

Application for Complying Development/ Construction Certificate (NSW)

Complying Development Certificate

*Made under environmental planning & assessment act
1979 section 85 and 85a*

Construction Certificate

*Issued under the environmental planning & assessment act 1979 section
109c(1)(b), 81a(2) and 81a(4)*

A. Details of the applicant*			
<input type="text"/> <small>*An application for a construction certificate/ complying development certificate may only be made by a person who has the benefit of the development consent. An application may not be made by person who will carry out the building work or subdivision work unless that person owns the land on which the work is to be carried out.</small>			
First name		Surname	
<input type="text"/>		<input type="text"/>	
Company (if applicable)			
<input type="text"/>			
Unit/Street no.	Street Name		
<input type="text"/>	<input type="text"/>		
Suburb or town	State	Postcode	
<input type="text"/>	<input type="text"/>	<input type="text"/>	
Phone	Mobile		
<input type="text"/>	<input type="text"/>		
Email			
<input type="text"/>			
B. Location and title details of the land where the building work is to be carried out			
Unit/Street no.	Street Name		
<input type="text"/>	<input type="text"/>		
Suburb or town	State	Postcode	
<input type="text"/>	<input type="text"/>	<input type="text"/>	
Lot no.	Section		
<input type="text"/>	<input type="text"/>		
DP / SP No.			
<input type="text"/>			
C. Description of development			
<i>Brief description of proposed building works</i>			
<input type="text"/>			
<input type="text"/>			
<input type="text"/>			
D. Estimated cost of the development			
\$	<input type="text"/>		

E. Development consent	
Is Development Consent required? <input type="checkbox"/> Yes <input type="checkbox"/> No <i>(if No, continue to Long Service Levy)</i>	
Date of development consent (if already granted)	<input style="width: 100%;" type="text"/>
Development consent No:	<input style="width: 100%;" type="text"/>
Name of consent authority:	<input style="width: 100%;" type="text"/>
F. Long Service Levy	
Is any long service payment levy payable under s.34 of the Building and Construction Industry Long Service Payments Act 1986? <input type="checkbox"/> Yes <input type="checkbox"/> No	
If Yes - (works over \$25,000)	
Required Levy amount:	
\$	<input style="width: 95%;" type="text"/>
G. Details of Builder	
Owner/builder <input type="checkbox"/> · Warranty Required <input type="checkbox"/> Yes · <input type="checkbox"/> No ·	Owner Builder Permit No: <input style="width: 100%;" type="text"/> Insurer: <input style="width: 100%;" type="text"/> Date Issued <input style="width: 100%;" type="text"/> Policy No <input style="width: 100%;" type="text"/> Licence No: <input style="width: 100%;" type="text"/>
Licensed Builder <input type="checkbox"/> ·	<input style="width: 100%;" type="text"/>
Company Name	
First/Last Name <input style="width: 100%;" type="text"/>	
Address: <input style="width: 100%;" type="text"/>	
Phone/Mobile: <input style="width: 100%;" type="text"/>	
Email: <input style="width: 100%;" type="text"/>	

H. Signature of Applicant(s)

<input type="text"/>	<input type="text"/>
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Signature of Applicant(s)

<input type="text"/>	<input type="text"/>
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Name(s)

<input type="text"/>

Date:

I. Authority to enter and inspect land

A certifying authority must not issue a construction certificate/ complying development certificate for development on a site which affects an existing building unless the certifying authority, or an accredited certifier, council or consent authority on behalf of the certifying authority, has carried out an inspection of the site of the development.

If the applicant is the owner of the land, by signing this application authority is given to the certifying authority, or an accredited certifier, council or consent authority, to enter the subject property at any reasonable time for the purpose of carrying out an inspection in connection with the assessment of this Application. The Applicant undertakes to take all necessary steps make access available to the property to enable the inspection to be carried out.

If the applicant is not the owner of the land, the owner(s) must sign the following statement.

As the owner (s) of the above property, I/we consent to the certifying authority, or an accredited certifier, council or consent authority, to enter the subject property at any reasonable time for the purpose of carrying out an inspection in connection with the assessment of this application. I/we undertake to take all necessary steps to make access available to the property to enable the inspection to be carried out.

Owners signature(s)

<input type="text"/>

Name(s)

<input type="text"/>

Date

J. Date of Receipt of Application

To be completed by the certifying authority immediately after receiving this Application.

This Application was received on

<input type="text"/>

(insert date)

K. Description of the development

1. For each proposed new building, indicate:

The number of storeys (including underground storeys) in the building

The gross floor area of the building (in square metres)

The gross site area of the land on which the building is to be erected (in square metres)

2. For each proposed new residential building, indicate:

The number of existing dwellings on the land on which the new building is to be erected

The number of those existing dwellings that are to be demolished in connection with the erection of the new building

The number of dwellings to be included in the new building

Whether the new building is to be attached to any existing building

Whether the new building is to be attached to any other new building

Whether the land contains a dual occupancy

The materials to be used in the construction of the new building by completing the table below

Place a cross in each appropriate box.

Walls	Code	Roof	Code	Floor	Code	Frame	Code
Brick (double)	<input type="checkbox"/> 11	Tiles	10	Concrete/slate	20	Timber	40
Brick (veneer)	<input type="checkbox"/> 12	Concrete/slate	20	Timber	<input type="checkbox"/> 40	Steel	60
Concrete/stone	<input type="checkbox"/> 20	Fibre cement	30	Other	80	Aluminium	70
Fibre cement	<input type="checkbox"/> 30	Steel	60	Not specified	<input type="checkbox"/> 90	Other	80
Timber	<input type="checkbox"/> 40	Aluminium	70			Not specified	90
Curtain glass	<input type="checkbox"/> 50	Other	80				
Steel	<input type="checkbox"/> 60	Not specified	90				
Aluminium cladding	<input type="checkbox"/> 70						
Timber/ weatherboard	<input type="checkbox"/> 40						
Other	<input type="checkbox"/> 80						
Not specified	<input type="checkbox"/> 90						

The next application form relates to appointing a Principal Certifying Authority (PCA)
If you wish to appoint Brent Williams & Associates Pty Ltd (Brent Williams, BDC0442) as your PCA,
please also complete the application form on the following page.

Please note: A PC Appointment application is still required to be applied for via the NSW Planning Portal

Principal Certifying Authority (PCA)

Prior to building work can commence the owner must appoint a Principal Certifying Authority (PCA). The role of the PCA is to conduct all mandatory inspections, any other inspections as necessary and issue the Occupation Certificate (OC) when building work is complete.

PCA Application & Notice of Commencement of Work

APPOINTMENT OF PRINCIPAL CERTIFYING AUTHORITY – Section 81A (2), (b) (ii) or (c), 86 (1) and (2) and
NOTICE OF COMMENCEMENT OF WORK – Under the Environmental Planning & Assessment Act, 1979 Division 6.3 (previous Section 81A(2),
86 (1))

When complete this application form is taken to form a required contract under clause 19a of the Building Professionals Regulation

Owner(s)

Name _____
Postal Address _____
Phone Number _____
Email _____

I agree to the terms and conditions set out in the
following contract, signed _____

Land to be developed

Address _____
Lot _____ DP _____ Area of site (m²) _____

Proposed Development

Description of works _____
Proposed use _____

Development Consent

DA Number _____ DA Approval Date _____ BCA class on DA _____

Builder / Owner Builder

Name _____
Postal Addresses _____
Phone Number _____
Email _____
License No./ Owner Builder Permit No. _____

I agree to the terms and conditions set out in the
following contract, signed _____

Nominated PCA Brent A Williams – BDC 0442

Date Nominated _____

Notice of Commencement

The building work described above is intended to commence on:

Note: must not be less than 2 business days after the date from the notice

Date of Commencement _____

Conditions of Contract

PCA Obligations

- a. The PCA agrees to carry out mandatory critical stage inspections during the course of construction of the proposed building work (where applicable) as follows-
 - i. Prior to issue of any CC/CDC
 - ii. at the commencement of the proposed building work; and
 - iii. after excavation for, and prior to the placement of any footing; and
 - iv. prior to pouring any in-situ reinforced concrete building element; and
 - v. prior to covering of the framework of any floor, wall, roof or other building element; and
 - vi. prior to covering waterproofing in any wet areas; and
 - vii. prior to covering any stormwater drainage connections; and
 - viii. after the proposed building work has been completed and prior to any occupation certificate being issued in relation to the building; and
 - ix. any other inspections as the PCA considers necessary in addition to those nominated which may be required from time to time to enable the issuing of the final Occupation Certificate.
- b. The owner and the principal contractor acknowledge that the PCA or another certifying authority (with the approval of the PCA) must inspect the mandatory critical stage inspections numbered (a)i-vii. The PCA must carry out the final mandatory critical inspection (a)viii.
- c. The PCA shall issue the final Occupation Certificate for the proposed building work when the PCA is satisfied that –
 - i. any preconditions for the issue of the final certificate that are specified in the development consent or Complying Development Certificate have been met; and
 - ii. the building works for which the Certificate has been issued are suitable for occupation for use in accordance with their classification under the Building Code of Australia 1996 (as amended); and
 - iii. a final Fire Safety Certificate has been issued (if required).
- d. The PCA shall issue an Interim Occupation Certificate for the proposed development when the PCA is satisfied that: -
 - i. any preconditions to the issue of any Occupation Certificate as specified in the development consent or Complying Development Certificate been met; and
 - ii. that the building works for which the Construction Certificate has been issued are suitable for occupation for use in accordance with their classification under the Building Code of Australia 1996 (as amended); and
 - iii. the building does not constitute a hazard to the health or safety of the occupants of the building.

Principal Contractor Obligations

- i. Before the commencement of any residential building work the principal contractor must provide the PCA with Home Warranty Insurance pursuant to the Home Building Act, 1989.
- ii. The principal contractor must notify the PCA of a date and time for the carrying out of each mandatory critical stage inspection and shall pay the scheduled fees as set out.
- iii. The principal contractor must rectify any defects identified by the PCA during the course of each mandatory critical stage inspection to the satisfaction of the PCA before the principal contractor carries out any further building work or at such other times as may be agreed to by the PCA.
- iv. The principal contractor must not allow any occupation of the building to be permitted without first obtaining an Occupation Certificate (either interim or final) from the PCA.
- v. The principal contractor must ensure that a Construction Certificate or Complying Development Certificate has been issued prior to the commencement of any works.
- vi. The principal contractor must engage competent tradesman to carry out all aspects of the building works.
- vii. The principal contractor must provide all relevant drawings, plans, statutory plans and documentation associated with but not limited to the development consent, the Construction Certificate and any Occupation Certificate at the request of the PCA.
- viii. The principal contractor must attend any meetings if required by the PCA to do so.
- ix. The principal contractor must comply with any notices or orders that the PCA issues.
- x. The principal contractor must provide Compliance Certificates as requested by the PCA.
- xi. The principal contractor must provide all information that the principal contractor reasonably can obtain to enable the PCA to fulfil its obligations to this Agreement.

Owner Obligations

- i. The owner agrees to pay all foreseeable charges at the time of application, in accordance with attached invoice.
- ii. The owner agrees to pay any unforeseen charges within 21 days of charge occurring
- iii. The owner must ensure that a Construction Certificate or Complying Development Certificate has been issued and evidence of HBCF insurance or an Owner Builder Permit have been provided to the PCA prior to the commencement of works.

- iv. The owner must ensure that the subject property is available for the PCA to carry out the PCA’s obligations under this Agreement.
- v. The owner must attend any meetings if required by the PCA to do so.
- vi. The applicant agrees to provide all approval documents to the Builder.
- vii. The owner must not occupy the building until an Occupation Certificate (either interim or final) has been issued by the PCA.
- viii. The owner agrees that in the event of an interim Occupation Certificate being issued by the PCA and there being outstanding work that is required, be completed by the owner or a condition of development consent that needs to be satisfied by the owner, the owner agrees to complete the outstanding work or satisfy any condition of the development consent within three (3) months from the date of the interim Occupation Certificate or such other time as may be agreed between the owner and the PCA.
- ix. The owner agrees to pay any charges as set out for further inspections that are required to be carried out to enable the issuing of the final Occupation Certificate.

Termination of this Agreement

This Agreement may be terminated if any of the following occurs –

- i. Building works are commenced without the issue of a Complying Development Certificate or Construction Certificate.
- ii. The owner or principal contractor fails to provide Home Warranty Insurance pursuant to the Home Building Act, if the building work is residential building work;
- iii. If the PCA terminates this Agreement then the principal contractor and owner must pay any money owing to the PCA for work done and costs incurred by the PCA up to and including the date of termination of this Agreement.

Replacing PCA

The appointed PCA can only be changed or replaced by another PCA with the approval of the original Certifying authority, or with BPB consultation

Governing Law

The parties agree that this Agreement is governed by the laws of NSW in particular the Environmental Planning and Assessment Act 1979 and its Regulations, and Building Professionals Act 2005 and its Regulations.

Declaration by Owner

I agree to the above conditions.

Owner/s Name: _____

Signed: _____

Date: _____

Acceptance

I Brent A Williams of BW&A National Building Consultants, accept appointment as Principal Certifying Authority (PCA) for the above project.

Signed: _____

Date: _____

Information about registered certifiers – building surveyors and building inspectors

Important: this is a summary document only.

Before signing any contract for certification work, make sure you understand your obligations and what you are agreeing to. The Fair Trading website has more information about certifiers.

Under section 31(2) of the *Building and Development Certifiers Act 2018* and clause 31 of the *Building and Development Certifiers Regulation 2020*, a contract to carry out certification work must be accompanied by an applicable document made available on the website of the Department of Customer Service (which includes NSW Fair Trading)¹. This is the applicable document for certification work involving a certifier registered in the classes of **building surveyor** or **building inspector**, working in either the private sector or for a local council.

This document summarises the statutory obligations of the registered certifier who will assess your development and your obligations as the applicant for the development. It also sets out the types of information that can be found on Fair Trading's online register of registrations and approvals.

Obligations of registered certifiers

The general obligations of registered certifiers include compliance with their conditions of registration, to hold professional indemnity insurance, comply with a code of conduct and avoid conflicts of interest.

Who does a registered certifier work for?

A registered certifier is a public official and independent regulator, registered by the Commissioner for Fair Trading.

Certifiers must carry out work in a manner that is impartial and in the public interest, even if this is not in the interests of the applicant, developer, or builder. Receiving a certificate is not guaranteed – the applicant is paying for the certifier to assess the application and determine *whether or not* a certificate can be issued.

It is a serious offence to attempt to bribe or influence a certifier, attracting a maximum penalty of \$110,000 and/or two years imprisonment.

¹ Visit www.fairtrading.nsw.gov.au and search 'certification contracts'.

Obligations of the applicant

An applicant is the person seeking a certificate, or engaging a certifier for other certification work, under the *Environmental Planning and Assessment Act 1979*.

As an applicant, you have the following obligations:

- Appoint, and enter into a contract with, your chosen certifier.
- Pay the certifier's fees before any certification work² is carried out.
- Communicate with your builder to ensure the certifier is notified when work reaches each stage. If a mandatory inspection is missed, the certifier may have to refuse to issue an occupation certificate.
- Follow any written direction issued by the certifier and provide any requested additional information to assess an application.
- Meet the conditions of any development consent and ensure the development is carried out in accordance with the approved plans.

What does a registered building surveyor do?

Registered **building surveyors** issue certificates under the *Environmental Planning and Assessment Act 1979* (construction certificates, complying development certificates and occupation certificates), act as the **principal certifier** for development, and inspect building work.

The principal certifier will attend the site to carry out mandatory inspections at certain stages. When construction is complete, the certifier may issue an occupation certificate, which signifies that the work:

- is 'suitable for occupation' – this does not necessarily mean all building work is complete
- is consistent with the approved plans and specifications
- meets all applicable conditions of the approval.

The certifier does not manage or supervise builders or tradespeople or certify that the builder has met all requirements of the applicant's contract with the builder.

What does a registered building inspector do?

Registered **building inspectors** carry out inspections of building work³ with the approval and agreement of the principal certifier. Building inspectors are not authorised to issue certificates or be appointed as the principal certifier.

² Upfront fee payment is required for any work to determine an application for a development certificate or carry out a function of a principal certifier.

³ Building inspectors may inspect class 1 and 10 buildings under the Building Code of Australia; that is, houses, duplexes and the like; garages and sheds; and structures such as swimming pools, retaining walls and fences.

Principal certifier enforcement powers

If the principal certifier becomes aware of a non-compliance with the development approval, the certifier must, by law, issue a direction to you and/or the builder, requiring the non-compliance to be addressed. If it is not, the certifier must notify the council which may take further action.

The certifier is also required to respond appropriately if a complaint is made about the development.

Finding more information on certifiers

Details of the class of registration each certifier holds, their period of registration, professional indemnity insurance and disciplinary history can be found at www.fairtrading.nsw.gov.au:

- [Details of registered certifiers](#) (or search 'appointing a certifier' from the homepage)
- [Disciplinary actions against certifiers](#) (or search 'certifier disciplinary register' from the homepage).

Questions?

The Fair Trading website www.fairtrading.nsw.gov.au has information about certifiers, enforcement powers, how to replace a certifier and resolving concerns about a certifier:

- Search '[what certifiers do](#)' for information about a certifier's role and responsibilities.
- Search '[concerns with development](#)' for information about enforcement powers of certifiers, councils and Fair Trading, and how to resolve concerns about a certifier.

The NSW Planning Portal at www.planningportal.nsw.gov.au provides information on the NSW planning and development certification system.

Note, although Fair Trading regulates certifiers, it does not mediate in contract disputes and does not regulate the actions of councils. Visit the Fair Trading website for more information.