



HAY SHIRE COUNCIL

Application Guide

**Information for the Preparation of
Development Applications and
Construction Certificates**

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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.

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

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, any other alteration or use of land.
- 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 Urban Affairs and Planning 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 construction work. The certificate assures that the detailed plans and specifications comply with the Building Code of Australia and associated standards or codes, and that your proposal is consistent with your Development Consent.

SCHEDULE OF FEES AND CHARGES

Your development application will attract fees in accordance with Hay Shire Council's Revenue Policy Fees and Charges and based on the cost of the development. Contact Council for details of the fees associated with your development proposal.

FOREWORD

BACKGROUND ABOUT THE GUIDE

This guide has been prepared to assist in the process of completing the application form, preparing plans and any other supporting documents submitted with your application for development, building or subdivision work within Hay Shire Council's Local Government Area.

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

POST DETERMINATION

The following gives a brief outline of what options are available to an applicant should they be dissatisfied with the determination of a development application. This does not however apply to Complying Development Certificates.

Right of Appeal: If you are dissatisfied with this decision, Section 97 of the *Environmental Planning and Assessment Act 1979* gives you the right to appeal to the Land and Environment Court within 6 months after the date on which you receive this notice.

Review of Determination: An applicant may request a review of this decision under Section 82A of the *Environmental Planning & Assessment Act 1979*.

MORE INFORMATION

If you have any questions after following the guide, you should contact Hay Shire Council on 02 6990 1100. You may also benefit from referring to the Supplement which provides a guide to the documents required to be submitted with your application form.

Should you choose to discuss your proposal with our assessment officer, it is essential that you arrange an appointment. We recommend that you consult with a Council officer before submitting your application.

LIST OF TERMS

EPI	Environmental Planning Instrument
EP&AAct	<i>Environmental Planning & Assessment Act 1979</i>
SEPP	State Environmental Planning Policy
REP	Regional Environmental Plan
LEP	Local Environmental Plan
CDC	Complying Development Certificate
BCA	Building Code of Australia
Class	Classification of building under the Building Code of Australia
DP	Deposited Plan
SP	Strata Plan
EIS	Environmental Impact Statement

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

Person Completing this Form – Name and Address Details etc.

Details of the person completing the application form, being the applicant's name, address and phone details. **The address given as the applicant's postal address is the address to which all information in relation to your application, including your approval, will be sent.**

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

ITEM 2

Location of the Land to be Developed and the Title Description of the Property

The land title description is required to correctly and unmistakably identify the land. This usually consists of a lot number and deposited plan or strata plan number.

The location of the land consists of a unit / house number, street / road and a suburb / locality name.

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.

The zoning of the land can be obtained from viewing Council's zoning maps or a current planning certificate. Planning certificates can be obtained from Council under section 149(2) of the EP&A Act.

ITEM 3

Description of your Proposed Development

This application form is designed to cater for both individual development and subdivisions and construction certificate applications or a combination.

It is important that you state whether a construction certificate is to be lodged at the same time or if development consent has previously been granted.

If development consent has previously been granted, please quote the Development Consent number, the date of determination and the Building Code of Australia Building Classification. This information is nominated on the development consent.

Description – is a broader outline of your proposal.

(e.g. additions to existing dwelling)

(e.g. Five Detached Villa Units and six lot Subdivision)

ITEM 4

Type of Development Consent

This section of the application form is only required to be completed if the application is for development approval. Please indicate by ticking the appropriate box.

Operational Consent:

A development application is determined by:

- a) granting consent to the application either unconditionally or subject to conditions; or
- b) refusing consent to the application.

Deferred Commencement:

Development consent may be granted subject to a condition that the consent is not to operate until the applicant satisfies the consent authority, in accordance with the regulations, as to any matter specified in the condition. Nothing prevents a person from doing such things as may be necessary to comply with the condition.

Staged Development

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.

ITEM 5

Estimated Cost of Development / Value of Work

Estimated Cost of Development / Value of Work 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.

ITEM 6

Approvals under Section 68 *Local Government Act 1993*

Should your application require approval for two or more of the matters listed in Section 68 of the Local Government Act 1993 (LGA), a separate form listing all the relevant approvals under LGA must form part of your application.

If your development requires the installation of a water meter or is for an onsite sewage system, an Application for Local Activity must accompany the application.

ITEM 7

Environmental Impact

This section of the application is only required to be completed if the application is for development approval. Please indicate by ticking the appropriate box.

- An **Environmental Impact Statement (EIS)** is required if your proposal is a designated development.

Note: The EIS must be included with your application.

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.

- A Statement of Environmental Effects is required if your proposal is not designated development.
- The proposed development is considered to have negligible effect (e.g. minor interior alterations) which must:
 - a) demonstrate that the environmental impact of the development has been considered
 - b) set out steps to be taken to protect the environment or to mitigate the harm.

ITEM 8

Integrated Development

This is development which requires the issue of an approval / licence by a separate government body (referred to as the approval body) prior to the commencement of work (e.g. heavy industries)

- Council will refer a copy of your application to the relevant approval body/ies and can only issue a consent if the approval body is prepared to issue the appropriate licence / approval.
- Unless otherwise stated, a fee of \$250 per approval body is required to be paid. It will be necessary to lodge this additional fee with Council at the time of lodgement of the Development Application. The fee should be in the form of a cheque made payable to the relevant Approval Body.

For Example:

An application for a residential subdivision located within 40 metres of a watercourse would require a permit from the Department of Infrastructure, Planning & Natural Resources (DIPNR) under Part 3A of the *Rivers & Foreshores Improvement Act*.

When Council receives the Development Application for Subdivision it must refer the application to DIPNR who will consider the application and if appropriate, issue its 'general terms of approval'. Council could not normally determine the DA until it had received the general terms of approval from DIPNR.

ITEM 9

Principal Certifying Authority (PCA) and Compliance Certificates

Principal Certifying Authority

After receiving a Development Consent and if a Construction Certificate is required, the applicant must nominate a Principal Certifying Authority (PCA) to supply the Construction Certificate.

- The role of the PCA is to supervise the construction and ensure that the work is carried out in accordance with the approved development plans.
 - The PCA also issues or organises the issue of Compliance Certificates issued at the appropriate times, ensures that appropriate inspections are carried out and issues the Occupation or Subdivision Certificate.
 - The PCA is the only person who can issue an Occupation Certificate or a Subdivision Certificate. The PCA can be Council or an Accredited Certifier.
- Should you wish to appoint Council as the PCA you must tick the **yes** box.
 - If you choose to tick the **no** box, you are obliged to provide Council details of the PCA appointment at least 2 days prior to commencing construction work.

ITEM 10

Builder / Owner Builder Details

Please tick the appropriate box on the application form.

Owner Builder

An owner builder's permit is to be obtained from the Department of Fair Trading.

You are required to attach a copy with your application with Council, and take a copy of your application number and plans to the Department of Fair Trading in order to apply for your permit. The Department of Fair Trading will also require you to provide proof of ownership of your property.

If the estimated cost of your development is greater than \$12,000 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.

Once you have obtained your permit you must then forward a copy of your owner builder's permit to Council.

Licensed Builder

Details of a licensed builder is required to be provided, detailing their name, address and their Licence Number.

A certificate of currency issued by an approved insurer under the *Home Building Act 1989* is to be submitted prior to commencing residential building works.

Not Known

If at the time of lodgement the licensed builder is not known, please indicate.

Once this information is available you are required to notify the Council giving the details of the licensed builder's name and address and licence number.

A certificate of currency issued by an approved insurer under the *Home Building Act 1989* is to be submitted.

ITEM 11

Schedule for Building Work Only (Information for the Australian Bureau of Statistics)

This is to be completed only if your application requires a construction certificate. All of this section must be answered, either by completing the appropriate answer or ticking the appropriate box.

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

ITEM 12

Owners Consent

When lodging an application with Council the owner of the property must consent to the application being made.

If the owner of the property is a Company, Strata Title, Body Corporate or Trust, the application must be signed by a Director or an authorised person and delegated under Common Seal. Alternatively the Common Seal is not required if two Directors or authorised persons sign the application form. The nature of their position of authority must be stated on the form, eg. Director, Company Secretary etc.

ITEM 13

Applicant Declaration

When you have completed the application form you (as the applicant) need to sign the Declaration indicating that all the information you have supplied is true and correct.

You must include with your application form;

- Three copies of plans showing: - Site Plan - Elevations - Representative cross sections and long sections - Floor Plan - Landscaping Plan
- Statement of Environmental Effects
- Application Fees (based on the total estimated cost of the development)

Please note that failure to supply Council with the required information may lead to delays or even rejection of your application.

If Council needs further details regarding your proposal you will be contacted through the details you provide on your application.

ITEM 14

Privacy Policy

Hay Shire Council complies with the *Privacy and Personal Information Protection Act 1998* and Privacy Code of Practice for Local Government in dealing with all personal information that is required to be supplied when an applicant completes this 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 and *Government Information Public Access Act 2009*.

ITEM 15

How to Lodge Your Application Form

Applications should be addressed to:

General Manager
Hay Shire Council

Mail:
PO Box 141
HAY NSW 2711

Personal Delivery:
134 Lachlan Street
HAY NSW 2711

How to Contact Us:

Phone: (02) 6990 1100

Fax: (02) 6993 1288

Email: mail@hay.nsw.gov.au

If you wish to discuss a proposal, it is essential that you arrange an appointment. We recommend that you consult with a Council officer before submitting this application.