

Port Stephens Council – Complying Development Guide

The purpose of this guide

The purpose of this document is to provide a guide to making an application for complying development in Port Stephens using the Port Stephens complying development provisions. By encouraging complying development Council is seeking to streamline approval processes and reduce approval times for low-impact development.

What is complying development?

Complying development is development that meets pre-determined standards and location requirements. If the proposed development meets the pre-determined standards and requirements it will receive an approval within 10 days.

Port Stephens Council has complying development provisions for the following types of development:

- Single storey dwellings
- Alterations and additions to a single storey dwelling
- Internal fit out to shops and commercial premises
- Carports
- Garages
- Swimming pools
- Subdivision (widening a public road, adjusting a boundary between lots, correcting an encroachment, consolidating lots)

In order to be considered as complying development, the proposed development must comply with ALL of the general and specific requirements for particular development types.

The *NSW Housing Code* also has separate provisions for complying development that apply for dwellings up to two storeys, alterations and additions and swimming pools. Applicants will need to determine whether to use Council's provisions or rely on the *NSW Housing Code* in relation to complying development provisions.

Before starting any work on complying development you will need to have a complying development certificate issued to you.

What if my development does not meet the requirements for complying development?

If your development does not meet all of the set standards and design criteria for complying development, you will need to lodge a development application with Council. Refer to the separate *Development Application Guide* for information on how to make a development application or contact Council's Development and Building section for more information.

What form do I need to fill out?

The application form for complying development is attached to this Guide and is also available for download from Council's website. You must specify whether you are lodging your application under the Port Stephens Complying Development provisions or the *NSW Housing Code*.

When you lodge your application for complying development you should attach a copy of this guide with the relevant items checked.

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What plans do I need to submit?

You need to supply Council with four copies of plans including floor plans and elevations, a site plan and two copies of building specifications applicable to the work.

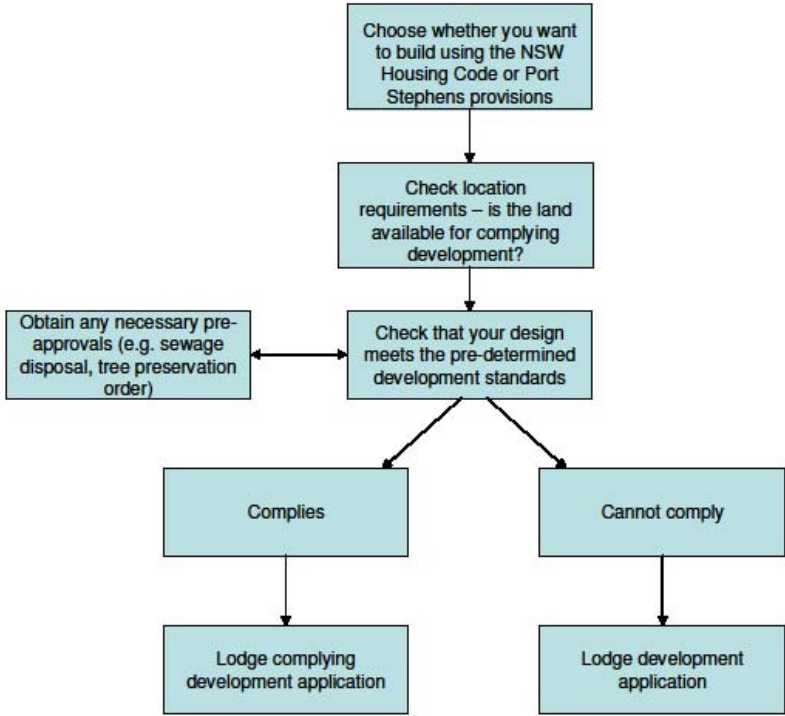
For a subdivision, four copies of the subdivision plan need to be submitted.

NSW Housing Code

The State government has introduced its own complying development provisions that are separate to Council's. Applicants can choose to use either the Council provisions or the *NSW Housing Code* until the 27th February 2010. After that date Council provisions cease to apply and you must use the *NSW Housing Code*.

This Guide is only relevant to the Council complying development provisions that apply until the 27th February 2010. Applicants are advised that the Council provisions vary substantially from the *NSW Housing Code* in location requirements, design requirements and types of development that can be considered as complying.

Port Stephens Council Complying Development Flow Chart



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| Requirements for Port Stephens Council Complying Development | Complies |
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| Must be permissible in the zone | |
| Must not be not located on flood prone land (if part of a lot is mapped as flood prone, the development must be located on that part of the lot that is not mapped as flood prone) | |
| Must meet the provisions of the <i>Building Code of Australia</i> | |
| Must be located more than 1m from any easement or public sewer main | |
| Must have pre-approval from Hunter Water Corporation to connect to the water and sewer system or pre-approval from Council for a on-site effluent disposal system (if the development is unable to be connected to the sewer system) | |
| Must not disturb acid sulphate soils (refer to clause 51 of the <i>Port Stephens Local Environmental Plan 2000</i>) | |
| <p>Must not be located on land that is an environmentally sensitive area of State significance (this refers to the entire lot) being:</p> <ul style="list-style-type: none"> • Coastal waters of the State • Land to which <i>SEPP 14 Coastal Wetlands</i> or <i>SEPP 26 Littoral Rainforests</i> applies • Land reserved as an aquatic reserve under the <i>Fisheries Management Act 1994</i> or as a marine park under the <i>Marine Parks Act 1997</i> • RAMSAR Wetlands • Land identified as being of high Aboriginal cultural significance or high biodiversity significance • Land reserved as a State conservation area under the <i>National Parks and Wildlife Act 1974</i> • Items listed on the State Heritage Register • Land reserved or dedicated under the <i>Crown Lands Act 1989</i> for the preservation of flora, fauna, geological formations or for other environmental protection purposes • Land identified as being critical habitat under the <i>Threatened Species Conservation Act 1995</i> or part 7A of the <i>Fisheries Management Act 1994</i> | |
| Must not be located on a site that has been used for a service station, sheep or cattle dip, intensive agriculture, mining or an extractive industry, manufacture of chemicals or asbestos (this refers to the entire lot) | |

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| Single storey dwellings & alterations and additions to a single storey dwelling | | |
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| Issue | Controls | Complies |
| Aircraft Noise | Must comply with <i>AS2021-2000 Acoustics – aircraft noise intrusion – Building siting and construction</i> if located within Australian Noise Exposure Forecast Contours | |
| Bushfire | Must comply with <i>Planning for Bushfire Protection</i> (NSW Rural Fire Service) and <i>AS3959-1999 Construction of buildings in bushfire-prone areas</i> | |
| Design and setbacks | Must be single storey only | |
| | Maximum height 9m (height means the maximum height of the building measured vertically from the natural ground level or the finished ground level of the completed building, whichever is the lower) | |
| | Must have a floor space ratio no greater than 0.5:1 | |
| | The lot must have a minimum area of 500m ² | |
| | The dwelling, together with any hardstand area, must not occupy more than 60% of the site | |
| | The ground floor must not be more than 500mm above natural ground level | |
| | The distance between floor level and the underside of the eaves must not be more than 2.7m | |
| | The roof pitch must not be greater than 24 degrees and any opening must be flush with the roof pitch | |
| | The external wall of the dwelling must be at least 900mm from the side and rear boundaries | |
| | The eaves may encroach up to 1/3 of the depth of side and rear boundary setback | |
| | On 2(a) Residential zoned land the dwelling must be set back at least 6m from the front boundary and 3m from any secondary street | |
| | On land zoned 1(a) Rural Agriculture or 1(c) Rural Small Holdings must be setback at least 18m from a main road boundary and 12m from the boundary of other roads | |
| Must have a front door or window to habitable room facing the street | | |
| Landscaping | Minimum 20% of the site must remain soft landscaped | |
| Heritage | Must not be located in a heritage conservation area | |
| | Must not involve a heritage item | |
| Privacy | Windows in a habitable room that are within 9m of a habitable room in an adjoining dwelling must be offset from the edge of one window to the edge of the other by a minimum distance of 500mm | |
| | Windows in a habitable room that are within 9m of a habitable room in an adjoining dwelling must have sill heights of at least 1.7m above floor level | |
| | Windows in a habitable room that are within 9m of a habitable room in an adjoining dwelling must have a fence no less than 1.8m high erected between opposing windows | |

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| Site access and parking | Must have 1 parking space for one and two bedroom dwellings and | |
| | Must have 2 parking spaces for dwellings with three or more bedrooms | |
| | On 2(a) Residential zoned land provision for parking must be set back at least 6m from the front boundary and 3m from any secondary street | |
| | On land zoned 1(a) Rural Agriculture or 1(c) Rural Small Holdings provision for parking must be setback at least 18m from a main road boundary and 12m from the boundary of other roads | |
| | Carports and garages must be no more than 6m wide or 50% of lot width (whichever is the lesser) | |
| | Driveway must be located at least 6m from an intersection | |
| | Driveway must be located at least 1m from any other driveway | |
| | Maximum of 1 driveway per lot | |
| Private open space | There must be at least 50m ² total of private open space with a principal private open space having a minimum useable area of 35m ² and minimum dimension of 4m | |
| Drainage | Stormwater runoff must be discharged to an infiltration trench with overflow to an approved drainage system | |
| Other | The dwelling must not be relocated from another site | |
| | The dwelling must not be constructed from second hand materials | |

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| Carport or detached garage | | |
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| Issue | Controls | Complies |
| Design | 1 only | |
| | Must have an area no greater than 40m ² | |
| | Must have a height no greater than 3m at any point | |
| | Carports must have no enclosing walls | |
| | Must comply with <i>AS 1684 National Timber Framing Code</i> if made of timber | |
| | Must comply with manufacturers specifications if made of metal | |
| | Must be set back at least 900mm to side boundaries | |
| | Must be no greater than 6m wide or 50% of lot width (whichever is the lesser) | |
| Heritage | Must be located behind the rear alignment of a building in a heritage conservation area | |
| | Must be located behind the rear alignment of a building if the development involves a heritage item | |
| Site access and parking | On 2(a) Residential zoned land must be set back at least 6m from the front boundary and 3m from any secondary street | |
| | On land zoned 1(a) Rural Agriculture or 1(c) Rural Small Holdings must be setback at least 18m from a main road boundary and 12m from the boundary of other roads | |
| | Driveway must be at least 6m from an intersection | |
| | Driveway must be located at least 1m from any other driveway | |
| | Maximum of 1 driveway per lot | |
| Drainage | Stormwater runoff must be discharged to an infiltration trench with overflow to an approved drainage system | |

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| Swimming pools | | |
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| Issue | Controls | Complies |
| Design and setbacks | Must be associated with a dwelling | |
| | Must be located behind the dwelling and at least 6m from the front boundary | |
| | On 2(a) Residential zoned land the pool must be set back at least 6m from the front boundary and 3m from any secondary street | |
| | On land zoned 1(a) Rural Agriculture or 1(c) Rural Small Holdings the pool must be setback at least 18m from a main road boundary and 12m from the boundary of other roads | |
| | Must be at least 1.5m from side and rear boundaries | |
| | Must be setback at least 3m from any secondary street | |
| | Coping and decking must be no more than 500mm above the existing ground level | |
| Privacy | The noise level of any filtration equipment or pumps must not exceed above 5dBA above the ambient background noise level | |
| Fencing | Must comply with the <i>Swimming Pools Act 1992</i> and the <i>Swimming Pool Regulation 1998</i> and <i>AS 1926.2-1995</i> | |
| Heritage | Must be located behind the rear alignment of the building in a heritage conservation area | |
| | Must be located behind the rear alignment of a building if the development involves a heritage item | |

| Subdivision & boundary adjustments | | |
|------------------------------------|--|----------|
| Issue | Controls | Complies |
| General | Proposed lot sizes must comply with the <i>Port Stephens Local Environmental Plan 2000</i> | |
| | Services associated with a building affected by the subdivision must contained within the same lot as the building or appropriate easements must be created | |
| | No additional lots can be created | |
| | Boundary adjustments within the 1(a) Rural and 1(c) Rural Small Holdings zones have a maximum variation of 10% for both area and location of the common boundary | |
| Heritage | Subdivisions in heritage conservation areas must not result in more than a 5% change in lot areas | |