



## **Development Application Guide**

Six easy steps to preparing a Development Application

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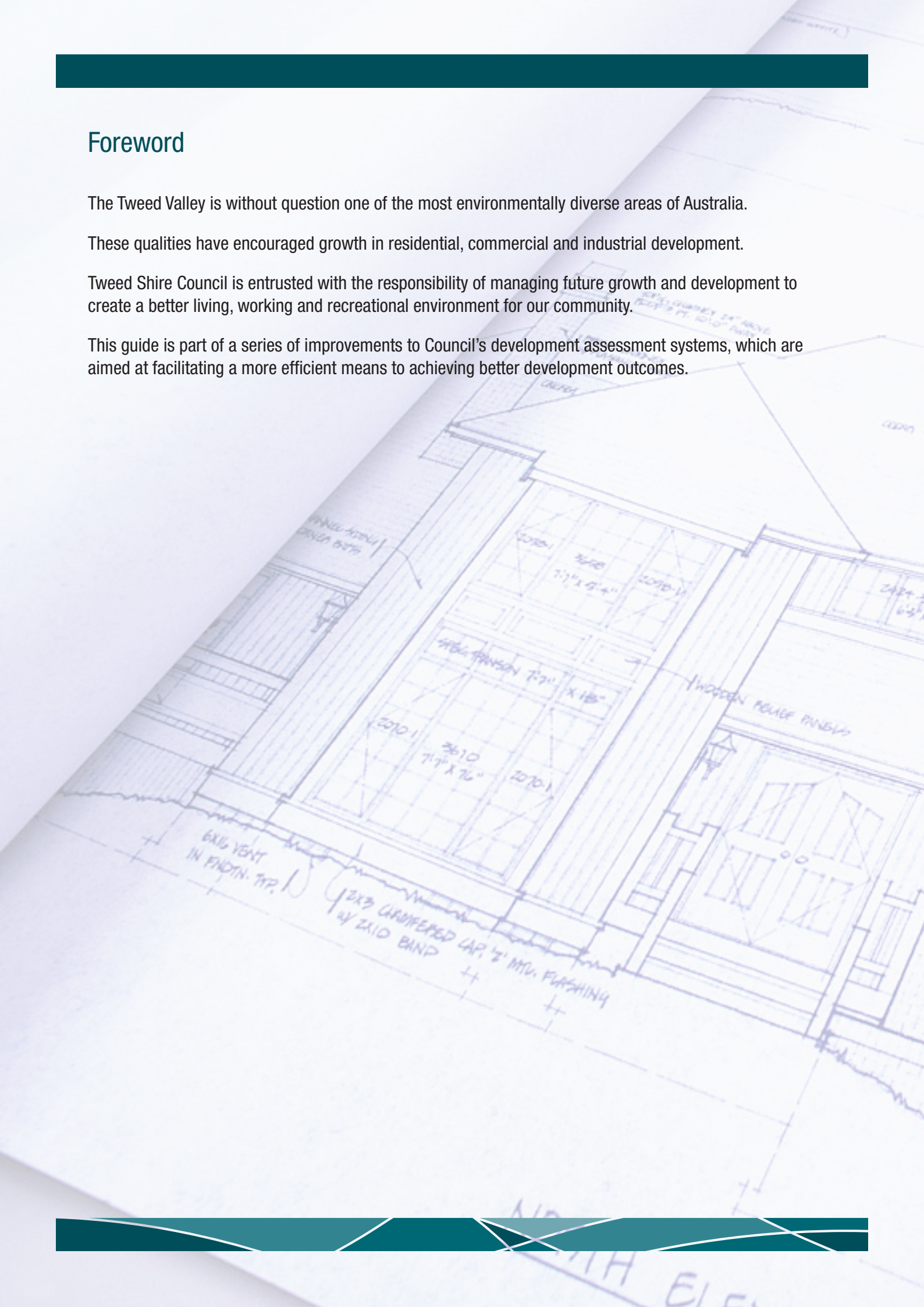
## Foreword

The Tweed Valley is without question one of the most environmentally diverse areas of Australia.

These qualities have encouraged growth in residential, commercial and industrial development.

Tweed Shire Council is entrusted with the responsibility of managing future growth and development to create a better living, working and recreational environment for our community.

This guide is part of a series of improvements to Council's development assessment systems, which are aimed at facilitating a more efficient means to achieving better development outcomes.



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## About the Guide

The development application process can be very confusing to people who are not regularly involved in dealing with local government planning processes.

Local Government is required to address numerous areas of state legislation and acts, local control documents and local standards, including an assessment of a vast array of environmental, social and economic development issues.

The guide provides assistance in the preparation of a Development Application (DA) or combined DA/ Construction Certificates (CC). It also highlights the main stages of development required before the undertaking of works within the Tweed Shire.

The combined use of this guide, DA Checklists and more detailed information on Council's website should provide you with a clearer understanding of the information typically required by Council staff to support your application. The guide will be updated from time to time. The most up-to-date information on Council's planning and building processes will be maintained on Council's website.

Applicants are encouraged to use this guide as a starting point for DA investigations and to talk to Council staff about controls, policies and standards applicable to their particular development proposal.

## Do you need to submit a Development Application?

Most types of development require a development application.

The types of development which will normally need a development application include:

- new buildings
- alterations and additions to existing buildings, including swimming pools
- most types of change of use of existing buildings or premises
- demolition of dwellings, heritage items or buildings in heritage conservation areas
- alterations or additions to heritage items or buildings in heritage conservation areas
- subdivision of land
- strata title subdivision of buildings
- advertising signs
- earthworks, filling and clearing.

Alternatively, some lesser impacting developments such as sheds, rainwater tanks and driveways, may only require the less onerous Complying Development process, or even be exempt from requiring approval.

## How do you make an application?

Making an application involves the following steps:

**Step 1** – Talk to Council staff about controls, policies and standards to be addressed

**Step 2** – Consider all the design issues

**Step 3** – Prepare all of the documentation for your application including plans, drawings

**Step 4** – Prepare a Statement of Environmental Effects

**Step 5** – Complete and submit online via the NSW Planning Portal

Applications for the following must be submitted through the NSW Planning Portal as of 1 January 2021:

1. Development Applications
2. Section 4.55 Applications
3. Combined Development Applications/Construction Certificates
4. Complying Development Certificates
5. Construction Certificates (Building Works Only)
6. Occupation Certificates

# A typical Development Application (DA) process

## Stage 1 – Pre-DA

- Is a DA required?
- Do you need any accompanying Council approvals? (Driveways, water, stormwater, sediment control)
- Is it Integrated Development?
- Have you checked all the requirements of the DA Preparation Guide?
- Have you consulted with Council staff?
- Are you aware of possible Section 7.11 and 64 contributions to Council?

● Please note that a more detailed explanation of these stages is provided under 'Our Services' in the Planning/Development/Building Section of Council's website [www.tweed.nsw.gov.au](http://www.tweed.nsw.gov.au)

## Stage 2 – Lodgement

- Have you created the application in the NSW Planning Portal, and provided all supporting information requirements?
- Are you paying the correct DA fee?
- Have you completed Council's DA Checklist relevant to your development type? (Any incomplete applications may be rejected.)

## Stage 3 – Notification and public comment

Most applications will involve notification of adjoining property owners at a minimum, while larger developments will also be advertised in Council's Tweed Link newspaper, giving time for people to view DA information and make comment. Submissions must be taken into account in the assessment of DAs.

## Stage 4 – Assessment

Have you been allocated an assessing officer? (Smaller residential related developments are generally handled by Council's Building Unit, while all other developments are assessed by the town planning staff of Council's Development Assessment Unit).

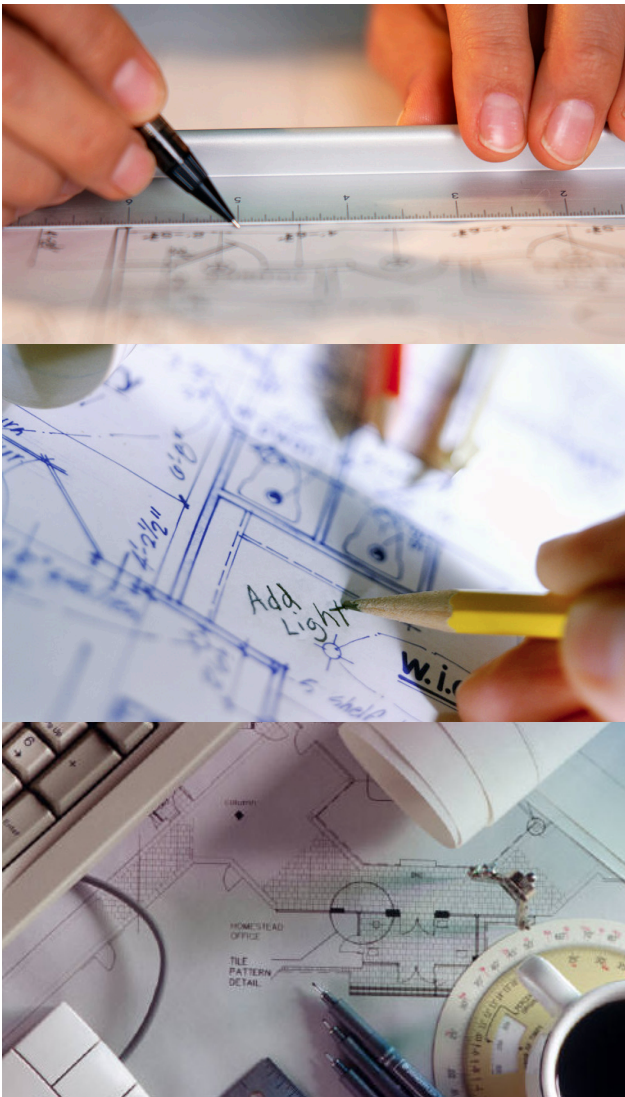
Council's Development Assessment and Building Unit staff have prescribed matters which they must take into account in their assessment of DAs.

## Stage 5 – Determination

DAs will either be approved with conditions or refused. Letters of determination will be sent to applicants via the NSW Planning Portal. Most DAs are determined under the delegated authority of senior Council officers. Certain larger developments and those of high public interest can be reported to Council for determination.

## Stage 6 – Post-DA

You will need to apply to Council via the NSW Planning Portal to modify an approved DA. There are rights of legal appeal to the NSW Land and Environment Court and processes available to review a Council determination or refusal of a DA. Further Council or private certifier assessment and approval of building matters will be required before you can start construction.



## Step 1

# Talk to Council staff about controls, policies and standards to be addressed

Finding out about Council's requirements is the first step in preparing your application. You need to know about:

- Tweed Shire Council Local Environmental Plans 2000 and 2014, or Tweed City Centre Local Environmental Plan 2012 (LEP)
- Tweed Shire Council Development Control Plan 2008
- State and regional plans and policies
- any emerging draft plans and policies
- development design and construction specifications
- likely conditions of consent
- fees
- application forms for associated applications only (e.g. driveway, stormwater, sewer, etc.).

Council's website ([www.tweed.nsw.gov.au](http://www.tweed.nsw.gov.au)) provides customers with access to all planning control documents and supporting detail. Just follow the 'Planning > Development > Building' link from the home page of Council's website.

These details are an essential starting point for designing your proposal. You will save time and expense if you discuss your needs early.

Council provides rostered staff including Planners, Building Surveyors and Technical Officers through its Murwillumbah Office who are available to answer most enquiries at the counter or by the telephone through its [online booking system](#).

### **Planning enquiries for larger residential developments and non-residential commercial and industrial developments:**

Counter staff are available during the following hours:

#### **Murwillumbah Office**

9am to 4pm – Monday to Friday

Telephone enquiries can be made at the Murwillumbah Office from 8.30am to 4.15pm Monday to Friday by telephoning Council on 1300 292 872.

### **Building enquiries for developments involving single dwelling houses and associated structures:**

Counter staff are available during the following hours:

#### **Murwillumbah Office**

9am to 4pm – Monday to Friday

Telephone enquiries can be made at the Murwillumbah Office from 8.30am to 4.15pm Monday to Friday by telephoning Council on 1300 292 872.

## The Development Assessment Panel

The Development Assessment Panel (DAP) is a team of senior Council officers who are highly experienced in assessing development proposals. The panel provides broad based advice concerning complex development proposals. All relevant divisions of Council are represented.

The panel acts to avoid delays and maintain effective communication. This is especially important for major projects.

The Development Assessment Panel meets every Wednesday and Friday morning. You can make an appointment by telephoning the chairperson of the panel on 1300 292 872 or emailing [tsc@tweed.nsw.gov.au](mailto:tsc@tweed.nsw.gov.au)

Remember, the panel cannot give definitive advice on draft or sketchy proposals, the more detail provided the clearer staff can be in their advice.

All proposals however are still subject to assessment in accordance with the relevant standards upon lodgement.

You should also note that a fee is applicable for meetings with the Development Assessment Panel.

## Need other approvals – Integrated Development?

Some applications require an approval from other government agencies. These applications are known as Integrated Developments.

Agencies from which you may need to obtain approvals or may wish to have input into the assessment process may include:

- Department of Planning, Industry and Environment
- Department of Agriculture, Water and the Environment
- Rural Fire Service
- Department of Primary Industries
- National Parks and Wildlife Service
- Roads and Maritime Services
- Heritage NSW

Appendix 18 provides a comprehensive list of the agencies and types of approvals required in these circumstances.

Understanding these additional requirements can be complex at times. If you have difficulty, Council officers can help you identify the relevant agencies that have additional approval requirements.

Council recommends that you consult with these agencies as early as possible to understand the detail they may require to assess your application.



## Step 2

## Consider all the design issues

Before you can start to prepare a design for your proposal, you need to carefully consider all the issues, which will affect the design. This is the most important step in preparing a development application.

By carefully analysing all the design issues, you will come up with a better development proposal. But best of all, you will save time and money.

The following are just some of the things you will need to consider.

### Your requirements

Write down a list of what you want to achieve from the proposal. If you don't build these requirements into the design right from the start, then the development is unlikely to be a success. See 'What do you want to achieve?' below for design tips.

### Our requirements

Our responsibility is to guide development in the interests of the whole community. We do all this through the primary statutory instrument, the Tweed Local Environmental Plan and other related documents and codes. Each document contains requirements in the form of guidelines or objectives. These aim to minimise adverse impacts and maximise positive benefits to the community.

### Your site

All land including your site, have inherent constraints and opportunities. You will need to carefully consider these in order to obtain the most benefit out of the site. This is called a Site Analysis Plan and is discussed further in Section 3.2 of this guide.

### Your neighbours

Always consider the likely impact on neighbours. It is possible in most cases to avoid unnecessary conflicts and delays by consulting with neighbours before finalising your design. Remember, it is Council's policy to notify affected neighbours about most development applications in accordance with Part A1 of Tweed Development Control Plan 2008. Your neighbours are likely to be more receptive to your proposal if they hear from you first.

### What do you want to achieve?

Good investment? The key to a good investment is good design. Consider each of the following points:

- Best use for the site? You will need to consider the site's inherent constraints and opportunities.
- Efficient layout? The physical arrangement of the proposal can have a very big impact on efficiency and convenience. You will need to consider the specific requirements for each activity proposed for the site.

- Environmentally responsible development? Residential homes contribute 20 per cent of greenhouse emissions in Australia (EPA QLD). Passive design significantly reduces overheads in whole of life building costs. Use of insulation, shading and more efficient glazing can significantly reduce energy bills. You will need to consider energy efficiency, including solar design principles, water conservation measures, waste treatment and re-use and soil conservation measures. The Tweed Shire has a rich history of remnant Aboriginal settlement with extensive physical items and culturally significant places – early investigation of these issues is suggested. Building materials can also be important for example, plantation grown timber, ability of materials to be recycled or reused and use of locally-sourced materials can lead to significant cost saving and cost recovery.
- Compatibility with adjoining development? You will need to consider overshadowing, noise, odour, privacy, views, architectural design, operating hours, vehicle access, site drainage and other details.
- Comfortable living or work environment? You will need to consider orientation, shading, sunlight, and daylight, ventilation, ergonomic design, occupational health and safety and landscaping.
- Positive public image? Aesthetic and creative design, attractive landscaping, heritage conservation, compatible scale and character and interesting streetscape will secure strong support from the community.
- Flexibility? Times change. Can the proposal be easily modified to suit changing circumstances in the future?
- Tax benefits and government grants? There are many programs, which reward innovative proposals. Do you know about:
  - National estate heritage grants?
  - Heritage conservation tax incentives?
  - Sustainable energy development authority rebates?

## Getting the best from your site (maximising your development opportunities)

If you want to take full advantage of your site, you will need to prepare a site analysis that considers:

- slope
- aspect
- solar orientation, energy efficiency
- overshadowing
- prevailing winds and breezes
- existing trees and vegetation
- soil conditions and stability
- flooding
- drainage
- bushfire
- soil contamination
- allotment shape
- views and scenic impact
- access (car, truck, foot, cycle, bus)
- traffic conditions
- noise sources
- heritage significance
- scale and character
- relationship to adjoining development
- utility and waste services
- room for expansion.
- surrounding context (land use, infrastructure, services, etc.).

## Using a planning or design professional?

Preparing a successful design is not a simple process. There are many factors to consider, and coming up with a desirable and effective design solution is not always easy. Experience shows that the extra expense incurred in producing good design and the value of greener building design is cost effective in the long run.

That's why you should consider using a suitable professional. Depending on the type of development, this could include:

- an architect
- a town planner
- an engineer
- an environmental scientist
- a landscape architect.

There are many other professional groups and organisations who you can seek technical advice from in the preparation of your plans and documents.

Tweed Shire Council maintains a register of most of the consultants who provide services in the Tweed. A copy of the 'Consultants List' is available over the counter from both the Murwillumbah and Tweed Heads administrative offices. The list is also available on Councils website at [www.tweed.nsw.gov.au](http://www.tweed.nsw.gov.au)

In addition, professional organisations listed in the telephone directory are a good starting point. They can put you in touch with professionals with relevant experience or expertise.

Before engaging any professional, it is recommended you check their design experience. Ask about examples of similar development projects they have been involved in and visit these projects and judge for yourself how successful they are. Ask if anything has been learnt from these projects. Make sure that the consultant clearly understands your requirements.

It may also help if you ask them to explain the application and approvals process of Council from their perspective.



# Step 3

## Prepare plans, drawings and other supporting documents

Your plans and drawings will show us what you are proposing to do to help us fully understand your proposal.

The type of plans required will vary depending on what you are proposing to develop.

To find out which plans are required for your proposal, refer to the plan matrix below.

To use the table, find the appropriate development type at the bottom of the matrix and read off the plans that will be required from the column on the right hand side.

The matrix is not intended to be exhaustive, but rather to give those preparing an application an understanding of what Council’s minimum requirements and should be read in conjunction with Council’s DA Checklists for different development types. Development proposals are not always the same and in some instances additional detail may be required.

If you have any concerns about just what plans are required for your development, you should discuss the required detail with Council’s staff.

The plan matrix														Required plan	
Residential: new, major additions	Residential: minor alterations, outbuildings	Home employment	Child care: school, hospital church	Business/Industrial: new, alterations	Business/Industrial: change of use	Business/Industrial: interior fit out	Recreation, entertainment, tourist	Heritage item, conservation area	Demolish building	Advertising sign	Earthworks , filling	Land subdivision	Strata subdivision	Swimming pool	A: Local context plan
●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	B: site analysis plan
●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	C: Plans & elevations
●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	D: Landscape concept plan
●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	E: Soil and water plan
●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	F: Subdivision plan
●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	G: Shadow plan
●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	H: Earthworks plans
●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	I: Engineering detail

**Notes:**

1. In the case of simple changes of use or minor building work, all the required plan details may be incorporated into a single site layout plan.
2. A notification plan is not required for internal alterations.
3. For a description of requirements of each Required Plan, refer to the ‘What to include on your plan’ section below.

**Key:**

- Details required
- Details may be required, check with customer service officer

## What to include on your plans

To help you prepare your plans, use the following checklist. Include only the listed matters that are relevant to your proposal. If you are unsure, speak to Council's staff.

### Don't forget a title block

Identify scale, date and plan number including subsequent amendments, plan number and version, plan title, address of property (street address and lot/DP), and the name of the applicant or person who prepared the plan.

### Which way is north?

Include a north point on every plan. This will help us relate your plans to the actual site.

### What scale is the plan

Draw your plans to a standard scale (1:100, 1:200, 1:250, 1:500, 1:1000). Generally detailed information is required at 1:100 or 1:200. For rural allotments scale may be reduced. Plans showing large areas such as subdivision site plans may require scales of up to 1:1000. The scale used will determine the clarity of detail presented. Show the scale in the title block of every plan. Always draw a bar scale so that dimensions can easily be determined on photocopy reductions.

### How high is it?

Your plans should show relevant height information, such as contours, ground levels, floor levels, and roof levels. In general, levels and contours should be expressed relative to the Australian Height Datum (AHD). Where an Assumed Datum is used, you must provide sufficient details for us to accurately interpret your levels.

## 3.1 Local Context Map (locality sketch)

A Local Context Map is only required for major urban development with a site area exceeding one hectare and rural development creating new allotments or industry.

The map illustrates and analyses the site in relation to the local area (generally within one kilometre of the site). The map can be prepared using a street directory or similar, clearly identifying the site relative to the area/region.

## 3.2 Site analysis plan

The first step in good design is to understand the character and attributes of the site and locality. An understanding of solar orientation, aspect, prevailing breezes, and need for shading are all key criteria for the application of passive design principles. From an ESD point of view, this should be applied at a domestic level which reduces reliance on mechanical heating and cooling systems.

The Site Analysis Plan illustrates and analyses existing conditions and features at the site in relation to surrounding land and buildings. A simple site analysis is sufficient for minor development including decks, car ports and small alterations and additions. A more full site analysis is required for new houses and more complex developments. The plan needs to identify the points tabled in Appendices 1.3 and 2.3.

## 3.3 Plans and elevations

These drawings document the proposed development as viewed from above and the external appearance of the proposed development.

For major projects, a perspective drawing or artist's impression may be required. In some instances an architectural model may also be helpful.

Appendix A1 tables the specific requirements for each element of the plan and elevation drawings.

## 3.4 Landscape concept plan

This plan illustrates in concept form, the proposed landscape design principles. The plan should demonstrate an understanding of the site and its context and demonstrate plantings work with the building/development in terms of site micro climate modifications (shading, windbreaks, etc.) as well as visual amenity.

Appendix A.9 tables the specific requirements of the landscape concept plan.

### 3.5 Stormwater quality and erosion control plans

This plan illustrates how stormwater quality, runoff and soils will be managed on the site.

Depending on the scale of the development, control and management of stormwater and soil can be very complex.

The plan will consist of a written management statement including supporting plans and drawings detailing how management of the proposed development will minimise any potentially detrimental impacts both on and off the site during and post-construction. These plans are known as Erosion and Sediment Control Plans (ESCP) and Stormwater Management Plans (SWMP).

Appendices 2.12 and 2.13 table the specific requirements of ESCPs and SWMPs.

### 3.6 Subdivision plan

This plan illustrates the proposed subdivision layout identifying allotments for residential, commercial, industrial or other purposes. The plan also identifies any new road reserves, open space or lands to be dedicated to Council for operational purposes.

Tweed Shire Council's Development Control Plan 2008, Section A5 provides greater detail on the requirements of subdivision applications including the requirement for Master Plans. Appendix A2 tables the specific requirements of the subdivision plan.

### 3.7 Shadow diagram

This plan is required where lot size, orientation, slope of the site or adjoining buildings create the potential for overshadowing. The plan will illustrate the extent of shadows cast by the existing and proposed buildings, including buildings on adjoining land.

Shadow diagrams are to be generated for the summer solstice (22 December), winter solstice (21 June) and the equinox (22 March/21 September) at 9am, 12 midday and 3pm.

Appendix A10 tables the specific requirements of the shadow diagram.



# Step 4

## Prepare your Statement of Environmental Effects and other supporting documents

To assist us in assessing the potential impact of your proposal, we need information in addition to that shown on your plans, drawings and other documents.

A Statement of Environmental Effects (SEE) is a written document outlining in detail the likely impacts of the proposal, and any proposed measures to mitigate those impacts.

A SEE will be required with every Development Application however, the information required with the SEE will vary depending upon the type of development. The SEE – issues matrix below has been designed to help you assess just what information should be included in your SEE.

To use the matrix, firstly find the appropriate development type at the bottom of the matrix and read off the issues to be included in your SEE from the column on the right hand side.

Some major development proposals may fall into a category requiring a wide range of technical information, making the preparation of an Environmental Impact Statement complex and time consuming. Should this be the case, you should discuss your application with a professional planner or consultant, who could assist in preparing your SEE.

The issues matrix

The issues matrix													Issue		
Residential: new, major additions	Residential: minor alterations, outbuildings	Home employment:	Child care: school, hospital church	Business/Industrial: new, alterations	Business/Industrial: change of use	Business/Industrial: interior fit out	Recreation, entertainment, tourist	Expand or change existing use	Heritage item, conservation area	Demolish building	Advertising sign	Earthworks, filling	Land subdivision	Strata subdivision	A: Site suitability
●		●	●	●			●	●	●		●	●	●	●	B: Present & previous uses
●		●	●	●	●		●	●	●		●	●	●	●	C: Operation & management
●		●	●	●	●		●	●	●		●	●	●	●	D: Social impact statement
●	●	●	●	●	●		●	●	●	●	●	●	●	●	E: Access & traffic
●	●	●	●	●	●		●	●	●	●	●	●	●	●	F: Privacy, views & overshadowing
●	●	●	●	●	●		●	●	●	●	●	●	●	●	G: Air & noise
●	●	●	●	●	●		●	●	●	●	●	●	●	●	H: Soil & water
●	●	●	●	●	●		●	●	●	●	●	●	●	●	I: Heritage
●	●	●	●	●	●		●	●	●	●	●	●	●	●	J: Energy
●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	K: Waste
●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	L: Existing structures (demolition, renovation)
●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	M: Character/Visual amenity
●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	N: Koala Habitat Assessment

**Key:**

- Details required
- Details may be required, check with customer service officer



## What to include in your SEE

To help you prepare your Statement of Environmental Effects, the following checklist matters are provided that you need to consider for each issue relevant to your proposal.

Appendix A3 also provides a summary of SEE requirements.

### 4.1 Site suitability

Show that the site is suitable for the proposed development. You should consider each of the following:

- site constraints such as flooding, slope, geotechnical, bushfire and subsidence issues
- proximity to transport services, shops, community and recreational facilities
- compatibility with adjoining development
- compatibility with the visual setting (foreshore, streetscape, ridgeline, etc.)
- local planning objectives (refer to Tweed LEP)
- size and shape of allotments
- age and condition of buildings.

### 4.2 Present and previous uses

Provide the following details:

- present use of the site
- date that present use commenced
- previous uses of the site (if known)
- present use of adjoining land
- whether the present or any known previous use of the site is a potentially contaminating activity (see below)
- 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.

#### Potentially contaminating activities

##### **Business:**

- dry cleaning establishments.

##### **Industrial:**

- smelters, steelworks, foundries
- heavy engineering, shipbuilding
- metallurgical industries, electroplating
- chemical, petrochemical or petroleum works
- acid, alkali, paint or pesticide works
- electrical or electronic industries
- engine or vehicle repair workshops
- paper or printing works

- timber treatment works, tanneries
- scrap yards, drum cleaning works
- asbestos production or disposal
- explosives and munitions industries.

**Transport, storage and distribution:**

- transport terminals, railway yards, docks
- petroleum and chemical storage
- service stations, petroleum distribution.

**Public utilities:**

- power stations and gas works
- electrical substations
- landfills, sanitary and waste depots
- defence lands
- telecommunication installations.

**Rural:**

- agriculture, horticulture, stock dips.

**Mining:**

- mining and extractive industries
- washeries, tailing dumps.

## 4.3 Operational details

Describe how the development will operate:

- type of business
- number of staff
- maximum number of customers or clients expected at any one time
- hours and days of operation
- plant and machinery
- production processes, flow diagram
- type and quantity of raw materials, finished products, waste products
- arrangements for transport, loading and unloading of goods (give details of frequency of truck movements and size of vehicles)
- identify any proposed hazardous materials or processes (e.g. LPG, anhydrous ammonia, chlorine, sulphur dioxide, liquefied gas, other poisonous gases, ammonium nitrate, dry pool chlorine, clinical waste)
- volume of water and wastewater to be consumed and generated.

## 4.4 Social impact

If the answer to any of the following questions is 'Yes' or 'Possibly', the issue will need to be appropriately addressed in the Statement of Environmental Effects.

Note: In cases where the social impact is likely to be significant, a Social Impact Statement prepared by a qualified social impact practitioner may be required.

- Will the proposal be likely to give rise to a significant increase or reduction in the number of persons on the site?
- Will the proposal disadvantage or benefit any particular social group?
- Will the proposal be likely to give rise to an increase or decrease in employment opportunities in the locality?
- Will the proposal have a significant impact on the existing housing stock in the locality, particularly low-rental housing, the choice of housing available, or the social mix of residents in the area?
- Will the proposal impact upon existing community meeting places or give rise to an increased demand for community facilities or services in the locality?
- Will support services be required for some groups in the population, and are all facilities accessible for people with a disability?
- Will the proposal be likely to impact upon community identity or dislocate social or cultural networks?
- Will the proposal be likely to enhance or detract from heritage buildings, archaeological sites or the cultural life of the community?
- Will the proposal be likely to give rise to increased community concern regarding public safety or security?
- Will the proposal impact on public places or open spaces?

In the case of the majority of proposals, it is expected that any social impact will be able to be adequately addressed by means of an appropriate comment or comments in the Statement of Environmental Effects, with a full Social Impact Statement only required in the case of major projects which change the existing urban context, involve an increased risk to public safety or are likely to threaten the existing sense of community identity and cohesiveness (e.g. A major new public transport facility, retail complex, hospital, institution, rehabilitation centre, industrial development, entertainment facility or housing project). A Social Impact Statement should demonstrate the social benefits of a proposal as well as the impacts, and should include mitigation measures to improve its acceptance.

## 4.5 Access and traffic

Show that there is adequate provision for:

- pedestrian amenity (footpaths, paving, weather protection, security lighting, seating)
- bicycle facilities (e.g. connection to cycleways, racks, storage lockers)
- access to public transport
- vehicle access to a public road (refer to Driveway Access to Property Policies and Specifications)
- internal vehicle aisles, circulation roads and manoeuvring areas
- resident, staff, customer and visitor parking arrangements (include calculations)
- service vehicle access and parking (e.g. garbage collection)
- minimising conflicts between vehicles, pedestrians and cyclists – outline proposed traffic management measures.
- major travel-generating proposals – an access, traffic and parking impact assessment report by a transport consultant.

## 4.6 Privacy, views and overshadowing

Show how the proposed development will affect privacy, views and overshadowing:

### 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, floodlights and other 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
- measures to mitigate external noise sources (e.g. traffic noise, placement of air conditioners and pool filters).

### Views:

- impact of the proposed development on views from adjoining or nearby properties
- design options for protecting views
- views from the proposed development.

### Overshadowing:

- where lot size, orientation, slope of site or adjoining buildings create the potential for overshadowing, include a shadow analysis prepared by a consulting architect. Consider shadows from adjoining buildings as well as the proposed development.

## 4.7 Air and noise

Show that the proposal will not cause, or be affected by, air or noise emissions.

### Air:

- existing sources of odour, smoke or fumes (on-site and nearby) e.g. industries, food premises, agriculture, waste storage, or treatment facilities, oil or wood burning stoves or heaters
- proposed mitigation measures – placement and height of chimneys and flues, air pollution control equipment, odour controls, buffer areas, location of waste storage areas.

### Noise:

- existing noise sources (on-site and nearby) – main roads, railway lines, ships, industries, transport terminals, loading bays, heavy vehicles, restaurants, clubs, hotels, ventilation and air conditioner units, pumps, compressors

- construction noise – hours of operation, type of equipment, predicted noise levels, consultation with nearby residents
- operational noise – plant and equipment, relationship to sensitive receptors, predicted noise levels, hours of operation
- proposed noise reduction measures – noise barriers, building layout and setback, room layout and window placement, building materials, insulation, double glazing

Where noise is a major design issue, attach a report by an acoustic consultant. Include predicted noise levels and proposed noise reduction measures.

## 4.8 Soil and water

Show how the proposal will deal with all aspects of soil and water management:

- reticulated supply – if amplification of water and sewerage services is required, provide details of any preliminary consultation with Council's Water Unit
- water efficiency – does the proposal incorporate appliances that are at least AA-rated? (e.g. water efficient shower roses, toilets and aerators on bathroom hand basins and kitchen sinks)
- water sensitive design – proposed infiltration and water harvesting measures (e.g. swales, ponds, porous pavements, infiltration trenches, mulching and groundcovers, low water-demand native plants, rainwater tanks)
- drainage – proposed management controls for flows entering, within and leaving the site, proposed onsite detention calculations prepared by a consulting engineer, justification that the proposed design measures will not adversely affect flooding of other land
- easements – provide copies of letters of intention to grant inter-allotment drainage easements across downstream properties
- flooding – design measures that will make the proposed development compatible with the flood environment
- water quality control – liquid waste treatment, reuse, and disposal, bunding of fuel, oil and chemicals, emergency spill contingency procedures, stormwater diversion and treatment, potential for impact on downstream waterways
- erosion and sediment control – soil and erosion hazard characteristics, proposed construction sequence, critical areas requiring special management, dust control measures, proposed maintenance strategy, rehabilitation and revegetation measures (relate to landscape Concept Plan).

**Note:** Most developments will require the submission of a BASIX Certificate – refer to appendix A7.

## 4.9 Heritage: European

The type of information required depends on whether your proposal relates to a listed heritage item, or to a heritage conservation area. Our Customer Service enquiry Centre can provide you with detailed advice on which requirements apply to your proposal.

Demolition or alteration of a heritage item:

- provide a Statement of Heritage Impact (SOHI) prepared by a professional heritage consultant.

Demolition within heritage conservation area:

- provide a Heritage Assessment prepared by a professional heritage consultant, and a structural report prepared by a professional engineer.

Alteration within heritage conservation area:

- a Statement of Heritage Impact prepared by a professional heritage consultant may be required. The assessment may be incorporated into the Statement of Environmental Effects (or provide a separate report, which is preferred) and cover the following topics:
  - historical development of the site
  - description of the item and its setting (e.g. garden, fences, ancillary buildings, etc.).
  - contribution to streetscape, height, scale, mass, setback, fenestration, architectural style and period
  - heritage significance (use State Heritage Inventory Criteria)
  - effect of proposal on the heritage significance of the building, its setting and streetscape
  - design options and rationale for the preferred option
  - proposed conservation policies and principles.

Further guidance on preparing a SOHI can be found in the fact sheet [Preparing a Statement of Heritage Significance](#).

## 4.10 Heritage: Aboriginal

The Tweed Shire area has a rich history of former Aboriginal settlement and activity. Under strict cultural protocols, the surveyed evidence of known and potential sites of Aboriginal significance is kept confidential among the local Aboriginal community as well as the NSW State Government's National Parks and Wildlife Service. These sites often contained highly significant items or relics which require careful and specialised investigation and conservation management.

There are various layers of Commonwealth, State and local government legislation governing Aboriginal cultural heritage assessment which may need to be addressed by the proponents of new developments, depending on the level of significance of any affected sites or areas.

The primary sources of NSW State statutory protection are through the *Environmental Planning and Assessment Act 1979*, the *National Parks and Wildlife Act 1974* and *Heritage Act 1977*. The main details of their protection are provided below:

### National Parks and Wildlife Act 1974

The *National Parks and Wildlife Act 1974* (NPW Act) administered by DECCW, is the primary legislation for the protection of some aspects of Aboriginal cultural heritage in NSW. One of the objectives of the NPW Act is:

*'the conservation of objects, places or features (including biological diversity) of cultural value within the landscape, including but not limited to: (i) places, objects and features of significance to Aboriginal people ...'* (s.2A(1)(b))

Part 6 of the NPW Act provides specific protection for Aboriginal objects and places by making it an offence to harm them. If harm to Aboriginal objects and places is anticipated, apply for an AHIP. AHIPs can be issued under ss.87 and 90 of the NPW Act.

A list of declared Aboriginal places can be found at [www.environment.nsw.gov.au](http://www.environment.nsw.gov.au)

Further information on the NPW Act can be found at [www.legislation.nsw.gov.au](http://www.legislation.nsw.gov.au)

## Environmental Planning and Assessment Act 1979

The *Environmental Planning and Assessment Act 1979* (EP&A Act), administered by NSW Department of Planning, provides planning controls and requirements for environmental assessment in the development approval process. It also establishes the framework for Aboriginal heritage values to be formally assessed in the land-use planning and development consent processes.

Further information on the EP&A Act can be found at [www.legislation.nsw.gov.au](http://www.legislation.nsw.gov.au)

## Heritage Act 1977

The *Heritage Act 1977*, administered by NSW Department of Planning, protects this states' natural and cultural heritage. Aboriginal heritage is primarily protected under the NPW Act but may be subject to the provisions of the Heritage Act if the item is listed on the State Heritage Register or subject to an interim heritage order (IHO).

The Heritage Act established the NSW Heritage Council, which provides advice and recommendations to the Minister for Planning. The Minister approves the listing of items and places on the State Heritage Register and can also prevent the destruction, demolition or alteration of items of potential heritage value through an IHO until the significance of the item has been assessed.

Further information on the Heritage Act can be found at [www.legislation.nsw.gov.au](http://www.legislation.nsw.gov.au)

In terms of local controls, the Tweed Local Environmental Plan 2000 contains specific provisions which sets out the planning processes required for development proposals affecting those known or potential sites of Aboriginal heritage significance. Such development will require a cultural heritage investigation as part of any DA or rezoning, consultation with the local Aboriginal community, and may also require Integrated Development approval from the Department of Environment, Climate Change and Water (DECCW).

There are two other important legislative and policy requirements that you should check in the preliminary investigation stages of any new development:

1. If you are proposing a development on land owned by a Local Aboriginal Land Council (LALC) under Part 4 or Part 3A of the EP&A Act, you will require the prior consent of both the LALC and the NSW Aboriginal Land Council. Further details on those requirement can be found through a Planning Circular (PS 10-006 31 March 2010) on the NSW Department of Planning's website [www.planning.nsw.gov.au](http://www.planning.nsw.gov.au)

2. If you are seeking approval for a new development through an Aboriginal Heritage Impact Permit (AHIP) under Part 6 of the NPW Act, you will need to carry various consultation activities in accordance with DECCW policy requirements of the document, 'Aboriginal Cultural Heritage Consultation Requirements for Proponents (April 2010)'. This document can be accessed through the DECCW website [www.environment.nsw.gov.au](http://www.environment.nsw.gov.au) (DECCW).

If you wish to check if any property you are interested in is affected by the above issues, you should contact either the Tweed Byron Local Aboriginal Land Council on phone 07 5536 1763 or Council's Aboriginal Heritage Officer on 02 6670 2492. Further information on investigating Aboriginal heritage matters can be found on the following website [www.environment.nsw.gov.au](http://www.environment.nsw.gov.au) (DECCW).

## 4.11 Energy

Show how the proposal promotes energy efficiency:

- orientation – is one of the buildings axis between 3000 east and 2000 west of true north? Will windows and solar collectors have good solar access? Are heavily used rooms on the northern side?
- 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 – does the proposal incorporate energy-efficient heating, cooling and lighting systems?
- clothes drying – is there an outdoor drying space with solar access?
- water heating – does the proposal incorporate a hot water system with a greenhouse score of 3.5 or greater? (Contact your energy supplier.)

**Note:** Most developments will require the submission of a BASIX Certificate – refer to appendix A7.

## 4.12 Waste

Show how the proposal promotes waste minimisation: 'avoid, re-use, recycle':

- does the proposal incorporate at-source waste separation facilities (aluminium, steel, glass, plastics, paper, organic waste, etc.)?
- proposed recycling collection from commercial, industrial, accommodation, restaurant and entertainment premises
- domestic food and organic waste collection and composting
- litter control program for takeaway food premises, sporting venues, etc.
- how will building waste be re-used, recycled or disposed?
- arrangements for hazardous building wastes such as asbestos and contaminated soil.



## 4.13 Existing structures

Provide a report detailing the materials used in the construction of the existing building/s. The details are to include a Hazardous Substance Audit Report.

Where friable asbestos or other non-bonded hazardous materials are present on the site or in the buildings the audit report is to include recommendations as to whether the site and/or the building/s are safe to enter.

Should any proposed works require the disturbance of any hazardous material a Hazardous Management Plan is to be included with the details.

## 4.14 State Environment Planning Policy No. 1 – Objection to Development Standards

If your proposal seeks to vary 'development standards' of Council's LEP or any relevant Regional Environmental Plans or State Environmental Planning Policies, you will need to support your application with an objection under State Environmental Planning Policy No. 1 (SEPP 1). Development standards are generally considered to be measurable or quantitative planning controls such as maximum height or floor space ratio requirements or minimum allotment sizes. A SEPP 1 objection is a written submission accompanying a development application and prepared by the applicant or their representative in which justification for variation of the relevant standard is provided. Council does not have the authority to approve a development application seeking a variation to a development standard in the absence of a SEPP 1 objection.

The submission should address the following:

1. identify the development standard to which the SEPP 1 objection applies
2. identify the objectives of the applicable zone
3. identify the objectives of the applicable standard
4. reasons given in support of the variation
5. demonstrate how the objectives of the zone and the development standard have been complied with despite variation to the numerical control
6. state why compliance with the standard is unreasonable or unnecessary in the circumstances of the case and why approval of the application will not cause a precedent for future applications.

## 4.15 Telecommunications facilities

There are various Federal, State and local planning legislation and policies which guide the type of approval and type of assessment required for developments involving telecommunications facilities.

The Commonwealth Telecommunications (Low-impact Facilities) Determination 1997 (Determination) made under the *Telecommunications Act 1997* (Telco Act), operates in NSW and provides for the carrying out of many 'low-impact' telecommunication facilities that are not subject to NSW planning law.

The key state legislation is the State Environmental Planning Policy (SEPP) Infrastructure.

A telecommunications facility is defined in SEPP Infrastructure as:

- (a) any part of the infrastructure of a telecommunications network, or
- (b) any line, cable, optical fibre, equipment, apparatus, tower, mast, antenna, dish, tunnel, duct, hole, pit, pole, or other structure in connection with a telecommunications network.

Telecommunications facilities provide for transmission of voice, data, image, graphic and video information between or among points by wire, cable, optical fibre, microwave, radio, satellite or similar facilities.

Broadband is a term used to express the speed and capacity at which a telecommunications service is delivered. Broadband is derived from the words, 'broad' and 'bandwidth' and is a generic term covering many different high capacity telecommunication circuits including two-way, 'always-on' internet connections.

Broadband offers the opportunity to access the Internet and to obtain high volume data, at fast speeds.

The current and proposed delivery of broadband in Australia is via:

- (a) copper telephone lines (e.g. ADSL and VDSL)
- (b) wireless systems (e.g. mobile broadband, WiFi, WiMax, satellite)
- (c) hybrid fibre-coaxial (HFC)
- (d) fibre systems including fibre-to-the-node (FTTN)/fibre-to-the-premises (FTTP).

Each of these digital delivery methods can produce fast broadband and include services such as voice, video, TV (including IPTV), data and text on a range of platforms.

In July 2010, the NSW Department of Planning released the document *NSW Telecommunications Facilities Guideline Including Broadband* to assist with telecommunication facilities enquiries.

This Guideline outlines the provisions of SEPP Infrastructure which incorporates the facilities contained in the Determination and provides for the development of further telecommunications facilities that do not require consent, together with complying developments.

The Guideline also provides a guide to the planning laws that relate to those telecommunication facilities that are:

- (a) development permitted without consent
- (b) development permitted with consent.

Principles for the design, siting, construction and operation of telecommunications facilities that apply to all proposed telecommunications facilities in NSW have been developed and are contained in this Guideline.

The purpose of the Principles is to encourage the provision of telecommunications facilities with minimal impact on the amenity of an area.

It is anticipated that the new provisions of the SEPP Infrastructure and this Guideline will ensure that both wireline and wireless telecommunications infrastructure, including that which delivers broadband, is able to be provided in an efficient and cost effective manner to meet community needs for telecommunications services.

The above details have been taken directly from the *NSW Telecommunications Facilities Guideline Including Broadband* document, which can be accessed in full on the Department of Planning's website [www.planning.nsw.gov.au](http://www.planning.nsw.gov.au)

This Guideline must be read in conjunction with relevant Commonwealth telecommunications legislation and SEPP Infrastructure. Where there is any inconsistency between Commonwealth laws and the laws of a State or Territory, the Commonwealth legislation prevails.

In addition to the telco industry consultation practices, and relevant notification and advertising procedures of an existing Development Control Plan, Tweed Shire Council also requires the proponents of new telecommunications facilities DAs to conduct the following Pre-DA consultation, as resolved (and amended) at Council's Meeting of 21 September 2010:

*Resolved that where Tweed Shire Council is the consent authority for the installation of Telecommunication networks the provider/applicant/proponent be requested to undertake the following community consultation before submitting any Development Application(s) for the installation of Mobile Towers and all supporting equipment within the shire; advertisements in the Tweed Link in two (2) consecutive publications, two (2) independent newspapers, a community meeting held within the area that could be affected by the proposal, letter box drops to the surrounding homes/businesses, etc. that could be affected, door knocks to the surrounding area that could be affected and that this preliminary consultation forms part of the Development Application (as supplementary written information and includes copies of all correspondence – inwards and outwards regarding the consultation process undertaken), when finally submitting the Development Application to Council for review/processing/consideration.*

Council advise all provider's/applicant's/proponent's that the Tweed Shire Council Aboriginal Advisory Committee is to be included in all of the preliminary consultation as per the original resolution of Council 18 May 2010 and that a full report on that consultation and outcomes is to be submitted with the Development Application/s.

## Information on the National Broadband Network

The National Broadband Network (NBN) is the wholesale data network being construction by NBN Co. The network will use a combination of fibre to the premises (FTTP), Fixed Wireless Broadband and Satellite Broadband technologies to provide connections up to one gigabit per second to premises in Australia.

The term NBN is also loosely used to describe the 'new world' high speed internet which is made up of a web of many interconnected networks which is continuously evolving. The NBN delivered by NBN Co. will provide one network which forms part of the larger 'web'. Additional network providers include national Point of Interconnect (POI) carriers, retail service providers and international network carriers will also play a part in the final package.

### Who is NBN Co.?

[www.nbnco.com.au](http://www.nbnco.com.au)

NBN Co was created on 9 August 2009 as a wholly-owned Commonwealth company that has been prescribed as a Government Business Enterprise (GBE) and is represented by 'Shareholder Ministers' being the Minister for Broadband, Communications and the Digital Economy and the Minister of Finance and Deregulation.

NBN Co's goal is to deliver Australia's first national wholesale-only, open access broadband network to all Australians, regardless of where they live.

NBN Co. intends to achieve this goal by:

- designing and installing the NBN
- connecting 93% of homes, schools and workplaces in Australia with optical fibre (FTTP)
- connecting 7% of homes, schools and workplaces in Australia with Fixed Wireless Broadband and Satellite Broadband
- NBN Co will wholesale its network to retail service providers (RSP), who will then sell Internet access and other services to consumers (e.g. telephone).

The network is estimated to cost \$35.9 billion over its 10 year construction, including an Australian Government investment of \$27.5 billion.

## NBN Co. in new developments

From 1 January 2011, NBN Co is responsible for the installation of fibre at the development stage for all premises in NBN Co's fibre footprint in:

- NBN Co will install fibre into new developments of 100 premises (dwellings/units) or more, released over a three year period, which have received approval for civil works after the commencement date, within the NBN fibre footprint
- developers will be responsible for designing and installing pit and pipe infrastructure to NBN Co's Pit and Pipe Installation Guidelines and then transferring ownership of pit and pipe to NBN Co. under a developer agreement. NBN Co. will then install fibre infrastructure and back haul to the new development
- home and land owners will be responsible for the provision of fibre to the premises from the NBN and any rewiring of the premises. NBN Co. is currently offering to connect any premises free if whilst NBN is being installed within the area
- NBN Co requires at least three months notice from developers when requesting new fibre infrastructure to ensure NBN Co can deliver fibre infrastructure in line with developer timelines
- if developers provide their own fibre service and it meets the NBN specifications and complies with open access specifications they may be offered lead in access to the NBN. Alternatively, NBN may offer to purchase the infrastructure outright.

It is the responsibility of developers to lodge an application with NBN Co. for them to install fibre in new estates.

## NBN developer guidelines

More developer information can be obtained at [www.nbnco.com.au/develop-or-plan-with-the-nbn/new-developments](http://www.nbnco.com.au/develop-or-plan-with-the-nbn/new-developments)

## Role of Telstra in new developments

[www.telstra.com.au](http://www.telstra.com.au)

Telstra will be responsible for delivering infrastructure and services, pending NBN Co. rollout, for:

- developments of less than 100 premises
- developments which received planning approval before 1 January 2011.

Telstra will generally provide copper infrastructure that is capable of being ready for fibre substitution in the future. They may choose to provide high quality wireless services as an alternative.

Like other fibre providers, Telstra will also be able to enter into commercial arrangements with NBN Co relating to fibre solutions.

## Role of Council in new developments

The NSW Department of Planning and Infrastructure has established a set of guidelines which will assist developers in determining the level of approval required by proposed telecommunications facilities, visit [www.planning.nsw.gov.au](http://www.planning.nsw.gov.au)

### 4.16 Tweed Coast Comprehensive Koala Plan of Management

The Tweed Coast koala population has declined by approximately 50 per cent in the last decade and without action there is a very real risk that koalas could disappear from the Tweed Coast within the next 15 to 20 years.

Tweed Shire Council has prepared a *Tweed Coast Comprehensive Koala Plan of Management* to help the Tweed Coast koala population recover to more sustainable levels over the next two decades. The plan was adopted as a strategy of Council on Thursday 19 February 2015.

The plan has been prepared in conjunction with the Tweed Coast Koala Advisory Group, in accordance with State Environmental Planning Policy No. 44 – Koala Habitat Protection and is based on the outcomes of the Tweed Coast Koala Habitat Study. The plan aims to ensure a strategic and comprehensive approach to issues including:

- habitat protection and restoration
- management of bushfire
- mitigation of threats from motor vehicles, dogs and disease
- community education
- research, monitoring and evaluation
- resourcing and implementation.

Depending on the scale, type and location of your development, you may be required to prepare an assessment of potential impacts upon identified koala habitats.

## Step 5

# Complete and submit application through the NSW Planning Portal

Applications need to be completed through the NSW Planning Portal. There are still requirements to complete associated documents and reports which need to be uploaded to the NSW Planning Portal when an application is submitted.

The following items need to be considered as part of the application process:

### 5.1 Statement of Environmental Effects and DCP Compliance Statement

The *Environmental Planning and Assessment Act* and its associated Regulations require development applications to be accompanied with a Statement of Environmental Effects. For basic alterations and additions to dwellings, and ancillary structures (such as pools, decks, fences, etc), Tweed Shire Council has produced a set of fillable forms to prompt customers to complete the necessary paperwork. In addition, Council has a Development Control Plan Section A1 Part A that applies to dwellings and all ancillary structures. Compliance forms have been produced to help customers understand the specific Council provisions and provide the necessary documentation when lodging a development application for assessment. These forms can be found on Council's website.

### 5.2 Construction Certificate

An application for a Construction Certificate (CC) may be lodged at the same time as your Development Application.

Lodging your Construction Certificate application and Development Application concurrently will speed up the processing time of your Construction Certificate as our certifiers will be able to undertake an assessment of your proposal and any additional information requested while the Development Application is being assessed, however we are not able to finally determine the Construction Certificate application until after your Development Application has been determined.

If changes to submitted development plans occur during the development assessment process in response to community consultation and conditions of consent, amended Construction Certificate plans will also be required. You will then be able to demonstrate compliance with your development consent and avoid further costs and delays. A construction certificate cannot be issued unless it is consistent with the development consent.

## 5.3 Other Council approvals

You may require other Council approvals to complement your Development/Construction Certificate process. These include driveways and road openings (Section 138 of the *Roads Act 1993*), erection of structures or placement of any articles upon or over a public road or footpath, carrying out any activities on community or public land (i.e. in a park or on a beach), erection of temporary structures, installing hoardings or other structures onto road, footpath or nature strip, sewer and stormwater connections (Section 68 of the *Local Government Act 1993*). Separate application forms are currently required for these approvals. Check with Council staff before lodging your application to ensure all information required is submitted. Application forms for these types of works need to be submitted with your DA and uploaded to the NSW Planning Portal.

## 5.4 Integrated Development approvals

(For development other than single dwellings and associated structures)

Depending on your development proposal, you may need an approval from one or more agencies.

Council recommends that you consult with the relevant approval body before you lodge your Development Application. Appendix A18 also provides guidance in this area.

## 5.5 Concurrence of State Government Authorities

(For development other than single dwellings and associated structures)

Some applications require the approval or concurrence of a State Government department or agency before an approval can be granted.

## 5.6 Owner's consent

You must obtain the consent of the landowner. If there is more than one landowner, every owner must sign. If the owner is a company or owner's association, the application must be signed by an authorised person under common seal. If signing on the owners behalf, please state your legal authority and provide suitable documentary evidence (e.g. copy of power of attorney).

The owners consent form (which can be found on Council's website under 'Forms' must be completed and uploaded in the NSW Planning Portal with your application.

Appendix A.34 provides greater detail on the requirements of providing owners consent.

## 5.7 Political donations and gifts

The *Environmental Planning and Assessment Act 1979* 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.

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.

## 5.8 Payment of fees

### ePayment and Property Services

This type of payment is via credit card, (a surcharges applies to all credit card payments). For more information visit [eproperty.tweed.nsw.gov.au](http://eproperty.tweed.nsw.gov.au)

### In person

At Council's Tweed Heads or Murwillumbah office. Council offices are located at Brett Street, Tweed Heads or Tumbulgum Road, Murwillumbah. Payments can be made by cash, cheque, money order, EFTPOS, Visa and Mastercard. Surcharge applies to credit card payments.

### Mail

Please make all cheques payable to Tweed Shire Council.

Mail payments to: PO Box 816, Murwillumbah, NSW 2484

Please note that payment can only be made after a pre-lodgement check of the submission is conducted and the application is lodged.




## Appendices

Minimum Standards and explanation of information required for lodgement of Development Applications. Refer to the relevant checklist to see which requirements apply to your particular project.

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## A.1 Building works plan detail

### A.1.1 Survey plan

This plan should be prepared by a registered surveyor at a scale of either 1:100 and 1:200 and show the exact location of existing buildings and other features on the site. It must be no more than 5 years old and include the following details:

- title block containing:
  - scale
  - date of survey
  - plan number and version
  - plan title
  - address of property (street address and real property description)
  - applicants name
  - name of registered surveyor who prepared the plans
- site boundary and boundary dimensions
- site area
- north point (true solar north)
- location of existing buildings, structures and site features (including swimming pools and sheds)
- topography (plans to accurately plot existing and proposed spot levels to Australian Height Datum (AHD) to all corners of the site, and contours 0.5m intervals including that of adjoining properties where relevant)
- natural drainage of site
- all easements and rights of way (if any)
- significant vegetation (including location, height, spread and species)
- location, height and use of any adjoining buildings or structures (including swimming pools and sheds) on the adjoining property)
- street features (immediately adjoining property such as kerbs, crossings, pits, significant trees, telegraph poles, etc.).

### A.1.2 Site plan

This plan should be either 1:100 or 1:200 in scale (for rural allotments scale may be reduced) and include the following details:

- title block containing:
  - scale
  - date of survey
  - plan number and version
  - plan title
  - address of property (street address and real property description)
  - name of applicant/person who prepared the plans
- location of cross sections
- location of fencing
- location of deep soil zones (if applicable)
- site boundaries and boundary dimensions
- proposed site amalgamation (where applicable)
- site area

- north point (true solar north)
- indicative footprint of the proposed and existing buildings
- setbacks to front side and rear boundaries
- spot levels and contours (1m interval) to AHD
- all existing vegetation and in particular significant trees covered by Council's Tree Preservation Order and whether they will be removed or retained
- private and communal open space indicating paved areas and soft landscaped areas, deep soil zones, both existing and proposed
- indicative ground locations of landscape plantings
- driveway entry points and surrounding street network (for large developments or where manoeuvrability is likely to be an issue driveways to parking areas must indicate turning circles to the Australian Standard – for further information please see RTA Guide to Traffic Generating Development)
- proposed internal pedestrian footpaths and connection to external network
- bicycle access, parking facilities and connection to nearby cycleway network
- garbage storage areas designed in accordance with Council's minimum requirements (for further information please contact Council)
- letter boxes
- existing or proposed rainwater tanks for non-potable use
- car parking or other uses proposed
- the location and height of adjacent buildings, their window locations and private open space
- proposed site drainage system including impermeable site area calculations.

**Note:** For some proposed developments such as demolition it may not be necessary to provide all of the above information on the site plan.

### A.1.3 Site analysis plan

A site analysis plan is a fundamental stage of the design process and should support many key design decisions relative to the proposal.

The site analysis allows for identification of site constraints and opportunities, having regard to features of surrounding properties and the wider locality.

The site analysis plan must be based on a survey drawing produced by a suitably qualified person such as a surveyor, draftsman or architect and contain a reference number and date (as above). Site analysis should include a plan and section drawings of the existing features of the site, at the same scale as site plan and landscape plan. Written analysis of the constraints and opportunities of the site as revealed by the presented site analysis should be provided.

The site's context:

- form and character of adjacent and opposite buildings in the streetscape and adjacent sites; architectural character, front fencing, garden styles
- neighbouring properties – location, height, use
- surrounding land use
- privacy – adjoining private open space, living room windows overlooking the site, location of any facing doors, windows and external living areas

- walls built to the sites boundary – location, height, materials
- difference in levels between the site and adjacent properties
- views and solar access enjoyed by neighbouring properties
- major trees on adjacent properties, within 9 metres of the subject site
- street frontage features – poles, trees, kerb crossovers, bus stops, other services
- heritage features of the surrounding locality and landscape
- direction and distance to local facilities – local shops, schools, public transport, recreation and community uses, bus stops, employment areas and major transport routes
- public open space – location, use
- zoning and precinct boundaries
- photographs of surrounding development
- adjoining bushland or environmentally sensitive land
- sources of nuisance – flight paths, noisy roads or other significant noise sources, polluting operations.

The site and the building(s):

- site dimensions, site area and north point
- location, use, overall height (in storeys and metres) and important parapet/datum lines of adjacent and on-site buildings
- street trees, identified by size, botanical and common names
- topography, showing spot levels and contours on sites 10% or less 0.5 metre intervals and on sites +or less than 20% 1m intervals and site greater than 20% 2m intervals for the site, adjoining streets and land adjoining the site
- spot levels and RLs must match in location
- views to and from the site, prevailing winds
- geotechnical characteristics of the site and suitability of development
- pedestrian and vehicular access points – existing and proposed
- location of utility services, including electricity poles, stormwater drainage lines, natural drainage, kerb crossings and easements
- location of the existing sewer mains and fittings – manholes and junctions, within the vicinity of the development site
- location of the existing water mains and appurtenances – hydrant, stop valves, etc., along the frontage of the development site as well as the existing water meter position and size
- assessment of site contamination, proposed remediation strategy and a statement from a recognised expert that the site can be remediated
- larger developments may also require additional access and traffic details including:
  - internal vehicle aisles, circulation roads and manoeuvring areas
  - service vehicle access, manoeuvring and parking (e.g. garbage collection)
  - traffic and parking generating facilities (e.g. seating areas in a restaurant, gross floor area in a shop)
  - resident, staff, customer and visitor parking arrangements (include calculations)
  - conflict points between vehicular, pedestrian and cycle

traffic and details of their treatment

- signage and traffic control
- landscaping, business identification/advertising signage
- adjacent allotments site plan and off street parking provisions (if the applicant wishes to provide less than the prescribed minimum spaces)
- where a proposal departs from the prescriptive standards of DCP A2 – Site Access and Parking a detailed Access, Traffic and Parking study will be required substantiating that the proposal conforms with the principles of DCP A2
- a public transport impact study for large developments (>5000m<sup>2</sup> GFA) that are 50m or more from the nearest practical public transport bus stop.

## Site analysis plan requirement matrix

### Key:

- Information required
- Information may not be required
- Information not required

#### Site and drawing description:

Location and clearly defined site boundaries, bearings, legal description and dimensions

North point

The scale and date of the plans and drawings

#### Site details:

Topographic elements including contours and levels (0.5m intervals)

Driveway and cross over locations

Service locations (water, sewer, electrical, communications)

Easements

Setback overlay

The geotechnical characteristics of the subsurface condition/soil type

Drainage and overland flow paths

Any acid sulfate soils, landfill or contamination affectation and, where affected, proposed remediation strategy and statement from a recognised expert that the site can be remediated

#### Site climatic details:

The orientation of the site, solar path (summer, winter)

Direction of prevailing winds and weather patterns

Identified significant heat load directions

Identified significant shading influences (topography, fences, houses, trees)

#### Site context:

Understand the form and character of adjacent and opposite buildings in the streetscape and adjacent sites, architectural character, front fencing and garden styles

The location height and use of adjacent and opposite buildings

The location and distance to adjoining dwellings and their windows, doors, main living spaces, external living areas, pools, solar panels, retaining walls and the like

The location, height and materials of fences and/or walls built to the site boundary

Any difference in levels between the site and adjacent and opposite dwellings in plan and sections

Views to and from the site locally and regionally/potential to block view.

The species, location, height and canopy dimensions of any existing vegetation on the site, or within eight metres of the site, and identified as to be removed or retained

Any heritage item or conservation area applying to or nearby to the site

Any environmental attributes such as koala habitat, fauna corridors, bushfire hazards, fire source features, flooding, wetlands, endangered species or the like applying to, or nearby, the site

Sources of noise nuisance such as flight paths, road noise or other noise pollution sources

Any key natural features of the site and its surrounds such as rock outcrops, cliffs, embankments, foreshores or the like

Direction and distance to local facilities, local shops, schools, public transport, recreation, open space and community opportunities for development within Parts B and C

#### Design response to site analysis in plan and section:

Indicative footprint of the proposal over base site analysis information

Demonstrate how internal living spaces relate to aspect and outdoor spaces

Demonstrated cross ventilation and natural sunlight access

Show the location of vehicular and pedestrian access points

Nomination of where the proposal may overshadow or overlook or be overshadowed or overlooked by the adjoining dwellings their windows, doors, private open space, pools, solar panels, retaining walls and the like

Nomination of the best location for landscaping, deep soil zones and outdoor living spaces

Clearly identify areas where the site analysis indicates a suitable alternative solutions or requires a variation to the controls



## A.1.4 Floor plans

This plan should be either 1:100 or 1:200 in scale and include the following details:

- title block containing:
  - scale
  - date of plan (including the date of any amendments)
  - plan number and version
  - plan title
  - address of property (street address and real property description)
  - name of applicant/person who prepared the plans
- clear and fully dimensioned plans, coloured to show new work in relation to the existing structures
- layout, partitioning, room sizes, lifts, corridors, stairs, voids and internal uses of each part of the buildings
- indicative layout of fixtures including sinks, bathroom and kitchen plumbing, etc.
- pedestrian accessibility and entries
- location of sections
- location of windows, openings and doors
- levels of floors, terraces, mezzanines, etc., to AHD
- details of wall construction
- spot levels of natural ground to AHD
- dimensions of exterior walls to all boundaries
- location and treatment of car parking
- location of site boundaries.

## A.1.5 Elevations

This plan should be either 1:100 or 1:200 in scale and include the following details:

- title block containing:
  - scale
  - date of plan (including the date of any amendments)
  - plan number and version
  - plan title (including indications of elevation aspect)
  - address of property (street address and real property description)
  - name of applicant/person who prepared the plans
- fully dimensioned elevations of all sides of the building or structure, and coloured to show new work (including basement levels)
- indicate the outline of the existing buildings (both on site and adjoining)
- window sizes, sill heights and locations
- building length, articulation and roof design
- the composition of the façade including materials, colours and finishes to be used in construction
- heights of eaves, ceilings, ridge and floor levels to AHD
- existing and proposed finished ground levels on site and adjacent to the boundary

- site boundaries
- details of any proposed fencing in relationship to other features.

## A.1.6 Sections

This plan should be either 1:100 or 1:200 in scale and include the following details:

- title block containing:
  - scale
  - date of plan (including the date of any amendments)
  - plan number and version
  - plan title (including indications of elevation aspect)
  - address of property (street address and real property description)
  - name of applicant/person who prepared the plans
- at least two fully dimensioned sections through to boundary, one of which being a long section
- section through significant level changes, such as under-croft areas and the like
- plans to show section line and location on plan
- room names with ceiling and floor heights
- adequate representation of natural ground level to AHD
- outline of adjacent buildings including building separation within the development and between neighbouring buildings
- location and treatment of car parking
- proposed finished ground level
- location of site boundaries.

## A.2 Subdivision works plan detail

The requirements in this section are applicable to large (25 lots or more) subdivisions.

For smaller subdivisions in established areas the location of roads, drainage and services may be largely set and portion the required information may be unnecessary and an applicant may wish to submit a shortened application.

For comprehensive advice in relation to the engineering information that must accompany a development application please refer to Tweed Shire Council's Development Design Specification, D13.03.

### A.2.1 Master Plan

A Master Plan is required in the following instances:

- State Environmental Planning Policy 71 requirement:
  - development is within a sensitive coastal zone
  - comprise more than 25 lots
  - comprise more than 5 rural residential lots
- any subdivision having more than 25 lots
- where a subdivision is to be developed in stages
- where management lots are to be created.



Where a Master Plan is required the following detail is required in addition to all other subdivision plan requirements:

- stage or management lot layout
- proposed portion of road network/civil infrastructure to be constructed to service each stage/management lot
- proposed internal street and lot layout for all stages
- proposed earthworks/land forming for each stage.

## A.2.2 Site plan

Plans of the subdivision site are to be a minimum scale 1:100 (for rural allotments scale may be reduced) and contain the following information:

- title block containing:
  - scale
  - date (including the date of any amendments)
  - plan number and version
  - plan title
  - address of property (street address and real property description)
  - applicants name/person who prepared the plans
- boundary dimensions
- site area
- north point (true solar north)
- location of existing buildings, structures and site features
- levels to AHD
- all existing vegetation and significant trees and whether they will be removed or retained
- public open space
- natural drainage of site
- all easements and rights of way (if any)
- road reserve features (immediately adjoining property such as road pavement, kerbs, crossings, drainage pits, significant trees, power poles, etc.).

## A.2.3 Site analysis plan

This plan should be either 1:100 or 1:200 in scale and include the following details:

- title block containing:
  - scale
  - date (including the date of any amendments)
  - plan number and version
  - plan title
  - address of property (street address and real property description)
  - applicants name/person who prepared the plans
- site dimensions
- site area
- easements, right of way, sewer mains
- north point (true solar north)
- contours to AHD

- existing buildings on site with footprints dimensioned to boundaries
- buildings on adjoining sites
- existing vegetation
- neighbours views and sunlight
- items of heritage, heritage conservation areas or significant streetscape features
- existing and proposed pedestrian and vehicle accesses
- potential noise sources
- prevailing winds
- written analysis of the constraints and opportunities of the site (as revealed by the site analysis plan).

## Ecological assessment

For development other than minor development (being single dwellings, boundary adjustments not resulting in additional dwelling entitlements or changes of use) and areas containing native vegetation a Preliminary Ecological Assessment in accordance with the following checklist:

- Does the subject site contain land zoned for Environmental Protection?
- Does the subject site contain areas of SEPP 14 Coastal Wetland; SEPP 26 Littoral Rainforest or mapped Koala Habitat?
- Does the subject site contain Bushland as mapped under the Tweed Vegetation Management Strategy 2004?
- Is the subject site of High or Very High Ecological Status as mapped under the Tweed Vegetation Management Strategy 2004?
- Does the subject site adjoin a National Park or Nature Reserve?
- Do Threatened Species\* records exist within or up to 1km from the subject site? (\*Check records on NPWS Wildlife Atlas or EPBC Act Protected Matters websites)
- Does the subject site contain Critical Habitat (check the Register of Critical Habitat on DECCW website)?
- Does the subject site contain or is the site adjacent to a flying-fox colony?
- Does the subject site contain areas falling within an identified wildlife corridor?

If any 'Yes' scores result from the above analysis an Ecological Consultant must be engaged to provide a Flora and Fauna Assessment for the site.

## A.2.4 Landform/earthworks:

- title block containing:
  - scale
  - date of plan (including the date of any amendments)
  - plan number and version
  - plan title (including indications of elevation aspect)
  - address of property (street address and real property description)
  - applicants name
  - name of applicant/person who prepared the plans

- plan of site on background of proposed lot layout showing depths of cut and fill, batter location, gradient and drainage system (refer to TSC Development Design Specification D6 for criteria)
- plan of existing topography of the site including existing drainage lines with a contour interval of 1.0m to AHD
- plan of proposed finished landform of the site with a contour interval of 1.0m on background of proposed lot layout.

### A.2.5 Drainage catchment/system:

- title block containing:
  - scale
  - date of plan (including the date of any amendments)
  - plan number and version
  - plan title (including indications of elevation aspect)
  - address of property (street address and real property description)
  - name of applicant/person who prepared the plans
- plan of proposed drainage system on background plan of proposed lot layout or may be shown on road network plan
- trunk drainage
- minor drainage paths form sag points
- Q100 overland flow paths
- preliminary assessment of trunk drainage and hydraulic grade line analysis, indicative truck drain invert levels, indicative trunk drain sizes
- drainage catchment plan showing upstream external catchments
- existing and proposed internal catchments (on background of proposed lot layout) and upstream external catchments.

### A.2.6 Roads:

- an Access, Traffic and Parking study, according to RMS guidelines, to determine expected traffic impact on surrounding road network including:
  - trip generation calculations
  - proposed local street network including connections to existing network
  - proposed treatment of intersections and traffic control devices
  - proposed internal pedestrian footpaths and connection to external network
  - bicycle access, parking facilities, internal network and connection to external network
  - access to public transport and associated facilities
  - resident, staff, customer and visitor parking arrangements (include calculations)
  - service vehicle access, manoeuvring and parking (e.g. garbage collection)
  - traffic and parking generating facilities (e.g. seating areas in a restaurant, gross floor area in a shop)
  - conflict points between vehicular, pedestrian and cycle traffic and details of their treatment
  - signage

(An Access, Traffic and Parking study is not necessary for subdivisions which create no more than 15 new lots and do not create new intersections.)

- a public transport impact study for large developments (>5000m<sup>2</sup> GFA) that are 50m or more from the nearest practical public transport bus stop
- plans of proposed road network on background plan of lot layout and final levels (contours) showing:
  - road/kerb edges
  - indicative road drainage location
  - intersections and traffic control devices
  - connecting roads
  - indicative longitudinal sections and cross sections or on above plans note centreline levels every 10m and levels at all crests and sags.

### A.2.7 Water supply system:

- title block containing:
  - scale
  - date of plan (including the date of any amendments)
  - plan number and version
  - plan title (including indications of elevation aspect)
  - address of property (street address and real property description)
  - name of applicant/person who prepared the plans
- indicative plan of proposed system on background plan of proposed lot layout.
- water supply study (refer to TSC Development Design Specification D11 for criteria) to include projected demand, adequacy of existing system to supply additional demand of proposed connection points, supply strategy options, hydraulic analysis.

### A.2.8 Sewerage system:

- title block containing:
  - scale
  - date of plan (including the date of any amendments)
  - plan number and version
  - plan title (including indications of elevation aspect)
  - address of property (street address and real property description)
  - applicant's name
  - name of applicant/person who prepared the plans
- indicative plan of proposed Sewerage Pump Stations, rising main location, indicative sizing and minimum velocities, easement requirements
- sewerage study (refer to TSC Development Design Specification D12 for criteria) to include anticipated flows, adequacy of existing system to receive additional flows, septicity controls, catchments options, sewerage strategy options, life cost estimates or options, comparison of options, recommended preferred option.

### A.2.9 Electricity

The electricity supplier (currently Country Energy) recommends advice be sought directly from them during the planning phase of any development where:

- electricity supply is required to new developments
- additional electricity load is required at existing sites
- buildings structures or pools are proposed near electricity overhead or underground assets
- the requirement to create easements may arise.

Applicants are encouraged to refer to the Country Energy document 'Guideline – Development and Country Energy Assets'.

Detail to be lodged with your Development Application should include the following:

- title block containing:
  - scale
  - date of plan (including the date of any amendments)
  - plan number and version
  - plan title (including indications of elevation aspect)
  - address of property (street address and real property description)
  - name of applicant/person who prepared the plans
- details of consultation with supplier
- plan of street and open space lighting on background plan of proposed lot layout and indicative details of proposed light structures.

### A.2.10 Telecommunications:

- details of consultation with supplier
- telecommunication services strategy.

It should be noted that for larger subdivisions, Council will generally require that conduits be provided for the provision of optic fibre cabling to facilitate a more efficient form of telecommunications transmission such as broadband.

### A.2.11 Gas

- If gas is to be reticulated in the subdivision, details of consultation with supplier is required.

### A.2.12 Preliminary Erosion & Sediment Control Plan

- Preliminary Erosion and Sediment Control (ESCP-P) (refer to TSC Development Design Specification Annexure B for criteria).

### A.2.13 Preliminary Stormwater Management Plan

- Preliminary Stormwater management Plan (SWMP-P) (refer to TSC Development Design Specification Annexure B for criteria).

## A.3 Statement of environmental effects

This is a statement which addresses all potential environmental impacts that may or will emerge as a result of a proposed development. The statement should include the following information:

- address 'Heads of Consideration' under Section 79c of the *Environmental Planning and Assessment Act 1979*
- reference to all relevant statutory and non statutory (DCP) controls
- planning justification for any non-compliance with non-statutory controls if applicable
- a State Environmental Planning Policy (SEPP) No.1 Objection to a development standard contained within an Environmental Planning Instrument if applicable
- details of the environmental impacts of the developments and how these impacts have been identified – the following issues should include where relevant; site description, details of any demolition, details of any removal or introduction of vegetation, details about waste production/removal, details on the potential impact of noise
- other impacts to be addressed may include: overshadowing, overlooking, odour, the impact on utilities, impacts on soil and water management/quality, social impacts, impact on character and amenity, views, impacts on traffic and parking, any potential non residential impact for relevant development; impact on odour, and air, flooding, geotechnical, and any other environmental impact this development might produce
- steps taken to mitigate any identified environmental impacts and to protect the environment generally
- matters required to be indicated by any guidelines issued by the NSW Department of Planning
- address the planning principles established by the Land and Environment Court, where relevant.

## A.4 Waste management plan

A waste management plan (WMP) is designed to control the volume of waste generated at the development, and the proposed waste management practices for a development.

The WMP should include the following information:

### A.4.1 Demolition:

- the volume and type of waste generated during demolition
- the methods of storage of material on site. a site plan should be included
- how recyclable materials will be separated, managed, and where the materials will be sent for recycling
- the location and methods of disposal of all residual waste
- the licensed transporter of the waste
- ongoing waste management strategies.

## A.4.2 Construction:

- the type of waste generated during construction
- the method and location of waste storage on site
- how any recyclable materials will be managed?
- the location of the disposal facility for residual waste
- ongoing waste management strategies.

## A.4.3 Site occupation:

- details of waste storage containers to be used by the development (ie mobile garbage bins or bulk bins, how many, frequency of collection, etc.)
- location and design of waste storage areas, reference to Councils Code for Storage and Disposal of Garbage and Other Solid Wastes
- nominate collection point for servicing
- details of access for contractor where necessary
- ongoing waste management strategies.

**Note:** During the demolition and construction phases it is the responsibility of the site manager to ensure that the above management measures are inspected and maintained on a daily basis.

## A.5 Soil and water management plan

A Soil and Water Management plan is designed to control erosion and sedimentation of a building site from leaving the site and potentially polluting our waterways and affecting our drainage systems. This plan should conform with Tweed Shire Council Development Design Specification and Soils & Construction manual (managing Urban Stormwater – Landcom, 2004) include the following information:

- title block containing
  - scale (1:100 or 1:200 as appropriate)
  - date of survey
  - plan number and version
  - plan title
  - address of property (street address and real property description)
  - name of applicant/person who prepared the plans
- north point
- existing and finished 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
- 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 water courses.

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.

Reference should be made to TSC Development Design Specifications D7.06.2 and D7.06.4 for greater detail on the requirements of Stormwater Management Plans and Sediment and Erosion Control Plans.

## A.6 Exhibition plans

These plans are for public exhibition and should show the following information:

- title block containing
  - scale (1:100 or 1:200 as appropriate)
  - date of plan (including the date of any amendments)
  - plan number and version
  - plan title
  - address of property (street address and real property description)
  - name of applicant/person who prepared the plans
- site plan (scale of 1:100 or 1:200 as appropriate) showing proposed works and dimensions to the property boundaries
- north point
- elevations showing the external configuration and heights of all sides of the proposed works/building/s
- internal floor plans and parking layouts.

**Please note:** These plans are to be to scale, at least A3 in size and must be clearly legible.

## A.7 BASIX Certificate

The Building Sustainability Index (BASIX) is a web based planning tool designed to assess the potential performance of residential buildings against a range of sustainability indices.

A BASIX Certificate identifies the sustainability features required to be incorporated in the building design. These features may include sustainable design elements such as recycled water, rainwater tanks, AAA-rated shower heads and taps, native landscaping, heat pump or solar water heaters, gas space heaters, roof eaves/awnings and wall/ceiling insulation.

You need a BASIX Certificate when BASIX applies to the type of development for which you require approval. Commencement dates and details of types of development are at [www.basix.nsw.gov.au](http://www.basix.nsw.gov.au)

The applicant is required to submit the BASIX Certificate with the Development Application or Complying Development Certificate application. The plans and specifications must also identify the BASIX commitments which will be checked by a professional building certifier during construction. Where submitted plans or specifications are inconsistent with the relevant BASIX Certificate, Council should require applicants to submit consistent applications before progressing the assessment process, either by amending plans/specifications or by submitting a new BASIX Certificate with commitments that match the rest of the application.

Applicants can only generate the BASIX Certificate on the NSW Department of Planning BASIX website ([www.basix.nsw.gov.au](http://www.basix.nsw.gov.au)) for more information, phone the BASIX Help Line on 1300 650 908.

## A.8 Schedule of colours and materials

This should indicate the colours and finishing of all materials used on the external façade of the proposed building/s. A sample board and schedule of the following should be provided:

- the composition of the materials and colours
- the architectural features that will comprise the materials and colours
- the location of the materials and colours on the façade as indicated on the building elevations.

Please note that this requirement is not required for minor developments including Single Dwelling Houses and associated structures.

## A.9 Landscape plans

This plan should be consistent with other plans with respect to the height, size, land location of the buildings, and include the following information:

- title block containing:
  - scale (1:100 or 1:200 as appropriate); for rural allotments scale may be reduced
  - date of plan (including the date of any amendments)
  - plan number and version
  - plan title
  - address of property (street address and real property description)
  - name of applicant/person who prepared the plans
- illustration of location of each plan within the whole site if applicable
- building footprint of the proposal
- proposed site entries
- ramps, stairs, retaining wall levels
- for multi-unit dwellings building footprint, site entries, windows and levels of adjoining properties
- existing significant trees showing their location, species, height, and spread, both on and adjacent to the site. Trees proposed to be removed are to be shown dotted
- lines of fencing, security and access points
- the location, dimensions and height of any built landscape elements (including pergolas, walls, water features)
- sectional elevations through the site showing the existing and proposed ground lines, building elevations and proposed plantings superimposed
- details of proposed exterior lighting in plan and elevation
- deep soil zones and extent of basement carparking or other excavations
- location of any easements or existing or proposed infrastructure that will influence retention or planting of trees
- the location and size of any additional planting to be carried out including species name (botanical and common), spread, height and other features

- plant species must be comprised of a minimum of 80% local (Tweed) native species (the reference vegetation community for selection of species should be that formerly occupying the development site as far as possible) and must not include environmental weeds as listed within the Weeds CRC document 'Introduced flora of Australia and its weed status'
- a statement of compliance or departure (with reasoning) from the above standard
- details of plant numbers, pot size, and staking requirements
- details of ongoing management and maintenance
- 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.

## A.10 Shadow diagram

This plan is to include the footprint of the proposed building/works and the location/impact on adjoining land/buildings. The detail should include the following information:

- title block containing:
  - scale (1:100 or 1:200 as appropriate)
  - date of plan (including the date of any amendments)
  - plan number and version
  - plan title
  - address of property (street address and real property description)
  - name of applicant/person who prepared the plans
- north point – true solar north
- plan, elevation and/or section drawings showing both proposed and existing shadows superimposed clearly indicating the area of increased shadow on adjacent land and the north facing windows of adjoining properties
- indication of the location and nature of shadows from existing and/or proposed fencing
- location, dimensions, height and use of the rooms of private open space areas and windows of affected neighbours
- shadow diagrams need to show solar access to the site and adjacent properties at summer solstice (21 December), winter solstice (21 June) and the equinox (22 March/21 September) at 9am, 12 midday, 3pm and 6pm (7pm in daylight saving period)
- outline of adjoining buildings/private open space areas
- for properties where the shadow is likely to cast shadow on the coastal foreshore, shadow diagrams shall be provided in accordance with clause 32B of the North Coast Regional Environmental Plan (NCREP). Proposals that cast shadows cast on the foreshore will necessitate a SEPP 1 variation.

## A.11 Heritage Impact Statement

This Statement of Heritage Impact should accompany each Development Application for the proposed development of heritage listed items, properties that adjoin Heritage Listed items (in urban settings) and within a Heritage Conservation Area.

The Statement of Heritage Impact should include the following

information:

- description of the significance of an item, area or site and why it is of heritage significance
- description of the impact of a development proposed on that significance
- description of how the proposal will mitigate any negative impacts on the subject premises or any nearby heritage item
- how the heritage value of the item is to be conserved, or preferably enhanced by the proposed development, according to the principles of the ICOMOS (Australia) Burra Charter
- an investigation of the alternative development options that were considered and the rationale behind the preferred development proposal. This should include why the alternative development options were discounted.

A Statement of Heritage Impact may not be necessary for minor works. Contact Council for advice in regard to minor works before commencing the study.

Further guidance on preparing a SOHI can be found in the fact sheet [Preparing a Statement of Heritage Significance](#).

## A.12 Stormwater drainage concept plan

This plan should show at 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:

- title block containing:
  - scale (1:100 or 1:200 as appropriate)
  - date of plan (including the date of any amendments)
  - plan number and version
  - plan title
  - address of property (street address and real property description)
  - name of applicant/person who prepared the plans
- overland flow paths
- 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, and pipes
- location and details of on site detention systems and internal piped systems
- minimum pipe sizes
- points of discharge
- demonstration of compliance with Council Development Design Specification, D5 – Stormwater Drainage Design.

On-site Detention (OSD) Requirements:

- required for all new dwellings (whether additional impervious area is being created or not)

- required for all alterations and additions with an additional impervious area more than 50m<sup>2</sup> outside of the footprint of the existing building
- location and details of the system are required
- a geotechnical investigation and supporting calculations required.

Rainwater reuse:

- Rainwater tanks/reuse systems cannot be substituted for OSD except where a BASIX Certificate is provided which includes a component indicating a minimum rainwater volume requirement. Only the minimum volume can be used as an offset against any OSD requirements.
- A rainwater tank must have an overflow and the stormwater concept plan must show where this will discharge to.

Please note: For more information refer to Council's Development Design Specification D5 – Stormwater Drainage Design and Development Design Specification D7 – Stormwater Quality available on Council's website.

## A.13 Geotechnical report

This report should be prepared by a qualified geotechnical engineer and include the following information:

- proposed methods of excavation
- shoring or pile construction vibration emissions
- any possible damage to adjoining/nearby premises
- include recommendations of measures to prevent/minimise structural damage to nearby premises.

## A.14 Disability access report

This report should be prepared by an appropriately qualified and experienced person, and should explain in detail how the proposed development meets the requirements/standards outlined in:

- Councils Access DCP
- the Building Code of Australia
- the Australian Standards
- the *Disability Discrimination Act 1992*.

## A.15 Contamination reports

Land contamination issues need to be identified and dealt with at an early stage in the planning process in order to prevent harm to the environment and/or community and reduce delays and costs in the development and construction phase. DAs should be supported by information demonstrating that the land is suitable for the proposed use or can be made suitable, either by remediation or by the way the land is used for development. The risk to health and the environment from contamination must be included in this assessment including risks during the construction and operation of the development. The former includes work safety issues, as well as the potential for construction to disturb contamination and cause movement of contaminants off-site. The relevance of contamination to a decision on a DA will vary depending on the uses specified in the application and the risk associated with those uses.

Council can not approve an application unless it is satisfied on the basis of information available to it that:

- contamination is unlikely; or
- contamination has been determined to be below defined investigation thresholds; or
- contamination has been determined not to pose an unacceptable risk for the intended use; or
- conditions can be placed on development consents and approvals that will ensure any contaminated land can be remediated to a level appropriate to its intended use, prior to, or during the development stage.

Where there is no reason to suspect contamination after acting substantially in accordance with the NSW Planning/DECC guidelines the proposal may be processed in the usual way. However, where there is an indication that the land is, or may be, contaminated, the appropriate procedures outlined in the Guidelines need to be followed.

Within the Statement of Environmental Effects (SEE) – Land Contamination, the history of land use needs to be considered as an indicator of potential contamination. Where Council has evaluated the information provided in your SEE – Land Contamination and is uncertain about the likelihood of contamination or there are indications that contamination is or may be present, Council will require the further submission of one or more of the following:

- a. preliminary site investigation – including details of any previous remediation
- b. detailed site investigation – including site sampling and assessment report
- c. a statement from the applicant's consultant certifying that the site is presently suitable for the intended use
- d. a statement from the applicant's consultant as to what remediation options are available to allow the intended use
- e. Site Remedial Action Plan (if necessary)
- f. Site Validation and On-going Monitoring Plan
- g. auditor review/validations.

### Contamination land questions to be considered

1. Please specify all land uses to which the site has been put, including the current use (Refer to Council's Contaminated Land Policy).
2. Is the proponent aware of the uses to which properties adjoining the site have been put? If so please specify
3. Do any of the uses correlate with potentially contaminating activities?
4. If yes, has there been any testing or assessment of the site and, if so, what were the results?
5. Is the proponent aware of any contamination on the site?
6. What remediation work, if any has been taken in respect to contamination which is or may have been present on the site? (Work carried out voluntarily or ordered by a government agency.)

**Please note:** For more information refer to Council's Contaminated Land Policy.

## A.16 Acid Sulfate Soils preliminary/assessment/management plan

Acid sulfate soils (ASSs) are naturally occurring sediments and soils containing iron sulfides (principally pyrite) and/or their precursors or oxidation products. The exposure of the sulfides to oxygen by drainage or excavation leads to the generation of sulfuric acid.

ASS are found in both coastal areas and inland regions. The NSW State Government has prepared a series of maps indicating the likelihood of the presence of these types of soils in NSW and has identified these by Class (1 to 5). These maps may be accessed at Council's offices and will need to be referred to determine if your development needs to consider the presence of these soils.

The TSC LEP Cl. 35 tables the objectives and management principles associated with ASS. Depending on the class of soil and the proposed works, you may need to prepare a preliminary ASS assessment report\*. The purpose of the preliminary assessment is:

1. to establish whether ASS are present on the site and if they are in such concentrations so as to warrant the preparation of an ASS Management Plan (ASSMP)
2. to establish the characteristics of the proposed works and whether they are likely to disturb ASS
3. to provide information to assist in designing a soil and water assessment program
4. to provide information to assist in decision making.

The ASS report (and any subsequent management plan should it reveal the presence of ASS) must be prepared by a suitably qualified person experienced in the assessment and management of ASS and must be prepared in accordance with the Acid Sulfate Soil Manual (ASSMAC 1998).

\*Where it is considered that works are of a minor nature, that is works which disturb less than 10 tonnes of soil, and the applicant and Council agree that ASS are present then you may choose to adopt TSC ASSMP for Minor Works.

## A.17 Proposed and existing fire safety measures

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, etc., you will 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.

## A.18 Integrated Development special requirements

Integrated Development is development (not being complying development) that, in order for it to be carried out, requires development consent and one or more of the following approvals:

### Legislative requirements

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#### *Coal Mine Subsidence Compensation Act 2017*

s 22 approval to alter or erect improvements, or to subdivide land, within a mine subsidence district

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#### *Fisheries Management Act 1994*

s 144 aquaculture permit

s 201 permit to carry out dredging or reclamation work

s 205 permit to cut, remove, damage or destroy marine vegetation on public water land or an aquaculture lease, or on the foreshore of any such land or lease

s 219 permit to:

- a. set a net, netting or other material, or
  - b. construct or alter a dam, floodgate, causeway or weir, or
  - c. otherwise create an obstruction, across or within a bay, inlet, river or creek, or across or around a flat
- 

#### *Heritage Act 1977 \*\**

s 58 approval in respect of the doing or carrying out of an act, matter or thing referred to in s 57 (1)

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#### *Mining Act 1992*

ss 63, 64 grant of mining lease

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#### *National Parks and Wildlife Act 1974*

s 90 grant of Aboriginal heritage impact permit

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#### *Petroleum (Onshore) Act 1991*

s 16 grant of production lease

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#### *Protection of the Environment Operations Act 1997*

ss 43 (a), 47 & 55 Environment protection licence to authorise carrying out of scheduled development work at any premises.

ss 43 (b), 48 & 55 Environment protection licence to authorise carrying out of scheduled activities at any premises (excluding any activity described as a 'waste activity' but including any activity described as a 'waste facility')

ss 43 (d), 55 & 122 Environment protection licences to control carrying out of non-scheduled activities for the purposes of regulating water pollution resulting from the activity

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#### *Roads Act 1993*

s 138 consent 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*

s 100B authorisation under section 100B in respect of bush fire safety of subdivision of land that could lawfully be used for residential or rural residential purposes or development of land for special fire protection purposes

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#### *Water Management Act 2000 \*\**

ss 89, 90, 91 water use approval, water management work approval or activity approval under Part 3 of Chapter 3

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#### *SEPP Infrastructure Clause 104 Traffic – Generating Development*

Development that requires referral to the RMS in accordance with Column 2 of Schedule 3

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## A.19 View corridor analysis

Key view corridors should be retained and respected in the design of new buildings. Tall, bulky buildings in particular have the potential to adversely impact on view corridors. Careful consideration of views should be part of the initial design and site analysis process.

The View Corridor Analysis (VCA) should comprise of photomontages, photos and/or elevation plans of the existing view corridor and how the proposed development will affect the view corridor. A written analysis should accompany the plans providing an assessment of the proposed loss of views and visual impact.

## A.20 Streetscape character analysis

The Streetscape Character Analysis (SCA) should comprise an analysis of the existing streetscape, consider the overall neighbourhood character and the potential impact of the development.

This plan should include the following details:

- title block containing:
  - scale (1:100 or 1:200 as appropriate)
  - date of plan (including the date of any amendments)
  - plan number and version
  - plan title
  - address of property (street address and real property description)
  - name of applicant/person who prepared the plans
- north point (true solar north)
- the subject property, as well as five (5) sites on either side of the subject site, on both sides of the street (22 sites in total). Where the site is a corner site, the SCA is to include the subject property, as well as three (3) sites either side of the primary frontage of the subject property, on both sides of the street, and five (5) properties (on both sides of the street for the secondary frontage). Where this can not be achieved, due to the configuration of the corner, the SCA is to include the subject property and all dwellings (partially or wholly) within a radius of 75m (taken from the centre of the primary frontage)
- a street context plan showing the subject site, neighbouring dwellings and the immediate street landscape and development
- a streetscape elevation drawing as a scale of 1:200
- relevant photos with explanatory notes of the site as viewed from the street, its adjoining neighbours and the immediate streetscape
- an analysis of the existing streetscape. This should focus on the positive and negative elements of the streetscape and locality. The key character elements that need to be analysed include the following:
  1. the relationships between buildings and landscape in the immediate locality
  2. the scale, height and build form character of buildings
  3. the architectural character and dominant materials/finishes
  4. the character of spaces between buildings including vehicular and pedestrian entries
  5. the typical roofscape and forms of roofs
  6. the front setback treatment, fencing and front garden area characteristics.

The streetscape character analysis may include a photomontage, elevations, photographs and/or sketches.

## A.21 Road naming

Tweed Shire Council is the roads authority for all roads within the shire that are not Crown Roads, freeways or motorways. At the roads authority, the naming and numbering of public roads is undertaken by Council pursuant to Section 162 of the *Roads Act 1993*.

When naming new roads or renaming existing roads within the Shire the following procedure is followed:

- a. the developers of a subdivision creating new public roads are required to submit road names to Council for consideration. It is suggested that these names follow a theme suitable to the area being subdivided and in the case of staged subdivisions that the theme be carried on throughout each stage.
- b. the names, upon submission, are checked against Councils Road Naming Policy to ensure that they are suitable
- c. proposed names are advertised locally for a period of 14 days, allowing the community to submit any objections to the new road names. Relevant authorities are also notified of the proposed road names. If a road name is suggested, either for an existing road or a new road, which is of Aboriginal derivation then approval is sought from the Local Aboriginal Land Council prior to any advertising or recommendations to Council
- d. any objections received are considered in accordance with Councils Road Naming Policy and if substantial the developer will be requested to provide an alternate name
- e. approval road names are Gazetted, advertised and relevant authorities notified.

**Note:** Given the process associated with the naming of new roads it is recommended that application be made to Council several months before the lodgement of the Subdivision.

## A.22 Acoustic assessment

Noise can be annoying, interfere with communication, disturb sleep or interfere with work. Prolonged exposure to loud noise can also result in increased heart rate, anxiety, hearing loss and other health effects. The impacts of noise depend both on the noise level, its characteristics and how it is perceived by the person affected.

An Acoustic Report may be required to assist in the assessment of the impact of potential noise from your development on surrounding land users or to mitigate noise impacts on your development. Reports are required to be prepared by a suitably qualified acoustic consultant experienced in the assessment and management of noise issues and should include the following:

1. project description
2. relevant guideline or policy that has been applied
3. background noise measurements
4. details of instruments and methodology used for noise measurements (including reasons for settings and descriptors used, calibration details)
5. a site map showing noise sources, measurement locations and noise receivers
6. noise criteria applied to the project

7. noise predictions for the proposed activity
8. a comparison of noise predictions against noise criteria
9. a discussion of proposed mitigation measures, the noise reduction likely and the feasibility and reasonableness of these measures
10. how compliance can be practically determined.

## Aircraft noise

TSC LEP Cl. 32 sets out the objectives and management principles associated with aircraft noise. Applications for development of land within the 20 Australian Noise Exposure Forecast (ANEF) contour of higher for the Gold Coast Airport may require consideration of the requirements of AS 2021–2000 (Acoustics – Aircraft noise intrusion – Building siting and construction)

The ANEF contour plan may be sighted at either of Council's Administration offices located at Tweed and Murwillumbah.

For more detailed information on aircraft noise and ANEF contours please contact the zGold Coast Airport or phone 07 5589 1100 or fax 07 5536 2838.

## Road setback requirements

Some roads within the Tweed Shire have been identified as being a source of potential adverse noise impacts on adjoining residential land users. These areas are identified in maps provided by Council, and in accordance with State Government classifications, and require minimum construction standards to be applied to mitigate these impacts.

## Further resources

- NSW Industrial Noise Policy
- Environmental Criteria for Road Traffic Noise
- Noise Guide for Local Government
- Assessing vibration
- Draft Construction Noise Guideline

## A.23 On-site effluent management

Where Council's reticulated sewer is not available to provide for your development, the management of sewage on-site is needed and information is required to be submitted to Council so that it may be satisfied that adequate arrangements have been made in accordance with TSC LEP Cl 15.

Refer to Council's Guideline for On-site Sewage Management Technical Requirements available on request from Council's Building and Environmental Health Unit or on our website.

Should your proposal also encompass the recycling of treated greywater and/or blackwater sources you should also refer to the NSW Guidelines for Management of Private Recycled Water Schemes.

## Further resources

- On-site Sewage Management for Single Households
- On-site Single Domestic Wastewater Management – NSW Health
- Australian Guidelines for Water Recycling: Managing Health and Environmental Risks (phase 1) 2006
- Environmental Guidelines – Use of Effluent by Irrigation

## A.24 Dewatering

Dewatering has become an integral component of construction in the low-lying coastal precincts of the Tweed Shire. The quality of extracted groundwater is often poor and the safe disposal of extracted groundwater poses significant problems. The volumes typically extracted during a development far exceed what is feasible to dispose of via sewer or tanker vehicle.

The management of a dewatering operation on a construction site needs to consider a number of issues that may impact on the environment and surrounding local community including, noise nuisance, odour nuisance, receiving surface water and ground water quality. Included in the process are the physical requirements for the placement of dewatering and treatment equipment, including adequate allowance for retention periods, and in consideration of the timing of construction activities.

Tweed Shire Council, together with the Southern Cross University, is currently preparing a Draft Guideline for Dewatering of Soils at Construction Sites. The Guidelines are intended to provide advice that will assist in assessing and managing development sites that require de-watering during construction, and to offer a framework for the development of Dewatering Management Plans. Special consideration is to be given to dewatering and the lowering of groundwater in low-lying coastal acid sulfate soil areas where there is a potential to enhance the mobilisation of contaminants, enable saline water ingress, cause subsidence and trigger the oxidation of sulfide minerals.

Dewatering Management Plans should contain the following information:

1. statement of management objective
2. assessment of the existing environment
3. proposed earthworks and dewatering program
4. soil material
5. groundwater assessment and modelling
6. assessment of environmental and human health impacts including risk analysis
7. operations and mitigation strategy
8. monitoring and reporting.

**Note:** Further relevant industry and government consultation will occur prior to the release of the final document.

## A.25 Threatened species

### Ecological assessment

For development other than minor development (being single dwellings, boundary adjustments not resulting in additional dwelling entitlements or changes of use) and areas containing native vegetation a Preliminary Ecological Assessment in accordance with the following checklist:

- Does the subject site contain land zoned for Environmental Protection?
- Does the subject site contain areas of SEPP 14 Coastal Wetland; SEPP 26 Littoral Rainforest or mapped Koala Habitat?
- Does the subject site contain Bushland as mapped under the Tweed Vegetation Management Strategy 2004?
- Is the subject site of High or Very High Ecological Status as mapped under the Tweed Vegetation Management Strategy 2004?
- Does the subject site adjoin a National Park or Nature Reserve?
- Do Threatened Species\* records exist within or up to 1km from the subject site? (\*Check records on NPWS Wildlife Atlas or EPBC Act Protected Matters websites)
- Does the subject site contain Critical Habitat (check the Register of Critical Habitat on DECCW website)?
- Does the subject site contain or is the site adjacent to a flying-fox colony?
- Does the subject site contain areas falling within an identified wildlife corridor?

If any 'Yes' scores result from the above analysis an Ecological Consultant must be engaged to provide a Flora and Fauna Assessment for the site.

Section 5A of the *Environmental Planning and Assessment Act 1979* is required to be considered. A report addressing this section is required to accompany the development application. This report determines if the development is likely to have a significant impact on threatened species. If it is likely to have a significant impact on threatened species, a Species Impact Statement (SIS) is required to accompany the application.

## A.26 Bushfire management assessment report

A report submitted in support of a development application by an applicant which determines the extent of bushfire attack to a development and the measures used to mitigate that attack. Appendix 4 of the [Planning for Bushfire Protection Guide 2006](#) by the Rural Fire Service provides the information requirements for a bushfire assessment report.

## A.27 SEPP 65 – Design quality of residential flat development

The Design Quality Program of Residential Flats is an initiative of DoP to improve the design quality of flat developments of three storeys or more, and containing four or more dwellings.

The core element of the Design Quality Program is State Environmental Planning Policy (SEPP) No. 65.

SEPP 65 aims to improve design quality of residential flat buildings of three or more storeys, and containing four or more self contained dwellings. The Policy recognises that the design quality of residential flat development is of significance for environmental planning for the State due to the economic, environmental, cultural and social benefits of high quality design.

SEPP 65 contains ten Design Quality Principles, which form the basis for achieving good design. The Design Quality Principles provide a guide for evaluating the merits of development proposals and draft planning policy.

The main features of SEPP 65 are :

- qualified Designers are required for SEPP 65 development
- SEPP 65 Design Review Panels appointed by the Minister for Planning to advise and assist councils on design quality principles in relation to development proposals and draft planning policy
- SEPP 65 and Design Quality Principles are implemented through the following items:
  - the *Environmental Planning and Assessment Regulation 2000* legislation includes a number of specific provisions to complement SEPP 65 to raise the design quality of residential flat development;
  - *Environmental Planning and Assessment Regulation 2002*
  - Residential Flat Design Code – a tool for improving the design of residential flats
  - Residential Flat Design Pattern Book – a resource of ideas and precedents to guide better design of residential flat development in NSW.

The progress of improvements to design quality of residential flat developments through SEPP 65 was published in *Improving Flat Design: a progress report* a report published by the Department in 2004.

The Sustainability Unit is responsible for SEPP 65 and also delivers the Building Sustainability Index (BASIX). The document entitled *SEPP 65 and Multi-Unit BASIX [PDF]* outlines the relationship for Multi-Units.

### Further information

Information Centre

Phone: 02 9228 6333

Email: [sepp65@planning.nsw.gov.au](mailto:sepp65@planning.nsw.gov.au)

## A.28 Designated road

Some roads in the shire are classified as 'Designated Roads' (see definition and maps contained in the Tweed Local Environmental Plan (LEP) Part 5 and Appendix.

For development near designated roads the design and impacts are to be addressed in accordance with Part 5 of the LEP.

Additional front boundary road setbacks apply in accordance with Part 5 of the Tweed Local Environmental Plan (LEP) if your property is zoned 1a, 1b, 1c, 7a, 7d, 7f, 7l, or 5a and is on the a designated road as identified in the table to clause 24 of the LEP.

## A.29 Casuarina Beach 7(f) zone landscape plan

Properties in the Casuarina Beach locality that have areas of the allotment with an LEP zone of 7(f) have strict requirement controlling the use of the 7(f) area.

A landscape plan is to be submitted with the Development application and should be at a scale of 1:100 or 1:200 as appropriate and show in detail the how the 7(f) zone is to be landscaped in accordance with the Casuarina Beach Landscape Guideline available from Council's website.

## A.30 Architectural Review Committee consent

Some housing development areas have a specific developer's requirement to obtain Architectural Review Committee (ARC) consent from the developer. The requirement is usually written into the 88b instrument pertaining to the site and while ARC approval is not a specific Council imposition; in the interest of consistency Council does require a copy of the ARC approval prior to issuing development consent.

This currently applies to developments in:

- Casuarina developments except in deposited plan DP1077697.

## A.31 Coastal hazard erosion assessment

Part 7 clause 36 of the Tweed Local Environmental Plan (LEP) requires consideration of coastal erosion matters. At its meeting of 15 November 2011, Tweed Shire Council adopted The Coastal Hazards Development Plan Section B25.

Coastline hazard studies have also been mapped and predicted coastal erosion lines described as Max 50 year and 100 year Coastal Hazard Lines (see map link below for locations or contact Council for more detail).

## A.32 Demolition work plan

A demolition work plan is a description of the proposed demolition process that identifies how the demolition is to proceed in a controlled and orderly manner.

For development applications that propose demolition, a work plan is to be provided with the Development application and may in some cases also require 'Pre Demolition Testing' for pesticides or other contaminants.

For details of the required information please see Council's work plan and pre demolition information sheet.

## A.33 Heritage conservation areas

Part 5.10 of the Tweed Local Environmental Plan (LEP) requires that areas listed as a heritage item or a Heritage Conservation areas are to have specific consideration to conserve the heritage of the Tweed. Specific design consideration will need to be given to development proposals affected.

Please contact Council's Planning Reforms unit for further information and see Council's LEP Part 5 and Schedule 5.

Visit [www.tweed.nsw.gov.au/PlanningPolicies#](http://www.tweed.nsw.gov.au/PlanningPolicies#) to view Tweed's LEP's.

## A.34 Owner's consent

Forms of acceptable owner's consent:

### 1. Individual Ownership and Joint Owners

All owners **must** sign the application form/or provide a letter of authority stating:

- the correct Lots and DP/SP/NPP the application is to be lodged on
- the site address/es and
- the development description

### 2. Company Ownership

A company can provide owners consent with or without a common seal and the application or authorisation letter must be signed by:

- a. two (2) directors of the company; or
- b. a director and a company secretary of the company; or
- c. for a proprietary company that has a sole director who is also the sole company secretary – that director

### 3. Owners Corporation (Strata Plan)

When the owner of a lot is the Owners Corporation the corporation must either:

- a. sign and stamp the application form; or
- b. provide letter of authority on the corporation's letterhead or with the corporation seal. If the corporation does not have a corporation seal or letterhead, the corporation secretary is to sign the application form/letter of authority stating so.

When the application is lodged on a Strata Plan the Owners consent is required from the Owners Corporation as well as the owner or the subject lot, this can be in the form of:

- a. a letter on the corporation's letterhead or with the corporation seal. If the corporation does not have a corporation seal or letterhead, the corporation secretary is to sign the application form/letter of authority stating so; or
- b. the official minutes of Body Corporate meeting giving consent for that particular application. There should be verification of the minutes by seal or signatures by office bearers or at the very least a signed covering letter verifying the minutes.

If either of the above cannot be provided consent is required from all unit owners in the Strata Plan.

4. Department of Education Ownership

If the Principal of a school signs the development application on behalf of the owner they must also provide a letter of Authority from the Department of Education or a letter from the Minister of the Department of Education.

5. Legal representative for the true owner(s)

Where a person is legally authorised to provide consent on behalf of the true owner(s) in a Power of Attorney, Executor or Trustee capacity, documentary evidence of that legal authority must be attached to the application form/letter of authority or in the case of a Power of Attorney they must provide their Power of Attorney Number.

6. Crown Land

When the application relates to Crown Land the application form/letter of authority must be signed by an authorised officer from the Department of Lands.

7. The subject site is in the process of changing hands or has changed hands in the past six months:

- a settlement letter from a solicitor stating that settlement has taken place and the date of settlement must be provided; or
- the current landowners consent to lodge the application; or
- the transfer of title.

### A.34a Land owned by Local Aboriginal Land Councils

#### Introduction

The *Aboriginal Land Rights Amendment Act 2009* was passed and assented to in September 2009. The Act will commence on 31 March 2010. The Act includes several consequential amendments to the *Environmental Planning and Assessment Act 1979* and the *Environmental Planning and Assessment Regulation 2000*.

#### Additional owners' consent requirements

The amendments to the *Environmental Planning and Assessment Act 1979* and the *Environmental Planning and Assessment Regulation 2000* will mean the following changes to the assessment process for applications under Part 3A and Part 4 of the *Environmental Planning and Assessment Act 1979*:

- If landowner's consent is required from a Local Aboriginal Land Council for project applications and requests for the modification of a project approval under Part 3A and of the *Environmental Planning and Assessment Act 1979*, consent from the NSW Aboriginal Land Council is also required.
- The requirements for concept plan applications and other applications under Part 3A that do not require landowner's consent will not be affected by the changes. If landowner's consent is required from a Local Aboriginal Land Council for development applications and applications for modification of development consent under Part 4 of the *Environmental Planning and Assessment Act 1979*, consent from the NSW Aboriginal Land Council is also required.

- If a Local Aboriginal Land Council (as landowner) authorises another party to submit an application on their behalf, this does not change the requirement to obtain the consent of the NSW Aboriginal Land Council.
- The *Aboriginal Land Rights Amendment Act 2009* introduces a new instrument known as a Dealing Approval Certificate (DAC), which will be necessary for a land dealing related to land vested in NSW Aboriginal Land Council or a Local Aboriginal Land Council. The amendments to the *Environmental Planning and Assessment Act 1979* provide the creation of a DAC will serve as landowner's consent for the purpose of applications lodged under Part 3A or Part 4 of the *Environmental Planning and Assessment Act 1979*.

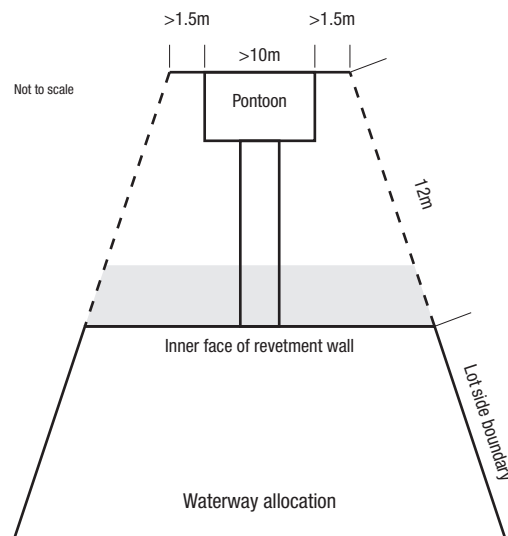
## A.35 Guidelines for the installation of pontoons and boat ramps

### Pontoons

Pontoons for installation in canals and natural waterways are to be designed and constructed to withstand the expected loading from wind, wave action, berthing loads, flood and debris loads, in accordance with the Relevant Australian Design Standards. All applications must be in accordance with the Tweed River Domestic Structures Strategy (2008).

They must conform to the following guidelines:

1. all materials used in the construction are to be suitably corrosive resistant
2. the pontoon and walkway is to be suitably tied to anchor blocks at ground level behind the revetment wall and be structurally independent of the revetment wall
3. pontoons are to be wholly located within the waterway allocation of the lot. The waterway allocation is illustrated below. The waterway allocation extends 12 m from the revetment wall, measured as an extension of the lot's side boundaries. The outside edge of the pontoon is to be no less than 1.5 m from the side boundary of the waterway allocation



4. private domestic pontoons for single lot use may be no more than 10 m in length. Larger pontoons may be considered for shared private, or commercial use
5. boats moored at the pontoon must not exceed the width of the lot's canal or waterway frontage
6. the property owner must consent in writing to:
  - remove the structure, at no cost to the Council, if directed, to permit Canal maintenance
  - maintain the structure in a safe and tidy condition
  - the owner shall obtain Public Liability Indemnity Insurance to the value of \$10,000,000, documentary evidence of this is to be supplied to Council prior to the finalisation of the license agreement
  - a license agreement shall be entered into with Council/ Department of Lands in respect of the use of that part of the public land (canal/drainage easement/natural waterway, etc.) owned by Council or the Crown, occupied by the proposed pontoon
  - fees will be applicable in accordance with Councils fees and charges, or as determined by Department of Lands.
7. the design must present a low visual profile and be aesthetically acceptable.

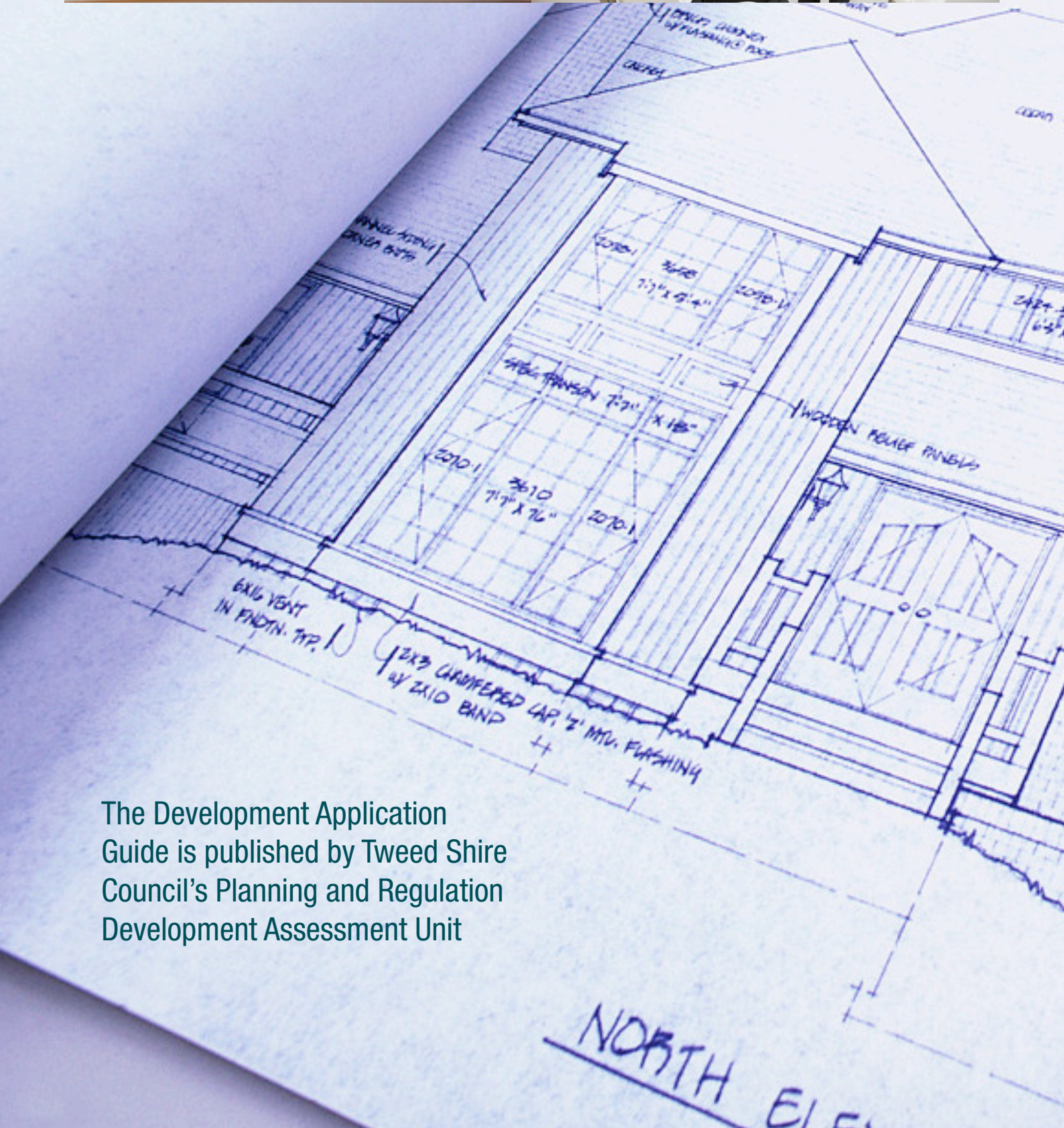
## Boat ramps

Ramps are to be constructed of concrete and must conform to the relevant Australian Standards, as well as the following guidelines:

1. concrete to be not less than 150 mm thick on the Canal side of the revetment wall
2. isolation joints are to be provided on either side of the revetment wall so that the slabs are not supported by it and can move independently
3. adequate cut-off walls are to be provided to prevent scouring under the slabs. Cut-off walls of 600 mm depth at the end of the slab and 300 mm at the side of the slab as a minimum should normally be provided
4. ramps should be wholly located within the frontage of the lot. Boats ramps should be no wider than 3.5m
5. the outer end of the ramp is to be no more than 100mm above the level of the beach
6. the owner shall obtain public liability insurance to the value of \$10,000,000, documentary evidence of this is to be supplied to Council prior to the finalisation of the license agreement
7. a license agreement shall be entered into with Council/ Department of Lands in respect of the use of that part of the public land (canal/drainage easement/natural waterway, etc.) owned by Council or the Crown, occupied by the proposed pontoon
8. fees will be applicable in accordance with Councils fees and charges, or as determined by Department of Lands.

## Applications

Development Applications must be submitted in accordance with Development Application Checklist No. 4 Pontoons and Boat Ramps.



The Development Application Guide is published by Tweed Shire Council's Planning and Regulation Development Assessment Unit



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