

Blue Mountains Building Certifiers

Part of Blue Mountains City Council

PRINCIPAL CERTIFYING AUTHORITY APPOINTMENT AND SERVICE AGREEMENT

2 Civic Place, Katoomba
Locked Bag 1005,
KATOOMBA NSW 2780
(02) 4780 5422
certifiers@bmcc.nsw.gov.au



“Specialists in the Mountains”

- BUILDING CERTIFICATION
- PRINCIPAL CERTIFYING AUTHORITY
- ABSA CERTIFICATE ASSESSMENT

TERMS AND CONDITIONS

This form and service agreement must be completed where you wish to appoint Blue Mountains Building Certifiers (BMBC) as the Principal Certifying Authority (PCA) for the development in accordance with section 81A of the Environmental Planning and Assessment Act 1979, to carry out critical stage inspections of the building works and to issue the required Occupation Certificates.

This form is to be completed to satisfy the requirements of the Environmental Planning and Assessment Act 1979 and Environmental Planning and Assessment Regulation 2000, in relation to the appointment of the Principal Certifying Authority.

The person having the benefit of the consent must appoint the PCA. However, such appointment may not be made by any person who will carry out building work (eg builder or sub-contractor) unless that person is also the owner of the land.

1. Blue Mountains Building Certifiers

BMBC is a competitive unit of Blue Mountains City Council which aims to provide efficient, quality and cost-effective building inspection and approval services to its clients.

BMBC has a team of professional, qualified and experienced ‘building surveyors’ who will ensure that relevant building regulations, standards and development consent requirements are satisfied as applicable to a Principal Certifying Authority.

2. Home Building Act 1989 Requirements

The Principal Contractor/Owner Builder is required to satisfy the relevant insurance requirements under the *Home Building Act 1989*, in relation to residential building work. Details of compliance with the requirements of the *Home Building Act 1989* must be provided to BMBC, in relation to *residential building works*.*

** In the case of work carried out by a licensed contractor, details of the licensed contractor and documentary evidence of compliance with the Home Building Act 1989 (i.e. a copy of an insurance certificate issued under Part 6 of the Act) is to be provided to BMBC prior to works commencing.*

In the case of work carried out by any other person, details of the person and owner-builder permit, or if the cost of labour and materials does not exceed \$5,000 a declaration signed by the owner of the land is to be provided to BMBC.

3. Responsibility of the Principal Certifying Authority (PCA)

Quality of Service

BMBC will carry out the role of PCA and undertake the critical stage inspection services in a professional manner and in accordance with the requirements of the Environmental Planning and Assessment Act 1979. BMBC personnel will provide advice and guidance to assist in the efficient construction process and compliance with legislative requirements.

Critical Mandatory Stage Inspections

The following inspection stages are designated as mandatory ‘critical stage inspections’ of construction under Clause 162A of the Environmental Planning & Assessment Regulations 2000. Such inspections MUST be undertaken by BMBC, or by another accredited certifier but then only with the prior approval of BMBC.

- a) Class 1 (dwelling, additions and alterations to a dwelling) and 10 buildings (garage, shed, awning, swimming pool or other ancillary building):

The development site must be inspected:

- At the commencement of building works; and
- After excavation for and prior to the placement of any footings; and

- c) Prior to pouring any in-situ reinforced concrete building element; and
 - d) Prior to covering of the framework for any floor, wall, roof or other building element; and
 - e) Prior to covering water proofing in any wet areas; and
 - f) Prior to covering any stormwater drainage connections; and
 - g) After the building work has been completed and prior to any Occupation Certificate being issued in relation to the building.
- b) Class 2, 3 or 4 buildings:
The development site must be inspected:
- a) At the commencement of building works; and
 - b) Prior to covering of waterproofing in any wet areas, for a minimum of 10% of rooms with wet areas within a building; and
 - c) Prior to covering any stormwater drainage connections; and
 - d) After the building work has been completed and prior to any Occupation Certificate being issued in relation to the building.
- c) Class 5, 6, 7, 8 or 9 buildings:
The development site must be inspected:
- a) At the commencement of building works; and
 - b) Prior to the covering of 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.

BMBC officers will undertake inspections of the work during construction and prior to issuing an Occupation Certificate, to ascertain compliance with the Development Consent, Construction Certificate, (or Complying Development Certificate), Building Code of Australia and relevant standards of constructions.

Occupation Certificate

BMBC PCA fees include the issue of a *final* Occupation Certificate once the building has been completed in accordance with the development consent and the Building Code of Australia. However, should an applicant wish to seek the issue of an *interim* Occupation Certificate prior to completion of the development, it will be necessary to lodge a separate application accompanied by the appropriate fee.

4. Responsibilities of the Principal Contractor/Owner Builder

Inspections

Under Clause 163 of the Environmental Planning and Assessment Regulation 2000, a minimum of 48 hours notice (excluding weekends and public holidays), or a lesser period as agreed, must be given to BMBC to enable the specified stages of construction to be inspected.

Inspections may be booked in by telephoning BMBC on 02 4780 5422 Monday to Friday between 8.30 am and 5.00 pm.

Building works must **not** proceed to the subsequent stages of construction prior to obtaining a satisfactory inspection from BMBC for each relevant stage of construction as specified in item 3 of this agreement.

It is the Principal Contractor or Owner Builder's responsibility to make arrangements with BMBC to carry out the relevant mandatory critical stage inspections.

Failure to notify BMBC of the mandatory critical stage inspections may prejudice the issue of an Occupation Certificate in respect of the building.

Compliance with the Development Consent, Construction Certificate and Complying Development Certificate

All works must be carried out in accordance with the terms and conditions of Council's Development Consent and the Construction Certificate, or Complying Development Certificate (as applicable), and relevant provisions of the Building Code of Australia.

A new or modified Development Consent and a Construction Certificate, or Complying Development Certificate (as applicable), must be obtained for any modifications or variations to the development, prior to the commencement of any works relating to those changes.

Works not carried out in accordance with the Development Consent or Complying Development Certificate (as applicable), or the Building Code of Australia may result in the refusal to issue an Occupation Certificate. A Notice of Intent to Issue an Order may also be served to comply with the Approval.

Structural Engineering and Other Specialist Details

Any structural or other specialist engineering details relating to the building shall be forwarded to the BMBC prior to commencement of building works. Such details are to confirm compliance with the relevant provisions of the Building Code of Australia and/or Australian Standards to the satisfaction of BMBC.

Third Party Certification of Works

To ensure compliance with the Development Consent, Construction Certificate, Complying Development Certificate (as applicable), and Building Code of Australia (BCA), the Principal Contractor/Owner Builder may be required to submit third party certification from a suitably qualified person in a specific field (eg structural engineer) to BMBC, demonstrating a specific matter complies with a relevant standard.

Such certification is required to be prepared by an accredited certifier or other suitably qualified and experienced person and must reference the relevant provisions of the BCA, Australian Standards and approved drawings.

This certification is in addition to the mandatory critical stage inspections that are required to be carried out by BMBC.

Occupation Certificate

An Occupation Certificate must be obtained from BMBC prior to the occupation or use of a new building (or part of a building) or prior to the change of an existing building use/classification.

The Environmental Planning and Assessment Act 1979 contains penalty provisions for using or occupying a building prior to the issue of an Occupation Certificate.

Where an applicant wishes to use or occupy an incomplete development, an application may be made to BMBC for an Interim Occupation Certificate. Such application will be considered in accordance with the provisions of the Environmental Planning and Assessment Act 1979, the conditions of Development Consent and Building Code of Australia requirements.

An application for an *interim* or *final* Occupation Certificate must be accompanied by the interim or final *fire safety certificates* (as applicable) as required by the EP&A Regulations.

5. PCA Service Fees

The fees for BMBC PCA Inspection and certification services are as quoted by BMBC and are payable upon appointment of BMBC as the PCA. All fees include GST.

The fees include payment for one (1) inspection for each of the mandatory critical stage inspections of the building. BMBC will provide written notice of the applicable mandatory critical stage inspections as part of confirmation of our appointment as Principal Certifying Authority for the development.

- NOTE
- a) Any additional mandatory critical stage inspections required due to staging of building works or variations in the construction sequence will attract an additional fee (currently \$105 per inspection);
 - b) Any re-inspections of works required as a result of the relevant stage of construction not being ready, incomplete or unsatisfactory will attract an additional fee (currently \$88 per inspection);
 - c) Any additional on-site meetings requested by the applicant may attract an additional fee (currently \$110).

Fees do not include any services associated with the investigation, assessment, resolution and enforcement of any unauthorised or non-complying works and additional fees are applicable for these services.

6. Miscellaneous Requirements

The owner must notify BMBC in writing of any change in the details or address of the Principal Contractor/Owner Builder.

This agreement and associated fee services shall expire two (2) years after the date of the agreement. BMBC may cancel the agreement or commence litigation if there is a breach of the terms of this agreement.

BLUE MOUNTAINS BUILDING CERTIFIERS PCA APPOINTMENT

Subject property:

Lot: Sec..... DP.....

Address

Capacity of PCA Applicant:

- Owner Architect
 Independent Project Manager Other (Please state) _____

NOTE: The person having the benefit of the consent must appoint the PCA. However, such appointment may not be made by any person who will carry out building work (eg builder or sub-contractor) unless that person is also the owner of the land.

PCA Applicant details:

Name:

Address:

I accept the terms and conditions of this service agreement and appoint Blue Mountains Building Certifiers (part of Blue Mountains City Council) as Principal Certifying Authority for the subject development.

Signature:Date:.....Telephone:.....

Owner's authorisation: - *Must be completed by the owner/s of the subject property*

Permission is granted for Council's Officers to enter the property /premises to conduct inspections relative to this application.

Owner's Name/s:

Owner's Signature: Owner's Signature:

Insurance requirements:

Have details of compliance with the requirements of the *Home Building Act 1989* been provided to BMBC/Council, in relation to **residential building works**?

Home Owners Warranty Insurance

- Yes No N/A

OR

Owner-Builder Permit

- Yes No N/A

** In the case of work carried out by a licensed contractor, details of the licensed contractor and documentary evidence of compliance with the Home Building Act 1989 (i.e. a copy of an insurance certificate issued under Part 6 of the Act) is to be provided to BMBC prior to works commencing.*

In the case of work carried out by any other person, details of the person and owner-builder permit or if the cost of labour and materials does not exceed \$5,000 a declaration signed by the owner of the land is to be provided to BMBC.

Details of proposed development:

Please indicate details of proposed building work (may include one or more of the following):

If multiple types of building are proposed, please indicate how you intend to construct them:

Concurrent Staged

Type of Building	Details of Building Work		Please indicate	Code (Office Use Only)
1 DWELLINGS				
Erection of new dwelling.	Raft (slab on ground) construction.		<input type="checkbox"/>	A6
	Bearer & joist or timber/metal pole/stump construction.		<input type="checkbox"/>	A7
2 ADDITIONS AND ALTERATIONS				
Alteration or addition to existing dwelling; Studio.	Raft (slab on ground) construction.	Does not include wet areas (ie WC's, shower, bath or laundry)	<input type="checkbox"/>	B4
		Includes wet areas	<input type="checkbox"/>	B5
	Bearer & joist or timber/metal pole/stump construction.	Does not include wet areas	<input type="checkbox"/>	C5
		Includes wet areas	<input type="checkbox"/>	C6
First floor addition	Does not include wet areas		<input type="checkbox"/>	D3
	Includes wet areas		<input type="checkbox"/>	D4
3 OUTBUILDINGS				
Carport, awning, or the like			<input type="checkbox"/>	E3
Deck, pergola, or the like			<input type="checkbox"/>	F2
Swimming Pool	Above-Ground		<input type="checkbox"/>	G2
	In-Ground	Concrete	<input type="checkbox"/>	H3
		Fibreglass	<input type="checkbox"/>	H4
Garage, shed or the like			<input type="checkbox"/>	I3
Fence			<input type="checkbox"/>	J1
Retaining wall, masonry fence			<input type="checkbox"/>	K2
4 MULTI-RESIDENTIAL, COMMERCIAL & INDUSTRIAL				
Villa/Town House & multi-storey developments			<input type="checkbox"/>	On Application
Commercial developments			<input type="checkbox"/>	On Application
Industrial developments			<input type="checkbox"/>	On Application