

# Subdivision Certificate Preparation and Lodgement Guide

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**Wagga Wagga City Council - 2026**

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# 1 About this guide

The Subdivision Certificate Preparation and Lodgement Guide explains how to prepare a Subdivision Certificate Application. It provides a step-by-step guide to submitting an application.

**Note:** To obtain a Subdivision Certificate, you must first obtain development consent for your proposed subdivision. For details on preparing and lodging a Development Application, please refer to Councils Development Application Preparation and Lodgement Guide.

## Any questions?

If you need more information or advice, phone Customer Services on 1300 292 442 or call in personally.

## Visit Council's website:

<https://wagga.nsw.gov.au>

Council's website may assist you during the process of preparing your Subdivision Certificate Application. You can access the application forms and other important information and documents from this site.

## 2 Step 1 - Prepare plans, drawings and other material

### 2.1 Which plans, drawings and other material?

You will need to prepare several types of plans, drawings and other material. The actual material required for your subdivision certificate application will depend on the type of subdivision Community Title, Strata Title Subdivision or Torrens Title Subdivision

**Note:** You will need to engage a qualified surveyor to prepare the plans required for a Subdivision Certificate.

### 2.2 What information should my documentation contain?

#### 2.2.1 Development Consent

A copy of the relevant development consent (or complying development certificate) must be provided with the subdivision certificate application.

#### 2.2.2 Plan of Subdivision

This is the survey plan of your proposed subdivision that is ultimately submitted to Land Registry Services (LRS) for registration and issue of title. Prior to lodging the plan for registration, the plan must be submitted to Council with your application for Subdivision Certificate. Upon approving the Subdivision Certificate, Council is required to sign the plan of subdivision which will ultimately enable its registration by LRS.

You will be required to engage the services of a registered land surveyor to prepare the Plan of Subdivision. The plan is prepared by a surveyor in accordance with the specific requirements outlined by the LRS (for further information on these requirements visit [www.lands.nsw.gov.au](http://www.lands.nsw.gov.au) or speak to your surveyor).

#### 2.2.3 Certificate of Compliance / Acceptance (Riverina Water / Essential Energy / APA Group, NBN)

You will need to obtain a Certificate of Compliance from Riverina Water County Council, a Certificate of Acceptance or Notice of Arrangement from Essential Energy, a Certificate of Acceptance from APA Group and certificate from NBN prior to lodging your application with Council. You will need to provide all authorities with a copy of your plan of subdivision for their consideration. Once the authority is satisfied with the content of the plan, they will provide you with the certificate. A copy of this document is required to be submitted with your application to Council.

#### 2.2.4 Statement of Compliance

It is important to carefully read your development consent documentation and ensure that ALL required conditions (including any Deferred Commencement Consent matters) have been met prior to you lodging your subdivision certificate application with Council. These conditions include any that are identified as being required 'prior to the release of the Survey Certificate' (plan of subdivision).

A statement of Compliance is a written document listing these conditions and including a statement of how each condition has been complied with. This statement must be submitted with all Survey Certificate applications.

**Note:** As per the EPA (Development Certification and Fire Safety) Regulation 2021 (Division 4 section 54) - evidence that the applicant has complied with all conditions of consent that are required to be complied with before a subdivision certificate can be issued is to be supplied with the application for subdivision.

## 2.2.5 Section 88b Instrument

A section 88B instrument is related to the Plan of Subdivision and provides specific details relating to easements, covenants and restrictions that may be identified on that plan. Specifically, a Section 88B Instrument is prepared for the following purposes:

- The creation of easements, restrictions on use of land and positive covenants.
- The release of easements and profits à prendre.

**Note:** Restrictions on use of land and positive covenants cannot be varied or released by a Section 88B instrument.

Where the Plan of Subdivision proposes any of the above matters (e.g. creation of an easement or a positive covenant), you will be required to submit a Section 88B instrument with your Subdivision Certificate Application.

In certain circumstances, your development consent may also specify the requirement to submit a Section 88B instrument in a condition of development consent. The conditions of consent may specify certain easements/covenants that must be included on your Plan of Subdivision and Section 88B Instrument.

A Section 88B instrument comprises three parts:

### **Part 1:**

Identifies each easement, restriction on use of land or positive covenant to be created.

Note: Each easement, restriction on use of land or positive covenant must be separately created. An easement and/or a restriction on use of land and/or a positive covenant can not be combined into a single notification.

### **Part 1A:**

Identifies each easement to be released.

### **Part 2:**

Sets out the terms and conditions of easements, restrictions on use of land or positive covenants referred to in Part 1 (if required). Part 2 may not be required if statutory terms are adopted.

Generally, your solicitor (or other legal representative) will prepare the Section 88B Instrument. It is recommended that you contact your solicitor for further information in this regard.

Council will require you to submit with your application the original Section 88B Instrument (which will be signed if required and returned), a copy of the Section 88B Instrument and an electronic copy of the Section 88B Instrument.

## 2.2.6 Management Statement (Community Title)

A management statement must be lodged with each community, precinct and neighbourhood scheme. A management statement is the document which sets out bylaws to assist the efficient running of the scheme. Unlike strata schemes there are no model by-laws for community schemes.

The approved forms, in accordance with the legislation, list areas to be covered in the statement but leaving the terms of the by-laws up to the discretion of the developer.

**Note:** The above may be guided by conditions of development consent.

The terms of the management statement are binding on the community association, each subsidiary body within the scheme and each person who is a proprietor, lessee, occupier or mortgagee in possession of a community development lot, precinct development lot, neighbourhood lot or strata lot within the scheme.

### 2.2.7 Proof of Payment

If a monetary payment(s) is required to be paid to Council as a condition of your development consent “prior to release of the subdivision certificate”, you will need to provide proof of this payment.

This may include a copy of your receipt of payment. Required monetary payments may include:

- A contribution under the provisions of either Section 7.11 or 7.12 of the Environmental Planning and Assessment Act 1979.
- A contribution under the provisions of Section 64 of Local Government Act 1993.
- A payment required under the provisions of Chapter 5.3 (Native Vegetation Cover for Rural Residential Land) of the Wagga Wagga Development Control Plan 2005.
- A bond or security deposit.

In some instances, a development consent condition may require the submission of a bank guarantee. Where a bank guarantee is required, a copy of the guarantee will be required as proof.

**Note:** Prior to making a payment, please ensure that any applicable adjustment has been made with respect to the Consumer Price Index (CPI). Details of the current CPI can be made by contacting Council’s Development Services section.

### 2.2.8 Completion of works (including Works as Executed Plans)

You are required to provide evidence of the completion of engineering works prior to the release of the subdivision certificate. Completion of works is confirmed through the preparation and submission of Works as Executed Plans. Works as executed Plans are to be submitted with the Subdivision Certificate Application or, alternatively, details of the prior submission of these plans to Council shall be provided.

## 3 Step 3 - (Optional) Pre-Lodgement Meeting

Council offers free of charge, the option to have a pre-lodgement meeting to pre-assess your application to ensure all relevant information is supplied. This can reduce processing times as it can reduce the need for additional information.

## 4 Step 4 - Lodge the application form and fees

### 4.1 How to lodge your application

Please refer to the NSW planning portal website for lodgement.

[Applying for a Subdivision Certificate](#)

### 4.2 Fees

Fees must be paid upon lodgement of your application.

Fees for the submission of a Subdivision Certificate are legislated and generally involve a set fee depending on the type of subdivision being proposed along with an additional fee for each lot being created.

A schedule of fees can be obtained from Council’s Customer Service centre or from our website at <https://wagga.nsw.gov.au/fees>.

### 4.3 If we need more information

Council may need more information beyond the minimum statutory requirements to undertake a proper assessment. If so, Council will request this by letter as soon as possible after receiving the application.

## **4.4 Referral within Council**

Your Subdivision Certificate application (and associated documentation) will be referred to specific sections within Council who are responsible for assessing certain aspects of the application including its compliance with any relevant conditions of your development consent.

Once confirmation has been received from each of these sections that the application may proceed, the subdivision plans will be prepared for signature and will then be signed by an authorised Council officer. The signed survey plans will then be made available for collection by the applicant.

## **4.5 Making enquires**

If you would like to find out how your application is progressing, you can telephone us for details on 1300 292 442. When calling, you can assist us by quoting the subdivision certificate application number and the name of the assessment officer referred to in your application acknowledgement letter.

# **5 Once your application has been approved**

Council will provide the approved plans through the NSW Planning portal. It is then your responsibility to forward the certified plans onto the LRS for registration of title.