

APPROVALS APPLICATION & APPOINTMENT OF PRINCIPAL CERTIFIER FORM

Complying Development Certificate

Modified Complying Development Certificate

Construction Certificate

Occupation Certificate

Modified Construction Certificate

Appointment of Principal Certifier (PC)

Office Use:

Direct Building Approvals Reference Number:

Date Application Lodged:

NSW Planning Portal Reference

PAN Number:

CFT Number:

DETAILS OF THE LAND TO BE DEVELOPED: (Cannot be the builder unless they are the property owner)

Lot No: _____ DP No: _____
Section: _____ Street Number: _____
Street Name: _____ Suburb: _____
State: _____ Post Code: _____

DETAILS OF APPLICANT:

An application may only be made by a person who has the benefit of the development consent. An application may not be made by person who will carry out the building work unless that person owns the land on which the work is to be carried out.

Mr/Mrs/Ms/Dr: _____ First Name/s: _____
Surname/Company Name: _____
Street No. _____ Street Name _____
Suburb: _____ State: _____ Postcode: _____
Telephone: _____ Mobile: _____ Fax No: _____
Email Address: _____

DETAILS OF OWNER/S:

	<u>Owner 1</u>	<u>Owner 2</u>	<u>Owner 3</u>	<u>Owner 4</u>
Mr/Mrs/Ms/Dr:				
First Name/s:				
Surname/Company Name:				
Street Name:				
Suburb:				
State:				
Post Code:				
Mobile Number:				
Email Address:				

DEVELOPMENT CONSENT:

Consent authority (Council) _____
 Development Consent Number / Modified Consent Number: _____ Date of Issue: _____

CONSTRUCTION CERTIFICATE DETAILS:

NOTE: Must be the full contract price for labour and materials or a genuine cost estimate of work. If understated, the amount will be adjusted using standard industry quotes
 ESTIMATED COST OF BUILDING WORK INCLUDING GST: \$ _____

Description of Work – Please provide a detailed description of the proposal:**Classification of Building Works:**

Class of the proposed building under the Building Code of Australia. If parts of the building have different classes, include all classes.

- Class 1a** - A single dwelling being a detached house, or one of a group of two or more attached dwellings, each being a building, separated by a fire-resisting wall, including a row house, terrace house, town house or villa unit
- Class 1b** - A Boarding house, guest house, hostel or the like with total area of all floors not exceeding 300m² and where not more than 12 reside, and is not located above or below another dwelling or another class of building other than a private garage. It can also be four or more single dwellings located on one allotment which are used for short-term holiday accommodation
- Class 10a** - Buildings are non-habitable buildings including private garage, carport, shed or the like
- Class 10b** - A Structure being a fence, mast, antenna, retaining or free standing wall, swimming pool or the like
- Class 10c** - A private bushfire shelter. A private bushfire shelter is a structure associated with, but not attached to, a Class 1a building.

BUILDING WORK DETAILS:

Not Determined at this time: (HOW will be required prior to the release of the Certificate)

BUILDER DETAILS - See notes below

Name of Builder:

Flat/Street No.

Street Name

Suburb:

State:

Postcode:

Telephone:

Mobile:

Fax No:

Email Address:

Licence No:

OWNER BUILDER DETAILS: – See notes below

Name of Builder:

Flat/Street No.

Street Name

Suburb:

State:

Postcode:

Telephone:

Mobile:

Fax No:

Email Address:

Licence No:

Notes

1. If a licenced builder is not engaged and the value of any residential work exceeds \$10,000, a copy of an Owner-Builder permit must be submitted to the PCA prior to building work commencing.
2. Where Owner-Builder work is proposed and the value of the proposed work is over \$20,000, you must have either completed an approved owner-builder course, or can satisfy the approved equivalent qualifications.
3. Evidence that an application has been lodged is required before NSW Fair Trading will issue an Owner-Builder permit.
4. If applying for a Complying Development Certificate you will not be able to obtain the Owner Builder Permit until the Approval has been released.
5. Further information about Owner-Builder permits can be obtained from the Fair Trading website
6. Demolisher's details can be inserted as Builder's details where the application is for demolition

HAS THE LONG SERVICE LEVY ALREADY BEEN PAID?

If the value of work is \$25,000 or more (inclusive of GST), the Building and Construction Industry Long Service Levy must be paid before a Complying Development Certificate can be issued.

- Yes**
Please ensure you have attached a copy of the levy payment receipt
- No**
The Long Service Levy must be paid prior to the Complying Development Certificate being issued.
- Long Service Levy not required**

HOME WARRANTY INSURANCE Has a Certificate of Home Warranty Insurance been provided?

If you are using a licensed builder for residential building work exceeding \$20,000, a Certificate of Home Warranty Insurance must be provided to confirm that it has been obtained.

By completing this form you are enabling Direct Building Approvals to collect personal information that is required by the *Environmental Planning and*

- Yes**
Please ensure you have attached a copy of the Home Warranty Insurance Certificate.
- No**
A copy of the Home Warranty Insurance Certificate must be submitted to the PCA prior to building work commencing. The PCA may not be able to carry out inspections if the certificate has not been provided.
- Home Warranty Insurance not required**

AUSTRALIAN BUREAU OF STATISTICS (PLEASE ENSURE ALL FIELDS ARE FILLED IN)

ALL NEW BUILDINGS (Please complete the following)

The number of storeys (including underground floors) in the proposed building	
The gross floor area of the building (m ²)	
The gross site area of the land on which the building is to be erected (m ²)	
The height of building (m)	
The site coverage of the site area which will be covered by a building (%)	

RESIDENTIAL BUILDINGS ONLY (Please complete the following)

The number of existing dwellings on the subject site	
The number of existing dwellings to be demolished	
The number of dwellings to be included in the new building	
Is the new building to be attached to any existing building	<input type="checkbox"/> Yes <input type="checkbox"/> No
Does the site contain a dual occupancy?	<input type="checkbox"/> Yes <input type="checkbox"/> No

MATERIALS – (Please indicate the materials to be used in construction of the new building/s)

Walls	<input type="checkbox"/>	Code	Roof	<input type="checkbox"/>	Code
Brick (double)	<input type="checkbox"/>	11	Tiles	<input type="checkbox"/>	10
Brick (veneer)	<input type="checkbox"/>	12	Concrete/slate	<input type="checkbox"/>	20
Concrete/stone	<input type="checkbox"/>	20	Fibre cement	<input type="checkbox"/>	30
Fibre cement	<input type="checkbox"/>	30	Steel	<input type="checkbox"/>	60
Timber	<input type="checkbox"/>	40	Aluminium	<input type="checkbox"/>	70
Curtain glass	<input type="checkbox"/>	50	Other	<input type="checkbox"/>	80
Steel	<input type="checkbox"/>	60	Not specified	<input type="checkbox"/>	90
Aluminium cladd	<input type="checkbox"/>	70			
Timber/wboard	<input type="checkbox"/>	40			
Other	<input type="checkbox"/>	80			
Not specified	<input type="checkbox"/>	90			
Frame	<input type="checkbox"/>	Code	Floor	<input type="checkbox"/>	Code
Timber	<input type="checkbox"/>	40	Concrete/slate	<input type="checkbox"/>	20
Steel	<input type="checkbox"/>	60	Timber	<input type="checkbox"/>	40
Aluminium	<input type="checkbox"/>	70	Other	<input type="checkbox"/>	80
Other	<input type="checkbox"/>	80	Not specified	<input type="checkbox"/>	90
Not specified	<input type="checkbox"/>	90			

APPOINTMENT OF A REGISTERED CERTIFIER/OWNER'S CONSENT:

***An application may only be made by a person who has the benefit of the development consent. An application may NOT be made by person who will carry out the building work unless that person owns the land on which the work is to be carried out.**

I/we are the owners of the subject land and consent to this application and to Direct Building Approvals Pty Ltd entering the premises for the purpose of conducting mandatory inspections relating to this application. I accept that all communication regarding this application will be through the nominated applicant and or nominated builder.

I/we declare that we have freely chosen to engage Direct Building Approvals Pty Ltd and have read the Service Agreement for Certification Work and the Information about registered certifiers that was provided together with the application form. I/we understand the responsibilities and those of the certifier and I/we are not aware of any existing conflict of interest with the nominated BDC as defined by the Building & Development Certifiers Act.

I/we understand that this engagement shall be subject to the Terms and Conditions outlined in this application and the associated Service Agreement for Certification Work. I/we further understand that the mandatory inspections required by the Act will be carried out during the course of construction along with others that are deemed to be necessary by the BDC during construction.

I/we also advise that I/we are aware of the conditions attached to all Development Consents (i.e. Local Development Consent) applying to this project and understand our responsibilities in relation to those conditions. I/we agree to undertake any works that may be required or to provide any information requested by the BDC in order that he/she may execute their statutory obligations under the Environmental Planning and Assessment Act, 1979(as amended).

I/we the owners of the subject property hereby give consent for the lodgment of all relevant applications (i.e. for Construction Certificate/s, Occupation Certificate/s, Compliance Certificate/s) and associated documentation to Direct Building Approvals for consideration.

Under Environmental Planning and Assessment Act and DP&A REGS 2000. This application forms part of the contract under part 5 of the Building and Certifiers Regulations 2020

PRIVACY STATEMENT:

Assessment Act 1979. Failure to provide this information may lead to rejection or delays in the determination of your application. At any time you have the right to access, view or correct the personal information that you have provided. This information will be stored in Direct Building Approvals records and will be used only for the purposes for which it has been collected.

I/we also declare that all documentation presented as part of an application for a Construction Certificate has remained unaltered from that issued with any Development Consent or that any changes have been documented and Direct Building Approvals have been advised accordingly in writing.

1.Owners Name (please Print):	Signature:	Date:
2.Owners Name (please Print):	Signature:	Date:
3.Owners Name (please Print):	Signature:	Date:
4.Owners Name (please Print):	Signature:	Date:

Nikola Accept the appointment by the owner to carry out the role of a Building Development Certifier for the above-mentioned Property.

Name: Nikola Dimitrovski – BDC2247

Service Agreement for Certification Work

Terminology

1. Environmental Planning and Assessment Act 1979: ('the act')
2. Environmental Planning and Assessment Regulation 2000: ('the regulation')
3. Building and Development Certifiers Act
4. National Construction Code (also Building Code of Australia)
5. Client - Person who appointed the Building Development Certifier for the purpose of this agreement
6. DTS – Deemed to Satisfy
7. BDC - Building Development Certifier
8. CC - Construction Certificate
9. CDC- Complying Development Certificate
10. OC – Occupation Certificate
11. DA- Development consent

Terms and Conditions

This document is a service agreement between Direct Building Approvals Pty Ltd and the 'the client'. For the purpose of this service agreement, 'the client' is the person who may appointed the BDC.

Obligations of the – Building & Development Certifiers

1. Issuing of Construction / Complying Development Certificate

- 1.1 The BDC shall perform all work that is necessary to comply with relevant statutory requirements and to facilitate the timely determination of an application, to issue a CC or CDC to the Client, and to endorse plans, specifications and other documentation used to determine the application with a reference identifier number specific to the development: -
- 1.2 Once the Client pays the BDC any money owed for work associated with the issuing of a CC or CDC.
- 1.3 Once design and construction of the building complies with the Development Consent and the Regulations or any prescribed Complying Development criteria by either the State Government or local Council; and
- 1.4 The design can comply with the DTS provisions of the BCA.
- 1.5 The BDC shall provide copies of approval documentation to Council via the NSW Planning Portal and any other relevant statutory authority within 2 days of the date of determination, as required by the EP&A Regulation.
- 1.6 When the BDC issues a CC or CDC, the BDC may request as many Certificates as possible or statements from any Certifying Authority or any other party that the BDC considers necessary in addition to any Certificates listed in the Certificates Schedule.

2. Critical Stage Inspections

- 2.1 The BDC (or another agreed to by the BDC) shall carry out the mandatory critical stage inspections as are prescribed in the regulations and other required inspections contained in the notice to the client issued by the BDC under S.81A of the Act and cl. 103A of the Regulations.
- 2.2 Provide the BDC with all requested Pre-Commencement items to allow BDC appointment at least 2 days prior to commencement of any works
- 2.3 The BDC shall issue an inspection report for each inspection undertaken. The Owner/Builder is to provide a Structural Engineering Certificate inspection report from a qualified practicing engineer on completion of Footings / Slab / Frame works – Non Compliance could result in No OC being issued.
- 2.4 Ensure that all critical stage inspections are booked as specified in the Schedule 1: Mandatory Critical Stage Inspections
- 2.5 The BDC shall carry out as many inspections as the BDC considers necessary in addition to those nominated in the Inspection Schedule 1.
- 2.6 Ensure that the site is accessible for the BDC to carry out its contractual obligations.
- 2.7 Use suitably qualified or experienced contractors for all aspects of the Building Work.

- 2.8 Attend any site meetings if requested by the BDC.
- 2.9 Comply with any Written Direction Notices that the BDC issues.
- 2.10 Ensure compliance with all conditions of any DA/CC/CDC

3. Issuing of Occupation Certificates

- 3.1 Following the final inspection, the BDC shall provide a Part / Whole OC application form. The BDC shall also provide a written schedule of documents required to accompany the occupation certificate application.
- 3.2 The BDC shall issue an OC for the building works when satisfied that:
 - a) All conditions of the development consent required to be satisfied prior to the issue of the occupation certificate have been satisfied to the satisfaction of the BDC.
 - b) The building works are considered by the BDC to be consistent with the DA/CC/CDC, the Act and Regulations.
 - c) The building works are considered by the BDC to be suitable for occupation in accordance with its classification under the Building Code of Australia (BCA).
 - d) A fire safety certificate has been issued (class 1 and 10 buildings excluded).
 - e) An application for an occupation certificate has been received by the BDC.
 - f) The building does not pose any threat to the health or safety of the occupants in the case of a Part OC.
 - g) Apply for, and provide all documentation required to allow the issue of an OC authorising full use of the development, within two years of the date of the construction approval.
- 3.3 Failure to comply with (3.2) shall entitle the BDC to terminate the contract, or to charge additional fees to extend the contract
- 3.4 Shall ensure that there is no occupation and/or use of the building until it is authorised by the issue of an OC or Part OC under the relevant DA/CC/CDC

4. VARIATIONS TO THIS AGREEMENT

- 4.1 If the Building Works do not commence within twelve (12) Months from the date of the execution of this agreement; then the BDC may charge an additional fee of 30% of the total amount of the original fee of CC/CDC approval
- 4.2 If the building work is completed (and a final occupation certificate is not issued) within twelve (12) months of the date of issue of the last mandatory inspection report, then the BDC may charge an additional fee of 30% of the CC/CDC approval.
- 4.3 If an Occupation Certificate is not issued within six (6) months of practical completion of the development then, the BDC will charge an additional 30% of the total amount of the original fee of the CC/CDC approval
- 4.4 If any part of the Building Works are re-designed by the Client or the Client's representative; the BDC will charge an hourly rate of \$150.00 per hour (GST Inclusive) for assessment.
- 4.5 If any part of the building is designed pursuant to a DTS Provision of the BCA, and is subsequently changed by way of a Performance Solution; the BDC will charge an hourly rate of \$150.00 per hour (GST Inclusive) for assessment
- 4.6 If the BDC determines that additional CC or CDC are required to be issued The BDC will charge the amount of \$550.00 (GST Inclusive) for the issue of a modified CC/CDC
- 4.7 If an amendment to the Act, the BCA or any other law that requires any aspect of the Building Works or the BDC's work to be varied; the BDC will charge an hourly rate of 200.00 per hour (GST Inclusive) for assessment
- 4.8 If the BDC is required to undertake more inspections than those nominated in the quotation/invoice; Additional inspections will be charged at - \$250.00 (GST Inclusive) per inspection
- 4.9 If the BDC is required to issue a Part OC the BDC will charge for the Part OC the amount \$400.00 (GST Inclusive)
- 4.10 If the Client does anything that causes a delay to the Building Works or does anything that delays the ability of the BDC to carry out its obligations under this contract, an

- 4.11 hourly rate of \$200.00 per hour (GST Inclusive) will be charged The BDC reserves the right to charge the Client to investigate non-compliances where the Client has acted outside the scope of the conditions of the Development Consent at the amount of \$500.00 (GST Inclusive)
- 4.12 Should the BDC determine that any unauthorised building works have occurred, and a written direction notice is required to be issued a Fee of \$600.00 (GST inclusive) will be issued.
- 4.13 Should a change of ownership arise once a CC/CDC is issued the contract immediately is ceases and the new owner will need to enter into a formal contract with the BDC and Direct Building Approvals. A revised service agreement and quotation will be provided.

5. Termination of Agreement

- 5.1 if the Client breaches the contract in any respect;
- 5.2 If it is not possible to issue the Construction Certificate or Complying Development Certificate 6 months from the date of execution of this contract;
- 5.3 If the Building Works do not commence after twelve (12) months from the date the Construction Certificate or Complying Development Certificate was issued, If the Client does not permit the BDC to issue an OC after six (6) months from the date of practicable Completion,
- 5.4 If the Building Works have commenced without the issuing of a CC/CDC, then: -
- 5.5 The BDC may terminate this contract by sending a written Notice of Termination, stating the breach/s, to the Client. Termination will take effect as soon as the Client receives the Notice of Termination
- 5.6 Should the client fail to notify the BDC of notice of commencement of building works or any critical stage inspections
- 5.7 If the client decides to terminate the agreement prior to the issue of the CC/CDC the deposit payment will not be refunded (this payment will cover costs for works the BDC has completed to date)

6. Effect of conduct

- 6.1 This contract represents the entire contractual agreement between the parties and overrides any other documents or oral representations upon which the parties may seek to rely to generate any legal effect or to imply any contractual obligation.

7. Certifier's Insurance Details: Insurance to be held under Building and Development Certifiers Act

Name of insurer:

Policy No: SY0006E80124MI -PI
 Type of Insurance: PROFESSIONAL INDEMNITY
 Liberty AUS PI Construction Consultants Policy (03-11)
 Policy Period: From 29/07/2024 To 29/07/2025

END OF TERMS AND CONDITIONS

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.

²Building 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.