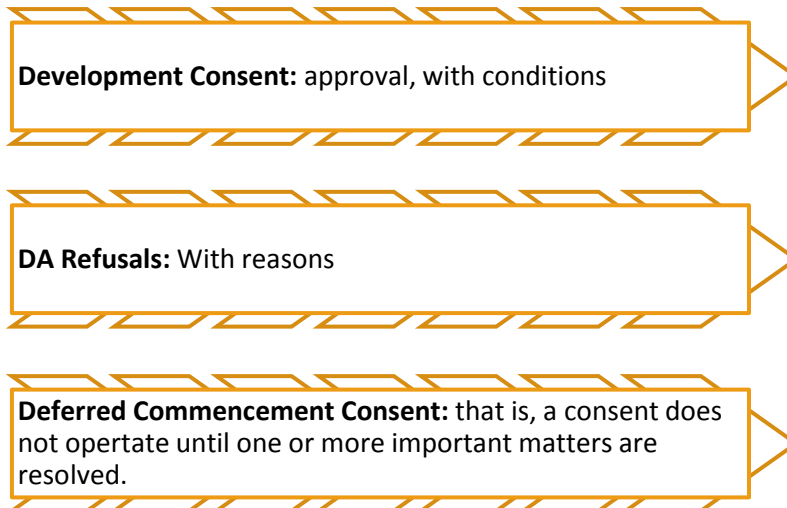


Stage 4: Determination – The decision

Stage 4	Participants	Responsibilities
Determination	You / Your Team	Read conditions Seek clarification if needed
	Council Officers	Complete determination including conditions and/or reasons for decision Advise you of decision

There are three possible outcomes for a DA:



Your development consent is a legal document and is extremely important – you must build according to conditions of the consent to avoid possible penalties or having to make costly rectification measures. As the owner, you should carefully read and discuss these conditions with your certification and building team members, as the conditions may modify the proposal you submitted (e.g. reducing height, deleting elements, adding a privacy screen, requiring a retaining wall). These changes may increase the cost of your construction.

Getting it right at the start will help minimise unexpected and unplanned costs because of conditions imposed.

Consents last for five years unless another period is specified by council or physical commencement has occurred. Physical commencement prevents a consent from lapsing. It is important to read and understand your consent conditions as there may be prerequisites for physical commencement described within. This timeframe is set by State legislation and no extensions can be granted to extend the lapsing period beyond 5 years.

Most development applications in the Snowy Monaro Council area are determined by planning staff, however, your development application may be presented to a Council meeting for determination. Usually this would be required if there were more than 5 objections to your development application, if there are potential significant impacts or requires a significant variation to the relevant planning restrictions. The circumstances in which development applications will be referred to Council for determination can be found in the “Referral of Development Applications to Council” Policy, on Councils website.

If an application is being determined by Council the assessing officer will write a report for the Council meeting with the relevant information about the application including a recommendation for the determination. If an application is to be determined at a Council meeting, the applicant and any person who made a submission will be notified of the meeting, advising they are able to speak to the item at the meeting. A delay to the determination of your application can occur due to the reports required being more complicated, meetings being held once a month and because the reports must be submitted for each meeting over a fortnight in advance. In general, a decision is made on the application at the first Council meeting it is presented to however the Councillors have the ability to defer the decision and request additional information to allow them to make a decision. Should this be the case the report is amended (if required) and resubmitted to a Council meeting for decision. Should this occur you as the applicant will be notified that the decision has been deferred and you will be notified of the new date to which the application will be presented.

If you wish to make changes to your approved plans (or the conditions), you can submit an application for a **Modification of Consent** (this is also called a s4.55 application). This may be needed depending on the particular aspects of the development. The development you seek to modify must remain substantially the same as the development the original consent was granted for. If the application varies significantly from the original consent a new DA must be lodged.

Modifications can be time consuming and cost additional fees. Getting the intended outcome right in the initial DA is much easier.

