



Waratah Certifiers

Building Approvals & Consultancy Services

Level 1, Building 3
20 Worth St, Chullora 2190
(02) 9758 7567

admin@waratahcertifiers.com.au

A.B.N: 16 622 686 560

Application for Complying Development Certificate

Environmental Planning and Assessment Act 1979 Sections 4.27/4.28

CDC Number:

Date Received:

Applicant Details

Applicant's Name	Telephone	Mobile
Applicant's Address	Suburb / Postcode	Applicant's Email

Owner/s Consent *I/We consent to this application and have freely chosen this Private Certifier to perform the required certification work outlined in this agreement.:*

Owner/s Name(s) as per Title Search	Company	Telephone	Mobile
Owner/s Address	Suburb / Postcode	Owner/s Email	
<i>I/We consent to this application:</i>	Signature - Owner 1	Signature - Owner 2	
	Name - Owner 1	Name - Owner 2	

Property and Proposed Development Details

Address of subject land		Suburb / Postcode		Estimated Value of Work	Site Area m2
				\$	
Lot No.	DP / SP	Volume/Folio	TYPE OF DEVELOPMENT:	Builder	Owner Builder**
			Demolish Use Build Work Subdivide	OR	
Description of proposed work			**for proposed residential building		

Declaration

I have read the attached "Notes for Completing a Complying Development Certificate Application" and provided all required details

I have completed Schedule 1 (for building work only)

I have attached an up to date BASIX Certificate (see Note 3)

I Agree under Part 4.28(8) of the Act that this application will be determined in accordance with Clause 130AA of the Regulations, and as per the "Clock Stopped System". Please refer to notation 8, page 7.

Applicant Signature	Name	Date
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Schedule 1

All NEW Buildings

Please complete the following details for **all** new buildings:

Number of storeys (including underground floors) Gross floor area of new building (m²) Gross site area (m²)

Residential Buildings Only:

Please complete the following details on residential structures:

Number of dwellings to be constructed Number of pre-existing dwellings on site Number of dwellings to be demolished

Will the new dwellings be attached to other new buildings?

Will the new buildings be attached to existing buildings?

Does the site contain a Dual Occupancy?

(NB) Dual Occupancy = two dwellings on the same site

Materials – Residential Buildings:

Please indicate the code X that best describes materials to be used in the construction of the new building

WALLS		FRAME		ROOF	
Brick (double)	11	Timber	40	Tiles	10
Brick (veneer)	12	Steel	60	Concrete or slate	20
Concrete or Stone	20	Aluminium	70	Fibre cement	30
Fibre cement	30	Other	80	Steel	60
Timber	40	Not specified	90	Aluminium	70
Curtain glass	50	FLOOR		Other	80
Steel	60	Concrete or slate	20	Not specified	90
Aluminium	70	Timber	40		
Other	80	Other	80		
Not specified	90	Not specified	90		



Notes for Completing an Application for Complying Development Certificate

<p>Note 1. A plan of the land must indicate:</p> <ol style="list-style-type: none">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. <p>Note 2. Plans or drawings describing the proposed development must indicate (where relevant):</p> <ol style="list-style-type: none">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.building perspectives where necessary to illustrate the proposed building.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 methods of draining the land. <p>Note 3. BASIX Certificate BASIX, the Building Sustainability Index, is an interactive, web-based planning tool to assess the potential performance of residential development against water consumption and greenhouse gas emission targets prescribed by the NSW Government.</p> <p>From 1st July 2004 new homes must be designed to achieve a 40% reduction in potable water consumption and a 25% reduction in greenhouse gas emissions compared to existing dwellings of the same type.</p> <p>From 1st October 2006, BASIX Alterations and Additions applies.</p> <p>BASIX is a self-assessment tool designed to be used by building applicants and others involved in designing residential development proposals. BASIX is accessed via the BASIX WEBSITE, http://www.basix.nsw.gov.au/. Applicants wishing to build a new home are required to complete a BASIX assessment in relation to their proposal before an application can be lodged with Waratah Certifiers.</p> <p>The BASIX Certificate, generated once a BASIX assessment has been satisfactorily completed, confirms that the proposed development will meet the Government's water consumption and greenhouse gas emission targets if it is carried out in accordance with commitments made by the applicant during the BASIX assessment.</p>	<p>Waratah Certifiers will be unable to consider applications that are lodged without a BASIX Certificate.</p> <p>Note 4. The following information must also accompany a complying development certificate application for building or subdivision work and change of building use:</p> <p>Building Work In the case of an application for a Complying Development Certificate for building work.</p> <ol style="list-style-type: none">copies of compliance certificates relied upon.three (3) copies of detailed plans and specifications. <p>The plan for the building must be drawn to a suitable scale and consist of a general plan and a block plan. The general plan of the building is to:</p> <ul style="list-style-type: none">show a plan of each floor section.show a plan of each elevation of the building.show the levels of the lowest floor and of any yard or unbuilt area belonging to that floor and the levels of the adjacent ground.indicate the height, design, construction and provision for fire safety and fire resistance (if any). <p>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.</p> <p>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</p> <p>The specification is:</p> <ul style="list-style-type: none">to describe the construction and materials of which the building is to be built and the method of drainage, sewerage and water supplystate whether the materials proposed to be used are new or second hand and give particulars of any second-hand materials used. <ol style="list-style-type: none">Where the application involves an alternative solution to meet the performance requirements of the BCA, the application must also be accompanied by:<ul style="list-style-type: none">details of the performance requirements that the alternative solution is intended to meet, anddetails of the assessment methods used to establish compliance with those performance requirements. <p>NB If an EPI provides that complying development must comply with the deemed to satisfy provisions of the BCA a CDC cannot authorise compliance with alternative solutions to the performance requirements corresponding to those deemed-to-satisfy provisions.</p>
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- d. Except in the case of a class 1a or class 10 building:
- 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.

Subdivision Work:

In the case of an application for a complying development certificate for subdivision work:

- details of the existing and proposed subdivision pattern (including the number of lots and location of roads).
- details of consultation with public authorities responsible for provision or amplification of utility services required by the proposed subdivision.
- existing and finished ground levels.
- copies of Compliance Certificates relied upon.
- four (4) copies of detailed engineering plans. The detailed plans may include but are not limited to the following:
 - earthworks
 - roadworks
 - road pavement
 - road furnishings
 - stormwater drainage
 - water supply works
 - sewerage works
 - landscaping works
 - erosion control works
- where the proposed subdivision work involves a modification to previously approved plans the plans must be coloured or otherwise marked to the satisfaction of the certifying authority to adequately distinguish the modification.

Change of Building Use:

In the case of an application for a complying development certificate for a change of building use (except for an application that, if granted, would authorise the building concerned being used as a class 1a or class 10 building);

- 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 in connection with the proposed change of building use.
- 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.

Note 5.

Other information must indicate (where relevant)

- in the case of shops, offices, commercial or industrial development:
 - details of hours of operation.
 - plant and machinery to be installed.

- type, size and quantity of goods to be made, stored or transported, loading and unloading facilities.
- in the case of demolition:
 - details of age and condition of building or works to be demolished.
 - in the case of advertisements:
 - details of the size, type, colour, materials and position of the sign board or structure on which the proposed advertisement is to be displayed.
 - in the case of development relating to an existing use:
 - details of the existing use.
 - In the case of development involving the erection of a building, work or demolition:
 - details of the methods of securing the site during the course of construction.

Note 6.

Home Building Act Requirements:

In the case of an application for a complying development certificate for residential building work (within the meaning of the Home Building Act 1989) attach the following:

- in the case of work by a licensee under that Act
 - a statement detailing the licensee's name and contractor license number, and
 - documentary evidence that the licensee has complied with the applicable requirements of that Act*, or
- in the case of work done by any other person:
 - 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 that Act.

* A certificate purporting to be issued by an approved insurer 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.

Note 7.

Under S 4.28 910A) of the Environmental Planning and Assessment Act 1979 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, the first instalment of the levy) has been paid. The local Council may be authorised to accept payment.

Note 8.

The "clock stopped system" for the purposes of this application is defined as:-
Once the application is received the time period, either 10 or 20 days as is applicable commences. Should correspondence requiring further Information/Details be issued by this company, the clock is then stopped until such time as all required information is received. Once received, the clock is then restarted.

Structural engineering certificate must be provided by the applicant to Waratah Certifiers to prove compliance with structural plans. (From the appropriate National Engineer Registry NER). Please note that fees and charges for this application are only valid for two years from submission to Waratah Certifiers. Any work undertaken by us after two years will incur additional costs.

Applicant Signature

Name

Date



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Notice to Commence Work and Appointment of a Principal Certifying Authority

Cert. Number:

Date Received:

Applicant Details

Applicant's Name	Company	ABN	Mobile
Applicant's Address	Suburb / Postcode	Applicant's Email	

Owner/s Consent

Owner/s Name(s)	Telephone	Mobile
Owner/s Address	Suburb / Postcode	Owner/s Email
<i>As owner/s of the land to which this application relates, I/We consent to this application:</i>	Signature - Owner 1	Signature - Owner 2

Site and Approval Details

Address of subject land	Suburb / Postcode	Lot No.	DP / SP	Volume/Folio
Description of Development				
Development Consent No.	Construction Certificate No.	Complying Development Certificate No.		
Dated	Dated	Dated		

Builder Details

Is the owner the builder?	Owner Builder Permit No.	Builder's Email		
Yes – attach copy of owner builder's permit				
	Builder's Name	Builder's Phone No.	Builder's Licence No.	
No – attach copy of builder's license				
Has the principal certifying authority been provided with a copy of the Home Warranty Insurance Certificate under Part 6 of the Home Act 1989?				
Yes	No			

Compliance with Development Consent

Have all conditions required to be complied with prior to commencing work been satisfied?	
Yes	No
<i>By answering YES, the Applicant is certifying that all conditions have been satisfied. If all conditions have not been satisfied, you may be prosecuted, and orders sought to cease all work until compliance is satisfied.</i>	

Date Work is Commencing

Date of Commencement

Principle Certifying Authority Details OFFICE USE ONLY

PCA Name Registration No. ABN Accreditation

Mobile PCA Email

I confirm that I have been appointed as the Principal Certifying Authority for the subject development.

PCA Signature Name Date

Applicant Responsibilities and Signature

1. The applicant is to understand the conditions of development consent that apply to the development and is to ensure that all contractors also have an understanding of the conditions.
2. The applicant must give notice under section 4.19, 6.6, 6.7, 6.12, 6.13 and 6.14 of the Environmental Planning & Assessment Act of intention to commence building work.
3. The applicant is to ensure that at least 48 hours' electronic notice is provided Via the email address admin@waratahcertifiers.com.au for the inspection(s) as will be listed in the Notice of Mandatory Critical Stage Inspections to be provided to you by the PCA.
4. Certificates and/or reports required by the conditions of development consent must be submitted to the PCA at the nominated stages.
5. Where amendments to the development consent are found to be necessary, the applicant is to ensure that the necessary approvals are obtained from Council before the amended works are commenced.
6. At the signing of this Agreement, the applicant agrees to pay the PCA a fee as agreed between the applicant and the PCA, to carry out its functions as the PCA.
7. I nominate the above named Accredited Certifier as the Principal Certifying Authority for development described in this application. I declare that all the information given is true and correct. I also understand that:
 - a. If incomplete, the application may be delayed or rejected, and
 - b. More information may be requested by Waratah Certifiers prior to determination.

Applicant Signature Name Date



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Agreement for the Performance of Certification Work

What is this document and who are the parties to it and what are their contact details?

This is an agreement between Waratah Certifiers Pty Ltd ACN 622 686 560 (whose contact details are set out at **Item 1** in the Schedule) for the performance of certification work under the Environmental Planning and Assessment Act 1979. In this agreement, "we" and "our" means Waratah Certifiers Pty Limited and "you" and "your" is a reference to the person for whom the certification work is to be carried out (the Owner) the name, address and contact details of whom are set out at **Item 2** in the Schedule.

What work have we agreed to perform for you?

The work which we have agreed to perform for you is called "certification work" in this agreement and is set out at **Item 3** in the Schedule.

Who is the accredited certifier?

The person who will perform the certification work is one of the Waratah team's certifiers. Their contact details are set out at **Item 4** in the Schedule.

What fees and charges must you pay us and when?

The fees and charges we will charge you for the certification work are set out at **Item 5** in the Schedule. If the certification work involves the determination of an application for a development certificate or involves the carrying out of the functions of a principal certifying authority, the fees and charges must be paid before any application is lodged or function is carried out. Otherwise we must issue an invoice for fees and charges which arise as a result of unforeseen contingencies within 21 days after the completion of that work and you must pay the amount of these invoices within 14 days of the date on which they are issued.

Our insurance

We have taken out professional indemnity insurance as required by law. The details of our professional indemnity insurer are set out at **Item 6** in the Schedule.

Our statutory obligations

Fair Trade NSW may publish information about our statutory obligations. Such information is available at the following link and in the attached information sheet. fairtrading.nsw.gov.au/trades-and-businesses/business-essentials/building-certifiers

I/we agree to the terms within this document and understand that where this Complying Development Application is found to not satisfy the relevant Complying Development Standards, the Certifying Authority may determine the application by way of issuing a refusal within the statutory time frame with all application fees being retained.

For and on behalf of the Owner:

Applicant Signature

Name

Date

What is your authority to sign?
Please note all amounts payable are not refundable under any circumstances including refusing or withdrawing the application. Agreement is valid for two years from date of payment.

The Schedule

ITEM 1. The contact details for Waratah Certifiers Pty Ltd ACN 622 686 560:

Address: L1, Building 3, 20 Worth Street, Chullora NSW, 2190

Telephone: 02 9758 7567

Email: admin@waratahcertifiers.com.au

ITEM 2. Your contact details are (Owner):

Name **ACN (if applicable)**

Email **Telephone**

Address

ITEM 3. Description of work

ITEM 4. The accreditation details of the assigned certifier are:

Name

Accreditation No.

Certifier Signature

ITEM 5. Our fees:

For the work which is described at Item 3, our fees and the number of included inspections are listed in the fee proposal to be accepted by the applicant.

For work arising as a result of unforeseen contingencies:

Calculated at an hourly rate of \$ 295 plus GST for all time spent by an accredited certifier or a building consultant including travelling time, phone calls, emails, liaising with other consultants or stakeholders, any additional assessment (only one assessment and one revision is included within this invoice) and legal communications. additional time spent include extra work within our offices or required to get to the place where the work is performed plus the actual cost of any amount disbursed by us on your behalf. (minimum of 3 hours charged per extra work). No refund is applicable for withdrawal nor refusal of the application.

ITEM 6. Our Professional Indemnity Insurer and details of our policy:

BRIC Professional Indemnity Insurance: B1333ECB2001978

Period of Cover: 20 September 2020–20 September 2021

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.