

Applicant Declaration

I declare that I am an eligible person under section 27(3) *Building Act 2016* for the purposes of accessing the building information held in the records of the Burnie City Council in relation to the premises identified in this application; and that I acknowledge and accept -

1. The information requested -
 - a) may not be available in whole or part within the Council’s records;
 - b) may not provide a complete record in relation to the building to which this request applies;
 - c) may not completely or accurately describe or detail the state or condition of the building as it was constructed or as it currently exists;
 - d) cannot be relied upon and does not purport to be evidence for the level of compliance to any relevant standard or regulatory requirement for the building as it was constructed or as it currently exists;
 - e) should not be relied upon for the purpose of any decision which may have a financial or legal implication;
 - f) may be subject to Copyright under the *Copyright Act 1968* (Cth) and therefore I must not without express written consent of the author of the information:
 - i. reproduce the work in a material form;
 - ii. publish the work; and
 - iii. communicate the work to the public
2. I must obtain my own independent professional advice in relation to any matter which relates to or arises from the information provided by the Council under this request as it applies to my rights and interests in the premises;
3. The Council will not be held liable for the accuracy or completeness of the documents it provides in response to this request or for any action or decision I may make as a result of receiving these documents;
4. The fee payable to make this application is a non-refundable search fee. If the documentation is not available, the fee will not be refunded; and
5. An additional payment is required for any copy of documents provided from the information held in the Council’s records. It is not possible for the Council to indicate the quantum of such fee until the availability and number of documents has been established from the search.

Applicant’s Signature

Date

Please Note: If the application is a corporation (including a company or body corporate) an authorised officer of the corporation (ie a company director, body corporate chairman/secretary) must sign the application.

The current search fee to **30th June 2024** is **\$100.00** and must be paid in order to complete an application.

Office Use Only	
Receipt Number:	
Receipt Date:	
File to:	7/2/7*

Terms and Conditions

Please read the following information before lodging your request

1. The Building Act 2016 requires that a council can only make building information available to –

- a) *The owner of the premises*

The owner of premises is defined in the Act to mean –

- i. every person who jointly or severally, whether at law or in equity, is entitled to the premises for an estate in freehold in possession;
- ii. a person who has contracted to buy the premises;
- iii. in the case of premises subject to a mortgage, the person currently holding the equity of redemption in that mortgage;
- iv. in the case of premises held under a life tenancy, the person who is the life tenant; or
- v. in the case of premises held under a lease of not less than 99 years, the person who is the lease of the premises

- b) *A building surveyor, building services provider, or other licensed practitioner who has been engaged by the owner of the premises*

2. Proof of identity as an owner or agent of the owner must be provided before an application is accepted.

In this regard –

- i. for a person who jointly or severally, whether at law or in equity, is entitled to the premises for an estate in freehold in possession – *a copy of the current Certificate of Title;*
- ii. for a person who has contracted to buy the premises – *a copy of the relevant contract;*
- iii. for a person currently holding the equity of redemption in a mortgage – *a copy of the current mortgage;*
- iv. for a person who is the life tenant – *a copy of the life tenancy agreement; or*
- v. for a person who has a lease of the premises for not less than 99 years - *a copy of the lease*
- vi. for a building surveyor, building services provider, or other licensed practitioner who has been engaged by the owner of the premises – *a copy of the agreement or contract to perform work*

3. Building designs and plans may be subject to copyright and other intellectual property rights which may restrict the purpose for which information can be reproduced and used. It is the responsibility of the owner or their agent to ensure compliance to copy right and other legal requirements for use of information made available by the Council.
4. Building information held by the Council may not comprise a complete record of all work performed in relation to building work on the site.
5. Building information must not be relied upon as evidence of compliance to any regulation applying for the use or development currently on the land. A section 337 certificate under the Local Government Act 1993 can be requested if you are seeking information on compliance matters.

6. Council does not provide any assurance or undertaking that –
 - a) All or any of the information requested will be located. Subject to the age or nature of the building Council may not have been required to issue a building permit or to hold copies of the plans. The accessibility and completeness of Council records may mean documents cannot be located.
 - b) The description and detail on the information will be consistent with the building as it is currently constructed on the land. Variation may have lawfully occurred during construction; and some forms of subsequent building work may not have required a permit or notification of plans to Council.
 - c) The quality of plan copies will enable all details and notations to be legible. The age and means by which documents are stored or recorded may result in deterioration or distortion.
7. Provision of building information does not imply Council accepts any liability for any alleged non-compliance, inaccuracy or inconsistency between the work as described on the plans and the current or past construction of the building.
8. A non-refundable search fee applies for each application for building information irrespective of whether the Council can locate and reproduce the information requested.
9. Council will attempt to complete file search, retrieval and copying within 15 business days from date of receipt a complete application.

You will be advised if Council is having difficulty locating plans and requires an additional period to satisfy the application; or if Council is unable to locate or does not have a copy of the plans requested.

10. The Council will notify you when building information is available.

You must attend the City Offices to view this information and identify any required copies.

Alternatively, you may indicate on the application whether there is a requirement for copies of certain documents (eg plans and elevations; permits and certificates). An additional charge will apply per sheet copied ([Fees and Charges](#)) and must be paid before the document copies are provided.

Please retain these Terms and Conditions for your reference while your request is being processed

Request Lodgement Date:	
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