

## Application requirements

**For development applications, modification applications, State significant development, and complying development certificates**

### Purpose

The Environmental Planning and Assessment Regulation 2021 (**Regulation**) requires certain applications for development to be in an approved form. The approved form is defined in Schedule 7 of that Regulation as a form approved by the Planning Secretary and published on the NSW Planning Portal.

This document lists the mandatory documents and drawings that are part of the approved form. These requirements<sup>1</sup> should always accompany the following applications made under the *Environmental Planning and Assessment Act 1979 (Act)*:

- Part 1: development applications (DAs) (excluding State significant development) and their amendment and modification
- Part 2: applications for complying development certificates (CDCs) and their modification
- Part 3: State significant development (SSD) applications and their amendment and modification.

### Who are these requirements for?

- Those preparing and lodging a DA, SSD application, modification application or CDC application.
- Those seeking information on the requirements for lodging these types of applications.
- The requirements apply to applications submitted on the NSW Planning Portal on or after 1 March 2022.

### Are these the only requirements?

The list of requirements in this document is not exhaustive. See the Act, Regulation, applicable environmental planning instruments, other legislation, or contact your council or the relevant approval authority for any other requirements that apply.

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<sup>1</sup> These requirements were approved by the Planning Secretary's delegate on 28 February 2022.

## Part 1: Development applications (excluding SSD)

### 1.1 Information requirements for development applications

Along with the requirements for development applications outlined in the Act and Regulation and other relevant legislation, a development application (DA) must contain the following information—

- a. the name and address of the applicant
- b. a description of the development to be carried out
- c. the address, and formal particulars of title, of the land on which the development is to be carried out
- d. an indication as to whether the land is, or is part of, critical habitat
- e. an indication as to whether the development is likely to significantly affect threatened species, populations or ecological communities, or their habitats, unless the development is taken to be development that is not likely to have such an effect because it is biodiversity compliant development
- f. the estimated cost of the development
- g. evidence that the owner of the land on which the development is to be carried out consents to the application, but only if the application is made by a person other than the owner and the owner's consent is required by the Regulation
- h. a list of the documents accompanying the application
- i. a Statement of Environmental Effects<sup>2</sup>. See section 1.2 below for detailed requirements
- j. a site plan of the land. See section 1.3 below for detailed site plan requirements
- k. drawings of the development. See section 1.4 below for drawing requirements

A development or modification application for the following development types must be accompanied by the documents in Table 1 below.

**Table 1 – Essential document requirements for a development application or modification application**

Applications that require or involve:	Requirement
Arrangements before consent can be granted under an environmental planning instrument	a. Documentary evidence that such arrangements have been made
Building work to alter, expand or rebuild an existing building	b. A scaled plan of the existing building
Change of use of a building (other than a dwelling-house or a building or structure that is ancillary to a dwelling-house and other than a temporary structure)	c. A list of the Category 1 fire safety provisions that currently apply to the existing building. d. A list of the Category 1 fire safety provisions that are to apply to the building following its change of use

<sup>2</sup> Except for designated development or State significant development

Applications that require or involve:	Requirement
Concurrence	<ul style="list-style-type: none"> <li>e. A list of any authorities from which concurrence must be obtained before the development may lawfully be carried out or from which concurrence would have been required but for section 4.13(2A) or 4.41 of the Act</li> <li>f. A statement by the applicant that the relevant matters in the <a href="#">Development referrals guide</a> have been considered</li> </ul>
Development involving mining for coal (within the meaning of section 380AA of the <a href="#">Mining Act 1992</a> )	<ul style="list-style-type: none"> <li>g. Documentary evidence that the applicant holds an authority under the <a href="#">Mining Act 1992</a> in respect of coal and the land concerned, or has the written consent of the holder of such an authority to make the development application</li> </ul>
Development referred to in <a href="#">State Environmental Planning Policy (Housing) 2021</a> , clause 45(1)	<ul style="list-style-type: none"> <li>h. Evidence or information demonstrating whether the development is likely to result in the loss of low-rental dwellings<sup>3</sup> on the land to which the application relates during the relevant period, within the meaning of <a href="#">State Environmental Planning Policy (Housing) 2021</a>, Chapter 2, Part 3</li> </ul>
Development permitted under <a href="#">State Environmental Planning Policy (Housing) 2021</a> , Chapter 2, Part 2, Division 1 or 2	<ul style="list-style-type: none"> <li>i. The name of the registered community housing provider who will be managing the boarding house</li> </ul>
Development for a boarding house <sup>4</sup> or co-living house <sup>5</sup>	<ul style="list-style-type: none"> <li>j. A plan of management</li> </ul>
Entertainment venues, function centres, pubs, registered clubs or restaurants	<ul style="list-style-type: none"> <li>k. A statement that specifies the maximum number of persons proposed to occupy, at any one time, that part of the building to which the use applies</li> </ul>
Erection of a building	<ul style="list-style-type: none"> <li>l. An A4 plan of the building that indicates its height and external configuration, as erected, in relation to its site</li> </ul>
Integrated development	<ul style="list-style-type: none"> <li>m. A list of any approvals of the kind referred to in section 4.46(1) of the Act that must be obtained before the development may lawfully be carried out</li> <li>n. A statement by the applicant that the relevant matters in the <a href="#">Development referrals guide</a> have been considered</li> </ul>

<sup>3</sup> low-rental dwellings has the same meaning as in [State Environmental Planning Policy \(Housing\) 2021](#), Chapter 2, Part 3.

<sup>4</sup> boarding house has the same meaning as in the Standard Instrument.

<sup>5</sup> co-living housing has the same meaning as in the Standard Instrument.

Applications that require or involve:	Requirement
Land that is, or is part of, critical habitat or development that is likely to significantly affect threatened species, populations or ecological communities, or their habitats	o. A species impact statement <sup>6</sup>
Land that is in a wilderness area and is the subject of a wilderness protection agreement or conservation agreement within the meaning of the <a href="#">Wilderness Act 1987</a>	p. A copy of the consent of the Minister for Energy and Environment to the carrying out of the development
Manor houses or multi-dwelling houses (terraces) to which <a href="#">State Environmental Planning Policy (Housing) 2021</a> , Chapter 2, Part 2, Division 1 applies	q. A statement, in the form approved by the Planning Secretary, by a qualified designer or a person accredited as a building designer by the Building Designers Association of Australia that— <ul style="list-style-type: none"> <li>i. verifies that the designer or person designed, or directed the design of, the development</li> <li>ii. addresses how the design is consistent with the relevant design criteria set out in the Low Rise Housing Diversity Design Guide<sup>7</sup></li> </ul>
Subdivision	r. Preliminary engineering drawings of the work to be carried out
Temporary structure	<ul style="list-style-type: none"> <li>s. Documentation that specifies the live and dead loads the temporary structure is designed to meet</li> <li>t. A list of any proposed fire safety measures to be provided in connection with the use of the temporary structure</li> <li>u. In the case of a temporary structure proposed to be used as an entertainment venue—a statement as to how the performance requirements of Part B1 and NSW Part H102 of Volume One of the Building Code of Australia are to be complied with (if a performance solution, to meet the performance requirements, is to be used)</li> <li>v. Documentation describing any accredited building product or system sought to be relied on for the purposes of section 4.15(4) of the Act</li> <li>w. Copies of any compliance certificates to be relied on</li> </ul>

<sup>6</sup> This requirement does not apply to SSD or in relation to the effect of the development on any threatened species, populations or ecological communities, or their habitats, if the development is taken to be development that is not likely to significantly affect those threatened species, populations or ecological communities, or their habitats, because it is biodiversity compliant development.

<sup>7</sup> Low Rise Housing Diversity Design Guide has the same meaning as in [State Environmental Planning Policy \(Exempt and Complying Codes\) 2008](#).

## 1.2 Requirements for a Statement of Environmental Effects

A Statement of Environmental Effects must document:

- a. the environmental impacts of the development
- b. how the environmental impacts of the development have been identified
- c. the steps to be taken to protect the environment or to lessen the expected harm to the environment
- d. any matters required to be indicated by any guidelines issued by the Planning Secretary
- e. drawings of the proposed development in the context of surrounding development, including the streetscape
- f. development compliance with building heights, building height planes, setbacks and building envelope controls (if applicable) marked on plans, sections and elevations
- g. drawings of the proposed landscape area, including species selected and materials to be used, presented in the context of the proposed building or buildings, and the surrounding development and its context
- h. if the proposed development is within an area in which the built form is changing, statements of the existing and likely future contexts
- i. photomontages of the proposed development in the context of surrounding development
- j. a sample board of the proposed materials and colours of the facade
- k. detailed sections of proposed facades
- l. if appropriate, a model that includes the context.

## 1.3 Requirements for a Site Plan

A site plan must indicate:

- a. the location, boundary dimensions, site area and north point of the land
- b. existing vegetation and trees on the land
- c. the location and uses of existing buildings on the land
- d. existing levels of the land in relation to buildings and roads
- e. the location and uses of buildings on sites adjoining the land.

## 1.4 Requirements for drawings

Drawings must include:

- a. the location of any proposed buildings or works (including extensions or additions to existing buildings or works) in relation to the land's boundaries and adjoining development
- b. floor plans of any proposed buildings showing layout, partitioning, room sizes and intended uses of each part of the building
- c. elevations and sections showing proposed external finishes and heights of any proposed buildings (other than temporary structures)
- d. elevations and sections showing heights of any proposed temporary structures and the materials of which any such structures are proposed to be made (using the abbreviations set out in section 5 of the Regulation)
- e. proposed finished levels of the land in relation to existing and proposed buildings and roads
- f. proposed parking arrangements, entry and exit points for vehicles, and provision for movement of vehicles within the site (including dimensions where appropriate)

- g. proposed landscaping and treatment of the land (indicating plant types and their height and maturity)
- h. proposed methods of draining the land
- i. in the case of development that requires a BASIX certificate, such other matters as any BASIX certificate for the development requires to be included on the drawings
- j. in the case of BASIX optional development—if the development application is accompanied by a BASIX certificate or BASIX certificates, such other matters as any BASIX certificate for the development requires to be included on the drawings.

## 1.5 Other requirements

Other requirements for development applications include (but are not limited to) those listed below in the:

- Regulation, sections:
  - 23 Persons who may make development applications
  - 25 Information about concurrence or approvals
  - 26 Information about community housing, boarding houses, co-living housing
  - 27 BASIX development
  - 28 Development applications relating to [Biodiversity Conservation Act 2016](#)
  - 29 Residential apartment development
  - 30 Mining or petroleum development
  - 31 Other documents required for certain development applications
  - 32 Extract of development application for erection of building
  - 33 Concept development applications
  - 35 Additional requirements for development applications in certain areas of Sydney
  - 39 Rejection of development applications
  - 100 Content of modification application
  - 102 Modification applications for residential apartment development consents
  - 103 Modification applications for mining and petroleum development consents
  - 114 Rejection of modification applications
  - 116 Application for extension of development consent
  - 190 Form of environmental impact statement
  - 191 Compliance with environmental assessment requirements
  - 192 Content of environmental impact statement
- Act, sections:
  - 4.12 Application (*designated development only*)
  - 4.14 Consultation and development consent—certain bush fire prone land.

## Part 2: Complying development certificate applications

### 2.1 Information requirements

Along with the requirements for complying development certificate (CDC) applications outlined in the Act and Regulation and other relevant legislation, a CDC application must contain:

- additional information on prior approvals (approvals granted under the [Local Government Act 1993](#), [Roads Act 1993](#) or approval for removal of a tree issued within the last 20 years, when such information is readily available or accessible)
- If involving a change of use—any previous development application reference numbers

### 2.2 Other requirements

Other requirements for CDC applications include (but are not limited to) those listed below in the Regulation, sections:

- 121 Plans and drawings to accompany complying development certificate application
- 122 Complying development involving building work
- 123 Fire safety requirements
- 124 Complying development involving subdivision
- 125 Complying development involving telecommunications facilities or electricity power lines
- 126 Complying development in Activation Precincts
- 127 Complying development in Western Sydney Aerotropolis
- 128 Traffic generating complying development
- 129 Complying development on contaminated land
- 130 Other documents to accompany complying development certificate application
- 131 BASIX development and certificates
- 138 Complying development under [Education SEPP](#).

## Part 3: State significant development

**3.1 Information requirements** Along with the requirements for State significant development (SSD) outlined in the Act, Regulation, and other relevant legislation, an SSD application must contain:

- a. a list of any authorisations that must be provided under section 4.42 of the Act in relation to the development
- b. the capital investment value of the development

### 3.2 Other requirements

Other requirements for SSD applications include (but are not limited to) those listed below in the:

- Regulation, sections:
  - 24 Content of development applications
  - 25 Information about concurrence or approvals
  - 26 Information about community housing, boarding houses, co-living housing
  - 27 BASIX development
  - 28 Development applications relating to *Biodiversity Conservation Act 2016*
  - 29 Residential apartment development
  - 30 Mining or petroleum development
  - 31 Other documents required for certain development applications
  - 33 Concept development applications
  - 35 Additional requirements for development applications in certain areas of Sydney
  - 99 Making a modification application
  - 190 Form of environmental impact statement
  - 191 Compliance with environmental assessment requirements
  - 192 Content of environmental impact statement
- Act, sections:
  - 4.12 Application.

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