

What Happens After Development Consent is Granted?

Once your Development Application has been approved you may need a Construction Certificate before you can commence building.

A Construction Certificate is an approval to make sure building plans and specifications comply with the Building Code of Australia, the National Construction Code or any other relevant Australian standard for building.

You can obtain a Construction Certificate from Council or from a Privately Accredited Certifier. Fees apply.

If you choose to go with Council you can lodge your application with your Development Application. Council offers a discount when the DA and Construction Certificates are lodged concurrently. For some minor works Council may also be able to issue the Construction Certificate at the same time as approving your DA.

What is a PCA?

PCA is the Principal Certifying Authority and one must be appointed prior to the commencement of any building work in accordance with a complying development certificate or a development consent and construction certificate.

The PCA can either be a Bayside Council Certifier or an accredited certifier. The owner decides who the PCA is.

What does the PCA do?

The principle roles of the PCA:

- ▶ Ensures compliance with the development consent and the construction certificate or the complying development certificate.
- ▶ Ensures compliance with all conditions during construction and completion.
- ▶ Ensures compliance with the Building Code of Australia.
- ▶ Notifies the neighbouring areas of the intent to start work and to be the contact for community concerns regarding the works.
- ▶ To carry out all the required inspections associated with the building works.
- ▶ To issue the occupation certificate when all works are completed.

What is Bayside Council's role?

Bayside Council's role in building and construction work varies depending on whether or not Bayside Council has been appointed the Principal Certifying Authority (PCA) for development.

If Bayside Council is appointed the PCA, Bayside Council becomes the building inspector and must carry out all the roles of the PCA.

If a private certifier is appointed as the PCA, it is not Bayside Council's responsibility to ensure building and construction compliance.

However, Bayside Council still may get involved in response to complaints and in cases where private certifiers do not adequately meet their inspection and compliance obligations.

In all cases Bayside Council maintains a regulatory role.

What is the role of a principal certifier when they are appointed the PCA

When a principal certifier is appointed the PCA they take responsibility for the development site and are required to fulfil all the roles of the PCA.

They have statutory responsibilities and authority, including the matters they are required to consider under Section 6.5 of the Environmental Planning and Assessment Act 1979 (EP&A Act) and the works they can approve in lieu of Bayside Council, as listed under Clause 161 of the Environmental Planning and Assessment Regulation 2000 including:

- ▶ Earthwork
- ▶ Stormwater drainage work
- ▶ Landscaping work
- ▶ Erosion and sediment control work
- ▶ Excavation Work
- ▶ Mechanical work
- ▶ Structural work
- ▶ Hydraulic work
- ▶ External finishes of a building

Principal certifiers have some enforcement powers as the PCA. They have the power to issue a 'Notice of Intention to issue an order' under Section 6.31 of the EP&A Act setting out the proposed terms of an order and the proposed period of compliance. An intention to issue an order may occur where consent conditions are breached or where construction activities are failing to follow the approved plans. A copy of any 'Notice of Intention' issued by a PCA must be provided to Bayside Council for it to decide whether it will issue the order.

What is Bayside Council's role when an private certifier has been appointed the PCA?

When a private certifier has been appointed the PCA, Bayside Council generally becomes the "keeper of the records", but is not directly involved in the inspection of the development site.

By not being the PCA it means that Bayside Council does not have ready access to construction timeframes and schedules, and various professional reports that may be produced during the construction phase, including structural engineer's certification and survey information. Such information and reports are not required to be submitted to Bayside Council until the final occupation certificate has been issued. It is important to note that this is a significant impediment to Bayside Council's ability to respond to general enquires on a development site.

Nevertheless, Bayside Council retains its regulatory role and enforcement powers and will take action if and when required.

What should I do if I have concerns or complaints about building works or a development site?

Discuss your concerns with the property owner and bring it to their attention. Sometimes they may be unaware that their activities are causing a nuisance or are a breach of legislation.

If this is not an option or is not resolved, any complaints in relation to building works or a development site should be referred to the PCA (either the private certifier or Bayside Council, if Bayside Council is the certifier). This person will have the most association and familiarity with events occurring on the site and may be able to effectively resolve the complaint without the need for enforcement. PCA contact details can usually be found on a sign at the front of a development site.

If you are still unsure who the PCA is or if you want to make a complaint regarding the building works or development site please call or visit our Customer Service Centre.

Any correspondence received by Bayside Council where an accredited certifier is not Bayside Council will be referred to the private PCA for consideration and investigation. The customer will be notified of this action along with the PCA contact details.

When will Bayside Council act on complaints?

Bayside Council will only act on complaints received in relation to building works and development sites if:

- ▶ The work threatens life, safety or damage to property or environment.
- ▶ The works may not form part of the development consent.
- ▶ The PCA refuses to take action and a breach is occurring
- ▶ The PCA has taken action on a breach by issuing a Notice of Intent, with enforcement action then falling to Bayside Council.
- ▶ If Bayside Council receives a complaint afterhours it will only be acted upon if it is considered an emergency and the work threatens life, safety or damage to property or environment. If it is not considered an emergency it will be referred to PCA during business hours.

What should I do if I have a complaint about a principal certifier?

Bayside Council is not the regulator for accredited certifiers. Any complaints about the conduct and actions of an accredited certifier must be directed to the Building Professionals Board (BPB). More information on lodging a complaint about a principal certifier can be found on the Building Professionals Board website or by calling the BPB on 02 8522 7800.

Further Information

Rockdale Customer Service Centre
444-446 Princes Highway

Eastgardens Customer Service Centre
152 Bunnerong Road

Phone: 1300 581 299 | 9562 1666

Email: council@bayside.nsw.gov.au