

# Modification to Consent 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

Use this form to apply for a modification to a consent under Section 4.30 or Section 4.55/Section 4.56 of the Environmental Planning and Assessment Act 1979. Explanatory Notes are attached to assist you in completing this form.

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 Approved 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?

Yes  
 No

### Office Use Only

<input type="checkbox"/> Lodgement Checklist completed & attached	Lodgement check completed by <i>sign and date</i>	DA/CDC Number	Parcel Number
<input type="checkbox"/> PLOC	<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="checkbox"/> BLOC	Modification Fee \$	Date received	Receipt number
<input type="checkbox"/> LODG task added	<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. Development Approval / Certificate Issued Details

Development Consent Number

Date Approved

Complying Development Certificate Number

Date Approved

Briefly describe what the original approval allows

*as described under development proposal on the original or previously modified approval*

### 5. Proposed Modification

What modification are you applying for? *refer to the Explanatory Notes for further information*

#### Complying Development Certificate

Section 4.30

#### Development Consent

Section 4.55 (1) - modification involving minor error, misdescription or miscalculation

Section 4.55 (1A) - modification which Council is of the opinion **is** of minimal environmental impact

Section 4.55 (2) - modification which Council is of the opinion **is not** of minimal environmental impact

Section 4.56 - modification to a development consent granted by the Land and Environment Court

Briefly describe the modification, the specific conditions of consent to be modified/deleted etc. and any other changes sought

Have the modifications been clearly indicated on the plans? *eg coloured, highlighted?*  Yes  No

Will the modified development be substantially the same development that was originally approved?  Yes  No

If you cannot satisfy Council that the modifications result in substantially the same development as the development for which consent was originally granted, a new development application will be required to be lodged with Council for assessment.

## 5. Proposed Modification *continued*

Please provide evidence that the development will remain substantially the same (if you need to attach documentation, please list documents)

Is another construction certificate application required for this modification?

Yes

No

Does this modification change the estimated cost of construction?

Yes >> Updated cost of construction

No

For further information in relation to the updated cost of construction, please refer to Council's **Fact Sheet on Estimating Cost of Works for Development & Construction**.

Do the modifications relate to works that have been commenced or completed?

Yes >> a Building Information Certificate Application may also be required to be lodged with Council

No

## 6. Integrated Development

If the original development application was classified as integrated development and required approval from one or more State Government agencies, please list them in the space below and their respective general terms of approval (as conditioned within the development consent).

*Note: Depending on the type of modification, it may be necessary to refer the modification application to the approval body.*

## 7. BASIX

A new BASIX Certificate is required to be submitted to Council if the original BASIX Certificate is not consistent with the proposed modified development.

Does your development require a new BASIX certificate?

Yes >> Please attach a new BASIX certificate and any other documents that are required by the BASIX certificate.

No

## 8. Disclosure of Political Donations and Gifts

A person who submits a construction certificate 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](http://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](http://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

## 9. Privacy and Copyright Notice

The completed Modification to Consent 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.

### **Modification to Consent Application and documents will be made publicly available**

This construction certificate application form (including any personal information and other information supplied on the form) and any document submitted with the development 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 Modification to Consent 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.

## 10. 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

Postal Address

Email Address

Phone

Signature

Date

Owner's Name

Postal Address

Email Address

Phone

Signature

Date

## 11. 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 all fees been paid?

 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

# Modification to Consent Lodgement Checklist

A modification to consent 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 following:

office  
use  
only

- |  |   |
|--|---|
| <p>1. Payment of the applicable fees in accordance with Council's adopted fees &amp; charges at the time of lodgement of the modification to consent application.</p>  | <p><input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/></p> |
| <p>2. A completed Modification to Consent Application Form</p>   | <p><input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/></p> |
| <p>3. Digital copies of plans and supporting documentation supplied on a USB in accordance with Council's electronic lodgement requirements attached for all modification applications. Council will accept the lodgement of an application without an electronic copy in certain circumstances.</p> <p><i>Additional or updated information supplied after the submission of the initial application must also be supplied on a USB.</i></p> <p><i>Hardcopies of all 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 application.</i></p>  | <p><input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/></p> |
| <p>4. Plans are to be dimensioned and generally at a scale of 1:100. Plans shall be suitably numbered and dated and are to include the following information:</p> <ul style="list-style-type: none"> <li>• Floor plans of all building levels</li> <li>• Elevations</li> <li>• At least one cross section for buildings containing more than one level</li> <li>• Details of the relationship of buildings to height planes and setbacks</li> <li>• A site plan that includes details of the location of buildings/structures on adjoining land</li> <li>• Details of the location and level of public utilities within and adjacent to the site (i.e. sewer lines, stormwater drains etc.)</li> <li>• A clear distinction between alterations and additions - new work must be outlined in colour</li> <li>• Where the proposed modification involves alteration to previously approved plans, the plans must be coloured, highlighted or overlain to adequately distinguish the modified works.</li> </ul> | <p><input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/></p> |
| <p>5. For buildings that exceed 8.5m in height:</p> <ul style="list-style-type: none"> <li>• A shadow diagram for the site at 9.00am, 12 noon and 3.00pm on 21 June and 21 December.</li> <li>• 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.</li> </ul>   | <p><input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/></p> |
| <p>6. A schedule of calculations for the following items:</p> <ul style="list-style-type: none"> <li>• Total site area (m<sup>2</sup>)</li> <li>• Site cover (m<sup>2</sup>) (area of land on which buildings are proposed)</li> <li>• Floor space ratio</li> <li>• Gross floor area (m<sup>2</sup>)</li> <li>• Landscaped area (m<sup>2</sup>)</li> <li>• Driveways, car parking and drying areas etc. (m<sup>2</sup>)</li> <li>• Number of car parking spaces</li> </ul>   | <p><input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/></p> |

## Lodgement Checklist *continued*

- |   |  |
|---|--|
| 7. A checklist documenting compliance, or otherwise, with the relevant State Environmental Planning Policy, Local Environmental Plan and Development Control Plan provisions.   | <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/> |
| 8. A completed 'Written Request to Vary a Development Standard' or 'Written Request to Vary a Development Control' form (if applicable).  | <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/> |
| 9. A detailed description of the modification proposed, with sufficient detail to satisfy Council that the modified development is substantially the same development as that approved by Council. An amended Statement of Environmental Effects, Environmental Impact Statement or other specialist report e.g. Noise, Wastewater, Heritage, Flora and Fauna may also be required. | <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.

<b>File Name Guidelines</b>		
<b>Application Information</b>	name of multi-page file	examples of documents to include
please attach one multi-page PDF bookmarked to each document	<b>Lodgement Documents</b>	<ul style="list-style-type: none"> <li>• Application Form</li> <li>• Costs Estimate</li> <li>• Fee Quotation Sheet</li> <li>• OSSM Application Form</li> <li>• Owner’s Consent</li> <li>• Section 68 Application Form</li> <li>• Section 138 Application Form</li> <li>• Site Photographs</li> </ul>
	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.	
<b>Certificates and Other Documents</b>	name of individual files	
please attach as individual PDF documents as required	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	



## File Name Guidelines *continued*

	name of multi-page files	examples of documents to include
<b>Plan Sets - Residential and Small Scale Commercial</b> please attach one multi-page PDF document	Plan Set - Architectural	<ul style="list-style-type: none"> <li>• Elevations</li> <li>• Sections</li> <li>• Cut and Fill</li> <li>• Floor</li> <li>• Landscape Lighting/Illumination plan</li> <li>• Photomontage</li> <li>• 3D Model / Views</li> <li>• Schedule of External Finishes</li> <li>• Shadow Analysis Diagrams</li> <li>• Site</li> <li>• Survey</li> </ul>
	Plan Set - Engineering	<ul style="list-style-type: none"> <li>• Bracing and Tie Down</li> <li>• Drainage</li> <li>• Footings</li> <li>• Joists</li> <li>• Pool</li> <li>• Roof</li> <li>• Slab</li> </ul>
<b>Plan Sets - Civil Works, Large Scale Commercial and Subdivision</b> 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		
<b>Reports</b> 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 Modification to Consent application form. The sections of this document relate to parts of the Modification to Consent application 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 Modification to Consent application 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 for further advice.

## Proposed Modification

Section 5 of the Modification to Consent application form relates to Section 4.30, Section 4.55 and 4.56 of the Environmental Planning and Assessment Act 1979 (EP&A Act 1979).

Section 4.30 of the EP&A Act 1979 allows you to apply to modify a complying development certificate.

Section 4.55 & 4.56 of the EP&A Act 1979 allows you to apply to modify a development consent that has been granted without the need for a new consent to be issued. There are a number of types of modification applications that can be made, including:

- Section 4.55 (1) - Modification to correct a minor error, misdescription or miscalculation made in the consent.
- Section 4.55 (1A) - Modification that will have a minimal environmental impact. Council must be satisfied that the development will remain substantially the same as the development that was originally approved.
- Section 4.55 (2) - Modification that will have more than a minimal impact, that Council considers will remain substantially the same as the development that was originally approved.
- Section 4.56 - Modification to a development consent granted by the NSW Land and Environment Court, that Council considers will remain substantially the same as the development that was originally approved.

To apply to modify a development consent you must be entitled to act on the consent, that is, you must be either the applicant or the owner of the land, or authorised by the owner to act on the consent.

The applicant or owner will be required to provide evidence that the modification(s) requested do not substantially change the development from the original approval. If this evidence cannot be provided, a new Development Application will be required to be lodged.

## Integrated Development

Section 6 of the Modification to Consent Application Form relates to approvals, permits or licences that have been granted by a NSW Government agency and attached to your development consent. If you are proposing a modification to a licence or approval or a condition within the consent that refers to the licence or approval, Council will need to refer the application to the relevant NSW Government Agency. 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.

### **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 Department of 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, or alter any of these types of development in 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 and 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 the 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 Government 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 the 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 the 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 the 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 the 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 (Infrastructure) 2007
- 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.

## **Owner's Consent**

Section 13 of the CC 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.