



CONTRACT AGREEMENT FOR THE PERFORMANCE OF CERTIFICATION WORK

Required under the Building Professionals Act 2005 No 115 Section 73A

Agreement between

Wentworth Shire Council

and

.....(The Client)

Part A. Introduction

1. The Council is a certifying authority and employs an accredited certifier (the Certifier) who is authorised to carry out the certification work which is the subject of this Agreement on behalf of the Council.
2. The Client seeks to engage the Council to perform certification work on the terms set out in this Agreement.

Part B. Interpretation

Words and terms used in this Agreement are defined in the Dictionary (page 5).

Part C. Parties to the agreement

1. The Council

Name of Council:

Wentworth Shire Council

Business address:

26-28 Adelaide Street Wentworth

Postal address:

PO Box 81 Wentworth NSW 2648

Telephone:

(03) 5027 5027

Mobile:

Email:

council@wentworth.nsw.gov.au

2. The Client

Name of Client:

Address:

Postal address:

Telephone:

Mobile:

Email:

Part D. Certifier's details

These are the details of the employee that Council proposes, at the date of the Agreement, to have carry out the certification work. If the Council later decides to have another employee carry out the certification work, the Council will within two days notify the Client in writing of the name and accreditation number of that other employee.

Name of Certifier:

Accreditation number:

Part E. Certifier's insurance details

Only complete if the Certifier holds insurance required by the BP Act. In most cases employees of Council do not hold insurance separate from Council

Name of insurer:	Address:
<input type="text"/>	<input type="text"/>
Policy no./identifier address:	Period of insurance cover:
<input type="text"/>	From: <input type="text"/> To: <input type="text"/>

Part F: The development

Description of development:	Address of development:
<input type="text"/>	Street No: <input type="text"/>
	Street Name: <input type="text"/>
	Suburb: <input type="text"/>
Formal particulars of the title of the development site:	
Lot: <input type="text"/>	
DP: <input type="text"/>	

Development consent details (tick appropriate box/s and complete as applicable)

<input type="checkbox"/> Development consent granted by consent authority	<input type="checkbox"/> Development consent given by the issue of a complying development certificate (CDC)	<input type="checkbox"/> Part 4A certificates issued
Name of consent authority <input type="text"/>	Name of certifying authority <input type="text"/>	Type of Part 4A certificate issued: <input type="text"/>
Development consent no./identifier: <input type="text"/>	CDC no./identifier: <input type="text"/>	Name of certifying authority: <input type="text"/>
Date of development consent: <input type="text"/>	Date of CDC: <input type="text"/>	Certificate no./identifier: <input type="text"/>
		Date of certificate: <input type="text"/>

Details of approved documents

Details of plans, specifications and other documents approved by development consent/CDC: <input type="text"/>	Details of plans, specifications and other documents the subject of any Part 4A certificate: <input type="text"/>
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Inspections (complete as appropriate)

Any inspections of the development site or the development required under the EP&A Act or the EP&A Regulation will be carried out as follows:

Inspections by the Certifier:

- All
- None

Specific inspections (list):

Inspections by*:

Accreditation no*:

- All
- None
- Specific inspections (list):

* These are the details of the person that Council proposes, at the date of the agreement, to perform the inspections. In the event that these proposed arrangements change, Council will inform the Client in writing who will be carrying out the inspections as soon as possible after the arrangements are made.

Part G. Certification work to be performed

(Tick one or more boxes as appropriate)

1. Determination of Applications for Development Certificates

- Determination of application for a CDC*
- Determination of application for a construction certificate*
- Determination of application for a subdivision certificate*
- Determination of application for a compliance certificate*
- Determination of application for an occupation certificate*
- Determination of an application for a strata certificate*

2. Undertaking the functions of Principal Certifying Authority (PCA)

- Undertaking the functions of PCA for the development*

* Refer to relevant Attachment(s) that contain a **Description of Services** and the relevant **Fees and Charges**.

Part H. Fees and charges

1. Development certificates

(a) Set fees and charges

- i. The fees and charges for the determination of an application for a development certificate are set out in the relevant Attachment(s).
- ii. The set fees and charges for the determination of a development certificate must be paid to the Council before, or at the time, an application for the development certificate is lodged with the Council.

(b) Contingency fees and charges

- i. In the case of fees and charges that may be payable for work arising from unforeseen contingencies, the basis on which those fees and charges are to be calculated are set out in the relevant Attachment.
- ii. In respect of any unforeseen contingency work provided for under this Agreement, the Council is to send an invoice to the Client within 21 days after the completion of any such work.

2. PCA functions

(a) Set fees and charges

- i. The fees and charges for the Council to carry out the functions as the PCA for the development are set out in the relevant Attachment(s).
- ii. The set fees and charges for the carrying out of the functions as the PCA for the development are to be paid in full before the Council commences to carry out any of those functions.

(b) Contingency fees and charges

- i. In the case of fees and charges that may be payable for work arising from unforeseen contingencies, the basis on which those fees and charges are to be calculated are set out in the relevant Attachment.
- ii. In respect of any unforeseen contingency work provided for under this Agreement, the Council is to send an invoice to the Client within 21 days after the completion of any such work.

Part I. Statutory obligations (tick appropriate box)

An information brochure which is to include information about statutory obligations must accompany this Agreement, if one is published by the Building Professionals Board on its website. The Board is the statutory body that accredits the Certifier and administers the *Building Professionals Act 2005*.

- A copy of the Board's Information Brochure is attached
- The Board has not published a brochure as at the date of the Agreement

Part J. Date of agreement

This Agreement is made on theday of20

Part K. Signatures

.....
Signed/executed by or on behalf of the Council

.....
Signed/executed by or on behalf of the Client

Dictionary

Accredited certifier means the holder of a certificate of accreditation as an accredited certifier under the *BP Act*

Applicable environmental planning instrument means the State Environmental Planning Policy or the Local Environmental Plan nominated by the Client as the instrument against which an application for a complying development certificate is to be assessed.

BASIX means the Building Sustainability Index

BCA means the Building Code of Australia.

BP Act means the *Building Professionals Act 2005*

Certification work means:

- a) the determining of an application for a development certificate
- b) the issue of a development certificate
- c) carrying out the functions of a PCA
- d) carrying out of inspections for the purposes of section 109E(3)(d) of the EP&A Act
- e) carrying out inspections under section 22 *Swimming Pools Act 1992* and issuing certificates of compliance under that Act

Contractor licence means a licence issued under the *Home Building Act 1989*

Development certificate means:

- a) a certificate under Part 4A of the EP&A Act, being:
 - a construction certificate
 - a compliance certificate
 - a sub-division certificate
 - an occupation certificate
- b) a complying development certificate
- c) a strata certificate issued under the *Strata Schemes (Freehold Development) Act 1973* or the *Strata Schemes (Leasehold Development) Act 1986*

EP&A Act means the *Environmental Planning and Assessment Act 1979*

EP&A Regulation means the Environmental Planning and Regulation 2000

Owner-builder permit has the meaning given to it by the *Home Building Act 1989*

PCA means a principal certifying authority appointed under section 109E of the EP&A Act

Residential building work has the meaning given to it by the *Home Building Act 1989*

Attachment: Application for a Construction Certificate (CC)

Description of services

The Certifier will, on behalf of the Council, perform all work necessary to comply with relevant statutory requirements and to facilitate the timely determination of the application, including:

1. Provide a blank copy of CC application form to the Client.
2. If necessary, obtain a certificate under section 149 of the EP& A Act
3. If the development is on a site which affects an existing building, inspect, or arrange for another accredited certifier to inspect, the building and prepare a record of the inspection.
4. If clause 144 of the EP& A Regulation applies to the development (i.e. alternative solutions for certain fire safety measures), apply to the Fire Commissioner for an initial fire safety report.
5. If the development is a residential flat building, obtain a design verification from a qualified designer under clause 50(1A) of the EP& A Regulation
6. If clause 144A of the EP& A Regulation applies to the application (i.e. where there is an alternative solution relating to fire safety requirements) obtain a compliance certificate or written report from a fire safety engineer.
7. Assess whether the application satisfies the requirements of the EP&A Regulation, including compliance with the BCA, the development consent and any pre-conditions to the issue of a CC.
8. Determine the application and prepare a notice of the determination.
9. If the application is granted:
 - a. prepare a construction certificate
 - b. endorse all relevant plans, specifications and other documents
 - c. prepare any associated fire safety schedule or fire link conversion schedule
 - d. ascertain if any long service payment levy is required to be made, and if so, that the amount (or instalment) has been paid.
 - e. ascertain if any security or monetary payment or levy under sections 94 or 94A of the EP&A Act are required before the CC is issued.
 - f. issue CC to the Client together with associated endorsed plans specifications and other approved documents.
 - g. forward copies of documents prepared to the consent authority as required by the EP&A Regulation.

Fees and charges (Tick one of the following)

<input type="checkbox"/> Fixed fee agreement Council will undertake for a fixed fee for all work involved in assessing, determining and finalising the application as set out in the Description of Services, including the costs of any service provided by a third party and any fees for obtaining or lodging documents, except for any contingency items specified below.	<input type="checkbox"/> Variable costs agreement Council will undertake all work involved in assessing, determining and finalising the application as set in the Description of services upon the following basis:
Fixed fee: \$ <input type="text"/>	Council's fee for services: \$ <input type="text"/>
Contingency items#* <input type="text"/>	Third party fees for services (including for another accredited certifier's services)* <input type="text"/> Fees for certificates and lodgement of documents* <input type="text"/> Contingency items#* <input type="text"/>

If applicable, insert description of the contingency item – eg, 'additional inspection if access not available'. If no provision is to be made for contingency items, write 'N/A'

*Insert amount or basis of calculation e.g. "At cost" or "\$.....per hour"

Attachment: Application for an Occupation Certificate (OC)

Description of services

The Certifier will, on behalf of the Council, perform all work necessary to comply with relevant statutory requirements and to facilitate the timely determination of the application, including:

1. Provide a blank copy of an OC application form to the Client.
2. Conduct an inspection of the development and prepare a record of the inspection.
3. If clause 144 of the EP& A Regulation applies to the development (i.e. alternative solutions for certain fire safety measures), apply to the Fire Commissioner for a final fire safety report.
4. Obtain a final fire safety certificate or interim fire safety certificate as required by the EP& A Regulation.
5. If the development is a residential flat building to which clause 154A of the EP&A Regulation applies, obtain a further design verification from a qualified designer in relation to the completed works.
6. Ensure that all BASIX requirements required to be complied with before an OC may be issued have been satisfied, including obtaining any necessary BASIX completion receipt.
7. If clause 130(2A) or 144A(1) of the EP& A Regulation applied to the development (i.e. where there is an alternative solution relating to fire safety requirements), obtain a further compliance certificate or written report from a fire safety engineer with respect to the completed works as required by clause 153A of the EP& A Regulation.
8. Assess whether the application satisfies the requirements of the EP&A Regulation, including whether any pre-conditions of the development consent or CDC which are required to be met before an OC may be issued, have been met and (where building work has been carried out) whether the work is not inconsistent with the development consent).
9. Determine the application and prepare a notice of the determination.
10. If the application is granted, prepare an OC and issue it to the Client.
11. Forward copies of documents prepared to the consent authority and the council as required by the EP&A Regulation.

Fees and charges (Tick one of the following)

<input type="checkbox"/> Fixed fee agreement Council will undertake for a fixed fee for all work involved in assessing, determining and finalising the application as set out in the Description of Services, including the costs of any service provided by a third party and any fees for obtaining or lodging documents, except for any contingency items specified below.	<input type="checkbox"/> Variable costs agreement Council will undertake all work involved in assessing, determining and finalising the application as set in the Description of services upon the following basis:
Fixed fee: \$ <input style="width: 80%;" type="text"/>	Council's fee for services: \$ <input style="width: 80%;" type="text"/>
Contingency items#* <div style="border: 1px solid black; height: 80px; width: 100%;"></div>	Third party fees for services (including for another accredited certifier's services)* <input style="width: 80%;" type="text"/> Fees for certificates and lodgement of documents* <input style="width: 80%;" type="text"/> Contingency items#* <div style="border: 1px solid black; height: 80px; width: 100%;"></div>

If applicable, insert description of the contingency item – eg, 'additional inspection if access not available'. If no provision is to be made for contingency items, write 'N/A'

*Insert amount or basis of calculation e.g. "At cost" or "\$.....per hour"



CONSTRUCTION CERTIFICATE APPLICATION

Issued under the Environmental Planning & Assessment Act 1979
Sections 109C(1) (B), 81A(2) & 81A(4)

Payment Details – **EFTPOS** **CREDIT CARD** **CHEQUE** **CASH**

Card No. / / Exp. Date: /

Card Name:

Signature: Date:

Office Use: *Fee Paid* *Receipt Number:* *Date:*

Office Use:

CC Number: Date Approved: Date Completed:

Assessment No: BASIX Certificate No:

- Entered on Practical Entered on Trim Entered on ABS Occupation Certificate Issued
 Completed on Practical BASIX Sign Off Infrastructure Bond Refund Requested

Development Consent –

DA No: Date of Consent:

Building Code of Australia Classification –

As nominated on the Development Consent:

Applicant Details –

Company Name:

Surname: First Name:

Address:

Town: Postcode:

Postal Address:

Town: Postcode:

Phone (h): Phone (w):

Mobile: Fax:

Email:

Signature: Date:

Description of Development –

Description of proposed work (eg: garage, new dwelling):

Estimated Cost: \$

Subject Land -House/Unit No: Street: Town: Postcode: Parish: Lot No: Deposited Plan: Strata Plan / Section: Area - m²/ha: Easement: Yes No**Details of Builder –** Owner/Builder - Owner/Builder Permit No: Licensed Builder – Licence No: Company Name: Surname: First Name: Address: Town: Parish: Postcode: Postal Address: Town: Postcode: Phone (h): Phone (w): Mobile: Fax: Email:

Signature: _____ Date: _____

Home Owner Warranty Details:Required: Yes NoInsurer: Policy No: Date of Policy:

Rated Owner(s) Details / Consent:

Surname:	<input type="text"/>	First Name	<input type="text"/>
Surname:	<input type="text"/>	First Name	<input type="text"/>
Address:	<input type="text"/>		
Town:	<input type="text"/>	Postcode:	<input type="text"/>
Postal Address:	<input type="text"/>		
Town:	<input type="text"/>	Postcode:	<input type="text"/>
Phone (h):	<input type="text"/>	Phone (w):	<input type="text"/>
Mobile:	<input type="text"/>	Fax:	<input type="text"/>
Email:	<input type="text"/>		
Signature:		Signature:	
Date:		Date:	

APPOINTMENT OF PRINCIPAL CERTIFYING AUTHORITY (PCA) - Building Work

Note: Only the person having the benefit of the construction certificate (ie the owner or in the case of a company an authorised representative of the company) may appoint a principal certifying authority

Yes I agree for Wentworth Shire Council to undertake the role of PCA for this development. As such Wentworth Shire Council Officers will inspect the building work.

No I may appoint Wentworth Shire Council as PCA at a later date. Alternatively, I may appoint an accredited certifier. I will not commence any building work until I have appointed a PCA

Office Use Only –

	Fee:	Job Number:	Receipt No:	Date:
Construction Certificate Fee:	<input type="text"/>	J/N: 1705-1162	<input type="text"/>	<input type="text"/>
Long Service Payments Corp Levy:	<input type="text"/>	J/N: 9915-5750	<input type="text"/>	<input type="text"/>
Sewer / Sewer Amendment Fee:	<input type="text"/>	J/N: 1705-1145	<input type="text"/>	<input type="text"/>
Septic / Septic Amendment Fee:	<input type="text"/>	J/N: 1705-1145	<input type="text"/>	<input type="text"/>
Water Tapping Fee – Filtered:	<input type="text"/>	J/N: 2005-1135	<input type="text"/>	<input type="text"/>
Unfiltered:	<input type="text"/>	J/N: 2005-1135	<input type="text"/>	<input type="text"/>
Infrastructure Bond Fee:	<input type="text"/>	J/N: 9915-5720	<input type="text"/>	<input type="text"/>
DA Condition No:	<input type="text"/>			
Total Fees:	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>



CONSTRUCTION CERTIFICATE ABS - SCHEDULE

Particulars of Proposal –

Site Area (m²):

Gross Floor Area of Existing Building (m²):

Proposed Additional Gross Floor Area (m²):

Number of existing dwellings on site:

Number of dwellings to be demolished:

Number of proposed dwellings on site:

Number of storeys for proposed building:

Does the site contain a dual occupancy?

Materials to be Used –

Place a tick in the box which best describes the materials to be used in the new construction:

Walls		Roof		Floors		Frame	
<input type="checkbox"/> Brick Veneer	12	<input type="checkbox"/> Masonry	10	<input type="checkbox"/> Concrete	20	<input type="checkbox"/> Timber	40
<input type="checkbox"/> Concrete/Masonry	20	<input type="checkbox"/> Concrete Tile	10	<input type="checkbox"/> Timber	40	<input type="checkbox"/> Steel	60
<input type="checkbox"/> Concrete	20	<input type="checkbox"/> Terracotta Tile	10	<input type="checkbox"/> Other	80	<input type="checkbox"/> Aluminium	70
<input type="checkbox"/> Fibrous Cement	30	<input type="checkbox"/> Slate	20	<input type="checkbox"/> Unknown	90	<input type="checkbox"/> Other	80
<input type="checkbox"/> Hardiplank	30	<input type="checkbox"/> Steel	60			<input type="checkbox"/> Unknown	90
<input type="checkbox"/> Timber	40	<input type="checkbox"/> Aluminium	70				
<input type="checkbox"/> Steel	60	<input type="checkbox"/> Other	80				
<input type="checkbox"/> Cladding	70	<input type="checkbox"/> Unknown	90				
<input type="checkbox"/> Other	80						
<input type="checkbox"/> Unknown	90						



CONSTRUCTION CERTIFICATE CHECKLIST

The Construction Certificate Application will not be accepted by Council until **ALL** required documentation is provided.

Applicant (Please Tick).	Item	Copies	Office Use
Always Required			
<input type="checkbox"/>	Application form fully completed (including ABS Schedule)	1	
<input type="checkbox"/>	BASIX Certificate – See Note 1a	3	
<input type="checkbox"/>	Detailed Plans – As per Note 1b	3	
<input type="checkbox"/>	Building Specifications – As per Note 1b	3	
<input type="checkbox"/>	Details of Termite Protection	1	
<input type="checkbox"/>	Sewer / Septic/ AWTS / Greywater/ Raw Water / Filtered Water Applications completed – including amendments if applicable	1	
<input type="checkbox"/>	Home Owner Warranty Details – Page 2	1	
<input type="checkbox"/>	Builder / Owner Builder Details – Page 2	1	
<input type="checkbox"/>	Subject Land Details – Page 2	1	
<input type="checkbox"/>	Current copy of Certificate of Title and Title Plan	1	
Applicant Declaration			
<i>I verify the above information has been provided</i> Applicant Signature.....		Date.....	
Customer Service Officer Declaration			
<i>I verify the above information has been provided</i> Customer Service Officer		Date.....	



CONSTRUCTION CERTIFICATE

NOTES FOR COMPLETING A CONSTRUCTION CERTIFICATE

Please Note:

Applications will be rejected if these requirements are not met.

Note 1a.

A **BASIX** certificate is required for **ALL** new dwellings and for alterations over \$50,000.

Plans **MUST** reflect information regarding items ticked in column headed "Show on CC/CDC plans & specs".

Note 1b.

BUILDING WORK

In the case of an application for a construction certificate for building work:

Three (3) copies of compliance certificates relied upon (soil reports, footing reports, etc)

Three (3) copies of detailed plans (**including 1 x A3 set**) and specifications

The specification is:

- to describe the construction and materials of which the building is to be built and the method of drainage, sewerage and water supply.
- state whether the materials proposed to be used are new or second hand and give particulars of any second-hand materials to be used.

The plan for the building must be drawn to a suitable scale and consist of a general plan and a block plan and be compliant with the current Building Code of Australia (BCA). The general plan of the building is to:

- show a plan of each floor section.
- show a plan of each elevation of the building.
- show the levels of the lowest floor and of any yard or unbuilt on area belonging to that floor and the Levels of the adjacent ground.
- indicate the height, design, construction and provision for fire safety and fire resistance (if any).
- Include all current buildings.

Where the proposed building work involves any alteration or addition to, or rebuilding of, an existing building the general plan is to be coloured or otherwise marked to the satisfaction of the certifying authority to adequately distinguish the proposed alteration, addition or rebuilding.

Where the proposed building work involves a modification to previously approved plans and specifications the general plans must be coloured or otherwise marked to the satisfaction of the certifying authority to adequately distinguish the modification.

Where the application involves an alternative solution to meet the performance requirements of the BCA, the application must also be accompanied by:

- details of the performance requirements that the alternative solution is intended to meet, and
- details of the assessment methods used to establish compliance with those performance requirements.

Evidence of any accredited component, process or design sought to be relied upon.

Except in the case of an application for, or in respect of, a class 1a or class 10 building:

- a list of any fire safety measures that are proposed to be implemented in the building or on the land on which the building is situated, and
- if the application relates to a proposal to carry out any alteration or rebuilding of, or addition to, an existing building, a separate list of such of those measures as are currently implemented in the building or on the land on which the building is situated.

The list must describe the extent, capability and basis of design of each of the measures concerned.

HOME BUILDING ACT REQUIREMENTS

In the case of an application for a construction certificate or complying development certificate for residential building work (within the meaning of the Home Building Act 1989) attach the following:

(a) in the case of work by a licensee under that Act:

- (i) a statement detailing the licensee's name and contractor licence number, and
- (ii) documentary evidence that the licensee has complied with the applicable requirements of that Act*, or

(b) in the case of work done by any other person:

- (i) a statement detailing the person's name and owner-builder permit number, or
- (ii) a declaration signed by the owner of the land, to the effect that the reasonable market cost of the labour and materials involved in the work is less than the amount prescribed for the purposes of the definition of owner-builder work in section 29 of that Act.

* A certificate purporting to be issued by an approved insurer under Part 6 of the *Home Building Act 1989* to the effect that a person is the holder of an insurance contract issued for the purposes of that Part, is sufficient evidence that the person has complied with the requirements of that Part.

SUBDIVISION WORK

In the case of an application for a construction certificate for subdivision work:

a) copies of compliance certificates relied upon

b) three (3) copies of detailed engineering plans. The detailed plans may include but are not limited to the following:

- earthworks
- roadworks
- road pavement
- road furnishings
- stormwater drainage
- water supply works
- sewerage works
- landscaping works
- erosion control works.

Where the proposed subdivision work involves a modification to previously approved plans the plans must be coloured or otherwise marked to the satisfaction of the certifying authority to adequately distinguish the modification.