



# **URALLA SHIRE COUNCIL**

---

## **Section 149(d) Certificates – Building Certificate Fee**

2013



## Section 149(d) Certificates – Building Certificate Fee Policy

### Section:

**Subject :** Section 149(d) Certificates – Building certificate Fee

**Description:** To apply to all Section 149(d) Certificate – Building Certificates issued within the Uralla Shire Council area.

**Objectives:**

- Apply the fee for building certificates as set out by the *Environmental Planning and Assessment Regulations 2000*.
- To discourage illegal building work.
- Meet legislative requirements being the *Environmental Planning and Assessment Act 1979* or the *Local Government Act 1993*.
- Ensure community needs and expectations are satisfied.

### Policy:

#### Overview:

This Policy provides guidelines for fee implementation for Section 149(d) Certificate known as building certificates.

Issued under Section 149(d) of the *Environmental Planning and Assessment Act 1979*. Commonly known as a Building Certificate, it gives property owners, potential buyers and financial institutions assurance that unapproved built structures on a property are in reasonable repair, structurally sound, and may have an approval but an Occupation certificate has not been issued. The Certificate means that, under the *Environmental Planning and Assessment Act 1979* or the *Local Government Act 1993*, Council will not order or take proceedings for an order to have the building demolished, altered, added to or rebuilt, or to take proceedings in relation to any encroachment by the building onto land under the control of Council, for a period of seven years.

#### Policy Statement:

A building certificate is a certificate applied for, and issued, under Section 149(d) of the *Environmental Planning and Assessment Act 1979*.

The certificate is usually needed by buyers or sellers of property before settlement to make sure that what is being bought or sold is not going to be the subject of action by the council. It is also commonly applied for when work is undertaken without the appropriate approvals being issued by the council or a private certifier.

For pool safety fencing, a Certificate of Compliance under the *Swimming Pools Act 1992* is the appropriate application to apply for rather than a building certificate.

A building certificate application may be made by:

- a. The owner of the property
- b. Another person, with the consent of the owner of the property.
- c. The purchaser of the property under a contract of sale (including the purchaser's solicitor or agent).
- d. A public authority that has notified the owner of its intention to apply for the certificate.

A building certificate application may be for a part or whole of a building.

As a minimum requirement, a building certificate application must include an original or certified copy of a survey report and plan. The survey report and plan must represent the property and buildings as they exist at the time of lodging the application. Additional information may need to be provided (including building plans, specifications and certificates) as may reasonably be necessary to enable the council to assess the

application.

Building certificate fees are set in the *Environmental Planning & Assessment Regulations 2000*. Single and dual residential properties have a set application fee. The fee for other building types is calculated according to the floor area of the building. The total floor area of the building to be inspected needs to be provided on the application form. Current fees that apply to an application for a building certificate are detailed in Council's Operational Plan.

Additional fees apply where reinspections are required to be carried out by council officer and to applications involving the assessment of unauthorised structures constructed in the previous two years.

In the case of applications involving unauthorised work that was undertaken by the current owner at time of application for the certificate, the additional costs associated with the application is the cost of the current fee of a development application and construction certificate or complying development certificate for the estimated cost of the illegal building work.

Applying for a building certificate does not eliminate the issue of fines that may be imposed for breaches under the *Environmental Planning and Assessment Act 1979* or the *Local Government Act 1993*.

**Responsibility:** **Councillors** are responsible for adopting the Policy and ensuring that appropriate resources are allocated to issue building certificates as part of the regulatory services within the Uralla Local Government Area.

The **General Manager** has the responsibility to resource the regulatory services operations.

**Directors and Managers** are responsible for implementing regulatory services operations.

**Employees** are to carry out inspections, maintain accurate records, including inspections, notifications, and fees.

**Attachments:** Nil

**Review:** This Policy will be reviewed every two years from date of adoption.

**Resolution #** Adopted on Thursday, 11 July 2013 by Delegation under Resolution 143/13; Adopted without Change August 2013 (249/13).