



Title: Secondary Dwellings (Granny Flats)

Category: Operating – Service design or service definition

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Related legislation: State Environmental Planning Policy (Affordable Rental Housing) 2009

Relevant sections of the SEPP are attached:

- Division 2 Secondary Dwellings
- Schedule 1 Development standards for secondary dwellings.

Related policies:

Related procedures:

Related forms:

Policy: THAT the standards and controls in the Complying Development Schedule of the State Environmental Planning Policy (Affordable Rental Housing) 2009 are to be used as the basis for the assessment and determination of any development applications received for secondary dwellings on or after 5 March 2010.

1. Purpose

The purpose of this policy is to ensure development applications received for secondary dwellings (Granny Flats) are assessed and determined using the relevant standards and controls in the Affordable Rental Housing State Environmental Planning Policy 2009

2. Objectives

The aims and objectives of the policy are:

- To ensure the controls in the Complying Development Schedule of the State Environmental Planning Policy (Affordable Rental Housing) 2009 are to be used as the basis for the assessment and determination of any development applications received for secondary dwellings.

3. Scope

The policy applies to all development applications for secondary dwellings (granny flat) received on or after 5 March 2010.

4. Definitions

The following definitions are used in the Policy

Secondary dwellings – means a self contained dwelling that:

- a. is established in conjunction with another dwelling (the principal dwelling), and
- b. is on the same lot of land (not being an individual lot in a strata plan or community title scheme) as the principal dwelling, and
- c. is located within, or is attached to, or is separated from, the principal dwelling.

5. Principles

SEPP (Affordable Rental Housing) 2009

The SEPP 2009 will be used as the basis for the assessment and determination of applications received for secondary dwellings (Granny flat) development. The relevant sections of the SEPP are:

- Division 2 Secondary Dwellings
- Schedule 1 Development standards for secondary dwellings.

Assessment and determination of development applications

Development applications received for secondary dwellings on or after 5 March 2010 will need to be assessed and determined under Division 2 – Secondary Dwellings and Schedule 1 Development Standards for secondary dwellings of the SEPP 2009.

6. Responsibilities

All Development Assessment and Environmental Policy staff share the responsibility for implementing this policy.

7. Procedures

The procedure for the application of the policy is as follows:

- A development application for secondary dwelling (granny flat) is submitted to Council for consideration on or after 5 March 2010.
- Council's Development Assessment staff carries out the assessment of the application under Division 2 Secondary Dwellings and Schedule 1 Development standards for secondary dwellings of the SEPP (ARH) 2009.
- The development application for secondary dwelling is determined under Division 2 Secondary Dwellings and Schedule 1 Development standards for secondary dwellings of the SEPP (ARH) 2009.



City of Canterbury

City of Cultural Diversity

SEPP (AFFORDABLE RENTAL HOUSING) 2009 FOR SECONDARY DWELLINGS/GRANNY FLAT DEVELOPMENT

- Division 2 relating to secondary dwellings
- Schedule 1 Development standards for secondary dwellings

Division 2 Secondary dwellings

19 Definition

In this Division:

development for the purposes of a secondary dwelling includes the following:

- (a) the erection of, or alterations or additions to, a secondary dwelling,
- (b) alterations or additions to a principal dwelling for the purposes of a secondary dwelling.

Note.

The standard instrument defines secondary dwelling as follows:

secondary dwelling means a self-contained dwelling that:

- (a) is established in conjunction with another dwelling (the ***principal dwelling***), and
- (b) is on the same lot of land (not being an individual lot in a strata plan or community title scheme) as the principal dwelling, and
- (c) is located within, or is attached to, or is separate from, the principal dwelling.

20 Land to which Division applies

This Division applies to land within any of the following land use zones or within a land use zone that is equivalent to any of those zones, but only if development for the purposes of a dwelling house is permissible on the land:

- (a) Zone R1 General Residential,
- (b) Zone R2 Low Density Residential,
- (c) Zone R3 Medium Density Residential,
- (d) Zone R4 High Density Residential,
- (e) Zone R5 Large Lot Residential.

21 Development to which Division applies

This Division applies to development, on land to which this Division applies, for the purposes of a secondary dwelling.

22 Development may be carried out with consent

- (1) Development to which this Division applies may be carried out with consent.
- (2) A consent authority must not consent to development to which this Division applies if there is on the land, or if the development would result in there being on the land, any dwelling other than the principal dwelling and the secondary dwelling.

- (3) A consent authority must not consent to development to which this Division applies unless:
 - (a) the total floor area of the principal dwelling and the secondary dwelling is no more than the maximum floor area allowed for a dwelling house on the land under another environmental planning instrument, and
 - (b) the total floor area of the secondary dwelling is no more than 60 square metres or, if a greater floor area is permitted in respect of a secondary dwelling on the land under another environmental planning instrument, that greater floor area.
- (4) A consent authority must not refuse consent to development to which this Division applies on either of the following grounds:
 - (a) site area
if:
 - (i) the secondary dwelling is located within, or is attached to, the principal dwelling, or
 - (ii) the site area is at least 450 square metres,
 - (b) parking
if no additional parking is to be provided on the site.
- (5) A consent authority may consent to development to which this Division applies whether or not the development complies with the standards set out in subclause (4).

23 Complying development

- (1) Development for the purposes of a secondary dwelling (other than development referred to in subclause (2)) is complying development if the development:
 - (a) **General requirements**
meets the general requirements for complying development set out in clause 1.18 (1) and (2) of [State Environmental Planning Policy \(Exempt and Complying Development Codes\) 2008](#), and
 - (b) **Land-based requirements**
is on a lot that does not include any land referred to in clause 1.19 of that Policy, and
 - (c) **Specified development**
is on land in Zone R1, R2, R3 or R4 or a land use zone that is equivalent to any of those zones, and
 - (d) is on a lot that has an area of at least 450 square metres, and
 - (e) does not involve the erection of a basement or alterations or addition to an existing basement, and
 - (f) does not involve the erection of a roof terrace on the topmost roof of a building or alterations or addition to any such existing terrace, and
 - (g) **Development standards**
satisfies the development standards set out in Schedule 1.

- (2) Development for the purposes of a secondary dwelling that is located entirely within an existing dwelling house is complying development if the development:
- (a) **General requirements**
meets the relevant provisions of the *Building Code of Australia*, and
 - (b) **Land-based requirements**
is on a lot that does not include any:
 - (i) land that is an environmentally sensitive area within the meaning of clause 1.19 of [State Environmental Planning Policy \(Exempt and Complying Development Codes\) 2008](#), or
 - (ii) land that comprises, or on which there is, a heritage item or a draft heritage item within the meaning of that Policy, and
 - (c) **Specified development**
is on land in Zone R1, R2, R3 or R4 or a land use zone that is equivalent to any of those zones, and
 - (d) involves no external alterations to the principal dwelling other than the provision of an additional entrance, and
 - (e) does not involve the erection of a basement or alterations or addition to an existing basement, and
 - (f) does not involve the erection of a roof terrace on the topmost roof of a building or alterations or addition to any such existing terrace, and
 - (g) **Development standards**
will not result in there being on the land, any dwelling other than the principal dwelling and the secondary dwelling, and
 - (h) will not result in the floor area of the secondary dwelling being more than 60 square metres or, if a greater floor area is permitted in respect of a secondary dwelling on the land under another environmental planning instrument, being more than that greater floor area.
- (3) If a secondary dwelling is to be built at the same time as a principal dwelling, the building of both dwellings and any ancillary development on the lot may be carried out as a single complying development if:
- (a) the building of the secondary dwelling can be carried out as complying development under this Division, and
 - (b) the building of the principal dwelling and any ancillary development can be carried out as complying development under [State Environmental Planning Policy \(Exempt and Complying Development Codes\) 2008](#).
- (4) In determining whether a principal dwelling (when built at the same time as a secondary dwelling) can be carried out as complying development under [State Environmental Planning Policy \(Exempt and Complying Development Codes\) 2008](#), the secondary dwelling is not to be taken into account.
- Note.** This means that the principal dwelling would be considered to be a dwelling house (a building containing only one dwelling) for the purposes of that Policy even if the secondary dwelling were within it or attached to it.
- (5) A complying development certificate for development that is complying development under this Division is subject to the conditions specified in Division 3

of Part 3 of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 except that the reference in clause 3.44 (1) of that Policy to a dwelling house is taken to be a reference to a principal dwelling or a secondary dwelling.

Note. Principal and secondary dwellings will be classified as class 1a or class 2 under the Building Code of Australia depending on the configuration of those dwellings.

24 No subdivision

A consent authority must not consent to a development application that would result in any subdivision of a lot on which development for the purposes of a secondary dwelling has been carried out under this Division.

Schedule 1 Development standards for secondary dwellings

(Clause 23 (1) (g))

Part 1 Preliminary

1 Definitions

(1) In this Schedule:

ancillary development means any of the following that are not exempt development under [State Environmental Planning Policy \(Exempt and Complying Development Codes\) 2008](#):

- (a) an access ramp,
- (b) an awning, blind or canopy,
- (c) a balcony, deck, patio, pergola, terrace or verandah that is attached to a principal or secondary dwelling,
- (d) a carport that is attached to a principal or secondary dwelling,
- (e) a driveway, pathway or paving,
- (f) a fence or screen,
- (g) a garage that is attached to a principal or secondary dwelling,
- (h) an outbuilding,
- (i) a rainwater tank that is attached to a principal or secondary dwelling,
- (j) a retaining wall,
- (k) a swimming pool or spa pool and child-resistant barrier.

outbuilding means any of the following that are detached from a principal or secondary dwelling:

- (a) a balcony, deck, patio, pergola, terrace or verandah,
- (b) a cabana, cubby house, fernery, shed, gazebo or greenhouse,
- (c) a carport or garage,
- (d) a rainwater tank (above ground),
- (e) a shade structure.

- (2) A word or expression used in this Schedule has the same meaning as it has in [State Environmental Planning Policy \(Exempt and Complying Development Codes\) 2008](#) unless it is otherwise defined in this Schedule.
- (3) In calculating the area of a lot for the purposes of this Schedule, the area of the access laneway is excluded if it is a battle-axe lot.

Part 2 Site requirements

2 Lot requirements

- (1) Development for the purposes of a secondary dwelling may only be carried out on a lot that:
 - (a) at the completion of the development will have only one principal dwelling and one secondary dwelling, and
 - (b) if it is not a battle-axe lot, has a boundary with a primary road, measured at the building line, of at least the following:
 - (i) 12 metres, if the lot has an area of at least 450 square metres but less than 900 square metres,
 - (ii) 15 metres, if the lot has an area of more than 900 square metres but less than 1500 square metres,
 - (iii) 18 metres, if the lot has an area of at least 1500 square metres, and
 - (c) if it is a battle-axe lot, has an access laneway of at least 3 metres in width and measuring at least 12 metres by 12 metres, excluding the access laneway.
- (2) A lot on which a new secondary dwelling is erected must have lawful access to a public road.

3 Maximum site coverage of all development

- (1) The site coverage of the principal dwelling, secondary dwelling and all ancillary development on a lot must not be more than the following:
 - (a) 50 per cent of the area of the lot, if the lot has an area of at least 450 square metres but less than 900 square metres,
 - (b) 40 per cent of the area of the lot, if the lot has an area of at least 900 square metres but less than 1500 square metres,
 - (c) 30 per cent of the area of the lot, if the lot has an area of at least 1500 square metres.
- (2) For the purpose of calculating the site coverage in subclause (1), the area of any of the following is not included:
 - (a) an access ramp,
 - (b) that part of an awning, blind or canopy that is outside the outer wall of a building,
 - (c) a balcony, deck, patio, pergola, terrace or verandah attached to the principal or secondary dwelling that is not enclosed by a wall higher than 1.4 metres above the floor level,
 - (d) an eave,
 - (e) a driveway,
 - (f) a farm building,
 - (g) a fence or screen,

- (h) a pathway or paving,
- (i) a rainwater tank that is attached to the principal or secondary dwelling,
- (j) a swimming pool or spa pool.

4 Maximum floor area for principal and secondary dwelling

- (1) The floor area of a secondary dwelling must not be more than 60 square metres or, if a greater floor area is permitted in respect of a secondary dwelling on the land under another environmental planning instrument, that greater floor area.
- (2) The floor area of a principal dwelling, secondary dwelling and any carport, garage, balcony, deck, patio, pergola, terrace or verandah attached to either dwelling and enclosed by a wall (other than the external wall of a dwelling) higher than 1.4 metres above the floor level on a lot must not be more than the following:
 - (a) 330 square metres, if the lot has an area of at least 450 square metres but less than 600 square metres,
 - (b) 380 square metres, if the lot has an area of at least 600 square metres but less than 900 square metres,
 - (c) 430 square metres, if the lot has an area of at least 900 square metres.
- (3) For the purpose of calculating the floor area in subclause (2):

floor area means the sum of the areas of each storey of each dwelling and each carport, garage, balcony, deck, patio, pergola, terrace or verandah, measured at a height of 1.4 metres above each floor level, where the area is taken to be the area within the outer face of:

- (a) the external walls of the dwelling, and
- (b) the walls of the carport, garage, balcony, deck, patio, pergola, terrace or verandah,

but excluding any of the following:

- (c) any part of an awning, blind or canopy that is outside the outer wall of a building,
- (d) an eave,
- (e) a lift shaft,
- (f) a stairway,
- (g) a void above a lower storey.

5 Maximum floor area for balconies, decks, patios, pergolas, terraces and verandahs

- (1) The maximum floor area of a balcony, deck, patio, pergola, terrace or verandah attached to a principal dwelling or secondary dwelling with a floor level of more than 3 metres above ground level (existing) is 12 square metres.
- (2) For the purpose of calculating the floor area in subclause (1):

floor area means the area of the balcony, deck, patio, pergola, terrace or verandah, measured at the floor level, where the area is taken to be the area within the outer face of:

- (a) the external walls, if the balcony, deck, patio, pergola, terrace or verandah is enclosed, or
- (b) the balustrade or other safety barrier if the balcony, deck, patio, pergola, terrace or verandah, is not enclosed.

Part 3 Building heights and setbacks

6 Building height

Development for the purposes of a secondary dwelling must not result in a new building or a new part of an existing building having a building height above ground level (existing) of more than 8.5 metres.

7 Setbacks from roads, other than classified roads

- (1) Development for the purposes of a secondary dwelling must not result in a new building or a new part of an existing building having a setback from the boundary with a primary road that is not a classified road of less than:
 - (a) the average distance of the setbacks of the nearest 2 dwelling houses having a boundary with the same primary road and located within 40 metres of the lot on which the principal dwelling is erected, or
 - (b) in any case where 2 dwelling houses are not located within 40 metres of the lot:
 - (i) 4.5 metres, if the lot has an area of at least 450 square metres but less than 900 square metres, or
 - (ii) 6.5 metres, if the lot has an area of at least 900 square metres but less than 1500 square metres, or
 - (iii) 10 metres, if the lot has an area of at least 1500 square metres.
- (2) Development for the purposes of a secondary dwelling must not result in a new building or a new part of an existing building having a setback from a boundary with a secondary road that is not a classified road of less than:
 - (a) 2 metres, if the lot has an area of at least 450 square metres but less than 600 square metres, or
 - (b) 3 metres, if the lot has an area of at least 600 square metres but less than 1500 square metres, or
 - (c) 5 metres, if the lot has an area of at least 1500 square metres.

- (3) Development for the purposes of a secondary dwelling must not result in a new building or a new part of an existing building having a setback from a boundary with a parallel road that is not a classified road of less than:
- (a) the average distance of the setbacks of the nearest 2 dwelling houses having a boundary with the same parallel road and located within 40 metres of the lot on which the principal dwelling is erected, or
 - (b) in any case where 2 dwelling houses are not located within 40 metres of the lot:
 - (i) 4.5 metres, if the lot has an area of at least 450 square metres but less than 900 square metres, or
 - (ii) 6.5 metres, if the lot has an area of at least 900 square metres but less than 1500 square metres, or
 - (iii) 10 metres, if the lot has an area of at least 1500 square metres.

8 Setbacks from classified roads

Development for the purposes of a secondary dwelling must not result in a new building or a new part of an existing building having a setback from a boundary with a classified road of less than:

- (a) if another environmental planning instrument applying to the lot establishes a setback for a dwelling house having a boundary with a classified road, that distance, or
- (b) 9 metres in any other case.

9 Setbacks from side boundaries

- (1) Development for the purposes of a secondary dwelling must not result in a new building or a new part of an existing building or any new carport, garage, balcony, deck, patio, pergola, terrace or verandah that is attached to such a building having a setback from a side boundary of less than the following:
- (a) 0.9 metres, if the lot has an area of at least 450 square metres but less than 900 square metres,
 - (b) 1.5 metres, if the lot has an area of at least 900 square metres but less than 1500 square metres,
 - (c) 2.5 metres, if the lot has an area of at least 1500 square metres.
- (2) Development for the purposes of a secondary dwelling that involves the construction of a new building or additions to an existing building where the new or existing building will, at the end of the development, have a building height at any part of more than 3.8 metres must not result in the new building or any new part of the existing building or any new carport, garage, balcony, deck, patio, pergola, terrace or verandah that is attached to such a building, having a setback from a side boundary of less than the sum of:
- (a) the amount of the setback specified for the relevant sized lot in subclause (1), and
 - (b) an amount that is equal to one-quarter of the additional building height above 3.8 metres.

10 Setbacks from rear boundaries

- (1) Development for the purposes of a secondary dwelling must not result in a new building or a new part of an existing building or any new carport, garage, balcony, deck, patio, pergola, terrace or verandah that is attached to such a building having a setback from a rear boundary of less than the following:
 - (a) 3 metres, if the lot has an area of at least 450 square metres but less than 900 square metres,
 - (b) 5 metres, if the lot has an area of at least 900 square metres but less than 1500 square metres,
 - (c) 10 metres, if the lot has an area of at least 1500 square metres.
- (2) Development for the purposes of a secondary dwelling that involves the construction of a new building or additions to an existing building where the new or existing building will, at the end of the development, have a building height at any part of more than 3.8 metres must not result in the new building or any new part of the existing building or any new carport, garage, balcony, deck, patio, pergola, terrace or verandah that is attached to such a building, having a setback from a rear boundary of less than the sum of:
 - (a) 3 metres, plus an amount that is equal to three times the additional building height above 3.8 metres, up to a maximum setback of 8 metres, if the lot has an area of at least 450 square metres but less than 900 square metres, or
 - (b) 5 metres, plus an amount that is equal to three times the additional building height above 3.8 metres, up to a maximum setback of 12 metres, if the lot has an area of at least 900 square metres but less than 1500 square metres, or
 - (c) 10 metres, plus an amount that is equal to three times the additional building height above 3.8 metres, up to a maximum of 15 metres, if the lot has an area of at least 1500 square metres.
- (3) Despite subclauses (1) and (2), a dwelling on a lot that has a rear boundary with a laneway may have a building line that abuts that boundary for up to 50 per cent of the length of that boundary.

11 Exceptions to side and rear setbacks

Despite any other clause in this Part:

- (a) development for the purposes of a secondary dwelling must not result in a new building or a new part of an existing building having a setback of less than 3 metres from a boundary with a public reserve, and
- (b) side and rear setbacks from the boundary with a road do not apply to allowable encroachments permitted under clause 3.7.1.7 of Volume Two of the Building Code of Australia or any eave or roof overhang that has a horizontal width of not more than 0.45 metres.

Note. The allowable encroachments permitted under clause 3.7.1.7 of Volume Two of the *Building Code of Australia* include fascias, gutters, downpipes, rainwater tanks, chimneys, flues, domestic fuel tanks, cooling or heating appliances, light fittings, electricity and gas

meters, aerials, antennae, pergolas, sun blinds, unroofed terraces, landings, steps and certain ramps.

12 Calculating setbacks

- (1) For the purpose of calculating the setback of an existing dwelling, the location of any of the following is not included:
 - (a) any part of an existing garage or carport that is located between the building line of the dwelling and a boundary with the primary road,
 - (b) any existing building element of a dwelling that is located within the articulation zone.
- (2) For the purpose of calculating the setbacks of the nearest 2 dwelling houses, those dwelling houses must be on the same side of the road as the lot.
- (3) For the purpose of calculating a side or rear setback, the maximum building height of a dwelling on a sloping lot is to be used.
- (4) A setback is to be calculated at the closest point to the boundary from the building line.

13 Articulation zone

- (1) Development for the purposes of a secondary dwelling (other than development on a battle-axe lot) must not result in neither the principal dwelling nor the secondary dwelling having a front door and a window to a habitable room in the building wall that faces a primary road.
- (2) Development for the purposes of a secondary dwelling (other than development on a battle-axe lot) must not result in neither the principal dwelling nor the secondary dwelling having a window to a habitable room in the building wall that faces a parallel road.
- (3) Development for the purposes of a secondary dwelling may incorporate an articulation zone from the secondary dwelling to a primary road, unless the secondary dwelling has a setback from the primary road of less than 3 metres.

14 Building elements within the articulation zone

- (1) The following building elements are permitted in an articulation zone:
 - (a) an entry feature or portico,
 - (b) a balcony, deck, patio, 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.
- (2) A building element must not extend above the eave gutter line, other than a pitched roof to an entry feature or portico that has the same pitch as the roof on the building.
- (3) The maximum area of all building elements within the articulation zone, other than a building element listed in subclause (1) (e) or (f), must not be more than 25 per

cent of the area of the articulation zone, measured through the horizontal plane of the elements.

15 Privacy

- (1) Development for the purposes of a secondary dwelling must not result in a new window in the principal or secondary dwelling without a privacy screen if:
 - (a) it is a window in a habitable room, other than a bedroom, that has a floor level of more than 1 metre above ground level (existing), and
 - (b) the wall in which the window is located has a setback of less than 3 metres from a side or rear boundary, and
 - (c) the window has a sill height of less than 1.5 metres.
- (2) Development for the purposes of a secondary dwelling must not result in a new or altered balcony, deck, patio, pergola, terrace or verandah without a privacy screen if it:
 - (a) has a setback of less than 3 metres from a side or rear boundary, and
 - (b) has a floor area more than 3 square metres, and
 - (c) has a floor level more than 1 metre above ground level (existing).
- (3) Development for the purposes of a secondary dwelling must not result in a new or altered detached deck, patio, pergola or terrace having a floor level that is more than 0.6 metres above ground level (existing).

- (4) In this clause

alter includes making additions to.

privacy screen means a screen that:

- (a) faces the boundary identified in subclause (2) (a), and
- (b) is 1.5 metres high, measured from the floor level, and
- (c) has no individual opening more than 30 millimetres wide, and
- (d) has a total of all openings less than 30 per cent of the surface area of the screen.

Part 4 Landscaping

16 Landscaped area

- (1) A lot on which development for the purposes of a secondary dwelling is carried out must have a landscaped area of at least the following:
 - (a) 20 per cent, if the lot has an area of at least 450 square metres but less than 600 square metres,
 - (b) 25 per cent, if the lot has an area of at least 600 square metres but less than 900 square metres,
 - (c) 35 per cent, if the lot has an area of at least 900 square metres but less than 1500 square metres,
 - (d) 45 per cent, if the lot has an area of at least 1500 square metres.
- (2) At least 50 per cent of the landscaped area must be located behind the building line to the primary road boundary.
- (3) The landscaped area must be at least 2.5 metres wide.

17 Principal private open space

- (1) A lot on which development for the purposes of a secondary dwelling is carried out must have at least 24 square metres of principal private open space.
- (2) In this clause, ***principal private open space*** means:
 - (a) an area that is directly accessible from, and adjacent to, a habitable room, other than a bedroom, and
 - (b) is at least 4 metres wide, and
 - (c) is not steeper than 1:50 gradient.

Note. There is no requirement that additional parking spaces be provided in respect of development for the purposes of a secondary dwelling.

Part 5 Earthworks and drainage

18 Excavation of sloping sites

- (1) Excavation associated with development for the purposes of a secondary dwelling must:
 - (a) be not more than 1 metre below ground level (existing), and
 - (b) be constructed using a retaining wall or unprotected embankment that meets the standards of subclause (2) or (3), respectively.
- (2) A retaining wall must not extend more than 1 metre horizontally beyond the external wall of the principal or secondary dwelling.
- (3) An unprotected embankment must not extend more than 1 metre horizontally beyond the external wall of the principal or secondary dwelling.

19 Fill of sloping sites

- (1) Fill associated with development for the purposes of a secondary dwelling must be contained wholly within the external walls of the principal or secondary dwelling.
- (2) Despite subclause (1), exposed fill may be constructed using an unprotected embankment if the principal or secondary dwelling has a setback of more than 2 metres from a side or rear boundary, if:
 - (a) the fill is not more than 0.6 metres above ground level (existing), and
 - (b) the fill (but not the embankment) does not extend more than 1 metre beyond an external wall of the dwelling, and
 - (c) the toe of the unprotected embankment has a setback of at least 0.4 metres from a side or rear boundary.

20 Run-off and erosion controls

Run-off and erosion controls must be implemented to prevent soil erosion, water pollution or the discharge of loose sediment on the surrounding land by:

- (a) diverting uncontaminated run-off around cleared or disturbed areas, and
- (b) erecting a silt fence to prevent debris escaping into drainage systems and waterways, and
- (c) preventing tracking of sediment by vehicles onto roads, and
- (d) stockpiling top soil, excavated materials, construction and landscaping supplies and debris within the lot.

21 Drainage

- (1) All stormwater collecting as a result of development for the purposes of a secondary dwelling must be conveyed by a gravity fed or charged system to:
 - (a) a public drainage system, or
 - (b) an inter-allotment drainage system, or
 - (c) an on-site disposal system.
- (2) All stormwater drainage systems within a lot and the connection to a public or an inter-allotment drainage system must:
 - (a) if an approval is required under section 68 of the [Local Government Act 1993](#), be approved under that Act, or
 - (b) if an approval is not required under section 68 of the [Local Government Act 1993](#), comply with any requirements for the disposal of stormwater drainage contained in a development control plan that is applicable to the land.