

## Application Form & Certification Contract

### APPLICATION TYPE

<input type="checkbox"/> Complying Development Certificate & engagement as Principal Certifier	<input type="checkbox"/> Construction Certificate & engagement as Principal Certifier
	<input type="checkbox"/> Engagement as Principal Certifier

### DEVELOPMENT SITE DETAILS

Lot No.:	Section No.:	DP / SP No.:
Street Address:		
Suburb:		Postcode:

### THE DEVELOPMENT

Description of Development:			
Value of Work:	\$	Building Classification:	
If any bonded asbestos material or friable asbestos material will be disturbed, repaired, or removed in carrying out the development, what is the estimated square metre area of the material?			m <sup>2</sup>

### COMPLYING DEVELOPMENT (Relevant State Environmental Planning Policy (SEPP) the application is to be assessed under)

<input type="checkbox"/> SEPP (Exempt & Complying Development Codes) Part 3 Housing Code	<input type="checkbox"/> Greenfield Housing Code
<input type="checkbox"/> SEPP (Exempt & Complying Development Codes) Part 3A Rural Housing Code	<input type="checkbox"/> SEPP (Exempt & Complying Development Codes) Part 4 Housing Alterations Code
<input type="checkbox"/> SEPP (Exempt & Complying Development Codes) Part 3B Low Rise Housing Diversity Code	<input type="checkbox"/> SEPP (Exempt & Complying Development Codes) Part 7 Demolition Code
<input type="checkbox"/> SEPP (Exempt & Complying Development Codes) Part 3C	<input type="checkbox"/> SEPP (Affordable Rental Housing) Part 3 Housing Code

### DEVELOPMENT CONSENT NUMBER

DA No. or CDC No.:	Approval Authority:	Issue Date:
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### AUSTRALIAN BEAURUE OF STATISTICS

#### 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 <sup>2</sup> )	
The gross site area of the land on which the building is to be erected (m <sup>2</sup> )	

#### RESIDENTIAL BUILDINGS (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	Yes No
Does the site contain a dual occupancy?	Yes No
Does the development involve the erection of a wall to a boundary that has a wall less than 0.9m from the boundary	<input type="checkbox"/> Yes <input type="checkbox"/> No
Does the development involve the demolition or removal of a wall to a boundary that has a wall less than 0.9m from the boundary	<input type="checkbox"/> Yes <input type="checkbox"/> No

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

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



**OWNER DETAILS**

Name:			
Postal Address:		Suburb:	Postcode:
Phone:	Mobile:	Email:	

**APPLICANT DETAILS (If different to Owner details)**

Name:			
Postal Address:		Suburb:	Postcode:
Phone:	Mobile:	Email:	

**DETAILS OF PRINCIPAL CONTRACTOR / OWNER BUILDER**

Licensed Builder <input type="checkbox"/>	Owner Builder <input type="checkbox"/>	TBA <input type="checkbox"/>	Builder or OB Licence Number:
Name:		Address:	
Phone:	Mobile:	Email:	

**FEES AND CHARGES**

The fees & charges for the determination of an application for a Development Certificate and the carrying out the functions as the Principal Certifier are set out in the accepted fee proposal or as otherwise agreed. The relevant fees & charges for the determination of an application for a Construction/Development Certificate and the carrying out of the functions of the Principal Certifier are to be paid in full before the Certifier commences to carry out those functions. In respect to any unforeseen contingency work provided under this Agreement, an invoice shall be issued within 21 days after completion of such work. The Certifier will undertake for a fixed fee all work involved in assessing, determining and finalising the application as set out in the Description of Services, including the costs of any services provided by a third party and any fees for obtaining or lodging documents, **except** for contingency items (if any) specified below.

<input type="checkbox"/> Fixed fee agreement The Certifier will undertake for a fixed fee all work involved in assessing, determining and finalising the application as set out in the Description of Services, including the costs of any services provided by a third party and any fees for obtaining or lodging documents, except for contingency items (if any) specified below.	<input type="checkbox"/> Variable costs agreement The Certifier will undertake all work involved in assessing, determining and finalising the application as set in the Description of Services upon the following basis:
Fixed fee: \$	Certifier's fee for services: \$
Contingency items#* Re-Inspection \$250 plus GST Additional inspection outside inspections allowed for or staged construction \$300 plus GST Further/more than one Occupation Certificate \$400 plus GST Compliance inspections due to a complaint received \$250 plus GST	Third party fees for services (including for another accredited certifier's services)* \$ Fees for certificates and lodgment of documents* \$ Contingency items#*

# If applicable, insert description of the contingency item – eg, 'additional inspection if access not available.' If no provision is to be made for contingency items, write N/A'. \*Insert amount or basis of calculation e.g. "At cost" or "\$.....per hour".

**a) Contingency fees and charges**

- (i) In the case of fees and charges that may be payable for work arising from unforeseen contingencies, the basis on which those fees and charges are to be calculated are set out below.
- (ii) In respect of any unforeseen contingency work provided for under this Agreement, the Certifier is to send an invoice to the Client within 21 days after the completion of any such work.
- (iii) In the event of an Interim/Part/Partial Occupation Certificate being issued an additional fee no less than \$400 plus GST is applicable for the additional final inspection and issuance of the Final/Whole Occupation Certificate and lodgment of documents to Council.
- (iv) The fee schedule allows for one (1) of each of the required critical stage inspections to be carried out, re-inspections or additional inspections of the same type (including staged construction) will incur a fee of \$250 & \$300 plus GST per inspection respectively .
- (v) Should a critical stage inspection (as required by CI 162A of the EP & A Regulations) not be carried within 1 year of the previous critical stage inspection an additional fee equal to fifty percent the amount of the fee proposal applies.
- (vi) Should a critical stage inspection (as required by CI 162A of the EP & A Regulations) not be carried within 2 years of the previous critical stage inspection an additional fee equal to the amount of the fee proposal applies.
- (vii) Should a critical stage inspection (as required by CI 162A of the EP & A Regulations) not be carried within 3 years of the previous critical stage inspection an additional fee equal to 2 (two) times the amount of the fee proposal applies.
- (viii) Should a critical stage inspection (as required by CI 162A of the EP & A Regulations) not be carried within 4 years of the previous critical stage inspection an additional fee equal to 3 (three) times the amount of the fee proposal applies.
- (ix) Should a critical stage inspection (as required by CI 162A of the EP & A Regulations) not be carried within 5 or more years of the previous critical stage inspection an additional fee equal to 5 (five) times the amount of the fee proposal applies.
- (x) A standard fee of \$150 plus GST applies per per month applies where a final inspection has been carried out and there has been a delay in completing any required works and or provision of any required documentation.

**LODGEMENT & PRINCIPAL CERTIFIER DECLARATION - All property owners must consent to, and sign, this application**

- i. I/We hereby apply for a Construction Certificate (CC); Complying Development Certificate (CDC); Occupation Certificate (OC) or any other application or modification required or related to this development.
- ii. I/We appoint Domenic Di Matteo Pty Ltd (Accreditation No. 1869) as the Principal Certifier (PC) as outlined in the Environmental Planning & Assessment Act, 1979 (as amended).
- iii. We consent to the certifying authority, or an accredited certifier, or consent authority, entering the subject property at any reasonable time, for the purpose of carrying out any mandatory critical stage inspection as required by the Act, or a regulatory inspection where required.
- iv. Where a Complying Development application requires neighbour notification in accordance with the Environmental Planning & Assessment Regulation, I/we agree to allow DM Certifiers Pty Ltd to notify occupants of neighbouring properties of the subject site with the applicant name, address and contact details (pre-approval notification – Clause 130AB), and/or details of the approved development (pre-construction notification – Clause 136AB).
- v. I/We acknowledge that I/we must comply with all relevant DA or CDC conditions and/or pre-conditions of consent nominated in the approval documentation prior to works commencing, and that the PC can't be appointed until all pre-conditions have been complied with.
- vi. I/We advise that building works have not commenced, and will not commence, until 2 days after the Appointment of PC and Notice of Commencement have been provided to Council,
- vii. I/We declare that all the information provided is true and correct. I/We also understand that, if incomplete, the application may be delayed or rejected, and further information may be requested.
- viii. I/We agree to receive approval documentation via electronic communication.
- ix. I/We have freely chosen to engage Domenic Di Matteo.
- x. I/We have read DM Certifiers Pty Ltd's Contract for Certification Work and understand the role and responsibilities of each party to the Contract. I/We agree to the execution of the Contract.
- xi. By signing this agreement either by hand or electronically, I/we agree to be legally bound by the terms of this agreement.

OWNER	APPLICANT	NAME	POSITION (If company owned)	SIGNATURE
<input type="checkbox"/>	<input type="checkbox"/>			
<input type="checkbox"/>	<input type="checkbox"/>			

Date signed: \_\_\_\_\_ Application received on: \_\_\_\_\_

OFFICE USE ONLY

**Please note:**

- An application may NOT be made by a person who will carry out the building work, unless that person owns the land on which the work is to be carried out. An application may be made by any other person, provided the owner has given written consent.
- The Principal Certifier (PC) may NOT be appointed by a person who will carry out the building work, unless that person owns the subject land. The PC is to be appointed by the person who has the benefit of the Development Consent (ordinarily the owner).
- If signing on the owner's behalf, please state your legal authority, and provide documentary evidence (e.g. copy of Power of Attorney, trust deed, etc.)
- If signing on behalf of a body corporate or company, the application should be signed by two authorised representatives of the Company, and the names and positions of authority in the Company must be stated on the form. If you are the Sole Director, or are signing under Common Seal, this should be stated, and one signature will suffice. Alternatively, authority may be provided on Company letterhead.







## 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)<sup>1</sup>. 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.

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<sup>1</sup> Visit [www.fairtrading.nsw.gov.au](http://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<sup>2</sup> 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 work<sup>3</sup> with the approval and agreement of the principal certifier. Building inspectors are not authorised to issue certificates or be appointed as the principal certifier.

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<sup>2</sup> 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.

<sup>3</sup> 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](http://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](http://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](http://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.

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