



Help Guide

Use this guide to complete a development application

1. How to use this guide

This guide provides information to help you to complete your development application. Each section relates to a question in the form.

If you need further assistance to complete the application, please contact Council's Environment Services Department.

2. Plans of the land and development (Question 7)

You need to include plans and drawings of your proposal to clearly show us what you intend to do.

A site plan of the land and the plans or drawings of the proposal are required for all applications.

The site plan is to indicate:

- the location of the land, the measurements of the boundaries of the land, the size of the land and which direction is north
- existing vegetation and trees on the land
- the location and uses of buildings that are already on the land
- the existing levels of the land in relation to buildings and roads
- the location and uses of buildings on sites that adjoin the land.

The plans or drawings are to be drawn to scale and indicate, where relevant:

- the boundaries of the land, any buildings or structures that are already on the land, any extensions or additions and any development on adjoining land
- the floor plans of the proposed buildings
- how high the proposed development will be in relation to the land
- any changes that will be made to the level of the land
- the arrangements you have made for parking, where vehicles will enter and leave the site, and how vehicles will move about the site
- how the land will be landscaped or otherwise treated and what types of vegetation will be used (including their height and maturity)
- how you intend to drain the land.

An A4 reduced plan of the proposed building and other structures on the site and a scaled plan of the existing building are required in the following circumstances:

1. An A4 plan, if you propose to erect, alter or add to a building, and your development needs to be advertised to the public. Developments requiring public notification are identified by Development Control Plan 30, Public Notification Policies, Schedule 4.

The plan is to indicate the height and external shape of the proposed building as it will be erected on the site and include details of other buildings or structures on the site.

2. A scaled plan is required if your application involves building work to alter, expand or rebuild an existing building.

The plan will allow us to assess whether any existing buildings must be upgraded for fire safety reasons and to determine compliance with other Council policies.

3. Assessing the environmental impacts of your proposal (Question 8)

The level of assessment required will be determined by the complexity of the proposed development and/ or likely environmental impacts and relevant statutory requirements.

If your development is designated development, an Environmental Impact Statement (EIS) prepared in accordance with a Specification issued by the Director General of planningNSW is required to accompany your application. For all other types of development, a Statement of Environmental Effects (SEE) is required. (Attachment C)

If your development will affect threatened species or their habitats, a Species Impact Statement (SIS) may be required. You can include the requirements of a SIS in an EIS.

The following information will help you determine whether your proposal is designated development or will impact upon threatened species.

Designated development

Your proposal is designated development if it is listed in Schedule 3 of the Environmental Planning and Assessment Regulation 2000 or in a planning instrument made under the *Environmental Planning and Assessment Act 1979*. We can help you determine if your proposal is designated development.

The Director-General of planningNSW has a number of requirements for what must be included in an EIS. The requirements depend upon the nature of the proposed development. You must consult planningNSW about what you need to include in your EIS. Contact: Development Infrastructure Assessment Branch on (02) 9391 2056.

All other types of development

If your development is not designated development, we need a SEE that sets out the effects of your proposal. See Table 1 for the information to include in a SEE. A SEE has been incorporated in the development application form.

Table 1 What to include in a statement of environmental effects (Attachment C may be of help in providing a State of Environmental Effects)	
<p>A statement of environmental effects of a proposal is to include:</p> <p>a) information on:</p> <ul style="list-style-type: none"> • what you consider to be the environmental impacts of the development • how you have identified the environmental impacts of the development • the steps you will take to protect the environment or to lessen the expected harm to the environment • any matters that must be included by any guidelines issued by the Director-General of the Department of Urban Affairs and Planning. <p>Where relevant, a statement of environmental effects of the proposal is also to include:</p> <p>b) for shops, offices, commercial or industrial development:</p> <ul style="list-style-type: none"> • the hours of operation • the plant and machinery to be installed • the type, size and quantity of goods to be made, stored or transported 	<p>d) for a subdivision:</p> <ul style="list-style-type: none"> • the details of the existing and proposed subdivision pattern (including the number of lots and the location of roads) • the consultation you have carried out with the public authorities who provide, or will increase, the services you will need (eg water, road, electricity, sewerage) • preliminary engineering or drawings which show proposed roads, water, sewer and earthworks • both the existing and the proposed ground levels when the subdivision is completed <p>e) for demolition:</p> <ul style="list-style-type: none"> • the age and condition of the building or structure you will demolish • whether the building or structure has heritage value <p>f) for advertisements:</p> <ul style="list-style-type: none"> • the size, type, colour, materials and position of the sign board or structure on which the advertisement will be displayed

<p>be made, stored or transported</p> <ul style="list-style-type: none"> the loading and unloading facilities that will be available <p>c) to change the use of a building (where you are not doing any building work):</p> <p>You do not need to include these lists where the proposed change is to a class 1a building (a single dwelling house) or a class 10 building (such as a private garage, carport, shed, fence, antenna or swimming pool) under the Building Code of Australia.</p> <ul style="list-style-type: none"> a list of Category One Fire Safety Provisions relating to the proposed change, and a list of Category One Fire Safety Provisions used in the existing building or on the land. <p>Each list is to describe the extent, capability and basis of design of each of the provisions concerned.</p>	<p>g) for development relating to an existing use:</p> <ul style="list-style-type: none"> the details of the existing use a justification for the proposal having regard to the objectives of the zone <p>h) for development in a wilderness area:</p> <ul style="list-style-type: none"> a copy of a consent from the Minister for the Environment if the area is subject to a wilderness protection agreement or a conservation agreement. (You can contact the National Parks and Wildlife Service to determine if there is an agreement in place) <p>i) for building or demolition:</p> <ul style="list-style-type: none"> the methods that will be used to protect the site during construction or demolition.
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Threatened species

We need you to tell us whether your proposal will impact on threatened species or their habitats. You can use the test set out in Table 2 to make this decision. If your development will impact on threatened species, you must consult the National Parks and Wildlife Service before you prepare a SIS. It is suggested that the services of a suitably qualified ecological consultant be engaged to assist in preparing the necessary reports.

Table 2 Will your proposal impact on threatened species?

<p>The following factors are to be taken into account in deciding whether there is likely to be a significant effect on threatened species, populations or ecological communities, or their habitats:</p> <p>a) in the case of a threatened species, whether the life cycle of the species is likely to be disrupted such that a viable local population of the species is likely to be placed at risk of extinction.</p> <p>b) in the case of an endangered population, whether the life cycle of the species that constitutes the endangered population is likely to be disrupted such that the viability of the population is likely to be significantly compromised.</p> <p>c) in relation to regional distribution of the habitat of a threatened species, population or ecological community, whether a significant area of known habitat is to be modified or removed.</p> <p>d) whether an area of known habitat is likely to become isolated from currently interconnecting or proximate areas of habitat for a threatened species, population or ecological community.</p> <p>e) whether critical habitat will be affected.</p> <p>f) whether a threatened species, population or ecological community, or their habitats, are adequately represented in conservation reserves (or other similar protected areas) in the region.</p> <p>g) whether the development or activity proposed is of a class of development or activity that is recognised as a threatening process.</p> <p>h) whether any threatened species, population or ecological community is at the limit of its known distribution.</p>

4. Other approvals from Council (Question 9)

Attachment A of this **Help Guide** sets out a number of activities that can only be carried out if you have an approval from the council. If you are making your development application to a council, you can apply for an approval for one or more of these activities in your application.

Please complete Attachment A to:

1. identify the approvals you need; and
2. identify the documents that you need to include with your application to obtain these approvals.

Please include Attachment A in your application.

5. Concurrences from state agencies (Question 10)

You may need the agreement of a state agency to carry out your development. We can tell you whether we need to refer your application to an agency.

6. Approvals from state agencies (Question 11)

If you need any of the approvals listed in Attachment B of this **Help Guide**, as well as development consent from us, your development is known as integrated development. Please complete Attachment B to identify the approvals you need and the agencies from which you need the approvals. We will refer your application to the agencies you identify. The agencies will let us know whether or not they would grant approval to your application and, if so, what the general terms of the approval would be.

Please include Attachment B in your application.

Attachment A Approvals under the Local Government Act 1993

If you wish to carry out one of the following activities, you need the approval of the Council. Identify the activities you propose to carry out, and the relevant documents you need to include in your application, by placing a cross in the appropriate boxes. Please include this attachment and the relevant documents with your application.

Structures or places of public entertainment

- Installing a manufactured home, dwelling or associated structure on land
- Installing a temporary structure on land
- Using a building or temporary structure as a place of public entertainment or permitting its use as a place of public entertainment

Water supply, sewerage and stormwater drainage work

- Carrying out water supply work
- Drawing water from a Council water supply or a standpipe or selling water so drawn
- Carrying out sewerage work
- Carrying out stormwater drainage work
- Connecting a private drain or sewer with a public drain or sewer under the control of a Council or with a drain or sewer which connects with such a public drain or sewer

Management of waste

- For fee or reward, transporting waste over or under a public place
- Placing waste in a public place
- Placing a waste storage container in a public place
- Disposing of waste into a sewer of the Council –

If you want to dispose of trade waste into a sewer that the Council controls or that connects to a sewer the Council controls you must attach the following information to the application:

- the plans and specifications of the work you will do
- the plans and specifications of the equipment you will use
- the nature, quantity and rate of disposal of the waste.

If you want to dispose of sewage collected on your premises to a sewer that the Council controls or that connects to a sewer that the Council controls you must attach the following information to the application:

- the type of waste to be disposed
- the amount of waste to be disposed
- the rate the waste will be disposed

- the full details of the facility
- details of the climate, geography, hydrogeology, topography, soil composition and vegetation of the areas of land on which sewage will be applied and an assessment of the site having regard to these details
- a statement of:
 - the number of people who live or may live at the premises
 - any other factors that are relevant to how much waste the facility can manage
- details of:
 - how the facility needs to be operated and maintained
 - how your propose to operate, maintain and service the facility
 - the action you will take if the facility breaks down or is interfered with

Public roads

- Swinging or hoisting goods across or over any part of a public road by means of a lift, hoist, or tackle projecting over the footway

Other activities

- Operating a public car park

If you want to operate a public car park you must attach the following information to the application:

- a plan (3 copies) that:
 - identifies the land and related streets
 - describes the building if the car park is in a building, its location on the site and any other purpose for which the building will be used
- number of vehicles that can be parked in the car park and how this will be done
- how the vehicles will enter, move around and leave the car park
- off-street parking facilities available for vehicles waiting to use the car park
- ventilation that you will provide if the car park is in a building
- whether any petrol, oil or motor service facilities will be provided in the car park
- the hours the car park will operate, how the fee or charge for using the car park will be collected, and where any facility for collecting the fee or charge will be located.

<p><input type="checkbox"/> how often the waste will be disposed</p> <p><input type="checkbox"/> Installing, constructing or altering a waste treatment device or a human waste storage facility or a drain connected to any such storage device or facility.</p> <p>If you want to install or build a sewage management facility that will be on the land for more than 12 months, you must attach the following information to the application:</p> <p><input type="checkbox"/> a plan (to scale) that shows the location of:</p> <ul style="list-style-type: none"> • the facility you will install or construct • any areas of land on which sewage will be applied, e.g. as fertiliser • any buildings or facilities already on the land that are within 100 metres of the proposed facility or the areas on which sewage will be applied. • any environmentally sensitive areas of land that are within 100 metres of the proposed facility or the areas on which sewage will be applied. • any related drains or pipes 	<p><input type="checkbox"/> Operating a caravan park or camping ground</p> <p><input type="checkbox"/> Operating a manufactured home estate</p> <p><input type="checkbox"/> Installing a domestic oil or solid fuel heating appliance, other than a portable appliance</p> <p><input type="checkbox"/> Installing or operating amusement devices (within the meaning of the Construction Safety Act 1912)</p> <p><input type="checkbox"/> Installing or operating amusement devices prescribed by the regulations under the Local Government Act 1993 in premises</p> <p><input type="checkbox"/> Operating an undertaker's business</p> <p><input type="checkbox"/> Operating a mortuary</p> <p><input type="checkbox"/> Operating a system of sewage management</p>
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Attachment B Integrated development – approvals from state agencies

Some proposals, because of their nature, need other kinds of approvals (eg licences, permits). Your proposal is known as integrated development if you need development consent and one or more approvals that have been underlined in this attachment. Follow through each group of questions to decide whether you need any of these approvals. Please include this attachment with your application.

Aquaculture

Do you want to carry out aquaculture?

No

Yes > You need a permit under section 144 of the Fisheries Management Act 1994 from NSW Fisheries.

Dredging of reclamation

Do you want to carry out dredging or reclamation work in a waterway (a stream, river, lake, lagoon, estuary or marine waters)?

No

Yes > You need a permit under section 201 of the Fisheries Management Act 1994 from NSW Fisheries.

Marine vegetation

Do you want to harm any mangroves or seagrasses in a public waterway or on the shore of a public waterway?

No

Yes > You need a permit under section 205 of the Fisheries Management Act 1994 from NSW Fisheries

Do you want to take sea lettuce or blackfish weed to use as bait from a public waterway or the shore of a public waterway?

No

Yes > You need a permit under section 205 of the Fisheries Management Act 1994 from NSW Fisheries.

Heritage

Does your development involve a building, a place or land that has a permanent conservation order, an interim conservation order or an interim heritage order protecting it, or which is listed on the State Heritage Register?

No

Yes > You need an approval under section 57 of the Heritage Act 1977 from the Heritage Office.

If the Council can give this consent, however, the development is not integrated development.

Mine subsidence

Do you want to build, subdivide, make roads, paths or drive-ways, or put in any pipelines, water, sewage, telephones, gas or other service mains in a mine subsidence district, or alter any of these types of development in a mine subsidence district?

No

Yes > You need an approval under section 15 of the Mine Subsidence Compensation Act 1961 from the Mine Subsidence Board.

Aboriginal relics and places

Do you want to destroy, damage or otherwise harm an Aboriginal relic that is known to exist on the land you want to develop?

No > You need an approval under Section 90 of the National Parks and Wildlife Act 1974 from the National Parks and Wildlife Service.

Yes > Are you going to do so in accordance with Aboriginal tradition?

No > You need an approval under Section 90 of the National Parks and Wildlife Act 1974 from the National Parks and Wildlife Service

Yes

Do you want to destroy, damage or otherwise harm land that has been declared to be an Aboriginal place?

No > You need an approval under section 90 of the National Parks and Wildlife Act 1974 from the National Parks and Wildlife Service.

Yes > Are you going to do so in accordance with Aboriginal tradition?

Yes

No > You need an approval under section 90 of the National Parks and Wildlife Act 1974 from the National Parks and Wildlife Service

Pollution

Is your development designated development?

No > Will the development cause the pollution of water?

No

Yes > You can apply for a licence under section 43(d) of the Protection of the Environment Operations Act 1997 from the Environment Protection Authority so that you cannot be convicted of an offence of polluting water.

Yes > You are likely to need a licence from the Environment Protection Authority. Is your land already designed to carry out the activity?

No > You need a licence under section 47 of the Protection of the Environment Operations Act 1997 from the Environment Protection Authority.

Yes > You need a licence under section 48 of the Protection of the Environment Protection Authority

Rivers and lakes

Is your development within 40 metres of a stream, river, lake or lagoon?

Is your development within 40 metres of a stream, river, lake or lagoon?

No

Yes > Are you going to excavate the land, remove material from the land or do anything which will obstruct or detrimentally affect the water flowing in a stream, river, lake or lagoon?

No

Yes > You need a permit under Part 3A of the Rivers and Foreshores Improvement Act 1948 from the Waterways Authority if the development will affect Sydney Harbour or its tributaries, Botany Bay (east of Captain Cook Bridge) or the Ports of Newcastle, Kembla, Eden or Yamba, and from the Department of Land and Water Conservation in any other case.

Roads

Will your development affect a public road, a Crown road, a highway, a main road, a freeway or a tollway?

No

Yes > You need a consent under section 138 of the Roads Act 1993 from the Roads and Traffic Authority, the Department of Land and Water Conservation or the council.

If the council can give this consent, however, the development is not integrated development.

Using water

NB: The following approvals are taken from the 1912 Water Act. It is proposed that the review of the Water Act, which is currently taking place, will consolidate and reduce the number of these approvals.

Licences and permits for occupiers of land

Is your development going to be used for conserving water, irrigation, water supply, drainage or changing the course of a river?

No

Yes > Will your development affect the quantity or use of water in a river, lake or swamp, or water flowing into or from a river, lake or swamp?

No

Yes > Do you occupy the land on which you propose to build the development?

No

Yes > You need a licence under section 10 of the Water Act 1912 from the Department of Land and Water Conservation to build and use your development, and take, use and dispose of the water for any purpose.

If you will be irrigating less than 4 hectares of land, you can apply for a permit under section 18F of the Water Act 1912 from the Department of Land and Water Conservation to build and use your development and use the water for anything other than irrigation.

Licence for non-occupiers of land

1. Do you propose to build pumps or the like to obtain water, or build pipes or like to carry water?

No

Yes > Is your development going to be used for conserving water, irrigation, water supply, drainage, changing the course of a river, or preventing the course of a river from changing?

No

Yes > Go to section 2.

2. Will your development affect the quantity or use of water in a river, lake or swamp, or water flowing into or from a river, lake or swamp?

No

Yes > Do you propose to use the water for household use, stock use or irrigation?

No >

Yes > Go to section 3

3. Do you occupy the land on which you propose to build the pumps or the like?

Yes > Go to section 4

No > Can you obtain occupation of the land?

No > You need a licence under section 13A of the Water Act 1912 from the Department of Land and Water Conservation to build the pumps and take and use the water.

Yes > Go to section 4

4. Do you occupy all the land on which you propose to build pipes or the like to carry the water from the pumps to the land where you will use the water?

Yes

No > Can you obtain occupation of the land?

Yes

No > You need a licence under section 13A of the Water Act 1912 from the Department of Land and Water Conservation to build the pumps and take and use the water.

Joint water supply scheme

1. Is your development going to be used for conserving water, irrigation, water supply, drainage, changing the course of a river or preventing the course of a river from changing?

No

Yes > Will your development affect the quantity or use of water in a river, lake or swamp, or water flowing into or from a river, lake or swamp?

No

Yes > Go to section 2

2. Is the development going to be used by two or more occupiers of land to supply water to their lands?

No

Yes ➤ Go to section 3

Is the development going to supply water to irrigate land(s) other than the land on which the development is built?

No

Yes ➤ Go to section 3

Will the development involve pipes or the like to carry water to irrigate your land and the land of other occupiers?

No

Yes ➤ Go to section 3

3. Will the development be built on land that is occupied by those who will use the water?

Yes ➤ Go to section 4

No ➤ You need an authority under section 20B of the Water Act 1912 from the Department of Land and Water Conservation to build and use the development and take and use the water.

4. Do the occupiers of land who will use the water want to build and use the development to supply water for household use, stock water use or irrigation?

No

Yes ➤ Do they water occupy all of the land on which the development will be built, and the land on which the pipes (or the like) will be built?

Yes

No ➤ Can they obtain occupation of the land?

Yes

No ➤ You need an authority under section 20CA of the Water Act 1912 from the Department of Land and Water Conservation to build the development and take and use the water.

Group licences

Are you a Board of Management elected under the *Private Irrigation Districts Act 1973*?

No

Yes ➤ Do you want to build a development to take water from a river or lake for occupiers of land in a private district to use?

No

Yes ➤ You need a group licence under section 20L of the Water Act 1912 from the Department of Land and Water Conservation.

Bores

Do you want to sink a bore or enlarge, deepen or alter a bore?

No

Yes ➤ Is the work to be carried out by the Crown?

Yes

No ➤ You need a licence under section 116 of the Water Act 1912 from the Department of Land and Water Conservation.

River banks and floodplains

1. Do you want to build an earthwork, embankment or levee, or a road, railway or bridge?

No

Yes ➤ Go to section 2

2. Will the development be on land that is the bank of a river or lake, forms part of a bank of a river or lake or is within a floodplain?

No ➤ Go to section 3

Yes ➤ Do you have a licence, authority, permit or consent under the *Water Act 1912*?

Yes

No ➤ You need an authority under Part 8 of the Water Act 1912 from the Department of Land and Water Conservation.

3. Will the development affect the flow of water to or from a river or lake and prevent land being flooded by water?

No

Yes ➤ Do you have a licence, authority, permit or consent under the *Water Act 1912*?

Yes

No ➤ You need an authority under Part 8 of the Water Act 1912 from the Department of Land and Water Conservation.

Attachment C

The following information is to be addressed as part of the Statement of Environmental Effects if it is relevant to your proposed development.

PART A

Shops, offices, commercial or industrial development:

- Hours of proposed operation
- The plant and machinery to be installed
- The type, size and quantity of goods to be made, stored or transported
- The loading and unloading facilities that will be available

PART B

Change of use of a building where you are not doing any building work under the BCA: *(this part is not relevant to changing to either Class 1a (single dwelling) or Class 10 (private garage, carport, shed etc) buildings)*

A list of Category One Fire Safety Provisions relating to the proposed change, and

A list of Category One Fire Safety Provisions used in the existing building or on the land

Each list is to describe the extent, capability and basis of design of each of the provisions concerned.

PART C

For a Subdivision:

- The details of the existing and proposed subdivision pattern (including the number of lots and the location of roads)
- The consultation you have carried out with the public authorities who provided, or will increase, the services you will need (e.g. water, road, electricity, sewerage)
- Preliminary engineering drawings which show proposed roads, water, sewer, and earthworks
- Both the existing and proposed ground levels when the subdivision is completed

PART D

For Demolition:

- The age and condition of the building or structure you will demolish
- Whether the building or structure has heritage value

PART E

For advertisements:

- The size, type colour, materials and position of the sign board or structure on which the advertisement will be displayed

PART F

For development relating to an existing use:

- The details of the existing use
- A justification of the proposal having regard to the objectives of the zone

PART G

For development in a wilderness area:

- A copy of a consent from the minister for the Environment if the area is subject to a wilderness protection agreement or a conservation agreement (You can contact the National Parks and Wildlife Service to determine if there is an agreement in place)

PART H

For building or demolition:

- The methods that will be used to protect the site during construction or demolition.