

Complying Development Assessment Checklist for Applicants General Housing Code SEPP

Advisory Notes:

This checklist is provide as a guide only and is based on the requirements of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008, as of May 2015, should there be amendments to the SEPP Exempt & Complying Development Code it is the applicants responsibility to ensure that this Checklist is updated.

Applications for Complying Development Certificates are assessed under the legislation in force at the time of lodgement. This legislation is updated regularly and applicants are encouraged to verify the current legislative requirements prior to submission with Council which can be viewed at www.legislation.nsw.gov.au.

Where applications fail to demonstrate compliance with the requirements for Complying Developments applications will be refused and application fees will be retained by Council.

Section 1: General Requirements and Exclusions (as they relate to Camden Council)

Requirement	Complies?	Comments
<p>Requirements for complying development for all environmental planning instruments (Clause 1.17A)</p> <p>The development does not require a concurrence of a person other than:</p> <ul style="list-style-type: none"> (i) the consent authority, or (ii) the Director-General of the Department of Environment, Climate Change and Water as referred to in section 79B (3) of the Act. 	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><i>If "No" the development is not complying development under the General Housing Code.</i></p>	
<p>Land on which complying development may not be carried out (Clause 1.17A & 1.19)</p> <p>Council's planning attributes do not identify any exclusions preventing the carrying out of complying development on the land?</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><i>If "No" the development is not complying development under the General Housing Code.</i></p>	
<p>General requirements for complying development for this Policy</p> <p>(Clause 1.18)</p> <p>Does the development meet the general requirements for complying development for the Policy? i.e</p> <ul style="list-style-type: none"> • not exempt development, and • be permissible, with consent under the LEP, and • meet the relevant provisions of the Building Code of Australia, and • must not require an environment protection licence within the meaning of 	<p><input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A</p>	

Requirement	Complies?	Comments
<p>the Protection of the Environment Operations Act 1997, and</p> <ul style="list-style-type: none"> • must not be designated development, and • not be carried out on land that comprises, or on which there is, a draft heritage item, and • if required by the Local Government Act 1993, have approval for on-site effluent system • before the complying development certificate is issued, have any required section 138 of the Roads Act 1993 permit, and • have the prior approval of the Mines Subsidence Board if required • have any required tree or vegetation removal permit 	<p><input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A</p>	
<p>(Clause 1.19)</p> <p>1.4 Does the land on which the Complying development is proposed meet the requirements of Clause 1.19 ?</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><i>If "No" the development is not complying development under the General Housing Code.</i></p>	

Suspension of covenants, agreements and instruments

<p>Suspension of covenants, agreements and instruments (Clause 1.20)</p> <p>Is the development of the land restricted by a covenant listed in Clause 1.20 ?</p> <p>For the purpose of enabling development on land in any zone to be carried out in accordance with this Policy, or with consent granted under the Act, any agreement, covenant or other similar instrument that restricts the carrying out of that development does not apply to the extent necessary to serve that purpose.</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><i>If "No" the development is not complying development under the General Housing Code.</i></p>	
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Section 2: [Procedures Relating to CDC's](#)

Requirement	Complies?	Comments
<p>Has the application form been completed (including owners consent) and have the relevant documents been provided? (Clause 126)</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><i>If "No" request the required information</i></p>	
<p>Is the estimated value of work considered to be reasonably accurate?</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>	

Requirement	Complies?	Comments
Does the development propose an alternative solution under the provision of the BCA?	<input type="checkbox"/> Yes <input type="checkbox"/> No <i>If "yes" refer to clause 130 requirements</i>	
Bush fire Prone Land - Was the development referred to NSW RFS in accordance with clause 130 A ?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	
Does the proposed development involve any alteration or addition to an existing building that will reduce the fire safety or structural adequacy? Clause 132	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	
If required was the proposal notified for the required 14 days? Clause 130AB	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	

Section 3: [General Housing Code](#)

Development that is complying development under this code:

Requirement	Complies?	Comments
Land to which code applies (Clause 3.1) Is the development to be carried out on a lot: <ul style="list-style-type: none"> (a) Zone R1, R2, R3, R4 or RU5, and (b) With an area of at least 200 square metres, and (c) With a width, measured at the building line fronting a primary road, of at least 6m. 	<input type="checkbox"/> Yes <input type="checkbox"/> No <i>If "No" the development is not complying development under the General Housing Code.</i>	
Is the development one of the following: <ul style="list-style-type: none"> <input type="checkbox"/> New single storey and two storey dwelling houses (Division 1 - Clause 3.1 to 3.32) <input type="checkbox"/> Alterations or additions to existing single storey and two storey dwelling houses (Division 1 - Clause 3.1 to 3.32) <input type="checkbox"/> Detached studios adjoining lanes (Subdivision 7, Clause 3.33) <input type="checkbox"/> Swimming Pools (Subdivision 7, Clause 3.34) <input type="checkbox"/> Fences and retaining walls 	<input type="checkbox"/> Yes <input type="checkbox"/> No <i>If "No" the development is not complying development under the General Housing Code.</i>	

(Subdivision 7, Clause 3.35) <input type="checkbox"/> Construction of fences (Subdivision 7, Clause 3.36) <input type="checkbox"/> Outbuildings in heritage conservation areas (Subdivision 8, Clause 3.36A)		
Ancillary development (Clause 3.5) Any ancillary development is not one of the exclusions listed in Clause 3.5 ?	<input type="checkbox"/> Yes <input type="checkbox"/> No <i>If "No" the development is not complying development under the General Housing Code</i>	
When separate permits are not required under this Part (Clause 3.6A) If the proposal involves the removal or pruning of tree a separate DA has been obtained or the tree meets the requirements of Clause 3.6A ?	<input type="checkbox"/> Yes <input type="checkbox"/> No <i>If "No" the development is not complying development under the General Housing Code</i>	

Site Requirements

Requirement	Complies?	Comments														
Lot requirements (Clause 3.8) On completion of the development the lot will have only one dwelling house? If a battle axe lot, the access laneway is at least 3m wide and measures at least 12m x 12m, excluding the access laneway? The lot has lawful access to a public road?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/> Yes <input type="checkbox"/> No If "No" the development is not complying development under the General Housing Code.															
Maximum site coverage of all development (Clause 3.9) Does the site coverage of the dwelling house (including all ancillary development) comply with Clause 3.9 ?	<input type="checkbox"/> Yes <input type="checkbox"/> No <i>If "No" the development is not complying development under the General Housing Code.</i>															
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Maximum floor area (Clause 3.10) Does the floor area of the dwelling house, basement and any secondary dwelling on a lot	<input type="checkbox"/> Yes <input type="checkbox"/> No <i>If "No" the development is not complying development under the General Housing</i>															

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<p>Maximum floor area for outbuildings (Clause 3.11)</p> <p>Does the floor area of an outbuilding on a lot comply with Clause 3.11?</p> <table border="1"> <thead> <tr> <th>Lot size</th> <th>Requirement</th> </tr> </thead> <tbody> <tr> <td>< 300m²</td> <td>36m²</td> </tr> <tr> <td>>300 m² but < 600 m²</td> <td>45m²</td> </tr> <tr> <td>>600 m² but < 900 m²</td> <td>60 m²</td> </tr> <tr> <td>>900 m² or greater</td> <td>430 m²</td> </tr> </tbody> </table>	Lot size	Requirement	< 300m ²	36m ²	>300 m ² but < 600 m ²	45m ²	>600 m ² but < 900 m ²	60 m ²	>900 m ² or greater	430 m ²	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <i>If "No" the development is not complying development under the General Housing Code.</i>					
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<p>Setbacks and maximum floor area for balconies, decks, patios, terraces and verandahs (Clause 3.12)</p> <p>Total floor area < 12m² if</p> <ul style="list-style-type: none"> within 6m from a side or rear boundary, and the FFL is more than 2m above existing ground level) <table border="1"> <thead> <tr> <th>Distance from Boundary</th> <th>Height Requirements</th> </tr> </thead> <tbody> <tr> <td><3m</td> <td>2m above GL</td> </tr> <tr> <td>>3m but less than 6m</td> <td>3 m above GL</td> </tr> <tr> <td>>6m</td> <td>4 m above GL</td> </tr> <tr> <td>Detached</td> <td>600mm</td> </tr> </tbody> </table>	Distance from Boundary	Height Requirements	<3m	2m above GL	>3m but less than 6m	3 m above GL	>6m	4 m above GL	Detached	600mm	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <i>If "No" the development is not complying development under the General Housing Code.</i>					
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Building heights and setbacks

Requirement	Complies?	Comments
<p>Maximum height of dwelling houses and outbuildings (Clause 3.13)</p> <ul style="list-style-type: none"> 8.5 m above GL dwelling 4.8m above GL outbuildings 	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	

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<p>Setbacks from roads (Clause 3.14- 3.15)</p> <table border="1"> <thead> <tr> <th colspan="2">Not a classified road</th> </tr> <tr> <th>Details</th> <th>Setback Required</th> </tr> </thead> <tbody> <tr> <td>Nearest 2 dwellings within 40m</td> <td>Average distance</td> </tr> <tr> <td colspan="2">If No dwellings within 40m</td> </tr> <tr> <td>Lot less than 300m²</td> <td>3m</td> </tr> <tr> <td>> 300m² but < 900m²</td> <td>600mm</td> </tr> <tr> <th colspan="2">Classified Road</th> </tr> <tr> <td>In accordance with planning instrument if one is in place</td> <td>Consistent with planning instrument</td> </tr> <tr> <td>Otherwise</td> <td>9m</td> </tr> </tbody> </table>	Not a classified road		Details	Setback Required	Nearest 2 dwellings within 40m	Average distance	If No dwellings within 40m		Lot less than 300m ²	3m	> 300m ² but < 900m ²	600mm	Classified Road		In accordance with planning instrument if one is in place	Consistent with planning instrument	Otherwise	9m	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	Average distance of setbacks = _____m																								
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If backs onto a lane	Refer to SEPP																																											
<p>Exceptions to setback requirements</p>																																												

Requirement	Complies?	Comments
<p>(Clause 3.19)</p> <p>Refer to SEPP. In summary the following apply:</p> <ul style="list-style-type: none"> a) Must have a setback of 3 m from a boundary with a public reserve b) Side, rear and road setbacks Alterations and additions to existing c) Side and rear setbacks Aerials, antennas fence, fascia downpipe and the like d) Road setback Driveway, fence, hard stand space, retaining wall and the like 	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	
<p>Calculating Setbacks (Clause 3.20)</p> <p>Refer to SEPP for exemptions for setback calculations. In summary disregard the following when calculating nearest 2 dwellings:</p> <ul style="list-style-type: none"> • battle-axe lots • ancillary development • articulation zone 	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	
<p>Protecting adjoining walls (Clause 3.20A)</p> <p>If the development involves the erection of a wall to a boundary that has a wall less than 0.9m from the boundary, has an engineers report outlining the method of support for the wall been provided?</p>	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	
<p>Building articulation (Clause 3.21)</p> <p>Is the building provided with suitable articulation as required by Clause 3.21?</p> <ul style="list-style-type: none"> • Front door and window to a habitable room in wall that faces a street (or parallel road for battle-axe) • If setback > 3m from street – zone may extend 1.5m • Dwellings on corner lots must have a habitable 1 m² window visible from the secondary street 	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	
<p>Does the building articulation comply with Clause 3.22?</p> <p>Refer to SEPP to see what is permitted</p>	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	

Privacy

Requirement	Complies?	Comments																																											
<p>Privacy (Clause 3.23)</p> <p>Are required privacy measures installed on applicable windows, balconies, decks, patios, terraces or verandahs in accordance with Clause 3.23?</p> <p>Windows must have a privacy screen for any part < 1.5m above FFL if the window:</p> <ul style="list-style-type: none"> - is in a habitable room with a FFL >1m above the GL - has a sill height < 1.5m - faces rear or side boundary and is < 3m from the boundary - if FFL is > 3m but no more than 6m from the boundary - does not apply to bedroom windows < 2m² <p>Balcony Requirements</p> <table border="1"> <thead> <tr> <th>Setback</th> <th>Height</th> <th>Allowed?</th> <th>Screen Required</th> </tr> </thead> <tbody> <tr> <td rowspan="3">0-3m</td> <td>0m -1m</td> <td>Yes</td> <td>No</td> </tr> <tr> <td>1m-2m</td> <td>Yes</td> <td>Yes</td> </tr> <tr> <td>>2m</td> <td>No</td> <td>N/A</td> </tr> <tr> <td rowspan="4">3m-6m</td> <td>0m-1m</td> <td>Yes</td> <td>No</td> </tr> <tr> <td>1m-2m</td> <td>Yes</td> <td>No</td> </tr> <tr> <td>2m-3m</td> <td>Yes</td> <td>Yes</td> </tr> <tr> <td>>3m</td> <td>No</td> <td>N/A</td> </tr> <tr> <td rowspan="5">6m+</td> <td>0m-1m</td> <td>Yes</td> <td>No</td> </tr> <tr> <td>1m-2m</td> <td>Yes</td> <td>No</td> </tr> <tr> <td>2m-3m</td> <td>Yes</td> <td>No</td> </tr> <tr> <td>3m-4m</td> <td>Yes</td> <td>No</td> </tr> <tr> <td>>4m</td> <td>No</td> <td>N/A</td> </tr> </tbody> </table>	Setback	Height	Allowed?	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	N/A	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	
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Landscaping

Requirement	Complies?	Comments																										
<p>Landscaped area (Clause 3.24)</p> <p>The requirements of this section do not apply to development that does not increase the existing site coverage of the lot or decrease the existing landscaped area.</p> <p>Does the lot have the required landscape area required by Clause 3.24?</p> <table border="1"> <thead> <tr> <th>Lot Area</th> <th>Landscaped Area</th> </tr> </thead> <tbody> <tr> <td>>200m² and < 300 m²</td> <td>10%</td> </tr> <tr> <td>>300 m² and < 450 m²</td> <td>15%</td> </tr> <tr> <td>>450 m² but < 600 m²</td> <td>20%</td> </tr> <tr> <td>>600 m² but < 900 m²</td> <td>30%</td> </tr> <tr> <td>>900 m² but <1500 m²</td> <td>40%</td> </tr> <tr> <td>>1500 m²</td> <td>45%</td> </tr> <tr> <th>Lot Width</th> <th>Area forward of Building Line</th> </tr> <tr> <td>> 18m</td> <td>50%</td> </tr> <tr> <td>< 18m</td> <td>25%</td> </tr> <tr> <th colspan="2">Other requirements</th> </tr> <tr> <td>Behind the Building Line</td> <td>50%</td> </tr> <tr> <td>Landscape area must</td> <td>>1.5m wide</td> </tr> </tbody> </table>	Lot Area	Landscaped Area	>200m ² and < 300 m ²	10%	>300 m ² and < 450 m ²	15%	>450 m ² but < 600 m ²	20%	>600 m ² but < 900 m ²	30%	>900 m ² but <1500 m ²	40%	>1500 m ²	45%	Lot Width	Area forward of Building Line	> 18m	50%	< 18m	25%	Other requirements		Behind the Building Line	50%	Landscape area must	>1.5m wide	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	
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<p>Setbacks from protected trees (Clause 3.24A)</p> <p>Is the development, any ancillary development and any associated excavation setback the required distances from the base of the trunk of each protected tree on the lot, as specified by Clause 3.24A?</p> <table border="1"> <thead> <tr> <th>Situation</th> <th>Required setback</th> </tr> </thead> <tbody> <tr> <td>Excavation work</td> <td>3m</td> </tr> <tr> <td>Ancillary development comprising of an access ramp, driveway, path, paving, awning, blind, canopy, fence, screen or pool barrier</td> <td>Can be less than 3m if cut or fill is < 150mm</td> </tr> </tbody> </table>	Situation	Required setback	Excavation work	3m	Ancillary development comprising of an access ramp, driveway, path, paving, awning, blind, canopy, fence, screen or pool barrier	Can be less than 3m if cut or fill is < 150mm	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A																					
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Requirement	Complies?	Comments						
<p>Principal private open space (Clause 3.25) Does the lot have the required principal private open space as required by Clause 3.25?</p> <table border="1"> <thead> <tr> <th>Lot Width</th> <th>Private Open Space</th> </tr> </thead> <tbody> <tr> <td>At least 6m but < 10 m</td> <td>16m²</td> </tr> <tr> <td>>10m</td> <td>24m²</td> </tr> </tbody> </table> <p>Principal private open space means an area that:</p> <ul style="list-style-type: none"> (a) is directly accessible from, and adjacent to, a habitable room, other than a bedroom, and (b) is at least 3m wide, and (c) is not steeper than 1:50 gradient. 	Lot Width	Private Open Space	At least 6m but < 10 m	16m ²	>10m	24m ²	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	
Lot Width	Private Open Space							
At least 6m but < 10 m	16m ²							
>10m	24m ²							

Car parking and access

Requirement	Complies?	Comments												
<p>Car parking requirements (Clause 3.26)</p> <ul style="list-style-type: none"> - At least 1 space for a new dwelling - At least 1 space retained for alterations and additions - A car parking space may be an open hard stand space or a carport or garage, whether attached to or detached from the dwelling house. 	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A													
<p>Garages, carports and car parking spaces (Clause 3.27)</p> <p>Do garage, carports and car parking spaces comply?</p> <p>Setback</p> <table border="1"> <thead> <tr> <th>Situation</th> <th>Requirement</th> </tr> </thead> <tbody> <tr> <td>Dwelling setback 4.5 m or more</td> <td>1 m behind the building line</td> </tr> <tr> <td>Dwelling setback < 4.5m</td> <td>Be at least 5.5m</td> </tr> </tbody> </table> <p>Width</p> <table border="1"> <thead> <tr> <th>Lot Width</th> <th>Requirement</th> </tr> </thead> <tbody> <tr> <td>More than 8m but < 12m</td> <td>3.2m</td> </tr> <tr> <td>>12m</td> <td>6m</td> </tr> </tbody> </table>	Situation	Requirement	Dwelling setback 4.5 m or more	1 m behind the building line	Dwelling setback < 4.5m	Be at least 5.5m	Lot Width	Requirement	More than 8m but < 12m	3.2m	>12m	6m	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	
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>12m	6m													
<p>Vehicle Access (Clause 3.28)</p> <p>Do required car parking spaces have access?</p> <p>AS 2890.1</p>	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A													

Earthworks and drainage

Requirement	Complies?	Comments								
<p>Earthworks, retaining walls and structural support (Clause 3.29)</p> <p>Where excavation is required it complies with the requirements of Clause 3.29?</p> <p>Excavation</p> <table border="1"> <thead> <tr> <th>Distance from boundary</th> <th>Maximum depth</th> </tr> </thead> <tbody> <tr> <td>1m</td> <td>1m</td> </tr> <tr> <td>>1m but < 1.5m</td> <td>2m</td> </tr> <tr> <td>>1.5m</td> <td>3m</td> </tr> </tbody> </table> <p>Note: not allowed to be more than 1m d in Class 3 & 4 Acid sulphate or within 40m of a water body</p> <p>Fill</p> <ul style="list-style-type: none"> - Must not exceed 1m - Must be contained within 1.5m from the external wall of the house if retained - Must not exceed 3m if unprotected 	Distance from boundary	Maximum depth	1m	1m	>1m but < 1.5m	2m	>1.5m	3m	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	
Distance from boundary	Maximum depth									
1m	1m									
>1m but < 1.5m	2m									
>1.5m	3m									

Requirement	Complies?	Comments
<p>Drainage (Clause 3.32)</p> <p>Is all stormwater drainage resulting from the development to be conveyed by gravity fed or charged system to a public drainage system, or an inter-allotment drainage system, or an on-site disposal system?</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A</p>	