

# DEVELOPMENT APPLICATION PROCESS INFO SHEET

## What is a DA and why do I need one?

A Development Application (DA) is an application made to Council seeking consent to carry out development including construction, demolition, change of use of a property or premises, display of advertising, subdivision, or making alterations or additions to a property. The DA is required so that Council can assess the likely impacts of the proposal and ensure that:

- The proposal is a permissible and appropriate use of the site according to its zoning;
- The proposal complies with the provisions of the *Environmental Planning and Assessment Act 1979*;
- The proposal complies with the provisions of *Ryde Local Environmental Plan 2014*, *Ryde Development Control Plan 2014* and any other relevant planning controls for the site;
- The proposal has no detrimental environmental impacts upon the locality;
- The proposal has no adverse impact upon adjacent and neighbouring properties;

Not all development requires a DA. See *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* for details on what developments can be done as either an exempt development (no approval required) or as complying development (strict requirements, twenty day approval process).

The requirements for lodging and processing a DA are set out in the *Environmental Planning and Assessment Act 1979*, and the *Environmental Planning and Assessment Regulation (2000)*.

A Development Application is to be followed by an application for a Construction Certificate to build or construct the works in accordance with the DA consent, and can be issued by Council or a Private Certifier.

## What Information do I need to submit a DA?

The requirements for DA submission are set out in the DA Application Info Package (available on Council's website). Submission of the DA must be accompanied with the relevant fees in accordance with Council's Management Plan. A DA Fee Quote can be obtained from Council's Customer Service Centre. Fees are calculated on a scale based on the contract value of the work or the market value of the labour and materials needed to complete the work including GST.

Before formally submitting the DA, it is advisable that you contact Council's Building and Development Advisory Service to discuss your application with a member of the team. No prior appointment is necessary.

Council will not accept incomplete applications. See Council's Policy for the handling of unclear, nonconforming or insufficient applications.

## What happens after I lodge my application?

Most DAs follow similar steps during processing, so this guide applies to the majority of applications. Please note that this is an indicative guide only, and that these steps do not necessarily occur one after the other.

### • Pre-Assessment Team

The application will be reviewed by the Pre-Assessment Team, generally comprised of Client Managers, Planners, Building Surveyors, Development Engineers and other senior staff. A preliminary assessment of the application is done to ensure that the information provided complies with Council, and that the quality of the plans is sufficient. If there are any noticeable problems with the application, the applicant will be notified, usually in writing, within 7 days. This may delay the processing of the application if there is insufficient information provided to commence the assessment.

### • Notification and Submissions

An application is notified for a period of generally a minimum of 14 days and can extend to 21 days. During the notification period members of the community are entitled to make submissions about the proposed development. Also copies of the application including plans are available for viewing at the Customer Service Centre.

Some applications may not be notified depending on the nature of the proposal.

If an application is amended before a determination is made, the changes may require re-notification and be subject to a re-notification fee.

Further information regarding notification requirements are contained within *Ryde Development Control Plan 2014 - Part 2.1 Notification of Development Applications*.

### • Referrals

Many applications will require input from specialists within Council. If this is the case the application will be referred to the relevant department e.g. Landscape Architect, Health Officer, Building Surveyor, Development Engineer or Drainage Engineer. Comments provided are included as part of the overall assessment of the application.

If the application is classified as Integrated Development under Clause 91 of the *Environmental Planning and Assessment Act 1979*, or if it involves land associated with a public authority it may also be forwarded at this time to the relevant additional public authority for their consent or agreement.

## • **Assessment**

When the notification period has finished the assessing officer will commence assessing the application.

The officer will review all plans and supporting documentation, conduct a site inspection, review any submissions made, consider statutory requirements and compliance with relevant planning controls, and complete an assessment report. During this time the applicant will be advised of any issues and may be requested to consider making amendments to the DA.

Assessment officers can be contacted via phone through the Customer Service Centre between 3.00 - 4.30pm Monday to Friday. Please note that the officer will be dealing with a number of applications at any one time.

## • **Determination**

The Development Application may be determined under delegated authority or dependant on the nature of the application, the submissions received and/or variations to Council's codes the application may be forwarded to the Council for determination.

If the application is forwarded to Council for determination, a report will be put forward for consideration by the Planning and Environment Committee, and then a recommendation made to be considered at a Council Meeting. For further information refer to "*Having your say at Planning & Environment Committee.*"

You will be advised in writing of the determination of your application. If your application is granted approval then the applicant will be sent a copy of the Development Consent including conditions of consent and stamped approved plans. Should your application be refused, a refusal notice will be issued advising of the grounds for refusal.

### **What if I am unhappy with Councils Determination?**

Applicants who are not satisfied with the determination of a development application can apply to Council to review the determination under Section 82 of the *Environmental Planning and Assessment Act 1979* or submit an appeal to the Land and Environment Court.

### **What happens after DA consent is granted?**

Once development consent is granted, the applicant may be required to apply for and receive a Construction Certificate before works or the use can commence. The consent will state whether a Construction Certificate or a Subdivision Works Certificate is required. Generally, only demolition applications and development applications for change of use of a shop or office where there are no works proposed as part of the application do not require Construction Certificates.

A Construction Certificate can be obtained either from Council or an Accredited Certifier (private certifier). The requirements for a Construction Certificate application to Council are set out in the Construction Certificate Application Package. A listing of Accredited Certifiers can be obtained from the Building Professionals Board of NSW [www.bpb.nsw.gov.au](http://www.bpb.nsw.gov.au).

Prior to the commencement of work applicants must appoint a Principal Certifying Authority [PCA]. This can

be Council or a private certifier. Council if it is not the PCA, Council must be advised in writing of who has been appointed as the PCA.

All developments, regardless of who is appointed the PCA, must give 2 days notice in writing of their intention to start work. This includes demolition applications where there is no Construction Certificate or PCA appointed.

### **What if I want to change my approved plans?**

There is a mechanism in the *Environmental Planning and Assessment Act 1979* that allows development consent to be modified, as long as the development is substantially the same. It is called a Section 96 - Application to Modify Development Consent.

The lodgement requirements for a Section 4.55 - Application to Modify Development Consent are set out in the Application Form.

If Council is not convinced that the modifications applied for will result in substantially the same development as was originally approved, a new development application will need to be submitted for assessment.

Any changes that arise as a result of the an on-going construction or before the construction has commenced must be approved before the modifications/changes are made on site. Even if the changes mean that the construction will have a better design outcome, approval must be granted from Council before the changes can be made. Therefore Council strongly recommends that prior to any changes being made on site, that the applicant consult with Council.

The applicant will need to visit Council's Building and Development Advisory Team, bringing with them a copy of the approved plans and a rough draft of the proposed changes. This should be done as soon as the changes on site are apparent.

Examples of changes that need to be approved before the works are commenced include (but are not limited to):

- Window and door location and size changes
- Roof pitch and roof material changes
- An increase or decrease in the floor area of the development
- Additional excavation (i.e. creation of a sub-basement level)
- Changes to pool location and/or capacity
- Facade changes

### **Disclaimer**

This information sheet provides a summary of the Development Application Process. Any person using this document must do so with the understanding that the information is a guide only, and each application is assessed on its merit. For further information on lodging a development application please refer to Council's Development Application Info Package and Ryde DCP 2014.

Consultation should be undertaken with Council staff prior to lodgement of any application, and before any changes are made to approved plans.

### **Contact Details**

City of Ryde Customer Service Centre

1 Pope Street Ryde (cnr Pope and Devlin Streets, within Top Ryde City Shopping Centre)

Phone 9952 8222

Fax 9952 8070

Website [www.ryde.nsw.gov.au](http://www.ryde.nsw.gov.au)

Operating hours: Monday to Friday, 8.30am - 5.00pm

Note: second Thursday of each month hours are 10.00am - 5.00pm