



Contract for Undertaking of Certification Work

This contract meets the requirements of Section 31 of the Building and Development Certifiers Act 2018 and Part 5 of the Building and Development Certifiers Regulation 2020.

This is a contract between the applicant and Camden Council, where Council will carry out certification work for the applicant and/or may be appointed as the Principal Certifier (PC) in relation to the subject development.

Part 1 – Accredited Certifier

Name	Camden Council
Address	70 Central Avenue, Oran Park NSW 2570
Postal Address	PO Box 183 Camden NSW 2570
Email	mail@camden.nsw.gov.au
Telephone Number	(02) 4654 7777
The details of the officers employed by Council as accredited certifiers, any of whom may carry out certification work and inspections under this contract, can be found on the NSW Fair Trading Website at: https://www.fairtrading.nsw.gov.au/housing-and-property/building-and-renovating/preparing-to-build-and-renovate/finding-and-appointing-a-certifier	

Part 2 – Details of Applicant

Name	
Organisation/Company Name (if applicable)	
Postal Address	
Email	
Telephone Number	

Part 3 – Details of the Certificate Work to be Undertaken

The following certification works are requested to be undertaken (please select):

- The determination of an application for a Complying Development Certificate under Part 4.28 of the Environmental Planning & Assessment Act 1979 (EP&A Act)
- The issuing of:
 - Construction Certificate under Part 6.8 of the EP&A Act
 - Subdivision Works Certificate under Part 6.14 of the EP&A Act
 - Occupation Certificate under Part 6.10 of the EP&A Act
 - Subdivision Certificate under Part 6.15 of the EP&A Act
 - Strata Certificate under Strata Schemes Development Act 2015
- Appointment as PC under Part 6.6(1) of the EP&A Act for building works.
- Appointment as PC under Part 6.12(1) of the EP&A Act for subdivision works
- The carrying out of inspections & relevant functions under Part 6.5 of the EP&A Act

Council will undertake the certification work in a professional manner and in accordance with the requirements of the EP&A Act and the Environmental Planning & Assessment Regulation 2000.

Part 4 – Insurance

Accredited certifiers employed by Council exercising the certifying functions on Council's behalf are not required to be covered by insurance for the purposes of Division 1 of Part 2 of the *Building and Development Certifiers Act 2018*.

Part 5 – Description of Site and Development Works to be Undertaken

Description of Development:

Unit/Street No.

Street

Suburb/Town

Lot no.

Deposited/Strata Plan

Section (if applicable)

Type of approval

Consent Authority

Determination Number

Determination Date

Development Consent

Camden Council

DA

Complying Development Certificate

Camden Council

CDC

Part 6 – Plans, Specifications and Documents

Related plans, specifications or other documents issued with the consent or certificate.

As referred to in the relevant development consent, construction certificate or complying development certificate.

Part 7 – Fees and Charges

Certification Work

Fees and charges for certification work will be charged in accordance with Council's Adopted Fees & Charges which are published on its website at www.camden.nsw.gov.au.

Contingencies

- a) The fees above provide for Council to carry out 1 (one) inspection for each critical stage or other inspections of the building or works.

Additional fees may be charged in the following circumstances:

- (i) Additional critical stage inspections or other inspections due to the staging of building/works or variations in the construction sequence.
- (ii) Reinspection of works as a result of the relevant stage of construction not being ready, incomplete or unsatisfactory.
- (iii) Additional on-site meetings.

b) If Council carries out work as result of unforeseen contingencies, Council will:

- (i) Calculate the fee based on its annual fees and charges; and
- (ii) Give you an invoice within 21 days after the completion of that work.

Part 8 – Payment

You must pay the fees and charges on or before the lodgement of the application for that certificate, excluding any fees and charges for work arising as a result of unforeseen contingencies. You must pay any fees and charges for unforeseen contingencies within the invoice terms.

Appointment as PC

If the certification work relates to the functions of a PC, you must pay the fees and charges before Council commences those functions, excluding any fees and charges for work arising as a result of unforeseen contingencies.

Unpaid Fees

In circumstances where Council is appointed as PC and the fees are not paid in accordance with this contract, you acknowledge and accept liability for all or any unpaid fees and any associated debt recovery costs plus interest incurred from the time of appointment.

You acknowledge and accept that Council, as PC, may suspend services where fees have not been paid, or remain outstanding.

Part 9 – Applicant’s Declaration and Signature

I accept the terms and conditions of this contract including the associated payment of fees.

I declare that I have freely chosen to engage Camden Council to carry out certification work and that I have read the contract and any documentation accompanying the contract and understand the roles and responsibilities of the registered certifier and my own role and responsibilities.

Applicant’s Signature

Date

Part 10 – Council’s Signature

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

Officer’s Name

Officer’s Position

Officer’s Signature

Date

Part 11 – Statutory Obligations of Accredited Certifiers and the Applicant

This contract must attach any document that addresses;

- 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 Act;

that is published by the NSW Fair Trading for the purpose of Clause 31 of the Building and Development Certifiers Regulation 2020 and available on its website.

Please refer to attachment 1 or 2 as applicable

Attachment 1 - Information about registered certifiers – building surveyors and building inspectors

Attachment 2 – Information about registered certifiers and engineers

70 Central Avenue Oran Park NSW 2570 PO Box 183, Camden NSW 2570 Phone: (02) 4654 7777

Email: mail@camden.nsw.gov.au Website: www.camden.nsw.gov.au

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.

Information about registered certifiers and engineers

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This is the applicable document for certification work involving a certifier registered in the following classes of registration: acoustic, energy management, hydraulic, location of works, road and drainage, stormwater; or a registered engineer in the following classes of registration: electrical, geotechnical, mechanical and structural. **This document does not cover fire safety certification.**

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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.
- 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 certifiers and engineers in the classes of registration listed at the top of this document are authorised to issue **compliance certificates** under Part 6 of the *Environmental Planning and Assessment Act 1979*.

By law, a compliance certificate may certify strict, substantial or other compliance and is a certificate to the effect that:

- completed building work complies with particular plans, specifications, standards or requirements, or
- a particular condition of development consent has been complied with, or
- a building has a particular classification under the Building Code of Australia, or
- an aspect of development (including design) complies with particular standards or requirements.

Certifiers can issue compliance certificates even if they have been involved in designing or carrying out the work, provided they are not also the principal certifier for the development.

The type of work covered by a certificate issued by a particular certifier will depend on their class of registration and any conditions that may have been imposed on their registration.

A certifier may also issue a report (such as an engineer's report) regarding specific aspects of a development.

Finding more information on certifiers

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