



# Development Application Guide

A step by step guide to preparing and  
lodging a development application

August 2023

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# About this guide

The DA Guide explains how to prepare a development application. It is a comprehensive, step-by-step, guide to what you need to know and do before lodging an application.

Included in this guide, is a matrix which identifies the required plans, documentation and other material for different types of development. Refer to this matrix (Appendix 3) to identify your application requirements.

By providing all the required plans and information, you will enable us to deal with your application more quickly. Your application will not be accepted if it does not include all relevant information.

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## Contact

Our Customer Service staff can answer most procedural questions. Where more detailed advice is required, Customer Service staff will refer you to our Duty Planning Officer.

**T** 02 9424 0000    **F** 02 9424 0001  
**DX** 8703 Gordon    **TTY** 133 677  
**E** [kmc@kmc.nsw.gov.au](mailto:kmc@kmc.nsw.gov.au)  
**W** [krg.nsw.gov.au](http://krg.nsw.gov.au)

### Address

818 Pacific Highway, Gordon NSW 2072

### Post

Locked Bag 1006, Gordon NSW 2073

### Opening hours

#### General enquiries:

Monday - Friday 8:30am – 5pm

**Planner:** Monday, Tuesday, Thursday

9am-12pm and 2pm – 5pm

### Transport and parking

**Bus or rail:** Council Chambers is just a five minute walk from Gordon train station. From the station, head west up via St Johns Ave to the Pacific Highway. Turn right and walk to the end of the block along the Pacific Highway. Cross the Pacific Highway at the lights and walk right to Council Chambers.

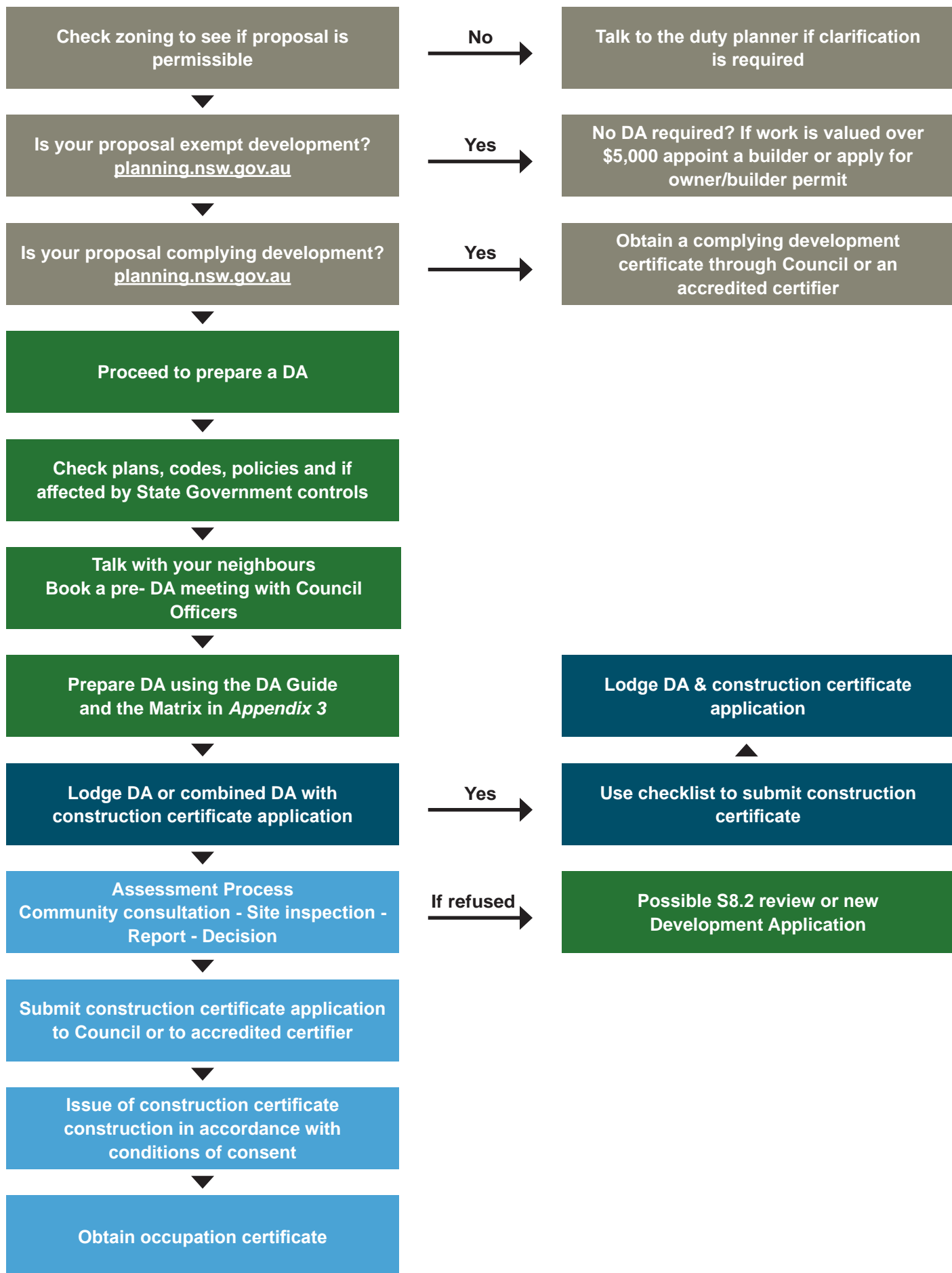
**Parking:** Short term customer parking is available behind Council Chambers, enter via Dumaresq Street. On-street parking in nearby streets is also available.

**Disability access:** Disability parking and a wheelchair accessible ramp are located at the Radford Place entrance to Council Chambers. A lift may be taken to the front counter.

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# Development application



# Step 1

## Do I need a development application?

### Is the development permissible?

#### What to do:

##### 1. Check the zoning

If a section 10.7 planning certificate has been issued for the site, the zoning will be shown on this document. If you do not have a section 10.7 planning certificate for the site, you may purchase one from us. Otherwise, you may come in to our Customer Service centre and look at the relevant Local Environmental Plan (LEP) and zoning maps to check the zoning.

Please note that we do not give zoning information over the telephone.

##### 2. Determine if the proposal is permissible with development consent

Once you have identified the zoning, you need to find out which developments are permissible and which are prohibited in that zone. This information is found in the relevant LEP. If you visit us, the Duty Planning

Officer or a Customer Services Officer can assist you. If your development is permissible with development consent, proceed to Step 2.

##### 3. Existing use rights

Development relying on existing use rights (see s4.65 of the E.P. & A Act) will need development consent – proceed to Step 2.

##### 4. Prohibited development

If your development is prohibited, proceed no further as development consent cannot be granted.

### Is the proposal exempt or complying development?

Some types of development do not need a development application (DA). These fall into two categories:

##### 1. Exempt development

A development that is exempt from requiring development consent (although sometimes other approvals or licences may be required)

##### 2. Complying development

A development that only needs a complying development certificate. You will need to check the relevant LEP and the SEPP (Exempt and Complying Development Codes) 2008 in particular the NSW Housing Code. A complying development certificate can be issued by us or a private certifier.

#### What to do:

Check the Department of Planning website [planning.nsw.gov.au](http://planning.nsw.gov.au) for further details and the assessment criteria for exempt and complying development under *SEPP Exempt and Complying Development Codes 2008*. Also check the relevant LEP available on our website [krg.nsw.gov.au](http://krg.nsw.gov.au) or can be viewed or purchased at Council.

If your development is neither exempt nor complying you will need to lodge a development application.



# Step 2

## Preliminary investigation

To ensure that your development has minimal impact on the environment and residential amenity and that all important issues are considered, it is essential that the site is carefully analysed before the design process begins. During the preliminary investigation, the natural, built and cultural features of the site, local neighbourhood character, site specific constraints and wider catchment will need to be identified and analysed. As part of this process, the relevant planning issues and controls also need to be addressed.

### Which documents are relevant?

To determine the requirements for your development, you will need to refer to some or all of the following documents:

- Section 10.7 planning certificate for the site
- Relevant Local Environmental Plan (LEP)
- Any relevant draft LEP
- Any relevant Development Control Plans (DCPs)
- Any relevant State Environmental Planning Policies (SEPP)
- Any relevant Regional Environmental Plan (REP)
- Title details and particulars for your property
- Any other relevant policy or guideline documents
- Any previous applications and approvals for the site

To find out which documents you need to refer to, contact our Duty Planning Officer or purchase a section 10.7 certificate from us that will contain this information. If you already have a section 10.7 certificate, check that it is up to date.

Our documents can be purchased from our offices or downloaded from our website [krq.nsw.gov.au](http://krq.nsw.gov.au). Other (non-Council) documents can also be found on the internet.

### Site analysis

A site analysis is required for all development except internal alterations. It allows you to identify the constraints and opportunities of a site, its immediate locality and the wider environment, including both natural and built elements (**refer to Step 4**). This investigation is highly recommended for effective planning and design and is essential for a proper assessment of any future DA.

## Use our formal pre-DA advice service

Our formal pre-DA advice service enables you to discuss your concept with our development assessment officers and other professional staff to obtain some guidance as to the key issues likely to be generated by the development. The plans and supporting documentation that will be required will also be identified as part of the pre-DA service.

Prior to attending a pre-DA meeting, you should have undertaken Steps 1 and 2, as described in this guide. The designer should also provide concept drawings of the proposal so that we may consider the ideas being put forward.

The following should be submitted for a pre-DA meeting:

- Site survey
- Site analysis (including clear photographs of the site and its context)

- Any other preliminary investigation information gathered
- Concept drawings of the proposed development
- Pre-DA documentation and plans identified in *The Apartment Design Guide* (for SEPP 65 developments).

**Note: You need to make a booking to have a pre-DA meeting. Once an application has been made for a pre-DA, staff will contact you regarding the time and date of the meeting. We recommend that you do not finalise plans prior to this meeting as changes to the design may be suggested or required.**

## Discuss any proposal with your neighbours

We highly recommend that you discuss your proposal with the owners, residents or occupiers of any adjoining properties and consider their concerns in the design of your proposal. This may resolve issues or conflicts at an early

stage and reduce the time taken to process your DA.

## Contaminated land investigation

If we have reason to believe that the subject land is contaminated, a notation will be included on the section 10.7 planning certificate. However, we are not aware of all contaminated land in Ku-ring-gai.

If you believe or suspect the land to be contaminated or if our information suggests that the land is or may be contaminated, you must consult our *Contaminated Land Policy* which sets out the investigation requirements. The results of any site contamination investigations must be provided with your DA. The provisions of Chapter 4 Remediation of land of SEPP (Resilience and Hazards) 2021 may also apply and relevant parts of the applicable DCP must be adhered to.





# Step 3

## Designing the development

### Use the site analysis and other preliminary investigations to design the development

Good design preserves, enhances and complements existing environmental, social and aesthetic conditions within and external to the site.

To this end, the architect/designer must use the information obtained during the preliminary investigation to ensure a good relationship between the development, the site and its surrounds.

The design of your development must also have regard to the relevant planning instruments, development control plans, policies and/or codes.

[krq.nsw.gov.au](http://krq.nsw.gov.au)

### Heritage item, within vicinity of heritage item or in a conservation area

The first step is to investigate heritage significance of the item or the area in which it is located. Useful sources and information prepared by Council include:

- Heritage inventory information
- *Heritage Guidelines*
- *Statements of Heritage Impact*
- *Ku-ring-gai a Statement of Heritage Significance and The Character of Ku-ring-gai*
- Local history collection in Gordon Library
- Other sources include
- The NSW Heritage Manual (NSW Heritage Council)
- Publications by the NSW Heritage Council [heritage.nsw.gov.au](http://heritage.nsw.gov.au)





- Please refer to Council's Heritage Guidelines available at our Customer Service Centre and on our website
- Heritage information pack.

The next step is to assess the heritage significance of the item or area. This involves summarising all information about the property, assessing its heritage significance in accordance with the NSW heritage assessment criteria and preparing a succinct statement of significance.

The design of the scheme should respond to the owner's needs but also retain the heritage significance of the item or area. If the site is a heritage item you will also need to demonstrate how conservation of the item is being achieved.

Applicants are encouraged to seek heritage advice early in the design phase before committing to a scheme or preparing detailed drawings.

You may also discuss your proposal with Council's Heritage Advisor.

## Development near rail corridors and busy roads

Any development near or above rail corridors and busy roads as identified in Divisions 15 & 17 of SEPP (Transport and Infrastructure) 2021 must have regard to the design guidelines in *Development near rail corridors and busy roads – Interim guideline* published by the Department of Planning having regard to streetscape quality.

In other circumstances (eg development adjacent to a road with an annual average daily traffic volume of 20,000 – 40,000 vehicles) the above guidelines would provide best practice advice.

A building for residential use under clauses 2.100 (rail) and 2.120 (road) in SEPP (Transport and Infrastructure) 2021 must be designed to achieve noise levels of:

- In any bedroom in the building: 35dB(A) at any time 10pm – 7am
- Anywhere else in the building (other than a garage, kitchen, bathroom or hallway): 40dB(A) at any time
- A noise report must be submitted with any residential development adjacent to/over a rail corridor or near a busy road.

We will require documentary evidence of compliance with these requirements as part of the documentation lodged with your DA (refer to Step 5).

## Bushfire prone land

As the Ku-ring-gai Council area contains and is surrounded by bushland, many properties are affected by bushfire controls. It is therefore necessary for you to determine if your property is bushfire prone land. A section 10.7 certificate will tell you if the property is bushfire prone land. You can also find out by referring to our *Bush fire prone land map* which is available on our website, at any of our libraries or at our Customer Service centre.

### Your property may be in one of four bushfire affected zones:

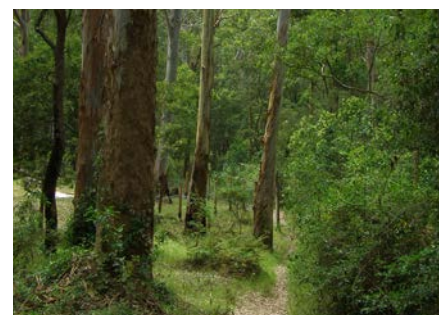
- Indicated in Red: Vegetation Category 1
- Indicated in Orange: Vegetation Category 2
- Indicated in Yellow: Buffer
- Indicated in hatched: SEPP 53 and SEPP Seniors Living exclusion area

When you design your project, the guidelines in *Planning for Bushfire Protection* should be taken into account to minimise the threat of bushfire. This publication is available on the Department of Planning website [planning.nsw.gov.au](http://planning.nsw.gov.au), the RFS's website [bushfire.nsw.gov.au](http://bushfire.nsw.gov.au) or at Council.

## Changes to requirements for development applications on bush fire prone land

All applications in bushfire prone areas will require a Bush Fire Risk Assessment and certification before they can be determined. Development applications which are Integrated Development, within a flame zone or applications which do not comply (as identified by your recognised bushfire consultant) with the relevant specifications and requirements of Planning for Bushfire Protection Guidelines will also be referred to NSW RFS.

Development applications on bush fire prone land will require a Bush Fire Risk Assessment and certification prepared by a suitably qualified



For further information please refer to the NSW Rural Fire Service website: [rfs.nsw.gov.au/resources/publications/building-in-a-bush-fire-area](https://rfs.nsw.gov.au/resources/publications/building-in-a-bush-fire-area)

Contact details for consultants that have received formal accreditation can be found on the Fire Protection Association of Australia website: [connect.fpa.com.au/Connect/Registers/BPAD\\_register.aspx](https://connect.fpa.com.au/Connect/Registers/BPAD_register.aspx)

Notes: The revised Australian Standard AS 3959 - 2009 bushfire code covers the design and construction requirements for residential construction in designated bushfire risk locations. The AS3959:2018 standard that contains provisions for planning and building on bushfire prone land for each of five levels of defined Bushfire Hazard. This is determined by completing a threat matrix that looks at vegetation types and proximity and slope of the land.

consultant. Applications lodged with Council that do not meet this requirement will likely experience significant processing delays.

A Bush Fire Risk Assessment and certification is to be prepared by a person who is recognised by the NSW Rural Fire Service as a qualified consultant in bush fire risk assessment. The report and certification will state the applicable Bushfire Attack Levels (BAL) that apply and the relevant Asset Protection Zones (APZ) required, and that the development conforms to the relevant specifications and requirements, AS3959 and Planning for Bushfire Protection 2019.

There are 5 categories of bushfire attack levels: BAL12.5 (lowest risk) through to BAL40 and BALFZ (flame zone). In NSW, a state specific variation is applied to the national standard (AS3959).

## Fauna and flora

Large portions of Ku-ring-gai have remnants of the following endangered or critically endangered Ecological communities [Blue Gum High Forest, (critically endangered), Sydney Turpentine Ironbark Forest (critically

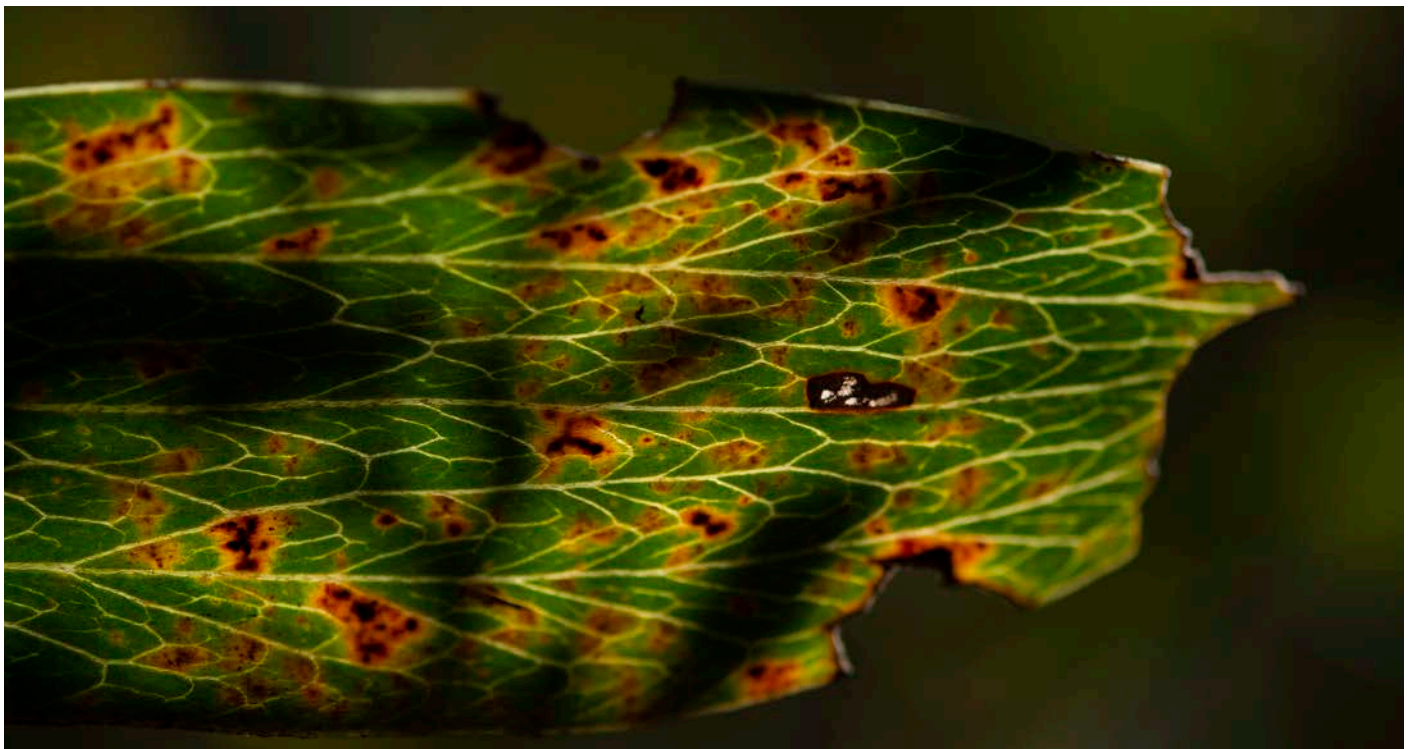
endangered), Duffy Forest] as well as numerous threatened individual fauna and flora species.


It is important to consider how strategies designed to minimise bushfire risk might impact upon fauna, flora and riparian zones. Any possible conflict in this respect must be resolved by your consultants prior to lodging any development application.

See Step 5.

## Riparian corridors

Ku-ring-gai is part of the Hornsby Plateau which features many watercourses that move water from the ridge tops to the major waterways including Middle Harbour Creek, Lane Cove River or Cowan Creek. Your design must minimise impacts to watercourses that support riparian ecosystems. Council's *Riparian* provisions within the relevant LEP and associated DCP provides strategies (including minimum setbacks) to enhance riparian corridors that must be taken into account in the design phase of your project.





# Step 4

## Preparing the application

**The matrix in *Appendix 3* of the DA Guide will advise what plans and/or documents you need to submit with your development application. Further information is also provided below on what should be included with your DA.**

### Site analysis

A site analysis is required for all development except for internal alterations. It is a diagrammatic analysis of the constraints and opportunities of a site, its immediate locality and the wider environment, including both natural and built elements. This investigation is needed for effective planning and design and is essential for a proper assessment of a DA.

The amount of information that needs to be provided on a site analysis plan will depend on the nature of the proposal, and the locality and context of the site, however, the minimum requirements are:

- All information required in *Appendix 1* – Standard of documentation
- Location of existing structures and natural features on the site and surrounding land
- Written description of streetscape and its predominant elements.

- Gradients
- Location of nearby heritage items or conservation areas and draft heritage items and draft conservation areas
- Location of piped drainage, open channels, overland flow-paths and location of any features that may impact on surface and subsurface flows
- Any easements and/or rights-of-carriageway
- Runoff from upstream properties to the subject site
- Existing services and their significance with respect to relocation
- Any natural, built, cultural, archaeological and/or heritage characteristics of the site and immediate locality
- Species identification, location and spread of canopy for all trees on the site and adjoining lands as identified on the survey plan

- Description and proximity of the nearest remnant native bushland downstream from the site and on adjoining land
- Indication of proximity to watercourses
- Details of all open space and other recreation areas, including private open space, on the site and adjoining land
- Potential constraints such as overshadowing, overlooking, views, building bulk, landscaping and screening
- Views to, from and over the site
- Noise sources at and external to the site (including railway lines, arterial roads, etc.)
- Prevailing wind direction(s) and other climatic conditions
- Geology and soils (including areas of potential contamination and instability)

- Any other information that may affect the proposed development or that identifies effects that the development might have on the site and surrounds.

If your DA is affected by SEPP 65, you must include the specific site analysis information required by this policy (Appendix 1 of the Apartment Design Guide).

## Site plan

A coloured site plan is required for all applications. It's a bird's-eye view of the site, the critical adjoining parts of surrounding properties and the locality. The plan must include the following information:

- All information required in *Appendix 1* – Standard of documentation
- Location of existing buildings on the site and adjoining land. (Note: Identify

if any existing structure or part thereof is proposed to be removed by using dotted lines)

- Proposed alterations and additions must be shown coloured to distinguish them from the existing structures to remain unaltered
- Existing trees on the site and adjoining land with a height of 5m or greater and/or spread of 4m or greater
- Setback distances from boundaries (dimensioned)
- Levels and contours over the site and in the frontage road
- Identify existing and proposed built-upon area (BUA) and landscaped area calculations
- Location of all existing infrastructure services
- Garbage areas and designated letterbox areas



- Retaining walls and fences
- Areas proposed for cut and areas proposed for fill
- Clearly defined areas for deep soil landscaping
- Details of proposed and existing car parking and vehicular manoeuvring areas, including:
  - all width dimensions of the driveway(s) within site.
  - driveway grades and transitions, to scale, where any section of proposed driveway routes between the gutter alignment and proposed parking area exceeds 15%
  - at each change in grade, the reduced level and horizontal distance between the changes must be shown
  - locations and dimensions of any new or modified laybacks and driveway crossings in the road

reserve

- internal dimensions between obstructions in all parking areas.

**Note:** You will need to demonstrate compliance with Australian Standard 2890.1 – 2004 Off-street car parking and Council’s Car Parking provisions in the relevant DCP with respect to vehicle access and accommodation requirements.

## Survey plan and legal documents

A survey plan shows the location and relative levels of the natural and built features of the site and adjoining properties. A survey plan is required for most developments but minor works may be excluded (eg internal changes, change of use). Please contact us for confirmation.

The survey plan provides us with important information to enable an accurate and informed assessment of the development proposal. The survey plan must be prepared by a registered surveyor and give levels to the Australian Height Datum (AHD). The survey must include the following information:

- All information required in *Appendix 1* – Standard of documentation
- Location of boundaries, paths, driveways, fences, retaining walls and other structures
- Roof ridge heights and setbacks of major structures on the subject and adjoining sites
- Contours, at half metre maximum intervals, relative to AHD
- Sufficient spot levels relative to AHD that are indicative of the overall site and/or that identify topographical features is required
- Levels in the frontage roadway, footpath and kerb and gutter
- Location of all rock outcrops and other natural features, including trees and bushland, on the site and on adjacent properties within ten metres of the site
- Location, spot height at the base of

each tree (to AHD), canopy spread, height and trunk diameter (measured 1.5 metres from the base of the trunk) of all trees on site >5m in height.

**Note:** A separate arborist’s report may be required see Step 5.

- Location of all utility services fronting the site
- Location of all water bodies, drainage channels and culverts on the site and within 10 metres of the site
- Location of Mean High Water Mark, where applicable
- Documentary evidence of any easements or rights-of-carriageway which are to be relied upon
- Location and type of all easements burdening and / or benefiting the site
- A boundary survey is required for building works within 1 metre of the boundary

**Explanatory note: Your property may benefit or be burdened by legal rights in the form of easements, rights-of-carriageway or covenants and the like. These easements and rights of carriageway must be identified. If you wish to use an easement or right of carriageway that already exists, we will need a copy of the title certificate of the property and documentary evidence indicating that the proposed use of easements and/or right of carriageway is legal. The details of any easement can be obtained from NSW Land Registry Services [nswlrs.com.au](http://nswlrs.com.au)**

## Floor plans

Show the internal layout of each floor of the development, including basement car parking if applicable. Floor plans are required for all applications for new buildings or alterations and/or additions to existing buildings. Floor plans of existing building or parts thereof to remain must also be provided.



The floor plans must include:

- All information required in *Appendix 1*
- All site boundaries, buildings on neighbouring properties adjoining the subject site and location of trees
- Existing buildings (Note: existing structures to be removed must be drawn with a dotted line)
- Floor levels to Australian Height Datum (AHD)
- Room layouts, partitioning, door and window location and new works including dimensions of all walls, doors, windows and other openings (Note: All new works on all plans must be coloured)
- Floor plans with the proposed use of each room within the side boundary
- Total floor area that is calculated in accordance with the provisions of the definition of gross floor area contained in the LEP
- Existing floor plans
- Wall structure type and thickness including basement piling where relevant
- Proposed clear internal dimensions between obstructions in all parking modules (height clearance, length and width)
- The location of all existing and proposed mechanical plant, mechanical ventilation (including but not limited to air conditioning condensers) and air intake/exhaust points
- Unimpeded access to an internal garbage area for developments exceeding 6 dwellings. (Note: you will need to demonstrate compliance with Council's waste management provisions in the relevant DCP)
- Clear dimensions of all basement car park driveways, parking spaces, aisle widths and height clearances. (Note: you will need to demonstrate compliance with Australian Standard 2890.1 – 2004 "Off-street car parking" and our Car Parking provisions in the relevant DCP with respect to vehicular access and accommodation requirements)

## Elevations and sections

Elevations are drawings showing the external appearance of the development. A section cuts through the building to show the internal construction techniques and levels of the development. All elevations and at least two sections are required for all applications for building works. If you propose a dual occupancy by retaining the existing dwelling, elevations and floor plans of the existing dwelling must be supplied. The following details must be provided:

- All information required in *Appendix 1*
- Existing buildings
- Proposed new works (shown coloured)
- All building elevations, external door and window positions and roof profile.
- Existing and proposed finishes for all external surfaces
- Existing and proposed levels of ground, floor, ceiling, roofline
- Existing and proposed driveway grade
- Chimneys, flues, exhaust vents and ducts (showing height in relation to adjoining roof levels)
- Existing and proposed ground levels, retaining walls and fences (indicate height)
- Extent of any proposed excavation and/or filling of the site

## Landscape plan

Landscape plans are to show the existing and proposed landscaping and earthworks for the development. The matrix in *Appendix 3* identifies where a landscape plan will be required. The landscape plan must show:

- All information required in *Appendix 1*
- Existing levels, finished levels and contours to AHD, embankments and grades (indicating the extent of cut and fill)
- Existing trees and other vegetation to be retained or removed, including information on species, height, spread of canopy, diameter of

trunk and spot height at base of trunk as shown on the prepared site survey plan.

- All trees are to be numbered and, where relevant, the numbers are to coincide with the arborist's report
- Proposed new planting (indicating species (both botanic and common names), location, massing, mature height, proposed pot size and numbers in plant schedule)
- Proposed surface treatments (eg turf, paving, bank stabilisation, mounds, etc)
- Existing and proposed fences and retaining walls and their proposed heights and materials
- Clearly defined areas for deep soil landscaping
- Drainage structures
- Watercourses and riparian zones consistent with Council's Riparian Policy
- BASIX landscape commitments where relevant are to be indicated by clearly indicating the area nominated on the landscape plan
- Ensure all Ku-ring-gai specific plans and information required by the DCP and SEPP 65 Apartment Design Guide is included.

## Deep soil plan

A deep soil plan is required for residential flat building or multi dwelling housing developments to demonstrate that compliance has been achieved with the deep soil control in the DCP. The plan must include:

- All information as indicated in *Appendix 1*
- The deep soil plan must clearly indicate all areas calculated as deep soil and all areas not included in these calculations including all relevant structures excluded from deep soil whether above or below ground
- The deep soil plan (at the same scale as the landscape plan) must indicate the total site area and the total percentage of deep soil landscaping



- At least one transparency of the deep soil plan must be provided to assist with the assessment of the proposal.

## Stormwater management plan

Stormwater plans show the existing and proposed stormwater disposal systems and is required for all proposals for new development and alterations and additions in excess of 20m<sup>2</sup> net additional built-upon area (may be required for alterations and additions resulting in less than 20m<sup>2</sup> net additional built-upon area and swimming pools on some low-level properties).

The plan must include:

- All information required in *Appendix 1*
- The location, method and reduced level at the point of connection to a recognised public drainage system or other Council approved system, including full details of any on-site disposal facilities (where permitted)
- Location of all significant trees to be retained in relation to the proposed drainage system and indication of compatibility of drainage plan with the landscaping plan and tree retention
- Title certificate of subject and downstream property(ies) and instruments(s) describing terms of

any drainage easements to be used as far as the public drainage system. (this includes Council drainage systems)

- Site drainage system layout, including:
  - location of all pipes, pits
  - all reduced invert levels at junctions or bends in the system
  - pipe grades, dimensions, materials and derivative catchment calculations
  - pit sizes, materials and type
  - cleaning/flushing facilities
  - location of subsoil drainage systems
  - indication of design surface levels over the drainage system
  - direction of overland flows
  - drainage cut-off structures; including trench drains and/or kerb structures
  - all infrastructure (footpaths, driveways and/or trees in the road reserve) affected by the proposed drainage line connection between the site boundary and point of discharge
  - drainage systems either existing, or proposed, within an easement for drainage (pipe size, grade, materials, indicative levels)
- any other site specific requirements as described in the Water Management part of the DCP (eg. flood study overland flow assessment)
- On-site detention (OSD) and retention facilities details; including:
  - the proposed location of any required OSD basin(s), rainwater tanks and retention systems specified in chapter 6 and site drainage system
  - volume of proposed detention and retention facilities and derivative calculations
  - inlet and outlet locations at tank/basins and indicative levels
  - reduced levels at base, top water levels, overland flow paths and overflow facilities
  - access facilities for cleaning and maintenance
  - details of discharge control facilities including trash screens, levels, orifice sizing and connection details, sump details
  - typical sections through the tanks and/or basins including discharge pit, and
  - details of water quality devices.



## Shadow diagrams

Must be prepared for all new buildings or additions of more than one storey or otherwise where the lot size, orientation from true north, slope or adjoining buildings create potential for additional overshadowing. They must distinguish the extent of shadows cast by existing and proposed buildings, including buildings on adjoining land and vegetation where relevant. They must be drawn to a scale of 1:100 and correctly show the following:

- All information required in *Appendix 1*
- Position of existing and proposed buildings on the site
- Position of buildings on adjoining land
- If shadows will fall upon any wall of a neighbouring property, elevation or vertical shadow diagrams are required
- The positioning and levels of windows and openings on the walls neighbouring buildings must be identified
- Existing and proposed shadow cast on the winter solstice (21 June) at hourly intervals from 9am to 3pm (showing altitude and azimuth angles) upon the site, adjoining land and buildings on adjoining land

## Additional solar access requirements for multi-unit developments

Solar access report prepared by a suitably qualified person in this field including solar access diagrams/3d modelling addressing solar access requirements in the Apartment Design Guide.

The above report should contain information about the methodology of modelling, the date/time of the images and orientation of shadows cast.

A compliance table demonstrating the performance of each individual unit referable to the solar access diagrams/3d modelling.

Part 4 of the Apartment design guide details further requirements for the assessment of Residential Apartment Development.

## Subdivision plan

Must be prepared for all forms of subdivision and boundary adjustment and must clearly and correctly show the proposed subdivision layout. The plan must include:

- All information required in *Appendix 1*
- Existing and proposed lot boundaries
- Relationship of the lot(s) to existing roads
- Proposed boundary dimensions (metres) and lot areas (square metres)
- Location and width of proposed roads and pathways
- Preliminary engineering drawings of any work to be carried out
- Longitudinal sections and cross sections of any proposed roads
- Proposed easements and rights-of-carriageway
- Proposed public reserves and drainage reserves
- Existing and proposed finished levels (contours and spot heights to AHD)
- Conceptual, existing and/or approved building footprint(s)
- Extent of any environmental constraints.



## Environmental site management plan

Must demonstrate how the site will be maintained throughout the construction process to ensure optimum environmental outcome. It must include:

- All information required in *Appendix 1*
- Location of all site boundaries and adjoining roads
- Location of all existing and proposed buildings on the site
- Existing site contours/grade, existing watercourses and drainage structures
- Proposed changes to above-ground and subsoil drainage and location of discharge points
- Location of all existing vegetation, showing items to be retained and removed
- The proposed position of tree protection fencing consistent with recommendations in an arborist's report
- Location of land where groundcover must, as far as is practicable, be maintained
- Location of any proposed site access, vehicular crossings and proposed temporary and permanent roads, including information on how sediment transfer from the site will be prevented
- Nature and extent of proposed earthworks
- Location of all stockpiles and description of proposed containment method(s)
- Location and type of all erosion and sediment control measures
- Where applicable, proposed diversion routes for runoff around disturbed areas
- Proposed stormwater discharge points
- Location of any waste bins and proposals for waste minimisation and handling practices
- Design of a shaker pad (if required)
- Nominated route for vehicles disposing of waste materials (site to disposal)

- Staging of works
- Site rehabilitation proposals; including timing schedules (Note: works should be scheduled such that one area is stabilised before work commences at another)
- Frequency and nature of any required maintenance program.

## Integrated development

Some developments need an approval from a state government agency as well as development consent from Council. These are classed as integrated development. Where possible, we will help you to identify which (if any) other approvals will be needed. However, it is your responsibility to determine which approvals are needed before you lodge your DA. To find out whether your development is integrated, contact either the Department of Planning Industry & Environment (DPIE) or the state government agency that you believe to be the relevant approval body.

### A development is integrated when it involves:

#### Approval body: Heritage Office

Damaging, moving, altering or undertaking works on an item protected by an interim heritage order or listing on the State Heritage Register.

#### Approval body: Transport for NSW

- Erecting a structure or carrying out a work in, on or over a classified road.
- Digging up or disturbing the surface of a public road
- Removing or interfering with a structure, work or tree on a public road
- Pumping water into a classified road from any land adjoining the road
- Connecting a road (whether public or private) to a classified road

#### Approval body: NSW Office of Water

Carrying out work or activities which requires authorisation under Schedule 1 of the *Protection of the Environment Operations Act 1997*.

#### Approval body: NSW Office of Water

Water use approval, water management work approval or activity approval under Part 3 Chapter 3 of the *Water Management Act 2000*.

#### Approval body: National Parks Wildlife Service

Knowingly destroying, defacing, or damaging an Aboriginal relic or Aboriginal place.

#### Approval body: NSW Fisheries

Dredging or reclamation work.

Permit to cut, remove, damage or destroy marine vegetation on public water land or an aquaculture lease, or on the foreshore of any such land or lease.



Permit to set a net, netting or other material or construct or alter a dam, floodgate, causeway or weir, or otherwise create an obstruction across or within a bay, inlet, river or creek.

#### **Approval body: Rural Fire Service**

Subdivision of land that could lawfully be used for residential or rural/residential purposes or development of land for special fire protection purposes.

Special fire protection purpose include development relating to:

- a school
- a child care centre
- a hospital (including a hospital for the mentally ill or mentally disordered)
- a hotel, motel or other tourist accommodation
- a building wholly or principally used as a home or other establishment for mentally incapacitated persons
- seniors housing within the meaning of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004
- a group home within the meaning of State Environmental Planning Policy No 9 – Group Homes
- a retirement village
- any other purpose prescribed by the regulations

If you believe that your development is integrated, contact the relevant government agency to find out if it has any specific requirements for your application.

## **DA's that require concurrence from another agency**

There are certain types of developments that are not integrated but still require comments from an outside authority. Please check the following list to identify if your application requires concurrence, you may still have to refer to the relevant act to identify if your development requires concurrence and determine the relevant requirements.

### **SEPP (Transport and Infrastructure) 2021**

Development adjacent to rail corridors is referred to TfNSW for concurrence.

#### **Advertising and signage**

Advertising identified in Division 3 'Particular advertisements' of SEPP (Industry and Employment) 2021 is referred to Transport for NSW (TfNSW) for concurrence.

#### **Development applications that must be determined by a Planning Panel**

There are certain types of development applications lodged with Council that must be determined by a Planning Panel, which include:

- Designated development
- Development with a capital investment value (CIV) over \$30m
- The following development with a CIV over \$5m:
  - Certain public and private infrastructure
  - Crown development
  - Development where Council is the proponent or has a conflict of interest
  - Ecotourist facilities
- Sensitive development, conflict of interest, contentious development, Departure from a development standard greater than 10%

### **SEPP 65 – Design quality of residential apartment development**

All development for buildings which are:

- 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) where recommended for approval
- 4 or more self-contained dwellings (whether or not the building includes uses for other purposes, such as shops) is referred to an urban designer for comment where recommended for approval



# Step 5

## Preparing the supporting documentation

### Statement of environmental effects

A statement of environmental effects (SEE) states the likely impacts of the proposal and the measures that will mitigate these impacts. It includes written information about the proposal that cannot be readily shown on plans.

All DA's require a SEE. Your SEE must address all issues that are relevant to the proposal.

The SEE must also address the relevant planning policies and codes. Compliance or otherwise with all applicable development standards and controls must be identified and non-compliances must be justified. Full requirements for the SEE are detailed in *Appendix 2*.

The SEE must be certified by the planner, architect or person preparing it.

For multi dwelling housing, residential flat and seniors living developments, details of existing development must be included in particular, the number of bedrooms in each existing dwelling.

### BASIX certificate

The Building Sustainability Index is a web-based planning tool put in place by the State Government to assess the performance of residential developments against a range of sustainable indices. You must provide a BASIX assessment certificate for all new detached single dwellings, dual occupancies, multi dwelling housing and residential flat, seniors living unit developments, additions and alterations to dwellings with an estimated cost of \$50,000 or more and swimming pools (or pool and spa) with a capacity greater than 40,000 litres. All BASIX commitments must be marked on the plans. Refer to [planningportal.nsw.gov.au/basix](http://planningportal.nsw.gov.au/basix) for more information and use this website to complete your certificate.

### Arborist's report

An arborist's report must be prepared for any development where trees protected under Part 13 of the Ku-ring-gai Development Control Plan are to be removed or where proposed works are within the canopy/drip line of such trees.

The arborist's report should be prepared by a suitably qualified and experienced Arborist with a minimum qualification of Australian Qualification Framework level 5 or equivalent. Arborist advice and recommendations should be sought and applied before and during the design process so that informed decisions may be made during the design process and damage to trees avoided or minimised.

An arborist's report provides technical comment on the age, health, condition and significance of individual trees.

### The report must contain the following information:

- All information required in *Appendix 1*
- A description of the assessment techniques employed by the arborist
- A tree location/site plan which is easily legible, at a scale of not less than 1:200, indicating all trees on site as well as trees on the road reserve and on adjacent properties within 5 metres of the site. Such trees are to be numbered on the tree location plan
- The botanical and common name of each tree

- Tree height, canopy spread, trunk diameter of each tree
- A detailed description of the health, structure and safe useful life expectancy rating
- Tree Protection Zone (TPZ) and Structural Root Zone (SRZ) in accordance with AS4970 of each tree
- The report must address the likely impacts of the development on trees, the viability of tree retention and methods by which adverse tree impacts may be avoided.
- The report is to take into account the full extent of the proposed works including building, landscape and stormwater and infrastructure works
- Recommendations as to alternatives to the removal / transplantation of trees, such as development redesign, root pruning and barriers
- Photographs to support the documentation
- Proposed location of tree protective fencing to be indicated on a plan at scale of 1:200 for incorporation in the site management plan.

## Ecological Assessment

The Biodiversity Offsets Scheme Threshold is a test used to determine when it is necessary to engage an accredited assessor to apply the Biodiversity Assessment Method (BAM) to assess the impacts of a proposal. It is used for local developments (development applications submitted to council) .

The Biodiversity Conservation Regulation 2017 sets out threshold levels for when the Biodiversity Offsets Scheme will be triggered. The threshold has two elements:

- Whether the amount of native vegetation being cleared exceeds a threshold area, or
- Whether the impacts occur on an area mapped on the Biodiversity Values Map published by the Chief Executive of the NSW Office of Environment and Heritage.



If clearing and other impacts exceeds either trigger, the Biodiversity Offset Scheme applies to the proposed development and the application will need a biodiversity development assessment report (BDAR) to be submitted with the proposal. BDAR reports are to be prepared by accredited consultants, which can be found using the following link.

[environment.nsw.gov.au/topics/animals-and-plants/biodiversity/accredited-assessors](https://environment.nsw.gov.au/topics/animals-and-plants/biodiversity/accredited-assessors)

If the Biodiversity offsets scheme is not triggered, the test of significance (five part test) detailed in section 7.3 of the Biodiversity Conservation Act 2016 must be used to determine whether a local development is likely to significantly affect threatened species. The five part test would be prepared by a qualified ecologist and submitted with the DA.

Proponents will need to supply evidence relating to the triggers for the Biodiversity Offsets Scheme Threshold and the test of significance when submitting their application to Council. This tool can be used as a guide to decide whether or not you as the proponent (or agent of the proponent) would be required to enter the Biodiversity Offsets Scheme.

[lmbc.nsw.gov.au/Maps/index.html?viewer=BOSETMap](https://lmbc.nsw.gov.au/Maps/index.html?viewer=BOSETMap)

## Bushfire assessment report

All development applications on bush fire prone land will require a Bush Fire Risk Assessment and certification prepared by a suitably qualified consultant. Applications lodged with Council that do not meet this requirement will likely experience significant processing delays or be rejected.

A Bush Fire Risk Assessment and certification is prepared by a person who is recognised by the NSW Rural Fire Service as a qualified consultant in bush fire risk assessment. The report and certification will state the applicable Bushfire Attack Levels (BAL) that apply and the relevant Asset Protection Zones (APZ) required, and that the development conforms to the relevant specifications and requirements, AS3959 and Planning for Bushfire Protection 2019.

In prescribing asset protection zones (APZ's) careful consideration should be given to the Biodiversity Values Map published by the Chief Executive of the NSW Office of Environment and Heritage.

Proposed APZ's upon the biodiversity values map will trigger the requirement for biodiversity offsets see "Ecological Assessment" for further details.

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APZ's should be prescribed having due consideration to existing ecological values (riparian & biodiversity) see Part 16 "Bushfire Risk" of the DCP.

For further information please refer to the NSW Rural Fire Service website: [rfs.nsw.gov.au](http://rfs.nsw.gov.au)

Contact details for consultants that have received formal accreditation can be found on the Fire Protection Association of Australia website: [connect.fpaa.com.au/Connect/Registers/BPAD\\_register.aspx](http://connect.fpaa.com.au/Connect/Registers/BPAD_register.aspx)

## Vegetation management plan and report

A vegetation management plan and report are required where it is likely that a proposal will impact either directly or indirectly on areas of remnant native vegetation and/or riparian areas. The plan and report must provide an inventory of the state of remnant

vegetation on the site and analysis of its potential for regeneration and recommendations and actions regarding regeneration of the vegetation.

### The plan and report must include the following:

- A plan showing the extent of occurrence of the remnant vegetation on site at a suitable scale such as 1:200 and areas relevant to the vegetation management plan
- An analysis of the site including identification of the vegetation community and an analysis of the condition of the vegetation
- A list of weed species and native species found on the site
- The plan must include regeneration techniques and works to be undertaken appropriate having regard to site conditions
- Where an assessment of significance (fauna & flora) report is required the

vegetation management plan must be consistent with the findings of the report

- A vegetation management plan for bushfire prone land must take into account the requirements of Planning for Bushfire Protection
- The vegetation management plan must have regard to the requirement for riparian areas as specified in Council's Riparian Policy
- The plan must also recommend maintenance tasks and a schedule of works both immediate and ongoing.

## Stormwater drainage statement

Is a written statement, describing the proposed method of stormwater disposal. It is required for small developments (mainly on the high side of the road only) with a net increase in built upon area of less than 20





- Details of the methods used to ensure conservation of the heritage item
- For large sites or applications proposing major change, a conservation plan is necessary - all elements of the item should be graded into relative significance levels.

## Waste management plan

A waste management plan must be submitted with any application providing details as to where building waste materials will be disposed after demolition of any structures. You must specify whether the materials are to be re-used or recycled. If the materials are to be disposed of, you must indicate where this will occur. The waste management form is available on our web page or from our Customer Service centre.

The waste management plan must also address construction stage waste, use of premises and ongoing waste management.

For a residential flat development containing more than 6 units, a centralised waste collection area is required. Space must be provided for 1x240 litres garbage bin for every two units and 1x240 litres mixed recycling and 1x240 litres paper recycling bin for every four units.

Unimpeded access for the small waste collection vehicle must be provided with the following characteristics:

Minimum head room of 2.6 metres for the full path of travel from the street to the collection point.

Turning area available for the small waste collection vehicle to enter and leave the basement in a forward direction with only one turning movement.

Waste storage areas must have suitable lighting and if necessary ventilation. The room must be well-drained and drain to the sewer. Wall and floors are to have a cement render steel trowel or similar finish with all intersections of walls and floors covered to a minimum radius of 25mm. Water supply is to be available.

square metres and must demonstrate compliance with our stormwater provisions contained in the applicable DCP (see Step 4). The stormwater drainage statement must include:

- All information required in *Appendix 1*
- A description of any expected additional stormwater runoff
- A description of the means of disposing of any additional stormwater from the site, without creating an adverse impact on the existing and downstream properties
- Confirmation of the satisfactory condition of the existing drainage system where it is to be utilised
- Evidence of any granting or refusal of easements necessary for drainage.

## Heritage management documentation

Any application for a property identified in Step 2 as a heritage item or “within the vicinity” of a heritage item or heritage conservation area identified in the LEP must be accompanied by heritage management documentation (which may include a heritage impact statement (HIS) or a conservation management plan).

Heritage management documentation must also be prepared for works relating to or in the vicinity of draft heritage items and for proposals within a draft conservation area.

We have developed a guideline document - “Heritage Design Guidelines” (available from Customer Service) to assist in preparation of a HIS. A list of heritage consultants who can prepare the HIS is available from the NSW Heritage Office [heritage.nsw.gov.au](http://heritage.nsw.gov.au). The information that must be in the heritage management document includes:

- A short history of the site, a description of the item, an analysis of the significance of the item and a succinct statement of its heritage significance (see Heritage Office guideline on ‘Assessing Heritage Significance’ – this document can be downloaded at [heritage.nsw.gov.au](http://heritage.nsw.gov.au))
- A description and assessment of the proposed work, outlining the positive and negative impacts on the heritage significance of the item
- The reasons that other, more sympathetic, options were not followed and what measures have been taken to reduce the negative impacts

## Variation pursuant to clause 4.6 of the lep

Written justification must be provided for all applications that propose non-compliance with a development standard (in an Environmental Planning Instrument ie, LEP, SEPP or a SREP). The written justification must:

- Identify the development standard
- Identify the stated objectives of the standard
- Establish how each of the objectives of the standard are met if the standard is to be varied
- Discuss whether compliance with the development standard is unreasonable or unnecessary in the circumstances of the case
- Discuss whether there are sufficient environmental planning grounds to justify contravening the development standard
- Discuss whether the proposed development will be in the public interest because it is consistent with the objectives for development within the zone in which the development is proposed to be carried out
- Discuss whether the proposed development will be in the public interest because it is consistent with the objectives of the development standard
- In writing, the request should consider, discuss and address the relevant case law established in the NSW Land and Environment Court

## Fire safety schedule

A fire safety schedule is required for all change of use applications where no construction works are proposed, new commercial/business/retail developments and SEPP (Housing for Seniors or People with a Disability) developments. It must be prepared by a suitably qualified professional, listing all existing and proposed essential fire services including:

- A list of the Category 1 fire safety provisions that currently apply to all existing buildings on the site
- A list of the Category 1 fire safety provisions that are to apply to the development.
- any other infrastructure requirements such as proposed ramps, bus shelters etc
- compliance with accessibility standards seniors living.

## Access report

Access reports are required for all seniors living developments, residential flat buildings, child care centres, schools and hospitals. The report should describe how the development will comply with the provisions of the *Disability Discrimination Act* and the *Disability (Access to premises - Buildings) Building Standards 2010* and provide the following details:

- All information required in *Appendix 1*
- Suitable lighting along footpaths and entries.
- Suitable signage to clearly identify specific areas.
- The use of international symbology is encouraged
- Suitable gradients with limited use of stairs
- Access to the public road and common areas
- Access to shopping, health, commercial and recreational facilities via either pedestrian access or public transport
- Proposed or existing path of travel between the site pedestrian access points and shopping, health, commercial and recreational facilities
- Where an accessible path of travel must be constructed for SEPP Senior Living developments, a plan at 1:100 minimum scale must be provided showing the proposed access route, together with:
  - all existing street trees and services in relation to the proposed footpath
  - all existing driveway cross-overs in relation to the proposed footpath
  - gradients, widths and indicative levels of the proposed footpath indicating acceptable grades of 1:14

## Design verification statement (SEPP 65 developments)

In accordance with the requirements of the Environmental Planning and Assessment Regulation 2021 and State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development, the application must be accompanied by a design verification statement prepared by a qualified designer (being a person registered as an architect in accordance with the *Architects Act 1921* (as amended)). The qualified designer must verify:

- That they designed or directed the design of the residential flat development
- Provide an explanation that verifies how the development:
  - addresses how the design quality principles are achieved, and
  - demonstrates, in terms of the Apartment Design Guide, how the objectives in Parts 3 and 4 of that guide have been achieved.

## Geotechnical report

Is required when it is proposed to excavate to a depth of two metres or more below the existing ground level. It may also be required in other instances depending on the nature of the development and site circumstances. The contents and conclusions of the report will be used to enable us and the designer to verify the structural or geotechnical stability of the site and adjoining land.

The geotechnical report must be prepared and certified by a qualified and practising geotechnical engineer. Issues to be addressed are: vibrations and vibration monitoring, dilapidation reporting, groundwater (including shallow hydrological conditions) and excavation

support. Generally, the report should be based on boreholes drilled to below final basement level, however, for a domestic development involving excavation in massive sandstone, a report based on a site inspection will be accepted.

**Note:** The assessment of the effect of basement excavations on shallow hydrological conditions is a highly specialised field and may require a hydro-geological expert's report, together with an ecologist's report.

## Excavation plan

An excavation plan must be submitted with development applications for large developments including residential flat buildings, multi dwelling housing (townhouses), commercial/retail and senior living developments involving basement parking.

## Remedial action plan for contaminated land

If as a result of your preliminary investigation, you identify that the site is contaminated, it is likely that site remediation will be required before the land may be used for the new purpose proposed. Should this be the case, a remedial action plan must be prepared. It must set remediation objectives, determine the appropriate remedial strategy and identify the necessary approvals to be obtained from regulatory authorities. You will need to provide your remedial action with your DA. See our Contaminated Land Policy and SEPP 55 for further details.

## Traffic and parking assessment report

A traffic and parking assessment report must be provided for residential flat developments, senior's living, new commercial/business/retail developments (generally not for change of use), new or enlarged hospital/school/church/childcare centre and other developments involving a significant change in on-site parking or traffic generation.

Refer to the DCP and "RTA – Guide to

Traffic Generating Developments 2002".

The report is to be prepared by a traffic engineer and is to include:

- A plan showing all proposed off street parking facilities at 1:100 scale (preferably) or at 1:200 scale (minimum)
- All parking spaces fully dimensioned and visitor spaces indicated
- All dimensions of aisles, driveways, circulation roadways, particularly at the minimum thresholds
- Driveway gradients and transitions including reduced levels at transition points
- Grades of parking areas where sloped (perpendicular to angle of parking)
- Minimum vehicular height clearance to all basement areas
- Radii (inner and outer) of all curved driveways and circulation ramps or sections thereof
- Where internal waste collection is required under the DCP, specific confirmation that access will be available for Council's small waste collection vehicle ie headroom, ramp grades and manoeuvring areas
- Recommendations for any special measures eg mirrors at bends, etc
- Parking assessment if a departure from the rates in the DCP is proposed
- Estimated traffic generation and effects on the surrounding road network
- Intersection analysis using INTANAL or equivalent.

## Noise assessment report

A noise assessment report must be submitted with any DA for development adjacent to/over a rail corridor or near a busy road pursuant to clause 3.7.1 in SEPP Infrastructure 2007. The report must be prepared by a suitability qualified noise and vibration consultant to include the following details:-

- Topography, distance from the road/ rail track
- Shielding by other structures
- Track/road configuration and condition
- The maintenance regime on the road/line
- Pavement type of road
- Road grades
- Truck or train numbers
- Characteristics of the rolling stock using the rail line and presence of stabling yards
- Daily changes in rail/traffic operations
- Document noise and vibration impacts
- The proposed noise attenuation measures must meet the noise criteria below:
  - in any bedroom in the building: 35dB(A) at any time 10pm – 7am
  - anywhere in the building (other than a garage, kitchen, bathroom or hallway: 40dB(A) at any time.

## Crime risk assessment

A formal crime assessment Crime Prevention Through Environmental Design (CPTED) is needed for any development that is likely to create a risk of crime. Examples would include:

- A new/refurbished shopping centre or new mixed use development
- A large scale residential development (more than 20 new dwellings), or
- The development or re-development of a mall or other public place, including the installation of new street furniture.

There are four principles that need to be addressed in the report to minimise the opportunity for crime:

- Surveillance
- Access control
- Territorial reinforcement
- Space management.



## Construction traffic management plan

A construction traffic management plan must be provided for residential flat developments, seniors living, new commercial/business/retail developments (generally not for change of use), new or enlarged hospital/school/church/childcare centre and other developments involving bulk excavation or large concrete pours. A construction traffic management plan may also be required for smaller scale development on arterial and collector roads.

### The report must contain the following details:

- Commitments for minimising disruption to and maintaining the safety of residents, pedestrians and road users
- Construction vehicle routes for approach and departure to and from all directions
- A site plan showing the proposed entry and exit points - swept paths are to be shown on the site plan showing access and egress for an 11 metres long heavy rigid vehicle.
- Details of construction employee parking and recommendations for parking restrictions if through traffic is likely to be reduced to one lane.

## Electronic three dimensional model

Is required for medium density residential development, including seniors living, developments comprising of 4 or more dwellings or where the development is for a new retail, commercial or mixed use building. Models must show the external envelope of buildings in a 3 dimensional form. Models must:

- Accurately 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



- Be to a scale of 1:100, 1:200 or 1:500
- Be in one of the following formats:
  - 3DS – 3D Studio Max
  - WRL – VRML or GeoVRML
  - SKP – SketchUp
  - FLT – OpenFlight
  - DAE – Collada

However, these requirements may be altered if a development encompasses multiple sites.

## Photo montage

Is a graphic representation of how the building will look within its context upon completion within the streetscape and from other relevant vantage points. A photo montage is required for all dual occupancies, residential flat building, multi dwelling housing, retail/commercial developments, new schools and hospitals.

## Sample board

An electronic sample board must show the proposed materials and colours of any new development. A sample board must be prepared for alterations and

additions to single dwellings, all new residential developments, including single dwellings, dual occupancies, residential flat buildings multi dwelling housing and for all retail, commercial or mixed-use developments.

The sample board must provide an example of each material to be used on the exterior of the development and the outdoor areas of any new structures.

## Site photographs

We can assess your application more quickly when you provide us with photographs of the site and its context. Photographs should clearly show existing features of the site, neighbouring land and the streetscape. Use a site map to indicate the location of the photograph and the direction from which it was taken.



# Step 6

## Lodging the development application

**As you may be aware, recent changes to the planning process requires development and other planning related applications to be lodged via the NSW Planning Portal. All applications will still need to contain all the usual information lodged in support of an application. To access the NSW Planning Portal digital services, you will need an account. Once you register for an account you will be able to lodge an application. More information is available on the NSW Planning Portal website, Quick Reference Guides: [planningportal.nsw.gov.au/support/how-guides](https://planningportal.nsw.gov.au/support/how-guides)**

Your DA submission must include:

### Development application

Development applications and other planning related applications can now be lodged electronically via the NSW Planning Portal.

Printed applications will no longer be accepted at Council's Administration Building, either in person or via mail or email.

The NSW Planning Portal is a more convenient and environmentally friendly way to lodge your application.

You can now lodge the following applications and certificates through the NSW Planning Portal:

- Development application
- Section 4.55/4.56 modification application
- Section 8.2 review of determination
- Complying development certificate

- Construction certificate
- Occupation certificate
- Subdivision certificate
- PC appointment

To submit your application online you need to register for a Portal account. Once registration is complete you will be required to fill out an online application form and upload your application documentation.

### Next steps

Council will check your application to make sure it includes everything needed to assess your proposal. If more information is needed for the assessment, we will contact you through the Portal. All additional information you provide to Council must be submitted through the Portal. Council will also send your DA to any government agencies that need to be consulted through the Portal. After the assessment process is completed, you will be notified about your application through the Portal.

## Payment

Once your application is reviewed and formally lodged by Council staff, you will be contacted regarding the fees and payment, which will need to be made through Council's e-services or Bpay systems. Payments are required within 48 hours or the application will be returned. Please note cheques cannot be accepted. Fees can be paid online.

## DA checklist

The checklist is a full list of DA requirements. The specific requirements for your development are explained in this Guide and summarised in the matrix at *Appendix C*. If you do not provide the required information, we will contact you or not accept your application depending on the degree of deficiencies of information.

## Relevant documentation

When lodging your application, you must provide us with all the relevant information detailed in the DA checklist and any other information detailed in this guide.

**Note 1:** If colouring of plans is required, for example where the development is for alterations and additions, all copies of the plans must be coloured.

**Note 2:** If the capital investment value of the development is \$30 million or more then the application will be determined by the Regional Planning Panel.

## DA fees

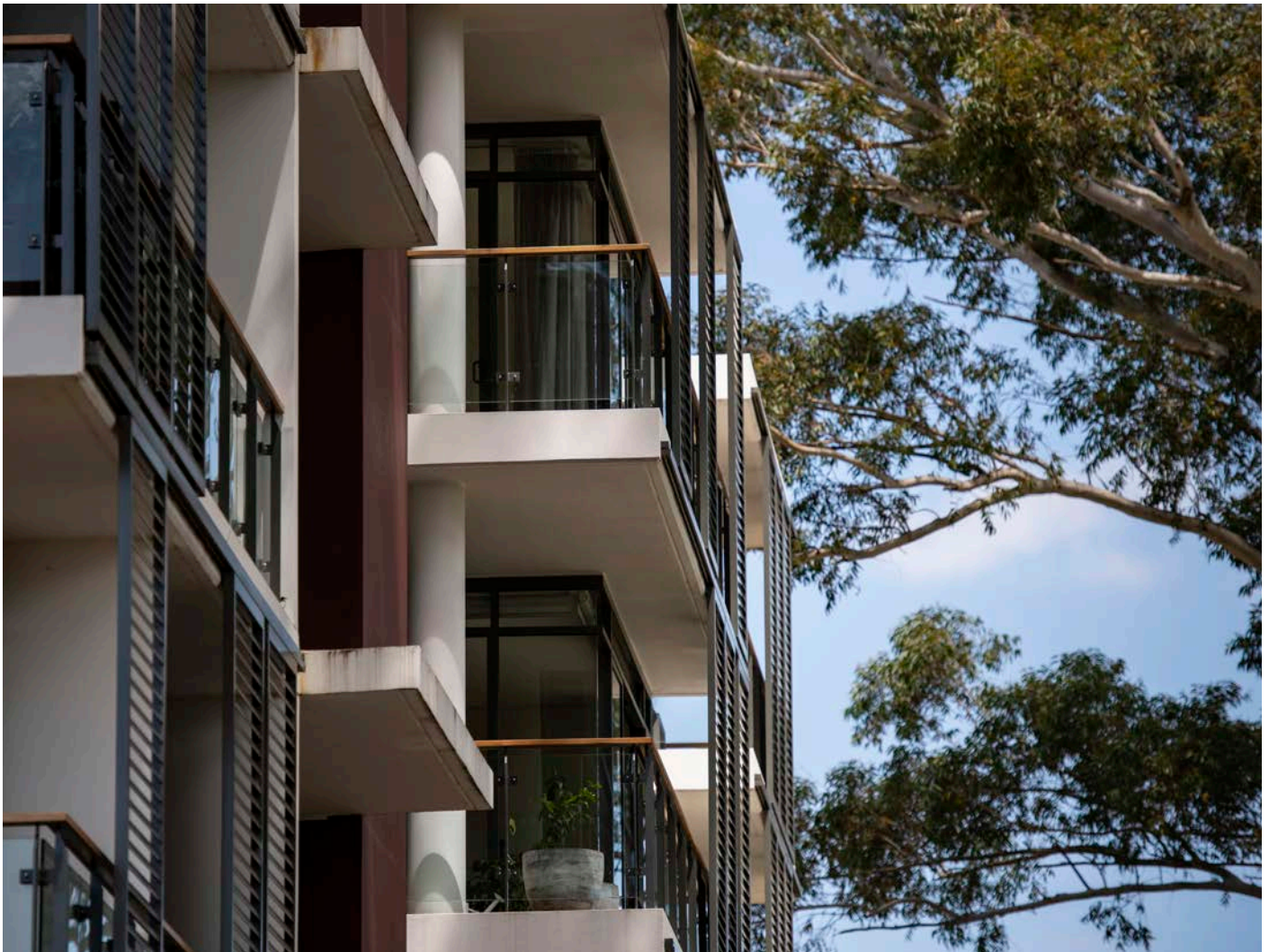
Fees are determined based upon the true market value of the development. The Reed Construction Data Guide sets

out the value of work for applications to determine the estimated development cost for works.

For estimated development costs between \$10,000 and \$1 million quotes from two independent registered builders or suitably qualified persons will be required.

For estimated development costs exceeding \$1 million, a Quantity Surveyor's Certificate will be required.

If your proposal is integrated development (see Step 4), an additional fee must be paid to the relevant (state) approval body as well as a processing fee per integrated referral.



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# What happens to my DA after lodgement?

## Acknowledgment

We will send you a letter to acknowledge that your development application has been received. The letter will tell you the DA number and the name of the Development Assessment Officer who is dealing with your application.

## When further information is required

Sometimes after initially accepting your DA we detect that we need additional information to enable us to assess your application. In these circumstances, we will send a letter explaining our additional requirements. The faster you are able to provide this information to us the faster we can assess your DA.

## Public notification/ advertising

In accordance with our Community Participation Plan, many DAs are publicly notified to enable interested persons to comment. The notification may include a notice on Council's website, letters to owners of neighbouring properties site, a sign or all of these.

When assessing your application, we will take into account the comments received from any persons that have made submissions.

## Integrated development

If your DA constitutes integrated development, it will be referred to the relevant state approval body.

If your DA is acceptable to the state approval body, they will provide us with their 'general terms of approval', which we must incorporate into the conditions of any development consent issued.

If the state approval body does not consider your proposal to be acceptable, we are not able to grant development consent.

## Making enquiries

You may call us to find out how your application is progressing or refer to our online DA tracking system. When calling, you will assist us by quoting your DA number and the name of the officer who is dealing with your application. Our officers are available to take calls from 9am to 10am. You must make an appointment if you need to meet with our assessment officers.

## Assessment

We will assess your application against all the relevant standards and controls and take into account any submissions made.

Some DAs will need to be determined at a panel meeting rather than by staff. Such applications may take longer to determine. If your DA is to go to a panel meeting, we will inform you of the process and likely timeframe.

Under the *Environment Planning & Assessment Act*, Council has specified timeframes within which to determine applications. It is important that all the relevant information has been submitted with your application so that we can determine your application as quickly as possible.

## Determination

We have a legal obligation to assess and determine DA's. A DA can be approved subject to conditions or refused. In making our determination, we use a peer review process. This ensures that all recommendations made by our assessment officers are reviewed by a team leader and, where required, by the Manager or Director. This ensures transparency and consistency in the recommendations and decisions made by our staff. Multi residential flat buildings, multi dwelling housing, contentious development, development applications where there are variations greater than 10% may be required to be determined by the Ku-ring-gai Local Planning Panel (KLPP) or Sydney North Planning Panel (SNPP). Ku-ring-gai. Most other DAs may be determined by our assessment staff. When an application is to be considered at an KLPP or SNPP meeting, the applicant and any objectors are notified and may speak about the application if there is a public meeting. At a public meeting, the panel may:

- Approve the application
- Refuse the application
- Defer the application and request the applicant to submit amended plans
- Defer the application to a site inspection

When an application is deferred by a panel, it must ultimately be referred back to a future meeting of the panel for determination.

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## Notice of determination

Once your DA has been determined you will receive a 'Notice of Determination'. The Notice will tell you whether your DA has been approved or refused.

If approval (consent) is granted, the Notice will give details of:

- Any conditions of consent and the reasons for those conditions (see below)
- When the consent becomes effective and when it will lapse
- If Section 7.11 or 7.12 contributions must be paid, and how much they will be.

If your application is refused, the Notice will give reasons for the refusal and explain your options.

## Conditions of consent

The conditions of consent tell you how you must undertake the development and if there is anything you must do before you commence the development. You cannot alter or vary the development, the way in which it operates or the way in which it will be undertaken unless the terms of the consent are modified.

To modify a consent, you must make an application under section 4.55 of the *Environmental Planning and Assessment Act 1979*. Additional fees will apply as this will require an assessment of the proposed modification.

## Section 7.11 and section 7.12 development contributions

Your Notice of Determination may require payment of a 'Section 7.11 contribution' or a 'Section 7.12 contribution'. The money collected through development contributions is used by Council to provide new community infrastructure such as open space, traffic and pedestrian improvements as well as upgrades to local and neighbourhood centres.

The amount of your section 7.11 or section 7.12 contribution will be determined in accordance with our 7.11 Contributions Plan or our 7.12 Contributions Plan. You can view or purchase a copy of the Plans at our Customer Service centre. They are also available online at [krg.nsw.gov.au](http://krg.nsw.gov.au)

## Construction certificate (CC) and/or Subdivision Works Certificate

You must apply for and receive a construction certificate and/or subdivision works certificate where applicable before commencing any building works approved in your development consent. Unlike development consent, a construction certificate can be issued by us or an accredited private certifier.

A list of accredited certifiers is available from NSW Planning, Industry and Environment.

## Commencing work

Before commencing construction work you must:

- Appoint a 'principal certifier' (PC) and notify us that you have done so - the PC will be responsible for any inspections during construction and will issue the final occupation certificate. The PC can either be us or a private certifier
- Meet all conditions of consent that must be satisfied before work commences
- Notify us in writing at least two days before you intend to commence work

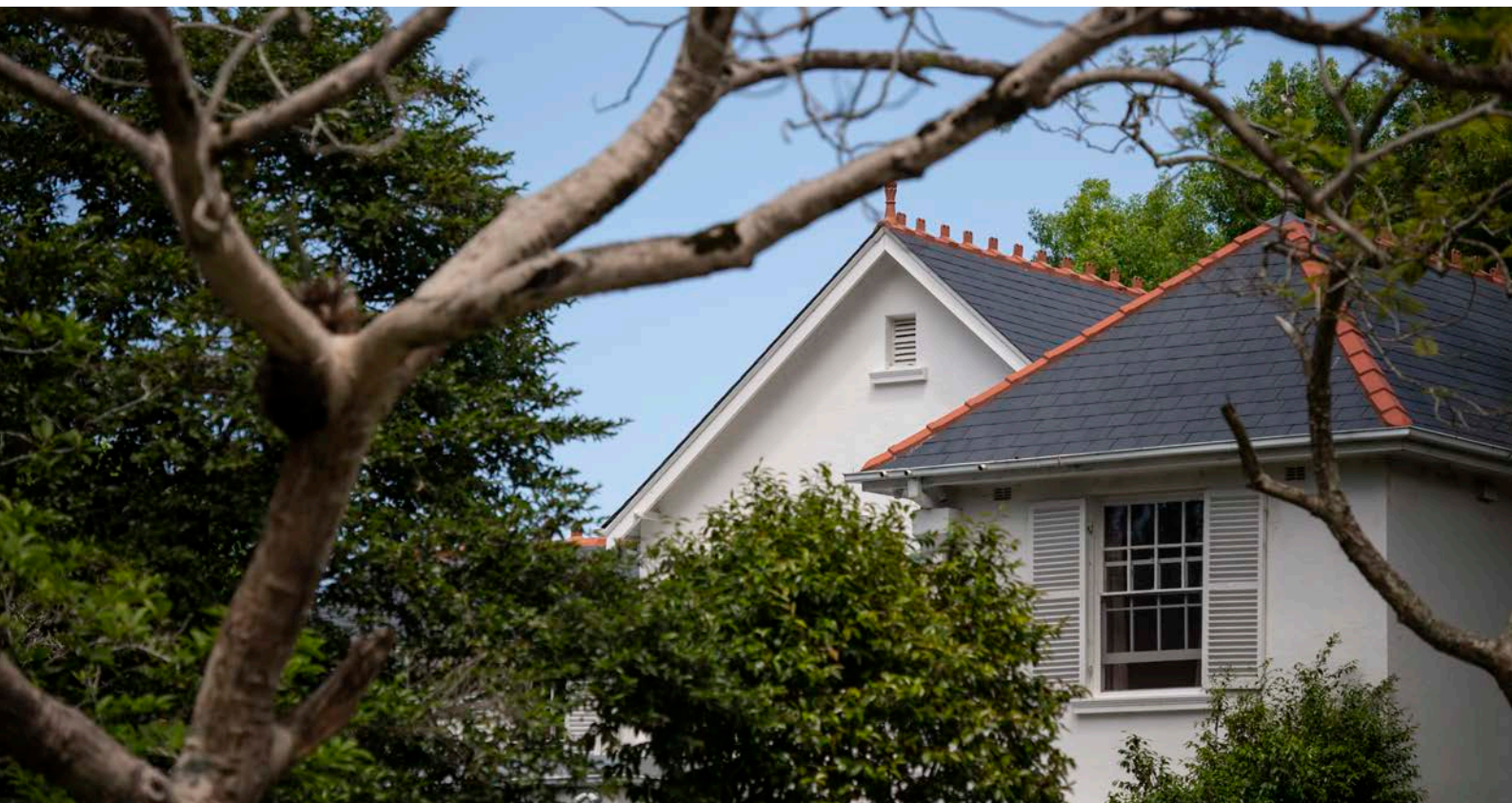
If any other approvals, permits or licences are required prior to development commencing, it is your responsibility to obtain these.

# Modifying your development consent

You may apply to Council to modify your development consent by lodging a section 4.55 application via the NSW Planning Portal, submit revised plans and pay the scheduled fee. The revised plans must highlight your proposed modification and you will also need to submit the following:

- A written description of the proposed modifications to the development consent
- An application under section 4.55(2) or 4.56 which relates to a development that was subject to SEPP 65 must include the statement required by section 102 of the Environmental Planning and Assessment Regulation 2021
- A revised design verification form is required if the original application involved the construction of a residential flat building
- The amended design verification form must confirm that the changes would not detract from the design quality and/or environmental performance of the building
- A revised BASIX certificate may be required if the changes to the proposal are likely to affect the approved BASIX commitments
- A revised bushfire report may be required where external design changes are proposed
- Other documentation requirements are generally the same as development applications.
- An application fee is payable and a notification fee may also be required.

**The proposed modification must result in a development that is substantially the same as that for which original approval was granted otherwise a new development application (DA) will be required.**



# 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 Council's determination under section 8.2 of the EP&A Act**

A review cannot be made:

- Refer to Section 8.10 Time within which appeals may be made of the EP&A Act
- After an appeal against the determination made to the Land and Environment Court has been dealt with by the Court
- If the proposal is "designated" or "Crown" development

In a review of Council's determination you may make changes to your proposal. The proposal, however, must remain substantially the same as the original consent otherwise a new DA will be required. Only one review is permitted.

You must lodge an application via the NSW Planning Portal and, pay an additional fee once the application has been accepted. for the review and submit all plans and/or supporting documentation (see Steps 4, 5, 6 in this guide).

## **A review of a rejected development application under section 8.2(c) of the Environmental Planning and Assessment Act**

If an application has not been made in accordance with the Environmental Planning and Assessment Regulations, it may be rejected by Council. If your application has been rejected and you would like to have it reviewed, you are able to do so.

The review must be made within 14 days of the date you are given written notice by the Council of its decision to reject the application.

Council will have 14 days to review its decision to reject your application. If Council fails to review the application within 14 days, the application is taken to be rejected.

You must lodge an application via the NSW Planning Portal and pay an additional fee for the review. You may also submit revised plans and/or supporting documentation (see steps 4, 5, 6 in this guide).

## **An application may be made to modify a development and/or a particular condition of consent under section 4.55 of the EP&A Act.**

This may be appropriate if you disagree with particular condition/s of consent or decide to amend certain aspects of the proposal. You will need to lodge an application via the NSW Planning Portal, include written justification for the proposed modification and pay the scheduled fees.

Documentation requirements are generally the same as development Applications.

## **A review of Council's determination under section 8.2(b) of the Environmental Planning and Assessment Act**

If you are unhappy with the determination of your section 4.55 (1A) or 4.56 application, you may lodge a review under section 8.2(b) of the Environmental Planning and Assessment Act.

A review cannot be made:

- If the determination was refused before 28 February 2011
- More than 28 days from the date the Council refused your modification
- After an appeal against the determination made to the Land and Environment Court has been dealt with by the Court or if the appeal period has expired (including "deemed refusals")
- If the proposal is "designated" or "Integrated" Development, or for Crown applications.
- If the determination was made by a Planning Panel
- For modifications involving minor error, misdescription or miscalculation (i.e. those made under Section 4.55 (1)).

In a review of Council's determination you may make changes to your proposal. The proposal, however, must remain substantially the same as the original content otherwise a new development application will be required. Only one review is permitted.

You must lodge an application via the NSW Planning Panel and, pay an additional fee for the review and submit revised plans and/or supporting documentation (see steps 4, 5, 6 in this guide).

## **An appeal to the Land and Environment Court**

Any appeal to the Land and Environment Court must be in accordance with Section 8.10 of the EP&A Act. However, this course of action is not encouraged as it is costly, time consuming and may not necessarily result in the desired outcome.





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# Appendix 1

## Standard of plans and documentation

All documentation submitted with your DA must be presented in a clear and professional manner to allow us to properly understand and assess the proposal. **We will not accept plans or documentation that are illegible, poorly presented or incomplete.**

In addition to the specific requirements for each type of documentation (detailed in Steps 3, 4 and 5), the following information must be included with DA's

### All documentation

All documentation must be clearly and accurately labelled with:

- The street address of the subject property
- The lot and DP/SP numbers of the property
- The name of the company / individual who prepared the documentation
- The applicant's name
- The date on which the documentation was completed
- Adobe PDF copies of all plans and all supporting documents.

### Electronic document requirements

When preparing files lodgement electronically note that:

- Should be in portable document format (pdf)
- Files should not be secured with passwords
- Combine all architectural plans into one file (site plan, floor plans, sections and elevations)

- Where a number of files fall under the same category, please save them into one file eg. "multiple photos"
- Plans must also be rotated to landscape and provided as a PDF file. Plans should not be scanned and must be directly created or converted into a PDF or PDF/A file
- Coloured plans are to have a resolution between 300 and 900dpi
- Black and white plans may be accepted on the basis that they are created in greyscale at a resolution of at least 300dpi
- The following file naming conventions followed by the file extension should be used where applicable:
  - site analysis
  - survey plan and legal documents
  - architectural plans
  - landscape plans
  - deep soil plans
  - stormwater management plan
  - shadow diagrams
  - solar access diagrams/3D modelling
  - subdivision plans
  - environmental site management plan
  - statement of environmental effects
  - BASIX certificate
  - arborist report
  - fauna and flora report
  - bushfire report
  - vegetation management plan report
  - stormwater drainage statement
  - heritage impact statement
  - waste management plan
  - clause 4.6 variation request
  - fire safety schedule
  - access report
  - design verification statement
  - geotechnical report
  - excavation plan
  - remedial action plan for contaminated land
  - traffic report
  - noise report
  - construction traffic management plan
  - architectural model photographs
  - photo montage
  - site photographs
  - gift disclosure
  - sample board

### Plans, elevations, sections and models

The plans you provide must be legible, accurate and must clearly document the proposed development. All plans and elevations must show:

- Title block with the name of architect/designer, plan number and date, amendment number and date, applicant's name and address of property
- North point shown to true north (for plans and models)
- Scale (shown as both a ratio and bar scale) - preferred drawing scale at 1:100
- Measurements in metric
- All alterations and additions must be clearly coloured to distinguish them from existing works

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# Appendix 2

## Statement of Environmental Effects (SEE)

The following is a general guide to the issues that are likely to be relevant and how they should be addressed in the SEE.

### 1. Site suitability

This must be addressed for all applications other than minor additions or alterations. It must demonstrate that the site is suitable for the proposed development. Relevant considerations may include:

- Site constraints such as slope, flooding, geotechnical and groundwater issues (however, a geotechnical report by an appropriately qualified engineer must be provided where the proposed depth of excavation exceeds 2 metres) and where works may affect riparian zones
- Proximity to transport services, shops, community and recreational facilities
- Compatibility with adjoining development
- Compatibility with visual setting (foreshore, streetscape, etc)
- Size and shape of allotment.

### 2. Present and previous uses

This must be addressed for all applications and information must be provided on:

- The present use of the site and the date on which that 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

- 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.

### 3. Development compliance

This must be addressed for all developments. The following details must be included:

- Evidence that the development complies with standards and controls for building heights, building height planes, setbacks and building envelope controls and any other details specified in the relevant document(s)
- If the proposed development does not comply with planning controls, you must provide proper planning justification as to why any non-compliance should be supported
- If the proposed development is within an area in which the built form is changing, statements of the existing and likely future context
- Where the development is a residential flat building, an explanation of how the design complies with the design quality principles set out in Part 4 (Design Quality Principles) of SEPP 65 and the Apartment Design Guide



## 4. Access and traffic

This must be addressed for all residential, hotel, refreshment rooms, entertainment, commercial, retail and industrial proposals other than minor alterations and additions. The following matters will need to be addressed:

- Existing and proposed access provisions
- Pedestrian amenity (paving, seats, weather protection, security lighting)
- Proposed bicycle facilities (racks, lockers, showers)
- Any public transport services
- Vehicle access to a public road (indicate grade)
- Resident, staff, customer, client and visitor parking arrangements
- Parking calculations
- Potential conflicts between vehicles, pedestrians and cyclists and proposed mitigation measures

- For major traffic generating proposals, an access and traffic impact assessment report, prepared by a transport consultant, will be required.

## 5. Privacy, views and overshadowing

This issue must be addressed for all proposals. You must consider the privacy, view and overshadowing impacts upon neighbouring properties by addressing 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.

### Views:

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

### Overshadowing:

- Provide an analysis of the prepared shadow diagrams
- Consider shadows from adjoining buildings as well as the proposed development.



## 6. Air and noise

This must be addressed for all proposals. You will need to demonstrate that the proposal will not cause, or be affected by, air or noise emissions by considering the following where relevant:

### **Air:**

- All existing or proposed sources of odour or fumes (on site and nearby)
- Proposed mitigation measures.

### **Noise:**

- All existing and proposed noise sources (on site and nearby)
- Proposed noise reduction measures
- Expected construction noise, details of consultation with nearby residents and compliance with Environment Protection Authority guidelines
- Where noise is a major design issue, a report, prepared by an acoustic consultant, must be provided.

## 7. Operation and management

This must be addressed for all hotel, refreshment rooms, entertainment, commercial, retail, educational establishments and industrial proposals. Please describe how the establishment will operate by considering the following:

- The type of business
- The number of staff to be employed
- The expected number of customers or clients
- The hours and days of operation
- Any plant, machinery, production processes
- The 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)
- Any hazardous materials or processes.

## 8. Vegetation and fauna

- A description of vegetation on site, significant trees and other species native and exotic, including location on and adjacent to the site and whether there are remnants of local native vegetation communities
- A general statement of impact on vegetation including the extent of removal, resultant amenity considerations, implications for vegetation removal where the site is bushfire affected and means by which impacts on vegetation and fauna are to be mitigated
- Where remnant vegetation occurs, any ecological communities must be identified and whether an assessment of significance has been provided addressing potential impacts.



## 9. Soil and water

This must be addressed for all new buildings and any earthworks. You must specify how the proposal will address any soil and water management issues. You will need to provide the following:

- A description of all aspects of the proposed water management measures including associated landscaping
- If an easement is required in accordance with the DCP, copies of letters of intention to grant interallotment drainage easements across downstream properties
- Details of the proposed maintenance strategies
- A description of any proposed rehabilitation and revegetation measures
- Assessment of any impact on the local water table and appropriate mitigating measures
- If Council's Riparian provisions under the LEP and associated DCP apply to your site, the policy requirements must be identified in your application.

## 10. Energy efficiency

This must be addressed for all residential, hotel, refreshment rooms, entertainment, educational establishments, commercial, retail and industrial proposals. You will need to consider and describe how the proposal promotes energy efficiency in terms of:

- orientation
- sun / shade control
- insulation
- natural ventilation
- heating and cooling
- lighting
- clothes drying
- water heating.

**Note:** If BASIX applies to the development, a copy of the BASIX report must be included with the Statement of Environmental Effects.

## 11. Waste management

This must be addressed for all residential, hotel, refreshment rooms, entertainment, commercial and industrial proposals except minor additions or alterations. You will need to consider and describe how the proposal promotes waste minimisation by incorporating the following where appropriate:

- Proposed at source waste separation program and facilities
- Domestic food and organic waste composting
- Proposed waste storage areas
- For hotels, guest houses, entertainment venues and commercial and industrial developments, proposed recycling collection from the premises
- Litter control program (for developments likely to generate litter)
- A description of the proposed reuse, recycling and disposal of all building and demolition waste
- Arrangements for hazardous building wastes such as asbestos and contaminated soil.

# Appendix 3

## DA lodgement requirements matrix

DA lodgement requirements matrix	Plans															
	Site analysis p.11	Site plan p.12	Survey p.13	Floor plans p.13	Elevations and sections p.14	Landscape plan p.14	Deep soil plan p.14	Stormwater management plan p.15	Flood Study p.15	Shadow diagrams p.16	Subdivision plan p.16	Environmental site management plan p.16	Statement of environmental effects p.19	BASIX certificate p.19	Arborist's report p.19	Ecological assessment p.20
Alterations and additions, residential & commercial	✓	✓	✓	✓	✓	★		★	★	★		★	✓	★	★	★
Carports and garages	✓	✓	✓	✓	✓	★		★	★			★	✓	★	★	★
Change of use		✓		✓									✓			
Commercial/business/retail	✓	✓	✓	✓	✓	✓		✓	★	✓		✓	✓		★	★
Dual occupancies / secondary dwellings	✓	✓	✓	✓	✓	✓		✓	★	✓		✓	✓	✓	★	★
Front fences	✓	✓	✓		✓	★							✓		★	★
Landscaping		✓	✓		✓	✓		★				✓	✓		★	★
Residential flat buildings	✓	✓	✓	✓	✓	✓	✓	✓	★	✓	★	✓	✓	✓	★	★
Seniors Living	✓	✓	✓	✓	✓	✓	✓	✓	★	★	★	✓	✓	✓	★	★
Signage		✓	★	✓	✓								✓			
Single (new) dwellings	✓	✓	✓	✓	✓	✓		✓	★	★		✓	✓	✓	★	★
Subdivision	✓	✓	✓			★		✓	★		✓	✓	✓		★	
Swimming pools	✓	✓	✓		✓	✓		★	★			✓	✓	★	★	★
Tennis courts	✓	✓	✓		✓	✓		✓	★			✓	✓		★	★
Hospitals	✓	✓	✓	✓	✓	✓		✓	★	★		✓	✓		★	★
Mixed use development	✓	✓	✓	✓	✓	✓	★	✓	★	✓	✓	✓	✓	✓	★	★
Childcare Centres	✓	✓	✓	✓	✓	✓	★	✓	★	★	★	✓	✓		★	★
Multi dwelling housing	✓	✓	✓	✓	✓	✓	✓	✓	★	✓		✓	✓	✓	★	★

Legend ✓ yes ★ maybe required □ not applicable

Supporting material and documentation																			
Bushfire report (on bushfire prone land) p.20	✓	★	★	★	✓	★				★									
Vegetation management plan p.21	✓	★	★	★	✓	★				★									
Stormwater drainage statement p.21				★			✓												
Heritage management documentation p.22				★															
Waste management plan p.22	✓			✓	★	✓	✓	✓	★	★	★	★	★	★	★	✓	✓	✓	✓
Clause 4.6 variation p.23					★														
Fire safety schedule p.23																			
Access report p.23																			
Design verification statement p.23																			
Geotechnical report p.23																			
Excavation plan p.24																			
Remediation action plan p.24																			
Traffic and parking assessment p.24																			
Noise assessment report p.24																			
Crime risk assessment p.24																			
Construction management plan p.25																			
3D model p.25																			
Photo montage p.25																			
Sample board p.25																			
Site photographs p.25																			
Applicant Check																			
Council lodgement officer verifies information is on CD/USB																			

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