

# APPLICATIONS



## guide

### Information for the Preparation of Applications for:

DEVELOPMENT APPLICATIONS (DA)

CONSTRUCTION CERTIFICATES (CC)

COMPLYING DEVELOPMENT CERTIFICATES (CDC)

MODIFICATIONS TO DEVELOPMENT CONSENT

BUILDING CERTIFICATE 149(D)

OCCUPATION / SUBDIVISION CERTIFICATE

LOCAL ACTIVITY – SECTION 68

ROAD ACTIVITY



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## BACKGROUND ABOUT THE GUIDE

This guide has been created to assist in the preparation of Applications for Development, Construction, Local Activity and/or Road Activity. The purpose of this guide is to provide support to customers through the application process to obtain the required Council approvals.

The guide has been designed to help you submit all the required information to support your application to ensure Council staff can process your application without any undue delay.

## AM I REQUIRED TO COMPLETE AN APPLICATION FORM?

### TYPE OF APPROVAL SOUGHT

The following explanations will help you identify what type of application you are required to submit to Council for approval.

Once you have determined the application type, you are required to cross the appropriate box on the front page of the application form.

It is possible that you could require more than one application type. In this case you will need to cross all the relevant boxes on the application form.

### DEVELOPMENT APPLICATION

**The following types of development require a Development Application:**

- new buildings, alterations or additions to existing buildings,
- change of use of an existing building or premises. (*Note: If you are taking over an existing business, it is recommended that you check with Council, to see if the business has valid development consent*),
- demolition of dwellings, heritage items or any building within a conservation area,
- earthworks, filling and clearing of land or any other alteration or use of land and
- subdivision of a parcel of land including strata title subdivision of a building, community title subdivisions and boundary adjustments.

### Development that needs consent

#### *Local Development*

This is development that requires Development Consent from Council.

#### *State Significant Development*

This is development declared by the Minister to be of state significance. The Minister for Planning & Environment is the consent authority. Council will keep a record of the application and determination in its register of development applications and consents.



## **CONSTRUCTION CERTIFICATE**

A Construction Certificate must be obtained before commencing any building and/or construction work. The certificate assures that the detailed plans and specifications comply with the Building Code of Australia (BCA) and associated standards or codes, and that your proposal is consistent with your Development Consent.

## **COMPLYING DEVELOPMENT CERTIFICATE**

Complying development is a fast track approval process for straightforward residential, commercial or industrial development. Providing the application meets specific criteria then it can be determined by Council without the need for a full Development Application to be submitted.

**The following types of development may be eligible for a Complying Development Application:**

- new dwellings
- additions/alterations to a residence,
- swimming pool,
- building a garage or carport,
- the construction of a new industrial building,
- alterations and additions to industrial and commercial buildings, and
- the demolition of a building.

To determine whether you need to apply for a Complying Development Certificate you should refer to [State Environmental Planning Policy \(Exempt and Complying Development Codes\) 2008](#).

## **MODIFICATION TO DEVELOPMENT CONSENT**

If things change after you have Development Consent for a proposed development, you can seek an amendment to the Consent.

Modification Applications are made under Section 96 of the *Environment Planning and Assessment Act 1979 (EP&A Act)*.

A Section 96(1) application to correct a minor error, misdescription or miscalculation,

A Section 96(1A) application is one involving minimal environmental impact, and,

A Section 96(2) application is for all other modifications

A Development Consent can only be modified if the Council is satisfied that the proposed development remains 'substantially' the same development.

## **BUILDING CERTIFICATE 149(D)**

A Building Certificate is issued by Council relating to existing works to a building. A Building Certificate is often requested when work is undertaken without the appropriate approvals being issued by Council or a Private Certifier.



## **OCCUPATION / SUBDIVISION CERTIFICATE**

An Occupation Certificate verifies that the Principal Certifying Authority is satisfied that the building is suitable to occupy or use in terms of the requirements of the Building Code of Australia (BCA). There are two kinds of Occupation Certificates:

### *Interim Occupation*

An interim Occupation Certificate can be issued if the building is fit for occupation but there are still outstanding matters to be addressed. This authorises a person to commence occupation or use of a partially completed new building, or commence a new use of part of an existing building which is subject to a change of building use.

Generally any outstanding matters must be addressed within 6 months of the date of the interim occupation of the building.

### *Final Occupation*

This authorises a person to commence occupation or use a new building, or to commence a new use of a building resulting from a change of building use for an existing building.

It should be noted that an Occupation Certificate is a lawful requirement in the conveyancing process when a property is sold and it is therefore essential that you obtain a Final Occupation Certificate.

A Subdivision Certificate authorises the registration of the plan of subdivision for lodgment with the NSW Land and Property Information (LPI). The plan is to be prepared by a registered surveyor.

A Subdivision Certificate certifies that the subdivision has been completed in accordance with the consent and any subdivision works has been complete in accordance with the Construction Certificate.

## **LOCAL ACTIVITY – SECTION 68**

Section 68 of the Local Government Act 1993 contains a list of activities that require approval from Council.

Examples of such activities include water and sewer works, onsite sewage management system, footpath trading etc. For a full list of Local Activity refer to *Attachment A – Section 68 Local Government Act 1993 Approvals*.

## **ROAD ACTIVITY**

When planning to undertake works that require the use of Council roads, footpaths and any part of the road reserve, you must obtain approval under the Roads Act 1993 to undertake the works. This includes using a road or road reserve for activities. Common road activity approvals include vehicle crossing, culvert crossing and under boring of the road. Refer to *Attachment E – Roads Act 1993* for a list of Activities.



## APPLICATION FORM

The following is a step-by-step guide and explanation of the Application Form to assist you, and to ensure that all relevant information is submitted.

### ITEM 1 - Applicant Details

The applicant is the person completing the application form. You must include your name, postal address and telephone contact details correctly. *The postal address is the address Council will forward all information in relation to the application to, including your approval. The telephone contact details must be correct as they will be referred to for contacting the applicant if required to throughout the application process.*

If you are completing the form on behalf of a company, the applicant's name is the company's name, and you will need to include the name of a contact person on behalf of the company.

The applicant must sign in the appropriate box. *Applications received without an applicant's signature will not be accepted by Council and returned to the applicant via mail.*

### ITEM 2 - Land Owner Details

The land owner is the owner in which the land title is held and the name that is displayed on the current rates notice for the property.

If the land owner details are the same as those of the applicant you are not required to complete this section.

If the applicant is not the owner they must complete the full details in this section and **must** have the owner sign in the appropriate box. *Applications received without an owner's signature will not be accepted by Council and returned to the applicant via mail.*

### ITEM 3 - Type of Application

In this section please mark which type of Application you wish to apply for. Mark in each box that is applicable to the development/activity you are applying for. For Local Activity (s.68) or Application for Works, Structures & Activities on a Council Road write a brief description of the activities. *e.g. for a Water & Sewer Connection complete like so:*

Local Activity (s.68) <i>(also complete Attachment A)</i>	<input checked="" type="checkbox"/>
Description: <b>Water &amp; Sewer Connection</b>	

If you are still unsure on the type of application need to apply for after referring to this guide and the application form please contact Council to discuss your application with a Council Officer.



#### **ITEM 4 – Property Details**

The property details are the details of where the activity or development is to take place. Complete this section with as much of the property details you can. The title details provided allows Council to correctly and unmistakably identify the land.

*If you are unsure about any of the above information it can be obtained from your rate notice, property deeds or from Council's property maps and records.*

#### **ITEM 5 – Description of Development**

This section is only required to be completed if you are applying for Development Consent (DA), Construction Certificate (CC), Complying Development Certificate (CDC) or Modification to the above.

Complete this section by providing Council a detailed description of the proposed works *e.g. Brick Veneer Dwelling & Attached Garage*

The estimated cost of development is the cost involved in the construction of your proposal. In the case of building work, the fee is based on the estimated cost, including materials and labour.

*Note: Application fees are based on the genuine estimated contract price. If the price is considered to be understated Council will adjust using standard industry guides.*

#### **ITEM 6 – Required Documentation**

Again, this section only needs to be completed if you are applying for Development Consent (DA), Construction Certificate (CC), Complying Development Certificate (CDC) or Modification to the above.

You must include 3 copies of all the required documents in your submission to Council. Gather and tick off the information from the list of documents relevant to your type of approval and include these copies with your application.

For more information on the documents required refer to the further information section at the end of this guide or contact Council and speak with a Council Officer.

#### **ITEM 7 – Details of Builder or Owner Builder**

This section must be completed if you are applying for a Construction Certificate (CC) or Complying Development Certificate (CDC) and there are any physical works to occur.

If a **Builder** is undertaking the works for you will need to tick this box and provide their details. The Builders Licence No. must be included

*If the Builder is not known at the time you submit your application you may leave this blank and notify Council. When this information is available you are required to provide the details to Council.*

If you are an **Owner Builder** please tick this box and provide details in this section.





For estimated works over **\$10,000** an Owner Builder's permit is to be obtained from the Department of Fair Trading. Upon receipt of consent for your development a copy of the documentation and attached plans must be submitted with your application to the Department.

If the estimated cost of your development is greater than **\$20,000** the Department of Fair Trading requires you to complete an Owner Builder Course. For more details on the course you must contact the Department of Fair Trading on 13 32 20. Once you have obtained your permit you must then forward a copy of this to Council.

### **ITEM 8 - Principal Certifying Authority (PCA)**

This section must be completed if you are applying for a Construction Certificate (CC) or Complying Development Certificate (CDC).

A Principal Certifying Authority (PCA) is the person responsible for ensure compliance with the Construction Certificate or Complying Development Certificate. The PCA will also check compliance with any requirements of Council's development consent.

The PCA is the only person that can issue any required Occupation Certificate.

The applicant must nominate whether they wish to appoint Council as the Principal Certifying Authority (PCA) to supply the Construction Certificate (CC), Complying Development Certificate (CDC) and/or Occupation Certificates.

*Note: If you choose not to appoint Council as the PCA, you are obliged to provide Council details of the PCA appointment at least 2 days prior to commencing construction work.*

### **ITEM 9 – Environmental Effects**

This section of the application form is only required to be completed if the application is for Development Consent. This information will assist Council Officer's to when assessing your proposal to understand the potential impacts. This is dependent on the nature and scale of your proposal.

The applicant must nominate whether the application is for 'designated development'

#### **Designated Development**

A designated development is development that is identified under *Schedule 3 of the Environmental Planning and Assessment Regulation 2000*. Designated development would generally be a type of Local Development which has potentially significant environmental effects.

If you recognise your development as being 'designated development' you are required to include an **Environmental Impact Statement (EIS)** with your application.

If you recognise your development as **not** being 'designated development' you are required to include a **Statement of Environmental Effects (SEE)** with your application



If you consider your application to have negligible effect you may select this box and you are not required to provide any of the above statements.

If you are unsure whether you are required to provide any of these Statements you may refer to the further information section at the end of this guide or contact Council and speak with a Council Officer.

### **ITEM 10 – Integrated Development**

This section is only relevant to Development Consent (DA)

Integrated Development is development which requires the issue of an approval and/or licence by a separate government body (*referred to as the approval body*) prior to the commencement of work

Council will refer a copy of your application to the relevant approval body or bodies and can only issue consent if the approval body is prepared to issue the appropriate licence and/or approval.

Unless otherwise stated, a fee of \$320 per approval body is required to be paid by the applicant for the lodgment of the application with the approval body. This additional fee will need to be included at the time of lodgment of the Development Application to Council. The fee should be in the form of a cheque and made payable to the relevant Approval Body.

The applicant must select whether the proposal is an Integrated Development.

If you are unsure whether your application is an Integrated Development you may refer to the further information section at the end of this guide or contact Council and speak with a Council Officer.

### **ITEM 11 – Staged Development**

Under Section 83A of the *NSW Environmental Planning & Assessment Act 1979*, you can apply for development consent on part of your total proposal now, and defer application for consent of the remaining part(s).

Development Consent may be granted;

- a) for the development for which the consent is sought, or
- b) for that development, except for a specified part or aspect of that development; or
- c) for a specified part or aspect of that development

Development Consent may be granted subject to a condition that the development or the specified part or aspect of the development, or anything associated with the development or the carrying out of the development, must be the subject of another Development Consent.

You will need to provide information describing the stages of your development. You will also need to provide any consent(s) that have already been granted for part of your development.



## **ITEM 12 – Political Donations**

A State law requiring the public disclosure of donations or gifts when lodging or commenting on development proposals applies from 1 October 2008. This law is designed to improve the transparency of the planning system.

The legislation relates to the disclosure of reportable political donations for State elections, elected members of NSW Parliament, Local Government elections and elected Council members. This will include the disclosure of gifts made to Councillors or Council employees.

A reportable political donation is a donation of \$1000 or more, or donations that total \$1000 or more within the same financial year. A gift includes money or the provision of any other valuable thing or service for no or inadequate consideration.

If you answer yes to the above you will need to complete a Political Donations and Gifts Disclosure Statement and include with your application. Refer the Further Information section at the back of this guide to assist with this.

*Please note that it is an offence to not disclose reportable political donations.*

## **ITEM 13 – Statistical Data** (for building works only)

This section is required for statistical purposes by Council and the Australian Bureau of Statistics (ABS).

You are only required to complete this section if there are constructional works to occur with a Construction Certificate (CC) or Complying Development Certificate (CDC).

Complete this section to best you can. If you are unsure on the Building Code of Australia Classification (BCA) Council Officers will assist with this.

## **ITEM 14 – Building Certificates 149(D)**

This section will only need to be completed if you are applying for a 149(D) Building Certificate.

*Contact for access to buildings* is a contact person that Council Officers will contact to arrange access to the building/structure if required. This would be for inspection purposes so these details need to be current and correct.

*Type of Building* is the building that you require the certificate for.

Mark whether the certificate is for the Whole building or only Part of the building. If only for part of the building add a brief description of the part of the building e.g. *carport*

*Floor Area of whole or part* is the area of whole building or part of the building requiring the certificate.



You will need to indicate whether you are the owner of the building, purchasing the building, a solicitor or agent acting for the purchaser or if none of the above mark this box.

*Consent of the landowner/s:* This is only required if you marked the 'none of the above' box above.

### **ITEM 15 – Privacy Policy**

The Berrigan Shire Council complies with the Privacy Code of Practice for Local Government in dealing with all personal information that is required to be supplied when an applicant completes an application.

However, some of the personal information which is set out in this form will become part of the public record which Council is required to keep pursuant to the Local Government and Environmental Planning and Assessment Acts. This information may be divulged to others in accordance with the provisions of those acts.

Furthermore, the Council may be required to divulge some personal information pursuant to the Freedom of Information Act.

*Please note that the supply of personal information is legally required and failure to supply could cause delay in your application.*

### **ITEM 16 – Forwarding of Certificates**

Indicate which method you wish to receive your approvals and/or any correspondence.

*Ensure the details are correct in Part 1 of your application.*

### **ITEM 17 – Payment of Application Fees**

Your Application will attract fees in accordance with Berrigan Shire Councils Management Plan Fees and Charges and/or based on the estimated cost of the development. Contact Council for details of the fees associated with your development proposal. Council will not lodge any applications without the payment of fees.

## FURTHER INFORMATION

### REQUIRED DOCUMENTS

#### Site Plan

A site plan is a plan drawn to scale (e.g. 1:200) showing the physical features of a site. The plan may show the location of the driveway, houses, trees, swimming pool, shed etc. The site plan should include dimensions from each existing and proposed structure to the site boundaries.

#### Floor Plans

A floor plan is a plan drawn to scaled (e.g. 1:100) showing the location and use of rooms within a building. It should include the dimension and the locations of doors, windows, archways, and the location of equipment where development involves a business.

#### Elevation Plans

These are plans showing the facades (or faces) of a building. Usually drawn at 1:100 scale, each elevation plan should depict the heights of both the eave and ridgeline of the building from natural ground level.

#### BASIX Certificate (Building and Sustainability Index)

BASIX aims to improve the energy and water efficiency of dwellings. The design of a dwelling must meet certain targets in order to obtain a BASIX Certificate. To obtain a BASIX Certificate you will need to complete a sustainability assessment using the BASIX assessment tool on [www.basix.nsw.gov.au](http://www.basix.nsw.gov.au)

*Note: A BASIX Certificate is only required if the estimated cost is greater than \$50,000*

#### Statement of Environmental Effects (SEE)

A statement of environmental effects is a written submission required when a DA is submitted to Council, as outlined under s79c of the EP&A Act 1979. An SEE describes the existing development within the site and the site conditions; the scale of the proposed development and what it involves; addresses the zoning and any Council policies or provisions applying to the land. Council has a template that can be used; refer to document *Attachment F- Statement of Environmental Effects*.

#### Specifications

Specifications describe the materials and workmanship required. They provide information about the characteristic of a project to set criteria the developers will need to meet. They do not include cost, quantity or drawn information and so need to be read alongside other information.

#### Structural or Civil Engineers design

A structural design is the methodical investigation of the stability, strength and rigidity or structures. The basic objective in structural analysis and design it to produce a structure capable of resisting all applied loads without failure during its intended life. Civil engineer design are for the same purpose of a structural design for infrastructure, such as roads, bridges, dams, irrigation projects, power plans, and water sewerage systems etc.



### **Home Owners Warranty Insurance**

This insurance protects consumers from financial loss caused by a builder's failure to rectify or compensate for defective or incomplete residential building work. Builders are responsible for taking out Home Warranty Insurance at the time of entering into a building contract with a homeowner.

*Note: Home Owners Warranty Insurance is only required if the estimated cost is greater than \$20,000*

### **Environmental Impact Statement (EIS)**

The Environmental Impact Statement supports an application for Designated Development, which must identify any anticipated environmental impacts associated with the proposal and offer methods of eliminating or reducing those impacts. An EIS needs to be compiled by a professional consultant.

### **Integrated Development**

This is development that requires a specific permit or approval from a State government agency, requiring referral to that agency during the assessment process. This incurs a fee and Council refers the application to the referring body as part of the assessment process.

### **Political Donations and Gifts Disclosure Statement**

The *Environmental Planning and Assessment Act 1979* require the public disclosure of donations or gifts when lodging or commenting on development proposals. This law is designed to improve the transparency of the planning system. The laws set out disclosure requirements for individuals or entities with a relevant financial interest as part of the lodgement of various types of development proposals, requests to initiate environmental planning instruments of development control plans.

These disclosure requirements apply at the time of lodgement to Council. It is the responsibility of the applicant to ensure they have met the requirements specified under the Act. Disclosure requirements also apply to individuals or entities lodging submission in objection or support to these types of proposals.



## COUNCIL RECOMMENDATION

Any questions or queries you may have in relation to lodging an application with Berrigan Shire Council should become clear by referring to this guide. However, if you have any questions after following the guide, you should contact our office on 03 5888 5100 and speak with a Council Officer.

Should you wish to discuss your proposal with one of our Council Officers, it is essential that you arrange an appointment before arriving at the Council offices.

*It is highly recommended by Council that you consult with a Council Officer **before** submitting your application.*

## LIST OF TERMS

DA.....	Development Application
CC.....	Construction Certificate
CDC.....	Complying Development Certificate
DP.....	Deposited Plan
SP.....	Strata Plan
BASIX.....	Building Sustainability Index
PCA.....	Private Certifying Authority
EIS.....	Environmental Impact Statement
SEE.....	Statement of Environmental Effects
ABS.....	Australian Bureau of Statistics
BCA.....	Building Code of Australia
AWTS.....	Aerated Wastewater Treatment System
OSMS.....	On-site Sewerage Management System
TCP.....	Traffic Control Plan
LEP.....	Local Environmental Plan
EP&A Act ..	Environmental Planning & Assessment Act 1979
LPI.....	Land and Property Information

## CONTACT DETAILS



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