



Development Application Guide

A step by step guide to preparing &
lodging a Development Application



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Introduction

About this Guide

This guide explains, step by step, how to prepare a Development Application. Please read this Guide to help you successfully complete and lodge your Development Application

Compliance with this guide does not mean that your development will be approved.

By ensuring that your application is completed fully and submitted with all the correct supporting documentation, it will enable speedy and efficient assessment of your application.

What is a DA?

A development application (DA) is an application for consent to carry out development. Development means:

- the use of land,
- the subdivision of land,
- the erection of a building,
- the carrying out of a work,
- the demolition of a building or work, and
- any other act, matter or thing referred to in Section 3.14 of the *Environmental Planning and Assessment Act 1979* that is controlled by an environmental planning instrument, but does not include any development of a class or description prescribed by the regulations for the purposes of this definition.

Do you need to lodge a DA?

You may need to lodge a DA if you propose to do any works within the meaning of development, including the following:

- Erect a new building or structure
- Add to or alter an existing building
- Demolish a building
- Subdivide land or strata subdivide a building
- Change the use of an existing building premises or land
- Display an advertising sign or sandwich board

There are some minor works that do not require a DA as detailed in State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 (Codes SEPP 2008).

What development does not require a DA?

Exempt Development

Exempt Development of a specified class or description that is of minimal environmental impact as provided in the Codes SEPP 2008. Examples include pergolas and cubby houses. You must first consult

with Council to ensure your proposal meets the required specifications for exempt development.

Development without Consent

In some instances development consent may not be required but the environmental impacts of the proposal may still need to be assessed. These are often infrastructure proposals such as roads, water supply, and dams.

What Development is Prohibited

Prohibited Development

The Walcha Local Environmental Plan 2012 lists the types of developments that are prohibited in each land use zone. If the planning provisions do not allow the kind of development you are proposing, you will need to discuss with Council whether they would consider changing the zoning on the site to permit the development. If the prohibited zoning provisions are not changed, the local Council cannot approve the proposed development on the site.

In addition, you may need to check any State Environmental Planning Policies for any provisions which may prohibit development on the site.

Step 1 – Determine Type of Application & Consent

Type of Approval You Require

Development Consent

The use of land, the subdivision of land, the erection of a building, the carrying out of a work, the demolition of a building or work, and any other act, matter or thing referred to in Section 3.14 of the *Environmental Planning and Assessment Act 1979* that is controlled by an environmental planning instrument, but does not include any development of a class or description prescribed by the regulations for the purposes of this definition.

Complying Development Certificate

Complying Development is local development that is routine, low impact or “straightforward” development that complies with the Codes SEPP 2008. It is development that can be addressed by specified predetermined development standards. Certifying authorities (councils and accredited certifiers) can issue complying development certificates.

Construction Certificate

A Construction Certificate must be sought and obtained **before works commence** if any construction works are to be carried out. A construction certificate for building work certifies that building plans comply with the Building Code of Australia, are ‘not inconsistent’ with the development consent, and comply with certain other conditions of the development consent. You can apply to a certifying authority for the certificate. You do not need a construction certificate where a complying development certificate has been issued for the plans and specifications for the work.

Subdivision Certificate

A certificate that authorises the registration of a plan of subdivision under Division 3 of Part 23 of the [Conveyancing Act 1919](#) with the Land and Property Information Division of the Department of Lands. Requires development consent first with the fulfilment of any conditions specified in the consent notice, unless exempt development.

S68 Consent

Some aspects of a development also require the approval of Council under the *Local Government Act 1993*, these are for ancillary works e.g. connecting to Council’s water or sewer main or stormwater system.

Tree Removal Consent

A tree preservation order exists within certain parts of the Walcha Local Government Area (LGA) requiring the approval of Council to remove, cut down, ringbark or lop a tree which is three metres or more in height, or has a girth of 300mm or more at a height of one metre above natural ground surface, or has a branch spread of three metres or more.

Roads Act Approval

Some aspects of a development also require the approval of Council under the *Roads Act 1993*, these are for works to be carried out within a public road area, including:

- Construct road works including drainage
- Construct a footpath
- Construct a driveway
- Connect to Council services (water or sewer)
- Control traffic
- Pumping of water into a road
- Connect to another road
- Creation of work zones for buildings
- Erect hoardings
- Operate a footway restaurant
- Hold a road event

Occupation Certificate

This certificate is issued by the principal certifying authority (PCA) and certifies that completed building work is capable of being occupied or used in accordance with its building classification under the Building Code of Australia. An occupation certificate must be obtained before a new building is occupied or to change the classification for an existing building under the Building Code of Australia.

Type of Application

Local Development

- Single Dwellings
- Dual Occupancy
- Villas, Town Houses
- Residential Flat Buildings
- Sheds, Garages and Carports
- Alterations and Additions to Buildings
- Relocation of Dwelling
- Mixed Use Developments
- Commercial Developments
- Industrial Development
- Childcare Centres
- Change of Use
- Advertising Signs and Sandwich Boards
- Place of Public Entertainment
- Subdivision
- Demolition

Designated Development

A development that is likely to have significant impacts on the environment and, as such, is subject to special regulatory procedures. A list of designated developments is provided in Schedule 3 of the Environmental Planning and Assessment Regulation 2000.

Special procedures apply to designated development including:

- An environmental impact statement must be prepared.
- There is a 30 day public exhibition period.

- Third party objectors have a right of appeal.

Integrated Development

Integrated Development is development that, in order for it to be carried out, requires development consent and one or more of the following approvals:

Act	Provision	Approval	Authority
Fisheries Management Act 1994	s 144	aquaculture permit	NSW Fisheries
	s 201	permit to carry out dredging or reclamation work	
	s 205	permit to cut, remove, damage or destroy marine vegetation on public water land or an aquaculture lease, or on the foreshore of any such land or lease	
	s 219	permit to: (a) set a net, netting or other material, or (b) construct or alter a dam, floodgate, causeway or weir, or (c) otherwise create an obstruction, across or within a bay, inlet, river or creek, or across or around a flat	
Heritage Act 1977	s 58	approval in respect of the doing or carrying out of an act, matter or thing referred to in s 57 (1)	Heritage Council
Mine Subsidence Compensation Act 1961	s 15	approval to alter or erect improvements within a mine subsidence district or to subdivide land therein	Mine Subsidence Board
Mining Act 1992	ss 63, 64	grant of mining lease	
National Parks and Wildlife Act 1974	s 90	consent to knowingly destroy, deface or damage or knowingly cause or permit the destruction or defacement of or damage to, a relic or Aboriginal place	National Parks and Wildlife Service
Petroleum (Onshore) Act 1991	s 9	grant of production lease	
Protection of the Environment Operations Act 1997	ss 43 (a), 47 and 55	Environment protection licence to authorise carrying out of scheduled development work at any premises.	Environment Protection Authority
	ss 43 (b), 48 and 55	Environment protection licence to authorise carrying out of scheduled activities at any premises (excluding any activity described as a "waste activity" but including any activity described as a "waste facility").	
	ss 43 (d), 55 and 122	Environment protection licences to control carrying out of non-scheduled activities for the purposes of regulating water pollution resulting from the activity.	
Roads Act 1993	s 138	consent to: (a) erect a structure or carry out a work in, on or over a public road, or (b) dig up or disturb the surface of a public road, or (c) remove or interfere with a structure, work or tree on a public road, or (d) pump water into a public road from any land adjoining the road, or (e) connect a road (whether public or private) to a classified road	Roads and Traffic Authority

Rural Fires Act 1997	s 100B	authorisation under section 100B in respect of bush fire safety of subdivision of land that could lawfully be used for residential or rural residential purposes or development of land for special fire protection purposes	Rural Fire Service
Water Management Act 2000	ss 89, 90, 91	water use approval, water management work approval or activity approval under Part 3 of Chapter 3	Department of Land and Water Conservation

An Integrated development application requires an additional cheque upon lodgement made payable to the relevant referral agency, In accordance with Council's current fees & charges. Examples of referral agencies include:

- Heritage Council
- Rural Fire Service
- Department of Planning and Environment
- Department of Environment and Climate Change
- Roads and Traffic Authority
- Department of Primary Industries (Fisheries)
- Department of Natural Resources

Other Considerations

Concurrence Required for Development

Certain proposals may not require a licence but still require the agreement of a State agency before development can be carried out. If so, the Council will refer your application to the relevant State agency for its agreement.

State Significant Development

The Minister for Planning and Environment has declared that certain developments are of State Significance. For these the DA is made to the Department of Planning and Environment, not Council.

A full list of state significant development (SSD) types and specified sites can be found in Schedules 1 and 2 of the State and Regional Development SEPP. If you think that your proposal may be SSD please contact NSW Planning and Environment or visit their website at www.planning.nsw.gov.au

Type of Consent

Immediate Commencement

Once this consent is granted and the Construction Certificate is issued you will be able to carry out your proposed works. The consent is normally granted for a period of five years – this means that you have five years in which to substantially commence work.

Staged Commencement

Consent for works proposed to be carried out in distinct stages.

Deferred Commencement

Consent can be granted subject to a submission of additional information, plans, reports etc.

Step 2 – Land Use Controls and Policies

Before you start designing your proposal you need to know about the Council land use controls, policies and guidelines that will relate to your proposal.

There are several types of documents that set the controls for development, these are:

- The legislation
- Local Environmental Plans (LEP)
- Development Control Plans (DCP)
- State Environmental Planning Policies (SEPP)
- Building Code of Australia (BCA)
- Australian Standards (AS)

Legislation

- Environmental Planning and Assessment Act 1979
- Environmental Planning and Assessment Regulation 2000

Local Environmental Plan

The Walcha LEP 2012 provides a framework for planning decisions across the Walcha LGA. It sets out land use zoning and development controls that enable Council to manage the way land is used.

Development Control Plans

These provide comprehensive guidelines and planning controls for individual types of development and / or for particular locations in the Walcha LGA. They include:

- DCP No.2 – Guidelines for the Erection of Advertisements and Advertising Structures

State Environmental Planning Policies

- Environmental Planning Instruments that are legal documents that regulate land use and development.

The SEPP's can be found at:

www.planning.nsw.gov.au/planningsystem/sepp1.asp

Building Code of Australia

The BCA contains technical provisions for the design and construction of buildings and other structures, covering such matters as structure, fire resistance, access and egress, services and equipment, and certain aspects of health and amenity.

Australian Standards

An Australian Standard is a voluntary national standard code or specification prepared under the auspices of Standards Australia (SA). Australian Standards are mandatory when referred to in building regulations, and are enforceable in contracts when called up in contract documents.

Step 3 – Supporting Documentation

Checklist

Council has prepared a separate checklist that outlines the specific requirements for each type of development. This must be completed in conjunction with the DA form.

The actual plans and numbers required for your proposal will depend on the type of development proposed and are listed on the checklist.

Plans

Compulsory Plan Information

On ALL PLANS submitted the following information is needed:

Title Block showing:

- name of person who drew the plans e.g. architect or draftsman
- plan number and date
- amendment number and date (where appropriate)
- applicant's name
- location and title description of the property.

Scale

- show the scale on every plan
- draw the plan at a standard scale such as 1:100, 1:200 or 1:500
- always draw a bar scale so that dimensions can be easily determined on photocopy reductions.

Site Plan

This plan should illustrate and analyse existing site conditions in relation to surrounding land and buildings. In addition to the compulsory plan information the plans must include the following details:

- north point (true solar north)
- street name & number
- site dimensions
- boundary setbacks
- all structures on site
- any trees on the property
- contours and/or spot levels.

Floor Plan

These plans must clearly illustrate the proposed floor plans. In addition to the compulsory plan information the plans must include the following details:

- figured dimensions of proposed work
- layout of proposed development
- internal walls/partitions & room names for use
- location of stairs & levels
- calculations of all existing & proposed floor area.

Elevation Plans

These plans must clearly document the proposed buildings or works. In addition to the compulsory plan information the plans must include the following details:

- levels for new dwellings/buildings & first floor additions
- proposed pools showing section, pool fencing, heights & location of filters & pumps
- external finishes
- heights - including, for 2 or more stories, the maximum ridge height & natural ground level to ceiling height using reduced levels related to Australian Height Datum (AHD) of adjacent buildings.

Stormwater Concept Plan

For all new developments and alterations/additions that involve changes to stormwater drainage you need to submit a Stormwater Concept Plan to illustrate how stormwater runoff from your site will be managed.

The method of stormwater management proposed will depend on existing site conditions such as the slope of your land and whether the property is on sand and stormwater can drain to an absorption pit.

A4 Neighbour Notification Plan

These should be copies of the Site Plan and Elevation Plans reduced to A4 size paper for inclusion in the notification to adjoining landowners.

Subdivision Plan

This plan will clearly illustrate the proposed subdivision layout. Draw the plan to a standard scale and show the compulsory plan information plus the following details:

- existing and proposed boundaries
- relationship to existing roads and subdivision boundaries (show width of roads)
- proposed boundary dimensions (metres)
- proposed lot areas
- proposed roads, pathways (indicate width)
- proposed easements and rights of way
- proposed public reserves, drainage reserves
- the proposed line of subdivision
- the total site area for each proposed lot
- the numbering of each lot (700 & 701 if dual occupancy).

Parking Plan

If parking plans are required they should include the following details:

- proposed parking arrangements
- entry & exit points for vehicles
- provisions for movements of vehicles within the site, including dimensions.

Landscape Plan

Landscape plans are required for all development types except single dwellings (except if required by BASIX). The plans must detail the proposed

landscaping for the site. Draw the plan to a standard scale of 1:100 or 1:200 and show the compulsory plan information plus the following details:

- north point (true solar north)
- calculation of soft landscaping and hard paved surfaces
- finished surface levels, embankments and grades
- proposed surface treatments and restorations (e.g. turf, paving, bank stabilisation, mounds, etc).
- location of all of existing trees over 3 meters high or with a girth of more than 300 mm at a height of 1 metre above the ground to be retained or removed, clearly indicating those you are proposing to remove
- location of drainage pits, on site detention basins, water storage tanks and overland flows
- plant schedule - table of proposed planting (indicate species, pot size, location, numbers and mature height & width)
- proposed fences and retaining walls (indicate height and material)
- sections & elevations
- construction details & specifications
- maintenance program.

Shadow Diagram

This plan will illustrate the extent of shadows cast by existing and proposed buildings, including buildings on adjoining land. Draw the plan to a standard scale and show the compulsory plan information plus the following details:

- north point (true solar north)
- position of existing and proposed buildings on the site
- position of buildings on adjoining land, showing location of windows
- shadows cast at 9 am, 12 noon & 3 pm
- if proposal is replacing an existing building, show change in shadows from existing to proposed development.

Note: Shadow diagrams are to indicate in elevation where the shadows fall on walls containing windows.

Soil & Water Management Plan

A Soil & Water Management Plan (also known as an Erosion & Sediment Control Plan) is the formal plan designed to control erosion and sedimentation on a building site. This plan illustrates how soil erosion can be minimised on the site.

Draw the plan to a standard scale and show the compulsory plan information plus the following details:

- contours
- access points and access control measures
- location and type of all sediment control structures
- location of existing vegetation to be retained and undisturbed ground
- any existing water courses or drainage
- material stock pile areas, storage and control methods.

Other details may be required depending on the scale of the proposal and the specific requirements of the site. For more information go to the Department of Environment & Climate Change web site at www.dec.nsw.gov.au

Waste Management Plan

A Waste Management Plan must be provided for all works that involve major construction, excavation, and demolition. This plan details how you are going to dispose of the materials and waste generated during demolition and construction and, where appropriate, ongoing waste management.

Statement of Environmental Effects

A statement of Environmental Effects (SEE) is a report outlining the likely impacts of the development on the natural and built environment, both during and after construction, and the proposed measures to be taken to mitigate these impacts. The statement must address all the issues that are applicable to your proposal

Answering the selected questions under the SEE heading in your DA form may be sufficient, depending on the development you may need to provide an additional SEE.

This statement does not have to be in any special form, but should normally address the following matters:

- The objectives you are hoping to achieve. This will help the Council understand what your needs are;
- Outline any alternatives you considered, and why you preferred the one which you are submitting;
- Assess the likely "external" effects of your proposal, including any possible adverse effects on your neighbours or the locality;
- If the impact could potentially be significant, outline any measures you propose to neutralise or offset that impact. Alternatively explain why you think the likely effect is acceptable;
- Relevant standards/policies applicable to the development as contained in our LEP and DCP's.

The statement, in appraising the suitability of land for development, should address issues (where applicable) such as:

- Flooding, drainage, land slip, soil erosion, mine subsidence, bushfires and any other risks.
- Effect on the landscape, streetscape, national park or scenic quality of the locality.
- Impact on existing and future amenity of the locality.
- How the privacy, daylight and views of other dwellings will be affected, i.e. do they overlook or overshadow each other.
- Amount of traffic generated, particularly in relation to the adequacy of existing roads and present volumes of traffic carried.
- Car access, parking and availability of public transport.
- Waste disposal arrangements. Location of garbage and storage areas.
- Methods of sewerage effluent and stormwater disposal.
- Availability of utility services, power, telephone, water/sewer.
- Social effects and economic effects.
- Anticipated impact of noise levels to the site locality.
- Effect on historical and archaeological aspects.
- Effect on flora and fauna.
- Design and external appearance in relation to the site and locality indicating how the design is appropriate to the site, including a specification of the external materials to be used.
- Access for people with disabilities.

- Potential contamination of the development site and proposals for remediation / clean up of land.
- Any special circumstances.

Construction Certificate Plans and Specifications

Detailed specifications of structure in accordance with the BCA including:

- Section Plans
- Structural Engineers plans and details (footings, slab, frame, roof trusses etc)
- Fire safety & resistance provisions
- Window size schedule
- Insulation (including "R" rating)
- Method proposed for drainage, sewerage and water supply

Other Supporting Documentation

BASIX Certificate

Is required for all new dwellings, dual occupancies, multi unit dwellings, alterations and additions over \$50,000 or swimming pools (or pool & spa) with a capacity greater than 40,000 litres

The 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, AAA-rated showerheads and taps, native landscaping, heat pump or solar water heaters, gas space heaters, roof eaves/awnings and wall/ceiling insulation.

You need a BASIX Certificate when BASIX applies to the type of development for which you require approval. Commencement dates and details of types of development are at www.basix.nsw.gov.au

The applicant is required to submit the BASIX Certificate with the Development Application or Complying Development Certificate application. The plans and specifications must also identify the BASIX commitments which will be checked by a professional building certifier during construction. Where submitted plans or specifications are inconsistent with the relevant BASIX Certificate, Council should require applicants to submit consistent applications before progressing the assessment process, either by amending plans / specifications or by submitting a new BASIX Certificate with commitments that match the rest of the application.

Applicants can generate the BASIX Certificate only on the NSW Department of Planning and Environment BASIX website: www.basix.nsw.gov.au for more information, phone the BASIX Help Line on 1300 650 908.

Home Warranty Insurance Cover

Home Warranty Insurance Cover is required for any residential building work carried out by a contractor, valued at over **\$20,000**. A copy of this certificate must be provided to Council before approval will be given for construction to commence.

Owner Builder Permit

A copy of an Owner-Builder Permit will be required for works carried out by an owner-builder with a value greater than **\$10,000**.

If you wish to apply for an owner-builder permit for building work valued over \$20,000, you will also need a Certificate in Owner Builder Compliance 91509NSW.

For further information please contact NSW Fair Trading on 13 32 20 or www.fairtrading.nsw.gov.au.

Listed Heritage Items

All proposed developments involving works or a change of use of a listed heritage item require a Heritage Impact Assessment prepared by a suitably qualified heritage consultant. This assessment must address:

- historical development of the site
- description of the item and its setting (e.g. garden, fences, ancillary buildings etc)
- contribution to streetscape: height, scale, mass, setback, fenestration, architectural style and period
- heritage significance (use State Heritage Inventory Criteria)
- effect of proposal on the heritage significance of the building and its setting
- design options and rationale for the preferred option

Soil Contamination Report

Council has identified properties which are or are potentially contaminated. If your property had been identified and you are proposing any excavation, demolition or building works, you are required to submit a preliminary site contamination report prepared by a suitably qualified land contamination consultant with your DA. Go to www.epa.nsw.gov.au/clm/selectaclmcons.htm for information to help you select an appropriate consultant.

Acoustic Evaluation Report

Some development types and or locations may require an 'Acoustic Evaluation Report' with your DA. The report must be prepared by a qualified acoustical consultant indicating that the proposed development will not adversely affect adjoining land uses (e.g. child care centres) or be affected by adjacent noise generating activities.

Traffic and Parking Report

Some development types will require a Traffic & Parking Report to assess the traffic impacts. The study should be undertaken in accordance with the RTA's 'Guide to Traffic Generating Development' and should include but not be limited to the following:

- Existing site conditions
- Route assignment, traffic flows and traffic generation (existing and future)
- Intersection performance and levels of service (existing and future)
- Traffic safety
- Parking demand
- Access requirements for both cars and commercial/service vehicles
- Construction traffic management concepts.

SEPP 65 Requirements

SEPP 65 aims to improve the design quality of Residential Flat Development throughout NSW. SEPP 65 applies to developments containing 3 or more storeys & 4 or more residential units. In order to satisfy the provisions of SEPP 65, the following must also be submitted with your DA:

- A sample board of proposed materials & colours of the façade.
- Extra copies of plans and the SEE. All the plans must include the Architect's Registration Number in the Title Block.
- A Design Statement that includes an explanation of the design in terms of the design quality principles set out in part 2 SEPP No. 65 - Design Quality of Residential Flat Development and a design verification statement from qualified designer, verifying:
 - that he/she designed, or directed the design, of the residential flat development
 - that the design quality principles set out in part 2 of SEPP 65 are achieved for the development.

Step 4 – Completion of Application Form

Firstly select the type of approval you require, refer to step 1 of this guide for assistance.

SECTION A: SITE DETAILS

Please fill in the details of the property, being the site for the proposed development.

SECTION B: APPLICANT DETAILS

Please fill in the details of the applicant for the development (the person who is to have the benefit of development consent); please note there can only be one applicant.

SECTION C: PROPOSED DEVELOPMENT DESCRIPTION

Type of development

Please select the most appropriate description of the development.

Detailed description

Please enter a detailed description of the development you propose.

Estimated cost of the development

Please state the full contract price for labour and materials. The fee is based on the estimated cost of building or work. Council will verify your estimate. Please note understatement can delay your application.

Development consent

Please refer to type of application in Step 1 of this Guide for assistance.

For demolition

If the development involves demolition please describe the structures to be demolished.

For change of use

If the development involves a change of use please state the existing use of the site / building and the proposed use of the site / building.

For subdivision

If the development involves subdivision please state the type of subdivision, the total number of existing lots, the number of new lots that are to be created, and if a new road is to be created.

For retail, offices, commercial, hotels or industrial uses

If the development involves the above uses, list the existing and proposed hours of operation. If the development involves an entertainment venue, please state the maximum number of persons proposed to occupy the premises and any one time.

For signage

If the development involves the installation of signage, please detail the signage.

SECTION D: REGISTERED OWNERS CONSENT

Please fill in the details for ALL of the registered owners of the site pertaining to the development.

Disclosure of political donations and gifts

Please answer this question in reference to the applicant and the owner.

SECTION E: ENVIRONMENTAL IMPACT

Statement of environmental effects

If development is considered to have minor environmental impact please make a short statement as to how; otherwise provide a full attached Statement of Environmental Effects. Refer to Step 3 of this Guide for assistance.

Threatened species conservation

If the development is likely to impact on threatened species, a species impact statement may be necessary. Please indicate if this is likely.

If the land your proposed development is to be situated on is greater than 1 hectare in size, under SEPP No.44 you are required to make an assessment as to whether the land is potential koala habitat by a person who is qualified and experienced in tree identification.

Site contamination

Please answer these questions if site history in relation to contamination is known, e.g. past uses such as a fuel station. If the site is potentially contaminated as a result of an activity you will be required to submit a site investigation with this application

Heritage and conservation

Please answer these questions in relation to items of environmental heritage. You can determine if your site is listed in Schedule 5 Environmental Heritage of the Walcha Local Environmental Plan 2012 by visiting the NSW Legislation website at <https://www.legislation.nsw.gov.au/#/view/EPI/2012/525/sch5> or by generating a Property Report on the NSW Department of Planning and Environment NSW Planning Portal at <https://www.planningportal.nsw.gov.au/find-a-property>.

Information on heritage can also be gained from the NSW Office of Environment & Heritage website at <https://www.environment.nsw.gov.au/heritageapp/heritagesearch.aspx>

SECTION F: CONSTRUCTION DETAILS

This section is to be filled out if you are applying for a Construction Certificate in conjunction with your Development Application or you are applying for a Complying Development Certificate instead of a Development Application. Please refer to Step 1 of this Guide to see if you qualify for a Complying Development Certificate.

Please also note that the information supplied in this section will be compiled and sent to the Australian Bureau of Statistics

SECTION G: OTHER APPROVALS

For certain developments other approvals may be required under different legislation.

Please note that for some additional approvals a separate form will need to be filled out to supply Council with extra details of the sought approval. Please enquire with Council if additional forms are required.

SECTION H: CHECKLIST FOR LODGING APPLICATION

Complete the relevant checklist to ensure everything has been detailed correctly and that all plans and documents required to make the development application have been supplied.

Step 5 – Lodging the Development Application

How to Lodge your Application

You can lodge your application in person at the Council Office, 2W Hamilton Street, Walcha, between 8:30am and 5:00pm

Alternatively you can send your fully completed application (DA, related applications [if applicable], checklist, plans, other supporting documentation and fee) to us at:

The General Manager
Walcha Council
PO Box 2
WALCHA NSW 2354

Fees

Fees are calculated on a scale based on the estimated cost of development (or the number of lots in the case of subdivision). Please contact Council to have your development application and associated fees calculated.

Payment Options

- Cheque – make cheques payable to Walcha Council
- EFT – please contact Council for bank account details and reference to use when making payment
- Cash & EFTPOS – only for applications lodged in person

After you Lodge your Application

Acknowledgement

After you have lodged your application you will receive written acknowledgement that we have received it. This letter will include your DA /CDC number and the name and contact details of the officer assigned to assess your application.

Neighbour Notification

For most development applications neighbours are notified that a development proposal has been submitted, this is to enable interested parties to view the plans and submit comments to Council. Notification includes writing to adjoining neighbours with a copy of the site plan and elevation plans provided. The exhibition period is generally 14 days.

Additional Information

If we need additional information to assess a DA we will write to the applicant detailing what is required. Please respond promptly to this request as this will help avoid unnecessary delays in assessing your application.

Making Enquiries

You can phone the officer assessing your DA (referred to in your application acknowledgement letter) to find out how your application is progressing. When calling, quote your DA number. Alternatively you can track the progress of your DA online by going to:

http://myhorizon.solorient.com.au/Horizon/logonGuest.aw?&domain=horizon_dap_walcha#/home

Formal Assessment

Council will undertake a site inspection to assist in the assessment of the application and then complete a formal assessment using the relevant legislation (s.4.15 of the EP&A Act 1979).

Report to Council for Determination

Some DA's are reported to Council for determination. If your DA is being reported to Council we will contact you either by mail or phone to advise you of the details of the Council meeting.

If you would like the opportunity to address Council regarding your application you are required to seek permission from the Mayor. Approval may be granted at the Mayor's discretion.

Notice of Determination

After your application has been determined you will receive a 'Notice of Determination of Development Application'. The notice will tell you whether Council has approved or refused your application.

If your application is approved, the Notice will give details of any conditions of consent. It will also tell you when the consent becomes effective, and when it will lapse.

If your application is refused, the Notice will give the reasons for refusal. It will also explain your right of appeal to the Land and Environment Court.

Conditions of Consent

If your DA is approved, then you must ensure that the development is carried out in accordance with the stated conditions.

You cannot alter or vary the development (or the way in which it operates) unless the terms of the consent are modified. To do this, you must submit an application to modify the consent, an additional fee applies.

One of the conditions of consent will be that the development has to be started within a set time frame. You can apply to extend the time frame by completing an application to extend a development consent form and paying the required fee.

It is important that you read and fully understand all of the conditions of consent, if you have any queries please contact the assessing officer.

Failure to comply with the development consent could result in a fine from Council, costly remedial work or, in the worst case, an order from Council or the Land and Environment Court to demolish unauthorised works.

Section 7.11 Contributions

Your Notice of Determination may include a Section 7.11 Contribution. This is a condition requiring a payment towards the capital cost of providing community facilities such as open space, car parking, etc.

Section 7.11 Contributions are determined in accordance with a Contributions Plan. The plan sets out the circumstances in which a contribution is charged, the formulae for calculating them and the program of works on which the funds will be spent. All Section 94 contributions are paid into a special account and they cannot be used for any other purpose.

Disagree with your Notice of Determination?

If you are dissatisfied with the determination of your development application, contact us immediately so we can clarify issues and discuss your options. Options available to you include:

A Review of Determination of your Application

You must complete a 'Review of Determination Application' form and pay the required fee within 12 months of the date of the determination. This period cannot be extended. You cannot seek a review if the proposal is 'designated development' or 'integrated development'. If unsure, ask us for details.

An Application to Modify Development Consent

This may be appropriate if you disagree with particular conditions of consent or decide to change any aspects of the proposal. You must complete an Application to Modify a Development Consent form and attach justification for the proposed modification and plans indicating proposed modifications or changes. You must also pay an application fee (generally 50% of the original application fee).

Please Note: An Application to Modify a Development Consent cannot be used to propose anything new. The development must remain substantially the same as the original development proposal. If unsure, ask us for details.

An Appeal to the Land and Environment Court

An appeal must be commenced within 12 months of the date of the determination. Before proceeding to a court hearing, the Court may arrange a mediation conference if this is acceptable to both parties.

Construction Certificate

A construction certificate must be issued (by Council or an accredited certifier) before works can commence.

Appoint a Principal Certifying Authority (PCA)

You need to appoint a PCA (Council or an accredited certifier) when a development consent or a complying development certificate has been issued for building work or subdivision work.

The PCA will inspect the building work or subdivision work during construction and, where satisfied that it meets required standards, including some conditions of consent, they will issue either an occupation certificate or subdivision certificate.

You must appoint a PCA **before** works commence.

Notify the Council before Starting Work

You need to give the Council at least two days notice in writing of your intention to commence work on the site and of whom you have appointed as the PCA. The two notices can be given together and a form is provided with your notice of determination.

Mandatory Inspections

Listed below are the critical stage inspections that may be required throughout construction (where relevant to the proposed works):

Class 1 & 10 buildings

Examples of these buildings are residential work including dwellings, alterations and additions, garages, carports, swimming pools, etc.

- Footings
- Slab and other Steel Reinforcement
- Frame (including floor)
- Wet Area Waterproofing
- Stormwater
- Final/Completion

Class 2, 3 & 4 buildings

Examples of these buildings are multi unit development, and residential component of commercial buildings.

- Wet Area Waterproofing
- Stormwater
- Final/Completion

Class 5, 6, 7, 8 or 9 buildings

Examples of these buildings are offices, shops, and industrial and commercial buildings.

- Commencement of the building work
- Stormwater
- Final/Completion

Occupation Certificate

After the final inspection has been carried out, and has passed, Council will issue an occupation certificate (interim / final) for the development to allow occupation / use of the premises

Compliments or Complaints about Council's Service

Council will respond to all feedback whether it is provided in writing or orally. However, if a complaint cannot be solved at the front line, then it is helpful if it is put in writing. All compliments and complaints will be registered in a data base.

For further information and assistance please contact:

**Walcha Council
PO Box 2
WALCHA NSW 2354**

**Ph: 02 6774 2500
Fax: 02 6777 1181
Email: council@walcha.nsw.gov.au**

Or visit our website at www.walcha.nsw.gov.au

Council's specialised staff can provide advice regarding any aspect of your proposed development and application.