

DEVELOPMENT ON UNREGISTERED LAND

Application Requirements

FACT
SHEET

Introduction

This guide outlines criteria to enable the lodgement of development applications (DA) and/or Construction Certificates (CC) for dwellings on unregistered lots that are pending registration of a Subdivision.

When do these guidelines 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 a developer responsible for the subdivision of the land and enters into an arrangement with one or more builders / building companies for the construction of dwellings; or
- Where the applicant is both the developer responsible for the subdivision of the land and is organising the construction of exhibition homes for the purposes of an exhibition village.

What are the lodgement requirements?

The lodgement of a DA on unregistered land will only be accepted on the basis it meets the above and the following criteria:

- If the application is for the construction of a dwelling, the subdivision works as approved must have been substantially completed and the following has occurred:
 - Road subgrade and drainage construction is completed for the subject lot and road access is provided;
 - Final lot levels have been completed for the subject lot; and
 - 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 curb; and
 - Installation of service provider's infrastructure has occurred.
- A dwelling DA which forms part of the future exhibition village can only be lodged if it meets the above criteria and a DA for the overall use of land as an exhibition village has been approved.
- Lodgement information to support the DA must include the following:
 - A geotechnical report covering the subject allotment;
 - Architectural site plan is to include a draft 88b instrument and draft deposited plan;
 - Relevant reports depending on any affectations applying to the land i.e salinity report, bushfire report, acoustic report etc.;
 - A copy of the subdivision consent; and
 - A masterplan of the subdivision that shows the location of the proposed lot and its dimensions as approved by Council.

DEVELOPMENT ON UNREGISTERED LAND

Application Requirements

FACT SHEET

The applicant must demonstrate that all of the above requirements have been met to ensure the acceptance of a dwelling DA on unregistered land. In the instance the above requirements are not met, the DA will be automatically rejected by Council's duty planner at the counter and will need to be relodged once all the above requirements are met.

Construction requirements?

The following requirements must be satisfied prior to the issue of a Construction Certificate:

- Approval of the subdivision DA to create the specific lot on which the dwelling is to be constructed;
- Approval of the dwelling via a Development Consent;
- Evidence of advice from the servicing authorities stating that:
 - Services can be provided to service the dwelling

Subject to the satisfaction of the above criteria, the certifying authority may issue a construction certificate while the remaining subdivision works are carried out

Occupation requirements?

The following requirements must be satisfied prior to the issue of an Occupation Certificate:

- Dwellings must not be occupied prior to proof of registration being presented to the Principal Certifying Authority.

Subdivision only requirements?

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

Council will not accept a development application for subdivision of a proposed lot where that lot has not been approved by the Council through the development assessment process. Council will also not accept a development application 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.