



GUIDELINES FOR LODGING SUBDIVISION APPLICATIONS

1. In order to subdivide or carry out a boundary adjustment, it is necessary to complete a Development Application online via the NSW Planning Portal <https://www.planningportal.nsw.gov.au/onlineDA>

Some boundary adjustments are exempt from requiring an approval from Council, you should discuss with Council's Manager Planning & Development Services to determine if your proposal is exempt. Exempt provisions can be found at Clause 2.75 of *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* <https://legislation.nsw.gov.au/view/html/inforce/current/epi-2008-0572#pt.2-div.1-sdiv.38>

A detailed and scaled concept plan will need to be lodged with your application clearly showing boundary alterations, location of any dwellings/buildings/structures, proposed lot sizes and dimensions and any other detail required by the Council to assess your application. At this stage you do not require plans drawn up by a Surveyor, however, they should be drawn to scale and clearly indicate the proposed lot sizes. You may choose to have a surveyor draw the sketch plans.

If the land is mapped as Bushfire Prone, a preliminary bushfire assessment will be required. Please refer to the Rural Fire Service document "Planning for Bushfire Protection, 2019" [Planning for Bush Fire Protection - NSW Rural Fire Service](#)

2. Preliminary assessment will be undertaken by Council's Manager Planning & Development Services to determine if supplementary information is required.
3. Council's Engineering Services Department will also be consulted for necessary recommendations with regards to access, water, sewer and stormwater. There may be requirements for you to extend sewer or water to service a proposed lot or to construct roads or kerb and gutter, depending on the existing situation.

Existing accesses will be required to be upgraded to Council's standards, where no access exists, a new access from the public road system will be required in rural subdivisions, and only in urban situations where council deems appropriate under the

circumstances. Any works in Council's Road Reserve must be carried out in accordance with a *Section 138* Permit issued by Council.

Each new lot created must be provided with a means of coincident physical and legal access. This may be achieved by direct access from public road, an easement, right of carriageway or other legal means.

4. Applications located on bushfire prone land are classified as 'integrated development' under the provisions of Section 4.46 of the *Environmental Planning & Assessment Act, 1979* <https://legislation.nsw.gov.au/view/html/inforce/current/epi-2008-0572#pt.2-div.1-sdiv.38> These applications are referred to the NSW Rural Fire Service for concurrence, Council must obtain any relevant General Terms of Approval from the RFS prior to issuing a determination of the subdivision development application. If the RFS refuse to issue their approval, the application must be refused by Council in accordance with Section 4.47(4) of the *Environmental Planning & Assessment act, 1979* <https://legislation.nsw.gov.au/view/html/inforce/current/act-1979-203#sec.4.47> . Additional fees are payable direct to the Rural Fire Service, who will contact you after the application has been lodged in the NSW Planning Portal.
5. Fees to lodge a subdivision development application are set out in Council's Fees and Charges as below (FY 21/22)

New Road	\$665 + \$65 per additional lot
No New Road	\$330 + \$53 per additional lot
Strata	\$330 + 65 per additional lot
Boundary Adjustment (requiring consent)	\$330
Subdivision Certificate Application	\$225

Example 1: A subdivision which proposes to create 2 lots from a single lot, where no new road is created attracts a fee of \$383.00 (where one additional lot is created).

Example 2: A subdivision which proposes to create 3 lots from a single lot, where no new road is created attracts a fee of \$436.00.

If the application is an 'integrated development' Council's processing fee in addition to the above is \$140.00.

Council staff can provide a quote for fees which are payable upon lodgement of the Development Application.

Developer Contributions - Section 64

New Building Discounts – Effective as of 22 July 2020

In accordance with Council's adopted Resolution 138/20 Economic Development Activation & Stimulus package, a 75% discount on Section 64 Water & Sewer Contributions in relation to all new building developments on an existing parcel of land in the RU5 Village Zone within the Tenterfield Shire applies, with 50% of the Section 64 Water & Sewer Contributions paid up front.

A refund of the remaining discounted amount will be paid if the Occupation Certificate has been issued within the two (2) year period, with an extension of the two (2) year period of reduced Section 64 Water and Sewer Contributions for a further year, for houses that are either colonial or federation style.

50% of the full Section 64 Water & Sewer Contributions will be required up front on such developments, but if within two (2) years an Occupation Certificate has not been issued, the full amount of these Contributions will become due and payable based on the Section 64 Water and Sewer Contribution amounts adopted in the Operational Plan at the expiry of the two (2) year period.

Example: the total Water and Sewer Contributions in Tenterfield on one (1) additional dwelling is \$23,226.00. The developer would be required to pay up front an amount of \$11,633.00 being 50% of the total Developer Contribution for water and sewer. If within two (2) years an Occupation Certificate has been issued, a refund of \$5,816.50 will be provided. But if an Occupation Certificate has not been issued, an additional amount of \$11,663.00 (plus indexation) will be charged to the developer.

New Subdivision Discounts – Effective as of 22 July 2020

In accordance with Council's adopted Resolution 138/20 Economic Development Activation & Stimulus package, a Contributions discount of 75% (rounded where applicable) on the full Section 64 Water and Sewer Contributions on all new subdivisions in the RU5 Village Zone within Tenterfield Shire Council will apply.

Example 1: For a 2-lot subdivision in the RU5 Village Zone, a 75% discount brings the figure down to \$5,816.00, payable prior to issue of the subdivision certificate.

Example 2: For a 3-lot subdivision in the RU5 Village Zone, a 75% discount brings the figure down to \$11,663.00, payable prior to issue of the subdivision certificate.

Name	2021/2022 Fee (excl. GST)	2021/2022 GST	2021/2022 Fee (incl. GST)
Sewerage per Equivalent Tenement – Tenterfield	\$12,400.00	\$0.00	\$12,400.00
Water per Equivalent Tenement – Tenterfield	\$10,866.00	\$0.00	\$10,866.00
Sewerage per Equivalent Tenement – Urbenville	\$0.00	\$0.00	\$0.00
Water per Equivalent Tenement – Urbenville	\$10,866.00	\$0.00	\$10,866.00
Water per Equivalent Tenement – Jennings	\$4,154.00	\$0.00	\$4,154.00

Developer Contributions - Planning - Section 7.11 & 7.12

s7.11 New Rural Lot Subdivision - within the RU1 Zone identified on the LEP Rural Residential Subdivision Maps

Name	2021/2022 Fee (excl. GST)	2021/2022 GST	2021/2022 Fee (incl. GST)
Plan Preparation & Administration	\$251.00	\$0.00	\$251.00
Roads	\$7,031.00	\$0.00	\$7,031.00
Emergency Services	\$473.00	\$0.00	\$473.00
Community & Civic Facilities	\$220.00	\$0.00	\$220.00
Open Space, Sporting & Recreation	\$83.00	\$0.00	\$83.00
Waste Management	\$858.00	\$0.00	\$858.00
Drainage	\$0.00	\$0.00	\$0.00

s7.11 New Rural Lot Subdivision - in the RU1 Zone

Name	2021/2022 Fee (excl. GST)	2021/2022 GST	2021/2022 Fee (incl. GST)
Plan Preparation & Administration	\$251.00	\$0.00	\$251.00
Roads	\$4,487.00	\$0.00	\$4,487.00
Emergency Services	\$473.00	\$0.00	\$473.00
Community & Civic Facilities	\$220.00	\$0.00	\$220.00
Open Space, Sporting & Recreation	\$83.00	\$0.00	\$83.00
Waste Management	\$858.00	\$0.00	\$858.00
Drainage	\$0.00	\$0.00	\$0.00

s7.11 New Urban Residential Subdivision

Name	2021/2022 Fee (excl. GST)	2021/2022 GST	2021/2022 Fee (incl. GST)
Plan Preparation & Administration	\$251.00	\$0.00	\$251.00
Roads	\$0.00	\$0.00	\$0.00
Emergency Services	\$473.00	\$0.00	\$473.00
Community & Civic Facilities	\$220.00	\$0.00	\$220.00
Open Space, Sporting & Recreation	\$83.00	\$0.00	\$83.00
Waste Management	\$858.00	\$0.00	\$858.00
Drainage	\$359.00	\$0.00	\$359.00

6. For all subdivisions which lie within the area serviced by water and sewer, monetary contributions, referred to as Section 64 Developer Contributions will be levied (see above extract from Council's current fees and charges). Developer contributions under Section 7.11 are also applicable to all subdivisions where a new lot is created (as per the above table).
7. Generally Subdivision/Boundary Adjustment applications are determined by Council Staff without the need to be put before a Council Meeting, and if all details are in order, are normally determined within approximately 6 weeks. More complex applications, or those requiring referral to an external body (eg Rural Fire Service, Roads & Maritime Services) may take longer to process.
8. You will be advised via the NSW Planning Portal once a decision has been made (called a Notice of Determination). In most cases, the application will be approved subject to a number of conditions that must be completed prior to the plan of subdivision being endorsed by Council. Should it seem likely that the application will not be approved, you will be notified prior to any decision being made.
9. A Development Consent (Notice of Determination) is valid for 5 years, work must be commenced within five (5) years of the date of consent.
10. Before registration of the subdivision with the Land and Property Information Authority (formerly Land Titles Office), you are required to provide Council with four copies of the final survey plan, administration sheets and any relevant s88b instrument together with a Subdivision Certificate application, accompanied by the current Subdivision Certificate fee (\$225.00 FY21/22).

Upon verification of all consent conditions have been met, including the payment of any fees listed on your development consent, your plans will be endorsed/signed by Council and returned to you or your surveyor.

6. Once the plans are registered the newly created lots are issued with a new title (Lot/Deposited Plan ID).
7. Other costs including Surveyor's fees and the cost of registration of your plan/s with the Land and Property Information Authority are the responsibility of the applicant.

FLOW CHART FOR LODGING SUBDIVISION APPLICATIONS

LOGGE DEVELOPMENT APPLICATION, PLANS & FEE VIA NSW PLANNING PORTAL



ACKNOWLEDGEMENT OF RECEIPT OF APPLICATION VIA NSW PLANNING PORTAL



COUNCIL PROCESSES YOUR APPLICATION, INCLUDING ANY REQUIRED REFERRALS (e.g. RFS, RMS)



DEVELOPMENT CONSENT OR REFUSAL ISSUED BY COUNCIL SUBJECT TO CONDITIONS INCLUDING ANY IMPOSED BY ANY EXTERNAL AUTHORITY (e.g. RFS, RMS) NOTIFICATION SEND VIA THE NSW PLANNING PORTAL



ALL CONDITIONS OF DEVELOPMENT CONSENT, WORKS AND FEES ARE COMPLETED



REGISTERED SURVEYOR DRAWS YOUR FINAL PLANS



PLANS ARE LODGED WITH COUNCIL VIA THE NSW PLANNING PORTAL WITH A SUBDIVISION CERTIFICATE APPLICATION & ASSOCIATED FEE



COUNCIL CHECKS THAT ALL CONDITIONS HAVE BEEN COMPLIED WITH AND PLANS ARE



COUNCIL ENDORSES THE PLANS AND RETURNS THEM TO THE APPLICANT



PLANS ARE LODGED WITH THE LAND AND PROPERTY



UPON REGISTRATION BY THE LPI SEPARATE TITLES ARE ISSUED

Protect your property

Use a registered land surveyor



Any survey of your property's boundaries in the State of New South Wales is, by law, required to be conducted or supervised by a registered land surveyor.

It is illegal for anyone who is not a registered land surveyor to carry out any survey involving property boundaries, including the setting out of buildings at a stated offset from a property boundary.

Registered land surveyors in NSW are regulated by legislation which is administered by the Board of Surveying and Spatial Information (BOSSI) www.bossi.nsw.gov.au.

BOSSI is your assurance that a land surveyor's work will be carried out competently, correctly and professionally.

When engaging a surveyor to undertake work involving the location of your property's boundaries, it is advisable to check that the surveyor responsible for the survey is registered in NSW.

Anyone who is not a registered land surveyor and undertakes boundary surveys cannot be insured against incorrect, defective or substandard work, as they are breaking the law.

Using a land surveyor who is not registered, can expose you to serious and costly risks relating to building compliance and encroachments.

To confirm that a surveyor is registered, please contact BOSSI on 02 6332 8238 during office hours. The Board can confirm the status of any surveyor to give you peace of mind that your boundaries are in safe hands.