



PLANNING MADE EASY

Report correct at:  
11/01/2021

# Complying Development Certificate Planning Rules Report

## Applicant

John Smith

## Address of Proposed Works

42 Muriel Street  
Porpoise Spit, NSW 9999

## Proposed Development Type

Housing Code - Single Storey Dwelling House

**PURSUANT TO CLAUSES 1.17-1.20 AND PART 3 OF STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES) 2008, THE PROPOSED DEVELOPMENT CAN BE COMPLYING DEVELOPMENT: AS THE REQUIREMENTS IN PART A HAVE BEEN MET, AND IF THE REQUIREMENTS IN PART B ARE MET:**

## PART A

The development does not require the concurrence of any NSW government authority.

The development is not on land containing critical habitat.

The development is not on land that is, or is part of, a wilderness area.

The development is not on land that—

- (i) comprises an item that is listed on the State Heritage Register under the Heritage Act 1977 or on which such an item is located, or
- (ii) is subject to an interim heritage order under that Act or on which is located an item that is so subject, or
- (iii) is identified as an item of environmental heritage or a heritage item by an environmental planning instrument or on which is located an item that is so identified.

The development is not on land that is within an environmentally sensitive area.

The development is not Exempt Development under State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.

The development is permissible, with consent, under an environmental planning instrument applying to the land.

The development will not require an environment protection licence within the meaning of the Protection of the Environment Operations Act 1997.

The development is not designated development.

*This report is based on information provided by the Department of Planning Industry and the Environment (DPIE) through the Planning Portal and Planify takes no responsibility for the accuracy of this information or any advice based on this information.*

The development will not be carried out on land that comprises, or on which there is, a draft heritage item.

The development does not require:

- an on-site effluent disposal system or
- an on-site stormwater drainage system.

The development is not located on land in a mine subsidence district.

The development is not on land within:

- Coonamble Shire
- Gilgandra Shire
- Warrumbungle Shire
- or that part of the local government area of Dubbo Regional that was formerly in the City of Dubbo;

The development is not on land within any 20-25 ANEF contours.

The development is not on land within a heritage conservation area or a draft heritage conservation area.

The development is not on land that is reserved for a public purpose by an environmental planning instrument.

The development is not on land identified on an Acid Sulfate Soils Map as being Class 1 or Class 2.

The development is not on land that is significantly contaminated land within the meaning of the Contaminated Land Management Act 1997.

The development is not on land subject to a biobanking agreement under Part 7A of the Threatened Species Conservation Act 1995 or a property vegetation plan approved under Part 4 of the Native Vegetation Act 2003.

The development is not on land that is subject to a private land conservation agreement under the Biodiversity Conservation Act 2016 or that is a set aside area under section 60ZC of the Local Land Services Act 2013.

The development is not on land that is identified by an environmental planning instrument as being:

- within a buffer area, or
- within a river front area, or
- within an ecologically sensitive area, or
- environmentally sensitive land, or
- within a protected area.

The development is not on land that is identified by an environmental planning instrument, a development control plan or a policy adopted by the council as being or affected by—

- a coastline hazard, or
- a coastal hazard, or
- a coastal erosion hazard.

The development is not on land in a foreshore area.

The development is not on land that is declared to be a special area under the Water NSW Act 2014.

The development is not on unsewered land.

The development is not on land described or otherwise identified on a map specified in Schedule 5 of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008

The development is not on land subject of any agreement, covenant, or other similar instrument on the title of the land.

- The development is on a lot with an area of greater than 200sqm.
- The development is on a lot with a width at the building line of at least 6m.
- The development is not on a battle-axe lot.
- The development is not on a corner lot.
- The development is not on bushfire prone land.
- The development is not on a flood control lot.

**PART B**

- The maximum building height is not higher than the 8.5m permitted.
- The maximum gross floor area is not higher than the 335sqm permitted.
- The site does not adjoin a classified road.

The minimum primary road setback is not less than the average of the two nearest dwellings within 40m of the site. Where the primary road setback is at least 3m, the following building elements are permitted to occupy up to 25% of the area between the minimum primary road setback and 1.5m closer to the primary road:

- (a) an entry feature or portico,
- (b) a balcony, deck, pergola, terrace or verandah,
- (c) a window box treatment,
- (d) a bay window or similar feature,
- (e) an awning or other feature over a window,
- (f) a sun shading feature,
- (g) an eave.

The following buildings must have a minimum setback from a side boundary as shown in the following table—

- (a) a dwelling house,
- (b) a carport or garage,
- (c) a balcony, deck, patio, pergola, terrace or verandah,
- (d) a cabana, cubby house, garden shed, gazebo, fernery, greenhouse or shed.

Lot width at the building line	Building height at any point	Minimum required setback from each side boundary
6m-10m	0m-5.5m	900mm
6m-10m	>5.5m-8.5m	$(\text{building height} - 5.5\text{m}) \div 4 + 0.9\text{m}$
>10m-18m	0m-4.5m	900mm
>10m-18m	>4.5m-8.5m	$(\text{building height} - 4.5\text{m}) \div 4 + 0.9\text{m}$
>18m-24m	0m-4.5m	1.5m
>18m-24m	>4.5m-8.5m	$(\text{building height} - 4.5\text{m}) \div 4 + 1.5\text{m}$
>24m	0m-8.5m	2.5m

The following buildings on a lot (other than a lot that only has 3 boundaries) must have a minimum setback from the rear boundary as shown in the table to this subclause—

- (a) a dwelling house,
- (b) a carport or garage,
- (c) a balcony, deck, patio, pergola, terrace or verandah,
- (d) a cabana, cubby house, garden shed, gazebo, fernery, greenhouse or shed.

Lot area	Building height	Minimum setback from rear boundary
200m <sup>2</sup> –300m <sup>2</sup>	0m–4.5m	3m
200m <sup>2</sup> –300m <sup>2</sup>	>4.5m–8.5m	10m or the average rear setback of the 2 adjoining dwelling houses, measured at 4.5m above ground level (existing), whichever is the lesser
>300m <sup>2</sup> –900m <sup>2</sup>	0m–4.5m	3m
>300m <sup>2</sup> –900m <sup>2</sup>	>4.5m–8.5m	8m
>900m <sup>2</sup> –1,500m <sup>2</sup>	0m–4.5m	5m
>900m <sup>2</sup> –1,500m <sup>2</sup>	>4.5m–8.5m	12m
>1,500m <sup>2</sup>	0m–4.5m	10m
>1,500m <sup>2</sup>	>4.5m–8.5m	15m

The erection of a balcony, deck, patio, terrace or verandah that is attached to the side or rear elevation of a dwelling house must comply with the following:

Setback from the side or rear boundary	Maximum permitted floor level above ground level (existing)
<3m	2m
3m–6m	3m
>6m	4m

The total floor area of the side or rear decks that are higher than 2m and are within 6m of the side or rear boundary must be 12sqm or less.

The landscaped area must be 120sqm or greater. ‘Landscaped area’ means a part of a site used for growing plants, grasses and trees, but does not include any building, structure or hard paved area.

The private open space must be 24sqm or greater, have a minimum dimension of 3m and a gradient of not more than 1:50. ‘Private open space’ means an area external to a building (including an area of land, terrace, balcony or deck) that is used for private outdoor purposes ancillary to the use of the building.

The dwelling house must have at least 1 door and 1 window to a habitable room at ground floor level facing the primary road.

Privacy screens must be provided for any part of a window to a habitable room that is less than 1.5m above the finished floor level of that where the window faces and is less than 3m from a side or rear boundary and the room has a finished floor level of more than 1m above ground level (existing).

The proposal includes 1 car space is not less than the 1 space minimum permitted and comply with AS/NZS 2890.1:2004, *Parking facilities, Part 1: Off-street car parking*.

An attached garage, carport or car parking space accessed from a primary road must have a minimum setback as indicated below—

**Setback of dwelling house from primary road**

<4.5m  
4.5m or more

**Minimum off-street parking setback from primary road**

5.5m  
1 m or more behind the building line of the dwelling house

The maximum width of all garage door openings facing a primary, secondary or parallel road must be as indicated below—

**Lot width**

8m-12m  
>12m

**Maximum width of garage door openings**

3.2m  
6m

The development must comply with the relevant provisions of the *Building Code of Australia*.

