



# Appointment of Singleton Council as Principal Certifier

Planning and Sustainable Environment  
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## Introduction

Singleton Council is a certifying authority who employs accredited certifiers who are public officers 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 certification work on the terms set out in this Agreement.\*

\* Pursuant to 73A Building Professionals Act 2005 and Part 6 Environmental Planning & Assessment Act, 1979.

**This is a Contract of Agreement between Singleton Council (the Council) and the Client. (as nominated below)**

## Client Details

The client is the property owner

Clients name:

\_\_\_\_\_

Clients  
address:

\_\_\_\_\_

Clients email: \_\_\_\_\_ and/or phone contact details: \_\_\_\_\_

## Certification work to be performed

**Building**

**Subdivision**

**(Tick one or more boxes as appropriate)**

Appointment to undertake the functions of **Principal Certifier** for the development upon development consent being granted

Determination of application for a **Compliance Certificate**

Determination of application for an **Occupation Certificate**

Determination of application for, and issue of, a **Subdivision Certificate**

Carrying out of inspections under section 22 of the *Swimming Pools Act 1992* and issuing certificates of compliance under that Act

## Certifier

Singleton Council is the Principal Certifier for all development certificate functions and certification work on this project. (<http://www.bpb.nsw.gov.au>).

## Description of development

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## Address of development:

Lot number	Deposited Plan	Street no. / name	Locality

## Development Consent, or Certificate (issued under Section 6.3) Number & date of issue.

Number: \_\_\_\_\_ Date: \_\_\_\_\_

## Terms & conditions

- Fees payable are as specified in Council's fee quote in accordance with Council's Fees & Charges Schedule and are to be paid at the lodgement of the Application and completion of this form.
- I agree to provide all documents that the Council may reasonably request for it to perform the function of Principal Certifier.
- I agree to provide the Council with reasonable access to the development site.
- I agree to notify Council of the appointment of the principal contractor.
- I agree to notify the principal contractor of any critical stage inspections and other inspections that may from time to time be required to be carried out in respect of the building work.
- I acknowledge that I have received and understood the description of services document.

**NOTE:** If the owner is a company, a director and an authorised person (eg. Secretary) must sign. Signatures must be followed by the person's title. If Company is a sole trader, the person's title is to indicate; 'Sole Director'.

## Signatures

This agreement is made on the \_\_\_\_\_ day of \_\_\_\_\_ 20 \_\_\_\_\_

Signed by Owner/Client \_\_\_\_\_

Signed on behalf of the Singleton Council \_\_\_\_\_

By signing this contract you accept the terms and conditions as available and applicable.

Further information is available on Councils web site.

## Application for an Occupation Certificate (OC)

### Description of services

The Certifier will, on behalf of the Council, perform all work necessary to comply with relevant statutory requirements and to facilitate the timely determination of the application, including:

1. Provide a blank copy of an OC application form to the Client.
2. Conduct an inspection (by a Council accredited certifier) of the development and prepare a record of the inspection.
3. If clause 144 of the EP& A Regulation applies to the development (i.e. alternative solutions for certain fire safety measures), apply to the Fire Commissioner for a final fire safety report.
4. Obtain a final fire safety certificate or interim fire safety certificate as required by the EP& A Regulation.
5. If the development is a residential flat building to which clause 154A of the EP&A Regulation applies, obtain a further design verification from a qualified designer in relation to the completed works.
6. Obtain a verification from the principal contractor or building owner/agent certifying that all BASIX requirements required to be complied with before an OC may be issued have been satisfied, including obtaining any necessary BASIX completion receipt.
7. If clause 130(2A) or 144A(1) of the EP& A Regulation applied to the development (i.e. where there is an alternative solution relating to fire safety requirements), obtain a further compliance certificate or written report from a fire safety engineer with respect to the completed works as required by clause 153A of the EP& A Regulation.
8. Assess whether the application satisfies the requirements of the EP&A Regulation, including whether any pre-conditions of the development consent or CDC which are required to be met before an OC may be issued, have been met and (where building work has been carried out) whether the work is not inconsistent with the development consent).
9. Determine the application and prepare a notice of the determination.
10. If the certificate is granted, prepare and issue the OC.
11. Retain on the Council record all documents as required by the EP&A Regulation.

## Application for a Compliance Certificate

### Description of services

The Certifier will perform, on behalf of the Council, all work that is necessary to comply with relevant statutory requirements and to facilitate the timely determination of the application, including:

1. Conduct an inspection (by a Council accredited certifier) of any building work or subdivision work, if necessary.
2. Where appropriate, ascertain if a development consent or complying development certificate is in force with respect to building work or subdivision work which is the subject of the application.
3. If the Certificate is granted, prepare and issue a compliance certificate

## Compliance functions

The Council accredited certifier, will take such steps appropriate, to address any of the following matters relating to the development:

- a. non-compliance with the development consent
- b. the carrying out of work without development consent
- c. an unauthorised use of a building
- d. a breach of a law relating to the carrying out of work or the use of the land
- e. a threat to the safety of a person or a person's property
- f. any other matter he or she considers to be in the public interest to address.

Without limiting the actions that the Certifier may take, the Council accredited certifier, may:

- g. attend the site or nearby properties to inspect any issue of concern relating to the development
- h. confer with any person in relation to any issues of concern
- i. cause correspondence to be issued to any person

- j. refer any matter of concern to such persons or authorities they consider to be relevant to the matter, including the consent authority, NSW Fair Trading or an environmental protection agency
- k. issue notices or orders under section Division 9.3 of the EP&A Act

## Service Provided & Responsibilities of the Certifier (Council)

Under the EP&A Act a Principal Certifier has a range of functions, including:

- a. Ascertaining, before any building work has or subdivision work commences, that a construction certificate or complying development certificate has been issued for the work;
- b. Ascertaining, before any residential building work commences, that the principal contractor for the work is the holder of the appropriate licence and is covered by the appropriate insurance, in each case if required by the *Home Building Act 1989*, unless the work is to be carried out by an owner-builder;
- c. Where the work is being carried out by an owner-builder, ascertaining that the owner-builder is the holder of any owner-builder permit required under the *Home Building Act 1989*, before the owner-builder commences on the site any residential building work;
- d. Carrying out critical stage inspections of the building work or subdivision work as prescribed by the *Environmental Planning & Assessment Regulation 2000* (EP&A Regulation) or required by the Certifier, or ensuring that the inspections have been carried out by another certifying authority before issuing an occupation certificate or subdivision certificate for the building or work;
- e. Ensuring that any preconditions required by a development consent or complying development certificate are met for the work before the issue of an occupation certificate or subdivision certificate.

Council will:

- a. Make a written record of the inspections and provide a copy to the relevant owner and/or applicant via electronic transmission (e-mail).
- b. Advise the Client of the details of the work the subject of an unsatisfactory inspection and the need (if any) to carry out a reinspection.
- c. Notify the Client if any additional fees for inspection are required as a result of unforeseen contingency work or reinspection for incomplete or defective works. Fees will be levied and invoiced in accordance with Council's Fees and Charges and *Building Professionals Regulation 2007*.
- d. Issue determinations for OC's and subdivision certificates.

## Responsibilities of the Client

The Client, in appointing Singleton Council as the Principal Certifier agrees to:

- a. Pay all fees for services provided by the Principal Certifier or such fees and charges as required by another Authority, e.g. Fire & Rescue NSW.
- b. Ensure all arrangements are made for Council to carry out inspections of the building works at various stages indicated in Council's letter of acceptance of Principal Certifier appointment and the Construction Certificate.
- c. Ensure that notification, as required is provided of all required inspections.
- d. Ensure that building work is ready for inspection by 9.30am on the day of inspection. Note: Should a specific inspection time or site access be required this may be arranged, subject to availability, by speaking with the relevant Council Accredited Certifier between 9.00am and 9.30am on the day of the inspection.  
Where a reinspection is required as a result of defective or incomplete works the Client shall make payment of the appropriate reinspection fee as prescribed in Council's Fees and Charges at Council's office.
- e. Where an inspection is required, the Client must ensure the relevant stamped approved plans and specifications, and other required details are on-site and/or available to the Principal Certifier. For example, where a timer floor, roof or wall frame inspection is required the relevant information must be provided such as roof truss specifications, tie-down and joint schedules, roof and wall bracing plans and specifications, wall insulation specifications, timber sizes schedules and the like.
- f. Before booking a final inspection and/or Occupation Certificate for a BASIX affected building, the Client must submit to Council a completed pre-final self-certification form. It is the responsibility of the applicants/builders/principal contractors to ensure all of the BASIX commitments have been fully met.

- g. Before booking a final inspection and/or Occupation Certificate for commercial buildings the Client must submit to Council all documentation required to be provided/submitted as part of the Development Consent/Construction Certificate or Complying Development Certificate requirements.
- h. Ensure that the erection of the building and/or works are in accordance with the development consent and construction certificate.

## Privacy Notification

The information provided may contain personal information as defined under the Privacy and Personal Information Protection Act 1998 (NSW). The purpose of collecting this information is to enable Council to consider matters under related legislation, issue related documentation where required and other associated matters as provided by law and will be utilised by Council officers in assessing the proposal and other associated activities. The information may also be made available to other persons in accordance with the relevant Acts and regulations, such as the Government Information (Public Access) Act 2009 (NSW) and will be stored in Council's record system.