Compliance of built work

<table>
<thead>
<tr>
<th>Issue</th>
<th>Legislation</th>
</tr>
</thead>
<tbody>
<tr>
<td>To provide a requirement to ensure building work is not inconsistent with the development consent or CDC.</td>
<td>EP&amp;A Regulation</td>
</tr>
</tbody>
</table>

**Background**
- A certifying authority has an obligation to ensure a construction certificate (CC) is ‘not inconsistent with’ the development consent.
- There is no similar obligation on the principal certifying authority (PCA) to be satisfied a building complies with the development consent, the approved plans and specifications when issuing an occupation certificate (OC).
- General industry practice, however, requires a completed development to comply with the development consent.

**Issue**
- The planning legislation only requires that a development consent and a CC or CDC (where applicable) must be “in force” prior to the issue of an OC.
- Inconsistencies exist across industry as to how, and when, this is applied.
- The community expects that an OC means the building complies with the approved plans.

**Proposed response**
This issue is expected to be comprehensively dealt with through an expanded accreditation system, providing other practitioners with a greater role in ensuring the final building is not inconsistent with the approved plans – which will diminish the need for the PCA to do so.

Until the system is expanded, as a short term-response, one option would be to introduce a requirement on the PCA not to issue a final OC unless satisfied the design and construction of the building are not inconsistent with the relevant development consent or CDC.

**Why?**
Such a change would better ensure the final building work achieves the objectives of the development consent or CDC.

**What do you think?**
Click onto the [online survey](#) to tell us what you think of the proposed response and to identify any other options. The survey will close by 2 July 2012, so let us know your thoughts before then.