



Application for Contract for Certification Work

About this form:	<p>Inner West Council must not carry out certification work for a person unless it has entered into a written contract with that person.</p> <p>You must therefore complete and sign this application for Contract for Certification Work and attach it to your application.</p> <p>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.</p> <p>If you have any questions or require assistance with your application please call Inner West Council Building Certification Team on 9392 5000 or email building@innerwest.nsw.gov.au</p>
How to complete:	<ol style="list-style-type: none">1. Ensure that all fields have been filled out 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

1. **Applicant:** If you are not the property owner you must give written notice to the owner of your intention to enter into this Contract.

Have you given such notice to the owner?

Yes ☐

N/A (I am the property owner) ☐

Salutation: (please tick)

☐ Mr

☐ Ms

☐ Miss

☐ Other (please specify)

First name:

Surname:

Email:

Street address:

Postcode:

Suburb:

Postal address:
(if different to street address)

Postcode:

Suburb:

Mobile:

Phone number:

Other:

2. Inner West Council:

ABN 19 488 017 987

PO Box 14, Petersham NSW 2049

Phone: 9392 5000

Email: building@innerwest.nsw.gov.au

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.



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Part C: Agreed Services

3. I, as the applicant wish to apply for Council to provide the following services:
- ☐ Complying Development Certificate
 - ☐ Construction Certificate
 - ☐ Application for Subdivision Work
 - ☐ Appointment of Council as Principal Certifier & subsequent Occupation Certificate
 - ☐ Swimming Pool – Certificate of Compliance

Part D: Modification of Complying Development Certificate, Construction Certificate or Subdivision Works Certificate

This part only applies to determinations of applications for:

- a. Complying development certificates
 - b. Construction certificates
 - c. Subdivision works
4. 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. Inner West Council's fee & charges apply.

Part E: Development Details

5. Development Information

Street address:			
Suburb:		Postcode:	
Legal description:	Lot:	Section:	DP/SP:
Relevant Development Consent Number:			
Proposal Provide a written description and works proposed			
Capital Investment Value	The capital investment value of the development is: \$ _____ (includes GST and all costs associated with the demolition and construction)		
Development Application / Modification of Consent This section is only to be completed if you have already received Development Consent	Development Consent No. / Section 4.55 Consent No. (if applicable) Date of Determination		
Building Classification: residential 1	Nominate building classification under BCA: (e.g. residential class 1a)		



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Part F: Certifier's details

6. 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 the following certifiers:

<u>Name of Certifier</u>	<u>Registration Number</u>
<u>Tom Williams</u>	<u>BDC3279</u>
<u>Kerry Hunt</u>	<u>BDC1430</u>
<u>Sam Kassir</u>	<u>BDC3188</u>
<u>Terry Oh</u>	<u>BDC04952</u>

Contact Details – building@innerwest.nsw.gov.au or 9392 5000

7. If Council later decides to have a different employee certifier carry out the certification work or the inspections, Council will notify the applicant in writing of the name and registration number of that other person.

Part G: Fees & Charges

Determination of Applications for Development Certificates

8. 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.
9. These fees and charges must be paid to Council before, or at the time, the application for a development certificate is lodged with Council.
10. 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)

11. 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.
12. 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.
13. 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

14. Council's Schedule of Fees and Charges is available for download from the Inner West Council website and it is the responsibility of the applicant to obtain a copy. <https://www.innerwest.nsw.gov.au/about/policies-plans-and-regulations/fees-and-charges>



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Part H: Execution of Contract

Declaration:

- I have freely chosen to engage the certifier; and
- I have read the contract and the attached information brochure and understand my responsibilities to those of the certifier.

Applicant Name			
Applicant signature:		Date:	/ /
Witness Name			
Witness signature:		Date:	/ /

Authorised Officer SIGNED for and on behalf of the Inner West Council by its duly authorised officer.

Authorised Officer Name			
Authorised Officer Signature		Date	/ /
Witness Name			
Witness signature:		Date:	/ /

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.



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Instructions for Lodgement

You can lodge the completed application for contract for certification works by:

Email: building@innerwest.nsw.gov.au

In person: Leichhardt Service Centre – 7-15 Wetherill Street Leichhardt NSW 2040

Once the application for contract for certification works is received by Council, then it will be considered. Following that, a Council Officer may contact you to provide you with a copy of the executed contract as signed on behalf of Council, or to seek further information if required.

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.

Subdivision Certificate (SC) – Assess and Determine the SC 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 & 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)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 work 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 work² 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 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.

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