



Inspections and Signage during Construction

A Guide for Consumers, Builders and Owner-Builders

What you should know:

Recent changes have been made to certain laws that apply to building and you need to be aware of these changes if you are having a building constructed, or if you are undertaking renovations, alterations or additions to an existing building that involve building work.

Mandatory Critical Stage Inspections

Inspections during construction help to ensure that what is built remains consistent with what has been approved in the development consent and construction certificate, or the complying development certificate, and that the building will meet acceptable standards for health, safety and amenity.

Mandatory critical stage inspections have now been introduced for the construction phase of development.

These inspections commenced on 1 January 2004 for class 2, 3 and 4 buildings (which include high-rise residential buildings).

Mandatory critical stage inspections for all other classes of buildings, including houses, garages and other domestic buildings (such as carports and pergolas) that require approval, commenced on 1 July 2004.

Consumers need to know that mandatory critical stage inspections will apply to projects if a Principal Certifying Authority (PCA) had not been appointed before the date of commencement of the inspections regime for

the class of building concerned (1 January 2004 for class 2, 3 and 4 buildings and 1 July 2004 for all other classes of buildings including houses, garages and other domestic buildings).

You can appoint either the local Council or a private accredited certifier as your PCA.

As a consumer, when you appoint your PCA, your PCA needs to give you a list of the mandatory critical stage inspections and any other inspections (determined by the PCA) that will be required during the construction of your building.

You need to be aware of these inspections as they need to be carried out at the appropriate time.

It is your responsibility to give your principal contractor (builder) a list of the inspections that are required. Your principal contractor will need to contact the PCA at least 48 hours before an inspection is required. If you are an owner-builder, you will need to contact your PCA at least 48 hours before an inspection is required.

In addition, the NSW Government has recently introduced safeguards to protect you if your PCA fails to undertake a required inspection, or if your principal contractor covers building work before it is inspected.

This safeguard applies if you appoint a PCA on or after 9 July 2004. If your PCA misses an inspection due to unavoidable circumstances, your PCA will still be required to ensure that the building work is satisfactory, and you will still be

able to obtain an occupation certificate and use or occupy your building.

What are the mandatory critical stage inspections?

Clause 162A of the Environmental Planning and Assessment Regulation 2000 sets out the mandatory critical stage inspections. They are:

For class 1 and 10 buildings (including houses, garages and the like), building work on the development site must be inspected:

- At the commencement of building work, and
- After excavation for, and prior to the placement of, any footings, and
- Prior to pouring any in-situ reinforced concrete building element, and
- Prior to the covering of any framework for any floor, wall, roof or other building element, and
- Prior to covering waterproofing in any wet areas, and
- Prior to covering any stormwater drainage connections, and
- After the building work has been completed and prior to any occupation certificate being issued in relation to the building.

In the case of a class 2, 3 or 4 building, the building work on the development site must be inspected:

- At the commencement of building work, and
- Prior to covering of waterproofing in any wet areas, for a minimum of 10% of rooms with wet areas within a building, and
- Prior to covering any stormwater drainage connections, and

- After the building work has been completed and prior to any occupation certificate being issued in relation to the building.

In the case of a class 5, 6, 7, 8 and 9 building, the building work on the development site must be inspected:

- At the commencement of building work, and
- Prior to covering any stormwater drainage connections, and
- After the building work has been completed and prior to any occupation certificate being issued in relation to the building.

Depending on the type of building being constructed and how it is being constructed, your PCA may be able to carry out two or more of the required inspections at the same time.

Can the PCA require additional inspections to be carried out?

When a PCA is appointed for a project, the PCA can give the person with the benefit of the development consent (usually the person having the project built) a list of mandatory critical stage inspections and other inspections that the PCA requires to be carried out for the project.

The PCA has discretion as to whether to require any additional inspections during the construction stage of the project.

Who must inspect during construction?

The PCA or another certifying authority (with the agreement of the PCA) must carry out the mandatory critical stage inspections. However, only the PCA can carry out the final mandatory critical stage inspection.

For class 1 and 10 buildings (houses, garages and the like), the mandatory critical stage inspections can be carried out by a suitably qualified non-accredited person working for the PCA. This is an interim arrangement only and applies if your PCA was appointed between 9 July 2004 and 1 July 2005, inclusive. It has been introduced to ensure that there will be enough suitably qualified people to carry out the inspections.

Non-mandatory inspections (those required by the PCA but not set out in the Regulation) can be carried out by the PCA, a certifying authority, or a suitably qualified person nominated by the PCA.

Appointing a principal contractor

A principal contractor must be appointed for building work unless the work is done by an owner-builder.

A principal contractor for building work means the person responsible for the overall co-ordination and control of the carrying out of the building work. If any residential building work is involved, the principal contractor must be the holder of a contractor licence under the Home Building Act 1989.

The principal contractor (or the owner-builder) needs to ensure that they are aware of the mandatory critical stage inspections (and any

other inspections required by the PCA), before work commences.

As stated previously, the principal contractor or owner builder must contact the PCA at least 48 hours before a mandatory critical stage inspection (or other inspection required by the PCA) is required to be carried out, so that the PCA has time to arrange for the inspection to be done.

Signs to identify the principal contractor and the PCA

From 1 July 2004, the principal contractor and the PCA will also need to have a sign (or signs) erected and maintained on the development site that provides their name and contact telephone number (during and outside work hours for the principal contractor), and stating that unauthorised entry to the site is prohibited.

The principal contractor and PCA can have separate signs or they can both use one sign if they choose.

A maximum penalty of 10 penalty units (\$1100) applies for failure to erect and maintain the sign(s).

Further information

For more information recent legislative changes, visit the Department of Infrastructure, Planning and Natural Resources' website www.dipnr.nsw.gov.au/improving_practice.html .

For further information, please contact the:

Planning Reform Unit

Department of Infrastructure, Planning and Natural Resources, GPO Box 3927, Sydney NSW 2001,

Planning Reform Unit's Act and Regulation Line
on (02) 9762 8467.

The Act and Regulation Line operates between 9:30am and 11:30am on Tuesdays, Wednesdays and Thursdays.

Alternatively, emails can be sent to reform@dipnr.nsw.gov.au

This document is not intended to be legal advice. It has been prepared in good faith to assist in understanding the Environmental Planning and Assessment Act 1979 and the Environmental Planning and Assessment Regulation 2000. In specific circumstances, you may wish to obtain your own legal advice.