



DEVELOPMENT APPLICATION GUIDE

The process of getting approval for a development can be complex, and will vary depending on the size and scale of the proposal. If you do need approval, then the information Council needs to assess a proposal to build a new garage will be very different to the information needed to assess a whole new subdivision or a large commercial development.

This guide has been designed to provide a simple outline of the types of information needed to lodge a DA, and how the process works. It is not a complete list and is designed as an introduction for someone lodging a DA. People who want to lodge need to lodge a DA for a more complex development are encouraged to talk with council staff or seek professional advice.

WHEN IS A DA REQUIRED?

Development is defined by the *Environmental Planning and Assessment Act, 1979* as:

- Use of land or a building,
- Subdivision of land,
- Erection of a building,
- Carrying out of work,
- Demolition, or
- Any matter controlled by an Environmental Planning Instrument (like Council's Local Environmental Plans), activities and events, earthworks, change of use of land or buildings, rural developments and quarries, erect or display advertising.

TYPES OF DEVELOPMENT

Exempt Development – is development that has minimal environmental impact and meets specific criteria and standards. It does not require consent (DA) from Council. Many home renovations, minor works and change of building uses (shop to shop) that meet the standards and criteria may be Exempt Development.

Complying Development - is low impact fast tracked development that requires a Complying Development Certificate (CDC) from Council or a Private Certifier. New dwellings and commercial and industrial premises that meet complying standards may be Complying Development.

The types of development that are Exempt or Complying Development are outlined in State Environmental Planning Policy (Exempt and Complying Development Codes) 2008. A copy can be viewed on the NSW Legislation website: www.legislation.nsw.gov.au.

Local Development - is development that does not meet the criteria for Exempt or Complying Development and requires consent (DA) from Council.

Integrated, Designated and State Significant Development – these are more complex developments and generally require the approval or concurrence of another government authority.

The NSW Planning Portal

From the 1st January 2021, all development related applications and post consent certificates must be submitted with CGRC through the NSW Planning Portal.

The Department also provides information, advice and tools for everything from adding a deck or garage to building a new home.

You can use the online planning tools on the NSW Planning Portal to check requirements for Exempt Development and prepare, lodge and track applications.

www.planningportal.nsw.gov.au

STEP 1 CHECK POLICIES & CONTROLS

The first step is to check legislation and policy to find out:

- If your development is permitted,
- If you need Council approval,
- what policies and laws you have to comply with, and
- what applications and information you will need to submit to Council

Local Environmental Plans

Check whether your proposal is permissible under the Council's Local Environmental Plan (Cootamundra LEP 2013 and Gundagai LEP 2011).

The LEPs are the principal planning instrument for our Council area. They contain both text and mapping, and outline what is permissible in different zones, land uses, environmental considerations and statutory controls. The most up-to-date version of the LEPs are available on the NSW legislation website at www.legislation.nsw.gov.au

Development Control Plans

The Cootamundra area has a DCP which provides guidelines for development, some applying to specific localities.

Development Contributions Plan

Cootamundra-Gundagai Regional Council has adopted a Fixed Development Consent Levy Contributions Plan. Money levied by this Plan is applied towards the provision, extension or augmentation of public amenities or public services.

The **State Environmental Planning Policy (Exempt & Complying Development Codes) 2008** (the Codes SEPP), outlines what works can be done without Council approval, or as a Complying Development.

Depending on the type of development, it may be appropriate to seek the professional services of an architect, draftsman, town planning consultant, building code consultant or an engineer to assist with preparing your application. These services may be found using the Yellow Pages, Associations or NSW Building Professionals Board website.

Book a pre-lodgement meeting with Council

A pre-lodgement meeting is recommended to obtain site specific advice if your development is complex or involves flood or bushfire prone land, environmentally sensitive land or other constraints or does not meet our controls, plans and policies. Advice provided is of a general nature and does not replace professional services.

Prior to booking a meeting, Council expects that you will have reviewed the relevant LEP, DCP, etc. and will have preliminary documents and plans prepared.

STEP 2: PREPARE PLANS AND DRAWINGS

To assess your development staff need copies of accurate drawings and plans of your proposed development.

The requirements for submitting a DA can also be found in Schedule 1 of the Environmental Planning and Assessment Regulation 2000, which can be viewed on the NSW Legislation website: www.legislation.nsw.gov.au

Generally, **all plans** should be drawn to scale in ink with the following information:

- Plan description, version and date,
- Metric dimensions and measurements,
- Scale shown on plan, and
- The address and title of the property.

Site Plan

A site plan is required for all developments other than subdivisions. It is a birds-eye view of your property showing the following:

- Site dimensions,
- Easements, rights of way, sewer mains, over-land flow paths etc.,
- Land contours and levels,
- Building setbacks from site boundaries,
- All existing and proposed buildings,
- Adjacent buildings and land uses,
- Access and parking arrangements,

- Landscaping and treatment of the land,
- Vegetation to be retained and removed,
- Location of proposed cut and fill (batter extent and gradients/retaining walls),
- Proposed method of draining the land,
- Details of any site constraints (slope, bores, dams, flooding, bushfire, on-site waste treatment systems etc.), and
- BASIX requirements (if required)

Floor Plan

A floor plan is required for new building works or a change of building use. It shows the internal layout of the development and includes:

- Figured dimensions of proposed work (show new work in relation to existing),
- Layout, walls/partitions, stairs, voids, mezzanines and uses of each room,
- Indicative layout of fixtures including sinks, bathroom and kitchen plumbing,
- Windows, doors and other openings sizes and location,
- Floor area of existing and proposed building,
- Access for disabled (if required), and
- All existing and proposed fire safety measures - smoke alarms, extinguishers, exit signs etc.

Elevation Plan

An elevation plan is required for building works or external changes, such as signs. It is a side-on perspective from boundary to boundary showing the following:

- Exterior cladding type and roofing material and pitch,
- External finishes and colours,
- Window/opening sizes and location,
- Any services, lights, chimneys, vents, solar systems, downpipes, fences etc.
- Roof ridge, floor and ceiling height, and
- Indicate natural ground level and proposed finished ground level (show any retaining walls or batters).

Stormwater Management Plan

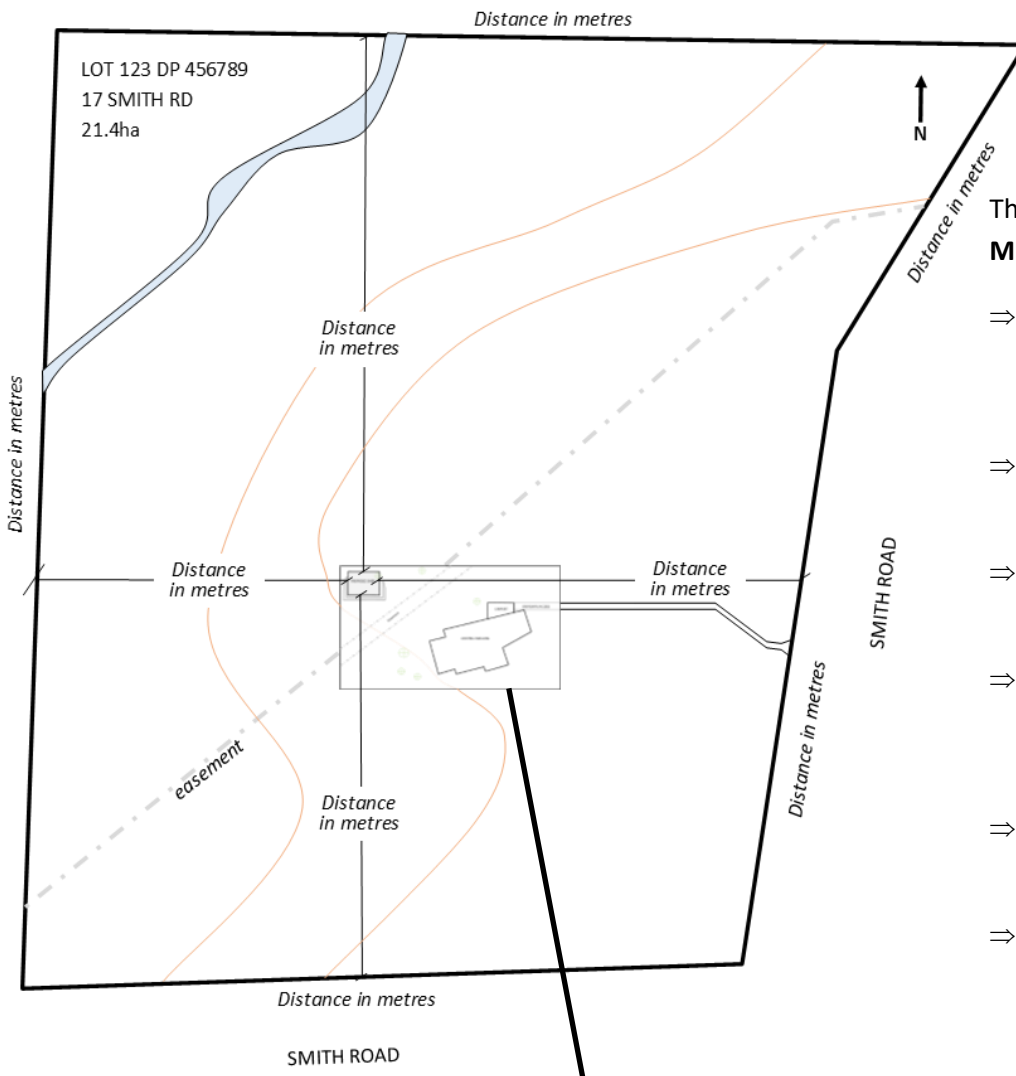
A Stormwater Management Plan is required for large developments, subdivisions or land sloping away from public road. The plan must show:

- Existing and proposed site drainage system layout showing the location of all pipes, pits, downpipes, kerbs, cleaning or flushing facilities, overland flows and discharge points; detailing, dimensions, pipe size, grades, materials and levels,
- Existing and proposed impermeable areas in square metres including direction of any overland flows,
- Existing and proposed buildings and proposed finished floor levels,
- Any on-site detention measures, and
- If inter-allotment drainage is required through downstream properties, a letter of intent to grant an easement from the downstream property owners.

Erosion and Sediment Control Plan

Proposals featuring significant disturbance of ground surface area or a sloping site require an erosion and sediment control plan including the following details:

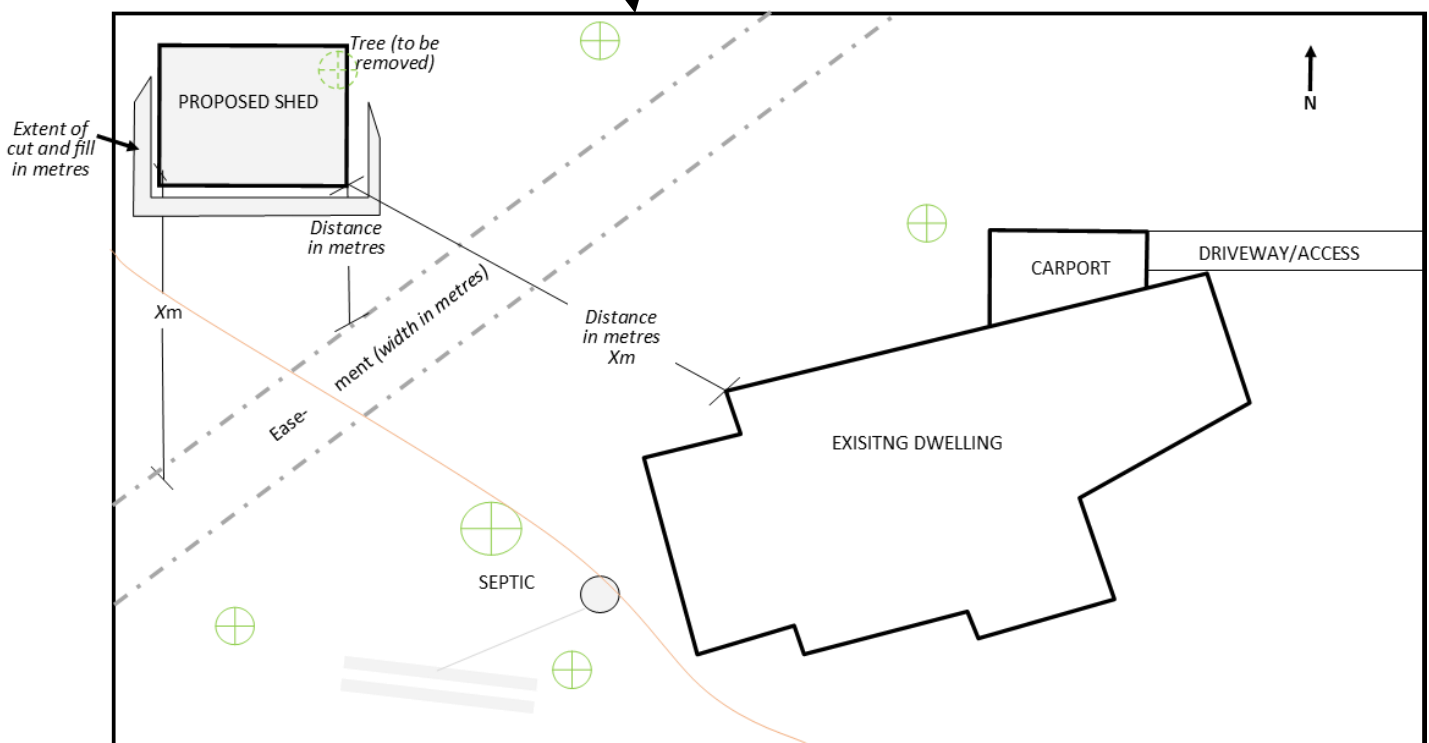
- Final ground levels, boundaries and access points detailing treatments,
- Location of stockpiles and vegetation to be retained on site and any protection measures,
- Site features such as drains, pits, dams or watercourses,
- Proposed runoff diversion measures, such as earth perimeter banks and channels, straw bales, spreaders, drop down drains and dams,
- Proposed sediment trapping devices, such as sediment fences, straw bales, geotextile fabric filters, sediment traps or basins and stabilising structures, and
- Proposed revegetation and stabilisation areas.



SITE PLAN EXAMPLE

The following minimum information **MUST** be provided to scale:

- ⇒ The location of the land, the measurements of the boundaries, north point;
- ⇒ Location and uses of existing and proposed structures and buildings;
- ⇒ Distances to boundaries of all structures and buildings;
- ⇒ Driveways, laybacks, street frontage, all trees (including trees to be removed);
- ⇒ Infrastructure i.e powerlines, sewer, manholes, water main
- ⇒ Slope of land to be shown (contours may be required), location and width of easements, rights of way, dams, watercourses;



SITE PLAN	PROPOSED STORAGE SHED (proposed development)
Owners Name	Date
LOT 123 DP 456789	Scale
17 SMITH RD	Sheet 1 of 1

Waste Management Plan

Waste Management Plans are required for proposals including demolition or large construction works. The plan must outline the:

- Volume and type of waste to be generated (during demolition, construction and operational phases),
- How waste is to be stored and treated onsite,
- How waste is to be disposed of including how recyclable materials will be separated and managed, and
- How ongoing waste management will operate, including details of any refuse (bin) storage, recycling or skip loading areas including sizes.

Shadow Diagram Plan

Where multi-storey or high pitched buildings create the potential for overshadowing, a shadow diagram depicting the extent of shadows cast by existing and proposed building, including buildings on adjoining land must be submitted with the DA. The plan must be drawn to true north, and show the:

- Location and use of proposed and existing developments detailing locations of windows, openings, solar panels, outdoor living space on site and on adjoining land, and
- Shadows cast by the development on 22 June at 9am, 12 noon and 3pm.

Subdivision Plan

For subdivisions show the following details:

- Existing and proposed lot boundaries,
- Lot and deposited plan numbers,
- Relationship to existing roads and lot boundaries (show width of roads),
- Existing and finished levels (contours or spot heights to Australian Height Datum) on site and adjacent streets/footpaths,
- Proposed boundary dimensions (metres),
- Proposed lot areas (square metres or hectares for larger lots),
- Existing and proposed easements, rights of carriageway, reserves, dams etc.
- Proposed method of stormwater disposal,
- Location of water, sewerage, electricity and telephone services,

- Location of any buildings or structures,
- Staging details (if applicable)
- Common or community property (if applicable),
- Conceptual drawings indicating proposed infrastructure including roads, drainage, water, sewage and earthworks (sufficient to allow assessment of the practicality of these works),
- Proposed building envelopes for constrained sites, and
- Significant natural features, eg. watercourses, gullies, trees, rocky outcrops, etc.

STEP 3: PREPARE A STATEMENT OF ENVIRONMENTAL EFFECTS

A Statement of Environmental Effects (SEE) is a written report outlining the likely impacts of the development, and the proposed measures to mitigate these impacts.

A SEE is required for all developments. A SEE details:

- A site location and analysis; including how the proposed design has responded to the site,
- How the application will comply with Council's development controls and respond to local character, context and setting,
- The mitigation measures required to protect your neighbours (eg. from being overlooked, impacting on views, noise etc.),
- Potential environmental impacts of the development, how these were identified, and the steps that need to be taken to protect the or reduce the expected impacts of the proposed development, and
- Any other written information that cannot be readily shown on a plan or drawing.

For minor developments that are likely to have a negligible effect (eg. interior alterations, minor residential building work) only a brief statement is required, and Council has a template SEE which can be used.

Council has also prepared a comprehensive guide to preparing a SEE, which can be found on Council's website.

STEP 4: SUPPORTING INFORMATION

Supporting information may also be required for developments of a type or scale which require a detailed assessment of the likely impacts of the development. Supporting information may include:

- Access Report
- Acoustic Report
- Air Quality Report
- Archaeological Report
- Asbestos Report
- BCA Compliance Report
- Building Fire Safety Report
- Bushfire Report
- Biodiversity Development Assessment Report
- Contamination Investigation Report
- Flood Report
- Flora and Fauna Report
- Geotechnical Report
- Heritage Impact Statement
- Odour Impact Report
- On-Site Effluent Disposal Report
- Traffic Study
- Water Quality Assessment Report
- Variation to Development Standard

Please consult with Council as to the likelihood of such information being required.

STEP 5: COMPLETE AN APPLICATION FORM

Development Application and Complying Development Application forms are available on Council's website.

All areas of the form must be completed.

Applicant Details

Check that you have signed the application. All details including your postal address and contact numbers are to be included as all correspondence and queries will be made to the Applicant.

Owners Details and Consent

You must obtain the consent of the landowners. If there is more than one landowner, every owner must sign the application form. Without the landowners' consent, Council cannot accept your application. The following are acceptable forms of owner's consent in special circumstances:

Company ownership – a company can provide owner's consent with or without a common seal and the application or authorisation letter must be signed by:

- Two directors of the company; or
- A director and a company secretary of the company; or
- A director of a proprietary company in which they are the sole director and the sole company secretary.

Legal representative that has Power of Attorney to lodge an application on behalf of the landowner. Documentary evidence of that legal authority must be attached to the application form or letter of authority, or in the case of a Power of Attorney, provide their Power of Attorney Number.

Owners Corporation (Strata Plan) – When the owner of a lot is the Owners Corporation, the corporation must either:

- Provide consent from all unit owners in the Strata Plan, or
- Provide a letter of authority on the corporation's letterhead or with the corporation seal. If the corporation does not have a corporation seal or letterhead, the corporation secretary is to sign the application form or a letter of authority stating so, or
- Provide the official minutes of a Body Corporate meeting giving consent for that application to be lodged. There should be verification of the minutes by seal or signatures by office bearers, or at the very least a signed covering letter verifying the minutes.

Land to be Developed

The subject land section must be completed with details of all land on which development is proposed.

Description of Proposed Development

You must accurately describe any proposed development and activities in detail, including any works to be carried out in distinct stages.

Estimated Cost

An accurate cost estimate report must be supplied with the application. Development cost includes a genuine estimate of the:

- Costs associated with the construction of any building, including labour.
- Costs associated with any preparation of the building for the purpose for which it is to be used (such as the costs of installing plant, fittings, fixtures and equipment),
- Construction costs of other work (including, but not limited to carparking, roadways, infrastructure provision, earthworks, landscaping, etc.), and
- Costs of any demolition.

NOTE: Council will recalculate the value in accordance with the NSW Planning Circular *Calculating the genuine estimated cost of development* if the value submitted is not a genuine estimate)

STEP 6: LODGE YOUR DA

You must lodge your application and the required supporting documentation online through the NSW Planning Portal.

Services NSW has developed a series of Guides to assist you in using the Planning Portal. These are available on

<https://www.planningportal.nsw.gov.au/support/how-guides>

Council has also developed a lodgement Checklist to assist you in collating the required information as per Schedule 1 of the *Environmental Planning & Assessment Regulation 2000*.

While every effort has been made to ensure accuracy, Council provides this information with the understanding it is not guaranteed to be accurate, correct or complete. The user of the information assumes all liability and responsibility for their dependence on it, any conclusions drawn from it, or damages, injury, or loss incurred in the event that any information is incorrect, incomplete or omitted.

WHAT HAPPENS NEXT?

LODGEMENT

Submit your Application, plans and documents through the NSW Planning Portal.

Council staff will check the Application and if additional information is required, you will be notified through the portal.

When Council is satisfied with the documentation submitted with your application, you will receive a and application, you will receive a notification generated from the Portal requesting fees to be paid for your application.

NOTE: ALL correspondence including additional information and approvals will only be accepted and notified via the planning portal. Please do not email staff or Council directly in relation to providing additional information or seeking certificates as the request will not be actioned.

ASSESSMENT

Notification. Some DAs may require notification and some developments may require advertising to enable persons to submit comments to Council. The minimum submission period is 10 working days, however some applications may be advertised for longer periods.

Assessment will be completed taking into account of all statutory requirements, Council's adopted policies and any submission that has been received.

DETERMINATION

Decision made by either delegated officer, Council or planning panel

DISAGREE WITH YOUR NOTICE OF DETERMINATION?

If you disagree with the determination, contact Council immediately so we can clarify any issues and discuss options. Options may include:

- Review of the Determination,
- Modification of the Development Consent or
- an Appeal to the Land & Environment Court

DO YOU NEED OTHER APPROVALS?

The Development Consent will usually outline some other certificates or permits that are required in connection with your DA. Sometimes these Approvals and Certificates may be applied for with your DA, however if an application is refused on planning grounds, costs may be incurred in preparing combined applications. Consideration should be given to lodging a combined application only when the applicant is confident that all planning matters have been addressed. Commonly required certificates and permits are outlined below.

CONSTRUCTION CERTIFICATE

A Construction Certificate (CC) verifies that the detailed design of a building complies with the National Construction Code (formerly the BCA) and meets the statutory requirements of the *Environmental Planning and Assessment Act, 1979* and its regulations.

Building work cannot commence until a CC has been issued by a Certifying Authority, which can be either Council or a Private Certifier. You must appoint a 'Principal Certifying Authority' and notify Council in writing before you start any building work.

WORKS IN PUBLIC PLACES & RESERVES

A public place includes a road, nature strip, footway, bridge, reserve or alike. Many different works or activities within a public place need one or more applications under Section 138 of the *Roads Act, 1993* including:

- Constructing a layback/driveway,
- Opening a road or footpath,
- Placement of skip bins and hoardings,
- Erection of a temporary structure, or
- Street tree removal.

OCCUPATION CERTIFICATE

An Occupation Certificate (OC) authorises occupation or use of a building, verifies that the necessary approvals and certificates are in place and the building is suitable for occupation or use in accordance with its building classification.

SECTION 68 ACTIVITIES APPROVAL

Many activities require approval under Section 68 of the *Local Government Act, 1993* as they impact on neighbours, the community, the environment or public assets. These activities include:

- Footpath dining and displays,
- Plumbing and drainage works, Stormwater drainage works, Water supply works,
- Waste disposal and transport,
- Installing or operating an onsite sewage management system,
- Installing a fixed oil or solid fuel-heating appliance, or
- Installing a manufactured home, moveable dwelling or associated structure.

SUBDIVISION WORKS CERTIFICATE (SWCs)

If a subdivision requires civil works (roads, sewer, water, drainage etc.) a Subdivision Works Certificate (SWC) is required. A SWC verifies that the detailed design of the works complies with the development consent and relevant engineering standards.

A Certifying Authority issues the SWC, which can be either Council or a Private Certifier. Civil Works cannot commence until a SWC has been issued.

SUBDIVISION CERTIFICATE

A Subdivision Certificate (SC) is issued when the final plan of subdivision and completed subdivision works are in accordance with the development consent, Subdivision Construction Certificate and legislation. The SC authorises the lodgement of the final plan of subdivision and any associated instruments with the NSW Titles Office for registration.

