

DEVELOPMENT APPLICATION GUIDE

STATUTORY PLANNING



This guide is designed to help you understand the development application process and prepare your application. By submitting a well prepared application with the correct supporting information you will receive a faster determination by Council. *Whilst all due care has been taken to ensure the content of this guide is accurate and current there may be errors or omissions in it and no legal responsibility is accepted for the information. Should any conflict arise between the guide and any legislation the legislation shall take precedence.*

Section 1 - About this Guide

The development application guide explains how to prepare a development application to Lismore City Council. It provides a step by step guide to all the things that need to be completed prior to submitting an application.

The guide is to be used in conjunction with Council's Development Application checklists, to assist applicants in preparing and completing your plans and other supporting documentation.

This guide also includes information on how to modify a development consent (Section 4.55 application) and how to request a review of determination of a development consent (Section 8.2 review).

Section 2 - Why is Council Approval Necessary?

Council regulates building and development within the community. Each development application is assessed on its merits, according to NSW legislation and its planning policies. Through this process Council:

- Implements environmental, amenity and community safety objects
- Provides the opportunity for community input into decisions
- Provides an independent, impartial and objective framework for decision making
- Acts in the public interest, at arms length from the parties involved.

Requirements for a DA

The Development Application processes only apply when a development application is required for a proposed development. Examples of when a development application is required include:

- ✓ An environmental planning instrument i.e. a Local Environmental Plan (LEP) or State Environmental Planning Policy (SEPP) applying to the land identifies the proposed development as permissible with consent; and
- ✓ The development on the land enjoys existing uses rights (i.e. it is an existing development which previously was permitted on the site and is now prohibited by the zoning) and the development is proposed to be altered or extended.

Getting Started

Before preparing an application the first step is you need to explore the opportunities and any constraints of the site and any regulations that may impact your proposal.

In some cases to ensure that your proposal can be sited/planned in consideration of any site constraints and opportunities, it is recommended to refer to Council's Local Environmental Plan and Lismore Development Control Plan for the site which can be:

- Downloaded from Council's website <https://www.lismore.nsw.gov.au/Building-planning/Strategic-planning/Our-LEPs-and-DCPs>
- Viewed at Council Offices.

and any other relevant design principles, guidelines and policies that may apply to your development.

Gathering the correct information and asking the right questions prior to lodgement of any form of an application with the Council can save a great deal of time both on behalf of the applicant and Council and hence will be of benefit to all parties concerned.

Identifying State Policies or Approvals

In NSW there are a range of planning documents which contain provisions which flag the type of information that is to be submitted or considered in order for the consent authority to complete its assessment and determine the application.

The Department of Planning has established a Register of Development Assessment Guidelines on its website to provide a comprehensive list of the document which can be utilised for the purposes of development assessment. <https://www.planning.nsw.gov.au/assess-and-regulate/development-assessment/your-guide-to-the-da-process>

These guidelines direct the applicant to the key legislation and processes which underpin the assessment of any DA. The result is a simple process which:

- Identifies when certain planning or environmental provisions are 'triggered';
- If triggered, identifies what specific information is required to be submitted with the application addressing impacts associated with the development; and
- Guides an applicant to the type and source of local planning controls and design guidelines that apply.

This guide will help to determine the type of plans and supporting documentation required. With this information, you can then prepare your application.

Section 3 - Do I need An Application?

Most types of development require a development application. The types of development which will normally need a development application include:

- New buildings
- Alterations and additions to existing buildings, including swimming pools
- Most types of change of use of existing buildings or premises
- Demolition of buildings, including heritage items or buildings in the heritage conservation area
- Alterations or additions to heritage items or buildings in the heritage conservation area
- Subdivision of land
- Strata title subdivision of buildings
- Advertising signs
- Earthworks, filling and clearing.

Alternatively, some lesser impacting developments such as sheds, rainwater tanks and driveways, may only require the less onerous Complying Development process, or even be exempt from requiring development approval.

Exempt Development

If the proposed building is minor, check to see whether it is "exempt". For example some garden sheds, pergolas and fences do not require approval. These structures must still be built to the standards required by the Building Code of Australia. Information regarding activities or works that are exempt development are contained on Council's website. To determine whether the proposal is exempt you can select the type of work or activity you are proposing to undertake, and view the relevant criteria that may apply for that development to be exempt from approval. Exempt development does not require any approval (verbal or in writing) from Council prior to commencing, however, it is the responsibility of the person proposing to undertake exempt development to keep appropriate records to demonstrate compliance with the relevant exempt development criteria, should the need ever arise.

SEPP (Exempt and Complying Development Codes) 2008

State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 (the codes SEPP) specifies exempt development under that policy. The Codes SEPP has state wide application and commenced on 27 February 2009. Consequently, from this date, the exempt development provisions (for the development types covered by the Codes SEPP).

You can download the Codes SEPP and view general information at www.planning.nsw.gov.au
For further information, please contact the Department of Planning's Information centre on free call 1300 305 695 or email planningreform@planning.nsw.gov.au

If your application cannot be processed as a complying development a development approval will be required.

Some Important Websites

The following is a list of websites that may assist you during the process of preparing your Development Application:

- Access the latest versions of the *Environmental Planning and Assessment Act 1979*, the *Environmental Planning and Assessment Regulation 2000*, the *Lismore Local Environmental Plan 2000* as well as all State Environmental Planning Policies from this Parliamentary Counsel site www.legislation.nsw.gov.au
- You can access Lismore's Local Environmental Plan and Development Control Plan to view or print application forms, other important information and documents from Lismore City Council website - www.lismore.nsw.gov.au
- Access the Land and Environmental Court and the judgements of the Court from this website and planning principles regarding how certain merit matters will be determined by the court - <https://www.justice.nsw.gov.au/>
- You can access other relevant information by visiting the NSW Department of Planning website - www.planning.nsw.gov.au
- You can access information relevant to heritage matters by visiting the NSW Heritage Office website - www.heritage.nsw.gov.au
- You can purchase and download all Australian and New Zealand standards as well as some international standards from this website - www.saiglobal.com/shop
- You can purchase and obtain online access to the Building Code of Australia as well as regulatory impact statements relating to building from this website - www.abcb.gov.au

Section 4 - The Application Process

The Development Application process has been established by NSW State Government legislation.

A Development Application is required when an applicant wants to carry out development on a parcel of land and that development requires consent under an LEP or SEPP applying to the land. The LEP or SEPP should be checked to work out whether the development is permissible and whether it requires a development application under the relevant environmental planning instrument, in particular:

- ✓ To identify the zone applying to the site;
- ✓ Whether the development proposal requires consent; and
- ✓ Any development controls, performance criteria.

Need other approvals

Section 68 Activities Approval (Refer to Activity Approval Application Guide)

You may also require approval from Council for certain activities as required under Section 68 of the *Local Government Act 1993*. Some examples of such activities include:

- Installation of manufactured homes or moveable dwellings.
- Sewerage and stormwater drainage work.
- Operate a caravan park or manufactured home estate.
- Install a domestic oil or soil fuel heating appliance

You can also apply for any of these approvals as part of your development consent. You will need to tick the appropriate boxes and the approval will be issued as part of the development consent.

Council may defer issue of the Section 68 approval until sufficient detail has been provided to assess these applications. If you do not apply for these approvals with your development application, then you will need to lodge a separate application form for approval at a later stage and the approval must be obtained prior to any works commencing.

Complying Development

If your proposal is not exempt then the next thing to check is whether it meets the criteria for complying development. If what is proposed is common or routine, it may be classified as 'complying development' by a local, regional or State planning instrument. Its impact on the environment must be predictable and minor.

This category of development seeks to streamline the application process by providing a single certificate that covers predefined development standards as well as meeting the structural standards required by the Building Code of Australia.

To carry out the development, you can obtain a complying development certificate from an accredited certifier, or the local council. If your application is successful, the council or certifier will issue a certificate usually subject to conditions.

Local Development

Local development is development determined by a local council. The majority of applications in the Lismore City Council area are local development.

Advertised development under Clause 5 of the Regulations applies if the proposed works are within certain zones as defined by Council's Local Environmental Plan.

Integrated Development

Your proposal may require a further approval, permit or licence from a state agency or department. An application for certain nominated approvals are able to be integrated as part of the Development Application process. The nominated approvals are identified in Attachment B (Integrated Development).

Relevant agencies from which approval maybe required include:

Department of Planning & Infrastructure

Internet: www.planning.nsw.gov.au
Phone: 1300 305 695
Email: information@planning.nsw.gov.au

NSW Heritage Branch

Internet: www.heritage.nsw.gov.au
Phone: (02) 9873 8500
Email: heritage@planning.nsw.gov.au

Office of Environment & Heritage

Internet: www.environment.nsw.gov.au
Phone: (02) 9995 5000
Email: info@environment.nsw.gov.au

Office of Water

Internet: <https://water.dpie.nsw.gov.au/>

Roads and Traffic Authority

Internet:
<https://www.transport.nsw.gov.au/operations/roads-and-waterways>

NSW Rural Fire Service

Internet: www.rfs.nsw.gov.au
Phone: (02) 8741 5555

Department of Primary Industries

Internet: www.dpi.nsw.gov.au

The type of approval and the relevant agency depends on the type and location of the proposed development. Where possible, Council is able to assist you identify relevant approvals and agencies (Appendix 4 provides a further guide as to the types of development that may require integrated approvals). If further approval is required, you may apply as an 'integrated development'. However, if there is an uncertainty as to whether another approval is required, please consult directly with the relevant agency. It is your responsibility to ascertain which approvals are required before lodging your Development Application.

If one of the nominated approvals is required, you may apply as 'Integrated Development' by completing Attachment B (Integrated Development) and including it with your Development Application. We also strongly recommend that you consult with the agency concerned before you lodge a Development Application.

Applications for integrated development will be referred to the relevant agency to obtain their 'general terms of approval'. These requirements will then be incorporated in the conditions of any development consent issued by the Council under the heading of General Terms of Approval (GTA). An additional prescribed fee per approval body referral applies to integrated development (schedule of fees can be obtained from Customer Service or at www.lismore.nsw.gov.au). Cheques for this amount are to be made payable to the applicable approval body.

You can also apply for any of these approvals as part of your development consent. You will need to tick the appropriate boxes and the approval will be issued as part of the development consent.

Council may defer issue of the Section 68 approval until sufficient detail has been provided to assess these applications. If you do not apply for these approvals with your development application, then you will need to lodge a separate application form for approval at a later stage and the approval must be obtained prior to any works commencing.

A table below provides a snapshot of the process and specifies the role of Council and Private Certifiers.

Stage 1 RESEARCH AND PREPARATION OF APPLICATION	<ul style="list-style-type: none"> ▪ Refer to the Local Environmental Plan and Development Control Plans to ensure your development is permitted and what design standards apply. ▪ Preliminary enquires with Council Staff. ▪ Arrange a meeting with professional technical staff. ▪ Obtain a Development Application pack from Council. ▪ Prepare plans and supporting documentation ▪ Complete all required form. ▪ Obtain a fee quote from Council's Customer Service Staff. ▪ Lodge your Development Application at Council or by mail with all supporting information and fees.
Stage 2 ASSESSMENT	<ul style="list-style-type: none"> ▪ Council reviews the information provided and advises you of any additional information required. ▪ Adjoining owners notified if required. ▪ External referrals if required e.g. RFS, RMS, OEH ▪ Internal referrals if required e.g. engineering, water and Sewer ▪ Site inspection. ▪ Assessment of impact of the development and compliance with Council's Development Control Plan. ▪ Consideration of any submissions. ▪ Liaison with applicant if required.

Stage 3 DETERMINATION	<ul style="list-style-type: none"> ▪ Decision by Council officer under delegated authority. ▪ If reported to Council you may address the Council at the meeting if you wish ▪ If satisfactory Council will issue a development application consent subject to conditions.
Stage 4 CONSTRUCTION	<ul style="list-style-type: none"> ▪ Before any building or subdivision works start a Construction Certificate (CC) must be issued. ▪ Home Building Act requirements to be met before commencement of work for applicable residential building work. ▪ Long Service Levy payments apply to construction works with a value >\$25,000. ▪ The owner must appoint a Principal Certifying Authority (PCA) – this can either be Council or a private certifier. The PCA issues the CC and undertakes inspections during construction. ▪ Only Council can undertake water, sewer and on-site wastewater (septic) inspections. ▪ Notify Council two days before works begin. ▪ Work begins in accordance with the development consent, including any conditions, and the construction certificate. ▪ Notify PCA for various inspections during construction.
Stage 5 OCCUPATION CERTIFICATION (completion of works)	<ul style="list-style-type: none"> ▪ After the works are concluded satisfactorily (and you provide a final fire safety certificate if required), the PCA will issue the occupation certificate. In some instances an interim occupation certificate may be issued prior to completing all works. ▪ In the case of a subdivision a Subdivision Certificate can only be issued by Lismore City Council

Responsibility for Determining DA's

It is essential that you nominate the types of approvals/certificates you are applying for. This section of the application form is critical in not only determining the processing requirements from Council's perspective but also is critical in identifying what level of information is needed to be lodged with the application. The types of development are:

Regionally Significant Development

Regionally significant developments are assessed by Council and determined by the Joint Regional Planning Panel (JRPP). The classes of development to be determined by the JRPP are identified in the Major Developments SEPP and include developments which are not 'major projects' and meet the following criteria:

The JRPP determine the following classes of regional development:

- development with a CIV (capital investment value) over \$20 million;
- development with a CIV over \$5 million which is:
 - council related
 - lodged by or on behalf of the Crown (State of NSW)
 - private infrastructure and community facilities or
 - eco-tourist facilities

- extractive industries, waste facilities and marinas that are designated development
- certain coastal subdivisions;
- development with a CIV between \$10 million and \$20 million which are referred to the regional panel by the applicant after 120 days;
- crown development applications (with a CIV under \$5 million) referred to the regional panel by the applicant or local council after 70 days from lodgement as undetermined, including where recommended conditions are in dispute.

Development that meets the specific CIV or other criteria to be State significant development is excluded as being regional development. For example, manufacturing industries, hospitals and education establishments with a CIV over \$30 million are considered State significant. Other exclusions apply. The State Environmental Planning Policy (State and Regional Development) 2011 sets out the functions of regional panels in determining applications for regional development.

Designated Development

Designated development is listed in Schedule 3 of the EP & A Regulations. Designated development includes development that has a high potential to have adverse impacts because of their scale or nature or because of their location near sensitive environmental areas, such as wetlands. These 'designated developments' are listed in Schedule 3 of the *Environmental Planning and Assessment Regulation 2000* or in environmental planning instruments, such as SEPP 14 – Coastal Wetlands.

If the proposal is designated development, the development application will need to be accompanied by an Environmental Impact Statement (EIS) addressing matters prescribed by the Department of Planning. The DA and EIS must be exhibited for a minimum of 30 days and that any objector to the DA who has made a submission may appeal to the Land and Environment Court if they do not agree with the determination.

Integrated Development

Integrated development applications require a permit listed in Section 4.46 of the EP & A Act (see table below).

Some proposals not only require development consent from the council or the Minister but also a permit or licence from a State government agency. In these cases, the council or the Department will refer the application to the necessary agency so that there is an integrated assessment of the proposal.

The following questions should help you determine whether the proposed works require a license/permit and if so, the Act under which those approvals are required.

NSW Fisheries	Do you want to carry out aquaculture, dredging, jetties, river/sea walls, reclamation or damage marine vegetation? If yes, you need a permit under ss.144, 201, 205, 219 of the Fisheries Management Act 1994.
Heritage Council	Does your development involve a building, a place or land that has a permanent conservation order, an interim conservation order or an interim heritage order protecting it, or which is listed on the State Heritage Register? If yes, you need an approval under s58 of the Heritage Act 1977 for matters or things referred to in s57(1).
National Parks and Wildlife Service	Will it destroy damage or otherwise harm an Aboriginal relic or place that is known to exists on the land you want to develop? If yes, then you an approval under s90 of the National Parks and Wildlife Act 1974.

EPA – Environmental Protection Authority	Is the proposal designated development? If yes, you are likely to need a license under ss. 43, 47, 48 or 55 of the Protection of the Environment Operations Act 1997. Will the development cause the pollution of water? If yes, you will require a license under ss. 43(d), 55, 122 of the Protection of the Environment Operations Act 1997.
Water Management Act 2000	Water use approval, water management work approval or activity approval under Part 3 of Chapter 3. Excluded are single dwellings, dual occupancies and minor residential work.
RMS – Roads and Maritime Services	Will the development affect a public road, a crown road, a highway, a main road, a freeway or a toll way? If yes, you will need consent under S138 of the Roads Act, 1993.
RFS – Rural Fire Services	If the development is a subdivision; or school, childcare centre, hospital, hotel, motel or other tourist accommodation; or, housing for older people or people with a disability (SEPP5); or, a group home (SEPP9); and, on designated bushfire prone land? If yes, you will need authorisation under S.100(b) of the Rural Fires Act, 1997.

Please note that the above table is not a representative of all aspects of legislative provisions that would result in an application being considered to be subject to the integrated approval provisions. The table should be used as a guide only (refer to Section 4.46 of the Environmental Planning and Assessment Act 1979).

Concurrence required for development

Certain proposals might not require a licence but still require the agreement of a State agency before development can be carried out. If so, the council or the Department will refer your development application to the relevant State agency for its agreement.

Section 5 - Prepare Plans, Drawings and other Material

There are four (4) key components in the development application process:

- The preparation and lodgement of the development application;
- Seeking the views of the community, and where relevant government agencies through notification and/or exhibition;
- The assessment of the application and development of recommendations to achieve quality outcomes; and
- The determination of the application.

Advice early in the Process

Lismore City Council provides a range of a pre-applications service to assist applicants identify what information should be addressed. The types of services offered include:

- A designated staff member(s) to be available at the front counter (8.30am to 10.00am) or by phone to take enquiries and assist applicants;
- Guidelines, lodgement checklists and links on Council's website to assist applicants;
- Opportunities to engage in a pre-lodgement meeting.

Pre-lodgement Meetings are generally most successful where:

- ✓ The appropriate Council Officers attend the meeting to address the issues raised;
- ✓ There is consistency between the advice given at the pre-lodgement and the criteria applied once the DA is lodged;
- ✓ The expectations expressed by those at the meeting are similar to those doing the assessment; and
- ✓ The issues discussed and advice given is minuted and sent to the applicant and any other relevant parties.

The Department of Planning has also established a Register of Development Assessment Guidelines on its website at <https://www.planning.nsw.gov.au/assess-and-regulate/development-assessment/your-guide-to-the-da-process>

Documents Comprising a Development Application

You will need to prepare several types of plans, drawings and other material. The actual material required for your proposal will depend on the type of development proposed and is outlined in Council's Development Application Checklists.

You will need to complete and submit the relevant checklists as part of your Development Application. If your development application includes all the required details as stipulated on the relevant checklist we can deal with it more quickly. Failure to provide the information as outlined within the checklists may result in the subject application being rejected or refused.

A development application ready for lodgement comprises a package of documents which include:

1. Complete Checklist and create application through the NSW Planning Portal;
2. Statement of Environmental Effects (see section below for preparation);
3. Any other relevant documentation i.e. BASIX;
4. Legible copies of plans of the proposed development to scale;
5. Any relevant supporting reports;
6. The prescribed fees for the making of the application.

The Application Form

The application form has been designed to cover a range of approvals that may be required for a development/building project. Consequently separate applications may need to be submitted for Construction certificate, Section 138 and Section 68 applications.

The application form identifies information that must be included with every application regardless of the type or nature of the development or the site on which it is located. The standard DA form requires the following information to be completed:

The following information explains each section of the application form:

- The name and address of the applicant and nominated entity for receipt of correspondence;
- A brief description of the development to be carried out;
- The address, and formal particulars of title, of the land on which the development is to be carried out;
- The estimated cost of the development;
- A political Donations and Gifts Disclosure Statement;
- Where the development is integrated development;
- If the applicant is not the owner of the land, a statement signed by the owner of the land to the effect that the owner consents to be making of the application; and
- Any referrals to government agencies for concurrence or an integrated development approval (this enables timely referral of the application and collection of additional fees).

The DA will be accompanied by plans of the proposed development and a SEE. The applicable DA fees will be paid at the lodgement of the application.

Section 6 - Identifying Planning and Environmental Information

Statement of Environmental Effects (SEE)

What is a Statement of Environmental Effects?

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

When is a Statement of Environmental Effects required?

All development applications (except those for designated development) require a statement of environmental effects. An SEE is a record of the environmental assessment, which necessitates a process of identifying and discussing the planning and environmental information relevant to the site or proposal.

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

Applications for Designated Development - Schedule 3 of the *Environmental Planning and Assessment Regulation 2000* lists designated development types. These are generally large industrial uses, rural works, extractive works, and mining works. An environmental impact statement (EIS) is required for designated development. There are separate requirements for the content of an EIS. It is recommended that you arrange a meeting with Council's planning staff to discuss the requirements for designated development before proceeding.

What to include in a Statement of Environmental Effects

Your SEE should address all the issues that are applicable to your proposal. Appendix 1 provides a guide to the issues that may be relevant to your proposal and a detailed list of considerations relevant to each of these issues. Other issues not listed in the table may also be relevant and should be included in the SEE. You are encouraged to expand upon the material provided in any way you perceive as relevant

Class 10 and Single Dwelling Development Applications - Only a very brief statement is required for proposals that are likely to have a negligible impact. In this instance, A Statement of Environmental Effects – Minor Development may be used. The form is a blank template that may be used to complete your statement. Alternatively, it can be used as a guide to preparing your own written statement. The Statement of Environmental Effects – Minor Development can only be used for certain types of development including some single storey residential dwellings, class 10 buildings e.g. garages, pools, carports, fences etc. and strata subdivision of existing buildings

In considering whether issues identified within the template are relevant to your proposal, please refer to the details contained within the corresponding sections of Appendix 1. This will assist you in ensuring that you have considered all of the potential impacts relevant to your proposal.

Remember, the Statement of Environmental Effects template can only be used for certain development types (see above). Other development proposals must be accompanied by purpose written statements.

Need help writing your Statement of Environmental Effects?

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

Why should I bother preparing a statement of environmental effects?

Assisting your application

A thoughtful, well-prepared SEE is an excellent opportunity to demonstrate the merits of your proposal. It allows a timely identification of the issues, ensuring they are processed quickly. The SEE is your chance to bring all matter to the fore and provide Council with logical, rational and reasonable arguments to support your application.

Protecting the Environment

Importantly, identifying adverse impacts in a SEE does not mean that Council will automatically refuse the application. Rather, it is your chance to demonstrate that the environment has been considered in the design stage by highlighting concerns and the means proposed to avoid, minimise, mitigate or manage them.

Satisfying legislative and policy requirements

Council staff are obliged to ensure all assessments are carried out in accordance with a wide range of legislation, regulations, policies, plans and strategies as well as community expectations. The principles underlying the requirement for an SEE is that applications should provide Council with sufficient information to enable a proper determination.

Departure from Planning Guidelines/Provisions

Council acknowledges that it is not possible to account for all possible situations, sites and development scenarios. Consequently when circumstances warrant, council may consent to an application which departs to a minor extent, from the provisions of council requirements. In such cases, a written submission must be lodged with the Development Application, outlining the variation, providing reasons why the variation is necessary or desirable and setting out how the objectives of the particular provisions are satisfied by the proposal.

Legally required

Section 4.12(9) of the *Environmental Planning and Assessment Act 1979* states that the regulations may specify what is required to be submitted with a development application.

Section 50(1)(a) of the *Environmental Planning and Assessment Regulation 2000* states that development applications must contain information and documents specified in schedule 1, part 1.

Schedule 1, part 1, subclause 2(1)(c) of the *Environmental Planning & Assessment Regulation 2000* requires the submission of Statements of Environmental Effects (SEE) with all Development Applications (other than designated development).

Schedule 1, part 1, subclause 4 of the *Environmental Planning & Assessment Regulation 2000* states that such SEE's must show:

- The environmental impacts of the development;
- How the impacts have been identified;
- The steps to be taken to protect the environment or lessen the expected harm to the environment;
- Any matters required to be indicated by any guidelines issued by the Director-General.

For designated development

If your proposal will have a high potential risk to the environment and is listed in Schedule 3 of the *Environmental Planning and Assessment Regulation 2000* or in a planning instrument made under the *Environmental Planning and Assessment Act 1979*, it is known as designated development. If your development is designated development, please attach an environmental impact statement (EIS) to your application. The Director-General of the Department has a number of requirements for what must be included in an EIS. The requirements depend upon the nature of the proposed development.

Contact the Department if you need help in determining whether your proposal is designated development and to find out what you will need to include in your EIS. You will also need to submit an electronic copy of the executive summary of the EIS. This will be published on our website.

If your development is likely to have a significant effect on threatened species, populations, ecological communities or their habitats, please attach a species impact statement (SIS) to your application. If you are also required to attach an EIS to your application, you can address the requirements of the SIS in your EIS. Contact the Department of Environment and Climate Change about what you need to include in your SIS.

Note: Other matters may be relevant depending upon the nature of the development proposal. In the case of a “designated” development, an environmental impact statement is required to be submitted in the manner outlined by Environmental Planning and Assessment Act.

Appendix 1 of these Guidelines summarises the recommended SEE format and typical considerations for a range of development types. Where a development proposal does not fit within the typical SEE formats contained in Appendix 1 it is recommended that the content requirements for the SEE be discussed with the consent authority and any relevant government agency.

Preparing a Site Analysis

A site analysis helps an applicant design, site and give consideration to the operational aspects of a proposed development. The site analysis plan is best development in two layers by documenting:

- The physical, natural and man made characteristics of the site and its environs (these features are usually visible and can be easily picked up by survey); and
- The environmental planning issues identified in various planning controls so that consideration is given to things such as flooding, threatened species or even potential noise sources. The identification of those features can occur through the early consultations with Council or noting and mapping the issues that are identified in the legislation in the next step of the process.

A clear and concise presentation and discussion in relation to planning controls and policies should also be undertaken at this stage in a table as follows.

SEPP/Deemed SEPP			
- Name	Clause No.	Complies Y or N	If no provide comment
LEPs			
- Name	Clause No.	Complies Y or N	If no provide comment
DCP's			
- Name	Clause No.	Complies Y or N	If no provide comment

A written statement in the SEE should be prepared explaining how the development design has responded to the site analysis.

Floodplain Management Controls

Floodplain Management Controls are contained in Council's Development Control Plan which are available on Council's website. If you are building in a flood prone area levels to Australian Height Datum (AHD) and other supporting information may be required to be submitted with your application.

A Flood Impact Assessment is to address following information:

- The existing and proposed use of the site including the approximate locations of existing buildings on the site (if any) and their uses and the locations of any proposed buildings and/or type of use proposed;
- The number of people expected on-site during normal operations;
- Existing and proposed earthworks and land filling;
- Existing and proposed drainage systems, including waterways, pipelines, drains, culverts and bridges;
- Details of any other physical features that may affect flows, such as roads, levee banks, fences and retaining walls;
- The existing natural surface levels of the site and proposed finished surface levels to Australian Height Datum (AHD) (determined by a registered surveyor);
- Floor levels to Australian Height Datum (AHD) for existing and proposed buildings;
- The assessed 1 in 100 year flood level at the site. This information can be obtained from Council's Development Services Section;
- Details of existing and proposed vehicular access and/or evacuation routes between the public road system and the identified development area for each lot, that are designed for two-wheel drive vehicles and will not be cut off in a major flood event;
- Details of building envelopes or other defined areas that are outside of the floodway, that are appropriately sized and that are appropriately located for the anticipated use (including appropriate setbacks to property boundaries and other site constraints);
- Details illustrating that the proposed development has been designed to withstand the effects of inundation of floodwaters in the 1 in 100 year flood level with activities, contents or fittings susceptible to flood damage being located at a level above this flood level (i.e. "flood proofed" at 500 mm above freeboard). This may include the use of flood compatible building materials below the minimum required floor level and the installation of electrical services above the minimum required floor level;
- Details illustrating or confirming that the design of the proposed development is such that the risks of structural failure or damage in the event of flooding would be minimal;
- Details illustrating or confirming that the proposed development will not increase the flood hazard or flood damage to other properties or adversely affect them in any way during floods;
- Details confirming the incorporation of permanent maintenance free measures to allow the timely, orderly and safe evacuation of people from the site should a flood occur;
- For large scale developments or developments in critical situations (e.g. floodways) a flood study using a fully dynamic computer model may be required.

Accessibility

Access for people with restricted mobility is covered by various legislation. Building owners have obligations to ensure equitable access is provided for all people under the Federal Disability Discrimination Act.

The Commonwealth Disability (Access to Premises – Buildings) Standards 2010 (the Premises Standards) and accompanying changes to the Building Code of Australia (BCA) commenced on 1 May 2011 within NSW. Background information on the Standards and guidance on their implementation in NSW can be viewed at www.bpb.nsw.gov.au.

The application of the Premises Standards is a matter that is assessed and dealt with at the Construction Certificate stage of the approval process.

It is strongly recommended that applicants consider the provisions of the Premises Standards at the design stage to avoid the need to make design changes at a later date which may include the need to modify any development consent, incurring additional cost.

Access and Traffic

If your proposal is not a major traffic generator (refer Appendix 1 of these guidelines) you will still need to show that there is adequate provision for access, including:

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

Traffic Impact Assessment

A Traffic Impact Statement is a technical appraisal of the traffic and safety implications relation to a specific development. The information provided in the study report should be prepared by an appropriately qualified traffic engineer, and enable the relevant authorities (i.e. Council and the RMS) to assess the traffic impact of a development.

A Traffic Management Plan

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

- accessibility for vehicles, pedestrians, bicycles and disabled persons. resident, staff, customer, client and visitor parking arrangements;
- traffic generation/movements;
- pedestrian amenity (paving, seats, weather protection, security lighting);
- proposed bicycle facilities (racks, lockers, showers);
- existing public transport services;
- parking calculations;
- will there be any conflicts between vehicles, pedestrians and cyclists? (describe proposed traffic management measures);
- off street loading (*industrial/commercial development*);
- for major traffic-generating proposals, attach a **Traffic Impact Assessment Report** prepared by a qualified transport/traffic consultant.

The table below provides a guide for when Traffic Impact Statements or Traffic Management Plans are likely to be required to be submitted if the proposed development is listed in the table below.

Development for the purpose of or being:	Traffic Management Plan	Traffic Impact Statement
Proposed Uses		
Residential developments, including dwelling houses, villas and townhouses excluding residential flat buildings	100 or more dwellings	10 or more dwellings
Residential flat buildings comprising or the enlargement of extension of a residential flat building	300 or more dwellings	10 or more dwellings

Retail premises or shops including extensions	Gross floor area of building ≥ 2000 square metres	≥ 500 square metres
Shops and commercial premises or the enlargement or extension of a building used for the purposes of commercial premises	Gross floor area of the building ≥ 4000 square metres	≥ 1000 square metres
Commercial premises or the enlargement or the enlargement or extension of a building used for the purposes of commercial premises and industry	Gross floor area of the building $\geq 10,000$ square metres	≥ 2500 square metres
Commercial premises and industry or the enlargement or extension of a building used for the purposes	Gross floor area of the building $\geq 15,000$ square metres	≥ 4000 square metres
Industrial premises or extension of a building used for the purposes of industrial premises	Gross floor area of the building $\geq 20,000$ square metres	≥ 5000 square metres
Subdivision of Land	Into 200 or more allotments	50 or more allotments
Drive in theatres or the enlargement or extension of existing drive in theatres	≥ 200 motor vehicles	Any size ≥ 200 motor vehicles
Educational establishments or the enlargement or extension of existing educational	Accommodating 50 or more students	Accommodating 50 or more students
Transport terminals, bulk stores, container depots or liquid fuel depots or the enlargement or extension of any existing transport terminal, bulk store, container depot or liquid fuel depot	More than 8000 square metres of land or the gross floor area of buildings used for that purpose	Any size
Junk yards or depots or regional depots, within the meaning of the Waste Disposal Act 1970	Any size	Any size
Heliports, airports or aerodromes	Any size	Any size
Areas used exclusively for parking or any other development having ancillary accommodation for or the enlargement or extension of a parking area	≥ 200 motor vehicles	≥ 50 motor vehicles
Tourist facilities, recreation facilities, showgrounds or sportsgrounds, in each case having accommodation for or the enlargement or extension of any existing tourist facilities, recreation facilities, showgrounds or sportsgrounds	≥ 200 motor vehicles	≥ 50 motor vehicles
Premises licensed under the Liquor Act 1982 or the Registered Clubs Act 1976, or the enlargement or extension of any such premises	≥ 200 motor vehicles	≥ 50 motor vehicles
Places of assembly or places of public worship or the enlargement or extension of any existing places of assembly or places of public worship	≥ 200 motor vehicles	≥ 50 motor vehicles
Refreshment rooms or the enlargement or extension of a building used for the purposes of a refreshment room	≥ 200 motor vehicles	≥ 300 square metres
Drive in takeaway food outlets	≥ 200 motor vehicles	≥ 200 motor vehicles

Service stations (including service stations which have retail outlets)	≥ 200 motor vehicles	≥ 200 motor vehicles
Motor showrooms the enlargement or extension of any existing motor showrooms where that enlargement or extension includes accommodation for 50 or more motor vehicles	≥ 200 motor vehicles	50 or more motor vehicles
Hospital or the enlargement or extension of a building for the purposes of a hospital	200 or more beds	100 or more beds

Noise Impact Assessments

A noise assessment is an examination of the nature and characteristics of a noise that may be produced as a result of a proposed development. It may involve verifying relevant factors such as:

- the location of the noise source
- its audibility at certain locations
- the time the noise is made and its duration
- its characteristics
- the reported effect it has on people.

To assist in determining whether a noise impact assessment is required for a particular type of development, the following checklist can be used as an indicator:

Offensive noise test: Checklist of considerations

- Is the noise likely to be loud in an absolute sense? Is it loud relative to other noise in the area?
- Does the noise include characteristics that make it particularly irritating?
- Does the noise occur at times when people expect to enjoy peace and quiet?
- Is the noise atypical for the area?
- Does the noise occur often?
- Are a number of people affected by the noise?

Examples of developments where a noise impact assessment from a qualified acoustic expert would be required include developments that propose the installation of mechanical plant (air conditioning, refrigeration, motors etc.) or use of machinery (forklifts, trucks, excavators etc.) that is likely to be audible at any adjoining or nearby premises. Examples would include:

- Rural/agricultural/processing industries
- Extractive industries
- Transport facilities/depots
- Dog kennels
- Animal establishments
- Smash repairs
- Music/Dance venues or use of amplified sound
- Entertainment or recreation facilities or events
- Developments that operate outside of normal business hours
- Development within buffer zones of an existing noise producing activity
- Entertainment or recreation facilities or events
- Developments that operate outside of normal business hours
- Development within buffer zones of an existing noise producing activity

Social Impact Assessment

Social impact – changes that occur in:

- People's way of life (how they live, work, play and interact with one another on a day to day basis)
- Their culture (shared beliefs, customs and values; and
- Their community (its cohesion, stability, character, services and facilities).

These changes may involve significant impacts experienced by people as a result of development.

Guidelines for preparing Social Impact Statements are available on Council's website, which refers to the need for a Social Impact Assessment for the following categories of development:

1. Rezoning resulting in significant change in land use e.g. 20 or more dwellings or lots;
2. DA for residential development for 20 or more dwellings or lots in an urban area;
3. An "affordable housing" project for 10 or more dwellings;
4. Removal of facilities that are significant to target groups identified in the LCC Social or Community Plan;
5. Manufactured home estates or caravan parks;
6. Commercial and retail development with a gross floor area of more than 5,000 sqm;
7. Industrial development with a gross floor area of more than 5,000 sqm;
8. Boarding houses, hostels, group homes, drug and alcohol rehabilitation centres;
9. Tourist facilities providing overnight accommodation for 20 or more persons;
10. Major new sports facilities;
11. Major transport infrastructure and interchanges;
12. Restricted premises and brothels;
13. Designated development pursuant to the EPA Act as directed by the NSW Department of Planning;
14. Any other proposal deemed by Council to have likely significant social impacts and advised by Council staff at pre-lodgement meetings.

Show how the proposal addresses social impacts by considering the following where relevant:

- Increase or reduction in the number of people on the site.
- Disadvantages or benefits to particular social groups.
- Impact on employment opportunities in the locality.
- Impact on housing stock in the locality, particularly low-rental housing, the choice of housing available or the social mix of residents in the area.
- Impact on existing community meeting places and demand for community facilities or services in the locality.
- Need for support services for certain groups including accessibility to required facilities for people with a disability.
- Impact on community identity and potential to dislocate social or cultural networks.
- Impact on public safety and security.
- Impact on public places or open spaces.

Note: In cases where the social impact is likely to be significant, a Social Impact statement prepared by a suitably qualified professional may be required. This would be the case for major projects which change the existing urban context, involve an increased risk to public safety or are likely to threaten the existing sense of community identity and cohesiveness (e.g. a large retail complex, a large housing project or a hospital).

Water Sensitive Design

Lismore City Council has adopted the principles of Water Sensitive Design and has resolved to promote such designs in new developments.

Traditional water supply, stormwater and wastewater practices are largely based on centralised collection, conveyance, treatment and disposal of water flows. In contrast, WSD promotes a more decentralised approach that is more attuned to natural hydrology and ecological processes. Greater emphasis is given to on-site collection, treatment and utilisation of water flows as parts of an integrated 'treatment train' that may be applied in addition to or as part of conventional stormwater infrastructure.

As described by Healthy Waterways <https://www.environment.nsw.gov.au/topics/water/water-quality/protecting-and-managing-water-quality/waterway-health#:~:text=Healthy%20waterways%20support%20a%20healthy.and%20animals%2C%20need%20healthy%20waterways> the key principles of Water Sensitive Urban Design (WSUD) are to:

- Protect existing natural features and ecological processes
- Maintain the natural hydrological behaviour of catchments
- Protect water quality of surface and ground waters
- Minimise demand on the reticulated water supply system
- Minimise sewage discharges to the natural environment
- Integrate water into the landscape to enhance visual, social, cultural and ecological values.

This chapter applies to developments and subdivisions, unless otherwise excluded by this Chapter.

Developments

Developments may include residential development, commercial development, industrial development, tourist development, recreational development and car parks that have an impervious area greater than 300m².

Developments are classified as either minor development or major development for the purpose of this Chapter. Developments are required to satisfy the WSD performance criteria in Table 1 and meet the objectives of this Chapter.

For the purposes of this Chapter development is classified as follows:

Minor Development

- Development site area **less than** 2,500 m²; and
- Impervious area **greater than** 300 m².

Minor developments are required to satisfy the performance criteria in Table 1 by either implementing the 'deemed to comply' solutions, or preparing a Water Management Plan that demonstrates how the development satisfies the performance criteria in Table 1 and objectives of this Chapter.

Major Development

- Development site area **greater than** 2,500 m²; and
- Impervious area **greater than** 300 m².

Major developments are required to prepare a Water Management Plan that demonstrates how the development satisfies the WSD performance criteria in Table 1 and the objectives of this Chapter.

This chapter does not apply to the following developments:

- A single dwelling-house
- A dual occupancy development
- Development which creates an additional impervious area of less than 300 m².

If works that required consent have previously been conducted on a site without Council's consent, the area of unapproved works will be added to the area of the proposed works to determine the requirements for WSD associated with this Chapter.

Subdivisions

Subdivisions are required to:

1. Meet the performance criteria listed in Table 1 and the objectives of this Chapter, and
2. Be designed in accordance with the Northern Rivers Local Government Development and Design Manual.

This chapter does not apply to:

- Subdivision for residential purposes where the total land area is less than 2500 m²
- Subdivision where no additional lots are created
- Strata subdivision
- Subdivision where no road works or drainage works are required

The guidelines for water sensitive design can be found on Council's website www.lismore.nsw.gov.au Chapter 22 - Water Sensitive Design of the Lismore Development Control Plan.

Koala Plan of Management

A Comprehensive Koala Plan of Management is a plan that:

- details the scientific research which identifies where koalas are known or likely to occur;
- contains specific objectives and actions for managing koala habitat, the threats to koalas, koala health and welfare as well ongoing monitoring;
- contains policies and planning provisions which govern how Development Applications and rezoning proposals are assessed.

Land to Which SEPP 44 Applies

Does the application relate to land that has an area of more than 1 hectare, or has, together with any adjoining land in the same ownership, an area of more than 1 hectare, and is within a local government area identified in SEPP44.

What is the purpose of a Koala Plan of Management?

The purpose of a Koala Plan of Management is to provide Local Government with a strategic and consistent approach to:

- managing threats to koalas and their habitats
- conserving koalas natural habitat by incorporating koala conservation and management into local government planning processes
- the processing of development applications and rezoning proposals

What area is affected by the Koala Plan of Management?

The study area of the Koala Plan of Management is the south eastern portion of the Lismore Local Government Area (LGA). The study area is bounded by the Wilsons River in the north and west and the border with Byron Shire in the east. In the south, the boundary follows Devlin Lane, Paff Lane, Maxwell Lane, along the drainage canal to the south of Tuckean Lane and along the southern boundary of Tuckean Nature Reserve

The area covered by the Koala Plan of Management covers 20,633 ha which equates to approximately 16% of the LGA. Less than 1,000 ha of the koala study area is covered by native vegetation identified as preferred koala habitat, representing 4.8% of the study area.

A copy of the Draft Koala Plan of Management can be downloaded from Council's website www.lismore.nsw.gov.au

Flora and Fauna Impact Assessment

A preliminary assessment of the site is required if it is established that the proposed development and/or works has potential to affect native flora, fauna and existing wildlife corridors. Requirements for preliminary assessments are specified in Section 5.0 of Council's Preliminary Flora and Fauna Assessments and Environmental Management Guidelines which can be access on Council's website www.lismore.nsw.gov.au

If the results of the preliminary assessments identifies of any of the following an assessment of significant must be undertaken in accordance with the Threatened Species Conservation Act 1995:

- Threatened species
- Endangered populations
- Endangered ecological communities
- A key threatening processes and
- Critical habitat of endangered species

After a preliminary assessment has been conducted an Environmental Management Plan should be considered (refer to Section 5.3 of Council's Preliminary Flora and Fauna Assessments and Environmental Management Guidelines

Contaminated Land Management

Under *State Environmental Planning Policy No.55 Remediation of Land (SEPP 55)*, the Council must not consent to the development of land unless it has considered certain land contamination and remediation issues. An applicant must provide certain information in the form of land contamination reports to enable the Council to carry out its consideration. There are 5 types of land contamination reports that may be required as part of an application:

Initial site investigation report

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

Some applications may only need to be accompanied by an initial site investigation report whilst others may require a number of reports. All reports except the initial site investigation report must be prepared by a suitably qualified consultant. An initial site investigation report may form part of the Statement of Environmental Effects. The type of report to be submitted and its details will depend on the proposed development, the current and previous use of the land on which the development is proposed, and the location of that land.

Contamination is a concentration of any substance that presents a risk to human health or the environment.

- a) Are you aware of any contamination of the site, or land near the site, no matter when and no matter who caused that contamination? or

- b) Has the site ever been used for any activity which may have resulted in the contamination of the site, or land near the site?
- c) Do you know if the site or land near to a site has been used for any of the following activities at any time?

- | | |
|--|--|
| <ul style="list-style-type: none"> • Acid/alkali plant and formulation • Landfill sites • Agricultural/horticultural activities • Metal treatment • Airports • Mining and extractive industries • Asbestos production and disposal • Oil production and storage • Boatyards • Paint formulation and manufacture • Chemical manufacture and formulation • Panel beating • Council works depot • Pesticide manufacture and formulation • Defence works • Power stations • Drum re-conditioning works • Railway yards | <ul style="list-style-type: none"> • Dry cleaning establishments • Scrap yards • Electrical manufacturing (transformers) • Service stations • Electroplating and heat • Sheep and cattle dips • treatment premises • Smelting and refining • Engine works • Spray painting substations (electrical) • Explosives industry • Tanning and associated trades • Funeral Parlours • Waste storage and treatment • Gas works • Water or sewage plant or depot • Iron and steel works • Wood preservation |
|--|--|

- d) Do you know if the site or land near the site has ever been remediated or investigated for contamination?

An applicant must submit a preliminary investigation report (2 hard copies) if the answer to any of the above questions is 'yes'. See relevant development control plan for details of preliminary investigation and possible subsequent steps.

Please note that as part of the assessment process, Council will review its records held of any contamination history of the subject site or likely risks, and may require further information in accordance with Council's DCP to enable proper assessment of the application to satisfy the statutory provisions of SEPP 55 and relevant planning controls.

SEPP 1 Objection

A SEPP 1 objection must be provided for all applications that propose non-compliance with a development standard (in an Environmental Planning Instrument, i.e.: GPSO, IDO 122, LEP 22 or SEPP) The SEPP 1 objection must include the following information:

- Identify the development standard (GPSO, IDO or LEP etc.);
- Identify the objectives of the standard;
- Establish how each objective will be met if the standard is varied;
- Establish how non-compliance with the standard is still consistent with the aims of the policy; and
- Demonstrate why compliance with the standard is unreasonable and unnecessary.

Crime and Safety Report

A report is required demonstrating that the proposal has been designed following consideration of the 'Crime Prevention through Environmental Design' strategies relating to surveillance, access control, territorial reinforcement, space management.

Privacy, Views and Overshadowing.

This issue must be addressed in all proposals. You must consider the privacy, view and overshadowing impact on neighbouring properties by addressing the following issues.

Visual Privacy

Window placement relative to adjacent dwellings and common areas; and Views between living areas and the private yards of other dwellings.

Acoustic Privacy

Separation of roads, driveways and parking areas from bedroom and living room windows; and Noise transmission between buildings.

Overshadowing

Provide shadow diagrams if your proposal is over 1 storey; and Consider shadows from adjoining buildings as well as the proposed development.

Shadow Diagrams

The following provides a general guide to allow the applicant to determine when Council will require the submission of shadow diagrams with a development application.

For building work that is located 900mm or greater from a boundary of land zoned residential (not including a boundary to a road), a shadow diagram will be required for any new building work where any point of that building work has a building height of greater than 3.8m above natural ground level and is within a distance of the boundary that equals the sum of:

- 900mm and
- a distance that is equal to one-quarter of the additional building height above 3.8m.

For building work that is located within 900mm of a boundary of land zoned residential (not including a boundary to a road), a shadow diagram will be required for any new building work where any point of that building work has a building height of greater than 2.0m above natural ground level and is within a distance that is equal to one-half of the additional building height above 2.0m.

Note: Council will reserve the right to request shadow diagrams where it considers that other factors such as lot size, orientation, slope of site, adjoining buildings or land use issues create the potential for adverse overshadowing. Where the applicant considers that there are similar factors that may warrant a shadow diagram not being provided, this can be determined through discussion with Council's planning officers prior to the lodgement of the Development Application.

Requirements

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

- north point (true solar north)
- scale (show ratio and bar scale)
- date, plan number, amendment number and date
- author
- position of existing and proposed buildings on the site
- position of buildings on adjoining land
- horizontal and vertical impact of shadows cast at equinoxes and winter solstice: for 9am, 12noon and 3pm (show altitude and azimuth angles)
- if proposal is replacing an existing building, show change in shadows from existing to proposed development

- indicate the location and nature of existing and/or proposed fencing, with the shadows projected
- appropriate allowance for the topography

Roads Act Approvals

Generally, if you are proposed any work within an existing road reserve an application to undertake these works will be required pursuant to Section 138 of the Roads Act, 1993. If you are proposed to construct a driveway a separate application form applies.

Where a development is opening a road or footpath for the laying of services such as water, power or sewerage, you will need to provide details of the service type.

Restoration works must be completed in accordance with Council's standards.

Bush Fire Prone Land

All developments on bushfire prone land are assessed in accordance with the NSW Government document titled "Planning for Bushfire Protection" available from www.rfs.nsw.gov.au. Development applications for new dwellings or residential additions on bushfire prone land should be accompanied by a bushfire consultant's report or a completed document titled "Guidelines for Single Dwelling Development Applications" which is available from the RFS website. This assessment will determine appropriate standards for distances to vegetation (called asset protection zones) construction standards, on site water storage and pump plus a variety of other matters.

A bushfire risk assessment should be in writing and include the following:

- (a) A description (including the address) of the property on which the development the subject of the application is to be carried out;
- (b) A classification of the vegetation on and surrounding the property (out to a distance of 140 metres from the boundaries of the property) in accordance with the system for classification of vegetation contained in *Planning for Bushfire Protection*;
- (c) An assessment of the slope of the land on and surrounding the property (out to a distance of 100 metres from the boundaries of the property);
- (d) Identification of any significant environmental features on the property;
- (e) The details of any threatened species, population or ecological community identified under the *Threatened Species Conservation Act 1995* that is known to the applicant to exist on the property;
- (f) The details and location of any Aboriginal relic (being a relic within the meaning of the *National Parks and Wildlife Act 1974*) or Aboriginal place (within the meaning of that Act) that is known to the applicant to be situated on the property;
- (g) A bush fire assessment for the proposed development (including the methodology used in the assessment) that addresses the following matters:
 - (i) The extent to which the development is to provide for setbacks, including asset protection zones;
 - (ii) The siting and adequacy of water supplies for fire fighting;
 - (iii) The capacity of public roads in the vicinity to handle increased volumes of traffic in the event of a bush fire emergency;
 - (iv) Whether or not public roads in the vicinity that link with the fire trail network have two-way access;
 - (v) The adequacy of arrangements for access to and egress from the development site for the purposes of an emergency response;
 - (vi) The adequacy of bush fire maintenance plans and fire emergency procedures for the development site;
 - (vii) The construction standards to be used for building elements in the development; and
 - (viii) The adequacy of sprinkler systems and other fire protection measures to be incorporated into the development.

- (h) An assessment of the extent to which the proposed development conforms with or deviates from the specifications set out in Chapter 4 (Bushfire provisions-development stage) of *Planning for Bushfire Protection*.

To help in the preparation of the bushfire risk assessments required by the NSW Rural Fire Service or a suitably qualified consultant.

Heritage Impact Statement

This guide provides information about preparing a statement of heritage impact. The guide is intended for use by people who are proposing to carry out development that may impact in either a negative or a positive way on a heritage item, a heritage conservation area, an archaeological site or a potential archaeological site. The guide is also intended for use in the case of development involving proposed items, areas, archaeological sites and potential archaeological sites.

Heritage items are listed in the Lismore Local Environmental Plan 2000. They include buildings, works, structures, relics, places, landscape features, and trees. An item may have historic, scientific, cultural, social, archaeological, architectural, natural or aesthetic significance.

Heritage conservation areas are shown on the map that forms part of Lismore City Council Local Environmental Plan 2000.

An archaeological site may be a site that has Aboriginal heritage significance or a site that has non-Aboriginal heritage significance. A potential archaeological site may be a site that is reasonably likely to have Aboriginal heritage significance or non-Aboriginal heritage significance. The NSW National Parks and Wildlife Service maintains a register of Aboriginal places and relics.

Proposed items, areas, archaeological sites and potential archaeological sites (referred to in this guide as draft items, areas and sites) are listed in exhibited draft environmental planning instruments, which include draft local environmental plans.

This guide may be used in conjunction with the document titled *Statements of Heritage Impact* published by the NSW Heritage Office

What is a statement of heritage impact?

A statement of heritage impact is a concise report that:

- describes the significance of an item, area or site;
- identifies the impact of a development proposal on that significance;
- describes how the proposal will minimise negative impacts;
- describes alternative development options that were considered before the preferred option was chosen and why those alternatives were discounted.

A statement of heritage impact may form part of, or be submitted with, a statement of environmental effects.

Why is a statement of heritage impact required?

Under the heritage provisions of Lismore City Council's Local Environmental Plan 2000, the Council cannot grant consent to a development application involving certain development for a heritage item or certain development in a heritage conservation area without considering how the development would affect the heritage significance of the item or the area.

A statement of heritage impact provides information that is used to assist the Council with its assessment and determination of these development applications.

Where a development application involves a draft item, area or site listed in an exhibited draft LEP, the Council is required under section 79C of the *Environmental Planning and Assessment Act 1979* to consider the draft LEP as part of the application's assessment. A statement of heritage impact will be required to assist with this assessment.

Note: In addition to a statement of heritage impact, the Council may require a conservation management plan to be submitted with an application involving a heritage item or a building, work, relic or place within a heritage conservation area.

When is a statement of heritage impact required?

A statement of heritage impact must be submitted with the lodgement of a development application that seeks consent for the types of development listed below.

For a heritage item:

- demolish or alter the building or work, or
- damage or move the relic, or excavate for the purpose of exposing the relic, or
- damage or despoil the place, or
- damage or move the tree, or
- erect a building on the land that comprises the place, or
- subdivide the land on which the building, work, relic or tree is situated or that comprises the place, or
- damage any tree on land on which the building, work or relic is situated or on the land which comprises the place.

For a heritage conservation area:

- demolish or alter a building or work within the area, or
- damage or move a relic, or excavate for the purpose of exposing or removing a relic, with the area, or
- damage or despoil a place within the area, or
- erect a building on or subdivide land within the area.

For development of land in the vicinity of a heritage item or a heritage conservation

Area:

- totally demolish a building or work on the land, or
- substantially demolish a building or work on the land (50% or more of a building or work's fabric), or
- damage or move a tree on the land, or
- alter a building or work on the land, or
- erect a building or structure on the land.

Note: For development of land in the vicinity of a heritage item or a heritage conservation area, Council may require the preparation of a statement of environmental heritage depending on the nature of the development proposed and its potential impact on the heritage item or a heritage conservation area.

Generally, land within the vicinity of a heritage item and a heritage conservation area is land that abuts or is opposite the item or area. However, the Council may require a statement of heritage impact for land that is located beyond a common boundary with an item or area.

If your development will be located on land within the vicinity of a heritage item and a heritage conservation area, please consult with Council's Development and Compliance section to determine whether a statement of heritage impact is required.

For a known or potential archaeological site:

- excavate or disturb the ground, or
- erect a building or structure on the site.

For a draft heritage item or a draft heritage conservation area

Draft items and areas are listed in exhibited draft local environmental plans. When the draft LEP is gazetted the items and areas gain full status.

When the Council assesses a development application it is required to consider all exhibited draft LEPs that apply to the application site. A statement of heritage impact is required for a development application that involves a draft item and area. The statement will be required for those works listed above for heritage items and heritage conservation areas.

Notes:

1. The Lismore City Council's LEP 2000 contains a definition for the term demolition.
2. Demolition includes total and partial demolition.
3. A statement of heritage impact will be required for all types of demolition in the case of a heritage item and a building in a heritage conservation area.

Timing the preparation of a statement of heritage impact

The impact of a proposal on heritage significance should be taken into account at the beginning of the design process when options are being considered. Hence, elements of a statement's preparation should commence at this time.

Applicants may also find it beneficial to commence aspects of the statement in-conjunction with a site analysis plan.

Who should prepare a statement of heritage impact?

Depending on the nature of the development proposal, statements of heritage impact may be written by a range of people with different skills and experience.

For a heritage item, a draft heritage item, and a known or potential archaeological site -

A qualified and experienced heritage consultant. A list of appropriate consultants is available at the Heritage Office Website: www.heritage.nsw.gov.au

For a heritage conservation area and a draft heritage conservation area - a suitably qualified and experienced person in the building design industry, or a qualified and experienced heritage consultant. Where issues of structural condition or fabric condition are raised to substantiate demolition, the statement of heritage impact must include written documentation from a qualified and appropriately experienced structural engineer. This will include a structural engineer who has experience with heritage items.

A statement relating to the removal of, or works to, a tree must include written documentation from a qualified and experienced arborist.

If a statement is considered to be inadequate following assessment, the Council may seek a new statement or a revised statement with additional information.

Content of a statement of heritage impact

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

The minimum information that must be provided in a statement of heritage impact for certain types of development is listed in the following tables.

In the case of applications involving known or potential archaeological sites, an archaeological assessment report is required. This report includes an assessment of heritage significance and a

heritage impact assessment. Refer to the Local Government Heritage Guidelines (2002) published by the NSW Heritage Office for information contained in an archaeological assessment report.

In addition to the material listed in the following tables, the statement of heritage impact must include the following:

- name of the author and his/her qualifications and experience;
- signature of the author on each numbered page;
- reference to the development application plan numbers and dates;
- date of the final statement.

The source of all information used in the statement, particularly archival and historical information, must be provided in the statement.

Where the development proposal does not fit one of the listed development types, applicants should consult with one of the Council's development assessment planners.

Sediment Control Form

Sediment Control is required on all building sites to minimise the impact of the development upon the environment.

Council has a commitment to the protection of our natural environment by ensuring development activities are conducted in a responsible manner. All developments involving site disturbance, excavation or filling must incorporate suitable sediment and erosion control measures appropriate to the site. All sediment & erosion control measures must be installed prior to any excavation or earthmoving works taking place on-site and be maintained in a functional condition throughout the course of the construction until such time as the site is satisfactorily landscaped. It is recommended that sediment & erosion control measures be incorporated into a site management plan specific to the development site so that a full understanding of site management practices and responsibilities is obtained by applicants, contractors, supervisors and certifiers.

For environmentally sensitive sites Council may require the preparation of a soil & water management as a condition of development consent. Such plans will require Council approval prior to the commencement of works on-site.

This plan will show how you will prevent erosion occurring from a construction site and sediment from washing or blowing into adjoining land or into Council's storm water drainage system. Draw the erosion and sediment control plan to the same scale as the building plans and elevations. Show the following relevant details:

- location of site boundaries and adjoining roads;
- approximate grades and indications of direction(s) of fall;
- nature and extent of earthworks, position of stockpiles;
- location of site access (stabilised access points), proposed roads and other impervious areas
- existing and proposed drainage patterns with stormwater discharge points and where applicable, the diversion of runoff from upslope lands around the disturbed areas;
- location and extent of sediment trapping devices such as sediment fences, geotextile fabric filters, stockpiles covers, sediment traps, sediment basins and grade stabilising structures;
- proposed revegetation and stabilisation areas.

Please note that there are specific requirements in Council's Development Control Plan for development that may require more information than that listed in this section of the Development Application guide. Information on sedimentation and erosion control can be found on Council's website www.lismore.nsw.gov.au

BASIX Certificate

"BASIX Certificate" The Building Sustainability Index (BASIX) is a web-based planning tool designed to assess the potential performance of residential buildings against a range of sustainability indices.

A BASIX Certificate identifies the sustainability features required to be incorporated in the building design. These features may include sustainable design elements such as recycled water, rainwater tanks, AAA-rated showerheads and taps, native landscaping, heat pump or solar water heaters, gas space heaters, roof eaves/awnings and wall/ceiling insulation.

You need a BASIX Certificate in Lismore City Council area when BASIX applies to the type of development for which you require approval. Commencement dates and details of types of development are at www.basix.nsw.gov.au.

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

Applicants can generate the BASIX Certificate only on the NSW Department of Planning' BASIX website: www.basix.nsw.gov.au For more information, phone the BASIX Help Line on 1300 650 908.

New dwellings, multi occupancy dwellings, dual occupancies, alterations and additions, new swimming pools (capacity of 40,000 litres or more) and new boarding houses, guest houses, hostels, lodging houses and backpacker accommodation under 300m², applications lodged after 1 July 2007 must be accompanied by a BASIX certificate. This certificate can only be obtained through the BASIX website www.basix.nsw.gov.au

Council cannot accept these applications without this certificate. All nominated BASIX commitments must be shown and clearly marked on all submitted plans to Council. Additional information can be found on www.basix.nsw.gov.au or by phoning the BASIX helpline on 1300 650 908.

On-Site Waste Water Management

Reticulated sewer is provided to all urban and some village areas of Lismore City Council. All other areas an on-site sewage management application form will need to be submitted with the development application for all new developments. Refer Council's On-Site Wastewater Management Strategy for more information (www.lismore.nsw.gov.au). A consultant's report will be required to accompany all new installation applications.

Notice of Works

The Plumbing and Drainage Act 2011 became effective on 1 July 2012. This means that from 1 January 2013 Fair Trading will become the state's single plumbing and drainage regulator for all on-site plumbing and drainage works. NSW Fair Trading will then be delegating inspection and enforcement powers to the regional council's currently conducting plumbing and drainage inspections.

What does this mean for plumbers and drainers in regional NSW

If you are a plumber or drainer working in regional NSW you should continue to call the local council in relation to booking inspections, paying inspection fees, submitting documents and/or enquiries.

Plumber and drainers are required to submit the following documents at certain stages of the work:

- Notice of Work is to be issued to the regulator (i.e. council) no later than two (2) business days before the work concerned is carried out;
- Certificate of compliance is to be issued to the regulator and to whom the work was carried out on completion of the final inspection;
- Sewer Service Diagram is to be issued to the regulator and the owner of the land or the owners agent.

It is important to understand that Lismore City Council does not "certify" any plumbing work. Certification of plumbing works is the responsibility of the plumber. Lismore City Council approves and administers the registration of the plumbing works, provides support services including inspections and audits and records the progress of works through to completion.

For detailed information regarding plumbing please refer to Council's website www.lismore.nsw.gov.au or Contact Council's Development Engineer on 02 6625 0500.

Essential Fire Safety Measures

Essential fire safety measures are any installations or type of construction installed in a building to ensure the safety of the occupants in the event of a fire or other emergency. These measures are required by the BCA in Class 2 to 9 buildings (i.e. any building other than single dwellings or outbuildings). Fire measures can include; fire hose reels, fire extinguishers, exit signs, emergency lighting, automatic fire detection and alarm systems, automatic fire suppression systems etc.

- a) Proposed alterations to existing building (BCA Class 2 to 9) are to be accompanied by a fire safety measures schedule listing all existing and proposed fire safety measures (including the standards of performance) to be installed within the building as a result of the proposed works.
- b) In addition to the above, if the development involves a change of use of a building (other than a dwelling-house or a building or structure that is ancillary to a dwelling-house):
 - (i) a list of Category 1 fire safety provisions (as defined in the EP and A Regulations) that currently apply to the existing building, and
 - (ii) a list of the Category 1 fire safety provisions that are to apply to the building following its change of use.

A fire safety schedule will be issued with the construction certificate for a class 2 to 9 building. The schedule will list the essential fire safety measures that are required to be installed in the building.

An applicant will also be required to gain any other approvals which were not tied to the assessment of the application under the EP & A Act e.g. approvals under the Native Vegetation Act 2003, the Food Act 2003, Roads Act 1993 and so on.

Section 7 - Lodging the Application Form and Fees

Lodging of Applications

Once you have completed the checklist and acquired all of your documentation, you must create a log in through the NSW Planning Portal. The application forms are built into this portal for the following application types:

- Development Applications
- Modification of Consent Applications
- Complying Development Certificates
- Construction Certificates
- Principal Certifier Agreement
- Occupation Certificates
- Subdivision Certificate Applications
- Subdivision Works Certificates
- Building Information Certificates.

All documents to be in digital form as PDF documents. A link to further information can be found: <https://www.lismore.nsw.gov.au/Building-planning/Development-Applications/Electronic-Lodgement-Portal#section-3>. The lodged application will be given a preliminary review by Council staff and if further information is required, the applicant will be contacted by email, telephone or through the NSW Planning Portal. A Quote/Invoice will then be issued through the NSW Planning Portal, and once paid, the application will be considered to be lodged and will be allocated to an officer, given a Development Application Number and begin processing.

Plans and Electronic Lodgement Requirements

Electronic Lodgement Requirements

Lismore City Council's Development and Governance Directorate will not accept development related applications if not accompanied with electronic copies of all supporting documents, including plans and completed applications for all Development, Section 4.55 Amendments, Construction Certificates, Applications for Approval under Section 68 or Roads Act and Section 8.2 Review applications.

When preparing electronic documents for submitting with your application please ensure your files meet the following requirements:

- **PDF File Format** - all documents, plans, and application forms must be supplied as PDF files.
- **Documents:** must be A4 formatted and optimised for minimum size (online publishing). Files larger than 4Mb should be broken up into logical parts and supplied as separate files.
- **Plans:** must be to scale and rotated to landscape.
- **Multipage documents** – multiple paged documents should be provided as a single complete document and not as single images. Multiple topics must contain bookmarks to indicate the relevant sections of the document.
- **PDF Settings** - security settings must not be applied to electronic documents, this includes passwords. Electronic documents should also be optimised for minimum size (online publishing).
- **File Names** – file naming conventions apply to all electronic documents, including plans and application forms. File names are to match the document requirements listed in the DA form checklist.
- **Accuracy** - electronic documents must be exact reproductions of the original hardcopy documents or plans.

Electronic documents lodged with Council will be available for public viewing

The introduction of the Government Information (Public Access) Act 2009, known as the GIPA Act, replaces the existing Freedom of Information Act 1989. The GIPA Act creates new rights to information that is designed to meet community expectations of more open and transparent

government. Routine and proactive release of Information will be made available on Councils website free of charge.

To protect owner's privacy, residential internal floor plans and owner consent forms should be submitted as separate files. Application forms, notification and lodgement plans for residential development should not contain internal floor layout or owner's details as this information will be released for public access.

Need more information

For more information about electronic documents requirements or have an enquiry regarding lodgement of a development related applications visit Councils website www.lismore.nsw.gov.au Alternately, you can contact Council's Customer Service Officers on 02 6625 0500.

Fees

Fees must be paid once an Invoice has been issued to formally lodge of your application.

Fees are calculated on a scale based on the estimated cost of development (or the number of lots in the case of subdivision). A schedule of fees (for development and construction certificate applications) can be obtained from our Customer Service Centre or from our web site at www.lismore.nsw.gov.au

Payment options:

- *Council's website:* Secure Pay
- *Credit Card:* All major cards accepted
- *Cheque:* Make cheques payable to 'Lismore City Council'
- *Cash:* For applications lodged in person, you can pay cash between 8:30am and 4:00pm.

Council will formally acknowledge by letter that we have received your payment.

Long Service Levy

The NSW Government has placed a levy on all building and construction work in NSW. The levy is payable on work costing over \$250,000. Fees can be paid direct to the Long Service Levy Corporation or to Lismore City Council who acts as an agent for the corporation. Owner/Builders and non-profit organization may seek an exemption of up to 50% of the levy payable. For further information call 13 14 41.

Home Building Act

The Home Building Act is administered by the NSW Department of Fair Trading. For residential building work valued at \$20,000 or more carried out by a licensed builder the PCA may only release the construction certificate after a Home Owners Warranty Insurance Certificate is submitted. For residential building work valued at \$5,000 or more carried out by an owner builder the construction certificate may only be released after a copy of the Owner Builder Permit is submitted. Where owner builder work is valued at \$20,000 or more a course must be completed. For further information call 133 220 or check out the Department of Fair Trading web site on www.fairtrading.nsw.gov.au for owner builder applications and other information.

Section 8 - Exhibition and Consultation

After your DA is lodged at the front counter, most DA's are then referred tot other parties for comment. Consultation may occur with:

- neighbours and the broader community;
- other business units of Council providing specialists input on engineering, drainage, landscape and other issues;
- if relevant, state government agencies which may have a responsibility to provide advice, concur with the approval of the DA or issues a permit or licence.

Notifying Development Applications

Seeking the community's views on development applications is one of the cornerstones of the planning process and necessary for the consideration of Section 4.15(1)(d) of the EP & A Act.

As soon as practicable after the DA is "accepted", the proposal may be notified in accordance with Regulations, Act or any relevant Council's Development Control Plan.

Public Submissions

Submissions made to a proposed development are reviewed by the assessing officer dealing with the application who may require consultation with other professionals within Council or even the government agencies concerning issues raised.

The content of any submissions, together with any input from referral of the applications to government agencies may be referred to the applicant to respond to as relevant.

These submissions, and any response from the applicant, are then considered during the next stage of the process where the assessing officer and assess and negotiate to achieve better quality development outcomes and/or safeguard concerns or manage issues through placing appropriate conditions on any consent granted.

Requests for Additional Information

The information required to assess an application can vary considerably based on the nature of the proposal or its location.

If a DA does not contain sufficient or adequate information to enable its assessment, the application may be rejected at the Development Review Panel and returned to the applicant with a letter of explanation or additional information may be requested. If additional information is requested, the letter will outline what information is needed and the timeframes for re-lodgement.

Making Enquiries

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

Please do not telephone until at least 2 weeks after commencement of the notification period.

When calling, you can assist us by quoting the development application number and the name of the assessment officer referred to in your application acknowledgement letter.

Alternatively you can view the progress of your Development Application by accessing Council's online Development Tracking System at www.lismore.nsw.gov.au.

Section 9 - Assessment and Determination of Applications

Once your application has been lodged Council Officers will assess it. Complying Development Certificate Applications once accepted by Council will be processed within ten days.

Generally local development applications assessed by Statutory Planning Department are determined on average within 40 days, however delays can be experienced where supporting material is not fully provided, the matter is complex and has generated significant public interest or submissions, or where other authorities are required to comment. Further information may also be required following a site inspection. Where necessary, a referral may be sent to state government authorities for their comments.

Assessment Report of the Consent Authority

The Council assessment officers will complete an assessment report detailing the assessment of the application with a recommendation to either:

- grant consent to the development;
- grant consent subject to the conditions; or
- refuse the development.

This report provides assessment of the DA under Section 4.15 of the EP & A Act.

Conditions of Consent

Conditions of consent are considered as part of the assessment stage as they are a key vehicle used to control or mitigate the impacts of development. Conditions of consent can be used to control, manage and safeguard the impacts of the development; modify the design of the development to address an issue; or stipulate processes to be carried out at the construction stage and/or occupation.

The consent and the conditions form a legally binding document which can be applied to reflect the clear stages of the development process.

There are certain types of conditions that have emerged from Regulation or Best Practice to address different aspects of the development and construction process:

- General and Performance Based Conditions;
- Performance Based Conditions;
- Deferred Commencement Conditions;
- Conditions to meet Government Agency Requirements (Integrated development or concurrence from state agencies);
- Conditions concerning Financial Security;
- Reviewable Conditions.

Notice of Determination

On completion of the assessment, most determinations are issued under delegated authority.

The development consent is conditional and these conditions must be met during the construction life of the project and/or as required.

The Development Consent DOES NOT authorise construction work. A separate Construction Certificate must also have been issued prior to commencing any building or subdivision works.

If a development consent has been applied for separately to the construction certificate, the construction certificate application will generally take on average 7-21 days to determine.

Section 7.11 Contributions

Your Notice of Determination may include a reference or requirement for Section 7.11 Developer Contributions to be paid. These are conditions requiring a payment towards the capital cost of providing community facilities such as open space, car parking, etc.

Section 7.11 Contributions are determined in accordance with Council's Contributions Plan. The plan sets out the circumstances in which a contribution is charged, the formulae for calculating them and the program of works on which the funds will be spent. You can view the Contributions Plan on Council's website at www.lismore.nsw.gov.au. All Section 7.11 contributions are paid into a special account and they cannot be used for any other purpose.

Notice of Requirements – Water and Sewer Infrastructure

If your development requires augmentation of Council's sewer and water infrastructure, Council will issue a Notice of Requirements with any Development Consent detailing any water/sewer works required in relation to the development, and any Section 64 contributions payable for the development. The Construction Certificate plans must include details of the works referred to in this Notice of Requirements and any payments made at the appropriate time. Prior to issuing any Occupation Certificate for the development, a Compliance Certificate is required to be obtained from Council to demonstrate that the matters contained in the Notice of Requirements have been satisfied.

Amending Plans

Plans can change during the construction or assessment process – ideas shown on paper are often hard to imagine in three dimensional reality. To change the plans, or a condition on the development consent, you need to lodge an application to amend/modify the development consent and submit details in support of the proposed changes. This application is required BEFORE any construction changes.

Amended applications generally follow the same process as the original development application. Where the amendment changes any of the external structure then it may be re-notified to neighbours. Fees are payable if re-notification is required, and depending on the changes proposed, a new construction certificate may also be required.

Review of Appeal Rights (8.2 Review)

If an application is refused by Council, an applicant can request the Council to review its decision (under Section 8.2 of the Act) but not if the decision relates to a development application for designated development or for integrated development.

In requesting a review of a determination, the applicant can submit amended plans or supporting detail as long as the council is satisfied that the amended application is substantially the same.

An applicant who is dissatisfied with a decision of a consent authority regarding the determination of the development application (including the imposition of conditions), or if an application has not been determined in the deemed refusal period, can appeal to the Land and Environment Court, pursuant to Section 8.7 and 8.10 of the EP & A Act, within 6 months of receiving notice of the decision.

In the case of designated development, the consent only becomes effective 28 days after the date endorsed on the notice of determination to reflect the third party appeal provision under Section 8.12 of the EP & A Act.

Lapsing of a Consent

Section 95 of the Act provides that a development consent lapses five (5) years after the date from which it operates unless building, engineering or construction work has physically commenced.

Consent authorities have the discretion to reduce the lapsing period of most of the consents it deals with to a minimum of two (2) years.

The applicant can apply to the consent authority in writing for a 12 month extension to the lapsing period, if a consent has been limited by the consent authority to run for a period of less than five (5) years. A development approval can only be extended once.

Modifications of Consent (previously Section 96)

Section 4.55 of the EP & A Act allows an applicant to modify a development consent that has been granted without the need for a new consent to be issued. An application to modify the consent is normally made to whoever issued the consent.

There are three (3) types of modification applications that can be made:

- a modification to correct an error or mis-description under Section 4.55(1);
- a minor modification under Section 4.55(1A); or
- an application under Section 4.55(2) for other modifications.

Only the applicant or owner (or someone authorised by the owner) can modify a development consent.

Withdrawing or Surrendering an Application

Only the applicant can withdraw an application prior to the determination being made. Where this is the case and depending on the level of assessment undertaken, some of the fees may be refunded. Requests to withdraw an application must be made in writing by the applicant. Applications can also be surrendered by the applicant after the determination; for example, if the development may no longer be proceeding. Requests to surrender a consent must be made in writing and the letter of surrender must contain the following information:

- Name and address of the person by whom the notice is given;
- The address, and formal particulars of title, of the land to which the consent relates to;
- The description of the development consent to be surrendered (including development application number);
- Particulars of the consent which is to be surrendered;
- If the applicant is not the owner of the land, a statement signed by the owner of the land to the effect that the owner consents to the surrender of the consent.

Section 10 – Post Development Approval

Construction Certificate

A Construction Certificate is required after a development consent is issued and before any building or subdivision work is carried out. Construction Certificate applications need to address certain statutory requirements, and a form and checklist for relevant information is available on Council's website. **Remember however, construction cannot commence without the construction certificate.**

“Building work” means any physical activity including site preparation such as excavation, removing trees or the erection of a building including any alterations and additions.

“Subdivision work” means any physical activity authorised to be carried out under the conditions of a development consent for the subdivision of land, and appropriate subdivision work plans and specifications required include the following:

- (a) details of the existing and proposed subdivision pattern (including the number of lots and the location of roads),
- (b) details as to which public authorities have been consulted with as to the provision of utility services to the land concerned,
- (c) detailed engineering plans as to the following matters:
 - (i) earthworks,
 - (ii) roadworks,
 - (iii) road pavement,
 - (iv) road furnishings,
 - (v) stormwater drainage,
 - (vi) water supply works,
 - (vii) sewerage works,
 - (viii) landscaping works,
 - (ix) erosion control works,
- (d) copies of any compliance certificates to be relied on.

The plans and specification submitted with a construction certificate application must contain sufficient information to ensure the works comply with the relevant standards and are consistent with the terms of the development consent. Construction Industry Long Service levy payments, Home Owner's Warranty Insurance, Owner Builders Permit, and any Section 7.11 or Section 64 contributions where required, must be paid prior to the issue of the construction certificate.

Construction certificates can be issued either by Council or an accredited private certifier as selected by the applicant. Construction Certificates are valid for the life of the development consent.

Geotechnical and Hydrogeological reports

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

This would generally apply to works that:

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

A report will also be required where a development is proposed over uncontrolled, unstable or unknown fill.

Appointment of Principal Certifying Authority (PCA)

The role of the PCA is to ensure the development is carried out in accordance with the approved plans, specifications, any conditions listed in the development consent or complying development certificate and certify the development has been built in accordance with the Building Code of Australia and any other relevant standards.

It is the owners responsibility to appoint a PCA. This can be Council or an accredited private certifier (except in the case of subdivision works, where Council may only be nominated as the PCA). You must nominate your PCA on the appropriate Principal Certifier Contract and lodge it through the NSW Planning Portal. If you nominate Council as your PCA, a PCA Contract will need to be entered into. Inspections require a minimum 48 hours notice and rural inspections are only undertaken on Tuesdays and Thursdays. Inspections can be booked by ringing our customer service staff on 02 6625 0500 and quoting the Development Application number. Results are issued at the time of inspection.

Please note: the property owner must nominate who will be the PCA.

Occupation Certificate

An occupation certificate, issued under the EP & A Act allows a person to occupy and use a new building or change the use of an existing building.

If you require a Part Occupation Certificate you will need to lodge the application through the NSW Planning Portal. This will need to be lodged with Council prior to an occupation inspection being booked.

An occupation certificate verifies that the principal certifying authority is satisfied that the building is suitable to occupy or use in terms of the requirements of the Building Code of Australia (BCA) and any consent or approval that has been granted.

Appendix 1

Requirements for Statement of Environmental Effects

3.1 – Description of Development

Description of proposed buildings, proposed building materials, nominated colour scheme, nature of use, staging of the development details of any demolition and other works etc.

3.2 – Description of Site

Description of the physical features such as shape, slope, vegetation, any waterways. Also describe the current use/s on the site.

3.3 – Planning Controls

This is a statement addressing all relevant sections/parts/clauses (etc.) of any relevant Environmental Planning Instrument, Development Control Plan, policy or guideline. Section 1 of the Development Application Guide contains details on how to obtain copies of these documents and further information. Documents that you may need to reference include:

- Lismore City Council Local Environmental Plan (LEP) 2000
- Draft Lismore Local Environmental Plan (LEP) 2010
- Lismore City Council Development Control Plan (DCP) 2007
- Any relevant State Environmental Planning Policies (SEPPS)
- Other relevant Council policies/guidelines

The statement must address on each relevant provision including whether the development complies or does not comply with that provision.

3.4 - Site suitability

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

- property dimensions/contours/slope;
- existing development;
- site constraints such as slope, flooding, geotechnical and groundwater issues and land contamination (see also below in present and previous uses);
- natural hazards affecting the site (*i.e. bush fire prone, flooding, subsidence, slip*);
- heritage matters - significance of items, landscapes, areas, places or relics and practices;
- natural features including native vegetation, fauna habitat, land formations, rivers and streams,
- existing services, easements, rights of way;
- proximity to transport services, shops, community and recreational facilities;
- compatibility with adjoining development;
- compatibility with visual setting (foreshore, streetscape, etc);
- local planning objectives (check with an assessment officer for your area);
- age and condition of buildings;
- business hours, no. of employees etc (*industrial/commercial/change of use/home business development*);
- safety, security and crime prevention issues.

3.5 - Present and previous uses

Provide the following details:

- present use of the site;
- date that present use commenced (if known);
- previous uses of the site (if known);
- present uses of adjoining land;

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

3.6 - Operation and management

Describe how the establishment will operate:

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

3.7 – Social Impact

Show how the proposal addresses social impacts by considering the following where relevant:

- Increase or reduction in the number of people on the site;
- Disadvantages or benefits to particular social groups;
- Impact on employment opportunities in the locality;
- Impact on housing stock in the locality, particularly low-rental housing, the choice of housing available or the social mix of residents in the area;
- Impact on existing community meeting places and demand for community facilities or services in the locality;
- Need for support services for certain groups including accessibility to required facilities for people with a disability;
- Impact on community identity and potential to dislocate social or cultural networks;
- Impact on public safety and security;
- Impact on public places or open spaces.

Note: In cases where the social impact is likely to be significant, a Social Impact statement prepared by a suitably qualified professional may be required. This would be the case for major projects which change the existing urban context, involve an increased risk to public safety or are likely to threaten the existing sense of community identity and cohesiveness (e.g. a major new public transport facility, a large retail complex, a large housing project or a hospital or other major institution).

3.8 – Economic Impacts

Will the proposal have any economic consequences in the area?

3.9 - Pedestrian and vehicle movements

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

- accessibility for vehicles, pedestrians, bicycles and disabled persons. resident, staff, customer, client and visitor parking arrangements;
- traffic generation/movements;
- pedestrian amenity (paving, seats, weather protection, security lighting);
- proposed bicycle facilities (racks, lockers, showers);
- existing public transport services;
- parking calculations;

- will there be any conflicts between vehicles, pedestrians and cyclists? (describe proposed traffic management measures);
- off street loading (*industrial/commercial development*);
- for major traffic-generating proposals, attach a **Traffic Impact Assessment Report** prepared by a qualified transport/traffic consultant.

3.10 - Privacy, views and overshadowing

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

Visual privacy:

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

Acoustic privacy:

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

Views:

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

Overshadowing:

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

3.11 - Air and noise

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

Air

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

Noise

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

3.12 - Soil and water

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

Stormwater:

- Stormwater Drainage – Where will the new development drain to? Is the drainage system in accordance with Councils requirements concerning on site detention? Are rainwater tanks proposed? Will stormwater runoff from the site adversely affect other properties?
- Water Sensitive Landscaping – Have measures been provided to maximise infiltration and minimise stormwater runoff? (e.g. swales, ponds, porous pavements, rainwater tanks, etc).
- Easements – Where an easement is utilised or proposed to drain water from the site, provide proof of registration of inter-allotment drainage easements across downstream properties.
- Flooding – Have all potential flood or overland risks been considered in the design of the development? Is the proposed development adequately protected from inundation during large storm events? What design measures have been implemented to ensure this? Will the development impact on the flooding of adjoining properties? A flood study may be required to ensure the appropriateness of flood protection.

Wastewater:

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

Soil erosion control:

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

3.13 - Energy efficiency

Where BASIX applies, a BASIX Certificate must be submitted with the DA. In other cases show how the proposal promotes energy efficiency by using the following measures where possible:

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

3.14 - Waste

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

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

3.15 - Fire safety and other building upgrades

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

Note: Clause 93 applies to a development application for a change of building use for an existing building where the applicant does not seek the rebuilding, alteration, enlargement or extension of a building.

Note: Clause 94 may apply to a development application for development involving the rebuilding, alteration, enlargement or extension of an existing building (refer to 94 of the Environmental Planning and Assessment Regulation 2000 for clarification).

Note: The Building Professionals Board, through the Department of Planning, provides a list of accredited certifiers - www.bpb.nsw.gov.au. The Australian Institute of Building Surveyors also maintains a list of qualified building surveyors – www.aibs.com.au.

3.16 - Demolition management

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

3.17 – Landscaping

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

3.18 - Conclusion including justification for undertaking the development taking into consideration:

- a) any proposed steps to avoid, minimise or manage any adverse impacts on the environment or to improve environmental outcomes;
- b) relevant sustainability principles.

Concurrences and Referrals under SEPP's

Trigger	N	Y	Action
Natural Environmental			
Coastal Wetlands (SEPP14) Does the application propose to carry out restoration works on land identified as a coastal wetland? A copy of the wetlands maps are available for viewing at the Department of Planning	N ↓	Y ⇒	A 'restoration plan' is to be prepared and submitted. Guidelines for preparation of a restoration plan can be obtained by searching www.planning.nsw.gov.au
Koala Habitat (SEPP14) Does the application relate to land that has an area of more than 1 hectare, or has, together with any adjoining land in the same ownership, an area of more than 1 hectare; and is within a local government area identified in SEPP44? A copy of SEPP44 can be obtained by searching www.planning.nsw.gov.au	N ↓	Y ⇒	An assessment of whether the land is potential or core koala habitat is to be submitted with the Statement of Environmental Effects, prepared in accordance with the SEPP 44 guidelines, which can be obtained by searching www.planning.nsw.gov.au
Infrastructure SEPP and Major Projects SEPP			
a) General Are you a public authority or are you acting on behalf of a public authority?	N ↓	Y ⇒	An applicant is to have regard to Clause 16 of SEPP Infrastructure
b) General Is the application proposed on state land?	N ↓	Y ⇒	An applicant is to have regard to Clause 18 and clause 57(3) of SEPP Infrastructure
c) Rail Corridors and Level Crossings Does the application affect a level crossing of a railway line (directly or by the introduction of increased vehicle movements), or propose ground penetrations greater than 2m on land within 25m of a rail corridor?	N ↓	Y ⇒	An applicant should discuss any potential effects and identify what measures are proposed, or could reasonably be taken, to avoid or minimise those potential effects. The relevant authority will review the potential effects of the development (whether alone or cumulatively with other development or proposed development) and take into effect the safety or structural integrity of existing or proposed rail infrastructure facilities in the rail corridor and the safe and effective operation of existing or proposed rail infrastructure facilities in the rail corridor.
d) Rail Corridors and Level Crossings Does the application propose development located within "Zone A" or "Zone B" of the rail corridors map and meets the criteria in Subdivision 2 of the SEPP? The Rail Corridor Maps can be viewed on the Railcorp website – www.railcorp.info .	N ↓	Y ⇒	The applicant should identify and provide information showing nature of works, excavations or height of buildings.

<p>e) Rail Corridors</p> <p>Does the application propose development on land that is in or immediately adjacent to a rail corridor and:</p> <p>(a) is likely to have an adverse effect on rail safety, or</p> <p>(b) involves the placing of a metal finish on a structure and the rail corridor concerned is used by electric trains, or</p> <p>(c) involves the use of a crane in air space above any rail corridor under Subdivision 2 of the SEPP?</p> <p>The Rail Corridor Maps can be viewed on the Railcorp website – www.railcorp.info</p>	<p>N</p> <p>↓</p>	<p>Y</p> <p>⇒</p>	<p>The applicant should identify the rail corridor in relation to any of the works listed.</p>
<p>f) RMS Classified Roads</p> <p>Does the application propose development on land that is "reserved" for the purpose of a "Classified Road" under the SEPP?</p> <p>Classified roads are listed on www.rta.nsw.gov.au/doingbusinesswithus</p>	<p>N</p> <p>↓</p>	<p>Y</p> <p>⇒</p>	<p>Applicant to provide costs of any part(s) of building located within the reserves</p>
<p>g) Traffic Generating Development</p> <p>Is the development listed in Schedule 3 of the Infrastructure SEPP? See www.planning.nsw.gov.au</p>	<p>N</p> <p>↓</p>	<p>Y</p> <p>⇒</p>	<p>Applicants to provide traffic assessment consistent with Guide to Traffic Generating Development published by the RMS.</p>
<p>h) Electricity, Transmission or Distribution Network</p> <p>Does the application propose works in proximity of an underground electricity power line; an electricity distribution pole to an electricity tower, an easement for electricity purposes; an electricity substation; an exposed overhead electricity power line; an overhead electricity transmission line, or requires the placement of power lines underground under Clause 45 of the SEPP?</p>	<p>N</p> <p>↓</p>	<p>Y</p> <p>⇒</p>	<p>The plans are to clearly identify the location of relevant infrastructure and the Statement of Environmental Effects describe the proposal in relation to the infrastructure.</p>
<p>i) Major Projects</p> <p>Is the application for a State Significant Site listed in the Major Projects SEPP and requires concurrence and referral? The Major Projects SEPP can be obtained by searching www.planning.nsw.gov.au.</p>	<p>N</p> <p>↓</p>	<p>Y</p> <p>⇒</p>	<p>The applicant is to address the specific provisions for the relevant major project site as described in Schedules 3 and 6 of SEPP Major Projects.</p>

Housing			
Housing for Seniors or People with a Disability SEPP Is the application proposing housing for seniors or people with a disability and on land identified on a bush fire prone land map?	N ↓	Y ⇒	The development proposal is to be designed consistent with the Guidelines entitled of "Planning for Bush Fire Protection". A copy of the document can be obtained by searching – www.planning.nsw.gov.au
Retaining Low Cost Rental Accommodation (SEPP 10) Does the application propose demolition, addition, alteration or strata subdivision of a boarding house or hostel or a residential flat building that contains a "low rental dwelling"?	N ↓	Y ⇒	An assessment pursuant to SEPP 10 will need to be submit with the Statement of Environmental Effects. A copy of SEPP 10 and explanatory notes and information can be obtained by searching – www.planning.nsw.gov.au
Other			
Varying a Development Standard (SEPP1) Does the application propose a variation to a development standard in an EPI	N ↓	Y ⇒	The applicant is to include a written objection consistent with the requirements of SEPP1.
Advertising and Signage (SEPP64) Does the application propose advertising or signage that: - has a display area greater than 20 square metres or is higher than 8 metres above the ground; and - is within 250m of a classified road?	N ↓	Y ⇒	The applicant is to address the impact of the display of the advertisement on traffic safety, and the Guidelines.
Extractive Industry REP Is the application proposed for the purpose of an extractive industry or on land with current, potential or regional extractive industry purposes ?	N ↓	Y ⇒	The applicant is to address the relevant aims, objectives and controls in the SEPP.

State Environmental Planning Policies

SEPP 1 – Development Standards			
Does the proposal require variation of a development standard in an EPI?	N ↓	Y ⇒	This policy makes development standards in environmental planning instruments more flexible, by giving Councils the power to approve a development proposal that does not comply with a set standard where it can be shown to be unreasonable or unnecessary.
SEPP 10 - Retention of Low-Cost Rental Accommodation			
Does the proposal impact on low cost accommodation or boarding houses?	N ↓	Y ⇒	The policy seeks the retention of low cost rental accommodation and requires the local council's consent, and the Director General of the Department of Planning's concurrence, to demolish, alter or change the use of a boarding house. Consent is also required to strata-subdivide a low-cost residential flat building or boarding house. The "SEPP 10 Guide" provides guidance to intending applicants.

SEPP 14 - Coastal Wetlands			
Is the development within or adjacent a coastal wetland (shown on the SEPP 14 maps)?	N ↓	Y ⇒	The policy ensures coastal wetlands are preserved and protected for environmental and economic reasons. The policy applies to local government areas outside the Sydney metropolitan area that front the Pacific Ocean.
SEPP 15 - Rural Land-Sharing Communities			
Does the proposal the multiple occupancy of rural land?	N ↓	Y ⇒	The policy was designed to facilitate the development of rural land-sharing communities committed to environmentally sensitive and sustainable land use practices. It makes clustered style multiple occupancy permissible, with council consent, in rural and non-urban zones in certain local government areas, subject to a list of criteria identified in the policy.
SEPP 19 - Bushland in Urban Areas			
Does the proposal seek to develop bushland in urban areas or is immediately adjacent to bushland in urban areas?	N ↓	Y ⇒	The policy protects and preserves urban bushland as part of the natural heritage or for recreational, educational and scientific purposes. The policy applies to local government areas in the Sydney Region and Central Coast.
SEPP 21 - Caravan Parks			
Does the proposal intend to develop or use land for a caravan park or camping ground?	N ↓	Y ⇒	The policy applies to the development of land for caravan parks or camping grounds catering for short-term residents (such as tourists) or for long-term residents (as affordable housing).
SEPP 26 - Littoral Rainforests			
Does the proposal seek to develop within or adjacent to SEPP 26 mapped littoral rainforests?	N ↓	Y ⇒	This policy requires consent for any development in or adjacent to mapped coastal rainforest areas in certain local government areas, from Tweed in the north to Eurobodalla in the south. The policy applies to 'core' mapped areas of littoral rainforest as well as a 100 metre wide 'buffer' area surrounding these core areas.
SEPP 30 - Intensive Agriculture			
Is the proposal for a cattle feedlot or a piggery?	N ↓	Y ⇒	The policy requires development consent for cattle feedlots having a capacity of 50 or more cattle or piggeries having a capacity of 200 or more pigs.
SEPP 33 - Hazardous and Offensive Development			
Does the proposal involve industry that could be or is hazardous or offensive?	N ↓	Y ⇒	The policy enables the development of industry while ensuring that the merits of proposals are properly assessed in relation to off-site risk and offence before being determined by a consent authority.
SEPP 36 - Manufactured Home Estates			
Does the proposal include manufactured home estates in the areas listed in the SEPP?	N ↓	Y ⇒	The policy provides for the establishment of well-designed and properly serviced manufactured home estates (MHEs) in suitable locations. The policy applies to Gosford, Wyong and all local government

			areas outside the Sydney Region and allows MHEs to be located on certain land where caravan parks are permitted.
SEPP 44 – Koala Habitat Protection			
Does the proposal impact on koala habitats, as identified in the SEPP?	N ↓	Y ⇒	This policy encourages the conservation and management of natural vegetation areas that provide habitat for koalas to ensure permanent free-living populations will be maintained over their present range. The policy applies to 107 local government areas.
SEPP 55 – Remediation of Land			
Does the proposal relate to land that is or may be contaminated and requires remediation?	N ↓	Y ⇒	The policy enables the remediation of contaminated land. The policy states that land must not be developed if it is unsuitable for a proposed use because it is contaminated. If the land is unsuitable, remediation must take place before the land is developed. The Department, in conjunction with the Environment Protection Authority, has prepared Managing Land Contamination: Planning Guidelines.
SEPP 64 – Advertising and Signage			
Is the proposal for development involving advertising and signage within and adjacent to the transport corridors identified in the SEPP?	N ↓	Y ⇒	The policy permits and regulates outdoor advertising in transport corridors (e.g. freeways, tollways and rail corridors). Transport Corridor Outdoor Advertising and Signage Guidelines (DOP July 2007) provide information on design criteria; road safety and public benefit requirements for development applications.
SEPP 65 - Design Quality of Residential Flat Development			
Is the proposal for a residential flat building?	N ↓	Y ⇒	The policy raises the design quality of residential flat development across the state through the application of a series of design principles. The legislation requires the involvement of a qualified designer throughout the design, approval and construction stages.
SEPP 71 - Coastal Protection			
Is the proposal within the coastal zone and on the SEPP 71 maps?	N ↓	Y ⇒	The policy ensures that development in the NSW coastal zone is appropriate and suitably located, and that there is a consistent and strategic approach to coastal planning and management.
SEPP (Building Sustainability Index: BASIX) 2004			
Is the proposal for a residential development?	N ↓	Y ⇒	This policy ensures that homes are designed to use less potable water and be responsible for fewer greenhouse gas emissions by setting energy and water reduction targets for house and units.

SEPP (Housing for Seniors or People with a Disability) 2004			
Is the proposal for housing for seniors or people with a disability?	N ↓	Y ⇒	This policy applies to the development of high quality accommodation for our ageing population and for people who have disabilities.
SEPP (Infrastructure) 2007			
Is the proposal within or adjacent to infrastructure identified in the SEPP?	N ↓	Y ⇒	This policy applies to infrastructure and the provision of services across NSW, along with providing for consultation with relevant public authorities during the assessment process. The SEPP supports greater flexibility in the location of infrastructure and service facilities.
SEPP (Major Developments) 2005			
Is the proposal listed as a "Major Project" or a "State Significant Site" in the SEPP?	N ↓	Y ⇒	The policy defines certain developments that are major projects under Part 3A of the Act and that are determined by the Minister for Planning. The SEPP also lists State significant sites.
SEPP (Mining, Petroleum Production and Extractive Industries) 2007			
Is the proposal for extraction of minerals, petroleum or other materials?	N ↓	Y ⇒	This policy provides for the proper management and development of mineral, petroleum and extractive material resources for the social and economic welfare of the State.
SEPP (Rural Lands) 2008			
Is the proposal within Rural Land?	N ↓	Y ⇒	The policy ensures that potential environmental and social impacts are adequately addressed during the assessment and determination of development proposals. The SEPP also addresses issues such as site compatibility with surrounding uses, efficient resource recovery and recycling, transport, natural resource and environmental management and site rehabilitation
SEPP (Temporary Structures and Places of Public Entertainment) 2007			
Is the proposal for a temporary structure of a place of public entertainment	N	Y ⇒	The policy provides for the erection of temporary structures and the use of places of public entertainment while protecting public safety and local amenity.