## Contents

Development Application Guidelines ......................................... 1

**A.1** Information to be submitted with a Development Application ........................................................................... 1

**A.1.1** Basic information to be provided on all plans and drawings submitted to Council .................................. 1

**A.1.2** Plans and information to be submitted ................................ 2

- **A.1.2.1** Site and context analysis plan and report ................................................................. 2
- **A.1.2.2** Scaled plans, elevations and sections ................................................................. 4
- **A.1.2.3** Schedule of colours and finishes ............................................................................. 4
- **A.1.2.4** A4 sized plans and elevations .................................................................................. 4
- **A.1.2.5** Survey plan .............................................................................................................. 5
- **A.1.2.6** Landscape plan ........................................................................................................ 5
- **A.1.2.7** Drainage plan ........................................................................................................... 5
- **A.1.2.8** Erosion and sediment control plan .......................................................................... 6
- **A.1.2.9** Subdivision plan ...................................................................................................... 6
- **A.1.2.10** Shadow diagrams .................................................................................................. 7
- **A.1.2.11** Recycling and waste management plan ............................................................... 7
- **A.1.2.12** Photographs and photo montages .......................................................................... 8

**A.1.3** Statement of Environmental Effects ........................................ 8

- **A.1.3.1** What to include in a SEE ....................................................................................... 8

**A.1.4** SEPP 65 assessment ................................................................. 9

**A.1.5** BASIX ......................................................................................... 10

**A.1.6** Plan of Management ........................................................................ 10

- **A.1.6.1** When a POM is required ....................................................................................... 11
- **A.1.6.2** Details to include in a POM ................................................................................... 11

**A.1.7** Minimum lodgement requirements ........................................... 12

**A.2** Development Application Lodgement Process .......................... 15

- **A.2.1** Exempt and Complying Development ........................................................................ 15

- **A.2.2** Over-the-counter verbal advice .................................................................................. 15

- **A.2.3** ‘Pre-DA’ advisory panel meetings ............................................................................. 15

- **A.2.4** Lodgement of a development application ................................................................. 16

- **A.2.4.1** Designated development ....................................................................................... 16
- **A.2.4.2** Integrated development ......................................................................................... 16
- **A.2.4.3** Section 96(1) application – Modifications involving minor error, misdescription or miscalculation ........................................................................................................... 17
- **A.2.4.4** Section 96(1A) application – Modifications involving minimal environmental impact ................................................................................................................................. 17
- **A.2.4.5** Section 96(2) application – Other modifications ....................................................... 17
A.2.4.6 Section 82A Review Requests (review of a determination of a development application) .................................................. 17

A.2.4.7 Section 96AB Review Requests (review of a determination of a Section 96 application) .......................................................... 18

A.3 Development Application Assessment Process............. 18
Development Application Guidelines

NB The contents of this part are for guidance only and do not form part of the legal document.

A.1 Information to be submitted with a Development Application

NB Council has specific requirements that may require more information than that listed in A.2. If in doubt, check with Council.

Council’s Customer Service Centre can advise the specific requirements required for each development application. Development application checklists specific to particular types of development form part of development applications and requirements listed in them must be completed. This eliminates the possibility of a development application being rejected and reduces potential delays.

A.1.1 Basic information to be provided on all plans and drawings submitted to Council

Title block
A title block on every plan must show:
- Name of architect or draftsperson;
- Plan number and date;
- Amendment number and date (if relevant);
- Applicant name; and
- Location and description of property.

Orientation
A true north point on every plan will help Council relate the plans to the site.

Scale
Every plan must show the scale in ratio figures and a bar scale so dimensions can be easily determined on photocopy reductions.

Levels
Plans and elevations must show relevant information such as contours, ground levels or roof levels. Levels and contours should be shown relative to Australian Height Datum (AHD). Where ‘assumed datum’ is used, sufficient details must be provided to accurately interpret the levels.

List of existing and proposed fire safety measures
The Environmental Planning and Assessment Regulation 2000 (the EP&A Regulation) requires:
- A list of fire safety measures already installed in the building (not just the part of the building to be occupied); and
- A list of any proposed fire safety measures to be installed.
These lists are only required to be submitted with the development application where a change of use is proposed. The relevant required checklist that addresses change of use applications expands on this requirement.

**Number of copies to be submitted**

The Development Application checklist provides details of the number of plans and supporting documentation to be submitted with development applications including electronic lodgement requirements.

**A.1.2 Plans and information to be submitted**

This section briefly describes basic information to be submitted with the majority of development applications.

**A.1.2.1 Site and context analysis plan and report**

NB Section 2.3 (Site and Context Analysis) of this DCP provides detailed information on site and context analysis.

All development applications that involve external building works, except minor additions and outbuildings, require a site and context analysis plan indicating (where relevant):

- Contours - at 1 metre intervals and related to AHD;
- Existing vegetation - in particular major trees on the site and street trees, identified by size and botanical or common names;
- Buildings - location and uses of existing buildings;
- Views to and from the site;
- The location of utility services and stormwater drainage lines and street crossings;
- Orientation, microclimate and noise sources;
- Any contaminated soils and filled areas;
- Fences, boundaries and easements;
- Any other significant site features such as rock outcrops; and
- The location of any scenic protection area or unique environmental features.

NB Section 2.14 (Unique Environmental Features) of this DCP provides relevant description and controls applying to some of the unique environmental features and scenic protection areas within the Marrickville LGA.

In relation to the surrounding area, a site and context analysis plan must indicate:

- Location, use and height of adjoining buildings - locating window openings facing the site boundary, private open space and shadows cast on development site;

NB Where an adjoining site is not developed or underdeveloped, the maximum development potential of the adjoining site, under applicable planning controls, must be taken into account in determining solar access and location of any photovoltaic (PV) panels, solar hot water system or landscaping to the development site.

- Views and solar access enjoyed by adjoining residents;
- Major trees on adjoining properties;
- The built form and character of adjoining and nearby development; and
- The difference in levels between the subject site and adjoining properties.

A site and context analysis plan must be drawn to scale (such as at 1:100 or 1:200 scale or 1:500 scale if the proposed development is a large scale project) and must be accompanied by a declaration that the information provided is correct and true in every detail.

A site and context analysis report must also be prepared explaining how the development design has responded to the site and context analysis.

Figure 2: A sample of site and context analysis plan
A.1.2.2 **Scaled plans, elevations and sections**

These drawings are mandatory for all applications and clearly document the proposed building/s and works. Plans, elevations and sections are prepared at standard scales as required in the checklist for the specific type of development, and include:

**Plans**
- True north point;
- Scale (show ratio and bar scale);
- Location of proposed new buildings, alterations or works (show setback distances from boundaries and adjoining buildings);
- Existing buildings (show outline only) room layout, partitioning, location of windows and doors, room dimensions, areas and proposed uses;
- Courtyard dimensions and areas;
- Walls and fences;
- Total floor area and floor space ratio;
- Access for persons with a disability (this does not apply to dwelling houses);
- Vehicle entrance and exit driveways – where applicable;
- Car parking and loading areas – where applicable (show dimensions); and
- Recycling and waste (bin) storage and collection areas.

**Elevations and sections**

An elevation viewed from each direction, as well as longitudinal and cross sections of each proposed building, must show:
- Existing buildings (outline only);
- Building facade, windows and roof profile;
- External finishes (including wall, roof, window, door and fence materials and paint colours);
- Finished ground levels, floor levels, ceiling levels, roofline levels and driveway grade;
- Chimney flues, exhaust vents and ducts (show height in relation to adjoining roof levels);
- Retaining walls and fences (indicate height); and
- The extent of excavation or filling of the site.

A.1.2.3 **Schedule of colours and finishes**

Development applications for all external works must also include a schedule of external colours and finishes. This must be in the form of colour and material samples or trade brochures with manufacturers’ codes neatly placed on a sample board. The colours and materials must be clearly referenced to all proposed elevations. Coloured copies of the sample board must also be submitted with the application.

A.1.2.4 **A4 sized plans and elevations**

A4 plans are required for all development applications to assist public consultation. They must illustrate the site location, height and external configuration of the proposal on A4 sheets and must be legible. Council will provide copies of the A4 drawing to anyone affected by the development. The A4 plan must show:
- North point (true north);
- A plan view showing proposed buildings and works;
- In relation to boundaries and adjoining buildings, setback distances from boundaries and adjoining buildings and all access ways and parking areas; and
- Elevations showing proposed finished levels and heights in relation to adjoining outbuildings and roads.
A.1.2.5 **Survey plan**

A survey plan is required for new buildings and additions to existing buildings, swimming pools, earth works, landscaping or subdivisions works. The survey plan must be prepared by a registered surveyor and show the exact location of buildings and other features, at the same scale as the plans and elevations. The plan must include:

- True north point;
- Scale (show ratio and bar scale);
- Position of existing structures;
- Position of structures on adjoining land;
- Edge of road pavement adjacent to the site;
- Spot levels and contours at 0.5 metre intervals related to AHD;
- Benchmark details;
- Levels at 0.5 metre intervals along all development site boundaries;
- Position of existing trees that require Council’s consent for removal or pruning; and
- Reduced level of the base of such trees, and their height and canopy spread.

A.1.2.6 **Landscape plan**

**NB** Section 2.18 (Landscaping and Open Spaces) of this DCP provides detailed objectives and controls for landscaping.

A detailed landscape plan is required for the majority of development applications. The landscape plan must be prepared by a suitably qualified and experienced landscape architect or a designer. The plan must demonstrate an understanding of the site and its context. The landscape plan should be drawn to the same scale as the plans, elevations and survey plan.

A.1.2.7 **Drainage plan**

**NB** Section 2.22 (Flood Management) of this DCP provides a description of flood affected areas within the Marrickville LGA and relevant development controls.

A drainage plan is required for all new buildings and for alterations and additions that involve changes to stormwater drainage. The plan must illustrate how rainwater will be managed on site. Council should be contacted about the drainage requirements that apply to the site before the drainage plan is prepared. It must be prepared to the same scale as the plans and elevations and show:

**Site**

- True north point;
- Scale (show ratio and bar scale);
- Existing surface contours (AHD values); and
- Proposed building locations and finished floor levels (AHD values).

**Stormwater**

- Infiltration measures such as soakage trenches, swales, landscaping or permeable pavements. Infiltration must not be used in areas where the water table is close to existing or proposed surface levels, or in areas where rock is located adjacent to the surface. Infiltration measures must be supported with appropriate calculations by a qualified geotechnical or hydraulic engineer and be in accordance with Council’s requirements;
• Stormwater storage or detention systems (for areas likely to require on-site detention), including the proposed location of any stormwater detention system and the stormwater detention calculations for sizing the system;
• Notional location and approximate area of any existing on-site detention facilities within the site;
• Proposed on-site detention stored water levels and emergency spillways;
• Notional locations and levels of proposed stormwater pipes and drainage pits;
• Location of, and design section through, any sediment/silt arrestor pit or discharge control pit;
• Subsoil drainage including point of discharge to infiltration, a landscaped area, or to a Council-controlled stormwater pile (note that subsoil water is not to drain to the kerb/gutter or a table drain);
• Discharge points to Council-controlled stormwater;
• Drainage system (show levels at these locations);
• Overland flow paths or present flood liable areas; and
• Council-controlled pipelines and existing or proposed drainage easements across adjoining land.

A.1.2.8 Erosion and sediment control plan
The erosion and sediment control plan is required for all new buildings and for alterations and additions to existing buildings that involve changes to stormwater drainage. This plan must show how erosion will be prevented from a construction site and how washing or blowing of sediment into adjoining land or into Council’s stormwater drainage system will be avoided. The erosion and sediment control plan must be to the same scale as the building plans and elevations and show:
• The location of site boundaries and adjoining roads;
• Approximate grades and indications of direction(s) of fall;
• The nature and extent of earthworks, position of stockpiles;
• The location of site access (stabilised access points), proposed roads and other impervious areas;
• Existing and proposed drainage patterns with stormwater discharge points and where applicable, the diversion of runoff from upslope lands around the disturbed areas;
• The location and extent of sediment trapping devices such as sediment fences, geo-textile fabric filters, stockpiles covers, sediment traps, sediment basins and grade stabilising structures; and
• Proposed revegetation and stabilisation areas.

A.1.2.9 Subdivision plan

NB Part 3 (Subdivision, Amalgamation and Movement Networks) of this DCP provides detailed objectives and controls on subdivision.

The plan of subdivision is required for all subdivision and must clearly show the proposed subdivision layout. Prepare the plan to a standard scale such as 1:100 or 1:200 and show the following details:
• True north point;
• Scale (show ratio and bar scale);
• Existing and proposed boundaries;
• Lot and deposited plan numbers;
• Relationship to adjoining roads and subdivision boundaries (show width of roads);
• Proposed boundary dimensions (metres);
- Proposed lot areas (square metres);
- Indicative sketch (footprint) of proposed development(s) for the new lot(s), if not accompanied by development application for building(s) on the new lot(s);
- Proposed roads or pathways (indicate width);
- Proposed easements and rights of way;
- Proposed public reserves or drainage reserves;
- Existing and finished levels (contours or spot heights with AHD values);
- Long sections and cross sections of proposed roads or driveways in rights of carriageways; and
- Any environmental constraints.

### A.1.2.10 Shadow diagrams

**NB** Section 2.7 (Solar Access and Overshadowing) of this DCP provides detailed objectives and controls on solar access and overshadowing.

Shadow diagrams are required for all new buildings and additions that can impact the solar access of adjoining properties. These plans must clearly show the shadow impacts of the proposed development and be prepared to the same scale as the plans and elevations. The shadow diagrams must show:

- True north point;
- Scale (show ratio and bar scale);
- Position of existing and proposed buildings;
- Position of buildings on adjoining land;
- Shadows cast at 9.00am, 12.00 noon, and 3.00pm on June 21, the equinox (March 21 and September 21) and December 21 (show altitude and azimuth angles);

**NB** For most developments, shadow diagrams for 21 June at 9.00am, 12.00 noon, and 3.00pm will be sufficient to assess overshadowing impacts. However in some cases shadow diagrams for other parts of the year and/or for more frequent intervals will be required. For details on such requirements refer to Section 2.7 (Solar Access and Overshadowing) of this DCP.

- Change in shadows from existing to proposed development (including boundary fences); and
- If the proposal is likely to overshadow the windows of an adjoining building, an elevation to show those shadow impacts. This is especially likely to be the case on east-west oriented land.

### A.1.2.11 Recycling and waste management plan

**NB** Section 2.21 (Site Facilities and Waste Management) of this DCP provides detailed objectives and controls on recycling and waste management. This section also includes templates for recycling and waste management plans to be submitted with development applications.

A recycling and waste management plan is required for demolition and building work proposals and any use that generates household, commercial or industrial wastes. It must detail waste management and minimisation activities to be carried out during demolition, construction and operation of premises. The plan must:

- Specify wastes by type and volume and nominate reuse and recycling potential;
- Nominate siting of waste/recycling storage areas and facilities for demolition, construction and ongoing use of the premises;
- Specify how and where residual wastes will be disposed of; and
- Show how ongoing waste management of the site will operate.

A.1.2.12 | Photographs and photo montages
Photographs must be included with proposals for external works. This information is invaluable to the assessment officers and to other persons involved in the processing of the development application.

Applications for development of three storeys or greater, with the exception of applications under *State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development* (SEPP 65), must be accompanied by photomontages of the proposal in the form of computer-generated images or other such technology, showing how the proposed building sits into the existing streetscape.

A.1.3 | Statement of Environmental Effects
A Statement of Environmental Effects (SEE) outlines the full nature of the proposed development, addresses its relationship with relevant environmental planning instruments and includes a detailed environmental impact assessment of the proposal. A SEE is required for all development applications except where a proposal is classified as a ‘designated development’ under Schedule 3 of the EP&A Regulation in which case the development application must be accompanied by an environmental impact statement (EIS).

Only a very brief SEE is required for proposals likely to have a negligible impact, such as internal alterations and certain minor residential building work (except heritage items or a heritage conservation area). Applicants must explain in the SEE why the impacts will be negligible.

A.1.3.1 | What to include in a SEE
The SEE must address all applicable issues, the most common of which are discussed below. Check with Council for requirements specific to the proposal or site.

**Site suitability**
Required for all development applications except minor alterations or additions.

**Present and previous uses of the land**
Required for all development applications.

**Compliance with development standards**
Required for all development applications, except minor additions, outbuildings and change of use applications.

**Compliance with development controls**
Required for all development applications.

**Operation and management**
Generally required in the form of a plan of management (POM) for development applications for backpackers’ accommodation, boarding houses, brothels and sex services premises, entertainment facilities, events/festivals or commercial and industrial proposals with extended trading hours or close to residential land uses. Refer to Section A.2.6 for more details.
Access and traffic
Required for all development applications including alterations and additions that change existing parking and access arrangements.

General accessibility
Required for all new buildings and alterations and additions other than for attached dwellings, dwelling houses, or secondary dwellings.

Privacy, views and overshadowing
Required for all new buildings and alterations and additions, except internal alterations.

Waste Management
Required for all development applications where waste management is involved.

Noise generation
Required for all hotel, entertainment, commercial and industrial proposals, except minor alterations and additions.

Drainage
Required for all new buildings, alterations and additions that involve changes to stormwater drainage.

Erosion and sediment control
Required for all proposals that involve excavation, earthworks or clearing.

Heritage

NB Part 8 (Heritage) of this DCP provides detailed objectives and controls for heritage items and conservation areas.

A separate statement of heritage impact is required if the proposal involves work on a heritage item, moving or excavating an Aboriginal relic or object, or subdivision of land that contains a heritage item.

For proposals in the vicinity of a heritage item or in conservation areas, the SEE must refer to the heritage item or conservation area and show how the proposed development would not impact on the significance of heritage item or conservation area.

Energy efficiency
Required for all new buildings (including alterations and additions) where BASIX is not applicable. Refer to Section A.2.5 for details on BASIX requirements.

NB Section 2.16 (Energy Efficiency) provides detailed performance criteria and controls for achieving energy efficiency.

Site management
Required for all proposals involving building works except minor alterations and additions and outbuildings.

A.1.4 SEPP 65 assessment
An assessment under SEPP 65 is required to be submitted with a development application for any residential apartment development or mixed use development
containing four or more dwellings and three or more storeys. Such applications must be accompanied by a statement from a qualified architect or designer. The statement must:

- Verify that he or she designed, or directed the design of, the development; and
- Provide an explanation that verifies how the development:
  (i) Addresses how the design quality principles are achieved, and
  (ii) Demonstrates, in terms of the Apartment Design Guide, how the objectives in Parts 3 and 4 of the guide have been achieved.

An assessment under SEPP 65 is required to be submitted with an application for the modification of a development consent under Section 96 (2) or Section 96AA (1) of the Act which relates to residential apartment development where the development application was required to be accompanied by a design verification from a qualified designer. Such applications must be accompanied by a statement by a qualified designer. The statement must:

- Verify that he or she designed, or directed the design of, the modification of the development and if applicable, the development for which the development consent was granted; and
- Provide an explanation of how:
  (i) the design quality principles are addressed in the development, and
  (ii) in terms of the Apartment Design Guide, the objectives of that guide have been achieved in the development, and
- Verify that the modifications do not diminish or detract from the design quality, or compromise the design intent, of the development for which the development consent was granted.

A.1.5 BASIX

State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 (BASIX) requires new residential developments to be energy and water efficient. The SEPP operates in conjunction with Environmental Planning and Assessment Amendment (Building Sustainability Index: BASIX) Regulation 2004 to ensure the effective introduction of BASIX in NSW. Applicants are advised to contact the Department of Planning & Environment or visit their website on http://www.planning.nsw.gov.au/ to access more information.

A.1.6 Plan of Management

For the purpose of this DCP, a plan of management (POM) is a written document which describes how the ongoing operation of the premises will be managed in the most efficient manner and to reduce any adverse impacts upon the amenity of surrounding properties.

A POM is generally required for premises that, if poorly managed, may have an unacceptably adverse impact upon the amenity of surrounding properties.

A POM allows Council to exercise control over the ongoing operation of a premises by requiring, as a condition of consent, that the premises operate in accordance with the POM. A condition of consent may require that a POM be regularly revised and submitted to Council.
A.1.6.1 When a POM is required

The following land uses are most likely to require a POM:

- Twenty four hour operation of commercial or industrial premises close to residential or other sensitive land uses;
- Industries with high levels of noise, fumes or vibration close to residential or other sensitive land uses;
- Commercial or industrial land uses that involve a high volume of vehicular traffic;
- Sex services premises and restricted premises;
- Premises that offer on-site alcohol consumption including proposals to extend the trading hours of such premises;
- Educational establishments, including proposals to increase their population by more than 20 persons;
- Boarding houses and tourist and visitor accommodation;
- Group homes;
- Places of public worship;
- Events/festivals
- Large scale commercial or retail land use (with more than 1,000m² of commercial or retail floor area); and
- Any other land use that in Council’s opinion has the potential to adversely impact the amenity of surrounding land uses.

A.1.6.2 Details to include in a POM

The contents and levels of details for a POM will depend on the nature and intensity of the land use. The following information is provided as a guide only.

Title

The POM must have a clear title providing:

- Street address and lot number of the land to which it applies;
- Development consent number where applicable;
- Name of the approved land use activity (in most cases it should be the title of the consent); and
- Date of preparation.

Objectives

Each POM must have a set of objectives clearly reflecting the need for its preparation and the outcomes it intends to achieve.

Operational details

Full operational details must form part of a POM including, but not limited to:

- A brief description of surrounding land uses;
- Type of activities at different locations within the premises;
- Identification and location of such activities that have the potential to adversely impact the amenity of surrounding land uses; and
- Any variation to the above activities at different times of the day or week, or in different seasons.

Hours of operation

Complete hours of operation must be shown, including a breakdown, where applicable, on the type of activities taking place and number of staff involved at different times of the day and different days of the week.
Staffing details
Total staff working on the premises must be shown, including any variation to the staffing level at different times of the day or week, or in different seasons.

Guidelines for staff
Where the premises is close to residential or other sensitive land uses, clear guidelines for staff to quietly enter and leave the premises should be included in the POM. Other guidelines must include the use and management of any indoor and outdoor amenities or services, such as parking areas. All staff must receive a copy of the POM.

 Deliveries and loading/unloading
Details of all deliveries, frequency and type of vehicles associated with deliveries and loading or unloading and clear guidelines for staff and service providers on how to mitigate any adverse impacts should be included in the POM. All service providers must be made aware of the POM.

Customers and patrons
Details on handling customers or patrons, where applicable, must be included in the POM. Such details, as a minimum, must involve:
- Customers’ and patrons’ orderly entry and exit to and from the premises;
- Premises where customers or patrons have to wait before being served must include a designated waiting area and the POM must include details on the management of such waiting areas;
- Location of the premises where customers or patrons will mainly concentrate;
- Location of internal amenities exclusive to customers or patrons; and
- Assistance available to customers or patrons for their safety and enjoyment while on the premises.

Security
Details of safety and security of staff and customers or patrons both on the premises and around the premises must be included in the POM. This is particularly important where the premises deal with large number of customers or patrons, or operates late hours or close to residential or other sensitive land uses.

Complaint recording and handling process
Premises close to residential or other sensitive land uses must highlight the process for receiving, recording and handling complaints from surrounding neighbours. Council may wish to inspect the register of complaints by giving a reasonable notice to the operators.

Review process
As a POM aims to reduce any adverse impacts on the amenity of surrounding land uses, it will be subject to periodic reviews to address any operational issues. A reviewed POM must be submitted to Council for its approval through a development application.

A.1.7 Minimum lodgement requirements
Table 1 summarises the minimum information requirements for lodging a development application. However, a full review of the DCP is recommended to ensure all necessary supporting information is lodged.
Table 1 does not cover all types of development. Contact Council’s Customer Service Centre to determine the minimum information required to be lodged in support of a specific development application.

Additional documentation for a specific type of development may be requested at the formal pre-lodgement meeting with Council staff (where such a meeting is required) or through a written request following the preliminary assessment of the development application by Council staff.

**NB** The information listed in Table 1 is generally required for new development or alterations and additions that would compromise a requirement under this DCP. For example, a landscape plan is not required for development involving minor alterations and additions where the proposal would not reduce the minimum required landscaped areas.
### LEGEND

- ✓ Information required
- ? Information may be required (determined at pre-lodgement meeting with Council staff or via counter duty advice from the duty planner or duty building surveyor)
- ✗ Not applicable

### Table 1: Matrix of minimum lodgement requirements

<table>
<thead>
<tr>
<th>Alterations and additions</th>
<th>Boarding house</th>
<th>Change of use</th>
<th>Child care centre</th>
<th>Dwelling house</th>
<th>Educational establishment</th>
<th>Industrial development</th>
<th>Mixed use</th>
<th>Multi dwelling housing</th>
<th>Residential flat building</th>
<th>Retail/business/office</th>
<th>Sex services premises</th>
<th>Subdivision</th>
<th>Tourist and visitor centre</th>
<th>Warehouse or distribution</th>
</tr>
</thead>
<tbody>
<tr>
<td>✓</td>
<td></td>
<td>✓</td>
<td></td>
<td></td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td></td>
<td></td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td></td>
<td></td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td></td>
<td></td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td></td>
<td></td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td></td>
<td></td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td></td>
<td></td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td></td>
<td></td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td></td>
<td></td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td></td>
<td></td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td></td>
<td></td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td></td>
<td></td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td></td>
<td></td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td></td>
<td></td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td></td>
<td></td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td></td>
<td></td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td></td>
<td></td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td></td>
<td></td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td></td>
<td></td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td></td>
<td></td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td></td>
<td></td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td></td>
<td></td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td></td>
<td></td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td></td>
<td></td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td></td>
<td></td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td></td>
<td></td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td></td>
<td></td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td></td>
<td></td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
</tr>
</tbody>
</table>
A.2 Development Application Lodgement Process

NB Fees must be paid at the time of lodging a development application with the Council in accordance with Council’s adopted Pricing Policy and Fees and Charges.

A.2.1 Exempt and Complying Development

State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 (Codes SEPP) identifies the majority of development types that can be carried out as exempt and complying development in NSW, therefore not requiring development consent.

An applicant must determine whether their proposal can be considered under the Codes SEPP or whether it requires development consent from Council. Enquiries can be made by reviewing www.planning.nsw.gov.au/housingcode, or http://www.planning.nsw.gov.au/exemptandcomplying, or by using the Electronic Housing Code www.electronichousingcode.com.au or at Council’s Customer Service Centre.

Development that is not categorised as exempt or complying development under the Codes SEPP requires the submission of a development application to Council.

A.2.2 Over-the-counter verbal advice

As a service to the customers, a duty officer is available at the Council’s main administrative office, during normal business hours, to assist with any basic planning enquiry. An applicant may choose to take advantage of this service prior to any formal discussions over a proposed development.

Verbal advice given on any planning, building or related matter is based on the best available information at the time, as a service to assist customers, but is indicative only.

Over-the-counter consultations with a duty officer are limited to 10 minutes. The duty officer can provide general information but cannot discuss concepts that relate to a specific site or plan. Under no circumstances should verbal advice be acted upon without written confirmation either by means of an appropriate certificate, consent or letter issued by Council.

A.2.3 ‘Pre-DA’ advisory panel meetings

Applicants are encouraged to arrange formal discussions with Council officers prior to lodging a development application to address likely issues and opportunities based on the unique circumstances of their site prior to finalising the design of the scheme.

The discussions also provide the opportunity for Council officers to inform applicants of additional controls that may not have been considered.

Formal pre development application (pre-DA) meetings can be arranged via Council’s Customer Service Centre and are recommended for all developments. A fee is charged.

A formal pre-DA meeting involves submitting a preliminary set of plans and information to Council, a meeting with Council officers, and (depending on the nature of the
provision of Council’s response in the form of a written report, reflecting to the main issues discussed at the pre-DA meeting.

Applicants must demonstrate that appropriate site and context analysis has been undertaken prior to requesting a formal pre-DA meeting. The appropriate detailed site analysis should occur prior to the preparation of preliminary concept plans. The preliminary concept plans required for the formal pre-DA meeting should include a site plan, floor plans, elevations, sections and a survey plan.

Pre-DA meetings are attended by relevant staff involved in the assessment and the determination of development applications. Relevant consultants and advisors used by the applicant should also attend these meetings.

Council staff will endeavour to provide an appropriate level of advice to applicants at pre-DA meetings. However, the quality of advice provided by Council staff on a project will be based upon the level of information provided to Council by the applicant or applicant’s consultant(s) at that meeting.

Further pre-DA meetings may be warranted for major or technically complex projects.

Council reserves its right to seek additional information at the development application stage where such information is necessary to enable assessment of the development application regardless of comments made at a pre-DA meeting.

A.2.4 Lodgement of a development application

The lodgement of a development application is required for any proposed development where Marrickville Local Environmental Plan (MLEP 2011) or any other environmental planning instrument specifies that a proposed development may only be carried out with development consent upon the land to which the instrument applies.

A development application is not required for any proposed development classified as ‘exempt development or ‘complying development’ under MLEP 2011, any State Environmental Planning Policy (SEPP) or State Code.

Certain proposed developments may be classified as either under ‘designated development’ or an ‘integrated development’ under the EP&A Act or the EP&A Regulation in which case more EIS and public participation procedures apply.

A.2.4.1 Designated development

Designated development, defined in Schedule 3 of the EP&A Act and the EP&A Regulation lists developments where a more rigorous EIS process is necessary. Applications for designated development require an EIS undertaken in accordance with the requirements of the Director General of the NSW Department of Planning and Environment.

A.2.4.2 Integrated development

Under Section 91 of the EP&A Act, a range of development applications may be classified as integrated development requiring formal concurrence approval from a public authority.
A.2.4.3  Section 96(1) application – Modifications involving minor error, misdescription or miscalculation

A Section 96(1) application may be lodged with Council to seek to modify a development consent in order to rectify a minor error, misdescription or miscalculation.

A.2.4.4  Section 96(1A) application – Modifications involving minimal environmental impact

A Section 96(1A) application may be lodged with Council for any modification involving minimal environmental impact.

Council will assess the application, taking into account:

- Whether the proposed modification is of minimal environmental impact;
- Whether the development to which the consent, as modified, relates is substantially the same development as the development for which the consent was originally granted; and
- Any submissions made during the public exhibition of the application.

A.2.4.5  Section 96(2) application – Other modifications

A Section 96(2) application may be lodged with Council for other modifications to the consent.

Council will assess the application, taking into account:

- Whether the development to which the consent, as modified, relates is substantially the same development as the development for which the consent was originally granted;
- Any written objection forwarded by an approval body in relation to the development consent or in accordance with the general terms of approval previously granted by that approval body; and
- Any submissions made during the public exhibition of the application.

A.2.4.6  Section 82A Review Requests (review of a determination of a development application)

An applicant who is dissatisfied with Council’s determination of their development application may lodge a Review Request under Section 82A of the Environmental Planning and Assessment Act requesting Council to review that determination.

Under Section 82A of the Act a request must be made and determined by Council within six (6) months of the date of the determination of the original application.

Under Section 82A (4) of the Environmental Planning and Assessment Act, 1979, Council, when considering a request to review a Determination, must:

(a) notify the request for review in accordance with:
   (i) the regulations, if the regulations so require, or
   (ii) a development control plan, if the council has made a development control plan that requires the notification or advertising of requests for the review of its determinations, and

(b) consider any submissions made concerning the request for review within any period prescribed by the regulations or provided by the development control plan, as the case may be, and
(c) in the event that the applicant has made amendments to the development described in the original application, be satisfied that the development, as amended, is substantially the same development as the development described in the original application.

**NB** Section 82A Review Requests are subject to the same lodgement requirements as other applications discussed previously in Section A.2.

### A.2.4.7 Section 96AB Review Requests (review of a determination of a Section 96 application)

An applicant who is dissatisfied with Council’s determination of their application under Section 96 of the Environmental Planning and Assessment Act may lodge a Review Request under Section 96AB of the Act requesting Council to review that determination.

Under Section 96AB of the Act a review request of that determination must be made to Council within **twenty eight (28) days** of the date of the determination of the original application.

**NB** Section 96AB Review Requests are subject to the same lodgement requirements as other applications discussed previously in Section A.2.

### A.3 Development Application Assessment Process

Each development application will be considered on its own merits in terms of the achievement of the objectives of this DCP. Any variation to a planning control or requirement must be supported by appropriate written justification and other supporting documentation which demonstrates how the DCP objectives are met.

**NB** Where a variation to a development standard is sought, it must be supported by a written request that seeks to justify the contravention of the development standard in accordance with Clause 4.6 of MLEP 2011.

In assessing an application, Council will consider a range of the matters, including (but not necessarily limited to):
- EP&A Act, in particular the ‘matters for consideration’ as listed under section 79C;
- The EP&A Regulations;
- Any SEPP which applies to the land or development type;
- Any State Code which applies to the land or specific development type;
- MLEP 2011;
- This DCP;
- Any draft environmental planning instrument which has been exhibited;
- The LG Act and Regulations;
- The BCA;
- Any other relevant legislation;
- Previous NSW Land and Environment Court judgments and planning principles which may be relevant in the assessment of an application for a particular land use;
- Any public submissions received during the public exhibition of the application;
- Any comments made by a relevant public authority; and
- Internal and external statutory and non-statutory referrals.