



Complying Development Fact Sheet

Environment and Planning Services
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As soon as you start planning your project, it is important to determine what type of planning approval you need. The earlier you consider this, the easier the planning process will be, as you will be able to design your development around the rules that apply.

Development other than "Exempt Development" requires approval before work can commence. Please refer to [Exempt Development Fact Sheet](#) for information about Exempt Development.

Development requiring approval will fall into two categories:

Development Application

This is development requiring a traditional Development Application (DA) as the project may have a level of environmental impact. The DA process involves a merit-based assessment and can be very complex, time consuming and costly. It is intended for larger scale or complicated projects that require notification and consultation with neighbours and the broader community to ensure the community can have their say. Once a Development Application is approved, a further approval in the form of a Construction Certificate is required before work can commence.

Complying Development

Complying Development is a combined planning and construction approval where a building meets all of the pre-determined standards contained within either State or Council's planning documents. If these standards are met, the development is deemed to have minimal environmental impact and can be accelerated through the approval process as there is no need for a merit assessment and no requirement to notify the proposal to neighbours prior to approval.

Complying Development requires self-assessment prior to lodging an application to ensure the Complying Development standards have been met. Where a development cannot meet these standards for a complying development, a traditional Development Application is required to be made to Council.

Complying Development is a faster way of getting approval for the work you want to do, provided it meets some pre-determined standards. Complying Development that meets the pre-determined standards will be issued with a Complying Development Certificate (CDC).

There are 2 types of pre-determined standards that must be met for Complying Development to occur: -

1. **Land Based Requirements** – These are requirements that apply to the general locality and the specific site as some land is excluded from Complying Development due to its constrained nature. An example of a "Land Based Exclusions" is work on an item of heritage significance.
2. **Development Standards** – These are standardised requirements for the proposed building work such as the size, type and location of the building.

The simplest way to find out whether any Land Based Exclusions exist and therefore rule out Complying Development on your property is to obtain a planning certificate from Council (referred to as a 149(2) Certificate). This document will explicitly state whether or not Complying Development can occur and it will also provide a comprehensive list of planning matters and constraints affecting the land. Although this is not compulsory, it is recommended as it will alleviate the need to answer some complicated questions. Alternately, you can ask our staff whether any land based requirements apply to your land.

The development standards that must be met are detailed in the following planning documents: -

- Council's Development Control Plan (BHDCP).
- The State Government Planning Policy known as the "Codes SEPP" which includes
 - the General Housing Code
 - the Rural Housing Code
 - the Housing Alterations Code
 - the General Commercial and Industrial Code
 - the Subdivisions Code
 - the Demolition Code
- Other state government policies on Infrastructure and Affordable Housing.

You can choose whichever planning document is most suitable to your needs, however whichever document is chosen must be used in its entirety – you cannot use aspects of both the Codes SEPP and Council's DCP.

Development that fully satisfies the Complying Development standards (land based requirements **and** the development standards) will receive a "Complying Development Certificate" (CDC) approval within 10 days (unless both parties agree to a longer time). The 10 day assessment time frame means that prior to lodging the application, an applicant/owner needs to ensure the proposal will fully satisfy the specific criteria for that type of development. As a CDC is an approval to construct, an appropriate standard of detailed information must be lodged in order for approval to be granted.

Neighbour notification is not required prior to approval, however it is always encouraged and will be a condition of approval that neighbours within 20 metres of the site are notified two days before works commence.

CDC's can be issued for a variety of developments including new houses, residential alterations and additions, pools, awnings, carports, fencing, secondary dwellings, demolition and strata subdivision. Complying Development Certificates can also be issued for a variety of Commercial and Industrial Developments such as a shop or office fitout, alterations to commercial and industrial buildings, signage and change of use.

Hills Certifiers are Council's provider of all certification services and are a team of professionally qualified Building Surveyors accredited by the NSW Building Professionals Board. *Hills Certifiers* can assess your Complying Development application and can assist you through the complete approval, construction and final certification process. Our service is efficient, helpful and friendly and we offer a secure and guaranteed service alternative to Private Certifiers. Our turnaround times for CDC's on average is less than ten (10) days provided all information lodged is adequate and complete.

Documents detailing Complying Development including application forms, checklists and links to other useful resources can be obtained from the *Hills Certifiers* website www.hillscertifiers.com.au or by contacting us during business hours on (02) 9843 0431.



ask@hillscertifiers.com.au
www.hillscertifiers.com.au
9843 0431

THE HILLS
Sydney's Garden Shire

THE HILLS SHIRE COUNCIL
Customer Service Centre:
129 Showground Road, Castle Hill NSW 2154
Phone: 9843 0555

Duty Building Surveyor: 9843 0341
Monday to Friday
Hours: 8:30 am to 4:30 pm,
Website: www.thehills.nsw.gov.au

DISCLAIMER

This fact sheet provides a summary of the major issues concerning Complying Development. Any person using this document must do so on the basis that not every scenario and issue can be addressed, and discussion with relevant staff at Council's Customer Service Centre should be undertaken. This document is subject to change without notice.