## Occupation Certificate Application

Under Section 109C(1)(c), Divisions 6.2 and 6.3 of the Environmental Planning and Assessment Act 1979 and clause 149 of the Environmental Planning and Assessment Regulation 2000

### About this form

You can use this form to obtain approval to use or occupy a building.

### How to complete this form

1. Ensure that all fields have been filled out correctly.
2. Once completed you can submit this form by mail or in person. Please refer to the Lodgement details section in Part 7 for further information.

### Part 1: Site Details

<table>
<thead>
<tr>
<th>Address Number</th>
<th>Street Name</th>
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<thead>
<tr>
<th>Suburb</th>
<th>Lot Number</th>
<th>DP/SP</th>
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### Part 2: Applicant Details

**Note:** The applicant must be the property owner or the person having the benefit of the development consent. A building contractor however cannot be the applicant unless the contractor is the owner of the property.

<table>
<thead>
<tr>
<th>Title</th>
<th>Given Name/s</th>
<th>Family Name</th>
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<table>
<thead>
<tr>
<th>Organisation Name</th>
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<thead>
<tr>
<th>Address</th>
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**Note:** Before this application can be lodged at least one of the modes of contact below must be supplied.

<table>
<thead>
<tr>
<th>Business Number</th>
<th>Mobile Number</th>
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If signing on behalf of a company, please state capacity:

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### Part 3: Details of Work and Approvals

<table>
<thead>
<tr>
<th>Development Consent or Complying Development Certificate number (see Note 1)</th>
<th>Date of determination</th>
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<tbody>
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<table>
<thead>
<tr>
<th>Construction Certificate number (see Note 1)</th>
<th>Date of determination</th>
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</tbody>
</table>

What type of Occupation Certificate (OC) do you require? (please tick applicable box below)

- [ ] Occupation and use of a whole new building
- [ ] Occupation or use of a partially completed new building (where a whole OC has not yet been issued)
- [ ] Change of occupation or use of the whole of an existing building
- [ ] Commencement of a changed occupancy or use of an existing building or a new part to an existing building (where a whole OC has been issued previously)
Part 3: Details of Work and Approvals...cont...

Description of the building to which the application relates

Is the application for whole or part of the building? (See Note 2 - please tick applicable box)  Whole  Part of a building or partially of a completed building

If you ticked ‘partially’ or ‘part’ occupation, provide a detailed description of the part of the building to which this application applies

Building Code of Australia (BCA) classification of the building  (Note: the building classification must be the same as that specified in the Construction Certificate or Complying Development Certificate). Where a ‘part’ or ‘partial’ certificate is being sought, the BCA classification for that part of the building to be occupied must be specified.

Existing BCA classification (if applicable)  New BCA classification (whole, part or partial)

With the exception of a final inspection, have all mandatory critical stage inspections been carried out by Council (see list of inspections in the letter confirming Council’s appointment as the principal certifier).  Yes  No  

If no, you may not be entitled to an occupation certification - contact Council for further information.

Part 4: Application Checklist and Declaration

You must attach a copy of the following documents when submitting the application (Please tick all applicable boxes below).

- Development Consent or Complying Development Certificate
- Construction Certificate
- Subdivision Works Certificate
- A final Fire Safety Certificate or interim Fire Safety Certificate (where relevant - see Note 3 and Note 5)
- Other certificates relied on (ie Compliance Certificate)
- A copy of a BASIX Certificate (energy and water efficiency certificate) for the development if required by the development consent or complying development certificate.
- Contract for Certification Work (see Note 4)

Conflict of Interest

To ensure transparency in Council’s decision making process and to avoid potential conflicts of interest applicants are to make a declaration as to whether they are a Council employee or Councillor or are related to a Council employee or Councillor.

I am an employee/Councillor or relative of an employee/Councillor of City of Sydney Council  No  Yes  If yes state relationship

I declare that all the information I have provided is true and correct.

Applicant’s Name (please print)  Applicant’s Signature  Date
Notes for completing the Occupation Certificate Application

Note 1
Before an Occupation Certificate may be issued by Council, the following conditions must be met:
> Council must have been appointed as the principal certifier;
> a Development Consent or Complying Development Certificate must be in force with respect to the building; and
> a Construction Certificate or subdivision works certificate must have been issued (where a Development Consent has been issued) with respect to the plans and specifications for the building.

Note 2
An occupation certificate (OC) confirms that the completed building work accords with the development consent, including prerequisites and conditions. An OC also confirms that the building (or part of the building) is suitable for occupation or use in accordance with its classification under the Building Code of Australia (BCA).

Prior to issuing an OC, a development consent, construction certificate, or a complying development certificate, must have been issued for the development.

When issued, an OC is taken to be part of the development consent.

An OC must be issued before commencing the following activities:
> the occupation or use of a whole or any part of a new building, including parts of partially completed new buildings;
> the change of building use of the whole or any part of an existing building.

Under Clause 156A of the Environmental Planning and Assessment Regulation 2000, an occupation certificate that is issued for the first completed stage of a partially completed building (the ‘partial occupation certificate’) is subject to a condition that an occupation certificate must be obtained for the whole of the building within 5 years after the partial occupation certificate is issued.

Note 3
A Final Fire Safety Certificate is a certificate issued or on behalf on by or on behalf of the owner of a building to the effect that each essential fire safety measure specified in the current Fire Safety Schedule for the building to which the certificate relates:
> has been assessed by a properly qualified person; and
> was found, when it was assessed, to be capable of performing to at least the standard required by the current Fire Safety Schedule for the building for which the certificate is issued.

An Interim Fire Safety Certificate is a certificate issued by or on behalf of the owner of a building to the effect that each essential fire safety measure specified in the current Fire Safety Schedule for the part of the building to which the certificate relates:
> has been assessed by a properly qualified person; and
> was found, when it was assessed, to be capable of performing to at least the standard required by the current Fire Safety Schedule for the building for which the certificate is issued.

A standard form is available on the website of the NSW Department of Planning Industry and Environment - [http://www.planning.nsw.gov.au](http://www.planning.nsw.gov.au)
Notes (continued)

Note 4
The Building Professionals Act 2005 (NSW) says the City must not carry out certification work for a person, such as accepting an appointment to be the principal certifier or to issue an occupation certificate, unless it has entered into a written contract with that person.

If you have not already entered into a contract with Council, such as at the time of lodging a construction certificate, subdivision works certificate or complying development certificate application, you must complete and sign a Contract for Certification Work and attach it to this application.

Note: Your application cannot be processed until you attach a signed Contract for Certification Work. When the application together with the Contract is lodged, the Contract will be executed (signed by an authorised officer of Council) and a copy will be forwarded to you for your records.

Note 5
Where the works include the installation, modification or extension of a relevant fire safety system* in a multi-unit residential/hotel (BCA, Class 2 and 3) building, the City must notify Fire and Rescue NSW of the application and give FRNSW the opportunity to consider inspecting and assessing the fire safety system works before an occupation certificate can be issued. FRNSW has 10 days (from the date of notification) to inspect the building/works and issue a report regarding the fire safety systems. If a report is issued the City must consider it before issuing an occupation certificate.

*relevant fire safety system means any of the following:
(a) a hydraulic fire safety system (fire sprinkler suppression system; hydrant; hose reel);
(b) a fire detection and alarm system;
(c) a mechanical ducted smoke control system.

Part 6: Privacy & Personal Information Protection Notice
Purpose of Collection: For delivery of Occupation Certificate services in the Council area and as required by legislation
Intended recipients: Council staff and approved contractors of the City of Sydney, and other government bodies as required by legislation.
Access/Correction: Contact the City of Sydney Council Customer Service Unit (refer to the Lodgement Details)
Storage: City of Sydney Council - 456 Kent Street Sydney NSW 2000.

Part 7: Lodgement Details
You can lodge the completed application by:

EMAIL (preferred): buildingapprovalsadmin@cityofsydney.nsw.gov.au

MAIL: City of Sydney
GPO Box 1591
Sydney NSW 2001

IN PERSON: Town Hall House - Level 2, 456 Kent Street, Sydney
See our website for details of all customer service centres and opening hours:

WHAT NOW: Once your application is received a Council Officer may contact you to discuss your application, which may include a request for further information and / or clarification of the information provided. The Officer will also arrange for an inspection to be carried out. See also Note 5.

For further information regarding your application please contact us by:

TELEPHONE: (02) 9265 9333 or visit our WEBSITE: www.cityofsydney.nsw.gov.au