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Factsheet – What are Building Certificates & Survey Reports?

Survey Reports

This document comprises a report and drawing of the land and shows where the house and any other buildings are set out on the land. It will advise if your house or buildings encroach on neighbouring properties, or likewise if other properties encroach on yours. Many lenders require a survey report as a matter of course and some Local Councils require a Survey Report before they will issue a Building Certificate. If not required by your lender or Local Council, obtaining a Survey Report is purely a matter of personal preference. These reports are generally completed by a licensed Surveyor and cost \$300-\$500*. They are generally accepted as valid indefinitely, provided there have been no changes to the property (fences, extensions etc). Some lenders, however, will not accept Survey Reports more than 3 years old.

(The following Certificates are issued by Local Councils under Sections 149 of the Environmental Planning & Assessment Act 1979 and Section 603 of the Local Government Act 1993.)

Section 149D Certificate (s.149D) – “Council Building Certificate”

This certificate is issued by Council to confirm that everything that is built on the land is built in accordance with their requirements and with their approval.

Although not strictly required by law, it is very advisable to have a copy of this certificate attached to a Contract for Sale of Land. Some lending institutions require them as a matter of course and some Local Councils will require a Survey Report before they will complete a S149D.

Some examples of the structures inspected could be: pergola, shed, swimming pool (including fencing), extension to an existing structure. If a structure does not meet Council requirements, orders may be issued by Council to complete or modify the structure within a set period of time. Alternately, Council may order the structure to be removed.

149D certificates can take 2-3 weeks to be issued and most Local Councils charge \$50-\$70* and are considered valid for up to 7 years, providing no additional work has been completed on the property.

(approximated cost only)*

Section 149(2) & 149(5) Certificates – “Zoning Certificates”

By law, a Contract for Sale of Land must be prepared & issued before the property can be marketed for sale. A Section 149(2) Certificate is required to be provided as part of the Contract for Sale of Land.

s.149 Certificates come in a short and longer version

- 149(2) is the short form
- 149 (2)&(5) is the long form.

These certificates state Council records as to the site's property description (lot number and DP or SP number) and legal and other planning controls affecting the site.

The short form (s.149(2)) includes essential information about the property's zoning and planning controls determining permissible development on the site. (EG – is the land zoned Rural, Residential or Commercial etc)

The long version (s.149(2) and (5)) includes additional information about planning policies which may affect the land such as tree preservation orders, development orders etc.

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