



Certification Procedures Manual

Draft for consultation

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DELIVERING
FOR QUEENSLAND



Queensland
Government

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An electronic copy of this document is available on the Economic Development Queensland website.

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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 a corporation sole constituted by the Minister established under the name 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 (*PDA*s).

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

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).¹

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 *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*.²

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 and External Authority.

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

¹ Section 33 of the *Act*

² 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 <https://www.edq.qld.gov.au/our-approach/land-use-planning-and-infrastructure/priority-development-areas-and-projects/pda-associated-development>

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 Non-Contributed Assets (such as landscaping works, private car parking areas and private realm amenity areas accessible by the public).³

Despite this acknowledgement, Economic Development Queensland (EDQ) regularly reviews and updates the CPM in response to feedback on its operation and effectiveness received from industry, local governments and External Authorities.

The CPM establishes a certification process. It does not determine standards to be met by development; that is the function of PDA development conditions.

³ The CPM may be downloaded at <https://www.edq.qld.gov.au/our-approach/land-use-planning-and-infrastructure/development-applications-and-assessment/planning-and-infrastructure-forms-and-guidelines/certification-process>

4 Application of certification process

A PDA development scheme or ILUP may provide for the carrying out of operational works as accepted development in accordance with the agreed standards set out in a PDA development approval.⁴ Where this is the case, 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. MEDQ may also issue a stand-alone PDA development permit for permissible 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 to comply with the processes and responsibilities set out in the CPM.

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 delivery process. This reduces holding costs by reducing the timeframe from planning approval to delivery of development.

⁴ The CPM is a supporting document and does not form part of an ILUP or PDA development scheme.
Certification Procedures Manual – version 06

5 Scope of certification process

The certification process applies to the pre-construction, construction and post-construction stages of a development where PDA development conditions require compliance 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 to MEDQ:

- a) how development impacts are adequately managed, and
- b) that Contributed Assets and Non-Contributed Assets are properly constructed and delivered in accordance 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 approval of the competency of key participants. It includes 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,
- f) electrical engineering streetlight, and
- g) any other discipline identified in a PDA development condition.

The CPM manages risk and accountabilities through a range of measures, including the requirement that MEDQ approve the competency of key participants and the incorporation of a range of penalties for non-compliance.

6 Parties to certification process

There are five identified parties associated with the successful delivery of development under 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. Unless otherwise agreed by MEDQ, the Project Coordinator is required to be an independent party to only the Development Proponent. MEDQ may, in its absolute discretion, accept the nomination of an employee of the Development Proponent as the Project Coordinator for large-scale, complex developments (e.g. where there is a range of uses across numerous disciplines, or where there are significant infrastructure requirements). In all cases, the Project Coordinator must have project management skills and demonstrated experience commensurate with the scale of the development. A civil engineer, with RPEQ registration and significant, relevant project management experience of 10 years, is typically accepted to this role.
3. **Certifier** – is responsible for certifying that the designed and constructed works comply with the requirements of 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 only the Development Proponent. Although a Development Proponent may nominate a Certifier as Project Coordinator, MEDQ will, in its absolute discretion, typically only accept this dual appointment for relatively minor development or where sufficient cause is shown. The Certifier must be professionally registered and have the required technical qualifications and registration in the discipline being certified and demonstrated experience commensurate with the scale of the development e.g. a RPEQ must be registered in the appropriate area of engineering.
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, Project Coordinator and Certifier. The auditor must be professionally registered and have the required technical qualifications and registration in the discipline being certified and demonstrated expert experience commensurate with the scale of the development e.g. a RPEQ must be registered in the appropriate area of engineering.
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 in the PDA development conditions. MEDQ may delegate its powers and functions for development assessment under the Act to an officer of EDQ or a local government.

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 and can be accessed via the Schedule 4 link on the Economic Development Queensland website.⁵

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

⁵ <https://www.edq.qld.gov.au/our-approach/land-use-planning-and-infrastructure/development-applications-and-assessment/planning-and-infrastructure-forms-and-guidelines/certification-process>

7 Standards

The PDA development conditions will nominate the technical standards and guidelines with which the Operational work 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 ⁶ may vary over time. Unless otherwise agreed by MEDQ, the parties must use the version current at the time the of Pre-Construction submission with consideration to respective legislative transitional arrangements. By way of example, where an amendment is made to a particular design code / standards and there exists provision for the code revision to not be applied where designs have substantially progressed or previously been endorsed by the relevant authority.

The technical standards referenced in the PDA guidelines are deliberately broad. A Development Proponent may propose alternative, innovative solutions in consultation with MEDQ. The certifier should consider maintenance requirements and any “whole of life” cost that may occur and is reasonably practical.

For complex development matters, however, 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 the PDA development conditions. The parties should also be aware of the standards of any relevant External Authority relating to Contributed Assets.

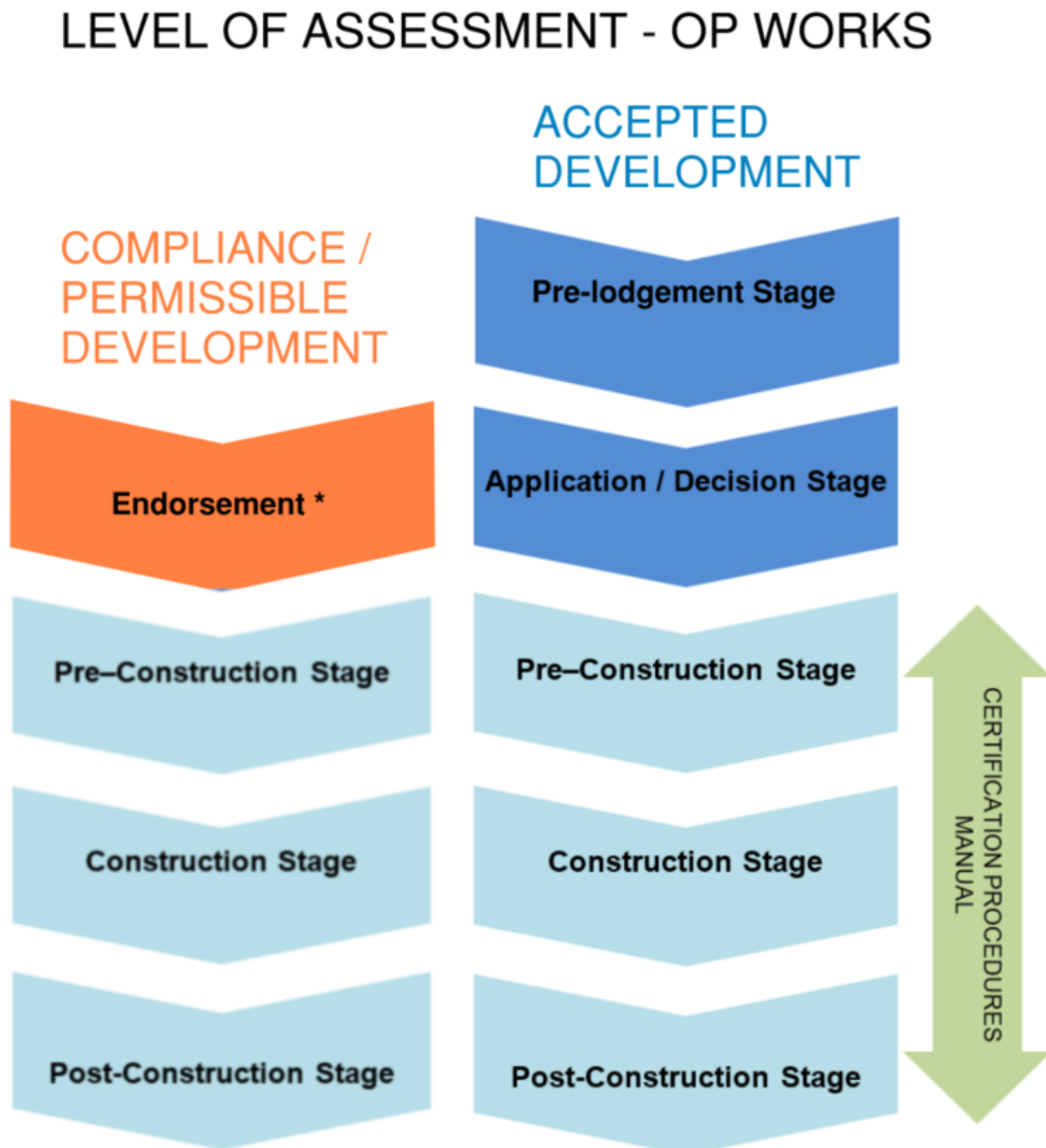
An ILUP or PDA development scheme may also require application of different standards or the provision of a specific response.

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

⁶ The PDA Guidelines may be downloaded at <https://www.edq.qld.gov.au/our-approach/land-use-planning-and-infrastructure/development-applications-and-assessment/planning-and-infrastructure-forms-and-guidelines>

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 either the PDA development approval (PDA accepted development) or other PDA assessable development (such as further compliance assessment or permissible Op Works) and PDA development conditions therein stipulate alignment to this manual.



* Where assessment is of **detailed design** the pre-construction certification and form is not required.

The certification process applies to the pre-construction, construction and post-construction stages of a development where required by PDA development conditions or an Infrastructure Agreement.

9 Stages of development process

The following stages of the development process seek to ensure that Contributed Assets are of a standard to facilitate a smooth handover to an External Authority, as future asset Owner and all works comply with the requirements of the PDA development conditions or an Infrastructure Agreement. These stages are discussed in further detail in section 10 of the CPM.

9.1 Pre- lodgement stage

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

These meetings seek to reduce assessment timeframes by identifying and resolving complex or non-standard or innovative design issues prior to formal lodgement of an application. Such meetings can also include early identification of potential project high-risk elements or events which are to be suitably managed as per Section 10.1.5.

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.⁷

9.2 Application / Decision stage

When 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, 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 (Project Coordinator), certification of the Works (Certifiers) and other matters required by the PDA development conditions or obligations in an Infrastructure Agreement.

The Project Coordinator must have demonstrated project management skills and 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.

⁷ <https://www.edq.qld.gov.au/our-approach/land-use-planning-and-infrastructure/development-applications-and-assessment>

If the PDA development conditions require compliance with the CPM, commencement of construction before MEDQ has acknowledged and accepted the Pre-Construction Documents, including the appointment of the Project Coordinator and Certifier, will expose the Development Proponent and its consultants to the offences and penalties provisions of the Act discussed in section 13 of the CPM.

Following MEDQ's acceptance of the Pre-Construction Documents, the Project Coordinator becomes the primary point of contact with MEDQ for the delivery of the project. Notwithstanding, the Project Coordinator may nominate an alternate organisational representative as a secondary contact to act on behalf of the Project Coordinator where that individual is similarly qualified as Project Coordinator and accepted by MEDQ and not acting in the capacity of certifier for the subject PDA development.

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

9.4 Construction stage

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

If material design changes are required during construction, MEDQ will require certified plans to be re-submitted in conjunction with Project Coordinator notification / rational statement to MEDQ supporting the design change and justification for acceptance as Minor Change⁸. Significant design changes may trigger the need for the Development Proponent to seek a change to the PDA development approval from MEDQ.

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 sections 10.2.3 and 10.2.4 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 Contributed Assets is transferred from the Development Proponent to the relevant External Authority using 'On-Maintenance' and 'Off-Maintenance' processes.

The Project Coordinator must lodge with MEDQ the certified Post-Construction Documents in accordance with the requirements of the PDA development conditions or an Infrastructure Agreement as each of the primary construction phases are completed (i.e. roads, streetlighting, landscaping, drainage, sewer and water) and ensure Certifier coordination for an On-Maintenance inspection inviting any relevant External Authority and MEDQ, though neither party is obligated to attend. When defects identified in the inspection are rectified and all related requirements of the PDA development conditions and/or an Infrastructure Agreement are fulfilled, 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.

⁸ Refer to the Minor Change definition. Importantly the Minor Change must not materially change the PDA approval or give rise to prohibited development or referral to authority. Material design changes do not ordinarily include design site instructions or As Constructed data.

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

At the expiration of the Maintenance Period, the Project Coordinator must ensure an Off-Maintenance inspection and invite the relevant External Authority and MEDQ, though neither party is obligated to attend. When defects identified in the inspection are rectified and all related requirements of the PDA development conditions and any Infrastructure Agreement are fulfilled, MEDQ will notify the Project Coordinator and the relevant External Authority that the Works are accepted Off-Maintenance. MEDQ will release any Maintenance Bond 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 works comply with the requirements of PDA development conditions and any Infrastructure Agreement and Contributed Assets are of a standard to facilitate a smooth handover to the External Authority as 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 or an Infrastructure Agreement. Appointment of these parties is subject to each of them completing the applicable application form in accordance with the template set out in Schedule 1 to the CPM and obtaining written confirmation from MEDQ of acceptance.

The certification process permits Project Coordinator, any Certifier and a Project Auditor to pre-apply to MEDQ for universal registration for a nominated PDA and receive written confirmation and registration for purposes of required CPM submission and associated activities pertaining to any development approval.

MEDQ may reject the nomination of any person, in its absolute discretion, only on the basis that:

- a) the person is not suitably qualified, professionally registered or experienced
- b) the person is not sufficiently independent to the Development Proponent
- c) the person is not suitable because of unsatisfactory conduct or prior CPM role performance (including unsatisfactory performance outcomes of an independent audit conducted in accordance with Section 12 MEDQ Audit) or professional misconduct
- d) the information contained in any document signed by the person is inadequate or inaccurate.

MEDQ may, in its absolute discretion, accept the nomination of an employee of the Development Proponent as the Project Coordinator for large-scale, complex developments (e.g. where there are a range of uses across a large number of different disciplines or where there are significant infrastructure requirements). In all cases, the Project Coordinator must have demonstrated, relevant project management skills and experience commensurate with the scale of the development. A civil engineer, with RPEQ registration and relevant project management skills and experience of at least 10 years, is typically accepted to this role.

Although a Development Proponent may nominate a Certifier as the Project Coordinator, MEDQ will typically only accept this dual appointment, in its absolute discretion, for relatively minor development or where sufficient cause is shown. The Certifier must have the required technical qualifications in the discipline being certified and demonstrated, relevant experience commensurate with the scale of the development.

10.1.2 Primary Obligations of parties

Refer to Schedule 4 for a Consolidated listing of responsibilities and submission requirements of each party.

1. Development Proponent

- ☐ The Development Proponent must, prior to commencing the pre-construction stage of the Works ensure that MEDQ has given written notice to the Development Proponent that it accepts the nomination of each person named as the Project Coordinator, Certifier and Project Auditor in relation to the Works.

1.1 The Development Proponent must:

- ☐ ensure that all its professional advisors and contractors are adequately and appropriately insured.

MEDQ may, in its absolute discretion, accept other insurance amounts dependent on scope of services but generally the required minimum insurance support is:

- professional indemnity insurance from an insurance company to the value of \$1,000,000 each and every claim and in the aggregate during the insurance period 6 years extending from agreement commencement; and
- public liability insurance from an insurance company to the value of \$20,000,000 any one occurrence MEDQ for the period in which services are conducted; and
- any other insurance required by law.

- ☐ ensure that all work undertaken by the Project Coordinator, Certifier and Project Auditor appointed by the Development Proponent and accepted by MEDQ is in accordance with the PDA development approval and the Infrastructure Agreement, and

- ☐ allow MEDQ and its officers, agents, consultants, contractors and subcontractors and ultimate asset owner's representatives, reasonable access to the Land to inspect the Works on the Land as they proceed.

1.2 The Development Proponent must comply with the requirements of the CPM, the PDA development approval and the Infrastructure Agreement in respect of the Works and, in particular, any Works which will become a Contributed Asset.

1.3 The Development Proponent must comply with the requirements of the CPM, the PDA development approval and the Infrastructure Agreement with respect to providing Security to MEDQ in the form of an Uncompleted Works Bond and/or Maintenance Bond.

1.4 The Development Proponent must replace the Project Coordinator, Certifier or Project Auditor (as the case may be) as soon as possible after becoming aware of any of the following events:

- (a) death, serious illness, or change of employment of the Project Coordinator, Certifier or Project Auditor

- (b) any form of unsatisfactory conduct or professional misconduct by the Project Coordinator, Certifier or Project Auditor
- (c) where the Project Coordinator, Certifier or Project Auditor ceases to be suitably qualified or experienced to lawfully and with due care, skill and diligence perform the functions for which they have been appointed
- (d) where the Project Coordinator, Certifier or Project Auditor ceases to be sufficiently independent to the Development Proponent in the performance of the functions for which they have been appointed
- (e) any material breach of the obligations of the Project Coordinator, Certifier or Project Auditor that remains unrectified or, if the breach is not capable of rectification, a mitigation plan to address the breach has not been prepared and implemented, after a reasonable period or
- (f) personal insolvency of the Project Coordinator, Certifier or Project Auditor or insolvency of any company employing them.

☐ To remove any doubt, the above does not limit any of the responsibilities and obligations of the Development Proponent under the CPM, any relevant PDA development approval, any relevant Infrastructure Agreement, the *Economic Development Act 2012* or otherwise at Law.

☐ **Project Coordinator**

1.1 At all times, the Project Coordinator must:

- (a) Not commence any works under the CPM until MEDQ has given written notice to the Development Proponent that it accepts the nomination of each person named as the Project Coordinator in relation to the Works
- (b) ensure that all documents prepared by the Project Coordinator and given to MEDQ do not contain information that is false or misleading to the best of the Project Coordinator's knowledge, and
- (c) advise MEDQ in writing immediately on becoming aware that any document given to MEDQ (whether or not prepared by the Project Coordinator) contains information that is false or misleading.

1.2 The Project Coordinator must co-operate with any auditor engaged by MEDQ (**MEDQ Auditor**) and promptly provide copies of all documents requested by MEDQ Auditor.

1.3 The Project Coordinator must carry out his responsibilities and obligations with due care, skill and diligence.

- 1.4 To remove any doubt, the above does not limit any of the responsibilities and obligations of the Project Coordinator under the CPM, any relevant PDA development approval, any relevant Infrastructure Agreement, the *Economic Development Act 2012* or otherwise at Law.

2. Certifier

- 1.2 At all times, the Certifier must:

- (a) Not commence any works under the CPM until MEDQ has given written notice to the Development Proponent that it accepts the nomination of each person named as the Certifier in relation to the Works
- (b) ensure that all documents prepared by the Certifier to be given to MEDQ do not contain information that is false or misleading to the best of the Certifier's knowledge and
- (c) advise MEDQ in writing immediately on becoming aware that any document given to MEDQ (whether prepared by the Certifier or not) contains information that is false or misleading.

- 1.3 The Certifier must co-operate with any auditor engaged by MEDQ (**MEDQ Auditor**) and promptly provide copies of all documents requested by MEDQ Auditor.

- 1.4 The Certifier must carry out his/her responsibilities and obligations with due care, skill and diligence.

- 1.5 To remove any doubt, the above does not limit any of the responsibilities and obligations of the Certifier under the CPM, any relevant PDA development approval, any relevant Infrastructure Agreement, the *Economic Development Act 2012* or otherwise at Law.

3. Project Auditor

- 1.1 At all times, the Project Auditor must:

- (a) Not commence any works under the CPM until MEDQ has given written notice to the Development Proponent that it accepts the nomination of each person named as the Certifier in relation to the Works
- (b) review the Risk Assessment for the Works prepared by the Project Coordinator in respect of activities classified as 'high-risk' or other matters requiring assessment by MEDQ under the relevant PDA development approval and/or the Infrastructure Agreement in accordance with the CPM, *Australian Standard: AS/NZS ISO 31000:2009 Risk Management - Principles and Guidelines*, and best practice

- (c) provide a written report to the Project Coordinator including recommendations for reducing any identified risks in the Risk Assessment
- (d) review any updates to the Risk Assessment prepared by the Project Coordinator in respect of any activity that has escalated to the 'high-risk' category
- (e) provide a written report to the Project Coordinator including recommendations for reducing any identified risks in an updated Risk Assessment
- (f) ensure that all documents prepared by the Project Auditor and given to MEDQ do not contain information that is false or misleading to the best of the Project Auditor's knowledge
- (g) advise MEDQ in writing immediately on becoming aware that any document given to MEDQ (whether prepared by the Project Auditor or not) contains information that is false or misleading
- (h) co-operate with any auditor engaged by MEDQ (**MEDQ Auditor**) and promptly provide copies of all documents requested by MEDQ Auditor, and
- (i) carry out his responsibilities and obligations with due care, skill and diligence.
- (j) To remove any doubt, the above does not limit any of the responsibilities and obligations of the Project Auditor under the CPM, any relevant PDA development approval, any relevant Infrastructure Agreement, the *Economic Development Act 2012* or otherwise at Law.

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 the requirements of an Infrastructure Agreement.

The Project Coordinator must also collate and lodge with 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) Risk Assessment by the Project Coordinator
- b) Pre-Construction Certification form by each Certifier
- c) Pre-Construction Certification form by the Project Auditor (if required),
- d) Copies of Certificate of Currency for insurance policies required in Section 10.1.2;
- e) Copy of relevant Construction Audit and Surveillance Schedule (CASS) – Section 10.2.2, and
- f) Pre-Construction Checklist by the Project Coordinator.

These documents are listed in Schedule 1 to the CPM. Although the PDF version of the CPM on the Economic Development Queensland website does not include the

Schedule 1 forms and documents, editable PDF versions can be accessed via the Schedule 1 links on the Economic Development Queensland website.⁹

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.

The Project Coordinator must ensure that the Risk Assessment considers each discipline affected by each stage of the development.

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 is listed in Schedule 1 to the CPM. An editable PDF version can be accessed via the Schedule 1 links on the Economic Development Queensland website.¹⁰

The Risk Assessment template is intended to be used as a guide for the steps to undertake as part of the Risk Assessment and 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 MEDQ within twenty (20) business days of becoming aware of such escalation of risk.

MEDQ may, in its absolute discretion, waive the requirement for a Risk Assessment to be submitted for subsequent stages of a development if a written request is made to MEDQ and the request is supported by sufficient evidence to demonstrate that the risk for the relevant later stage is unchanged.

An updated Risk Assessment for later stages will be required if the risk is found to have escalated.

⁹ <https://www.edq.qld.gov.au/our-approach/land-use-planning-and-infrastructure/development-applications-and-assessment/planning-and-infrastructure-forms-and-guidelines/certification-processhttp>

¹⁰ <https://www.edq.qld.gov.au/our-approach/land-use-planning-and-infrastructure/development-applications-and-assessment/planning-and-infrastructure-forms-and-guidelines/certification-processhttp>

Projects with higher risk are usually ones that create a lot of public attention, or that are extremely challenging from a design and safety perspective. Some examples include public works like large highways, major signalised intersection, rapid transit lines, and road tunnels and bridges, as well as development with significant flood conveyance, vegetation management and geotechnical or landslip considerations. It is encouraged that such high-risk matters are suitably identified and mitigated within the pre-lodgement and development application stages.

10.1.5 Commencement of construction

Construction may only commence once 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 10.1.6 of the CPM.

Commencement of construction before MEDQ provides this advice will expose the Development Proponent and its consultants to the offences and penalties provisions of the Act discussed in section 13 of the CPM. Notwithstanding, **preliminary construction matters may progress such as site establishment and implementation of Contractor ES&C mitigation measures.**

10.1.6 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	
Development Proponent	Responsibilities ☐ Appoint suitably qualified and properly insured Project Coordinator, Certifier and Project Auditor (as required) following approval by MEDQ ☐ Arrange stakeholder meetings with any External Authority and MEDQ (as required) ☐ Provide signage with contact details for complaint resolution at the boundaries of the development ☐ Ensure the Works do not commence prior to MEDQ's acceptance of all Pre-Construction Documents required under the PDA development conditions, the CPM and an Infrastructure Agreement, including the appointment of the Project Coordinator, Certifier and Project Auditor (as required). Submission requirements ☐ Where applicable, submit application forms for appointment of the Project Coordinator, Certifier and Project Auditor (as required) for MEDQ's acceptance.
Project Coordinator	Responsibilities ☐ Primary point of contact for project ☐ Coordinate Risk Assessment associated with the Works and other matters requiring assessment under the PDA development conditions or an 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 ☐ Review pre-construction designs, reports and management plans to ensure compliance with the PDA development conditions and obligations under an Infrastructure Agreement ☐ Coordinate and document pre-construction design certification for lodgement with MEDQ ☐ Provide certified plans to the relevant parties for their information ☐ Consider contractor community consultation / notification options ☐ Provide MEDQ and the relevant External Authority with contact details for complaint resolution ☐ Monitor 'medium-risk' activities for potential escalation to the 'high-risk' category ☐ Resolve conflicts that may arise between the different certification disciplines when applying standards ☐ 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 ☐ Notify MEDQ of any significant alternative designs or non-conformances with the standards and guidelines listed in the PDA development conditions or an Infrastructure Agreement ☐ Ensure that all documents lodged with MEDQ do not contain information that is false or misleading to the best of the Project Coordinator's knowledge

Pre-construction stage checklist	
	☐ Arrange a pre-start meeting with MEDQ, the Certifier, any External Authority (acting as an observer) and relevant third parties (e.g. contractor) ☐ Ensure the Works do not commence prior to MEDQ's acceptance of all Pre-Construction Documents required under the PDA development conditions, the CPM and an Infrastructure Agreement. Submission requirements ☐ Submit Pre-Construction Documents to MEDQ for acceptance including, but not necessarily limited to, the following: ○ pre-construction checklist by the Project Coordinator ○ certified reports and drawings required by the PDA development conditions or an Infrastructure Agreement ○ approved drawings from any External Authority having design certification roles required by the PDA development conditions or an Infrastructure Agreement ○ completed Pre-Construction Certification form by each Certifier and Project Auditor (if appointed) ○ written evidence from any External Authority that permission has been obtained for service connections or creation of public utility easements ○ Risk Assessment. ☐ Provide MEDQ and the relevant External Authority with appropriate contact details for complaint resolution.
Certifier	Responsibilities ☐ Consult with other appointed Certifiers to minimise conflicts (as required) ☐ Identify risks associated with the Works and other matters requiring assessment under the PDA development conditions or an Infrastructure Agreement ☐ Certify that the pre-construction design complies with the PDA development conditions and approved drawings or requirements of an Infrastructure Agreement in accordance with the Pre-Construction Certification Form ☐ Develop Construction Audit and Surveillance Schedule (CASS) ☐ Ensure that all documents lodged with MEDQ do not contain information that is false or misleading to the best of the knowledge of the Certifier. Submission requirements ☐ Provide the following documents to the Project Coordinator for submission to MEDQ: ○ certified reports, designs and drawings required by the PDA development conditions or an Infrastructure Agreement ○ Pre-Construction Certification Form (where required) ○ CASS ○

Project Auditor (if required)	Responsibilities ☐ Develop and certify mitigation measures for ‘high-risk’ activities identified in the Risk Assessment ☐ Develop Construction Audit and Surveillance Schedule (CASS) ☐ Ensure that all documents lodged with MEDQ do not contain information that is false or misleading to the best of the Project Auditor’s knowledge. Submission requirements ☐ Provide the following documents to the Project Coordinator for submission to MEDQ: ○ written report and recommendation(s) for risk mitigation of ‘high-risk’ activities ○ Pre-Construction Certification Form ○ CASS
MEDQ	Responsibilities ☐ Review acceptability of the nominated Project Coordinator, Certifier and Project Auditor (if required) ☐ Review acceptability of all Pre-Construction Documents, and consult with any External Authority about the documents (as required) ☐ Issue written acknowledgment of the receipt of the Project Coordinator’s submission ☐ Notify the Project Coordinator whether the Risk Assessment aligns with MEDQ’s expectations ☐ Issue written advice to the Project Coordinator confirming acceptance of Pre-Construction Documents and acceptability of the nominated parties.

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 External Authority collaboration activities as required in Section 10.2.2.
- b) Any non-conformance with the Pre-Construction Documents is reported to 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.
- d) Complaint records are given to MEDQ, as soon as practicable or within two (2) business days of being requested by MEDQ to do so.

The Development Proponent must allow MEDQ and its officers, agents, consultants and contractors and relevant External Authority’s representatives reasonable access to the development site to inspect the Works as they proceed.

10.2.2 Audit and Surveillance

During the construction stage, it is the responsibility of the Certifier to coordinate and ensure that the required minimum External Authority collaboration is performed in accordance with Table 10-1. Where an external Authority has a design certification and construction auditing role (DA Condition or IA terms), then auditing is to be performed in accordance with that External Authority requirements. Where External Authority participation is optional the certifier shall provide electronic correspondence to notify the External Authority of the scheduled audit occurrence with sufficient notification (minimum 48 hours prior) to allow attendance.

Table 10-1: External Authority Construction Collaboration

Audit Type	External Authority
Pre-Start	Optional
Construction (Various*)	Optional
Pre-On Maintenance	Not Required
Live Works	Mandatory
On Maintenance	Mandatory
Off Maintenance	Optional

* Mandatory audits where required by the relevant authority approval requirements.

The civil Certifier and in the case of 'high-risk' activities, a Project Auditor, is required to develop and implement a Construction Audit and Surveillance Schedule (CASS) as intended demonstration of ensuring standards compliance. The CASS ensures that project quality, safety, and compliance standards are met throughout the construction lifecycle. It typically combines planned audits (systematic checks) with ongoing surveillance (daily or weekly inspections). The schedule is to be superimposed onto the civil works program and will define the following:

- Area of Focus (e.g. stormwater pipeline installation)
- Type of observation (Audit or surveillance)
- Specific Activity (scope, e.g. check embedment)
- Responsibility
- Frequency¹¹
- Target Date

¹¹ The frequency of surveillance may be varied during the works depending on the Contractor's performance, changing risk profiles or significant changes to agreed processes.

10.2.3 Early plan sealing for reconfiguring a lot

MEDQ gives a Development Proponent the option to seek an approval for a survey plan for reconfiguring a lot before all works required under the PDA development conditions or an Infrastructure Agreement are completed.

To pursue this option, the Development Proponent shall in conjunction with early plan sealing application submit to MEDQ a concurrent application for bonding of uncompleted works for MEDQ's consideration with mandatory supporting material.

Concurrent submission is considered to streamline plan sealing process with uncompleted works bonding accepted based on the satisfactory provision of mandatory supporting material, documentation and accompanying certifications.

Unless otherwise agreed by MEDQ, the mandatory supporting material concerning the application for bonding of uncompleted works shall demonstrate that the following minimum criteria are met:

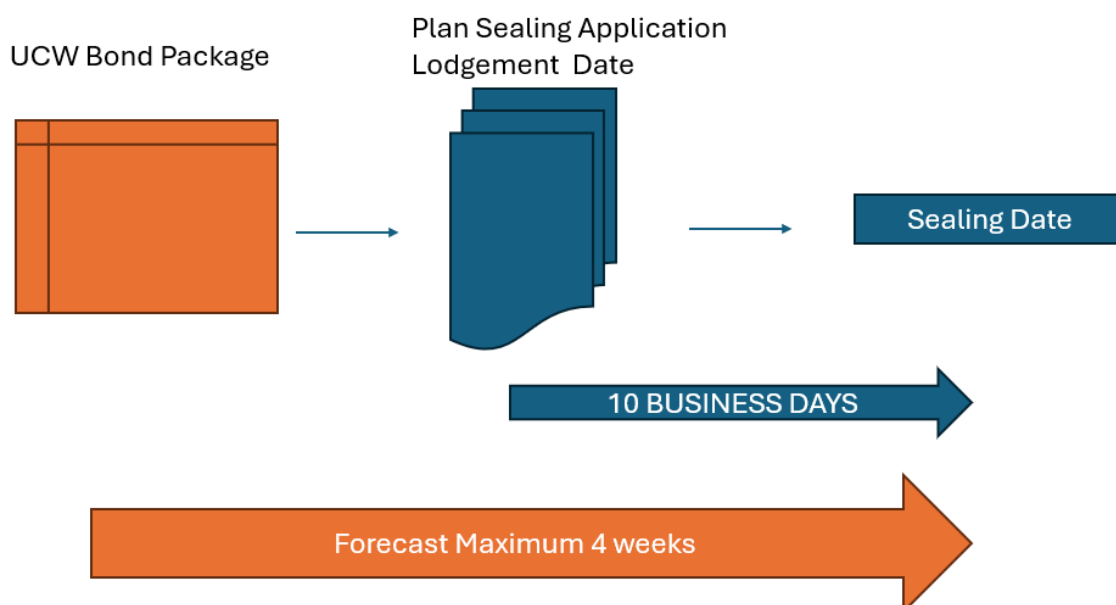
- a) All works required by the PDA development conditions or an Infrastructure Agreement (except for the Works to be bonded) are complete. Provide supplementary overall site photographic images as evidential demonstration of works progress. All images to include GPS reference with embedded location data (latitude/longitude) in their metadata.
- b) A detailed construction program demonstrating that the bonded works can be completed within three (3) months of survey plan¹². The program must also include reasonable allowance for wet weather factoring for seasonal and location considerations (e.g. winter and coastal / inland).
- c) All bulk earthworks for road formations and allotments are complete
- d) Sewerage reticulation is 90 per cent complete
- e) Sewerage property connections are installed to each lot for 90 percent complete
- f) All services and stormwater road crossings are complete
- g) 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
- h) An allowance has been made for as-constructed plans in the certification of the value of the Uncompleted Works by the Certifier

Importantly as with any plan sealing application it will also be necessary to separately demonstrate that all External Authority fees and local authority rates are paid. Further, all monetary contributions required by the PDA development conditions and Infrastructure Agreement are paid.

¹² The required three (3) month period may be extended by MEDQ for the same period as any extension of time granted in relation to the construction contract for the Uncompleted Works.

Additional to the required supporting material 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) Request for Bonding of Uncompleted Works by Development Proponent.
- b) Uncompleted Works Deed Poll by the Development Proponent
- c) Irrevocable Authority, Acknowledgment and Release by the Landowner (if required)
- d) Uncompleted Works Guarantee and Undertaking by an Approved Security Provider
- e) 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 an Infrastructure Agreement. The forecast uncompleted Works Guarantee amount may anticipate construction continuation for the plan sealing lodgement and application process period for up to maximum 4 weeks as shown below but no less than value required for maintenance bond.
- f) Updated Risk Assessment by the Project Coordinator (if required)
- g) Risk review by the Project Auditor (if required) and
- h) Bonding of Uncompleted Works Checklist by the Project Coordinator¹³.



These documents are listed in Schedule 2 to the CPM. Although the PDF version of the CPM on the Economic Development Queensland website does not include the Schedule 2 forms and documents, editable PDF versions (except for the documents referred to in sub-paragraphs(d), (e) and (f) above) can be accessed via the Schedule 2 links on the Economic Development Queensland website.¹⁴

¹³ These documents only relate to Uncompleted Works.

¹⁴ 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 <https://www.edq.qld.gov.au/our-approach/land-use-planning-and-infrastructure/development-applications-and-assessment/planning-and-infrastructure-forms-and-guidelines/certification-process> http

If the Development Proponent is not the owner of the land, then the Development Proponent must also provide MEDQ with an Irrevocable Authority, Acknowledgment and Release issued by the Landowner in the deed poll format required by MEDQ, unless the State or a State Government Entity owns the land.

An Uncompleted Works Guarantee and Undertaking by an Approved Security Provider may be required at MEDQ's absolute discretion, including where the terms of any proposed Bank Guarantee are not acceptable to MEDQ.

The Uncompleted Works Bond will, among other things, constitute 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.

If a cash bond is proposed, the Development Proponent must also consent to MEDQ registering the same on the national Personal Property Securities Register under the *Personal Property Securities Act 2009*.

Where 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, 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 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 MEDQ exceeding \$25 million, and
- b) exceeding \$50 million, 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 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 MEDQ exceeding \$40 million.

MEDQ will require the Development Proponent to lodge a replacement Uncompleted Works Bond if, prior to the release of the Uncompleted Works Bond, the relevant 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 10.2.3 of the CPM, or such further period as may be agreed by MEDQ, then MEDQ may do any, or all, of the following:

- a) Draw down or call on the Uncompleted Works Bond to the value of the Uncompleted Works that remain uncompleted without reference to the Development Proponent or any other person; or
- b) 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, MEDQ will not draw down or 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 MEDQ in undertaking the Uncompleted Works is more than the amount recovered under the Uncompleted Works Bond, then the Development Proponent must pay the additional amount to MEDQ on demand as a liquidated debt.

10.2.6 Reduction of Uncompleted Works Bond

If the Development Proponent has completed any of the following works, it may request 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.

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, the documents identified in section 10.3.2(a) of the CPM have been provided to MEDQ and the relevant works are On-Maintenance. MEDQ will require the Development Proponent to provide a replacement Uncompleted Works Bond in the reduced amount approved by MEDQ before the original Uncompleted Works Bond will be returned to the Development Proponent.

10.2.7 Discharge of Uncompleted Works Bond

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,
- c) the documents identified in section 10.3.2(a) of the CPM have been provided, and
- d) 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 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 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 MEDQ a replacement Uncompleted Works Bond in accordance with the requirements of the Uncompleted Works Deed Poll.

The Landowner is also restricted in relation to a sale or transfer of the land on similar terms under the Irrevocable Authority, Acknowledgment and Release.

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	
Development Proponent	Responsibilities ☐ Ensure that: ○ ○ may wish to submit the proposed uncompleted works bond for review by MEDQ prior to plan seal submissionbonded Uncompleted Works will be completed within three (3) months of survey plan endorsement ○ a replacement Uncompleted Works Bond is provided if the relevant Security Provider is no longer an Approved Security Provider ○ a replacement Uncompleted Works Bond is provided if MEDQ agrees to reduce the Uncompleted Works Bond under section 10.2.6 of the CPM ○ the consent of MEDQ is sought prior to assigning any rights under the Uncompleted Works Deed Poll ○ prior to the discharge of the Uncompleted Works Bond, a deed poll in favour of MEDQ is obtained from any transferee of the land together with a replacement Uncompleted Works Bond. Submission requirements ☐ Submit Request for Bonding of Uncompleted Works by Development Proponent form to MEDQ ☐ Provide the following documents to the Project Coordinator for lodgement with MEDQ: ○ Uncompleted Works Deed Poll ○ Security for the Uncompleted Works in accordance with the certified schedule of Uncompleted Works by Certifier ○ Irrevocable Authority, Acknowledgment and Release by the Landowner if not the Development Proponent, the State or a State government entity ☐ Provide MEDQ with a request to consent to any proposed assignment of rights under the Uncompleted Works Deed Poll ☐ Provide MEDQ with a request to reduce Uncompleted Works Bond as required by section 10.2.6 of the CPM ☐ Provide 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.

Project Coordinator	Responsibilities ☐ Primary point of contact for project (excepting External Authority coordination) ☐ Monitor 'medium risk' activities for potential escalation to the 'high risk' category ☐ Notify MEDQ of any significant alternative designs or non-conformances with the standards and guidelines listed in the PDA development conditions or an Infrastructure Agreement ☐ Ensure that all documents lodged with MEDQ do not contain information that is false or misleading to the best of the Project Coordinator's knowledge ☐ Coordinate the Works to ensure they meet all Uncompleted Works criteria set out in sections 10.2.3 and 10.2.6 of the CPM. Submission requirements ☐ Submit Construction Documents to MEDQ for acceptance including, but not necessarily limited to, the following: ○ Uncompleted Works Deed Poll by Development Proponent ○ detailed construction program indicating expected completion date for the Works ○ 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 ○ updated Risk Assessment (if required) ○ Bonding of Uncompleted Works Checklist.
Certifier	Responsibilities ☐ Coordinate and ensure the compliance of all required External Authority audits. ☐ Ensure that the Works have been constructed generally in accordance with certified plans and relevant standards ☐ Ensure that all documents lodged with MEDQ do not contain information that is false or misleading, to the best of the knowledge of the Certifier. Submission requirements ☐ Provide the following documents to the Project Coordinator for submission to MEDQ: ○ certified schedule of Uncompleted Works. ○ Detailed construction program indicating expected completion date for Works ○ Photographic evidence of Works completion in accordance with section 10.2.3.
Project Auditor (if required)	Responsibilities Submission requirements ☐ Provide the following documents to the Project Coordinator for submission to MEDQ: ○ written report and recommendations for risk mitigation of 'high-risk' activities identified in any updated Risk Assessment (if required).
MEDQ	Responsibilities ☐ Review Uncompleted Works documents

	☐ Process early plan sealing request ☐ Review / process any request for reduction of a security ☐ Review / process any request for consent to the sale or transfer of the land, assignment of rights and request for a replacement security.
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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 documents and material to ensure compliance with relevant PDA development conditions and obligations in an Infrastructure Agreement.

10.3.2 Post-construction documents

The following documents (the *Post-Construction Documents*) comprise:

- a) Where there are Contributed Assets requiring works to be placed On-Maintenance:
 - 1) Post-Construction Certification Form by the Certifier
 - 2) schedule of the completed value of the Works by the Certifier, and
 - 3) 'as constructed' drawings in accordance with section 10.3.3 of the CPM
 - 4) records of On-Maintenance inspection
 - 5) On-Maintenance Request Form by the Project Coordinator
- b) Where there are Contributed Assets requiring works to be placed Off-Maintenance:
 - 6) records of Off-Maintenance inspection
 - 7) Off-Maintenance Request Form by the Project Coordinator
 - 8) Post-Project Review, if not previously required and provided
- c) Where there are no Contributed Assets:
 - 1) Post-Construction Certification Form by each Project Certifier.

These documents (except for those referred to in sections 10.3.2(a)(2) and 10.3.2(a)(3)) are listed in Schedule 3 to the CPM. Although the PDF version of the CPM on the Economic Development Queensland website does not include the Schedule 3 forms, editable PDV versions can be accessed via the Schedule 3 links on the Economic Development Queensland website.¹⁵

10.3.3 On-Maintenance

The Project Coordinator must lodge with 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 any Infrastructure Agreement (collectively the *On-Maintenance submission*) once satisfied that construction of the Works has reached completion.

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

¹⁵ <https://www.edq.qld.gov.au/our-approach/land-use-planning-and-infrastructure/development-applications-and-assessment/planning-and-infrastructure-forms-and-guidelines/certification-process>

The Project Coordinator will also ensure an On-Maintenance inspection and invite the relevant External Authority and MEDQ, though neither party is obligated to attend. The Development Proponent must pay any fees required by the External Authority to attend the inspection.

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 conditions and any Infrastructure Agreement and
- b) any defects identified at the On-Maintenance inspection have been rectified and
- c) it has received an acceptable Maintenance Bond from the Development Proponent in relation to the maintenance requirements for the Works (the *Maintenance Bond*).

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

To remove any doubt,

- a) the Works will be On-Maintenance on the date that MEDQ confirms that the Works are On-Maintenance.
- b) Asset handover (transfer ownership) to the relevant External Authority will occur when the Works are accepted On-Maintenance, and
- c) the Development Proponent's responsibility for attending to defects will be required until the Contributed Assets are accepted Off-Maintenance.

10.3.4 Maintenance Period

At completion of the post-construction certification process, the Contributed Assets will be treated as 'fit-for-purpose' and the Maintenance Period will commence.

The maintenance requirement is considerably more than the defects liability requirement that commonly exists under construction contracts. The Development Proponent is to make appropriate allowances to meet requirements of the 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 an Infrastructure Agreement or directed by MEDQ. 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 MEDQ's satisfaction lies with the Development Proponent and Project Coordinator and not with MEDQ or the 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* and *City of Brisbane Act 2010*, although maintenance requirements will still apply.

10.3.5 Maintenance Bond

Where required, 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 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 an Infrastructure Agreement, with a minimum amount payable of \$10,000.

Where the asset is a low capital cost item but has a high maintenance cost (e.g. rehabilitation of vegetation within a conservation zone with an extended maintenance period), MEDQ reserves the right to increase the amount of the Maintenance Bond above 5 per cent of the value of the completed works.

10.3.6 Acceptable Security

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

If a cash bond is proposed, the Development Proponent must also consent to MEDQ registering the same on the national Personal Property Securities Register under the *Personal Property Securities Act 2009*.

Where 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, 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 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 MEDQ exceeding \$25 million, and
- b) exceeding \$50 million, 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 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 MEDQ exceeding \$40 million.

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

10.3.7 Recourse to Maintenance Bond

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, MEDQ will not draw down or 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 MEDQ to:

- a) rectify any defects for which MEDQ calls on the Maintenance Bond; or
- b) undertake maintenance of the Works for which MEDQ calls on the Maintenance Bond, and
- c) recoup any administration costs incurred by 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 MEDQ on demand as a liquidated debt.

If 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 draw down or 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 all defects.

The Project Coordinator will arrange an Off-Maintenance inspection with each Certifier. Representatives of 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 the External Authority to attend the inspection.

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

- a) a list of defects to 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 MEDQ confirm completion of the Maintenance Period and release of the Maintenance Bond (collectively the *Off-Maintenance request*).

At its discretion, 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 an Infrastructure Agreement has not been achieved.

To remove any doubt:

- d) the Works will be Off-Maintenance on the date that MEDQ confirms that the Works are Off-Maintenance and
- e) MEDQ will not agree to release or reduce a Maintenance Bond until the Works are confirmed as 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 MEDQ a replacement Maintenance Bond required by the CPM or an Infrastructure Agreement.

10.3.10 Handover of contributed assets

Once 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 Development Proponent's maintenance responsibility will cease.

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.

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

10.3.11 Non-Contributed Assets

Where there are no Contributed Assets to be transferred to an External Authority, there will be no requirement for Non-Contributed Assets to be placed On-Maintenance. In those circumstances, the Project Coordinator must lodge the document set out in section 10.3.2(c) of the CPM once satisfied that construction of the Works has reached completion.

10.3.12 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:

Post-construction stage checklist	
Development Proponent	Responsibilities ☐ Rectify any construction related defects identified at the On-Maintenance and Off-Maintenance inspections, including damage caused by third parties ☐ Arrange the Maintenance Bond if not already provided ☐ Arrange payment of any inspection fees to the relevant External Authority Submission requirements ☐ Submit a Maintenance Bond to MEDQ, if not previously provided. ☐ Submit a Post-Project Review to MEDQ in conjunction with off-maintenance request, if not previously provided.
Project Coordinator	Responsibilities ☐ Primary point of contact for project ☐ Arrange the On-Maintenance and Off-Maintenance inspections with MEDQ and the relevant External Authority ☐ Ensure that all documents lodged with MEDQ do not contain information that is false or misleading to the best of the Project Coordinator's knowledge.

Post-construction stage checklist**Submission requirements**

- ☐ Coordinate submission to MEDQ (and the relevant External Authority) of all Post-Construction Documents including, but not necessarily limited to, the following:
 - defects list from On-Maintenance and Off-Maintenance inspections
 - On-Maintenance submission
 - Post-Construction Certification Form by Certifier
 - schedule of the completed value of the Works by the Certifier
 - Off-Maintenance request (after expiry of the Maintenance Period and rectification of all identified defects)
 - Post-Construction Certification Form by Project Certifier where there are no Contributed Assets.

Certifier	Responsibilities ☐ Attend On-Maintenance and Off-Maintenance inspections with MEDQ and the relevant External Authority ☐ Certify the completed works as required by the relevant PDA development conditions and any Infrastructure Agreement ☐ Ensure that all documents lodged with MEDQ do not contain information that is false and misleading to the best of the Certifier's knowledge. Submission requirements ☐ Provide the following documents to the Project Coordinator for submission to MEDQ: ○ Post-Construction Certification Form ○ certified schedule of completed value of the Works.
Project Auditor (if required)	Responsibilities ☐ Provide advice to the Project Coordinator regarding any defects and recommend appropriate course of action to mitigate risks ☐ Ensure that all documents lodged with MEDQ do not contain information that is false or misleading to the best of the Project Auditor's knowledge. Submission requirements ☐ Provide the following documents to the Project Coordinator for submission to MEDQ: ○ written report and recommendation(s) for risk mitigation of 'high-risk' activities and defects (if required).
MEDQ	Responsibilities ☐ Review acceptability of all Post-Construction Documents, and consult with any External Authority about the documents (as required) ☐ Attend On-Maintenance and Off-Maintenance inspections at MEDQ's discretion ☐ Elect to rectify defects or maintain the Works using the Maintenance Bond if the Development Proponent fails to do so within a reasonable period ☐ Issue On-Maintenance confirmation to the Project Coordinator and the 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 ☐ Return the Uncompleted Works Bond following acceptance of the completed works On-Maintenance ☐ Review Off-Maintenance request form ☐ 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 an Infrastructure Agreement have been satisfied ☐ 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

	☐ Return the Maintenance Bond, less any costs incurred by MEDQ in repairing/maintaining any works, following acceptance of completed works Off-Maintenance.
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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 MEDQ Audit

MEDQ supports a culture of continuous improvement through the encouragement of ongoing implementation of CPM process and project reflection and adaptation. By regularly reviewing project specific CPM performance and making iterative adjustments, all project coordinators and certifiers can strive for excellence and deliver increasingly successful outcomes for PDA developments. Accordingly, for contributed asset projects the Development Proponent is required upon post project provide to MEDQ a reflective review of the CPM process and outcomes relating to specific development approval. For large scale work projects (i.e. master planned estates where continuing CPM processes exist over multiple stages) a review is required to be undertaken at least annually. For small and medium scale projects, the review is to be provided with either project completion or in case of contributed assets on-maintenance submission.

Elements of the required Post-project Review are, amongst other matters, to include:

1. Project Background and Objectives.
2. Summary Project CPM Performance.
 - a. Key Achievements and Successes.
 - b. Challenges (including non-conformance with standards) and risks encountered and mitigation.
 - c. Complaint management summary.
 - d. Satisfactory completion of Uncompleted Works for specified timeframe
 - e. Lessons Learned
3. Recommendations (can include feedback concerning industry standards or practices and CPM).
4. Action Items and Follow-up.
5. Certification by Project Coordinator, Certifiers and Project Auditor (if required)
6. Conclusion.

The further benefit of the post-project reviews will include the mechanism for MEDQ to capture and provide relevant authority with formal industry feedback assisting with their own internal reviews and auditing of standards and practices. Additionally, such relevant feedback may well be considered for CPM updates.

In addition, or conjunction with above MEDQ may require, at its discretion, an independent 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 a peer review undertaken under a PDA development condition or an audit undertaken by a Project Auditor arising out of a Risk Assessment submitted by the Project Coordinator.

If MEDQ initiates the audit process, it will appoint the auditor (*MEDQ's 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 MEDQ's Auditor with complete copies of all records and files requested by MEDQ's Auditor within fifteen (15) business days.

MEDQ's Auditor will provide an audit report to MEDQ. MEDQ will provide a copy of 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.

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 works without the correct approvals
- c) not complying with a PDA development approval, or
- d) environmental breaches.

MEDQ aims to be proactive in identifying unauthorised work. However, it exercises discretion when deciding how to deal with unauthorised work.

In circumstances where MEDQ reasonably believes that a PDA development offence has been, or is being, committed it may issue a show cause notice or an enforcement notice to the owner or occupier of the premises and seek orders from the Planning and Environment Court or Magistrates Court.

13.2 Penalties

There may be instances where MEDQ will be required to commence 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
- b) prosecution for criminal offences
- c) fines
- d) compensation orders for loss or damage suffered by another person because of a development offence
- e) injunctions - to restrain or remedy serious breaches and
- f) an order for payment of reasonable investigation expenses.

13.3 Non-compliance with CPM

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

- a) 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, MEDQ may refuse the nominated parties' application, or the PDA development application may receive a higher level of scrutiny by MEDQ
- c) 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) MEDQ may call upon the Uncompleted Works Bond 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 shortfall as a liquidated debt
- e) Any other action MEDQ deems appropriate.

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, an Insurance Bond or other security in a form and on terms acceptable to MEDQ.

Act means the *Economic Development Act 2012*.

Administrative Arrangements means the administrative arrangements from time to time made by the Governor in Council under section 44 of the *Constitution of Queensland 2001*.

Approved Security Provider means a Security Provider that is acceptable to MEDQ and if 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 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 an 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 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.

Compliance Assessment Compliance assessment is the EDQ process of endorsing documents (plans, works, reports, strategies), as required by a condition of approval. Typically, such assessment level is limited to the following elements: technical reports with substantial amendments; preliminary design concerning trunk infrastructure (roads, drainage, services infrastructure) and detailed design elements which are deemed as high risk (such as structural bridge design). The compliance process and level of required detail is directed by the approval conditions with associated timeframes. Where the compliance assessment is completed with corresponding endorsement then the CPM will be invoked and utilised for the purpose of delivery of both contributed and non-contributory assets.

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

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

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 Economic Development Queensland the delegated authority for implementation of the CPM lies with officers of **EDQ**.

External Authority means a public-sector entity external to 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 in a form acceptable to 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.

Irrevocable Authority, Acknowledgment and Release means a deed poll signed by the relevant Landowner in the form required by MEDQ.

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 landscaping works to be completed in accordance with the PDA development approval or an 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 an Acceptable Security for an amount that is:

- a) 5 per cent of the value of the completed works determined under the Certifier's schedule of the completed value of the Works; or
- b) another amount required by a PDA development condition or an Infrastructure Agreement; or
- c) where the relevant item is a low-cost, high-maintenance asset, as determined by MEDQ,

with a minimum amount payable of \$10,000 unless otherwise agreed by MEDQ.

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

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

Minor change 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's Auditor means an auditor appointed by MEDQ under the CPM.

Non-Contributed Asset means an asset constructed under a PDA development approval or an 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 accepted development 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 MEDQ from time to time and published on the Economic Development Queensland 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 MEDQ.

Project Coordinator means a person nominated by the Development Proponent as responsible for coordinating the Works required by a PDA development approval or an Infrastructure Agreement, who is acceptable to 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* in the appropriate area of engineering.

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 an Infrastructure Agreement.

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

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

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

Uncompleted Works Guarantee and Undertaking means a deed or other document signed by an Approved Security Provider in a form and on terms acceptable to MEDQ.

Works means the works required to be constructed under a PDA development condition or obligation in an Infrastructure Agreement.

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 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 Economic Development Queensland all files and disclosed for purposes required by Law.

16 Contact

For further information about the CPM, please contact:

Contact: Project Director, EDQ
Phone: 13 QGOV (13 74 68)

Mail: Economic Development Queensland
GPO Box 2202
Brisbane QLD 4001

Pre-Construction and Post-Construction Documents may be submitted by email to:

Email: EDQ_PrePostConstruction@edq.qld.gov.au

Schedule 1 – Pre-construction stage template documents

1. Project Coordinator Application Form
2. Certifier Application Form
3. Project Auditor Application Form
4. Risk Assessment by Project Coordinator
5. Pre-Construction Certification Form by Certifier
6. Pre-Construction Certification Form by Project Auditor
7. Pre-Construction Checklist by Project Coordinator

Note¹⁶

¹⁶ Editable PDF versions of these documents can be accessed via the Schedule 1 links on the Department website at <https://www.edq.qld.gov.au/our-approach/land-use-planning-and-infrastructure/development-applications-and-assessment/planning-and-infrastructure-forms-and-guidelines/certification-process>
Certification Procedures Manual – version 06

Schedule 2 – Construction stage template documents

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

Note¹⁷

¹⁷ Editable PDF versions of these documents can be accessed via the Schedule 2 links on the Department website at <https://www.edq.qld.gov.au/our-approach/land-use-planning-and-infrastructure/development-applications-and-assessment/planning-and-infrastructure-forms-and-guidelines/certification-process>
Certification Procedures Manual – version 06

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

Note¹⁸

¹⁸ Editable PDF versions of these documents can be accessed via the Schedule 3 links on the Department website at <https://www.edq.qld.gov.au/our-approach/land-use-planning-and-infrastructure/development-applications-and-assessment/planning-and-infrastructure-forms-and-guidelines/certification-process>
Certification Procedures Manual – version 06

Schedule 4 – Consolidated responsibilities and submission requirements

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

Consolidated responsibilities and submission requirements of Development Proponent

Pre-construction stage checklist	
Development Proponent	Responsibilities ☐ Appoint suitably qualified and properly insured Project Coordinator, Certifier and Project Auditor (as required) ☐ Arrange stakeholder meetings with any External Authority and MEDQ (as required) ☐ Provide signage with contact details for complaint resolution at the boundaries of the development ☐ Ensure the Works do not commence prior to MEDQ's acceptance of all Pre-Construction Documents required under the PDA development conditions, the CPM and any Infrastructure Agreement, including the appointment of the Project Coordinator, Certifier and Project Auditor (as required). Submission requirements ☐ ☐ Where applicable, submit application forms for appointment of the Project Coordinator, Certifier and Project Auditor (as required) for MEDQ's acceptance.
Construction stage checklist	
Development Proponent	Responsibilities ☐ Ensure that: ○ bonded Uncompleted Works will be completed within three (3) months of survey plan endorsement ○ a replacement Uncompleted Works Bond is provided if the relevant Security Provider is no longer an Approved Security Provider ○ a replacement Uncompleted Works Bond is provided if MEDQ agrees to reduce the Uncompleted Works Bond under section 10.2.6 of the CPM ○ the consent of MEDQ is sought prior to assigning any rights under the Uncompleted Works Deed Poll ○ prior to the discharge of the Uncompleted Works Bond, a deed poll in favour of MEDQ is obtained from any transferee of the land together with a replacement Uncompleted Works Bond. Submission requirements ☐ Provide the following documents to the Project Coordinator for lodgement with MEDQ: ○ Submit Request for Bonding of Uncompleted Works by Development Proponent form to MEDQ ○ Uncompleted Works Deed Poll ○ Security for the Uncompleted Works in accordance with the certified schedule of Uncompleted Works by Certifier ○ Irrevocable Authority, Acknowledgment and Release by the Landowner if not the Development Proponent, the State or a State government entity ☐ Provide MEDQ with a request to consent to any proposed assignment of rights under the Uncompleted Works Deed Poll ☐ Provide MEDQ with a request to reduce Uncompleted Works Bond as required by section 10.2.5 of the CPM

Pre-construction stage checklist

	☐ Provide 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.
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Post-construction stage checklist

Development Proponent	☐ Submit a Post-Project Review to MEDQ in conjunction with off-maintenance request, if not previously provided. ☐ Rectify any construction related defects identified at the On-Maintenance and Off-Maintenance inspections, including damage caused by third parties ☐ Arrange the Maintenance Bond if not already provided ☐ Arrange payment of any inspection fees to the relevant External Authority ☐ Arrange payment of water and sewer connection fees to the relevant External Authority Submission requirements ☐ Submit a Maintenance Bond to MEDQ, if not previously provided.
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Consolidated responsibilities and submission requirements of Project Coordinator

Pre-construction stage checklist	
Project Coordinator	Responsibilities ☐ Primary point of contact for project ☐ Coordinate Risk Assessment associated with the Works and other matters requiring assessment under the PDA development conditions or an 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 ☐ Review pre-construction designs, reports and management plans to ensure compliance with the PDA development conditions and obligations under an Infrastructure Agreement ☐ Coordinate and document pre-construction design certification for lodgement with MEDQ ☐ Provide certified plans to the relevant parties for their information ☐ Consider contractor community consultation / notification options ☐ Monitor ‘medium-risk’ activities for potential escalation to the ‘high-risk’ category ☐ Resolve conflicts that may arise between the different certification disciplines when applying standards ☐ Notify MEDQ of any significant alternative designs or non-conformances with the standards and guidelines listed in the PDA development conditions or an Infrastructure Agreement ☐ Ensure that all documents lodged with MEDQ do not contain information that is false or misleading to the best of the Project Coordinator’s knowledge ☐ Ensure a pre-start meeting with the Certifier, the relevant External Authority , MEDQ (optional) and relevant third parties (e.g. contractor) ☐ Ensure the Works do not commence prior to MEDQ’s acceptance of all Pre-Construction Documents required under the PDA development conditions, the CPM and any Infrastructure Agreement. Submission requirements ☐ Submit Pre-Construction Documents to MEDQ for acceptance including, but not necessarily limited to, the following: ○ Pre-Construction Checklist by the Project Coordinator ○ certified reports and drawings required by the PDA development conditions or an Infrastructure Agreement ○ Pre-Construction Certification Form by each Certifier and Project Auditor (if appointed) ○ Risk Assessment. ☐ Provide MEDQ and the relevant External Authority with appropriate contact details for complaint resolution.
Construction stage checklist	
Project Coordinator	Responsibilities ☐ Primary point of contact for project (excepting External Authority coordination) ☐ Monitor ‘medium risk’ activities for potential escalation to the ‘high risk’ category

Pre-construction stage checklist

- | | |
|--|--|
| | <ul style="list-style-type: none">☐ Notify MEDQ of any significant alternative designs or non-conformances with the standards and guidelines listed in the PDA development conditions or any Infrastructure Agreement☐ Ensure that all documents lodged with MEDQ do not contain information that is false or misleading to the best of the Project Coordinator's knowledge☐ Coordinate the Works to ensure they meet all Uncompleted Works criteria set out in sections 10.2.2 and 10.2.5 of the CPM. <p>Submission requirements</p> <ul style="list-style-type: none">☐ Submit Construction Documents to MEDQ for acceptance including, but not necessarily limited to, the following:<ul style="list-style-type: none">○ Uncompleted Works Deed Poll by Development Proponent○ detailed construction program indicating expected completion date for the Works○ 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○ updated Risk Assessment (if required)○ Bonding of Uncompleted Works Checklist. |
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Post-construction stage checklist

Project Coordinator

Responsibilities

- ☐ Primary point of contact for project
- ☐ Arrange the On-Maintenance and Off-Maintenance inspections inviting the relevant External Authority and MEDQ (attendance as optional)
- ☐ Obtain an approval for the connection to the live water and sewerage network from the relevant External Authority
- ☐ Ensure that all documents lodged with MEDQ do not contain information that is false or misleading to the best of the Project Coordinator's knowledge.

Submission requirements

- ☐ Coordinate submission to MEDQ of all Post-Construction Documents including, but not necessarily limited to, the following:
 - ☐ On-Maintenance and Off-Maintenance inspections reports with list of identified defects
 - On-Maintenance submission
 - Post-Construction Certification Form by Certifier
 - schedule of the completed value of the Works by the Certifier
 - Off-Maintenance request (after expiry of the Maintenance Period and rectification of all identified defects)
 - .

Consolidated responsibilities and submission requirements of Certifier

Pre-construction stage checklist	
Certifier	Responsibilities ☐ Consult with other appointed Certifiers to minimise conflicts (as required) ☐ Identify risks associated with the Works and other matters requiring assessment under the PDA development conditions or an Infrastructure Agreement ☐ Certify that the pre-construction design complies with the PDA development conditions and approved drawings or requirements of an Infrastructure Agreement in accordance with the Pre-Construction Certification Form ☐ Develop Construction Audit and Surveillance Schedule (CASS) ☐ Ensure that all documents lodged with MEDQ do not contain information that is false or misleading to the best of the knowledge of the Certifier. Submission requirements ☐ Provide the following documents to the Project Coordinator for submission to MEDQ: ○ certified reports, designs and drawings required by the PDA development conditions or an Infrastructure Agreement ○ Pre-Construction Certification Form (where required) ○ CASS.
Construction stage checklist	
Certifier	Responsibilities ☐ Coordinate and ensure the compliance of all required External Agency audits. ☐ Ensure that the Works have been constructed generally in accordance with certified plans and relevant standards ☐ Ensure that all documents lodged with MEDQ do not contain information that is false or misleading, to the best of the knowledge of the Certifier. Submission requirements ☐ Provide the following documents to the Project Coordinator for submission to MEDQ: ○ certified schedule of Uncompleted Works. ○ Detailed construction program indicating expected completion date for Works ○ Photographic evidence of Works completion in accordance with section 10.2.3.
Post-construction stage checklist	
Certifier	Responsibilities ☐ Attend On-Maintenance and Off-Maintenance inspections with the relevant External Authority invited ☐ Certify the completed works as required by the relevant PDA development conditions and any Infrastructure Agreement ☐ Ensure that all documents lodged with MEDQ do not contain information that is false and misleading to the best of the Certifier's knowledge.

Pre-construction stage checklist	
	Submission requirements ☐ Provide the following documents to the Project Coordinator for submission to MEDQ: ○ Post-Construction Certification form ○ certified schedule of completed value of the Works.

Consolidated responsibilities and submission requirements of Project Auditor

Pre-construction stage checklist	
Project Auditor	Responsibilities ☐ Develop and certify mitigation measures for 'high-risk' activities identified in the Risk Assessment ☐ Develop Construction Audit and Surveillance Schedule (CASS) ☐ Ensure that all documents lodged with MEDQ do not contain information that is false or misleading to the best of the Project Auditor's knowledge. Submission requirements ☐ Provide the following documents to the Project Coordinator for submission to MEDQ: ○ written report and recommendation(s) for risk mitigation of 'high-risk' activities ○ Pre-Construction Certification Form ☐ CASS.
Construction stage checklist	
Project Auditor	Responsibilities ☐ Submission requirements ☐ Provide the following documents to the Project Coordinator for submission to MEDQ: ○ written report and recommendations for risk mitigation of 'high-risk' activities identified in any updated Risk Assessment (if required).
Post-construction stage checklist	
Project Auditor	Responsibilities ☐ Provide advice to the Project Coordinator regarding any defects and recommend appropriate course of action to mitigate risks ☐ Ensure that all documents lodged with MEDQ do not contain information that is false or misleading to the best of the Project Auditor's knowledge. Submission requirements ☐ Provide the following documents to the Project Coordinator for submission to MEDQ: ○ written report and recommendation(s) for risk mitigation of 'high-risk' activities and defects (if required).