

Nambucca Shire Council

DEVELOPMENT APPLICATION HELP GUIDE



Why is Council Approval Necessary?

Council regulates building and development within the community. Each development application is assessed on its merits, according to NSW legislation and planning policies and Council's Local Environmental Plan and Development Control Plan. Through this process Council:

- ✓ implements environmental, amenity and community safety objectives
- ✓ provides the opportunity for community input into decisions
- ✓ provides an independent, impartial and objective framework for decision making

Getting Started

Before preparing an application you need to explore the opportunities and constraints of the site as well as any regulations that may impact your proposal. In some cases to ensure that your proposal can be sited/planned in consideration of any site constraints and opportunities it is recommended that you obtain consent from Council prior to completing the purchase of land or property (or entering into any agreement, etc.) to be certain that your proposed development may proceed. In these circumstances preliminary advice should also be sought from any relevant State agency (e.g. RMS, OEH) to ensure your development meets their requirements.

You should also refer to Council's Development Control Plan and Local Environmental Plan for the site which can be downloaded from Council's website www.nambucca.nsw.gov.au or viewed at Council's offices in Macksville.

The matrix at the end of the Development Application (DA) form will help to determine what plans and supporting information are required.

Need Help

If you are unsure of the restrictions or any other limitations on the land you are considering for development, Council offers a free preliminary advice service. Contact Council's Town Planners or Building Surveyors **between 11.00am and 1.00pm Monday to Friday** or at other times by making an appointment.

For larger proposals you can arrange a pre DA meeting with Council's Development Advisory Unit (DAU) (includes a planner, building surveyor and an engineer) for no charge for the initial one hour meeting. Contact our Business Services Officers on 6568 2555 to arrange a meeting. Council's DAU is generally **only available on Tuesdays** before 11.00 am or after 2.00 pm.

Do I need an Application?

Approval is needed for most development including some building work, demolition, relocation of buildings, subdividing land, changing the use of a building, erecting advertising signs, earthworks and filling. Some development is exempt from needing Council consent (refer to exempt and complying development).

Exempt development

If the proposed development, building or demolition work is minor, check to see whether it is exempt. For example, some garden sheds, decks, pergolas, fences, farm buildings, changes of use and home businesses do not require approval. Structures must still be built to the standards required by the Building Code of Australia. To determine whether the proposal is exempt you can view the state-wide Exempt Code online (see below) or seek advice from a Council officer.

SEPP (Exempt and Complying Development Codes) 2008

State Environmental Planning Policy (Exempt and Complying Development Codes 2008 (the Codes SEPP) specifies exempt development under that Policy. The Codes SEPP has state-wide application. You can download the Codes SEPP and view general information at www.planning.nsw.gov.au. For further information, please contact the Department of Planning's Information centre on Free call 1300 305 695 or email planningreform@planning.nsw.gov.au.

The Application Process

The development application process is established by legislation and whilst it can vary according to the type of works proposed and the approvals required, the basic process is –

- 1 Check if the proposal needs approval and is permissible in the zone. If it is not permissible then approval cannot be given.
- 2 If it is permissible and approval is not required, you can go ahead with the development without needing the approval of Council.
- 3 If it is permissible and approval is required, is the proposed development eligible for a simpler approval process - 'complying development'? If yes, lodge a Complying Development Certificate Application.
- 4 If it is permissible and if approval is required and if the proposal is not eligible for complying development approval, then a development application will need to be lodged with Council. If the proposal involves any engineering or

building construction works you will also need to obtain a Construction Certificate.

Other approvals may also be required. For example if stormwater, sewer or water plumbing works are involved then an approval under Section 68 of the Local Government Act will be required. If works are needed on Council's road reserve an approval under the Roads Act will be required.

The Application Form

The application form has been designed to cover the range of approvals that may be required for a development/building project. Consequently it can be used to apply for all necessary approvals at one time or alternatively it can be used to apply for one or any combination of Council approvals. Just tick the relevant box on the application form for the approval/s you require.

The following information explains each section of the application form.

1 Consent, Certificate or Approval Required

In order to efficiently process your application, it is essential that you nominate the types of approvals/certificates you are applying for. This section of the application form is critical in not only determining the processing requirements from Council's perspective but also is critical in identifying what type and level of information is needed to be lodged with the application. The types of approvals/certificates are as follows:

Development Approval

There are three (3) main types of development applications:

- a Local (which can include designated or advertised development)
- b Integrated
- c State Significant development.

Local Development

The majority of development applications in the Nambucca Shire Council area are local development. Development only becomes designated development if the proposed works have a significant potential environmental impact. Refer to Schedule 3 of the Environmental Planning and Assessment Regulation, 2000, for a complete list of designated development. A copy of the Act and Regulation can be accessed from www.legislation.nsw.gov.au

Staged development consent can be applied for. For example, a large-scale development may be completed in stages.

Integrated Development

Some development proposals will require other approvals (e.g. licenses, permits) from other State Government Departments/Agencies. A proposal is known as Integrated Development if you need development consent and one or more approvals. For example, a building that is subject to a heritage conservation order must also have a permit issued by the NSW Heritage Council. Where another authority's approval is required, a cheque for \$320 made payable to each authority from which approval is sought must be submitted with the application. You still need to apply direct to the State Authority for the issue of a license/permit, however their general terms of approval are given in the integrated development consent.

The following questions should help you determine whether the proposed works require a license/permit and if so, the Act under which those approvals are required.

NSW Fisheries

Do you want to carry out aquaculture, dredging, jetties, works on river/sea walls, reclamation or damage marine vegetation? If yes, you need a permit under ss.144, 201, 205, and/or 219 of the Fisheries Management Act 1994.

Heritage Council

Does your development involve a building, a place or land that has a permanent conservation order, an interim conservation order or an interim heritage order protecting it, or which is listed on the State Heritage Register? If yes, you need an approval under s.58 of the Heritage Act 1977 for matters or things referred to in s.57(1).

National Parks and Wildlife Service

Will it destroy, damage or otherwise harm an Aboriginal relic or place that is known to exist on the land you want to develop? If yes, then you need an approval under s90 of the National Parks and Wildlife Act 1974.

EPA –Environment Protection Authority

Is the proposal designated development? If yes, you are likely to need a license under ss.43, 47, 48 or 55 of the Protection of the Environment Operations Act 1997. Will the development cause the pollution of water? If yes, you will require a license under ss.43(d), 55, 122 of the Protection of the Environment Operations Act 1997.

Water Management Act 2000

Water use approval, water management work approval or activity approval are covered under Part 3 of Chapter 3 of the Act. Excluded are single dwellings, dual occupancies and minor residential work.

RMS - Roads and Maritime Services

Will the development affect a public road, a Crown Road, a highway, a main road, a freeway or a toll way? If yes, you will need consent under s.138 of the Roads Act 1993.

RFS - Rural Fire Service

Is the development a subdivision, school, child care centre, hospital, hotel, motel, other tourist accommodation, a building used for mentally incapacitated persons, seniors housing, a group home, a retirement village, a manufactured homes estate, a sheltered workshop, a respite care centre, student or staff accommodation associated with an educational establishment or a community bush fire refuge? If yes, you will need authorisation under the Rural Fires Act, 1997.

Please note that the above table is not a representation of all aspects of legislative provisions that would result in an application being considered to be subject to the integrated approval provisions. Go to Section 4.46 of the Environmental Planning and Assessment Act 1979 for more information.

Complying Development

If your proposal is not exempt, then check if it meets the criteria for complying development. This type of development seeks to streamline the application process by providing a single certificate that covers predefined development standards as well as meeting the structural standards required by the Building Code of Australia. The criteria to determine whether an application is complying development is contained in State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 (the Codes SEPP). Complying development certificates can be issued by Council or by an accredited private certifier. Council will issue a complying development certificate within 10 or 20 days of the application (depending on the application type) being accepted if the proposal complies.

If your proposal cannot be processed as Complying Development, a Development Consent will be required.

Construction Certificate

Every development that involves building, subdivision, engineering or earth works will require a Construction Certificate. This can be applied for concurrently with the development application or separately at a later date. **However, construction cannot commence without the Construction Certificate.**

The plans and specifications submitted with a Construction Certificate application must contain enough details to ensure that the works comply with the relevant standards and are consistent

with the terms of the development consent. Long service levy payments, Home Owner's Warranty Insurance, and any Section 7.11 contributions where required, must be made before the issue of the Construction Certificate.

Construction Certificates can be issued either by Council or by an accredited private certifier. Construction Certificates are valid for the life of the development consent.

If you lodge your Construction Certificate application concurrently with your Development Application to Council you will be eligible for a discount on your Construction Certificate fees.

Section 68 Approvals

There are a number of other activities that can only be carried out if you have approval from Council. A full list of approvals is included in Section 68 of the Local Government Act. It includes the approval to carry out water supply works, sewerage works, stormwater works, to install/operate an amusement device; place a waste container in a public place; install and operate a sewage management system; install a solid fuel heater, etc. For example if you are building a new home, you will need to get approval to do water supply, sewerage and stormwater works. **This is the case even if you use a private certifier.**

You can also apply for any of these approvals as part of your development consent. Council has a separate Section 68 Approval form that you will need to complete and attach to your application.

Section 138 Approval

An approval under Section 138 of the Roads Act is required if you are going to construct a driveway or do any other works in Council's road reserve. Please include driveway or other details with your application.

Modification of Applications

Request a modification if you are altering a previously approved development application or construction certificate.

Subdivision Certificate

All subdivision proposals will require issue of a Subdivision Certificate to indicate that Council's requirements (with respect to the approvals issued for the subdivision proposal) have been complied with. Application for issue of a Subdivision Certificate is normally made after the subdivision works have been completed.

2 Location of Property

This section asks you to provide details about the location and description of the land to be developed. The Lot, Section and DP Number are easily found on the Certificate of Title or on a rates notice. Note: not all properties have Section numbers.

3 – 6 Applicant/Owner/Builder Details

The applicant is the owner or agent chosen by the owner of the land to act on their behalf for the management of their application including amendment to or withdrawal of the application. All correspondence and communication from Council is directed to the applicant (i.e. until a final Occupation or Subdivision Certificate is issued).

The applicant and owner details will be stored in Council's Information System, where it may be accessed for lawful purposes, and in accordance with relevant privacy legislation and policies.

It is a requirement that ALL property owners sign the application. If the owner of the property is a company, then a director or a secretary must sign the application. Applications involving a Strata can be signed by an office holder of the strata body.

Please note that all applications need to be accompanied by a second form: Part B – Application Details and Owner's Consent. Completing this form allows Council to keep information about owners and applicants private as this form will not be displayed on Council's website nor made available to the public to look at.

7 Appointment of Principal Certifying Authority (PCA)

The role of the PCA is to ensure that the development is carried out in accordance with the approved plans, specifications, any conditions listed in the development consent or complying development certificate and certifies that the construction has been built in accordance with the Building Code of Australia and any other relevant standards.

It is the owner's responsibility to appoint a PCA. This can be Council or an accredited private certifier, but once chosen, must remain the same throughout the construction process. If you tick the Yes box on the application form Council will be appointed as your PCA. If you nominate Council as your PCA, inspections are arranged with 48 hours' notice by ringing our Business Services staff and quoting the DA number. Results are issued at the time of the inspection. If you choose an accredited certifier as your PCA you are obliged to notify Council in writing of who this is at least 2 days before work starts.

If you choose to use a private certifier, Council may still be required to undertake several separate inspections (eg water and sewer inspections), which will need to be paid for. If Council is nominated as your PCA, it would normally be possible to combine some of these inspections with your building inspections, thus reducing your cost of inspections.

On completion of the development an Occupation or Subdivision Certificate will be issued, (if this is requested in your application, and relevant fees are paid), if the development complies with all relevant standards and conditions of consent.

New building work cannot be legally occupied until an occupation certificate is issued.

8 Detail of Proposed Development

Describe what development you propose to carry out. Provide a description of the proposed use of the land and indicate the type of work that best fits your proposal. If the proposal involves building, demolition and earthworks (eg. filling) ensure all details are listed in the description.

Estimated Cost

Estimate the value of building works or civil works in the case of subdivision by completing Table 1 or 2 on page 8 of the application form.

Alternatively, you may include a copy of a signed quote from the builder. If an owner-builder, the value needs to include an estimate of the cost of materials plus labour. The estimated value is subject to a check by Council prior to final acceptance. For works over \$3 million a report from a Quantity Surveyor is to be submitted.

9 Materials to be used

If you are applying for a Construction Certificate or complying development certificate this section must be completed. The information is required by the Australian Bureau of Statistics and contributes to key national economic indicators. If there are two or more different material types used then please nominate the primary material type. It is also necessary to indicate who the builder will be. If unknown at time of lodgement of the application write 'to be advised'.

10 Application Schedule

Completing this section allows Council to provide the Australian Bureau of Statistics with accurate data they require for construction works.

11 Complying Development Assessment

Complying Development Certificates can be issued by Council under various Environmental Planning Instruments. Please select the one you wish Council to use to assess your application.

12 Environmental Impact

A statement of environmental impacts is to clearly outline the impacts of your development and the way in which it will operate.

For minor development (new dwellings, additions and alterations, pools, etc) please complete the Statement of Environmental Effects attached to the application form. For other developments a detailed Statement of Environmental Effects is required. The SEE might include:

(a) In the case of shops, offices, commercial or industrial development:

- details of hours of operation
- details of plant and machinery to be installed
- details of type, size and quantity of goods to be made, stored or transported
- details of loading and unloading facilities

(b) In the case of subdivision;

- details of the existing and proposed subdivision pattern (including the number of lots, location of roads and land contours)
- details of any vegetation to be removed

(c) In the case of housing:

- details of the maintenance of privacy for adjoining properties
- details of the discharge of stormwater
- details of maintenance of the character of the neighbourhood.

Developments in sensitive areas (i.e. within native vegetation or along waterways) will need to demonstrate that they are not likely to have significant effect on any **threatened species**, populations, ecological communities or their habitats.

Developments which are likely to have a significant effect must be accompanied by a species impact statement. If your development requires a species impact statement then you should have a qualified consultant prepare the statement for you.

The **statement of environmental effects** should address whether the development complies with:

- The Nambucca Local Environmental Plan (available at www.nambucca.nsw.gov.au)
- The Nambucca Development Control Plan;
- Relevant State planning policies.

As well, it should address such matters as:

- Whether the development is subject to flooding or bushfire risk;
- The development's visual impact on the landscape, streetscape of the locality;
- The development's social and economic impact;
- The disturbance of acid sulphate soils;

- The development's noise impacts on the locality;
- The development's impact on places or items of heritage value.

For major or larger developments professional advice will likely be needed to assist in preparing this and supporting reports.

13 Modification of Applications

Complete this section to apply to modify development consent or a construction certificate. If the changes you propose means the development will not be substantially the same as that originally approved you will need to submit a new development application.

- a Section 4.55(1) A modification to correct a minor error, misdescription or miscalculation
- b Section 4.55(1A) A modification that will have a minimal environmental impact
- c Section 4.55(2) Any other modification

14 Subdivision Certificate Applications

Please provide the DA/CC number and describe what type of subdivision and how many lots this certificate is creating – this may be less than the total amount approved under the DA if the subdivision is being done in stages.

Please complete the checklist and do not submit the application if any information is missing. If the application is checked and information is missing, Council will return the application to you and will not process it.

15 Electronic Document Lodgement

In order for Council to assess your application it is necessary for you to provide plans and information as to what is proposed and how the development/activity is to be undertaken.

Please refer to the matrix attached to the Development Application form and provide the required information with your DA.

Please note Council requires either one electronic copy of all information or one paper copy. Refer to Council's website for the format required for electronic information. Please only submit electronically if you can comply with all of Council's electronic document requirements. Electronic applications must be lodged via Council's Electronic Lodgement Portal, which can be found [here](#)

Under Section 51 of the Environmental Planning and Assessment Regulation Council can refuse to accept or can return a development application that is illegible, unclear as to the development consent sought or missing essential supporting information.

16 Your Declaration

Please read the declaration and sign it. If Council checks the application and discovers discrepancies, it will be returned to you and should not be lodged until it is complete.

Failing to submit the required information will only delay the processing of your application. Provision of the relevant information allows Council to efficiently process your application.

Potential Land Contamination Checklist

This checklist must be accurately completed for every Development Application. Answering a question with a "Yes" does not necessarily mean that a contamination report will be required to assess your development (although it may). Please answer questions honestly.

Statement of Environmental Effects

Every Development Application must be accompanied by a Statement of Environmental Effects. The checklist on Form A is only suitable for very minor developments, eg carports, shed and straightforward dwelling-houses. Council has a more detailed form which may assist you if your development is more complex.

Information to accompany applications

Basix Certificate

The NSW Government 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, 3 star rated showerheads and taps, native landscaping, heat pump, solar or gas hot water systems, roof eaves/awnings and wall/ceiling insulation.

You need a BASIX Certificate for all new residential buildings (single dwelling and multi unit housing), residential alterations and additions valued at \$50,000 or more and pools with a capacity of 40,000 litres or more.

The applicant is required to submit the BASIX Certificate with the Development Application or Complying Development Certificate application. **The BASIX commitments must be indicated on the plans.**

Applicants can generate the BASIX Certificate only on the NSW Department of Planning BASIX website: www.basix.nsw.gov.au.

On-Site Wastewater Management

In unsewered areas an on site wastewater management application will need to be submitted with the DA for new developments. Refer to Council's On-site Sewage Management Strategy for more information. Usually a consultant's report will be required to accompany the application.

Bush Fire Prone Land

Refer to Integrated Development section of this guide for a list of developments that require the concurrence from the Rural Fire Service (RFS). All developments on bushfire prone land are assessed in accordance with the NSW Government document titled 'Planning for Bushfire Protection' available from www.rfs.nsw.gov.au. DAs for new dwellings or residential additions on bushfire prone land must be accompanied by a bushfire consultant's report or a completed document titled 'Guidelines for Single Dwelling Development Applications' which is available from the RFS website. This assessment will determine appropriate standards for distances to vegetation (asset protection zones), construction standards, on site water storage and other matters.

Floodplain Management Controls

Floodplain Management Controls are contained in Nambucca Shire Council's Floodplain Risk Management Plan which is available on Council's website. If you are building in a flood prone area, levels to Australian Height Datum (AHD) and other supporting information may be required to be submitted with your application. Council staff can advise you of the required 'primary habitable floor level' to AHD for most parts of the Council area.

Road Act Approvals

Generally, if you are proposing any work within an existing road reserve, an application to undertake these works will be required pursuant to s.138 of the Roads Act 1993. If you are proposing to construct a driveway you will need to obtain driveway levels for the road reserve.

Where a development is opening a road or footpath for the laying of services such as water, power or sewerage, you will need to provide details of the service type. In some cases Council will charge a bond to safeguard against damage to public property and to ensure that works are carried out as approved by Council.

Restoration works must be completed in accordance with Council's standards. Further information on restoration standards can be obtained from Department of Engineering Services or at www.nambucca.nsw.gov.au

Other Specialist Reports

For certain developments Council may require other specialist reports for issues such as traffic management, geotechnical, flooding/drainage, heritage, flora and fauna impact, shadow diagrams, acid sulphate soils, loss of coastal views and site contamination. Council will advise you if these reports are required.

Essential Fire Safety Measures

Essential fire safety measures are any installations or type of construction installed in a building to ensure the safety of the occupants in the event of fire or other emergency. These measures are required by the Building Code of Australia in Class 2 to 9 buildings (i.e. any building other than single dwellings or outbuildings). Fire safety measures include:

- Automatic fire suppression systems (e.g. sprinkler systems)
- Fire hose reels
- Fire hydrants
- Automatic fire detection and alarm systems
- Fire doors
- Fire extinguishers
- Smoke exhaust systems
- Exit signs and emergency lighting

When a DA is lodged to alter, add to or change the use of an existing Class 2 to 9 building a list of the existing fire safety measures installed in the building must be submitted with the DA. A Fire Safety Schedule will be issued with the Construction Certificate for a Class 2 to 9 building. The Schedule will list the essential fire safety measures that are required to be installed in the building.

Lodging of Applications

Once you have completed the application form and gathered the information you need to provide, the application can be lodged at Council's Administration Centre with Business Services Officers (BSOs). At the time of lodgement the BSO will go through the matrix (at the back of the form) with you to ensure all information has been submitted.

Duty planning and building officers are also available at Council's Administration Centre between 11.00 am and 1.00 pm Monday to Friday. Completed applications can be lodged at Council's Administration Centre or posted to Nambucca Shire Council, PO Box 177, Macksville NSW 2447 with all required fees attached.

Rural Properties

A Council officer will conduct a site inspection as part of the assessment of the application. A lot of time can be wasted locating the proposed building site. At the time of lodging a Development Application for a rural property the entrance to the property from the public road should be clearly marked with a rural road number or lot number

and owner's name. Additionally the building footprint should be pegged out. This will avoid unnecessary delays in the processing of your application.

Application Fees

Please note that fees need to be paid upon lodgement of your application. **Accordingly, if posting your application, the fees will also need to be forwarded, unless you have arranged for Council to send you an invoice.** Quotes on fees can be obtained by phoning Council's Business Services staff. Please note that fee estimates, which are provided prior to the lodgement of an application, are based on the information provided by you and the understanding of the Council Officer as to what is proposed. Accordingly they should be viewed as an estimate only with the exact fees being determined when the application has been submitted for lodgement.

Applications submitted or sent to Council without fees will be returned, unless an invoice has been arranged.

Acknowledgement

We will acknowledge receipt of your application and provide you with the application number. Please quote this number in future dealings with Council.

Assessment of Applications

Once your application has been lodged Council Officers will assess it. Complying Development Certificate Applications once accepted by Council will be processed within 10 or 20 days.

Generally local development applications are determined within 40 days, however delays can be experienced where supporting material is not fully provided or where other authorities are required to comment.

Will we neighbour notify?

An important part of the process for some development applications is the notification of neighbouring property owners. This is completed by a mail out to adjoining owners and depending on the proposal, can also be advertised in the local paper. Some minor building work such as single storey dwellings, small sheds and pools may not require neighbour notification.

Issue of Approvals

On completion of the assessment, most determinations are issued under delegated authority. In a limited number of cases, the Councillors at a full meeting of the Council deal with the application. This occurs where it is in the public interest that the development be debated or where the application may be refused. The development consent is conditional and all conditions must be met.

In some instances, deferred commencement consent may be issued. Once the information required by the deferred commencement consent is satisfied, you must apply for an operational consent.

Construction work cannot begin until a Construction Certificate has been issued.

If a development consent has been issued, the Construction Certificate application will generally take 10-14 days to determine for small to medium developments. If Council is chosen as the PCA, then the development consent and/or the Construction Certificate will also include details of the inspections which must be carried out.

Developer Contributions

Your development consent may include a requirement to pay Developer contributions (also called Section 7.11 or 7.11A contributions or Section 64 Water and Sewer contributions). This is a one-off payment to Council towards the cost of providing community facilities and infrastructure. Developer contributions are determined in accordance with contribution plans which can be viewed at Council's website or office.

Long Service Levy

The NSW Government has placed a levy on all building and construction work in NSW. The levy is payable on work costing \$25,000 or more. Fees can be paid direct to the Long Service Levy Payments Corporation or to Nambucca Shire Council who acts as their agent. Owner/builders and non-profit organisation may seek an exemption of up to 50% of the levy payable. For further information call 13 14 41.

Home Building Act

The Home Building Act is administered by the NSW Department of Fair Trading. For residential building work valued at \$20,000 or more carried out by a licenced builder the PCA can only release the Construction Certificate after evidence of insurance under the Home Building Compensation Fund is submitted. For residential building work valued at \$10,000 or more carried out by an owner-builder the Construction Certificate can only be released after a copy of the Owner-Builder permit is submitted. Where owner builder work is valued at \$20,000 or more a course must be completed. For further information call 13 32 20 or check out the Department of Fair Trading web site on www.fairtrading.nsw.gov.au for owner builder application forms and other information.

Amending plans

Plans can change during the construction process – things shown on paper are often hard to imagine in three dimensional reality. To change the plans, or a condition on the development consent, you may need to lodge an application to amend/modify the development consent and submit details in support of the proposed changes. This application is required BEFORE any construction changes are built.

Amended applications follow the same process as the original application. Where the amendment changes any of the external structure then it may be re-notified to neighbours. Fees are payable and depending on the changes proposed; a new Construction Certificate may also be required.

Extension of time

Development approvals from Council usually have a life of up to 5 years. The development must be physically commenced within that time. This cannot be extended. After this time a fresh application is required. Council can give written confirmation of the status of commencement.

Withdrawing or surrendering an application

Only the applicant can withdraw an application prior to the determination being made. Where this is the case and depending on the level of assessment undertaken, some of the fees may be refunded. Applications can also be surrendered by the applicant after the determination; for example, if the development is no longer proceeding. Requests to withdraw an application must be made in writing by the applicant.

If you disagree with your development consent

If you are dissatisfied with the determination of your application you may contact Council staff to clarify issues and discuss your options. Options available to you include:

- 1 A review of determination of your application for local development applications. This must be done within 6 months of the date of determination and requires payment of an additional fee.
- 2 An appeal to the Land and Environment Court of NSW. An appeal must be commenced within 6 months of the date of determination

Whilst all due care has been taken to ensure the content of this guide is accurate and current there may be errors or omissions in it and no legal responsibility is accepted for the information. Should any conflict arise between the guide and any legislation, the legislation shall take precedence.