



Development Application lodgement checklist

Use this guide to documents required when lodging a development application through the NSW Planning Portal

 Document required
 Document may be required

DOCUMENTS TO ACCOMPANY DEVELOPMENT APPLICATION

DEVELOPMENT TYPE	New Urban Dwelling/Secondary Dwelling/ Dual Occupancy	New Rural Dwelling/ Dual Occupancy	Urban alterations/additions, outbuildings/structures	Rural alterations/additions, out-buildings/structures	Swimming pools	Demolition	Multi Dwelling Housing/ Residential Flat Buildings	Commercial/Industrial buildings	Mixed Use Commercial/ Residential development	Tourist and Visitor Accommodation	Rural Industries	Advertising Structure/Signage	Change of Use/Fit-Out	Earthworks	Subdivision Torrens/Community Title – Boundary Adjustment	Strata Subdivision
Owners Consent																
Estimated cost of works																
Statement of Environmental Effects																
Variation to Development Control																
Variation to Development Standard																
Site Plan																
Elevation and Section Plans																
Floor Plan																
Site Analysis Plan																
Survey Plan																
Demolition Plan																
Erosion and Sediment Control Plan																
Shadow Diagrams																
Landscape Plan																
Retaining Wall details (and associated Earthworks)																
Schedule of Building Materials and Finishes																
Driveway and Access Plan																
Waste Management Plan																
On Site Sewage Management																
BASIX Certificate																
Acid Sulfate Soils Preliminary Assessment/Management Plan																

If plumbing and drainage works are proposed, a **Section 68 Application** is required to be lodged with Council. This can be lodged at a later date.

If works within the road reserve are proposed (eg. driveway crossing or drainage works) a **Section 138 Application** is required to be lodged with Council. This can be lodged at a later date.

All building work must have a Construction Certificate issued before works commence. A **Construction Certificate** can be obtained from Council. This can be lodged at a later date.

Development Application lodgement checklist cont.

DOCUMENTS TO ACCOMPANY DEVELOPMENT APPLICATION

- Document required
- Document may be required

DEVELOPMENT TYPE

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Bushfire Report																
Contamination Reports																
Geotechnical Report																
Land Use Conflict Risk Assessment																
Mosquito Report																
Traffic/Parking Report																
Stormwater Management Plan																
Flood Impact Assessment Report and Evacuation Plan																
Arboricultural Impact Assessment Report																
Flora and Fauna Assessment																
Biodiversity Development Assessment Report (BDAR)																
Biodiversity Offsets Scheme Threshold Report																
Vegetation Management Plan																
Acoustic Assessment																
Adaptable Housing																
BCA Report																
Aboriginal Heritage Assessment Report																
Statement of Heritage Impact																
Visual Impact Assessment																
Access Report																
Subdivision Plan																
Strata Plan																
Advertising Structure/Sign Plan																

If your application comprises more than one development type you must provide the information required for each development type.

If justified, Council may accept lodgement of an application without all 'document required' information.

If your proposal does not fit into one of the development types, please contact Council's Duty Planner to discuss requirements.

Complex applications, or development on land with site constraints may require additional documents. Please discuss these applications with Council's Duty Planner prior to lodgement.

ABORIGINAL HERITAGE ASSESSMENT REPORT

Prepared in accordance with the NSW Office of Environment and Heritage's Due Diligence Code of Practice for the Protection of Aboriginal Objects in NSW, must be submitted for any development application on land:

- on which an Aboriginal heritage item is located
- that is to be affected by any proposed works.

An Aboriginal heritage assessment report, prepared in accordance with the NSW Office of Environment and Heritage's Due Diligence Code of Practice for the Protection of Aboriginal Objects in NSW, may be required for any development application on land:

- that is in the vicinity of an Aboriginal heritage site or conservation area
- that is in the proposed impact area.

The Aboriginal heritage assessment report, prepared in accordance with the NSW Office of Environment and Heritage's Due Diligence Code of Practice for the Protection of Aboriginal Objects in NSW, must include:

- an assessment of the boundary and extent of the Aboriginal site
- an assessment of the heritage significance of the site
- a discussion of the impacts of the proposed works on the significance of the item
- details of the mitigation measures.

The Aboriginal heritage assessment report is to demonstrate that all possible means of mitigating any negative impact on the site have been addressed and that the proposed works will not harm or damage the site, unless an Aboriginal Heritage Impact Permit has been issued from the NSW OEH authorising such work.

Council may require further documentation that provides guidelines for the on-going management and conservation of Aboriginal heritage sites and conservation areas.

ACCESS REPORT

Prepared by accredited access professionals, must be submitted to demonstrate compliance with relevant access standards for applications involving Class 2-9 buildings, and are to address access provisions of the BCA, Disability (Access to Premises - Buildings) Standards 2010 and relevant Australian Standards. Access reports are to (where appropriate):

- demonstrate equitable access to the main entrance of the building and within all areas of the building required to be accessible to the occupants of the building and the general public,
- demonstrate parking spaces, and access thereto, consistent with the relevant provisions of AS2890.6 or AS4299 (as applicable),
- demonstrate adaptable housing units (including plans in pre and post adaptable stage) in accordance with AS4299.
- demonstrate consistency with the relevant minimum requirements of the Liveable Housing Design Guidelines.

ACID SULFATE SOILS PRELIMINARY ASSESSMENT/ MANAGEMENT PLAN

Acid sulfate soils (ASS) are naturally occurring sediments and soils containing iron sulfides (principally pyrite) and/or their precursors or oxidation products. The exposure of the sulfides to oxygen by drainage lowering the groundwater or excavation disturbing soils leads to the generation of sulfuric acid.

ASS are found in both coastal areas and inland regions. The NSW State Government has prepared a series of maps indicating the likelihood of the presence of these types of soils in NSW and has identified these by Class (1 to 5). These maps may be accessed at Council's online mapping and will need to be consulted to determine if your development needs to consider the presence of ASS soils.

The Ballina LEP 2012 (Clause 7.1) and BLEP 1987 (Clause 36) tables the objectives and management principles associated with ASS. Depending on the class of soil and the proposed works, you may need to prepare a preliminary ASS assessment report*. The purpose of the preliminary assessment is:

1. To establish whether ASS are present on the site and if they are in such concentrations so as to warrant the preparation of an ASS Management Plan (ASSMP)
2. To establish the characteristics of the proposed works and whether they are likely to disturb ASS
3. To provide information to assist in designing a soil and water assessment program
4. To provide information to assist in decision making

The ASS report (and any subsequent management plan should it reveal the presence of ASS) must be prepared by a suitably qualified person experienced in the assessment and management of ASS and must be prepared in accordance with the Acid Sulfate Soil Manual (ASSMAC 1998).

ACID SULFATE SOILS PRELIMINARY ASSESSMENT/ MANAGEMENT PLAN CONT.

*Where it is considered that works are of a minor nature, that is works which disturb less than 10 tonnes of soil, and the applicant and Council agree that ASS are present then you may choose to adopt BSC ASSMP for Minor Works available on Council's website.

Further Resources

NSW Acid Sulfate Soil Manual
NSW Waste Classification Guidelines

ACOUSTIC ASSESSMENT

Noise can be annoying, interfere with communication, disturb sleep or interfere with work. Prolonged exposure to loud noise can also result in increased heart rate, anxiety, hearing loss and other health effects. The impacts of noise depend both on the noise level, its characteristics and how it is perceived by the person affected.

An Acoustic Report may be required to assist in the assessment of the impact of potential noise from your development on surrounding land users or to mitigate noise impacts on your development. Reports are required to be prepared by a suitably qualified acoustic consultant experienced in the assessment and management of noise issues and should include the following:

1. Project description
2. Relevant guideline or policy that has been applied
3. Background noise measurements
4. Details of instruments and methodology used for noise measurements (including reasons for settings and descriptors used, calibration details)
5. A site map showing noise sources, measurement locations and noise receivers
6. Noise criteria applied to the project
7. Noise predictions for the proposed activity
8. A comparison of noise predictions against noise criteria
9. A discussion of proposed mitigation measures, the noise reduction likely and the feasibility and reasonableness of these measures
10. How compliance can be practically determined.

Aircraft Noise

Ballina LEP 2012, Clause 7.6 sets out the objectives and management principles associated with aircraft noise. Applications for development of land within the 20 Australian Noise Exposure Forecast (ANEF) contour of higher for the Ballina Byron Gateway Airport may require consideration of the requirements of AS 2021:2015 (Acoustics–Aircraft noise intrusion—Building siting and construction).

The ANEF contour plan may be sighted at ballina.nsw.gov.au/online-maps.

Road Traffic Noise

Some major roads within the Ballina Shire may be a source of potential adverse noise impacts on adjoining residential or other sensitive land users. In these cases consideration of potential impacts of road traffic noise will be required and may result in a requirement for mitigation measures or may require minimum construction standards to be applied. Refer to the provisions of the Ballina Shire DCP 2012 for further information.

Further Resources

NSW Noise Policy for Industry
NSW Road Noise Policy
NSW Interim Construction Noise Guideline
NSW Development Near rail Corridors and Busy Roads – Interim Guideline
NSW Noise Guide for Local Government
AS 2107:2016 Acoustics – Recommended design sound levels and reverberation times for building interiors
AS 3671:1989 Acoustics – Road traffic noise intrusion – building siting and construction
AS 2021:2015 Acoustics–Aircraft noise intrusion—Building siting and construction

ADAPTABLE HOUSING

An adaptable housing checklist and associated drawings are required for development containing adaptable dwellings (e.g. multiple dwellings, residential flat buildings, or mixed commercial/residential development), as per the Ballina Shire DCP or any environmental planning instrument.

You must also submit:

- A checklist demonstrating compliance with Class A, B or C Building under AS 4299
- Pre- and post-adaptation drawings.

ADVERTISING STRUCTURE/ SIGN PLAN

Advertising/signage details must be submitted for all applications that involve advertising or business or building identification signage and should include the following:

- details of the advertising structure / sign, materials to be used and how it will be fixed to the building,
- dimensions (including width, height and depth), colours, lettering and overall design,
- the proposed location shown on the site plan (show distances to boundaries),
- details of any existing signage on the property, including dimensions, and details if removal is proposed,
- illuminated signage – provide details of illumination including type (e.g. flood light, internally illuminated), hours of illumination, amount and extent of light spill (light spill diagram may be requested),
- SEPP 64 Advertising and Signage criteria and Ballina Shire DCP 2012 requirements are to be addressed (including details of type of sign).

ARBORICULTURAL IMPACT ASSESSMENT REPORT

Prepared by a qualified AQF5 (or higher) arborist, must be submitted when works are proposed within 5.0m of a tree irrespective of property boundaries. No Arborist Report is required for trees and species within the development site that can be removed without approval under the Ballina Shire DCP 2012 and the Vegetation SEPP 2017.

The Arboricultural Impact Assessment report must include:

- who commissioned the report and why was the report commissioned
- the address of the site containing the trees
- a plan of the site showing the exact location of the trees and the trees numbered to correspond with the text
- the methods or techniques used in the inspections
- the scientific name, common name, height, canopy spread, trunk diameter at breast height, SULE, landscape significance, and form of each tree
- discussion of the data collected, which may include information regarding wounds, cavities, cracks, splits, forking, root zone or diseases
- supporting evidence such as photographs
- a discussion of all options relating to tree retention or removal, including construction techniques to minimise impacts upon root systems
- justification for tree removal
- if required, a tree construction impact statement and recommendations for construction methodology
- may include root mapping
- demonstrate compliance with the relevant Australian Standards.

The arborist is to review all architectural and engineering plans, and is to be aware of any and all earthworks proposed on site.

BASIX CERTIFICATE

Required for:

- 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
- Class 1b tourist accommodation buildings
- Class 4 caretaker's residence within a commercial building.

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

- A valid BASIX Certificate
- All BASIX commitments to be identified on the plans
- Where applicable, NatHERS/ABSA Certification and a set of stamped plans.

The BASIX Certificate must be generated on the Department of Planning and Environment BASIX website: basix.nsw.gov.au, issued no earlier than 3 months before the date on which the application is lodged.

BCA REPORTS

BCA Capability Report

A BCA Capability Report authored by a Registered Certifier (or other agreed suitably qualified person) may be required for new commercial/industrial/mixed use or large scale residential development (all Class 2 – 9 buildings), demonstrating the building is capable of compliance with all relevant sections of the Building Code of Australia.

BCA REPORTS CONT.

BCA Fire Safety and Structural Capacity Report

For a change of use to an existing building to create a Class 2 – 9 building, or the erection of a temporary structure, a report authored by a Registered Certifier (or other agreed suitably qualified person), may be required with the application that takes into consideration whether the fire protection and structural capacity of the building will be appropriate to the proposed use of the building or temporary structure as required under Clauses 93 or 94A of the Environment Planning and Assessment Regulation 2000.

The report is to include schedules of the existing and proposed fire safety measures in the building and the standards to which they have been, and are to be, installed and maintained.

BCA Fire Upgrade Assessment Report

Where the application includes building work, together with any other building work completed or authorised within the previous 3 years, that represents more than half the total volume of the building or the rebuilding, alteration, enlargement or extension of an existing building, a report authored by a Registered Certifier (or other agreed suitably qualified person), may be required with the application that addresses the measures contained in the building to protect persons using the building, and to facilitate their egress from the building in the event of fire and to restrict the spread of fire from the building to other buildings as required under Clause 94 of the Environment Planning and Assessment Regulation 2000. The report is also to make recommendations in relation to bringing the building into total or partial conformity with the Building Code of Australia.

The report is to include schedules of the existing and proposed fire safety measures in the building and the standards to which they have been, and are to be, installed and maintained.

BIODIVERSITY DEVELOPMENT ASSESSMENT REPORT (BDAR)

When a Development Application triggers the Biodiversity Offset Scheme, a BDAR must accompany the application. As a legislated document gazetted under the *Biodiversity Conservation Act 2016*, the minimum information required is to be clearly presented. This is to be prepared as an appendix in a checklist format with reference to the related section in the BDAR¹. Minimum information requirements includes matters such as :

- Which Biodiversity Offset Scheme trigger was exceeded to require the preparation of a BDAR?
- Has the BDAR been prepared in accordance with the Biodiversity Assessment Methodology (BAM)²
- Has the BDAR been prepared by an accredited assessor?³
- Is the report finalised and signed off by the accredited assessor and certified?
- Is Council able to access the case and the calculator?
- Has the accredited assessor provided important digital information like survey locations and logs, field and digital data sheets, plot photos and any other evidence important in supporting the BDAR?
- Has the accredited assessor considered the impacts⁴ associated with the entire development footprint⁵ for all phases⁶ of the development
- Has the allocated Plant Community Type been adequately justified?⁷
- Is survey effort for threatened entities and plant communities robust and consistent with the survey methodologies prescribed under the BAM.⁸

1. A comprehensive table of requirements for the BDAR appears as an Appendix in the Biodiversity Assessment Method (BAM).

2. The state governments Biodiversity Assessment Method which can be found at the following link: environment.nsw.gov.au/topics/animals-and-plants/biodiversity/biodiversity-assessment-method

3. A person accredited (under section 6.10 of the *Biodiversity Conservation Act 2016* to apply the biodiversity assessment method (BAM)The State Government keeps a public register of accredited assessors which can be found at the following link: customer.lmbc.nsw.gov.au/assessment/AccreditedAssessor

4. Impacts include

[a] **Direct** – clearing/destroying native vegetation and habitat

[b] **Indirect** – erosion, weed incursions, feral animal access, changes in hydrology etc.

[c] **Prescribed** Impacts as per [Section 6.1 Biodiversity Conservation Regulation 2017](#)

5. This includes commonly overlooked development footprint features like access points and driveways, clearing entitlements along new boundary lines, clearing required for asset protection zones, location of services and connection points, stockpiles during construction etc.

6. Construction phase, operational phase etc.

7. The Plant Community Type must be adequately justified given its association with state and federal threatened fauna, flora and communities.

8. The Biodiversity Assessment Methodology directs an accredited assessor to the appropriate sort of survey dependant on the targeted species.

BIODIVERSITY OFFSETS SCHEME THRESHOLD REPORT

The Biodiversity Offsets Scheme (BOS) is a legislated framework to avoid, minimise and offset impacts on biodiversity from development¹. Thresholds determine when it is necessary to engage an accredited assessor to prepare a Biodiversity Development Assessment Report (BDAR). This report is then used to assess ecological impacts of a proposal. When a proposal exceeds any of the three thresholds, the scheme is triggered and a BDAR must accompany a Development Application. These thresholds are tested through the:

- **Biodiversity Value (BV) Map²**: Whether direct/prescribed impacts occur on areas mapped on the Biodiversity Values Map as published by the Minister for the Environment
- **Clearing area of native vegetation³**: Whether the amount of native vegetation being cleared exceeds a certain area
- **Test of Significance⁴**: Whether there is a significant impact on a threatened entity (being a threatened plant, animal or an ecological community)

Evidence is required to be supplied that the proposal does not trigger entrance into the Biodiversity Offsets Scheme Threshold. It is advised that the available tools and guidelines be utilised to decide and demonstrate this.

1. [How the Scheme works](#)
2. Generate a report using the state governments [Biodiversity Values Map and Threshold Tool](#) (BOSET)
3. Consider the total development footprint using the [Biodiversity Values Map and Threshold Tool](#) and review documents like 'Guidance on applying the Biodiversity Offset Scheme threshold' which is accessible through the State Governments [Publication Library](#).
4. The Threatened Species Test of Significance Guidelines is available through the State Governments [Publication Library](#) to help applicants and proponents of a development or activity to interpret and apply the factors set aside in [Section 7.3](#) of the [Biodiversity Conservation Act 2016](#)

BUSHFIRE REPORT

Required where land is:

- identified as bushfire prone on Council's Bushfire Prone Land Map, or
- has been identified in the course of processing and determining a development application, as land that can support a bush fire or is likely to be subject to bush fire attack, 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 and contain:

- aim and objectives
- specific objectives for the development type
- performance criteria for the bushfire protection measures
- a site plan indicating the proposed asset protection zones on the land.

A Single Dwelling Application Kit, available from the NSW RFS website rfs.nsw.gov.au/ can be used for residential infill development (dwellings and alterations/additions in preexisting 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 Planning for Bushfire Protection 2019) OR
- any other development type which proposes an alternate solution as part of the design.

OR

If the development has been certified by an Accredited Certifier, under the Planning for Bush Fire Protection 2019, then a written declaration and supporting information may be submitted in place of a report.

CONTAMINATION REPORT

Land contamination issues need to be identified and dealt with at the earliest possible stage in the planning process in order to prevent harm to the environment and/or community and reduce delays and costs in the development and construction phase. DAs should be supported by information demonstrating that the land is suitable for the proposed use or can be made suitable, either by remediation or by the way the land is used for development. The risk to health and the environment from contamination must be included in this assessment including risks during the construction and operation of the development. The former includes work safety issues, as well as the potential for construction to disturb contamination and cause movement of contaminants off-site. The relevance of contamination to a decision on a DA will vary depending on the uses specified in the application and the risk associated with those uses.

CONTAMINATION REPORT CONT.

Council cannot approve an application unless it is satisfied on the basis of information available to it that:

- contamination is unlikely
- contamination has been determined to be below defined investigation thresholds
- contamination has been determined not to pose an unacceptable risk for the intended use
- conditions can be placed on development consents and approvals that will ensure any contaminated land can be remediated to a level appropriate to its intended use, prior to, or during the development stage.

Where there is no reason to suspect contamination after acting substantially in accordance with the NSW Planning/EPA guidelines, the proposal may be processed in the usual way. However, where there is an indication that the land is, or may be, contaminated, the appropriate procedures outlined in the guidelines made or adopted by the NSW EPA need to be followed.

Within the Statement of Environmental Effects (SEE) – Land Contamination, the history of land use needs to be considered as an indicator of potential contamination. Where Council has evaluated the information provided in your SEE – Land Contamination and is uncertain about the likelihood of contamination or there are indications that contamination is or may be present, Council will require the further submission of one or more of the following:

- Stage 1 Preliminary site investigation - including details of any previous remediation
- Stage 2 Detailed site investigation - including site sampling and assessment report
- Stage 3 Site Remedial Action Plan
- Stage 4 Site Validation and On-going Monitoring Plan
- Site Audit Statement and report.

Questions to be considered:

1. Please specify all land uses to which the site has been put, including the current use (Refer to Council's Contaminated Land Policy)
2. Is the proponent aware of the uses to which properties adjoining the site have been put? If so please specify.
3. Do any of the uses correlate with potentially contaminating activities?
4. If yes, has there been any testing or assessment of the site and, if so, what were the results?
5. Is the proponent aware of any contamination on the site?
6. What remediation work, if any has been taken in respect to contamination which is or may have been present on the site? (Work carried out voluntarily or ordered by a government agency.)

Further Resources

[BSC Contaminated Land Policy](#)

National Environmental Protection Measure (NEPM)

Guidelines made and adopted by NSW EPA

DEMOLITION PLAN

Consists of a site plan clearly identifying all structures to be demolished, location of security fencing, waste storage areas, temporary toilet facilities, erosion and sediment control fencing, stabilised vehicle access point and tree protection measures.

DRIVEWAY AND ACCESS PLAN

Required for development where the construction of a driveway requires works within the road reserve.

The design of driveways must comply with the requirements of AS 2890 – Parking Facilities, Northern Rivers Local Government Standard Drawings:

- R-05D Residential Driveway Layouts and Layback Vehicular Crossing for Kerbed Roads
- R-06D Residential Driveway Longitudinal Grading Details
- R-14C Driveways and Vehicular Crossings Non Kerb and Gutter
- R-15D Rural Driveway Longitudinal Grading Details for Non Kerbed Roads

and relevant authorities (such as the NSW Transport - Roads and Maritime Services, RMS), Australian Road Rules (Part 18-Division 1-289), Austroads documentation and Council.

RETAINING WALL AND ASSOCIATED EARTHWORKS DETAILS

Required where any application proposes cut/fill and/or retaining walls.

Plans are to address the following:

- plan at 1:100, or 1:200 for larger sites
- location of retaining walls (and any stockpiles) to be shown on the site plan
- height of retaining wall/filling (and any stockpiles) to showing existing and proposed levels to AHD, including levels of the area surrounding the affected land
- details of material to be utilised for construction of retaining wall
- elevation of retaining wall/cross-section of batters.

ELEVATION AND SECTION PLANS

Must clearly document the proposed building/s or works, and include the following details:

Elevation Plans

- plan at 1:100 or 1:200 for larger sites
- North point (true north) and scale (show ratio and bar scale)
- title, date, plan number, amendment/revision number
- applicant's name and address of subject property
- fully dimensioned elevations of all sides of the building or structure, and coloured to show new work (where relevant)
- outline of existing buildings/development on site (shown dotted)
- clear indication of proposed materials and finishes
- window sizes, sill heights and locations
- door locations and sizes
- roof pitch and eave width
- location of buildings/structures on adjoining land, indicating their address, ridge height, setback and other relevant features
- existing natural ground level (NGL) and finished ground level (FGL) to Australian Height Datum (AHD)
- proposed levels (RLs) (metres AHD) for all ridge lines, eaves, ceilings, floors and ground, existing ground levels, including floor to ceiling heights and street levels (in metres AHD)
- the maximum applicable building height
- building height plane and building envelope (on elevations) as per the requirements of the Ballina Shire DCP 2012
- chimneys, flues, exhaust vents and ducts (show height in relation to adjoining roof levels)
- retaining walls and fences (indicate height)
- extent of excavation or filling of the site
- stormwater drainage pipes (downpipes and gutter)
- elevations of any heritage item relevant to the development.

Section Plans

- plan at 1:100 or 1:200 for larger sites
- North point (true north) and scale (show ratio and bar scale)
- title, date, plan number, amendment/revision number
- applicant's name and address of subject property
- at least two fully dimensioned sections, one of which being a long section
- section through significant level changes, such as under-croft areas and the like
- plans to show section line and location on the plan
- room names/uses
- adequate representation of site works, natural ground level (NGL), finished floor levels and finished ground levels to Australian Height Datum (AHD)
- proposed levels (RLs) (metres AHD) for all ridge lines, eaves, ceilings, floors and ground, existing ground levels, including floor to ceiling heights and street levels (in metres AHD)
- the maximum applicable building height
- retaining walls and fences (indicate height)
- extent of excavation or filling of the site and access/egress grades
- longitudinal sections of proposed driveway/ramp including transitions, levels and height clearances. Where driveways/vehicular crossings or other alterations are proposed, detailed sections of gradients and levels must be provided sufficient for assessment purposes. This may necessitate long sections of the footpath or sections to the centre lane of the road reserve. Where driveways or other alterations are proposed to Council's infrastructure, detailed sections of gradients and levels must be provided for assessment purposes. This may necessitate long sections of the driveway to the footpath or to the centre line of the road.

ENVIRONMENTAL IMPACT STATEMENT (EIS)

Required for Designated Development as listed in Schedule 3 of the Environmental Planning and Assessment Regulation 2000. An EIS for designated development must be prepared in accordance with the Planning Secretary's requirements.

To request the Planning Secretary's Environmental Assessment Requirements (SEARs), you must complete the Form A on the NSW Governments Planning & Environment website planning.nsw.gov.au.

EROSION AND SEDIMENT CONTROL PLAN

Required where development proposes clearing or excavation of existing soil surface (including demolition, alterations/additions, new development, including subdivision, drainage works), stockpiling or landfill.

The plan is to be prepared in accordance with Council's Engineering Requirements for Development and Landcom's The Blue Book – Managing Urban Stormwater; Soils and Construction/Planning for Erosion and Sediment Control on Single Residential Allotments.

The plan must detail proposed methods of controlling erosion during work, excavation and construction, site access, division of water, sediment basins, pump-outs, sediment fences, gutter protection, stockpiles and dust control. The plan must include the following details:

Basic Site Information

- plan at 1:100 or 1:200 for larger sites
- North point (true north) and scale (show ratio and bar scale)
- title, date, plan number, amendment/revision number
- applicant's name and address of subject property
- contours both initial and final
- location of all vegetation to be retained/removed on the site and any protection measures required for such vegetation
- existing and proposed boundaries.

Construction Details

- 'Site' or 'disturbed area'
- dust control
- location of stockpiles and secure chemical storage area
- location of temporary and permanent Soil and Water Management Controls and vehicle accesspoint/s

Stormwater Management

- Location of drains, downpipes, pits and watercourses
- Proposed integration with on-site detention/infiltration and stormwater discharge point (if proposed).

ESTIMATED COST OF WORKS

Refer to the Estimated Cost of Development form on [Council's website](#).

FLOOD IMPACT ASSESSMENT REPORT AND EVACUATION PLAN

If the development site is affected by flooding or is likely to be affected by flooding/localised drainage, the applicant should consult with Council staff to determine the information required to be submitted.

Council will provide written advice to you in the event that a flood impact assessment report and evacuation plan are required as part of the lodgement of your application. Council recommends that you discuss your proposed development with Council as part of a Pre-DA Meeting, prior to lodgement of your application.

If required, you will need to provide a flood study for any proposed development on the site with the associated electronic flood modelling, as prepared by a suitably qualified person.

A Flood Evacuation Plan may be required to address the provisions of Clause 7.3 of the BLEP 2012 or the requirements of another EPI to demonstrate the proposed evacuation method(s) during a flood.

FLOOR PLAN

Must clearly document the proposed building/s or works and include the following:

- plan at 1:100, or 1:200 for larger sites
- North point (true north) and scale (show ratio and bar scale)
- title, date, plan number, amendment/revision number
- applicant's name and address of subject property
- location of proposed new buildings, alterations or works and coloured to show new work
- room layout, partitioning, room dimensions and sizes, and internal uses of each part of the building
- location and sizes of windows and doors
- levels of floors, steps in floor levels and terraces to AHD
- access arrangements and facilities for persons with a disability
- wall construction type and thickness
- location of plumbing fixtures (where applicable)
- spot levels of natural ground to AHD
- boundary locations and all site measurements
- dimensions of exterior walls to all boundaries
- any minimum setbacks/building lines (shown dotted) as prescribed by the Ballina Shire DCP 2012
- location and levels of all buildings/structures on adjoining land (including any openings or decks/balconies facing the site)

FLOOR PLAN CONT.

- pre and post adaptation plans for Adaptable dwellings as per the relevant Australian Standard, and Ballina Shire DCP 2012 requirement or EPI requirement
- existing floor plan, room names and use (if relevant).

Change of use or commercial/industrial development shall also include:

- internal layouts, storage, machinery, racking etc
- egress, existing and proposed fire safety
- food shop safety details.

Ground floor plans to also include:

- courtyard/patio dimensions and areas
- walls and fences
- total floor area and floor space ratio
- vehicle entrance and exit driveways
- car parking and loading areas (show dimensions).

FLORA AND FAUNA ASSESSMENT

May be required when a site contains native vegetation or native fauna. The assessment is to:

- be prepared by a suitably qualified person
- consider all impacts (direct, indirect and prescribed impacts) associated with the entire development footprint (construction and operational development footprint)
- be supported by a suitable assessment methodology
- consider the provisions and objectives of planning controls, including the BLEP 1987/2012, Ballina DCP 2012.

A Test of Significance (s7.3 of the *Biodiversity Conservation Act 2016*) must support applications when there is potential for threatened entities (fauna, flora and ecological communities) to occur within or near the proposed development. The test can be completed as part of the Flora and Fauna Assessment, preferably as an Appendix.

GEOTECHNICAL REPORT

Where there is potential for a development to result in impacts on or be impacted by the stability of the subject site or surrounding locality, a geotechnical report prepared by a suitably qualified, practicing and experienced geotechnical engineer will be required to accompany the development application.

The geotechnical engineer shall develop and prepare a report stipulating site specific requirements to ensure that:

- the site is geotechnically stable
- the site is suitable for the proposed development
- both property and life will be protected.

The report must include recommendations to ensure that the existing rock formations and substrate on the site are capable of withstanding:

- the proposed loads to be imposed
- the extent of the proposed excavation, including any recommendations for shoring works that may be required to ensure the stability of the excavation
- pile construction vibration emissions.

The report must also include details:

- of the protection of adjoining properties (including recommendations or measures to prevent/minimise structural damage to nearby premises)
- of the provision of appropriate subsoil drainage to prevent impact on the existing subsurface flow conditions demonstrating the development will conform to relevant Australian Standards and best Engineering Practice.

KOALAS AND KOALA HABITAT ASSESSMENT

Certain development applications may need to include an assessment of the impacts of their development as it relates to Koalas. Koalas are a vulnerable species and those that reside in the southern portion of our shire contributes to a population which is recognised as being of national significance.

Given this, applicants must demonstrate that their development appropriately satisfies a number of specific planning controls including:

- Core Koala Habitat for impacts (both direct and indirect) to koalas on [1] lands identified in the Ballina Shire Comprehensive Koala Plan of Management (CKPoM)¹ or [2] lands that meet the definition of Core Koala Habitat outside the CKPoM²
- Test of Significance to consider significant impacts on koalas (being a threatened species) through a test of significance³
- Koala Management Precincts and alignment with principal objectives⁴

KOALAS AND KOALA HABITAT ASSESSMENT CONT.

1. The Ballina Shire Comprehensive Koala Plan of Management (CKPoM) was approved by the Department of Planning on 6 July 2017 and commenced operation under the State Environmental Planning Policy 44 (now repealed) on the same date. Chapter 5 of the [Ballina Shire Koala Management Strategy](#) identifies these areas of core koala habitat and establishes requirements for development.
2. The [State Environmental Planning Policy \(Koala Habitat Protection\) 2020](#) commenced on 30 November 2020 and must be considered for lands outside the Ballina Shire Comprehensive Koala Plan of Management (CKPoM).
3. The Threatened Species Test of Significance Guidelines is available through the State Governments 'Publication Library' to help applicants and proponents of a development or activity to interpret and apply the factors set aside in [Section 7.3](#) of the [Biodiversity Conservation Act 2016](#).
4. See Part 3 Koala Management Precincts of the [Ballina Shire Koala Management Strategy](#)

LANDSCAPE PLAN

Plans to address the following:

- plan at 1:100, or 1:200 for larger sites
- North point (true north) and scale (show ratio and bar scale).
- title, date, plan number, amendment/revision number.
- applicant's name and address of subject property.
- name of the landscape designer or company, their contact details and professional qualifications.

A site plan that accurately shows existing site conditions including:

- contours
- property boundaries
- easements and any other restrictions or encumbrances affecting the property, existing vegetation
- buildings and structures (e.g. sheds, roads, retaining walls, fences, water tanks, dams)
- natural landscape features (e.g. waterways, drainage lines, existing vegetation, wetlands, escarpments)
- location of driveways and pedestrian access points
- location of overhead and underground services (electricity, water, sewer, gas, telecommunications)
- inspection pits, manhole covers, sewer vents, grease traps and stormwater drainage infrastructure
- the location and extent of significant views to and from the site
- existing street trees or trees on neighbouring properties that may be impacted by the proposed development

A Landscape Concept Plan (drawn at an appropriate scale, e.g. 1:100 or 1:200) that includes the following:

- legend
- site boundaries
- all proposed buildings, including eave overhang
- demonstration that the proposal complies with any "minimum landscaped area" requirements according to type of development (e.g. dual occupancy and multi-dwelling residential developments)
- location, spread and botanical name of existing trees and native vegetation to be removed/ retained. All trees are to be located, identified and numbered, and shall coincide with the arborists report (if required – note: protection measures for retained vegetation shall be included in the arborist's report).
- all proposed surface finishes e.g. areas of concrete, paving, bitumen, gravel, garden beds, proposed edge treatment to garden beds, mown turf
- all proposed structures e.g. retaining walls, pergolas, awnings, fences, swimming pools, decks, driveways, kerb crossings
- the existing soil characteristics
- details and depth of proposed imported soil and mulch to areas to be planted
- indicative planting (indicated as trees, shrubs, groundcovers)
- indicative plant species, planting densities and container sizes.
- BASIX landscape commitments where relevant are to be indicated by clearly indicating the area on the landscape plan.

Larger scale developments such as Mixed Use Developments, Residential Apartments, Multi-dwelling Housing, Retirement Villages, Aged Care Facilities, Commercial Development and Industrial Development shall require the following additional information:

- a deep soil plan to demonstrate the soil volumes can accommodate the proposed planting.

A Landscape Design Statement may be required to demonstrate the impact of the proposal on streetscape amenity, how the landscape design integrates with the existing streetscape, the impact of the proposal on the neighbouring properties, and how the landscape design considers and addresses this.

LAND USE CONFLICT RISK ASSESSMENT

To be provided for those developments triggered in accordance with Chapter 2 Section 3.1 of the Ballina Shire DCP 2012.

A LUCRA must address, at a minimum, the following matters:

- the extent, nature and intensity of the proposed and adjoining land uses
- the operational characteristics of the proposed and adjoining land uses
- the external effects likely to be generated by the proposed and adjoining land uses (e.g. dust, fumes, odour, spray drift, light and noise) and their potential to cause conflict

LAND USE CONFLICT RISK ASSESSMENT CONT.

- the potential of adjoining land to be used for various commercial activities including agriculture, quarries, rural industries and other agricultural pursuits
- any topographical features or vegetation which may act to reduce the likely impacts of an adjoining land use
- prevailing wind conditions and any other climatic characteristics
- the type of buffer proposed (e.g. biological/vegetated or property management buffers)
- any other mitigating circumstances.

If a vegetated buffer is proposed it must have a minimum width of 30m. If an alternative width is proposed information must be provided to support the effectiveness of the reduced buffer distance.

Any proposed vegetated buffer must be supported by a landscaping plan showing the location, spacing and type of plantings. In addition a maintenance plan including all ongoing maintenance requirements to ensure it remains free of all environmental and noxious weeds and measures to be implemented to ensure that all buffers are managed and protected in perpetuity must be provided.

MOSQUITO REPORT

To minimise nuisance and public health risks associated with mosquitoes, development must be undertaken so that human contact with mosquitoes is minimised.

Development triggered in accordance with Chapter 2 Section 3.6 of Ballina Shire DCP 2012 Chapter 2, Section 3.6 are required to implement a number of development controls and/or engage a suitably qualified and experienced consultant/entomologist to assess the mosquito risk of the proposed development and apply appropriate mitigation measures.

Such development controls include:

- screening rainwater tanks, external windows, doors or indoor/outdoor areas of applicable buildings
- the design, construction and installation of stormwater management devices to ensure they are not capable of holding water in excess of 48hrs after inflows have ceased
- provision of mosquito awareness and avoidance programs
- specialised design of water features capable of holding water in excess of 48hrs
- mosquito buffer zones free of substantial vegetation or structures to assist in reducing the movement of some mosquitoes from mosquito habitat into residential areas.

Where a mosquito impact assessment is required it must be undertaken by suitably qualified and experienced mosquito consultant/entomologist and include:

- documentation of the qualifications and experience of the person(s) undertaking the assessment
- details of the methodologies used
- evidence that fieldwork has been undertaken between November and April, or detailed explanation as to why fieldwork undertaken outside this period provides sufficient information to make an assessment on mosquito risk
- reference made to mosquito population data collected by Ballina Shire Council and available from the NSW Arbovirus Surveillance and Mosquito Monitoring Program
- reference to all relevant documents related to the proposed development (especially plans of management for the site, stormwater, and vegetation including revegetation)
- information detailing measures to minimise the potential impact on future residents or site users from mosquitoes originating within and external to the development site
- all considerations in Chapter 2, Appendix C: Checklist of Considerations When Developing a "Mosquito Impact Assessment".

ON SITE SEWAGE MANAGEMENT

Where Council's reticulated sewer is not available to service your development, the management of sewage on-site is needed and information is required to be submitted to Council so that it may be satisfied that adequate arrangements have been made in accordance with Ballina Shire DCP 2012, Chapter 2, Section 3.8.

Refer to Council's Guideline for On-site Sewage Management Technical Requirements which is available on request from Council's Planning and Environmental Health Division or on our [website](#).

Should your proposal also encompass the recycling of treated greywater and/or blackwater sources, you should also refer to the NSW Guidelines for Management of Private Recycled Water Schemes.

Further Resources

- On-site Sewage Management for Single Households
- On-site Single Domestic Wastewater Management - NSW Health
- Australian Guidelines for Water Recycling: Managing Health and Environmental Risks (phase 1) 2006 Environmental Guidelines – Use of Effluent by Irrigation

OWNERS CONSENT

Refer to the Owners Consent form on [Council's website](#).

SCHEDULE OF BUILDING MATERIALS AND FINISHES

All the proposed colours and finishes of all materials for the external façade of the proposed building/s must be provided. For minor developments, drawings, brochures or swatches may be sufficient to indicate this information, while for major developments a coloured sample board/schedule is required.

The schedule should include the following details:

- composition of the materials or colours
- architectural features that will comprise the materials and colours
- location of the materials and colours on the façade
- manufacturer and product name and range.

SEPP 65 DOCUMENTATION

Required for residential flat development to which SEPP 65 – ‘Design Quality of Residential Flat Development’, applies - residential flat development, shop top housing or mixed use development with a residential accommodation component (i.e., 3 or more storeys and at least 4 or more dwellings).

The following shall be submitted:

- design verification statement from a qualified designer verifying that he or she has designed or directed the design, and that the design quality principles set out in Part 2 of SEPP 65 are achieved
- explanation of the design in terms of the design quality principles set out in Part 2 of SEPP 65
- additional details and compliance statement as contained within the Statement of Environmental Effects, as required in accordance with SEPP 65 and the apartment design guide
- drawings of the proposed development in the context of surrounding development, including the streetscape
- development compliance with building heights, building height planes, setbacks and building envelope controls (if applicable) marked on plans, sections and elevations.
- drawings of the proposed landscape area, including species selected and proposed materials, presented in the context of the proposed building or buildings, and the surrounding development
- if the proposed development is within an area, in which the built form is changing, statements of the existing and likely future contexts
- photomontages of the proposed development in the context of surrounding development
- a sample board of the proposed materials and colours of the façade
- detailed sections of proposed facades.

SHADOW DIAGRAMS

Shadow diagrams (plan form) must show the effect, in plan form of any existing shadows and any additional shadows cast by your proposal. This is particularly in respect of the proposals overshadowing effect on any adjoining residential properties windows, private yard spaces, clothes drying areas, and any solar hot water or similar systems.

Shadow diagrams (elevational) must show the elevational effect of existing shadows and any additional shadows cast by your proposal. This is particularly in respect of the proposals overshadowing effect on any adjoining residential developments windows, balconies/terraces/private open space areas and internal living areas. Elevational shadows are to be superimposed to indicate the area of increased shadow on adjacent properties private open space and dwellings. These are usually required on an hourly basis midwinter between 9am and 3pm midwinter, to determine compliance with the prescribed solar access requirements.

Shadow diagrams are required for the following:

- all two (and above) storey development, including alterations/additions
- any development that adjoins residential development and has the potential to overshadow such development
- shadow diagrams may be required for single-storey development that is situated on an east/west oriented site or highly sloped sites.

You must include the following details:

- North point (must be drawn to true north) and scale (show ratio and bar scale)
- title, date, plan number, amendment number
- applicant's name (if relevant) and address of subject property
- position of existing and proposed buildings on the site
- position of buildings, windows with associated room use, private open space and any solar panels on adjoining land
- proposed and existing shadows superimposed to indicate the area of increased shadow on adjacent properties private open space and dwellings
- indication of the location and nature of shadows from existing and/or proposed fencing
- shadows cast at midwinter (21 June) at 9am, 12noon and 3pm in plan form, at a scale of 1:200
- shadows in plan and elevation form on an hourly basis, if shadows fall on neighbouring windows

SHADOW DIAGRAMS CONT.

- where shadows affect habitable room windows, details of the percentage of the window to receive sunlight at each hour at midwinter (21 June) between 9am and 3pm
- where shadows affect principal areas of private open space, details of the area and percentage of the open space to be overshadowed, at each hour at midwinter (21 June) between 9am and 3pm. Calculations to include details of existing overshadowing.

SITE ANALYSIS PLAN

This plan should identify existing site constraints and opportunities and demonstrate how the proposal addresses these constraints. The plan is to be drawn to scale and include the following details, which are relevant to your proposal:

- North point (true north) and scale (show ratio and bar scale)
- title, date, plan number, amendment/revision number
- applicant's name and address of subject property
- easements, right of way, sewer mains as per survey plan
- site area and dimensions
- topography and spot levels
- existing and proposed buildings on site with footprints dimensioned to boundaries
- buildings on adjoining sites (including location of windows, doors and open space)
- adjoining and nearby landuses
- existing vegetation/trees as per survey plan
- neighbours' views and sunlight (solar access)
- solar access and overshadowing from neighbouring structures
- items of heritage significance on or within the vicinity of the subject site
- significant streetscape features, built form and character
- existing and proposed pedestrian and vehicle access
- direction and distance to local facilities
- potential sources of nuisance such as noise, dust, traffic, lighting etc
- areas of potential overlooking
- prevailing winds
- zone boundaries
- public open space
- views (both impact of proposed development on existing views and views from the proposed development)
- fences/boundaries

SITE PLAN

A plan to address the following:

- plan at 1:100, or 1:200 for larger sites
- North point (true north) and scale (show ratio and bar scale)
- contours (at 1m intervals)
- title, date, plan number, amendment/revision number
- applicant's name and address of subject property
- boundary locations and all site measurements (length, width and area, both existing and proposed)
- fully dimensioned setbacks to front, side and rear boundaries (of the new and existing works)
- finished Floor Levels (FFLs) for all buildings.

Also, where relevant:

- any minimum setbacks/building lines (shown dotted/dashed) as prescribed by the Ballina Shire DCP 2012, BCA or other relevant policy or code
- removal of existing buildings/development shown dotted
- show new work, easements, right-of-way and existing structures
- existing and proposed fences, landscaping, swimming pools, retaining walls (including top of wall and bottom of wall heights), paved areas, pathways and driveways with RLs
- spot levels to Australian Height Datum (AHD) for natural ground levels (NGL) and finished ground levels
- all existing vegetation to be removed or retained as per survey plan
- location of vegetation and natural features (including canopy trees, rock outcrops etc.)
- location of pedestrian and vehicle access points and car parking (indicating extent of cut and fill and gradients)
- location and levels of all buildings/structures on adjoining land (including any openings or decks/balconies facing the site)
- location and dimensions of all existing and/or proposed impervious areas/hard surfaces (including driveways, decks, paved areas etc.)
- location and capacity of any existing and/or proposed rainwater tanks
- location of existing and/or proposed stormwater infrastructure and/or easements (Council and private), both within the site and the adjacent road reserve

SITE PLAN CONT.

- location of all existing and/or proposed utilities, including any associated easements, both within the site and the adjacent road reserve
- location of any utility manholes and power poles, street trees, driveway crossovers and bus stops in the adjacent road reserve
- location of any existing and/or proposed flue/chimney/exhaust and dimensioned distance from the nearest openings of adjoining buildings
- any heritage and archaeological features
- width of road reserve.

STATEMENT OF ENVIRONMENTAL EFFECTS (SEE)

Must be submitted with all applications. This is a written statement that addresses the matters for consideration contained within Section 4.15 of the Environmental Planning and Assessment Act 1979.

The SEE is to:

- describe the site in detail (current use, aspect, slope, vegetation etc.)
- describe the proposed development in detail
- detail the environmental impacts of the development and demonstrate that the environmental impacts of the development have been considered:
 - details of any demolition
 - details of any removal or introduction of vegetation
 - details about waste production and removal
 - details on the potential impact of noise, overshadowing, overlooking, odour, the impact on utilities, impacts on soil and water management, impacts on traffic and parking
 - potential non-residential impact for relevant development and any other environmental impact this development might produce
 - steps taken to mitigate any identified environmental impacts and to protect the environment generally
 - matters required as per any guidelines issued by the Department of Planning Industry and Environment
 - address the planning principles established by the Land and Environment Court, where relevant
- respond to all relevant provisions of any applicable environmental planning instruments (SEPPs), Ballina LEP 1987/Ballina LEP 2012, development control plans and Council policies
- include a compliance table showing the performance of the development against the relevant numerical standards and controls
- provide justification for any areas of non-compliance with relevant objectives, standards or controls
- discuss any likely impacts and identify any mitigation measures to reduce those impacts.

Additional details may be required for certain development, including:

- hours of operation, trading hours and/or delivery times
- staff numbers
- plant and machinery to be installed, including hours of plant operation
- type, size and quantity of goods to be made, stored or transported.

If the application seeks to vary a development standard within an Environmental Planning Instrument (SEPP or BLEP), a separate document is required (see below).

Please refer to Council's website for information and guidance on the type of information to be included in a SEE for certain development types, including dwellings, dual occupancies and secondary dwellings, and ancillary structures (eg. swimming pools, fences, jetties and rural farm sheds).

STATEMENT OF HERITAGE IMPACT

SoHI to be prepared in accordance with the provisions of Clause 5.10 of the BLEP 2012 (where applicable) and the Heritage Council Guidelines. The SoHI, must be submitted for any development application on land:

- on which a heritage item is located
- that is within a heritage conservation area.

A Statement of Heritage Impact, prepared in accordance with Heritage Council Guidelines, may be required for any development application on land that is in the vicinity of a heritage item or conservation area.

The Statement of Heritage Impact, prepared in accordance with the Heritage Council Guidelines, must include:

- an assessment of the heritage significance of the item
- a discussion of the impacts of the proposed works on the significance of the item, and
- details of the mitigation measures.

STATEMENT OF HERITAGE IMPACT

CONT.

In particular, a Statement of Heritage Impact is to demonstrate that all possible means of mitigating any negative impact on the item have been addressed and that the proposed works will not significantly alter the heritage significance of an item or the character of the locality;

Council may require further documentation that provides guidelines for the on-going management and conservation of heritage items and conservation areas.

STORMWATER MANAGEMENT PLAN

Required for all development proposals (unless exempted by 2.5.3.4 of the Ballina Shire Council Stormwater Management Standards for Development – single dwellings on an allotment and secondary dwellings and dual occupancies) and shall comprise the following elements:

Conveyance:

- plan of contributing catchments, conveyance system (location/network, sizing and grades) and proposed lawful point of discharge
- detention, Retention and Treatment Systems (including erosion and sediment control): Demonstrated compliance with standards, design calculations and plans of devices. Operation, cleaning, performance monitoring and maintenance schedules.

Stormwater management plans submitted with development applications are to be of concept standard only, but must be sufficiently detailed to identify feasibility and sizing of area/footprint requirements.

Stormwater management plans submitted with construction certificate applications must be of detailed design standard and include all necessary drawings and specifications for construction. Completed operation, cleaning, performance monitoring and maintenance schedules for all stormwater management devices must be completed and included with the construction certificate application. Where deemed to comply solutions are submitted they must be accompanied by completed and signed copies of Tables 3.2 and 3.4 within the Ballina Shire Council Stormwater Management Standards for Development.

Additional requirements for stormwater management plans are contained within the Ballina Shire DCP 2012 and the Ballina Shire Council Stormwater Management Standards for Development document.

SUBDIVISION PLAN

Applications involving the subdivision of land must be accompanied by a draft plan of subdivision with the following details:

- plan at 1:100, or 1:200 for larger sites
- north point (true north) and scale (show ratio and bar scale)
- contours (at 1m intervals)
- title, date, plan number, amendment/revision number
- applicant's name and address of subject property
- existing and proposed lot boundaries, land title details and new lot numbers
- distance to boundaries from all structures (existing and proposed)
- proposed boundary dimensions (metres) and lot areas (square metres)
- relationship of the lot(s) to existing roads
- location and width of nearby roads
- location of any traffic devices within proximity of the subject site, and any services within the footpath area
- existing and proposed restrictions, covenants, easements and right of ways (e.g., maintenance easements, restrictions as to use, access handle, etc.)
- proposed public reserves and drainage reserves (i.e. land to be dedicated to Council)
- existing and proposed finished levels (contours and spot heights at regular intervals to AHD on both the subject site and adjacent footpath/Council reserve) and details of earthworks (cut/fill/retaining) and preliminary engineering work to be carried out
- relative levels for both the subject land and adjacent streets/footpaths (as per Survey Plan)
- location of all existing structures on site
- location of all existing trees/vegetation on site, and any existing trees/vegetation to be removed/retained as per Survey and Site Analysis plans
- location of existing/proposed water, sewerage, electricity, gas and telephone and associated easements, where applicable.
- details of consultation with public authorities responsible for provision or amplification of utility services required by the proposed subdivision, if relevant.
- existing and proposed points of entry and exit (vehicular and pedestrian) for each proposed lot.
- party walls (if relevant).
- each unit/dwelling lot size, associated private open space area, car parking allocation as well as communal space (if applicable).

SUBDIVISION PLAN CONT.	<p>For undersized allotments and sites that are physically constrained (i.e. small site or small buildable area), indicative building footprints should also be nominated, as required via the Ballina DCP 2012. For these sites, it is recommended that you confirm the requirements through a pre-DA lodgement meeting.</p> <p>Additional requirements for subdivision are contained within the Ballina Shire DCP 2012.</p>
STRATA SUBDIVISION PLAN	<p>Applications involving Strata subdivision shall be accompanied by a draft plan of Strata subdivision with the following details:</p> <ul style="list-style-type: none"> • plan at scale, generally 1:100 or 1:200 • north point (true north) and scale (show ratio and bar scale) • title, date, plan number, amendment/revision number • applicant's name and address of subject property • proposed lot sizes • common property • any easements or restrictions.
SURVEY PLAN	<p>A Survey Plan (less than 12 months old) is required to be submitted with all applications, except:</p> <ul style="list-style-type: none"> • where a change of use is proposed with no external works • where the application relates to an internal fit-out • where the application relates to signage mounted on an existing structure <p>The survey must be prepared and signed by a registered surveyor and show their name and Registration Number. Any offsets should be annotated clearly, showing the position of fences and walls in relation to boundaries.</p> <p>The boundary survey must include the following:</p> <ul style="list-style-type: none"> • true north point, or relationship to true north • scale, generally 1:100 or 1:200 • position of all existing structures, with floor level & ridge height of main building • position of existing structures on adjoining land within 3 metres of the boundary, including description, street number, floor level, ridge height, and window levels & locations in the walls closest to the side boundaries • levels - spot levels & existing contours related to Australian Height Datum (AHO) with bench mark details & origin of levels shown • trees- exact position, trunk diameter (if greater than 200mm), height, spread, & species (if known) both on the subject site, and on adjoining land within 3 metres of the site boundaries • all visible services within the site & council footway area, including stormwater pits & invert levels, hydrants, sewer manholes, Telstra pits etc. • concrete paths, vehicle crossings, kerb position with top of kerb levels, and kerb outlets • title boundaries with dimensions • location & type of all existing easements and rights of way including party walls and common walls • current documentary evidence (Section 888 instrument or dealings) relating to any easements or rights of carriageway which are to be relied upon.
TRAFFIC/PARKING REPORT	<p>A Traffic/Parking Report, prepared by a suitably qualified traffic consultant, is required for all applications that generate significant additional traffic and/or parking requirements, or seek to reduce existing parking provisions or propose a variation to the controls contained within the Ballina Shire DCP 2012, excluding applications associated with individual dwellings.</p> <p>The report must address all traffic and parking related issues including potential conflicts with vehicles, pedestrians and cyclists (all road users), consider impacts at adjacent or connecting intersections or roads, and demonstrate compliance with relevant RMS Guidelines, Austroads and Australian Standards.</p> <p>For constrained sites where access is difficult or for large projects that generate large volumes of construction traffic, a construction traffic management plan is to be prepared. The plan is to also include the impacts the proposal will have on the local road network. The plan must provide a description of the construction works, the traffic impacts on the local area and how these impacts will be addressed.</p>

VARIATION TO DEVELOPMENT CONTROL

Under the Environmental Planning & Assessment Act 1979, Development Control Plans (DCP's) are required to be applied flexibly, and consent authorities are required to allow for alternate solutions to DCP requirements so that otherwise permissible development may be carried out. The role of the DCP is to give effect to an environmental planning instrument (EPI) by supporting the aims of the instrument, the range of permitted development under the EPI and the objectives of applicable land use zones.

Council will consider variations to the development controls set out in the DCP where a proposed development can otherwise demonstrate that it achieves the applicable planning objectives.

Council will consider variations to the DCP provisions as set out below:

- where a proposal does not comply with a particular development control, applicants may propose an alternative solution. In some circumstances, variations can produce improved and innovative solutions for particular site.
- a written variation request must:
 1. Identify the development control that is to be varied and detail the extent of variation proposed;
 2. Identify the general and/or specific objectives of that control and how the variation complies with the objectives;
 3. Justify why the specific provisions of the policy do not make appropriate provisions with regard to the subject application; and
 4. Demonstrate why compliance with the provisions of this DCP is unreasonable or unnecessary in the particular circumstances of the case.

Note: Variations to a development control(s) will only be considered where the specific development objective can be met.

A separate form is available on Council's [website](#).

VARIATION TO DEVELOPMENT STANDARD

Development standards may be contained in State Environmental Planning Policies (SEPPs) or Local Environmental Plans (LEPs). Development standards exist to provide a framework of limitations for anticipated development in an area or are a means to achieving an environmental planning objective.

In the case of the Ballina Local Environmental Plan (BLEP) 1987 and Ballina Local Environmental Plan (BLEP) 2012, development standards are provisions or standards which guide development to be carried out in accordance with particular requirements under certain circumstances, such as maximum building heights in residential areas. They can be numerical or may require compliance with particular criteria or require facilities to be provided in association with a development (performance based).

There are two mechanisms that provide the ability to apply to vary development standards contained within the local environmental planning instruments applicable to the Ballina Shire, namely an application via Clause 39 - Exceptions to development standards (for the BLEP 1987) and an application via Clause 4.6 - Exceptions to development standards (for the BLEP 2012).

Ballina Local Environmental Plan 1987

Clause 39 – Exceptions to development standards is the mechanism that can be utilised to apply for and assess a variation to a development standard contained within the BLEP 1987.

The standards within the BLEP 1987 that may be subject to request for a variation are those included within Clauses 11, 12, 17, 28 and 41. The majority of these standards are able to be varied without the requirement for concurrence from the Secretary of the Department, where detailed specifically in Clause 39 of the BLEP 1987 and Planning Circular 20-002 (prepared by the Department of Planning, Industry and Environment).

Ballina Local Environmental Plan 2012

Clause 4.6 – Exceptions to development standards is the mechanism that can be utilised to apply for and assess a variation to a development standard contained within the BLEP 2012.

The standards within the BLEP 2012 that may be subject to request for a variation are those included within Clauses 2.8, 4.1, 4.1AA, 4.1A, 4.1B, 4.1C, 4.2, 4.2A, 4.3 and 4.4. The majority of these standards are able to be varied without the requirement for concurrence from the Secretary of the Department, where detailed specifically in Clause 4.6 and Planning Circular 20-002.

As detailed in Clause 39 of the BLEP 1987 and Clause 4.6 of the BLEP 2012, these provisions are not to be used in relation to the subdivision of land in a rural or environmental protection zone.

If you are seeking to vary a development standard within the BLEP 2012 or BLEP 1987, you will be required to lodge with your development application a written application justifying the variation (refer to ballina.nsw.gov.au for a separate form). Alternatively, the listed questions within the form may be addressed within a Statement of Environmental Effects (SEE) document lodged with the development application.

VARIATION TO DEVELOPMENT STANDARD CONT.

Please note that there is no automatic right to vary a development standard. Clause 39 (of the BLEP 1987) and Clause 4.6 (of the BLEP 2012) places the onus on the applicant to provide a written justification for the variation to the development standard through application.

Written applications to vary development standards are required to:

- address whether strict compliance with the standard, in the particular case, would be unreasonable or unnecessary and why, and
- demonstrate that there are sufficient environmental planning grounds to justify contravening the development standard.

Matters to be addressed in a written request to vary a development standard are as follows:

1. What is the name of the EPI (environmental planning instrument) that applies to the land?
2. What is the zoning of the land?
3. What are the objectives of the zone?
4. What is the development standard being varied?
5. Under what clause is the development standard listed in the relevant BLEP?
6. What are the objectives and purpose of the Development Standard? How are the objectives / purpose of the standard relevant to your development?
7. What is the numeric value of the Development Standard in the relevant BLEP?
8. What is the proposed numeric value of the Development Standard in your Development Application?
9. What is the percentage variation (between your proposal and the relevant BLEP)?
10. How is strict compliance with the Development Standard unreasonable or unnecessary in this particular case?
11. Demonstrate how the objectives of the zone and the objectives of the development standard have been complied with despite the variation to the development standard.
12. Would strict compliance with the standard, in your particular case, be unreasonable or unnecessary? Why? Will approval of the variation of the Development Standard set a precedent? Why or why not?
13. Are there sufficient environmental planning grounds to justify contravening the Development Standard? Provide details.
14. Is compliance with the development standard unreasonable or inappropriate due to the current use of the land and current environmental character of the particular parcel of land? Should the particular parcel of land have been included within the current zone?

VEGETATION MANAGEMENT PLAN

A Vegetation Management Plan (VMP) is a document which guides the recovery and protection of an ecosystem that has been degraded, damaged, or destroyed. A VMP describes how the ecological features¹ on a property will be actively managed, protected and enhanced. Depending on a sites attributes and the nature of the proposed works, a Development Application may require the preparation and implementation of a VMP as it relates to the management of natural resources like:

- natural areas and habitat
- water front lands, riparian habitats, ordered drainage
- bush fire and asset protection zones
- compensation for unavoidable habitat loss

Refer to the provisions of the Ballina Shire DCP 2012 for specific requirements in relation to VMPs.

1. Ecological features includes; Vegetation and plant community types, threatened entities (presence or likely presence), water features (ground dependent ecosystems, creek lines, water sheds and gullies) habitat features (hollows, nests), threatening processes (pests, edge effects, erosion, land slips, steep lands) etc.

VISUAL IMPACT STATEMENT

Required for visually prominent development on a visually prominent site, includes, but is not limited to:

- detailed description and photographs of the site and surrounds, including existing vegetation, topography, slope, surrounding development and other features that may affect visual impact
- description of the proposed development, including proposed earthworks, vegetation removal, built form, design, height, bulk, scale, roofline, materials, colour schemes, external surface finishes, fencing and landscape treatment
- a description of the measures proposed to ameliorate visual impacts
- provision of graphic evidence to illustrate the proposal, including models and/or photomontages where relevant.

A description of the visual prominence of the site and visual impact of the development is also required, including responses to the following questions:

- Can the site be viewed from public locations, including public reserves, waterways, beaches and roads?
- Is the site located on a high topographical location such as a hillside, ridgeline, knoll or crest?
- Can the site be viewed from the beach front?
- Is the site located on land that slopes at a grade of more than 20%?

VISUAL IMPACT STATEMENT CONT.

- Would proposed development on the site visually disrupt the skyline when viewed from a public location by protruding above any ridgeline, or above adjacent buildings?
- Would proposed development on the site have the potential to obstruct views to and/ or from another visually prominent location?
- Would the development on the site have the potential to result in a loss of significant views from another property?
- Would development on the site become visually prominent due to the removal of vegetation that would otherwise screen the development?
- How will the development be visually integrated with the surrounding natural landscape and built environment?
- How will the development incorporate measures to avoid reflection of sunlight from glazed surfaces?
- Would the development on the site have the potential to result in a loss of significant views from another property?
- Would development on the site become visually prominent due to the removal of vegetation that would otherwise screen the development?
- How will the development be visually integrated with the surrounding natural landscape and built environment?
- How will the development incorporate measures to avoid reflection of sunlight from glazed surfaces?

WASTE MANAGEMENT PLAN (WMP)

Designed to control the volume of waste generated at the development, and the proposed waste management practices for a development. The WMP should include the following information:

Demolition

- the volume and type of waste generated during demolition
- the methods of storage of material on site. A site plan should be included
- detail the identification, handling and disposal of any hazardous materials
- how recyclable materials will be separated, managed, and where the materials will be sent for recycling
- the location and methods of disposal of all residual waste
- the licensed transporter of the waste
- ongoing waste management strategies.

Construction

- the type of waste generated during construction (classification of waste)
- the method and location of waste storage on site
- how any recyclable materials will be managed?
- the location of the disposal facility for residual waste
- ongoing waste management strategies

Note: During the demolition and construction phases, it is the responsibility of the site manager to ensure that the above management measures are inspected and maintained as required.

Use

- details of waste storage containers to be used by the development (ie mobile garbage bins or bulk bins, how many, frequency of collection etc.)
- location and design of waste storage areas
- nominate collection point for servicing
- details of access for contractor where necessary
- ongoing waste management strategies.

Further Resources:

[NSW Waste Classification Guidelines](#)

[BSC Waste Management for Multi-unit Developments Policy](#)

[NSW Resource Recovery Orders and Exemptions](#)