



**COOTAMUNDRA -  
GUNDAGAI** REGIONAL  
COUNCIL

# CONSTRUCTION & OCCUPATION CERTIFICATE APPLICATION

## PRINCIPAL CERTIFYING AUTHORITY SERVICE AGREEMENT

Sections 6.3, 6.4, 6.16, 6.9, 4.19, 6.6, 6.7, 6.12, 6.13 and 6.14 Environmental Planning & Assessment Act 1979

[Office Use Only]

CC No: \_\_\_\_\_ Date Received: \_\_\_\_\_

DA File No: \_\_\_\_\_

### About this form

Use this form to apply for a construction certificate for proposed building works and occupation certificate to use the building once completed. You can only make this application in conjunction with a Development Application or if the proposed development has already been granted a Development Consent.

This form also includes the Principal Certifying Authority Service Agreement which is required to be entered into under Sections 4.19, 6.6, 6.7, 6.12, 6.13 and 6.14 of the EP&A Act 1979, Cootamundra-Gundagai Regional Council is selected to act as the Principal Certifying Authority for the proposed development.

### Supporting plans

This form tells you about the plans and other documents that you must provide with this application. See Parts 10 & 11.

### Lodgement

Send the application to us by mail or deliver it in person. Applications accepted **Monday to Friday 9am to 5pm (Public Holidays excepted). Refer to Part 12 for details.**

### Any questions?

Phone our Officers on 1300 459 689 or come in and see us.

## Part 1: Occupation Certificate Application

1. Do you wish to apply for an Occupation Certificate

Yes  I would like to apply for an Occupation Certificate now.

No  I will apply for an Occupation Certificate at a later date.

## Part 2: Applicant Details (person or company having the benefit of the consent)

1. Applicant Name

Title: Mr  Mrs  Miss  Ms  Other: .....

Family name (or company): .....

Given Names.....

(or ACN).....

2. Applicant Address

Postal address: .....

..... Post Code:.....

3. Applicant Contact Details

Phone (.....)..... Mobile Phone (.....).....

Fax (.....)..... E-mail: .....

Contact person..... Reference No .....

4. Applicants Declaration

I apply for a construction certificate for the development described in this application. I declare that all the information given is true and correct. I also understand that if incomplete or does not comply with the requirements the application may be refused.

Signature:..... Date:.....

### Privacy Statement

The information and personal details provided by you on this Form are managed in accordance with the *Privacy and Personal Information Protection Act 1998* and Cootamundra-Gundagai Regional Council's policies and procedures as outlined in Council's *Privacy Management Plan*. Should you choose not to provide this information (wholly or in part) this may impact upon consideration of the matter by Council. The information will ultimately be stored in Council's records system.

## Part 3: Owner's Details *(include details of all registered owners of the land)*

### 1. Owner's Name

**AS ABOVE**  **YES.** (tick yes if same above or complete details below)

Title: Mr  Mrs  Miss  Ms  Other: .....

Family name (or company): .....

Given Names.....

(or ACN).....

### 2. Owner's Address

Postal address: .....

..... Post Code:.....

### 3. Owner's Contact Details

Phone (.....)..... Mobile Phone (.....).....

Fax (.....)..... E-mail: .....

Contact person..... Reference No .....

## Part 4: Land to be Developed

### 1. Location and title description of the property to be developed

*This will help us to correctly identify the land*

Unit No: ..... House No: ..... Street: .....

Town/Locality: .....

Lot(s):..... Section:.....

Deposited Plan(s):..... Strata Plan:.....

Other:.....

*Get these details from rate notices, property deeds, or Council property maps.*

## Part 5: Description of Proposed Building Work

### 1. Type of building work?

*Give a detailed outline of what you are going to do*

A  Erection of a New Building

E  Subdivision of land/building

B  Alterations/Additions

F  Swimming Pool

C  Demolition

G  Use of land/building (including change of use)

D  Other .....

H  Advertisement or sign

Description: .....

..... BCA Classification: .....

### 2. What is the property used for at present?

.....

.....

### 3. Estimated cost of the building work?

Estimated Cost \$..... *Only if you ticked boxes A, B, C or F above*

Include the full cost of labour and materials. If unsure, ask us for current building construction figures.

## Part 6: Principal Contractors Details

### 1. Who will be doing the building work?

*Note: **principal contractor** for building work means the person responsible for the overall co-ordination and control of the building work. Note: If any residential building work is involved, the principal contractor must be the holder of a contractor licence under the Home Building Act 1989.*

Owner Builder *You need an Owner-Builder Permit from the Dept of Fair Trading if the building work exceeds \$10,000.*

Licensed builder

Family Name (or company) .....

Given names (or ACN) .....

Postal address .....

..... Post Code .....

Phone ..... Mobile Phone .....

Fax ..... Licence No .....

To be advised *You must notify us of the name, address and licence number*

## Part 7: Principal Certifying Authority Service Agreement (4.19, 6.6, 6.7, 6.12, 6.13 and 6.14 EP&A Act 1979)

1. Do you wish to appoint Cootamundra-Gundagai Regional Council as the 'principal certifying authority'?

Yes  I agree to Cootamundra-Gundagai Regional Council undertaking the role of Principal Certifying Authority for this development and enter into a service agreement with Gundagai Council and its accredited certifiers.

Please read and ensure you understand the Principal Certifying Authority Service Agreement as stated below.

No  You may appoint the Council as principal certifying authority at a later date. Alternatively, you may appoint an accredited certifier. You cannot commence any building work until you appoint a principal certifying authority and notify Council of their appointment within 2 days of commencement.

### **About this Principal Certifying Service Agreement**

This is a service agreement between the applicant as listed above, being the person/company having the benefit of the consent and Cootamundra-Gundagai Regional Council ("the PCA") wherein the PCA has been appointed in accordance with the EP&A Act 1979 ("the agreement")

*Note: In accordance with the Act (S 6.5), only the person/company having the benefit of the Development Consent may appoint the PCA. This is generally the land owner. The builder may only appoint the PCA where the builder is also the owner of the land.*

### **Occupation Certificates**

The PCA shall only issue an Occupation Certificate for the building works when the PCA is satisfied that:

- The health and safety of the occupants of the building have been taken into consideration where an interim occupation certificate is being issued, and
- A current development consent or complying development certificate is in force for the building, and
- If any building work has been carried out, a current construction certificate (or complying development certificate) has been issued with respect to the plans and specifications for the building, and
- The building is suitable for occupation or use in accordance with its classification under the *Building Code of Australia*, and
- A fire safety certificate has been issued for the building, (if required) and
- A report from the Fire Commissioner has been considered (if required).

### **PCA Insurance**

The PCA shall maintain an insurance policy in accordance with the Environmental Planning & Assessment Act 1979

### **Owner's Obligations**

The Owner shall:

- Not engage any other Principal Certifying Authority after the appointment of the PCA. Breach of this condition will entitle the PCA to recover any costs of whatsoever nature expended along with any profits that would have emanated from this contract;
- Ensure that the site is available for the PCA to carry out all critical stage inspections and any other inspections the PCA considers appropriate. These shall be detailed in the requirements of the PCA, attached to the Construction Certificate/Complying Development
- Obtain an Occupation Certificate *prior to occupying* the subject development;
- Comply with any Notices or Orders that the PCA issues under the Environmental Planning & Assessment Act 1979;
- Provide all information that the Owner can reasonably obtain to enable the PCA to fulfil its statutory and contractual obligations;
- Pay the PCA in accordance with the terms of the Agreement

### **Variations**

In the event that:

- The building works do not commence within twelve (12) months from the date the Construction Certificate/Complying Development Certificate is issued; or
- Any part of the building works is re-designed; or
- More Construction Certificates/Complying Development Certificates and/or Compliance Certificates are required to be issued by the PCA than those listed herein; or
- A requirement of the legislation, Building Code of Australia or any other regulation requires any aspect of the building works to be varied; or
- The PCA is required to undertake more inspections than those listed herein, or
- Is required to issue any notices or orders; then the PCA:
- May vary the contract to the extent that the PCA will be able to carry out its contractual obligations
- May increase the contract price, such increase to be made by way of Notice to the Owner stating the reason/s for the increase and the amount of the increase;
- May claim all costs associated with the delay as reasonably determined by the PCA;
- Must give the Owner notice that a variation will be necessary within 7 days from the date on which the PCA becomes aware of the variation.

**Termination**

If the Owner:

- Permits building works to commence without the issuing of a Construction Certificate/Complying Development Certificate;
- Fails to give notice of commencement at the appropriate time, or
- Fails to pay any money owing to the PCA after thirty (30) days of that money becoming payable; or
- Has an execution levied against it, assigns or attempts to assign its estate for the benefit of its creditors, intends to or attempts to or makes a composition or Scheme of Arrangement with creditors, has a winding up order made against it, intends to or attempts to pass a resolution for winding up, goes into liquidation, has an Official Manager or Receiver appointed, has a Mortgagee taking possession of any part of its property, has an Administrator or a Provisional Liquidator appointed, becomes insolvent or bankrupt; or
- Breaches the Agreement in any respect; or
- Does not permit the PCA to issue the Occupation Certificate within 60 days from the date of completion of the building works; or then the PCA
- May terminate the Agreement by sending a written Notice of Termination to the Client stipulating the breach (“the Notice of Termination”). If the PCA terminates the Agreement then the PCA is entitled to payment of termination money, the amount of which shall be the amount outstanding at the time of termination.
- If the PCA terminates the Agreement, the PCA is entitled to carry out an inspection, at the Owner’s expense, prior to termination to determine the state of the development. As from the date of final inspection, the Owner must indemnify the PCA for any liabilities, including but not limited to professional liability and public liability, of whatsoever nature that emanate from:
  - The need to terminate this Agreement or the Building Contract; or
  - Any matters of non-compliance with the Act on the part of the Owner or any other contractors

**Dispute Resolution**

Any dispute of whatever nature to do with this Agreement must be referred to a court of competent jurisdiction.

**Fees**

The Agreement price will be claimed by the PCA and is due and payable by the Owner upon lodgement to Council of this application.

The fee for completing a required inspection or for an Occupation Certificate (interim or final) is as per the current Council Fees and Charges Schedule.

In the event that the PCA is required to carry out any additional inspections or re-inspections for whatever reason, that have not already been paid for upon lodgement of this application, will be charged at the same rate or fee as is charged by the PCA for completing a required inspection and invoiced to the applicant as listed above, being the person/company having the benefit of the consent upon the issuing of an Occupation Certificate (interim or final).

**Part 8: Owner’s Signatures and Execution of PCA Service Agreement**

**1. Owner’s consent**

*Must be completed by the owner of the land. If more than one owner, every owner must sign.*

*If the owner is a company or owners; association, must be signed by a director or secretary (or authorised delegate) under common seal.*

As owner of the land to which this application relates, I/We consent to this application and execution of the Principal Certifying Service Agreement as outlined above (if applicable).

I also give consent for authorised Council officers to enter the land to carry out inspections:

Signature	Date	Capacity*
1. ....	.....	.....
2. ....	.....	.....
3. ....	.....	.....
4. ....	.....	.....

*\*If signing on the owner’s behalf as the owner’s legal representative, you must state the nature of your legal authority and attach documentary evidence (eg, power of attorney, executor, trustee, company director).*

**Part 9: Signature of Principal Certifying Authority. (office use only)**

Signed for and on behalf of the Principal Certifying Authority (the Council)

Signature	Date
.....	.....
<i>(Authorised Officer of Cootamundra-Gundagai Regional Council)</i>	

Part 10: Lodgement Checklist		Applicant	Office Use
		Please tick the box	
<b>1. Have you provided:</b>			
<ul style="list-style-type: none"> <li>■ 3 copies of the detailed working drawings and specifications.</li> <li>■ 2 copies Basix Certificate for residential extensions or swimming pools.</li> <li>■ Evidence of payment of any long service levy payable.</li> <li>■ A fire safety schedule listing the current and proposed fire safety measures.</li> <li>■ Other documents or information as required by the regulations.</li> </ul>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	
<b>2. Do you need an Owner-Builder Permit?</b>			
<p>Only if you are an Owner-Builder for residential building work exceeding \$10,000. Apply for a permit at the Department of Fair Trading, 8 Baylis St, Wagga Wagga. If you intend to be an Owner/Builder for residential work Council cannot release the Certificate until Owner/Builder permit is received.</p> <p>If you are an Owner/Builder, you may also need to register with the Australian Taxation Office under the Prescribed Payments Scheme. Phone 132 866 for details.</p>	<p><b>Yes</b> <input type="checkbox"/></p> <p><b>Not Relevant</b> <input type="checkbox"/></p>	<input type="checkbox"/> <input type="checkbox"/>	
<b>3. Do you need residential building work insurance?</b>			
<p>Only if you are using a licensed builder for residential work exceeding \$20,000.</p> <p><b>If Yes</b>, you must provide us with a copy of the insurance policy before we can issue the Construction Certificate.</p>	<p><b>Yes</b> <input type="checkbox"/></p> <p><b>Not Relevant</b> <input type="checkbox"/></p>	<input type="checkbox"/> <input type="checkbox"/>	
<b>4. Have you discussed the plans/proposal with a Council Staff Member?</b>			
<p><i>If 'Yes', who did you speak to? .....</i></p>	<p><b>Yes</b> <input type="checkbox"/></p>	<input type="checkbox"/>	

## Part 11: Other Attachments

You need to provide other material that is relevant to the type of work you propose to do. Please indicate the material you have attached by placing a TICK in the appropriate boxes .

**1. If you are going to carry out building work:**

A copy of any compliance certificates on which you rely

Evidence of any accredited component, process or design on which you seek to rely.  
*Components, processes or designs that relate to the erection or demolition of a building are accredited under the Environmental Planning & Assessment Regulation 2000.*

Payment of any outstanding Section 7.11 or Section 7.12 'Developer Contributions':

Details of the fire safety measures, unless you are building a single dwelling or a non-habitable building or structure (such as a private garage, carport, shed, fence, antenna, wall or swimming pool). These details must include:

- a list of any fire safety measures you propose to include in the building or on the land
- if you propose to alter, add to or rebuild a building that is already on the land, a list of the fire safety measures that are currently used in the building or on the land.

*The lists must describe the extent, capability and the basis of design of each measure.*

A plan of the existing building, drawn to scale, where the application involves building work to alter, enlarge or extend that building.  
*This plan will assist the certifying authority to assess whether the work will reduce the fire protection capacity of the building.*

Make sure Political Donations Disclosure Statement has been completed if the applicant or owner has made reportable political donations (donations of \$1000 or above) in the past two (2) years. Form can be obtained from Council website [www.cgrc.nsw.gov.au](http://www.cgrc.nsw.gov.au)

## Part 12: How to lodge your application

**Address the Application to:** The General Manager  
Cootamundra-Gundagai Regional Council

### You can send it to us by any of the following methods

**Post** PO Box 420  
Cootamundra NSW 2663

**Courier or personal delivery** Council Chambers  
Cootamundra NSW 2590,  
Gundagai NSW 2722

### How to contact us **by phone, fax or electronically**

**Phone** 1300 459 689

**Fax:** (02) 6940 2127

**Email:** [mail@cgrc.nsw.gov.au](mailto:mail@cgrc.nsw.gov.au)

**Web:** [www.cgrc.nsw.gov.au](http://www.cgrc.nsw.gov.au)

**Hours of Lodgement:** Monday - Friday 9am to 5pm (public holidays excluded )

### Fees

Fees are calculated on a scale based on the contract value of the work (See Councils' website for relevant Fees and Charges).

### Payment methods

Pay by cash, EFTPOS, credit or cheque. Make cheques payable to "Cootamundra-Gundagai Regional Council" for the relevant Council fees. Do not send cash in the mail.

### Processing Time

The issue of the Certificate once all documentation is received usually takes seven working days.

### Coming in to see us?

Our offices are located on the Corner of Wallendoon & Cooper Streets, Cootamundra and Corner of Sheridan & West Streets, Gundagai