Building Information Certificate Application

Under Division 6.7 of the Environmental Planning and Assessment Act 1979

About this form
You can use this form to obtain a building information certificate for existing buildings/structures and for structures that have been erected without approval.

NOTE: A Building Information Certificate is the assessment of a structure or part of a structure. It does not assess use, although the approved use is vital for the assessment of the work. Non approved works that are intended to facilitate a non-approved use will need a Development Approval and Occupation Certificate to be issued prior to the use commencing, regardless of the determination of the Building Information Certificate. The application for a change of use may facilitate further upgrades, such as Essential Services, which intern may require Construction Certificate. If there is a swimming pool associated with this application, a “Certificate Application - Swimming Pools” form will be required to be submitted in conjunction with this application, including the appropriate fees.

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 with payment of the relevant fee.
3: Any outstanding information not supplied at submission of the application that is required to assess the Building Information Certificate will need to be submitted prior to the determination of the Building Information Certificate commencing. Should the requested information (or the undertaking to submit by a given date) not be provided to Council within 14 days of being formally requested, the Building Information Certificate may be refused with no refund of fees.

Part 1: Site Details (see Note 1)

<table>
<thead>
<tr>
<th>Address Number</th>
<th>Street Name</th>
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<tr>
<td>Suburb</td>
<td>Lot Number</td>
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<td>DP/SP</td>
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Part 2: Applicant Details (see Note 2)

<table>
<thead>
<tr>
<th>Title</th>
<th>Given Name/s</th>
<th>Family Name</th>
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Organisation Name

Address

Note: Before this application can be lodged at least one of the modes of contact below must be supplied.

Business Number

Mobile Number

Email Address

Applicant Name (please print)

Applicant Signature

Date

Note: If you are signing on behalf of a company please state capacity to the right.

Capacity within the Company
## Part 3: Owner(s) Consent (see Note 3)

As the owner(s) of the above property, I/We give consent to this application.

<table>
<thead>
<tr>
<th>Title</th>
<th>Given Name/s</th>
<th>Family Name</th>
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<th>Home Number</th>
<th>Business Number</th>
<th>Mobile Number</th>
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<th>Email Address</th>
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### Registered Owner(s) Approval

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<th>Registered owner name (please print)</th>
<th>Position</th>
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<th>Registered owner name (please print)</th>
<th>Position</th>
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### Note 1:

For works that affect common property, the owners corporation’s consent is required. Section 108 of the Strata Schemes Management Act allows for changes to common property if the owners corporation has passed a special resolution authorising the works. The applicant must ensure that the owners corporation has given a valid consent. The applicant should seek a copy of the minutes / resolution of a general meeting authorising the change to common property or letter on strata management letter head stating that the requirements of the Strata Schemes Management Act 2015 have been met.

### Note 2:

For any work undertaken within individual lots, Council considers that the owners corporation’s consent is required. Section 6.22 of the Environmental Planning and Assessment Act 1979 states that the application for Building Information Certificate requires the consent of the owner of the land.
Part 4: Particulars of the Application

Why are you applying for a building information certificate? (property sale, property purchase, unauthorised building work, other)
Provide details:

Classification of the Building - Building Code of Australia (BCA) - See Note

<table>
<thead>
<tr>
<th>Is the application for whole or part of the building? This section must be completed including where an application relates to unauthorised works.</th>
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</thead>
<tbody>
<tr>
<td>Whole</td>
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<tr>
<td>Part</td>
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</table>

Floor area (m²) of whole building or part of the building where the Building Information Certificate is required (as applicable)

Unauthorised building work: (complete this section if you are seeking Council’s acceptance of unauthorised works)

<table>
<thead>
<tr>
<th>(a)</th>
<th>Has development consent been granted for the works undertaken?</th>
<th>Yes ☐ No ☐</th>
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<tbody>
<tr>
<td></td>
<td>If yes, provide:</td>
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<tr>
<td></td>
<td>Development consent number</td>
<td>Date the consent was granted</td>
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<td>(b)</td>
<td>When was the work carried out? Date:</td>
<td></td>
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<td>(c)</td>
<td>What is the market or contract value of the work undertaken? (Provide total cost of labour and materials)</td>
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<tr>
<td>(d)</td>
<td>Has a modified consent been issued for the development?</td>
<td>Yes ☐ No ☐</td>
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<td>If yes, provide the date granted: Date</td>
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Part 5: Submission Details

1. Survey
Works that require a registered site survey:

- Any work not confined to within the footprint of the existing building, or which involves the erection or demolition of building or fabric on or beyond the outer wall of the existing curtilge of the property or building walls/envelope.
- Any Building Information Certificate dealing with any new building / structure (other than works confined to the existing footprinting/floor plan of the building).

Survey details (please provide details in boxes provided below)

<table>
<thead>
<tr>
<th>Survey Certificate Number</th>
<th>Date of survey</th>
<th>Original survey report sighted by</th>
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Approvals relating to the property (description of approvals)

Part 5: Submission Details continued...

Application numbers relating to the property (Development Consent, Construction Certificate Approval, Occupation Certificate number etc.)

2. Plans

All Building Information Certificate applications are to be accompanied with detailed architectural plans showing any non-approved works and their location, particularly in relation to the property (Lot and DP boundary). (See Note 5)

Plans and other information submitted (details)

Part 6: Fees (to accompany the application)

Please tick applicable box/es below

a) Class 1 building (dwellings) or a Class 10 building (outbuildings)  
   ☐ $250

b) In the case of any other class of building, as follows:
   (i) Floor area not exceeding 200 square metres  
       ☐ $250
   (ii) Floor area exceeding 200 square metres but not exceeding 2000 square metres ($250 plus an additional $0.50 per square metre over 200 square metres).  
       ☐ $250
   (iii) Floor area exceeding 2000 square metres ($1165 plus an additional $0.075 per square metre over 2000 square metres).  
       ☐ $1165

c) Fee for a copy of a Building Information Certificate (in addition to the original)  
   ☐ $13

d) 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

e) If reasonably necessary to carry out more than one inspection of the building before issuing a Building Information Certificate, Council may require payment of an additional fee, not exceeding $90

Part 7: Applicant Checklist & Declaration

I have attached the following: (please tick applicable boxes below)

NOTE: This application will not be assessed until all required information is provided.

☐ USB of all plans and documents (see note 5).

☐ Owner’s consent

☐ Applicant signature

☐ Architectural plans to scale and showing a north point

☐ Elevations to scale

☐ Structural Certification

☐ Mechanical Services Certification

☐ Waterproof Certification

☐ Survey and report or a certified copy of the original survey and report with signed on all pages

Information that is not submitted with the application may result in the delay of the assessment or the ultimate refusal of the Building Information Certificate on grounds of insufficient information with no refund of application fees.
Part 7: Applicant Checklist & Declaration.... continued

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 the electronic data provided is a true copy of all plans and associated documents submitted with this development application and the data is not corrupted or does not contain any viruses. Each document is 20MB or less, PDF and is named in accordance with Council’s Digital Requirements document. I understand that information provided on the USB will be publicly available.

Applicant Name (please print)  Applicant's signature  Date

Part 8: Privacy & Personal Information Protection Notice

Purpose of Collection:  For delivery of Building Information Certificate services in the Council area.

Intended recipients:  Council staff and approved contractors of the Council of the City of Sydney.


Access/Correction:  Contact the City of Sydney Council Customer Service Team to access or correct this information.

Storage:  City of Sydney Council, 456 Kent Street Sydney NSW 2000

Part 9: Lodgement Details

You can lodge the completed application by:

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.

For further information regarding your application, please contact us by:

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

Notes for completing the Building Information Certificate Application

Note 1:  Site details
If approval is required for works undertaken on more than one property, the Building Information Certificate shall list the addresses of all the properties affected. Consent of all owners is required on the application.

Note 2:  Who can make an application (Clause 280, Environmental Planning and Assessment Regulation 2000)
An application for a Building Information Certificate in relation to the whole or part of a building may be made by:

(a) the owner of the building or part or any other person having the owner's consent to make the application (Note, all owners must consent to the lodging of an application); or

(b) the purchaser under a contract for the sale of the property, which comprises or includes all or part of the building, or the purchaser’s solicitor or agent; or

(c) A public authority that has notified the owner of its intention to apply for the Certificate.

Note 3:  Who can make an application (Clause 6.22, Environmental Planning and Assessment Act 1979)
The following persons may apply for a building information certificate in relation to a building:

(a) the owner of the land on which the building is erected

(b) any other person with the consent of the owner of that land

(c) the purchaser under a contract for the sale of property that comprises or includes the building, or the purchaser’s Australian legal practitioner or agent.

(d) a public authority that has notified the owner of that land of its intention to apply for the certificate
Notes for completing the Building Information Certificate Application continued

Note 4: Property Ownership

1. It is the applicant's responsibility to clearly demonstrate that all owners have consented to the lodging of the application. The Council will not accept an application without the correct owners consent.

2. Owner(s) - all owners are to sign (please note additional requirements for other types of ownership below).

3. Company/Organisation - if the owner is a company, owner's consent is to be provided in one (1) of the following ways together with an up to date (dated the day of lodgement or the day before) ASIC company extract and any other required supporting documentation:
   - Execution of owner's consent form (or other document to the same effect) in accordance with s127(1) of the Corporations Act 2001 (i.e. signed by two (2) directors or a director and a company secretary, or sole director where applicable).
   - Common seal affixed to, and execution of owner's consent form (or other document to the same effect) in accordance with s127(2) of the Corporations Act 2001

4. Joint wall/fence - when works affect a party or common wall or fence, consent of all property owners is required (e.g. Semi-detached or terrace dwelling and boundary fence). All common walls and boundary points are to be shown on the associated plan. Where there is an adjoining common property, such a party wall, a registered survey shall be included with the application.

5. Strata title/body corporate - if the works subject to the application are within an individual lot (unit, garage, storeroom etc) or undertaken on common property under strata title, then in addition to the owner(s) signature the following must be provided if any works or proposed use affect the common property. For staff to determine that there is no encroachment of common property, a survey and report are required to be submitted for all building works which are associated with the modification of, addition to, or demolition of all or part of any bounding structure.
   - The common seal of the owners corporation must be stamped on this form and witnessed by two members of the executive committee (where there is a determination by the owner's corporation), the secretary of the owner's corporation and another member of the executive committee, or the appointed strata managing agent; and
   - One of the following:
     1. A letter on strata management letterhead stating that the requirements of the Strata Schemes Management Act 2015 have been met; or
     2. Copy of resolution or minutes showing that the special resolution has been passed at a general meeting or the owners corporation that specifically authorises the change to common property.

6. Signing on owners behalf - if you are signing on the owner's behalf as the owner's representative, you must state the nature of your legal authority and attach documentary evidence (a full copy is required). Depending on the nature of your authority, the following evidence may be accepted: Power of Attorney, Trust Deed, Probate, Letters of Administration, Delegation Schedule, Letter (with organisation's letterhead) confirming your authority.

7. New owners - if the property has recently been sold, documentary evidence of the sale must be provided.
   Please provide one (1) of the following:
   - A copy of the Certificate of Title
   - Previous owner's consent to the application.

Note 5: Additional information required

To assess this application, detailed architectural plans (including elevations and sections) are required. All plans are to show existing works/structures and the plans shall be coloured to note all unauthorised works or other works/structures for assessment via the Building Information Certificate.

Additional information relating to structural integrity, waterproofing, certification of mechanical services, registered surveys and the like may also be required to undertake the assessment. Any information not supplied with the application may be delay the assessment of the application. If the information is not forthcoming upon request (14 day maximum reply term), the application may be refused without refund of the application fee.

An original survey and report and/or a certified copy of the original survey and report (signature must appear on all pages) are typically required for all new works where there is risk on encroachment. If this is not supplied with the application and the assessing officer determines that such a report is necessary, this survey will be requested. Any delay in providing this survey when requested (14 day maximum reply term), the application may be refused without refund of the application fee.

Any information that is required for the assessment of the Building Information Certificate and is not provided with this application will be requested during the application's assessment. Any delay in providing additional information as required for the assessment of the application will potentially delay the assessment of the application or may result the application being refused.

Note 6: Plans and accompanying documents

All plans and documents must be submitted in digital format and comply with the "Digital Requirements" document.

NOTE: Digital files must be virus free. Each plan and document must be supplied as a PDF file no larger than 20Mb in size and named in accordance with Council's Digital Requirements. As all Information provided on the USB will be publicly available, personal information such as credit card details and any other personal information must NOT be copied onto the USB.
Notes for completing the Building Information Certificate Application continued

Note 7: Building Classifications - for more information see: http://www.abcb.gov.au/

The classification of a building or part of a building is determined by the purpose for which it is designed, constructed or adapted to be used.

Classifications
Buildings are classified as follows:

Class 1: one or more buildings which in association constitute—

(a) Class 1a — a single dwelling being—
   (i) a detached house; or
   (ii) one of a group of two or more attached dwellings, each being a building, separated by a fire-resisting wall, including a row house, terrace house, town house or villa unit; or

(b) Class 1b —
   (i) a boarding house, guest house, hostel or the like—
      (A) with a total area of all floors not exceeding 300 m² measured over the enclosing walls of the Class 1b; and
      (B) in which not more than 12 persons would ordinarily be resident; or
   (ii) 4 or more single dwellings located on one allotment and used for short-term holiday accommodation, which are not located above or below another dwelling or another Class of building other than a private garage.

Class 2: a building containing 2 or more sole-occupancy units each being a separate dwelling.

Class 3: a residential building, other than a building of Class 1 or 2, which is a common place of long term or transient living for a number of unrelated persons, including—

(a) a boarding house, guest house, hostel, lodging house or backpackers accommodation; or
(b) a residential part of a hotel or motel; or
(c) a residential part of a school; or
(d) accommodation for the aged, children or people with disabilities; or
(e) a residential part of a health-care building which accommodates members of staff; or
(f) a residential part of a detention centre.

Class 4: a dwelling in a building that is Class 5, 6, 7, 8 or 9 if it is the only dwelling in the building.

Class 5: an office building used for professional or commercial purposes, excluding buildings of Class 6, 7, 8 or 9.

Class 6: a shop or other building for the sale of goods by retail or the supply of services direct to the public, including—

(a) an eating room, café, restaurant, milk or soft-drink bar; or
(b) a dining room, bar, shop or kiosk part of a hotel or motel; or
(c) a hairdresser’s or barber’s shop, public laundry, or undertaker’s establishment; or
(d) market or sale room, showroom, or service station.

Class 7: a building which is—

(a) Class 7a — a carpark; or
(b) Class 7b — for storage, or display of goods or produce for sale by wholesale.

Class 8: a laboratory, or a building in which a handicraft or process for the production, assembling, altering, repairing, packing finishing, or cleaning of goods or produce is carried on for trade, sale, or gain.

Class 9: a building of a public nature—

(a) Class 9a — a health-care building, including those parts of the building set aside as a laboratory; or
(b) Class 9b — an assembly building, including a trade workshop, laboratory or the like in a primary or secondary school, but excluding any other parts of the building that are of another Class; or
(c) Class 9c — an aged care building.

Class 10: a non-habitable building or structure—

(a) Class 10a — a non-habitable building being a private garage, carport, shed, or the like; or
(b) Class 10b — a structure being a fence, mast, antenna, retaining or free-standing wall, swimming pool, or the like; or
(c) Class 10c — a private bushfire shelter