

BUILDING &
COMPLAINTS
POLICY

PRINCIPAL CERTIFYING AUTHORITY SERVICE
AGREEMENT

This Agreement applies where a person with the benefit of a development consent (Owner) appoints the City of Canada Bay Council (Council) as the Principal Certifying Authority (PCA).

The Agreement sets out:

- The services Council provides when appointed as PCA; and
- The Council's and Owner's obligations when Council is appointed as PCA.

Appointment of Council as PCA

The Owner must appoint a PCA before works commence on site. This is a legal requirement (s81A (2)b of the Environmental Planning & Assessment Act 1979).

Note that "Owner" refers to the person having the benefit of a development consent or complying development certificate for development involving building work or subdivision work.

The Undertaking attached to this Agreement is to be completed by the Owner where the City of Canada Bay Council is appointed as the Principal Certifying Authority.

Notice of Commencement of Work

At least 2 days before commencing any work the Owner must notify Council of the intention to commence work.

This notice must be given by providing the Notice of Commencement of Building or Subdivision Work to Council. This form will be attached to documentation sent to the owner if Council is appointed as the PCA.

Council's Services and Responsibilities as PCA

As PCA, Council will check that building work complies with the Development Consent, Construction Certificate, the Building Code of Australia (BCA), relevant Australian Standards and environmental standards of construction.

As PCA Council will:

- Carry out inspections of the building work;
- Advise upon when third party certification may be required;
- Advise upon the specific works to be completed or consent conditions to be satisfied before issuing occupation certificate(s);
- Issue an interim occupation certificate, if requested by the Owner;
- Issue the occupation certificate.

Council may also serve notices and orders if there is a departure from the development as approved. Council may also issue Penalty Infringement Notices (PIN) if there is a departure from the development as approved.

Council will ensure that a sign is erected in a prominent position on the site showing the name, address and telephone number of the PCA.

Inspections

Mandatory inspections

Council will undertake mandatory critical stage building inspections where applicable during the building process. These inspections may include:

Class 1 or 10 building: (single dwellings, carport, garages, shed, swimming pools)

- After excavation for, and prior to the placement of any footings;
- Prior to pouring in-situ reinforced concrete building element;
- Prior to covering of the framework of any floor, wall, roof or other building element;
- Prior to covering waterproofing in wet areas;
- Prior to covering any stormwater drainage connections;
- In the case of a swimming pool, after the construction of the swimming pool is completed and the barrier (if one is required under the Swimming Pools Act 1992) has been erected and before the pool is filled with water;
- After building work has been completed and prior to occupation certificate being issued in relation to the building;
- Other.

Class 2, 3 or 4 building: (flats, boarding houses, residential parts of hotels, motels, schools)

- After excavation for and prior to the placement of any footings;
- Prior to covering waterproofing in any wet areas for a minimum of 10% of rooms with wet areas within a building;
- Prior to covering any stormwater drainage connections;
- After building work has been completed and prior to occupation certificate being issued in relation to the building;
- Other.

Class 5, 6, 7, 8 or 9 building (office, shop, car park, hospital, school, church, theatres)

- After excavation for and prior to the placement of any footings;
- Prior to covering any stormwater drainage connections;
- After building work has been completed and prior to occupation certificate being issued in relation to the building;
- Other.

Other inspections

In addition, Council may require other inspections. The stages of construction that may be required to be inspected by Council as the PCA prior to proceeding to the next stage of construction or covering up works.

Concurrent inspection

The next nominated inspection after the first nominated inspection may be carried out concurrently but only with the agreement of the PCA. The concurrent inspection will be charged as per Council's Fees and Charges. All other nominated inspections must be carried out separately. Council as the PCA must carry out the final inspection in order to issue the required Occupation Certificate.

Notice before inspection

The Owner must ensure that the Principal Contractor (i.e. the builder) provides Council with a minimum of 48 hours notice (excluding weekends and public holidays) when each critical stage inspection is ready to inspect. All critical stage inspections must be carried out to allow for the Occupation Certificate to be issued allowing occupation of the building.

To notify Council that works are ready for inspection, telephone Council on 9911 6555 8.30am to 4.30pm Monday to Friday to book an inspection.

Approval of inspections

Until Council has confirmed in writing that it is satisfied with each stage of construction, building work may not continue to the next stage of construction.

If Council is not satisfied with the relevant stage of construction work it will notify the Owner in writing and inform them of the reasons for this and the need (if any) to carry out a re-inspection.

Payment for inspections

In regards to the critical stage inspections payment in full must be forwarded to Council before any site inspections can take place. Please refer to Council's Fees and Charges for the cost of inspections.

Missing critical stage inspections

If any critical stage inspection applicable to the development is not carried out by reason of not notifying the PCA, or some unavailable circumstance the owner must submit in writing to the PCA the specific reason(s) why the inspection was missed. If the PCA is not satisfied with the reason then it may not be in a position to issue the required Occupation Certificate.

If Council is required to carry out additional or reinspections a further charge will apply as per Council's Fees and Charges.

Documentation

Prior to the commencement of construction, or at any stage of construction, Council may ask the Owner to provide specialist reports, plans, specifications and certification of building materials, process or works. Typical documents include structural engineering and other specialist details, survey reports, compliance certificates and fire safety certificates.

Any compliance certificates or other certification required must be prepared by an accredited certifier or other suitably qualified person and must reference the relevant provisions of the BCA, Australian Standards and approved drawings, to the satisfaction of Council.

Note: It is an offence to knowingly make a false or misleading statement in an important aspect, or in connection with any document lodged with a certifying authority for purposes of the Environmental Planning and Assessment Act 1979 or the Environmental Planning and Assessment Regulation 2001 (cl 283 of the EP&A Regulation).

The Owner's Responsibilities

When Council is appointed as PCA the Owner must:

- Ensure that a sign is erected in a prominent position on site showing the name and telephone number (outside of working hours) of the principal contractor (builder) and stating that unauthorised entry to the site is prohibited;
- Ensure that valid public liability insurance cover to the value of \$10,000,000 (minimum) is held by the Owner/the builder;
- Ensure that the Principal Contractor is advised of the inspections required by Council and that the directions of Council are to be observed to ensure compliance with the development consent, construction certificate, BCA and the terms of this Agreement;
- Notify at least 48 hours before each stage of construction for which Council requires an inspection is ready to be inspected (or re-inspected);
- Provide any specialist reports, plans, specifications and certification of building materials, process or works requested by Council at any stage of construction prior to issue of an occupation certificate;
- Comply with all relevant legislation, consents and approvals relating to the subject development including but not limited to the following Acts and the regulations made there under:
 - The Environmental Planning and Assessment Act 1979;
 - The Contaminated Land Management Act 1997;
 - The Protection of the Environment Operations Act 1997;
 - The Local Government Act 1993;
 - The Roads Act 1993;
 - The Road transport (Safety and Traffic management) Act 1999
- **Note:** To vary and modify a condition of consent requires the submission and approval of an application under s96 of the Environmental Planning and Assessment Act 1979.

- Inform Council of any known breach of any relevant legislation or matter that may require rectification or remediation as soon as practicable but not less than twenty four (24) hours after the Owner becomes aware of the breach or matter.
- Pay the service and inspection fees detailed in Council's Schedule of Fees and Charges.

Replacing Council as PCA

If the Owner wishes to at any stage after appointment to replace Council with another PCA it will need Council's authority in writing to do so.

Further Information

For further information please contact Council between 8.30am and 4.30pm Monday to Friday on 9911 6555.

APPOINTMENT OF COUNCIL AS PRINCIPAL CERTIFYING AUTHORITY

Under the Environmental Planning and Assessment Act 1979 Section 81a (2)(B)(ii) or (C), or (4)(B)(ii) or (C), 86 (1) and (2)



I confirm that payments have been made to Council as per Council's 'Outstanding Fees Letter/ PCA Service Policy letter' which includes:

Essential:

- Inspection fee
- Damage Deposit
- Long Service Levy

If required:

- Form 7 (Commencement of Works)
- Subdivision bond
- Section 94 Contributions
- Section 94A Contributions
- Landscape bond
- Stormwater bond

Signature:

Date:

To be completed by the Owner appointing the City of Canada Bay Council as Principal Certifying Authority:

Owner details

Surname:

First Name:

Address:

Suburb:

Postcode:

Phone (h):

Phone (w):

Phone (m):

Fax:

ACN: (if company)

Email:

Contact person (if owner is a company):

Property details

Address:

Suburb:

Postcode:

Lot(s):

Section:

Deposited Plan(s):

Strata Plan:

Other description:

Development consent details

Development Consent No.:

Date of Notification of consent:

Description of development:

Type of work:

Building/ subdivision:

Construction Certificate details (number and date of issue):

Appointment of Council as Principal Certifying Authority and Undertaking

- I/we appoint City of Canada Bay Council as the Principal Certifying Authority pursuant to section 81A Environmental Planning and Assessment Act 1979
- I/we undertake to comply with the obligations of the owner set out in this policy.
- I/we give consent to Council's authorised officers to enter the property to carry out inspections.
- I/we have paid for all fees in accordance with Councils adopted fees and charges. Fees required to be paid with lodgement of this form.

Signature:

Name:

Date:

PRIVACY NOTIFICATION

The personal information requested on this form is collected for the purpose of identifying and processing your application to appoint Council as Principal Certify Authority under s81A of the Environmental Planning and Assessment Act and Regulations. Council may make this information available for public inspection under Clause 266 of the Environmental Planning and Assessment Regulations 2000. You may apply for access or amendment to personal information held by Council. You may also make a request that Council suppress your personal information from being made publicly available. Council will consider any such application in accordance with the relevant legislation.

OFFICE USE ONLY

Have **all fees** been **paid** prior to accepting the Principal Certifying Authority form?

Yes

No

CSO signature:

Date:

Council Details

Address: City of Canada Bay Civic Centre
1A Marlborough Street, Drummoyne NSW 2047
Locked Bag 1470, Drummoyne NSW 1470

Website: www.canadabay.nsw.gov.au
Email: council@canadabay.nsw.gov.au
Telephone: 02 9911 6555
Fax: 02 9911 6550

NOTICE OF COMMENCEMENT OF BUILDING OR SUBDIVISION WORK

Under the Environmental Planning and Assessment Act 1979 Section 81A
(2)(b)(ii) or (c), or (4)(b)(ii) or (c), 86 (1) and (2)



Subject land

Address:

Suburb Postcode:

Lot No. DP/SP:

Description of Development:

Type of works: Subdivision Building

Consent details

Development Application No.:

Complying Development Certificate No.:

Date of Determination:

Construction Certificate (not necessary for Complying Development Certificates)

Certificate No.: Date of issue:

Home Building Act 1989 requirements (see note 1)

Principal Certifying Authority has been advised of the requirements of clause 78C of the Regulation:

1. Builder/Owner - Builder (must be completed in the case of proposed residential building works)

Surname: First Name:

Company name:

Address:

Suburb Postcode:

Phone (m): Phone (w):

Email:

Contactor Licence No.: Date:

Copy of Builder's Insurance Certificate or Home Owners Warranty is provided:

Yes No

Date work is to commence:

Signature

Owners Signature:

Owners Name: Date:

NOTE 1:

Home Building Act 1989 Requirements (please tick) In case of building work that involves residential building work (within the meaning of the Home Building Act 1989), the following must be attached:

- **In the case of work by a licence under that act:**

A statement detailing the licensee's name and contractor licence number, and Documentary evidence that the licensee has complied with the applicable requirements of that Act.

- **In the case of work done by any other person:**

A statement detailing the person's name and owner-builder permit number, or
A declaration signed by the owner of the land, to the effect that the reasonable market cost of the labour and materials involved in the work is less than the amount prescribed for the purposes of the definition of owner-builder work in section 29 of the Act Builder's Insurance Certificate or Home Owners Warranty:

**A certificate purporting to be issued by an approved insurer under Part 6 of the Home Building Act 1989 to the effect that a person is the holder of an insurance contract issued for the purposes of that Part, is sufficient evidence that the person has complied with the requirements of that Part.

Council Details

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