

## Guiding Development — Practice Notes

# Construction certificates and the BCA

**The purpose of this practice note is to provide advice on how a council or an accredited certifier verifies that a proposal will comply with the Building Code of Australia (BCA), when issuing a construction certificate.**

## Changes to the system for approving building work

Before 1 July 1998, the erection of a building was listed in section 68 of the *Local Government Act 1993* (LGA 1993) as an activity requiring council approval. Council could only issue the approval if the requirements of the Local Government (Approvals) Regulation 1993 (clauses 19 and 52) and the BCA had been satisfied.

The building approval was often subject to conditions, many of which related to the need to provide additional information to satisfy the council that the works would comply with the BCA. Councils could monitor compliance as they had a monopoly role in overseeing the construction work.

Under the new system a construction certificate is required before work can begin (section 81A of the *Environmental Planning and Assessment Act 1979*). This certificate is an audit of the design against the development consent, the BCA and the regulations. A construction certificate is not a new name for a BA.

Unlike the previous system, a construction certificate does not verify that all relevant matters in the BCA have been complied with, but is a statement of intent that the building will comply with the BCA.

## How much detail is needed?

All details of the proposed building work are not needed before a construction certificate is issued. As occurs in practice, more detailed working drawings can be provided as work progresses, to be checked by the principal certifying authority (PCA) if required. Compliance with the BCA begins with the issue of a construction certificate and

continues through the construction period. Compliance certificates and other types of reports can be used as evidence of compliance.

## What information does council or a certifier need?

To enable a council or an accredited certifier to be satisfied that a proposal will comply with the BCA, the applicant must provide sufficient information to demonstrate the intent to comply. This information can be provided as detailed plans and specifications, required by Form 11 of the Environmental Planning and Assessment Regulation 1994 (the Regulation) to accompany the application.

The plans will be fully-dimensioned and graphically illustrate: the building, including its design, size, height, use, location to boundaries, easements and any other buildings; the nature of the construction; and how the building will comply with the health, safety, amenity and fire safety aspects of the BCA.

The specification will then supplement the plans providing details that cannot be shown on the plans. Note 1 on Form 11 requires the specification to describe the construction and materials to be used, the method of drainage, sewerage and water supply.

## What if all the detailed designs are not finished?

All information will not be available at the application stage. For example, structural, mechanical or hydraulic designs may not be finalised. Similarly, details on sprinkler systems, fire hydrant and fire hose reel systems and smoke hazard management systems are unlikely to be available when applying for the construction certificate.

When the detail is not available, the specification can state the intent to comply by identifying the specific BCA clauses and any Australian standards, codes or other documents, with a broad description of the proposed manner of compliance.

The Regulation does not require the council or an accredited certifier to check every detailed aspect of the design and construction of the building before the construction certificate is issued. The council or accredited certifier must be satisfied that the proposed building will comply. In combination, the plans and the specification, with statements of intent and proposed manner of compliance is sufficient for this purpose. An overview of the role of specifications, plans and supporting information is provided in the table overleaf.

#### **Who checks the details not supplied?**

It will be up to the PCA to decide what level of checking needs to occur to enable an occupation certificate to be issued. See Practice Note: *The role of the principal certifying authority*.

#### **Example: class 1a or 10 buildings**

The plans should include:

- type of footing and floor systems
- type of external and internal wall construction
- type of roof system (like conventional or truss roof)
- nature of claddings.

To supplement the above elements, the specification would then either:

- give a detailed description of the construction and materials to comply with the BCA, or
- identify (for each element) the relevant provisions of the BCA that will be complied with and the manner of achieving that compliance.

Details relating to waterproofing wet areas or manufacturers details of trusses are not required.

#### **Handling alternative solutions**

Where a building, or part of a building, has been designed to satisfy the performance requirements of the BCA by the use of an alternative solution, an applicant for a construction certificate must provide full details of the performance requirements that the alternative solution is intended to meet and full details of the assessment methods used to establish compliance with the performance requirements.

Where a specification or design varies in any way from the deemed-to-satisfy provisions of the BCA, the design must be assessed as an alternative solution to the performance requirements.

## An overview of information requirements

The following table shows the functions of a specification, plans and supporting information.

| <b>FUNCTION OF A SPECIFICATION</b><br>To describe the standard to which a building is to be constructed, in terms of structural, operational, and aesthetic aspects   | <b>FUNCTION OF PLANS</b><br>To define the extent of building works, by outlining its configuration, use, appearance and fire safety provisions   | <b>FUNCTION OF SUPPORTING INFORMATION</b><br>To supplement the plans and specification, where necessary   |
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| <p><b>The specification will include:</b></p> <ul style="list-style-type: none"><li>● a reference to the plans</li><li>● a description of construction materials, for the —<ul style="list-style-type: none"><li>– walls (internal/external)</li><li>– floors</li><li>– windows</li><li>– roof, including lining</li></ul></li><li>● the relevant standards to which the following building components are to be constructed —<ul style="list-style-type: none"><li>– footings/structural</li><li>– timber framing</li><li>– site drainage</li><li>– building work associated with the installation of oil or solid fuel heating appliances</li><li>– termite control</li><li>– fire safety measures, for example, fire resistance levels and essential services</li><li>– wet areas</li><li>– lighting/ventilation</li><li>– sound transmission class rating</li><li>– stair construction and balustrades</li></ul></li><li>● evidence of any accredited component, process or design to be relied upon, where relevant</li><li>● site preparation</li><li>● finishes.</li></ul> | <p><b>The plans will include full dimensions, drawn to a suitable scale, with:</b></p> <ul style="list-style-type: none"><li>● a plan of each floor</li><li>● a site plan</li><li>● each elevation of the building</li><li>● appropriate cross-sections showing all elements from the footings to the roof covering</li><li>● levels of the lowest floor and any yard or unbuilt upon area belonging to that floor and the levels of the adjacent ground and site drainage</li><li>● the height, design, construction and provision for fire safety and fire resistance</li><li>● any alterations and additions to an existing building.</li></ul> | <p><b>Likely examples are:</b></p> <ul style="list-style-type: none"><li>● list of fire safety measures</li><li>● copies of compliance certificates relied upon</li><li>● copies of other documentary evidence relied upon</li><li>● if relevant, the provisions made for fire safety and fire resistance construction</li><li>● alternative solutions for performance requirements of the BCA</li><li>● full details of the assessment methods used to establish compliance with performance requirements.</li></ul> |

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