

Complying Development Certificate Application

Under Sections 4.27 & 4.28 of the *Environmental Planning & Assessment Act 1979*

Effective from July 2022 to June 2023

About this form

Use this form to apply for a 'complying development certificate' for the types of development identified in the *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* and other relevant statutory instruments.

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*.

Documentation

The *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* contains criteria and requirements that determine whether your proposal is complying development. You must check these. If your development does not meet the criteria and requirements then you must lodge a development application. (Development application forms are available from Customer Service).

1 hardcopy and 1 soft copy on a USB or the like, of all plans and supporting document are required to accompany this application

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"/>

Declaration

I confirm that the development proposal contained in the complying development application being lodged to Council complies with the definition of "complying development" as permitted by *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*.

<input type="text"/>	<input type="text"/>
Signature	Date

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. Owner's details

Title:

Full name:

Address:

Phone:

Email:

4. Owner's 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.

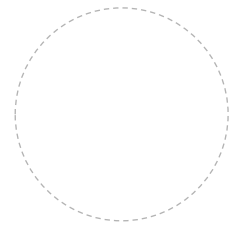
Signature of owner

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

5. Development details (proposed complying development)

Development type (tick the appropriate box below)

State Environmental Planning Policy(Exempt and Complying Development) 2008

Note: Please first refer to the General Requirements in Clauses 1.17, 1.17A, 1.18 and 1.19

- A Part 3 General Housing Code
-
- B Part 4 Housing Alterations Code (*Neighbour notification applies to new dwelling and addition to new dwelling*)
-
- C Part 4A General Development Code
-
- D Part 5 General Commercial and Industrial Alterations Code
-
- E Part 5A Commercial and Industrial (*New Buildings and Additions*) Code
-
- F Part 6 Subdivisions Code
-
- G Part 7 Demolition Code (*Neighbour notification applies*)
-
- H Part 8 Fire Safety Code
-

Other SEPP

- I Other (specify):
-

Describe in detail the proposed complying development – you may need to refer to *SEPP (Exempt and Complying Development) 2008* for the development criteria or standards that apply.

Detailed description:

Proposed use:

For what purpose is the property presently used:

Date commenced:

For what purpose is the property previously used:

Date commenced:

Has there ever been any testing or assessment of the site for land contamination:

Does the proposal involve disturbing, repairing or removing of asbestos(m²):

If yes, please provide the estimated area (if any), in square metres, of bonded asbestos material or friable asbestos material that will be disturbed, repaired, or removed in carrying out the development

6. Builder / Owner builder (If known, to be completed in the case of proposed residential building work)

Full name:

Contractor licence no:

Permit no. in case of owner builder:

7. Long service levy (LSL)

A long service levy is payable where the value of the building and construction work is \$25,000 or more (inclusive of GST).

Are you required to pay the long service levy? Yes No

8. Schedule (For building works only)

The attached schedule is requested to be completed for the purposes of providing information to the Australian Bureau of Statistics

9. Fees

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

Neighbour notification fee of \$145.00 will be required if the application is for a new dwelling, dwelling addition or demolition pursuant to *State Environmental Planning Policy (Exempt & Complying Development Codes) 2008*.

10. Privacy and conditions of use

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

11. 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	CDC Fee as per 'Agreement of Service'		T255
GST may be applicable (refer receipt)	Long Service Levy (LSL)		T256
<i>Retain your receipt as proof of lodgement of the application</i>	Certificate Registration Fee	\$36.00	T53
	Neighbour notification <i>(only required for: New dwelling; dwelling addition; demolition)</i>	\$145.00	T255
	Total		

Cashier: **Date:**

Notes for complying development certificate applications

In accordance with Schedule 1 Part 2 of the *Environmental Planning and Assessment Regulation 2000*, the following documents shall accompany ALL applications for a complying development certificate as applicable.

- (1) An application for a complying development certificate must be accompanied by four (4) copies of the following documents:**
 - (a) a site plan of the land,
 - (b) a sketch of the development,
 - (c) if the development involves a change of use of a building (other than a dwelling-house or a building or structure that is ancillary to a dwelling-house):
 - (i) a list of the Category 1 fire safety provisions that currently apply to the existing building,
 - (ii) a list of the Category 1 fire safety provisions that are to apply to the building following its change of use,
 - (d) if the development involves building work (including work in relation to a dwelling-house or a building or structure that is ancillary to a dwelling-house):
 - (i) a detailed description of the development, and
 - (ii) appropriate building work plans and specifications,
 - (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):
 - (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,
 - (f) if the development involves subdivision work, appropriate subdivision work plans and specifications.
- (2) The site plan referred to in subclause (1) (a) must indicate the following matters:**
 - (a) the location, boundary dimensions, site area and north point of the land,
 - (b) existing vegetation and trees on the land,
 - (c) the location and uses of existing buildings on the land,
 - (d) existing levels of the land in relation to buildings and roads,
 - (e) the location and uses of buildings on sites adjoining the land.
- (3) The sketch referred to in subclause (1) (b) must indicate the following matters:**
 - (a) the location of any proposed buildings or works (including extensions or additions to existing buildings or works) in relation to the land's boundaries and adjoining development,
 - (b) floor plans of any proposed buildings showing layout, partitioning, room sizes and intended uses of each part of the building,
 - (c) elevations and sections showing proposed external finishes and heights of any proposed buildings,
 - (d) proposed finished levels of the land in relation to existing and proposed buildings and roads,
 - (e) proposed parking arrangements, entry and exit points for vehicles, and provision for movement of vehicles within the site (including dimensions where appropriate),
 - (f) proposed landscaping and treatment of the land (indicating plant types and their height and maturity),
 - (g) proposed methods of draining the land.
- (4) A detailed description of the development referred to in subclause (1) (d) (i) must indicate the following matters:**
 - (a) the area of the land (in square metres),
 - (b) the location of any existing buildings on the land,
 - (c) the gross floor area of any existing buildings on the land (in square metres),
 - (d) the current uses of the land and any existing buildings on the land,
 - (e) whether the land contains a dual occupancy,
 - (f) the gross floor area of any proposed building (in square metres),

- (g) the proposed use of the land, the buildings on the land and any proposed buildings,
- (h) the number of existing dwellings on the land,
- (i) the number of existing dwellings on the land that are to be demolished,
- (j) the number of storeys of each proposed building,
- (k) the materials to be used in the construction of any proposed buildings (using the abbreviations set out in the Schedule of this application form).

(5) Appropriate building work plans and specifications referred to in subclause (1) (d) (ii) include the following:

- (a) detailed plans, drawn to a suitable scale and consisting of a block plan and a general plan, that show:
 - (i) a plan of each floor section, and
 - (ii) a plan of each elevation of the building, and
 - (iii) 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, and
 - (iv) the height, design, construction and provision for fire safety and fire resistance (if any),
- (b) specifications for the development:
 - (i) that describe the construction and materials of which the building is to be built and the method of drainage, sewerage and water supply, and
 - (ii) that state whether the materials to be used are new or second-hand and (in the case of second-hand materials) give particulars of the materials to be 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 components, processes or design sought to be relied on,
- (e) copies of any compliance certificate to be relied on,
- (f) if the development involves building work to alter, expand or rebuild an existing building, a scaled plan of the existing building.

(6) Appropriate subdivision work plans and specifications referred to in subclause (1) (f) include the following:

- (a) details of the existing and proposed subdivision pattern (including the number of lots and the location of roads),
- (b) details as to which public authorities have been consulted with as to the provision of utility services to the land concerned,
- (c) detailed engineering plans as to the following matters:
 - (i) earthworks
 - (ii) roadworks
 - (iii) road pavement
 - (iv) road furnishings
 - (v) stormwater drainage
 - (vi) water supply works
 - (vii) sewerage works
 - (viii) landscaping works
 - (ix) erosion control works
- (d) copies of any compliance certificates to be relied on.

Schedule to Complying Development Certificate Application

Particulars of the proposal

What is the area of the land (m²):

Gross floor area of existing building (m²):

What area the current uses of all parts of the building/s or land (If vacant, state vacant):

Location:

Use:

Does the site contain a dual occupancy:

Gross floor area of proposed additions or new building (m²):

What are the proposed uses of all parts of the building/s or land:

Location:

Use:

Number of pre-existing dwellings:

Number of dwellings to be demolished:

How many dwellings are proposed:

How many storeys will the building consist of:

Materials to be used

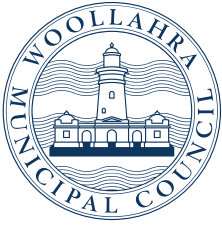
Please indicate the code allocated for the material that best describes the materials the new work will be constructed of:

<u>Walls</u>	<u>Code</u>	
brick veneer	12	<input type="checkbox"/>
full brick.....	11	<input type="checkbox"/>
single brick.....	11	<input type="checkbox"/>
concrete block	11	<input type="checkbox"/>
concrete/masonry	20	<input type="checkbox"/>
concrete	20	<input type="checkbox"/>
steel	60	<input type="checkbox"/>
fibrous cement	30	<input type="checkbox"/>
hardiplank	30	<input type="checkbox"/>
timber/weatherboard.....	40	<input type="checkbox"/>
cladding-aluminum	70	<input type="checkbox"/>
other.....	80	<input type="checkbox"/>
unknown	90	<input type="checkbox"/>

<u>Roof</u>	<u>Code</u>	
aluminum.....	70	<input type="checkbox"/>
concrete	20	<input type="checkbox"/>
concrete tile	10	<input type="checkbox"/>
fibrous cement.....	30	<input type="checkbox"/>
fiberglass.....	80	<input type="checkbox"/>
masonry / terracotta /		
shingle tiles	10	<input type="checkbox"/>
slate.....	20	<input type="checkbox"/>
steel.....	60	<input type="checkbox"/>
terracotta tile	10	<input type="checkbox"/>
other	80	<input type="checkbox"/>
unknown.....	90	<input type="checkbox"/>

<u>Floor</u>	<u>Code</u>	
Concrete	20	<input type="checkbox"/>
Timber.....	40	<input type="checkbox"/>
Other.....	80	<input type="checkbox"/>
Unknown.....	90	<input type="checkbox"/>

<u>Frame</u>	<u>Code</u>	
timber	40	<input type="checkbox"/>
steel.....	60	<input type="checkbox"/>
other	80	<input type="checkbox"/>
unknown.....	90	<input type="checkbox"/>



Agreement for certification work for the assessment of a Complying Development 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 Complying Development 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 complying development 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

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 timely determination of the application, including:

1. If necessary, obtain a certificate under section 10.7 of the EP& A Act.
2. Conduct an inspection of, or arrange for another accredited certifier to inspect, the development site, and prepare a record of the inspection.
3. If clause 130(2A) or 130(2E) 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 or another accredited certifier that satisfies the requirements of clause of the 130 EP&A Regulation.
4. Assess whether the proposed development satisfies the development standards set out in the relevant environmental planning instrument, development control plan and the EP&A Regulation.
5. Determine the application and prepare a notice of the determination.
6. If the application is granted:
 - a. prepare complying development certificate
 - b. endorse all relevant plans, specifications and other documents
 - c. prepare all 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 contributions plan requires the CDC to be subject to a condition requiring a monetary payment.
 - f. issue CDC to the Client together with associated endorsed plans specifications and other approved documents.
 - g. forward copies of documents prepared to statutory authorities, including the NSW Rural Fire Service, 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).

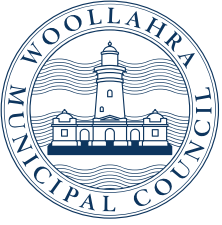
Questions?

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: