

1990 - No. 462

**LOCAL GOVERNMENT ACT 1919 - ORDINANCE**

(Relating to certificates of compliance issued by building  
surveyors in connection with building applications)

NEW SOUTH WALES



*[Published in Gazette No. 82 of 29 June 1990]*

HIS Excellency the Governor, with the advice of the Executive Council, and in pursuance of the Local Government Act 1919, has been pleased to make the Ordinance set forth hereunder.

DAVID HAY

Minister for Local Government.

**Commencement**

1. This Ordinance commences on 1 September 1990.

**Amendments**

2. Ordinance No. 70 under the Local Government Act 1919 is amended:

(a) by inserting after clause 8.6 the following clause:

*Certificate of  
compliance*

8.7. (1) For the purposes of section 314 (1 A) of the Act:

Matters  
prescribed  
for the  
purposes  
of s.314  
of the Act

- (a) the building standards are prescribed provisions; and
- (b) Form 8 is the prescribed form; and
- (c) a practising building surveyor has the prescribed qualifications.

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Provisions to be covered by certificate	(2) A certificate under section 314 (1A) of the Act may relate to all or any of the provisions of the building standards.
Restrictions	<p>(3) A practising building surveyor may not certify plans or specifications:</p> <ul style="list-style-type: none"><li>(a) that he or she has prepared; or</li><li>(b) that have been prepared by his or her firm or employer, or</li><li>(c) where he or she is employed by the Council:<ul style="list-style-type: none"><li>(i) that have been prepared for a building located in the Council's area; or</li><li>(ii) except where he or she has been granted authority for private practice by the Council, that have been prepared for a building located in another council's area; or</li></ul></li><li>(d) that have been prepared for any building in relation to which he or she has a direct or indirect pecuniary interest.</li></ul>
Definitions	<p>(4) In this clause:</p> <p><b>“building standards”</b> means such of the provisions of this Ordinance, or of any publication the provisions of which have been applied, adopted or incorporated by this ordinance, as prescribe standards of design, construction, erection or installation in connection with:</p> <ul style="list-style-type: none"><li>(a) any building; or</li><li>(b) any component of a building; or</li><li>(c) any material used in a building; or</li><li>(d) any equipment, fixture, fitting; or furnishing installed in a building,</li></ul> <p>but does not include:</p> <ul style="list-style-type: none"><li>(e) any provision that permits or requires the Council, or any other authority, to exercise a discretion in relation to any such standard; or</li></ul>

- (f) any provision (in particular, any provision of Part 59 of this Ordinance) that merely prescribes standards relating to the maintenance of a building; or
- (g) any provision that merely prescribes standards relating to the management or use of a building;

**“practising building surveyor”**, in relation to a building to which a certificate under section 314 (1A) of the Act relates, means a person:

- (a) who holds a current certificate as a building surveyor under clause 31M of ordinance No. 4; and
- (b) who has, in the opinion of the Council, adequate and relevant experience in connection with buildings of an equivalent size, complexity and classification to that to which the certificate under section 314 (1A) of the Act relates.

- (b) by inserting after clause 9.1 (5) the following subclause:

Reduction of  
fees where  
certificate  
accepted  
under cl. 8.7

(6) The fee payable under subclause (1) in relation to an application that is supported by a certificate under section 314 (1A) of the Act is to be reduced:

- (a) by 40 per cent, if the certificate relates to all of the provisions of the building standards referred to in clause 8.7; or
- (b) by such lesser percentage as the Council may determine, if the certificate relates to some only of those provisions.

- (c) by inserting after Form 7 in the Fifth Schedule the following form:

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Form 8

(C1. 8.7)

CERTIFICATE OF COMPLIANCE WITH  
BUILDING STANDARDS

Local Government Act 1919  
Ordinance No. 70

Building application number: .....

City/Municipality/Shire of: .....

Project: .....

Project address: .....

I, ..... of .....  
(insert name) (insert address)

hereby certify:

1. I am a practising building surveyor within the meaning of clause 8.7 of Ordinance No. 70.
2. I am currently practising as a building surveyor with the following council, firm or company of which I am a director/principal/employee /partner/sole proprietor\*.

.....  
(insert name of council, firm or company)

3. I have checked the building design described by the plans, specifications and documents specified hereunder and am satisfied that the building to which the design relates will comply with the building standards referred to in clause 8.7 of Ordinance No. 70 if the building is erected in accordance with the design.

.....  
.....  
.....  
(insert particulars of plans etc.)

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4. This certificate covers:
- (a) all of the provisions of the building standards referred to in clause 8.7 of Ordinance No. 70; or
  - (b) the following only of those provisions:

.....  
.....  
.....  
*(specify provisions covered)*

5. I did not prepare the building design.
6. I am not employed by, nor do I have a direct or indirect pecuniary interest in, the firm or company that prepared the building design.
7. I am not employed by the Council of the area in which the building the subject of this certificate is situated.
8. I do not have a direct or indirect pecuniary interest in relation to the building the subject of this certificate.
9. Annexed to this certificate are copies of:
- (a) my current certificate under clause 31M of Ordinance No. 4; and
  - (b) the following documents:

.....  
.....  
.....  
*(specify documents)*

Signed:..... Date:.....

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\* *Delete whichever is inapplicable*

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### **EXPLANATORY NOTE**

The object of this Ordinance is to amend Ordinance No. 70 under the Local Government Act 1919 so as:

- (a) to prescribe certain matters for the purposes of section 314 (1A) of the Act, so enabling a council to accept a certificate, given by a practising building surveyor, to the effect that the building to which the certificate relates complies with the technical provisions of that Ordinance and of certain publications referred to in that Ordinance; and
  - (b) to enable a council to reduce, by as much as 40 per cent, the building application fee that would otherwise be payable in respect of the building to which such a certificate relates.
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