



# Updated certificates of compliance for building surveyors

**New versions of certificates of compliance for building surveyors have been approved and published by the Building Commissioner. This follows a review of the *Building Act 2011* (the Act) forms and reflects intended changes to the *Building Regulations 2012* (the Regulations) in relation to bush fire provisions that are set to be finalised in the coming months.**

**The updated certificates are now available on the Building Commission website. This industry bulletin outlines the changes to the certificates of compliance and provides important information for building surveyors and permit authorities about their use.**

## Overview of changes

A number of significant changes and layout restructure have occurred to the following certificates:

- BA3 – Certificate of design compliance (CDC);
- BA17 – Certificate of construction compliance (CCC); and
- BA18 – Certificate of building compliance (CBC).

A table detailing the changes can be viewed at the end of this bulletin. Guidance on some of the key changes is provided below.

## Bush fire prone areas

A new box has been inserted in part 2 of the CDC and part 2 of the CBC that relates to several statements that are to be made by the building surveyor in respect of bush fire prone areas for a Class 1, Class 2 or Class 3 building or an associated Class 10a building or deck that is located less than six metres from the Class 1, Class 2 or Class 3 building.

For a CBC, the required statements will only need to be completed if the CBC is to accompany an application for:

- an occupancy permit for a change of classification (section 49(b) of the Act); or
- an occupancy permit for unauthorised work (section 51(2) of the Act); or
- a building approval certificate for unauthorised work (section 51(3) of the Act).

The following guidance is provided for completing the information related to bush fire prone areas on the certificates:

- a. The building surveyor must state (by selecting either yes or no) whether the building or deck is located in a bush fire prone area (defined under regulation 3 to mean an area of the state designated by an order made under the *Fire and Emergency Services Act 1998* section 18P as a bush fire prone area). This statement must always be made; even for circumstances where the certificate will accompany an application for building approval that will be made within the four month transition period (set out in regulation 31BA).
- b. If the building or deck has been located in a bush fire prone area for more than four months, the building surveyor must nominate the Bushfire Attack Level (BAL).

If assessment of the BAL is in accordance with the deemed-to-satisfy provisions of the Building Code this would be a reference to the BAL determined in accordance with AS 3959 – *Construction in bushfire prone areas* (2009). For example BAL – Low, BAL – 12.5, BAL – 19, BAL – 29, BAL – 40, BAL – FZ. AS 3959 allows the BAL to be determined using either the simplified procedure (Method 1) or the detailed procedure (Method 2). Building surveyors should ensure that the person undertaking the assessment of the BAL has the appropriate qualifications and experience for the procedure being used.

If another measure has been used to assess compliance with performance requirements GP5.1 or P2.3.4 of the Building Code (in relation to bush fire prone areas) then the building surveyor must provide details of the measure used and the results of that assessment.

For Class 10a buildings such as garages, carports, verandas or similar roofed structures that will be complying with a separation requirement set out in clause 3.2 of AS 3959 that does not require compliance to a particular BAL, then it is appropriate to list the relevant provision of AS 3959 as the nominated BAL. For example stating '*clause 3.2.1(a) of AS 3959 (2009)*'.

If the CDC or CBC will accompany an application for building approval where the building will not be complying with performance requirements GP5.1 or P2.3.4 of the Building Code (in relation to bush fire prone areas) due to the four month transition period (set out in regulation 31BA) the building surveyor may nominate "not applicable" or "N/A" as the nominated BAL.

- c. The building surveyor must state (by selecting either 'yes' or 'no') whether performance requirements GP5.1 or P2.3.4 of the Building Code (in relation to bush fire prone areas) has been applied to the building or deck. If the CDC or CBC will accompany an application for building approval where the building or deck will not be complying with performance requirements GP5.1 or P2.3.4 of the Building Code (for construction in bush fire prone areas) due to the four month transition period (set out in regulation 31BA) the building surveyor should select 'no'. If the building or deck is to, or will need to, demonstrate compliance with performance requirements GP5.1 or P2.3.4 of the Building Code then the building surveyor should select 'yes'.

The intent of this statement is to bring to the attention of the owner, applicant and permit authority at the time the application for the building approval is made, whether or not the building or deck has been designed to comply with the bush fire construction requirements of the Building Code. This is to ensure that a CDC or CBC that is submitted as part of an application for building approval made after the end of the four month transition period for new bush fire prone areas addresses compliance with the bush fire construction requirements of the Building Code.

- d. A new statement has been included in the Declaration (part 6 on the CDC, part 5 on the CBC) confirming that the building surveyor has completed part 2 where the certificate is in respect of a Class 1, Class 2 or Class 3 building or an associated Class 10a building or deck that is located less than 6 metres from the Class 1, Class 2 or Class 3 building.

### **Alternative solutions**

Building surveyors must now include in part 4 of the CDC details of any alternative solution to performance requirement P2.3.4 of the Building Code (for construction in bush fire prone areas) for Class 1 buildings.

For Class 2 and Class 3 buildings, the building surveyor is already required under regulation 18A(c) to make a statement on the CDC about any alternative solution that was used to comply with a building standard and details of the assessment methods used to establish compliance with the building standard.

While there is no requirement for the building surveyor to list the details on the CDC for alternative solutions relating to class 10a buildings or decks in bush fire prone areas, details of any alternative solutions for a Class 10a building or deck must be included on the plans and specifications for the Class 10a building or deck.

For a CBC, the building surveyor is already required under regulation 36(2) to make a statement about any alternative solution that was used to comply with a building standard and details of the assessment methods used to establish compliance with the building standard. This requirement applies to any class of building.

### **Removal of prescribed approvals from the CDC**

The CDC no longer contains a part on prescribed approvals applicable to the building or incidental structure. It is the responsibility of the applicant to provide evidence of any prescribed approvals as part of the application of a building permit in accordance with section 20 of the Act and regulation 18. The permit authority must also be satisfied that the applicant has obtained each prescribed approval in relation to the building work and has complied or is complying with each authority of that approval before granting the building permit.

### **Inspections and tests**

A new part 5 for tests and inspections has been included on the CDC that requires the building surveyor to list the tests and inspections prescribed under section 36(2)(a) of the Act. These specific tests and inspections are set out in the Regulations at regulation 27 and its accompanying table in Schedule 3 for Class 2 to Class 9 buildings and in regulation 28 for swimming pool barriers.

The building surveyor who assesses the plans and specifications for compliance with the applicable building standards is the most appropriate person to identify the inspections and tests that must be conducted as this is directly related to the applicable building standards for the specific building work. Accordingly, the building surveyor should identify and clearly list the relevant inspections and tests on the CDC.

For example, if the building includes a deemed-to-satisfy solution under the Building Code for a fire hose reel system, part 5 of the CDC should list the following:

Fire hose reel system required under EP1.1 and EP1.5 – testing be carried out in accordance with AS 2441 (2005, incorporating Amendment 1) on completion of the installation of the system.

The permit authority must list the relevant inspections and tests on the building permit. The responsible person (builder named on the building permit) must provide the relevant inspection certificates as part of the notice of completion or cessation. Building surveyors cannot add tests or inspections that are outside the scope of regulation 27 and regulation 28 of the Regulations.

## **Using the new certificates**

### **When are the new versions to be used?**

Building surveyors are strongly encouraged to use the updated certificates of compliance immediately. Failure to use the new version of the certificate may have implications for processing applications for building approval made on or after 8 April 2016 (when the new bush fire regulations are intended to be finalised). Therefore building surveyors may wish to reissue previous certificates on the new versions of the forms where they are aware that an application for building approval is to be made on or after 8 April 2016.

### **Can previous versions of the certificates be used?**

From 8 April 2016, previous versions of the certificates will no longer be considered approved forms by the Building Commissioner. The Building Commission expects applications for building approvals made on or after 8 April 2016 to be accompanied by the new version of the relevant certificate of compliance. Permit authorities that receive an application, on or after 8 April 2016, with a previous version of the certificate should initially seek a new certificate from the relevant building surveyor. This can either be done informally or requested from the applicant formally under section 18 of the Act.

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

The updated certificates can be identified by the new Building Commissioner approved date of '11 January 2016' in the certificate footers.

### **Where can I find the new certificates?**

Under the 'Building approval forms' link on the [Building Commission website](#).

### **Have the links to the certificates changed?**

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

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

No, only the certificates of compliances signed by a building surveyor as listed below have new versions under the current updates:

- BA3 – Certificate of design compliance;
- BA17 – Certificate of construction compliance; and
- BA18 – Certificate of building compliance.

### **What formats are the certificates available in?**

On the Building Commission website:

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

On the Extranet (for permit authorities):

- Word (unprotected) – template to allow data merging.

### **Are template/editable versions of the certificates available?**

Form templates (editable versions for data merging purposes) are available to permit authorities on the Building Commission website's Extranet. Other organisations requiring access to the templates can request them via email.

We must stress that any changes made to the wording of a form may materially affect its substance and make it invalid for the purposes of the Act. 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. We suggest that you discuss any changes with the Building Commission before they are made.

### **What if I am experiencing difficulties with the certificates?**

If you are experiencing any difficulties with the certificates and their compatibility with your particular system, we encourage you to email the Building Commission on [bcinfo@dmirs.wa.gov.au](mailto:bcinfo@dmirs.wa.gov.au) with as many details of the issue as possible so we can help you to resolve it or phone 1300 489 099.

## Summary of changes to certificates of compliance

The following is provided as a guide to the changes made to three of the prescribed forms under the Act, namely the certificates of compliance used by building surveyors.

Please note: A reference to a section is a reference to a section in the Act and a reference to a regulation is a reference to a regulation in the Regulations.

Part no. (grey sections on new forms)	Point no. on new forms	Details of change (Red = deletion, Green = addition/change, Black = unchanged, Black italics = notes)
<b>BA3 Certificate of design compliance</b>		
	Header	<i>Western Australian prefix deleted</i> <del>Western Australian</del> Building Act 2011, section 19 -
1		More space added in <b>Lot no.</b>
1		<i>Text included</i> <b>Description of the building work</b>
2		<p><b>Included under part 2 Applicable building standards due to implementation of bush fire prone area provisions:</b></p> <p><b>Bush fire prone areas</b></p> <p><b>In respect of a Class 1, Class 2 or Class 3 building or an associated Class 10a building or deck that is located less than 6 metres from the Class 1, Class 2 or Class 3 building:</b></p> <p><b>Is the building or deck located in a bush fire prone area?</b></p> <p><input type="checkbox"/> Yes   <input type="checkbox"/> No</p> <p><b>If yes:</b></p> <ul style="list-style-type: none"> <li><b>The Bushfire Attack Level is _____ (nominate)</b></li> <li><b>Have performance requirements GP5.1 or P2.3.4 (as relevant to classification) been applied to this building or deck?</b> <input type="checkbox"/> Yes   <input type="checkbox"/> No</li> </ul>

BA3 Certificate of design compliance (continued)		
4		<p><b>Other prescribed requirements</b></p> <p><del>(New part replaces current part 6. Fire and Emergency Services (FES) Commissioner's advice (class 2-9 buildings only).</del></p> <p><i>New part 4 included:</i></p> <p><b>Details of any advice given by the FES Commissioner in respect of the plans and specifications (Class 2-9 buildings only):</b></p> <p><b>Details of any notification given to the FES Commissioner under regulation 15A(1) (Class 2-9 buildings only):</b>  <i>Citing of regulation 15a(1).amended as lower case 'a' incorrect.</i></p> <p><b>Alternative solutions for:</b></p> <ul style="list-style-type: none"> <li>• <b>Class 2-9 buildings; or</b></li> <li>• <b>Performance requirement P2.3.4 for Class 1 buildings in bush fire prone areas.</b></li> </ul>
5		<p><i>Part 5 "Prescribed approvals applicable to the building or incidental structure" deleted.</i></p> <p><del>The following authorities under written law as prescribed in regulation 18(2) have been obtained:</del></p> <p><i>New part 5 inserted:</i></p> <p><b>Inspections and tests</b></p> <p><b>List the applicable inspections and tests prescribed under section 36(2)(a) of the <i>Building Act 2011</i> (i.e. as prescribed in regulations 27 and 28 and Schedule 3 of the Building Regulations 2012).</b></p>
6		<p><i>Declaration moved from part 2 to part 6 before signature of building surveyor (part numbers updated at points 1.2.3.4.6.7).</i></p>

BA3 Certificate of design compliance (continued)		
6	3	<p>Wording in the first part of the sentence amended to more closely follow the language of section 39 of the Act.</p> <p><del>A declaration under section 39 of the <i>Building Act 2011</i> to not apply or modify a building standard specified in part 3 of this certificate in respect to this building has been made <input type="checkbox"/> or has not been made <input type="checkbox"/></del></p> <p>A declaration under section 39 of the <i>Building Act 2011</i> that a building standard does not apply or is modified in a way as specified in part 2 of this certificate in respect to this building has been made <input type="checkbox"/> or has not been made <input type="checkbox"/>.</p>
6	8	<p>Included as statement by the building surveyor due to implementation of bush fire prone provisions:</p> <p>Where this certificate relates to a Class 1, Class 2 or Class 3 building or an associated Class 10a building or deck that is located less than 6 metres from the Class 1, Class 2 or Class 3 building, I have made the required statements in respect to bush fire prone areas specified in part 2 of this certificate.</p>
6		Phone/Mobile merged to save space.
7		Phone/Mobile merged to save space.
BA17 Certificate of construction compliance		
	Header	<p>Western Australian prefix deleted.</p> <p><del>Western Australian</del> Building Act 2011, section 56.</p>
1		More space added in Lot no.
		Declaration moved from part 2 to part 4.
4		<p>Inclusion of “<b>applicable</b>” in text.</p> <p>a. The building identified in this certificate has been completed in accordance with the plans and specifications that are specified in the applicable certificate of design compliance for each <b>applicable</b> building permit number listed in part 2 of this certificate.</p> <p>b. The building otherwise complies with each <b>applicable</b> building permit listed in part 2 of this certificate including each condition that applies to the permit.</p>



BA 18 Certificate of building compliance		
	Header	<i>Western Australian prefix deleted.</i> <del>Western Australian</del> Building Act 2011, section 57.
1		<i>More space added in Lot no.</i>
1		<i>Allowance made for multiple buildings on the one CBC and description of buildings:</i>  Proposed classification(s) and description(s) of building(s).
1		Year(s) of construction of building(s) arising from previous change in part 1.
2		<i>Inclusion to part 2 due to implementation of bush fire prone area provisions:</i>  <b>Bush fire prone areas</b>  <b>In respect of a Class 1, Class 2 or Class 3 building or an associated Class 10a building or deck that is located less than 6 metres from the Class 1, Class 2 or Class 3 building:</b>  <b>Is the building or deck located in a bush fire prone area?</b>  <input type="checkbox"/> Yes <input type="checkbox"/> No  <b>If yes:</b>  <b>The Bushfire Attack Level is _____ (nominate)</b>  <b>Have performance requirements GP5.1 or P2.3.4 (as relevant to classification) been applied to this building or deck? <input type="checkbox"/> Yes <input type="checkbox"/> No.</b>
5		<i>Declaration moved to part 5 before signature of building surveyor (part number updated at point 7(c))</i>
5	6	<i>Separated for clarity:</i>  This certificate relates to the following application type:  <input type="checkbox"/> <b>Section 49(a) – change of building use</b>  <input type="checkbox"/> <b>Section 49(b) – change of classification</b>
5	7	<i>Amended for clarity:</i>  Where this <del>application</del> certificate relates to (tick relevant box).

BA 18 Certificate of building compliance (continued)		
5	7(d)	<p>Included text due to implementation of bush fire prone area provisions:</p> <p>Where this certificate relates to (tick relevant box):</p> <p><input type="checkbox"/> An application mentioned in section 49(b) or 51(2) or 51(3) where the building is a Class 1, Class 2 or Class 3 building or an associated Class 10 building or a deck that is located less than 6 metres from the Class 1, Class 2 or Class 3 building:</p> <p>I have made the required statements in respect to bush fire prone areas specified in part 2 of this certificate.</p>
5		Phone/Mobile merged to save space.
6		Phone/Mobile merged to save space.

**Disclaimer**

The information contained in this bulletin is provided as general information only and 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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