

Disclaimers: This information was believed to be correct at the date of its publication. This information is for general information purposes only and should not be relied upon for legal advice.

This Fact Sheet is to be used as a guide only and outlines the steps involved in subdividing land within the Wollongong City Council local government area. Persons interested in subdividing land should make themselves aware of the Environmental Planning and Assessment Act 1979 prior to seeking approval for their proposal.

Prior to lodgement of any application to subdivide, advice should be sought in regard to zoning of the land, minimum lot sizes, development application lodgement requirements and fees, relevant development control plans and local environmental plans, and Section 94A payments. Service authorities, the Land Titles Office and a registered surveyor should also be consulted in regard to their requirements and fees.

Those seeking to subdivide should also ascertain the land constraints affecting their land. This information is available in a 149 certificate purchased online or from the Customer Service Centre on the Ground Floor of the Council Administration Building. Further information relating to 88B Instruments and Deposited Plans (commonly referred to as a DP) is also available for purchase from the Customer Service Centre.

THE STEPS INVOLVED IN SUBDIVIDING

STEP 1 SUBMISSION OF A DEVELOPMENT APPLICATION (DA)

All subdivisions require approval from Council. This process starts with the submission of a Development Application (DA). The DA application form outlines what supporting documentation is required to be provided at the time of lodgement. The supporting documentation may involve plans, reports and statements. Fees are applicable to this application and a fee estimate can be obtained from Council by calling Customer Service 02 4227 7111.

Once the application is lodged it is assigned a DA number. The application is then placed on public exhibition and submissions from the general public are received.

If any valid objections are received during the exhibition period it will be up to the applicant to address them during Council's assessment of the application. Council's officers will then assess the proposed subdivision. A decision will then be made to determine the application either approving the application with conditions or refusing the application.

STEP 2 CONSTRUCTION CERTIFICATE (CC)

Either Council or a Principal Certifier – Subdivision (see Institution of Engineers Australia website <http://www.engineersaustralia.org.au/> for approved certifiers) can be used to issue your Construction Certificate (CC). If using Council, a completed Construction Certificate application form must be submitted to Council, along with the appropriate fees.

An application for a Construction Certificate may only be made by a person who has the benefit of the development consent. An application may not be made by a person who will carry out the building work or subdivision work unless that person owns the land on which the work is to be carried out.

Construction Certificate applications must address all relevant conditions of the Development Consent. Plans detailing construction works involved must be submitted with the Construction Certificate application for approval.

Once the application has been assessed and found to be acceptable, a Construction Certificate and a set of stamped plans will be returned to the applicant.

If there is no mention of a Construction Certificate being required in the Development Consent conditions then the applicant may lodge a Subdivision Certificate application after receiving Development Consent. See Step 4.

STEP 3 CONSTRUCTION WORKS

Once the Construction Certificate approval is issued, the applicant must submit a "Notice to Council of intention to commence work – Construction Certificate" form at least two days prior to work commencing. There is no charge to submit the form, however failure to submit the form prior to works commencing may incur penalties.

The applicant will be required to nominate an authority to carry out inspections to ensure compliance with the approved Construction Certificate drawings. The authority can either be Council or an Accredited Certifier-Civil Engineering (see Institution of Engineers Australia website www.ieaust.org.au and the Building Professionals Board website www.bpb.nsw.gov.au for approved certifiers). To nominate Council a 'Nomination of Council as Principal Certifying Authority' form must be completed and submitted prior to commencement of any works. An inspection fee will be charged in accordance with Council's adopted fees and charges.

Please note that if an Accredited Certifier-Civil Engineering is used, a Compliance Certificate from that certifier must be obtained and submitted with the Subdivision Certificate application.

In addition to the inspections mentioned above, the applicant must appoint (at their own expense) either, a suitably qualified Civil engineer, registered surveyor or experienced engineering foreman to supervise the works. Council will also require an approved contractor to construct works in Council's road reserve.

STEP 4 SUBDIVISION CERTIFICATE

This is the final Council approval of the subdivision process. A completed Subdivision Certificate application form must be submitted to Council with the

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appropriate fees. Before issuing the Subdivision Certificate, Council requires all Development Consent conditions to be addressed, all Construction Certificate approved works to be completed and all Compliance Certificates from certifiers to be submitted. A registered surveyor must prepare the final plan of subdivision and 88B instrument. This plan will be signed by Council and returned to the applicant.

STEP 5 REGISTRATION OF PLANS

Upon receipt of signed final plan of subdivision and the 88b instrument the applicant must submit the documentation to Land and Property Information NSW (www.lands.nsw.gov.au) for registration. Fees will apply. It is advisable to contact a registered surveyor for further information.

Council recommends using the services of a Consulting Civil Engineer or a Registered Land Surveyor (see Yellow Pages) in the preparation of Development Applications, Construction Certificate Applications and Subdivision Certificate Applications due to their expertise in the subdivision process.

Should you have any questions about the Subdivision process after reading this Fact Sheet please call Council's Customer Service on 02 4227 7111.

GLOSSARY OF TERMS

DEVELOPMENT CONTROL PLAN (DCP)

Detailed guideline that illustrates the controls that apply to a particular type of development or in a particular area. A DCP refines or supplements a Local Environmental Plan and is made according to the Environmental Planning and Assessment Act 1979.

LOCAL ENVIRONMENTAL PLAN (LEP)

The principal legal document for controlling development at the council level. The zoning provisions establish permissibility of uses and standards regulate the extent of development. They are prepared by Councils and approved by the Minister (after public exhibition).

APPLICANT

Person(s) lodging application forms. Can be the owner or agent acting on behalf of owner.

88B INSTRUMENT

Legal document which accompanies a final plan of subdivision and details easements, covenants and restrictions on the land. This document is prepared by the applicant's surveyor or solicitor.

FINAL PLAN OF SUBDIVISION

Plan prepared by a registered surveyor that shows lot boundaries, dimensions and areas. Also may be referred to as a "Linen Plan".

LAND CONSTRAINTS

The land may be affected by zoning, flooding, stability, bushfire, flora, fauna, and contamination or heritage issues. The land may also be subject to easements and restrictions.

SECTION 94A PAYMENT

A contribution to be paid by the applicant to Council to be used in the provision of infrastructure to the community as a result of the increase in population.

SERVICE AUTHORITIES

Organisations providing essential services such as Sydney Water, Endeavour Energy and Telstra.

ACCREDITED CERTIFIER-CIVIL ENGINEERING

A Government accredited civil engineer that can inspect construction works and issue Compliance Certificates for construction works.

PRINCIPAL CERTIFIER – SUBDIVISION

A Government accredited Civil engineer who can issue Construction Certificates.