

# LODGMET OF COMPLAINT FORM

Use this form to lodge a complaint in relation to development where:

- An employee of Greenfield Accredited Certifiers is the appointed PCA for the development
- Development has not been carried out in accordance with the development consent
- A breach of the development consent conditions, BCA or EP&A Act has occurred

It is important for all parties to understand the responsibilities and powers of a Principal Certifying Authority (PCA) in order to have the complaint/issue resolved efficiently. Reporting the matter to the incorrect authority will cause delays.

## Enforcement powers of Accredited Certifiers

Accredited certifiers who are appointed as the principal certifying authority (PCA) for a development have limited enforcement powers under the EP&A Act but are more restrictive than Local Government Authority (Council) powers.

The accredited certifier PCA can issue a “Notice of Intention to Serve an Order” under section 109L which sets out the proposed terms of an order and the proposed period of compliance. However, we cannot legally issue an Order. A copy of the notice must be sent to the relevant council for the council to decide whether it will proceed to issue the Order.

## What you need to include in a complaint

It is important for the PCA to develop a clear understanding about the matter/s which are the subject of the complaint. The PCA may decline to deal with a complaint if sufficient particulars about the complaint are not provided.

The complaint must comprise of the following information:

- All sections of this form must be completed.
- Complaint details must contain a minimum level of detail as demonstrated by examples provided below
- Complainant must sign this form

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## Examples of minimum level of detail

### **Example 1:**

*The construction works are inconsistent with Council’s development consent No. 483/07 dated 13 April 2007 and construction certificate No. 08-1895 dated 20 April 2007 in the following ways:*

- *The garage roof has been constructed 1100mm higher than the CC plans.*
- *An additional balcony has been provided off bedroom No. 2 at first floor level which was not shown on the DA/CC plans.*

*I have provided a survey and photos as evidence substantiating the respective items above.*

### **Example 2:**

*The development works do not comply with the following conditions of development consent No. 483/07 dated 13 April 2007:*

- Condition No. 3 – sedimentation controls have not been provided.*
- Condition No. 4 – portable toilet has not been provided.*

*I have provided photos as evidence substantiating the respective items above.*

**Common issues which do not generally form part of the PCA's responsibility**

Issue	Authority responsible
<ul style="list-style-type: none"> <li>• Damage to adjoining properties by a developer or their contractors.</li> </ul>	Seek legal advice – civil matter between property owners
<ul style="list-style-type: none"> <li>• Boundary fence issues which are ordinarily governed by the Dividing Fences Act</li> </ul>	Seek legal advice – civil matter between property owners
<ul style="list-style-type: none"> <li>• The granting of development consent by Council or Land &amp; Environment Court or the drafting/wording of development consent conditions</li> </ul>	Council but neighbours are normally “notified” prior to granting development consent.
<ul style="list-style-type: none"> <li>• Design of the building, structure or stormwater management system</li> </ul>	Council assessment during DA assessment process
<ul style="list-style-type: none"> <li>• Landscaping works unless specifically referenced by the development consent conditions</li> </ul>	Owners right unless works require a DA or CDC. In those cases it would be considered unauthorised works which Council must monitor

**PLEASE COMPLETE THE FOLLOWING 4 SECTIONS:**

**SECTION 1 - PARTICULARS**

Site Address of the development of which is the basis of the complaint	
Name of complainant	
Address of complainant	
Contact details of complainant (you) Include phone, email or fax	

**SECTION 2 – PRELIMINARY ENQUIRY**

1. Is Greenfield Accredited Certifiers (or employee) the appointed Principal Certifying Authority (PCA) for the development ?	Yes / No
2. Have you obtained a copy of the Development Consent & DA/CC Plans for the development concerned ? (Copies can be obtained from Council under Freedom of Information Act)	Yes / No
3. Have you provided supporting evidence to substantiate your complaint ? (photos, documentary evidence, surveys etc)	Yes / No

If you have answered “No” to any of the above questions our investigation of your complaint may be hindered or may not proceed any further.

**SECTION 3 – DETAILS OF THE COMPLAINT**

Please describe the details of your complaint. Include relevant dates, breaches of development consent conditions and/or inconsistencies with the approved development consent plans.

**SECTION 4 – YOUR SUGGESTIONS TO RESOLVE THE MATTER**

Please describe how or what you would like see happen in order to resolve the issues forming your complaint. Your response in this section may not be enforceable but could facilitate a much faster resolution to the problem if we communicate it to the property owner.

**SECTION 5 – COMMUNICATION ELECTION**

- I DO wish to have this complaint document forwarded to the alleged offender (recommended).
- I DO NOT wish to have this complaint document forwarded to the alleged offender.

**SIGNATURE OF THE COMPLAINANT**

X  
\_\_\_\_\_  
[Print Name]

Dated:

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Send form to:  
Email [complaints@greenfieldcertifiers.com.au](mailto:complaints@greenfieldcertifiers.com.au)  
Fax 02 9836 3000  
Mail PO Box 6160 BAULKHAM HILLS BC NSW 2153