



PCA Service Agreement Specification

PRINCIPAL CERTIFYING AUTHORITY BUILDING INSPECTION SERVICE current as at 19/10/2009

1. INTRODUCTION

The Environmental Planning and Assessment Act, 1979 requires the appointment of a Principal Certifying Authority (PCA) to be responsible for the carrying out of mandatory critical stage building inspections and subsequent issue of an Occupation Certificate prior to the use or occupation of a building.

This specification defines:-

- a) The extent of the service Council offers as a PCA.
- b) The responsibilities of Council as a PCA.
- c) The responsibilities of **The Person** to Council as the PCA.

2. DEFINITIONS

For the purposes of the Specification the following definitions apply:-

Critical Stage Inspections 162A Critical stage inspections required by Section 109E (3)(d), EP&A Act, 1979.

“(4) In the case of a class 1 or 10 building, the development site must be inspected on and after 1 July 2004:

- a) after excavation for, and prior to the placement of, any footings, and*
- b) prior to pouring any in-situ reinforced concrete building element, and*
- c) prior to covering of the framework for any floor, wall, roof or other building element, and*
- d) prior to covering waterproofing in any wet areas, and*
- e) prior to covering any stormwater drainage connections, and*
- f) after the building work has been completed and prior to any occupation certificate being issued in relation to the building.*

(5) In the case of a 2, 3 or 4 building, the development site must be inspected:

- a) prior to covering of waterproofing in any wet areas, for a minimum of 10% of rooms with wet areas within a building, and*
- b) prior to covering any stormwater drainage connections, and*
- c) after the building work has been completed and prior to any occupation certificate being issued in relation to the building.*

(6) In the case of class 5, 6, 7, 8 or 9 building, the development site must be inspected on and after 1 July 2004:

- a) prior to covering any stormwater drainage connections, and*

- b) *after the building work has been completed and prior to any occupation certificate being issued in relation to the building.*”

Where Council is the PCA all of the critical stage inspections must be carried out by a Council Officer. If they are not, the Council is unable to issue an Occupation Certificate and the building can not be legally occupied or used.

Requests for final inspections and/or Occupation Certificates for “BASIX affected buildings” must be accompanied by completed pre-final self-certification/form for applicants/builders/principal contractors. It is the responsibility of the applicants/builders/principal contractors to ensure all of the BASIX commitments have been fully met.

Inspections involving works approved under the provisions of Section 68 of the Local Government Act 1993, as amended, can only be carried out by Council Officers (eg on-site wastewater management systems, temporary structures and amusement devices).

Occupation Certificate

An Occupation Certificate **MUST** be issued prior to a building being used or occupied. It is a post construction check on whether necessary approvals and certificates are in place, and that the building is suitable for occupation or use in accordance with its Building Code of Australia classification. An Occupation Certificate can only be issued by the PCA authorising the occupation or use of a new building and/or change of use of an existing building. The Occupation Certificate fees must be paid in full, when Council is appointed as the PCA, at lodgement of the Construction Certificate application.

The Person

The Person who proposes to carry out development involving building work is taken as being the person who submitted the Construction Certificate Application to Council for consent, thus engaging Council as the Principal Certifying Authority (PCA).

Principal Certifying Authority or PCA

A Principal Certifying Authority is the authority appointed by ‘The Person’ to undertake inspections and issue inspections reports, and Occupation Certificates. A PCA may be either Council, or an accredited private certifier.

NOTE

- a) Council Officers, as the PCA, **must not** be involved in the design of the building/development works.
- b) When Council has been appointed as the PCA it must not be replaced by another accredited certifier except with the approval of the relevant accreditation body.

3. SERVICE PROVIDED & RESPONSIBILITIES OF COUNCIL

Council, as the PCA, will:-

- 3.1 Carry out inspections the next available working day after notification (excluding development south-west of Millfield village to Wollombi, Payne’s Crossing and Bucketty). Such notification must be lodged at the Council before 2.00 pm.
- 3.2 Carry out inspections south - west of Millfield village to Wollombi, Bucketty and Payne’s Crossing on the first Thursday following the notification of the required inspection on or before 2.00 pm the preceding Wednesday.
- 3.3 Require notification for inspections to be made prior to 2.00 pm the day before. Inspections will be accepted by facsimile (02) 49932500, telephone (02) 49934100, email buildinginspection@cessnock.nsw.gov.au or in person at the Customer Service counter at Council’s office.
- 3.4 Supply an on-site written record of the inspection.

- 3.5 Advise the Person the details of the work, the subject of an unsatisfactory inspection and the need (if any) to carry out a re-inspection.
- 3.6 Notify the Person if any additional fees for inspection are required as a result of reinspection for incomplete or defective works. Re-inspection fees will be levied and payable for all re-inspections required as a result of work not being completely ready for the booked inspection or as a result of defective works.
- 3.7 Issue determinations for Occupation Certificates on the prescribed form, subject to receipt of an application in the appropriate form accompanied with the relevant fee as prescribed in Council's Fees & Charges schedule.

Note: Inspections will be carried out Monday to Friday (inclusive) only and excludes Public Holidays.

Requests for final inspections and/or Occupation Certificates for "BASIX affected buildings" must be accompanied by completed pre-final self-certification/form for applicants/builders/principal contractors.

4. RESPONSIBILITIES OF THE PERSON

The person, in appointing Cessnock City Council as the PCA agrees to:-

- 4.1 Ensure that arrangements are made for Council to carry out inspections of the building works at various stages indicated in Council's letter of acceptance and the Construction Certificate.
- 4.2 Ensure that notification, as required in 3 above, is provided of all required inspections.
- 4.3 Ensure that building work is ready for inspection by 9.30 am on the day of inspection.
Note: Should a specific inspection time or site access be required this may be arranged, subject to availability, by speaking with the relevant Council Building Surveyor between 9.00 am and 9.30 am on the day of the inspection.
- 4.4 Where a re-inspection is required as a result of incomplete works or defective inspection result the Person shall pay the re-inspection fee, notify Council once work is ready of re-inspection, and notify the Council of the payment receipt details.
- 4.5 Where a re-inspection is required as a result of defective or incomplete works the person shall make payment of the appropriate re-inspection fee as prescribed in Council's Fees and Charges at Council's office. Such fees must be paid prior to the re-inspection and within fourteen (14) days after the inspection report is issued detailing the required fee.
- 4.6 Where an inspection is required, the person **MUST** ensure the relevant stamped approved plans and specifications, and other required details are on-site and/or available to the Council Building Surveyor. For example, where a timber floor, roof or wall frame inspection is required the relevant information must be provided such as roof truss specifications, tie-down and joint schedules, roof and wall bracing plans and specifications, wall insulation specifications, timber sizes schedules and the like.
- 4.7 Before booking a final inspection and/or Occupation Certificate for a "BASIX affected building" the person **MUST** submit to Council a completed pre-final self-certification/form.
- 4.8 Ensure that the erection of the building and/or works is in accordance with the development consent and construction certificate.

5. STAGES AND TYPE OF WORKS REQUIRING INSPECTION

Council, as the PCA, will confirm at what stages of construction inspections are to be carried-out.

The type of inspection may include, but not be limited to:-

- 5.1 Inspections relating to the structural integrity of health and amenity of the building and its occupants (eg footings, slab, pre-lining framework, wet area flashing, final and the like).
- 5.2 Inspections associated with engineering works including car-parking, drainage and road construction.
- 5.3 Inspections of food premises fitout.
- 5.4 Inspections determining compliance with prescribed development conditions and other provision prescribed in the Environmental Planning & Assessment Act and Regulations.
- 5.5 The mandatory Critical Stage inspections.

INFORMATION

For further information on this specification and matters relating to the booking of inspections, please contact Council's Customer Service Section on (02) 4993 4100.