



Contract for Undertaking of Certification Work

This contract meets the requirements of Section 31 of the Building and Development Certifiers Act 2018 and Part 5 of the Building and Development Certifiers Regulation 2020.

This is a contract between the applicant and Camden Council, where Council will carry out certification work for the applicant and/or may be appointed as the Principal Certifier (PC) in relation to the subject development.

Part 1 – Accredited Certifier

Name	Camden Council
Address	70 Central Avenue, Oran Park NSW 2570
Postal Address	PO Box 183 Camden NSW 2570
Email	mail@camden.nsw.gov.au
Telephone Number	13 CAMDEN (13 226 336)
The details of the officers employed by Council as accredited certifiers, any of whom may carry out certification work and inspections under this contract, can be found on the NSW Fair Trading Website at: https://www.fairtrading.nsw.gov.au/housing-and-property/building-and-renovating/preparing-to-build-and-renovate/finding-and-appointing-a-certifier	

Part 2 – Details of Applicant

Name	
Organisation/Company Name (if applicable)	
Postal Address	
Email	
Telephone Number	

Part 3 – Details of the Certificate Work to be Undertaken

The following certification works are requested to be undertaken (please select):

- The determination of an application for a Complying Development Certificate under Part 4.28 of the Environmental Planning & Assessment Act 1979 (EP&A Act)
- The issuing of:
 - Construction Certificate under Part 6.8 of the EP&A Act
 - Subdivision Works Certificate under Part 6.14 of the EP&A Act
 - Occupation Certificate under Part 6.10 of the EP&A Act
 - Subdivision Certificate under Part 6.15 of the EP&A Act
 - Strata Certificate under Strata Schemes Development Act 2015
- Appointment as PC under Part 6.6(1) of the EP&A Act for building works. Appointment as PC under Part 6.12(1) of the EP&A Act for subdivision works
- The carrying out of inspections & relevant functions under Part 6.5 of the EP&A Act

Council will undertake the certification work in a professional manner and in accordance with the requirements of the EP&A Act and the Environmental Planning & Assessment Regulation 2000.

Part 4 – Insurance

Accredited certifiers employed by Council exercising the certifying functions on Council's behalf are not required to be covered by insurance for the purposes of Division 1 of Part 2 of the *Building and Development Certifiers Act 2018*.

Part 5 – Description of Site and Development Works to be Undertaken

Description of Development:

Unit/Street No.

Street

Suburb/Town

Lot no.

Deposited/Strata Plan

Section (if applicable)

Type of approval

Consent Authority

Determination Number

Determination Date

Development
Consent

Camden Council

DA

Complying
Development
Certificate

Camden Council

CDC

Part 6 – Plans, Specifications and Documents

Related plans, specifications or other documents issued with the consent or certificate.

As referred to in the relevant development consent, construction certificate or complying development certificate.

Part 7 – Fees and Charges

Certification Work

Fees and charges for certification work will be charged in accordance with Council's Adopted Fees & Charges which are published on its website at www.camden.nsw.gov.au.

Contingencies

- a) The fees above provide for Council to carry out 1 (one) inspection for each critical stage or other inspections of the building or works.

Additional fees may be charged in the following circumstances:

- (i) Additional critical stage inspections or other inspections due to the staging of building/works or variations in the construction sequence.
- (ii) Reinspection of works as a result of the relevant stage of construction not being ready, incomplete or unsatisfactory.
- (iii) Additional on-site meetings.

b) If Council carries out work as result of unforeseen contingencies, Council will:

- (i) Calculate the fee based on its annual fees and charges; and
- (ii) Give you an invoice within 21 days after the completion of that work.

Part 8 – Payment

You must pay the fees and charges on or before the lodgement of the application for that certificate, excluding any fees and charges for work arising as a result of unforeseen contingencies. You must pay any fees and charges for unforeseen contingencies within the invoice terms.

Appointment as PC

If the certification work relates to the functions of a PC, you must pay the fees and charges before Council commences those functions, excluding any fees and charges for work arising as a result of unforeseen contingencies.

Unpaid Fees

In circumstances where Council is appointed as PC and the fees are not paid in accordance with this contract, you acknowledge and accept liability for all or any unpaid fees and any associated debt recovery costs plus interest incurred from the time of appointment.

You acknowledge and accept that Council, as PC, may suspend services where fees have not been paid, or remain outstanding.

Part 9 – Applicant’s Declaration and Signature

I accept the terms and conditions of this contract including the associated payment of fees.

I declare that I have freely chosen to engage Camden Council to carry out certification work and that I have read the contract and any documentation accompanying the contract and understand the roles and responsibilities of the registered certifier and my own role and responsibilities.

Applicant’s Signature

Date

Part 10 – Council’s Signature

Signed for and on behalf of Council by an authorised officer:

Officer’s Name

Officer’s Position

Officer’s Signature

Date

Part 11 – Statutory Obligations of Accredited Certifiers and the Applicant

This contract must attach any document that addresses;

- a) The role and statutory obligations of registered certifiers; and
- b) The role of the person for whom the certification work is carried out; and
- c) The types of information that can be found on the register of registrations and approvals maintained under Section 102 of the Act;

that is published by the NSW Fair Trading for the purpose of Clause 31 of the Building and Development Certifiers Regulation 2020 and available on its website.

Please refer to attachment 1 - 5 as applicable

Attachment 1 - Information about registered certifiers – building surveyors and building inspectors

Attachment 2 – Information about registered certifiers and engineers

Attachment 3 – Information about registered certifiers – swimming pool inspectors

Attachment 4 – Information about registered certifiers – fire safety

Attachment 5 – Information about registered certifiers – strata and subdivision certifiers

70 Central Avenue Oran Park NSW 2570 PO Box: 183, Camden NSW 2570 Phone: 13 CAMDEN (13 226 336)

Email: mail@camden.nsw.gov.au Website: www.camden.nsw.gov.au

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 work² 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 work³ 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 Upfront fee payment is required for any work to determine an application for a development certificate or carry out a function of a principal certifier.

³ 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.

Information about registered certifiers and engineers

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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 following classes of registration: acoustic, energy management, hydraulic, location of works, road and drainage, stormwater; or a registered engineer in the following classes of registration: electrical, geotechnical, mechanical and structural. **This document does not cover fire safety certification.**

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 upfront for any certification work that involves the determination of a development certificate.
- 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 certifier do?

Registered certifiers and engineers in the classes of registration listed at the top of this document are authorised to issue **compliance certificates** under Part 6 of the *Environmental Planning and Assessment Act 1979*.

By law, a compliance certificate may certify strict, substantial or other compliance and is a certificate to the effect that:

- completed building work complies with particular plans, specifications, standards or requirements, or
- a particular condition of development consent has been complied with, or
- a building has a particular classification under the Building Code of Australia, or
- an aspect of development (including design) complies with particular standards or requirements.

Certifiers can issue compliance certificates even if they have been involved in designing or carrying out the work, provided they are not also the principal certifier for the development.

The type of work covered by a certificate issued by a particular certifier will depend on their class of registration and any conditions that may have been imposed on their registration.

A certifier may also issue a report (such as an engineer's report) regarding specific aspects of a 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.

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Information about registered certifiers – swimming pool 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 class of **swimming pool inspector**. It does not apply to swimming pool inspections by a local council².

This document summarises the statutory obligations of the registered certifier who will assess your swimming pool or spa pool barrier and your obligations as the pool owner. 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 pool owner. 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'.

² Council officers who inspect pools do not have to be registered as certifiers by Fair Trading.

Obligations of the pool owner

As a pool owner, you have the following obligations:

- Visit the NSW Swimming Pool Register at www.swimmingpoolregister.nsw.gov.au to register your pool.
- Appoint, and enter into a contract with, your chosen certifier.
- Pay the certifier's fees before you receive a certificate. The certifier may refuse to issue a certificate of compliance until the fee is paid.
- Ensure your pool barrier continues to comply at all times. If needed, ask your council to see a copy of the Australian Standard that applies to your pool.

What does a registered certifier – swimming pool inspector do?

A registered swimming pool inspector is authorised to carry out all certification work under the *Swimming Pools Act 1992*, but not if the swimming pool achieves compliance with the performance requirements of the Building Code of Australia by means of a performance solution. They cannot issue certificates under the *Environmental Planning and Assessment Act 1979* for newly-constructed pools.

Registered building surveyors (a different type of certifier) also certify pool barriers. Only a building surveyor may certify a pool that has a performance solution under the Building Code of Australia.

A swimming pool inspector may issue a certificate of compliance if the pool barrier complies with requirements under the *Swimming Pools Act*. A certificate of compliance is valid for three years and may be required in order to sell or lease the property.

If the swimming pool is non-compliant, the certifier may issue a certificate of non-compliance and a notice of non-compliance setting out the defects.

Notes about swimming pool certificates of compliance

- A certificate of compliance is not an occupation certificate and does not certify that the pool meets all conditions of its original development consent
- A certificate of compliance becomes invalid if the council issues a direction requiring compliance with the *Swimming Pools Act*.

Non-compliant pool barrier

If a swimming pool is non-compliant, you will need to address the defects set out in the certifier's notice, then contact the certifier (or another certifier or the council) for a reinspection.

If you do not obtain a certificate of compliance within six weeks of the first inspection, the certifier must send the notice of non-compliance to the council, which may take enforcement action.

If the certifier deems the pool to be a significant risk to public safety they must notify the council immediately and the six-week period will not apply.

Minor repairs to pool barriers

Some certifiers can do minor repairs to a non-compliant pool barrier that they have inspected, but only if:

- they are licensed or authorised under the *Home Building Act 1989* to construct a swimming pool or structural landscaping, and
- the repairs cost no more than \$1,000 including materials and labour, and
- the repairs are for the purpose of issuing a certificate of compliance.

You can check if a certifier is authorised to do minor repairs by checking their *Home Building Act* licence or certificate number at www.service.nsw.gov.au (search 'builder licence').

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?

Visit www.swimmingpoolregister.nsw.gov.au and follow the 'information' or 'inspections' tabs for more information and swimming pool safety and certification.

You can also visit www.fairtrading.nsw.gov.au and search '[concerns with development](#)' for information about how to resolve concerns about a certifier.

Note, although Fair Trading regulates certifiers, it does not mediate in contract disputes and does not regulate councils carrying out their functions under the *Swimming Pools Act*. Visit the Fair Trading website for more information.

Information about registered certifiers—fire safety

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 class of **certifier—fire safety**.

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 upfront for any certification work that involves the determination of a development certificate.
- 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 types of certificates and reports are issued by a fire safety certifier?

Registered fire safety certifiers can issue:

- **compliance certificates** under Part 6 of the *Environmental Planning and Assessment Act 1979*
- **performance solution reports** under section 18(1) of the *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021* or section 137(3) of the *Environmental Planning and Assessment Regulation 2021*.

Compliance certificates

By law, a compliance certificate may certify strict, substantial or other compliance and is a certificate to the effect that:

- completed building work complies with particular plans, specifications, standards or requirements, or
- a particular condition of development consent has been complied with, or
- a building has a particular classification under the Building Code of Australia, or
- an aspect of development (including design) complies with particular standards or requirements.

An applicant may be required to obtain one or more compliance certificates, such as for fire safety aspects of a performance solution to the Building Code of Australia, for the design of building work and for completed work. This includes work that relates to fire safety systems and components; the safety of persons in the event of fire; or fire prevention, detection and suppression.

Certifiers can issue compliance certificates even if they have been involved in designing or carrying out the work, provided they are not also the principal certifier for the development.

Performance solution reports

If your development is proposed to include a performance solution related to fire safety, you may need to obtain a performance solution report. Among other things, the report must justify

the performance solution, describe how it was assessed as meeting requirements, and describe any restrictions or conditions on the performance solution.

Finding more information on certifiers

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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.

Information about registered certifiers – strata and subdivision certifiers

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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

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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* or the *Strata Schemes Development Act 2015*.

As an applicant, you have the following obligations:

- Appoint, and enter into a contract with, your chosen certifier.
- Pay the certifier's fees upfront for any certification work that involves the determination of a development certificate.
- 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 strata or subdivision certifier do?

A strata certifier can carry out all certification work under the *Strata Schemes Development Act 2015*. This includes issuing a **strata certificate** that is required to register a strata plan, strata plan of subdivision or notice of conversion. This certificate can only be issued if the certifier has inspected the complete or substantially complete construction work and is satisfied that legislative requirements are met.

A subdivision certifier can issue a **subdivision works certificate** under the *Environmental Planning and Assessment Act 1979* for proposed subdivision work. This certificate certifies that the proposed work, if completed in accordance with specified plans and specifications, will comply with regulatory requirements. A subdivision certifier can also inspect subdivision work, with the approval of the principal certifier.

Subdivision certifiers can also issue a **complying development certificate** for a proposed subdivision, or proposed development under clause 2.168 of *State Environmental Planning Policy (Transport and Infrastructure) 2021*. They can also inspect the development site.

A subdivision certificate is issued for completed subdivision work. It can be issued by a local council or, if permitted under an Environmental Planning Instrument, a private registered certifier.

Finding more information on certifiers

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