

Building Information Certificates

Checklist

Building Information Certificates are issued under the Environmental Planning and Assessment Act 1979.

This document provides some general information relating to Division 6.7 Building Information Certificates. This document will assist you in understanding what a Division 6.7 Building Information Certificate is, and whether you might need to obtain one if you are a property owner, or potential purchaser and the documentation which may be required to accompany an application.

Why do people apply for Building Information Certificates?

Applicants (with owners consent) can apply to Council for works that:

- Did not undertake the planning and/or certification process for a building (or part of a building). E.g.
 - Development Consent was granted but no Construction Certificate was issued.
 - Missed critical stage inspections (for approved works).
 - Works that did not gain the required approvals.
- Works that comply with planning requirements that are subject to regulatory action by Council may seek a Building Information Certificate. It is applied for when work are undertaken without the appropriate approvals being issued by the Consent authority.

By issuing a Building Information Certificate, Council confirms that it does not propose to issue an order, or commence proceedings for an order or injunction for, the subject building to be demolished, altered, added to or rebuilt. It also confirms Council will not commence proceedings in relation to any encroachment by the subject building onto Council land for a period of seven (7) years.

How to apply for a Building Information Certificate

Applications for a Building Information Certificate are to be made via the NSW planning portal, Building Information Certificate application form. The Building Information Certificate application is to be accompanied by supporting documents, including but not limited to:

- Survey Plans (external works)
- Detailed Plans (site plan, elevations, floor plan)
- Relevant approvals and inspections undertaken
- Information/details listed within Building Information Certificate checklist.

Council may require additional documentation to make a full and proper evaluation of the application. These documents and payment of the fee quote provided (following lodgment) will be requested prior to Council formally accepting the application via the NSW Planning Portal.

Unauthorised building work:

Unauthorised Building Works can reference works that have been undertaken:

- In contravention/breach to planning approvals/consents.
- Without/missed critical stage inspection/s.
- Without planning approvals/consents being issued.

Prior to the assessment/issuing of a Building Information Certificate Port Stephens Council will request information to confirm that the works have been undertaken to the appropriate codes and regulations that are subjected to all building works that undertaken. This is to ensure consistency across all areas of the Planning and Development space.

To ensure that the works meet the required codes, Council request that documentation such as, planning assessment statement, Building Code of Australia (BCA) Reports/ Nations Construction Codes (NCC) reports, and Engineering Reports be provided to accompany the Building Information Certificate Application. Details of the required documentation can be found on the Building Information Certificate checklist.

Applying for a Building Information Certificate for unauthorised work does not guarantee approval.

Does Council need to inspect my property?

Yes, you must provide the details of the contact person available to organize access, on your application.

Following Submission of all required documentation and fees, Council will accept your application and Officer will contact you to organise a time for the building inspection.

Following the inspection Council may require additional information to be provided.

Is there a fee for a Building Information Certificate?

Yes, the appropriate fee must accompany a Building Information Certificate. Following the initial application, the fees will be calculated and a quote will be issued to the applicant via the NSW Planning Portal. The BIC application will not be progressed until the required fee is paid.

How long does a Building Information Certificate application take?

Following the submission of the Building Information Certificate application via the NSW planning portal, Council will endeavor to provide a response within 10 working days, this may vary in peak periods.

To minimize delays, it is recommended that you ensure all relevant information detailed within the Building Information Certificate checklist has been supplied with your initial submission and your contact details are provided.

What happens if my Building Information Certificate application is returned?

Council may “return” your Building Information Certificate application when required documentation has not been supplied within the initial lodgment or within the time frame provided when additional information is requested.

Should your application be returned, you are able to resubmit via the NSW Planning Portal, once you have obtained the required documentation.

In the event that the works were subject to a Compliance investigation, this will recommence following the return of the Building Information Certificate application.

A refund or partial refund will be issued following the return of the application if fees have been paid.

What happens if Council refuses to issue a Building Information Certificate?

If Council refuses to issue a Building Information Certificate, the applicant will be informed of Council's decision and the reasons for it. In many cases, the applicant will be informed of the works that needs to be undertaken or the information that is required to enable Council to issue the Building Information Certificate.

Undertaking building works without the required approval is illegal and therefore Council may refuse to issue a Building Information Certificate in particular situations and may seek to remedy non-compliances through legal proceedings in the NSW Land and Environment Court, which may in some circumstances entail demolition as stated above.

What if I need to obtain documents from Council?

Should you need to obtain documents or plans for your application, you are able to do so via an Access to Information (GIPA) Form:

<https://www.portstephens.nsw.gov.au/council/governance/access-to-information>

Can an external agency issue a Building Information Certificate?

No, Council are the only Authority that can issue a Building Information Certificate.

Do I need a Building Information Certificate to sell my property/ purchase a property?

A Building Information Certificate is not required to sell or purchase a property. Should building works not received a valid sign off, it is up to the preference of the seller or buyer as to what is included in the sale of contract.

If you have a valid sign off for the building works you will not require a Building Information Certificate as well.

Valid sign off varies depending on time of approval and construction.

To ascertain the status of an approval a Property development enquiry form is to be lodged:

<https://www.portstephens.nsw.gov.au/council/report-request-apply/development-and-building>





Building Information Certificate (BIC) Matrix

		Planning Consent approved (CC, OC not issued)	Planning Consent approved All Critical Inspections completed (No OC Only)	Secondary Dwelling (no approvals issued)	Alterations (no approvals issued)	Additions (no approvals issued)	Swimming Pool (no approvals issued)	Outbuildings e.g. Carport/pergola/deck (no approvals issued)	Shed/Garage (no approvals issued)	Retaining walls (no approvals issued)
Supporting Documents	Original DA documents	■	■							
Plans, Reports and Statements	Corresponding DA (change of use)			■						
	Statement of Cost of Works	●		●	●	●	●	●	●	●
	Statement of application	●	●							
	Planning assessment statement			■	■	■	■	●	●	●
	Survey Plans (external works only)	■		●	●	■	■	■	■	■
	Detailed Plans	■	■	■	■	■	■	■	■	■
	Professional Engineering Report (all relevant Structural Elements)	■	●	■	●	■	■	■	●	●
	Building Code of Australia (BCA) Report	■	●	■	■	■		■	■	
	Bushfire assessment report		▲	▲	▲	▲		▲	▲	
	Flood Management report		▲	▲	▲	▲	▲	▲	▲	▲
	Fire Safety Statement (Class 2-9 Buildings only)	■	■	■	■	■				
	Accessibility report (Class 1b-9 Buildings only)		■							
	Acid Sulfate Soils Management Plan			▲	▲	▲	▲	▲	▲	▲
	Balustrade certification	●	●	●	●	●		●		
	Critical stage inspection reports		■	●	●	●	●	●	●	●
	Electrical works certification	■	■	■	■	■		●	●	

▲ Land Dependant ● Works Dependant ■ Required






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Supporting Documents	Fire safety works certification (class 2-9 buildings only)	■	■	●	●	●				
Plans, Reports and Statements	Fire separation certificate	●	●	●	●	●		●	●	
	Geotechnical engineering certification			▲	▲	▲	▲	▲	▲	▲
	Glazing certificate		●	●	●	●				
	Heritage impact statement	▲	▲	▲	▲	▲	▲	▲	▲	
	Plumbing and Drainage works certification	●	●	●	●	●		●	●	
	Smoke alarm certification	■	■	■	■	■				
	Swimming Pool Compliance Certificate						■			
	Swimming pool recirculation and filtration system compliance Certificate						■			
	Termite risk management installation Certificate	■	■	●	●	●	●	●	●	●
	Waterproofing Certification (required for all wet areas)	■	■	●	●	●				

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For further information go to our website:

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