



BYRON SHIRE COUNCIL
 PO Box 219
 Mullumbimby NSW 2482

P: (02) 6626 7000
 E: council@byron.nsw.gov.au
 W: www.byron.nsw.gov.au

***Office Use Only**

Application No./s: **15**.....
 Parcel No(s):
 Zoning:
 Notations:
 Date Received:/...../.....
 Record No: #...../..... Container:
 #E2017/5165 Updated June 2017

Application for Subdivision

Use this form to apply for a subdivision certificate or strata certificate

<input type="checkbox"/> Subdivision Certificate <i>Under the Environmental Planning and Assessment Act 1979</i>	<input type="checkbox"/> Strata Certificate <i>Under the Strata Schemes Development Act 2015</i>
--	--

Please place a cross in the relevant boxes and fill out all appropriate blank Steps. Please ensure you have submitted all relevant information to minimise delays. Should your application be approved you will be contacted by telephone to collect the endorsed plans and other documentation, otherwise you will be advised in writing of Council's determination.

Step 1 Description of land to which the application relates

Unit No.	House No.	Street Name	Street Type e.g. St, Rd
Suburb or Town			Postcode
Lot No.	DP No.	Owner/s	

Step 2 Details of the applicant/s

Name / Company name	
Contact Name (where relevant)	
Postal address	
Email	Fax
Mobile	Alternate telephone

Step 3 Describe the subdivision you wish to have endorsed

What form of title is proposed?	<input type="checkbox"/> Land	<input type="checkbox"/> Strata	<input type="checkbox"/> Community
What type of subdivision?	<input type="checkbox"/> Residential	<input type="checkbox"/> Rural	<input type="checkbox"/> Rural/Residential
	<input type="checkbox"/> Commercial	<input type="checkbox"/> Industrial	<input type="checkbox"/> Other
How many lots on the Plan (including public reserves, road widening etc.)?			

Step 4 Exempt or Complying Development

Development consent for subdivisions must be obtained if the subdivision does not satisfy the exempt or complying development provisions under State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 (the Codes SEPP) or Byron Local Environmental Plan 2014 (BLEP 2014). Please answer the following questions, where relevant:

a. Does the subdivision satisfy the exempt development provisions under the Codes SEPP?

- Yes Please complete and attach checklist 1 and go to step 5.
 No Continue to next question

b. Does the subdivision satisfy the complying development provisions under the Codes SEPP?

- Yes Please complete and attach checklist 1 & 2 and go to step 5.
 No Continue to next question

c. Does the subdivision satisfy the exempt development provisions under BLEP 2014 (if applicable)?

- Yes Please complete and attach checklists 1, 2 & 3 and go to step 5.
 No Continue to next question

d. Does the subdivision satisfy the exempt development provisions under BLEP 1988 (if applicable)?

- Yes Please complete and attach checklists 1, 2 & 3 and go to step 5.
 No Continue to next question

If you have answered NO to all the questions above, then the subdivision is not exempt or complying development and a development consent for the subdivision must be obtained before lodging this application.

NEED HELP? You may need to seek professional advice from a qualified planner. Council can provide this service by completing a request for Written Planning Advice. Go to

<http://www.byron.nsw.gov.au/publications/application-for-written-planning-advice>

Step 5 Relevant Planning Approvals

Complying Development Certificate no.	Approval date	Expiry date
Development consent / amendment no.	Approval date	Expiry date
Construction Certificate No.	Approval date	Issued by

Step 6 Lodgement Checklist

The following matters **must** accompany your application. Please use the following checklist by placing a mark in the box next to the items you have attached:

A list of the documents accompanying the application	Attached	Office use DSO
Three (3) copies of the plan of subdivision	<input type="checkbox"/>	<input type="checkbox"/>
Original Administration Sheet/s and one (1) copy	<input type="checkbox"/>	<input type="checkbox"/>
Original Section 88B Instrument (if relevant) and one (1) copy	<input type="checkbox"/>	<input type="checkbox"/>
Other legal document/s (if relevant) and one (1) copy	<input type="checkbox"/>	<input type="checkbox"/>
A copy of any relevant development consent or complying development certificate, including approved plans	<input type="checkbox"/>	<input type="checkbox"/>
A copy of any relevant construction certificate and where relevant, a copy of the approved building plans or subdivision engineering plans	<input type="checkbox"/>	<input type="checkbox"/>
For a deferred commencement consent, evidence that the applicant has satisfied the consent authority on all matters of which the consent authority must be satisfied before the consent can operate	<input type="checkbox"/>	<input type="checkbox"/>
A letter/report addressing each of the conditions of development consent with evidence that the applicant has complied with all conditions of consent that it is required to comply with before a subdivision or strata certificate can be issued	<input type="checkbox"/>	<input type="checkbox"/>
A certificate of compliance from the relevant water supply authority	<input type="checkbox"/>	<input type="checkbox"/>
Where subdivision work was involved, a copy of the final completion letter providing evidence that: <ul style="list-style-type: none"> <input type="checkbox"/> the work has been completed; or <input type="checkbox"/> agreement has been reached with the relevant consent authority as to payment of the cost of the work and as to the time for carrying out of the work; or <input type="checkbox"/> agreement has been reached with the relevant consent authority as to security to be given with respect to the completion of the work 	<input type="checkbox"/>	<input type="checkbox"/>
Where building work or change in use was involved, a copy of the final occupation certificate	<input type="checkbox"/>	<input type="checkbox"/>
For strata subdivisions where there is no relevant planning approval, a report must be submitted from a suitably qualified Building Surveyor certifying that : <ul style="list-style-type: none"> a) the measures to protect persons using the building, and to facilitate their egress from the buildings, in the event of fire, are appropriate to the use; b) the measures to restrict the spread of fire from the buildings to other buildings nearby, are appropriate to the use; and c) the buildings comply with such of the Category 1 fire safety provisions of the BCA as are applicable to the building's use. 	<input type="checkbox"/>	<input type="checkbox"/>

Step 7 Privacy Policy

The information you provide in this application will enable your application to be assessed by Council and any relevant state agency. If the information is not provided, Council can refuse the application. Your application will be notified or advertised to the public for comment if the development is Designated Development, Integrated Development or other Advertised Development. Council will also keep the application in a Register that can be viewed by the public at any time. Please contact the Council if the information in your application is incorrect or if it changes. Information collected will be used in accordance with Council's Privacy and Personal Information Management Plan.

H E L P G U I D E

How to use this guide

This guide provides information to help you to complete your subdivision certificate application. Each step relates to a question in the application form.

Step 1 Description of the land to which the application relates

Please complete all details. You can find the Lot No., Section, DP/MPS No. and Volume/Folio details on the development consent, on the title documents for the land or on a rate notice for the land. If you need additional space, please include with your application a schedule and/or map with these details.

Step 2 Details of the applicant

Please complete all details. Please ensure that you include the contact name and telephone number of the applicant or the applicant's representative who can be contacted during office hours. The assessment officer will only deal with the applicant. If you're the owner and you wish to have direct contact with the assessment officer you should nominate yourself as the applicant.

Step 3 Describe the subdivision you wish to have endorsed

Please describe the subdivision you are seeking a subdivision certificate for and place a cross in the relevant boxes to indicate what type of subdivision you are proposing. Please indicate the total number of allotments shown on the plan and the stage number, if applicable. The fee for your application will be calculated on the total number of allotments shown on the final plan of subdivision.

Step 4 Exempt or Complying Development

Development consent for subdivisions must be obtained if the subdivision does not satisfy the exempt or complying development provisions under State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 (the Codes SEPP) or Byron Local Environmental Plan 2014 (BLEP 2014). Completion of this section will require you to complete the checklists at the end of this form.

Step 5 Relevant development approvals and construction certificates

Please provide details of any relevant complying development certificate, development consent, amendment to development consent and construction certificate. In respect of a strata subdivision that is exempt development, the relevant development consent is the consent for the building that is being subdivided. If you need additional space, please include with your application a schedule and/or attachment listing these details.

Step 6 Lodgement Checklist

Most of the matters listed in step 6 are required to accompany an application for a subdivision certificate by clause 157 of the Environmental Planning and Assessment Regulation 2000. If you have not provided the required information your application may be rejected.

Step 8 Signatures of all owner/s

All owners of the land to be subdivided must sign the application.

If you are not the owner of the land, you must have all the owner/s sign the application. If the land is Crown land, an authorised officer of the Department of Land and Water Conservation must sign the application. If the property has recently been purchased please include a copy of the Land Title Deed. You can only sign on behalf of the owner/s if you have power of attorney or a letter of authority.

As the owner/s of the above property, I/we consent to this application and consent to the Council, its servants or agents entering upon the property without first having given notice, for the purpose of carrying out all or any inspections which the Council may deem appropriate in connection with the processing of this application.

Signature	Signature
Name	Name
Date	Date

Step 9 Applicants

- Anyone can apply for approval but if the applicant is not the owner of the land, then the owners written consent to lodge the application is required.
- All correspondence will be sent to the applicant. It is important to notify Council of any change of address and/or telephone number if this occurs during the processing of the application.
- By signing this application, you are acknowledging that you have read the notes and instructions on this form, and have included all the requested information as it applies to this application.
- The information provided in this application is required to enable the application to be assessed by Council and any relevant state agencies. The public is entitled to inspect the application and any associated documents.

Signature	Signature
Name	Name
Date	Date

IMPORTANT INFORMATION

Prior to submitting your application, please ensure that you have attached ALL the information Council requires to assess your proposal as outlined in the Lodgement Checklist on the previous page. Failure to submit all required information will result in delays in determining your application.

Step 10 Payment options

Council accepts payments by cash, cheque, money order, eftpos or credit card (Visa and Master only) at Council's administration offices. All cheques are to be made payable to **Byron Shire Council**. Should you wish to mail your application package to Council and wish to use the credit card facility, please download An Authority to Charge Credit Card form which can be found at www.byron.nsw.gov.au/forms or alternatively enclose a cheque or money order.

Office use only

Received by: **DSO Name:**

Signature

Date:

Notes/comments/ additional information required prior to lodgement

.....

.....

.....

CHECKLIST 1

EXEMPT DEVELOPMENT CODE (SUBDIVISION)

This checklist will assist in determining if a subdivision is **EXEMPT development under State Environmental Planning Policy (Exempt and Complying Development Codes) 2008** (the Codes SEPP).

This checklist relates to exempt development under Part 2, Division 1, Subdivision 38 (Subdivision) of the Codes SEPP.

This checklist includes amendments to the Codes SEPP up to 18 July 2014. Applicants must establish if any further amendments to the Codes SEPP are current and only use this checklist if there are no amendments affecting subdivisions under the Codes SEPP. The checklist does not replace the need to read and have a full understanding of the Codes SEPP.

To allow for cross referencing with the Codes SEPP, the relevant clauses of the Codes SEPP are included in brackets throughout the checklist.

<p>Is the subdivision for the purpose only of any one or more of the following (please select which one/s)?</p> <p><input type="checkbox"/> widening a public road,</p> <p><input type="checkbox"/> a realignment of boundaries:</p> <p style="padding-left: 20px;">(i) that is not carried out in relation to land on which a heritage item or draft heritage item is situated, and</p> <p style="padding-left: 20px;">(ii) that will not create additional lots or the opportunity for additional dwellings, and</p> <p style="padding-left: 20px;">(iii) that will not result in any lot that is smaller than the minimum size specified in an environmental planning instrument in relation to the land concerned (unless a lot or lots whose boundaries are being realigned is or are already smaller than the minimum size and that lot or those lots will only increase in size at the completion of the subdivision), and</p> <p style="padding-left: 20px;">(iv) that will not adversely affect the provision of existing services on a lot, and</p> <p style="padding-left: 20px;">(v) that will not result in any increased fire risk to existing buildings, and</p> <p style="padding-left: 20px;">(vi) if located in Zone RU1, RU2, RU3, RU4, RU6, E1, E2, E3 or E4—that will not result in more than a minor change in the area of any lot, and</p> <p style="padding-left: 20px;">(vii) if located in any other zone—that will not result in a change in the area of any lot by more than 10%,</p> <p><input type="checkbox"/> rectifying an encroachment on a lot,</p> <p><input type="checkbox"/> creating a public reserve,</p> <p><input type="checkbox"/> excising from a lot land that is, or is intended to be, used for public purposes, including drainage purposes, rural fire brigade or other emergency service purposes or public toilets.</p> <p>(2.75)</p>	<p><input type="checkbox"/> Yes</p> <p><input type="checkbox"/> No <i>The subdivision is NOT exempt development under the Codes SEPP</i></p>
<p>If the subdivision relates to an existing building, does it cause the building to contravene the Building Code of Australia? (1.16(1)(b))</p>	<p><input type="checkbox"/> Yes <i>The subdivision is NOT exempt development under the Codes SEPP</i></p> <p><input type="checkbox"/> No</p>
<p>Is the land being subdivided mapped by Byron Shire Council as being development that is excluded from Exempt Development? (1.16)</p>	<p><input type="checkbox"/> Yes <i>The subdivision is NOT exempt development under the Codes SEPP</i></p> <p><input type="checkbox"/> No</p>
<p>If the subdivision involves the removal or pruning of a tree or other vegetation that requires a permit or development consent for removal or pruning, has the removal or pruning been undertaken in accordance with a permit or development consent? (1.16(3))</p>	<p><input type="checkbox"/> Yes</p> <p><input type="checkbox"/> No <i>The subdivision is NOT exempt development under the Codes SEPP</i></p>
<p>Can the proposed subdivision be undertaken as EXEMPT DEVELOPMENT under the Codes SEPP?</p>	<p><input type="checkbox"/> Yes <i>If Yes, please return to STEP 4</i></p>

No *proceed to Checklist 2.*

CHECKLIST 2

SUBDIVISIONS CODE

This checklist will assist in determining if a subdivision is **COMPLYING development under State Environmental Planning Policy (Exempt and Complying Development Codes) 2008** (the Codes SEPP).

This checklist relates to complying development under Part 6 (Subdivisions Code) of the Codes SEPP.

This checklist includes amendments to the Codes SEPP up to 18 July 2014. Applicants must establish if any further amendments to the Codes SEPP are current and only use this checklist if there are no amendments affecting subdivisions under the Codes SEPP. The checklist does not replace the need to read and have a full understanding of the Codes SEPP.

To allow for cross referencing with the Codes SEPP, the relevant clauses of the Codes SEPP are included in brackets throughout the checklist.

<p>Is the development a strata subdivision of multi-dwelling housing or a building for which development consent or a complying development certificate was granted or issued? (6.1)</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No <i>The subdivision is NOT complying development under the Codes SEPP</i></p>
<p>Is the strata subdivision of a dual occupancy? (6.1)</p>	<p><input type="checkbox"/> Yes <i>The subdivision is NOT complying development under the Codes SEPP</i> <input type="checkbox"/> No</p>
<p>Was the development consent or complying development certificate relating to the building, the subject of the subdivision, granted or issued within the last five (5) years? (6.1)</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No <i>The subdivision is NOT complying development under the Codes SEPP</i></p>
<p>If the development consent or complying development certificate relating to the building, the subject of the subdivision, was granted or issued before 1 January 2011, does that consent allocate car parking spaces for each individual dwelling? (6.2(a))</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No <i>The subdivision is NOT complying development under the Codes SEPP</i> <input type="checkbox"/> N/A</p>
<p>Will the subdivision contravene any condition of any development consent or complying development certificate applying to the development? (6.2(b))</p>	<p><input type="checkbox"/> Yes <i>The subdivision is NOT complying development under the Codes SEPP</i> <input type="checkbox"/> No</p>
<p>Is the subdivision designated development? (1.18(b))</p>	<p><input type="checkbox"/> Yes <i>The subdivision is NOT complying development under the Codes SEPP</i> <input type="checkbox"/> No</p>
<p>Is the land being subdivided mapped by Byron Shire Council as being subdivision that is excluded from Complying Development? (1.18)</p>	<p><input type="checkbox"/> Yes <i>The subdivision is NOT complying development under the Codes SEPP</i> <input type="checkbox"/> No</p>
<p>Can the proposed subdivision be undertaken as COMPLYING DEVELOPMENT under the Codes SEPP?</p>	<p><input type="checkbox"/> Yes <i>Complying development certificate must be obtained. Please return to Step 4</i> <input type="checkbox"/> No <i>Proceed to Checklist 3.</i></p>

CHECKLIST 3

STRATA SUBDIVISION OF A LAWFULLY ERECTED BUILDING

This checklist will assist in determining if a strata subdivision is **EXEMPT development under Byron Local Environmental Plan 2014** (BLEP 2014).

This checklist relates to exempt development under Part 3 (Exempt and complying development) of BLEP 2014.

This checklist includes amendments to BLEP 2014 up to 15 August 2014. Applicants must establish if any further amendments to the BLEP 2014 are current and only use this checklist if there are no amendments affecting the strata subdivision under BLEP 2014. The checklist does not replace the need to read and have a full understanding of BLEP 2014.

To allow for cross referencing with BLEP 2014, the relevant clauses of BLEP 2014 are included in brackets throughout the checklist unless noted otherwise.

Can the development be carried out under <i>State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 (the Codes SEPP)</i> (1.9 of the Codes SEPP)?	<input type="checkbox"/> Yes <i>The subdivision is NOT exempt development under the BLEP 2014</i> <input type="checkbox"/> No
Is the building, the subject of the subdivision, a lawfully erected building? (3.1(6) & Schedule 2)	<input type="checkbox"/> Yes <input type="checkbox"/> No <i>The subdivision is NOT exempt development under the BLEP 2014</i>
Is the building, the subject of the subdivision, situated in Zone RU5 Village, Zone R2 Low Density Residential, Zone R3 Medium Density Residential, Zone B1 Neighbourhood Centre, Zone B2 Local Centre, Zone B4 Mixed Use, Zone B7 Business Park, Zone IN1 General Industrial or Zone IN2 Light Industrial? (Schedule 2)	<input type="checkbox"/> Yes <input type="checkbox"/> No <i>The subdivision is NOT exempt development under the BLEP 2014</i>
Is the strata subdivision of a boarding house? (Schedule 2)	<input type="checkbox"/> Yes <i>The subdivision is NOT exempt development under the BLEP 2014</i> <input type="checkbox"/> No
Is the strata subdivision of a development lot under the Strata Schemes Strata Schemes Development Act 2015? (Schedule 2)	<input type="checkbox"/> Yes <i>The subdivision is NOT exempt development under the BLEP 2014</i> <input type="checkbox"/> No
Does the strata subdivision require a Bushfire Safety Authority under section 100B of the Rural Fires Act 1997? (Schedule 2)	<input type="checkbox"/> Yes <i>The subdivision is NOT exempt development under the BLEP 2014</i> <input type="checkbox"/> No
Is the land being subdivided identified or recorded in a contaminated land register, map or other Council record as being contaminated? (Schedule 2)	<input type="checkbox"/> Yes Refer next question <input type="checkbox"/> No Skip next question
If you answered 'Yes' to the previous question, has a Notice Of Completion Of Remediation Work for the proposed used been approved in accordance with <i>State Environmental Planning Policy No. 55 – Remediation of Land</i> ?	<input type="checkbox"/> Yes <input type="checkbox"/> No <i>The subdivision is NOT exempt development under the BLEP 2014</i>
Does the strata subdivision cause the building, the subject of the subdivision, to contravene the Building Code of Australia? (3.1(3)(b))	<input type="checkbox"/> Yes <i>The subdivision is NOT exempt development under the BLEP 2014</i> <input type="checkbox"/> No
Is the strata subdivision designated development? (3.1(3)(c))	<input type="checkbox"/> Yes <i>The subdivision is NOT exempt development under the BLEP 2014</i> <input type="checkbox"/> No
Is the land being subdivided mapped by Byron Shire Council as being subdivision that is excluded from Complying Development? (3.1(3)(d) & 3.3(1))	<input type="checkbox"/> Yes <i>The subdivision is NOT exempt development under the BLEP 2014</i> <input type="checkbox"/> No
If the building, the subject of the subdivision, is classified under the <i>Building Code of Australia</i> as class 1b or class 2–9, does the building have a current fire	<input type="checkbox"/> Yes Refer next question <input type="checkbox"/> No <i>The subdivision is NOT exempt</i>

safety certificate or fire safety statement? (3.1(4))	<i>development under the BLEP 2014</i>
Can the proposed strata subdivision be undertaken as EXEMPT DEVELOPMENT under BLEP 2014?	<input type="checkbox"/> Yes <i>Return to STEP 4</i> <input type="checkbox"/> No <i>Development consent must be obtained for the subdivision.</i>