

# **Certification Procedures Manual**

**Version 4**

**Effective 16 October 2017**

© The State of Queensland, October 2017. Published by the Department of Infrastructure, Local Government and Planning, 1 William Street, Brisbane Qld 4000, Australia.



**Licence:** This work is licensed under the Creative Commons CC BY 4.0 Australia licence. To view a copy of the licence, visit <http://creativecommons.org/licenses/by/4.0/>. Enquiries about this licence or any copyright issues can be directed to the department by email to [info@dilgp.qld.gov.au](mailto:info@dilgp.qld.gov.au) or in writing to PO Box 15009, City East, Qld 4002.

**Attribution:** The State of Queensland, Department of Infrastructure, Local Government and Planning.

The Queensland Government supports and encourages the dissemination and exchange of information. However, copyright protects this publication. The State of Queensland has no objection to this material being reproduced, made available online or electronically but only if it is recognised as the Owner of the copyright and this material remains unaltered.



The Queensland Government is committed to providing accessible services to Queenslanders of all cultural and linguistic backgrounds. If you have difficulty understanding this publication and need a translator, please call the Translating and Interpreting Service (TIS National) on 131 450 and ask them to telephone the Queensland Department of Infrastructure, Local Government, and Planning on 13 QGOV (13 74 68).

**Disclaimer:** While every care has been taken in preparing this publication, the State of Queensland accepts no responsibility for decisions or actions taken as a result of any data, information, Statement or advice, expressed or implied, contained within. To the best of our knowledge, the content was correct at the time of publishing.

Any references to legislation are not an interpretation of the Law. They are to be used as a guide only. The information in this publication is general and does not take into account individual circumstances or situations. Where appropriate, independent legal advice should be sought.

An electronic copy of this document is available on the Department of Infrastructure, Local Government and Planning's website at [www.dilgp.qld.gov.au](http://www.dilgp.qld.gov.au).

Document Name	Current version	Date	Author	Amendment	Approval
Certification Procedures Manual	1	July 2012	Con de Groot		Steve Conner
Certification Procedures Manual	2	September 2013	Kim Stone David Elliott	Updated to reflect ED Act and minor operational changes	Steve Conner
Certification Procedures Manual	3	September 2013	Elizabeth Hussey	Amendments to attachments 10.1 and 10.3	Steve Conner
Certification Procedures Manual (D17/180377)	4	8 September 2017	Linda Morris	Updated to provide further detail about the certification process	Greg Chemello

**Economic Development Queensland**  
GPO Box 2202  
Brisbane QLD 4001  
tel 13 QGOV (13 74 68)

[www.edq.qld.gov.au](http://www.edq.qld.gov.au)

# 1 Contents

1	Contents .....	4
2	Background.....	6
3	Purpose .....	7
4	Application of certification process.....	8
5	Scope of certification process .....	9
6	Parties to certification process .....	10
7	Standards .....	11
8	Development process .....	12
9	Stages of development process.....	13
9.1	Pre-application stage .....	13
9.2	Application stage.....	13
9.3	Pre-construction stage .....	13
9.4	Construction stage .....	14
9.5	Post-construction stage.....	14
10	Procedures .....	15
10.1	Pre-construction stage .....	15
10.1.1	Appointment of parties.....	15
10.1.2	Insurance.....	15
10.1.3	Pre-construction documents.....	15
10.1.4	Risk Assessment analysis .....	16
10.1.5	Duration of Certification Deed Poll .....	16
10.1.6	Commencement of construction.....	16
10.1.7	Responsibilities and submission requirements.....	17
10.2	Construction stage .....	20
10.2.1	Construction coordination.....	20
10.2.2	Early plan sealing for reconfiguring a lot .....	20
10.2.3	Early plan sealing and bonding documents.....	21
10.2.4	Acceptable Security .....	21
10.2.5	Recourse to Uncompleted Works Bond .....	22
10.2.6	Reduction of completed works bond .....	22
10.2.7	Discharge of Uncompleted Works Bond.....	23
10.2.8	Sale or assignment by the Development Proponent .....	23
10.2.9	Responsibilities and submission requirements.....	23
10.3	Post-construction stage.....	25
10.3.1	Post-construction certification.....	25
10.3.2	Post-construction documents .....	25
10.3.3	On-Maintenance .....	25
10.3.4	Maintenance Period.....	26
10.3.5	Maintenance Bond.....	26
10.3.6	Acceptable Security .....	26
10.3.7	Recourse to Security .....	27
10.3.8	Off-Maintenance .....	27
10.3.9	Sale or assignment by the Development Proponent .....	28
10.3.10	Handover of assets.....	28
10.3.11	Responsibilities and submission requirements.....	29

11	Infrastructure Agreements .....	31
12	The MEDQ audit .....	32
13	Offences and penalties .....	33
	13.1 Unauthorised work .....	33
	13.2 Penalties .....	33
	13.3 Non-compliance with CPM.....	33
14	Definitions and interpretation .....	34
	14.1 Definitions .....	34
	14.2 Interpretation .....	37
15	Privacy statement .....	39
16	Contact .....	40
	Schedule 1 – Pre-construction stage template documents .....	41
	Schedule 2 – Construction stage template documents .....	42
	Schedule 3 – Post-construction stage template documents.....	43
	Schedule 4 – Consolidated responsibilities and submission requirements .....	44

## 2 Background

The main purpose of the *Economic Development Act 2012* (the Act) is to facilitate economic development and development for community purposes in Queensland. The Act seeks to achieve this by establishing the Minister for Economic Development Queensland (MEDQ) and providing for a streamlined planning and development framework for those parts of the State declared as Priority Development Areas (PDAs).

Within declared PDAs, the MEDQ assumes the planning powers of local government and some State agencies, including the power to assess and decide PDA development applications.

The MEDQ may assess a PDA development application against an interim land use plan (ILUP) or a PDA development scheme for the following aspects of development:

- a) making a Material Change of Use of premises (i.e. starting a new use, increasing the intensity of a use or re-establishing an abandoned use)
- b) reconfiguring a lot (i.e. subdivision, rearranging boundaries, creating an access easement)
- c) carrying out building work
- d) carrying out plumbing work or drainage work, and
- e) carrying out operational work (i.e. clearing vegetation, land filling or excavation).<sup>1</sup>

A PDA development approval is required before PDA assessable development is undertaken. The MEDQ may impose PDA development conditions on a PDA development approval in relation to aspects of the development to ensure compliance against nominated standards.

The Act also provides a mechanism for managing development that is associated with, but located outside, a PDA (PDA-associated development) identified through a process of declaration by the MEDQ or specific mention in an ILUP or PDA development scheme. This development may include external infrastructure, such as the extension of a water or sewer main outside the PDA, to address the impacts of development proposed inside the PDA and required for orderly development of the PDA.<sup>2</sup>

MEDQ has no role in assessing or approving works that are not within a PDA or are not defined as PDA-associated development. In these circumstances, approval must be sought from the relevant local government.

**Within declared PDAs, the MEDQ assumes the planning powers of local government and some State agencies, including the power to assess and decide PDA development applications.**

---

<sup>1</sup> Section 33 of the Act

<sup>2</sup> For more information, including the type of information required to support a decision for declaration of the development, refer to PDA Guideline 'Introduction to PDA-associated development' at <http://www.dilgp.qld.gov.au/resources-ilgp/fact-sheet-guidelines/priority-development-areas-guidelines-and-practice-notes.html>.

### 3 Purpose

The Certification Procedures Manual (CPM) was developed by the former Urban Land Development Authority (ULDA) in direct response to the development industry's criticism of planning authorities' approval processes being slow, uncertain and resistant to innovation.

The CPM aims to establish clear and certain performance-based certification processes relating to the design, construction and delivery of infrastructure requiring assessment under a condition of a PDA development approval. Generally, these conditions will relate to the delivery of Contributed Assets but they may also relate to other Non-Contributed Assets (such as Landscaping Works, private car parking areas and private realm amenity areas accessible by the public).<sup>3</sup>

The CPM has been acknowledged by the Planning Institute of Australia as successful in achieving its purposes.<sup>4</sup>

Notwithstanding this acknowledgement, Economic Development Queensland (EDQ), a division of the Department of Infrastructure, Local Government and Planning (the Department), has reviewed and updated the CPM in response to feedback on its operation and effectiveness received from industry, local governments and external authorities.

The review:

- a) is informed by practical experience and feedback received since the CPM's introduction
  - 1. addresses drafting inconsistencies
  - 2. improves forms and deeds
- b) provides greater clarity regarding:
  - 1. the operation of the certification process, and
  - 2. the responsibilities of each party for design, construction and asset handover processes,to better manage risk across a broader range of works.

**The CPM seeks to encourage innovation and reduce the time, cost and uncertainty of operational works approvals for contributed assets, whilst ensuring those assets are fit for purpose and meet accepted standards.**

---

<sup>3</sup> The CPM may be downloaded at <http://www.dilgp.qld.gov.au/resources>

<sup>4</sup> Planning Excellence 2011 Queensland Awards – 'Improving Planning Processes and Practices'

## 4 Application of certification process

A PDA development scheme or ILUP may provide for the carrying out of operational works as self-assessable development in accordance with the agreed standards set out in a PDA development approval.<sup>5</sup> Where this is the case, the MEDQ's delegate may approve a PDA development application for material change of use and/or reconfiguring a lot subject to PDA development conditions which relate to the carrying out of operational works. The MEDQ may also issue a PDA development permit for operational works which is not associated with a material change of use or reconfiguring a lot. In either of these circumstances, a PDA development condition may require the works comply with the processes and responsibilities set out in the CPM.

Streamlining the development assessment process in this way may lead to substantial efficiencies in the delivery of development, with benefits including:

- a) greater opportunity for performance outcomes and innovation
- b) reduced approval timeframes
- c) cost savings, as there are presently no additional lodgement fees associated with the certification process under the CPM
- d) ability to commence earlier construction
- e) reduced holding costs for the Development Proponent
- f) lower land costs for the ultimate property Owners, and
- g) less demand on development assessment resources.

A Development Proponent may still lodge an application for stand-alone operational works. The certification process may apply to the construction activities in these circumstances if required by the PDA development conditions.

An Infrastructure Agreement may also apply the requirements of the CPM with some variation.

**The primary benefit of the CPM is the streamlining of the operational works approval process. Once a planning approval is obtained the delivery of the project through the CPM process is controlled by the Development Proponent as there are generally no other planning and/or operational works approvals required. This reduces holding costs by reducing the timeframe from planning approval to delivery of the site.**

---

<sup>5</sup> The CPM is a supporting document and does not form part of an ILUP and PDA development scheme.

## 5 Scope of certification process

The certification process applies to the pre-construction, construction and post-construction stages of a development following the issue of a PDA development approval requiring operational work to be undertaken in accordance with the CPM.

The process under the CPM will vary depending on the risks identified for a proposed development. This allows Development Proponents greater flexibility in how the defined standards of work will be achieved but requires them to demonstrate:

- a) how development impacts are adequately managed, and
- b) that contributed assets and non-contributed assets are properly constructed and delivered complying with the standards, policies and guidelines nominated in the PDA development conditions or obligations under an Infrastructure Agreement.

The CPM manages risk and accountability through a range of measures, including the approval of the competence of key participants and a range of penalties for non-compliance.

The disciplines that may use the certification process include:

- a) landscape architecture, such as private and public landscape areas
- b) civil engineering
- c) geotechnical engineering
- d) environmental engineering, such as noise attenuation measures
- e) ecological matters, such as vegetation management, and
- f) any other discipline identified in a PDA development condition.

**The CPM manages risk and accountabilities through a range of measures, including the approval of the competence of key participants and range of penalties for non-compliance.**

## 6 Parties to certification process

There are five identified parties associated with the successful delivery of the certification process:

1. **Development Proponent** – is responsible for appointing the Project Coordinator, Certifier and any Project Auditor required by the certification process. The Development Proponent is ultimately responsible for overall compliance with the obligations set out in a PDA development approval and an Infrastructure Agreement.
2. **Project Coordinator** – is the primary point of contact for the processes and procedures under the CPM. This party is responsible for coordinating documentation and activities required by the CPM during the pre-construction, construction and post-construction stages. The Project Coordinator is required to be an independent party to the Development Proponent and have project management skills and demonstrated experience commensurate with the scale of the development. A civil engineer typically assumes this role.
3. **Certifier** – is responsible for certifying that the designed and constructed works comply with the PDA development conditions, obligations in an Infrastructure Agreement, relevant legislation, policies and standards. A PDA development condition may require appointment of more than one Certifier. The Certifier is required to be an independent party to the Development Proponent. Although a Development Proponent may nominate a Certifier as the Project Coordinator for the certification process, the MEDQ will typically only accept this dual appointment for relatively minor development. The Certifier must have the required technical qualifications in the discipline being certified and demonstrated experience commensurate with the scale of the development.
4. **Project Auditor** – is appointed by the Development Proponent for ‘high-risk’ activities identified in the Risk Assessment prepared by the Project Coordinator. This party is responsible for recommending management measures to reduce the identified project risks to an acceptable level. The Project Auditor is required to be an independent party to the Development Proponent.
5. **MEDQ** – is the assessment manager and regulator of development in a PDA and is responsible for determining whether to apply the CPM process to a development proposal. The MEDQ may delegate any, and all, of its functions for development assessment under the Act.

Section 10 of the CPM discusses these parties’ responsibilities in further detail. The parties’ responsibilities are also set out in Schedule 4 to the CPM.

**There are five parties associated with the successful delivery of the certification process, each with their own key roles and responsibilities.**

## 7 Standards

The PDA development conditions will generally nominate the technical standards and guidelines with which the operational works and/or other works are to comply.

By way of example, the nominated engineering standards for design and construction of service infrastructure works in a PDA are set out in PDA guideline number 13 – Engineering Standards.

The technical standards referenced in PDA Guideline number 13 and other PDA Guidelines<sup>6</sup> may vary over time. Unless otherwise agreed by the MEDQ, the parties must use the version current at the time the PDA development application is decided.

The technical standards referenced in the PDA guidelines are deliberately broad. A Development Proponent may propose alternative, innovative solutions in consultation with the MEDQ.

For complex development matters, however, the MEDQ may require the adoption of more stringent standards and policies to manage high order risks or refer to more development specific requirements, standards and/or guidelines in PDA development conditions. The parties should also be aware of the standards of any relevant External Authority, particularly relating to contributed assets.

An ILUP or PDA development scheme may also require application of different standards or the provision of a specific response.

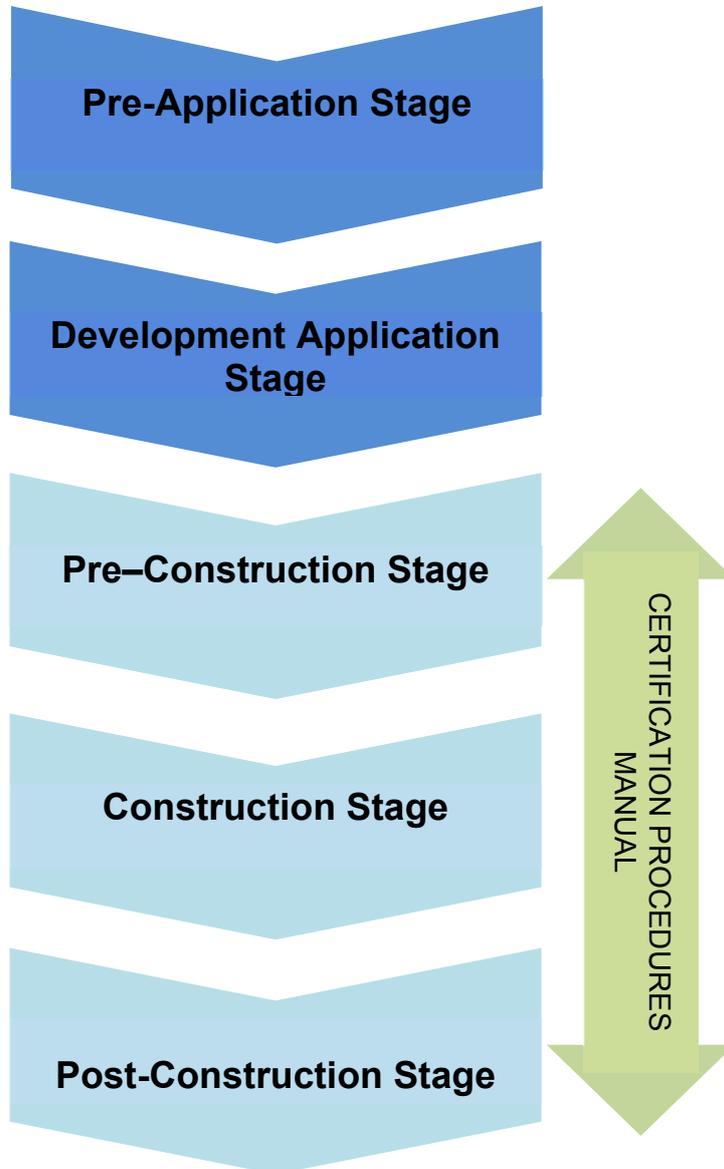
**Whilst the PDA development conditions will generally nominate the technical standards and guidelines with which the operational works and/or other works are to comply, a Development Proponent may propose alternative, innovative solutions in consultation with the MEDQ.**

---

<sup>6</sup> The PDA Guidelines may be downloaded at: <http://www.dilgp.qld.gov.au/resources>

## 8 Development process

The following flowchart outlines the development process from the pre-application stage through to the post-construction stage. The certification process comes into effect following the issue of the PDA development approval.



The certification process applies to the pre-construction, construction and post-construction stages of a development.

## 9 Stages of development process

The following stages of the development process seek to ensure that constructed infrastructure is of a standard to facilitate a smooth handover to any future asset Owner.

### 9.1 Pre-application stage

The pre-application stage is a critical part of the development application process and encourages pre-application meetings with the MEDQ and any relevant External Authority.

These meetings seek to reduce assessment timeframes by identifying and resolving complex or non-standard design issues prior to formal lodgement of an application.

For a Development Proponent and their consultants unfamiliar with the CPM, these meetings may provide valuable opportunities for gaining an understanding of the expectations and procedures relating to the certification of works, particularly where an agenda is prepared and distributed by the Development Proponent in advance of the meeting.<sup>7</sup>

### 9.2 Application stage

When the MEDQ has accepted the PDA development application as properly made, assessment will commence in accordance with the Act, ILUP or PDA development scheme and other relevant standards, policies and guidelines. If consistent with the relevant land use plan, the MEDQ's delegate may approve all, or part, of the PDA development application, subject to conditions.

The PDA development conditions will indicate whether the Development Proponent will be required to undertake development in accordance with the CPM.

### 9.3 Pre-construction stage

Following the issue of a PDA development approval and before commencement of the works, the Development Proponent must appoint suitably qualified and insured persons to carry out project coordination, certification of the works and other matters required by the PDA development conditions or obligations in an Infrastructure Agreement.

The Project Coordinator must have project management skills and demonstrated experience commensurate with the scale of the development. Certifiers must have the required technical qualifications in the discipline being certified and demonstrated experience commensurate with the scale of the development.

The works must not commence until the MEDQ has acknowledged and accepted the Pre-Construction Documents, including the appointment of the Project Coordinator and Certifier. Following this acceptance by the MEDQ, the Project Coordinator becomes the primary point of contact with the MEDQ for the delivery of the project.

Section 10.1 of the CPM discusses the pre-construction stage in further detail.

---

<sup>7</sup> For further information, see <http://www.dilgp.qld.gov.au/resources>.

## 9.4 Construction stage

The Works must accord with the requirements of the PDA development conditions and obligations of an Infrastructure Agreement.

If design changes are required during construction, the MEDQ will require certified plans to be re-submitted. Significant design changes may trigger the need for the Development Proponent to seek a change to the PDA development approval from the MEDQ.

The MEDQ may accept, at its discretion, the bonding of Uncompleted Works allowing for the early sealing of plans and registration of titles, subject to compliance with the procedures discussed in section 10.2.2 of the CPM.

Section 10.2 of the CPM discusses the construction stage in further detail.

## 9.5 Post-construction stage

Following construction of the Works, responsibility for maintenance of constructed infrastructure is transferred from the Development Proponent to the relevant External Authority using 'On-Maintenance' and 'Off-Maintenance' processes.

The Project Coordinator must lodge with the MEDQ the certified Post-Construction Documents in accordance with the requirements of the relevant PDA development approval or an Infrastructure Agreement as each of the primary construction phases are completed (i.e. roads, sewers and water) and arrange an On-Maintenance inspection with any relevant External Authority and the MEDQ. When defects identified in the inspection are rectified and all related requirements of the PDA development approval and Infrastructure Agreement fulfilled, the MEDQ will notify the Project Coordinator and any relevant External Authority that the works are accepted On-Maintenance as discussed in section 10.3.3 of the CPM.

During the Maintenance Period, the responsibility and liability for rectification of defects and maintenance of the works lies with the Development Proponent rather than the MEDQ or an External Authority.

At the expiration of the Maintenance Period, the Project Coordinator must arrange an Off-Maintenance inspection with any relevant External Authority and the MEDQ. When defects identified in the inspection are rectified and all related requirements of the PDA development approval and Infrastructure Agreement fulfilled, the MEDQ will notify the Project Coordinator and any relevant External Authority that the works are accepted Off-Maintenance. The MEDQ will release any Security held for maintenance purposes after this notification of acceptance is given as discussed in section 10.3.8 of the CPM.

Section 10.3 of the CPM discusses the post-construction stage in further detail.

**The five stages of the development process seek to ensure that constructed infrastructure is of a standard to facilitate a smooth handover to any future asset Owner.**

# 10 Procedures

## 10.1 Pre-construction stage

The following steps require completion during the pre-construction stage before construction work can commence.

### 10.1.1 Appointment of parties

The Development Proponent must appoint the Project Coordinator, any Certifier and, in the case of 'high-risk' activities, a Project Auditor, as required by the PDA development conditions and/or Infrastructure Agreement. Appointment of these parties is subject to each of them completing the applicable Certification Deed Poll in accordance with the template set out in Schedule 1 to the CPM.

The MEDQ may reject the nomination of any person and refuse to accept their Certification Deed Poll, in its absolute discretion, on the basis that:

- a) the person is not suitably qualified or experienced
- b) the person is not sufficiently independent to the Development Proponent
- c) the person is not suitable because of unsatisfactory conduct or professional misconduct
- d) the person does not hold the requisite insurances or
- e) the information contained in any document signed by the person is inadequate or inaccurate.

### 10.1.2 Insurance

To be acceptable to the MEDQ, the Project Coordinator, any Certifier and, in the case of 'high-risk' activities, the Project Auditor must hold and maintain for the term of the applicable Certification Deed Poll:

- a) professional indemnity insurance from an Insurance Company for \$5,000,000 or a higher amount required by the MEDQ in accordance with its standard policies or procedures
- b) public liability insurance from an Insurance Company to the value of \$20,000,000 or a higher amount required by the MEDQ in accordance with its standard policies or procedures and
- c) any other insurance required by Law.

The insured must provide a copy of the certificate of currency for any such insurance to the MEDQ upon request.

### 10.1.3 Pre-construction documents

The Project Coordinator must coordinate the design during the pre-construction stage to ensure that it complies with the PDA development conditions and any Infrastructure Agreement.

The Project Coordinator must also collate and lodge with the MEDQ the following documents (the Pre-Construction Documents) duly completed and signed by each of the parties referred to in section 6 of the CPM (as far as they are required), together with any relevant fees:

- a) Certification Deed Poll by the Development Proponent
- b) Certification Deed Poll by the Project Coordinator
- c) Certification Deed Poll by the Certifier
- d) Certification Deed Poll by the Project Auditor
- e) Risk Assessment by the Project Coordinator

- f) Pre-Construction Certification form by each Certifier
- g) Pre-Construction Certification form by the Project Auditor (if required) and
- h) Pre-Construction checklist by the Project Coordinator.

Templates for the Pre-Construction Documents are set out in Schedule 1 to the CPM.

#### **10.1.4 Risk Assessment analysis**

It is important to assess the risks associated with any of the works required for a development proposal to protect the community and environment.

The Risk Assessment lodged by the Project Coordinator during the pre-construction stage will provide a mechanism to trigger appropriate risk mitigation by either managing the risks or, where the risks are high, obtaining peer review of the proposed works or requiring approval from the MEDQ.

The Risk Assessment must generally follow the risk framework approach outlined in AS/NZS ISO 31000:2009 Risk Management – Principles and Guidelines, as varied from time to time. The Risk Assessment template set out in Schedule 1 to the CPM is a guide for the steps to undertake as part of the Risk Assessment. It includes a list of common technical parameters to consider in the Risk Assessment. The list is not exhaustive.

An activity assessed as being:

- a) 'high-risk' in accordance with AS/NZS ISO 31000:2009 Risk Management – Principles and Guidelines will automatically require a Project Auditor to be appointed at the Development Proponent's cost
- b) 'high-risk' will be required to implement risk mitigation measures so that a 'medium' or 'low-risk' results and
- c) 'medium-risk' requires monitoring for potential escalation to the 'high-risk' category, where appointment of a Project Auditor, at the Development Proponent's cost, is required.

If during the delivery of the project the risk category of any activity escalates to 'high-risk', the Project Coordinator must submit an updated Risk Assessment to the MEDQ within twenty (20) business days of his becoming aware of such escalation of risk.

#### **10.1.5 Duration of Certification Deed Poll**

The Certification Deed Poll of the Development Proponent will remain in effect until all works are accepted Off-Maintenance.

The Certification Deed Polls of the other appointed parties will remain in effect for seven (7) years from either:

- a) the date they are signed or
- b) the date when the works are completed and accepted Off-Maintenance under the CPM or Infrastructure Agreement,

whichever is the later date, unless revoked earlier on the terms set out in the Certification Deed Poll.

#### **10.1.6 Commencement of construction**

Construction may only commence once the MEDQ advises the Project Coordinator in writing that:

- a) the Pre-Construction Documents are in order, subject to compliance with the responsibilities and submission requirements discussed in section 10.1.7 of the CPM and
- b) the parties nominated by the Development Proponent under section 10.1.1 of the CPM, and who have completed and signed Certification Deed Polls, are acceptable to the MEDQ.

Commencement of construction before the MEDQ provides this advice may expose the Development Proponent and its consultants to the offences and penalties provisions of the Act discussed in section 13 of the CPM.

### 10.1.7 Responsibilities and submission requirements

The following table provides a checklist of the key responsibilities and submission requirements of each party during the pre-construction stage:

Pre-construction stage checklist	
<b>Development Proponent</b>	<p><b>Responsibilities</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Appoint suitably qualified and properly insured Project Coordinator, Certifier and Project Auditor (as required)</li> <li><input type="checkbox"/> Arrange stakeholder meetings with any External Authority and the MEDQ (as required)</li> <li><input type="checkbox"/> Provide signage with contact details for complaint resolution at the boundaries of the development</li> <li><input type="checkbox"/> Ensure the works do not commence prior to the MEDQ's acceptance of all pre-construction documents required under the PDA development conditions, the CPM and Infrastructure Agreement, including the appointment of the Project Coordinator, Certifier and Project Auditor (as required).</li> </ul> <p><b>Submission requirements</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Provide Certification Deed Poll to the Project Coordinator for submission to the MEDQ.</li> </ul>
<b>Project Coordinator</b>	<p><b>Responsibilities</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Primary point of contact for project</li> <li><input type="checkbox"/> Maintain insurances required by the Certification Deed Poll</li> <li><input type="checkbox"/> Coordinate Risk Assessment associated with the works and other matters requiring assessment under the PDA development conditions or Infrastructure Agreement based on AS/NZS ISO 31000:2009 Risk Management – Principles and Guidelines and the Risk Assessment template set out in Schedule 1 to the CPM</li> <li><input type="checkbox"/> Review pre-construction designs and reports to ensure compliance with the PDA development conditions and Infrastructure Agreement</li> <li><input type="checkbox"/> Coordinate and document pre-construction design certification for lodgement with the MEDQ</li> <li><input type="checkbox"/> Provide certified plans to the relevant parties for their information</li> <li><input type="checkbox"/> Consider community consultation options</li> <li><input type="checkbox"/> Provide the relevant External Authority with contact details for complaint resolution, other than the MEDQ</li> <li><input type="checkbox"/> Monitor 'medium-risk' activities for potential escalation to the 'high-risk' category</li> </ul>

**Pre-construction stage checklist**

	<ul style="list-style-type: none"> <li><input type="checkbox"/> Resolve conflicts that may arise between the different certification disciplines when applying standards</li> <li><input type="checkbox"/> Where an External Authority has a design certification role, obtain approved drawings from the External Authority for contributed assets at the Development Proponent's expense</li> <li><input type="checkbox"/> Notify the MEDQ of any significant alternative designs or non-conformances with the standards and guidelines listed in the PDA development conditions or Infrastructure Agreement</li> <li><input type="checkbox"/> Ensure that all documents lodged with the MEDQ do not contain information that is false or misleading to the best of the Project Coordinator's knowledge</li> <li><input type="checkbox"/> Arrange a pre-start meeting with the MEDQ, the Certifier, any External Authority (acting as an observer) and relevant third parties (e.g. contractor)</li> <li><input type="checkbox"/> Ensure the works do not commence prior to the MEDQ's acceptance of all pre-construction documents required under the PDA development conditions, the CPM and Infrastructure Agreement.</li> </ul> <p><b>Submission requirements</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Submit pre-construction documents to the MEDQ for acceptance including, but not necessarily limited to, the following:             <ul style="list-style-type: none"> <li>o pre-construction checklist by the Project Coordinator</li> <li>o certified reports and drawings required by the PDA development conditions or Infrastructure Agreement</li> <li>o approved drawings from any External Authority having design certification roles required by the PDA development conditions or Infrastructure Agreement</li> <li>o completed pre-construction certification form by each Certifier and Project Auditor (if appointed)</li> <li>o completed Certification Deed Poll of the Development Proponent, the Project Coordinator, any Certifier and the Project Auditor (if appointed), including insurance certificates</li> <li>o written evidence from any External Authority that permission has been obtained for service connections or creation of public utility easements</li> <li>o Risk Assessment.</li> </ul> </li> <li><input type="checkbox"/> Provide appropriate contact details for complaint resolution (other than the MEDQ).</li> </ul>
<p><b>Certifier</b></p>	<p><b>Responsibilities</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Maintain insurances required by the Certification Deed Poll</li> <li><input type="checkbox"/> Consult with other appointed Certifiers to minimise conflicts (as required)</li> <li><input type="checkbox"/> Identify risks associated with the works and other matters requiring assessment under the PDA development conditions or Infrastructure Agreement</li> <li><input type="checkbox"/> Certify that the pre-construction design complies with the PDA development conditions and approved drawings or requirements of Infrastructure Agreement in accordance with the pre-construction certification form</li> </ul>

<b>Pre-construction stage checklist</b>	
	<ul style="list-style-type: none"> <li><input type="checkbox"/> Ensure that all documents lodged with the MEDQ do not contain information that is false or misleading to the best of the knowledge of the Certifier.</li> </ul> <p><b>Submission requirements</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Provide the following documents to the Project Coordinator for submission to the MEDQ:               <ul style="list-style-type: none"> <li>○ certified reports, designs and drawings required by the PDA development conditions or Infrastructure Agreement</li> <li>○ completed pre-construction certification form</li> <li>○ completed Certification Deed Poll.</li> </ul> </li> </ul>
<b>Project Auditor</b> (if required)	<p><b>Responsibilities</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Maintain insurances required by the Certification Deed Poll</li> <li><input type="checkbox"/> Develop and certify mitigation measures for ‘high-risk’ activities identified in the Risk Assessment</li> <li><input type="checkbox"/> Ensure that all documents lodged with the MEDQ do not contain information that is false or misleading to the best of the Project Auditor’s knowledge</li> </ul> <p><b>Submission requirements</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Provide the following documents to the Project Coordinator for submission to the MEDQ:               <ul style="list-style-type: none"> <li>○ written report and recommendation(s) for risk mitigation of ‘high-risk’ activities</li> <li>○ completed pre-construction certification form</li> <li>○ completed Certification Deed Poll</li> </ul> </li> </ul>
<b>MEDQ</b>	<p><b>Responsibilities</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Review acceptability of the nominated Project Coordinator, Certifier and Project Auditor (if required)</li> <li><input type="checkbox"/> Review acceptability of all pre-construction documents, and consult with any External Authority about the documents (as required)</li> <li><input type="checkbox"/> Issue written acknowledgment of the receipt of the Project Coordinator’s submission</li> <li><input type="checkbox"/> Notify the Project Coordinator whether the Risk Assessment aligns with the MEDQ’s expectations</li> <li><input type="checkbox"/> Issue written advice to the Project Coordinator confirming acceptance of pre-construction documents and acceptability of the parties who have signed Certification Deed Polls</li> </ul>

## 10.2 Construction stage

### 10.2.1 Construction coordination

During the construction stage, it is the responsibility of the Project Coordinator to ensure that:

- a) The relevant Certifier and External Authority undertake all testing and reviews necessary for post-construction certification, including site audits.
- b) Any non-conformance with the pre-construction documents is reported to the MEDQ.
- c) Any complaints received are recorded, including:
  - 1) name, address and contact number of the complainant
  - 2) time and date of the complaint
  - 3) reasons for the complaint
  - 4) investigations undertaken
  - 5) conclusions formed
  - 6) actions taken to resolve the complaint
  - 7) any abatement measures implemented and
  - 8) name of person responsible for resolving the complaint.

Complaint records are given to the MEDQ, as soon as practicable.

The Development Proponent must allow the MEDQ and its officers, agents, consultants and contractors reasonable access to the development site to inspect the works as they proceed.

### 10.2.2 Early plan sealing for reconfiguring a lot

During this stage, the Development Proponent may request the MEDQ to accept an Uncompleted Works Bond if it requires the MEDQ to approve a survey plan for reconfiguring a lot before all works required under the PDA development approval or an Infrastructure Agreement are completed.

Unless otherwise agreed by the MEDQ, the Development Proponent must demonstrate to the MEDQ the following minimum criteria in support of the request for early plan sealing:

- a) All works required by the PDA development conditions or Infrastructure Agreement (except for the works to be bonded) are complete
- b) The bonded works can be completed within three (3) months of survey plan endorsement<sup>8</sup>
- c) All bulk earthworks for road formations and allotments are complete;
- d) Sewerage reticulation is 90 per cent complete
- e) Roof water and sewerage service connections to each lot are complete
- f) The total value of all Uncompleted Works does not exceed 50 per cent of the Total Value of all Works to be completed under the PDA development approval (or PDA development conditions relevant to the particular stage of the works) or such other percentage required by an Infrastructure Agreement
- g) An allowance has been made for as-constructed plans in the certification of the value of the Uncompleted Works by the Certifier
- h) All External Authority water and sewer connection fees are paid
- i) All outstanding rates, fees and levies associated with the land are paid and

---

<sup>8</sup> The three (3) month period will be extended by the MEDQ for the same period as any extension of time granted in relation to the construction contract for the Uncompleted Works.

- j) All monetary contributions required by the PDA development approval and Infrastructure Agreement are paid.

### **10.2.3 Early plan sealing and bonding documents**

Each of the parties appointed in accordance with section 10.1 of the CPM must complete and sign the following documents in the construction stage that are relevant to them, namely:

- a) Uncompleted Works Deed Poll by the Development Proponent
- b) Irrevocable authority, acknowledgment and release by the Landowner (if required)
- c) Uncompleted Works guarantee and undertaking by the approved Security Provider
- d) certification of the value of the Uncompleted Works by the relevant Certifier, including a detailed schedule of the scope and costs of the Uncompleted Works and the Total Value of all Works required to be completed under the PDA development approval or Infrastructure Agreement
- e) Updated Risk Assessment by the Project Coordinator (if required)
- f) Risk review by the Project Auditor (if required) and
- g) Bonding of Uncompleted Works checklist by the Project Coordinator.

Templates for these documents are set out in Schedule 2 to the CPM<sup>9</sup> except for the documents referred to in section 10.2.3(d), (e) and (f).

If the Development Proponent is not the Owner of the land, then the Development Proponent must also provide the MEDQ with an irrevocable authority, acknowledgment and release issued by the Landowner in the format required by the MEDQ, unless the State or a State Government Entity owns the land.

The Uncompleted Works Deed Poll and Uncompleted Works guarantee and undertaking by the approved Security Provider must be in the MEDQ's standard format (unless otherwise agreed by the MEDQ) and on terms acceptable to the MEDQ.

The Security provided for the Uncompleted Works (the Uncompleted Works Bond) must be in an amount of 150 per cent of the value of the Uncompleted Works in accordance with the schedule of Uncompleted Works prepared by the relevant Certifier with a minimum amount payable of \$20,000, unless otherwise agreed by the MEDQ.

The Uncompleted Works Bond will constitute the Security against defects in materials used for, and construction of, the Uncompleted Works.

### **10.2.4 Acceptable Security**

An Uncompleted Works Bond must be 'acceptable Security' as defined in the CPM.

Where the MEDQ holds Insurance Bonds for a PDA, whether or not provided at the request of a Development Proponent or in connection with an Infrastructure Agreement, having an aggregate face value:

- a) equal to or less than \$50 million, the MEDQ may, in its absolute discretion, decline to accept an Insurance Bond issued by an approved Security Provider that is an Insurance Company in relation to whom the MEDQ, at the relevant time, already holds Insurance Bonds issued by that Insurance Company in connection with the PDA (whether or not provided at the request of the

---

<sup>9</sup> These documents only relate to Uncompleted Works. There are other documents unrelated to the certification process that the department requires to process a request for plan sealing. These documents may be downloaded at <http://www.dilgp.qld.gov.au/resources>.

Development Proponent or in connection with an Infrastructure Agreement) having a face value of any amount which, when aggregated with the face value of all other such Insurance Bonds, would result in the aggregate face value of all such Insurance Bonds issued by that Insurance Company held by the MEDQ exceeding \$25 million, and

- b) exceeding \$50 million, the MEDQ may, in its absolute discretion, decline to accept an Insurance Bond issued by an approved Security Provider that is an Insurance Company in relation to whom the MEDQ, at the relevant time, already holds Insurance Bonds issued by that Insurance Company in connection with the PDA (whether or not provided at the request of the Development Proponent or in connection with an Infrastructure Agreement) having a face value of any amount which, when aggregated with the face value of all other such Insurance Bonds, would result in the aggregate face value of all such Insurance Bonds issued by that Insurance Company held by the MEDQ exceeding \$40 million.

The MEDQ will require the Development Proponent to lodge a replacement Uncompleted Works Bond if, prior to the release of the Security, the Security Provider is no longer an approved Security Provider.

### **10.2.5 Recourse to Uncompleted Works Bond**

If the Development Proponent is unable to complete the Uncompleted Works within the three (3) month period referred to in section 10.2.2 of the CPM, or such further period as may be agreed by the MEDQ, then the MEDQ may do any, or all, of the following:

- a) if the Uncompleted Works Bond is in the form of a bank guarantee or an Insurance Bond, call on the Security to the value of the Uncompleted Works that remain uncompleted or
- b) if the Uncompleted Works Bond is in the form of a cash bond, release the cash to the value of the Uncompleted Works that remain uncompleted and
- c) enter onto the land, with its servants, agents, contractors, sub-contractors and employees and with all necessary vehicles, plant and equipment and complete the Uncompleted Works that remain uncompleted.

Except in the case of an emergency, the MEDQ will not call on the Uncompleted Works Bond without giving the Development Proponent five (5) business days' notice of its intention to do so.

If the cost incurred by the MEDQ in undertaking the Uncompleted Works is more than the amount recovered under the Security, then the Development Proponent must pay the additional amount to the MEDQ on demand as a liquidated debt.

### **10.2.6 Reduction of completed works bond**

If the Development Proponent has completed any of the following works, it may request the MEDQ to reduce the Uncompleted Works Bond, before completion of the Uncompleted Works:

- a) the road and drainage works
- b) the footpath works
- c) the water supply works and sewerage works or
- d) the Landscaping Works.

The MEDQ may approve the Development Proponent's request to reduce the Uncompleted Works Bond upon being satisfied that the Development Proponent has otherwise complied with its obligations under the Uncompleted Works Deed Poll and the relevant works are On-Maintenance.

### 10.2.7 Discharge of Uncompleted Works Bond

The MEDQ will return the Uncompleted Works Bond to the Development Proponent once it is satisfied that:

- a) all Uncompleted Works are complete
- b) the Development Proponent has complied with its obligations under the Uncompleted Works Deed Poll and
- c) all works are On-Maintenance.

### 10.2.8 Sale or assignment by the Development Proponent

The Development Proponent must not assign its rights, interests or obligations under the Uncompleted Works Deed Poll without the prior written consent of the MEDQ.

Prior to the discharge of the Uncompleted Works Bond, the Development Proponent must not sell or transfer the land (or any part of the land) without:

- a) obtaining from the transferee a deed poll in favour of the MEDQ to be bound by the obligations set out in the Uncompleted Works Deed Poll. That deed poll must in turn include a covenant that if the transferee further transfers the land (or any part of the land) the subsequent transferee will also obtain a deed poll in similar terms and
- b) the transferee delivering to the MEDQ replacement Security in accordance with the requirements of the Uncompleted Works Deed Poll.

### 10.2.9 Responsibilities and submission requirements

The following table provides a checklist of the key responsibilities and submission requirements of each party during the construction stage:

Construction stage checklist	
<b>Development Proponent</b>	<p><b>Responsibilities</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Ensure that:               <ul style="list-style-type: none"> <li>o bonded Uncompleted Works will be completed within three (3) months of survey plan endorsement</li> <li>o replacement Security is provided if the Security Provider is no longer an approved Security Provider</li> <li>o the consent of the MEDQ is sought prior to assigning any rights under the Uncompleted Works Deed Poll</li> <li>o prior to the discharge of the Uncompleted Works Bond, a deed poll in favour of the MEDQ is obtained from any transferee of the land together with replacement Security</li> </ul> </li> </ul> <p><b>Submission requirements</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Provide the following documents to the Project Coordinator for lodgement with the MEDQ:               <ul style="list-style-type: none"> <li>o Uncompleted Works Deed Poll</li> <li>o Security for the Uncompleted Works in accordance with the certified schedule of Uncompleted Works by Certifier</li> <li>o irrevocable authority, acknowledgment and release by the Landowner if not the Development Proponent, the State or a State government entity</li> </ul> </li> <li><input type="checkbox"/> Provide the MEDQ with a request to consent to any proposed assignment of rights under the Uncompleted Works Deed Poll</li> </ul>

<b>Construction stage checklist</b>	
	<input type="checkbox"/> Provide the MEDQ with a deed poll signed by any transferee of the land agreeing to be bound by the obligations under the Uncompleted Works Deed Poll together with replacement Security
<b>Project Coordinator</b>	<p><b>Responsibilities</b></p> <input type="checkbox"/> Primary point of contact for project <input type="checkbox"/> Maintain insurances required by the Certification Deed Poll <input type="checkbox"/> Monitor 'medium risk' activities for potential escalation to the 'high risk' category <input type="checkbox"/> Notify the MEDQ of any significant alternative designs or non-conformances with the standards and guidelines listed in the PDA development conditions or Infrastructure Agreement <input type="checkbox"/> Ensure that all documents lodged with the MEDQ do not contain information that is false or misleading to the best of the Project Coordinator's knowledge <input type="checkbox"/> Coordinate the Works to ensure they meet all Uncompleted Works criteria set out in section 10.2.2 of the CPM.
	<p><b>Submission requirements</b></p> <input type="checkbox"/> Submit construction documents to the MEDQ for acceptance including, but not necessarily limited to, the following: <ul style="list-style-type: none"> <li>○ completed Uncompleted Works Deed Poll by Development Proponent</li> <li>○ detailed construction program indicating expected completion date for the works</li> <li>○ certification of the value of the Uncompleted Works by the relevant Certifier, including a detailed schedule of the scope and costs of the Uncompleted Works and the Total Value of all Works required to be completed</li> <li>○ updated Risk Assessment (if required)</li> <li>○ bonding of Uncompleted Works checklist.</li> </ul>
<b>Certifier</b>	<p><b>Responsibilities</b></p> <input type="checkbox"/> Maintain insurances required by the Certification Deed Poll <input type="checkbox"/> Ensure that the works have been constructed generally in accordance with certified plans and relevant standards <input type="checkbox"/> Ensure that all documents lodged with the MEDQ do not contain information that is false or misleading, to the best of the knowledge of the Certifier
	<p><b>Submission requirements</b></p> <input type="checkbox"/> Provide the following documents to the Project Coordinator for submission to the MEDQ: <ul style="list-style-type: none"> <li>○ certified schedule of Uncompleted Works</li> </ul>
<b>Project Auditor (if required)</b>	<p><b>Responsibilities</b></p> <input type="checkbox"/> Maintain insurances required by the Certification Deed Poll
	<p><b>Submission requirements</b></p> <input type="checkbox"/> Provide the following documents to the Project Coordinator for submission to the MEDQ: <ul style="list-style-type: none"> <li>○ written report and recommendations for risk mitigation of 'high-risk' activities identified in any updated Risk Assessment (if required)</li> </ul>
<b>MEDQ</b>	<p><b>Responsibilities</b></p> <input type="checkbox"/> Review Uncompleted Works documents <input type="checkbox"/> Process early plan sealing request

Construction stage checklist	
	<input type="checkbox"/> Review any request for reduction of Security <input type="checkbox"/> Review any request for consent to the sale or transfer of the land, assignment of rights and request for replacement Security

## 10.3 Post-construction stage

### 10.3.1 Post-construction certification

The post-construction certification process requires the Project Coordinator and any Certifier to review and collate post-construction certification documents and material to ensure compliance with relevant PDA development conditions and obligations in an Infrastructure Agreement.

The MEDQ requires submission of the 'as-constructed' certification of the completed works within four (4) months of endorsement of the survey plan<sup>10</sup>. The four (4) month period will be extended by the MEDQ for the same period as any extension of time granted in relation to the construction contract for the works.

### 10.3.2 Post-construction documents

The Post-Construction Documents comprise:

- a) for On-Maintenance:
  - 1) post-construction certification form by the Certifier;
  - 2) schedule of the completed value of the works by the Certifier; and
  - 3) On-Maintenance request form by the Project Coordinator;
- b) for Off-Maintenance:
  - 1) Off-Maintenance request form by the Project Coordinator.

Templates for these documents are set out in Schedule 3 of the CPM, except for the document referred to in section 10.3.2(a)(2) of the CPM.

### 10.3.3 On-Maintenance

The Project Coordinator must lodge with the MEDQ the On-Maintenance documents set out in section 10.3.2(a) of the CPM together with any other documents required by the PDA development conditions and Infrastructure Agreement (collectively the On-Maintenance submission) once satisfied that construction of the works has reached completion.

The MEDQ requires 'as-constructed' drawings and documents to meet the formatting requirements of the relevant External Authority, as this information will be on-forwarded by the MEDQ without amendment.

The Project Coordinator will also arrange an On-Maintenance inspection with the MEDQ and any relevant External Authority. The Development Proponent must pay any fees required by an External Authority to attend the inspection.

The MEDQ will issue an On-Maintenance approval letter (the On-Maintenance confirmation) to the Development Proponent once it is satisfied that:

- a) the On-Maintenance submission meets the specific requirements of the PDA development approval and Infrastructure Agreement and

---

<sup>10</sup> This requirement is distinct from the three (3) month period required for completion of bonded Works discussed in section 10.2.2 of the CPM.

- b) any safety related defects identified at the On-Maintenance inspection have been rectified and
- c) Security has been received from the Development Proponent against the maintenance requirement for the works (the Maintenance Bond).

MEDQ, in its absolute discretion, reserves the right not to accept any works On-Maintenance if the On-Maintenance inspection reveals a defect, or series of defects when viewed together, to be significant.

To remove any doubt, the works will be On-Maintenance on the date that the MEDQ confirms that the works are On-Maintenance.

### **10.3.4 Maintenance Period**

At completion of the post-construction certification process, the contributed assets and, if relevant, the non-contributed assets are 'fit-for-use' and the Maintenance Period will commence.

The maintenance requirement is considerably more than defects liability requirement that commonly exists under construction contracts. The Development Proponent is to make appropriate allowances to meet requirements of any relevant External Authority for maintenance of specific infrastructure items (such as, pump stations, water quality devices etc.).

The Maintenance Period will generally be for a period of twelve (12) months, unless otherwise specified in a PDA development condition or Infrastructure Agreement or as agreed by the MEDQ. The MEDQ will nominate the date for commencement of the Maintenance Period by written advice to the Project Coordinator.

During the Maintenance Period, responsibility and liability for rectification of defects arising out of the design or construction of the works and maintenance of the works to the MEDQ's satisfaction lies with the Development Proponent and not with the MEDQ or an External Authority. This includes repairing or replacing any damage caused by third parties (i.e. construction contractors, general public etc.).

In the case of a public road, the relevant local government will assume control on dedication of the road under the *Local Government Act 2009*.

### **10.3.5 Maintenance Bond**

An RPEQ must calculate the amount of the Maintenance Bond and provide a certified, detailed schedule of the completed value of the works subject to handover as an asset to the MEDQ or External Authority.

For those assets requiring handover to an External Authority, the amount of the Maintenance Bond will be 5 per cent of the value of the completed works or such other amount required by a PDA development condition or Infrastructure Agreement, with a minimum amount payable of \$10,000.

### **10.3.6 Acceptable Security**

The Maintenance Bond must be 'Acceptable Security' as defined in the CPM.

Where the MEDQ holds Insurance Bonds for a PDA, whether provided at the request of a Development Proponent or under an Infrastructure Agreement or not, having an aggregate face value:

- a) equal to or less than \$50 million, the MEDQ may, in its absolute discretion, decline to accept an Insurance Bond issued by an approved Security Provider that is an Insurance Company in relation to whom the MEDQ, at the relevant time, already holds Insurance Bonds issued by that Insurance Company in connection with the PDA (whether provided at the request of the Development Proponent or under an Infrastructure Agreement or not) having a face value of any amount which, when aggregated with the face value of all other such Insurance Bonds, would result in the aggregate face value of all such Insurance Bonds issued by that Insurance Company held by the MEDQ exceeding \$25 million, and
- b) exceeding \$50 million, the MEDQ may, in its absolute discretion, decline to accept an Insurance Bond issued by an approved Security Provider that is an Insurance Company in relation to whom the MEDQ, at the relevant time, already holds Insurance Bonds issued by that Insurance Company in connection with the PDA (whether provided at the request of the Development Proponent or under an Infrastructure Agreement or not) having a face value of any amount which, when aggregated with the face value of all other such Insurance Bonds, would result in the aggregate face value of all such Insurance Bonds issued by that Insurance Company held by the MEDQ exceeding \$40 million.

The MEDQ will require the Development Proponent to lodge a replacement Maintenance Bond if, prior to the release of the Security, the Security Provider is no longer an approved Security Provider.

### **10.3.7 Recourse to Security**

The MEDQ may call on the Maintenance Bond if the Development Proponent:

- a) fails to rectify a defect relating to the works the subject of the Maintenance Bond within a reasonable timeframe or
- b) fails to adequately maintain the works the subject of the Maintenance Bond within a reasonable timeframe or
- c) is declared to be insolvent by a court of Law.

Except in the case of an emergency, the MEDQ will not call on the Maintenance Bond without giving the Development Proponent five (5) business days' notice of its intention to do so.

The Maintenance Bond may be applied by the MEDQ to:

- a) rectify any defects for which the MEDQ calls on the Maintenance Bond; or
- b) undertake maintenance of the works for which the MEDQ calls on the Maintenance Bond and
- c) recoup any administration costs incurred by the MEDQ in rectifying the defects, or maintaining the works or calling on the Maintenance Bond.

If the cost of rectifying a defect or maintaining the works is more than the amount of the Maintenance Bond, then the Development Proponent must pay the additional amount to the MEDQ on demand as a liquidated debt.

If the MEDQ is required to undertake emergency repair works during the Maintenance Period to ensure public safety or mitigate damage to the environment, then it will also call on the Maintenance Bond and seek to recover any shortfall in costs from the Development Proponent.

### **10.3.8 Off-Maintenance**

At the end of the Maintenance Period, the Development Proponent must make good any works required to rectify defects.

The Project Coordinator will arrange an Off-Maintenance inspection with each Certifier. Representatives of the MEDQ and the relevant External Authority must receive sufficient notice of the Off-Maintenance inspection to afford them the opportunity to attend at their discretion. The Development Proponent must pay any fees required by an External Authority to attend the inspection.

Once the inspection has occurred, the Project Coordinator must submit to the MEDQ the Off-Maintenance request referred to in section 10.3.2(b) of the CPM, including:

- a) a list of defects to the MEDQ and the External Authority (as ultimate Owner of contributed assets)
- b) a certification from the relevant Certifiers stating that any, and all, known defects have been remedied and
- c) a request that the MEDQ confirm completion of the Maintenance Period and release of the Security (collectively the Off-Maintenance request).

At its discretion, the MEDQ may:

- a) accept the works as presented as Off-Maintenance, in which case the Maintenance Period is taken to be complete or
- b) require rectification works by the Development Proponent, to be followed by a further inspection of the works by relevant parties or
- c) require further work to be undertaken if it considers that compliance with the PDA development approval or Infrastructure Agreement has not been achieved.

To remove any doubt, the works will be Off-Maintenance on the date that the MEDQ confirms that the works are Off-Maintenance.

### **10.3.9 Sale or assignment by the Development Proponent**

Prior to the discharge of the Maintenance Bond, the Development Proponent must not sell or transfer the land (or any part of the land) without the transferee delivering to the MEDQ replacement Security for the Maintenance Bond required by the CPM or Infrastructure Agreement.

### **10.3.10 Handover of assets**

Once the MEDQ accepts the works Off-Maintenance, it will issue a confirmation letter to the Project Coordinator and the relevant External Authority (the Off-Maintenance confirmation). From this time, the assets are 'handed over' to the ultimate asset Owner and the Development Proponent's maintenance responsibility will cease.

The MEDQ will release the Maintenance Bond to the Development Proponent, less any costs incurred, following confirmation that the works are Off-Maintenance.

The requirements for handover of contributed assets may vary. In the case of water and sewerage assets:

- a) handover to the relevant External Authority will occur when the works are accepted On-Maintenance and
- b) the Development Proponent's responsibility for attending to defects will be required until the contributed assets are accepted Off-Maintenance.

To facilitate the transfer of parks and open space assets to a local government, the Project Coordinator must arrange for that authority to sign a Land Registry Transfer – Form 1 available from the Department of Natural Resources and Mines.

### 10.3.11 Responsibilities and submission requirements

The following table provides a checklist of the key responsibilities and submission requirements of each party during the post-construction stage:

<b>Post-construction stage checklist</b>	
<b>Development Proponent</b>	<p><b>Responsibilities</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Rectify any construction related defects identified at the on and Off-Maintenance inspections, including damage caused by third parties</li> <li><input type="checkbox"/> Arrange the Maintenance Bond if not already provided</li> <li><input type="checkbox"/> Arrange payment of any inspection fees to relevant External Authority</li> <li><input type="checkbox"/> Ensure the works will be certified within four (4) months of MEDQ endorsing the survey plan</li> </ul> <p><b>Submission requirements</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Submit a Maintenance Bond to the MEDQ, if not previously provided</li> </ul>
<b>Project Coordinator</b>	<p><b>Responsibilities</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Primary point of contact for project</li> <li><input type="checkbox"/> Maintain insurances required by the Certification Deed Poll</li> <li><input type="checkbox"/> Arrange on and Off-Maintenance inspections with the MEDQ and relevant External Authority</li> <li><input type="checkbox"/> Ensure that all documents lodged with the MEDQ do not contain information that is false or misleading to the best of the Project Coordinator's knowledge</li> </ul> <p><b>Submission requirements</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Coordinate submission to the MEDQ (and relevant External Authority) of all post-construction documents including, but not necessarily limited to, the following: <ul style="list-style-type: none"> <li>o defects list from on and Off-Maintenance inspections</li> <li>o On-Maintenance submission</li> <li>o post-construction certification form</li> <li>o schedule of the completed value of the works by the Certifier</li> <li>o Off-Maintenance request (after expiry of the Maintenance Period and rectification of all identified defects).</li> </ul> </li> </ul>
<b>Certifier</b>	<p><b>Responsibilities</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Maintain insurances required by the Certification Deed Poll</li> <li><input type="checkbox"/> Attend on and Off-Maintenance inspections with the MEDQ and relevant External Authority</li> <li><input type="checkbox"/> Certify the completed works as required by the relevant PDA development conditions and Infrastructure Agreement</li> <li><input type="checkbox"/> Ensure that all documents lodged with the MEDQ do not contain information that is false and misleading to the best of the Certifier's knowledge</li> </ul> <p><b>Submission requirements</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Provide the following documents to the Project Coordinator for submission to the MEDQ: <ul style="list-style-type: none"> <li>o post-construction certification form</li> <li>o certified as-constructed documentation required by the PDA development conditions or Infrastructure Agreement within four (4) months of survey plan endorsement</li> <li>o certified schedule of completed value of the works.</li> </ul> </li> </ul>

<b>Post-construction stage checklist</b>	
<b>Project Auditor</b> (if required)	<p><b>Responsibilities</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Maintain insurances required by the Certification Deed Poll</li> <li><input type="checkbox"/> Provide advice to the Project Coordinator regarding any defects and recommend appropriate course of action to mitigate risks</li> <li><input type="checkbox"/> Ensure that all documents lodged with the MEDQ do not contain information that is false or misleading to the best of the Project Auditor's knowledge</li> </ul> <p><b>Submission requirements</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Provide the following documents to the Project Coordinator for submission to the MEDQ: <ul style="list-style-type: none"> <li>o written report and recommendation(s) for risk mitigation of 'high-risk' activities and defects (if required).</li> </ul> </li> </ul>
<b>MEDQ</b>	<p><b>Responsibilities</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Review acceptability of all post-construction documents, and consult with any External Authority about the documents (as required)</li> <li><input type="checkbox"/> Attend on and Off-Maintenance inspections at the MEDQ's discretion</li> <li><input type="checkbox"/> Elect to rectify defects or maintain the works using the Maintenance Bond if the Development Proponent fails to do so within a reasonable period</li> <li><input type="checkbox"/> Issue On-Maintenance confirmation to the Project Coordinator and relevant External Authority when all identified safety-related defects have been rectified and all relevant PDA development conditions and obligations under an Infrastructure Agreement have been satisfied</li> <li><input type="checkbox"/> Return the Uncompleted Works Bond following acceptance of the completed works On-Maintenance</li> <li><input type="checkbox"/> Review Off-Maintenance request form</li> <li><input type="checkbox"/> Issue Off-Maintenance confirmation to the Project Coordinator and relevant External Authority when all defects identified in Off-Maintenance inspections have been rectified and all relevant outstanding requirements of the PDA development approval and Infrastructure Agreement have been satisfied</li> <li><input type="checkbox"/> Where deemed necessary, undertake emergency repair works to ensure public safety or mitigate damage to the environment using the Maintenance Bond and seek to recover any shortfall in the cost from the Development Proponent</li> <li><input type="checkbox"/> Return the Maintenance Bond, less any costs incurred by the MEDQ in repairing/maintaining any works, following acceptance of completed works Off-Maintenance.</li> </ul>

## 11 Infrastructure Agreements

An Infrastructure Agreement may be required to address the provisions and requirements of an infrastructure plan and implementation strategy set out in the relevant PDA development scheme and any PDA development conditions.

An Infrastructure Agreement may vary the requirements of the CPM in some respects.

As each Infrastructure Agreement will be site specific, the parties must ensure that they comply with its obligations at all times.

**An Infrastructure Agreement may vary the requirements for the CPM in some respects.**

## 12 The MEDQ audit

The MEDQ may require, at its discretion, an audit of a development project to ensure that all parties have undertaken the correct procedures, the certifications are appropriate and the required development outcomes achieved.

An MEDQ audit is separate from an audit undertaken by a Project Auditor arising out of a Risk Assessment submitted by the Project Coordinator.

If the MEDQ initiates the audit process, it will appoint the auditor (MEDQ Auditor), set the audit terms of reference and pay for its costs. The parties associated with the certification process appointed in accordance with section 10.1.1 of the CPM must provide the MEDQ Auditor with complete copies of all records and files requested by the MEDQ Auditor within fifteen (15) business days.

The MEDQ Auditor will provide an audit report to the MEDQ. The MEDQ will provide a copy of the MEDQ audit report to the Development Proponent upon request.

The Development Proponent is responsible for rectifying any deficiencies or inconsistencies in a development project identified in an MEDQ audit report.

**The MEDQ may require an audit of a development project, at its cost, to ensure that all parties have undertaken the correct procedures, the certifications are appropriate and the required development outcomes achieved. The Development Proponent is responsible for rectifying deficiencies identified in the audit.**

## **13 Offences and penalties**

### **13.1 Unauthorised work**

Unauthorised work may take many forms including:

- a) using premises without approval to do so (unlawful use)
- b) carrying out the works without the correct approvals
- c) not complying with a PDA development approval or
- d) environmental breaches.

The MEDQ aims to be proactive in identifying unauthorised work. However, it does not have unlimited resources and exercises discretion when deciding how to deal with unauthorised work.

### **13.2 Penalties**

There may be instances where the MEDQ will be required to start court proceedings to enforce compliance of issues under the Act. Enforcement action before the Planning and Environment Court or Magistrates Court, if required, may include:

- a) enforcement orders
- a) prosecution for criminal offences
- b) fines and
- c) injunctions - to restrain or remedy serious breaches.

### **13.3 Non-compliance with CPM**

The following consequences may also flow from non-compliance with the requirements of the certification process:

- a) The MEDQ may report any certification negligence to the Certifier's relevant professional board and/or organisation, such as the Board of Professional Engineers. There is, therefore, a risk of loss of reputation within the development industry and among the Certifier's peers
- b) Where a Development Proponent nominates a Certifier or Project Coordinator who has previously not complied with the requirements of the certification process, the PDA development application may receive a higher level of scrutiny by the MEDQ
- c) The MEDQ may elect not to accept the nomination of the professional as a Project Coordinator, Certifier or Project Auditor in relation to future projects within a PDA
- d) The MEDQ may call upon the Security under an Uncompleted Works Deed Poll to complete the outstanding obligations of a Development Proponent and seek to recover damages for breach of contract and any Security shortfall as a liquidated debt, and
- e) If assets fail, the MEDQ may call upon the Certifier's insurance under the Certification Deed Poll to rectify the works.

This list is not exhaustive.

# 14 Definitions and interpretation

## 14.1 Definitions

The following terms used in the CPM have the meaning assigned to them below.

**Acceptable Security** means a bank guarantee or an Insurance Bond in a form and on terms acceptable to the MEDQ.

**Act** means the *Economic Development Act 2012*.

**Approved Security Provider** means a Security Provider that is acceptable to the MEDQ and if the MEDQ is required by Law to only accept Security from a Security Provider that satisfies specified criteria, a Security Provider that satisfies that specified criteria.

**Bank Guarantee** means an unconditional, irrevocable bank guarantee, without an expiry date, from a Financial Institution to the value of the relevant Security and in a form acceptable to the MEDQ that is payable in whole or in part immediately on demand and without reference to another person.

**Bulk Earthworks** means the bulk earthworks required to be completed in accordance with the PDA development approval or Infrastructure Agreement and any other legal requirement.

**Certifier** means a person nominated by the Development Proponent as the Certifier for the certification process, who is acceptable to the MEDQ.

**Completion** means the State in the provision of the Uncompleted Works by the Development Proponent when the works are complete other than for a minor omission or a minor defect:

- a) which is not essential;
- b) which does not prevent the Uncompleted Works from being reasonably capable of being used for its intended purpose; and
- c) the rectification of which will not prejudice the convenient use of the Uncompleted Works.

**Contributed Asset** means an asset constructed under a PDA development approval or Infrastructure Agreement that will become the responsibility of an External Authority.

**Certification Procedures Manual (CPM)** means this certification procedures manual prepared by the department and amended from time to time.

**Department** means the department under the *Economic Development Act 2012* being, at the date of this CPM, the Department of Infrastructure, Local Government and Planning.

**Development Proponent** means the proponent of the development, including the Owner of the land or the applicant named in a PDA development application.

**EDQ** means the part of the department known as Economic Development Queensland and the delegated authority for implementation of the CPM lies with officers of **EDQ**.

**External Authority** means a public-sector entity external to the MEDQ.

**Interim Land Use Plan (ILUP)** has the meaning given to that term in the *Economic Development Act 2012*.

**Infrastructure Agreement** has the meaning given to that term in the *Economic Development Act 2012*.

**Insurance Bond** means an unconditional, irrevocable insurance policy, without an expiry date, from an Insurance Company to the value of the relevant Security and in a form acceptable to the MEDQ that is payable in whole or in part immediately on demand and without reference to another person.

**Insurance Company** means an Insurance Company authorised under the *Insurance Act 1973* (Cth) to carry on insurance business and registered by the Australian Prudential Regulatory Authority, with a long-term credit rating of not less than A minus.

**Financial Institution** means an authorised deposit-taking institution within the meaning of the *Banking Act 1959* (Cth), with a long-term credit rating of not less than A minus.

**Landscaping Works** mean the Landscaping Works to be completed in accordance with the PDA development approval or Infrastructure Agreement and any other legal requirements.

**Landowner** means the Owner of the land other than the Development Proponent.

**Law** means any statute, regulation or subordinate legislation of the Commonwealth, the State of Queensland or local or other government in force in the State of Queensland, regardless of where enacted.

**Maintenance Bond** means a Security in an amount of 5 per cent of the value of the completed works determined under the Certifier's schedule of the completed value of the works, with a minimum amount payable of \$10,000 unless otherwise agreed by the MEDQ.

**Maintenance Period** means a period of twelve (12) months from the date that the MEDQ accepts the works as On-Maintenance or such other period as agreed by the MEDQ.

**Material change of use** has the meaning given to that term in the *Economic Development Act 2012*.

**MEDQ** means the Minister for Economic Development Queensland as described in the *Economic Development Act 2012*.

**MEDQ Auditor** means an auditor appointed by the MEDQ under the CPM.

**Non-Contributed Asset** means an asset constructed under a PDA development approval or Infrastructure Agreement that will remain in private Ownership rather than transferred to an External Authority.

**Off-Maintenance** means the end of the Maintenance Period – see section 10.3.8 of the CPM.

**Off-Maintenance Confirmation** – see section 10.3.8 of the CPM.

**Off-Maintenance Request** – see section 10.3.8 of the CPM.

**On-Maintenance** means the commencement of the Maintenance Period – see section 10.3.3 of the CPM.

**On-Maintenance Confirmation** – see section 10.3.3 of the CPM.

**On-Maintenance Submission** – see section 10.3.3 of the CPM.

**Operational work** has the meaning given to that term in the *Economic Development Act 2012*.

**Owner** has the meaning given to that term in the *Economic Development Act 2012*.

**PDA** means a Priority Development Area and has the meaning given to that term in the *Economic Development Act 2012*.

**PDA assessable development** has the meaning given to that term in the *Economic Development Act 2012*.

**PDA associated development** has the meaning given to that term in the *Economic Development Act 2012*.

**PDA development application** has the meaning given to that term in the *Economic Development Act 2012*.

**PDA development approval** has the meaning given to that term in the *Economic Development Act 2012*.

**PDA development condition** has the meaning given to that term in the *Economic Development Act 2012*.

**PDA development permit** has the meaning given to that term in the *Economic Development Act 2012*.

**PDA development scheme** has the meaning given to that term in the *Economic Development Act 2012*.

**PDA Guideline** means a guideline prepared by the MEDQ from time to time and published on the department's website.

**Pre-Construction Documents** means the documents referred to in section 10.1.3 of the CPM.

**Post-Construction Documents** means the documents listed in section 10.3.2 of the CPM.

**Project Auditor** means a person appointed by the Project Coordinator as the Project Auditor following the identification of a 'high-risk' activity in a Risk Assessment, who is acceptable to the MEDQ.

**Project Coordinator** means a person nominated by the Development Proponent as responsible for coordinating the works required by a PDA development approval or Infrastructure Agreement, who is acceptable to the MEDQ.

**Public Sector Entity** has the meaning given to that term in the *Economic Development Act 2012*.

**Reconfiguring a lot** has the meaning given to that term in the *Economic Development Act 2012*.

**Risk Assessment** means an assessment of the works by the Project Coordinator during the pre-construction stage that follows the risk framework approach outlined in AS/NZS ISO 31000:2009, as varied from time to time.

**RPEQ** means an engineer registered as a registered professional engineer with the Board of Professional Engineers of Queensland in accordance with the *Professional Engineers Act 2002*.

**Security** means a bank guarantee or Insurance Bond in favour of the MEDQ to secure the obligations of the Development Proponent under a PDA development approval or an Infrastructure Agreement. A monetary Security deposit may also be provided to the MEDQ.

**Security Provider** means a Financial Institution or Insurance Company.

**State** means the State of Queensland.

**State Government Entity** means an entity declared to be a department or part of a department of government by the Governor in Council by gazette notice or an agency or authority established under an Act or State authorisation for a public or State purpose.

**Total Value of all Works** means the estimated value of all work required by or on behalf of the Development Proponent to comply with the requirements of the PDA development approval or Infrastructure Agreement.

**Uncompleted Works** means the works that have not reached On-Maintenance.

**Uncompleted Works Bond** means a Security, or part of a Security, to secure the completion of all works required under a PDA development approval or Infrastructure Agreement, in an amount of 150 per cent of the value of the Uncompleted Works in accordance with the schedule of Uncompleted Works prepared by the relevant Certifier, with a minimum amount payable of \$20,000 unless otherwise agreed by the MEDQ.

**Uncompleted Works Deed Poll** means the bond document signed by the Development Proponent to support a request to the MEDQ to approve a survey plan for reconfiguring a lot before all required Works are completed.

## 14.2 Interpretation

- a) Headings are for convenience only and do not affect interpretation.
- b) Mentioning anything after *includes*, *including*, *for example*, or similar expressions, does not limit what else might be included.
- c) The following rules apply unless the context requires otherwise:
  - 1) The singular includes the plural, and the converse applies as well.
  - 2) A gender includes all genders.
  - 3) If a word or phrase is defined, its other grammatical forms have a corresponding meaning.

- 4) A reference to legislation or to a provision of legislation includes a modification or re-enactment of it, a legislative provision substituted for it and a regulation or statutory instrument issued under it.
- 5) A reference to conduct includes an omission, statement or undertaking, whether or not in writing.
- 6) A reference to an agreement includes any undertaking, deed, agreement and legally enforceable arrangement, whether or not in writing, and a reference to a document includes an agreement (as so defined) in writing and any certificate, notice, instrument and document of any kind.
- 7) A reference to a section is a reference to a clause in this CPM.
- 8) If any words are italicised or otherwise printed differently, this is for convenience only and does not affect the construction of this CPM.
- 9) A reference to dollars and \$ is to Australian currency.
- 10) A reference to time is to local time in Queensland.
- 11) All schedules to this document form part of this CPM.

## 15 Privacy statement

All information received by the MEDQ is subject to the *Right to Information Act 2009* and the *Information Privacy Act 2009*. The information provided by any party for a purpose set out in the CPM may be publicly released and/or provided to third parties (including the Local Government Association of Queensland, Queensland Resource Council, APPEA and others) and other government agencies — but only for the purposes for which the information is collected. The proponent's personal information will be stored on departmental files and disclosed for purposes required by Law.

## 16 Contact

For further information about the CPM, please contact:

Contact: Director, Technical Services  
Phone: (07) 3452 7509  
E-mail: [edqtechnicalservices@dilgp.qld.gov.au](mailto:edqtechnicalservices@dilgp.qld.gov.au)  
Mail: Economic Development Queensland  
GPO Box 2202  
Brisbane QLD 4001

## **Schedule 1 – Pre-construction stage template documents**

1. Certification Deed Poll by Development Proponent
2. Certification Deed Poll by Project Coordinator
3. Certification Deed Poll by Certifier
4. Certification Deed Poll by Project Auditor
5. Risk Assessment by Project Coordinator
6. Pre-Construction Certification Form by Certifier
7. Pre-Construction Certification Form by Project Auditor
8. Pre-Construction Checklist by Project Coordinator

## **Schedule 2 – Construction stage template documents**

1. Uncompleted Works Deed Poll by Development Proponent
2. Irrevocable Authority, Acknowledgment and Release by Landowner
3. Uncompleted Works Guarantee and Undertaking by Acceptable Security Provider
4. Bonding of Uncompleted Works Checklist by Project Coordinator

## **Schedule 3 – Post-construction stage template documents**

1. Post-Construction Certification Form by the Certifier
2. On-Maintenance Request Form by the Project Coordinator
3. Off-Maintenance Request Form by the Project Coordinator

## **Schedule 4 – Consolidated responsibilities and submission requirements**

1. Development Proponent
2. Project Coordinator
3. Certifier
4. Project Auditor