

How to submit the Intent to Seek Occupation Certificate (ITSOC)

Intention to seek an occupation certificate is a process that starts with the submission of the Expected Completion Notice (ECN). This is a requirement under the *Residential Apartment Buildings (Compliance and Enforcement Powers) Act 2020*.

The Developer can create an Intent to Seek Occupation Certificate (ITSOC) case via the building work case on 'my development' page to submit an ECN to NSW Fair Trading.

Remember that for every occupation certificate you are planning to apply for, whether part or full, you must submit an ECN each time. In the Building Work case on the NSW Planning Portal (the portal), the developer can create multiple ITSOC cases. (The number of ITSOC cases must equal the number of occupation certificates being sought).

The option to create the ITSOC case will only be available after the registered building practitioner has lodged the initial set of regulated designs and declarations. When creating the ITSOC case, the developer will need to complete the following information on the form:

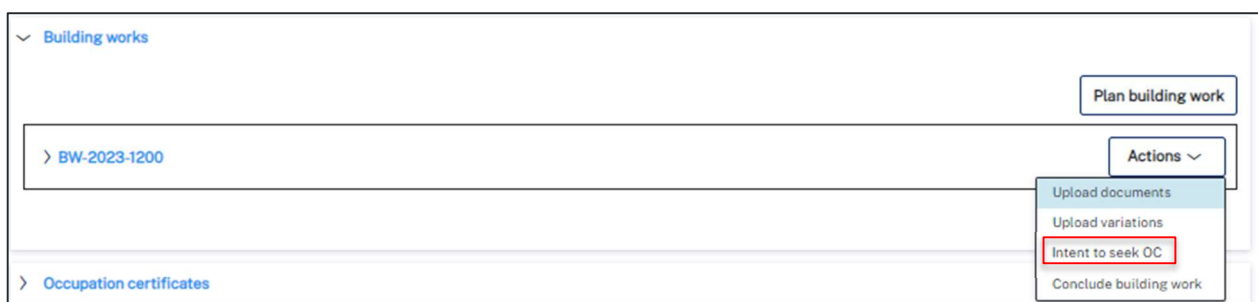
- Enter the Expected Completion Notice (ECN).
- Determine eligibility to pay the building work levy.
- Determine eligibility to pay a strata building bond (not applicable for class 3 and 9c).

After the ITSOC case has been submitted, the developer will have the option to enter an Expected Completion Amendment Notice or withdraw the ITSOC case, if required.

This guide will demonstrate the steps required to initiate and submit the ITSOC case, amend the expected completion notice date and withdraw an ITSOC case.

Initiate case

1. Expand the building works section, then click actions against the building work case.



The screenshot shows the 'Building works' section of the NSW Planning Portal. A dropdown menu is open for the case 'BW-2023-1200'. The menu options are: 'Plan building work', 'Actions', 'Upload documents', 'Upload variations', 'Intent to seek OC' (highlighted with a red box), and 'Conclude building work'. Below the dropdown, there is a link for 'Occupation certificates'.

Enter expected completion notice

2. Select which construction certificate this ITSOC is associated to.	Please indicate which construction certificate is associated to ☐ CFT-20745
Note: Only determined construction certificates will be displayed.	
3. Indicate if the expected completion notice is less than 6 months from the current date.	Is the expected completion notice less than 6 months from the current date? ☐ Yes ☐ No
a) If yes, select a reason.	Is the expected completion notice less than 6 months from the current date? ☒ Yes ☐ No Reason for expected completion notice being less than 6 months * Please Select Renovation Other
b) If no, enter the expected date.	Is the expected completion notice less than 6 months from the current date? ☐ Yes ☒ No Expected completion date *
Note: After submitting the ITSOC case, the expected completion notice date can be amended at any time via the Expected Completion Amendment Notice option on the actions menu. If you intend to apply for an occupation certificate within +/-60 days of the original expected completion notice date then there is no need to submit an amendment.	
Note: The expected completion notice date must not exceed 12 months from the current date.	

Eligibility to pay the building work levy

The Residential Apartment Buildings (Compliance and Enforcement Powers) Amendment (Building Work Levy) Regulation 2022 introduced the requirement to pay a building work levy, where eligible. The portal will ask a series of questions to determine eligibility and the amount as part of the Expected Completion Notice submission.

4. Indicate if the building work is in relation to a residential apartment building with fewer than 5 residential premises.	Is the building work in relation to a residential apartment building with fewer than 5 residential premises? ☐ Yes ☐ No
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a) If yes, a building work levy is not required to be paid.	Is the building work in relation to a residential apartment building with fewer than 5 ☒ Yes ☐ No The building work levy is not required to be paid based on the information provided.
b) If no, indicate if this submission is related to additional storeys on an existing building (where an occupation certificate has already been issued).	Is the building work in relation to a residential apartment building with fewer than 5 ☐ Yes ☒ No Is this submission related to additional storeys on an existing building (where an Occ ☐ Yes ☐ No
c) If yes, enter the total gross floor area and number of storeys to calculate the building work levy amount.	Is the building work in relation to a residential apartment building with fewer than 5 ☐ Yes ☒ No Is this submission related to additional storeys on an existing building (where an Occ ☒ Yes ☐ No What is the total gross floor area (in square metres) of the building in relation to this 2000.0 How many storeys will there be including any basements and car parks? * 10 Estimated building work levy: \$11,000.00
d) If no, indicate if the building work is in relation to a repair, renovation or protective treatment.	Is the building work in relation to a residential apartment building with fewer than 5 ☐ Yes ☒ No Is this submission related to additional storeys on an existing building (where an Occ ☐ Yes ☒ No Is the building work related to a repair, renovation or protective treatment? * ☐ Yes ☐ No
e) If yes, enter the value of the building work.	Is the building work in relation to a residential apartment building with fewer than 5 ☐ Yes ☒ No Is this submission related to additional storeys on an existing building (where an Occ ☐ Yes ☒ No Is the building work related to a repair, renovation or protective treatment? * ☒ Yes ☐ No What is the value of the building work rounded down to the nearest dollar amount? \$ 20,000.00 The building work levy is not required to be paid based on the information provided.

- f) If no, enter the total gross floor area and number of storeys to calculate the building work levy amount.

Is the building work in relation to a residential apartment building with fewer than 5

☐ Yes
☒ No

Is this submission related to additional storeys on an existing building (where an Occ

☐ Yes
☒ No

Is the building work related to a repair, renovation or protective treatment? *

☐ Yes
☒ No

What is the total gross floor area (in square metres) of the building in relation to this

2000.0

How many storeys will there be including any basements and car parks? *

10

Estimated building work levy: \$11,000.00

Eligibility to pay a strata building bond

When the ECN is submitted, the eligibility to pay a strata building bond will be assessed. If eligible, the developer will be able to start an application within ITSOC case, but the application cannot be submitted until the development is nearing completion and the building practitioner is ready to make the building compliance declaration.

This is to ensure that a building bond is associated to the latest version of the regulated designs in the document repository, and they reflect what has been built.

There is no requirement to submit a strata building bond when a class 3 or 9c development is selected.

When the Strata Building Bond case has been submitted, NSW Fair Trading will assess the application and may request further information before agreeing the value of the bond. This process happens at the same time as the occupation certificate audit assessment. For more information refer to the *Strata Schemes Management Regulation 2016* and the quick reference guide 'Developer – How to submit a Strata Building Bond application'.

5. **Indicate** if a strata plan is to be registered.

Do you plan to register a strata plan or a strata plan of a subdivision? *

☐ Yes, I have / will be registering a new strata plan or a strata plan of a subdivision
☐ Yes, I have already paid the strata building bond for this development
☐ No, I don't plan to register a strata plan or a strata plan of a subdivision
☐ No, a strata building bond is not applicable

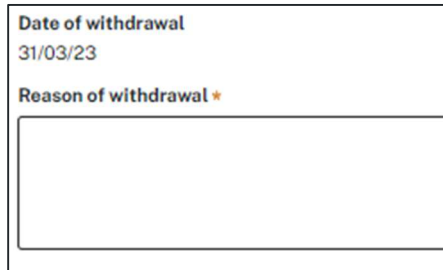
Note: Enter the relevant response to the strata building bond question above, to determine eligibility to pay a strata building bond. If a strata building bond is applicable, you will need to create the strata building bond case from the actions menu, after submitting this page.

a) Click yes, I have / will be registering a new strata plan or a strata plan of a subdivision.	Do you plan to register a strata plan or a strata plan of a subdivision? * ☒ Yes, I have / will be registering a new strata plan or a strata plan of a subdivision ☐ Yes, I have already paid the strata building bond for this development ☐ No, I don't plan to register a strata plan or a strata plan of a subdivision ☐ No, a strata building bond is not applicable
b) Indicate if you have valid home building compensation (HBC) cover.	Do you have a valid home building compensation (HBC) cover? ☐ Yes ☐ No
Note: If you indicate you have HBC cover, a strata building bond is not applicable.	
c) If no is selected, indicate if the contract between the developer and the builder was executed before 1st January 2018.	Can you provide a contract between the developer and the builder evidence. * ☐ Yes ☐ No
Note: If yes is selected, a strata building bond is not applicable.	
d) Indicate if you have already paid the strata building bond for this development.	☐ Yes, I have / will be registering a new strata plan or a strata plan of a subdivision ☒ Yes, I have already paid the strata building bond for this development ☐ No, I don't plan to register a strata plan or a strata plan of a subdivision ☐ No, a strata building bond is not applicable
e) Indicate that you do not plan to register a strata plan or a strata plan of a subdivision.	☐ Yes, I have / will be registering a new strata plan or a strata plan of a subdivision ☐ Yes, I have already paid the strata building bond for this development ☒ No, I don't plan to register a strata plan or a strata plan of a subdivision ☐ No, a strata building bond is not applicable
f) Indicate a strata building bond is not required and enter a justification in the space provided.	☒ No, a strata building bond is not applicable Please enter a justification for why the strata bond is not applicable.
6. Complete the declarations.	Declarations * ☐ I declare that all of the information and documents submitted are ☐ I have read and agree to the collection, storage, use, disclosure, and
7. Click submit.	Submit

Note: The number of ITSOC cases must be equal to the number of occupation certificates being sought for the development.

Withdraw ITSOC case

The withdrawal of the ITSOC case is only to be completed if the developer does not wish to proceed to an OC audit review.

8. From the ITSOC case actions menu, click withdraw ITSOC.	
9. Enter the reason for the withdrawal in the space provided.	
10. Click submit.	

End of steps

Next steps

Every Expected Completion Notice will be sent to NSW Fair Trading for assessment on whether an Occupation Certificate Audit will take place. If the building work is chosen for audit, then the developer is notified at least two to three months prior to the estimated completion date provided.

If the building work is not chosen, the status of the intent to seek occupation certificate case will reflect an audit was not required. Case status will change to 'pending OC issuance'.

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.