

# A guide to lodging Development Applications





## **WHEN IS A DEVELOPMENT APPLICATION REQUIRED?**

Before you make any changes to a building or occupy premises, you need to check whether the proposal is permissible, if it is 'development' and if you require Development Consent.

Development includes the use of land or premises; a change in the use of a building; advertising signage; subdivision; the erection of a building; the carrying out of work on and the demolition of an existing building.

Development requires consent under the *Environmental Planning and Assessment Act 1979*. To obtain Development Consent, you must lodge a Development Application with Council. Within some parts of the City, the Sydney Harbour Foreshore Authority, the Redfern Waterloo Authority and the Department of Planning are the consent authority.

Some minor developments are called Exempt Development and do not require consent. For another type of development called Complying Development, you will need to obtain a Complying Development Certificate prior to carrying out the work or commencing the use being considered (refer to planning controls on Exempt and Complying Development).

## **CONSTRUCTION CERTIFICATES**

As well as obtaining Development Consent you will need to obtain a Construction Certificate if you are undertaking any building or structural work. A Construction Certificate certifies that the detailed construction plans and specifications for the development are consistent with the Development Consent, and comply with the Building Code of Australia (BCA). This certificate is required prior to commencing work. You may obtain a Construction Certificate from Council or from a private accredited certifier.

For some minor work such as partitioning, an "Application for Development and Construction Certificate" (joint application) may be made to Council. This is the mechanism for obtaining development consent and a construction certificate in one process. This mechanism, however, cannot be used on Heritage Items, for change of use, food shops and external changes and increases in floorspace.

## WHAT TO DO BEFORE PREPARING A DEVELOPMENT APPLICATION

In the first instance you should contact Council (see back of this brochure for locations and details) to:

- ascertain whether the proposal is permissible
- see whether a Development Application is required
- check how the City's plans, codes and policies affect the proposal (it is the applicant's responsibility to ensure that the relevant controls have been identified and satisfied)
- obtain copies of the information necessary to submit a Development Application (these include the Development Application form and the relevant planning instruments)
- obtain advice on the required fees.

It is advisable that you discuss your proposal with your neighbours.

Before you lodge a Development Application for a major development, you should make an appointment to talk to an officer from the Planning Unit. Major Development Applications are discussed later in the brochure.



## PLANNING INSTRUMENTS YOU SHOULD CHECK

Council has a range of planning controls and policies that apply to various types of development and locations within the City.

The main ones include:

- *Sydney Local Environmental Plan 2005*
- *Central Sydney Development Control Plan 1996*
- *Urban Development Plan for Ultimo Pyrmont 1999 Update*
- *South Sydney Local Environmental Plan 1998*
- *South Sydney Development Control Plan 1997*
- *Leichhardt Local Environmental Plan 2000*
- *Leichhardt Development Control Plan 2000*
- *Signage and Advertising Structures DCP 2005*

A comprehensive list of the Development planning controls and policies are available from the Council's customer service centres and Council's website [www.cityofsydney.nsw.gov.au](http://www.cityofsydney.nsw.gov.au) under the Development planning controls section.

# ASSESSMENT OF DEVELOPMENT APPLICATIONS

Development Applications are assessed against the provisions contained in Section 79C of the *Environmental Planning and Assessment Act 1979*. In determining an Application, Council takes into consideration such matters as compliance with the provisions of the relevant planning instruments and codes, the likely impacts of the development, the suitability of the site, any submissions and the public interest. If the approval of another authority such as the Heritage Council or the Roads and Traffic Authority is also required, Council must refer the application to that authority and seek its approval. This is called Integrated Development.

Any inaccuracies or inadequate information will result in delays, and may also result in the rejection of the application.

Certain types of development require the payment of a monetary contribution, as a condition of consent, pursuant to Section 61 of the *City of Sydney Act 1988*, Section 94 of the *Environmental Planning and Assessment Act 1979*, or the Affordable Housing Program.

## LODGING A DEVELOPMENT APPLICATION

The following items are required for all Development Applications.

### 1 Development Application form completed with:

- consent of all the registered owners. Owners that are companies must indicate consent by signing under seal or as otherwise authorised under Corporations Law. An application relating to a strata plan must have the Strata Plan seal affixed where the works involve common property.
- Details of the proposed development such as; existing use, hours of operation, number of staff, details of goods to be made or stored, the number of existing and proposed car spaces and loading facilities.

### 2 Statement of environmental effects

- This statement should detail any expected impact of the development on the environment, adjoining premises or the public. The statement should also include a description of both the existing situation and the proposed development. If it is considered that there is minor or no impact, the statement could be included on the Development Application form.





### 3 Required fees

- A schedule of fees is available from the Council's customer service centres and Council's website at [www.cityofsydney.nsw.gov.au](http://www.cityofsydney.nsw.gov.au). Advice on the items that should be included in the cost estimate can also be provided.
- An advertising fee or a notification fee is necessary for most types of development.
- For Integrated Development, an additional fee is required as well as a cheque made out to the relevant authority. Integrated Development that affects items on the State Heritage Register needs to be advertised and notified.

### 4 Six sets of drawings (minimum) of the proposed development, plus one A4 set and a digital copy. These must include:

- A site plan showing the location of the development within a building or within the locality. The site plan should also identify the site, streets, and adjoining properties, and include a north point.
- Floor plans of the proposed buildings showing layout, partitioning, room sizes and intended uses of each part of the building. Existing floor plans would also be useful.
- Elevations and sections showing proposed external finishes and heights (not required where there is no new work proposed).
- New work must be coloured on three sets, with a clear distinction being made between alterations and additions.
- Drawings must be to scale, normally at 1:100.
- Drawings are to be suitably numbered and dated.
- Sign applications require plan and elevation details of the location, size and width of the sign, height above ground, materials, colouring, text including size of lettering, graphics and logo, and illumination. Council's Signage and Advertising Structures DCP 2005 contains details of the requirements for the design and location of signs.
- Drawings are to be folded to A4 size with the title block to the front. Digital copies of plans and supporting documentation must be submitted with every application in Portable Document Format (PDF) files no more than 1mb size. See the Guide to Creating PDF files. For small applications, the City offers a scanning service for a fee.

## **ADDITIONAL INFORMATION THAT MAY BE REQUIRED**

The following additional information may also be required.

Note: This is not a complete list. Refer to the checklist on the Development Application form.

### **1 Statement of Heritage Impact**

If the building is a Heritage Item, adjacent to a heritage item or within a conservation area, a Statement of Heritage Impact is required detailing the impact of the development on the heritage item or the area. A separate pamphlet is available at Council's customer service centres.

### **2 Floor Area**

If any additions result in an increase in the gross floor area or total floor area of the building, details of the existing floor area of the building and the additional proposed floor area must be provided. In these instances, floor space ratio details must also be provided.

### **3 Demolition/Excavation**

In the case of demolition, full details of the age and condition of the buildings or works to be demolished must be provided. In the case of excavation, geo-technical details must be provided.

### **4 Shadow Diagrams**

These are required for all new buildings and where changes are made to the building envelope.

### **5 BASIX**

Development Applications for new multi-unit buildings; new single dwellings; dual occupancies and boarding houses; and alterations and additions to existing residential developments must be accompanied by a BASIX certificate confirming compliance with the State Government's sustainability targets. Applicants can generate the BASIX Certificate only on the NSW Department of Planning BASIX website: [www.basix.nsw.gov.au](http://www.basix.nsw.gov.au). For more information, phone the BASIX Help Line on 1300 650 908.

### **6 Waste Management Plan**

This is required for all building works. Refer to Council's Policy for Waste Minimisation in New Developments.

## **7 Code of Practice for Licensed Premises and Security Management Plan**

In the case of applications for new licensed premises, and for extension of trading hours for existing licensed premises, a Code of Practice and a Security Management Plan must be submitted. These enable interested parties to understand the commitment of the owner/operator to ensuring that the premises are operated in an appropriate way. They will also assist in the assessment of the application. The licensee is also encouraged to become a member of the City of Sydney Accord with Licensed Premises.

## **ADDITIONAL INFORMATION FOR MAJOR DEVELOPMENT**

Where new buildings and major refurbishments are being considered, additional information will be required depending on the size and scope of the development.

This additional information may include a BCA report, physical and 3D model, specifications of materials, a traffic and parking report, photomontages and a wind effects report. 10 sets of drawings are also required.

Details of additional information required for major developments are available in a separate brochure, and a checklist is included in the Development Application form.

## **MODIFYING A DEVELOPMENT CONSENT**

If you wish to modify a Development Consent, you may make application under Section 96 of the *Environmental Planning and Assessment Act 1979*.

*A Section 96(1) application is to correct a minor error, misdescription or miscalculation. A Section 96(1A) application is made for modifications involving minimal environmental impact. A Section 96(2) application is to modify the consent in other ways, such as major design changes. A Section 96AA application is made for modifications by consent authorities of consents granted by the Court.*

The development as modified must be substantially the same development for which consent was originally granted, and you must provide evidence of this.

It is recommended that you contact the Council Officer who dealt with the Development Application to discuss the modification before it is lodged.

## **IMPORTANT CONTACTS**

General council enquires, 24 hours, 7 days per week

Tel: 9265 9333 Fax: 9265 9222 TTY: 02 9265 9276

GPO Box 1591 Sydney NSW 2001

DX 1251 Sydney

[council@cityofsydney.nsw.gov.au](mailto:council@cityofsydney.nsw.gov.au)

[www.cityofsydney.nsw.gov.au](http://www.cityofsydney.nsw.gov.au)

## **COUNCIL LOCATIONS**

### **CBD**

Town Hall House

Level 2, 456 Kent Street, Sydney

Opening hours: Monday to Friday 8.00am – 6.00pm

### **Redfern**

Tower 2, 1 Lawson Square, Redfern

Opening hours: Monday to Friday 8.00am – 5.30pm

Saturday 9.00am – 12 noon

### **Kings Cross**

50-52 Darlinghurst Road, Kings Cross

Opening hours: Monday to Friday 8.30am – 5.30pm

Saturday 9.00am – 12 noon

### **Glebe**

Glebe Town Hall

160 St. Johns Road, Glebe

Opening hours: Monday to Friday 8.30am – 5.30pm

### **Erskineville**

Erskineville Town Hall

104 Erskineville Road, Erskineville

Opening hours: Monday to Friday 9.00am – 5.00pm