



TENTERFIELD SHIRE COUNCIL

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# Development Application Guide for Building a Dwelling/House

This Development Application Guide has been designed to assist in the preparation and submission of an application to construct a new dwelling or make alterations/additions to an existing dwelling. It is designed to help ensure that all relevant information is submitted so that your application can be assessed as quickly as possible.

## When do I need a Development Approval?

If you intend to do building work on your property such as erecting a new building or increasing existing floor space by extending, you will need to lodge an application via the **NSW Planning Portal** to carry out the development. This applies in all areas of the Tenterfield Council Local Government Area.

Applications are required so that Council may determine whether the proposal is an appropriate use of the site according to its zoning, and complies with the provisions of the Environmental Planning and Assessment Act 1979 and Tenterfield Local Environmental Plan 2013. The Act also requires Council to ensure the project complies with the National Construction Code (formerly the Building Code of Australia BCA) and has no adverse impact upon occupants of adjacent properties in the locality.

Generally speaking, the majority of residential building work requires approval from Council.

There are two approvals required for most work and they are in the form of a **Development Consent** and a **Construction Certificate**. A Development Application (DA) is for planning approval of the project, while the Construction Certificate (CC) deals with the technical aspects.

If you do not wish to seek immediate approval for the construction work, then only a DA may be submitted initially, and subsequently the CC application may be submitted later when the construction work is approaching commencement. In NSW there is also an option to engage a Private Certifier to issue the CC and undertake inspections.

Many types of straightforward residential development may be covered by a **Complying Development Certificate**. Please consult Council to determine if an application is able to be assessed as a Complying Development Certificate.

There are some exceptions to these rules for minor development that is '**Exempt Development**' which is Development that does not require approval by Council, again please consult Council to determine if your development proposal meets the criteria for exempt development.

Council determines Complying Development Certificates and Exempt Development based upon requirements listed in State Environmental Planning Policy (Exempt and Complying Development Codes) 2008, which is

legislation referenced under the Environmental Planning and Assessment Act 1979.

It is highly recommended that, if you think your proposed works may be Exempt Development, you contact Council to confirm the exemption, or to clarify requirements for your proposal

For simplicity, throughout this Guideline, all types of Development Approval, including Construction Certificate and Complying Development, will be referred to as a Development Application (DA).

### **What information is required to be lodged with the application?**

#### **Always required:**

- BASIX Certificate;
- A complete set of all plans and specifications;
- Soil test (for construction & on-site effluent disposal if applicable);
- Structural details endorsed by a Practising Structural Engineer are required for reinforced concrete slabs, footings, frames and components such as bracing and tie-down (required when lodging an application for a Construction Certificate (CC));
- Copies of relevant permits. (e.g., Certificate of Insurance under the Home Building Act or Owner Builder Permit) – required prior to any works commencing.

#### **Required depending on the project:**

- Statement of Environmental Effects (Development Application only);
- Separate Septic Tank Application form for properties not connected to sewer (Section 68);
- Bushfire assessment for bushfire prone properties;
- Details of any proposed solid fuel heaters;
- Details of proposed termite barriers;
- Other plans and specifications such as shadow diagrams, landscape plans and details of retaining walls may also be required;
- Lodgment of a Section 138 Permit for access from a public road and issuance of a Rural Address Number (RAN) if no number currently exists– the majority of applications will require this permit.

## When do I need an Owner/Builder Permit and how do I obtain it?

- If domestic building work is to be undertaken by an owner/builder and the value of the building work is estimated to exceed \$10,000, an owner/builder permit must be obtained and a copy submitted to Council before the Construction Certificate can be released.
- If the value of work exceeds \$12,000 an owner/builder course must be completed through an accredited provider prior to obtaining the owner/builder permit. The permit can then be obtained from the Department of Fair Trading.
- The owner builder course can be completed prior to the lodgement of your application to Council. The permit can be applied for to the Department of Fair Trading once the Notice of Determination (DA consent) has been issued by Council.

## When is Home Owners Warranty Insurance Required?

Certificate of Insurance under the Home Building Act is required if a licensed builder is carrying out the work and the value is over \$20,000. A copy of the Certificate of Insurance must be submitted to Council prior to any works commencing.

<https://www.fairtrading.nsw.gov.au/housing-and-property/building-and-renovating/preparing-to-build-and-reno/insurance>

## What is BASIX?

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

A BASIX Certificate identifies the sustainability features required to be incorporated in the building design. These features may include sustainable design elements such as rainwater tanks, 3 star rated showerheads and taps, native landscaping, heat pump, solar or gas hot water systems, roof eaves/awnings and wall/ceiling insulation.

A BASIX Certificate is required for:

- i. All development that contains all types of new residential dwelling/s, including alterations and additions to existing dwellings valued at \$50,000 or more, and swimming pools and outdoor spas with a minimum 40,000L capacity;
- ii. Class 1b tourist accommodation buildings;
- iii. Change of Use where building becomes BASIX effected.

Relocated dwellings and manufactured homes do not require a BASIX certificate.

The following information is to be provided in accordance with Clause 97A of the Environmental Planning and Assessment Regulation 2000:

- i. BASIX Certificate;
- ii. All BASIX commitments to be identified on the plans;
- iii. Where applicable, ABSA Certification and a set of stamped plans.

The BASIX Certificate must be generated on the NSW Department of Planning BASIX website: [www.basix.nsw.gov.au](http://www.basix.nsw.gov.au), issued no earlier than 3 months before the date on which the application is lodged. For more information, phone the BASIX help line on 1300 650 908.

### **What if my development is on bush fire prone land?**

All developments on bushfire prone land are assessed in accordance with the NSW Government document titled "Planning for Bushfire Protection 2019" available from [www.rfs.nsw.gov.au](http://www.rfs.nsw.gov.au).

This assessment will determine appropriate standards for distances to vegetation (called asset protection zones – APZ's), construction standards (Bushfire Attack Level BAL), on site water storage and pump plus a variety of other matters.

A bushfire assessment is required where land is identified as bushfire prone on Council's Bushfire Prone Land Map or is subject to grassland hazard (Note: Council's current mapping for bushfire prone land does not include land identified as predominately grasslands which is now identified as vegetation hazard under Planning for Bushfire Protection 2019).

The bushfire assessment report must demonstrate how the proposal will comply with Planning for Bushfire Protection 2019.

A Single Dwelling Application Kit (available from the RFS website [www.rfs.nsw.gov.au](http://www.rfs.nsw.gov.au)) can be used for residential infill development (dwellings and alterations/additions in pre-existing subdivisions).

A suitably qualified person must prepare the bushfire assessment report for developments which have been identified as being a Special Fire Protection Purpose (Section 4.2 of the Planning for Bushfire Protection 2006); or any other development type which proposes an alternate solution as part of the design.

### **Other Specialist Reports**

For certain developments, Council requires other specialist reports for issues such as geotechnical, flood, shadow diagrams and site contamination. Council staff will advise you if these reports are required based on site specifics

### **What level of detail should be provided on Plans Accompanying a Development Application?**

**IT IS ESSENTIAL FOR ALL PLANS SUBMITTED TO INDICATE A TITLE, SCALE, NORTH POINT (SITE PLAN ONLY) AND INCLUDE THE APPLICANTS NAME, ADDRESS OF THE DEVELOPMENT AND LOT/DP NUMBER.**

Additional information required may include a statement of environmental effects, erosion and sediment control plan, landscaping plans and shadow diagrams.

BASIX commitments must be listed or otherwise indicated on the plans. Ensure that all BASIX commitments listed on the Certificate are shown on the DA plans and they all match.

Attached at the end of this Guideline are sample plans for a typical development, indicating the type of information required for Council to properly assess your project.

**PLEASE NOTE, APPLICATIONS LODGED WITH PLANS DETAILED ON GRAPH PAPER,  
LINED PAPER OR IN PENCIL WILL NOT BE ACCEPTED.**

Submitted plans should include:

A description of the land to be developed can be given in the form of a map which contains details of the Lot & Deposited Plan (DP) No;

## 1. Site Plan

A site plan of the land must be drawn to an appropriate scale and indicate:

- a) location, boundary dimensions, distances from boundaries, site area and north point of the land;
- b) existing vegetation and trees on the land;
- c) location and uses of existing buildings on the land;
- d) existing levels of the land in relation to buildings and roads;
- e) location and uses of buildings on sites adjoining the land;
- f) if the development involves building work to alter, expand or rebuild an existing building, a scaled plan of the existing building;
- g) access point from the public road system.

## 2. Floor Plan, Elevations Plans, Section & Landscaping Plans

Plans or drawings describing the proposed development must indicate (where relevant):

- a) the location of proposed new 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 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;
- d) proposed finished levels of the land in relation to existing and proposed buildings and roads;
- e) proposed parking arrangements, access from the public road system, entry and exit points for vehicles, and provision for movement of vehicles within the site (including dimensions where appropriate);
- f) proposed landscaping and treatment of the land (indicating plant types and their height and maturity);
- g) proposed methods of draining the land.

## 3. Specifications

### A) Building Specifications

The specifications are to:

- (i) describe the construction (including the standards that will be met), the materials which will be used to construct the building and the methods of drainage, sewerage and water supply;
- (ii) state whether the materials proposed to be used are new or second hand and give details of any second-hand materials to be used;
- (iii) indicate the fire safety and fire resistance measures (if any), and their height, design and construction.

Where you propose to modify specifications that have already been approved, please mark the approved specifications (by colour or otherwise) to show the modification.

If an alternative solution is proposed to meet the performance requirements of the BCA, the application must also be accompanied by a copy of the alternative solution.

Evidence of any accredited building product or system on which you seek to rely.

B) Footing / Slab Design

For all new dwellings submit a design certified by a structural engineer. For smaller additions Council may consider a design that demonstrates compliance with AS2870 Residential Slabs and Footings Construction.

C) Termite Protection

Details on the proposed method of termite protection are to be specified in accordance with AS3660.1 Termite Management.

D) Frame Construction Design/Detail

(i) Steel Frames and Beams

Will be required to be certified by a structural engineer in accordance with any relevant Australian Standards.

(ii) Timber Frames

Applicants will be required to specify the size, spacing and stress grading of all timber components in accordance with AS1684 Residential Timber-Framed Construction. Bracing, tie down and joint schedules required for Construction Certificate applications.

Note: If the roof construction incorporates steel or timber roof trusses, simply indicate roof trusses to be provided to manufacturer specifications and Council will not require any further information on the trusses until prior to the frame inspection.

E) Additional Information to be provided

(i) Smoke Alarm Location(s)

The location of the smoke alarm(s) are to be indicated on a floor and/or electrical plan demonstrating compliance with BCA Part 3.7.2

(ii) Subfloor Clearance (where applicable)

The elevation plans are to clearly indicate the clearance dimension between the underside of the bearer and the finished ground level demonstrating compliance with BCA Part 3.4.1

(iii) Masonry Construction (where applicable)

Information is to be provided on the relevant plans indicating subfloor pier construction, location of masonry articulation joints and method of bearer tie-down as required by the BCA Part 3.3

(iv) Stair Construction & Balustrade (where applicable)

Information is to be provided on the relevant plans demonstrating the proposed stair construction complying with BCA Part 3.9.1 and balustrade construction to BCA Part 3.9.2

#### **4. General**

The consent authority may, within 21 days of receiving the development application, ask for additional information on the development if that information is necessary for the determination of the application or if that information is required by a concurrence authority.

## Access to the Building Site

Any existing or new access from a public road to the property boundary, must comply with Council's current requirements contained in the Road Network Management Plan. Works within the Road Reserve (Section 138) may include (but is not limited to) driveway access crossing, construction of kerb and gutter, footpath/cycle path, drainage works, shoulder widening, etc. A separate application form must be lodged to enable Council to consider the works required.

## Unsewered Sites

A separate application is required where a lot does not have access to the reticulated sewer system.

An on-site wastewater management system is required to treat and dispose of wastewater effluent associated with the development.

For the purposes of Development Application assessment, Council must be satisfied that the lot is capable of accommodating an on-site sewage management (OSSM) system based on the circumstances of the proposed development and constraints of the site. To demonstrate this, the applicant is required to: -

Lodge a Section 68 application via the **NSW Planning Portal**, pay the specified fee and **a report with plans prepared/designed by a Geotechnical Engineer/Engineer/Hydrological Consultant and a copy must be attached to the OSSM Application providing evidence which demonstrates to Council that there is sufficient area available for effluent disposal from the development. Include the required buffer distances to watercourses, boundaries, buildings.**

## Who Should Prepare Plans To Accompany The Application?

In most cases the plans submitted with the application are to be prepared by suitably qualified persons including architects, surveyors, draftspersons and engineers where appropriate. Inaccurate or poorly drawn plans lead to delays in processing of the application and in some instances, may result in refusal of the proposal.

## What is the Estimated Cost of Work?

Estimate the value of building works. Provide the value of work as shown on the contract or quote. If an owner builder, the value needs to include an estimate of cost of materials plus a realistic valuation of labour. This estimated value is subject to check by Council.

## What about site inspections?

A site inspection is carried out by a Council Officer as part of the assessment of your application. It is important to ensure that the location of the property is adequately described and easy to locate and any specific access requirements are clearly identified. E.g. locked gates, 4WD access.

## After my Application is Determined, how will I be Advised?

You will be advised via the NSW Planning Portal of the determination of your application. If your application is granted consent then you will be sent a copy of the Development Consent including conditions of Consent and approved plans. Should your application be refused, a refusal notice will be sent advising you of the grounds of refusal. However, Council will contact you before any refusal is issued to determine if there are ways in which the application can be modified to achieve approval.

**In summary, your application package to be lodged on the NSW Planning Portal will include:**

- BASIX Certificate (if applicable);
- Plans of the development;
- Bushfire assessment (if applicable)
- Separate On-Site Sewage Management Application for properties not connected to sewer;
- Application for a Rural Address Number (RAN) if no number is currently allocated;
- Section 138 Application form for an access crossing (if applicable).

**Further enquires:**

**Tenterfield Shire Council  
247 Rouse Street (PO Box 214)  
TENTERFIELD NSW 2372  
Ph 02 6736 6002**

PLEASE NOTE: Building and engineering design is specialised and complex. Council officers can provide advice on whether plans and specifications for that aspect of the development comply with applicable legislative requirements, however Council officers are unable to provide advice on how to produce or amend plans and specifications relating to the aspect of development so that they will comply with applicable legislative requirements.

You may consider employing a consultant who can assist in preparing your application. Council officers cannot recommend consultants.

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Compliance with relevant Acts, Regulations, and Codes along with Council Policies, Conditions and Plans will apply.