



## Class 1 Developments SERVICE AGREEMENT

### APPOINTMENT OF BREWARRINA SHIRE COUNCIL AS THE PRINCIPAL CERTIFYING AUTHORITY

I/we (Applicants full name – please print) \_\_\_\_\_

Being the Applicant, authorise and appoint **Brewarrina Shire Council** as the **Principal Certifying Authority** for the following development (erection of building) pursuant to s109E of the Environmental Planning and Assessment Act 1979.

(Proposed building works) \_\_\_\_\_

at (Property description and location) \_\_\_\_\_

This Appointment is made in relation to the following approvals:

**Development Consent No or** \_\_\_\_\_

**Complying Development Certificate No** \_\_\_\_\_

**Construction Certificate No** \_\_\_\_\_

The **Applicant** acknowledges and accepts that in appointing **Brewarrina Shire Council** as the **Principal Certifying Authority** for the subject development:

- The **Applicant** will ensure that the site complies with all relevant OH&S legislation and that access to the site is not inhibited in any way to the **Council** for the purposes of undertaking inspections or any reinspections.
- The **Applicant** accepts that responsibility to ensure that its **Agents** are aware of the necessity for the inspections to be carried out prior to covering / concealing work, and where the inspections find that the project has deficiencies, that all necessary steps are taken to ensure that the rectification works are undertaken to allow the project to continue.
- The **Applicant** agrees to make payment of fees where reinspection is required, at the rate set in Council's Management Plan, prior to **Council** conducting further scheduled inspections or issue of Occupation Certificate.
- The **Applicant** accepts the responsibility to ensure that the building is not occupied prior to **Council** conduction a satisfactory final inspection.
- The **Applicant** agrees to comply with the provisions of the attached schedules for the purposes of standards of construction and submission of certificates.
- A number of inspections, as listed in schedule 1, will be undertaken by the (PCA) **Brewarrina Shire Council** for the purposes of satisfying itself that during stages of the construction the nominated work is being completed in accordance with the approved Development Consent, Construction Certificate/Complying Development Certificate, the Building Code of Australia and associated legislation.
- The **Applicant** agrees that they or their **Agent** will give Council not less than forty eight (48) hours prior notice for each inspection, and that the work will not be covered until the inspection has been carried out and the work passed by the Council.

#### Agreement

Applicant signature: \_\_\_\_\_ Date: \_\_\_\_\_

Contact Telephone Numbers: \_\_\_\_\_

Council agrees to provide PCA services as indicated below;

- to issue Construction Certificates, Compliance Certificates and Occupation Certificates where appropriate.
- To conduct inspections as required for the approved building works.

On behalf of Council : \_\_\_\_\_ Date: \_\_\_\_\_

## **Schedule 1 Specifies**

### **OBLIGATIONS OF THE CLIENT/APPLICANT**

The Client shall:

- Not engage any other PCA once Council has been appointed the PCA without first notifying Council in writing in accordance with the requirements of the Environmental Planning and Assessment Act 1979, as amended.
- Use competent licensed trades persons for all aspects of the building works.
- Provide Council with all relevant drawings, plans, specifications, documentation associated with the Development Consent/Complying Development/Construction Certificate including:
  - Structural engineer's details for all footings, slabs and structural steelwork
  - Bracing and tie-down details as required by the National Timber Framing Code Australian Standard 1684, prior to frame inspection.
- Provide all information that the client can obtain to enable Council to fulfil its obligations.
- Act in good faith, in a co-operative manner and in accordance with this agreement and statutory requirements.
- Ensure a stamped copy of the approved plans are on site at all times.
- Provide Council with a Notice of Commencement form, two (2) days prior to work commencing.

### **OBLIGATIONS OF THE PCA:**

#### **1. Issuing the Construction Certificates**

Council shall issue a construction certificate where appropriate:

- once all of the fees have been paid; and
- conditions of Development Consent required to be satisfied prior to issue of the construction certificate have been satisfied; and
- submitted plans and specifications indicate that the design and construction of the proposed building complies with the Development consent and the regulations; and
- submitted plans and specifications indicate compliance with the Building Code of Australia.

#### **2. Inspections**

Council shall nominate the specific inspections required for a development and notify the applicant with the notice of determination. Council shall carry out as many inspections as it considers necessary, in addition to those nominated in the inspection schedule, to satisfy itself that the development complies with approved plans and conditions of development consent.

**Note: Where works have been found to be incomplete or non-compliant additional inspections may be charged to the client/applicant at the rate nominated in Council's Management Plan.**

#### **SCHEDULE OF REQUIRED INSPECTIONS:**

1. Strip/blob footing, pier holes, preparations, prior to the placement of concrete.
2. Internal sewer pipes under water test.
3. Floor slab preparations with reinforcement in position, prior to the placement of concrete.
4. Floor framework, dampcourse and ant capping.
5. Internal hot and cold water plumbing, under pressure test of 1500Kpa (30 min.minimum).
6. Wall, roof framework, prior to erection of internal wall cladding.
7. Wet areas – Prior to covering of any water proofing in any wet areas
8. External sewer pipes under water test (including On-site disposal system).
9. Stormwater pipes.
10. Occupation inspection.
11. Final inspection, when all works required to finalise the development have been undertaken.

**Please Note: Failure to have the works inspected at the critical stage inspections listed above will result in non-issue of an occupation certificate for the building works.**

**Note: Details of the commencement of the runoff period for an insurance contract under the Home Building Act 1989 are contained in clause 48 (Period of cover) of the Home Building Regulations 1997.**

#### **3. Issuing the Occupation Certificate/Interim Occupation Certificate**

Council shall issue an Occupation Certificate for the building works when Council is satisfied that;

- Conditions of Development Consent or a Complying Development Certificate and this agreement have been complied with for the building works; and
- The building works are suitable for occupation or use in accordance with their classification under the Building Code of Australia; and
- All requirements of the Environmental Planning and Assessment Act and Local Government Act have been satisfied in relation to the development.

**Note: The issue of an Occupation Certificate may not be taken to mean that all requirements of the Development Consent have been complied with. You are advised to make enquiries with Council in regard to satisfactory compliance with all conditions of Development Consent.**

**Schedule 2 Specifies  
CONDITIONS FOR DEVELOPMENT AND CONSTRUCTION CERTIFICATE WORKS WHERE  
BREWARRINA SHIRE COUNCIL IS NOMINATED AS THE PRINCIPAL CERTIFYING  
AUTHORITY**

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| <b>CONDITIONS TO BE MET PRIOR TO COMMENCEMENT</b> |
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**GENERAL REQUIREMENTS**

1. Building work involving the use of electric or pneumatic tools or other noisy operations shall be carried out only between 7.00 am and 6.00 pm on weekdays and 8.00 am to midday Saturdays. No building operations shall be carried out on Sundays, public holidays or outside the stated times unless prior Council approval has been obtained beforehand.

**Reason: to reduce the noise nuisance to the occupants of neighbouring properties and to satisfy the requirements of the Protection of the Environment (Operations) Act 1997 and Council Policy.**

2. New or unoccupied work is to be provided with a sign clearly stating the following:

- Unauthorised entry is prohibited
- Builder/owner's name and licence number
- Street address
- Contact telephone number and after hours number
- Date of determination
- Consent number

**Reason: to maintain public safety and to identify the site and builder.**

3. The storage of materials or the placement of sheds is not permitted on footpaths, roadways or in reserves. Rubbish and building materials must be contained within the site in a suitable waste enclosure. The enclosure must be maintained throughout the project.

**Reason: to ensure public safety and protection of the environment.**

4. A temporary on-site toilet is to be provided and must remain throughout the project or until an alternative facility meeting Council's requirements is available on-site.

**Reason: to ensure the maintenance of public health.**

5. All soil erosion and sedimentation control measures are to be provided within the allotment boundaries, along the lower boundary of the site, or as directed by Council. These control measures are to be maintained at maximum operational capacity until the land is effectively stabilised upon completion of construction work. Council may issue infringement notices where measures are not provided or maintained.

**Reason: for environment protection, erosion control, flood prevention and pollution of land and/or stormwater systems.**

6. The dwelling is to be set out by a registered surveyor. A copy of the survey sketch indicating the position in relation to the boundaries, easements and rights of way is to be submitted to Council prior to requesting an inspection of slabs or footings.

**Reason: to ensure compliance with the requirements of the Development Consent/Complying Development Certificate and the Building Code of Australia.**

**FOOTINGS AND SITE PREPARATION**

7. Floor levels are to be established to prevent surface water entering the structure. Floor level is to be not less than 150 mm above the top of the sewer overflow gully, which is to be at least 75 mm above finished ground level or 25 mm above finished paving level where there is natural drainage away from the building.

**Reason: Requirement of the Building Code of Australia to ensure adequate floor height to minimise the risk of surface water and sewerage overflow entering the building, and the entry of surface water into Council's sewer.**

8. For timber floor construction a minimum underfloor clearance of 400 mm between finished ground level and any structural components or other obstructions; eg, bearers, joists or plumbing fixtures is to be maintained. Clearance may be reduced to 150 mm on a sloping site provided that the area of reduced clearance is not more than 2 m from a point with conforming clearance.

**Reason: Requirement of the Building Code of Australia to make adequate provision for visual inspections for termite activity and to provide for ventilation to the sub-floor areas.**

9. Footings and slabs are to be construction and maintained in accordance with the provision of Australian Standard 2870.1:1996.

**Reason: Requirement of the Building Code of Australia to ensure structural adequacy of the building.**

**DRAINAGE/PLUMBING/STORMWATER**

10. All plumbing and drainage (water supply, sanitary plumbing and drainage, stormwater drainage and hot water supply) is to comply with the Local Government (Approvals) Regulation 1999, Local Government (Water Services) Regulation 1999 and Australian Standard 3500 – National Plumbing and Drainage Code. Such work shall only be installed by a licensed plumber and is to be inspected and approved by Council prior to concealment.

**Reason: Requirement of the Building Code of Australia to ensure the maintenance of public health.**

11. Unauthorised entry into any confined space (eg, sewer or drainage manhole/pit) under the control of Bourke Shire Council is prohibited. Approval to enter such a space may be granted by an authorised Council officer upon application.

**Reason: to ensure the safety of tradespeople and the public.**

12. Hot water shall be stored at a minimum of 60<sup>0</sup>C and be delivered to all sanitary fixtures used for personal hygiene (bathrooms/ensuites) at a temperature not exceeding 50<sup>0</sup>C. Where tempering valves are installed, a sign is to be permanently fixed on the hot water heater adjacent to the tempering valve (clearly visible) indicating:

“A tempering valve has been installed to prevent scalding. This valve is to be renewed at intervals as recommended by the manufacturer.”

**Reason: Requirement of the Building Code of Australia to inhibit the growth of Legionella bacteria and to prevent scalding.**

13. Convey all stormwater to the street gutter or stormwater mains by way of a sealed pipe system using a suitable and size of UPVC piping.

**Reason: Requirement of the Building Code of Australia to prevent damage to property and to prevent unhealthy or dangerous conditions.**

## FRAME/INTERNAL

14. All timber framing shall be designed and secured to withstand wind and service loads as required by Australian Standard 1684 – Residential timber framed construction. Details of provision for bracing and tiedown are to be submitted to Council prior to requesting a frame inspection.

**Reason: Requirement of the Building Code of Australia to ensure the buildings structural.**

15. A system for termite management shall be provided to the building. The contractor or the builder responsible for installing the management system shall provide on completion, both the Council and the owner of the premises with a Certificate of Compliance. A durable notice is to be fixed to the building, in accordance with Australian Standard AS3660.1 – 2000 and Part 3.1 of the Building Code of Australia.

**Reason: Requirement of the Building Code of Australia to deter the concealed entry of termites.**

16. External doors are to be provided with landings/patios extending the full length of the door opening and not less than 1m wide where the height of the door threshold is more than 190 mm above the finished ground level.

**Reason: Requirement of the Building Code of Australia to provide for safe access and egress.**

17. An approved continuous balustrade/railing shall be provided to any landing, patio, veranda, balcony or stairway being at a height exceeding one(1) m above finished ground level.

- A minimum balustrade height of 1 m is required on landings – 865 mm on stairs/ramps.
- Opening in the balustrade are to be constructed on further apart that 125 mm.

**Reason: Requirement of the Building Code of Australia to provide for safe access and egress.**

18. Class 1 buildings are to be provided with an automatic fire detection and alarm system complying with Part 3.7.2 (Smoke Alarms) of the Building Code of Australia – Housing Provisions.

**Reason: Requirement of the Building Code of Australia to provide safeguards so that occupants are warned of a fire in the building so that they may safely evacuate.**

19. Wet areas are to be waterproofed in accordance with the Australian Standard AS3740-1994. Certification is to be provided to Council prior to occupation or use.

**Reason: Requirement of the Building Code of Australia to reduce the likelihood of damage to building elements or the creation of unhealthy or dangerous conditions.**

## SITE WORKS

20. Finished ground level shall be graded away from the buildings and adjoining properties to achieve natural drainage. Concentrated flows are to be dispersed down slope and contained within the allotment boundaries or are to be collected and discharged to the stormwater drainage system.

**Reason: Requirement of the Building Code of Australia to minimise the risk of surface water entering the structure or adjoining land.**

21. Provide a surface water drainage system to any excavated area. The drainage line shall be connected to the stormwater drainage system.

**Reason: Requirement of the Building Code of Australia to protect the building from damage caused by water entering the structure.**

22. Stormwater pits, sewer manholes, water hydrants, water shut-off valves, water meter boxes and sewer inspection shafts are initially installed flush with the ground level. These services are not to be covered by driveways, paths, landscaping or the like.

NOTE: Any alterations to these services are at the expense of the applicant/owner. If Council is required to alter these services, this will also be at the owners expense.

**Reason: to ensure that Council's services are readily accessible for maintenance and to advise owners that Council will pursue recovery of costs for damage or concealment of infrastructure.**

23. A retaining wall or other approved method of preventing soil movement is to be provided to all cut or filled areas to provide support for buildings on the land and neighbouring property. All cut and fill is to be undertaken with the boundaries of the allotment to which the approval relates. Full details of any retaining walls or other approved method of preventing soil movement and associated drainage are to be submitted to and approved by the Council prior to construction commencing.

**Reason: Requirement of the Building Code of Australia to ensure retaining walls are constructed in accordance with accepted building practice.**

24. Provide a layback in accordance with Council policy to suit the driveway indicated on the approved plan. The driveway grade between the property boundary and the kerb invert level shall be 4%. Where Council considers the access unsatisfactory, Council may order its removal.

**Reason: to ensure satisfactory access to the property and to protect Councils assets.**

#### **VENTILATION**

25. Kitchen exhaust fans must not discharge into the roof space. A continuous metal duct is to be used to allow the exhaust to discharge directly to the outside air.

**Reason: Requirement of the Building Code of Australia to minimise the risk of the kitchen fire spreading to the roof space and ensure proper operation of the fan.**

26. Provide an exhaust installation ducted directly to the outside air and wired in parallel with the light switch to any internal sanitary compartment or bathroom not provided with natural ventilation complying with the Building Code of Australia.

**Reason: Requirement of the Building Code of Australia to provide adequate direct ventilation to the enclosed area and to ensure that there are not adverse effects on the occupants.**

#### **ON-SITE SEWAGE MANAGEMENT (where applicable)**

27. The construction and installation of the on-site sewage management system shall be in accordance with Australian Standard 1547 (Domestic Waste Water Management), the Environmental & Health Protection Guidelines – Onsite Sewage Management for Single Households, and any additional requirements of the Council.

**Reason: To comply with Clause 47 of the Local Government (Approvals) Regulation, 1993.**

28. Where an Aerated Waste Water Treatment System is installed proof of the existence of a quarterly service contract between the authorised service agent and the owner shall be provided to Council prior to the commissioning of the system.

**Reason: To provide evidence that the aerated waste treatment system will be serviced by a trained, competent person/company and to clearly identify that person/company.**

29. Where an Aerated Waste Water Treatment System is installed the land application area shall be fenced and have a sign placed next to it that reads:

**“RECLAIMED EFFLUENT – DO NOT DRINK – AVOID CONTACT”**

**Reason: to preserve the health of the occupants by making it clear that contact with reclaimed effluent is not advisable.**

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| <p style="text-align: center;"><b>THE FOLLOWING CONDITIONS ARE TO BE MET PRIOR TO THE ISSUE OF A FINAL OR INTERM OCCUPATION CERTIFICATE</b></p> |
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30. The use or occupation of the approved development must not commence until all conditions of development consent have been complied with and a satisfactory final inspection has been undertaken.

**Reason: to ensure compliance with the requirements of the Environmental Planning and Assessment Act, 1979 and the Local Government Act, 1993.**

Council will consider the following matters in the issue of a Final/Occupation Certificate  
Inspection Checklist

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|---|--|
| <input type="checkbox"/> Compliance with Approval conditions<br><input type="checkbox"/> Previous Inspection<br><input type="checkbox"/> Check plan against building<br><input type="checkbox"/> Smoke alarms installed<br><input type="checkbox"/> Operations of doors/windows<br><input type="checkbox"/> Plumbing fixtures operate<br><input type="checkbox"/> Water hammers<br><input type="checkbox"/> Check for leaks<br><input type="checkbox"/> Secure fixtures<br><input type="checkbox"/> Grading of tiled floors<br><input type="checkbox"/> Shower Screen<br><input type="checkbox"/> Adequate water pressure<br><input type="checkbox"/> Cooking facilities installed<br><input type="checkbox"/> Manhole access to roof space/underfloor access door<br><input type="checkbox"/> Mechanical exhaust ventilation (to enclosed WC, bath, laundry, kitchen)<br><input type="checkbox"/> Electricity connected<br><input type="checkbox"/> Water connected<br><input type="checkbox"/> Sanitary drainage connected<br><input type="checkbox"/> Painting – external/internal<br><input type="checkbox"/> All building waste removed<br><input type="checkbox"/> All builders sheds etc removed<br><input type="checkbox"/> Hot water heater support and overflow<br><input type="checkbox"/> Septic tank/AWWTS (check approval conditions)<br><input type="checkbox"/> Height of floor/ground level<br><input type="checkbox"/> Finished ground graded away from house<br><input type="checkbox"/> Height of overflow gully<br><input type="checkbox"/> Coping to gully and inspection shaft | <input type="checkbox"/> Surface water inlet sumps – low areas<br><input type="checkbox"/> Surface waters directed clear of adjoining property<br><input type="checkbox"/> Retaining walls<br><input type="checkbox"/> Landings to external doors<br><input type="checkbox"/> Railing/balustrades to landings $\geq$ 1m<br><input type="checkbox"/> Flashing of roof penetrations<br><input type="checkbox"/> House number<br><input type="checkbox"/> Water meter and box<br><input type="checkbox"/> Access/layback<br><input type="checkbox"/> Stormwater discharge<br><input type="checkbox"/> Grated drain to front of garage<br><input type="checkbox"/> Council's service exposed/undamaged<br><br><p><b>CERTIFICATES</b></p> <input type="checkbox"/> Termite Certificate<br><input type="checkbox"/> Wet Area Flashing Certificate<br><input type="checkbox"/> All structural certificates received<br><br><input type="checkbox"/> Builder/owner – on site/contacted<br><br><p><b>DA CONDITIONS</b></p> <input type="checkbox"/> Compliance with Development Approval conditions<br><input type="checkbox"/> Final survey detailing boundary and eaves setback (if required by Conditions of Approval) |
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**Note:** Upon completion of construction all certification certificates are to be provided to Council prior to the final inspection being undertaken.

**Note:** The issue of an Occupation Certificate may not be taken to mean that all requirements of the Development Consent have been complied with. You are advised to make enquiries with Council in regard to satisfactory compliance with all conditions of Development Consent.