



## **INVERELL SHIRE COUNCIL FACT SHEET – THE DEVELOPMENT APPROVAL PROCESS**

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### **Introduction**

This Fact Sheet is provided for the purposes of general advice only. More specific and detailed information may be required depending on the nature of the application.

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### **What is a Development Application?**

A Development Application is a formal application to Council for carrying out various types of 'development' as defined by NSW Planning Legislation and local Planning Instruments. Development includes activities such as new building works, alterations, additions, demolition, subdivision and the use of land. A Development Application is seeking planning approval.

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### **What is a Construction Certificate Application?**

A Construction Certificate Application is required in addition to a Development Application for any development involving building works. Such applications may be lodged and processed concurrently with Development Applications. Construction Certificates can be issued by Council or accredited Private Certifiers. A Construction Certificate Application is seeking building approval. Council has a separate fact sheet and check list available for Construction Certificate Applications.

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### **How do I know if I need to submit an Application for Development?**

Before you undertake any building work, make any changes to your building, occupy a premises or commence a new use on your land you should check with Council whether you are required to lodge a Development Application. Some development of a minor nature that satisfies certain criteria may be considered 'exempt development' and therefore no application is required. Other development that meets certain pre-determined criteria may be considered as 'complying development' and an application for a Complying Development Certificate may be made. State Environmental Planning Policy 60 (SEPP 60) applies to Inverell Shire and it identifies a range of exempt and complying development. Further information can be obtained from Council regarding categories of exempt and complying development. If your development is not exempt or complying development then it will be necessary to submit a Development Application.

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### **Forms**

Council has an integrated 'Application for Development' Form that is available at Council's Administration Office (Otho Street, Inverell) and the Ashford Rural Transaction Centre (RTC). The form can be down loaded from Council's web site [www.inverell-online.com.au](http://www.inverell-online.com.au). The same form can be used to cover 'Development Applications', 'Construction Certificate Applications' and other associated applications such as water supply and sewerage work. It is important to complete all relevant sections of the form and obtain the consent from all registered owners prior to submission.

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### **Supporting Information**

Generally a Development Application must be accompanied by the following:

- 3 copies of plans – such as site plan, floor plan, elevations, structural details & landscaping plan. Further information is available in Council Fact Sheet titled '*Preparation of Plans*'.
- A Statement of Environmental Effects or in the case of designated development an Environmental Impact Statement (EIS). Council has

developed a template which may be used when completing a Statement of Environmental Effects for most applications. These templates are available at Council's Administration Office and the Ashford RTC. The templates can also be downloaded from Council's web site.

- A BASIX Certificate for certain residential development (including pools). BASIX is a state government sustainability initiative designed to provide savings in water and energy. Further information can be obtained on the following web site [www.basix.nsw.gov.au](http://www.basix.nsw.gov.au) or by contacting a Council Building Surveyor.
- A Bushfire Safety Report for those developments proposed within a designated bushfire prone area. For further information regarding Planning for Bushfire Protection please see the following web site [www.rfs.nsw.gov.au](http://www.rfs.nsw.gov.au) or contact a Council Building Surveyor

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### **Fees**

A fee is charged to cover the cost of assessing each application. Where building works are involved the fee will increase based on the cost of the works. Council will undertake an assessment of nominated value for building works. Certain applications will also require additional fees to cover the cost of external referrals and advertising etc.

If Council is nominated as the Principal Certifying Authority for building works then the inspection fees will also be charged at the time of lodgement.

All fees are to be paid upfront and Council will not issue an account. A copy of Council's fee schedule and fee quotations are available from the Planning and Development Division upon request.

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### **Pre Lodgement Meeting**

Arranging a Pre Lodgement Meeting with a Council Officer is considered a valuable step in the overall process. Council is happy to provide advice and input that will facilitate the smoother processing of your application.

For larger scale development, proponents are encouraged to arrange an appointment with Council's Development Assessment Team (DAT). The DAT meets on a weekly basis and has planning, building & engineering representatives. Prior to meeting with the DAT, concept sketches and details of the development should be provided to Council. This is a free and important service.

It is also important to determine if what you are proposing is permissible within the land use zone and will comply with relevant planning regulations.

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### **Neighbours**

Prior to submitting your development application Council recommends consulting with your neighbours. This allows you to explain your development plans in detail and allows them to voice any concerns. A small change in plans prior to submission could make the neighbours happy and potentially save time and money.

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### **How to lodge Application**

Your application can be lodged at Council's Administration Office – Inverell (Council is currently investigating electronic on-line lodgement). At the time of lodgement a preliminary check will be undertaken to see the application has been completed correctly. You will also receive a receipt for your fees.

Soon after lodging your application you will receive by mail a formal acknowledgement from Council. This acknowledgement will contain your application number and contact details for future reference.

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### **Public Notification**

In accordance with Council's notification procedures, (contained in Inverell Local Environmental Plan 1988 & Development Control Plan No. 10) adjoining and adjacent landholders will be formally notified of your application. The notification includes a copy of the site plan and elevations demonstrating the external configuration of the building (with building works). Certain applications will also be advertised in the local paper.

Persons are provided with a fixed period (generally 14 days for standard development) within which to lodge a submission. Submissions may be by way of objection and in such cases persons making submission are required to identify their grounds for objection.

For privacy reasons applicants are not provided with the details of any objecting party. The grounds for objection are available to the applicant and where necessary they will be provided with an opportunity to respond to the objection/s.

In certain cases such as minor internal alterations and applications in remote areas the notification process may be waived.

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### **The decision making process**

Upon receipt of your application a Council Planner or Building Surveyor will undertake a preliminary review to determine if the information provided is adequate for assessment purposes. It may be the case that you receive a letter requiring additional information or clarification prior to being in a position to determine your application.

The assessment process followed by Council is prescribed by the relevant local planning instrument and section 79C of the *Environmental Planning and Assessment Act 1979*. The assessment process also includes the consideration of any submissions that may have been received. Further information regarding the assessment process can be gained from the following web site [www.planning.nsw.gov.au](http://www.planning.nsw.gov.au) or by speaking with your Council Planner.

As part of the assessment process Council Officers will conduct a site inspection of your property. In signing an application for development the owner also consents to Council Officers entering their property for such inspection purposes.

The large majority of Development Applications are determined by staff under delegated authority. Under certain circumstances including where an objection has been received, the application will be referred to a Council's Planning & Community Committee for consideration and recommendation to Council.

Development Applications for residential building works are generally determined within three (3) weeks. Development Applications for subdivisions and larger scale projects may take between four (4) to six (6) weeks. These processing times are based on all necessary information being provided at the time of lodgement.

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### **Internal and external referrals**

Depending on the nature and scale of your application it may be necessary for it to be referred internally to a number of Council Officers for assessment including Planners, Building Surveyors and Engineers. Internal referrals are coordinated through Council's DAT.

Certain applications may also need to be referred to external authorities for their concurrence, such as the following examples:

- Roads and Traffic Authority – new access points and traffic generating development on main roads.
- NSW Rural Fire Service – subdivision within Bushfire Prone Areas.
- NSW State Heritage Council – certain works on listed heritage items.
- Catchment Management Authorities – applications that will require the removal of native vegetation.
- Department of Natural Resources – developments in close proximity to waterways.
- Department of Environment and Conservation – several industries that are scheduled and require the issue of a license.

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### **Other approvals from Council**

The nature of your application may be such that you also require separate Section 68 approvals issued under the *Local Government Act 1993*. Such approvals may include onsite sewage management, solid fuel heater, water supply work (where council is the supply authority), temporary structure and sewerage work. Such approvals can be sought at the same time as your development application by merely ticking the appropriate box on the application form and providing the relevant detail.

Please note where seeking approval for an onsite sewage management system at the same time as your development application it will be necessary to provide adequate details including full specifications of the proposed system, site plan showing location of disposal area and construction details of the disposal area. It is also likely you will require a soil test to assist with the design of your system. Further information can be obtained by contacting one of Councils Building Surveyors.

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### **Prior to Release of Consent**

All paperwork must be in place prior to Council being in a position to release your Development Consent and Construction Certificate. This would include providing Council with a copy of Owner Builders Permit from Department of Fair Trading (Owner Builders), Home Owners Warranty Insurance (in the case of licensed contractor).

It is also important where you wish Council to issue the Construction Certificate and act as the Principal Certifying Authority that the relevant PCA appointment section on the 'Application for Development Form' has been completed.

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### **Approval to begin work (Notice of Determination).**

Should Council approve your application you will receive a Notice of Determination in the mail. Arrangements can also be made to collect the notice of determination from Council's Administration Office.

Your Notice of Determination will include conditions of consent, stamped plans and a schedule of inspections. Prior to physically commencing work it is very important the following is undertaken:

- You have read and fully understand the conditions of consent. It may be necessary to comply with certain conditions prior to commencing. The stamped plans should also be reviewed to identify any conditions / amendments marked in red by Council.
- You have formally provided Council with two (2) days notice of intention to commence works.
- In the case of building works you have erected a sign in a conspicuous position at the front of the property identifying the Principal Certifying Authority. Where Council has been appointed as the Principal Certifying Authority a laminated sign will be included with your notice of determination.
- You have read and fully understand the schedule of critical stage inspections. It will be necessary to provide Council with 24 hours notice of requiring any critical stage inspection. Failure to have critical stage inspections completed will jeopardise the issue of a Occupation Certificate

As the applicant you have the right to formally request Council to review its determination within 28 days after the date of determination. A set fee applies for a request for review. An applicant who is dissatisfied with a decision of Council can appeal the decision to the Land and Environment Court within 28 days of receiving notice of determination.

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### **Modification of Consent**

Section 96 of the Environmental Planning & Assessment Act 1979 deals with modifications of Development Consents. Providing the applicant is able to demonstrate the modification is substantially the same as the previously approved development this option is available. There are different types of modifications and hence a varying level of detail that may need to be provided with any application. A fee is also applicable for Section 96 applications. Further information on this process can be obtained from Council's Planning Staff.

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### **Review and Appeal**

In cases where the applicant is unhappy with Council's determination of the application or a condition of consent then they may request a review of determination under section 82A of the *Environmental Planning and Assessment Act 1979*. It is necessary to complete an application form and pay a fee should you wish to pursue a review of determination. Further information regarding this process is available from Council's planning staff.

An applicant also has an option to lodge an appeal against Council's determination with the Land & Environment Court. Appeals should be lodged with the court within 12 months of Council notifying you of its decision.

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### **Further Information**

Council Planning & Development Staff are happy to assist you with lodging your Development Application and providing applicants with feedback. Any persons seeking additional advice are encouraged to contact Councils Planning and Development Division on (02) 6728 8202 or by going to Council's web page [www.inverell-online.com.au](http://www.inverell-online.com.au)