

AGREEMENT OF BUILDING SURVEYOR APPOINTMENT CONDITIONS FOR COMMERCIAL PROJECTS

I, _____ being the property owner / tenant (*circle applicable*)
of project address: _____

Hereby appoint Red Textas Building Surveyors and/or nominee as the Relevant Building Surveyor (RBS) for the above project.

In appointing Red Textas, I understand and agree to the following terms and conditions:

1. Red Textas is appointed to carry out the issue of building permits, inspections of building and building work and issue of occupancy permits and any temporary approvals as required pursuant to s.76 of the Building Act.
2. The building permit fee must be paid in full prior to the issue of the permit including government levies which are a proportion of the job cost/contract amount. This fee includes mandatory building inspections. I agree that all Red Textas work will be provided electronically and that if I cancel the job after signing this agreement, I will pay Red Textas for any works carried out prior to cancellation. Cancellation fees will be calculated based on current industry rates and include administration fees in establishing and maintaining the building permit file. No refunds will be applicable for projects not proceeding after 3 months of issue of Building Permit.
3. It is my builder's responsibility to call for the mandatory building inspections as specified on the building permit within 24 hours prior to the inspection. I am aware that the building permit needs to be displayed in a prominent location on the site.
4. I agree to pay for any additional inspections that are required before the issue of the Final Inspection Certificate / Occupancy Permit.
5. I agree to pay for any work that Red Textas is required to do in relation to any building notice, order or direction to fix, that is issued in relation to this property because any works are not compliant with applicable Building Regulations and / or the Building Permit.
6. I agree to pay for any variations to the building permit including extension to the commencement and completion dates, which are generally 12 months and 36 months for commercial projects from the building permit issue date. I understand that any final inspection called after the building permit has lapsed will incur an additional fee.
7. I am aware that additional fees may be applicable for the approval of any performance solutions that require an independent expert assessment. I specifically acknowledge and agree that, because Red Textas cannot obtain any professional indemnity insurance in relation to any liability that is in any way related to non-compliant cladding, that I agree that I will not sue or seek in any way to bring a claim against Red Textas that in any way arises out of the use of non-compliant cladding on this project.
8. I agree to pay the BPC levy amount to Red Textas in order for the surveyor to obtain a Building Permit Number (and pass on the levy) on my behalf from the BPC prior to permit issue.
9. I acknowledge that it is my responsibility to notify the BPC of any increase in the cost of works during construction, within 28 days of becoming aware of an increase that is more than \$15,625 and where a building permit amendment/variation is not required.
10. If applicable, as the tenant, I confirm I have the authority to apply for a building permit and appoint the Relevant Building Surveyor on behalf of the owner.

Signature of property owner / tenant (*circle applicable*): _____ Date: _____

Notes:

- Building levy is determined from the value of work or replacement value. An audit may occur if amount indicated on this form is considered inaccurate or inconsistent with industry standards.
- Applicants are obliged to indicate on this form any work being carried out by the owner and associated costs. i.e. above amount specified under the builder's insurance.
- The signing of this form acknowledges the appointment of Red Textas and/or nominee as the Relevant Building Surveyor for the building work, as prescribed by Section 76 of the Building Act. It also acknowledges that, to the best of the applicant's knowledge, there has been no other building surveyor appointed in the same role.
- By engaging Red Textas you acknowledge that one of the Registered Building Surveyors within the company will be appointed as the Relevant Building Surveyor/Designated Building Surveyor for your project. You will be duly notified of the Relevant/Designated Building Surveyor (name and registration number that will accompany your building permit), as will the relevant Council at the earliest convenience.
- The signing of this form acknowledges that no building work has commenced and an understanding that no work may commence until the applicant has received the building permit.
- Any building permit issued by Red Textas is not evidence that the design complies with any restrictive covenant or encumbrance over the land. It is my responsibility to ensure compliance with any encumbrance on the title and, in some cases, I may need to seek legal advice prior to commencing any building works.