



When is approval required for development?

The construction of a building, carrying out of works, subdivision, demolition and/or use of land requires development consent pursuant to Section 76A of the Environmental Planning and Act 1979.

In some instances, where these activities are considered to be 'minor' or the development meets pre-determined development standards, it may be possible to undertake the works as 'exempt' or 'complying' development.

Note: If you require development consent for your proposal, you are not permitted to commence work until such time that consent has been obtained and is in force.

What is Exempt Development?

Exempt development typically includes very low impact development.

Where development is considered 'exempt', it does not require any planning or construction approval (note that development is not exempt from any approval, licence, permit or authority that is required under any other Act), and is identified by predetermined standards known as provisions.

Works may be carried out by the landowner without needing to notify Council that works have commenced or been completed.

The types of exempt development applicable to the Cessnock LGA are identified under the following Environmental Planning Instruments:

- **Cessnock Local Environmental Plan 2011**

Development referred to as 'permitted without consent' in the Land Use Table associated with the zoning of the site, or listed under Schedule 2 'Exempt Development'.

- **State Environmental Planning Policy (Exempt and Complying Development Codes) 2008**

Development listed under Division 1 'General Exempt Development Code'.

It is the landowner's responsibility to check all provisions relating to exempt development and meet the specified standards and land requirements.

What is Complying Development?

Complying development is a fast track approval process for straightforward residential, commercial and industrial development.

Complying development is a form of planning approval that can be issued by either Council or an Accredited Certifier in the form of a Complying Development Certificate (CDC). The certificate is a combined planning and building approval.

The standards which apply to complying development are numerical based, meaning that the building design is required to meet all prescriptive requirements. Variations are not permitted.

What is a Development Application?

If the proposed building work is neither exempt nor complying development, it will be necessary to submit a Development Application (DA).

A person may apply to Council for approval to carry out development by submitting a DA. Council requires the following information to be submitted with a DA:

- A completed application form which includes a description of the proposed development, relevant property details (legal registration & property address), estimated cost of work, and land owner details including the signature of all property owners;
- All relevant documentation, plans and reports as indicated in Council's submission matrix (located at the rear of the application form); and
- Relevant fees as determined in accordance with Council's Fees and Charges.

Please note that DA fees are based on the estimated cost of work. You should refer to Schedule A of the application form in order to determine how 'estimated costs' are calculated.

Once the estimated cost of work has been established, you may wish to contact Council's Customer Service Centre on 4993 4100 to obtain a quote over the phone, alternatively, you may wish to lodge a request in writing by contacting council@cessnock.nsw.gov.au

A DA lodgment fee is usually combined with other associated development fees, including but not limited to:

- A notification/advertising fee, where the development is required to be notified/advertised in accordance with the Cessnock Development Control Plan 2010;
- Long service levy;
- Referral fee and referral administration fee where the application is required to be referred to an external authority for concurrence.

Questions?

Enquiries can be directed to Council's Duty Planner, who is available Monday to Friday, between 9:00am and 5:00pm, either in person at Council's administration building, or via phone on 4993 4100.

'The advice provided in this fact sheet in no way fetters the discretion of Council in the provision of any site-specific advice and/or the assessment and determination of any future Development Application for the site. In particular, other issues not identified in this fact sheet may emerge during a detailed assessment of matters relevant to the site, and in the case of a development application, public consultation, submission and consideration of specialist studies/reports, detailed assessment of planning-related matters, and consideration of a complete application'.