

## Group Hub

### Planning, Environment & Development Group

Council has established the Planning, Environment & Development Group HUB as the "go to" place for customers to find information and guidance about planning, environment and development related matters, especially in relation to seeking approvals that require the lodgement of an application form.

Information and advice previously displayed on Council's website; included in Council forms and various Development guidelines and checklists will now be retained on the HUB. Links to relevant legislation and other Council web pages are provided to assist customers. Every link will open in a new window.

NSW legislation changes frequently. The HUB will be monitored and updated regularly to ensure that the guidance contained here is current and useful and links are operational. If you wish to make enquiries, make a comment or raise any matter about content of the Group HUB, please [contact us](#).

#### **Important information**

Please be advised that the information on these pages is arranged in alphabetical order and is intended as a guide only.

Accordingly, seeking further advice from Council's Duty Planner, from an independent planning consultant or similarly qualified person is recommended. The contact number for the Duty Planner is (02) 4429 3531.

Furthermore, please be advised that this advice is subject to change without notice.

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## Accreditation scheme

To find out about the accreditation scheme and the role of an accredited certifier visit [NSW Building Professionals Board](#).

## Acid sulfate soils preliminary assessment

Acid sulfate soils are sediments and soils containing iron sulfates that are usually found in low-lying parts of coastal floodplains, rivers and creeks. If these soils remain underwater, they are stable and do not cause problems, however, if sulfates are exposed to oxygen by disturbance of the soil or lowering of groundwater levels, sulphuric acid is generated and can cause environmental damage.

The Shoalhaven Local Environmental Plan 2014 includes an Acid Sulfate Soils Map which shows 4 different Classes of land affected by Acid Sulfate Soil. These are identified as Classes 2, 3, 4 and 5. Depending on the Class of soil and the proposed works, you may be required to prepare a preliminary soil assessment report. This report must be prepared by a suitably qualified geotechnical engineer or equivalent and lodged with your development application. Such reports are required in the following circumstances:-

Class of Land	Depth of Works Below Natural Ground Surface	Depth Watertable Likely To Be Lowered Below Natural Ground Surface
2	Any	Any
3	1 metre +	1 metre +
4	2 metres +	2 metres +
5	See ** Below	See ** Below

\*\* Works on Class 5 areas only require a preliminary soil assessment report if the work is carried out on land within 500 metres of an adjacent Class 2, 3 or 4 area where this adjacent area is below 5 metres Australian Height Datum (AHD) and where the works are likely to lower the water table below 1 metre AHD.

If a preliminary report is prepared and reveals that an Acid Sulfate Soils Management Plan is required for the works, then such a plan should be prepared again by a suitably qualified geotechnical engineer or equivalent in accordance with the Acid Sulfate Soils Manual and submitted to Council with your development application.

Please refer to Shoalhaven Local Environmental Plan 1985, Shoalhaven Local Environmental Plan 2014 and the accompanying Acid Sulfate Soils Map for further information.

## Applicant's declaration

The Applicant must sign the application form and make several declarations. It is the Applicant's responsibility to communicate with the registered land owners and to ensure that all land owners have provided the necessary authorities to act on their behalf. Refer to Owners Consent. Any questions or concerns about the Applicant's declaration should be directed to the Planning, Environment & Development Group on (02) 4429 3111.

## Applicant's details

There can be only one Applicant. The Applicant is engaged by the land owner and is Council's primary contact for all enquiries and email correspondence. It is the Applicant's responsibility to keep the land owner(s) apprised of the progress of the application. All electronic communications will be sent to the Applicant's email address and all hard copy correspondence will be sent to the Applicant's postal address.

## Application type

You must identify the type of application for which you seek approval. Some forms such as the Development Application form can be used to apply for development consent or to apply for approval to modify a development consent. The application forms for a Complying Development Certificate and a Construction Certificate for Building Works may also be used to apply for a modification. The Subdivision Certificate Application will be used for all types of subdivision. If in doubt, please contact the Planning, Environment & Development Group on (02) 4429 3111.

## Asbestos

If you are proposing to carry out renovations in the Shoalhaven and your house was constructed or renovated prior to the mid 1980's, it is likely that the building will contain some materials that contain asbestos.

Examples of building materials that may contain asbestos include:

- Fibro sheeting
- Fibrous cement roofing
- Vinyl tiles
- Guttering
- Drainage and flue pipes
- Asbestos materials may also be present in lagging used around pipes and in stoves and electrical meter boxes.

Cutting, sanding, drilling grinding, breaking or otherwise disturbing materials containing asbestos may release harmful fibres into the air. This is particularly the case where power tools are used but medical evidence suggests that there is no safe level of exposure to asbestos fibres.

Asbestos fibres can be released into the air also when asbestos products are incorrectly handled, removed or transported for disposal.

Asbestos is a versatile product which withstands heat, erosion and decay and has fire and water

resistant properties. Due to its superior insulation and strength properties, it was used in more than 3000 different applications before being outlawed in 2004.

The NSW Government has developed some practical information specifically for renovators and homeowners working with fibro and asbestos.

[Safework NSW](#) is the regulatory authority under the [Work Health and Safety Act 2011](#).

For information on handling and storage of asbestos waste at worksites, refer to the [Code of Practice - How to safely remove asbestos](#). (Note: slow link)

For the safe disposal of asbestos waste and permitted landfill locations [NSW Environment Protection Authority](#) provide detailed information.

## **BASIX**

In NSW, the Building Code of Australia requires new residential use buildings to reach a sustainability index. The factors involve energy efficiency, water usage and thermal comfort in the building design. The web-based tool used to calculate these factors and produce a BASIX Certificate, and other information is available on [www.basix.nsw.gov.au](http://www.basix.nsw.gov.au). The BASIX Certificate is obtained from the BASIX website.

A BASIX Certificate is required to be submitted with DA's for residential use buildings. The requirements apply to all new single dwellings, dual occupancy, villas, townhouses and medium density units. A BASIX Certificate is also required for alterations and additions to residential use buildings to the value of \$50,000 or more and swimming pools or spa, or combination of swimming pools and spas, that service only one dwelling and that has a capacity, or combined capacity of 40,000 litres or more.

The BASIX Certificate will define commitments to be provided during construction to enable an occupation certificate to be issued by the Principal Certifying Authority. The BASIX Certificate will also define the commitments that must be identified on DA and/or construction certificate plans when lodged for an approval.

Where modifications are made during construction it is likely that a new BASIX Certificate will be required when a Section 4.55 Application to Modify a Consent is lodged with Council for approval.

As prescribed by the [Environmental Planning and Assessment Regulation 2000, Schedule 1, cl 6A](#), a BASIX certificate cannot be accepted by Council if the date of issue is more than 3 months before the date on which the application is made. [SEPP \(Building Sustainability Index: BASIX\) 2004](#)

## **Biodiversity and clearing native vegetation**

You must ensure that your site plan shows the location of existing vegetation and any vegetation that will be removed or otherwise impacted as a result of the proposed development.

Council must assess the impacts of your proposal in accordance with the [Biodiversity Conservation Act 2016](#) requirements. Development that requires clearing of native vegetation may trigger entry into the NSW Biodiversity Offset Scheme and require the preparation of a Biodiversity Development

Assessment Report prepared by an accredited person.

To check if your development will trigger entry into the Biodiversity Offset Scheme you can check the [Biodiversity Values Map and Threshold Tool](#). Provide a Biodiversity values Map and threshold tool report with your development application.

The NSW Office of Environment and Heritage website provides a list of [accredited persons](#) and more information about [Biodiversity Offsetting and development](#).

The Biodiversity Values Map and Threshold Tool does not allow for accurate depiction of areas of impact. An accurate site plan which indicates all vegetation that will be removed / impacted is still required to calculate the area of clearing.

If your development does not trigger entry into the Offset scheme but will remove or disturb native habitat (e.g. native grasses, shrubs or trees) then you may still need a Flora and Fauna assessment and Test of Significance to accompany your application.

On the DA Form you are asked whether the proposed development will involve clearing of native vegetation or otherwise impact on potential habitat for any threatened species, endangered population or endangered ecological community listed under the [Biodiversity Conservation Act 2016](#) or the [Fisheries Management Act 1994](#). If you answer yes, you must provide a Flora & Fauna Assessment undertaken by a suitably qualified ecologist.

Approval under the *Environmental Protection and Biodiversity Conservation Act 1999* (EPBC Act) may be required if clearing will impact on matters of national environmental significance such as threatened species listed under the Australian Government's EPBC Act.

Information on species and ecological communities listed under the Australian Government's EPBC Act can be found at [Australian Government Department of the Environment](#)

## Useful Links

[Check approvals required for Clearing Vegetation on my land](#)

[The NSW Biodiversity Values Map and Threshold tool \(BMAT Tool\)](#)

[Test of Significance Guidelines](#)

For further information on Flora and Fauna Assessments call Council on (02) 4429 3111. You will need to have your Lot and DP number available.

## Building Information Certificate

An application for a building information certificate must be accompanied by a survey (current or certified) prepared by a registered land surveyor showing all structures on the subject lot, distances to boundaries and location of easements. A "current" survey means there have been no alterations or additions, boundary adjustments or modifications to the lot that would change the original survey details. If the survey is a few years old, it may need to be verified by a registered land surveyor as being true and accurate.

If in doubt about survey requirements, check with Council staff before lodging an application for a building information certificate.

Fees for a building information certificate are regulated under [Clause 260 of the Environmental Planning and Assessment Regulation 2000](#).

The application fee includes an initial inspection. However, if it is reasonably necessary to carry out more than one inspection of the building before issuing a building information certificate, an additional fee is payable. An application for a building information certificate for a building involving unauthorised works will incur additional fees.

Refer to Council's Fees and Charges. See Payment options or Websites for link.

If a building information certificate is required for a building that straddles a property boundary, the legal description of both properties must be included in the application and the consent of all owners is required. If there is insufficient space on the application form for all owners to sign, an [Owners consent – supplement](#) form is available.

If the application relates to or includes any building work carried out without, or not in accordance with, a development consent; complying development certificate or construction certificate, specific written details of the work, including architectural plans, structural details and how the work complies with relevant state and local planning requirements must be provided with the application.

Adequate details of the building are required by Council, to enable a full and proper evaluation of the application. In addition to survey documentation, this may include plans/specifications of the building, fire safety details, structural certification of the building, reports/details of compliance with the Building Code of Australia, structural certification of any awning or other structure located over a footway/public place and other relevant specialist reports or information. If the application is deficient it may be delayed or rejected.

An application for a building information certificate must be accompanied by a statement confirming the installation of smoke alarms in the building in accordance with the Environmental Planning and Assessment Regulation 2000, Division 7A – Smoke Alarms. At Section 11 of the application form, the applicant must make a declaration that these legal obligations have been met.

Council may require specified rectification work, repairs or other works to be undertaken prior to determination and issue of a building certificate.

A building information certificate does not certify the compliance of child-resistant barriers for a pool. If you require a certificate in respect of child-resistant barriers to the pool, a separate request for a pool barrier inspection under [section 22C of the Swimming Pools Act 1992](#) is required. Separate fees apply.

[Application for Certificate of Compliance for a Swimming Pool](#)

Refer to Council's Fees and Charges. See Payment options or Websites for link.

## Builder



Builder's details are only required if building works are involved and a development application is accompanied by a Construction Certificate Application. If the builder is also the owner, insert "owner-builder". If you are an owner-builder, you will need to supply evidence to Council that you have an owner-builder's permit from [NSW Fair Trading](#). Check the website for restrictions on owner-builder permits. Owner-builders do not require a permit if the reasonable market cost of labour and materials involved in the work is less than \$10,000 and development is not required.

If builder's details are unknown at the time of application, insert "not yet known" or "NYK" on the application form. The details can be provided later if the development application is approved.

## Bushfire prone land

Our desire to live close to nature means that many homes are built in areas that are at risk of bush fire. Eighty percent of homes destroyed by bushfire are built within 100m of bushland.

Since August 2002, legal standards have been in place for the safe construction of buildings on bushfire prone land in NSW. These standards are set out in a document produced by the NSW Rural Fire Service called "Planning for Bushfire Protection 2006". This document is currently under review.

Development Applications for bushfire prone and are assessed by Council together with the local Rural Fire Service so that people, property and the environment are better protected against the dangers of bushfire.

The Rural Fire Service has tools to help you assess your risk and prepare a bushfire survival plan if you live on bushfire prone land or close to bushland. Planned developments on bushfire prone land make homes and families safer from bushfires.

You can check the NSW Government's [Bushfire Prone Land map](#) to find out if your land is bushfire prone.

## Interpreting the Bushfire Prone Land Map

Land coloured orange, yellow or red on this map is Bush Fire Prone Land.

### Vegetation Category 1

These areas appears as **orange** on the map and represent forests, woodlands, heathlands, pine plantations and wetlands. Land within 100 metres of this category (indicated by the red buffer on the map) is also captured by the Bushfire Prone Land Map due to the likelihood of bushfire attack.

### Vegetation Category 2

These areas appear as **yellow** on the map and represent grasslands, scrublands, rainforests, open woodlands and mallee. Land within 30 metres of this category (indicated by the **red** buffer on the map) is also captured by the Bushfire Prone Land Map due to the likelihood of bushfire attack.

### 100m & 30m Buffers

Each vegetation category has a buffer area to reflect the likelihood of bushfire risk close to the vegetated area.

Bushfire protection standards must be included in development applications submitted to Council for

existing or proposed development on bushfire prone land. Standards that must be addressed are set out in Planning for Bushfire Protection and include:

- adequate setbacks from bushland
- inclusion of reduced fuel areas (Asset Protection Zones)
- correct siting
- good access roads for firefighters and residents.

[Rural Fires Act 1997 - s100B](#)

If you are proposing a subdivision for residential purposes or development for a **special fire protection purpose** on bushfire prone land, you are most likely required to obtain a Bushfire Safety Authority from the NSW Rural Fire Service (RFS). Please check with Council or the RFS to see if your proposed development requires this authority. If a Bushfire Safety Authority is required, the development is Integrated.

### **Bushfire Attack Level Certificate**

A Bushfire Attack Level (BAL) Certificate certifies the bushfire attack level that a proposed development will be exposed to based upon the location and type of existing vegetation, the slope of the land and the Fire Danger Index for the site.

A BAL certificate certifying bushfire attack levels of 12.5, 19 or 29 can be used to support an application for a Complying Development Certificate (CDC). Complying development is not permitted on land identified on BAL certificates with a bushfire attack level of 40 or Flame Zone.

A BAL Certificate can be obtained from Council or a suitably qualified consultant accredited by the [Fire Protection Association](#).

### **Useful links**

[NSW Rural Fire Service](#)

[Planning for Bushfire Protection 2006 \(slow link\)](#)

[Guidelines for Single Dwelling Development Applications](#)

Shoalhaven Council:

[Bushfire risk management plan](#)

[Bushfire Attack Level Certificate](#)

Accredited fire consultants:

[Fire Protection Association](#).

NSW Department of Planning & Environment:

[NSW Bush Fire Maps for Urban Release Areas](#)

Check this site if you think your land may be affected.

## Certificate as to Orders

A person may apply for a certificate as to whether there are any outstanding notices issued by Council under the Environmental Planning and Assessment Act 1979 or the Local Government Act 1993 in respect of any land within the Shoalhaven City Council area.

Section 121ZP – Certificate as to Orders of the Environmental Planning and Assessment Act 1979 was repealed on 1 March 2018. However, [Schedule 5 \(41\)](#) the Act now calls up new section [s735A of the Local Government Act 1993](#), which effectively means business as usual.

To apply for a Certificate as to Orders you must write a letter to Council. A new application form is being developed and will be available soon.

If you are advised that there are Orders outstanding, Council will also be able to advise what works, if any, are also outstanding.

There is a fee for this service. Refer to Council's Fees and Charges. See Payment options or Websites for link.

## Clearing of native vegetation

Refer to Biodiversity

## Change of use

When changing the use of a building or undertaking works to a building, a list of all existing and proposed fire safety measures for the building may be required to be submitted with your application. These include items such as fire extinguishers, fire exit signage, emergency lighting, hose reels and hydrants etc. You may need the assistance of an appropriately qualified building consultant to assist in formulating the list as it will need to fully address the relevant requirements of the Building Code of Australia.

## Coastal instability and management

If you are proposing to undertake development in the coastal zone your land may be affected by the [SEPP \(Coastal Management\) 2018](#).

You must also make a submission to address the relevant provisions of [Shoalhaven DCP 2014, Chapter G6 - Coastal Management Areas](#)

To find out more about coastal management in the Shoalhaven and how your property might be affected, refer to the following on Council's website:

[Coastline and waterways](#)

[Coastal Management Planning 2018](#)

[Coastal Management Plan 2018](#)

## Commercial use of the footpath

Development applications for commercial use of the footpath must be assessed under [Environmental Planning & Assessment Act 1979, s4.15](#) against statutory planning instruments and Council Policy.

Commercial use of the footpath will typically include one or more of the following:

- “A” Board Advertising Signs
- Advertising Displays
- Merchandise Displays; and
- Outdoor Eating Areas

The following information is required:

- A Statement of Environmental Effects to address the relevant performance criteria and acceptable solutions contained in [Chapter G17 - Business, Commercial and Retail Activities, Shoalhaven DCP 2014](#); and
- a fully dimensioned plan view drawing of the footpath area adjacent to the business premises indicating the proposed position(s) of the item(s) applied for in relation to the wall of the building, opposing kerb face, entrance to the premises, formal paving and (where relevant) grassed verges and any existing items located within the area (eg garbage receptacles, street furniture, verandah posts, garden boxes, etc).

Advertising signs and displays need to comply with [Shoalhaven DCP 2014, Chapter G22](#)

Outdoor Eating Areas – When considering the use of footpaths for the purposes of outdoor dining, you should first review the provisions of the [SEPP \(Exempt and Complying Development Codes\) 2008](#) (Codes SEPP). Under the Codes SEPP, the commercial use of a footpath for an outdoor dining area associated with a lawful food and drink premises (but not a pub or small bar) is exempt development. If your proposal meets the provisions for exempt development, you will not require consent from Council however under NSW legislation, statutory approvals may be required.

In addition to requiring development consent from Council for the commercial use of the footpath, you may also need to obtain an approval under:

- Section 125 of the Roads Act 1993 for outdoor dining; and
- Section 138 or Section 139A of the Roads Act 1993 for A-board signs, advertising or merchandise displays.
- Section 68 of the Local Government Act 1993.

In granting consent under s125 or s138 of the Roads Act 1993, Council requires the proponent to hold a current Licence agreement (Licence) for the use of the approved area.

Prior to issuing consent to a combined application for development consent and s138 or s125 approval under the Roads Act, Council will forward a standard Licence between Shoalhaven City Council and the Licensee(s) for signature by the Licensee(s). The applicant for the development application cannot sign a Licence on behalf of the proponent. Rental fees apply for all Licences. See Payment options or Websites for link to Council’s fees and charges.

If you are an agent applying on behalf of the proponent, you will also need to provide full and accurate

details of the business proprietors' name(s) and address(es) for inclusion in the Licence.

For further information contact the Planning, Environment & Development Group on (02) 4429 3111.

## Complying development

Details of the documents required to be submitted with a [complying development certificate application](#) are set out in [Environmental Planning and Assessment Regulation 2000, Schedule 1, cl 4](#).

A complying development certificate can be obtained from either Shoalhaven City Council or a private accredited certifier. Refer to "Private Certifying Authority".

Complying development is development that is considered to be predictable in its environmental impact and is therefore of minor consequence. If your proposed development complies with the requirements of the following environmental planning instruments you may be able to obtain a Complying Development Certificate (CDC) within 10 days from Council or an accredited private certifier:

- [State Environmental Planning Policy \(Exempt and Complying Development Codes\) 2008 \(Codes SEPP\)](#)
- [State Environmental Planning Policy \(Affordable Rental Housing\) 2009](#)
- [State Environmental Planning Policy \(Infrastructure\) 2007](#)
- [State Environmental Planning Policy \(Miscellaneous Consent Provisions\) 2007 - Part 2 Temporary structures](#)
- [State Environmental Planning Policy \(Educational Establishments and Child Care Facilities\) 2017](#)

Complying development under the Codes SEPP can be undertaken on low risk bushfire prone land where relevant development standards for bushfire prone land and all other development standards have been met. Applications for CDC for development on bushfire prone land are required to be accompanied by a BAL certificate verifying that the proposed development will not be exposed to a Bushfire Attack Level (BAL) in excess of 29.

BAL certificates can be obtained from Council or a suitably qualified consultant accredited by the Fire Protection Association.

Not all sites are suitable for Complying Development, for example land within a heritage conservation or in a foreshore area. To determine if your property is suitable for the Codes SEPP, Council suggests that you apply for a [Section 10.7 certificate](#) which will provide this information.

There is no requirement under the Codes SEPP to notify neighbours about a proposed complying development prior to the issue of the complying development certificate.

**Long Service Levy** – A Complying Development Certificate cannot be issued until any long service levy payable under Section 34 of the Building and Construction Industry Long Service Payments Act 1986 (or where such a levy is payable by instalments, the first instalment of the levy) has been paid. The Levy is payable where the cost of works is \$25,000 or greater. Council is authorised to accept payment. If paying by cheque it must be made out to Shoalhaven City Council.

**Asbestos** – refer relevant section for additional information.

If a proposed development activity involves disturbing, repairing or removal of asbestos material the person having the benefit of a complying development certificate must provide the principal certifying authority with a copy of a signed contract with a licensed asbestos removal contractor before any development activity commences. Any such contract must indicate whether any bonded asbestos material or friable asbestos material will be removed, and if so, must specify the landfill site (that may lawfully receive asbestos) to which the material is to be delivered.

Fees apply for a Complying Development Application. Refer to Council's Fees and Charges. See Payment options or Websites for link.

## Concept development

You can apply for development consent for part of your proposal now and for the remaining parts later. If you are applying to complete your development in stages, you must provide information which clearly describes the stages of your development and copies of any consents you already have for any part of your development.

## Concurrence of State agencies

A proposed development may require the concurrence of a NSW Government agency.

The [Environmental Planning and Assessment Regulation 2000, ss58-64](#) sets out the process for development applications for development requiring concurrence.

Additional fees apply. Refer to Council's Fees and Charges. See Payment options or Websites for link.

Circumstances in which concurrence may be required are:

[SEPP \(Sydney Drinking Water Catchment\) 2011](#); and

[SEPP No 1 \(Development Standards\)](#) - when the Secretary's concurrence cannot be assumed.

You should discuss your proposal with the Duty Planner in the Planning, Environment & Development Group if concurrence is required or you require assistance. Telephone (02) 4429 3531.

## Conflict of interest

The onus is on the individual to manage a conflict of interest. There are two types of conflict of interest: pecuniary (financial) and non-pecuniary.

As a general rule, a non-pecuniary conflict of interest will be significant where a matter does not raise a pecuniary interest but it involves:

- a relationship between a council official and another person that is particularly close, for example, parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child of the person or of the person's spouse, current or former spouse or partner, de facto or other person living in the same household;
- other relationships that are particularly close, such as friendships and business relationships. Closeness is defined by the nature of the friendship or business relationship, the frequency of contact and the duration of the friendship or relationship;
- an affiliation between a council official and an organisation, sporting body, club, corporation or association that is particularly strong.

Resources that may assist you to determine if you have a conflict of interest can be found at:

- [NSW Independent Commission Against Corruption](#)
- [NSW Office of Local Government Model Code](#)
- [Shoalhaven Council Code of Conduct](#)

## Construction certificate – building works

Details of the documents required to be submitted with a construction certificate application are set out in [Environmental Planning and Assessment Regulation 2000, Schedule 1, cl 6](#).

A construction certificate can be obtained from either Shoalhaven City Council or a private accredited certifier. Refer to "Private Certifying Authority".

If you seek a construction certificate from Council, there are three steps that must be completed before you can commence building work.

### Step 1

Lodge a construction certificate application. Your proposal and application will be assessed to ensure that the proposed works are compliant with the requirements of the development consent and satisfy the requirements of the Building Code of Australia.

### Step 2

Lodge a [Contract for Certification Work](#) with your application. The [NSW Building Professionals Act 2005, s73A](#) and the [Building Professionals Regulation 2000, cl 19A](#) together provide that Council must not carry out certification work for a person, such as issuing a construction certificate to undertake building work, unless it has entered into a written contract with that person. You must therefore complete and sign a Contract for Certification Work and attach it to the application form. Your application cannot be processed until you attach a signed Contract for Certification Work. When the application, together with the Contract, is lodged the Contract will be executed (signed by an authorised officer of Council) and a copy will be forwarded to you for your records.



### Step 3

Appoint a Principal Certifying Authority who will monitor the building works as they progress to ensure compliance with the approved construction certificate.

A construction certificate cannot be issued unless:

- The conditions of development that are required to be satisfied prior to the issue of a construction certificate have been complied with.
- The plans and specification submitted for a construction certificate must be consistent with those approved by the development consent. Minor changes, such as finer detail or changes to address development consent conditions may be allowed. Major changes, such as changing window / door locations or sizes or the height of the building, cannot be approved under a construction certificate application. Changes of this nature will require the submission of an application to modify the development consent (Section 4.55). If the changes are found to not be substantially the same development, a new development application will be required.
- If a construction certificate has been issued by Council and an application to modify a development consent has been approved, you can complete and submit the Application for, or modification of a Construction Certificate Form to amend the construction certificate.
- The new building works must comply with the Building Code of Australia. Existing buildings may require upgrading works to be undertaken. The development consent may specify (as a condition of consent) the level of upgrading required.
- Any security deposits, contributions for water and sewer or section 7.11 contributions are paid. If applicable, these are detailed in the conditions of the development consent.
- Long Service Leave Levy has been paid. (Payable for all works \$25,000 or more in value)
- Fire protection and structural capacity of the building will be appropriate for the proposed use.
- The proposed building and works will comply with relevant fire safety provisions.

For residential building work refer to “Home Building Act Requirements”.

A construction certificate ceases to have effect if physical works have not commenced on the site before the development consent lapses.

### Construction certificate – subdivision

When considering subdivision, you should first review the provisions of the [SEPP \(Exempt and Complying Development Codes\) 2008](#) (Codes SEPP) and [Shoalhaven DCP 2014, Chapter 3](#), as subdivision, in specified circumstances, may not require development consent.

A [Subdivision Construction Certificate](#) is required before subdivision work can commence and may only be issued if a development consent is ‘in force’ i.e. it has not lapsed.

#### What is subdivision work?

Subdivision work is any physical activity authorised to be carried out under the conditions of a development consent for the subdivision of land. Development consent that enables the subdivision of land may authorise the carrying out of any physical activity in, on, under or over land in connection with the subdivision, including the construction of roads and stormwater drainage systems.



Subdivision work includes, but is not limited to, the following:

- earthwork
- roadwork, including pavement and finishing
- stormwater drainage work
- landscaping work
- erosion and sedimentation control work
- structural work (e.g. retaining walls, bridges, etc.)
- work associated with driveways and parking bays, including pavement and finishing.

Council's policy for subdivision is here:

Shoalhaven DCP 2014, Chapter G11

<http://dcp2014.shoalhaven.nsw.gov.au/content/subdivision-land>

Council's standards for Subdivision Engineering Design Plans can be found here:

<https://shoalhaven.nsw.gov.au/Planning-amp-Building/Development/Development-engineering-design>

A Subdivision Construction Certificate is required under Part 4A of the Environmental Planning & Assessment Act 1979, in accordance with a development consent. Details of the information required to be submitted with a Construction Certificate Application for subdivision are set out in [Environmental Planning and Assessment Regulation 2000, Schedule 1. cl 6\(4\)](#)

Starting subdivision work:

Subdivision work cannot be commenced until the following matters have been addressed (together with other matters specified in the Environmental Planning and Assessment Act 1979 (EP&A Act)):

- a construction certificate for the subdivision work has been issued, and
- a principal certifying authority for the subdivision work has been appointed.

Council must be notified of the commencement of subdivision work by lodging this form [Notice of Commencement of Building or Subdivision Work and Appointment of Principal Certifying Authority](#) not less than two (2) days before work starts.

Note: The NSW Government has postponed the commencement of revised (building and) subdivision certification provisions in the EP&A Act until 1 September 2019.

## Contributions

Where development generates a demand for Council services or facilities, a contribution, as provided for by s7.11 of the Environmental Planning & Assessment Act 1979, may be required. Council has a [Contributions Plan](#) that outlines these charges and details the basis upon which they are calculated.

Other contributions towards water and sewer schemes may also apply. These contributions are levied by Shoalhaven Water and must be paid before a compliance certificate under the [Water Management Act 2000](#) can be issued.

## Contamination reports

Where land is contaminated or potentially contaminated, the following information must be provided in accordance with [State Environmental Planning Policy No 55—Remediation of Land](#):

- A report specifying the finding of a preliminary investigation of the land carried out by an Environmental Protection Authority (EPA) accredited person and in accordance with the Contaminated Land Planning Guidelines.
- If the findings of the preliminary investigation indicate contamination, a detailed investigation report as referred to in the Contaminated Land Planning Guidelines must be submitted and carried out by a suitable qualified EPA accredited person.
- The investigation is to demonstrate that, if the land is contaminated, the land is suitable in its contaminated state (or will be suitable after remediation), for the purpose for which the development is proposed.
- If the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, the method by which the land will be remediated to ensure the land will be suitable for the proposed use.

## Cost assessment of development

You **must** provide a genuine estimated cost of development in the Development Application, an Application for a Complying Development Certificate or an Application for a Construction Certificate. Council has adopted the NSW Government's recommended approach to estimating the cost of development as set out in [Circular PS13-002](#).

Assessment tables are provided below to assist you in calculating the genuine estimated cost of development.

The estimated cost of work must be based on industry recognised prices, including cost of materials and all labour for construction and/or demolition including GST. Please note that Council will check the estimated cost provided on the application form.

Provide the contract price or, if there is no contract, a genuine and accurate estimate (inc GST) for all labour and material costs associated with all demolition and construction required for the development, including the cost of construction of any building and the preparation of a building for the purpose for which it is to be used (such as the costs of installing plant, fittings, fixtures and equipment).

If the cost of works is under-estimated, the figure will need to be adjusted (based on Cordell's Cost Guide, BMT Cost Calculator or other industry accepted practice) and additional application fees may apply.

Value of Development	Method of Cost Assessment
Equal to or less than \$100,000	Estimated cost and methodology provided by either the applicant or a suitably qualified person*
Greater than \$100,000 and equal to or less than	Estimated cost and methodology provided by a

\$3 million	suitably qualified person*
Greater than \$3 million	A detailed cost report provided by a registered quantity surveyor
Vegetation removal only	No cost summary report required

\*a suitably qualified person is:

- a builder who is licensed to undertake the proposed works;
- a registered architect;
- a qualified and accredited building designer;
- a registered quantity surveyor; a practicing qualified building estimator;
- a land surveyor registered under the Surveying and Spatial Information Act, 2002; or
- a person who is licensed and has the relevant qualifications and proven experience in costing development works at least to a similar scale and type as is proposed

Use ONE of the following options to estimate the cost of the proposal, as appropriate. You can print these pages to lodge with your development application.

<b>Option 1 Estimated cost of works: Based on works component</b>	<b>Cost</b>
Demolition works (including cost of removal from site and disposal)	\$
Site preparation (e.g. clearing vegetation, decontamination or remediation)	\$
Excavation or dredging including shoring, tanking, filling and waterproofing	\$
Preliminaries (e.g. scaffolding, hoarding, fencing, site sheds, delivery of materials, waste management)	\$
Building construction and engineering costs: • concrete, brickwork, plastering • steelwork/metal works • roofing • carpentry/joinery • windows and doors	\$
Internal services (e.g. plumbing, electrics, air conditioning, mechanical, fire protection, plant, lifts)	\$
Internal fit out (e.g. flooring, wall finishing, fittings, fixtures, bathroom, equipment)	\$
Other structures (e.g. landscaping, retaining walls, driveways, parking, boating facilities, loading area, pools)	\$
External services (e.g. gas, telecommunications, water, sewerage, drains, electricity to mains)	\$
Professional fees (e.g. architects and consultant fees, excluding fees associated with non construction components)	\$
Other (specify)	\$

Parking/garaging area			\$
TOTAL CONSTRUCTION COST			\$
TOTAL GST			\$
TOTAL DEVELOPMENT COST			\$
Prepared by:			
Phone No:			
Position/qualification:			
Signature:		Date:	
<b>Option 2 Estimated cost of works: Based on floor space estimates</b>			<b>Cost</b>
<b>Area unless otherwise indicated</b>	<b>Cost per m<sup>2</sup></b>		<b>TOTAL COST</b>
Professional fees			\$
EXCAVATION	m <sup>2</sup>	\$	\$
Area; or			
Volume	m <sup>2</sup>	\$	
CONSTRUCTION	m <sup>2</sup>	\$	\$
Commercial			
CONSTRUCTION	m <sup>2</sup>	\$	\$
Residential			
CONSTRUCTION	m <sup>2</sup>	\$	\$
Retail			
CONSTRUCTION	m <sup>2</sup>	\$	\$
Industrial			
CONSTRUCTION	m <sup>2</sup>	\$	\$

Other			
FITOUT Commercial	m <sup>2</sup>	\$	\$
FITOUT Residential	m <sup>2</sup>	\$	\$
FITOUT Retail	m <sup>2</sup>	\$	\$
FITOUT Industrial	m <sup>2</sup>	\$	\$
FITOUT Other	m <sup>2</sup>	\$	\$
CARPARK	Cost per space	\$	
	m <sup>2</sup>	\$	\$
TOTAL CONSTRUCTION COST			\$
TOTAL GST			\$
TOTAL DEVELOPMENT COST			\$

Prepared by:	
Phone No:	
Position/qualification:	
Signature:	Date:

**Development application - checklist**

Information always required	Required
Completed Development Application form	<input type="checkbox"/>
Applicant has signed the Application form	<input type="checkbox"/>

All relevant owner's details and signatures provided. If space on the form is insufficient, provide additional details on <a href="#">Owners Consent - Supplement form</a> .	<input type="checkbox"/>
Plans of the land and the development prepared in accordance with the <a href="#">Environmental, Planning and Assessment Regulation 2000, Schedule 1, Part 1, cl 2 – Documents to accompany a DA</a>	<input type="checkbox"/>
Plans and accompanying documents are in digital format on a single USB/CD or attached to an email and comply with Council's Electronic Lodgement Guidelines.	<input type="checkbox"/>
Notification Plans and accompanying documents with all sensitive information removed or redacted for display on DA Tracking and notification under <a href="#">Council's Community Consultation Policy</a> (Notification package).	<input type="checkbox"/>
Copy of the Certificate of Title	<input type="checkbox"/>
Copy of the Deposited Plan or extract from Parish Map	<input type="checkbox"/>
Statement of Environmental Effects (SEE) outlining the likely impacts of the development.	<input type="checkbox"/>
A Cost Summary for all applications under \$3 million or a Cost of Development Report prepared by a Registered Quantity Surveyor if the development exceeds \$3 million.	<input type="checkbox"/>
<a href="#">Waste Management Plan</a> – Complete Council's Waste Management Plan and provide additional detail as required by Chapter G7 of Shoalhaven DCP 2014 and Council's Waste Minimisation and Management Guidelines.	<input type="checkbox"/>
<b>Information required for specific applications</b>	<b>N/A</b>
Concept Development staging plan	<input type="checkbox"/>
Jerberra Estate – refer to Jerberra Estate in this HUB for further information.	<input type="checkbox"/>
Jervis Bay area – submission to address <a href="#">clause 7.20 of SLEP 2014</a>	<input type="checkbox"/>
Subdivisions – preliminary engineering plans	<input type="checkbox"/>
Advertising Signs – submission to demonstrate compliance with <a href="#">Shoalhaven DCP 2014, Chapter G22</a>	<input type="checkbox"/>
Design Review Statement for residential development exceeding 3 storeys above ground level to which <a href="#">SEPP 65 (Design Quality of Residential Apartment Development)</a> applies.	<input type="checkbox"/>
<b>Information required in certain circumstances</b>	

Evidence that arrangements required to be made for any matter (eg water and sewerage) before development consent may be granted, have been made. For example, applications under <a href="#">SEPP (Housing for Seniors or People with a Disability) 2004</a> require such evidence.	<input type="checkbox"/>	<input type="checkbox"/>
Evidence that satisfactory arrangements have been made with the energy provider for provision of electricity to the proposed development.	<input type="checkbox"/>	<input type="checkbox"/>
Submission demonstrating Coastal Zone assessment for development on land affected by <a href="#">SEPP (Coastal Management) 2018</a> .	<input type="checkbox"/>	<input type="checkbox"/>
Submission demonstrating compliance with all relevant DCPs or Council Policies.	<input type="checkbox"/>	<input type="checkbox"/>
Change of Use (no building works) - Fire Safety Schedule – a list of any existing fire safety measures in relation to the land and existing building(s) on the land and proposed fire safety measures (Class 2-9 buildings only) OR	<input type="checkbox"/>	<input type="checkbox"/>
Change of Use (no building works) – Fire safety requirements - if the development involves a performance solution under the BCA, provide evidence.	<input type="checkbox"/>	<input type="checkbox"/>
Existing Use - provide details of the existing uses of the land and buildings.	<input type="checkbox"/>	<input type="checkbox"/>
Survey Plan – A contour and detailed survey plan prepared by a registered surveyor. This may be required to show the locations of lot boundaries, easements, building envelopes, sewer, coastal hazard or flood lines or similar on the site including existing and finished ground and building levels.	<input type="checkbox"/>	<input type="checkbox"/>
Neutral or Beneficial Effects Test for development within the <a href="#">SEPP (Sydney Drinking Water Catchment) 2011</a>	<input type="checkbox"/>	<input type="checkbox"/>
Heritage Impact Statement where the development affects a heritage item or place or is within a conservation area.	<input type="checkbox"/>	<input type="checkbox"/>
Heritage Assessment where the development is "in the vicinity" of a heritage item or place	<input type="checkbox"/>	<input type="checkbox"/>
Aboriginal Cultural Heritage Assessment if Aboriginal cultural heritage may be impacted.	<input type="checkbox"/>	<input type="checkbox"/>
BAL Certificate, if the BAL rating is below 29.	<input type="checkbox"/>	<input type="checkbox"/>
Bushfire Assessment Report if: <ul style="list-style-type: none"> <li>the land is mapped as bushfire prone and a BAL Certificate is not</li> </ul>	<input type="checkbox"/>	<input type="checkbox"/>

<p>provided, or the BAL rating is over 29.</p> <ul style="list-style-type: none"> <li>the property is mapped bushfire prone and your land use is an integrated development - subdivision or special fire protection purpose.</li> </ul>		
A flood compliance report in accordance with Shoalhaven DCP 2014, Chapter G9, if required.	<input type="checkbox"/>	<input type="checkbox"/>
Acid Sulfate Soil Preliminary Assessment may be required where the land is mapped as containing acid sulfate soils.	<input type="checkbox"/>	<input type="checkbox"/>
Geotechnical Report may be required where the slope of the land exceeds 20%, filled land, excavation proposed, or the land is identified as subject to coastal hazards or instability.	<input type="checkbox"/>	<input type="checkbox"/>
Preliminary Land Contamination report may be required where the land is identified on Council's Contamination Lands Register or where a potentially contaminating activity as previously occurred on the land.	<input type="checkbox"/>	<input type="checkbox"/>
On-site sewage Management Assessment report in accordance with Shoalhaven DCP 2014, Chapter G8 where the land is not serviced by a reticulated sewerage scheme.	<input type="checkbox"/>	<input type="checkbox"/>
Species Impact Statement where there is likely to be a significant impact on threatened or endangered species.	<input type="checkbox"/>	<input type="checkbox"/>
Traffic Impact Assessment when required by Schedule 3 of <a href="#">SEPP (Infrastructure) 2007</a> .	<input type="checkbox"/>	<input type="checkbox"/>
Traffic Impact Assessment for some developments below SEPP thresholds, e.g. multi-unit housing.	<input type="checkbox"/>	<input type="checkbox"/>
Shadow Diagrams in elevation and section with separate plans for 9am, 12pm and 3pm for 21 June, for development exceeding two-storeys adjacent to public places, existing residential development or residential zoned land	<input type="checkbox"/>	<input type="checkbox"/>
View corridor analysis for two-storey additions.	<input type="checkbox"/>	<input type="checkbox"/>

## DA Tracking

Council's on-line [DA Tracking](#) system allows an applicant or third party to view plans, other details and track the progress of a DA through the assessment process to determination.

The on-line system provides key milestones in the DA process but does not provide a detailed history. Persons wishing to confirm information in detail should contact Council via the email facility at the bottom of the on-line DA tracking window of each DA listed, or in writing to obtain a written response.

Documents associated with the DA will be accessible on-line via Council's DA Tracking site. Council is making the information available under the provisions of the [Environmental Planning & Assessment Act](#)



[1979, Government Information \(Public Access\) Act 2009](#) and [Council's Community Consultation Policy](#).

## Exempt development

Certain forms of low-impact development may be exempt from the need to obtain planning or construction approval. If certain development standards are met, specific types of development can be built without needing to be approved by either the local council or an accredited certifier. However, other legislation requirements for approvals, licences, permits and authorities may still apply. State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 (Codes SEPP) specifies the types of development which are exempt development. The SEPP typically covers small scale structures that will have minimal impact on the local environment (eg; garden sheds, carports, decks, pergolas rainwater tanks, etc). If your proposed development complies with the requirements for each exempt development type in the [Codes SEPP](#), you do not need approval from Council. Development which does not fall within the listed exempt development criteria requires a complying development certificate or development consent.

## Electronic lodgement

The NSW Planning Secretary is required to establish and facilitate the online delivery of planning services and information (the NSW Planning Portal). Information about how the Portal will operate can be found under [Schedule 3 of the Environmental Planning & Assessment Act 1979](#). In response, all NSW Councils are rapidly moving towards a digital environment. All development applications submitted to Council are processed electronically. Digital submissions are preferred, and applications should be lodged on a USB/CD over the counter or by email.

To ensure there is adequate time for checking and processing before close of business, applications lodged over the counter must be received no later than 4pm. Customers wishing to lodge multiple applications should allow a minimum of 30 minutes per application for same day processing, noting that payments cannot be accepted after 4.45 pm. Complex applications with multiple reports, lodged between 4-5pm, will be processed the next business day.

## Paper applications

Applications received in paper format cannot be electronically processed and, therefore, will incur a data management fee as per Council's Fees and Charges. See Payment options or Websites for hyperlink.

## PDF Format

All digital files (forms, plans, reports, submissions, evidence, etc) must be lodged as individual files in readable, unlocked, PDF digital format. Plans must be drawn to scale and rotated to landscape. If Council cannot access the data, the application may be rejected.

### **File size**

All documents must be A4 formatted and individual files must not exceed 4mb for on-line publication and distribution purposes. Files larger than 4mb must be separated into logical parts, supplied as separate files and numbered appropriately.

### **Accuracy and quality**

Care must be taken to ensure that electronic files replicate the correct versions of all documents and plans.

Quality must be readable, not scans of scans etc.

### **Privacy**

Care must be taken to ensure that personal and private financial information, such as credit card and bank details, is not contained within electronic files submitted to Council for assessment.

### **File naming**

All files must be named in accordance with Council's file naming protocol. Each file name must begin with a description of the type of document. Followed by the Specifics of the item. Followed by the address and lot number / Deposited Plan number.

#### Examples:

Form – Owner(s) Consent – 123 Smith St – Smith Village – Lot # DP #####

Plan – Site – 123 Smith St – Smith Village – Lot # DP #####

Submission – SEE – 123 Smith St - Smith Village – Lot # DP #####

File names are provided below. These are indicative, and the list of files is not exhaustive. If you are unsure how a plan or document should be named, please contact Council on (02) 4429 3111.

Certificate – [specify]

Certificate – BASIX Compliance

Certificate – Final Occupation

Certificate – Glazing

Certificate – Interim Occupation

Certificate – Smoke Detector

Certificate – Structural Engineer

Certificate – Termite Protection

Certificate – Water Proofing

Details – [specify]

Details – Frame and Truss

Evidence – [specify]

Evidence – Biodiversity Offset Scheme Entry Report

Evidence – Certificate of Title

Evidence – Deposited Plan

Evidence – Payment Receipt – Long Service Levy

Evidence – Payment Receipt – s7.11 Contributions

Evidence – Payment Receipt – s64 Contributions

Evidence – Payment Receipt – Integrated Development [specify approval body]

Evidence – Prelodgement Meeting Notes

Form – [ specify]

Form – Development Application

Form – Construction Certificate

Form – Owner(s) Consent

Form – Political Donations & Gifts Declaration

Form – Subdivision Certificate

Form – Subdivision Works Certificate

Form – Works in the Road Reserve

Instrument – [specify]

Instrument – Draft s88B

Management Plan – [specify]

Management Plan – Event

Management Plan – Soil and Water

Management Plan – Traffic

Management Plan – Waste Minimisation

Notice – [specify]

Notice – Energy Provider

Notice – NBN Co.

Notice – Shoalhaven Water

Notice – Telecommunications

Notification Package

Plan – [specify]

Plan – Access

Plan – Catchment

Plan – Commercial Use of the Footpath within a public road

Plan – Construction Management

Plan – Demolition

Plan – Deposited Plan

Plan – Elevations

Plan – Engineering [ specify]

Plan – Environmental Management

Plan – Event Management

Plan – Floor

Plan – Heritage Conservation Management

Plan – Landscape

Plan – Lines and Signs

Plan – Location

Plan – Long Section

Plan – Notification

Plan – On-site Effluent Management

Plan – Preliminary Engineering – Subdivision

Plan – Sections

Plan – Services

Plan – Sewer Augmentation Concept

Plan – Shadow Diagrams

Plan – Site

Plan – Site Analysis

Plan – Soil and Water Management

Plan – Stormwater Drainage Concept

Plan – Structural Engineering

Plan – Subdivision Layout

Plan – Survey

Plan – Traffic and Car parking

Plan – Tree Retention

Plan – Vegetation

Plan – View Corridor Analysis

Plan – Waste Management

Plan – Waste Management Construction

Plan – Waste Management – Operational

Plan – Works-as-Executed

Report – [specify]

Report – Aboriginal Cultural Assessment

Report – Aboriginal Cultural Assessment [redacted version]

Report – Aboriginal Heritage Information Management System (AHIMS)

Report – Acid Sulphate Soil Preliminary Assessment

Report – Arborist

Report – Biodiversity Development Assessment

Report – Bushfire Assessment

Report – Car Parking Needs Study

Report – Coastal Management

Report – Coastal Engineer

Report – Contamination Preliminary Assessment

Report – Cost of Development

Report – Design Verification Statement [SEPP 65]

Report – Energy Efficiency

Report – Environmental Management

Report – Environmental Impact Statement

Report – Flood Study

Report – Flora and Fauna

Report – Geotechnical

Report – Heritage Assessment

Report – Statement of Heritage Impact [specify]

Report – Neutral or Beneficial Effects Test

Report – On-site Effluent Management

Report – Species Impact Statement

Report – Species Impact Statement [redacted version]

Report – Traffic Impact Assessment

Schedule – [specify]

Schedule – Colours and Materials

Schedule – Proposed and Existing Fire Safety

Specification [specify]

Submission – [specify]

Submission – Statement of Environmental Effects

Submission – Visual Analysis and Photographic Assessment

[Transmittal Sheet](#)

## Fees

Applications require the payment of [fees and charges](#). If fees and charges must be paid, [options for payment](#) are set out on this page.

## Fire safety statement (annual)

The [Fire Protection Association Australia](#) (FPA Australia) has developed a [Good Practice Guide](#) on annual fire safety statements (GPG-04) to provide guidance to the fire protection industry, building owners and building occupiers in relation to the objective of Annual Fire Safety Statements and the requirements and responsibilities for preparing these documents in New South Wales. To obtain a hard copy of this Good Practice Guide email your request to [technical@fpaa.com.au](mailto:technical@fpaa.com.au)

### What is an annual fire safety statement?

An Annual Fire Safety Statement is a document issued by or on behalf of the owner of a building to the effect that each Essential Fire Safety Measure installed in the building or on the land has been assessed by a competent fire safety practitioner and was found to be capable of performing to the standard required by the most recent Fire Safety Schedule for the premises.

### When is an assessment or inspection of the fire safety measures required for a property?

The assessment and inspection of an Essential Fire Safety Measure or building must have been carried out within three (3) months prior to the date on which the Annual Fire Safety Statement is due.

A copy of the Annual Fire Safety Statement and current Fire Safety Schedule must be forwarded to:

[council@shoalhaven.nsw.gov.au](mailto:council@shoalhaven.nsw.gov.au) ; **and**  
the Fire Commissioner, NSW Fire and Rescue [afss@fire.nsw.gov.au](mailto:afss@fire.nsw.gov.au)

It is important, therefore, to be aware of the due date for submission of the statement to Council. Procedures should be put in place to have the required assessment and inspection, and any required repairs, carried out within this three-month period.

### What is a fire safety measure?

A Fire Safety Measure is any measure (including any item of equipment, form of construction or fire safety strategy) that is, or is proposed to be, implemented in a building to ensure the safety of persons using the building in the event of emergency. These measures will vary from building to building and may include exit signs, portable fire extinguishers, smoke alarms, fire hydrants, evacuation plans etc.

More details including a list of all statutory fire safety measures are in Clauses 165 and 166 of the Environmental Planning & Assessment Regulation 2000.

### Who is responsible for maintaining fire safety measures?

Under the provisions of the Environmental Planning and Assessment Regulation 2000 (the EP&A Regulation) it is the building owner's responsibility to maintain each Essential Fire Safety Measure installed in the premises. The Fire Safety Measures are to be maintained whether the building is occupied or vacant.

### **What is a fire safety schedule?**

A Fire Safety Schedule is the list of all Fire Safety Measures that are required to be installed in a premise and the standard of performance to which each measure must be capable of operating (both existing and proposed).

A Fire Safety Schedule can be issued when:

- granting a development consent for a change of building use in which no building work is proposed for the consent and no building work is required by the consent authority; or
- issuing a complying development certificate for the erection of a building or for a change of building use; or
- issue a construction certificate for proposed building work; or
- giving a fire safety order in relation to building premises after an audit is conducted.

### **Who is responsible for providing an annual fire safety statement?**

Under the provisions of the EP&A Regulation, it is the building owner's responsibility to ensure that the Annual Fire Safety Statement is submitted to Council; that a copy of the statement is given to the Fire Commissioner and that another copy is prominently displayed in the building. An owner can grant authority to an agent to submit an Annual Fire Safety Statement on their behalf but Council require a written form of this consent for each applicable property.

### **Who can submit an annual fire safety statement for Strata Title Properties?**

The Owners Corporation is responsible for submitting one annual fire safety statement to cover the entire building including each individual unit as well as common property such as hallways, carparks etc. The Executive Committee of the Owners Corporation may appoint the property strata manager to prepare and submit the annual fire safety statement on their behalf. Council requires a written form of consent from the Owners Corporation if the strata manager has been authorised to submit on their behalf.

### **Should a separate annual fire safety statement be submitted for each building on the property?**

Yes. If there are multiple buildings on the one property, a separate annual fire safety statement is required for each building. One statement can be submitted for all the buildings ONLY if the required fire safety measures are the same for each building (as listed on the Fire Safety Schedule).

### **What will happen if an annual fire safety statement is not submitted by the due date?**

Failure to give Council an Annual Fire Safety Statement by the due date constitutes a separate offence for each week beyond that date for which the failure continues. The serious nature of non-compliance with fire safety requirements is reflected in the substantial penalties provided for in the EP&A Act.

Proceedings for such an offence may be taken before a Local Court where a maximum fine of



\$110,000 may be imposed, or Council may issue Penalty Notices which range from \$1000 for the first week of the offence up to \$4000 per week for the fourth and subsequent weeks of the offence.

An incomplete statement may still attract at least a \$1000 Penalty Notice and failure to maintain an Essential Fire Safety Measure may attract an additional \$3000 (for individual) and \$6000 (for company) Penalty Notice.

What do I do with my completed annual fire safety statement and fire safety schedule once it has been submitted to Council and the NSW Fire and Rescue?

A copy of the following documents must be prominently displayed within the relevant building:

- Current Fire Safety Schedule
- Current Annual Fire Safety Statement

Penalties are applicable for not displaying these documents as per the EPA Regulations NSW.

### **Further information**

If you need further information about this matter, please contact the Fire Safety Officer on (02) 4429 3111 between the hours of 9.00 – 10.30am Monday to Friday. Please quote Council's reference FSS number.

The above is a guide only to some relevant requirements of:

- The Environmental Planning and Assessment Regulation 2000, Part 9
- The Environmental Planning and Assessment Act 1979
- The Building Code of Australia

## **Home warranty insurance**

Home warranty insurance needs to be provided by:

- a builder or tradesperson before taking any money (including a deposit) from a home owner (including an owner-builder) under a residential building contract and before starting any work under that contract;
- a 'spec' builder before starting any residential building work on a property owned by the builder;
- a developer before entering into a contract for the sale of a property on which a builder is doing or has done residential building work for the developer
- an owner-builder (ie. a home owner who did owner-builder work under an owner-builder permit) before entering into a contract for sale of the property on which residential building work was done within the previous 6 years

Home warranty insurance is required to be obtained where the contract price is over \$20,000 or, if the contract price is not known, the reasonable market cost of the labour and materials involved is over \$20,000.

Where the [Home Building Act 1989](#) requires there to be a contract of insurance in force, such a contract must be in force before any authorised building work can commence.

For further information on Insurance matters, please contact [NSW Fair Trading](#).

## Integrated Development

Integrated Development is development that requires one or more of the following approvals (i.e. licences or permits) from an approval body, which is typically a State government agency. Please read through the guidance below and seek advice from the relevant agencies. Additional fees apply. An application for integrated development requires:

- sufficient information for the approval body to assess the application;
- payment of an additional fee to Council;
- payment of an additional fee of \$320 to each approval body.

An application for integrated development, once received, must be referred to the relevant approval body within 14 days of the date of lodgement. However, an approval body will not accept a DA referral without evidence that the integrated development fees have been paid. Failure to provide relevant fee receipts in a timely manner may delay assessment of the application.

### [Fisheries Management Act 1994](#) – s144, s201 and s205

In relation to any natural or semi-natural waterway whether permanently or intermittently inundated or flowing (including a bay, estuary, lake, river, creek, lagoon or wetland but not including works within farm dams, urban ponds, irrigation channels, stormwater ponds, sewage treatment ponds etc) does your proposal involve:

- any excavation or filling with any earth, soil, rock, rubble, concrete, timber or bricks etc; or
- harm to marine vegetation;
- obstruction of fish passage by the construction of any structure such as a weir, dam, floodgate, culvert or causeway.

If yes, to any of the above you may need an approval from the NSW Department of Primary Industries.

### [Heritage Act 1997](#) – s58

Approval in respect of the doing or carrying out of an act, matter or thing referred to in s57 (1) of the Act. Section 57(1) applies to buildings, works, relics, places, trees, vegetation or moveable objects the subject of an interim heritage order or on the State Heritage Register. If Council can give this approval your proposal is not integrated development.

### [National Parks and Wildlife Act 1974](#) – s90

If your proposal will impact Aboriginal heritage you will need an Aboriginal heritage impact permit.

### [Protection of the Environment Operations Act 1997](#) (POEO Act)

If your proposal is listed in Schedule 1 of the POEO Act you will need an environment protection licence under Section 43 the Act from the Environment Protection Authority. Examples are resource recovery, waste disposal and waste processing.

If your proposal is a non-scheduled activity subject to a licence under Section 43(d) of the POEO Act, your proposal will be integrated development.

### [Roads Act 1993](#) – s138

If your development affects a classified road you need to obtain consent from Roads and Maritime Services. In the Shoalhaven Council area, a classified road includes: a highway, main road, controlled access road, secondary road, tourist road and a State work. However, if Council can give this consent, the application is not integrated development.

Section 138 consent is required to:

- a) erect a structure or carry out a work in, on or over a public road; or
- b) dig up or disturb the surface of a public road; or
- c) remove or interfere with a structure, work or tree on a public road; or
- d) pump water into a public road from any land adjoining the road; or
- e) connect a road (whether public or private) to a classified road.

### [Rural Fires Act 1997 - s100B](#)

If you are proposing a subdivision for residential purposes or development for a **special fire protection purpose** on bushfire prone land, you are most likely required to obtain a Bushfire Safety Authority from the NSW Rural Fire Service (RFS). Please check with Council or the RFS to see if your proposed development requires this authority. View the [RFS bushfire prone land mapping tool](#). If a Bushfire Safety Authority is required, the development is Integrated.

### [Water Management Act 2000](#) – s89, s90 and s91

If you are intending to use water, undertake water supply, drainage or flood work, undertake a controlled activity or interfere with an aquifer you are likely to require approval under the Water Management Act. It is suggested that you contact the NSW Office of Water to discuss whether approval is required.

### **General terms of approval**

The general terms of approval of the relevant State agency(ies) must be obtained and will form part of the development consent, if the application is approved.

### **State Agency Contacts:**

NSW Rural Fire Service Headquarters – [www.rfs.nsw.gov.au](http://www.rfs.nsw.gov.au)

Department of Primary Industries (Fisheries) – [www.dpi.nsw.gov.au](http://www.dpi.nsw.gov.au)

Environment Protection Authority – [www.epa.nsw.gov.au](http://www.epa.nsw.gov.au)

Roads and Maritime Services (Property Section) – [www.rms.nsw.gov.au](http://www.rms.nsw.gov.au)

Environment and Heritage (Licences and Permits) – [www.environment.nsw.gov.au](http://www.environment.nsw.gov.au)

WaterNSW – [www.water.nsw.gov.au](http://www.water.nsw.gov.au)

## Inspections

If you have appointed Council as your Principal Certifying Authority (PCA) you will need to arrange for the relevant inspections to be carried out at the appropriate stages of construction. Council will have already notified you in writing of the mandatory critical stage inspections and any other inspections required for the development.

### How do I book an inspection?

To book an inspection, please contact Council's Planning, Environment & Development Group on (02) 4429 3211 with the following information:

- Development Application number
- Type of Inspection
- Date of inspection
- Name and contact phone number
- Address of property to be inspected

### You are advised:

- The booking should be made at least 24 hours before the inspection is required.
- Work must be ready at the time of the inspection, otherwise Council may charge a re-inspection fee
- Any dogs on the premises must be restrained.

### What must be inspected?

There are a number of mandatory critical stage inspections that must be carried out by your PCA. If these inspections are not carried out, the PCA may not be able to issue an occupation certificate. It is a mandatory requirement of the legislation that an occupation certificate be obtained before a building is occupied.

The mandatory critical stage inspections required by the legislation are listed below and are dependent upon the type of building you are constructing.

It is the responsibility of your PCA to advise you of the inspections that are required for your development.

### Residential work – Class 1 & 10 buildings

Examples include dwellings, alterations and additions, garages, carports, swimming pools, etc. The mandatory inspections are:

- footing
- slab and other steel reinforcement
- frame (including floor)
- wet area waterproofing
- stormwater
- final/completion

### **Multiple dwellings – Class 2, 3 & 4 buildings**

Examples include multi-unit developments, and residential components of commercial or industrial buildings. The mandatory inspections are:

- first footing inspection
- wet area waterproofing
- stormwater
- final/completion

### **Commercial and Industrial Buildings Class 5, 6, 7, 8 or 9 buildings**

Examples include offices, shops, factories and commercial buildings. The mandatory inspections are:

- first footing inspection
- stormwater
- final/completion

### **Other Inspections**

Under the plumbing and drainage approval issued by Council (if applicable) additional inspections such as internal and external drainage, sewer connection, stormwater and final inspection may also be required.

Additional inspections to those nominated above may be required by the PCA.

### **Final Inspection**

When all building works have been completed you will need to book a final inspection. Once the final inspection has been completed and passed, an Occupation Certificate will be issued.

The Occupation Certificate authorises the occupation of the building.

### **How do I know the result of the inspection?**

A coloured sticker (Red – Do not proceed further, Orange – minor defects were found or Green – you may proceed with construction) will be left on site or you will be advised by telephone of the outcome of the inspection.

## **Jerberra Estate**

A customised development application kit has been prepared for Jerberra Estate to assist the development application process. The kit includes:

- [Development Application form](#)
- [Jerberra DA checklist](#)
- [Jerberra Statement of Environmental Effects \(SEE\) form](#)
- [Waste Management Plan](#)
- [Political Donations and Gifts Disclosure form](#)

- [Drainage Application form](#) which must be completed for the on-site management system and the stormwater infiltration trench
- A sample Sub-surface Effluent Layout Diagram
- Council's policy "Stormwater Protection on Construction Sites" which includes a sample "Erosion and Sediment Control Plan"

Checklist and forms can be printed out and completed or completed electronically.

Other information is available on [Council's website](#).

Go straight to [Shoalhaven DCP 2014, Chapter N20 - Jerberra Estate](#)

Go to [Shoalhaven LEP \(Jerberra Estate\) 2014](#)

## Local development

If the work you wish to undertake is neither exempt nor complying development, your works will most likely be a local development. If this is the case, then you will need to lodge a Development Application (DA) with Council.

## Long service levy

The Long Service Scheme makes a long service payment to eligible registered workers who have worked in the building and construction industry in New South Wales during the time of their registration and where this time is recorded in the Scheme. For further information on the Long Service Levy, please contact the [Long Service Corporation](#) on 13 14 41.

A construction certificate cannot be issued until any long service levy payable under Section 34 of the [Building and Construction Industry Long Service Payments Act 1986](#) has been paid or where such a levy is payable by instalments, the first instalment of the levy has been paid.

Council is authorised to accept payment. Projects involving construction work valued at \$25,000 or more attract a levy of 0.35%.

## Modification of approvals

A development consent or a complying development certificate cannot be modified if it has already lapsed. Similarly, a construction certificate (for building or subdivision work) cannot be modified if the consent for the approved development has lapsed. Check your decision document to determine if the development consent is still valid before applying for a modification. If the consent has lapsed a new application will be required.

If you are applying to modify a valid approval you must ensure that you also provide Council's reference number on the application form.

## Neutral and beneficial effects test

[SEPP \(Sydney Drinking Water Catchment\) 2011](#) – Neutral and Beneficial Effects Test.

The outcome of the NorBE test must accompany any application for development on, or subdivision of, land to which the SEPP applies and may be included within the On-Site Sewage Management

Assessment Report. For information about how to undertake a NorBE assessment, please refer to [NorBE Assessment Guidelines](#).

## Occupation certificate

An occupation certificate certifies that the building or nominated part of the building is suitable and safe to be occupied in accordance with the relevant requirements of the Building Code of Australia.

An occupation certificate must be obtained from the Principal Certifying Authority (PCA) before a new building or part of a building (e.g. additions to a building) can be occupied, and before commencing any change in a building's use.

Before issuing a certificate, the PCA is required under legislation to be satisfied that the building is suitable for occupation and use under the Building Code of Australia. The PCA must also ensure that relevant development consent conditions and requirements have been complied with.

Failure to obtain an occupation certificate is an offence which can result in substantial penalties or issue of notices and orders.

## On-site sewage management assessment report and plan

The report must address the requirements of [Shoalhaven DCP 2014, Chapter G8](#)

## Other Council approvals under the Local Government Act 1993

At the same time as applying for development consent, it is possible to apply for other approvals required under Section 68 of the Local Government Act 1993. Identify the activities for which approval is required on the development application form. If you have identified one or more of these activities, you must include all the relevant details and documents in the application.

The following activities generally require the approval of Council.

### Structures

- Install a manufactured home, moveable dwelling or associated structure on land
- Water supply, sewerage and stormwater drainage work
- Carry out water supply work
- For industrial, commercial and large-scale residential development provide a hydraulics design prepared by a suitably qualified consultant.
- Draw water from a council water supply or a standpipe or sell water so drawn
- Install, alter, disconnect or remove a meter connected to a service pipe
- Carry out sewerage work
- Carry out stormwater drainage work
- Provide a plan that is drawn to scale and illustrates:
  - Proposed location of connection
  - Details/method of connection

For large scale developments:

- Catchment plan and drainage calculations to determine the site discharge
- Impact on Council drainage system with respect to potential overflows



- 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

### Management of waste

- For fee or reward, transport waste over or under a public place

If you want approval to transport waste over or under a public place, place waste in a public place or place a waste storage containing in a public place, provide the following information with your application:

- Postal address for service of notices (if different from that given on DA form)
- General description of service(s) to be offered and waste(s) to be collected
- Description of waste type(s) to be handled
- Area of collection/transport
- Procedures to ensure that only the waste types proposed are actually handled
- Final destination(s) for all waste collected
- Description of market(s) to be serviced
- Experience/qualifications of principals and staff
- Hours of operation
- Frequency of operation
- Proposed location of waste containers
- Details of equipment
- Cleaning procedures for equipment
- Procedures to prevent public hazard or nuisance
- Procedures to prevent the escape of waste or leachate from containers, trucks or other equipment
- Procedures to minimise impact on public amenity including noise and odour
- Procedures to maximise waste reduction and separate recyclables
- Details of public and environmental liability insurance
- Details of Licences or approvals from the EPA (if any)
- Place waste in a public place
- Place a waste storage container in a public place
- Dispose of waste into a sewer of the council

If you want to dispose of trade waste into a sewer that the Council controls or that connects to a sewer the Council controls, provide the following information with your application:

- Details as listed in [Council's Liquid Trade Waste Discharge to Sewerage System Policy](#).
- If you want to dispose of sewage collected on your premises to a sewer that the Council controls or that connects to a sewer that the Council controls provide the following information with your application:
  - The type of waste to be disposed
  - The amount of waste to be disposed
  - The rate the waste will be disposed
  - How often the waste will be disposed

Install, construct or alter a waste treatment device or a human waste storage facility or a drain connected to any such device or facility

Operate a system of sewage management (within the meaning of section 68A)



If you want to install or build a sewage management facility, provide the following information with your application:

- A plan (to scale) that shows the location of:
  - Full details of the facility you will install or construct
  - any areas of land on which sewage will be applied e.g. As fertilizer (composting systems)
  - any buildings or facilities already on the land that are within 100 metres of the proposed facility or the areas on which sewage will be applied
  - any environmentally sensitive areas of land that are within 100 metres of the proposed facility or the areas on which sewage will be applied
  - any related drains or pipes
  - details of the climate, geography, hydrogeology, topography, soil composition and vegetation of the areas of land on which sewage will be applied and an assessment of the site having regard to these details
  
- a statement of:
- the number of bedrooms at the premises
- any other factors that are relevant to how much waste the facility can manage
  
- details of:
- how the facility needs to be operated and maintained
- how you propose to operate, maintain and service the facility
- the action you will take if the facility breaks down or is interfered with drains or pipes
- any additional information required to be submitted in accordance with Shoalhaven DCP 2014, Chapter G7.

**Note:** Pump-out facilities: In most cases, details relating to effluent application areas, environmentally sensitive areas and site assessment will not be required if the application is for a pump-out facility. Other specific details for pump-out include: tank capacities, pipe distance from tank to pump-out stand pipe, vertical head measurement to determine if additional pumping facilities are required to assist the tanker.

### **Community land**

- Engage in a trade or business
- Direct or procure a theatrical, musical or other entertainment for the public
- Construct a temporary enclosure for the purpose of entertainment
- For fee or reward, play a musical instrument or sing
- Set up, operate or use a loudspeaker or sound amplifying device
- Deliver a public address or hold a religious service or public meeting

### **Public roads**

Swinging or hoisting goods across or over a public road by means of a lift, hoist, or tackle projecting over the footway.

If you want approval to hoist goods across or over a public road, provide the following information with your application:

- a plan that:
- identifies the land and related streets

- shows the area or work, position of hoist, lift or crane with respect to footpaths, roads and buildings
- traffic management plan in accordance with AS1742 and associated standards for public roads or the RTA document “Traffic Control at Worksites” for main roads. This plan must detail how the impact on pedestrian movements and vehicle movements will be minimised.
- days and hours of operating lifting/hoisting equipment plan.
- nature of goods to be hoisted or swung over any part of the road or footpath.
- hazard management plan that identifies and assesses the possible hazards associated with the work and proposed control measures to ensure compliance with the Work Health and Safety Act 2011 and common law duty of care, where applicable.

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

### **Other activities**

#### Operate a public car park

If you want to operate a public car park provide the following information with your application, please provide a plan drawn to scale that:

- identifies the land and related streets
- describes the building if the car park is in a building, its location on the site and any other purpose for which the building will be used
- number of vehicles that can be parked in the car park and how this will be done
- how the vehicles will enter, move around and leave the car park
- off-street parking facilities available for vehicles waiting to use the car park
- ventilation that you will provide if the car park is in a building
- whether any petrol, oil or motor service facilities will be provided in the car park
- the hours the car park will operate, how the fee or charge for using the car park will be collected, and where any facility for collecting the fee or charge will be located
- details of lighting and security

#### Operate a caravan park or camping ground

If you want to operate a caravan park or camping ground provide a plan that is drawn to scale that clearly illustrates:

- the boundaries and area of the caravan park or camping ground
- size and location of all sites
- amenities buildings including numbers of facilities proposed
- roadways, including widths, surface finish, entrances and exits and visitor parking
- recreation areas and facilities proposed
- waste disposal facilities proposed
- setback from boundaries and distances between amenities buildings and sites
- location and number of sites proposed for long term residence
- details of utility services including fire protection
- drainage proposals

#### Operate a manufactured home estate

If you want to operate a manufactured home estate provide a plan that is drawn to scale and clearly illustrates:

- The boundaries and area of the manufactured home estate
- Size and location of all sites
- Roadways, including widths, surface finish, entrances and exits and visitor parking
- Location, size and design of community amenities including community buildings, if any
- Details of existing and proposed landscaping, drainage and lighting

Install a domestic oil or solid fuel heating appliance, other than a portable appliance

If you want to install a domestic oil or solid fuel heating appliance provide a plan that clearly delineates:

- the position of the proposed appliance, including distances from combustible materials and location and height of flue
- any structure within 15 metres of flue outlet
- manufacturer's installation specifications

Install or operate amusement devices (within the meaning of the Work Health and Safety Regulation 2017)

If you want to install or operate an amusement device please provide:

- details of the location where the device is to be installed;
- copy of the registration as required by the Work Health and Safety Regulation 2017, [Schedule 5](#).
- certificate of currency of public liability insurance

Use a standing vehicle or any article for the purpose of selling any article in a public place

Carry out an activity prescribed by the regulations or an activity of a class or description prescribed by the regulations

Notes:

- Council is unable to determine any application that does not contain the required information. If you need assistance, please contact Council on (02) 4429 3111.
- Council may require additional information depending on the nature of the application.
- All relevant Fees and Charges must be paid when the development application is lodged.
- An application form for all types of Section 68 approvals is under construction.

## **Owner-builder**

What is owner-builder work? Owner-builder work is any work (including supervision and co-ordination) involved in the construction of, or alterations, repairs or additions to, a dwelling (which includes a house, terrace, town-house, garage, swimming pool and certain other structures and improvements):

- where the reasonable market cost (including labour and materials) exceeds \$10,000; and
- which relates to a single dwelling, dual occupancy or a secondary dwelling that:
- requires development consent under Part 4 of the Environmental Planning and Assessment Act 1979, or
- is a complying development within the meaning of that Act.

## Owners consent

The Environmental Planning & Assessment Act 1979 requires that all registered owners of the land to be developed must give consent and sign the application. It is the applicant's responsibility to clearly demonstrate that all owners have consented to the lodging of the application. There are different types of property ownership and requirements for each. Read this guidance carefully to ensure that all relevant owners' consent has been provided.

Several applications may be required to be made during the course of a project. If the applicant is not the owner, a "letter of authorisation" signed by all owners, in accordance with relevant legislation, can be provided to Council in lieu of signing each and every application form. The letter should state that the undersigned authorise the Applicant to lodge all applications on their behalf. Owners may wish to consider nominating specific applications or a particular time frame during which the authorisation is to apply.

If necessary, use the form titled ["Owners Consent - Supplement"](#).

### Torrens Title Property

#### Owned by individuals:

Complete the Registered Owners Consent section. If there is more than one owner, you must provide the consent of all owners. If there are more than four owners, use the form titled "Owners Consent - Supplement" and lodge it with the application form.

#### **Owned by a Company:**

Refer to the guidance below for company-owned property to ensure the correct signatures are obtained.

### Strata Title Property

#### Owned by individuals and works do not affect common property:

Complete the Registered Owners Consent section.

#### Owned by individuals and works also affect common property:

Complete the Registered Owners Consent section. Use the "Owners Consent - Supplement" form to provide owners consent for the strata titled common property. Read the guidance below for advice about how to obtain this consent and ensure the correct signatures are obtained for the application.

#### Works only affecting common property:

Use the "Owners Consent - Supplement" form to provide owners consent for the strata titled common property. Read the guidance below for advice about how to obtain this consent and ensure the correct signatures are obtained for the application.

### Community Title Property:

Owned by individuals and works do not affect a community, precinct or neighbourhood parcel:

Complete the Registered Owners Consent section.

Owned by individuals and works also affect a community, precinct or neighbourhood parcel:

Complete the Registered Owners Consent section.

Use the “Owners Consent - Supplement” form to provide owners consent for the community precinct or neighbourhood parcel. Read the guidance below for advice about how to obtain this consent and ensure the correct signatures are obtained for the application.

Works only affecting a community, precinct or neighbourhood parcel:

Use the “Owners Consent - Supplement” form to provide owners consent. Read the guidance below for advice about how to obtain this consent and ensure the correct signatures are obtained.

### **Company Title Property**

All Company owners must complete the Registered Owners Consent section. Read the guidance below for advice about how to obtain this consent and ensure the correct signatures are obtained.

### **Crown land**

For land owned by the Crown, the application must be signed by an authorised officer of the [NSW Department of Industry - Lands](#).

### **Council land and road reserves**

For land owned by the Council, the application must be signed by the General Manager or delegate.

In addition, Shoalhaven City Council is the owner of local road reserves and the roads authority for the purposes of granting consent under Sections 125 & 138 of the Roads Act 1993. Development applications for use of land within a local road reserve must be signed by the General Manager or delegate. An application for commercial use of the footpath, for example, requires Council's consent as owner.

### **Shared boundary wall or fence**

When works affect a joint wall or fence, consent of all affected property owners is required (e.g. Semi-detached terrace dwelling and boundary fence).

### **Signing on owner's behalf**

If you are signing on behalf of the owner as the owner's representative, you must state the nature of your legal authority and provide documentary evidence of your authority (a full copy is required). Depending on the nature of your authority, the following evidence may be accepted: Power of Attorney, Trust Deed, Probate, Letters of Administration, Delegation Schedule, Letter (with organisation's letterhead) confirming your authority.

### **New owners**

If the property has recently been sold, documentary evidence of the sale must be provided. You must provide one (1) of the following; a copy of the Certificate of Title; or the previous owner's consent to the application.

### **How to obtain owner's consent for Company Ownership of Torrens Title Property**

If the owner is a Company, the owner's consent must be signed by directors of the Company in accordance with Section 127 of the [Corporations Act 2001 \(Cwth\)\(Act\)](#) ie two company directors; or one company director and company secretary; or for a proprietary company that has a sole director who is also the sole company secretary, that director. The applicant must provide the ABN or ACN numbers, the names and positions of those signing the consent, an up to date (dated the day of lodgement or the day before) ASIC company extract ([www.asic.gov.au](http://www.asic.gov.au)) and any other required supporting documentation. A common seal may be affixed if the seal is witnessed in accordance with s127(2) of the Act. If a common seal is to be affixed it must be stamped on the "Owners Consent - Supplement" form.

### **How to obtain owner's consent for Strata Title Property – Owners corporation**

If the property is a unit under strata title and any works or proposed use affect common property, then in addition to the owner(s) signature(s) the following must be provided:

- a) The common seal of the owners corporation, if applicable, must be stamped on the "Owners Consent - Supplement" form witnessed by two members of the executive committee (where there is a determination by the owners corporation), the secretary of the owners corporation and another member of the executive committee, or the appointed strata managing agent;
- b) and one of the following:
  - A letter on strata management letterhead stating that the requirements of the Strata Schemes Management Act 2015 have been met; or
  - Copy of resolution or minutes showing that a special resolution has been passed at a general meeting of the owner's corporation that specifically authorises the change to common property.

### **How to obtain owner's consent for a Community Title – Association**

If works affect a community, precinct or neighbourhood parcel within the meaning of the [Community Land Development Act 1989](#), the consent of the association for the parcel is required. If the works are simultaneously part of a strata development, please note that several layers of consent may be required depending on the nature of the works.

## **Payment options**

Applications require the payment of [fees and charges](#). If fees and charges must be paid, [options for payment](#) are set out on this page.

## **Plans**

Unless expressly stated otherwise, ALL plans must include the following:

A Title Block on each plan containing:

- Scale (either 1:100 (preferred) or 1:200 or at an appropriate scale for larger or rural lots);
- the date;
- plan number (including any amendments);
- plan title;

- address of the property;
- applicant's name.
- North point (true solar north) – not required for elevations.

The following specific details are required for individual plans:

### **Demolition Plan**

This is a site plan showing any buildings to be demolished and other existing development on the site.

### **Survey Plan**

*Note:* A survey plan may not be required for simple applications. For example, if adding an additional room to a dwelling that is not flood affected. Further, if no changes have occurred, a previous survey may suffice if recently certified by a Registered Surveyor as true and accurate. If in doubt, please contact Council to discuss.

This plan should be prepared by a registered surveyor and show the exact location of existing buildings and other features on the site. The plan should include the following details:

- Name of the Registered Surveyor who prepared the plans
- Boundary dimensions
- Site area
- Location of existing buildings, structures, and site features.
- Topography (plans to accurately plot existing and proposed spot levels to Australian Height Datum to all corners of the site, and contours at 0.5 m intervals including that of adjoining properties where relevant).
- Natural drainage of site.
- All easements and rights of way (if any).
- Significant and native vegetation (indicating location, height spread, and species).
- Location, height, and use of any adjoining buildings or structures, such as swimming pools.
- Street features (immediately adjoining the property such as kerbs, crossings, pits, significant trees, telegraph poles, etc). Name of the Registered Surveyor who prepared the plans within the title block.

### **Site Plan**

***Note:* The list below contains typical information shown on a site plan. There may be additional items to note or conversely fewer items to annotate, depending on your development type and location. If you are in doubt, please contact Council to discuss.**

This plan should generally include the following details:

- Boundary dimensions.
- Site area.
- Easements, rights of way, sewer mains.
- Location and use of proposed and existing buildings and setbacks from site boundaries.
- Location and use of buildings on sites adjoining the land and the location of windows in walls facing the site.

- Spot levels or contours to Australian Height Datum in critical locations, such as flood prone land, or in other cases to an assumed datum, showing the existing levels of the land in relation to buildings and roads.
- Existing vegetation and trees on the land and in particular significant trees covered by Council's Tree Preservation Order and whether they will be removed or retained.
- Existing or proposed rainwater tanks.

The following additional requirements are also required for commercial, industrial and medium density development where applicable:

- private and communal open space indicating paved areas and soft landscaped areas both existing and proposed;
- driveway entry and exit points (for large developments or where maneuverability is likely to be an issue, driveways to parking areas must indicate turning circles to the Australian standard - for further information please see the RTA guide to Traffic Generating Development);
- garbage storage areas designed in accordance with Council's minimum requirements;
- letter boxes.

### **Site Analysis Plan**

This may not be required for some development types. For example, a change of use. The intention of a site analysis is to ensure that development takes into account site characteristics and features to avoid problems with the development.

If required, this plan should include the following details:

- Site dimensions.
- Site area.
- Easements, rights of way, sewer mains.
- North point (true solar north).
- Contours and spot levels.
- Existing and proposed buildings on site with footprints dimensioned to boundaries.
- Buildings on adjoining sites
- Existing vegetation.
- Neighbour(s) views and sunlight.
- Items of heritage or significant streetscape features.
- Existing and proposed pedestrian and vehicle access.
- Potential noise sources.
- Areas of potential overlooking.
- Prevailing winds.
- Fences/boundaries.
- Written analysis of the constraints and opportunities of the site (as revealed by the site analysis plan).

The following information additional should be included where relevant:

- Traffic routes, footpath/cycleways and open space in the vicinity of the development.
- Watercourses, water bodies, wetlands and drainage lines.
- Endangered Ecological Communities, known habitat (e.g. Bristle bird Habitat, Yellow Bellied Glider Home Range), hollow bearing and feed trees
- Flood levels on site and affecting access.



- On or in the vicinity of the subject land:
  - sensitive coastal zone;
  - coastal hazard lines;
  - buffers to designated development e.g. quarries.
- Services, existing and proposed easements and restrictions.
- Potentially contaminated lands.

### **Landscape Plans**

This plan should be prepared in accordance with Shoalhaven DCP 2014, Chapter 3 and be consistent with other plans with respect to the height, size, and location of the buildings, and include the following information:

- Existing significant trees showing their location, species, height, and spread, both on and adjacent to the site. It should also indicate whether they will be retained or removed.
- Details of all boundary and courtyard fencing and walls.
- Details of proposed exterior lighting in plan and elevation.
- The location of any additional planting to be carried out including species name (botanical and common), spread, height and other features.
- Details of plant numbers, pot size, and staking requirements.
- Details of root barriers and support/protective structures.
- Details of ongoing management and maintenance.
- The location, dimensions and height of any water feature, or decorative feature.
- Existing and proposed ancillary structures, on the site including sheds, car parks and garbage bays, etc.
- Details of specific purpose of planting where relevant – e.g.: privacy, perimeter treatments, shading, wind screening.

### **Shadow diagrams**

This plan must demonstrate compliance with the rules and performance criteria of Shoalhaven DCP 2014. The plan must be drawn to true north (not magnetic north). The following is required:

- Shadow diagrams in plan-view for 9.00 am, 12.00 noon, 3.00 pm, on 21 June showing:
  - the location of all boundaries of the subject site;
  - the location and outline of existing and proposed building on the site;
  - the location of existing buildings on adjoining allotments;
  - the extent of the shadow cast of the proposed development, in plan-view, for each specified time period.
- Shadow diagrams, in elevation-view and for each specified time period, detailing the extent of shadowing of windows and glazed doors of north-facing living areas of existing buildings on adjoining properties, if necessary.
- Indication of the location and nature of shadows from existing and/or proposed fencing.

### **Stormwater Drainage Concept Plan**

This plan must be prepared in accordance with Shoalhaven DCP 2014, Chapter G2 and show, as a minimum, how stormwater is drained to a gutter, a pipe in the street or a piped drainage easement and should include the following information:

- Overland flow paths up to the major storm event.
- Location of required easements (if any).
- Existing surface contours (AHD values).
- Spot levels to AHD.
- Proposed building locations and finished floor/surface contour levels (AHD values)
- General layout of the proposed drainage system including location of all downpipes, kerbs, channels, open drains, pits and pipes.
- Location and details of onsite detention systems and internal piped systems.
- Minimum pipe sizes.
- Points of discharge.

On Site Detention (OSD) Requirements:

- Location and details of the system are required.
- A Geotechnical investigation and supporting calculations are required.

Rainwater Reuse:

- A rainwater tank must have an overflow and the stormwater concept plan must show where this will discharge to.

Infill Subdivision

A drainage concept plan is required for infill subdivision for lots that cannot drain to a Council approved discharge point.

When preparing the plan, it must be noted that:

- Inter-allotment drainage easements are Council's preferred mechanism for stormwater disposal in these circumstances.
- Council does not support charged systems or stormwater pump outs.
- On-site disposal of stormwater will only be supported on suitable sites and compliance with AS1289 "Methods of testing soils for engineering purposes" must be demonstrated.

Any application for subdivision requiring inter-allotment drainage over land in separate ownership must be accompanied by either:

- Proof of registration of the easement; or
- A letter of agreement from the owner/s of the lot to be burdened that clearly demonstrates an understanding of the nature and extent of the proposed easement.

**Sewer Concept Plan**

Concept plan formats may vary, ranging from a basic layout sketch to a complete system specification. The concept plan will generally provide notification of the point of connection for a development or constraints and special requirements applicable.

This plan should be at a scale of 1:250 (preferred) or 1:500 as appropriate and must show at a

minimum how sewage is drained to the existing system and should include the following information (but not limited to):

- Lot and/or subdivision layout (including North Point)
- General layout of the proposed sewage drainage system including location of all manholes, lampholes, pipes, pits, junctions, pumping stations, pressure sewer units and boundary kits.
- Location of all existing and proposed services structures and geographical aspects (e.g., gas, telecommunications, stormwater, power, roads, footpaths, pits, water courses, etc.)
- Existing surface contours (AHD values)
- Spot levels to AHD
- Proposed building locations and finished floor/surface contour levels (AHD values)
- Minimum pipe sizes & types
- Provision for future extensions (if any)
- Location of required easements and width of easement (if any)
- Location of inter-allotment drainage (if any)
- Demonstration of compliance with Council's [Building Over Sewers Policy](#)
- Demonstration of compliance with:
- Water Services Association of Australia (WSAA) Sewerage Code of Australia V2 (WSA02-2002 V2.3); and
- Council's [Supplement to the WSAA Sewerage Code of Australia \(WSA02-2002 V2.3\) Volume 2: Sewerage Code \(August 2014\)](#).
- Design calculations showing that the proposed development can be supported (capacity and capable) by the existing sewerage system
- Any other information which is pertinent to the concept design.

### **Soil and Water Management Plan**

A Soil and Water Management Plan must be prepared in accordance with Shoalhaven DCP 2014, Chapter G2 and include the following information:

- Finish ground levels.
- Existing and/or proposed boundaries.
- Location of stockpiles and secure chemical storage area (if required).
- Location of temporary and permanent Soil and Water Management Controls.
- Vehicle access points during construction and their dimensions and treatment.
- Location of all vegetation to be retained on the site and any protection measures required for such vegetation.
- Location of all drains, downpipes, pits and watercourses.

The following additional information should be provided for large development sites:

- Details on the staging of works.
- Location of any vegetation to be removed.
- Integration with on-site detention/infiltration.

It is the responsibility of the construction site manager to ensure that the soil and water management measures shown on the above plan are inspected and maintained on a daily basis.

## **Floor Plans**

This plan should include the following details:

- A plan of each level in the building(s) and must include existing and new work.
- Clear and fully dimensioned plans, coloured or marked to show new work.
- Layout, partitioning, room sizes and internal uses of each part of the buildings.
- Kitchen, laundry and bathroom layouts including the location of fittings and fixtures.
- Location of windows, doors and other openings.
- Levels of floors, terraces, etc. to Australian Height Datum or assumed datum (see “Site Plan” above).
- Wall construction and dimensions.
- Notated section lines showing the location of all sectional elevations.

## **Elevations**

This plan should include the following details:

- Fully dimensioned elevations of all sides of the building or structure, showing existing and new work and coloured or marked to show new work.
- Notation of exterior materials and finishes, including colours where necessary, to be used.
- Location and dimensions/size window, doors and other openings.
- Height of the ridge above existing natural ground level.

## **Sections**

This plan should include the following details:

- At least one fully dimensioned section of each building detailing the proposed materials and method of construction.
- Section through significant level changes, such as under-croft areas and the like.
- Room names.
- Adequate representation of existing and natural ground level.
- Indication of areas of cut and/or fill.

## **Plan of Subdivision**

This plan should be at a scale that is suitable to adequately demonstrate the size of the development and include the following details:

- Existing deposited plan numbers.
- Existing and proposed lot numbers.
- Lot dimensions.
- Proposed easements and restrictions.
- All car parking and storage allocations with lot numbers and letterbox structures.

Additional information for strata subdivisions must include:

- All Common areas.
- Open space distinguishing common landscape areas and those attached to strata lots.

Refer to Shoalhaven Development Control Plan 2014, Chapter G11.

### **Preliminary Engineering Plans**

This plan should be at a scale that is suitable to adequately demonstrate the size of the development and all associated engineering works.

Shoalhaven Development Control Plan 2014 contains information which should be referred to. See by way of example, Chapter G2 which has information with respect to stormwater management, and Chapter G21 for car parking.

The plans must include one or more of the following where relevant:

- Proposed roads and modifications to existing roads.
- Proposed and existing stormwater drainage network.
- External stormwater catchment boundaries.
- Overland stormwater flow paths.
- Culvert crossings.
- Earthworks (extent of cut and fill).
- Retaining walls.
- Car parking.

### **Planning Portal (NSW)**

The [NSW Planning Portal](#) provides access to information to help you **prepare, lodge and track** development applications.

Whether you're getting started on a new build, renovating, or want to lodge and track your development applications, the NSW Planning Portal helps you on your journey and provides tools to make the process simpler.

Services and tools available on the Planning Portal grow and change regularly.

### **Planning principles**

A planning principle is a statement of a desirable outcome from a chain of reasoning aimed at reaching, or a list of appropriate matters to be considered in making, a planning decision. They provide guidance in the absence of clear policy, issues with interpretation and decision making.

[http://www.leg.justice.nsw.gov.au/Pages/practice\\_procedure/principles/planning\\_principles.aspx](http://www.leg.justice.nsw.gov.au/Pages/practice_procedure/principles/planning_principles.aspx)

### **Plumbing and drainage**

In accordance with the provisions of the [Plumbing and Drainage Act 2011](#) and [Regulation](#), from 1 January 2013 the [NSW Fair Trading](#) is the single plumbing and drainage regulator for all on-site plumbing and drainage work in NSW. Fair Trading has delegated certain functions under the Plumbing

and Drainage Act, 2011 to Shoalhaven City Council for plumbing and drainage works within the city boundaries.

All plumbing and drainage work must comply with the Plumbing Code of Australia and Australian Standard AS/NZS 3500. Copies of the Plumbing Code of Australia can be obtained from the Australian Building Codes Board at [www.abcb.gov.au](http://www.abcb.gov.au) and copies of AS/NZS 3500 can be obtained from [www.siaglobal.com](http://www.siaglobal.com)

Shoalhaven Libraries provide online access to the Australian Standard AS/NZS 3500. Please note due to copyright restrictions, copies of the documents are unable to be made.

NSW Fair Trading licenses plumbers and drainers under the Home Building Act 1989, and all plumbing and drainage work must be completed by a person holding a licence, qualified supervisor certificate or tradesperson certificate.

Plumbers and drainers working in the Shoalhaven Local Government Area continue to contact Shoalhaven City Council to book inspections, pay fees, submit documentation and for enquiries.

#### Documents and forms

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

- Notice of Work is to be issued to Shoalhaven City Council no later than 2 business days before the work concerned is carried out.
- Certificate of Compliance is to be issued to Shoalhaven City Council and to the person for whom the work was carried out, on completion of the final inspection.
- Sewer Service Diagram is to be issued to Shoalhaven City Council and the owner of the land or the owner's agent at the completion of the drainage works.

#### What work requires a Notice of Work?

A Notice of Work is required for any plumbing installation downstream from the point of connection to a water supply and any sanitary plumbing or drainage work from the fixture to the point of connection with the local utility operator. The Notice of Work must be completed by the licensed plumber or drainer.

Download a [Notice of Work](#) template.

#### What is a Certificate of Compliance?

A Certificate of Compliance is a legal requirement. It confirms that a licensed plumber/drainers has undertaken work, which complies with current legislation and the relevant industry Codes and Standards. A Certificate of Compliance must be filled out for all completed plumbing and drainage work.

Download a [Certificate of Compliance](#) (scroll down).

#### What is a Sewer Service Diagram?

A Sewer Service Diagram is a layout of the onsite house service line from the fixtures to the point of connection or the property boundary.

Download [Sewer Service Diagram Requirements](#).

#### Do I still need approval under Section 68 of the Local Government Act?

Approval is still required from Council under Section 68 of the Local Government to carry out the following works:

- Connection of plumbing or drainage works to Council's asset, e.g. a reticulated sewerage system
- Installation of a sewage treatment system/onsite disposal system (septic tank); and
- Stormwater drainage works

Download a [Drainage Application Form](#).

#### Do I still need to request the Council to inspect plumber and drainage work?

Yes, there are no changes to the requirements for inspections by Council of plumbing and drainage works. All work covered by a Notice of Work must be inspected and passed by Council prior to the works being covered or completed and includes:

- **Internal drainage**

All internal drainage pipework installed and under hydraulic test, including any required bedding material, and prior to backfilling.

- **Hot and cold-water service**

All pipework installed and under hydraulic test.

- **External drainage**

Pipework installed and under hydraulic test, septic tank installed, or sewer connected (which ever applicable) and prior to backfilling.

- **Final inspection of drainage works**

All drainage works completed, including septic installations and stormwater if applicable.

#### How do I arrange a Council inspection?

To book an inspection, please contact Council's Planning, Environment & Development Group on (02) 4429 3211 (Nowra) or (02) 4429 8999 (Ulladulla) with the following information:

- Development Application number (if applicable)
- Type of inspection
- Date of inspection
- Name and contact phone number
- Address of property to be inspected

#### You are advised:

- the booking should be made at least 24 hours before the inspection is required.
- work must be ready at the time of the inspection, otherwise Council may charge a re-inspection fee
- any dogs on the premises must be restrained

#### What fees do I have to pay?

The fees applicable to plumbing and drainage works are specified in Council's fees and charges. See Payment options or Websites for link.

### **Prelodgement advice**

For larger proposals within the Shoalhaven, it would be useful to have prior discussion with Council's

assessment staff. Initial enquiries should be directed to the Duty Planner in the Planning, Environment & Development Group by telephoning Council on (02) 4429 3531.

### [Request to attend a Prelodgement Advice meeting](#)

Fees apply for this service. Refer to Council's fees and charges. See Payment options or Websites for hyperlink.

Council offers prelodgement meetings to provide expert multi-disciplinary advice on development proposals prior to the submission of a development application (DA). In this way, issues which may arise during the assessment process can be identified (and in some cases resolved) before the application is lodged, thus avoiding delays. Advice given at the meeting generally relates to Council requirements and procedures, government regulations, etc. and written notes of the discussion will be provided for submission with your development application.

You must list specific questions with respect to the issues you wish to discuss to ensure that time is well spent, and the advice provided is tailored.

Examples:

- We would like to discuss our stormwater concept design and seek clarification on technical issues.
- Our proposed access to the development is indirect. Is this likely to be an issue with regard to bushfire planning?

List only those issues that can be reasonably discussed within the one-hour time frame available for discussion.

Staff do not offer a design consultancy service or undertake research to identify planning controls. This level of research should be undertaken by the applicant prior to requesting a meeting. [A section 10.7 Certificate](#) also may be warranted. Follow the link for further information and how to apply.

## **Policies - Council**

Here is a complete list of [Council Policies](#) which may be of assistance.

## **Political Donations and Gifts**

The [Environmental Planning & Assessment Act 1979, s10.4](#) requires the public disclosure of donations or gifts when lodging or commenting on development proposals. This law is designed to improve the transparency of the planning system. Refer to the Act for disclosure obligations.

The laws set out disclosure requirements for individuals or entities with a relevant financial interest as part of the lodgement of:

- various types of development proposals
- requests to initiate environmental planning instruments or development control plans.

These disclosure requirements apply at the time of lodgement to councils or the NSW Government. It is



the responsibility of the applicant to ensure they have met the requirements specified under the Act.

Disclosure requirements also apply to individuals or entities lodging submissions in objection or support to these types of proposals.

Disclosure obligations include reportable political donations or gifts made by an associate.

For the definition of **political donation** and **reportable political donation** refer to the [Electoral Funding Act 2018](#).

For further information about political donations and gifts and to view disclosures refer to the Electoral Commission of NSW website. [http://www.elections.nsw.gov.au/fd/disclosure/view\\_disclosures](http://www.elections.nsw.gov.au/fd/disclosure/view_disclosures).

Failure to disclose a reportable political donation or gift is an offence. A person is guilty of an offence against the EP&A Act if the person fails to make a disclosure of a political donation or gift that the person knows, or ought reasonably to know, was made and is required to be disclosed. The maximum penalty for any such offence is the maximum penalty under the Electoral Funding Act 2018 for making a false statement in a declaration of disclosures.

The EP&A Act, s9.49 makes special provision where development consent is tainted by corruption. The [Local Government Act 1993](#) makes provision with respect to voting by local councillors with a conflict of interest in any matter before the council.

A disclosure form is available at [Political donations & gifts disclosure statement](#) and must be lodged with a Development Application if a reportable political donation disclosure is required.

Contact Council's Planning, Environment and Development Group on (02) 4429 3111 for further assistance.

## Principal Certifying Authority

Building works cannot commence until a Principal Certifying Authority (PCA) has been appointed. The PCA may be Council or an accredited certifier.

To find out about what an accredited certifier can do and the accreditation scheme visit [NSW Building Professionals Board](#).

The PCA undertakes all the necessary inspections once building work has commenced and issues the relevant compliance and occupation certificates. The PCA must also ensure that all compliance certificates relied upon in the construction of a building are forwarded to Council for registration and archiving. Such certificates may be for roof trusses, engineering details, essential fire services, etc.

The requirements for commencement of building work and appointment of a PCA are set out at [s6.6 of the Environmental Planning and Assessment Act 1979](#). A PCA can only be appointed by (or with the approval of) the person having the benefit of the development consent or other person authorised by the Regulations.

The PCA is not necessarily the same person/organisation that issues a construction certificate. You may choose an accredited certifier to issue a CC and appoint Council as PCA to do the inspections or

vice versa. Alternatively, Council or an accredited certifier can be selected to issue both a CC and supervise the work as the PCA. It is also possible to choose one accredited certifier to issue a construction certificate and a different one to act as the PCA.

On the DA Form you may select Council to be the PCA for your development when the DA is lodged. Alternatively, Council must be provided with the name, address and accreditation number of the PCA for the development prior to commencement of work by lodging this form [Notice of Commencement of Building or Subdivision Work and Appointment of Principal Certifying Authority](#) to Council not less than two (2) days before building work starts.

By selecting Council as the Principal Certifying Authority all fees associated with the development can be paid when the application is lodged. Council will then carry out all inspections required during construction and issue an Occupation Certificate when the building is assessed as suitable for occupation.

## Property details

You can find the lot, section and DP numbers on a map of the land, on the Certificate of Title for the land or on the rates notice.

## Proposal

When lodging a development application, you must nominate the category and describe the proposal in accurate detail so that Council can fully understand and assess the impacts.

**Development Statistical Categories** nominated and collected by the NSW Department of Environment and Planning are fully described as follows:

**Residential: Alterations and Additions** – Alteration or addition to existing residential development (includes additional ancillary development to dwelling houses eg. Swimming pools, garages, carports etc). Also includes alterations and additions to other types of housing (multi-unit etc.) that does not involve the creation of additional dwellings.

**Residential: Single New Dwelling** – A new single attached or detached house (includes 2nd hand dwellings) on a single Torrens lot (Note: Attached would have dividing wall with adjoining dwelling along a property boundary).

**Residential: New Second Occupancy** – Granny flats, dual/secondary occupancies (attached or detached). No more than two dwellings constructed on the one site.

**Residential: Multi Unit** – Includes residential flat buildings, multi dwelling houses (but not seniors housing), townhouses and village developments

**Residential: Seniors Living** – Any development approved under the SEPP Housing for Seniors or People with a Disability or previous versions of this SEPP.

**Residential: Other** – Includes boarding houses, group homes, rural workers dwellings and caravan parks and manufactured home estates if accommodation is of a permanent nature.

**Tourist** – Includes tourist and visitor accommodation and other development primarily related to tourism, eg motels, cabins tourist accommodation.

**Commercial/Retail/Office** – Office, Business or Retail Premises.

**Mixed** – Any mix of all of residential, commercial, tourism, retail (includes home activities, bed and breakfast accommodation).

**Infrastructure** – Includes transport, utilities telecommunications proposals

**Industrial** – Includes rural industry, warehouses and storage facilities, extractive industry.

**Community Facility** – Includes educational establishments, libraries, hospitals, public recreation facilities, etc. (most Council development)

**Subdivision only** – Includes applications for subdivision that DOES NOT involve the construction of new residential, commercial development, etc.

**Other** – Development not covered by categories above (markets, demolition only applications, agriculture, signage, events, etc.)

## Regional development

For information about Regional development visit the [NSW Department of Planning and Environment](#) website.

## Review of determination or decision

If you are dissatisfied with a decision made about your development application, the applicant (and only the applicant) may be able to apply for a Review of Determination under [Division 8.2 of the Environmental Planning and Assessment Act 1979](#).

This right of review does not extend to:

- a complying development certificate;
- designated development;
- a development lodged by the Crown; or
- a decision of the Land and Environment Court.

If you are applying for a review of determination or decision, you **must** also provide Council's reference number on the application form.

An application for review must be lodged within 6 months of the date of determination. The development can be amended but it must be substantially the same as the original proposal. The applicant must make a case, based upon factual evidence, as to why Council should review its decision. Supporting information may include plans, documents and reports, etc to assist Council to assess the application. If the application is deficient, it may be delayed and a Council officer may request additional information. If you are seeking a review of a refusal, your submission must address each individual reason for refusal.

The conduct of the review is prescribed by Section 8.3 of the Environmental Planning and Assessment Act 1979 and Council must give written notice to an applicant of the result of a review as soon as practicable after the review is determined. Council must follow due process in the conduct of a review, including public notification, if the original application was notified. Assessment of complex applications can take several months. Consider seeking independent legal advice regarding this process.

Further information: [Division 12B of the Environmental Planning and Assessment Regulation 2000](#)

Once a determination or decision has been reviewed under Division 8.3 of the Act, it cannot be the subject of further review.

#### Review of Modification – Section 4.55 or 4.56

You must lodge this application within 28 days after the date of determination of the Section 4.55 or 4.56 Modification Application. As above, you cannot make an application for review where the Section 4.55 or

4.56 Modification was for Designated Development, Complying Development or was lodged by the Crown.

#### Notification

Applications made under Division 8.2 of the Act to review the determination of a development application or modification application must be notified and advertised in the same manner as the original application. Notification fees apply. Anyone who made submission to the original application will be notified.

#### Rejection - Section 8.2(1)(c)

Where Council has formally rejected a development application, and not determined it, you may be able to apply for a Review of Rejection. You must lodge this application within 14 days after Council gives

written notice of its decision to reject the application. If the application for review is not determined within 14 days, Council is taken to have refused the application for a review.

#### Fees

The fees payable for a review of determination are prescribed by the Environmental Planning and Assessment Regulation 2000. Refer to cl 257, cl 257A and cl 258A of the Regulation.

Refer to Council's Fees and Charges. See Fees or Payment options for hyperlink.

### **Schedule of colours and materials**

This should indicate the colours and finish of all materials used on the external façade of the proposed building(s). For relatively minor developments, drawings, brochures or swatches may be sufficient to indicate this information, while for larger scale developments a sample board may be necessary. The schedule should describe or show the following details:

- The composition of the materials or colours.
- The architectural features that will comprise the materials and colours.
- The location of the materials and colours on the façade.

## Statement of Environmental Effects / Environmental Impact Statement

**The planning legislation requires all DAs to include a Statement of Environmental Effects (SEE) unless the proposal is designated development**

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nated development ([Schedule 3, Environmental Planning & Assessment Regulation 2000](#)), an environmental impact statement is required.

### What is a Statement of Environmental Effects?

[Schedule 1](#) of the Environmental Planning and Assessment Regulation 2000, requires the submission of an SEE with a development application that indicates the following:

- the environmental impacts of the development;
- how the environmental impacts of the development have been identified;
- the steps to be taken to protect the environment or to lessen the expected harm to the environment;
- any matters indicated in guidelines issued by the Secretary of NSW Planning & Environment, if any.

**The level of detail required will vary according to the type and scale of the development**

The process followed for the preparation of a SEE should be no different whether the proposal is for the subdivision of land, the erection of a new house, townhouses or an apartment building, a new industrial or commercial building or the change from one use in a building to another use.

An SEE is a written document that supports the development application. It demonstrates that consideration has been given to the impacts the proposed development may have on the natural and built environment, how the impacts have been identified and the steps to be taken to protect the environment or lessen any expected harm to the environment. The SEE includes written information about the proposal that cannot be readily shown on the plans and drawings. It may be supported by a report(s) prepared by independent suitably qualified professionals, such as a Bushfire Assessment Report.

## Statement of Environmental Effects – What to include?

### Minor proposals with minimal impacts

For proposals likely to have little impact, eg certain minor residential building work, a brief statement is required and it can be in the form of a letter. You must however explain why the impact will be minimal.

The matters that should be addressed are:

- Location and property description
- Street address
- Legal address (lot, DP)

#### Description of proposal

- What is being developed/ built? What materials? How high? What is it to be used for?
- What supporting information is there? (eg plans)

This is important so that the assessing officers can understand what is proposed and to avoid conditions of consent which may be unnecessary if an approval is granted.

#### Description of the site

- Shape of lot, slope of land, vegetation, current uses on the site, any unique features?
- Compliance with relevant planning controls
- Any State policies?
- Shoalhaven Local Environmental Plans?
- Shoalhaven Development Control Plan 2014 – Refer to relevant chapters.
- State how you comply or if not why and ask for a variation by making a specific statement.

#### Context and setting

- Will the development be noticeable? If so, is it acceptable? Is in keeping with the area?

#### Traffic, access and parking

- Any traffic being generated? Where is the access? Can vehicles turn on site?
- Are works required in the road reserve? (An approval is required under s138 of the Roads Act 1993).
- What parking is required? See relevant chapter of the Shoalhaven DCP for further information

#### Utilities

- What services are available?
- Any changes thereto?

#### What are the impacts of the development?

- Dust (e.g. as a result of excavation)
- Noise (e.g. pool pump, air conditioners)
- Soil and sediment controls (excavation for footings)
- Amenity (e.g. removal of individual trees, impact on views)
- Sustainability (e.g. BASIX certificate)
- Heritage

#### How will the impacts be minimised?

- What will be done to mitigate impacts? Eg soil and sediment plan, locating the pool pump away from affecting areas, significant views being maintained.

#### Flora and fauna

- Native vegetation removal (eg is the Biodiversity Offset Scheme Triggered). Advice should be sought on this topic to ascertain what information is required with a DA.

#### Stormwater disposal / Effluent disposal

- Details required as to how stormwater is managed.
- How is effluent to be disposed of? (Approval may be required under s68 of the Local Government Act 1993).

#### Hazards

- Is the site bushfire affected?
- Flood prone?
- Coastal location?
- What is the risk, how has it been dealt with?

## Development in the Jerberra Estate

If the development in within the Jerberra Estate you must address the requirements of Shoalhaven LEP (Jerberra Estate) 2014 and Chapter N20 of the DCP by completing the Pro-Forma Jerberra Estate Statement of Environmental Effects and Checklist and providing any additional information in a written Statement and Forms, as required. Refer to “Jerberra Estate”.

## For all other proposals

A Statement of Environmental Effects should describe the development proposal and address all the issues that are applicable to the proposal. The requirements of [Section 4.15](#) of the EP&A Act should be considered.

The following is a guide to the concerns relevant to different types of development proposals.

However, you may check with Council for any requirements that are specifically relevant to your proposal or the site. The contact number for the Duty Planner is (02) 4429 3531.

If there are complex issues, it may be appropriate to request a Prelodgement meeting. Refer to Prelodgement Advice in this HUB.

## Statutory requirements

The proposal must be permitted by the relevant LEP. Some uses are only allowed in particular zones. Council will assess the proposal against the policies within the relevant Local Environmental Plan (LEP) and Development Control Plan (DCP 2014). Check for statutory provisions that specifically relate to the development site and Refer to:

[Shoalhaven LEP 1985](#);

[Shoalhaven LEP 2014](#);

[Shoalhaven LEP \(Jerberra Estate\) 2014](#); and

[Shoalhaven DCP 2014](#)

to check which plan and DCP Chapters apply to the land and identify these in the Statement of Environmental Effects.

## Development in the Jervis Bay Region

If the development is located in the [Jervis Bay Region](#) the Statement must address Clause 7.20 of the Shoalhaven LEP 2014.

## State Environmental Planning Policies (SEPPs)

Certain proposals may be permitted, or affected, by a State Environmental Planning Policy. Some examples are:

- [State Environmental Planning Policy No 33](#)—Hazardous and Offensive Development
- [State Environmental Planning Policy No 55](#)—Remediation of Land



- [State Environmental Planning Policy](#) (Affordable Rental Housing) 2009
- [State Environmental Planning Policy](#) (Building Sustainability Index: BASIX) 2004
- [State Environmental Planning Policy](#) (Coastal Management) 2018
- [State Environmental Planning Policy](#) (Exempt and Complying Development Codes) 2008
- [State Environmental Planning Policy](#) (Housing for Seniors or People with a Disability) 2004
- [State Environmental Planning Policy](#) (Infrastructure) 2007
- [State Environmental Planning Policy](#) (Miscellaneous Consent Provisions) 2007
- [State Environmental Planning Policy](#) (State and Regional Development) 2011
- [State Environmental Planning Policy](#) (Sydney Drinking Water Catchment) 2011
- [State Environmental Planning Policy](#) (Vegetation in Non-Rural Areas) 2017

List and address the relevant State Environmental Planning Policies and controls that apply to the site. The above is not a definitive list of applicable Policies. State Policies are made, amended and repealed from time to time.

### **Compliance with development standards - variation request**

A development standard is a statutory standard for development contained in a State or local environmental plan. Some key examples are:

- Site area
- Density (floor space ratio)
- Height (wall height and overall height)
- Landscaped area

“Development standard” is defined at [s1.4 of the Environmental Planning and Assessment Act 1979](#).

The NSW planning system provides flexibility in planning controls by providing the ability for councils to vary development standards in certain circumstances. If you are seeking to vary a development standard in any applicable environmental planning instrument such as Shoalhaven Local Environment Plan 2014 or a State Environmental Planning Policy, you must support the development application with a written request to vary the standard. Development consent cannot be granted for an application to vary a development standard unless council is satisfied that the written request has adequately demonstrated:

- That compliance with the development standard is unreasonable or unnecessary in the specific circumstances of the case; and
- There are sufficient environmental planning grounds to justify contravening the development standard; and
- That the proposal will be in the public interest because it is consistent with the objectives of the relevant development standard and the zone objectives.

A detailed list of the matters that you must address in the variation request can be found in the [Applicant's Guide - Development Applications Incorporating a Variation to Development Standards in Shoalhaven Local Environment Plans](#).

For applications to vary a development standard made under [State Environmental Planning Policy No. 1](#) a written objection that compliance with that development standard is unreasonable or unnecessary in the circumstances of the case, and specifying the grounds of that objection is required.



## Development Control Plan

If there is a development control plan that applies, the Statement must demonstrate that the proposal complies with the acceptable solution(s) and/or justification of how the development meets performance criteria. You may wish to attach a full review of the DCP and/or LEP.

## Environmental considerations

A Statement of Environmental Effects must satisfy the requirements of the [Environmental Planning and Assessment Regulation 2000, Sch 1, Cl 2\(4\), 2\(5\)](#) and should include, but is not limited to, the following:

### Site suitability

Required for all applications except minor alterations or additions. Show that the site is suitable for the proposed development. Relevant considerations include:

- Site constraints such as acid sulfate soils, bushfire, flooding, geo-technical and ground water issues.
- Proximity to transport services, shops, community and recreational facilities.
- Compatibility with adjoining development.
- Compatibility with visual setting (foreshore, streetscape).
- Compatibility with zone objectives.
- Size and shape of the allotment.
- Local planning objectives
- Age and condition of buildings.

By example only, one or more of the following supporting reports (prepared by qualified professionals) may be required:

- Acid Sulfate Soil Preliminary Assessment
- Biodiversity Development Assessment Report
- Bushfire Assessment Report – For most single dwellings the report can be done using the Single Dwelling Application Kit contained in the “[Guidelines for Single-Dwelling Development Applications](#)” publication available from the NSW Rural Fire Service.
- Flood Report
- Geotechnical Report

Refer to DA Checklist in this HUB for further information.

Depending on the nature of the development, other matters that may need to be addressed in a Statement of Environmental Effects include:

## Accessibility

A disability access report, prepared by a suitably qualified person, is required for all new buildings and alterations and additions other than for dwelling-houses. The report must explain in detail how the proposed development meets the requirements/standards outlined in:

- The Building Code of Australia
- [Disability \(Access to Premises – Buildings\) Standards 2010](#)
- Other relevant Australian Standards
- [Disability Discrimination Act 1992 \(Cwth\)](#)

## Access and traffic

Required for all proposals except minor additions or alterations.

If your proposal is likely to be a major traffic generator you must include a traffic impact assessment report prepared by a qualified transport consultant. If your proposal is not a major traffic generator you will still need to show that there is adequate provision for access, including:

- Vehicle access to a public road (indicate grade).
- Demonstrate driveway access suitability and maneuverability.
- Suitability of the existing road network and the number of vehicles entering/exiting the site
- 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 safety and amenity (paving, seats, weather protection, security lighting).
- Proposed bicycle facilities (racks, lockers, showers).
- In rural areas, is co-incidental legal and practical access available?

## Air and noise

Required for all hotel, entertainment, commercial and industrial proposals, except minor additions and alterations. Show how the proposal will not cause, or be affected by, air or noise emissions.

### Air

Discuss existing or proposed sources of odour or fumes (on-site or nearby) - industries, food premises, exhaust systems, waste storage, oil or wood burning stoves or heaters.

### Noise

- Where noise is a major design issue, include a report prepared by a qualified acoustic consultant.
- Existing and proposed noise sources (onsite and nearby): main roads, industries, transport terminals, loading bays, heavy vehicles, restaurants, entertainment facilities, clubs, hotels, amplified music systems, car parks, ventilation and air conditioning units, pumps and pool filters.
- Proposed mitigation measures, including odour control: placement and height of flues or chimneys, location of waste storage areas and compost heaps.
- 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, compliance with EPA guidelines.

## Drainage

Required for all new buildings, alterations and additions that involve changes to stormwater drainage. Show how the proposal will deal with all aspects of drainage on the site:

- Have you proposed measures to maximise infiltration and minimise water runoff? (e.g., porous pavements, mulching and ground covers, low water demand native plants, rainwater tanks for garden watering).

- Stormwater drainage - proposed management controls for flows entering within and leaving the site, proposed on-site detention calculations prepared by a consulting engineer, justification that the proposed design measures will not increase stormwater runoff or adversely affect flooding on other land.
- Easements - provide copies of letters of intention to grant interallotment drainage easements across downstream properties.
- Local flood mitigation measures.

### **Energy efficiency**

Required for all residential development (including alterations and additions). Show how the proposal promotes energy efficiency:

- Orientation - does the design maximise living areas facing north? Will windows and solar collectors have good solar access? Show how energy efficiency requirements have influenced the siting, design and landscaping of the proposal.
- 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?

### **Erosion and sediment control**

Required for all proposals that involve excavation, earthworks or clearing. Show how you propose to prevent erosion and control sediment on the site, including soil and erosion hazard characteristics, and potential for impact on adjacent land and waterways.

Explain how your erosion and sediment control strategy will work. Consider areas requiring special management, including proposed dust control measures and proposed site maintenance strategy.

### **Flora and fauna**

Discuss the impact that the development will have on any vegetation or fauna for the site. Even if the Biodiversity Offset Scheme is not triggered, a flora and fauna assessment may still be required if there is native vegetation on the site.

### **Heritage**

If your proposal involves work on a heritage item, moving or excavating an aboriginal relic or object, or subdivision of land that contains a heritage item, a [Statement of Heritage Impact](#) is required. In other circumstances where development is in the vicinity of a heritage item, a heritage impact assessment may be required.

Refer to [Schedule 5 - Environmental Heritage of Shoalhaven Local Environmental Plan 2014](#) for further information.

## **Photographs**

It is recommended that where you are proposing to do external works, photographs be included with your application. This information is invaluable to the assessment officers and to other persons involved in the processing of your development application.

Applications for residential apartments or new commercial and industrial buildings must be accompanied by photomontages of the proposal. This should be in the form of computer-generated images, or other such technology, showing how the proposed building sits into the existing streetscape.

## **Privacy, views and overshadowing**

Required for all new buildings and alterations and additions, except internal alterations. Show how the proposed development will affect privacy, views and sunlight access.

### Visual privacy

- Window placement relative to adjacent dwellings and common areas.
- Views between 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/buildings.
- Measures to mitigate external noise sources (eg, traffic noise, placement of air conditioners, exhaust systems, pool pumps).

### Views

- Will the development be visually prominent in the landscape?
- Discuss how the proposal affects the views both from and into the site, from neighbouring properties, roads and any more distant elevated vantage points together with any measures to reduce the impact.

### Overshadowing

- Explain how the proposal satisfies Council's requirements for solar access.
- Provide an analysis of your shadow diagrams prepared by your architect or surveyor.
- Consider shadows from adjoining buildings as well as from the proposed development.

## **SEPP 65 developments – additional requirements**

In addition to the items listed above for inclusion in your Statement of Environmental Effects, as relevant, there are specific requirements for a building that is defined in the Environmental Planning and Assessment Regulation as a "residential flat building". A Design Review Statement must be submitted that addresses the matters listed in [Environmental Planning and Assessment Regulation 2000, Schedule 1](#).

## **Site management**

Required for all proposals involving building works except minor alterations and additions and

outbuildings. Show how the construction site will be managed to ensure public safety and to minimise public inconvenience:

- Perimeter fencing to restrict public access to the construction site.
- Proposed hoardings or other enclosures to the site.
- Location of proposed site amenity facilities, storage of building materials and equipment, bulk waste containers and material stockpiles.
- How will you maintain safe pedestrian access adjacent to the site?
- Access points for construction.
- Method/s of demolition.
- Dust control methods

### **Social and Economic Effects**

Discuss whether the development will have a positive or negative social and/or economic impact on the locality.

### **Streetscape and Design**

- Discuss how the design of the development is consistent with the existing streetscape.
- Provide details of the proposed external finishes, including material type and colour.

### **Uses of the land – present and previous**

Required for all applications. This helps council understand the history of development on the site. It is particularly important for applications proposing a change of land use. You will need to provide the following details:

- Present use of the site.
- Date the present use commenced.
- Previous uses of the site (if known).
- Present uses of adjoining land.
- Whether the present or any previous use is a potentially contaminating activity (eg workshop, service station, land filling, lead paint removal, termite treatment).
- 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.
- Where the land is identified on Council's Contamination Lands Register or where a potentially contaminating activity has previously occurred on the land a Preliminary Land Contamination Report will be required.

### **Utilities**

Discuss the availability of utility services such as power, water, sewer and telecommunications. Is augmentation required? Where the land is not serviced by a reticulated sewerage scheme an On-site Sewage Management Assessment Report and Plan is required.

### **State significant development**

Part 3A of the Environmental Planning and Assessment Act 1979 has been repealed. There are transitional arrangements for projects that were already in the major projects assessment system under

Part 3A.

For more information about State Significant Projects visit the [Department of Planning and Environment](#) website.

## Subdivision certificate applications

Council receives a large volume of complex applications. To manage these efficiently and to facilitate a prompt outcome, applications should be presented in person between the hours of 9 am and 11 am (Mon-Fri) when a Council officer will meet with you to discuss and identify any key issues prior to lodgement. If you are unable to attend in person, contact Council on (02) 4429 3111 and a telephone conversation will be arranged at a mutually convenient time. Council is unable to accept incomplete applications without prior arrangement.

Applications lodged without an appointment will be subject to a completeness check prior to formal acceptance and receipt of fees. An application has not been accepted for lodgement until the fees are paid.

If a subdivision certificate is sought for an existing building, other than a recently constructed building, evidence is required that there are no outstanding Orders under the EPA Act 1979. Section 121ZP – Certificate as to Orders was repealed on 1 March 2018. However, [Schedule 5 \(41\)](#) now calls up new section [s735A of the Local Government Act 1993](#), which effectively means business as usual.

To apply for a Certificate as to Orders you must write a letter to Council. A new application form is being developed and will be available soon.

If you are advised that there are Orders outstanding, Council will also be able to advise what works, if any, are also outstanding.

There is a fee for this service. Refer to Council's Fees and Charges. See Payment options or Websites for hyperlink.

All information needed to support an application for a Subdivision Certificate must be provided before a Subdivision Certificate can be issued. If an application is found to be incomplete or deficient in any way, additional information may be required, or the application may be returned to you.

## Submissions about development applications

### Making a submission to Council

Submissions in respect of a development application or an application to modify a development consent must be received by Council within fourteen (14) days of the commencement of the exhibition period for the application or, alternatively, within such additional period as may be determined by the Group Director or the delegate.

Applications are notified in accordance with Council's Community Consultation Policy.

Persons making submissions are encouraged to do so via Council's on-line DA Tracking site. All submissions are published on the site consistent with the Public Access to information and Privacy

statements set out below. This includes submissions made by Members of Parliament and/or Councillors on behalf of residents. Submissions not lodged electronically will be scanned and also published on DA Tracking.

A submission:

- may be made by any person whether or not that person has been, or is entitled to be given notice;
- must be made in writing or lodged electronically and be addressed to the General Manager;
- should be restricted to environmental and planning matters relating to the application; and
- should not contain specific private, defamatory or risk to security information.

If the submission is an objection, the submission must state the reasons for objection.

### **Public Access to information**

Pursuant to the *Government Information (Public Access) Act 2009* (GIPA Act) Council is required to make certain information publicly available, including by way of publication on public registers and on its website. Information submitted to Council may be made available to the public, unless there is an overriding public interest against disclosure of this information. Council is obliged to make information available on its website excluding the following:

- the plans and specifications for any residential parts of a proposed building, other than plans that merely show its height and its external configuration in relation to the site on which it is proposed to be erected; or
- commercial information, if the information would be likely to prejudice the commercial position of the person who supplied it or to reveal a trade secret.

### **Privacy**

The personal information that Council is collecting from you when you make a submission is personal information for the purposes of Section 10 of the *Privacy and Personal Information Protection Act 1998*. The intended recipients of the personal information are officers within the Council and third parties for the purpose of assessing the application as well as any person wishing to inspect the application in accordance with the Local Government Act 1993 or the GIPA Act. The personal information may also be included on a public register and displayed on Council's website. The supply of personal information by you is voluntary. However, if you cannot provide or do not wish to provide the information, Council may not consider your submission if you withhold your identify. You may make application for access to, or amendment of, information held by Council. You may also make a request that Council suppress your personal information from a public register. Council will consider any such application in accordance with the relevant legislation. Enquiries concerning this matter can be addressed to Council by telephoning (02) 4229 3111.

### **Submission demonstrating compliance with DCP performance criteria and/or relevant Council policies**

Council's Development Control Plan (DCP) 2014 is performance-based. These policies contain "Performance Criteria" that are required to be achieved in order to comply with the DCP. The

documentation submitted with the development application should include a submission demonstrating how the proposal will comply with the relevant provisions of the DCP.

The DCP also contains “Acceptable Solutions” that are prescriptive provisions which, if complied with, are deemed to comply with the relevant Performance Criteria of the policy.

In cases where a development proposal does not comply with an Acceptable Solution, it is necessary for the applicant to demonstrate, in a written submission with the development application, how the development will still achieve compliance with the relevant Performance Criteria.

The submission should include the following:

- Identify the Acceptable Solution(s) proposed to be varied.
- Describe how the proposal does not comply with the Acceptable Solution(s).
- Outline the reasons for seeking the variation.
- Identify the Performance Criteria that are relevant to the Acceptable Solution(s) in question.
- Explain how the proposal will achieve compliance with the objectives of the Performance Criteria.

## Surrender of consent or existing use right

Notice of modification or surrender of development consent or an existing use right may be given to Council by completion and lodgement of this form: [Voluntary surrender of consent or existing use right](#). You may surrender a consent, in whole or in part, including a voluntary surrender arising from a development consent condition.

If you are applying to surrender a consent in whole or in part, you **must** you also provide Council’s reference number on the application form.

There is no fee for this service.

Voluntary surrender does not take effect until Council has notified the applicant in writing in accordance with the Environmental Planning and Assessment Regulation 2000 that:

“it is satisfied that so much of the development as has been carried out has been carried out in compliance with any condition of the consent, or any agreement with the consent authority relating to the consent, that is relevant to that part of the development, and

“that the surrender will not have an adverse impact on any third party or the locality, and operates, according to its terms, to surrender the consent to which it relates.”

## Transmittal sheet

The [Transmittal Sheet](#) is required to record the transfer of documents from the applicant to Council. A Transmittal Sheet must accompany every application where the application is accompanied by supporting documents. All documents must be listed. The development site details must be recorded on the sheet for identification purposes. However, individual file names do not need to include this information. In all other respects file names should comply with the guidance for electronic lodgement (see above). If more than one page is required, the total number of pages must be recorded in the



bottom right-hand corner (just above office use). If a document is listed on the

Transmittal Sheet as having been provided but the document is missing, the application may be rejected.

## **Traffic impact assessment**

Traffic Impact Assessments are to address the following issues:

- Existing proposals for improvements to the adjacent road network and hierarchy.
- Impact on road safety.
- Impact of traffic noise.
- Annual average daily traffic (AADT) volumes and historical trends on key adjacent roads.
- Peak period traffic volumes and congestion levels at key adjacent intersections.
- Existing parking supply and demand in the vicinity of the proposed development.
- Existing public transport services in the vicinity of the proposed development (i.e. bus stops, etc).
- Parking provisions appropriate to the development (in relation to demand and statutory requirements).
- Traffic generation/attraction and trip distribution of the proposed development.
- Safety and efficiency of internal road layout including service and parking areas.
- Impact of generated traffic on key adjacent intersections, streets in the neighbourhood of the development, the environment and other major traffic generating development sites in close proximity.
- Safety and efficiency of access between the site and the adjacent road network.
- Identify all works required to mitigate any adverse impacts of the proposal.
- Provision for public transport.
- Provision for Long Vehicle or trailer parking (where appropriate).
- Provision for Motor cycle parking.
- Provision for Pedestrian and cyclist safety and convenience.
- Provisions that encourage alternative modes of transport other than the private motor car.
- Swept path analysis for all design vehicles to demonstrate access and maneuverability is safe and efficient.

Other information that must accompany the traffic assessment:

- Location plans showing surrounding street system.
- Land uses immediate to the proposal.
- Location and dimensions of driveways.
- Schedules of areas of the site and the buildings.
- Location of parking, loading/unloading and manoeuvring areas.

The above is a general guide only. For any development that must be referred to Roads and Maritime Services (RMS) as required by SEPP (Infrastructure) 2007, a traffic impact study must be provided that has been prepared in accordance with RMS guidelines (noting Section 2 (Traffic Impact Studies) in the RMS (RTA) "Guide to Traffic Generating Developments") including addressing any additional specific requirements of Council and RMS. The study shall consider all relevant RMS guidelines and technical directions, all relevant Australian Standards and AUSTROADS requirements, and all relevant Council policies and guidelines.

## **View corridor analysis**

This analysis should be a photographic and/or an elevational view analysis based on survey data demonstrating the impact of the proposed first floor addition or two or more storey building on views

currently available from potentially affected properties.

## Visual analysis and photographic assessment

Shoalhaven DCP 2014, Chapter G6 – Coastal Management Areas, Section 5.2.2 specifies in the Acceptable Solutions that a building is to be sited within a building envelope determined by planes that are projected at 45 degrees from a height of 3.5 metres above natural ground level at the front, sides and rear boundaries, to a maximum height of 6 metres above natural ground level with a 1.5m concessional zone above.

Encroachment into the concessional zone will only be considered where the following details are provided:

- A visual analysis, including a photographic assessment, that outlines how the proposal will not be visually prominent from the foreshore, or adversely affect the visual amenity of the locality.
- Details outlining how the proposal will not adversely affect privacy of adjoining development.
- Shadow diagrams demonstrating that living areas and useable open space of neighbouring dwellings do not have their sunlight reduced to less than 3 hours between 9.00am and 3.00pm on June 21.

The Visual Analysis and Photographic Assessment should describe, in words and photographs, the scale and character of existing development in the vicinity of the proposed development identifying features such as:

- Heights.
- Scale.
- Prominent or consistent architectural features or styles.
- Setbacks.

The assessment should also identify how the proposed development is consistent with or complementary to existing development adjoining the foreshore and in the streetscape.

## Waste minimisation and management

Council must assess the environmental impact of waste generated by all proposals. [A Waste Management Plan](#) (WMP) is required for all development applications, complying development certificates and construction certificate applications in accordance with [Shoalhaven DCP 2014, Chapter G7](#) and Council's Waste Minimisation and Management Guidelines. The purpose of a WMP is to ensure the waste and recycling management impacts of a proposed development are assessed as part of the development approval process. A WMP describes the ways in which waste will be stored, moved, avoided, reused, recycled and diverted from landfill during each activity or stage of development. It allows Council or an accredited certifier to assess the volumes and types of waste likely to be generated by the development and ensure appropriate actions are taken to manage its generation, storage and disposal. As a minimum, a WMP (for any stage of development i.e demolition, construction and/or on going stage) must:

- calculate the volumes and types of waste and recycling that will be generated
- state how waste and recycling will be handled, stored and treated onsite
- state how and where waste will be reused, recycled or disposed of
- describe the roles and responsibilities in ensuring the Waste Plan is correctly implemented

The amount of detail required in the WMP will depend on the scale of the development. Council's WMP can be used for developments with minor impacts. For larger mixed used developments, commercial and industrial proposals additional detail may be required. This should be provided in the form of a separate written document. For a guide to estimating quantities of waste generated during demolition and construction and for further information refer to the Waste Minimisation and Management Guidelines.

Compliance with an approved WMP will be required as a condition of development consent.

## Websites – additional resources

Australasian Legal Information Institute: <http://www.austlii.edu.au/>

[Australian Building Codes Board](#) - produces and maintains the Building Code of Australia (BCA) on behalf of the Australian, State and Territory Governments. The BCA contains technical provisions for the design and construction of buildings and structures.

[Australian Bureau of Statistics](#) - (ABS) provides statistics and reference information on a wide range of economic and social matters.

[Australian Standards](#)- SAI Global is a source for global technical content such as Standards and legislation. All Australian, ISO and IEC Standards, plus a range of publications are available.

[BASIX Building Sustainability Index](#) - Introduced by the NSW Government to ensure new residential developments are built to be more energy and water efficient. Note: Council cannot accept an application (for a BASIX affected development) without a current BASIX Certificate and your BASIX commitments shown on your plans.

[Board of Surveying and Spatial Information](#) – Bossi maintains a current database including a list of persons who are registered as surveyors under the provisions of the Surveying and Spatial Information Act 2002. This site is also a good source of information about surveying practice generally.

[Building Professionals Board](#) - Accredited certifiers (or private certifiers) are accredited by the Building Professionals Board (an independent statutory body, reporting to the Minister for Planning). The board also audits and investigates complaints against accredited certifiers.

Case Law NSW: <https://www.caselaw.nsw.gov.au/>

[Department of Industry - Lands](#) - is responsible for the administration of Crown land. If a development application is lodged over Crown land it must be signed by an authorised officer on behalf of the owner.

[Department of Planning](#) - Information on the NSW planning system, legislation and planning instruments. The Minister for Planning determines applications for major infrastructure or other major projects of State or regional environmental planning significance.

[The NSW Dividing Fences Act 1991](#) defines what a sufficient dividing fence is and the fencing obligations of property owners. Council is not able to assist in matters regarding general disputes or cost of fencing. [Law Access NSW](#) has information about the dividing fences laws and resolving fencing

disputes. Fencing disputes can be resolved through mediation at a [Community Justice Centre](#) or by an application to the [NSW Civil and Administrative Appeals Tribunal](#).

[NSW Environment Protection Authority](#) - The NSW Environment Protection Authority (EPA) is the primary environmental regulator for New South Wales. The EPA partners with business, government and the community to reduce pollution and waste, protect human health, and prevent degradation of the environment.

[Fair Trading](#) - Information about becoming an Owner Builder, Home Warranty Insurance, Contracts and Licence checks on Builders and Tradespeople. Also has information for Tenants, Landlords and Strata living.

Department (Cwth) of Environment & Energy: <http://www.erin.gov.au>

Environment & Planning Law Association: <http://www.epla.org.au/>

Housing Industry Association: <https://hia.com.au/>

[Icare](#) (Insurance & Care NSW) delivers insurance and care services to the people of New South Wales, under the NSW Workers Compensation Scheme.

Land and Environment Court: <http://www.lec.justice.nsw.gov.au/>

[Land Registry Services](#) - Provides access to NSW land title records such as title searches, plans and dealings.

[Local Government NSW](#) - The Local Government and Shires Associations represent the views of NSW councils to other governments, provide industrial relations and other specialist services to councils and promote Local Government to the community.

National Parks & Wildlife Services: <https://www.nationalparks.nsw.gov.au/>

[Office of Local Government](#) - Provides policy and legislative foundation to Local Government in NSW to assist councils to deliver quality services to their communities in a sustainable manner. They also provide information on Companion Animals and have contacts details for all NSW Councils.

Property Council of Australia: <https://www.propertycouncil.com.au/>

[Roads and Maritime Services \(RMS\)](#) – The RMS has responsibility for Classified roads. In the Shoalhaven Council area, a Classified road includes a highway, main road, controlled access road, secondary road, tourist road and a State work. You need to contact RMS (Property Section) if you need concurrence under the Roads Act 1993 for work in the road reserve.

Planning Institute of Australia: <https://www.planning.org.au/>

[Safework](#) is the New South Wales' workplace health and safety regulator. Safework offer advice on improving work health and safety, provide licences and registration for potentially dangerous work, investigate workplace incidents and enforce work health and safety laws in NSW. They also have useful information on asbestos removal and licensing.

[SIRA](#) The State Insurance Regulatory Authority (SIRA) regulates motor accidents CTP and workers compensation insurance as well as the home building compensation fund in NSW.

[Smoke Alarms](#) - In NSW it is mandatory to have smoke alarms in all homes and other shared accommodation buildings where people sleep. See the NSW Department of Planning or the NSW Fire Brigades for more information.

Urban Development Institute of Australia: [www.udia.com.au](http://www.udia.com.au)

## Work in the road reserve – applying with a DA

The DA Form provides for the approval of work in the road reserve under s138 of the Roads Act 1993. If you require this approval for driveway construction you must submit plans providing driveway and garage levels to demonstrate compliance with Council's driveway standards which are available here: [Standard Drawings](#). If your development is NOT integrated but you require additional approvals from Council for work in the road reserve, use this application form.

Except for driveway construction, Council approval for work in the road reserve is generally sought in response to development consent conditions. The following information is required:

- Footpath crossing; and/or
- Gutter layback in an existing kerb - Site plan showing location with levels at boundary
- Gutter layback where there is no existing kerb and gutter – Levels to be obtained from Council and site plan showing location with levels at boundary
- Connection of stormwater to kerb – site plan showing location

## Work in the road reserve – making a separate application

### Application for consent for works & structures in/on a public road (Section 138)

Where works are proposed within the road reserve, formal approval must be obtained from Council (as the Roads Authority and / or as required under Section 138 of the Roads Act 1993).

Works within the road reserve may include activities like erecting a structure, digging up or disturbing the surface of a public road to construct a driveway, removing or interfering with a structure, or any other activities as defined within the Roads Act 1993.

A [Section 138 Application](#) must be lodged with Council seeking approval for any work proposed within the road reserve. In order to obtain approval, the following details are required:

- A copy of approved design plans related to the development and/or proposed works to be undertaken: or
- In the case of a standard driveway proposal not requiring specific design, see Council's standard drawings or alternatively these are available at Council's Customer Service counter
- Where a site specific design is required, a design must be submitted with the application.

The following guidance is provided for applicants:

- an administration fee and inspection fee shall be paid at time of lodgement. Please note an additional fee is applicable per each additional site visit. Please refer to Council's fees and charges.

See Payment options or Websites for link.

- On receipt of the application, additional information may be required to address site specific matters.
  - upon lodgement of the application, Council staff will undertake a site inspection and assessment of the site.
  - a condition of approval will include requirement for a site specific Traffic Control Plan. The Traffic & Pedestrian Control Plan must comply with the RMS - Roads and Traffic Authority's manual "Traffic & Pedestrian Control at Work Sites" and must be prepared and certified by a person holding the appropriate Roads and Traffic Authority accreditation.
- Insurance details – Public Liability Insurance to an amount of \$AUS20,000,000, to be held by applicant / contractor undertaking the works.

- If there are no matters of concern, Council will issue a Section 138 approval letter. The Section 138 approval letter will contain conditions of consent. Compliance with these conditions is essential.
- Work must not commence until an approval letter has been issued by Council.
- Notice must be given to Council at least 48 hours prior to the commencement of work.
- Council staff may inspect form-work and reinforcement steel prior to pouring of concrete. Notice must be given to Council and an inspection shall be arranged at least 24 hours prior to pouring of concrete.
- Any areas of disturbance adjoining the works shall be re-instated as soon as possible following completion of driveway/works. Any damage to council's infrastructure such as; road pavement, footpaths, kerbs and gutters are to be repaired to Councils satisfaction.

### **Further information**

Council will generally attempt to process applications within 14 working days of lodgement of application.

Where works are required within a Classified Road, the applicant must obtain concurrence from Roads and Maritime (RMS). Evidence of RMS concurrence shall be included in your application to Council for S.138 approval.

The above procedure relates to work which is not a condition of Development Consent.

Council will carry out random audits where works are undertaken within the Road Reserve. Failure to comply with the conditions as outlined above will result in issue of a stop work order and issue of a penalty infringement notice.

Should you have further enquiries in regard to the above please contact Councils Roads Assets Manager on (02) 4429 3242.