

**CERTIFICATION DEED POLL
OF THE PROJECT COORDINATOR**

In favour of: Council of the City of Gold Coast
of 135 Bundall Road, Bundall in the State of Queensland
(the “**Council**”); and

Minister for Economic Development Queensland
of Level 4, 229 Elizabeth Street, Brisbane in the State of Queensland
(the “**MEDQ**”)

By: The entity named in Item 1 of Schedule A
(the “**Entity**”)

And by: The person named in Item 2 of Schedule A
(the “**Project Coordinator**”)

RECITALS

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

The Deed Poll provides:-

1. PROJECT COORDINATOR

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

2. PRE-APPLICATION STAGE

The Project Coordinator must:

- 2.1 prior to the Application being made by the owner/development proponent, prepare a risk assessment (the “**Risk Assessment**”) for the works or other matters which will be subject to assessment under the Manual, in accordance with:
 - (a) the Manual;
 - (b) *Australian Standard: AS/NZS ISO 31000:2009 Risk management – Principles and guidelines*; and
 - (c) best practice;
- 2.2 following any approval being granted by the City for the Application, regularly update the Risk Assessment and provide an updated copy to the City.

3. POST-DECISION STAGE

If a PDA development approval is granted by the City for the Application, the Project Coordinator must:

- 3.1 coordinate all certifiers nominated in the PDA development approval;
- 3.2 resolve any conflicts that arise between the standards to be achieved in different certification disciplines as soon as practicable after they arise and in consultation with the City;
- 3.3 lodge with the City the submission form for pre-construction certification, in accordance with the Manual;
- 3.4 ensure that construction of the works subject to assessment under the Manual does not commence prior to the Project Coordinator receiving the City’s written confirmation that the works may proceed;
- 3.5 ensure the works or other matters which are subject to assessment under the Manual are undertaken in accordance with the PDA development approval;
- 3.6 notify the City in writing as soon as practicable after the Project Coordinator becomes aware of any alternative designs or standards that have been adopted for the works or other matters which are subject to assessment under the Manual;
- 3.7 notify the City in writing as soon as practicable after the Project Coordinator becomes aware of any non-conformances with the PDA development conditions; and
- 3.8 lodge with the City the submission form for post-construction certification, in accordance with the Manual, before the date specified in the PDA development conditions.

4. GENERAL OBLIGATIONS AND RESPONSIBILITIES

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

5. INSURANCE

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

6. TERM OF DEED

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

7. DEFINITIONS

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

SCHEDULE A

Item	Reference	Description
1.	Entity	(a) Name _____ (b) Address _____ _____
2.	Project Coordinator	(a) Name _____ (b) Address _____ _____
3.	Proposed PDA Development Application	_____ _____
4.	Land	(a) Real property description _____ (b) Address _____ _____
5.	Project Coordinator's relevant educational and professional qualifications (Documentation may be attached to this Deed Poll, if necessary)	_____ _____ _____
6.	Project Coordinator's professional registration	_____ _____ _____

7.	Insurance	(a) Professional indemnity Insurance	
		Amount (must not be less than \$5,000,000.00)	
		Provider:	
		Policy number:	
		Expiry date	
		(b) Public liability insurance	
		Amount (must not be less than \$20,000,000.00)	
		Provider:	
		Policy number:	
		Date of commencement of policy:	
		Expiry date	
		(c) Other insurance	
		Amount	
		Provider:	
		Policy number:	
		Date of commencement of policy:	
		Expiry date	

EXECUTED AS A DEED POLL BY THE ENTITY

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

Director

Director / Secretary

EXECUTED AS A DEED POLL BY THE PROJECT COORDINATOR

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

(Witness – Signature)

(Project Coordinator – Signature)

(Witness – Print Name)

on:

(Date)

Disclaimer

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