

 clarence VALLEY COUNCIL	Contact Details: Postal Address: Locked Bag 23, GRAFTON NSW 2460 Telephone: (02) 6643 0200	Office Locations: 2 Prince Street, Grafton 50 River Street, Maclean
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CONTRACT FOR APPOINTMENT AS PRINCIPAL CERTIFIER OR CERTIFICATION WORK

This contract meets the requirements of section 73A of the *Building Professionals Act 2005* and clause 19A of the *Building Professionals Regulation 2007*.

The Applicant must complete, sign and submit the contract to Council when lodging an application for a construction certificate or complying development certificate. Council will only start the certification work upon receipt of the completed and signed contract and payment of the relevant fees and charges.

This is a contract between the Applicant and Clarence Valley Council (**Council**), where Council may be appointed as the Principal Certifier Authority (**PC**) and will carry out certification work for the Applicant in the relation to the following development:

1. Development	
Development Description	
Site Address	
Title details	
<i>If not available at the time of lodgement of the application, the following information will be inserted by Council on determination of consent or certificate:</i>	
Development consent Consent authority Determination date Determination Number	Clarence Valley Council
Complying Development Certificate Principal Certifier Certificate Date Certificate Number	Clarence Valley Council
Construction Certificate Principal Certifier Certificate Date Certificate Number	Clarence Valley Council
Related plans, specifications or other documents for consent or certificate	As referred to in the relevant development consent, construction certificate or complying development consent (as applicable).

2. Accredited Certifier	
Name	Clarence Valley Council
Address	Locked Bag 23 GRAFTON NSW 2460
Email	council@clarence.nsw.gov.au
Telephone number	02 6643 0200
The following officers are employed by Council as accredited certifiers, and may carry out certification work and inspections under this contract:	
Kerry Harre	BPB Accreditation BPB1042
Greg McCarthy	BPB Accreditation BPB1043
Scott Whitehouse	BPB Accreditation BPB1071
Paul Landrigan	BPB Accreditation BPB1044
Neil Clayton	BPB Accreditation BPB1298
Ray Phelps	BPB Accreditation BPB1333

3. Details of Applicant	
<i>Note: Only the person/company having the benefit of the development consent or complying development certificate may appoint the PC. The builder may only appoint the PC where the builder is also the owner of the land. (section 6.6).</i>	
Name	
Company/organisation	
Postal Address	
Telephone Number	
Email	

4. Council's Insurance	
Council will maintain the following insurance during the contract:	
Name of Insurer	<i>Statewide Mutual</i>
Policy Numbers	<i>001050</i>
Period of Insurance	Expiry 30 June 2020

5. Appointment as PC and Certification Work

Notes: Council will assist you in completing this section.

A separate form must be completed to advise Council of owner-builder and principal contractor details for the development.

An occupation certificate to commence occupation or use of a new building (including alteration or addition to an existing building) can only be issued by the PA appointed for the erection of the building (section 109D(2))

You appoint Council to carry out the following certification work in relation to the development:

- the determination of an application for a complying development certificate under section 4.28 of the *Environmental Planning & Assessment Act 1979 (EP&A Act)*
- the appointment as Principal Certifier (**PC**) under section 6.6 the EP&A Act for building works
- the carrying out of functions as PC under the EP&A Act
- the carrying out of inspections under section 6.5(1)(b) of the EP&A Act
- the issuing of a:
 - construction certificate under section 6.5(1)(b) of the EP&A Act
 - compliance certificate under section 6.5(1)(d) of the EP&A Act
 - occupation certificate under section 6.5(1) (c) 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 *Environmental Planning and Assessment Regulation 2000*.

6. Critical Stage & Other Inspections

Council, if appointed as PC, will carry out the critical stage inspections and the other inspections in relation to the development.

The following is a list of the critical stage inspections for each building class. Council will confirm the complete schedule of inspections on the issue of a construction certificate or complying development certificate.

Class 1 & 10 buildings - Single Dwellings, Carports, Garages, Sheds, Swimming Pools

1. Footing inspection (after excavation for, and before the placement of, any footings)
2. Slab and other steel (before pouring any in-situ reinforced concrete building element)
3. Frames (before covering of the framework for any floor, wall, roof or other building element)
4. Wet area waterproofing (before covering waterproofing in any wet areas)
5. Stormwater (before covering any stormwater drainage connections)
6. Final inspection (after the building work has been completed and before occupation of the building)

Class 2, 3 or 4 buildings - Flats, Boarding Houses, Residential Parts of Hotels, Schools

1. Footing inspection (after the commencement of the excavation for, and before the placement of the first footing)
2. Wet area waterproofing (before covering of waterproofing in any wet areas, for a minimum of 10% of rooms with wet areas within a building)
3. Stormwater (before covering any stormwater drainage connections)

4. Final inspection (after the building work has been completed and before occupation certificate of the building).

Class 5, 6, 7, 8 or 9 buildings - Office, Shop, Car Park, Hospital, School, Church, theatres

1. Footing inspection (after the commencement of the excavation for, and before the placement of the first footing)
2. Stormwater (before covering any stormwater drainage connections)
3. Final inspection (after the building work has been completed and before occupation of the building)

Swimming Pools

1. As soon as practicable after the barrier (if one is required under the *Swimming Pools Act 1992*) has been erected

7. Notice of Inspections

You are responsible for making suitable arrangements with Council to carry out the critical stage inspections or other inspections. You must give Council at least 24 hours' notice (excluding weekends and public holidays) before each required inspection.

You can book an inspection by contacting Council's customer service on 6643 0200 Monday to Friday during normal business hours.

At the time of booking the inspection, Council will issue you a booking receipt number as confirmation of the inspection.

You must obtain a satisfactory inspection result from Council for each relevant stage of construction, before you can proceed to the next stage of construction.

If you fail to notify Council of the critical stage inspections or other inspections, you may prejudice or even prevent Council from issuing of an occupation certificate in respect to the development.

8. Outcome of Inspections

Council will give you confirmation of the outcome of an inspection as soon as practicable after the inspection has been completed. Council will indicate if the inspection was satisfactory or if additional works must be completed before re-inspection.

9. Missed Inspections

If a critical stage inspection or other inspection has been unavoidably missed, you must within two (2) days of becoming aware that the inspection has been missed, advise Council in writing as to the circumstances causing the inspection to be missed and must give to Council all documentation requested by Council about the unavoidably missed inspection.

10. Structural Engineering and Other Specialist Details

If requested (either before commencement or during the building works), you must forward to Council any structural or other specialist engineering details relating to the development. These details must confirm compliance with the relevant provisions of the Building Code of Australia and/or relevant standards to the satisfaction of Council.

11. Third Party Certification Works

To ensure compliance with the development consent, construction certificate or complying development certificate (as applicable), you may be required to submit third party certification from a suitably qualified person in a specific field to Council (eg: structural engineer), demonstrating a specific matter complies with a relevant standard.

Council will advise when this is required as part of an inspection result.

The certification must be prepared by an accredited certifier or other suitably qualified and experienced person and must reference the relevant provisions of the Building Code of Australia, Australian Standards, development consent, construction certificate or complying development certificate approved plans.

The certification is in addition to the critical stage inspections or other inspections listed above.

12. Compliance with Consent or Certificate

You confirm that no building works in relation the development have started before the appointment of Council as PC.

You must ensure that all works are carried out in accordance with the conditions of any development consent, construction certificate or complying development certificate (as applicable), the relevant provisions of the Building Code of Australia and the EP&A Act.

You must obtain Council's approval for any amendments or variations to the development, before you start any work relating to the amendment or variation.

If you do not complete the works in accordance with the development consent, construction certificate or complying developing certificate, Council may refuse to issue an occupation certificate. Council may also serve a notice and order for you to comply with the relevant consent, or may institute legal proceedings.

13. Occupation Certificate

You must obtain an occupation certificate before the occupation or use of a new building (or part of a building) or following the change of an existing building use/classification. Penalties apply under the EP&A Act for use or occupation of a building without a validly issued occupation certificate.

If you wish to use or occupy an incomplete development, you must apply for an interim occupation certificate. A separate fee is payable for an interim occupation certificate. Council will consider any application in accordance with the EP&A Act.

Council will not accept responsibility for any damage or cost associated with its ability to issue an occupation certificate due to (but not limited to) the following:

- (i) Non-compliance with a condition of development consent
- (ii) Unsatisfactory final inspection
- (iii) Non compliance with BASIX commitments
- (iv) Missed critical stage inspections or other inspections
- (v) Non compliance with development consent or construction certificate approved plans or documentation
- (vi) Failure to pay the required inspection or occupation certificate fee

14. Fees and Charges

14.1 Certification work

The fees for Council's appointment as PC and certification work are based on its annual fees and charges, which are published on its website (www.clarence.nsw.gov.au). The fees are inclusive of GST.

The fees for completion of the certification work under this contract are:

(to be inserted by Council on lodgement of the application and payment of the fees).

Construction Certificate/Complying Development Certificate	\$.....
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PC/Inspection fees	\$.....
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14.2 Unforeseen contingencies

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

Council may charge you additional fees 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) Re-inspection of works as a result of the relevant stage of construction not being ready, incomplete or unsatisfactory
- (iii) Additional on-site meetings

The fees for unforeseen contingencies are based on Council's annual fees and charges, which are published on its website (www.clarence.nsw.gov.au).

15. Payment

15.1 Determination of an application for a development certificate

If the certification work relates to the issue of a:

- (i) Complying development certificate
- (ii) Compliance certificate
- (iii) Construction certificate
- (iv) Occupation certificate

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.

15.2 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.

15.3 Unforeseen contingencies

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

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

You must pay any fees and charges for unforeseen contingencies within the invoice terms.

15.4 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.

16. Applicant's Signature

Note: Only the person/company having the benefit of the development consent or complying development certificate may appoint the PC. The builder may only appoint the PC where the builder is also the owner of the land. (Section 6.6).

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

Signature	
Date	

17. Council's Signature

Signed for and behalf of Council by an authorised officer:

Officer's name	
Officer's position	
Signature	
Date	

18. Statutory Obligations of Accredited Certifiers

The contract must attach any document containing information about the statutory obligations of accredited certifiers that is published by the Building Professionals Board for the purpose of clause 19A and available on its website.

Note: No document published as at date of contract