

Hot water systems and rainwater tanks

This information sheet explains the requirements for hot water systems and rainwater tanks that may be erected as exempt and complying development.

Important note

This information sheet is for guidance only and may not contain all the information relevant to every property in NSW. Applicants should refer to the [relevant planning controls](#)¹ before beginning work, or seek professional advice on how the planning controls apply to their property.

The majority of the development that can be done as exempt or complying development in NSW is identified in the State wide exempt and complying development policy (the policy). View the policy at the [Exempt and Complying Development Policy website](#)².

Exempt development is minor building work that does not need planning or building approval. [Information sheet 1.1](#)³ provides more information about exempt development.

Complying development is a joint planning and construction approval that can be granted by council or a private certifier. [Information sheet 1.2](#)⁴ provides more information about complying development.

Note: As identified in Information Sheets 1.1 and 1.2 exempt and complying development cannot be carried out on certain land.

Exempt development

Hot water systems

The construction or installation of hot water heaters or hot water storage tanks may be exempt development, under clause 2.46A of the policy. Solar hot water systems are not included under this clause. See page 2 for details on solar hot water systems.

The following additional standards must be complied with in accordance with clause 2.46B of the policy:

- If the system is installed externally and on or in a heritage item, draft heritage item, heritage conservation area or draft heritage conservation area, it must:
 - not be located on a roof, and
 - be located in the rear yard.
- If the system uses a heat pump water heater, it must be designed to operate at the following noise levels:
 - not above 5 dB(A) above the ambient background noise level, measured at the property boundary- between 8am-10pm Sat, Sun and public holidays, and between 7am-10pm any other day, and
 - must not be audible in habitable rooms of adjoining residences, at any other time.

¹ <https://maps.planningportal.nsw.gov.au/Terms>

² <http://www.planning.nsw.gov.au/exemptandcomplying>

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⁴ <http://www.planning.nsw.gov.au/exemptandcomplyingoverview>

<http://www.planning.nsw.gov.au/exemptandcomplyingoverview>

Rainwater tanks (above ground)

Under clause 2.63 of the policy, above ground rainwater tanks cannot be constructed or installed as exempt development on land in a foreshore area or an environmentally sensitive area.

The following additional standards must be complied with:

- If it is constructed or installed on or in a heritage item or a draft heritage item, it must be located in the rear yard.
- If the development is on land zoned any zone except Zone RU1, RU2, RU3, RU4, RU6, R5, E2, E3 or E4, the following capacity limits apply:
 - for an educational establishment – a capacity not greater than 25,000L, or
 - in any other case – not more than 10,000L
- In either case, if the tank is more than 1.8m above ground level (existing), it must be located at least 450mm from any lot boundary.
- If the development is on land zoned RU1, RU2, RU3, RU4, RU6, R5, E2, E3 or E4, it must be at least 10m from any lot boundary.
- Be located behind the building line of any road frontage.
- Must not rest on the footings of an existing building or require cut and fill of more than 1m above or below ground level (existing).
- Must be fitted with a screen rain head for self-cleaning and to prevent leaf litter, and a first-flush device with an automatic resetting valve so that initial run-off rainwater bypasses the tank.
- Must be designed to prevent mosquitoes breeding in it.
- The overflow system must be connected to an existing stormwater drainage system that does not discharge to or cause nuisance to adjoining properties.
- The tank must have a sign identifying the water in the tank as rainwater.
- Associated pumps must be housed in a soundproof enclosure.
- Reticulated (non-potable) water systems must not be interconnected with any system

supplying drinking water, unless compliant with the relevant water authority's requirements.

Rainwater tanks (below ground)

Under clause 2.65 of the policy, below ground rainwater tanks can be constructed or installed as exempt development on land zoned RU1, RU2, RU3, RU4, RU6 or R5.

Within these zones, below ground rainwater tanks may only be constructed or installed on land that is not identified on an Acid Sulphate Map as being Class 1-5, or on land within an identified environmentally sensitive area.

The following additional standards must be complied with:

- If it is constructed or installed on or in a heritage item or a draft heritage item, it must be located in the rear yard.
- Must be fitted with a first-flush device with an automatic resetting valve so that initial run-off rainwater bypasses the tank.
- Must be designed to prevent mosquitoes breeding in it.
- Overflow must be connected to an existing stormwater drainage system that does not discharge or cause nuisance to adjoining properties.
- The tank must have a sign identifying the water in the tank as rainwater.
- Associated pumps must be housed in a soundproof enclosure.
- Reticulated (non-potable) water systems must not be interconnected with any system supplying drinking water, unless compliant with the relevant water authority's requirements.

Solar hot water systems

Solar hot water systems are not exempt or complying development under the policy. Solar hot water systems may however be installed as exempt or complying development under the [State Environmental Planning Policy \(Infrastructure\) 2009](#)⁵ (the Infrastructure SEPP). Certain land restrictions may apply.

You must make sure that you are clear of all the requirements for solar hot water systems in the Infrastructure SEPP before any works.

Solar hot water systems must be installed in accordance with the manufacturer's specifications.

Solar hot water systems- Exempt development

Solar hot water systems cannot be exempt development on a lot with a State or local heritage item unless the system is not visible from any road.

Exempt solar hot water systems must also comply with the detailed requirements of clause 39(3) of the Infrastructure SEPP. Restrictions apply to the permitted size, location and installation of ground mounted and non-ground mounted systems.

Solar hot water systems- Complying development

Solar hot water systems cannot be complying development when the lot is within a heritage conservation area.

Systems must comply with the requirements of clause 37(2) of the Infrastructure SEPP.

What else do I need to consider?

- If you propose to remove or prune any existing trees or vegetation, you should contact your council first to make sure you don't need approval for this.
- Any structures that would be located on public land or on or over a public road (including temporary structures) require separate approval from the relevant council or Roads and Maritime Services under the *Roads Act 1993* and the *Local Government Act 1993*.

If your proposal doesn't meet the required standards for either exempt or complying development, you may still be able to do the work, but you must get development approval first. In this case, you should contact your local council to discuss your options.

Further Information

For more information visit the [Exempt and Complying Development Policy website](#)⁶ or contact the Department's Exempt and Complying Development Team on 1300 305 695 or by [email](#)⁷.

Electronic Housing Code

The Electronic Housing Code website helps applicants determine whether the proposed development qualifies as exempt or complying development and the standards that must be met.

Applications for complying development can also be lodged and tracked online for those council areas which are using the Electronic Housing Code. Visit the [Electronic Housing Code website](#)⁸ to find out if it is used by your local council or for more details.

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<http://www.legislation.nsw.gov.au/maintop/view/inforce/epi%2B641%2B2007%2BFIRST%2B0%2BN/>

⁶ <http://www.planning.nsw.gov.au/exemptandcomplying>

⁷ codes@planning.nsw.gov.au

⁸ <http://www.electronichousingcode.com.au/>