

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 (s6.6) 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, and
- Prior to pouring any in-situ reinforced concrete building element, and
- Prior to covering of the framework for any floor, wall, roof or other building element, and
- Prior to covering waterproofing in any wet areas, and
- Prior to covering any stormwater drainage connections, and
- In the case of a swimming pool, as soon as practicable after the barrier (if one is required under the Swimming Pools Act 1992) has been erected,
- After the building work has been completed and prior to any occupation certificate being issued in relation to the building.

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

- After the commencement of the excavation for, and before the placement of, the first footings, and
- Prior to covering of fire protection at service penetrations to building elements that are required to resist internal fire or smoke spread, inspection of a minimum of one of each type of protection method for each type of service, on each storey of the building comprising the building work, and
- Prior to covering the junction of any internal fire-resisting construction bounding a sole-occupancy unit, and any other building element required to resist internal fire spread, inspection of a minimum of 30% of sole-occupancy units on each storey of the building containing sole-occupancy units, and
- Prior to covering of waterproofing in any wet areas, for a minimum of 10% of rooms with wet areas within a building, and
- Prior to covering any stormwater drainage connections, and
- After building work has been completed and prior to any occupation certificate being issued in relation to the building.

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

- After the commencement of the excavation for, and before the placement of, the first footing, and
- For class 9a and 9c buildings, - prior to covering of fire protection at service penetrations to building elements that are required to resist internal fire or smoke spread, inspection of a minimum of one of each type of protection method for each type of service, on each storey of the building comprising the building work, and
- Prior to covering any stormwater drainage connections, and
- After the building work has been completed and prior to any occupation certificate being issued in relation to the building.

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 s4.55 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.