

Guiding Development - Practice Notes

What to expect on your development consent

The purpose of this practice note is to provide a snapshot view for applicants of what to expect on their development consent. In addition, it outlines the applicant's responsibilities in relation to the consent.

What is a development consent and what does it contain?

A development consent is the formal notice of approval for a specified development proposal. It establishes the date from which the approval operates and when it lapses. It will also specify whether the approval is an integrated development and whether it covers any *Local Government Act 1993* approvals.

It is usually subject to a list of conditions (and the reasons for their inclusion) and covers the approved development consent plans.

Conditions of development consent

It is most important that you carefully read and act on the conditions – they are legal requirements. Conditions cover a range of requirements and actions, for instance:

- tying the construction of the proposal to the plans and requiring you to approach the council for any modification (see Practice Note: *When is a section 96 modification required?*)
- modifying the proposal as submitted (for example, variations to the plans prompted by the applicant or the council)
- setting a time limit for the approval as a test-run for controversial proposals
- requiring detailed information to be provided at certain subsequent stages (for example, to accompany your construction certificate)
- requiring you to do certain things on-site before you commence work
- requiring the payment of monies, as developer contributions or security bonds.

This will help you to plan the subsequent steps in pursuing your development – preparing your construction certificate application, arranging finance and organising site works.

Advisory notes

As part of the consent, council will provide advisory notes. These are not formal conditions and are provided to advise you of your rights and other matters, for instance:

- your right to request a review of council's determination
- your right of appeal to the Land and Environment Court against any conditions of consent
- advising that a construction certificate is required
- advising of certain conditions of consent, called prescribed conditions, required by the Environmental Planning and Assessment Regulation 1994
- listing the inspections of work that council will require if appointed as principal certifying authority (to oversee construction)
- advising you about the requirements of other Acts (such as the need for a *Roads Act 1993* approval).