(SD-FO-244) APPLICATION FOR COMPLYING DEVELOPMENT CERTIFICATE

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Application No: _____

Information for the applicant

▪ This form may be used to apply for a complying development certificate (a*"CDC"*) to carry out development classed as *"complying development"*. To complete this form, please place a cross in the relevant boxes, fill out the white sections as appropriate and attach copies of all documents indicated in the form as being required to be provided. To minimise delay in receiving a decision about the application, please ensure that all relevant information and documents are provided.

▪ Once completed, this application form should be submitted to a "*certifying authority*" for determination, Certifying authorities are either private accredited certifier (which may be either an individual or a company) or the Local Council. A list of private accredited certifiers can be obtained from the Building Professionals Board at http://www.bpb.nsw.gov.au/page/for-consumers/find-a-certifier/

▪ It is recommended that applicants should obtain a planning certificate issued under s.149 Environmental Planning and Assessment Act 1979 from the Local Council and provide it to the certifying authority with this application. This may expedite the determination of the application.

▪ A single application for a CDC maybe made for development comprising the concurrent construction of new single storey or two storey dwelling houses if each is to be erected on existing adjoining lots.

▪ If the certifying authority issues a CDC, the Applicant (or subsequent owner of the land on which the development is proposed to be carried out) has permission to carry out the development without the need to obtain further development consent.

However, depending upon factors such as the type of development, the location of the development and whether there will be external work or activities involved (eg. road opening, use of footpath areas) there may still be a need to obtain other approvals in order for the work involved to be performed. A list of possible additional approvals that may be required can be obtained from the Department of Planning at *www.planning.nsw.gov.au* In order to avoid potential delays in commencing any work, Applicants should ascertain whether other approvals will be needed, and if so, the stage at which they will be required..

SECTION A.   Details of the applicant*

Mr ☐   Ms ☐   Mrs ☐   Dr ☐   Other [_____]

First name [_____]   Family name [_____]

Company (if applicable) [_____]   ABN (if applicable) [_____]

Unit/Street no. [_____]   Street name [_____]

Suburb or town [_____]   State [_____]   Postcode [_____]

Daytime telephone [_____]   Fax [_____]   Mobile [_____]

Email [_____]

SECTION B.   Location and title details of the land where the development is to be carried out

Unit/Street no. [_____]   Street name [_____]

Suburb or town [_____]   Postcode [_____]

Lot no. [_____]   Section [_____]   DP / SP no. [_____]

Approved: Building Certification Coordinator	Group / System: Sustainable Development		Document ID: SD-FO-244	Version: 1
Relevant To:	Date Issued: 23 May 2012	Revised:	Status: Approved	Page: 1 of 9

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SECTION C. Describe the development proposed to be carried out

Provide a brief description of the development. For example, if a dwelling is proposed, include information such as the type of building (house, townhouse, villa etc.), the number of floors, the number of bedrooms, the major building material (brick, brick veneer, timber clad tec.).

SECTION D. Estimated cost of the development

$ _____

The contract price, or if there is no contract a genuine and accurate estimate, for all labour and material costs associated with all demolition and construction required for the development, including the cost of construction of any building and the preparation of a building for the purpose for which it is to be used (such as the costs of installing plant, fittings, fixtures and equipment). GST is also to be included.

SECTION E. Environmental planning instrument

Provide the name of the "environmental planning instrument" (*see – definition below) under which the development is complying development.

If the development is specified as complying development by a *"development control plan"* (*see – definition below) referred to in an environmental planning instrument, also provide the name of that development control plan.

<u>Note</u>: The criteria for complying development may vary between environmental planning instruments. You must nominate which instrument the Application is to be assessed under.

☐ State Environmental Planning Policy (Exempt and Complying Development Codes) 2008

OR

☐ Other environmental planning instrument (EPI)

Name of EPI _____

Name of Development Control Plan (if applicable) _____

__Environmental planning instruments__ (EPI) are State Environmental Planning Policies and Local Environmental Plans. Complying development is commonly, but not always, authorised under either the *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008,* or a Local Environmental Plan of the Council for the area where the development is to be carried out.

__Development Control Plan.__ An EPI may refer to another instrument called a "Development Control Plan" (DCP) which contains more detailed provisions which support the EPI. A DCP may specify certain development as being complying development under the EPI.

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SECTION F.   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 area of the material?

	m²

SECTION G.   Attachments relating to the proposed development

Applicants must provide the documents listed below that are relevant to the type of development that is proposed. Please confirm that documents relating to the requirements below have been attached by placing a cross in the appropriate box(es). Applicants should confirm with the certifying authority how many copies of documents are required to be provided prior to lodging this application.

1.   Attachments for fire link conversions

Does the Application relate ONLY to a fire link conversion?   ☐ Yes   ☐ No

If 'Yes' provide a document that describes the design and construction, and mode of operation, of the new fire alarm communication link.

2.   Attachments for developments other than fire link conversions.

☐ **A site plan of the land**

Provide a site plan indicating:

- a)   the location, boundary dimensions, site area and north point of the land,
- b)   existing vegetation and trees on the land,
- c)   the location and uses of existing buildings on the land,
- d)   existing levels of the land in relation to buildings and roads,
- e)   the location and uses of buildings on sites adjoining the land.

☐ **A sketch of the development**

Provide a sketch which indicates:

- a)   the location of any proposed buildings or works (including extensions or additions to existing buildings or works) in relation to the land's boundaries and adjoining development,
- b)   floor plans of any proposed buildings showing layout, partitioning, room sizes and intended uses of each part of the building,
- c)   elevations and sections showing proposed external finishes and heights of any proposed buildings (other than temporary structures),
- d)   elevations and sections showing heights of any proposed temporary structures and the materials of which any such structures are proposed to be made (using the abbreviations set out in **SECTION P**),
- e)   proposed finished levels of the land in relation to existing and proposed buildings and roads,
- f)   proposed parking arrangements, entry and exit points for vehicles, and provision for movement of vehicles within the site (including dimensions where appropriate),
- g)   proposed landscaping and treatment of the land (indicating plant types and their height and maturity),
- h)   proposed methods of draining the land,
- i)   in respect of BASIX affected development, such other matters as the BASIX certificate(s) requires to be included on the sketch, (See – BASIX Notes at the end of this Section)
- j)   in respect of BASIX optional development for which a BASIX certificate(s) has been obtained, such other matters as the BASIX certificate(s) requires to be included on the sketch. (See – BASIX NOTES at the end of this Section)

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Does the development involve subdivision work? ☐ **Yes** ☐ **No**

If 'Yes' provide appropriate subdivision work plans and specifications, which are to include:

- a) details of the existing and proposed subdivision pattern (including the number of lots and the location of roads),
- b) details as to which public authorities have been consulted with as to the provision of utility services to the land concerned,
- c) detailed engineering plans as to the following matters:
    - (i) earthworks,
    - (ii) roadworks,
    - (iii) road pavement,
    - (iv) road furnishings,
    - (v) stormwater drainage,
    - (vi) water supply works,
    - (vii) sewerage works,
    - (viii) landscaping works,
    - (ix) erosion control works,
- d) copies of any compliance certificates to be relied on.

Does the development involve a change of use of a building (other than a dwelling-house or a building or structure that is ancillary to a dwelling-house and other than a temporary structure or work that relates only to fire link conversion)? ☐ **Yes** ☐ **No**

If 'Yes' provide:

- a) a list of the Category 1 fire safety provisions that currently apply to the existing building,
- b) a list of the Category 1 fire safety provisions that are to apply to the building following its change of use.

Does the development involve building work (including work in relation to a dwelling-house or a building or structure that is ancillary to a dwelling-house)? ☐ **Yes** ☐ **No**

If 'Yes' provide:

1) **A detailed description of the development by completing SECTION P.**
2) **Appropriate building work plans and specifications,** which are to include:

- a) detailed plans, drawn to a suitable scale and consisting of a block plan amd a general plan that show:
    - (i) a plan of each floor section, and
    - (ii) a plan of each elevation of the building, and
    - (iii) the levels of the lowest floor and of any yard or unbuilt on area belonging to that floor and the levels of the adjacent ground, and
    - (iv) the height, design, construction and provision for fire safety and fire resistance (if any),
- b) specifications for the development:
    - (i) that describe the construction and materials of which the building is to be built and the method of drainage, sewerage and water supply, and
    - (ii) that state whether the materials to be used are new or second-hand and (in the case of second-hand materials) give particulars of the materials to be used,
- c) a statement as to how the performance requirements of the *Building Code of Australia* are to be complied with (if an alternative solution, to meet the performance requirements, is to be used),
- d) a description of any accredited building product or system sought to be relied on for the purposes of section 85A(4) of the Environmental Planning and Assessment Act 1979**,
- e) copies of any compliance certificate to be relied on,
- f) if the development involves building work to alter, expand or rebuild an existing building, a scaled plan of the existing building,
- g) in respect of BASIX affected development, such other matters as the BASIX certificate(s) requires to be

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	included in the plans and specifications. (See – BASIX NOTES as the end of this section)
h)	in respect of BASIX optional development for which a BASIX certificate(s) has been obtained, such other matters as the BASIX certificate(s) requires to be included in the plans and specifications. (See – BASIX NOTES as the end of this section)

**S.85A(4) EP&A Act provides that a certifying authority must not refuse an Application on the ground that any building product or system does not comply with a requirement of the Building Code of Australia if the building product or system is accredited in respect of that requirement in accordance with the EP&A Regulation 2000.

Does the development involve building work (other than work in relation to a dwelling-house or structure that is ancillary to a dwelling-house)? ☐ Yes ☐ No

If 'Yes' provide:

    a) A list of any existing fire safety measures provided in relation to the land or any existing building on the land, and

    b) A list of the proposed fire safety measures to be provided in relation to the land and any building on the land as a consequence of the building work

Does the development involve the erection of a wall to a boundary that has a wall less than 0.9m from the boundary? ☐ Yes ☐ No

If 'Yes' provide:

    A report by a professional engineer (within the meaning of the BCA) outlining the proposed method of supporting the adjoining wall.

Does the development involve the demolition or removal of a wall to a boundary that has a wall less than 0.9m from the boundary? ☐ Yes ☐ No

If 'Yes' provide:

    A report by a professional engineer (within the meaning of the BCA) outlining the proposed method of maintaining support for the adjoining wall after the demolition or removal.

Does the development involve the erection of a temporary structure? ☐ Yes ☐ No

If 'Yes' provide:

    a) documentation that specifies the live and dead loads the temporary structure is designed to meet,

    b) a list of any proposed fire safety measures to be provided in connection with the use of the temporary structure,

    c) in the case of a temporary structure proposed to be used as a place of public entertainment a statement as to how the performance requirements of Part B1 and NSW Part H102 of Volume One of the *Building Code of Australia* are to be complied with (if an alternative solution, to meet the performance requirements, is to be used),

    d) documentation describing any accredited building product or system sought to be relied on for the purposes of diction 85A(4) of the Act,

    e) copies of any compliance certificates to be relied on.

Does the development involve the use of a building as an entertainment venue or a function centre, pub, registered club or restaurant? ☐ Yes ☐ No

If 'Yes' complete the relevant portion(s) of the following statement:

The maximum number of persons proposed to occupy, at any one time, that part of the building used as:

- an entertainment venue is _____ persons

- a function centre is _____ persons

- a pub is _____ persons

- a registered club is _____ persons

- a restaurant is _____ persons

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Does the development involve building work (see – note below) in respect of which an alternative solution under the Building Code of Australia ("BCA") in respect of a fire safety requirement is proposed?	☐ **Yes**	☐ **No**

If 'Yes' provide:

Either or both of the following from a *"fire safety engineer"* (i.e. a private accredited certifier holding Category C10 accreditation):

a)   a compliance certificate (as referred to in s.109C(1)(a)(v) EP&A Act) that certifies that the alternative solution complies with the relevant performance requirements of the BCA.

b)   A written report that includes a statement that the alternative solution complies with the relevant performance requirements of the BCA.

NOTE

The above requirement only applies to building work in respect of:

a)   a class 9a building that is proposed to have a total floor area of 2000m^2 or more, and

b)   any building (other than a class 9a building) that is proposed to have:

(i)   a fire compartment with a total floor area of more than 2000m^2, or

(ii)   a total floor area of more than 6000m^2,

that involves an alternative solution under the BCA in respect of the requirements set out in EP1.4, EP2.1, EP2.2, DP4 and DP5 in Volume 1 of the BCA.

Does the proposed development comprise internal alterations to, or changes of use of, an existing building that is subject to an alternative solution relating to a fire safety requirements under the BCA?	☐ **Yes**	☐ **No**

If 'Yes' provide:

A written report by another accredited certifier who is accredited for the purpose of issuing a CDC for a building of that kind, which includes a statement that the proposed development is consistent with that alternative solution.

Does the Application involve a BASIX affected development, or a BASIX optional development for which a BASIX certificate has been obtained?	☐ **Yes**	☐ **No**

If 'Yes" provide:

a)   the BASIX certificate(s) for the development (being a certificate(s) that has been issued no earlier than 3 months before the date of the Application being made), and

b)   such other documents as the BASIX certificate(s) for the development requires to accompany the Application.

(See – BASIX NOTES at the end of this section)

BASIX NOTES

BASIX (the Building Sustainability Index) is a system introduced by the NSW Government to ensure that homes are built to be more energy and water efficient.

BASIX is an on-line program that assesses a building's design, and compares it against energy and water reduction targets. The design must meet these targets before a BASIX Certificate can be printed from the on-line facility.

Any changes made to a building's design after a BASIX Certificate has been issued means another BASIX assessment must be completed and a new BASIX Certificate obtained.

Buildings which are affected by the BASIX system **("BASIX affected buildings")** are those that contain one or more dwellings (but do not include hotels or motels).

A BASIX Certificate **MUST** be obtained for every **"BASIX affected development"**, which are any of the following developments (other than development that is *"BASIX excluded development"* – see below):

a)   development that involves the erection (but not the relocation) of a BASIX affected building,

b)   development that involves a change of building use by which a building becomes a BASIX affected building,

c)   development that involves the alteration, enlargement or extension of a BASIX affected building, where the estimated construction cost of the development is $50,000 or more,

d)   development for the purpose of a swimming pool or spa, or combination of swimming pools and spas, that services or service only one dwelling and that has a capacity, or combined capacity of 40,000 litres or more.

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***BASIX excluded development* is:**

a) development for the purpose of a garage, storeroom, carport, gazebo, verandah or awning,

b) alterations, enlargements or extensions to a building listed on the State Heritage Register under the *Heritage Act 1977*,

c) alterations, enlargements or extensions that result in a space that cannot be fully enclosed (for example, a verandah that is open or enclosed by screens, mesh or other materials that permit the free and uncontrolled flow of air), other than a space can be fully enclosed but for a vent needed for a safe operation of a gas appliance,

d) alterations, enlargements or extensions that the Director-General has declared, by order published in the Gazette, to be BASIX excluded development.

A BASIX Certificate **MAY** be obtained for certain developments by an Applicant even though there is no obligation to do so. This is called **"BASIX optional development".**

BASIX optional development means any of the following development that is not BASIX excluded development:

a) development that involves the alteration, enlargement or extension of a BASIX affected building, where the estimate of the construction cost of the development is less than $50,000

b) development for the purpose of a swimming pool or spa, or combination of swimming pools and spas, that service only one dwelling and that has a capacity, or combined capacity, of less than 40,000 litres.

If the proposed development involves the alteration, enlargement of extension of a BASIX affected building that contains more than one dwelling, a separate BASIX certificate is required for each dwelling concerned.

Further information about BASIX and to obtain a BASIX Certificate, go to *http://www.basix.nsw.gov.au* You should review the website to determine whether your development is affected or exempt from the BASIX provisions.

SECTION H.   List of Documents

Prepare and attach a list of all of the documents provided under SECTION G

SECTION I.   Copyright

Information for the Applicant: Upon an application being made for a complying development certificate, the Applicant (not being entitled to copyright) is taken to have indemnified all persons using the application and any accompanying documents in accordance with the Act against any claim or action in respect of breach of copyright (See – Cl.129 EP&A Regulation 2000).

SECTION J.   Authority to enter and inspect land

Information for the Applicant: A certifying authority must not issue a complying development certificate for development unless the certifying authority, or an accredited certifier or council on behalf of the certifying authority, has carried out an inspection of the site of the development.

By signing the Application, the Applicant, and if the Applicant is not the owner of the property, the owner also, authorize the certifying authority, or an accredited certifier or council, to enter the subject property at any reasonable time for the purpose of carrying out an inspection in connection with the assessment of this Application. The Applicant and the owner undertake to take all necessary steps make access available to the proerty to enable the inspection to be carried out.

SECTION K.   Long Service Payment Levy

Information for the Applicant: Where a certifying authority completes a complying development certificate, that certificate must not be forwarded or delivered to the Applicant unless any long service payment levy payable under s.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 Applicant should attach a copy of a receipt for any long service payment levy that has been made or make arrangements for a copy to be available to be provided to the certifying authority in the event that a complying development certificate is completed.

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SECTION L.	Signature of Applicant(s)

Signature of Applicant(s)		Name(s)
Date		

SECTION M.	Consent of owner(s)

Note: If the Applicant is not the owner of the property, the owner(s) must sign the following statement.

As the Owner(s) of the above property, I/we consent to this application.

Signature of Applicant(s)		Name(s)
Date		

SECTION N.	Delivery of the Application

Information for the Applicant: Applications for complying development certificates must be delivered:

- by hand, or

- sent by post,

- transmitted electronically

to the principal office of the certifying authority.

Applications MAY NOT be sent be facsimile transmission.

SECTION O.	Date of Receipt of Application

To be completed by the certifying authority **immediately** after receiving this Application.

This Application was received on _____ (insert date)

NOTE: COMPLETE SECTION P ON THE FOLLOWING PAGE

(SD-FO-244) APPLICATION FOR COMPLYING DEVELOPMENT CERTIFICATE

SECTION P.   Description of the development

1. **For each proposed new building, indicate:**

   The number of storeys (including underground storeys) in the building

   The gross floor area of the building (in square metres)

   The gross site area of the land on which the building is to be erected (in square metres)

2. **For each proposed new residential building, indicate:**

   The number of existing dwellings on the land on which the new building is to be erected

   The number of those existing dwellings that are to be demolished in connection with the erection of the new building

   The number of dwellings to be included in the new building

   Whether the new building is to be attached to any existing building

   Whether the new building is to be attached to any other new building

   Whether the land contains a dual occupancy

   The materials to be used in the construction of the new building by completing the table below

Place a cross in each appropriate box

	Walls	Code		Roof	Code		Floor	Code
☐	Brick (double)	11	☐	Tiles	10	☐	Concrete/slate	20
☐	Brick (Veneer)	12	☐	Concrete/slate	20	☐	Timber	40
☐	Concrete/stone	20	☐	Fibre Cement	30	☐	Other	80
☐	Fibre cement	30	☐	Steel	60	☐	Not specified	90
☐	Timber	40	☐	Aluminium	70			
☐	Curtain glass	50	☐	Other	80		**Frame**	**Code**
☐	Steel	60	☐	Not Specified	90	☐	Timber	40
☐	Aluminium cladding	70				☐	Steel	60
☐	Timber/weatherboard	40				☐	Aluminium	70
☐	Other	80				☐	Other	80
☐	Not specified	90				☐	Not specified	90