

Contract for Certification Work

Under section 31 of the Building and Development Certifiers Act 2018 and clause 31 of the Building and Development Certifiers Regulation 2020.

About this form (contract)

The City must not carry out certification work for a person unless it has entered into a written contract with that person. You must therefore complete and sign this Contract for Certification Work and attach it to your application.

When the contract is received it will be signed by an authorised officer and a copy of the executed contract will be emailed to you for your records.

How to complete this form (contract)

1. Ensure that all fields have been filled out correctly.

Part A: Parties to this contract

1. Applicant

Title	Given Name/s	Family Name
<input type="text"/>	<input type="text"/>	<input type="text"/>
Organisation name / Company name (if applicable)		
<input type="text"/>		
Address		
<input type="text"/>		
Preferred contact number	Email address	
<input type="text"/>	<input type="text"/>	

2. The Council of the City of Sydney

ABN 22 636 550 790
Town Hall House, 456 Kent Street, Sydney NSW 2000
Phone: 9265 9333
Email address: council@cityofsydney.nsw.gov.au

Part B: Introduction

- Council is a certifying authority and employs registered certifiers who are authorised to carry out certification work on behalf of Council.
- Section 31(1) of the Building and Development Certifiers Act 2018 says that Council must not carry out certification work for a person unless it has entered into a written contract with that person.
- The applicant appoints Council to carry out certification work on the terms set out in this contract.

Part C: Application Type

3. **I am the applicant described in the attached Application for:** (tick as applicable)
- Complying Development Certificate Application**
(Note: you may elect to appoint Council as Principal Certifier at a later stage: see Part E)
- Construction Certificate Application**
(Note: you may elect to appoint Council as Principal Certifier at a later stage: see Part E)
- Application for Subdivision Works**
- Compliance Certificate Application**
- Occupation Certificate Application**
(Note: you may elect to appoint Council as Principal Certifier at a later stage: see Part E)
- Notice of Commencement of Building or Subdivision Work and Appointment of Council as Principal Certifier**
4. The information contained in the attached Application form is incorporated into this contract.

Part D: Certification work to be performed by Council

5. The applicant appoints Council to perform the following certification work: (tick as applicable)
- Determination of Applications for Development Certificates**
- Determination of application for a complying development certificate
- Determination of application for construction certificate
- Determination of application for subdivision works certificate
- Determination of application for compliance certificate
- Determination of application for occupation certificate
- Undertaking the function of Principal Certifier (PC)**
- Appointment of Council as Principal Certifier

Note: If you select the City to be your PC you will also need to formally appoint the City as the PC to carry out inspections and to issue an occupation certificate. A form will be forwarded to you with your approval (construction certificate, complying development certificate or subdivision works certificate) to complete and return to the City. A letter confirming the City's appointment will then be issued allowing you to commence work.

Part E: Subsequent Appointment of Council as Principal Certifier

6. Particulars of the certification services to be carried out by Council under the contract can be found under 'Building' forms: <http://www.cityofsydney.nsw.gov.au/council/forms-and-publications/forms/pdf-forms> - 'Certification Services'.

Note: This part only applies to determinations of applications for:

- **complying development certificates**
- **construction certificates**
- **subdivision works**
- **occupation certificates**

7. After entering into this contract, the applicant may elect to appoint Council as PC for the development.
8. If the applicant elects to appoint Council as PC for the development, upon lodgement of the form 'Notice of Commencement of Building or Subdivision Work and Appointment of Council as Principal Certifier' with Council, the applicant agrees that:
- a. this contract will also apply to the subsequent appointment of Council as PC for the development;
 - b. the information contained in the application form 'Notice of Commencement of Building or Subdivision Work and Appointment of Council as Principal Certifier' will be automatically incorporated into this contract;
 - c. Council will notify the applicant if an employee certifier nominated under Part H will change. Council will notify the applicant in writing of the name and accreditation number of the different employee certifier who will carry out the PC function; and
 - d. the Fees and Charges in Part I will apply.

Part F: Modification of Complying Development Certificate, Construction Certificate or Subdivision Works Certificate

NOTE: This Part only applies to determinations of application for:

- **complying development certificates**
- **construction certificates**
- **subdivision works certificate**

9. After entering into this contract, the applicant may seek to modify any of the above certificates for the development.
10. If a modification is sought, upon lodgement of the application form for any of the above certificates with Council relating to the modification, the applicant agrees that:
- a. this contract will also apply to the subsequent modification application for the development;
 - b. the information contained in the application form will be automatically incorporated into this contract;
 - c. Council will notify the applicant if the employee certifier described under Part H will change. Council will notify the applicant in writing of the name and accreditation number of the different employee certifier who will carry out the PC function and
 - d. the Fees and Charges in Part I will apply.

Part G: Development details

11. In addition to the site details contained in the attached Application form, the applicant declares that:

a. the development can be described as (eg: single storey dwelling):

b. the following development consent details apply (tick as applicable)

Development consent granted by consent authority

Name of consent authority

Development consent no. / identifier

Date of development consent

Development consent given by the issue of a complying development certificate (CDC)

Name of certifying authority

CDC no. / identifier

Date of CDC (determination)

Part 6 certificates issued under the Environmental Planning and Assessment Act 1979 (Construction Certificate, Compliance Certificate, Subdivision Works Certificate, Occupation Certificate)

Type of Part 6 certificate issued:

Name of certifying authority

Certificate no. / identifier

Date of certificate (determination)

c. the following approved documents apply:

Details of plans, specifications and other documents approved by development consent / CDC:

Details of plans, specifications and other documents the subject of any Part 6 certificate:

Part H: Certifier's details

12. Council proposes, at the date of this contract, to have the following employee certifier carry out the certification work:
- | <u>Name of Certifier</u> | <u>Registration number</u> |
|--------------------------|----------------------------|
| John Riley | BPB0861 |
13. Council proposes, at the date of this contract, that all inspections required under the Environmental Planning and Assessment Act 1979 in connection with the certification work will be carried out by one of the following employee certifiers:
- | <u>Name of Certifier</u> | <u>Registration number</u> |
|---------------------------|----------------------------|
| Joe Burton | BPB1535 |
| Peter Conroy | BPB0862 |
| Lee Dunstan | BPB1017 |
| Hayden Fox | BPB3410 |
| John Lee | BPB0863 |
| Joe Pignone | BPB1871 |
| Rajendra Rajbhandary | BPB1201 |
| Somalingam Sivayoganathan | BPB0581 |
| Qian Wang | BPB2049 |
14. 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.

Part I: Fees and Charges

Determination of Applications for Development Certificates

15. 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.
16. These fees and charges must be paid to Council before, or at the time, the application for a development certificate is lodged with Council.
17. In the case of fees and charges payable for work arising from unforeseen contingencies, such as the assessment of performance solutions, these fees and charges will be calculated as specified in Council's Schedule of Fees and Charges. 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.

Undertaking the functions of Principal Certifier (PC)

18. 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.
19. These fees and charges must be paid to Council in full at the time of lodging the PC appointment form (after the certificate is issued) and before Council commences to carry out the functions of PC.
20. 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. 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

21. Council's Schedule of Fees and Charges can be obtained from Council's One Stop Shop, Neighbourhood Service Centres or is available for download from the City of Sydney website and it is the responsibility of the applicant to obtain a copy.
Download: <https://www.cityofsydney.nsw.gov.au/council/our-responsibilities/fees-and-charges>

Part J: Information brochure

22. The Development and Building Certifiers Regulation 2020 requires an information brochure containing details about the statutory obligations of certifiers, published by Fair Trading NSW, to be attached to this contract.

Part K: Execution of Contract

Declaration:

1. I have freely chosen to engage the certifier; and
2. I have read the contract and the attached information brochure and understand my responsibilities to those of the certifier.

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

Individual Applicant

SIGNED by the applicant in the presence of:

Witness signature:

Name & Address of Witness (printed):

Date:

Applicant's signature:

Applicant's name (printed):

Incorporated Company

SIGNED by the applicant in accordance with section 127 of the Corporations Act 2001:

Director signature:

Name (printed):

Date:

Director / Secretary signature:

Name (printed):

Authorised Officer

SIGNED ** for and on behalf of the Council of the City of Sydney by its duly authorised officer in the presence of:

Witness signature:

Name of Witness(printed):

Date:

Authorised Officer Signature:

Name of Authorised Officer (printed):

** This section will be completed by the Building Certification Services team after lodgement

Lodgement Details

This form must be submitted with your application at lodgement. Please refer to the application form lodgement details or for applications lodged via the NSW Planning Portal, please attach to your application at time of lodgement.

For further information regarding your application please contact us by:

EMAIL: council@cityofsydney.nsw.gov.au

TELEPHONE: (02) 9265 9333

WEBSITE: www.cityofsydney.nsw.gov.au

Privacy & Personal Information Protection Notice

- Purpose of collection:** This information is being collected for the purpose of carrying out certification work for an individual or organisation.
- Intended recipients:** City of Sydney employees. Any approved contractors required to provide this service.
- Supply:** The supply of this information is required by law. If you are unwilling to provide this information, the City of Sydney may be unable to provide access to City of Sydney services.
- Access/Correction:** Please contact Customer Service on 02 9265 9333 or at council@cityofsydney.nsw.gov.au to access or correct your personal information.
- Storage:** The City Planning, Development and Transport Unit at the City of Sydney, located at 456 Kent Street, Sydney NSW 2000, is collecting this information and the City of Sydney will store it securely.
- Other uses:** The City of Sydney will use your personal information for the purpose for which it was collected and may use it as is necessary for the exercise of other functions.

For further details on how the City of Sydney manages personal information, please refer to our Privacy Management Plan (<https://www.cityofsydney.nsw.gov.au/policies/privacy-management-plan>).