

COMPLYING DEVELOPMENT CERTIFICATE APPLICATION FORM

Application No.

INTRODUCTION

Under the *Government Information (Public Access) Act 2009* we may be required to publicly release any correspondence or information we have on this matter, which means your personal information may not be confidential and may appear on Council's website.

Political Donations and Gifts Disclosure Statement forms will be kept in a public register held at Council's Administration Building and may also be available on our website.

1. STEP-BY-STEP GUIDE TO COMPLYING DEVELOPMENT

This form may be used to apply for a complying development certificate (a 'CDC') to carry out development classed as 'complying development'.

Complying development is a quick and easy process for approving low impact forms of development. Complying Development is different to the traditional way of seeking approval for development, in that before the application is lodged, it must be checked off as Complying with pre-determined and specific planning criteria under a State policy.

This self assessment process, via a checklist, will ascertain whether a proposal can or cannot be complying development. Please complete all sections of the checklist and attach copies of all documents required by the checklist to minimise delay in the processing of your application. If all of this information is provided and we can confirm that all the pre-determined criteria are met, approval can be received within 10 days.

Below is a step by step guide to assist you in obtaining a Complying Development Certificate.

1

Complete a separate supporting Complying Development Checklist

This is to ensure your lot allows Complying Development and that the proposal meets Complying Development design standards. Council may be able to provide you with a checklist to suit your proposal. Where we do not have a checklist that suits your proposal you may need to talk to your building designer or architect to assist.

2

Complete this Complying Development Certificate application form

3

Submit completed forms mentioned in steps 1 and 2 above

You must ensure you have submitted all necessary/required documentation to ensure the 10 day approval can be met. You will receive a Complying Development Certificate from us once it is assessed and approved.

4

Appoint a Principal Certifying Authority (PCA)

Refer to **Part G** of this application form for information regarding the PCA. You can appoint Shellharbour City Council as your PCA at the same time you lodge this application to save delay.

5

Notification of Commencement

Work can begin two days after a CDC has been issued, a PCA has been appointed and once you have forwarded a 'Notice of Commencement' to Council, your PCA and to neighbours within 20 metres of the property. If you appoint Shellharbour City Council as your PCA, we will provide all the necessary paperwork to assist you.

6

Commence Work

Ensuring that all conditions requiring action prior to the commencement of work have first been satisfied.

Shellharbour City Council offers the following Complying Development Certification package to suit your needs.

2. FEES AND ESTIMATES

All inclusive package includes:

- Complying Development Certificate
- Appointment as Principal Certifying Authority (PCA)
- Building Inspections
- Occupation Certificate

1. LOCATION OF PROPOSED DEVELOPMENT

Lot: DP/SP:

Unit No: House No:

Street:

Suburb: Postcode:

2. APPLICANT DETAILS

It is important that we are able to contact you if we need more information.

Surname:
or company name

Given Name:
or company contact person

Mr Ms Miss Mrs Dr Other:

ABN (if applicable):

Mobile: Other:

Email:

Fax:

Street No. & Name:

Suburb: Postcode:

3. OWNER(S) DETAILS

Signatures of **all** registered Owners are required on the last page of this application form. Without signatures from all registered Owners, the application cannot be lodged.

As above: Otherwise, please provide details below

Given Name(s) or Company Name	Surname(s) or Company contact person
<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>

Please provide contact details of nominated owner:

Email:

Mobile: Other:

Fax:

Street No. & Name:

Suburb: Postcode:

1. ESTIMATED COST OF DEVELOPMENT

Demolition	\$	<input type="text"/>
Construction	\$	<input type="text"/>
Other	\$	<input type="text"/>
Total Project Value	\$	<input type="text"/>

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.

2. APPROVAL POLICY

A separate supporting Complying Development checklist (depending on which policy you are seeking approval under) must be completed and attached to this application. Council can provide a checklist from the EHC website for your proposal.

Alternatively you can download the Checklist at <http://www.ehc.nsw.gov.au/>

This Complying Development application is made under: (please tick the applicable box)

NOTE: You must select whichever policy is most suitable to your needs, however only 1 can be selected which must be used in its entirety.

- Codes SEPP (Exempt and Complying Development Codes)**
Please select one of the following sub categories if using the Codes SEPP
 - General Housing Code
 - Rural Housing Code
 - Housing Alterations Code
 - General Commercial and Industrial Code
 - Subdivision Code
 - Demolition Code
- SEPP Affordable Housing**
- SEPP Infrastructure**

3. DESCRIPTION OF COMPLYING DEVELOPMENT

Please select the type of complying development proposed. More than one type of complying development can be nominated. For example, you can apply for a new dwelling and a swimming pool under the same application.

RESIDENTIAL USES

- Awning
- Pergola
- Gazebo
- Cabana
- Carport
- Garage
- Shed
- Swimming Pool
- Spa
- Demolition
- New Dwelling (Single storey)
- New Dwelling (2 or 3 storey)
- Alt's and Add's (single storey)
- Alt's and Add's (2 or 3 storey)
- Secondary Dwelling
- Retaining Walls
- Satellite Dish
- Strata Subdivision
- Group Homes
- Other

COMMERCIAL AND INDUSTRIAL USES

- Building Alterations (internal)
- Shop front and awning alterations
- Skylights and roof windows
- Mechanical Ventilation system
- Change of use of premises
- Strata Subdivision
- New Commercial Building
- New Industrial Building
- Other

Please provide a detailed description of the proposal selected above:

4. CLASSIFICATION OF BUILDING

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

5. ASBESTOS

If any bonded asbestos material or friable asbestos material will be disturbed, repaired or removed in carrying out the development, what is the estimated are of the material?

 m²

PART C

BUILDING WORK DETAILS

1. WHO WILL BE DOING THE BUILDING WORK?

Not determined at this time

Or

Owner - Builder
See notes below.

Or

Licensed Builder

Builder's Name:

Builder's Licence No.

Builder's Address:

Suburb: Postcode:

Email:

Mobile: Other:

Notes:

- If a licensed 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.
- 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.
- Evidence that an application has been lodged is required before NSW Fair Trading will issue an Owner-Builder permit.
- Further information about Owner-Builder permits can be obtained from the Fair Trading website <http://www.fairtrading.nsw.gov.au/>
- Demolisher's details can be inserted as Builder's details where the application is for demolition

2. LONG SERVICE LEVY

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.

The levy can be paid online through the Long Service Payments Corporation website: <http://www.longservice.nsw.gov.au/>

Has the Long Service Levy been paid?

Yes Please ensure you have attached a copy of the levy payment receipt

No The long service levy must be paid prior to the issue of a Complying Development Certificate

Long Service Levy not required

3. HOME WARRANTY INSURANCE

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. For more information, refer to the Home Warranty Insurance Fund website: <https://homewarranty.nsw.gov.au>

Has a Certificate of Home Warranty Insurance been provided?

- 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

4. SECTION 94 CONTRIBUTIONS The Shellharbour City Council Section 94 Contributions Plan applies to the whole of the Shellharbour City Council Local Government Area.

A contribution is payable on the following development types:

- Secondary Dwellings
- Group Homes
- Commercial and Industrial (New Buildings and Additions)

The Section 94 Contribution Plan, current contribution rates and further information is available at Council's administration building or website.

Has the Section 94 contribution been paid?

- Yes Please ensure you have attached a copy of the payment receipt.
- No The contribution must be paid before any work authorised by the Complying Development Certificate commences.
- N/A The Shellharbour City Council Section 94 Contributions Plan does not apply to this development

PART D DESCRIPTION OF THE DEVELOPMENT

This information is required for the purpose of providing information to the Australian Bureau of Statistics.

1. GENERAL INFORMATION

Area of Land (m²):

Gross Floor Area of existing Building (m²):

Gross Floor Area of proposed Addition or new building (m²):

Number of storeys in the proposed building will consist of:

2. CONSTRUCTION MATERIALS

Please select the building material which best describes the materials the new work will be constructed of:

Exterior Wall Material	Code
Brick veneer	<input type="checkbox"/> 12
Full Brick	<input type="checkbox"/> 11
Single Brick	<input type="checkbox"/> 11
Concrete Block	<input type="checkbox"/> 11
Concrete/Masonry	<input type="checkbox"/> 20
Concrete	<input type="checkbox"/> 20
Steel	<input type="checkbox"/> 60
Fibrous cement	<input type="checkbox"/> 30
Hardiplank	<input type="checkbox"/> 30
Timber or Weatherboard	<input type="checkbox"/> 40
Clad - Aluminium	<input type="checkbox"/> 70
Curtain Glass	<input type="checkbox"/> 50
Other	<input type="checkbox"/> 80
Unknown	<input type="checkbox"/> 90

Roof Material	Code
Aluminium	<input type="checkbox"/> 70
Steel	<input type="checkbox"/> 60
Concrete	<input type="checkbox"/> 20
Concrete Tile	<input type="checkbox"/> 10
Fibrous Cement	<input type="checkbox"/> 30
Fibreglass	<input type="checkbox"/> 80
Masonry or Terracotta	<input type="checkbox"/> 10
Slate	<input type="checkbox"/> 20

Floor Material	Code
Concrete	<input type="checkbox"/> 20
Timber	<input type="checkbox"/> 40
Other	<input type="checkbox"/> 80
Unknown	<input type="checkbox"/> 90

Frame Material	Code
Timber	<input type="checkbox"/> 40
Steel	<input type="checkbox"/> 60
Aluminium	<input type="checkbox"/> 70
Other	<input type="checkbox"/> 80
Unknown	<input type="checkbox"/> 90

	Applicant Use Please ✓ or ✗		Office Use Please ✓ or ✗
	Yes	N/A	Received
SECTION 94 CONTRIBUTION PAYMENT RECEIPT (If applicable)			
GENERAL PLAN REQUIREMENTS Plans must be drawn to scale (preferably 1:100 or 1:200) and the scale identified on each plan. Free hand or illegible drawings will be not acceptable. The following information should be provided on all plans: <ul style="list-style-type: none"> • Property description including Lot and DP number, house/unit number, street name and suburb • Architect/designer name, contact details and the date of drawing • Location of true north • Measurements in metric • BASIX Commitments (where relevant) • Buildings or parts of buildings to be demolished indicated • Highlight in colour all proposed additions • Bushfire Attack Level (BAL) construction methods highlight in colour all proposed additions • Plans stamped by a Sydney Water Check Agent • Shell Cove Stamp (If proposed development is in Shell Cove) 			
SITE PLAN 2 Copies Information should include (where relevant): <ul style="list-style-type: none"> • Location of new and existing buildings in relation to site boundaries and all buildings and structures on adjoining land • Location of any windows on adjoining land facing the proposed new buildings • Proposed finished levels of the lot indicating extent of cut and fill, floor levels of buildings, street kerb invert levels and stormwater drains • Location dimensions and area of any impermeable surfaces (including driveways) covering the lot • Location dimensions and area of private open space • Layout of stormwater drainage including the lawful point of drainage discharge • Location of vehicle access and car parking including dimensions, gradient and extent of cut and fill • Proposed landscaping and treatment of the land • Site protection details during construction • Swimming pool volume calculations 			
ARCHITECTURAL PLANS 2 Copies Information should include (where relevant): <ul style="list-style-type: none"> • Floor plans of proposed buildings showing layout, partitioning, room dimensions and area and intended uses of each part of the building • Window and door location and dimensions • Floor levels and steps in floor levels • Elevations and setbacks showing proposed colours, materials, finishes, heights and levels including roof pitch and height 			
ENGINEERING PLANS AND SPECIALIST REPORTS 2 Copies Information should include (where relevant): <ul style="list-style-type: none"> • Site and soil investigation report • Method of termite protection • Footing, wall bracing, roof truss and bracing layout plans • Structural engineers details for all reinforced concrete, retaining wall and structural steel components • All engineering documentation must be certified by a practicing professional engineer 			
BUILDING SPECIFICATIONS 2 Copies The specifications are a written statement that should be up to date and include (where relevant): <ul style="list-style-type: none"> • The construction of the building to specific BCA standards and materials to be used • Type and colour of external finishes • Whether the materials proposed to be used are new or second-hand and give particulars of any second-hand materials to be used • The method of drainage, effluent disposal, and water supply • Any other details relevant to the construction of the building • If relevant, evidence of any accredited component, process or design sought to be relied upon 			
FIRE SAFETY STATEMENT 2 Copies Information should include (where relevant - not required for dwelling and outbuildings): <ul style="list-style-type: none"> • Proposed alteration to existing building (BCA Classes 2 - 9) are to be accompanied by a statement from an accredited person detailing what, if any, works are required to bring the building to an acceptable standard of fire safety • A schedule of fire safety measures listing all existing and those proposed to be installed in the building • In addition to the above, if the development involves a change of use of a building (other than a dwelling-house or a building or structure that is ancillary to a dwelling house): <ul style="list-style-type: none"> ○ A list of Category 1 fire safety provisions (as defined by the EP&A Regulations) that currently apply to the existing building, and ○ A list of Category 1 fire safety provisions that are to apply to the building following its change of use ○ A list of the existing and proposed essential fire and other safety measures that apply to the building 			

	Applicant Use Please ✓ or ✗		Office Use Please ✓ or ✗
	Yes	N/A	
<p>BUSHFIRE ATTACH LEVEL (BAL) RISK ASSESSMENT CRITERIA 2 Copies</p> <p>If the property is wholly or partly mapped as bushfire prone land, a BAL certificate must be lodged with the complying development application. We can provide a BAL certificate subject to a separate application.</p> <p>Note: If the site is determined as having a bush fire attach level -40 (BAL-40) or the flame zone (BAL-FZ) the application cannot be accepted as Complying Development and a DA must be lodged.</p>			
<p>ENGINEERS CERTIFICATION FOR FLOOD CONTROL LOTS 2 copies</p> <p>If the property is wholly or partly mapped as being flood affected any proposed development must not be on any part of a flood control lot unless that part of the lot has been certified, for the purposes of the issue of the relevant complying development certificate by a professional engineer who specialises in hydraulic engineering as not being any of the following:</p> <ul style="list-style-type: none"> • a flood storage area • a floodway area • a flow path • a high hazard area • a high risk area <p>The development must, to the extent it is within a flood planning area:</p> <ul style="list-style-type: none"> • have all habitable rooms no lower than the floor levels set by the council for that lot, and • have the part of the development at or below the flood planning level constructed of flood compatible material, and • be able to withstand the forces of floodwater, debris and buoyancy up to the flood planning level (or if on-site refuge is proposed, the probable maximum flood level), and • not increase flood affectation elsewhere in the floodplain, and • have reliable access for pedestrians and vehicles from the development, at a minimum level equal to the lowest habitable floor level of the development, to a safe refuge, and • have open car parking spaces or carports that are no lower than the 20-year flood level, and • have driveways between car parking spaces and the connecting public roadway that will not be inundated by a depth of water greater than 0.3m during a 1:100 ARI (average recurrent interval) flood event. <p>A standard specified in subclause (3) (c) or (d) is satisfied if a joint report by a professional engineer who specialises in hydraulic engineering and a professional engineer who specialises in civil engineering confirms that the development:</p> <ul style="list-style-type: none"> • can withstand the forces of floodwater, debris and buoyancy up to the flood planning level (or if on-site refuge is proposed, the probable maximum flood level), or • will not increase flood affectation elsewhere in the floodplain <p>Note: If engineers certification for the flood control lot as being capable of being assessed under Complying Development is refused, the application cannot be accepted as Complying Development and a DA must be lodged.</p>			
<p>BASIX (SUSTAINABILITY) CERTIFICATE 2 copies</p> <ul style="list-style-type: none"> • For new dwellings, additions and alterations to dwelling (where the value of work exceeds \$50,000 or more) and new swimming pools having a volume of 40,000 litres or greater, a current BASIX certificate must accompany the application • Applications cannot be accepted without this certificate (where it is required). You can generate a BASIX certificate on the BASIX Website https://www.basix.nsw.gov.au 			
<p>TREE APPROVAL 2 copies</p> <p>If required, has separate approval (TMO) been obtained for the removal of trees or vegetation?</p>			
<p>WASTE MANAGEMENT PLAN 2 copies</p> <p>Has a waste management plan been submitted? (Required where development relates to dwellings, industry & swimming pools)</p> <p>Note: Council has a Waste Management Plan form on our website that you may use for your application.</p>			
<p>STATEMENT OF ENVIRONMENTAL EFFECTS 2 copies</p> <p>Has a Statement of Environmental Effects been submitted? Is it appropriate for the development type?</p> <p>Note: Council has a Guideline document on our website to help you with writing of a Statement of Environmental Effects, we also have a form you may use for your application.</p>			
<p>SEPARATE COMPLYING DEVELOPMENT CHECKLIST 2 copies</p> <p>Has a relevant separate supporting complying development checklist been provided and completed?</p>			

PART F

DECLARATIONS

1. APPLICANT

I declare that all the information provided in this application is, to the best of my knowledge, true and correct.

I confirm I have completed the relevant separate supporting Complying Development Checklist and have attached it to this application.

I understand that:

- This application authorises Shellharbour City Council officers to enter the property to perform inspections associated with its processing and subsequent determination.
- I am liable to pay for/rectify any damage caused to public infrastructure arising from construction works associated with the proposed development.

Applicant Signature

Date

2. OWNER

I/we are the owners of the subject land and consent to this application and to Shellharbour City Council staff entering premises during normal office hours for the purpose of conducting inspections relating to this application. I accept that all communication regarding this application will be through the nominated applicant.

In case of the owners being a corporation, an ACN Number is required, or if crown land, written authorisation of the relevant statutory authority.

Owner Signature

Date

Owner Signature

Date

Owner Signature

Date

Owner Signature

Date

ACN (if relevant)

3. COUNCIL

Application form satisfactorily completed

Relevant separate supporting complying development checklist provided and completed

Relevant accompanying documents have been provided (refer to checklist in part E)

I confirm the application is suitable for lodgement

Officer Name

Officer Signature

Date

PRIVACY AND PERSONAL INFORMATION PROTECTION NOTICE

Shellharbour City Council respects your privacy at all times. When processing your application we collect personal information about you for the primary purpose of providing you with a high level of customer service.

For more information please see our Privacy Management plan on our website www.shellharbour.nsw.gov.au or contact our Privacy Officer on 02 4221 6111. Information leaflets are also available at all offices and libraries.

1. REQUIREMENTS

It is a requirement that a PCA be appointed before the commencement of work. The PCA must be an Accredited Certifier and will carry out mandatory critical stage inspections, and any other inspection requirements, in accordance with section 81A of the Environmental Planning and Assessment Act 1979. The PCA will also issue an Occupation Certificate which permits occupation or use of a building or part.

2. PCA APPOINTMENT

With reference to this proposed development I/we the owners of the subject property hereby advise of our decision to appoint Shellharbour City Council and its associated staff (as contained in the Building Professionals Board register located at http://search.bpb.nsw.gov.au/bpb/BPB_search.jsp) to fulfil the role of Principal Certifying Authority (PCA) as outlined in the Environmental Planning and Assessment Act, 1979 (as amended).

I/we understand that this engagement shall be subject to the Terms and Conditions outlined in this application and the associated Schedule and I/we further understand that they will carry out all mandatory inspections required by the Act during the course of construction along with any others they deem to be necessary as referred to in the abovementioned Agreement.

I/we also advise that I/we are aware of the conditions attached to any Development Consent (i.e. Local Development Consent or Complying Development Consent) and are aware of our responsibilities in relation to those conditions.

3. OWNERS CONSENT & PCA APPOINTMENT

I/we the owners of the subject property hereby give consent for the lodgement of all relevant applications (i.e. for Construction Certificate/s, Complying Development Certificate/s, Occupation Certificate/s, Compliance Certificate/s) and associated documentation to Shellharbour City Council for consideration.

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 Shellharbour City Council have been advised accordingly.

I/we wish to appoint Shellharbour City Council as the PCA for this Complying Development project.

OWNER/APPLICANT #1

_____ Owner/Applicant Signature	_____ Date
_____ Name (please print)	_____ Date

OWNER/APPLICANT #2

_____ Owner/Applicant Signature	_____ Date
_____ Name (please print)	_____ Date

TERMS AND CONDITIONS

PCA OBLIGATIONS

- a. The PCA agrees to carry out mandatory critical stage inspections during the course of construction of the proposed building work (where applicable) as follows:
- at the commencement of the proposed building work, and
 - after excavation for and prior to placement of any footings, and
 - prior to pouring any in-situ reinforced concrete building element, and
 - prior to covering of the framework for any floor, wall, roof or other building element, and
 - prior to covering of waterproofing in any wet areas, and
 - prior to covering any stormwater drainage connections, and
 - after the proposed building work has been completed and prior to any occupation certificate being issued in relation to the building, and
 - any other inspections as the PCA considers necessary in addition to those nominated which may be required from time to time to enable the issuing of the final occupation certificate.
- b. The owner and principal contractor acknowledge that the PCA or another certifying authority (with the approval of the PCA) must inspect the mandatory critical stage inspections number (a) i-vi inclusive. The PCA must carry out the final mandatory critical inspection.
- c. The PCA shall issue the final occupation certificate for the proposed building work when the PCA is satisfied that:
- all preconditions for the issue of the final certificate that are specified in the development consent or complying development certificate have been met, and
 - the building works for which the construction certificate has been issued are suitable for occupation for use in accordance with their classification under the *Building Code of Australia 1996* (as amended), and
 - a final fire safety certificate has been issued (if required).
- d. The PCA shall issue an interim occupation certificate for the proposed development when the PCA is satisfied that:
- any preconditions to the issue of an occupation certificate as specified in the development consent or complying development certificate have been met, and
 - that the building works for which the construction certificate has been issued are suitable for occupation for use in accordance with their classification under the *Building Code of Australia 1996* (as amended), and
 - the building does not constitute a hazard to the health or safety of the occupants of the building.

PRINCIPAL CONTRACTOR OBLIGATIONS

- a. Before the commencement of any residential building work, the principal contractor must provide the PCA with Home Owner Warranty Insurance pursuant to the *Home Building Act 1989*.
- b. The principal contractor must notify the PCA of a date and time for the carrying out of each mandatory critical stage inspection and shall pay the PCA the scheduled fees as agreed.

- c. The principal contractor must rectify any defects identified by the PCA during the course of each mandatory critical stage inspection to the satisfaction of the PCA before the principal contractor carries out any further building work or at such other time as may be agreed to by the PCA.
- d. The principal contractor must not allow any occupation of the building to be permitted without first obtaining an occupation certificate (either interim or final) from the PCA.
- e. The principal contractor must ensure that a construction certificate or complying development certificate has been issued prior to the commencement of any works.
- f. The principal contractor must engage competent tradesman to carry out all aspects of the building works.
- g. The principal contractors must provide all relevant drawings, plans, statutory plans and documentation associated with but not limited to the development consent, the construction certificate and any occupation certificate at the request of the PCA.
- h. The principal contractor must attend any meeting if required by the PCA to do so.
- i. The principal contractor must comply with any notices or orders that the PCA issues.
- j. The principal contractor must provide compliance certificates as requested by the PCA.
- k. The principal contractor must provide all information that the principal contractor reasonably can obtain to enable the PCA to fulfil its obligations under this Agreement.

OWNER OBLIGATIONS

- a. The owner must ensure that a construction certificate or complying development certificate has been issued prior to the commencement of any works.
- b. The owner must ensure that the subject property is available for the PCA to carry out the PCA's obligations under this Agreement.
- c. The owner must attend any meetings if required by the PCA to do so.
- d. The owner must not occupy the building until an occupation certificate (either interim or final) has been issued by the PCA.
- e. The owner agrees that in the event of an interim occupation certificate being issued by the PCA and there being outstanding work that is required to be completed by the owner or a condition of development consent that needs to be satisfied by the owner, the owner agrees to complete any outstanding work or satisfy any condition of the development consent within three months from the date of the interim occupation certificate or such other time as may be agreed between the owner and the PCA.

TERMINATION OF THIS AGREEMENT

This Agreement may be terminated if any of the following occurs:

- building works are commenced without the issue of a construction certificate
- if the owner or principal contractor fails to provide Home Warranty Insurance pursuant to the *Home Building Act 1989* if the building work is residential building work
- if the PCA terminates this Agreement then the principal contractor and owner must pay any money owing to the PCA for work done and costs incurred by the PCA up to and including the date of termination of this Agreement.

REPLACING PCA

The appointed PCA can only be changed or replaced by another PCA with the approval of the Building Professionals Board and/or the newly appointed PCA.

GOVERNING LAW

The parties agree that the laws of New South Wales and in particular the *Environmental Planning &*

Assessment Act 1979 and its Regulations govern this Agreement.

DEFINITIONS

Alternative Solution has the same meaning as the term in the Building Code of Australia 1996.

BCA means the Building Code of Australia 1996 including all applicable amendments.

Building means that which is the subject of the Building Works.

Building Contract means the contract to construct the Building Works that the owner enters with the builder.

Building Works means the building works for which a Construction Certificate is to be issued in accordance with this agreement and is referred to in the "Land to be Developed" section of the Application Form relating to the subject works.

Certificates mean statutory certificates and non-statutory certificates.

Certifying Authority means a Certifying Authority within the meaning of the Act.

Owner means the owner or the owner's agent.

Competent people means people authorised to carry out any work associated with Building Works under the Act and includes contractors.

Complying Development Certificate means a Complying Development Certificate within the meaning of the Act.

Construction Certificate means a Construction Certificate within the meaning of the Act.

Deemed to Satisfy Provision has the same meaning as the same term in the Building Code of Australia 1996.

Development Consent means a Development Consent within the meaning of the Act.

Fire Safety Certificate means a Fire Safety Certificate within the meaning of the Act.

Inspection Schedule means the mandatory inspections required under the Act.

Notice includes any notice issued under the Act or this agreement and in respect of notices in this agreement must be made by pre-paid ordinary mail, facsimile transmission or notice by hand delivery to the Address for Notices in this agreement.

Occupation Certificate means an Occupation Certificate within the meaning of the Act.

Order means an Order within the meaning of the Act.

Practicable completion means the date the builder has completed the Building Works in accordance with the Building Contract.

Principal Certifying Authority is a building practitioner as defined under the Environmental Planning and Assessment Act 1979 (NSW) (as amended).

Regulations means the Environmental Planning and Assessment Regulation 2000 (NSW) (as amended) and all applicable amendments.

Schedule means the Schedule in this agreement.

Scope of Works means obligations in this agreement and any other tasks set out in the Schedule.

Statutory Notices means those notices that are issued by the PCA in accordance with the Act.

EXECUTED by Shellharbour City Council as PCA

EXECUTED by

as Owner

FEES

Complying Development	53	
PCA Inspection Fee	43	
Certificate Registration	09	
CDC Preservation Fee	142	

Asset Protection	186	
Long Service Levy	68	
Occupation Certificate Reg.	09	
TOTAL FEES		\$

Paid by CHEQUE <input type="checkbox"/> EFT <input type="checkbox"/> CASH <input type="checkbox"/>			
Amount \$		Rec. No.	
DATE		Mail <input type="checkbox"/>	Counter <input type="checkbox"/>

GENERAL INFORMATION

BUILDING COMPLYING DEVELOPMENT CERTIFICATE (s85)

A Complying Development Certificate for the erection of a new building identifies the classification of the building in accordance with the *Building Code of Australia* and states the building will comply with all development standards applicable to the development and with other requirements prescribed by the Regulations.

SECTION 94 CONTRIBUTIONS (s85A (9))

In determining a Complying Development Certificate application, a condition that is required under Division 6 (Development Contributions) in relation to the complying development must be imposed.



PRINCIPAL CERTIFYING AUTHORITY (s109E)

The erection of a building must not be commenced until a Construction Certificate or Complying Development Certificate has been issued and a Principal Certifying Authority (PCA) has been appointed (s81A & 86). The PCA is responsible for ensuring compliance with the approval and the issue of an Occupation Certificate.



OCCUPATION CERTIFICATE (s109M & 109N)

An Occupation Certificate authorises the occupation and use of a new building or a change of building use for an existing building.

Note: Sections 109M & 109N prohibit the occupation or use of a new building unless an Occupation Certificate has been issued for the building.

HOME WARRANTY INSURANCE (*Home Building Act 1989*)

Home Warranty Insurance is required for all residential building work requiring a licence and costing over **\$20,000**.

Currently there are two approved home warranty insurers that provide home warranty on behalf of the NSW Home Warranty Insurance fund for residential building work:

- Calliden Insurance Limited
- QBE Insurance (Australia) Limited

OWNER/BUILDER PERMIT (Regulation 78C)

An Owner/Builder permit must be obtained from the Department of Fair Trading if you intend to undertake or supervise your own residential building work and the market value of the labour and the materials needed to complete the work is greater than **\$10,000**.

An Owner/Builder permit is not a building licence and does not allow you to do specialist trade work such as electrical, plumbing, drainage or gas fitting.

LONG SERVICE LEVY (s85A (10A))

The Long Service Levy is a NSW State Government charge placed on building and construction work costing **\$25,000** or more. The levy rate is 0.35% of the cost of the building and construction work. Owner/builders, churches and non-profit organisations may be entitled to a reduction in the levy.

BUILDING SUSTAINABILITY INDEX (BASIX)

'BASIX Certificate' The Building sustainability Index (BASIX) is a web based tool designed to assess the potential performance of residential buildings against a range of sustainable indices.

A BASIX Certificate identifies the sustainability features required to be incorporated in the building design. These features may include sustainable design elements such as recycled water, rainwater tanks. AAA-rated showerheads and taps, native landscaping, heat pump or solar water heaters, gas space heaters, roof eaves/awnings and wall/ceiling insulation.

You need a BASIX Certificate in Shellharbour City when BASIX applies to the type of development for which you require approval. Commencement dates and details of types of development are at www.basix.nsw.gov.au

The applicant is required to submit the BASIX Certificate with the Development Application or Complying Development Certificate Application. The plans and specifications must also identify the BASIX commitments, which will be checked by a professional building certifier during construction. Where submitted plans or specifications are inconsistent with the relative BASIX Certificate, Council should require applicants to submit consistent applications before processing the assessment process, either by amending plans/specifications or by submitting a new BASIX Certificate with commitments that match the rest of the application.

Applicants can generate the BASIX Certificate only on the NSW Department of Infrastructure, Planning and Natural Resources' BASIX website: www.basix.nsw.gov.au. For more information, phone DIPNR's BASIX Help Line on 1300 650 908.

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COMPLYING DEVELOPMENT CERTIFICATE APPLICATION

Credit Card Details

Please charge my: Master Card Visa

Card Number _____ Expiry Date __ / __

Card Holder's Name _____ Amount \$ _____

Signature _____ Phone (____) _____

Billing Address _____

Office Use Only

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