

DEVELOPMENT APPROVAL PROCESS – 5 STEPS TO GETTING APPROVAL FOR A NEW BUSINESS ENTERPRISE **FACT SHEET**

1 Is Development Consent Required?	2 Get All the Necessary Information	3 Prepare and Submit a Development Application	4 Council Assessment	5 Development Consent and Certification
<p>Development consent may not be required in the following circumstances:</p> <ul style="list-style-type: none"> ❑ There may be an existing development consent for the land under which you can operate. Contact the Building Owner, Managing Agent or Council's Customer Service Team (4227 7111) for assistance in this regard. ❑ Your proposal may be Exempt or Complying Development. Exempt development includes such things as home employment, some changes of building uses, certain signage and minor works. For specific detail on exempt and complying development, see <i>State Environmental Planning Policy (Exempt and Complying Development Codes) 2008</i> and Schedule 2 of <i>Wollongong Local Environmental Plan 2009</i>. <p>If neither of the above apply, development consent from Council is likely required and you should proceed to step 2.</p>	<p>Having the correct information will allow you to determine the suitability of a site, minimise delays in assessment and give greater surety of Council approval.</p> <p>Prior to lodging a development application you should:</p> <ul style="list-style-type: none"> ❑ Categorise your proposal¹ and ensure it is permitted in the Zone². In certain circumstances existing use rights³ might apply or your proposal may be permitted on a limited basis⁴. ❑ Be aware of any site constraints⁵ ❑ Understand the likely fire safety and access requirements⁶. <p>Other advice:</p> <p>Council's <i>Economic Development Unit</i>⁷ and <i>Duty Planner</i>⁸ can assist you in the preliminary stages of preparing any application. Council's Property Division should be consulted if the proposal is on Council Land.</p> <p>A Pre-lodgement meeting⁹ can be arranged to discuss your application prior to formally lodging.</p> <p>The <i>Licensing Police</i> and <i>Office of Liquor Gaming and Racing</i> should be consulted for licenced premises.</p> <p>A <i>planning consultant</i> can assist you in preparing and managing your development application.</p>	<p>Providing high quality documentation with your application ensures better record keeping and a smoother and more efficient assessment.</p> <p>Your development application should include the following:</p> <ul style="list-style-type: none"> ❑ Application form (from Council's website or the customer service team) ❑ Consent from the owner (including body corporate if within a strata development) ❑ Statement of Environmental Effects¹⁰ ❑ Plans¹¹ should include: <ul style="list-style-type: none"> ❑ Locality Plan ❑ Site Plan ❑ Floor Plans ❑ Elevations ❑ any advertising or signage <p><i>(Plans should generally be prepared by a draftsman or suitably qualified person. Poor quality plans may be rejected and can delay assessment)</i></p> <ul style="list-style-type: none"> ❑ Reports: Certain site constraints may require the preparation of specialist reports. You may need to engage a specialist consultant in this regard. 	<p>Once submitted, Council staff will conduct an assessment of your application against the applicable controls. Do not begin operating or conducting works until you have your development consent as fines may apply. Council assessment will generally take between 4-6 weeks from the date of lodgement of any application.</p> <p>The assessment will generally include the following:</p> <ul style="list-style-type: none"> ❑ Notification: Development applications will generally be notified to the community to allow submissions to be made. ❑ Internal Consultation: Internal Council divisions may be requested to provide comment on the proposal and may request further information. You can track the progress of any referrals online. ❑ External consultation: Council may need to seek comment from other agencies or external bodies. ❑ Additional information: Should any issues be identified following assessment, you may be requested to provide additional information. You are nominally given 14 days to respond to such a request. 	<p>Should your application be approved, you will receive a development consent. Ensure you read and understand the consent conditions. Your consent is the legal document that authorises your development and you should therefore have a clear understanding of what is required.</p> <p>If the development involves works, you will need to:</p> <ol style="list-style-type: none"> 1 Nominate a Principal Certifying Authority (PCA); 2 Obtain a Construction Certificate (CC) prior to works commencing; and 3 Obtain an Occupation Certificate (OC) on completion of works. <p>The PCA can be either Council or a Private Certifier. The PCA is responsible for ensuring a CC has been issued prior to works commencing and that relevant inspections have been undertaken prior to the issue of an OC. The CC verifies the plans prepared are consistent with the development consent. The OC allows you to occupy and use the building and verifies that the PCA is satisfied that the building is suitable to occupy or use.</p> <p>Following the issue of the OC you are free to commence.</p>

NOTES

- ¹ See the Dictionary in *Wollongong Local Environmental Plan 2009* for the definitions for all the development types.
- ² All land is zoned under *Wollongong Local Environmental Plan 2009*. Zoning identifies the range of development types permitted on the land. Zoning information can be obtained through Council's online mapping service or through a Section 10.7(2) Certificate from Council's Customer Service Team.
- ³ If there is an existing use on the land that is no longer permissible in the zone, existing use rights may apply. See Division 10 of the Environmental Planning and Assessment Act 1979 and Part 5 of the Environmental Planning and Assessment Regulations 2000 in this regard. A planning consultant can assist you further in this regard. Note, the onus of proof lies with the applicant in this regard.
- ⁴ There are certain activities that would otherwise be prohibited that can be undertaken for limited times as described in clause 2.8 of *Wollongong Local Environmental Plan 2009*.
- ⁵ This includes such things as bushfire, geotechnical, flooding, instability, contamination and any easements. This information can be obtained from Council via a Section 10.7(5) Certificate. Some of this information is also available on Council's online mapping service. Any development application should identify the applicable constraints and outline what measures are to be taken to address them.
- ⁶ Particularly where your proposal involves alterations and or change of use of an existing building, you will need to be aware of any requirements to conform to the Building Code of Australia (BCA) regarding access and fire safety. Improvements may come at a significant cost.
- ⁷ Council's *Economic Development Unit* has been established in order to foster economic development in the city, working with other organisations to identify job creation opportunities and assist businesses looking to establish or re-locate in Wollongong.
- ⁸ Council's *Duty Planning Officer* or *Duty Building Inspector* can assist you with planning and building enquiries. They can be contacted through Council's Customer Service Team on 4227 7111 and are available between 9am and 1pm.
- ⁹ Pre-lodgement meetings are advisable where a specific site constraint or planning control is identified that may be a determinative factor in the assessment. The meeting allows you to get Council comments prior to submitting a formal development application.
- ¹⁰ See the small business factsheets for guidance on the type of information this should include.