

22. ECO-INFO

INTEGRATED DEVELOPMENT

Edited 06/06/05

INTRODUCTION

Integrated development is development that requires both development consent and approval under another Act.

Section 91 of the *Environmental Planning and Assessment Act (EP&A) 1979* defines *integrated development* and provides a list of government agencies and the approvals that may be required from those agencies.

It is the responsibility of the applicant to identify whether their application is for *integrated development*. If this is not done up front by the applicant it will lead to delays in processing the application and frustrations by the applicant. Council will assume in most cases that the applicant does not wish to have their application processed as *integrated development*. This can lead to further frustrations for the applicant when they are still required to obtain approval under another Act.

FEES FOR INTEGRATED DEVELOPMENT

Clause 100 of the *EP&A Regulation 2000* provides that an additional fee for **each** approval body is payable in respect of an application for *integrated development*.

This fee should be provided in the form of a cheque made out to each of the agencies to which the application must be referred.

At this time, the fee is not being charged by the Mines Subsidence Board and the Roads and Traffic Authority.

An additional administration fee is also to be paid to Council for an integrated development application.

WHERE TO SEND INTEGRATED DEVELOPMENT APPLICATIONS

When Council receives an *integrated development* application, Council will forward a copy to the appropriate State Authority.

The applicant needs to provide an extra copy of the application to be supplied for each of the State agencies to which it must be referred.

Preliminary enquires may be made of the relevant agency prior to lodgement of a Development Application with Council. A list of those agencies dealing with integrated development that may be contacted for preliminary enquires is provided in Table 1.

TABLE 1

Agency	Area	District, Regional or Zone Office
NSW Fisheries (aquaculture permit)	NSW	Aquaculture Permits Clerk Private Bag 1 NELSON BAY NSW 2315 Ph: (02) 4982 1232 Fx: (02) 4982 1107
NSW Fisheries (permit to dredge, reclaim or to cut or destroy marine vegetation)	Tuggerah Lakes catchment management units and Lake Macquarie	Office of Conservation NSW Fisheries Port Stephens Fisheries Centre Taylors Beach Road TAYLORS BEACH NSW 2316 Ph: (02) 4982 1232 Fx: (02) 4982 1107
National Parks and Wildlife Service	Sydney Zone	Manager Environmental Planning Unit Sydney Zone 43 Bridge Street HURSTVILLE NSW 2220 Ph: (02) 9585 6913
Mine Subsidence Board	Wyong	Mine Subsidence Board 30-32 Hely Street WYONG NSW 2259 Ph: (02) 4352 1646 Fx: (02) 4352 1757
Environment Protection Authority	Sydney Zone	POEO (Protection of the Environment Operations Act, 1997) Service Centre Ph: 133 372 Fx: (02) 9995 5921
Department of Infrastructure, Planning and Natural Resources	Central Coast	Regional Manager Department of Infrastructure, Planning and Natural Resources PO Box 1148 GOSFORD NSW 2250 Ph: (02) 4323 7000 Fx: (02) 4323 6573
Rural Fire Service	Sydney Zone	Rural Fire Service Head Office Locked Mail Bag 17 GRANVILLE NSW 2142 Ph: (02) 8741 5555 Fx: (02) 8741 5550
Roads and Traffic Authority	Central Coast/Hunter Region	Road Safety Traffic Manager Hunter Region Locked Bag 30 NEWCASTLE NSW 2300 Ph: (02) 4924 0240 Fx: (02) 4924 0344
NSW Heritage Council	NSW	NSW Heritage Office Locked Bag 5020 PARRAMATTA NSW 2124 Ph: (02) 9873 8500 Fx: (02) 9873 8599

INTEGRATED DEVELOPMENT APPROVALS THAT MAY BE REQUIRED:

NSW FISHERIES

<i>Relevant Legislation</i>	<i>Section</i>	<i>Approval</i>
Fisheries Management Act	144	Aquaculture Permit
	201	Permit to dredge or reclamation work
	205	Permit to cut/ remove/ damage/ destroy marine vegetation

Some examples of the types of development or activities that may be *integrated development* and require NSW Fisheries to grant an approval are:-

- jetties and marinas (eg: dredging for access, reclamation for a wall, shading marine vegetation);
- dredging;
- foreshore development, including foreshore stabilisation;
- causeways or road-crossing of waterways which require reclamation and/or dredging;
- boardwalks or walking tracks that cross intertidal areas, mangrove wetlands, seaweeds or seagrasses;
- development that may affect marine vegetation by cutting, removing, destroying, transplanting, shading or damaging in any way (eg: cutting mangroves or shading seagrasses for jetties or moorings); and
- oyster farms and other aquaculture activities. (Note that these also require a lease from Fisheries).

NATIONAL PARKS AND WILDLIFE

<i>Relevant Legislation</i>	<i>Section</i>	<i>Approval</i>
National Parks and Wildlife Act	90	Consent to knowingly destroy, deface, or damage an Aboriginal relic or an Aboriginal place

The NP&WS is an approval body for development which impacts on an Aboriginal relic or Aboriginal place.

However, threatened species, populations and/or ecological communities do not trigger the integrated process. The *EP&A Act 1979* and *Threatened Species Conservation Act 1995* eliminated the need for separate licensing or approvals in relation to these matters.

MINE SUBSIDENCE BOARD

<i>Relevant Legislation</i>	<i>Section</i>	<i>Approval</i>
Mine Subsidence Compensation Act	15	Approval to alter or erect improvements or to subdivide land within a Mine Subsidence District

In Wyong Shire, special arrangements are in place that requires an application affected by mine subsidence to be endorsed by the Mine Subsidence Board before submitting to Council. The application will not be treated as integrated once endorsed by the Board.

DEPARTMENT OF ENVIRONMENT AND CONSERVATION (ENVIRONMENT PROTECTION AUTHORITY)

<i>Relevant Legislation</i>	<i>Section</i>	<i>Approval</i>
Protection of the Environment Operations Act	43(a) and 47	Licence to carry out scheduled development work (work that is designed to enable a scheduled activity to be carried out)
	43(b) and 48	Licence to carry out a scheduled activity (excluding a waste activity but including a waste facility)
	43(d) and 122	Licence to control the carrying out of non-scheduled activities for the purpose of regulating any water pollution
	44	Licence to occupy a controlled waste facility

DEPARTMENT OF INFRASTRUCTURE, PLANNING AND NATURAL RESOURCES

<i>Relevant Legislation</i>	<i>Section</i>	<i>Approval</i>
Rivers and Foreshores Improvement Act	Part 3A (Section 22b)	Permit required to make an excavation or remove material within 40 metres of the bank of a river, lake or lagoon or do anything that obstructs or detrimentally affects the flow of water on a river, lake or lagoon
Water Act	10, 13A, 18F, 20B, 20CA and 20L ⁵	Licence or permit to construct a work and to take water
	116	Licence to sink or to alter a bore to take water
	Part 8	Approval to construct an earthwork, embankment or levee on the bank of a river or lake, or within a floodplain
Water Management Act	89, 90, 91	Water use approval, water management approval or activity approval under Part 3 Chapter 3

The approvals that the Department Infrastructure, Planning and Natural Resources administers under the *Water Management Act 2000*, *Water Act 1912* and the *Rivers and Foreshores Improvement Act 1948* (Part 3A) require that applications be referred to them during the development consent process, as well as some approvals under the *Roads Act 1995*.

The types of activities that may need approval under these Acts include:

- extraction of water from a surface water source or groundwater;
- construction of a weir or dam;
- works to prevent flooding, such as levees;
- diverting a watercourse;

- works that affect the quantity of water flowing into or from a river or lake;
- most works within or close to a river or water body (including urban streams) such as dredging, excavation, placing of fill material, bank stabilisation, bridge and culvert construction and vegetation removal;
- activities within the bed of any river or lake, or within 40 metres of the banks.

Activities within 40 of a river or lake bank that no longer require approval under Part 3A of the *Rivers and Foreshores Improvement Act 1948* are as follows:

1. A single dwelling house;
2. Dual Occupancy Development;
3. Any alterations or additions to an existing dwelling house or dual occupancy development;
4. Any ancillary development to an existing dwelling house or dual occupancy development being:
 - driveways,
 - carports,
 - awnings,
 - detached sheds or garages,
 - pergolas or gazebos,
 - verandas, patios or decks,
 - barbeques,
 - swimming pools, tennis courts or dressage arenas,
 - acoustic barriers,
 - inclinators,
 - clothes lines,
 - antennae.

These minor developments will still be assessed by Council in line with the requirements of the *EP&A Act, 1979*, however Council will no longer need to refer applications for the above developments.

DEPARTMENT OF INFRASTRUCTURE, PLANNING AND NATURAL RESOURCES

<i>Relevant Legislation</i>	<i>Section</i>	<i>Approval</i>
Native Vegetation Act	12	Authority authorising the cutting down, felling, thinning, logging, killing, destroying, poisoning, ringbarking, uprooting or burning of native vegetation. Consent for these activities on non-urban lands is required from the Hunter Central Rivers Catchment Management Authority.

The clearing of native vegetation may be permitted with Council's consent and without the Hunter Central Rivers Catchment Management Authority's approval on land within a zone designated "residential" (but not "rural-residential"), "village", "township", "industrial" or "business" under an environmental planning instrument or, having regard to the purpose of the zone, having the substantial character of a zone so designated.

RURAL FIRE SERVICE

<i>Relevant Legislation</i>	<i>Section</i>	<i>Approval</i>
Rural Fires Act	100B	Authorisation in respect of bushfire safety of subdivision of land that could lawfully be used for residential or rural residential purposes or development of land for special fire protection purposes

ROADS AND TRAFFIC AUTHORITY

<i>Relevant Legislation</i>	<i>Section</i>	<i>Approval</i>
Roads Act	138	A consent (from the RTA only) to erect or alter structures or works, or connect a public road to a classified road or toll way

HERITAGE COUNCIL

<i>Relevant Legislation</i>	<i>Section</i>	<i>Approval</i>
Heritage Act	58	Approval to damage, move, alter or undertake any development on a state significant heritage item listed on the <i>State Heritage Register (SHR)</i> or to which an <i>Interim Heritage Order (IHO)</i> applies. Refer to Section 57(1) of the <i>Heritage Act</i>

Development that involves demolishing or otherwise impacting a place, building, work, relic, moveable object, precinct, or land that is subject to an *Interim heritage order* or that is listed on the *State Heritage Register*, is *integrated development* under the *EP&A Act, 1979* and requires approval from the Heritage Council.

FEDERAL ENVIRONMENT PROTECTION AND BIODIVERSITY CONSERVATION ACT

This federal legislation is not included under the NSW State government *integrated development* controls. Never-the-less, applicants for developments that may have a significant impact on native flora and fauna listed as threatened under federal legislation will require approval from Environment Australia prior to proceeding. It is the responsibility of developers to contact Environment Australia if there is a likelihood that such an impact might arise.

It is clearly preferable to contact them during the initial application stage as some development in Wyong has been halted at the direction of Environment Australia where their approval has not been obtained prior to commencement.

MORE INFORMATION

Any applicant seeking additional information as to the requirements for *integrated development* should contact Council's Customer Service Department on (02) 4350 5555.