
**CERTIFICATION DEED POLL
OF THE CERTIFIER**

- In favour of: Council of the City of Gold Coast
of 135 Bundall Road, Bundall in the State of Queensland
(the “**Council**”); and
- Minister for Economic Development Queensland
of Level 4, 229 Elizabeth Street, Brisbane in the State of Queensland
(the “**MEDQ**”)
- By: The entity named in Item 1 of Schedule A
(the “**Entity**”)
- And by: The person named in Item 2 of Schedule A
(the “**Certifier**”)

RECITALS

- A. The development proponent intends to make to the City the PDA development application stated at Item 3 of Schedule A (the “**Application**”) in respect of the land stated at Item 4 of Schedule A (the “**Land**”).
- B. If the PDA development approval is granted by the City, there may be some works or other matters that are required to be assessed in accordance with the *Economic Development Act 2012* Certification Procedures Manual (the “**Manual**”).
- C. The development proponent has requested the City nominate the Certifier as a certifier for the works and other matters that may be subject to assessment in accordance with the Manual, under any PDA development approval that may be issued in respect of the Application.
- D. The Entity and the Certifier make this Deed Poll in favour of the City and MEDQ in accordance with the requirements of the Manual.

This Deed Poll provides:

1. CERTIFIER

- 1.1 The Certifier is an **employee/contractor/consultant/partner of/in** the Entity.
- 1.2 The Certifier has the relevant educational and professional qualifications stated at Item 5 of Schedule A.
- 1.3 The Certifier’s professional registration details are as stated at Item 6 of Schedule A.

2. PRE-APPLICATION STAGE

The Certifier must prior to the Application being made by the owner/development proponent, advise the City of the relevant standard or standards which the works or other matters that will be subject to assessment under the Manual must meet and which will be nominated in the PDA development conditions.

3. POST-DECISION STAGE

If a PDA development approval is granted by the City for the Application, the Certifier must:-

- 3.1 complete the pre-construction certification form in accordance with the Manual and provide it to the project coordinator;
- 3.2 confer with other certifiers nominated in the PDA development approval to ensure there are no conflicts between the standards to be achieved in different certification disciplines as soon as practicable after they arise and in consultation with the project coordinator;
- 3.3 certify the works or other matters that are subject to assessment under the Manual, if they comply with the City development approval granted for the Application, including completing post-construction certification form in accordance with the Manual and providing it to the project coordinator;
- 3.4 notify the project coordinator in writing as soon as practicable after the Certifier becomes aware of any non-conformances with the PDA development conditions; and
- 3.5 assist the project coordinator as necessary with the completion of the post-construction certification form in the Manual.

4. GENERAL OBLIGATIONS AND RESPONSIBILITIES

- 4.1 At all times the Certifier must:
 - (a) ensure that all documents prepared by the Certifier and to be given to the City do not to the best of his or her knowledge contain information that is false or misleading; and
 - (b) advise the City in writing immediately on becoming aware that any document given to the City (whether or not prepared by the Certifier) contains information that is false or misleading.
- 4.2 The Certifier must carry out his or her responsibilities and obligations under this Deed Poll with due care, skill and diligence.
- 4.3 To remove any doubt, this Deed Poll does not limit any of the responsibilities and obligations of the Certifier under any PDA development approval, the *Economic Development Act 2012* or otherwise at law.
- 4.4 The Certifier acknowledges and accepts that the City is entitled to and will rely on
 - (a) the certifications given by the Certifier and the representations contained therein; and
 - (b) the Certifier complying with his or her obligations under this Deed Poll.

5. INSURANCE

- 5.1 The Entity must hold and maintain for the Term of the Deed
- (a) professional indemnity insurance for \$5,000,000.00 from an insurer and on terms acceptable to the City;
 - (b) public liability insurance to the value of \$20,000,000.00 from an insurer and on terms acceptable to the City; and
 - (c) any other insurance required by law, from an insurer and on terms acceptable to the City.
- 5.2 The insurance policies held and maintained by the Entity must cover the acts or omissions of the Certifier.
- 5.3 The details of the insurance held by the Certifier as required by this Deed Poll are stated at Item 7 of Schedule A.
- 5.4 The Certifier must produce a copy of an insurance policy following a request by the City.

6. TERM OF DEED

- 6.1 This Deed Poll is in effect for a period of ten (10) years from the date it is signed by the Certifier (the "**Term of the Deed**").
- 6.2 This Deed Poll may not be revoked or amended without prior written notice being given to the City.

7. DEFINITIONS

- 7.1 Terms used in this Deed Poll and not separately defined but which are defined in the Manual, have the meaning assigned to them by the Manual.

SCHEDULE A

Item	Reference	Description
1.	Entity	(a) Name _____ (b) Address _____ _____
2.	Certifier	(a) Name _____ (b) Address _____ _____
3.	Proposed PDA Development Application	_____ _____

4.	Land	(a) Real property description _____	
		(b) Address _____ _____	
5.	Certifier's relevant educational and professional qualifications (Documentation may be attached to this Deed Poll, if necessary)	_____ _____ _____	
6.	Certifier's professional registration	_____ _____ _____	
7.	Insurance	(a) Professional indemnity insurance	
		Amount (must not be less than \$5,000,000.00)	_____ _____
		Provider:	_____ _____
		Policy number:	_____ _____
		Date of commencement of policy:	_____ _____
		Expiry date	_____ _____
		(b) Public liability insurance	
		Amount (must not be less than \$20,000,000.00)	_____ _____
		Provider:	_____ _____
		Policy number:	_____ _____
		Date of commencement of policy:	_____ _____
		Expiry date	_____ _____

7.	Insurance cont	(c) Other insurance	
		Amount	
		Provider:	
		Policy number:	
		Date of commencement of policy:	
Expiry date			

EXECUTED AS A DEED POLL BY THE ENTITY

EXECUTED as a DEED POLL BY)
 [INSERT NAME OF COMPANY AND ACN])
 this day of 20.... in)
 accordance with the *Corporations Act 2001*)
)

Director

Director / Secretary

EXECUTED AS A DEED POLL BY THE CERTIFIER

SIGNED SEALED AND DELIVERED by
 [NAME], in the presence of:)
)
)

(Witness – Signature)

(Certifier – Signature)

(Witness – Print Name)

on:

(Date)

Disclaimer

The information collected on this Agreement will be used by the Council of the City of Gold Coast in accordance with the assessment of your PDA development application and in relation to the works that may be undertaken in accordance with a PDA development approval that is issued. Your personal details will not be disclosed for a purpose outside the planning process, except where required by legislation including the Right to Information Act 2009) or required by Parliament. This information may be stored in the City's database. The information collected will be retained as required by the Public Records Act 2002. Its contents should not be construed that the City would approve or refuse this application.