



## PCA/CERTIFICATION SERVICE AGREEMENT

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The Environmental Planning and Assessment Act 1979 requires that a person who proposes to carry out development involving building work subsequent to a development consent, must obtain a Construction Certificate and appoint a Principal Certifying Authority (PCA), which may be Council or an Accredited Certifier.

The person having the benefit of a Development Consent or Complying Development Certificate for the development involving building work or subdivision work may appoint the Council as the Principal Certifying Authority for the development.

Prior to appointing Dungog Shire Council as your PCA you must read and agree to all the terms and conditions detailed in this Service Agreement.

**The appointment of the PCA must be made by the owner.** An appointment must not be made by any contractor or other person who will carry out the building work or subdivision work unless the contractor or other person is the owner of the land on which the work is to be carried out.

An accredited certifier must not be appointed as the PCA for the development involving subdivision work unless the subdivision to which the work relates is of a kind identified by an environmental planning instrument as one in respect of which an accredited certifier may be a certifying authority. All works within a Public Road must be approved by Council under the Roads Act 1993 as the Roads Authority.

A PCA for building work or subdivision work to be carried out on a site is required to be satisfied:

- a) that a Construction Certificate or Complying Development Certificate has been issued for such of the building work or subdivision work as requires Notice of Determination and over which the PCA has control, before the work commences on the site, and
- b) that the principal contractor for the work is the holder of the appropriate license and is covered by the appropriate insurance, in each case if required by the Home Building Act 1989, before any residential building work over which the PCA has control commences on the site, unless the work is to be carried out by an owner-builder, and
- c) that the owner builder is the holder of any owner builder permit required under the Home Building Act 1989, before an owner builder commences on the site any residential building work over which the PCA has control, and
- d) that building work or subdivision work on the site has been inspected by the PCA or another certifying authority on such occasions (if any) as are prescribed by the regulations and on such other occasions as may be required by the PCA, before the issue of an Occupation Certificate or Subdivision Certificate for the building or work, and

- e) that any preconditions required by a Notice of Determination or Complying Development Certificate to be met for the work before the issue of an Occupation Certificate or Subdivision Certificate have been met, before the PCA issues the Occupation Certificate or Subdivision Certificate and a PCA must also comply with such other requirements of a like or different nature as may be imposed on principal certifying authorities by the regulations.

Should the applicant wish to appoint Council as the PCA notation shall be made either on the construction certificate or complying development application form? Alternative a separate written request may be submitted to council.

An "Appointment of PCA/Notice of Commencement of Work" form has been prepared for this purpose. Legislation provides that the Council must be advised of the appointment of the PCA at least two (2) business days before work is scheduled to commence.

The role of the PCA and the general terms that apply if Council is appointed as the PCA are explained below:

- Council does not charge a fee for this appointment, however a fee is charged for inspections of construction work as set out in Council's Schedule of Fees and Charges (inspection packages);
- The Act requires certain specific inspections known as "Critical Stage Inspections" to be carried out for building work. Prior to permitting commencement of the work, the PCA is required to give notice to the applicant of these inspections;
- Where Council is nominated as the PCA, notification of all inspections required is provided with your Construction Certificate approval;
- The appointment of the PCA imposes various obligations upon **BOTH** the applicant and the PCA.

## **A. Council's Obligations**

### **Class 1 and 10 Buildings**

The Council agrees to carry out inspections of the construction work which will include but is not limited to the following mandatory critical stage inspections (where applicable) as follows:

- 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 of waterproofing in any wet areas; and
- prior to covering any stormwater drainage connections; and
- after the proposed building work has been completed and prior to any occupation certificate being issued in relation to the building; and
- any other inspections as the Council considers necessary in addition to those nominated which may be required from time to time to enable the issue of the final Occupation Certificate.

### **Class 2, 3 and 4 Buildings**

The Council agrees to carry out inspections of the construction work which will include but is not limited to the following mandatory critical stage inspections (where applicable) as follows:

- after the commencement of the excavation for, and before the placement of, the first footing
- 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 the building work has been completed and prior to any Occupation Certificate being issued in relation to the building; and
- any other inspections as the Council considers necessary in addition to those nominated which may be required from time to time to enable the issue of the Final Occupation Certificate.

### **Class 5,6,7,8 and 9 Buildings**

The Council agrees to carry out inspections of the construction work which will include but is not limited to the following mandatory critical stage inspections (where applicable) as follows:

- after the commencement of the excavation for, and before the placement of, the first footing
- 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; and
- any other inspections as the Council considers necessary in addition to those nominated which may be required from time to time to enable the issue of the Final Occupation Certificate.

## **All Buildings**

- a) The Council will promptly advise the principal contractor/owner builder, after any relevant inspection of the results of that inspection, any outstanding work or works required before construction can proceed.
- b) The owner and the principal contractor (where different from the owner) acknowledge that the Council or another certifying authority (with the approval of the Council) must inspect the mandatory critical stage inspections listed above. The Council must carry out the final mandatory critical inspection.
- c) The Council shall issue the Final Occupation Certificate for the proposed building work when the Council is satisfied that:
  - i. all preconditions for the issue of the final Occupation Certificate that are specified in the Development Consent or Complying Development Certificate have been met; and
  - ii. the building works for which the Construction Certificate has been issued are suitable for occupation or use in accordance with their classification under the Building Code of Australia 1996 (as amended); and
  - iii. a Final Fire Safety Certificate has been issued (if required).
- d) The Council shall issue an Interim Occupation Certificate for the proposed development when the Council is satisfied that:
  - i. any preconditions to the issue of an Occupation Certificate as specified in the Development Consent or Complying Development Certificate have been met; and
  - ii. that the building works for which the Construction Certificate has been issued are suitable for occupation or use in accordance with their classification under the Building Code of Australia 1996 (as amended); and
  - iii. the building does not constitute a hazard to the health or safety of the occupants of the building.
  - iv. An Interim Fire Safety Certificate has been issued (if required).

## **B. Principal Contractor/Owner Builder Obligations**

- i. Before the commencement of any residential building work the principal contractor/owner builder must provide the Council with Home Warranty Insurance or an Owner Builder Permit pursuant to the Home Building Act 1989;
- ii. The principal contractor/owner builder must notify Council of any changes to the details of the Principal Contractor (builder) & any relevant insurances by the builder.
- iii. The principal contractor/owner builder must notify the Council of a date for the carrying out of each mandatory critical stage inspection at sufficient notice (24 hours) and before 3.30 pm on the day prior to the required inspection.

- iv. The principal contractor/owner builder must ensure that mandatory critical stage inspections or other, required, Council inspections have been carried out and approval obtained from Council prior to further building work proceeding.
- v. The principal contractor/owner builder must rectify any defects identified by the Council during the course of each mandatory critical stage or other required inspection to the satisfaction of the Council before the principal contractor/owner builder carries out any further building work or in such time as may be agreed to by the Council;
- vi. The principal contractor/owner builder must not allow any occupation of the building to be permitted without first obtaining an Occupation Certificate (either Interim or Final) from the Council;
- vii. The principal contractor/owner builder must ensure that a Construction Certificate or Complying Development Certificate has been issued prior to the commencement of any works.
- viii. The principal contractor/owner builder must engage competent tradesmen to carry out all aspects of the building works not directly carried out by the principal contractor/owner builder.
- ix. The principal contractor/owner builder must provide all relevant drawings, plans, statutory plans and documentation associated with but not limited to the Development Consent, the Construction Certificate and any Occupation Certificate at the request of the Council.
- x. The principal contractor/owner builder must attend any meetings if required by the Council to do so;
- xi. The principal contractor/owner builder must comply with any notices or orders that the Council issues.
- xii. The principal contractor/owner builder must provide compliance certificates as requested by the Council.
- xiii. The principal contractor/owner builder must provide all information that the principal contractor/owner builder can reasonably obtain to enable the Council to fulfill its obligations under this agreement.
- xiv. The principal contractor/owner builder is required to ensure that valid public liability insurance cover to the value of \$10,000,000 minimum is held for the property,

**C. Owner Obligations**

- i. The owner must ensure that access to the subject property is available for the Council to carry out the Council's obligations under this Agreement;
- ii. The owner must not occupy the building until an Occupation Certificate (either Interim or Final) has been issued by the Council;
- iii. The owner agrees that in the event of an Interim Occupation Certificate being issued by the Council and there being outstanding work that is required to be completed or a condition of Development Consent that needs to be satisfied, the owner agrees to complete any outstanding work or satisfy any conditions of the Development Consent within three (3) months from the date of the Interim

Occupation Certificate or such other time as may be agreed between the owner and the Council;

- iv. The owner agrees to pay any charges for further inspections that are required to be carried out to enable the issue of any Occupation Certificate. This situation would occur if Council is required to re-inspect unsatisfactory building work.

#### **D. Replacing the PCA**

There are two alternative ways to change your PCA under the Environmental Planning & Assessment Act, 1979:

- i. An application may be made to the Building Professionals Board for approval to replace the PCA; or
- ii. With the agreement of the current PCA and the proposed replacement PCA, simply notify the Board, the Council and the Consent Authority of that agreement.

For more information go to: [www.bpb.nsw.gov.au](http://www.bpb.nsw.gov.au)

#### **E. FEES & CHARGES**

Payment for inspections is subject to the relevant inspection package in Council's Fees & Charges. Details are available on Council website [www.dungog.nsw.gov.au](http://www.dungog.nsw.gov.au)

#### **F. CERTIFICATION/INSPECTIONS**

All certification and inspections conducted on behalf of Dungog Shire Council shall be completed by Nicholas Greenhalgh A1 Accreditation No 1289 or an alternative person employed by Council appropriately accredited for such works.

**THIS SERVICE AGREEMENT FORMS PART OF THE APPOINTMENT OF DUNGOG COUNCIL AS THE PCA.**