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Suite 1 146 Oak Road
KIRRAWEE NSW 2232
Phone 8880 4480

Email: info@mybuildingcertifier.com.au

Application for a Construction Certificate

Applicant(s)

Name _____

Address _____ Postcode: _____

Contact Details Phone #: _____ Email: _____

Note: The builder cannot be nominated as the 'applicant' for the development unless the builder is also the owner of the property.

Declaration

I/we have freely chosen to engage the particular certifier and have read the contract below and any document accompanying the contract and understand my roles and responsibilities and those of the registered certifier.

Signature

_____ Date: _____

Owner(s)

Name _____

Address _____

_____ Postcode: _____

Contact Details Phone #: _____ Email: _____

Declaration

I/we hereby authorise the applicant noted above to lodge the application on my/our behalf, and to deal with all relevant matters.

Signature of **ALL** owners

Property Details

Address _____

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

Description of Development

Type of Work

Building Work

Description of development
(including number of storeys)

Development Consent

Development Consent No. _____

Date of Determination _____

Issued by which Council _____

Estimated cost of work

\$ _____

Note: Please state full contract price.

In the absence of a contract My Building Certifier may determine a realistic estimate of the value of the proposed work.

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 only the new building work only? _____ m²

How many storeys (including underground storeys) are proposed? _____

What is the gross area of the site? _____

_____ m²**Residential Building Only****Please complete the following details:**

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 (vener)
- 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 currently contain a dual occupancy?

Yes No

Is the new building work 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 Registered Building Surveyors, recognised by NSW Fair Trading, 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 – Registered Building Surveyor 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.

Rhys Hood – BDC2778 Stanley Wragge – BDC3095

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 CC 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. 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.
4. Determine the application and prepare a notice of the determination.
5. If the application is granted:
 - a. prepare a construction certificate
 - b. endorse all relevant plans, specifications and other documents
 - c. prepare any associated fire safety schedule or fire link conversion schedule 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 CC 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

Professional Indemnity Insurance

Insurer: Certain Underwriters at Brooklyn Underwriting and Berkley Insurance Company
Policy No.: BXLC-DPI-2018-001617 and 01639/0407485
Coverage dates: 3 March 2023 to 3 March 2024 and ongoing

Part F - Date of agreement

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

Information required to be provided in your application

The following information, **as relevant to the proposed development**, must accompany a construction certificate application for building work.

BUILDING WORK

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
- If relevant, evidence of any accredited component, process or design sought to be relied upon.
- 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.
- Where a voluntary planning agreement is in place that would prevent the issue a construction certificate, a certificate must be provided from the relevant planning authority stating that the requirements of the agreement have been met.

Note 1 Long Service Levy

A construction 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 \$250,000 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 Builders 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 can 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 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.