



Keystone Building Certifiers
 info@thecertifiers.com.au
 www.keystonecertifiers.com.au
 5 31 Maclaurin Avenue, East Hills NSW 2213

Office Use Only:
 Cert Rego Number
 Cert Date
 Date Application Received

- Construction Certificate & Occupation Certificate (including modification)
- Complying Development Certificate & Occupation Certificate (including modification)
- Occupation Certificate
- Principal Certifier

| | | | |
|--|--|-------------------|--|
| LAND TO BE DEVELOPED | | | |
| Street Address: | | | |
| Lot | | DP / SP | |
| DETAILS OF DEVELOPMENT | | | |
| Scope of works: (incl modification) | | | |
| (continued) | | | |
| Value of works | | Building Class | |
| RELEVANT CONSENTS | | | |
| Development Consent No. | | | |
| (continued) | | | |
| Date/s issued | | | |
| BUILDER OR OWNER BUILDERS DETAILS | | | |
| Licensee's name | | License number | |
| Email | | Emergency contact | |
| Postal address | | | |
| APPLICANT/OWNERS DETAILS | | | |
| Owner 1 | | | |
| Owner 2 | | | |
| Owner 3 | | | |
| Address | | | |
| Phone | | | |
| Email | | | |

OWNERS DECLARATION

In accordance with *Clause 30* of the **Building and Development Certifiers Regulation 2020**, as the owner/s of the above-mentioned property, I/we declare and confirm that I/we have freely chosen to apply with Keystone Building Certifiers (and its employees). I/we declare that I/we have read and understand all of the terms & conditions set in attached to this application form and understand our roles and responsibilities as the owner/s, as well as the roles and responsibilities a registered certifier:

Owners Signature(s): Date:

Owners Signature(s): Date:



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Schedule 1– Australian Bureau of Statistics Information (for building work only)

This is required to be completed for the purposes of providing information to the Australian Bureau of Statistics.

| | |
|---|----------------|
| Floor area of new building works only? | m ² |
| Proposed number of storey's above ground? | |
| Proposed number of storey's below ground? | |
| Existing number of storey's? | |
| Existing floor area? | m ² |
| What is the gross area of the site? | m ² |

| | |
|--------------------------------------|--|
| Proposed number of dwellings | |
| Number of existing dwelling | |
| Number of dwellings to be demolished | |

Materials to be Used

Which of the following best describes the materials the new work will be constructed of (if not specified below please specify)?

| | | | |
|--|--|--|--|
| walls <input type="checkbox"/> brick (double) <input type="checkbox"/> brick (veneer) <input type="checkbox"/> concrete or stone <input type="checkbox"/> fiber cement <input type="checkbox"/> timber Specify: | floor <input type="checkbox"/> concrete <input type="checkbox"/> timber <input type="checkbox"/> other Specify: | roof <input type="checkbox"/> tiles <input type="checkbox"/> concrete or slate <input type="checkbox"/> steel <input type="checkbox"/> aluminum (colorbond) <input type="checkbox"/> other Specify: | frame <input type="checkbox"/> timber <input type="checkbox"/> steel <input type="checkbox"/> aluminum (colorbond) <input type="checkbox"/> other Specify: |
|--|--|--|--|

- Does the site contain a dual occupancy? Yes No
- If the new development attached to any other building on the site? Yes No

T & C's for Applications for CDC/CC/OC and undertaking PCA role

More detailed T & C's are to be found on Part A Application Form

Note 1 BASIX

For new dwellings, additions, and alterations to dwellings (where the value of the work is \$50,000 or more) and new swimming pools having a volume of 40000 liters or greater, a BASIX certificate must accompany the application.

- Yes No Not applicable

Note 2 Home Building Act Requirements

If a licensed builder is not engaged and the value of any residential work exceeds \$5,000, a copy of an Owner Builders Permit may be attached to this form.

If a licensed builder is engaged and the value of residential work exceeds \$20,000, a copy of the Builder's Home Building Act Insurance for the building work can be attached to this form.

If these documents are not available when lodging your application, they must be submitted with your Notice of Commencement form one (1) week before you commence work.

Note 3 Long Service Levy

A complying development certificate cannot be issued until any long service levy payable under section 34 of the Building and Construction Industry Long Service Payments Act 1986 (or where such a levy is payable by instalments of the levy) has been paid. The levy is payable when the estimated value of work is \$25,000 or greater. If you are an owner builder or a not for profit organization, you may be eligible for a partial exemption. You should contact the Long Service Payments Corporation on 13 14 41 to discuss your eligibility before payment of the levy and collection of your certificate.

If the value of the work is \$250,000 or more, the Building & Construction Industry Long Service Levy must be paid before the Complying Development Certificate is issued. Has the levy been paid? (Online at <http://www.longservice.nsw.gov.au/bci>)

- Yes No Not applicable

Note 4 Council Fees

Any council fees/damage deposits/bonds must be paid at the time the council requests. Road/footpath Openings must be paid **prior to work** commencing on the council's property outside the boundary for such things as driveway, kerb and gutter, or stormwater pipe outlets.

| | | |
|--|---|--|
|  | <p style="text-align: center;">Keystone Building Certifiers info@thecertifiers.com.au www.keystonecertifiers.com.au 5 31 Maclaurin Avenue, East Hills NSW 2213</p> | Office Use Only: Cert Rego Number Cert Date |
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Schedule 2 – T & C’s General

Fees and charges - Development certificates and PCA functions

(a) Set fees and charges

- i. The fees and charges for the determination of an application for a development certificate or for the Certifier to carry out the functions as the PCA for the development are set out in the relevant quote provided.
- ii. The set fees and charges for the determination of a development certificate or for the carrying out of the functions as the PCA for the development must be paid to the Certifier before, or at the time, an application for the development certificate is lodged with the Certifier.
- iii. Fees paid to the certifier for certification work of a development will remain valid for a maximum period of 2 years. After this period additional fees or charges may apply until the development has been completed and an Occupation Certificate has been issued.

(b) Contingency fees and charges

- i. In the case of fees and charges that may be payable for work arising from unforeseen contingencies, the basis on which those fees and charges are to be calculated are set out in the relevant Attachment set out in Schedule 3.
- ii. In respect of any unforeseen contingency work provided for under this Agreement, the Certifier is to send an invoice to the Client within 21 days after the completion of any such work.
- iii. Payment of such charges are due within 7 days of the issue of that invoice.

Statutory obligations (tick appropriate box)

An information brochure which is to include information about statutory obligations must accompany this Agreement if one is published by the NSW Fair Trading on its website. The NSW Fair Trading is the statutory body that accredits the Certifier and administers the *Building and Development Certifiers Act 2018*.

- A copy of the NSW Fair Trading’s Information Brochure is attached
 The NSW Fair Trading has not published a brochure as at the date of the Agreement

T & C’s for Complying Development Cert (CDC), Construction Cert (CC), or Occupation Cert (OC)

Description of services

The Certifier will perform all work that is necessary to comply with relevant statutory requirements and to facilitate the timely determination of the application, including the following:

1. Provide a blank copy of CDC/CC/OC application form to the Client.
2. Conduct an inspection of, or arrange for another accredited certifier to inspect, the development site, and prepare a record of the inspection.
3. If clause 130(2A) or 130(2E) of the EP&A Regulation applies to the application for CDC (i.e. where there is an alternative solution relating to fire safety requirements) or clause 144 or 144A of the EP&A Regulation applies to the development for CC, obtain a compliance certificate or written report from a fire safety engineer or another accredited certifier that satisfies the requirements of clause 130 of the EP&A Regulation or apply to the Fire Commissioner for an initial/final fire safety report or for OC obtain a further compliance certificate or written report from a fire safety engineer with respect to the completed works as required by clause 153A of the EP&A Regulation.
4. If the development is a residential flat building, obtain a design verification from a qualified designer under clause 50(1A) of the EP&A Regulation
5. Assess whether the proposed development satisfies the development standards set out in the relevant environmental planning instrument, development control plan and the EP&A Regulation for CDC.
6. Assess whether the application satisfies the requirements of the EP&A Regulation, including compliance with the BCA, the development consent and any pre-conditions to the issue of a CC
7. Assess whether the application satisfies the requirements of the EP&A Regulation, including whether any pre-conditions of the development consent or CDC which are required to be met before an OC may be issued have been met and (where building work has been carried out) whether the work is not inconsistent with the development consent.
8. Determine the application and prepare a notice of the determination.
9. If the application is granted:
 - a. prepare a CDC or CC or OC
 - b. endorse all relevant plans, specifications, and other documents
 - c. prepare any associated fire safety schedule or fire link conversion schedule
 - d. ascertain if any long service payment levy is required to be made, and if so, that the amount (or instalment) has been paid
 - e. ascertain if any contributions plan requires the CDC to be subject to a condition requiring a monetary payment or if any security or monetary payment or levy under section 94 or 94A of the EP&A Act are required before the CC is issued
 - f. issue CDC/CC/OC to the Client together with associated endorsed plans specifications and other approved documents
 - g. forward copies of documents prepared to statutory authorities, including the council and the NSW Rural Fire Service, as required by the EP&A Regulation.
10. Obtain a final fire safety certificate or interim fire safety certificate as required by the EP&A Regulation.
11. Ensure that all BASIX requirements which are required to be complied with before an OC may be issued have been satisfied, including obtaining any necessary BASIX completion receipt.

Professional Indemnity Insurance

The Registered Certifier shall maintain an insurance policy in accordance with Division 1 of Part 3 of the Building and Development Certifiers Act 2018 and shall provide a copy of that policy to the Owner upon request:

Current Policy Details
Professional Indemnity Insurance Policy No: BXLCDPI-2024-002013
XL Insurance Company SE trading as Brooklyn Underwriting
Policy Period: 30/09/2025 to 30/09/2026



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Schedule 3 – Schedule of contingency fees

Contingency Fees and charges - Development certificates and PCA functions

- Modification to an existing approval – This will be set at 50% of original quoted amount
- Additional inspections or reinspection's of a mandatory critical stage inspection – \$300 + GST per hour with a minimum charge of 1 hour
- Investigations for complaints or alleged non-compliances - \$400 + GST per hour with a minimum charge of 2 hours
- Additional Occupation Certificates where an Interim or Part Occupation Certificate had been issued prior - \$400 + GST
- Reassessment fee at application stage (prior to approval) will be calculated at an hourly rate at the discretion of the Certifier.
- The above prices are indicative only and may be subject to change.

T & C's for Undertaking the functions of Principal Certifier (PC)

Description of services

The Certifier will perform all work that is necessary to comply with relevant statutory requirements, including:

1. Not later than two days before any building work commences, the Certifier will:
 - a. notify the consent authority and/or the council of the Certifier's appointment as PC, and
 - b. notify the Client of all inspections that are required to be carried out of the building work or subdivision work.
2. Ascertain, before any building work commences, that a construction certificate or complying development certificate has been issued for the work.
3. Ascertain, before any residential building work commences, that either:
 - a. the principal contractor is the holder of a licence under the Home Building Act 1989 and is covered by appropriate insurance, or
 - b. where the work is to be carried out by an owner-builder, that an owner-builder permit has been issued under the Home Building Act 1989
4. The Certifier will either carry out all critical stage inspections of the building work or subdivision work prescribed by the EP&A Regulation or required by the Certifier or ensure that the inspections are carried out by another certifying authority. However, the Principal Certifier will personally carry out the last critical stage inspection that is prescribed for a building.
5. The Certifier will make a record as required by the EP&A Regulation of all inspections that he or she carries out and will ensure that any other certifying authority that has carried out an inspection also prepares a report and supplies it to the Certifier.
6. The Certifier will determine whether any inspection (other than the last critical stage inspection) has been not carried out due to circumstances that were unavoidable, and whether the work that would have been inspected was satisfactory. The Certifier will make a record of any such missed inspection as required by the EP&A Regulation and provide a copy to the Client. The Certifier will also notify the principal contractor or owner builder of the missed inspection as required by the EP&A Regulation.
7. Determine applications for occupation certificates (subject to separate terms under this Agreement).
8. I/We authorise the transfer of PC to another employee of KEYSTONE BUILDING CERTIFIERS if the original PC ceases employment with KEYSTONE BUILDING CERTIFIERS for any reason or becomes unable to fulfil their duties as the PC at no cost to KEYSTONE BUILDING CERTIFIERS.
9. I/We understand the appointment of PC will not be accepted by KEYSTONE BUILDING CERTIFIERS until documentation of required insurances or owner builder permit is submitted to KEYSTONE BUILDING CERTIFIERS, in accordance with the Home Building Act 1989.
10. The PC will be entitled to suspend his/her services under the Building and Construction Industry Security of Payment Act 1999 where payment of fees is not received.

Compliance functions

1. The Certifier will take such steps as he or she considers appropriate to address any of the following matters relating to the development:
 - a. non-compliance with the development consent
 - b. the carrying out of work without development consent
 - c. an unauthorised use of a building
 - d. a breach of a law relating to the carrying out of work or the use of the land
 - e. a threat to the safety of a person or a person's property
 - f. any other matter the Certifier considers to be in the public interest to address.
2. Without limiting the actions that the Certifier may take, the Certifier may:
 - a. attend the site or nearby properties to inspect any issue of concern relating to the development
 - b. confer with any person in relation to any issues of concern
 - c. cause correspondence to be issued to any person
 - d. refer any matter of concern to such persons or authorities as the Certifier considers appropriate, including the consent authority, the council, NSW Fair Trading or an environmental protection agency
 - e. issue notices under the Act and Regulations in respect to any breach of consent or concerns requiring such Notices to be issued.

Payment of Fees

1. Payment of client fees to the certifier will be by Fixed fee agreement
2. The Certifier will undertake for a fixed fee all work involved in the Description of Services, including the costs of any service provided by a third party and any fees for obtaining or lodging documents, except for contingency items (if any) specified below.
3. Schedule of fees will be as per the quote accepted by the client
4. Contingency items are not limited to but include such as Modified CDC/CC, Interim OC's, Express servicing, Re-inspections for defective or incomplete work, more than 1 hour of complaint resolution(s), performance of Compliance Functions, Archive retrieval fees.
5. Basis of calculating the cost per contingency item will be discussed with the client at the time of contingency item being made aware.

Inspections

1. Mandatory critical stage inspections must be carried out as required by Section 61 of the EP&A (Development Certification and Fire Safety) Regulation 2021. <https://legislation.nsw.gov.au/view/html/inforce/current/s1-2021-0689#sec.61>
2. Notice must be provided to the Principal Certifier that a mandatory critical stage inspection in accordance with Section 65 of EP&A (Development Certification and Fire Safety) Regulation 2021. The notice must be sent via email with the below form attached.



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| | |
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NOTICE OF MANDATORY CRITICAL STAGE INSPECTION

| LAND TO INSPECTED | | | |
|-------------------|--|----|--|
| Street Address: | | | |
| Lot | | DP | |

| CONTACT DETAILS | | | |
|-----------------|--|-------|--|
| Builder/Owner | | | |
| Phone | | Email | |

| CONTACT DETAILS | |
|----------------------------------|---|
| Type of inspection (please tick) | <input type="checkbox"/> Piers/footings <input type="checkbox"/> Slab/reinforcement <input type="checkbox"/> Stormwater <input type="checkbox"/> Framing <input type="checkbox"/> Waterproofing/wet areas <input type="checkbox"/> Final |
| Is this a reinspection? | <input type="checkbox"/> Yes <input type="checkbox"/> No |

| | |
|--|--|
| Date for inspection | |
| Will the builder or a supervisor be on site? | |

| | |
|--|--|
| Any further information that the Principal Certifier or Inspector should be aware of. <small>e.g. code for gate, location of key, preferred time.</small> | |
|--|--|

Requirements for all critical stage inspections:

- This form must be emailed to our office to info@thecertifiers.com.au a minimum of 48 hours prior. *Note that weekends are no taken into consideration for the 48 hours.*
- Please ensure that your structural engineer inspects all structural inspections prior to our office attending. A copy of their inspection report is to be provided prior. This includes any defects noted by the engineer required to be rectified.
- For a prefabricated frame, a copy of the design by the manufacturer must be provided with this form.
- If you have agreed on a variation with your engineer that is not in accordance with the stamped engineering plans, a modified approval may be required. Please ensure that you have made the Principal Certifier aware of this.

Information about registered certifiers - building surveyors and building inspectors GUIDELINE

Important: this is a summary document only.

Before signing any contract for certification work, make sure you understand your obligations and what you are agreeing to. The Building Commission website has more information about certifiers.

Under section 31(2) of the *Building and Development Certifiers Act 2018* and clause 31 of the *Building and Development Certifiers Regulation 2020*, a contract to carry out certification work must be accompanied by an applicable document made available on the website of the Department of Customer Service (which includes Building Commission NSW).¹ This is the applicable document for certification work involving a certifier registered in the class of **building surveyor** or **building inspector**, working in either the private sector or for a local council.

This document summarises the statutory obligations of the registered certifier who will assess your development and your obligations as the applicant for the development. It also sets out the types of information that can be found on the Building Commission's online register of registrations and approvals.

Obligations of registered certifiers

The general obligations of registered certifiers include compliance with their conditions of registration, to hold professional indemnity insurance, comply with a code of conduct and avoid conflicts of interest.

Who does a registered certifier work for?

A registered certifier is a public official and independent regulator, registered by the Building Commissioner.

Certifiers must carry out work in a manner that is impartial and in the public interest, even if this is not in the interests of the applicant, developer, or builder. Receiving a certificate is not guaranteed – the applicant is paying for the certifier to assess the application and determine *whether or not* a certificate can be issued.

It is a serious offence to attempt to bribe or influence a certifier, attracting a maximum penalty of \$110,000 and/or two years imprisonment.

¹ Visit www.nsw.gov.au/departments-and-agencies/building-commission.

Obligations of the applicant

An applicant is the person seeking a certificate, or engaging a certifier for other certification work, under the *Environmental Planning and Assessment Act 1979*.

As an applicant, you have the following obligations:

- Appoint, and enter into a contract with, your chosen certifier.
- Pay the certifier's fees before any certification work² is carried out.
- Communicate with your builder to ensure the certifier is notified when work reaches each stage. If a mandatory inspection is missed, the certifier may have to refuse to issue an occupation certificate.
- Follow any written direction issued by the certifier and provide any requested additional information to assess an application.
- Meet the conditions of any development consent and ensure the development is carried out in accordance with the approved plans.

What does a registered building surveyor do?

Registered **building surveyors** issue certificates under the *Environmental Planning and Assessment Act 1979* (construction certificates, complying development certificates and occupation certificates), act as the **principal certifier** for development, and inspect building work.

The principal certifier will attend the site to carry out mandatory inspections at certain stages. When construction is complete, the certifier may issue an occupation certificate, which signifies that the work:

- is 'suitable for occupation' – this does not necessarily mean all building work is complete
- is consistent with the approved plans and specifications
- meets all applicable conditions of the approval.

The certifier does not manage or supervise builders or tradespeople or certify that the builder has met all requirements of the applicant's contract with the builder.

What does a registered building inspector do?

Registered **building inspectors** carry out inspections of building work³ with the approval and agreement of the principal certifier. Building inspectors are not authorised to issue certificates or be appointed as the principal certifier.

² Upfront fee payment is required for any work to determine an application for a development certificate or carry out a function of a principal certifier.

³ Building inspectors may inspect class 1 and 10 buildings under the Building Code of Australia; that is, houses, duplexes and the like; garages and sheds; and structures such as swimming pools, retaining walls and fences.

Principal certifier enforcement powers

If the principal certifier becomes aware of a non-compliance with the development approval, the certifier must, by law, issue a direction to you and/or the builder, requiring the non-compliance to be addressed. If it is not, the certifier must notify the council which may take further action.

The certifier is also required to respond appropriately if a complaint is made about the development.

Finding more information on certifiers

Details of the class of registration each certifier holds, their period of registration, professional indemnity insurance and disciplinary history can be found on the Building Commission NSW website www.nsw.gov.au/departments-and-agencies/building-commission

Questions?

The Building Commission NSW website www.nsw.gov.au/departments-and-agencies/building-commission has information about certifiers, enforcement powers, how to replace a certifier and resolving concerns about a certifier.

The NSW Planning Portal website www.planningportal.nsw.gov.au provides information on the NSW planning and development certification system.

Note, although Building Commission NSW regulates certifiers, it does not mediate in contract disputes and does not regulate the actions of councils. Visit the Building Commission NSW website for more information.

| Contact us | |
|--|---|
| For more information please contact Building Commission NSW: | |
| T: | 13 27 00 |
| W: | nsw.gov.au and search 'Building Commission NSW' |