

Submit Intention to Seek OC


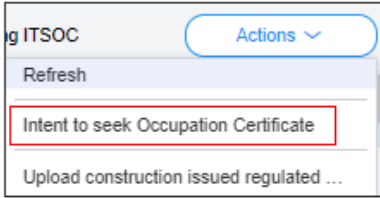
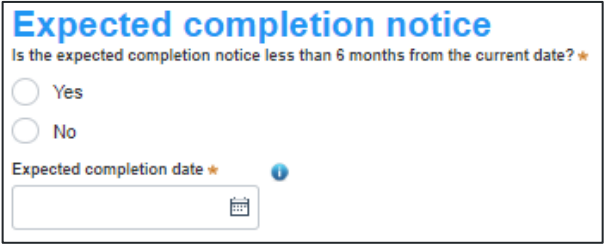
Developers with building work that is approaching completion must give notice of the date they plan to apply for an Occupation Certificate (OC), referred to as Expected Completion Notice (ECN). ECN is to be given between six and twelve months before the application for an Occupation Certificate is made for new Class 2 buildings. For all other work on a Class 2 building requiring an Occupation Certificate, the ECN can be submitted less than six months with a valid reason.

Developers will also be required to assess whether a Building Work Levy (BWL) and Strata Building Bonds are applicable to their development.

This guide will display the steps required to initiate an Intent to Seek OC (ITSOC), calculate the BWL (if applicable) and indicate if a Strata Building Bond is required, on the NSW Planning Portal.

Important: The Intention to Seek OC case must be initiated from an existing Building Works Commencement Date Capture and ITSOC case. For instructions on how to initiate the Building Works Commencement Date Capture and ITSOC case, please refer to our quick reference guide 'Building Work Commencement Date' on the NSW Planning Portal.


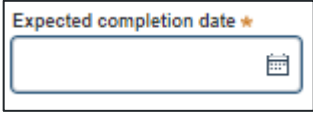
Initiate application

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| <p>1. From the dashboard, click on the existing Building Works Commencement Date Capture & ITSOC case.</p> |  |
| <p>2. Click Intent to seek Occupation Certificate.</p> |  |
| <p>3. Indicate whether the ECN is less than six months from the current date by selecting Yes or No.</p> |  |
| <p>Note: If the ECN is less than six months from the current date, the Secretary of Department of Customer Service will need to be notified within 30 days.</p> | |

Intention to Seek Occupation Certificate

Developer



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| <p>4. If Yes is selected (i.e., the completion date of construction is within six months), provide a reason.</p> |  |
| <p>5. If No is selected, enter the expected completion date.</p> |  |

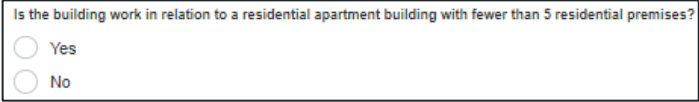
Note: The ECN date must not be greater than 12 months from the current date.

Calculate Building Work Levy

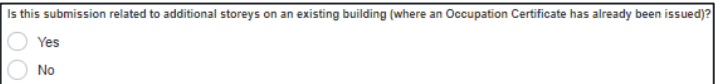
The Building Work Levy (BWL) only applies to building work for Class 2 developments, which requires an occupation certificate and when an Expected Completion Notice (ECN) is submitted (or amended) after 3 July 2022, under the Residential Apartment Buildings (Compliance and Enforcement Powers) Amendment (Building Work Levy) Regulation 2022.

Note: The BWL is not payable if the building work is exempt under the Design and Building Practitioners Act 2020.

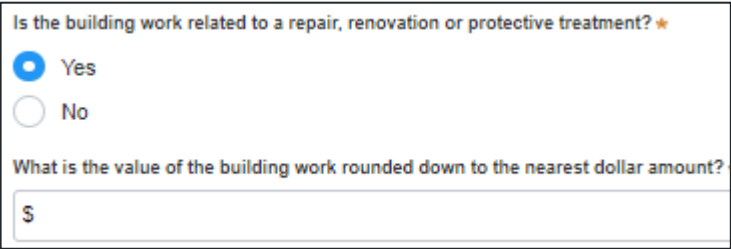
The BWL is applicable to all new and existing cases where an ECN has not been submitted prior to 4 July 2022, and to existing cases where an amendment to the ECN was completed on or after 4 July 2022.

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| <p>6. Indicate if the building work is in relation to a residential apartment building with fewer than 5 residential premises.</p> |  |
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Note: If Yes is selected above, the Building Work Levy payment is not required. If No is selected to Step 6, the following question is revealed.

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| <p>7. Indicate if this submission is related to additional storeys on an existing building, where an OC has already been issued.</p> |  |
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Note: Selecting No to Step 7 will reveal the following questions.

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| <p>8. Indicate if the building work is related to repair, renovation, or protective treatment. If Yes is selected, enter the value.</p> |  |
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| <p>9. If No is selected, you must provide the total gross floor area and how many storeys.</p> | <p>What is the total gross floor area (in square metres) of the building in relation to this submission?</p> <p>1,200</p> <p>How many storeys will there be including any basements and car parks? *</p> <p>10</p> <p style="border: 2px solid red; padding: 2px;">Estimated building work levy: \$11,000.00</p> |
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Note: When the total gross floor area and number of storeys are entered, the system will automatically calculate the estimated building work levy.

Note: At 60 days prior to the expected completion date, a payment reminder notification will be sent to the developer. A formal notice of payment will be issued 28 days prior to the expected completion date. If the date changes, an Amendment Notice can be submitted at any time from the Actions menu of the Building Works Commencement Date Capture and ITSOC case.

Note: The BWL must be paid prior to the application for Occupation Certificate.

Request waiver, reduction, or postponement of BWL

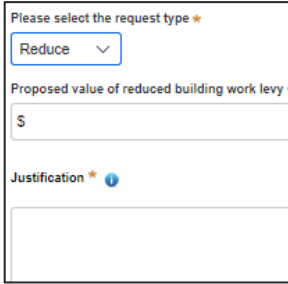
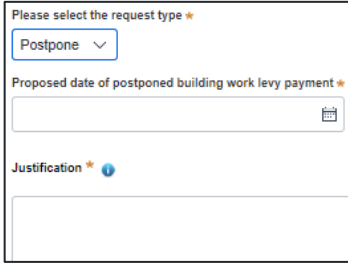
The Secretary of Department of Customer Service may waive, reduce, postpone or refund a BWL on certain grounds. These grounds are very specific and include the consideration of special circumstances (such as a natural disaster) or where the building work is completed for a charitable purpose.

Note: Please contact NSW Fair Trading on 13 32 20 if you have any questions on eligibility for a waiver, reduction or postponement of the Building Work Levy.

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| <p>10. Indicate if you wish to request for a waiver, reduction, or postponement of the BWL.</p> | <p>Do you wish to apply for the waiver, reduction or postponement of a building levy?</p> <p><input type="radio"/> Yes</p> <p><input type="radio"/> No</p> |
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| <p>11. If Yes is selected at Step 9, you will be presented with the options to either Waive, Reduce or Postpone the BWL.</p> | <p>Do you wish to apply for the waiver, reduction or postponement of a building levy?</p> <p><input checked="" type="radio"/> Yes</p> <p><input type="radio"/> No</p> <p>Please select the request type *</p> <p>Select one ▾</p> <ul style="list-style-type: none"> Select one Waive Reduce Postpone |
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| <p>12. If Waive is selected, you will be required to provide the reasons for the waiving of the BWL under Justification.</p> | <p>Please select the request type *</p> <p>Waive ▾</p> <p>Justification * ⓘ</p> <div style="border: 1px solid #ccc; height: 40px; width: 100%;"></div> |
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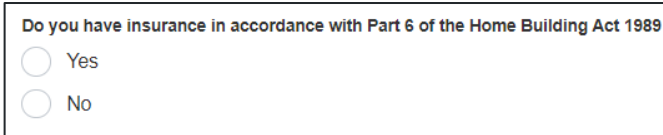
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| <p>13. If Reduce is selected, you will be required to enter the proposed value of reduced BWL, then enter the reasons why under Justification.</p> |  <p>The form shows a dropdown menu with 'Reduce' selected. Below it is a text field for the 'Proposed value of reduced building work levy' with a '\$' symbol. At the bottom is a larger text area for 'Justification'.</p> |
| <p>14. If Postpone is selected, enter the proposed date of the postponed BWL and the Justification.</p> |  <p>The form shows a dropdown menu with 'Postpone' selected. Below it is a date picker for the 'Proposed date of postponed building work levy payment'. At the bottom is a larger text area for 'Justification'.</p> |

Strata building Bond

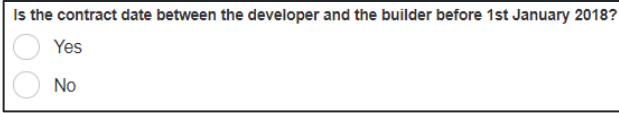
The developer can indicate if they wish to register a strata plan or a strata plan of a subdivision by responding to the questions below.

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| <p>15. Indicate if you plan to register a strata plan or a strata plan of a subdivision.</p> |  <p>The form asks 'Do you plan to register a strata plan or a strata plan of a subdivision?' with radio buttons for 'Yes' and 'No'.</p> |
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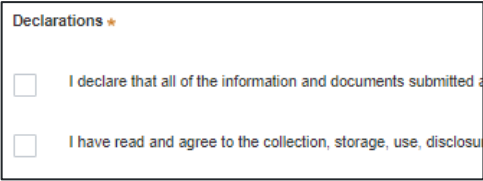


Note: If the developer indicates 'No' to the above question, then they will not be able to initiate a strata bond case.

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| <p>16. If Yes to step 14, the developer will need to indicate if they have insurance in accordance with Part 6 of the Home Building Act 1989 (currently known as Home Building Compensation Cover).</p> |  <p>The form asks 'Do you have insurance in accordance with Part 6 of the Home Building Act 1989' with radio buttons for 'Yes' and 'No'.</p> |
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Note: If the response above is 'Yes', then you will not be required to initiate a Strata building bond but may be asked for proof of your home building compensation cover.

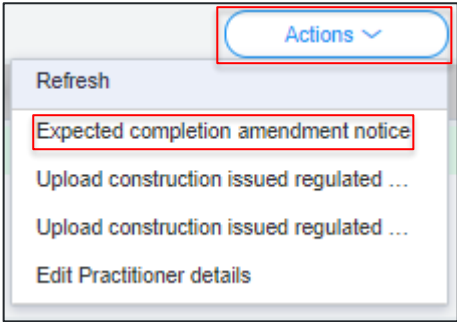
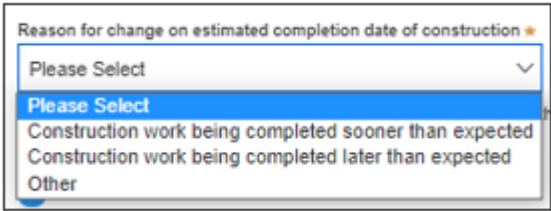

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| <p>17. If you responded 'No' to step 15, you will need to indicate if the contract date between you (the developer) and the builder is before 1 January 2018.</p> |  <p>The form asks 'Is the contract date between the developer and the builder before 1st January 2018?' with radio buttons for 'Yes' and 'No'.</p> |
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Note: If there is a requirement to submit the Strata Bond Case, the option will be available from the Actions menu after this Intention to Seek OC has been submitted. For more information on submitting a Strata Building Bond, please refer to the Quick Reference Guide 'Submit Strata Bond' on the NSW Planning Portal.

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| <p>18. Complete the Declarations.</p> |  |
| <p>19. Upload levy related documents.</p> |  |
| <p>Note: The upload function will only appear if a waiver, reduction or postponement is completed.</p> | |
| <p>20. Click Submit.</p> |  |
| <p>Note: An option to make any changes to the expected completion date is available by selecting Amendment notice from the Actions menu as indicated below.</p> | |

Expected completion amendment notice

The Expected Completion Notice can be updated by following the below steps.

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| <p>21. On the Building Works Commencement Date Capture & ITSOC case, click Actions, then click on Expected completion amendment notice.</p> |  |
| <p>22. Select a reason for the change to ECN date.</p> |  |
| <p>23. Repeat Step 3 to Step 9.</p> | |
| <p>Note: If during the amendment notice you decide to apply for a waiver, reduction or postponement, you will be required to upload supporting documentation before submitting.</p> | |
| <p>24. Click Submit.</p> |  |

End of steps

If you need more information

- Click the Help link at the top of the screen to access the NSW Planning Portal help pages and articles.
- Review the Frequently Asked Questions - <https://www.planningportal.nsw.gov.au/support/frequently-asked-questions> and / or
- contact ServiceNSW on 1300 305 695.