

Development Application Checklist LEP 2005



When to use this form

To be submitted with a Development Application (DA) for residential development for land zoned under Blue Mountains Local Environmental Plan 2005 (LEP 2005).

This document refers to requirements listed under the LEP 2005 and Blue Mountains Better Living Development Control Plan (BLDCP)

The LEP 2005 may be found at: <https://legislation.nsw.gov.au/view/html/inforce/current/epi-2005-0633>

The BLDCP may be found at: <https://www.bmcc.nsw.gov.au/development-controls-for-deferred-matters/better-living-dcp-2005>

All development applications are to be lodged via the NSW Planning Portal. <https://www.planningportal.nsw.gov.au/onlineDA>. This checklist must be submitted with your application.

Introduction

- This checklist will help you to prepare and lodge an assessment ready development application for single dwellings, additions and alterations to dwellings, and ancillary residential structures such as garages, car ports, swimming pools and secondary dwellings.
- Please ensure that your application contains all the information listed in the table. Tick the column (Y/N or N/A) and include this form with your application documentation on the NSW Planning Portal.
- Where you are seeking to vary a standard either within the LEP or the BLDCP it is recommended that you first obtain pre-DA advice from the Development Advice Team.
- An assessment ready application will give your application the best chance of a smooth development assessment process. The majority of delays in granting approval result from incomplete applications.

Lodgement

- All information required by the checklist must be submitted with your DA on the NSW Planning Portal.
- Incomplete applications or illegible information will not be accepted by Council.
- All fees are to be paid within 14 days of the date of invoice or the application will be returned.

Development Application Checklist

Property details

Lot Section DP
<input type="text"/>
Address
<input type="text"/>
<input type="text"/>

Preliminary Checks

1. Pre DA advice

Has this proposed development been the subject of formal pre-DA advice?
If so, please provide a copy of the advice.

Yes No N/A

2. Cost of development

The DA must nominate the estimated cost of development (which includes consultant fees) as defined in s.251 of the *Environmental Planning and Assessment Regulation 2021*.

Note: This may need to be accompanied by either a Cost Summary Report or a Registered Quantity Surveyor's Detailed Cost Report for development costs more than \$500,000.

Yes No N/A

Plans

All plans must contain the property address, plan number and date of preparation, or amendment number and date of amendment. *Note: All plans are to be fully annotated/dimensioned and be to a common scale (e.g. 1:100 or 1:200).*

3. Survey plan

A survey prepared by a registered surveyor is required for all new dwellings and may be required for some additions/ alterations and ancillary development. The survey provides accurate site dimensions and identifies easements and/ or restrictions on the site. The survey should show contours at 1m or 0.5m intervals and show the location of trees on the site and on adjoining sites within 5 metres of the property boundary. The survey should also plot all existing structures and the location of adjoining structures within 5 metres of the property boundary. This survey will inform other plans required.

Yes No N/A

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4. Site Analysis Plan

The site analysis plan shows all the existing conditions of the site. See cl. 42 and cl. 43 of the LEP 2005 for information on how to prepare a site analysis plan. Minor works such as additions or alterations may incorporate the site analysis plan with the proposed site plan. The plan must contain:

- The location, boundary dimensions, site area, true north point, contours (usually 1m intervals)
- Existing levels of the land in relation to buildings and roads (for land in Protected Area-Escarpment Area show the Relative Levels (RLs) of the highest point of buildings on adjoining land)
- Location and uses of existing buildings and structures, and location of trees/ vegetation, on the site and on adjoining properties (within 5 metres of property boundary)
- Details of any right-of-way or easements
- Access and street features, including roads, poles, footpath, driveway, street trees.
- Zoned boundaries (if site includes more than one zone).
- Location of any Protected Areas located on the site.

Yes No N/A

5. Proposed site plan

The proposed site plan shows all buildings and structures proposed by this application. The BLDCP provides details of requirements for the proposed site plan in Part B (p.4). The proposed site plan must contain:

- The location of proposed buildings (including extensions or additions to existing buildings or works) and buildings to be demolished. Show setbacks for all new work to the property boundary.
- Proposed driveways, car parking and/or garaging, dimensions and ramp gradients
- Calculations of existing and proposed site coverage.
- Location of waste management areas.
- The location and identity of existing trees and other vegetation for removal and retention.

Yes No N/A

6. Demolition plan

Where demolition work is proposed. Clearly indicate those structures proposed for demolition. Details of requirements are provided in Part C1.4 (p8) of the BLDCP.

Yes No N/A

7. Floor Plans

Floor plans must be provided for all new work and clearly indicate:

- The layout of the proposed development on all floors.
- Internal walls/partitions and room names or uses.
- Stated dimensions of existing and proposed work (all proposed works are to be highlighted clearly).
- Proposed use of each room.

Yes No N/A

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8. Elevations and Sections

New external work needs to show all elevations and sections and clearly indicate:

- Natural ground level and any proposed changes to ground level.
- Height of the proposed development from existing ground level to finished floor level(s), ceiling and roof ridge levels.

Note: Building height is defined under LEP 2005 as: “the distance measured in metres vertically from the highest point of the roof to the finished ground level immediately below that point.”

Yes No N/A

9. Cut/ Fill/ Retaining

If cut and/ or fill is proposed, a cut and fill plan with retaining wall detail must be provided.

See cl. 58 of the LEP and Part D1.2.1 of the BLDCP for requirements.

Note: Existing and proposed ground levels, retaining walls and boundary fencing must be shown to Relative Levels (RLs) on the development plans and all elevations and sections. The height of retaining walls is to be shown.

Yes No N/A

10. Materials and Finishes

Where new external work is proposed; details of external colours, materials and finishes are to be provided.

See cl. 60 and Schedule 2, Part 2 Division 2 (1) Retaining character within the Living Conservation zone of the LEP for further requirements in relation to materials and finishes.

Yes No N/A

11. Shadow Diagrams

For dwellings/ additions/ buildings two (2) or more storeys high, shadow diagrams prepared by an appropriately qualified person have been provided.

See Part C5.4 (p.3) of the BLDCP for requirements. Note that building height in the Living Conservation zone is controlled by Schedule 2 Part 2 Division 1 (1) – Building Height.

Yes No N/A

12. Tree retention/ removal plan

If trees are proposed to be removed as part of the development, including any trees required to be removed to comply with Asset Protection Zones; this needs to be detailed on the plans and may be shown on the proposed site plan. The number and species identification of trees to be removed should be clearly indicated on the plans.

See Part C2.2 (p.4) of the BLDCP for requirements. This can be included on the landscape plan.

Yes No N/A

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13. Detailed landscape plan

Required for all new dwellings and additions and alterations over 50m² in the Living Conservation zone. See Schedule 2 Part 2 Division 2 (2) of LEP 2005 for information on how to prepare a landscape plan. Details of landscaping may be shown on the proposed site plan for minor (alterations and/or additions) works.

- The landscape plan should include pervious area calculations, the location, size and species of existing vegetation affected by the development, including trees, hedges, large shrubs, shrub beds and any areas of natural vegetation.
- Replacement planting for any vegetation which is proposed to be removed.
- A planting plan showing the location and expected size within 10 years of each tree and large shrub.
- A schedule (table) indicating the common name, botanic name, ultimate height and width and planting size (pot size and height), if relying on planting of trees or large shrubs for privacy.
- A planting plan showing location and indicative planting for mid-low shrubs and ground covers.

Yes No N/A

14. Concept stormwater management plan

All small scale development (>50m² – 2500m²) requires a concept stormwater management plan as required by cl. 57 of the LEP and Part C 1.3 (p.6) of the BLDCP.

For minor works details of stormwater management can be shown on the proposed site plan.

Plans need to identify how the stormwater will be managed on site and where it will be discharged to. The location of water tanks, stormwater drains, pits, pipes, and proposed stormwater treatment devices (such as infiltration trenches or raingardens) is required.

Stormwater plan should be consistent with the landscape plan.

Yes No N/A

15. Services plan

Where new connections are proposed show location of all services and infrastructure. It is recommended that early contact with Sydney Water be made where new connections to reticulated sewer is proposed.

Yes No N/A

16. Driveway plans

Proposals for driveways on steeper slopes require concept plans which comply with Australian Standard (AS2890.1 2004). Longitudinal sections are required showing existing and proposed RLs and any excavation or filling proposed, including in the road reserve.

See Part D1.10 of the BLDCP for details on requirements.

Yes No N/A

17. BASIX documentation

Proposals involving a new dwelling, residential work with an estimated cost exceeding \$50,000, or a swimming pool or spa having a capacity greater than 40kl the BASIX commitments must be shown on the plans, in addition to the BASIX certificate to be submitted.

Yes No N/A

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18. Erosion and sediment control plan

All work, except for minor additions and development that disturbs less than 50m², must be accompanied by an Erosion and Sediment Control Plan (ESCP) in accordance with cl. 56 of the LEP.

Yes No N/A

Advisory note - structural specifications

These are generally not required at DA stage however it is recommended to undertake early consultation with your engineer in order to ensure that the design will be able to meet the requirements of the relevant Building Code of Australia standards and Australian Standards. (Note: high wind areas and snow loading requirements apply in some parts of the Blue Mountains. Site specific conditions may have bearing on footing design and construction).

Documentation

Reports and documents which support your development application are required to be submitted in accordance with s.24 of the *Environmental Planning and Assessment Regulation 2021* and in accordance with Councils environmental planning instruments.

19. Statement of environmental effects (SEE)

This report is required for all development applications and must describe:

- The environmental impacts of the development, including impacts on neighboring properties (e.g. privacy/ overshadowing) as well as impacts on the landform, vegetation and storm water.
- How the environmental impacts of the development have been identified. Identify the zoning objectives and any protected areas or heritage items on or adjoining the site.
- The steps to be taken to protect the environment or to lessen the expected harm to the environment. Describe how the development responds to the relevant clauses within the LEP and BLDCP. Include details of how the construction works will be managed and how the site will be managed post development (e.g. vegetation management/ asset protection zones/ waste management).

A table outlining all relevant numerical standards (such as building heights, site coverage, pervious area and setbacks) should be included. The SEE should also cross-reference all plans, reports and studies that are required to be provided with the application.

Yes No N/A

20. Clause 9A Exceptions to a development standard

If a variation to a development standard within LEP 2005 is proposed, a written justification for contravening the standard must be provided in accordance with the requirements of cl. 9A of the LEP 2005.

See Council's website for a proforma statement: <https://www.bmcc.nsw.gov.au/documents/form-vary-a-development-standard-lep-2005>

Yes No N/A

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21. Other Variations

Any variations proposed to development controls within the BLDCP will require a written justification outlining reasons why the control cannot be achieved but demonstrate how the proposal still complies with the relevant objectives of the BLDCP control. This can be included in the SEE.

Note: Most development standards are located in LEP 2005 and would therefore require a clause 9A variation.

Yes No N/A

22. Heritage

If the property is a heritage item, a heritage conservation area, or adjoins a heritage item; a heritage impact statement is to be submitted in accordance with cl. 71 of the LEP. Any proposed works on a heritage listed item will require a heritage assessment report to be prepared by a qualified heritage consultant.

See Part C3 (p.6) of the BLDCP for information on what is required to be included in the heritage impact statement. Council also has a guide to heritage assessment for land zoned under LEP 2005 available on the website. <https://www.bmcc.nsw.gov.au/community/heritage/local-heritage#guide>

Proposals for minor works; such as additions to the rear or internal works heritage impacts may be addressed within the SEE.

Yes No N/A

23. Character statement

A detailed assessment of character is required to be provided for development in the Living Conservation zone that comply with the requirements of Schedule 2 Division 2 (1) of the LEP. For minor works and additions this may be included with the SEE.

A character assessment is to include photographs of existing buildings and vegetation on adjoining and adjacent sites and must demonstrate how the proposed development is consistent with and enhances the established character of surround residential area.

Yes No N/A

24. Bushfire

Any development located on mapped bushfire prone land requires a bushfire assessment report. It is recommended that a bush fire consultant prepare this report if the works are in a high bush fire threat area. In some cases a self-assessment report may sufficient.

See RFS website for more information: https://www.rfs.nsw.gov.au/__data/assets/pdf_file/0017/4355/Guidelines-for-Single-Dwelling-Development-Applications.pdf

Yes No N/A

25. Stormwater management plan

Where new dwellings exceed the maximum site coverage (see Schedule 2 Part 2 cl. 3 of the LEP) a stormwater management plan is to be prepared by a suitably qualified consultant.

Details of the recommendations from the stormwater management report are to be shown on the stormwater management plan and site plan and landscape plan.

Yes No N/A

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26. Flora and fauna report/ Vegetation survey and species inventory

For development where works involve the removal of bushland in areas with intact or modified bushland (scheduled or non-scheduled), high ecological value or mapped environmental constraint areas.

For further information and Council's guide on how to prepare a flora and fauna assessment: <https://www.bmcc.nsw.gov.au/development-controls-for-land-under-lep-2015/guides#flora>

Yes No N/A

27. Arboricultural report

Where the proposed works are likely to have impacts on significant trees.

Yes No N/A

28. BASIX Certificate

Proposals that involve residential work with an estimated cost exceeding \$50,000, a swimming pool or spa having a capacity greater than 40kl.

Yes No N/A

29. S3QM certificate

If the development is within the Sydney Drinking Water Catchment, and results in additional building site coverage a S3QM certificate is required in accordance with the State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011.

See WaterNSW website for more information: <https://www.watarnsw.com.au/water-quality/catchment/development/da>

Yes No N/A

30. Contamination report

Where the site is listed as contaminated, contains contaminated fill, or had a previous land use that may cause contamination (such as agriculture or horticulture) a contamination investigation is required in accordance with cl. 89 of the LEP and Part C4.3 of the BLDCP.

Yes No N/A

31. Geotechnical report

Where building works are proposed on steep slopes (>20%), a geotechnical report may be required.

Yes No N/A

32. Weed Management Strategy

Where significant or priority weeds are identified on a development site, a Weed Management Strategy is required in accordance with Part C2.2 and Part I2.1.5 of the BLDCP.

Yes No N/A

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33. Noise attenuation report

Where development is located adjacent to the rail corridor (cl. 2.98 of State Environmental Planning Policy (Transport and Infrastructure) 2021) or adjacent to a Classified road (Great Western Highway, Hawkesbury Road, Bells Line of Road) (cl. 2.119 of State Environmental Planning Policy (Transport and Infrastructure) 2021) a noise attenuation report is required. Details of the recommendations of the report must be incorporated within the plans.

Where a development is not directly adjacent to the rail or road corridor but is affected by rail or road noise, the Statement of Environmental Effects should refer to the Department of Planning document 'Development near rail corridors and busy roads – Interim guideline' (2008) for specific matters that must be taken into account.

Yes No N/A

34. Granny flat

The LEP (cl. 120 and the definition of Granny Flats) requires Granny Flats to be part of a single building which therefore means it must be attached to the primary dwelling.

A Granny Flat must be capable of being adaptable at a future date in accordance with Australian Standard AS 4299–1995, Adaptable housing. A pre-adaptable plan and post-adaptable plan must be submitted with the DA. Further information regarding Granny Flats are provided within Part D2 of BLDCP.

Note: Granny Flats are not supported on proposed development with a Bushfire Attack Level (BAL) 40 or FZ.

Yes No N/A

35. Studio/ Sheds/ Home office

A statement of intended use is required. This can be included in the SEE.

Yes No N/A

36. Solid fuel heater

A separate Section 68 application is required. Include details and specifications provided in relation to the solid fuel heater.

Yes No N/A

Declaration

Applicant Signature

I/ we declare to the best of my/our knowledge, that the particulars stated on this checklist are correct in every detail and that the information required has been supplied.

Applicant's name(s)

Signature of Applicant:

Date:

The supply of the above information is legally required and will assist Council officers in assessing your application. Failure to supply the information may result in delays or rejection. Further information may be required to be supplied.