

DA Guide

5 steps to preparing a development application

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About this guide

The Development Application Guide explains how to prepare a development application. It provides a step-by-step guide to all the things you need to do before submitting an application.

You can use the Development Application Guide as a checklist for completing your plans and other supporting documentation. If your application includes all the required details, we can deal with it more quickly.

This Guide also includes information on how to modify a development consent (s. 96 application, page 31) and how to request a review of the determination of a development application (s.82A request, page 32).

Any questions?

If you need more information or advice, phone **Customer Services** or call in personally. See the back cover for details.

We have a town planner or building surveyor on duty to answer your questions. We strongly suggest that after you have prepared a preliminary concept for a development that you consider organising a Pre-Development Application meeting. See our Pre-DA brochure for further information.

Some important websites:

www.legislation.nsw.gov.au

You can access the latest versions of *the Environmental Planning and Assessment Act 1979*, the *Environmental Planning and Assessment Regulation 2000* and *Woollahra Local Environmental Plan 1995* as well as all State and Regional Environmental Plans from this Parliamentary Counsel site.

www.woollahra.nsw.gov.au

You can access most of Council's development control plans, forms and important information from this Council site.

<http://www.lawlink.nsw.gov.au/lec>

You can access the Land and Environmental Court and the judgements of the Court from this website.

http://www.lawlink.nsw.gov.au/lawlink/lec/ll Lec.nsf/pages/LEC_planningprinciples

You can access planning principles that we will apply in the assessment of your application. The principles, as applicable, must be addressed in your statement of environmental effects and supported by the plans and expert reports as necessary.

<http://www.saiglobal.com/shop>

You can purchase and download all Australian and New Zealand standards as well as some international standards from this website.

<http://www.abcb.gov.au/>

You can purchase and obtain online access to the Building Code of Australia as well as regulatory impact statements relating to building from this website.

Step 1 - Ask about Council controls and policies

Ask us first!

The first step in preparing a development application is to find out about Council controls, policies and guidelines. Before you can start designing your proposal, you need to know about:

- Woollahra's LEPs
- relevant State environmental planning policies and regional environmental plans
- relevant development control plans
- design principles, guidelines and policies.

Contact **Customer Services** to obtain these documents as early as possible in the design process or download them from our website.

Customer Services can answer most procedural enquiries over the phone, or you can call in personally. They will refer you to specialist staff who can provide detailed information regarding:

- relevant development controls
- heritage assessment criteria
- approvals required under the *Local Government Act 1993 and Roads Act 1993*
- building regulations and construction certificates
- other matters that you will need to consider when designing your proposal.

For further information on a specific proposal, we suggest that you come in for a 'pre-DA meeting' where senior staff and specialist staff can provide comments on a specific proposal. If you have a pre-DA meeting we will send you written minutes of the meeting. Please see our separate brochure "Pre-DA Service" for full details.

Need other approvals?

You need to be aware that your proposal may require approval from other government agencies.

The type of approval and the relevant agency depends on the type and location of the proposed development. Where possible, we can help you identify relevant approvals and agencies. However, it is your responsibility to ascertain which approvals are required before lodging your development application.

Page 28 is a general guide to specific approvals that are integrated into the development application process. Development that requires any of these approvals is classed as *integrated development*. A more detailed guide to integrated development is available from the Department of Planning.

See www.planning.nsw.gov.au/index1.html

Applications for integrated development are referred to the relevant agency, such as:

- NSW Heritage Council
- Department of Planning
- NSW Department of Environment and Conservation
- NSW Department of Primary Industries
- Roads and Traffic Authority

We strongly recommend that you consult with the relevant approval bodies as early as possible.

Step 2 - Prepare plans, drawings and other material

All drawings must comply with Australian Standard AS1100 and relevant parts of these standards.

Which plans, drawings and other material?

You will need to prepare several types of plans, drawings and other material. The actual material required for your proposal will depend on the type of development proposed.

The following table provides a summary of the plans, drawings and other material you may need to prepare and submit with your application. Information on the content of the material is provided in the next part of this guide. Some of the material, such as the specialist and technical reports, should form part of a statement of environmental effects (see step 3 of this guide).

Description of material	When required
A. Site analysis plan	All applications.
B. Plans, elevations and sections	All applications for new buildings and alterations and additions. For applications involving a change of use, only floor plans are required unless works are also proposed to the building's interior and exterior.
C. Reduced plans and elevations at A4 size and a full set of coloured plans at A3 size	All applications. For applications involving a change of use, only floor plans are required unless works are also proposed to the building's interior and exterior.
D. Survey plan	New buildings, alterations and additions to buildings, swimming pools, subdivisions, boundary adjustments and excavation work.
E. Landscape plan	New buildings and where applications will impact upon existing landscapes. eg. Where trees, subject to TPO, are located within 5m of proposed works. Unless previously agreed to by Council, concept plans will not be accepted.
F. Soil and water management plan	New dwellings, substantial alterations and additions and any development including significant earthworks.
G. Subdivision plan	All forms of subdivisions and boundary adjustments.
H. Shadow diagrams	All new buildings or additions of more than one storey in height and in all cases where lot size, orientation, slope of site or adjoining buildings create the potential for overshadowing.
I. Photomontages	All applications involving changes to building facades where the development cost is in excess of \$200,000. All applications for residential flat development to which <i>SEPP No.65 – Design Quality of Residential Flat Development</i> applies.
J. Demolition report	All applications for buildings other than those identified as a heritage item or within a heritage conservation area where full or substantial demolition is proposed. Substantial demolition comprises the demolition of 50% or more of a building's fabric.

Description of material	When required
K. Statement of heritage impact	All applications for a heritage item, property within a heritage conservation area, archaeological sites and potential archaeological sites. May be required for applications for development in the vicinity of a heritage item, a heritage conservation area, archaeological sites or potential archaeological sites.
L. Conservation management plan	May be required for applications for a heritage item or property within a heritage conservation area.
M. Fire Safety Provisions	If the development involves a change of use of a building (other than a dwelling-house or a building or structure that is ancillary to a dwelling-house and other than a temporary structure), the following MUST be provided: <ul style="list-style-type: none"> <li data-bbox="695 846 1256 919">(i) a list of the category 1 fire safety provisions that currently apply to the existing building, and; <li data-bbox="695 930 1256 1014">(ii) a list of the Category 1 fire safety provisions that are to apply to the building following its change of use.
N. Geotechnical and hydrogeological report	A geotechnical and hydrogeological report will be required for all applications that have potential to adversely affect surrounding properties either during excavation works or construction of subsurface structures. Aspects of the excavation works considered include (but are not limited to) excavation methods, construction methodology, appropriate soil retention structures, impacts to the existing groundwater regime, etc. Refer to Council's document 'Guide for preparing geotechnical and hydrogeological reports' (Appendix 3)
O. Land contamination reports	May be required for applications that include land excavation and for applications involving certain types of land use proposals.
P. Acid sulfate soils reports	Subject to location. Required in some cases for all works, or for works involving the lowering of watertable, or for works beyond a certain level below existing ground level.
Q. Access report	Applications where grounds of exceptional circumstances are sought as a reason for non-compliance with the requirements of the Access DCP.
R. Building model and PDF copies of all plans and documents	For applications where the cost of the proposed work exceeds \$750,000. A building model and a CD or DVD ROM, containing PDF copies of all plans and documents.
S. Sample board of materials and colours of the façade	All applications for residential flat development to which <i>SEPP No.65 – Design Quality of Residential Flat Development</i> applies.

Description of material	When required
T. Accurate estimate of the cost of works	All applications. For applications where the cost of work exceeds \$750,000 a genuine estimate of construction costs prepared by a Quantity Surveyor who is a member of the Australian Institute of Quantity Surveyors.
U. Design verification	All applications for residential flat development to which <i>SEPP No.65 – Design Quality of Residential Flat Development</i> applies.
V. BASIX certificate and annotated plans	<p>All applications for new buildings that contain one or more dwellings.</p> <p>Note: From 1-10-2006 if an application for an existing dwelling or home unit (alterations and additions) is submitted it will also have to be accompanied by a BASIX Certificate if the value of work is \$100,000 or more. (The threshold value will be reduced to \$50,000 from 1-7-2007).</p> <p>All applications for the conversion of an existing building to one of the above building types.</p> <p>See www.basix.nsw.gov.au/information/about.jsp</p>
W. Tree Reports	<p><u>Aboriginal Assessment Report</u> Where trees or vegetation that are visible from another property, and protected by the TPO, are proposed to be removed or development will be sited within 5m of such trees.</p> <p><u>Construction Impact Statement</u> When any proposed construction work falls within the calculated Tree Protection Zone of a tree subject to the TPO. May be required by Council following preliminary assessment of an application.</p> <p><u>Tree Management Report</u> On sites where RFB's are proposed, where there is restricted access to the site eg. Battle axe blocks, or where large scale (multi-use/multi building) development is proposed. May be required by Council following preliminary assessment of an application.</p> <p><u>Root Mapping Report</u> May be required by Council following preliminary assessment of an application.</p> <p><u>Transplant Method Statement</u> Where any tree, subject to the TPO, is proposed to be transplanted on the site, a Transplant Method Statement is required.</p>

Description of material	When required
X. Disclosure statement of a reportable political donation or gift	If you or any person with a financial interest in the application have, within the previous 2 years, made a reportable political donation to any Councillor or you made a gift to any Councillor or Council employee, the disclosure statement is to be submitted with the DA in the case of a donation or gift that was made before the DA was submitted or within 7 days of the donation or gift being made in the case of a donation or gift made after the DA was submitted. (See annexure 9 <i>Political donations and gifts disclosure form</i> for more information.
Y. Site Waste Minimisation and Management Plan (SWMMP)	All applications including demolition, construction and ongoing use of the site/premises
Z. Affordable housing report	Applications involving any boarding houses and involving non-strata title residential flat building that contains a low-rental dwelling – see <i>State Environmental Planning Policy (Affordable Rental Housing) 2009</i> , Part 3

Notes:

State Environmental Planning Policy No.65 – Design Quality of Residential Flat Development describes residential flat development as:

- (a) the erection of a new residential flat building, and
- (b) the substantial redevelopment or the substantial refurbishment of an existing residential flat building, and
- (c) the conversion of an existing building to a residential flat building.

Development described in (a), (b) and (c) may form part of other development types, as occurs with mixed development (residential attached to shops or commercial uses). In such cases the requirements of SEPP No.65 apply only to the development described in (a), (b) and (c).

SEPP No. 65 defines a residential flat building as:

“residential flat building” means a building that comprises or includes:

- (a) 3 or more storeys (not including levels below ground level provided for car parking or storage, or both, that protrude less than 1.2 metres above ground level), and
- (b) 4 or more self-contained dwellings (whether or not the building includes uses for other purposes, such as shops),

but does not include a Class 1a building or a Class 1b building under the *Building Code of Australia*.

Class 1a and Class 1b buildings are commonly referred to as town houses or villa houses where the dwellings are side by side, rather than on top of each other.

Details for plans, drawings and other material

A. Site analysis plan

This plan illustrates and analyses existing site conditions in relation to surrounding land and buildings. Draw the plan at a standard scale such as 1:100 or 1:200 or for larger proposals 1:500, and include the following details where relevant to the proposal:

Orientation

- north point (true solar north)
- scale (show ratio and bar scale)

Property details

- property boundaries and dimensions
- lot and deposited plan numbers
- site area (square metres)
- easements, rights of way, sewer mains.

Landform and vegetation

- contours or spot levels presented in not greater than 1 metre intervals (extend contours into adjoining roads and properties to demonstrate adjoining land form)
- differences in ground levels between the site and adjoining land
- stormwater drains, overland flow paths, drainage easements, watercourses, channels, etc
- extent of any known landfilling or contaminated soil
- landscape features: cliffs, rock outcrops, embankments, retaining walls, foreshores, etc
- important views: from the site, and from adjoining land
- existing vegetation: location, height, canopy spread and species.
- trees, located on adjoining property, within 5m of common boundary and street trees

Access

- public roads, laneways, pathways
- driveways, parking areas, loading bays.

Existing development

- existing buildings and structures - on the site and on immediately adjoining land - show location, distance from boundary, height, current use, front and rear entrances
- proposed buildings (show outline only)
- overshadowing by adjoining buildings
- fences and walls
- swimming pools, sea walls, slipways, etc
- privacy: adjoining private open spaces, facing doors and windows
- noise, odour and light spillage sources (eg main roads, railway lines, tennis courts, sports fields, air conditioning units, pool pumps, etc)
- street frontage features: poles, trees, kerbs, footpaths, crossings, street furniture, drainage pits etc.
- heritage or archaeological features
- existing advertising signs.

B. Plans, elevations and sections

These drawings will clearly document the proposed buildings or works. If the proposal is for alterations/additions to an existing building, **the new work is to be coloured.** (See Annexure 6.)

The following information must be shown on all plans, elevations and sections, unless otherwise specified below:

Title block

- Name of architect, designer or draftsman and contact details.
- Drawing number and date, eg plan number 1 of 2005.
- Amendment drawing number and date (where relevant).
- A table of amendments and descriptions of each amendment.
- Applicant's name, (if a company, the company's name and ABN).
- Address of the property.
- File names for electronic documents (where applicable).

Orientation

- North point (true solar north) – on plans only.

Scale

- Ratio and bar scale. Use standard scales such as 1:100 or 1:200. A scale of 1:50 may be used for small properties.

Levels

- Contours, ground levels, floor levels, ceiling levels and roof levels. Contours and levels must be expressed to Australian Height Datum (AHD) and presented in not greater than one-metre intervals.

Include the following details on plans, elevations and sections where relevant:

Plans

- plans must be drawn with clarity
- all plans must be consistent with each other
- location of proposed new buildings, alterations or works (show setback distances from boundaries)
- existing buildings (show outline only)
- room layout, partitioning, location of windows and doors
- room dimensions, areas and proposed use
- courtyard dimensions and areas
- walls and fences
- total floor area and floor space ratio
- disabled persons access
- vehicle entrance and exit driveways
- car parking and loading areas (show layout and dimensions)
- waste bin storage and collection facilities
- trees being retained and proposed for removal (show trunk and canopy dimensions)

- to scale).
- letter boxes
- private open spaces
- where privacy maybe an issue, the location of windows of the buildings on adjoining properties
- wall construction
- spot levels of existing ground to AHD at the corners of proposed buildings and at significant changes in levels around the perimeter of proposed buildings.
- section lines and location on plan.

Elevations and sections

Draw an elevation viewed from each direction, and at least one long and one cross section showing:

- existing buildings (show outline only)
- building facade, windows (including size and sill height), roof profile
- materials and external finishes (eg wall, roof, window, door and fence materials, paint colours, etc).
- existing and finished ground levels, floor levels, ceiling levels, eave levels and roofline levels to AHD (show driveway grade)
- chimneys, flues, exhaust vents and ducts (show height in relation to adjoining roof levels)
- retaining walls and fences (indicate height)
- extent of excavation or filling of the site to AHD
- location of adjoining buildings showing address, height, setbacks and other relevant features.
- appropriate number and location of sectional drawings
- height of levels to AHD

For residential flat development:

- drawings of the proposed development in the context of surrounding development, including the streetscape.
- development compliance with building heights, building height planes, setbacks and building envelope controls (if applicable) marked on plans, sections and elevations.
- detailed sections of proposed facades.

Modifications and reviews

If there are changes the plans submitted with a modification application or with a request for a review of determination must clearly distinguish the changes from the plans referred to in the notice of determination of the development application.

- The method for distinguishing the changes is to be by either highlighting, shading, hatching or ‘clouding’ so the changes are apparent on black & white copies.
- Changes to dimensions, wording, notations, RLs and other text must be clouded.
- The title block of amended plans must show the issue or version of the amendments with an identifying title/caption.

C. Reduced plans and elevations (A4) and coloured plans and elevations (A3)

This material illustrates the site and the height and external configuration of the proposed development on one or more A4 sheets. We need this material to notify adjoining landowners.

Show the following details on the site plan:

- north point (true solar north)
- scale (show bar scale)
- street or streets adjoining the site
- location of buildings on adjoining properties
- proposed buildings and works in relation to boundaries and adjoining buildings
- setback distances of proposed buildings and works from boundaries
- all accessways and parking areas.

Provide elevations showing proposed finished levels and heights in relation to adjoining buildings and roads.

It is important that the reduced A4 and coloured A3 plans are legible. Pay particular attention to line and text clarity if they are reduced from larger scale drawings.

D. Survey plan

This plan (prepared by a registered surveyor) will 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 following details:

- north point (true solar north)
- scale (show ratio and bar scale)
- date of survey
- name of surveyor
- position of all existing structures
- position of structures on immediately adjoining land
- reduced levels to AHD including that of adjoining properties where relevant
- position of existing trees, subject to the Tree Preservation Order, within the site and those immediately adjoining properties located less than 5m from common boundary.
- reduced level of the base of such trees, and their height, canopy spread. and diameter at breast height (ie. 1.4m above ground level)
- the location of all easements, rights of way etc. benefiting or burdening the land proposed to be developed.
- the location and reduced levels of all pipes, pits etc. within easements to drain water or drainage easements
- the location of Sydney Water sewer mains and water mains
- features of streets immediately adjoining or within the property, including poles, kerbs, crossings and pits

E. Landscape plan

This plan, prepared by a landscape architect or horticulturalist, will detail proposed landscape design. The plan will demonstrate an understanding of the site and its context. A standard scale is to be used such as 1:100 or 1:200, and show the following details:

- north point (true solar north)
- scale (show ratio and bar scale)
- date, plan number, amendment number and date
- name of landscape architect, designer or author
- finished surface levels, embankments and grades (indicate extent of cut and fill) in AHD

- existing and finished levels at the base of all trees
- all existing trees to be retained or removed, within and adjacent to the site
- planting specification (detail species names, location, quantity, installation pot size and expected mature heights within each planting location). All plants with a mature height equal to or greater than 2m are to have their mature canopy spread shown to scale.
- indicate the location, species, height and spread of existing trees to be retained or removed
- proposed planting (indicate species, location, massing and mature height)
- proposed surface treatments and restoration(eg turf, paving, bank stabilisation, mounds, etc)
- proposed fences and retaining walls (indicate height and material)
- maintenance programme
- proposed location of stormwater and other service corridors.

Be consistent with other plans with respect to the height, size and location of buildings.

For residential flat development to which *SEPP No.65 – Design Quality of Residential Flat Development* applies the landscape plan must show:

- the proposed landscaped area, including species selected and materials to be used, presented in the context of the proposed building or buildings, and the surrounding development and its context.

F. Soil and Water Management Plans

These plans are generally not required until the Construction Certificate stage. We will normally impose specific conditions requiring these matters to be addressed prior to the issue of any Construction Certificate and prior to the commencement of any works.

As a minimum, the statement of environmental effects must satisfy Council that all water services (supply, waste and stormwater drainage) can be provided to serve the site in accordance with each authorities respective requirements and without impact to the environment.

For new development, substantial alterations and additions and any significant excavation works, Council will require the following soil and water management plans/ information to be submitted for consideration.

The Pre-DA process will normally identify the requirement for such information.

Soil Erosion and Sediment Control

Proposed developments involving excavation or earthworks will be required to submit a Soil Erosion and Sediment Control Plan complying with the 4th edition of the “Managing Urban Stormwater – Soils and Construction” published by the New South Wales Department of Housing (“The Blue Book”), with the development application.

Water supply and sewerage disposal

Clause 25(1) of Woollahra Local Environmental Plan deals with water supply (potable water) and sewerage drainage systems (sewers).

Development Application plans must show the general location of existing Sydney Water sewer mains, the likely connection point and the likely location of new sewer pipes within the site. The location of pipes in relation to significant trees that may be affected by excavation and trees which may affect sewer pipes by tree root invasion is a relevant consideration. There is seldom any issue in respect to the provision of water supply (potable water) and sewerage drainage systems (sewers). But these issues must be detailed.

A developer compliance certificate under Part 6, Division 9 of the Sydney Water Act 1994 must have been issued by the Sydney Water Corporation prior to the issue of any Construction Certificate. The effect of this certificate is that adequate provision has been made or is available for the provision of potable water to and the removal of waste water from the development. Following application for such a developer compliance certificate, a "Notice of Requirements" will detail water and sewer extensions to be built and charges to be paid. Applicant's need to make early contact with a Sydney Water authorised Coordinator, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design.

Further information can be obtained from the Sydney Water Corporation on telephone 13 20 92 or by visiting their web site:

http://www.sydneywater.com.au/html/yourHome/edeveloper/urban_dev_qa.cfm .

Stormwater

Clause 25(2) of Woollahra Local Environmental Plan deals with stormwater (rainwater) drainage systems.

The development application must provide the following information:

- Overland flow paths of flood liable areas present on the land and existing surface contours to AHD.
- The proposed method of collection of roof and surface stormwater including the general location and levels of proposed drains, stormwater pipes, drainage pits and proposed finished surface contours to AHD
- The Proposed building locations and finished floor levels to AHD
- The location of infiltration measures (swales, landscaping, permeable pavements, etc)
- The location of rainwater tanks
- The location of on-site detention basins or tanks, including stored water levels and emergency spillways
- The location of discharge points to stormwater drainage system (show levels at these locations) and the method of connection
- The location of stormwater easements (existing or proposed)

Water Sensitive Urban Design (WSUD)

WSUD aims to minimise the effects of urban development on the urban water cycle by considering the management of potable water, wastewater and stormwater elements in an integrated manner.

While there are elements that only Council and the State can address there are many elements that the individual land owner can address. These are:

- Use of captured rainwater for reuse for watering gardens, washing vehicles or use within a building for flushing of toilets.
- Promote groundwater recharge through the reduction in the percentage of impervious external surfaces.
- Negate the effects of increased peak flows from a property as a result of an increase in urban density. This is addressed through the use of on-site stormwater detention.
- Protect stormwater quality. This is achieved for residential use by installing water saving shower heads, taps, toilets, dishwashers and clothes washing machines.
- Re-use of domestic grey water (e.g. water discharged from clothes washing machines). Domestic grey water could be stored and used for gardening purposes.

G. Subdivision plan

This plan, typically prepared by a registered surveyor, will clearly illustrate the proposed subdivision layout. Draw the plan to a standard scale such as 1:100, 1:200 or 1:500, and show the following details where relevant to the proposal:

- north point (true solar north)
- scale (show ratio and bar scale)
- date, plan number, amendment number and date
- author
- existing and proposed boundaries
- current lot and deposited plan numbers
- relationship to existing roads
- proposed boundary dimensions (metres)
- proposed lot areas (square metres)
- proposed roads, pathways (indicate width)
- proposed easements and rights of way
- proposed public reserves, drainage reserves
- existing and finished levels (contours or spot heights to AHD values)
- long sections and cross sections of proposed roads
- conceptual building footprint
- extent of any environmental constraint areas.
- indicative building envelopes so that any constraints to retain significant trees can be shown prior to design of a dwelling.

H. Shadow diagrams – (Plan and Elevations)

This plan, typically prepared by an architect, will illustrate the extent of shadows cast by existing and proposed buildings, including buildings on adjoining land and trees where relevant. Draw the plan to a standard scale such as 1: 100 or 1: 200, and show the following details:

- north point (true solar north)
- scale (show ratio and bar scale)
- date, plan number, amendment number and date

- author
- position of existing and proposed buildings on the site
- position of buildings on adjoining land
- horizontal and vertical impact of shadows cast at equinoxes and winter solstice: for 9am, 12noon and 3pm (show altitude and azimuth angles)
- if proposal is replacing an existing building, show change in shadows from existing to proposed development
- indicate the location and nature of existing and/or proposed fencing, with the shadows projected
- a table of compliance and non-compliance with the relevant council DCP, SEPP 65 or AMCORD
- appropriate allowance for the topography

I. Photomontages

The photomontages are to show the key contextual streetscape and neighbourhood settings of the proposed development and other relevant images, such as impacts on critical/sensitive views from both the public and private domain. The montages are to be generated from a survey accurate and detailed 3-dimensional computer model of the proposed development. The accuracy of the montages is to be certified by a registered surveyor and the project architect upon lodgement with the Council.

J. Demolition report

A demolition report will contain:

- information on the history of the building and its site
- a full description of the building and its setting
- photos of the building and its setting
- a structural report (where existing structural condition is used to substantiate demolition)
- conclusions about heritage significance, the viability of retaining the building and integration of part of the building with the proposed new works.

For more information on the content of a demolition report and who should prepare the report refer to **annexure 1**.

K. Statement of heritage impact

The scope and detail of a statement of heritage impact will vary according to the development proposal.

Refer to the *Guide for Preparing a Statement of Heritage Impact* (**annexure 2**) which includes requirements for:

- the content of statements
- when the statement should be prepared
- who should prepare the statement.

L. Conservation management plan

A conservation management plan is used to guide the future development and management of a heritage item, place or area. Accordingly, it should be prepared

before a preferred development proposal is selected. A conservation management plan will include:

- discussion and analysis of documentary and physical evidence relating to the item, place or area
- a statement of significance
- identification of client needs
- identification of constraints and opportunities arising from physical condition and from the statement of significance
- a conservation policy
- a strategy to implement the policy.

A conservation management plan must be prepared in the manner set out in document titled *The Conservation Plan*, written by James Semple Kerr, and published by the National Trust of Australia (NSW).

The Council may require the submission of a conservation management plan for its consideration and approval prior to the lodgement of a development application.

M. Fire Safety Provisions

Demonstrate by report how the proposal addresses clauses 93 and 94 of the Environmental Planning and Assessment Regulation 2000 to provide for fire and building upgrading of any existing building to be retained. Council may require fire and other life safety related building upgrades. This report, typically prepared by an accredited building surveyor or fire safety engineer having regard to Australian Standard 4655 Guidelines for fire safety audits of buildings, is annexed to the statement of environmental effects.

If the development involves a change of use of a building (other than a dwelling-house or a building or structure that is ancillary to a dwelling-house and other than a temporary structure), the following **MUST** be provided:

- (i) a list of the Category 1 fire safety provisions that currently apply to the existing building, and
- (ii) a list of the Category 1 fire safety provisions that are to apply to the building following its change of use.

Note:

The Building Professionals Board, through the Department of Planning, provides a list of accredited certifiers. www.bpb.nsw.gov.au

The Australian Institute of Building Surveyors also maintains a list of qualified building surveyors – www.aibs.com.au

Need help writing your statement of environmental effects?

Council encourages applicants to use the services of a professional town planner to assist in the preparation of more complex statements of environmental effects.

A list of consultant town planners is available from the Planning Institute of Australia – www.planning.org.au

N. Geotechnical and Hydrogeological reports

A Geotechnical and Hydrogeological report will be required for all applications that have potential to adversely effect surrounding properties either during excavation works or construction of subsurface structures. This would generally apply to works that:

- Disturb support of neighbouring property - For example, excavation within 1.5 metres of the site boundary for excavation depths over a metre, any excavation at the toe of a retaining wall, etc.
- Are considerable in scope - excavation machinery may create adverse vibrations or cause settlement.
- Interfere with temporary or permanent groundwater flows – Subsurface structures may create subsurface dams and redirect groundwater flows, etc.

All Geotechnical and Hydrogeological reports must be prepared in accordance with Councils document “*Guide for preparing geotechnical and hydrogeological reports.*” (Refer to annexure 3). The document details aspects of excavation works and the design of subsurface structures that Council will consider when assessing the application. It is advised that applicants examine this document if they are unsure whether a report will be required. The report must be prepared by a suitable practitioner, such as an engineer, who should be a member of the NPER with a minimum of ten years practice in the geotechnical field in the last 15 years.

O. Land contamination reports

Under *State Environmental Planning Policy No.55 Remediation of Land*, the Council must not consent to the development of land unless it has considered certain land contamination and remediation issues. An applicant must provide certain information in the form of land contamination reports to enable the Council to carry out its consideration. There are six types of land contamination reports that may be required as part of an application:

- Initial site investigation report
- Stage 1 Preliminary site investigation report
- Stage 2 Detailed site investigation report
- Stage 3 Remediation action plan
- Stage 4 Validation report and, if required, site monitoring report

Some applications may only need to be accompanied by an initial site investigation report whilst others may require a number of reports. All reports except the initial site

investigation report must be prepared by a suitably qualified consultant. An initial site investigation report may form part of the statement of environmental effects.

The type of report to be submitted and its details will depend on the proposed development, the current and previous use of the land on which the development is proposed, and the location of that land. For more information on land contamination reports refer to **annexure 4**.

P. Acid sulfate soils reports

There are two types of acid sulfate soil reports that may be required as part of an application:

- preliminary soil assessment
- acid sulfate soils management plan.

The requirement for one or both of these reports will depend on the type of work you propose to carry out and its location. You will need to examine the Council's acid sulfate soils planning map to establish if the proposed works will be carried out in an area where there are actual or potential acid sulfate soils risks. This map covers the entire Municipality and shows five classes of land based on the probability of acid sulfate soils being present (class 1 being the most likely and class 5 the least likely). Associated with the map is a table that sets out for each class of land those types of work that, if carried out, are likely to present an environmental risk. An acid sulfate soils report must be prepared by a suitably qualified consultant. For more information on acid sulfate soils reports refer to **annexure 7**.

Q. Access report

If you are claiming exceptional circumstances as reasons for a proposal not complying with the requirements of the Access DCP, the application must be accompanied by a report that responds to the matters specified in clause 4.2 of the Access DCP. The report must be prepared by a suitably qualified person with relevant, present-day work experience in the field of access provision. Qualifications and work experience of the report writer must be provided as part of the report. The Council may refer the claim and report to an independent suitably qualified and experienced consultant for assessment prior to the application being determined. Where a decision is made to seek an independent assessment, the applicant will be required to pay an additional fee. The fee is set out in the Council's schedule of fees and charges.

R. Building model and PDF copies of all plans and documents

Building models are required where the cost of work exceeds \$750,000. Models are to show the external envelope of buildings in a 3 dimensional form. Models are to depict the building and the land form, define the property boundaries and include a readily identifiable reference such as an existing adjacent building which is to remain. Building models are required to be to a scale of either 1:100, 1:200 or 1:500. The model should be no greater in volume than a cube measuring 600 mm x 600mm x 300mm and should be no heavier than 5kg (these dimensions are flexible particularly where a development may encompass multiple sites).

Adobe PDF copies of all plans, the Statement of Environmental Effects and all supporting documents are required where the cost of works exceeds \$750K. This is in addition to the required hard copy plans and documents.

A single CD-ROM or DVD-ROM must be submitted with the application containing PDF copies of each plan and each document.

Note: Models must be collected within fourteen days of determination of the development application (uncollected models will be disposed of in a manner deemed appropriate by the Manager of Development Control).

S. Sample board of materials and colours of the façade

Each sample of the material and colour provided on the board must be labeled so as to:

- describe the composition of the material and colour
- describe the architectural feature that will comprise the material and colour
- identify the location of the material and colour on facades.

To assist with interpretation the board should contain an elevation or elevations of the building, which clearly identify the location of each type of material and colour finish.

The sample board may be supplemented by technical sheets or reports that provide details on the materials and colours.

T. Accurate estimate of cost of work

The estimated cost of the proposed works must be accurate and based on the actual contract value. If you are unsure, consult an accredited quantity surveyor. If the cost of works is incorrect or understated the DA fee will also be incorrect and this could result in your application being refused.

U. Design verification

A development application that relates to residential flat development to which *SEPP No.65 – Design Quality of Residential Flat Development* applies, and that is lodged on or after 1 December 2003, must be accompanied by a design verification prepared by a qualified designer.

Notes:

Clause 50(1A) of the *Environmental Planning and Assessment Regulation 2000* describes a design verification that is lodged with a development application as:

*a statement in which the qualified designer verifies:
that he or she designed, or directed the design, of the residential flat development, and
that the design quality principles set out in Part 2 of State Environmental Planning Policy No.65 – Design Quality of Residential Flat Development are achieved for the residential flat development.*

Clause 3 of the *Environmental Planning and Assessment Regulation 2000* defines a qualified designer as:

a person registered as an architect in accordance with the Architects Act 1921.

Applicants are advised that where consent has been granted to a development application that relates to residential flat development to which *SEPP No.65* applies, a design verification from a qualified designer will also be required in the following circumstances:

1. An application to modify a development consent under section 96(2) or 96AA(1) of the *Environmental Planning and Assessment Act 1979* – for the required details of the statement refer to clause 115 (1A) of the *Environmental Planning and Assessment Regulation 2000*. The design verification is lodged with the application to the Council.

2. An application for a construction certificate – for the required details of the statement refer to clause 143A(2) of the *Environmental Planning and Assessment Regulation 2000*. The design verification is lodged with the application to the certifying authority.
3. An application for an occupation certificate - for the required details of the statement refer to clause 154A(2) of the *Environmental Planning and Assessment Regulation 2000*. The design verification is lodged with the application to the certifying authority.

V. BASIX certificate and annotated plans

BASIX (the Building Sustainability Index) was introduced by the NSW State Government on 1 July 2004 as a means of reducing water consumption and greenhouse gas emissions and improving thermal performance requirements.

A BASIX assessment is mandatory for new buildings that contain one or more dwellings. An assessment is also required for all applications for the conversion of an existing building to one of the above building types. Applicants are required to carry out a self-assessment through the interactive website programme accessed at www.basix.nsw.gov.au.

From 1 October 2006 a BASIX certificate will also be mandatory for alterations and additions to buildings that contain one or more dwellings.

Subject to passing the assessment, a BASIX certificate will be issued by the Director-General of the Department of Planning through the website. A BASIX certificate must be lodged with the development application to Council. If the proposal is for more than one of the specified building types, a separate certificate is required for each building.

The development application submitted to Council must be consistent with the proposal used in the BASIX assessment. Plans accompanying the application must be annotated with the agreed BASIX commitments set out in the certificate. For further information on BASIX refer to the website www.basix.nsw.gov.au.

Note:

In addition to development applications, a BASIX certificate must be lodged with the following applications:

- an application to review a determination (where the application includes amended plans)
- an application to modify a development consent
- an application for a complying development certificate
- an application for an occupation certificate.

W. Tree Reports

Aboricultural Assessment Report

Where trees or vegetation that are visible from another property, and protected by the TPO, are proposed to be removed or development will be sited within 5m of such trees.

Construction Impact Statement

When any proposed construction work falls within the calculated Tree Protection Zone of a tree subject to the TPO.

May be required by Council following preliminary assessment of an application.

Tree Management Report

On sites where RFB's are proposed, where there is restricted access to the site eg. Battle axe blocks, or where large scale (multi-use/multi building) development is proposed.

May be required by Council following preliminary assessment of an application.

Root Mapping Report

May be required by Council following preliminary assessment of an application.

Transplant Method Statement

Where any tree, subject to the TPO, is proposed to be transplanted on the site, a Transplant Method Statement is required.

For more information on the content of the Tree and Landscape Reports/Plans refer to Annexure 8.

X. Disclosure statement of a reportable political donation or gift

The following information must be disclosed in relation to each political donation or gift:

- (a) The name of the party or person for whose benefit the donation was made
- (b) The name of the person to whom the gift was made
- (c) The date on which the donation or gift was made
- (d) The name of the donor or person who made the gift
- (e) The residential address of the donor or person who made the gift (in the case of an individual) or the address of the registered or other official office of the donor or the person who made the gift (in the case of an entity)
- (f) The amount (or value) of the donation or gift
- (g) In the case of a donor that is an entity and not an individual – the Australian Business Number (ABN) of the entity.

NOTE: We are required to make disclosure statements available to the public on our web site, or in accordance with arrangements notified on our web site, within 14 days after the disclosure is made.

WARNING: Failure to make a disclosure statement or making a false disclosure statement is an offence and the current maximum penalty is \$22,000 or 12 months imprisonment, or both. (See annexure 9 *Political donations and gifts disclosure form*)

Y. Site Waste Minimisation and Management Plan (SWMMP)

A SWMMP outlines measures to minimise and manage waste generated during:

- demolition
- construction
- ongoing use of the site/premises

In doing so, the SWMMP nominates:

- volume and type of waste and recyclables to be generated
- storage and treatment of waste and recyclables on site
- disposal of residual waste and recyclables
- operational procedures for ongoing waste management once the development is complete

Annexure 10 includes a SWMMP template which indicates the information which needs to be provided. More details are required in SWMMPs for larger and more complex developments. The amount of supporting information and diagrams also increases with the size and complexity of developments.

Z. Affordable Housing Report

Under *State Environmental Planning Policy (Affordable Rental Housing) 2009* (the SEPP), the Council, in considering a DA, must take into consideration if a development proposal may result in a loss of existing low cost housing. The SEPP applies to the following types of buildings:

- boarding houses
- non-strata titled residential flat buildings containing a low-rental dwelling
- a vacant building previously used for either of the above purposes

If the SEPP applies to your proposal, your application needs to include an affordable housing report. The information contained in the affordable housing report relate to:

- (a) whether there is likely to be a reduction in affordable housing on the land to which the application relates,
- (b) whether there is available sufficient comparable accommodation to satisfy the demand for such accommodation,
- (c) whether the development is likely to cause adverse social and economic effects on the general community,
- (d) whether adequate arrangements have been made to assist the residents (if any) of the building likely to be displaced to find alternative comparable accommodation,
- (e) the extent to which the development contributes to any cumulative loss of affordable housing in the local government area,
- (f) the structural soundness of the building, the extent to which the building complies with any relevant fire safety requirements and the estimated cost of carrying out work necessary to ensure the structural soundness of the building and the compliance of the building with the fire safety requirements,

- (g) whether the imposition of a condition requiring the payment of a monetary contribution for the purposes of affordable housing would adequately mitigate the reduction of affordable housing resulting from the development,
- (h) in the case of a boarding house, the financial viability of the continued use of the boarding house.

The State Government's Guidelines for Retention of Existing Affordable Housing, July 2009, should also be referred to in preparing the affordable housing report. The Guidelines is available from NSW Planning's web site, www.planning.nsw.gov.au.

How many copies?

Where required, provide us with:

- Reduced plan (A4 size) - 2 copies
- Plans, elevations and sections - 6 copies
- Statement of environmental effects - 6 copies (See step 3)
- Other plans (survey, landscape, soil and water, subdivision) - 6 copies
- Shadow diagrams - 3 copies
- Photomontages - 3 copies
- Reports (demolition, statement of heritage impact, conservation management plan, geotechnical and hydrogeological, contaminated land, acid sulphate soils, access - 3 copies
- Model
- Sample board - 2 copies
- Design verification - 2 copies
- BASIX certificate and annotated plans – 2 copies
- PDF copies on CD or DVD ROM of all plans and documents.
- All copies must be clear and legible. All photos contained within reports etc, must also be clear. Original reports are preferred.

Step 3 - Prepare the statement of environmental effects

What is a statement of environmental effects

A statement of environmental effects is a report outlining the likely environmental impacts of the proposal. It also describes how the environmental impacts have been identified and the steps to be taken to protect the environment or to lessen the expected impacts. The statement includes written information about the proposal that cannot be readily shown on your plans and drawings.

Statement of Environmental Effects must, where it is relevant, address the planning principles published in judgements by the Land and Environment Court.

These planning principles can be accessed from the Court's website
<http://www.lawlink.nsw.gov.au/lec>

All development applications, except those for designated development, require a statement of environmental effects.

Only a very brief statement is required for proposals that are likely to have a negligible impact. This may include interior alterations and certain minor residential building work (not relating to a heritage item or a property in a heritage conservation area).

Note:

Schedule 3 of the *Environmental Planning and Assessment Regulation 2000* lists designated development types. These are generally large industrial uses, rural works, extractive works, and mining works, all of which are not relevant to Woollahra. Marinas or other related land water shoreline facilities are also designated development. This type of development does occur in Woollahra. An environmental impact statement (EIS) is required for designated development. There are separate requirements for the content of an EIS.

Modification applications

Revised statements of environmental effects are required for all modification applications. Revised statements need to discuss the environmental issues relating to the amendments and can be in the form of an addendum to the original statement.

What to include?

Your statement of environmental effects should address all the issues that are applicable to your proposal. The following table provides a general guide to issues that may be relevant to different types of proposals. Other issues not listed in the table may also be relevant. Details of the issues are provided after the table.

Issue	When required
A. Site suitability	All applications.
B. Present and previous uses	All applications.
C. Design quality of residential flat development	All applications for residential flat development to which <i>SEPP No.65 – Design Quality of Residential Flat Development</i> applies.
D. Operation and management	All applications for non-residential uses, hotels, serviced apartments, bed and breakfast accommodation, boarding houses, hostels, housing for older people or people with

Issue	When required
	a disability, group homes.
E. Pedestrian and vehicle movement	All applications, except minor alterations and additions.
F. Privacy, views and overshadowing	All applications, except internal alterations. (ie those that would not result in changes to the external envelope or insertion of windows or doors to the external envelope.
G. Air and noise	All applications.
H. Soil and water	All new buildings and other proposals involving significant earthworks.
I. Energy efficiency	Applications for new residential and non-residential buildings and major alterations and additions for those development types.
J. Waste	A Site Waste Management and Minimisation Plan (SWMMP) is required for all applications. ¹
K. Access	All applications.
L. Fire safety and other building upgrades	Change of use or alterations and additions to buildings.
M. Demolition management	All applications involving demolition.
N. Landscaping	All applications

Details for a statement of environmental effects

To help you prepare your statement of environmental effects, we have provided a list of considerations relevant to each of the above issues.

A. Site suitability

Show that the site is suitable for the proposed development. Relevant considerations may include:

- site constraints such as slope, flooding, geotechnical and groundwater issues, acid sulfate soils and land contamination (see also below in present and previous uses) (provide separate hydrogeological and geotechnical reports by appropriately qualified engineers where the proposal involves excavation exceeding 2 metres or for below ground structures in the Double Bay Commercial Centre; provide land contamination reports or acid sulfate reports where necessary)
- proximity to transport services, shops, community and recreational facilities
- compatibility with adjoining development
- compatibility with visual setting (foreshore, streetscape, etc.)
- local planning objectives (check with an assessment officer for your area)
- size and shape of allotment
- age and condition of buildings.

¹ The Council may allow an exemption where both a DA and a CC are required for a particular development. In those cases a preliminary SWMMP will be required with the DA and the final SWMMP details relating to demolition and construction phases may be submitted to Council for approval prior to the CC being issued. See attachment 10 regarding preliminary SWMMPs

B. Present and previous uses

Provide the following details:

- present use of the site
- date that present use commenced
- previous uses of the site (if known)
- present uses of adjoining land
- whether the present or any previous use of the site is a potentially contaminating activity (these include agriculture/horticulture, chemical manufacture, dry cleaning establishments, gasworks, landfill site, power stations, electrical substations, lead paint removal, boatsheds, slipways, pest treatment, service stations, tanneries, waste storage.)
- a statement as to whether or not you are aware that the site is contaminated land
- whether there has been any testing or assessment of the site for land contamination or acid sulfate soils.

C. Design quality of residential flat development

For residential flat development to which *SEPP No.65 – Design Quality of Residential Flat Development* applies, include the following:

- a) an explanation of the design in terms of the design quality principles set out in Part 2 of *SEPP No.65 – Design Quality of Residential Flat Development*
- b) drawings of the proposed development in the context of surrounding development, including the streetscape
- c) development compliance with building heights, building height planes, setbacks and building envelope controls (if applicable) marked on plans, sections and elevations.
- d) drawings of the proposed landscaped area, including species selected and materials to be used, presented in the context of the proposed building or buildings and the surrounding development and its context
- e) if the proposed development is within an area in which the built form is changing, statements of the existing and likely future contexts.
- f) photomontages of the proposed development in the context of surrounding development
- g) a sample board of the proposed materials and colours of the façade
- h) detailed sections of proposed facades
- i) if appropriate, a model that includes the context.

D. Operation and management

Describe how the establishment will operate:

- type of business
- number of staff
- expected number of customers or clients
- hours and days of operation (including business trading)
- plant, machinery, production processes
- type and quantity of goods handled: raw materials, finished products, waste products arrangements for transport, loading and unloading of goods (give details of frequency of truck movements and size of vehicles)
- hazardous materials or processes.

E. Pedestrian and vehicle movements

Show that there is adequate provision for safe pedestrian and vehicle movements and consider the following where relevant:

- pedestrian amenity (paving, seats, weather protection, security lighting)
- proposed bicycle facilities (racks, lockers, showers)
- existing public transport services
- vehicle access to a public road (indicate grade)
- resident, staff, customer, client and visitor parking arrangements
- parking calculations
- will there be any conflicts between vehicles, pedestrians and cyclists? (describe proposed traffic management measures).

A traffic and parking report will be required where development is expected to generate a large level of traffic or have large parking areas (for example pubs or marinas). A traffic and parking report may also be required where development will result in a non compliance with parking requirements stipulated by Council's Parking Development Control Plan (Parking DCP).

The report is to assess the implications of the proposal on existing traffic, parking and transport conditions surrounding the site and within any proposed parking areas. The report must be produced by a suitably qualified and experienced traffic engineer and, depending on the type of development, is to include (but not be limited to) the following:

- Expected traffic generation rates and the impact on the surrounding road networks
- Impact on existing parking conditions and transport requirements in the surrounding area
- An assessment of the proposed off-street parking / service delivery area in accordance with the relevant Australian Standard, particularly requirements related to vehicle access and car space dimensions
- Level of compliance with Council's Parking DCP requirements
- Any recommendations to mitigate impacts of the proposal upon the surrounding road network.

F. Privacy, views and overshadowing

Show how the proposed development will affect privacy, views and overshadowing by considering the following where relevant:

Visual privacy:

- window placement relative to adjacent dwellings and common areas
- views between any proposed living rooms and the private yards of other dwellings
- use of screen planting, hedges, walls or fences to improve privacy
- headlight glare, light spillage.

Acoustic privacy:

- placement of active use outdoor areas relative to bedrooms
- separation of roads, parking areas and driveways from bedroom and living room windows
- noise transmission between dwellings
- measures to mitigate external noise sources (eg traffic noise, placement of air conditioners, exhaust systems, pool pumps).

Views:

- impact of the proposed development on views from adjoining or nearby private properties and public places such as parks, roads and footpaths
- design measures for protecting views and allowing view sharing.

Overshadowing:

- provide an analysis of your shadow diagrams (plan and elevations) prepared by a consulting architect. Consider shadows from adjoining buildings as well as the proposed development.

G. Air and noise

Shows the proposal will not cause, or be affected by, air or noise emissions by considering the following where relevant:

Air:

- existing or proposed sources of odour or fumes (on-site and nearby): industries, food premises, exhaust systems, waste storage, oil or wood burning stoves or heaters
- proposed mitigation measures: placement and height of flues or chimneys; location of waste storage areas and compost heaps.

Noise:

- existing and proposed noise sources (on-site and nearby): main roads, railway lines, ships, aircraft, industries, transport terminals, loading bays, heavy vehicles, restaurants, clubs, hotels, car parks, ventilation and air conditioning units, pumps and pool filters
- proposed noise reduction measures: noise barriers, building layout and setback, room layout and window placement, building materials, insulation, double glazing
- construction noise: hours of operation, type of equipment, maximum noise levels, details of consultation with nearby residents, compliance with Environment Protection Authority guidelines
- where noise is a major design issue, attach a report by an acoustic consultant.

H. Soil and water

State how the proposal will manage the following aspects of soil and water management on the site. Apply where relevant.

Stormwater:

- Stormwater Drainage – Where will the new development works drain to? Is the drainage system in accordance with Councils requirements concerning on site detention? Are rainwater tanks proposed? Will stormwater runoff from the site adversely effect other properties?
- Water Sensitive Urban Design (WSUD) – are the effects of urban development on the urban water cycle considered by the management of potable water, wastewater and stormwater elements in an integrated manner, as well as complimenting BASIX requirements? This can include measures such as:
 - Rainwater tanks
 - Water savings devices
 - Water reuse for irrigation, toilet flushing, vehicle wash bays etc.
 - Vegetated swales, infiltration, porous pavements, buffer strips and bio-retention systems

- Sand filters
- Urban wetlands and
- Greywater treatment.
- Easements – Where an easement is utilised or proposed to drain water from the site, provide proof of registration of inter-allotment drainage easements across downstream properties.
- Flooding – Have all potential flood or overland risks been considered in the design of the development? Is the proposed development adequately protected from inundation during large storm events? What design measures have been implemented to ensure this? Will the development impact on the flooding of adjoining properties? A flood study may be required to ensure the appropriateness of flood protection.

Wastewater:

- Water Quality Control – Liquid waste treatment and disposal; bunding of fuel, oil and chemical storage; emergency procedures in the event of an oil spill; stormwater treatment; potential for impact on downstream waterways.
- Assessment of any impact to temporary/ permanent groundwater conditions resulting from site runoff.

Soil erosion control:

- Sediment control – Is there a location on site to store construction materials not subject to overland flows during and after periods of rainfall? What measures will be taken to divert flows and contain construction material dumps? What dust control measures will be taken?
- Erosion control – is the area of excavation works subject to inundation from stormwater overland flows? What measures will be taken to divert these flows safely and without adverse impact on neighbouring residents? State any revegetation / rehabilitation measures taken to stabilise battered sections of landscaping.

I. Energy efficiency

Where BASIX applies, a BASIX Certificate must be submitted with the DA.

In other cases show how the proposal promotes energy efficiency by using the following measures where possible:

- Orientation: is one of the building's axes between 30° east and 20° west of true north? Will windows and solar collectors have good solar access? Are heavily used rooms on the northern side?
- Sun control: proposed awnings, pergolas, blinds, and trees to maximise summer shade and minimise winter shade
- Insulation: proposed roof, ceiling, wall and floor insulation; double glazing, door and window seals
- Natural ventilation: will window placement maximise cross-ventilation?
- Heating, cooling and lighting: have energy-efficient heating, cooling and lighting systems been specified?
- Clothes drying: is there an outdoor drying space with solar access?
- Water heating: has a hot water system with a greenhouse score of 3.5 or greater been specified? (contact your energy supplier or the Sustainable Energy Development Authority).
- Swimming pools and spa pools: has provision been made for a cover to be fitted to the swimming and/or spa pool so that when the pool is not in use evaporation of pool water is reduced and where the pool water is heated heat loss is limited? A

condition will be imposed on development consents which involve new or renovated swimming and/or spa pools for a cover to be fitted and for it to be in place when the pool is not in use.

J. Waste

Show how the proposal promotes waste minimisation by incorporating the following where appropriate:

- proposed at-source waste separation program and facilities: aluminium, steel, glass, plastics, food and organic waste, etc
- proposed recycling collection from hotel, guest house, entertainment, commercial and industrial premises
- domestic food and organic waste composting
- litter control program (for activities such as take-away food, sporting venues, etc)
- proposed waste storage areas
- how will building and demolition waste be re-used, recycled or disposed of?
- arrangements for hazardous building wastes such as asbestos and contaminated soil.

A Site Waste Minimisation and Management Plan (SWMMP) may form part of the Statement of Environmental Effects or may be submitted as a separate document. See appendix 10 for the information to be included in the SWMMP.

K. Access

Show how the proposal addresses the Access Development Control Plan, particularly for those proposals where access is *required* rather than encouraged. Provide a statement prepared by an appropriately qualified and experienced person detailing that the proposal meets the requirements of the DCP. If exceptional circumstances are being claimed as reasons for a proposal not complying with the requirements of the Access DCP, the application must be accompanied by a report that responds to the matters specified in clause 4.2 of the Access DCP. The report must be prepared by a suitably qualified person with relevant, present-day work experience in the field of access provision.

L. Fire safety and other building upgrades

Demonstrate how the proposal addresses clauses 93 and 94 of the Environmental Planning and Assessment Regulation 2000 to provide for fire and building upgrading of any existing building to be retained. Council may require fire and other life safety related building upgrades. This report, typically prepared by an accredited building surveyor or fire safety engineer having regard to Australian Standard 4655 Guidelines for fire safety audits of buildings, is annexed to the statement of environmental effects.

If the development involves a change of use of a building (other than a dwelling-house or a building or structure that is ancillary to a dwelling-house and other than a temporary structure), the following **MUST** be provided in the statement of environmental effects:

- (i) a list of the Category 1 fire safety provisions that currently apply to the existing building, and
- (ii) a list of the Category 1 fire safety provisions that are to apply to the building following its change of use.

Note:

The Building Professionals Board, through the Department of Planning, provides a list of accredited certifiers. www.bpb.nsw.gov.au

The Australian Institute of Building Surveyors also maintains a list of qualified building surveyors – www.aibs.com.au

Need help writing your statement of environmental effects?

Council encourages applicants to use the services of a professional town planner to assist in the preparation of more complex statements of environmental effects.

A list of consultant town planners is available from the Planning Institute of Australia – www.planning.org.au

M. Demolition management

Proposals for demolition must demonstrate compliance with Australian Standard 2601-1991. For the requirements to be met refer to the Standard. Details to be submitted will vary depending on the scale of demolition proposed.

The Statement of Environmental Effects for applications which include demolition can incorporate the SWMMP or it may be submitted as a separate document. Appendix 10 includes a template for preparing a SWMMP template.

N. Landscaping

- Number of trees, subject to Tree Preservation Order located on site
- Number of trees to be removed, including street trees – these are to be cross referenced with identifiers used on plans
- Number of trees to be retained
- Number of trees to be transplanted
- Any plantings proposed to address privacy issues etc.

Step 4 - Complete the application form**(Incomplete applications will be rejected)****Which plans?**

The following questions on the development application form require particular attention.

Question 5 Proposed development

You must describe the proposed development in detail. Tell us exactly what you propose to do. Make sure you tell us about relevant operational details in your statement of environmental effects.

Question 8 Integrated development

Under the planning laws, you must indicate on the application form whether you need an approval from another Government agency specified in the legislation. If your proposal does require one of these approvals, it is classed as 'integrated development'.

Development that involves or relates to any of the matters listed in question 8 **may** be 'integrated development'. The following is a general guide to determining which approval body (and which statutory approval) is relevant to your proposal.

A. Heritage Council of NSW

Heritage Act 1977: When an interim heritage order or listing on the State Heritage Register applies to a place, building, work, relic, moveable object, precinct, or land, approval is required to: 1. Demolish the building or work. 2. Damage or despoil the place, precinct or land, or any part of the place, precinct or land. 3. Move, damage or destroy the relic or moveable object. 4. Excavate any land for the purpose of exposing or moving the relic. 5. Carry out any development in relation to the land on which the building, work or relic is situated, the land that comprises the place, or land within the precinct. 6. Alter the building, work, relic or moveable object. 7. Display any notice or advertisement on the place, building, work, relic, moveable object or land, or in the precinct. 8. Damage or destroy any tree or other vegetation on or remove any tree or other vegetation from the place, precinct or land.

Note: Exemption to obtaining approval may apply in certain cases. See section 57 of the Heritage Act 1977

B. Roads and Traffic Authority

Roads Act 1993: Approval (from the RTA only) to: 1. Erect a structure or carry out a work in, on or over a public road. 2. Dig up or disturb the surface of a public road. 3. Remove or interfere with a structure, work or tree on a public road. 4. Pump water into a public road from any land adjoining the road. 5. Connect a road (whether public or private) to a classified road.

Note: Where Council is the road authority, you may seek a rationalised approval for road works with your application. This must be sought and detailed in your application.

C. Department of Environment and Conservation

Protection of the Environment Operations Act 1997: Licences to: 1. Authorise the carrying out of scheduled development work at any premises (being generally work on premises, at which scheduled activities are not carried on, that is designed to enable scheduled activities to be carried on at the premises). Authorise the carrying out of scheduled activities at any premises. 3. Authorise the carrying out of scheduled activities not related to premises. 4. Control the carrying out of non-scheduled activities for the purpose of regulating water pollution resulting from any such activity.

D. Department of Natural Resources

Waters Act 1912: 1. Licences and permits to construct and use a work, and to take, use and dispose of water. 2. Authority to take water from a river or lake for the purposes of a joint water supply scheme. 3. Authority to construct a water supply and to take and use water conserved or obtained thereby. 4. Licence to commence sinking a bore or to enlarge, deepen, or alter a bore. 5. Approval to construct an earthwork, embankment or levee that is situated, or proposed to be constructed, on land that is, or forms part of, the bank of a river or lake, or is within a floodplain.

Rivers and Foreshores Improvement Act 1948: 1. Permit to make an excavation on, in or under protected land. 2. Permit to remove material from protected land. 3. Permit to do anything which obstructs, or detrimentally affects, the flow of protected waters, or which is likely to do so.

Notes: Protected land is (a) land that is the bank, shore or bed of protected waters, or (b) land that is not more than 40 metres from the top of the bank or shore of protected waters (measured horizontally from the top of the bank or shore), or (c) material at any time deposited, naturally or otherwise and whether or not in layers, on or under land referred to in paragraph (a) or (b). Protected waters means a river, lake into or from which a river flows, coastal lake or lagoon (including any permanent or temporary channel between a coastal lake or lagoon and the sea). The waters of Sydney Harbour are protected waters.

The permit is required from the Department of Natural Resources for development that is within 40 metres of Parsley Bay, a natural creek or waterway, or an open stormwater channel (as in Kiaora Road, White City).

E. National Parks and Wildlife Service

National Parks and Wildlife Act 1974: Consent to knowingly destroy, deface or damage, or knowingly cause or permit the destruction or defacement of or damage to, an Aboriginal object or Aboriginal place.

F. NSW Department of Primary Industries

Fisheries Management Act 1994: The NSW Department of Primary Industries has requested that the following questions be answered to determine whether an approval from the Department of Primary Industries under the *Fisheries Management Act 1994* is required.

Aquaculture: Does your proposal involve the cultivation of fish, shellfish, crustaceans, seaweeds or other aquatic organisms for commercial purposes (but not including a pet shop or aquarium)? If yes, you will need a permit under Section 144 of the *Fisheries Management Act 1994* from NSW Department of Primary Industries

Excavation or filling of a waterway: Does your proposal involve any excavation or filling of the bed of the natural or semi-natural waterway whether permanently or intermittently inundated or flowing (including a bay, estuary, lake, river, creek, lagoon or wetland), with any earth, soil, rock, rubble, concrete, timber or bricks etc? This does not include works within farm dams, urban ponds, irrigation channels, stormwater ponds, sewage treatment pond etc. If yes, you will need a permit under Section 201 of the *Fisheries Management Act 1994* from NSW Department of Primary Industries.

Harm to Marine Vegetation: Does your proposal involve any disturbance, damage or harm to marine vegetation (including seagrasses, mangroves and seaweeds) on public water land or private land which is adjacent to public water land, including by shading them with an overhead structure (eg. jetty or pontoon)? If yes, you will need a permit under Section 205 of the *Fisheries Management Act 1994* from NSW Department of Primary Industries.

Obstruct Fish Passage: Does your proposal involve the construction of any structure such as a weir, dam, floodgate, culvert or causeway across any natural or semi-natural waterway whether permanently or intermittently inundated or flowing (including a bay, estuary, lake, river, creek, lagoon or wetland)? If yes, you will need a permit under Section 201 or 219 of the *Fisheries Management Act 1994* from NSW Department of Primary Industries.

G. Waterways Authority

Rivers and Foreshores Improvement Act 1948: 1. Permit to make an excavation on, in or under protected land. 2. Permit to remove material from protected land. 3. Permit to do anything which obstructs, or detrimentally affects, the flow of protected waters, or which is likely to do so.

Notes: Protected land is (a) land that is the bank, shore or bed of protected waters, or (b) land that is not more than 40 metres from the top of the bank or shore of protected waters (measured horizontally from the top of the bank or shore), or (c) material at any time deposited, naturally or otherwise and whether or not in layers, on or under land referred to in paragraph (a) or (b). Protected waters means a river, lake into or from which a river flows, coastal lake or lagoon (including any permanent or temporary channel between a coastal lake or lagoon and the sea). The waters of Sydney Harbour are protected waters.

The permit is required from the Waterways Authority for development that is within 40 metres of the waters of Sydney Harbour (other than Parsley Bay – see above).

The following approvals are not referred to in the Woollahra DA Guide and DA Form because they are not relevant to the area:

- Mine Subsidence Board: (section 15 *Mine Subsidence Compensation Act 1961*)
- Department of Natural Resources: (section 21D *Soil Conservation Act 1938*)
- NSW Department of Primary Industries: Permit under section 144 of the *Fisheries Management Act 1994* to undertake aquaculture.

A more detailed guide to integrated development is available from the Department of Planning.

If you are unsure whether another approval is required, please consult with the relevant agency. Similarly, if your proposal involves any of the above matters, we strongly recommend that you consult with the agency concerned before you lodge a development application.

Applications for integrated development will be referred to the relevant agency to obtain their 'general terms of approval'. These requirements will then be incorporated in the conditions of any development consent issued by the Council.

An additional fee of \$250 per approval body referral applies to integrated development. Cheques for this amount are to be made payable to the applicable approval body.

Question 9 Other Council approvals

The matters listed in this question require Council approval in addition to development consent. A full description of the activities that require approval is set out in **annexure 5**. Approval is granted under section 68 of the *Local Government Act 1993*. By ticking any boxes that are relevant, you will avoid the need to make a separate application later. An additional fee may also apply.

Question 23 Owner's consent

You must obtain the consent of the landowner. 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 under common seal. If the application form is not signed by the landowner(s), we will not accept your application.

Question 24 Applicant's signature

Please check that every individual owner has signed the application.

Form for modifying a development consent

The following questions require particular attention.

Question 3. Which consent is to be modified?

The consent to be modified has to be clearly identified. This is particularly important where more than one consent may have been granted for a property and where the modification is for an older consent.

Question 4. Please describe the proposed modification

There are 4 types of modifications which can be made, 96(1), 96(1A), 96(2) and 96AA.

- 96(1) - is a modification to a consent where there is an error, mistake or misdescription
- 96(1A) - is a modification involving minimal environmental impact
- 96(2) - relates to other modifications to a consent

- 96AA - relates to modifications submitted to the Council for approval but where the Land and Environment Court granted the development consent

Correctly identifying the type of modification will assist us in deciding how the application will be processed and in what manner the consent should be modified.

Question 5. Which documents have you supplied?

Mark the relevant box if you submitted amended plans, including reduced A4 copies, a modified statement of environmental effects (required for all modification applications) or other documents.

Question 6. Owner's consent

If you are not the owner of the land the owner must give consent to the making of the application.

Form for reviewing the determination of a development application

The following questions require particular attention.

Question 3. Which decision is to be reviewed?

The decision to be reviewed has to be clearly identified. This is particularly important where more than 1 development application has recently been determined for the land.

Question 5. Please support your case as to why the Council should review its decision.

You should refer to any new information not provided with the development application and which supports the review.

Question 7. Your declaration.

We need to know that you were the applicant for the development application which is being reviewed. No one else is entitled to make a review request.

Step 5 - Lodge the application form and fees

How to lodge your application

You can lodge your application in person or send your application form, plans, associated documents, statement of environmental effects and fees to us by mail, document exchange or courier. See the back cover for our street and postal address.

Don't forget to:

- include all the required plans and supporting documents
- obtain all landowner's consents
- sign the application form
- pay the development application fees

Fees

Fees are calculated on a scale based on the estimated cost of development (or the number of lots in the case of subdivision).

Payment options

Cheque: Make cheques payable to 'Woollahra Council for development application and long service levy fees.

Cash: Only for applications lodged in person. You can pay by cash between 8.15am and 4.00pm. After you lodge your application

After you lodge your application

A. Acknowledgement

We will formally acknowledge by letter that we have received your application.

B. If we need more information

We may need more information beyond the minimum statutory requirements to undertake a proper assessment. If we do, we will request this by letter or e-mail as soon as possible after receiving the application. We may review the value of the works and required an additional application fee to be paid.

The planning laws permit us to request further information within 21 days of lodgement.

C. Public notification

Most development applications are publicly notified to enable interested persons to submit comments to the Council. The submission period is 15 days, but for some types of development it is 30 days.

D. Making enquires

If you would like to find out how your application is progressing, you can telephone us for details.

Please do not telephone until at least 2 weeks after commencement of the notification period. When calling, you can assist us by quoting the development application number

and the name of the assessment officer referred to in your application acknowledgement letter.

E. Notice of determination

After your application has been determined you will receive a 'Notice of Determination of the Development Application'. The Notice will tell you whether we have 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.

The Notice will also explain your right of appeal to the Land and Environment Court.

F. Conditions of consent

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 make a separate application to modify the consent. An additional fee applies.

G. Section 94 contributions

Your notice of determination may include a condition under section 94 of the *Environmental Planning and Assessment Act 1979*. Depending on the type of development application that has been lodged, this condition may require a monetary contribution towards the capital cost of the Council providing additional public amenities such as open space, car parking and civic improvements. In some cases the condition may relate to the dedication of land or the provision of a material public benefit.

Information about section 94 contributions is contained in the Council's contributions plan. This plan identifies the type of development for which a monetary contribution or dedication of land may be required, the formulas for calculating contributions, monetary contribution rates, and the programme of capital works on which the funds will be spent. You can view or purchase a copy of the relevant contributions plan at Customer Services. All section 94 monetary contributions are placed into a special account. They cannot be used for any other purpose.

H. Section 94A levies

A condition of development consent will require the payment of a levy toward the provision, extension or augmentation of public facilities or toward recouping their costs, unless:

- you are required to make a section 94 contribution (see 'G' above) , or
- you have entered into a planning agreement with the council which specifically excludes the payment of the levy.

Information about section 94A levies is contained in the council's Section 94A Development Contributions Plan. You can view or purchase a copy of the plan at our customer service counter. You may also view the plan on our website www.woollahra.nsw.gov.au.

I. Subsequent approvals

If your proposal involves building or subdivision work, you will need to obtain a construction certificate for the detailed building plans, specifications and engineering drawings. You can apply for this either to the Council, or to an accredited certifier. You must also appoint a 'principal certifying authority' (PCA) and notify the Council in writing at least 2 days before you commence any construction work.

It is your responsibility to obtain any additional approval that may be required before you commence the development.

Disagree with your notice of determination?

If you are dissatisfied with the determination of your development application you may contact us to clarify issues and discuss your options. Options available to you include:

- A review of determination of your application. A review cannot be made:
 - (a) 12 months after the date on which you received the determination of the application, or
 - (b) after an appeal against the determination made to the Land and Environment Court has been disposed of by the Court.
 You must complete an application form and pay an additional fee for the review. You cannot seek a review if the proposal is 'designated development' or 'integrated development'. If unsure, ask us for details.²
- An application to modify a development consent. This may be appropriate if you disagree with particular conditions of consent or decide to amend certain aspects of the proposal. You must complete an application form, and attach a written justification for the proposed modification. You must also pay an application fee (generally 50% of the original application fee).²
- An appeal to the Land and Environment Court. An appeal must be commenced within 12 months of the day on which you received your notice of determination. Before proceeding to a Court hearing, the Court may arrange a mediation conference if this is acceptable to both parties.

² There are limitations on the changes which can be made by modifying consents or reviewing determinations. Modifications must result in the development being substantially the same as the approved development.

Reviews may make changes to developments which do not make the development substantially different from what was approved or refused.

If the development is not substantially the same a new DA will be required.

A review request is appropriate where you want the determination in its totality reviewed. A modification is appropriate where you want to change an aspect only of the consent or where you want a condition of consent reconsidered.

Check that your development application includes the following:

For all applications

- Completed application form
- DA No. 1 Counter Check form
- Signatures of all landowners
- Signature of the applicant
- Application fees

Where required

- Reduced plans, elevations and sections (A4 size) - 2 copies
- Plans, elevations and sections - 6 copies
- Other plans (survey, landscape, soil and water, subdivision) - 6 copies
- Shadow diagrams - 3 copies
- Photomontages - 3 copies
- Reports (demolition, statement of heritage impact, conservation management plan, geotechnical, hydrogeological, contaminated land, acid sulphate soils, access, Site Waste Minimisation and Management Plan) - 3 copies
- Statement of environmental effects - 6 copies
- Model
- Sample board - 2 copies
- Design verification - 2 copies.
- BASIX certificate and annotated plans - 2 copies.
- Political donations disclosure statement

Council may require further copies for larger development proposals.

Woollahra Council

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 Council Chambers
 536 New South Head Road,
 Double Bay NSW 2028
Phone: (02) 9391 7000
Hours: 8.00am to 4.30pm Mon-Fri

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