

Part 1

STATUTORY INFORMATION







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Part 1 Statutory Information

1.1 About this Development Control Plan

1.1.1 What is a Development Control Plan (DCP)

A Development Control Plan (DCP) is a commonly used town planning document which provides detailed guidance for the use of land and design and assessment of new development.

1.1.2 Name of this DCP

The name of this DCP is Marrickville Development Control Plan 2011. This DCP was adopted by Council on 12 July 2011 and came into effect on 15 December 2011.

1.1.3 Land to which this DCP applies

This DCP applies to the whole of the Marrickville Local Government Area (LGA).

1.1.4 Relationship to other plans

This DCP is to be read in conjunction with Marrickville Local Environmental Plan 2011 (MLEP 2011). In the event of an inconsistency between the provisions of the two documents, the provisions of MLEP 2011 shall prevail to the extent of the inconsistency.

1.1.5 Savings and transitional provisions

This DCP does not apply to an application under *Environmental Planning and Assessment Act 1979* (EP&A Act) which was lodged with Council but not finally determined before the commencement of this DCP. Any application lodged before the commencement of this DCP will be assessed in accordance with any relevant previous DCPs or other Council's policy which applied at the time of application lodgement.

1.1.6 Legislative background

This DCP has been prepared in accordance with Division ~~3.66~~ of the EP&A Act and with Part 3 of the *Environmental Planning and Assessment Regulation 2000* (the EP&A Regulation).

~~Division 3.6 of Part 3 of the EP&A Act introduces new requirements for DCPs. As a result, Council has consolidated and updated all DCPs that apply within the Marrickville LGA into one DCP that repeals all DCPs that previously applied in the Marrickville LGA.~~

On commencement of this DCP, all DCPs which previously applied within the former Marrickville LGA will cease to have effect. This DCP is the only DCP that applies to all land within the Marrickville LGA to which the MLEP 2011 applies.

1.1.7 What does this DCP attempt to do?

The purpose of this DCP is to supplement the provisions of MLEP 2011 and provide more detailed provisions to guide development.

Under Section ~~4.1579C~~ of the EP&A Act, Council is required to consider the relevant provisions of this DCP when assessing a development application. However, compliance with the provisions of this DCP does not guarantee development consent will be granted.

Section ~~4.1579C~~ of the EP&A Act contains other matters that must be considered in assessing a development application.

1.1.8 Non legal parts of this DCP

This DCP contains information based on standards maintained by various agencies or best practice notes. Such information or standards may change without prior notice to Council. This DCP therefore separates this information so it is easily identifiable. The applicant must check the accuracy of this information before lodging a development application. While all attempts will be made to keep this information up to date, Council takes no responsibility for the accuracy of any information provided in that part. Non-legally binding information is provided in:

1.1.8.1 Development application guidelines

All information provided in 'Development Application Guidelines' section of this DCP is for guidance only and does not form part of the adopted DCP. That section is based on best practice notes available at the time of compiling this DCP and is provided in good faith to assist applicants in preparing a development application.

1.1.8.2 Notes

Notes throughout this plan, provided inside a light orange text box as illustrated below, are provided for guidance only and do not form part of the adopted DCP.

This information is provided for guidance only and does not form part of the legal document.

1.1.8.3 Appendices

Appendices provided at the end of several sections of this DCP are provided for guidance and information only and do not form part of the adopted DCP, except where they identify areas on maps.

1.1.9 General aims and objectives

This DCP aims to:

1. Review and amend the contents of Council's existing DCPs so that they reflect contemporary planning practices;
2. Incorporate the amended/updated provisions of the existing DCPs and codes together with new planning provisions on contemporary and other planning issues into a single DCP; and
3. Build upon MLEP 2011 by providing detailed objectives and controls for development.

The objectives of this DCP are:

- O1** To provide detailed design objectives and controls which encourage innovative design that positively responds to the character and context of the locality and which encourage high quality urban design outcomes.



- O2** To ensure future developments consider the needs of all people who live, work and visit the Marrickville LGA, including people with a disability.
- O3** To maintain and enhance the environmental and cultural heritage of the Marrickville LGA.
- O4** To enhance the quality of life and the wellbeing of the local community.
- O5** To support the integration of transport and land use, including increased residential and employment densities in appropriate locations near public transport, while protecting residential amenity;
- O6** To promote sustainable transport, i.e. reduced car use and increased use of public transport, walking and cycling;
- O7** To ensure that development considers the principles of ecologically sustainable development, in particular energy, water and stormwater efficiency, solar access, waste reduction and local biodiversity.
- O8** To ensure that development positively responds to the qualities of the subject site and is appropriate for the site and its context.
- O9** To minimise negative impacts of development on the amenity of surrounding neighbourhood.
- O10** To provide guidelines for specific development types and development sites to ensure appropriate high quality development within the Marrickville LGA.

1.1.10 Structure of this DCP

Table 1 provides an overview of the structure and application of this DCP:

Table 1: Structure of the DCP

Part of the DCP	Main contents	Application
Development Application Guidelines	This is a non legal part of the DCP that introduces the requirements for lodging a development application, types of applications, information to be submitted with a development application and the development application assessment process.	This part provides information on all types of development applications.
Part 1 – Statutory Information	This part contains the general aims and objectives of the DCP, legal information concerning various aspects of the DCP and compliance with the controls and objectives; and the consultation and notification process for applications made under the Environmental Planning and Assessment Act.	This part applies to all types of development in the Marrickville LGA that require Council's consent to carry out that development.
Part 2 – Generic Provisions	This part contains objectives and controls for generic issues such as advertising, equity of access and mobility, solar access, parking, waste management or fencing which may be applicable to more than one type of development. This part is divided into four sub-categories namely environmental/general design principles, environmental amenity, environmental management and environmental site analysis.	This part provides objectives and controls for various aspects of a development activity. For example, a proponent for a dwelling house development must refer to this part to find relevant controls for landscaping, private open space, fencing, privacy, solar access or parking, in addition to specific controls applying to dwelling house development provided in Part 4.
Part 3 – Subdivision, Amalgamation and Movement Networks	This part contains objectives and controls applying to land subdivision.	This part must be referred to if a development activity involves any form of subdivision.

Part of the DCP	Main contents	Application
Part 4 – Residential Development	This part contains specific objectives and controls applying to residential development. It is divided into three parts: Low Density Residential Development; Multi-Dwelling Housing and Residential Flat Buildings; and Boarding Houses. Other forms of residential development like backpackers' accommodation will be added to this Part at a later date.	This part must be referred to for any residential development.
Part 5 – Commercial and Mixed Use Development	This part contains specific provisions applying to mixed use development, office premises, business premises, retail premises and includes provisions relating to commercial/light industrial/residential interface; and design guidelines.	This part applies to commercial developments including developments that contain a commercial component.
Part 6 – Industrial Development	This part includes specific objectives and controls relating to industrial development and includes provisions relating to industrial/residential interface; multi unit industrial development; controls for specific land uses; creative industries; residential uses in specified employment areas; and period industrial buildings.	This part applies to industrial developments, creative industries or live/work buildings in industrial zones.
Part 7 – Miscellaneous Development	This part contains objectives and controls for certain miscellaneous development types not covered elsewhere in the DCP. It is currently divided into two parts: Child Care Centres; and Sex Industry and Adult Business Premises. Other forms of miscellaneous developments such as Telecommunication Facilities will be added to this Part at a later date.	This part applies to those various development types listed.
Part 8 – Heritage	This part provides controls and objectives relating to heritage items and heritage conservation areas.	This part applies to development to a heritage item or in the vicinity of a heritage item or in a heritage conservation area or in the vicinity of a heritage conservation area.
Part 9 – Strategic Context	This part provides objectives and controls, in addition to preceding parts of this DCP, which are specific to a particular area and guide the implementation of the desired future character for that area.	This part must be referred to for any development activity to understand the desired future character of the area or the site and whether there are any specific objectives or controls affecting a proposed development.
Definitions	This part provides definitions of certain terms used in this DCP.	

1.1.11 Compliance with the controls and objectives

Before granting consent for development Council must consider:

- All applicable requirements of MLEP 2011;
- The objectives of this DCP;
- Compliance with the generic provisions (objectives and controls) contained in Part 2 of this DCP;
- Compliance with the relevant objectives and controls in Parts 3 to 8 of this DCP; and



- Compliance with any precinct or site specific controls in Part 9 of this DCP.

Compliance with a development control does not guarantee that the objectives and performance criteria of the DCP are satisfied. In some instances, the design solutions may not be appropriate for the particular site or situation. Therefore, having regard to the physical characteristics of the site and the nature and proximity of adjoining and nearby development, Council may require alternative design solutions.

The controls in this DCP may not normally be varied. However, if an applicant is able to clearly demonstrate that a particular control is unreasonable or unnecessary in the circumstances and that the objective of the control is satisfied, Council may consider waiving or varying the control.

Conversely, having regard to the physical characteristics of the site and the nature and proximity of adjoining and nearby development, Council may require a more restrictive control so as to minimise or eliminate any likely negative impacts.

1.1.12 Order of priority for applying controls

If there is any inconsistency between controls within the DCP, to the extent of the inconsistency, the controls are generally to be applied in the following order of priority:

- 1 – site-specific controls within Part 9
- 2 – precinct-specific controls within Part 9
- 3 – heritage controls within Part 8 (in some instances these will take priority)
- 4 – controls for specific development types within Parts 3 to 7
- 5 – generic controls within Part 2

However, assessment of a proposal will involve consideration of all relevant DCP objectives and controls applied collectively to the specific circumstance to achieve an appropriate development outcome.

1.1.13 Variation to development controls in the DCP

This DCP relies upon the satisfaction of objectives and compliance with development controls and best practice guidelines to shape development outcomes. It aims to allow flexibility in the application of such development controls where strict compliance with the controls is unreasonable or unnecessary. In special circumstances, flexibility can produce improved and innovative solutions for particular sites.

Variation to development controls will only be considered where written justification for each variation request demonstrates why the development control is unreasonable or unnecessary in the circumstances and that the objectives of the development control have been achieved. Any written variation request must:

1. Identify the development control subject of the variation request;
2. Identify the general and/or specific objectives of that control;
3. Justify why the specific provisions of the policy do not make appropriate provisions with regard to the subject application; and
4. Demonstrate why compliance with the provisions of this DCP is unreasonable or unnecessary in the particular circumstances of the case.

2.13

GENERIC PROVISIONS BIODIVERSITY







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Part 2 Generic Provisions

2.13 Biodiversity

Biodiversity refers to the variety of life: the different plants, animals and micro-organisms, the genes they contain and the ecosystems of which they form. Biodiversity is vital in supporting human life. It provides many benefits, including all our food, clean air and water and fertile soils.

2.13.1 Local government and biodiversity

Councils have a range of policy and management functions including:

- Land use planning and development controls that impact biodiversity;
- Maintenance and development of physical infrastructure;
- Waste management;
- Provision of local community education facilities and community awareness programs;
- Management of open space for recreation and conservation; and
- Pollution control.

These and other functions are highly relevant to the local and regional management of biodiversity, a relatively new responsibility for local government.

Over recent years, considerable policy development has occurred through revised planning schemes, local conservation strategies and the Local Agenda 21 initiative that flowed from the 1992 United Nations (UN) Conference on Environment and Development. More recently, a national policy for local government biodiversity management has been developed (ALGA 2000).

2.13.2 Local government provisions for biodiversity

The National Local Government Biodiversity Strategy (NLGBS) established a common policy direction for all local government across Australia, recognising the importance of biodiversity and the need for integrated local government approaches and actions. The NLGBS outlines the following objectives to address five key issues:

1. To develop a national awareness, training and education program.
2. To ensure adequate resourcing for all interested councils or regional organisations in order to have a greater role in biodiversity conservation, including the specific requirements of indigenous communities.
3. To encourage regional partnerships and planning, preferably along existing regional boundaries.
4. To encourage state governments to review, and possibly amend, legislation relating to the role of local government in managing biodiversity.
5. To establish a nationally coordinated information and monitoring system which is integrated with existing databases and to provide councils with basic information on biodiversity in their area.

Those objectives provide a basis for monitoring and evaluating local government needs and achievements in biodiversity conservation.

2.13.3 Protection of endangered/threatened species

~~Threatened species impact assessment is an integral part of environmental impact assessment. An objective of the The objective of Section 5A of the Environmental Planning and Assessment Act 1979 (EP&A Act), the assessment of significance, is to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats, improve the standard of consideration afforded to threatened species, populations and ecological communities, and their habitats, through the planning and assessment process, and to ensure that the consideration is transparent.~~

Objectives

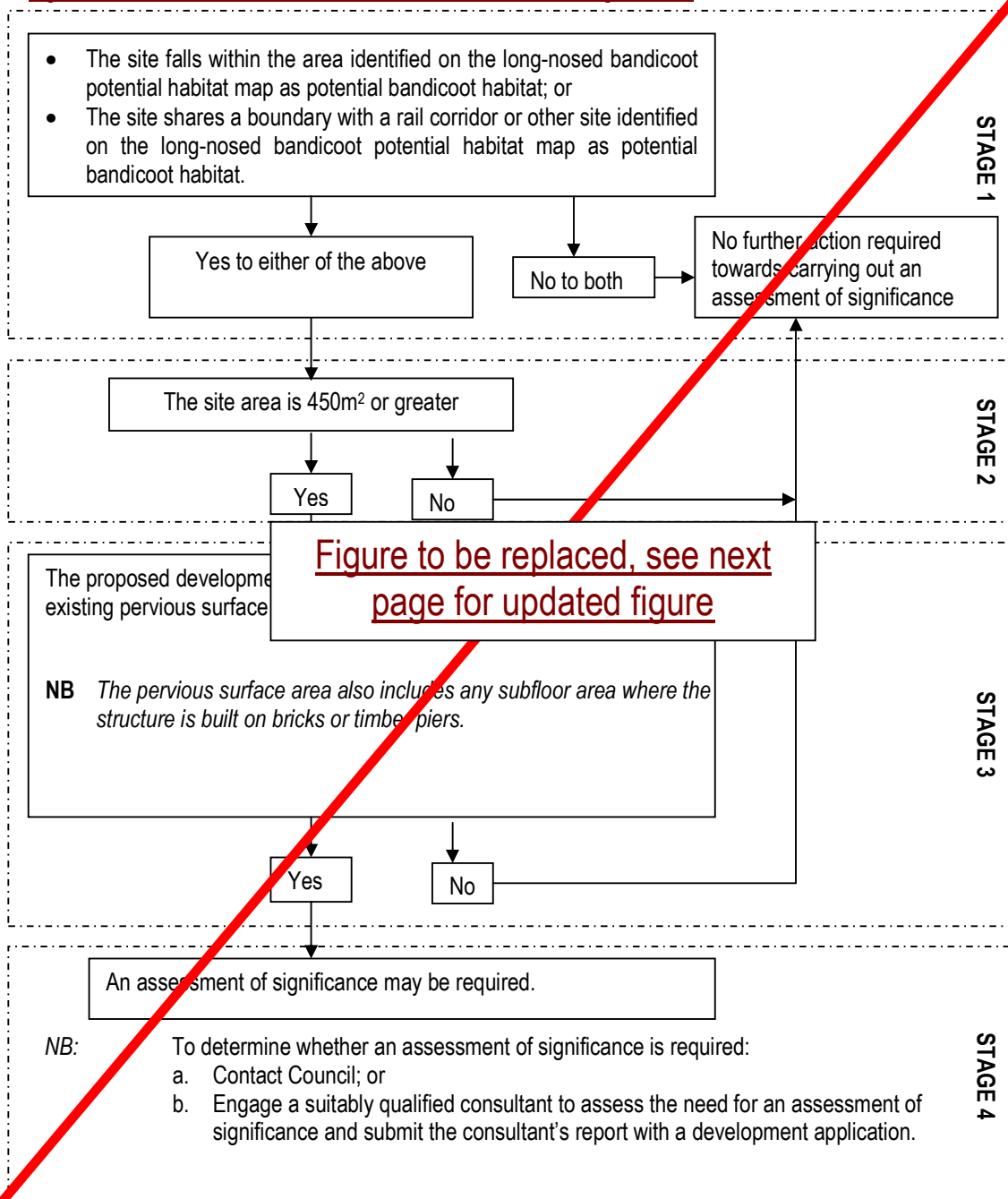
- 01** To protect and promote the recovery of threatened species, populations and endangered ecological communities.

Controls

- C1** Development on land identified on the Biodiversity Map as Bandicoot Protection Area, provided in Appendix 3, may be required to undertake an assessment of significance. Figure 1 outlines the decision making framework used to determine whether there may be a significant impact on the long-nosed bandicoot population and the need to undertake an assessment of significance.

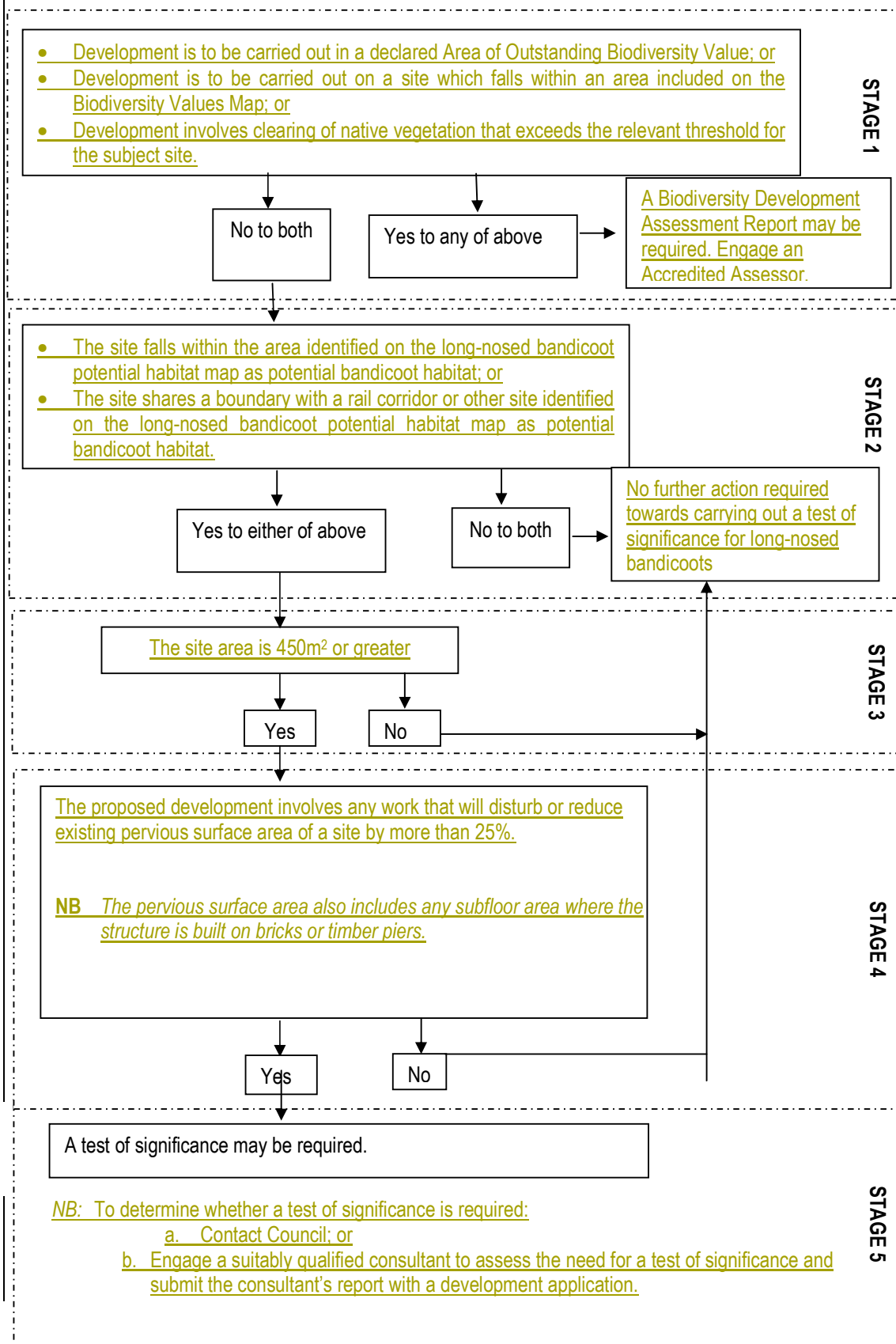


Figure 1 - Criteria to determine the need for an assessment of significance



PART 2: GENERIC PROVISIONS

Figure 1 - Criteria to determine the need for an assessment of significance for long-nosed bandicoots





2.13.4 Wildlife corridors

Wildlife corridors are vegetation features (preferably remnant bushland, but may include remnant trees, native plantings, weed thickets and gardens) that connect larger areas of remnant bushland and facilitate fauna movement. Fauna movement allows dispersal, interbreeding and re-colonisation to occur, improving long-term viability of the species. Fauna movement also facilitates pollen and seed dispersal, enhancing the viability of plant populations. Continuous corridors are preferable, but discontinuous corridors still contribute to fauna movement and can potentially be improved through habitat enhancement.

Objectives

- O2** To provide natural habitat for local wildlife and benefits to the community.
- O3** To retain and enhance native vegetation and the ecological functions of wildlife corridors.
- O4** To reconstruct habitat in non-vegetated areas of wildlife corridors that will sustain the ecological function of a wildlife corridor and that, as far as possible, represents the combination of plant species and vegetation structure of the original community.

Controls

- C2** Development on land identified on the Biodiversity Map as Wildlife Corridor, provided in Appendix 3, must incorporate native vegetation as part of any landscaping works.

NB A detailed list of native vegetation is provided in Section 2.18 (Landscaping and Open Spaces) of this DCP.

2.13.5 Development near parks, bushland reserves and other public open spaces

The impacts of development on natural areas and public spaces can be partly redressed through sympathetically designed development, the retention of remnant vegetation areas and by providing suitable habitat in parks and private gardens.

Objectives

- O5** To protect and preserve bushland adjoining parks, bushland reserves and other public open spaces.
- O6** To ensure development responds to its adjacent surroundings and helps preserve and enhance the natural qualities of the environment.
- O7** To encourage development that complements the landscape character and public use and enjoyment of the land adjacent to open spaces.

Controls

- C3** Buildings must be located to provide an outlook to public open space without appearing to privatise that space.
- C4** Development must provide a visual transition between open space, bushland reserves or other public spaces and buildings, including avoiding abutting public open space with back fences.
- C5** Development must protect views to and from public open spaces.

NB *The above controls can be best addressed through a detailed site and context analysis. See Section 2.3 (Site and Context Analysis) of this DCP.*

2.13.5.1 Advisory notes

Where suitable, development should ensure access to public open space is provided via roads or easements for access.

Development may retain outlook and views by:

1. Choosing materials that minimise building mass;
2. Articulating the building elevation, fence and wall materials, height, design and the selection of landscape; or
3. Selection of suitable vegetation to form an attractive transition to the open space.

The transition between development and open space may be enhanced by:

1. Incorporating a vegetation link to open space with the landscaping design;
2. Providing a similar landscaping design and plant species as the adjacent bushland;
3. Selecting fence materials that integrate with the open space characteristics;
4. Locating the building away from the open space areas;
5. Relating building heights to open space vegetation height;
6. Preserving significant fauna and flora habitats;
7. Providing a protective buffer between the development and bushland;
8. Not introducing non native flora and fauna;
9. Minimising clearing; or
10. Providing on-site soil and water management that treats stormwater before it enters bushland.

Views to and from open space may be protected by:

1. Avoiding development that may interrupt the skyline;
2. Minimising clearings to avoid fragmentation of the landscaping especially adjacent to bushland reserves;
3. Limiting the height of development to below the tree canopy; or
4. Setting development back from the open space area.

2.13.6 Waterways and riparian lands

River health is influenced by the function and health of the stream banks or land adjoining the waterway, which is referred to as the 'riparian' zone, land or corridor.

Objectives

- | | |
|------------|--|
| O8 | To protect, maintain and enhance the ecology and biodiversity of waterways and riparian land. |
| O9 | To encourage development to be located outside waterways and riparian land. |
| O10 | To avoid impacts that will result in an adverse change in watercourse or riparian land condition. |
| O11 | To minimise risk to life and property from stream bank erosion and flooding by incorporating appropriate controls and mitigation measures. |
| O12 | To maintain and improve access, amenity and scenic quality of waterways and riparian lands. |



Controls

C6 Infrastructure such as roads, drainage, stormwater structures or services must be located outside land identified as a waterway and riparian land.

NB *Development within 40 metres of a waterway may require a "controlled activity approval" pursuant to the Water Management Act 2000. Development that requires a controlled activity approval under that Act constitutes integrated development pursuant to Sections ~~4.4694~~ and ~~4.4794A~~ of the EP&A Act. Before granting development consent to an application for consent to carry out the development, the consent authority must obtain the general terms of any approval from the relevant approval body. Applicants need to refer to this legislation separately.*

Appendix 1 – Long-nosed Bandicoot factsheet

Long-nosed Bandicoot

Scientific Name:
Perameles nasuta

Conservation Status in NSW:
Endangered population

Photo: Paul Meek ©DECCW



A colony of Long-nosed Bandicoots (*Perameles nasuta*) has recently been rediscovered within the suburbs of Dulwich Hill, Lewisham and Petersham in Sydney's inner west. This population of Australian native, nocturnal marsupials has been declared as an Endangered Population under the [Biodiversity Conservation Act 2016](#) [NSW Threatened Species Conservation Act 1995](#).

Description

Long-nosed Bandicoots have a longer nose than feral rats. They have a creamy white contrast to their brown coat over their forelimbs, hind limbs and underbelly. Adult Long-nosed Bandicoots are much larger than rats, attaining sizes similar to adult rabbits. Their ears are more elongate and pointy than rats' ears, too.

Size: Ranging from 310mm - 425mm in length, tail length varies from 120mm - 155mm and body weight may vary from 850grams - 1100grams.

Colour: Typically dark; greyish-brown above and creamy white below. The forefeet and upper surfaces of the hind feet are also creamy white. The muzzle is long and pointed and the ears are large and distinctly pointed.

Diggings: When foraging for food, bandicoots dig small conical holes with their forefeet which are just large enough for their long pointy snout. Those diggings can be indicators of the presence of bandicoots in an area, but they can be confused with diggings by rats, rabbits and pied currawongs, as well as other animals. Their depth is anywhere between a few centimetres and 15cm and approximately the circumference of a twenty cent coin.

Habitat and ecology

Diet: Consists primarily of beetles, larvae, cockroaches, ants and plant material including leaves, stems and tubers and fungi.

Threats: The Long-nosed Bandicoot population is threatened by habitat loss and fragmentation as a result of urban development, predation by domestic cats, dogs and



Conical bandicoot diggings



introduced foxes as well as deaths resulting from road accidents, depression and disease (toxoplasmosis).

Finding a bandicoot

If a bandicoot is found while undertaking construction, contact any of the following organisations immediately:

WIRES	1300 094 737
Sydney Metropolitan Wildlife Services	9413 4300
(‘Sydney Wildlife’)	
Livingstone Road Animal Health Centre, Petersham	9568 3077
<u>Coordinator Urban Ecology Volunteers and Projects</u>	<u>9392 500035-2222</u>
<u>Inner West Council Biodiversity Coordinator at</u>	
<u>Marrickville Council</u>	

Protecting the bandicoot population

- Establish an area in the garden as a native fauna sanctuary, to provide shelter and food;
- Remove exotic noxious weeds and replace with local native plants in clusters, with a variety of local native grasses, shrubs and trees to provide protective habitat;
- Keep cats and dogs indoors from dawn to dusk (bandicoots are highly vulnerable to predation); and
- Avoid insecticides by promoting a natural ecosystem; natural predation will keep the local environment in balance.

More information:

<https://www.environment.nsw.gov.au/threatenedspeciesapp/profile.aspx?id=20107>
<http://www.nationalparks.nsw.gov.au/npws.nsf/content/bandicoots>

Appendix 2 – Grey-headed Flying Fox factsheet

Grey-headed Flying Fox

Scientific Name:
Pteropus poliocephalus

Conservation Status in NSW:
Vulnerable

Conservation Status in Australia:
Vulnerable

Photo: Vivien Jones



Description

The Grey-headed Flying Fox is a fairly large arboreal mammal with a wingspan of up to one metre and a head and body length of 230mm-288mm. They have a reddish-yellow mantle encircling the neck and a grey or whitish grey head. Fluffy, dark brown fur extends to the ankle - unlike other flying foxes whose fur only reaches the knee.

Habitat and ecology

The Grey-headed Flying Fox's social structure is organised around roost sites, known as camps, consisting of hundreds of individuals. They will utilise most habitat types which provide food, particularly eucalyptus woodlands and forests, typically near water. They feed on a variety of flowering and fruiting plants and are responsible for seed dispersal of many rainforest trees, such as native figs and palms. They also feed extensively on the blossoms of eucalypts, angophoras, tea-trees and banksias and are an important pollinator of those species.

Threats

Loss of habitat is the primary reason for the decline of Grey-headed Flying Foxes. The continuing loss of natural food resources means that they must search elsewhere for food, including fruit crops, which then become a problem for cultivated fruit growers. They are greatly depleted in numbers and the prediction is that they will continue to decrease by at least 20 per cent in the next three generations given the continuation of the current rate of habitat loss. Other factors that impact on the species are shooting and electrocution from farmers, and disturbance and destruction of roosting sites from habitat modification.



Finding a Grey-headed Flying Fox

If a Grey-headed Flying Fox is found while undertaking construction, you should contact any of the following organisations immediately:

WIRES	1300 094 737
Sydney Metropolitan Wildlife Services (‘Sydney Wildlife’)	9413 4300
Livingstone Road Animal Health Centre, Petersham	9568 3077
<u>Coordinator Urban Ecology Volunteers and Projects</u>	<u>9392 500035-2222</u>
<u>Biodiversity Coordinator at Marrickville Inner</u>	
<u>Council</u> <u>West Council</u>	

Protecting Grey-headed Flying Foxes

- Establish an area in the garden as a native fauna sanctuary, to provide shelter and food;
- Protect roost sites, particularly avoiding disturbance September through November; and
- Avoid insecticides by promoting a natural ecosystem; natural predation will keep the local environment in balance.

More information:

<https://www.environment.nsw.gov.au/threatenedSpeciesApp/profile.aspx?id=10697>
<http://www.threatenedspecies.environment.nsw.gov.au/tsprofile/profile.aspx?id=10697>

Guidelines

DEVELOPMENT APPLICATION GUIDELINES







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Development Application Guidelines

Council has outlined a step-by-step development assessment process on the Council website. Reference should also be made to “Development application Checklist” and “Development Application Documentation Requests” forms.

This is amended from time to time to take into account legislative amendments and best practice.

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

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

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

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

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

~~Title block~~

~~A title block on every plan must show:~~

- ~~• Name of architect or draftsman;~~
- ~~• Plan number and date;~~
- ~~• Amendment number and date (if relevant);~~
- ~~• Applicant name; and~~
- ~~• Location and description of property.~~

Orientation

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

Scale

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

Levels

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

List of existing and proposed fire safety measures

The *Environmental Planning and Assessment Regulation 2000* (the EP&A Regulation) requires:

A list of fire safety measures already installed in the building (not just the part of the building to be occupied); and

A list of any proposed fire safety measures to be installed.

These lists are only required to be submitted with the development application where a change of use is proposed. The relevant required checklist that addresses change of use applications expands on this requirement.

Number of copies to be submitted

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

A.1.2 Plans and information to be submitted

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

A.1.2.1 Site and context analysis plan and report

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

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

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

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

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

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

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



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

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

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

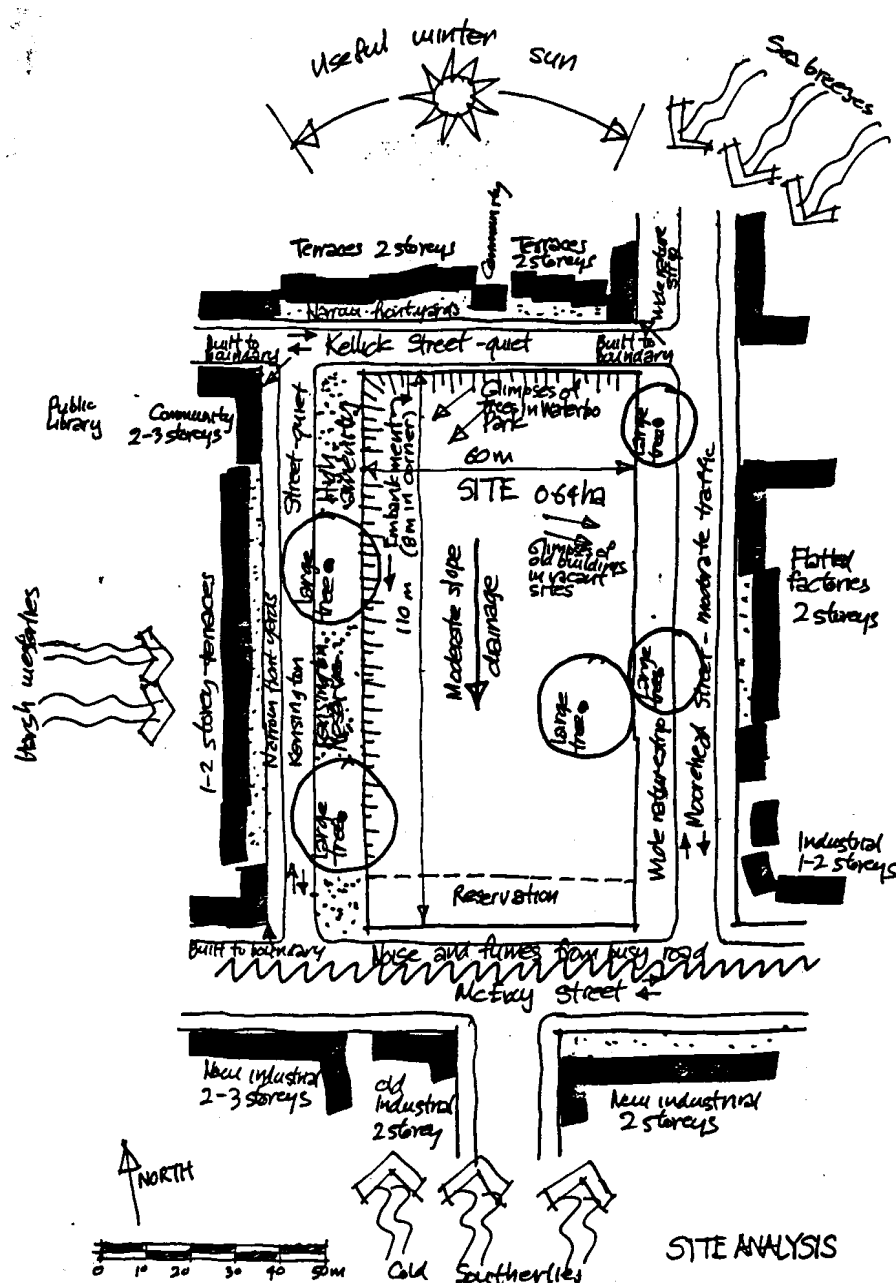


Figure 2: A sample of site and context analysis plan

A.1.2.2 — Scaled plans, elevations and sections

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

Plans

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

Elevations and sections

An elevation viewed from each direction, as well as longitudinal and cross sections of each proposed building, must show:

- Existing buildings (outline only);
- Building facade, windows and roof profile;
- External finishes (including wall, roof, window, door and fence materials and paint colours);
- Finished ground levels, floor levels, ceiling levels, roofline levels and driveway grade;
- Chimney flues, exhaust vents and ducts (show height in relation to adjoining roof levels);
- Retaining walls and fences (indicate height); and
- The extent of excavation or filling of the site.

A.1.2.3 — Schedule of colours and finishes

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

A.1.2.4 — A4 sized plans and elevations

A4 plans are required for all development applications to assist public consultation. They must illustrate the site location, height and external configuration of the proposal on A4 sheets and must be legible. Council will provide copies of the A4 drawing to anyone affected by the development. The A4 plan must show:

- North point (true north);
- A plan view showing proposed buildings and works;
- In relation to boundaries and adjoining buildings, setback distances from boundaries and adjoining buildings and all access ways and parking areas; and
- Elevations showing proposed finished levels and heights in relation to adjoining outbuildings and roads.



A.1.2.5 — Survey plan

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

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

A.1.2.6 — Landscape plan

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

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

A.1.2.7 — Drainage plan

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

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

Site

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

Stormwater

- Infiltration measures such as soakage trenches, swales, landscaping or permeable pavements. Infiltration must not be used in areas where the water table is close to existing or proposed surface levels, or in areas where rock is located adjacent to the surface. Infiltration measures must be supported with appropriate calculations by a qualified geotechnical or hydraulic engineer and be in accordance with Council's requirements;

- Stormwater storage or detention systems (for areas likely to require on-site detention), including the proposed location of any stormwater detention system and the stormwater detention calculations for sizing the system;
- Notional location and approximate area of any existing on-site detention facilities within the site;
- Proposed on-site detention stored water levels and emergency spillways;
- Notional locations and levels of proposed stormwater pipes and drainage pits;
- Location of, and design section through, any sediment/silt arrestor pit or discharge control pit;
- Subsoil drainage including point of discharge to infiltration, a landscaped area, or to a Council-controlled stormwater pile (note that subsoil water is not to drain to the kerb/gutter or a table drain);
- Discharge points to Council-controlled stormwater;
- Drainage system (show levels at these locations);
- Overland flow paths or present flood liable areas; and
- Council-controlled pipelines and existing or proposed drainage easements across adjoining land.

A.1.2.8 Erosion and sediment control plan

The erosion and sediment control plan is required for all new buildings and for alterations and additions to existing buildings that involve changes to stormwater drainage. This plan must show how erosion will be prevented from a construction site and how washing or blowing of sediment into adjoining land or into Council's stormwater drainage system will be avoided. The erosion and sediment control plan must be to the same scale as the building plans and elevations and show:

- The location of site boundaries and adjoining roads;
- Approximate grades and indications of direction(s) of fall;
- The nature and extent of earthworks, position of stockpiles;
- The location of site access (stabilised access points), proposed roads and other impervious areas;
- Existing and proposed drainage patterns with stormwater discharge points and where applicable, the diversion of runoff from upslope lands around the disturbed areas;
- The location and extent of sediment trapping devices such as sediment fences, geo-textile fabric filters, stockpiles covers, sediment traps, sediment basins and grade stabilising structures; and
- Proposed revegetation and stabilisation areas.

A.1.2.9 Subdivision plan

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

The plan of subdivision is required for all subdivision and must clearly show the proposed subdivision layout. Prepare the plan to a standard scale such as 1:100 or 1:200 and show the following details:

- True north point;
- Scale (show ratio and bar scale);
- Existing and proposed boundaries;
- Lot and deposited plan numbers;
- Relationship to adjoining roads and subdivision boundaries (show width of roads);
- Proposed boundary dimensions (metres);



- Proposed lot areas (square metres);
- Indicative sketch (footprint) of proposed development(s) for the new lot(s), if not accompanied by development application for building(s) on the new lot(s);
- Proposed roads or pathways (indicate width);
- Proposed easements and rights of way;
- Proposed public reserves or drainage reserves;
- Existing and finished levels (contours or spot heights with AHD values);
- Long sections and cross sections of proposed roads or driveways in rights of carriageways; and
- Any environmental constraints.

A.1.2.10 Shadow diagrams

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

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

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

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

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

A.1.2.11 Recycling and waste management plan

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

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

- Specify wastes by type and volume and nominate reuse and recycling potential;

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

A.1.2.12 — Photographs and photo-montages

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

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

A.1.3 — Statement of Environmental Effects

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

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

A.1.3.1 — What to include in a SEE

The SEE must address all applicable issues, the most common of which are discussed below. Check with Council for requirements specific to the proposal or site.

Site suitability

Required for all development applications except minor alterations or additions.

Present and previous uses of the land

Required for all development applications.

Compliance with development standards

Required for all development applications, except minor additions, outbuildings and change of use applications.

Compliance with development controls

Required for all development applications.

Operation and management

Generally required in the form of a plan of management (POM) for development applications for backpackers' accommodation, boarding houses, brothels and sex services premises, entertainment facilities, events/festivals or commercial and industrial proposals with extended trading hours or close to residential land uses. Refer to Section A.2.6 for more details.

**Access and traffic**

Required for all development applications including alterations and additions that change existing parking and access arrangements.

General accessibility

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

Privacy, views and overshadowing

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

Waste Management

Required for all development applications where waste management is involved.

Noise generation

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

Drainage

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

Erosion and sediment control

Required for all proposals that involve excavation, earthworks or clearing.

Heritage

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

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

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

Energy efficiency

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

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

Site management

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

A.1.4 SEPP 65 assessment

An assessment under SEPP 65 is required to be submitted with a development application for any residential apartment development or mixed use development

containing four or more dwellings and three or more storeys. Such applications must be accompanied by a statement from a qualified architect or designer. The statement must:

Verify that he or she designed, or directed the design of, the development; and

Provide an explanation that verifies how the development:

Addresses how the design quality principles are achieved, and

(ii) — Demonstrates, in terms of the Apartment Design Guide, how the objectives in Parts 3 and 4 of the guide have been achieved.

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

Verify that he or she designed, or directed the design of, the modification of the development and if applicable, the development for which the development consent was granted; and

Provide an explanation of how:

the design quality principles are addressed in the development, and

(ii) — in terms of the Apartment Design Guide, the objectives of that guide have been achieved in the development, and

Verify that the modifications do not diminish or detract from the design quality, or compromise the design intent, of the development for which the development consent was granted.

BASIX

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

Plan of Management

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

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

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

A.1.4.1 — When a POM is required

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

- — Twenty four hour operation of commercial or industrial premises close to residential or other sensitive land uses;



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

A.1.4.2 Details to include in a POM

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

Title

The POM must have a clear title providing:

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

Objectives

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

Operational details

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

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

Hours of operation

Complete hours of operation must be shown, including a breakdown, where applicable, on the type of activities taking place and number of staff involved at different times of the day and different days of the week.

Staffing details

Total staff working on the premises must be shown, including any variation to the staffing level at different times of the day or week, or in different seasons.

Guidelines for staff

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

Deliveries and loading/unloading

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

Customers and patrons

Details on handling customers or patrons, where applicable, must be included in the POM. Such details, as a minimum, must involve:

- Customers' and patrons' orderly entry and exit to and from the premises;
- Premises where customers or patrons have to wait before being served must include a designated waiting area and the POM must include details on the management of such waiting areas;
- Location of the premises where customers or patrons will mainly concentrate;
- Location of internal amenities exclusive to customers or patrons; and
- Assistance available to customers or patrons for their safety and enjoyment while on the premises.

Security

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

Complaint recording and handling process

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

Review process

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

A.1.5 Minimum lodgement requirements

Table 1 summarises the minimum information requirements for lodging a development application. However, a full review of the DCP is recommended to ensure all necessary supporting information is lodged.

Table 1 does not cover all types of development. Contact Council's Customer Service Centre to determine the minimum information required to be lodged in support of a specific development application.



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

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

LEGEND

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

Table 1: Matrix of minimum lodgement requirements

	Alterations and additions	Boarding house	Change of use	Child care centre	Dwelling house	Educational establishment	Industrial development	Mixed use	Multi dwelling housing	Residential flat building	Retail/business/office	Sex services premises including brothels	Subdivision	Tourist & visitor accommodation	Warehouse or distribution centre
Site and context analysis – written statement and plan	?	✓	*	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Statement of Environment Effects (SEE)	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Site plan	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Subdivision plan	?	*	*	*	?	*	?	?	?	?	?	*	✓	*	*
Floor plans	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	?	✓	✓
Elevations	?	✓	?	✓	✓	✓	✓	✓	✓	✓	✓	✓	?	✓	✓
Sections	?	✓	?	✓	✓	✓	✓	✓	✓	✓	✓	✓	?	✓	✓
Shadow diagrams	?	✓	*	✓	✓	✓	✓	✓	✓	✓	✓	✓	?	✓	✓
Streetscape perspectives	?	✓	*	✓	✓	✓	✓	✓	✓	✓	✓	✓	?	✓	✓
Photomontages	*	?	*	?	?	?	?	✓	✓	✓	✓	*	*	?	?
3D models	*	?	*	?	*	?	?	✓	✓	✓	?	*	*	?	?
SEPP 65 design verification	*	*	*	*	*	*	*	?	?	?	*	*	*	*	*
BASIX certificate											*	*	*	*	*
Landscape plan											?	?	*	✓	✓
Schedule of external finishes											✓	✓	*	✓	✓
Tree survey/arborist report											?	?	?	?	?
Social impact assessment (SIA)											?	✓	*	✓	*
Noise impact assessment report											?	?	*	?	*
Geotechnical impact assessment reports	*	?	*	?	?	?	?	?	?	?	?	?	*	?	?
Acid sulfate soil assessment reports	?	?	*	?	?	?	?	?	?	?	?	?	?	?	?
Traffic impact assessment reports	*	?	?	?	*	?	?	?	?	?	?	?	*	?	?
Heritage impact assessment reports	?	?	?	?	?	?	?	?	?	?	?	?	?	?	?
Threatened species -statement of significance	?	?	?	?	?	?	?	?	?	?	?	?	?	?	?
Drainage concept plans and calculations	*	✓	*	✓	✓	✓	✓	✓	✓	✓	✓	✓	?	✓	✓
Preliminary contamination investigation report	?	?	?	?	?	?	?	?	?	?	?	?	*	?	?
Erosion and sediment control plan	?	?	*	?	?	?	?	?	?	?	?	?	*	?	?
Demolition work plan	?	?	*	?	?	?	?	?	?	?	?	?	*	?	?
Recycling and waste management plan	?	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	*	✓	✓
Plan of management (POM)	*	✓	?	?	*	?	?	?	*	*	?	✓	*	✓	*
BCA compliance report	*	?	?	?	*	?	?	?	?	?	?	?	*	?	?

Delete



A.2A.1 Development Application Lodgement Process

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

A.2.1A.1.1 Exempt and Complying Development

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

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

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

A.2.2A.1.2 Over-the-counter verbal advice

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

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

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

A.2.3A.1.3 'Pre-DA' advisory panel meetings

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

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

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

A formal pre-DA meeting involves submitting a preliminary set of plans and information to Council, a meeting with Council officers, and (depending on the nature of the

proposal) provision of Council's response in the form of a written report, reflecting to the main issues discussed at the pre-DA meeting.

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

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

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

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

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

A.2.4A.1.4 Lodgement of a development application

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

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

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

A.2.4.1A.1.4.1 Designated development

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

A.2.4.2A.1.4.2 Integrated development

Under Section ~~4.46~~⁹¹ of the EP&A Act, a range of development applications may be classified as integrated development requiring formal concurrence approval from a public authority.



A.2.4.3A.1.4.3 Section 4.5596(1) application – Modifications involving minor error, misdescription or miscalculation

A Section 4.5596(1) application may be lodged with Council to seek to modify a development consent in order to rectify a minor error, misdescription or miscalculation.

A.2.4.4A.1.4.4 Section 4.5596(1A) application – Modifications involving minimal environmental impact

A Section 4.5596(1A) application may be lodged with Council for any modification involving minimal environmental impact.

Council will assess the application, taking into account:

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

A.2.4.5A.1.4.5 Section 4.5596(2) application – Other modifications

A Section 4.5596(2) application may be lodged with Council for other modifications to the consent.

Council will assess the application, taking into account:

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

A.2.4.6A.1.4.6 Section 8.2A Review Requests (review of a determination of a development application)

An applicant who is dissatisfied with Council's determination of their development application may lodge a Review Request under Section 8.2A of the Environmental Planning and Assessment Act requesting Council to review that determination.

Under Section 8.2A of the Act a request must be made and determined by Council within **six (6) months** of the date of the determination of the original application.

Under Section 8.52A(4) of the Environmental Planning and Assessment Act, 1979, Council, when considering a request to review a Determination, must:

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

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

NB Section ~~8.24~~ Review Requests are subject to the same lodgement requirements as other applications discussed previously in Section A.2.

~~A.2.4.7A.1.4.7~~ Section ~~8.296AB~~ Review Requests (review of a determination of a Section ~~4.5596~~ application)

An applicant who is dissatisfied with Council's determination of their application under Section ~~4.5596~~ of the Environmental Planning and Assessment Act may lodge a Review Request under Section ~~8.296AB~~ of the Act requesting Council to review that determination.

Under Section ~~8.296AB~~ of the Act a review request of that determination must be made to Council within **twenty eight (28) days** of the date of the determination of the original application.

NB Section ~~8.296AB~~ Review Requests are subject to the same lodgement requirements as other applications discussed previously in Section A.2.

~~A.3~~~~A.2~~ Development Application Assessment Process

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

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

In assessing an application, Council will consider a range of the matters, including (but not necessarily limited to):

- EP&A Act, in particular the 'matters for consideration' as listed under section ~~4.1579C~~;
- The EP&A Regulations;
- Any SEPP which applies to the land or development type;
- Any State Code which applies to the land or specific development type;
- MLEP 2011;
- This DCP;
- Any draft environmental planning instrument which has been exhibited;
- The LG Act and Regulations;
- The BCA;
- Any other relevant legislation;



- Previous NSW Land and Environment Court judgments and planning principles which may be relevant in the assessment of an application for a particular land use;
- Any public submissions received during the public exhibition of the application;
- Any comments made by a relevant public authority; and
- Internal and external statutory and non-statutory referrals.