

PRINCIPAL CERTIFYING AUTHORITY SERVICE AGREEMENT



Under Environmental Planning and Assessment Act 1979
Sections 81A (2) (b) (ii) or (c), or (4) (b) or (c), 86 (1) and (2), 109E

About this form Use this form to appoint Wyong Shire Council as the Principal Certifying Authority (PCA), issue the Construction Certificate, to carry out nominated inspections of building works and to issue the required Occupation Certificate.

Who can complete this form? The owner of the property or the person having the benefit of the development consent.

Note: The builder or other contractor cannot complete this form unless they are also the owner of the property.

PROPERTY DETAILS

Lot:	Section:	DP / SP:
Address of Proposed Development:		

DESCRIPTION OF WORKS

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OWNER DETAILS

Name(s):	
Postal Address:	
Telephone:	Facsimile:
Mobile:	Email:

OWNERS SIGNATURE

I have read and accept the terms and conditions of the Wyong Shire Council PCA Service Agreement and appoint Wyong Shire Council as the Principal Certifying Authority for the subject development.

Signature: _____ **Date:** / /

Date: / /

THE FOLLOWING SERVICE AGREEMENT FORMS PART OF THE APPOINTMENT OF
WYONG SHIRE COUNCIL AS THE PRINCIPAL CERTIFYING AUTHORITY

PLEASE RETAIN THE SERVICE AGREEMENT FOR YOUR RECORDS

PRINCIPAL CERTIFYING AUTHORITY SERVICE AGREEMENT



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), prior to the commencement of any works that are the subject of a development consent. This may be a Council Accredited Certifier or a private Accredited Certifier.

The Principal Certifying Authority is appointed by the person with the benefit of the development consent. This is usually the owner of the land or someone authorised to act on their behalf. A builder cannot appoint the certifying authority unless they are the person with the benefit of the development consent. This is important because the certifying authority is certifying that works undertaken by the builder meet the requirements of the building regulations.

Roles and Responsibilities of the PCA

The Principal Certifying Authority;

- Administers the conditions of consent and progress of the development from commencement to completion and conducts a comprehensive inspection of each required stage of construction.
- Certifies at each mandatory inspection that the works are being carried out in accordance with the Development Consent or Complying Development.
- Immediately advises the applicant, following each relevant inspection, if any works are inconsistent with the consent.
- Issues the applicant with an Occupation Certificate for any building or change of building use once all works have been completed in accordance with the consent.
- Receives and investigates any complaints from the public concerning the development.

Prior to appointing Wyong Shire Council as your PCA you must read and agree to all the terms and conditions detailed in this Service Agreement as the appointment of the PCA imposes various obligations upon BOTH the applicant and the PCA.

A Council's Obligations

- To ensure that a Construction Certificate or Complying Development Certificate has been issued for the development.
- To ensure that the principal contractor for the development has the appropriate Home Warranty Insurance and licence or owner builder permit as required by the Home Building Act, 1989.
- To undertake all critical stage inspections of the development to ensure compliance with the Development Consent, Complying Development Certificate, Building Code of Australia and relevant standards of construction.
- To immediately advise the principal contractor/owner builder, after any relevant inspection of the results of that inspection together with any outstanding work or works required to be undertaken before construction can proceed.
- To ensure that the building works comply with the relevant provisions of the Building Code of Australia and the Environmental Planning and Assessment Act 1979.

- To issue the Final Occupation Certificate for the proposed building work once 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 or Complying Development Certificate has been issued are suitable for occupation or use in accordance with their classification under the Building Code of Australia; and
 - iii. a Final Fire Safety Certificate has been issued (if required).
- Issue an Interim Occupation Certificate for the proposed development when 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. the building works for which the Construction Certificate or Complying Development Certificate has been issued are suitable for occupation or use in accordance with their classification under the Building Code of Australia; 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).
- To provide advice and guidance to assist in the construction process and to ensure compliance with legislative requirements.
- To receive and investigate any representation from the public concerning the development.

B Owner's Obligations

- To ensure that access to the subject property is available to enable Council to comply with their obligations under this Agreement;
- To ensure that no occupation of the building is permitted until an Occupation Certificate (either Interim or Final) has been issued. Note: The Environmental Planning and Assessment Act contains penalty provisions for failing to obtain an Occupation Certificate prior to occupation.
- To ensure, in the event of an Interim Occupation Certificate being issued by the Council, that the outstanding works will be completed within the timeframe stipulated by Council.

C Replacing the PCA

There are two alternatives provided under the Environmental Planning and Assessment Act 1979 should you wish to change your PCA after you have entered into the agreement:

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

For more information go to: www.bpb.nsw.gov.au