



myBuilding
CERTIFIER

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Suite 1 146 Oak Road
KIRRAWEE NSW 2232
Phone 8880 4480

Email: info@mybuildingcertifier.com.au

Application for a Complying Development Certificate

Applicant

Name _____

Address _____ P/code: _____

Contact No. (telephone) _____

Email Address _____

Signature _____

Owner

Name _____

Address _____

Postcode _____

Contact No. (telephone) Tele No. _____ Email _____

Signature of ALL owners

Property Details

Address _____

Legal Description Lot No: _____ DP: _____ Zoning: _____

Local Council Name and address

Proposed Complying Development

- | | |
|--|---|
| <input type="checkbox"/> Erection of or addition to an existing building | <input type="checkbox"/> Demolition of a building or part |
| <input type="checkbox"/> Alterations only | <input type="checkbox"/> Other _____ |

Application is made under

- | | |
|---|---|
| <input type="checkbox"/> Housing Code | <input type="checkbox"/> Local Council LEP |
| <input type="checkbox"/> Housing Alterations Code | <input type="checkbox"/> Commercial & Industrial (New & Additions) Code |
| <input type="checkbox"/> Commercial & Industrial Alterations Code | <input type="checkbox"/> Affordable Rental Housing Code |
| <input type="checkbox"/> Demolition Code | <input type="checkbox"/> Other _____ |

Description of Development _____

Estimated Cost of Work \$ _____

Has the Long Service Levy been paid? (See Note 1) Yes No Not applicable

Bonded or Friable Asbestos

Estimated area to be disturbed, repaired or removed Area _____ m² Not applicable

Schedule 1 – Australian Bureau of Statistics Information
(for building work only)

All Building Work

Please complete the following:

What is the total floor area of the new building work only? _____ m²

What is the number of storeys (including underground floors)? _____

What is the gross area of the site? _____ m²

Residential Building Only

Please complete the following details on residential structures:

Number of dwellings proposed to be built _____

Number of existing dwellings _____

Number of dwellings to be demolished _____

Materials to be Used which best describes the materials the new work will be constructed of:

walls

- brick (double)
- brick (veneer)
- concrete or stone
- fibre cement
- timber
- curtain glass
- steel
- aluminium
- other
- not specified

roof

- tiles
- concrete or slate
- fibre cement
- steel
- aluminium
- other
- not specified

floor

- concrete
- timber
- other
- not specified

frame

- timber
- steel
- aluminium
- other
- unknown

Does the site contain a dual occupancy? Yes No

Is the new development attached to any other building on the site? Yes No

Agreement for the Performance of Certification Work

Part A - Introduction

My Building Certifier (MBC) is a certifying authority and employs accredited certifiers who are authorised to carry out the certification work which is the subject of this application and this agreement.

The applicant, in endorsing and submitting this application to MBC, agrees to engage the MBC to perform certification work on the terms set out in this agreement.

Part B - Certifier Details

MBC proposes the following nominated employee, at the date of application, to carry out the certification work in respect to the application. If MBC subsequently decides or circumstances exist to require a change to the nominated employee, MBC will, within 2 days, notify the applicant of the change.

Geoff French – BPB0822

Rhys Hood – BPB2778

Elliot Watkins – BPB2492

Part C – Description of Services

MBC will perform all work necessary to comply with relevant statutory requirements and to facilitate the timely determination of the application, including:

1. Provide a blank copy of CDC application form to the applicant.
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 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.
5. 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.
6. Determine the application and prepare a notice of the determination.
7. If the application is granted:
 - a. prepare a complying development certificate
 - b. endorse all relevant plans, specifications and other documents
 - c. prepare any associated fire safety schedule or fire link conversion schedule where applicable
 - 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 Part 7 of the EP&A Act are required before the CC is issued.
 - f. issue CDC to the applicant 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.

Part D – Fees and Charges

(a) Set fees and charges

- i. The fees and charges for the assessment and determination of the application will be determined by MBC either at the time of the submission of the application or through a separate fee quotation document.
- ii. The set fees and charges for the assessment and determination of an application must be paid to MBC at the time of lodgement of the application.

(b) Contingency fees and charges

- i. In the case of fees and charges that may be payable for work arising from unforeseen contingencies, shall be charged at a rate of cost plus 10% or in the case of employee costs only \$250 per hour including GST.
- ii. In respect of any unforeseen contingency work provided for under this Agreement, MBC is to send an invoice to the applicant within 21 days after the completion of any such work. The invoice must be paid prior to the release of the issued certificate.

Part E - Statutory obligations (tick appropriate box)

An information brochure which is to include information about statutory obligations must accompany this Agreement, if one is published by the department of Fair Trading on its website. Fair Trading is the statutory body that registers Certifiers and administers the Building and Development Certifiers Act 2018.

A copy of the Fair Trading's Information Brochure is attached

Part F - Date of Agreement

This Agreement is made as of the date of lodgement of the application to MBC.

Information required to be submitted with your application

The following information, **as relevant to the proposed development**, must also accompany a complying development certificate application for building work or for changes of use.

Please tick the boxes provided to indicate the information that you are submitting with your application:

BUILDING WORK

- A Land Registry NSW Title Search will need to be provided. The Search will also assist in identifying any covenants or easements that may affect the site. Where any exist, further information is to be provided to verify to what extent (e.g. Deposited Plan and s88B). The search can be undertaken by an information broker that can be found on the following ASIC website:

<https://asic.gov.au/online-services/search-asics-registers/information-brokers>

- A section 10.7 Planning Certificate from the relevant council. The certificate is to describe the zoning and other land related planning information.
- one (1) electronic copy of all plans and documents send to:

info@mybuildingcertifier.com.au

The plan for the building must be drawn to a suitable scale and consist of a general plan and a site plan. The general plan of the building must indicate (where relevant):

- the location of proposed new buildings or works (including extensions or additions to existing buildings or works) in relation to the land's boundaries and adjoining development
- floor plans of proposed buildings showing layout, partitioning, room sizes and intended uses of each part of the building
- elevations and sections showing proposed external finishes and heights
- proposed finished levels of the land in relation to buildings and roads
- proposed parking arrangements, entry and exit points for vehicles, and provision for movement of vehicles within the site (including dimensions where appropriate)
- proposed landscaping and treatment of the land (indicating plant types and their height and maturity)
- proposed method of draining the land, including detailed stormwater designs, where provided for in a related checklist for the type of complying development.
- all commitments contained in any required BASIX Certificate (see below)

The site plan must be drawn to scale and must indicate the:

- location, boundary dimensions, site area and north point of the land
 - existing vegetation and trees on the land
 - location and uses of existing buildings on the land
 - existing levels of the land in relation to buildings and roads
 - location and uses of buildings on sites adjoining the land.
 - location of the proposed work.
- 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.**
 - detailed building specification. The specifications must;
 - 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 and give particulars of any second-hand materials to be used
 - the required application fee. The fee can be confirmed by calling our office during business hours or by emailing and requesting a formal fee proposal.
 - except in the case of a dwellings and outbuildings and the like:
 - a list of any fire safety measures that are proposed to be implemented in the building or on the land on which the building is situated, and
 - if the application relates to a proposal to carry out any alteration or rebuilding of, or addition to, an existing building, a separate list of such of those measures as are currently implemented in the building or on the land on which the building is situated.

The list must describe the extent, capability and basis of design of each of the measures concerned.
 - for new dwellings, additions and alterations to dwellings (where the value of the work is \$50,000 or more) and new swimming pools having a volume of 40000 litres or greater, a BASIX certificate must accompany the application.

CHANGES OF BUILDING USE

- A section 10.7 Planning Certificate from the relevant council. The certificate is to describe the zoning and other land related planning information.
- A copy of the most recent Development Consent for the use of the building or floor space.
- A general plan of the building that indicates (where relevant):
 - the location of proposed new buildings or works (including extensions or additions to existing buildings or works) in relation to the land's boundaries and adjoining development
 - floor plans of proposed buildings showing layout, partitioning, room sizes and intended uses of each part of the building
 - elevations and sections showing proposed external finishes and heights
 - proposed finished levels of the land in relation to buildings and roads
 - proposed parking arrangements, entry and exit points for vehicles, and provision for movement of vehicles within the site (including dimensions where appropriate)
 - proposed landscaping and treatment of the land (indicating plant types and their height and maturity)
 - proposed method of draining the land, including detailed stormwater designs, where provided for in a related checklist for the type of complying development.
- 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 and other than a temporary structure or work that relates only to fire link conversion):
 - * a list of the Category 1 fire safety provisions that currently apply to the existing building,
 - * a list of the Category 1 fire safety provisions that are to apply to the building following its change of use,
- A list of the existing and (if applicable) the proposed fire safety measures in the building

Note 1 Long Service Levy

A complying development certificate cannot be issued until any long service levy payable under section 34 of the *Building and Construction Industry Long Service Payments Act 1986* (or where such a levy is payable by instalments of the levy) has been paid. The levy is payable when the estimated value of work is \$25,000 or greater. If you are an owner builder or a not for profit organisation you may be eligible for a partial exemption. You should contact the Long Service Payments Corporation on 13 14 41 to discuss your eligibility before payment of the levy and collection of your certificate

Note 2 Home Building Act Requirements

If a licensed builder is not engaged and the value of any residential work exceeds \$10,000, a copy of an Owner Builder's Permit may be attached to this form.

If a licensed builder is engaged and the value of residential work exceeds \$20,000, a copy of the Builder's Home Building Act Insurance for the building work may be attached to this form.

If these documents are not available when lodging your application, they must be submitted with your Notice of Commencement form one (1) week before you commence work.



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 work 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 work² 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 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.