

# Submission requirements for Building Information Certificates

Applicant Guide and Checklist



## Introduction

This guide and checklist summarises the information required, and information that may possibly be required, for lodgement of a Building Information Certificate (BIC) application with the City of Newcastle (CN) under Division 6.7 (Building Information Certificates) of the *Environmental Planning and Assessment Act 1979* (the Act). During the assessment of a BIC, CN will consider the suitability of an application against the relevant planning and building provisions subject to that application.

The applicant is requested to review and complete this submission guide and checklist prior to lodgement of their application to enable the proper assessment and determination of the BIC.

A BIC will only be issued by CN if it appears that there is no discernible matter that would entitle CN to order a building to be repaired, demolished, altered, added to or rebuilt, or to take proceedings for an order or injunction to do such, or to take proceedings in relation to an encroachment of a building on or over CN land (Section 6.25, the Act).

Where insufficient information has been included with a BIC application, or alternatively, where the applicant is unable to demonstrate compliance with the relevant minimum requirements, CN may refuse a BIC application and commence legal proceedings under the relevant provisions of the Act or the *Local Government Act 1993* (as appropriate).

In respect of unauthorised works, applicants should note that the lodgement and determination of a BIC does not preclude the potential for the commencement of legal proceedings and / or issue of Penalty Infringement Notices (PIN's) for the offences of carrying out development without consent or non-compliance with consent conditions.

In this regard, all applicants are encouraged to seek their own legal advice prior to lodging a BIC application.

## Purpose and scope of guide and checklist

This guide and checklist consists of three parts:

- **Part One** contains the submission requirements applicable for all BICs,
- **Part Two** contains the submission requirements for BICs that involve unauthorised works, which is additional to the requirements contained in Part One, and
- **Part Three** contains possible documentation that may be required for the assessment of a BIC, which will be subject to assessment and will be dependent upon the issue, nature and effect of a BIC. This information may be requested by CN when an assessment is completed, or alternatively, the applicant may deem this information could be relevant to CN's assessment of a BIC and provide the relevant documentation at lodgement.

Additional notes relating to the assessment of BICs:

- A copy of this guide and checklist is available on CN's website.
- All plans and documentation are to be submitted in an electronic PDF format with appropriate naming conventions (e.g., Architectural Plans – 111 Main Street Newcastle, Engineer's Report – 111 Main Street Newcastle).
- All BIC applications must be submitted via the [NSW Planning Portal](#).
- CN's [Building Information Certificate Application](#) page has more information to assist you with this process.
- If relevant information is not provided with a BIC application, CN may not be able to complete an assessment of the application and the application may be determined via refusal.

- Additional fees may be required for a BIC involving unauthorised works, which will be calculated in accordance with CN's fees and charges policy. Additional fees are based on the actual cost of the works that are the subject to a BIC, reflecting the fees that would have been payable had a Development Application and Construction Certificate (or Complying Development Certificate) been lodged prior to works commencing. Refer to Part Two of this guide and checklist for further information.
- Additional fees may also be required in respect of public notification of a BIC involving unauthorised works, and if additional site inspections are required by CN officers as part of the assessment process.
- This guide and checklist has been provided to outline indicative plans and documentation that will be required for a BIC assessment to be undertaken. Nothing in this guide and checklist precludes CN from requesting further additional information not included in this guide and checklist, where CN is of the opinion such information will be required for the assessment of a BIC application.

### Applicant endorsement

As the applicant for this Building Information Certificate, I confirm that I have reviewed CN's submission requirements and have included the relevant documentation as part of my application.

.....  
Applicant name:

.....  
Date:

### Part One: Submission requirements for all Building Information Certificates

Submission Requirements	Provided
<p><b>1. The application form:</b> The details that you enter online via the <a href="#">NSW Planning Portal</a> will constitute your application. You are advised the applicant's portal account should be used to lodge the application, as all correspondence about the application will be sent via the email address attached to that account.</p> <p>The application form is to clearly define the scope of a BIC, including whether the application is for a 'part' of a building / property (e.g., unauthorised shed, unauthorised internal alterations etc) or for the 'whole' of a building / property.</p> <p><u>Note:</u> a BIC application may be applied for by the landowner, any other person with the consent of the landowner, a purchaser under a contract for the sale of property, or a public authority has notified the landowner of its intention to apply for a BIC (Section 6.22, the Act).</p>	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
<p><b>2. Statement of application:</b> A statement describing the circumstances that generated the need for a Building Information Certificate. This statement will form the basis of CN's assessment of the BIC.</p>	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
<p><b>3. Survey plan:</b> an identification survey (incorporating plan and report) by a Registered Surveyor showing property boundaries and a true representation of all buildings / structures on the land at time of application, which includes setbacks from all buildings / structures to property boundaries.</p> <p><u>Note:</u> a survey may not necessary be required for some BIC applications, in certain land zones or for certain building uses (for e.g., dwelling houses on environmental land zoning with a setback greater than 5m to property boundaries, buildings with an industrial or commercial use where a Deposit Plan clearly defines setbacks of buildings to property boundaries etc) – you may wish to confirm with CN if a survey plan is required prior to lodgement.</p>	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A

Submission Requirements	Provided
<p><b>4. Smoke alarms (residential buildings only):</b> Verification is to be provided that one or more smoke alarms have been provided in buildings where persons sleep, that such smoke alarms are maintained, and that the operation of such smoke alarms cannot be removed or interfered with.</p> <p>Reference: Section 6.34 (Regulations: smoke alarms in buildings providing sleeping accommodation) of the Act and Part 13 of the <i>Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021</i>.</p>	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A

**Part Two: Submission requirements for Building Information Certificates that involve unauthorised works**

Submission Requirements	Provided
<p><b>1. Planning assessment statement:</b> This statement is to be a detailed description and scope of the unauthorised works, that addresses any environmental impacts resulting from the unauthorised works and provides an assessment on the suitability of the unauthorised works having regard to the relevant matters for consideration under Section 4.15 of the Act. The planning assessment statement is to include annotated photographs of the site / unauthorised works subject to the BIC.</p>	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
<p><b>2. Detailed plans:</b> Detailed, scaled, and notated architectural plans which communicate the conditions of the site, and the extent and location of unauthorised works. The architectural set is to include (but may not be limited to) a site plan, floor plan(s), elevation(s), and section(s) of the unauthorised works subject to the BIC. As relevant, the plans are to clearly nominate and differentiate unauthorised works from previously approved / existing works. A site analysis plan, landscape plan, stormwater management plan (including stormwater discharge) etc may also be required for an assessment. The detailed plans are to be stamped by the relevant authorities (Hunter Water Corporation, and as relevant, Subsidence Advisory NSW) prior to CN submission.</p>	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
<p><b>3. Professional engineer's report:</b> A detailed report from a professional engineer on the structural integrity of the unauthorised works having regard to the current requirements of the Building Code of Australia (BCA). The professional engineer's report is to confirm the structure is structurally sound and fit for purpose. The report shall set out the basis on which the engineer has arrived at their conclusions including relevant specifications, rules, codes, or practise in respect of the construction, including any opening of the works (if relevant) and a detailed description of the structural system of the unauthorised works. The professional engineer's report shall certify the development having regard to the relevant authority's requirements – which may include Hunter Water Corporation and Subsidence Advisory NSW. As relevant, the report shall include upgrade recommendations from the professional engineer, for the unauthorised works to demonstrate compliance with the relevant provisions of the BCA – which will be considered and determined during an assessment.</p>	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
<p><b>4. Building Code of Australia report:</b> A report from a registered building surveyor that reviews and assesses the unauthorised works against the current version of the BCA. The report is to include all provisions of the relevant BCA (either Volume 1 – Class 2-9 buildings, or Volume 2 – Class 1 + 10 buildings) and provide an assessment as to whether the unauthorised works comply or do not comply with the relevant provisions of the BCA – including, where relevant, an assessment of BASIX requirements in accordance with <i>SEPP (Building Sustainability Index: BASIX) 2004</i>. As relevant, the report shall include upgrade recommendations from the building surveyor, for the unauthorised works to demonstrate compliance with the relevant provisions of the BCA – which will be considered and determined during an assessment.</p>	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
<p><b>5. Cost of works statement:</b> A report from a suitably qualified person which provides a genuine cost of works relating to the unauthorised works inclusive of all Goods and Services Taxes (GST). The cost of works is to include all market and labour costs pertaining to the unauthorised works, including costs related to ancillary works, building preparation, construction, demolition, landscaping, professional fees, and any other associated costs. The cost of works is to also include any known rectification / upgrading works proposed – which will be considered and determined during an assessment.</p> <p>Alternatively, applicants may refer to CN's "Guide to Estimating Cost of Works" in determining the cost of works: <a href="https://www.newcastle.nsw.gov.au/da-forms-checklists#guides-and-resources">https://www.newcastle.nsw.gov.au/da-forms-checklists#guides-and-resources</a></p> <p><a href="https://www.newcastle.nsw.gov.au/Newcastle/media/Documents/Council/Forms%20and%20Permits/RPA/A-Guide-to-Estimating-Cost-of-Works.pdf?ext=.pdf">https://www.newcastle.nsw.gov.au/Newcastle/media/Documents/Council/Forms%20and%20Permits/RPA/A-Guide-to-Estimating-Cost-of-Works.pdf?ext=.pdf</a></p>	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A

Submission Requirements	Provided
<p><b>6. Fire Safety (Class 2 – 9 Buildings only):</b> A current Fire Safety Statement (Part 12 of the <i>Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021</i>) is to be provided for the development, which is to be prepared by an accredited practitioner (fire safety), registered fire engineer or registered building surveyor. The statement is to also confirm whether the unauthorised works generates any proposed or required fire safety measures and an amended fire safety schedule for the development, in accordance with Sections 78 + 79 of the Regs. A Fire Safety Certificate (Part 11 of the Regs) would be required for any new, modified or upgraded fire safety measures in the building – which will be considered and determined during an assessment.</p>	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
<p><b>7. Accessibility (Class 1b – 9 Buildings only):</b> A report from a professional access consultant is to review and assess the unauthorised works have regard to (but may not be limited to) the <i>Disability (Access to Premises – Buildings) Standards 2010</i>, BCA Volume 1 (Sections D and F) and the current relevant provisions of AS1428. The report is to include all relevant accessibility provisions and provide an assessment as to whether the unauthorised works comply or do not comply with the relevant provisions. As relevant, the report shall include upgrade recommendations from the access consultant, for the unauthorised works to demonstrate compliance with the relevant access provisions – which will be considered and determined during an assessment.</p>	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
<p><b>8. Bushfire Assessment report (bushfire prone land only):</b> A report from a BPAD accredited bushfire consultant or registered building surveyor that assess the proposed development against the current version of <i>Planning for Bushfire Protection</i>, the current version of Australian Standard 3959 and the relevant BCA provisions. The report is to include all relevant bushfire provisions and provide an assessment as to whether the unauthorised works comply or do not comply with the relevant bushfire provisions. As relevant, the report shall include upgrade recommendations for the unauthorised works to demonstrate compliance with the relevant bushfire provisions – which will be considered and determined during an assessment.</p>	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
<p><b>9. Flood management report (flood prone land only):</b> A report from a professional engineer that assesses the unauthorised works in accordance with the Australian Building Codes Board's <i>Standard for Construction of Buildings in Flood Hazard Areas</i> and the relevant BCA provisions. The professional engineer is to include all relevant flood management provisions and provide an assessment as to whether the unauthorised works comply or do not comply with the relevant provisions. As relevant, the report shall include upgrade recommendations from the professional engineer for the unauthorised works to demonstrate compliance with the relevant flooding provisions – which will be considered and determined during an assessment.</p>	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A

## Part Three: Possible documentation that may be required for a Building Information Certificate

### Possible documentation that may be requested after lodgement

- 1. Verification statements / certification / further information:** The following additional information may be required for a BIC application (whilst not being limited to the following). As relevant, all verification statements / certification is to be provided in accordance with, and nominate accordingly, the current version of the BCA and / or Australian Standards and be completed by a suitably qualified person (unless otherwise advised). Where appropriate, relevant, or required, verification statements / certification / further information shall include upgrade recommendations – which will be considered and determined during an assessment:
- a) Acid Sulfate Soils Management Plan.
  - b) Arborist report, by a suitably qualified arborist.
  - c) Balustrade certification. Note: in the instance of a glass balustrade, dependent upon its type and system, further verification may be required (e.g., site-specific manufacturers certification of the balustrade system, professional I engineer's certification of fixtures and fittings etc).
  - d) BASIX certification – including water, thermal and energy commitments.
  - e) Condensation management certification.
  - f) Contamination statement – a preliminary site investigation report from a suitability qualified consultant to the satisfaction of NSW Environmental Protection Authority's requirements.
  - g) Corrosion protection of steel certification.
  - h) Critical stage inspections, by the Principal Certifier.
  - i) Demolition (full or part) of buildings, to AS2601.
  - j) Development application – where there is no approved use on the land and the use is permissible.
  - k) Development contributions receipt.
  - l) Electrical works certification by a licensed electrician.
  - m) Fire safety works certification, by a registered fire engineer, registered building surveyor or accredited practitioner (fire safety).
  - n) Fire separation certification.
  - o) Geotechnical engineering certification, by a professional geotechnical engineer.
  - p) Glazing certification.
  - q) Heritage Impact Statement, by a heritage practitioner.
  - r) Hydraulic certification, by a professional hydraulic engineer.
  - s) Landscape completion report.
  - t) Mechanical certification of ventilation systems, by a professional mechanical engineer.
  - u) Plumbing and drainage works, by a licensed plumber.
  - v) Slip resistance of stairs and ramps.
  - w) Smoke alarm certification.
  - x) Sound installation certification.
  - y) Structural certification from a professional engineer pertaining to (but may not be limited to) concrete piers, footings, insitu concrete elements, retaining walls, reinforced blockwork, structural steel, timber framing, glass balustrades.
  - z) Swimming Pool Compliance Certificate, issued under the *Swimming Pools Act 1992*.
  - aa) Swimming pool recirculation and filtration system compliance certification, as per AS1926.3.
  - bb) Swimming Pool Registration, in accordance with the NSW Swimming Pool Register.
  - cc) Termite risk management installation certification.
  - dd) Waterproofing certification – internal and external wet areas, as relevant.