



**Walgett Shire Council**  
P.O. Box 31, WALGETT, N.S.W. 2832.  
Telephone: (02) 6828 1399 Email:  
[admin@walgett.nsw.gov.au](mailto:admin@walgett.nsw.gov.au)

## APPLICATION FOR A SUBDIVISION CERTIFICATE

Use this form to apply for a subdivision certificate. If your subdivision involves subdivision work, such as building roads or a stormwater drainage system, apply to the principal certifying authority you have appointed. In any other case, apply to a certifying authority. You will receive a subdivision certificate if your application is successful.

### 1. Details of the applicant

Mr  Ms  Mrs  Dr  Other

Your first name  Your family name

Flat/street no.  Street name

Suburb or town  State  Postcode

Daytime telephone  Fax  Mobile

### 2. Identify the land

Flat/street no.  Street name

Suburb or town  Postcode

Lot no.  Section

DP/MPS no.  Volume/folio

You can find the lot no., section DP/MPS no. and volume/folio details on a map of the land or on the title documents for the land. If you need additional room, please attach a schedule and/or a map with these details.

What is the area of the site?

m<sup>2</sup>

### 3. Describe the development

Is development consent required for the development?

No

Yes  ➤ Has development consent been granted for development?

Yes  ➤ What is the development application no.?

### 3. continued

What date was development consent granted?

No  Has a complying development certificate been issued?

No

Yes  What is the complying development certificate no.?

What date was the certificate issued?

Describe the subdivision that was approved (eg boundary adjustments, the number of lots)

  
  
  

Has a construction certificate been issued for the development?

No

Yes  What is the construction certificate no.?

What date was the certificate issued?

### 4. Information to be attached to the application

*This section sets out the information you need to attach to your application. Please indicate the material you have attached by placing a cross in the appropriate boxes .*

**Please attach the following information to the application:**

- the original plan of subdivision that has been prepared by a qualified surveyor and 5 copies of the original plan
- a copy of the development consent or the complying development certificate
- a copy of the construction certificate (where relevant) and detailed subdivision engineering plans.

**Additional information you may need to include with your application:**

Does your consent have a deferred commencement date?

No

Yes  Please attach:

- evidence that you have met all the conditions the consent authority required you to meet before the consent can commence.

Does the consent have conditions that you must meet before a subdivision certificate can be issued?

No

Yes  Please attach:

- evidence that you have met those conditions.

Is your land within a water supply authority's area of operations? *(We can help you determine this).*

No

Yes  Please attach:

- a certificate of compliance from the water supply authority in relation to your subdivision.

#### 4. continued

Has the Land and Environment Court decided that a drainage easement is necessary over other land so your land can be drained or your drainage can be disposed of?

No

Yes  ➤ Has the Land and Environment Court ordered you to pay money or give a security to the council so the council can purchase the easement?

No

Yes  ➤ Please attach:

evidence that the council has purchased the necessary easements.

Where development consent been granted for the development, does the consent allow you to carry out work to do the subdivision (like build roads or a stormwater drainage system)?

No

Yes  ➤ Please attach :

evidence that the work has been completed

**or**

evidence that you have agreed with the consent authority:

- that you will pay the consent authority to do the work, and
- when the consent authority will do the work

**or**

evidence that you have agreed with the consent authority:

- that you will give a security to the consent authority to do the work, and
- when the consent authority will do the work

#### 5. Signature

The applicant, or the applicant's agent, must sign this form.

Signature

Name, if you are not the applicant

In what capacity are you signing if you are not the applicant

Date

#### 6. Privacy policy

The information you provide in this application will enable your application to be assessed by us. If the information is not provided, we can refuse the application. Please contact the council if the information in your application is incorrect or changes.

# Walgett Shire Council

## Agreement for the performance of certification work

### Agreement between

Walgett Shire Council (the Council)

and

(insert the Clients name)

(the Client)

### Part A. Introduction

1. The Council is a certifying authority and employs an accredited certifier (the Certifier) who is authorised to carry out the certification work which is the subject of this Agreement on behalf of the Council.
2. The Client seeks to engage the Council to perform certification work on the terms set out in this Agreement.

### Part B. Interpretation

Words and terms used in this Agreement are defined in the Dictionary (page 5).

### Part C. Parties to the agreement

#### 1. The Council

Name of Council: <input type="text" value="Walgett Shire Council"/>		
Business address: <input type="text" value="77 Fox Street"/> <input type="text" value="Walgett, NSW 832"/>	Postal address: <input type="text" value="P.O Box 31"/> <input type="text" value="Walgett, NSW 2832"/>	
Telephone: <input type="text" value="(02) 68281399"/>	Mobile: <input type="text"/>	Email: <input type="text" value="admin@walgett.nsw.gov.au"/>

#### 2. The Client

Name of Client: <input type="text"/> <input type="text"/>		
Address: <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>	Postal address: <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>	
Telephone: <input type="text"/>	Mobile: <input type="text"/>	Email: <input type="text"/> <input type="text"/>

## Part D. Certifier's details

These are the details of the employee that Council proposes, at the date of the Agreement, to have carry out the certification work. If the Council later decides to have another employee carry out the certification work, the Council will within two days notify the Client in writing of the name and accreditation number of that other employee.

Name of Certifier: <input type="text" value="Jessica McDonald"/>	Accreditation number: <input type="text" value="BPB 0839 AND/OR"/>
Name of Certifier: <input type="text" value="Andrew Wilson"/>	Accreditation number: <input type="text" value="BPB 1783"/>

## Part E. Certifier's insurance details

Only complete if the Certifier holds insurance required by the BP Act. In most cases employees of Council do not hold insurance separate from Council

Name of insurer: <input type="text" value="N/A"/>	Address: <input type="text"/>
Policy no./identifier address: <input type="text"/>	Period of insurance cover: <input type="text" value="From: To:"/>

## Part F: The development

Description of development: (eg: single storey dwelling) <input type="text"/>	Address of development: <input type="text"/> <input type="text"/> <input type="text"/>
Formal particulars of the title of the development site: (LOT, SECTION, DP) <input type="text"/> <input type="text"/> <input type="text"/>	
<b>Development consent details</b> (tick appropriate box/s and complete as applicable)	
<input type="checkbox"/> Development consent granted by consent authority Name of consent authority <input type="text"/> <input type="text"/> Development consent no./identifier: <input type="text"/> Date of development consent: <input type="text"/>	<input type="checkbox"/> Development consent given by the issue of a complying development certificate (CDC) Name of certifying authority <input type="text"/> <input type="text"/> CDC no./identifier: <input type="text"/> Date of CDC: <input type="text"/>
<input type="checkbox"/> Part 4A certificates issued Type of Part 4A certificate issued: <input type="text"/> <input type="text"/> Name of certifying authority: <input type="text"/> <input type="text"/> Certificate no./identifier: <input type="text"/> Date of certificate: <input type="text"/>	



**Inspections** (complete as appropriate)

Any inspections of the development site or the development required under the EP&A Act or the EP&A Regulation will be carried out as follows:

Inspections by the Certifier:

All

None

Specific inspections (list):

Inspections by\*:

See Part D

Accreditation no\*:

See Part D

All

None

Specific inspections (list):

\* These are the details of the person that Council proposes, at the date of the agreement, to perform the inspections. In the event that these proposed arrangements change, Council will inform the Client in writing who will be carrying out the inspections as soon as possible after the arrangements are made.

## Part G. Certification work to be performed

(Tick one or more boxes as appropriate)

### 1. Determination of Applications for Development Certificates

Determination of application for a CDC\*

Determination of application for a construction certificate\*

Determination of application for a subdivision certificate\*

Determination of application for a compliance certificate\*

Determination of application for an occupation certificate\*

Determination of an application for a strata certificate\*

### 2. Undertaking the functions of Principal Certifying Authority (PCA)

Undertaking the functions of PCA for the development\*

\* Refer to relevant Attachment(s) that contain a **Description of Services** and the relevant **Fees and Charges**.

## Part H. Fees and charges

### 1. Development certificates

#### (a) Set fees and charges

- i. The fees and charges for the determination of an application for a development certificate are set out in the relevant Attachment(s).
- ii. The set fees and charges for the determination of a development certificate must be paid to the Council before, or at the time, an application for the development certificate is lodged with the Council.

#### (b) Contingency fees and charges

- i. In the case of fees and charges that may be payable for work arising from unforeseen contingencies, the basis on which those fees and charges are to be calculated are set out in the relevant Attachment.
- ii. In respect of any unforeseen contingency work provided for under this Agreement, the Council is to send an invoice to the Client within 21 days after the completion of any such work.

**2. PCA functions**

**(a) Set fees and charges**

- i. The fees and charges for the Council to carry out the functions as the PCA for the development are set out in the relevant Attachment(s).
- ii. The set fees and charges for the carrying out of the functions as the PCA for the development are to be paid in full before the Council commences to carry out any of those functions.

**(b) Contingency fees and charges**

- i. In the case of fees and charges that may be payable for work arising from unforeseen contingencies, the basis on which those fees and charges are to be calculated are set out in the relevant Attachment.
- ii. In respect of any unforeseen contingency work provided for under this Agreement, the Council is to send an invoice to the Client within 21 days after the completion of any such work.

**Part I. Statutory obligations (tick appropriate box)**

An information brochure which is to include information about statutory obligations must accompany this Agreement, if one is published by the Building Professionals Board on its website. The Board is the statutory body that accredits the Certifier and administers the *Building Professionals Act 2005*.

- A copy of the Board’s Information Brochure is attached
- The Board has not published a brochure as at the date of the Agreement

**Part J. Date of agreement**

This Agreement is made on the .....day of .....20

**Part K. Signatures**

.....  
Signed/executed by or on behalf of the Council

.....  
Signed/executed by or on behalf of the Client



# Dictionary

**Accredited certifier** means the holder of a certificate of accreditation as an accredited certifier under the *BP Act*

**Applicable environmental planning instrument** means the State Environmental Planning Policy or the Local Environmental Plan nominated by the Client as the instrument against which an application for a complying development certificate is to be assessed.

**BASIX** means the Building Sustainability Index

**BCA** means the Building Code of Australia.

**BP Act** means the *Building Professionals Act 2005*

**Certification work** means:

- a) the determining of an application for a development certificate
- b) the issue of a development certificate
- c) carrying out the functions of a PCA
- d) carrying out of inspections for the purposes of section 109E(3)(d) of the EP&A Act
- e) carrying out inspections under section 22 *Swimming Pools Act 1992* and issuing certificates of compliance under that Act

**Contractor licence** means a licence issued under the *Home Building Act 1989*

**Development certificate** means:

- a) a certificate under Part 4A of the EP&A Act, being:
  - a construction certificate
  - a compliance certificate
  - a sub-division certificate
  - an occupation certificate
- b) a complying development certificate
- c) a strata certificate issued under the *Strata Schemes (Freehold Development) Act 1973* or the *Strata Schemes (Leasehold Development) Act 1986*

**EP&A Act** means the *Environmental Planning and Assessment Act 1979*

**EP&A Regulation** means the Environmental Planning and Regulation 2000

**Owner-builder permit** has the meaning given to it by the *Home Building Act 1989*

**PCA** means a principal certifying authority appointed under section 109E of the EP&A Act

**Residential building work** has the meaning given to it by the *Home Building Act 1989*

## Attachment: Application for a Subdivision Certificate (SC)

### Description of services

The Certifier will, on behalf of the Council, perform all work necessary to comply with relevant statutory requirements and to facilitate the timely determination of the application, including:

1. Provide a blank copy of SC application form to the Client.
2. Conduct an inspection of any subdivision work, if necessary.
3. Ascertain if any conditions of development consent, or requirements of a planning agreement, which are required to be complied with before a SC may be issued have been satisfied.
4. Ascertain if a certificate of compliance from a water supply authority is required, and if so, whether one has been obtained.
5. Ascertain if objector rights of appeal, if any, have lapse or been determined.
6. Ascertain if any drainage easement is required by an order under section 40 of the *Land and Environment Court Act 1979*, and if so, whether such an easement has been provided
7. If any subdivision work has not been completed, ascertain if any agreement has been reached with the consent authority relating to the payment for, or the giving of security for, the completion of the subdivision work.
8. Determine the application and prepare a notice of determination.
9. If the application is granted, prepare a subdivision certificate and endorse the plan of subdivision.

**Fees and charges** (Tick one of the following)

<input type="checkbox"/> <b>Fixed fee agreement</b> Council will undertake for a fixed fee for all work involved in assessing, determining and finalising the application as set out in the Description of Services, including the costs of any service provided by a third party and any fees for obtaining or lodging documents, except for any contingency items specified below.	<input type="checkbox"/> <b>Variable costs agreement</b> Council will undertake all work involved in assessing, determining and finalising the application as set in the Description of services upon the following basis:
Fixed fee: \$ <input style="width: 100%;" type="text"/>	Council's fee for services: \$ <input style="width: 100%;" type="text"/>
Contingency items#* <div style="border: 1px solid black; height: 100px; width: 100%; padding: 5px;">N/A</div>	Third party fees for services (including for another accredited certifier's services)* <input style="width: 100%;" type="text"/> Fees for certificates and lodgement of documents* <input style="width: 100%;" type="text"/> Contingency items#* <input style="width: 100%;" type="text"/> N/A <input style="width: 100%;" type="text"/> <input style="width: 100%;" type="text"/> <input style="width: 100%;" type="text"/>

# If applicable, insert description of the contingency item – eg, 'additional inspection if access not available'. If no provision is to be made for contingency items, write 'N/A'

\*Insert amount or basis of calculation e.g. "At cost" or "\$.....per hour"