

Car Parking Structures

- including carports and garages



What structures are relevant?

This fact sheet is relevant when you are considering the erection of a new carport or garage (separate from a broader renovation or new dwelling house proposal).

What type of approval do you need?

Exempt and Complying Development

It may be possible to avoid lodging a Development Application (DA) for your carport or garage structure.

The State Government's State Environmental Planning Policy (Exempt and Complying Development Codes) 2008, also known as the Code's SEPP, took effect from 27 February 2009. The Code provides for standardised development controls for exempt and complying development for certain residential dwelling forms (new and existing single dwelling houses) across the state.

A copy of the SEPP and accompanying information can be viewed through the Department of Planning's web site www.planning.nsw.gov.au.

The Codes SEPP co-exists with Tweed Shire Council's existing exempt and complying development controls in Section A10 of the Tweed Development Control Plan 2008 (262kb)

Exempt Development

Exempt Development is considered to be development of minimal environmental impact, and does not require a DA to Council. You can proceed with this type of development as long as you have met the conditions outlined in the Codes SEPP or Council DCP. Some structures may require some technical assessment by a qualified builder or engineer to ensure it will be structurally sound.

Complying Development

Other development which is considered to have relatively low environmental impact, but requires a less onerous approval is called Complying Development. Complying Development does not require a DA, but is still the subject of a separate Complying Development Certificate process, which can be applied for through either Council or a private accredited certifier.

How to Choose Which Code is Relevant - SEPP or Council?

The co-existence creates some confusion, but the current rules for interpreting which controls apply are best summarised by the following:

- **If the same development is Exempt in both the DCP and the Codes SEPP.**
 - The DCP does NOT apply (clause 1.9(2)).
- **If the same development is Complying in both the DCP and the Codes SEPP.**
 - The DCP CONTINUES to apply (clause 1.9(4)).
- **Development which is specified as Complying development in the SEPP and Exempt in the DCP.**
 - The DCP does not apply (clause 1.9(6)).

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- **Development which is specified as Exempt development in the SEPP and Complying in the DCP.**
 - The SEPP applies (clause 1.9(7))
- **Additional Exempt and Complying Development under the DCP.**
 - If the DCP specifies exempt or complying development that is not the same as or specified as either exempt development or complying development in the SEPP, the DCP continues to apply (clause 1.9(9)).

Specialist Pre-lodgement Advice and Services Provided by Council's Building and Environmental Health Unit

Council has introduced a great, new fee-for-service for more detailed pre-lodgement enquiries for proposals to lodge Complying Development Certificates (CDCs) under the Exempt and Complying State Environmental Planning Policy (SEPP), or Council's Development Control Plan (DCP). For a fee of \$90*, Council officers will investigate and provide written advice for these enquiries.

Given the varying range of scale and complexity of Exempt and Complying Developments, a \$5000 threshold of estimated construction costs of proposals has been decided upon to determine when to require the \$90 pre-lodgement fee. Most exempt development enquiries through Council's Building Unit, generally relating to small scale residential development types, will not necessitate a fee. In terms of CDC enquiries, a new fee incentive has also been introduced to allow for a \$55 discount to any applicants who follow up from the pre-lodgement enquiry and lodge either a CDC or Construction Certificate application with Council.

In order for Council to provide a substantial response to the pre-lodgement enquiry, the following basic range of information will be required from proponents:

- Identification of property by legal description (Lot and DP) of the subject site.
- An annotated scaled plan or sketch plan of the subject site.
- Identification of any existing structure, the proposed structure and the distance of that structure to any boundary and any existing buildings.
- An indication of the height and floor space of the proposed structure/s. The existing layout and proposed layout of buildings (for any internal changes).

The service agreement for a written response to any CDC pre-lodgement enquiry from the Building Unit (generally relating to small scale residential development types) will be seven working days from the receipt of the request. Given the additional complexities of exempt and complying development enquiries under the General Industrial and Commercial Code (such as change of use), a written response is likely to

take up to 14 days.

Please note that the information supplied by Council officers will provide you with a general indication of whether your proposed use can be considered as exempt and complying development, and outline any pre-requisite and ancillary approvals, and cannot be used as any approval of the proposal.

Development Application (DA)

If your Car Parking Structure does not qualify to be either Exempt or Complying Development, you will need to lodge a DA to Council. Click [here](#) for information on how to prepare and lodge a DA.

*Please note that Council's Fees and Charges are updated annually at the end of each financial year.