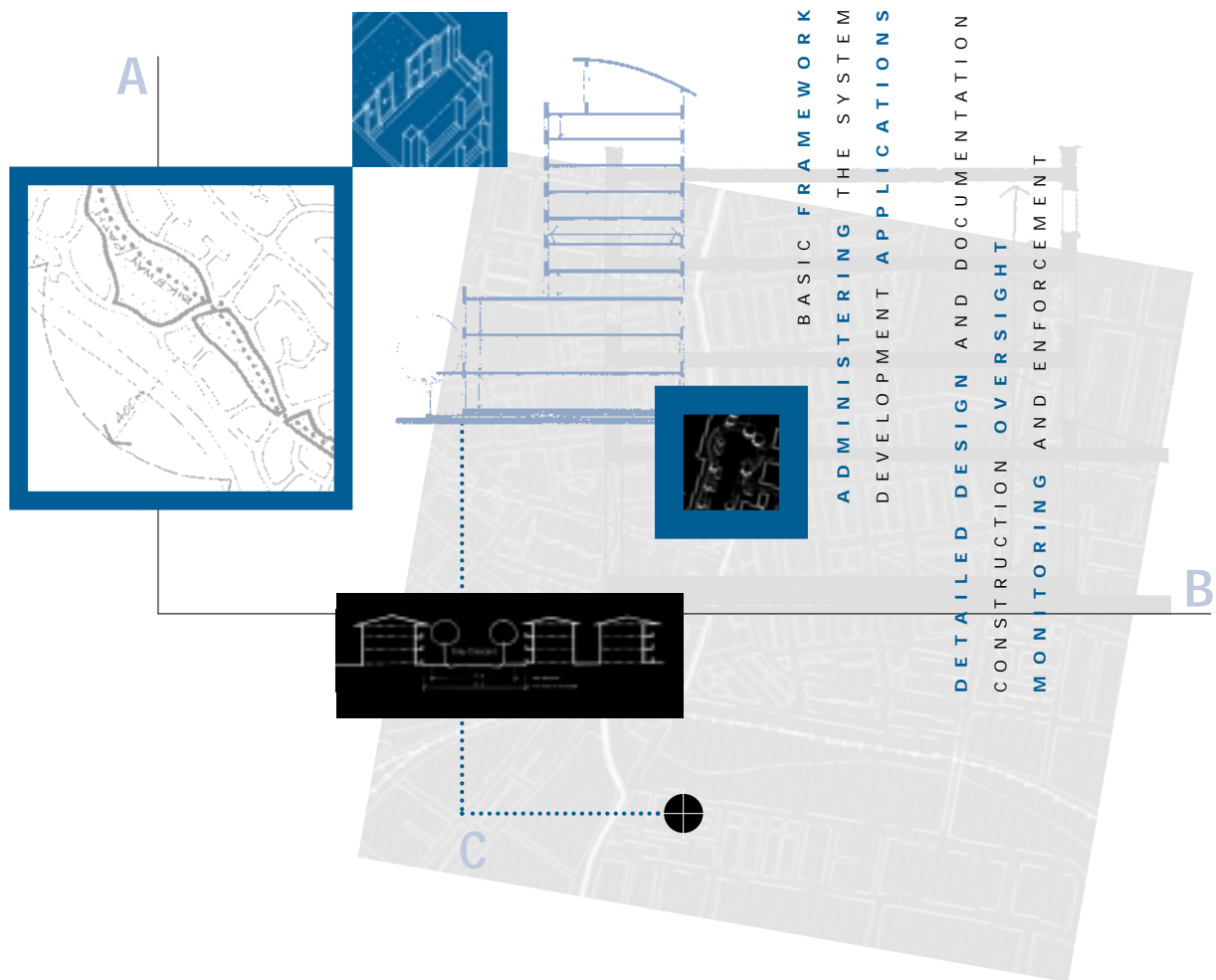




Department of Urban Affairs and Planning

Guiding Development better outcomes



An overview

Environmental Planning and Assessment Act 1979



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Introduction

Local councils and the State Government scrutinise specific proposals for land development and building. It is the principal means of implementing the desired objectives for the natural and built environment, for instance to:

- preserve or enhance residential amenity and the character of places
- manage natural resources
- co-ordinate the interface between the public domain and private property
- promote the efficient functioning of movement systems.

These desired outcomes are specified in the broad objects of the planning legislation and the specific objectives and provisions of State, regional and local plans and policies.

The basic system was introduced by the Environmental Planning and Assessment Act (the Act) in 1979. A major overhaul occurred in 1998 when building, demolition and subdivision control were incorporated into the Act. This broadening of scope, combined with the introduction of private certification, has required re-engineering of council and State Government processes and practices.

In response to this major shift, the Department of Urban Affairs and Planning has prepared advice, entitled *Guiding Development: Better Outcomes* to assist councils, applicants and the community generally. The advice has two components:

- this document, an Overview which provides the context for the more detailed and specific practice notes
- an ongoing series of practice notes (on specific issues).

Why is council approval necessary?

Council approval is necessary to:

- implement environmental, natural resource, public health and safety objectives
- set ground rules to help the property market function efficiently
- ensure that the property rights of individuals and corporations are protected
- provide for public input into decisions and avoid disputes between neighbours
- provide an impartial and objective framework for decision making
- act in the public interest, at arms length from the parties involved
- co-ordinate the interface between public and private land (and land uses).

Key features

The key features of the system operating in NSW are:

- a standard process for assessing the impacts of development, with powers to refuse proposals or to require additional safeguards
- the integration of land-use, building and subdivision approvals into a single system
- the co-ordination of a range of State agency approvals
- a system of appropriate assessment which ensures that approval requirements reflect the nature and scale of developments
- a clear distinction between local and State issues
- choice between councils and private certifiers for approval of building details, routine development proposals and construction supervision
- public participation in decisions
- a range of enforcement powers.

Achieving the objectives of the Act: assessing development in the broader context of the planning legislation

The objectives of the Act are listed in Section 5 (in Part 1):

'5. The objects of this Act are —

(a) to encourage —

- i. The proper management, development and conservation of natural and artificial resources, including agricultural land, natural areas, forests, minerals, water, cities, towns and villages for the purpose of promoting the social and economic welfare of the community and a better environment;
- ii. The promotion and co-ordination of the orderly and economic use and development of land;
- iii. The protection, provision and co-ordination of communication and utility services;
- iv. The provision and co-ordination of community services and facilities; and
- v. The provision of land for public purposes;
- vi. The protection of the environment, including the protection and conservation of native animals and plants, including threatened species, populations and ecological communities and their habitats; and
- vii. Ecologically sustainable development, and

(b) to promote the sharing of the responsibility for environmental planning between the different levels of government in the State; and

(c) to provide increased opportunity for public involvement and participation in environmental planning and assessment'.

The Act establishes the administrative structures and responsibilities, the hierarchy of environmental plans and procedures to achieve these objectives. The content of the Act is summarised in Figure 1.

<p>PART 1 Preliminary</p>	<ul style="list-style-type: none"> ● Definitions ● Objects
<p>PART 2 Administration</p>	<ul style="list-style-type: none"> ● Responsibilities of the Minister ● The Director-General ● The Department ● Commissioners of Inquiry ● Committees ● Delegation
<p>PART 3 Environmental Planning Instruments</p>	<ul style="list-style-type: none"> ● EPIs, in general ● State environmental planning policies (SEPPs) ● Regional environmental plans (REPs) ● Local environmental plans (LEPs) ● Development control plans (DCPs)
<p>PART 4 Development Assessment</p>	<ul style="list-style-type: none"> ● Classifying development ● Procedures for development applications (DAs) ● Complying development ● State significant development ● Integrated development ● Section 94 contributions ● Appeals ● Existing use rights
<p>PART 4A Certification of Development</p>	<ul style="list-style-type: none"> ● Types of certificate ● Certifying authorities ● Restrictions on issue of certificates
<p>PART 4B Accreditation of Certifiers</p>	<ul style="list-style-type: none"> ● Accreditation bodies ● Disciplinary proceedings ● Offences
<p>PART 4C Liability and Insurance</p>	<ul style="list-style-type: none"> ● Apportionment of liability ● Insurance requirements
<p>PART 5 Environmental Assessment</p>	<ul style="list-style-type: none"> ● Duty to consider environmental impact ● Activities requiring an Environmental Impact Statement (EIS) ● Assessment of infrastructure
<p>PART 5A Development by the Crown</p>	<ul style="list-style-type: none"> ● Determination of Crown DAs ● Crown building work
<p>PART 6 Implementation and Enforcement</p>	<ul style="list-style-type: none"> ● Powers of entry ● Public inquiries ● Settlement of disputes ● Orders powers
<p>PART 7 Finance</p>	<ul style="list-style-type: none"> ● Funds ● Charges and fees ● Loans
<p>PART 7A Liability in respect of Contaminated Land</p>	<ul style="list-style-type: none"> ● Exemptions from liability ● Guidelines
<p>PART 8 Miscellaneous</p>	<ul style="list-style-type: none"> ● Certificates ● Notices

Figure 1 Contents of the Act

Parts 4, 4A–C, 5A and 6 contain the detailed provisions for assessing land development and building proposals and are discussed in the text that follows and in the practice notes. It is important to note how some of the other Parts of the Act relate to these provisions. Part 2 establishes the basic administrative structures for environmental planning in NSW. The provisions are covered in the following section, Administering the system.

Part 3 of the Act provides the power and sets the rules for preparing environmental plans to guide development and protect natural resources. These plans are called environmental planning instruments (EPIs) and there are three types:

- State environmental planning policies (SEPPs)
- regional environmental plans (REPs)
- local environmental plans (LEPs).

Such EPIs are a key outcome of local and State Government strategic planning activities, embodying the community’s desired outcomes.

The relationship between these plans and the provisions for assessing development is shown in Figure 2. The power to scrutinise development only applies if there is an EPI in force. Councils (or the State Government) categorise development through EPIs, thus establishing the level of assessment required and who is responsible — council, the State Government or private accredited certifiers. At the local level it is the zoning of a land parcel that determines whether a proposal needs a DA (or is prohibited or exempt, etc).

Part 3 also enables councils to prepare DCPs, guideline documents that provide more detailed criteria on types of development (eg medium density housing) or for certain localities (or even specific sites).

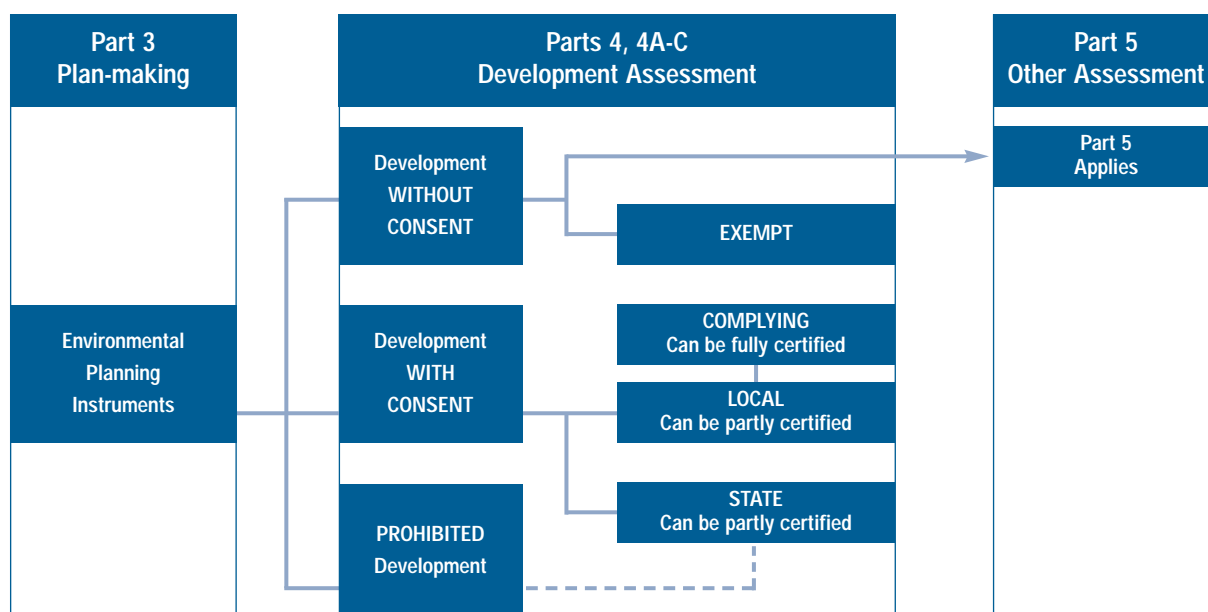


Figure 2 The relationship between Parts 3, 4, 4A–C and 5 of the Act

Part 5 of the Act (also shown in Figure 2) operates as a safety-net in circumstances where development is permitted without consent (but is not exempt development), for example, major public works such as motorways and electricity transmission lines or private activities such as forestry or agriculture (that have traditionally been permitted without council consent). Part 5 requires approval bodies to consider the environmental impact of such activities and perhaps prepare an EIS. Where the proponent is also the determining authority (eg the Roads & Traffic Authority proposing a tollway), the Minister for Urban Affairs and Planning must assess and approve the proposal (relying on a report from the Director-General).

Administering the system: who is involved?

The administrative framework established by the legislation is shown in Figure 3.

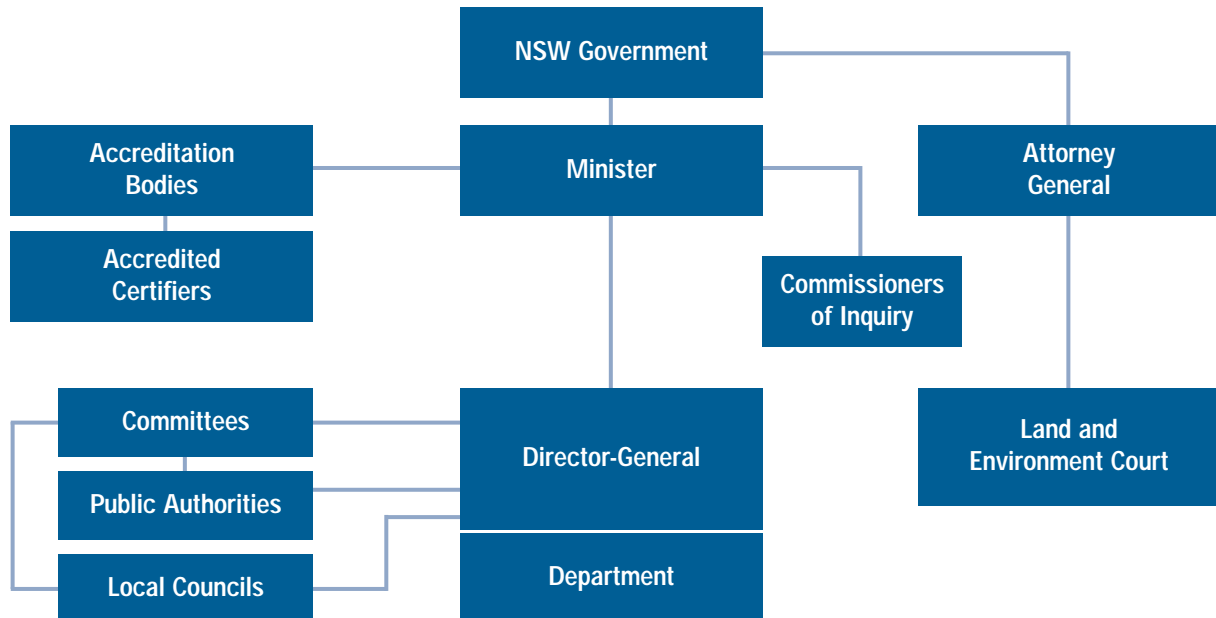


Figure 3 Administrative framework

The Minister for Urban Affairs and Planning is responsible for implementing and administering the legislation and for directing the Director-General and the Department of Urban Affairs and Planning. The Minister is also responsible for making environmental plans and approving State significant development. The Minister is incorporated as a corporation sole. It is in this capacity that the Minister holds property.

The Director-General of Urban Affairs and Planning has both advisory and executive functions. Advisory functions cover general and specific requirements to report to the Minister. Executive functions cover making decisions such as issuing a certificate to enable a local plan to be exhibited or preparing REPs. The Department of Urban Affairs and Planning assists the Minister and the Director-General to implement the legislation.

The Land and Environment Court is within the general administration of the State Attorney General. It has jurisdiction in appeals and legal proceedings under laws concerning environmental planning, pollution control, local government, land valuation and compensation. It combines the characteristics of a court and an administrative tribunal. Judges and technical commissioners hear appeals against the refusal or conditions of approval. Judges decide on legal matters and procedural matters.

Local councils prepare LEPs and DCPs that set local objectives and criteria for assessing development. Most DAs are lodged with and approved by council.

Other bodies involved in development decisions are:

- committees representing the main areas of interest in environmental planning and assessment which advise the Minister
- Commissions of Inquiry, made up of independent commissioners appointed to conduct public inquiries
- public authorities, with a decision-making role for activities outside the ambit of development control processes, which consider the environmental impact of some proposals under Part 5 of the Act

- various public authorities acting in a general advisory role, giving advice and information in the preparation of regional and local plans, having representatives on committees, or granting approval to integrated development proposals.

The 1998 amendments introduced a more extensive and formal role for the private sector in development decisions, enabling private practitioners to certify compliance with technical standards before work begins and after construction. This shift reflected the Government’s commitment to the National Competition Policy and aimed to improve local and State Government efficiency. Applicants can now choose a private or public certifying authority:

- to issue Part 4A Certificates —
 - construction certificates specifying that a building complies with the Building Code of Australia (BCA) and other matters and can proceed to construction
 - compliance certificates specifying compliance with consent (or complying development) conditions, that work complies with plans or specifications or nominating the classification of a building
 - occupation certificates specifying that buildings are safe to occupy
 - subdivision certificates specifying that a subdivision can proceed to registration (where an LEP permits private certification)
- to issue complying development certificates, certifying that development proposals (such as single storey dwellings, first floor alterations and additions or swimming pools) comply with the standards and criteria (including the BCA) in the applicable LEP, DCP or SEPP and can proceed to construction
- to act as a principal certifying authority (PCA), issuing occupation certificates (ensuring that buildings are fit to occupy) and subdivision certificates (where an LEP permits private certification).

Private practitioners must be accredited certifiers under an accreditation scheme approved by the Minister and administered by a professional association such as the Institution of Engineers or the Building Surveyors and Allied Professions Board. Levels of accreditation apply — issuing types of certificate and acting as a PCA. The legislation and accreditation schemes govern the operation of the system, including insurance requirements, codes of conduct and complaints mechanisms. A key feature of the new system is the introduction of proportionate liability — tying responsibility for future building and subdivision work defects to the certifying authority issuing the relevant certificate.



Figure 4 How private certifiers are accredited

Source: UTS Centre for Local Government Education & Research Approvals 98

A snapshot view

The Act now regulates the whole development approval process from DAs through the detailed design and documentation stage (previously the building or subdivision application) and the construction stage, to building occupation. It also regulates completion of subdivision works. The following figure provides a snapshot view of the process, with a focus on building.

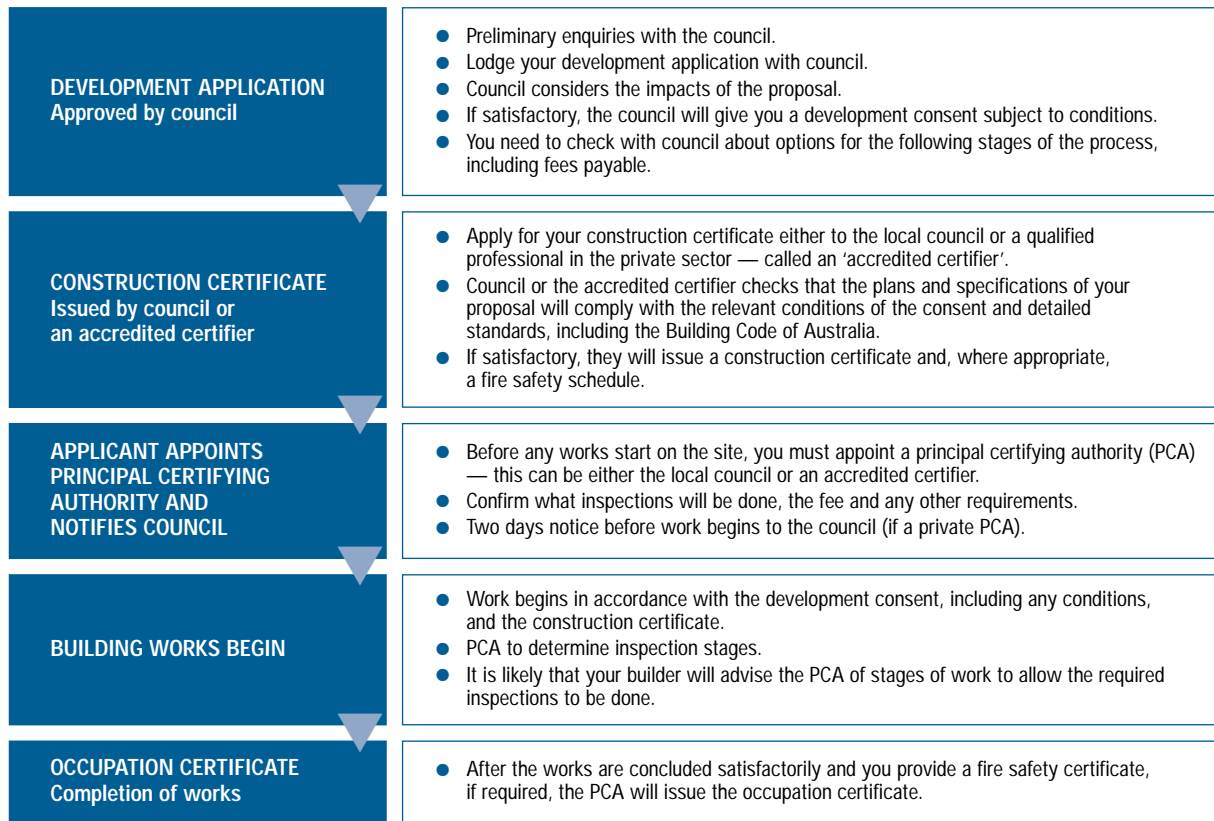


Figure 5 The development approval process, with a focus on building work

For land subdivision the process is similar to that shown above, except that the subdivision certificate may be issued before works are completed (if satisfactory agreements and security bonds on works are in place).

When is approval required?

The major legislative amendments in July 1998 integrated building, demolition and subdivision control into the Act. A new definition of 'development' inserted in section 4 of the Act includes each of these matters and provides the opportunity for extension in environmental plans or exclusion by regulation. The breadth of this definition is extended by the broad definition of a building as any structure (including minor structures such as TV antennae or fences).

'development means

- (a) the use of land, and
- (b) the subdivision of land, and
- (c) the erection of a building, and
- (d) the carrying out of a work, and
- (e) the demolition of a building or work, and
- (f) any other act, matter or thing referred to in section 26 that is controlled by an environmental planning instrument,

but does not include any development of a class or description prescribed by the regulations for the purposes of this definition.'

It is not intended to require a DA for the full range of developments covered by this broad definition. The new legal framework introduces the concept of appropriate assessment, that is, council or State Government scrutiny is only required when it is appropriate. Councils are to recategorise local development accordingly in their LEP (and DCP). The State Government will oversee individual council schemes and nominate matters of State significance.

The new categorisation system is shown graphically in Figure 6.

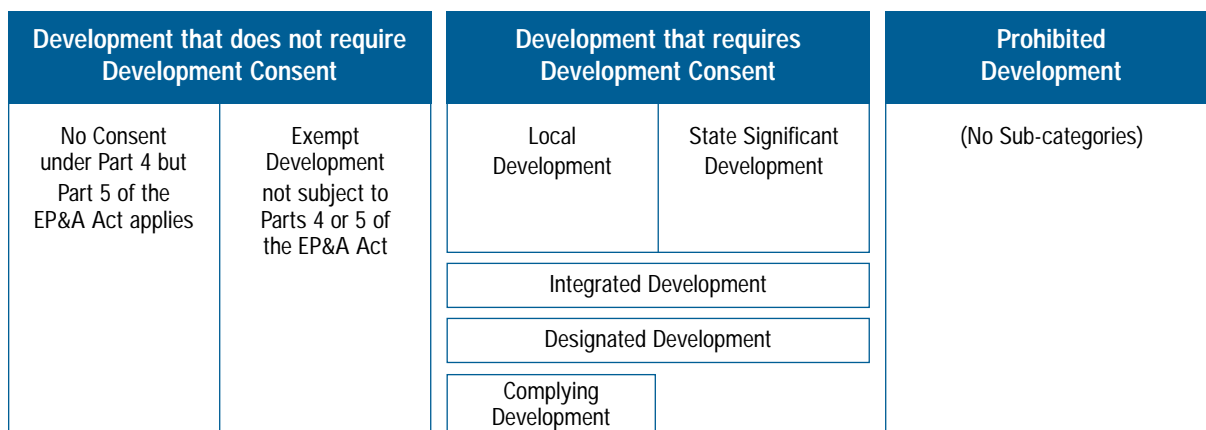


Figure 6 Categorisation of development

Source: based on Explanatory Note to EP&A Amendment Bill 1997

'Development' is split into three categories which, in turn, are further subdivided, as follows:

1 Development that does not require development consent

- Exempt development must only have minimal environmental impact (such as small fences, barbecues, and pergolas) and does not need development consent when the requirements (such as size, location and structural soundness) set out in an LEP or DCP (or a SEPP) are satisfied.
- Other uses that have traditionally not required consent (for instance, public works or rural uses such as forestry or agriculture). Such development may not pass the minimal environmental impact test and, as a result, would require assessment under Part 5 of the Act.

2 Development that requires development consent

- State significant developments are those developments for which the Minister is the consent authority. They are listed as such in a SEPP or REP (or in the Gazette), or may be particular DAs that are called in by the Minister.
- Local developments are those developments where the council is the consent authority. A subset of local development is complying development — routine development that is clearly defined in an LEP or DCP (or a SEPP) and is capable of prompt certification by accredited certifiers as well as by councils.

Some State significant and local developments, because of other approval requirements or the nature of the proposal, have to follow special procedures (such as referrals) set out in the legislation:

- Integrated development, as well as requiring consent, also requires one (or more) nominated State agency approvals or licences (such as a fisheries licence or a Department of Land and Water Conservation permit). In such cases the relevant agencies are involved in the DA process, ensuring an integrated assessment and providing a guarantee (for three years) for the applicant that the subsequent licences or permits will be provided.
- Designated development is development listed in Schedule 3 of the Environmental Planning and Assessment Regulation 1994 that, because of its nature and potential impact requires additional scrutiny — an EIS, mandatory public consultation and extended appeal rights for objectors (eg coal mines, chemical plants, waste management facilities).

For some complex developments, there are combinations. For instance, a major proposal could be State significant, integrated, designated development.

3 Prohibited development

A list of development types that are prohibited in particular zones (eg residential or commercial) is a traditional element of the system. Councils would have no option but to refuse an application for prohibited development. In limited circumstances the Minister can consider developments that are not permissible but they generally require detailed reconsideration and amendment to the planning controls.

At the local level the three predominant sub-categories are exempt development, complying development and those proposals requiring a DA. In summary, the relationship between the three is shown in Figure 7.


Appropriate Assessment 		
Exempt Development	Complying Development	DA
No approval required	Needs approval but could be approved by a private certifier	Needs council scrutiny
Minimal environmental impact	Predictable and manageable impacts	Could be a major environmental impact
Must comply with preset standards	Must comply with preset standards and conditions No merit assessment	Conditional approval Merit assessment

Figure 7 Appropriate assessment of exempt, complying and local development

The development application process

A set procedure must be followed for a development application (see Figure 8).

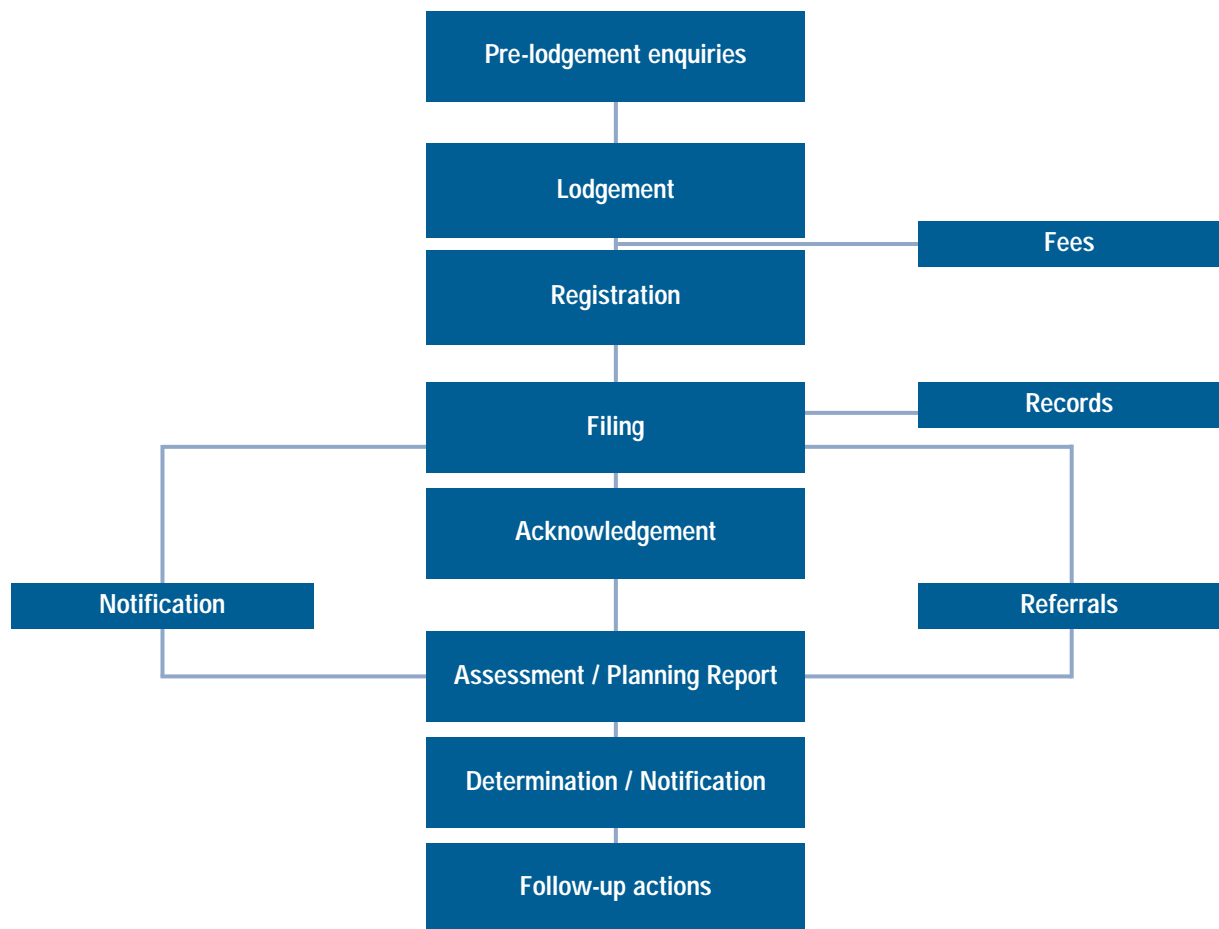


Figure 8 Steps in the DA process

1 Pre-lodgement enquiry

A range of matters need to be checked with council:

- whether a DA is required — council will issue a section 149 certificate showing the zoning of the site according to the LEP (eg Residential 2a or Light Industrial 4b)
- the rules for the proposed type of development (or that particular site) contained in the LEP and DCP(s)
- other advice about the site in question
- a list of the information that should accompany the submission, together with forms and explanatory material.

By making pre-lodgement enquiries applicants will be better equipped to prepare their submissions and, by addressing council controls, will promote a smooth assessment process.

2 Lodgement and registration

Following pre-lodgement enquiries the DA forms are completed, plans are prepared and the package is lodged and registered with the council. A set fee is paid. Files are created or opened and an acknowledgement is sent to the applicant.

3 Notification and referrals

The legislation requires that some applications, such as designated and State significant development, must be advertised. For development generally council's DCP specifies whether neighbours are notified (and invited to comment) and if wider advertising is required. Advertised development attracts an additional fee.

In some cases a copy of the application will be referred to other council departments and to particular State agencies for their approval (called concurrence) or opinion.

4 Assessment and planning report

A council officer will be responsible for assessing the application. While each of these steps is important, the assessment stage is a key feature. The criteria for assessing DAs are listed in section 79C(1) of the Act:

'Matters for consideration — general

In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application:

- (a) the provisions of:
 - (i) any environmental planning instrument, and
 - (ii) any draft environmental planning instrument that is or has been placed on public exhibition and details of which have been notified to the consent authority, and
 - (iii) any development control plan, and
 - (iv) any matters prescribed by the regulations, that apply to the land to which the development application relates,
- (b) the likely impacts of the development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,
- (c) the suitability of the site for the development,
- (d) any submission made in accordance with this Act or the regulations,
- (e) the public interest.'

This section is extremely useful for applicants as well as council. Council must consider the regulations, EPIs (SEPPs, REPs and especially LEPs with their objectives and key development standards) and DCPs with their detailed standards. Inclusion of these matters reiterates the links between Parts 3 and 4 of the Act, that is, the plans and policies set the desired outcomes and each application is assessed on its merits according to what the council thinks is relevant.

Section 79C(1)(b)–(e) also requires, where relevant, consideration of environmental, social and economic impacts, the suitability of the site, submissions and the public interest. These provisions act as a safety net to ensure that site and locality-specific matters and public opinion/ interest are considered — they may not have been addressed in EPIs or DCPs.

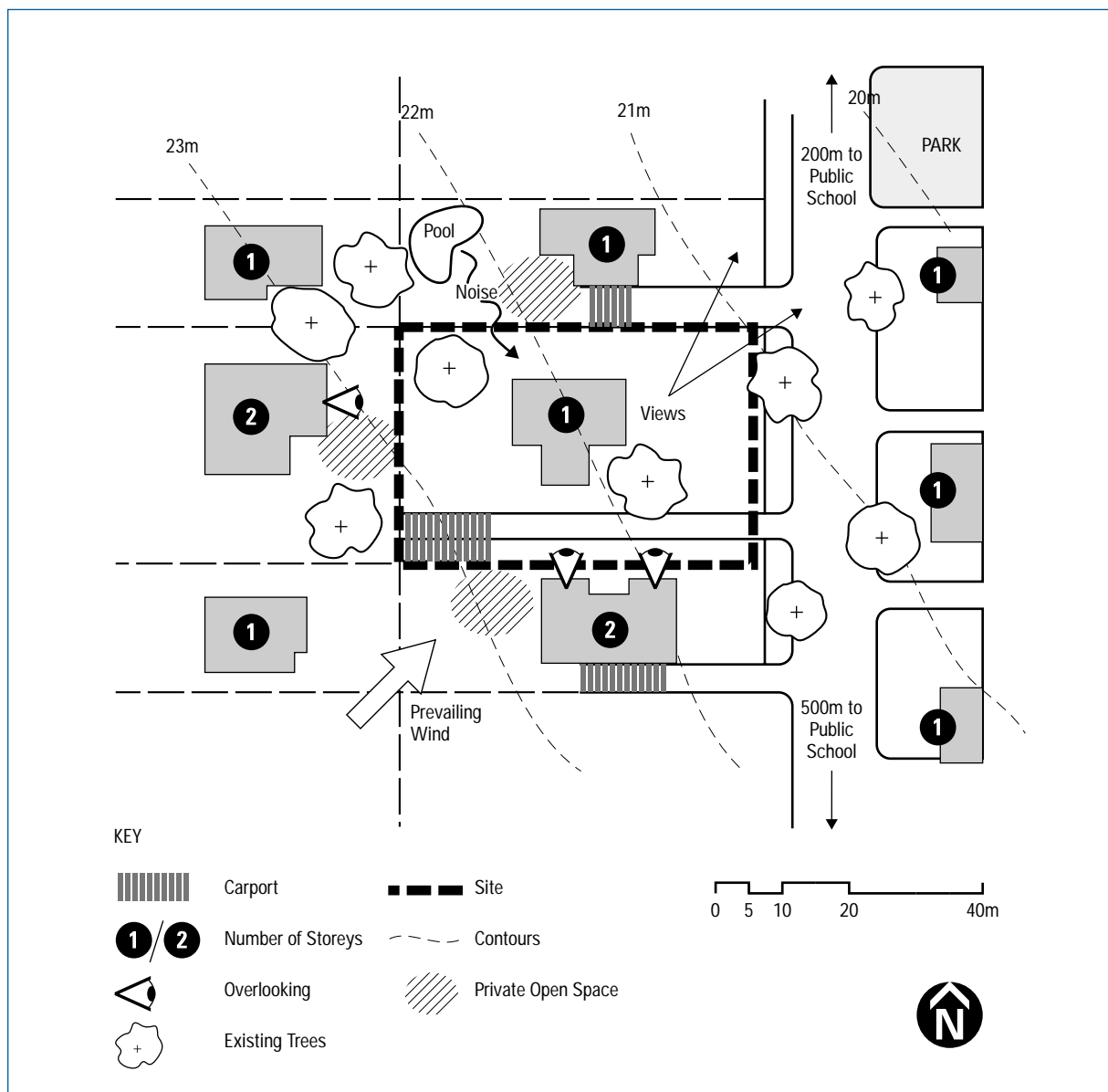


Figure 9 Site analysis as the key to good design

Source: DUAP NSW Model Code: a model for performance-based multi-unit housing codes p.7

Consideration of the criteria in section 79C(1) forms the basis of the planning report that council uses when making its decision on the DA.

5 Determination and notification

In general, there are three determination options for councils:

- refusal (with reasons)
- consent (with conditions)
- consent (without conditions).

In cases where a significant outstanding matter (such as off-site drainage) needs to be resolved prior to the operation of the consent, a deferred commencement consent can be issued. It is also possible for a staged development consent to be issued.

STATE SIGNIFICANT DAs

For development that is categorised as State significant, the Minister is the consent authority. Applications follow the same steps as for local development, through to occupation certificate (for buildings) and completion of works (for subdivision). An applicant has the right to appeal to the Land and Environment Court against the Minister's decision in all cases except where a Commission of Inquiry has been called to explore the issues and hear the views of the parties involved.

6 Follow-up actions

There are a number of possible follow-up actions. Where an applicant is dissatisfied with a refusal or any condition of consent they can request a review of the determination from council. There is also a right of appeal to the Land and Environment Court. This right does not extend to third parties (such as objectors) except for designated development. Furthermore, the legislation allows applicants to assume a deemed refusal for the purposes of an appeal if a DA is not determined within 40 days (or 60 days for some types of development).

Section 96 of the Act allows the applicant to apply to modify the consent should detailed design work prompt alteration to the plans or if circumstances change.

Detailed design and documentation

If building or subdivision work is required, the DA must be followed by an application for a construction certificate, including detailed designs and documentation. The certificate can be issued by council or an accredited certifier and cannot be issued unless requirements in the Regulation are satisfied. For both building and subdivision works the detailed plans must not be inconsistent with the development consent, and security bond and monetary contribution conditions must be complied with. It must be clear that building work will comply with the BCA.

THE BUILDING CODE OF AUSTRALIA

The BCA is a uniform set of technical provisions for the design and construction of buildings and structures throughout Australia. It allows for variations in climate and geological or geographical conditions. The BCA is produced and updated by the Australian Building Codes Board on behalf of the Commonwealth Government and each State and Territory government.

The construction certificate is not subject to conditions except in specific circumstances relating to fire engineering and departures from the BCA. It certifies that the proposed development, if undertaken in accordance with the detailed design and documentation, will satisfy the required standards (such as the BCA for building work).

COMPLYING DEVELOPMENT AS A SPECIAL CASE

Complying development does not require a construction certificate. For proposals with building work, compliance with the provisions of the BCA is a mandatory prerequisite to the issue of the complying development certificate. As a result, detailed design and documentation is required up-front with the complying development certificate application.

Construction stage

A significant change has been introduced in the construction phase of building and subdivision work. The council is no longer automatically responsible for determining if building work is carried out in compliance with the technical provisions of the State's building laws. A person who has the benefit of a construction certificate or a complying development certificate may appoint either the local council or an accredited certifier as the PCA for the building or subdivision work.

The PCA must be appointed before work begins on-site and is responsible for issuing the occupation or subdivision certificate. In making this judgement, in accordance with the legal prerequisites to be satisfied (eg that the building is fit to occupy in accordance with its BCA classification), the PCA may rely on compliance certificates or other forms of documentary evidence provided by other professionals.

In most cases the applicant chooses the PCA. The exception is for applications lodged prior to the amendment in July 1998. In these cases council must be the PCA.

Monitoring and enforcement

Councils monitor development outcomes and, if necessary, take enforcement action. The legislation outlines the circumstances where council officers have power of entry onto the land to make such inspections.

If problems arise, councils would first try to negotiate a solution. If this is unsuccessful, the legislation provides councils with a range of enforcement actions:

- orders, with preliminary notice in most circumstances and subsequent action (such as carrying out the work) if necessary
- issuing penalty notices (only available in relation to minor breaches)
- proceedings in the Land and Environment Court for an offence against the Act
- proceedings in the Land and Environment Court to remedy or restrain a breach of the Act.

Orders can be given requiring:

- or prohibiting the doing of things to or on premises
- that premises be used or not used in specific ways
- the preservation of safe conditions
- the protection or repair of public places
- compliance with an approval.

In most cases (with the exception of threats to health and safety or emergency situations) councils must ensure that owners or operators are given notice of council's intention, the opportunity to act promptly and to make representations. There is also a role for private sector PCAs in issuing notices relating to orders. The power to issue the order remains with the council.

By monitoring development outcomes councils can decide if their plans and policies are achieving their desired outcomes — is what is built what was envisioned? In addition, monitoring the system itself is a way to measure efficiency — average times taken for types of application and bottlenecks. This highlights the circular nature of the planning process — the results of monitoring feed the plan and policy review process, leading to improved policies.

List of abbreviations

BCA	Building Code of Australia
DA	development application
DCP	development control plan
EIS	environmental impact statement
EPI	environmental planning instrument
LEP	local environmental plan
PCA	principal certifying authority
REP	regional environmental plan
SEPP	State environmental planning policy
The Act	Environmental Planning and Assessment Act 1979
The Court	Land and Environment Court of NSW
The Department	Department of Urban Affairs and Planning
The Director-General	Director-General of Urban Affairs and Planning
The Minister	Minister for Urban Affairs and Planning
The Regulation	Environmental Planning and Assessment Regulation 1994

Glossary of terms

accredited certifier is a private sector professional who is accredited by an accreditation body under the Act to issue certain certificates and perform specified duties under the legislation

accreditation body is a professional association that is authorised under the Act to accredit persons as accredited certifiers

appeal is the right of a person to challenge a decision in court, for example, a decision by a council to refuse to permit a development proposal or any condition of approval

building includes part of a building and any structure or part of a structure, but does not include:

- (a) a manufactured home, a moveable dwelling or associated structure or part of a manufactured home, a moveable dwelling or associated structure, or
- (b) a temporary structure within the meaning of the *Local Government Act 1993*

Building Code of Australia (BCA) is a set of uniform technical provisions for the design and construction of buildings and structures throughout Australia

building work means any physical activity involved in the erection of a building

certifying authority means a person who is authorised to issue certain certificates, or to act as a PCA (depending upon the terms of their accreditation). It can be a council, the Minister or a private accredited certifier

Commission of Inquiry is the hearing of evidence by an independent person (or persons) from interested parties on an issue. Recommendations are then made to the person or body responsible for the decision (usually the Minister)

compliance certificates are formal, legally guaranteed documents certifying compliance with standards/specifications, proper execution of works and/or a building's BCA classification. They are issued by a certifying authority

complying development is routine development that is clearly defined in council's LEP or a DCP (or a SEPP) and capable of prompt certification by private accredited certifiers as well as by councils

concurrence is the requirement for a government agency to consider development proposals in the light of its specialised functions and policies, and decide whether it agrees with the development taking place

consent authority, in relation to a DA or an application for a complying development certificate, means:

- (a) the council having the function to determine the application, or
- (b) if a provision of the Act, the regulations or an EPI specifies a Minister or public authority (other than a council) as having the function to determine the application — that Minister or public authority, as the case may be

construction certificate is a certificate, required before building or subdivision work can commence, to the effect that design and specifications satisfy certain criteria specified in the legislation. For instance, in the case of building work, that plans are not inconsistent with the development consent and will comply with the BCA

designated development is a development which is likely to have a significant impact on the environment and which is subject to special procedures. A list of designated developments is provided in the regulations

development application (DA) means an application for consent to carry out development, but does not include an application for a complying development certificate

development consent means consent to carry out development and includes, unless expressly excluded, a complying development certificate

development control plan (DCP) is a detailed guideline that illustrates the controls that apply to a particular type of development or in a particular area. A DCP refines or supplements an LEP

environment refers to the physical or natural environment (land, water, air, plants, etc) and also to the social and economic aspects of settlement and land use

environmental impact assessment is a specialised part of the decision-making process, where the environmental impact is considered in detail, together with other aspects of the development

environmental planning instruments (EPIs) are LEPs, REPs and SEPPs. They describe the current planning status and/or the future development of an area

exempt developments are listed in council's LEP or DCP (or a SEPP) as development that, because it will have minimal environmental impact, does not require consent so long as predetermined standards and requirements are satisfied

integrated development is development which requires a development application plus a specified permit/approval from a State agency. For example, a licence from the Environment Protection Authority or a Fisheries permit

local development is development for which the council is the consent authority

local environmental plan (LEP) is the principal legal document for controlling development at the council level. The zoning provisions establish permissibility of uses and standards regulate the extent of development. They are prepared by councils and approved by the Minister (after public exhibition)

matters for consideration is a term covering the list (or headings) of matters that must be taken into account when a consent authority, (usually council) is considering whether or not to approve a development proposal. Section 79C of the Act is a list of such matters for DAs

occupation certificate is a post construction check on whether necessary approvals and certificates are in place and that the building is suitable for occupation or use in accordance with its BCA classification. They can only be issued by a PCA

principal certifying authority (PCA) is a certifying authority who must be appointed prior to building or subdivision work commencing and is responsible for the issue of occupation or subdivision certificates

regional environmental plans (REP) are proposed by the Minister or Director-General and approved by the Minister. They address matters of regional significance

regulation is a set of rules, procedures or standards made by the Governor and published in the *Government Gazette*

State environmental planning policies (SEPPs) are proposed by the Minister and approved by the Governor and address matters of State significance

State significant development is development for which the Minister is the consent authority

subdivision certificate is a check that necessary approvals (and perhaps agreements) are in place and that other matters (such as relevant conditions of consent) have been complied with, enabling a subdivision to be registered

third party appeals are appeals against an approval of a designated development lodged by people who objected to it. The court is able to reverse an approval if it considers the evidence in support of the appeal warrants it

zoning is the system of categorising land uses as prohibited, requiring consent or not requiring consent within particular areas. Zones (such as Residential or Commercial) are shown in plan form and explained in environmental plans

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