

Contract for Certification Work for Complying Development Certificate

Document Number: 20/162536 / CM SF20/3529 Part 2

[In addition to Council's application form OR if submitting your application via the NSW Planning Portal, you must complete this contract for works.]

Contract for Certification Work

PART 2 represents a Contract for Certification Work, in accordance with section 31 of the *Building and Development Certifiers Act 2018*. The contract is between Bayside Council and the Applicant specified in the "Applicant Details" section in Part 1 (application form).

The person for whom the certification work is to be carried out has the same address and contract details as specified in the "Applicant Details" Section in Part 1 (application form).

This contract relates to the following certification work:

- The carrying out by Bayside Council of the functions of a Principal Certifier (PC) under the *Environmental Planning and Assessment Act 1979* (EP&A Act) in relation to the Development (as specified in the "Description of Development" section in Part 1);
- Application and determination of a Complying Development Certificate;
- Application and determination of an Occupation Certificate;
- The carrying out of inspections for the purposes of S 6.5 of the EP&A Act;

Details and Particulars of the:

- development
- address, and formal particulars of title, of the site of the development;
- particulars in respect of any related development consent;
- particulars of any plans the subject of any related development consent,

These are contained in Part 1, under the sections "Details of Development" and "Property Details", unless otherwise specified as follows

Applications for a Complying Development Certificate and Occupation Certificate will be assessed and determined by a Council Building Certifier registered by NSW Fair Trading), in accordance with the relevant requirements of the EP&A Act and the *Building and Development Certifiers Act 2018*.

Postal address

PO Box 21, Rockdale NSW 2216
ABN 80 690 785 443

Bayside Customer Service Centres

Rockdale Library, 444-446 Princes Highway, Rockdale
Westfield Eastgardens, 152 Bunnerong Road, Eastgardens

E council@bayside.nsw.gov.au

W www.bayside.nsw.gov.au

T **1300 581 299 | 02 9562 1666**

Telephone Interpreter Services: 131 450

Τηλεφωνικές Υπηρεσίες Διερμηνέων

بخدمة الترجمة الهاتفية

電話傳譯服務處

Служба за преведување по телефон

The Certification Work specified above, including the carrying out of required inspections under the EP&A Act, will be carried out by one or more of the following Council Building Certifiers (registered by NSW Fair Trading) on behalf of Bayside Council.

Name	Position Title	Accreditation No.	Contact Details
Tim DeBeck	Senior Building Certifier	BPB1350	1300 581 299
Sam Zafiroopoulos	Senior Building Certifier	BPB1351	1300 581 299
Louie Apostolou	Senior Building Certifier	BPB1645	1300 581 299
Paul Cox	Senior Building Certifier	BPB1170	1300 581 299
William Chick	Building Certifier	BPB1663	1300 581 299
Robert Kozarovski	Coordinator Program Certification	BPB1548	1300 581 299
Thomas Kulchar	Coordinator Development Certification	BPB1637	1300 581 299

Council will advise the applicant/client of the principal officer dealing with this application and subsequent PC inspections and services. However, the application and PC inspections and associated services may be carried out by any Registered Council Building Certifier or Registered Certifier appointed or engaged by Council.

Fees & Payment Methods

Fees and charges for initial Certification Work will be calculated by the Customer Service Officers at lodgement. Information on these fees are available on Council's website or from our Customer Service Centre.

Total Fees and charges for the initial Certification Work (to be filled in by Council):

.....

These fees and charges will need to be paid prior to the carrying out of the certifier's function e.g. prior to the issue of the Construction Certificate. (Clause 29).

Contingency Fees and Charges

Fees and charges may also be payable under this contract for carrying out work arising as a result of unforeseen contingencies. The basis upon which such fees and charges will be calculated is as follows:

Fees and charges in accordance with Council's current "Fees and Charges" Schedule.

Council will issue an invoice for work carried out arising from unforeseen contingencies within 21 days after completion of any such work.

Council's professional insurance details are:

Insurer(s): Swiss Re International SE (Australia Branch) and various Lloyd's and Overseas Underwriters.

Policy Number: MH 148551 & Others

Period of Insurance: 4.00pm, 31 October 2019 to 4.00pm, 31 October 2020

Signatures in relation to the Contract for Certification Work

IMPORTANT NOTE: this contract cannot not be signed until the total fees and charges have been calculated.

I, hereby confirmed that I have freely chosen Bayside Council as the certifier and have read the contract and any document accompanying the contract and understand the roles and responsibilities of the person and the registered certifier.

Client

Date

Bayside Council Officer

Date

Bayside Council Contact Details:

Phone: 1300 581 299
Email: council@bayside.nsw.gov.au
Website: www.bayside.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 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.