

Singleton Development Application Guide

Applicants are encouraged to read this document prior to submitting an application. It provides general information about the Development Application process and may not cover every variation and is provided in good faith.

Applications that do not contain the required information in accordance with Schedule 1 of the *Environmental Planning & Assessment Regulation 2000* will be returned or refused.

By providing as much information as possible at lodgement, applicants will avoid delays in processing of their application.

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Intent of this guide

This guide has been prepared to assist in the process of completing the application form, preparing plans and any other supporting documents submission with your application for development, building or subdivision work within the Singleton Local Government Area.

This guide has been designed to help you submit all the required information to support your application, so Council officers can process your application without unnecessary delay. In accordance with Clause 54 of the *Environmental Planning and Assessment Regulation 2000*, additional information may be requested once the Development Application has been lodged by Council or any other relevant approval body.

HOT TIPS

- Development must not commence until consent has been granted, this includes any earthworks, as Council may not be able to issue a Construction Certificate for the works.
- No, you can't live in a shed, unless you have a DA lodged for a dwelling and you apply for a Temporary Occupancy Approval to live in a caravan within a shed.
- Demolition requires consent, unless it was exempt when constructed.
- Your plans are named and numbered and include:
 - Drawing Reference, Title, who prepared them and dated

Website Links

Environmental Planning & Assessment Act 1979

<https://www.legislation.nsw.gov.au/#/view/act/1979/203/part4/div4.3/sec4.16>

Department of Planning Portal

<https://www.planningportal.nsw.gov.au/>

Singleton Development Contributions Plan 2008

http://portal.singleton.nsw.gov.au/eplanning/pages/plan/Book.aspx?exhibit=Singleton_Dev_Cont_Plan_20088

Singleton Development Control Plan 2014

http://portal.singleton.nsw.gov.au/eplanning/pages/plan/Book.aspx?exhibit=Singleton_DCP_20144

Singleton Online Mapping Service

<http://www.singleton.nsw.gov.au/index.aspx?nid=1521>



1. ENQUIRIES AND ADVICE

Duty Planner

If you are not sure about any aspect of your application, we offer free advice over the counter at Council's offices or over the phone on (02) 6578 7290 from 8.30am to 12pm, Monday to Friday.

This option is recommended for less complex matters such as dwellings, dual occupancy development and minor residential works such as swimming pools, sheds, carports, garages and the like.

Council's Duty Planner is also the first point of contact for post approval enquiries.

Council's Building Surveyors are also available from 8.30am to 9.30am and 3.30 to 4.30pm Monday to Friday to answer general building enquiries relating to proposed developments.

Fact Sheets

Council has prepared a number of fact sheets for general advice which are available on Council's website. These fact sheets provide further detail and information on common enquiries Council receives, such as:

- Temporary events;
- Sheds in the residential zone;
- What is a Statement of Environmental Effects and what to include;
- Dwelling Entitlement.

Development Advisory Panel

The Development Advisory Panel (DAP) is a meeting between prospective applicants and Council technical staff to discuss a proposed development. DAP provides a prospective applicant the opportunity to discuss and receive feedback from Council on the technical aspects of the development proposal.

There are no mandatory requirements to attend DAP prior to making a development application. However, DAP is encouraged by Council as the most appropriate means of addressing enquiries of a complex or site specific nature, where formal feedback is being sought from Council on a specific development concept or proposal prior to the lodgement of the development application.

The DAP may provide valuable information that may assist with the preparation of a development application and avoid unnecessary delays during the assessment process.



DAP is a free advisory service provided by Singleton Council to its prospective applicants.

Consultant

More complex proposals may warrant the expertise of a planning professional to coordinate the development application and assessment process. Engaging a consultant should improve the chances of the development application process running smoothly. Unfortunately, Council can't recommend planning consultants.



2. RELEVANT CONTROLS

Controls and Plans that apply to development

The following documents are essential starting point for designing your proposal and preparing your development application:

- Singleton Local Environmental Plan (LEP) 2013 and any Draft LEPs
- Any relevant State Environmental Policies (SEPPs).
 - SEPP 55
<https://www.legislation.nsw.gov.au/#/view/EPI/1998/520>
 - Rural Lands SEPP
<https://www.legislation.nsw.gov.au/#/view/EPI/2008/128>
 - State Environmental Planning Policy (Exempt and Complying Codes) 2008
<https://www.legislation.nsw.gov.au/#/view/EPI/2008/572>
 - Singleton Development Control Plan (DCP) 2014
http://portal.singleton.nsw.gov.au/eplanning/pages/plan/Book.aspx?exhibit=Singleton_DCP_2014
 - Singleton Development Contributions Plan 2008
http://portal.singleton.nsw.gov.au/eplanning/pages/plan/Book.aspx?exhibit=Singleton_Dev_Cont_Plan_2008

Council's website contains mapping that relates to planning constraints as it applies to land. <http://www.singleton.nsw.gov.au/index.aspx?nid=1521>

Other approvals

Section 68 Approval

You may also require approval from Council for certain activities as required under Section 68 of the *Local Government Act 1993*. Some examples of required approvals include:

- Installation of a manufactured home or moveable dwelling
- Install or modify an Onsite Sewage Management System
- Operate a caravan park or manufactured home estate
- Install a domestic oil or soil fuel heating appliance.

If an activity listed under section 68 of the *Local Government Act 1993* is proposed in association with a development application, a separate section 68 form is not required if the appropriate box(es) are marked on the Development Application form.



Section 138 Approvals

Integrated Development

Integrated development is development that requires development consent and at least one approval, permit, licence, authority or consent from another government body under section 4.46 of the *Environmental Planning and Assessment Act 1979*.

Some examples include certain development that involves works located on bushfire prone land or certain works within a Mine Subsidence District. Council must refer an application which is integrated development to the relevant approval body that will, if appropriate, issue general terms of approval (GTA). Council would not normally decide the application until it has received the concurrence with GTAs. Council strongly recommends that you consult with the agency concerned before you lodge a Development Application.

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).

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 4.47 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. (Note: These may change yearly with CPI increases)

Further information on Integrated and Nominated Integrated Development Triggers can be found in **Appendix B**.



3. PREPARING PLANS & SUPPORTING DOCUMENTS

What to submit?

Appropriate plans and drawings must be submitted in support of a development application. Schedule 1 of the *Environmental Planning and Assessment Regulation* 2000 outlines the minimum requirements for submission and acceptance of a development application. The level of detail required for your proposal will depend on the type of development proposed and is outlined in Council's Development Matrix 1 and Matrix 2.

These are not exhaustive lists and during assessment it may be necessary to request a specialist report or plans not listed in the following documents.

Development Matrix 1 - This matrix is relevant to all development applications for dwellings and ancillary structures and outlines what documentation is required to be submitted to Council in conjunction with a Development Application.

Development Matrix 2 - This matrix is relevant to all other development applications and outlines what documentation is required to be submitted to Council in conjunction with a Development Application.

The completed matrix must be submitted as part of your Development Application (DA). If your DA includes all the required details as stipulated on the relevant checklist(s), we can deal with it more quickly. Failure to provide the information as outlined within the checklists may result in the subject application being rejected or refused.

Once you have selected the appropriate matrix for your development proposal, you will need to refer to the contents of **Appendix A**. Appendix A outlines in detail the information that your plans, drawings and other material must contain.



4. PREPARING A STATEMENT OF ENVIRONMENTAL EFFECTS

What is a Statement of Environmental Effects?

A Statement of Environmental Effects (SEE) is a written document that describes the proposed development and identifies any likely or potential impacts. A SEE should also explain how the development has been designed to comply with the Local Environmental Plan and Development Control Plan and includes written information about the proposal that cannot be readily shown on your plans and drawings. A well prepared SEE will demonstrate the merits of the proposal.

The *Environmental Planning and Assessment (EP&A) Regulations 2000* specify that a development application must be accompanied by a SEE, no matter how minor the development proposal.

Further detail on what a SEE is and what it should contain can be found in the 'Statement of Environmental Effects Fact Sheet'.

For small scale development a simple SEE can be used for dwellings, sheds, carports, swimming pools, alterations and additions to any of those developments in the following zones:

- R1 General Residential
- R2 Low Density Residential
- R5 Large Lot Residential
- E4 Environmental Living
- RU5 Village.

Justifying a variation to a design or development standard

Council acknowledges that it is not possible to account for all possible situations, sites and development scenarios. Consequently when circumstances warrant, council may consent to an application which departs to a minor extent, from the development standards contained within the Singleton Local Environmental Plan (LEP) 2013 and the Singleton Development Control Plan (DCP) 2014. Each of these documents contains a clause that must be addressed if a development standard is proposed to be varied as part of an application. This written justification must be submitted as part of the SEE.

If the variation is proposed in relation to a Development Standard contained within the Singleton LEP 2013, clause **4.6 Exceptions to Development Standards must be addressed**. If the variation is proposed in relation to a Development Standard contained within the Singleton DCP 2014, a written justification against clause **1.13 Alternative Solutions** must be submitted. The SEE should also justify how the development complies with the objectives of the clause proposed to be varied.



Ultimately, the applicant will need to satisfy Council that:

- (a) Compliance with the design or development standard is unreasonable or unnecessary in the circumstances of the case; and
- (b) That there are sufficient planning grounds to justify contravening the design or development standard; or
- (c) The proposed development will be in the public interest because it is consistent with the objectives of the particular design or development standard.

In assessing the request for variation to development or design standard, Council must be satisfied that:

- (a) The contravention of the design or development standard will not set an unreasonable or unfavourable precedent; and
- (b) The contravention of the design or development standard will no result in unreasonable hardship to others; and
- (c) The applicant's written request has adequately addressed the matters required to be demonstrated under (a), (b) & (c) above.



5. COMPLETING THE APPLICATION FORM

This section is designed to assist applications in filling out the Development Application Form. Each applicable question on the form must be completed and all information must be true and correct. Insufficient or incomplete application forms will be rejected.

Development Application Form

Applicant Details

The applicant is the person or company making the development application, and may not necessarily be the owner of the land. The applicant is responsible for ensuring the information provided on the form is accurate and true. Any correspondence during consideration of the application, and the decision on the development application, will be issued to the applicant. Please be advised that Council exclusively deals with the company/person identified on the form as the applicant.

In order to facilitate communication, get correspondence to applicants sooner and reduce paper wastage, Council preferred method of correspondence is via email.

Property Details

In providing the property details, the legal description of the land (Lot and DP/SP) of **ALL** lots must be provided. Any premises that is completely or partly included in the proposed development is to be identified in this section. Where there are additional premises that are part of the development application but do not fit in the provided table, identify these additional premises using the same format and attach the information as a schedule or appendix to the form.

Development Details

Please indicate **all** development proposed as part of the application. You must describe the proposed development in detail. Tell us exactly what you propose to do. Make sure you tell us about relevant operational details in your statement of environmental effects.

Estimated Development Cost

The consent authority must determine the fee having regard to the genuine estimate of the cost provided by the applicant on the DA form.

The development cost of the proposed works must be accurate and based on the actual contract value. Development cost includes a genuine estimate of:

- the costs associated with the construction of any building
- the costs associated with any preparation of the building for the purpose for which it is to be used (such as the costs of installing plant, fittings, fixtures and equipment)



- the construction costs of other work (including, but not limited to carparking, roadways, infrastructure provision, earthworks, landscaping, etc.)
- the costs of any demolition.

Who can estimate the cost of development will depend on the value of the works in accordance with the following:

- For development up to \$100,000, the estimated cost be estimated by the applicant or a suitably qualified person¹, with the methodology used to calculate that cost submitted with the DA.
- For development between \$100,000 and \$1 million, by a suitably qualified person should prepare the cost estimate and submit it, along with the methodology, with the DA.
- For development over \$1 million must be calculated by a registered quantity surveyor.

¹A suitably qualified person who is licensed to undertake the proposed works, a registered architect, a qualified and accredited building designer or a registered quantity surveyor.

If the cost of works is incorrect or understated the DA fee will also be incorrect and this could result in your application being refused or delayed.

Concept Development

Once referred to as 'Staged Development', these types of applications generally refer to larger scale development proposals. The 'concept proposal' mechanism was introduced by the NSW Government to assist developers with the delivery of large-scale complex projects.

Pre-Application Advice

If a Pre-Application Advice has been sought from Council or external agency, this should be submitted with the application.

Vegetation Removal

Where native vegetation (as defined by Section 60B of the *Local Land Services Act 2016*) over the Lot Threshold is proposed to be removed as part of a Development Application (Part 4 of the *Environmental Planning & Assessment Act 1979*) a Biodiversity Development Assessment Report (BDAR) **MUST** be submitted. Council will not accept a development application without a BDAR.

Any other clearing of native vegetation associated with a Development Application requires the lodgement of a test of significance (5-Part Test).

Designated 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.

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. The EIS is constructed following the Director General's requirements which need to be applied for from the Department of Planning prior to commencement of this stage.

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

Section 68 Local Government Act 1993 Approvals

Section 68 of the *Local Government Act 1993* specifies a range of activities where approvals are required to be obtained from Council. These are often in addition, or ancillary to, standard development application (DA) requirements and are known as 'section 68 approvals'.

If the section 68 works are to be carried out as part of a DA, a separate application form is required, even if the appropriate box(es) are marked on the DA form.

The following types of activities generally require approval under section 68:

- Installation of a manufactured home or moveable dwelling
- Install or modify an Onsite Sewage Management System
- Operate a caravan park or manufactured home estate
- Install a domestic oil or soil fuel heating appliance.

Integrated Development

Under the planning legislation, you must indicate on the application form if you are seeking an approval from another government agency specified in the legislation as part of the DA process. If you are seeking this approval as part of your DA, the proposal is classed as 'integrated development'.

Integrated development is development that requires development consent and at least one approval, permit, licence, authority or consent from another government body under section 4.46 of the *Environmental Planning and Assessment Act 1979*.



Some examples include certain development that involves works located on bushfire prone land or certain works within a Mine Subsidence District. Please refer to **Appendix B** for a full list of Integrated and Nominated Integrated referral triggers and more details on the process.

Ownership

Land owners consent must be provided. Where there is more than one landowner, every owner must be identified. If the Owners declaration is not completed, Council will not accept your application.

Company Ownership

A company can provide owners consent without a common seal but the designation of the person making the declaration must be listed against their name.

When the application is lodged on a Strata Plan the Owners declaration is required be completed by the Owners Corporation as well as the owner of the subject lot.

Applicant Declaration

The applicant's declaration is required to be completed and if a company then the designation of the person making the declaration must be listed against their name on the first page of the application form.

Political Donation

The *Environmental Planning and Assessment Act 1979* requires the public disclosure of donations or gifts when lodging or commenting on development proposals. This law is designed to improve the transparency of the planning system.

The laws set out disclosure requirements for individuals or entities with a relevant financial interest as part of the lodgement of:

- various types of development proposals
- requests to initiate environmental planning instruments or development control plans.

These disclosure requirements apply at the time of lodgement to councils or the NSW Government. It is the responsibility of the applicant to ensure they have met the requirements specified under the Act. Disclosure requirements also apply to individuals or entities lodging submissions in objection or support to these types of proposals.

If you or any person with a financial interest in this application has made a political donation or gift greater than \$1,000 in the previous two years, you are required to submit a Political Gifts and donation form.

Singleton Council website>Council Leadership>Publications>Application forms A-Z>'Political donations and gifts disclosure form'



Conflict of interest

You must indicate if you are a employee or Councillor or a relative of an employee or Councillor to ensure Development Applications are assessed in a transparent and fair manner.



6. LODGING THE APPLICATION FORM AND FEES

How to Lodge

ALL documents must be supplied as a digital copy on a USB or by email when lodging a Development Application (including all written reports/statements and plans).

What to lodge

For all applications the following must be submitted:

- Completed application form (All fields completed)
- Relevant DA matrix
- Application fees (see below)
- Lodgement checklist
- Relevant plans and reports

Please ensure any plans are numbered, named, titled, signed (structural), and dated.

Note: The titling protocols for all documents submitted must be: Title of Document, Lot and DP and Address of property. Each document must be saved as a separate item. (eg Architectural plans can consist of Site, Floor, Elevations, Section as one document) and if a Construction Certificate is lodged with the Development Application a second set of Architectural plans must be saved separately and titled as above but with CC Architectural Plans in title.

Fees

Fees must be paid upon lodgement of your application. An application will not be accepted unless fees are paid in full on lodgement.

Fees are calculated on a scale based on the estimated cost of development (or the number of lots in the case of subdivision). A schedule of fees (for development and construction certificate applications) can be obtained from our Customer Service Centre or from our website - <http://www.singleton.nsw.gov.au/Index.aspx?NID=820>

If applications and plans are lodged as hard copy only, then from 1 July 2018 a scanning charge will be added to the fees taken.

A fee quote can be obtained prior to lodgement from Customer Service. Please supply this with your document upon lodgement of the application).

Payment options:

Credit Card: All major cards accepted

Cash: For applications lodged in person, you can pay cash between 8:30am and 4:00pm



7. AFTER YOU LODGE YOUR APPLICATION

Initial Review

Your application will undergo an initial review to determine if the proposed use is permissible, to determine whether there are any immediately obvious deficiencies in the application, determine internal and external referrals and notification periods if required.

Acknowledgement

We will formally acknowledge receipt of your application. You may receive this acknowledgement via email if you have supplied an email address on the application form.

Internal referral

The application will be referred to internal Council officers determined in the initial review.

External referral

The onus is on the applicant to determine if any external referrals are required. These should be nominated on the application form and further information can be found in **Appendix B** on the Integrated and Nominated Integrated referral triggers. Notwithstanding this, the initial review by Council may determine the need for the application to be externally referred. There are additional fees required where a development application is to be referred. The minimum timeframe for external agencies to assess an application is 21 days from the day the agency received it.

Additional Information

Council may need more information beyond the minimum statutory requirements or the items nominated within applicable development checklists to undertake a proper assessment.

If required, Council will request this as soon as possible after receiving the application. This will generally occur via email if an email address has been supplied. Internal and external agencies may also make information requests during the assessment process. The application will not progress to public notification (if required) until the requested information is received.

Public Notification

Most development applications are publicly notified to enable interested persons to submit comments to the Council. The submission period is 14 days, 21 days or 30 days depending on the proposal.

Notification periods are nominated under part 5 of the Singleton Development Control Plan 2014. Additional notification requirements for certain types of development are nominated in the *Environmental Planning and Assessment Regulation 2000*.



During the notification period, all relevant forms, plans and documents will be displayed on Council's website for interested persons to view the application.

Making Enquiries

Please do not telephone until at least 21 days after your application was submitted. Generally, we will not have an update for you as the application will still be being assessed by internal and external referral officers/agencies (if required).

When calling, you can assist us by quoting the development application number and the name of the assessment officer referred to in your application acknowledgement letter. Alternatively you can view the progress of your Development Application by accessing Council's online application tracking system

<http://portal.singleton.nsw.gov.au/eplanning/Pages/XC.Track/SearchApplication.aspx>

Notice of Determination

After your application has been determined you will receive a 'Notice of Determination of the Development Application'. The Notice will tell you whether Council has approved or refused your application. If your application is approved, the Notice will give details of any conditions of consent, and the reasons for those conditions. It will also tell you when the consent becomes effective, and when it will lapse.

If your application is refused, the Notice will give the reasons for refusal. The Notice will also explain your right of appeal to the Land and Environment Court.

Conditions of Consent

The conditions of consent stipulate how a development must be carried out during construction and throughout the life of the use (if applicable).

Generally conditions will be broken up into the following categories;

- Prescribed Conditions
- General Conditions
- Conditions to be complied with prior to the issue of a Construction Certificate
- Conditions to be complied with prior to any development work commencing
- Conditions to be complied with during any development work
- Conditions to be complied with prior to the issue of an Occupation Certificate
- Conditions to be complied with for ongoing use

OR for Subdivision:

- Conditions to be complied with prior to the issue of a Subdivision Certificate.

Conditions are enforceable under the *Environmental Planning and Assessment Act 1979*. Breaches of conditions can lead to enforcement action being taken.

You cannot alter or vary the development (or the way in which it operates) unless the conditions of the consent are modified. To do this, you must make a separate



application to modify the consent. An additional fee applies. For further information see Modification of

Section 7.11 Contributions

Section 7.11 of the *Environmental Planning & Assessment Act 1979* enables Council to levy contributions, where development will or is likely to increase the demand for public amenities and public services within the area. This is done by way of a condition of consent requiring a monetary contribution, to be paid prior to Construction Certificate or Subdivision Certificate. You can view Council's Section 94 Contribution Plan on our website.

Section 64 Developer Charges

Section 64 of the *Local Government Act 1993* enables Local Water Utilities to levy developer charges for water supply, sewerage and stormwater. This derives from a cross reference in that Act to Section 306 of the *Water Management Act 2000*. For more information on section 64 contributions, contact Council's Water and Sewer Department.

Subsequent Approvals

If your proposal involves building or subdivision work, you will need to obtain a Construction Certificate for the detailed building plans, specifications and engineering drawings. You can apply for this either to the Council, or (for building work) to an accredited certifier. You must also appoint a 'Principal Certifier' (PC) and notify the Council in writing at least 2 days before you commence any construction work. It is your responsibility to obtain any additional approval that may be required before you commence the development. For more information contact Council's Building Surveyors.



8. AFTER YOUR APPLICATION HAS BEEN DECIDED

Review of determination

This is referred to as a Section 8.2 Review. A review request is appropriate where you want the determination in its totality reviewed. You must complete an application form (Application to Review Determination) and pay an additional fee for the review. A review can only be made if the application is lodged and determined within 6 months from the date of the original determination.

Modification of development consent

This is referred to as a Section 4.55 Modification. Such an application may be appropriate if you disagree with particular conditions of consent or decide to amend certain aspects of the proposal. You must complete an application form (Application to Modify Consent), attach a written justification for the proposed modification and pay the prescribed fee.

There are 4 types of modifications which can be made:

- a) 4.55(1) - is a modification to a consent where there is an error, mistake or misdescription
- b) 4.55(1A) - is a modification involving minimal environmental impact
- c) 4.55(2) - relates to other modifications to a consent
- d) 4.56(1) - relates to modifications submitted to the Council for approval but where the Land and Environment Court granted the development consent.

There are limitations on the changes which can be made by modifying consents or reviewing determinations. Modifications must result in the development being substantially the same as the approved development. If the development is not substantially the same a new DA will be required.

