



**Campbelltown Council 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*.

**Privacy Statement**

The information requested by Council on this form may constitute personal information under the *Privacy and Personal Information Protection Act 1998*. Council is allowed to collect the information from you to consider this matter. Supplying this information is voluntary. However if you cannot or do not wish to provide the information, we may not be able to consider the matter. If you need further details, please contact the Privacy Officer, Campbelltown City Council, cnr Queen and Broughton Streets, Campbelltown.

**About this form:**

Campbelltown council 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 application for Contract for Certification Work and attach it to your application i.e. a Construction Certificate application, Complying Development Certificate application and or Occupation Certificate.

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.

If you have any questions or require assistance with your application please call Campbelltown Council Building and Development Team on 4645 4608.

**How to Complete:**

1. Ensure that all fields have been filled in correctly
2. Please note that fields on this form marked with an \* are mandatory and must be completed before submitting the application
3. Once completed, please refer to the lodgement details section for further information.

**Part A: Parties to this Contract**

**Applicant:**

Salutation: (please tick)	<input type="checkbox"/> Mr	<input type="checkbox"/> Mrs	<input type="checkbox"/> Miss	<input type="checkbox"/> Other (please specify)
First name:			Surname:	
Email:				
Street Address				
Suburb:			Postcode:	
Postal address: (if different to street address)				
Suburb:			Postcode:	
Phone Number:			Mobile Number	

**Campbelltown City Council:**

Civic Centre: 91 Queen Street, Campbelltown  
 Mail: PO Box 57, Campbelltown NSW 2560  
 Telephone: 02 4645 4000  
 Email: council@campbelltown.nsw.gov.au  
 ABN 31 459 914 087

**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* (NSW) 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**

I am the applicant described in the attached application for:

- Complying Development Certificate Application
- Construction Certificate Application
- Occupation Certificate Application

**Part D: Agreed certification services to be performed by Council**

I, as the applicant wish to apply for Campbelltown City Council to provide the following services:

- Determination of application for a Complying Development Certificate
- Determination of application for a Construction Certificate
- Appointment of Council as Principal Certifier and Subsequent determination of application for an Occupation Certificate

**Note:** Undertaking the functions of Principal Certifier (PC), a notice of commencement of building works is required to be lodged prior to any work commencing on site (also see application forms attachment A)

**Part E: Modification of Complying Development Certificate, Construction Certificate cl 4.30 EP&A Act and, Modification of Construction Certificate cl 24 BDC Regulations**

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

- a. Complying development certificates
- b. Construction Certificates

**Note:** After entering into this contract and prior to commencement of building work the applicant may seek to modify the above certificates.

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. Campbelltown Council's fees & charges apply.

**Note:** Council may appoint another employee Certifier to carry out the functions of the (PC)

**Part F: Development Details**

**Development Details**

Street Address			
Suburb		Postcode	
Legal Description	Lot:	Section	DP/SP
Relevant Development Consent Number			
<b>Proposal</b> Provide a written description and works proposed			
<b>Capital Investment Value (value of work)</b>	The capital investment value of the development is: \$ _____ (Includes GST and all costs associated with the demolition and construction)		
<b>Development</b>	<b>Note:</b> This section is only to be completed if you have already received Development Consent.		

<b>Application/Modification of Consent</b>	<b>Development Consent No/Section 4.55 Consent No</b> (if applicable)	<b>Date of Determination:</b>
<b>Building Classification</b>	Nominated building classification under BCA (Eg residential class 1a, 10a etc)	
<b>Part G: Other Development Details including Development Particulars Related Part 6 certificates issued under the <i>Environmental Planning and Assessment Act 1979</i> (Construction Certificate, Occupation Certificate)</b>		
<b>Developments under the <i>Environmental Planning and Assessment Act 1979</i> (NSW)</b>	In addition to the site details contained in the attached application form, the applicant declares that;	
	Tick appropriate box or boxes and complete as applicable:	
	<input type="checkbox"/>	Development consent granted by consent authority:
		Name of consent authority:
		Development consent or identifier:
		Date of development consent:
	<input type="checkbox"/>	Development consent given by the issue of a complying development certificate (CDC) EP&A Part 4.28
		Name of certifying authority:
		CDC number or identifier:
		Date of CDC:
	<input type="checkbox"/>	EP&A Part 6 certificates issued
		Type of Part 6 certificate issues:
		Name of Certifying authority:
		Certificate number or identifier:
	Date of Certificate:	
<b>Details of approved documents</b>	<b>Details of plans, specifications and other documents approved by the development consent/CDC:</b>	
<b>Details of approved documents</b>	<b>Details of plans, specifications and other documents the subject of any Part 6 certificate:</b>	

**DATA AND DOCUMENT CONTROL – GOVERNANCE USE ONLY**

Section  
Record No.:

Revised Date: 14/06/2022  
Review Date: 30/XX/20XX

Version: #  
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**Part H: Certifier's details**

Council proposes, at the date of this contract, that all certification services and inspections required under the *Environmental Planning and Assessment Act 1979* (NSW) will be carried out by one of Council's registered certifiers as listed below

Name	Registration Number	Name	Registration Number
Joseph Guido	BDC0892	Asher Johnson	BDC1487
Daniel Ugiagbe	BDC1704	Terence Vuong	BDC0901
Shane Potter	BDC1834	James Kim	BDC2331
Warren Gunn	BDC2166	Damien Saaghy	BDC1813
Wade Reynolds	BDC1485	Firas Naji	BDC3315
Ganesh Rajayogam	BDC1836		

**Campbelltown City Council Insurance details**

**Name of Insurer:** STATEWIDE MUTUAL LIABILITY SCHEME

**Policy Number and Type:** 000109 - Council

**Period of Insurance Cover:** 30/06/2021-30/06/22

To Contact one of Campbelltown Council's registered certifiers please call 4645 4608

**Part I: Fees and Charges**

**Determination of Applications for Development Certificates**

- 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.
- These fees and charges must be paid to Council before, or at the time, the application for a development certificate is lodged with Council.
- 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)**

- 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.
- 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.
- 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**

Council's Schedule of Fees and Charges is available for download from the Campbelltown Council website and it is the responsibility of the applicant to obtain a copy.

[Financial information - Campbelltown City Council \(nsw.gov.au\)](http://www.campbelltown.nsw.gov.au)

**Part J: Execution of Contract****Declaration (please tick)**

- I/We have freely chosen to engage the Certifier; and
- I/We 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:

All applicants must sign the contract

<b>Applicant Name 1 (printed)</b>			
<b>Applicant 1 signature:</b>		<b>Date</b>	/ /
<b>Applicant Name 2 (printed)</b>			
<b>Applicant 2 signature:</b>		<b>Date</b>	/ /
<b>Witness Name (printed)</b>			
<b>Witness signature::</b>		<b>Date</b>	/ /
<b>Incorporated Company</b>			
Signed by the applicant in accordance with section 127 of the Corporations Act 2001			
<b>Directors Name 1 (printed)</b>			
<b>Directors 1 signature:</b>		<b>Date</b>	/ /
<b>Directors/Secretary Name (printed)</b>			
<b>Directors/Secretary Name signature:</b>		<b>Date</b>	/ /
<b>Witness Name (printed)</b>			
<b>Witness signature::</b>		<b>Date</b>	/ /
<b>Authorised Officer SIGNED for and on behalf of the Campbelltown Council by its duly authorised officer</b>			
<b>Authorised Officer Name (printed)</b>			
<b>Authorised Officer signature:</b>		<b>Date</b>	/ /
<b>Witness Name (printed)</b>			
<b>Witness signature::</b>		<b>Date</b>	/ /

### Privacy Statement

Application forms and/or names and addresses of people signing this contract is information that is publicly available. In accordance with section 18(1)(b) of the *Privacy and Personal Information Protection Act 1998* (NSW), you are advised that all application forms received by Council will be placed on the appropriate Council file and may be disclosed to Councillors, Council officers, consultants to Council or members of the public. Pursuant to the provisions of the *Government Information (Public Access) Act 2009* (NSW), Council is obliged to allow inspection of its documents, including any application you make. However, should you wish for your contact details to be suppressed, please indicate on this application form.

### Instructions for Lodgement

You can lodge the completed application for contract for certification works along with your full application via the NSW ePlanning Portal, if you are a new applicant and have not used the ePlanning Portal as yet, you will need to create a new log in. For more information please follow the following link;

[Post-Consent Certificates | Planning Portal - Department of Planning and Environment \(nsw.gov.au\)](https://www.nsw.gov.au/post-consent-certificates-planning-portal)

### Attachment A – Particulars of the certification work to be carried out under this contract

Complying Development Certificate (CDC) – Assess and Determine the CDC application that is lodged by the applicant.

Construction Certificate (CC) – Assess and Determine the CC application that is lodged by the applicant.

Appointment of Council as Principal Certifier – Undertake the required critical stage inspections required at nominated stages of construction. (This needs to be booked by the applicant or builder). Issue the Occupation Certificate upon satisfactory completion of building work and submission of required documentation.

All of the above services be carried out in accordance with the *Environmental Planning & Assessment Act* and all relevant NSW legislation associated with the service involved.

## 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)<sup>1</sup>. 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.

<sup>1</sup> Visit [www.fairtrading.nsw.gov.au](http://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 work<sup>2</sup> 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 work<sup>3</sup> with the approval and agreement of the principal certifier. Building inspectors are not authorised to issue certificates or be appointed as the principal certifier.

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<sup>2</sup> 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.

<sup>3</sup> 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](http://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](http://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](http://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.

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