



APPLICATION GUIDE

These notes are designed to help you complete the application form. Sections 1 to 7 (pages 3-9) provide details on how to complete the application form. Additional information aimed at assisting you to lodge an application is contained on pages 9 - 12.

PLANS AND DOCUMENTATION

Developing land can be a complex process. Before preparing an application you need to be fully aware of the constraints/opportunities of the site and any regulations that may affect your proposal. This analysis must be completed prior to finalising the concept of your proposal. This process will also help to determine what type of supporting material is required. Once you have obtained this information, you can then prepare your application.

NEED HELP?

If you are unsure of the restrictions or any other limitations on the land, Council offers a preliminary advice service.

DO YOU NEED AN APPLICATION?

If the proposed building work is minor, check to see whether it is **exempt**. For example, some open decks and certain types of fence/ pergolas whilst they must be built to the standards required by the Building Code of Australia, do not require approval. To determine whether the proposal is exempt you can either read Schedule 1 of the Bellingen Local Environmental Plan, 2003, (BLEP 2003), for Exempt Development or seek advice from a Council Building Surveyor.

THE APPLICATION PROCESS

The application process is primarily established by legislation and whilst it can vary according to the type of works proposed and the approvals required there is a fundamental process.

Firstly, check if the proposal needs approval. If so, is the proposed development eligible for a simpler approval process - "complying development", if not, then a local Development Application is required. If the proposal involves any engineering or building construction works you will also need to obtain a Construction Certificate. Other approvals may also be required for example if storm water works are involved then an approval under Section 68 of the Local Government Act or if works are needed on Council's road reserve an approval under the Roads Act will be required.

In the case of building work you will need to determine who will issue the Occupation Certificate indicating that the work has been completed in accordance with the Development Consent and the plans ie, appoint a Principal Certifying Authority.

A table showing the application process is outlined on the following page. The table provides a snapshot of the five stages in the process, specifies the role of Council's and private certifiers and outlines some of the key steps. The focus is on proposals requiring building/subdivision work, and the table does not cover complying development, which simplistically is a combination of stages 1 & 2 (shown on table).

<p>Stage 1</p> <p>DEVELOPMENT APPLICATION</p> <p>Approved by Council</p>	<ul style="list-style-type: none"> - Preliminary enquiries with the Council - Lodge your Development Application with Council. - Council considers the impacts of the proposal - If satisfactory, Council will grant you Development Consent subject to conditions. - You need to check with Council about options for the following stages of the process, including fees payable.
<p>Stage 2</p> <p>CONSTRUCTION CERTIFICATE</p> <p>Issued by Council or an accredited certifier</p>	<ul style="list-style-type: none"> - Apply for your Construction Certificate either to Council or a qualified professional in the private sector - called an accredited certifier. - Council or the accredited certifier checks that the plans and specification of your proposal will comply with the relevant conditions of the Development Consent and applicable standards, including the Building Code of Australia or in the case of subdivision AUSPEC. - If satisfactory, they will issue a Construction Certificate and, where appropriate a fire safety schedule.
<p>Stage 3</p>	<ul style="list-style-type: none"> - Before any works start on the site, the owner must appoint a Principal

<p>OWNER APPOINTS PRINCIPAL CERTIFYING AUTHORITY AND NOTIFIES COUNCIL</p>	<p>Certifying Authority (PCA) - this can be either Council or an accredited certifier.</p> <ul style="list-style-type: none"> - Confirm what work will be done, the fee and any other requirements - Notify Council two days before work begins.
<p>Stage 4 CONSTRUCTION WORK BEGINS</p>	<ul style="list-style-type: none"> - Other necessary approvals must be obtained from Council prior to works beginning. - Work begins in accordance with the Development Consent, including any conditions, and the Construction Certificate. - PCA to determine inspection stages. - It is likely that your contractor will advise the PCA (or Council in the case of subdivision work) of stages of work to allow the required inspections.
<p>Stage 5 OCCUPATION/SUBDIVISION CERTIFICATE (completion of works)</p>	<ul style="list-style-type: none"> - After the works are concluded satisfactorily (and you provide a final fire safety certificate if required), the PCA will issue the Occupation Certificate or in the case of subdivision a Subdivision Certificate. - Presently, Bellingen Shire Council can only issue Subdivision Certificates.

THE APPLICATION FORM

The application form has been designed to cover the range of approvals that may be required for a development/building project. Consequently it can be used to apply for all necessary approvals at one time or alternatively it can be used to apply for one or any combination of Council approvals.

The following information explains each section of the application form.

1. Property Details

This section asks you to provide details on the location and description of the land, its present

use and the type of work proposed. The Lot, Section and DP Number are easily found on the Certificate of Title. Note: not all properties have Section numbers.

Provide a description of the existing and proposed use of the land and indicate the type of work that best fits your proposal. If the proposal involves building, earthworks (such as landscaping) and demolition all these boxes should be ticked. Estimate the value of works (include GST) or if it is a subdivision, indicate the number of existing/proposed lots.

2. Type of Work

The type or nature of the activity that approval is sought for is required to be specified.

3. Notification of Determination

Tick whether you would like to collect the determination or have it posted.

4. Type of Application

In order to efficiently process your application, it is essential that you nominate the types of approvals/certificates you are applying for. This section of the application form is critical in not only determining the processing requirements from Council's perspective but also is critical in identifying what type and level of information is needed to be lodged with the application. The types of approvals/certificates is explained as follows:

Complying Development

If your proposal is not "exempt", then the next thing to check is whether it meets the criteria for complying development. This category of development seeks to streamline the application process by providing a single certificate that covers predefined development standards as well as meeting the structural standards required by the Building Code of Australia. The criterion to determine whether an application is complying development is contained in Schedule 2 of the BLEP 2003. Complying Development Certificates can be issued by Council or by an accredited private certifier. A Complying Development Certificate lapses after 2 years. Council will issue a Complying Development Certificate within 7 days of the application being accepted.

If your proposal cannot be processed as Complying Development a Development Approval will be required.

Development Approval

There are 3 main types of Development Applications. They are Local (which can include designated or advertised development), Integrated and State Significant development.

Local Development

The majority of applications in the Bellingen Shire Council are local development. It only becomes a designated development if the proposed works relate to industrial, agricultural and waste management industries that have significant potential environmental impact. See Schedule 3 of the Environmental Planning and Assessment Regulation, 2000, for a complete list of designated development.

Advertised development applies if the proposed works are identified as Advertised Development in Council's *DCP No. 16: Advertising & Notification of Development Applications or another Environmental Planning Instrument*. This DCP also identifies types of development that will require notification of the Development Application to adjoining owners or owners within the vicinity of the proposed development.

A staged Development Consent can be applied for. For example, a large-scale development may be completed in stages.

Integrated Development

Some development proposals need other kinds of approvals (eg licences, permits) from other State Government Departments/Agencies. A proposal is known as integrated development if you need Development Consent and one or more approvals. For example, a building that is subject to a heritage conservation order must also have a permit issued by the NSW Heritage Council. You still need to apply direct to the State Authority for the issue of a license/permit, however early advice of their approval is given in the integrated Development Consent. The following questions should help you determine whether the proposed works require a license/permit and if so, the Act under which those approvals are required.

NSW Fisheries	<ul style="list-style-type: none"> - Do you want to carry out aquaculture? If yes, you need a permit under S.144 of the Fisheries Management Act 1994. Do you intend to harm Mangroves or Sea Grasses or obstruct fish passage? If so , you should enquire with NSW Fisheries as to the need for a permit.
Heritage Council	<ul style="list-style-type: none"> - Does your development involve a building, a place or land that has a permanent conservation order, an interim conservation order or an interim heritage order protecting it, or which is listed on the State Heritage Register? If yes, you need an approval under S.57 of the Heritage Act 1977.
National Parks and Wildlife Service	<ul style="list-style-type: none"> - Will it destroy, damage or otherwise harm an Aboriginal relic that is known to exist on the land you want to develop? If yes, then you need an approval under s.90 of the National Parks and Wildlife Act 1974.
EPA - Environment Protection Authority	<ul style="list-style-type: none"> - Is the proposal a designated development? If yes, you are likely to need a license under S.47 or S.48 of the Protection of the Environment Operations Act 1997. - Will the development cause the pollution of water? If yes, you will require a license under S.43(d) of the Protection of the Environment Operations Act 1997.
DIPNR - Department of Infrastructure, Planning and Natural	<ul style="list-style-type: none"> - Is the development within 40 metres of a stream, river, lake or lagoon? If yes, are you going to excavate the land, remove material from the land or do anything, which will obstruct or detrimentally affect the water flowing in a creek, stream, river, lake or lagoon? If so, you

Resources.	<p>will need a permit under Part 3A of the Rivers and Foreshores Improvement Act 1948. Certain exemptions apply for minor residential construction work.</p> <ul style="list-style-type: none"> - Do you propose to build pumps (or the like) to obtain water, or build pipes (or the like) to carry water from a natural watercourse? If yes, then you will need a permit under S.16A of the Water Act 1912.
RTA - Roads and Traffic Authority	<ul style="list-style-type: none"> - Will the development affect a public road, a Crown Road, a highway, a main road, a freeway or a toll way? If yes, you will need consent under S.138 of the Roads Act 1993.
RFS - Rural Fire Service	<ul style="list-style-type: none"> - If the development is a subdivision; or, school, childcare centre, hospital, hotel, motel or other tourist accommodation; or, Housing for Older People or People with a Disability (SEPP5); or, a Group Home (SEPP9); and, on designated bushfire prone land? If yes, you will need consent under the Rural Fires Act, 1997.

Please note that the above table is not a representation of all aspects of legislative provisions that would result in an application being considered to be subject to the integrated approval provisions. The table should be used as a guide only.

State Significant Development (Major Infrastructure and Other Projects)

Major Infrastructure and Other Projects (previously State Significant Development) are declared by a Part 3A of the of the EP&A Act and in conjunction with State Environmental Planning Policy (Major Projects) 2005. Applications for Major Infrastructure and Other Projects are made direct to the Department Infrastructure, Planning and Natural Resources and as such, this type of development is not included in the application form.

Construction Certificate

Every development that involves building, subdivision, engineering or earth works will require a Construction Certificate. The plans and specification submitted with a Construction Certificate application must contain enough details to ensure that the works comply with the relevant standards and are consistent with the terms of the Development Consent. Construction industry long service levy payments, Home Owners Warranty and any Section 94 Contributions where required must be made before the issue of the Construction Certificate

Construction Certificates can be issued either by Council or by an accredited private certifier. If you choose Council, then the Construction Certificate can be applied for and issued at the same time as your Development Consent or it can be applied for separately. Construction Certificates are valid for the life of the Development Consent.

Subdivision Certificate

All subdivision proposals will require issue of a Subdivision Certificate (SC), to indicate that Council's requirements (with respect to the approvals issued for the subdivision proposal) have been complied with. Application for issue of a SC is normally made after the works have been completed and the subdivision is ready for building construction.

Attachments required:

- Subdivision Plan (the original plus 7 copies) as prepared by a qualified surveyor.
- Copy of Development Consent or Complying Development Certificate.
- Detailed subdivision engineering plans endorsed with a Construction Certificate.
- For deferred commencement consent, evidence that the applicant has satisfied the consent authority on all matters required before the consent can operate.
- Evidence that the applicant has complied with all conditions of consent, that it is required to comply with before a subdivision certificate can be issued (where applicable)
- A certificate of compliance from the relevant water supply authority (where applicable)
- If a subdivision is the subject of an order of the Land and Environment Court under Section 40 of the Land and Environment Court Act 1979, evidence that required drainage easements have been acquired by the relevant council.
- For subdivision involving subdivision works, evidence that:-
 - the work has been completed, or
 - agreement reached with the relevant consent authority regarding payment of the cost of work or as to the time for carrying out the work, or
 - security given to the consent authority with respect to the completion of the work.

Local Government Act Approvals

There are a number of other activities that can only be carried out if you have approval from Council. A full list of approvals is included in S.68 of the Local Government Act. This includes the approval to carry out water supply work, sewerage works, stormwater works, to install/operate an amusement device, use

as a place of public entertainment, place a waste container in a public place, install and operate a sewage management system, install a solid fuel heater, etc. For example, if you are building a new home, you will need to get approval to do water supply, sewerage and stormwater works. This is the case even if you use a private certifier.

If you identify one or more of these activities you will need to tick the appropriate box. You can also apply for any of these approvals as part of your Development Consent. You will still need to tick the appropriate boxes, however, the approval will be issued as part of the Development Consent.

Council may defer issue of the S.68 approval until sufficient detail has been provided to assess these applications. If you do not apply for these approvals with your Development Application, then you will need to lodge a separate application for approval at a later stage and the approval must be obtained prior to any works commencing.

Roads Act Approvals

Generally, if you are proposing any work within an existing road reserve an application to undertake these works will be required pursuant to S.138 of the Roads Act 1993. If you are proposing to construct a driveway, you will need to obtain driveway levels for the road reserve. This is to ensure that pedestrian, vehicle access and stormwater is well managed.

Where a development is opening a road or footpath for the laying of services such as water, power or sewerage, you will need to provide details of the service type. In some cases Council will charge a bond to safeguard against damage to public property and to ensure that works are carried out as approved by Council.

Restoration works must be completed in accordance with Council's standards. Further information on restoration standards can be obtained from Council.

Appointment of a Principal Certifying Authority (PCA)

The role of the PCA is to ensure that the development is carried out in accordance with the approved plans, specifications, and any conditions listed in the Development Consent or Complying Development Certificate. The PCA certifies that the construction has been built in accordance with the Building Code of Australia and any other relevant standards or in the case of subdivision Councils Standard Conditions for engineering works.

It is the owner's responsibility to appoint a PCA. This can be Council or an accredited certifier, but once chosen, must remain the same throughout the construction process. It is in the interests of all owners to sight the inspection results/compliance certificates, regardless of whether you use Council or an accredited certifier. If you tick the box on the application form this will appoint Council as your PCA. If you nominate Council as your PCA, inspections are arranged with 24 hours notice. Results are

issued at the time of the inspection. If you choose an accredited certifier as your PCA, you are obliged to notify Council in writing of the accredited certifier you selected at least 2 days before work starts.

Please note that the property owner must nominate who will be the PCA.

On completion of the development an Occupation or Subdivision Certificate will be issued, (if this is requested in your application, and relevant fees are paid), if the development complies with all relevant standards and conditions of consent. An Interim Occupation Certificate can also be issued to allow early occupancy of a building.

5. Building Details

If you are applying for a Complying Development Certificate or a Construction Certificate this section must be completed. The information is required by the Australian Bureau of Statistics and contributes to key economic indicators for the country. If there are 2 or more different material types used then please nominate the primary material type. It is also necessary to provide builder and plumber details and what type of termite protection is to be used if applicable.

6. Owner/Applicant Details

It is a requirement that all owners of the property sign the application. If the owner of the property is a company, then a director or a secretary must sign the application.

The applicant is the agent chosen by the owner of the land to act on their behalf on the management of their application including amendment to or withdrawal of, the application. All correspondence and communication is directed to the applicant (i.e., until a final Occupation or Subdivision Certificate is issued). Council's preference in assessing any application is to deal exclusively with the applicant, rather than a multitude of other parties.

The applicant and owner details are (or will be) stored within Council's Information System, where it may be accessed for lawful purposes, and in accordance with relevant privacy legislation and policies.

7. Information to Accompany Application

The application form provides space for you to summarise what plans/documents are being submitted

with the application. The following must be provided with all applications:

- 3 copies of plan of land - must be drawn to a suitable scale.
- 3 copies of plans/drawings of the proposed development - drawn to a suitable scale (*see Note 6*).
- 1 (A4 size) copy of all plans/drawings of the proposed development for purposes of notifying adjoining landowners.
- 5 additional copies of all plans and supporting documentation (only if public exhibition required).
- Any other relevant information.
- application fee.
- for Integrated Development, all required attachments as above plus extra copies of plans & supporting documentation per approval body.
- for Designated Development, other requirements apply, contact Council's Division of Environmental Health & Planning.

FURTHER INFORMATION

Information to Submit

In order for Council to assess your application it is necessary for you to provide information as to what is proposed and how the development/activity is to be undertaken.

The type and level of information required by Council is dependent upon:

- what you are proposing to do; and
- what approvals you require and are seeking from Council.

BASIX

"BASIX Certificate" The Building Sustainability Index (BASIX) is a web-based planning tool designed to assess the potential performance of residential buildings against a range of sustainability

indices. A BASIX Certificate identifies the sustainability features necessary to be incorporated in the building design. These features may include sustainable design elements such as recycled water, rainwater tanks, AAA-rated showerheads and taps, native landscaping, heat pump or solar water heaters, gas space heaters, roof eaves/awnings and wall/ceiling insulation.

You need a BASIX Certificate in Bellingen Shire when BASIX applies to the type of development for which you require approval. Commencement dates and details of types of development are at www.basix.nsw.gov.au. The applicant is required to submit the BASIX Certificate with the Development Application or Complying Development Certificate application. The plans and specifications must also identify the BASIX commitments that will be checked by a professional building certifier during construction. Where submitted plans or specifications are inconsistent with the relevant BASIX Certificate, Council must require applicants to submit consistent applications before progressing the assessment process, either by amending plans / specifications or by submitting a new BASIX Certificate with commitments that match the rest of the application.

Applicants can generate the BASIX Certificate only on the NSW Department of Infrastructure, Planning and Natural Resources' BASIX website: www.basix.nsw.gov.au. For more information, phone DIPNR's BASIX Help Line on 1300 650 908.

Failing to submit the required information will only delay the processing of your application.

Provision of the relevant information allows Council to efficiently process your application.

Lodging of Applications

Once you have completed the application form and gathered the information you need to lodge with your application it will be necessary to lodge your application with Council. You can do this by attending a Council office or posting the application (It is Council's preference that Complying Development Applications be lodged in person and not posted).

Application Fees

Please note that fees will need to be paid upon lodgement of your application. Accordingly if posting your application, the fees will also need to be forwarded. Details of the fees which are payable can

be obtained by contacting Council. Please note that fee estimates, which are provided prior to the lodgement of an application, are based on the information provided by you and the understanding of the Council Officer as to what is proposed. Accordingly, they should be viewed as an estimate only with the exact fees not being determined until the application has been submitted for lodgement.

Assessment of Applications

Once your application has been lodged, Council Officers will assess it. Complying Development Certificate Applications once accepted by Council will be processed within 7 days.

Generally local Development Applications are determined within 40 days, however delays can be experienced where supporting material is not fully provided OR WHERE OTHER authorities are required to comment. Further information may also be required as a result of a site inspection. Where it is necessary a referral may be sent to State Government authorities, for their comments. In the case of Integrated Development this referral also seeks their approval to the issue of a license or permit.

An important part of the process for some Development Applications is the notification of neighbouring property owners. This is completed by a mail out to adjoining owners and depending on the proposal, can also be advertised in the local paper.

Issue of Approvals

On completion of the assessment, most determinations are issued under delegated authority, though sometimes applications are referred to a Council Meeting for a decision to be made. This occurs where there are submissions objecting to the Development.

The Development Consent is conditional and these conditions must be met during the construction life of the project. In some instances, deferred commencement consent may be issued. Once the information required by the deferred commencement is satisfied you must apply for an operational consent.

Development Consent only DOES NOT authorise construction work unless a Construction Certificate has also been issued.

If a Development Consent has been issued, the Construction Certificate application will generally take 7-14 days to determine. If Council is chosen as the PCA, then the Development Consent and/or the Construction Certificate will also include details of the inspections.

Fee quote

Quotes on fees can be obtained over the telephone on 02 6655 7332 or at our offices.

Long Service Levy

The NSW Government has placed a levy on all building and construction works in NSW. The levy is payable on work costing \$25,000 or more. Fees can be paid direct to the Long Service Levy Payments Corporation or to Bellingen Shire Council who acts as an agent for the Corporation. Owner/builders and non-profit organisation may seek an exemption of up to 50% of the levy payable. For further information call 13 1441.

Amending plans

Plans can change during the construction process - things shown on paper are often hard to imagine in three-dimensional reality. To change the plans, or a condition on the Development Consent, you need to lodge an application to amend/modify the Development Consent and submit details in support of the proposed changes. This application is required BEFORE any construction changes.

Amended applications follow the exact same process as the original Development Application. Where the amendment changes any of the external structure then it may be re-notified to neighbours. Fees are payable and depending on the changes proposed; a new Construction Certificate may also be required.

Extension of time

Development approvals from Council usually have a life of up to 5 years. This cannot be extended if they have not been physically commenced. After this time a fresh application is required.

Withdrawing or cancelling an application

Only the applicant can withdraw an application prior to the determination being made. Where this is the case and depending on the level of assessment undertaken, some of the fees may be refunded. Applications can also be cancelled after the determination; for example, the development may no longer be proceeding. Some fees may also be refundable. Requests to withdraw or cancel an application must be made in writing by the applicant.

