

Applying for a construction certificate

Before you begin any building work, you need a construction certificate. This guide explains the purpose of a construction certificate, how to apply for one if you are planning a development within the Kosciuszko alpine resorts, and the information you must supply with your application. Following these steps will help you avoid delays in processing your application.

Construction certificates — what you need to know

What is the purpose of a construction certificate?

A construction certificate is used to verify, before you begin any building work, that:

- the work you intend to carry out complies with the Building Code of Australia (BCA)
- the design and construction work as depicted in the plans and specification you submit is not inconsistent with the development consent
- any conditions of development consent that must be complied with before a construction certificate is issued have been met
- security required as a condition of consent has been provided
- any monetary contributions required as a condition of consent have been paid
- structural strength and fire protection matters have been satisfied, in the case of a change of building use or alterations to an existing building
- the application has been referred to the Fire & Rescue NSW, and any matters raised by The Brigade have been taken into consideration

Note: A fire safety schedule is issued as part of the construction certificate. The schedule outlines your commitments for ongoing maintenance of essential fire safety measures. Building work cannot commence unless these matters, specified in the Environmental Planning and Assessment (EP&A) Regulation 2000, have been satisfied.

Who can issue a construction certificate?

Either a consent authority or an accredited private certifier can issue a construction certificate. For development where the Minister for Planning is the consent authority, such as on land within the Kosciuszko alpine resorts, you can lodge an application with Department of Planning & Environment (DP&E). See contact details at end.

When is a construction certificate required?

A construction certificate is required after development consent is issued and before any building work is carried out. Building work means any physical activity involved in the erection of a building, including alterations and additions. See section 81A of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

How does a construction certificate relate to development consent?

Under section 80(12) of the EP&A Act, once a construction certificate is issued it becomes part of the development consent. As a result notices and orders can be issued at any time if the building works do not meet the standards specified in the construction certificate.

How long does a construction certificate last?

A construction certificate lapses at the same time as the development consent issued for the proposal, that is, after five years.

How to apply for a construction certificate

Can I apply for development consent and a construction certificate at the same time?

Yes. You can submit an application for a construction certificate at the same time as you apply for development consent.

What do I need to include when lodging a construction certificate application with DP&E?

A construction certificate application must include:

- a completed application form;
- detailed building and construction plans with specifications (4 copies);
- full payment of the application fees;
- any documents requested to be submitted to the consent authority as a condition of development consent, and
- any other relevant documents.

What information do I need to provide to support my application?

You need to provide sufficient information for DP&E to be satisfied that your proposal will comply with the BCA. This information can be in the form of detailed plans and specifications. You can use the following as a guide:

A specification

Purpose: To describe the standard to which a building is to be constructed, in terms of structural, operational and aesthetic aspects.

The specification should include but not limited to:

- reference to the plans
- a description of construction materials for the:
 - walls (internal/external)
 - floors
 - windows
 - roof, including lining
- the relevant standards to which the following building components are to be constructed:
 - footings, structural and geotechnical standards
 - timber framing
 - site drainage
 - building work associated with the installation of oil or solid fuel heating appliances
 - termite control
 - fire safety measures, eg fire resistance levels and essential services
 - wet areas
 - lighting and ventilation
 - sound transmission class rating
 - stair construction and balustrades
- evidence of any accredited components, process or designs to be relied upon, where
- relevant
- site preparation
- finishes.

Plans

Purpose: To define the extent of building works by outlining their configuration, use, appearance and fire safety provisions.

The plans should be drawn to a suitable scale, preferably 1:100 or 1:200 and include (but not be limited to) the following:

- a plan of each floor
- a site plan
- each elevation of the building identifying
 - floor levels in relation to ground levels
 - finished floor to ceiling height
 - overall height of the building
 - roof pitch (degrees)
- appropriate cross-sections showing all elements from the footings to the roof covering
- levels of the lowest floor and any yard or unbuilt upon area belonging to that floor and the levels of the adjacent ground and site drainage
- the height, design, construction and provision for fire safety and fire resistance
- any alterations and additions to an existing building
- location of all fire safety measures for example fire hose reels and emergency lighting to be marked on the floor plan of the building
- full structural engineered drawings certified by a practising structural engineer. These are to be designed taking into consideration the findings and recommendations of the geotechnical engineer's report, if one has been prepared for the proposal.

Other supporting information

Purpose: To supplement the plans and specifications, where necessary.

Likely examples are:

- a list of fire safety measures to be installed in the building
- copies of compliance certificates relied upon in preparing plans or specifications
- if relevant, details of the provisions made for fire safety and fire resistance construction
- alternative solutions for performance requirements of the BCA
- full details of the assessment methods used to establish compliance with performance requirements
- detailed evidence of proposed works complying with the deemed to satisfy provisions of the BCA.

What if all the detailed design work is not yet finished?

You may find that all information you need is not available at the time you apply, eg structural, mechanical or hydraulic designs may not yet be finalised. Similarly, details on sprinkler systems, fire hydrant, fire hose reel systems and smoke hazard management systems are unlikely to be available when applying for the construction certificate.

When the detail is not available, you can state in the specification your intent to comply with requirements by identifying the specific clauses in the BCA and Australian standards, codes or other documents, with a brief description of the how you propose to comply with each.

The EP&A Regulation 2000 does not require DP&E or an accredited certifier to check every detailed aspect of the design and construction of the building before issuing a construction certificate. DP&E or the accredited certifier must, however, be satisfied that the proposed building will comply. In combination, the information in the plans and specification with the statements of intent and proposed manner of compliance should be sufficient.

Other commonly asked questions

Once issued, can a construction certificate be altered?

Clause 791A of the EP&A Regulation permits the person who has applied for a construction certificate to apply for it to be modified, or for a new construction certificate to be issued. The application and assessment process is the same way as for the original application.

DP&E or an accredited certifier will need to consider whether the nature and extent of the modification is inconsistent with the development consent. If it is, a request under section 96 of the EP&A Act to modify the consent would be required.

Can construction certificates be staged?

It is possible to issue construction certificates for various stages of the development. For example a construction certificate could be issued for works up to the ground floor slab and a second construction certificate could be issued for the remaining floors.

Can conditions be applied to a construction certificate?

Any conditions relating to site-management will be included on the development consent. For example, setting limits on construction hours, requiring erosion/sediment control measures to be in place and the protection of public places. Conditions on construction certificates are only possible in specific circumstances relating to the Fire Brigades referrals and departures from the BCA.

Is a fire safety schedule required to be attached?

A fire safety schedule is to be attached to all construction certificates identifying the fire safety measures that must be subject to the maintenance and certification requirements in Part 7B of the Regulation. An occupation certificate cannot be issued until all the fire safety measures have been installed, inspected and certified through a fire safety certificate.

Before work commences

Once you have your development consent and a construction certificate, before you can start any work on the site you must:

- appoint a Principal Certifying Authority to oversee the work
- advise DP&E of the proposed date the building work is to start, at least two days prior to commencing.

For further information

Please contact us at:

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