



Development Application Guide

This guide is designed to help you understand the development application process and prepare your application. By submitting a well prepared application with the correct supporting information you will receive a faster determination from Council.

Whilst all due care has been taken to ensure the content of this guide is accurate and current there may be errors or omissions in it and no legal responsibility is accepted for the information. Should any conflict arise between the guide and any legislation the legislation shall take precedence.

Why is Council Approval Necessary?

Council regulates building and development within the community. Each development application is assessed on its merits, according to NSW legislation and planning policies.

Getting Started

Before preparing an application you need to explore the opportunities and constraints of the site as well as any regulations that may impact your proposal. In some cases to ensure that your proposal can be sited/planned in consideration of any site constraints and opportunities it is recommended that you obtain consent from Council prior to completing the purchase of land or property (or entering into any agreement, etc.) to be certain that your proposed development may proceed. In these circumstances preliminary advice should also be sought from any relevant State agency (e.g. RMS, DECCW) to ensure your development meets their requirements.

You should also refer to Council's Development Control Plan and Local Environmental Plan for the site which can be downloaded from Council's website www.kyogle.nsw.gov.au or viewed at the Council office in Kyogle.

Need Help

If you are unsure of the restrictions or any other limitations on the land you are considering for development, Council offers a preliminary advice service. Contact Council's Development Planners or Building Surveyors by making an appointment.

For larger proposals you can arrange a pre DA meeting with Council's Development Management Unit (DMU) (this includes a planner, building surveyor and an engineer) for a small cost.

Contact our Customer Service Officers on 6632 1611 to arrange a meeting.

Do I need an Application?

Approval is needed for most development including building work, demolition, relocation of buildings, subdividing land, changing the use of a building, erecting advertising signs, earthworks and filling. Some development is exempt from needing Council consent (refer to exempt and complying development).

Exempt development

If the proposed development, building or demolition work is minor, check to see whether it is exempt. For example, some garden sheds decks, pergolas, fences, farm buildings, changes of use and home businesses do not require approval. Structures must still be built to the standards required by the Building Code of Australia.

To determine whether the proposal is exempt you can use the Electronic Housing Code website at <https://www.onegov.nsw.gov.au/new/agencies/ehc> or seek advice from a Council duty officer.

The Application Process

The development application process is established by legislation and whilst it can vary according to the type of works proposed and the approvals required the basic process is - Check if the proposal needs approval and is permissible in the zone.

- If yes, is the proposed development eligible for a simpler approval process - 'complying development'
- If no, then a development application is required.
- If the proposal involves any engineering or building construction works you will also need to obtain a construction certificate.

Other approvals may also be required. For example if stormwater, sewer or water plumbing works are involved then an approval under Section 68 of the Local Government Act will be required. If works are needed on Council's road reserve, an approval under the Roads Act will be required.

A table below provides a snapshot of the process and specifies the role of Council and private certifiers.

Stage 1

RESEARCH AND PREPARATION OF APPLICATION

- Refer to the Local Environmental Plan and Development Control Plan to ensure your development is permitted and what design standards apply.
- Preliminary enquiries with Council staff.
- Arrange a Development Management Unit (DMU) meeting with professional technical staff.
- Obtain a DA pack from Council.
- Prepare plans and supporting information.
- Complete all required forms.
- Obtain a fee quote from Councils Customer Service Staff.
- Lodge your development application at Council or by mail with all supporting information and fees.

Stage 2

ASSESSMENT

- Council reviews the information provided and advises you of any additional information required.
- Adjoining owners notified if required, newspaper notice if required
- External referrals if required eg. RMS, RFS, DECCW.
- Internal referrals if required eg. engineering, environmental health.
- Site inspection.
- Assessment of impact of the development and compliance with Council's Development Control Plan.
- Consideration of any submissions
- Liaison with applicant if required.

Stage 3

DETERMINATION

- Decision by Council officer under delegated authority or report to Council meeting for decision by Councillors.
- If reported to Council you may address the Council Committee at the meeting or on site if you wish.
- If satisfactory Council will issue you a development consent subject to conditions.

Stage 4

CONSTRUCTION

- Before any works start a Construction Certificate (CC) must be issued.
- Home Building Act requirements to be met before issue of CC for applicable residential building work.
- The owner must appoint a Principal Certifying Authority (PCA) – this can be either Council or a private certifier. The PCA issues the CC and undertakes inspections during construction.
- Only Council can undertake water, sewer and on-site sewage management (septic) inspections.
- Notify Council two days before work begins.
- Work begins in accordance with the development consent, including any conditions, and the construction certificate.
- Notify PCA for various inspections during construction.

Stage 5

OCCUPATION/SUBDIVISION CERTIFICATE (completion of works)

- After the works are concluded satisfactorily (and you provide a final fire safety certificate if required), the PCA will issue the occupation certificate. In some cases an interim occupation certificate can be issued prior to completing all works.
- In the case of subdivision a Subdivision Certificate can only be issued by Kyogle Council.

The Application Form

The application form has been designed to cover the range of approvals that may be required for a development/building project. Consequently it can be used to apply for all necessary approvals at one time or alternatively it can be used to apply for one or any combination of Council approvals. Just tick the relevant box on the application form for the approval/s you require.

The following information explains each section of the application form.

1. Application Type

In order to efficiently process your application, it is essential that you nominate the types of approvals/certificates you are applying for. This section of the application form is critical in not only determining the processing requirements from Council's perspective but also is critical in identifying what type and level of information is needed to be lodged with the application. The types of approvals/certificates are as follows:

Complying Development

If your proposal is not “exempt”, then the next thing to check is whether it meets the criteria for complying development. This category of development seeks to streamline the application process by providing a single certificate that covers predefined development standards as well as meeting the structural standards required by the Building Code of Australia. The criteria, to determine whether an application is complying development, is contained in State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 (the Codes SEPP) which is available at www.planning.nsw.gov.au or check online at <https://www.onegov.nsw.gov.au/new/agencies/ehc>.

Complying development certificates can be issued by Council or by an accredited private certifier. A complying development certificate lapses after 2 years. Council will issue a complying development certificate within 10 days of the application being accepted.

If your proposal cannot be processed as Complying Development a Development Approval will be required.

Development Approval

There are three (3) main types of development applications:

- Local (which can include designated or advertised development)
- Integrated
- State Significant development.

Local Development

The majority of applications in the Kyogle Council area are local development. It only becomes a designated development if the proposed works have significant potential environmental impact. Refer to Schedule 3 of the Environmental Planning and Assessment Act, 1979, for a complete list of designated development. A copy of the Act can be accessed from www.legislation.nsw.gov.au.

Advertised development under Clause 5 of the Regulations applies if the proposed works relate to proposals such as childcare centres, hospitals, churches, clubs, hotels and residential flat building within certain zones as defined by Council’s Local Environment Plan.

Staged development consent can be applied for. For example, a large-scale development may be completed in stages.

Joint Regional Planning Panels (JRPP)

Joint Regional Planning Panels (JRPP) commenced on 1 July 2009. The panels determine major development including:-

- Designated development
- Development with a capital investment value (CIV) over \$10 million
- The following development with a CIV over \$5 million
 - Certain public and private infrastructure
 - Crown development
 - Development where Council is the proponent or has conflict of interest
 - Ecotourism
- Subdivision land into more than 250 lots
- Certain coastal developments previously assessed under Part 3A of the EP & A Act.

JRPP’s consist of three State and two local Council members. Council will receive and assess these DA’s in the normal manner. Council officers will prepare an assessment report and recommendation that will be provided to the Northern Region Joint Planning Panel.

A CD copy of the Environmental Impact Statement or Statement of Environmental Effects is to be submitted with a DA to be referred to the JRPP. Further information is available at www.planning.nsw.gov.au.

State Significant Development

State Significant development is declared by a State or Regional Environmental Plan (SEPP or REPP). Applications for State Significant development are made direct to the NSW Department of Planning as such; this type of development is not included in the application form. The criteria for State Significant development are listed in the Environmental Planning and Assessment Act 1979 and its Regulations and State Environmental Planning Policies (SEPP's). These can be accessed at www.legislation.nsw.gov.au

Construction Certificate

Every development that involves building, subdivision, engineering or earth works will require a Construction Certificate. This can be applied for concurrently with the development application or separately at a later date. Remember however that construction cannot commence without the Construction Certificate. The plans and specification submitted with a construction certificate application must contain enough details to ensure that the works comply with the relevant standards and are consistent with the terms of the development consent. Construction industry long service levy payments, Home Owner's Warranty Insurance, and any Section 94 contributions where required, must be made before the issue of the construction certificate.

Construction certificates can be issued either by Council or by an accredited private certifier. Construction Certificates are valid for the life of the development consent.

Subdivision Certificate

All subdivision proposals will require issue of a Subdivision Certificate (SC), to indicate that Council's requirements (with respect to the approvals issued for the subdivision proposal) have been complied with. Application for issue of a SC is normally made after the subdivision works have been completed.

Appointment of Principal Certifying Authority (PCA)

The role of the PCA is to ensure that the development is carried out in accordance with the approved plans, specifications, any conditions listed in the development consent or complying development certificate and certifies that the construction has been built in accordance with the Building Code of Australia and any other relevant standards. In the case of subdivision the Northern Rivers Local Government Development and Design Manual (Version 2) is the construction standard.

It is the owner's responsibility to appoint a PCA. This can be Council or an accredited private certifier, but once chosen, must remain the same throughout the construction process. If you nominate Council as your PCA, inspections are arranged with 24 hours notice by ringing our customer service staff and quoting the DA number. If you choose an accredited certifier as your PCA you are obliged to notify Council in writing of who this is at least 2 days before work starts.

Please note that the property owner must nominate who will be the PCA.

On completion of the development an Occupation or Subdivision Certificate will be issued, (if this is requested in your application, and relevant fees are paid), if the development complies with all relevant standards and conditions of consent. New building work cannot be legally occupied until an occupation certificate is issued.

2. Property Details

This section asks you to provide details on the location and description of the land to be developed. The Lot, Section and DP Number are easily found on the Certificate of Title or on a rates notice. Note: not all properties have Section numbers. If you are unsure about the property details contact our customer services staff.

3. Applicant Details

4. Registered Owner Details

The applicant is the owner or agent chosen by the owner of the land to act on their behalf on the management of their application including amendment to or withdrawal of, the application. All correspondence and communication from Council is directed to the applicant (i.e. until a final Occupation or Subdivision Certificate is issued).

The applicant and owner details will be stored within Council's Information System, where it may be accessed for lawful purposes, and in accordance with relevant privacy legislation and policies.

It is a requirement that ALL owners of the property sign the application. If the owner of the property is a company, then a director or a secretary must sign the application. Applications involving a Strata can be signed by an office holder of the strata body.

5. Description of Development

Describe what development you propose to carry out. Provide a description of the proposed use of the land and indicate the type of work that best fits your proposal. If the proposal involves building, demolition and earthworks (eg. filling) ensure relevant boxes on the application form are ticked.

6. Pre-Application advice

Please provide details of whether you have had advice prior to lodgement, and the name of the person who gave that advice.

7. Other Approvals Integrated Development

Some development proposals will require other approvals (e.g. licenses, permits) from other State Government Departments/Agencies. A proposal is known as Integrated Development if you need development consent and one or more approvals. For example, a building that is subject to a heritage conservation order must also have a permit issued by the NSW Heritage Council. Where another authority's approval is required, a cheque for \$320 made payable to each authority from which approval is sought must be submitted with the application. You still need to apply direct to the State Authority for the issue of a license/permit, however their general terms of approval is given in the integrated development consent.

The following questions should help you determine whether the proposed works require a license/permit and if so, the Act under which those approvals are required.

NSW Fisheries

Do you want to carry out aquaculture, dredging, jetties, river/sea walls, reclamation or damage marine vegetation? If yes, you need a permit under ss.144, 201, 205, 219 of the Fisheries Management Act 1994.

Heritage Council Does your development involve a building, a place or land that has a permanent conservation order, an interim conservation order or an interim heritage order protecting it, or which is listed on the State Heritage Register? If yes, you need an approval under s.58 of the Heritage Act 1977 for matters or things referred to in s.57(1).

National Parks and Wildlife Service

Will it destroy damage or otherwise harm an Aboriginal relic or place that is known to exist on the land you want to develop? If yes, then you need an approval under s90 of the National Parks and Wildlife Act 1974.

EPA –Environment Protection Authority

Is the proposal designated development? If yes, you are likely to need a license under ss.43, 47, 48 or 55 of the Protection of the Environment Operations Act 1997.

Will the development cause the pollution of water? If yes, you will require a license under ss.43(d), 55, 122 of the Protection of the Environment Operations Act 1997.

Water Management Act 2000

Water use approval, water management work approval or activity approval under Part 3 of Chapter 3. Excluded are single dwellings, dual occupancies and minor residential work.

RMS - Roads and Maritime Service

Will the development affect a public road, a Crown Road, a highway, a main road, a freeway or a toll way? If yes, you will need consent under s.138 of the Roads Act 1993.

RFS - Rural Fire Service

If the development is a subdivision; or, school, childcare centre, hospital, hotel, motel or other tourist accommodation; or, Housing for Older People or People with a Disability (SEPP5); or, a Group Home (SEPP9); and, on designated bushfire prone land? If yes, you will need authorisation under s.100(b) of the Rural Fires Act, 1997.

Local Government Approval

There are a number of other activities that can only be carried out if you have approval from Council. A full list of approvals is included in Section 68 of the Local Government Act. It includes the approval to carry out water supply works, sewerage works, stormwater works, to install/operate an amusement device; use as a place of public entertainment; place a waste container in a public place; install and operate a sewage management system; install a solid fuel heater, etc. For example if you are building a new home, you will need to get approval to do water supply, sewerage and stormwater works. This is the case even if you use a private certifier.

You can also apply for any of these approvals as part of your development consent. You will need to tick the appropriate boxes and the approval will be issued as part of the development consent.

Council may defer issue of the Section 68 approval until sufficient detail has been provided to assess these applications. If you do not apply for these approvals with your development application, then you will need to lodge a separate application for approval at a later stage and the approval must be obtained prior to any works commencing.

Road Act Approvals

Generally, if you are proposing any work within an existing road reserve an application to undertake these works will be required pursuant to s.138 of the Roads Act 1993. If you are proposing to construct a driveway a separate application form and fee applies and you will need to obtain driveway levels for the road reserve. This is to ensure that pedestrian, vehicle access and stormwater is well managed.

Where a development is opening a road or footpath for the laying of services such as water, power or sewerage, you will need to provide details of the service type. Council will charge a bond to safeguard against damage to public property and to ensure that works are carried out as approved by Council.

Restoration works must be completed in accordance with Council's standards. Further information on restoration standards can be obtained from Council's Development Engineer.

Please note that the above is not a representation of all aspects of legislative provisions that would result in an application being considered to be subject to the integrated approval provisions. The table should be used as a guide only (refer to Section 91 of the Environmental Planning and Assessment Act 1979). For further information Contact Council's Planning Officers on 02 6632 1611

8. Applicant Declaration

Under Section 147 of the *Environmental Planning and Assessment Act 1979*, any reportable political donation to a Councillor and / or any gift to a Councillor or Council employee within a two year period before the date of the application must be publicly disclosed.

9. Owner's Consent

This section must be completed and signed by **ALL** owners of the property.

10. Applicant's Consent

The applicant is required to complete this section.

Further Information to Submit

In order for Council to assess your application it is necessary for you to provide plans and information as to what is proposed and how the development/activity is to be undertaken. The type and level of information required by Council is dependant upon:

- What are you proposing to do; and
- What approvals you require and are seeking from Council.

In order to assist you in identifying what information you are required to submit, a number of fact sheets have been developed. These include:

- Single dwelling supporting documentation
- Rural dwelling supporting documentation
- Industrial development supporting documentation
- Multi Unit supporting documentation
- Minor residential supporting documentation
- Home Business supporting documentation
- Subdivision supporting documentation

Please refer to the relevant Fact Sheet and provide the required information with your DA. Under Section 51 of the Environmental Planning and Assessment Regulation Council can refuse to accept or return a development application that is illegible, unclear as to the development consent sought or missing essential supporting information.

Statement of Environmental Effects

A statement of environmental effects (SEE) is to clearly outline the impacts of your development and the way in which it will operate.

Please refer to the standard SEE pro forma supplied. The SEE might include:

- (a) In the case of shops, offices, commercial or industrial development:
 - details of hours of operation
 - details of plant and machinery to be installed
 - details of type, size and quantity of goods to be made, stored or transported
 - details of loading and unloading facilities
- (b) In the case of subdivision;
 - details of the existing and proposed subdivision pattern (including the number of lots, location of roads and land contours)
 - details of any vegetation to be removed

(c) in the case of housing:

- details of the maintenance of privacy for adjoining properties
- details of the discharge of stormwater
- details of maintenance of the character of the neighbourhood.

Developments in sensitive areas (i.e. within native vegetation or along waterways will need to demonstrate they are not likely to have significant effect on any **threatened species**, populations, ecological communities or their habitats.

Developments which are likely to have a significant effect must be accompanied by a species impact statement. If your development requires a species impact statement then you should have a qualified consultant prepare the statement for you.

The **statement of environmental effects** should address whether the development complies with:

- The applicable Local Environmental Plan (available at www.kyogle.nsw.gov.au)
- North Coast Regional Environmental Plan 1988;
- Relevant development control plans;
- Relevant State planning policies.
-

As well, it should address such matters as:

- Whether the development is subject to flooding or bushfire risk;
- The development's visual impact on the landscape, streetscape of the locality;
- The development's social and economic impact;
- The disturbance of acid sulphate soils'
- The development's noise impacts on the locality;
- The development's impact on places or items of heritage value.
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For major or larger developments advice will likely be sought to assist to prepare this and supporting reports.

What is SEPP 1?

If your proposal does not comply with a development standard contained in Council's Local Environmental Plan, you will need to support your application with an objection under "State Environmental Planning Policy (SEPP) no. 1 – Development Standards". If the development standard relates to the minimum area for subdivision or the erection of a dwelling you will need the concurrence of the Director –General of the NSW Department of Planning.

If you need concurrence under SEPP 1 you should discuss your proposal with a Council planning officer before you lodge your application.

Basix Certificate

The NSW Government Building Sustainability Index (BASIX) is a web-based planning tool designed to assess the potential performance of residential buildings against a range of sustainability indices.

A BASIX Certificate identifies the sustainability features required to be incorporated in the building design. These features may include sustainable design elements such as recycled water, rainwater tanks, 3 star rated showerheads and taps, native landscaping, heat pump, solar or gas hot water systems, roof eaves/awnings and wall/ceiling insulation.

You need a BASIX Certificate for all new residential buildings (single dwelling and multi unit housing), residential alterations and additions valued at \$50,000 or more and pools with a capacity of 40,000 litres or more.

The applicant is required to submit the BASIX Certificate with the Development Application or Complying Development Certificate application. The Basix commitments must be indicated on the plans.

Applicants can generate the BASIX Certificate only on the NSW Department of Planning BASIX website:www.basix.nsw.gov.au. For more information, phone the Basix help line on 1300 650 908.

Bush Fire Prone Land

Refer to Integrated Development section of this guide for a list of developments that require the concurrence from the Rural Fire Service (RFS). All developments on bushfire prone land are assessed in accordance with the NSW Government document titled 'Planning for Bushfire Protection' available from www.rfs.nsw.gov.au. DA's for new dwellings or residential additions on bushfire prone land must be accompanied by a bushfire consultant's report or a completed document titled 'Guidelines for Single Dwelling Development Applications' which is available from the RFS website or Council's offices. This assessment will determine appropriate standards for distances to vegetation (called asset protection zones), construction standards, on site water storage plus a variety of other matters.

Floodplain Management Controls

Floodplain Management Controls are contained in the Development Control Plan which are available on Council's website. If you are building in a flood prone area levels to Australian Height Datum (AHD) and other supporting information may be required to be submitted with your application. Council staff can advise you of the required 'primary habitable floor level' to AHD for some parts of the Council area.

Other Specialist Reports

For certain developments Council may require other specialist reports for issues such as traffic management, geotechnical, flooding/drainage, heritage, flora and fauna impact, shadow diagrams, acid sulphate soils and site contamination. Council will advise you if these reports are required.

Essential Fire Safety Measures

Essential fire safety measures are any installations or type of construction installed in a building to ensure the safety of the occupants in the event of fire or other emergency. These measures are required by the Building Code of Australia in Class 2 to 9 buildings (i.e. any building other than single dwellings or outbuildings). Fire safety measures include:

- Automatic fire suppression systems (e.g. sprinkler systems)
- Fire hose reels
- Fire hydrants
- Automatic fire detection and alarm systems
- Fire doors
- Fire extinguishers
- Smoke exhaust systems
- Exit signs
- Emergency lighting

When a DA is lodged to alter, add to or change the use of an existing Class 2 to 9 building a list of the existing fire safety measures installed in the building must be submitted with the DA. A Fire Safety Schedule will be issued with the construction certificate for a Class 2 to 9 building. The Schedule will list the essential fire safety measures that are required to be installed in the building.

Failing to submit the required information will only delay the processing of your application. Provision of the relevant information allows Council to efficiently process your application.

Lodging of Applications

Once you have completed the application form and gathered the information you need to provide, applicants can lodge their application at the Kyogle office with Council's Customer Services Officers (CSO's). At the time of lodgement the CSO will go through the checklist of information (at the back of the form) with you to ensure all information has been submitted.

Completed applications with the relevant fees can be lodged at the Kyogle office or posted to Kyogle Council, PO Box 11, Kyogle NSW 2474.

Application Fees

Please note that fees will need to be paid upon lodgement of your application. Accordingly, if posting your application, the fees will also need to be forwarded. Quotes on fees can be obtained by phoning Council's customer service staff.

Please note that fee estimates, which are provided prior to the lodgement of an application, are based on the information provided by you and the understanding of the Council Officer as to what is proposed. Accordingly they should be viewed as an estimate only with the exact fees not being determined until the application has been submitted for lodgement.

Acknowledgment

We will acknowledge receipt of your application and provide you with the application number. Please quote this number in future dealings with Council.

Assessment of Applications

Once your application has been lodged Council Officers will assess it. Complying Development Certificate Applications once accepted by Council will be processed within 10 days.

Generally local development applications are determined within 40 days, however delays can be experienced where supporting material is not fully provided or where other authorities are required to comment. Further information may also be required as a result of a site inspection. Where it is necessary a referral may be sent to state government authorities, for their comments. In the case of integrated development this referral also seeks their approval to the issue of a license or permit.

Will we neighbour notify?

An important part of the process for some development applications is the notification of neighbouring property owners. This is completed by a mail out to adjoining owners and depending on the proposal, can also be advertised in the local paper. Some minor building work such as single storey dwellings, small sheds and pools do not require neighbour notification.

Issue of Approvals

On completion of the assessment, most determinations are issued under delegated authority. In a limited number of cases, the Councillors at a full meeting of the Council deal with application. This occurs where it is in the public interest that the development be debated or where the application may be refused.

The development consent is conditional and these conditions must be met during the construction life of the project. In some instances, deferred commencement consent may be issued. Once the information required by the deferred commencement consent is satisfied, you must apply for an operational consent.

Development Consent only DOES NOT authorise construction work unless a Construction Certificate has also been issued.

If development consent has been issued, the construction certificate application will generally take 7-14 days to determine for small to medium developments. If Council is chosen as the PCA, then the development consent and/or the construction certificate will also include details of the inspections.

Developer Contributions

Your development consent may include a requirement to pay Developer contributions (also called Section 94 contributions or Section 64 Water and Sewer Headworks contributions). This is a one off payment to Council towards the cost of providing community facilities and infrastructure. Developer contributions are determined in accordance with contribution plans which can be viewed at Council's website or office.

Current contribution rates can be found in Council's Fees and Charges which is available at www.kyogle.nsw.gov.au.

Long Service Levy

The NSW Government has placed a levy on all building and construction work in NSW. The levy is payable on work costing \$25,000 or more. Fees can be paid direct to the Long Service Levy Payments Corporation or to Kyogle Council who acts as an agent for the corporation. Owner/builders and non-profit organisation may seek an exemption of up to 50% of the levy payable. For further information call 13 14 41.

Home Building Act

The Home Building Act is administered by the NSW Department of Fair Trading. For residential building work valued at \$12,000 or more carried out by a licenced builder the PCA can only release the construction certificate after a Home Owners Warranty Insurance certificate is submitted. For residential building work valued at \$5,000 or more carried out by an owner-builder the construction certificate can only be released after a copy of the Owner-Builder permit is submitted. Where owner builder work is valued at \$12,000 or more a course must be completed. For further information call 133 220 or check out the Department of Fair Trading web site on www.fairtrading.nsw.gov.au for owner builder application forms and other information.

Amending plans

Plans can change during the construction process – things shown on paper are often hard to imagine in three dimensional reality. To change the plans, or a condition on the development consent, you need to lodge an application to amend/modify the development consent and submit details in support of the proposed changes. This application is required BEFORE any construction changes.

Amended applications follow the exact same process as the original development application. Where the amendment changes any of the external structure then it may be renotified to neighbours. Fees are payable and depending on the changes proposed; a new Construction Certificate may also be required.

Extension of time

Development approvals from Council usually have a life of up to 5 years. The development must be physically commenced within that time. This cannot be extended. After this time a fresh application is required. Council can undertake a site inspection and give written confirmation of the status of commencement.

Withdrawing or surrendering an application

Only the applicant can withdraw an application prior to the determination being made. Where this is the case and depending on the level of assessment undertaken, some of the fees may be refunded. Applications can also be surrendered by the applicant after the determination; for example, if the development may no longer be proceeding.

Requests to withdraw an application must be made in writing by the applicant.

If you disagree with your development consent

If you are dissatisfied with the determination of your application you may contact Council staff to clarify issues and discuss your options. Options available to you include:

- A review of determination of your application for local development applications. This must be done within 12 months of the date of determination and requires payment of an additional fee.
- An appeal to the Land and Environment Court of NSW. An appeal must be commenced within 12 months of the date of determination.