



*"Comfortable Country Living"*

# Development Application Guide

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# 1. INTRODUCTION

## 1.1 ABOUT THIS GUIDE

The Guide has been prepared based on information as detailed in the *Environmental Planning and Assessment Regulation 2000*. This Guide does not necessarily cover all required information for all development types, if Council requires anything further we will contact you. The guide explains how to prepare a Development Application and apply for a Construction Certificate. Please read the guide completely before you proceed. The information and tips will help you avoid potential pitfalls.

Council regulates building and development (commercial, industrial and residential) on behalf of the community. Each Development Application is assessed on its merits, using relevant Environmental Planning Instruments, Development Control Plans, and other relevant policies.

Council consent for most types of development is required by law, under the *NSW Environmental Planning and Assessment Act 1979*. In most cases, a Construction Certificate must also be obtained before building and development begins.

Compliance with this guide does not mean your Development Application will be approved.

To enable a speedy and efficient assessment of your application we strongly recommend that you:-

- Consult Council *before* lodging an application, to determine your proposal's specific requirements. The Officers within Council's Development and Environmental Department can advise you on relevant planning and building controls and provide preliminary advice on your proposal. To make an appointment, please contact Council's Development and Environmental Department on 6835 9000.
- Ensure your application is fully completed and includes all the details, plans and documentation required at the time of lodgment.

## 2. WHAT IS A DEVELOPMENT APPLICATION?

A Development Application (DA) is a formal request for permission to develop.

### 2.1 DO YOU NEED TO LODGE A DA?

You need to lodge a DA if you propose to do any of the following:

- Erect a new building or structure – including dwellings, garage/carport, shed, swimming pool, retaining walls, etc.
- Add to or alter an existing building
- Demolish a building
- Demolish, damage or alter a building or place that is a heritage item or that is within a heritage conservation area
- Subdivide land or strata, subdivide a building
- Carry out earthworks, excavation or filling
- Change the use of an existing building, premises or land – e.g. changing the use of an existing shop front from a real estate office to a convenience store or changing office space to a hairdressing salon
- Display an advertising sign

### **Tip #1**

There are some minor works that do not require a Development Application. If you need any information or advice on this, please visit or phone Council or visit our websites at [www.bogan.nsw.gov.au](http://www.bogan.nsw.gov.au)

## **2.2 WHAT YOU NEED TO START**

Compulsory:

- An Application Form:
  - For a DA only (*Form No BOG001*);
  - For a CC only (*Form No BOG004*);
  - For a combined DA/CC (*Form No BOG003*).
- A Statement of Environmental Effects (either prepared by a suitably qualified consultant or *Form No BOG014*)
- Plans of the development.

Optional:

- Appointment of Principal Certifying Authority (*Form No BOG005*). If applying for a Construction Certificate with Council and you wish to appoint Council as your Principal Certifying Authority, this form is Compulsory.
- Donations Disclosure form (*Form No. BOG008*) if you have made any political donations or gifts.

These documents detail all the information you need to submit to enable Council to assess your application.

Follow These Steps (Each step is explained in this guide)

1. Determine the type of Application and Development
2. Ask Council about Land Use Controls, Policies and Guidelines
3. Provide Plans, Statement of Environmental Effects and other supporting documentation required for lodgement
4. Complete the relevant forms and checklist
5. Lodge the completed application/s and pay the appropriate fees

### **Tip #2**

Council's Planning Controls, Policies, Guidelines and all Council forms are available on our website at [www.bogan.nsw.gov.au](http://www.bogan.nsw.gov.au)

## 2. STEP 1 – DETERMINE TYPE OF APPLICATION & DEVELOPMENT

### a. TALK TO US FIRST

You need to ascertain the type of development your proposal is, so you can determine what documents, forms and approvals are required. We recommend you make an appointment to meet with Council Staff prior to lodging an application.

If you wish to proceed without a meeting with Council Staff you will need to refer to the following questions:

### b. CHECKLIST OF QUESTIONS TO ASK COUNCIL

Below is a summary of questions you need answered to determine if your property has specific site constraints that will require additional supporting documentation with your Development Application.

Is your property:

- Identified as being located in bushfire-prone land?
- Identified as being affected by flooding and/or overland flows?
- A 'Heritage Item' or 'in the vicinity of a Heritage Item'?
- Identified as being or potentially being contaminated. You will have to request this in writing. This information is only available free to the owners of the land and all requests for contamination advice are replied to in writing to the property owner. Other parties can get this information by applying for a Section 149 (2&5) Certificate.

### c. DETERMINE THE TYPE OF APPLICATION

#### i. Local Development

This is development that requires consent from Council. Most residential development is classed as Local Development. Examples of Local Development include:

Advertising Signage	Mixed Use Development
Carport	Residential Flat Building
Change of Use	Shed
Commercial Development	Single Dwelling
Demolition	Subdivision (torrens or strata)
Dual Occupancy	Swimming Pool
Extensions	Town House
Garage	Villas

#### ii. Integrated Development

Any of the above types of development may also be classed as an Integrated Development. These require additional approvals from other government agencies. The type of approval needed, and the agency it is needed from, varies. It is your responsibility to find out which approvals are needed.

Development that involves or relates to any matter such as fire-prone lands, heritage, roads, pollution, river and lakes, using water, aboriginal relics and places may be 'Integrated Development'.

Applications for Integrated Development will be referred to the relevant agency by Council to obtain their 'General Terms of Approval' (GTAs). These requirements will then be incorporated in the conditions of any development consent issued by Council.

Examples of relevant agencies and the applicable Acts are:

- NSW Rural Fire Service – *Rural Fires Act 1997*
- Department of Planning – *Heritage Act 1997, Fisheries Management Act 1994*
- Office of Environment & Heritage – *National Parks & Wildlife Act 1974, Fisheries Management Act 1994, Water Management Act 2000*
- Roads and Traffic Authority – *Roads Act 1993*
- Trade & Investment, Regional Infrastructure & Services – *Fisheries Management Act 1994*
- Heritage Council of NSW – *Heritage Act 1997*

A detailed guide to Integrated Development is available from the Department of Planning by phoning (02) 9228 6111 or you can visit their website at [www.planning.nsw.gov.au](http://www.planning.nsw.gov.au).

Integrated Development Applications requires additional information and fees. Please contact Council's planning staff to determine the additional fees and information requirements for such.

### **iii. Major Projects**

The Minister of Planning has declared that certain developments are of State significance (known as Major Projects). For these, the Development Application is to be made to the Department of Planning – not Council.

If you think your proposal may be a Major Project, please contact your Council for confirmation and assistance.

### **iv. Designated Development**

A development that is likely to have significant impact on the environment is subject to special regulatory procedures. Designated Development includes industries that have a high potential to pollute, large scale developments and developments that are located near sensitive environmental areas such as wetlands. A list of designated developments is provided in Schedule 3 of the *Environmental Planning and Assessment Regulation 2000*. Please refer to [www.legislation.nsw.gov.au](http://www.legislation.nsw.gov.au).

Special procedures apply to Designated Development including:

- An environmental impact statement must be prepared and submitted with application
- There is a 30 day public exhibition period
- Third party objectors have a right of appeal

Applications for Designated Development are determined by Council unless declared to be State Significant Development.

## **3. STEP 2 – ASK ABOUT LAND USE CONTROLS, POLICIES AND GUIDELINES**

Before you start designing your proposal you need to know about the Council's land use controls, policies and guidelines (also known as planning instruments) that will relate to your proposal.

These include, but are not limited, to:

- Local Environment Plan (LEP)
- Development Control Plans (DCPs)
- Codes and Guidelines
- S94 Plans Contribution
- Developer Servicing Plan

**a. LOCAL ENVIRONMENT PLAN (LEP)**

The LEP provides a framework for planning decisions. It sets out land use zoning and development controls that enable Council to manage the way land is used.

**b. DEVELOPMENT CONTROL PLANS (DCP)**

These provide comprehensive guidelines and planning controls for individual types of development and/or for particular locations in your local government area.

**Tip #3**

It is your responsibility to find out which plans, codes and guidelines apply to your proposal and to ensure that your proposal meets and/or addresses EVERY requirement.

**c. CODES AND GUIDELINES**

Council has a number of Codes and Guidelines to help ensure quality development. You need to refer to these Codes and Guidelines and follow them when preparing and designing any building work or renovations.

**d. WHERE CAN YOU GET THESE DOCUMENTS**

All documents referred to in this guide can be viewed on the following Council's website [www.bogan.nsw.gov.au](http://www.bogan.nsw.gov.au) or you can obtain copies from Council's Administration Building.

The fees quoted in Council's Fees and Charges schedule are revised annually.

**e. ADVICE FROM COUNCIL STAFF**

**i. General Advice**

Our customer service staff can answer general enquiries over the phone, but more detailed or site specific enquiries will need to be referred to Council's Development and Environmental Department who can provide advice regarding:

- Relevant design guidelines and objectives - you need to know which Development Control Plans (DCPs) apply to your development (ask Council or check their website)
- Development Standards - you need to know how the Local Environmental Plan (LEP) affects your development, e.g. zoning, etc.
- Site constraints
- Exempt and Complying Development
- Heritage status
- Other approvals needed
- Building Regulations and Construction Certificates
- Other matters that you will need to consider when designing your proposal.

**Tip #4**

You can apply for a Section 149 (2 & 5) Certificate to confirm most of these details in writing.

## ii. Advice

If you would like advice about your proposal, Council offers a **free Pre-Development Application Advice** service with our experienced planning and building staff. This service is particularly useful if your proposal has specific issues or is complex.

To apply for this service, please contact Council to arrange a meeting time. Basic information and any conceptual plans should be submitted to Council prior to the meeting to enable specific advice to be researched and provided.

## 4. STEP 3 – PLANS, STATEMENT OF ENVIRONMENTAL EFFECTS AND OTHER SUPPORTING DOCUMENTATION REQUIRED FOR DA LODGEMENT

The actual plans and other supporting documentation required for your proposal will depend on the type of development proposed.

### a. PLANS

The actual plans required for your proposal will depend on the type of development proposed and are listed on the relevant application form.

#### **Compulsory Plan Information**

On ALL PLANS submitted the following information is needed:

##### Title Block

Include a title block showing:

- Name of person who drew the plans, eg architect or draftsman
- Plan number and date
- Amendment number and date (where appropriate)
- Applicant's name
- Location and title description of the property
- North point.

##### Scale

- Show the scale on every plan
- Draw the plan at a standard scale such as 1:100, 1:200 or 1:500

Always draw a bar scale so that dimensions can be easily determined on photocopy reductions

## i. How Many Copies?

Three (3) copies of the plans are required for each application and shall be no greater than A3 in size.

## ii. Site Plans/Site Analysis Plans

This plan should illustrate and analyse existing site conditions in relation to surrounding land and buildings. In addition to the Compulsory Plan Information shown above, the plans must include the following details:

- Street name and number
- Site dimensions
- Boundary setbacks
- Vehicular access
- All structures on site
- Adjacent building and properties
- Any trees:
  - on the property
  - on Council land adjacent to the property (i.e. nature strips)
  - within 5 metres of the proposed development on any adjoining property

An example of a site plan is available in Section 9 of this guide.

## iii. Floor Plans

These plans must clearly illustrate the proposed floor plans. In addition to the Compulsory Plan Information shown above, the plans must also include the following details:

- Layout of proposed development
- Figured dimensions of proposed work
- Internal walls/partitions and room names for use
- Calculations of all existing and proposed floor areas
- Location of stairs and levels

## iv. Elevation Plans

These plans must clearly document the proposed buildings or works. In addition to the Compulsory Plan Information shown on page 6, the plans must also include the following details:

- Ground and floor levels for new dwellings/buildings and first floor additions
- Proposed pools showing section, pool fencing, heights and location of filters and pumps
- External finishes (colours and materials)
- Heights of any proposed building

### **Tip # 5**

In the construction and building industry most objects are too large to fit on paper if drawn at a scale of 1:1 (full size), so when drawn they must be reduced in scale by a fixed amount.

Depending on the size of the building site plans are drawn at 1:500 or 1:200, floor plans are drawn at 1:100 or 1:50, elevations are drawn at 1:100 or 1:50.

## v. Survey Plan

This plan is required for works located less than 500mm from site boundary. The plan (prepared by a registered surveyor) should show the exact location of existing buildings and other features on the site, preferably at a scale of 1:100 or 1:200. The plan should include the Compulsory Plan Information plus the following details:

- North point (true solar north)
- Position of all existing structures and easements
- Position of structures on adjoining land

## vi. Sediment and Erosion Control Plan

A Sediment and Erosion Control Plan (also known as a Soil and Water Management Plan) is the formal plan designed to control erosion and sedimentation on a building site. The plan illustrates how soil erosion can be minimised on the site.

Draw the plan to a standard scale and show the Compulsory Plan Information, shown on page 6, plus the following details:

- Contours
- Access points and access control measures
- Location and type of all sediment control structures
- Location of existing vegetation to be retained and undisturbed ground
- Any existing water courses or drainage
- Material stockpile areas, storage and control methods

Other details may be required, depending on the scale of the proposal and the specific requirements of the site.

For more information, go to the Office of Environment and Heritage website at [www.environment.nsw.gov.au](http://www.environment.nsw.gov.au).

### **Tip # 6**

Under Section 20 of the *Protection of the Environmental Operations Act 1997*, heavy fines may be imposed if a person allows soil, cement slurry or other building materials to enter the stormwater system.

## vii. A4 Notification Plans (Notifying Neighbours of Proposed Development)

You are required to provide four (4) additional copies of your Site and Elevation Plans (reduced to A4 size paper) so Council can notify your neighbours of your proposed development.

## viii. Stormwater Concept Plan

For all new developments and alterations/additions that involve changes to stormwater drainage you need to submit a Stormwater Concept Plan to illustrate how stormwater runoff from your site will be managed. This must be drawn to scale of 1:100 and prepared by a qualified practicing Civil Engineer.

The method of stormwater management proposed will depend on existing site conditions such as the slope of your land and whether the property is on sand and if stormwater can drain to an absorption pit.

### **Tip # 7**

Think about your stormwater disposal as soon as you start your building design. It is essential you incorporate your drainage design in the initial design process

## ix. Landscape Plan

Landscape plans may be required for your development type. If you are required to submit a Landscape Plan please refer to the Landscape Plan Checklist (*Form BOG015*). The plans must detail the proposed landscaping for the site and must be prepared by a Landscape Designer. Draw the plan to a standard scale of 1:100 or 1:200 and show the Compulsory Plan Information, shown on page 6, plus the following details:

- North point
- Calculation of soft landscaping and hard paved surfaces as a percentage of the total site area
- Finished surface levels, embankments and grades
- Proposed surface treatments and restorations (e.g.: turf, paving, bank stabilisation, mounds, etc)
- Location of all existing trees over 3 metres high or with a girth of more than 300 mm at a height of 1 metre above the ground to be retained or removed, clearly indicating those you are proposing to remove
- Location of drainage pits, onsite detention basins, water storage tanks and overland flows
- Plant schedule – table of proposed planting (indicate species, pot size, location, numbers and mature height width)
- Proposed fences and retaining walls (indicate height and material)
- Sections and elevations
- Construction details and specifications
- Maintenance program

### **Tip # 8**

You will need to check the DCP for your development type and other relevant Policies and Guidelines for any additional requirements for your Landscape Plan.

## x. Subdivision Plan

This plan will clearly illustrate the proposed subdivision layout. The plan should be prepared by a Registered Surveyor and show the Compulsory Plan Information, shown on page 6, plus the following details:

- Existing and proposed boundaries
- Relationship to existing roads and subdivision boundaries (show width of roads)
- Proposed boundary dimensions
- Proposed lot areas
- Proposed roads, pathways (indicate width)
- Proposed easements and rights of way
- Proposed public reserves, drainage reserves
- The proposed line of subdivision
- The numbering of each proposed lot
- Contours, water bodies, water courses, trees, buildings

## **b. STATEMENT OF ENVIRONMENTAL EFFECTS**

### **i. What is a Statement of Environmental Effects?**

A Statement of Environmental Effects (SEE) is a report outlining the likely environmental impacts of the development and the proposed measures to be taken to lessen this impact. The statement must address all the issues that are applicable to your proposal.

### **ii. When is a Statement of Environmental Effects required?**

**All** Development Applications require a SEE. Only a very brief SEE is required for proposals that are likely to have little impact. *Form BOG014* can be used in the instance of minor forms of Development with minimal environmental impact.

### **iii. What to include in a Statement of Environmental Effects**

#### **5.2.3.1 Description of Development**

Detail's the proposed development. You should consider such things as:

- physical description of the building
- proposed building materials
- nominated colour scheme
- nature of use and
- details of any demolition.

#### **5.2.3.2 Development Standards**

If you are uncertain of the zoning of your land please contact Council Staff. To identify the provisions that apply to your lot please obtain a copy of Council's LEP and DCPs to ensure your development proposal satisfies these requirements. Council's LEP and DCPs can be viewed on the website or you can obtain copies from Council's Administration Building. Fees may be applicable as per Council's Fees and Charges.

#### **5.2.3.3 Site Suitability**

Show that the site is suitable for the proposed development. You should consider such things as:

- site constraints such as flooding, slope, bushfire and subsidence
- proximity to shops, community and recreation facilities
- compatibility with adjoining development
- compatibility with visual setting
- local planning objectives
- size and shape of allotment and
- age and condition of buildings.

#### **5.2.3.4 Current and Previous Uses**

Provide the following details:

- Previous use of the site
- Date when present use commenced
- Present use of adjoining land and
- A statement as to whether or not you are aware that the site is potentially contaminated.

### 5.2.3.5 Operational Details

For applications that involve a usage other than residential, describe how the establishment will operate.

- Type of business
- Number of staff
- Hours and days of operation
- Plant and machinery
- Production processes
- Fire safety measures
- Type and quantity of raw materials, finished products and waste products and
- Identify any proposed hazardous materials or processes.

### 5.2.3.6 Access and Traffic

Show adequate provision for access. You should consider such things as:

- Disabled access
- Pedestrian amenity
- Bicycle facilities
- Vehicle access to a public road
- On-site parking
- Parking calculations and
- For major traffic generating proposals, attach a Traffic Impact and Assessment Report prepared by a Transport Consultant.

### 5.2.3.7 Context and Setting

This section describes how the proposed development will affect neighbouring properties privacy and views. The proposed development should not cause unreasonable overshadowing to adjacent properties. It describes how the proposal will not cause, or be affected by, air or noise emissions.

#### 5.2.3.7.1 Visual Privacy

- Window placement relative to adjacent dwellings and common areas
- Views between living rooms and the private yards of other dwellings
- Use of screen plantings, walls or fences to improve privacy
- Floodlights and other light spillage

#### 5.2.3.7.2 Acoustic Privacy

- Placement of active use outdoor areas relative to bedrooms
- Separation of roads, parking areas and driveways from bedrooms and living room windows
- Noise transmission between dwellings
- Measures taken to lessen external noise sources

#### **Tip # 9**

*Only a brief SEE is needed for proposals likely to have minor impact, e.g. internal alterations, minor building work.*

### **5.2.3.7.3 Views**

- Impact of the proposed development on views from adjoining or nearby properties
- Design options for protecting views
- Views from the proposed development

### **5.2.3.7.4 Overshadowing**

Where lot size and orientation, slope of site or adjoining buildings create the potential for overshadowing, include a shadow diagram. The plan must illustrate the extent of shadows cast by existing and the proposed building, including buildings on adjoining land. The plan must be drawn to a suitable scale and show shadows cast by buildings at the winter solstice (22 June) from 9am, 12 noon and 3pm.

### **5.2.3.8 Environmental Impacts**

#### **5.2.3.8.1 Air and Noise**

Show that the proposal will not cause, or be affected by, air or noise emissions. Include details of:

- Proposed air and noise mitigation measures
- Construction noise
- Operational noise
- Where noise is a major issue, attach a report by an Acoustic Consultant

#### **5.2.3.8.2 Soil and Water**

Show how the proposal will deal with all aspects of soil and water management:

- Water supply
- Sewage disposal
- Drainage
- Flooding
- Erosion and sediment control

#### **5.2.3.8.3 Flora and Fauna**

- Show how the proposal will impact on existing flora and fauna and proposed landscaping.
- Consideration is to be given as to whether there is likely to be a significant effect on threatened species, populations or ecological communities, or their habitats as a result of the proposed development.

#### **5.2.3.8.4 Heritage**

A Heritage Impact Statement is required for any work to a heritage item or a building within a Heritage Conservation Area that requires consent under Council's LEP. Where a Heritage statement is required it must be prepared by a suitably qualified heritage advisor/consultant.

If your proposed development adjoins a listed Heritage Item it will require assessment in relation to the impact of any proposed development on the heritage item.

Council can provide you with detailed advice on which requirements apply to your proposal.

#### **5.2.3.8.5 Waste**

Show how the proposal promotes waste minimisation "reduce, reuse, recycle". All rural dwellings will also require submission of an application for approval to install an on-site sewage management system, including a site and soil assessment.

### 5.2.3.8.6 Energy

Details how the proposed development satisfies energy conservation and energy efficiency i.e. design, materials, solar lighting and heating, ventilation, shading elements, insulation and appliances. For residential development BASIX will cover this. For more information on BASIX refer to Section 5.3.6.

## 5.3 OTHER SUPPORTING DOCUMENTATION

### 5.3.1 Flood Advice

Council has identified a number of properties that may be affected by mainstream flooding and/or overland flows. This can affect the proposed floor level of your development/buildings and, in some cases, the building location. Properties that are affected will be required to obtain formal flood advice from Council. In some instances, you will need to complete an additional flood study prior to lodgement of DA.

### 5.3.2 Waste Management Plan

A Waste Management Plan must be provided for all works that involve construction, excavation, demolition and/or any works with an estimated cost of \$50,000 or more. This plan details how you are going to dispose of the materials and waste generated during demolition and construction and, where appropriate, on-going waste management.

### 5.3.3 Heritage Impact Statement

All proposed developments involving works or a change of use of a listed heritage item require a Heritage Impact Statement prepared by a suitably qualified heritage consultant. This assessment must address:

- Historical development of the site
- Description of the item and its setting (e.g. garden, fences, ancillary buildings etc)
- Contribution to streetscape: height, scale, mass, setback, fenestration, architectural style and period
- Heritage significance (use State Heritage Inventory Criteria)
- Effect of proposal on the heritage significance of the building and its setting
- Design options and reasons for the preferred option
- Conservation principles in accordance with ICOMOS (Burra) Charter

#### **Tip # 10**

General information about heritage is available from Council or on our website. Information is also available on the Heritage Branch website at [www.heritage.nsw.gov.au](http://www.heritage.nsw.gov.au)

### 5.3.4 Soil Contamination Report

Council has identified properties which are or could be potentially contaminated. If your property has been identified and you are proposing any excavation, demolition or building works, you are required to submit a Preliminary Site Contamination Report prepared by a suitably qualified land contamination consultant with your DA. Go to [www.epa.nsw.gov.au/clm/selectaclmcons.htm](http://www.epa.nsw.gov.au/clm/selectaclmcons.htm) for information to help you select an appropriate consultant.

*The Managing Land Contamination: Planning Guidelines SEPP 55 – Remediation of Land* provides a list of some activities that may cause contamination. They are provided in the following table.

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**TABLE 1: ACTIVITIES THAT MAY CAUSE CONTAMINATION**

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- acid/alkali plant and formulation	- metal treatment
- agricultural/horticultural activities	- mining and extractive industries
- airports	- oil production and storage
- asbestos production and disposal	- paint formulation and manufacture
- chemicals manufacture and formulation	- pesticide manufacture and formulation
- defence works	- power stations
- drum re-conditioning works	- railway yards
- dry cleaning establishments	- scrap yards
- electrical manufacturing (transformers)	- service stations
- electroplating and heat treatment premises	- sheep and cattle dips
- engine works	- smelting and refining
- explosives industry	- tanning and associated trades
- gas works	- waste storage and treatment
- iron and steel works	- wood preservation
- landfill sites	

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**Source:** DUAP & EPA (1998) Managing Land Contamination: Planning Guidelines SEPP 55 – Remediation of Land

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#### **Tip # 11**

If you want to check if your property has been identified as contaminated, or potentially contaminated, you need to write to Council. This information is only available free to owners of the land. All requests for contamination advice are replied to, in writing, to the property owner. Other parties can get this information by applying for a Section 149 (2&5) Certificate.

### **5.3.5 Traffic Impact Assessment**

Some development types will require a Traffic Impact Assessment to assess the traffic impacts of the development. The study should be undertaken in accordance with the RTA's *Guide to Traffic Generating Development* and should include, but not be limited to, the following:

- Existing site conditions
- Route assignment, traffic flows & traffic generation (existing & future)
- Traffic safety
- Intersection performance and levels of service (existing & future)
- Construction traffic management concepts
- Access requirements for both cars & commercial/service vehicles
- Parking demand, proposed parking arrangements
- Provisions for movement of vehicles within the site, including dimensions

If you are unsure if your development type requires a Traffic and Parking Report please contact Council's Planning Department.

## **5.3.6 BASIX Certificate**

A BASIX Certificate is required for all new dwellings, dual occupancies, multi-unit dwellings, alterations and additions over \$50,000 or swimming pools (pool and spa) with a capacity greater than 40,000 litres.

The Building Sustainability Index (BASIX) is a web-based planning tool designed to assess the potential performance of residential buildings against a range of sustainability indices. A BASIX Certificate identifies the sustainability features required to be incorporated in the building design. These features may include sustainable design elements such as recycled water, rainwater tanks, AAA rated showerheads and taps, native landscaping, heat pump or solar water heaters, gas space heaters, roof eaves/awnings and wall/ceiling insulation.

You need a BASIX Certificate when BASIX applies to the type of development for which you require approval. Details of types of development requiring a BASIX Certificate can be viewed at [www.basix.nsw.gov.au](http://www.basix.nsw.gov.au).

The BASIX Certificate must be submitted with the Development Application or Complying Development Certificate application. The plans and specifications must also identify the BASIX commitments which will be checked by a professional building certifier during construction. Where submitted plans or specifications are inconsistent with the relevant BASIX Certificate, Council will require applicants to submit consistent applications before progressing the assessment process – either by amending plans/specifications or by submitting a new BASIX Certificate with commitments that match the rest of the application.

Applicants can generate the BASIX Certificate only on the NSW Department of Planning's BASIX website at [www.basix.nsw.gov.au](http://www.basix.nsw.gov.au). For more information please phone the BASIX Helpline on 1300 650 908.

## **5. STEP 4 – COMPLETING THE APPLICATION FORM**

Below is more information about the questions on the Application Form that may need further clarification.

### **a. DEVELOPMENT APPLICATION FORM (BOG001)**

#### **i. Part 1 – Site and Applicant Details**

##### **6.1.1.1 Location of the Proposed Development**

This is the street address of the project.

##### **6.1.1.2 Land Title Description**

The Assessment No./Lot/Section/DP Numbers can be found on the Certificate of Title or Rates Notice for the land.

##### **6.1.1.3 Applicant's Name**

This is the name of the applicant. It may be a single person or a company.

##### **6.1.1.4 Your Postal Address**

Here you provide the postal address for the applicant. This is where all correspondence from Council will be sent.

##### **6.1.1.5 Your Contact Details**

The contact details for the applicant. This is where we can contact you if we require further information on the application.

## **6.1.2 Part 2 – Development Details**

### **6.1.2.1 Development Proposal**

Here you have to select what type of development it is you're seeking approval for.

### **6.1.2.2 Development Description**

Provide a brief but definitive description of your proposed development or use. A detailed description of your proposal should be provided in your Statement of Environmental Effects.

### **6.1.2.3 Proposed Use**

Provide a description of the proposed use of the building or land.

### **6.1.2.4 Staged Development**

Are you proposing to undertake your development in a staged manner? And if so, do you want your consent to be issued as a staged consent?

### **6.1.2.5 Estimated Cost of the Development**

What is the total cost of the development?

### **6.1.2.6 Approvals under the Local Government Act**

This section allows you to apply for approval from Council for an activity listed in Section 68 of the Local Government Act 1993. For a full listing of these activities please refer to [www.legislation.nsw.gov.au](http://www.legislation.nsw.gov.au). If your development proposal requires a Section 68 approval (eg septic system) you may apply for this at the same time as lodging your DA via completion of form *BOG017*. Additional fees apply.

#### **Tip # 12**

Approval is not required for the installation of domestic grey water diversion that is done in accordance with Section 75A of the Local Government (General) Regulation 2005.

### **6.1.2.7 Concurrence of State Agencies**

If the concurrence of any other state agencies or department is required (other than for Integrated Development) you need to list them here.

### **6.1.2.8 Integrated Development**

Under the planning laws, you must indicate on the application form whether you need approval from another Government Agency specified under Section 91 of the *Environmental Planning and Assessment Act 1979*. Please refer to [www.legislation.nsw.gov.au](http://www.legislation.nsw.gov.au) and refer to Section 3.3, Page 3 of this Guide for more information on types of applications.

### **6.1.2.9 Part of Your Environmental Consideration**

Here you need to identify whether the site of the DA forms Critical Habitat, as defined by the *Threatened Species Conservation Act 1995* or if it is likely to significantly affect any threatened species, populations or ecological communities, or their habitats as listed under the same Act.

### **6.1.2.10 Documents Accompanying the Application**

Here you need to provide a list of all the documents that are being submitted to Council with the Application.

### **6.1.3 Part 3 - Signatures**

#### **6.1.3.1 Applicant's Declaration**

The applicant must sign the declaration. If there is more than one applicant all signatures are required.

#### **6.1.3.2 Land Owners Consent**

We are **not** able to accept your Development Application without the full consent of **ALL** landowners.

If there is more than one landowner, every owner must sign

If the owner is a company or owners' association, the application must be signed by an authorised person

If you are signing on the owner's behalf as their legal representative, you will need to state your legal authority (eg Power of Attorney, Executor, Trustee) and attach evidence of this authority

### **6.1.4 Part 4 – Submission Checklist**

You are to complete the checklist to ensure you provide all required plans and documents.

## **6.2 CONSTRUCTION CERTIFICATE APPLICATION(BOG004)**

### **6.2.1 Part 1 – Site and Applicant Details**

As per **Section 6.1.1**.

### **6.2.2 Part 2 – Development Details**

#### **6.2.2.1 Development Type**

Please tick whether the development involves building work or works associated within a subdivision (or both).

#### **6.2.2.2 Development Description**

Provide a brief but definitive description of your proposed development or use.

#### **6.2.2.3 Development Consent**

Provide the details of your Development Consent.

#### **6.2.2.4 Estimated Cost of the Development**

What is the total cost of the development?

#### **6.2.2.5 Documents Accompanying the Application**

Here you need to provide a list of all the documents that are being submitted to Council with the Application.

### **6.2.3 Part 3 – Building Details**

#### **6.2.3.1 Are you using a Licensed Builder?**

If you are proposing residential building work, you need to provide details of your builder or if the work will be undertaken by the builder.

If you are applying to be an owner builder please refer to the Office of Fair Trading website [www.fairtrading.nsw.gov.au](http://www.fairtrading.nsw.gov.au)

### **6.2.3.2 Builders Insurance Indemnity Certificate**

If you are proposing residential building work to be performed by a licensed builder or contractor which exceeds \$12,000.00, you need to provide an Insurance Indemnity Certificate.

### **6.2.3.3 Long Service Levy**

If you are proposing building work exceeding \$25,000, you will need to pay the Long Service Levy.

### **6.2.3.4 Building Classification**

Please provide the class of the building affected/proposed by the application as defined by the *Building Code of Australia*. If you are unsure what the class is, Council staff will be able to help you.

### **6.2.3.5 Building Materials**

In this section you need to identify what the main materials that the building will be constructed of.

### **6.2.3.6 Building Floor Areas and Details**

For each proposed building, you need to complete the relevant details in the table. You also need to provide details on the existing and proposed buildings on site.

### **6.2.3.7 Appointment of Principal Certifying Authority**

Appointment of Council as the Principal Certifying Authority means you authorise Council to conduct the necessary inspections which results in the issuing of an Occupation Certificate.

Alternatively you may appoint an accredited private certifier to conduct the necessary inspections.

## **6.2.4 Part 4 - Signatures**

As per **Section 6.1.3**.

## **6.2.5 Part 5 – Submission Checklist**

You are to complete the checklist to ensure you provide all required plans and documents.

## **6.3 COMBINED DEVELOPMENT APPLICATION & CONSTRUCTION CERTIFICATE (BOG002)**

The requirements for completing this application form are covered in **Section 6.2** and **6.3**.

## **6.4 COMPLYING DEVELOPMENT CERTIFICATE APPLICATION(BOG002)**

### **6.4.1 Part 1 – Site and Applicant Details**

As per **Section 6.1.1**.

### **6.4.2 Part 2 – Development Details**

#### **6.4.2.1 Development Proposal**

Here you have to select what type of development it is you're seeking approval for.

#### **6.4.2.2 Development Description**

Provide a brief but definitive description of your proposed development or use.

#### **6.4.2.3 What EPI is this CDC made under?**

Here you need to identify what Environmental Planning Instrument allows you to undertake the development as Complying Development. These may include some State Environmental Planning Policies (as listed).

To be complying development, it must also meet the relevant development standards in that EPI.

#### **6.4.2.4 Will the proposal involve asbestos?**

You need to identify whether the building works will impact on any asbestos material. Details of such is to be provided here.

#### **6.4.2.5 Estimated Cost of the Development**

What is the total cost of the development?

#### **6.4.2.6 Documents Accompanying the Application**

Here you need to provide a list of all the documents that are being submitted to Council with the Application.

### **6.4.3 Part 3 – Building Details**

As per **Section 6.2.3**.

### **6.4.4 Part 4 - Signatures**

As per **Section 6.1.3**.

### **6.4.5 Part 5 – Submission Checklist**

You are to complete the checklist to ensure you provide all required plans and documents.

## **6.5 DISCLOSURE STATEMENT OF POLITICAL DONATIONS AND GIFTS (BOG008)**

On 1 October 2008, the Environmental Planning and Assessment Act 1979 changed to require the disclosure of donations and gifts, when making planning applications or submissions in respect of planning applications. These changes are designed to increase the transparency of the planning process.

A disclosure statement is required for a Development Application, an Environmental Planning Instrument, Development Control Plan or Development Contributions Plan if:

- Political donations of \$1,000 or more (or smaller donations totalling \$1,000 or more); or
- Gifts as defined by the Election Funding and Disclosures Act 1981 made in the two years prior to your application or after lodgement of your application by you or any person who has a financial interest in the application to a councillor or council employee. If the donation takes place after lodgement a disclosure statement must be sent to the relevant consent or approval authority within 7 days.

A person with a financial interest may include an applicant, landowner, or someone who will obtain a direct financial gain from the application. The new laws do not apply to people seeking a complying development certificate.

For further information refer to [www.planning.nsw.gov.au](http://www.planning.nsw.gov.au)

If you answer Yes then please fill out Disclosure Statement of Political Donations and Gifts (*Form No. BOG008*). This Disclosure Statement will be made publicly available by Council.

## **6. STEP 5 – LODGING THE DEVELOPMENT APPLICATION**

### **a. HOW DO YOU LODGE YOUR APPLICATION?**

You can lodge your application in person at Council's Administration Building or Council's Development and Environmental Department. An appointment is recommended if you have further questions regarding the application.

Alternatively, you may send your completed application (Development Application form, relevant checklists, plans, Statement of Environmental Effects and other supporting documentation and fee) to Council by mail.

Applications cannot be accepted by Facsimile.

If any parts of your application are incomplete, it will not be accepted and will be returned to you with your payment.

### **b. FEES**

Fees are calculated based on the estimated cost of the development (or the number of lots in the case of subdivision). A Development and Environmental Department Officer will be required to calculate the Development Application and other associated fees prior to lodgement of the application. It is requested the fees be calculated in advance by completing form *BOG018* and returning this to Council.

Council's application fees and charges are to be paid at the time of lodgement of your application.

#### **i. Payment Options**

- Cheque
- Cash or EFTPOS
- Credit facilities

## **7.3 AFTER YOU LODGE YOUR APPLICATION**

### **7.3.1 Acknowledgement**

After you have lodged your application, you will be contacted by a Council Officer assigned the application.

### **7.3.2 Public Notification**

For most development applications, the public is notified that a development proposal has been submitted. This is to enable interested people to view the plans and submit comments to Council. Public Notification can include advertising Development proposals in the local newspaper and/or writing to adjoining neighbours with a copy of the Notification Plans provided (Refer also to Section 5.1.7 of this Guide). For more details of the Public Notification relevant to your application, contact the officer assigned to assess your application. The exhibition period is generally 14 days but for some types of development it can be 30 or more days.

### **7.3.3 If We Need Additional Information**

If we need additional information to assess a Development Application, we will write to you detailing what is required. Please respond promptly to these requests as this will help avoid unnecessary delays in assessing your application.

## **7.3.4 Making Enquiries**

### **7.3.4.1 Phone**

You can phone the officer assessing your DA (referred to in your application acknowledgement letter) to find out how your application is progressing. When calling, please quote your DA number. Assessment Officers are only available at certain times, so please check with your Council.

### **7.3.4.2 Appointments**

You can phone Council to book an appointment with the officer assessing your DA. When calling, please quote your DA number. Assessment Officers are only available at certain times, so please check with Council.

## **7.3.5 Reported To Council for Determination**

Some DAs need to be referred to a Council meeting for determination. If your DA is being reported for determination by Council, we will contact you either by mail or phone to advise the details of the Council meeting.

You are able to address Council regarding your application in the Public Forum. Details on how to register for the Public Forum and registration forms are available on Council's website or from our Administration Building.

## **7.3.6 Notice of Determination**

After your application has been determined, you will receive a 'Notice of Determination of Development Application'. The Notice will tell you whether Council has approved or refused your application.

If your application is approved, the Notice will give details of any Conditions of Consent and the reasons for those conditions. It will also tell you when the consent becomes effective and when it will lapse.

If your application is refused, the Notice will give the reasons for refusal. It will also explain your right of appeal/review to Council or the Land and Environment Court.

## **7.3.7 Conditions of Consent**

If your Development Application is approved, you must ensure the development is carried out in accordance with the stated conditions. One of the Conditions of Consent will be that the development must commence within a set time frame.

You cannot alter or vary the development (or the way in which it operates) unless the terms of the consent are modified. To do this, you must submit a Modification of a Development Consent (*Form No BOG006*).

It is important you read, and fully understand, all the Conditions of Consent. If you have any queries, please contact the assessing officer.

## **7.3.8 Section 94 Contributions**

Your Notice of Determination may include Section 94 Contributions. These conditions require payment(s) toward the capital cost of providing community facilities such as open space, car parking, etc.

Section 94 Contributions are determined in accordance with a Contributions Plan. The plan sets out the circumstances in which a contribution is charged, the formulae for calculating them and the program of works on which the funds will be spent. You can view a copy of the relevant Contributions Plan at Council's Administration Building or visit their website. All Section 94 contributions are held in trust and must not be used for any other purpose.

### 7.3.9 Disagree With Your Notice of Determination?

If you are dissatisfied with the determination of your Development Application, contact Council immediately so we can clarify issues and discuss your options. Options available to you include the following

#### 7.3.9.1 A Review of Determination of Your Application (s82A Review)

If you wish to request a review of your determination of your application you must complete a 'Review of Determination Application' (*Form No BOG007*) and pay the required fee. A review cannot be made for State Significant Development, Complying Development, Designated Development or Integrated Development. A request for review can only be made once for each determination and the request must be received and determined by Council within **6 months** of the date shown on your Notice of Determination.

**Requests for review relate to the entire determination and may result in Council overturning its previous decision.** If you do not wish to risk the previous approval but would like to have a condition/s of consent reviewed, you should make an application to modify your Development Consent under Section 96 of the Environmental Planning and Assessment Act.

#### 7.3.9.2 A Modification of Development Consent (s96 Modification)

You must complete a "Modification Application" (*Form No BOG006*) and attach justification for the proposed modification and plans indicating proposed modification or changes. You must also pay a modification fee (generally 50% of the original application fee). This option may be appropriate if you disagree with particular conditions of consent or decide to change any aspects of the proposal. If unsure, ask Council for details.

Please note: An application to modify a Development Consent cannot be used to propose anything new. The development must remain substantially the same as the original development proposal.

#### 7.3.9.3 An Appeal to the Land and Environment Court

An appeal must be commenced within 6 months of the date of the determination. Before proceeding to a Court hearing, the Court may arrange a mediation conference if this is acceptable to both parties.

## 7. WHAT IS A CONSTRUCTION CERTIFICATE?

Any building, structural or civil work requires a Construction Certificate as well as development consent. A Construction Certificate certifies that your development complies with the Building Code of Australia (BCA), and/or that your plans and specifications are consistent with the development consent.

### a. WHEN IS A CONSTRUCTION CERTIFICATE REQUIRED?

A Construction Certificate (CC) is required **before work commences**, and can be issued by Council or obtained from a private accredited certifier. A CC cannot be issued for retrospective works. We recommend you lodge the Construction Certificate application together with your Development Application to Council, as we are able to meet specific customer needs and. Also, for some minor work, we may be able to issue your Construction Certificate at the same time as approving your DA.

### b. HOW DO I APPLY FOR A CONSTRUCTION CERTIFICATE?

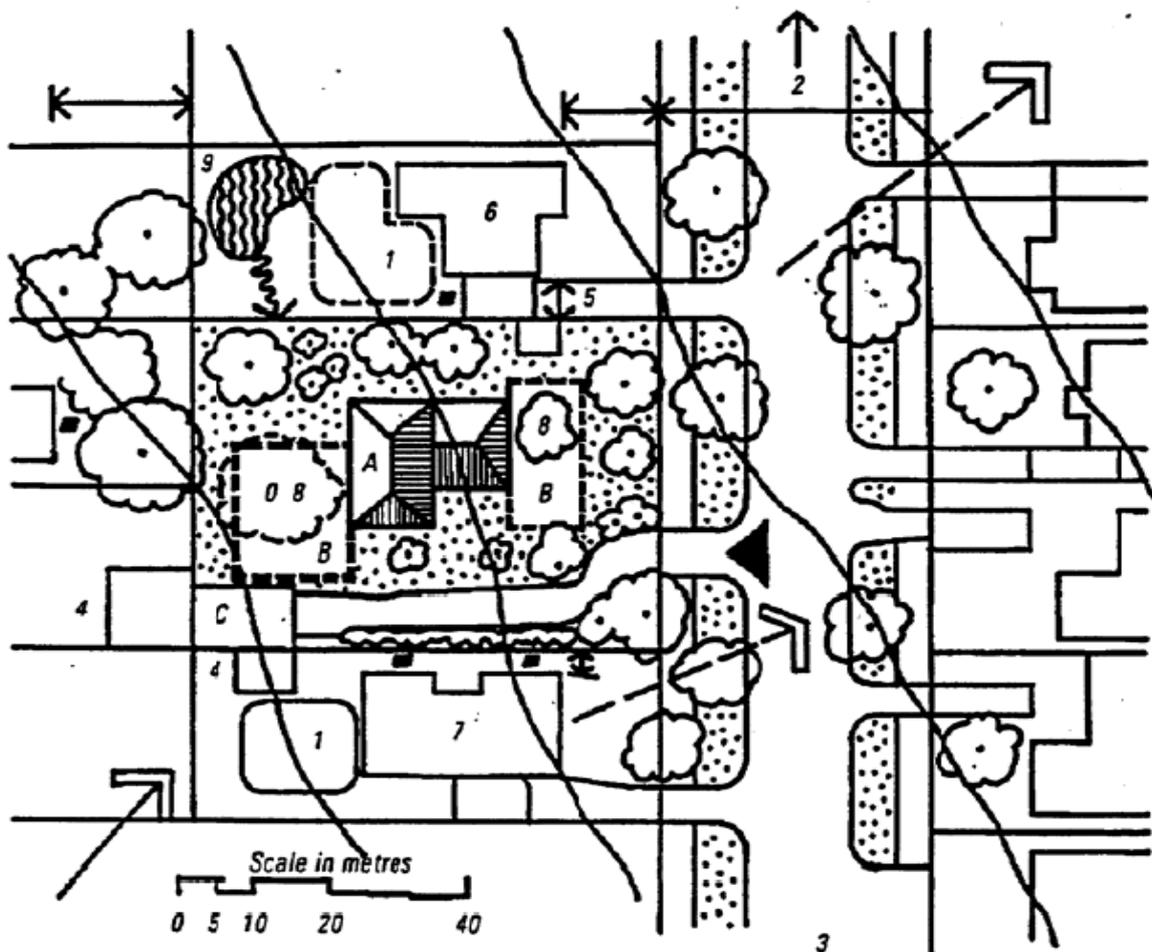
Complete the Construction Certificate *Form No BOG004* and pay the relevant fees.

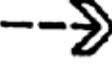
### c. WHAT INFORMATION IS REQUIRED WHEN APPLYING FOR A CONSTRUCTION CERTIFICATE?

The information required when applying for a CC depends on your type of development. Please refer to the Building and Development Checklist and CC Application form to see what is required for your development type.

## 8. EXAMPLES

### a. SITE ANALYSIS PLAN



- |   |                                       |   |
|---|---------------------------------------|---|
|  | Prevailing winds                      | <b>A</b> Existing two-storey dwelling to be retained              |
|  | Views (e.g. to hills or city skyline) | <b>B</b> Proposed additional units                                |
|  | Existing trees to be retained         | <b>C</b> Existing garage  |
|  | Neighbourhood windows facing site     | <b>1</b> Secluded private open space                              |
|  | Noise (e.g. from pool area)           | <b>2</b> Public transport 200m                                    |
|  | Vehicular site entry                  | <b>3</b> School 500m  |
|  | Contours                              | <b>4</b> Garden shed  |
|   |                                       | <b>5</b> Carport  |
|   |                                       | <b>6</b> Two-storey dwelling                                      |
|   |                                       | <b>7</b> Single-storey dwelling                                   |
|   |                                       | <b>8</b> Trees on site to be removed                              |
|   |                                       | <b>9</b> Swimming pool (or other external active recreation area) |