

Complying Development Certificate Checklist

Issued under the Environment Planning and Assessment Act 1979. (Section 85, 85A)

Lodgement via the NSW Planning Portal: www.planningportal.nsw.gov.auPlanning Portal queries: Ph:
1300 305 695 OREmail: info@service.nsw.gov.au

PART 1 Application and Site Details

1. Applicant

It is important that we are able to contact you if we need more information.

Please give us as much detail as possible.

Mr ☐ Mrs ☐ Ms ☐ Other ☐Full Family name (no initials)
(or Company)Full Given names (no initials)
(or A.C.N.)

Postal address

We will post all letters to this address

Phone

Email

Mobile

Facsimile

Contact Person

Person who may be contacted to discuss the application during business hours

2. Owner's Consent

Due to possible conflicts of interest, Council will not accept applications for development on Council owned land.

Every owner of the land must sign this form.

When works affect a joint wall, consent of both property owners is required, (e.g., semi-attached or terrace dwelling).

If the owner is a company, the form must be signed by an authorised director, and the common seal must be stamped on this form.

If the property is a unit under strata title or a lot in a community title, then, in addition to the owners' signature, the common seal of the Body Corporate must be stamped on this form over the signature of the owner and signed by the Chairman of the Body Corporate or the appointed managing agent.

Owner

Address

Signature(s)

As owner of the land to which this application relates, I consent to this application. I also consent for authorised council officers to enter the land to carry out inspections relating to this application.

Without the owner's consent, we will not accept the application. This is a very strict requirement for all applications. Please call us to find out who owns the land, according to our records.

If you are signing on the owner's behalf as the owner's legal representative, you must state the nature of your legal authority and attach documentary evidence (e.g., Power of Attorney, Executor, Trustee, Company Director, etc).

PART 1 Application and Site Details cont'd

3. Land to be developed

We need this to correctly identify the land.

Unit No. House No. Street

Suburb

Lot no. DP/MPS, etc, vol/fol area of site (m²) or site

These details are shown on your rates notices, property deeds etc.

Office Use Only

Parcel

4. Description of work

Please describe briefly everything that you want approved by the council, including signs, hours of operation, use, subdivision, demolition etc.

Type

- ☐ Use of land/building ☐ Erect a building ☐ Subdivision
☐ Carrying out of works ☐ Demolition ☐ Other

5. Estimated cost of work

The estimated cost of the development or contract price is subject to a check by Council before final acceptance.

Estimated cost of work

\$

Council reserves the right to seek justification of the estimated cost from the applicant or by an appropriately qualified person.

NAME (printed), and qualification *Signature of qualified person certifying value of work*

PART 2 Development Details

6. Operating Details

(If applicable)
Planning NSW use this information for statistical purposes

Number of staff/employees

Existing

Proposed

Working hours:

Mondays
 Tuesdays
 Wednesdays
 Thursdays
 Fridays
 Saturdays
 Sundays

	to	
	to	
	to	
	to	
	to	
	to	
	to	

	to	
	to	
	to	
	to	
	to	
	to	
	to	

Parking and loading facilities:

Existing

Proposed

Number of parking spaces

Number of loading spaces

PART 3 Checklist and Declaration

All the details sought in the accompanying checklist must be provided. On-site inspections are carried out prior to the assessment of any application. As a result of this inspection further information may sometimes be required. A Council Officer will contact you soon after their initial inspection if this is the case.

Note: the onus is on the applicant to satisfy themselves that their property is one capable of being dealt with as a Complying Development Certificate as described in the Exempt and Complying Codes 2008.

The proposal must comply with all the set criteria.

THE COMPLETED CHECKLIST MUST BE SUBMITTED WITH THIS APPLICATION. FAILURE TO PROVIDE THE REQUIRED DOCUMENTATION OF AN ACCEPTABLE STANDARD WILL RESULT IN YOUR APPLICATION BEING RETURNED.

7. Declaration

If the applicant is a company or strata title body corporate, this declaration must be signed by a director or authorised delegate under common seal.

I apply for approval to carry out the development or works described in this application. I declare that all the information in the application and checklist is, to the best of my knowledge, true and correct.

I also understand that if the information is incomplete the application will be rejected. I acknowledge that if the information provided is misleading any approval granted 'may be void'.

I have carefully examined the provisions of the exempt and Complying Codes 2008 as they relate to complying development. I am satisfied that the works proposed are compliant with those provisions and accept that if this is not the case, the application will be refused.

Applicant Signature: _____ Date: _____

Copyright Note

The Applicant is responsible for obtaining all copyright licences necessary from the copyright owners for this purpose.

Office Use Only

Fees and Deposits	\$	Receipt No.	Date	Fees and Deposits	\$	Receipt No.	Date
Complying Development Certificate (715)				Other			
Archiving (722)				Other			



REQUIRED	SUPPLIED	
	YES	NO - WHY NOT
■ PLANS Plans include the site plan, floor plan, elevations and section. Plans must be drawn to scale in ink and on A4 or A3 size paper. (Larger plans will only be accepted on prior agreement of Council) Free hand, single line or illegible drawings will not be accepted.	<input type="checkbox"/>	<input type="checkbox"/>
<ul style="list-style-type: none"> Two coloured copies of all plans must be submitted with your application. 	<input type="checkbox"/>	<input type="checkbox"/>
<u>The following information should be included on all plans and documents:</u>		
<ul style="list-style-type: none"> Applicant's name, block/house/shop/flat number, street/road name, town or locality . . 	<input type="checkbox"/>	<input type="checkbox"/>
<ul style="list-style-type: none"> Lot Number, section number, DP number. (Found on rate notice or land title) 	<input type="checkbox"/>	<input type="checkbox"/>
<ul style="list-style-type: none"> Measurements in metric 	<input type="checkbox"/>	<input type="checkbox"/>
<ul style="list-style-type: none"> The position of true north 	<input type="checkbox"/>	<input type="checkbox"/>
<ul style="list-style-type: none"> Additions/alterations - to be highlighted in red for DA's 	<input type="checkbox"/>	<input type="checkbox"/>
<ul style="list-style-type: none"> Building, or parts of building to be demolished to be indicated in outline. 	<input type="checkbox"/>	<input type="checkbox"/>
<ul style="list-style-type: none"> Draftsman/Architect name and date 	<input type="checkbox"/>	<input type="checkbox"/>
<ul style="list-style-type: none"> BASIX undertakings (if applicable) 	<input type="checkbox"/>	<input type="checkbox"/>
■ COLOURED PLANS	<input type="checkbox"/>	<input type="checkbox"/>
<ul style="list-style-type: none"> Brick - Red; Rooftiles - Orange; Concrete - Dark Green; Tile - Purple; Fibre Cement Sheets/Cement Render - Light Green; Glass and Glass Bricks - Light Blue; Sandstone - Light Brown; Timber - Yellow; Steel, Galvanised Iron - Dark Blue. 		
■ SURVEY PLAN	<input type="checkbox"/>	<input type="checkbox"/>
<u>Information Should Include:</u>		
<ul style="list-style-type: none"> Plan to scale preferably 1:100. Plan to show all existing structures. Plan to show all trees greater than 5 m in height +/- 3 m in canopy spread. The exact location of any such tree, the RL at their base and their height and canopy spread. Location/position of all buildings/structures on adjoining land (showing street number and street address) and ridge heights of those buildings or structures at the boundary. 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. Levels - contour and spot levels. Easements and rights of way including common or party walls. 		
■ SITE PLAN		
A site plan is a birds-eye view of the existing and proposed development on the site and its position in relation to boundaries and neighbouring developments.		
<u>A site plan should include:</u>		
<ul style="list-style-type: none"> Drawings to scale preferably 1:100. Location of the new and existing buildings in relation to site boundaries. Location/position of all buildings/structures on adjoining land (showing street number and street address). Location of any existing and proposed fences and landscaping features such as swimming pool, retaining walls, paved areas and driveways. Relative location of adjoining buildings. Location of any adjoining owner windows facing your development. Existing stormwater drainage location. If stormwater run-off or roof area will increase show proposed drainage details/concept plan, including discharge location and tank location. Location of pedestrian and vehicle access and car parking (indicating extent of cut and fill and gradients). Engineering details may be required. 		

REQUIRED	SUPPLIED
<p>SITE PLAN <i>continued ...</i></p> <ul style="list-style-type: none"> • Zone boundaries if multiple zoning apply. • Site safety and security fencing during construction. <p><u>Measurements including:</u></p> <ul style="list-style-type: none"> • Length, width and site area of land, both existing and proposed. • Width of road reserve. • Distance from external walls and outermost part of proposed building to all boundaries. • Approximate distance from proposed building to neighbouring buildings. <p>■ FLOOR PLAN</p> <p>A floor plan is a birds-eye view of your existing and/or proposed layout of rooms within the development.</p> <p><u>Floor plans should include:-</u></p> <ul style="list-style-type: none"> • All new work to be coloured (according to colour schedule specified at beginning of checklist) • Drawings to scale preferably 1:100. • Outline of existing building/development on site (shown dotted). • Room names, areas and dimensions. • Window and door locations and sizes. • Floor levels and steps in floor levels. (RL's) • Access for disabled (if in a new public building). • Location of plumbing fixtures (where possible) • Wall structure type and thickness. <p>■ ELEVATION PLAN</p> <p>Elevation plans are a side on view of your proposal. Drawings of all effected elevations (north, south, east and west facing) of your development need to be included in your application.</p> <p><u>Elevation plans should include:</u></p> <ul style="list-style-type: none"> • Drawings to scale preferably 1:100. • Outline of existing building/development on site (shown dotted). • Location/position of all buildings/structures on adjoining land (showing street number and street address). • Exterior cladding type and roofing material/colour. • Window sizes and location. • Stormwater drainage pipes (downpipes and gutter). • Chimneys, flue exhaust vents, duct inlet or outlet. • Reduced Levels (AHD) for ridge, floor and ground level as a minimum. <p>■ SECTION PLAN</p> <p>A section(s) is a diagram showing a cut through the development at the most typical point.</p> <p><u>Sections should include:</u></p> <ul style="list-style-type: none"> • Drawings to scale preferably 1:100. • Outline of existing building/development on site (shown dotted). • Section names and where they are shown on plan (i.e., A/A B/B etc). • Room names. • Room and window heights. • Details of chimneys, fireplaces and stoves. • Roof pitch and covering. • Site works, finished and proposed floor and ground levels in RL's (indicate cut, fill and access grades). 	<div>YES NO - WHY NOT</div> <div> <input type="checkbox"/> <input type="checkbox"/> </div> <div> <input type="checkbox"/> <input type="checkbox"/> </div> <div> <input type="checkbox"/> <input type="checkbox"/> </div>

REQUIRED	SUPPLIED
	YES NO - WHY NOT
<p>■ SPECIFICATIONS</p> <p><u>A specification is a written statement that should include as a minimum:</u></p> <ul style="list-style-type: none"> • The construction of the building to specific BCA standards and materials to be used. • Type and colour of external finishes. • Whether the materials will be new or second-hand, and if second-hand materials are to be used, particulars. • The method of drainage, effluent disposal and provision of water supply. • Any other details relevant to the construction of the building. <p>■ ADVERTISING STRUCTURE/SIGN (Advertising applications only)</p> <p><u>If you are planning on erecting an advertising structure or sign you will need to supply the following:</u></p> <ul style="list-style-type: none"> • Details of the structure, materials to be used and how it will be fixed to the building. • Its size, colours, lettering and overall design. • The proposed location shown on a scale plan and building elevation. • The amount and extent of light spill. <p>■ BASIX CERTIFICATE (New dwellings, multi-occupancy dwellings, duplexes, alterations and additions and new swimming pools)</p> <p>New dwellings, multi occupancy dwellings, duplexes, alterations and additions and new swimming pools, applications lodged after 1 October 2006 must be accompanied by a BASIX certificate. This certificate can only be obtained through the BASIX website www.basix.nsw.gov.au.</p> <p>Council cannot accept these applications without this certificate.</p> <p>■ FIRE SAFETY MEASURES SCHEDULE</p> <ol style="list-style-type: none"> Proposed alterations to existing building (BCA Class 2 to 9) are to be accompanied by a fire safety measures schedule listing all existing and proposed fire safety measures (including the standards of performance) to be installed within the building as a result of the proposed works. In addition to the above; 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): <ol style="list-style-type: none"> a list of Category 1 fire safety provisions (as defined in the EP&A Regulations) that currently apply to the existing building, and a list of the Category 1 fire safety provisions that are to apply to the building following its change of use. <p>■ HOME BUILDING ACT REQUIREMENTS</p> <p><u>In the case of an application for a Complying Development certificate for residential building work (within the meaning of the <i>Home Building Act 1989</i> attach the following:</u></p> <ol style="list-style-type: none"> in the case of work by a licensee under the Act: <ol style="list-style-type: none"> a statement detailing the licensee's name and contractor licence number, and documentary evidence that the licensee has complied with the applicable requirements of the Act, or in the case of work done by any other person: <ol style="list-style-type: none"> a statement detailing the person's name and owner-builder permit number, or 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 the Act. <p>A certificate purporting to be issued by an approved insured 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.</p>	<div> <input type="checkbox"/> <input type="checkbox"/> </div> <div> <input type="checkbox"/> <input type="checkbox"/> </div> <div> <input type="checkbox"/> <input type="checkbox"/> </div> <div> <input type="checkbox"/> <input type="checkbox"/> </div> <div> <input type="checkbox"/> <input type="checkbox"/> </div>

REQUIRED	SUPPLIED
Confirmation of submission of all required documentation	
	OFFICE USE
<div><div>SIGNATURE OF ARCHITECT/PERSON PREPARING PLANS</div><div>(Confirming submission of all required documentation)</div></div>	Initials of customer service officer accepting application

Contract for Certification Work

Under section 31 of the Building and Development Certifiers Act 2018 and clause 31 of the Building and Development Certifiers Regulation 2020.



About this form (contract)

North Sydney Council must not carry out certification work for a person unless it has entered into a written contract with that person. You must therefore complete and sign this Contract for Certification Work and attach it to your application.

When the contract is received it will be signed by an authorised officer and a copy of the executed contract will be emailed to you for your records.

How to complete this form (contract)

1. Ensure that all fields have been filled out correctly.

Part A: Parties to this contract

1. Applicant

Title	Given Name/s	Family Name
Organisation name / Company name (if applicable)		
Address		
Preferred contact number	Email address	

2. North Sydney Council

ABN 32 353 260 317
200 Miller Street, North Sydney, NSW 2060
Phone: 02 9936 8100
Email address: council@northsydney.nsw.gov.au

Part B: Introduction

- Council is a certifying authority and employs registered certifiers who are authorised to carry out certification work on behalf of Council.
- Section 31(1) of the Building and Development Certifiers Act 2018 says that Council must not carry out certification work for a person unless it has entered into a written contract with that person.
- The applicant appoints Council to carry out certification work on the terms set out in this contract.

Part C: Application Type

3. I am the applicant described in the attached Application for:

(tick as applicable)

Complying Development Certificate Application

(Note: you may elect to appoint Council as Principal Certifier at a later stage: see Part E)

Construction Certificate Application

(Note: you may elect to appoint Council as Principal Certifier at a later stage: see Part E)

Application for Subdivision Works

Compliance Certificate Application

Occupation Certificate Application

(Note: you may elect to appoint Council as Principal Certifier at a later stage: see Part E)

Notice of Commencement of Building or Subdivision Work and Appointment of Council as Principal Certifier

4. The information contained in the attached Application form is incorporated into this contract.

Part D: Certification Work to be performed by Council

5. I am the applicant described in the attached Application for:

(tick as applicable)

Determination of Applications for Development Certificates

Determination of application for a complying development certificate

Determination of application for construction certificate

Determination of application for subdivision works certificate

Determination of application for compliance certificate

Determination of application for occupation certificate

Undertaking the function of Principal Certifier (PC)

Appointment of Council as Principal Certifier

Note: If you select Council to be your PC you will also need to formally appoint the North Sydney Council as the PC to carry out inspections and to issue an occupation certificate. A form will be forwarded to you with your approval (construction certificate, complying development certificate or subdivision works certificate) to complete and return to Council. A letter confirming Council's appointment will then be issued allowing you to commence work.

Part E: Subsequent Appointment of Council as Principal Certifier

6. Particulars of the certification services to be carried out by Council under the contract can be found at:
https://www.northsydney.nsw.gov.au/Building_Development/Building_DA_Forms/Construction_Forms.

Note: This part only applies to determinations of applications for:

- complying development certificates
- construction certificates
- subdivision works
- occupation certificates

7. After entering into this contract, the applicant may elect to appoint Council as PC for the development.
8. If the applicant elects to appoint Council as PC for the development, upon lodgement of the form 'Notice of Commencement of Building or Subdivision Work and Appointment of Council as Principal Certifier' with Council, the applicant agrees that:
- a. this contract will also apply to the subsequent appointment of Council as PC for the development;
 - b. the information contained in the application form 'Notice of Commencement of Building or Subdivision Work and Appointment of Council as Principal Certifier' will be automatically incorporated into this contract;
 - c. Council will notify the applicant if an employee certifier nominated under Part H will change. Council will notify the applicant in writing of the name and accreditation number of the different employee certifier who will carry out the PC function; and
 - d. the Fees and Charges in Part I will apply.

Part F: Modification of Complying Development Certificate, Construction Certificate or Subdivision Works Certificate

Note: This part only applies to determinations of applications for:

- complying development certificates
- construction certificates
- subdivision works

9. After entering into this contract, the applicant may seek to modify any of the above certificates for the development.
10. If a modification is sought, upon lodgement of the application form for any of the above certificates with Council relating to the modification, the applicant agrees that:
- a. this contract will also apply to the subsequent modification application for the development;
 - b. the information contained in the application form will be automatically incorporated into this contract;
 - c. Council will notify the applicant if the employee certifier described under Part H will change. Council will notify the applicant in writing of the name and accreditation number of the different employee certifier who will carry out the PC function and
 - d. the Fees and Charges in Part I will apply.

Part G: Development Details

11. In addition to the site details contained in the attached Application form, the applicant declares that:

a. the development can be described as (eg: single storey dwelling):

--

b. the following development consent details apply (tick as applicable)

☐ Development consent granted by consent authority

Name of consent authority

--

Development consent no. / identifier

Date of development consent

--	--

☐ Development consent given by the issue of a complying development certificate (CDC)

Name of certifying authority

--

CDC no. / identifier

Date of CDC (determination)

--	--

☐ Part 6 certificates issued under the Environmental Planning and Assessment Act 1979 (Construction Certificate, Compliance Certificate, Subdivision Works Certificate, Occupation Certificate)

Type of Part 6 certificate issued:

Name of certifying authority

--	--

Certificate no. / identifier

Date of certificate (determination)

--	--

c. the following approved documents apply:

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

--

Details of plans, specifications and other documents the subject of any Part 6 certificate:

--

Part H: Certifier's Details

12. Council proposes, at the date of this contract, to have the following employee certifier carry out the certification work:

Name of Certifier

Registration number

To be completed by Council.

To be completed by Council.

13. Council proposes, at the date of this contract, that all inspections required under the Environmental Planning and Assessment Act 1979 in connection with the certification work will be carried out by one of the following employee certifiers:

Name of Certifier

Registration number

Long Huynh

BDC2003

Simon Hitchcock

BDC1593

Dane Johnson

BDC2796

14. If Council later decides to have a different employee certifier carry out the certification work or the inspections, Council will notify the applicant in writing of the name and registration number of that other person.

Part H: Fees and Charges

Determination of Applications for Development Certificates

15. The applicant must pay the fees and charges for the determination of an application for a development certificate (including modification of a current certificate, where relevant) as specified in Council's Schedule of Fees and Charges.
16. These fees and charges must be paid to Council before, or at the time, the application for a development certificate is lodged with Council.
17. In the case of fees and charges payable for work arising from unforeseen contingencies, such as the assessment of performance solutions, these fees and charges will be calculated as specified in Council's Schedule of Fees and Charges. Council will issue a payment notice to the applicant within 21 days after the completion of such work and the applicant must pay by the due date specified on the payment notice.

Undertaking the functions of Principal Certifier (PC)

18. The applicant must pay the fees and charges for Council to carry out the functions of a PC for the development as specified in Council's Schedule of Fees and Charges.
19. These fees and charges must be paid to Council in full at the time of lodging the PC appointment form (after the certificate is issued) and before Council commences to carry out the functions of PC.
20. In the case of fees and charges payable for work arising from unforeseen contingencies, such as additional inspections, these fees and charges will be calculated as specified in Council's Schedule of Fees and Charges. Council will issue a payment notice to the applicant within 21 days after the completion of such work and the applicant must pay by the due date specified on the payment notice.

Council's Schedule of Fees and Charges

21. Council's Schedule of Fees and Charges is available for download from the North Sydney Council's website and it is the responsibility of the applicant to obtain a copy.

Part J: Information brochure

22. The Development and Building Certifiers Regulation 2020 requires an information brochure containing details about the statutory obligations of certifiers, published by Fair Trading NSW, to be attached to this contract.

Part K: Execution of Contract

Declaration:

1. I have freely chosen to engage the certifier; and
2. I have read the contract and the attached information brochure and understand my responsibilities to those of the certifier.

This contract is made on the date it is signed by Council:

Individual Applicant

SIGNED by the applicant in the presence of:

Witness signature:

Applicant's signature:

--	--

Name and Address of Witness (printed):

Applicant's name (printed):

--	--

Date:

--

Incorporated Company

SIGNED by the applicant in accordance with section 127 of the Corporations Act 2001:

Director signature:

Director / Secretary signature:

--	--

Name (printed):

Name (printed):

--	--

Date:

--

Authorised Officer

SIGNED ** for and on behalf of North Sydney Council by its duly authorised officer in the presence of:

Witness signature:

Authorised Officer Signature:

--	--

Name of Witness(printed):

Name of Authorised Officer (printed):

--	--

Date:

--

** This section will be completed by the Building Compliance team after lodgement

This form must be submitted with your application at lodgement. Please refer to the application form lodgement details or for applications lodged via the NSW Planning Portal, please attach to your application at time of lodgement.

For further information regarding your application please contact us by:

EMAIL: council@northsydney.nsw.gov.au
TELEPHONE: (02) 9936 8100
WEBSITE: www.northsydney.nsw.gov.au

Privacy and Personal Information Protection Notice

Purpose of collection:	This information is being collected for the purpose of carrying out certification work for an individual or organisation.
Intended recipients:	North Sydney Council employees. Any approved contractors required to provide this service.
Supply:	The supply of this information is required by law. If you are unwilling to provide this information, North Sydney Council may be unable to provide access to North Sydney Council services.
Access/Correction:	Please contact Customer Service on 02 9936 8100 or at council@northsydney.nsw.gov.au to access or correct your personal information.
Storage:	North Sydney Council, located at 200 Miller Street, North Sydney NSW 2060, is collecting this information and North Sydney Council will store it securely.
Other uses:	North Sydney Council will use your personal information for the purpose for which it was collected and may use it as is necessary for the exercise of other functions.



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.