

INTRODUCTION

Council is committed to ensuring that building works on **ALL** development sites within the Wollongong Local Government Area comply with the relevant Development Consents and plans approved by Council.

This fact sheet explains the management and investigation of complaints made to Council regarding unlawful/non-compliant building work on development sites where a private Principal Certifying Authority (PCA) has been appointed.

THE ROLE OF A PRIVATE PCA

An applicant can engage the services of Council or a private Principal Certifying Authority (PCA) to oversee/certify a development project.

When a private Principal Certifying Authority (PCA) has been appointed, the 'PCA' is the authority responsible for ensuring compliance with the conditions of development consent and addressing any concerns that may be raised relating to the works.

The 'PCA' is required to investigate complaints relating to a development under their responsibility and take action, including issuing a 'Notice of Intention to give an Order' upon the person(s) not complying with the development consent conditions.

COUNCIL'S ROLE

When a private PCA has been appointed, Council becomes the "keeper of the records". Council is not directly involved in the inspection of the development site. It is the role of the private PCA to be involved throughout the construction stage.

Council is not the regulator of accredited certifiers and any complaints about the conduct and actions of a private PCA must be directed to the Building Professional Board.

HOW DO I KNOW IF THE PROJECT IS UNDER THE CARE AND CONTROL OF A PRIVATE PCA?

Every development site must display a sign in a prominent position which provides the details of the Principal Certifying Authority.

If you are unsure who the Private Certifying Authority is, contact Council for further information.

WHAT HAPPENS WHEN I COMPLAIN ABOUT A PRIVATE PCA PROJECT?

Where a complaint is received by Council for an alleged non compliance with a development consent and a private PCA has been appointed, Council will provide the name and contact details of the private PCA to the complainant and recommend they write to the private PCA to ensure the matter can be addressed by the responsible authority.

Council is unable to provide the complainant's details to the private PCA due to the provisions of the Privacy and Personal Information Act. In order for the private PCA to investigate the matter, the complainant will need to advise the private PCA of the matters raised so as to ensure effective communication between the complainant and private PCA.

When referring a complaint to the private PCA about a development site, the following information should be provided:

- Street address of the alleged issue.
- Development Application Number.
- Nature of alleged breach and a date the incident commenced or occurred.
- Any evidence collected such as photographs, samples etc.

WHEN WILL COUNCIL CONSIDER TAKING ACTION?

Where the complaint demonstrates that there is an 'imminent' safety risk, where work or activity threatens life, safety or damage to property or the environment, Council may take immediate action and investigate a complaint without first referring the matter to the private PCA.

Disclaimers

This Fact Sheet was believed to be correct at the date of its publication. This Fact Sheet is for general information purposes only and should not be relied upon as legal advice.