

# BUILDING CERTIFICATE INFORMATION

(OFFICE USE ONLY)

S149A



PAGE

CASHIER CODE FHEA

**FEE**

\$325  
\$210

RECEIPT NO.

158727  
158728

DATE

16 / 12 / 2004

WORD PROCESSING

**BC** 0240 / 04

Property No:

PROPERTY ADDRESS

NO. 47

STREET

Attunga

SUBURB

Newport

RECORDS

**FILES**

OFFICER:

PRE-DATAWORKS

Y

DA/BA

Y

FILE:

OFFICER:

GRR / ATTACHED / MFC

FILE:

OFFICER:

GRR / ATTACHED / MFC

REGISTRATION STAMP

16 DEC 20

ASSISTANT DEVELOPMENT OFFICER

FEE OK

SURVEY DATE 27/11/2003

GEOTECH REPORT: REQUIRED No

PROVIDED

**MICROFICHE**

ATTACHED

N/A

ALL FILES & MFC ATTACHED YES / NO OTHER:

PROPERTY ACCESS

CONTACT:

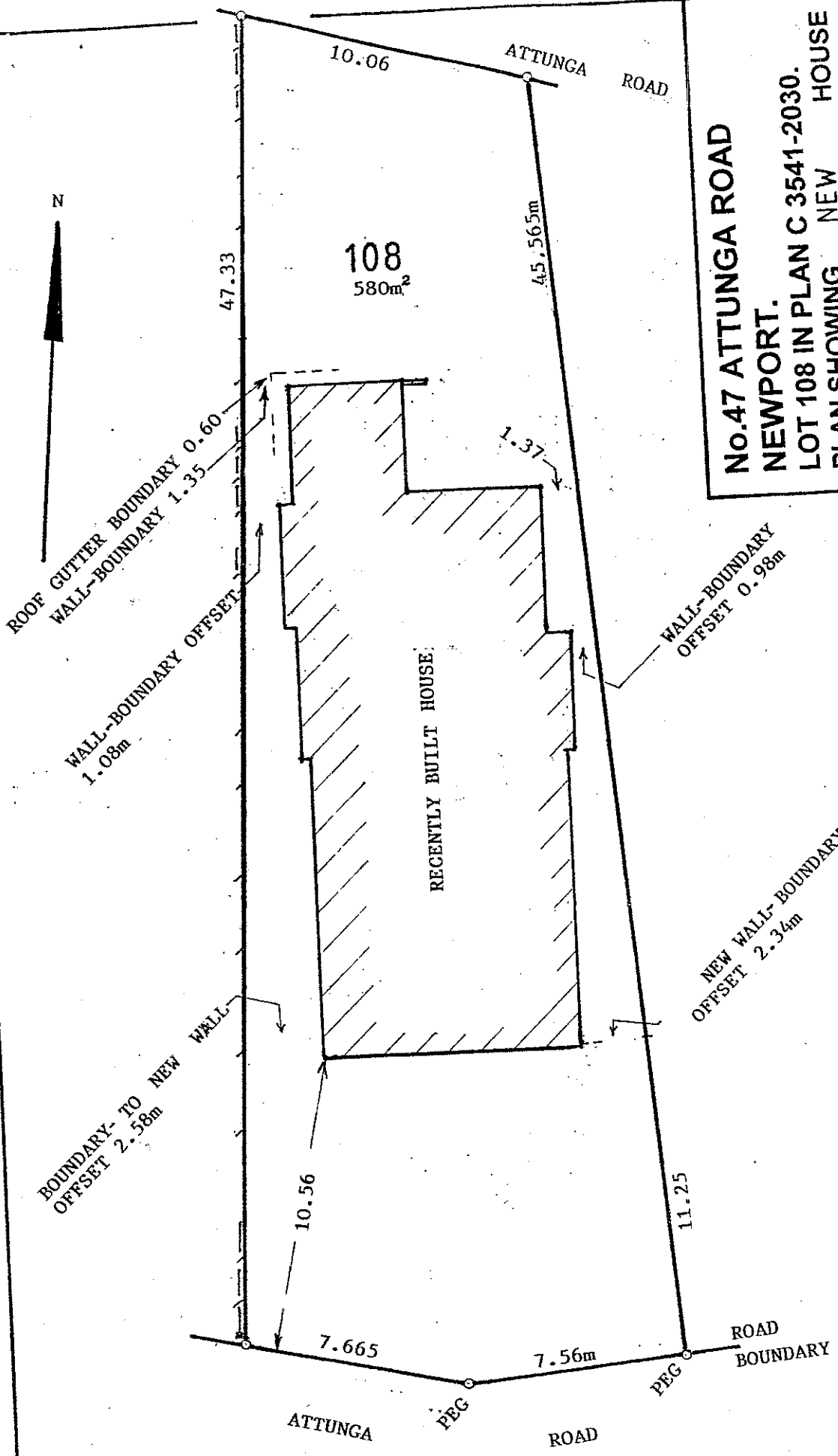
OWNER / REAL ESTATE / OTHER

PHONE:

DEVELOPMENT OFFICER

**NOTES**

OFFICER:



108  
580m<sup>2</sup>

RECENTLY BUILT HOUSE

No.47 ATTUNGA ROAD  
NEWPORT.  
LOT 108 IN PLAN C 3541-2030.  
PLAN SHOWING NEW HOUSE  
LOCATION ON LOT 108.  
R.R. 1:200. 27 NOVEMBER 2003.  
DATUM: AHD BY PREVIOUS SURVEY.

SURVEY: J.B. RICHARDS  
REGISTERED SURVEYOR  
4 HENDY AVE. COLLAROY.  
9972 1146

23 September 2004

General Manager  
Pittwater Council  
PO Box 882  
MONA VALE NSW 1660

Dear Sir,

**Re: 47 Attunga Road, Newport  
Development Consent No. 503/01**

I refer to Council's letter of 17 December 2003, advising me of their position regarding Mr. Rod Diacono, Private Building Certifier.

I had engaged Mr. Diacono as our private certifier for our above project which involved the construction of a new two storey dwelling.

This dwelling is now completed, except for the carport, as approved.

As I understand, the construction certificate, issued by Mr. Diacono is no longer valid. We are therefore, not able to obtain a Final Occupation Certificate.

To regulate this matter, we therefore apply to council for a Building Certificate as referred to in council's letter dated 17/12/03.

Accordingly, please find attached the following:

- Application Form (completed)
- Survey of completed works for 47 Attunga Road
- As built details
- Engineers certification of the completed project
- Various component certificates

In light of the above situation, I seek Council's assistance in resolving this matter, which is of great concern to us.

Yours Faithfully,

Brian Hampton



Units 9, 11 & 12/ 5 Vuko Place  
WARRIEWOOD NSW 2102  
Avalon Customer Service Centre  
59A Old Ba renjoey Road, AVALON 2107

Postal Address  
P.O. Box 882  
MONA VALE NSW 1660  
DX 9018 MONA VALE

Telephone (02) 9970 1111  
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Internet [www.pittwaterlga.com.au](http://www.pittwaterlga.com.au)  
Email: [pittwater\\_council@pittwater.nsw.gov.au](mailto:pittwater_council@pittwater.nsw.gov.au)

Steve Evans, Environmental Planning & Community  
8am to 6pm Mon - Thurs, 8am to 5pm Fri

17 December 2003

**Brian Hampton**  
49 Attunga Road  
Newport NSW 2106

Dear Sir/Madam,

The Department of Infrastructure Planning & Natural Resources has advised Council that Mr Roderick Edward Diacono, trading as Surefire Building Certifiers Pty Limited has purported to be an accredited certifier since the 16<sup>th</sup> November 2001, while in fact not a certifier.

It is understood that you engaged the services of Mr Diacono, and that during the period after the 16<sup>th</sup> November 2001 he may have certified your building works. The Department of Infrastructure Planning & Natural Resources has suggested that Council should issue Orders against you or instigate proceedings in the Court to seek a remedy to works being undertaken without the appropriate approvals by an accredited certifier.

Council does not agree that the Orders or Court process is appropriate in the circumstances where persons in good faith have sought the services of a person working within the State Government's system and that person has proceeded to undertake activities whilst uncertified.

Council therefore provides the following advice that maybe helpful to you.

1. An accredited certifier or Principal Certifying Authority (PCA) must be properly accredited. Therefore, if Mr Diacono has issued a construction certificate / complying development certificate for you, where building works have not commenced or are not complete, you should contact an Accredited Certifier (or Pittwater Council) to facilitate the issuing of another construction certificate / complying development certificate for those works not undertaken.
2. Building works carried out or partly completed resulting from a construction certificate / complying development certificate issued by Mr Diacono can be addressed by an application to Pittwater Council for a Building Certificate (section 149E of the Environmental Planning & Assessment Act 1979) for assessment and determination. Any Building Certificate application to address building works in these circumstances must be accompanied by a report including:-
  - A survey site,
  - A full set of plans of the "as built" structure(s), clearly showing a comparison with the original development consent plans,
  - A documents schedule of any changes from the original development consent issued by Council to that which is constructed.

- An analysis and assessment of those changes and a recommendation as to whether the changes are generally in accordance with the development consent.
- A full documented history of inspections of the site during construction.
- A full documented folio of certifications of all relevant stages of construction and components necessary for the certifier to confirm that the building meets the relevant standard and original construction specification.

You will see from the above two points that where building works have taken place but are partly completed you will be required to seek the services of both a private accredited certifier (or Council) to issue a construction certificate / complying development certificate to allow you to continue building and also submit a building certificate application to Pittwater Council to validate those works already constructed.

You may write to the Hon. Craig Knowles, Minister for Infrastructure, Planning & Natural Resources regarding why Mr Diacono was allowed to act as an accredited certifier after 16<sup>th</sup> November 2001. His address is GPO Box 5341, Sydney NSW 2001.

It is appreciated that the above information may be confusing and may cause you some concern, please do not hesitate to contact Mr Darren Greenow, Council's Principal Compliance Officer on 9970 1275 who will be happy to assist.

If you are concerned about the affect of Mr Diacono's activity or the above advice, you may wish to consider your own legal advice about the options available to you in your individual circumstance.

Yours faithfully



Steve Evans

**DIRECTOR - ENVIRONMENTAL PLANNING AND COMMUNITY**

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### PITTWATER COUNCIL

## APPLICATION FOR BUILDING CERTIFICATE

Environmental Planning and Assessment Act, 1979 (as Amended)  
Section 149A, B, C, D

#### APPLICANTS DETAILS

Applicants Name: Brian Hampton  
 Address: P.O. 747 Newport  
 Post code: 2106 Telephone: 0418 655688

**Note:** You can apply for a Building Certificate for the Whole or Part of a building if you are:  
 (Please tick appropriate box)

- I am the owner of the building
- I have the owner's consent to lodge this application (see below)
- I am the purchaser under a contract for the sale of property
- I am the owner's or purchaser's solicitor or agent
- We are a public authority which has notified the owner of its intention to apply for the certificate.

#### PROPERTY DESCRIPTION

Street No: <u>47</u>	Lot No: <u>108</u>	Section:
DP No: <u>752046</u>	Street: <u>Ahunga Road</u>	
Suburb: <u>Newport</u>		

#### FOR ACCESS TO THE BUILDING PLEASE CONTACT

Name: Brian Hampton Telephone: \_\_\_\_\_

Do you wish to collect the certificate or have it mailed       Mailed       Will collect

#### DETAIL OF BUILDING OR PART

- Whole Property.....
- Whole Building, i.e. \_\_\_\_\_
- Part Building, i.e. \_\_\_\_\_
- Pool, Fencing and Access \_\_\_\_\_

## ACCOMPANYING INFORMATION TO BE SUBMITTED WITH APPLICATION

1. A detailed survey prepared by a Registered Surveyor clearly showing the location of the structures and/or works on the site. The date of the survey is irrelevant in so far as the information contained therein is still current.
2. **Where the property is**  
**Land identified on Pittwater Council's Geotechnical Risk Management Map 2003 as being areas subject to Pittwater Council's Geotechnical Risk Management Policy**  
**or**  
**Land identified on Pittwater Council's Coastal Hazard Map 96-080 as being Bluff Management Areas**

A Geotechnical Engineers Report prepared in accordance with Council's Interim Geotechnical Risk Management Policy is to be provided, together with completed form 4 pursuant to that Policy

## UNAPPROVED STRUCTURES OR WORKS

Where the Certificate Application relates to unapproved structures or works the following additional information is to be provided:

1. A detailed survey prepared by a Registered Surveyor clearly showing the site of location of the structures and/or works in relation to the existing structures on the property and any nearby structures on adjacent properties together with floor levels, finish surface levels and the like. (A detail and contour survey as required to accompany Development Applications and outlined on Council's Development Application form will satisfy this requirement).
2. Works as constructed plans. These plans should be prepared by a suitably professional e.g. Architect/Town Planner and clearly annotate the unapproved structures and/or works as well as the existing approved structures and works on the land. These plans should be accompanied by a statement assessing the structures and/or works as to their compliance with the relevant Council's development controls.
3. Certification as to the structural and/or geotechnical adequacy of the structures and/or works as built. All built structures will require certification as to their structural integrity by a qualified Structural Engineer, all earthworks and foundations will require certification by a qualified and experienced Geotechnical Engineer as to their adequacy.
4. Certificate by an appropriately qualified person that the structures and/or works comply with the Building Code of Australia and appropriate Australian Standards.

## FEES PAYABLE:

- |  |  |
|--|--|
| (1) Class 1 Building (together with any class 10 building on the site) or a Class 10 Building  | <u>\$210.00</u> each   |
| (2) In the case of any other Class of Building - as follows<br>Floor area of building or part -  |  |
| (i) Not exceeding 200 square metres  | <u>\$210.00</u> each   |
| (ii) Exceeding 200 square metres but not exceeding 2000 square metres  | \$210.00 plus 42c for each sq. m in <u>excess of 200 sq. m</u>       |
| (iii) Exceeding 2000 square metres   | \$966.00 plus 6.3 cents for each sq. m in <u>excess of 2000 sq.m</u> |
| (iv) Fee for additional inspection   | <u>\$75.00</u>   |
| (3) In the case of any unapproved structures or works (being \$210 Certificate plus \$325 Inspection and Assessment fees on unauthorised building works) | <u>\$535.00</u>  |

**INFORMATION TO BE SUBMITTED**

1. I have provided an original, or a copy, of a current survey which clearly identifies all structures on the site at the time of lodgement.

2. Where the property is


- Land identified on Pittwater Council's Geotechnical Risk Management Map 2003 as being areas subject to Pittwater Council's Geotechnical Risk Management Policy
- or
- Land identified on Pittwater Council's Coastal Hazard Map 96-080 as being Bluff Management Areas

I have provided a Geotechnical Engineers Report prepared in accordance with Council's Interim Geotechnical Risk Management Policy, together with completed forms 4 & 4(a) pursuant to that Policy.

3. Where the application is for unapproved structures or work, I have provided the necessary information as set out on page two of this application.

Note: Council may require additional information to enable appropriate assessment and determination of the Building Certificate.


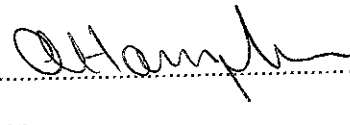
**APPLICANT'S SIGNATURE**

 DATE: \_\_\_\_\_

**CONSENT OF OWNERS**

I/ We consent to the lodgement of this application and permit Council authorised personnel to enter the site for the purpose of inspections.

Owner/s .....

x  ..... x  .....  
Signature Owner/s

Date ..... Telephone Number .....

**Office Use Only:**

CODE	FHEA	DATE	16/12/04
FEE	\$ 828.00	ISSUED BY	(1)
RECEIPT NO.	158727 (\$325) 158728 (\$210)		

Any enquiries please contact Customer Service  
Ph: (02) 9970 1111 Fax: (02) 9970 7150

Units 9, 11, 12  
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Warriewood 2102

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Mona Vale 1660

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Receipt Nos.  
158727 = 158728