

5 Find out about inspections

At least two days before work starts, the PCA must inform you about the inspections required and you must inform your builder. The builder will make arrangements with the PCA for inspections to be carried out as needed. The PCA may not be able to issue certificates for completed work if inspections are not undertaken.

6 Obtain an occupation certificate

Before you can occupy the building, you must apply for and obtain an occupation certificate from your PCA.

The PCA will inspect the completed building work to determine if it is suitable to occupy. If satisfied, they will issue an occupation certificate.

You can appeal to the Land and Environment Court if the council refuses to issue a final occupation certificate (or construction certificate), or if no decision is made after a certain period. You cannot appeal against the decision of an accredited certifier to refuse an application for a certificate.

If you believe your PCA is unreasonably delaying the release of your certificate or approval you should, in the first instance, discuss this with the PCA. If you are not satisfied after that, contact the Board for advice and assistance.

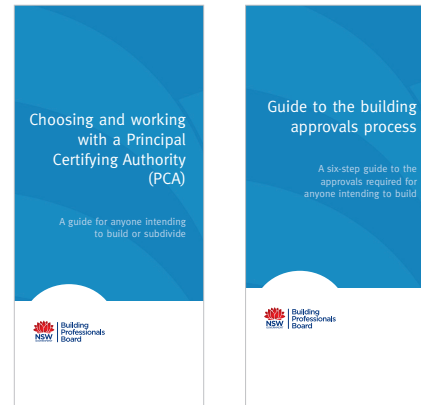
Not all accredited private certifiers can issue all of the above certificates or conduct mandatory inspections. Their authority to issue these certificates depends upon their level of accreditation. Before you engage a certifier, you should check their level of accreditation at www.bpb.nsw.gov.au.

Councils can issue all of the certificates mentioned above.

Find out more

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Find out more about working with a PCA in our new guide at www.bpb.nsw.gov.au



IMPORTANT NOTE: This brochure does not constitute legal advice. Users are advised to seek professional advice and refer to the relevant legislation, as necessary, before taking action in relation to any matters covered by this brochure.

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Guide to the building approvals process

A six-step guide to the approvals required for anyone intending to build

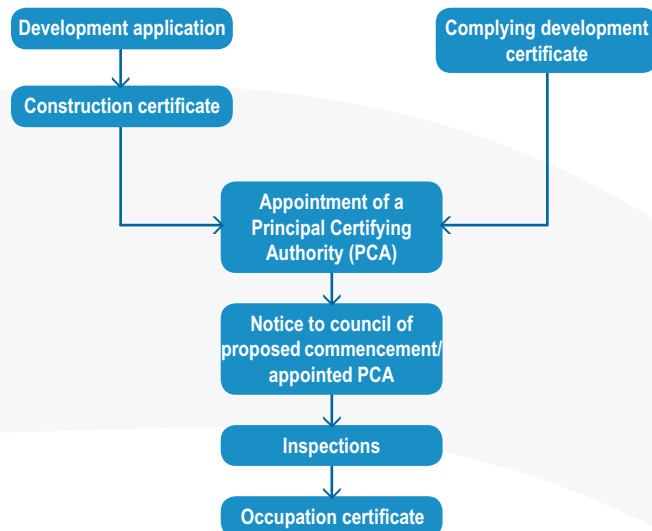
1 Speak to council

If you intend to renovate, demolish, build, develop or use land, speak to your local council, or other building professionals such as town planners or accredited certifiers, who can tell you about:

- the rules for developing the particular site under council's Local Environmental Plan (LEP) and relevant State planning policies
- any obligations you will have under planning legislation
- what pre-commencement works must also take place
- the development assessment process
- any issues that might affect the development and use of the site.

This information will help you work out what approvals are required. If your proposal is classified as 'exempt development', you will not require approval.

Building approvals process



2 Applying for a development application or a complying development certificate

Development application (DA)

Council, or other building professionals such as a town planner or accredited certifier, will advise if you need to lodge a DA. In almost all cases council issues the development consent, though a State agency may do occasionally. Accredited certifiers cannot assess DAs.

Complying development certificate (CDC)

A complying development certificate is an alternative to a DA and only available for routine work classed as complying development under council's planning controls or a State planning policy.

A complying development certificate is issued if a proposed development complies with relevant planning controls and building controls under the Building Code of Australia (BCA).

Accredited certifiers and councils can issue complying development certificates. The certificate **must be obtained before any building work commences**, including site works such as demolition and excavation.

You should enter into a contract with the builder and obtain home warranty insurance before work commences.

3 Apply for a construction certificate (CC)

If you have development consent after submitting a DA to council, **you need a construction certificate before you can start building work**. If you have a complying development certificate, you do not need a construction certificate.

A construction certificate confirms building plans comply with the BCA, are 'not inconsistent' with the development consent, and comply with relevant conditions of the development consent. Accredited certifiers and councils can issue construction certificates.

A construction certificate (or complying development certificate) must be obtained before building work commences. Without one, you cannot obtain an occupation certificate at the completion of building work.

4 Appoint a Principal Certifying Authority

A Principal Certifying Authority (PCA) is the only person or body who can issue interim or final occupation certificates.

You must appoint your PCA before work commences. Only the person with the benefit of development consent (usually the landowner) can appoint the PCA; the builder cannot appoint the PCA, unless they are also the landowner.

Your PCA can be either an accredited certifier, council or the consent authority. The PCA inspects work during construction to ensure that it is generally consistent with the approved plans and is fit to occupy having regard to required building standards.

Although a PCA is appointed, ultimately it is your responsibility to ensure conditions of development consent are met. The PCA should, however, check the builder is licensed and that home warranty insurance has been obtained.

Read the conditions of consent carefully, note which conditions must be met at different stages, and liaise regularly with your builder and PCA to ensure conditions are satisfied.

This will help you avoid delays, or worse – a fine from council, costly remedial work or an order to demolish unauthorised works.

As the person having the benefit of development consent, you must give council at least two days notice in writing of your intention to commence work on the site, and must notify council in writing at least two days before building work commences of your appointed PCA. You can give these notices to council together.