

# Privacy requirements for residential complying developments

This information sheet explains the privacy requirements for residential 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](#)<sup>1</sup> 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](#)<sup>2</sup>.

**Complying development** is a joint planning and construction approval that can be granted by council or a private certifier. [Information sheet 1.2](#)<sup>3</sup> provides more information about complying development.

Note: As identified in Information Sheet 1.2 complying development cannot be carried out on certain land.

## Privacy requirements

When houses and other habitable structures are built close to neighbours, privacy between the neighbouring properties is an important issue.

As a result, the policy has been improved to provide more privacy while still ensuring that applicants can design and build a reasonable home with adequate internal amenity.

## What are the privacy requirements?

The policy contains privacy requirements which apply when constructing a new, or making alterations and additions to, balconies and other outdoor areas and windows in habitable rooms including bedrooms that are more than 1m above ground level.

- A habitable room is a room used for normal domestic activities but does not include a room that is used for a specialised nature, such as a bathroom or laundry.
- Development that involves a new window, or alterations to an existing window, in a habitable room (other than a window in a bedroom smaller than 2m<sup>2</sup>), will require a privacy screen.
- Requirements for windows in smaller bedrooms are more relaxed to allow sunlight and ventilation, and because these rooms are used less frequently and have less impact on neighbouring houses.
- A new balcony, veranda or other outdoor area (or alterations to existing developments) may also need a privacy screen as well as meeting other size and location requirements.

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

<sup>2</sup> [www.planning.nsw.gov.au/exemptandcomplying](http://www.planning.nsw.gov.au/exemptandcomplying)

<sup>3</sup> [www.planning.nsw.gov.au/exemptandcomplyingoverview](http://www.planning.nsw.gov.au/exemptandcomplyingoverview)

## What is a privacy screen?

A privacy screen is defined as:

- a structure that provides a screen or visual barrier between a window of a habitable room or an outdoor area on a lot and an adjoining lot.

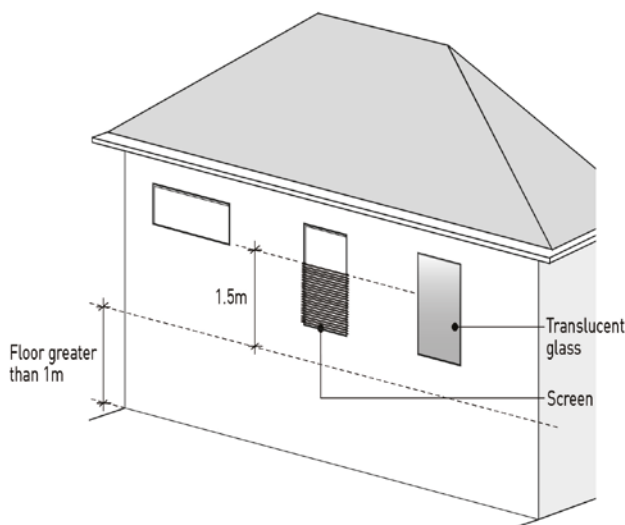
For windows, a privacy screen can be achieved by using a full pane of fixed translucent glass.

Translucent glass provides light to enter a room but limits views and possible privacy impacts from the room.

A privacy screen must have:

- no individual opening more than 30mm wide, and
- a total area of all openings that is no more than 30% of the surface area of the screen or barrier.

**Figure 1: Examples of privacy screen options for new windows**



## What are the requirements for windows?

A privacy screen is required for any part of a window with a sill height less than 1.5m above the floor level of a habitable room:

- where the floor level of the habitable room is **more than 1m above** ground level, and
- the window faces a side or rear boundary, and is **within 3m** of that boundary, or

- where the floor level of the habitable room is **more than 3m** above ground level, and
- the window faces a side or rear boundary, and is **at least 3m**, but not more than 6m from that boundary

A screen is only required for part of the window that is less than 1.5m above the floor level: this allows light and ventilation through upper portions of the window.

Windows less than 2m<sup>2</sup> in area do not require privacy screens if they are in a bedroom.

## What are the requirements for balconies and other outdoor areas?

### Location and floor area restrictions

There are a number of controls which are designed to ensure neighbour privacy from balconies and other outdoor areas while giving applicants the flexibility in designing their home.

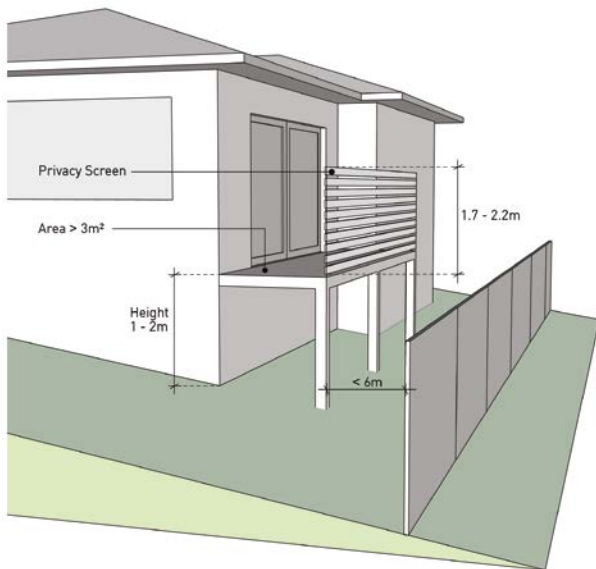
Balconies and other outdoor areas must not have any point of their finished floor level:

- **more than 2m** above ground level, if **within 3m** of a side or rear boundary, or
- **more than 3m** above ground level if **between 3m and 6m** from a side or rear boundary, or
- **more than 4m** above ground level, if located **more than 6m** from a side or rear boundary.

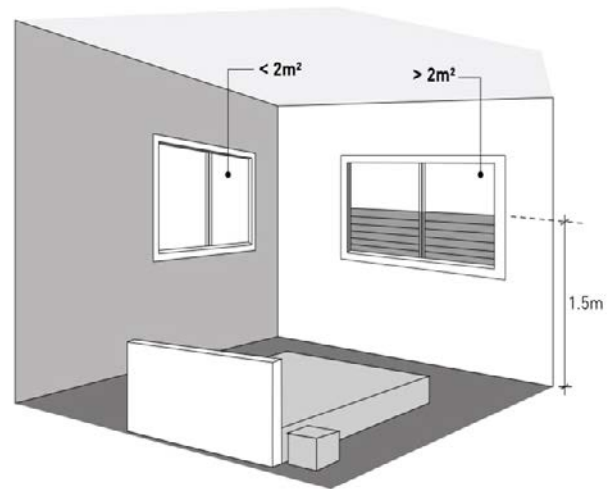
The total floor area of any balcony or other outdoor area that has any point that is **within 6m** of a side or rear boundary and **more than 2m** above ground must cumulatively be no greater than **12m<sup>2</sup>**.

**Note:** A balcony, deck, terrace or veranda that faces the street is not included in the requirement.

**Figure 2: Privacy screen requirements for balconies within 3m of a side or rear lot boundary**



**Figure 3: Example of internally fitted privacy screen (viewed from inside the room)**



**Figure 4: Where privacy screens are required for balconies within 3m or 6m from a lot boundary (areas where privacy screens are required are shown in red)**

## Privacy screens

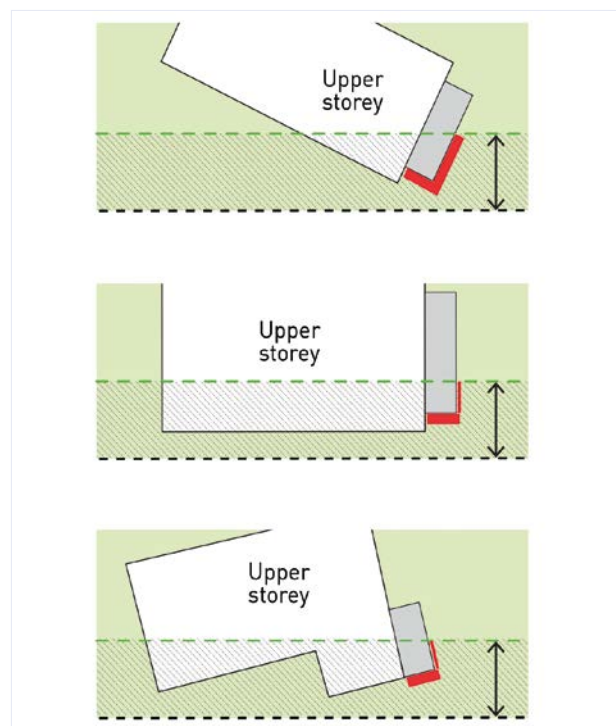
Balconies and other outdoor areas will also require privacy screens to a height of **at least 1.7m** but **no more than 2.2m** above their floor level if they are above certain heights and within specified distances to a side or rear boundary.

The edge of any balcony or other outdoor area will require a screen if it is:

- **within 3m** of a side or rear boundary and the floor level of the balcony or other outdoor area has a floor level between **1m and 2m** above ground level, or
- **within 6m** of a side or rear boundary and the floor level of the balcony or other outdoor area has a floor level of **more than 2m** above ground.

Privacy screens will not be required on the edge of a balcony or other outdoor area if its alignment creates an angle of 90 degrees or more and is facing away from that side or rear boundary – refer to Figure 4.

Generally, it is only the sides of the balcony or other outdoor structure that requires screening to prevent direct overlooking.



Note: The distance from the boundary is 3 or 6m from a relevant boundary. The edge of the balcony parallel or facing relevant boundary requires a privacy screen is highlighted in a thick red line. The small red line no screen is required.

The following table gives a summary of where balconies and other outdoor areas may be located and the situations where a privacy screen will be required.

**Table 4: Where balconies can be built as complying development and where privacy screens are required**

Setback from boundary	Height of balcony above ground	Is balcony allowed?	Privacy Screen required?
0 - 3m	0m - 1m	YES	NO
	1m - 2m	YES	YES
	>2m	NO	N/A
3m - 6m	0m - 1m	YES	NO
	1m - 2m	YES	NO
	2m - 3m	YES	YES
	>3m	NO	N/A
6m+	0m - 1m	YES	NO
	1m - 2m	YES	NO
	2m - 3m	YES	NO
	3m-4m	YES	NO
	>4m	NO	NA

## What else do I need to consider?

- Works must comply with the Building Code of Australia and be installed in accordance with the manufacturer's specifications.
- 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.

If your proposal doesn't meet the required standards for 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](#)<sup>4</sup> or contact the Department's Exempt and Complying Development Team on 1300 305 695 or by [email](#)<sup>5</sup>.

## 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](#)<sup>6</sup> to find out if it is used by your local council or for more details.

<sup>4</sup> [www.planning.nsw.gov.au/exemptandcomplying](http://www.planning.nsw.gov.au/exemptandcomplying)

<sup>5</sup> [codes@planning.nsw.gov.au](mailto:codes@planning.nsw.gov.au)

<sup>6</sup> [www.electronichousingcode.com.au/](http://www.electronichousingcode.com.au/)