

Introduction

This Guide is prepared to assist Council, applicants and interested parties in understanding the process for making and considering Development Applications for local development.

This Guide is not designed to assist with more complicated development applications such as designated development or State significant development. In these cases Council would expect the proponents to liaise early with Council to determine the likely processing requirements.

Introduction to a Development Application

What is a Development Application?

A Development Application (or DA) is a formal request to Council for development.

A Development Application will be required for most types of Local Development. A development is considered local development if a Local Environmental Plan (LEP) or State Environmental Planning Policy (SEPP) states that development consent is required before the development can take place.

When is a Development Application Required?

A Development Application will be required if a proposal is a type that requires the consent of Council under the Greater Hume Local Environmental Plan (LEP) or a State Environmental Planning Policy (SEPP) and/or the proposal doesn't meet the requirements for Exempt Development or Complying Development specifies in the *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* (the Codes SEPP) or the Greater Hume LEP 2012.

The LEP or any applicable SEPP will determine whether a proposed development:

- does not need consent.
- needs consent, or
- is prohibited.

If a development for a type listed as 'permitted without consent' in the relevant land use table of the LEP zone or the Codes SEPP or Schedule 2 or 3 of LEP, and which meets the requirements to be classified as exempt or complying development, a Development Application is not required.

If a development is for a type listed as 'permitted with consent' in the relevant land use table of the LEP zone or the Codes SEPP or Schedule 2 or 3 of LEP but does not meet the requirements to be classified as exempt or complying, a Development Application will be required.

What does a Development Application Consist Of?

Generally, a development application will need to include the following information, at a minimum:

- Plans, drawings or sketches of the proposed development, including site plan, floor plan, elevations and sections as appropriate.
- A Statement of Environmental Effects containing a description of what the proposed development involves, a description of the environmental impacts of the development and the steps to be taken to protect the environment or to lessen any potential harm to the environment.
- A completed application form.
- The estimated cost of works.
- Landowners consent.

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Council may require additional information depending on the type of development being proposed. Council's [Checklist of Requirements for Development Application Lodgement](#) sets out the minimum level of information required for a Development Application, and applicants should complete the checklist prior to lodgement with Council.

Applicants are encouraged to contact Council's Planning and Environment Department on (02) 6029 8588 to discuss what information may be required to support a Development Application.

Lodging a Development Application

Check Relevant Policies

In addition to requiring Council's consent, there may be other codes and policies that apply to a particular development. These may be specified in the LEP, the [Greater Hume Development Control Plan 2013](#) or other relevant State Government policies.

Council's [Checklist of Requirements for Development Application Lodgement](#) set out the minimum level of information required for a Development Application. For some developments which are of a larger scale or involve community interest, an applicant should obtain pre-lodgement advice from Council's Planning and Environment Department on (02) 6029 8588, including any detail which may be required to support the Development Application.

For assistance in determining any relevant policies, Council's Planning and Environment Department on (02) 6029 8588 can assist.

Statement of Environmental Effects

Schedule 1 of the Environmental Planning and Assessment Regulation 2000 requires that a development application be accompanied by a Statement of Environmental Effects (except for "designated development" which must be accompanied by an Environmental Impact Statement).

Council's [Statement of Environmental Effects Form](#) can be used for minor impact development such as dwellings, alterations and additions, outbuildings, small scale commercial and industrial developments and minor subdivisions. Larger scale developments should be accompanied by a more detailed and specific Statement of Environmental Effects.

For further information, refer to Council's Fact Sheet on the Preparation of a Statement of Environmental Effects.

Completing the Development Application Form and Lodging with Council

The [Application for Development/Construction](#) must be completed, identifying the applicant, subject property and proposed development. All registered owners of the property must sign the form.

The Statement of Environmental Effects, along with copies of plans and other information required by Council's checklist must also be provided to Council with the completed application form.

Application fees must be paid upon lodgement. The NSW Government regulates the main fee that Council charges, however there are a number of other fees set by Council that apply to Development Applications.

Receiving the Application

Council staff will check that the application includes all the documentation listed in the development application checklist, that the application form has been completed and signed by all landowners and that the correct application fee has been paid.

Acknowledgement

Once the application is lodged, Council will write to the applicant and acknowledge that the application has been received. Each application will be given a reference number and assigned to an officer in Council's Planning and Environment Department who will be responsible for undertaking the technical assessment of the application.

More Information

A Council officer will then undertake a preliminary assessment of the Development Application. It may be determined by the officers that more information is required to properly assess the application.

If more information is required, Council will contact the applicant by telephone or email as soon as possible after receiving the application. A letter will also be sent detailing the further information required.

Public Notification

Most development applications are notified to immediately adjoining neighbours of the proposal. Some applications may also be advertised in the local newspapers. This notification and advertising period is to enable interested persons to submit any comments to the Council on the particular proposal.

The minimum notification period is generally 14 days, but can be advertised for longer periods of up to 30 days or more.

Some applications may also require State agencies, such as the NSW Rural Fire Service or Roads and Maritime Service, to make comments or provide conditions for a particular proposal.

In some circumstances, Council officers may request further information from the applicant to address issues raised in submissions.

Assessment Process

After the completion of the notification period, the Council officers undertake a final assessment of the application with the information presented. Officers will also take into account comments made in any submissions received.

Development Applications that comply with all relevant standards are generally determined by the Council officers under delegated authority of the Council. Some applications, such as those that have received significant objections or that are of a contentious nature, or that involve Council interests are referred to the Council for determination.

Council Meetings take place once per month. If your application is to be considered by Council a letter will be sent to you detailing the operation of the Council Meeting.

Determination

Council will acknowledge in writing whether the application has been approved or refused. If the application is approved, the applicant will be issued with a Development Consent, which will detail the proposed development which has been approved, when the approval will expire and set out the conditions of the approval, which must be adhered to by the applicant.

If the application is refused, the letter will list the reasons why Council determined to refuse the application. The letter will also explain the applicant's right of appeal to the Land and Environment Court.

Conditions of Consent

An applicant must ensure that the development is carried out in accordance with the relevant conditions attached to the Development Consent. The proposed development or the conditions of a Development cannot be changed unless the applicant requests these to be modified.

Section 94 Contributions

A Development Consent may include a 'Section 94 or Section 94A Contribution'. This is a condition requiring a payment towards the capital cost of providing community facilities such as public open space, car parking etc. The contribution is applicable to applications for development consent and applications for complying development certificates under Part 4 of the EP&A Act

Applicable contributions are determined in accordance with the [Greater Hume Shire Council S94A Levy Development Contributions Plan 2014](#). The amount to be levied is 0.5% of development cost where the proposed cost of carrying out the development is between \$100,001 and \$200,000, or 1.0% of development cost where the proposed cost of carrying out the development is more than \$200,000

Other section 94 contributions may be applicable to certain areas of the Shire.

Certificates

If the proposal involves building or subdivision work the applicant or landowner will need to obtain a Construction Certificate from Council. This must be obtained from either the Council, or an accredited certifier.

The applicant must also appoint a 'principal certifying authority' and notify Council in writing before starting any construction work.