

Development on Unregistered Land Application Requirements

Introduction

This policy outlines criteria to enable both the lodgment & determination of combined Development Applications (DA) and Construction Certificates (CC) for Dwelling Houses only on unregistered allotments that are pending registration of a Subdivision, generally in new urban release areas only. DAs for dual occupancies and secondary dwellings will not be accepted.

When does this policy apply?

- Where the applicant is both the developer responsible for the subdivision of the land and the builder responsible for the construction of the subject dwelling; or
- Where the applicant is both the developer responsible for the subdivision of the land and is managing the construction of exhibition homes for the purposes of an exhibition village.

NOTE: This policy only allows for combined DA/CC applications where Council is appointed as the Principal Certifier – to enable co-ordination of the development process.

What are the lodgment requirements?

The lodgment of an application on unregistered land will only be accepted by Council if it satisfies the above requirements as well as the following criteria:

- Sealed road access is provided from a formed Public Road to each dwelling site. Roads shall be constructed up to base pavement level, kerb and gutter, piped drainage and primer seal installed
- Lot drainage has been installed, being kerb and gutter outlets or interallotment drainage and connected to the road or trunk drainage
- Trunk drainage has been constructed along with any storm water quantity management structures such as detention basins. Temporary measures may be accepted on condition that they control the discharge of storm water from the site in accordance with the subdivision development consent
- Final levels, earthworks, benching and retaining walls have been completed for the subject area if nominated on the DA for the subdivision
- Lot staking has been set out for the subject lots by a

registered surveyor and the lot numbers have been marked on site either on the survey pegs or on the kerb

- Installation of service providers' infrastructure has occurred

Matters to be assessed prior to determination of the DA

- Written agreement from Council's Development Engineers that the subdivision works have reached satisfactory level of completion for dwelling construction to commence
- Some outstanding works may require a monetary bond to be held by Council for maintenance or completion of infrastructure. This will be determined by Council in consultation with the Developer responsible for the subdivision of land
- Fees for bonds shall be in accordance with Council's Bond Policy and fees and charges

A DA for a Dwelling House which forms part of the future Exhibition Village can only be lodged if it meets the above policy requirements and criteria and also have an existing DA for the overall use of land as an Exhibition Village approved.

What information is required to be lodged with the applications?

The following information is always required to support the lodgment of a combined DA and CC Application:

- A copy of the draft Section 88b Instrument and Deposited Plan
- Any relevant reports / information relating to any affectations applying to the land i.e. salinity report, bushfire report, acoustic report, geotechnical reports, NSW Subsidence Advisory approval etc
- A masterplan of the subdivision that shows the location of the proposed lot and its dimensions as approved by Council
- Architectural plans i.e. site plan, floor plan, elevation plan, section plan, landscaping plan etc
- A schedule of the proposed external colours and finishes
- A Statement of Environmental Effects relevant to the proposal
- A BASIX certificate
- Engineering design plans of the structural components of the proposed Dwelling House
- Residential building specifications

- Approval from Sydney Water via Sydney Water Tap-In or Water Service Coordinator
- Any other required / relevant information as listed on Council's DA Checklist, see link below:

<https://www.wollondilly.nsw.gov.au/assets/Documents-NEW/Planning-and-Development/Development-Forms/DA-Lodgement-Checklist.pdf>

Occupation / Use Requirements / Policy

The following condition of development consent (or similar) will be imposed on any Development Consent issued by Council for a Dwelling House on unregistered land.

“Prior to the occupation / use of the Dwelling House and prior to the issue of any Occupation Certificate for the Dwelling House, evidence obtained from the NSW Land Registry Services that the individual allotment has been registered, shall be submitted to the nominated Principal Certifier, being Council)”.

This condition will be imposed to ensure that the proposed Dwelling Houses are not occupied / used prior to the proposed allotments being registered, as this is the planning vehicle to achieve permissibility.

Subdivision only requirements?

In some instances, developers seek subdivision consent of a proposed lot that is either not approved by way of a DA on the parent lot, and/or is an unregistered lot.

Council will not accept a DA for subdivision of a proposed lot where that lot has not be approved by the Council through the development assessment process. Council will also not accept a DA for subdivision only on an unregistered lot.

Council will however accept a staged subdivision application in place of subdivision of unregistered lots in order to holistically consider related applications of the same site.

i.e. Stage 1 could be seeking consent for a boundary adjustment of say Lot 1 DP XXXX creating proposed Lot 1000 and proposed Lot 2000. Stage 2 seeks consent for the subdivision of proposed Lot 1000 creating 40 lots including one residue lot 3000. Stage 3 seeks consent for the subdivision of residue Lot 3000.