

Development Application

Lodge Applications at Ballina Shire Council • 40 Cherry Street Ballina (Mon-Fri 8.15am to 3.00pm)
mail PO Box 450 Ballina 2478 • **e** council@ballina.nsw.gov.au • **abn** 53 929 887 369
t 1300 864 444 • **w** ballina.nsw.gov.au • **credit card payments e** terminal22@ballina.nsw.gov.au

Payment is required upon lodgement of the application for processing.

Use this form to apply for approval for any type of development (i.e. rural, residential, commercial and industrial building work, demolition, subdivision and change of use, etc). Explanatory Notes are attached to assist you in completing this form. NB: There is a separate application form for Vegetation Management Works on land located within an urban zone (Permit Application Form - VMW).

Once completed, you can submit this form together with the required information and fee payment by mail or in person.

If this application form is not completed correctly or is not accompanied by all the necessary information, processing delays may result or the application may be returned to you. Applications are to be lodged prior to 3.00pm Monday to Friday. Applications submitted after 3.00pm will be processed and receipted the following business day.

1. Applicant Details *all correspondence will be forwarded to this name and address*

It is important that you can be contacted should further information be required. Please provide as much detail as possible.

Title	Name
<input type="text"/>	<input type="text"/>
Company / Organisation	ABN
<input type="text"/>	<input type="text"/>
Postal Address	
<input type="text"/>	
Email Address	Telephone <i>business hours</i>
<input type="text"/>	<input type="text"/>
Applicant Signature	Date
<input type="text"/>	<input type="text"/>

2. Site of Proposed Development

These details identify the land where the development is to be located.

Unit / Street Number	Street
<input type="text"/>	<input type="text"/>
Suburb / Town / Locality	Postcode
<input type="text"/>	<input type="text"/>
Lot/DP or Lot/Section/DP or Lot/Strata Plan Number	
<input type="text"/>	
Is the development wholly or partially located on Council owned or Crown Land?	<input type="checkbox"/> Yes <input type="checkbox"/> No

Office Use Only

<input type="checkbox"/> Lodgement Checklist completed & attached	Lodgement check completed by <i>sign and date</i>	DA Number	Parcel Number
<input type="checkbox"/> PLOC <input type="checkbox"/> LODG task added	<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="checkbox"/> BLOC	DA Fee \$ Amount paid	Date received	Receipt number
	<input type="text"/>	<input type="text"/>	<input type="text"/>

3. Contact with Council Prior to Lodgement

Have you spoken with Council staff prior to lodging your application? Yes No

If Yes, who did you speak with?

Was it a Pre-lodgement meeting
 Counter enquiry
 Phone enquiry

4. Description of Development to be Carried Out

Type: Changing the use of land or building or the classification of a building under the BCA
 Demolition
 Erecting, altering or adding to a building or structure
 Advertising Signage
 Subdivision (including boundary adjustments, Torrens & Strata)
 Other Works (infrastructure, earthworks, swimming pools etc)

Briefly describe all components of your proposal, including signs, use of the land/building, subdivision, demolition etc. You may need to attach further information to adequately describe your development.

Erection of a New Building

Please complete this schedule. The information will be sent to the Australian Bureau of Statistics.

All new buildings

Number of storeys *incl underground floors* Gross floor area of new building *m²* Gross site area *m²*

Residential buildings only

No. of dwellings to be constructed No. of pre-existing dwellings on site No. dwellings to be demolished

Will the new dwelling/s be attached to other new buildings? Yes No

Will the new building/s be attached to existing buildings? Yes No

Does the site contain a dual occupancy? *dual occupancy = two dwellings on the same site* Yes No

Materials - Residential buildings *please indicate the materials to be used in the construction of the new building/s*

walls	roof	floor	frame
<input type="checkbox"/> Brick (double)	<input type="checkbox"/> Tiles	<input type="checkbox"/> Concrete/slate	<input type="checkbox"/> Timber
<input type="checkbox"/> Brick (veneer)	<input type="checkbox"/> Concrete/slate	<input type="checkbox"/> Timber	<input type="checkbox"/> Steel
<input type="checkbox"/> Concrete/stone	<input type="checkbox"/> Fibre cement	<input type="checkbox"/> Other	<input type="checkbox"/> Aluminium
<input type="checkbox"/> Fibre cement	<input type="checkbox"/> Steel	<input type="checkbox"/> Not specified	<input type="checkbox"/> Other
<input type="checkbox"/> Timber	<input type="checkbox"/> Aluminium		<input type="checkbox"/> Not specified
<input type="checkbox"/> Curtain Glass	<input type="checkbox"/> Other		
<input type="checkbox"/> Steel	<input type="checkbox"/> Not specified		
<input type="checkbox"/> Aluminium			
<input type="checkbox"/> Other			
<input type="checkbox"/> Not specified			

5. Concept Development Application

You can apply for a concept development application, which is a development application that sets out concept proposals for the development of a site, and for which detailed proposals for the site or for separate parts of the site may be subject to a subsequent development application/s.

In the case of a staged development, your development application may set out the concept proposal and detailed proposals for the first stage of development.

Are you applying for development consent in stages? *in accordance with Section 4.22 of the EP&A Act 1979*

- Yes >> please attach:
- information which describes the stages of your development
- No
- a copy of any consents you already have for part of your development

6. Estimated Value of Development

Part 15 Division 1 of the Environmental Planning and Assessment (EP&A) Regulation 2000 sets out how to calculate the fees for development applications. For development that involves a building or other works, the fee for your application is based on the estimated cost of the development. If your application is for integrated development or requires concurrence from a Government Department, you will need to include additional processing fees. If your development needs to be advertised to the public (in accordance with the EP&A Regulation 2000 or Council policy), you will also need to include an advertising fee.

The cost of the development is the genuine estimate of:

- (a) The costs associated with the construction of the building; and
- (b) The costs associated with the preparation of the building for the purpose for which it is to be used (such as the costs of installing plant, fittings, fixtures and equipment).

Note: Owner builders will need to include the full cost of labour.

Estimated Cost of the Development

This figure must be identical to the Cost of Works on the DA Fee Quote

Please note:

- For development up to \$100,000, the estimated cost of the development is to be calculated by the applicant or a suitably qualified person (refer below). Please attach the methodology used to calculate the estimated cost of the development.
- For development between \$100,000 and \$3 million, the estimated cost of the development is to be calculated by a suitably qualified person. Please attach a cost estimate for the development and the methodology used to calculate the estimated value of the development.
- For development over \$3 million, please attach a detailed cost report prepared by a registered quantity surveyor, which verifies the estimated cost of the development.

A suitably qualified person is: a builder who is licensed to undertake the proposed works, a registered architect, a qualified and accredited building designer, a registered quantity surveyor or a person who is licensed and has the relevant qualifications and proven experience in costing development works at least to a similar scale and type as is proposed.

For further information, please refer to Council's Factsheet on **Estimating Cost of Works for Development & Construction**.

7. Environmental Effects of Your Development

In order for Council to assess your proposal, you will need to inform Council of the potential impacts it will have. Depending upon the nature and scale of your proposal, you may need to provide one or more of the statements listed below to explain its environmental effects as well as the way in which the development will operate.

Refer to the attached Explanatory Notes for what information to include.

If you do not fully describe the impacts and the way the development will operate, this may result in processing delays.

Is your proposal **designated development**?

Yes >> Please attach an **Environmental Impact Statement (EIS)**

No >> Please attach a **Statement of Environmental Effects (SEE)**
A statement of Environmental Effects (SEE) report will be required to be submitted for all development applications that are not classified as designated development

Is your proposal on land that is, or is part of, **critical habitat**, or is your proposal likely to exceed the Biodiversity Offset Scheme threshold or have a significant effect on threatened species, populations, ecological communities or their habitats?

Yes >> Please attach a **Biodiversity Development Assessment Report (BDAR)**
refer to the attached Explanatory Notes for further information

No >> The proposal is not likely to have a significant effect on threatened species.

Does your proposal require works to a **heritage item**?

Yes >> Please attach a **Heritage impact statement**

No

Does your proposal involve a **variation to a development standard(s)** (as contained within the Ballina LEP 1987 or Ballina LEP 2012) or a **variation to a development control(s)** (as contained within the Ballina Shire DCP 2012)?

Yes, variation to development standard >> Please attach a **Written Request to Vary a Development Standard Form**

Yes, variation to development control >> Please attach a **Written Request for Variation to Development Control Form**

No

8. Integrated Development

Integrated development is development that requires licences or approvals from a NSW Government agency. Council will refer the application to the necessary agency so that there is an integrated assessment of the proposal. Most forms of development will not be “integrated”. The attached Explanatory Notes will assist you to complete this section of the DA Form.

Is your application for **integrated development**?

Yes No *If yes, please tick relevant boxes below*

Fisheries Management Act	<input type="checkbox"/> s144	<input type="checkbox"/> s201	<input type="checkbox"/> s205	<input type="checkbox"/> s219
Heritage Act 1977	<input type="checkbox"/> s57			
Coal Mine Subsidence Compensation Act 2017	<input type="checkbox"/> s22			
Mining Act 1992	<input type="checkbox"/> s63, 64			
National Parks and Wildlife Act 1994	<input type="checkbox"/> s90			
Petroleum (Onshore) Act 1991	<input type="checkbox"/> s16			
Protection of the Environment Operations Act 1997	<input type="checkbox"/> ss43(a), 47, 55	<input type="checkbox"/> ss43(b), 48, 55	<input type="checkbox"/> ss43(d), 55, 122	
Roads Act 1993	<input type="checkbox"/> s138			
Rural Fires Act 1997	<input type="checkbox"/> s100B			
Water Management Act 2000	<input type="checkbox"/> ss89, 90, 91			

9. Concurrence

Some applications require the agreement of another Government Authority before an approval can be granted. A copy of your application will be sent to the relevant authorities to seek their agreement.

Does the proposed development require **Concurrence**? Yes No

If yes, please indicate from whom Concurrence is required

NSW Government Department Planning and Environment

NSW Government Roads and Maritime Services

NSW Government Office of Environment and Heritage

Other

10. Approval under Section 68 of the Local Government Act 1993

Does this application also seek approval for one or more of the matters listed in Section 68 of the *Local Government Act 1993*?

No

Yes >> Please tick the following relevant boxes:

Structures or Places of Public Entertainment

Install a manufactured home, moveable dwelling or associated structure on land

Water Supply, Sewerage and Stormwater Drainage Work

Carry out water supply work

Rainwater tank

Draw water from a Council water supply or a standpipe or sell water so drawn

Install, alter, disconnect or remove a meter connected to a service pipe

Carry out sewerage work

Carry out stormwater drainage work

Connect a private drain or sewer with a public drain or sewer under the control of Council or with a drain or sewer which connects with such a public drain or sewer

Management of Waste

For fee or reward, transport waste over or under a public reserve

Place waste in a public place

Place a waste storage container in a public place

Dispose of waste into a sewer of Council

Operate a system of sewage management (within the meaning of Section 68A)

Install, construct or alter a waste treatment device or a human waste storage facility or a drain connected to any such device or facility

Community Land

Engage in a trade or business

Direct or procure a theatrical, musical or other entertainment for the public

Construct a temporary enclosure for the purpose of entertainment

For fee or reward, play a musical instrument or sing

Set up, operate or use a loudspeaker or sound amplifying device

Deliver a public address or hold a religious service or public meeting

10. Approval under Section 68 of the Local Government Act 1993 *continued*

Public Roads

- Swing or hoist goods across or over any part of a public road by means of a lift, hoist or tackle projecting over the footway
- Expose or allow to be exposed (whether for sale or otherwise) any article in or on or so as to overhang any part of the road or outside a shop window or doorway abutting the road, or hang an article beneath an awning over the road

Other Activities

- Operate a public car park
- Operate a caravan park or camping ground
- Operate a manufactured home estate
- Install a domestic oil or solid fuel heating appliance, other than a portable appliance
- Install or operate amusement devices
- Use a standing vehicle or any article for the purpose of selling any article in a public place
- Carry out an activity prescribed by the regulations or an activity of a class or description prescribed by the regulations

11. Approval under Section 138 of the Roads Act 1993

Does the proposed development involve roadworks on an existing public road, the opening of a public road or footpath area for public utility services, driveway access or stormwater drainage?

Note: The public road is not a classified road and approval is to be issued by Council.

- No
- Yes >>> Please tick the following relevant boxes:
 - The erection of a structure or carrying out work in, on or over a public road
 - Digging up or disturbing the surface of a public road
 - Removing or interfering with a structure, work or tree on a public road
 - Pumping water into a public road from any land adjoining the road
 - Connecting a road (whether public or private) to a non-classified road

Please note:

- If you require access via/through a public reserve in order to construct/carry out your development, you will also need to complete a **Public Reserve Vehicle Access Application form** (available at Council's Customer Service Centre and on Council's website) and pay the required application fee.
- You will also need to complete a separate application form - **Application for Approval under Section 68 Local Government Act and Section 138 Roads Act 1993** prior to the issue of a Construction Certificate.

12. BASIX

A development application for any BASIX affected development must also be accompanied by a BASIX certificate (or certificates), being a BASIX certificate that has been issued no earlier than three months from the date of application.

Note: To find out if your development requires a BASIX certificate, please contact the BASIX Help Line on 1300 650 908 or email info@service.nsw.gov.au

Does your development require a **BASIX certificate**?

- No
- Yes >>> Please attach a BASIX certificate and any other documents that are required by the BASIX certificate.

13. Disclosure of Political Donations and Gifts

A person who submits a development application to Council is required to disclose the following reportable political donations and gifts (if any) made by any person with a financial interest in the application within the period commencing two years before the application is made and ending when the application is determined:

- All reportable political donations made to any local Councillor of the Council; and
- All gifts made to any local Councillor or employee of the Council.

A reference to a reportable political donation made to a “local Councillor” includes reference to a donation made at the time the person was a candidate for election to the Council.

Significant penalties apply for non-disclosure. For more information and to obtain a political donations and gifts disclosure statement, go to the NSW Government Planning and Environment website planning.nsw.gov.au/donations.

Is a disclosure statement to accompany your application?

Yes >> complete the political donations and gifts disclosure statement at planning.nsw.gov.au/donations

No >> in signing this application, I undertake to advise the Council in writing if I become aware of any person with a financial interest in this application who has made a political donation or has given a gift in the period from the date of lodgement of this application and the date of determination

14. Privacy and Copyright Notice

The completed development application form and any documents submitted with the application contains personal information that is being collected in order to assess, process and determine the application under the provisions of the Environmental Planning and Assessment Act 1979 (EP&A Act). The information will be processed by the Planning and Environmental Health Division of Ballina Shire Council and will be made available to public enquiries under the Government Information (Public Access) Act 2009 (GIPA). The information will be stored in Council’s electronic document management system. The information supplied is required under the EP&A Act. The supply of the information is voluntary, however if it is not supplied Ballina Shire Council may be unable to process the application.

Development Application and documents will be made publicly available

This development application form (including any personal information and other information supplied on the form) and any document submitted with the development application (including any related information lodged following the initial application) will be made publicly available on Council’s DAs online, and in other ways that the Council considers appropriate in accordance with sections 6 and 18 of the GIPA, and Schedule 1 of the GIPA Regulation.

Copyright Notice

You are advised that Council will make copies (including electronic copies) of the development application and accompanying plans and documents for the purpose of complying with its obligations under the EP&A Act and the Local Government Act 1993. In addition the Council may make such further copies as are necessary to facilitate a thorough consideration of the development application. This includes the application form, plans and supporting documentation and the publishing of same to DAs online. The applicant is responsible for obtaining all copyright licences necessary from the copyright owners for this purpose.

15. Owner's Consent

All owner(s) of the land to be developed must sign this form. Without the owner's consent, Council will not accept this application. For detailed information about who must sign this section of the application, refer to the attached Explanatory Notes.

As the owner/s of the land to which this application relates, I consent to this application. I also consent for authorised Council staff to enter the land to carry out inspections relating to this application. I accept that all communications regarding this application will be through the nominated applicant and I understand that information will be made publicly available and published to the DAs online section of Council's website.

Owner's Name

Owner's Name

Postal Address

Postal Address

Email Address

Email Address

Phone

Phone

Signature

Date

Signature

Date

16. Applicant's Declaration and Signature

Have all questions within the application been answered in full?

 Yes No

Has owner's consent been provided?

 Yes No

Have you got a Quotation of fees from Council? *If No, email pehd@ballina.nsw.gov.au*

 Yes No

Is all the required information for your proposal attached to this application?

 Yes No

Has the lodgement checklist been completed and attached to this application?

 Yes No

Note: If you have answered **No** to any of the above, your application is not sufficient and may result in rejection.

Declaration

1. I declare that all the information in this application and attachments are true and correct.
2. I declare that the electronic data provided is a true copy of all plans and associated documents submitted with this development application. The data is not corrupted and does not contain any viruses.
3. I understand that if the information is incomplete the application may be delayed or rejected.
4. I acknowledge that the information submitted on this form and any supporting documentation will be made publicly available and published to DAs online.

Applicant's Name

Signature

Date

Development Application Form Lodgement Checklist

A development application must be supported by sufficient information to enable Council to understand what the development proposal entails and what its environmental effects are likely to be. Applications must include the material specified in Part 1 of Schedule 1 of the *Environmental Planning and Assessment Regulation 2000 - Development Applications*, as well as the following:

office
use
only

- | | | |
|--|---|--------------------------|
| <p>1. A current copy of Council's Quotation of fees to lodge a DA
<i>contact Council by email: dehg@ballina.nsw.gov.au</i></p> | <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A | <input type="checkbox"/> |
| <p>2. A completed Development Application Form</p> | <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A | <input type="checkbox"/> |
| <p>3. Digital copies of plans and supporting documentation supplied on a single USB in accordance with Council's electronic lodgement requirements (attached) for all development applications. Council will accept the lodgement of an application without an electronic copy in certain circumstances.
<i>Additional or updated information supplied after the submission of the initial application must also be supplied on a USB.
Hardcopies of all development application documentation may be required for larger applications depending on the volume of material to be submitted and the need for external referrals. Contact Council's Planning and Environmental Health Division for additional information regarding the number of copies of documents required prior to the submission of the development application.</i></p> | <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A | <input type="checkbox"/> |
| <p>4. Plans are to be dimensioned and generally at a scale of 1:100. Plans shall be suitably numbered and dated and include the following information:</p> <ul style="list-style-type: none"> • floor plans of all building levels • elevations • at least one cross section for buildings containing more than one level • details of the relationship of buildings to height planes and setbacks • a site plan that includes details of the location of buildings/structures on adjoining land • details of the location and level of public utilities within and adjacent to the site (i.e. sewer lines, stormwater drains etc.) • a clear distinction between alterations and additions - new work must be outlined in colour. | <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A | <input type="checkbox"/> |
| <p>5. For buildings that exceed 8.5m in height:</p> <ul style="list-style-type: none"> • a shadow diagram for the site at 9.00am, 12noon and 3.00pm on 21 June and 21 December • except for dwelling houses, dual occupancies and industrial buildings, a physical model of the proposed development at a scale of 1:200 or, alternatively, three dimensional computer modelling of the proposed development. Such a model is to illustrate the relationship between the proposed development and all adjoining buildings. | <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A | <input type="checkbox"/> |
| <p>6. A schedule of calculations for the following items:</p> <ul style="list-style-type: none"> • total size area (m²) • site cover (m²) area of land on which buildings are proposed • floor space ratio • gross floor area (m²) • landscaped area (m²) • driveways, car parking and drying areas etc (m²) • number of car parking spaces | <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A | <input type="checkbox"/> |
| <p>7. A checklist documenting compliance, or otherwise, with the relevant State Environmental Planning Policy, Local Environmental Plan and Development Control Plan provisions.</p> | <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A | <input type="checkbox"/> |
| <p>8. A completed Written Request to Vary a Development Standard or Written Request to Vary a Development Control form (if applicable).</p> | <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A | <input type="checkbox"/> |

Additional Requirements

The Ballina Shire Development Control Plan 2012 contains provisions that may require additional information beyond that listed above. This information must also be provided with a development application.

Council may also require further information identified during the development application assessment process in order to enable the complete consideration of an application.

Any matters (including the preparation of documents and plans) identified in Council issued Pre-lodgement Meeting Minutes to be addressed as part of an application should be provided with your application.

Electronic Lodgement Requirements for Documents and Plans

To lodge an application, Ballina Shire Council requires an electronic copy of all plans and documentation to be submitted on a USB. The USB will become the property of Council.

Council considers the electronic document to be the original and it is the responsibility of the document sender to ensure that documents transmitted are complete and accurate.

All information provided subsequent to the initial lodgement is also subject to these standards.

Electronic File Standards

Electronic documents must satisfy the following criteria:

Accuracy

Documents must be exact and fully legible reproductions of the original documents or plans.

File Format

All documents must be submitted in PDF or PDF/A format.

All security settings and restrictions such as password protection, editing and printing must be disabled.

Documents should not be scanned. They must be directly created or converted into PDF or PDF/A from their original file format.

File Naming Conventions

File naming conventions apply to all electronic documents, including plans and application forms. File names are to match the document requirements as listed in the File Name Guidelines.

Documents

All documents must be A4 formatted and optimised for minimum size (for online publishing).

Files larger than 20MB should be broken up into logical parts and supplied as separate files.

Note: Subfolders and zip files must not be used.

Media Storage

Electronic documents are to be provided on a USB memory stick and labelled with the applicant's name and the property address to which the application relates.

Multipage Documents

Multiple paged documents should be provided as one complete document and not as single files. Multiple paged documents are to be bookmarked to indicate the relevant sections of the document.

Plans

Plans are to be saved in PDF format, grouped and titled using the required naming conventions as listed in the File Name Guidelines.

Plans must be to scale and the scale should be clearly displayed on every page.

The scale needs to state the original plan size, for example:

- 1:100 and separately state the original sheet size (eg A3), or
- 1:100@A3

Plans are to be rotated to the correct orientation (landscape or portrait).

Plans should not be scanned. They must be directly created or converted into PDF or PDF/A from their original format.

Colour or grayscale plans are preferred and are to have a minimum resolution of 300 dpi.

Photos or Photomontages

Photos are to be optimised for minimum size and provided as PDF or PDF/A format.

File Name Guidelines

Application Information	name of multi-page file	examples of documents to include
<p>please attach one multi-page PDF bookmarked to each document</p>	<p>Lodgement Documents</p>	<ul style="list-style-type: none"> • Application Form • Costs Estimate • Fee Quotation Sheet • OSSM Application Form • Owner's Consent • Section 68 Application Form • Section 138 Application Form • Site Photographs
	<p>Proof of ownership documents are to be provided as separate files, not part of the lodgement set e.g. sales contract, property title, and power of attorney information.</p>	
Certificates and Other Documents	name of individual files	
<p>please attach as individual PDF documents as required</p>	<p>Certificate - ABSA Certificate - BASIX Certificate - Design Compliance Certificate - Engineering Compliance Certificate - NaTHERs Fire Safety Measures - Existing and Proposed Schedules of Colours and Materials Specifications Water Services Application and Plan</p>	
Plan Sets - Residential and Small Scale Commercial	name of multi-page files	examples of documents to include
<p>please attach one multi-page PDF document</p>	<p>Plan Set - Architectural</p>	<ul style="list-style-type: none"> • Elevations • Sections • Cut and Fill • Floor • Landscape Lighting/Illumination plan • Photomontage • 3D Model / Views • Schedule of External Finishes • Shadow Analysis Diagrams • Site • Survey
	<p>Plan Set - Engineering</p>	<ul style="list-style-type: none"> • Bracing and Tie Down • Drainage • Footings • Joists • Pool • Roof • Slab

File Name Guidelines *continued*

Plan Sets - Civil Works, Large Scale Commercial and Subdivision please attach individual PDF documents for each type of plan set	name of individual files Plan Set - Architectural Plan Set - Drainage Plan Set - Hydraulic Plan Set - Landscape Plan Set - Road Works Plan Set - Stormwater Plan Set - Strata Plan Set - Subdivision Plan Set - Survey
Reports please attach individual PDF documents for each report as required appendices and attachments to be bookmarked	name of individual files Report - Access Report - Acid Sulphate Soil Report - Acoustic Report - Bushfire Assessment Report - Contamination Report - Costs of Development Report - Geotechnical Report - Heritage Report - OSSM Waste Water Management Report - Site Contamination Assessment Report - Statement of Environmental Effects Report - Stormwater Management Report - Traffic and Parking Report Report - Waste Management

Explanatory Notes

This information is to assist you in completing your Development Application (DA) form. The sections of this document relate to parts of the DA Form where you may need further explanation of the requirements or you need to provide further information. The lodgement requirements checklist must be completed and attached to your DA form. Refer to Chapter 1 of the Ballina Shire DCP 2012 or contact the Planning and Environmental Health Division at Council's Customer Service Centre, ph 02 6686 1415.

Environmental Effects of your Development

Section 7 of the DA Form relates to the range of documentation you may need to prepare to address the environmental effects of your development.

Designated Development

Section 4.10 of the *Environmental Planning and Assessment Act 1979* states that designated development is development that is declared to be designated development by an environmental planning instrument or the regulations (*Environmental Planning and Assessment Regulation 2000*). In relation to the regulations, **designated development** is listed in Schedule 3, and comprises development which could have significant environmental impact and includes potentially hazardous, noxious or offensive developments.

If your development is designated development, then you should contact a qualified consultant to prepare for you an **Environmental Impact Statement (EIS)**, which must accompany your development application. The Director General of NSW Department Planning and Environment has a range of requirements with respect to the content of an EIS and as such, contact should be made with the Department prior to the preparation of the EIS and lodgement of your development application.

Statement of Environmental Effects

A **Statement of Environmental Effects (SEE)** should clearly outline the impacts of your development and the way in which it will operate. In brief, a SEE should:

- address all relevant environmental planning instruments (SEPP's, REP's and LEP's) and local planning documents (DCP's)
- consider the environmental impacts of the development and identify steps taken to protect the environment/lessen the expected impact to the environment
- provide relevant details of the proposed development (eg. for commercial/retail/office development: details of hours of operation, staffing numbers, loading/unloading facilities to be available etc.)

Biodiversity Development Assessment Reports (BDAR)

If your development exceeds the Biodiversity Offset Scheme (BOS) threshold or is likely to have a significant effect on threatened species, populations, ecological communities or their habitats (in accordance with the test in Section 7.3 of the Biodiversity Conservation Act 2016), a Biodiversity Assessment Report (BDAR) is required to be lodged and submitted to Council.

If a BDAR is required, then you should contact a qualified ecological consultant (accredited assessor) to prepare the document. The NSW Office of Environment and Heritage have a range of requirements with respect to the Biodiversity Assessment Method (BAM) and Biodiversity Offset Scheme (BOS).

Heritage Impact Statement

Subclauses (5) and (6) of Clause 5.10 the Ballina Local Environmental Plan 2012 provides Council's requirements in relation to heritage assessment documentation.

(5) Heritage assessment

The consent authority may, before granting consent to any development:

- (a) on land on which a heritage item is located, or*
- (b) on land that is within a heritage conservation area, or*
- (c) on land that is within the vicinity of land referred to in paragraph (a) or (b),*

require a heritage management document to be prepared that assesses the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area concerned.

(6) Heritage conservation management plans

The consent authority may require, after considering the heritage significance of a heritage item and the extent of change proposed to it, the submission of a heritage conservation management plan before granting consent under this clause.

Integrated Development

Section 8 of the DA Form relates to approvals, permits or licences required from a NSW Government agency as part of the development assessment process. The following provides details in relation to each of the licences/approvals required.

Fisheries Management Act 1994

- If you are proposing to carry out aquaculture, you will require a permit under section 144 of the Fisheries Management Act 1994 from the NSW Department of Primary Industries (Fisheries).
- If you are proposing to carry out dredging or reclamation work in a waterway (a stream, river, lake, lagoon, estuary or marine waters), you will require a permit under section 201 of the Fisheries Management Act 1994 from the NSW Government Department of Primary Industries (Fisheries).
- If you are proposing to cut, remove, damage or destroy marine vegetation (e.g. mangroves, seagrasses) on public water land or an aquaculture lease, or on the foreshore of any such land or lease, you will require a permit under section 205 of the Fisheries Management Act 1994 from the NSW Government Department of Primary Industries (Fisheries).
- If you are planning to:
 - (a) set a net, netting or other material, or
 - (b) construct or alter a dam, floodgate, causeway or weir, or
 - (c) otherwise create an obstruction, across or within a bay, inlet, river or creek, or across or around a flat,

you will require a permit under section 219 of the Fisheries Management Act 1994 from the NSW Government Department of Primary Industries (Fisheries).

Heritage Act 1997

If your proposal involves a place, building, work, relic, moveable object, precinct or land that has an interim heritage order or listing on the State Heritage Register which protects it, you will require an approval under section 57 of the Heritage Act 1997 from the NSW Government Environment and Heritage (Heritage Branch).

Coal Mine Subsidence Compensation Act 2017

If you are proposing to alter or erect improvements, or to subdivide land within a mine subsidence district, you will require an approval under section 22 of the Coal Mine Subsidence Compensation Act from the Mine Subsidence Board.

Mining Act 1992

If you are proposing to carry out development for the purposes of obtaining minerals, you will require a mining lease approval under sections 63 and 64 of the Mining Act 1992 from the NSW Government Department of Planning and Environment (Resources & Geoscience).

National Parks and Wildlife Act 1974

If your proposal will destroy, deface or damage or permit the destruction or defacement of or damage to a relic or Aboriginal place that is known to you, you will require a permit under section 90 of the National Parks and Wildlife Act 1974 from NSW Office of Environment and Heritage.

Petroleum (Onshore) Act 1991

If you are proposing to carry out development for the purposes of mining petroleum, you will require a grant of production lease under section 16 of the Petroleum (Onshore) Act 1991 from the NSW Department of Planning and Environment (Resources and Geoscience).

Protection of the Environment Operations Act 1997

- If you are proposing to carry out scheduled development work as defined in Schedule 1 of the Protection of the Environment Operations Act 1997 at any premises, you will require an environmental protection licence under sections 43(a), 47 and 55 of the Protection of the Environment Operations Act 1997 from NSW Environmental Protection Authority.
- If you are proposing to carry out a scheduled activity as defined in Schedule 1 of the Protection of the Environment Operations Act 1997 at any premises (excluding any activity described as a “waste activity” but including any activity described as a “waste facility”), you will require an environmental protection licence under sections 43(b), 48 and 55 of the Protection of the Environment Operations Act 1997 from NSW Environmental Protection Authority.
- If you are proposing to carry out non-scheduled activities for the purposes of regulating water pollution resulting from the activity, you will require an environmental protection licence under sections 43(d), 55 and 122 of the Protection of the Environment Operations Act 1997 from NSW Environmental Protection Authority.

Note: Schedule 1 of the Protection of the Environment Operations Act 1997 lists the activities that are scheduled activities for the purposes of the Act.

Roads Act 1993

If your development involves:

- the erection of a structure or carrying out work in, on or over a public road, or
- digging up or disturbing the surface of a public road, or
- removing or interfering with a structure, work or tree on a public road, or
- pumping water into a public road from any land adjoining the road, or
- connecting a road (whether public or private) to a classified road,

and the road is a classified road, you will require consent under section 138 from NSW Government Roads and Maritime Services.

Rural Fires Act 1997

If your proposal involves the subdivision of bushfire prone land that could lawfully be used for residential or rural residential purposes, or you are seeking to develop bushfire prone land for a special fire protection purpose (refer below), you will require a bushfire safety authority under section 100B of the Rural Fires Act 1997 from the NSW Rural Fire Service.

Special Fire Protection Purpose means the purpose of the following:

- a school
- a child care centre
- a hospital (including a hospital for the mentally ill or mentally disordered)
- a hotel, motel or other tourist accommodation
- a building wholly or principally used as a home or other establishment for mentally incapacitated persons
- seniors housing within the meaning of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004
- a group home within the meaning of State Environmental Planning Policy (Affordable Rental Housing) 2009
- a retirement village
- any other purpose prescribed by the regulation (section 100B(6) of the Rural Fires Act).

Water Management 2000

- If you are proposing to use water for a particular purpose at a particular location, or you are proposing to use water from outside NSW, you will require a water use approval under section 89 of the Water Management Act 2000 from the NSW Government Department of Industry - Water.
- If you are proposing to construct and use a specified water supply work, drainage work or flood work at a specified location, you will require a water management work approval under section 90 of the Water Management Act 2000 from the NSW Government Department of Industry - Water.
- If you are proposing to carry out a controlled activity in, on or under waterfront land, you will require a controlled activity approval under section 91 of the Water Management Act 2000 from the NSW Government Department of Industry - Water.
- If you are proposing to carry out aquifer interference activities, you will require an aquifer interference approval under section 91 of the Water Management Act 2000 from the NSW Government Department of Industry - Water.

Concurrence

Section 9 of the DA Form refers to the requirement that concurrence (an agreement) be obtained from a NSW Government Agency prior to Council determining your development application. This process is separate to the integrated development process.

Concurrence is a term used to identify a requirement that an agreement from a NSW Government Agency be obtained before Council can decide to grant consent to a development application.

Section 15 of the DA Form refers to owner's consent. The following details Council's requirements in relation to the acceptable forms of owner's consent.

1. Individual Ownership and Joint Owners

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

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

2. Company Ownership

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

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

3. Owners' Corporation (Strata Plan)

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

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

4. When the application also involves Common Property within a Strata Plan, the Owner's consent is required from the Owners' Corporation as well as the owner of the subject lot, this can be in the form of:

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

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

5. Department of Education Ownership

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

6. Legal representative for the true owner(s)

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

7. Crown Land

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

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

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