



# GUIDELINES FOR COMPLYING DEVELOPMENT SIGNS

#321381 - APRIL 2002

**General Exclusions:** Unless otherwise provided in this Development Control Plan, complying development must not be carried out on land or buildings under the following circumstances:

- a) on items of the environmental heritage;
- b) on flood liable land;
- c) within the following zones:
  - Zone No. 5(a) (Special Uses Zone)
  - Zone No. 5(b) (High Hazard Flood Liable Zone)
  - Zone No. 6(a) (Open Space Zone)
  - Zone No. 7(a) (Wetlands Zone)
  - Zone No. 7(b) (Coastal Habitat Zone)
  - Zone No. 7(c) (Water Catchment Zone)
  - Zone No. 7(d) (Scenic/Escarpment Zone)
  - Zone No. 7(f1) (Coastal Land Zone)
  - Zone No. 7(f2) (Urban Coastal Land Zone)
  - Zone No. 7(j) (Environmental Protection Scientific Zone)
  - Zone No. 7(k) (Habitat Zone)
  - Zone No. 8(a) (National Parks and Nature Reserve Zone)
  - Zone No. 9(a) (Proposed Road Zone)
- d) on land to which the following clauses of the Byron Local Environmental Plan 1988 apply:
  - 27 Building lines along arterial roads;
  - 38A Development within Zone 1(a) shown hatched on the map;
  - 38B Development of land at North Ocean Shores within Zone Nos. 1(b1) and 7(k);
  - 42 Minor variation of zoning boundaries;
  - 47A Development of certain land at Ocean Shores;
- e) where development is permissible only under the existing use rights provisions of the Environmental Planning and Assessment Act and Regulation;
- f) on land that is an Aboriginal Place under the National Parks and Wildlife Act 1974;
- g) on land that is reserved or dedicated under the Crown Lands Act 1989 for the preservation of flora, fauna or geological formations or for other environmental protection purposes;
- h) on land to which State Environmental Planning Policy No 14 - Coastal Wetlands applies;
- i) on land to which State Environmental Planning Policy No 26 - Littoral Rainforest applies;
- j) on land that is an aquatic reserve declared under the Fisheries Management Act 1994;
- k) over any easement;
- l) if located over, or within 1.5m of, a Council pipeline, unless documentary evidence is provided that Council's Water and Sewerage Department approve of the proposed structure;
- m) if, in the case of development requiring earthworks, any excavation (other than for a swimming pool) or filling exceeds 1m in depth of height;
- n) if within 0.9m of any property boundary, apart from fences, signs and works within the outer enclosing walls of an existing building;
- o) if any tree must be removed, apart from trees exempt under the tree removal provisions of this DCP;
- p) on land that has previously been used:
  - as a service station
  - as a cattle dip
  - for intensive agriculture
  - for mining or an extractive industry
  - for waste storage or waste treatment
  - for the manufacture of chemicals, asbestos or asbestos productsand a notice of remediation work for the proposed use has not been given to Council in accordance with State Environmental Planning Policy No. 55 - Remediation of Land.

- q) if it is on land identified in Council records as being potential acid sulfate soils of a class listed in column 1 of the following table and it involves works described in column 2 of the table:

Class 1	Any works
Class 2	Works below natural ground surface
Class 3	Works beyond 1 metre below natural ground surface
Class 4	Works beyond 2 metres below natural ground surface

unless an assessment of the proposed works has been undertaken in accordance with the "Acid Sulfate Soils Assessment Guidelines" and that assessment has been given to the Council and the Council has provided a written response that it is satisfied with the proposed management of acid sulfate soils.

For the purpose of this sub-clause "works" are defined as "any disturbance of more than one (1) tonne of soil or any other works that are likely to lower the watertable".

- r) where, in the case of alterations and additions, sheds or swimming pools on properties where sewage is required to be managed on-site:
- the development is on that portion of the land that is used for on-site sewage management; or
  - there are visible signs of surface surcharging of effluent from the existing on-site management system; or
  - there is less than 1,500 m<sup>2</sup> of unconstrained land remaining on the land parcel. In this sub-clause unconstrained land is land which satisfies the following requirements:
    - \* slope: less than 15 percent;
    - \* exposure: high exposure to sun and wind;
    - \* erosion potential: no signs of erosion potential present;
    - \* subsoil drainage: no visible signs of surface dampness;
    - \* surface drainage: site stormwater can be diverted;
    - \* land filling: no fill;
    - \* buffers: not within 3m of property boundaries.

### General Specifications

Development must comply with the following specifications to be complying development:

- a) It complies with the provisions of Byron LEP 1988 and Byron Development Control Plans .....
- b) It will not prevent or restrict the use of land which is used: .....
- i) As a means of entrance to, or exit from, the land, or
- ii) For the loading, unloading, manoeuvring or parking of vehicles, or
- iii) For landscaping required to be carried out or maintained by reason of a condition imposed under the Act.
- c) Complying development may only be carried out on existing allotments of land. Development on land not yet created by registration of a Deposited Plan of Subdivision is not complying development. ....
- d) Buildings in Zone No. 2(a) (Residential Zone) and Zone No. 7(f2) (Urban Coastal Land Zone) must comply with the *building height plane* on all boundaries of the property without any encroachment whatsoever. ....
- e) Applications for a Complying Development Certificate must demonstrate compliance with the deemed-to-satisfy provisions of the Building Code of Australia. ....
- f) Residential development must comply with setbacks as follows:
- from the street:
- i) along classified or arterial roads in Zone No. 2(a) (Residential Zone) - **10m** .....
- ii) elsewhere in Zone No. 2(a) (Residential Zone) except Ocean Shores - **6.5m** .....
- dwelling-houses with a height of less than 3.6m except Ocean Shores - **4.5m** .....
- iii) Ocean Shores Zone No. 2(a) (Residential Zone) - **7.6m** .....
- iv) from the boundary of an arterial road (as defined on Byron LEP 1988 maps) in rural zones- **55m** .....
- v) elsewhere in rural zones - **15m** .....
- vi) corner lots - on local or secondary roads in urban areas, setbacks of up to 50% less than the required setback will be permitted on one road frontage. ....

\*\* This information is provided as a guideline. Refer to Byrm DCP No. 16 for details such as the conditions applying to each type of complying development

side and rear setback:

- vii) all areas except Ocean Shores - **0.9m**.....
- viii) Ocean Shores - **3.0m**.....
- ix) Rural areas -
- x) side and rear setback from rural property boundaries on land identified by Council as being subject to high or medium fire danger - **15m**.....
- g) Alterations and additions, sheds, swimming pools and water tanks must comply with the setbacks described in sub-clause (g) above except that in rural and rural residential zones a minimum side and rear setback of 5 metres (rather than 15 metres) is required .....

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**Prior to issue of a Complying Development Certificate**

A complying development certificate must not be issued until the following matters have been addressed to the satisfaction of the issuing authority:

- a) payment of long service levy as required by the Home Building Act; .....
- b) plans are to be provided to the same specification required under the Environmental Planning and Assessment Regulation for a development application. Additionally, plans are to include:
  - a locality plan illustrating the Lot number and Deposited Plan number, north point, and names of adjoining roads or streets; .....
  - site plan illustrating boundary dimensions, setbacks to all boundaries, names of adjoining roads or streets; .....
  - floor plans, elevations and cross sections. ....

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**Conditions**

Complying Development Certificates must:

- impose all of the conditions and notes listed below under “General Conditions.”
- impose all of the conditions and notes appearing after each type of complying development in this Plan as in force when the certificate is issued.
- for buildings, state the classification/s of the building/s under the Building Code of Australia.

## Signs \*

Signs must comply with the following criteria to be considered as complying development:

- a) Not categorised as exempt development under this Development Control Plan.
- b) Applicable to development in Zone No. 3(a) (Business Zone) and Zone No. 4(a) (Industrial Zone) only.
- c) A maximum of three (3) signs are permitted per premises without development consent from Byron Council, either as exempt or complying development.
- d) Signs are permitted to advertise approved uses only, or uses for which development consent is not required, or exempt development.
- e) Only the following types of signs are complying development:

### Above awning sign:

Means a sign located on top of an awning or verandah with no part of the sign projecting above the roof, parapet or ridge line or beyond the awning edge, which has an area not exceeding 2.2m<sup>2</sup>.

### Below awning sign:

Means a sign fixed below an awning and located not less than 2.6m above the footpath, which has an area not greater than 1.5m<sup>2</sup>, a depth not greater than 0.5m and is not located closer than three (3) metres to any other below-awning sign.

### Fascia sign:

Means any sign located on the fascia of awnings and shall be in lettering a maximum of 450mm in height, providing that the height of lettering does not exceed the background dimensions of the fascia.

### Multiple identification sign:

Means any sign containing a list of businesses occupying a shared tenancy or the same premises, which has a total advertising area not exceeding 4m<sup>2</sup>.

### Projecting wall sign (vertical):

Means a sign which is attached to a building where the height of the sign is not less than its width, and having a maximum allowable projection of 0.8m up to a height of 3.7m, or 0.9m - height 4.6m, or 1.2m - height 5.5m. Any such sign must be a minimum of 2.6m above the footpath and have no parts of the sign projecting above the roof, parapet or ridgeline, nor obscuring any architectural feature of the building. Where such signs have more than 2 faces and the sign does not rotate, one face of the sign must be parallel to the building alignment. No part of the sign may be located within 0.6m of the vertical projection of the kerb alignment.

### Projecting wall sign (horizontal):

Means a sign which is attached to a building where the width of the sign is not less than its height. Any such sign must be a minimum of 2.6m above the footpath and have no parts of the sign projecting above the roof, parapet or ridgeline, nor obscuring any architectural feature of the building. Where a horizontal wall sign is located between minimum 2.6m and 3.7m above ground, its maximum depth shall be 0.5m; or if between 3.7m and 6.0m, maximum depth may be 1.2m. Such signs may extend over the footpath to a maximum distance of 2.4m, or to within 0.6m of the edge of the kerb, whichever is the lesser.

### Sandwich board:

Means a moveable sign not greater than 1m<sup>2</sup> in area, and having a maximum width of 0.75m, which must be self supporting and which is located on private property. A sandwich board must contain a signwritten heading indicating the premises to which it refers. Note: sandwich boards located upon public land, eg Council's road reserve or footpath, requires development consent.

### Temporary sign:

Means any sign which is erected or displayed to advertise community or civic projects, major construction projects or other special events on a temporary basis, for a period not exceeding 2 calendar months, and having a maximum advertising area of 6m<sup>2</sup>.

### Flush wall or wall sign:

Means any sign which is fixed or painted directly onto an exterior wall of a building or other structure, where the area of such sign does not exceed 6m<sup>2</sup>. The sign must be either parallel to the wall on which it is fixed, or painted, and its area may not exceed 25% of the area of such wall.