



Property Development and Planning matters

Some of the most commonly asked questions about Property Development and Planning matters are discussed on this page.

1. Who should I consult with if I wish to subdivide or develop my property?

The Subdivision or development of property in New South Wales is governed by planning instruments which may permit or prohibit the type of development that you wish to undertake. These planning instruments are generally created by local councils (eg Local Environmental Plans and Development Control Plans) or the State Government (State Environmental Planning Policies and Regional Environmental Plans).

Before proceeding with any development proposed you should peruse these planning instruments to ascertain whether the proposed development is permissible.

If your development is permissible it may then be necessary to engage the services of a Planning Consultant, a Surveyor, Architect, Traffic Consultant, Landscape Architect or other experts to assist in the preparation of your development application. We regularly deal with all of these consultants in the development field and can assist in referring you to the consultant appropriate for your needs.

2. How long will it take to obtain development consent from the Local Council?

The time taken to obtain council approval for your development application will vary according to the size and nature of the development and its potential impact on the surrounding area.

Under the provisions of the Environmental Planning and Assessment Act, a Council is required to make a determination in respect to your application within 40 days of the date of lodgement PROVIDED THAT you have submitted all of the necessary supporting documentation and reports to the Council to enable it to assess your application. In the event that the application is deficient (eg further reports etc are required) then the Council is entitled to “stop the clock” on its assessment of your development application until all outstanding information and reports have been provided.

3. Who at Council will determine my Development Application?

The majority of development applications are assessed and determined by Council officers under the delegated authority provided in the provisions of the Environmental Planning & Assessment Act. However, large scale developments or applications for which there have been substantial community objections are generally determined by elected Councillors at a Council meeting. Most Councils have policies in place allowing both applicants and objectors to address the Councillors in a public Council meeting prior to a final determination being made by the Councillors.



4. What if the Council refuses my Development Application or approves it but imposes conditions which you consider unreasonable?

The Environmental Planning and Assessment Act provides that an applicant may lodge an appeal in the NSW Land and Environment Court against a Council's decision to refuse a development application.

An applicant may also lodge an appeal to the Court if the applicant is dissatisfied with any of the conditions imposed by Council in granting the consent. An applicant must lodge an appeal to the court within 12 months from the date on which the application is refused or approved.

5. Can the conditions of a development consent be altered or amended?

From time to time circumstances arise during the course of a development which necessitates a change in the approved proposal. The Environmental Planning and Assessment Act provides that an applicant may lodge a further application with Council to vary, modify or alter the terms of the development consent. An application to vary, modify or alter the development consent is dealt with in the same manner as the original development application.

If you would like further information, or require assistance, please contact us on (02) 4731 5899 or send us an email by clicking on the 'Contact Us' page on our website.