

# Construction Certificate Guide

## About this guide

Obtaining a construction certificate is the next step in carrying out building works after receiving development consent.

Building works cannot commence until a valid construction certificate has been issued for the proposed building works and a principal certifying authority (PCA) is appointed.

Please read this guide for general information about obtaining a construction certificate and requirements of the City of Sydney should you choose to lodge your application with Council.

A construction certificate can be obtained from either the City of Sydney Council or a private accredited certifier. There are three steps that must be completed before you can commence building work.

**Step 1** - Lodge a construction certificate application. Your proposal and application will be assessed to ensure that the proposed works are compliant with the requirements of the development consent and satisfy the requirements of the Building Code of Australia.

**Step 2** - Lodge (attach) a Contract for Certification Work to your application. The Building Professionals Act 2005 (NSW) says the City must not carry out certification work for a person, such as issuing construction certificates to undertake building work, unless it has entered into a written contract with that person. You must therefore complete and sign a Contract for Certification Work and attach it to the application form.

NOTE: Your application cannot be processed until you attach a signed Contract for Certification Work. When the application, together with the Contract, is lodged the Contract will be executed (signed by an authorised officer of Council) and a copy will be forwarded to you for your records.

**Step 3** - Appoint a Principal Certifying Authority (PCA) who will monitor the building works as they progress to ensure compliance with the approved construction certificate. The PCA can be Council or a private accredited building surveyor. If you decide to use Council as the PCA you need to complete an appointment form, after you have obtained your Construction Certificate.

## Step 1: What you need to provide as part of a Construction Certificate Application

A construction certificate cannot be issued unless the following is satisfied:

- Long Service Leave Levy has been paid. (Payable for all works \$25,000 or more in value).
- Fire protection and structural capacity of the building will be appropriate for the proposed use.
- The proposed building and works will comply with relevant fire safety provisions.
- The new building works must comply with the Building Code of Australia. Existing buildings may require upgrading works to be undertaken. The development consent may specify (as a condition of consent) the level of upgrading required.
- The conditions of development that are required to be satisfied prior to the issue of a construction certificate have been complied with.
- Any security deposits, contribution payments or section 94 contributions are paid. If applicable, these are detailed in the conditions of the development consent.
- The drawings and details lodged with the construction certificate application are consistent with the development consent (refer to Note 1 below).

### NOTES:

1. The plans and specification submitted for a construction certificate must be consistent with those approved by the development application. Minor changes, such as greater details or changes to address development consent conditions may be allowed. Major changes, such as changing window locations / sizes or the height of the building, cannot be approved under a construction certificate application. Changes of this nature will require the submission of a 'Section 96 Application' to amend the development consent. If the changes are found to not be substantially the same development a new development application will be required.
2. A construction certificate ceases to have effect at the time the development consent lapses if physical works have not commenced on the site before the development consent lapses.

## Requirements for submitting a Construction Certificate application

The following information is required in digital format. All digital information must be contained on one USB.

### Digital File requirements

- All plans and documents, including the application form must be submitted in digital format on a single USB.
- Each group of plan types, e.g. site plan, floor plans, sections, elevations and documents must be supplied as separate PDF files, not larger than 20MB in size and be named in accordance with Council's [Digital Requirements](#) document on the City of Sydney website
- Digital files must be virus free.

**As all information provided on the USB may be publicly available, personal information including credit card details must NOT be copied onto the USB**

#### 1. Complete an application form.

Please provide a completed application form and include the plans, documents and specifications outlined in the following sections of this guide.

#### 2. Development Consent compliance.

Ensure that you comply with all relevant conditions of the Development Consent. The conditions of the development consent will specify the information that is required to be lodged prior to the issue of a Construction Certificate.

#### 3. Plan requirements for a Construction Certificate application.

Plans including the site plan, floor plan, elevations and sections:

- Plans must be drawn in ink & to scale
- Free-hand, single line or illegible drawings will not be accepted

The following information must be included on all plans and documents:

- Applicant's name, block/house/shop/flat number, street/road name and suburb
- Lot number, section number, DP/SP number
- Measurements to be in metric
- The position of true north
- Building or parts of building proposed to be demolished must be indicated in outline
- Designer's / Architect's name and contact details
- Drawing numbers including revision numbers or dates

For alterations and additions to existing buildings, plans (site, floor and elevations) are to clearly identify the altered and new work. Preferably, plans should be suitably coloured using the following colours:

<b>Roof tiles:</b>	Orange	<b>Brick:</b>	Red
<b>Tile:</b>	Purple	<b>Concrete:</b>	Dark Green
<b>Glass &amp; Glass Bricks:</b>	Light Blue	<b>Fibre Cement / Cement Render:</b>	Light Green
<b>Steel, Galvanised Iron:</b>	Dark Blue	<b>Timber:</b>	Yellow
<b>Sandstone:</b>	Light Brown		

### Site Plan

A site plan is a 'birds-eye view' of the existing and proposed development on the site and its position in relation to boundaries.

A site plan for construction certificate application must include:

- Drawings to a suitable scale (i.e. 1:100 or 1:200)
- Location of the new and existing buildings in relation to site boundaries
- Location of any proposed fences and landscaping features such as swimming pool, retaining walls, paved areas and driveways
- Relative location of adjoining buildings
- Contour lines of site and spot levels at all corners of the building
- Location of vehicle access and car parking
- New vehicle crossings are to be indicated

## Step 1: What you need to provide as part of a Construction Certificate Application.....continued

- Extent of any cut and fill to be carried out
- Location of stormwater drainage lines pipes including location of downpipes and discharge points
- Location of any site fencing during construction
- Location of sedimentation control measures for dimension, excavation and construction activity

### Measurements

- Length, width and site area of land, both existing and proposed
- Distance from external walls and outermost part of the proposed building to all boundaries
- Approximate distance from proposed building to other buildings on the property

### Floor Plans

A Floor Plan is a 'birds-eye view' of your existing and/or proposed layout of rooms within the development.

Floor plans must include:

- Drawing to a suitable scale (i.e. 1:100 or 1:50)
- Outline of existing building / development on site (shown dotted)
- Room uses, areas and dimensions
- Window and door locations and sizes
- Floor levels and steps in floor levels (RL's)
- Wall structure type and thickness
- Details (specifications) to verify compliance with the Building Code of Australia.

### Elevation Plans

Elevation plans are a side view of the proposed development. Elevations of all four sides (north, south, east & west facing) of the development and labelled accordingly.

Elevation plans must include:

- Drawing to a suitable scale (i.e. 1:100 or 1:50)
- Outline of existing building / development on site (shown dotted)
- Window sizes and location
- Location / position of all building / structures
- Exterior cladding type and roofing material / colour
- Chimneys, flue exhaust vents, duct inlet or outlet
- Reduced levels (to Australian Height Datum) for roof ridge, floor and ceiling.

### Section Plans

A section plan is a diagram showing a cut through the proposed development at the most typical point. More than one section may be necessary.

Section plans must include:

- Drawings to a suitable scale (i.e. 1:100 or 1:20)
- Section names and where they are shown on the plan (i.e. A/A, B/B etc.)
- Room names
- Room and window heights
- Details of chimneys, fire places and stoves
- Roof pitch and covering
- Site works, finished and proposed floor and ground levels in long section (indicate cut, fill and access grades)
- Construction material details.

### Structural Plans

Structural plans are detailed plans signed and dated by a suitably qualified structural engineer showing:

- Footings
- Piers
- Slab reinforcement
- Steel frames / beams
- Support party walls.

**NOTE:** A Structural Certificate for the design is to be submitted in accordance with Council's standard certificate form.

4. **BASIX Certificate** - applies to Classes 1,2 & 4 Buildings (dwellings / flats / caretaker residence)

A BASIX Certificate (water & energy efficiency certificate) is required for all new residential dwellings and alterations and additions to residential dwellings, swimming pools & spas exceeding a prescribed value. A BASIX Certificate is lodged and determined at the DA application stage.

Where a Development Consent has been issued with a BASIX Certificate, the following must be provided:

- Submission of the BASIX Certificate and Assessor certificate (when simulation method is used)
- Commitments in the BASIX Certificate must be shown on the plans and included in the specifications.

5. **Energy Efficiency** (Section J, Building Code of Australia) Applies to Classes 3 & 5 to 9 buildings

All new buildings and new work in existing buildings must comply with Section J of the BCA. The development consent may also require the existing building to comply with Section J of the BCA. The proposed energy efficiency elements must be detailed and certified (see Council certification form) as complying with the Building Code of Australia. Details are to be shown on plans and in the specification.

6. **Fire Safety**

Fires safety requirements for new dwellings, alterations and additions to dwellings:

**Class 1a & Class 1b Buildings:**

- Location of all hardwired smoke alarms

**Class 1b and 2 to 9 Buildings:**

- Fire safety schedule (Schedule 1 and Schedule 2 on Council's Application form for a Construction Certificate) for existing and proposed fire safety measures are to be listed on the application form.
- The general plans of the building are to indicate the height, design, construction and provisions of fire safety and fire resistance as required by the Building Code of Australia.
- Where the application involves an alternative building solution to meet the performance requirements of the Building Code of Australia, the application must also be accompanied by:
  - \* Details of the performance requirements that the alternative solution is intended to meet
  - \* Details of the assessment methods used to establish compliance with the performance standard requirements.
- Evidence of any accredited component, process or design that is to be relied upon as part of the proposed work.

The list must describe the extent, capability and basis of design of each of the measures concerned.

7. **Fire safety regulations and requirements**

The Environmental Planning and Assessment Regulation 2000 (the "Regulations") requires that before installing, extending or modifying a *relevant fire safety system*, plans and specifications for the work must be endorsed by a *competent fire safety practitioner* and submitted to Council or the principal certifying authority (PCA).

A *relevant fire safety system* is a hydraulic fire safety system (fire sprinkler suppression system, hydrant, hose reel); fire detection and alarm system; and a mechanical ducted smoke control system.

If the proposed works involves the installation of *relevant fire safety systems* the plans and details for these works can be submitted with the application for the construction certificate or afterwards, but must be submitted before the works commence. If submitted after the construction certificate application has been determined, they must be submitted to the Principal Certifying Authority (PCA). The design presented must also be confirmed as compliant either via a compliance certificate (issued by a person who is appropriately accredited under the Building Professionals Act), or endorsement by a *competent fire safety practitioner*. *Competent fire safety practitioner* is a new role in the Regulations for professionals and technicians who have specialist fire safety skills.

The NSW Department of Finance, Services and Innovation (DFSI) is presently working on establishing a co-regulatory framework for recognising industry schemes for accrediting individuals as *competent fire safety practitioners*. In the interim, Council must ensure that the person who performs one of the new functions is competent, and to confirm this in writing. Forms are available from the City for making an application to be recognised as a *competent fire safety practitioner* when construction certificate applications proposing *relevant fire safety systems* are lodged with Council. Contact the Construction and Building Certification Services Unit for further information and application form.

## Step 1: What you need to provide as part of a Construction Certificate Application.....continued

### 7. Fire safety regulations and requirements continued...

#### Limited exemptions from compliance with BCA for minor fire protection system works

The Regulations permit a degree of flexibility in relation to the standards that must be met by building work involving the minor modification or extension of a *relevant fire safety system*.

For older systems, meeting current operational performance standards may be impractical without a major system upgrade and significant costs. The Regulations therefore strike a balance between fire safety and practical impacts, whilst ensuring that the affected fire safety system remains capable of delivering the level of performance expected in a fire event. It should be noted that this process is optional.

A certifier (Council) can only exempt works from needing to comply with BCA provisions relating to operational performance of a system in limited circumstances. This includes where the existing level of system operational performance will not be reduced and where an independent *competent fire safety practitioner* has endorsed the proposed non-compliance. Any new hardware and components must however comply with the applicable current BCA provisions.

#### Documenting, endorsing and checking non-standard fire safety designs (alternative solutions)

An *alternative solution* is defined in the BCA and means a 'method of complying with the Performance Requirements other than by a Deemed-to-Satisfy Solution'. The BCA is a performance-based building code which allows non-standard designs (alternative solutions) which demonstrate compliance with the performance requirements. The Regulations require an alternative solution report to be submitted for building work relating to a Class 1b to 9 building that involves a fire safety alternative solution. The report must be submitted with your application.

#### Alternative solution reports

A fire safety alternative solution report must be prepared by or on behalf of a *competent fire safety practitioner* (and in some cases a fire safety engineer). Importantly, the report must include a copy of the brief on which the justification for accepting the alternative solution is based. The required content of these reports is intended to reflect industry good practice and what is expected under the International Fire Engineering Guidelines.

## Part 2: Complete & submit a Contract for Certification Work with a Construction Certificate application

Please complete and submit a City of Sydney Contract for Certification Work form along with your Construction Certificate Application form. Your application cannot be processed until you attach a signed Contract for Certification Work. When the application, together with the Contract, is lodged the Contract will be executed (signed by an authorised officer of Council) and a copy will be forwarded to you for your records.

## Step 3: What happens after a Construction Certificate is issued

Once a Construction Certificate has been approved the following action will be required before works can commence on the site:

### 1. Notice of commencement and appointment of principal certifying authority.

Notice of work commencing must be provided to Council at least 48 hours before works physically commence on the site. Notice must also be given of the appointment of the Principal Certifying Authority (PCA) for the development. A PCA can be Council or a private accredited certifier. If Council has been appointed as the PCA, the person having the benefit of the development consent will have been advised of the critical stage inspection required to be undertaken by Council.

NOTE: If Council is requested to be the PCA the required inspection fees for the development need to be paid at the time of lodgement of the PCA appointment form.

## Step 3: What happens after a Construction Certificate is issued.....continued

2. **Contract of Insurance / owner-builder's permit - residential works**
  - a) Cost of works over \$20,000 - A Contract of Insurance will need to be submitted to Council if the cost of works is more than \$20,000 and the work is to be carried out by a licensed builder.
  - b) Cost of works over \$10,000 - If the value of works exceeds \$10,000 and is being carried out by the property owner then evidence (copy) of an Owner-Builder's Permit from NSW Fair Trading will need to be submitted to Council.
3. **Builder details**

If a licensed builder is undertaking the work a statement detailing the builder's name, address and licence number must be provided to Council.
4. **Sydney Water**

Before commencing work you must have your plans assessed using the 'Sydney Water Tap in' online service to confirm that the proposed building work will not affect a Sydney Water asset (water supply pipe and/or drainage pipe). You must provide evidence (a copy of the electronic approval notice) to the principal certifying authority before work commences. Generally, only works that are to take place at ground level require assessment. Further information regarding the type of works that must be assessed can be obtained from Sydney Water.

## Lodgement Details

Construction Certificate Applications can be submitted to Council as follows:

**MAIL:** City of Sydney, GPO Box 1591, Sydney NSW 2001    **DX Address:** 1251 Sydney

**IN PERSON:** Town Hall House - Level 2, 456 Kent Street, Sydney  
**See our website for details of all customer service centres and opening hours:**  
<http://www.cityofsydney.nsw.gov.au/customer-service>

**WHAT NOW:** For further information regarding your application please contact us by:

**EMAIL:** [council@cityofsydney.nsw.gov.au](mailto:council@cityofsydney.nsw.gov.au)

**TELEPHONE:** (02) 9265 9333

**WEBSITE:** [www.cityofsydney.nsw.gov.au](http://www.cityofsydney.nsw.gov.au)