



PRINCIPAL CERTIFIER AGREEMENT SUBDIVISION WORKS	OFFICE USE ONLY
	DA No:
	Portal Ref Case No:.....
	Parcel No:
	Date:

INTRODUCTION

This is an Agreement between Bega Valley Shire Council (the Council) and the Client (as nominated below)

By virtue of the *Environmental Planning & Assessment Act 1979* Council is a certifying authority and employs accredited certifiers (the Certifier) who are authorised to carry out the Certification Work which is the subject of this Agreement on behalf of the Council.

The Client seeks to engage the Council to perform certain Certification Work on the terms set out in this Agreement *

* Refer to Part E for particulars of Certification Work.

PARTIES TO THE AGREEMENT Client to complete

1. THE COUNCIL

Name	Bega Valley Shire Council		
Address	Zingel Place	PO Box	492
Suburb	BEGA	State	NSW
		Postcode	2550
Email	council@begavalley.nsw.gov.au	Telephone	(02) 6499 2222

2. THE CLIENT (For whom the Certification Work will be carried out)

Name	Company		
Postal Address		PO Box	Telephone
Suburb		Postcode	Mobile
State			
Email	Customer Reference		
Please indicate by 'X' which of the following applies	<input type="checkbox"/>	Client is the property owner	
	<input type="checkbox"/>	Client is duly authorised by the Owner	

Note: The person having the benefit of the Consent, so as to be able to appoint the PC, may be the owner or an applicant authorised by the owner but may NOT be the civil contractor, unless the civil contractor is the owner.

DESCRIPTION OF DEVELOPMENT / SITE DETAILS Client to complete

Provide details of the land to be developed:		
Unit No	House No	Street
Suburb		
Lot(s)	Section	Deposited Plan (DP)
Other		Strata Plan (SP)

Subdivision work proposed – Please provide a brief description of the work to be carried out.				
FEES				
Refer to Council's fees and charges for cost per inspection.				
All applications will have a minimum of two inspections, inspection numbers will vary depending on the scope of the subdivision works.				
DETAILS OF DEVELOPMENT APPROVAL/S				<i>Client to complete</i>
Development Approvals Granted				
Provide specific application/approval numbers relevant to the subject development:				
Development Application number:		Date consent granted:		
Subdivision Works Certificate portal case number:	CFT-	Date issued:		
Section 138 – RA portal case number	RA-	Date issued:		
Appointment of Principal Certifier				
<i>Please tick the appropriate box</i>				
<input type="checkbox"/>	I have met all the conditions in the development consent required to be satisfied before I can commence works.			
<input type="checkbox"/>	I have appointed a Principal Certifier:			
Name of Principal Certifier:				
Accreditation number of the Certifier:				
Subdivision Work				
Name of the Principal Contractor?				
Contractor Licence number:				
Contractor contact details:				
Commencement Date				
Date works will commence:				
Minimum notice of two full business days (48 hours) is required under the Environmental Planning and Assessment Act 1979. Note: This notice period is to begin from the next working day and is not to include the day on which the form is submitted to Bega Valley Shire Council.				
CHECKLIST				
<i>Please tick the appropriate box</i>				
Have you met all relevant conditions?	Yes		No	
Have you paid all relevant fees associated with the Consent? ie. Inspections / Bonds	Yes		No	
Certificate of currency of the property owner for public liability insurance.	Yes		No	

Principal Certifier Service Agreement
This agreement applies where a person with the benefit of development consent (Owner) appoints Bega Valley Shire Council as the Principal Certifier (PC).
<p>The agreement sets out:</p> <ul style="list-style-type: none"> • The services Council provides when appointed as PC; and • The Council's and Owner's obligations when Council is appointed as PC.
Appointment of Council as PC
<p>The owner must appoint a PC before work commences on site. This is a legal requirement (S6.6 & S6.12) of the Environmental Planning & Assessment Act 1979.</p> <p>Note: The 'owner' refers to the person having the benefit of development consent for development involving subdivision/civil works.</p> <p>The undertaking attached to this agreement is to be completed by the owner where Bega Valley Shire Council is appointed as the Principal Certifier.</p>
Notice of Commencement of Works
<p>At least 2 full business days (48 hours) notice before commencing any work the owner must notify Council of the intention to commence work.</p> <p>This notice must be given by providing the Notice of Commencement Subdivision/Civil Works application form to Council.</p>

Council's services and responsibilities as PC
<p>As PC Council will:</p> <ul style="list-style-type: none"> • Advise when third party certification may be required, • Advise upon the specific works to be completed or consent conditions to be satisfied before issuing subdivision certificate(s), • Serve notices and orders if there is a departure from the approved development,
Concurrent Inspections
<p>The next nominated inspection after the first nominated inspection may be carried out concurrently but only with the agreement of the PC. The concurrent inspection will be charged as per Council's fees and charges. All other nominated inspections must be carried out separately. Council as the PC must carry out the final inspections in order to issue the practical completion certificate.</p>
Notice before Inspections
<p>The owner must ensure that the Principal Contractor provides Council with a minimum of 2 working business days (48 hours) notice (excluding weekends and public holidays) when each inspection is ready to inspect. To notify Council that works are ready for inspection, please phone Council on 0481 262 689 8.30am to 5pm Monday to Friday.</p>
Approval of Inspections
<p>Until Council has confirmed in writing that it is satisfied with each stage of construction, subdivision work, works may not continue to the next stage of construction. If Council is not satisfied with the relevant stage of construction work, we will notify the owner in writing and inform them of the reasons for this and the need (if any) to carry out a re-inspection.</p>
Witness / Hold Point Inspections
<p>The Contractor is responsible for developing and submitting Inspection and Test Plan(s) (ITP) for its work on the project for approval prior to starting work. The Contractor shall arrange all inspections as required by the ITP(s) and obtain signatures. The Superintendent and Council are separately responsible for attending and signing off (or requiring rectification) of all inspections as per the ITP(s) and requirements of this clause. The Superintendent is responsible for monitoring progress of the ITP(s) and verifying all inspections are signed and lodged with the Principal Certifier prior to handover of assets. If Council is required to carry out additional or re-inspections, a further charge will apply as per Council's current fees and charges.</p>
Documentation
<p>Prior to commencement of construction, or at any stage of construction, Council may ask the owner to provide specialist reports, plans, specifications and certification of construction materials, process of works. Typical documents include geotechnical engineering and other specialist details, survey reports, and compliance certificates. Any compliance certificates or other certification required must be prepared by an accredited certifier or other suitably qualified person and must reference the relevant provisions of Australian Standards and approved drawings, to the satisfaction of Council. Note: It is an offence to knowingly make a false or misleading statement in an important aspect, or in connection with any document lodged with a certifying authority for purposes of the Environmental Planning and Assessment Act 1979 or the Environmental Planning and Assessment Regulation 2001 (cl 283 of the EP&A regulation).</p>
THE OWNER'S RESPONSIBILITIES
The owner must:
<ul style="list-style-type: none"> • Ensure that valid public liability insurance cover to the value of \$10,000,000 (minimum) is held by the property owner. • Ensure that the Principal Contractor is advised of the inspections required by Council and that the directions of Council are to be observed to ensure compliance with the development consent, construction certificate and the terms of the agreement. • Notify at least 2 working business days (48 hours) before each stage of construction, subdivision works for which Council requires an inspection to be carried out. • Provide any specialist reports, plans, specifications and certification of building materials, process of works requested by Council at any stage of construction prior to issue of an occupation certificate. • Comply with all relevant legislation, consents and approvals relating to the subject development. • Inform Council of any known breach of any relevant legislation or matter that may require rectification or remediation as soon as practicable but not less than 24 hours after the owner becomes aware of the breach or matter. • Pay the service and inspection fees detailed in Council's schedule of fees and charges.
<p>Note: To vary or modify a condition of consent requires the submission and approval of an application under S4.55 of the Environmental Planning and Assessment Act 1979.</p>
Further Information
<p>For further information please contact Council between 8.30am to 5.00pm Monday to Friday on (02) 6499 2222.</p>

DATE OF AGREEMENT		Council to complete
This Agreement is made on	Date	
The owner or the person having the benefit of the development consent is required to sign and return to Council prior to Council signing this agreement.		
Agreement of Client		Client to complete
Agreement of Council		Council to complete
Name:	Date	
Position:		
Signed on behalf of Bega Valley Shire Council		

PRIVACY NOTIFICATION
<p>Personal and private information supplied to Council is managed in compliance with the Privacy and Personal Information Protection Act 1998. The supply of this information is not voluntary, as it is required by law in order to process your application/request. The intended recipients of the personal information are Officers within the Council, agents/contractor of the Council and other statutory authorities. You may apply for access or amendment to your personal information held by Council. You may also request that Council suppresses your personal information from a public register. If you have any further enquiries concerning this matter, contact Council on (02) 6499 2222, or the Information and Privacy Commission 1800 472679 or email mailto:ipcinfo@ipc.nsw.gov.au or the website www.ipc.nsw.gov.au.</p>