

# Construction Certificate Checklist

Sections 109C and 109F of the EP&A Act and Clauses 139 to 148 and 168A of the EP&A Regulation 2000

## Application for a Construction Certificate

Section 109F of the EP&A Act and Clause 139 of the EP&A Regulation 2000

1. Is there evidence that an application has been made in accordance with clause 139 of the EP&A Regulation 2000? Is there evidence that the information required by Part 3 of Schedule 1 of the Regulation has been included?

- a) Name and Address of the applicant
- b) Description of the development
- c) Address and formal particulars of title of the land
- d) Class of Building under the BCA
- e) Reg. number and date of issue of Dev. Consent
- f) Estimated cost of development
- g) Owner(s) consent
- h) List of the documents accompanying the application

Does list of accompanying documents include:-

- For any building work, a description of the development including plans and specifications (See Schedule 1 clause 6 for details)
- For Class 2 – 9 building work, a list of **existing** fire safety measures
- and a list of **proposed** fire safety measures
- For subdivision work, appropriate plans and Specifications
- Such other documents as any BASIX Certificate requires pursuant to Clause 6A. (Clause applies from 1 July 2004 (initial BASIX area) and 1 July 2005 (all of NSW))

Does the description also indicate for each proposed new building –

- The number of storeys (including underground storeys)
- The gross floor area in square metres
- The gross site area of the land in square metres (Part 3, Schedule 1 cl 6)

Yes / No

Yes / No

Yes / No

2.	Is there evidence that the application was made prior to the determination of the construction certificate?	
3.	Was the application forwarded by the applicant by hand, post or electronically, but NOT by fax? (clause 139 (1)(c) of the EP&A Regulation 2000)	Yes / No
4.	Has the application been endorsed by the certifying authority with the date of receipt? (Clause 139 (2) of the EP&A Regulation 2000)	Yes / No
	Date of receipt of application for CC _____ / _____ / _____	Yes / No

### Evaluation of the Application

Has the certifier ensured compliance with the following **PRIOR TO ISSUING THE CONSTRUCTION CERTIFICATE?**

<b>Construction certificates involving building works</b> (Clauses 145 and 146 of the EP&A Regulation 2000)	
<b>Clause 145 Compliance with development consent and BCA</b> Have any relevant BASIX certificate requirements been incorporated into the endorsed plans and specifications?	Yes / No
Are the endorsed plans, specifications and any other endorsed documents NOT INCONSISTENT with the development consent?	Yes / No
Is there evidence the certifier has given consideration to the development's compliance with the BCA? (not applicable to temporary buildings)	Yes / No
<b>Clause 146 Compliance with conditions of development consent</b> Has each condition or agreement requiring the provision of security in accordance with the consent been satisfied prior to the construction certificate being issued? (Section 80A (6) of the EP&A Act) (Security against damage)	Yes / No
Has each condition requiring the payment of a section 94 monetary contributions been satisfied prior to the construction certificate being issued?	Yes / No
Has each other condition of the development consent that must be complied with before a construction certificate been satisfied prior to the issue of the construction certificate? (refer to attached table).	Yes / No
Does all information, receipts and endorsed plans and specifications pre-date the construction certificate issue date?	Yes / No
Date of Construction Certificate _____ / _____ / _____	Yes / No

<p><b>Modified construction certificates</b> (Clause 148 of the EP&amp;A Regulation 2000)</p> <ul style="list-style-type: none"> <li>• Have there been any further amendments to the information the subject of the <u>original</u> construction certificate?</li> <li>• Has the modified construction certificate application been made by either the original applicant (with the owners consent) or the owner? (<i>eg: a new builder who was <u>not</u> the original applicant can not be the applicant for a modified construction certificate, even with owners consent</i>)</li> <li>• Is there evidence that the works the subject of the modified construction certificate had already been undertaken?</li> <li>• Was the modified construction certificate application the result of a section 96 modification to the development consent?</li> <li>• Would a section 96 modification have been appropriate considering the nature of the changes?</li> <li>• Has the modified construction certificate application been evaluated and determined appropriately?</li> <li>• Has a modified construction certificate been issued as required?</li> <li>• Should the building no longer be subject to an alternative solution with regard to Category 2 fire safety provisions as a result of the modification, has the Fire Commissioner been informed that the building is no longer subject to clause 144 of the EP&amp;A Regulation 2000?</li> </ul>	<p>Yes / No</p> <p>Yes / No</p> <p>Yes / No</p> <p>Yes / No</p> <p>Yes / No</p> <p>Yes / No</p> <p>Yes / No</p> <p>Yes / No</p>
<p><b>Construction certificates that involve a change of use</b> (Clause 143 of the EP&amp;A Regulation 2000)</p> <p>Is there evidence that the fire protection, structural capacity and Category 1 fire safety measures have been considered and are appropriate to the buildings new use?</p>	<p>Yes / No</p>
<p><b>Construction certificates that involve alterations, additions or enlargement of an existing building</b> (Clause 143 of the EP&amp;A Regulation 2000).</p> <p>Is there evidence that the certifier has considered the fire protection and structural capacity of the new building, and that these will not be reduced?</p> <p><i>*Note: This clause does not apply to building works that are required by a condition of consent that authorises a "Change of Use DA".</i></p>	<p>Yes / No</p>
<p><b>Construction certificates that involve residential flat buildings that required design verification from an architect</b> (Clause 143A of the EP&amp;A Regulation 2000)</p> <p>Is there evidence that the certifier had received a statement in which a qualified designer has verified that the plans and specifications achieve or improve the design quality of the development, having regard to SEPP65 (prior to the construction certificate being issued)</p>	<p>Yes / No</p>

<p><b>Construction certificates involving "Class 9A Buildings with a floor area &gt; 2000m<sup>2</sup>" or "All other classes with a fire compartment &gt; 2000m<sup>2</sup> or floor area &gt; 6000m<sup>2</sup>", where an alternative solution is proposed in relation to the Category 2 Fire Safety Provisions. (Clause 144 of the EP&amp;A Regulation 2000)</b></p> <p>Is there evidence that the development has been referred to the NSWFB and the initial fire safety report recommendations considered in accordance with Clause 144 (7) and (8) of the EP&amp;A Regulation 2000?</p> <p>Were the recommendations of the NSWFB adopted <input type="checkbox"/></p> <p>If recommendations were set aside, is there documented justification for this decision <input type="checkbox"/></p> <p><b>and</b> has the NSWFB been advised <input type="checkbox"/></p> <p>Was response received from the NSWFB within 23 days <input type="checkbox"/></p>		<p><b>Yes / No</b></p>
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<p><b>Determination</b> Clauses 142 and 147 of the EP&amp;A Regulation 2000</p>		
<p><b>Does the determination contain the following:</b></p> <p>Is the determination in writing? <input type="checkbox"/> Date: _____</p> <p>Determination:            Approved: <input type="checkbox"/></p> <p>                                      Refused: <input type="checkbox"/></p> <p>If refusal, have reasons for refusal been provided and applicant's right to appeal <input type="checkbox"/></p> <p>Is the construction certificate issued subject to BCA or Fire Safety exemption conditions? If so, have the "reasons for these conditions" and the "applicant's right of appeal" been included on the construction certificate determination?</p> <p><b>Have all relevant plans, specifications and other documents relied upon been stamped or otherwise endorsed indicating the issue of the construction certificate?</b></p> <p><b>Was a copy of the endorsed approval sent to the consent authority within 2 days of determination?</b></p>		<p><b>Yes / No</b></p> <p>Yes / No</p> <p>Yes / No</p> <p>Yes / No</p>

Has the following information been endorsed and sent to the local council within 2 days (Clause 142 (2) of the EP&A Regulation 2000)	Endorsed?	Forwarded to council?
Application	Yes / No	Yes / No
Determination	Yes / No	Yes / No
Any construction certificate issue	Yes / No	Yes / No
Plans	Yes / No	Yes / No
Specifications	Yes / No	Yes / No
Documents submitted with the application and otherwise relied upon	Yes / No	Yes / No
Any fire safety schedule or fire link conversion schedule Class 2 to 9 buildings only (clause 168 EP&A Regulation 2000)	Yes / No	Yes / No

**Form of Construction Certificate**  
 Clause 147 of the EP&A Regulation 2000

**Has the certifier included the following information on the construction certificate?**

- (a) Identity of the certifying authority by which it is granted
- (b) If the certifying authority is an accredited certifier:
  - (i) His or her accreditation number, and
  - (ii) Name of the accreditation body by which he or she is accredited
- (c) Registered number and date of issue of any relevant development consent
- (d) Date of the certificate
- (e) A statement to the effect that work has been completed in accordance with documentation accompanying the application for the certificate (with such modifications verified by the certifying authority as may be shown on that documentation) will comply with the requirements of this EP&A Regulation 2000 as are referred to in section 81A (5) of the EP&A Act.
- (f) Classification (or multiple classifications) of the building (in accordance with the BCA) to which the certificate relates.

**Yes / No**

**Is there a Fire Safety Schedule? (Applies to Class 2 to 9 buildings only and does not apply to fire link conversions)**

**Yes / No**

**Is there evidence that all relevant conditions have been satisfied prior to the release of a construction certificate?**

Condition No.	Evidence that the condition has been satisfied?	Who has been satisfied to the matter? (eg: Certifier/Council/other)	Is the certifier allowed to be satisfied as to the matter under clause 161 of the EP&A Regulation 2000?
	Yes / No / Insufficient Evidence		Yes / No
			Yes / No
			Yes / No

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			Yes / No
			Yes / No
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			Yes / No
			Yes / No
			Yes / No
			Yes / No
			Yes / No
			Yes / No
			Yes / No