



APPLICATION FOR ASSESSMENT OF ILLEGAL WORKS

To the Consulting Building Surveyor:

Comet Trail Pty Ltd

Applicant Details: Agent / Owner

Name:

Postal Address: Postcode

Address for serving or giving of documents

Postcode

Contact Person: Phone (BH) Fax

E-mail: Mobile

Ownership Details (only if agent of owner listed above)

Owner (as shown on title)

Postal Address Postcode

Contact Person Phone Fax

Email Mobile

Property Details

Number St/Rd Suburb/Town Postcode

Lot/s LP/PS Volume Folio

Section Crown Allotment Parish County

Municipal District Allotment Area m²

Builder

Name

Postal Address Postcode

Contact Person Phone Fax

Email Mobile

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Building Practitioners and / or Architects

(a) who completed the building work

| Name | Category/Class | Registration No |
|------|----------------|-----------------|
| | | |
| | | |

(b) who have been engaged to prepare documents submitted with this application

| Name | Category/Class | Registration No |
|------|----------------|-----------------|
| | | |
| | | |

Nature of Building Work (tick applicable or give other description)

- | | |
|-------------------------------------|---------------------------------------|
| Constructed a new building | Extension to an existing building |
| Alterations to an existing building | Change of use of an existing building |
| Demolition of a building | Removal of a building |
| Re-erection of a building | Other _____ |

Use of building

Owner Builder Yes No Estimated Cost of Works \$ _____
Estimated cost of works to include labour and materials.

or

Registered Builder Contract Price \$ _____

History of building work

When were illegal works started: _____
What stage are illegal works at: _____
When was works completed: _____

Signature

Signature of owner or agent Date

Name of Signatory

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ILLEGAL WORKS

This agreement is for the provision of professional building surveying and consulting services whereby the following:

Owner / Agent:

Address:

Phone:

Mobile:

Fax:

E-mail Address:

Description of Building Work:

Project Address:

Appoints

Comet Trail Pty Ltd Trading as Nepean Building Permits & Consultants

Of

Shop 1-5 / 1283 Point Nepean Road, Rosebud 3939

To provide professional consulting services in relation to the above project and shall pay the fees as nominated hereunder and accepts the appointment pursuant to the following terms and conditions:

1. SCOPE OF APPOINTMENT - SERVICES OF CONSULTING BUILDING SURVEYOR

Stage 1 – Carry out a site inspection to assess the 'as built' works for compliance with the Building Regulations and National Construction Code (current editions) & planning provisions of the 'Victorian Planning Scheme'.

Stage 2 – Assess documentation submitted in response to building notices / orders issued by council (if applicable) and discuss outcomes with client, relevant consultants and council.

Stage 3 - Issue a 'statement of compliance' for the 'building works' upon satisfactory justification of the building work being achieved.

Please Note: If a Building Permit is required to complete the building works, Comet Trail Pty Ltd will NOT be able to carry out this function under the Building Act 1993 (as assessment of Illegal works is deemed consultancy to part of the design process).

FEES -Consulting fees for services nominated in scope of appointment above

DEPOSIT - PAYABLE AT APPOINTMENT STAGE- To be quoted

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2. SCOPE OF APPOINTMENTS (IN DETAIL)

Stage 1

- Client to provide photos of illegal works or working drawings.
- Client to provide copy of building notice / order as issued by council (if applicable.)
- Comet Trail Pty Ltd to obtain property information and services details as required for applicable site.
- Comet Trail Pty Ltd to carry out site inspection of illegal works and provide a preliminary report listing regulatory defects, recommendations and a summary of what is required to seek removal of the building notice / order issued by council (as applicable.)

Stage 2

- Review illegal works documentation as submitted by owner / agent in preparing for certification of documentation to seek removal of building notice / order as issued by council (if applicable.)
- Consider and if possible prepare any dispensations or alternative solution applications for submission to Municipal Building Surveyor of council to consider.
- Provide summary report of status of illegal works assessment and confirm what is outstanding to enable submission to council. This will include engineers certification – inspection for any insitu concrete footings/slabs/pads, etc.

Stage 3

- Review illegal works documentation leading to 'certification of architectural plans' for submission to council.
- Carry out site final inspection to ensure compliance on site as required.
- Review documentation and final inspection paperwork leading to certification of 'final inspection' for submission to council.
- Seek cancellation of building notice / order as issued by council.

3. WHAT THESE FEES INCLUDES:

- Professional consultation (within the scope of appointment).
- Carrying out of an initial site inspection to determine compliance and or non-compliance of illegal building works.
- Assessment of provided documentation in relation to the Building Notice / Building Order.
- Certification of building works design documents (if compliance is achieved). Not certification of inspections (other than a final inspection).

4. WHAT THESE FEES DO NOT INCLUDE:

- Certification of any concrete footings, slabs or any underground works. A structural engineer needs to provide this.
- Carrying out any works outside the scope of the role of a consultant building surveyor.
- Building Permit (if required) for any new building works or rectification of illegal works.
- Guarantee that the illegal building works as built complies with the building regulations.
- Guarantee that the building notice / order will be cancelled by council.
- Preparation of any 'design documents'.

5. OTHER SERVICES TO BE PROVIDED OR OTHERWISE REQUIRED & APPLICABLE FEES

- | | |
|--|-----------------------------|
| • Obtaining property information & services details | \$cost + Administration fee |
| • Title Searches, etc | \$cost + Administration fee |
| • Photocopy / Correspondence | \$cost + Administration fee |
| • Preparation of performance solutions or dispensation applications for consideration of Municipal Building Surveyor | \$300 + GST / hour |
| • Certification of inspections of stages that are not able to be verified as built | \$Discretion of Consulting |
| • Administration | \$66 per hour |

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6. PAYMENT

- Deposit of all payments will be required prior to starting review of each stage and at discretion of Consulting Building Surveyor.

7. ENTIRE AGREEMENT AND NO REPRESENTATIONS

- These terms and conditions constitute the entire agreement between Comet Trail Pty Ltd and the Client and no reliance may be placed by the Client upon any oral discussions or representations made prior to or at the time of signing this agreement. The Client will make no claim or demand in relation to any such representations either at common law or alleged breach of the Trade Practices Act 1974 (Commonwealth) or the Fair Trading Act 1985 (Vic).

8. DEBT COLLECTION

- Failure to pay fees when due will incur additional costs and the Client shall be liable to pay any debt collection fees and costs that may arise as a result of late or non-payment of fees.

9. CONDITIONS

- Deposit payments are not the total fees. Comet Trail Pty Ltd reserves the right to charge any additional fees that may be applicable at any stage through the process of considering illegal works.
- Where additional building works are required such as rectification or completion of illegal works, a new building permit will be required to be issued prior to starting works. An independent Building Surveyor will need to be engaged for the Building Permit.
- Each council may have a different approach to satisfying illegal works as built. Comet Trail Pty Ltd will not be held responsible for council decisions and interpretation of the building regulations in relation to satisfying a building notice / order.
- Comet Trail Pty Ltd may refuse to carry out any further assessments at any time in writing. Any outstanding deposit monies will be refunded.
- It is not the responsibility of this office to chase compliance of the building notice / order as issued by council. This responsibility lies solely with the owner/agent of owner.
- After a period of 6 months this agreement may be terminated by Comet Trail Pty Ltd if no substantial progress has been made by the client in resolving any issues or matters in relation to complying with the Building Notice/Order issued by the Municipal Building Surveyor.
- Comet Trail Pty Ltd are not responsible for any government legislation that may change the process of assessment of illegal works that is introduced after the date of the agreement.

EXECUTED BY THE PARTIES AS AN AGREEMENT

Signed (Client):

Date

Name for and on behalf of client:

Signed (Comet Trail Pty Ltd):

Date

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