

Building Certificate Fee Amendments

The NSW Department of Planning has changed the legislation around building certificates to allow councils to recover costs of illegal works. The following extracts highlight the changes and the time when they came into effect.

28 July 2008

Increased maximum penalties for carrying out work without authorisation

The maximum penalty for the erection of a building or the carrying out of subdivision work without a construction certificate or without the appointment of a principal certifying authority is increased from 300 penalty units to 1000 penalty units (i.e. \$110,000) (section 81A(7)).

Evidence of payment of long service levy

The subjective requirement for accredited certifiers or councils to be satisfied that the long service levy has been paid before forwarding a complying development certificate to the applicant has been removed. The change means that the long service levy must be paid and that certifying authorities should have clear, objective, evidence that the payment has been made before forwarding the complying development certificate to the applicant (section 85A(10A)).

22 August 2008

Fees for building certificates

The maximum fee that may be charged for an application for a building certificate under section 149 of the EP&A Act is, in certain circumstances, increased. The increased fee may be imposed only where the building to which the application relates has been completed within the past 24 months, the applicant for the certificate was responsible for the work, and the work was not authorised to be carried out under the EP&A Act. The maximum fee is equivalent to the maximum fee that may be imposed if the application was for a combined development application/construction certificate application, or a complying development application (whichever is relevant), for the building or part of the building the result of the unauthorised work (clause 260). Under the Savings and Transitional Regulation, the higher fee may not be charged for an application for a building certificate made before 1 September 2008.

1 November 2008

The fee for a building certificate

Amendments were made to clause 260 of the EP&A Regulation in September 2008 to allow councils to charge an additional fee for a building certificate in certain circumstances. A further amendment to clause 260 has been made to make it clear that the additional fee may only be charged 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 unlawfully erected.