

Compliance Certificate Application

Under Division 6.5 of the *Environmental Planning & Assessment Act 1979*

Effective from July 2023 to June 2024

About this form

Use this form to apply for a Compliance Certificate being a certificate to the effect that:

- The specified building work or subdivision work has been completed as specified in the certificate and complies with the specified plans and specifications, or
- A condition with respect to specified building work or subdivision work (being a condition attached to a development consent or complying development certificate) has been duly complied with, or
- A specified building or proposed building has a specified classification identified in accordance with the Building Code of Australia, or
- Any specified aspect of development complies with the requirements of any other provisions prescribed by the regulations.

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:

Full name:

Address:

On behalf of:
(Company name)

ABN / ACN:

Postal address:
(if different to above)

Phone:

Email:

2. Property details

Address:

3. Details of Application (Certificate details)

Development consent no:

Construction Certificate no:

Type of certificate:

e.g. footings, structural steel, stormwater, classification, subdivision, final/occupancy etc. (include location)

Date of proposed inspection:

4. Declaration and signature

I/we request Woollahra Municipal Council to issue a Compliance Certificate, for the specified element(s) in accordance with the following terms and conditions.

- The Fees payable under this Agreement are as prescribed by the Council's adopted fees and charges schedule for inspections and occupation certificates
- The Fees must be paid before the Council undertakes any work, including inspections
- There is no refund of the Fees under any circumstances
- This application does not require the Council to issue any Certificate if, acting lawfully, it is unable to do so
- I/we agree to provide to the Council all documents which the Council reasonably requires in order to consider the applicable application
- I/we agree to provide the Council with access to the development site as reasonably required by Council, and will ensure that our employees, agents, and contractors do not obstruct the Council in performing its duties
- I/we agree to indemnify the Council and keep the Council indemnified in relation to all claims, actions, suits, losses and liability arising from the Council considering this application, except where that claim action, suit loss or liability is caused by the negligence of Council or any agent or employee of the Council

Signature

Date

5. Fees

Fees are calculated on an hourly rate of \$215 per hour or part thereof.

6. Privacy and conditions of use

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

7. 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

To be completed by Council's Cashier and Customer Service Officer
GST may be applicable (refer receipt)
Retain your receipt as proof of lodgement of the application

Fee type

Application Fee calculated @ \$215/hour or part thereof.
Min. fee \$215

Fee

Receipt code

T56

Total

Cashier:

Date:

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 an application for a Compliance 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 & Certifiers Act 2018* or with the appropriate authority and delegations of the Council.

C. Certification work to be performed

The certification work to be performed under this agreement is the determination of an application for a Compliance 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:

Street no:

Street name:

Suburb:

Lot(s):

Section:

Deposited Plan(s):

Strata Plan:

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

Development consent/Complying Development Certificate (CDC)/Part 6 certificate particulars**Name of consent authority /
certifying authority:**

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**Development consent /CDC/
Part 6 certificate identifier:**

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**Date of development consent /
CDC / Part 6 certificate:**

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**Details of plans, specifications
and other documents approved
by development consent / CDC /
Part 6 certificate:**

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E. Services to be performed by the Council

The Certifier or applicable Council officer will, on behalf of the Council, perform the following services including:

1. Conducting an inspection of any building work or subdivision work if necessary
2. Where appropriate, ascertain if a development consent or complying development certificate is in force with respect to building work or subdivision work which is the subject of the application
3. If the application is granted, prepare a compliance certificate, and issue it to you for the specified element of the development, as described on the completed application form

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).

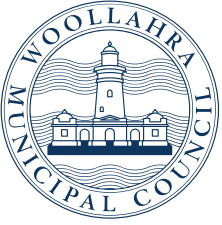
Questions?

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: