



Principal Certifier Service Agreement

Section 6.6(1) of the *Environmental Planning and Assessment Act 1979*
and Section 31 of the *Building & Development Certifiers Act 2018*

Effective from July 2023 to June 2024

About this form

This is a service agreement to be completed **where Woollahra Municipal Council is appointed as the Principal Certifier** ("the PC"), in accordance with section 6.6(1) of the *Environmental Planning and Assessment Act 1979*, to carry out nominated inspections of the building works and to issue required Occupation Certificates.

This Agreement complies with the requirements of section 31 of the *Building & Development Certifiers Act 2018*.

Documentation

This agreement must be submitted with the Notice of Commencement where Council is being appointed as the Principal Certifier. Ask us for a copy of the Notice of Commencement. Please call our Customer Service Centre on (02) 9391 7000 for any assistance.

PC Service and Inspection Fees

Principal Certifier service and inspection fees are payable upon appointment and the fees are detailed in Council's adopted Statement of Fees and Charges, details of which are available from Council's Customer Service section.

Please call our Customer Service Centre on (02) 9391 7000 for any assistance.

1. Applicant's details

Title:	<input type="text"/>		
Full name:	<input type="text"/>		
Address:	<input type="text"/>		
Contact person: (only if a Company)	<input type="text"/>	ABN / ACN:	<input type="text"/>
Phone:	<input type="text"/>	Email:	<input type="text"/>

2. Site details *(Location and title description of the property)*

Unit, Shop or Suite no:	<input type="text"/>	Street no:	<input type="text"/>				
Street name:	<input type="text"/>	Suburb:	<input type="text"/>				
Lot(s):	<input type="text"/>	Section:	<input type="text"/>	Deposited Plan(s):	<input type="text"/>	Strata Plan:	<input type="text"/>
Other:	<input type="text"/>						

Get these details from rate notices, property deeds, or Council property maps.

3. Description of development

4. Type of work

Building Subdivision

5. Development Consent or Complying Development Certificate (CDC)

Development
Consent no:

Determination date:

Consent Authority:

OR

CDC no:

Determination date:

6. Construction Certificate(s) *(Not required if a Complying Development Certificate has been issued)*

Construction Certificate no:

Issue date:

Construction Certificate no:

Issue date:

Construction Certificate no:

Issue date:

7. Contract value of development

\$

8. Quality of service

Woollahra Municipal Council will undertake inspections of the work during construction and prior to issuing an Occupation Certificate, to ascertain compliance of specified stages of construction with the Development Consent or Complying Development Certificate, Construction Certificate or Complying Development Certificate, Building Code of Australia, and relevant standards of construction.

Certification work under this Agreement may be carried out by any of the following employees of the Council subject to the terms of their registration;

Officers Name	Class of registration	Registration No:
Glenn Lawrence BRIGGS	Building Surveyor – Unrestricted - Conditional	BDC0947
Craig Norburn JENNER	Building Surveyor – Unrestricted - Conditional	BDC1691
Paul SULLIVAN	Building Surveyor – Unrestricted - Conditional	BDC0904

Any other employee of Woollahra Municipal Council with appropriate accreditation under the *Building & Development Certifiers Act 2018*

9. Building inspection

Council building inspections are undertaken at critical stages of the building process.

Council, acting as the PC, may at any stage request the Owner or the Owner's Builder to provide specialist reports, plans, specifications and certification of building materials, process or works. Work must not proceed beyond each stage until a satisfactory inspection result is obtained.

Typical documents include:

- Engineer's plans
- Engineer's reports
- Engineer's certification
- Compliance Certificates
- Fire Safety Certificates

WOOLLAHRA MUNICIPAL COUNCIL will complete this section of the form and return it to you at the pre-commencement inspection. Please refer to your responsibility under this agreement to ensure that Council is given not less than 48 hours' notice (excluding weekends and public holidays) of when works are ready to be inspected.

Woollahra Municipal Council will carry out Principal Certified and inspection services in a professional manner and in accordance with the requirements of the *Environmental Planning and Assessment Act 1979* and Council's Code of Conduct. Inspections required under the *Environmental Planning and Assessment Act 1979* may be carried out by any of the following employees of the Council subject to the terms and conditions of their registration;

Officers Name	Class of registration	Registration No:
Glenn Lawrence BRIGGS	Building Surveyor – Unrestricted - Conditional	BDC0947
Craig Norburn JENNER	Building Surveyor – Unrestricted - Conditional	BDC1691
Paul SULLIVAN	Building Surveyor – Unrestricted - Conditional	BDC0904

Any other employee of Woollahra Municipal Council with appropriate Registration under the *Building & Development Certifiers Act 2018*

The following stages of construction are required to be inspected by Council prior to proceeding to the next stage of construction or covering up works required to be inspected:

- | | |
|--|--|
| <input type="checkbox"/> Pre-commencement | <input type="checkbox"/> Fire resistant construction systems |
| <input type="checkbox"/> Shoring of excavation work | <input type="checkbox"/> Fire protection at service penetrations |
| <input type="checkbox"/> Contiguous piers or piling | <input type="checkbox"/> Mechanical Ventilation |
| <input type="checkbox"/> Underpinning | <input type="checkbox"/> Smoke detection and alarm systems |
| <input type="checkbox"/> Foundations/footings | <input type="checkbox"/> Sound transmission and insulation systems |
| <input type="checkbox"/> Damp-proof course | <input type="checkbox"/> Stormwater drainage systems |
| <input type="checkbox"/> Steel reinforcement | <input type="checkbox"/> Swimming pool fencing |
| <input type="checkbox"/> Retaining walls | <input type="checkbox"/> Finalisation of works |
| <input type="checkbox"/> Floor, wall and roof timbers | <input type="checkbox"/> Other (specify): |
| <input type="checkbox"/> Steel beams, columns or framing | |
| <input type="checkbox"/> Waterproofing of wet areas | |

10. Occupation Certificate

Woollahra Municipal Council's PC service charge includes the issuing of an Occupation Certificate; however, the issuing of multiple Occupation Certificates requires payment of an additional service fee.

An Occupation Certificate must be obtained from Woollahra Municipal Council prior to the occupation or use of a new building (or part of a building) and prior to the change of an existing building's use/classification.

Only the Principal Certifier can issue an Occupation Certificate and the *Environmental Planning and Assessment Act 1979* contains penalty provisions for failing to obtain the required Occupation Certificate.

Woollahra Municipal Council will process and determine the Occupation Certificate application.

11. Other services

These services will attract additional fees and charges.

Woollahra Municipal Council can provide a range of additional certification services, including issuing of Compliance Certificates, details of compliance with Council's development consent and provision of technical building and fire safety advice. The provisions of these services are not covered by this agreement.

12. Compliance with relevant legislation, consent and approvals

Works not in accordance with the approval and Building Code of Australia may result in the refusal to issue an Occupation Certificate.

Council may also serve notices and orders to comply with the approval and/or may institute legal proceedings for any breach.

It is the agreed responsibility of the Owner and their Builder or sub-contractors, where the Owner is the Builder that they must comply with all relevant legislation, consents and approvals relating to the subject development.

These include but are not limited to the following Acts and Regulations there under:

- The *Environmental Planning and Assessment Act 1979*
- The *Contaminated Land Management Act 1997*
- The *Protection of the Environment Operations Act 1997*
- The *Local Government Act 1993*
- The *Roads Act 1993*
- The *Traffic Act 1909*

It is agreed that the Owner has a duty of disclosure with respect to any known breach of any relevant legislation or matter that may require rectification or remediation. An example being the discovery of land contamination.

13. Booking your inspections

Where required inspections are not called for as required by Development Consent conditions or this agreement:

- 1 *This agreement may be terminated by Council without warning,*
- 2 *Penalty Infringement Notices may be issued to the Owner and/or Builder.*

A minimum of 48 hours' notice (excluding weekends and public holidays) must be given to the Council to enable the specified stages of construction to be inspected, as identified in item 9 of this agreement.

The Owner must ensure that all trades personnel are advised of the required inspections and that the directions of the Council Accredited Certifiers are to be observed to ensure compliance with the development consent, Construction Certificate, Building Code of Australia and the term of this agreement.

Inspections must be booked in by telephoning Council's Building & Compliance Section on (02) 9391 7144 or (02) 9391 7152, 8:00am to 4:30pm Monday to Friday.

Building works must not proceed to the subsequent stages of construction prior to obtaining a satisfactory inspection from the Council for each stage of construction specified in item 9 of this agreement.

14. Structural engineering and other specialist details

This section will be completed by Council.

Details required must be submitted to the Woollahra Municipal Council before the commencement of any such works.

Examples:

- 1 *Shoring and underpinning details shall be submitted prior to beginning any demolition of any structure or excavation of any earth which may provide support to adjoining structures.*
- 2 *Termite protection and slab reinforcing details must be provided before such work commences.*

The following details are to be forwarded to Woollahra Municipal Council prior to the commencement of construction (as identified by ☒) and the details are to confirm compliance with the relevant provisions of the BCA and Australian Standards, to the satisfaction of Woollahra Municipal Council:

- Dilapidation Report
- Site Management Plan
- De-watering, erosion and sedimentation plans and specifications
- Engineering details for excavation, shoring, underpinning works, and support of adjoining land
- Engineering details (including all beams, columns, tie down, wind bracing, roof trusses)
- Stormwater drainage details (including onsite detention if required)
- Termite protection method and details
- Glazing details
- Mechanical ventilation details
- Wet area construction details
- Details of fire resisting construction
- Details of essential fire and other safety measures
- Sound transmission and insulation details
- Manufacturers details of the swimming pool

15. Compliance Certificates and Survey Reports

This section will be completed by Council.

Survey reports and compliance certificates must be produced, respectively, by:

- 1 Surveyors registered under the Surveyors Act 1929,*
- 2 Surveyors accredited under the Professional Surveyors' Occupational Association NSW Inc. Scheme.*

The Council Accredited Certifiers may reduce the requirement for surveys at each level in the case of multi-storey buildings, please discuss with the Council Accredited Certifier.

To ensure that the height, bulk, area, and location of the development complies with development consent the consent, the following survey reports are required to be submitted to Council:

- Survey showing the setting out of the development including recovery points, the reduced level of each recovery point (to AHD), bearing and distances to boundaries and all proposed structures relative to all recovery points.
- Survey showing the height and location of foundation walls, form work for floor slabs and the reduced level of each floor level (to AHD) prior to the pouring of concrete or erection of walls at each level of the structure.
- Survey showing the height and location of retaining walls and fences (to AHD) prior to back filling of retaining walls or upon completion of fence erection.
- Survey showing the height and location of the uppermost ceiling level, eaves level and ridge level (to AHD) prior to the lining of the ceiling or the cladding of the roof.
- Survey showing the height and location of the swimming pool coping and the reduced level of the swimming pool coping prior to the pouring of concrete.
- Other (specify):

16. Compliance Certificates and other Certification

This section will be completed by Council.

A delay in providing required Compliance Certificates and other Certificates will result in delays in obtaining Occupation Certificates.

Any delay in the issue of Occupation Certificates will delay the signing of linen plans of Strata or Torrens subdivision where such development forms part of Development Consent.

It is incumbent upon the Owner and Owner's representatives to supply all required certificates in a timely manner to enable Council to process applications to occupy, use or subdivide property.

To ensure compliance with the Construction Certificate and Building Code of Australia (BCA), the applicant, Owner or Builder is required to provide certification to the Council (at the relevant stage of construction), verifying that the following specialist matters (identified by a) have been carried out in accordance with the relevant requirements of the BCA, Australian standards and details under section 14 of this agreement:

- | | |
|--|--|
| <input type="checkbox"/> Shoring and/or Underpinning support for adjoining properties | <input type="checkbox"/> Mechanical ventilation (including works as executed plans) |
| <input type="checkbox"/> Contiguous piers or piling | <input type="checkbox"/> Hydraulic services (including works as executed plans) |
| <input type="checkbox"/> Structural engineering work (beam, columns, slabs, frames) | <input type="checkbox"/> Termite control and protection |
| <input type="checkbox"/> Retaining walls | <input type="checkbox"/> Waterproofing of wet areas |
| <input type="checkbox"/> Stormwater drainage works (including works as executed plans) | <input type="checkbox"/> Installation of glazing |
| <input type="checkbox"/> Landscaping works | <input type="checkbox"/> Installation of smoke alarm systems (for single dwelling house) |

Final Fire Safety Certificate must be submitted with the Occupation Certificate Application in relation to Class 2 to 9 buildings inclusive.

Certification required to be prepared by an accredited certifier or other suitably qualified and experienced person and must reference the relevant provisions of the Building Code of Australia, Australian Standards and approved drawings, to the satisfaction of Woollahra Municipal Council.

17. Occupation Certificate

This agreement includes the assessment and determination of the Occupation Certificate however, where the Owner seeks multiple Occupation Certificates additional fees and charges apply in accordance with Council's adopted fees and charges.

The Owner agrees that an Occupation certificate must be obtained from Woollahra Municipal Council prior to the occupation or use of a new building (or part of a building) or prior to the change of an existing building use/classification.

An application for an occupation certificate must be accompanied by final or interim fire safety certificates as required by the Environmental Planning and Assessment Act (Form 15). The production of Fire Safety Certificates does not form part of this agreement and is only required for Class 2 to 9 buildings inclusive.

18. Public Liability

The applicant must ensure that valid public liability insurance cover to the value of \$10,000,000 (minimum), is held by the applicant and/or Builder.

19. Notification of change of address

The Owner is required to notify Council, in writing, of any change in details of address of the Owner, applicant or Builder.

20. Expiration and cancellation of agreement

This agreement shall (unless extended by further agreement) expire two (2) years after the date of the agreement and Woollahra Municipal Council may cancel the agreement without notice if there is a breach of the agreement.

21. Council's signature

Council's Registered Certifier will complete this Section.

Woollahra Municipal Council agrees to the provision of services detailed by this agreement subject to the Owner supplying plans, specification, engineering/other details, Compliance Certificates, Certificates, Survey Reports and obtaining required public liability insurance in accordance with this agreement.

Council Registered Certifier (printed)

Signature

Signed/executed by or on behalf of the Council

Date

22. Owner's signature

Must be signed by the Owner of the land. If more than one Owner, every Owner must sign. If the Owner is a company or Owner's declaration, must be signed by a director or secretary under common seal.

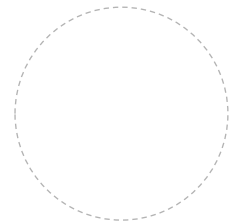
As the Owner of the land to which this agreement relates, I agree to the appointment of Woollahra Municipal Council as the Principal Certifier under Section 6.6(1) of the *Environmental Planning and Assessment Act 1979*. I also give consent for authorised Council officers to enter the land to carry out inspections. I declare that all the information given is true and correct and in accordance with Clause 30(b) of the *Building & Development Certifiers Regulation 2020* I have freely chosen to engage this certifier and I have read this contract and any document accompanying this contract and understand my roles and responsibilities and those of the registered certifier.

Signature of owner

Date

Signature of owner

Date



Affix Common Seal

If you are signing on the Owner's behalf as the Owner's legal representative, please state the nature of your legal authority and attach documentary evidence (e.g. power of attorney, executor, trustee, company director)

Signature

Date

23. Fees

Fees are calculated on a scale based on the contract value of the work, as adopted in Council's Delivery Program and Operational Plan

24. Information sheet

In accordance with clause 31 of the *Building & Development Certifiers Regulation 2020* this contract is accompanied by the information sheet made available by the Secretary of the Department addressing;

- a) The role and statutory obligations of registered certifiers, and
- b) The role of the person for whom the certification work is 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 & Development Certifiers Act 2018*.

The applicable information sheet can also be found at on the website of NSW Fair Trading at https://www.fairtrading.nsw.gov.au/_data/assets/pdf_file/0011/923096/BDCAct-contract-attachment-Oct-2020-building-surveyors-building-inspectors.pdf

25. Privacy and conditions of use

For more information about Privacy & Personal Information Policy: www.woollahra.nsw.gov.au/privacy.

26. Lodgement details

Who to contact: The Building and Compliance Officer handling your development.

If you wish to discuss an agreement with one of our Building & Compliance Officers, it is essential that you arrange an appointment.

Mail to: Woollahra Municipal Council
PO Box 61 Double Bay 1360

In person: Council Chambers
536 New South Head Road
Double Bay NSW 2028

Email: records@woollahra.nsw.gov.au

Telephone: (02) 9391 7000

Website: www.woollahra.nsw.gov.au

Payment methods:

Payment can be made at our Customer Service Department by the following methods: cash, EFTPOS, Money Order cheque (make cheques payable to Woollahra Council), or credit card – American Express, MasterCard or Visa.

Credit card payments will incur a processing fee.

OFFICE USE ONLY	Fee type	Fee	Receipt code
The PC Service fee is for the services listed above and includes GST.	PC Service fee	\$	T56
Any additional inspections will be charged at an hourly rate of \$205.00 inclusive of GST	Total		

Cashier: **Date:**

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 work² 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 work³ 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 Upfront fee payment is required for any work to determine an application for a development certificate or carry out a function of a principal certifier.

³ 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?

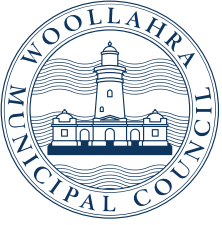
The Fair Trading website www.fairtrading.nsw.gov.au has information about certifiers, enforcement powers, how to replace a certifier and resolving concerns about a certifier:

- 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.

© State of New South Wales through Department of Customer Service 2020.



Payment Form

Payment methods

Payment in person at Council's Customer Service Centre can be made in cash, EFTPOS, cheque or money order or credit card (American Express, MasterCard and Visa).

Payment details

All credit card payments will incur a processing fee of 0.55%.

Separate cheques are required for integrated development fees to the relevant body. Cheques and money orders are payable to **Woollahra Council**.

Payments should be sent to Woollahra Council at: 536 New South Head Road DOUBLE BAY NSW 2028;
PO Box 61 DOUBLE BAY NSW 1360

Privacy notice

The personal information in this form is required under the Environmental Planning and Assessment Act 1979 and will only be used for processing of payments. If you do not provide the information, Council will not be able to process your payment and application. Payment information is restricted to Council officers. Council is to be regarded as the agency that holds the information. You may request amendment of any personal information held by Council that is incorrect.

Payment particulars

Payment for:

Council reference:

Application address:

Credit card details

Card type:

Visa

MasterCard

American Express

Card number:

Cardholder name:

Expiry date:

Total amount paid \$:

CVV:

Cardholder signature:

Contact number

OFFICE USE ONLY

Cashier's name:

Cashier's signature:

Payment processed: Yes

No

Date: