



## Development Applications - Determination by Council

Application	Developers and Planning Staff
Responsible Officer	Building and Regulatory Services Manager
File No	CM:POL:CWP
Authorised by	Council
Effective Date	19.09.2023
Distribution	Internet / Intranet / Public Exhibition

### Purpose

The purpose of this policy is to specify the types of development applications to be determined by resolution of Council to ensure compliance with *the Environmental Planning & Assessment Regulation 2021*.

### Definitions

*Development* means:

- (a) the use of land, and
- (b) the subdivision of land, and
- (c) the erection of a building, and
- (d) the carrying out of a work, and
- (e) the demolition of a building or work, and
- (f) any other act, matter or thing referred to in section 26 that is controlled by an environmental planning instrument,

but does not include any development of a class or description prescribed by the regulations for the purposes of this definition.

*Development application* is a formal request to carry out a specific type of development required to be lodged with Council for approval to carry out any form of development work that is not deemed to be exempt development or complying development.

*Designated development* is development described in Part 1 schedule 3 of the *Environmental Planning & Assessment Regulation 2021*. It includes, agricultural produce, aircraft, aqua culture, artificial water bodies, breweries and distilleries, ceramic and glass industries, chemical industries and works, chemical storage, coal mines, intensive livestock, mining, sewerage and waste management processing facilities.

*Integrated development* is the planning category which links development consent for matters under Part 4 of the *Environmental Planning & Assessment Act 1979* with any associated approval, licence, concession or permit required under other legislation.

*Local Environmental Plan (LEP)* is a legal document prepared by Council and approved by the State Government to regulate land use and development. LEPs guide planning decisions for local governments. The Carrathool Shire Council LEP allows Council to regulate the ways in which all land both private and public may be used and protected through zoning and development controls.

### Reference

This policy complements other legislation and where it is silent on matters referred to in the following legislation such matters must be followed in accordance with the legislation.

- *Environmental Planning & Assessment Act 1979*
- *Environmental Planning & Assessment Regulation 2021*
- Carrathool Shire Council Local Environmental Plan 2012.

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## Policy statements

The following development applications are required to be presented to a meeting of the Carrathool Shire Council for approval:

- Designated Development
- Integrated Development
- Development affected by the Threatened Species Conservation Act 1995
- Development within the Conservation Area
- Development affecting a Heritage Item as listed in Schedule 5 of the proposed Carrathool Shire Council Local Environmental Plan 2012
- Boarding-houses
- Hotels
- Motels
- Residential Flat Buildings / Dual Occupancies
- Industries (other than home or rural industries) in Zone No. RU1 and R5
- Intensive Livestock Keeping Establishments
- Junk Yards
- Liquid Fuel Depots
- Sawmills
- Stock and Sale Yards
- Any development where Council is the applicant, landowner or is in care and control of the land in question
- Any Development that seeks a variation to Council's existing building lines policy within the RU5 - Village zone.
- Any development that where submissions (objections) were received during the notification or exhibition period.
- Any other development that staff believe is, or could be, of local significance.

## Revision Table

Minute /Date	Amendment Summary (Reason or Reference)
0463/15.02.2005	Policy commencement - Dept Local Government recommendation
0613/18.03.2014	Amended and reformatted - Reflect new LEP 2012
1056/20.08.2019	Review no changes
0654/19.09.2023	Review, updates to listed regulations

## Associated Documents

Nil

## Review

This policy may be amended from time to time and will be reviewed within four years of its adoption (or latest amendment) with reference to any relevant legislation, best practice guides, or other factor.