



Industry Bulletin 137

Updated BA3 and BA18 certificate of compliance forms for building surveyors

New versions of the BA3 – Certificate of design compliance (CDC), and BA18 – Certificate of building compliance (CBC) forms have been approved and published by the Building Commissioner.

The changes to these forms are the result of the Building Amendment Regulations 2021 (the Amendment Regulations) that were published in the Government Gazette on 13 April 2021 and commence operation on 1 May 2021.

The Amendment Regulations address administrative matters around the conclusion of transitional arrangements for bush fire provisions in the Building Regulations 2012 (the Building Regulations) and generally provide ongoing concessions under regulation 31BA and 31D relating to the bush fire performance requirements of the Building Code of Australia (Building Code).

See [Industry Bulletin 136](#) for more information about the Amendment Regulations for bush fire.

Overview of changes to the forms

BA3 form – CDC

Changes are confined to the last field in Part 2 Applicable building standards for bush fire prone areas on the BA3 form.

Regulation 31BA and regulation 31D provide certain concessions from the requirement to comply with the Building Code bush fire performance requirements. The BA3 asks the building surveyor to answer the following:

Under regulation 31BA or 31D of the Building Regulations 2012, does a bush fire performance requirement apply to the building or deck?

Where 'No' is selected, the building surveyor must nominate the relevant concession(s) provided under regulation 31BA or 31D. Examples of how to nominate concessions are provided at the end of this industry bulletin.

BA18 form – CBC

Changes to the BA18 form are similar to the changes made to the BA3 form. The changes are confined to the last field in Part 2 Applicable building standards for bush fire prone areas on the BA18 form. The BA18 asks the building surveyor to answer the following:

Under regulation 31BA of the Building Regulations 2012, does a bush fire performance requirement apply to the building or deck?

Where 'No' is selected, the building surveyor must nominate the relevant concession(s) provided under regulation 31BA. An example of how to nominate concessions is provided at the end of this industry bulletin.

Using the new forms

Can previous versions of the forms be used?

The updated forms are for immediate use. It is expected that a CDC and CBC issued by a building surveying contractor or a permit authority on or after 1 May 2021 will only use the updated versions of the forms. However, to provide a transition period, previous versions of the forms remain acceptable until 1 August 2021.

How can I tell if I am looking at the updated version?

The updated BA3 and BA18 forms can be identified by the new 'Building Commissioner approved date of 14 April 2021 in the forms' footer.

Where can I find the new forms?

The forms are available from the [Building approval forms](#) section on Building and Energy's website.

Have the links to the forms changed?

While the link to the main web page for building approval forms remains the same, any links you have created to individual forms will need to be updated.

Have other forms been updated and approved by the Building Commissioner?

No. Only the BA3 form and the BA18 form have been changed.

What formats are the forms available in?

On Building and Energy's website:

- PDF – for printing or handwritten completion
- Word (protected) – for typewritten completion

On the Extranet (for permit authorities):

- Word (unprotected) – template to allow data merging

Are template/editable versions of the forms available?

Form templates (editable versions for data merging purposes) are available to permit authorities on the Building and Energy's Extranet. Other organisations requiring access to the templates can request them via email at be.publications.wa.gov.au

Note that any changes made to the wording of a form may materially affect its substance and make it invalid for the purposes of the *Building Act 2011*. If you change the approved form or create your own, it is no longer a Building Commissioner approved form and any reference to this must be deleted from the form. You may wish to discuss any changes with Building and Energy before they are made.

What if I am experiencing difficulties with the forms?

If you are experiencing any difficulties with the forms and their compatibility with your particular system, email Building and Energy at be.publications@dmirs.wa.gov.au with as many details of the issue as possible or phone 1300 489 099.

Examples of nominating a concession from 1 May 2021

The following examples demonstrate how a building surveyor can nominate an applicable bush fire concession(s) on the CDC or CBC from 1 May 2021.

The concession(s) that can be nominated on a CDC can be found in the Table to regulation 31BA(1) or the Table to regulation 31D(5) of the Building Regulations from 1 May 2021. The concession(s) that can be nominated on a CBC can be found in the Table to regulation 31BA(1) of the Building Regulations from 1 May 2021.

CDC example 1: Concession for excluded building work less than \$20,000

Where the applicant proposes an alteration to a relevant building (being an existing house that was not required to comply with a bush fire standard when it was constructed) and the estimated value of the building work is less than \$20,000, the building surveyor can nominate 'r.31BA(1) Item 1(b) excluded building work less than \$20,000' on the CDC.

This confirms the reason that the bush fire performance requirement does not apply is because of the concession provided under regulation 31BA(1) Item 1(b) of the Building Regulations for excluded building work where the renovation, alteration, extension, improvement or repair of a relevant building has an estimated value of the building work less than \$20,000.

CDC example 2: Concession for excluded building work that does not increase the risk of ignition from bush fire attack and concession for a Class 10a building associated with a relevant building

Where the applicant proposes various building work under the same building permit application there may be more than one concession that applies, such as:

- an extension to a relevant building where the building surveyor has determined the extension does not increase the risk of ignition from bush fire attack for the relevant building; and
- the construction of a new standalone Class 10a shed within 6m of the relevant building.

For the above, the building surveyor can nominate 'r.31BA(1) Item 1(b) excluded building work not increasing the risk and r.31BA(1) Item 1(c)'.

This confirms the reason that the bush fire performance requirement does not comply is because of the concession under regulation 31BA(1) Item 1(b) of the Building Regulations for excluded building work where the renovation, alteration, extension, improvement or repair of a relevant building does not increase the risk of ignition from bush fire attack for the relevant building.

It also confirms the concession applied under regulation 31BA(1) Item 1(c) that means a Class 10a building associated with a relevant building does not need to comply with bush fire performance requirements.

CBC example 3: Application for building approval certificate for unauthorised building work to a Class 1a building

Where the applicant has constructed an unauthorised extension to an existing house that was not required to comply with a bush fire standard when originally constructed, and the estimated value of that unauthorised building work is less than \$20,000, the building surveyor can nominate 'r.31BA(1) Item 6(b) excluded building work less than \$20,000' on the CBC.

This confirms the reason that the bush fire performance requirement does not apply is because of the concession provided under regulation 31BA(1) Item 6(b) of the Building Regulations for excluded building work where the unauthorised renovation, alteration, extension, improvement or repair of a relevant building has an estimated value of the unauthorised building work less than \$20,000.

Disclaimer – The information contained in this fact sheet is provided as general information and a guide only. It should not be relied upon as legal advice or as an accurate statement of the relevant legislation provisions. If you are uncertain as to your legal obligations, you should obtain independent legal advice.

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