



Contract Agreement for the Performance of Certification Work

Building Professionals Act 2005 Section 73A

AGREEMENT BETWEEN:

Bland Shire Council and

(the client).

PART A - INTRODUCTION

1. The Council is the 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

(a) The Council

Name of Council

Bland Shire Council

Business Address:

6 Shire Street, West Wyalong NSW 2671

Postal Address:

PO Box 21, West Wyalong NSW 2671

Telephone:

02 6972266

Email:

council@blandshire.nsw.gov.au

(b) The Client

Name of Client:

Residential Address:

Postal Address:

Telephone:

Mobile:

PART D – CERTIFIER’S DETAILS

These are the details of the employees 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 (2) days notify the client in writing of the name and accreditation number of that other employee.

Name of Certifier:	<input type="text"/>	Accreditation Number:	<input type="text" value="BPB"/>
Name of Certifier:	<input type="text"/>	Accreditation Number:	<input type="text"/>

PART E – CERTIFIER’S INSURANCE DETAILS

Only complete if the Certifier holds insurance required by the Building Professionals Act 2005. In most cases employees of Council do not hold insurance separate from Council.

Name of Insurer:	<input type="text" value="N/A"/>	Address:	<input type="text" value="N/A"/>
Policy No./Identifier Address	<input type="text" value="N/A"/>		
Period of Insurance Cover - From	<input type="text" value="N/A"/>	To	<input type="text" value="N/A"/>

Note: Council’s certifiers do not hold insurance separate from Council’s insurance

PART F – THE DEVELOPMENT

Description of the development	<input type="text"/>					
Address of the development	<input type="text"/>					
Legal Description	Lot	<input type="text"/>	DP	<input type="text"/>	Section:	<input type="text"/>

Development Consent Details (tick appropriate box(es) 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
		<input type="checkbox"/> Please state type of certificate issued.
		<input type="text"/>

Name of Consent Authority or Certifying Authority

Bland Shire Council

Development Consent No./Complying Development Certificate No.

Date Development Consent /Complying Development Certificate Issued

Details of Approved Documents

Details of plans, specifications and other documents approved by Development Consent/Complying Development Certificate or Part 4A Certificate:

Inspections (complete as appropriate)

Any inspections of the development site or the development required under 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 area made.

PART G – CERTIFICATION WORK TO BE PERFORMED

1. Determination of Applications for Development Certificates (tick one or more boxes as appropriate)

- Determination of application for a Construction Certificate*
- Determination of application for a Complying Development Certificate*
- Determination of application for an Occupation Certificate*
- Determination of application for a Subdivision Certificate*
- Determination of application for a Compliance Certificate*
- Determination of application for a Strata Certificate*

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

- Undertaking the functions of a PCA for the development*

Refer to the 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. In respect of any unforeseen contingency work provided under this Agreement, the Council is to send an invoice to the Client within 21 days after the completion of any such work.

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 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

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 the day of

PART K – SIGNATURES

Signed/executed by or on behalf of 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 Building Professionals Act 2005
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
Certification work	Means: <ul style="list-style-type: none"> (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 Environmental Planning & Assessment Act 1979 (e) Carrying out inspections under section 22 of the Swimming Pools Act 1992 and issuing certificates of compliance under that Act.
Contractor licence	Means a license issued under the Home Building Act 1989
Development certificate	Means: <ul style="list-style-type: none"> (a) A certificate under Part 4A of the Environmental Planning and Assessment Act 1979, being <ul style="list-style-type: none"> • A construction certificate • A compliance certificate • A subdivision 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 Assessment 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