



APPLICATION TYPES

TYPES OF DEVELOPMENT APPLICATIONS

If your project cannot be considered as exempt or complying development, you'll need to obtain development consent by submitting a Development Application (DA).

A DA consists of standard application forms, supporting technical reports, and plans.

WHERE SHOULD I START?

Your first step should be to review the Local Environmental Plan (LEP). The applicable LEP for the Dubbo Regional Council Local Government Area is the Dubbo Regional Local Environmental Plan 2022 (526.8KB).

The LEP classifies development into categories, depending on the land use zone your property is located within:

- Permitted without consent (no DA required)
- Permitted with consent (DA required)

- Development that is prohibited

To determine which zone your property is located within, use the NSW Government Department of Planning, Industry and Environment's ePlanning Spatial Viewer.

WHAT TYPE OF DA DO I NEED?

The nature of your project will determine what type of DA you need to apply for. The application fees and relevant supporting documentation may also vary by project and for each DA category.

LOCAL DEVELOPMENT

A development is considered local development if a Local Environmental Plan (LEP) or State Environmental Planning Policy (SEPP) says that development consent is required before the development can take place.

Most developments are categorised as local development.

Visit the NSW Planning Portal for further information on local development.



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INTEGRATED DEVELOPMENT

Integrated development is development that requires an approval from another public authority before development consent can be granted by Council.

Integrated development proposals require development consent and one or more of the approvals listed in Section 4.46 of the Environmental Planning and Assessment Act 1979.

Council must not approve the Development Application (DA) if the agency recommends refusal. If the advice is not received within a specific time period, Council can determine the DA.

Visit the NSW Planning Portal for further information on integrated development.



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NOMINATED INTEGRATED DEVELOPMENT

Nominated integrated development is integrated development that requires an approval under separate legislation as referenced in the Environmental Planning and Assessment Regulation 2000.

Nominated integrated development has additional implication for Council, mainly with respect to the public exhibition process. For the applicant, additional fees will apply for advertising the application, the advertising of which can be up to 30 days.

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DESIGNATED DEVELOPMENT

Designated development generally refers to high-impact developments (likely to generate pollution), and or proposals that are located in or near an environmentally sensitive area.

If a DA is categorised as designated development, the DA:

- Must be accompanied by an Environmental Impact Statement (EIS)
- Will require public exhibition for at least 28 days
- Can be the subject of a merits appeal to the Land and Environment Court objectors.

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REGIONAL DEVELOPMENT

Regional development are projects that will be assessed and publicly exhibited by Council. The determining authority will however be the Western Regional Planning Panel.

Regional development includes:

- Projects with a Capital Investment Value (CIV) over \$30 million.
- Extractive industries, waste facilities and marinas that are designated development.
- Certain coastal subdivisions.
- Projects with a CIV over \$5 million that are council related, lodged by or on behalf of the Crown (State of NSW), private infrastructure and community facilities or eco-tourist facilities.
- Development with a CIV between \$10 million and \$30 million which is referred to the Western Regional Planning Panel by the applicant after 120 days.

Visit the NSW Planning Portal for further information on Regional Development.

STATE SIGNIFICANT DEVELOPMENT AND STATE SIGNIFICANT INFRASTRUCTURE

Developments that are deemed to have state significance due to their size, economic value or potential impacts are identified in State Environment Planning Policy (State and Regional Development) 2011.

State significant developments are determined by either the Minister for

Planning or the Independent Planning Commission. For further information on state significant development, refer to the NSW Planning Portal.

MODIFYING A DEVELOPMENT CONSENT (SECTION 4.55 APPLICATIONS)

You may apply to modify your development consent (known as a Section 4.55 Application), provided that the modified development remains substantially the same as the one that was initially approved. There are three types of modifications:

- 4.55(1) Minor Modifications - to correct a minor error, misdescription or miscalculation.
- 4.55(1a) Minor Modifications - involving minimal environmental impact.
- 4.55(2) Other Modifications - where environmental impact is possible.

If you are not able to satisfy Council that the modified proposal is substantially the same as the one that was initially approved, you will need to lodge a new DA.



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POST CONSENTS CERTIFICATES

CONSTRUCTION CERTIFICATE

A Construction Certificate (CC) is a certificate to the effect that building work completed in accordance with its endorsed plans and specifications will comply with the requirements of the Environmental Planning & Assessment Regulation (2000).

A CC is issued by Council or a private certifier and must be obtained before starting any building or construction work.

An application for a Construction Certificate will usually be lodged after your DA is approved or, in some cases, can be submitted at the same time as you lodge your DA.

A Contract of Engagement is required to be completed and uploaded when making application to Council for a CC.

Visit the NSW Planning Portal for further information on Construction Certificates.



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SUBDIVISION CERTIFICATE

Most forms of subdivision require approval under the Environmental Planning and Assessment Act 1979.

A Subdivision Certificate (SC):

- Certifies that the plan of subdivision has been completed in accordance with the relevant development consent or Complying Development Certificate (in the case of complying development).
- Authorises the registration of the plan of subdivision with NSW Land Registry Services.

Visit the NSW Planning Portal for further information on a Subdivision Certificate.

A Strata Subdivision Certificate (SC):

A Strata Subdivision allows for the subdivision of land into separate lots and common property under the Strata Schemes Development Act 2015. This subdivision can be vertically, within a building, as well as horizontally, on a block. Strata is the most commonly used form of subdivision for residential apartments and townhouses. It is also used for commercial offices, industrial developments and retirement villages.

A SC is issued by the relevant Principal Certifier, which in most cases is Council.

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SUBDIVISION WORKS CERTIFICATE

A Subdivision Works Certificate (SWC) is required before commencing any subdivision works in connection with a development consent for the subdivision of land.

Subdivision works include civil works such as utility works, roadworks and earthworks in connection with appropriate conditions of consent. A SWC certifies that subdivision works carried out will be consistent with development consent, and that these works will meet all regulatory requirements.

SWC's are issued by either a local Council or a private certifier at the start of the construction process. SWC's do not apply to Complying Development Certificates and some Crown developments.

When subdivision works are completed, a Subdivision Certificate can be applied for. A Subdivision Certificate authorises the registration of a plan of subdivision under Part 23 of the Conveyancing Act 1919.

Visit the NSW Planning Portal for further information about Subdivision Works Certificate.



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OCCUPATION CERTIFICATE

The Occupation Certificate (OC) authorises the occupation and use of a new building or building section. For staged works, a part OC may be issued, which allows you to occupy the completed part of the building.

Depending on the particular OC sought, the private certifier must be satisfied the development meets various regulatory standards. These generally include that:

- A development consent is in force.
- The design and construction of the building is not inconsistent with the development consent.
- Any pre-conditions set out in the consent or requirements of planning agreements have been satisfied.
- A Construction Certificate (CC) has been issued (if not the subject of a Complying Development Certificate or change in building use).
- That the building is suitable for occupation (in accordance with its BCA classification).

The issue of the whole OC is the last step in the formal Development Application and construction process (though there could be ongoing 'operational' conditions such as maintaining appropriate noise levels or landscape maintenance).

A Contract of Engagement is required to be completed and uploaded when making application to Council for an OC, if not already nominated in the associated CC contract.

Visit the NSW Planning Portal for further information about Occupation Certificates.

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APPOINTING A PRINCIPAL CERTIFIER (FORMERLY THE PCA)

Before you start any approved building or construction work, your local council or a registered certifier must be appointed as the Principal Certifier (PC).

The PC oversees the development's construction phase and completes mandatory building inspections, known as critical stage inspections, to make sure that building standards are met.

When building works have finished, the PC will complete final inspections and issue the Occupation Certificate, if all requirements have been satisfied.

A Contract for Engagement is required to be completed and uploaded when appointing the PC via the Portal if not already nominated in the associated Construction Certificate contract.

Visit [Service NSW](#) for further information on Principal Certifier.

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BUILDING INFORMATION CERTIFICATE

A Building Information Certificate (BIC) is usually sought by buyers or sellers of a property who want to make sure that a particular building (or part of a building) can remain as is without regulatory action being taken by Council. Often a BIC is requested when work has been undertaken without the appropriate approvals being issued by Council or a private certifier.

A BIC does not prevent Council from issuing notices and orders in relating to fire safety matters. It does not certify that the building complies with the BCA and all the legal and safety requirements relation to swimming pool barriers and fencing, fire safety and other public health matters.

Visit the NSW Planning Portal for further information on Building Information Certificates.

SECTION 68 APPROVALS

Section 68 of the Local Government Act 1993 specifies a range of activities where approvals are required to be obtained from the local council. These are often in addition to standard development application requirements and are known as Section 68 Approvals.

Visit the NSW Planning Portal for further information about Section 68 Approvals.

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WE ARE HERE TO HELP

Before you prepare an application, we encourage you to discuss your proposal with one of Council's Duty Planners or Building Officers. This is a free service, available via phone (02) 6801 4000 or in person at our Customer Experience Centres between 1 pm to 4:30 pm, Monday to Friday by booking an appointment.

[Book an appointment](#)

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