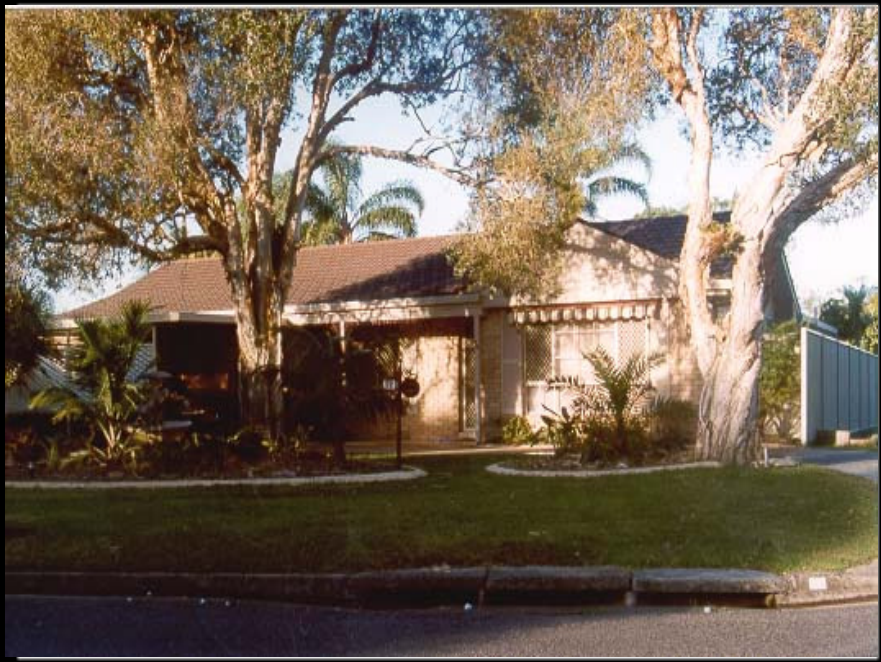




# Complying Development



# Development Control Plan



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# PART 1 - INTRODUCTION

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## PREAMBLE

- This Development Control Plan (DCP) applies to complying development on lands zoned:
  - For Residential Development:**
    - Residential 2A (Low Density) under the Coffs Harbour Local Environmental Plan 2000.
  - For Commercial & Industrial Development**
    - Business 3A, 3B, 3C, 3D, 3E, 3F & 3G.
    - Industrial 4A.
    - Existing lawful commercial or Industrial uses.
- This Plan relates to small-scale development which has minimal environmental impact.
- This Plan came into force on 20 April 2000.

## AMENDMENTS

- This Plan was amended on 7 February 2008 and 7 August 2008.

## OBJECTIVES

The controls in this DCP seek to:

- set development standards for 'complying development';
- allow small scale and low impact development to proceed efficiently; and
- define development for which a complying development certificate may be issued.

**Note:**  
*Minor works, known, as "exempt development" do not require any approval from Council. Please contact Council for a schedule of "exempt developments".*

## WHAT IS COMPLYING DEVELOPMENT?

Complying development is small-scale low impact development that can be approved by either Council or a privately accredited certifier. In order to have this type of development 'approved', a complying development certificate must be obtained.

Single dwelling houses and extensions to single dwelling houses can be considered as complying development subject to certain development standards.

An internal commercial or industrial building fitout can be considered as complying development subject to certain development standards.

The proposal must comply with all standards contained in this DCP. Proposals that fail to meet these standards require the submission of a Development Application for Council's determination.

It is not possible to use conditions to amend a proposal so that it qualifies as complying development.

## WHO MAY ISSUE A COMPLYING DEVELOPMENT CERTIFICATE?

A complying development certificate may only be issued by a Principal Certifying Authority (PCA), which may be either Council or a privately accredited certifier. It is up to the applicant to select the PCA.

**Note:**  
*The applicant should ensure that the PCA is accredited; contact the Department of Urban Affairs and Planning (phone: (02) 9391 2000) to confirm that your PCA is accredited.*

## PROCEDURES

### Step 1

Check that development can be considered as complying development (see Checklist).



### Step 2

Ensure development complies with Part 2 of this DCP – Development Standards.



### Step 3

Complete "Form 9" Application for Complying Development Certificate (copy available from Council).



### Step 4

Lodge application with your selected Principal Certifying Authority (Council or a privately accredited certifier).



### Step 5

Receive Complying Development Certificate (this will occur within 7 days).



### Step 6

Carry out development in accordance with the certificate and all of the conditions attached.

## CRITERIA FOR COMPLYING DEVELOPMENT ON RESIDENTIAL PROPERTIES

Complying development, with regard to residential development, is:

- a single dwelling house and will be the only dwelling on the lot; or
- alterations and additions to a single dwelling house; or
- carports and garages associated with a single dwelling house; or
- development ancillary or incidental to a single dwelling house that is not categorised as exempt development;

### and provided

- it complies with the Land Constraints requirements;

### and provided

- it meets the development standards described in Part 2.

## LAND CONSTRAINTS

Development is complying development only if it satisfies all of the following requirements:

- The lot is within a Residential 2A zone and has an area not less than 700m<sup>2</sup> and is provided with reticulated water and sewer;

### and

- the lot is not identified:
  - as affected by contaminated land on Council's property notation system;
  - in Schedule 5 (Heritage Items) of Coffs Harbour City LEP 2000, or does not adjoin one of these lots;
  - within a Heritage Conservation Area shown in Schedule 6 of Coffs Harbour City LEP 2000;
  - as potentially flood liable land, based on the 1% frequency flood on Council's property notation system;
  - as being bushfire prone or adjoining bush fire prone land, and shown on the maps produced by Council for the purpose of this clause;
  - as containing more than 300mm of fill on Council's property notation system;
  - as requiring geo-technical site assessment on Council's property notation system;
  - as being affected by a foreshore building line as adopted by Council and shown on the maps produced by Council for the purpose of this clause;

### and

- building works are not within 40m of a watercourse.

## **CRITERIA FOR COMPLYING DEVELOPMENT ON COMMERCIAL AND/OR INDUSTRIAL PROPERTIES**

Complying development with regard to commercial and/or industrial development is:

- a fit-out, including alterations to the internal spaces of a commercial or industrial building; or
- development that is not categorised as exempt development;

### **and provided**

it complies with the Land Constraints requirements;

## **LAND CONSTRAINTS**

Development is complying development only if it satisfies all of the following requirements:

- Must relate to an existing lawful use;
- Must be in a Business or Industrial Zone, or be an approved existing use;
- Does not apply to premises used for the sale or preparation of food;
- Includes internal alterations to existing shops, industrial buildings, offices or commercial premises which do not increase the total commercial floor area of the building;
- Complies with the requirements of any LEP or DCP applying to the land;
- Internal fit-out complies with the deemed to comply provisions of the Building Code of Australia (BCA), including but not limited to Parts C, D & E of the BCA, or incorporate provisions to upgrade the building to meet compliance with these provisions;
- Provide access to people with disabilities to and within all areas of the building that are accessible to the public. Disabled access must be provided in accordance with AS1428.1;
- Must comply with Council's Trade Waste Policy;

- Complies with any conditions of development consent applying to the premises;
- Does not involve a change of classification as determined under Part A3 of the Building Code of Australia;
- The works will not alter the structural stability of the building to withstand flooding;
- In flood liable areas building works are to use flood proof materials;
- In flood liable areas electrical switches and power points are located 800mm above the 1:100 year flood level; and
- Objects primarily concerned with sexual behaviour are not exhibited or sold as a result of internal building fit-out.

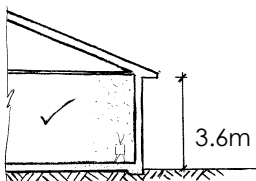
### **and**

- the lot is not identified:
  - in Schedule 5 (Heritage Items) of Coffs Harbour City LEP 2000, or does not adjoin one of these lots;
  - within a Heritage Conservation Area shown in Schedule 6 of Coffs Harbour City LEP 2000.

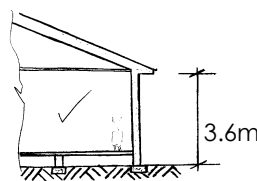
# PART 2 - DEVELOPMENT STANDARDS FOR RESIDENTIAL DEVELOPMENT

## DESIGN

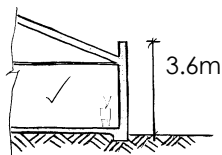
**Height** - building not to exceed a height of 3.6m measured vertically from the topmost point of the eaves, or the commencement of the roof, to natural ground level below.



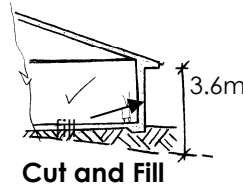
Slab on Ground



Bearers and Joists



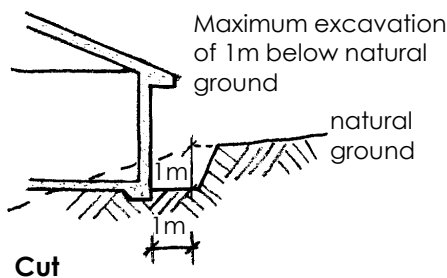
Parapet Facade



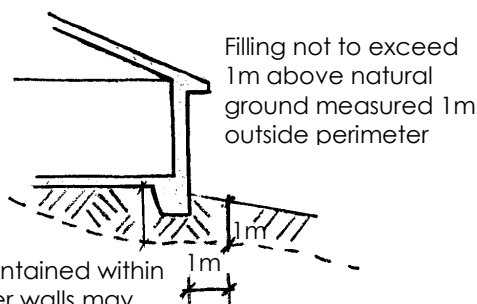
Cut and Fill

**Roof Pitch** – roof is not to have a pitch in excess of 22.5°.

**Cut and fill** – no more than one metre of cut or fill measured vertically from the natural ground level 1.0m outside the perimeter walls of the building.



Cut



Fill

**Setbacks** – buildings are to be setback a minimum 6m from the front (street) property boundary and a minimum of 900mm from any other boundary. The closest point of the eaves-gutter shall be setback a minimum of 675mm to a boundary.

Dwellings located on corner allotments shall be setback not less than 3m from the secondary street frontage.

Proposed buildings, within established areas where a 9m building line setback has been applied, shall be setback 9m from the front (street) property boundary.

**Site Coverage** – site coverage is not to exceed 40% of the site area.

**Note:**

*Site coverage includes all buildings such as dwellings, garages, carports, outbuildings, terraces, verandahs, etc. Site area means the area of land to which the application relates.*

**Out Buildings** - garages, carports, garden sheds and the like (not attached to the dwelling) shall not exceed 40 m<sup>2</sup> in area.

## BUILDINGS FINISHED FLOOR LEVELS

All enclosed courtyards to be provided with a safety overflow system to ensure that if an internal pipeline becomes blocked, flooding of houses does not occur.

Unless otherwise provided, the floor level of the residential portion of buildings is to be a minimum of 300mm above finished ground level with provision for the diversion of stormwater around the building. The 300mm may be increased if the circumstances of the case so warrant.

## VEHICLE ACCESS AND PARKING

Car parking is to be provided behind the building line as follows:

Dwelling Type (GFA)	Parking Requirement per dwelling
Dwellings ( $\leq 100\text{m}^2$ )	1 space
Dwellings ( $> 100\text{m}^2$ )	2 spaces

Where more than one space per dwelling is required at least one parking space is allowed between the dwelling and the front boundary.

Parking spaces shall be designed in accordance with Australian Standard 2890.1 and 2890.2.

**Note:**

**GFA – Gross Floor Area – area within outer face of external walls excluding car parking areas and balconies.**

## VISITOR/OVERFLOW CAR PARKING REQUIREMENTS FOR ALL RESIDENTIAL DEVELOPMENT

Visitor/overflow car parking is to be provided at a rate of one space per every five dwellings or part thereof.

Visitor/overflow car parking is to be provided within the development site. Visitor/overflow parking is to be behind the front setback and freely accessible at all times.

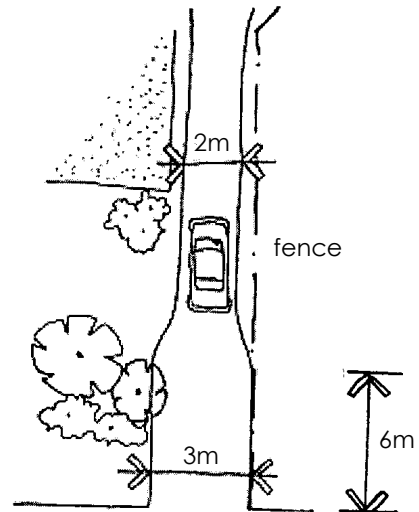
Visitor/overflow car parking where proposed must be clearly detailed in the development documentation.

For additional information on car parking provisions, please refer to the Off Street Car Parking DCP.

## DRIVEWAYS

Driveways shall have a minimum width of 2m, and 3m width for a length of 6m from the front boundary.

Driveways are to be constructed of a hard stand all-weather surface.



## SERVICES, EASEMENTS AND SEWERS

Buildings, building services (sewer, electrical, stormwater) or associated earthworks on the site shall not be constructed on, over or under any easements or proposed easements.

Structures located adjacent to Council easements shall be designed so that no loads are imposed on services contained within the easement.

Buildings are not to be located within 2m of a Council sewer main or stormwater drainage line, or the equivalent of the invert depth from the pipe, whichever is the greater distance.

## ENERGY EFFICIENCY

The dwelling is designed to comply with any Council adopted policy for the design of energy efficient housing.

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# PART 3 - OTHER MATTERS

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## CONDITIONS APPLYING TO ALL CERTIFICATES

### General

The development is to be completed in accordance with the application and approved plan and in accordance with the conditions of the consent.

All building work must be carried out in accordance with the deemed to satisfy provisions of the Building Code of Australia.

### Before You Start Work

No work shall commence until the applicant has notified Council of the appointment of a Principal Certifying Authority and the date on which work will commence. Such notice shall be in accordance with form 7 (copy available from Council) of the Regulation and must be submitted at least two (2) days before work commences.

### Inspections During Construction

The applicant must notify either the Council or an accredited certifier in advance (at least 48 hours in writing or 24 hours by phone) to inspect the following:

- erosion controls, site works and set out, prior to building work commencing;
- slabs prior to pouring concrete;
- floor, wall and roof framing prior to lining, water plumbing and external cladding completed;
- sanitary drainage prior to covering or backfilling (Subject to separate application and inspection by Council);
- stormwater drainage; and
- completion prior to occupation.

### Residential Building Work

Work's involving residential building work as defined by the Home Building Act 1989 must not be carried out without the relevant information as required under the Act being submitted to the Principal Certifying Authority.

### Builder's Sanitary Service (Residential Development)

It is a requirement of the Environmental Planning and Assessment Regulations 1994, that temporary closet accommodation be provided during all operations involving the erection or demolition of a building at the rate of one toilet for every 20 persons or part thereof twenty persons employed on the site.

Either a temporary connection to the sewer or a chemical closet can provide the accommodation.

The regulations provide that the temporary closet be provided prior to any works commencing on the site.

### Notice of Completion of Work (Residential Development)

A compliance certificate shall be issued by the Principal Certifying Authority at the completion of all inspections referred to in this consent certifying that the works have been completed and comply with the relevant conditions of consent. Where an Accredited Certifier, other than the Principal Certifying Authority has carried out an inspection, the Accredited certifier for each inspection undertaken shall issue a compliance certificate.

The building shall not be occupied or used in whole or in part until an Occupation Certificate has been issued by the Principal Certifying Authority.

## **Erosion and Sediment Control (Residential Development)**

Where excavation works or removal of vegetation is to take place on the site, control measures, in accordance with Council's Erosion and Sediment Control Policy and Practice for Building and Development Sites are to be undertaken at each appropriate construction stage. The measures are to be in place prior to the commencement of work.

## **Retaining Walls and Drainage (Residential Development)**

Where excavation or filling of the site is undertaken and soil conditions require the construction of a retaining wall, the following provisions shall be applied:

- adequate provision must be made for drainage;
- excavation or filling is to be retained in accordance with accepted trade practices. Retaining walls shall ideally be constructed from non-maintenance materials such as masonry or rock. If timber is used, the timber is to be preservative treated and/or Class 1 Timber (Australian Standard 1684); and
- retaining walls shall be erected prior to occupation of the building.

## **Stormwater (Residential Development)**

Roof-water, subsoil drainage and surface water drainage from paved surfaces are to be connected to the street drainage system or to an easement to drain water, in accordance with AS 3500.3 'Stormwater Drainage'.

Drainage across the footpath reserve shall be conducted to the street gutter by pipes wherever possible in accordance with Councils Standard Plan No. P6566.

## **Protection of Public Places (Residential, Commercial or Industrial Development)**

A properly constructed hoarding is to be erected in all cases where occupation of the footpath/roadway is necessary for building purposes or where public safety is involved.

Hoardings shall not be erected on a public place unless specific written approval has been obtained from Council beforehand.

## **Excavations and Backfilling (Residential Development)**

All excavations and filling associated with the erection of a building must be executed safely and in accordance with appropriate professional standards.

All excavations associated with the erection of a building must be properly guarded and protected to prevent them from being dangerous to life or property.

A person who causes an excavation that extends below the level of the base of the footings of a building on an adjoining allotment of land shall at their own expense and where necessary:

- (a) preserve and protect the building from danger; and
- (b) if necessary, underpin and support the building in an approved manner, details of which are to be submitted with the application for the construction certificate and certified by a professional engineer or accredited certifier.

The person who causes this excavation must, at least seven (7) days before commencing this work, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars to this owner of the proposed work.

**Note:**  
***An adjoining allotment of land includes a public road and any other public place.***



## **Site Preparation and Management (Residential, Commercial or Industrial Development)**

Building equipment and/or materials shall be contained wholly within the site and shall not be stored or operated on the footpath or roadway, unless specific written approval has been obtained from Council beforehand. Such approval will only be granted where conditions warrant and in circumstances where public thoroughfare will not be adversely affected.

## **Hours of Construction (Residential, Commercial or Industrial Development)**

Construction works are to be limited to the following hours:

- Monday to Friday - 7.00am – 6.00pm;
- Saturday 7.00am - 1.00pm if audible from adjoining residential properties, otherwise 8.00am to 1.00pm.

No construction work is to take place on Sunday or public Holidays.

## **Waste Management (Residential, Commercial or Industrial Development)**

Waste materials shall not be burnt on the site and shall be taken to Council's Waste Management Facility for disposal.

## **Signs to be Erected on Building Sites (Residential, Commercial or Industrial Development)**

A sign must be erected in a prominent position on any work site on which work involved in the erection of a building is being carried out:

- (a) stating that unauthorised entry to the site is prohibited; and
- (b) showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours.

This does not apply where the work involves building work carried out inside an existing building or where the premises are continuously occupied (during and outside working hours) while the work is being carried out.

## **Vehicular Crossings (Residential Development)**

Separate approval must be obtained for the construction of works in the Road Reserve. Such works include kerb laybacks, vehicle crossings, pipe culvert crossings and other works associated with the provision of vehicle access.

Where works are constructed without approval, Council may require their removal at the developer's cost.

## **Driveways (Residential Development)**

Driveways are to be constructed in accordance with any relevant requirements of AS 2890.1 – 1986 second edition 1993, with appropriate transition zones.

Where kerb and gutter is provided, driveways are to be a minimum of 500mm clear of all drainage structures on the kerb and gutter and are not to interfere with the existing public utility infrastructure, including Council drainage structures, unless prior approval is obtained from the relevant authority.

Where kerb and gutter is not provided a vehicle entrance incorporating a 375mm diameter stormwater pipe and concrete head-walls or other arrangement subject to the prior approval of Council shall be constructed to provide access to the lot.

## **Damage to Council Property (Residential Development)**

If any damage is occasioned to Council property, particularly concrete kerbing and guttering and foot paving during building construction, the cost of repairs is recoverable. It is therefore requested that any damage, which is obvious before construction, be immediately notified to Council to avoid later conflict.

## **Electricity Cables (Residential Development)**

Consultation with the North Power Electricity Supply, relative to the location of underground electricity cables is essential before any work is commenced.

## **Water Meters (Residential Development)**

Water meters must be located in such a position to be capable of being read from the footpath. It must not be obstructed by shrubs, walls, rockeries or the like.

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COFFS HARBOUR NSW 2450**

**Telephone: (02) 6648 4000**

**Website:**

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