

Hot water systems and rainwater tanks

Rules for exempt and complying development



This fact sheet explains the requirements for hot water systems and rainwater tanks that you may install as exempt and complying development.

Check planning controls first

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

The majority of the development that can be done as exempt or complying development in NSW is identified in the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 (the policy). View the policy at the [Exempt and complying development policy web page](#).

Exempt development is minor building work that does not need planning or building approval. Fact sheet *Understanding exempt development* 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. Fact sheet [Exempt and Complying Development](#) gives more information about complying development.

Exempt and complying development cannot be carried out on certain land.



Photo credit: NSW Department of Planning and Environment / Jaime Plaza Van Roon

Exempt development

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 Division 4 of Part 3 of [State Environmental Planning Policy \(Infrastructure\) 2007](#) for details on solar hot water systems.

You must comply with the following additional standards, in keeping 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:
 - be in the rear yard
 - not be on a roof.
- If the system uses a heat pump water heater, it must be designed to operate at the following noise levels:
 - no more than 5 dB(A) above the background noise level in the surrounding area, measured at the property boundary between 8 am and 10 pm Saturday, Sunday and public holidays, and between 7 am and 10 pm any other day
 - people in habitable rooms of adjoining homes must not be able to hear the system at any other time.

Rainwater tanks (above ground)

Under clause 2.63 of the policy, you cannot construct or install above-ground rainwater tanks as exempt development on land in a foreshore area, or an environmentally sensitive area.

You must comply with the following additional standards:

- If the tank is constructed or installed on or in a heritage item or a draft heritage item, it must be in the rear yard.
- The maximum tank capacity allowed is 10,000 L, when the development is on land zoned rather than RU1, RU2, RU3, RU4, RU6, R5, E2, E3 or E4.
- For any land zone, if the tank is more than 1.8 m above the existing ground level, it must be at least 450 mm 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 10 m from any lot boundary.
- The tank must be behind the building line of any road frontage.
- The tank must not rest on the footings of an existing building or require cut-and-fill (moving of earth) of more than 1 m above or below existing ground level.
- The tank must be fitted with a screened rain head for self-cleaning and to prevent leaf litter.
- The tank must be fitted with a first-flush device with an automatic resetting valve so that initial run-off rainwater bypasses the tank.
- 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 pour onto or cause nuisance to adjoining properties.
- The tank must have a 'rainwater' sign.
- Associated pumps must be housed in a soundproof enclosure.
- The tank must not interconnect with any system supplying drinking water, unless it complies with the relevant water authority's requirements.



Photo credit: NSW Department of Planning and Environment / Katie Calokerinos

Rainwater tanks (below ground)

Under clause 2.65 of the policy, you can construct or install below-ground rainwater tanks as exempt development on land zoned RU1, RU2, RU3, RU4, RU6 or R5.

Within these zones, you cannot construct or install below-ground rainwater tanks on land that is identified on an Acid Sulphate Soils map as being Class 1 to 5 under an environmental planning instrument. You also cannot construct or install below-ground rainwater tanks on land within an identified environmentally sensitive area.

You must comply with the following additional standards:

- If the tank is constructed or installed on or in a heritage item or a draft heritage item, it must be in the rear yard.
- The tank must be fitted with a first-flush device with an automatic resetting valve so that initial run-off rainwater bypasses the tank.
- The tank must be designed to prevent mosquitoes breeding in it.
- Overflow must be connected to an existing stormwater drainage system that does not pour onto or cause nuisance to adjoining properties.
- The tank must have a 'rainwater' sign.
- Associated pumps must be housed in a soundproof enclosure.
- The tank must not interconnect with any system supplying drinking water, unless it complies 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 \(Infrastructure\) 2007](#) (the Infrastructure SEPP). Certain land restrictions may apply.

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

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

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.

Complying development

Solar hot water systems

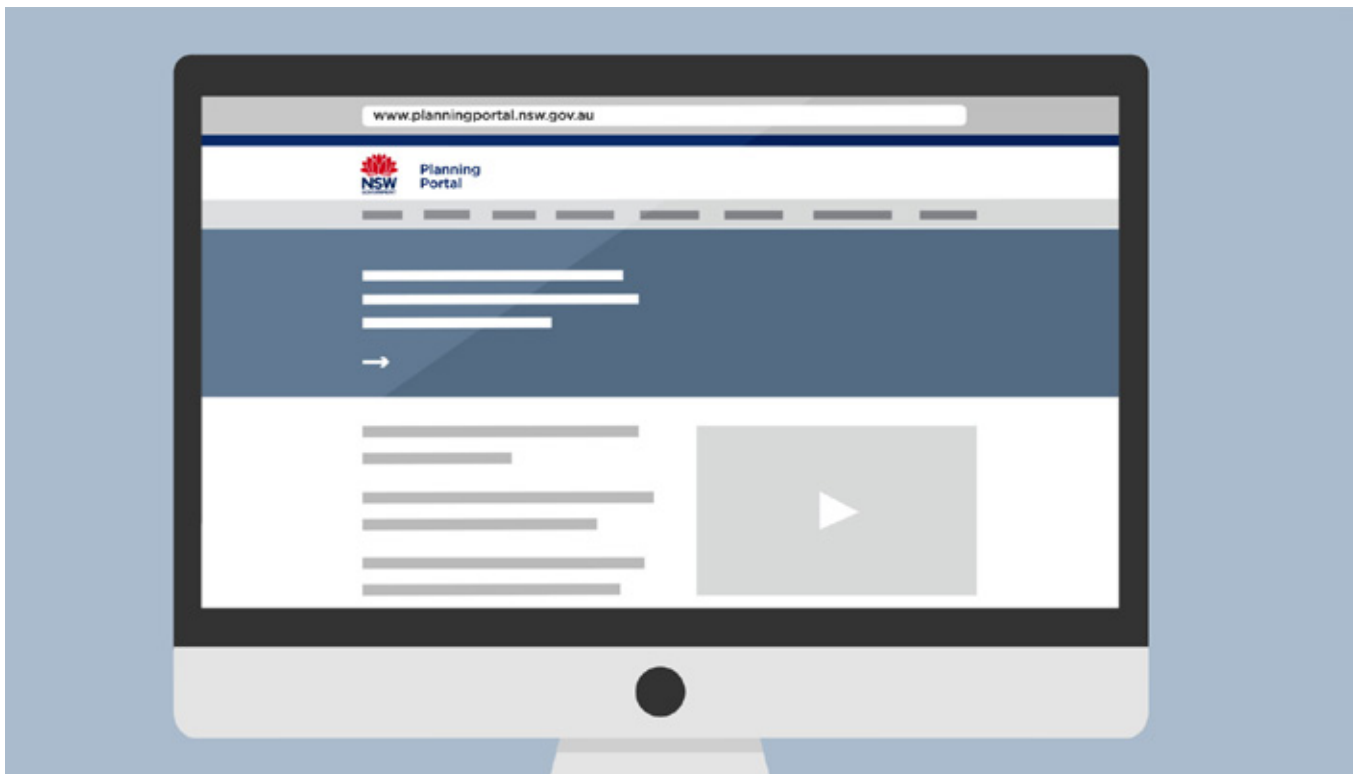
Solar hot water systems cannot be complying development when the lot is within a heritage conservation area.

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

Other things to consider

- Contact your council before removing or pruning any existing trees or vegetation. You may need council approval.
- Under the *Roads Act 1993* and the *Local Government Act 1993*, you will need separate approval from the relevant council or Roads and Maritime Services for any structures (including temporary ones) that would be on public land, or on or over a public road.

If your proposal does not 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.



More information

To find out more, visit the [Exempt and complying development web page](#) or call the department's Codes Team on 02 8289 6600 or email codes@planning.nsw.gov.au.

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