

Construction Certificate Application

Under Division 6.3 of the *Environmental Planning & Assessment Act 1979*

Effective from July 2022 to June 2023

About this form

Use this form to apply for a construction certificate for proposed building work. You can only make this application if you have prepared detailed building plans, specifications, and certified engineering details.

Before lodging this application, the owner of the property must enter into an 'Agreement for Certification Work' with Council pursuant to section 31 of the *Building & Development Certifiers Act 2018*.

Please call our Customer Service Centre on (02) 9391 7000 for any assistance.

1. Applicant's details

Title:	<input type="text"/>		
Full name:	<input type="text"/>		
Address:	<input type="text"/>		
Contact person: (only if a Company)	<input type="text"/>	ABN / ACN:	<input type="text"/>
Phone:	<input type="text"/>	Email:	<input type="text"/>

2. Site details (Location and title description of the property)

Unit, Shop or Suite no:	<input type="text"/>	Street no:	<input type="text"/>				
Street name:	<input type="text"/>		Suburb:	<input type="text"/>			
Lot(s):	<input type="text"/>	Section:	<input type="text"/>	Deposited Plan(s):	<input type="text"/>	Strata Plan:	<input type="text"/>
Other:	<input type="text"/>						

Get these details from rate notices, property deeds, or Council property maps.

3. Development application particulars

You may only make this application if you already have development consent

Consent no:	<input type="text"/>	Date:	<input type="text"/>
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4. Type of development

- A. Building or structure B. Demolition C. Earthworks or similar
- D. Subdivision E. Change of use F. Sign or advertisement
- G. Other (specify):

5. Description of the proposed building or subdivision work

6. Please specify classification of building

In the case of building work specify the class of the building under the Building Code of Australia

7. Estimated cost of the works

S:

Please state the full contract price for labour and materials, or a realistic estimate provided by your architect or quantity surveyor

8. Checklist

Where relevant have you provided:

- 1 hardcopy and a soft copy on USB or the like
(You must provide the required number of copies. (If proposal for alterations or additions, new work must be coloured)
-
- 1 hardcopy and a soft copy on UBS or the like
-
- 1 hardcopy and a soft copy on USB or the like
-
- 1 hardcopy and a soft copy on USB or the like
-
- For Residential Flat Buildings of 3 or more storeys and 4 or more dwellings a design verification statement from a qualified designer
- Yes Not relevant

9. Who will be doing the building work?

You must tell us the builder's name, address, and licence number (or O/B permit number) before work commences

- Owner-builder Licensed builder

**Name or
Company name:**

Contact person:
(only if a Company)

ABN / ACN:

Address:

Phone 1:

Email:

Phone 2:

Licence no:

- Unknown *(You must provide this information with our Notice of Commencement)*

10. Do you need an Owner-Builder permit?

If you are an owner-builder for residential building work exceeding \$5,000 you must apply for a permit at the Department of Fair Trading, Level 6, 175 Castlereagh Street, Sydney. Ph. (02) 92860006. A copy should be provided with this application.

- Yes Not relevant

11. Do you need to register with the Australian Taxation Office under the prescribed payments scheme?

The Tax Office is at 100 Market Street, Sydney (GPO Box 9990 Sydney 2001). Phone 132 866 for details.

Yes Not relevant

12. Do you need Home Building Act insurance

If you are using a licensed builder for residential building work exceeding \$20,000 you must obtain Home Building Act insurance. A certificate of insurance must be provided with this application or submitted with the Notice of Commencement.

Yes Not relevant

13. Do you need to pay the Building Industry Long Service Levy?

Only required if the development involves building work exceeding \$24,999.

You can pay with your application fee. Alternatively, send your payment to the Long Service Payments Corp., Locked Bag 3000, Central Coast MC NSW 2252. Phone 131441 for details. Proof of payment must be submitted to Council before your application can be determined.

Yes Not relevant

14. Have you discussed the plans with a Council Officer?

Yes No

If 'Yes', who did you speak to:

15. Have you complied with all the conditions of development consent that require specific matters to be completed or satisfied before a construction certificate may be issued?

For example, detailed landscape and drainage plans, drainage calculations, section 94 contributions, etc. Please check the Development consent before lodging this application.

Yes Not relevant

16. Signatures

Owners consent

Must be signed by the owner of the land. If more than one owner, every owner must sign. For strata units 'Body Corporate' approval is required. If the owner is a company or owner's association, must be signed by a director of company or, if a corporation, a letter with the corporate seal must be provided.

As owner of the land to which this application relates, I consent to this application. I also give consent for authorised Council officers to enter the land to carry out inspections as per the 'Agreement of Service'.

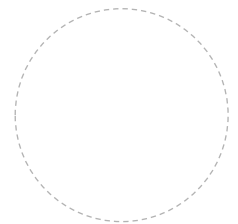
Signature of owner

Date

If you are signing on the owner's behalf as the owner's legal representative, please state the nature of your legal authority and attach documentary evidence (e.g. power of attorney, executor, trustee, company director)

Signature

Date



Affix Common Seal

Your declaration and signature

I apply for a Construction Certificate to carry out the development described in this application. I declare that all the information given is true and correct. I also understand that:

- if incomplete, the application may be delayed or rejected, and that
- more information may be requested within 21 days of lodgement.

Signature

Date

17. Fees

Fees are calculated on a scale based on the contract value of the work.

Before lodging this application, the owner of the property must enter into an 'Agreement for Certification Work' with Council pursuant to section 31 of the *Building & Development Certifiers Act 2018* at which time a 'fixed price' quotation will be provided.

18. Privacy and conditions of use

For more information about Privacy & Personal Information Policy: www.woollahra.nsw.gov.au/privacy.

19. Lodgement details

Who to contact: The Building and Compliance Officer handling your development.

If you wish to discuss an agreement with one of our Building & Compliance Officers, it is essential that you arrange an appointment.

Mail to: Woollahra Municipal Council
PO Box 61 Double Bay 1360

In person: Council Chambers
536 New South Head Road
Double Bay NSW 2028

Email: records@woollahra.nsw.gov.au

Telephone: (02) 9391 7000

Website: www.woollahra.nsw.gov.au

Payment methods:

Payment can be made at our Customer Service Department by the following methods: cash, EFTPOS, Money Order cheque (make cheques payable to Woollahra Council), or credit card – American Express, MasterCard or Visa.

Credit card payments will incur a processing fee.

OFFICE USE ONLY	Fee type	Fee	Receipt code
To be completed by Council's Cashier and Customer Service Officer	*Construction Certificate Fee as per 'Agreement of Service'		T257
*GST is included in the fee	Footpath Deposit Admin Fee	\$215.00	T016
<i>Retain your receipt as proof of lodgement of the application</i>	Footpath Damage Deposit		T115
	Long Service Levy Fee		T256
	S94 contribution		T94
	S94A Levy		T96
	Other Bonds/Guarantees		
	Other Fees		
	Certificate Registration Fee	\$36.00	T53
	Total		

Receiving Officer:	<input type="text"/>	Date:	<input type="text"/>
Cashier:	<input type="text"/>	Date:	<input type="text"/>

Statistical return for the Australian Bureau of Statistics

What is the area of the land (m²):

Gross floor area of existing building (m²):

If no existing building, write 'Nil'

Gross floor area of proposed building (m²):

If additions or alterations, only give the additional floor area

What is the existing building or site used for at present?

If vacant, write 'Vacant'.

Main use:

Other uses:

What will the proposed building be used for?

Main use:

Other uses:

Number of storeys including underground storeys in the building?

For each proposed new residential building answer questions, A-F

A. What is the number of existing dwellings on the land on which the new building is to be erected?

B. What is the number of those existing dwellings that are to be demolished in connection with the erection of the new building?

C. What is the number of dwellings to be included in the new building?

D. Is the new building to be attached to any existing building?

Yes No

E. Is the new building to be attached to any other new building?

Yes No

F. Does the land contain a dual occupancy?

Yes No

What are the main building materials?

Tick one box for each of the walls, floor, roof, and frame

Floor

- 20 Concrete or Slate
- 40 Timber
- 80 Other
- 90 Not specified

Frame

- 40 Timber
- 60 Steel
- 70 Aluminium
- 80 Other
- 90 Not specified

Walls

- 11 Brick (double)
- 12 Brick (veneer)
- 20 Concrete or stone
- 30 Fibre cement
- 40 Timber
- 50 Curtain glass
- 60 Steel
- 70 Aluminium
- 80 Other
- 90 Not specified

Roof

- 10 Tiles
- 20 Concrete or Slate
- 30 Fibre cement
- 60 Steel
- 70 Aluminium
- 80 Other
- 90 Not specified

Note 1

The following information must accompany applications for a construction certificate for building and subdivision work.

Building Work.

In the case of an application for a construction certificate for **building work**:

- a) copies of compliance certificates relied upon
- b) copies of detailed plans and specifications

The plan for the building must be drawn to a suitable scale and consist of a general plan and a block plan. The general plan of the building is to:

- show a plan of each floor section
- show a plan of each elevation of the building
- show the levels of the lowest floor and of any yard or unbuilt on area belonging to that floor and the levels of the adjacent ground
- indicate the height, design, construction and provision for fire safety and fire resistance (if any)

Where the proposed building work involves any alteration or addition to, or rebuilding of, an existing building the general plan is to be **coloured** or otherwise marked to the satisfaction of the certifying authority to adequately distinguish the proposed alteration addition or rebuilding.

Where the proposed building work involves a modification to previously approved plans and specifications the general plans must be **coloured** or otherwise marked to the satisfaction of the certifying authority to adequately distinguish the modification.

The specification is:

- to describe the construction and materials of which the building is to be built and the method of drainage, sewerage, and water supply
- state whether the materials proposed to be used are new or second hand and give particulars of any second-hand materials used.
- c) a statement as to how the performance requirements of the Building Code of Australia are to be complied with (if an alternative solution, to meet the performance requirements, is to be used),
- d) a description of any accredited building product or system sought to be relied on for the purposes of section 4.15(4) of the Act,
- e) if the development involves building work (other than work in relation to a dwelling-house or a building or structure that is ancillary to a dwelling-house or work that relates only to fire link conversion):
 - i) a list of any existing fire safety measures provided in relation to the land or any existing building on the land, and
 - ii) a list of the proposed fire safety measures to be provided in relation to the land and any building on the land as a consequence of the building work. The list must describe the extent, capability, and basis of design of each of the measures concerned.
- f) copies of any compliance certificate to be relied on,
- g) if the development involves building work to alter, expand or rebuild an existing building, a scaled plan of the existing building,
- h) in the case of development to which is a BASIX affected development or BASIX optional development,
 - i) such other documents as any BASIX certificate for the development requires to accompany the application. Where the development was required to have a BASIX Certificate, the matters requested by that certificate are to be included in the plans and specifications.
 - ii) a BASIX certificate or BASIX certificates for the development, being either the BASIX certificate applicable to the development when the relevant development consent was granted or some other BASIX certificate or BASIX certificates that has or have been issued no earlier than 3 months before the date on which the application is made.
 - iii) If the proposed development involves the alteration, enlargement or extension of a BASIX affected building that contains more than one dwelling, a separate BASIX certificate is required for each dwelling concerned.
- i) An application for a construction certificate that relates only to fire link conversion need only be accompanied by a document that describes the design and construction, and mode of operation, of the new fire alarm communication link.

Subdivision Work

In the case of an application for a construction certificate for **subdivision work**:

- a) copies of compliance certificates relied upon
- b) four (4) copies of detailed engineering plans. The detailed plans may include but are not limited to the following :
 - earthworks
 - road furnishings
 - sewerage works
 - roadworks
 - stormwater drainage
 - landscaping works
 - road pavement
 - water supply works
 - erosion control works

Where the proposed subdivision work involves a modification to previously approved plans the plans must be coloured or otherwise marked to the satisfaction of the certifying authority to adequately distinguish the modification. The subdivision plans and specifications shall include details of the existing and proposed subdivision pattern (including the number of lots and the location of roads), and details as to which public authorities have been consulted with as to the provision of utility services to the land concerned.

Note 2

Home Building Act Requirements

In the case of an application for a construction certificate for residential building work (within the meaning of the Home Building Act 1989) attach the following:

- a) in the case of work by a licensee under the Act:
 - i) a statement detailing the licensee's name and contractor licence number, and
 - ii) documentary evidence that the licensee has complied with the applicable requirements of that Act*, or
- b) in the case of work done by any other person:
 - i) a statement detailing the person's name and owner-builder permit number, or
 - ii) a declaration signed by the owner of the land, to the effect that the reasonable market cost of the labour and materials involved in the work is less than the amount prescribed for the purposes of the definition of owner-builder work in section 29 of that Act.

** A certificate purporting to be issued by an approved insurer under Part 6 of the Home Building Act 1989 to the effect that a person is the holder of an insurance contract issued for the purposes of that Part, is sufficient evidence that the person has complied with the requirements of that Part..*

OFFICE USE ONLY

20. Determination

Approved Refused

Date of determination:

21. Certificate

I certify that the work if completed in accordance with these plans and specifications will comply with the requirements of s6.7 of the *Environmental Planning and Assessment Act 1979*.

Signature

Date of endorsement

Certificate no

** Prior to commencement of work ss 6.6 of the Environmental Planning and Assessment Act 1979 must be satisfied*

Certifying authority

Name of certifying authority:

Address:

If accredited certifier

Accreditation no:

Phone:

22. Plans and specifications to which this determination applies

Plans:

Specifications:

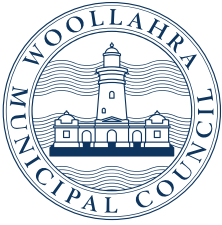
Structural details:

Compliance Certificates:

Other documentation:

Right of Appeal

Section 8.16 of the Environmental Planning and Assessment Act 1979 confers on an applicant who is dissatisfied with this determination a right of appeal to the Land and Environment Court exercisable within 6 months of the date of the determination



Agreement for certification work for the assessment of a Construction Certificate Application

Under s31 of the *Building & Development Certifiers Act 2018*, a registered certifier must not carry out certification work for a person unless the certifier, or their employer, has entered into a written agreement with the person. This form, when signed by both parties, forms the agreement between you and the Council for the provision of certification services for the determination of a Construction Certificate.

A. Parties to the Agreement

Woollahra Municipal Council (**the Council**)

Address: 536 New South Head Road Double Bay NSW 2028

Telephone: (02) 9391 7000

Email: records@woollahra.nsw.gov.au

AND

	(the Client)
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Address:			
Phone:		Email:	

B. Persons who may carry out the certification work and inspections

Certification work and inspections under this Agreement may be carried out by any of the following employees of the Council subject to the terms of their accreditation:

Officers Name	Accreditation Level	Registration No:
Glenn Lawrence BRIGGS	Building Surveyor – Unrestricted - Conditional	BDC0947
Craig Norburn JENNER	Building Surveyor – Unrestricted - Conditional	BDC1691
Paul SULLIVAN	Building Surveyor – Unrestricted - Conditional	BDC0904

Any other employee of Woollahra Municipal Council with appropriate accreditation under the *Building & Development Certifiers Act 2018*

Inspections required under the *Environmental Planning and Assessment Act 1979* may be carried out by any of the following employees of the Council subject to the terms of their accreditation:

Officers Name	Accreditation Level	Registration No:
Glenn Lawrence BRIGGS	Building Surveyor – Unrestricted - Conditional	BDC0947
Craig Norburn JENNER	Building Surveyor – Unrestricted - Conditional	BDC1691
Paul SULLIVAN	Building Surveyor – Unrestricted - Conditional	BDC0904

Any other employee of Woollahra Municipal Council with appropriate accreditation under the *Building & Development Certifiers Act 2018*

C. Certification work to be performed

The certification work to be performed under this agreement is the determination of an application for a construction certificate.

D. Details of the development

Description of development (e.g: single storey dwelling)

Estimated cost of development requiring a compliance certificate

Please state the full contract price for labour and materials, or a realistic estimate provided by your architect or quantity surveyor

Address and formal particulars of the title of the development site

Unit, Shop or Suite no:	<input type="text"/>	Street no:	<input type="text"/>				
Street name:	<input type="text"/>	Suburb:	<input type="text"/>				
Lot(s):	<input type="text"/>	Section:	<input type="text"/>	Deposited Plan(s):	<input type="text"/>	Strata Plan:	<input type="text"/>

You can get these details from recent rate notices, property deeds or the Land Titles Office

Development consent particulars

Name of consent authority:

Development consent identifier:

Date of development consent:

Details of plans, specifications and other documents approved by development consent:

E. Services to be performed by the Council

The Certifier will, on behalf of the Council, perform all work necessary to comply with relevant statutory requirements and to facilitate the timely determination of the application, including:

1. If necessary, obtain a certificate under section 10.7 of the EP& A Act
2. If the development is on a site which affects an existing building, inspect, or arrange for another accredited certifier to inspect, the building and prepare a record of the inspection.
3. If clause 144 of the EP& A Regulation applies to the development (i.e. alternative solutions for certain fire safety measures), apply to the Fire Commissioner for an initial fire safety report.
4. If the development is a residential flat building, obtain a design verification from a qualified designer under clause 50(1A) of the EP& A Regulation
5. If clause 144A of the EP& A Regulation applies to the application (i.e. where there is an alternative solution relating to fire safety requirements) obtain a compliance certificate or written report from a fire safety engineer.
6. Assess whether the application satisfies the requirements of the EP&A Regulation, including compliance with the BCA, the development consent and any pre-conditions to the issue of a CC.
7. Determine the application and prepare a notice of the determination.
8. If the application is granted:
 - a. prepare a construction certificate
 - b. endorse all relevant plans, specifications and other documents

- c. prepare any associated fire safety schedule or fire link conversion schedule
- d. ascertain if any long service payment levy is required to be made, and if so, that the amount (or instalment) has been paid.
- e. ascertain if any security or monetary payment or levy under sections 7.11 or 7.12 of the EP&A Act are required before the CC is issued.
- f. issue CC to the Client together with associated endorsed plans specifications and other approved documents.
- g. forward copies of documents prepared to the consent authority as required by the EP&A Regulation

F. Fees and charges

Fixed fee agreement Council will undertake for a fixed fee all work involved in assessing, determining and finalising the application as set out in the Description of Services, including the costs of any service provided by a third party and any fees for obtaining or lodging documents, except for contingency items (if any) specified below.	
Fixed fee for determination of application for strata subdivision certificate	\$
Contingency items	Not applicable

G. Signatures:

For the owner/client

In accordance with clause 31 of the *Building & Development Certifiers Regulation 2020* this contract is accompanied by the information sheet made available by the Secretary of the Department addressing;

- a) The role and statutory obligations of registered certifiers, and
- b) The role of the person for whom the certification work is carried out, and
- c) The types of information that can be found on the register of registrations and approvals maintained under section 102 of the Building & Development Certifiers Act 2018.

The applicable information sheet can also be found at on the website of NSW Fair Trading at https://www.fairtrading.nsw.gov.au/data/assets/pdf_file/0011/923096/BDCAct-contract-attachment-Oct-2020-building-surveyors-building-inspectors.pdf.

I certify that, in accordance with Clause 30(b) of the Building & Development Certifiers Regulation 2020 I have freely chosen to engage this certifier and I have read this contract and any document accompanying this contract and understand my roles and responsibilities and those of the registered certifier.

Signed/executed by or on behalf of the Client

Date

For the Council.

Signed/executed by or on behalf of the Council

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).

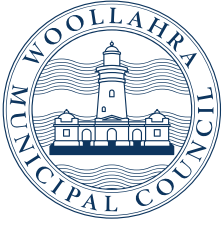
Questions?

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.



Payment Form

Payment methods

Payment in person at Council's Customer Service Centre can be made in cash, EFTPOS, cheque or money order or credit card (American Express, MasterCard and Visa).

Payment details

All credit card payments will incur a processing fee of 0.55%.

Separate cheques are required for integrated development fees to the relevant body. Cheques and money orders are payable to **Woollahra Council**.

Payments should be sent to Woollahra Council at: 536 New South Head Road DOUBLE BAY NSW 2028;
PO Box 61 DOUBLE BAY NSW 1360

Privacy notice

The personal information in this form is required under the Environmental Planning and Assessment Act 1979 and will only be used for processing of payments. If you do not provide the information, Council will not be able to process your payment and application. Payment information is restricted to Council officers. Council is to be regarded as the agency that holds the information. You may request amendment of any personal information held by Council that is incorrect.

Payment particulars

Payment for:

Council reference:

Application address:

Credit card details

Card type:

Visa

MasterCard

American Express

Card number:

Cardholder name:

Expiry date:

Total amount paid \$:

CVV:

Cardholder signature:

Contact number

OFFICE USE ONLY

Cashier's name:

Cashier's signature:

Payment processed: Yes

No

Date: