

## **APPENDIX B - TYPES OF DEVELOPMENT**

### **Local Development**

Local Development is development which requires consent from Council only, before it can be carried out. A development is considered local development if a local environmental plan (LEP) or State Environmental Planning Policy (SEPP) states that development consent is required before the development can take place. This includes most:

- New buildings, alterations and/or additions to existing buildings
- Change of use of an existing building or premises
- Demolition of dwellings, heritage items, trees, or any building within a conservation area
- Earthworks, retaining walls, cut and fill and clearing of land
- Subdivision of land including strata title subdivision of a building, community title subdivision and boundary adjustments; and
- Temporary events.

### **Exempt and Complying Development**

Exempt development is development that may be carried out without the need for development consent where the proposal complies with the pre-determined development standards within the State Environmental Planning Policy (Exempt and Complying Codes) 2008. Exempt development is very low impact development that can be carried out for certain residential, commercial and industrial properties.

Complying development is development that requires a Complying Development Certificate and meets the requirements for that specific development as specified by the State Environmental Planning Policy (Exempt and Complying Codes) 2008. Complying development is a combined planning and construction approval for straightforward development that can be determined through a fast-track assessment by Council or by a Private Certifier.

It is the responsibility of the proponent to determine if their development proposal meets all the relevant requirements for either exempt or complying development.

### **Integrated Development**

Integrated Development seeks to link development consent for matters under Part 4 of the *Environmental Planning & Assessment Act 1979*, with any associated approval, licence, consent, permission or permit required under other legislation. The aim of Integrated Development is to promote a unified, whole of government approach to the assessment of developments in New South Wales.



The consent authority must refer the development application to the relevant agency and incorporate the agency's general terms of approval. It must not approve the development application if the agency recommends refusal. If the advice is not received in 21 days after the agency has received the application or requested additional information, the consent authority can determine the development application.

In order to carry out Integrated Development, it is necessary to obtain development consent under Part 4 of the *Environmental Planning & Assessment Act 1979*, and one or more of the approvals listed in Section 4.46 of the Act. These approvals include:

Act	Authority	Provision	Approval
<i>Coal Mine Subsidence Compensation Act 2017</i>	<b>Subsidence Advisory NSW</b>	<b>s 22</b>	<b>Approval to alter or erect improvements, or to subdivide land, within a mine subsidence district</b>
<i>Fisheries Management Act 1994</i>	<b>Department of Industry and Investment NSW (Fisheries)</b>	<b>s 144</b>	<b>Aquaculture permit</b>
		<b>s 201</b>	<b>Permit to carry out dredging or reclamation work</b>
		<b>s 205</b>	<b>Permit to cut, remove, damage, destroy marine vegetation on public water land or on an aquaculture lease, or on the foreshore of any such land or lease</b>
		<b>s 219</b>	<b>Permit to:</b> <b>(a) set a net, netting or other material, or</b> <b>(b) construct or alter a dam, floodgate, causeway or weir, or</b> <b>(c) otherwise create an obstruction, across or within a bay, inlet, river or creek, or across or around a flat</b>
<i>Heritage Act 1977</i>	<b>Office of Environment and Heritage</b>	<b>s 58</b>	<b>Approval in response of the doing or carrying out of an act, matter or thing referred to in s57(1)</b>
<i>Mining Act 1992</i>	<b>NSW Department of Industry, Investment, Minerals &amp; Petroleum</b>	<b>ss 63, 64</b>	<b>Grant of a mining lease</b>
<i>National Parks and Wildlife Act 1974</i>	<b>Office of Environment and Heritage</b>	<b>s 90</b>	<b>Grant of Aboriginal heritage impact permit</b>
<i>Petroleum (Onshore) Act 1991</i>	<b>NSW Department of Industry, Investment,</b>	<b>s 16</b>	<b>Grant of production lease</b>



	<b>Minerals &amp; Petroleum</b>		
<i>Protection of the Environment Operations Act 1997</i>	<b>Environmental Protection Agency</b>	s 43(a), s 47 & s 55	Environment protection licence to authorise carrying out of scheduled development work at any premises
		s 43(b), s 48 & s 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”)
		s 43(d), s 55 & s 122	Environment protection licences to control carrying out of non-scheduled activities for the purposes of regulating water pollution resulting from the activity
<i>Roads Act 1993</i>	<b>NSW Department of Transport - Roads &amp; Maritime Service</b>	s 138	Consent to: (a) erect a structure or carry out work in, on or over a public toad, 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 toad, 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
<i>Rural Fires Act 1997</i>	<b>NSW Rural Fire Service</b>	s 100B	Authorisation under section 100B in respect of bush fire safety of subdivision of land could lawfully be used for residential or rural residential purposes or development of land to special fire protection purposes
<i>Water Management Act 2000</i>	<b>WaterNSW</b>	s 89	Water use approval
	<b>WaterNSW</b>	s 90	Water management work approval
	<b>NSW Department of Industry - Lands and Water</b>	s 91	Controlled activity approval

Some types of Integrated Development are elevated to ‘Nominated Integrated Development’ where certain approvals where the works requires an approval (within the meaning of section 4.46 of the Act) pursuant to cl 5 of the *Environmental Planning & Assessment Regulation 2000*:



- a provision of the *Heritage Act 1977* specified in section 4.46(1) of the Act, or
- a provision of the *Water Management Act 2000* specified in section 4.46(1) of the Act, or
- a provision of the *Protection of the Environment Operations Act 1997* specified in section 4.46(1) of the Act,

There is a requirement to advertise Nominated Integrated Development in accordance with Division 7 of the *Environmental Planning & Assessment Regulation 2000*. The notification period is for 30 days and advertising includes a published notice in the local newspaper and a written notice to be given to adjoining landowners. Council charges a fee of \$1105 + \$110 processing fee to carry out the above advertising.

An integrated development administrated fee of \$320 is required for each agency, in addition to an administration fee of \$140 payable to Council for each referral to an approval body. These fees are in addition to the normal development application fees. The referral bodies can be contacted and paid directly once the application has been referred to the agency by Council. Alternatively, cheques can be made payable to the relevant approval body (not Singleton Council).

### **Designated and State Significant Development**

Designated Development refers to developments that are high-impact developments (e.g. likely to generate pollution) or are located in or near an environmentally sensitive area (e.g. a wetland). There are two ways a development can be categorised as 'designated development':

- the class of development can be listed in Schedule 3 of the EP&A Regulation as being designated development, or
- a LEP or SEPP can declare certain types of development to be designated.

Examples of designated development include chemical factories, large marinas, quarries and sewerage treatment works. Schedule 3 of the *Environmental Planning & Assessment Regulation 2000* sets out the full list of designated developments.

An Environmental Impact Statement (EIS) is required to be submitted with a development application for designated development.

Designated developments are subject to specific requirements for notification and submitters attract appeal rights in the Land and Environment Court.

