

Application for an Occupation Certificate

Issued under the Environmental Planning and Assessment Act
1979 (Sections 109C (1) (c) and 109H)

Address the application to:

- ☐ The General Manager
Warringah Council
DX 9118 Dee Why
Or
☐ Customer Service Centre
Warringah Council
Civic Centre, 25 Pittwater Road
Dee Why NSW 2099

If you need help lodging your application:

- ☐ Phone our Customer
Service Centre on (02)
9942 2111
Or
☐ Come in and talk to us

Office Use Only

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CDC2013/0438

D A 2 0

100226179 24 APR 2014
April 2014

**For applicable fees and charges, please refer to Council's website: www.warringah.nsw.gov.au
or contact our Customer Service Centre.**

Privacy and Personal Information Protection Notice

The personal information requested in this form is required by or under the Environmental Planning and Assessment Act 1979 and will only be used by Warringah Council in connection with the requirements of that Act and any other relevantly applicable legislation relating to the subject-matter of this application. The information is being collected for the following purposes, namely, to enable us to (1) process and determine your application; (2) contact you in relation to your application should that be necessary; and (3) keep the public informed by making the application publicly accessible. If you do not provide the information, Council will not be able to process your application, and your application will be rejected.

Your application will be available to Councillors and Council Officers. Members of the public have certain rights of access to information and documents held by Council under the Government Information (Public Access) Act 2009 (GIPA), and under the Privacy Information Protection Act 1998 (NSW) to the extent permitted by those Acts.

Warringah Council is to be regarded as the agency that holds the information, which will be stored on Council's records management system or in archives and may be displayed on eServices online (except as regards to personal particulars). You have a right to access information within the meaning of the Privacy and Personal Information Protection Act 1998 (NSW) on application to Council, and to have that information updated or corrected as necessary. Please contact Warringah Council if the information you have provided is incorrect or changes or if access is otherwise sought to the information. In addition, a person may request that any material that is available (or is to be made available) for public inspection by or under the Local Government Act 1993 (NSW) be prepared or amended so as to omit or remove any matter that would disclose or discloses the person's place of living if the person considers that the disclosure would place or places the personal safety of the person or of members of the person's family at risk. Any such request must be made to Council's General Manager: see s.739 of the Local Government Act 1993 (NSW).

PART 1 Site Details

1.1 Subject land

We need this to correctly identify the land

Unit no.

House no.

Street

Suburb

Legal property description

This information must be supplied.

1.2 Building Details

The building classification must be the same as that specified in the development consent or complying development certificate.

Whole/part of building

Use

BCA class

New ☐

Existing ☐

Gross floor area m²

PART 2 Certificate Details

2.1 Type of certificate sought

Please tick appropriate boxes

Type ☐ Interim certificate
☒ Final certificate

2.2 Consent or certificate number

Before an occupation certificate may be issued, the certifying authority must be satisfied that:

- ☒ A development consent or a complying development certificate is in force with respect to the building, and
- ☒ A construction certificate has been issued with respect to the plans and specifications for the building.

Development application or complying development certificate number

Construction certificate number (if applicable)

PART 3 Checklist

Certificate Checklist

The following information is required for all occupation certificate applications.

Please tick appropriate box

Final fire safety certificate or interim fire safety certificate
(A certificate is not required for a class 1A or class 10 building)

Yes

No

☐☐

Other certificates relied on
Residential flat buildings - design verification from a qualified designer in which the development application was required under clause 50(1B) of the Environmental Planning and Assessment Act 1979

☐☐

Agreement for the Performance of Certification Work

Agreement between

Warringah Council (the Council)

and

_____ (the Client)

Part A. Introduction

1. The Council is a certifying authority and employs an accredited certifier (the Certifier) who is authorised to carry out the certification work which is the subject of this Agreement on behalf of the Council.
2. The Client seeks to engage the Council to perform certification work on the terms set out in this Agreement.

Part B. Interpretation

Words and terms used in this Agreement are defined in the Dictionary. (see page at end of agreement)

Part C. Parties to the Agreement

1. The Council

Name of Council: WARRINGAH COUNCIL

Business address: CIVIC CENTRE, 725 PITTWATER ROAD, DEE WHY 2099

Postal address: CIVIC CENTRE, 725 PITTWATER ROAD, DEE WHY 2099

Telephone: (02) 9942 2111 Email: council@warringah.nsw.gov.au

2. The Client

Name of Client: _____

Address: _____

Postal address: _____

Telephone: _____

Mobile: _____

Email: _____

Part D. Certifier's details

These are the details of the employee that Council proposes, at the date of the Agreement, to have carry out the certification work. If the Council later decides to have another employee carry out the certification work, the Council will within two days notify the Client in writing of the name and accreditation number of that other employee.

Name of Certifier:

Philip Hoffman

Accreditation Number:

BPB 1249

Part E. The Development

Description of the development: (eg: single storey dwelling)

Address of the development:

Formal Particulars:

Development Consent details:

☐ **Development Consent granted by consent authority**

Name of Consent Authority

Development Consent No./identifier:

Date of Development Consent:

☐ **Development Consent given by the issue of a complying certificate (CDC)**

Name of Certifying Authority:

CDC No./identifier:

Date of CDC:

☐ **Part 4A Certificates issued**

Type of Part 4A Certificate issued:

Name of Certifying Authority:

Certificate No./identifier:

Date of Certificate:

Details of approved documents

Details of plans, specifications and other documents approved by development consent/CDC:

Part E. Development continued

Details of plans, specifications and other documents the subject of any Part 4A certificate:

Inspections (complete as appropriate)

Any inspection of the development site or the development required under the EP&A Act or the EP&A Regulations will be carried out as follows:

☐ Inspections by the Certifier

☐ All ☐ None

☐ Specific inspections (list)

☐ **Inspections by:**
Philip Hoffman

Accreditation No.
BPB 1249

☐ All ☐ None

☐ Specific inspections (list)

*These are the details of the person/s that Council proposes, at the date of the agreement, to perform the inspections. In the event that these proposed arrangements change, Council will inform the Client in writing who will be carrying out the inspections as soon as possible after the arrangements are made.

Part F. Certification work to be performed

(Tick one or more boxes as appropriate)

1. Determination of applications for Development Certificates

- ☐ Determination of application for a CDC*
- ☐ Determination of application for a construction certificate*
- ☐ Determination of application for a subdivision certificate*
- ☐ Determination of application for a compliance certificate*
- ☐ Determination of application for an occupation certificate*
- ☐ Determination of an application for a strata certificate*

2. Undertaking the functions of Principal Certifying Authority (PCA)

- ☐ Undertaking the functions of PCA for the development*

* Refer to relevant Attachment(s) that contain a Description of Services and the relevant Fees and Charges.

Part G. Fees and Charges

1. Development certificates
 - (a) Set fees and charges
 - i. The fees and charges for the determination of an application for a development certificate are set out in the relevant Attachment(s).
 - ii. The set fees and charges for the determination of a development certificate must be paid to the Council before, or at the time, an application for the development certificate is lodged with the Council.
 - (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.
 - ii. In respect of any unforeseen contingency work provided for under this Agreement, the Council is to send an invoice to the Client within 21 days after the completion of any such work.
- 2 PCA functions
 - (a) Set fees and charges
 - i. The fees and charges for the Council to carry out the functions as the PCA for the development are set out in the relevant Attachment(s).
 - ii. The set fees and charges for the carrying out of the functions as the PCA for the development are to be paid in full before the Council commences to carry out any of those functions.
 - (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.
 - ii. In respect of any unforeseen contingency work provided for under this Agreement, the Council is to send an invoice to the Client within 21 days after the completion of any such work

Part H. 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 Building Professionals Board on its website. The Board is the statutory body that accredits the Certifier and administers the Building Professionals Act 2005.

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A copy of the Board's Information Brochure is attached

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The Board has not published a brochure as at the date of the Agreement

Part I. Date of agreement

This agreement is made on _____ day of _____ 20

Part J. Signatures

Signed/executed by or on behalf of the Council

Signed/executed by or on behalf of the Client

DICTIONARY

Accredited Certifier means the holder of a certificate of accreditation as an accredited certifier under the BP Act

Applicable environmental planning instrument means the State Environmental Planning Policy or the Local Environmental Plan nominated by the Client as the instrument against which an application for a complying development certificate is to be assessed.

BASIX means the Building Sustainability Index

BCA means the Building Code of Australia.

BP Act means the Building Professionals Act 2005

Certification Work means:

- a) the determining of an application for a development certificate
- b) the issue of a development certificate
- c) carrying out the functions of a PCA
- d) carrying out of inspections for the purposes of section 109E(3)(d) of the EP&A Act
- e) carrying out inspections under section 22 Swimming Pools Act 1992 and issuing certificates of compliance under that Act

Contractor Licence means a licence issued under the Home Building Act 1989

Development Certificate means:

- a) a certificate under Part 4A of the EP&A Act, being:
 - a construction certificate
 - a compliance certificate
 - a sub-division certificate
 - an occupation certificate
- b) a complying development certificate
- c) a strata certificate issued under the Strata Schemes (Freehold Development) Act 1973 or the Strata Schemes (Leasehold Development) Act 1986

EP&A Act means the Environmental Planning and Assessment Act 1979

EP&A Regulation means the Environmental Planning and Regulation 2000

Owner-Builder Permit has the meaning given to it by the Home Building Act 1989

PCA means a principal certifying authority appointed under section 109E of the EP&A Act

Residential Building Work has the meaning given to it by the Home Building Act 1989

Description of Services

The Certifier will, on behalf of the Council, perform all work necessary to comply with relevant statutory requirements and to facilitate the timely determination of the application, including:

1. Provide a blank copy of an OC application form to the Client.
2. Conduct an inspection of the development and prepare a record of the inspection.
3. If clause 144 of the EP& A Regulation applies to the development (i.e. alternative solutions for certain fire safety measures), apply to the Fire Commissioner for a final fire safety report.
4. Obtain a final fire safety certificate or interim fire safety certificate as required by the EP& A Regulation.
5. If the development is a residential flat building to which clause 154A of the EP&A Regulation applies, obtain a further design verification from a qualified designer in relation to the completed works.
6. Ensure that all BASIX requirements required to be complied with before an OC may be issued have been satisfied, including obtaining any necessary BASIX completion receipt.
7. If clause 130(2A) or 144A(1) of the EP& A Regulation applied to the development (i.e. where there is an alternative solution relating to fire safety requirements), 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.
8. 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).
9. Determine the application and prepare a notice of the determination.
10. If the application is granted, prepare an OC and issue it to the Client.
11. Forward copies of documents prepared to the consent authority and the council as required by the EP&A Regulation.

Fees and charges (Tick one of the following)

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Fixed fee agreement

Council will undertake for a fixed fee for all work involved in assessing, determining and finalising the application as set out 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 any contingency items specified below.

Fixed fee:

\$

Contingency items#*

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If applicable, insert description of the contingency item – eg, 'additional inspection if access not available'. If no provision is to be made for contingency items, write 'N/A'

*Insert amount or basis of calculation e.g. "At cost" or "\$.....per hour"

Fees and charges (continued)

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Variable costs agreement

Council will undertake all work involved in assessing, determining and finalising the application as set in the Description of services upon the following basis::

Council's fee for services:

\$

Third party fees for services (including for another accredited certifier's services)*

Fees for certificates and lodgement of documents*

Contingency items#*

If applicable, insert description of the contingency item – eg, 'additional inspection if access not available'. If no provision is to be made for contingency items, write 'N/A'

*Insert amount or basis of calculation e.g. "At cost" or "\$.....per hour"

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according to procedures

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