



Kingborough

Development Applications

What is a Development Application?

It is an application for permission to develop and use land for a particular purpose and it is your responsibility to make sure that you have Council's prior permission for any new buildings, alterations / extensions to existing buildings (including demolition) or changes to the use of land and buildings. Failure to do so could result in fines and daily penalties being imposed in cases of non-compliance.

Why is it needed?

All councils are required by law to have a Planning Scheme which divides the Municipality into zones to regulate the use of land and buildings to meet the further needs of the community. Planning is important to avoid conflicts between incompatible land uses, to protect the environment and to ensure a level of safety and security for the community.

Although many people believe that there is too much restriction on how land may be used or developed, Planning regulations are the only way of balancing the wishes of private individuals or developers with those of their neighbours and the wider community.

Are there different types of Development Applications?

Generally, proposed development can be placed into one of five use categories.

1. **Exempt** – means that it meets the requirement for exemptions under the Kingborough Interim Planning Scheme 2015. A Planning Permit is not required.
2. **No Permit Required** – means the use is listed as 'no permit required' in the Use Table and complies with all of the acceptable solutions within the Interim Planning Scheme. A 'No Permit Required Certificate' issued by Council is required.
3. **Permitted** – means that the proposal is appropriate in the zone and complies with all the acceptable solutions within the Interim Planning Scheme. A Planning Permit is still required.
4. **Discretionary** – means that the proposal may not be appropriate in the zone or does not comply with all regulations in the Interim Planning Scheme. Council will assess the application on its merits and may approve or refuse the proposal at its discretion. A discretionary development is advertised in the press, on-site and in the Council Offices, for 14 days to allow public comment.
5. **Prohibited** – means an application cannot be accepted.

How do I prepare and lodge an Application?

Development Applications are processed as quickly as possible, but there are some things you can do to reduce delays:

- Consult with Council's Customer Service Department about your application before you prepare any plans; to determine which use category your proposal falls into.
- If possible, talk to your neighbours about your proposal.
- Complete all the questions on the Application Form or write N/A if not applicable.
- Attach a covering letter if your application requires some explanation or if you are asking Council to relax its requirements.



kingborough.tas.gov.au

- Provide a full copy of the Title to the property together with the Schedule of Easements and any Part 5 Agreement relevant to the property.
- Make sure the plans meet Council's standards and requirements. (Eg Site Plan including locations and distances of the proposed development and any existing buildings and easements, Floor Plan, Elevations.) Consider having them professionally drawn to ensure that they contain all the necessary information.
- One copy of all plans is required.
- Remember to get the owner's signatures and consent if you don't own the property.
- Pay the fees when you lodge the application with Council's Customer Service Department.

How long will it take?

When your Planning Application is complete and contains all the required information, it can be lodged with the Customer Service Department.

Some applications are straightforward and follow the "permitted path" to delegated (managerial) approval within two to three weeks.

Other "discretionary" applications are more complicated and usually take between four and six weeks for Council to consider fully.

Incomplete applications requiring further information may take significantly longer.

What are the implications of the decision?

The applicant is notified in writing within a few days of the decision being made. There are three types of decisions which can be made.

1. **Unconditional Approval** - These are normally straight forward decisions and can be implemented immediately, subject to other necessary approvals being obtained.
2. **Conditional Approval** - Make sure you understand all the conditions of approval and that these are implemented accordingly. In those cases where objections have been lodged, the objectors to the proposal may appeal against Council's decision to the Resource Management and Planning Appeal Tribunal within 14 days of being notified of the decision. Implementation cannot proceed until the Tribunal has had its hearing and given its decision. If no appeal, implementation proceeds.
3. **Refusal** - If Council does not support the application it will provide reasons for its decision. The applicant may appeal against Council's decision.

How long does the Permit apply for?

Unless the proposed development has been substantially commenced within two years of the permit having been granted, it will lapse and a new application will have to be made or in special circumstances an application can be made for up to two extensions of time to the existing Permit provided they are requested within six months of expiry of a permit.

Are any other Council approvals required?

Once your Development Application is approved you would need to obtain other approvals before you can proceed with your proposal. You must also ensure the conditions of Planning Approval are addressed prior to commencing the next step which is (unless you are planning to subdivide) to obtain a separate Building Approval. Also, if no TasWater sewers are available for the development to connect into, On-Site Waste Water System approval is required. Additional fees are charged for both these applications.

Please Note: The information contained herein is a guide only. For further information please contact Customer Services on 6211 8200 or visit Council's Civic Centre to discuss your proposal in more detail.



Development Application Process

