



# Application

## For Development Consent, Construction Certificate or Complying Development Certificate

Made under the Environmental Planning and Assessment (EP&A) Act 1979

### Lake Macquarie City Council

Telephone: 02 4921 0333

Email: [council@lakemac.nsw.gov.au](mailto:council@lakemac.nsw.gov.au)

Website: [www.lakemac.com.au](http://www.lakemac.com.au)

### Lodgement Options

Mail: Box 1906, Hunter Region Mail Centre, NSW 2310

In person: Customer Service Centre at 126 - 138 Main Road, Speers Point

## NOTES

1. One physical copy of all documents and a digital copy on USB is to be provided when lodging applications (including all written reports/ statements and plans).
2. You must include all information requested on this form and the accompanying checklist, as it applies to your application. Incorrect or incomplete details may lead to delays in processing your application.
3. Attach your completed checklist to this form. Council's Customer Service Centre can assist you with any enquiries you have about completing your application.
4. At the time of lodgement, Council will calculate application fees payable.
5. Council's Privacy Management Plan is available on the City's website [www.lakemac.com.au](http://www.lakemac.com.au).
6. Third parties may request access to, and copies of, the information held by Council relating to this application, in accordance with the Government Information (Public Access) Act 2009.
7. **An image of this form, and any related documentation, will be publicly available on the City's website [www.lakemac.com.au](http://www.lakemac.com.au).**
8. **You can track the progress of your application – log on to [www.lakemac.com.au/onlineservices](http://www.lakemac.com.au/onlineservices).**
9. The *Lake Macquarie Local Environmental Plan 2014*, and *Development Control Plan 2014* are available at [www.lakemac.com.au](http://www.lakemac.com.au).
10. Entry onto Land: You are advised that access to your property may be required by Authorised Officers of Council in order for them to process your application and determine compliance with any consent that may be issued. By the submission of this application or by authorising its submission by another person/s it is assumed you are giving approval of entry to your premises to Council staff. Should access be required, staff may make contact with you beforehand to make the necessary arrangements, however access may be made in your absence.

## TYPE OF APPLICATION

Indicate which type of application you are making. You can only select one of the following boxes.

### Development Application (DA) and Construction Certificate (CC)

Combined application - Application made under s. 4.12, s.6.4, s.6.6, & s.6.12 EP&A Act 1979.

*For minor proposals, you may wish to apply for a DA & CC at the same time. This will save you time from submitting two applications.*

### Development Application (DA) only

Application made under s.4.12 EP&A Act 1979.

*For larger development proposals, you may wish to apply for development consent before applying for a construction certificate.*

### Construction Certificate only

Application made under s.6.4

Development consent no:

Date of determination:

### Complying Development Certificate

Application made under sections 4.26, 4.27 & 4.28 EP&A Act 1979.

Affordable Rental Housing SEPP

Until 13 July 2019, applicants may choose to have their project approved under the new simplified Housing Code or the previous General Housing Code (please nominate relevant code).

Codes SEPP Provisions

Greenfield Housing code

Simplified Housing Code

General Housing Code

Infrastructure SEPP Provisions

Low Rise Medium Density Housing  
SEPP Provisions

*If applying for a CDC, please check that your proposal meets all the applicable complying development criteria. If your proposal does not meet all the criteria, you may submit your application as a Development Application.*

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## DESCRIPTION OF PROPOSED DEVELOPMENT

Provide the description of the proposed development as identified in the Lake Macquarie Local Environmental Plan 2014 (e.g. dwelling house, dual occupancy - attached, earthworks, home business, commercial premises, entertainment facilities, light industries).

Please Note: Where the description of the proposed development is not in accordance with the Lake Macquarie Local Environmental Plan 2014, Council staff may change the description accordingly.

If the proposal includes demolition works, please state which structures are to be demolished.

Number of bedrooms in existing structures

If the proposal is for staged development or you are applying for deferred commencement, provide details here.

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## LAND TO BE DEVELOPED

Please ensure the land to be developed is described accurately and in full.

House no(s)	Street(s)	Suburb	Lot(s)	Section(s)	DP(s)/SP(s)
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Have you discussed your development proposal with a council officer(s)?

Yes, name of officer(s)

No

# APPLICANT DETAILS

## DEVELOPMENT APPLICATION

Name(s)

Company name (if applicable)

Company ACN

Position in company (e.g. director)

Postal address

Street

Suburb

State

Postcode

*The following information will assist council should an officer need to contact the applicant promptly about your application. This information is not mandatory.*

Name of contact person for application:

Daytime phone

Mobile

Email

### PREFERRED CONTACT METHOD

Mail

email (see note below)

I undertake to ensure that I advise Lake Macquarie City Council of any changes to my mailing/email address to ensure that all such correspondence is delivered to me without delay.

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## CONSTRUCTION CERTIFICATE / COMPLYING DEVELOPMENT CERTIFICATE

**NOTE: The applicant must be the property owner or a person authorised by the owner to lodge the application.**

A building contractor cannot be the applicant unless the contractor is the owner of the property.

Name(s)

Company name (if applicable)

Company ACN

Position in company (e.g. director)

Postal address

Street

Suburb

State

Postcode

*The following information will assist council should an officer need to contact the applicant promptly about your application. This information is not mandatory.*

Name of contact person for application:

Daytime phone

Mobile

Email

### PREFERRED CONTACT METHOD

Mail

email (see note below)

I undertake to ensure that I advise Lake Macquarie City Council of any changes to my mailing/email address to ensure that all such correspondence is delivered to me without delay.

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## OWNER DETAILS

Same as applicant details. (If not please fill in below)

Name(s)

Company name (if applicable)

Company ACN

Position in company (e.g. director)

Postal address

House no.

Street

Suburb

State

Postcode

*The following information will assist council should an officer need to contact the owner promptly about your application. This information is not mandatory.*

Daytime phone

Mobile

Email

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## BUILDER DETAILS

*The following information is required for Construction Certificates and Complying Development Certificates. You may provide this information to Council later, if you have not yet appointed a builder. If you are an owner-builder, you will need to obtain an Owner-Builder Permit from the Department of Fair Trading if the value of the building works is over \$10,000, prior to the release of your Construction Certificate or Complying Development Certificate.*

Company name or owner builder

Licence or permit number

Postal address

Postal address

House no.

Street

Suburb

State

Postcode

*The following information will assist council should an officer need to contact the builder promptly about your application. This information is not mandatory.*

Daytime phone

Mobile

Email

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## ESTIMATED COST OF WORKS

You must provide a genuine estimate of the cost for materials and labour for construction and/or demolition. Council will check your estimate against industry standard cost guides. If you understate the estimate, Council will adjust the figure and you may incur additional application fees. Please refer to Council's Guide to Estimating Cost of Works for further information.

### Total estimated cost of works \$

Please provide the following information as it applies to your proposal.

Floor area of development - residential		Floor area of development - commercial	
Ground floor	m <sup>2</sup>	Gross floor area	m <sup>2</sup>
First floor	m <sup>2</sup>		
Outbuildings	m <sup>2</sup>	<b>Subdivision</b>	
<b>Total</b>	m <sup>2</sup>	Number of additional lots	

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## INTEGRATED DEVELOPMENT

Section 4.46 EP&A Act 1979 - This question only applies to Development Applications (DA).

Integrated development refers to proposals that require development consent (from the council) and approval from one or more State Government bodies. Please refer to Council's Guide to Integrated Development to determine if this question applies to your proposal.

Is your application for integrated development?

No.

Yes. If yes, tick each approval below that applies to your application:

### Fisheries Management Act 1994 – Department of Industry and Investment NSW (Fisheries)

s.144

s.201

s.205

s.219

### Heritage Act 1977 – Office of Environment and Heritage

s.58

### Coal Mine Subsidence Compensation Act 2017 - Subsidence Advisory NSW

Part 3

### Mining Act 1992 – NSW Department of Industry, Investment, Minerals & Petroleum

s.63 & s.64

### National Parks and Wildlife Act 1974 – Office of Environment and Heritage

s.90

### Petroleum (Onshore) Act 1991 – NSW Department of Industry, Investment, Minerals & Petroleum

s.9

### Protection of the Environment Operations Act 1997 – Office of Environment and Heritage

s.43(a), s.47 & s.55

s.43(b), s.48 & s.55

s.43(d), s.55 & s.122

### Roads Act 1993 – NSW Department of Transport - Roads & Maritime Service

s.138

### Rural Fires Act 1997 – NSW Rural Fire Service

s.100B

### Water Management Act 2000 - NSW Office of Water

s.89, s.90 & s.91

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## SECTION 68 LOCAL GOVERNMENT ACT 1993 APPROVALS

*This question only applies to development applications.*

*Section 68 of the Local Government Act (LGA) 1993 identifies activities that require the approval of the council.*

*Section 4.12 of the Environmental Planning and Assessment (EP&A) Act identifies the activities under section 68 of the LGA 1993 that a person may apply for approval, in the same application for development consent.*

### **Part A - Structures or places of public entertainment**

Install a manufactured home, moveable dwelling or associated structure on land

### **Part B - Water supply, sewerage and stormwater drainage work**

Carry out stormwater drainage work

### **Part C - Management of waste**

For fee or reward, transport waste over or under a public place

Place waste in a public place

Place a waste storage container in a public place

Dispose of waste into a sewer of the council

Install, construct or alter a waste treatment device or a human waste storage facility or a drain connected to any such device or facility

### **Part E - Public roads**

Swing or hoist goods across or over any part of a public road by means of a lift, hoist or tackle projecting over the footway

### **Part F - Other activities**

Operate a public car park

Operate a caravan park or camping ground

Operate a manufactured home estate

Install a domestic oil or solid fuel heating appliance, other than a portable appliance

Install or operate amusement devices

Carry out an activity prescribed by the regulations under the LGA 1993 or an activity of a class or description prescribed by the regulations

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## LIQUOR ACT 2007

*This question only applies to development applications.*

Is this proposed development on a premise that has a current/proposed liquor licence (as per the Liquor Act 2007)?

Yes

No

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## STATISTICAL DATA

The following questions apply to applications for Construction Certificates and Complying Development Certificates. This information is required for providing data to the Australian Bureau of Statistics and assists Council officers with the assessment of your application.

What is the area of land? m<sup>2</sup>

If a new building is proposed, what is the gross floor area of the building? m<sup>2</sup>

If your proposal is for a new residential dwelling:

Will the new building be attached to any existing building?

Will the new building be attached to any other new building?

Does the land contain a dual occupancy?

How many pre-existing units are there?

How many dwellings are to be demolished?

How many dwellings are proposed?

How many storeys will the building consist of?

### Materials

Mark applicable boxes with a tick.

Walls	Roof	Floor
Aluminium	Aluminium	Concrete, Stone or Slate
Brick, Double	Concrete, Stone or Slate	Timber
Brick Veneer	Fibre Cement	Other
Concrete, Stone or Slate	Steel	<b>Frame</b>
Curtain Glass	Tiles	Aluminium
Fibre Cement	Other	Steel
Steel		Timber
Timber		Other
Other		

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## DIGITAL REQUIREMENTS

From 1 May 2014, all Development Applications must be accompanied by an electronic copy of all documentation (including written documents).

Electronic information is to be flattened (no layers), without security/protection and formatted in pdf format, and submitted on a (non-returnable) USB.

A separate USB is to be used for each application.

The filename should be a short title describing the plan or document. For example:

- Site Plan – 126 Main Road Speers Point
- Internal Floor Plan Layout – 126 Main Road Speers Point
- Elevations – 126 Main Road Speers Point
- Statement of Environmental Effects – 126 Main Road Speers Point

Please Note: Internal floor layouts for residential dwellings need to be a separate file.

**The USB stick, CD or DVD contains files, which are named correctly and are a true copy of all plans and associated documents submitted with this application.**

Yes

No

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# AUTHORISATIONS

## PROPERTY OWNER(S)

I/we consent to the applicant identified on this form, to lodge this application with Lake Macquarie City Council (LMCC).  
I/we consent to authorised officers of LMCC to access my/our property in order for them to process this application and determine compliance with any consent that the Council may issue. Access to my/our Property may occur in my/our absence.

### Appointment of Principal Certifying Authority (PCA)

- I/we appoint Lake Macquarie City Council (LMCC) as the Principal Certifying Authority (PCA).
- I/we do not appoint LMCC as the PCA. At least two days prior to construction, I/we will provide LMCC with details of the appointed PCA.
- Not applicable – Development Application Only. (PCA appointment is only required for Construction Certificates and Complying Development Certificates).

**To ensure transparency in Council's decision making process and to avoid potential conflicts of interest, owners and applicants are to make a declaration as to whether they are a Council employee or Councillor or are related to a Council employee or Councillor.**

I am/we are an employee/Councillor or relative of an employee/Councillor of Lake Macquarie City Council                      YES                      NO

If yes, state relationship

### Property Owners Name(s)

*(please print)*

Signature(s)

Date

***All registered property owners of the land must sign. In the case of a Company, the consent of the authorised person must be provided on letterhead. If the property is part of a strata plan, it is the responsibility of the property owner to seek advice or approval from the strata management group prior to commencing works.***

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## APPLICANT(S)

I/we have read the notes and instructions provided on this form, and the accompanying checklist, and have included all the requested information as it applies to this application. I/we have attached the completed checklist to this form.

I understand that if incomplete, the application may be delayed, rejected or returned.

**To ensure transparency in Council's decision making process and to avoid potential conflicts of interest, owners and applicants are to make a declaration as to whether they are a Council employee or Councillor or are related to a Council employee or Councillor.**

I am/we are an employee/Councillor or relative of an employee/Councillor of Lake Macquarie City Council                      YES                      NO

If yes, state relationship

### Applicant Name(s)

*(please print)*

Signature(s)

Date

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## DISCLOSURE OF POLITICAL DONATIONS OR GIFTS

Have you, or the organisation you represent, made any reportable political donations or gifts (see Note) within the 2 years prior to this application?

Yes (Please complete a Disclosure Statement of Political Donations or Gifts where Council is the Approval Authority and include it with this application.)                      No

**Please Note:** For further information on Disclosure of Political Donations or Gifts goto [www.legislation.nsw.gov.au](http://www.legislation.nsw.gov.au) and search for Political Donations. To obtain a copy of the Disclosure Statement of Political Donations or Gifts where Council is the Approval Authority contact Council's Customer Service Centre or download it from the website [www.lakemac.com.au](http://www.lakemac.com.au) and search for Political Donations.



# Appointment of Lake Macquarie City Council as Building Certifying Authority



**Not Applicable.**  
Section only applies to Construction Certificates or Complying development Certificates.

## Introduction

Lake Macquarie City Council is a certifying authority that employs accredited certifiers (the Certifier) who are public officers authorised to carry out the certification work which is the subject of this Agreement on behalf of the Council. The Client seeks to engage the Council to perform certification work on the terms set out in this Agreement. Pursuant to 73A Building Professionals Act 2005 and s.6.5 Environmental Planning & Assessment Act. This is a Contract of Agreement between Lake Macquarie City Council (the Council) and the Client. (as nominated below)

## Client Particulars

Name(s)

Company name (if applicable)

Postal address

Street

Suburb

State

Postcode

Email

- Determination of application for a Construction Certificate
- Determination of application for an Occupation Certificate
- Determination of application for a Complying Development Certificate
- Appointment to undertake the functions of Principal Certifying Authority for the development upon development consent being granted.

## Certifier

Lake Macquarie City Council is the Certifying Authority and all development certificate functions and certification work will be carried out by a Council Building Surveyor who is currently accredited by the Building Professionals Board.

## DESCRIPTION OF PROPOSED DEVELOPMENT

*Provide the description of the proposed development as identified in the Lake Macquarie Local Environmental Plan 2014 (e.g. dwelling house, dual occupancy - attached, earthworks, home business, commercial premises, entertainment facilities, light industries).*

*If the proposal includes demolition works, please state which structures are to be demolished.*

Number of bedrooms in existing structures

If the proposal is for staged development or you are applying for deferred commencement, provide details here.

## ADDRESS OF DEVELOPMENT

Please ensure the land to be developed is described accurately and in full.

House no(s) Street(s) Suburb Lot(s) Section(s) DP(s)/SP(s)

### Terms & conditions

- Fees payable are as specified in the attached fee quote in accordance with Council's Fees & Charges and are to be paid at the lodgement of the Application and completion of this form.
- I agree to provide all documents that the Council may reasonably request for it to perform the function of the PCA and/or Building Certifier.
- I agree to provide the Council with reasonable access to the development site.
- I agree to notify Council of the appointment of the principal contractor.
- I agree to notify the principal contractor of any critical stage inspections to be carried out in respect of the building work.
- I acknowledge that I have received and understood the description of services document.

NOTE: The person having the benefit of the Consent so as to be able to appoint the PCA may be the owner or an applicant authorised by the owner but may NOT be the builder unless the builder is the owner.

NOTE: If the owner is a company, a director and an authorised person (eg. Secretary) must sign. Signatures must be followed by the person's title. If Company is a sole trader, the person's title is to indicate; 'Sole Director'.

### Signatures

This agreement is made on date:

Signed by Owner/Client:

Signed on behalf of Lake Macquarie City Council:

By signing this contract you accept the terms and conditions as available and applicable.

## Application for a Complying Development Certificate (CDC)

### Description of services

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

1. Provide a blank copy of CDC application form to the Client.
2. Conduct an inspection (by a Council appointed accredited certifier) to inspect, the development site, and prepare a record of the inspection.
3. If clause 130(2A) or 130(2E) of the EP&A Regulation applies to the application (i.e. where there is an alternative solution relating to fire safety requirements) the applicant shall provide a compliance certificate or written report from a fire safety engineer or another accredited certifier that satisfies the requirements of clause 130 of the EP&A Regulation.
4. Assess whether the proposed development satisfies the development standards set out in the relevant environmental planning instrument, development control plan and the EP&A Regulation.
5. Determine the application and prepare a notice of determination.
6. If the application is granted:
  - a. prepare a complying development certificate
  - b. endorse all relevant plans, specifications and other documents
  - c. prepare any associated fire safety schedule.

- d. ascertain if any long service levy payment is required to be made, and if so, that the amount (or instalment) has been paid.
- e. ascertain if any contributions plan requires the CDC to be subject to a condition requiring a monetary payment.
- f. issue CDC to the Client together with associated endorsed plans specifications and any other approved documents.
- g. forward copies of documents prepared to statutory authorities, including the NSW Rural Fire Service, as required by the EP&A Regulation.

## **Application for a Construction Certificate (CC)**

### **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 CC application form to the Client.
2. If the development is on a site which affects an existing building, inspect (by a Council appointed accredited certifier) the building and prepare a record of the inspection.
3. If clause 144 of the EP& A Regulation applies to the development (i.e. alternative solutions for certain fire safety measures), apply to the Fire Commissioner for an initial fire safety report.
4. If the development is a residential flat building, obtain a design verification from a qualified designer under clause 50(1A) of the EP& A Regulation 5. If clause 144A of the EP& A Regulation applies to the application (i.e. where there is an alternative solution relating to fire safety requirements) the applicant shall provide a compliance certificate or written report from a fire safety engineer.
5. Assess whether the application satisfies the requirements of the EP&A Regulation, including compliance with the BCA, the development consent and any pre-conditions to the issue of a CC.
6. Determine the application and prepare a notice of the determination.
7. If the certificate is granted:
  - a. prepare a construction certificate
  - b. endorse all relevant plans, specifications and any other documents
  - c. prepare any associated fire safety schedule.
  - d. ascertain if any long service levy payment is required to be made, and if so, that the amount (or instalment) has been paid.
  - e. ascertain if any security or monetary payment or levy under sections 7.11 or 7.12 of the EP&A Act are required before the CC is issued.
  - f. issue CC to the Client together with associated endorsed plans specifications and any other approved documents.
  - g. Retain on the Council record all documents as required by the EP&A Regulation.

## **Application for an Occupation Certificate (OC)**

### **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 an OC application form to the Client.
2. Conduct an inspection (by a Council appointed accredited certifier) of the development and prepare a record of the inspection.
3. If clause 144 of the EP& A Regulation applies to the development (i.e. alternative solutions for certain fire safety measures), apply to the Fire Commissioner for a final fire safety report.
4. Obtain a final fire safety certificate or interim fire safety certificate as required by the EP& A Regulation.
5. If the development is a residential flat building to which clause 154A of the EP&A Regulation applies, obtain a further design verification from a qualified designer in relation to the completed works.
6. Obtain verification from the principal contractor or building owner/agent certifying that all BASIX requirements have been complied with before an OC may be issued, including obtaining any necessary BASIX completion receipt.
7. If clause 130(2A) or 144A(1) of the EP& A Regulation applied to the development (i.e. where there is an alternative solution relating to fire safety requirements), obtain a further compliance certificate or written report from a fire safety engineer with respect to the completed works as required by clause 153A of the EP& A Regulation.
8. Assess whether the application satisfies the requirements of the EP&A Regulation, including whether any pre-conditions of the development consent or CDC which are required to be met before an OC may be issued, have been met and (where building work has been carried out) whether the work is not inconsistent with the development consent).
9. Determine the application and prepare a notice of determination.
10. If the certificate is granted, prepare an OC and issue it to the Client.
11. Retain on the Council record all documents as required by the EP&A Regulation.

## **Application for a Compliance Certificate**

### **Description of services**

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

1. Conduct an inspection (by a Council appointed accredited certifier) of any building work or subdivision work, if necessary.
2. Where appropriate, ascertain if a development consent or complying development certificate is in force with respect to building work or subdivision work which is the subject of the application.
3. If the Certificate is granted, prepare a compliance certificate and issue it to the Client.

## Undertake the functions of Principal Certifying Authority (PCA)

### Description of services

The Certifier will, on behalf of the Council, perform all work that is necessary to comply with relevant statutory requirements, including:

1. Not later than two days before any building work or subdivision work commences, the Council will advise the Owner/ Client of all inspections that are required to be carried out of the building work or subdivision work.
2. Ascertain, before any building work or subdivision work commences, that a construction certificate or complying development certificate has been issued for the work.
3. Ascertain, before any residential building work commences, that either:
  - a. the principal contractor is the holder of a licence under the Home Building Act 1989 and is covered by appropriate insurance, or
  - b. where the work is to be carried out by an owner-builder, that an owner-builder permit has been issued under the Home Building Act 1989
4. The Council appointed accredited certifier will either carry out all critical stage inspections of the building work or subdivision work prescribed by the EP&A Regulation or any additional conditions required by the Council appointed accredited certifier.
5. The Council appointed accredited certifier will make a record as required by the EP&A Regulation of all inspections that he or she carries out.
6. The Council appointed accredited certifier will determine whether any inspection (other than the last critical stage inspection) has been not carried out due to circumstances that were unavoidable, and whether the work that would have been inspected was satisfactory, make a record of any such missed inspection as required by the EP&A Regulation and provide a copy to the Client. The Council appointed accredited certifier will also notify the principal contractor or owner builder of the missed inspection as required by the EP&A Regulation.
7. Determine applications for occupation certificates or subdivision certificate (subject to separate terms under this Agreement)

### Compliance functions

The Council appointed accredited certifier will take such steps as he or she considers appropriate to address any of the following matters relating to the development:

- a. non-compliance with the development consent
- b. the carrying out of work without development consent
- c. an unauthorised use of a building
- d. a breach of a law relating to the carrying out of work or the use of the land
- e. a threat to the safety of a person or a person's property
- f. any other matter he or she considers to be in the public interest to address.

Without limiting the actions that the Certifier may take, the Council appointed accredited certifier may:

- a. attend the site or nearby properties to inspect any issue of concern relating to the development
- b. confer with any person in relation to any issues of concern
- c. cause correspondence to be issued to any person
- d. refer any matter of concern to such persons or authorities as he or she considers appropriate, including the consent authority, NSW Fair Trading or an environmental protection agency
- e. issue notices or orders under section 9.34 of the EP&A Act