



CARRATHOOL SHIRE COUNCIL

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BUILDING CERTIFICATE APPLICATION FORM

Office Use Only

Date Received:.....

Building Certificate Application No..... Fees

This form is to be completed if applying for Building Certificate. To complete the form, please place a tick in the boxes and fill out the white sections as appropriate. To minimize delay in receiving a decision about your application, please ensure you submit all relevant information. See Note 1

1. Details of Land

Flat/street no. Street name

Suburb or townPostcode

Lot no.Section

DP/MPS no..... Volume/folio

You can find the lot no., section, DP/MPS no. and volume/folio details on a map of the land or on the title documents for the land. If you need additional room, please attach a schedule and/or a map with these details.

If the land is Crown land: Type of holding

2. Details of the applicant

Mr Ms Mrs Dr Other

First name Family name or Company name

Flat/street no. Street name

Suburb or townStatePostcode

Daytime telephone Fax Mobile

Email.....

3. A contact who can provide unobstructed access to the building

Name: Daytime Telephone

4. Description of the building

Owner(s) of the building

First name Last name or Company name

First name Last name or Company name

Address of the land

Flat/street no. Street name

Suburb or town Postcode.....

The nearest cross street.....

Class of the building under the Building Code of Australia

e.g. dwellings, swimming pools, alterations & additions - Class 1 & 10 – See Note 2

e.g. factories, flats, commercial, industrial - class 2 to 9 – See Note 2

If the certificate is only for part of the building, description of the part of the building

.....

Floor area of building or part (applicable for all classes of buildings except class 1a and class 10). See Note 2

5. Required attachments

The following information must accompany an application for a building certificate:

- an original or a copy of a survey certificate prepared by a Registered Surveyor accurately representing all development presently on site. See Note 1

6. Application Fee

Applications must be accompanied by the fee payable under clause 260 of the Environmental Planning & Assessment Regulation 2000. See Note 2 - For further information, please contact Council on 6965 1900.

7. Signatures

Application for building certificate (clause 280 of EP&A Regulation 2000)

- (1) An application for a building certificate in relation to the whole or a part of a building may be made to the council by:
 - (a) the owner of the building or part or any other person having the owner's consent to make the application or
 - (b) the purchaser under a contract for the sale of property, which comprises or includes the building or part, or the purchaser's solicitor or agent, or
 - (c) a public authority that has notified the owner of its intention to apply for the certificate.
- (2) An application must be accompanied by the fee payable under clause 260.
- (3) Despite subclause (1) (a), the consent in writing of the owner of the building or part is not required if the applicant is a public authority and the public authority has, before making the application, served a copy of the application on the owner.

The applicant, or the applicant's agent, must sign the application.

Signature.....

In what capacity are you signing if you are not the applicant.....

Name, if you are not the applicant.....

Date.....

8. Privacy policy

The information you provide in this application will enable your application to be assessed by the council. If the information is not provided, your application may not be accepted. Please contact the Council if the information is incorrect or changes.

Any information provided by a third party has not been verified by Carrathool Shire Council.

Note 1

Building certificate: Extracts from the Environmental Planning & Assessment Act 1979 (EP&A)

149A Building certificates

- (1) A council may issue a building certificate in accordance with this section and sections 149B–149E.
- (2) A building certificate may apply to the whole or to part only of a building.
- (3) The regulations may provide for the form in which a building certificate is to be issued.

149C Supply of information in connection with applications for building certificates

- (1) On receipt of an application, the council may, by notice in writing served on the applicant, require the applicant to supply it with such information (including building plans, specifications, survey reports and certificates) as may reasonably be necessary to enable the proper determination of the application.
- (2) If the applicant is able to provide evidence that no material change has occurred in relation to the building since the date of a survey certificate which, or a copy of which, is supplied to the council by the applicant, the council is not entitled to require the applicant to supply a more recent survey certificate.

149B Obligations of council to issue building certificate

- (1) The council must issue a building certificate if it appears that:
 - (a) there is no matter discernible by the exercise of reasonable care and skill that would entitle the council, under this Act or the Local Government Act 1993:
 - (i) to order the building to be demolished, altered, added to or rebuilt, or
 - (ii) to take proceedings for an order or injunction requiring the building to be demolished, altered, added to or rebuilt, or
 - (iii) to take proceedings in relation to any encroachment by the building onto land vested in or under the control of the council, or
 - (b) there is such a matter but, in the circumstances, the council does not propose to make any such order or take any such proceedings.
- (2) If the council refuses to issue a building certificate, it must inform the applicant, by notice, of its decision and of the reasons for it.
- (3) The reasons must be sufficiently detailed to inform the applicant of the work that needs to be done to enable the council to issue a building certificate.
- (4) The council must not refuse to issue or delay the issue of a building certificate by virtue of the existence of a matter that would not entitle the council to make any order or take any proceedings of the kind referred to in subsection (1) (a).
- (5) Nothing in this section prevents the council from informing the applicant of the work that would need to be done before the council could issue a building certificate or from deferring its determination of the application until the applicant has had an opportunity to do that work.

149E Effect of building certificate

- (1) A building certificate operates to prevent the council:
 - (a) from making an order (or taking proceedings for the making of an order or injunction) under this Act or the Local Government Act 1993 requiring the building to be repaired, demolished, altered, added to or rebuilt, and
 - (b) from taking proceedings in relation to any encroachment by the building onto land vested in or under the control of the council, in relation to matters existing or occurring before the date of issue of the certificate.
- (2) A building certificate operates to prevent the council, for a period of 7 years from the date of issue of the certificate:
 - (a) from making an order (or taking proceedings for the making of an order or injunction) under this Act or the Local Government Act 1993 requiring the building to be repaired, demolished, altered, added to or rebuilt, and
 - (b) from taking proceedings in relation to any encroachment by the building onto land vested in or under the control of the council, in relation to matters arising only from the deterioration of the building as a result solely of fair wear and tear.
- (3) However, a building certificate does not operate to prevent a council:
 - (a) from making order No 6 in the Table to section 121B, or
 - (b) from taking proceedings against any person under section 125 with respect to that person's failure:
 - (i) to obtain a development consent with respect to the erection or use of the building, or
 - (ii) to comply with the conditions of a development consent.
- (4) An order or proceeding that is made or taken in contravention of this section is of no effect.

149F Appeals with respect to building certificates

- (1) An applicant:
 - (a) who is aggrieved by a council's refusal to issue a building certificate, or
 - (b) who is aggrieved by a council's refusal to issue a building certificate within 40 days after:
 - (i) the date of application for the certificate, or
 - (ii) if the applicant receives a notice under section 149C to supply information, the date on which the information is supplied, whichever is the later, or
 - (c) who receives a notice under section 149C to supply information, may appeal to the Court.
- (2) The appeal must be made within 12 months after the date on which the refusal is communicated to the person, the date on which the 40-day period expires or the date of the notice under section 149C, as the case requires.
- (3) On hearing the appeal, the Court may do any one or more of the following:
 - (a) it may direct the council to issue a building certificate in such terms and on such conditions as the Court thinks fit,
 - (b) it may revoke, alter or confirm a notice under section 149C,
 - (c) it may make any other order that it considers appropriate.

149G Record of building certificates

- (1) The council must keep a record of building certificates issued by it in such form as it thinks fit.
- (2) A person may inspect the record at any time during the ordinary office hours of the council.
- (3) A person may obtain a copy of a building certificate from the record with the consent of the owner of the building and on payment of the fee prescribed by the regulations.

Note 2

What is the fee for a copy of building certificate? (clause 260 of EP&A Regulation 2000)

For the purposes of section 149G (3) of the Act, the prescribed fee for a copy of a building certificate is \$15.

- (1) For the purposes of section 149B (2) of the Act, the fee for an application for a building certificate in relation to a building is:
 - (a) in the case of a class 1 building (together with any class 10 buildings on the site) or a class 10 building, \$250 for each dwelling contained in the building or in any other building on the allotment, or
 - (b) in the case of any other class of building, as set out in the Table to this clause, or
 - (c) in any case where the application relates to a part of a building and that part consists of an external wall only or does not otherwise have a floor area, \$250.
 - (2) If it is reasonably necessary to carry out more than one inspection of the building before issuing a building certificate, the council may require the payment of an additional fee (not exceeding \$90) for the issue of the certificate.
 - (3) However, the council may not charge an additional fee for any initial inspection.
- (3A) An additional fee determined in accordance with subclause (3B) may be charged for an application for a building certificate in relation to a building where the applicant for the certificate, or the person on whose behalf the application is made, is the person who erected the building or on whose behalf the building was erected and any of the following circumstances apply:
- (a) where a development consent, complying development certificate or construction certificate was required for the erection of the building and no such consent or certificate was obtained,
 - (b) where a penalty notice has been issued for an offence under section 76A (1) of the Act in relation to the erection of the building and the person to whom it was issued has paid the penalty required by the penalty notice in respect of the alleged offence (or if the person has not paid the penalty and has not elected to have the matter dealt with by a court, enforcement action has been taken against the person under Division 4 of Part 4 of the Fines Act 1996),
 - (c) where order No 2, 12, 13, 15, 18 or 19 in the Table to section 121B (1) of the Act has been given in relation to the building unless the order has been revoked on appeal,
 - (d) where a person has been found guilty of an offence under the Act in relation to the erection of the building,
 - (e) where the court has made a finding that the building was erected in contravention of a provision of the Act.
- (3B) The additional fee payable under subclause (3A) is the total of the following amounts:
- (a) the amount of the maximum fee that would be payable if the application were an application for development consent, or a complying development certificate (if appropriate), authorising the erection or alteration of any part of the building to which the application relates that has been erected or altered in contravention of the Act in the period of 24 months immediately preceding the date of the application,
 - (b) the amount of the maximum fee that would be payable if the application were an application to the council for a construction certificate relating to the erection or alteration of any part of the building to which the application relates that

has been erected or altered in contravention of the Act in the period of 24 months immediately preceding the date of the application.

(3C) If an application for a building certificate is made in relation to part only of a building, a reference in subclause (3A) to a building is taken to be a reference to the part of a building that is the subject of the application.

(4) In this clause, a reference to a class 1 building includes a reference to a class 2 building that comprises 2 dwellings only.

Table

Floor area of building or part	Fee
Not exceeding 200 square metres	\$250
Exceeding 200 square metres but not exceeding 2,000 square metres	\$250, plus an additional \$0.50 per square metre over 200
Exceeding 2,000 square metres	\$1,165, plus an additional \$0.075 per square metre over 2,000