

Section 2 – Submitting an Application

2.1. Overview

Development Applications (DAs) are applications made to Council for development which does not fall into any category of exempt or complying development and may include building works, subdivision, change of use of a property, demolition, advertising structures, alterations and additions to existing buildings.

Development Applications must be accompanied by certain information to enable Council to fully assess the potential impacts of a proposal on the natural and built environment.

The Environmental Planning and Assessment Act 1979 and Regulations 2000 set out the requirements for lodging and processing a development application.

2.2 Pre-lodgement

Before lodging an application for larger or more complex development, it is strongly recommended that the proponent organise a pre-lodgement meeting with Council Officers to discuss the proposal and obtain feedback on the likely issues that need to be addressed by the application.

Council Officers cannot guarantee a favourable outcome for any development application at pre-lodgement stage, and such outcomes can only be determined following completion of the assessment process.

2.3 The Development Application Process

In assessing a development application, Council must take into consideration the following matters:

- The Environmental Planning and Assessment Act 1979 and Regulation 2000, in particular Section 79C of the Act;
- Any relevant State Environmental Planning Policy (SEPP) including:
 - SEPP No. 30 - Intensive Agriculture
 - SEPP No. 44- Koala Habitat Protection
 - SEPP No. 55 – Remediation of Land
 - SEPP No. 64 – Advertising and Signage
 - SEPP No. 65 – Design Quality of Residential Flat Development
 - SEPP (Seniors Living) 2004
 - SEPP (BASIX) 2004
 - SEPP (Rural Lands) 2008
 - SEPP (Infrastructure) 2007
- Hunter Regional Environmental Plan 1989;
- Muswellbrook Local Environmental Plan;
- Local Government Act 1993 and Regulations;
- Building Code of Australia;
- The requirements of Muswellbrook Development Control Plan;
- Any relevant Acts of parliament;
- Any directions of the Minister for Planning;
- Any submissions received from the public following notification of the application;

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- Any submissions / comments received from Government agencies.

2.3 Information to Accompany a Development Application

Schedule 1 of the Environmental Planning and Assessment Regulation 2000 prescribes the information that needs to be lodged with an application. Such information includes:

- A completed application form;
- Architectural drawings that show the existing / proposed works;
- A site plan and/or site analysis plan (for larger developments);
- A Statement of Environmental Effects explaining the proposal, the site and its context, the likely impacts of the proposal and details of any measures proposed to minimise these impacts;
- An Environmental Impact Statement (in the case of designated development);
- A4 notification plan;

A development application might also include other information depending on what is proposed, such as:

- A Species Impact Statement (in the case of land that is, or is part of, critical habitat or development that is likely to significantly affect threatened species, populations or ecological communities or their habitats),
- BASIX Certificate,
- Bushfire Report,
- Heritage Impact Statement,
- Stormwater Drainage plan,
- Landscape Plan,
- Traffic Study,
- Schedule of Colours and Finishes,
- Aboriginal Heritage Assessment,
- Flora and Fauna Assessment,
- Photographs,
- Waste Management Plan,
- Shadow Diagrams,
- Sediment and Erosion Control plan,
- List of existing and proposed fire safety measures,
- Preliminary site contamination assessment,
- Engineering report for flood affected land,
- Acoustic assessment,
- Social Impact Assessment.

These items are listed in checklists available from Council or on Council's website.

2.4 Applications for Modifications to a Development Consent

An application for a modification to a development consent under Section 96 of the Environmental Planning and Assessment Act 1979 must be accompanied by the following information (as a minimum):

- A completed application form;

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- A statement outlining the proposed modification/s and identifying the relevant conditions of consent that are to be amended;
- Plans highlighting the proposed modifications (coloured or clouded);
- A statement addressing the potential impacts of the proposed modification/s.
- Proposed wording of amended conditions.

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