



The Council of the SHIRE OF BREWARRINA

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Officer	

Application for Building Certificate

Section 149D of the Environmental Planning & Assessment Act 1979

1. Applicant's Details

Applicant Name(s):
(Full Name of Applicant) (Full name of Any Additional Applicant)

Address:
(Street Address)

.....
(Town) (State) (Post Code)

Telephone:
(Daytime Number) (Mobile Number)

I am/We are (please tick appropriate box);

the owner of the land on which the building is erected

the purchaser under a contract for the sale of property that comprises or includes the building

a solicitor or agent acting for the purchaser

a public authority that has notified the owner of its intention to apply for the certificate

Note: If you have ticked one of the boxes above you need only complete sections 3 & 4

a person who has the consent of the owner of the land

2. Owner's Details

Owners Name(s):
(Full Name of Owner) (Full name of Any Additional Owner)

Address:
(Street Address)

.....
(Town) (State) (Post Code)

Declaration: I/We being the owner(s) of the building/part of building for which application is made consent to the lodgement of this application.

.....
(Signature of Owner) (Signature of Any Additional Owner)

3. Building Details

Address of Building:
(Street Address) (Town)

Legal Description:
(Lot or Portion Number) (Section) (DP Number)

This application is for a building certificate for: the whole of the building

a part of the building

Description of Building: Part:
(eg: dwelling, shop, office, carport) (eg: 1st floor, shop only, manager's flat)

Floor Area of Building*:m² (*not applicable to single dwellings and outbuildings)

4. Survey Certificate Details

A survey certificate must be submitted with this application. The certificate must be current and show all the buildings on the land that are the subject of this application for a building certificate.

The attached survey certificate was prepared by:
(Name of surveyor)

Survey Certificate Number: Dated:

Note: If a copy only of the Survey Certificate is submitted, the copy must be either certified by the Surveyor who prepared the certificate or the original certificate must be sighted by Council and the copy endorsed accordingly.

Applicant's Signature: Date:

REFER TO EXPLANATORY NOTES OVERLEAF

Notes

- 1 *An application for a building certificate may be made:*
 - (a) *by the owner of the land on which the building is erected, or*
 - (b) *by any other person, with the consent of the owner of that land, or*
 - (c) *by the purchaser under a contract for the sale of property that comprises or includes the building or part, or by the purchaser's solicitor or agent, or*
 - (d) *by 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 of the Environmental Planning & Assessment Regulation 2000*

- 3 *On receipt of an application, 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.*
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.

- 4 *A building certificate may apply to the whole or to part only of a building.*

- 5 *A building certificate replaces the building certificate formerly issued under the Local Government Act 1993.*

- 6 *If Council refuses to issue a building certificate, it must inform the applicant, by notice, of its decision and of the reasons for it.*
The reasons must be sufficiently detailed to inform the applicant of the work that needs to be done to enable Council to issue a building certificate.

- 7 *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 the Environmental Planning & Assessment Act 1979 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.*

- 8 *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 above.*
Nothing in this section prevents Council from informing the applicant of the work that would need to be done before 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.

- 9 *An applicant:*
 - (a) *who is aggrieved by Council's refusal to issue a building certificate, or*
 - (b) *who is aggrieved by 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 (see 3 above) to supply information, the date on which the information is supplied,*
 - (c) *who receives a notice to supply information (see 3 above),**may appeal to the Court.*
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 (see 3 above), as the case requires.
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 (see 3 above),*
 - (c) *it may make any other order that it considers appropriate.*

- 10 *Council must keep a record of building certificates issued by it in such form as it thinks fit.*
A person may inspect the record at any time during the ordinary office hours of Council.
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 Environmental Planning & Assessment Regulation 2000.

- 11 *A building certificate must contain the following information:*
 - (a) *a description of the building or part of the building being certified (including the address of the building),*
 - (b) *the date on which the building or part of the building was inspected,*
 - (c) *a statement to the effect that the council is satisfied as to the matters specified in section 149D(1) of the Environmental Planning & Assessment Act 1979,*
 - (d) *a statement that describes the effect of the certificate in the same terms as, or in substantially similar terms to, section 149E of the Environmental Planning & Assessment Act 1979,*
 - (e) *the date on which the certificate is issued.*