

Guiding Development — Practice Notes

Complying development

The purpose of this practice note is to provide a simple explanation of complying development.

What is complying development?

Complying development is routine development that is defined in council's local environmental plan (LEP) or development control plan (DCP), or a State environmental planning policy (SEPP), which can be certified promptly, by council or an accredited certifier.

It is defined by reference to fixed development standards listed in the LEP or DCP. For example, a single-storey dwelling house on an existing parcel of land could be classed as complying development if nominated standards on height, setbacks and the like are satisfied and the building is designed in accordance with the deemed-to-satisfy provisions of the Building Code of Australia (BCA). The standards cannot be varied. Compliance with these standards guarantees a quick approval, within seven days.

The development standards are formulated by council, exhibited to the public, then the LEP and DCP are approved by the council (the LEP must also be approved by the Minister). In some council areas the standards in a SEPP, approved by the Minister, will apply.

If the proposal doesn't satisfy those standards (for example, if you wish to build higher or closer to the side boundary), you will need to change course and submit a development application (and a construction certificate application for building or works).

The complying development process

You can apply to the council or to an accredited certifier. Detailed plans and specifications must satisfy the development standards in the LEP and DCP (including compliance with the BCA for building work). The council or an accredited certifier cannot impose conditions to change the proposal so that it complies.

If the development standards are satisfied a complying development certificate must be issued. This certificate is just like a development consent (and construction certificate, where the development involves building or subdivision work).

The certificate will contain conditions of approval which must be satisfied by the applicant, such as limiting hours for construction work or requiring certain site works. The conditions are predetermined by the council and added by the person issuing the certificate.

Before work begins

Once you have your approval and are ready to commence building or site works, you need to appoint a principal certifying authority (PCA) — the council or an accredited certifier — to oversee construction and issue an occupation certificate (for buildings) or subdivision certificate (see Practice Note: *The role of the principal certifying authority*).

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