



A GUIDE TO LODGING A LAND USE APPLICATION IN WINGECARRIBEE SHIRE

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This Land Use Application (LUA) Guide explains how to prepare a land use application. It provides a simple, step-by-step guide to all the things you need to do before submitting an application. The land use application is a generic form that allows you to apply for the following different types of regulatory consents on the one application form:

- Development Application
- Construction Certificate Application
- Occupation Certificate Application
- Compliance Certificate Application
- Section 68 Application

Just tick the relevant Section(s) on the application form for the certificate, approval or consent that you require. If you wish to carry out *Complying Development*, you will need to consult the separate guidelines and checklists for the specific proposal. These are available from Councils Customer Services Branch. You are also required to use a separate application form for a Subdivision Construction Certificate and a Subdivision Certificate. When reading the guide check the highlighted sections as below for hints on completing an LUA application form to make your application more complete for the assessment process.

Helpful Hint

If your application includes all the required details, we can deal with it more quickly. Please read the entire guide and check all relevant Council policies prior to lodging your application. In some cases a consultant's report will need to accompany your application.

1. PRELIMINARY ISSUES

(a) Ownership details

Land use applications are required to be signed by ALL owners of the property. The owners consent is a statutory requirement, intended to safeguard an owner of land from the possibility of consents being issued without their knowledge.

If the property is owned by a Company, all signatures as required under the Corporations Act 2001 must be provided. If a property has only recently been purchased, Council may not have a record of the transfer for a number of months after settlement. In this situation, an accompanying letter from a solicitor which indicates the date the settlement took place will be required, or alternatively, provide a copy of the certificate of title.

Special Notes:

- A letter indicating exchange of contracts is not acceptable. Settlement must have taken place.

In the case of Crown land, within the meaning of the *Crown Lands Act 1989*, the owners consent must be signed by an appropriate officer of the relevant State Government Authority, authorised for these purposes by the Governor-in-Council.

(b) New allotments

Council's general policy is not to accept any land use applications on an allotment of land that is being created until the land has been registered at Land and Property Information NSW. A deposited plan number must therefore be issued before an application can be lodged at Council. This is due to the fact that in many cases multiple applications to build dwellings cannot be accepted on a single parcel of land.

2. TYPES OF LAND USE APPLICATIONS

Special Note

You will notice on the LUA form that there has to be an applicant appointed. The owner should carefully consider who should be the applicant as Council liaises with this contact and NOT the owner. The owner should liaise with the applicant and not Council if they choose not to become the applicant themselves.

(a) Development Application

(i) Do I need a Development Application?

A Development Application (DA) is the legal mechanism used to obtain permission to carry out proposed development. You need to apply for development consent if you propose to do any of the following:

- Erect a new building or structure.
- Add to or alter an existing building.
- Demolish a building.
- Change the use of an existing building or land to another use.
- Subdivide land or strata subdivide a building.
- Display an advertising sign.
- Carry out earthworks, excavation or filling (including dams).
- Development relating to a heritage item.
- Development within a heritage conservation area.
- Other usages/works as defined under the *Environmental Planning & Assessment Act 1979* and Councils Local Environmental Plan 1989.

Note: there are certain types of development that are categorized as exempt or complying development. The criteria for these may be found in the Wingecarribee Local Environmental Plan 1989. Brochures are available to explain these provisions.



(ii) Applicable Legislation Plans and Policies

The first step in preparing a development application is to find out about Council controls, policies and guidelines. Before you can start designing your proposal you will need to know about:

- Wingecarribee Local Environmental Plan 1989 (this is the local planning instrument for the Shire that controls where and how development may proceed.)
- Relevant State Environmental Planning Policies and Regional Environmental Plans (these are the State planning instruments, created by the State Government through Planning NSW).
- Any draft Environmental Planning Instrument that may apply.
- Any relevant Development Control Plan (DCP). These are more detailed documents made under the *Environmental Planning and Assessment Act 1979*, which give detailed requirements for development. A full list of these plans is shown in the following table and some are available on Council's website.
- You can purchase or peruse copies of these documents from the Customer Service Centre.

RESUME OF WINGECARRIBEE DEVELOPMENT CONTROL PLANS

Note – A number of these policies are available free on Council's website – www.wsc.nsw.gov.au

DEVELOPMENT CONTROL PLAN

WINGECARRIBEE DCP
RESIDENTIAL DEVELOPMENT

WINGECARRIBEE DCP No 6
HUME HIGHWAY, BRAEMAR & BALACLAVA

WINGECARRIBEE DCP No 7
BERRIMA SIGN CODE

WINGECARRIBEE DCP No 8
EAST BOWRAL

WINGECARRIBEE DCP No 10
DOG BOARDING, BREEDING, KEEPING AND
TRAINING.

WINGECARRIBEE DCP No 12
OFF-STREET PARKING, LOADING FACILITIES &
VEHICULAR ACCESS

WINGECARRIBEE DCP No 14
HISTORIC BERRIMA

WINGECARRIBEE DCP No 16
RURAL & RESIDENTIAL DEVELOPMENT
STANDARDS

WINGECARRIBEE DCP No 19
MOTELS

WINGECARRIBEE DCP No 21
PROFESSIONAL CONSULTING ROOMS

WINGECARRIBEE DCP No 32
MITTAGONG TOWNSCAPE

WINGECARRIBEE DCP No 33
ADVERTISING AND SIGNAGE

WINGECARRIBEE DCP No 34
MANAGING OUR FLOOD RISKS

WINGECARRIBEE DCP No 38
ANGLEWOOD ESTATE, YEAN STREET

WINGECARRIBEE DCP No 39
ENERGY SMART BUILDINGS

WINGECARRIBEE DCP No 40
MOSS VALE TOWN CENTRE

WINGECARRIBEE DCP No 41
DEVELOPMENT & SUBDIVISION –ENGINEERING
STANDARDS AND PLANNING GUIDELINES

WINGECARRIBEE DCP No 44

AIMS & OBJECTIVES OF CONTROL PLAN

This DCP provides guidelines and development standards for detached dwelling houses, dual occupancies, cluster housing development and medium density development.

Stipulated development guidelines / specifications for selected areas.

Stipulates regulations for the erection of signs in Historic Berrima.

To provide guidelines and development standards for the East Bowral area.

Provide guidelines for dog control.

To control the provision of on-site parking facilities within the Shire of Wingecarribee.

To provide guidelines and development standards for all development within the Historic Berrima visual catchment area.

Provides guidelines and planning standards for rural & residential zones prescribed within Wingecarribee LEP 1989.

Provides guidelines and development standards for the development of motels.

To limit the proliferation of professional consulting rooms and health care professionals within residential zones immediately to the east and south of the Bowral sub-regional commercial centre.

Provides Council's architectural requirements for redevelopment and new development in Mittagong Town Centre

Sets out Council's requirements for advertising sign control.

Sets out Council's requirements for the development (including extensions & alterations to existing buildings) of potentially flood affected land.

Sets out Council's requirements for residential development on the subject land

To ensure that buildings in the Shire use less energy; costs less to run; and contributes positively to an overall reduction in greenhouse gas emissions. Also requires rainwater tanks and water saving devices.

Sets out Council's requirements for redevelopment (including alterations and extensions to existing buildings) and new development within the Moss Vale Town Centre.

Provide guidelines to ensure that the appropriate engineering standards and planning principles are applied to the design & construction of subdivision & other development throughout the Shire.

Sets out Council's requirements for the erection of

REQUIREMENTS FOR THE ERECTION OF BUILDINGS	all buildings within the Shire that are additional to those stipulated in State legislation.
WINGECARRIBEE DCP No 45 PUBLIC NOTIFICATION OF PROPOSED DEVELOPMENT	Outlines Council's protocols and procedures in the notification of development proposals.
WINGECARRIBEE DCP No 46 BOWRAL TOWN CENTRE – URBAN DESIGN AND DEVELOPMENT GUIDELINES	Sets out Council's requirements for urban design, redevelopment and new development within the Bowral Town Centre
WINGECARRIBEE DCP No 47 ROBERTSON	Sets out Council's requirements for development, subdivision and conservation within the Robertson village
WINGECARRIBEE DCP No 48 BEACONSFIELD ROAD, MOSS VALE DEVELOPMENT AREA	Sets out Council's requirements for infrastructure planning for residential development on certain land in Beaconsfield Road, Moss Vale.
WINGECARRIBEE DCP No 49 WASTE MINIMISATION AND MANAGEMENT	Sets out Council's requirements for waste minimisation and management.
WINGECARRIBEE DCP No 50 OUTDOOR EATING AREAS AND OTHER COMMERCIAL USES OF COMMUNITY LAND	Sets out Council's requirements for the use of public outdoor spaces for specified commercial purposes for out door eating, external merchandising and footpath based signage.
WINGECARRIBEE DCP No 51 WIND ENERGY GENERATION FACILITIES	Sets out Council's requirements for wind energy generation facilities.
WINGECARRIBEE DCP No 52 DEVELOPMENT PLANNING & SUBDIVISION GUIDELINES - BUNDANOON	Sets out Council's requirements for residential development and subdivision for 5 distinct precincts in Bundanoon.
WINGECARRIBEE DCP No 53 SITING, DESIGN AND LANDSCAPING OF RURAL DEVELOPMENTS	Sets out Council's requirements for siting rural developments off ridgelines and other measures to minimise their visual prominence.
WINGECARRIBEE DCP No 54 EXETER VILLAGE	Sets out Councils requirements for redevelopment (including alterations and extensions to existing buildings) and new development in Exeter.

<p>Draft Development Control Plans You will need to check if these are still draft DCP's at time of lodgement</p>
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WINGECARRIBEE DCP No 15 HORSE CODE
WINGECARRIBEE DCP No 23 FLOOD PRONE LANDS - MITTAGONG RIVULET, BOWRAL
WINGECARRIBEE DCP No 25 RURAL SUBDIVISION
WINGECARRIBEE DCP No 37 BOWRAL TOWN CENTRE BY-PASS
WINGECARRIBEE DCP POTENTIALLY CONTAMINATED AND CONTAMINATED LAND
WINGECARRIBEE DCP No 36 INTENSIVE POULTRY FARMING
WINGECARRIBEE DCP No 43 LOCAL RURAL INDUSTRIES

(iii) Integrated Development and Development requiring Concurrence

Your proposed development may require a permit from other Government Agencies. By lodging your application as Integrated Development you are initiating a process where the relevant Government Authority obtains a referral from Council and has the opportunity to comment. The type of approval and the relevant agency depends on the type and location of the proposed development – see page 4 of the Land Use Application Form. Where possible, we can help you identify the relevant approvals and agencies. However, it is your responsibility to ascertain which approvals are required before lodging your development application.

The checklist on the back of the Land Use application form must be completed. If you answer yes to any of the questions, the proposal may be integrated and contact should be made directly with the relevant authority.

An application for integrated development must include sufficient information for the approval body to make an assessment of the application and must be accompanied by the set fee, currently a \$250 cheque made out to the relevant Government Authority and \$110 for Council. With concurrence applications a \$250 fee may also apply as well as a processing fee for Council. You should check with Council staff on this issue prior to lodging your application.

(iv) What do I need to lodge with my Development Application?

The actual types of plans, reports and specifications required for your proposal will depend on the type of development. Council may require additional information and reports once a site inspection has been conducted.

Essential - Site Identification

Prior to lodging your application the site should be clearly identified with signage that includes lot number and owners name. The location of any proposed building work should be identified with pegs or the like. Any dogs or other hazards that may present a danger to individuals entering the property must be secured and you should alert Council staff when you lodge the application.

Statement of Environmental Effects

A Statement of Environmental Effects is a report outlining the likely impacts of the proposal, and the proposed measures that will mitigate these impacts. The statement includes written information about the proposal that cannot be readily shown on your plans and drawings. All development applications require a Statement of Environmental Effects.

Only a very brief statement is required for proposals that are likely to have a negligible impact. The checklist on the land use application form must be completed in all instances. If the answer to any of the questions is YES a further detailed statement must be attached.

For larger developments, a separate Statement of Environmental Effects in a report form **must** be provided (a minimum two (2) sets required with an additional copy for each Integrated Development Government Authority). An Environmental Impact Statement is required with Designated Development and Council will require multiple copies of these documents.

Plans and Specification Requirements

A minimum four sets of plans are required with your application. Plans must include the name and address of the draftsman. If your application is Integrated Development you need an additional set of plans for each Integrated Authority. An A4 set of plans is also needed for neighbour notification purposes.

The following checklist indicates all the required information to be shown on plans. You only need to show the details that are relevant to your proposal.

- **Site plan (required in all instances)**

This plan illustrates and analyses existing site conditions. Draw the plan at a standard scale such as 1:100 or 1:200 and include the following details where relevant to the proposal:

- North point (true solar north)
- Scale
- Date and Draftsperson

Property details

- Property boundaries and dimensions
- Lot and deposited plan numbers
- Site area (square meters)
- Location and description of easements, rights of way, service mains

Landform and vegetation

- Existing contours or levels
- Differences in ground levels between the site and adjoining land
- Stormwater drains, flow path, drainage easements, watercourses, channels etc
- Extent of any known landfilling or contaminated soil
- Landscape features – cliffs, rock outcrops, embankments, retaining walls etc
- Existing vegetation – type if known and location
- Proposed finished and floor levels.

Access

- Public roads, laneways, pathways
- Driveways, parking areas, loading bays (show layout and dimensions)
- Vehicle entrance and exit driveways
- Disabled persons access (not required for single dwellings or associated outbuildings)
- Waste bin sorting storage and collection facilities – see DCP 49 for details

Existing development

- Existing structures (show setback distances from boundaries and separation distances)
- Proposed buildings and structures (show all setback distances from boundaries); and
- All existing services – type and location

Additional Site Analysis Plan Details (Residential DCP requirement – may be included on site plan)

- The location, extent and nature of any buildings and vegetation on adjoining properties
- Any items or places of known Aboriginal and European cultural heritage
- The direction and nature of prevailing climate characteristics such as wind direction
- Any potential bushfire threat
- Views to the land, particularly from a public place; and
- The location and nature of any other known constraint to development of the land, including potential soil contamination, noise sources, geotechnical issues.
- Shadow diagrams

- **Floor Plans, Elevations and section (required for all building proposals)**

These drawings will clearly document the proposed buildings or works. If the proposal is for alterations/additions to an existing building, the new work is to be coloured. Draw plans, elevations and sections at standard scales such as 1:100 or 1:50 and include the following details where relevant:

Floor Plans

- North point (true solar north)
- Scale
- Date, plan number
- Existing buildings
- Room layout, partitioning, location of windows and doors
- Room dimensions, areas and proposed use
- Total floor area

Elevations and Sections

An elevation viewed from each direction and at least one section through the building showing:

- Date, plan number
- Existing building
- Building façade, windows, roof profile
- External finishes and heights
- Existing and finished ground levels, floor levels, ceiling levels roofline levels (show driveway grade)
- Chimneys, flues, exhaust vents and ducts
- Retaining walls (indicating height)
- Extent of excavation or filing of the site

Amended Plans must include a schedule on the plans that shows the date and details of amendments.

- Landscape Plan (required for all commercial, industrial or medium density development, and where relied upon to meet BASIX commitments for residential development and also on all rural sites where a new dwelling is proposed).

This plan will illustrate in concept form the proposed landscape design principals. The plan will demonstrate an understanding of the site and its context. Draw the plan to a standard scale such as 1:100 or 1:200 and show the following details:

- North point (true solar north)
- Scale
- Date, plan number
- Finished surface levels, embankments and grades (indicate extent of cut and fill)
- Existing trees to be retained or removed and protection measures to be put in place
- Proposed planting (indicate species, location, numbers and mature height)
- Proposed surface treatments and restoration (eg. turf, paving, bank stabilisation, mounds etc.)
- Proposed fences and retaining walls (indicate height and material)
- Maintenance program
- Perimeter tree plantings – note Council's Controls in DCP 53

Note: Environmental and noxious weeds should not be included in landscape proposals. A full listing is available from Council.

- BASIX Certificate

A BASIX Certificate is required to be provided for all new residential buildings (single dwelling and multi-unit housing and additions and alterations to dwellings and also specified outbuildings).

“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 required 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.

Applicants can generate the BASIX Certificate only on the NSW Department of Planning BASIX website: www.basix.nsw.gov.au.

- BASIX Certificate included with application
- Plans to indicate commitments as required in BASIX Certificate

- Site Management Plan (required for larger projects – detail may be included on other plans)

This plan will indicate how the soil and rainwater will be managed on site. Draw the plan to a standard scale such as 1:100, 1:200 or 1:500 and show the following details where relevant:

- Extent of earthworks, stockpiles, access roads, impervious areas, construction entrances, drainage lines.
- Proposed runoff diversion measures, such as earth perimeter banks and channels, straw bale perimeter banks, diversion banks and channels, level spreaders, drop down drains and check dams.
- Proposed sediment trappings devices, such as sediment fences, straw bale-geotextile fabric filters, sediment traps, sediment basins and grade stabilising structures.
- Proposed revegetation and stabilisation areas.

- Subdivision Plan

Refer to Council's DCP 41 for a listing of inclusions for a subdivision proposal. Checklists included in this DCP must be completed and lodged with the LUA.

Reports that may be required

- Geotechnical Reports (minimum two (2) reports required)

A Geotechnical Report, prepared and certified by a Council accepted Geotechnical Engineer will need to be provided with all applications for development located within an area identified or potentially subject to geotechnical constraints (includes lands subject to instability, filling or >18° slope). Geotechnical reports may also be required in other instances depending on the nature of the proposed development and the particular circumstances and conditions of the site.

- Fire Safety Measures

A list of all fire safety measures which currently exist in the building or on the property along with a list of any fire safety measures that are proposed will need to be provided with all applications for a change of building use OR when alterations or additions are proposed to a building. Such a list will need to describe the extent, capability and basis of design of each of the measures concerned.

- Water Cycle Management Study (minimum two (2) reports required)

In unsewered areas, and in any other instance where required, a Water Cycle Management Study shall be completed in accordance with the requirements of the Sydney Catchment Authority and applicable planning instruments.

- Bushfire Risk Assessment Report (minimum two (2) reports required)

A report may be required if your property is subject to Bushfire risk under the document "*Planning for Bushfire Protection 2001*". An assessment under this document is required to determine appropriate standards for distances to vegetation and standard of construction for the building along with a variety of other matters. You should obtain specialised advice on this matter if you are in a rural area or anywhere near natural bushland. Specified types of development may be 'Integrated' development and require referral to the NSW Rural Fire Service.

- Other Specialist Reports (minimum two (2) reports required)

Other reports may be required for issues such as Flora and Fauna onsite, Traffic, Flooding/Drainage, Heritage, and Site Contamination. Council will advise you if these reports are required as a site inspection may be required to determine necessity.

Other Information that may be required

- a) in the case of shops, offices, commercial or industrial development:
- details of the hours of operation
 - details of the plant and machinery to be installed
 - type, size and quantity of goods to be made, stored or transported
 - loading and unloading facilities
- b) in the case of demolition:
- details of age and condition of buildings or works to be demolished
 - photographs of all elevations of building subject of application
- c) in the case of signage:
- details of the size, type, colour, materials and position of the sign and structure on which the proposed advertisement is to be displayed
- d) in the case of development involving the erection of a building, work or demolition:
- details of the methods of securing the site during the course of construction, eg hoardings and barriers to protect the public
- e) in the case of development relating to an existing use:
- details of the existing use
- f) the application may be supported with additional information and material illustrating the proposed development and its context.
- g) Buildings may contain asbestos or other hazardous material and this should be shown on plans along with details on management and disposal.

Some Specific Issues to be aware of in the Wingecarribee Shire

- Council has developed a Ridgeline Policy DCP No 53. If you are on an elevated site, in respect of the surrounding terrain, you should liaise with Councils Town Planners before lodging an application. The proposed building may need to be assessed with erection of height poles.
- Vegetation Removal – Council has a Tree Preservation Order in certain parts of the Shire. In addition to this Council has a roadside reserve vegetation retention plan. You should familiarise yourself with these requirements prior to designing your proposal and access arrangements to your site.
- The Shire contains many areas that are potentially at risk to Bushfire threat. The Rural Fire Service and Council may require reports incorporating clearing of land and appropriate construction techniques to deal with the issue. The siting of the building will be important in dealing with the Bushfire threat – see the document “*Planning for Bushfire Protection 2001*” at www.planning.nsw.gov.au.
- Council has cut and fill restrictions in place. For sites less than 4000m² a limit of 500mm cut and 500mm fill applies. Where the lot is greater than or equal to 4000m² a limit of 750mm cut and 750mm fill applies.
- Water Catchment – The shire is located almost wholly within water catchment areas. Specific State Government Planning Policies are in effect to outline the details required to be submitted.

(v) The Development Co-ordination Unit

If you have a specific proposal, other than detached residential projects, where you require preliminary feedback, you may attend a "Development Co-ordination Unit" meeting. A Town Planner and Development Engineer will be present to offer preliminary comments. A Building Surveyor may also be arranged for advice if a Construction Certificate is being lodged with Council. These meetings are held:

- Tuesday mornings for the southern part of the Shire (From Moss Vale South)
- Wednesday mornings for the central part (Bowral and East out to Robertson)
- Thursday mornings for the northern part of the Shire (From Mittagong & Berrima North)

To arrange an appointment please contact the Town Planner for the area or Susan in Environment and Planning. Appointments are made between 8.30am and 10.30am at half hour intervals. **A cost for the service has now been adopted by Council and is set out in Council's Revenue Policy.**

(vi) Shire Significant Development

Council has adopted a policy and protocols for the assessment of 'Shire Significant Development Applications'. These are developments that reach certain threshold levels in terms of construction value or job generation. Further enquiries should be made to Council's relevant Town Planner or Manager Development Control relating to the policy and procedures.

(b) Construction Certificate

(i) Do I need a Construction Certificate?

A Construction Certificate is a Certificate that must be obtained **prior to any** construction work (building or subdivision) commencing. A Construction Certificate may be issued by the Council or an Accredited Certifier. The Council may be able to issue the certificate in conjunction with Development Consent and any relevant Section 68 Local Government Approvals. An Accredited Certifier must first obtain Development Consent and the relevant Section 68 approvals from the Council prior to the issue of a Construction Certificate.

You need to apply for a Construction Certificate if you propose to do any of the following:

- Erect a new building or structure
- Add to or alter an existing building
- Commence subdivision construction activities, carry out earthworks, excavation or filling

A Construction Certificate cannot be issued until the certifying authority is satisfied:

- That the conditions of development consent that require the provision of security before work is carried out in accordance with the consent has been complied with,
- The conditions of development consent requiring the payment of a monetary contribution before work is carried out in accordance with the consent has been complied with,
- That each other condition of the development consent has been complied with
- That the design and construction of the building/subdivision works are not inconsistent with the development consent,
- That any proposed building will comply with the requirements of the Building Code of Australia and all Health and Safety matters have been addressed.

(ii) What is required with an Application for a Construction Certificate?

The following information is required to be provided with an application to Council for issue of a Construction Certificate;

- Completed application form.
- Payment of relevant fees.
- Evidence of compliance with the requirements of development consent.
- Provision of plans (4 copies folded and in sets, not rolled) of the proposal (details required on plans has been discussed in section one of this guide).
- Copies of any compliance certificates relied upon.
- If the Construction Certificate is for building work provide two copies of specifications. Specifications are to describe the construction and materials of which the building is to be built. State whether the materials proposed are to be new or secondhand and give particulars of any second hand materials to be used. Specifications are required to enable the assessor to ensure compliance with the Building Code of Australia and accordingly must be completed. Failure to provide completed specifications with non applicable items deleted may lead to refusal of the Construction Certificate.
- Provision of two (2) copies of engineering details as required.
- Provision of a list of fire safety measures (except in the case of dwellings or associated outbuildings)
- Where the application involves an alternative solution to meet the performance requirements of the Building Code of Australia, the application must also be accompanied by details of the performance requirements that the alternative solution is intending to meet and details of the assessment methods used to establish compliance with those performance requirements. These details are to be lodged by an appropriately accredited professional.
- Provision of evidence of any accredited component, design or process sought to be relied upon.
- For owner builders doing residential building work over \$5,000, a copy of their owner builder's Permit is required prior to Council releasing any Construction Certificate.
- If the Construction Certificate is for subdivision works, provide detailed copies of engineering plans and specifications. The plans must include all details as specified in DCP 41 including completed checklists.
- Plans and specifications are required to reflect the commitments indicated in the BASIX Certificate lodged at development application stage.
- If you are using an alternate form of construction, eg straw bale construction, mud bricks, you should include additional structural designs and details relating to the materials being used in accordance with Council's requirements and policies.

For residential building work by a licensed builder valued over \$12 000, a copy of the Home Owners Warranty Insurance is required to be supplied to Council **prior to the issue of the Construction Certificate**. Council cannot legally allow commencement of construction works until Insurance details are submitted to Council.

(c) Principal Certifying Authority (PCA)

When you apply for a Construction Certificate you should nominate who will be your PCA. The nominated PCA will be the responsible party to ensure the building/subdivision is constructed to required standards. Only Council or consultants accredited by a suitable accreditation body may act as a PCA. Wingecarribee Shire Council is **the only authority in the Shire that can carry out all of the inspections** on your proposed development. Council provides competitive rates on all inspection services and a 24 hour inspection booking hotline.

(d) Section 68 Applications

There are a number of activities associated with developments that require approval under Section 68 of the *Local Government Act 1993*. Council is the **only consent authority** that can issue this type of approval. You will need to apply for approval if you are proposing to do any of the following:

- Carry out water supply work.
- Draw water from a Council water supply.
- Install, alter, disconnect or remove a meter connected to a service pipe
- Carry out sewerage work.
- Carry out stormwater drainage work.
- Connect a private drain or sewer with a public drain or sewer under the control of Council.
- Install, construct or alter a waste treatment device or a drain connected to any such device (ie. Septic tank).
- Install a domestic oil or solid fuel heating appliance other than a portable appliance.
- Install a manufactured home, moveable dwelling or associated structure on land.
- Install a temporary structure on land.
- Use a building or temporary structure as a place of public entertainment.
- Operate an on-site sewage management device.

(i) What is required with an Application for a Section 68 Approval?

An application for a Section 68 approval may be applied for separately or in conjunction with a Development Application and / or Construction Certificate.

The following information is required to be provided with an application:

- Completed application form.
- Payment of relevant fees.
- Provisions of plans relating to the proposal/approval required.
- For sewerage, stormwater and water work provide a site plan which indicates the proposed pipe location and stormwater discharge point. Hydraulic details prepared by a Hydraulic consultant may be required, depending upon the proposal -see DCP 44 for details.
- For on site effluent disposal provide details of the proposed tank, including manufacturer's specifications and tank plan, a site plan indicating the proposed effluent disposal/irrigation area, fall of the land etc – these may be included in details for the Sydney Catchment Authority.
- For the installation of a solid fuel heater, plans and specification for the proposed heater.
- For a manufactured home, moveable dwelling or associated structure plans and specifications for the proposal, along with the relevant manufacturers certification and details of compliance plates.
- For a temporary structure provide plans and specifications for the proposal, including site plan, elevations and details of the temporary nature of the structure.
- For operation of an on-site sewage management device provide details of the device, including brand/model type along with details of the disposal area in relation to the buildings on the property.
- Where water tanks are to be installed in a Council Water Supply area details of the method of backflow prevention to be installed is required.

Important Note

Effluent Pump Out systems as a means of effluent disposal in unsewered areas are only permitted in locations where a reticulated sewer scheme is being provided. In all other instances on site disposal must be provided.

(e) Lodging your Land Use Application

- Applications should be addressed to the General Manager, Wingecarribee Shire Council and can be directed to us by any of the following methods:-
- **BY MAIL:** To PO Box 141, Moss Vale, 2577
- **THROUGH THE DOCUMENT EXCHANGE:** DX 4961 BOWRAL
- **IN PERSON OR BY COURIER:** To the Civic Centre in Elizabeth Street, Moss Vale

Further Information or advice – Council's telephone number is 4868 0888

- Our Customer Service Centre is open for business from 8.30 am to 4.30 pm, Monday to Fridays.
- Plenty of parking is available opposite the Civic Centre entrance in Elizabeth Street, Moss Vale.
- Councils internet site www.wsc.nsw.gov.au

Technical staff [Building Surveyors, Town Planners and Development Engineers] are available between **8.30 am - 10.00 am weekdays**, or by appointment at other times. You may consult with a Council Officer before lodging an application.

Fees

- Fees are calculated on a scale based on the contract value of the work or on Council's valuation under the Schedule of rates in DCP 44. The scale of fees is set by State Government regulation or in some instances Council. **All relevant fees must accompany the application.**
- Council staff will be pleased to calculate the fees for you and this can be done by phone or when you call in to lodge the application.
- Cheques should be made payable to Wingecarribee Shire Council. All major credit cards accepted.
- Payment of Contributions to Council must be made by bank cheque.

Acknowledgement

- We will acknowledge receipt of your application and provide you with the application number. Please quote this number in future dealings with Council.
- NOTE: If an application is not complete it will be sent back by return mail.

3. THE ASSESSMENT PROCESS

Council will process the application referring it to other relevant parties as required or considered necessary. Internally staff will handle the processing of all aspects of the application. Wingecarribee Shire is also the Water and Sewer Authority and accordingly it can act as a one stop shop for all of your application and service needs.

Deferral of the Application for further information

The Council may ask for additional information on the development if that information is necessary for the determination of the application or if that information is required by a referral authority. This can include additional specialist reports where assessment and on site inspection has revealed the need for this information.

Will we neighbour notify?

This Council does not have a mandatory notification policy with the exception of certain types of development. The need to notify is determined, in non-mandatory circumstances, through an on site inspection. Details can be viewed by obtaining a copy of Council's DCP 45 (see section 2(a)).

Determination of your application

A large number of applications are finalised under delegation by the staff. The Council also has a Works and Planning Committee that considers a range of land use applications. The Committee currently meets on the first Wednesday of each month. Council's Town Planners can provide you with more specific information as to whether this Committee will be involved in the determination of your application.

Notice of determination

After your application has been determined you will receive a notice of determination. The notice will tell you whether we have approved or refused your application.

If your application is approved, the notice will give details of any conditions of consent, and the reasons for those conditions. It will also tell you when the consent becomes effective and when it will lapse.

If your application is refused, the notice will give the reasons for refusal.

Developer Contributions

Your notice of determination may include Developer contributions (often referred to as a Section 94 and Water and Sewer contributions). This is a condition requiring a payment towards the cost of providing community facilities and infrastructure.

Developer contributions are determined in accordance with a Contribution Plan. This sets out the circumstances in which contributions can be imposed and the basis for calculating contributions. You can view or purchase a copy of the contribution plan at the customer services branch. Payment of contributions must be made by cash or bank cheque only.

Conditions of consent and changes to the proposal

If your application is approved, then you must ensure that the development is carried out in accordance with the conditions of the development consent and all documentation issued with the Construction Certificate. This will be checked by the Principal Certifying Authority and if relevant also Council.

You cannot alter or vary the development (or the way in which it operates) unless the terms of the development consent are modified (*called a Section 96 application to modify*). To do this, you must make a separate application to modify the development consent and construction certificate and pay additional fees and submit a minimum four (4) sets of the amended plans with the amendments noted in a schedule on the plans. If in the Council's opinion there are significant variations to the development, a new development application will be required.

If you disagree with your notice of determination

If you are dissatisfied with the determination of your application you may contact us to clarify issues and discuss your options. You may wish to:

- Request a Section 82A review of determination of your application. You must complete an application form and pay the additional fee. This can be completed within twelve months after the date of the determination of the application. Council will review its determination in the matter and confirm or change its decision.
- Lodge an Appeal to the Land and Environment Court. An appeal must be commenced within twelve (12) months of the date of determination. In this case the Court is the determining authority.

What is the easiest way to obtain a consent to develop land?

Council, as a Consent Authority, can determine all applications, with the exception of State Significant Development as defined in the *Environmental and Planning & Assessment Act 1979*. Council can determine development applications, construction certificates, compliance certificates, occupation certificates and subdivision certificates under the *Environmental Planning & Assessment Act 1979* and Section 68 approvals under the *Local Government Act 1993*. Council is also able to act as the Principal Certifying Authority for the supervision of construction activities.

The *Environmental Planning & Assessment Act* provides for combined applications where a development consent and construction certificate may be issued together. Although this is available for any project requiring both a development consent and construction certificate, it is not recommended that this option be taken up for significant types of development. This is due to the extent of detail required for the issue of a construction certificate, and the possibility of conditions of development consent which may be required to be met. To obtain a construction certificate full working drawings must be submitted. If these are prepared before the planning issues are resolved, plans may have to be redrawn to comply with development consent before a construction certificate is issued. If an application is refused on planning grounds, significant costs may have been unnecessarily incurred in preparing working drawings.

4. COMPLETING THE DEVELOPMENT

Throughout the development, Council will inspect various stages as stipulated in the development consent, Section 68 approval or Construction Certificate. If Council is the PCA it will inspect all required stages of the development. A minimum of twenty-four (24) hours notice is required to be given to Council before the inspection is required. Council operates an inspection booking hotline **(4868 2857)** that is available twenty-four (24) hours a day for booking of inspections.

At the completion of the project you will need to obtain the following authorisations:

- For a subdivision – you will need to obtain a Subdivision Certificate to allow the registration of the new allotments of land or strata scheme. There is a separate checklist and application form to be completed with this process along with the payment of the prescribed fee. The development must be completed before this is applied for. If incomplete the application may be refused.
- For most other forms of development you will require an Occupation Certificate. This can be applied for on the LUA application form at the time of application. This needs to be issued prior to occupation and use of the building. The Principal Certifying Authority may issue an Interim Occupation Certificate if there remains minor items that will not affect the health and safety aspects of the occupation.