

Bathurst Regional Local Environmental Plan 2014

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Schedule 2

Schedule 2 Exempt development

(Clause 3.1)

Note 1.

[State Environmental Planning Policy \(Exempt and Complying Development Codes\) 2008](#) specifies exempt development under that Policy. The Policy has State-wide application. This Schedule contains additional exempt development not specified in that Policy.

Note 2.

Exempt development may be carried out without the need for development consent under the Act. Such development is not exempt from any approval, licence, permit or authority that is required under any other Act and adjoining owners' property rights and the common law still apply.

Note 3.

Despite Note 1, under clause 1.9(3) of [State Environmental Planning Policy \(Exempt and Complying Development Codes\) 2008](#) this Plan continues to apply to that development and under clause 1.9(10) of that Policy that development may be carried out under this Plan or that Policy.

Note 4.

Development that is the installation of photovoltaic cells, small wind turbine systems, and solar energy systems (including solar hot water systems) may be carried out as exempt development under [State Environmental Planning Policy \(Infrastructure\) 2007](#).

Division 1 Access ramps

1.1 Specified development

The construction or installation of an access ramp is development specified for this Schedule.

1.2 Development standards

- (1) Must be constructed in accordance with AS 1428.1—2009, *Design for access and mobility, Part 1: General requirements for access—New building work*.
- (2) If located over the existing house drainage pipelines, access to the inspection openings must be maintained at all times.
- (3) If constructed or installed on or in, or in relation to, a heritage item—must be located behind the front building line.
- (4) Must not interfere with the functioning of existing drainage fixtures or the natural surface flow of water.
- (5) Must not be situated on a lot identified as “Flood Planning Area” on the [Flood Planning Map](#).
- (6) If located on bush fire prone land and less than 10m from a dwelling—must be constructed of non-combustible material.
- (7) Must be erected within the property boundary.
- (8) Must be 1.2m clear of any 150mm diameter sewer main or 2m clear of any 225mm (or greater) diameter sewer main.
- (9) Must not be constructed over any easement.
- (10) Must be clear of the zone of influence of any sewer main in accordance with the Council's Drawing No. EN7902 available on the Council's website.

- (11) Must not be more than one per building or dwelling, unless located behind the building line and not visible from any road or public area.

Note.

See AS 1428.1—2009, *Design for access and mobility, Part 1: General requirements for access—New building work* and the *Disability (Access to Premises—Buildings) Standards 2010* under the [Disability Discrimination Act 1992](#) of the Commonwealth which specifies the design requirements for new building work to provide access for people with disabilities.

Division 2 Aerials and antennae (including microwave antennae)

2.1 Specified development

The construction or installation of an aerial or antenna, including microwave antennae, is development specified for this Schedule if it is only for the purpose of receiving television or radio signals or for use in connection with community band or two-way radio (or any combination of these uses).

2.2 Development standards

- (1) If it is roof mounted—must not be higher than 2.5m above the highest point of the roof.
- (2) If it is not roof mounted—must—
 - (a) be not higher than 2.5m above the highest point of the roof of the dwelling on the lot, and
 - (b) except on land within Zone RU1, Zone RU2, Zone RU3 or Zone RU4—be located in the rear yard, and
 - (c) not be located on a lot identified as “Flood Planning Area” on the [Flood Planning Map](#).
- (3) Must be structurally sound and capable of supporting the dead and live (wind) loads that may be imposed on the development and the supporting structure.
- (4) Must not be more than one per building or dwelling, unless located behind the building line, and not visible from a road or a public area.

Division 3 Air-conditioning units and evaporative cooling units

3.1 Specified development

The construction or installation of an air-conditioning or evaporative cooling unit is development specified for this Schedule.

3.2 Development standards

- (1) Must be located within the property boundary.
- (2) Must not be located on land in Zone RU5 within the village of Hill End.
- (3) Must not reduce the structural integrity of the building.
- (4) Must not dispose of condensation in a manner that damages or causes nuisance to adjoining properties including roads and public places.
- (5) Any opening created must be adequately waterproofed.
- (6) Must not reduce the existing fire resistance level of a wall.
- (7) Must not be more than one per building or dwelling, unless located behind the building line, and not visible from a road or public area.

- (8) Must not be higher than 1.8m above the highest point of the roof of the building on which it is located.
- (9) Must not be audible inside the interior of any adjoining dwelling between 10 pm and 7 am on weekdays and 10 pm and 8 am on Saturdays, Sundays and public holidays.
- (10) Noise levels must not exceed 5dB(A) above ambient background noise level, measured at the property boundary.
- (11) If within a heritage conservation area or on a heritage item—must be located behind the building line and not be visible from a road or a public place or extend above the roof line.
- (12) If it is constructed or installed on or in, or in relation to, a heritage item—must not be wall or roof mounted.

Division 4 Animal shelters (including aviaries, fowl and poultry houses, dog kennels, horse stables and yards)

4.1 Specified development

The construction or installation of an animal shelter is development specified for this Schedule.

4.2 Development standards

- (1) Must be on land within Zone RU1, Zone RU2, Zone RU4, Zone RU5, Zone R1, Zone R2, Zone R5, Zone B1, Zone B3 or Zone IN1.
- (2) Must not be used for commercial purposes (other than for agriculture).
- (3) Maximum wall height—3m.
- (4) Maximum overall height—4.5m.
- (5) If within Zone R1, Zone R2, Zone R5, Zone RU5, Zone B1, Zone B3 or Zone IN1, must—
 - (a) have a maximum building floor area of 30m², and
 - (b) be located behind the front building alignment.
- (6) If within Zone RU1, Zone RU2 or Zone RU4 must have a maximum building floor area of 60m².
- (6A) Must be constructed or installed so that any stormwater from the roof is disposed of into an existing stormwater drainage system or other lawful place for stormwater discharge.
- (7) Must be constructed of non-reflective materials or painted before use.
- (8) Horse stables must be a minimum 9m from any building used for the manufacture, production or storage of food or from land used for public purposes.
- (9) Must be located so that it does not cause nuisance (for example noise, odour or vermin) to neighbouring properties.
- (10) If proposed to be located over the existing house drainage pipelines—access to the inspection openings must be maintained at all times.
- (11) If constructed or installed on or in, or in relation to, a heritage item—must be located in the rear yard, unless it is located in Zone RU1, Zone RU2 or Zone RU4.

- (12) If located on bush fire prone land and the structure is attached to or shares a common roof space with the dwelling, must comply with AS 3959:2018, *Construction of buildings in bushfire-prone areas*.
- (13) Must be erected within the property boundary.
- (14) Must be 1.2m clear of any 150mm diameter sewer main or 2m clear of any 225mm (or greater) diameter sewer main.
- (15) Must not be constructed over any easement.
- (16) Must be clear of the zone of influence of any sewer main in accordance with the Council's Drawing No. EN7902 available on the Council's website.
- (17) Must not be within 40m of a perennial or intermittent named waterway.
- (18) If constructed in Zone R1 or Zone R2—must not be more than one development per dwelling on the lot (except for aviaries).
- (19) Must not be located on a lot located in the "Flood Planning Area" identified on the [Flood Planning Map](#).

Division 5 Automatic teller machines

5.1 Specified development

The construction or installation of an automatic teller machine is development specified for this Schedule.

5.2 Development standards

- (1) Must be located in and accessed from inside an existing business, retail premises or specialised retail premises.
- (2) Must not be located in the external wall of an existing business or retail premises unless accessed from inside the existing building.

Division 6 Awnings, blinds and canopies (including storm, sun and security blinds)

6.1 Specified development

The construction or installation of an awning, blind (including a storm blind, security blind or sun blind), canopy or similar structure over a window or door opening is development specified for this Schedule.

6.2 Development standards

- (1) The height must not exceed the highest point of the ridge line of the main building.
- (2) Must not be enclosed.
- (3) Must be constructed of non-reflective materials or painted before use.
- (4) If located over the existing house drainage pipelines, access to the inspection openings must be maintained at all times.
- (5) If the same structure already exists on the subject land, the proposed new structure must not be visible from the road or a public area.

- (6) Must not be constructed on land in Zone RU5 within the village of Hill End.
- (7) If in a heritage conservation area or draft heritage conservation area—must be located behind the front building alignment.
- (8) Must not be constructed or installed on, in, or in relation to a heritage item or draft heritage item.
- (9) Must not be used for advertising.

Division 7 Balconies, decks, patios, patio covers, pergolas, terraces, verandahs and shade structures (including attached or detached to a dwelling, roofed and unroofed)

7.1 Specified development

The construction or installation of a balcony, deck, patio, patio cover, pergola, terrace, verandah or shade structure (whether attached to or detached from a dwelling, or roofed or unroofed) is development specified for this Schedule.

7.2 Development standards

- (1) Maximum floor level height—1m.
- (2) Maximum height for shade structures—3.0m.
- (3) Must not be constructed or installed on, or in relation to, a heritage item or draft heritage item.
- (4) Must be located at least—
 - (a) 4m from a boundary with a primary road, or
 - (b) 2m from a boundary with a secondary road, or
 - (c) 900mm from any other boundary.
- (5) If located in a heritage conservation area or draft heritage conservation area, must be located behind any building line for the dwelling to which it relates that fronts a road.
- (5A) Maximum width of any balcony, deck, patio, patio cover, pergola, terrace or verandah that is forward of the front or side building for the dwelling to which it relates—2m.
- (5B) Must be constructed or installed so that any stormwater from the roof is disposed of into an existing stormwater drainage system or other lawful place for stormwater discharge.
- (5C) If connected to a fascia, must be connected in accordance with the specifications of a professional engineer.
- (6) Must not be enclosed.
- (7) Must be constructed of non-reflective materials or painted before use.
- (8) Must not be located over existing house drainage pipelines.
- (9) Decks must not be located over gullies unless there is a minimum 2m clearance, alternatively the gully must be relocated so as to be clear of the deck.
- (10) The height must not exceed the highest point of the ridge line of the main building.

- (11) (Repealed)
- (12) If located on bush fire prone land and the structure is attached to or shares a common roof space with the dwelling, the structure must comply with AS 3959:2018, *Construction of buildings in bushfire-prone areas*.
- (13) Must not be constructed on land in Zone RU5 within the village of Hill End.
- (14) Must be 1.2m clear of any 150mm diameter sewer main or 2.0m clear of any 225mm (or greater) diameter sewer main.
- (15) Must not be constructed over any easement.
- (16) Must be clear of the zone of influence of any sewer main in accordance with the Council's Drawing No. EN7902 available on the Council's website.
- (17) Must not be located on a lot identified as "Flood Planning Area" on the [Flood Planning Map](#).

Division 8 Barbecues and other outdoor cooking structures

8.1 Specified development

The construction or installation of a barbecue or other outdoor cooking structure is development specified for this Schedule.

8.2 Development standards

- (1) Must be located within the property boundary.
- (2) Any permanent gas or electricity supply must be connected by a licensed gas fitter or electrician.
- (3) Must be located so that it does not cause nuisance (for example noise, odour or smoke) to neighbouring properties.
- (4) Must be 1.2m clear of any 150mm diameter sewer main or 2m clear of any 225mm (or greater) diameter sewer main.
- (5) Must not be constructed in any easement.
- (6) Must be clear of the zone of influence of any sewer main in accordance with the Council's Drawing No. EN7902 available on the Council's website.
- (7) Must not be constructed over drainage pipes or any house drainage.
- (8) Must not be located on a lot identified as "Flood Planning Area" on the [Flood Planning Map](#).

Division 9 Bollards

9.1 Specified development

The construction or installation of a bollard is development specified for this Schedule.

9.2 Development standards

- (1) Must not reduce the existing means of egress from a building or site.
- (2) Must not be higher than 1.5m above the ground level (existing).

- (3) If located in the footpath, must be constructed in accordance with the Council's Drawing No. EN8447 available on the Council's website.

Division 10 Building alterations (internal and external) to commercial premises, including shop fitouts and recladding of roofs and walls

10.1 Specified development

Building alterations (internal and external) to commercial premises, including shop fitouts and recladding of roofs and walls, is development specified for this Schedule.

10.2 Development standards

- (1) Must be on land within Zone B1, Zone B3, Zone B5, Zone IN1, Zone RU5, Zone R1 or Zone R2.
- (2) Maximum gross floor area of the tenancy—300m².
- (3) The building must have been lawfully constructed to be used for the purpose of a commercial premises of a particular kind.
- (4) Must involve materials that match the existing materials or match those originally used on the building.
- (5) Must not affect the structural adequacy and stability of the building.
- (6) Must not involve the removal, re-positioning or increase the number of internal floor levels.
- (7) Must not reduce the existing level of fire safety and egress, the existing level of fire resistance, and the existing safeguards against the spread of fire to adjoining properties.
- (8) Must not alter the existing footprint of the building.
- (9) If the premises are used for the storage or preparation of food—the alterations must not involve the fitout of a new food premises or storage area, unless the building alterations involve the maintenance of the food premises or storage area and involve the replacement of like for like components in accordance with AS 4674—2004, *Design, construction and fit-out of food premises*.
- (10) Must not be constructed or installed on or in, or in relation to, a heritage item.
- (11) Must not involve external alterations to shop fronts above awning level.
- (12) If on land within Zone B3—must not involve the external painting or rendering of buildings.
- (13) Must not be located on a lot identified as “Flood Planning Area” on the [Flood Planning Map](#).

Division 11 Building alterations (internal and external) to dwellings, including recladding of roofs and walls (see also painting and rendering of buildings)

11.1 Specified development

Building alterations (internal and external) to dwellings, including recladding of roofs and walls, is development specified for this Schedule.

11.2 Development standards

- (1) Must not involve any alterations to structural components of the building.
- (2) The building must have been lawfully constructed to be used for the purpose of a dwelling.
- (3) Must involve materials that match the existing materials or match those originally used on the building.
- (4) Must not change the existing footprint of the building.
- (5) Must not change any part of the building from a non-habitable to a habitable use.
- (6) Must not reduce the provision of light or ventilation to any room served by any window, glazed area or door.
- (7) Replacement materials used must comply with AS 1288—2006, *Glass in buildings—Selection and installation* and AS/NZS 2208:1996, *Safety glazing materials in buildings* for use in Buildings (Human Impact Considerations), where applicable.
- (8) Must not include a change to the fire resisting components of a building.
- (9) In the case of the installation of insulation material, it must be in accordance with Part 3.12.1 of the *Building Code of Australia*.
- (10) In the case of re-cladding, sub-floor ventilation must be retained for the building at the rate of not less than 21,000mm² per lineal metre of wall.
- (11) Must not be constructed or installed on, in or in relation to a heritage item or a draft heritage item.
- (12) Must not include the external painting or rendering of face brickwork not previously painted or rendered within a heritage conservation area or in relation to a heritage item.
- (13) Must not be located on a lot identified as “Flood Planning Area” on the [Flood Planning Map](#).
- (14) Must not involve the use of external combustible cladding (within the meaning of the [Environmental Planning and Assessment Regulation 2000](#)).

Note.

The [Plumbing and Drainage Act 2011](#) specifies who is permitted to carry out plumbing and drainage work and requires that work to comply with the *Plumbing Code of Australia*. It also provides for the inspection of plumbing and drainage work.

Division 12 Building alterations (internal and external) to industrial premises and agricultural produce Industries, including recladding of roofs and walls

12.1 Specified development

Building alterations (internal and external), to industrial premises and agricultural produce industries, including recladding of roofs and walls, is development specified for this Schedule.

12.2 Development standards

- (1) Must be on land within Zone B1, Zone B3, Zone B5, Zone IN1, Zone RU5, Zone R1, Zone R2, Zone R5, Zone RU1, Zone RU2, Zone RU4 or Zone E4.

- (2) Maximum gross floor area—300m².
- (3) The building must have been lawfully constructed to be used for the purpose of an agricultural produce industry or industrial premises of a particular kind.
- (4) Must involve materials that match the existing materials or match those originally used on the building.
- (5) Must not affect the structural adequacy and stability of a building.
- (6) Must not involve the removal, re-positioning or increase the number of internal floor levels.
- (7) Must not reduce the existing level of fire safety and egress, the existing level of fire resistance, or the existing safeguards against the spread of fire to adjoining properties.
- (8) Must not alter the existing footprint of the building.
- (9) The premises must not be used for the preparation of food.
- (10) In the case of re-cladding, sub-floor ventilation must be retained for the building at a rate of not less than 21,000mm² per lineal metre of wall.
- (11) Must not be located on a lot identified as “Flood Planning Area” on the [Flood Planning Map](#).
- (12) Must not be constructed or installed on, in or in relation to a heritage item or draft heritage item.
- (13) Must not involve the use of external combustible cladding (within the meaning of the [Environmental Planning and Assessment Regulation 2000](#)).

Note.

The [Plumbing and Drainage Act 2011](#) specifies who is permitted to carry out plumbing and drainage work and requires that work to comply with the *Plumbing Code of Australia*. It also provides for the inspection of plumbing and drainage work.

Division 13 Building identification signs and business identification signs

13.1 Specified development

The installation of new or the alteration of existing building identification signs or business identification signs is development specified for this Schedule.

13.2 Development standards

- (1) **Flush wall sign**—on land in Zone RU5, Zone R1, Zone R2, Zone R5, Zone B1 or Zone B3—
 - (a) must be attached to the wall of a building (other than the transom of a doorway or display window) and not project more than 0.3m from the wall, and
 - (b) maximum area—0.75m², and
 - (c) must be below awning level, and
 - (d) must be displayed on the same land as a lawfully approved development to which the sign relates, and
 - (e) must not be constructed or installed on or in, or in relation to, a heritage item or draft heritage item.

(2) ***Flush wall sign***—on land in Zone B5 or Zone IN1—

- (a) must be attached to the wall of a building (other than the transom of a doorway or display window) and not project more than 0.3m from the wall, and
- (b) maximum area—6m², and
- (c) must not be more than one sign per building, and
- (d) must be displayed on the same land as a lawfully approved development to which the sign relates, and
- (e) must not be visible from a classified road, and
- (f) must not be constructed or installed on or in, or in relation to, a heritage item or draft heritage item.

(3) ***Fascia sign***—on land in Zone B1, Zone B3, Zone B5 or Zone IN1—

- (a) must be attached to the fascia or return end of an awning, and
- (b) must not extend beyond the depth of the existing building fascia, and
- (c) must be displayed on the same land as a lawfully approved development to which the sign relates, and
- (d) must not be constructed or installed on or in, or in relation to, a heritage item or draft heritage item.

(4) ***Pylon sign***—on land in Zone B5 or Zone IN1—

- (a) must be an advertisement erected on a pole or pylon which is independent of any building or structure, and
- (b) maximum height—below the roof height of the building on the site, but not greater than 5m (measured from natural ground level to the top of the structure), and
- (c) maximum area (sign panel)—4.5m², and
- (d) must not be visible from a classified road, and
- (d1) must not be located over existing house drainage pipelines, and
- (e) must be 1.2m clear of any 150mm diameter sewer main or 2m clear of any 225mm (or greater) diameter sewer main, and
- (f) must not be constructed over any easement, and
- (g) must be clear of the zone of influence of any sewer main in accordance with the Council's Drawing No. EN7902 available on the Council's website, and
- (h) must not be more than one sign per property, and
- (i) if illuminated—must only be internally illuminated and not up-lit, and
- (j) must be displayed on the same land as a lawfully approved development to which the sign relates, and
- (k) must not be constructed or installed on or in, or in relation to, a heritage item, or draft heritage item, within a heritage conservation area or a draft heritage conservation area, and
- (l) must not be located on a lot identified as "Flood Planning Area" on the [Flood Planning Map](#).

- (5) **Top hamper sign**—on land in Zone B1, Zone B3, Zone B5 or Zone IN1—
 - (a) must be a sign attached to the transom of a doorway or display window of a building, and
 - (b) must be displayed on the same land as a lawfully approved development to which the sign relates.
- (6) **Under awning sign**—on land in Zone B1, Zone B3, Zone B5 or Zone IN1—
 - (a) must be a sign attached to the underside of an awning (other than the fascia or return end), and
 - (b) must be displayed on the same land as a lawfully approved development to which the sign relates, and
 - (c) must not be constructed or installed on or in, or in relation to, a heritage item or draft heritage item.
- (7) Changes to wording or content of approved signs in any zone—
 - (a) must be to a lawfully existing sign, and
 - (b) must relate to the lawfully approved use of the associated building or place, and
 - (c) must not be a flashing, illuminated or animated sign, and
 - (d) must not contain sexually explicit material, and
 - (e) must not interfere with or confuse interpretation or reading of traffic signals, and
 - (f) must not result in any additional signage or increase in signage area, and
 - (g) must not involve painting of the building other than an area previously painted for advertising purposes, and
 - (h) if within a heritage conservation area or on, in or in relation to a heritage item—must involve traditional colours (bright colours are not permitted).

Division 14 Building maintenance, repair and restoration

14.1 Specified development

Building maintenance, repair and restoration is development specified for this Schedule.

14.2 Development standards

- (1) Must involve the copying of the existing fabric of the building.
- (2) Must involve the repair or replacement of missing or deteriorated components of the building.
- (3) Must involve the restoration of components of the place by returning existing fabric to a known earlier location or configuration by removing accretions or by reassembling existing components without the introduction of new material.
- (4) Must involve reinstating components such as doors, windows, decorative detail and landscape features and the removal of infills from verandahs, enclosures to fireplaces and minor partitions.

Note.

For heritage buildings, repair works should be based on the principle of doing as much as necessary but as little as possible, i.e. only replace the materials that need to be replaced.

Division 15 Bus shelters

15.1 Specified development

The construction or installation of a bus shelter is development specified for this Schedule.

15.2 Development standards

- (1) Maximum overall height—4.5m.
- (2) Must be erected on parks, recreation areas, public footpaths, or at sporting facilities or playing fields under the control and management of the Council.
- (3) Must not be constructed over any easement or other utility service without the express permission from the relevant public authority.
- (4) Must not obstruct the line of sight of vehicular traffic.
- (5) Must be 1.2m clear of any 150mm diameter sewer main or 2m clear of any 225mm (or greater) diameter sewer main.
- (6) Must not be constructed over any easement.
- (7) Must be clear of the zone of influence of any sewer main in accordance with the Council's Drawing No. EN7902 available on the Council's website.
- (8) Must not be constructed over any drainage pipes or any house drainage.
- (9) Must be constructed of non-reflective materials or alternatively painted before use.
- (10) Must not display an advertisement.
- (11) Must not be located on a lot identified as "Flood Planning Area" on the [Flood Planning Map](#).

Division 16 Caravans and campervans

16.1 Specified development

The use of a caravan or campervan is development specified for this Schedule.

16.2 Development standards

- (1) Must be on land within Zone RU1, Zone RU4, Zone RU5 (excluding the village of Hill End), Zone R1, Zone R2 or Zone R5.
- (2) Must not be within 40m of a perennial or intermittent named waterway.
- (3) If located within a heritage conservation area or heritage item, must not be visible from a road or public place.
- (4) If located on land within Zone RU1 or Zone RU4 must be located at least 40m from a public road and—
 - (a) be occupied seasonally by persons employed in pastoral or agricultural operations on the land, or
 - (b) if the land is land dedicated or reserved under the [Forestry Act 2012](#), be occupied by persons employed in forestry operations on the land, or
 - (c) up to 2 additional caravans or campervans (other than those to which paragraph (a) or (b) applies) may be installed so long as they are not occupied for more than 2 days at a time and are not occupied for more than 60 days (in total) in any 12-month period.

- (5) If located on land within Zone R1, Zone R2, Zone R5 or Zone RU5 must be—
 - (a) occupied only by the owner of the land or members of the owner’s household, and
 - (b) located behind the front building alignment, and
 - (c) only one per property.
- (6) Must not be located over the Council’s sewer access points.
- (7) Must not be located on a lot located in the “Flood Planning Area” identified on the [Flood Planning Map](#).

Division 17 Carports, garages and garden sheds

17.1 Specified development

The construction or installation of a carport, garage or garden shed is development specified for this Schedule.

17.2 Development standards

- (1) Must not be located on land within Zone RU5 in the village of Hill End.
- (2) Maximum building height for a garage or carport, whichever is the lesser of—
 - (a) 4.5m, or
 - (b) the roof gutter line of any building to which the garage or carport is attached.
- (3) Maximum wall height for a garage or carport—3.3m.
- (4) Maximum building height for a garden shed—2.4m.
- (5) Maximum gross floor area—
 - (a) if on land within a heritage conservation area or draft heritage conservation area—
 - (i) for a single carport, garage or garden shed—45m², or
 - (ii) for all carports, garages and garden sheds on a lot—60m², or
 - (b) if on any other land—
 - (i) for a single carport, garage or garden shed—60m², or
 - (ii) for all carports, garages and garden sheds on a lot—80m².
- (6) Must not be more than 1 building (being a carport, garage or garden shed) on a lot with a gross floor area of more than 10m².
- (7) A carport, garage or garden shed on a lot in a heritage conservation area with a gross floor area of more than 10m² must—
 - (a) be of a colour that matches the main building on the lot, and
 - (b) the roof must have a pitch that matches the roof of the main building on the lot or be of at least 30°, and
 - (c) any steel sheeting used in the construction must be corrugated.
- (7A) A garage constructed within the footprint of a dwelling is not to be included for the purposes of subclauses (5)–(7).
- (7B) Must be located—
 - (a) behind the front building line for a boundary with a primary road, and

- (b) at least 900mm from a boundary with a secondary road or from a side or rear boundary, and
 - (c) at least 20m from any boundary if located on land in Zone RU1, Zone RU2 or Zone RU4, and
 - (d) at least 40m from a boundary adjoining the Mount Panorama Racing Circuit if located on land in Zone RU2.
- (7C) Must not be a shipping container if located in a heritage conservation area.
- (8) Must have 2 or more sides open and not more than one-third of its perimeter enclosed.
 - (9) Must be constructed of non-reflective materials or painted before use.
 - (10) If located in a heritage conservation area, the colouring of materials used must match those used on the main building.
 - (11) Must not be constructed or installed on or in, or in relation to, a heritage item, other than within Zone RU1 if the carport is not attached to the heritage item.
 - (12) Must be 1.2m clear of any 150mm diameter sewer main or 2m clear of any 225mm (or greater) diameter sewer main.
 - (13) Must not be constructed over any easement.
 - (14) Must be clear of the zone of influence of any sewer main in accordance with the Council's Drawing No. EN7902 available on the Council's website.
 - (15) Must not be located over existing house drainage pipelines.
 - (16) Must not be located on a lot identified as "Flood Planning Area" on the [Flood Planning Map](#).

Division 18 Change of Use

18.1 Specified development

A change from a current use to a new use that is a change from—

- (a) a type of business premises to another type of business premises, or
- (b) business premises to office premises, or
- (c) a type of office premises to another type of office premises, or
- (d) office premises to business premises, or
- (e) a type of retail premises to another type of retail premises of the same kind (eg. from specialised retail premises to another specialised retail premises), or
- (f) a type of light industry to another light industry, or
- (g) an industry to another industry or light industry, or
- (h) an agricultural produce industry to another type of agricultural produce industry, or
- (i) a warehouse or distribution centre to another warehouse or distribution centre, or
- (j) an industry or light industry to a warehouse or distribution centre, or
- (k) a warehouse or distribution centre to a light industry, or
- (l) a community or recreation use to another community or recreation use,

is development specified for this Schedule.

18.2 Development standards

- (1) Must not provide any additional floor area.
- (2) The proposed use must be consistent with the existing classification of the building under the *Building Code of Australia*.
- (3) The current use must be a lawful use and must not be an existing use within the meaning of section 4.65 of the Act.
- (4) The new use must be permissible in the land use zone in which it is carried out.
- (5) Must not involve any of the following—
 - (a) the sale, storage or handling of food or the selling of liquor,
 - (b) hairdressing or beauty salons,
 - (c) premises for ear piercing, tattooing or other skin penetrating activities,
 - (d) sex service premises or home occupation (sex services), or
 - (e) restricted premises.
- (6) The existing use of the building must not be the subject of an approval incorporating an “Alternative Solution” under the *Building Code of Australia*.
- (7) Must not extend beyond existing approved hours of operation under a current development consent.
- (8) Must comply with any conditions of a current development consent relating to the site.
- (9) Must not involve the discharge of trade waste into the sewer drainage pipes or stormwater drainage systems without first obtaining written approval from the Council.
- (10) Must have appropriate cross connection control or back flow prevention devices installed in accordance with AS/NZS 3500 and the *Plumbing Code of Australia*.
- (11) Must not be located on a lot identified as “Flood Planning Area” on the [Flood Planning Map](#).

Division 19 Clothes lines and hoists

19.1 Specified development

The construction or installation of a clothes hoist or clothes line is development specified for this Schedule.

19.2 Development standards

Must be located behind the front building alignment.

Division 20 Communication dishes (radio and satellite)

20.1 Specified development

The construction or installation of a radio or satellite communications dish is development specified for this Schedule if it is only for the purpose of receiving television or radio signals (or both).

20.2 Development standards

- (1) Must not be located on land within Zone RU5 in the village of Hill End.
- (2) Must not be greater than 1.8m in diameter.
- (3) Must not be greater than 1.8m above the highest point of the roof of the building.
- (4) If attached to a free standing structure, the structure must not be constructed within 1.2m of any 150mm diameter sewer main or 2m of any 225mm (or greater) diameter sewer main, or over any easement and must be clear of the zone of influence of any sewer main in accordance with the Council's Drawing No. EN7902 available on the Council's website.
- (5) The roof must be capable of supporting the additional load.
- (6) Must not be constructed over drainage pipes or any house drainage pipelines.
- (7) Must be located within the property boundary and not project over a public road.
- (8) The dish and supporting structure must be capable of supporting the dead and live (wind) loads which may be imposed upon them.
- (9) The dish, whether attached to a building or not, must not be visible from a road or other public place within a heritage conservation area.
- (10) Not more than one dish per building or tenancy.
- (11) Must not be constructed or installed on or in, or in relation to, a heritage item, unless it is free standing and located behind the front building line.

Division 21 Cubby houses, play equipment and shade structures

21.1 Specified development

The construction or installation of a cubby house, play equipment or shade structure is development specified for this Schedule.

21.2 Development standards

- (1) Maximum height—3m (measured from natural ground level to the top of the structure).
- (2) If the floor level of any structure is more than 1m above the natural ground level, a balustrade and handrail must be provided in accordance with Part 3.9.2 of the *Building Code of Australia*.
- (3) Must not be used for habitable purposes.
- (4) Must be located—
 - (a) behind the front building line for a boundary with a primary road, and
 - (b) at least 900mm from a boundary with a secondary road or from a side or rear boundary, and
 - (c) at least 20m from any boundary if located on land in Zone RU1, Zone RU2 or Zone RU4, and
 - (d) at least 40m from a boundary adjoining the Mount Panorama Racing Circuit if located on land in Zone RU2.
- (5) Must be constructed or installed so that any stormwater from the roof is disposed of into an existing stormwater drainage system or other lawful place for stormwater discharge.

- (5A) If connected to a fascia, must be connected in accordance with the specifications of a professional engineer.
- (5B) Must be located in the rear yard if on a lot—
 - (a) on which there is a heritage item or draft heritage item, or
 - (b) that is located in a heritage conservation area or draft heritage conservation area.
- (6) Must be constructed of non-reflective materials or painted before use.
- (7) Must be 1.2m clear of any 150mm diameter sewer main or 2m clear of any 225mm (or greater) diameter sewer main.
- (8) Must not be constructed over any easement.
- (9) Must be clear of the zone of influence of any sewer main in accordance with the Council's Drawing No. EN7902 available on the Council's website.
- (10) Must not be constructed over drainage pipes or any house drainage.
- (11) Must not be located on a lot identified as "Flood Planning Area" on the [Flood Planning Map](#).

Division 22 Dams

22.1 Specified development

The construction of a dam is development specified for this Schedule.

22.2 Development standards

- (1) Must not be located on land in Zone R1, Zone R2, Zone B1 or Zone B3.
- (2) Must not be located on or across a perennial or intermittent named waterway, (including a wetland, stream, creek or river) without the approval of the NSW Office of Water.
- (3) Must be designed and constructed in accordance with the specifications of a professional engineer.
 - (3A) Must not have a surface area of more than 0.2ha.
 - (3B) Must be located—
 - (a) at least 10m from any boundary, and
 - (b) at least 40m from—
 - (i) a boundary adjoining the Mount Panorama Racing Circuit if located on land in Zone RU2, or
 - (ii) a natural waterbody, wetland or environmentally sensitive area.
- (4) If on land within the vicinity of the Bathurst Airport, must be designed to reduce its attractiveness to bird life.
- (5) Must not be located on a lot identified as "Flood Planning Area" on the [Flood Planning Map](#).

Division 23 Demolition

23.1 Specified development

The demolition of a building or structure is development specified for this Schedule.

23.2 Development standards

- (1) The site must not contain a heritage item, a draft heritage item or be located in a heritage conservation area or in a draft heritage conservation area.
- (2) The site must not be within the *Bathurst Region Heritage Study 2007* or on the State Heritage Inventory database.
- (3) The building to be demolished must not be 50 or more years of age excluding buildings subject to the Council's *Bathurst Floodplain Management Plan*.
- (4) Work must comply with the requirements of the Council's demolition code.
- (5) Must be demolished in accordance with AS 2601—2001, *The demolition of structures*.
- (6) Any redundant plumbing and drainage must be capped off in accordance with AS 3500:2003, *Plumbing and drainage set* and the *Plumbing Code of Australia*, and the works inspected by the Council before the capped off works have been concealed.
- (7) Any electricity and telephone services must be disconnected before demolition work commences.

Division 24 Driveways, paths and paving (including driveways, footway crossings, carparks, loading facilities, hard stand spaces and manoeuvring areas)

24.1 Specified development

The construction or installation of a driveway, path and paving (including driveways, footway crossings, carparks, loading facilities, hard stand spaces and manoeuvring areas) is development specified for this Schedule.

24.2 Development standards

- (1) Must take account of the Council's *Guidelines for Engineering Works* in the construction of a driveway, path or paving.
- (2) Driveways and footway crossings must be constructed in accordance with access levels issued by the Council and must be inspected by the Council before pouring of the concrete.
- (3) If on land within Zone RU2 or Zone SP3, must not result in any alterations to an existing, or the creation of any new, access to the Mount Panorama Racing Circuit.
- (4) If a driveway for a corner lot, must be located at least 6m from the corner of the intersection.
- (5) Access to the Council's sewer manholes must be maintained at all times.
- (6) All vehicle manoeuvring and car parking areas must be paved and line marked taking into account the Council's *Guidelines for Engineering Works*.
- (7) Must not result in engineering services (including but not limited to sewer, stormwater and water mains) having inadequate cover taking into account the Council's *Guidelines for Engineering Works*.

Division 25 Earth works and retaining walls

25.1 Specified development

Earthworks and retaining walls are development specified for this Schedule.

25.2 Development standards

(1A) For earthworks and retaining walls—

- (a) must not encroach onto or interfere with adjoining properties, including the Council road reserves,
- (b) must not be located on a lot identified as “Flood Planning Area” on the [Flood Planning Map](#),
- (c) must not be constructed on, or in relation to, a heritage item or draft heritage item.

(1) For earthworks—

- (a) maximum cut—1m above ground level (existing),
- (b) maximum fill—1m below ground level (existing),
- (b1) must be set back from a side or rear boundary by at least the same amount as the depth of the cut or the height of the fill,
- (b2) must not result in engineering services (including but not limited to sewer, stormwater and water mains) having inadequate cover taking into account the Council’s *Guidelines for Engineering Works*,
- (c) must use clean fill that is virgin excavated natural material (VENM),
- (d) must not cause nuisance to adjoining properties,
- (e) must not obstruct the natural flow of surface water,
- (f) if on land within Zone RU1, Zone RU2, Zone RU4 or Zone E4, must not be within 40m of a perennial or intermittent named waterway,
- (g) (Repealed)

(2) For retaining walls—

- (a) maximum height—1m or the depth or height of the associated cut or fill (whichever is the greater),
- (b) must not be of timber construction if it provides support to a structure,
- (c) must be provided with drainage of sufficient design and capacity to prevent a build up of hydrostatic pressure behind the wall,
- (d) if constructed parallel, or less than 45°, to any sewer main, it must be clear of—
 - (i) any 150mm diameter sewer main by 1.2m, or
 - (ii) any 225mm (or greater) diameter sewer main by 2m, or
 - (iii) any the Council’s rising (pumped) main of any size by 2m, and
 - (iv) the zone of influence of any sewer main in accordance with the Council’s Drawing No. EN7902 available on the Council’s website,
- (e) if constructed perpendicular, or not less than 45°, to the sewer main—
 - (i) must only be over any 150mm or 225mm diameter sewer main, and
 - (ii) the support posts must be at least 500mm clear of the main sewer, and

- (iii) must be designed to provide a minimum vertical clearance of 600mm between the footing and the main, and
- (iv) if a reinforced concrete footing is proposed—must be designed as a bridging footing so that no loads are transferred to the sewer main,
- (f) all water and seepage must be disposed of entirely on the land and must not cause damage or nuisance to adjoining properties,
- (g) if of masonry construction—
- (i) must comply with AS 3700—2011, *Masonry structures*,
- (ii) must comply with AS 3600—2009, *Concrete structures*,
- (iii) must comply with AS/NZS 1170.0:2002, *Structural design actions—General principles*,
- (h)–(j) (Repealed)

Division 26 Emergency work and temporary repairs

26.1 Specified development

The temporary repair of any damage to a building or structure caused by an event that constitutes a significant and widespread danger to life or property in any zone in an area declared by an order under section 33 of the *State Emergency and Rescue Management Act 1989* to be an area where a state of emergency exists is development specified for this Schedule.

26.2 Development standards

- (1) Must be carried out within 6 months of the declaration being made.
- (2) Must not change the configuration of the floor space of the building or structure being repaired.
- (3) Must not increase the floor space of the building or structure being repaired.
- (4) Must be to make the building or structure weatherproof and, if a dwelling, suitable for habitation.

Division 27 Farm buildings and structures

27.1 Specified development

The construction or installation of a farm building or other structure used for the purpose of an agricultural activity is development specified for this Schedule.

27.2 Development standards

- (1) Must be on land within Zone RU1, Zone RU2 or Zone RU4.
- (2) Maximum building height—
 - (a) 7m, or
 - (b) if on a lot with an area greater than 4ha—12m.
- (3) Maximum height of stockyard fencing—4.5m.
- (4) Maximum gross floor area—
 - (a) 100m², or

- (b) if on a lot with an area greater than 4ha—300m².
- (5) Must be located—
 - (a) if the stock holding yard is not used for commercial purposes, at least—
 - (i) 20m from a road, and
 - (ii) 200m from a dwelling on another lot, and
 - (iii) 50m from a side or rear boundary, and
 - (iv) 100m from a waterbody, and
 - (v) 40m from a boundary adjoining the Mount Panorama Racing Circuit if located on land in Zone RU2, or
 - (b) in any other case, at least—
 - (i) 20m from a road, and
 - (ii) 50m from a dwelling on another lot, and
 - (iii) 30m from a side or rear boundary, and
 - (iv) 100m from a waterbody, and
 - (v) 40m from a boundary adjoining the Mount Panorama Racing Circuit if located on land in Zone RU2.
- (6) Must be designed and constructed in accordance with the specifications of a professional engineer.
- (7) If stockholding yards, must not be used for the commercial sale of livestock.
- (8) Must be constructed of non-reflective materials or painted before use, excluding silos.
- (9) If located on bush fire prone land and the structure is within 10m of a dwelling, the structure must comply with the requirements of AS 3959:2018, *Construction of buildings in bushfire-prone areas*.
- (10) Must not to be used for residential, industrial or commercial purposes.
- (11) Must be 1.2m clear of any 150mm diameter sewer main or 2m clear of any 225mm (or greater) diameter sewer main.
- (12) Must not be constructed over any easement.
- (13) Must be clear of the zone of influence of any sewer main in accordance with the Council's Drawing No. EN7902 available on the Council's website.
- (14) Must not be constructed over any drainage pipes or house drainage.
- (15) Must not be located on a lot identified as "Flood Planning Area" on the [Flood Planning Map](#).

Division 28 Fences

28.1 Specified development

The construction or installation of a fence is development specified for this Schedule.

28.2 Development standards

- (1) Must be on land in Zone RU2, Zone RU5, Zone R1, Zone R2, Zone R5, Zone B1, Zone B3, Zone B5, Zone IN1, Zone E2 or Zone E4.
- (2) If forward of the building line on a boundary with a primary road—
 - (a) maximum height (subject to the other provisions of this clause)—1.2m above ground level (existing) or, if of a stepped design on sloping ground, the highest point of each step may be up to 1.5m above ground level (existing) if the lowest point of each step is no more than 1.2m above ground level (existing), and
 - (b) must be an open fence in mesh, slat or picket style.
- (3) If not forward of the building line on a boundary with a primary road (subject to the other provisions of this clause)—maximum height 1.8m above ground level (existing) or, if of a stepped design on sloping ground, the highest point of each step may be up to 2.2m above ground level (existing) if the lowest point of each step is no more than 1.8m above ground level (existing).
- (4) Must be constructed of timber or appropriate traditional materials if—
 - (a) on a lot, or on a boundary with a lot, on which there is a heritage item or draft heritage item, or
 - (b) in a heritage conservation area or draft heritage conservation area.
- (5) If located on land in Zone RU5 within the village of Hill End—must be constructed of timber and be picket, palisade or rough timber paling style.
- (6) If located on land in Zone RU2, Zone RU5 (other than within the village of Hill End), Zone R2, Zone R5, Zone E2 or Zone E4—must be constructed of traditional rural fencing materials (including pipe, steel, timber or masonry).
- (7) If located on land in Zone B5 or Zone IN1—
 - (a) maximum height—2.1m above ground level (existing), and
 - (b) must be an open fence in mesh or palisade style.
- (8) For masonry construction—
 - (a) maximum height—1m above ground level (existing), and
 - (b) must be 1.2m clear of any 150mm diameter sewer main or 2m clear of any 225mm (or greater) diameter sewer main, and
 - (c) must not be constructed over any easement, and
 - (d) must be clear of the zone of influence of any sewer main in accordance with the Council's Drawing No. EN7902 available on the Council's website, and
 - (e) must comply with AS 3700—2018, *Masonry structures*, and
 - (f) must comply with AS 3600—2018, *Concrete structures*.
- (9) Must not be an electric fence.
- (10) Must not be located on a lot identified as “Flood Planning Area” on the [Flood Planning Map](#).
- (11) Any entrance gate must not open outwards from the property.

- (12) If constructed of metal components—must be of low reflective, factory pre-coloured materials.
- (13) If located on bush fire prone land—must be constructed of non-combustible material or hardwood.
- (14) If located on land that is core koala habitat within the meaning of *State Environmental Planning Policy (Koala Habitat Protection) 2019* or in a movement corridor used by koalas—must be installed or constructed in accordance with the Guideline, and any relevant approved plan of management, under that Policy.

Division 29

29.1, 29.2 (Repealed)

Division 30 Flagpoles

30.1 Specified development

The construction or installation of a flagpole is development specified for this Schedule.

30.2 Development standards

- (1) Maximum height—6m (unless attached to a building in which case the height must not exceed 3m above the highest point of the ridge line of the building).
- (2) The bottom end of the flag must be not less than 3.6m above the pathway level of the road.
- (3) Must be erected within the property boundary.
- (4) Must not project over the carriageway of a public road.
- (5) Must not interfere with public services.
- (6) Must be designed and constructed so it is structurally sound and capable of supporting the dead and live (wind) loads which may be imposed on the development and the supporting structure.
- (7) If on land within Zone R1, Zone R2, Zone RU5 or Zone R5, only one per property.
- (8) If the flag is used for commercial advertising, it must directly relate to a lawful commercial activity approved on the land on which the flagpole is erected.
- (9) Must be 1.2m clear of any 150mm diameter sewer main or 2m clear of any 225mm (or greater) diameter sewer main.
- (10) Must not be constructed over any easement.
- (11) Must be clear of the zone of influence of any sewer main in accordance with the Council's Drawing No. EN7902 available on the Council's website.
- (12) Must not be constructed over any drainage pipes or any house drainage.
- (13) Must not be located on a lot identified as "Flood Planning Area" on the [Flood Planning Map](#).

Division 31 Fuel tanks and gas storage

31.1 Specified development

The construction or installation of an above ground fuel tank or gas storage facility for agricultural activity is development specified for this Schedule.

31.2 Development standards

- (1) Must be located on land within Zone RU1, Zone RU2 or Zone RU4 on a lot larger than 2ha.
- (2) Must not have a capacity of more than—
 - (a) for a fuel tank—5,000L, or
 - (b) for a gas tank—1,000L.
- (3) Must be located at least 20m from the primary road frontage of the lot and at least 10m from each other lot boundary.
- (4) Must be bunded with the capacity to contain at least 110% of the capacity of the tank.
- (5) If a fuel tank—must be constructed of prefabricated metal, be freestanding and installed in accordance with the requirements of AS 1940—2004, *The storage and handling of flammable and combustible liquids*.
- (6) If a gas tank—must be designed and constructed in accordance with the requirements of AS/NZS 1596:2014, *The storage and handling of LP Gas*.
- (7) Must not be used for advertising.
- (8) Must be located at least 1m from any registered easement, sewer main or water main.
- (9) Must not be located on a lot identified as “Flood Planning Area” on the [Flood Planning Map](#).

Note.

Other legislative requirements also apply in relation to workplace health and safety issues.

Division 32 Cabanas, gazebos, greenhouses and ferneries

32.1 Specified development

The construction of a cabana, gazebo, greenhouse or fernery is development specified for this Schedule.

32.2 Development standards

- (1) Must not be on land within Zone RU5 in the village of Hill End.
- (2) Maximum building height—2.4m.
- (3) Maximum gross floor area—20m².
- (4) Must be located—
 - (a) behind the front building line for a boundary with a primary road, and
 - (b) at least 900mm from a boundary with a secondary road or from a side or rear boundary, and
 - (c) at least 20m from any boundary if located on land in Zone RU1, Zone RU2 or Zone RU4, and
 - (d) at least 40m from a boundary adjoining the Mount Panorama Racing Circuit if located on land in Zone RU2.
- (5) Must be constructed or installed so that any stormwater from the roof is disposed of into an existing stormwater drainage system or other lawful place for stormwater discharge.

- (6) If on a lot in a heritage conservation area or draft heritage conservation area—must be of a colour that matches the main building on the lot.
- (7) If located over the existing house drainage pipelines—access to the inspection openings must be maintained at all times.
- (8) Must be constructed of non-reflective materials or painted before use.
- (9)–(11) (Repealed)
- (12) Must be 1.2m clear of any 150mm diameter sewer main or 2m clear of any 225mm (or greater) diameter sewer main.
- (13) Must not be constructed over any easement.
- (14) Must be clear of the zone of influence of any sewer main in accordance with the Council’s Drawing No. EN7902 available on the Council’s website.
- (15), (16) (Repealed)
- (17) Must not be located on a lot identified as “Flood Planning Area” on the [Flood Planning Map](#).

Division 33 Garbage bin storage enclosure

33.1 Specified development

The construction of a garbage bin enclosure is development specified for this Schedule.

33.2 Development standards

- (1) Must be located at or behind the building line.
- (2) Must be located 450mm from each side and rear boundary.
- (3) If constructed of metal components—must be of low reflective, factory pre-coloured materials.
- (4) If it is located on bush fire prone land and less than 5m from a dwelling, must be constructed of non-combustible material.

Division 34 Goal posts, sight screens and similar sporting structures

34.1 Specified development

The construction of goal posts, sight screens and similar sporting structures is development specified for this Schedule.

34.2 Development standards

- (1) Must only be erected on sporting or playing fields used for sporting events.
- (2) Must not be constructed over the Council’s sewer and sewer inspection openings.
- (3) External lighting must comply with AS 4282—1997, *Control of the obtrusive effects of outdoor lighting*.

Division 35 Hot water systems

35.1 Specified development

The installation of a hot water heater or a hot water storage tank is development specified for this Schedule.

35.2 Development standards

- (1) Must be installed in accordance with the manufacturers specifications.
- (2) All work is carried out by a licensed plumber in accordance with the requirements of AS/NZS 3500 and the *Plumbing Code of Australia*.
- (3) If within a heritage conservation area or within the curtilage of a heritage item—the proposed heater must not be visible from a road or public place.

Division 36 Interpretive signs

36.1 Specified development

The installation of interpretive signs, being a sign that displays interpretive information for a building or place of a historic, environmental or scenic nature, is development specified for this schedule.

36.2 Development standards

- (1) Must not obstruct the sight line of vehicle or pedestrian traffic.
- (2) Must not be larger than would otherwise be required to interpret the site.

Division 37 Landscaping structures and privacy screens

37.1 Specified development

The construction or installation of landscaping structures and privacy screens is development specified for this Schedule.

37.2 Development standards

- (1) Must be located wholly within the property boundary.
- (2) Must not be higher than 3m.

Division 38 Letterboxes

38.1 Specified development

The construction or installation of a letterbox, whether free standing or in groups, is development specified for this Schedule.

38.2 Development standards

- (1) Must be structurally adequate.
- (2) Must be erected within the property boundary, except on land within Zone RU1 or Zone RU4.
- (3) If on land within Zone RU1 or Zone RU4, must be located to allow adequate clearance for parked postal vehicles from passing traffic and not interfere with the movement of traffic and the sight distances of drivers.
- (4) Must be constructed in accordance with Australia Post Guidelines.

Division 39 Outdoor lighting

39.1 Specified development

The construction or installation of outdoor lighting is development specified for this Schedule.

39.2 Development standards

- (1) Maximum height—3m.
- (2) If within the vicinity of the Bathurst Airport—must be positioned so as to comply with the CASA guidelines for lighting in the vicinity of airports.
- (3) Must comply with AS 4282—1997, *Control of the obtrusive effects of outdoor lighting*.
- (4) Must be fully shielded and point downwards.
- (5) Must not be upward lighting of advertising signs or shop front lighting.
- (6) Fittings and supporting structures must be designed and located so that there is no light spill onto adjoining properties.

Division 40 Painting and rendering of buildings

40.1 Specified development

The painting and rendering of buildings is development specified for this Schedule.

40.2 Development standards

- (1) Must not be located on land within Zone B3.
- (2) Colours used must be representative of the period of the building or structure and must not adversely affect the heritage significance of the area or the streetscape.
- (3) Must not be on a lot on which there is a heritage item or draft heritage item.
- (4) If on land in a heritage conservation area—must not involve the painting or rendering of external brickwork that has not been painted or rendered before.

Division 41 Park and street furniture (including bicycle racks) and public art (not covered by [State Environmental Planning Policy \(Infrastructure\) 2007](#))

41.1 Specified development

The installation of park and street furniture (including bicycle racks) and public art (not covered by [State Environmental Planning Policy \(Infrastructure\) 2007](#)) is development specified for this Schedule.

41.2 Development standards

- (1) Must not be located on a lot identified as “Flood Planning Area” on the [Flood Planning Map](#).
- (2) Must not be constructed over the Council’s sewer inspection openings.

Division 42 Portable classrooms (not covered by [State Environmental Planning Policy \(Infrastructure\) 2007](#))

42.1 Specified development

The installation of a portable classroom, other than those covered by *State Environmental Planning Policy (Infrastructure) 2007*, is development specified for this Schedule.

42.2 Development standards

- (1) Must be located within the grounds of an educational establishment.
- (2) Must be single storey.
- (3) Must be located within the property boundary.
- (4) Must be 1.2m clear of any 150mm diameter sewer main or 2m clear of any 225mm (or greater) diameter sewer main.
- (5) Must not be constructed over any easement.
- (6) Must be clear of the zone of influence of any sewer main in accordance with the Council's Drawing No. EN7902 available on the Council's website.
- (7) Must not be constructed over drainage pipes or any house drainage pipelines.
- (8) Must not be within 40m of a perennial or intermittent named waterway.
- (9) Must be constructed of non-reflective materials or painted before use.
- (10) Must provide access for people with disabilities in accordance with AS 1428.1—2009, *Design for access and mobility—General requirements for access—New building work*.
- (11) If the property is located within a heritage conservation area—must not be visible from a road or public place.
- (11A) Must be constructed or installed so that any stormwater from the roof is disposed of into an existing stormwater drainage system or other lawful place for stormwater discharge.
- (12) Must not be located on bush fire prone land.
- (13) Must not be constructed or installed on or in, or in relation to, a heritage item or draft heritage item.
- (14) Must not be located on a lot identified as “Flood Planning Area” on the [Flood Planning Map](#).

Division 43

43.1, 43.2 (Repealed)

Division 44 Public notice signs

44.1 Specified development

The installation of a public notice sign is development specified for this Schedule.

44.2 Development standards

- (1) Must be displayed by a public authority and give information or directions about the services provided by the public authority.
- (2) Must not obstruct the sight line of vehicle or pedestrian traffic.

- (3) Must be displayed on the same land as a lawfully approved development to which the sign relates.

Division 45 Rainwater tanks (above or below ground)

45.1 Specified development

The construction or installation of rainwater tanks (above or below ground) is development specified for this Schedule.

45.2 Development standards

- (1) If on land, other than land within Zone RU1, Zone RU2, Zone RU3, Zone RU4, Zone R5, Zone E2 or Zone E4—must not have a capacity of more than 25,000L.
- (2) Must be located—
 - (a) behind the front building line for a boundary with a primary road, and
 - (b) at least 900mm from a boundary with a secondary road or from a side or rear boundary, and
 - (c) at least 10m from any boundary if located on land in Zone RU1 or Zone RU4, and
 - (d) at least 20m from any boundary if located on land in Zone RU2, and
 - (e) at least 40m from a boundary adjoining the Mount Panorama Racing Circuit if located on land in Zone RU2.
- (3) Must not be located on a lot identified as “Flood Planning Area” on the [Flood Planning Map](#).
- (4) Must not be within 40m of a perennial or intermittent named waterway.
- (5) If on land in a rural zone—must have its overflow connected to an existing stormwater drainage system or alternatively disposed of entirely on the land in such a manner that damage or nuisance is not caused to adjoining properties.
- (5A) If on land in a zone other than a rural zone—must be constructed or installed so that any stormwater from the roof is disposed of into an existing stormwater drainage system or other lawful place for stormwater discharge.
- (6) If the water in the tank is to be used for human consumption, must not be interconnected with a bore water supply.
- (7) Must have an appropriate back flow prevention device installed on any water service in accordance with AS/NZ 3500 and the *Plumbing Code of Australia*.
- (8) Must be installed in accordance with the requirements of AS/NZ 3500 and the *Plumbing Code of Australia*.
- (9) If reticulated water is provided to the lot—must not be interconnected with any system supplying drinking water to the lot unless it complies with the relevant water authority’s requirements.
- (10) Pumps attached to the development must be housed in a soundproof enclosure.
- (11) Must be 1.2m clear of any 150mm diameter sewer main or 2m clear of any 225mm (or greater) diameter sewer main.
- (12) Must not be constructed over any easement.

- (13) Must be clear of the zone of influence of any sewer main in accordance with the Council's Drawing No. EN7902 available on the Council's website.
- (14) Must not be constructed over drainage pipes or any house drainage pipelines.

Division 46 Real estate signs

46.1 Specified development

The installation of real estate signs is development specified for this Schedule.

46.2 Development standards

- (1) Must be a sign that advertises premises for sale or lease.
- (2) Must not be displayed for more than 14 days after letting or completion of the sale.
- (3) Must not be located on or above a roof, an awning, parapet or eave of a building.
- (4) Must not project outwards from a wall above awning level.
- (5) Must be displayed on the same land to which the sign relates.

Division 47 Scaffolding, temporary construction site fencing and hoarding

47.1 Specified development

The installation of scaffolding, temporary construction site fences and hoardings is development specified for this Schedule.

47.2 Development standards

- (1) Must provide safe access where scaffolding, fencing or hoarding encroaches onto a public road, footway or thoroughfare.
- (2) Must not obstruct access to the Council's water and sewer infrastructure (including sewer mains, access points, water meters and stormwater pits).
- (3) Must meet with WorkCover Authority requirements.
- (4) Must comply with AS/NZS 1576.1:2010, *Scaffolding—General requirements*.
- (5) Must be of sufficient strength to withstand and be impenetrable to the impact of falling rubble.
- (6) Site fences must enclose the work area.
- (7) Must be immediately removed after the purpose for which it has been provided has concluded.
- (8) Hoarding must be constructed of solid materials to a height of not less than 3m above the level of the footpath or thoroughfare.
- (9) Hoarding signage must be installed in accordance with AS 4282—1997, *Control of the obtrusive effects of outdoor lighting*.

Division 48 Screen enclosures (of balconies, decks, patios, pergolas, terraces and verandahs)

48.1 Specified development

The construction or installation of screen enclosures (of balconies, decks, patios, pergolas, terraces and verandahs) is development specified for this Schedule.

48.2 Development standards

- (1) Must not have a solid enclosing wall higher than 1.4m above the floor level of the structure it is enclosing.
- (2) Must be located behind the front building line.
- (3) Must be located 900mm from each lot boundary.
- (4) Must be constructed of non-reflective materials or painted before use.
- (5) Must not be constructed over drainage pipes or any house drainage pipelines.
- (5A) Must be constructed or installed so that any stormwater from the roof is disposed of into an existing stormwater drainage system or other lawful place for stormwater discharge.
- (6) Must have at least two thirds of its perimeter comprising open screen mesh material.
- (7) If constructed or installed in a heritage conservation area—must not be attached to any balcony, deck, patio, pergola, terrace or verandah that faces any road.
- (8) Must not be constructed or installed on or in, or in relation to, a heritage item or draft heritage item.
- (9) Must not be located on a lot identified as “Flood Planning Area” on the [Flood Planning Map](#).

Division 49 Security screens and shutters

49.1 Specified development

The installation of security screens and shutters is development specified for this Schedule.

49.2 Development standards

- (1) Must not be located on land within Zone RU5 in the village of Hill End.
- (2) Must not be constructed or installed on or in, or in relation to, a heritage item or draft heritage item.
- (3) The design of grilles must complement the architectural period of the building.
- (4) The proposed security window grilles must not damage the original building fabric on installation or removal.

Division 49A Shipping containers

49A.1 Specified development

The installation of a shipping container is development specified for this Schedule.

49A.2 Development standards

- (1) Must not be located on land in Zone RU5 within the village of Hill End.
- (2) No more than 1 shipping container is permitted on a lot.
- (3) Maximum height—3m.

- (4) Maximum length—12.5m.
- (5) Maximum width—2.5m.
- (6) Must be located—
 - (a) behind the front building line for a boundary with a primary road, and
 - (b) at least 900mm from a boundary with a secondary road or from a side or rear boundary, and
 - (c) at least 50m from any boundary if located on land in Zone RU1 or Zone RU4, and
 - (d) at least 20m from any boundary if located on land in Zone RU2, and
 - (e) at least 40m from a boundary adjoining the Mount Panorama Racing Circuit if located on land in Zone RU2.
- (7) Must be painted a neutral colour.
- (8) Must be screened from the street and neighbouring properties by vegetation or other screening.
- (9) Must not be used to store hazardous or contaminated material.
- (10) Must not be installed on a lot on which there is a heritage item or draft heritage item unless the lot is on land in Zone RU1 and the shipping container is outside of the curtilage of the item.
- (11) Must be 1.2m clear of any 150mm diameter sewer main or 2m clear of any 225mm (or greater) diameter sewer main.
- (12) Must not be installed over any easement.
- (13) Must be clear of the zone of influence of any sewer main in accordance with the Council's Drawing No. EN7902 available on the Council's website.
- (14) Must not be installed over drainage pipes or any house drainage pipelines.
- (15) If located over the existing house drainage pipelines—access to the inspection openings must be maintained at all times.
- (16) Must not be located on a lot identified as “Flood Planning Area” on the [Flood Planning Map](#).

Division 50 Skylights, roof windows and ventilators

50.1 Specified development

The installation of skylights, roof windows and ventilators is development specified for this Schedule.

50.2 Development standards

- (1) Maximum area—2m².
- (2) Maximum number—one per 25m² of roof area.
- (3) Must not be visible from a road or other public place within a heritage conservation area or on a heritage item.
- (4) Must not reduce the structural integrity of the building or involve structural alterations.

- (5) Any opening must be adequately weatherproofed.
- (6) Must be constructed and installed in accordance with the manufacturer's specifications.
- (7) Must not be located within 900mm of a property boundary or a common wall in an attached dwelling.

Division 51 Solid fuel heaters including domestic oil and solid fuel burning appliances

51.1 Specified development

The installation of solid fuel heaters including domestic oil and solid fuel burning appliances is development specified for this Schedule.

51.2 Development standards

- (1) Must be used for domestic purposes.
- (2) Installation must comply with AS/NZS 1691:1985, *Domestic oil fired appliances* and AS/NZS 1200:2000, *Pressure equipment*, or AS 2918—1990, *Domestic solid fuel burning appliances—Installation*, and the Council's Code for the installation of domestic type oil and solid fuel burning appliances.

Division 52 Subdivision

52.1 Specified development

The subdivision of land, for the purpose only of any one or more of the following, is development specified for this Schedule—

- (a) the widening of a public road,
- (b) a minor realignment of boundaries that—
 - (i) will not create additional lots or the opportunity for additional dwellings, and
 - (ii) will not result in one or more lots that are smaller than the minimum size specified in this plan in relation to the land concerned (unless the original lot or lots are already smaller than the minimum size), and
- (iii) will not adversely affect the provision of existing services on a lot, and
- (iv) will not result in any increased bush fire risk to existing buildings,
- (c) the consolidation of lots,
- (d) the rectifying of an encroachment on a lot,
- (e) the creation of a public reserve,
- (f) excising from a lot land that is, or is intended to be, used for public purposes, including drainage purposes, rural fire brigade or other emergency service purposes or public toilets.

52.2 Development standards

- (1) All services required to service each lot must be wholly within the boundary of the lot they serve.
- (2) All easements registered on the lots must be transferred to the new deposited plan.

- (3) All redundant access points must be removed and any kerb and gutter reinstated.
- (4) Driveways and footway crossings must be constructed in accordance with access levels issued by the Council and must be inspected by the Council before the pouring of the concrete.
- (5) If on land within Zone RU2 or Zone SP3—must not result in any alterations to an existing, or the creation of any new, access to the Mount Panorama Racing Circuit.
- (6) If works involve the installation or alteration to water or sewer infrastructure—
 - (a) the plumbing and drainage must be installed in accordance with AS/NZS 3500 and *Plumbing Code of Australia*, and
 - (b) civil works plans must have been submitted to, and approved by, the Council, and
 - (c) the works must be inspected by the Council before concealment.

Division 53 Temporary builders' structures

53.1 Specified development

The erection or installation of temporary builders' structures is development specified for this Schedule.

53.2 Development standards

- (1) Must be located on the lot in relation to which development consent has been granted.
- (1A) Must not be located on a lot identified as "Flood Planning Area" on the [Flood Planning Map](#).
- (1B) Must not obstruct the line of sight of vehicular traffic.
- (2) If it contains plumbing fixtures, must have those fixtures connected to an approved waste water treatment device or an approved connection to the sewer.
- (3) Must not be used for residential purposes.
- (4) Must be 1.2m clear of any 150mm diameter sewer main or 2.0m clear of any 225mm (or greater) diameter sewer main.
- (5) Must be removed from the lot immediately after completion of the works for which the development consent was granted.

Division 54 Temporary signs

54.1 Specified development

The erection of a temporary sign is development specified for this Schedule.

54.2 Development standards

- (1) Must be a sign of a temporary nature that—
 - (a) announces any local event of a religious, educational, cultural, political, social, sporting or recreational character or relates to any temporary matter in connection with such an event, and
 - (b) does not include advertising of a commercial nature (except for the name of an event's sponsor), and

- (c) is not displayed for more than 28 days before or 7 days after the event.
- (2) Must not obstruct the sight line of vehicle or pedestrian traffic.

Division 55

55.1, 55.2 (Repealed)

Division 56 Tennis courts

56.1 Specified development

The erection of tennis courts is development specified for this Schedule.

56.2 Development standards

- (1) If floodlit, the exemption criteria for outdoor lighting must be met.
- (2) If on land within Zone R1, Zone R2 or Zone RU5, only one per property.
- (3) If on land within Zone R1, Zone R2, Zone RU5, Zone B1 or Zone B3, a heritage conservation area or the curtilage of a heritage item, must be located behind the front wall of the main building.
- (4) Must not be located on a lot identified as “Flood Planning Area” on the [Flood Planning Map](#).

Division 57

57.1, 57.2 (Repealed)

Division 58 Water features and ponds

58.1 Specified development

The construction or installation of a water feature or pond is development specified for this Schedule.

58.2 Development standards

- (1) Must not have a depth of more than 300mm.
- (2) Must not have a surface area of more than 10m².

Division 59 Water supply works

59.1 Specified development

The construction or installation of water supply works is development specified for this Schedule.

59.2 Development standards

- (1) Water may be drawn from the Council’s water supply if the water is passed through a property service pipe connected to that system or in accordance with a right or licence conferred by or under any Act.
- (2) Water may be drawn from the Council water supply system or the Council’s stand-pipe if the water is drawn by a Council employee acting in the course of his or her employment.

Division 60 Water supply, sewerage and drainage works

60.1 Specified development

The construction or installation of water supply, sewerage and drainage works is development specified for this Schedule.

60.2 Development standards

Water supply, sewerage or stormwater drainage work may be carried out if the work is permitted by, and in accordance with rule 2.1.3 of the *Plumbing Code of Australia*.

Division 61 Windmills

61.1 Specified development

The construction or installation of a windmill is development specified for this Schedule, if it is not for the purpose of electricity generation.

61.2 Development standards

- (1) Must be located on land within Zone RU1, Zone RU2, Zone RU4, Zone R5 or Zone E4.
- (2) Must not be used for commercial purposes.
- (3) Must not be located on a lot identified as “Flood Planning Area” on the [Flood Planning Map](#).