

CONTRACT FOR CERTIFICATION WORK

Please note that all sections of this contract must be completed in full unless noted otherwise.

Office Hours: 8.30am – 5pm

240 Blende Street
PO Box 448
Broken Hill NSW 2880
council@brokenhill.nsw.gov.au
www.brokenhill.nsw.gov.au

General Enquiries
Phone 08 8080 3300

SECTION 1 – APPLICANT DETAILS

Applicant Name: _____

Applicant Company Name (if applicable): _____

Postal Address: _____

City/Town: _____ Postcode: _____

Email Address: _____

Phone – Business Hours: _____ Mobile: _____

SECTION 2 – COUNCIL DETAILS

COUNCIL OF THE CITY OF BROKEN HILL

240 Blende Street, Broken Hill NSW 2880

PO Box 448, Broken Hill NSW 2880

Email: council@brokenhill.nsw.gov.au

Phone: 08 8080 3300

Fax: 08 8080 3424

ABN 84 873 116 132

SECTION 3 – INTRODUCTION

- Council (see Section 2) is a certifying authority and employs registered certifiers who are authorised to carry out certification work on its behalf (see section 6).
- Section 31 of the *Building and Development Certifiers Act 2018* says a certifier must not carry out certification work for a person unless they (or their employer) has entered into a contract with that person.
- The Applicant (see Section 1) appoints Council to carry out certification work in relation to the development described in Section 5, on the terms set out in this contract.

SECTION 4 – CERTIFICATION WORK TO BE PERFORMED

The applicant appoints Council to perform the following certification work in relation to the development:

- | | |
|--|--------------------------|
| Determination of a Complying Development Certificate Application | <input type="checkbox"/> |
| Determination of a Construction Certificate Application | <input type="checkbox"/> |
| Carrying out the functions of Principal Certifier | <input type="checkbox"/> |
| Determination of an Occupation Certificate Application | <input type="checkbox"/> |
| Determination of a Subdivision Certificate Application | <input type="checkbox"/> |
| Determination of a Strata Certificate Application | <input type="checkbox"/> |
| Determination of a Compliance Certificate Application | <input type="checkbox"/> |

The particulars of the services to be carried out by Council are outlined in the Appendix of this Contract.

SECTION 5 – DEVELOPMENT PARTICULARS

Site Details

Site Address: _____

City/Town: _____ Postcode: _____

Lot/DP: _____

Description of Development (for example single storey dwelling):

Consent Details

Development Consent has not yet been obtained

Development Consent has been obtained from a consent authority (see below)

Consent Authority: _____

Reference Number: _____ Date of Consent: _____

Consent has been obtained by a Complying Development Certificate (CDC) (see below)

Consent Authority: _____

Reference Number: _____ Date of CDC: _____

Previous Certificates

Part 6 Certificates have been previously issued for this development
(Part 6 Certificates are Construction Certificates, Compliance Certificates, Subdivision Certificates or Occupation Certificates)

Certifying Authority: _____

Certificate Type: _____

Reference Number: _____ Date of Certificate: _____

Attach additional pages with details of additional certificates if necessary.

You must attach a list of the documents endorsed by the above consent or Certificate(s).

If these documents have not already been supplied to Council, they must be also be attached.

SECTION 6 – CERTIFIER'S DETAILS

Council proposes, at the date of this contract, that all certification work and all inspections required under the *Environmental Planning and Assessment Act 1979* in connection with certification work will be carried out by one of Council's employee certifiers. For a list of Council employee certifiers please visit Council's website at <https://www.brokenhill.nsw.gov.au/Development/Development-Certificates>.

If Council later decides to have a different employee certifier carry out the certification work or the inspections, Council will notify the applicant in writing of the name and registration number of that other person, by placing those details on Council's website.

SECTION 7 – SUBSEQUENT CERTIFICATION WORK

Subsequent appointment as Principal Certifier

After entering into this contract, the applicant may elect to appoint Council as Principal Certifier (PC) for the development.

If the applicant elects to appoint Council as PC for the development, the applicant agrees that, from the date of that appointment:

1. This contract will also apply to the subsequent appointment of Council as PC for the development;
2. The information contained in the application form 'Notice of Commencement of Building or Subdivision Work and Appointment of Council as Principal Certifying Authority' will be automatically incorporated into this contract;
3. The certifiers detailed as per section 6 will apply to that certification work also; and
4. The relevant fees and charges will apply, as determined in accordance with Council's schedule of Fees and Charges at the time of the appointment.

Subsequent Certificate(s)

After entering into this contract, the applicant may elect to apply to Council for one or more development certificates for the development.

If the applicant elects to engage Council for further development certificates for the development, upon lodgement of the relevant application form with Council, the applicant agrees that:

5. This contract will also apply to the subsequent application for a development certificate for the development;
6. The information contained in the relevant application form will be automatically incorporated into this contract;
7. The certifiers detailed as per section 6 will apply to that certification work also; and
8. The relevant fees and charges will apply, as determined in accordance with Council's schedule of Fees and Charges at the time of the application.

Applications to Modify Complying Development Certificate or Construction Certificate

After entering into this contract, the applicant may seek to modify a current complying Development Certificate or Construction Certificate for the development that Council has issued for the development.

If a modification is sought, upon lodgement of the relevant application with Council relating to the modification, the applicant agrees that:

9. This contract will also apply to that application;
10. The information contained in the application form will be automatically incorporated into this contract;
11. The certifiers detailed as per section 6 will apply to that certification work also; and
12. The relevant fees and charges will apply, as determined in accordance with Council's schedule of Fees and Charges at the time of the application.

SECTION 8 – FEES AND CHARGES

Determination of Applications for Development Certificates

- The applicant must pay the fees and charges for the determination of an application for a development certificate (including modification of a current certificate, where relevant) as specified in Council's Schedule of Fees and Charges as in force at the time of lodgement of the application.
- These fees and charges must be paid to Council before, or at the time the application for a development certificate is lodged with Council.
- In the case of fees and charges payable for work arising from unforeseen contingencies, such as the assessment of alternative building solutions, these fees and charges will be calculated as specified in Council's Schedule of Fees and Charges as in force at the time the work is carried out. Council will issue a payment notice to the applicant within 21 days after the identification of or completion of such work and the applicant must pay by the due date specified on the payment notice.

Undertaking the functions of Principal Certifier (PC)

- The applicant must pay the fees and charges for Council to carry out the functions of a PC for the development as specified in Council's Schedule of Fees and Charges as in force at the time of the appointment.
- These fees and charges must be paid to Council in full before lodging the PC appointment form and before Council commences to carry out the functions of PC.

- In the case of fees and charges payable for work arising from unforeseen contingencies, such as additional inspections, these fees and charges will be calculated as specified in Council's Schedule of Fees and Charges as in force at the time of the inspection or other work. Council will issue a payment notice to the applicant within 21 days after the completion of such work and the applicant must pay by the due date specified on the payment notice.

Council's Schedule of Fees and Charges

Council's Schedule of Fees and Charges can be obtained from Council's Administrative Centre or is available for download from Council's website www.brokenhill.nsw.gov.au and it is the responsibility of the applicant to obtain a copy.

SECTION 9 – PRIVACY STATEMENT

Council is collecting your personal information in accordance with the *Privacy and Personal Information Protection Act 1998*.

The purpose for collecting your personal information is to obtain and record details to assess your application.

The intended recipients of the personal information collected includes Council officers or other agents contracted by Council. If necessary for reporting purposes, your name will be made publicly available via Council's Business Papers and on Council's website. Your contact details will not be made public on Council's website and will be removed from all applications and reports in Council's Business Papers.

The supply of your personal information is voluntary. If you cannot provide or do not wish to provide the information sought, Council may not be able to process your application.

You may make an application for access or amendment to information held by Council. Council will consider any such application in accordance with the Act. Enquiries concerning this matter can be directed to the Public Officer by email council@brokenhill.nsw.gov.au or addressed to Broken Hill City Council, 240 Blende Street, Broken Hill NSW 2880.

Your information will be collected and stored by Broken Hill City Council, 240 Blende Street, Broken Hill NSW 2880

SECTION 11 – EXECUTION OF CONTRACT

This contract is made on the date it is signed by Council.

The applicant/company acknowledge that:

- they have freely chosen to engage the certifier; and
- have read the contract and any accompanying document and understands their responsibilities and those of the certifier.

Individual Applicant

Signed by the applicant

Applicant Signature: _____ Date: _____

Applicant Name: _____

Witness Signature: _____ Date: _____

Witness Name: _____

Witness Address: _____

Incorporated Company Applicant

Signed by the applicant in accordance with s127 of the *Corporations Act 2001*:

Director Signature: _____

Director Name: _____

Director/Secretary Signature: _____ Date: _____

Director/Secretary Name: _____

Authorised Officer

Signed for and on behalf of the Council of the City of Broken Hill by its duly appointed officer

Officer Signature: _____ Date: _____

Officer Name: _____

Signed in the presence of:

Witness Signature: _____ Date: _____

Witness Name: _____

Witness Address: _____

This form can be submitted to Council:

By EMAIL: council@brokenhill.nsw.gov.au

By POST: PO Box 448, Broken Hill NSW 2880

In PERSON: Broken Hill City Council Administrative Centre
240 Blende Street, BROKEN HILL NSW 2880

Once signed by Council's Authorised Officer, a copy of this contract will be forwarded to you for your records. Your certification work will be carried out in due course. If any additional information is required, an officer will contact you.

APPENDIX

Description of Services

Description of Services – Determination of a Complying Development Certificate Application

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

1. Provide a blank copy of a Complying Development Certificate application form to the applicant upon request.
2. Conduct an inspection of, or arrange for another accredited certifier to inspect, the development site and prepare a record of the inspection.
3. Assess whether the proposed development satisfies the development standards set out in the relevant environmental planning instrument, development control plan and the *Environmental Planning and Assessment Regulation 2000*.
4. Determine the application and prepare a notice of the determination.
5. If the application is granted:
6. Prepare a complying development certificate; and
7. Endorse all relevant plans, specifications and other documents; and
8. Prepare any associated fire safety schedule or fire link conversion schedule; and
9. Ascertain if any long service payment levy is required to be made, and if so, that the amount (or instalment) has been paid; and
10. Ascertain if any contributions plan requires the CDC to be subject to a condition requiring a monetary payment; and
11. Issue CDC to the applicant together with associated endorsed plans specifications and other approved documents; and
12. Forward copies of documents prepared to statutory authorities, including the NSW Rural Fire Service, if required by the *Environmental Planning and Assessment Regulation 2000*.

The applicant will:

13. Provide an accurately and fully completed application.
14. Provide suitable plans, specifications and other documentation to allow the proper assessment of the application.

15. Respond in a timely manner to any requests for further information.
16. If requested, obtain a Planning Certificate under section 10.7 of the *Environmental Planning and Assessment Act 1979*.
17. If clause 130(2A) or 130(2E) of the Environmental Planning and Assessment Regulation applies to the application (that is, where there is an alternative solution relating to fire safety requirements) obtain a compliance certificate, or written report from a fire safety engineer, or another accredited certifier, that satisfies the requirements of clause 130 of the Environmental Planning and Assessment Regulation 2000.

Description of Services – Determination of a Construction Certificate Application

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:

18. Provide a blank copy of a Construction Certificate application form to the applicant.
19. If the development is on a site which affects an existing building, inspect, or arrange for another accredited certifier to inspect, the building and prepare a record of the inspection.
20. If clause 144 of the Environmental Planning and Assessment Regulation 2000 applies to the development (ie alternative solutions for certain fire safety measures), apply to the Fire Commissioner for an initial fire safety report.
21. Assess whether the application satisfies the requirements of the Environmental Planning and Assessment Regulation 2000, including compliance with the Building Code of Australia (the BCA), the development consent and any pre-conditions to the issue of a Construction Certificate.
22. Determine the application and prepare a notice of the determination.
23. If the application is granted:
 - a. Prepare a Construction Certificate; and
 - b. Endorse all relevant plans, specifications and other documents; and
 - c. Prepare any associated fire safety schedule or fire link conversion schedule; and
 - d. Ascertain if any long service payment levy is required to be made, and if so, that the amount (or instalment) has been paid; and
 - e. Ascertain if any security or monetary payment or levy under sections 94 or 94A of the *Environmental Planning and Assessment Act 1979* are required before the construction certificate is issued; and
 - f. Issue the Construction Certificate to the applicant together with associated endorsed plans specifications and other approved documents; and
 - g. Forward copies of documents prepared to the consent authority if required by the Environmental Planning and Assessment Regulation 2000.

The applicant will:

24. Provide an accurately and fully completed application.
25. Provide suitable plans, specifications and other documentation to allow the proper assessment of the application.
26. Respond in a timely manner to any requests for further information.
27. If requested, obtain and provide a Planning Certificate under section 10.7 of the *Environmental Planning and Assessment Act 1979*.
28. If the development is a residential flat building, obtain and provide a design verification from a qualified designer under clause 50(1A) of the Environmental Planning and Assessment Regulation 2000.

Description of Services – Application for an Occupation Certificate

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:

29. Provide a blank copy of an Occupation Certificate application form to the applicant.
30. Conduct an inspection of the development and prepare a record of the inspection.

31. If clause 144 of the Environmental Planning and Assessment Regulation 2000 applies to the development (ie alternative solutions for certain fire safety measures), apply to the Fire Commissioner for a final fire safety report.
32. If the development is a residential flat building to which clause 154A of the Environmental Planning and Assessment Regulation 2000 applies, obtain a further design verification from a qualified designer in relation to the completed works. The additional costs of this shall be borne by the applicant.
33. Ensure that all BASIX requirements required to be complied with before an Occupation Certificate may be issued have been satisfied, including obtaining any necessary BASIX completion receipt.
34. If clause 130(2A) or 144A(1) of the Environmental Planning and Assessment Regulation 2000 applied to the development (ie 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 Environmental Planning and Assessment Regulation 2000. The additional costs of obtaining this shall be borne by the applicant.
35. Assess whether the application satisfies the requirements of the Environmental Planning and Assessment Regulation 2000, including whether any pre-conditions of the development consent or Complying Development Certificate which are required to be met before an Occupation Certificate may be issued, have been met and (where building work has been carried out) whether the work is not inconsistent with the development consent).
36. Determine the application.
37. Prepare a notice of the determination and issue it to the applicant.
38. If the application is granted, prepare an Occupation Certificate and issue it to the applicant.
39. Forward copies of documents prepared to the consent authority, if required by the *Environmental Planning and Assessment Regulation 2000*.

The Applicant will:

40. Provide an accurately and fully completed application.
41. Provide suitable plans, specifications and other documentation to allow the proper assessment of the application.
42. Respond in a timely manner to any requests for further information.
43. Provide a final fire safety certificate or interim fire safety certificate as required by the Environmental Planning and Assessment Regulation 2000.
44. Not occupy or use the building unless an Occupation Certificate has been issued for it.

Description of Services – Application for a Subdivision Certificate

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:

45. Provide a blank copy of a Subdivision Certificate application form to the applicant.
46. Conduct an inspection of any subdivision work, if necessary.
47. Ascertain if any conditions of development consent, or requirements of a planning agreement, which are required to be complied with before a Subdivision Certificate may be issued, have been satisfied.
48. Ascertain if a certificate of compliance from a water supply authority is required and if so, whether one has been obtained.
49. Ascertain if objector rights of appeal, if any, have lapse or been determined.
50. Ascertain if any drainage easement is required by an order under section 40 of the *Land and Environment Court Act 1979* and if so, whether such an easement has been provided.
51. If any subdivision work has not been completed, ascertain if any agreement has been reached with the consent authority relating to the payment for, or the giving of security for, the completion of the subdivision work.
52. Determine the application, prepare a notice of determination and issue it to the applicant.
53. If the application is granted, prepare a Subdivision Certificate and endorse the plan of subdivision.

Description of Services – Application for a Compliance Certificate

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

54. Conduct an inspection of any building work or subdivision work, if necessary.
55. Where appropriate, ascertain if a development consent or complying development certificate is in force with respect to building work or subdivision work which is the subject of the application
56. If the application is granted, prepare a compliance certificate and issue it to the applicant.

Description of services – Carry Out Function of PCA

The Certifier will, on behalf of the Council, perform all work that is necessary to comply with relevant statutory requirements, including:

57. Not later than two days before any building work or subdivision work commences, the Certifier will:
 - a. Notify the consent authority of the Certifier's appointment as PCA;
 - b. Notify the applicant of all inspections that are required to be carried out of the building work or subdivision work.
58. Ascertain, before any building work or subdivision work commences, that a Construction Certificate or Complying Development Certificate has been issued for the work.
59. Ascertain, before any residential building work commences, that either:
 - c. The principal contractor is the holder of a licence under the *Home Building Act 1989* and is covered by appropriate insurance; or
 - d. Where the work is to be carried out by an owner-builder, that an owner-builder permit has been issued under the *Home Building Act 1989*.
60. Either carry out all critical stage inspections of the building work or subdivision work prescribed by the Environmental Planning and Assessment Regulation 2000 or required by the Certifier or ensure that the inspections are carried out by another certifying authority. However, the Certifier will personally carry out the last critical stage inspection that is prescribed for a building.
61. Make a record, as required by the Environmental Planning and Assessment Regulation 2000, of all inspections that he or she carries out and ensure that any other certifying authority that has carried out an inspection, also prepares a report and supplies it to the Certifier.
62. Provide a copy of each record of inspection to the applicant and the Principal Contractor or owner-builder (where there is one).
63. The Certifier will determine whether any inspection (other than the last critical stage inspection) has been not carried out due to circumstances that were unavoidable and whether the work, that would have been inspected, was satisfactory. The Certifier will make a record of any such missed inspection, as required by the Environmental Planning and Assessment Regulation 2000 and provide a copy to the applicant. The Certifier will also notify the principal contractor, or owner-builder, of the missed inspection as required by the Environmental Planning and Assessment Regulation 2000.
64. Determine applications for Occupation Certificates or Subdivision Certificates (subject to separate terms under this Agreement).

Compliance Functions

65. The Certifier will take such steps, as he or she considers appropriate, to address any of the following matters relating to the development:
 - a. Non-compliance with the development consent;
 - b. The carrying out of work without development consent;
 - c. An unauthorised use of a building;
 - d. A breach of a law relating to the carrying out of work or the use of the land;
 - e. A threat to the safety of a person or a person's property;
 - f. Any other matter the Certifier considers to be in the public interest to address.

66. Without limiting the actions that the Certifier may take, the Certifier may:
- a. Attend the site or nearby properties to inspect any issue of concern relating to the development;
 - b. Confer with any person in relation to any issues of concern;
 - c. Cause correspondence to be issued to any person;
 - d. Refer any matter of concern to such persons or authorities as the Certifier considers appropriate, including the consent authority, NSW Fair Trading or an environmental protection agency;
 - e. Issue notices under the *Environmental Planning and Assessment Act 1979*.

The applicant will:

67. Ensure the development is carried out in accordance with the development consent and the approved or endorsed plans, specifications and other documentation.
68. Notify Council no less than 2 days before the day it is intended to commence work of:
 - a. The intended date for commencing work.
 - b. The name and details of the Principal Contractor or owner-builder, including:
 - i. Their name, phone number and email address.
 - ii. Their licence number or owner-builder permit number (where required by the Home Building Act 1989).
 - iii. A copy of or the number of the Home Building Compensation Fund (HBCF) insurance for the development (where relevant).
69. Pay any relevant fees or charges in a timely manner.
70. Provide any Principal Contractor or Owner-Builder with:
 - a. A copy of the development consent and associated plans, specifications and documents.
 - b. A copy of the Construction Certificate (where there is one) and the associated approved or endorsed plans, specifications and other documentation.
 - c. a copy of the list of required inspections for the development.
 - d. The contact details and arrangements for requesting the certifier carry out one of the required inspections.
 - e. Authority to request and arrange inspections as required, including additional inspections and reinspection that may incur an additional fee to be paid by the applicant.
71. Ensure no construction works have commenced until all necessary approvals are obtained and Council has been appointed as the PCA/Accredited Certifier for the development and a Construction Certificate or Complying Development Certificate has been issued by Council.
72. Ensure all development is carried out in accordance with the issued approvals, including any issued BASIX certificate and modifications to the development are not to be made without the necessary prior approvals being in place.
73. Ensure the building or building part is not to be occupied until an Occupation Certificate has been issued by Council's Certifiers.
74. Ensure the required Home Builder's Compensation Fund (HBCF) insurance or Owner-Builder permit are in place where required under the Home Building Act prior to any construction works commencing.
75. Ensure all tradespersons working on the development are appropriately qualified and licensed where required.
76. Advise Council in writing/email of any missed inspection within two days of becoming aware of the missed inspection, detailing the circumstances as to why the inspection had been missed.
77. Notify Council of any changes to the Principal Building Contractor for a development and provide a copy of any required HBCF insurance prior to works proceeding further.

Information about registered certifiers – building surveyors and building inspectors

Important: this is a summary document only.

Before signing any contract for certification work, make sure you understand your obligations and what you are agreeing to. The Fair Trading website has more information about certifiers.

Under section 31(2) of the *Building and Development Certifiers Act 2018* and clause 31 of the *Building and Development Certifiers Regulation 2020*, a contract to carry out certification work must be accompanied by an applicable document made available on the website of the Department of Customer Service (which includes NSW Fair Trading)¹. This is the applicable document for certification work involving a certifier registered in the classes of **building surveyor** or **building inspector**, working in either the private sector or for a local council.

This document summarises the statutory obligations of the registered certifier who will assess your development and your obligations as the applicant for the development. It also sets out the types of information that can be found on Fair Trading's online register of registrations and approvals.

Obligations of registered certifiers

The general obligations of registered certifiers include compliance with their conditions of registration, to hold professional indemnity insurance, comply with a code of conduct and avoid conflicts of interest.

Who does a registered certifier work for?

A registered certifier is a public official and independent regulator, registered by the Commissioner for Fair Trading.

Certifiers must carry out work in a manner that is impartial and in the public interest, even if this is not in the interests of the applicant, developer, or builder. Receiving a certificate is not guaranteed – the applicant is paying for the certifier to assess the application and determine *whether or not* a certificate can be issued.

It is a serious offence to attempt to bribe or influence a certifier, attracting a maximum penalty of \$110,000 and/or two years imprisonment.

¹ Visit www.fairtrading.nsw.gov.au and search 'certification contracts'.

Obligations of the applicant

An applicant is the person seeking a certificate, or engaging a certifier for other certification work, under the *Environmental Planning and Assessment Act 1979*.

As an applicant, you have the following obligations:

- Appoint, and enter into a contract with, your chosen certifier.
- Pay the certifier's fees before any certification work is carried out.
- Communicate with your builder to ensure the certifier is notified when work reaches each stage. If a mandatory inspection is missed, the certifier may have to refuse to issue an occupation certificate.
- Follow any written direction issued by the certifier and provide any requested additional information to assess an application.
- Meet the conditions of any development consent and ensure the development is carried out in accordance with the approved plans.

What does a registered building surveyor do?

Registered **building surveyors** issue certificates under the *Environmental Planning and Assessment Act 1979* (construction certificates, complying development certificates and occupation certificates), act as the **principal certifier** for development, and inspect building work.

The principal certifier will attend the site to carry out mandatory inspections at certain stages. When construction is complete, the certifier may issue an occupation certificate, which signifies that the work:

- is 'suitable for occupation' – this does not necessarily mean all building work is complete
- is consistent with the approved plans and specifications
- meets all applicable conditions of the approval.

The certifier does not manage or supervise builders or tradespeople or certify that the builder has met all requirements of the applicant's contract with the builder.

What does a registered building inspector do?

Registered **building inspectors** carry out inspections of building work² with the approval and agreement of the principal certifier. Building inspectors are not authorised to issue certificates or be appointed as the principal certifier.

² Building inspectors may inspect class 1 and 10 buildings under the Building Code of Australia; that is, houses, duplexes and the like; garages and sheds; and structures such as swimming pools, retaining walls and fences.

Principal certifier enforcement powers

If the principal certifier becomes aware of a non-compliance with the development approval, the certifier must, by law, issue a direction to you and/or the builder, requiring the non-compliance to be addressed. If it is not, the certifier must notify the council which may take further action.

The certifier is also required to respond appropriately if a complaint is made about the development.

Finding more information on certifiers

Details of the class of registration each certifier holds, their period of registration, professional indemnity insurance and disciplinary history can be found at www.fairtrading.nsw.gov.au:

- [Details of registered certifiers](#) (or search 'appointing a certifier' from the homepage)
- [Disciplinary actions against certifiers](#) (or search 'certifier disciplinary register' from the homepage).

Questions?

The Fair Trading website www.fairtrading.nsw.gov.au has information about certifiers, enforcement powers, how to replace a certifier and resolving concerns about a certifier:

- Search '[what certifiers do](#)' for information about a certifier's role and responsibilities.
- Search '[concerns with development](#)' for information about enforcement powers of certifiers, councils and Fair Trading, and how to resolve concerns about a certifier.

The NSW Planning Portal at www.planningportal.nsw.gov.au provides information on the NSW planning and development certification system.

Note, although Fair Trading regulates certifiers, it does not mediate in contract disputes and does not regulate the actions of councils. Visit the Fair Trading website for more information.