



GUIDE TO LODGING A DEVELOPMENT APPLICATION

#891570 Updated August 2010

How to use this guide

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

If you need further assistance to complete the application, please contact the Council on (02) 6626 7000 or request a 15 minute appointment the Duty Planner for assistance. Alternatively you can email your question/s to dutyplanner@byron.nsw.gov.au.

Step 1. Description of land you propose to develop

Please complete all details. You can find the Lot No., Section, DP/MPS No. details on the title documents or on a rate notice for the land. If you need additional space, please include with your development application a schedule and/or map with these details.

Step 2. Details of the applicant/s

Please complete all details. Please ensure that you include the contact name, signature and telephone number of the applicant or the applicant's representative who can be contacted during office hours. The assessment officer will **only** communicate with the applicant. If you're the owner and you wish to have direct contact with the assessment officer you should nominate yourself as the applicant.

Step 3. Describe the development you propose to carry out

Please describe the development you propose to carry out and place a cross in the relevant boxes to indicate what works are the subject of the development application. Please indicate the estimated cost of the development and proposed floor area, if applicable. The fee for your application will be calculated on these factors. Council may review the estimated cost of works

Step 4. Staged Development Consent

If you are applying for development consent in stages please indicate these stages. This may have important implications for matters such as provision of services and may require the submission of additional information. Consequently it is important that you discuss your proposed staging arrangements with the Duty Planner before finalising your development application.

Step 5. Other approvals from Council

Certain types of development may include activities that also require other approvals from Council in addition to Development Consent. These additional approvals are required by the Local Government Act, 1993 and by the Roads Act, 1993. The table below lists those activities that require other approvals from the Council. Please complete the appropriate check boxes in Step 5. If the specific approval is not listed please write it in the space provided from the description in Table 1.

Step 5. Other approvals from Council.....CONTINUED

You can apply for the approvals listed in Table 1 either as part of this development application or separately, eg at a later date. If you choose not to apply now for those approvals, only planning matters will be assessed with this development application. However, your development may not commence until you have obtained those other approvals from Council. If you do choose to apply now for those additional approvals with this application, your development may commence once development consent and the approval are granted provided you first comply with any prerequisite conditions of the consent and approval.

If Table 1 confirms that you need approval for Water Supply, Trade Waste or Sewer Drainage, and you wish to apply for that approval now, you should complete and [Activity Application Form](#), the Plumbing, Water Supply, Trade Waste or Sewer Drainage Application Form, and attach all additional information specified on the form, together with the required additional fees.

If Table 1 confirms that you need approval for an On-Site Sewage Management System, and you wish to apply for that approval now, you should complete [Application for On-site Sewerage form](#), the On-Site Sewage Management System Application Form, and attach all additional information specified on the Form, together with the required additional fees.

If you nominate in **Step 5** of the Development Application form that you wish to apply for additional approvals now, additional fees will apply and further information will be required in some instances. Reduced fees may apply to applications for other approvals that are made concurrently with this development application.

Table 1 - Approvals under the Local Government Act 1993

<p>Part A - Structures</p> <ol style="list-style-type: none"> 1. Installing a manufactured home, moveable dwelling or associated structure on land 	<p>Part C - Management of waste</p> <ol style="list-style-type: none"> 1. For fee or reward, transport waste over or under a public place 2. Place waste in a public place 3. Place a waste storage container in a public place 4. Dispose of waste into a sewer of the council 5. Install, construct or alter a waste treatment device or a human waste storage facility or a drain connected to any such storage device or facility. 6. Operate a system of sewage management
<p>Part B - Water supply, sewerage and stormwater drainage work</p> <ol style="list-style-type: none"> 1. Carry out water supply work 2. Draw water from a council water supply or a standpipe or sell water so drawn work 3. Install, alter, disconnect or remove a water meter connected to a service pipe work 4. Carry out sewerage work 5. Carry out stormwater drainage work 6. Connect a private drain or sewer with a public drain or sewer under the control of a council or with a drain or sewer which connects with such a public drain or sewer. 	<p>Part E - Public roads</p> <ol style="list-style-type: none"> 1. Swing or hoist goods across or over any part of a public road by means of a lift, hoist, or tackle projecting over the footway 2. Expose or allow to be exposed (whether for sale or otherwise) any article in or on or so as to overhang any part of the road or outside a shop window or doorway abutting the road, or hang an article beneath an awning over the road <p>Part F - Other activities</p> <ol style="list-style-type: none"> 1. Operate a public car park 2. Operate a caravan park or camping ground 3. Operate a manufactured home estate 4. Install a domestic oil or solid fuel heating appliance, other than a portable appliance 5. Install or operating amusement devices 6. (Repealed) 7. Use a standing vehicle or any article for the purpose of selling any article in a public place 8. (Repealed) 9. (Repealed) 10. Carry out an activity prescribed by the regulations or an activity of a class or description prescribed by the regulations

Step 6. Plans of the land and development

You need to supply **five copies** of each of the following plans.

You need to include plans and drawings of your proposal, showing what you intend to do. All plans and drawings must be lodged in sets and folded to A4 size. A3 size plans are preferred for smaller developments as these plans can be captured on Council's computer system. The various plans and drawings must clearly demonstrate the following matters:

Site Plan of the land:

The site plan is to be drawn at an appropriate scale and must indicate:

- the location of the land, the measurements of the boundaries of the land, the size of the land and which direction is north
- existing vegetation and trees on the land and within 3m of any common boundary
- all trees that are proposed to be removed
- the location and uses of buildings that are already on the land
- the locations of existing roads, kerbs, driveways, fences, easements and restrictions
- the existing levels of the land in relation to buildings and roads
- the location and uses of buildings on sites that adjoin the land
- location of watercourses, drainage lines, levels and contours to AHD
- the proposed development footprint/envelope, including any proposed buildings, structures, services, drainage, easements, accessways, and areas to be filled or excavated.

Plans and Elevations of the proposal:

The plans or drawings are to be at an appropriate scale (generally 1:100) and indicate, where relevant:

- The boundaries of the land, any buildings or structures that are already on the land, any proposed extensions or additions, development on adjoining land, setbacks to boundaries and adjoining buildings
- The floor plans of all proposed buildings showing window and door locations, finished floor levels, room dimensions, floor areas, and nomination of room use
- elevations from all sides showing natural ground levels, finished floor levels, height of the proposed building/s and external finishes/building materials proposed
- cross sections showing the internal structure of the proposal and any changes that will be made to the level of the land (ie. extent of cut and fill)
- the arrangements you have made for parking, where vehicles will enter and leave the site, and how vehicles will move about the site. Driveway plans will need to be submitted if you seek approval for a driveway as part of this application. A longitudinal section plan of the driveway showing the levels and slope of the driveway in relation to kerbs and/or carparking areas must be submitted
- proposed garbage and waste management arrangements, including vehicle manoeuvring areas where relevant
- how the land will be landscaped or otherwise treated, and what types of vegetation will be used (including height at maturity)
- how you intend to drain the land.

Plans and drawings for public exhibition:

You **must** provide an additional set of plans and drawings for public exhibition, reduced to either A3 or A4 size. **These plans must have floor plans removed.**

Step 7. Environmental effects of your development

The potential impacts of your proposal must be assessed. To help make this assessment, please attach one or more of the following environmental reports to your application. The types of reports will depend upon the nature of your proposal.

- If your development is **Designated Development**, please attach an **Environmental Impact Statement (EIS)**.
- For all **other** types of development, please attach a **Statement of Environmental Effects (SEE)**.
- If your development is located within **Critical Habitat** or will affect **threatened species, populations, ecological communities or their habitats**, a **Species Impact Statement (SIS)** is required.

You can include the requirements of an SIS in an EIS if the proposal is for Designated Development.

The following information will help you determine whether your proposal is **Designated Development**, or is located in **Critical Habitat**, or will impact upon **threatened species, populations, ecological communities or their habitats**.

Designated development

Your proposal is **Designated Development** if it is listed in Schedule 3 of the Environmental Planning and Assessment Regulation 2000, or if it is nominated as Designated Development in a planning instrument made under the *Environmental Planning and Assessment Act 1979*. The Duty Planner can assist you to determine if your proposal is **Designated Development** and consequently requires an EIS.

If your application is for Designated Development, the Director General of The Department of Planning has a number of requirements for what must be included in an EIS. The requirements depend upon the nature of the proposed development. You must consult The Department of Planning about what you need to include in your EIS.

Contact: Development Infrastructure Assessment Branch on (02) 9762 8000.

Critical Habitat

You need to tell Council whether your proposal is located in Critical Habitat. The National Parks and Wildlife Service (NPWS) maintains a register of Critical Habitat (telephone 02 6651 5946). Additional NPWS contact details are given below.

Threatened species, populations, ecological communities or habitats

You need to tell Council whether your proposal is likely to have a significant effect on threatened species, populations, ecological communities or their habitats. The effects of your proposal may be direct (on-site) or indirect (off-site). You need to use the test set out in Table 2 (below) to gauge whether the impact of your proposal is likely to result in a significant effect. Both the National Parks and Wildlife Service and the Council can advise you about the test, or you can refer to the Department of Environment and Conservation website (www.environment.nsw.gov.au). You may need to engage a consultant ecologist to undertake the test on your behalf. This is particularly the case if native vegetation is affected. If your development will impact on Critical Habitat or is judged as likely to have a significant effect on, threatened species, populations, ecological communities or their habitats you will need to prepare a Species Impact Statement. You must consult the Department of Environment and Conservation before you prepare a SIS.

Table 2 Will your proposal impact on threatened species?

The following factors are to be taken into account in deciding whether there is likely to be a significant effect on threatened species, populations or ecological communities, or their habitats:

- 1 in the case of a threatened species, whether the action proposed is likely to have an adverse effect on the life cycle of the species such that a viable local population of the species is likely to be placed at risk of extinction,
- 2 in the case of an endangered population, whether the action proposed is likely to have an adverse effect on the life cycle of the species that constitutes the endangered population such that a viable local population of the species is likely to be placed at risk of extinction,
- 3 in the case of an endangered ecological community or critically endangered ecological community, whether the action proposed:
 - a) is likely to have an adverse effect on the extent of the ecological community such that its local occurrence is likely to be placed at risk of extinction, or
 - b) is likely to substantially and adversely modify the composition of the ecological community such that its local occurrence is likely to be placed at risk of extinction,
- 4 in relation to the habitat of a threatened species, population or ecological community:
 - a) the extent to which habitat is likely to be removed or modified as a result of the action proposed, and
 - b) whether an area of habitat is likely to become fragmented or isolated from other areas of habitat as a result of the proposed action, and
 - c) the importance of the habitat to be removed, modified, fragmented or isolated to the long-term survival of the species, population or ecological community in the locality,
- 5 whether the action proposed is likely to have an adverse effect on critical habitat (either directly or indirectly),
- 6 whether the action proposed is consistent with the objectives or actions of a recovery plan or threat abatement plan,
- 7 whether the action proposed constitutes or is part of a key threatening process or is likely to result in the operation of, or increase the impact of, a key threatening process.

Koala Habitat Assessment

If the land to which your Development Application applies, together with all adjoining land in the same ownership, has an area larger than one hectare, you must include in your EIS or SEE an assessment of the Koala Habitat potential of the land in accordance with State Environmental Planning Policy 44 – Koala Habitat Protection (SEPP 44). Clause 7 of SEPP 44 provides that only an appropriately qualified and experienced person can make such an assessment.

Contact details:

NSW National Parks and Wildlife Services
PO Box 914
COFFS HARBOUR NSW 2450
Phone: (02) 6651 5946

Department of Planning
PO Box 6
GRAFTON NSW 2460
Phone: (02) 6642 0622

All other types of development

If your development is not **Designated Development**, Council needs a **Statement of Environmental Effects (SEE)** that sets out the effects of your proposal. This is a written statement that demonstrates that you have considered the impact of the proposed development on the natural, human and built environments, both during and after construction, and the proposed method of mitigating any adverse effects. See **Table 3** for the information to include in a SEE.

Table 3 What to include in a statement of environmental effects (SEE)

This is a written statement which demonstrates that the applicant has considered the impact of the proposed development on the natural, human and built environments, both during and after construction, and the proposed method of mitigating any adverse effects. The Director-General of The Department of Planning may have special requirements for SEEs for particular types of development. Council can advise you on this, or you can contact The Department of Planning, telephone (02) 9762 8000.

The SEE must show:

1. **The impacts of the development on the natural, human and built environment;**
2. **How you have identified those impacts;**
3. **Steps that are to be taken to protect the environment or to reduce expected environmental harm; and**
4. **Any matters required to be addressed by the Director-General of The Department of Planning.**

The SEE, in appraising the suitability of land for development, should detail (where applicable):

- Flooding, drainage, landslip, soil erosion, mine subsidence, bushfires and any other risks.
- Effect on the landscape, streetscape, appearance or scenic quality of the locality.
- Impact on existing and future amenity of the locality.
- Amount of traffic generated, particularly in relation to the adequacy of existing roads and present volumes of traffic carried; car access, parking and availability of public transport.
- Waste disposal arrangements. Location of garbage and storage areas.
- Methods of sewage effluent and stormwater disposal.
- Availability of utility services, power, telephone, water/sewer.
- Potential for disturbance to Acid Sulfate Soils.
- Preliminary assessment of potential for contamination of the land, including definition of past land uses.
- Social effects and economic effects.
- Anticipated impact of noise levels on the site locality.
- Effects on historical, aboriginal heritage and archaeological aspects.
- Effect on flora and fauna, including (where required), an Eight Part Test (see Table 2) and a Koala Habitat assessment.
- Design and external appearance in relation to the site and locality, indicating how the design is appropriate to the site, including a specification of the external materials to be used.
- How the privacy, daylight and views of other dwellings and properties will be affected, eg do they overlook or overshadow each other.
- Access for the disabled.
- Any special circumstances.

Note: Other matters may be relevant depending upon the nature of the development proposal.

Table 3 What to include in a statement of environmental effects (SEE)

Where relevant, a statement of environmental effects of the proposal must also include:

- a) details of how the development achieves the requirements of [Byron LEP 1988](#), relevant [Development Control Plans](#), the [North Coast Regional Environmental Plan 1988](#), relevant [State Environmental Planning Policies](#) and, where appropriate, the [NSW Coastal Policy 1997](#).
- b) **for shops, offices, commercial or industrial development:**
- The hours of operation
 - The plant and machinery to be installed
 - The type, size and quantity of goods to be made, stored or transported
 - The loading and unloading facilities that will be available
- c) **to change the use of a building (where you are not doing any building work):**
You do not need to include these lists where the proposed change is to a class 1a building (a single dwelling house) or a class 10 building (such as a private garage, carport, shed, fence, antenna or swimming pool) under the Building Code of Australia.
- a list of Category One Fire Safety Provisions relating to the proposed change, and
 - a list of Category One Fire Safety Provisions used in the existing building or on the land.
- Each list is to describe the extent, capability and basis of design of each of the provisions concerned.*
- d) **for a subdivision:**
- the details of the existing and proposed subdivision pattern (including the number of lots and the location of roads)
 - the consultation you have carried out with the public authorities who provide, or will increase, the services you will need (eg water, road, electricity, sewerage)
 - preliminary engineering drawings which show proposed roads, water, sewer, and earthworks
 - both the existing *and the proposed ground levels when the subdivision is completed*
- e) **for demolition:**
- the age and condition of the building or structure you will demolish
 - whether the building or structure has heritage value
- f) **for advertisements:**
- the size, type, colour, materials and position of the sign board or structure on which the advertisement will be displayed
- g) **for development relating to a change to an *Existing Use*:**
- the details of the existing use
 - a justification for the proposal having regard to the objectives of the zone
- h) **for development in a wilderness area:**
- a copy of a consent from the Minister for the Environment if the area is subject to a wilderness protection agreement or a conservation agreement (You can contact the National Parks and Wildlife Service to determine if there is an agreement in place)
- i) **for building or demolition:**
- the methods that will be used to protect the site during construction or demolition.
- j) if the land, together with all adjoining land in the same ownership, has an area more than one hectare, assessment of Koala Habitat is required in accordance with State Environmental Planning Policy 44 (Koala Habitat Protection).

Step 8. 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 Byron Shire local government 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. 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 Infrastructure, Planning and Natural Resources' BASIX website: www.basix.nsw.gov.au For more information, phone the BASIX Help Line on 1300 650 908.

Step 9. Concurrences from State agencies

Council may need the agreement or concurrence of a State Government agency before it can give you a consent to carry out your development. The need for Council to obtain that agreement is specified in various regulations and planning instruments affecting your land. Council can tell you whether it needs to refer your application to a Government agency for concurrence.

For each State agency that Council is required to refer your application to please attach additional copies of your application (including all required sets of plans and statements). A separate cheque for \$250 made out to the relevant State agency is also required to be submitted. An additional fee of \$110 is payable to Council for administration is required.

Step 10. Approvals from State agencies – Integrated Development

If you need any of the approvals listed in **Attachment C** of this **Help Guide**, as well as development consent from Council, your development is known as Integrated Development. Please complete **Attachment C** to identify the approvals you need and the agencies from which you need the approvals. Your application will be referred to the agencies you have identified. The agencies will let Council know whether or not they would grant approval to your application and, if so, what would be the general terms of the approval. Please include **Attachment C** with your application. An additional fee of \$110 is payable to Council for administration is required.

Step 11. Supporting information

You can support your application with additional material such as photographs, slides and models to illustrate your proposal, as well as the details of any other consent that has been granted for part of the development. Council's Development Control Plan (DCP) 2002 requires applications for residential development, with a height in excess of 7.5m or 2 storeys (ie, applications submitted under the provisions of SEPP No. 1) or (in the case of a dwelling-house) a gross floor area in excess of 300 m², to be accompanied by suitable perspective drawings or a model to an appropriate scale.

Any application for commercial development with development/building costs in excess of \$500,000 is to be accompanied by suitable perspective drawings and photomontage. Any application for commercial development with development/building costs in excess of \$1,500,000 or a height in excess of 2 storeys is to be accompanied by a model to an appropriate scale. Models and perspective's are to include details of other developments around the site. Please cross the relevant boxes to indicate any supporting information you have supplied with your development application.

Step 12. Construction Certificate

If your proposal involves construction or structural work on a building, you will need to obtain a Construction Certificate before work commences. When you apply for a Construction Certificate, please ensure that plans/details are in accordance with those approved on the development consent. If they are not, the development consent may have to be modified by a Section 96 Application.

You may choose to use either the Council's Building Certification Unit (BCU) or a Private Certifier to issue your Construction Certificate. If you wish to apply now for a Construction Certificate from Council, please complete an ['Application for Construction Certificate'](#) and pay the required fees. Further information or a quote for services is available by contacting the BCU (02) 6626 7050.

You must supply the details of the Principal Certifying Authority (PCA) to Council no later than two days prior to works commencing if you choose not use Council's Building Certification Unit.

Step 13. Privacy Policy

Please ensure both the applicant and the owner read the Privacy Policy statement when signing.

Step 14. Signatures of all owner/s

Please ensure that **all** owners sign the Development Application Form. Your development application cannot be lodged unless signed by **all** owners. You can only sign on behalf of the owner if you have power of attorney (proof of same is required). If the property has recently been purchased please include a copy of the Land Title Deed.

Step 15. Lodgement Checklist

Before submitting your application, please ensure that you fill out the relevant checklist referred to in Step 15 of the Development Application Form. There are different checklists for the following types of development:

- Dwelling houses
- Rural dwelling houses
- Dual occupancy development
- Medium density development
- Commercial development
- Industrial development
- Change of use development
- Subdivision
- General/miscellaneous development

You must also attach all **supporting information** and required **attachments** from the **Help Guide**. Your application must be accompanied by all relevant fees, and may be lodged with Council by personal delivery, by mail, or by electronic transmission, but may not be lodged by facsimile.

Failure to lodge all relevant information may result in delays in processing the application.

Contact information

Byron Shire Council

- Street address: 70-90 Station Street, Mullumbimby NSW 2482
- Box: PO Box 219, Mullumbimby NSW 2482
- DX: DX 20007, Mullumbimby

Telephone

- Main switchboard: 02 6626 7000
- Planning: 02 6626 7066 / 02 6626 7144
- Certification (Building): 02 6626 7050
- Customer Service: 02 6626 7041

Email:

- council@byron.nsw.gov.au – General enquiries
- dutyplanner@byron.nsw.gov.au – Planning enquiries
- maps@byron.nsw.gov.au – To request a map
- bcu@byron.nsw.gov.au – Certification (Building and Civil works) enquiries

Web page:

- www.byron.nsw.gov.au

Hours of operation

- Customer Service Counter: 9am to 4pm Monday to Friday (public holidays excluded)
- Switchboard: 8.30am to 4.30pm Monday to Friday (public holidays excluded)