

Environmental Planning and Assessment Regulation 2000

Part 1 Development applications

1 Information to be included in development application

- (1) A development application must contain the following information:
 - (a) the name and address of the applicant,
 - (b) a description of the development to be carried out,
 - (c) the address, and formal particulars of title, of the land on which the development is to be carried out,
 - (d) an indication as to whether the land is, or is part of, critical habitat,
 - (e) an indication as to whether the development is likely to significantly affect threatened species, populations or ecological communities, or their habitats, unless the development is taken to be development that is not likely to have such an effect because it is biodiversity compliant development,
 - (ea) for biodiversity compliant development, an indication of the reason why the development is biodiversity compliant development,
 - (f) a list of any authorities from which concurrence must be obtained before the development may lawfully be carried out or from which concurrence would have been required but for section 79B (2A) or 89J,
 - (g) a list of any approvals of the kind referred to in section 91 (1) of the Act that must be obtained before the development may lawfully be carried out,
 - (g1) in the case of State significant development, a list of any authorisations that must be provided under section 89K of the Act in relation to the development,
 - (h) the estimated cost of the development,
 - (h1) in the case of State significant development, the capital investment value of the development,
 - (i) evidence that the owner of the land on which the development is to be carried out consents to the application, but only if the application is made by a person other than the owner and the owner's consent is required by this Regulation,
 - (j) a list of the documents accompanying the application.
- (2) In this Schedule, ***biodiversity compliant development*** means:
 - (a) development proposed to be carried out on biodiversity certified land within the meaning of Part 7AA of the *Threatened Species Conservation Act 1995*, or
 - (b) development in respect of which a biobanking statement has been issued in respect of the development under Part 7A of the *Threatened Species Conservation Act 1995*, or
 - (c) development to which the biodiversity certification conferred by Part 7 of Schedule 7 to the *Threatened Species Conservation Act 1995* applies, or
 - (d) development for which development consent is required under a biodiversity certified EPI (within the meaning of Part 8 of Schedule 7 to the *Threatened Species Conservation Act 1995*).

2 Documents to accompany development application

- (1) A development application must be accompanied by the following documents:
 - (a) a site plan of the land,
 - (b) a sketch of the development,
 - (c) a statement of environmental effects (in the case of development other than designated development or State significant development),
 - (d) in the case of development that involves the erection of a building, an A4 plan of the building that indicates its height and external configuration, as erected, in relation to its site (as referred to in clause 56 of this Regulation),
 - (e) an environmental impact statement (in the case of designated development or State significant development),
 - (f) a species impact statement (in the case of land that is, or is part of, critical habitat or development that is likely to significantly affect threatened species, populations or ecological communities, or their habitats), but not if the development application is for State significant development,
 - (g) if the development involves any subdivision work, preliminary engineering drawings of the work to be carried out,
 - (h) if an environmental planning instrument requires arrangements for any matter to have been made before development consent may be granted (such as arrangements for the provision of utility services), documentary evidence that such arrangements have been made,
 - (i) if the development involves a change of use of a building (other than a dwelling-house or a building or structure that is ancillary to a dwelling-house and other than a temporary structure):
 - (i) a list of the Category 1 fire safety provisions that currently apply to the existing building, and
 - (ii) a list of the Category 1 fire safety provisions that are to apply to the building following its change of use,
 - (j) if the development involves building work to alter, expand or rebuild an existing building, a scaled plan of the existing building,
 - (k) if the land is within a wilderness area and is the subject of a wilderness protection agreement or conservation agreement within the meaning of the *Wilderness Act 1987*, a copy of the consent of the Minister for the Environment to the carrying out of the development,
 - (k1) in the case of development comprising mining for coal (within the meaning of section 380AA of the *Mining Act 1992*)—documentary evidence that the applicant holds an authority under the *Mining Act 1992* in respect of coal and the land concerned or has the written consent of the holder of such an authority to make the development application,
 - (l) in the case of development to which clause 2A applies, such other documents as any BASIX certificate for the development requires to accompany the application,
 - (m) in the case of BASIX optional development—if the development application is accompanied by a BASIX certificate or BASIX certificates (despite there being no obligation under clause 2A for it to be so accompanied), such other documents as any BASIX certificate for the development requires to accompany the application,
 - (n) if the development involves the erection of a temporary structure, the following documents:
 - (i) documentation that specifies the live and dead loads the temporary structure is designed to meet,
 - (ii) a list of any proposed fire safety measures to be provided in connection with the use of the temporary structure,
 - (iii) in the case of a temporary structure proposed to be used as an entertainment venue—a statement as to how the performance requirements of Part B1 and NSW Part H102 of Volume

One of the *Building Code of Australia* are to be complied with (if an alternative solution, to meet the performance requirements, is to be used),

- (iv) documentation describing any accredited building product or system sought to be relied on for the purposes of section 79C (4) of the Act,
 - (v) copies of any compliance certificates to be relied on,
 - (o) in the case of a development involving the use of a building as an entertainment venue or a function centre, pub, registered club or restaurant—a statement that specifies the maximum number of persons proposed to occupy, at any one time, that part of the building to which the use applies.
- (2) The site plan referred to in subclause (1) (a) must indicate the following matters:
- (a) the location, boundary dimensions, site area and north point of the land,
 - (b) existing vegetation and trees on the land,
 - (c) the location and uses of existing buildings on the land,
 - (d) existing levels of the land in relation to buildings and roads,
 - (e) the location and uses of buildings on sites adjoining the land.
- (3) The sketch referred to in subclause (1) (b) must indicate the following matters:
- (a) the location of any proposed buildings or works (including extensions or additions to existing buildings or works) in relation to the land's boundaries and adjoining development,
 - (b) floor plans of any proposed buildings showing layout, partitioning, room sizes and intended uses of each part of the building,
 - (c) elevations and sections showing proposed external finishes and heights of any proposed buildings (other than temporary structures),
 - (c1) elevations and sections showing heights of any proposed temporary structures and the materials of which any such structures are proposed to be made (using the abbreviations set out in clause 7 of this Schedule),
 - (d) proposed finished levels of the land in relation to existing and proposed buildings and roads,
 - (e) proposed parking arrangements, entry and exit points for vehicles, and provision for movement of vehicles within the site (including dimensions where appropriate),
 - (f) proposed landscaping and treatment of the land (indicating plant types and their height and maturity),
 - (g) proposed methods of draining the land,
 - (h) in the case of development to which clause 2A applies, such other matters as any BASIX certificate for the development requires to be included on the sketch,
 - (i) in the case of BASIX optional development—if the development application is accompanied by a BASIX certificate or BASIX certificates (despite there being no obligation under clause 2A for it to be so accompanied), such other matters as any BASIX certificate for the development requires to be included on the sketch.
- (4) A statement of environmental effects referred to in subclause (1) (c) must indicate the following matters:
- (a) the environmental impacts of the development,
 - (b) how the environmental impacts of the development have been identified,
 - (c) the steps to be taken to protect the environment or to lessen the expected harm to the environment,
 - (d) any matters required to be indicated by any guidelines issued by the Director-General for the purposes of this clause.
- (5) In addition, a statement of environmental effects referred to in subclause (1) (c) or an environmental impact statement in respect of State significant development must include the following, if the development application relates to residential flat development to which *State Environmental Planning Policy No 65—Design Quality of Residential Flat Development* applies:

- (a) an explanation of the design in terms of the design quality principles set out in Part 2 of *State Environmental Planning Policy No 65—Design Quality of Residential Flat Development*,
 - (b) drawings of the proposed development in the context of surrounding development, including the streetscape,
 - (c) development compliance with building heights, building height planes, setbacks and building envelope controls (if applicable) marked on plans, sections and elevations,
 - (d) drawings of the proposed landscape area, including species selected and materials to be used, presented in the context of the proposed building or buildings, and the surrounding development and its context,
 - (e) if the proposed development is within an area in which the built form is changing, statements of the existing and likely future contexts,
 - (f) photomontages of the proposed development in the context of surrounding development,
 - (g) a sample board of the proposed materials and colours of the facade,
 - (h) detailed sections of proposed facades,
 - (i) if appropriate, a model that includes the context.
- (5A) The species impact statement referred to in subclause (1) (f) is not required in relation to the effect of the development on any threatened species, populations or ecological communities, or their habitats, if the development is taken to be development that is not likely to significantly affect those threatened species, populations or ecological communities, or their habitats, because it is biodiversity compliant development.
- (6) In the case of development to which clause 2A applies, the explanation referred to in subclause (5) (a) need not deal with the design quality principles referred to in that paragraph to the extent to which they aim:
- (a) to reduce consumption of mains-supplied potable water, or reduce emissions of greenhouse gases, in the use of the building or in the use of the land on which the building is situated, or
 - (b) to improve the thermal performance of the building.

2A BASIX certificate required for certain development

- (1) In addition to the documents required by clause 2, a development application for any BASIX affected development must also be accompanied by a BASIX certificate or BASIX certificates for the development, being a BASIX certificate or BASIX certificates that has or have been issued no earlier than 3 months before the date on which the application is made.
- (2) If the proposed development involves the alteration, enlargement or extension of a BASIX affected building that contains more than one dwelling, a separate BASIX certificate is required for each dwelling concerned.