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# Fact Sheet: Modification of Construction Certificate

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*This Fact Sheet is provided for the purposes of general advice only. Further advice can be obtained by contacting Council's Building Services Section.*

## What is a construction Certificate?

A **construction certificate**, being a certificate to the effect that work will be completed in accordance with specified plans and specifications and will comply with the requirements of the regulations referred to in section 81A (5).

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 NSW Fire and Rescue and any matters raised by NSW Fire and Rescue have been taken into consideration.

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### Are you seeking to modify your Construction Certificate?

Modification of a construction certificate is required when the above items have been altered/amended during construction resulting in changes to previously assessed key building components contained in the original construction certificate application. You must complete an application form (**Modification of Consent/Certificate**), attaching amended plans/specifications and/or a written statement detailing changes. For the application requirements refer to the Construction Certificate submission checklist as you would normally do when applying for a Construction Certificate for the proposed modification and paying of the prescribed fee.

Modification of a Construction Certificate is required when changes are made to the structural design component of a building that varies from the originally approved plans/specification/design. Generally any changes to alternative fire solutions/measures would also require an application to assess the related changes in accordance with the provisions of the Building Code of Australia.

Amending an existing Construction Certificate can be undertaken through Clause 148 of the Environmental Planning and Regulation 2000. Such an application may be appropriate if you decide to amend any provisions as depicted in the original approved construction certificate proposal.

If the modification was to include building design changes and other significant changes outside the scope of the approved plans it may also be required to modify the Development Consent (refer to **Modification of Development Consent** fact sheet for clarification under section 96 Environmental Planning and Assessment Act 1979. There are limitations on the changes which can be made by modifying

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development application consents, modifications must result in the development being substantially the same as the originally approved development.

### Examples of what changes would require an application to be made for the modification of a construction certificate;

- Changes made to the relevant design standards to which the following building components are to be constructed in accordance with the deemed to satisfy provisions of the BCA;
  - Footings, structural and Geotechnical designs; for example,
    - A Raft to Waffle pod, Infill slab design and /or bearers-joists.
    - Increased fill heights & excavation.
  - Structural steel/timber framing; for example,
    - Changes to design specifications.
    - Steel to timber framework components.
  - Site drainage; for example,
    - Changes to design layouts, in relation to sizes, pit locations and areas of retention.
  - Fire safety measures; for example,
    - Fire resistance levels and essential fire safety measures.
  - Wet areas; for example,
    - Layout/configuration design changes especially in relation to numbers of fixtures/facilities.
    - Disable accessibility requirements.
    - Commercial kitchen/bar modifications.
  - Lighting and ventilation; for example,
    - Changes to window/opening sizes.
    - Design of ventilation systems.

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- Provisions for lighting.
  - o Sound transmission /class rating; for example,
    - Wall construction type
    - Provisions for safety glass
- Change of any accredited components, process or designs to be relied upon, where relevant as previously assessed as part of the original Construction Certificate application.

*For further Information please click on the following links to the legislation website,*

- <http://bit.ly/18SVnZO>
- <http://bit.ly/17XgqcP>

### **Fees**

The type of modification application will dictate the fee that is required to be paid. The fees for modification of a Construction Certificate are set out in Council's list of fees and charges which can be viewed on Council's webpage.