

# Activity Approval Application Guide

(Section 68 of the *Local Government Act 1993*)



**Coolamon Shire Council**

**September 2016**

**(Version 1.0)**

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# Contents

<b>Page 4</b>	<b>Application Process</b>
<b>Page 5</b>	<b>Information Required to Accompany Application</b>
<b>Page 9</b>	<b>Modifications, Reviews and Appeals</b>
<b>Page 10</b>	<b>Completing the Activity Approvals Application Form</b>

## Application Process

An approval for an activity under Section 68 of the *Local Government Act 1993* can be sought from Council under two separate assessment processes. These two processes are either as a standalone application for the activity, or in conjunction with a Development Application which is seeking approval under the *Environmental Planning and Assessment Act 1979* for a use to which the activity is related. The procedures for both processes are summarised below.

Stand alone application	Application made in conjunction with Development Application
<p>Applicant completes Section 68 Application Form</p> <p>↓</p> <p>Applicant complete "Attachment A" form</p> <p>↓</p> <p>Applicant lodges Application Form and "Attachment A" form with Council</p> <p>↓</p> <p>Council assesses application under Section 68 of the <i>Local Government Act 1993</i></p> <p>↓</p> <p>Council determines application and issues a "Notice of Activity Application Determination" under the provisions of the <i>Local Government Act 1993</i></p>	<p>Applicant completes Development Application form</p> <p>↓</p> <p>Applicant ticks Section 68 box on Development Application form</p> <p>↓</p> <p>Applicant completes "Attachment A" form</p> <p>↓</p> <p>Applicant lodges Application Form and "Attachment A" form with Council</p> <p>↓</p> <p>Council assesses application under the <i>Environmental Planning and Assessment (EP&amp;A) Act 1979</i> (including the provisions of the <i>Local Government Act 1993</i> called up under 78A(3) of the EP&amp;A Act)</p> <p>↓</p> <p>Council determines application under the provisions of the EP&amp;A Act and issues a "Notice of Determination" under EP&amp;A Act (including any conditions of any S.68 Activities Approval)</p>

A stand alone Activities Approval Application can be made by completing both the "Activities Approval Application Form" and the "Attachment A" sheet.

A combined Development Application and Activities Approval Application can be made by ticking the "Section 68 Activities Approval" box on the Development Application form and completing the "Attachment A" sheet.

**Note:** Some activities, such as the installation of a relocatable dwelling, the operation of a Caravan Park, and the operation of a Manufactured Home Estate will still require Development Consent under the *Environmental Planning and Assessment Act 1979* for the use of the land in addition to any approvals required under Section 68 of the *Local Government Act 1993*.

**Note:** For applications under Part B4, B5 or B6, 3 plumbing/drainage inspections per application are included in the base application fee. Any additional inspections or re-inspections will be charged at the scheduled fee and must be paid prior to release of activity approval. Council will calculate these fees and the applicant will be notified via telephone and/or written correspondence.

**Note:** If an application is approved for B4, B5 or B6, the approval documentation will serve as an activity approval / plumbing permit and will need to be forwarded by the applicant to their nominated plumber prior to any works commencing.

## Information Required to Accompany An Application

The "Attachment A" form, which must be completed for every Activity Application regardless of the application process followed, outlines which of the following documents or information is required to be submitted to Council in conjunction with an Activity Application. To help minimise delays in application processing times, documentation supporting an Activity Application should be prepared in accordance with this guide.

Council reserves the right to request any and all information that will assist in ensuring all relevant matters are considered in the relevant applications/activities assessment.

### A. Plans and Elevations

These drawings will clearly document the proposed buildings or works. If the proposal is for alterations/additions to an existing building, the new work is to be coloured.

The following information must be shown on all plans, elevations and sections, unless otherwise specified below:

#### *Title block*

- Name of architect, designer or draftsman and contact details.
- Drawing number and date, eg plan number 1 of 5.
- Amendment drawing number and date (where relevant).
- A table of amendments and descriptions of each amendment.
- Applicant's name, (if a company, the company's name and ABN).
- Address of the property.
- File names for electronic documents (where applicable).

#### *Orientation*

- North point (true solar north) – on plans only.

#### *Scale*

- Ratio and bar scale. Use standard scales such as 1:100 or 1:200. A scale of 1:50 may be used for small properties.

#### *Levels*

- Contours, ground levels, floor levels, ceiling levels and roof levels. Contours and levels must be expressed as Reduced Levels (RLs) or levels to Australian Height Datum (AHD) and presented in not greater than one-metre intervals.

Include the following details on plans, elevations and sections where relevant:

#### **Plans**

- Plans must be drawn with clarity.
- All plans must be consistent with each other.
- Location of proposed new buildings, alterations or works (show setback distances from boundaries).
- Existing buildings (show outline only).
- Room layout, partitioning, location of windows and doors.
- Room dimensions, areas and proposed use.
- Courtyard dimensions and areas.
- Walls and fences.
- Total floor area and floor space ratio.
- Disabled person's access.

- Vehicle entrance and exit driveways.
- Car parking and loading areas (show layout and dimensions).
- Trees being retained and proposed for removal (show trunk and canopy dimensions to scale).
- Letter boxes.
- Private open spaces.
- Where privacy maybe an issue, the location of windows of the buildings on adjoining properties.
- Wall construction.
- Spot levels of existing ground (expressed as Reduced Levels (RLs) or levels to AHD) at the corners of proposed buildings and at significant changes in levels around the perimeter of proposed buildings.

### ***Elevations***

Draw an elevation viewed from each direction showing:

- Existing buildings (show outline only).
- Building facade, windows (including size and sill height), roof profile.
- Materials and external finishes (eg wall, roof, window, door and fence materials, paint colours, etc).
- Existing and finished ground levels, floor levels, ceiling levels, eave levels and roofline levels (expressed as Reduced Levels (RLs) or levels to AHD) (show driveway grade).
- Chimneys, flues, exhaust vents and ducts (show height in relation to adjoining roof levels).
- Details of any signage proposed (including dimensions, materials, method of fixing, any illumination, content – identification signage or advertising, etc.).
- Retaining walls and fences (indicate height).
- Extent of excavation or filling of the site including levels (expressed as Reduced Levels (RLs) or levels to AHD).
- Location of adjoining buildings showing address, height, setbacks and other relevant features.
- Height of levels expressed as Reduced Levels (RLs) or levels to AHD.

### ***Modifications and reviews***

If there are changes to the plans submitted with a modification application or with a request for a review of determination, the plans must clearly distinguish the changes from the plans that were originally determined.

- The method for distinguishing the changes is to be by highlighting, shading, hatching or 'clouding' so the changes are apparent on black & white copies.
- Changes to dimensions, wording, notations, RLs and other text must be clouded.

The title block of amended plans must show the issue or version of the amendments with an identifying title/caption.

## **B. Reduced plans and documentation (A4 or A3) or electronic copy**

You are required to provide one (1) reduced copy (at A3 or A4 format) of any plans or documentation that you are submitting with your application that are of a larger format (e.g. A1 or A0).

Council requires these reduced documents to enable them to be scanned so that they can be stored electronically.

**Note:** When providing reduced plans in A4 format please ensure that the plans remain legible. Pay particular attention to line and text clarity if they are reduced from larger scale drawings.

**Alternatively** you may elect to provide an electronic copy (PDF) of **all** your documentation on Compact Disc (CD).

The electronic plans and documents are also used for referring the application to some internal departments and external agencies.

## C. Specifications

The specifications are to:

- Describe the construction (including the standards that will be met), the materials which will be used to construct the building (and the methods of drainage, sewerage and water supply).
- State whether the materials proposed to be used are new or second hand and give details of any second-hand materials to be used.

## D. Structural Engineering Certificate (including geotechnical soil report)

Where required Structural Engineers details of the following components of construction must be provided:

- Soil Classification – report by a geotechnical engineer or other suitable means.
- Foundation structural details
- Snow and wind loads for the location
- Wind bracing type, location and installation specification
- Tie-down type, location and installation specifications
- Retaining wall locations and structural details (if required)

In addition, in accordance with Clauses 51 and 143 of the *Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005* 'manufactured homes' 'relocatable homes' or associated structure constructed off site are required to be certified by a practising structural engineer to be structurally sound. Clauses 51 and 143 together specify that:

(2) A certificate issued under this clause:

(a) must indicate that the manufactured home or relocatable or associated structure complies with any standards, codes and specifications with which it is, by this Part (*of the Regulations*) or by Ministerial specifications, required to comply, and

(b) must include specifications as to the manner in which the manufactured home, relocatable home or associated structure must be transported and installed and as to the nature of the footings (if any) on which it must be installed.

(3) Any specifications with respect to footings or tie-down systems must have regard to the design gust wind speed, soil type and other design considerations applicable to the various locations in which the home or structure may be installed. A report by a geotechnical engineer is to be supplied confirming the soil type for the site in accordance with Australian Standard AS2870.

Note: In accordance with Clauses 52 and 143 of *Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005* a manufactured home or associated structure must be designed to resist loads as determined in accordance with the following design codes, as appropriate:

- (a) *AS/NZS 1170.1:2002, Structural design actions Part 1: Permanent, imposed and other actions*, as in force on 1 September 2005,
- (b) *AS/NZS 1170.2:2002, Structural design actions Part 2: Wind actions*, as in force on 1 September 2005, or *AS 4055—1992 Wind loads for housing*, as in force on 1 September 2005 (except that the design gust wind speed for the area where the manufactured home or associated structure is located is not to be taken to be less than 41 metres per second),
- (c) *AS 1170.3—1990, Minimum design loads on structures Part 3: Snow loads*, as in force on 1 September 2005,
- (d) *AS 1170.4—1993, Minimum design loads on structures Part 4: Earthquake loads*, as in force on 1 September 2005.

In the case of building work that that involves associated structures that are to be separately accredited, evidence of any accredited component, process or design sought to be relied upon is to be submitted.

## **E. Stormwater and Sewerage Design Plans**

Design plans for Sewer and Stormwater network extensions must be prepared in accordance with Council requirements information regarding this requirement can be obtained by contacting Council's Engineering Section on 6930 1800.

**Note:** Stormwater and sewerage design plans are only required for non-residential type applications.

## **I. Heating Appliance Details**

Applications for Heating Appliances shall include the following information:

- Make and model for both appliance and flue kit.
- Manufacturer's details for both appliance and flue kit.
- Details of installer.
- Date of installation.
- Position of heater (including diagram) (i.e. fireplace, against wall, freestanding).
- Location of flue and chimney.

## **J. On Site Sewerage Management System (Septic Tank) Details**

Applications for Onsite Sewerage Management Systems (Septic Tanks) shall include the following information:

*Site Constraints Plan:*

A dimensioned site constraints plan drawn to a suitable scale indicating:

- Location of the treatment tank(s);
- Location of primary and reserve disposal areas (including prescribed sizes and any vegetation / landscaping requirements);
- Location of boundaries, all buildings, swimming pools, driveways / roads and paths;
- Location of any environmentally sensitive areas of any land located within 100m of the wastewater management facility including groundwater bores, dams, waterways, intermittent drainage courses etc;
- Buffers from environmentally sensitive areas to the land application area;
- Location of the soil test holes;
- Location of stormwater diversion drains and earth bunds (if applicable)

*Drainage Diagram:*

A drainage diagram drawn to a suitable scale indicating:

- Proposed drainage diagram from each wastewater fixture within the building to the treatment tank(s) in accordance with the National Plumbing & Drainage Code AS/NZS 3500 (including pipe size, dimensions, location, inspection openings, vents, overflow relief gully, etc).

*Floor Plan:*

A copy of the floor plan of any building to be connected to the waste treatment device.

*Manufacturer's Specifications:*

- Manufacturer's specifications for the tank(s) (indicating Ministry of Health Accreditation for domestic systems).



*Site and Soil Assessment Report:*

A Site and Soil Assessment Report which demonstrates compliance with AS1547 and NSW Environment & Health Protection Guidelines is required for any proposed system to be located on a lot of less than 2000 m<sup>2</sup>.

**Note:** For Environment & Health Protection Guidelines visit –

[www.dlg.nsw.gov.au/dlg/dlghome/documents/information/onsite.pdf](http://www.dlg.nsw.gov.au/dlg/dlghome/documents/information/onsite.pdf)

*Operation and Maintenance:*

- Details of the operation and maintenance requirements for the wastewater treatment facility and the proposed operation, maintenance and servicing arrangements intended to meet these requirements;
- The action to be taken in the event of a breakdown in, or other interference with, the system's operation.

*Aerated Wastewater Treatment Systems:*

Where an aerated wastewater treatment system is to be installed, the applicant is required to supply:

- Detailed design plans and information for the irrigation pipework within the land application area.

Additional information that may be required to accompany the application:

- Geo-technical reports for all lots under 2,000m<sup>2</sup>;
- Cross-sectional drawing through any proposed trenches or beds (including dimensions);
- Manufacturer's specifications for any sub-surface irrigation system;
- Manufacturer's specifications for any distribution boxes or the like where provided to ensure the even distribution of treated effluent within land application areas;
- Location and type of any landscaping or vegetation that is proposed.

## **Modifications, Reviews and Appeals**

If you are dissatisfied with the determination of your stand alone Section 68 application you may contact us to clarify issues and discuss your options.

Options available to you include:

- A review of determination of your application. A review cannot be made more than 28 days from the date of the notice of determination of the application. You must complete an application form and pay an additional fee for the review.
- An application to modify an approval. This may be appropriate if you disagree with particular conditions of approval or decide to amend certain aspects of the proposal. You must complete an application form, and attach a written justification for the proposed modification.
- An appeal to the Land and Environment Court. An appeal must be commenced within 12 months of the date of the notice of determination. Before proceeding to a Court hearing, the Court may arrange a mediation conference if this is acceptable to both parties.

**NOTES:** There are limitations on the changes which can be made by modifying consents or reviewing determinations. Modifications must result in the activity being substantially the same as the approved activity.

Reviews may make changes to activity applications which do not make the works substantially different from what was approved or refused.

If the activity is not substantially the same a new application will be required. A review request is appropriate where you want the determination in its totality reviewed. A modification is appropriate where

you only want to change an aspect of the consent or where you want a condition of approval reconsidered.

Separate procedures apply for combined Development Applications / Activities Approval Applications and are outlined in the **Development Application Preparation and Lodgement Guide**.

**Description of modification process**

Modification to stand alone application	Modification to application made in conjunction with Development Application
<p>Applicant completes Section 68 Application Form (for modification)</p> <p style="text-align: center;">↓</p> <p>Applicant lodges Application Form with Council</p> <p style="text-align: center;">↓</p> <p>Council assesses application for modification under <i>Local Government Act 1993</i></p> <p style="text-align: center;">↓</p> <p>Council determines application for modification and issues a “Notice of Activity Application Determination” for the application under the provisions of the <i>Local Government Act 1993</i></p>	<p>Applicant completes an application form to modify development consent</p> <p style="text-align: center;">↓</p> <p>Applicant lodges application form with Council</p> <p style="text-align: center;">↓</p> <p>Council assesses application under the <i>Environmental Planning and Assessment (EP&amp;A) Act 1979</i> (including the provisions of the <i>Local Government Act 1993</i> called up by the EP&amp;A Act)</p> <p style="text-align: center;">↓</p> <p>Council determines application under the provisions of the EP&amp;A Act and issues a “Notice of Determination” for the application under EP&amp;A Act (including any modifications to the conditions of the S.68 Activities Approval)</p>

**Completing the Activity Approvals Application Form**  
(for standalone Activity Approval applications only)

When lodging an Activity Approval in conjunction with a Development Application you will complete a “**Development Application Form**” and the “Attachment A” sheet. **Refer to the DA Guide for assistance in this regard.**

A stand alone Activities Approval Application can be made by completing the “**Activities Approval Application Form**” and the “Attachment A” sheet. The following information will assist you in completing the “Activities Approval Application Form”.

**Site Details**

Ensure the Lot, Section and Deposited Plan numbers are identified and are correct.

**Type of application applied for**

Please ensure that you complete and attach the “Attachment A” form.

**Description of Activity**

Please accurately describe the type of activity that you are proposing.

**Development Consent**

The application number of any relevant development consent (or complying development certificate) must be provided. If your proposed activity is not related to a development approval then you do not need to complete this section.

**Applicant’s Declaration**

Please check that you (and any other applicant listed) have signed the application.

### **Owner's Declaration**

You must obtain the consent of the landowner. **If there is more than one landowner, every owner must sign.** If the application form is not signed by the landowner(s), Council will not accept your application. The following are considered to be acceptable forms of owner's consent:

#### **1. Individual Ownership and Joint Owners**

All owners **MUST** sign the application form/or provide a letter of authority stating:

- the correct Lots and DP/SP/NPP the application is to be lodged on,
- the site address/es and
- the development description

#### **2. Company Ownership**

A company can provide owners consent with or without a common seal and the application or authorisation letter must be signed by:

- a) two (2) directors of the company; or
- b) a director and a company secretary of the company; or
- c) for a proprietary company that has a sole director who is also the sole company secretary - that director.

**Note:** The application must be accompanied by an Australian Securities and Investment Commission (ASIC) register search that provides proof of the company officers. Visit <http://asic.gov.au/>

#### **3. Owners Corporation (Strata Plan)**

When the owner of a lot is the Owners Corporation the corporation must either:

- a) Sign and stamp the application form; or
- b) provide letter of authority on the corporation's letterhead or with the corporation seal. If the corporation does not have a corporation seal or letterhead, the corporation secretary is to sign the application form/letter of authority stating so.

When the application is lodged on a Strata Plan the Owners consent is required from the Owners Corporation as well as the owner of the subject lot. This can be in the form of:

- a) A letter on the corporation's letterhead or with the corporation seal. If the corporation does not have a corporation seal or letterhead, the corporation secretary is to sign the application form/letter of authority stating so; or
- b) The official minutes of Body Corporate meeting giving consent for that particular application. There should be verification of the minutes by seal or signatures by office bearers or at the very least a signed covering letter verifying the minutes.

If either of the above cannot be provided consent is required from all unit owners in the Strata Plan.

#### **4. Department of Education Ownership**

If the Principal of a school signs the development application on behalf of the owner they must also provide a letter of Authority from the Department of Education or a letter from the Minister of the Department of Education.

#### **5. Legal representative for the true owner(s)**

Where a person is legally authorised to provide consent on behalf of the true owner(s) in a Power of Attorney, Executor or Trustee capacity, documentary evidence of that legal authority must be attached to the application form/letter of authority or in the case of a Power of Attorney they must provide their Power of Attorney Number.

**Note:** documentary evidence of a person's Power of Attorney, Executor or Trustee capacity is not sufficient by itself. The authorised person must still sign the Development Application form or alternatively provide a letter of authority as outlined at point 1 above.

**6. Crown Land**

When the application relates to Crown Land the application form/letter of authority must be signed by an authorised officer from the Department of Lands.

**7. The site is in the process of changing hands or has changed hands in the past six months**

- A settlement letter from a solicitor stating that settlement has taken place and the date of settlement must be provided; or
- The current landowners consent to lodge the application; or
- The transfer of title

**Note:** If the proposed works affect a joint wall or fence, consent of both property owners is required.



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