

FACT SHEET – 6.7 BUILDING INFORMATION CERTIFICATES

This fact sheet provides some general information relating to Section 6.7 Building Information Certificates, and answers many frequently asked questions (FAQs). This fact sheet will assist you in understanding what a 6.7 Building Information Certificate is, and whether you might need to obtain one if you are a property owner, or potential purchaser.

What is a building information certificate?

Section 6.7 of the *Environmental Planning and Assessment Act 1979* contain provisions for councils to issue building information certificates in relation to the whole or part of a building. Property owners, purchasers or their representatives often apply for building information certificates when selling houses or property. If it is a concern that a building/s on a property may not have been granted development consent or approval, or there may be encroachment onto neighbouring land, and that building/s may be structurally unsound, or an Occupation Certificate could not be issued, it is recommended that Council be contacted to ascertain the presence of historic approvals, before making application for a building information certificate with Council.

If issued by Council, a building information certificate confirms that Council will not:

- Order the building/s to be demolished, altered, added to or rebuilt;
- Take proceedings for an order (or an injunction) requiring the building/s to be demolished, altered, added to or rebuilt; or
- Take proceedings in relation to any encroachment by the building onto land vested in or under the control of Council.

A building information certificate will also confirm that Council will not undertake any of the above-listed actions for a period of seven (7) years from the date of issue of the certificate, in relation to matters existing or occurring before the date of issue of the certificate; however, a building information certificate does not operate to prevent Council from making a development control order that is a fire safety order or a building product rectification order.

Notes for Unauthorised Development:

Continued Use Approval may be required by Council in conjunction with the lodgement of a building certificate application for unauthorised development.

Continued Use Approval may be obtained through the lodgement of a Development Application which must be lodged on the NSW Planning Portal - [Welcome to the NSW Planning Portal | Planning Portal - Department of Planning and Environment](#).

The approval of a DA provides consent for the specific land use, for example, a 'Dwelling House'. The issue of a building information certificate does not provide consent for the use of land for a particular purpose, building information certificates apply to the structures on the land.

FREQUENTLY ASKED QUESTIONS

What happens if Council refuses to issue a building certificate?

If Council refuses to issue a building 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 work that needs to be undertaken to enable Council to issue the building certificate.

Undertaking building works without the requisite approval is illegal and is a serious offence. Council may refuse to issue a building 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.

How do I apply for a Building Information Certificate?

Online applications for Building Information Certificates are to be lodged via the NSW Planning Portal [Welcome to the NSW Planning Portal | Planning Portal - Department of Planning and Environment](#)

How much does a building certificate cost?

The current fee for a building certificate is prescribed by Cl 260 of the *Environmental Planning & Assessment Regulation* and is \$250 for each Class 1a dwelling or part of dwelling, or for other buildings with a floor area not exceeding 200m². The prescribed fee increases for floor areas exceeding 200m². Additional fees *may* be charged, equivalent to development consent and construction certificate fees based on the value of works, that would be payable if an application for development was made. For Council fees, refer to Council's website - [Fees and Charges | Tamworth Regional Council \(nsw.gov.au\)](#).

Do I need to provide a survey with a building certificate application?

Yes, a current survey plan from a registered Surveyor is required to be submitted as part of an application for a building certificate, specifically in Residential Zones and for other zones where development is within 900mm from any boundary. If the applicant is able to provide evidence that no material change has occurred in relation to the building/s since the date of a survey plan which has been supplied to Council, a more recent survey plan may not be required to be submitted.

Do I need to provide any other information or documents?

Council may request the applicant to supply further information/documentation in order to enable the determination of the application.

- Works as built Architectural Plans – Drawings to 1:100 or 1:200 scale including;
 - Site Plan
 - Floor plan – Before and After Works
 - Dimensioned Elevations – showing finished levels and window sizes
 - Section Drawings – illustrating construction components

- For dwellings or where the value of unauthorised works is over \$50,000 a BASIX certificate will need to be submitted along with a BASIX Compliance Statement.
- Certificates confirming that the work complies with the requirements of the National Construction Code may be requested;
 - Structural Engineers Certification confirming the structural adequacy of the building works
 - Framing Details - Frame & Truss Layout including wind rating applied to the development
 - Certification from Builder regarding the erection of frame & trusses to AS1684
 - Termite Protection to AS3660 – Confirm method & Provide Certificate of Installation
 - Glazing Certification to AS 1288 & AS 2047 for External Windows, Doors & Shower Screens
 - Electrical Certification for general electrical work by licensed electrician to AS 3000
 - Certificate of Installation by licensed Electrician for smoke detector installation to AS3786
 - Wet Area waterproofing Certification by licensed installer to AS3740
 - Plumbing Certification by licensed Plumber & Works as Executed Diagram of completed works
 - Health and Amenity – Safe movement (Balustrades, Stairs, Slip Resistance etc)
 - Health and Amenity – Demonstrate Lighting and Ventilation requirements have been met
 - Access Requirements have been met (where required for Commercial Applications)
 - Energy efficiency – Section J (Applies to Commercial applications)
 - Fire Safety Certificates, Install Certificates and Evacuations Plans (Commercial Applications)
 - Other certificates may be requested where required.

Is Owner's consent required for a building certificate?

An application for a building certificate may be made by:

- The owner of the land; or
- Any other person with the owner's consent; or
- The owner's solicitor/agent; or
- A purchaser who has entered into a contract to purchase the property; or
- The purchaser's solicitor/agent; or
- A public authority that has notified the owner of its intention to apply for the certificate.

Does Council need to inspect the property?

Yes. Once a building certificate application is received, a Council Officer will need to review the documentation available to Council before arranging to inspect the property. A Council representative will coordinate the site visit with the applicant for the certificate. Other documentation may be required to be provided following an inspection of the property, where rectification works are necessary, additional inspections fees as prescribed will be charged per additional inspection.

Need further information?

Refer to Council's website [Building Information Certificates | Tamworth Regional Council \(nsw.gov.au\)](http://www.tamworth.nsw.gov.au) or email development@tamworth.nsw.gov.au for further information.