

# Lithgow City Council

180 Mort Street Lithgow NSW 2790  
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REGISTRATION NO. ....
PROPERTY NO. ....

## APPLICATION FOR BUILDING CERTIFICATE

Environmental Planning & Assessment Act 1979 (Section 149B)

Application is made by .....  
(name of applicant)

of .....  
(address of applicant)

for a building certificate under Section 149B of the *Environmental Planning and Assessment Act 1979* in relation to the whole/part of the building identified below.

- (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) The regulations may provide for the procedures for making an application, the fees payable in connection with an application and the procedures for dealing with an application.

### Location IDENTIFICATION OF BUILDING

Street: .....  
Town: .....  
House No., Unit No., or name .....

**Particulars**  
Type of building/s (eg dwelling and/or outbuildings, commercial/industrial premises) .....  
Whole/Part .....  
Floor area of building or part .....  
Description of part (if applicable) .....

**Description of Land**  
Lot or Portion No. .... Section .....  
Deposited Plan, Strata Plan, or Estate .....  
Lease No. and type of holding (if Crown land) .....

County ..... Parish .....  
Signature of Applicant ..... Date .....

**Consent of Owner:** Owner's Signature .....  
(owner, owner's solicitor or agent)

**The original or certified copy of a Survey Report is enclosed herewith**

Surveyor. .... Date .....

**ACCESS: AN INTERNAL INSPECTION IS REQUIRED (in this regard, owner or agent needs to be present for the inspections).**

The contact for access is: .....  
Telephone .....

**PRIVACY & PERSONAL INFORMATION PROTECTION NOTICE.**

By completion of this form you may be providing Council with personal information. Council will collect the information only for a lawful purpose directly related to the function of Council. We will take reasonable care not to disclose personal information. Exempt documents may come under the Government Information (Public Access) Act 2009.

<b>OFFICE USE</b>		
<b>ONLY</b>	Fee \$ ..... (38281-000)	Date .....
		Receipt No. ....

## FEES

- (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 following table:

**Table**

FLOOR AREA OF BUILDING OR PART	FEE
<b>Additional Inspections</b>	<b>\$90</b>
<b>Class 1 or Class X Building</b>	<b>\$250</b>
<b>Floor Area &lt; 200 sqm</b>	<b>\$250</b>
<b>Floor Area &gt; 200 &lt; 2000 sqm</b>	<b>\$250 (0.50 per sqm &gt; 200)</b>
<b>Floor Area &gt; 2000 sqm</b>	<b>\$1,165 (.75c per sqm &gt; 2000)</b>
<b>Part building - External Wall/Nil Floor Area</b>	<b>\$250</b>

- (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 \$75) for the issue of the certificate. However, the council may not charge an additional fee for any initial inspection.
- (3) In this clause, a reference to a class 1 building includes a reference to a class 2 building that comprises 2 dwellings only.

## APPEALS

Section 149F

- (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 with 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.