



Instructions for Lodging a Development Application

INTRODUCTION

This handout is designed to assist people who require Council's development approval. It outlines the minimum requirements of Council in the lodgment of a Development Application. A Development Application is required for developments which are permissible with consent under Lachlan Shire Council's Local Environment Plan 2013 and which are not categorised as Exempt or Complying Development under the Codes SEPP. A Development Application will either be a Local Development, Integrated Development or Designated Development. Integrated and Designated Development are defined on the accompanying appendices to this document (Note: Most developments are "Local Developments"). Council has a statutory responsibility under the Environmental Planning and Assessment Act, 1979 and Regulations 2000 to assess a range of matters in considering a Development Application.

Lack of information or the failure to submit clear, accurate and legible information does not enable Council to properly consider applications and may result in their rejection or refusal.

WHAT INFORMATION IS REQUIRED WITH A DEVELOPMENT APPLICATION?

Council requires the submission of the following information as a minimum. It should be noted that in various circumstances, Council may require additional information to assess an application. The Environmental Planning and Assessment Act confers the right of Council to request additional information after lodgment of the Development Application if the Council determines that such information is necessary for the accurate assessment of the proposal.

Council will not accept a Development Application unless the minimum requirements have been satisfied. The minimum requirements include:

1. Completed application form.
2. Application fees.
3. Owners consent (all owners must provide their original consent)
4. Plans:
 - Three (3) copies for a DA/CC Application.
 - Seven (7) copies for a DA for a subdivision.

Note: Electronic copies of plans are required to be submitted with an application. If you are unable to provide these, a scanning fee will be charged. For more information go to www.lachlan.nsw.gov.au or ask the staff in Environment & Planning. Electronic plans will be stored at the Council office, allowing applicants to request copies of plans in the future in the event that their plans are lost.

5. Statement of Environmental Effects/Supporting Information.
6. Basix Certificate.
7. A4 reduced version of plans for neighbour notification purposes.

The minimum requirements are explained in detail below:

1. Development Application (DA)/Application to Modify a Development Consent (Section 96) / SEPP 4 Application (Change of Use)

A DA form is required to be completed. Forms are obtainable from Council offices and on Council's website www.lachlan.nsw.gov.au

2. Application Fees

Development Application fees are detailed at www.lachlan.nsw.gov.au. Council reserves the right to request proof of the estimated cost of a development in order to establish the appropriate application fee.

Some applications require advertising and as such advertising fees are also required by Council depending on the application proposed. These are also provided at www.lachlan.nsw.gov.au.

3. Owners Consent

A Development Application cannot be legally lodged without the consent of all registered property owners. Property held in the ownership of a company requires a company seal appropriately signed by an authorised person.

4. Plans

Three (3) copies of plans of the proposed development. (Note: Depending on the development proposal not all the plans listed below may be required by Council).

4.1 Site Plan (for all development applications)

- Scale 1:100 or 1:200
- Dimensions of land
- Area of land
- North Point
- Existing buildings/structures/access, including their distance from boundaries and existing buildings
- Existing vegetation/natural features, including their distance from boundaries and existing buildings
- Site levels/contours
- Proposed buildings/access/carparking/setbacks
- Existing/proposed easements
- Details of any cut and fill
- Drainage concept

4.2 Floor Plan (for Development Applications where building works or use of a building is proposed)

- Layout of building
- Uses of rooms
- Room area/dimensions
- Window/door openings
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4.3 Elevation Plan (for Development Applications where building works or use of a building is proposed)

- Height of buildings (wall and ridge height)
- Roof pitch
- Type/colour of building materials
- Existing and finished ground levels
- Finished floor levels
- Cross sections

4.4 Subdivision Plan (for all types of subdivision)

- Proposed lots including area and dimensions
- Site contours/levels
- Existing easements
- Natural features/vegetation
- Proposed access arrangements
- Existing buildings/structures/access
- Public road access
- Community or common property (if Community or Strata Title)
- Building envelopes
- Staging details (if applicable)
- Existing lot boundaries

Council has a Development Control Plan that specifies requirements for different types of subdivision in different zones. The specific requirements of the DCP are to be met in addition to the above details.

4.5 Landscape Concept Plan (if specified)

- Proposed turf and garden areas
- Proposed planting schedule
- Botanic and common names and sizes of plants at maturity
- Garden edging and mulching detail

5. Statement of Environmental Effects / Supporting Information

In addition to a minimum standard of plans, Council equally requires the submission of a Statement of Environmental Effects and supporting information to clearly describe the proposed development. The contents of a Statement of Environmental Effects will vary depending on the individual Development Application. Under Section 79C of the Environmental Planning and Assessment Act, 1979, Council has to consider specified matters as part of the determination of a Development Application.

5.1 Statement of Environmental Effects (Three (3) copies)

A Statement of Environmental Effects should contain the following specific analysis, if applicable:

- Whether the proposal is consistent with the Lachlan Local Environmental Plan (LEP) 2013, any relevant State and Regional Planning Policies and the Lachlan Interim Development Control Plan and justification for any departures from these documents.
- The relevant matters under Section 79C of the Act to the proposal which include the suitability of the site for development, the impacts of the development including environmental impacts on both the natural and built environments and any social or economic impacts.

- Proposed days and hours of operation.
 - Number of staff.
 - Estimation of traffic movements, carparking demand and access, maneuvering and loading facilities.
 - Details of the methods of waste and waste water disposal.
 - Proposed means of stormwater drainage from the site.
 - Details of the previous uses of the subject land.
 - Machinery/equipment to be used and management controls to be employed
- Details of any chemicals to be used on the site and the technical and management controls to be employed.
 - Signage
 - Details of all services/utilities, ie, sewerage, water, telephone, electricity.
 - Vegetation to be removed
 - Details of any cut and fill and any retaining walls.
 - The relationship of the proposed development to existing development in the locality, (ie, potential land use conflict, scale, character, etc).
 - Details of any licensing, notices, etc. relating to onsite contamination.
 - Details of any natural constraints to development such as flooding, bushfire, instability, etc.

5.2 Supporting Information (Three (3) Copies)

Supporting information may be requested for proposals of a type or scale which require more detailed assessment of the potential impacts of the development. It is recommended that Council's planning staff be consulted as to the likelihood of such information being required. Supporting information may include:

- Flora and Fauna Assessment
- Geotechnical Report
- On-Site Effluent Disposal Report
- Heritage Assessment
- Contamination Investigation / Site Validation / Remediation Report
- Flood Report
- Traffic Study
- Archaeological Study
- Odour Impact Report
- Noise Impact Report
- Water Quality Assessment
- Air Quality Report
- Erosion and Sediment Control Plan
- Soil and Water Management Plan
- Bushfire Hazard Report

Note: Council may request additional copies of plans and other documents depending upon the nature of the application being made.

6. Basix Certificate

Council cannot accept a development application for a dwelling, a residential component of mixed commercial/residential buildings or residential flat developments without a BASIX Certificate or Additions/Alterations to Dwelling valued at \$50,000 or more and Swimming Pools with a water capacity of 40,000 litres or more. This certificate can be obtained from

www.basix.nsw.gov.au or through your building designer. The Basix commitments shown on the certificate must be clearly marked on the plans and specifications.

7. Construction Certificates

Once development Consent has been granted a Construction Certificate must be obtained before commencing any building or construction work.

Inspections

A Principal Certifying Authority (PCA) is to be nominated by the owner and may be Council or a Private Certifier. Lachlan Shire Council's expert team of Building Surveyors may be nominated as the PCA to issue the construction certificate which assures that the detailed construction plans and specifications comply with the National Construction Code and associated standards or codes and that your proposal is consistent with the Development Consent. The Construction Certificate Application **may** be submitted at the same time as a Development Application or at a later date.

Statutory Disclosures – Political Donations and Gifts

Disclosure Required in Lodging a Development Application

Under [Section 147\(4\) of the EP & A Act](#) a person who lodges a Development Application with Council is required to disclose the following reportable political donations and gifts made by any person with a financial interest in the application within the period commencing two (2) years before the application is made and ending when the application is determined:

- (a) all reportable political donations made to any local Councillor of that council;
- (b) all gifts made to any Councillor or employee of that council.

Disclosure Required in Lodging a Submission to a Development Application

Under [Section 147\(5\) of the EP & A Act](#), a person who makes a public submission to Council in relation to a Development Application is required to disclose the following reportable political donations and gifts made by the person, or an associate of the person, within the period commencing two (2) years before the application is made and ending when the application is determined:

- (a) all reportable political donations made to any local Councillor of that council;
- (b) all gifts made to any Councillor or employee of that council.

Council Privacy Statement

Lachlan Shire Council complies with the Privacy Code of Practice for Local Government in dealing with all personal information supplied in an application. However, some of the personal information which is set out in the form will become part of the public record which Council is required to keep pursuant to the Local Government and Environmental Planning and Assessment Acts.

The information may be divulged to others in accordance with the provisions of those Acts. Council may be required to divulge some personal information pursuant to the Government Information (Public Access) Act 2009 (GIPA).

Disclaimer

This Guide has been produced by Lachlan Shire Council for advisory purposes only. State and Commonwealth policies and legislation is subject to change and applicants should make their own enquiries at the time of making their development application.

This guideline does not serve to fetter staff discretion applied by individual assessment officers in fulfilling their statutory functions contained in the EP&A Act and related legislation in the assessment of any development applications, and associated certificates.

The officer has full discretion to request information they determine is required to support any application being assessed under the EP&A Act and specifically in responding to the provisions contained within Section 79C, to ensure the application is competent as required at law.

It is the responsibility of each Assessment Officer to administer the entire process of the development assessment. This involves checking all aspects of the development application from lodgement through to determination and if required clarifying conditions of consent for proponents.

Each Assessment Officer is required to check owners consent, fees, integrated development referrals, internal and external agency referrals and clarify issues raised with external government agencies and internal referring officers in respect to balancing development outcomes, and in doing so liaise with the applicant as they determine is required.

Each Assessment Officer should proactively seek to resolve issues to determine applications that are permissible with outcomes that focus balancing sustainability objectives.

APPLICATION PRE-LODGE MENT ADVISORY SERVICE

A core responsibility of the Environment and Planning Department is advisory and lodgement. An increased emphasis has been placed over time on the importance of 'front ending' the process to make for a smoother more efficient, issue free experience once a development application is lodged.

There are three main ways pre-lodgement advice can be obtained by customers:

- ☒ Council's website
- ☒ Customer Service Counter
- ☒ Pre-lodgement Meeting

Council's Local Environmental Plan, Development Control Plan and Policies may be accessed from the Council's website www.lachlan.nsw.gov.au.

CORE HOURS FOR TOWN PLANNERS AND BUILDING SURVEYORS

Lachlan Shire Council's Environment & Planning Staff are available from 8.30am to 4.30pm, Monday to Friday, by appointment.

58-64 Molong Street
PO Box 216
CONDOBOLIN NSW 2877
Phone: (02) 6895 1950
Fax: (02) 6895 3478

If you require a site inspection for either proposed or underway development, please make an appointment with a minimum of 48 hours' notice. For any further enquiries, please contact Council's Environment & Planning Department on (02) 6895 1950.