

Part 2 Development Details

2.1 Development Approvals Granted	
Provide specific application/approval numbers relevant to the subject development.	
Development application number	
Date consent was granted	
And Construction certificate no.	
Date certificate was issued	
Or Complying development certificate number.	
Date certificate was issued	

2.2 Appointment of PC	
Please tick the appropriate box	
I have met all the conditions in the development consent or the complying development certificate required to be satisfied before I can begin work.	
I have appointed a Principal Certifier	
Name of PC	
Accreditation no. of the certifier	

2.3 Residential building work	
Please tick the appropriate box.	
Please Note: Where an owner/builder engages any sub-contractor for any work component exceeding \$20,000 in cost, a contract of insurance pursuant to Part 6 of the Home Building Act 1989 must be in force for each component.	
Are you going to build a house or other dwelling or alter or add to a dwelling?	Yes <input type="checkbox"/>
	No <input type="checkbox"/> Go to Part 2.4 Commencement date
Are you an owner-builder? (The work must be carried out by a licensed builder)	Yes <input type="checkbox"/> No <input type="checkbox"/>
If yes – What is your owner-builder permit no? (A certified copy must be attached) (go to Part 2.4 Commencement date)	
If no, what is the name of the builder?	
What is his/her phone no?	()
What is his/her contractor licence no?	
Have you attached evidence (a certificate of a contract of insurance pursuant to Part 6 of the Home Building Act) that the licensed builder is insured to carry out this type of work?	Yes <input type="checkbox"/>
	No <input type="checkbox"/> (If no, you must attach a declaration (signed by each owner of the land) that the reasonable market cost of the labour and materials to be used is less than \$20,000).

2.4 Commencement date	
Date the work will commence	
Minimum notice of two full working days (48 hours) is required under the Environmental Planning and Assessment Act, 1979. Note: This notice period is to begin from the next working day and is not to include the day on which the form is submitted to Northern Beaches Council.	

Part 3 Checklist

Please tick the appropriate box.				
Have you met all relevant conditions?	Yes		No	
Have you paid all relevant fees associated with your consent? This includes long service levy, inspections, S7.11 contributions and bonds (if applicable)	Yes		No	
One of the following must be attached, Current copy of owner builder permit?	Yes		No	
Builders insurance for residential works > \$20,000?	Yes		No	
Quote from builders for costs of works < \$20,000?	Yes		No	

Part 4 Site and Application Details

5.1 APPLICANT(S)							
It is important that we are able to contact you if we need more information. Please give us as much detail as possible.				Please note the owner(s) or the person having the benefit of the development consent is to complete this form. Your builder cannot complete this for you as per Section 6.5 of the Environmental and Planning Assessment Act 1979			
Mr		Mrs		Ms		Other	
Full family name(s) (no initials)							
Full given names (no initials) Or							
Company name							
ACN							
Postal address							
We will post all correspondence to this address						Postcode	
Private number				Business number			
Mobile number							
Contact person							
Email							

Part 5 Principal Certifier Service Agreement

This agreement applies where a person with the benefit of development consent (Owner) appoints Northern Beaches Council (Council) as the Principal Certifier (PC)

The agreement sets out:

- The services Council provides when appointed as PC; and
- The Council's and Owner's obligations when Council is appointed as PC

Appointment of Council as PC

The Owner must appoint a PC before work commences on site. This is a legal requirement (S6.6 & S6.12) of the Environmental Planning & Assessment Act 1979.

Note that "Owner" refers to the person having the benefit of development consent or complying development certificate for development involving building work or subdivision work.

The Undertaking attached to this agreement is to be completed by the owner where Northern Beaches Council is appointed as the Principal Certifier.

Notice of Commencement of Work

At least two (2) days before commencing any work the Owner must notify Council of the intention to commence work.

This notice must be given by providing the Notice of Commencement of Building or Subdivision Work to Council. This form will be attached to documentation sent to the owner if Council is appointed as the PC.

Council's Services and Responsibilities as PC

As PC Council will:

- Carry out inspections of the building work;
- Advise when third party certification may be required;
- Advise upon the specific works to be completed or consent conditions to be satisfied before issuing occupation certificate(s);
- Issue an interim occupation certificate, if requested by the Owner, and where appropriate to do so;
- Issue the occupation certificate.

Serve notices and orders if there is a departure from the approved development.

Ensure that a sign is erected in a prominent position on the site showing the name, address and telephone number of the PC.

Inspections

Mandatory Inspections

Council will undertake mandatory critical stage building inspections where applicable during the building process. These inspections may include:

Class 1 or 10 building: (single dwelling, carport, garage, shed, swimming pools)

- After excavation for, and prior to the placement of any footings;
- Prior to pouring in-situ reinforced concrete building element;
- Prior to covering of the framework of any floor, wall, roof or other building element;
- Prior to covering waterproofing in wet areas;
- Prior to covering any stormwater drainage connections;
- In the case of a swimming pool, after construction is completed and the barrier (if required under the Swimming Pools Act 1992) has been erected and before the pool is filled with water;
- After building work has been completed and prior to occupation certificate being issued in relation to the building;

Inspections continued

Class 2, 3 or 4 building (flats, boarding houses, residential parts of hotels, motels, schools)

- After excavation for, and prior to the placement of any footings;
- Prior to pouring in-situ reinforced concrete building element;
- Prior to covering of the framework of any floor, wall, roof or other building element
- Prior to covering waterproofing in wet areas for a minimum of 10% of rooms with wet areas within a building;
- Prior to covering any stormwater drainage connections;
- After building work has been completed and prior to occupation certificate being issued in relation to the building

Class 5, 6, 7, 8 or 9 buildings (office, shop, car park, hospital, school, church, theatres)

- After excavation for, and prior to the placement of any footings;
- Prior to pouring in-situ reinforced concrete building element;
- Prior to covering of the framework of any floor, wall, roof or other building element
- Prior to covering any stormwater drainage connections;
- After building work has been completed and prior to occupation certificate being issued in relation to the building;

Other Inspections

In addition, Council may require other inspections to be carried out.

Concurrent Inspection

The next nominated inspection after the first nominated inspection maybe carried out concurrently but only with the agreement of the PC. The concurrent inspection will be charged as per Council's Fees and Charges. All other nominated inspections must be carried out separately. Council as the PC must carry out the final inspection in order to issue the required Occupation Certificate.

Notice before Inspection

The Owner must ensure that the Principal Contractor (i.e. the builder) provides Council with a minimum 48 hours' notice (excluding weekends and public holidays) when each critical stage inspection is ready to inspect. All critical stage inspections must be carried out to allow for the Occupation Certificate to be issued allowing occupation of the building.

To notify Council that works are ready for inspection, telephone Council on 1300 434 434 8.30am to 5.00pm Monday to Friday or email council@northernbeaches.nsw.gov.au

Approval of Inspections

Until Council has confirmed in writing that it is satisfied with each stage of construction, building work may not continue to the next stage of construction.

If Council is not satisfied with the relevant stage of construction work it will notify the Owner in writing and inform them of the reasons for this and the need (if any) to carry out a re-inspection.

Payment for Inspections

In regards to the critical stage inspections, payment in full must be forwarded to Council before any site inspections can take place. Please refer to Council's Fees and Charges for the cost of inspections.

Missing critical stage Inspections

If any critical stage inspection applicable to the development is not carried out by reason of not notifying the PC, or some other circumstances, the owner must submit in writing to the PC the specific reason(s) why the inspection was missed. If the PC is not satisfied with the reason then it may not be in a position to issue the required Occupation Certificate.

If Council is required to carry out additional or re-inspections, a further charge will apply as per Council's Fees and Charges.

Documentation

Prior to the commencement of construction, or at any stage of construction, Council may ask the owner to provide specialist reports, plans, specifications and certification of building materials, process of works. Typical documents include structural engineering and other specialist details, survey reports, compliance certificates and fire safety certificates.

Any compliance certificates or other certification required must be prepared by an accredited certifier or other suitably qualified person and must reference the relevant provisions of the BCA, Australian Standards and approved drawings, to the satisfaction of Council.

Note: It is an offence to knowingly make a false or misleading statement in an important aspect, or in connection with any document lodged with a certifying authority for purposes of the Environmental Planning and Assessment Act 1979 or the Environmental Planning and Assessment Regulation 2000.

Part 6 The Owner's Responsibilities

The owner must:

- Ensure that a sign is erected in a prominent position on site showing the name and telephone number (outside of working hours) of the principal contractor (builder) and stating that unauthorised entry to the site is prohibited;
- Ensure that valid public liability insurance cover to the value of \$10,000,000 (minimum) is held by the owner/builder;
- Ensure that the Principal Contractor is advised of the inspections required by Council and that the directions of Council are to be observed to ensure compliance with the development consent, construction certificate, BCA and the terms of the agreement;
- Notify at least 48 hours before each stage of construction for which Council requires an inspection to be carried out;
- Provide any specialist reports, plans, specifications and certification of building materials, process of works requested by Council at any stage of construction prior to issue of an occupation certificate;
- Comply with all relevant legislation, consents and approvals relating to the subject development.
- Inform Council of any known breach of any relevant legislation or matter that may require rectification or remediation as soon as practicable but not less than twenty four (24) hours after the Owner becomes aware of the breach or matter;
- Pay the service and inspection fees detailed in Council's Schedule of Fees and Charges
- The building site must have good housekeeping and meet the safety requirements under the WHS Act 2011 for Council staff to enter.

Note: Council staff or its contractors have the right to refuse entry onto the site if it is deemed by them to be unsafe.

Note: To vary and modify a condition of consent requires the submission and approval of an application under S4.55 of the Environmental Planning and Assessment Act 1979;

Replacing Council as PC

If the Owner wishes to at any stage after appointment to replace Council with another PC it will need Council's authority in writing to do so.

Further Information

For further information please contact Council between 8.30am and 5.00pm Monday to Friday on 1300 434 434 or email council@northernbeaches.nsw.gov.au

Date of Agreement

This agreement is made on		Day of		20	
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The owner or the person having the benefit of the development consent is required to sign and return to Council prior to Council signing this agreement.

Agreement of Client/Declaration

This Agreement is signed and executed by or on behalf of the owner or the person having the benefit of the development consent.	Signature:
I/We have freely chosen to engage Northern Beaches Council and it's Registered Certifiers; and I/We have read the contract and any accompanying documentation and understand my/our roles and responsibilities and those of the Registered Certifiers.	Print Name:

Agreement of Council

This Agreement is signed and executed by or on behalf of the Council	Signature:
	Print Name:
	Registration Accreditation No:

Part 7 Dictionary

Accredited certifier means the holder of a certificate of accreditation as an accredited certifier under the BP Act

Applicable environmental planning instrument means the State Environmental Planning Policy or the Local Environmental Plan nominated by the Client as the instrument against which an application for a complying development certificate is to be assessed.

BASIX means the Building Sustainability Index

BCA means the Building Code of Australia.

BP Act means the Building Professionals Act 2005

Certification work means:

- a) the determining of an application for a development certificate
- b) the issue of a development certificate
- c) carrying out the functions of a PC
- d) carrying out of inspections for the purposes of section 6.5 of the EP&A Act
- e) carrying out inspections under section 22 Swimming Pools Act 1992 and issuing certificates of compliance under that Act

Contractor license means a license issued under the Home Building Act 1989

Development certificate means:

- a) a certificate under Part 6 of the EP&A Act, being:
 - a construction certificate
 - a compliance certificate
 - a sub-division certificate
 - an occupation certificate
- b) a complying development certificate
- c) a strata certificate issued under the Strata Schemes (Freehold Development) Act 1973 or the Strata Schemes (Leasehold Development) Act 1986

EP&A Act means the Environmental Planning and Assessment Act 1979

EP&A Regulation means the Environmental Planning and Regulation 2000

Owner-builder permit has the meaning given to it by the Home Building Act 1989

PC means a principal certifier appointed under section 6.5 of the EP&A Act

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Amount	\$		

Name as appears on card														
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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.