

Complying Development Certificate Preparation & Lodgement Guide



Wagga Wagga City Council

July 2016

(Version 1.3)

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About this Guide

Complying development is small scale, low impact development that does not qualify as Exempt Development but meets a set of basic requirements and conditions. Unlike Exempt Development, Complying Development requires an application to be submitted to either Council or a private accredited certifier to who will determine whether the proposal is Complying Development under the provisions of either:

- State Environmental Planning Policy (Exempt & Complying Development Codes) 2008
- State Environmental Planning Policy (Affordable Rental Housing)
- State Environmental Planning Policy (Infrastructure)

Determination of these Complying Development applications (i.e. the issue of a Complying Development Certificate or 'CDC') is required to be undertaken within ten (10) days. Examples of complying development include swimming pools, dwellings and demolition.

To assist you in determining whether your development is complying under the requirements of SEPP (Exempt & Complying Development Codes) 2008, Council has developed a series of Complying Development Fact Sheets for each development type. The Fact Sheets detail the standard conditions and requirements that must be met in order for you carry out a development as Complying Development.

If your proposal does not comply with the requirements for your type of development then it is not Complying Development. You will need to lodge a Development Application with Council and obtain Development Consent.

If you are lodging a Complying Development application with Council, you should follow the sequence of events contained in this guide.

Step 1 - Lodge a Complying Development Certificate application (CDC) with Council. Once lodged, your CDC application goes through an initial review and is assigned to a Building Surveyor. Council then checks that your CDC application:

- complies with the Building Code of Australia (BCA)
- is consistent with the appropriate Complying Development controls
- complies with any BASIX commitments
- complies with other Complying Development submission requirements

You will be advised if further information is required prior to determination of the CDC.

Step 2 - appoint a Principal Certifying Authority (PCA) who will monitor the building or subdivision works as they progress to ensure compliance with the approved complying development certificate. The PCA can be Council or a private accredited professional (such as a building surveyor or engineer). If you decide to use Council as the PCA you need to complete the "Notice of Commencement and Appointment of Principal Certifying Authority" form which is distributed to you with your Complying Development Certificate prior to works commencing.

Note: The appointment of the PCA cannot be made by a contractor or other person who will carry out the building work or subdivision work unless the contractor or other person is the owner of the land on which the work is to be carried out. In such circumstances, please ensure that the owner nominates/signs for the appointment of the PCA.

Note: Prior to any works commencing on site and in accordance with the Complying Development Certificate condition, if you appoint Wagga Wagga City Council as the PCA, you are required to complete and return the "Notice of Building Work or Subdivision Work and Appointment of a Principal Certifying Authority" form which will be provided to you with your development certificate.

Information and advice required

If you need further information or advice please contact Wagga Wagga City Council's **Customer Service Centre** or call in personally. See the back cover of this guide for details.

Council also ensures that a town planner and building surveyor are on duty to answer your questions (subject to availability of technical officers from respective business units).

You can also obtain further information about Complying Development Certificates by visiting Council's website at www.wagga.nsw.gov.au or by emailing us at council@wagga.nsw.gov.au

If you would like to find out how your application is progressing, telephone Council for details. When calling, you can assist staff by quoting the Complying Development Certificate application number.

Plans, drawings and other material to be lodged with your application

You will need to prepare several types of plans, drawings and other relevant material which are outlined in the **Complying Development Checklist**.

You will need to complete and submit the checklist as part of your Complying Development Certificate. If your Complying Development Certificate includes all the required details as stipulated on the checklist, Council is able to process the application more efficiently. Failure to provide the information as outlined within the checklist may result in the subject application being rejected or refused.

What information should my documentation contain?

The documentation outlined in the **Complying Development Certificate Checklist** must contain the information identified below:

A. Plans, Elevations, Sections and Structural Plans

Plans including the site plan, floor plan, elevations and sections:

- Two (2) copies of all plans and associated documentation are required.
- Plans must be drawn in ink & to scale on paper no smaller than A4 or A3 size.
- Free hand, single line or illegible drawings **will not** be accepted.

The following information must be included on all plans and documents:

- applicants name, block/house/shop/flat number, street/road name, and suburb
- lot number, section number, DP/SP number
- measurements to be in metric
- the position of true north
- building or parts of building proposed to be demolished must be indicated in outline
- Designer's/Architect's name and contact details
- drawing numbers including revision numbers or dates

For alterations and additions to existing buildings, plans (site, floor and elevations) are to clearly identify the altered and new work. Preferably, plans should be suitably coloured to differentiate between the new works and existing structure. An example of a colour scheme that could be used is:

Roof tiles: Orange
Tile: Purple
Glass & Glass Bricks: Light blue
Steel, Galvanised Iron: Dark blue
Sandstone: Light brown
Brick: red
Concrete: Dark green
Fibre Cement/Cement Render: Light green
Timber: Yellow

Site Plan

A Site Plan is a 'birds-eye view' of the existing and proposed development on the site and its position in relation to boundaries.

A site plan for Complying Development Certificate applications must include:

- drawings to a suitable scale (i.e. 1:100 or 1:200)
- true north point
- street name and number
- site dimensions (length, width and site area)
- building envelopes
- boundary setbacks - location of the new and existing buildings in relation to site boundaries
- approximate distance from proposed building to other buildings on the property
- location of any proposed fences and landscaping features such as swimming pool, retaining walls, paved areas and driveways
- any trees on the property (to be removed or retained)
- relative location of adjoining buildings
- contour lines of site and spot levels at all corners of the building
- extent of any cut and fill to be carried out
- location of vehicle access and car parking
- new vehicle crossings are to be indicated
- location of stormwater drainage lines pipes including location of downpipes and discharge points
- location of any site fencing during construction
- location of sedimentation control measures for excavation & construction activity
- swimming pools must show pool fencing, gates, reduced height levels (RLs) reduced to existing/proposed levels, location of filters/pumps and backwash connections

Floor Plans

A Floor Plan is a 'birds-eye view' of your existing and/or proposed layout of rooms within the development.

Floors plans must include:

- drawing to a suitable scale (i.e. 1:100 OR 1:50)
- true north point
- outline of existing building/development on site (shown dotted)
- room uses, wall/partitions, areas and dimensions
- location of stairs and essential fire safety measures (if any)
- window and door locations and sizes
- floor levels and steps in floor levels (RL's)
- wall structure type and thickness
- calculations of all existing and proposed floor areas
- any Residential Floor Plans must be on a separate sheet to any other type of plan

Elevation Plans

Elevation plans are a side on view of the proposed development. Elevations of all four sides (north, south, east and west facing) of the development and labelled accordingly.

Elevations plans must include:

- drawing to a suitable scale (i.e. 1:100 OR 1:50)
- outline of existing building/development on site (shown dotted)
- window sizes and location
- location/position of all building/structures
- exterior cladding type and roofing material/colour
- chimneys, flue exhaust vents, duct inlet or outlet
- levels for roof ridge, floor and ceiling (expressed as Reduced Levels (RLs) or levels to AHD)MP

Section Plans

A Section Plan is a diagram showing a cut through the proposed development at the most typical point.

Sections must include:

- drawings to a suitable scale (i.e. 1:100, 1:50 OR 1:20)
- section names and where they are shown on plan (i.e. A/A, B/B etc)
- room names
- room and window heights
- details of chimneys, fire places and stoves
- roof pitch and covering
- site works, finished and proposed floor and ground levels in long section (indicate cut, fill and access grades)
- construction material details
- at least one section showing reduced levels (RLs)
- any residential Section must be on a separate sheet to any other type of plan

Structural Plans

Structural Plans are detailed plans that are signed, dated and certified by a suitably qualified structural engineer for the following components of the proposal:

- footings
- piers
- slab reinforcement
- steel frames/beams,
- timber frame, truss tie down and bracing
- support for party walls

B. Specifications

Specifications are required to describe the standard to which a building is to be constructed in terms of structural, operational and aesthetic aspects.

The specification must include:

- a reference to the approved DA plans
- a description of construction materials for the walls (internal and external), floors, windows, roof including its lining
- the relevant standards (Australian Standards) for constructing the following building components:
 - footings/structural elements
 - timber framing
 - drainage-water/sewage
 - oil or solid fuel heating appliances
 - termite control
 - fire safety measures, eg. fire resistance levels and essential fire safety services
 - wet areas
 - lighting/ventilation
 - sound transmission class rating
 - stair construction and balustrades
- evidence of any accredited component, process or design to be relied upon, where relevant (Alternate Solution as provided for under the Building Code of Australia)
- site preparation; and
- finishes

C. Reduced plans and documents (A4 or A3) or electronic copy

You are required to provide one (1) reduced copy (at A3 or A4 format) of any plans or documentation that you are submitting with your application that are of a larger format (e.g. A1 or A0).

Council requires these reduced documents to enable them to be scanned so that they can be stored electronically.

Note: When providing reduced plans in A4 format please ensure that the plans remain legible. Pay particular attention to line and text clarity if they are reduced from larger scale drawings.

Alternatively you may elect to provide an electronic copy (PDF) of **all** your documentation on Compact Disc (CD) rather than providing reduced copies. **Note** – all applications are still required to be accompanied by the required number of copies of plans as nominated in the respective checklists.

The electronic plans and documents are also used for referring the application to some internal departments and external agencies.

D. Fire Safety Schedule

Detail Requirements for Class 1a Buildings

Fire safety requirements for **Class 1a Buildings** being new dwellings, alterations and additions to dwellings:

- Location of all hardwired smoke alarms

Schedule Requirements for Class 2 to 9 Buildings

Fire Safety requirements for **Class 2 to 9 Buildings**:

- Fire safety schedule for existing and proposed fire safety measures are to be listed in the specifications and nominated via key on site and floor plans.
- The general plans of the building are to indicate the height, design, construction and provisions for fire safety and fire resistance as required by the Building Code of Australia.
- Where the application involves an alternative building solution(s) 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 intended to meet, and
 - Details of the assessment methods used to establish compliance with the performance standard requirements
- Evidence of any accredited component, process or design that is to be relied upon as part of the proposed work

The list must describe the extent, capability and basis of design of each of the measures concerned.

E. Stormwater Drainage Plan

A detailed plan is required to be provided for all class 2 – 9 building proposals (refer to Building Code of Australia classifications) and for residential development involving dual occupancy or multi dwelling housing outlining stormwater across the site including pit and pipe sizes and details on other fixtures and infrastructure. The plan must also provide the following information:

- overland flow paths of flood liable areas present on the land and existing surface contours (expressed as Reduced Levels (RLs) or levels to AHD)

- proposed method of collection of roof and surface stormwater including the location and levels of proposed drains, stormwater pipes, drainage pits and proposed finished surface contours (expressed as Reduced Levels (RLs) or levels to AHD)
- proposed building locations and finished floor levels (expressed as Reduced Levels (RLs) or levels to AHD)
- location of infiltration measures (swales, landscaping, permeable pavements, etc)
- location of rainwater tanks
- location of on-site detention basins or tanks, including stored water levels and emergency spillways
- location of discharge points to stormwater drainage system (show levels at these locations) and the method of connection
- location of stormwater easements (existing or proposed)

For all other residential developments (i.e. excluding dual occupancy or multi dwelling housing) specifications for the development should describe the construction and materials of which the building is to be built and the method of drainage, sewerage and water supply.

Note: Copies of Drainage Diagrams for individual properties can be obtained from Council subject to an applicable fee (Refer to Council's Schedule of Fess and Charges). Please note, however, that these diagrams can be viewed at Council's Customer Service Centre and no cost.

F. BASIX Certificate (and commitments listed on plans)

Note: Applies to Classes 1, 2, & 4 Buildings (dwellings, flats, etc.)

- Submission of the BASIX Certificate and Assessor Certificate (when simulation method is used)
- Commitments in the BASIX Certificate must be shown on the complying development certificate plans and included in the specifications.

Other information:

BASIX (the Building Sustainability Index) was introduced by the NSW State Government on 1 July 2004 (and became effective across the Wagga Wagga Local Government Area on 1 July 2005), as a means of reducing water consumption, greenhouse gas emissions and improving thermal performance requirements.

A BASIX Assessment is mandatory for all residential developments with a total estimated cost of works of \$50,000 or more. Residential development may include:

- new buildings that contain one or more dwellings
- conversion of an existing building to a building that contains one or more dwellings
- alterations and additions to buildings that contain one or more dwellings
- swimming pools with a capacity of 40,000 litres or more

Applicants are required to carry out a self-assessment through the interactive website programme accessed at www.basix.nsw.gov.au

Subject to passing the assessment, a BASIX Certificate will be issued by the Director-General of the Department of Planning through the website. A BASIX Certificate must be lodged with the development application to Council. If the proposal is for more than one of the specified building types, a separate certificate is required for each building.

The development application submitted to Council must be consistent with the proposal used in the BASIX Assessment. Plans accompanying the application must be annotated with the agreed BASIX commitments set out in the certificate.

For further information on BASIX refer to the website www.basix.nsw.gov.au

Note:

In addition to development applications, a BASIX Certificate must be lodged with the following applications:

- an application to review a determination (where the application includes amended plans)
 - an application to modify a development consent
 - an application for construction certificate
 - an application for a **complying development certificate**
 - an application for an occupation certificate
-

G. Sediment and Erosion Control Plan

Proposed developments involving excavation or earthworks will be required to submit a Soil Erosion and Sediment Control Plan complying with the 4th edition of the “Managing Urban Stormwater – Soils and Construction” published by the New South Wales Department of Housing (“The Blue Book”), with the development application. The plan is to include details of measures to be implemented on the site prior to construction and during the course of construction. The plan shall nominate types of sediment and control measure proposed, size, location, review and maintenance measures.

H. Soil Test Report

This is a report prepared following geotechnical investigation/assessment by a NATA accredited laboratory in which the soil classification (or site classification) is identified and which is used to ensure that footing/pier details have been designed correctly by a structural engineer.

I. Disabled Access and Sanitary Facilities Plan

A detailed plan providing sufficient information to demonstrate compliance with Australian Standard AS 1428 is required for all class 2 – 9 buildings. The plan shall provide appropriate details with regard to the following matters:

- **Walkway, ramps, landings, kerb and step ramps**
 - details of any crossfalls and cambers
 - proposed gradients
 - provisions for visually impaired persons
 - maximum gradient
 - landing intervals
 - handrails and grabrails details
 - circulation spaces
 - location of any steps or lips
- **Doorways, door and door circulation space**
 - location of entrance door capable of being used by a disabled person
 - capability of doors to be used by a person in a wheelchair
 - location of any steps or lips
 - details of opening and locking mechanisms
 - provisions for visually impaired persons
 - circulation spaces
- **Sanitary Facilities including toilets, washbasins, washrooms and showers**
 - dimensions and measurements
 - circulation space
 - grabrail details
 - fixtures and fitting details
- **Floor Surfaces**

- **Car Parking**
 - number and location of spaces
 - accessibility to building entrances
 - details of continuous paths of travel
 - unobstructed headroom
 - line marking and signage
 - gradient and crossfall detail

 - **Signage**
 - entrance(s)/exits
 - car parks
 - other disabled facilities
 - clearly visible
-

J. Bushfire Attack Level (BAL) Certificate

Further information on obtaining a Bushfire Attack Level Certificate should be obtained by referencing the “BAL Risk Assessment Application Kit” which is available at the following link:

http://www.wagga.nsw.gov.au/resources/documents/BAL_Risk_Assessment_Application_Kit2.pdf

This kit will assist people planning on building a new dwelling or wanting to undertake alterations and additions to an existing dwelling in a bushfire prone area under the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 (the Codes SEPP). This kit provides applicants with a streamlined approach to assist them in preparing their application for a BAL Risk Assessment Certificate. Upon receiving your BAL Risk Assessment Certificate, you will be required to lodge this with your application for a Complying Development Certificate.

K. Building Fire Safety Upgrade Report

As of 22 February 2014, Complying Development Certificate (CDC) proposals for a change of use or addition or alteration to an existing building approved prior to 1 January 1993, and involving an area greater than 500 square metres require a Building Fire Safety Upgrade Report from an independent Accredited Certifier prior to the issue of a CDC. This cannot be the same certifier that is assessing the CDC application.

The regulations stipulate that the Report must provide an assessment of matters relating to the compliance with the deemed-to-satisfy provisions of Sections C, D and E of the BCA. The Report will need to separate the recommendations into what needs to be completed as part of the CDC scope, and what needs to be completed as part of an ongoing upgrade strategy.

In summary the report must:

- be from an independent A1 Accredited Certifier,
- must assess the current building and its compliance with specific matters under the BCA
- make, if required, recommendations with respect to the works required to ensure that the building provides appropriate protection to people when exiting a building during a fire and to restrict the spread of fire through the building. The report identifies what work must be done before or as part of the development being carried out, and what work needs to be done as part of an ongoing strategy,
- the application for a CDC is to be accompanied by the report.

L. Builder's Home Warranty Insurance

Note – Whilst this information is not mandatory as part of your application for a CDC, it will be required to be provided at the time of formally notifying Council of the appointment of a Principal Certifying Authority and prior to the commencement of any works.

A licensed builder (or contractor) undertaking residential building work must provide home warranty insurance from one of the approved insurance providers when the total contract sum exceeds \$20,000 (including material supplied by the contractor).

You must provide Council with a copy of the Builder's Home Warranty Insurance at the time of formally notifying Council of the appointment of a Principal Certifying Authority and prior to the commencement of any works. If you are able to obtain a copy of the insurance from your builder, it is advisable that you include it with your documentation when you lodge the Complying Development Certificate application with Council.

M. Owner Builder Permit

Note – Whilst this information is not mandatory as part of your application for a CDC, it will be required to be provided at the time of formally notifying Council of the appointment of a Principal Certifying Authority and prior to the commencement of any works.

An owner builder is an individual who does owner-builder work and holds a permit for that work under the authority of a permit issued by NSW Trading.

Owner-builder work is any work (including supervision and co-ordination) involved in the construction of, or alterations, repairs or additions to, a dwelling (which includes a house, terrace, town-house, garage, swimming pool and certain other structures and improvements):

- where the reasonable market cost (including labour and materials) exceeds \$10,000, and
- which relates to a single dwelling or dual occupancy:
 - that requires development consent under Part 4 of the *Environmental Planning and Assessment Act 1979*, or
 - that is a complying development within the meaning of that Act.

To get an owner-builder permit, you must lodge a completed owner-builder permit application at a Service NSW Centre. For further information on completing and lodging an application visit www.fairtrading.nsw.gov.au

Once you have obtained your Owner Builder Permit, you must provide Council with a copy at the time of formally notifying Council of the appointment of a Principal Certifying Authority and prior to the commencement of any works. If you have the permit, it is advisable to provide a copy when you lodge the construction certificate application with Council.

N. Building Long Service Leave Levy

The Building & Construction Industry Long Service Levy is a charge levied on all building and construction work in NSW that costs **\$25,000** or more. The Scheme is administered by the Long Service Payments Corporation, a State Government statutory body.

The levy funds a long service benefit scheme for workers in the building and construction industry in NSW who, because of the nature of their work, may not be eligible for long service benefits under the Long Service Leave Act, 1955.

Calculating the Levy

The levy is payable on any building or construction work requiring development consent under the Environmental Planning and Assessment Act which is valued at \$25,000 or more. It is payable in

respect of any development application or Complying Development Certificate lodged on or after January 1, 2006 at the rate of 0.35% of the project value. Council staff will check the project value for the purpose of calculating the levy.

Payment of Levy

For your convenience, Council acts as a collection agent for the Long Service Payments Corporation. You are able to pay the levy when you lodge your Complying Development Certificate application and/or development application at Council's Service Counter.

Note: *State legislation requires Council to ensure that the levy has been paid before it releases your Complying Development Certificate.*

Refunds

You may be eligible for a full or partial refund of the levy if:

- the work did not start and the Council approval has expired (*the refund application must be endorsed by Council in this case*).
- the final cost of the work is more than \$25,000 below the original cost on which the levy was calculated. An Application for Refund Form can be obtained from Council's Customer Service Centre.

Further Information

Further information can be obtained from:

Long Service Payments Corporation

Locked Bag 3000, CCDS

Lisarow NSW 2252

Telephone: 131 441

Fax: (02) 9287 5685

Internet: www.lspc.nsw.gov.au

How many copies?

Please refer to the **Complying Development Certificate Application Checklist** for exact details for each document type.

If Council needs more information

Council may need more information beyond the minimum statutory requirements or the items nominated within the applicable checklists to undertake a proper assessment. If required, Council will request this by letter as soon as possible after receiving the application.

Developer Contributions and Charges

Section 94 contributions

Your notice of determination may include a condition under section 94 of the *Environmental Planning and Assessment Act 1979*. Depending on the type of development application that has been lodged, this condition may require a monetary contribution towards the capital cost of the Council providing additional public amenities such as open space, car parking and civic improvements. In some cases the condition may relate to the dedication of land or the provision of a material public benefit.

Information about section 94 contributions is contained in the Council's contributions plan. This plan identifies the type of development for which a monetary contribution or dedication of land may be required, the formulas for calculating contributions, monetary contribution rates, and the programme of capital works on which the funds will be spent. You can view or purchase a copy of the relevant contributions plan at Customer Services. You may also view the plan on our website www.wagga.nsw.gov.au

All section 94 monetary contributions are placed into a special account. They cannot be used for any other purpose.

Section 94A contributions

A condition of development consent may require the payment of a levy toward the provision, extension or augmentation of public facilities or toward recouping their costs, unless:

- you are required to make a section 94 contribution (see above) , or
- you have entered into a planning agreement with the council which specifically excludes the payment of the levy.

Information about section 94A levies is contained in the Council's Section 94A Development Contributions Plan. You can view or purchase a copy of the plan at our Customer Service Counter. You may also view the plan on our website www.wagga.nsw.gov.au

Section 64 developer charges

Section 64 of the *Local Government Act 1993* enables a local government council to levy developer charges for water supply, sewerage and stormwater. This derives from a cross-reference in that Act to section 306 of the *Water Management Act 2000*.

Depending on the type of development application that has been lodged, your notice of determination may include a condition under section 64 requiring a monetary contribution towards the cost of supplying sewerage and stormwater.

Information about section 64 contributions is contained in the following Development Servicing Plans (DSPs):

- City of Wagga Wagga Development Servicing Plan for Sewerage – February 2006
- Wagga Wagga City Council Development Servicing Plan – Stormwater – November 2007

You can view or purchase a copy of the relevant DCPs at Customer Services. You may also view the DSPs on our website www.wagga.nsw.gov.au

Completing the Application Form

(Incomplete/Insufficient applications will be rejected)

Your application must be submitted on the Complying Development Certificate application form and must be in accordance with the Complying Development Certificate Checklist provided by Council. You are encouraged to personally lodge your application in order for Council to ensure that all of the necessary information has been provided. Applications that do not meet all requirements cannot be accepted.

The following sections of the form require particular attention:

Page 1 – Applicant details

Please check that you (and any other applicant listed) have signed the application.

Page 2 – Estimated cost

This section requires you to provide information in relation to the following 4 matters:

1. Development Cost:
2. Capital Investment Cost
3. Construction Cost
4. Subdivision

If you are applying for a Complying Development Certificate only, you are only required to provide a Construction Cost.

Construction cost will be a reflection of the Development Cost (see above) but will exclude items that will not require building or engineering certification such as the installation of planting and equipment and the establishment of landscaping.

Page 2 – Description of your proposal

You must describe the proposed development in detail. Tell us exactly what you propose to do.

Page 3 – Undertaking the work

It is requested that you identify whether the works will be undertaken by a licensed builder (or principal contractor) or whether you propose to undertake the works as an owner builder.

If you are using a licensed builder, please provide their details along with the builder's licence number.

If you have not selected a builder you may 'tick' the 'to be advised' box. However, you must provide Council with the following details when you formally notify Council of the appointment of a Principal Certifying Authority and prior to the commencement of any works:

- the builder's details along with their builder's licence number; and
- a copy of the Builder's Home Warranty Insurance if the proposed works are residential and exceed \$20,000 (construction cost).

If you are undertaking the works as an owner builder and the building works are residential with a construction cost exceeding \$5,000, you are requested to provide a copy of your Owner Builder Permit with your application. You may also 'tick' the 'to be advised' box if you have not made a decision regarding this matter. However, you must provide Council with the permit when you formally notify Council of the appointment of a Principal Certifying Authority and prior to the commencement of any works.

Page 3 – Inspections

You will need to appoint a Principal Certifying Authority (PCA) who will monitor the building works as they progress to ensure compliance with the approved construction certificate. The PCA can be Council or a private accredited building surveyor. If you have not made a decision on who will be the PCA then 'tick' the 'to be advised' box.

Note - The appointment of the PCA cannot be made by a contractor or other person who will carry out the building work or subdivision work unless the contractor or other person is the owner of the land on which the work is to be carried out. In such circumstances, please ensure that the owner nominates/signs for the appointment of the PCA.

Note: Prior to any works commencing on site and in accordance with the Development Consent condition, if you appoint Wagga Wagga City Council as the PCA, you are required to complete and return the "Notice of Building Work or Subdivision Work and Appointment of a Principal Certifying Authority" form which will be provided to you with your Complying Development Certificate.

Page 3 – Consent of all owners of the property

You must obtain the consent of the landowner. **If there is more than one landowner, every owner must sign.** If the application form is not signed by the landowner(s), Council **will not** accept your application. The following are considered to be acceptable forms of owner's consent:

1. Individual Ownership and Joint Owners

All owners MUST sign the application form/or provide a letter of authority stating:

- the correct Lots and DP/SP/NPP the application is to be lodged on,
- the site address/es and
- the development description

2. Company Ownership

A company can provide owners consent with or without a common seal and the application or authorisation letter must be signed by:

- a) two (2) directors of the company; or
- b) a director and a company secretary of the company; or
- c) for a proprietary company that has a sole director who is also the sole company secretary - that director.

Note: The application must be accompanied by an Australian Securities and Investment Commission (ASIC) register search that provides proof of the company officers.

Visit <http://asic.gov.au/>

3. Owners Corporation (Strata Plan)

When the owner of a lot is the Owners Corporation the corporation must either:

- a) Sign and stamp the application form; or
- b) provide letter of authority on the corporation's letterhead or with the corporation seal. If the corporation does not have a corporation seal or letterhead, the corporation secretary is to sign the application form/letter of authority stating so.

When the application is lodged on a Strata Plan the Owners consent is required from the Owners Corporation as well as the owner of the subject lot. This can be in the form of:

- a) A letter on the corporation's letterhead or with the corporation seal. If the corporation does not have a corporation seal or letterhead, the corporation secretary is to sign the application form/letter of authority stating so; or
- b) The official minutes of Body Corporate meeting giving consent for that particular application. There should be verification of the minutes by seal or signatures by office bearers or at the very least a signed covering letter verifying the minutes.

If either of the above cannot be provided consent is required from all unit owners in the Strata Plan.

4. Department of Education Ownership

If the Principal of a school signs the development application on behalf of the owner they must also provide a letter of Authority from the Department of Education or a letter from the Minister of the Department of Education.

5. Legal representative for the true owner(s)

Where a person is legally authorised to provide consent on behalf of the true owner(s) in a Power of Attorney, Executor or Trustee capacity, documentary evidence of that legal authority must be attached to the application form/letter of authority or in the case of a Power of Attorney they must provide their Power of Attorney Number.

Note: documentary evidence of a person's Power of Attorney, Executor or Trustee capacity is not sufficient by itself. The authorised person must still sign the Development Application form or alternatively provide a letter of authority as outlined at point 1 above.

6. Crown Land

When the application relates to Crown Land the application form/letter of authority must be signed by an authorised officer from the Department of Lands.

7. The site is in the process of changing hands or has changed hands in the past six months

- A settlement letter from a solicitor stating that settlement has taken place and the date of settlement must be provided; or
- The current landowners consent to lodge the application; or
- The transfer of title

Note: If the proposed works affect a joint wall or fence, consent of both property owners is required.

Lodging the application and paying fees

How to lodge your application

You can lodge your Complying Development Certificate Application and supporting documentation by sending it to Council by mail or by lodging it in person at Council's Customer Service Centre. See the back cover of this document for Council's street and postal addresses.

Whilst our Customer Service centre is open between 8:30am and 5.00pm Monday to Friday, please note that, when submitting your application in person, Council can only process its lodgement prior to 4:30pm.

Don't forget to ensure that your development application includes the following:

For all applications

- completed application form
- completed checklist
- signatures of all landowners
- signature of the applicant
- application fees (see below)
- plans, elevations and sections - 2 copies
- other required plans and documentation - 2 copies
- BASIX certificate and annotated plans – 2 copies

Fees

Fees must be paid upon lodgement of your application.

Fees are calculated on a scale based on the estimated construction cost of the proposal. A schedule of fees (for development, complying development and construction certificate applications) is able to be obtained from Council's Customer Service Centre or from our website at www.wagga.nsw.gov.au.

Note: The **Building Long Service Leave Levy** (if applicable) must also be paid upon lodgment of your application (see page 14 above).

Payment options:

Cheque: Make cheques payable to 'Wagga Wagga City Council'

Credit Card: All major cards accepted

Cash: For applications lodged in person, you can pay cash between 8:30am and 4:30pm.

A fee quote can be obtained from Council prior to lodgement by calling 1300 292 442. All applicable fees must accompany your application at lodgement stage.

Modification of a Complying Development Certificate

Following the issue of a Complying Development Certificate, the certificate can be modified if necessary under the provisions of Section 87 of the Environmental Planning and Assessment Act 1979. It is recommended that you contact Council to discuss the issue with the assessing Town Planner and/or Building Surveyor.

When do I need to apply to modify my complying development certificate?

The following circumstances would warrant the making of an application to modify the Complying Development Certificate:

- It is proposed to make changes to the structural details of the development, such as the footings/structural steel details.
- It is proposed to make changes to the internal layout of the building.
- It is proposed to make minor changes to the exterior finishes of the building.
- It is proposed to make amendments to the BASIX Certificate which require amended plans and specifications.
- It is proposed to alter the plans and specifications to include an alternate solution.
- It is proposed to make any such changes to the development that requires a new BCA assessment.

Application form for modifying a Complying Development Certificate

The same application form to modify a DA or CC is used for applications to modify Complying Development Certificates. The following sections of the form require particular attention:

Consent or Certificate to be modified

The Complying Development Certificate number of to be modified must be accurately identified.

The type of modification will be under Section 87 of the Environmental Planning and Assessment Act 1979.

Provide brief details of the manner and extent of the modification proposed and any associated updates to plans and specifications.

Fees

A fee must be paid upon lodgement of your application to modify a Complying Development Certificate. A schedule of fees (for development and construction certificate applications) is able to be obtained from Council's Customer Service Centre or from our website at www.wagga.nsw.gov.au.

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Wagga Wagga City Council

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Customer Services

Civic Centre

Cnr Baylis and Morrow Streets

WAGGA WAGGA NSW 2650

Hours

8:30am and 5:00pm Monday to Friday

Note: Application lodgement required prior to 4:30pm