



HUNTER'S HILL COUNCIL

PRIVATE CERTIFICATION & THE ROLE OF COUNCIL

1. WHAT IS THE ROLE OF COUNCIL WHEN IT COMES TO DEVELOPMENT AND COMPLIANCE?

Since 1998, the *Environmental Planning and Assessment Act 1979* requires a person having the benefit of a development consent to appoint a Principal Certifying Authority (PCA) for the development.

The PCA can either be the Council or an Accredited Certifier. Accredited Certifiers are persons who carry out certification work and accredited by the NSW Building Professionals Board.

Where development consent has been issued, the PCA is responsible for ensuring, amongst other things:

- That a construction certificate has been issued, before work commences on the site;
- That the principal contractor is covered by appropriate insurance;
- That the building or subdivision work has been inspected by the PCA, or another certifying authority, on such occasions as required by the *Environmental Planning and Assessment Regulation 2000*;
- That all pre-conditions are met before an Occupation Certificate or subdivision certificate can be issued.

Under the *Environmental Planning and Assessment Regulation 2000*, certain conditions of development consent that require the satisfaction of Council, can instead be met by the PCA deciding that the conditions has been satisfied. Conditions that fall into this category include;

- Earthwork;
- Roadwork;
- Stormwater drainage work;
- Landscaping work;
- Sedimentation work;
- Excavation work;
- Structural work;

Where a resident has a concern in relation to how a development is proceeding, inquiry should first be made as to whether Council or an Accredited Certifier is the PCA for the development.

2. WHAT IS COUNCIL'S ROLE WHEN A PRIVATE CERTIFIER HAS BEEN APPOINTED THE PCA?

When a Accredited Certifier has been appointed the PCA, the Council generally becomes the "keeper of the records" and is not directly involved in the inspection of the development site.

It is not Council's responsibility to ensure building and construction compliance if an Accredited Certifier is appointed as the PCA. By not being the PCA, it means that Council does not have inspection reports and information as required during construction as they are not required to be submitted to Council until the Final Occupation Certificate has been issued.

This is significant impediment to Council's ability to respond to general enquiries on a development site. Nevertheless, Council retains its regulatory role and enforcement powers and will take action if and when required. Note: Council has a wide discretion as to what, if any action to take.

3. THE PCA SHOULD THEREAFTER GENERALLY BE CONTACTED FIRST

When an Accredited Certifier is appointed as the PCA they take responsibility for the development site and are required to fulfil all the responsibilities of the PCA. They have statutory responsibilities and authority including the power to issue a 'notice of intention to issue a development control order' setting out the proposed terms that require the owner and/or builder to comply with the conditions of consent or rectify non-compliances.

A copy of any 'notice of intention' issued by the PCA must be provided to Council for the Council to decide whether it will issue the Development Control Order.