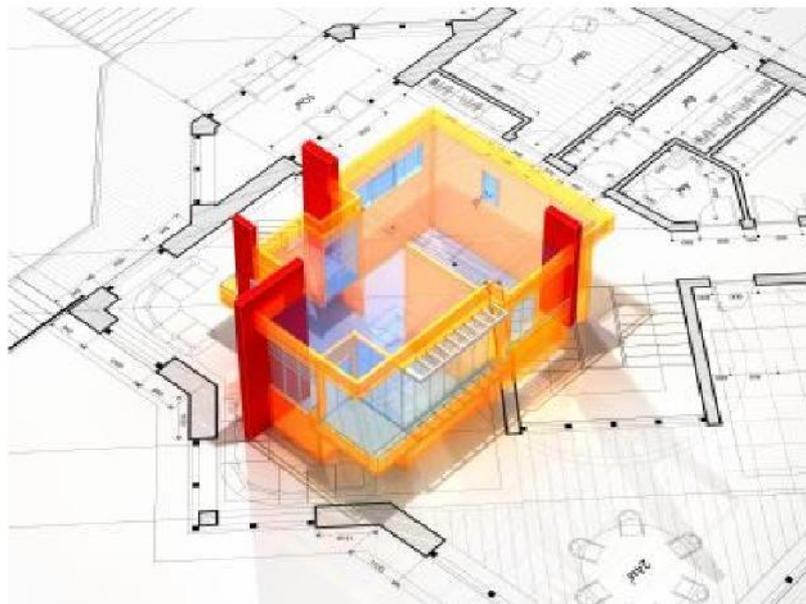


# Development Application (DA) Guide



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# Development Application (DA) Guide

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## About this guide

Council suggests all applicants read this guide when proposing a development. It aims to provide

- information on requirements, including a list of the minimum supporting documents required when submitting a development application,
- fact sheets on common types of uses, identifying frequently asked questions about development application lodgement requirements and controls
- links to the sections of the Queanbeyan-Palerang Regional Council's Development Control Plans (DCP) to assist in the design of your proposal,
- information for applicants on what they need to provide to Council when submitting a development application.

### Need to know more?

If you have further questions after reading this guide you can contact Council on 1300 735 025, Monday to Friday, between 8.30am - 4.30pm, or email [council@qprc.nsw.gov.au](mailto:council@qprc.nsw.gov.au).

Please note, due to the high number of enquiries, it may take an officer:

- Up to one business day to return your call,
- Up to three business days to acknowledge or respond to your email, and
- Up to 10 working days to acknowledge or respond to a written request.

As detailed in the QPRC [Customer Service Charter](#) (item 10, under 'Community').

# Lodging your Development Application

## List of commonly used terms

CDC	Complying Development Certificate
CT	Community Title
DA	Development Application
DCP	Development Control Plan
DP	Deposited Plan
EIS	Environmental Impact Statement
EPI	Environmental Planning Instrument
LEP	Local Environmental Plan
NCC	National Construction Code (formerly the BCA – Building Code of Australia)
SEPP	State Environmental Planning Policy
SEE or SoEE	Statement of Environmental Effects
SP	Strata Plan

## How to lodge your application

You need to create a [NSW Planning Portal](#) account complete the forms relevant to your proposal. Hard copy and emailed lodgements are no longer accepted.

For step by step instructions, please visit:

<https://pp.planningportal.nsw.gov.au/applicant-resources>

Checklists and a template for Statement of Environmental Effects (required for all Development Applications) can be found on Council's [QPRC Building & Development](#) page

# Do I need a development application?

### The approval process

All types of development require approval. However, some types of development can be exempted from the need for approval under specific circumstances. Where development is not considered 'Exempt' there are two types of approvals that can be sought:

- Complying development (CDC) approval which applies to simpler straight forward development that meets specific guidelines: and
- Development Approval (DA) by lodging a development application.

These three matters are considered in more detail below:

### Exempt development

Many home renovations and minor building projects don't need approval from Council or an accredited certifier. This is Exempt development. As long as the development meets specific standards and land requirements, no planning or building approval is needed.

The standards you must comply with for most Exempt development works are in the State Policy for Exempt and Complying Development. The Policy can be viewed at the [NSW Legislation Website](#). If you find it difficult to navigate this website, the [NSW Planning Portal Website](#) can be a useful tool to assist.

Certain properties and areas may have different or additional rules that apply to building and renovations, including those:

- in heritage conservation areas, listed heritage items, and items listed on the [State Heritage Register](#)
- in or near a site containing contaminated land
- in or near bushfire prone area
- where road widening is planned
- in an area affected by flood.

It is important to contact Council before commencing your development to see if your site is affected by any of the above constraints.

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## Complying development (CDC)

Complying development is a fast-track approval process for straightforward residential, commercial and industrial development. You will notice this is the same code used to assess Exempt development and can be accessed through the [NSW Legislation Website](#). A complying development approval is the equivalent of a development application and construction certificate. They can be approved by Council or a private certifier. Examples of complying development include:

- Renovations to a home,
- Development of a granny flat,
- Building a swimming pool,
- Property extensions (up to two storeys),
- Building a garage or carport,
- The construction of a new industrial building,
- Alterations and additions to industrial and commercial buildings, and
- The demolition of a building.

To find out if your building project or renovation is complying development visit the [Department of Planning](#) website or contact Council. If you cannot meet any one of the controls specified in the complying development code, you cannot carry out your works under it and may need a development application.

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## **Development applications (DA)**

A Development Application is a proposed development that requires Council consent. If your proposal is not Exempt development and you cannot meet the requirements in Complying Development, you will most likely need a Development Application. This includes local development, Integrated Development and Designated Development, as defined below.

### ***Local development***

Local development requires development consent from Council and applies to the following development types:

- New buildings, alterations or additions to existing buildings
- Change of use of an existing building or premises

**Please note:** If you are taking over an existing business, it is recommended that you check with Council, to see if the business has a valid development consent.

- Demolition of any structure (unless built as Exempt development) or heritage item
- Earthworks, filling and clearing of land
- Subdivision of a parcel of land including strata title subdivision of a building, community title subdivisions and boundary adjustments

### ***Integrated development***

Integrated development also requires a permit or license from a NSW Government agency. If this applies to your proposal, Council will forward your development application to the relevant agency for their assessment. The agency will tell Council whether or not it will approve your application and, if yes, what the general terms of the approval are. If your application is approved, the conditions of the consent will include those general terms.

- All integrated development applications must be accompanied by a cheque for \$320 made out to the relevant NSW Government agency and a digital copy of the plans and documentation.

Use the checklist on pages 6-8 of this document to determine whether you need any of these approvals.

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## Integrated Development Checklist

### **Fisheries Management Act 1994 – Department of Primary Industries (Fisheries)**

#### ***Aquaculture***

Do you want to carry out aquaculture?

- No
- Yes – you will need a permit under section 144

#### ***Dredging or Reclamation***

Do you want to carry out dredging or reclamation work in a waterway (a stream, river, lake, lagoon, estuary, or marine waters)?

- No
- Yes – you will need a permit under section 201

#### ***Marine Vegetation***

Do you want to cut, remove, damage or destroy marine vegetation (eg. Mangroves, seagrasses) on public water or an aquaculture lease, or on the foreshore of any such land or lease?

- No
- Yes – you will need a permit under section 205

Do you want to set a net, netting, or other material, and/or construct or alter a dam or otherwise create an obstruction across or within a bay, inlet, river or creek across or around a flat?

- No
- Yes – you will need a permit under section 219

### **Heritage Act 1997 – Department of Planning and Infrastructure (Heritage Branch)**

Does your development involve a building, place, work, relic, moveable object, precinct or land that has an interim heritage order, or which is listed on the State Heritage Register?

- No
- Yes – you will need and approval under section 57

### **Mining Act 1992 – Department of Primary Industries (Mineral Resources)**

Do you wish to carry out a development for the purpose of obtaining minerals?

- No
- Yes – you need an approval under section 63 and 64

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### **National Parks and Wildlife Act 1974 – Department of Premier and Cabinet (Office of Environment and Heritage)**

Do you want to knowingly destroy, deface or damage, or permit the destruction or defacement of, a relic or Aboriginal place?

- No
- Yes – you will need an approval under section 90

### **Petroleum (Onshore) Act 1991 – Department of Primary Industries (Mineral Resources)**

Do you want to mine petroleum?

- No
- Yes – you will need an approval under section 9

### **Protection of the Environment Operations Act 1997 – Environmental Protection Authority**

Do you want to carry out a scheduled development work or activity as defined in the *Protection of the Environment Operations Act 1997*?

- No
- Yes – you will need a licence under sections 43(a),(b),47,48 and 55

**Note:** The list of scheduled activities is listed in Schedule 1 of the *Protection of the Environment Operations Act 1997*.

### **Rural Fires Act 1997 – NSW Rural Fire Service**

Do you want to subdivide bushfire prone land that could lawfully be used for residential purposes, or develop bushfire prone land for a special fire protection purpose?

- No
- Yes - you will need an approval under section 100B of the *Rural Fires Act 1997*

**Note:** ‘*Special fire protection purpose*’ means for the purpose of the following:

- a school
- a childcare centre
- a hospital (including a hospital for the mentally ill or mentally disordered)
- a hotel, motel or other tourist accommodation
- a building wholly or principally used as a home or other establishment for mentally incapacitated persons
- seniors housing within the meaning of *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004*
- a group home within the meaning of *State Environmental Planning Policy (Infrastructure) 2007*
- a retirement village
- any other purpose prescribed by the *Rural Fires Regulation 2002*

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### **Water Management Act 2000 – Department of Primary Industries (Office of Water) Water Use**

Do you want to use water from a water source for a particular purpose?

- No
- Yes – you will need a permit under section 89

### **Water Supply Work**

Do you want to construct water supply work, such as a bore, well, or dam to use water for a particular purpose, such as irrigation?

- No
- Yes – you will need a permit under section 90

**Note:** When taking water under your basic landholder right (eg. For domestic and stock purposes) you do not need a water use approval.

You do not need a water supply work approval for:

- pumps, pipes, troughs, or tanks to take and store water from a river under a basic landholder right;
- dams within the maximum dam capacity under the harvestable right for your property; and
- conveyance works, provided they are located wholly within land that is subject to a water use approval.

### **Controlled Activities**

Is your development located within 40 metres of a stream, river, lake or lagoon?

- No
- Yes – you will need a permit under section 91

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## ***Designated development***

Designated development is development that is identified under Schedule 3 of the Environmental Planning and Assessment Regulation 2000. It would generally be a type of Local Development that has potentially significant environmental effects. Designated development is more complex than local or integrated development and usually requires the preparation of a full Environmental Impact Statement (EIS).

## ***State significant development***

This is development declared by the Minister for Planning and Environment to be of state significance. The Minister is the consent authority. Council will keep a record of the application and determination in its register of development applications and consents. The following types of development could be state significant:

- new educational establishments, hospitals and correctional centres
- chemical and other manufacturing
- mining and extraction operations
- tourist and recreation facilities
- some port facilities
- waste management facilities
- energy generating facilities.

A development proposal for any of the identified development types is state significant if it:

- is over a certain size
- is located in a sensitive environmental area
- will exceed a specific capital investment

More information on this type of development can be found on the [NSW Government - Planning and Environment's Website](#).

### Construction certificates (CC)

Any development that includes building a structure will also require a Construction Certificate. A construction certificate must be obtained before commencing any building and construction work. If you end up undertaking the development application process, you may need this. The certificate confirms that the structural aspects of your development comply with the National Construction Code and associated standards. This can also be issued either by Council or a private certifier. You must have approval from Council before applying for this, or you can submit a development application and construction certificate to Council at the same time.

Please note: A Construction certificate can only be issued for work before it is carried out. Please make sure you have a construction Certificate before commencing building work.

### Subdivision certificates

The **subdivision of land** means the division of land into two or more parts that, after the division, would be obviously adapted for separate occupation, use or disposition. In this regard a 'Plan of Subdivision' includes any plan which:

- shows the division of an existing lot or lots into two or more new lots
- dedicates an existing lot as public road under s.9 *Roads Act 1993* or as public reserve or drainage reserve under s.49 *Local Government Act 1993*
- dedicates new road and/or road widening to the public, with a residue parcel
- shows a subdivision for lease purposes unless the plan is accompanied by a statutory declaration to the effect that the plan will not be used for a lease where the term, including any option of renewal, will exceed 5 years
- shows a subdivision for lease of a caravan park or mobile home estate under s.23H *Conveyancing Act 1919*
- shows the acquisition of parcels where the land is already owned by the resuming authority
- shows the division of land held under perpetual lease, including a Western Division Perpetual Leasehold title
- shows any other division of the existing parcel(s) into 2 or more new parcels.

The process for obtaining subdivision approval is generally by applying for a Development Application. After you have received your determination you then need to apply for a Subdivision Certificate, which is a separate approval.

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### Fees and charges

Developments that require approval generate fees. A full copy of Council's Fees and Charges is available on Council's website [here](#).

**Please note:** Other mandatory State government fees such as [Long Service Levy](#) and Plan First Fee may be charged at time of lodgement. If the application is approved there may be other additional charges such as developer contributions, inspection fees, government levies, fees for other related approvals and the like.

Council's collect the Planning Reform Fee (plan First fee) on behalf of the NSW Government for building works or subdivisions that are estimated to have a value greater than \$50,000. The fee is calculated as a percentage of the estimated development cost and is payable upon lodgement of a Development Application (DA).

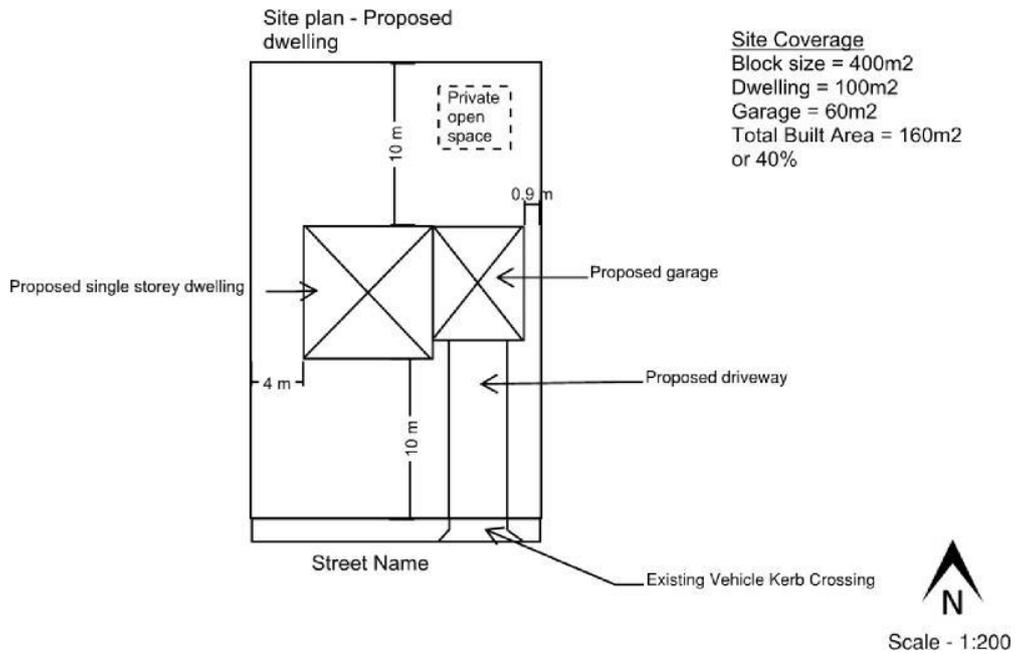
## What plans do I need for the approval process?

Developments that require an approval (complying development, development application and construction certificate's) need to have plans submitted with the application at lodgement stage. The plans need to be legible and either to scale or with dimensions. If the duty officer cannot read the plans you may be asked to have these re-drawn. The following plans may be required for your application:

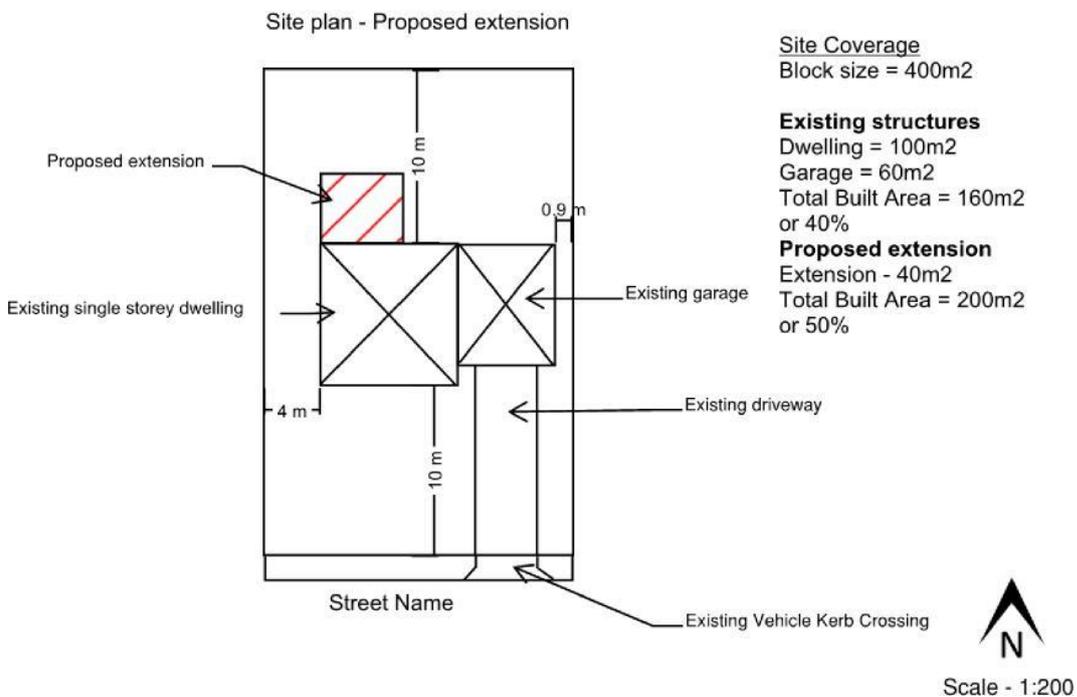
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## Site plan

Generally a site plan shows the boundary of property with any existing and proposed developments on it. It will need to show measurements from all structures to the rear, side and front boundaries. Please see examples of a site plan in *Figures 1 and 2*.



**Figure 1:** Example of site plan for a proposed dwelling



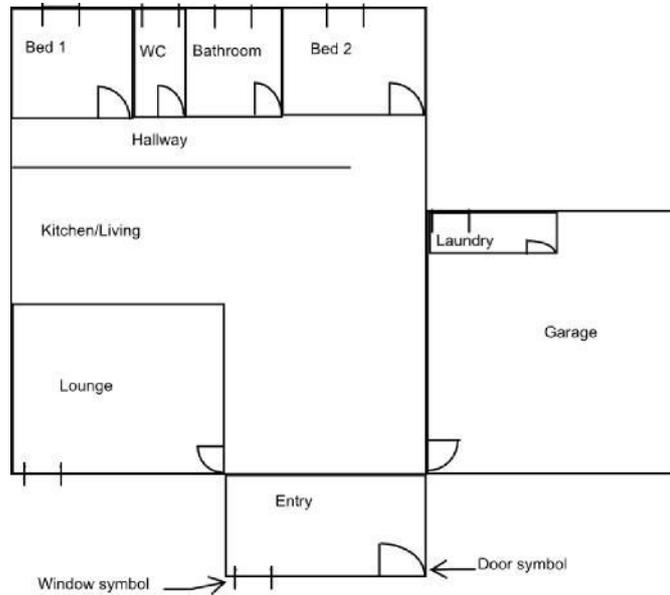
**Figure 2:** Example of a site plan for an extension

**Please note:** These images are not actually to scale and should be used as an example only.

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## ***Floor plan***

A floor plan shows the internal layout of a building. If you are proposing to change the layout within a building or proposing a brand new structure, a floor plan will be required. An example is shown below in *Figure 3*.



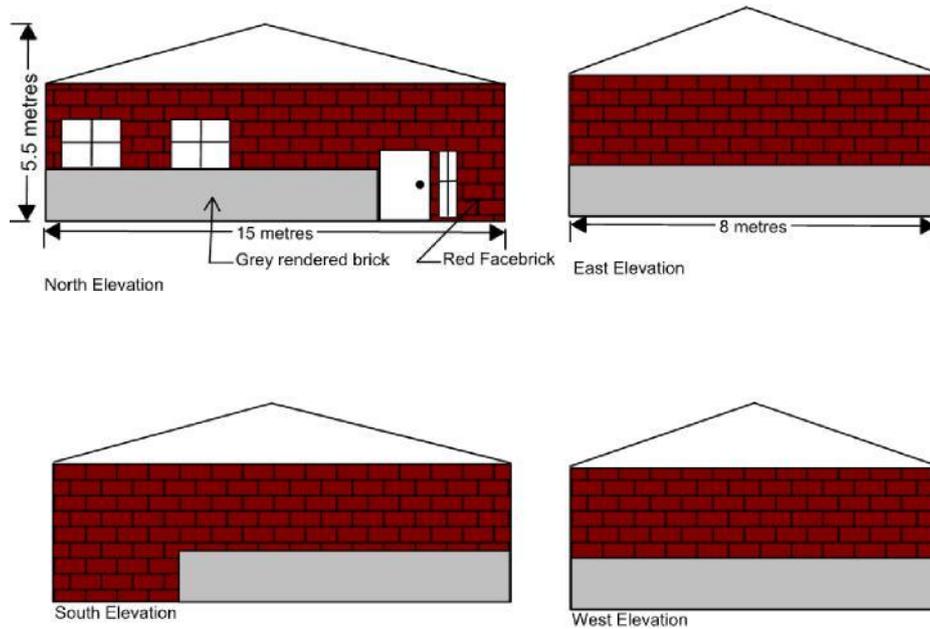
***Figure 3:*** Example of a floor plan for a new dwelling



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## Elevations

An elevation shows the north, south, east and west faces of a building. It puts into perspective what the outside of a building will look like. Elevations are required for all types of development applications that require external works. They generally show the natural ground level and the proposed floor level. It is important to note colours and materials on the elevations which has been shown on the north elevation example below in *Figure 4*.

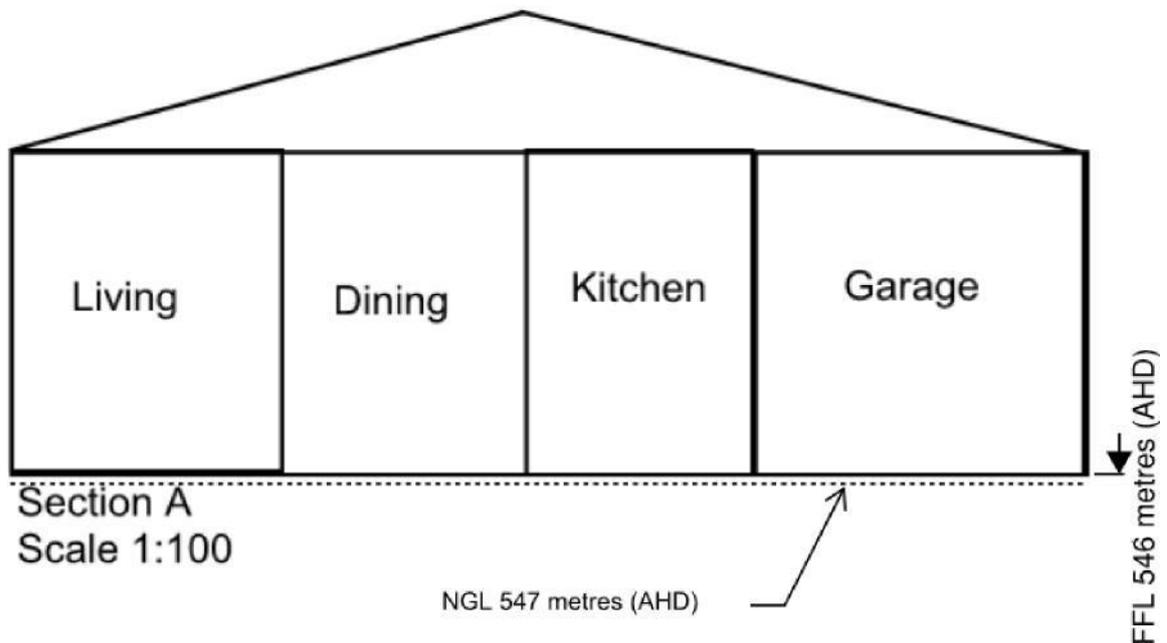


**Figure 4:** Example of elevations

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## Section

A section is a view of the interior of a building as if it has been sliced in half or cut along an imaginary plane. A section indicates the existing natural ground level (NGL) and proposed finished floor level (FFL) measured in Australian Height Datum (AHD). It is useful as it gives a view through spaces and structures that can show the relationship between the different parts of the building that may not be apparent on other drawings. They are also helpful when giving an accurate height and working out any proposed cut and fill. They are required for any proposed development applications that require building work. Please see an example of a section in *Figure 5* below.



*Figure 5: Example of a section*

## Other types of plans

### ***Contour plan***

A contour plan shows either a vacant or existing site with contour levels. They are prepared by a registered surveyor and can be required for a new build such as a dwelling house or a proposal that requires a substantial amount of excavation.

### ***Landscape plan***

A landscape plan is like a site plan for the landscaped area. Elements such as trees, shrubs, bushes and any landscaping features are shown on a site plan. Please refer to *Part 2, Table 7* of the [Queanbeyan Development Control Plan 2012](#), on page 123 to see who can prepare your landscape plan and if you need one for the former Queanbeyan local government area. Please refer to the [Palerang Development Control Plan 2015](#) for what developments require a landscape plan for the former Palerang local government area

### ***Shadow diagram***

If you have a proposal for a two storey dwelling house, anything with a two storey element, split level or anything deemed as substantially high by Council, you will be required to submit shadow diagrams with your application. These diagrams show the subject site and adjoining blocks and the over shadowing impacts they do or don't cast to neighbouring properties from the proposal.

### ***Erosion and Sediment Control Plan***

This will look similar to a site plan but will need to include detail on how construction erosion will be managed on site. This needs to be provided for all development's that require construction works.

### ***Structural plans***

These are required for construction certificates. Structural plans need to be prepared by a certified engineer and include things such as footing and retaining all details.

### **BASIX Certificate**

You will need a BASIX certificate if you are lodging a development application in NSW for a new home or for any alteration and addition of \$50,000 or more to an existing home. A BASIX certificate is obtained after completing the sustainability assessment for your project using the online [BASIX assessment tool](#). Usually a building professional does this. Once the design of your project has met the BASIX requirements and the fee paid, a certificate will be issued electronically as a pdf.