

Development Application SUPPLEMENT

A guide to the information you need to include with your development application
(to be read in conjunction with the DA Guide)

Section 1. How to use this supplement

This supplement provides information to help you to complete your development application. Each section relates to a question in the form where you may need to attach additional information.

Section 2. Assessing the environmental impacts of your proposal

Council needs to assess the impacts of your proposal. You need to attach one or more environmental reports to your application so this assessment can be made. The type of report will depend upon whether your proposal is designated development or will impact upon threatened species.

Designated development

If your proposal is listed in Schedule 3 of the Environmental Planning and Assessment Regulation 2000 it is known as designated development. Few developments fall into this category.

If your development is designated development, please attach an environmental impact statement (EIS) to your application.

The Secretary of the Department of Planning and Environment has a number of requirements for what must be included in an EIS. The requirements depend upon the nature of the proposed development. Contact the Department's Major Project Assessment Branch on 1300 305 695 to find out what you need to include in your EIS.

All other types of development

If your development is not designated development, please attach a Statement of Environmental Effects. Council's DA Guide outlines all the information required.

Threatened species

Please use the test set out in Section 7.3 of the Biodiversity Conservation Act 2016 to work out whether your proposal is likely to significantly impact threatened species, populations, ecological communities or their habitats. If you need help to do the test, please contact Council, the National Parks and Wildlife Service or NSW Office of Environment & Heritage.

If your development will impact threatened species, populations, ecological communities or their habitats, please include a species impact statement (SIS). If you are also required to include an EIS, you can address the requirements of the SIS in your EIS. Contact the National Parks and Wildlife Service and/or NSW Office of Environment and Heritage for more information.

Section 3. Approvals from state agencies

If you need development consent and one or more of the approvals listed in **Attachment A** of this Guide, your development is known as integrated development. Please complete Attachment A to identify the approvals you need and the agency(s) from which you need the approvals.

If your proposal is integrated development, Council will refer your application to the agency(s) you identify. The agency(s) will inform us whether or not it will approve your application and, if so, what the general terms of the approval will be. If your application is approved, the conditions of the consent will include those general terms.

If your property is located within the medium or high Aboriginal archaeology sensitivity areas, your development may be integrated development. This can generally only be determined during the assessment of your proposal. We will liaise with you about this.

Please include Attachment A with your application if you have identified that you need one or more approvals.

Section 4. Concurrences from state agencies

Your development may need the agreement of a state agency. For example, development adjacent to a railway line often needs concurrence from Transport for NSW. We will refer a copy of your application to the relevant agencies to seek their agreement. We can tell you whether the application needs to be referred.

Please include enough information with your application for the agency(s) to assess your proposal.

Contact details for state agencies

NSW Department of Primary Industries (Fisheries)

W www.dpi.nsw.gov.au/fishing/habitat/protecting-habitats

T 1300 550 474

E information-advisory@dpi.nsw.gov.au

NSW Office of Environment and Heritage

W www.environment.nsw.gov.au/topics/heritage

T 9995 5000

E info@environment.nsw.gov.au

NSW National Parks and Wildlife Service

W www.nationalparks.nsw.gov.au

T 1300 072 757

E info@environment.nsw.gov.au

NSW Environment Protection Authority

W www.epa.nsw.gov.au

T 131 555

E info@environment.nsw.gov.au

NSW Department of Planning & Environment

W www.planning.nsw.gov.au

T 1300 305 695

NSW Office of Water

W www.industry.nsw.gov.au

T 1800 353 104

E water.enquiries@dpi.nsw.gov.au

NSW Roads and Maritime Services

W development.sydney@rms.nsw.gov.au

T 13 22 13

NSW Rural Fire Service

W www.rfs.nsw.gov.au

T 8741 5555

Attachment A

Integrated development - approvals from state agencies

Some proposals, because of their nature, need other kinds of approvals (eg licences, permits). Your proposal is known as integrated development if you need development consent and one or more of the approvals that have been set out in this attachment. Follow through each group of questions to decide whether you need any of these approvals. If you have identified you need one or more approvals, please include this attachment with your application.

Aquaculture

Does your proposal involve the cultivation of fish, shellfish, crustaceans, seaweeds, or other aquatic organisms for commercial purposes (but not including a pet shop or aquarium)?

No

Yes ► You will need a permit under Section 144 of the *Fisheries Management Act 1994* from NSW Department of Primary Industries.

Excavation or filling of a waterway

Does your proposal involve any excavation or filling of the bed of a natural or semi-natural waterway whether permanently or intermittently inundated or flowing (including a bay, estuary, lake, river, creek, lagoon or wetland), with any earth, soil, rock, rubble, concrete, timber or bricks etc? This does not include works within farm dams, urban ponds, irrigation channels, stormwater ponds, sewage treatment ponds, - etc.

No

Yes ► You will need a permit under Section 201 of the *Fisheries Management Act 1994* from NSW Department of Primary Industries.

Harm to Marine Vegetation

Does your proposal involve any disturbance, damage or harm to marine vegetation (including seagrasses, mangroves and seaweeds) on public water land or private land which is adjacent to public water land, including by shading them with an overhead structure (eg jetty or pontoon)?

No

Yes ► You will need a permit under Section 205 of the *Fisheries Management Act 1994* from NSW Department of Primary Industries.

Obstruct Fish Passage

Does your proposal involve the construction of any structure such as a weir, dam, floodgate, culvert or causeway across any natural or semi-natural waterway whether permanently or intermittently inundated or flowing (including a bay, estuary, lake, river, creek, lagoon or wetland)?

No

Yes ► You will need a permit under Section 201 or 219 of the *Fisheries Management Act 1994* from NSW Department of Primary Industries.

Heritage*

Does your development involve a building, a place or land that has a permanent conservation order, an interim conservation order or an interim heritage order protecting it, or which is listed on the State Heritage Register?

No

Yes ► You need an approval under section 60 of the *Heritage Act 1977* from the NSW Heritage Office. (If the council can give this consent, however, the development is not integrated development.)

Mining

Does your development require you to apply for a mining lease?

No

Yes ► You will need an approval under Section 63 or 64 of the *Mining Act 1992*.

Petroleum

Does your development involve prospecting for or mining petroleum?

No

Yes ► You will need an approval under Section 16 of the *Petroleum (Onshore) Act 1991*.

OFFICE USE ONLY

Aboriginal relics and places

Do you want to destroy, damage or otherwise harm an Aboriginal relic that is known to exist on the land you want to develop?

No

Yes ► Are you going to do so in accordance with Aboriginal tradition?

No

Yes ► You need an approval under section 90 of the *National Parks and Wildlife Act 1974* from the National Parks and Wildlife Service

Do you want to destroy, damage or otherwise harm land that has been declared to be an Aboriginal place?

No

Yes ► You need an approval under section 90 of the *National Parks and Wildlife Act 1974* from the National Parks and Wildlife Service.

If your property is located within the medium or high Aboriginal archaeology sensitivity areas, these questions and your responses may be revisited during the assessment of your proposal. This will depend on the outcome of any Aboriginal Heritage Assessment that may be required.

Environment Protection Authority*

Is your proposal listed in Schedule 1 of the Protection of the Environment Operations Act, 1997? Examples include extractive activities, helicopter related activities, marinas and boat repairs, resource recovery, waste disposal and waste processing.

No

Yes ► You will need an environment protection licence under section 43 of the *NSW Protection of the Environment Operations Act 1997* from the Environment Protection Authority

Is your proposal a non-scheduled activity subject to a licence under Section 43(d) of the NSW Protection of the Environment Operations Act 1997?

No

Yes ► Your proposal will be integrated development

Rivers, lakes and aquifers*

Does your development interfere with an aquifer (for example, an extractive industry, or a project requiring de-watering for a basement car park)?

No

Yes ► You will need an aquifer interference approval under Section 91 of the Water Management Act 2000 from the NSW Office of Water*?

Is your development within 40 metres of a stream, river, lake or lagoon?

No

Yes ► Are you going to excavate the land, remove material from the land or do anything which will obstruct or detrimentally affect the water flowing in a stream, river, lake, lagoon or aquifer?

No

Yes ► Unless your development is one of those listed below, you need an activity approval under Section 91 of the Water Management Act 2000 from NSW Road and Maritime Service if the development will affect Botany Bay (east of Captain Cook Bridge), and from the NSW Office of Water* in any other case.

An activity approval is not required within 40 metres of a stream, river, lake or lagoon, if your development is:

- A single dwelling house or a dual occupancy
- Any alteration, addition or ancillary development to a single dwelling house or a dual occupancy,

Note: An activity approval is required for all development on freehold land (not Crown Land) below the mean high water mark, or in the bed of a stream, river or lake.

Roads

Will your development affect a public road, a Crown road, a highway, a main road, a freeway or a tollway?

No

Yes ► You need consent under section 138 of the Roads Act 1993 from NSW Roads and Maritime Services, the NSW Department of Primary Industries or the council. If the council can give this consent, the proposal is not integrated development.

Bush Fire (Rural Fire Services)

1. Is your property located within the bushfire interface or bushfire prone areas as shown on Council's Bushfire Interface and Bushfire Prone Areas maps?

No

Yes ► Go on to question 2

2. Is the proposed development for a single dwelling or works related to a single dwelling (e.g. new house, swimming pool, alterations and additions etc)?

No ► Go on to question 3

Yes ► Your proposal is not Integrated Development, however you will need to include a Bush Fire Assessment Report demonstrating compliance with the aim and objectives of Planning for Bushfire Protection 2006 (published by the Rural Fire Service) and the specific objectives and performance criteria for the land use proposed.

3. Is your development included on the following list?

- Subdivision of land for residential or rural residential purposes #;
- Strata subdivision of buildings not previously subject to bushfire assessment #;
- Schools;
- Child care centres;
- Hospitals (including a hospital for the mentally ill
- Hotels, motels or other tourist accommodation; (except B&B accommodation in an existing building more than 30m from native vegetation)
- Buildings wholly or principally used as a home or other establishment for mentally incapacitated persons;
- Housing for older people or people with disabilities within the meaning of SEPP (Housing for Seniors or People with a Disability);
- Group homes within the meaning of SEPP (Affordable Rental Housing) 2009;
- Retirement villages;
- Manufactured home estates
- Sheltered workshops
- Respite care centres
- Student and staff accommodation
- Community bushfire refuges (*refer to Clause 45 of Rural Fires Regulation 2013 for exceptions)

No

Yes ► Your application will require referral to the Rural Fire Service as it is integrated development.

* 30 Day advertising period..

refer to Clause 45 of Rural Fires Regulation 2013 for exceptions)