



# Bellingen Shire Council

## APPLICATION GUIDE

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## PART A INTRODUCTION

This guide is designed to assist you in making an application to Council for a variety of developments and activities. The guide is in three parts, Part **A** is the introduction, Part **B** provides details on how to complete the application form and Part **C** provides additional information aimed at assisting you to lodge an application.

### SITE ANALYSIS

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?

All development related planning controls including the Local Environmental Plan, Development Control Plan, zoning and constraint maps and relevant application forms are available under the relevant headings in the Planning section of Council's website [www.bellingen.nsw.gov.au](http://www.bellingen.nsw.gov.au)

However, should you require any assistance or have further enquiries then you can obtain general advice from:

### COUNCIL'S DUTY PLANNER

Council's Duty Planner is available to answer your planning questions Monday to Friday from 8.30 am to 12 noon. The Duty Planner can be contacted by phoning (02) 6655 7300 or by visiting Council between these hours. Outside these hours, planners are available for general enquiries by appointment only.

The Duty Planner cannot prepare your development documentation or provide legal advice, but they can assist you with:

- general interpretation of Council's Local Environmental Plan (LEP) and Development Control Plan (DCP) 2010
- development assessment requirements
- zone enquiries
- subdivision
- dual occupancy and multi dwelling housing
- mixed use development
- home and commercial business development
- industrial development

## **COUNCIL'S BUILDING SURVEYORS**

Council's Building Surveyors are also available to answer any building related enquiries Monday to Friday from 8.30 am to 10:30 am or by appointment outside these hours.

Council's Building Surveyors can assist you with:

- general interpretation of Council's LEP and DCP 2010
- dwelling construction/ additions
- secondary dwellings (granny flats)
- complying development certificates
- swimming pool construction
- ancillary structures such as sheds and carports
- stormwater drainage for residential land
- installation of on-site sewage management systems

## **COUNCIL'S DEVELOPMENT ENGINEERS**

Council's Development Engineers are available to answer your enquiries Monday to Friday 8:30 am to 4:30 pm. However, it is advisable to make a prior appointment by phoning (02) 6655 7351.

Council's Development Engineers can assist you with:

- Access
- Stormwater drainage for large developments
- Engineering requirements for subdivision

## **DEVELOPMENT CONTROL UNIT**

If you need detailed planning advice for a development project, please arrange a meeting with Council's [Development Control Unit](#) (DCU). Alternatively please put your enquiry in writing via a development enquiry or seek advice from a private planning consultant. Note that an enquiry fee is applicable for written responses.

The DCU meets on Friday afternoons by appointment.

To make an appointment with the DCU contact Council's Support Officer for Operations, Julie Spokes on (02) 6655 7347. You must make an appointment no later than 12.00 noon on the Wednesday prior to the Friday you wish to meet with the DCU.

Further information regarding what you need to provide and bring with you can be obtained from Council's website.

## DO YOU NEED AN APPLICATION?

Bellinghen Local Environmental Plan (BLEP) 2010 is the principal legal document for controlling development at the council level. The zoning provisions establish permissibility of uses and standards regulate development. You should review BLEP 2010 to determine your land use zoning and then if what you propose is permitted without consent, permitted with consent or prohibited within the relevant land use zone.

Information regarding the land use zone of a particular property is available on Council's website or from Council, as is a copy of BLEP 2010.

It is important to note however that not all development is regulated by BLEP 2010 and some development is regulated by State Environmental Planning Policies (SEPPs). Those most relevant to Bellinghen include:

- *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*
- *State Environmental Planning Policy (Temporary Structures) 2007*
- *State Environmental Planning Policy (Affordable Rental Housing) 2009* (including provision for secondary dwellings)
- *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004*
- *State Environmental Planning Policy (Infrastructure) 2007* (relating to public facilities such as those for air transport, correction, education, electricity generation, health services, ports, railways, roads, waste management and water supply systems)
- *State Environmental Planning Policy (Rural Lands) 2008*
- *State Environmental Planning Policy No 33—Hazardous and Offensive Development*
- *State Environmental Planning Policy No 62—Sustainable Aquaculture*
- *State Environmental Planning Policy No 64—Advertising and Signage*

### EXEMPT AND COMPLYING DEVELOPMENT

Not all development will require development consent, certain development can be classified as Exempt or Complying Development.

**Exempt Development** is development that may be carried out without the need for development consent. Such development is however not exempt from any approval, licence, permit or authority that is required under any other Act and adjoining owners' property rights and the common law still apply. Development may be classified as exempt under the following legislation:

- Schedule 2 of Bellinghen Local Environmental Plan 2010.
- *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*: This SEPP generally relates to minor works or activities such as single carports, farm sheds and home occupations. To be exempt the work must meet the predetermined standards outlining the size, type and location of the building work for it to be exempt of any planning or construction approval.
- *State Environmental Planning Policy (Temporary Structures) 2007*: Exempt development under the SEPP includes the erection and use of some temporary structures for certain private functions and community events such as marquees, stages and the like subject to prescriptive standards.

**Complying Development** is development which must meet prescriptive requirements. It is a combined planning and construction approval and involves the lodgement of an application for a Complying Development Certificate. This can be issued by Council or by a private accredited certifier. As with exempt development the circumstances where it is applicable are specified in the following legislation:

- *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* : This relates to a variety of development types ranging from dwelling houses and swimming pools to minor commercial activities.
- *State Environmental Planning Policy (Affordable Rental Housing) 2009*: amongst other things this SEPP specifies the complying development standards applicable to secondary dwellings (commonly known as Granny Flats).
- *State Environmental Planning Policy (Temporary Structures) 2007*: In addition to the provisions for exempt development this SEPP provides for another tier of development (via complying development provisions) for certain activities often related to private functions or community events (eg larger marquees or stages).

If you consider your proposed development may be exempt or complying development it is recommended that you seek initial advice from Council's Building Surveyors.

Exempt Development and Complying Development must meet various prescriptive requirements including zoning, land based restrictions and in some instances minimum lot and floor areas. If what you proposes does not meet this requirements then you will need to lodge a development application.

Please Note:

- There are other State and Federal controls that regulate development and you should familiarise yourself with these to see if they are applicable to what you propose. Further information is available from [www.planning.nsw.gov.au](http://www.planning.nsw.gov.au)
- All relevant state legislation including State Environmental Planning Policies can be found at [www.legislation.nsw.gov.au](http://www.legislation.nsw.gov.au)

## THE DEVELOPMENT APPLICATION PROCESS

The development 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.

Once you have established that you need development consent then the next step is to determine the type of approval ie; local, integrated, designated etc....

Other approvals may also be required, for example; if stormwater and sewer connection works or installation of a water meter are involved then an approval under Section 68 of the Local Government Act would be required. If works are necessary on Council's road reserve an approval under the Roads Act 1993 will be required.

If the proposal involves any engineering or building construction works you will also need to apply for and be issued with a Construction Certificate before any work can commence.

In the case of building work you can choose to seek either the services of Council's Building Surveyor or a private accredited certifier to issue the Construction Certificate.

The following table outlines the various stages of the application process. It specifies the role of Council and private certifiers and outlines some of the key steps. The focus is on proposals requiring building/subdivision work.

Note that the table does not cover complying development, which simplistically is a combination of stages 1 & 2 in the table.

<p><b>Stage 1</b> <b>DEVELOPMENT APPLICATION</b></p>	<ul style="list-style-type: none"> <li>• Preliminary enquiries with the Council</li> <li>• Lodge your Development Application with Council.</li> </ul> <p>Your Application should include; as a minimum, those matters prescribed by Cl 50 Schedule 1 of the Environmental Planning &amp; Assessment (EP&amp;A) Regulation including:</p> <ul style="list-style-type: none"> <li>- A completed Development Application form</li> <li>- A Statement of Environmental Effects</li> <li>- Legible copies of plans of the proposed development to scale (including any A4 copies of plans required for notification purposes)</li> <li>- Copy of BASIX Certificate if applicable</li> <li>- The prescribed fees for the making of the application</li> </ul> <ul style="list-style-type: none"> <li>• Once the application is lodged and accepted it is then registered with a distinct number, marked with the date of receipt and allocated to an officer. Note that Council has 7 days to reject inadequate applications</li> <li>• Your application may be referred to other departments within Council and to relevant government agencies as necessary.</li> <li>• The development proposal may be placed on public exhibition or notified to adjoining property owners if required, in accordance with Ch 11 of Bellingen Shire DCP 2010.</li> <li>• An acknowledgment letter will be sent to you. The acknowledgement letter will advise you of the application number, the relevant officer, details of referrals and notifications, any additional fees and charges and also requesting additional information if necessary.</li> <li>• The application is assessed on its merits and against the relevant heads of consideration under section 79C of the EP &amp; A Act. This stage also includes consideration of any public submissions and advice or recommendations from other government agencies if relevant.</li> <li>• The application is determined and if consent is granted conditions of consent are included.</li> </ul> <p>NB: please note:</p> <ol style="list-style-type: none"> <li>1. Council may not always be the consent authority for an application.</li> <li>2. In addition to application fees there may be additional charges known as developer contributions. These contributions will normally be payable prior to the issue of a Construction Certificate. Details of the contributions will be included as a condition of development consent.</li> </ol>
<p><b>Stage 2</b></p>	<ul style="list-style-type: none"> <li>• A Construction Certificate is required after a development consent is issued and before</li> </ul>

<p><b>CONSTRUCTION CERTIFICATE</b>  <b>Issued by Council or a Private Accredited Certifier</b></p>	<p>any building or subdivision work is carried out. Building work means any physical activity involved in the erection of a building, including any alterations and/or additions to a building.</p> <ul style="list-style-type: none"> <li>• Apply for your Construction Certificate either to Council or to a private accredited certifier.</li> <li>• A construction certificate certifies that relevant matters specified in the EP&amp;A Regulation 2000 have been satisfied including: <ul style="list-style-type: none"> <li>- the construction plans and specifications comply with the Building Code of Australia;</li> <li>- the construction plans and specifications are consistent with the development consent; and</li> <li>- all conditions of the development consent requiring compliance prior to the issue of a construction certificate are finalised.</li> </ul> </li> </ul>
<p><b>Stage 3</b>  <b>OWNER APPOINTS PRINCIPAL CERTIFYING AUTHORITY AND NOTIFIES COUNCIL</b></p>	<ul style="list-style-type: none"> <li>- Before any works can start on the site, the applicant must appoint a Principal Certifying Authority (PCA) to carry out the mandatory critical stage inspections throughout the construction of the building. The PCA can be either a Council or private accredited certifier</li> <li>- The applicant must give the PCA a minimum of two days notice before work begins.</li> </ul>
<p><b>Stage 4</b>  <b>CONSTRUCTION WORK BEGINS</b></p>	<ul style="list-style-type: none"> <li>- Other necessary approvals must be obtained from Council prior to works beginning (ie Local Government Approval or Roads Act Consent)</li> <li>- Work begins in accordance with the Development Consent, including any conditions, and the Construction Certificate.</li> <li>- PCA carries out the critical stage inspection.</li> </ul>
<p><b>Stage 5</b>  <b>OCCUPATION CERTIFICATE</b>  <b>SUBDIVISION CERTIFICATE</b>  <b>(completion of works)</b></p>	<p>Prior to the occupation or use of a building the PCA must issue an Occupation Certificate</p> <ul style="list-style-type: none"> <li>- An Occupation Certificate allows a person to occupy and use a new building and verifies that the PCA is satisfied that the building is suitable to occupy or use in terms of the requirements of the Building Code of Australia (BCA) and any consent or approval that has been granted</li> <li>- The certificate may be Interim, where the PCA considers the building is fit for occupation or use but has not been fully completed. A Final Occupation Certificate is issued when all works and requirements have been completed. A time frame may be specified within which all works must be complete.</li> <li>- In the case of development consent being granted for subdivision you will also need to apply for a Subdivision Certificate following completion of all works in accordance with the Construction Certificate. You will need to ensure that all conditions of consent have been complied with and finalised in order for the Subdivision Certificate to be released.</li> </ul>

# PART B - THE APPLICATION FORM

The application form has been designed to cover the range of approvals that may be required for a variety of developments, events or building projects. 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 and its present use. The Lot, Section (if applicable) and DP Number are found on the Certificate of Title or your rates notice.

## 2. APPLICATION SUMMARY

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 current market value of the finished works, this must allow for a labour component in the case of owner builders. If the proposal is for subdivision indicate the number of existing / proposed lots.

The type or nature of the proposal for which approval is sought is required to be specified.

## 3. APPLICANT DETAILS

The Applicant is the person lodging the Development Application with Council. It does not have to be the owner of the land and can be the owner's representative such as a consultant or builder.

This will be the person / company with whom Council will communicate and forward all correspondence to.

## 4. OWNER CONSENT DETAILS

The section needs to be signed by **all** owners of the land. This gives consent to the lodgement of the application and allows Council officers to enter the subject property.

Where the owner is a corporation, the company seal must be applied and a statement of the capacity of the person signing the application. If you have recently purchased the land, you may need to provide proof of ownership such as a Certificate of Title or Transfer Certificate showing the transferor, transferee and the current Lot and DP number of the property.

## 5. TYPE OF APPLICATION

### (A) Consents/Certificates issued

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 not only in determining the processing requirements from Council's perspective but also in identifying what type and level of information needs to be lodged with the application. The types of approvals / certificates are explained under the relevant headings as set out in the form.

Please note that Council is not the consent authority for all applications. Major projects of regional or State Significance Development require an approval from the Minister. *State Environmental Planning Policy (State and Regional Development) 2011* define which projects require approval from the Minister. Further information is available from the Department of Planning and Infrastructure <http://www.planning.nsw.gov.au>

#### COMPLYING DEVELOPMENT

Can what you propose to do be done as Complying Development? Complying Development Certificates (CDCs) can be issued by either Council accredited certifiers (Building Surveyors) or by private accredited certifiers. In accordance with the relevant legislation a complying development certificate will normally be issued within 10 days of lodgement. A reduced fee structure also applies to these applications. In addition to plans and specifications any application for a CDC must be accompanied by a checklist detailing compliance with the various prescriptive requirements specified in the relevant State Environmental Planning Policy.

#### STANDARD DEVELOPMENT CONSENT

You would tick this box if what you are applying for does not fall within one of the other categories i.e. is not complying, is not designated, is not integrated etc...

#### MODIFICATION OF DEVELOPMENT CONSENT

You can apply to modify an existing development consent in accordance with Section 96 of the EP&A Act 1979. This includes:

- Section 96 (1) – involving minor error, misdescription or miscalculation only
- Section 96 (1A) – involving minimal environmental impact
- Section 96 (2) – other modifications
- Section 96 AA (1) – modification of consent granted by the Land & Environment Court

You need to provide the development application number of the consent you are applying to modify.

#### DESIGNATED DEVELOPMENT

Designated development is listed in Schedule 3 of the EP&A Regulations or in environmental planning instruments, such as SEPP 14 – Coastal Wetlands.

Applications for designated development need to be accompanied by an Environmental Impact Statement (EIS) addressing matters prescribed by the Department of Planning & Infrastructure (called Director General Requirements).

## INTEGRATED DEVELOPMENT

Some development proposals need other kinds of approvals (e.g. licences, permits) from other State Government Departments/Agencies. Integrated development applications require an approval listed under s91 of the EP&A Act (see the following Table). The consent authority must refer the DA to the relevant agency and incorporate the agency's *general terms of approval* in any consent or must not grant consent if the agency recommends refusal of the DA.

Integrated development is development that, in order for it to be carried out, requires development consent and one or more of the following approvals:

Act	Provision	Approval
<a href="#">Fisheries Management Act 1994</a>	s 144	aquaculture permit
	s 201	permit to carry out dredging or reclamation work
	s 205	permit to cut, remove, damage or destroy marine vegetation on public water land or an aquaculture lease, or on the foreshore of any such land or lease
	s 219	permit to: set a net, netting or other material, or construct or alter a dam, floodgate, causeway or weir, or otherwise create an obstruction, across or within a bay, inlet, river or creek, or across or around a flat
<a href="#">Heritage Act 1977</a>	s 58	approval in respect of the doing or carrying out of an act, matter or thing referred to in s 57 (1)
<a href="#">Mine Subsidence Compensation Act 1961</a>	s 15	approval to alter or erect improvements within a mine subsidence district or to subdivide land therein
<a href="#">Mining Act 1992</a>	ss 63, 64	grant of mining lease
<a href="#">National Parks and Wildlife Act 1974</a>	s 90	grant of Aboriginal heritage impact permit
<a href="#">Petroleum (Onshore) Act 1991</a>	s 9	grant of production lease
<a href="#">Protection of the Environment Operations Act 1997</a>	ss 43 (a), 47 and 55	Environment protection licence to authorise carrying out of scheduled development work at any premises.
	ss 43 (b), 48 and 55	Environment protection licence to authorise carrying out of scheduled activities at any premises (excluding any activity described as a "waste activity" but including any activity described as a "waste facility").
	ss 43 (d), 55 and 122	Environment protection licences to control carrying out of non-scheduled activities for the purposes of regulating water pollution resulting from the activity.
<a href="#">Roads Act 1993</a>	s 138	consent to: erect a structure or carry out a work in, on or over a public road, or dig up or disturb the surface of a public road, or remove or interfere with a structure, work or tree on a public road, or pump water into a public road from any land adjoining the road, or connect a road (whether public or private) to a classified road
		authorisation under section 100B in respect of bush fire 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
<a href="#">Rural Fires Act 1997</a>	s 100B	
<a href="#">Water Management Act 2000</a>	ss 89, 90, 91	water use approval, water management work approval or activity approval under Part 3 of Chapter 3

## SUBDIVISION CERTIFICATE

All subdivision proposals will require issue of a Subdivision Certificate. The following information (if applicable) must accompany an application for a Subdivision Certificate:

-  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.

## CONSTRUCTION CERTIFICATE

A Construction Certificate is required after a development consent is issued and before any building or subdivision work is carried out. The application can be lodged concurrently with the development application in most residential type proposals

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. The development consent may require compliance with some conditions prior to the issuing of the Construction Certificate. Construction industry long service levy payments and any Section 94 Contributions where required must be made prior to the issue of the Construction Certificate.

### **(B) Local Government Act Approvals**

There are a number of activities specified in section 68 of the Local Government Act that can only be carried out if you have approval from Council.

For example, if you are building a new home in an area served by town water and sewer, you will need approval to have a water meter installed, connect domestic sewer to Council's sewer mains and dispose of stormwater.

Local Government Approvals also relate to the installation and operation of on-site sewage management systems (such as septic tanks). For more information in this regard please refer to the environmental health page on Council's website.

You can apply for any of these approvals in conjunction with your development application and the approval can be issued as part of the Development Consent. If you do not apply for these approvals with a Development Application or you are applying for a Complying Development Certificate for your proposed works then you will need to lodge a separate application for the local government approvals. Note that the approval must be obtained prior to the activity occurring.

Council's Building Surveyors can provide advice with regard to local government approvals.

## **(C) 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 new driveway or upgrading an existing one, you will need to submit a plan of the crossover showing all dimensions, proposed material, drainage features and exact location of the driveway. In some cases Council may ask for long section, where there is a site constraint or if the site is too steep.

If the driveway is part of a DA, Council's requirements in terms of driveway can be viewed under "*Engineering Conditions*". If it is a stand-alone application, it is advisable to contact Council's Development Engineer, prior submitting any drawings.

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. You need to contact Council's Land Information Officer, to get all drawings of council's services in the vicinity of your development. 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.

Note that where a Complying Development Certificate is sought and a Roads Act consent is required (ie to provide vehicular access to the site) the Roads Act consent must be issued prior to the issue of the Complying Development Certificate.

### **6. FORWARDING INSTRUCTIONS**

Tick which option you would prefer regarding receipt of your determination.

### **7. BUILDING DETAILS**

If you are applying for a Complying Development Certificate or a Construction Certificate this section must be completed.

### **8. BUILDING SUSTAINABILITY INDEX (BASIX)**

BASIX applies to residential building work that is greater than \$50,000 in value and to swimming pools with a capacity greater than 40,000 litres. The BASIX certificate is required to be submitted with the lodgement of the Development Application (DA) or Complying Development Certificate (CDC).

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.

The plans and specifications lodged with the DA or CDC must identify the BASIX commitments as specified in the certificate.

Applicants can generate the BASIX Certificate only on the BASIX website: [www.basix.nsw.gov.au](http://www.basix.nsw.gov.au)  
For more information, phone BASIX Help Line on 1300 650 908.

### **9. CONSTRUCTION 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 (ABS) and contributes to key economic indicators for the country.

## 10. LIST DOCUMENTS AND PLANS ACCOMPANYING THIS 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 a site plan (must be drawn to a suitable scale). One set of plans to be either A4 or A3 size. **Note:** *Where the DA is Integrated development, an additional copy is required for each referral authority.*

Site Plans should provide the following:

- Location of the land
- Boundary dimensions
- Site area
- North Point
- Existing vegetation and trees
- Location and uses of existing buildings on the land
- Existing site levels (contours and spot levels)
- Location and use of buildings on adjoining land
- Location of any water bodies/courses
- Location of proposed buildings/use if applicable and distance from boundaries.

It is suggested that the site plan be prepared to a professional drafting standard by a suitably qualified person - i.e. architect, surveyor, draftsman, engineer, planner.

-  3 copies of plans/drawings of the proposed development - drawn to a suitable scale and preferably drawn to a professional drafting standard by a suitably qualified person - i.e. architect, builder, surveyor, draftsman, engineer, planner. One set of plans to be either A4 or A3 size. **Note:** *Where the DA is Integrated development, an additional copy is required for each referral authority.*

- Where the development involves new building work - floor plans and all four elevation drawings are required as a minimum
- Where the development involves building alterations and additions – the plans must clearly indicate what is existing work and what is proposed work

-  3 copies of a Statement of Environmental Effects (SEE) that addresses all potential environmental impacts of the development, including noise and visual impact, traffic impacts, stormwater impact, impacts on environmental habitat, water quality, adjoining properties, heritage, privacy, and solar access.

A template is available for minor development and single dwelling houses for these applications Council may only require 1 copy of the SEE.

**Note:** *Where the DA is Integrated development, an additional copy is required for each referral authority.*

-  Copy of the BASIX Certificate (if applicable).

-  Any other relevant information i.e; Engineering specifications, building specifications, bushfire reports, flora and fauna reports, etc....)

- Where the development involves the installation of an on-site sewage management system (OSMS) a waste water disposal report prepared by a suitably qualified person will be required. Please refer to Council's website for a list of suitably qualified persons.
- Where a residential/tourist building or subdivision is located on bushfire prone land a bushfire assessment report prepared by a suitably qualified person is required.
- Where the development involves removal of vegetation and/or is adjacent to an environmentally sensitive area - a flora and fauna study carried out by an environmental consultant under Section 5A of the Environmental Planning and Assessment Act may be required.

-  5 copies of all plans and supporting documentation is required if public exhibition required.

-  Application fee. Contact Council's Customer Service Officer for the correct fees.

-  Designated Development, other requirements apply contact Council's Building & Planning Units.

## PLAN REQUIREMENTS FOR SUBDIVISIONS

Any DA for subdivision, including a boundary adjustment, and regardless of the size or extent of the subdivision must include a plan of subdivision.

The plan of subdivision must comply with the following criteria before Council will accept it for assessment:

-  Be drawn to a professional drafting standard by a suitably qualified person - i.e. surveyor, draftsman, engineer, planner
-  Indicate the plan scale – i.e. 1:500, 1:2000 etc
-  Must clearly indicate the type of subdivision sought – i.e. Strata, Community or Torrens title
-  Clearly indicate the Lot and DP numbers of the land to be subdivided
-  Indicate site location relative to adjoining roads/properties
-  Provide the North point
-  Provide individual Lot numbers for all proposed lots
-  Provide the area of each proposed lot in square metres
-  Provide the dimensions of each proposed lot
-  Indicate the width of any proposed roads
-  Indicate the extent of any required bushfire asset protection zones
-  Indicate the extent of any earthworks
-  Indicate any existing vegetation and trees on the land
-  Indicate the location and uses of existing buildings on the land
-  Provide existing site levels (contours and/or spot levels)
-  Indicate location of any watercourses to determine whether the application needs referral to State government authorities
-  Indicate the location of any existing and proposed effluent disposal areas

## ELECTRONIC PROVISION OF INFORMATION

Council requests, where feasible, an electronic copy of the various documents comprising the DA saved as a pdf file(s). This is to allow Council to better manage the information supplied and if relevant, referred by email to State Government Agencies. You can provide this information at the time of lodgement on a Compact Disk or flash drive or organise to e-mail the information.

# PART C - FURTHER INFORMATION

## INFORMATION TO SUBMIT

To minimise delays in the processing of your application you should provide all the relevant information at time of lodgement.

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.
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Where additional information is required to assess your proposal you will be formally advised in writing and normally given 28 days to provide the information. If the required information is not forthcoming, without adequate justification provided, the application may be refused.

## LODGING OF APPLICATIONS

Once you have completed the application form and gathered all the relevant information required to be supplied with your application, it will be necessary to lodge your application with Council. You can do this by coming into Council's administrative building or posting the application with the relevant fees. With complying development, applications should be lodged in person and by prior appointment with a building surveyor to ensure the adequacy of the submission.

## APPLICATION FEES

Details of the fees which are payable can be obtained by contacting Council's Customer & Business Support Services on (02) 6655 7332 or visiting our Administration office or the Dorrigo Library on Thursday 2pm – 4pm.

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.

Application fees are payable at the time of lodgement and if posting your application you will also need to include the fees.

## 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 \$25,001 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. You can obtain an "Application for Partial Levy Exemption" from Council's Administration Office. For further information call 13 14 41.

## ASSESSMENT OF APPLICATIONS

Once your application has been lodged Council Officers will assess it. Complying Development Certificate Applications once accepted by Council are normally determined within 10 days.

The actual time taken to determine your application will vary depending on a variety of matters such as; the complexities of the application, the classification of the development, the adequacy of the information provided; or level of public interest.

Please also note that some applications may be required to be determined by Council at a monthly Ordinary meeting. This will also have an impact on the determination timeframe.

As a general rule applications for single dwellings, studios, carports, sheds or swimming pools should be determined within 2 months and applications for other types of development, such as subdivision, within 4- 6 months.

Applications are assessed against Section 79C of the EP&A Act which provides the matters which need to be considered before the development application can be determined. This includes assessment of any submissions received after the notification of the application or any conditions or General Terms of Approval required by relevant government agencies.

### *S79C (1) Matters for consideration - general*

- a) the provisions of:
  - (i) any environmental planning instrument, and
  - (ii) any proposed instrument that is or has been placed on public exhibition and details of which have been notified to the consent authority, and
  - (iii) any development control plan, and
  - (iii a) any planning agreement or draft planning agreement
  - (iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph),
  - (v) any coastal zone management plan (within the meaning of the Coastal Protection Act 1979),that apply to the land to which the development application relates,
- b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,
- c) the suitability of the site for the development,
- d) any submissions made in accordance with this Act or the regulations,
- e) the public interest.

## ISSUE OF DETERMINATION / APPLICATION

Following completion of the assessment of your application the assessing Council officer will complete an assessment report with a recommendation to either:-

- Grant consent/ approval to the proposal
- Grant consent / approval to the proposal subject to conditions or
- Refuse the development/ application.

On completion of the assessment, most determinations for development consent are issued under delegated authority, although, as mentioned above, applications may be referred to a Council Meeting for a decision to be made. This occurs where there are 5 or more submissions objecting to the Development.

***After assessment, the application is formally determined and a notice outlining the decision and any requirements is sent to the applicant.***

If the application is granted consent subject to conditions then 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 need to apply for an operational consent.

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

### **AMENDING PLANS OR MODIFYING THE DEVELOPMENT CONSENT**

Plans can change during the construction. 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. Please note that if the proposed changes are substantially different to what has been approved a fresh application will be required.

Section 96 of the EP&A Act allows an applicant to modify a development consent that has been granted without the need for a new consent to be issued. This includes:

- Section 96 (1) – involving minor error, misdescription or miscalculation only
- Section 96 (1A) – involving minimal environmental impact
- Section 96 (2) – other modifications
- Section 96 AA (1) – modification of consent granted by the Land & Environment Court

Amended applications follow the 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 modified Construction Certificate may also be required.

### **COMMENCEMENT OF DEVELOPMENT**

Development approvals from Council usually have a life of up to 5 years within which development can commence. After 5 years if the development has not substantially commenced then the consent lapses and a new application would be 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.