

## Instructions

This application form is required to apply for the consent of the Minister to carry out State significant development under the *Environmental Planning and Assessment Act 1979*.

This form must contain all relevant information required under the Environmental Planning and Assessment Regulation 2021, otherwise it may be rejected.

If your application is rejected, you will be advised within 14 days of the department receiving your application.

If the application and environmental impact statement (EIS) are accepted, you will be contacted regarding the exhibition arrangements.

You may also be asked to submit further information on the application or EIS prior to exhibition.

## Sustainable Buildings SEPP

The [State Environmental Planning Policy \(Sustainable Buildings\) 2022](#), and related [Regulation Amendments](#) commenced on 1 October 2023 with updated standards for residential development under BASIX and new provisions for non-residential developments like schools, offices and hotels.

All non-residential developments affected by the Sustainable Buildings SEPP are required to:

- Report on general sustainability measures and responsible sourcing of key materials;
- Disclose embodied emissions by submitting a NABERS Embodied Emissions Materials Form.

Further provisions apply to prescribed non-residential developments, including:

- Achieving or working towards Net Zero;
- Achieving energy and water standards.

Questions have been added to this application to determine each development's requirements and to allow proponents to demonstrate compliance.

## Applicant Details

### Applicant

**Note:** Details entered below should be for the person and/or company that is proposing to carry out the development. This should not include the consultant or person(s) acting on behalf of the applicant.

- Title
- First name
- Last name
- Phone
- Email
- Role/Position
- Primary address

## Project Details

- Description of development

## Concept Development

- Are you intending to submit a concept or staged application?
- Capital investment value (excl GST)
- Construction jobs
- Operational jobs
- Number of Occupants
- Gross Floor Area (GFA) sqm
- Net Lettable Area (NLA) sqm (only shows if Commercial development types are chosen)
- Number of Dwellings
- Number of Apartments (only shows if Residential or Accommodation development types are chosen)
- Number of Rooms (only shows if Residential or Accommodation development types are chosen)

## Statutory Context

### Pathway and Permissibility

- Under [State Environmental Planning Policy \(Planning Systems\) 2021](#) which schedule does your State significant development relate to?
- Clause under selected schedule
- Permissibility of Proposal
  - Describe the permissibility of the proposal under relevant environmental planning instruments

### Land Use Zones

- What land use zone/s is the development in?
  - Land Use Zones (select all that apply from the drop-down menu)

**Note:** Refer to the relevant consent authority's Local Environmental Plan (LEP) or the [NSW Planning Portal Spatial Viewer](#) to confirm land use zone.

### Critical Habitat and Threatened Species

- Is the land, or part of the land, critical habitat?
- Is the development likely to significantly affect threatened species, populations or ecological communities, or their habitats?
  - (IF NO) Is the development biodiversity compliant? (refer to [section 28 of the Environmental Planning and Assessment Regulation 2021](#))
    - Does the application include an indication of the reason why the development is biodiversity compliant development?

## Other Requirements – Part 1

- Is the application accompanied by a biodiversity development assessment report (BDAR)?
  - (IF NO) Has a BDAR waiver been issued? (IF NO, a BDAR waiver must accompany the application)
  - (IF YES) Are different biodiversity credits proposed to be used as offsets in accordance with the variation rules under the *Biodiversity Conservation Act 2016*?
    - (IF YES) Does the application include the reasonable steps taken to obtain the like-for-like biodiversity credits required to be retired under the report to offset the residual impacts on biodiversity values?
- Is the land subject to a private land conservation agreement under the Biodiversity Conservation Act 2016?
  - (IF YES) Does the application include a description of the kind of agreement and the area to which it applies?
- Does the application include a site plan of the land, which indicates the matters referred to in Part 3, section 24 of the [Environmental Planning and Assessment Regulation 2021](#)?
- Does the application relate to residential apartment development to which State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development applies?
  - (IF YES) Does the application include the documents specified in Part 3, section 24 of the Environmental Planning and Assessment Regulation 2021?
- Does the development involve any subdivision work?
  - (IF YES) Does the application include preliminary engineering drawings of the work to be carried out?
- Does any environmental planning instrument require arrangements for any matter to have been made before development consent may be granted (such as arrangements for the provision of utility services)?
  - (IF YES) Does the application include documentary evidence that such arrangements have been made?
- Does the development involve a change of use of a building (other than a dwelling-house or a building or structure that is ancillary to a dwelling-house and other than a temporary structure)?
  - (IF YES) Does the application include a list of the Category 1 fire safety provisions that currently apply to the existing building?
  - (IF YES) Does the application include a list of the Category 1 fire safety provisions that are to apply to the building following its change of use?
- Is the development within a wilderness area and the subject of a wilderness protection agreement or conservation agreement within the meaning of the *Wilderness Act 1987*?
  - (IF YES) Does the application include a copy of the consent of the Minister for the Environment to the carrying out of the development?

## Other Requirements – Part 2

- Does the development involve the erection of a temporary structure?
  - (IF YES) Does the application include all of the following documentation:

- documentation that specifies the live and dead loads the temporary structure is designed to meet
  - a list of any proposed fire safety measures to be provided in connection with the use of the temporary structure
  - in the case of a temporary structure proposed to be used as an entertainment venue, 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 (if a performance solution, to meet the performance requirements, is to be used)
  - documentation describing any accredited building product or system sought to be relied on for the purposes of section 4.15(4) of the Environmental Planning and Assessment Act 1979
  - copies of any compliance certificates to be relied on?
- Does the development involve the use of a building as an entertainment venue or a function centre, pub, registered club or restaurant?
  - (IF YES) Does the application include a statement that specifies the maximum number of persons proposed to occupy, at any one time, that part of the building to which the use applies?
- Is the development for the purposes of a manor house or multi dwelling housing (terraces) to which [Part 2, Division 1 of Chapter 2 of the State Environmental Planning Policy \(Housing\) 2021](#) (the Housing SEPP) applies?
  - (IF YES) Does the application include a statement that addresses how the design is consistent with the relevant design criteria set out in the Low Rise Housing Diversity Design Guide 2008?
    - The statement must be in the form approved by the Planning Secretary and signed by a qualified designer or a person accredited as a building designer by the Building Designers Association of Australia, that verifies that the designer or person designed, or directed the design of, the development
    - **Low Rise Housing Diversity Design Guide** has the same meaning as in State Environmental Planning Policy (Exempt and Complying Codes) 2008
- Is the development referred to in [Section 47\(1\) of the Housing SEPP](#)?
  - (IF YES) Does the application include evidence or information demonstrating whether the development is likely to result in the loss of low-rental dwellings on the land to which the application relates during the relevant period?
    - **Low-rental dwellings** has the same meaning as in [Part 3 of Chapter 2 of the Housing SEPP](#).
    - **Relevant period** has the same meaning as in [Part 3 of Chapter 2 of the Housing SEPP](#).
- Is the development BASIX affected development?
  - (IF YES) Does the application include a BASIX certificate or BASIX certificates for the development, issued no earlier than 3 months before the date on which the application is made?
    - (IF YES) Do the architectural drawings included with the application contain such other matters (details of all commitments listed in the BASIX Certificate(s) and associated NatHERS Certificate(s)) as any BASIX certificate for the development requires?

- (IF YES) Does the application include such other documents (e.g. NatHERS Certificate) as any BASIX certificate for the development requires to accompany the application?
  - (IF YES) Does the application involve the alteration, enlargement or extension of a BASIX affected building that contains more than one dwelling?
    - (IF YES) Does the application include a separate BASIX certificate for each dwelling?
- Is the development BASIX optional development and accompanied by a BASIX certificate or BASIX certificates (despite there being no obligation under Section 27 of the Environmental Planning and Assessment Regulation 2021 for it to be so accompanied)?
  - (IF YES) Does the application include such other documents (e.g. NatHERS Certificate) as any BASIX certificate for the development requires to accompany the application?
    - (IF YES) Do the architectural drawings included with the application contain such other matters (details of all commitments listed in the BASIX Certificate(s) and associated NatHERS Certificate(s)) as any BASIX certificate for the development requires?

## Sustainable Buildings SEPP

### Exemption from Sustainable Buildings SEPP

- Is the development exempt from the [State Environmental Planning Policy \(Sustainable Buildings\) 2022 Chapter 3](#), relating to non-residential buildings?
  - (IF YES) Choose a reason for the exemption.
    - Is the development permitted with or without consent or is exempt or complying development under?
      - [State Environmental Planning Policy \(Exempt and Complying Development Codes\) 2008](#), or
      - [State Environmental Planning Policy \(Resources and Energy\) 2021, Chapter 2](#), or
      - [State Environmental Planning Policy \(Transport and Infrastructure\) 2021, Chapter 5](#)
    - Is the development on land wholly in any of the following zones?
      - Zones RU1, RU2 or RU3
      - Zone E5
      - Zone IN3
      - Zones C1,C2 or C3
      - Zones W1, W2, W3 or W4
    - Is the development wholly residential?
    - Is the development for purposes of residential care facilities?
    - Is the development an alteration or addition with a Capital Investment Value under \$10 million?
      - (IF YES) to any of the above continue to Political Donations stage.

- (IF NO) to all of the above. **Note:** The sustainability provisions in Chapter 3 of the [State Environmental Planning Policy \(Sustainable Buildings\) 2022](#) are likely to apply to this development.
  - (IF NO) Answer further questions below and proceed to Sustainability A.
- Is the development a prescribed state significant development in the Sustainable Buildings SEPP?
- Is the development a prescribed large commercial development in the Sustainable Buildings SEPP?

## Sustainability A

- Has the proposed development been designed to enable any of the following? -
  - The minimisation of waste from associated demolition and construction, including by the choice and reuse of building materials?
  - A reduction in peak demand for electricity, including through the use of energy-efficient technology?
  - A reduction in the reliance on artificial lighting and mechanical heating and cooling through passive design?
  - The generation and storage of renewable energy?
  - The metering and monitoring of energy consumption?
  - The minimisation of the consumption of potable water?
  - Other?
    - (IF OTHER) Provide details.
- List the supporting document(s) that consider these provisions.
- Is the development seeking certification from a sustainability rating system?
  - (IF YES) Which sustainability rating will the development achieve (Choose all that apply from drop-down menu).
    - (IF OTHER) Provide details.
  - What star rating or sustainability level will be achieved by the development?
  - Upload any documentation about the sustainability rating for this development. This is optional and for data collection purposes.

## Embodied Emissions Reporting

**Note:** The application must be accompanied by a NABERS Embodied Emissions Materials Form certified by an engineer, qualified designer, quantity surveyor or NABERS assessor. A bill of quantities may be included with the form or uploaded separately. Refer to the [Embodied Emissions Technical Note](#) for guidance.

- Is the application accompanied by a NABERS Embodied Emissions Materials Form?
  - (IF YES) Provide details of the qualified person certifying the amounts disclosed in the form.
    - First name
    - Surname
    - Professional Qualification
    - Registration Details

- Business Name
- ABN
- (IF NO) Warning! A NABERS Embodied Emissions Materials Form must accompany this application.
- Is there a NABERS Agreement to Rate for embodied emissions in this development?
  - (IF YES) Provide the agreement reference number(s).

## Low Emissions Construction Technologies

- Describe any low emissions construction technologies incorporated in the development
- Is the development designed to retain or reuse an existing building on site?
  - (IF YES) What percentage of the total development has been reused?
- Is the development designed to use recycled materials from the site or elsewhere?
- Has a whole of Life Cycle Analysis (LCA) been prepared for this development?
  - (IF YES) Upload a copy of the Whole of Life Cycle Analysis Report. This is optional and for data collection purposes.

## Sustainability B

**Note:** This section will only appear if you answered **Yes** to either **question ‘Is the development a prescribed state significant development in the Sustainable Buildings SEPP?’** or **‘Is the development a prescribed large commercial development in the Sustainable Buildings SEPP?’** at the previous Sustainable Buildings SEPP stage.

**Note:** This application must be accompanied by a Net Zero Statement that is certified by a mechanical or electrical engineer. Refer to the [Net Zero Technical Note](#) for guidance.

- Is the application accompanied by a Net Zero Statement?
  - (IF YES) Enter the details of the qualified person certifying the Net Zero Statement
    - First Name
    - Surname
    - Professional Qualification
    - Registration Details
    - Business Name
    - ABN
  - (IF NO) **Warning!** A Net Zero Statement must accompany the application.
- Is the development designed to operate as a net zero development immediately?
  - (IF NO) Is the development designed to incorporate infrastructure, or space for the infrastructure, necessary for the development to not use on-site fossil fuels after 1 January 2035?
- Which of the following net zero provisions has the development incorporated? (Choose all that apply)
- What is the estimated annual energy consumption for the building?
- What is the estimated amount of emissions relating to energy use in the building, including direct and indirect emissions?

## Sustainability C

**Note:** This section will only appear if you answered **Yes** to ‘**Is the development a prescribed large commercial development in the Sustainable Buildings SEPP?**’ at the previous Sustainable Buildings SEPP stage.

### Water

Note: This application must be accompanied by a NABERS Agreement to Rate to demonstrate that the development is capable of achieving the standards for water use as specified under the [State Environmental Planning Policy \(Sustainable Buildings\) 2022, Schedule 3](#). If the development is mixed-use, separate agreements are required for each prescribed large commercial use.

- Has a NABERS Agreement to Rate relating to water been prepared for each prescribed large commercial use?
  - (IF YES) Enter details of the Agreement(s)
    - Type of Agreement (tick all that apply)
    - Targeted Star Rating
    - Agreement Reference Number
    - **Note:** All relevant agreements for the development must be uploaded at the Declaration and Attachments stage of the application.
  - (IF NO) Warning! A NABERS Agreement to Rate relating to water must accompany this application.

### Energy

- What is the preferred Section J pathway for this development?
- Is the development in the City of Sydney Local Government Area?
  - (IF YES) **Note:** Check City of Sydney Development Control Plan for energy requirements.
  - (IF NO) Further questions will appear.

Note: This application must be accompanied by a NABERS Commitment Agreement or a NABERS Agreement to Rate to demonstrate that the development is capable of achieving the standards for energy use as specified under the [State Environmental Planning Policy \(Sustainable Buildings\) 2022, Schedule 3](#). If the development is mixed-use, separate agreements are required for each prescribed large commercial use.

- Has a NABERS Commitment Agreement or Agreement to Rate relating to energy use been prepared for each prescribed large commercial use?
  - (IF YES) Enter details of the Agreement(s)
    - Type of Agreement (tick all that apply)
    - Targeted Star Rating
    - Agreement Reference Number
    - **Note:** All relevant agreements for the development must be uploaded at the Declaration and Attachments stage of the application.
  - (IF NO) Warning! A NABERS Commitment Agreement or Agreement to Rate for Energy must accompany this application.



## Political Donations

**Note:** Persons lodging applications are required to declare reportable political donations (including donations of \$1,000 or more) made in the previous two years.

- Do you need to disclose a political donation?
  - (IF YES) Complete and attach a Political Donations Disclosure Statement. A template of this statement can be downloaded [HERE](#).

## Site Details

### Site Information

- Site name
- Site address (street number and name)
- Indicative site co-ordinates – latitude
- Indicative site co-ordinates – longitude

### Local Government Area

- Select local government area

### Lot & DP

- Lot and DP

### Site Area

- What is the total site area for your development?
  - Site Area sqm

### Climate Zone

- What climate zone/s is the development in?
  - Climate zone (select all that apply from the drop-down menu)
    - **Note:** Refer to the [Climate zone map](#) on the Australian Building Codes Board website.
- How has the climate zone impacted the design of the development? (Provide details).

## Landowner's Consent

### Privacy and Personal Information Protection Notice

**Purpose:** Your personal information is being collected to enable the department to exercise its functions and assess your application under the *Environmental Planning and Assessment Act 1979* and other legislation.

**Recipients:** Department of Planning and Environment, councils, and government agencies for the above-stated purpose

**Supply:** The evidence of landowner's consent will be published on the NSW planning portal, as required by law. If you do not provide the information (or any part of it) your application may not be accepted.

**Access/Correction:** The Department of Planning and Environment will collect this information. You can access and correct the information by contacting –

- the Information Access & Privacy Unit, 4 Parramatta Square, Locked Bag 5022, Parramatta 2124.
- Phone: 02 9860 1440.
- Email: [gipa@dpie.nsw.gov.au](mailto:gipa@dpie.nsw.gov.au)

**Storage:** The Department of Planning and Environment will store this information on its records management system in line with its [Privacy Management Plan](#).

- Is landowner's consent required?
  - (IF YES) Do you have the written consent of all landowners?
    - (IF YES) Upload evidence of landowner's consent.
  - (IF NO) Reason landowner's consent is not required
    - The applicant is the owner of the land to which the development application relates.
    - The development is proposed to be undertaken by a public authority and relevant notices have been issued.
    - The development is set out in clause 5 (Mining) or 6 (Petroleum (oil and gas)) of Schedule 1 of [State Environmental Planning Policy \(Planning Systems\) 2021](#) and is not in a state conservation reserved area under the *National Parks and Wildlife Act 1974* and relevant notices have been issued.
    - The development is on land with multiple owners as designated by the Secretary of the Department of Planning and Environment and relevant notices have been issued.

**Warning!** Please note that if landowner's consent is not required, relevant landowners must still be given notice of the application by the applicant by:

- Written notice to the owner of the land, before the application is made, or
- Publishing a notice no later than 14 days after the application is made:
  - in a newspaper circulating in the area in which the development is to be carried out; and
  - in the case of an application made by a public authority, on the public authority's website; or
  - in the case of public notification development, on the NSW planning portal.

Note section 23 of the Environmental Planning and Assessment Regulation 2021 for when consent of the owner is not required.

- Does the development application relate to land owned by a Local Aboriginal Land Council?
  - (IF YES) Upload evidence of the written consent of the New South Wales Aboriginal Land Council.

## Approvals – Part 1

- Would the development otherwise, but for Section 4.41 of the Environmental Planning and Assessment Act 1979, require any of the following:
  - A permit under Section 201, 205 or 219 of the *Fisheries Management Act 1994*?
  - An approval under Part 4, or an excavation permit under Section 139, of the *Heritage Act 1977*?
  - An Aboriginal heritage impact permit under Section 90 of the *National Parks and Wildlife Act 1974*?
  - A bush fire safety authority under Section 100B of the *Rural Fires Act 1997*?
  - A water use approval under Section 89, a water management work approval under Section 90 or an activity approval under Section 91 of the *Water Management Act 2000*?

## Approvals – Part 2

- Do you require any of the following approvals from Section 4.42 of the *Environmental Planning and Assessment Act 1979* in order to carry out the development:
  - An aquaculture permit under Section 144 of the *Fisheries Management Act 1994*?
  - An approval under Section 15 of the *Mine Subsidence Compensation Act 1961*?  
**Note:** Section 15 of the *Mine Subsidence Compensation Act 1961* (MSC Act) is repealed and replaced with the *Coal Mine Subsidence Compensation Act 2017* (CMSC Act). A reference to section 15 of the MSC Act can be read to include an approval under section 22 of the CMSC Act.
  - A mining lease under the *Mining Act 1992*?
  - A petroleum production lease under the *Petroleum (Onshore) Act 1991*?
  - An environment protection licence under Chapter 3 of the *Protection of the Environment Operations Act 1997* (for any of the purposes referred to in Section 43 of that Act)?
  - A consent under Section 138 of the *Roads Act 1993*?
  - A licence under the *Pipelines Act 1967*?

## Declaration and Attachments

### REAP Declaration

Does the include a declaration signed by a REAP?

- (IF YES) Provide REAP Number
- I confirm that the above information is correct and matches the declaration contained in the EIS for the project

### Add attachments

#### **Please upload an EIS.**

The EIS must be prepared in accordance with the Secretary's Environmental Assessment Requirements and have regard to the [State Significant Development Guidelines](#) including Appendix B – Preparing an Environmental Impact Statement.

In addition to the EIS, you must also upload:

- A quantity surveyor's report that verifies the capital investment value of the development.
- Geographic Information System data that delineates the extent of the development and any key environmental constraints. This data must meet the Standard Technical Requirements for Spatial Datasets and Maps.

If required, you must also upload any other documents required under [Part 6](#) of the Environmental Planning and Assessment Regulation 2021.

## Further attachments.

The [State Environmental Planning Policy \(Sustainable Buildings\) 2022](#), requires additional documents to be uploaded to support new sustainability measures.

Depending on the answers given in the Sustainable Buildings SEPP and Sustainability A, B and C stages of this application you will be required to upload:

- A NABERS Embodied Emissions Materials Form
- A Net Zero Statement
- NABERS Agreement(s) to Rate or Commitment Agreement(s) relating to energy and water use.

**Note:** A box will appear under Add Attachments to instruct which documents are relevant to your application.

## Confirmation

### Privacy and Personal Information Protection Notice

**Purpose:** Your personal information is being collected to enable the department to exercise its functions and assess your application under the *Environmental Planning and Assessment Act 1979* and other legislation.

**Recipients:** Department of Planning and Environment, councils, and government agencies for the above-stated purpose.

**Supply:** The development application form will be published on the NSW planning portal, as required by law. If you do not provide the information (or any part of it) your application may not be accepted.

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