

Application for Complying Development/ Construction Certificate (NSW)

Complying Development Certificate (Form 9)

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

Construction Certificate (Form 11)

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"/>			
<i>*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.</i>			
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 (if No, continue to Long Service Levy)	
Date of development consent (if already granted)	<input type="text"/>
Development consent No:	<input type="text"/>
Name of consent authority:	<input 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 type="text"/>
G. Details of Builder	
Owner/builder <input type="checkbox"/>	Owner Builder Permit No: <input type="text"/>
Warranty Required <input type="checkbox"/> Yes <input type="checkbox"/> No	Insurer: <input type="text"/>
	Policy No: <input type="text"/>
	Date Issued: <input type="text"/>
Licensed Builder <input type="checkbox"/>	Licence No: <input type="text"/>
Company Name	
First/Last Name <input type="text"/>	
Address: <input type="text"/>	
Phone/Mobile: <input type="text"/>	
Email: <input type="text"/>	

H. Signature of Applicant(s)														
<table style="width: 100%; border: 1px solid black;"> <tr> <td style="width: 50%; height: 25px;"></td> <td style="width: 50%; height: 25px;"></td> </tr> <tr> <td colspan="2" style="padding-left: 5px;">Signature of Applicant(s)</td> </tr> <tr> <td style="width: 50%; height: 25px;"></td> <td style="width: 50%; height: 25px;"></td> </tr> <tr> <td colspan="2" style="padding-left: 5px;">Name(s)</td> </tr> <tr> <td style="width: 40%; height: 25px;"></td> <td colspan="2"></td> </tr> <tr> <td colspan="3" style="padding-left: 5px;">Date:</td> </tr> </table>			Signature of Applicant(s)				Name(s)					Date:		
Signature of Applicant(s)														
Name(s)														
Date:														
I. Authority to enter and inspect land														
<p>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.</p> <p>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.</p> <p>If the applicant is not the owner of the land, the owner(s) must sign the following statement.</p> <p>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.</p> <p style="padding-left: 20px;">Owners signature(s)</p> <table style="width: 100%; border: 1px solid black;"> <tr> <td style="height: 25px;"></td> </tr> <tr> <td style="padding-left: 5px;">Name(s)</td> </tr> <tr> <td style="height: 25px;"></td> </tr> <tr> <td style="padding-left: 5px;">Date</td> </tr> </table>		Name(s)		Date										
Name(s)														
Date														
J. Date of Receipt of Application														
<p>To be completed by the certifying authority immediately after receiving this Application. This Application was received on <table style="display: inline-table; border: 1px solid black; width: 150px; height: 20px; vertical-align: middle;"></table> (insert date)</p>														

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						



Fair
Trading

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www.fairtrading.nsw.gov.au

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. © State of New South Wales through Department of Customer Service 2020.

Information about registered certifiers – building surveyors and building inspectors – October 2020

To: Relevant Municipality
Council:

Postal:

Copy to: BW&A National Building Consultants
PO Box 2105
Mildura Vic 3502
admin@bwanational.com.au
1300 363 487

FORM 7

Notice of Appointment of Principal Certifying Authority.

Under Environmental Planning and Assessment Act 1979

Subject Land

Development Consent

DA No: Date of Issue:

Description of Development

Type of Work

Domestic / Commercial

**Construction Certificate /
Complying Development Certificate**
Certificate No.

Date of Issue

Principal Certifying Authority

Name of certifying authority if
accredited certifier:

Brent Williams

Accreditation No.

0442

Contact No.

1300 363 487

Address:

39 Pine Avenue Mildura Vic 3500

**Compliance with Development Consent
/ Complying Development Certificate:**

Have all conditions required, been
satisfied prior to the commencement of
work?

Yes / No

(conditions may include payment of security s94 contributions, endorsement of building work plans by water supply authority)

Owners Name

Owners Signature

OFFICE USE ONLY

Acceptance

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

Signed:

Date: