

Development application



NSW GOVERNMENT
Department of Planning

Date lodged: ____/____/____

DA no: _____
(Office use only)

1. Before you lodge

This form is required to apply for Part 4 development consent under section 78A of the *Environmental Planning and Assessment Act 1979*, for proposals that require the Minister for Planning's consent.

The **DA Supplement: a guide to filling in your application**, which accompanies this form (see page 6) will help you complete your application.

Disclosure statement

Persons lodging applications are required to declare reportable political donations (including donations of or more than \$1,000) made in the previous two years. For more details, including a disclosure form, go to www.planning.nsw.gov.au/donations.

Lodgement

Anyone wishing to lodge an application is recommended to call the Department of Planning to discuss their proposal prior to lodging their application. You can lodge your completed form, together with attachments and fees at the Department of Planning.

NSW Department of Planning
Ground floor, 23–33 Bridge Street, Sydney NSW 2000
GPO Box 39 Sydney NSW 2001
Phone 1300 305 695 Fax 02 9228 6555
Email: information@planning.nsw.gov.au

To minimise delay in receiving a decision about your application, please ensure you submit all relevant information to the Department. When your application has been assessed, you will receive a notice of determination.

2. Applicant and contact details

Company/organisation/agency

ABN

Port of Newcastle Operations Pty Limited

97539122070

Mr ☐ Ms ☒ Mrs ☐ Dr ☐ Other

trustee for the Port of Newcastle Trust

First name

Family name

Rebecca

Johnston

STREET ADDRESS

Unit/street no.

Street name

6

Newcomen Street

Suburb or town

State

Postcode

Newcastle

2300

POSTAL ADDRESS (or mark 'as above')

PO Box 790

Suburb or town

State

Postcode

Newcastle

2300

Daytime telephone

Fax

Mobile

24908 8219

0437 057 557

Email

rebecca.johnston@portofnewcastle.com.au

3. Property description

Unit/street no.

Street or property name

Selwyn Street

Suburb, town or locality

Mayfield

Postcode

2304

Local government area

City of Newcastle

Lot/DP or Lot/Section/DP or Lot/Strata no.

Please ensure that you put a slash (/) between lot, section, DP and strata numbers. If you have more than one piece of land, you will need to separate them with a comma e.g. 123/579, 162/2.

Lot 42 and 45, DP 1191982

Note: You can find the lot, section, DP or strata number on a map of the land or on the title documents for the land, if title was provided after 30 October 1983. If you have documents older than this, you will need to contact the NSW Department of Lands for updated details.

4. Description of proposed development

Briefly describe your proposal, including all major components. See Section 2 and Section 4 of the DA Supplement.

Use of land for the operation of an open air cargo storage facility at Mayfield.

Will this involve: (please tick where relevant)

☐ erecting, altering or adding to a building or structure

☒ a temporary building, structure, or use

☐ subdividing land

Please specify the no. of lots & attach preliminary engineering drawings of the work to be carried out.

☐ subdividing a building into strata lots

Please specify the no. of lots

☐ demolition

☐ changing the use of land or a building or the classification of a building under the Building Code of Australia (without building, subdividing or demolishing)

☐ advertising and signage

☐ other work (without building, subdividing or demolishing)?

5. Number of jobs to be created

Please indicate the number of jobs the proposed development will create. This should be expressed as a proportion of full time jobs over a full year, (e.g. a person employed full-time for 6 months would equal 0.5 of a full-time equivalent job, a person working for 20 hours per week for 6 months would approximate to 0.25 of a FTE job, six contractors working on and off over 2 weeks equate to 2 people working full-time for 2 weeks, which equals approximately 0.08 of an FTE job).

Construction jobs (full-time equivalent)

Operational jobs (full-time equivalent)

6. Crown development

Specific provisions apply to development by the Crown under Part 5A of the *Environmental Planning and Assessment Act 1979*.

Is this proposal Crown development in accordance with the provisions of the *Environmental Planning and Assessment Act 1979*?

Yes ☐

Identify Crown agency

No ☒

7. Staged development

You can apply for development consent for only part of your proposal now, and for the remaining part(s) at a later stage.

Are you applying for development consent in stages?

No ☒

Yes ☐ Please attach:

- information which describes the stages of your development
- a copy of any consents you already have for part of your development.

8. Plans of the land and development

You need to provide a number of different plans that show what you intend to do. **Section 3** of the **DA Supplement** sets out which plans to provide and the details to include. Contact the Department to find out the number of copies of plans required.

Please attach:

- a site plan of the land, drawn to scale
- plans or drawings of the proposal, drawn to scale

and, where relevant:

- an A4 size plan of the proposed building and other structures on the site
- a plan of the existing building, drawn to scale.

9. Environmental effects of your development

In order to assess your proposal, you will need to inform the Department of the potential impacts it will have. Depending upon the nature and scale of your proposal, you may need to provide one or more of the documents listed below to explain the environmental effects of your proposal. See **Section 4** of the **DA Supplement**.

Is your proposal **designated development**?

Yes ☐ ➤ Please attach an environmental impact statement (EIS).

No ☒ ➤ Please attach a statement of environmental effects (SEE).

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

Yes ☐ ➤ Please attach a species impact statement (SIS).

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

No ☒ ➤ The proposal is not likely to have a significant effect, because of the issue of a biobanking statement under Part 7A of the *Threatened Species Conservation Act 1995*.

Has a biobanking statement been issued? Yes ☐ No ☐

Is the land you are proposing to develop within a wilderness area and the subject of a wilderness agreement or conservation agreement within the meaning of the *Wilderness Act 1987*?

Yes ☐ ➤ Please attach a copy of the consent of the Minister for the Environment to the carrying out of the development.

No ☒

Does your proposal require works to a heritage item or works adjoining a heritage item?

Yes ☐ ➤ Please attach a heritage impact statement.

No ☒

If your proposal involves works to a heritage item or works adjoining a heritage item you must obtain one of the following. Please tick which applies to your proposal.

☐ Exemption notification form under section 57(2) of the *Heritage Act 1977*

☐ Application under section 60 of the *Heritage Act 1997*

☐ Excavation permit under section 140 of the *Heritage Act 1977*.

10. BASIX compliance

A development application for any BASIX affected development must also be accompanied by a BASIX certificate (or certificates), being a BASIX certificate that has been issued no earlier than 3 months from the date of application.

Does your development require a BASIX certificate?

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

No ☒

Note: To find out if your development requires a BASIX certificate please contact the BASIX Help Line on 1300 650 908.

11. Approvals from State agencies (integrated development)

If you need development consent and one or more of the approvals listed in **Attachment A** of the **DA Supplement**, your development is known as integrated development. The relevant State agency will be involved in the assessment of your proposal. See **Section 6** of the **DA Supplement**.

Is your application for integrated development?

No ☒

Yes ☐ ➤ Please complete **Attachment A** of the **DA Supplement** and submit with your application. Please attach:

- sufficient information for the approval body(ies) to assess your application
- additional copies of your application for each agency. Contact the Department to find out the number of copies required.

12. Concurrences from State agencies

You may need the agreement of a State agency to carry out your development. Contact the Department to determine whether the application needs to be referred. A copy of your application will be sent to the relevant agencies to seek their agreement.

Do you need the concurrence of a State agency to carry out the development?

No ☒

Yes ☐ ➤ Please list any agencies whose concurrence you need.

Please attach sufficient information for the agency(ies) to assess your application.

13. Supporting information

You can support your application with additional material, such as photographs, including aerial photographs, slides and models to illustrate your proposal. Please list any material that has been attached:

Statement of Environmental Effects prepared by AECOM Australia Pty Ltd dated 25 November 2016.

14. Application fee

Part 15 Division 1 of the Environmental Planning and Assessment Regulation 2000 sets out how to calculate the fees for development applications. For development that involves a building or other works, the fee for your application is based on the estimated cost of the development. If your application is for integrated development or requires concurrence from another State agency, you will need to include additional processing fees. If your development needs to be advertised to the public you may also need to include an advertising fee.

Note: Advertising fees attract GST, all other fees do not. Contact the Department if you need help to calculate the fee for your application.

Estimated cost of the development

0

Total fees lodged

15. Political donation disclosure statement

Persons lodging a development application are required to declare reportable political donations (including donations of or more than \$1,000) made in the previous two years. Disclosure statements are to be submitted with your application.

Have you attached a disclosure statement to this application?

Yes ☒

No ☐

Note: For more details about political donation disclosure requirements, including a disclosure form, go to www.planning.nsw.gov.au/donations.

16. Owner's consent

The owner(s) of the land to be developed must sign the application. If you are not the owner of the land, you must have all the owners sign the application. If the land is Crown land, an authorised officer of the NSW Department of Lands must sign the application. **An original signature must be provided.**

As the owner(s) of the above property, I/we consent to this application:

Signature

See attached letter

Name

Date

Signature

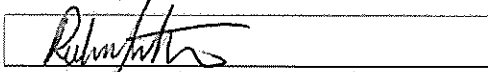
Name

Date

17. Applicant's signature

The applicant, or the applicant's agent, must sign the application. Only an original signature will be accepted (photocopies or faxed copies will not be accepted).

Signature



Date

25-11-2016

In what capacity are you signing if you are not the applicant

Name, if you are not the applicant

18. Privacy policy

The information you provide in this application will enable the Department, and any relevant state agency, to assess your application under the *Environmental Planning and Assessment Act 1979* and other applicable state legislation. If the information is not provided, your application may not be accepted. If your application is for designated development or advertised development, it will be available for public inspection and copying during a submission period. Written notification of the application will also be provided to the neighbourhood. You have the right to access and have corrected any information provided in your application. Please ensure that the information is accurate and advise the Department of any changes.

DA supplement: a guide to filling in your application



NSW GOVERNMENT
Department of Planning

1. How to use this guide

This guide provides information to help you fill in your development application. The sections of the guide relate to the parts of the development application (DA) form where you may need to attach additional information. If you need additional help in completing your application, please contact the Department of Planning.

2. Describe what you propose to do

You need to include a brief description of the proposed development, detailing the major components of the development.

e.g. 'Construct and operate a solid waste landfill at the former [name] quarry. The proposal includes a private access road and administrative and support infrastructure. The proposed capacity of the site is 5 million tonnes of waste, and ABC Pty Ltd seeks approval to accept 100,000 tonnes per annum of inert putrescible and industrial waste from the [name] area.'

3. Plans of the land and development (Part 8 of the DA form)

You need to include a site plan of the land and the plans or drawings of the proposal to show what you intend to do.

The **site plan** is to be drawn to scale and show:

- the location of the land, the measurements of the boundaries of the land, the size of the land and which direction is north
- existing vegetation and trees on the land
- the location and uses of buildings that are already on the land
- the existing levels of the land in relation to buildings and roads
- the location and uses of buildings on sites adjoining the land.

The **plans or drawings** are to be drawn to scale and show, where relevant:

- the location of any buildings or works (including extensions, additions to existing buildings or works) in relation to the land's boundaries and adjoining development
- the floor plans of any proposed buildings showing layout, partitioning, room sizes and intended uses of each part of the building
- how high the proposed development will be in relation to the land
- each elevation of the proposed building(s)
- any changes that will be made to the level of the land by excavation, filling or otherwise
- the level of the lowest floor, the level of any yard or unbuilt area and the level of the ground
- the arrangements you have made for parking, where vehicles will enter and leave the site, and how vehicles will move about the site
- proposed landscaping and treatment of the land (indicating plant types and their height and maturity)
- proposed methods of draining the land
- in the case of development to which clause 2A of the Environmental Planning and Assessment Regulation 2000 applies or if the development application is accompanied by a BASIX certificate (despite there being no obligation under clause 2A for it to be so accompanied), such other matters as any BASIX certificate for the development requires to be included on the sketch.

You will need to attach these additional plans, if applicable:

- an **A4 size plan of the proposed building** and other structures on the site if you propose to erect, alter or add to a building, and your development does not need to be advertised to the public. The Department can tell you if your development must be advertised. The plan is to indicate the height and external shape of the proposed building as it will be erected on the site and include details of other buildings or structures on the site.
- a **plan of an existing building**, drawn to scale, if your application involves building work to alter, expand or rebuild the building. The plan will allow the Department to assess whether any existing buildings must be upgraded for safety reasons.

4. Assessing the environmental impacts of the proposal (Part 9 of DA form)

To assist the Department in assessing the impacts of your proposal, you may need to attach one or more environmental reports to your application. The type of report/s required depends on whether your proposal is designated development or not, and the possible effects on threatened species.

For designated development

Section 77A of the *Environmental Planning and Assessment Act 1979* states that designated development is development that is declared to be designated development by an environmental planning instrument or the regulations (the *Environmental Planning and Assessment Regulation 2000*).

If your development is designated development, please attach an environmental impact statement (EIS) to your application. The Director General of the Department 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 if you need help in determining whether your proposal is designated development and to find out what you will need to include in your EIS.

You will also need to submit an electronic copy of the executive summary of the EIS. This will be published on the Department's website. The document must be saved as a PDF and can be emailed to the Department or saved on CD and attached to the hard copy.

For all other types of development

If your development is not designated development, please attach a statement of environmental effects (SEE). Table 1 sets out the information you need to include in your SEE.

Table 1 What to include in a statement of environmental effects

A statement of environmental effects of a proposal is to include information on the following:

- what you consider to be the environmental impacts of the development
- how you have identified the environmental impacts of the development
- the steps you will take to protect the environment or to lessen the expected harm to the environment
- any matters that must be included by any guidelines issued by the Director-General of the Department
- how you have addressed any other matters identified by the relevant planning instruments.

Where relevant, your statement of environmental effects may also need to include additional information:

For shops, offices, commercial or industrial development:

- the hours of operation
- the plant and machinery to be installed
- the type, size and quantity of goods to be made, stored or transported
- the loading and unloading facilities that will be available.

To change the use of a building (where you are not doing any building work):

You do not need to include these lists if the building will now be used as a single dwelling or a non-habitable building or structure (such as a private garage, carport, shed, fence, antenna or swimming pool).

- a list of Category One fire safety provisions that currently apply to the existing building, and
- a list of Category One fire safety provisions that are to apply to the building following its change of use
- a list of fire safety measures currently used in the building

Each list is to describe the extent, capability and the basis of design of each of the provisions/measures.

For a subdivision:

- the details of the existing and proposed subdivision pattern (including the number of lots and the location of roads)
- the consultation you have carried out with the public authorities who provide, or will increase, the services you will need (e.g. water, road, electricity, sewerage)
- preliminary engineering drawings which show proposed roads, water, sewer, and earthworks
- both the existing and the proposed ground levels when the subdivision is completed.

For demolition:

- the age and condition of the building or structure you will demolish
- whether the building or structure has heritage value.

For building or demolition:

- the methods that will be used to protect the site during construction or demolition.

For development relating to an existing use:

- the details of the existing use
- a justification for the proposal having regard to the objectives of the zone.

For a temporary structure

- documentation that specifies the live and dead loads the temporary structure is designed to meet
- a list of proposed fire safety measures to be provided in connection with the use of the temporary structure
- a statement as to how the performance requirements of Part B1 and NSW Part H102 of Volume One of the Building Code of Australia are to be complied with
- documentation describing any accredited building product or system sought to be relied on for the purposes of section 79C(4) of the *Environmental Planning and Assessment Act 1979*
- copies of any compliance certificates to be relied on.

For entertainment venues

- a statement that specifies the maximum number of persons proposed to occupy, at any one time.

For advertisements:

- the size, type, colour, materials and position of the sign board or structure on which the advertisement will be displayed.

For development in a wilderness area:

- a copy of a consent from the Minister for the Environment if the area is subject to a wilderness protection agreement or a conservation agreement. (You can contact the Department of Environment and Climate Change on 02 9995 5000 to determine if there is an agreement in place).

For DAs for residential flat development to which *State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development* applies:

- an explanation of the design in terms of the design quality principles set out in Part 2 of *State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development*
- 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 materials to be used, presented in the context of the proposed building or buildings, and the surrounding development and its context
- 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
- if appropriate, a model that includes the context.

For proposals that may affect threatened species

Please use the test set out in Table 2 to work out whether your proposal is likely to significantly impact on threatened species, populations, ecological communities or their habitats. If you need help to do the test, please contact the Department of Planning or the Department of Environment and Climate Change.

If your development is likely to have a significant effect on threatened species, populations, ecological communities or their habitats, please attach a species impact statement (SIS) to your application. If you are also required to attach an environmental impact statement (EIS) to your application, you can address the requirements of the SIS in your EIS. Contact the NSW Department of Environment and Climate Change about what you need to include in your SIS.

Table 2 Will your proposal impact on threatened species?

The following factors must be taken into account in deciding whether there is likely to be a significant effect on threatened species, populations or ecological communities, or their habitats, along with any relevant assessment guidelines:

- (1) in the case of a threatened species, whether the action proposed is likely to have an adverse effect on the life cycle of the species such that a viable local population of the species is likely to be placed at risk of extinction
- (2) in the case of an endangered population, whether the action proposed is likely to have an adverse effect on the life cycle of the species that constitutes the endangered population such that a viable local population of the species is likely to be placed at risk of extinction
- (3) in the case of an endangered ecological community or critically endangered ecological community, whether the action proposed:
 - (i) is likely to have an adverse effect on the extent of the ecological community such that its local occurrence is likely to be placed at risk of extinction
 - (ii) is likely to substantially and adversely modify the composition of the ecological community such that its local occurrence is likely to be placed at risk of extinction
- (4) in relation to the habitat of a threatened species, population or ecological community:
 - (i) the extent to which habitat is likely to be removed or modified as a result of the action proposed
 - (ii) whether an area of habitat is likely to become fragmented or isolated from other areas of habitat as a result of the proposed action
 - (iii) the importance of the habitat to be removed, modified, fragmented or isolated to the long-term survival of the species, population or ecological community in the locality
- (5) whether the action proposed is likely to have an adverse effect on critical habitat (either directly or indirectly)
- (6) whether the action proposed is consistent with the objectives or actions of a recovery plan or threat abatement plan
- (7) whether the action proposed constitutes or is part of a key threatening process or is likely to result in the operation of, or increase the impact of, a key threatening process.

Source: section 5A, *Environmental Planning and Assessment Act 1979*.

6. Approvals from state agencies (Part 11 of the DA form)

If, as well as development consent, you need one or more of the approvals listed in **Attachment A** of this Supplement, your development is known as "Integrated Development". The Department will refer your application to the agency(ies) you identify. The agency(ies) will notify the Department of whether or not they 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.

Please complete Attachment A and include it with your application. If you need help to fill out the attachment contact the Department. The contact details of the Department and other agencies are listed below.

Department of Planning

Internet: www.planning.nsw.gov.au

Phone: 1300 305 695

Email: information@planning.nsw.gov.au

Department of Planning – Heritage Branch

Internet: www.heritage.nsw.gov.au

Phone: 02 9873 8500

Email: heritage@planning.nsw.gov.au

Department of Environment and Climate Change

Internet: www.environment.nsw.gov.au

Phone: 02 9995 5000

Email: info@environment.nsw.gov.au

Mine Subsidence Board

Internet: www.minesub.nsw.gov.au

Phone: 02 4908 4395

Email: mail@minesub.nsw.gov.au

Department of Primary Industries

Internet: www.dpi.nsw.gov.au

Phone: 02 6391 3100

Department of Water and Energy

Internet: www.dwe.nsw.gov.au

Phone: 02 8281 7777

Email: information@dwe.nsw.gov.au

NSW Rural Fire Service

Internet: www.rfs.nsw.gov.au

Phone: 02 8741 5555

Roads and Traffic Authority

Internet: www.rta.nsw.gov.au

Phone: 131 782

Attachment A Integrated development — approvals from State agencies

Some proposals need other types of approvals (e.g. 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 below. Answer the following series of questions to decide whether you need any of these approvals. If you have identified that you need one or more approvals, please include this attachment with your application (Section 6 of this Supplement.)

Fisheries Management Act 1994

Do you want to carry out aquaculture?

No ☒

Yes ☐ ➤ You need a permit under section 144 of the *Fisheries Management Act 1994* from the Department of Primary Industries.

Do you want to carry out dredging or reclamation work in a waterway (a stream, river, lake, lagoon, estuary or marine waters)?

No ☒

Yes ☐ ➤ You need a permit under section 201 of the *Fisheries Management Act 1994* from the Department of Primary Industries.

Will your development cut, remove, damage or destroy marine vegetation (e.g. mangroves, seagrasses) on public water land or an aquaculture lease, or on the foreshore of any such land or lease?

No ☒

Yes ☐ ➤ You need a permit under section 205 of the *Fisheries Management Act 1994* from the Department of Primary Industries.

Are you planning to:

- (a) set a net, netting or other material, or
- (b) construct or alter a dam, floodgate, causeway or weir, or
- (c) otherwise create an obstruction,

across or within a bay, inlet, river or creek, or across or around a flat?

No ☒

Yes ☐ ➤ You need a permit under section 219 of the *Fisheries Management Act 1994* from the Department of Primary Industries.

Heritage Act 1997

Does your development involve a place, building, work, relic, movable object, precinct or land that has an interim heritage order or listing on the State Heritage Register protecting it?

No ☒

Yes ☐ ➤ You need an approval under section 57 of the *Heritage Act 1977* from the Heritage Branch of the Department of Planning.

Mine Subsidence Compensation Act 1961

Do you want to build, subdivide, make roads, paths or driveways, or put in any pipelines, water, sewage, telephones, gas or other service mains in a mine subsidence district, or alter any of these types of development in a mine subsidence district?

No ☒

Yes ☐ ➤ You need an approval under section 15 of the *Mine Subsidence Compensation Act 1961* from the Mine Subsidence Board.

Mining Act 1992

Do you wish to carry out development for the purposes of obtaining minerals?

No ☒

Yes ☐ ➤ You need a mining lease approval under section 63 and 64 of the *Mining Act 1992* from the Department of Primary Industries.

National Parks and Wildlife Act 1974

Will your development destroy, deface or damage, or permit the destruction or defacement of or damage to a relic or Aboriginal place that is known to you?

No ☒

Yes ☐ ➤ You need a permit under section 90 of the *National Parks and Wildlife Act 1974* from the Department of Environment and Climate Change.

Petroleum (Onshore) Act 1991

Do you wish to carry out development for the purposes of mining petroleum?

No ☒

Yes ☐ ➤ You need a grant of production lease under section 9 of the *Petroleum (Onshore) Act 1991* from the Department of Primary Industries.

Protection of the Environment Operations Act 1997

Are you intending to carry out scheduled development work as defined in Schedule 1 of the *Protection of the Environment Operations Act 1997* at any premises?

No ☒

Yes ☐ ➤ You need an environment protection license under sections 43(a), 47 and 55 of the *Protection of the Environment Operations Act 1997* from the Department of Environment and Climate Change.

Are you intending to carry out a scheduled activity as defined in Schedule 1 of the *Protection of the Environment Operations Act 1997* at any premises?

No ☒

Yes ☐ ➤ You need an environment protection license under sections 43(b), 48 and 55 of the *Protection of the Environment Operations Act 1997* from the Department of Environment and Climate Change.

Are you intending to carry out non-scheduled activities for the purposes of regulating water pollution resulting from the activity?

No ☒

Yes ☐ ➤ You need an environment protection license under sections 43(d), 47 and 122

of the *Protection of the Environment Operations Act 1997* from the Department of Environment and Climate Change.

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

Roads Act 1993

Will your development:

- erect a structure or carry out a work in, on or over a public road, or
- dig up or disturb the surface of a public road, or
- remove or interfere with a structure, work or tree on a public road, or
- pump water into a public road from any land adjoining the road, or
- connect a road (whether public or private) to a classified road.

No ☒

Yes ☐ ➤ You need consent under section 138 of the *Roads Act 1993* from the Roads and Traffic Authority or the local council.

Rural Fires Act 1997

Do you want to subdivide bushfire prone land that could lawfully be used for residential or rural residential purposes, or develop bushfire prone land for special fire protection purposes?

No ☒

Yes ☐ ➤ You need a bushfire safety authority under section 100B of the *Rural Fires Act 1997* from the NSW Rural Fires Service.

Note: 'Special fire protection purpose' means the purpose of the following:

- a school
- a child care centre
- a hospital (including a hospital for the mentally ill or mentally disordered)
- a hotel, motel or other tourist accommodation
- a building wholly or principally used as a home or other establishment for mentally incapacitated persons
- seniors housing within the meaning of *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004*
- a group home within the meaning of *State Environmental Planning Policy (Infrastructure) 2007*
- a retirement village
- any other purpose prescribed by the Rural Fires Regulation 2002.

Water Management Act 2000

Are you intending to use water for a particular purpose at a particular location, or are you intending to use water from outside NSW?

No ☒

Yes ☐ > You need a water use approval under section 89 of the *Water Management Act 2000* from the Department of Water and Energy.

Are you intending to construct and use a specified water supply work, drainage work, or flood work at a specified location?

No ☒

Yes ☐ > You need a water management work approval under section 90 of the *Water Management Act 2000* from the Department of Water and Energy.

Are you intending to carry out a controlled activity in, on or under waterfront land?

No ☒

Yes ☐ > You need a controlled activity approval under section 91 of the *Water Management Act 2000* from the Department of Water and Energy. If the development will affect Sydney Harbour or its tributaries, Botany Bay (east of Captain Cook or the Ports of Newcastle or Kembla, a permit from NSW Maritime.

Bridge)

Are you intending to carry out aquifer interference activities?

No ☒

Yes ☐ > You need an aquifer interference approval under section 91 of the *Water Management Act 2000* from the Department of Water and Energy.

Note:

Controlled activity means:

- the erection of a building or the carrying out of a work (within the meaning of the *Environmental Planning and Assessment Act 1979*), or
- the removal of material (whether or not extractive material) or vegetation from land, whether by way of excavation or otherwise, or
- the deposition of material (whether or not extractive material) on land, whether by way of landfill operations or otherwise, or
- the carrying out of any other activity that affects the quantity or flow of water in a water source.

Water supply work means:

- a work (such as a water pump or water bore) that is constructed or used for the purpose of taking water from a water source, or
- a work (such as a tank or dam) that is constructed or used for the purpose of:
 - capturing or storing rainwater run-off, or
 - storing water taken from a water source, or
- a work (such as a water pipe or irrigation channel) that is constructed or used for the purpose of conveying water to the point at which it is to be used, or
- any work (such as a bank or levee) that has, or could have, the effect of diverting water flowing to or from a water source, or
- any work (such as a weir) that has, or could have, the effect of impounding water in a water source, including a reticulated system of such works, and includes all associated pipes, sluices, valves and equipment, but does not include:
- any work (other than a water supply work under the control or management of the Sydney Water Corporation, the Hunter Water Corporation or a local water utility) that receives water from a water supply work under the control or management of the Sydney Water Corporation, the Hunter Water Corporation or a local water utility, or
- any work declared by the regulations not to be a water supply work.

Drainage work means a work (such as a pump, pipe or channel) that is constructed or used for the purpose of draining water from land, including a reticulated system of such works, and includes all associated pipes, sluices, sluiceways, valves and equipment, but does not include:

- any sewage work (within the meaning of Part 2 of Chapter 6), or
- any work declared by the regulations not to be a drainage work.

Flood work means a work (such as a barrage, causeway, cutting or embankment):

- that is situated:
 - in or in the vicinity of a river, estuary or lake, or
 - within a floodplain, and
- that is of such a size or configuration that, regardless of the purpose for which it is constructed or used, it is likely to have an effect on:
 - the flow of water to or from a river, estuary or lake, or
 - the distribution or flow of floodwater in times of flood, and includes all associated pipes, valves and equipment, but does not include any work declared by the regulations not to be a flood work.