



LEETON SHIRE COUNCIL

Preserving the Past, Enhancing the Future

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Development Types

When you start a building project, you can save time and money by thinking about the most appropriate method of getting development approval.

These methods, or development types are as follows get the right one for your building project depends on a range of factors including:

- The use, size and cost of your development
- The zoning, location and restrictions placed on your land and the surrounding land
- The impact of your development on the environment and the community

The development types are:

- Exempt Development
- Complying Development
- Local Development
- Integrated Development
- Designated Development
- State Significant Development

Exempt Development

Exempt development is development that will have minimal impact on the local environment and which may be undertaken without any Council approval.

It is the applicant/owner's responsibility to demonstrate that works are Exempt Development if challenged to do so. If in doubt you should seek written advice from Council.

Penalties may apply to works that are mistakenly carried out as Exempt Development.

There are approximately 50 development types that are potentially exempt under the Codes SEPP and include development such as front fences, carports, garden sheds and pergolas.

To assist you in determining whether your development is exempt under the requirements of the Codes SEPP, please refer to:

- [Interactive Buildings, or](#)
- [Electronic Housing Code](#)

What if my development is not exempt development?

If your proposal does not comply with the requirements for your type of development then it is not Exempt Development. Your proposal may be Complying Development or you may need to lodge a Development Application with Council and obtain Development Consent.

Complying Development

Complying development is low impact development that does not qualify as Exempt Development but meets a set of basic requirements and conditions.

Unlike Exempt Development, Complying Development requires an application to be submitted to either Council or an Accredited Private Certifier to certify that the proposal is Complying Development under the provisions of either:

- [State Environmental Planning Policy \(Exempt & Complying Development Codes\) 2008](#)
- [State Environmental Planning Policy \(Affordable Rental Housing\)](#)
- [State Environmental Planning Policy \(Infrastructure\)](#)

A Complying Development application can be made using councils combined Application Form, or online via the [Electronic Housing Code](#).

Determination of Complying Development applications (i.e. the issue of a Complying Development Certificate or 'CDC') is required to be undertaken within ten (10) days (depending on type of development).

Examples of complying development include swimming pools, dwellings and demolition.

To assist you in determining whether your development is complying development under the requirements of SEPP (Exempt & Complying Development Codes) 2008 please click on one of the following:

[NSW Department of Planning & Environment Planning Portal Planning Tools:](#)

- [Interactive Buildings](#)
 - [Electronic Housing Code](#)
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Local Development

Local Development, under Part 4 of the [Environmental Planning and Assessment Act \(EPA Act\) 1979](#), requires the lodgement of a Development Application (DA) to Council.

Not all developments are assessed by Council. Certain types of development may require input or assessment by other State Government authorities. Make sure you check the categories below to see if this applies to your development.

Certain types of building works, such as Council and government infrastructure (roads, parks, sewer and water systems) fall outside of the Part 4 of the EPA Act, and require approval under Part 5 of the EPA Act. Part 5 approvals generally do not apply to private local developments.

Integrated Development

Integrated development is development that needs both Development Consent from Council and an approval from another Government Authority under other legislation. An application for certain nominated approvals is able to be integrated as part of the development application process allowing them to be assessed concurrently by Council and the Government Authority.

Examples of the more common types of integrated development that occur within Leeton LGA are:

- EPA Licences
- DPI Licences

A full list of integrated development can be found in the table under section 91 of the [Environmental Planning and Assessment Act 1979](#).

Where possible, Council is able to assist you to identify relevant approvals and agencies. However, if there is an uncertainty as to whether another approval is required, please consult directly with the relevant agency. It is your responsibility to ascertain which approvals are required before lodging your development application.

If further approval is required, you may apply as an integrated development. The application will be referred to the relevant agency to obtain their general terms of approval. These requirements will then be incorporated in the conditions of any development consent issued by the Council.

An additional prescribed fee per approval body referral applies to integrated development (see Council's current fees & charges). Cheques for the correct amount are to be made payable to the applicable approval body.

Designated Development

Designated development require particular scrutiny because of the nature of the development, or their potential impact. These types of development are listed under Schedule 3 of the [Environmental Planning and Assessment Regulations 2000](#) and include industries such as concrete batching plants and the like that have a high potential to pollute.

Designated development is generally a type of Local Development that had potentially significant environmental impacts.

Applicants must firstly obtain the Director General's requirements from the NSW Department of Planning and Environment for the preparation of an Environmental Impact Statement (EIS). The EIS is submitted with the Development Application to

Council for assessment. The application will be determined by either Council or the Joint Regional Planning Panel.

State Significant Development

Some types of development are deemed to have State significance due to the size, economic value or potential impacts that the development may have. These State Significant Developments are assessed by the NSW Department of Planning.

In addition, some development on identified sites can also be State Significant Development. Identified sites include Sydney Olympic Park, Darling Harbour, the Bays Precinct and Barangaroo.

The full list of State Significant development types and identified sites can be viewed in Schedules 1 and 2 of the [State Environmental Planning Policy \(State and Regional Development\) 2011](#).

For further information on State Significant Development click [here](#).