

CONSTRUCTION CERTIFICATE APPLICATION FORM

Application No.

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.

TYPE OF CERTIFICATE OR APPROVAL REQUIRED

- Construction Certificate (CC)* & appoint Council as Principal Certifying Authority*
 Construction Certificate (CC)* only
- Other _____ (Please Specify)
 (eg Part 4A Certificate)

* Please also complete 'Builder' & 'Statistical information' sections

PROPERTY DESCRIPTION

House No.	Lot	Parcel No.	Section	DP
Street		Suburb		

DEVELOPMENT DESCRIPTION

Type of work: New Alterations & Additions N/A

Type of Building: (eg dwelling, garage, villa, townhouse, factory, shop, etc)

Proposed use: Residential Commercial Community Industrial Rural

Applicant

Company

Name		
Address/DX		Postcode
Signature(s) x	Phone (Bus. Hrs.)	Fax
Email		

Owner/s

Name

Address		Postcode
Phone (Home)	Phone (Work)	Fax
I/We hereby consent to the lodgement of this application and consent to Council's Officers entering the premises for the purpose of inspection.	Signature(s) or Company Seal x	Date / /
	All Registered owners of the property must sign here.	

Builder	Company		
Name			
Address/DX			Postcode
Licence No.	Phone (Bus Hrs)	Fax	

STATISTICAL INFORMATION

Walls (eg brick)	Roof (eg tiles)	Floor (eg concrete)	Frame (eg timber)
No. Storeys	No. of Sole Occupancy Units	Total Dwellings on the site (including proposed)	
Site Area of Property	New Floor Area	Existing Floor Area	
	m ²	m ²	m ²

Cost (Contract price or Council valuation of work)	\$	Building Classification	
		Building Code of Australia	

CHECKLIST

THE FOLLOWING INFORMATION IS REQUIRED	Please ✓ or ✗	Office Use Only
Has the application form been completed?	<input type="checkbox"/>	<input type="checkbox"/>
Have two copies of the plans been submitted?	<input type="checkbox"/>	<input type="checkbox"/>
Do the plans include a site plan, elevations and floor plans?	<input type="checkbox"/>	<input type="checkbox"/>
Have two copies of the specifications been submitted?	<input type="checkbox"/>	<input type="checkbox"/>
Are the property details correct? (print screen)	<input type="checkbox"/>	<input type="checkbox"/>
Have all owners signed the application form?	<input type="checkbox"/>	<input type="checkbox"/>
Are the fees and charges correct?	<input type="checkbox"/>	<input type="checkbox"/>
Waste Management Plan submitted? (Where development relates to dwellings, industry & swimming pools)	<input type="checkbox"/>	<input type="checkbox"/>
Commercial/Industrial/Public Buildings (Inspection Fee Charged Per 500m ²)	<input type="checkbox"/>	<input type="checkbox"/>
Have two copies of the BASIX Certificate been submitted?	<input type="checkbox"/>	<input type="checkbox"/>
Customer Services Officer: ✗	Date:	

Your Privacy

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.

FEES

Construction Certificate	37		Asset Protection	186	
PCA Inspection Fee	43		Long Service Levy	68	
Part 4A Certificate	54		Certificate Registration	09	
			Occupation Certificate Reg.	09	
TOTAL FEES					\$

NOTES

Note 1 – Appointing Shellharbour City Council as your Principal Certifying Authority (PCA)

As the property owner(s), it is your responsibility to engage a Principal Certifying Authority (PCA) before you can commence work on the property. The completion and submission of this form means that you are appointing Shellharbour City Council to act as your PCA for building work or subdivision work.

Please note that the person having the benefit of the consent must appoint the PCA. However, such appointment may not be made by any person who will carry out building work, eg builder or subcontractor, unless that person is also the owner of the land.

Your PCA, Shellharbour City Council will:

- ensure that there is a valid Construction Certificate issued for the approved work
- ensure that appropriate insurances are obtained in accordance with the *Home Building Act 1989*
- carry out inspections, upon request, during the course of the work
- request compliance certificates for matters where required
- ensure that all relevant provisions under the *Environmental Planning & Assessment Act* and accompanying Regulation are satisfied during construction.

On satisfactory completion of the building work or subdivision work and compliance with the Development Consent, Council will issue an Occupation Certificate or Subdivision Certificate for the work.

Can Council still be the PCA even if Council was not the consent authority or certifying authority for the approved work?

Yes, you can still appoint Shellharbour City Council as your PCA even if Council was not the consent authority or certifying authority for the approved building work on your property, so long as the property is within the Shellharbour Local Government Area.

You will need to submit the following documents to Council when you submit this completed form:

- a copy of the Notice of Determination or Complying Development Certificate, including a copy of the stamped approved plans (and any other documents)
- a copy of the Construction Certificate for the approved works (if already issued), including a copy of the stamped approved plans (and accompanying documents).

What are YOU responsible for before, during and on completion of the work(s) on the site?

Firstly, you should be familiar with the conditions in your Development Consent and Construction Certificate, or Complying Development Certificate. The person you engage to carry out the work(s) should also be familiar with the conditions in your Development Consent and Construction Certificate, or Complying Development Certificate.

Typically, there are conditions that need to be complied with before, during and on completion of the building work or subdivision work. The following should be used as a guide unless it is specified in your Development Consent, Complying Development Certificate, or the *Environmental Planning & Assessment Regulation 2000*.

If you do not comply with the conditions of your Development Consent and Construction Certificate, or Complying Development Certificate, or any prescribed conditions under the *Environmental Planning & Assessment Regulation 2000*, Council may impose penalties on the project resulting in fines or legal action.

A. What needs to be done before any work can commence on the site?

It is your responsibility to ensure that the following requirements are completed before work can commence on site:

- all associated fees have been paid to Shellharbour City Council including fees to inspect the work
- signage must be erected on a site where building work or demolition work is to be carried out. The signage must state:

- the name, address and telephone number of your Principal Certifying Authority, the name of the person in charge of the work site and a telephone number for that person outside working hours (other than the PCA)
- that unauthorised entry into the site is prohibited.

Additionally, you and your builder (or whoever you engage to carry out the works) should determine who will contact Council to carry out the necessary inspections. The following rules will apply:

1. Any Council officer, acting in the capacity of Council as the PCA, is to have uninterrupted access to the site and, if requested by a Council officer or any other person authorised by Council, will inspect and examine any works or materials, and any place where the said work or materials are being prepared, at any time.
2. Until an inspection has been carried out by the PCA and the work thus far is deemed satisfactory by the PCA, the person authorised to carry out the work must not proceed past that construction stage (which is the subject of the inspection).
3. Requests to reinspect must be made in the same way as other inspections. Reinspections are to be carried out once the required work has been completed. Additional inspection fees may be charged.

B. Inspection requests for relevant stages of the building work

1. Council will provide you with a list of Critical Stage Inspections to be conducted for the development. Please ensure that Council is given not less than 48 hours notice (excluding weekends and public holidays) of when works are ready to be inspected.
2. Shellharbour City Council will carry out PCA and inspection services in a professional manner and in accordance with the requirements of the *Environmental Planning & Assessment Act 1979* and Council's *Code of Conduct*.
3. Council, acting as the PCA, may at any stage request the owner or the owner's builder to provide specialist reports, plans, specifications (eg Fire Safety Certificates) and certification of building materials, process or works. Work must not proceed beyond each stage until a satisfactory inspection result is obtained.

Note 2 – Application for Final Part 4A Certificates

Certain work may require a Final Compliance Certificate confirming that the work has been completed in accordance with the Development Consent and Construction Certificate, instead of an Occupation Certificate. You should read your Development Consent to determine which certificate is required.

Before you can occupy or use the building or tenancy, an Occupation Certificate must have been issued for the building or unit. In order for Council (as your Principal Certifying Authority) to issue you with an Occupation Certificate, you need to formally apply for it. It is therefore beneficial for you to complete this section at the same time as completing the remainder of the form. An Interim Occupation Certificate relates to the:

- occupation or use of that part of the building that has been completed
- change of building use for part of an existing building.

A final Occupation Certificate relates to the:

- occupation or use of the newly complete building
- change of building use for the existing building.

Note 3 – Owner Details

This section is to be completed by the owner(s) of the property where an Operational Development Consent or Complying Development Certificate has been issued. You should ensure that the subject Development Consent or Complying Development Certificate has not expired.

GENERAL INFORMATION

BUILDING CONSTRUCTION CERTIFICATE (s109C91)

A Construction Certificate is issued after the Development Consent has been approved. The Construction Certificate certifies that a building erected in accordance with the nominated plans and specifications will comply with the regulations referred to in s81A(5) of the *Environmental Planning & Assessment Act, 1979*.

DA consent approved ➔ Construction Certificate approved ➔ PCA appointed ➔ Work commences

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.

PCA appointed ➔ Work commences ➔ Building inspected ➔ Occupation Certificate issued

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.

Updated: 2 March 2015

SERVICE AGREEMENT- PERFORMANCE OF CERTIFICATION WORK

Description of Proposed Building Work

Type of Work: _____

Building Classification: _____

Subject Property

Lot: _____

Deposited Plan: _____

Address: _____

Development Consent No: _____

Construction Certificate No: _____

Complying Development No: _____

OWNERS CONSENT

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.

PRINCIPAL CERTIFYING AUTHORITY

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 on the following page of 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.

SIGNATURES

Executed by Owner 1/Applicant

Signed: _____

Name: *(Please Print)* _____

Date: _____

Executed by Owner 2/Applicant

Signed: _____

Name: *(Please Print)* _____

Date: _____

Office Use Only - Executed by Shellharbour City Council as the Principal Certifying Authority

Signed: _____

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
- iii. 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.

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