
<b>Temporary Buildings</b>	Complies with BCA	<ol style="list-style-type: none"> <li>1. The building shall be demolished or removed from the site within five (5) years</li> <li>2. The building shall not be erected by way of alteration, addition or extension to an existing building</li> <li>3. The building shall not be designed or used for residential purposes, for the storage of or handling of inflammable materials or, after the period specified above</li> </ol>
<p><b>Industrial Uses</b></p> <p>Change of use from an industry to a light industry</p> <p>Industrial and warehouse buildings, additions and alterations</p>	<p>Existing approved use</p> <p>With road access and on services land</p>	<p><b>Setbacks</b></p> <p><input type="checkbox"/> All parts of the structure comply with the setback specified in Schedule 3</p> <p><b>Floor space ratio</b></p> <p><input type="checkbox"/> The floor space ratio of the building is not more than 1:1</p> <p><b>Building Height</b></p> <p><input type="checkbox"/> The height of any walls is no more than 7.2 metres, excluding a parapet</p> <p><input type="checkbox"/> Parapets may extend a maximum of 1.2 metres above the intersection of the wall and the roof</p> <p><input type="checkbox"/> Roof pitch is no more than 10 degrees</p> <p><input type="checkbox"/> The site is not cut or filled greater than 500mm</p> <p><b>Drainage</b></p> <p><input type="checkbox"/> All roof and surface water is drained to the street and discharged to council's nearest</p>

Use	Requirement	Outcome
		<p>stormwater drainage system in the street</p> <p><input type="checkbox"/> The drainage system is designed for a 10 year return period, with excess flows designed to flow overland to the street</p> <p><b>Garbage and storage areas</b></p> <p><input type="checkbox"/> Garbage and storage areas are on site and behind the building line of the property</p> <p><b>Landscaping</b></p> <p><input type="checkbox"/> A landscaping strip of at least 3 metres to each street frontage is planted with canopy trees and shrubs with a maximum width of 7 metres for the driveway.</p> <p><input type="checkbox"/> Payment of the landscaping to Council's bond in accordance with the applicable policy at the time</p> <p><b>Car parking, loading and unloading</b></p> <p><input type="checkbox"/> Parking on site is provided for at least 1.3 spaces for each 100 metres of gross floor area, or 1 space for every 2 employees, whichever is the greater</p>
<p><b>Commercial Uses</b> Internal alterations</p>	<p>Excludes food related premises</p>	<p><input type="checkbox"/> internal fitouts to existing shops, offices or commercial premises, if the work does not increase the total floor area of the building</p>
<p><b>Subdivision</b></p>	<p>Falls within the definition of development in the Environmental Planning and Assessment Act, 1979</p>	<p><b>For the purpose of</b></p> <p><input type="checkbox"/> adjusting a boundary between lots that:</p> <ol style="list-style-type: none"> <li>1. does not result in an increased number of lots</li> <li>2. does not result in a variation of more than 10%, and</li> <li>3. the resultant lots satisfy minimum area requirements in Council's Local Environmental Plan (or other relevant legislation)</li> <li>4. the resultant location of buildings to boundaries complies with the Building Code of Australia and any Council and / or private covenant setback requirements</li> </ol> <p><input type="checkbox"/> correcting an encroachment on a lot</p>

**Schedule 3**

The following building lines apply

<i>Location</i>	<i>Frontage</i>	<i>Secondary<sup>(1)</sup></i>	<i>Side<sup>(2)</sup></i>	<i>Rear</i>
Urban Area (Scone & Aberdeen)	7.5m	4.5m		
Banksia Estate – Scone	7.5m	4.5m		
Satur I, II & III	9.0m	4.5m		
Satur IV Residential	9.0m	4.5m	1.0m	
Valley View – Aberdeen	9.0m	4.5m		
Shannon Close – Aberdeen	9.0m	4.5m		
Satur IV Rural Residential Less than 4,000m <sup>2</sup>	9.0m	4.5m	5m	
Satur IV Rural Residential Greater than 4,000m <sup>2</sup>	15.0m		10m	30m
Fig Tree Monty	10.0m	4.5m	3.0m	3.0m
Industrial Area	7.5m	3.0m		
Rural Area	18.0m			

## Schedule 4

### Complying Development Conditions

The following conditions are requirements under the Environmental Planning and Assessment Act, 1979 (as amended) for any person wishing to undertake complying development.

**1 Complying Development Certificate**

The development must be carried out in accordance with the complying development certificate

**Before you begin work**

2 Two days before any site works, building or demolitions begins, the applicant must

- forward Form 7 of the Regulation to Council (notice of commencement of work and appointment of Principal Certifying Authority)
- notify the adjoining owners that work will commence

3 Before any site works, building or demolition is started, the applicant or builder must

- notify council of the name, address, phone number and license number of the builder
- erect a sign at the front of the property with the builder's name, license number, site address and consent number
- provide a temporary on site toilet
- protect and support any neighbouring buildings
- protect any public place from obstruction or inconvenience of the carrying out of the consent
- prevent any substance from falling onto a public place
- follow any other conditions prescribed in the Environmental Planning and Assessment Act, 1979 Regulation

### Site Management

4 Install runoff and erosion controls 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, excavated material, construction and landscaping supplies and debris within the site

5 Removal of disturbance of vegetation and topsoil must be confined to within 3 metres of the approved building area.

### Drainage

6 The land surrounding any structure must be graded to divert surface water to the street and clear of existing and proposed structures and adjoining premises.

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 or disposed in a manner which will not create any additional nuisance to adjoining properties. Such alternative is to be approved by Council 's Manager Health and Building Services