

13/03/2023

Standard Terms of Engagement – Consultancy Services

Scope

These terms relate to work that requires approval from a regulatory authority such as a Local or State Government Agency. They do not relate to building design work assessable by a Building Certifier only.

Work covered under these terms includes (but may not be limited to) the following:

1. Applications requiring Concurrence Agency approval under the *Sustainable Planning Act 2009* and related legislation.
2. Applications for which the relevant local government or a State agency is the Assessment Manager, eg Reconfiguring a Lot, Material Change of Use, Minor Change to a Development Approval, Building Work assessable under a Planning Scheme.
3. Advocacy services, eg:
 - a) Advice and preparation of submissions for:
 - i) Building and Development Dispute Resolution Committees (formerly Queensland Building & Development Tribunals)
 - ii) Planning & Environment Court
 - iii) Negotiated Decision Notices
4. Work required as a condition of a development approval, eg preparation of landscaping plans, “not for construction” eg preliminary building plans.

Risk

Clients must understand that a successful outcome to applications and submissions made under the above categories cannot be guaranteed. While every effort will be made to secure reasonable and lawful decisions and conditions, in most cases the decision is at the discretion of the agency concerned.

If it becomes apparent that a successful outcome is unlikely, clients will be advised. Agency lodgement fees may be refunded in part if applications are withdrawn. If this proves necessary, my charges may be reduced, but will not be waived in entirety.

Inclusions

1. Completion of required forms
2. Written Report where required
3. Drafting of plans
4. First “pre-lodgement” meeting if required
5. Lodgement of application
6. Response to Information Request from the agency or agencies concerned
7. Preliminary calculation of Infrastructure Charges where they apply.

Exclusions

1. Drafting beyond standard 2-dimensional requirements, eg 3D and rendering
2. Information Requests that require work to be undertaken by others, eg RPEQ (Registered Professional Engineer Queensland), Queensland-licenced Surveyor.
3. Negotiated Decisions (post-approval)
4. Requests for modification of approvals
5. Agency lodgement fees
6. Title investigations, eg copy of Registered Plan of Survey
7. Infrastructure Charges attached to development approvals
8. Further approvals required as a condition of approval, eg Operational Works
9. Any other requirements not reasonably foreseeable.

Scope of work to be undertaken

Fee

Note:

I am not currently liable to register for, and do not charge GST.

An invoice will be sent and is payable on receipt.

Lodgement and/or further processing may be withheld until the fee is paid.

Preferred method of payment is by direct bank transfer.

Lodgement will not occur unless the agency fee is paid by the client. (Further advice on this matter will be supplied.)

Originals of agency decisions and stamped plans will be provided on payment of the consultancy fee.

Otherwise, all documentation is stored in electronic format, and can be emailed and/or printed as required.

Estimated timeframe (for lodgement)

Note:

I do not undertake “urgent” work unless warranted by circumstances, eg immanent danger to life and property. I do not regard impending material price rises or the onset of the ‘wet’ season as “urgent”.

Timescales following lodgement vary considerably, and some are set by Statute.

Concurrence Agency applications will take at least 2 weeks for any kind of response to be received following lodgement. Development applications will usually take months, and occasionally over a year to be completed.

Client Agreement

I / We _____

Confirm appointment of Martin Clark to undertake services in accordance with the attached terms of engagement. I/We acknowledge that parts of this fee proposal constitute a fee estimate only, and understand fees may change as further information is made available regarding the nature and extent of work required.

Signature _____

(Print) _____

Date _____

Signature _____

(Print) _____

Date _____