

Guide to lodging a development application

When is a development application required?

Council requires a development application for all forms of development except for development considered to be exempt or complying.

Some minor development, called Exempt Development, does not require consent. Another type of development, called Complying Development, requires a Complying Development Certificate. Complying Development is a form of approval appropriate for many types of minor or routine development.

The State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 lists what activities that, under specific circumstances, are Exempt or Complying Development.

In general, the following forms of development require the lodgement of a development application:

- Multiple dwellings;
- Single dwellings and related structures that are not complying development;
- Bed and Breakfast establishments that are not complying development;
- Any non-residential use of land;
- Subdivision of land (**you may be requested to supply digital plans for Torrens and Community Title Subdivision in Council's preferred format during the assessment process**);
- Commercial and industrial developments and some new uses;
- Proposals affecting heritage, coastal and environmentally sensitive sites.

The application

Prior to preparing a development application you should contact Council's Customer Service to discuss your proposal.

It is essential that you check the zoning of your property, what development is permitted on your property and what matters must be considered as part of a development application, before you spend the time, effort and money required in preparing an application.

A preliminary assessment of development applications can be conducted by Council and is recommended for any proposal over and above a single dwelling, e.g. multiple dwellings, tall buildings, commercial, industrial and subdivision applications.

The following is required prior to Council lodging your application:

- **Development application form** fully completed (including the checklist at the rear of the form) and other required information in accordance with the requirements outlines in Council's Application Matrix Guide;
- **Plans** that have been stamped by MidCoast Water;
- **ORIGINAL signature of consent of all owners of the land;**

- **BASIX Certificate** for **all** new residential buildings including multi unit developments, swimming pools (over 40,000 litres) and all residential additions over \$50,000 in value;
- **Water Sensitive Design** certification;
- **Payment of fees** in accordance with the schedule of fees and charges.

The process

Once your application has been lodged with Council it will undergo the following processes:

- **Notification/advertising** - Council's Notification Policy determines when and how a development application is notified to adjoining property owners and/or in the local newspaper.
- **Consultation and referrals** - All development applications are considered by the assessment officer to determine which Council divisions and other public authorities are to be involved in the process.
- **Assessment, reporting and determination** - This process is completed in accordance with the provisions of the *Environmental Planning & Assessment Act 1979* and the *Environmental Planning & Assessment Regulations 2000*.
- **Determination and development consent conditions** - A development application is generally determined by approval or refusal. An approval consists of conditions of consent, has a time limit and may require additional applications and information to be submitted e.g. lodgement of a construction certificate application.