
2023



DEVELOPMENT APPLICATION GUIDE

Cowra Council's Planning Team

About this guide

This Development Application Guide explains how the development application process. You can use the Development Application Guide as a checklist for completing your plans & other supporting documentation. If your application includes all the details needed to assess it, we can deal with it more quickly.

This Guide is not designed to assist with more complicated development applications such as designated development or State significant development. In such cases Council would expect the proponents to liaise early with Council to determine the application requirements.

If you need more information or advice, telephone Council's Department - Environmental Services on (02) 6340 2040.

Background of DA process

What is a Development Application?

A Development Application (or DA) is a formal request for permission for development. If you are unsure whether you need to lodge a development application, call Council's Department - Environmental Services on (02) 6340 2040.

The type of information that accompanies a Development Application will vary depending upon your proposal & site.

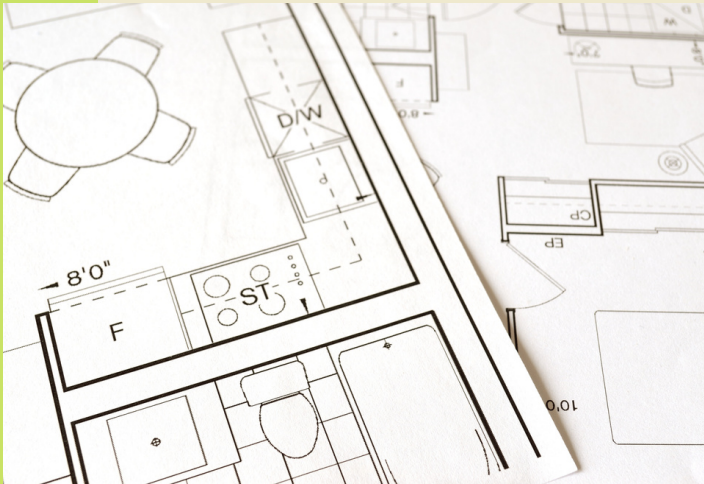
As a minimum, the following documentation is required as part of your application:

- Written Owner's consent
- Statement of Environmental Effects. This should address all matters in Cowra's Development Control Plan and Local Environmental Plan (form [here](#) for minor residential development only i.e. single dwelling, sheds, garages)
- Plans of the proposed development (including floor plans & exterior elevations)
- A site plan including all existing & proposed development on the entire lot. Your site plan should be fully dimensioned, include the distances between your proposed development, existing & proposed structures & all boundaries.
- Cost of works i.e. builder's quote or your own budget. It must be realistic & accurately represent all reasonable costs of works, labour & materials.

Check with us if you need more.

INTRODUCTION

STEP 1 - ASK ABOUT COUNCIL'S CONTROLS & POLICIES



If you'd like to search for planning information about a property, you can do this online via the [NSW Planning Portal's e-Spatial Viewer](#) - it's a free online property search service



Before you start designing your proposal, you need to know about development controls, policies & guidelines, such as:

- [Cowra Local Environmental Plan \(LEP\) 2012](#)
- [Cowra Development Control Plan \(DCP\) 2021](#)
- Applicable State Environmental Planning Policies (SEPPs)
- Design principles & guidelines
- Previous Council decisions
- Likely conditions of consent, including [development contributions](#) that may be payable
- Other fees & charges that may be applicable to your proposal.

Our staff can answer most enquiries over the phone, via email or you can call in personally. They can also refer you to an assessment officer who can provide detailed advice regarding:

- Relevant design guidelines & objectives
- Site constraints
- Assessment criteria about certain proposals
- Assessment criteria about the environment, contamination & heritage
- Servicing & infrastructure requirements
- Approvals needed under the Local Government Act
- Building regulations & Construction Certificates
- Other matters that you will need to consider when designing your proposal.

Council staff, however, cannot design your proposal. Consider engaging a Town Planner to assist in preparing your plans & documents.

STEP 2 - PLANS & DRAWINGS

Which plans?

Plans & drawings are required to support your application. Plans should be drawn at an appropriate scale & include the date, author's name, north point (toward solar north) & scale (show ratio). Proponents are urged to consider having them professionally drawn.

The plans required for your proposal will depend on the type of development proposed. The following is a general guide of plans required:

Site Plan (all applications except subdivision)

The site plan must clearly show where the proposed building/s and its use will be located in relation to the property boundaries. The site plan is to include the following:

- Location of proposed new buildings, alterations or works (show setback distances from boundaries & adjacent buildings), site area, the location of any registered easements
- Existing buildings (show outline only) & vegetation
- Location of any on-site waste treatment system & or stormwater drainage
- Proposed landscaped areas
- Walls & fences
- Vehicle entrance & exit driveways
- Car parking & loading areas (if applicable)
- Existing levels of the land in relation to buildings & roads.

Floor plan (all applications involving erection of a building)

A floor plan is a bird's-eye view of the building with the roof removed. The floor plan must be drawn to scale & include:

- The height of floor level in relation to existing & future ground levels
- The layout, partitioning, room dimensions & intended uses for each part of the building
- Window & door locations, & sizes
- Floor levels & steps in floor levels
- The location of plumbing fixtures
- Wall structure type & thickness.

Elevations (all applications involving erection of a building)

The elevations (or side view) of buildings will clearly show the appearance of buildings. Elevation drawings show all four sides of the building. The elevation drawings should include the following:

- Existing buildings (show outline only)
- Building facade, windows, doors, roof profile
- External finishes (eg wall, roof, window, door & fence materials, paint colours, etc)
- Finished ground levels, floor levels, ceiling levels, roof line levels (show driveway grade)
- Chimneys, flues, exhaust vents & ducts (show height in relation to adjoining roof levels)
- Downpipes & gutters
- Retaining walls & fences (indicate height)
- Extent of cut & fill of the site.

Subdivision Plan (all subdivision applications)

This plan will clearly illustrate the proposed subdivision layout. Draw the plan to show the following details:

- Existing & proposed boundaries
- Proposed lot numbers
- Relationship to existing roads & subdivision boundaries (show width of road reserves)
- Proposed boundary dimensions (metres)
- Proposed lot areas (square metres or hectares)
- Proposed road reserves, pathways (indicate width)
- Existing/proposed easements & rights of way
- Existing/proposed public reserves, drainage reserves
- Existing & finished levels (contours or spot heights with Australian Height Datum values)
- Details of any environmental constraints, dams etc
- Locations of proposed connections to water supply & sewer disposal

Landscape Plan (commercial, industrial & more than 2 dwellings)

This plan should illustrate in concept form the proposed landscaping that will be used to complement the development. The plan should demonstrate an understanding of the site & its context. Draw the plan to show the following details:

- Finished surface levels, embankments & grades (indicate extent & maximum depth of cut & fill)
- Existing trees to be retained or removed
- Proposed planting (indicate species, location, massing & mature height)
- Proposed surface treatments & restorations (eg turf, paving, bank stabilisation, mounds, etc)
- Proposed fences & retaining walls (indicate height & material)
- Proposed irrigation, mulching.

Erosion & Sediment Control Plan (where major earthworks are proposed)

This plan illustrates how soil erosion can be minimised on the site. Draw a site plan to show the following details:

- Existing surface contours
- Proposed finished surface contours
- Extent of earthworks, stockpiles, access roads, impervious areas, construction entrances, drainage lines
- Proposed runoff diversion measures, such as earth perimeter banks & channels, straw bale perimeter banks, diversion banks & channels, level spreaders, drop down drains & check dams
- Proposed sediment trapping devices, such as sediment fences, straw bale-geotextile fabric filters, sediment traps, sediment basins & grade stabilising structures
- Proposed revegetation & stabilisation areas.

Shadow Diagram (where overshadowing may result i.e two storey structure)

This plan will illustrate the extent of shadows cast by existing & proposed buildings, including buildings on adjoining land. This needs to be done professionally to be correct. Draw the plan to a standard scale such as 1:100 or 1:200, & show the following details:

- Position of existing & proposed buildings on the site
- Position of buildings on adjoining land, showing location of windows
- Shadows cast 21 June at 9am, 12 noon & 3pm
- If proposal is replacing an existing building, show change in shadows from existing to proposed development.



STEP 3 - WRITE A STATEMENT

A Statement of Environmental Effects (SEE) is a report outlining the likely impacts of the proposal, & the proposed measures that will mitigate these impacts.

The statement includes written information about the proposal that cannot be readily shown on your plans & drawings.

The SEE should address all the issues that are applicable to your proposal & must indicate the following:

- The environmental impacts of the development
- How the environmental impacts of the development have been identified
- The steps to be taken to protect the environment or to lessen the expected harm to the environment
- Any matters required to be indicated by any guidelines issued by the Director-General for the purposes of this clause

We would recommend that you try to structure your SEE to address the following:

- Description of land use proposal (as defined in the relevant LEP)
- Description of proposed, present & previous use of the land
- Description of present use of adjoining land
- Description of visual setting (eg character of area, streetscape, urban/rural setting)
- Description of the age & condition of buildings on the site
- Statement as to whether the site is contaminated or not & details of any previous contamination investigations carried out on the site
- Description of the proposal
- Description & use of existing & proposed buildings & any associated works
- **Assessment of compliance with all the relevant provisions contained in State Environmental Planning Policies, Local Environmental Plan & Development Control Plan(s) applying to the land/development.**

If the proposed use is of a commercial nature, the following should be provided:

- Operational details
- Hours & days of operation
- Number of staff
- Maximum expected number of customers
- Method of deliveries (loading, unloading)
- Expected timing & frequency of deliveries
- Production processes including flow diagram (if applicable)
- Type of waste products (if applicable)
- Any hazardous materials use, storage or processing (if applicable)
- Assessment of site constraints (eg flooding, slope, adjoining land uses)
- Assessment of site suitability for proposed development

STEP 4 - PREPARE YOUR APPLICATION

The following advice is provided to assist you with filling out the more difficult sections of the application:

Estimated Cost of the Development

For development involving the erection of a building, the costs include all costs associated with the construction of the building such as materials & labour – even your own. It also includes the costs associated with preparing the building for the purpose for which it is to be used (such as the costs of plant, fittings, fixtures & equipment).

- **Development up to \$100,000** - The cost can be estimated by the applicant. The methodology used to calculate the cost must be submitted with your application (such as builder quotes).
- **Development between \$100,000 & \$3 million** - The cost must be estimated by a licensed builder, registered architect, qualified building designer or registered quantity surveyor.
- **Development more than \$3 million** - A detailed cost report prepared by a registered quantity surveyor verifying the cost of the development is to be submitted with your application.

Council requires that your development application is supported with the appropriate information in accordance with the above recommendations.

Describe the Proposed Development

You must describe the proposed development in detail & using Cowra LEP 2012 definitions, eg. dwelling-house, shop, subdivision, factory). Council's Department – Environmental Services can assist in properly describing the proposed development.



Integrated Development

Your proposal may require approval from other government agencies. Developments that require approvals from external agencies such as Transport for NSW may be classed as Integrated Development. If you are unsure whether another approval with another agency is needed, please consult with the relevant agency or Council. Please note that an additional fee applies to applications for Integrated developments.

Written Owner's Consent

Written consent of ALL owners is required for all applications. If the application form is not signed by the landowner(s), we cannot determine your application.

If the owner is a company or owners' association, the application must be signed by an authorised person of the company, preferably under common seal. If land is owned by a company or is within a strata building, the seal of the company or body corporate should be submitted with the application.



STEP 5 - SUBMIT YOUR APPLICATION

The NSW Planning Portal is a digital environment that hosts a range of planning services, mapping tools & reporting tools to assist everyone involved in a proposed development. Development Applications are only via the NSW Planning Portal.

To submit a development application through the NSW Planning Portal, you will need to register & verify your account. If you have already have an account, simply login. Otherwise, register for an account [here](#).

You will require the following documents to complete your submission:

- **Written & signed Owner Details and Consent** - to authenticate that you have the consent of all owners to lodge the application. Form here to [help](#).
- **Estimated Costs of Works** – i.e. builder's quote or construction budget document.
- **Plans** – A site plan, including all existing & proposed development on the entire lot. The site plan should include the distances between your proposed work & all boundaries, plus be labelled as a site plan. You'll also need plans of the proposed development, including floor plans and exterior elevations.
- **Statement of environmental Effects**. For minor development only i.e. sheds or garages, single storey single dwelling, Council has a template available to help – [SEE form](#)
- **BASIX Certificate** - (if applicable, check with Council), and plans demonstrating commitments

Need help submitting an application?

If you require assistance submitting an application via the Portal, it is recommended that you utilise the Quick Reference Guides created by Service NSW available at <https://www.planningportal.nsw.gov.au/applicant-resources>

A variety of topics are available including:

- Registering for an Account
- Navigating the Portal
- Submitting applications and
- Providing additional information

Once you have submitted your application via the Portal, Council will be notified & will then review your application to determine if the application is complete or if any additional information is required. If any additional information is required, you will receive a notification from the Portal to submit the additional information via the Portal.

When Council is satisfied with the documentation and application, you will receive a notification generated from the Portal requesting fees to be paid for your application.

Once fees are paid, your application will be formally lodged with Council and progress through the assessment process. You will be able to monitor the progress of the application via the portal. If the application involves Integrated Development, this fee is paid via the NSW Planning Portal directly to the external agency. This fee will not be requested until the concurrence/referral is actioned from Council.

Do I have to use the Planning Portal?

Yes, since 1st of July 2021, all applications listed below are only able to be lodged with Cowra Council & certifiers via the NSW Planning Portal.

• Development Applications • Section 4.55 Modification Applications • Request to review a determination • Complying Development Certificates • Construction Certificates • Occupation Certificates • Subdivision Certificates • Subdivision Works Certificates • Appointments of Council as a Principal Certifier; • S68 applications • Building Information Certificates

How do I pay my application fees?

Once Council has reviewed your application and is satisfied that all relevant documentation has been submitted, a fee estimate will be uploaded into the Portal to enable payment of correct fees. At the same time, an email will also be sent directing you to log into the Portal where you will find the fee estimate with instructions on how to make your payment.

Please note: your application will not progress to lodgement until fees are paid.

How do I submit additional information requested on my application?

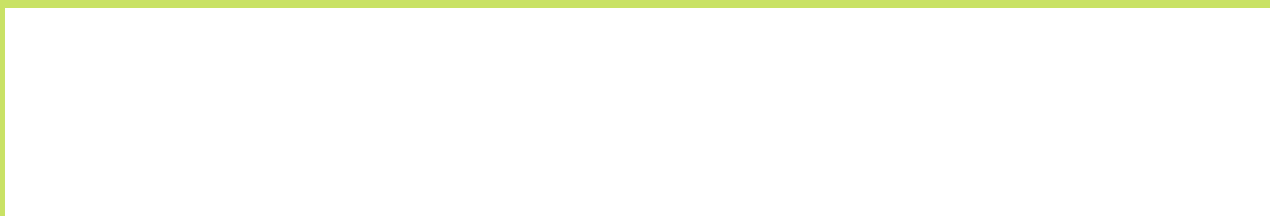
Council may request additional information to support the assessment of the application. This additional information must be submitted via the Portal. No emails or hardcopies will be accepted. For detailed steps on how to submit additional documentation via the Portal, please refer to the relevant Quick Reference Guide on the Services NSW www.service.nsw.gov.au.

I'm having technical issues with the Portal, who can help?

Service NSW are available to provide technical support for the NSW Planning Portal. All enquiries can be referred to Service NSW by either emailing info@service.nsw.gov.au or calling 1300 305 695. Council is not responsible for technical issues associated with the Planning Portal.

What information is publicly available on applications?

The NSW Application Tracker can be used by the general public to search for applications that have been submitted via the NSW Planning Portal. The information publicly available on the Application Tracker includes the Council to which the application was submitted, the type and status of the application submitted, the Planning Portal application number and the type of development. The online application tracker can be viewed via [Council's Development Tracker](#).



STEP 6 - ONCE ITS LODGED

Acknowledgement

Upon lodgement of your DA, you will receive a confirmation email from the NSW Planning Portal, providing you with details such as the registered DA number & PAN number, e.g. PAN-317871

Public Notification

All Development Applications are subject to a neighbour notification process & some are advertised as per the [Cowra Community Participation Plan](#) to enable interested persons to submit comments. The minimum submission period is generally 14 days but some Development Applications are advertised for longer periods of 30 days or more, due to legislative requirements.

Additional Information

You will be notified by an email from the Planning Portal if any additional information is required during the assessment stage. These documents must be uploaded & replied to via the Planning Portal, in direct response to the initial request so that it closes upon completion.

Assessment Process

While your application is being notified, Council's Planning officer will assess your application. This process will take account of all statutory requirements, Council's adopted codes & policies & any submissions that may have been received. Development Applications that comply with all relevant standards are generally determined by a delegated Planning officer. As part of the assessment process, a Planning officer will be required to inspect your property. Please identify in your application on the portal any potential barriers or risks (locked gates, dogs etc.) or if you wish to be contacted prior to the site inspection.

Applications that don't comply with development standards, have received significant objections, are of a contentious nature, or that involve Council interests are referred to Council for determination. Council Meetings take place once per month. If your application is to be considered by Council, a letter will be sent to you detailing the operation of the Council Meeting & intended date via the Portal.



Notice of Determination

You will be notified via an email from the Planning Portal of determination of application & the Notice of Determination can be found in the documents section of your Planning Portal application. The notice will tell you whether we have approved or refused your application. If your application is approved, the notice will give details of any conditions of consent, & the reasons for those conditions. It will also tell you when the consent becomes effective, & when it will lapse. The approval notice will also explain your right of appeal to the Land & Environment Court.

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 & Environment Court.

Conditions of Consent

It is your responsibility as the applicant to ensure you read all conditions of consent & that the development is carried out in accordance with any relevant conditions. If you do not understand the conditions of your consent, please contact Council for assistance. You cannot alter or vary the development without first seeking Council consent. To do this, you must make an application to modify the consent under Section 4.55 of the Environmental Planning & Assessment Act 1979. An additional fee applies for a Modification application.

Local Infrastructure Contributions

'Section 7.11 or 7.12 Contributions' (Formerly Section 94 or 94A) may be included in your DA conditions. This is a condition requiring a payment towards the capital cost of providing community facilities such as public open space, car parking etc.

Section 7.11 or 7.12 Contributions are determined in accordance with the relevant Contributions Plan. This sets out the circumstances in which a contribution can be imposed, the formulae for calculating contributions, & the programme of works on which the funds will be spent. You can view or obtain a copy of the relevant Contributions Plan at the Council's Customer Service Centre. All Section 7.11 or 7.12 Contributions are paid into a special account.

Note – Section 7.11 or 7.12 must be paid prior to the issue of a Construction Certificate.

Section 64 contributions are levied under the Local Government Act 1993 towards water and sewer infrastructure. The Section 64 Contribution rates for water and sewer will differ depending on the location where development is occurring. Talk to Council for more specific information.



Post Consent certificates

If your proposal involves building or subdivision infrastructure work, you will need to obtain a **Construction Certificate** or a **Subdivision Works Certificate**. You can apply for this either via the Planning Portal to Council or an accredited certifier.

Note you may also be required to apply for Section 68 approval for plumbing & drainage, approval for on-site sewerage management system & Section 138 approval for driveways.

What to do if you disagree with a notice of determination

If you are dissatisfied with the determination of your DA, contact us immediately so we can clarify issues & discuss your options. Options available to you include:

Review of Determination of your DA

You must complete an application form & pay an additional fee if you seek a review of your proposal & determination.

Application to modify a Development Consent

This may be appropriate if you disagree with particular conditions of consent or decide to amend certain aspects of the proposal. You must apply via the Planning Portal & submit a written justification for the proposed modification, with plans & a revised SEE indicating proposed modifications or changes. Once your application has been checklisted you will be notified by email advising fees payable.

Appeal to the Land & Environment Court

If you are dissatisfied with your notice of determination you can appeal to the Land & Environment Court within 12 months of the date of Determination.

Contact us:

Environmental Services
Cowra Council
www.cowra.nsw.gov.au
council@cowra.nsw.gov.au
(02) 63 40 20 40