



Blayney Shire Council

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ABN 47 619 651 511

CONTRACT FOR THE PERFORMANCE OF CERTIFICATION WORK

Section 31 of the Building and Development Certifiers Act 2018
Section 6.5 of the Environmental Planning and Assessment Act 1979

Declaration: I hereby appoint Blayney Shire Council as the Principal Certifier for the following development (detailed below) pursuant to section 6.5 of the Environmental Planning and Assessment Act 1979.

This contract is between the applicant(s) and Blayney Shire Council, where Council will undertake the following certification functions where applicable –

- (a) the determination of a development certificate including a complying development certificate, construction certificate, subdivision works certificate, occupation certificate and subdivision certificate;
- (b) carrying out inspections of building work (but only if Council is the Principal Certifier or the inspection is carried out with the approval of the Principal Certifier),
- (c) carrying out inspections of subdivision work (but only if Council is the Principal Certifier or the inspection is carried out with the approval of the Principal Certifier).
- (d) carrying out the duties of a Principal Certifier where appointed.

Note: The person appointing the Principal Certifier must have the benefit of the development consent or have the approval of the person who has the benefit of the development consent.

1. Introduction

The Blayney Shire Council is a certifying authority and employs registered certifiers to carry out certification work, as defined by section 4 of the Building and Development Certifiers Act 2018, on behalf of Council. Each registered certifier holds individual registration under the Building and Development Certifiers Act 2018 to enable the certifier to undertake certification work.

As the applicant, you are seeking to engage Council and its registered certifiers to undertake certification works on the terms set out in this contract.

2. Registered Certifiers

Name: Blayney Shire Council
Address and place of business: 91 Adelaide Street, Blayney NSW 2799
Email: planning@blayney.nsw.gov.au
Contact Number: (02) 6368 2104

The following officers are employed by Council as registered Certifiers and may carry out certification work in relation to the subject development under this contract.

Council Registered Certifiers	Registration No.
Mark Bakker	BDC0964
Chloe Fulthorpe	BDC2795
Mark Dicker	BDC1354
Gordon Maccallum	BDC1427
Jaclyn Burns	BDC0931

3. Applicant Details

Name:	
Company/Organisation:	
Address:	
Email:	
Contact Number:	

4. Proposed Building Work

Description of development:

5. Site/Property Description

Address:		
Lot No.	Section No.	DP No.

6. Certification work to be undertaken

The following certification work is requested to be undertaken by Blayney Shire Council as part of this contract.

<input type="checkbox"/> The assessment and determination of an application for a Complying Development Certificate under Section 4.28 of the Environmental Planning and Assessment Act 1979 (EP&A Act).
<input type="checkbox"/> The assessment and determination of an application for a Construction Certificate under Section 6.5(1)(a) and 6.8 of the EP&A Act.
<input type="checkbox"/> The assessment and determination of an application for an Occupation Certificate under section 6.5(1)(c) and 6.10 of the EP&A Act
<input type="checkbox"/> The appointment of Blayney Shire Council as the Principal Certifier for the development under Section 6.6(1) of the EP&A Act and the carrying out of inspections under Section 6.5(1)(b)
<input type="checkbox"/> The carrying out of inspections under Section 6.5(1) (b) of the EP&A Act with the approval of the Principal Certifier, in the case where Blayney Shire Council is not nominated as the Principal Certifier.

Blayney Shire Council will undertake the certification work requested above in a professional manner and in accordance with the requirements of the Environmental Planning and Assessment Act 1979, the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021, the Environmental Planning and Assessment Regulation 2021, the Building and Development Certifiers Act 2018 and the Building and the Development Certifiers Regulation 2020.

Where the applicant is also the owner of the property the applicant, in signing this contract grants consent to Council's registered Certifiers to enter the subject property for the purposes of undertaking the requested certification work mentioned above during reasonable working hours.

Where the applicant is not the owner of the property:

- a. it warrants, by signing this contract, that it has obtained the consent of the owners of the property for the Council's registered Certifiers to enter the property for the purposes of undertaking the requested certification work mentioned above during reasonable working hours; and
- b. it indemnifies the Council in the event that the Council incurs any loss or damage in relying on that warranty.

7. Description of the development site and development works.

Type of approval (related to this development)	Consent Authority	Determination Number	Determination Date
Development Consent		DA:	
Construction Certificate		CC:	
Complying Development Certificate		CDC:	

Notice of commencement of building works in relation to the above approvals, work is to commence on _____

Owner Builder or Builder details	Name	Permit reference number
Owner Builder Permit		
Home Warranty Insurance		

8. Plan, Specifications and Documents

All plans, specification and related documentation which are issued in connection with the relevant development certificate, including any subsequent modifications, form part of this contract.

9. Fee and Charges

The fees and charges for the certification works requested as part of this contract will be calculated in accordance with Blayney Shire Councils adopted fee's and charges which is available on Councils website at <https://www.blayney.nsw.gov.au/>

The total fees and charges to be paid for the certification work requested to be undertaken by Blayney Shire Council under this contract are set out in the attached fee estimate quote.

Contingencies

Additional fees and charges may be payable in accordance with Blayney Shire Councils adopted fee's and charges in the following circumstances as determined by Councils registered certifiers:

- Required additional critical stage inspections or other inspections due to staging of building works or variations in the construction sequence;
- Re-inspection of works as a result of the relevant stage of construction not being ready, incomplete or unsatisfactory;
- Modifications or variations to a development certificate and associated plans and documentation and additional on-site meetings

Where Council carries out work as a result of unforeseen contingencies, Council will calculate the fee based on its fee's and charges.

10. Payment of Fees and Charges

Determination of application for development certificate:

Where the requested certification works involves the determination of an application for a development certificate, all fees and charges payable for the determination (excluding any fees and charges for works arising as a result of contingencies or unforeseen contingencies) must be paid on or before the lodgment of the applicable application.

Appointment as Principal Certifier:

Where the requested certification work involves the carrying out of functions of a Principal Certifier, all fees and charges payable for carrying out those functions in respect of the subject development (excluding any fees and charges for works arising as a result of unforeseen contingencies) must be paid before the functions are carried out.

Unpaid Fees:

You acknowledge and accept that Council may suspend services where required fees and charges have not been paid or remain outstanding.

The Council may also recover any amount owing as a debt due and payable to the Council.

11. Contract Execution

This appointment of Principal Certifier and Contract for carrying out certification work is made on the date it is signed by Council.

Applicants Signature

I accept the terms and conditions of this contract including the associated payment of fees and confirm that: <ul style="list-style-type: none">• I have authority to appoint Blayney Shire Council as the registered certifier for this development• I have freely chosen to engage Blayney Shire Council as the registered certifier;• I have read the contract and documents accompanying the contract and understand the roles and responsibilities of the person and the registered certifier• I consent, or have obtained the consent of the owners of the premises, to allow the Council's certifiers to enter the property to perform the relevant services under this contract.	
Applicant Name:	
Signature:	Date:

Council's Signature

Signed for and on behalf of Council by an authorised officer:

Officer's Name:	
Officer's Position:	
Signature:	Date:

12. Statutory Obligations of Registered Certifiers

This contract must be accompanied by any applicable document that the Secretary makes available on the website of the Department of Fair Trading for the purpose of addressing-

- (a) The role and statutory obligations of registered certifiers, and
- (b) The role of the person for who the certification works to carried out, and
- (c) The types of information that can be found on the register of registrations and approvals maintained under section 102 of the Building and Development Certifiers Act 2018.

The applicable documents will be attached to this contract when executed by Council.

<p>Note 1 This form has been forwarded to you, as the person having the benefit of the Development Application, who is entitled to appoint the Principal Certifier for the above Development.</p> <p>Note 2 Only the owner of the property or the applicant for the Development Consent or the Complying Development Certificate can appoint a Principal Certifier. The agent/contractor, including the builder, cannot appoint a Principal Certifier.</p> <p>Note 3 You are requested to complete this front page, authorising Council to act as the Principal Certifier on your behalf and return to the address above.</p> <p>Note 4 Council will forward to you a Principal Certifier (PC) Service Agreement Contract which stipulates details of the extent of the service offered by Council as well as the responsibilities of Council and you as the applicant during the building process.</p>

Note 5

The attached conditions are to be retained in your files to enable you to fulfil your obligations under the Environmental Planning and Assessment Act 1979 and associated regulation.

Statement of Authorisation:

In signing this form I hereby accept and will attend to the attached conditions and authorise Blayney Shire Council to forward, to the builder, copies of correspondence relating to critical stage and other mandatory inspection conducted by Council as the Principal Certifier:

1. To obtain all other necessary approvals required by Telstra, Country Energy, AGL, Blayney Shire Council or other relevant service/regulatory authority.
2. For residential building work contracted out to a builder, to provide evidence to Blayney Shire Council prior to commencement of the building work that my builder is licensed and insured.
3. For residential building work undertaken as an owner-builder, to provide evidence to Blayney Shire Council that an owner-builder permit, has been obtained.
4. To discuss with Blayney Shire Council any alterations or amendments proposed to the plans approved under the Construction Certificate. Blayney Shire Council reserves the right to refuse consent to any alterations or amendments to the plans approved under the Construction Certificate and may require the submission of a further Construction Certificate or amendment to the existing Construction Certificate and or Development Application.
5. To ensure that any necessary approvals for alterations or amendments to the Development Consent are obtained from Blayney Shire Council before the amended works are commence.
6. Not to occupy the building prior to the issue of an Occupation Certificate by Blayney Shire Council.
7. To take all reasonable steps to ensure that the appropriate inspection, fire safety certificates and conditions of development consent/complying development certificate are conducted, obtained and complied with to allow issue of the Occupation Certificate.
8. To ensure that your agents erect upon the subject building site, the required building contractor's sign as specified under the Environmental Planning and Assessment Regulation 2021, prior to building work commencing. The sign shall include the Council's name (Blayney Shire Council) as the appointed Principal Certifier for the work, and the telephone number (6368 2104) as its contact number.

Note:

For the purposes of this notice the following terms are defined:

- Principal Certifier: means Blayney Shire Council including its officers and staff.
- Owner: means the person(s) who owns the land the subject of the development consent or complying development certificate to which the subject building works relate.
- Applicant: means the person(s) entitled to act upon the development consent or complying development certificate to which the subject building works relate.
- Agent: means the builder, clerk of works, supervisor, contractor or other persons engaged by the Applicant to undertake the construction of the subject building work for or on behalf of the Applicant, whether in part or as a whole.